

## JANUARY 3, 2023 – REORGANIZATION MEETING

Meeting called to order by Lynn Heupel, Brown County Auditor at 8:45 A.M. in the Commission Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Drew Dennert, Doug Fjeldheim, Mike Gage and Duane Sutton. Commissioner Mike Wiese was Absent. Commissioner Sutton led the Pledge of Allegiance.

Pastor Lou Whitmer, North Highland Methodist Church opened the meeting with a Prayer.

### APPROVAL OF AGENDA:

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

### SWEARING IN:

Drew Dennert, Mike Gage and Doug Fjeldheim were sworn in as Brown County Commissioners and Dave Lunzman was sworn in as Sheriff and Interim Coroner by Lynn Heupel, Auditor.

### ELECTION OF CHAIRMAN & VICE-CHAIRMAN FOR 2023:

Lynn Heupel, Auditor called for nominations for Brown County Commission Chair for year 2023, pursuant to SDCL 7-8-15. Commissioner Gage nominated Duane Sutton as 2023 Chairman, which was seconded by Dennert. Nominations ceased. All members present voting aye. Motion Carried.

Commissioner Sutton called for nominations for Brown County Commission Vice-Chair for 2023. Commissioner Gage nominated Doug Fjeldheim as 2023 Vice-Chair, which was seconded by Dennert. Nominations ceased. All members present voting aye. Motion carried.

### UPDATE BOARD BOOK:

Commission Committee Appointments will be as follows: Commissioner Dennert – Weed & Pest Control, NE Mental Health Center, County Buildings, Alternate Union Negotiations, Grow SD NESDCAP, Fair Board and Legislative Contact; Commissioner Sutton – Aberdeen Development Corp., Communications Council, Fair Board, SD Public Assurance Alliance, Dacotah Prairie Museum, Alternate Liaison 4-H Leaders Association/Promotion & Expansion Committee, SDACC Catastrophic Legal Board; Liaison Centennial Village and Edwards Preserve Nature Area; Commissioner Wiese – Range Fire Suppression, Communication Council, Union Negotiations, LEPC, Liaison to Welfare, Alternate Aberdeen/Brown County Regional Railroad Authority, Glacial Lakes; Commissioner Fjeldheim – Sick Leave Bank, Aberdeen/Brown County Regional Railroad Authority, NECOG, Airport Board, CART and FSA Representative; Commissioner Gage – Risk Management Committee, Alternate Legislative Contact, Planning & Zoning, JDAI (Juvenile Detention Alternative Initiative), Senior Citizen's Board and Liaison 4-H Leader's Association/Promotion & Expansion.

Moved by Commission Fjeldheim, seconded by Dennert to reappoint Dirk Rogers Highway Superintendent for two-year term (January 1, 2023 – December 31, 2024). All members present voting aye. Motion carried.

Moved by Commissioner Gage, seconded by Dennert to reappoint Aaron Walberg, Veteran's Service Officer for four-year term (January 1, 2023 – December 31, 2026). All members present voting aye. Motion carried.

### VOLUNTEERS FOR WORK COMP PURPOSES:

Moved by Commissioner Fjeldheim, seconded by Gage to approve the following Cert volunteers: Erin Bacon, Clayton Blachfod, Bethany Curtis, Scott R Grebner, Joshua Halsey, Janet Herman, Tina Hubert, Weylin Hubert, Charla Imrie, Michele Johnson, Jason Kuntz, Brian LaCroix, Alexnadra Little, Jared Little, Douglas Mayer, David McGuire, Cathy McNickle, Wendy Mehlhaff, Carla Meints, Trevor Meints, David Meyer, Maria Meyer, Mark Musel, Roberta Nichols, Gayle Opp, Barb Paepke, Tom Paepke, Cindy Pigors, Rick Pigors, Nancy Radke, Bryan L Rau, Trenia Rexinger, Bonnie Robinson, Freddie Robinson, Mark Shishnia, Shane Schlichenmayer, Kim Schneider, Donna Sharp, Gary Sharp, Brian Sharp, Gretchan Sharp, Dale Smid, Pam Smid, Amanda L Steckelberg, Mike L Steckelberg, Sara Street, Jeff Swank, Karen Swank, Lowell Swanson, Sara Swisher, Mike Ullrich, Jason Villhauer, Janice Waltman, Thomas Wanttie and Scott York. All members present voting aye. Motion carried.

Moved by Commissioner Dennert, seconded by Fjeldheim to approve the following Chaplain volunteers: Brad Kingsiter; Brain LaCroix; Father George Parmeter; George Shaver; Jay Rossman; Joann Lehrkamp and Jon Droege. All members present voting aye. Motion carried.

Moved by Commissioner Gage, seconded by Dennert to approve the following Citizens Corp Council volunteers for three-year terms: Terms Expire: December 31, 2025 - Hub Area Radio Club Representative: Roland Moerke; First Responder: Mark Stoks; At Large Representatives: Trevor Meints & Freddie Robinson. Terms Expire: December 31, 2024 – Salvation Army Representative: Tony Jones; At Large Representatives: Becky Berreth, Brian Sharp and Thomas Wanttie. Terms Expire – December 31, 2023 – Law Enforcement Representative: Dave Lunzman; American Red Cross Representative: Heather Allemang; Emergency Management Representative: Scott Meints; At Large Representative: Josh Halsey. All members present voting aye. Motion carried.

Moved by Commissioner Fjeldheim, seconded by Gage to approve the following Dive Team volunteers: Trent Anderson; Casey Bade; Rodney Bade; Clayton Blachford; Cody Bonn; Michael Dunbar; Mike Kost; Dave McGuire; Brett Toennies and Jason Vilhauer. Team Leaders are Scott Meints and Dave Lunzman. All members present voting aye. Motion carried.

Moved by Commissioner Dennert, seconded by Gage to approve the following Fair Board volunteers: Michelle “Shelly” Eisenbeisz; Catherine Friesen; Dwight Guthmiller; Nichole Hacker; Jeff Kippley; Randy Mages; Stephanie Mages; Greg Markley; Suzanne Moen; Katie Moulsoff; Mike Nehls; Joni Napton; Adam Butcher; Nancy Radke; Mike Russell; Clint Sombke; Ryan Swenson; Jayson Tollefson; Conald Burgard; Rhonda Retzlaff; Brodie Mueller; Karen Treeby and Joyce Voeller. Manager is Rachel Kippley. Commission Representatives: Duane Sutton and Drew Dennert. All members present voting aye. Motion carried.

#### FSA APPOINTMENT:

Moved by Commissioner Gage, seconded by Dennert to approve Doug Fjeldheim as FSA Representative. All members voting aye. Motion carried.

#### HOMELAND SECURITY REGIONAL REVIEW BOARD:

Moved by Commissioner Fjeldheim, seconded by Gage to reappoint Scott Meints, Director of Emergency Manager and Dave Lunzman, Sheriff to Homeland Security Regional Review Board. All members present voting aye. Motion carried.

#### HOUSING AND REDEVELOPMENT COMMISSION:

Moved by Commissioner Dennert, seconded by Gage to approve the following members of the Housing and Redevelopment Commission of Brown County: Marty Sabolo, term expires 12/31/23; Paula Langteau, term expires 12/31/24 and Kathy Zerr, term expires 12/31/25. Lynn will contact Jodi Zueger to see who the two new officers are. All members present voting aye. Motion carried.

#### OFFICIAL NEWSPAPERS:

Moved by Commissioner Fjeldheim, seconded by Gage to designate the following as the official Brown County newspapers for 2023 (SDCL 7-18-3): Aberdeen American News, Aberdeen, SD and Groton Independent, Groton, SD. All members present voting aye. Motion carried.

#### BOARD APPOINTMENTS:

Moved by Commissioner Gage, seconded by Dennert to approve the following appointments to the Communications Council: County Commission Chair - Duane Sutton and Vice- Chair Doug Fjeldheim, per agreement. Overseer of Communications Center – Dave Lunzman; Director – Kent Jones and Assistant Director – Sarah Jesz. All members present voting aye. Motion carried.

Moved by Commissioner Fjeldheim, seconded by Dennert to approve the following Dacotah Prairie Museum Board member for 1<sup>st</sup> three-year term: Alan Neville. All members present voting aye. Motion carried.

Moved by Commissioner Gage, seconded by Dennert to approve the 2023 Planning and Zoning Board which consist of Stan Beckler, David North, Darwin Bettmann, Patrick Keatts, Dale Kurth, James Meyers and Carrie Weisenburger. All members present voting aye. Motion carried.

Moved by Commissioner Fjeldheim, seconded by Gage to approve appointing Darwin Bettmann and Patrick Keatts to a 4<sup>th</sup> term effective January 1, 2023 – December 31, 2028 on the Planning & Zoning Board. All members present voting aye. Motion carried.

Moved by Commissioner Fjeldheim, seconded by Gage to approve the 2023 4-H Promotion and Expansion Committee as follows: 4-H Adults: Kristin Johnson, Nathan Miller, and Sadie VanderWal; 4-H Youth: Noah Miller, Anna Johnson, Sophia Fogarty, and Logan Warrington; Non-4-H Adults: Adam Franken, Becky Erickson and Mikayla Weisser; Ag Representative: Connie Groop. All members present voting aye. Motion carried.

Moved by Commissioner Gage, seconded by Sutton to approve the Weed & Pest Board which consists of Dennis Wiedebush, Duane Jark, Troy Knecht, and Tyler Bierman. All members present voting aye. Motion carried.

#### DESIGNATION OF DEPUTIES:

##### RESOLUTION #1-23

Commissioner Dennert brought the following resolution:

WHEREAS, SDCL Chapter 7-7-20 mandates the designation of the number of deputies and clerks for various offices by the Board of County Commissioners,

THEREFORE, BE IT RESOLVED, that the following deputies and clerks are authorized at the discretion of the County Officials for County offices: Auditor - 2 Chief Deputies, 2 Senior Deputies; Treasurer - 2 Chief Deputies, 6 Deputies (1 part-time); Register of Deeds - 1 Chief Deputy, 4 Deputies. All extra help hired by County Officials must first be approved by the County Commission.

Seconded by Commissioner Fjeldheim. All members present voting aye. Resolution adopted.

#### INVESTMENT POLICY:

##### RESOLUTION #2-23

Commissioner Fjeldheim brought the following resolution:

WHEREAS, the nature of tax collections and other revenue is such that cash on deposit in the County's depositories at times exceeds the requirement for current expenditures; and

WHEREAS, it is in the best interest of the County to invest these monies not required for immediate expenditure.

NOW, THEREFORE, BE IT RESOLVED, that the Brown County Treasurer is hereby directed to invest Brown County public funds at the highest rate of interest possible at said time on available monies at financial institutions, as designated by the Brown County Commission, and

FURTHER, to furnish quarterly reports detailing same, as authorized by SDCL 4-5-8.

Seconded by Commissioner Dennert. All members present voting aye. Resolution adopted.

#### INTEREST POLICY:

Moved by Commissioner Gage, seconded by Dennert to approve the following Policy in regard to interest earned from deposits and investments: State law allows income from deposits and investments to be credited to either the General Fund or the fund making the investment. The County's policy is to credit all income from deposits and investments to the General Fund during the year, except for interest earned on specific certificates of deposits for the Solid Waste Fund. USGAAP requires income from deposits and investments to be reported in the fund whose assets generated that income. Where the governing board has discretion to credit investment income to a fund other than the fund that provided the resources for investment, a transfer to the designated fund is reported when authorized by the Commission. Fund transfers of investment earnings to the General Fund shall not occur in 2023, all funds shall receive the income generated from the assets of the fund. All members present voting aye. Motion carried.

#### EXPENSE POLICY - EMPLOYEES:

Moved by Commissioner Fjeldheim, seconded by Gage to set the following expenses rates for Brown County employees for year 2023:

Meal Reimbursement made only for out of County travel

	In-State	Out-of-State	Leave Before	Return After
Breakfast	\$6.00	\$10.00	5:31 AM	7:59 AM
Lunch	\$14.00	\$18.00	11:31 AM	12:59 PM
Dinner	<u>\$20.00</u>	<u>\$28.00</u>	5:31 PM	7:59 PM

\$40.00

\$56.00

Lodging reimbursed at actual cost, receipt required (if possible, have direct billing, as County tax exempt). Reimbursement for use of personal vehicle for County business, as follows: All county employees and officials, except the Sheriff shall be paid for traveling expenses for each mile traveled in the discharge of their official duties at 51 cents per mile. Miles to be determined by the assistance of Map Quest or similar web site; Odometer readings required for all destinations not available on web site; Odometer reading only required once to establish routine destination routes, i.e., per diem for board members. All members present voting aye. Motion carried.

#### EXPENSE POLICY - ELECTION OFFICIALS:

Moved by Commissioner Dennert, seconded by Gage to set \$250.00 as the one-day fee for vote center officials working on Election Day, \$15.00 per hour for absentee vote center officials working on Election Day, \$20.00 for vote center officials attending Election School, set minimum mileage at five miles when claimed by vote center/absentee ballot official. All members present voting aye. Motion carried.

#### EXPENSE POLICY – BROWN COUNTY BOARDS:

Moved by Commissioner Fjeldheim, seconded by Gage to approve the following expense policy for County Boards: Dacotah Prairie Museum and Fair Board – No Per Diem; Planning and Zoning Board - \$50.00 for each meeting attended and if reside outside City Limits of Aberdeen, paid mileage at 51 cents per mile and have expenses paid for by Brown County Planning and Zoning Department if attend the State Conference; Weed & Pest Board - \$40 for each meeting attended and if reside outside City Limits of Aberdeen, paid mileage at 51 cents per mile. All members present voting aye. Motion carried.

#### TAX DEED NOTICES:

##### RESOLUTION #3-23

Commissioner Gage brought the following resolution:

WHEREAS, Brown County has acquired tax certificates on property with delinquent real estate taxes for which tax deeds and notices can be served.

THEREFORE, BE IT RESOLVED, that the Brown County Commission authorizes the County Treasurer, Patty VanMeter to request States Attorney, Ernest Thompson and States Attorney Office personnel to act as agents to process said tax deeds and notices.

Seconded by Commissioner Dennert. All members present voting aye. Resolution adopted.

#### FAIRGROUNDS RENTAL RATES:

Moved by Fjeldheim, seconded by Gage to establish the following Fairgrounds rental rates:

##### FAIRGROUNDS RENTAL RATES - EFFECTIVE JANUARY 1, 2023

Winter Storage Space Rental: October 15 to April 1<sup>st</sup> - Prepaid Lease -No Refunds - \$12.00 per linear foot for each unit, including trailer hitch and any overhang. All lengths will be rounded to the nearest foot.

Barn Rental: Beef Barn \$300; Hog and Sheep Barn \$150; Open Class Sheep Barn \$100; West Sheep Barn \$100; Poultry Barn \$100. Half price for days after 2.

Club House: 120' X 80' Per day \$400.00 - Per day for days over two \$200.00 - Clean-up additional \$100.00.

Expo Addition: 90' x 240' - Per day \$300.00 - Per day for days over two \$150.00. If fairgrounds personnel needs to clean up after the activity..... Clean-up/horse shows \$300.00 - Clean-up/other activities.....\$175.00

Holum Expo Building: 120' x 240' - Per day \$500.00 plus utilities - Per day for days over two \$250.00 plus utilities. If fairgrounds personnel needs to clean-up after the activity...Clean-up/horse shows and bull riding \$300.00 - Clean-up/other Activities...\$175.00.

Horse Stalls: Set up fee - per stall \$12.00.

Corral Panels: Trailer - per day.... \$50.00 (Trailer holds 40 panels). Lessee liable for any damages occurring between pickup and return by lessee, plus \$1.00 per mile round trip transportation cost.

Horse Arena: 174' x 240'...\$75.00 per show. Smaller groups will be charged on an individual basis.

Portable Stage: Not to go out of County-except for Governmental Agencies –Per event \$175.00. Lessee liable for any damages occurring between pickup and return by lessee, plus \$1.00 per mile round trip transportation cost.

People Movers - \$100.00 per event. Lessee liable for any damages occurring between pickup and return by lessee, plus \$1.00 per mile round trip transportation cost. Trail required for transport out of town.

Bleachers – Bleachers won't leave the Fairgrounds. \$25 per set per event.

Benches: \$3.00 per bench per event. Benches will not go out of county. Lessee liable for any damages occurring between pickup and return by lessee, plus \$1.00 per mile round trip transportation cost.



Picnic Tables: \$25.00 per table. Picnic tables will not go out of county. Lessee liable for any damages occurring between pickup and return by lessee, plus \$1.00 per mile round trip transportation cost.

Campgrounds: \$25.00 per day or \$150.00 per week for pads with power and water. \$30.00 per day or \$180.00 per week for pads with power, water and sewer drops. This includes a 5% State Sales Tax. 232 pads with water and power and 36 with power, water, and sewer. All south campgrounds have both 50-amp and 30-amp plug-ins. Special Event Weekly Campground Rates: \$100 Primitive; \$180 4-H, Centennial, Go-Kart & Sunflower; \$200 Cottonwood & Back 40; and \$225 4-H Plus, Evergreen and West Hill (availability based on event). Daily rate for non-reservation camping - \$35 full hook-up and \$30 water/power only. All members present voting aye. Motion carried.

#### RICHMOND YOUTH CAMP RENTAL RATES:

Moved by Gage, seconded by Dennert to establish the following Richmond Youth Camp rental rates:

##### RICHMOND YOUTH CAMP RENTAL RATES - EFFECTIVE JANUARY 1, 2023

Booking fee in the amount of \$150.00 and proof of insurance must be submitted at least 60 days prior to date of occupancy.

Dorm only: \$100.00 per dorm per night.

Lodge Only: \$225.00 per day

Infirmity Cabin: \$50.00 per day.

Youth Groups: \$7.00 per person per day (Ages 17 and under.)

Adult Groups: If 30 people or under will pay daily rates. If over 30 people \$10.00 per person per day. (Ages 18 and older)

Deposit: A \$150.00 deposit is required to guarantee all dates. This deposit will only be refunded if the camp is left in a clean and orderly manner and there is no damage done to the camp. If the cleaning costs and damage costs exceed the amount of the deposit, any additional repairs or cleaning costs will be billed. Signed lease, deposit and proof of insurance shall be sent to the Brown County Auditor at 25 Market Street, Ste. 1, Aberdeen, SD 57401.

Cleanup: \$100.00 for the Lodge and \$100.00 for the dorms.

Absolutely no pets allowed in any of the buildings. All members present voting aye. Motion carried.

#### DEPT. OF EQUALIZATION CLOTHING ALLOWANCE:

Moved by Commissioner Dennert, seconded by Fjeldheim to approve the request submitted by Gene Loeschke, DOE for 2023 clothing allowance of \$150.00 per employee in the Equalization Office per Employee Policy Section C-12. All members present voting aye. Motion carried.

#### DEPT. OF EQUALIZATION (DOE) FEES:

Moved by Commissioner Gage, seconded by Fjeldheim to approve the following fees for DOE: Copies: Rate is 25 cents per page. Receipt will be issued for each set of copies. Property owners may receive complimentary copies if they are of or about their own parcel. Proceeds will be deposited with the County Treasurer into the general fund. Transfer of Mass information to outside entity: \$469.50 + 6.5% tax = \$500. Information Technology downloads pertinent information from BC Connect or DEVNET to a flash drive, which is mailed to the requesting entity or uploaded to their site upon receipt of payment. Payment is deposited with the County Treasurer into the general fund. We typically get two of these requests annually but have had as many as four requests in a year. This will also include smaller data dumps that are sorted for the recipient. Beacon Subscriptions: See below Web access agreement. We currently have 76 active paying Beacon accounts, accounting for \$25,687.80 received annually. This money is deposited with the County Treasurer into the general fund. Tax estimates for real estate transfer closings: These are tax estimates we perform for our local title company and realtors so they can calculate appropriate tax credits between buyers and sellers upon real estate transfers. If we receive a request to do a tax estimate, we will have it ready by five (5) days after we receive the request. These will be charged \$23.47 plus tax (a total of \$25.00) to perform the request. If the request is needed with less than 5 days-notice, the charge will be \$37.56 plus tax (a total of \$40.00). These fees will need to be paid at the time the estimates are returned to the customer, as we are not allowed to maintain accounts receivable status.

Website Access Agreement: The Brown County website provides real estate information from the convenience of a personal computer 24-hours a day, 7-days a week. Access is allowed by a username and password. There is a fee for access, which covers the expense to provide this service. Fees are based on the number of users and must be paid in advance. **Fee Schedule/Annual Fee: (Based on number of users):** 1-5 people/\$319.50; 6-10

people/\$511.20; 11 + people/\$766.80. Temporary User: 1 Month/\$106.50. \$26.63 Setup Fee. All members present voting aye. Motion carried.

#### PLANNING & ZONING FEES:

Moved by Commissioner Fjeldheim, seconded by Gage to approve the fees for Planning & Zoning remain the same as 2022. All members present voting aye. Motion carried.

#### PUBLIC COMMENT:

Brandi Schaefbauer, District 3 House Representative shared with the Commission that she has a rough draft of legislation in the works for appointing County Coroner. She has given copies to Julie Johnson and Kris Jacobsen to review.

#### TRUANCY COURT:

Kelsi, Vinger - Diversion Coordinator, Ernest Thompson – State’s Attorney and Karla Nelson – Deputy State’s Attorney met to propose and asking that the budget that was approved for Teen Court (which we no longer have) be moved to the establishment of a Truancy Court. Judge Porta will handle the Truancy Court cases. Team is set in place and would probably be March before having any court cases, starting fresh for the 3<sup>rd</sup> quarter. It will be a family style court, implementing some ideas from Watertown that has a system in place. Commissioner Gage wanted to Thank all of them for all their hard work to get to this point and feels it’s a step in the right direction. Motioned by Commissioner Gage, seconded by Fjeldheim to move the funding from Teen Court to Truancy Court. All members present voting aye. Motion carried.

#### REQUEST FOR PROPOSALS (RFP) TO UPGRADE CAMPGROUNDS AT FAIRGROUNDS:

Rachel Kippley, Fair Manager met to discuss the proposal of updating 141 Campground sites to add electrical in Primitive Campground A and C and ask for Authorization of Public Notice on the RFP. Moved by Commissioner Fjeldheim, seconded by Dennert to authorize the publication and set date of January 24<sup>th</sup> to open proposals. All members voting aye. Motion carried.

#### MINUTES:

Moved by Commissioner Gage, seconded by Dennert to approve the December 27, 2022 General Meeting Minutes. All members present voting aye. Motion carried.

#### CLAIMS/PAYROLL:

Moved by Commissioner Dennert, seconded by Fjeldheim to approve the following:

Claims: Insurance: SDML Workers’ Compensation Fund \$155,372.00. Professional Fees: Devnet \$3,445.31; Houston Engineering, Inc. \$11,578.08; International Assoc. of Assessing Officers \$480.00; Mitch Vilhauer \$1,089.76; National Sheriff’s Association \$66.00; Robert Bohm \$900.00; Schneider Geospatial, LLC \$2,703.00; SD Assoc. of County Commissioners \$6,976.00; SD Assoc of County Officials \$3,228.31; SD State’s Attorney Assoc. \$2,247.00; State of South Dakota \$2,096.07; Tyler Technologies Inc \$217.50. Publishing: Groton Independent \$311.82. Repairs & Maintenance: Auto Glass Solutions Inc \$386.56; Boyer Trucks \$14.23; Crawford M S & F Inc \$1,555.00; Crawford Trucks & Equipment \$6,500.97; Dakota Doors Inc \$4,183.68; Honeywell International Inc. \$28,058.15; Leidholt Electric LLC \$56.12; Lien Transportation Company \$798.75. Supplies: Boyer Trucks \$63.91; Century Business Products \$8,077.52; Cole Papers \$1,730.34; Crawford M S & F Inc \$392.15; Crawford Trucks & Equipment \$18,295.04; Dakota Mailing & Shipping Equipment Inc \$458.00; Fastenal Co \$241.62; Floor To Ceiling \$307.36; Gillund Enterprises \$258.40; McLeods Printing & Office Supply \$130.97; Midstates Printing \$1,465.00; Nelson Sales & Service, LLC \$1,449.00; Pumps Tire Service, Inc \$571.50; Town & Country Building Supply \$463.17; West Publishing Corp. \$1,839.44. Travel & Conference: International Assoc. of Fairs & Expositions \$825.00. Utilities: AT&T Mobility \$140.54; Lumen \$128.06; Midcontinent Communications \$129.58; Montana Dakota Utilities Co \$50.45; Northwestern Energy & Communications \$10,610.14; Richmond Lake Sanitary Dist. \$2,988.00. Machinery & Equipment: RDO Equipment Co.-Ag \$398,675.00. Jury: Alexander R. Morris \$260.20; Bradley J. Erhardt \$1,377.54; Carol J. Stellner \$1,248.96; Derek Rekow \$12.04; Dianne J. Spitzer \$1,248.96; Donald A. Soderlund III \$1,454.00; Jackie Haskell \$1,432.60; Jeff D. Price \$955.08; Jerold Feist \$11.02; Kennan K. Bauer \$1,457.12; Larry Dingman \$12.04; Lavonne Kruse \$11.02; Renee Hansen \$11.02; Ruth Logan \$12.04; Shelby A. Young \$1,224.48; Susanne Wente \$11.02; Veronica L. Mercer \$1,157.10.

Payroll: Commission \$4,503.96; Auditor \$9,143.41; Treasurer \$14,167.48; SA \$31,053.33; Maintenance \$9,877.39; Assessor \$15,275.89; Register of Deeds \$8,157.60; VSO \$4,143.28; GIS \$2,483.72; IT \$5,711.59; HR \$4,061.37; Sheriff \$39,639.74; Jail \$55,993.44; Coroner (Voucher) \$7,050.00; Court Security \$6,179.18; JDC \$26,964.77; Welfare \$2,161.43; Museum \$7,827.89; Parks/Fairgrounds \$1,761.68; Fair Board \$4,790.80; 4-H \$638.80; Weed \$1,198.14; Planning & Zoning \$5,728.35; Highway \$56,838.98; Dispatch \$30,903.89; Emergency \$4,285.81; 24/7 Sobriety \$1,171.21; Landfill \$11,055.03. All members present voting aye. Motion carried.

#### HR REPORT:

Moved by Commission Fjeldheim, seconded by Gage to approve the following Human Resources Report:

Acknowledge the following:

- End of term, Dennis Feickert, Brown County Commissioner, effective December 31, 2022.
- End of term, Mark Milbrandt, Brown County Sheriff, effective December 31, 2022.
- Dave Lunzman, Brown County Sheriff-elect; wage \$48.08/hour; effective January 3, 2023.
- Mariann Malsom, Brown County Register of Deeds-elect; wage \$38.46/hour; effective January 3, 2023.
- Drew Dennert, Brown County Commissioner-elect; wage \$913.85 bi-weekly; effective January 3, 2023.
- Employment ending for Madeline Ellerbusch, Brown County JDC Sergeant, full-time; effective December 28, 2022. Request to fill.
- Resignation of Cortney Paul, Brown County, States Attorney Victim Specialist, full-time; effective January 6, 2023. Request to fill.
- Reclassification of Tonya Walth, from Brown County, 911 Shift Supervisor to Communication officer; wage \$26.46/hour; effective December 29, 2022.
- Reclassification of Kyle Price, Brown County Assistant Building Maintenance Superintendent from salary to hourly; effective December 25, 2022.

Approve the following:

- Combining the GIS office with the Planning & Zoning office, effective January 9, 2023.
- Sheriff's office, Transport employees, new hourly wage \$23.97=G16, A; effective December 25, 2022.
  - Will no longer receive the lump sum per trip
    - Maximum hours for Mitchell trips are 6 hours
    - Maximum hours for Yankton trips are 9 hours
      - Any transport hours about the maximum hours will need to be approved by the Sheriff
- Sheriff's office, Armed Security employees, new hourly wage, \$23.97 = G16, A; effective December 25, 2022.
- Employment for John Weig, Brown County Fairgrounds worker; as needed for snow removal effective December 12, 2022.
- Hiring of Alaina Perry, Brown County Dacotah Prairie Museum Guest Services, part-time; starting wage \$16.42/hour; effective January 4, 2023.
- Payment of retirement award for Kathy Schlecht in the amount of \$150 before taxes; the requirement was met.

All members present voting aye. Motion carried.

#### CLAIM ASSIGNMENT:

Moved by Commissioner Fjeldheim, seconded by Gage to authorize and approve the Auditor sign the Claim Assignment 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 Fjeldheim, seconded by Gage to go into executive session to discuss Personnel per SDCL 1-25-2. All members present voting aye. Motion carried. The chair declared the executive session closed with no action taken.

#### ADJOURNMENT:

Moved by Commissioner Fjeldheim, seconded by Gage to adjourn the Brown County Commission at 10:37 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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## JANUARY 10, 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, and Sutton. Commissioner Wiese was Absent. Commissioner Dennert led the Pledge of Allegiance.

### APPROVAL OF AGENDA:

Amended the Agenda by moving HR Report to after Executive Session. Commissioner Gage moved to approve the agenda with the amendment, seconded by Dennert. All members present voting aye. Motion carried.

### OPPORTUNITY FOR PUBLIC COMMENT: None

### ORDINANCE #239 - FIRST READING:

Moved by Commissioner Fjeldheim, seconded by Gage to approve the First Reading of Proposed Ordinance #239. Applicants Nicole Kempf, Personal Representative of the Estate of Daniel C. Kempf requesting to rezone from Chapter 4.06 Agriculture Preservation District (AG-P) to Chapter 4.07 Mini-Agriculture District (M-AG) for Proposed Lot 1 to bring this parcel into compliance for its future use: Proposed Lot 1, “Palmyra Farmhouse Addition” in the SW ¼ of Section 18-T128N-65W of the 5th P.M., Brown County, South Dakota (10260 373<sup>rd</sup> Ave., Palmyra Twp.). All members present voting aye. Motion carried.

### ORDINANCE #240 - FIRST READING:

Moved by Commissioner Dennert, seconded by Gage to approve the First Reading of Proposed Ordinance #240. Applicants Lucas & Mary Keahey and CJ Lane requesting to rezone from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) for Proposed Lot 1 to bring this parcels into compliance for their current use: The South 250’ of the East 963’, Except Road R.O.W., and the 337’ North of the South 250’ of the East 963’, Except Road R.O.W., both in the NE1/4 of Section 19-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota. (13341 & 13345 383<sup>rd</sup> Ave., Aberdeen Twp.). All members present voting aye. Motion carried.

### HOLIDAY SCHEDULE:

Erica Coughlin, HR Director met with the Commission to approve the following Holiday Schedule for 2023: Brown County recognizes and observes the following as paid holidays for eligible employees:

- |                              |                             |
|------------------------------|-----------------------------|
| ○ New Year’s Day             | January 1 <sup>st</sup>     |
| ○ Martin Luther King Jr. Day | Third Monday in January     |
| ○ President’s Day            | Third Monday in February    |
| ○ Memorial Day               | Last Monday in May          |
| ○ Juneteenth                 | June 19 <sup>th</sup>       |
| ○ Independence Day           | July 4 <sup>th</sup>        |
| ○ Labor Day                  | First Monday in September   |
| ○ Native Americans' Day      | Second Monday in October    |
| ○ Veterans' Day              | November 11 <sup>th</sup>   |
| ○ Thanksgiving Day           | Fourth Thursday in November |
| ○ Day after Thanksgiving     | Fourth Friday in November   |
| ○ Christmas Eve              | December 24 <sup>th</sup>   |
| ○ Christmas Day              | December 25 <sup>th</sup>   |

Plus, any other day that is proclaimed as a holiday by the Governor of South Dakota or the President of the United States.

- If a holiday falls on a Saturday, it is observed on the preceding Friday. If a holiday falls on a Sunday, it is observed on the following Monday. (Sheriff's Deputies, Correctional Officers: Jail, JDC/HD, 24-7, and Dispatchers, who are required to work, are paid for the actual Holiday Day.)

#### Eligibility for Holiday Pay

- Non-essential Employees
  - Full-time employees = 8 hours for full day; 4 hours for half day
  - Part-time employees = 4 hours for full day; 2 hours for half day
    - Only if it is your scheduled day to work
- Essential Employees
  - Full-time employees = number of hours worked on holiday at 1.5 times and 8 hours holiday at regular pay.
    - Ex: 0 hours worked on the holiday, 8 / 10 hours holiday at regular pay
    - Ex: 2 hours worked on holiday at 1.5 times plus 8 hours holiday at regular pay
    - Ex: 8 hours worked on holiday at 1.5 times plus 8 hours holiday at regular pay
    - Ex: 10 hours worked on holiday at 1.5 times plus 8 hours holiday at regular pay
  - Part-time employees = number of hours worked on holiday at 1.5 times and 4 hours holiday at regular pay.
    - Ex: 0 hours worked on the holiday, 0 hours holiday pay
    - Ex: 1 hour worked on holiday at 1.5 times plus 4 hours holiday at regular pay
    - Ex: 4 hours worked on holiday at 1.5 times plus 4 hours holiday at regular pay
    - Ex: 6 hours worked on holiday at 1.5 times plus 4 hours holiday at regular pay

Moved by Commissioner Gage, seconded by Fjeldheim to approve the proposed 2023 Holiday Schedule. All members present voting aye. Motion carried.

#### NECOG BOARD:

Moved by Commissioner Fjeldheim, seconded by Gage to approve Duane Sutton as the second Commissioner to sit on the NECOG Board. The County also has an At-Large Representative that they can assign; Commissioner Sutton will visit with a couple of Department Heads to see if they would be interested and bring it back to the Commission to decide at a later date. All members present voting aye. Motion carried.

#### MINUTES:

Moved by Commissioner Fjeldheim, seconded by Dennert to approve the January 3, 2023 Reorganization Meeting Minutes. All members present voting aye. Motion carried.

#### CLAIMS:

Moved by Commissioner Gage, seconded by Dennert to approve the following:

Claims: Professional Fees: Agterra Technologies, Inc. \$500.00; Avera St. Luke's \$974.46; AWS \$4,500.00; Dakota's Finest Investigations, LLC \$955.63; Daniel L. Fox \$160.00; Darcy Lockwood \$15.00; Day County \$765.00; Dware Inc \$4,350.00; ESRI - Environmental Systems Research Institute \$16,500.00; Helms & Associates Inc \$720.80; Horizon Health Care Inc \$83.86; Language Line Services Inc \$594.06; Lexisnexis Risk Data Mgmt Inc. \$162.00; Lincoln County Treasurer \$167.97; Magnet Forensics USA, Inc. \$5,410.00; Medical Priority Consultants, Inc. \$365.00; Minn-Kota Communications, Inc. \$6,450.00; Pulsepoint Foundation \$8,000.00; Rhodes Anderson Insurance \$50.00; Sanford Health Network \$470.42; Sanford Laboratories \$4.76; Sara Zahn \$89.05; Satellite Tracking of People, LLC \$1,303.25; Sd Assoc of County Weed and Pest Supervisors \$75.00; SD Dept of Health \$890.00; SD Secretary of State \$30.00; SD Sheriff's Assoc \$1,649.03; SDAE4-HP \$120.00; Tyler Technologies \$520.00; Valerie J. Larson \$15.00; West Publishing Corp. \$283.30; Yankton County Sheriff Office \$100.00.

Publishing: Dakota Broadcasting, LLC \$280.00; Huether Brothers Publishing, Inc. \$23.36.

Rentals: Pantorium Cleaners Inc. \$103.68; Roland L. Moerke \$217.05;

Repairs & Maintenance: Dakota Fluid Power Inc \$228.49; Graham Tire Inc \$102.91; Hoven Auto Repair Inc \$1,746.39; Nicholas D. Kampa \$127.55; Pantorium Cleaners Inc. \$281.20; Precision Kiosk Technologies \$2,700.00; R.D. Offutt Company \$1,660.05; Roland L. Moerke \$90.00; Runnings \$109.99; Sander's Sew-N-Vac, Inc \$253.18; Sewer Duck Inc \$865.00; Steven Lust Automotive \$112.82; Walth Safety Service Inc \$335.00; Welton Maunu \$409.50.

Supplies: Aberdeen Fire & Rescue \$934.00; Agtegra \$58,088.54; Amazon Capital Services, Inc \$2.98; Bakken Build Maintenance \$500.00; Butler Machinery Co \$1,433.20; Century Business Products \$355.71; Charm-Tex \$1,272.30; Dakota Fluid Power Inc \$840.85; Daniel L. Fox \$3.07; Earthgrains Baking Co. Inc. \$951.25; East Side Jersey Dairy, Inc \$1,139.85; Farm Power Mfg Inc \$55.80; Full Circle Ag \$4,510.83; Interstate Battery System of SD \$202.90; Ken's Superfair Foods \$226.98; Leidholdt Tool Sales, LLC \$75.22; McLeods Printing & Office Supply \$394.24; Menards \$553.17; Michael Carlsen \$5,180.00; Midstates Printing \$199.92; Midwest Pump & Tank \$670.58; Minn-Kota Communications, Inc. \$665.00; Pantorium Cleaners Inc. \$84.00; Pitney Bowes Inc. \$15,000.00; R.D. Offutt Company \$7,388.92; Roland L. Moerke \$30.00; Runnings \$180.53; Sander's Sew-N-Vac, Inc \$209.94; Stan Houston Equipment Co. \$189.00; Tri State Water \$148.25; US Foods \$11,039.20; Walth Safety Service Inc \$330.00; Web Water Bottling Company \$9.75.

Travel & Conference: Dave Lunzman \$344.00.

Utilities: AT&T Mobility \$43.23; Lumen \$285.76; Midcontinent Communications \$224.56; Northwestern Energy & Communications \$17,449.78; Town of Frederick \$90.62.

Others: NECOG \$26,420.13; SD Dept of Agriculture & Natural Resources \$3,216.58.

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 Dennert, seconded by Gage to approve the following Travel Requests:

- Morgan Bingham, Jill Crosby and McKenzie Serfoss from Communications to travel to Faulkton, SD on January 26, 2023.
- Aaron Walberg, VSO to travel to Pierre, SD on January 11, 2023.
- Lynn Heupel, Auditor to travel to Pierre, SD on January 22-23, 2023.

All members present voting aye. Motion carried.

#### LANDFILL TONNAGE REPORT:

Moved by Commission Fjeldheim, seconded by Gage to acknowledge the Landfill Tonnage Report for December 2022. All members present voting aye. Motion carried.

#### 4-H ADVISORY BOARD:

Moved by Commissioner Gage, seconded by Dennert to approve the updated 4-H Advisory Board, which was adding Ashley Dunham to the Non-4-H Adults Committee. All members present voting aye. Motion carried.

#### UNCOLLECTIBLE TAX LIST:

Moved by Commissioner Fjeldheim, seconded by Dennert to declare the taxes uncollectible on the following mobile homes: Key #28710, 28424, 20331, 20350, 20355, 20357, 3280, 16549, 28563, 5346, 28564, and 5347 as of December 31, 2022 submitted by Patty VanMeter, Brown County Treasurer. All members present voting aye. Motion carried.

#### TOWING CONTRACTS:

Moved by Commissioner Dennert, seconded by Gage to approve the three year Towing Service Contracts with Towing Plus; Knight Towing, Harr Motors and Eddie's Northside. All members present voting aye. Motion carried.

#### QUARTERLY INTEREST STATEMENT:

Moved by Commissioner Fjeldheim, seconded by Gage to accept for filing the Oct-Dec 2022 Interest statement (\$21,820.53), submitted by County Treasurer, Patty VanMeter. All members present voting aye. Motion carried.

OTHER BUSINESS: None

EXECUTIVE SESSION:

Moved by Commissioner Dennert, seconded by Gage to go into executive session to discuss Personnel and Legal per SDCL 1-25-2. All members present voting aye. Motion carried. The chair declared the executive session closed with no action taken.

HR REPORT:

Moved by Commissioner Dennert, seconded by Gage to approve the following Human Resource Report submitted by Human Resources Director, Erica Coughlin:

- Acknowledge the transfer of Tanner Podoll from Brown County Jail Sergeant to Brown County JDC Sergeant; effective January 16, 2023.
- Acknowledge the transfer of Jesse Milbrandt from Brown County Sheriff's Office Records Technician to Brown County Veteran's Service Coordinator; effective January 23, 2023. Request to fill.
- Approve the promotion of Cindy Woodford, from Brown County ROD Deputy to Brown County ROD Chief Deputy; wage \$25.18/hour; effective January 9, 2023.
- Approve hiring William Esser as Brown County Jail Detention Officer, full-time; starting wage \$20.67/hour; effective January 23, 2023.
- Promotion of Lesli Geranen, from Brown County Jail Detention Officer to Brown County Jail Sergeant; starting wage \$25.18/hour; effective January 22, 2023.

All members present voting aye. Motion carried.

ADJOURNMENT:

Moved by Commissioner Fjeldheim, seconded by Dennert to adjourn the Brown County Commission at 11:17 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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## JANUARY 17, 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 Wiese led the Pledge of Allegiance.

### APPROVAL OF AGENDA:

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

### SWEARING IN:

Mike Wiese was sworn in as Brown County Commissioner by Lynn Heupel, Auditor.

### OPPORTUNITY FOR PUBLIC COMMENT: None

### ORDINANCE #239 – SECOND READING AND ADOPTION:

Moved by Commissioner Wiese, seconded by Gage to adopt Ordinance #239. Applicants Nicole Kempf, Personal Representative of the Estate of Daniel C. Kempf requesting to rezone from Chapter 4.06 Agriculture Preservation District (AG-P) to Chapter 4.07 Mini-Agriculture District (M-AG) for Proposed Lot 1 to bring this parcel into compliance for its future use: Proposed Lot 1, “Palmyra Farmhouse Addition” in the SW ¼ of Section 18-T128N-65W of the 5th P.M., Brown County, South Dakota (10260 373<sup>rd</sup> Ave., Palmyra Twp.). All members present voting aye. Motion carried.

### ORDINANCE #240 – SECOND READING AND ADOPTION:

Moved by Commissioner Fjeldheim, seconded by Wiese to adopt Ordinance #240. Applicants Lucas & Mary Keahey and CJ Lane requesting to rezone from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) for Proposed Lot 1 to bring this parcels into compliance for their current use: The South 250’ of the East 963’, Except Road R.O.W., and the 337’ North of the South 250’ of the East 963’, Except Road R.O.W., both in the NE1/4 of Section 19-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota. (13341 & 13345 383<sup>rd</sup> Ave., Aberdeen Twp.). All members present voting aye. Motion carried.

### BROWN COUNTY HWY 14 – ENGINE BREAK:

Commissioner Sutton shared that he received a request from the residents around intersection Br. Co. 13 and Br. Co. 14 to add engine break prohibition signs on Hwy. 14 because they are already on Hwy. 13. Patrick Coughlin was in attendance and voiced his concern on this issue because it is getting worse and feels it is an enforcement issue and wants to make the Commission aware of this. Commissioner Sutton has spoken with Dirk Rogers, Highway Superintendent and he had no objections to placing additional signs. Commissioner Sutton asked Sheriff Lunzman about being able to up the enforcement in this area as well. Commissioner Gage questioned what we are trying to control, whether is it the decibel level or just the trucks. Commissioner Fjeldheim shared that the problem comes in with the trucks that have the 14’ straight pipes, most farmers have the basic semi with a muffler on and when they jake-break you can’t hardly hear it. Commissioner Wiese made a motion to approve posting additional signs on Br. Co. 14, which was seconded by Sutton. Commissioner Gage then questioned which sign they are going to post – he feels a sign that states “No Unmuffled Dynamic Engine Breaking” would better serve this area because there is a reason trucks have a jake-break on their trucks (save the breaks). Commissioner Fjeldheim then questioned having a noise reduction area sign posted then it qualifies for semis, motorcycles, etc. Commissioner Gage also stressed the ways that trucks are told to use to get to the Beef Plant and Soybean Plant. Commissioner Fjeldheim questioned what sign would be more effective. Dirk Rogers asked if they would want to table the issue until next week so he could do some research. Commissioner Wiese then withdrew his motion, seconded by Sutton to table this until next week. All members present voting aye. Motion carried.

### ELM VALLEY COMMUNITY CLUB:

Commissioner Fjeldheim asked Dirk Rogers, Highway Superintendent about opening up the Elm Lake Access due to them having a Fishing Tournament on January 28<sup>th</sup>. Dirk said they will go check it out – they will do it unless there are some unforeseen circumstances.

### 2023 ASSESSMENT PLAN:

Gene Loeschke, Director of Equalization presented his 2023 Assessment Plan with the Commissioners. Moved by Commissioner Wiese, seconded by Fjeldheim to accept the 2023 Assessment Plan payable 2024. All members present voting aye. Motion carried.

#### MINUTES:

Moved by Commissioner Fjeldheim, seconded by Gage to approve the Amended minutes of January 3, 2023 Reorganization Meeting Minutes. All members present voting aye. Motion carried.

Moved by Commissioner Dennert, seconded by Fjeldheim to approve the General Meeting minutes of January 10, 2023. All members present voting aye. Motion carried.

#### CLAIMS:

Moved by Commissioner Wiese, seconded by Gage approve the following:

Claims: Professional Fees: Avera McKennan Hospital \$125.63; Avera St. Luke's \$1,405.90; Certified Languages International LLC \$488.40; Christopher A. Haar \$213.60; Christy Griffin-Serr Law Office \$7,211.64; Cogley Law Office, Prof LLC \$7,211.64; Computer Forensic Resources Inc \$1,548.20; Dean Schaefer Court Reporting \$336.00; Dohrer Law Office \$7,211.64; Domain Networks \$289.00; Heather M. LaCroix \$219.54; Houston Engineering, Inc \$11,578.08; Jerald M. McNeary \$7,211.64; Jeremy Lund \$7,211.64; John Noyes \$7,211.64; Kennedy Pier Loftus, LLP \$181.80; Kuck Law Office \$7,211.64; Lewis & Clark BHS \$1,288.00; Lucille M. Youngberg \$732.10; Sanford Health Network \$8,509.79; Sanford Health Occupational Medicine Aberdeen \$176.00; Schriver's Memorial Mortuary, Inc. \$1,800.00; SD Dept of Revenue & Regulations \$3,162.99; Taliaferro Law Firm \$7,211.64; Yankton County Sheriff Office \$50.00; Zylstra Investigations \$3,000.00. Publishing: Groton Independent \$264.66; SeaChange Printing & Marketing Services LLC \$185.00. Rentals: Aramark Uniform & Career Apparel Group, Inc \$222.13; Linde Gas & Equipment Inc. \$397.06. Repairs & Maintenance: Diamond Mowers Inc \$20.20; Diesel Machinery \$2,905.87; Ecolab Pest Elimination \$264.79; House of Glass \$89.33; Lawson Products, Inc. \$28.02; Meister Mowing LLC \$1,030.00; Pierson-Ford-Lincoln-Mercury \$62.95; Pomp's Tire Service, Inc \$637.16; Pro Windmill Inc. \$690.00; State of South Dakota \$65.70; Steven Lust Automotive \$264.95; Transource Truck & Equipment, Inc. \$4,063.50. Supplies: Advance Auto Parts \$1,146.33; Agtegra Cooperative \$2,805.55; APH Stores, Inc \$192.95; Avera McKennan \$68.93; Century Business Products \$3,117.11; Charm-Tex \$701.12; Cole Papers \$653.10; Diamond Mowers Inc \$510.82; Floor To Ceiling \$50.00; J Gross Equipment \$405.76; Jack's Uniforms & Equipment \$327.08; Kessler's \$240.21; Kirby Kiesz \$240.40; Lawson Products, Inc. \$331.94; Lesli Geranen \$136.02; Linde Gas & Equipment Inc. \$148.79; Lucille M. Youngberg \$5.40; Menards \$33.99; Midstates Printing \$43.00; Midwest Pump & Tank \$589.60; Napa Central \$53.47; Performance Oil & Lubricants \$69.42; PharmChem \$408.85; Plumbing & Heating Wholesale, Inc. \$454.64; Pomp's Tire Service, Inc \$535.18; Runnings \$1,873.54; SD Dept of Revenue & Regulation \$6.00; Sherwin Williams \$373.75; Titan Machinery, Inc-Aberdeen Case IH \$238.25; Transource Truck & Equipment, Inc. \$864.18; Walth Safety Service Inc \$1,532.00. Travel & Conference: City of Groton \$388.80; Weed & Pest Conference \$510.00. Utilities: City of Aberdeen \$2,202.06; City of Hecla \$215.18; Economy Propane LLC \$4,800.90; Northern Electric Coop, Inc \$86.00; Northern Valley Communication \$263.72; State of South Dakota \$119.54; Verizon Wireless Services LLC \$202.07; WEB Water Development Assoc. Inc. \$101.19. Others: Glacial Lakes & Prairie Tourism Assoc. \$750.00; NESDCAP \$2,500.00; SD Assoc. Of County Officials \$714.00; SD Dept of Revenue & Regulations \$576,951.72; SD Unemployment Insurance Division \$1,893.12. Payroll: Commission \$4,615.42; Auditor \$11,370.62; Treasurer \$16,641.20; SA \$32,244.37; Maintenance \$11,791.36; Assessor \$16,796.81; ROD \$9,572.00; VSO \$3,625.53; GIS \$2,643.52; IT \$6,220.17; HR \$5,001.68; Sheriff \$46,484.13; Jail \$76,775.85; Coroner \$450.00; Court Security \$7,174.32; JDC/HD \$40,339.88; Welfare \$2,336.49; DPM \$10,016.08; Parks/Fairgrounds \$3,288.91; Fair \$4,107.21; 4-H \$786.79; Weed & Pest \$1,058.37; P & Z \$7,232.60; Highway \$46,020.42; Dispatch \$39,033.10; EM \$4,933.61; 24/7 \$1,734.01; Landfill \$16,215.17. SDRS Pay-out \$29,412.34; Retirement Award \$150.00. FICA \$25,598.45; Medicare \$5,986.75; Discovery-HSA \$1,359.38. All members present voting aye. Motion carried.

#### HR REPORT:

Moved by Commissioner Wiese, seconded by Fjeldheim to approve the following Human Resource Report submitted by Human Resources Director, Erica Coughlin:

- Acknowledge the resignation of Mackenzie Berninghaus, Brown County JDC Detention Officer, full-time; effective January 11, 2023. Request to fill.

- Acknowledge Duane Sutton nominated as Commission Chair; bi-weekly wage \$960.01; effective January 3, 2023.
- Approve hiring of Danielle Watson as Brown County JDC Detention Officer, full-time; starting wage \$20.67/hour; effective January 23, 2023.
- Approve hiring of Barb Wacholz as Brown County 911 Communications Officer, full-time; starting wage \$20.67/hour; effective January 30, 2023.
- Approve hiring of Bryon Gordon as Brown County Deputy Sheriff, full-time; starting wage \$25.18/hour; effective January 17, 2023.
- Approve hiring of Joe Kaven as Brown County Fair and Parks, Maintenance Technician, full-time; starting wage \$21.72/hour; effective January 30, 2023.
- Approve hiring of Adelaide Mouna, Brown County States Attorney Victim Specialist, full-time; starting wage \$23.97/hour; effective January 30, 2023.

All members present voting aye. Motion carried.

#### AUDITORS REPORT OF ACCOUNTS:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the Auditor's Report of Accounts for November 2022 as follows: November total cash and checks on hand \$7,700.00; Total Checking Account Balances: \$29,221,705.48; Total Savings Account Balances: \$3,250,447.42; Total Certificates of Deposit: \$3,978,174.09; Grand Total Cash and Balances: \$36,458,026.99. General Fund Cash and Investment Balances by Funds: General Fund \$9,799,157.26; Road & Bridge Fund \$3,558,195.61; Road & Bridge Fund – restricted \$423,243.27; 911 Service \$1,064,499.03; Emergency & Disaster \$244,203.96; Domestic Abuse \$598.52; Teen Court \$414.19; Grant \$32.11; JDAI \$30,244.80; Richmond Youth \$0.00; 24/7 Sobriety \$24,462.93; ROD M&P \$105,785.19; American Rescue Plan Federal Grant \$7,545,865.45; Rural Access Infrastructure \$295,338.93; TIF Debt Service \$423,809.72; Landfill + Cash change \$3,966.927.07; Landfill-restricted \$1,400,479.44; Trust and Agency Funds \$7,574,769.51. All members present voting aye. Motion carried.

#### SURPLUS:

Moved by Commissioner Gage, seconded by Wiese to declare the following Register of Deeds office equipment surplus: Small Desktop Printer; 4 Computer screens; 2 Label printers; Receipt printer and a Computer. Will be taken to the Landfill. All members present voting aye. Motion carried.

#### ABATEMENTS:

Moved by Commissioner Wiese, seconded by Fjeldheim to approve the following abatements for tax year 2023: Gregg Erickson, Parcel #6945, \$2,037.52; Raymond Stange, Parcel #7733, \$903.96; Brown County, Parcel #17422, \$44,665.44; Brown County, Parcel #17427, \$861.79; Dillon Cutler, Parcel #29889, \$961.17; Donald Hoops, Parcel #7404, \$175.30; Jeremy Walberg, Parcel #3036, \$382.77; Frederick Farmers Elevator Coop, Parcel #20446, \$681.74; Brown County, Parcel #28298, \$63.20; Brown County, Parcel #14196, \$1,533.46; Brown County, Parcel #24370, \$34.49; Brown County, Parcel #12510, \$34.49; Brown County, Parcel #9609, \$651.02; Frederick City, Parcel #20571, \$75.59; American Legion Post #58, Parcel #22212, \$86.74; Aberdeen Downtown Apartments, Parcel #8732, \$291.80 and refund: Delbert Lowe, Parcel #4996, \$17.66. For tax year 2022: Craig Larson, Parcel #20670, \$34.49; Refund: Delbert Lowe, Parcel #4996, \$17.66. For tax year 2021: Refund: Delbert Lowe, Parcel #4996, \$15.04. For tax year 2020: Refund: Delbert Lowe, Parcel #4996, \$14.80. For tax year 2019: Refund: Delbert Lowe, Parcel #4996, \$.95. All members present voting aye. Motion carried.

#### SET HEARING DATE FOR LIQUOR LICENSE TRANSFER:

Moved by Commissioner Wiese, seconded by Gage to authorize advertising public hearing to consider the following application: TRANSFER - RETAIL (ON-SALE) LIQUOR – UPDATING LOCATION: Stacy Gossman, DBA Flying Pig to update location from 5635 US Highway 12 East, Aberdeen, SD - Lot 2, Gossman Second Addition, SE 1/4 of Sec 15-T123N-R63 to 2520 8<sup>th</sup> Ave. NE, Aberdeen, SD 57401 to Lot 1, Ronnie's Way Addition in the NW 1/4 of Sec 17-T123-R63W of 5<sup>th</sup> P.M., Brown County, SD. TRANSFER - RETAIL (ON-SALE) LIQUOR – UPDATING LOCATION: Stacy Gossman, DBA Nacho Business to update location from 5485 US Highway 12 East, Aberdeen, SD - Outlot A, SE 1/4 of Sec 15-123-63 to 578 North Roosevelt St., Aberdeen, SD to Lot 1, Creekside addition in the NW 1/4 of Sec 17-T123N-R63W of 5<sup>th</sup> P.M., Brown County, SD. To be held on 31<sup>st</sup> day of January 2023 in the Chambers of the Brown County Commissioners, Brown County, South Dakota. All members present voting aye. Motion carried.

#### TRAVEL REQUESTS:

Moved by Commissioner Dennert, seconded by Wiese to approve the following Travel Requests:

- Chris Hemen, Mike Rohrbach and Jerry Lehrkamp to travel to Annual Weed & Pest Conference in Huron, SD on February 14-16, 2023.

All members present voting aye. Motion carried.

#### FAIRBOARD APPOINTMENT:

Moved by Commissioner Gage, seconded by Fjeldheim to approve appointing Jason Pettigrew for two 3-year terms. All members present voting aye. Motion carried.

#### SHERIFF OFFICE UNIFORM-CLOTHING ALLOWANCE:

Moved by Commissioner Wiese, seconded by Gage to approve the following Uniform-Clothing Allowance for Sheriff Office Employees: For the deputies, all equipment is provided for each deputy. Three pairs of pants, 3 short sleeved and 3 long sleeve shirts are provided. They are only replaced if they are damaged during work or have worn out due to age. This is at the discretion of the Supervisor. The body armor is provided and replaced every 5 years as the manufactured will not warranty or guaranty their effectiveness beyond 5 years. If a deputy wants to buy their own pants, they are allowed to with a \$50 cap. Anything over \$50, employee must play the difference. The office staff are provided shirts and allowed \$50 to purchase their own pants. Replacements are at the discretion of the Supervisor. The Jail and JDC are all provided 3 uniform shirts and are allowed up to \$50 per pair of pants and are also replaced as needed and approved by their supervisor. Many employees have clothing items with the Sheriff's Office logo on them. These items are not purchased by the Sheriff's Office. If an employee wants a certain item to wear with the Sheriff's Office logo, they are permitted to purchase these items at their own expense. All members present voting aye. Motion carried.

#### GIS PLOTTER:

Moved by Commissioner Gage, seconded by Fjeldheim to approve Scott Madsen, GIS Coordinator to purchase the new Plotter per proposal for \$9,729.87 from SHI. Current plotter will be transferred to EM. All members present voting aye. Motion carried.

#### OTHER BUSINESS:

Commissioner Wiese shared that he got a text message from a Representative with Aberdeen Rural Fire that appreciates the lights that were put in by the Landfill for the Dumpster Site and how it lights up the whole area.

#### EXECUTIVE SESSION:

Moved by Commissioner Wiese, seconded by Gage to go into executive session to discuss Security, Personnel and Legal per SDCL 1-25-2. All members present voting aye. Motion carried. The chair declared the executive session closed with no action taken.

#### ADJOURNMENT:

Moved by Commissioner Dennert, seconded by Wiese to adjourn the Brown County Commission at 10:47 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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## JANUARY 24, 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 Gage led the Pledge of Allegiance.

**APPROVAL OF AGENDA:** Commissioner Gage moved to approve the agenda, seconded by Wiese. All members present voting aye. Motion carried.

**OPPORTUNITY FOR PUBLIC COMMENT:** None

### BIDS FOR CAMPGROUND UPGRADES:

Rachel Kippely, Fair Manager met with the Commissioners to open the bids received from Electricians for wiring 45 camp sites in Primitive A Campground and wiring 96 camp sites in Primitive C Campground according to code. To include 45 single pedestals for Primitive Campground A and 44 double pedestals and 8 single pedestals for Primitive Campground C as per 2020 code with spacious site footage, doubles are allowed and preferred.

Bids received were as follows:

	Parts & Pedestals	Labor	Excise Tax	Grand Total
Karlen Electric	101,017.62	23,682.50	2,545.12	127,245.24
Miller Electric	291,750.15	65,500.00	7,291.47	364,541.47
K.E.I	87,057.00	26,350.00	2,314.64	115,721.64
Efraimson Electric	105,530.00	49,800.00	3,170.29	158,500.29

Rachel took the bids to review and then returned to the meeting with recommendation of going with K.E.I Electric for the total of \$115,721.64. Moved by Commissioner Fjeldheim, seconded by Dennert to accept the bid from K.E.I. Electric. All members present voting aye. Motion carried.

### RICHMOND LAKE YOUTH CAMP RENTAL RATES:

Rachel Kippely, Fair Manager shared that after further discussion with Dave Engraf, Senior Deputy Auditor that she did some tweaking on the rates for the Richmond Youth Camp rental rates. She broke it down between Daily Rates and then Group Rates for events with a 2-night minimum. Moved by Commissioner Wiese, seconded by Gage to approve the following Rental Rates for Richmond Youth Camp: Daily Rates: Lodge Only - \$225.00 per day; Dorm Only - \$100 per dorm (3 dormitories available and each one sleeps 36) and Infirmary Cabin - \$50 per day (sleeps 8). Group Rates – Apply to camps or events with 2-night minimum and Group Rates (30 people or less) include a multi-building discount: Lodge Only - \$225.00 per night; Lodge and 1 Dorm - \$300.00 per night; Lodge and 2 Dorms - \$375.00 per night; Lodge and 3 Dorms - \$450.00 per night. If over 30 people, additional individual rates apply beginning at 31<sup>st</sup> person: Youth - \$7.00 per person per night (Age 17 and under); Adult - \$10.00 per person per night (Ages 18 and older). Deposit: A \$225.00 deposit is required to guarantee all dates. This deposit will only be refunded (or applied to total bill) if the camp is left in a clean and orderly manner and there is no damage. If the cost to clean and repair damage exceed the amount of the deposit, any additional repairs or cleaning costs will be billed. Signed lease, deposit and proof of insurance shall be sent to: Brown County Auditor, 25 Market Street, Ste. 1, Aberdeen, SD 57401. Cleanup: \$100.00 for the Lodge and \$100.00 for each of the dorms. Absolutely NO PETS allowed in any of the buildings! All members voting aye. Motion carried.

### FAIR FOUNDATION MEMORANDUM OF UNDERSTANDING (MOU):

Stu Swenson and Jeff Kippely met with the Commission Board to discuss the MOU for the Fair Foundation. Stu Swenson shared that they raised more than their goal for the first year. They meet the 1<sup>st</sup> Wednesday of each month at 8am at the Kippely Tax Service Office and they give a presentation each month at the Fair Board meetings. Jeff Kippely shared they plan to spend only the interest from the \$10,000 endowment fund they set up. Commissioner Wiese motioned to approve and authorize Chairman Sutton to sign the MOU for the Fair Foundation, which was seconded by Fjeldheim. All members voting aye. Motion carried.

Commissioner Sutton shared they will be having a Hall of Fame induction of the 1986 Fair Board Members on March 25, 2023 at the Yelduz Shrine. The cost is \$25.00 per person or \$200.00 per table. Jeff Kippely

mentioned they will have Live and Silent Auction items as well. Commissioner Sutton thanked Stu Swenson for making the Fair Foundation a reality.

#### BID DATE SET – HIGHWAY SUPPLIES/EQUIPMENT RENTAL:

Moved by Commissioner Wiese, seconded by Gage to authorize advertising public hearing to open, read and consider bids for Asphalt Materials, Rental Equipment, Road Oil and Gravel Materials to be held on Tuesday, February 21, 2023 in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. All members present voting aye. Motion carried.

#### R-O-W FOR WEB WATER:

Moved by Commissioner Wiese, seconded by Fjeldheim to approve the application made by Web Water Development for occupancy of Brown County Highway Number 12, in Section 6, Township 123, Range 63, Brown County, South Dakota. All members present voting aye. Motioned carried.

#### HIGHWAY DEPT. UPDATE:

Dirk Rogers, Highway Superintendent gave the Brown County Commissioners an update on the projects that they are working on: Elm Lake Project will be started right away in the Spring; shared that they did get the roads opened up to Elm Lake for the Fishing Tournament this weekend; Sand Lake Bridge Project – still trying to push through but there will be some R-O-W Adjustments; Jim River – working on berms/rip rap using materials we have on hand; Fairgrounds – will be tearing down the old 4-H Office once they get all the utilities unhooked; Shared that Highway Dept. has been on MAC Trucks list with three spots reserved for 2 – Semi's and 1 – Plow Truck: these should arrive later this year at the cost of \$150,000 each.

#### BROWN COUNTY HWY 14 – ENGINE BREAK:

Dirk Rogers, Highway Superintendent shared that an Ordinance was put into effect 4-years ago in regards to jake-brakes but apparently is not being followed. He offered the following recommendations on the jake-brake issue on Highway 14:

1. Lower the speed limit from 55 to 45 on Br. Co. 13 from Ordway Township to Junction Br. Co. 13 & Br. Co. 14.
2. No passing zone on Br. Co. 14 – 750 feet going North & South from Junction Br. Co. 13 & Br. Co. 14 and on Br. Co. 13 from west side of Prairiewood to the Junction of Br. Co. 13 & Br. Co. 14.
3. Install 'No Jake-Brake' signs on North and South side of Junction on Br. Co. 14.

After further discussion, Commissioner Wiese moved to approve lowering the speed limit and installing the no passing zones, which was seconded by Fjeldheim. Roll call vote: Fjeldheim – Aye; Wiese – Aye; Gage – Aye; Dennert – Nay; Sutton – Aye. Motion carried.

#### MINUTES:

Moved by Commissioner Wiese, seconded by Gage to approve the General Meeting minutes of January 17, 2023. All members present voting aye. Motion carried.

CLAIMS: Moved by Commissioner Fjeldheim, seconded by Wiese to approve the following:

Claims: Professional Fees: Avera St. Luke's \$251.26; BMI Music License for Local Governmental Entities \$391.00; Daniel L. Fox \$160.00; Darcy Lockwood \$30.00; Dependable Sanitation Inc \$27,201.40; GIS Workshops, LLC \$999.60; Hallman Engineering \$1,593.00; Heather M. LaCroix \$338.05; IMEG Corp \$8,661.32; Kristi Brandt \$212.75; Lucille M. Youngberg \$415.30; Lucy Lewno \$240.00; Mark Katterhagen \$15.00; Mitchell Alan Vilhauer \$654.48; Saber Shred Solutions, Inc. \$1,889.85; SD Dept of Health \$40.00; Spitzer Miller Funeral Home \$1,800.00; Thurman Law Office \$524.70; Tyler Technologies Inc. \$1,300.00; Valerie J. Larson \$15.00. Publishing: Aberdeen Community Theatre \$600.00; GateHouse Media South Dakota Holdings, Inc. \$1,170.28; Glacial Lakes & Prairie Tourism Assoc. \$305.00; Groton Independent \$275.16. Rentals: Advantage Self Storage \$4,140.00; Northern Electric Coop, Inc \$1,200.00. Repairs & Maintenance: Century Business Products \$16.96; Climate Control \$4,987.43; Hoven Auto Repair Inc. \$20.16; Jalene M. Palmer \$1,412.90; Jason's Electric Inc \$437.37; Joshua Lee Halsey \$65.00; Kirk's Auto Repair \$118.87; Leidholt Electric LLC \$168.37; Lien Transportation Company \$720.00; Pomp's Tire Service, Inc. \$6,965.90; Service Signs & Sales \$396.47. Supplies: Aberdeen Area Chamber of Commerce \$800.00; Aramark Uniform & Career Apparel Group, Inc. \$135.05; Avera McKennan \$2,681.57; Century Business Products \$161.16; City of Aberdeen - Police Department \$387.88; Climate Control \$775.95; Cook's Correctional \$349.48; Dacotah Prairie Museum \$60.12;

Dakota Electronics \$30.00; Daniel L. Fox \$3.57; House of Glass \$316.00; J Gross Equipment \$92.66; Labsource, Inc. \$728.76; Leidholt Tool Sales, LLC \$304.95; Lucy Lewno \$8.07; Mac's Inc \$656.39; Makayla Jenniges \$46.82; Midstates Printing \$220.00; Northern Valley Communication \$87.22; Pauer Sound & Music Inc \$368.00; Share Corp \$681.45; SHI International Corp \$472.32; Thee Glass Doktor, LLC \$92.00; Thurman Law Office \$10.80; West Publishing Corp \$1,839.44. Travel & Conference: Aaron Walberg \$203.20; Pennington County Jail \$31.14; Troy Knecht \$38.76. Utilities: CenturyLink \$1,251.24; Dependable Sanitation Inc \$513.00; James Valley Telecommunications \$209.10; Northern Valley Communication \$3,827.56; Northwestern Energy & Communications \$5,816.51; State of South Dakota \$108.75; Verizon Wireless Services LLC \$4,132.52. Others: Area IV Nutrition \$3,000.00; Boys & Girls Club \$5,000.00; Brown County Jail \$1,425.00; City of Aberdeen \$1,000.00; City of Groton \$5,000.00; City of Hecla \$800.00; Tammora Johnson \$100.00; Warner Library \$1,000.00. All members present voting aye. Motion carried.

#### HR REPORT:

Moved by Commissioner Gage, seconded by Wiese to approve the following Human Resource Report submitted by Human Resources Director, Erica Coughlin:

- Acknowledge the promotion of Michael Hill from Brown County Sheriff's Department Deputy to Brown County Sheriff's Department Sergeant; wage \$30.68/hour; effective January 22, 2023.

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 individuals to Credit Collections Bureau for the purpose of collecting liens. All members present voting aye. Motion carried.

#### PLAT:

##### Resolution #4-23

Commissioner Gage brought the following resolution: "Be it resolved by the Board of County Commissioners of Brown County, South Dakota, that the plat showing "Teal First Subdivision in the SW ¼ of Section 35-T127N-R61W 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 Wiese. All members present voting aye. Resolution adopted.

#### TRAVEL REQUESTS:

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

- Aaron Walberg, Veterans Service Officer to travel to Pierre, SD on January 25, 2023 for Legislative meeting & testimony.
- Dirk Rogers, Highway Superintendent to travel to Pierre, SD on January 26, 2023 for SDACHS Executive Board Meeting.

All members present voting aye. Motion carried.

#### FAIR CONTRACTS:

Moved by Commissioner Wiese, seconded by Gage to approve and authorize Chairman Sutton to sign an entertainment contract for the 2023 Brown County Fair (names confidential until official press release). All members present voting aye. Motion carried.

#### OTHER BUSINESS: None

#### EXECUTIVE SESSION:

Moved by Commissioner Wiese, seconded by Gage to go into executive session to discuss Contracts and Personnel per SDCL 1-25-2. All members present voting aye. Motion carried. The chair declared the executive session closed with no action taken.

#### ADJOURNMENT:

Moved by Commissioner Fjeldheim, seconded by Dennert to adjourn the Brown County Commission at 10:53a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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## JANUARY 31, 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 Gage led the Pledge of Allegiance.

**APPROVAL OF AGENDA:** Commissioner Dennert moved to approve the agenda, seconded by Wiese. All members present voting aye. Motion carried.

**OPPORTUNITY FOR PUBLIC COMMENT:** Craig Schaunaman questioned why his request to discuss Julie Johnson's contract was no longer on the agenda. Commissioner Sutton shared that Julie Johnson has withdrawn her status with the Secretary of State to be a lobbyist and as of last Friday no longer working for Brown County. Commissioner Sutton shared that we would have to pay Julie for some expenses but doesn't know the exact amount at this time.

Ed Fischbach gave an update on the Carbon Pipeline Legislation. Monday, February 6, 2023 at 7:45 A.M. is when HB1133, HB 1136 and HB 1084 will be presented to the Legislators. Ed also shared a letter that was in the Minneapolis paper and stated that a number of complaints that have been filed with the Attorney General in the State of MN.

### LIQUOR LICENSE TRANSFER:

Moved by Commissioner Wiese, seconded by Gage to approve the transfer of the following license: RETAIL (ON-SALE) LIQUOR – UPDATING LOCATION: Stacy Gossman, DBA Flying Pig to update location from 5635 US Highway 12 East, Aberdeen, SD – Lot 2, Gossman Second Addition, SE ¼ of Sec 15-T123N-R63 to 2520 8<sup>th</sup> Ave. NE, Aberdeen, SD 57401 – Lot 1, Ronnie's Way Addition in the NW ¼ of Sec 17-T123-R63W of 5<sup>th</sup> P.M., Brown County, SD. RETAIL (ON-SALE) LIQUOR-UPDATING LOCATION: Stacy Gossman, DBA Nacho Business to update location from 5485 US Highway 12 East, Aberdeen, SD – Outlot A, SE ¼ of Sec 15-123-63 to 578 North Roosevelt St., Aberdeen, SD – Lot 1, Creekside addition in the NW ¼ of Sec 17-T123N-R63W of 5<sup>th</sup> P.M., Brown County, SD. All members present voting aye. Motion carried.

### BCCHC REPORT:

Kari Stickelmyer presented the Brown County Community Health Center Report for July 2022 – December 2022.

### MINUTES:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the General Meeting minutes of January 24, 2023. All members present voting aye. Motion carried.

**CLAIMS/PAYROLL:** Moved by Commissioner Gage, seconded by Dennert to approve the following:

Claims: Professional Fees: Avera St. Luke's \$6.36; Blackburn & Stevens, Prof. LLC \$497.90; Dakota Group LLC \$2,100.00; Faulk County Sheriff's Office \$2,790.00; Kristi Brandt \$120.75; Pauer Sound & Music Inc \$75.00; Rice County Sheriff's Office \$140.00; Sanford Health Network \$902.48; Sara J. Zahn \$34.00; SDAAO-SD Assoc of Assessing Officers \$525.00; Spokane County Sheriff's Office \$95.00; State of South Dakota \$6,328.38; Travel Leaders \$35.00. Publishing: GateHouse Media California Holdings, Inc. \$133.00; GateHouse Media South Dakota Holdings, Inc. \$1,713.52; Orlando Sentinel \$148.17; The Argus Leader \$20.89. Repairs & Maintenance: Double D Body Shop Inc \$424.00; Honeywell International Inc \$6,702.17; Jalene M. Palmer \$553.19; Leidholt Electric LLC \$5.95; Pierson-Ford-Lincoln-Mercury \$40.98; Valley Service Mechanical LLC \$61.00. Supplies: Century Business Products \$208.16; Crescent Electric Supply Co \$825.13; Dakota Supply Group \$1,019.70; Hillyard Sioux Falls \$5,368.56; Karen Swank \$87.00; Leidholt Electric LLC \$291.50; Marco Inc \$42.51; Menards \$798.20; Midstates Printing \$2,118.00; Nicole Volk \$14.47; Performance Oil & Lubricants \$334.80; Plumbing & Heating Wholesale, Inc. \$1,954.13; Pro Ag Supply, Inc \$28.74; Schwan Welding \$5,729.00; Sherwin Williams \$49.19; State of South Dakota \$693.14; Valley Service Mechanical LLC \$659.00; WEB Water Bottling Company \$27.75. Travel & Conference: Lynn Heupel \$208.30. Utilities: Montana Dakota Utilities Co \$55.26; Northwestern Energy & Communications \$21,236.15; Verizon Wireless Services LLC \$84.06. Others: City of Aberdeen-K.O. Lee Public Library \$6,000.00; Emma Burnham Public Library \$1,000.00; Groton Community Transit, Inc \$1,000.00.

Payroll: Commission \$4,615.41; Auditor \$11,359.50; Treasurer \$16,517.83; SA \$28,369.92; Maintenance \$11,005.41; Assessor \$16,796.81; Register of Deeds \$9,932.80; VSO \$2,336.49; GIS \$2,643.52; IT \$6,029.54; HR \$5,001.68; Sheriff \$44,094.18; Jail \$68,752.93; Court Security \$7,018.13; JDC \$32,244.60; Welfare \$2,336.49; Museum \$11,273.56; Parks/Fairgrounds \$3,230.79; Fair Board \$4,107.20; 4-H \$786.80; Weed \$1,058.37; Planning & Zoning \$7,232.60; Highway \$46,863.20; Dispatch \$34,313.65; Emergency \$4,933.61; 24/7 Sobriety \$1,693.40; Landfill \$13,958.93. All members present voting aye. Motion carried.

#### HR REPORT:

Moved by Commissioner Wiese, seconded by Fjeldheim to approve the following Human Resource Report submitted by Human Resources Director, Erica Coughlin:

- Acknowledge resignation of Kyle Price, Brown County Assistant Building Maintenance Superintendent effective February 10, 2023. Request to fill.
- Acknowledge resignation of Lisa Samson, Brown County State's Attorney Legal Assistant; effective January 27, 2023. Request to fill.
- Resignation of Brandon Richardson, Brown County Jail Detention Officer; effective January 30, 2023. Request to fill.
- Approve hiring of Christine Haggerty, Brown County States Attorney Legal Assistant; full-time; starting wage \$20.17/hour; effective January 30, 2023.

All members present voting aye. Motion carried.

#### LEASE AGREEMENTS:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve and authorize the Chair sign the following lease agreements: Aberdeen Home Builders Association for lease of Holum Expo Building for Home Builder's Show on March 3-5, 2023; Liebelt's RV for lease of Holum Expo Building for Liebelt's RV Show on March 6-19, 2023; Centerstage Entertainment for lease of Holum Expo Building for Extreme Dwarfanators Wrestling on May 6, 2023. All members present voting aye. Motion carried.

#### FAIR CONTRACTS:

Moved by Commissioner Gage, seconded by Wiese to approve and authorize Chairman Sutton to sign an entertainment contract for the 2023 Brown County Fair (names confidential until official press release). All members present voting aye. Motion carried.

#### DPM RENODRY PROJECT:

Moved by Commissioner Wiese, seconded by Dennert to approve the RENODRY Dehydration Project quote for the Dacotah Prairie Museum in the amount of \$17,634.73. All member present voting aye. Motion carried.

#### ABATEMENTS/REFUNDS:

Moved by Commissioner Dennert, seconded by Wiese to approve the following abatements for tax year 2023: Mary Lou Kautz, Parcel #8873, \$1,892.18. For tax year 2022: John Peterson, Parcel #19768, \$780.00 and refund for Delbert Lowe, Parcel #4996, \$15.04. All members present voting aye. Motion carried.

#### VACATE OF EXISTING PLAT:

Moved by Commissioner Wiese, seconded by Fjeldheim to authorize advertising for public hearing to consider petition submitted by Dwain Buntrock to vacate the plat described as follows: Tract 2, "Buntrock Tracts" in the NW ¼ of Section 5-T125N-R62W of the 5<sup>th</sup> P.M., Brown County, South Dakota (11848 395<sup>th</sup> Ave., Columbia) to be held in the Commissioner's Chambers, Courthouse Annex, Brown County, SD on February 21, 2023. All members present voting aye. Motion carried.

#### BID - OVERLAY PROJECT ON CO. RD. 5

Moved by Commissioner Gage, seconded by Wiese to authorize advertising public hearing to open, read and consider sealed bids for Overlay Project on Co. Rd. 5 to be held in the Commissioner's Chambers, Courthouse Annex, Brown County, SD on February 21, 2023. All members present voting aye. Motion carried.

#### OTHER BUSINESS: None

EXECUTIVE SESSION:

Moved by Commissioner Gage, seconded by Dennert to go into executive session to discuss Personnel and Legal per SDCL 1-25-2. All members present voting aye. Motion carried. The chair declared the executive session closed with no action taken.

ADJOURNMENT:

Moved by Commissioner Wiese, seconded by Fjeldheim to adjourn the Brown County Commission at 10:04a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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## FEBRUARY 7, 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. Auditor Heupel led the Pledge of Allegiance.

**APPROVAL OF AGENDA:** Commissioner Gage moved to approve the agenda, seconded by Fjeldheim. All members present voting aye. Motion carried.

**OPPORTUNITY FOR PUBLIC COMMENT:** None

### WILDLAND FIRE DESIGNEE:

Moved by Commissioner Fjeldheim, seconded by Dennert to appoint Scott Meints and Patti Woods as the Designees for the Wildland Fire Division. Commissioner Wiese was appointed during the Reorganization meeting on January 3<sup>rd</sup>. All members present voting aye. Motion carried.

### NECOG MEMBER-AT-LARGE BOARD MEMBER:

Moved by Commissioner Wiese, seconded by Dennert to appoint Scott Meints, Emergency Management Director as Brown County Member-At-Large on the NECOG Board. All members present voting aye. Motion carried.

### SLEDDING AT LANDFILL:

Mike Scott, Landfill Manager met with the Brown County Commissioner asking them for approval to allow a Church Youth Group to go sledding at the Landfill. He shared that they would have to sign a waiver so no liability on the County. Moved by Commissioner Wiese, seconded by Gage to approve this. All members present voting aye. Motion carried.

### LANDFILL UPDATE:

Mike Scott, Landfill Manager gave a brief department update letting the Commission know that they will be purchasing a New Payloader and Scale which were budgeted for this year. Also, they will be doing some upgrades at the Fire Station.

### MINUTES:

Moved by Commissioner Wiese, seconded by Fjeldheim to approve the General Meeting minutes of January 31, 2023. All members present voting aye. Motion carried.

**CLAIMS:** Moved by Commissioner Gage, seconded by Wiese to approve the following claims:

Professional Fees: Adamsoft LLC \$2,437.50; Association of SD County Weed & Pest Boards \$150.00; Avera St. Luke's \$251.26; CenturyLink \$183.45; Commercial Electronics Corp \$5,550.00; Dakota's Finest Investigations, LLC \$477.50; Helms & Associates Inc \$687.40; Kristi Brandt \$38.25; Lincoln County Treasurer \$242.40; Minnehaha County, SD \$10,276.50; Mitchell Alan Vilhauer \$698.04; RegistrationMax LLC \$750.00; Sanford Health Occupational Medicine Aberdeen \$47.00; SD Secretary of State \$30.00; SDSU Extension \$21,770.63; Zylstra Investigations \$1,435.00. Publishing: Groton Independent \$478.98; Midstates Printing \$1,140.00; Northwest Blade \$161.50. Repairs & Maintenance: Aberdeen Auto Center, Inc \$77.35; Auto Glass Solutions Inc \$40.00; Butler Machinery Company \$1,320.00; Century Business Products \$61.46; Crawford Trucks & Equipment \$754.87; Dakota Electronics \$443.15; Dakota Fluid Power, Inc \$843.02; Hase Plumbing & Heating Inc \$961.60; House of Glass \$2,751.50; Lang's Audio TV & Appliance \$95.00; Lawson Products Inc \$26.97; Mark Kolb \$1,410.00; Pantorium Cleaners Inc \$235.96; R.D. Offutt Company \$3,585.57; Schwan Welding \$445.70; Tru Green Chemlawn \$478.21. Supplies: Aberdeen Auto Center, Inc \$91.00; Agtegra Cooperative \$81,993.73; APH Stores, Inc \$38.43; Bakken Building Maintenance \$500.00; Bimbo Foods USA, Inc \$859.00; Butler Machinery Company \$7,987.46; Century Business Products \$4.08; Cole Papers \$3,249.17; Cook's Corretional \$105.95; Crawford Trucks & Equipment \$1,813.54; Dakota Fluid Power, Inc \$2,123.34; Dakota Mailing & Shipping Equipment Inc \$290.26; Dakota Supply Group \$1,019.70; Dawson Anderson \$5.31; Farm Power Mfg \$42.21; Fastenal Company \$133.80; Gannett Holdings LLC Ohio \$332.80; Henry Fulda \$13.77; Interstate Battery System of SD \$425.85; Lawson Products Inc \$319.54; Leidholdt Tool Sales LLC \$130.35; Menards \$1,207.62; Midstates Printing \$12.42; Napa Central \$58.63; Pantorium Cleaners Inc \$84.00; Performance Rentals LLC \$28.25; Pitney Bowes Inc \$778.00; Plumbing & Heating Wholesale Inc \$202.51; R.D. Offutt Company \$1,123.49; Runnings \$314.50; US Foods \$9,064.16. Travel & Conference: Aaron Walberg

\$197.20; Dave Lunzman \$458.00; McKenzie Farmen \$14.00. Utilities: AT&T Mobility \$184.50; CenturyLink \$288.56; Midcontinent Communications \$214.97; Northwestern Energy \$12,579.42; State of South Dakota \$118.73; Town of Frederick \$76.00. Machinery & Equipment: Dakota Electronics \$5,063.44. Commissioner Sutton pulled the voucher for Aberdeen Area Chamber of Commerce Membership Dues. After further discussion, it was decided to see what they would charge to include all of Brown County and what the membership entails. 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, Erica Coughlin:

- Acknowledge employment ending for Danielle Watson as Brown County JDC Detention Officer, full-time; effective January 27, 2023. Request to fill.
- Approve hiring of Doug Rush as Brown County Assistant Building Maintenance Superintendent, full-time; starting wage \$26.46/hour; effective February 6, 2023.
- Approve personal miles driven for December 2022 at .625 per mile as follows: Kendall Titze 126 miles at \$78.75; John Florey 132 miles at \$82.50; Mike Scott 180 miles @ \$112.50.
- Approve personal miles driven for January 2023 at .655 per mile as follows: Kendall Titze 114 miles at \$74.67; John Florey 120 miles at \$78.60; Mike Scott 200 miles @ \$131.00.

All members present voting aye. Motion carried.

#### SURPLUS INVENTORY:

Moved by Commissioner Dennert, seconded by Gage to approve to surplus to the Landfill for disposal Snapper Snow Thrower/Auger Sheared and Sebo vacuum will use for parts from Maintenance department. All members voting aye. Motion carried.

#### CLAIM ASSIGNMENTS:

Moved by Commissioner Fjeldheim, seconded by Wiese 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.

#### LANDFILL TONNAGE REPORT:

Moved by Commission Gage, seconded by Wiese to acknowledge the Landfill Tonnage Report for January 2023. All members present voting aye. Motion carried.

#### 2023 UNION CONTRACT:

Moved by Commissioner Wiese, seconded by Gage to authorize and approve the Chairman to sign the 2023 Union Contract. Commissioner Sutton shared that he wanted to Thank Commissioner Wiese and Erica Coughlin, HR Director for all their work and time working with the Union to get a contract in place. All members present voting aye. Motion carried.

#### AUDITOR'S REPORT OF ACCOUNTS:

Moved by Commissioner Dennert, seconded by Fjeldheim to approve the Auditor's Report of Accounts of December 2022 as follows: Total Cash and Checks on Hand 7,700.00; Total Checking Account Balances 20,153,697.55; Total Savings Account Balances 3,400,447.42; Total Certificates of Deposit 3,979,550.72; Grand Total Cash & Balances 27,541,395.69. General Fund Cash and Investment Balances by Funds: General Fund 8,543,064.01; Road & Bridge Fund 3,072,426.25; Road & Bridge Fund – restricted 423,243.27; 911 Service 990,976.71; Emergency & Disaster 244,504.45; Domestic Abuse 795.00; Teen Court 329.99; Grant 32.11; JDAI 30,167.80; Richmond Youth Camp 0.00; 24/7 Sobriety 20,117.91; ROD M & P 106,856.19; American Rescue Plan Federal Grant 7,545,865.45; Rural Access Infrastructure 295,338.93; TIF Debt Service 1,081.66; Landfill + cash change 3,890,291.17; Landfill – restricted 1,400,479.44; Trust and Agency Funds 975,825.35; Grand Total General Fund Cash & Investments 27,541,395.69. All members present voting aye. Motion carried.

#### TRAVEL REQUESTS:

Moved by Commissioner Wiese, seconded by Gage to approve the Travel Request for Rachel Kippley and Fair Board Members for Zone 4 International Association of Fairs & Expos on March 19-21, 2023 in St. Cloud, MN

and John Florey, Dean Zumbaum and Josh Ulmer from Highway Department to attend Annual Asphalt Conference on February 15-16, 2023 in Oacoma, SD. All members present voting aye. Motion carried.

LEASE AGREEMENTS:

Moved by Commissioner Fjeldheim, seconded by Dennert to approve and authorize the Chair sign the following lease agreements: Randy Zens for lease of Club House for Graduation Reception on May 12, 2023; Justin Scepaniak for lease of Club House for Wedding Reception on June 3, 2023; Dacotah Prairie Museum for lease of Holum Expo Building for PickleBall Tournament on June 10, 2023; Heartland Association of Fairs, Festivals and Events for lease of Stage for Heartland Annual Convention on November 16-18, 2023. All members present voting aye. Motion carried.

OTHER BUSINESS: None

EXECUTIVE SESSION:

Moved by Commissioner Wiese, seconded by Gage to go into executive session to discuss Personnel per SDCL 1-25-2. All members present voting aye. Motion carried. The chair declared the executive session closed with no action taken.

ADJOURNMENT:

Moved by Commissioner Dennert, seconded by Wiese to adjourn the Brown County Commission meeting at 9:23 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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## FEBRUARY 14, 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:

Ben Fuller along with Trey Lester and Dana Lewis from Summit Carbon Solutions met with the Commission to give them an update on the project. He handed out a packet, which included a map of the route they have proposed that will be going over 5 states, North Dakota, South Dakota, Nebraska, Minnesota, and Iowa to help keep Ethanol viable as regulations come into play. In Brown County there are 2 sizes of pipe – 24” which is main pipeline that will be going up to Bismarck, ND where the carbon will be sequestered underground 1-2 miles as well as the 6” line that will be attaching to the Ethanol plant outside of Aberdeen. Ben mentioned that they are going above and beyond what is recommended for Safety by the Federal Government. Summit Carbon Solutions is still progressing on voluntary easements, currently 59.9% have agreed to voluntary easement and they have paid out 54 million to SD residents. Summit Carbon Solutions donated a welder to the Aberdeen School.

### MINUTES:

Moved by Commissioner Dennert, seconded by Wiese to approve the General Meeting minutes of February 7, 2023. All members present voting aye. Motion carried.

### CLAIMS/PAYROLL:

Discussion was held regarding the Aberdeen Chamber of Commerce dues for 2023. Commissioner Gage moved to approve dues for the following departments: Commission, Dacotah Prairie Museum, Fair/Fairgrounds and Landfill, seconded by Fjeldheim. All members present voting aye. Motion carried.

Moved by Commissioner Wiese, seconded by Gage to approve the following claims /payroll:

Claims: Professional Fees: Aberdeen Area Human Resource Assoc \$25.00; Avera St. Luke's \$1,089.24; Avera St. Mary's Central SD Child Assessment Center \$162.18; Birmingham & Cwach Law Offices, PLLC \$488.15; Calleen Thorn Misterek \$166.60; Certified Languages International LLC \$1,240.80; Dakota Group LLC \$2,100.00; Darcy Lockwood \$15.00; Dependable Sanitation Inc \$26,199.40; Koletzky Law Office, Prof LLC \$173.20; Language Line Services Inc \$582.59; Lewis & Clark BHS \$184.00; LexisNexis Risk Data Mgmt. Inc \$200.00; Lucy Lewno \$166.60; Sanford Health Occupational Medicine Aberdeen \$359.00; Satellite Tracking of People LLC \$1,166.75; SD Department of Health \$1,565.00; Valerie J. Larson \$15.00; West Publishing Corp \$283.30; Yankton County Sheriff's Office \$150.00; Yankton County Treasurer \$882.40. Publishing: Groton Independent \$233.45; Huether Brothers Publishing, Inc \$25.19; McQuillen Creative Group, Inc \$460.00. Rentals: Aramark Uniform & Career Apparel Group, Inc \$282.75; Dakota Electronics \$227.70. Repairs & Maintenance: Butler Machinery Company \$1,059.48; Century Business Products \$63.86; Dakota Pump & Control \$450.00; Diesel Machinery, Inc \$7,147.99; Jalene M. Palmer \$645.72; Lawson Products, Inc \$34.57; Meister Mowing LLC \$1,540.00; Pomp's Tire Service, Inc \$208.94; Precision Kiosk Technologies \$2,700.00; Renodry USA LLC \$17,634.73; Schwan Welding \$2,004.00; Steven Lust Automotive \$87.95; Thee Glass Doktor, LLC \$484.00; Transource Truck & Equipment, Inc \$6,372.91; Walth Safety Service Inc \$11.95; Woodman Refrigeration, Inc. \$732.56. Supplies: A&B Business Inc \$58.80; Aberdeen Awards \$35.00; Body Cams by Retired Cops \$1,197.00; Cartney Bearing \$166.40; Century Business Products \$837.38; Charm-Tex, Inc \$288.12; Cole Papers \$628.70; Dakota Electronics \$110.60; Dakota Oil \$8,610.15; Diesel Machinery, Inc \$16,760.58; Farm Power Mfg. \$34.65; House of Glass \$83.88; Karen Swank \$69.00; Kessler's \$157.01; Lawson Products, Inc \$409.59; Linde Gas & Equipment Inc \$129.79; Menards \$899.71; Performance Oil & Lubricants \$35.16; PharmChem \$223.65; Runnings \$576.51; Schwan Welding \$1,190.22; SD Dept of Revenue & Regulation \$8.20; SHI International Corp \$803.00; State of South Dakota \$196.00; Thee Glass Doktor, LLC \$699.19; Transource Truck & Equipment, Inc \$11,559.33; Tri State Water \$45.25. Travel & Conference: Rachel Kippley \$180.26; SD Assoc of County Officials \$220.00. Utilities: CenturyLink \$1,318.28; City of Aberdeen \$2,084.69; Economy Propane LLC \$3,012.75; James Valley Telecommunications \$219.10; Northern Electric Coop, Inc \$2,387.52; Northern Valley Communication \$250.00; Northwestern Energy & Communications \$5,389.04; Verizon Wireless

Services LLC \$200.05. Machinery & Equipment: SHI International Corp \$7,899.47. Others: SD Assoc of County Officials \$706.00; SD Dept of Agriculture & Natural Resources \$3,605.09; WEX Health Inc \$4,000.00. Payroll: Commission \$4,615.41; Auditor \$11,181.77; Treasurer \$16,601.86; SA \$30,116.46; Maintenance \$11,376.02; Assessor \$16,796.81; ROD \$9,932.80; VSO \$4,254.09; GIS \$2,643.52; IT \$6,145.17; HR \$5,001.68; Sheriff \$42,039.90; Jail \$62,024.94; Court Security \$7,003.80; JDC/HD \$31,719.93; Welfare \$2,336.49; DPM \$11,868.78; Parks/FG \$4,049.21; Fair \$4,107.20; 4-H \$786.80; W&P \$1,058.37; P&Z \$7,232.60; Hwy \$45,511.55; Dispatch \$31,208.47; EM \$4,933.61; 24/7 \$1,464.00; Landfill \$13,075.97; Mileage Benefits \$558.02; SDRS Pay-out \$1,240.46; FICA \$23,148.23; Medicare \$5,413.78; Discovery\_HSA \$1,297.59. 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, Erica Coughlin:

- Acknowledge modified end date: Employment ending for Danielle Watson as Brown County JDC Detention Officer, full-time; effective February 1, 2023. Request to fill.
- Acknowledge the transfer of Doreen Howell from Brown County Jail's 24/7 to Brown County Sheriff's Office Records Technician, full-time; starting wage \$18.73/hour; effective February 21, 2023. Request to fill.
- Acknowledge transfer of Austin Ball from Brown County Jail to Brown County Sheriff's Office Deputy, full-time, starting wage \$25.18/hour effective February 21, 2023. Request to fill.
- Approve hiring of Darrin Olson as Brown County Highway, Truck Driver, full-time; starting wage \$20.67/hour; effective February 13, 2023.

All members present voting aye. Motion carried.

#### LEASE AGREEMENTS:

Moved by Commissioner Gage, seconded by Dennert to approve and authorize the Chair sign the following lease agreement: Aberdeen Chamber of Commerce for lease of Hog and Sheep Barn and Panels on April 25, 2023; 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 Assignment against an individual to Credit Collections Bureau for the purpose of collecting liens. All members present voting aye. Motion carried.

#### FAIR CONTRACTS:

Moved by Commissioner Wiese, seconded by Fjeldheim to approve and authorize the Chairman to sign the following contract for the 2023 Brown County Fair: Todd Oliver @ \$8,000.00; The Everly Set @ \$8,000.00; Winterset Concert Events, LLC @ \$6,000.00; and NB Golf Cars @ \$25,716.00. All members present voting aye. Motion carried.

#### SD DOT BRIDGE INSPECTION CONTRACT:

Moved by Commissioner Wiese, seconded by Gage to approve and authorize Chairman Sutton to sign the Bridge Inspection Program Resolution for use with SDDOT Retainer Contracts. All members present voting aye. Motion carried.

#### ABATEMENTS/REFUNDS:

Moved by Commissioner Wiese, seconded by Fjeldheim to approve the following abatements for tax year 2023: Delbert Lowe, Parcel #5028 \$327.50; Richard Hunstad, Parcel #25943 \$586.18; Dietrich Holdings, LLC \$1,052.07; Dan & Barbara Kimball, Parcel #22257 \$86.74. For tax year 2022: Delbert Lowe, Parcel #5028 \$335.40. For Tax Year 2021: Delbert Lowe, Parcel #5028 refund for \$347.95. For Tax Year 2020: Delbert Lowe, Parcel #5028 refund for \$324.15. For Tax Year 2019: Delbert Lowe, Parcel #5028 refund for \$161.81. All members present voting aye. Motion carried.

#### RURAL ACCESS INFRASTRUCTURE – BUDGET SUPPLEMENT:

Moved by Commissioner Wiese, seconded by Gage to approve the Budget Supplement from Fund 295 – Rural Access Infrastructure Fund to Fund 201 – Highway Department for the following Culvert Projects: Groton



Township #1 - \$12,007.32, Groton Township #2 - \$11,990.54; Liberty Township #1 - \$13,369.77; Liberty Township #2 - \$13,467.79; Greenfield Township - \$12,396.69 for a total of \$63,232.11. All members present voting aye. Motion carried.

#### LANDFILL MONITORING & CONSULTING SERVICES:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve and authorize the Chairman to sign the contract with Houston Engineering for monitoring and consulting services for 2023. All members present voting aye. Motion carried.

#### TRAVEL REQUESTS:

Moved by Commissioner Dennert, seconded by Gage to approve the Travel Request for Lynn Heupel, Auditor and Mariann Malsom, Register of Deeds to attend New Officials Workshop in Pierre on April 18 – 20, 2023. All members present voting aye. Motion carried.

#### OTHER BUSINESS:

Commissioner Sutton was asked by Highway Superintendent, Dirk Rogers to announce load limits will be going on in the next couple of weeks. Edmunds County is implementing load limits on February 23<sup>rd</sup> and McPherson County is implementing load limits on February 24<sup>th</sup>.

Commissioner Sutton also shared that Commission received some information regarding the contract with Centennial Village. Sutton met with Centennial Village committee, and they were okay with all of the recommendations so they will be drafting a new contract (last one was in 2019).

#### EXECUTIVE SESSION:

Moved by Commissioner Wiese, seconded by Gage to go into executive session to discuss Personnel and Legal per SDCL 1-25-2. All members present voting aye. Motion carried. The chair declared the executive session closed with no action taken.

#### ADJOURNMENT:

Moved by Commissioner Wiese, seconded by Dennert to adjourn the Brown County Commission meeting at 10:04 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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## FEBRUARY 21, 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 Wiese 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: None

### BID – OVERLAY PROJECT (Co. Rd. 5)

Time and place as advertised to open, read and consider sealed bids for 2023 Brown County Surfacing Project which includes 3” Asphalt Concrete overlay for approximately 9 miles and Additional items as set forth in the Contract Documents. Bids were received from Bituminous Paving, Lien Transportation, Duininck, Inc. and Jensen Rock & Sand. Moved by Commissioner Wiese, seconded by Dennert to refer all the bids on Surfacing Project to Dirk Rogers, Highway Superintendent and IMEG for tabulation and recommendation. All members present voting aye. Motion carried.

### BID – ROAD OIL

Time and place, as advertised to open, read and consider bids for producing, furnishing and delivery of Road Oil to the Brown County System of Roads, F.O.B Brown County, SD for the following: Cutback Asphalt Road Oil – MC 70; Cutback Asphalt Road Oil – MC 3000; Emulsion Asphalt Road Oil – CSS1H. Bid was received from Jebro for MC70 @ \$1,269.53/ton; MC 3000 @ \$919.53/ton and CSS1H @ \$743.26/ton. Moved by Commissioner Wiese, seconded by Gage to award the bid for Road Oil to Jebro. All members present voting aye. Motion carried.

### BID – ASPHALT CONCRETE PLANT MIX

Time and place, as advertised to open, read and consider bids for producing, furnishing all material and delivery of Asphalt Concrete Plant Mix Materials for road maintenance and construction on Brown County System of Roads, F.O.B Brown County, South Dakota. Bids were received from Jensen Rock & Sand and Lien Transportation.

Business	Hot Mix Class D Type II (1/2 inch)	Hot Mix Class D Type I (3/4 inch)	Cold Mix Class D Type II (1/2 inch)	Cold Mix Class D Type 1 (3/4 inch)
Jensen Rock & Sand	\$93.00/ton	\$93.00/ton	\$175.00/ton	\$175.00/ton
Lien Transportation	\$92.75/ton	\$92.75/ton	N/A	N/A

Moved by Commissioner Wiese, seconded by Fjeldheim to award both of the bids to Jensen Rock & Sand and Lien Transportation based on availability and location. All members present voting aye. Motion carried.

### BID – GRAVEL

Time and place as advertised to open, read and consider sealed bids for furnishing and delivery of One (1) Years Supply of Road Construction and Maintenance Gravel Materials. Bids were received from Behnke Gravel, Jeff Hall, and HF Jacobs. Moved by Commissioner Wiese, seconded by Gage to refer all the bids to Dirk Rogers, Highway Superintendent for tabulation and recommendation. All members present voting aye. Motion carried.

### BID – RENTAL EQUIPMENT

Time and place, as advertised to open, read and consider sealed bids for furnishing Full Operation Rental Services of Gravel Trucks and Road Machinery for construction and maintenance repairs on Brown County Road Projects for the year 2023. Bids were received from B & B Contracting, HF Jacobs, Jensens Rock & Sand, Lien Transportation and Webster Scale. Moved by Commissioner Wiese, seconded by Dennert to refer all the bids to Dirk Rogers, Highway Superintendent for tabulation and recommendation. All members present voting aye. Motion carried.

### VACATE PLAT:

Commissioner Fjeldheim offered the following Resolution:

#### RESOLUTION #6-23

WHEREAS, Dwain Buntrock, presented an Application for Vacation of Plat legally identified as:

Tract 2, “Buntrock Tracts” in the NW ¼ of Section 5-T125N-R62W of the 5<sup>th</sup> P.M., Brown County, South Dakota (11848 395<sup>th</sup> Ave., Columbia)

WHEREAS, the granting of the request will not authorize the closing or obstruction of any public highway according to law, and all property taxes on such plat are paid.

NOW, THEREFORE, BE IT RESOLVED, the plat legally identified as Tract 2, “Buntrock Tracts” in the NW ¼ of Section 5-T125N-R62W of the 5<sup>th</sup> P.M., Brown County, South Dakota (11848 395<sup>th</sup> Ave., Columbia) is hereby vacated. Dated this 21<sup>st</sup> day of February 2023.

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

#### LOAD LIMITS:

Dirk Rogers, Highway Superintendent suggested load limits go into effect on March 3<sup>rd</sup> as the signs go up.

Commissioner Dennert offered the following Resolution as of March 3<sup>rd</sup>:

#### RESOLUTION #7-23

WHEREAS: Enforce Annual Seasonal Load Restrictions on over weight limits, over width load limits, and speed limits on Brown County Roads. All Brown County oil Roads are posted at 6-ton per axle and truck speed of 40 MPH, with the exception of Brown County Road #10, from Brown County Road #13 (Prairiewood Road) north 2.00 miles is posted at 12-ton gross load limit with truck speed at 40 MPH year-round.

WHEREAS: The Brown County Board of Commissioners request that the South Dakota Highway Patrol assist and enforce load restrictions on the posted gross limit per axle and truck speed at 40 MPH as posted by the Brown County Board of Commissioners during the spring thaw and breakup period that the roads are posted.

THEREFORE BE IT RESOLVED: That the Brown County Board of Commissioners authorizes the Brown County Highway Department Superintendent to work with the South Dakota Highway Patrol to reduce weight maximums due to the thawing and excessive moisture and until the roads are free of frost and become stable.  
SDCL 32-22-25

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

#### MINUTES:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the General Meeting minutes of February 14, 2023. All members present voting aye. Motion carried.

#### CLAIMS:

Moved by Commissioner Dennert, seconded by Wiese to approve the following claims: Insurance: Insurance Plus \$2,784.55. Professional Fees: Christy Griffin-Serr Law Office \$7,211.64; City of Aberdeen \$295.10; Civil Solutions LLC \$1,400.64; Cogley Law Office, Prof LLC \$7,211.64; Daniel L. Fox \$185.00; Darcy Lockwood \$22.50; Dohrer Law Office \$7,211.64; Horizon Health Care Inc \$375.44; IMEG Corp \$9,205.71; Jerald M. McNeary \$7,211.64; Jeremy Lund \$7,211.64; John Noyes \$7,211.64; Kuck Law Office \$7,211.64; Lutheran Social Services Inc \$215.72; Sanford Health Occupational Medicine Aberdeen \$316.00; SD Dept of Revenue & Regulation \$3,822.18; SDSU Extension \$100.45; Taliaferro Law Firm \$7,211.64; Valerie J. Larson \$22.50; Yankton County Treasurer \$135.00. Publishing: GateHouse Media California Holdings, Inc \$144.80; GateHouse Media South Dakota Holdings, Inc \$1,348.00; Heartland Assoc of Fairs, Festivals & Events \$400.00; Lee Enterprises \$20.00; The Argus Leader \$67.33. Rentals: Linde Gas & Equipment Inc \$49.70. Repairs & Maintenance: Boyer Trucks \$14.30; Day County Treasurer \$898.56; Ecolab Pest Elimination \$147.16; Fire Safety First LLC \$150.20; Leidholt Electric LLC \$6,293.82; Pierson-Ford-Lincoln-Mercury \$7,627.82; Sewer Duck Inc \$490.00; Steven Lust Automotive \$60.40; Whitmore Inc \$35.00; Woodman Refrigeration, Inc \$261.22. Supplies: Advance Stores Company, Inc \$655.22; Aramark Uniform & Career Apparel Group, Inc \$135.05;

Avera McKennan \$2,834.39; Boyer Trucks \$471.51; Burdette Security & Technologies, LLC \$340.00; Century Business Products \$395.86; Cole Papers \$1,539.58; Dakota Supply Group \$95.38; Daniel L. Fox \$2.85; Ellie Weinmeister \$38.33; GovConnection Inc \$1,708.50; Great Western States Supply, LLC \$945.00; Henry Fulda \$27.82; Karen Swank \$45.00; L.G. Everist, Inc \$2,570.49; Lar-Jo's Specialties \$411.82; Leidholdt Tool Sales LLC \$88.81; Little Falls Machine Inc \$422.09; Mac's Inc \$1,790.81; Menards \$353.49; Midstates Printing \$583.45; Northern Valley Communication \$27.60; PharmChem \$106.00; Pomp's Tire Service, Inc \$1,490.60; SD Dept of Revenue & Regulation \$42.60; Share Corp \$232.20; The Electric Company of SD \$1,725.00; Timothy C. Gardner \$16.00; West Publishing Corp \$1,839.44; Whitmore Inc \$97.94. Travel & Conference: Jill Crosby \$77.24; Morgan Bingham \$14.00; Rachel Kippley \$180.26; SD Sheriff's Assoc \$115.00. Utilities: City of Aberdeen \$286.25; City of Hecla \$235.03; Dependable Sanitation \$348.00; Midcontinent Communications \$139.17; Northern Electric Coop, Inc \$86.00; Northern Valley Communication \$3,818.37; Northwestern Energy & Communications \$4,543.87; Verizon Wireless Services LLC \$205.59; WEB Water Development Assoc. Inc \$101.47. Others: Aberdeen Development Corporation \$15,000.00; Avera St. Luke's \$25,000.00; Safe Harbor \$465.00; SD Dept of Revenue & Regulation \$873,063.09. All members present voting aye. Motion carried.

#### HR REPORT:

Moved by Commissioner Gage, seconded by Wiese to approve the following Human Resource Report submitted by Human Resources Director, Erica Coughlin:

- Acknowledge the resignation of Doug Rush, Brown County Assistant Build Maintenance Superintendent, full-time; effective February 10, 2023. Request to fill.
- Acknowledge modified start date: Transfer of Doreen Howell from Brown County Jail's 24/7 to Brown County Sheriff's Office Records Technician, full-time; starting wage \$18.73/hour; effective February 27, 2023. Request to fill.
- Acknowledge transfer of Caid Verzani from Brown County Jail Detention Officer to JDC Detention Officer; effective February 19, 2023.
- Acknowledge the resignation of Ben Smith, Brown County Deputy Sheriff, full-time; effective February 17, 2023. Request to fill.
- Approve hiring of Angel Sanchez as Brown County Jail Detention Officer, full-time; starting wage \$20.67/hour; effective February 20, 2023.
- Approve hiring Danny Caraballo as Brown County Jail Detention Officer, full-time; starting wage \$20.67/hour; effective February 20, 2023.

All members present voting aye. Motion carried.

#### LEASE AGREEMENTS:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve and authorize the Chair sign the following lease agreement: Brown County Sheriff's Office for lease of Richmond Youth Camp on June 23-25, 2023 and Child Evangelism Fellowship (CEF) of SD for lease of Richmond Youth Camp using the Lodge & Dorms on July 15-21, 2023; All members present voting aye. Motion carried.

#### FAIR CONTRACTS:

Moved by Commissioner Wiese, seconded by Gage to approve and authorize Rachel Kippley to sign the Contract with Super 8 Motels for Block of Rooms the week of the Brown County Fair, August 13-20, 2023. All members present voting aye. Motion carried.

#### NAME CHANGE OF BR. CO. 12 W.2

Sheriff, Dave Lunzman asked to have this deferred for a week so that 911 Services could do some more checking into this name change. Moved by Commissioner Wiese, seconded by Dennert to table this item for 1 week. All members present voting aye. Motion carried.

#### TRAVEL REQUESTS:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the Travel Request for Kristin Boeshans, DPM to deliver artwork to Midwest Art Conservation Center for restoration in Minneapolis, MN on February 24-27, 2023. All members present voting aye. Motion carried.

OTHER BUSINESS: None

EXECUTIVE SESSION:

Moved by Commissioner Fjeldheim, seconded by Dennert to go into executive session to discuss Personnel and Legal per SDCL 1-25-2. All members present voting aye. Motion carried. The chair declared the executive session closed with no action taken.

ADJOURNMENT:

Moved by Commissioner Dennert, seconded by Gage to adjourn the Brown County Commission meeting at 9:45 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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## FEBRUARY 28, 2023 – GENERAL MEETING

Meeting called to order by Vice-Chairman Fjeldheim at 8:45 A.M. in the Commission Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Dennert, Fjeldheim, Gage and Wiese. Absent was Commissioner Sutton. Commissioner Gage led the Pledge of Allegiance.

### APPROVAL OF AGENDA:

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

### OPPORTUNITY FOR PUBLIC COMMENT: None

### BID AWARD – OVERLAY PROJECT (Co. Rd. 5)

Dirk Rogers, Highway Superintendent met with the Commission to go over the Bid Tab Sheet for Overlay Project on Co. Rd. 5. Dirk recommended they go with Lien Transportation. Moved by Commissioner Dennert, seconded by Wiese to award bid, submitted by Lien Transportation for the Overlay Project on Co. Rd. 5 @ \$3,098,937.22. Rejecting bids submitted by Jensen Rock & Sand @ \$3,504,444.37, Duinink Inc. @ \$3,251,082.93, Bituminous Paving Inc. @ \$3,188,742.30. Complete tabulation sheet on file in the Auditor's Office (available for public inspection Mon. – Fri./8a - 5p). All members present voting aye. Motion carried.

### BID AWARD - RENTAL EQUIPMENT:

Moved by Wiese, seconded by Gage to award all bids on Rental Equipment based on location and availability, as per tabulation sheet on file in the Auditor's Office (available for public inspection Mon. – Fri./8a - 5p). All members present voting aye. Motion Carried.

### BID – GRAVEL

Moved by Wiese, seconded by Dennert to award all bids on Gravel based on location and availability, as per tabulation sheet on file in the Auditor's Office (available for public inspection Mon. – Fri./8a - 5p). All members present voting aye. Motion Carried.

### LOAD LIMITS:

Dirk Rogers, Highway Superintendent reminded everyone that load limits will go into effect this Friday, March 3<sup>rd</sup>.

### DACOTAH PRAIRIE MUSEUM (DPM) ANNUAL REPORT:

Patricia Kendall, DPM Director met with the Brown County Commissioners to give them an Annual Report. Patricia shared that 2022 was a great year, they updated the Lamont Gallery, remodeled the gift shop and the registration desk came from Carnegie Library. The average daily attendance is 53.3. They are open fewer days but more hours, example is now open on Saturday mornings. She shared that the school programs have increased by 25%, they have done 407 classroom visits. Upcoming events/exhibits include the Day of Champions in April, Thomas & Friends will be here this summer – they are working on updating the Children's Exhibit and Railroad Exhibit. The Foundation created a Scholarship for any Brown County Students that attend a College/University or Vocational School in South Dakota. Patricia also shared that she has a goal to build a Barn at Centennial Village for Collection Storage and will include a Visitor Center, Restrooms, Kitchenette and classroom space for their summer programs in the next 3-5 years.

### MINUTES:

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

### CLAIMS/PAYROLL:

Moved by Commissioner Dennert, seconded by Wiese to approve the following claims/payroll:

Claims: Professional Fees: Aberdeen Area Chamber of Commerce \$824.00; Birmingham & Cwach Law Offices, PLLC \$456.05; CenturyLink \$229.55; Northeastern Mental Health Center \$150.00; Tyler Technologies Inc \$1,040.00; US Bank \$1,494.47. Publishing: Groton Daily Independent \$222.41; McQuillen Creative Group, Inc \$826.00. Repairs & Maintenance: At Your Service Heating & Cooling \$771.58; Boyer Trucks \$15.66; Century Business Products \$79.93; Haar Plumbing & Heating Inc \$26,706.02; Heartland Heating and Cooling, LLC

\$6.58; Honeywell International Inc \$6,654.29; Hub City Roofing \$220.00; Motorola Solutions, Inc \$3,702.63; Olson's Pest Technicians \$595.00; Pumps Tire Service, Inc \$686.80; Sewer Duck Inc \$1,075.00; Share Corp \$64.48; Steven Lust Automotive \$90.25; US Bank \$1,430.04. Supplies: Aberdeen Chrysler Center \$318.74; AED Market \$1,750.00; Amazon Capital Services, Inc \$61.79; Boyer Trucks \$16.02; Heartland Heating and Cooling, LLC \$322.50; Marco Inc \$58.86; Menards \$31.76; Midstates Group \$47.75; Pheasantland Industries \$161.82; Plumbing & Heating Wholesale, Inc \$9.61; Share Corp \$436.74; Sioux Equipment \$1,859.91; US Bank \$18,121.06. Travel & Conference: Chris Hemen \$120.00; Dean Zumbaum \$48.00; Jerry Lehrkamp \$120.00; John Florey \$48.00; Joshua Ulmer \$48.00; Mike Rohrbach \$120.00; TEAM Consulting LLC \$150.00; US Bank \$703.00. Utilities: Dependable Sanitation Inc 165.00; Ecolab Pest Elimination \$105.45; Midcontinent Communications \$138.23; Montana Dakota Utilities Co \$43.48; Northwestern Energy & Communications \$14,140.41; US Bank \$5,036.66.

Payroll: Commission \$4,615.41; Auditor \$11,183.74; Treasurer \$16,567.00; SA \$30,685.05; Maintenance \$15,200.85; Assessor \$16,796.81; ROD \$9,932.80; VSO \$4,254.09; GIS \$2,643.52; IT \$6,085.86; HR \$5,001.68; Sheriff \$52,065.45; Jail \$60,978.11; Ct. Security \$6,578.90; JDC/HD \$29,873.80; Welfare \$2,336.49; Museum \$11,014.94; Parks/Fairgrounds \$4,907.15; Fair \$4,107.20; 4-H \$786.80; W&P \$2,610.13; P&Z \$7,232.60; Highway \$44,844.18; Dispatch \$30,941.64; EM \$4,933.61; \$24/7 \$1,516.10; Landfill \$13,278.94; FICA \$23,857.29; Medicare \$5,579.59; Discovery\_HSA \$1,297.59; Health Insurance\_Wellmark BCBS \$118,139.17; Dental Insurance\_Delta \$7,738.78; Life Insurance\_Dearborn \$1,023.74; Retirement\_SDRS \$49,843.21. All members present voting aye. Motion carried.

#### HR REPORT:

Moved by Commissioner Gage, seconded by Dennert to approve the following Human Resource Report submitted by Human Resources Director, Erica Coughlin:

- Wrong Information provided, should have been Savanna Simon and not Caid Verzani. Transfer of Savanna Simon from Brown County Jail Detention Officer to JDC Detention Officer; effective February 19, 2023.
- Acknowledge last day of employment for John Weig, Brown County Fairgrounds worker; effective January 20, 2023.
- Approve reclassification of Richard Burns as Brown County Fairgrounds seasonal help to part-time help; maximum of 1250 hours; \$15.50/hour; effective February 20, 2022.
- Holidays = Adding 8/10/12 hours holiday at regular pay. (Holiday hours depend on regularly scheduled shifts)

All members present voting aye. Motion carried.

ADJUSTMENT OF BROWN COUNTY HWY #12W AND 133<sup>rd</sup> STREET (with no directional letters):  
Commissioner Gage offered the following Resolution:

#### RESOLUTION #05-23

WHEREAS, it is deemed in the best interest of the people of Brown County that changes be made in the Brown County Highway System, Master Street Address Guide (MSAG), and

WHEREAS, the recommendation has been made to extend 133<sup>rd</sup> Street (with no directional letters) from Foot Creek location to US Hwy #281 bypass, to better serve the general public and address the public safety concerns, and

WHEREAS, 133<sup>rd</sup> Street will be in conjunction with the Brown County Hwy. #12W from the Brown County/Edmunds County border line to US Hwy #281 bypass, and

THEREFORE, BE IT RESOLVED that the Brown County Board of Commission extend 133<sup>rd</sup> Street (with no directional letters) from Foot Creek location to US Hwy #281 bypass and update all maps accordingly.

CONTINUATION OF 133<sup>rd</sup> STREET – in the SE ¼ of Section 15-T123N-R64W including KABR Outlot 1, except Lots H2 and H3, except that portion of the SE ¼ lying south of the railroad right-of-way, described as Lien Outlot A, Lien Outlot B and Lot 2 Keeley Land Subdivision, and that portion used for right-of-way of US Hwy #12, and except right-of-way in Book 110, Page 412 lying north of 66' wide from Railroad right-of-way, and Lots H1, H2, H3

used for County Highway, except the right-of-way of the Chicago, Milwaukee, St. Paul and Pacific Railway, all in Brown County South Dakota.

The proposed legal description on a current plat submitted to the February 28, 2023, Planning Commission meeting at 7:00pm is Lots 1-3, "Delbert and Caroline Lowe First Addition" in the SE ¼ of Section 15-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota.

Dated this 28<sup>th</sup> day of February 2023.

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

#### LEASE AGREEMENTS:

Moved by Commissioner Wiese, seconded by Dennert to approve and authorize the Vice-Chairman sign the following lease agreement: Hub City Radio for lease of Holum Expo Building on March 25-26, 2023 for Big Boy Toy Show. All members present voting aye. Motion carried.

#### 2022 OPERATIONAL REPORT/AIR EMISSION:

Moved by Commissioner Wiese, seconded by Gage to authorize and approve Vice-Chairman sign the 2022 Operational Report for Air Emission at the Brown County Landfill. All members present voting aye. Motion carried.

#### ABATEMENTS:

Moved by Commissioner Wiese, seconded by Gage to approve the following abatements for tax year 2023: Lamont Enterprises, Parcel #18105, \$723.20 – Parcel #30640, \$10.04 – Parcel #30641, \$10.34; Stiles & Byron LLC, Parcel #29059, \$15.95; Park Village, Parcel #28834, \$20.55. All members present voting aye. Motion carried.

#### OTHER BUSINESS:

Auditor Heupel informed the Commissioners that the Lake Region Meeting to be held on March 16th in Webster at the Day County Courthouse.

Commissioner Gage reminded everyone the Planning & Zoning meeting that was postponed due to weather last week will be held tonight (Feb. 28<sup>th</sup>) at 7pm.

Commissioner Wiese shared that Saturday is the final Cracker Barrel Session.

EXECUTIVE SESSION: None

#### ADJOURNMENT:

Moved by Commissioner Wiese, seconded by Dennert to adjourn the Brown County Commission meeting at 9:39 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

Published March 8, 2023, at the total approximate cost of \$\_\_\_\_\_ and may be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com).



## MARCH 7, 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 and Sutton. Absent was Commissioner Wiese. Commissioner Dennert led the Pledge of Allegiance.

**APPROVAL OF AGENDA:** Commissioner Fjeldheim moved to approve the agenda, seconded by Dennert. All members present voting aye. Motion carried.

**OPPORTUNITY FOR PUBLIC COMMENT:** None

### RIVER BANK AT TACOMA PARK:

Chad Pray met with Brown County Commissioners asking for some assistance regarding the River Bank that is eroding about 100 yards North of his Farm. When it breaks the water will go back North to County Line. Chad is looking for some assistance to help get it rip rapped and bank built back up. Chad got bids from Schmidt Construction and Hanlon's – they have different plans on how to handle it. Commissioner Sutton asked about James River Water District (JRWD) - Chad has contacted them and they will give some assistance but says it needs to be spearheaded at the County level. Dirk Rogers, Highway Superintendent is not committing anyone to this project currently. Commissioner Fjeldheim thinks that JRWD should be the ones to handle this because it is the River Bank and not pertaining to a County Road like it has in the past. Commissioner Sutton will contact JRWD and see what extend they are willing to participate to help the Commission decide on what they want or are able to do and he will let everyone know what he finds out.

### MINUTES:

Moved by Commissioner Fjeldheim, seconded by Gage to approve the General Meeting minutes of February 28, 2023. All members present voting aye. Motion carried.

### CLAIMS/PAYROLL:

Moved by Commissioner Dennert, seconded by Gage to approve the following claims: Professional Fees: A to Z World Languages \$250.00; Aberdeen Flying Service \$1,545.00; Active Data Systems \$17,570.00; Bakken Building Maintenance \$500.00; Birmingham & Cwach Law Offices, PLLC \$995.48; Borns Group \$340.00; Darcy L. Lockwood \$12.00; DEVNET \$3,445.31; Faulk County Sheriff's Office \$3,780.00; Fox Law Firm, PLLC \$150.00; Helms & Associates \$1,106.96; Karpel Solutions \$7,425.00; Lucy Lewno \$81.50; Northeastern Mental Health Center \$1,170.00; Professional Rodeo Cowboys Association \$1,250.00; Sanford Health Occupational Medicine Aberdeen \$314.00; Schneider Geospatial, LLC \$2,703.00; South Dakota Junior Point Show \$300.00; Valerie J. Larson \$12.00; Yankton County Sheriff's Office \$150.00. Publishing: GateHouse Media South Dakota Holdings, Inc \$21.24; Hub City Radio \$1,500.00. Rentals: Hart Angus Farms \$1,500.00; Eugene Mitchell \$50.00. Repairs & Maintenance: Anderson Electric \$3.98; Big Scoop Snow Removal \$2,000.00; Crawford Trucks & Equipment \$4,074.25; Dakota Electronics \$150.00; Dakota Fluid Power \$309.33; Graham Tire Aberdeen \$1,516.96; Hase Plumbing, Heating & Air Conditioning, Inc \$1,779.44; J & K Painting \$487.52; K & S Plumbing, Inc \$4,520.72; Lawson Products, Inc \$14.19; Lien Transportation Company \$3,087.50; Northstar Safety, Inc \$30.15; Pheasantland Industries, Garment Division \$56.36; Pierson Ford Lincoln, Inc \$73.94; RDO Equipment Co \$15,669.90. Supplies: Agtegra Cooperative \$20,109.67; Anderson Electric \$195.00; Bimbo Foods USA, Inc \$892.00; Borns Group \$11,770.17; Butler Machinery Company \$1,213.53; Century Business Products \$347.62; Charm-Tex, Inc \$1,073.40; Cole Paper Inc 55.59; Crawford Trucks & Equipment \$4,468.99; Dakota Fluid Power \$2,057.26; Danny Caraballo \$45.96; East Side Jersey Dairy Inc \$1,883.15; Farm Power Mfg \$149.40; Fastenal Company \$218.18; Fox Law Firm, PLLC \$2.85; Full Circle Ag \$3,471.90; Interstate Battery System of South Dakota \$140.95; Kiesler's Police Supply \$1,878.90; Lawson Products, Inc \$168.08; Liedholdt Tool Sales, LLC \$101.36; Menards \$492.39; Northstar Safety, Inc \$255.00; Pantorium Cleaners Inc \$84.00; Performance Oil \$242.40; Pheasantland Industries, Garment Division \$1,948.00; Plumbing & Heating Wholesale, Inc \$511.36; Pro Ag Supply, Inc \$103.19; RDO Equipment Co \$1,676.72; Runnings \$196.64; SD Department of Health \$240.00; Simon Solutions, Inc \$162.00; South Dakota Law Review \$35.00; US Foods \$11,002.37; Volk Upholstery \$250.00; Wallwork Truck Center, Inc \$247.48. Travel & Conference: Professional Development Academy, LLC \$1,995.00; Ramkota Hotel & Conference Center \$405.00; SDAE4-HP \$65.00. Utilities: AT&T Mobility \$141.27; City of Aberdeen \$1,506.43; Dakota Electronics \$90.00; Midcontinent Communications \$163.80; Northwestern Energy \$12,486.37; Town of Frederick \$76.00. Machinery & Equipment: Vosika Fencing \$43,835.00. Others: SD DANR \$2,908.74. All members present voting aye. Motion carried.

#### HR REPORT:

Moved by Commissioner Fjeldheim, seconded by Dennert to approve the following Human Resource Report submitted by Human Resources Director, Erica Coughlin:

- Employment ending for Fadia Champlain, Brown County JDC Sergeant, full-time; effective February 28, 2023. Request to fill.
- Acknowledge resignation of Laura Dixon, Brown County Jail Detention Officer, full-time; effective February 28, 2023. Request to fill.
- Approve promotion of Gavin Wright, from Brown County Sheriff's Deputy to Sheriff's Investigator; starting wage \$29.21/hour; effective March 1, 2023. Request to fill.
- Approve personal miles driven for February 2023 at .655 per mile as follows: Kendall Titze 96 miles at \$62.88; John Florey 96 miles at \$62.88; Mike Scott 130 miles @ \$85.15.

All members present voting aye. Motion carried.

#### TRAVEL REQUESTS:

Moved by Commissioner Gage, seconded by Fjeldheim to approve the Travel Request for Lynn Heupel, Auditor and Mariann Malsom, Register of Deeds to attend Lake Region District Meeting in Webster on March 16, 2023 and Patricia Kendall, DPM to attend SD Nonprofit Capacity Building Fundraising School in Sioux Falls on March 6-9, 2023. All members present voting aye. Motion carried.

#### SPECIAL MALT BEVERAGE LICENSE HEARING:

Moved by Fjeldheim, seconded by Dennert to authorize advertising a public hearing to be held in the Commissioners Chambers, Courthouse Annex, Brown County, SD on March 21, 2023 to consider the following application for Special Malt Beverage License, submitted by Boys & Girls Club of Aberdeen Area, Aberdeen, SD – Holum Expo Building, SW ¼ of Sec 1-T123N Brown County, SD. Special License effective March 31 – April 1, 2023. All members present voting aye. Motion carried.

#### LEASE AGREEMENTS:

Moved by Commissioner Dennert, seconded by Fjeldheim to approve and authorize the Chairman sign the following lease agreement: Michael & Kathy Harrison for lease of Club House on Sept. 9, 2023 for Wedding Reception. All members present voting aye. Motion carried.

#### ZONING ORDINANCES - SET HEARING DATE/AUTHORIZE ADVERTISING:

Moved by Commissioner Gage, seconded by Fjeldheim to set hearing date and authorize advertising for first reading of the following zoning ordinances to be held March 21, 2023 in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Proposed Ordinance 241, applicants Adam & Ashley Borg requesting to move from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring these parcels into compliance: "Quiggle's Outlot 1" in the NW ¼ of Section 12-T123N-R61W of the 5th P.M., Brown County, South Dakota (13149 406<sup>th</sup> Ave., Groton Twp); Proposed Ordinance 242, applicant Colleen Callum for owners Delbert & Caroline Lowe requesting to move from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring these parcels into compliance: Proposed Lot 1, "Delbert & Caroline Lowe First Addition" in the SE ¼ of Section 15-T123N-R64W of the 5th P.M., Brown County, South Dakota (2568 Brown Co. 12W, Aberdeen Twp.); All members present voting aye. Motion carried.

#### PLAT:

##### Resolution #08-23

Commissioner Fjeldheim brought the following resolution: "Be it resolved by the Board of County Commissioners of Brown County, South Dakota, that the plat showing "Delbert & Caroline Lowe First Addition in the SE ¼ of Section 15-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.

#### LANDFILL TONNAGE REPORT:

Moved by Commission Gage, seconded by Fjeldheim to acknowledge the Landfill Tonnage Report for February 2023. All members present voting aye. Motion carried.

#### AUDITOR'S REPORT OF ACCOUNTS:

Moved by Commissioner Dennert, seconded by Fjeldheim to approve the auditor report of accounts of January 2023 as follows: January total cash and checks on hand 7,700.00; Total Checking Account Balances: 21,378,367.87; Total Savings Account Balances: 3,400,447.42; Total Certificates of Deposit: 3,979,550.72; Grand Total Cash and Balances: 28,766,066.01; General fund cash and investment balances by funds: General Fund 7,923,736.19; Road & Bridge Fund 3,128,211.75 Road & Bridge Fund - restricted 423,243.27; 911 Service 901,582.25; Emergency & Disaster 225,699.39; Domestic Abuse 468.26; Teen Court 291.22; Grant 32.11; JDAI 31,738.94; Richmond Youth 0.00; 24/7 Sobriety 17,506.68; ROD M&P 107,743.92; American Rescue Plan Federal Grant 7,551,800.75; Rural Access Infrastructure 295,534.81; Tif Debt Service 1,254.69; Landfill + cash change 3,888,850.90; Landfill - restricted 1,400,479.44; Trust and Agency Funds 2,867,891.44. All members present voting aye. Motion carried.

#### OTHER BUSINESS:

Commissioner Gage wanted to say Thank-you to the agencies that were involved in rescuing a family that was lost in the storm last week. Agencies involved were Aberdeen Flying Service, Careflight, Frederick Fire Department, Brown County Sheriff, Emergency Mgmt., E-911 Services/Dispatch and Highway Departments.

#### EXECUTIVE SESSION:

Moved by Commissioner Fjeldheim, seconded by Gage to go into executive session to discuss Personnel and Legal per SDCL 1-25-2. All members present voting aye. Motion carried. The chair 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 9:45 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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## MARCH 14, 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, Wiese, Gage, and Sutton. Commissioner Fjeldheim led the Pledge of Allegiance.

**APPROVAL OF AGENDA:** Commissioner Fjeldheim moved to approve the agenda, seconded by Gage. All members present voting aye. Motion carried.

**OPPORTUNITY FOR PUBLIC COMMENT:** None

### MINUTES:

Moved by Commissioner Wiese, seconded by Gage to approve the General Meeting minutes of March 7, 2023. All members present voting aye. Motion carried.

### CLAIMS/PAYROLL:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the following claims: Professional Fees: Adamsoft LLC \$1,750.00; AgTerra Technologies, Inc \$300.00; Aspire, Inc \$10,000.00; Avera Medical Group Radiology \$174.77; Avera medical Group University Psychiatry Associates \$4,875.00; Barnett Vision Center LLP \$127.35; Certified Languages International LLC \$1,027.95; Cogley Law Office, Prof LLC \$3,879.90; Dependable Sanitation, Inc \$23,318.00; Horizon Health Care, Inc \$419.30; IMEG Corp \$12,009.11; Language Line Services, Inc \$119.95; Lewis & Clark BHS \$552.00; LexisNexis Risk Data Mgt, LLC \$200.00; Live, Inc \$720.00; Minnehaha County, SD \$11,133.07; Sanford Aberdeen Cardiology \$8.08; Sanford Aberdeen ED \$166.64; Sanford Acute Care Aberdeen \$90.08; Sanford Clinic Aberdeen \$183.40; Sanford Clinic Radiology-North Center 350.06; Sanford Health Occupational Medicine \$361.00; Sara J. Zahn \$62.70; Satellite Tracking of People, LLC \$1,257.75; Schriver's Memorial Mortuary, Inc \$1,995.00; SD Dept of Health \$1,540.00; SD Dept of Labor and Regulation \$25.00; SD Dept of Public Safety \$6,150.00; SD Dept of Revenue \$2,780.02; SD Dept of Transportation \$12,115.36; SDACES \$15.00; Thomson Reuters-West Payment Center \$283.30; Thurman Law Office \$257.75; Yankton County Sheriff's Office \$50.00; Yankton County Treasurer \$826.05. Publishing: Groton Daily Independent \$276.28; Production Monkeys \$900.00. Rentals: Aramark \$225.20; Linde Gas & Equipment Inc \$49.70. Repairs & Maintenance: Century Business Products \$156.65; Custom Installation Solutions \$25.00; Diesel Machinery, Inc \$7,690.95; Jasper Weller LLC \$123.33; K & S Plumbing, Inc \$3,116.68; Kirk's Auto Repair \$304.23; Kramp Enterprise and Investment \$39,947.55; Leidholt Electric, LLC \$1.43; Lien Transportation Company \$846.25; Pantorium Cleaners Inc \$235.96; Pheasantland Industries, Garment Division \$14.55; Pierson Ford Lincoln, Inc \$233.52; Pomp's Tire Service, Inc \$415.82; RDO Equipment Co \$5,900.00; Schroeder Construction Inc \$389,460.35; Sewer Duck, Inc \$500.00; Transource Truck & Equipment, Inc \$9,869.79; Woodman Refrigeration, Inc \$1,505.22. Supplies: Auto Value Aberdeen \$211.24; Cartney Bearing \$210.92; Century Business Products \$5,142.02; Cole Paper Inc \$3,611.83; Dakota Oil \$898.10; Dakota Supply Group \$866.67; Diesel Machinery, Inc \$1,706.46; Jasper Weller LLC \$2,652.23; Karen Swank \$63.00; Kessler's \$11.96; Leidholt Electric, LLC \$70.00; Linde Gas & Equipment Inc \$111.94; Menards \$104.75; Midstates Group \$477.80; PharmChem, Inc \$255.60; Pheasantland Industries, Garment Division \$147.00; Plumbing & Heating Wholesale, Inc \$1,042.71; Runnings \$1,369.85; Sander's Sew-N-Vac \$329.90; Transource Truck & Equipment, Inc \$2,233.68; WEB Water Bottling Company \$37.50. Travel & Conference: Bill Donaldson \$6.12; City of Winner \$151.40; Dave Lunzman \$468.00; Duane Jark \$18.87; Karpel Solutions \$325.00. Utilities: CenturyLink \$1,436.77; City of Aberdeen \$415.26; Economy Propane, LLC \$3,159.00; James Valley Telecommunications \$209.10; Midcontinent Communications \$85.39; Northern Electric \$1,139.46; Northwestern Energy \$4,497.81; NVC \$250.00; State of South Dakota \$126.87; Verizon Wireless \$160.04; WEB Water Development Association, Inc \$116.34. Others: Safe Harbor \$370.00; SD Dept of Revenue \$786,744.44. Payroll: Commission \$4,615.41; Auditor \$11,144.00; Treasurer \$16,849.09; SA \$30,476.14; Maintenance \$10,133.04; Assessor \$16,796.81; ROD \$9,932.80; VSO \$4,254.09; GIS \$2,643.52; IT \$6,051.42; HR \$5,001.68; Sheriff \$45,531.84; Jail \$69,215.43; Court Security \$7,608.29; JDC/HD \$36,036.74; Welfare \$2,336.49; Museum \$10,928.74; Parks/Fairgrounds \$5,135.01; Fair \$4,107.20; 4-H \$786.80; Weed \$1,240.93; P&Z \$7,278.67; Highway \$57,304.50; Dispatch \$34,493.92; EM \$4,933.61; 24/7 \$1,508.79; Landfill \$13,664.01; Mileage Benefits \$210.91; SDRS Pay-out \$767.34; FICA \$24,998.68; Medicare \$5,846.42; Discovery HSA \$1,421.17. All members present voting aye. Motion carried.

### HR REPORT:

Moved by Commissioner Dennert, seconded by Gage to approve the following Human Resource Report submitted by Human Resources Director, Erica Coughlin:

- Acknowledge resignation of Ernest Thompson, Brown County States Attorney, effective May 12, 2023.
- Acknowledge retirement of Kristal Koens, Brown County JDC Detention Officer, full-time; effective April 9, 2023. Request to fill.
- Approve hiring of Denica Walker as Brown County Jail Detention Officer, full-time; starting wage \$20.67/hour; effective March 6, 2023.
- Approve hiring of Logan Flack as Brown County 911 Communications Officer, full-time; starting wage \$20.67/hour; effective March 13, 2023.
- Approve hiring of Mark Milbrandt as Brown County Landfill Grounds Worker, part-time; starting wage \$18.55/hour; effective March 20, 2023.
- Approve hiring of Hosea Kleinsasser as Brown County Landfill Heavy Equipment Operator, full-time; starting wage \$22.82/hour; effective March 14, 2023.

All members present voting aye. Motion carried.

#### ZONING ORDINANCES - SET HEARING DATE/AUTHORIZE ADVERTISING:

Moved by Commissioner Wiese, seconded by Gage to set hearing date and authorize advertising for first reading of the following zoning ordinance to be held March 28, 2023, in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Proposed Ordinance 243, amending portions of Title 4 Zoning, Chapters 4.01 Definitions, 4.06 Agriculture Preservation District (AG-P), Chapter 4.07 Mini-Ag District (M-AG), 4.15 Light Industrial District (L-I), and Chapter 4.16 Heavy Industrial District (H-I). The proposed ordinance will be made available for public inspection at the Brown County Auditor's Office or Brown County Planning and Zoning Office during regular business hours. All members present voting aye. Motion carried.

#### LEASE AGREEMENTS:

Moved by Commissioner Fjeldheim, seconded by Dennert to approve and authorize the Chairman sign the following lease agreement: Aberdeen Area Humane Society for lease of Holum Expo Building on April 29-30, 2023 for Second Paw Spring Sale. All members present voting aye. Motion carried.

#### CHEMICAL BID:

Moved by Dennert, seconded by Wiese to authorize advertising public hearing to open, read and consider bids for weed and pest chemical at 8:45 a.m., on April 4, 2023, in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Specifications are online brown.sd.us and on file in the Brown County Auditor's Office. All members present voting aye. Motion carried.

#### FAIR CONTRACTS:

Moved by Gage, seconded by Wiese to approve and authorize Chairman Sutton to sign agreement with Darrin Olson to provide sanitation services for Grandstand and Racetrack Area during the County Fair as recommended by the Brown County Fair Board in the amount of \$5,600.00, and an entertainment contract for the 2023 Brown County Fair (names confidential until official press release). All members present voting aye. Motion carried.

#### LIQUOR LICENSE HEARING:

Moved by Fjeldheim, seconded by Dennert to authorize advertising a public hearing to be held in the Commissioners Chambers, Courthouse Annex, Brown County, SD on March 28, 2023, to consider the following application for Retail (on-off sale) Malt Beverage & SD Farm Wine License, submitted by Tonya & Shane Reich DBA: Richmond Pavilion LLC at 12805 S. Shore Dr., Aberdeen, SD – Richmond Resort Outlot 2, NE ¼ of Section 25-T124N-R65W of the 5<sup>th</sup> P.M., Brown County, SD. All members present voting aye. Motion carried.

#### OTHER BUSINESS:

Stacy Gossman and Janine Rathert inquired about liquor license availability for the remainder of 2023, and the application process and timelines for 2024. No action taken.

#### EXECUTIVE SESSION:

Moved by Commissioner Wiese, seconded by Dennert to go into executive session to discuss Legal per SDCL 1-25-2. All members present voting aye. Motion carried. The chair declared the executive session closed with no action taken.

ADJOURNMENT:

Moved by Commissioner Dennert, seconded by Wiese to adjourn the Brown County Commission meeting at 9:19 a.m. All members present voting aye. Motion carried.

Janel Hettich, Brown County Chief Deputy Auditor

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## MARCH 21, 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, Wiese, Gage, and Sutton. Commissioner Wiese led the Pledge of Allegiance.

### APPROVAL OF AGENDA:

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

### OPPORTUNITY FOR PUBLIC COMMENT: None

### SPECIAL MALT BEVERAGE

Moved by Commissioner Wiese, seconded by Fjeldheim to approve and authorize Chairman Sutton to sign the application for Special Event Malt Beverage for Boys & Girls Club of Aberdeen Area on March 31, 2023 to April 1, 2023 for Bull Riding Classic at Holum Expo Building. All members present voting aye. Motion carried.

### ORDINANCE #241 – FIRST READING:

Moved by Commissioner Fjeldheim, seconded by Dennert to approve the First Reading of Proposed Ordinance #241. Applicants Adam & Ashley Borg requesting to rezone from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring parcels into compliance: “Quiggle’s Outlot 1” in the NW ¼ of Section 12-T123N-R61W of the 5th P.M., Brown County, South Dakota (13149 406<sup>th</sup> Ave., Groton Twp.). All members present voting aye. Motion carried.

### ORDINANCE #242 – FIRST READING:

Moved by Commissioner Gage seconded by Dennert to approve the First Reading of Proposed Ordinance #242. Applicants Colleen Callum for owners Delbert and Caroline Lowe requesting to rezone from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring these parcels into compliance for its future use: Proposed Lot 1, “Delbert and Caroline Lowe First Addition” in the SE ¼ of Section 15-T123N-R64W of the 5th P.M., Brown County, South Dakota (38556 133<sup>rd</sup> St.). All members present voting aye. Motion carried.

### MEMORANDUM OF UNDERSTANDING (MOU) WITH ABERDEEN CITY ON TAX DEED PROPERTIES:

Moved by Commission Fjeldheim, seconded by Wiese to approve and authorize Chairman Sutton to sign the MOU between Brown County and Aberdeen City to share Nuisance Abatement Costs for Tax Deed Properties. All members present voting aye. Motion carried.

### MINUTES:

Moved by Commissioner Dennert, seconded by Wiese to approve the General Meeting minutes of March 14, 2023. All members present voting aye. Motion carried.

### CLAIMS/PAYROLL:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the following claims: Professional Fees: Avera St. Luke's \$376.89; Avera LTC Pharmacy Aberdeen \$2,313.98; CGI, LLC \$361.25; Christy Griffin-Serr Law Office \$7,211.64; Cogley Law Office, Prof LLC \$7,211.64; Credit Collections Bureau/Credico Inc \$1,181.58; Darcy L. Lockwood \$60.00; Dohrer Law Office \$7,211.64; Emergency Service Marketing Corp, Inc \$5,176.75; Faulk County Sheriff's Office \$3,330.00; Fox Law Firm, PLLC \$162.85; 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 \$7,213.04; Lucy Lewno \$480.00; Mark Katterhagen \$45.00; Minnehaha County, SD \$9,765.35; Sanford Health Occupational Medicine \$756.00; SDSU Extension \$92.40; Taliaferro Law Firm \$7,211.64; Tyler Technologies Inc \$520.00; Valerie J. Larson \$15.00. Publishing: Gatehouse Media South Dakota Holdings, Inc \$1,071.89; Groton Daly Independent \$424.37. Repairs & Maintenance: Aberdeen Chrysler Center \$860.00; Anderson Electric \$2.14; Century Business Products \$38.03; Dakota Doors Inc \$180.61; Dakota Pump & Control \$3,821.44; Ecolab Pest Elimination \$117.60; Graham Tire Inc \$17.77; Hoven Auto Repair Inc \$635.05; K & S Plumbing, Inc \$1,356.64; Lien Transportation Company \$1,675.00; Little Falls Machine Inc \$253.99; Motorola Solutions, Inc \$38,426.72; Northstar Safety, Inc \$18.50; Thee Glass Doktor, LLC \$300.00. Supplies: Aberdeen Chrysler Center \$787.88; Aberdeen Fire & Rescue \$986.00; Advance Auto Parts \$493.12;

Anderson Electric \$105.00; Aramark \$135.05; Avera Pharmacies \$10.00; Century Business Products \$170.21; Cole Paper Inc \$496.50; Dakota Supply Group \$1,135.70; Faulkton Pharmacy, Inc \$18.15; Great Western Tire Inc \$4,107.06; Little Falls Machine Inc \$911.32; Lucy Lewno \$16.80; Mac's Inc-Capital One Trade Credit \$644.71; Matheson Tri-Gas, Inc \$2,984.30; Menards \$369.20; Midstates Group \$1,149.71; Northstar Safety, Inc \$60.00; NVC \$28.22; Performance Oil \$471.73; Quality Welding \$731.78; SD Dept of Health \$150.00; Share Corp \$751.80; Titan Machinery Inc-Aberdeen Case IH \$10.30. Travel & Conference: Bill Donaldson \$6.12; Duane Jark \$18.87; John Florey \$92.00; Nick Juenger \$92.00; SD Assoc of County Commissioners \$220.00. Utilities: AT&T Mobility \$43.23; City of Aberdeen \$619.36; City of Hecla \$246.44; Dependable Sanitation \$513.00; Northwestern Energy \$4,694.17; NVC \$3,818.09; Verizon Wireless \$4,131.23. All members present voting aye. Motion carried.

#### HR REPORT:

Moved by Commissioner Gage, seconded by Wiese to approve the following Human Resource Report submitted by Human Resources Director, Erica Coughlin:

- Acknowledge resignation of Alexander Engel, Brown County JDC Detention Officer, FT, effective March 14, 2023. Request to fill.
- Modified start date: hiring Mark Milbrandt as Brown County Landfill Grounds Worker, PT; starting wage \$18.55/hour; effective March 15, 2023.
- Approve hiring Sierra Kamin as Brown County Jail Detention Officer, PT, starting wage \$16.76/hour; effective March 16, 2023.
- Approve hiring Brian Koens, as Brown County Jail Transport Driver, as needed; effective March 15, 2023.
- Approve promotion of Brett Wilson from Brown County Jail Detention Officer to Jail Shift Sergeant; starting wage \$25.18/hour; effective March 19, 2023.
- Approve promotion of Troy Knebel from Brown County JDC Detention Officer to JDC Shift Sergeant, starting wage \$25.18/hour; effective March 19, 2023.
- Approve the following Holidays off to follow the State: Good Friday, April 7, 2023 and Easter Monday, April 10, 2023.

All members present voting aye. Motion carried.

#### LEASE AGREEMENTS:

Moved by Commissioner Wiese, seconded by Dennert to approve and authorize the Chairman sign the following lease agreements: Mosbrucker Rodeo for lease of Holum Expo Building and Expo Addition on March 31 – April 1, 2023 for Bullorama and American Foundation for Suicide Prevention for lease of Holum Expo Building on September 8, 2023 for Out of Darkness Fundraiser. All members present voting aye. Motion carried.

#### TRAVEL REQUESTS:

Moved by Commissioner Gage, seconded by Fjeldheim to approve the following Travel Requests: John Florey & Nick Juenger go to Fargo, ND for ATTSA Conference on March 13-15, 2023 and Dirk Rogers go to Deadwood, SD for Superintendents Short Course on March 21-23, 2023. All members present voting aye. Motion carried.

#### OTHER BUSINESS: None

#### EXECUTIVE SESSION:

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

#### ADJOURNMENT:

Moved by Commissioner Wiese, seconded by Dennert to adjourn the Brown County Commission meeting at 9:43 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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## MARCH 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, Wiese, Gage, and Sutton. Commissioner Gage led the Pledge of Allegiance.

### APPROVAL OF AGENDA:

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

### OPPORTUNITY FOR PUBLIC COMMENT: None

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

Moved by Commissioner Wiese, seconded by Gage to approve and authorize Chairman Sutton to sign the application for Retail (On-Off Sale) Malt Beverage & SD Farm Wine License for Tonya & Shane Reich DBA: Richmond Pavilion, LLC at 12805 S. Shore Dr., Aberdeen, SD - Richmond Resort Outlot 2, NE ¼ of Section 25-T124N-R65W of the 5<sup>th</sup> P.M., Brown County, SD. All members present voting aye. Motion carried.

### ORDINANCE #241 – SECOND READING & ADOPTION:

Moved by Commissioner Fjeldheim, seconded by Dennert to adopt Ordinance #241. Applicants Adam & Ashley Borg requesting to rezone from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring parcels into compliance: “Quiggle’s Outlot 1” in the NW ¼ of Section 12-T123N-R61W of the 5<sup>th</sup> P.M., Brown County, South Dakota (13149 406<sup>th</sup> Ave., Groton Twp.). All members present voting aye. Motion carried.

### ORDINANCE #242 – SECOND READING & ADOPTION:

Moved by Commissioner Wiese seconded by Gage to adopt Ordinance #242. Application filed by Colleen Callum for owners Delbert and Caroline Lowe requesting to rezone from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring these parcels into compliance for its future use: Proposed Lot 1, “Delbert and Caroline Lowe First Addition” in the SE ¼ of Section 15-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota (38556 133<sup>rd</sup> St.). All members present voting aye. Motion carried.

### ORDINANCE #243 – FIRST READING:

Ross Aldentaler, Deputy State’s Attorney shared this is the revised Pipeline Ordinance. The waiver needs to be cleaned up yet, removed the depth of the pipe and put the setback at 1500 feet. Dave Meyer with Summit Carbon Solutions asked why the 1500 feet, where did they find this information, if this includes other pipelines and wondering about the voluntary easements that have already been signed. Scott Bader, Planning & Zoning Director stated his office and the Board did a lot of research and felt that is best suited for this area. He also questioned the wording of the Pipeline Facility, Ross shared they used the Pipeline Safety Act and the Pipeline Facility as a catch-all. This includes all pipelines that are hazardous gas or liquid except natural gas due to Government regulations. Those that have signed voluntary easements would have to sign the waiver. Craig Schaunaman asked why the 6 foot depth was removed and was informed that the State DOT regulates that portion so Brown County can’t control the depth. Janet Hedges shared that this pipeline is going to kill the value of homes, businesses, and any future growth in the west part of town but did Thank the Commissioners for the moratorium. Moved by Commissioner Fjeldheim, seconded by Gage to approve the First Reading of Proposed Ordinance #243 consider amending portions of Title 4 Zoning, Chapters 4.01 Definitions, 4.06 Agriculture Preservation District (AG-P), Chapter 4.07 Mini-Ag District (M-AG), 4.15 Light Industrial District (L-I), and Chapter 4.16 Heavy Industrial District (H-I). The proposed ordinance will be made available for public inspection at the Brown County Auditor’s Office or Brown County Planning and Zoning Office during regular business hours. All members present voting aye. Motion carried.

### AUTHORIZING SOLID WASTE MANAGEMENT PROGRAM SIGNATORY FOR BROWN COUNTY:

Commissioner Dennert offered the following Resolution.

#### Resolution #09-23

WHEREAS Brown County is proposing to purchase a loader truck to assist in landfill activities at the Brown County Landfill; and

WHEREAS, Brown County is applying for a Solid Waste Management Program Grant (SWMP) in an amount up to, but not exceeding \$231,081; and

WHEREAS, Brown County needs to authorize a SWMP signatory.

NOW THEREFORE, BE IT RESOLVED that Brown County make application to the South Dakota Department of Agriculture and Natural Resources for a SWMP grant in an amount up to, but not exceeding \$231,081; and

BE IT FURTHER RESOLVED that the Chair of Brown County be the authorized signatory for all grant and loan related documents, including the application and pay requests.

Dated this 28<sup>th</sup> day of March, 2023.

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

#### MINUTES:

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

#### CLAIMS/PAYROLL:

Moved by Commissioner Wiese, seconded by Dennert to approve the following claims: Professional Fees: Blackburn & Stevens, Prof. LLC \$160.50; CGI, LLC \$1,497.50; Cogley Law Office, Prof LLC \$85.94; Computer Forensic Resources \$4,329.40; Lumen \$185.70; Schriver's Memorial Mortuary, Inc \$1,800.00; Yankton County Sheriff's Office \$50.00. Publishing: Groton Daily Independent \$86.65. Repairs & Maintenance: Aberdeen Chrysler Center \$263.90; Century Business Products \$36.99; CommTech Inc \$299.00; Do-All Insulation \$3,643.00; HF Jacobs & Son Const. Inc \$185.00; Hoven Auto Repair, Inc \$576.14; Hub City Roofing Inc \$140.00; Jasper Weller LLC \$123.33; Joel Durheim \$240.00; K & S Plumbing, Inc \$1,264.82; Meister Mowing LLC \$3,082.50; Olson's Pest Technicians \$214.00; Sewer Duck, Inc \$850.00; Woodman Refrigeration, Inc \$266.94. Supplies: Century Business Products \$260.65; Cole Paper Inc \$3,231.15; Cricket Media \$39.95; Dakota Supply Group \$45.86; Farm Power Mfg \$56.58; Jasper Weller LLC \$2,652.23; JGE, Inc \$10.05; Kessler's \$192.48; Marco Technologies, LLC \$45.30; Matthew Bender & Co., Inc \$86.08; Menards \$102.24; Midstates Group \$537.75; Pitney Bowes Global Financial Services LLC \$1,046.10; Plumbing & Heating Wholesale, Inc \$1,266.52; SD Dept of Transportation \$13,287.00; Thomson Reuters-West Payment Center \$1,839.44. Travel & Conference: SDACC \$50.00. Utilities: Montana-Dakota Utilities Co \$58.16; Northwestern Energy \$14,708.22. Others: WEX Health Inc \$4,000.00.

Payroll: Commission \$4,615.41; Auditor \$11,162.89; Treasurer \$16,590.19; SA \$30,699.48; Maintenance \$8,738.59; Assessor \$16,796.81; ROD \$9,932.80; VSO \$4,254.09; GIS \$2,643.52; IT \$6,035.79; HR \$5,001.68; Sheriff \$42,411.99; Jail \$61,807.36; Court Security \$7,414.46; JDC/HD \$34,910.75; Welfare \$2,336.49; Museum \$11,840.05; Parks/Fairgrounds \$5,034.26; Fair \$4,107.21; 4-H \$786.79; Weed \$1,058.37; P&Z \$7,232.60; Highway \$63,191.32; Dispatch \$31,513.48; EM \$4,933.61; 24/7 \$1,227.48; Landfill \$13,897.42; FICA \$24,340.54; Medicare \$5,692.52; Discovery HSA \$1,421.17; Health Insurance\_Wellmark BCBS \$119,441.42; Dental Insurance\_Delta \$7,855.68; Life Insurance\_Dearborn \$1,044.14; Retirement\_SDRS \$53,042.26. 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, Erica Coughlin:

- Acknowledge employment ending for Angel Sanchez, Brown County Jail Detention Officer, FT; effective March 23, 2023. Request to fill.
- Adjust the wage for hiring of Logan Flack as Brown County 911 Communications Officer, FT; starting wage \$22.26/hour; effective March 13, 2023.
- Approve hiring one Fair and Parks full-time, seasonal employee in exchange for two interns.

All members present voting aye. Motion carried.

#### SPECIAL MALT BEVERAGE LICENSE HEARING:

Moved by Commissioner Fjeldheim, seconded by Gage to authorize advertising a public hearing to be held in the Commissioners Chambers, Courthouse Annex, Brown County, SD on April 18, 2023 to consider the following application for Special Malt Beverage License, submitted by Brown County Fair Foundation, Aberdeen, SD – Holum Expo Building, SW ¼ of Sec 1-T123N-R64 Brown County, SD. Special License effective May 6, 2023. All members present voting aye. Motion carried.

#### LIQUOR LICENSE HEARING:

Moved by Commissioner Dennert, seconded by Wiese to authorize advertising a public hearing to be held in the Commissioners Chambers, Courthouse Annex, Brown County, SD on April 18, 2023, to consider the following application for Retail (on-off sale) Malt Beverage & SD Farm Wine License, submitted by Parkview Nursery at 304 E. Melgaard, Aberdeen, SD – Lot 1, Parkview Nursery Addition to Aberdeen in the NE ¼ of Section 25-T123-R64W of the 5<sup>th</sup> P.M., Brown County, SD. All members present voting aye. Motion carried.

#### LIQUOR LICENSE HEARING:

Moved by Commissioner Dennert, seconded by Wiese to authorize advertising a public hearing to be held in the Commissioners Chambers, Courthouse Annex, Brown County, SD on April 18, 2023, to consider the following application for Retail (on-off sale) Wine and Cider License, submitted by Parkview Nursery at 304 E. Melgaard, Aberdeen, SD – Lot 1, Parkview Nursery Addition to Aberdeen in the NE ¼ of Section 25-T123-R64W of the 5<sup>th</sup> P.M., Brown County, SD. All members present voting aye. Motion carried.

#### CLAIM ASSIGNMENT:

Moved by Commissioner Fjeldheim, seconded by Wiese to authorize and approve the Auditor sign the Claim Assignment against an individual to Credit Collections Bureau for the purpose of collecting liens. All members present voting aye. Motion carried.

#### AUDITOR'S REPORT OF ACCOUNTS:

Moved by Commissioner Gage, seconded by Dennert to approve the Auditor's Report of Accounts of February 2023 as follows: Total Cash and Checks on Hand 7,700.00; Total Checking Account Balances 19,762,400.43; Total Savings Account Balances 3,525,447.42; Total Certificates of Deposit 5,479,550.72; Grand Total Cash & Balances 28,775,098.57. General Fund Cash and Investment Balances by Funds: General Fund 7,679,722.12; Road & Bridge Fund 3,076,323.63; Road & Bridge Fund – restricted 423,243.27; 911 Service 842,063.67; Emergency & Disaster 205,612.86; Domestic Abuse 373.26; Teen Court 250.28; Grant 32.11; JDAI 31,738.94; Richmond Youth Camp 0.00; 24/7 Sobriety 24,788.13; ROD M & P 108,550.92; American Rescue Plan Federal Grant 7,551,800.75; Rural Access Infrastructure 295,534.81; TIF Debt Service 50,713.05; Landfill + cash change 3,904,757.72; Landfill – restricted 1,400,479.44; Trust and Agency Funds 3,179,113.61; Grand Total General Fund Cash & Investments 28,775,098.57. All members present voting aye. Motion carried.

#### LANDFILL FEES & UPDATE:

Mike Scott, Landfill Manager shared that they generate about \$650,000 per year from the SW Fees that help maintain the 18 container sites in Brown County plus covers contract to haul, take care of trash at landfill and part-time help to clean up the sites. Fees are sufficient for this year but will readdress this fall for next year. Mike also shared that the Dumpster site at the Fire Station has got the lighting in place and fence. Planning on planting some trees, also. Only trash at the Fire Station site, no yard waste – that goes to the Fairgrounds site or Landfill. Commissioner Wiese asked for an update on the Scale and was informed that the new scale will hopefully be installed this summer. Scales are certified annually.

#### SOLID WASTE FEES:

Commissioner Gage offered the following Resolution:

Resolution #10-23

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, 2023 through December 31, 2023, 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 @ \$33.00 per year.
2. Households within Incorporated Cities or Civil Townships that do not require curb service @ \$83.00 per year.
3. Condominiums taxed as single units within Incorporated Cities or Civil Townships that require curb service @ \$33.00 per year.
4. Condominiums taxed as single units within Incorporated Cities or Civil Townships that do not require curb service @ \$83.00 per year.
5. Apartment Units and Assisted Living Units within incorporated Cities that require curb service @ \$15.00 per unit per year.
6. Seasonal Lake Cabins @ \$50.00 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 @ \$33.00 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 @ \$83.00 per unit per year.

Dated this 28<sup>th</sup> day of March, 2023

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

#### GRAVEL BID:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the Highway Department to purchase Gravel from Hanlon's off their 2022 Bid. All members present voting aye. Motion carried.

#### OTHER BUSINESS:

Commissioner Gage wanted to say Thank-you to the Brown County Fair Foundation and Fair Office for all their time to put on the Hall of Fame Banquet to induct the 1986 Fair Board members.

#### EXECUTIVE SESSION:

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

#### ADJOURNMENT:

Moved by Commissioner Wiese, seconded by Fjeldheim to adjourn the Brown County Commission meeting at 10:54a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

Published April 5, 2023, at the total approximate cost of \$\_\_\_\_\_ and may be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com).

#### APRIL 6, 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, Wiese, Gage, and Sutton. Commissioner Gage led the Pledge of Allegiance.

#### APPROVAL OF AGENDA:

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

#### OPPORTUNITY FOR PUBLIC COMMENT: None

#### BID NOTICE OF AWARD - CHEMICALS:

Time and place as advertised to open, read and consider sealed bids for furnishing of Chemical for the Brown County Weed & Pest Board for 2023. Bids were received from Van Diest Supply Company. Chris Hemen, Weed & Pest Supervisor recommended using Van Diest Supply Company or the State Bid from Department of Ag & Natural Resources. Moved by Fjeldheim, seconded by Dennert to award the bids to Van Diest Supply Company & State Bids on Chemicals based on price and availability. (Complete tabulation sheet on file in the Auditor's Office available for public inspection Mon. – Fri./8a - 5p). All members present voting aye. Motion Carried.

#### PICKUP FROM SD FEDERAL PROPERTY SURPLUS:

Chris Hemen, Weed & Pest Supervisor informed the Commissioners that he found a 2010 Chevy Colorado Pickup that is located at the SD Federal Surplus in Huron for \$11,500.00 and only has 40 thousand miles. The current pickup is rusting out and has over 250 thousand miles. Chris shared that he did budget for a new vehicle this year and this is a little less than he had budgeted. Commissioner Wiese moved to approve the purchase of the 2010 Chevy Colorado Pickup, seconded by Dennert. All members present voting aye. Motion carried.

#### ORDINANCE #243 – SECOND READING & ADOPTION:

Ross Aldentaler, State's Attorney Deputy shared that they made a few revisions to the Ordinance, these are changes that the County can regulate, and these are our recommendations. There was a lot of discussion held regarding the setbacks along with asking for Environmental Impact Study from Summit Carbon Solutions and if the pipeline will only be 4 ft. in the ground, how will it be affected by the frost in the ground. Jim Seurer from Glacial Lakes asked the Commission to reconsider this Ordinance because if they cannot hook up their plant on the West side of Aberdeen it will affect the Corn Producers. Arne Svarstad encouraged the Commission to table this so that Brown County, Summit Carbon Solutions and Glacial Lakes can work together and come up with a compromise. Craig Schaunaman didn't think it would pay to table it because of all the work that has already been done and these setbacks were to help the Economic Development. Elizabeth Burns-Thompson and Jason Glodt with Navigator CO2 are under contract with POET but have no route yet and would like to be involved in further discussions. Corey Vosika asked about going along the Railroad but Aaron Eldridge from Summit Carbon Solutions shared that there easements are protected. Commissioner Wiese asked if the Commission was to table this for 30-60-90 days would Summit Carbon Solutions and Glacial Lakes be able to provide more information. The moratorium was done on July 19, 2022 so would like to resolve this before then. Ross Aldentaler, State's Attorney Deputy proposed an Amendment to the Language under 6. B for each chapter to read "The Zoning Board of Adjustment (BOA) may reduce minimum setback issues of a pipeline facility project after there is a complete review of the setback waivers and submission of project plans are submitted to the Zoning Board of Adjustment (BOA) for a Conditional Use Petition (CUP). Moved by Commissioner Fjeldheim, seconded by Dennert to Amend the Language as stated above. All members present voted aye. Motion carried. Commissioner Gage motioned to the table the Ordinance until April 25<sup>th</sup> and asked Summit Carbon Solutions, Glacial Lakes, and Navigator CO2 to present their information to the Planning & Zoning Board on Tuesday, April 18<sup>th</sup> at 7pm along with the Brown County Commissioners. Seconded by Wiese. All members present voting aye. Motion carried.

#### BROWN COUNTY HIGHWAY 21:

Brett Fliehs met with the Commission asking for Br. Co. Highway 21 to be returned to Asphalt. He visited with Dirk Rogers, Highway Superintendent but it keeps getting pushed back so wanted to ask the Board to see if anyway it could be done this year. Dirk shared that it is part of his 5-year plan and is scheduled for next year (2024). Commissioners informed Brett that they will look into the budget and see if there is anything they can do this year.

#### NEW JAIL (HUB CITY BUILDING) UPDATE:

Commissioner Sutton shared that if the County didn't have 40% of the Cost for the New Jail by April 1<sup>st</sup> that last year it was stipulated the County would not keep the building. Legislation ended up not giving the Counties any money for a Regional Jail. State's Attorney office provided options and one of those was to declare the building surplus and have the DOE do an Assessment and they do a Bid process to sell the building. Sheriff Lunzman asked if they did sell the building could the proceeds be dedicated to building a new facility. Commissioner Fjeldheim moved to declare the Hub City Building Surplus and restrict the proceeds to building a new jail, seconded by Gage. All members present voting aye. Motion carried. Commission Sutton shared they will keep the public informed as new information becomes available.

#### MINUTES:

Moved by Commissioner Wiese, seconded by Dennert to approve the General Meeting minutes of March 28, 2023. All members present voting aye. Motion carried.

#### CLAIMS:

Moved by Commissioner Fjeldheim, seconded by Gage to approve the following claims: Insurance: SD Assoc of County Commissioners \$2,971.00. Professional Fees: Lincoln County Treasurer \$36.67; Northeastern Mental Health Center \$75.00; SD Dept of Transportation \$230.86. Publishing: Groton Daily Independent \$107.07. Repairs & Maintenance: Barton Heating & Air Conditioning, Inc \$773.28; Dakota Supply Group \$68.84; Double D Body Shop \$2,145.55; Graham Tire Inc \$604.20; House of Glass \$258.54; Hoven Auto Repair, Inc \$367.47; Lawson Products, Inc \$118.99; Lien Transportation Company \$672.50; Little Falls Machine, Inc \$166.31; Olson's Pest Technicians \$250.00; Steven Lust Automotive \$82.95; Western States Fire Protection Co \$5,004.70; Woodman Refrigeration, Inc \$600.78. Supplies: Aberdeen Chrysler Center \$88.45; Amazon Capital Services, Inc \$47.45; Cole Paper Inc \$522.54; Dakota Electronics \$28.00; Fastenal Company \$448.57; Jasper Weller LLC \$2,652.23; Jerry Bjerke \$149.99; JGE, Inc \$491.03; Kelco Supply Company \$77.70; LabSource, Inc \$1,299.70; Lawson Products, Inc \$1,409.67; Little Falls Machine, Inc \$1,185.61; Midstates Group \$85.00; Performance Oil \$807.50; Plumbing & Heating Wholesale, Inc \$2,078.01; Steven Lust Automotive \$68.66. Travel & Conference: Carrie Weisenberger \$12.44; Dale Kurth \$112.53; Darwin Bettmann \$15.24; David North \$105.48; Delta Hotels by Marriott \$340.34; Doug Fjeldheim \$185.64; Duane Sutton \$97.92; James Meyers \$28.50; Patrick Keatts \$34.11; Stan Beckler \$24.44. Utilities: AT&T Mobility \$227.73; CenturyLink \$288.56; Midcontinent Communications \$387.42; Northwestern Energy \$13,130.86. All members present voting aye. Motion carried.

#### HR REPORT:

Moved by Commissioner Dennert, seconded by Gage to approve the following Human Resource Report submitted by Human Resources Director, Erica Coughlin:

- Transfer of Danny Caraballo from Brown County Jail Detention Officer to JDC Detention Officer; effective April 17, 2023.
- Transfer of Samuel Hoppock from Brown County Jail to Brown County Sheriff's Deputy, FT; starting wage \$25.18/hour effective April 17, 2023. Request to fill.
- Approve hiring of Luis Rivera as Brown County Jail Detention Officer, FT; starting wage \$20.67/hour; effective April 3, 2023.
- Approve hiring of Joseph Kretchman as Brown County Sheriff, FT; starting wage \$25.18/hour; effective April 24, 2023.

All members present voting aye. Motion carried.

#### TRAVEL REQUESTS:

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

- Roxy Hilgenberg - SD Assoc. of County Welfare Officials Workshop in Pierre, SD on April 12<sup>th</sup> & 13<sup>th</sup>.
- Dirk Rogers - NACE Conference in Orange Beach, AL on April 16<sup>th</sup> – 20<sup>th</sup>.

All members present voting aye. Motion carried.

#### LOTTERY PERMIT:

Moved by Commissioner Wiese, seconded by Sutton to approve and authorize the Chair sign application, submitted by the Elm Lake Association for a lottery to be held at the Elm Lake Resort on July 4, 2023. All members present voting aye. Motion carried.

#### ABATEMENTS:

Moved by Commissioner Gage, seconded by Dennert to approve the following abatements for tax year 2023: Ronald Eisenbeisz, Parcel #29928 \$578.36; Daniel Latterell, Parcel #9270 \$1,039.06. For Tax Year 2020: David Vitense, Parcel #22642 \$431.23. All members present voting aye. Motion carried.

#### BROWN COUNTY FAIR CONCERT SCREEN BIDS:

Moved by Commissioner Fjeldheim, seconded by Wiese to authorize advertising public hearing to open, read and consider bids for Project-Provide Large Video Screens, all equipment and technicians for Brown County Fair Grandstand Entertainment in years 2023, 2024, 2025 and 2026 at 8:45 a.m., on May 2, 2023 in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Specifications are available online at brown.sd.us, Brown County Fair Office and the Brown County Auditor's Office. All members present voting aye. Motion carried.

#### LOCAL EMERGENCY MANAGEMENT PERFORMANCE GRANT:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the Commission Chair to sign the 2<sup>nd</sup> quarter LEMPG Grant Report. All members present voting aye. Motion carried.

#### CLAIM ASSIGNMENTS:

Moved by Commissioner Gage, seconded by Wiese to authorize and approve the Auditor sign the Claim Assignment against an individual to Credit Collections Bureau for the purpose of collecting liens. All members present voting aye. Motion carried.

#### PURCHASE CULVERTS OFF BEADLE COUNTY BID:

Moved by Commissioner Dennert, seconded by Wiese to approve the Highway Department can purchase culverts off the Beadle County Bid. All members present voting aye. Motion carried.

#### PLATS:

##### Resolution #11-23

Commissioner Gage brought the following resolution: "Be it resolved by the Board of County Commissioners of Brown County, South Dakota, that the plat showing "River Horse North Second Subdivision in the NE ¼ of Section 4-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 Wiese. All members present voting aye. Resolution adopted.

##### Resolution #12-23

Commissioner Gage brought the following resolution: "Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing "Buntrock Outlot in the NW ¼ of Section 5, T125N-R62W 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 Wiese. All members present voting aye. Resolution adopted.

##### Resolution #13-23

Commissioner Gage brought the following resolution: "Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing "C. Bonn Addition in the E ½ E ½ SE ¼ of Section 24-T122N-R61W of the 5TH P.M., Brown County, South Dakota," having been examined, is hereby approved in accordance with the provisions of SDCL 1967, Chapter 11-3 and any amendments thereof." Seconded by Commissioner Wiese. All members present voting aye. Resolution adopted.

#### OTHER BUSINESS:

Auditor Heupel was asked by Judy Lloyd with the Township Association to share that the next meeting will be held on Tuesday, April 11<sup>th</sup> with meal at 6pm, followed by meeting at 6:30pm.

Commissioner Sutton shared that Circus came to town earlier than planned due to weather but they needed a place to house the animals. A lease was done, and fees should cover the utility costs. Auditor Heupel shared the lease will be in the packet next week.

EXECUTIVE SESSION:

Moved by Commissioner Dennert, seconded by Gage to go into executive session to discuss Personnel and Legal per SDCL 1-25-2. All members present voting aye. Motion carried. The chair 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 12:05 p.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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#### APRIL 11, 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, Wiese, Gage, and Sutton. Auditor Heupel led the Pledge of Allegiance.

#### APPROVAL OF AGENDA:

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

#### OPPORTUNITY FOR PUBLIC COMMENT:

Dennis Feickert shared with the Commissioners a letter that was sent out to landowners from Summit Carbon Solutions stating that this is the final attempt to come to an agreement otherwise will petition the courts for condemnation process.

Dewayne Siebrasse met with the Commissioners stating that he opposes the pipeline, and he knows of 650 Farmers that are not in favor of it, also. He stated that 82% of the land in South Dakota doesn't have any debt against it, the farmers own it 100%. If a landowner agrees to the Easement, they are going to lose a quarter of land.

Jared Bossly just wanted to encourage the Commissioners to get all the facts and reinforce that they are against the Carbon Pipeline. Another concern that has come up is the safety of the water in Brown County.

#### PROCLAMATION FOR NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS WEEK:

Commissioner Wiese offered the following Resolution:

##### RESOLUTION #11-23

##### OFFICIAL PROCLAMATION

##### BROWN COUNTY, SOUTH DAKOTA

WHEREAS: Emergencies may occur at any time that require law, fire, or medical services; and

WHEREAS: When an emergency occurs, the prompt response of law, fire, and emergency medical professionals is critical to the protection of life and preservation of property; and

WHEREAS: The safety of our law enforcement officers, firefighters and EMT's is dependent upon the quality and accuracy of information obtained from citizens who contact the Brown County Communications Center; and

WHEREAS: Public Safety Dispatchers are often the first and most critical contact our citizens have with emergency services; and

WHEREAS: Public Safety Dispatchers are the single, vital link for law enforcement, fire, and emergency medical professionals by monitoring their activities by radio, telephone, and computer, providing them information, and ensuring their safety; and

WHEREAS: Public Safety Dispatchers of the Brown County Communications Center have contributed substantially to the apprehension of criminals, suppression of fires, and treatment of patients in Brown County, South Dakota; and

WHEREAS: Each Brown County Communications Public Safety Dispatcher has exhibited compassion, understanding and professionalism during the performance of their duty in the past year

NOW, THEREFORE, BE IT RESOLVED, that the Commission of Brown County, South Dakota, declares the  
Week of April 9<sup>th</sup> through April 15<sup>th</sup>, 2023,  
to be

“NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS WEEK”

in Brown County in honor of the dispatchers whose diligence and professionalism keep our county and citizens safe.

DONE AT THE BROWN COUNTY COURTHOUSE THIS 11<sup>TH</sup> DAY OF APRIL 2023.

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

#### ANNUAL CONFERENCE OF DIRECTOR OF EQUALIZATION:

Gene Loeschke, Director of Equalization met for conference per SDCL 10-3-14, discussing the 2023 County Board of Equalization, Consolidated Board of Equalization and the Factors that were certified by the State of SD. Ag Factor is .85 and Non-Ag Factor is .97.

#### SPRING CLEAN-UP:

Mike Scott, Landfill Manager met with the Commissioners to ask them to waive the fees for the Spring Clean-up which will be from April 28<sup>th</sup> to May 13<sup>th</sup>. There is a 4-tire limit. Moved by Commissioner Wiese to approve waiving the fees during Spring Clean-up, seconded by Dennert. All members present voting aye. Motion carried.

#### MINUTES:

Moved by Commissioner Wiese, seconded by Dennert to approve the General Meeting minutes of April 6, 2023. All members present voting aye. Motion carried.

#### CLAIMS:

Moved by Commissioner Wiese, seconded by Dennert to approve the following claims: Professional Fees: Avera St. Luke's \$1,793.04; Dakotabilities \$1,440.00; Language Line Services, Inc \$315.09; Priority Dispatch Corp \$2,560.00; Sanford Health Network \$134.16; Sanford Health Occupational Medicine \$453.00; Satellite Tracking of People, LLC \$1,352.00; SDSU Extension \$215.18. Publishing: Hub City Radio \$600.00; McQuillen Creative Group, Inc \$300.00. Rentals: Dakota Electronics \$668.15. Repairs & Maintenance: B & B Contracting, Inc \$875.00; Big Scoop Snow Removal \$2,840.00; Dakota Electronics \$187.40; State of South Dakota \$593.75; Transource Truck & Equipment, Inc \$5,112.45. Supplies: Agtegra Cooperative \$8,053.35; Bimbo Foods USA, Inc \$1,240.00; Century Business Products \$350.81; Dakota Electronics \$618.75; Dakota Mailing & Shipping Equipment \$139.26; Full Circle Ag \$3,056.85; Karen Swank \$54.00; Pantorium Cleaners Inc \$84.00; PharmChem, Inc \$319.50; Runnings \$118.65; Tri-State Water \$106.00; US Foods \$10,045.00. Travel & Conference: SDAE4-HP \$35.00. Utilities: Northwestern Energy \$3,894.11; State of South Dakota \$134.39. Others: SD Dept of Agriculture & Natural Resources \$3,343.05. All members present voting aye. Motion carried.

#### FLOOR COVERING BIDS:

Moved by Commissioner Dennert, seconded by Wiese to authorize advertising public hearing to open, read and consider bids for removal and disposal of existing carpet, vinyl base, and install 24" x 24" carpet tiles and new vinyl base at 8:45 a.m., on April 25, 2023 in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Specifications are available online at brown.sd.us, Brown County Buildings/Grounds Office and the Brown County Auditor's Office. All members present voting aye. Motion carried.

#### LANDFILL TONNAGE REPORT:

Moved by Commissioner Fjeldheim, seconded by Gage to acknowledge the Landfill Tonnage Report for March 2023. All members present voting aye. Motion carried.

#### CLAIM ASSIGNMENTS:

Moved by Commissioner Wiese, seconded by Gage to authorize and approve the Auditor sign the Claim Assignment against an individual to Credit Collections Bureau for the purpose of collecting liens. All members present voting aye. Motion carried.

#### LEASE AGREEMENTS:

Moved by Commissioner Fjeldheim, seconded by Dennert to approve and authorize the Chairman sign the following lease agreement: Yelduz Shriners for lease of Holum Expo Building on April 3 - 6, 2023 for housing Circus Animals. All members present voting aye. Motion carried.

#### TRAVEL REQUESTS:

Moved by Commissioner Wiese, seconded by Gage to approve the Travel Request for Mike Scott, Landfill Manager to attend Spring SW Workshop in Chamberlain, SD on April 11-13, 2023. All members present voting aye. Motion carried.

#### OTHER BUSINESS:

Auditor Heupel reminded the Commissioners of the Township Association meeting is today, April 11<sup>th</sup> with meal at 6pm, followed by meeting at 6:30pm in the Community Room.

EXECUTIVE SESSION: None

#### ADJOURNMENT:

Moved by Commissioner Dennert, seconded by Wiese to adjourn the Brown County Commission meeting at 9:16 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

April 11, 2023 General Meeting

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#### APRIL 18, 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, Wiese, Gage, and Sutton. Commissioner Wiese led the Pledge of Allegiance.

#### APPROVAL OF AGENDA:

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

#### OPPORTUNITY FOR PUBLIC COMMENT:

Scott Meints, Emergency Management (EM) Director gave an update on the river gauges in Brown County. Maple River crested last night. Elm Lake has gone down. The Westport area is still a concern so keeping an eye on that. Ordway, Foot Creek, and Pheasant Lake have crested with no issues at this point. James River has nothing right now but expecting it to peak. Mud Creek in the Groton – Ferney area is causing some problems. There is water on Hwy. 37 south of Groton and it has done some damage to county roads. EM has contacted the State to see if there is any financial assistance to help with this matter.

#### RECOGNITION OF DEPUTY KURTZ:

Sheriff Dave Lunzman and Chief Deputy Sheriff Jon Lemke wanted to publicly recognize Deputy Kurtz for rescuing a young lady that fell into the James River last summer. Deputy Kurtz received the Medal of Honor at the SD Sheriff's Association and the SD Police Chief's Association last week due to his swift and selfless response.

#### RETAIL (ON-OFF SALE) WINE & CIDER LICENSE:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve and authorize the Chairman Sutton to sign the application for Retail (On-Off Sale) Wine & Cider License for Parkview Nursery, Inc. at 304 E. Melgaard, Aberdeen, SD – Lot 1, Parkview Nursery Addition to Aberdeen in the NE ¼ of Section 25-T123-R64W of the 5<sup>th</sup> 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 Parkview Nursery, Inc. at 304 E. Melgaard, Aberdeen, SD – Lot 1, Parkview Nursery Addition to Aberdeen in the NE ¼ of Section 25-T123-R64W of the 5<sup>th</sup> P.M., Brown County, SD. All members present voting aye. Motion carried.

#### SPECIAL MALT BEVERAGE LICENSE HEARING:

Moved by Commissioner Gage, seconded by Wiese to approve and authorize Chairman Sutton to sign the application for Special Malt Beverage for Brown County Fair Foundation, Aberdeen, SD on May 6, 2023, for Dwarfimators at Holum Expo Building. Sutton abstained from the vote since he is on the Brown County Fair Foundation. All other members voted aye. Motion carried.

#### BROWN COUNTY FAIR CONTRACT -SANITATION CREW:

Moved by Commissioner Fjeldheim, seconded by Dennert to approve the Fair Boards recommendation to award ACBMSJPK, LLC the Sanitation Crew bid for \$17,000 for 2023. Other bids received were Rico Cleaning Service for \$39,485 and Pam's Cleaning for \$28,770. All members present voted aye. Motion carried.

#### BROWN COUNTY FAIR CONTRACT – TRASH PICK-UP SERVICES:

Moved by Commissioner Dennert, seconded by Gage to approve the Fair Boards recommendation to award Terry Dosch the Trash Pick-up Service Bid for \$8,900 for 2023 (only bid received). All members present voting aye. Motion carried.

#### BROWN COUNTY FAIR SPONSORSHIP AGREEMENT:

Commissioner Fjeldheim, seconded by Dennert approved and authorize Chairman Sutton to sign the sponsorship agreement with Hub City Radio to provide Jumbo-Tron/Screens for Entertainment Monday – Saturday. All members present voting aye. Motion carried.

#### MINUTES:

Moved by Commissioner Wiese, seconded by Gage to approve the General Meeting minutes of April 11, 2023. All members present voting aye. Motion carried.

Moved by Commissioner Gage, seconded by Dennert to approve the Brown County Board of Equalization minutes of April 11, 2023. All members present voting aye. Motion carried.

Moved by Commissioner Dennert, seconded by Gage to approve the Consolidated Board of Equalization minutes of April 11, 2023. All members present voting aye. Motion carried.

#### CLAIMS/PAYROLL:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the following claims: Professional Fees: Adamsoft LLC \$2,750.00; Animal Care Clinic \$40.00; Avera Medical Group University Psychiatry Associates \$2,500.00; Avera St. Luke's Hospital \$448.31; Certified Languages International LLC \$785.40; Christy Griffin-Serr Law Office \$7,211.64; City of Winner \$304.00; Cogley Law Office, Prof LLC \$7,211.64; Dakota Group LLC \$2,100.00; Dependable Sanitation \$26,854.20; Dohrer Law Office, PC \$7,211.64; Idemia Identity & Security USA LLC \$2,564.00; Jerald M. McNeary \$7,211.64; Jeremy Lund-Siegel Barnett & Schutz, LLP \$7,211.64; John Noyes-Bantz, Gosch & Cremer \$7,211.64; Kristi Brandt \$166.75; Kuck Law Office \$7,211.64; LexisNexis Risk Data Mgt, LLC \$253.25; Matthew Bender & Co, Inc \$86.08; MOCIC \$150.00; Northeastern Mental Health Center \$3,224.00; Park Dietz & Associates, Inc \$185.63; Saber Shred Solutions, Inc \$3,250.80; Sanford Health Occupational Medicine \$187.00; Sanford Health Pathology Clinic \$800.00; Sanford Health \$658.55; Schroeder Construction Inc \$137,892.06; SD Assoc of Assessing Officers \$940.00; Taliaferro Law Firm, PC \$7,211.64; Thomson Reuters-West Payment Center \$283.30; Tyler Technologies, Inc \$260.00. Publishing: APG Yellowstone News \$32.27; Billings Gazette \$140.69; GateHouse Media South Dakota Holdings, Inc \$801.04; Groton Daily Independent \$310.89. Rentals: Aramark \$225.20; Linde Gas & Equipment Inc \$48.08. Repairs & Maintenance: A-1 Locksmithing \$268.50; Century Business Products \$110.44; Crawford Trucks & Equipment \$2,026.76; Dakota Doors Inc \$632.67; Diamond Mowers LLC \$121.61; Diesel Machinery, Inc \$7,789.50; EcoLab Pest Elimination Division \$264.79; Gary's Auto Body & Accessories \$440.55; Graham Tire Inc \$96.12; Hanlon Brothers, LLC \$7,960.00; Hub City Roofing Inc \$13,000.00; Lien Transportation Company \$2,140.00; Little Falls Machine, Inc \$122.31; Pantorium Cleaners Inc \$235.96; Pomp's Tire Service, Inc \$51.10; RDO Equipment Co \$971.75; Safety Service \$16.50; Schwan Welding \$12,340.00; Sewer Duck, Inc \$500.00; Transource Truck & Equipment, Inc \$165.00; Woodman Refrigeration, Inc \$286.55. Supplies: Advance Auto Parts \$1,501.74; Agtegra Cooperative \$96,568.26; American Alliance of Museums \$300.00; Auto Value Aberdeen \$370.66; Axon Enterprise, Inc \$8,670.00; Bakken Building Maintenance \$250.00; Butler Machinery Company \$5,537.35; Cartney Bearing \$99.78; Century Business Products \$573.81; Cole Paper Inc \$697.31; Crawford Trucks & Equipment \$9,266.54; Dakota Doors Inc \$1,001.50; Dakota Electronics \$90.00; Dakota Fluid Power, Inc \$355.15; Dakota Oil \$597.75; Diamond Mowers LLC \$348.80; Diesel Machinery, Inc \$32,537.15; Farm Power Mfg. \$174.54; Fastenal Company \$278.60; FedEx \$78.49; Geffdog Designs \$323.00; GovConnection, Inc \$364.83; Great Western Tire \$1,499.75; Hanlon Brothers, LLC \$35,271.33; Interstate Battery System of South Dakota \$425.85; Ken's SuperFair Foods \$116.44; Kessler's \$105.16; Leidholdt Tool Sales, LLC \$35.52; Linde Gas & Equipment Inc \$916.94; Little Falls Machine, Inc \$512.89; Mac's Inc-Capital One Trade Credit \$633.77; Menards \$37.86; Midstates Group \$195.16; Mohawk Lifts LLC \$56,236.69; Napa Central \$259.43; NVC \$27.06; Pauer Sound, LLC \$8,330.59; Plumbing & Heating Wholesale, Inc \$144.23; Pomp's Tire Service, Inc \$100.62; Prevention Magazine \$220.00; RDO Equipment Co \$2,176.87; Runnings \$652.81; Safety Service \$79.96; Sander's Sew-N-Vac \$682.00; SD Federal Property Agency \$612.00; Share Corp \$549.60; Sioux Falls Crane & Hoist, Inc \$1,129.30; Thee Glass Doktor, LLC \$426.70; Transource Truck & Equipment, Inc \$1,036.85; Tri State Water \$23.25; WEB Water Bottling Company \$19.50. Travel & Conference: Adelaide Mouna \$313.00; Dave Lunzman \$587.00; Drew Dennert \$257.04; Patti Woods \$54.00; Rachel Kippley \$267.39; Sara Swisher \$182.15; Scott Meints \$54.00. Utilities: CenturyLink \$1,205.85; City of Aberdeen \$1,885.43; City of Hecla \$214.72; Dependable Sanitation \$348.00; Economy Propane, LLC \$1,811.55; James Valley Telecommunications \$209.10; Northern Electric \$1,273.52; Northwestern Energy \$4,594.38; NVC \$4,066.24; Town of Frederick \$76.00; Verizon Wireless \$8,231.07; WEB Water Development Association, Inc. \$103.98. Machinery & Equipment: SD Federal Property Agency \$11,500.00. Others: SD Assoc of County Officials \$1,220.00; SD Dept of Labor and Regulation \$12,014.06; SD Dept of Revenue & Regulations \$983,868.34. Payroll: Commission \$4,615.41; Auditor \$11,137.05; Treasurer \$16,650.48; SA \$30,206.40; Maintenance \$9,032.88; DOE \$16,796.81; ROD \$9,940.37; VSO \$4,254.09; GIS \$2,643.52; IT \$6,317.04; HR \$5,001.68; Sheriff \$43,394.40; Jail \$61,490.55; Coroner \$70.00; Court Security \$7,366.42; JDC/HD \$29,741.31; Welfare \$2,336.49; DPM \$11,573.22; Parks/Fairgrounds \$5,574.73; Fair \$4,107.20; 4-H \$786.80; W & P \$1,418.37; P & Z \$8,232.60; Hwy. \$58,273.49; Dispatch \$32,636.31; EM \$4,933.61; 24/7 Sobriety \$1,256.03; Landfill \$15,828.49; Meal Benefits \$704.00; FICA \$24,091.91; Medicare \$5,634.44; Discovery\_HSA \$1,482.96. All members present voting aye. Motion carried.

#### HR REPORT:

Moved by Commissioner Gage, seconded by Dennert to approve the following Human Resource Report submitted by Human Resources Director, Erica Coughlin to approve hiring the following:

- Everett Krueger as Brown County Jail Detention Officer, FT, starting wage \$20.67/hour; effective April 17, 2023.
- Michael Kenitzer as Brown County Highway, Truck Driver, FT, starting wage \$20.67/hour; effective April 11, 2023.
- Mark Anderson as Brown County Deputy State's Attorney, FT, starting wage \$72,211.12/year; tentatively effective May 1, 2023.
- Return of John Weig as Brown County Fairgrounds seasonal as-needed summer help at \$15.50/hour; effective April 11, 2023.

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 individuals to Credit Collections Bureau for the purpose of collecting liens. All members present voting aye. Motion carried.

#### WEED & PEST GRANT AGREEMENTS:

Moved by Commissioner Dennert, seconded by Wiese to approve and authorize Chairman Sutton to sign the Weed & Pest Grant agreements for Fiscal Year 2024. All members present voting aye. Motion carried.

#### TRAVEL REQUESTS:

Moved by Commissioner Wiese, seconded by Fjeldheim to approve the following Travel Requests: Gene Loeschke, Polly Rush, Kathy Fischer and Sarah Swenson (DOE) to attend the 2023 Annual Assessor Conference in Sioux Falls, SD on June 13-16, 2023; Aaron Walberg (VSO) to attend Veteran's Council Meeting in Hot Springs, SD on April 19-20, 2023; Aaron Walberg and Jesse Milbrandt (VSO) to attend SDDVA Mini-Conference in Brookings, SD on April 27, 2023 and Erica Coughlin (HR) to attend SHRM State Conference in Yankton, SD on May 3-5, 2023. All members present voting aye. Motion carried.

#### LEASE AGREEMENTS:

Moved by Commissioner Gage, seconded by Wiese to approve and authorize the Chairman sign the following lease agreements: Prairie Partners Master Gardener's for lease of Home Arts Building on May 19-20, 2023, for Plant Sale; Shaina Nehls for lease of Richmond Lake Youth Camp on July 28-30, 2023. All members present voting aye. Motion carried.

#### ABATEMENTS:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the following abatements for Northwestern Energy for tax year 2023: Parcel #750075 \$35,086.16; Parcel #750085 \$518.29; Parcel #750081 \$1,874.19 and Parcel #750088 \$12,157.02. All members present voting aye. Motion carried.

OTHER BUSINESS: None

EXECUTIVE SESSION: Moved by Commissioner Wiese, seconded by Gage to go into executive session to discuss Contracts, Legal and Personnel per SDCL 1-25-2. All members present voting aye. Motion carried. The chair declared the executive session closed with no action taken.

#### ADJOURNMENT:

Moved by Commissioner Dennert, seconded by Wiese to adjourn the Brown County Commission meeting at 11:30 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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#### APRIL 25, 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, Wiese, Gage, and Sutton. Commissioner Gage led the Pledge of Allegiance.

#### APPROVAL OF AGENDA:

Commissioner Dennert moved to approve the agenda with amendment of removing to discuss Girl Scouts Camp Hammock Project, seconded by Gage. All members present voting aye. Motion carried.

#### OPPORTUNITY FOR PUBLIC COMMENT:

Tracy Feist addressed the Commission regarding needing Assistance. Chairman Sutton addressed her to contact the State's Attorney Office for further assistance.

#### BID - FLOOR COVERINGS:

Time and place, as advertised to open, read and consider sealed bids for removal and disposal of existing carpet and vinyl cove base, and install 24" x 24" carpet tiles and new vinyl base. Bids were received from Montgomery's @ \$29,318.85 and Builders First Source @ \$38,959.14. Moved by Commissioner Wiese, seconded by Dennert to table this discussion so Judy Dosch, Building Superintendent could review the bids. All members present voting aye. Motion carried.

#### ORDINANCE #243 - SECOND READING/ADOPTION:

Moved by Commissioner Gage seconded by Fjeldheim to approve the Second Reading and Adopt Ordinance #243 amending portions of Title 4 Zoning, Chapters 4.01 Definitions, 4.06 Agriculture Preservation District (AG-P), Chapter 4.07 Mini-Ag District (M-AG), 4.15 Light Industrial District (L-I), and Chapter 4.16 Heavy Industrial District (H-I). Roll Call: Dennert – aye; Fjeldheim – aye; Wiese – aye; Gage – aye and Sutton – aye. Ordinance #243 adopted. (Copies of the full Ordinance are available at the Brown County Auditor's Office or Brown County Planning and Zoning Office during regular business hours).

#### LOAD LIMITS EXTENSION:

Dirk Rogers, Highway Superintendent met with the Commissioners to ask that the Load Limits be extended due to the soft road conditions yet at this time.

Commissioner Wiese offered the following Resolution as of April 25<sup>th</sup>.

#### Resolution #15-23

WHEREAS, SDCL 32-22-24 authorizes the proper authority to establish maximum axle and axle group loadings during the period of each year from February fifteenth to April thirtieth, inclusive, and

WHEREAS, that authority may be exercised without formal resolution if the highway authority erects or causes to be erected and maintained signs designating the restrictions; and

WHEREAS, if highway and climatic conditions warrant, the proper highway authority may extend the time period mentioned by ordinance or resolution.

NOW, THEREFORE BE IT RESOLVED, that the Brown County Commission, per SDCL 32-22-24 extends the seasonal load restrictions established by the Brown County Commission in regular session on February 21st (6-ton per axle and 40 MPH for trucks) from April 30, 2023 to May 9, 2023, inclusive or until roads become stable.

FURTHER, BE IT RESOLVED that the Brown County Commission requests the South Dakota Department of Public Safety and the South Dakota Highway Patrol to enforce any and all weight limits for the extended period of time.

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

#### HIGHWAY DEPARTMENT UPDATE:

Dirk Rogers, Highway Superintendent shared with the Commissioners that he has pushed back switching to the Summer Schedule (10-hour workdays) until load limits are lifted. Dirk also informed the Commission that Hall

crossing has been wiped out. Also, there are some grants that are being streamlined so the funding can be sent straight to the Counties from the Federal Government.

#### SURPLUS PROPERTY:

Chairman Sutton shared that they have had several discussions in regard to the Hub City Building that was marked Surplus and at this time have decided to advertise for sealed bids. Commissioner Wiese moved to postpone this item one-week so that they may review the RFP that is being prepared by the State's Attorney's office. Seconded by Gage. All members present voting aye. Motion carried.

#### FY 2024 BENEFITS:

Erica Coughlin, HR Director met with the Commission to discuss the FY 2024 Benefits. There will be no changes to the Vision Insurance, will continue with Optilegra and no increase. Dental Insurance will continue with Delta Dental but there will be a 5% increase. Health Insurance will remain with Wellmark and there is a 2.84% increase in all the 4 plans. Erica recommended going to 2 plans: either a \$3000 or \$3500 deductible plan, this will affect 24 employees in the County. Moved by Commissioner Dennert, seconded by Fjeldheim to go with Erica's recommendations for the FY 2024 Benefits.

#### HR UPDATE:

Erica Coughlin, HR Director informed the Commission that we will be going live with Executime on April 30<sup>th</sup>. Commissioner Wiese questioned the process for those departments that are not at a computer all day, Erica shared such as the Highway department those employees will be given a proximity card that they will swipe to clock in and out.

#### MINUTES:

Moved by Commissioner Wiese, seconded by Gage to approve the General Meeting minutes of April 18, 2023. All members present voting aye. Motion carried.

Moved by Commissioner Dennert, seconded by Gage to approve the Brown County Board of Equalization minutes of April 18, 2023. All members present voting aye. Motion carried.

#### CLAIMS/PAYROLL:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the following claims: Insurance: SD Public Assurance Alliance \$223.17. Professional Fees: Civil Solutions LLC \$1,711.10; Dean Schaefer Court Reporting \$249.00; Faulk County Sheriff's Office \$990.00; IMEG Corp \$9,807.35; Minnehaha County Auditor \$67.00; Saber Shred Solutions, Inc \$2,190.85; Yankton County Sheriff's Office \$50.00; Yankton County Treasurer \$135.00; Zylstra Investigations \$8,332.50. Publishing: Groton Daily Independent \$252.48; Midwest Radio of Fargo-Moorhead \$3,615.00. Repairs & Maintenance: Auto Glass Solutions Inc \$350.00; B&B Contracting, Inc \$985.50; Dakota Doors Inc \$5.48; Hanlon Brothers, LLC \$22,393.00; Hase Plumbing, Heating & Air Conditioning, Inc \$246.02; HF Jacobs & Son Const. Inc \$611.63; House of Glass \$191.30; K&S Plumbing, Inc \$2,821.62; Kramp Enterprise and Investment \$37,080.00; Precision Kiosk Technologies \$5,400.00; Steven Lust Automotive \$190.97; Traffic Solutions, Inc \$1,660.41; Woodman Refrigeration, Inc \$130.61. Supplies: Aberdeen Awards \$75.00; Amazon Capital Services, Inc \$38.17; Century Business Products \$102.25; Cole Paper Inc \$1,861.79; Dakota Doors Inc \$268.50; GovConnection, Inc \$1,382.91; Lang's Audio, TV & Appliance \$99.90; Leidholdt Tool Sales, LLC \$63.90; Marco Technologies, LLC \$36.85; Menards \$254.02; Sander's Sew-N-Vac \$399.08; Schwan Welding \$2,648.80; ThomsonReuters-West Payment Center \$1,894.62. Travel & Conference: Jon Lemke \$68.00; Kasey Kurtz \$354.96; Lynn Heupel \$256.42; The Lodge at Deadwood \$208.00. Utilities: City of Aberdeen \$289.28; Dependable Sanitation, Inc \$165.00; Northwestern Energy \$5,536.83. Others: Pizza Ranch \$79.96; Safe Harbor \$415.00; SD Dept of Revenue & Regulation \$13,280.94. Payroll: Commission \$4,615.41; Auditor \$11,144.00; Treasurer \$16,659.75; SA \$31,446.25; Maintenance \$8,591.38; DOE \$16,861.17; ROD \$9,932.80; VSO \$4,254.09; GIS \$2,643.52; IT \$5,982.67; HR \$5,001.68; Sheriff \$50,382.21; Jail \$79,236.17; Coroner \$784.28; Court Security \$7,125.00; JDC/HD \$46,719.85; Welfare \$2,336.49; DPM \$11,263.29; Parks/Fairgrounds \$5,893.65; Fair \$4,107.20; 4-H \$786.80; W & P \$1,058.37; P & Z \$7,232.60; Hwy. \$61,861.25; Dispatch \$41,737.09; EM \$4,933.61; 24/7 Sobriety \$1,395.10; Landfill \$18,728.72; FICA \$27,592.68; Medicare \$6,453.11; Discovery\_HSA \$1,482.96; Health Insurance\_Wellmark BS \$121,991.62; Dental Insurance\_Delta \$7,855.68; Life Insurance\_Dearborn \$1,037.34; Retirement\_SDRS \$55,374.95. All members present voting aye. Motion carried.

#### HR REPORT:

Moved by Commissioner Gage, seconded by Dennert to approve the following Human Resource Report submitted by Human Resources Director, Erica Coughlin to approve the following:



- Transfer of Caïd Verzani from Brown County Jail Detention Officer to JDC Detention Officer; effective April 2, 2023.
- Transfer of Mike Rohrbach from Brown County Highway to Weed & Pest, FT; effective May 1, 2023.
- Transfer of Jerry Lehrkamp from Brown County Highway to Weed & Pest, FT; effective May 1, 2023.
- Acknowledge retirement of Cindy Meyers, Brown County Treasurer Office Chief Deputy, FT; effective on June 23, 2023. Request to fill (see below).
- Approve the promotion of Jolene Forsting from Brown County Office Deputy to Chief Deputy, starting wage \$27.80/hour; effective June 26, 2023. Request to fill.
- Hiring of Breanna Locke as Brown County Fairgrounds seasonal worker; starting wage \$14.00/hour; effective May 7, 2023.
- Hiring of Rhonda Retzlaff as Brown County Fairgrounds seasonal worker; starting wage \$12.50/hour; effective May 15, 2023.
- Approve hiring Caden Sheldon as Brown County Fairgrounds seasonal worker; starting wage \$14.00/hour; effective May 30, 2023.
- Approve wage adjustment, Sarah Jesz, Brown County Assistant 911 Communications Manager to \$2516.14/pay period; effective April 16, 2023.

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 Assignment against an individual to Credit Collections Bureau for the purpose of collecting liens. All members present voting aye. Motion carried.

#### LEASE AGREEMENTS:

Moved by Commissioner Dennert, seconded by Wiese to approve and authorize the Chairman sign the following lease agreements: Marlene Loebs for lease of Club House on April 28-29, 2023 for Rummage Sale; Aberdeen Running Club for lease of Fairgrounds on May 25, 2023 for Beer Run Running Event; Heidi Klein for lease of Richmond Lake Youth Camp on June 8-11, 2023; Massenomics for lease of Tables & Chairs on July 21-22, 2023. All members present voting aye. Motion carried.

#### LOTTERY PERMIT:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the Lottery Permit for Aberdeen Amateur Hockey Association with drawing to be held in Summer of 2023 to help assist the association in the funding for facility, equipment, maintenance & repairs. All members present voting aye. Motion carried.

#### ZONING ORDINANCES - SET HEARING DATE/AUTHORIZE ADVERTISING:

Moved by Commissioner Wiese, seconded by Gage to set hearing date and authorize advertising for first reading of the following zoning ordinances to be held May 9, 2023, in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Proposed Ordinance 244, applicants Levi Jensen requesting to move from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance: The West 520' of the North 1,965' of the SW ¼ of Section 9-T121N-R63W of the 5TH P.M., Brown County South Dakota (14380 390<sup>th</sup> Ave., West Rondell Twp.). All members present voting aye. Motion carried.

#### PLATS:

##### Resolution #16-23

Commissioner Dennert brought the following resolution: "Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing "Hendrick Addition in the SE ¼ of Section 26, Township 124 North, Range 64 West of the 5<sup>th</sup> P.M., Brown County, South Dakota" having been examined, is hereby approved in accordance with the provisions of SDCL 1967, Chapter 11-3 and any amendments thereof." Seconded by Commissioner Wiese. All members present voting aye. Resolution adopted.

##### Resolution #17-23

Commissioner Dennert brought the following resolution: "Be it resolved by the Board of County Commissioners of Brown County, South Dakota, that the plat showing "Jordan Engelhart First Addition in Government Lot 1 and in the S ½ NE ¼ of Section 6-T126N-R63W of the 5<sup>th</sup> 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 Wiese. All members present voting aye. Resolution adopted.

**OTHER BUSINESS:**

Representative Carl Perry introduced Scott Moore, who is Representative of District 23.

**EXECUTIVE SESSION:**

Moved by Commissioner Wiese, seconded by Gage to go into executive session to discuss Contracts, Legal and Personnel per SDCL 1-25-2. All members present voting aye. Motion carried. The chair declared the executive session closed with no action taken.

**BIDS – FLOOR COVERINGS:**

Judy Dosch, Building Superintendent recommended to accept the Bid from Montgomery’s. Moved by Commissioner Wiese, seconded by Dennert to award the bid submitted by Montgomery’s in the amount of \$29,318.85 for removal and disposal of existing carpet and vinyl cove base and install 24’ x 24” carpet tiles and new vinyl base; rejecting the bid from Builders First Source @ \$38,959.14. All members present voting aye. Motion carried.

**BUILDING PROJECT UPDATE:**

Judy Dosch, Building Superintendent shared that she has been in contact with a couple of companies in regard to doing Tuck Pointing on the Dome and Lady Justice on top of the Courthouse. In 2020 a motion was moved to assign \$250,000 for future projects – Heupel Auditor is researching this.

**ADJOURNMENT:**

Moved by Commissioner Wiese, seconded by Dennert to adjourn the Brown County Commission meeting at 10:15 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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## MAY 2, 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, Wiese, Gage, and Sutton. Commissioner Dennert led the Pledge of Allegiance.

### APPROVAL OF AGENDA:

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

### OPPORTUNITY FOR PUBLIC COMMENT:

Dave Meyer with Summit Carbon Solutions stated that even though we passed Ordinance #243 last week, they are still committed to providing proper training to First Responders in our area as they move forward with the progress of the pipeline.

### BID – BIG SCREENS FOR BCF:

Time and place, as advertised to open, read and consider sealed bids to provide Large Video Screens, all equipment, and technicians for Brown County Fair Grandstand Entertainment in years 2023, 2024, 2025 and 2026. Bids were received from Sideline Productions for two 11' x 19.5' LED Displays in the amount of \$15,900.00 per year, for four years; TMS for two 16' x 9' LED Screens in the amount of \$35,450.00 per year for four years; Fire Up Video two 8.5' x 15' mobile jumbotrons in the amount of \$28,999.00 per year for four years. Rachel Kippley requested to defer awarding the bid for 2 weeks to review all the details and discuss it with the Fair Board. Moved by Commissioner Fjeldheim, seconded by Wiese to defer bids for 2 weeks. All members present voting aye. Motion carried.

### JDC AGREEMENT WITH ABERDEEN SCHOOL DISTRICT:

Chairman Sutton shared that Sheriff Lunzman had reviewed the agreement and shared that it is acceptable from his perspective. Moved by Commissioner Wiese, seconded by Gage to approve and authorize Chairman Sutton to sign the JDC Agreement with Aberdeen School District. All members present voting aye. Motion carried.

### RFP FOR SURPLUS PROPERTY:

Ross Aldentaler, State's Attorney Deputy stated the biggest thing were dates and how long they want to leave it open for potential bidders and his recommendation was give the County 30 days to accept bid and then close within 60 days. After further discussion it was set to be published on May 10<sup>th</sup> & 17<sup>th</sup> with bid opening set for June 13<sup>th</sup>. Commissioner Wiese Thanked Ross and Chairman Sutton for working on the Specs. Moved by Commissioner Fjeldheim to approve the RFP for Surplus Property with bid opening of June 13<sup>th</sup>, seconded by Dennert. All members present voting aye. Motion carried.

### MINUTES:

Moved by Commissioner Wiese, seconded by Gage to approve the General Meeting minutes of April 25, 2023. All members present voting aye. Motion carried.

Moved by Commissioner Dennert, seconded by Gage to approve the Consolidated Board of Equalization minutes of April 25, 2023. All members present voting aye. Motion carried.

Moved by Commissioner Gage, seconded by Wiese to approve the amended minutes of April 11, 2023. All members present voting aye. Motion carried.

### CLAIMS:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the following claims: Professional Fees: Avera St. Luke's Hospital \$753.78; Dakota Group LLC \$2,500.00; Gary J. Cooney, Clerk of Circuit Court and Comptroller \$11.00; Kuck Law Office \$200.00; Lewis & Clark BHS \$736.00; Lumen \$192.36; Sanford Health Occupational Medicine \$108.00; SD Dept of Health \$2,230.00; SDAAO-SD Assoc of Assessing Officers \$750.00; State Bar of South Dakota \$425.00; Tyler Technologies, Inc \$260.00; US Bank Visa \$795.63; Yankton County Sheriff's Office \$50.00. Publishing: Aberdeen Parks, Recreation and Forestry \$450.00; GateHouse Media South Dakota Holdings, Inc. \$386.48; Groton Daily Independent \$153.70; Orlando Sentinel \$151.92; The Argus Leader \$45.93. Repairs & Maintenance: Aberdeen Asphalt, Inc \$632.50; Brown County Speedway \$400.00; Custom Installation Solutions \$135.00; Election Systems & Software \$7,035.00; Gardner Locksmithing \$80.00; Gary's Auto Bod & Accessories \$2,394.31; JGE, Inc \$457.93; K & S Plumbing, Inc \$1,812.48; Laursen Asphalt

Repair Equipment, LLC \$15.75; Lawson Products, Inc \$49.72; Leidholt Electric, LLC \$322.65; Little Falls Machine, Inc \$136.55; Matt's Tree Service \$1,800.00; Mega Construction Inc \$3,238.78; Nardini Fire Equipment \$410.00; US Bank Visa \$852.49. Supplies: Avera LTC Pharmacy Aberdeen \$2,999.75; Century Business Products \$145.91; Dakota Supply Group \$1,547.43; GovConnection, Inc \$131.45; Great Western Tire \$5,730.02; Laursen Asphalt Repair Equipment, LLC \$71.25; Lawson Products, Inc \$774.61; Leidholdt Tool Sales, LLC \$130.95; Leidholt Electric, LLC \$120.00; Little Falls Machine, Inc \$655.79; Matheson Tri-Gas, Inc \$926.88; Menards \$70.68; Midstates Group \$131.00; Nelson Sales & Service, LLC \$396.73; Pantorium Cleaners Inc \$28.00; Performance Oil \$351.33; Plumbing & Heating Wholesale, Inc \$965.53; Pomp's Tire Service, Inc \$244.71; Runnings \$20.29; SD Federal Property Agency \$1,720.00; Stan Houston Equipment Company, Inc \$35.50; TrueNorth Steel \$7,102.84; US Bank Visa \$14,994.79. Travel & Conference: Aaron Walberg \$614.72; Danica Hillestad \$48.00; Doreen Howell \$104.04; Jesse Milbrandt \$14.00; John Clark \$48.00; Karla Nelson \$267.58; Lesli Geranen \$48.00; Linn Kamin \$68.00; Mariann Malsom \$203.20; Patti Woods \$258.50; Rachel Wilson \$48.00; Ramkota Hotel & Conference Center \$464.00; US Bank Visa \$3,845.41. Utilities: AT&T Mobility \$140.68; CenturyLink \$284.83; Montana-Dakota Utilities Co \$124.37; Northwestern Energy \$9,908.80; Verizon Wireless \$41.80; US Bank Visa \$3,713.77. All members present voting aye. Motion carried.

#### HR REPORT:

Moved by Commissioner Gage, seconded by Wiese to approve the following Human Resource Report submitted by Human Resources Director, Erica Coughlin to approve the following:

- Acknowledge the resignation of Erica Coughlin, Brown County Human Resources Director, FT; effective May 18, 2023. Request to fill.
- Acknowledge the resignation of Kari Harmon, Brown County Jail Detention Officer FT; effective April 25, 2023. Request to fill.
- Hiring Jeree Meyers as Brown County Jail Transport Driver/Court Security, as needed; effective April 30, 2023.
- Hiring of Mary Jane Lunzman as Brown County Jail/JDC, blood draw, PRN; effective April 30, 2023.
- Hiring of Matthew Coughlin as Brown County Landfill Grounds Worker; wage \$18.55/hour; effective April 29, 2023.
- Hiring of Karly Winter as Brown County States Attorney; wage \$4,423.08/pay period; effective July 10, 2023.

All members present voting aye. Motion carried.

#### TRAVEL REQUESTS:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the following Travel Requests: Russell Metz, DOE to attend 2023 Annual Assessor School in Rapid City, SD on Sept. 18-22, 2023; Scott Bader and Ron Keller, Planning & Zoning to attend GIS Mapping Workshop in Rapid City, SD on May 8-12, 2023; Tony Sorensen & Wes Graff, SO to attend Taser Instructor Course in Madison, SD on May 19, 2023; Polly Rush, DOE to attend 2023 Annual Assessor School in Pierre, SD on Oct. 2-6, 2023; Wes Graff, SO to attend Statewide Narcotics Officers Conference in Deadwood, SD on May 10-12, 2023; Ernest Thompson, Ross Aldentaler, Karla Nelson, SA to attend State's Attorney Conference in Deadwood, SD on May 2-5, 2023 and Laurie Richardson & Adele Mouna SA to attend Victim Assistance Conference in Deadwood, SD on May 3-5, 2023. All members present voting aye. Motion carried.

#### LEASE AGREEMENT:

Moved by Commissioner Wiese, seconded by Dennert to approve and authorize the Chairman sign the following lease agreement: Aberdeen Downtown Association for 1-Stage, Picnic Tables and Panels Downtown Concert Series on the following dates: June 22, 2023; July 27, 2023, and August 25, 2023. All members present voting aye. Motion carried.

#### CLAIM ASSIGNMENTS:

Moved by Commissioner Wiese, seconded by Fjeldheim to authorize and approve the Auditor sign the Claim Assignment against an individual to Credit Collections Bureau for the purpose of collecting liens. All members present voting aye. Motion carried.

#### MALT BEVERAGE & SD FARM WINE LICENSE RENEWALS:

Moved by Commissioner Wiese, seconded by Gage to approve the following applications for RETAIL (ON-OFF SALE) MALT BEVERAGE & SD FARM WINE Licenses to operate outside of the Municipality: Aberdeen Hockey Association (Brown County Fairgrounds SW ¼, Sec 1-T123N-R64W – Odde Hockey Building); P'ZA Inc. DBA Anchors Away Lodge & Resort (Palmer's Richmond Resort SD Lt 1, SD OL 1 Richmond OL 1 & 2); Bath Quick Stop

(Lot B Weismantels 1<sup>st</sup> Subdivision of Lot 1 EX N 12' Jenkins Subdivision E ½ of SE ¼ Section 18-123-62; Motor Sports LLC DBA Brown County Speedway (Brown County Fairgrounds SW ¼ Sec 1-T123N-R64W – Grandstand); Brown County Centennial Village (Brown County Fairgrounds SW ¼ Sec 1-T123N-R64W – Centennial Village); Elm Lake Resort LLC (Lot 1 Elm Lake Resort SE ¼ 8-128-65); ARR LLC DBA Flatland Flyways Lodge (Lodge OL Art Russo OLS in GOV Lt 3 & 4 NW 1-127-62); Moccasin Creek Country Club Inc (Prairiewood Village OL 7, E2, 33-124-63); Jackie Chantal LLC DBA Richmond Oasis (Lot 4 Schaeffer Richmond Lake 2<sup>nd</sup> Add NW & NE 25-124-65 5 AC); Richmond Pavilion LLC (Richmond Resort Outlot 2, NE ¼ of Section 25-T124N-R65W ); Marge Frohling DBA The Connection (Lots 10-11-12-13 & 14, Block 2 Sec 31-T127-R61). All members present voting aye. Motion carried.

#### EXECUTIVE SESSION:

Moved by Commissioner Wiese, seconded by Dennert to go into executive session to discuss Personnel, Legal and Pending Litigation per SDCL 1-25-2. All members present voting aye. Motion carried. The chair declared the executive session closed with no action taken.

#### OTHER BUSINESS:

Discussion was held on consideration for proposed salary increase for Budget Requests and was decided to go with 3% as a place holder.

#### ADJOURNMENT:

Moved by Commissioner Dennert, seconded by Wiese to adjourn the Brown County Commission meeting at 9:58 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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## MAY 9, 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, Wiese, Gage, and Sutton. Commissioner Fjeldheim led the Pledge of Allegiance.

### APPROVAL OF AGENDA:

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

### OPPORTUNITY FOR PUBLIC COMMENT:

Jared Bossly wanted to inform the Commission that Summit Carbon Solutions employees were trespassing on his property and began surveying without his permission. They are now serving condemnation papers on landowners. Mark Bossly Thanked the Commissioners for the Setback Ordinance that was passed and asked that they keep the Moratorium on and possibly extend it as well.

### ORDINANCE #244 – FIRST READING:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the First Reading of Proposed Ordinance #244. Applicants Levi Jensen 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: The West 520' of the North 1,965' of the SW ¼ of Section 9-T121N-R63W of the 5th P.M., Brown County, South Dakota (14380 390<sup>th</sup> Ave., West Rondell Twp.). All members present voting aye. Motion carried.

### DISCUSS POSSIBLE ACTION ON RESOLUTION #33-22:

Resolution #33-22 was to establish the temporary moratorium on the Issuance of Conditional Use Permits and Building Permits on Hazardous Waste Pipelines in Brown County, SD. Chairman Sutton stated this was to give Brown County, Planning & Zoning along with Planning & Zoning Board time to review our current ordinances and be able to study, research and offer a decision on those findings for what's best for Brown County. We even held a public meeting prior to the final reading and discussed this at length. Ordinance #243 was passed on April 25, 2023, based on what was found to be best for Brown County. Ross Aldentaler, Deputy State's Attorney stated that Ernest Thompson, State's Attorney would recommend lifting the moratorium because we have done all the research we can, and we are compliant with Federal and State Regulations, but it is up to the Board. Jared Bossly, Dennis Feickert, Craig Schaanaman and Janet Hedges expressed some concerns and asked the Commissioners to not lift the moratorium and even look at extending it because want to look at the depth of cultivation and safety of the pipelines. Ross shared information that the Feds are regulating the depth of cultivation already and doesn't feel the County could do anymore. Commissioner Gage shared that we have also been using outside counsel along with the State's Attorney office. Commissioner Wiese stated that he would be comfortable with taking no action at this time due to the information and authority we have on the setbacks, moratorium by statute is a one-year with the potential to extend it but with no action would expire on July 19<sup>th</sup>, so could wait for 2 months. Mark Bossly and Dennis Feickert mentioned that the Feds are still having meetings on Carbon pipelines and FEMSA is holding a meeting May 31<sup>st</sup> & June 1<sup>st</sup> and will listen to public comment session in Des Moines, IA, so this is another reason to leave the moratorium on and let FEMSA review regulations. Chairman Sutton stated we could postpone until July 18<sup>th</sup>, the day before the moratorium expires. Craig Schaanaman asked about doing a separate ordinance on the depth of cultivation. Chairman Sutton, stated we are not going to take any action today, put on the agenda again on July 18<sup>th</sup> to discuss further at that time along with the new State's Attorney.

### APPOINT STATE'S ATTORNEY INTERIM:

Chairman Sutton shared that Ernest Thompson had resigned as of May 12<sup>th</sup> and Karly Winters will be appointed the State's Attorney Interim but is unable to start until July 10<sup>th</sup>, so for the time between Ernest leaving and Karly starting Mark Anderson has agreed to be temporary interim State's Attorney. Moved by Commissioner Gage, seconded by Dennert to appoint Mark Anderson as temporary interim State's Attorney. All members present voting aye. Motion carried.

### DISASTER DECLARATION:

Scott Meints, Emergency Management Director, met with the Commission to inform them that he is working with Townships and Municipalities due the flooding that we have been having. SE Brown County was hit the worst at this time. He asked the Commission to pass a Resolution for Declaration of Emergency Disaster.

Commissioner Wiese offered the following Resolution as of May 9, 2023:

### RESOLUTION #18-23

## RESOLUTION FOR DECLARATION OF EMERGENCY/DISASTER

WHEREAS, Brown County, South Dakota, has suffered severe damage, brought on by a severe winter event. On the date and around the dates of April 10, 2023 and ongoing.

WHEREAS, Brown County, Brown County Townships and other public entities have had flooding, causing damage to public infrastructure.

WHEREAS Brown County has committed all available resources and taken all possible actions within the jurisdictional boundaries to combat and to alleviate the emergency/disaster, local resources are not adequate to cope with the situation.

NOW, THEREFORE, BE IT RESOLVED by the Brown County Commission at a regular meeting held on May 9, 2023, it is hereby requested that the Governor declare an emergency/disaster to exist for the County of Brown.

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

### FIREWORKS PERMIT:

Scott Meints, Emergency Management Director wanted to discuss the Fireworks Permits that the County issues as far as discharging the Fireworks. Scott recommended that we add the addition of state law, SDCL 34-37-19 to the Permit Forms so if due to dry conditions a ban needs to be put in place, those with a permit are aware that it affects them as well. Moved by Commissioner Wiese, seconded by Gage to add the additional SDCL to the permit form.

### EMERGENCY MANAGEMENT UPDATE:

Scott Meints, Emergency Management Director informed the Commission that Jamestown called to inform him that they are going to be doubling their output this week.

### DISCUSS FUNDING PROPOSALS FOR RIVERBANK ON CO. ROADS 13 & 400:

Chad Pray met with Commission to see if the County would be willing to help with the costs of improving the riverbank along County Roads 13 & 400. Chad had 2 bids: Schmidt Construction for \$15,700.00 for pulling up the dirt off North side put on the bank and level it off and \$33,000.00 from Hanlon's for concrete, trucking and loading 100 loads for rip rap after the dirt dries out. Chad shared that he has submitted paperwork requesting assistance from James River Water Development and they meet on Thursday, May 11<sup>th</sup>. Moved by Commissioner Dennert, seconded by Wiese to do an In-Kind donation of concrete and loading of the concrete at this time. All members present voting aye. Motion carried.

### LOAD LIMITS:

Dirk Rogers, Highway Superintendent met with the Commissioners to discuss the load limits. His recommendation was to lift the load limits on everything except for County Rd. 5, west of 281 for at least 2 weeks because of the road conditions. Moved by Commissioner Fjeldheim to lift the load limits as at Midnight on May 9, 2023, except for Co. Rd. 5 West of 281. Seconded by Gage. All members present voting aye. Motion carried.

### HIGHWAY UPDATE:

As far as FEMA, we have 4 locations (State Line – Hall Crossing – 16B and Co. Rd. 25) that go under every year. 16B and 25 still have open cases from last time. County Projects that will begin are paving on 16 and Bridge NE of Frederick. Co. Road 5 and Elm Lake are on hold right now due to muddy conditions. Jensen's are out patching as of yesterday.

Chairman Sutton asked about staffing due to an individual resigning. Dirk stated they are still okay at this time with staffing. Dirk shared that he has gotten requests to see if Brown County would be interested in participating in the Dakota Build Scholarship program through Vo-Tech Schools. He asked for the Commissioners opinion in general on this program. Commissioner Wiese shared if you have the details & can reap the benefits, Commissioner Sutton would be a strong proponent. Two other counties have a full program where they train the individual(s) in-house employees only.

### MINUTES:

Moved by Commissioner Wiese, seconded by Gage to approve the General Meeting minutes of May 2, 2023. All members present voting aye. Motion carried.

Moved by Commissioner Wiese, seconded by Dennert to approve the Brown County Board of Equalization minutes of May 2, 2023. All members present voting aye. Motion carried.

Moved by Commissioner Gage, seconded by Dennert to approve the Consolidated Board of Equalization minutes of May 2, 2023. All members present voting aye. Motion carried.

#### CLAIMS/PAYROLL:

Moved by Commissioner Gage, seconded by Fjeldheim to approve the following claims and payroll: Claims:

Insurance: SD Public Assurance Alliance \$245,891.92. Professional Fees: Brick's TV and Appliance \$1,676.25; City of Aberdeen Finance Office \$250.00; Faulkton Area Medical Center \$144.00; Fox Law Firm, PLLC \$150.00; Helms & Associates \$1,120.00; Language Line Services, Inc \$268.12; Lucy Lewno \$90.00; Mark Katterhagen \$12.00; Pantorium Cleaners Inc \$15.07; Sanford Health Occupational Medicine \$1,008.00; Satellite Tracking of People, LLC \$1,592.50; Thomson Reuters-West Payment Center \$283.30; Valerie J. Larson \$12.00; We Care Online \$1,070.00; Yankton County Sheriff's Office \$50.00; Yellowstone County Sheriff's Office \$75.00.

Publishing: Dakota Broadcasting, LLC \$1,960.00; Geffdog Designs \$2,503.26; Groton Daily Independent \$189.76;

Hub City Radio \$1,500.00; McQuillen Creative Group, Inc \$270.00; South Dakota Magazine \$841.50. Rentals: Dakota Electronics \$3,000.00. Repairs & Maintenance: Big Scoop Snow Removal \$2,400.00; Custom Installation Solutions \$125.00; Dakota Doors Inc \$50.18; Dakota Fluid Power, Inc \$240.00; Diesel Machinery, Inc \$6,910.44; EcoLab Pest Elimination Division \$157.46; Hanlon Brothers, LLC \$3,972.09; HF Jacobs & Son Const. Inc \$3,967.18; K & S Plumbing, Inc \$1,061.41; Olson's Pest Technicians \$345.00; Pantorium Cleaners Inc \$281.20; Precision Kiosk Technologies \$2,700.00; RDO Equipment Co \$6,328.79; Steven Lust Automotive \$1,970.64; Transource Truck & Equipment, Inc \$1,190.82; Vosika Fencing \$2,313.00; Western States Fire Protection Co \$620.00. Supplies: Agtegra Cooperative \$34,060.58; Anderson Acres Inc \$640.00; Auto Value Aberdeen \$226.65; Bakken Building Maintenance \$500.00; Bimbo Foods USA, Inc \$852.25; Butler Machinery Company \$1,296.92; Century Business Products \$349.99; Cole Paper Inc \$789.50; Crawford Trucks & Equipment \$360.78; Dakota Doors Inc \$2,459.63; Dakota Electronics \$3,240.00; Dakota Fluid Power, Inc \$1,154.22; Dakota Oil \$30.80; Diesel Machinery, Inc \$220.18; East Side Jersey Dairy Inc \$2,081.55; Fastenal Company \$598.56; Fox Law Firm, PLLC \$2.85; Geffdog Designs \$634.00; Interstate Battery System of South Dakota \$67.50; Ken's SuperFair Foods \$63.17; Lang's Audio, TV & Appliance \$199.99; Linde Gas & Equipment Inc \$964.10; Lucy Lewno \$1.50; Mac's Inc-Capital One Trade Credit \$585.93; Marco Technologies, LLC \$2,647.15; Menards \$308.81; Midstates Group \$35.55; Newman Signs, Inc \$3,412.53; Pauer Sound, LLC \$1,700.00; RDO Equipment Co \$10,700.43; Rinse & Go Car Wash \$10.00; Sander's Sew-N-Vac \$244.41; SHI International Corp \$148.40; Transource Truck & Equipment, Inc \$991.54; WEB Water Bottling Company \$18.00.

Travel & Conference: Lexipol, LLC \$1,514.10; SD Assoc of County Officials \$600.00; SD Narcotics Officers Association \$50.00. Utilities: City of Aberdeen \$39.94; Economy Propane, LLC \$2,386.07; Hase Plumbing, Heating & Air Conditioning, Inc \$1,545.93; Midcontinent Communications \$249.19; Northern Electric \$1,053.46; Northwestern Energy \$12,768.69; Town of Frederick \$76.00; Verizon Wireless \$41.80. Others: SD Dept of Agriculture & Natural Resources \$3,837.83.

Payroll: Commission \$4,615.41; Auditor \$11,144.00; Treasurer \$16,742.67; SA \$30,188.52; Maintenance \$8,870.11; DOE \$16,796.81; ROD \$9,932.80; VSO \$4,272.07; GIS \$2,643.52; IT \$6,063.92; HR \$5,001.68; Sheriff \$44,506.81; Jail \$59,312.71; Coroner \$613.60; Court Security \$7,428.31; JDC/HD \$33,886.11; Welfare \$2,336.49; DPM \$12,496.85; Parks/Fairgrounds \$6,132.42; Fair \$4,107.20; 4-H \$786.80; W & P \$2,153.73; P & Z \$7,389.25; Hwy. \$46,836.25; Dispatch \$33,206.86; EM \$4,933.61; 24/7 Sobriety \$1,337.17; Landfill \$17,357.76; Meal Benefits \$210.00; FICA \$23,817.58; Medicare \$5,570.19; Discovery\_HSA \$1,482.96. 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, Erica Coughlin to approve the following:

- Acknowledge the resignation of Tanner Podoll, Brown County JDC Sergeant, FT; effective April 28, 2023. Request to fill.
- Acknowledge the resignation of Michael Kenitzer, Brown County Highway, Truck Driver, FT: effective April 21, 2023. Request to fill.
- Acknowledge adjusted effective date: Transfer of Samuel Hoppock from Brown County Jail to Brown County Sheriff's Deputy, FT; starting wage \$25.18/hour effective April 30, 2023. Request to fill.
- Approve hiring Amanda Gebro as Brown County Fair & Parks Intern, FT; starting wage \$12.50/hour; effective May 8, 2023.

All members present voting aye. Motion carried.

#### CLAIM ASSIGNMENTS:



Moved by Commissioner Dennert, seconded by Wiese 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.

#### LEASE AGREEMENT:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve and authorize the Chairman sign the following lease agreement: Jeff Scheel for lease of Clubhouse for Graduation Reception on May 13, 2023. All members present voting aye. Motion carried.

#### AUDITORS REPORT OF ACCOUNTS FOR MARCH 2023:

Moved by Commissioner Gage, seconded by Wiese to approve the Auditor's Report of Accounts of March 2023 as follows: Total Cash and Checks on Hand 7,700.00; Total Checking Account Balances 22,969,657.04; Total Savings Account Balances 1,250,447.42; Total Certificates of Deposit 5,479,550.72; Grand Total Cash & Balances 29,707,355.18. General Fund Cash and Investment Balances by Funds: General Fund 7,897,236.60; Road & Bridge Fund 2,727,976.12; Road & Bridge Fund – restricted 423,243.27; 911 Service 772,334.32; Emergency & Disaster 190,612.36; Domestic Abuse 418.26; Teen Court 250.28; Grant 32.11; JDAI 32,322.27; Richmond Youth Camp 0.00; 24/7 Sobriety 27,079.26; ROD M & P 92,003.92; American Rescue Plan Federal Grant 7,551,800.75; Rural Access Infrastructure 295,534.81; TIF Debt Service 50,713.05; Landfill + cash change 3,972,814.12; Landfill – restricted 1,400,479.44; Trust and Agency Funds 4,272,504.24; Grand Total General Fund Cash & Investments 29,707,355.18. All members present voting aye. Motion carried.

#### TRAVEL REQUESTS:

Moved by Commissioner Dennert, seconded by Fjeldheim to approve the following Travel Requests: Mariann Malsom, Patty VanMeter, Lynn Heupel and Janel Hettich to attend SDACO 2023 Spring Workshop in Pierre, SD on May 17-18, 2023. All members present voting aye. Motion carried.

#### FAIR CONTRACTS:

Moved by Commissioner Wiese, seconded by Gage to approve and authorize Chairman Sutton to sign the Commission Agreement between Winterset Concerts, LLC and Day After Day Productions (DADP). All members present voting aye. Motion carried.

#### LANDFILL TONNAGE REPORT:

Moved by Commissioner Fjeldheim, seconded by Dennert to acknowledge the Landfill Tonnage Report for April 2023. All members present voting aye. Motion carried.

#### EXECUTIVE SESSION:

Moved by Commissioner Wiese, seconded by Gage to go into executive session to discuss Personnel and Legal per SDCL 1-25-2. All members present voting aye. Motion carried. The chair declared the executive session closed with no action taken.

#### OTHER BUSINESS:

Commissioner Sutton was asked by the Fair Manager, who is also coordinating through Fair Foundation, if they would have an issue with the Fair Foundation being considered for concessions on any new events that come up at the Fairgrounds. They don't want to take away from Boys & Girls Club or Hockey Association in the events they already do. The money raised is for much needed improvements at the Fairgrounds. No cost to the County. Commissioner Wiese stated as long as they have the volunteers to do it and will go towards improvements, then no objection.

#### ADJOURNMENT:

Moved by Commissioner Fjeldheim, seconded by Wiese to adjourn the Brown County Commission meeting at 11:13 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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## MAY 16, 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, Wiese, Gage, and Sutton. Commissioner Wiese led the Pledge of Allegiance.

### APPROVAL OF AGENDA:

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

### OPPORTUNITY FOR PUBLIC COMMENT: None

### INAUGURAL JUNIOR FAIR BOARD MEMBERS:

Rachel Kippley, Fair Manager introduced Amanda Gebro as the Brown County Fair & Parks Intern. Rachel then explained to the Commission that the idea of a Junior Fair Board came from an IAFE Convention. It is a way to get new ideas and have the younger generation connect with the Fair. Harms Oil is sponsoring the first year, with a \$1500 donation for t-shirts/sweatshirts, food, etc. All the members have also signed a waiver. Moved by Commissioner Dennert, seconded by Wiese to appoint the following 2023 Brown County Junior Fair Board Members: Alexandria Brunmaier, Jax Holmes, Mileah Holmes, Kierra Johnson, Noah Kippley, Titus Kippley, Ella Meehan, Payton Mitchell, Allena Shell, Sascha Usselman and Ava Wienk. All members present voting aye. Motion carried.

### SNOW BLOWER PURCHASE:

Dirk Rogers, Highway Superintendent met with Commission to discuss purchasing a Snow Blower. Currently, they have 3 on hand but the newest one (2001) needs \$13,000 in repairs. Dirk would like to use the funds from the Reserve Snow Fund to purchase a new RPM Tech Snowblower Model RPM220, Cat C-7 Tier IV Engine for the cost of \$187,860.00. Moved by Commissioner Wiese, seconded by Fjeldheim to approve the purchase of the RPM Tech Snowblower using the Reserve Snow Funds. All members present voting aye. Motion carried.

HIGHWAY UPDATE: Dirk Rogers, Highway Superintendent gave a quick update that the Jim River is up 1” and Crow Creek is up 9”.

### MINUTES:

Moved by Commissioner Wiese, seconded by Fjeldheim to approve the General Meeting minutes of May 9, 2023. All members present voting aye. Motion carried.

### CLAIMS:

Moved by Commissioner Gage, seconded by Dennert to approve the following claims: Claims: Professional Fees: Adamsoft LLC \$750.00; Andrew John Knecht \$353.50; Carrels & Bain Family Dental Care, LLC \$163.84; Certified Languages International LLC \$752.40; Christy Griffin-Serr Law Office \$7,211.64; Cogley Law Office, Prof LLC \$7,211.64; Darcy L. Lockwood \$24.00; Dependable Sanitation, Inc \$29,998.80; Dohrer Law Office, PC \$7,211.64; Houston Engineering, Inc \$863.61; Jerald M. McNeary \$7,211.64; Jeremy Lund-Siegel Barnett & Schutz, LLP \$7,211.64; Kristi Brandt \$2,075.50; Kuck Law Office \$7,211.64; Lewis & Clark BHS \$1,104.00; Lucy Lewno \$190.00; Ross K. Den Herder \$196.95; Sanford Health Occupational Medicine \$465.00; SD Dept of Revenue & Regulation \$3,400.56; Taliaferro Law Firm, PC \$7,211.64; Tyler Technologies, Inc \$650.00; Valerie J. Larson \$24.00; Yankton County Sheriff's Office \$50.00. Publishing: Brown County Fair Foundation \$125.00; Civil Air Patrol Magazine \$305.00; GateHouse Media South Dakota Holdings, Inc \$927.80; McQuillen Creative Group, Inc \$500.00. Rentals: Aramark \$225.20; Linde Gas & Equipment Inc \$49.70. Repairs & Maintenance: Century Business Products \$116.16; EcoLab Pest Elimination Division \$112.83; House of Glass \$5,584.76; Hoven Auto Repair, Inc \$1,122.58; K & S Plumbing, Inc \$896.68; Meister Mowing LLC \$2,560.00; Midwest Pump & Tank \$2.72; Pomp's Tire Service, Inc \$1,520.06; Steven Lust Automotive \$90.42. Supplies: American Alliance of Museums \$300.00; Aramark \$135.05; Century Business Products \$923.02; Charm-Tex, Inc \$349.80; Cole Paper Inc \$293.30; Dakota Electronics \$85.00; Dakota Oil \$141.00; Diamond Mowers LLC \$2,050.60; Hitch'n Post \$200.00; JGE, Inc \$651.16; Karen Swank \$36.00; Kessler's \$63.99; Kiesler Police Supply \$2,090.54; Laser Printer Checks \$119.46; Lucy Lewno \$6.60; Menards \$204.29; Meyers Tractor Salvage, LLC \$200.00; Midwest Pump & Tank \$133.27; Minn-Kota Communications, Inc \$4,205.40; NVC \$27.88; Performance Oil \$460.02; Pitney Bowes Global Financial Services LLC \$15,000.00; Pro Ag Supply, Inc \$19.58; Runnings \$1,540.41; SD State Historical Society \$55.00; Titan Machinery \$722.31; TrueNorth Steel \$20,709.15. Travel & Conference: Dave Lunzman \$482.00; Erica Coughlin \$268.21; Karla Nelson \$207.28; Kelsi Vinger \$40.00; Lutheran Social Services of SD \$278.29; SDASRO \$75.00; SD Assoc of County Officials \$100.00; Steinley Real

Estate Appraisals \$325.00; The Lodge at Deadwood \$80.00. Utilities: CenturyLink \$1,205.85; City of Aberdeen \$1,963.30; City of Hecla \$191.08; James Valley Telecommunications \$209.10; Midcontinent Communications \$138.23; Northern Electric \$86.00; Northwestern Energy \$3,085.24; NVC \$250.00; Verizon Wireless \$283.67; WEB Water Development Association, Inc \$101.08. Others: IntelliPay \$1,150.00; SD Dept of Revenue & Regulation \$711,254.69; WEX Health Inc \$7,000.00. All members present voting aye. Motion carried.

#### HR REPORT:

Moved by Commissioner Fjeldheim, seconded by Gage to approve the following Human Resource Report submitted by Human Resources Director, Erica Coughlin to approve the following:

- Acknowledge the resignation of Kasey Kurtz, Brown County Deputy Sheriff, FT; effective May 13, 2023. Request to fill.
- Acknowledge the resignation of John Clark, Brown County Jail Sergeant, FT; effective May 24, 2023. Request to fill.
- Acknowledge transfer of Henry Fulda from Brown County Sobriety Coordinator, FT to Sobriety Technician, PT, transfer date TBD. Request to fill FT position.
- Rescind the hiring of Rhonda Retzlaff as Brown County Fairgrounds seasonal worker.
- Approve adjusted effective date: Hiring of Amanda Gebro as Brown County Fair & Parks Intern, FT; starting wage \$12.50/hour; effective May 15, 2023.
- Approve hiring of Anna Johnson as Brown County 4-H Summer Intern, FT; starting wage \$12.50/hour; effective May 30, 2023.
- Approve hiring Joshua Sitarz as Brown County 911 Communications Officer, FT; starting wage \$20.67/hour; tentative effective date May 25, 2023.
- Approve hiring Nancy Radke as Brown County Fairgrounds seasonal worker; starting wage \$12.50/hour; effective May 15, 2023.

All members present voting aye. Motion carried.

#### LEASE AGREEMENT:

Moved by Commissioner Dennert, seconded by Fjeldheim to approve and authorize the Chairman sign the following lease agreements: Jeff Wolff for lease of Hog & Sheep Barn for Showmanship Camp on June 11-12, 2023; Dakota Farmers Union for lease of Clubhouse for SDFU Camp on July 6-7, 2023; Melvin & Vania Malsom for lease of Richmond Lake Youth Camp Lodge on September 9, 2023. 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 individuals to Credit Collections Bureau for the purpose of collecting liens. All members present voting aye. Motion carried.

#### MALT BEVERAGE & SD FARM WINE LICENSE RENEWAL:

Moved by Commissioner Wiese, seconded by Gage to approve the following application for RETAIL (ON-OFF SALE) MALT BEVERAGE & SD FARM WINE Licenses to operate outside of the Municipality: Parkview Nursery (Lot 1, Parkview Nursery Addition to Aberdeen in the NW ¼ of Section 25, T123-R64W of the 5TH P.M., according to the plat thereof record Brown County, South Dakota). All members present voting aye. Motion carried.

OTHER BUSINESS: None

#### EXECUTIVE SESSION:

Moved by Commissioner Fjeldheim, seconded by Wiese to go into executive session to discuss Personnel and Contracts per SDCL 1-25-2. All members present voting aye. Motion carried. The chair 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 10:05 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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## MAY 23, 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, Wiese, Gage, and Sutton. Commissioner Gage led the Pledge of Allegiance.

### APPROVAL OF AGENDA:

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

### OPPORTUNITY FOR PUBLIC COMMENT:

Mark Bossly informed the Commission that Summit Carbon Solutions are surveying too close to Freddie Robinson's house and wondering who is supposed to be enforcing the setbacks that were passed in the Ordinance. Mark asked about having a cease and assist put into place.

Freddie Robinson also asked who oversees enforcing the setbacks. He shared that they have armed security with them, and they can't even go on their own land. Wondering if we have an Ordinance regarding Private Security in Brown County.

Dennis Feickert thinks that the Brown County Commission needs to take a stand and stop Summit Carbon Solutions from continuing to survey within 1500 feet. He feels the Sheriff should be enforcing this. Dennis also stated that Summit Carbon Solutions are doing things without a permit from the PUC.

Commissioner Dennert shared that he received a phone call from a Brown County resident that was traveling a section line and came across them surveying and when she stopped and asked what they were doing, they said the Landowner was OK with it, but that wasn't the case.

When Dave Meyer, Summit Carbon Solutions was asked about this he shared that he was not privileged to this information.

Ross Aldentaler, State's Attorney Deputy shared that if anyone feels threatened, they should contact the Sheriff's Office.

### ORDINANCE #244 - SECOND READING/ADOPTION:

Moved by Commissioner Gage seconded by Wiese to adopt Ordinance #244. Applicant Levi Jensen 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: The West 520' of the North 1,965' of the SW ¼ of Section 9-T121N-R63W of the 5th P.M., Brown County, South Dakota (14380 390<sup>th</sup> Ave., West Rondell Twp.). All members present voting aye. Motion carried.

### BID RECOMMENDATION FOR BIG SCREENS AT BCF:

Rachel Kippley, Fair Manager met with recommended to accept the Bid from Sideline Productions. Moved by Commissioner Wiese, seconded by Dennert to award the bid submitted by Sideline Productions in the amount of \$15,900/yr. for a total of \$63,600 for the 4-years for 2 screens to be used during the Dakota Stampede Rodeo and Concerts at the Brown County Fair. Rejecting the bids from TMS @ \$35,450/yr. and Fire Up Video @ \$28,999/yr. All members present voting aye. Motion carried.

### BROWN COUNTY FAIR UPDATE:

Rachel Kippley, Fair Manager shared that Jimmy Johnson will not be performing at the Fair on Saturday night. Though the Board feels that Gary Vox, former member of Rascal Flatts could put on a good show, they are looking for a replacement for Jimmie Allen.

### LOAD LIMITS:

Dirk Rogers, Highway Superintendent met with the Commissioners to discuss the load limits. His recommendation was to extend the Load Limit on County Rd. 5, from 281 to Co. Rd. 6 for 1 more week because of the road conditions. Load limits from Co. Rd. 6 west will be lifted this afternoon. Moved by Commissioner Dennert to extend load limits on County Rd. 5 from 281 to Co. Rd. 6 for 1 more week. Seconded by Wiese. All members present voting aye. Motion carried.

### APPLICATION FOR OCCUPANCY - NVC:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve application, submitted by Northern Valley Communications for occupancy of Brown County Hwy #14 in Sec 22-T123-R63 of the 5<sup>th</sup> P.M, Brown County, SD to provide telecommunication services. All members present voting aye. Motion carried.

### APPLICATION FOR OCCUPANCY – NORTHERN ELECTRIC:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve application, submitted by Northern Electric for occupancy of Brown County Hwy #12N in Sec 6-T123N-R63W of the 5<sup>th</sup> P.M, Brown County, SD to provide primary electric services. All members present voting aye. Motion carried.

#### HIGHWAY UPDATE:

Dirk Rogers, Highway Superintendent shared that they are moving on the Sand Lake Bridge, culture survey is done so should start work this fall. Bridge NE of Frederick has been poured so it needs to be cured and should be opened within the next month. Bridge 206 is going through the second round which has its own standalone funding, county is responsible for 20%. The fencing and mowing is slow going due to the wet conditions. Dirk informed the Commission that on June 5<sup>th</sup> they will be paving Co. 16. There will be a 3-mile stretch (2 miles South and 1 mile North) of Sand Lake Bridge that will be milled gravel due to the limited funds and that is the worst part of that road. Freddie Robinson asked Dirk about Railroad Crossings, he shared that south of Warner on 27 is extremely rough. Dirk shared that is on the plan to be worked on this summer. Patching has been done expect in the SW part of County. They will be milling up 13 west of State Park again, relaying it and then reprime it. Scott Bader, Planning & Zoning Director asked Dirk if he was aware of a new bridge on Br. Co. 6 south of the spillway, Dirk said he was approached by someone else and checked with SD School & Public Lands and was told nothing was going on. Carl Perry informed Dirk and Commission that Brandei Schaeffbauer, Dist. 3 Representative is on the Transportation Committee so would be a good contact/resource for him. Dennis Feickert shared they are doing a Summer Study on Funding for Counties, also. Carl Perry stated that Senator Novstrup will be working on that Summer Study.

#### MULTIPLE INTERMENT REQUEST:

Schriv'er's Memorial submitted a multiple interment request to the Brown County Commission asking for permission for an additional interment into a county issued burial plot. Moved by Commissioner Wiese, seconded by Gage to approve and authorize Chairman Sutton to sign the Interment Request. All members present voting aye. Motion carried.

#### MINUTES:

Moved by Commissioner Wiese, seconded by Gage to approve the General Meeting minutes of May 16, 2023. All members present voting aye. Motion carried.

#### CLAIMS:

Moved by Commissioner Wiese, seconded by Fjeldheim to approve the following claims and payroll:

Claims: Professional Fees: Adamsoft LLC \$1,625.00; Civil Solutions LLC \$472.00; Den Herder Law Firm \$121.20; Falco Enterprises, Inc \$1,250.00; IMEG Corp \$10,256.59; LexisNexis Risk Data Mgt, LLC \$200.00; Lumen \$258.54; Minnehaha County, SD \$30.41; Sara J. Zahn \$71.50; SD Dept of Health \$830.00; Siegel, Barnett & Schutz \$534.38; Yellow Robe Consulting \$9,000.00. Publishing: GateHouse Media South Dakota Holdings, Inc. \$868.77; Todd County Tribune/Mellette County News \$27.01. Repairs & Maintenance: Aberdeen Clean-All, LLC \$674.00; Ace Refrigeration, LLC \$671.16; Burdette Security & Technologies, LLC \$26.65; Century Business Products \$2.00; CommTech Inc \$5,880.00; Dakota Electronics \$683.10; Graham Tire Inc \$762.24; HF Jacobs & Son Const. Inc \$4,361.59; Hub City Roofing Inc \$430.00; Jensen Rock & Sand Inc \$39,197.50; Leidholt Electric, LLC \$251.34; Pierson Ford Lincoln, Inc \$1,924.75; SD Dept of Public Safety \$2,840.00; Stan Houston Equipment Company, Inc \$15.00; Steven Lust Automotive \$82.15. Supplies: Advance Auto Parts \$1,845.72; Avera LTC Pharmacy Aberdeen \$2,272.29; Burdette Security & Technologies, LLC \$1,305.63; Cartney Bearing \$63.20; Century Business Products \$223.22; Cole Paper Inc \$717.20; Creative Product Source, Inc \$2,986.83; Division of Motor Vehicles \$16.70; Farm Power Mfg. \$26.00; FedEx \$34.04; GovConnection, Inc \$247.52; Intellectual Technology, Inc \$132.51; Jensen Rock & Sand Inc \$47,802.00; LabSource, Inc \$254.88; Menards \$78.28; Midstates Group \$47.75; Performance Oil \$115.92; Pierson Ford Lincoln, Inc \$1,507.46; Pomp's Tire Service, Inc \$1,575.47; Regalia Manufacturing Co \$53.90; Runnings \$15.90; Safety Security Products, LLC \$418.16; Safety Service \$251.00; Stan Houston Equipment Company, Inc \$169.00; Thomson Reuters-West Payment Center \$1,894.62; Verizon Wireless \$1,299.99. Travel & Conference: Adelaide Mouna \$412.52; Janel Hettich \$52.00; Karla Nelson \$466.52; Kelsi Vinger \$53.24; Laurie Richardson \$94.00; Lynn Heupel \$220.50; Mariann Malsom \$203.20; Ross Aldentaler \$134.00. Utilities: City of Aberdeen \$307.42; Dependable Sanitation, Inc \$513.00; Northwestern Energy \$1,924.00; NVC \$3,615.62; Verizon Wireless \$4,257.42.

Payroll: Commission \$4,615.41; Auditor \$11,144.00; Treasurer \$16,603.64; SA \$32,312.25; Maintenance \$8,948.24; DOE \$16,796.84; ROD \$9,932.81; VSO \$4,254.09; GIS \$2,643.52; IT \$5,998.30; HR \$5,001.68; Sheriff \$51,945.71; Jail \$58,159.64; Coroner \$613.59; Court Security \$6,729.21; JDC/HD \$29,922.45; Welfare \$2,336.49; DPM \$11,406.65; Parks/Fairgrounds \$5,871.73; Fair \$4,107.20; 4-H \$786.80; W & P \$4,801.58; P & Z \$7,232.60; Hwy.

\$46,053.28; Dispatch \$33,334.22; EM \$4,933.61; 24/7 Sobriety \$1,280.36; Landfill \$19,475.31; FICA \$24,186.31; Medicare \$5,570.19; Discovery\_HSA \$5,656.47; Retirement\_SDRS \$50,866.09. All members present voting aye. Motion carried.

#### HR REPORT:

Moved by Commissioner Fjeldheim, seconded by Gage to approve the following Human Resource Report submitted by Human Resources Director, Erica Coughlin to approve hiring the following:

- MaKayla Hauck as Brown County Museum Intern, FT; starting wage \$12.50/hour; effective May 18, 2023.
- Allison Tunheim as Brown County Human Resources Director, FT; wage \$2,917.95/pay period; effective June 12, 2023.
- Molly “Eden” McClellan as Brown County Jail Detention Officer, FT; starting wage \$20.67/hour; effective May 15, 2023.
- Erin Kumpf as Brown County Deputy Treasurer, FT; starting wage \$19.67/hour; effective May 30, 2023.

All members present voting aye. Motion carried.

#### TRAVEL REQUESTS:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the following Travel Requests: Joe Kraft, DOE to attend 2023 USPAP in Pierre, SD on July 12-13, 2023; Sherri Rawstern, DPM to attend the Civics & History Summit in Sioux Falls, SD on June 12-14, 2023. 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 Boys & Girls Club of Aberdeen Area for a lottery to be held at the Moccasin Creek Country Club on June 19, 2023. All members present voting aye. Motion carried.

#### PLAT FOR ABERDEEN ZONING BOARD:

Moved by Commissioner Dennert, seconded by Wiese to approve and authorize Chairman Sutton to sign the Plat of Brown County Commissioner’s Fourth 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 THE WEST 71 FEET OF LOT 13 AND THE WEST 71 FEET OF THE SOUTH HALF OF LOT 14, BLOCK 27 AND THE EAST 71 FEET OF LOT 13 AND THE EAST 71 FEET OF THE SOUTH HALF OF LOT 14, BLOCK 27, BOTH IN HAGERTY & 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 FOURTH 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 THE WEST 71 FEET OF LOT 13 AND THE WEST 71 FEET OF THE SOUTH HALF OF LOT 14, BLOCK 27 AND THE EAST 71 FEET OF LOT 13 AND THE EAST 71 FEET OF THE SOUTH HALF OF LOT 14, BLOCK 27, BOTH IN HAGERTY & LLOYD’S ADDITION TO ABERDEEN, BROWN COUNTY, SOUTH DAKOTA AS FILED FOR RECORD ON JULY 31, 1888 AND DULY RECORDED AS PLAT NO. 8. 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 individuals to Credit Collections Bureau for the purpose of collecting liens. All members present voting aye. Motion carried.

#### LEASE AGREEMENT:

Moved by Commissioner Wiese, seconded by Dennert to approve and authorize the Chairman sign the following lease agreement: Aberdeen Area Horsemen’s Association for lease of Akkerman Open Horse Arena on June 4, June 25, July 16, and August 6, 2023. All members present voting aye. Motion carried.

#### ZONING ORDINANCES - SET HEARING DATE/AUTHORIZE ADVERTISING:

Moved by Commissioner Gage, seconded by Wiese to set hearing date and authorize advertising for first reading of the following zoning ordinances to be held June 13, 2023, in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Proposed Ordinance 245, applicants Steven Rossow requesting to move from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) for Lot 1 to bring this parcel into compliance for its future use: Proposed Lot 1, "Steven Rossow Subdivision" in the NW ¼ of Section 6-T121N-R61W of the 5th P.M., Brown County, South Dakota (40025 142<sup>nd</sup> St., Garden Prairie Twp.). Proposed Ordinance 246, amending portions of Title 4 Zoning, 4.06 Agriculture Preservation District (AG-P), Chapter 4.14 Highway Commercial District (HC), and Chapter 4.15 Light Industrial District (L-I). The proposed ordinance will be made available for public inspection at the Brown County Auditor's Office or Brown County Planning and Zoning Office during regular business hours. All members present voting aye. Motion carried.

#### OTHER BUSINESS:

Commissioner Sutton informed the rest of the Commission that he reached out to a Commissioner from Minnehaha County asking for a copy of their Pipeline Ordinance so will share that with Commission and Planning & Zoning once he receives a copy.

#### EXECUTIVE SESSION:

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

#### ADJOURNMENT:

Moved by Commissioner Dennert, seconded by Wiese to adjourn the Brown County Commission meeting at 10:08 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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## MAY 30, 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, Wiese, Gage, and Sutton. Auditor Heupel 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: None

### COURT RESOURCE GRANT:

Kelsi Vinger and Karla Nelson met with the Commissioners to discuss the Court Resource Grant helps provide temporary housing for juveniles. They had a family that was going through the process but decided to withdraw from the program, so they are continuing to look for another family. Kelsi asked for Chairman Sutton to sign letter of support and grant application. Moved by Commissioner Wiese, seconded by Gage to approve and authorize Chairman Sutton to sign the letter of support and the Court Resource Grant application.

### RACIAL & ETHNIC DISPARITIES GRANT:

Kelsi Vinger and Karla Nelson met with the Commissioners to discuss the Racial & Ethnic Disparities Grant which will provide a cultural appropriate diversion program. After some discussion Commissioner Wiese asked if Kelsi could provide more information to the Commission so that they could review it more. Commissioner Wiese moved to postpone approving this grant until the next Commission meeting so they could review the documentation, which was seconded by Dennert. All members present voting aye. Motion carried.

### APPROVE VOLUNTEERS FOR WORK COMP:

Moved by Commissioner Wiese, seconded by Gage to approve the following volunteers for Work Comp: Joe Akkerman, Pearl Holt and Jennifer Alsleben for Fairgrounds/Akkerman Arena; Alexandria Brunmaier, Jax Holmes, Mileah Holmes, Kierra Johnson, Noah Kippley, Titus Kippley, Ella Meehan, Payton Mitchell, Allena Shell, Sascha Ussleman and Ava Wienk which are Junior Fair Board Members. All members present voting aye. Motion carried.

### TITLE COMPANY CONTRACTS:

Moved by Commissioner Wiese, seconded by Fjeldheim to approve and authorize Chairman Sutton to sign the contracts with the following Titles Companies in Aberdeen: Titles of Dakota and Brown County Title Company. All members present voting aye. Motion carried.

### MINUTES:

Moved by Commissioner Dennert, seconded by Wiese to approve the General Meeting minutes of May 23, 2023. All members present voting aye. Motion carried.

### CLAIMS:

Moved by Commissioner Gage, seconded by Wiese to approve the following claims: Insurance: SD Public Assurance Alliance \$212.79. Professional Fees: Avera St. Luke's Hospital \$251.26; Darcy L. Lockwood \$36.00; Fox Law Firm, PLLC \$310.00; Lincoln County Treasurer \$227.70; Lucy Lewno \$330.00; Mark Katterhagen \$18.00; Sanford Health \$9,803.00; Tyler Technologies, Inc \$520.00; US Bank Visa \$1,300.64; Valerie J. Larson \$54.00; Yankton County Sheriff's Office \$50.00; Yankton County Treasurer \$227.20. Publishing: Groton Daily Independent \$475.20. Repairs & Maintenance: Auto Glass Solutions Inc \$40.00; Crawford Trucks & Equipment \$2,011.74; Don Schlosser \$700.00; Eilers Water Conditioning and Lawn Irrigation \$93.00; Hoven Auto Repair, Inc \$913.58; Jensen Rock & Sand Inc \$42,730.00; US Bank Visa \$13,735.06; Woodman Refrigeration, Inc \$381.63. Supplies: American Solutions for Business \$676.95; Cole Paper Inc \$1,324.07; Crawford Trucks & Equipment \$3,859.00; Farm Power Mfg. \$169.33; Fox Law Firm, PLLC \$3.60; GovConnection, Inc \$411.95; Groton Daily Independent \$30.00; Jensen Rock & Sand Inc \$49,574.58; JGE, Inc \$92.66; Lucy Lewno \$13.20; Marco Technologies, LLC \$127.87; Menards \$136.86; Midstates Group \$481.30; Pantorium Cleaners Inc \$56.00; SHI International Corp \$23,812.00; US Bank Visa \$17,349.38; Young Guns LLC \$2,800.00. Travel & Conference: City of Groton \$237.60; Patricia VanMeter \$169.32; Tony Sorensen \$171.87; US Bank Visa



\$6,998.81. Utilities: CenturyLink \$284.83; Midcontinent Communications \$138.23; Montana-Dakota Utilities Co \$50.74; Northwestern Energy \$8,732.93; US Bank Visa \$5,045.21. Others: Andax Industries LLC \$1,071.04; Alan P. or Angela P. Bernard \$13,025.80; Darwin H. or Mary J. Bettmann \$1,953.87; David and Jill Lehmann Living Trust \$16,282.80; Donald D. or Maxine E. Fischer \$1,953.85; FDM Revocable Living Trust \$16,281.65; Great Plains Bank \$19,538.70; Herman Schumacher \$8,141.40; James D. Gressett \$16,281.65; John Kippley \$3,256.45; Joop Antonius Hubertus Bollen \$16,281.65; Kendall or Linda Peterson \$6,512.90; Kendall Peterson Trustee PT 09 \$39,077.40; Lynette Durham \$6,512.90; Mark & Mary Volk \$6,512.90; Marlin Nilsson \$13,025.80; Plains Commerce Bank-Abdn \$248,462.34; Pyush Ramanlal Patel \$16,281.65; Robert M. or Lora M. Larson \$3,255.85; SD Assoc of County Officials \$526.00. 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 Assistant, Jessica Johnson to approve the following:

- Acknowledge the resignation of Ty Gibson, Brown County Jail Detention Officer, FT; effective June 2, 2023. Request to fill.
- Transfer of Ryan McClain from Brown County Jail Records Technician to Sobriety Coordinator, FT; starting wage \$21.72/hour; effective June 12, 2023. Request to fill.
- Hiring Kandi Shantz as Brown County Jail Detention Officer, PT; starting wage \$20.67/hour; effective May 24, 2023.
- Hiring of Kymberly Gasser as Brown County Jail Detention Officer, FT; starting wage \$20.67/hour; effective May 30, 2023.
- Hiring of Abby Wentz as Brown County 911 Communication Officer, FT; starting wage \$20.67/hour; effective June 5, 2023.
- Hiring of Ashley Schnell as Brown County 911 Communication Officer, FT; starting wage \$20.67/hour; effective June 12, 2023.
- Hiring of Tucker Anderson as Brown County Deputy State's Attorney, FT; starting wage \$72,211.12/year; effective August 14, 2023.

All members present voting aye. Motion carried.

#### PLATS:

##### Resolution #19-23

Commissioner Gage brought the following resolution: "Be it resolved by the Board of County Commissioners of Brown County, South Dakota, that the plat showing "Faye Gunther 1<sup>st</sup> Subdivision in the SE ¼ of Section 21-T128N-R64W of the 5<sup>th</sup> 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 Wiese. All members present voting aye. Resolution adopted.

##### Resolution #20-23

Commissioner Gage brought the following resolution: "Be it resolved by the Board of County Commissioners of Brown County, South Dakota, that the plat showing Steven Rossow Subdivision in the NW ¼ of Section 6-T121N-R61W of the 5<sup>th</sup> 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 Wiese. All members present voting aye. Resolution adopted.

#### CLAIM ASSIGNMENTS:

Moved by Commissioner Fjeldheim, seconded by Wiese 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.

#### SPECIAL EVENT LIQUOR LICENSE PERMIT:

Moved by Commissioner Gage, seconded by Wiese to approve the following Alcoholic Beverage Temporary Permit for a Special Event to Stacy Gossman, DBA: Flying Pig (RL-5733) for a wedding at the Brown County Fairgrounds Clubhouse on September 9, 2023. All members present voting aye. Motion carried.

#### SPECIAL EVENT LIQUOR LICENSE PERMIT HEARING:

Moved by Commission Fjeldheim, seconded by Wiese to authorize advertising public hearing for the following Special Liquor License Permit: Stacy Gossman, DBA Flying Pig (RL-5733) for event at Sumption Farm, Sec 30-T127N – R63, Brown County, SD on June 20, 2023 (Special License effective July 29, 2023). All members present voting aye. Motion carried.

#### FIREWORKS DISPLAY PERMIT:

Moved by Commissioner Wiese, seconded by Dennert to approve and authorize Chairman Sutton to sign the Fireworks Display Permit for Richmond Lake Association for July 3<sup>rd</sup> & 4<sup>th</sup>, 2023 to be held at Edwards Preserve-Richmond Lake. All members present voting aye. Motion carried.

#### TOWNSHIP BONDS:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the following Township Bonds (Treasurer & Clerk): PORTAGE #1 – Mary A. Ewing, Tom Stehly; GREENFIELD #2 – Valerie Weisser, Karen Lunzman; FREDERICK #3 – Dennis Walworth, Jill Gisi; ALLISON #4 – Kash Cutler, Pamela Cutler; LANSING #5 – Dixie Clark; ONEOTA #6 – Karla Engelhart, Neil Schaunaman; BRAINARD #7 – Charles Dennert, Diane Bruns; SHELBY #8 – Michael Knecht, Colby Crawford; NORTH DETROIT #9 – Candi Beck; CLAREMONT #10 – Donald Wegleitner, Justin Wegleitner; WESTPORT #12 – Bruce Jones, Doug Fjeldheim; CARLISLE #13 – Ashlee Nelson; ORDWAY #14 – Kerry Howell, Mike McHugh; CAMBRIA #15 – Monte McNickle, Brenda Johnson; RIVERSIDE #16 – Steve Simon, Bruce Sippel; GROTON #17 – Joyce Walter, Jeff Howard; HENRY #18 – Matt Oswald, Darlene Sass; BATH #19 – David Stahl, Scott Sperry; ABERDEEN #20 – William Donaldson, Marguerite Donaldson; MERCIER #21 – Rodney Artz, Daryl Reick; NEW HOPE #22 – Alan Borchard, Kim Schneider; WARNER #23 – Sarah Swanson, Robert Seaton; GEM #24 – Loel Schott, Bob Simon; EAST HANSON #25 – Justin Harry, Lynn Miller; GARDEN PRAIRIE #26 – Craig Dunker, Todd Osterman; EAST RONDELL #27 – Carson Stange; PALMYRA #28 – Renae Martin, Greta Thorpe; OSCEOLA #29 – Deborah Witte, Chris Sumption; SAVO #30 – Calvin Raisanen, Judy Bretsch; LIBERTY #31 – Todd Lunzman, Janet Elsen; RAVINIA # 34 – Anna Wyly, Peggy Salwei; HIGHLAND #35 – Dan Misslitz, Deanna Nelson; FRANKLYN #36 – Chelsea Gappa, Shirley Stein; RICHLAND #37 – Diana Kopetsky, Cheryl Gelling; LINCOLN #39 – Tawney Beitelspacher, Terry Nash; BATES #44 – Kathy Dobberpuhl, Betty Geist; GARLAND #46 – Landon Dennert, JoLynn Podoll; PUTNEY #48 – David LaMee, Mark Thompson; WEST HANSON #49 – Alyssa Lord, Jennifer Dirks; HECLA #50 – Susan Rosendahl, Mary Tisher; PRAIRIEWOOD #53 – Heidi Carrels, Matt Prehn; WEST RONDELL #57 – Jim Fischbach, Allen Ryckman; SOUTH DETROIT #59 – Faye Hoines. All members present voting aye. Motion carried.

#### SURPLUS PROPERTY:

Moved by Commissioner Dennert, seconded by Wiese to approve and declare the following items surplus from the Weed & Pest Control Department: 1994 Chevy Half-Ton Truck; 2000 Yamaha Grizzly ATV with 24-gallon sprayer; 2 Sprayer Injection Units; 20 ft. Spray Boom. Chris Hemen, Weed & Pest Supervisor will contact Jark/Worlie Auction to sell the items. All members present voting aye. Motion carried.

OTHER BUSINESS: None

EXECUTIVE SESSION: None

#### ADJOURNMENT:

Moved by Commissioner Wiese, seconded by Dennert to adjourn the Brown County Commission meeting at 8:54 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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## JUNE 6, 2023 – GENERAL MEETING

Meeting called to order by Vice-Chairman Fjeldheim at 8:45 A.M. in the Commission Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Dennert, Fjeldheim, Wiese and Gage. Commissioner Sutton was absent. Commissioner Wiese led the Pledge of Allegiance.

### APPROVAL OF AGENDA:

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

### OPPORTUNITY FOR PUBLIC COMMENT: None

### RACIAL & ETHNIC DISPARITIES GRANT:

Kelsi Vinger, States Attorney along with Annie Brokenleg, State Coordinator met with the Commissioners to discuss the Racial & Ethnic Disparities Grant which will provide a cultural appropriate diversion program. Commissioner Dennert asked if Item VI, which was meeting with the Aberdeen Area Diversity Coalition to gain community buy-in was removed could the grant stand on its own. Kelsi said it would, she was brainstorming some other possible partnership organizations. Commissioner Dennert moved to approve and authorize Chairman to sign the grant application with removing item VI. Seconded by Commissioner Wiese. All members present voting aye. Motion carried.

### UPDATING CAMERAS AT CONTAINER SITES:

Mike Scott, Landfill Manager and Pat Wolberg, IT Director met to discuss upgrading the cameras that are used to monitor the dumpster sites. The cameras being used now are 8-9 years old. They are looking at adding remote cameras to the Warner site as well. Currently, we are issuing about 20 tickets a week for violators at the dump sites. The fee for violators is \$100.00. The new camera system will be around \$30,000 and Avigilon is the company/system that we currently use so plan to purchase these cameras from them. Pat informed the Commission the cameras should be updated every 3-5 years but need to be conscious with tax dollars, also. Moved by Commissioner Wiese, seconded by Dennert to approve purchasing the cameras out of the Landfill budget. All members present voting aye. Motion carried.

### ELECTION SERVICES AGREEMENT:

Lynn Heupel, County Auditor presented the contract with Election Systems & Software (ES&S) for Election Services Agreement for June 2023 to December 2026. This is the company that has provided our Ballot Tabulator machines for years, and now will be doing our ballot layout and printing as well. Moved by Commissioner Wiese to approve and authorize Vice-Chairman Fjeldheim to sign the contract, seconded by Gage. All members present voting aye. Motion carried.

### RESIDENTIAL PROPERTY DISCRETIONARY:

Gene Loeschke, Director of Equalization met with the Commission to ask to pass a new resolution for Residential Property Discretionary due to updating the Codified Laws. This is for plats in a residential subdivision with 8 lots or more.

Commissioner Wiese offered the following resolution as of June 6, 2023:

#### Resolution #21-23

#### Assessed Value on Certain Residential Property

Be it resolved by the Brown County Board of Commissioners, as follows:

For assessed value to be used for tax purposes on certain residential properties as described in SDCL 10-6-143.

Properties which can be valued according to this resolution shall meet each of the following conditions:

1. Property must be real property, platted and zoned after November 1, 2022, for future residential construction.
2. Property must be owned by the person or corporation who developed the real property.
3. Property to be classified for this purpose must contain a minimum of 8 lots.

The board of commissioners hereby adopts the following formula under authority of SDCL 10-6-144.

For the first five years following the filing of the plat for the subdivision the assessed value of the lots that remain unsold shall be the same assessed value of the property, which existed in the year preceding the filing of the plat for the subdivision. Thereafter, such property shall be assessed the full and true value as all other property for tax purposes.

Nothing in this resolution is intended to allow any refund or abatement of taxes levied prior to its passage.

Seconded by Commissioner Gage. Roll Call Vote: Dennert-aye; Fjeldheim-aye; Wiese-aye; Gage-aye; Sutton-absent. Resolution adopted.

#### APPLICATION FOR OCCUPANCY – NORTHERN ELECTRIC:

Moved by Commissioner Dennert, seconded by Gage to approve application, submitted by Northern Electric for occupancy of Brown County Hwy #13 in Sec 21-T124N-R61W of the 5<sup>th</sup> P.M, Brown County, SD to provide primary electric services. All members present voting aye. Motion carried.

#### MINUTES:

Moved by Commissioner Wiese, seconded by Dennert to approve the General Meeting minutes of May 30, 2023. All members present voting aye. Motion carried.

#### CLAIMS:

Moved by Commissioner Gage, seconded by Wiese to approve the following claims/payroll:

Claims: Professional Fees: Devnet \$9,926.25; Horizon Health Care, Inc \$83.86; Mariann Malsom \$60.00; Northeastern Mental Health Center \$1,430.00; Sanford Aberdeen Cardiology \$8.08; Sanford Aberdeen ED \$333.28; Sanford Acute Care Aberdeen \$90.08; Sanford Clinic Radiology-North Center \$663.34; Sara J. Zahn \$113.10; Schneider Geospatial, LLC \$2,703.00; SD Dept of Transportation \$55.00; SDAAO-SD Assoc of Assessing Officers \$350.00; Taliaferro Law Firm, PC \$945.00; Tyler Technologies, Inc \$260.00; Yankton County Sheriff's Office \$150.00; Youngberg Law, Prof. LLC \$599.20. Publishing: Groton Daily Independent \$142.94; Hub City Radio \$300.00. Rentals: Fordham Signs and Designs \$2,200.00. Repairs & Maintenance: Aberdeen Clean-All, LLC \$700.00; Custom Installation Solutions \$125.00; Dakota Doors Inc \$382.91; Gary's Auto Body & Accessories \$542.45; House of Glass \$39.08; K & S Plumbing, Inc \$6,506.48; KNCOS Inc \$1,619.37; Lawson Products, Inc \$36.07; Otis Elevator Company \$3,686.84; Pierson Ford Lincoln, Inc \$1,341.76; RDO Equipment Co \$2,051.40; Runnings \$153.70; Sewer Duck, Inc \$500.00; TripleC Pros LLC \$1,220.00; Woodman Refrigeration, Inc \$251.02. Supplies: Auto Value Aberdeen \$87.46; Bakken Building Maintenance \$500.00; Century Business Products \$218.56; Charm-Tex, Inc \$889.80; Cole Paper Inc \$1,698.93; Dacotah Prairie Museum \$35.64; Dakota Electronics \$160.00; Fastenal Company \$2,663.95; Great Western Tire \$19,656.10; Hillyard Sioux Falls \$411.00; House of Glass \$1,914.92; Interstate Battery System of South Dakota \$420.85; Karen Swank \$243.00; Lar-Jo's Specialties \$296.58; Lawson Products, Inc \$427.29; Menards \$48.54; Midstates Group \$31.20; Nelson Sales & Service, LLC \$113.92; Pantorium Cleaners Inc \$84.00; Pomp's Tire Service, Inc \$60.00; RDO Equipment Co \$951.34; Save A Life \$30.00; Specialty Manufacturing \$14.38; Tyler Technologies, Inc \$11,044.00; US Foods \$8,255.85. Travel & Conference: C. Scott Bader \$597.00; Dave Lunzman \$540.00; Ernest Thompson \$466.52. Utilities: AT&T Mobility 183.91; Midcontinent Communications \$163.80; Northwestern Energy \$9,330.70; State of South Dakota \$125.55. Others: Office of Child & Family Services \$10,646.50.

Payroll: Commission \$4,615.41; Auditor \$11,144.00; Treasurer \$16,567.02; SA \$27,696.40; Maintenance \$8,440.18; DOE \$16,836.50; ROD \$9,932.81; VSO \$4,254.09; GIS \$2,643.52; IT \$5,992.04; HR \$10,929.22; Sheriff \$45,863.00; Jail \$66,475.67; Coroner \$613.60; Court Security \$7,308.14; JDC/HD \$28,305.20; Welfare \$2,336.49; DPM \$12,384.10 Parks/Fairgrounds \$6,641.99; Fair \$5,107.20; 4-H \$786.80; W & P \$4,845.22; P & Z \$7,315.54; Hwy. \$49,388.13; Dispatch \$33,902.36; EM \$4,933.61; 24/7 Sobriety \$1,208.12; Landfill \$16,274.95; Meal Benefits \$266.00; FICA \$24,425.84; Medicare \$5,712.40; Discovery\_HSA \$1,482.96; Health Insurance\_Wellmark BCBS \$118,355.20; Dental Insurance\_Delta \$7,621.88; Life Insurance\_Dearborn \$1,003.34. 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 Assistant, Jessica Johnson:

- Acknowledge the resignation of Rhaecine Sam, Brown County JDC Detention Officer, FT; effective May 28, 2023. Request to fill.

- Approve personal miles driven for March 2023 at .655 per mile as follows: Kendell Titze 120 miles at \$78.60; John Florey 114 miles at \$74.67; Mike Scott 220 miles at \$114.10.
- Approve personal miles driven for April 2023 at .655 per mile as follows: Kendell Titze 90 miles at \$58.95; John Florey 114 miles at \$74.67; Mike Scott 140 miles at \$91.70.

All members present voting aye. Motion carried.

#### CLAIM ASSIGNMENTS:

Moved by Commissioner Wiese, 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.

#### LEASE AGREEMENT:

Moved by Commissioner Gage, seconded by Dennert to approve and authorize the Vice-Chairman to sign the following lease agreement: Good Shepard Lutheran Church for lease of Richmond Lake Youth Camp Lodge on October 8, 2023. All members present voting aye. Motion carried.

#### TRAVEL REQUESTS:

Moved by Commissioner Wiese, seconded by Gage to approve the following Travel Requests: Kathy Fisher, DOE to attend 2023 Annual Assessor School in Rapid City from Sept. 18-22, 2023; Dirk Rogers, Highway Superintendent to attend NACE Annual Conference in Pierre on June 7-8, 2023. All members present voting aye. Motion carried.

#### LANDFILL TONNAGE REPORT:

Moved by Commissioner Wiese, seconded by Dennert to acknowledge the Landfill Tonnage Report for May 2023. All members present voting aye. Motion carried.

#### OTHER BUSINESS:

Commissioner Fjeldheim informed everyone that the Airport was doing a Mock Disaster drill today.

Representative Carl Perry informed the Commission about the following upcoming dates:

- June 12<sup>th</sup> – Long-Term Care in Pierre – important because we have a lot of Long-Term Care Facilities in Brown County
- June 14<sup>th</sup> – County Financing in Pierre and Senator Al Novstrup is on the Committee
- August – International Legislation Forum and Representative Perry will be involved with this project
- Representative Schaeffbauer will be on the Air Today with Tamara from Lindell Group on Property Rights.

Representative Perry also commented on the Airport Mock Disaster Drill that it is very important for our First Responders.

#### EXECUTIVE SESSION:

Commissioner Wiese, seconded by Dennert to go into executive session to discuss Contracts and Legal per SDCL 1-25-2. All members present voting aye. Motion carried. The vice-chair declared the executive session closed with no action taken.

#### ADJOURNMENT:

Moved by Commissioner Dennert, seconded by Gage to adjourn the Brown County Commission meeting at 10:42 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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## JUNE 13, 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, Wiese, Gage, and Sutton. Commissioner Gage led the Pledge of Allegiance.

### APPROVAL OF AGENDA:

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

### OPPORTUNITY FOR PUBLIC COMMENT:

Jared Bossly urged the Commission to extend the moratorium through the permit process. Then he had a question for the State's Attorney office regarding Surveyors' affidavits, lying and charges for perjury.

### BID – SURPLUS PROPERTY – 2914 INDUSTRIAL AVE:

Time and place, as advertised to open, read and consider sealed bids for Surplus Property - 2914 Industrial Ave. Bids were received from Tracy Feist @ 0.00 and Jay Harris @ \$3,600,000.00. Moved by Commissioner Wiese, seconded by Dennert to postpone the decision so Ross Aldentaler, State's Attorney could review the bids. All members present voting aye. Motion carried.

### ORDINANCE #245 – FIRST READING:

Moved by Commissioner Fjeldheim, seconded by Gage to approve the First Reading of Proposed Ordinance #245. Applicants Steven Rossow requesting to rezone from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) for Lot 1 to bring this parcel into compliance for its future use: Proposed Lot 1. "Steven Rossow Subdivision" in the NW ¼ of Section 6-T121N-R61W of the 5th P.M., Brown County, South Dakota (40025 142<sup>nd</sup> St., Garden Prairie Twp.). All members present voting aye. Motion carried.

### ORDINANCE #246 – FIRST READING:

Moved by Commissioner Gage, seconded by Fjeldheim to approve the First Reading of Proposed Ordinance #246 – to amend portions of Title 4 Zoning, Chapters 4.06 Agriculture Preservation District (AG-P), Chapter 4.14 Highway Commercial District (HC), Chapter 4.15 Light Industrial District (L-I). 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.

### BROWN COUNTY AWARDS PROGRAM:

Scott Meints, Emergency Management Director met with the Commission to discuss the proposed Awards Program that have been talking about this for a year. Scott mentioned that he felt that there are a lot of good deeds done in our Community both with our County employees, First Responders, Public/Volunteers and Businesses and he thinks it time to honor these folks and/or businesses. Scott stated this was a proposal or if they wanted to proceed with the Awards Program, 6 possible awards at minimal costs to County. Commissioners agreed that this would be a good program and that Scott can proceed with the program.

Commissioner Fjeldheim informed Scott Meints that Westport has their July 4<sup>th</sup> celebration and they close Main Street off on June 24<sup>th</sup> from 10am to 6pm so asked him to notify the proper organizations such as Fire Department, Police Department and Sheriff Department and the alternate routes.

### ABERDEEN AMATEUR HOCKEY ASSOCIATION LEASE AGREEMENT:

Moved by Commission Fjeldheim, seconded by Wiese to approve and authorize Chairman Sutton to sign the Lease Agreement between Brown County and Aberdeen Amateur Hockey Association from retroactive August 20, 2022 to September 1, 2032. All members present voting aye. Motion carried.

### EMINENT DOMAIN MOVEMENT:

Dennis Feickert and Freddie Robinson met with the Commission to ask for 2 Commissioners to join their Eminent Domain Movement. Dennis started out by Thanking the Commissioners along with District 3 Representatives, Carl Perry & Brandei Schaeffbauer for their vigilance on the Carbon Pipeline. The 18 counties that are affected by the Summit Carbon Pipeline have started an Eminent Domain movement and wanting 2 Commissioners from each County to work with Legislators to get rid of Eminent Domain for private gain. They shared a Resolution that McPherson County passed and letter from Ziebach County. Dennis stated that the SD Association of County

Commissioners needs to step-up and be a part of this, also. Hand County invited Dennis to come and visit with their Commissioners, also. Freddie commented that if you really pay attention to the words of the Pledge of Allegiance it sheds some light on the private property. He feels that if 2 individuals with Jared's ordeal were required to take a polygraph test and if they failed then those individuals should go to jail. We are talking about private property, apparently what's mine is not mine anymore. Mike Klipfel from McPherson County has 5 sections and 5 quarters of land being impacted by the Carbon Pipeline – he read a homestead document – states this tract of land is devoted to the Lessor to have and to hold from this day forward and all the prudence there of to send to his heirs or his designees forever – private property was very important back then and we have lost that but need to get this back. Representative Perry shared a quote from Thomas Jefferson “Agriculture is wisest pursuit because of it will in the end contribute most to real wealth, good morals and happiness” and stated that Agriculture is what we are all about in South Dakota, we need to protect our farmers. Perry stated “No Eminent Domain for Private Gain” is a really good theory, it's the thing we need to be doing. Feickert also shared that District 23 Legislators are working on this issue as well. Commissioner Wiese shared a comment that State Regulations that govern Trespass Ordinance in the State of South Dakota deserves a review as well. No action was taken at this time.

#### MINUTES:

Moved by Commissioner Wiese, seconded by Gage to approve the General Meeting minutes of June 6, 2023. All members present voting aye. Motion carried.

#### CLAIMS:

Moved by Commissioner Dennert, seconded by Wiese to approve the following claims:

Claims: Insurance: SD Assoc of County Commissioners \$2,971.00. Professional Fees: AgTerra Technologies, Inc \$466.02; Avera St. Luke's Hospital \$25.71; Carrels & Bain Family Dental Care, LLC \$921.02; Certified Languages International LLC \$287.10; Child's Voice Route #6361 \$500.00; Dacotah Bank \$40.00; Dakota Group LLC \$2,100.00; Helms & Associates \$1,927.80; Horizon Health Care, Inc \$570.57; Kristi Brandt \$63.70; Language Line Services, Inc \$261.19; LexiNexis Risk Data Mgt, LLC \$200.00; Northeastern Mental Health Center \$1,274.00; Sanford Aberdeen ED \$110.93; Sanford Health Occupational Medicine \$552.00; Sanford Health \$8.57; Satellite Tracking of People, LLC \$1,599.00; SD Dept of Revenue & Regulations \$4,403.26; Thomson Reuters-West Payment Center \$283.30; Tyler Technologies, Inc \$130.00; Yankton County Sheriff's Office \$50.00. Publishing: Groton Daily Independent \$117.67; Hub City Radio \$15,000.00. Rentals: Dakota Electronics \$4,498.20; Pantorium Cleaners Inc \$155.52. Repairs & Maintenance: Anderson Electric \$1.76; Anthony Cooper \$7,000.00; B&B Contracting, Inc \$7,875.00; Century Business Products \$66.12; Dakota Electronics \$90.00; Diesel Machinery, Inc \$15,275.50; EcoLab Pest Elimination Division \$125.83; Fire Safety First LLC \$1,103.06; Graham Tire Inc \$1,168.00; Hanlon Brothers, LLC \$1,444.99; HF Jacobs & Son Const. Inc \$1,029.41; Hub City Roofing Inc \$320.00; Leidholt Electric, LLC \$613.00; Meister Mowing LLC \$930.00; Pantorium Cleaners Inc \$189.32; Pierson Ford Lincoln, Inc \$589.90; Precision Kiosk Technologies \$2,700.00; Sewer Duck, Inc \$85.00; Superior Jetting, Inc \$3,955.79; Team Lab \$49,568.75; Transource Truck & Equipment, Inc \$1,495.48; Vosika Fencing \$848.15. Supplies: A-1 Locksmithing \$737.00; Advance Auto Parts \$214.76; Agtegra Cooperative \$55,442.16; Anderson Electric \$86.25; Avera LTC Pharmacy Aberdeen \$5.21; Behnke Sand & Gravel \$33,890.76; Bimbo Foods USA, Inc \$782.60; Butler Machinery Company \$10,387.81; Cartney Bearing \$275.53; Century Business Products \$892.35; Cole Paper Inc \$1,202.81; Dakota Oil \$639.20; Diesel Machinery, Inc \$11,344.54; East Side Jersey Dairy Inc \$924.93; Farm Tire Service LLC \$2,120.00; FedEx \$66.08; Fire Safety First LLC \$65.80; GovConnection, Inc \$15.60; Ken's SuperFair Foods \$175.47; Kessler's \$121.42; Linde Gas & Equipment Inc \$385.39; Mac's Inc-Capital One Trade Credit \$180.70; Menards \$1,136.09; Pierson Ford Lincoln, Inc \$724.00; Pomp's Tire Service, Inc \$363.02; Quality Welding, Inc \$25.00; Runnings \$3,449.19; SHI International Corp \$160.00; Transource Truck & Equipment, Inc \$3,664.27; US Foods \$9,698.36; Van Diest Supply Company \$2,947.40; WEB Water Bottling Company \$37.50. Utilities: City of Aberdeen \$1,780.16; Midcontinent Communications \$85.39; Northwestern Energy \$1,515.61; State of South Dakota PMB 0112 \$120.87; Town of Frederick \$76.00; WEB Water Development Association, Inc \$172.00. Machinery & Equipment: Dakota Electronics \$5,655.00; Diesel Machinery, Inc \$48,950.00. Others: Office of Weights & Measures-SD Dept of Public Safety \$103.00; SD Assoc of County Officials \$812.00; SD Dept of Agriculture & Natural Resources \$4,727.02; SD Dept of Revenue & Regulations \$1,048,619.82. 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 Assistant, Jessica Johnson:

- Acknowledge the transfer of Linn Kamin from Brown County Jail Administrator to Brown County Deputy Sheriff, FT; starting wage \$27.80/hour; effective June 11, 2023. Request to fill.
- Acknowledge employment ending for Hosea Kleinsasser, Brown County Landfill, FT; effective June 5, 2023. Request to fill.
- Acknowledge employment ending for Sydney Kamin, Brown County IT Intern; effective June 9, 2023. Request to fill a full-time position.
- Approve hiring of Rhaecine Sam as Brown County JDC Detention Officer, FT; starting wage \$20.67/hour; effective June 16, 2023.
- Approve hiring Paige Hull as Brown County Jail Detention Officer, FT; starting wage \$20.67/hour; effective June 12, 2023.

All members present voting aye. Motion carried.

#### LEASE AGREEMENTS:

Moved by Commissioner Dennert, seconded by Wiese to approve and authorize the Chairman to sign the following lease agreements: Melissa Barnett for lease of Club House for Wedding Reception on June 10, 2023; 4-H Horse Club for lease of Akkerman Arena on June 21, 2023; Brown County 4-H for lease of The Expo Addition for Hub City Dairy Goat Show on June 5-12, 2023; Brown County 4-H for lease of Akkerman Open Horse Arena for Hub City 4-H Rodeo on July 1-2, 2023; Brown County 4-H for lease of Home Arts Building for Science Week on June 13-15, 2023; Rob VanMeter for lease of Richmond Lake Youth Camp Lodge for Family Reunion on July 3-5, 2023. All members present voting aye. Motion carried.

#### CLAIM ASSIGNMENTS:

Moved by Commissioner Gage, 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.

#### ABATEMENT:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the following abatement for tax year 2023: Ashley Culbertson, Parcel #31523 \$114.41. All members present voting aye. Motion carried.

#### LOTTERY PERMIT:

Moved by Commissioner Wiese, seconded by Gage to approve and authorize Chairman Sutton to sign application, submitted by Aberdeen Hockey Association for a lottery to be held at the Odde Ice Center when all the tickets have been sold. All members present voting aye. Motion carried.

#### AUDITORS REPORT OF ACCOUNTS FOR APRIL 2023:

Moved by Commissioner Wiese, seconded by Dennert to approve the Auditor's Report of Accounts of April 2023 as follows: Total Cash and Checks on Hand \$7,700.00; Total Checking Account Balances \$37,752,857.78; Total Savings Account Balances \$1,725,447.42; Total Certificates of Deposit \$5,479,550.72; Grand Total Cash & Balances \$44,965,555.92. General Fund Cash and Investment Balances by Funds: General Fund \$19,138,087.52; Road & Bridge Fund \$2,219,749.14; Road & Bridge Fund – restricted \$423,243.27; 911 Service \$690,625.06; Emergency & Disaster \$174,756.60; Domestic Abuse \$936.76; Teen Court \$250.28; Grant \$32.11; JDAI \$33,188.93; Richmond Youth Camp \$0.00; 24/7 Sobriety \$19,880.17; ROD M & P \$92,199.17; American Rescue Plan Federal Grant \$0.00; Rural Access Infrastructure \$295,534.81; TIF Debt Service \$478,611.42; Landfill + cash change \$4,096,004.86; Landfill – restricted \$1,400,479.44; Trust and Agency Funds \$15,901,976.38; Grand Total General Fund Cash & Investments \$44,965,555.92. All members present voting aye. Motion carried.

#### FIREWORKS DISPLAY PERMIT:

Moved by Commissioner Wiese, seconded by Gage to approve and authorize Chairman Sutton to sign the Fireworks Display Permit for Big Shots, Inc. for June 30, 2023, to be held at Brown County Speedway. All members present voting aye. Motion carried.

#### OTHER BUSINESS:

Chairman Sutton shared that due to the 4<sup>th</sup> of July Holiday being on a Tuesday, the Commission will be meeting on Thursday, July 6, 2023, that week.



EXECUTIVE SESSION: None

ADJOURNMENT:

Moved by Commissioner Dennert, seconded by Wiese to adjourn the Brown County Commission meeting at 9:08 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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## JUNE 20, 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, Wiese, Gage, and Sutton. Commissioner Fjeldheim led the Pledge of Allegiance.

### MOMENT OF SILENCE:

Chairman Sutton asked for a moment of silence to honor the memory of Richard “Dick” Schooley, janitor at the Dacotah Prairie Museum for over 30 years. The funeral is at 2pm today.

### APPROVAL OF AGENDA:

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

### OPPORTUNITY FOR PUBLIC COMMENT: None

### GROW, SD UPDATE:

Kelly Weaver and Mark Nelson met with the Brown County Commission to give an update of the services provided to Brown County residents and submit their budget request for Fiscal Year 2024. Over \$10.5 Million Invested in difference programs including Emergency Assistance; Governor’s House; Home Improvement; Active Housing Lending; Office Rent/Utilities; Active Business Lending; Food Pantry/County Health Nurse; Small Business Development Center; Weatherization/Furnace and Property Taxes and have served 1085 in 2022. Another program they have is the Big Idea, which is a Business Idea Competition for High School Students, 30 students participated last year. They need Judges for the Big Idea Competition if anyone is interested. GROW, SD consists of three legal entities – GROW, SD, NE SD Community Action Program (NESDCAP) and NE SD Economic Corporation (NESDEC). They also offer a Digital Literacy Program is a newer program to help with costs of Internet services and one-time discount on equipment such as a laptop or computer. Then they partner with NorthStar Program which is online self-paced training on Word and Excel. All these services are income based. The funds GROW, SD receives from the individual Counties, stays in those Counties and the majority is used towards the match needed for the Federal Programs. They are requesting \$5,000.00 for the Fiscal Year 2024 Budget.

### SPECIAL LIQUOR LICENSE PERMIT HEARING:

Time and place, as advertised for a Public Hearing on the following Liquor License Application was held to approve the Special Liquor License Permit for Stacy Gossman, DBA: Flying Pig, Aberdeen, SD - Sumption Farm, Sec 30-T127N-R63 effective on July 29, 2023. Moved by Commissioner Wiese, seconded by Gage to approve the Special Liquor License Permit for Stacy Gossman, DBA: Flying Pig for July 29, 2023, at the Sumption Farm. All members present voting aye. Motion carried.

### SD PUBLIC ASSURANCE ALLIANCE (SDPAA) MEMBER SERVICES:

Lynn Bren, Deputy Director with SDPAA met with the Brown County Commissioners just to give them an Overview of the Risk Pool and the Benefits the County receives through this partnership. There are 455 local governments covered by SDPAA – 57 of the 66 Counties participate in the Pool for their liability and property coverages. The Benefits the County receives are Loss Control Surveys (done every 3 years), Property Surveys (done every 4-5 years), Employment & Government Practices Hotlines, Member Services Visits, Claim Liaison/Assistance, LLRMI (Legal Liability Risk Management Institute)/Jail Training and Credits. Brown County qualified and receives the following credits Renewal Credit, Loss Control Credit, Loss Ratio Credit and Law Enforcement Credit which was a value of over \$14,000.00 in 2023. Commissioner Wiese asked Lynn to touch briefly on the Annual Safety Conference, which she shared that Counties could earn Safety Awards and they are listed on their website and the Conference this year is in Pierre on November 1<sup>st</sup> & 2<sup>nd</sup>. Commissioner Wiese introduced Lynn to Sheriff Lunzman and asked her to expand a little bit more on the LLRMI Training. Lynn shared that this is offered through partner Safety Benefits, this is a 40-hour training that covers policies and procedures, current and jurisdictional trends, Active Bystander Training and Dart Simulators.

### SD MUNICIPAL LEAGUE (SDML) WORKERS-COMPENSATION-FUND:

Brad Wilson, Administrator with SDML on Workers-Compensation-Fund met with the Brown County Commissioners to also give an Overview of their coverage. Brown County has been a member for 34 years. The rates have gone down over the last 17 years – the rates have been held stable or reduced. Workers Compensation is to cover an employee that gets hurt on the job. Medical bills are covered for work related injury from the

beginning, there is no deductible or limit per SDCL Chapter 62 Statutory Worker's Compensation Benefits. Disability at this time the Maximum wage is \$975.00/week and Minimum wage is \$488.00/week, this is going up July 1<sup>st</sup> but don't know exact amount at this time. Rehabilitation is also covered if an employee needs to learn a new skill set due to not being able to return to current position, Worker's Compensation will pay for the schooling and lost wages until they are retrained. Death benefits are \$10,000 burial expenses. This covers the Employees, Elected Officials, Appointed Officials and Volunteers that are listed and approved through the minutes. Some of the Worker's Compensation Fund Benefits are: Stable Rates and Fund Modifiers; Employer's Liability Limit of \$2,000,000.00; Grant Programs: Stryker EMS, Stan Houston ICS Saw and Trenching & Confined Space Equipment; \$50,000.00 Crisis Protection – Domestic Crisis Event; \$50,000.00 AD&D coverage for Volunteer Fire Fighters & Ambulance and First Responder Assistance Program. Brad shared they ran out of Grant funds by end of March this year. Rates for 2023 were 0% Flat, pretty sure 2024 will be the same. Decreased 10% over the last 4 years. Brown County Fund Modifier is going down from 1.20 to 1.08. 2024 looking at \$17,500 or 11.3% estimated decrease in work comp cost based on current 2023 estimated payrolls and class classifications. Brown County is the top user on the Safety Trainings, which helps lower our modifier. Brown County has received 29 Safety Awards over the years: 1 Silver; 24 Gold and 4 Platinum, includes Gold & Platinum Awards in 2022. Brad ended his presentation with a quote stating THINK – Do It The SAFE Way, Do It The RIGHT Way, Do It EVERYDAY.

#### BID FOR SURPLUS PROPERTY – 2914 INDUSTRIAL AVE.

Chairman Sutton shared that we received one legitimate bid last week and we are waiting on some advice from our State's Attorney on what our potential options will be. Will be discussing those later today and possibly coming with some action next week. Moved by Commissioner Gage, seconded by Dennert to postpone the bid for a week. All members present voting aye. Motion carried.

#### FAIR CONTRACTS:

Rachel Kippley met with the Commissioners and presented 2 Fair Contracts for consideration: United Talent Agency (UTA) for TrailerTrapMusic LLC F/S/O Blanco Brown in the amount of \$40,000.00 and Midco for advertising in the amount of \$10,091.00. Midco does sponsors the Thursday night Concert and then BCF receives Advertising via Cable TV and 2 months of Digital Campaigns through Streaming Audio and Social Media. This is a little less than last year, so the Advertising Committee is exploring some other options. Commissioner Wiese moved to approve the UTA and Midco Fair Contracts and authorize Chairman Sutton to sign them, seconded by Fjeldheim. All members present voting aye. Motion carried.

Rachel also shared an invitation from the Fair Foundation Board for the Ribbon Cutting Ceremony of the new playground equipment on July 11<sup>th</sup> at 1pm.

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

#### MINUTES:

Moved by Commissioner Dennert, seconded by Wiese to approve the amended General Meeting minutes of June 13, 2023. All members present voting aye. Motion carried.

#### CLAIMS:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the following claims and payroll:

Claims: Insurance: SD Assoc of County Commissioners \$2,971.00. Professional Fees: AgTerra Technologies, Inc \$466.02; Avera St. Luke's Hospital \$25.71; Carrels & Bain Family Dental Care, LLC \$921.02; Certified Languages International LLC \$287.10; Child's Voice Route #6361 \$500.00; Dacotah Bank \$40.00; Dakota Group LLC \$2,100.00; Helms & Associates \$1,927.80; Horizon Health Care, Inc \$570.57; Kristi Brandt \$63.70; Language Line Services, Inc \$261.19; LexiNexis Risk Data Mgt, LLC \$200.00; Northeastern Mental Health Center \$1,274.00; Sanford Aberdeen ED \$110.93; Sanford Health Occupational Medicine \$552.00; Sanford Health \$8.57; Satellite Tracking of People, LLC \$1,599.00; SD Dept of Revenue & Regulations \$4,403.26; Thomson Reuters-West Payment Center \$283.30; Tyler Technologies, Inc \$130.00; Yankton County Sheriff's Office \$50.00. Publishing: Groton Daily Independent \$117.67; Hub City Radio \$15,000.00. Rentals: Dakota Electronics \$4,498.20; Pantorium Cleaners Inc \$155.52. Repairs & Maintenance: Anderson Electric \$1.76; Anthony Cooper \$7,000.00; B&B Contracting, Inc \$7,875.00; Century Business Products \$66.12; Dakota Electronics \$90.00; Diesel Machinery, Inc \$15,275.50; EcoLab Pest Elimination Division \$125.83; Fire Safety

First LLC \$1,103.06; Graham Tire Inc \$1,168.00; Hanlon Brothers, LLC \$1,444.99; HF Jacobs & Son Const. Inc \$1,029.41; Hub City Roofing Inc \$320.00; Leidholt Electric, LLC \$613.00; Meister Mowing LLC \$930.00; Pantorium Cleaners Inc \$189.32; Pierson Ford Lincoln, Inc \$589.90; Precision Kiosk Technologies \$2,700.00; Sewer Duck, Inc \$85.00; Superior Jetting, Inc \$3,955.79; Team Lab \$49,568.75; Transource Truck & Equipment, Inc \$1,495.48; Vosika Fencing \$848.15. Supplies: A-1 Locksmithing \$737.00; Advance Auto Parts \$214.76; Agtegra Cooperative \$55,442.16; Anderson Electric \$86.25; Avera LTC Pharmacy Aberdeen \$5.21; Behnke Sand & Gravel \$33,890.76; Bimbo Foods USA, Inc \$782.60; Butler Machinery Company \$10,387.81; Cartney Bearing \$275.53; Century Business Products \$892.35; Cole Paper Inc \$1,202.81; Dakota Oil \$639.20; Diesel Machinery, Inc \$11,344.54; East Side Jersey Dairy Inc \$924.93; Farm Tire Service LLC \$2,120.00; FedEx \$66.08; Fire Safety First LLC \$65.80; GovConnection, Inc \$15.60; Ken's SuperFair Foods \$175.47; Kessler's \$121.42; Linde Gas & Equipment Inc \$385.39; Mac's Inc-Capital One Trade Credit \$180.70; Menards \$1,136.09; Pierson Ford Lincoln, Inc \$724.00; Pomp's Tire Service, Inc \$363.02; Quality Welding, Inc \$25.00; Runnings \$3,449.19; SHI International Corp \$160.00; Transource Truck & Equipment, Inc \$3,664.27; US Foods \$9,698.36; Van Diest Supply Company \$2,947.40; WEB Water Bottling Company \$37.50. Utilities: City of Aberdeen \$1,780.16; Midcontinent Communications \$85.39; Northwestern Energy \$1,515.61; State of South Dakota PMB 0112 \$120.87; Town of Frederick \$76.00; WEB Water Development Association, Inc \$172.00. Machinery & Equipment: Dakota Electronics \$5,655.00; Diesel Machinery, Inc \$48,950.00. Others: Office of Weights & Measures-SD Dept of Public Safety \$103.00; SD Assoc of County Officials \$812.00; SD Dept of Agriculture & Natural Resources \$4,727.02; SD Dept of Revenue & Regulations \$1,048,619.82. Payroll: Commission \$4,615.41; Auditor \$11,138.57; Treasurer \$18,182.68; SA \$28,045.78; Maintenance \$8,946.93; DOE \$16,796.84; ROD \$9,932.80; VSO \$4,260.08; GIS \$2,643.52; IT \$6,092.06; HR \$1,780.80; Sheriff \$47,290.21; Jail \$71,296.71; Coroner \$617.43; Court Security \$7,926.89; JDC/HD \$30,988.70; Welfare \$2,336.49; DPM \$12,264.20; Parks/Fairgrounds \$7,314.39; Fair \$5,008.93; 4-H \$1,452.43; W & P \$5,260.50; P & Z \$7,232.61; Hwy. \$48,492.12; Dispatch \$38,091.63; EM \$4,940.56; 24/7 Sobriety \$1,274.61; Landfill \$17,305.59; Mileage Benefits \$522.69; Meal Benefits \$306.00; FICA \$25,127.09; Medicare \$5,876.49; Discovery-HSA \$1,482.96. All members present voting aye. Motion carried.

#### HR REPORT:

Moved by Commissioner Gage, seconded by Wiese to approve the following Human Resource Report submitted by Human Resources Assistant, Jessica Johnson:

- Acknowledge the resignation of Meagan Delahanty, Brown County Jail Detention Officer, FT; effective June 29, 2023. Request to fill.
- Acknowledge wage amendment for Ryan McClain, original posting for \$21.72 should be \$21.19; effective June 12, 2023.
- Acknowledge Richard Schooley, Brown County Maintenance, PT; passed away on June 15, 2023. Request to fill.
- Approve the following Holiday off to follow the State: July 3rd.

All members present voting aye. Motion carried.

#### CLAIM ASSIGNMENTS:

Moved by Commissioner Wiese, 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.

#### LEASE AGREEMENTS:

Moved by Commissioner Dennert, seconded by Wiese to approve and authorize the Chairman to sign the following lease agreement: Megan Thompson for lease of Club House for Wedding Reception on September 16, 2023. All members present voting aye. Motion carried.

#### OTHER BUSINESS:

Representative Carl Perry shared that the Brown County Republicans will be having their BBQ on Thursday, June 22<sup>nd</sup> at 6pm at Wylie Park. Tickets can be purchased from Commissioner Dennert.

#### EXECUTIVE SESSION:

Moved by Commissioner Gage, seconded by Fjeldheim to go into Executive Session for 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 Wiese, seconded by Dennert to adjourn the Brown County Commission meeting at 10:32 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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## JUNE 27, 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, Wiese, Gage, and Sutton. Commissioner Gage 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:

Jared Bossly met with the Commissioners to discuss what happened at his farm last Tuesday. Summit Carbon Solutions showed up to survey with drill rigs and they drilled 90 feet down. Then they took the slurry and dumped it into the ditch. Jared asked why nothing happens when Summit Carbon Solutions break the law, such as trespassing, break and entering, false affidavits and now littering. Wants to know why there are no repercussions to this company. They did go after them to clean up the slurry in the ditch, which they did. If anyone else would do these things, they would be fined so why doesn't Summit Carbon Solutions have to go by the basic rules. He feels the State's Attorney needs to put more pressure on everything. Jared encouraged the Commission to keep the Moratorium on because all Summit wants to do is sue people instead of working with them.

Dennis Feickert stated he didn't read the Judge's orders in full as far as surveying, but he feels that the surveying that Summit Carbon Solutions are doing is very invasive, so he feels that the Sheriff office or State's Attorney office had an opportunity to get a court order to put a stop to it, but that didn't happen. Unless the court order allowed invasion of equipment and driving through Jared's crops. Hoping we can get a stop to some of this stuff. Dennis attended a meeting Thursday, June 22<sup>nd</sup> in Hand County and they are still moving forward with the Coalition to work with Legislatures on Eminent Domain, get some separation between utilities and public use versus private gain and Trespassing Laws. Dennis also stated that they need to pressure the PUC in Pierre in September, they did request a special session but doubts that would happen. Dennis commented that Summit Carbon Solutions attorney requested the Sheriff's office to be at Jared's farm, in essence played into the hands of Summit Carbon Solutions by protecting them and allow them to go invade and drill holes on Jared's land.

Ed Fischbach also commented regarding the Summit Carbon Solutions surveying on Jared Bossly's land. He stated as he approached Jared's farm it looked like he was under siege with all the pickups that surrounded him from within a half a mile. When Ed talked to the Deputy, he mentioned that Summit Carbon Solutions said they wouldn't be in any of his crop land and wouldn't be there very long. Well, they lied because they were in his soybean field, tearing it all up and drilling, and they were there until late afternoon, so Ed asked the deputy what they could do about it. Deputy stated he could file a report. Ed believes that charges need to be filed against Summit Carbon Solutions for falsifying affidavit because that is perjury and Jared has video showing that they did enter his house and shop. The law needs to be enforced equally – legal action needs to be taken.

Craig Schaunaman shared he feels that Summit Carbon Solutions overstepped their bounds while surveying on Jared's property. The asked if they could dump the slurry on the ground, Craig checked with Jared, and he said no. They noticed the barrel used to haul it out, was empty going into the next field so Craig figured they dumped it in the Township ditch somewhere and him and Commissioner Dennert found it. Summit Carbon Solutions did eventually clean it up after some pressure. Craig looked up their documents submitted to the PUC including the Environmental Plan - subsection Sec. 9.4 states that mud drillings will be dumped into an approved SCS site and or approval of the landowner – that is not a Township Road ditch. He is asking the Commission to address this with the State's Attorney office because it is only going to get worse not better.

Mike Klipfel stated that it appeared that Jared was under house arrest because of the restraining order, and they were drilling 300 feet from Jared's house. They were drilling 90 feet holes and taking core samples, but don't know what for but making a mess of his crop field. Mike also feels that charges should be filed against Summit Carbon Solutions.

Ross Aldentaler, State's Attorney Deputy did inform Jared Bossly that Interim State's Attorney Anderson would be willing to visit with him regarding some of the allegations and reports.

#### ORDINANCE #245 - SECOND READING/ADOPTION:

Moved by Commissioner Wiese seconded by Gage to adopt Ordinance #245. Applicant Steven Rossow 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 future use: Proposed Lot 1, "Steven Rossow Subdivision" in the NW 1/4 of Section 6-T121N-R61W of the 5<sup>th</sup> P.M., Brown County, South Dakota (40025 142<sup>nd</sup> Street, Garden Prairie Twp.). All members present voting aye. Motion carried.

#### ORDINANCE #246 - SECOND READING/ADOPTION:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the Second Reading and Adopt Ordinance #246 amending portions of Title 4 Zoning – Temporary Fireworks Ordinance: Chapter 4.06, "Agriculture Preservation District (AG-P)"; Chapter 4.14 "Highway Commercial District (HC)" and Chapter 4.15, "Light Industrial District (L-I)". Roll Call: Dennert – aye; Fjeldheim – aye; Wiese – aye; Gage – aye and Sutton – aye. Ordinance #246 adopted. (Copies of the full Ordinance are available at the Brown County Auditor's Office or Brown County Planning and Zoning Office during regular business hours).

#### MEMORANDUM OF GOVERNMENT LIABILITY COVERAGE WITH SDPAA:

Moved by Commissioner Dennert, seconded by Gage to approve and authorize Chairman Sutton to sign the Memorandum of Government Liability Coverage with SDPAA. All member present voting aye. Motion carried.

#### RECENT DEMOLITIONS – COUNTY/CITY PARTNERSHIP:

Paula Nelson, City of Aberdeen Code Enforcement Officer and Mike Scott, Landfill Manager met with Brown County Commission per a request from Commissioner Wiese. Paula informed the Commission that they have demolished three houses plus a garage, and they did it within 2 days. Paula stated the Sheriff's office went through the properties to verify that no one was inside prior to starting the demolition. Mike shared that everything went well, it was roughly 5 – 6 thousand dollars in tipping fees but the city paid for the demolition and taking care of replating the properties if needed at their cost, also. The property on South 3<sup>rd</sup> Street still needs to have the water disconnect taken care of and the city will be doing that soon. These properties become property of Brown County due to taxes not being paid but the city has the jurisdiction to condemn them. Paula shared there will be three more properties that they will put out for bid around August 1<sup>st</sup> for demolition once they are past the redemption period. Commissioner Wiese commented that this has been a good partnership between the City and the County because the City takes the financial responsibility to have them demolished and the County takes financial responsibility to handle the rubble.

#### BID FOR SURPLUS PROPERTY – 2914 INDUSTRIAL AVE.

Chairman Sutton shared that we received one legitimate bid and suggested that we postpone one more week before making a decision because still looking at options. James Meyers visited with the Commissioners about splitting the property into 2 parcels because the property is a bit more than Mr. Harris needs and he would be interested in the East building. Chairman Sutton thanked Mr. Meyers and said that gives them another option. Commissioner Wiese commented that it is still a buyable option and cost \$20 million to build it out but we need to stay focused on the problem of our jail being over capacity. Dennis Feickert suggested that they get an unbiased company and take quotes and get solid numbers for a new facility but designed so you can be added on to, if needed. Moved by Commissioner Wiese, seconded by Fjeldheim to postpone the decision until July 6<sup>th</sup> Commission meeting. All members present voting aye. Motion carried.

#### TITLES OF DAKOTA AGREEMENT:

Moved by Commissioner Wiese, seconded by Dennert to approve and authorize Chairman Sutton to sign the Remote Access Agreement with Titles of Dakota. All members present voting aye. Motion carried.

#### MINUTES:

Moved by Commissioner Wiese, seconded by Fjeldheim to approve the General Meeting minutes of June 20, 2023. All members present voting aye. Motion carried.

#### CLAIMS:

Moved by Commissioner Wiese, seconded by Gage to approve the following claims: Professional Fees: Adamsoft LLC \$3,000.00; Audrey Rider \$141.49; Becky Erickson \$40.00; Civil Solutions LLC \$2,849.10; Dixon Oil Recycling Inc \$225.00; Faulkton Area Medical Center \$59.26; Foerster Testing Limited \$6,960.00; Gellhaus

& Gellhaus, P.C. \$80.00; Healthstream, Inc \$1,928.50; IMEG Corp \$26,027.83; Kristen Gonsoir \$300.00; Lewis & Clark BHS \$368.00; Rhodes Anderson Insurance \$50.00; Schroeder Construction Inc \$536,224.40; SD Secretary of State \$30.00; SDNAVSA \$200.00; SDSU Extension \$228.80; Tyler Technologies, Inc \$390.00. Publishing: Groton Daily Independent \$235.10. Rentals: Advantage Self Storage \$4,748.00. Repairs & Maintenance: Aberdeen Clean-All, LLC \$483.75; Asphalt Zipper \$253.91; Consolidated Electrical Distributors Inc \$390.00; Dakota Fluid Power, Inc \$590.52; Grote Body Shop \$625.63; HF Jacobs & Son Const. Inc \$9,884.10; House of Glass \$823.62; Jensen Rock & Sand Inc \$15,310.00; K & S Plumbing, Inc \$741.84; Laursen Asphalt Repair Equipment, LLC \$16.47; Nelson Sales & Service, LLC \$26.50; Premier Auto \$184.61; Sander's Sew-N-Vac \$214.46; Transource Truck & Equipment, Inc \$2,319.90; TripleC Pros LLC \$1,700.00; Woodman Refrigeration, Inc \$251.02. Supplies: Active Data Systems \$346.69; Advance Auto Parts \$1,319.69; American Stamp & Marking Products, Inc \$49.09; Asphalt Zipper \$2,226.10; Avera LTC Pharmacy Aberdeen \$3,016.24; Cole Paper Inc \$2,901.17; Dakota Fluid Power, Inc \$6,485.15; GovConnection, Inc \$56.26; Integrated Weed Control Inc \$2,000.00; Jensen Rock & Sand Inc \$169,099.11; Karen Swank \$54.00; Laursen Asphalt Repair Equipment, LLC \$60.46; Leidholdt Tool Sales, LLC \$78.24; Lien Transportation Company \$152,754.61; Lynn Zacher \$41.91; Marco Technologies, LLC \$19.57; Menards \$314.49; Midstates Group \$2,989.00; Midwest Pump & Tank \$272.77; Nelson Sales & Service, LLC \$951.06; PastPerfect Software, Inc \$540.00; Pierson Ford Lincoln, Inc \$18.92; Pomp's Tire Service, Inc \$233.42; Share Corporation \$808.20; Sioux Falls Crane & Hoist, Inc \$2,866.49; Thee Glass Doktor, LLC \$590.50; Transource Truck & Equipment, Inc \$6,813.31. Travel & Conference: Gene Loeschke \$120.00; Kathy Fischer \$328.08; Polly Rush \$328.08; Sarah Swenson \$342.36. Utilities: City of Aberdeen Treasurer \$299.49; City of Hecla \$139.68; Dependable Sanitation, Inc \$165.00; Midcontinent Communications \$138.23; Montana-Dakota Utilities Co \$25.24; Northwestern Energy \$2,926.10; NVC \$262.28. Buildings: Grassland Hutterian Brethren Inc \$7,142.87. Others: Safe Harbor \$1,271.50; Northern Truck Equipment Corporation \$191,360.00; SD Dept of Agriculture & Natural Resources \$327.00. All members present voting aye. Motion carried.

#### HR REPORT:

Moved by Commissioner Fjeldheim, seconded by Dennert to approve the following Human Resource Report submitted by Human Resources Director, Allison Tunheim: approve payment of retirement award for Cynthia Meyers in the amount of \$150 before taxes, requirement was met. All members present voting aye. Motion carried.

#### ZONING ORDINANCES - SET HEARING DATE/AUTHORIZE ADVERTISING:

Moved by Commissioner Gage, seconded by Wiese to set hearing date and authorize advertising for first reading of the following zoning ordinance to be held July 18, 2023, in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Proposed Ordinance 247, applicant Toby Doeden requesting to move from Agriculture Preservation District (AG-P), to Mini-Ag District (M-AG) to bring this parcel into compliance for its current use: The North 333' of Outlot 3, "Levey's Outlots" and the East ½ of the South ½ of Outlot 2, "Levey's Outlots" in the SE ¼ of Section 24 -T123N-R65W of the 5<sup>th</sup> P.M., Brown County, South Dakota (13371 382nd Avenue, Mercier Twp.); Proposed Ordinance 248, applicant Joel & Kimberly Carda requesting to move from Agriculture Preservation District (AG-P), to Mini-Ag District (M-AG) to bring this parcel into compliance for its current use: Lot 2, Block 2, "Moulton's First Subdivision" in the SE ¼ of Section 2-T122N-R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota (13671 387th Avenue, Warner Twp.); Proposed Ordinance 249, applicant Erik Nolte requesting to move from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use: Lot 1, "North Ten" in the SW1/4 of Section 13 & the SE1/4 of Section 14-T124N-R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota (12676 387<sup>th</sup> Avenue, Lincoln Twp.); Proposed Ordinance 250, applicant Barry Winkler requesting to move from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use: Outlot C, "Engel Subdivision" in the NE1/4 of Section 18 -T124N-R63W, except Sulzle Outlots A & B, of the 5<sup>th</sup> P.M., Brown County, South Dakota (12643 389<sup>th</sup> Avenue, Ordway Twp.). All members present voting aye. Motion carried.

#### TOWNSHIP BOND:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the Bond for Columbia Township. All members present voting aye. Motion carried.

#### TRAVEL REQUEST:



Moved by Commissioner Dennert, seconded by Wiese to approve the following Travel Request: Dirk Rogers, Highway Superintendent to attend Hall of Honor Selection Committee meeting in Pierre on June 22, 2023. All members present voting aye. Motion carried.

#### CLAIM ASSIGNMENTS:

Moved by Commissioner Wiese, 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.

#### LEASE AGREEMENTS:

Moved by Commissioner Wiese, seconded by Dennert to approve and authorize the Chairman to sign the following lease agreement: Great Plains CEF Church for lease of Richmond Youth Camp on June 26 – July 1, 2023; Watertown Human Service Agency for lease of Richmond Youth Camp on August 8-10, 2023; South Dakota Snow Queen Festival for lease of the Club House for Bands, Brews & BBQ Event on July 29, 2023. All members present voting aye. Motion carried.

#### SPECIAL EVENT LIQUOR LICENSE PERMIT HEARING:

Moved by Commission Wiese, seconded by Fjeldheim to authorize advertising public hearing for the following Special Liquor License Permit: SD Snow Queen Festival for Bands, Brews and BBQ event to be held at the Club House, Sec 30-T123N, Brown County, SD on July 18, 2023 (Special License effective July 29, 2023). 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, Contracts 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 Gage to adjourn the Brown County Commission meeting at 10:29 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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## JULY 6, 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, Wiese, Gage, and Sutton. Commissioner Sutton led the Pledge of Allegiance.

### APPROVAL OF AGENDA:

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

### OPPORTUNITY FOR PUBLIC COMMENT: None

### AVERA ST. LUKE'S BEHAVIORAL HEALTH & ADDICTION CARE SERVICES:

Jessi Paysen and Jodi Hepperle met with the Brown County Commission to give an update of the service provided to Brown County residents and submit their budget request for Fiscal Year 2024. The program offers six levels of care for alcohol, drug, and gambling addiction treatment delivered through inpatient and outpatient services. Funding is provided in part from the state as well as the annual funding received from Brown County. In 2021, an intensive methamphetamine treatment program was implemented which is producing a positive success rate. This program offers resources to connect patients to positive sources of support as well as reintegrate them into the community through jobs and community service. Some patients choose to relocate in Brown County due to the support system developed while in the program. Ross Aldentaler inquired about their tracking of this program as there are opioid grant funds that could potentially be tapped into for supplemental funding. They are requesting \$25,000 for the Fiscal Year 2024 Budget.

### BID FOR SURPLUS PROPERTY – 2914 INDUSTRIAL AVE.

Rod Tobin representing both Harris Machine Company and the Aberdeen Development Corporation, and Jay Harris of Harris Machine Company addressed the Brown County Commission to share information regarding Harris Machine Company and its impact to Brown County. Mr. Tobin stated this is a unique opportunity to both bring a quality employer to Aberdeen and keep our regional jail on the forefront. Harris Machine Company began in Oakes, ND and currently has a 3.5-million-dollar payroll. Starting wage for many employees will be \$30.00 an hour or over, starting with 25 employees with the goal of 100 employees and a 7-million-dollar payroll. Their plan includes building improvements to enhance safety for employees. Mr. Tobin remarked on several economic benefits the county and region would gain by Harris Machine Company moving to Aberdeen. The current offer by Harris is \$4,000,000.00. The Aberdeen Development Corporation has given an extra 11 acres to the west of the Hub City building to Harris for future expansion. The company is also committed to an apprenticeship program for the incarcerated if and when a regional jail is established in Aberdeen. Mr. Tobin respectfully requested the County to accept the current bid of \$4,000,000.00 by Harris to purchase the building to reestablish a positive cash flow, bring jobs, and continue to work on the regional jail complex. Mr. Harris requested the ability to lease the facility for \$1.00 immediately with the intent to close in 90 days to prepare the building for operation. Chairman Sutton inquired with Deputy States Attorney Ross Aldentaler to ensure this process is not breaking any bid process laws. Mr. Aldentaler stated the process would be to reject the current bid from Harris, then work through the process of selling it on a negotiated basis per a SD statute on industrial development. Moved by Commissioner Fjeldheim, seconded by Dennert to table this item until the Consent Calendar and an Executive Session have been completed. All members present voting aye. Motion carried.

### MINUTES:

Moved by Commissioner Wiese, seconded by Dennert to approve the General Meeting minutes of June 27, 2023. All members present voting aye. Motion carried.

### CLAIMS:

Moved by Commissioner Dennert, seconded by Wiese to approve the following claims and payroll: Professional Fees: Angela Lisburg \$164.22; Avera Medial Group Emergency \$22.07; Avera Medical Group Radiology \$971.08; Avera St. Luke's Hospital \$748.97; Blackburn & Stevens, Prof. LLC \$96.30; CGI, LLC \$1,721.88; Darcy L. Lockwood \$33.00; Fox Law Firm, PLLC \$357.95; Gellhaus & Gellhaus, P.C. \$560.00; Kennedy Pier Knoff Loftus, LLP \$160.50; Lincoln County Treasurer \$27.50; Lucy Lewno \$170.00; Lumen \$210.66; Sanford Aberdeen ED \$465.92; Sanford Clinic Aberdeen \$94.58; Sanford Clinic Radiology-North Center \$235.26; Sanford Health \$746.84; Sargent County Sheriff \$138.00; SD Dept of Transportation \$62.57; SD Veterans

Service Officers Association \$200.00; Valerie J. Larson \$33.00; Yankton County Sheriff's Office \$100.00; Yankton County Treasurer \$923.60. Publishing: Groton Daily Independent \$132.73; Midstates Group \$315.00; New Century Press Inc \$45.51. Rentals: Dakota Wood-Grinding Inc \$2,775.00. Repairs & Maintenance: B&B Contracting, Inc \$5,913.28; Crawford Trucks & Equipment \$477.90; Graham Tire Inc \$170.93; Hase Plumbing, Heating & Air Conditioning, Inc \$1,078.11; HF Jacobs & Son Const. Inc \$1,460.43; Hoven Auto Repair, Inc \$1,000.00; Interstate Powersystems \$823.00; K&S Plumbing, Inc \$122.45; Lawson Products, Inc \$50.95; Loiseau Construction, Inc \$120,145.60; Midwest Pump & Tank \$2.68. Supplies: Aberdeen Floral LLC \$98.00; Aramark \$123.43; Century Business Products \$19.78; Cole Paper Inc \$5,339.32; Cook's Correctional \$169.14; Crawford Trucks & Equipment \$5,546.67; Dakota Oil \$6,548.64; Farm Power Mfg \$13.00; Fastenal Company \$130.20; FedEx \$34.64; Fox Law Firm, PLLC \$3.85; Geffdog Designs \$1,451.54; Great Western Tire \$13,070.90; Jensen Rock & Sand Inc \$116,967.96; Lar-Jo's Specialties \$387.96; Lawson Products, Inc \$681.91; Lien Transportation Company \$124,523.37; Lucy Lewno \$6.60; McKesson Medical-Surgical Government Solutions \$99.41; Midstates Group \$343.20; Midwest Pump & Tank \$131.27; Pantorium Cleaners Inc \$28.00; Performance Oil \$1,083.63; Pheasantland Industries \$128.41; Pitney Bowes Global Financial Services LLC \$1,046.10; Plumbing & Heating Wholesale, Inc \$833.36; Pomp's Tire Service, Inc \$476.60; Premier Southern Ticket \$824.90; Runnings \$49.98; Share Corporation \$544.80; Stan Houston Equipment Company, Inc \$39.95; Uline \$1,098.82. Travel & Conference: Carrie Weisenberger \$24.88; Dale Kurth \$122.04; Darwin Bettmann \$16.50; David North \$114.42; Doug Fjeldheim \$217.26; Drew Dennert \$311.10; Duane Sutton \$316.91; Holiday Inn City Centre Sioux Falls \$900.00; James Meyers \$20.60; Patrick Keatts \$12.34; Sherri Rawstern \$120.00; Stan Beckler \$19.89. Utilities: AT&T Mobility \$183.91; CenturyLink \$284.83; Midcontinent Communications \$249.19; Northwestern Energy \$6,697.13. Machinery & Equipment: LyCox Enterprises Inc \$20,140.00. Payroll: Commission \$4,615.41; Auditor \$11,144.01; Treasurer \$17,517.74; SA \$28,295.44; Maintenance \$8,628.73; Assessor \$16,796.81; Register of Deeds \$9,932.81; VSO \$4,254.09; GIS \$2,643.52; IT \$5,892.04; HR \$4,698.75; Sheriff \$51,494.40; Jail \$61,678.34; Coroner \$613.60; Court Security \$8,107.56; JDC/HD \$30,322.02; Welfare \$2,336.49; Museum \$11,489.03; Parks/Fairgrounds \$7,048.62; Fair \$5,005.95; 4-H \$1,271.18; Weed \$5,322.29; P&Z \$7,269.46; Highway \$49,932.30; Dispatch \$41,469.04; EM \$4,933.61; 24/7 Sobriety \$2,870.24; Landfill \$15,101.20SDRS Pay-out \$19,278.60; Retirement Award \$150.00; FICA \$26,082.12; Medicare \$6,099.88; Health Insurance-Wellmark BCBS \$122,470.94; Dental Insurance-Delta \$8,247.76; Life Insurance-Dearborn \$1,027.14; Retirement-SDRS \$79,060.87. 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:

- Acknowledge the resignation of Mathew Coughlin, Brown County Landfill Grounds Worker, part-time; effective June 23, 2023. Request to fill.
- Acknowledge the resignation of Paige Smit, Brown County 911 Communications Officer, full-time; effective July 6, 2023. Request to fill.
- As a result of the 911 Communications Council Action meeting, 911 Communications Officers will raise from Grade 13 to Grade 14. Retroactive from January 1, 2023.
- As a result of the 911 Communications Council Action meeting, Sarah Jesz's pay will be retroactive from January 2023 through April 2023.
- As a result of the 911 Communications Council Action meeting, Kent Jones' job title will change from 911 Communications Manager to 911 Director.
- As a result of the 911 Communications Council Action meeting, Sarah Jesz's job title will change from 911 Assistant Manager to 911 Assistant Director.
- Approve the hiring of Taylor Harmon as Brown County Jail Detention Officer, full-time; starting wage \$20.67/hour-effective July 10, 2023.

All members present voting aye. Motion carried.

#### CLAIM ASSIGNMENT:

Moved by Commissioner Wiese, seconded by Dennert 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.

#### AUDITORS REPORT OF ACCOUNTS FOR MAY 2023:

Moved by Commissioner Fjeldheim, seconded by Gage to approve the Auditor's Report of Accounts of April 2023 as follows: Total Cash and Checks on Hand \$7,700.00; Total Checking Account Balances \$32,950,763.89; Total Savings Account Balances \$2,725,447.42; Total Certificates of Deposit \$5,479,550.72; Grand Total Cash & Balances \$41,163,462.03. General Fund Cash and Investment Balances by Funds: General Fund \$20,786,014.85; Road & Bridge Fund \$3,355,448.19; Road & Bridge Fund-restricted \$423,243.27; 911 Service \$613,284.68; Emergency & Disaster \$153,787.34; Domestic Abuse \$1,274.76; Teen Court \$250.28; Grant \$32.11; JDAI \$48,317.77; Truancy Court (\$34.43); Richmond Youth Camp \$0.00; 24/7 Sobriety \$21,863.87; ROD M&P \$93,417.17; American Rescue Plan Federal Grant \$0.00; Rural Access Infrastructure \$295,534.81; Tif Debt Service \$449,303.97; Landfill + cash change \$4,228,418.36; Landfill – restricted \$1,400,479.44; Trust and Agency Funds \$9,292,825.59; Grand Total General Fund Cash & Investments \$41,163,462.03. All members present voting aye. Motion carried.

#### PLATS:

##### Resolution #22-23

Commissioner Wiese brought the following resolution: "Be it resolved by the Board of County Commissioners of Brown County, South Dakota, that the plat showing "Ludwig Second Subdivision in the SE ¼ of Section 33-T124N-R64W of the 5<sup>th</sup> 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 #23-23

Commissioner Wiese brought the following resolution: "Be it resolved by the Board of County Commissioners of Brown County, South Dakota, that the plat showing "Layne Howard First Addition in the S ½ SE ¼ Section 28-T124N-R60W of the 5<sup>th</sup> 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 #24-23

Commissioner Wiese brought the following resolution: "Be it resolved by the Board of County Commissioners of Brown County, South Dakota, that the plat showing "T. Erickson Addition in the NW ¼ of Section 29, Township 122 North, Range 62 West of the 5<sup>th</sup> 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.

#### LEASE AGREEMENTS:

Moved by Commissioner Dennert, seconded by Wiese to approve and authorize the Chairman to sign the following lease agreement: Joel Podoll for lease of Richmond Youth Camp for Wedding on September 23, 2023; Pauer Sound Inc for lease of personal property owned by Brown County on July 22-23, 2023. All members present voting aye. Motion carried.

#### FAIR CONTRACT:

Moved by Commissioner Wiese, seconded by Dennert to approve and authorize Chairman Sutton to sign the Agreement for Upside-Down & Backwards Touring, Inc. All members present voting aye. Motion carried.

#### LOTTERY PERMIT:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve and authorize Chairman Sutton to sign application, submitted by Richmond Lake Association for a lottery to be held at Anchors Away on July 22, 2023. All members present voting aye. Motion carried.

#### LOCAL EMERGENCY MANAGEMENT PERFORMANCE GRANT:

Moved by Commissioner Wiese, seconded by Gage to approve the Commission Chair to sign the 3<sup>rd</sup> quarter LEMPG Grant Report. All members present voting aye. Motion carried.

OTHER BUSINESS: Bob Schatz made comments to the Commission board his opinions stating the sale of the Hub City building and regional jail.

#### EXECUTIVE SESSION:

Moved by Commissioner Fjeldheim, seconded by Wiese 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.

**BID FOR SURPLUS PROPERTY – 2914 INDUSTRIAL AVE.**

Moved by Wiese, seconded by Gage to reject the bid of \$3,600,000.00 bid from Harris Machine Company. All members present voting aye. Motion carried.

Chairman Sutton stated as a result of rejecting that bid, the County will begin negotiations with Aberdeen Development Corporation to facilitate a potential sale to Harris Machine Company for the purpose of industrial development, and the jail needs to be top priority and keep moving forward.

**EXECUTIVE SESSION:**

Moved by Commissioner Wiese, seconded by Dennert 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 10:03 a.m. All members present voting aye. Motion carried.

Janel Hettich, Brown County Chief Deputy Auditor

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## JULY 11, 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, Wiese, Gage, and Sutton. Commissioner Dennert led the Pledge of Allegiance.

### APPROVAL OF AGENDA:

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

### OPPORTUNITY FOR PUBLIC COMMENT:

Mark Bossly wanted to share his concerns with the Commissioners that the pipeline is ignoring the Ordinance setbacks the County passed, so wanted to know whose responsibility it is to make them follow these. Also, mentioned that he feels the Companies should pay a bond to cover the expenses for repairing the roads for the damage they will be causing. Then Mark also stated he wanted to know where the State's Attorney is on the crimes being committed.

### ARMY RESERVE REUNION:

Freddie Robinson asked the Commission to waive the fee of the Clubhouse at the Fairgrounds for the Army Reserve Reunion like they have done in the past. Commissioner Sutton shared that after visiting with the Fair Manager, they did discuss charging a minimum fee to cover the expenses the County is still responsible for such as cleaning, utilities, etc. Suggested a discount of 50% for non-profits or another option is for the Group to volunteer at the week of the Fair to cover a Gate, which is Wednesday – Friday from 7am to midnight, then it would be considered an In-Kind donation then waive the fee. Commissioner Fjeldheim moved to waive the fee this time until a policy is put into place, seconded by Wiese. All members present voting aye. Motion carried.

### SPEED ZONE CHANGE:

Commissioner Wiese brought the following Resolution:

#### RESOLUTION #25-23

WHEREAS, Chapter 6.03 Speed Zones of the Second Revision of Brown County Ordinances authorizes the Brown County Commission to change the speed limit or the extent of any such limited speed zones, at any time they may deem necessary, and

WHEREAS, all Speed Zones throughout the County were established by Resolution #46-05, as amended by Resolution #66-06, Resolution #39-08, Resolution #72-08, Resolution #101-08, Resolution #94-13, Resolution #69-14, Resolution #15-16, Resolution #27-17 and

WHEREAS, the Brown County Commission has recommended amending the speed zone on County Road 4, County Road 15, and County Road 13;

NOW THEREFORE BE IT RESOLVED that Resolution #46-05, as amended by Resolution #66-06, #39-08, #72-08, #101-08, and #94-13, #69-14 and #15-16, and #26-17 be amended as follows:

### AMEND:

**County Road #4 (North Dakota Street)**, beginning at the intersection of County Road #13 and County Road # 4 (North Dakota Street) between the NE Corner of Section 1, Township 123N, Range 64W of the 5<sup>th</sup> PM and the NW corner of Section 6, Township 123N, Range 63W of the 5<sup>th</sup> PM, then south on County Road #4 (North Dakota Street) one-half mile, at 45 MPH.

**County Road #15**, beginning at Aberdeen City Limits at the south quarter corner of Section 3 Township 123N, Range 64W of the 5<sup>th</sup> PM then west on County Road #15 one-half mile, at 35 MPH.

**County Road #13**, beginning at the intersection of County Road #13 and 390<sup>th</sup> Ave located between the NE Corner of Section 5 and the NW corner of Section 4, Township 123N, Range 63 W of the 5<sup>th</sup> PM, then East one mile to the intersection of County Road #14, at 45 MPH.

Dated this 11<sup>th</sup> day of July 2023.

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

#### APPLICATION FOR OCCUPANCY – NORTHERN ELECTRIC:

Moved by Commissioner Wiese, seconded by Dennert to approve application, submitted by Northern Electric for occupancy of Brown County Hwy #14 in SW ¼ of Sec 34-T127N-R63W of the 5<sup>th</sup> P.M., Brown County, SD to provide primary electric services. All members present voting aye. Motion carried.

#### HIGHWAY DEPARTMENT UPDATE:

Dirk Rogers, Highway Superintendent gave the Commissioners an update on the Projects they are working on: Rd 5 west of Frederick starting with the second mile; Elm Lake Project good portion of east-west part done already – it's progressing; Bridge 211 NE of Frederick will be opening today; and chip sealing 2 miles in Columbia and 6 miles North of the Bridge by Sand Lake. Dirk also shared about the Bridge Funding Program and that he plans to apply for six Bridges that are off-route in the County and there is no match: BR#6, BR#143, BR#81, BR#350, BR#85 and BR#148. Dirk also shared he'd like to purchase a New Holland Tractor from Titan for \$159,000.00 to replace a tractor that was lost due to damages after being tipped over at a soft spot along the road. He plans to use the Insurance money and funds from property/equipment he plans to surplus.

#### PAYLOADER PURCHASE FOR LANDFILL:

Mike Scott, Landfill Manger presented the Commission with a Bid Tab for Payloader from the Sourcewell RFP #011723 Contract. There is a State Grant that will pay 20.1%. There were four bids: TranSource Volvo L120H for \$349,985.00; RDO John Deere 724P for \$348,491.41; Butler/Cat 962 for \$433,165.00 and DMI Komatsu WA380 for \$379,662.36. Mike recommended to accept the bid from RDO John Deere 724P for \$348,491.41, with \$70,046.77 from the State Grant. It is 6-8 months for availability. Moved by Commissioner Wiese, seconded by Dennert to accept the bid from RDO John Deere 724P for \$348,491.41. Rejecting the bids from TranSource Volvo L120H @ \$349,985.00; Butler/Cat 962 @ \$433,165.00 and DMI Komatsu WA380 @ \$379,662.36. All members present voting aye. Motion carried.

#### COURT RESOURCE HOME MEMORANDUM OF UNDERSTANDING (MOU):

Kelsi Vinger, Deputy State's Attorney met with the Commission to ask they approve and authorize the Chairman to sign the MOU between Lutheran Social Services (LSS) and counties that are receiving the Council for Juvenile Services to support Court Resource Homes clarifying that LSS is responsible for licensing of the homes and change in mileage rate. Moved by Commissioner Wiese, seconded by Gage to approve and authorize Chairman Sutton to sign the MOU between LSS and counties receiving the Court Resource Home Grant. All members present voting aye. Motion carried.

#### LEASE & SALE OF PROPERTY – 2914 Industrial Ave.

Moved by Commissioner Dennert, seconded by Wiese to go into Executive Session to discuss Contracts per SDCL 1-25-2. All members present voting aye. Motion carried.

Commissioner Fjeldheim brought the following Resolution:

#### RESOLUTION #26-23

#### **A RESOLUTION AUTHORIZING THE LEASE AND SALE OF REAL PROPERTY LOCATED AT 2914 INDUSTRIAL AVENUE, ABERDEEN, BROWN COUNTY, SD FOR THE PURPOSE OF INDUSTRIAL DEVELOPMENT.**

**WHEREAS**, Brown County owns real property described as:

Lot 2, ADC 2022-2 Addition to the City of Aberdeen, in the Northeast Quarter of Section 17, Township 123 North, Range 63 West of the 5<sup>th</sup> P.M., Brown County, South Dakota, according to the recorded plat thereof.

Subject Property is situated at 2914 Industrial Avenue, Aberdeen, Brown County South Dakota.

**WHEREAS**, The Aberdeen Development Corporation ("ADC") is an enterprise incorporated under the laws of the State of South Dakota, formed for the purpose of furthering the economic development of a community and its

environs, and with authority to promote and assist in the growth and development of small business concerns in the areas covered by its operation.

**WHEREAS**, SDCL 7-29-23 permits Brown County to sell or lease real property to a nonprofit local industrial development corporation to be used by such grantee for industrial development.

**WHEREAS**, Brown County has previously offered the above-described property for lease and sale.

**WHEREAS**, Harris Machine Company, engaged in the business of contract manufacturing, placed the only bid on the above described property when offered for sale by Brown County.

**WHEREAS**, Brown County rejected the lone bid, wishing instead to proceed with the sale on a negotiated basis facilitated through ADC.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of County Commissioners does hereby agree to offer the above-described property to ADC by warranty deed for the amount of \$4,000,000 excluding costs associated with said sale for the purpose of promoting industrial, commercial, and manufacturing development in Brown County.

**BE IT FURTHER RESOLVED**, that the Board of County Commissioners does hereby agree to lease the above described property to ADC until October 31, 2023 or until closing, whichever comes first, for the sum of \$1 on the condition that responsibility for all utilities, insurance, and other expenses related to the property shall transfer to ADC at the time of lease.

Dated at Aberdeen, South Dakota, this 11<sup>th</sup> day of July 2023.

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

#### MINUTES:

Moved by Commissioner Wiese, seconded by Fjeldheim to approve the General Meeting minutes of July 6, 2023. All members present voting aye. Motion carried.

#### CLAIMS:

Moved by Commissioner Dennert, seconded by Wiese to approve the following claims: Professional Fees: Avera St. Luke's Hospital \$376.89; Helms & Associates \$12,008.42; Houston Engineering, Inc \$17,354.52; Language Line Services, Inc \$167.71; Sanford Health Occupational Medicine \$162.00; Sara J. Zahn \$154.80; Satellite Tracking of People, LLC \$1,355.25; US Bank Visa \$589.99; Youngberg Law, Prof. LLC \$449.40. Publishing: Groton Daily Independent \$248.74; Hub City Radio \$300.00; Midstates Group \$3,101.50; South Dakota Magazine \$1,105.00. Rentals: Dakota Electronics \$185.00. Repairs & Maintenance: Aberdeen Clean-All, LLC \$85.00; Butler Machinery Company \$4,233.50; Dakota Fluid Power, Inc \$1,261.69; Dakota Pump LLC \$2,851.39; Hub City Roofing Inc \$145.00; J & K Painting \$538.62; JGE, Inc \$150.03; Pantorium Cleaners Inc \$222.90; RDO Equipment Co \$29,187.24; State of South Dakota PMB 0112 \$81.62; Transource Truck & Equipment, Inc \$2,666.68; US Bank Visa \$3,259.46. Supplies: Aberdeen Transmission Center \$556.00; Agtegra Cooperative \$36,812.41; Auto Value Aberdeen \$252.43; Bakken Building Maintenance \$500.00; Butler Machinery Company \$3,093.06; Cole Paper Inc \$638.88; Dakota Electronics \$1,422.00; Dakota Fluid Power, Inc \$1,630.20; Geffdog Designs \$751.22; Insurance Plus \$462.04; Interstate Battery System of South Dakota \$875.70; Jensen Rock & Sand Inc \$32,496.06; Koch's Repair Shop \$103.20; Mac's Inc-Capital One Trade Credit \$24.39; Marla Zastrow \$34.96; Menards \$450.08; Mid Dakota Equipment & Service \$81.32; Midstates Group \$1,595.00; Pantorium Cleaners Inc \$259.20; RDO Equipment Co \$22,193.79; Runnings \$66.48; Transource Truck & Equipment, Inc \$7,120.80; US Bank Visa \$18,840.17; US Foods \$11,078.89; Van Diest Supply Company \$6,025.40. Travel & Conference: Dave Lunzman \$222.00; US Bank Visa \$737.28. Utilities: Economy Propane, LLC \$722.26; Northwestern Energy \$12,257.53; Performance Oil \$95.79; State of South Dakota PMB 0112 \$120.30; Town of Frederick \$76.00; US Bank Visa \$3,970.48; Verizon Wireless \$201.84. Others: SD Dept of Agriculture & Natural Resources \$4,456.11. Jury: Jurors \$3,378.08. 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:

- Approve the hiring of Brittany Watts as Brown County Jail Records Technician, FT; starting wage \$18.27/hour; effective July 24, 2023.

All members present voting aye. Motion carried.

#### TRAVEL REQUESTS:

Moved by Commissioner Fjeldheim, seconded by Weise to approve the following Travel Requests: Gavin Wright, Sheriff Office, to attend Homicide Investigation & Crime Scene Management in Rapid City from Sept. 12-14, 2023; Aaron Walberg, VSO to attend SD Legislative Study Committee on County Funding & Services for VSOs in Pierre on July 11-12, 2023. 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 Brown County Fair Foundation for a lottery to be held during the Brown County Fair August 15-20, 2023. All members present voting aye. Motion carried.

#### SPECIAL EVENT LIQUOR LICENSE PERMIT:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the following Alcoholic Beverage Temporary Permit for a Special Event to Aberdeen Amateur Hockey Association (RB-25542) at the Brown County Fairgrounds Clubhouse during Brown County Fair, August 14-20, 2023. All members present voting aye. Motion carried.

#### FIREWORKS PERMIT:

Moved by Commissioner Dennert, seconded by Wiese to approve and authorize Chairman Sutton to sign the Fireworks Display Permit for Lew's Fireworks for August 19, 2023, to be held at Brown County Speedway @ Brown County Fairgrounds. All members present voting aye. Motion carried.

#### CLAIM ASSIGNMENT:

Moved by Commissioner Fjeldheim, seconded by Wiese 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.

#### LEASE AGREEMENTS:

Moved by Commissioner Gage, seconded by Wiese to approve and authorize the Chairman to sign the following lease agreements: Little Rock Holiness Church for lease of Richmond Lake Youth Camp on July 8-14, 2023; Titan Machinery for lease of Holum Expo Building on July 11-13, 2023 for Machinery Workshop. All members present voting aye. Motion carried.

#### LANDFILL TONNAGE REPORT:

Moved by Commissioner Fjeldheim, seconded by Dennert to acknowledge the Landfill Tonnage Report for June 2023. All members present voting aye. Motion carried.

#### OTHER BUSINESS:

Commissioner Sutton shared that at 1pm today is the dedication of the Playset @ Brown County Fairgrounds. Commissioner Wiese shared the DOT STIP Meeting is at 7pm tonight @ AmericInn.

#### EXECUTIVE SESSION:

Moved by Commissioner Fjeldheim, seconded by Wiese to go into Executive Session for 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 Dennert, seconded by Wiese to adjourn the Brown County Commission meeting at 10:14 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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## JULY 18, 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, Wiese, Gage, and Sutton. Commissioner Fjeldheim led the Pledge of Allegiance.

### APPROVAL OF AGENDA:

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

### OPPORTUNITY FOR PUBLIC COMMENT:

Jared Bossly shared with the Commission about Green Methanol as an alternative to CO2 pipelines. Cargill has started working with University of Illinois to produce this green methanol, which can be used in most diesel motors and not hooked up to any pipelines. Bossly feels that Summit convinced our farmer own ethanol plants that CO2 is a waste product so going to do them a favor by sequestering it underground. If it makes it cheaper in California it will raise the prices of Ethanol here and people will stop using it if higher than regular unleaded. He believes Summit plans to monopolize this by getting their hands on the CO2. By doing the green methanol the CO2 can be done in house, trucked or railed away, and not take anyone's farmland, not taking up economic development along highways and this is safer. Jared just wanted to make the Commissioners aware of this other option and possible economic development for the County.

Dennis Feickert commented that Summit Carbon Solutions did a sponsorship last year to the Brown County Fair and again this year they are offering a sponsorship and he feels that it wrong and sets a bad example for the County. Jared Bossly added that they are suing the County then sponsoring the Brown County Fair, he feels is a slap in the face.

### RESOLUTION #33-22 – MORATORIUM

Chairman Sutton shared that Moratorium is set to expire tomorrow (July 19<sup>th</sup>) and by advice from the State's Attorney the Moratorium was put in place to give the County the opportunity to review and possibly change our Ordinances to be in line with what the County was expecting any pipeline to comply with. The County did do what the Moratorium allowed us to do, reviewed the Ordinances, made some changes to the Ordinances, held numerous public meetings for public input and on what was being done and what the pipelines need to comply with. State's Attorney advises to let it expire because it has done what it was meant to do. Dennis Wells asked if anything has changed for safety issues because this was prompted by a pipeline accident, at this time they are working on it but won't be done until November 2024 so feels need to wait to have safeguards in place by Federal Government. Jerry Streckfuss commented that we changed the Ordinances, but they haven't done any good because the pipeline has told him they don't need to follow the 1500 ft. setback as stated in the Ordinance because they follow the Petroleum rules, even though they are moving CO2, and the two houses on Jerry's property the pipeline is to be 107 ft. from one and 187 ft. from the other. Jared Bossly also feels that there is no reason to take this off either, because FEMSA is still working on this and there is no high-pressure Carbon Pipeline like this, Summits easements state that you can't plant a tree or build within a 1000 ft. of the pipeline, but they can put it closer than that to homes or our farm buildings. He's been thinking about adding a couple barns to his place depending on if the kids want to come back and run the farm but if they put in the pipeline, he won't be able to do this and decrease the Economic Development. He feels the Moratorium should stay on until there are Federal Guidelines put in place or at the minimum until PUC makes their decisions. Dennis Feickert also stated to keep the moratorium on until the PUC hearings in September. Chad Ellsworth stated that some conflicts of interest were exposed with the incident on Jared's property, he feels moratorium should be extended, because conflicts need to be addressed and asked the Commission to do a Roll Call Vote on refusal on conflicts of interest before they vote. Craig Schaunaman asked about putting a new moratorium in place at least until the PUC hearings and they act or until FEMSA guidelines in November 2024. He recommends a new moratorium would be to keep the County Residents safe but wait until FEMSA guidelines because we have our Ordinances in place. Commissioner Dennert asked for input on whether to extend the moratorium because as stated we did what it was intended to do with the Ordinance to protect the County with the 1500 setback, but keep in mind it may weaken the chance of the Ordinance being upheld in court. He feels that by extending the moratorium it sends a clear message to the PUC as to where the County stands. Chad Ellsworth shared that Navigator has a motion to preempt all the Ordinances is at the PUC now, which will be used as a precedence with Summit, so he feels we should extend the moratorium. Commissioner Gage shared that Summit came after Minnehaha & Brown County for their setbacks and they want to preempt those, which are at the PUC, and we put the moratorium on to look at our Ordinances. The 1500 ft. setback was enacted through our Planning & Zoning Commission in 2021, early 2022 is when it was enacted after all the processes, so it was before the moratorium was created. Gage commented that he feels the current moratorium needs to expire so we can fight for the setback alone, legally & financially towards this. Chairman Sutton questioned Ross Aldentaler, State's Attorney Deputy as far as letting the current moratorium expire and writing a new moratorium what would be better. Ross stated they've never

looked into see if a new moratorium would be effective or valid but Commissioner Fjeldheim shared that he visited with outside council that has assisted with this issue, that attorney feels that our original moratorium was to establish an Ordinance for setbacks and he feels we would be in violation by extending that moratorium, question on a new moratorium the attorney feels they'd be in violation of State Code but haven't researched it. Commissioner Gage questioned Ross on pipelines having to go through Planning & Zoning for Conditional Use Permits can they do a stipulation that has to be approved by the PUC, after some discussion the Planning & Zoning Board could do a stipulation or deny the permit. Freddie Robinson questioned that if the County lets the moratorium expire, he is afraid it will send a message that its weak but Commissioner Wiese shared that the moratoriums purpose is to pause the applications and give the County time to review their regulations and we have done that with the Ordinance, a few minor changes were made but we stuck to the 1500 ft. setback; Planning & Zoning has the authority through compatible use permits. Wiese further stated that there is a possibility of a new moratorium if you have cause standing and a different purpose for it, but they need to see the language because it will be picked apart and will need to consider the ramifications. Dennis Feickert stated that Summit has already ignored the setback that is in the County Ordinance and at in meeting in Redfield it was shared that the PUC would be the enforcer and wanted to know if that is the case. Wiese commented that the PUC would have the authority if they rule on that, that the Ordinances are null in void and can be ignored, which he feels is a dangerous thing for the PUC to do, but as it stands right now if you have the 1500 ft. separation from this pipeline you can do the application and if it is less than the 1500 ft. setback those that would be effected will need to sign off and giving permission for it to go through. Dennis Feickert suggested that the County should file a lawsuit since Summit is not following the setback/Ordinance. Janet Hedges questioned if the moratorium covered rules and regulations or just Ordinances, Ross shared that we have both, we have the moratorium and we passed an Ordinance. Janet feels that the rules and regulations is more of a broad base, not just an Ordinance but Ross stated that it is up to the governing board. Ross shared we can weigh in with the PUC, but it is out of our control. Commissioner Dennert commented that it's obvious that Summit doesn't intend to follow the setbacks, but we know this Ordinance will be heard before the PUC, probably be heard before a Judge somewhere and we don't know what that ruling will be but if upheld by the PUC and courts, the County has every intention to enforce this Ordinance. Regarding the moratorium, Dennert feels that we should enact a new moratorium to extend until all the regulations are set by FEMSA, PUC, etc. if the legal implications can be met and it helps the Planning & Zoning Board and sends a message, also. Commissioner Wiese reiterated that it would recognize rulings to come based on further studies and the impact it would have on our Ordinance – he would be in favor of that but would also want to review it ahead of time to make sure that it is targeting this issue. Commissioner Fjeldheim stated there are so many different variables that so not sure what we should do, let the current one expire and try to do a new one. Chairman Sutton said the new moratorium wouldn't be to stop it but delay it until the PUC has met and made their determination. Commissioner Dennert made a motion to extend the current moratorium for 30 days with the intent to establish a new moratorium, Wiese seconded for discussion. After further discussion Chairman Sutton called for a roll call vote: Dennert-aye; Fjeldheim-nay; Wiese-nay; Gage-nay; Sutton-nay. Motion failed. The moratorium will expire at midnight on Wednesday, July 19, 2023. Commission directed Ross Aldentaler from State's Attorney office to see if we can do a new moratorium, Ross asked for Commission assistance - Commissioners Gage and Dennert will work with Ross if the County can do a new moratorium. Commission is in support of Landowner's Rights in Brown County and will do there best that everyone is treated fairly.

#### EMINENT DOMAIN:

Commissioner Dennert brought the following Resolution:

#### RESOLUTION #27-23

#### A RESOLUTION IN SUPPORT OF EMINENT DOMAIN REFORM

**WHEREAS**, the Fifth Amendment to the United States Constitution states that “Nor shall private property be taken for *public use*, without just compensation.” *U.S. Const. Amend. V. (emphasis added)*.

**WHEREAS**, the South Dakota State Constitution provides that “Private property shall not be taken for *public use*, or damaged, without just compensation[.]” *SD CONST Art. 6 §13 (emphasis added)*.

**WHEREAS**, the omission of “private use” from these laws implies a complete prohibition on the taking of private property for non-public purposes.

**WHEREAS**, On July 6, 2023, hundreds of citizens held a rally in Pierre in support of revisions to South Dakota eminent domain law, culminating with approximately 2,000 signatures in support of eminent domain reform.

**WHEREAS**, the Brown County Board of Commissioners is in support of the Constitutional rights of property owners.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Brown County Commissioners is in support of the Governor and Legislature revising South Dakota law to eliminate the taking of private property for non-public use.

Dated this 18<sup>th</sup> day of July 2023.

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

**SPECIAL MALT BEVERAGE LICENSE HEARING:**

Moved by Commissioner Fjeldheim, seconded by Wiese to approve and authorize Chairman Sutton to sign the application for Special Malt Beverage for SD Snow Queen Festival, Aberdeen, SD on July 29, 2023, for Bands, Brews & BBQ at the Club House on the Brown County Fairgrounds. All members present voted aye. Motion carried.

**ORDINANCE #247 – FIRST READING:**

Moved by Commissioner Wiese, seconded by Gage to approve the First Reading of Proposed Ordinance #247. Applicant Toby Doeden 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: The North 333' of Outlot 3, "Levey's Outlots" and the East ½ of the South ½ of Outlot 2, "Levey's Outlots" in the SE ¼ of Section 24-T123N-R65W of the 5<sup>th</sup> P.M., Brown County, South Dakota (13371 382<sup>nd</sup> Ave., Mercier Twp.). All members present voting aye. Motion carried.

**ORDINANCE #248 – FIRST READING:**

Moved by Commissioner Wiese, seconded by Fjeldheim to approve the First Reading of Proposed Ordinance #248. Applicants Joel & Kimberly Carda 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: Lot 2, Block 2, "Moulton's First Subdivision: in the SE ¼ of Section 2-T122N-R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota (13671 387<sup>th</sup> Ave., Warner Twp.). All members present voting aye. Motion carried.

**ORDINANCE #249 – FIRST READING:**

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the First Reading of Proposed Ordinance #249. Applicant Erik Nolte 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: Lot 1, "North Ten" in the SW ¼ of Section 13 & the SE ¼ of Section 14-T124N-R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota (12676 387<sup>th</sup> Ave., Lincoln Twp.). All members present voting aye. Motion carried.

**ORDINANCE #250 – FIRST READING:**

Moved by Commissioner Gage, seconded by Wiese to approve the First Reading of Proposed Ordinance #250. Applicant Barry Winkler 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: Outlot C, "Engel Subdivision" in the NE ¼ of Section 18-T124N-R63W, except Sulzle Outlots A & B, of the 5<sup>th</sup> P.M., Brown County, South Dakota (12643 389<sup>th</sup> Ave., Ordway Twp.). All members present voting aye. Motion carried.

**PLANNING & ZONING BOARD APPOINTMENT:**

Scott Bader, Planning & Zoning (P & Z) Director informed the Commission that Darwin Bettman has resigned from the P & Z Board after 15 years of service. The Board recognized him with a plaque at the June meeting. Scott asked the Commission to approve Carrie Weisenburger, who has been the alternate, to fill the vacancy on the P&Z Board; then they will need to find a new alternate. Chairman Sutton wanted to publicly thank Darwin Bettman for his years of service on the Planning & Zoning Board. Moved by Commissioner Fjeldheim, seconded by Wiese to approve Carrie Weisenburger to replace Darwin Bettman on the Planning & Zoning Board. All members present voting aye. Motion carried.

**GOSSMAN UPDATE:**

Stacy Gossman had a prior engagement so was not able to wait for his time today so will reschedule for next week.

**FEDERAL LOCAL BRIDGE PROGRAM – HIGHWAY DEPT. UPDATE:**

Dirk Rogers, Highway Superintendent informed the Commission that Bridge #85, #143 and #148 will not qualify for the Federal Local Bridge Program but is going to contact DOT to discuss further on ones that are possibly functionally obsolete and look for some other bridges to put into the program.

Dirk gave a Department Update: They are putting the final touches on Rd. 5; will come back to finish the North 6 miles coming up to 10 on 16; Elm Lake Rd. is moving along; they are mowing and had a new truck driver start on Monday.

Commissioner Fjeldheim asked about the intersection of Co. Rd. 10 & 9, where you go to Westport if the blade could come by and straighten the gravel in the holes on the road. Commissioner Dennert informed that 2 miles East of Jct. Co. Rd. 9 & 14 it is washboard conditions.

#### MINUTES:

Moved by Commissioner Wiese, seconded by Dennert to approve the General Meeting minutes of July 11, 2023. All members present voting aye. Motion carried.

#### CLAIMS:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the following claims/payroll:

Claims: Professional Fees: Brick's TV and Appliance \$2,022.00; Certified Languages International LLC \$783.73; Christy Griffin-Serr Law Office \$7,211.64; Cogley Law Office, Prof LLC \$7,211.64; Dean Schaefer Court Reporting \$258.00; Dependable Sanitation, Inc \$36,236.60; IMEG Corp \$13,799.84; 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 \$823.00; LexisNexis Risk Data Mgt, LLC \$200.00; Lucy Lewno \$150.00; Mark Katterhagen \$12.00; Sanford Health Occupational Medicine \$702.00; Sanford Health \$2,374.00; Taliaferro Law Firm, PC \$7,211.64; Valerie J. Larson \$12.00; Yankton County Sheriff's Office \$50.00; Yellowstone County Sheriff's Office \$75.00. Publishing: Chesterman Communications, Inc \$3,000.00; GateHouse Media South Dakota Holdings, Inc \$808.88; Hub City Radio \$4,000.00. Repairs & Maintenance: Century Business Products \$88.89; Day County Treasurer \$1,766.99; Diesel Machinery, Inc \$11,910.98; EcoLab Pest Elimination Division \$272.74; Foerster Testing Limited \$1,690.00; Gary's Auto Body & Accessories \$265.07; Graham Tire Inc \$16,055.84; K & S Plumbing, Inc \$779.76; Meister Mowing LLC \$1,030.00; Montgomery's Furniture Inc \$34,731.85; North 281 Auto \$420.00; Olson's Pest Technicians \$595.00; Pierson Ford Lincoln, Inc \$674.90; Pomp's Tire Service, Inc \$1,110.00; Safety Service \$329.50; Sewer Duck, Inc \$85.00; Steven Lust Automotive \$261.03; Transource Truck & Equipment \$1,470.23; Woodman Refrigeration, Inc \$408.16. Supplies: AASLH-American Assoc for State & Local History \$168.00; Advance Auto Parts \$1,308.61; Agtegra Cooperative \$11,124.01; Avera LTC Pharmacy Aberdeen \$1,337.54; Bimbo Foods USA, Inc \$1,101.04; Century Business Products \$1,054.18; Charm-Tex, Inc \$339.30; Cole Paper Inc \$686.86; Dakota Electronics \$540.00; Dakota Oil \$1,976.42; Diesel Machinery, Inc \$2,795.52; East Side Jersey Dairy Inc \$1,080.45; Geffdog Designs \$1,070.30; Graham Tire Inc \$59.92; House of Glass \$355.97; Knight Towing and Recovery \$466.00; LabSource, Inc \$634.57; Lien Transportation Company \$39,938.15; Linde Gas & Equipment Inc. \$307.71; Lucy Lewno \$6.60; McKesson Medical-Surgical Government Solutions \$878.22; Menards \$724.87; Midstates Group \$150.00; Midwest Alarm Fire & Security Systems \$279.26; NVC \$27.06; Pantorium Cleaners Inc \$56.00; Performance Oil \$63.71; PharmChem, Inc \$447.30; Pierson Ford Lincoln, Inc \$267.84; Pomp's Tire Service, Inc \$481.32; Runnings \$1,078.43; Sewer Duck, Inc \$389.00; SHI International Corp \$178.10; Thomson Reuters-West Payment Center \$2,198.60; Titan Machinery \$50.00; Transource Truck & Equipment \$1,901.38; Tri State Water \$153.75. Travel & Conference: Aaron Walberg \$177.20; Brandon Black \$118.32; Joe Kraft \$263.20. Utilities: CenturyLink \$62.16; City of Aberdeen Treasurer \$2,467.87; City of Hecla \$128.96; Dependable Sanitation, Inc \$348.00; James Valley Telecommunications \$209.10; Northern Electric \$630.99; Northwestern Energy \$98.62; NVC \$3,875.93; Verizon Wireless \$4,090.03. Others: SD Dept of Labor and Regulation \$3,279.85; SD Dept of Revenue & Regulations \$7,554.30.

Payroll: Commission \$4,615.41; Auditor \$11,227.40; Treasurer \$16,494.80; SA \$28,978.18; Maintenance \$8,560.82; DOE \$15,617.46; ROD \$9,932.80; VSO \$4,254.09; GIS \$2,643.52; IT \$5,992.04; HR \$4,698.75; Sheriff \$51,539.22; Jail \$73,449.83; Coroner \$627.99; Ct. Security \$7,243.96; JDC/HD \$33,049.10; Welfare \$2,336.49; DPM \$12,013.99; Parks/Fairgrounds \$7,046.26; Fair \$4,921.10; 4-H \$1,410.05; W&P \$5,790.94; P&Z \$8,082.60; Hwy. \$46,039.19; Dispatch \$58,053.92; EM \$5,017.01; 24/7 \$2,883.99; Landfill \$15,805.55; Meal Benefits \$264.00; FICA \$26,665.21; Medicare \$6,236.20; Discovery\_HSA \$1,535.10. All members present voting aye. Motion carried.

#### HR REPORT:

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

- Acknowledge employment ending for Danny Caraballo-Velez, Brown County JDC Detention Officer, FT; effective July 11, 2023. Request to fill.
- Approve hiring John Peterson as Brown County Highway Truck Driver, FT; starting wage \$20.67/hour; effective July 17, 2023.

All members present voting aye. Motion carried.

#### TRAVEL REQUESTS:

Moved by Commissioner Fjeldheim, seconded by Gage to approve the following Travel Requests: Patricia Kendall, DPM to attend SD Non-profit Capacity Building Fundraising School in Sioux Falls, SD from Aug. 2-4, 2023; Lynn

Heupel & Janel Hettich, Auditor's Office to attend the SDACES Conference in Chamberlain on Aug. 17, 2023. All members present voting aye. Motion carried.

#### LOTTERY PERMIT:

Moved by Commissioner Fjeldheim, seconded by Gage to approve and authorize Chairman Sutton to sign application, submitted by SPURS Therapeutic Riding Center for a lottery to be held December 15<sup>th</sup> or whenever all the tickets are sold. All members present voting aye. Motion carried.

#### FIREWORKS PERMIT:

Moved by Commissioner Dennert, seconded by Wiese to approve and authorize Chairman Sutton to sign the Fireworks Display Permit for Richmond Lake Association for makeup date of July 21, 2023, to be held at Edwards Preserve – Richmond Lake. All members present voting aye. Motion carried.

SPECIAL EVENT LIQUOR LICENSE PERMIT HEARING: Moved by Commission Wiese, seconded by Gage to authorize advertising public hearing for the following Special Liquor License Permits: *Boys & Girls Club of Aberdeen Area* for Grandstand Concessions to be held at the Brown County Fair – SW ¼ of Sec 1-T123N-R64W, Brown County, SD on August 8, 2023 (Special License effective August 14-20, 2023); *SPURS Therapeutic Riding Center* for Barn Dance & Benefit Auction to be held at SPURS – SPURS 2<sup>nd</sup> Addition, NW ¼ Sec 6-T123N-R63W on August 8, 2023 (Special License effective September 16, 2023). All members present voting aye. Motion carried.

#### OTHER BUSINESS:

Commissioner Gage shared a letter from Dana Nichols recognizing Aaron Walberg, VSO Officer, for his assistance with VA Claims. Gage commented that he wanted to share this to not only highlight what Aaron does in the VSO but to get the word out for Veteran's need to reach out, also. Chairman Sutton shared the VSO Officer from Day County gave a report of the effectiveness and the critical role they play for our Veteran's.

Representative Carl Perry, complimented Commissioner Wiese and Dirk Rogers, Highway Superintendent for attending the STIP DOT Meeting last week and represented the County well. Mr. Perry wanted to inform the Commission that there is a petition go out for Special Legislative Session for Land Rights – this will show who supports the landowner's and who doesn't.

#### EXECUTIVE SESSION:

Moved by Commissioner Gage, seconded by Dennert to go into Executive Session for 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 11:08 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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## JULY 25, 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, Wiese, Gage, and Sutton. Commissioner Wiese led the Pledge of Allegiance.

### APPROVAL OF AGENDA:

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

### OPPORTUNITY FOR PUBLIC COMMENT:

Chad Ellsworth from Rapid City wanted to comment on Resolution #33-22/Moratorium, he wanted to say Congratulations & Thanks to Commissioner Dennert for standing tall with the Judicial adventure that was discussed last week. Mr. Ellsworth stated that there are lot of people depending on Mr. Dennert's contribution to this Commission. Mr. Ellsworth then discussed Resolution #33-22 – clearly stating that the County does impose a temporary moratorium on issuance of any and all permits, licenses, and approvals for the construction of pipelines traversing these lands. Any judicial order or PUC preemption notwithstanding the County clearly has a beneficial interest in the violation of its own moratorium, it's seeking tyranny. When County Commission uses the moratorium to shift its burden over to its constituents it's heading that same direction. When Commission makes a sweetheart deal with its opponent (Summit) at the expense of its constituents, its heading that direction. When Commission secrets its meetings and conversations – using the minutes not being disclosed [Note: The minutes need to be approved by the Commission before being published online or in the newspaper] and fails to disclose public documents in malicious censorship it has obtained tyranny and declared comitatus. Accordingly, Mr. Ellsworth stated he finds the Chairman of this Commission in contempt of the county constituents and the public at large as well as the Oath to be impartial.

### GOSSMAN UPDATE:

Stacy Gossman came in this morning to give the Commissioner's an update on his business plans. He did ask if there is a limit on Beer and Wine Licenses in the County – Auditor Heupel stated that there is no limit on Malt Beverage licenses in the County. Stacy stated property couldn't be build on along Roosevelt because it was in the flood way but has been brought out of the flood way now. Stacy just wanted to voice his opinion and let the Commission know that he plans to do stuff with the County.

### SD DEPT. OF HEALTH UPDATE:

Robin Warrington informed the Commissioners that Kari Stickelmyer has resigned and moved out of State. Robin gave the Commission a Biannual Update for the Brown County Community Health. They have 1 other Full-time nurse besides Robin, and they are determining how to fill Kari's position – Nurse, LPN, or Dietician. Robin shared they are continuing with all the programs: Immunizations for Kids; WIC Program which spent \$218,092.32 in Food Packages from January – June; Pregnancy programs including offering cribs for safe sleep; Fluoride treatments and Developmental Screenings for kids. Community involvement includes attending monthly CASSP meetings and Salvation Army Agency Fair.

### MINUTES:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the General Meeting minutes of July 18, 2023. All members present voting aye. Motion carried.

### CLAIMS:

Moved by Commissioner Wiese, seconded by Gage to approve the following Claims: Professional Fees: Avera Medical Group Radiology \$294.50; Avera St. Luke's Hospital \$8.57; Birmingham & Cwach Law Offices, PLLC \$327.65; Blackburn & Stevens, Prof. LLC \$128.40; CGI, LLC \$1,961.88; Cogley Law Office, Prof LLC \$40.00; Dakota Group LLC \$2,100.00; Horizon Health Care, Inc \$902.50; Kristi Brandt \$1,032.25; Northeastern Mental Health Center \$1,586.00; Park Dietz & Associates, Inc 10,209.38; Sanford Aberdeen ED \$350.19; Sanford Clinic Aberdeen \$62.22; Sanford Clinic Radiology-North Center \$81.01; SD Dept of Health \$1,040.00; SD Dept of Revenue & Regulations \$2,622.18; Thomson Reuters-West Payment Center \$1,536.90; Yankton County Treasurer \$270.00. Publishing: GateHouse Media South Dakota Holdings, Inc \$39.96; Groton Daily Independent \$280.91; The Argus Leader \$21.93. Rentals: Aramark \$524.46. Repairs & Maintenance: HF Jacobs & Son Const. Inc \$3,277.67; Hub City Roofing Inc \$80.00; Olson's Pest Technicians \$190.00; Otis Elevator Company \$59.60; Pheasantland Industries, Garment Division \$17.93; Pomp's Tire Service, Inc \$190.00; Schroeder Construction Inc \$104,232.25; Schwan Welding \$164.00; Spellman Painters \$2,091.05; Steven Lust Automotive \$72.15; Webster Scale \$192,505.50. Supplies: Century Business Products \$376.34; Cole Paper Inc \$694.68; Geffdog Designs \$381.72; Hall Sand & Gravel, Inc \$96,133.98; Kessler's \$206.62; Leidholdt Tool Sales, LLC \$94.16; Lien Transportation Company



\$100,123.62; Midwest Pump & Tank \$317.54; Nicole Volk \$13.17; Pheasantland Industries, Garment Division \$538.50; Plumbing & Heating Wholesale, Inc \$154.07; Pomp's Tire Service, Inc \$71.52; Runnings \$84.97. Travel & Conference: Clubhouse Hotel & Suites Pierre \$431.36; Ramkota Hotel & Conference Center \$210.00; SD Assoc of County Commissioners \$1,600.00. Utilities: CenturyLink \$1,144.05; Dependable Sanitation, Inc \$165.00; Northwestern Energy \$1,021.82; Verizon Wireless \$41.81; WEB Water Development Association, Inc \$130.04. Machinery & Equipment: Titan Machinery \$159,900.00. Others: Michael Elsen \$900.00; Safe Harbor \$1,258.50; SD Assoc of County Officials \$1,024.00; SD Dept of Revenue & Regulations \$1,012,491.05. 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:

- Transfer of Sam Mouna from Brown County Home Detention Sergeant to Jail Administrator, wage \$2,709.61/pay period; effective August 7, 2023. Request to fill.
- Employment ending for:
  - Tony Garcia, Brown County Deputy Sheriff, PT; effective July 16, 2023.
  - Morgan Bingham, Brown County 911 Communications Officer, FT; effective July 21, 2023. Request to fill.
- Resignation of Polly Rush, Brown County Equalization Administrative Assistant, FT; effective August 4, 2023. Request to fill.
- Hiring of the following:
  - Hunter Miller, Brown County Landfill Grounds Worker, PT; starting wage \$18.55/hour; effective July 24, 2023.
  - Joshua Lee, Brown County Sheriff, PT; starting wage \$25.18/hour; effective July 24, 2023.
  - Sally Swanson, Brown County Building Service Worker, PT; starting wage \$14.08/hour; effective August 7, 2023.
  - Joseph Adams, Brown County IT Specialist, wage \$2,709.61/pay period; effective July 31, 2023.
- Classification change for Cory Lane, Senior IT Specialist from hourly to salary, effective July 31, 2023.
- Wage increase for Cory Lane, Senior IT Specialist from \$29.21/hour to \$2,709.61/pay period; effective July 31, 2023.
- Approve personal miles driven for May 2023 at .655 per mile as follows: Kendell Titze 90 miles at \$58.95; John Florey 120 miles at \$78.60; Mike Scott 220 miles at \$144.10.
- Approve personal miles driven for June 2023 at .655 per mile as follows: Kendell Titze 108 miles at \$70.74; John Florey 108 miles at \$70.74; Mike Scott 200 miles at \$131.00.

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 individuals to Credit Collections Bureau for the purpose of collecting liens. All members present voting aye. Motion carried.

#### ZONING ORDINANCES:

Moved by Commissioner Wiese, seconded by Dennert to set hearing date and authorize advertising for first reading of the following zoning ordinances to be held on August 15, 2023, in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Proposed Ordinance 251, applicant John Sippel requesting to move from Agriculture Preservation District (AG-P) to Mini-Ag 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 NE1/4 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.); Proposed Ordinance 252, applicant Jerry & Connie Drees requesting to move from Agriculture Preservation District (AG-P) to Mini-Ag District (M-AG) to bring these parcels into compliance for their current use: Lot 1 & Lot 2, "Odland's First Addition" in the SE1/4 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.); Proposed Ordinance 253, applicant Carey & Sonya Nilsson requesting to move from Agriculture Preservation District (AG-P) to Lake Front Residential (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 5<sup>th</sup> P.M., Brown County, South Dakota (379660 Shore Drive South, Ravinia Twp.); Proposed Ordinance 254, applicant William O. Edwards requesting to move from Agriculture Preservation District (AG-P) to Mini-Ag 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 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.

#### PLATS:

##### Resolution #28-23

Commissioner Fjeldheim brought the following resolution: "Be it resolved by the Board of County Commissioners of Brown County, South Dakota, that the Plat showing Bath Quick Stop First Addition in the E ½ SE ¼ of Section 18-T123N-R62W 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 Wiese. All members present voting aye. Resolution adopted.

##### Resolution #29-23

Commissioner Fjeldheim brought the following resolution: "Be it resolved by the Board of County Commissioners of Brown County, South Dakota, that the Plat showing Sumption-Edwards Addition in the N ½ of Section 29-T127N-R64W of the 5TH P.M., Brown County, South Dakota, having been examined, is hereby approved in accordance with the provisions of SDCL 11-2-2, and any amendments thereof". Seconded by Commissioner Wiese. All members present voting aye. Resolution adopted.

##### Resolution #30-23

Commissioner Fjeldheim brought the following resolution: "Be it resolved by County Commission of Brown County, South Dakota, that the Plat showing "Hoffman Fischer Estates Addition in the SW 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 Wiese. All members present voting aye. Resolution adopted.

##### Resolution #31-23

Commissioner Fjeldheim brought the following resolution: "Be it resolved by the Board of County Commissioners of Brown County, South Dakota, that the Plat showing Scarborough First Addition in the NW ¼ of Section 22-T121N-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 Wiese. All members present voting aye. Resolution adopted.

##### Resolution #32-23

Commissioner Fjeldheim brought the following resolution: "Be it resolved by the Board of County Commissioners of Brown County, South Dakota, that the Plat showing Didreckson First Subdivision in the NW ¼ of Section 26-T123N-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 Wiese. All members present voting aye. Resolution adopted.

##### Resolution #33-23

Commissioner Fjeldheim brought the following resolution: "Be it resolved by the Board of County Commissioners of Brown County, South Dakota, that the Plat showing Mary Cutler's Second Subdivision in the SW ¼ of Section 10-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 Wiese with the stipulation that the approaches be added to the plat. All members present voting aye. Resolution adopted.

#### AGREEMENT TO SATISFY CREDITOR CLAIMS:

Moved by Commissioner Wiese, seconded by Dennert to approve and authorize Auditor Heupel to sign the Agreement to Satisfy Creditor Claims. All members present voting aye. Motion carried.

#### NSU GYPSY DAY PARADE REQUEST:

Moved by Commissioner Wiese, seconded by Fjeldheim to approve the NSU Gypsy Day Parade committee to set up 2 port-a-potties in the County Lot behind the Dacotah Prairie Museum on Friday, October 6, 2023, with pick-up on Monday, October 9, 2023. All members present voting aye. Motion carried.

#### ATTORNEY FEE AGREEMENT FOR QUIET TITLE ACTION:

Moved by Commissioner Wiese, seconded by Fjeldheim to approve and authorize Chairman Sutton to sign the Attorney Fee Agreement for Quiet Title Action. All members present voting aye. Motion carried.

#### ABERDEEN CITY ZONING APPLICATION:

Moved by Commissioner Dennert, seconded by Wiese to approve and authorize Chairman Sutton to sign the Aberdeen City Zoning Application for 605 N. Arch St., Aberdeen, SD. All members present voting aye. Motion carried.

OTHER BUSINESS:

Chairman Sutton shared that Former Commissioner Dennis Feickert called him this morning asking for 2 Commissioners to join the Landowner's Coalition that is being formed. Ziebach and Hand County each have 2 Commissioners committed at this time. Commissioner Gage and Dennert volunteered to represent Brown County.

EXECUTIVE SESSION:

Moved by Commissioner Gage, seconded by Wiese to go into Executive Session for Legal, Contracts and Personnel 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 Wiese to adjourn the Brown County Commission meeting at 10:57 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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## AUGUST 1, 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, Wiese, Gage, and Sutton. Commissioner Gage led the Pledge of Allegiance.

### APPROVAL OF AGENDA:

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

### OPPORTUNITY FOR PUBLIC COMMENT:

Ryan Kelly met with the Commissioners regarding Summit Carbon Solutions controversy, as a disinterested party. Ryan stated that is very pro-landowner, even though he is not a landowner himself and won't be affected by the outcome. He considers himself a student of Local (County) & State history and his concern is that even if the landowners prevail with this fight that we may have a repeat of this controversy with a new industry and the Federal Government puts the money in front of the Legislators. Mr. Kelly believes that the County is limited in what it can & should do – referencing the moratorium(s) which he feels is a temporary fix. He believes the heart of the issue goes back to Rural Electrification, due to the number of companies to fighting to provide utilities and there was not a lot of controversy for things such as Eminent Domain or giving State approved monopolies to private companies, such as now and they are headquartered out of state. Its more about the Private Gain vs Public Good, as opposed to the letter of the law as it was written back when PUC was established. Stated that with problem going back that far and Legislative in its Roots, the solutions should come from State Legislators, not sure what form that would take, but he would like to see a Special Session, and this addressed in permanent form in how Eminent Domain should exist to not to suffer from another controversy that requires easements and use of private property.

Representative Brandei Schaeffbauer (as an Elected Representative of District 3 and a concerned citizen of Brown County) requested the Commission to ask Summit Carbon Solutions for their plume study risk assessment for the proposed CO2 Pipeline, she believes it is owed to the surrounding residents that are located near the proposed hookup to the Ethanol Plant west of Aberdeen of any possible harm that is associated with the CO2 Pipeline. She stated that from the PUC hearings regarding the plume study most are confidential and not released to the public, for an individual to see the plume study they need to sign a non-disclosure. The PUC Commissioners and Representative Schaeffbauer believe that the citizens of District 3, Brown County and the State of South Dakota are so valuable that they deserve to know of any harm that may be associated with the Pipeline.

### 2021 CLOSING AUDIT CONFERENCE:

Christopher Theroux, Department of Legislative Audits met with the Commission for closing conference for audit of fiscal year 2021. He shared the Communication Letter and the Management Letter, there were no items significant enough to be on this letter, but he did state that the Pooled Cash Report was missing some significant items but didn't misrepresent the cash, which was properly reconciled. Auditor Heupel was able to provide the proper documentation to complete the 2021 Audit, but significant findings or deficiencies were found. Chairman Sutton stated that when you go through the process of changing Auditors, you question that everyone is doing things properly and up to standards, so was good to hear for the most part everything was good. Chris stated that will mostly be impacting the 2022 Audit, because 2021 was mostly complete by the time Lynn Heupel took over. Mr. Theroux presented the letter of representation and asked for a signature stating that the County agrees they filled their responsibilities for the 2021 Audit. Commissioner Wiese moved to accept the findings of the 2021 Audit Report and authorize the Chairman sign the Letter of Representation, seconded by Dennert. All members present voting aye. Motion carried.

### ADDRESS CHANGE:

Clarence & Lori Habeck met with Commission to discuss the addressing of their new shop. When applied for a Building Permit to build the Steel Building, address was 2330 but the driveway that leads to the House is 2270. The address was corrected to 2270 by Planning & Zoning because there is no approach at 2330 for 911 Services. Habeck's asked if they could put in approach at 2330 because didn't want to go through the hassle of changing all their paperwork again to the 2270 address or put up a sign – but a permit is required to put up a sign. Chairman Sutton asked if they would be willing to vacate the approach at 2270 in order to put in the approach at 2330, but Habeck's stated No because of possible future development plans. After further discussion, Commissioner Wiese motioned to allow the Habeck's to use 2330 address with the stipulation that if or when the property changes hands that the address is corrected and replotted to 2270, seconded by Dennert. All members present voting aye. Motion carried. Kent Jones, Communications Director stated he would check with GIS to see if it would be possible to adjust the pin to the approach at 2270.

**ORDINANCE #247 - SECOND READING/ADOPTION:**

Moved by Commissioner Gage seconded by Fjeldheim to adopt Ordinance #247. Applicant Toby Doeden 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: The North 333' of Outlot 3, "Levey's Outlots" and the East ½ of the South ½ of Outlot 2, "Levey's Outlots" in the SE ¼ of Section 24 -T123N-R65W of the 5<sup>th</sup> P.M., Brown County, South Dakota (13371 382nd Avenue, Mercier Twp.). All members present voting aye. Motion carried.

**ORDINANCE #248 - SECOND READING/ADOPTION:**

Moved by Commissioner Fjeldheim seconded by Gage to adopt Ordinance #248. Applicant Joel & Kimberly 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: Lot 2, Block 2, "Moulton's First Subdivision" in the SE ¼ of Section 2-T122N-R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota (13671 387th Avenue, Warner Twp.). All members present voting aye. Motion carried.

**ORDINANCE #249 - SECOND READING/ADOPTION:**

Moved by Commissioner Gage seconded by Fjeldheim to adopt Ordinance #249. Applicant Erik Nolte 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: Lot 1, "North Ten" in the SW1/4 of Section 13 & the SE1/4 of Section 14-T124N-R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota (12676 387<sup>th</sup> Avenue, Lincoln Twp.). All members present voting aye. Motion carried.

**ORDINANCE #250 - SECOND READING/ADOPTION:**

Moved by Commissioner Dennert seconded by Gage to adopt Ordinance #250. Applicant Barry Winkler 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: Outlot C, "Engel Subdivision" in the NE1/4 of Section 18 -T124N-R63W, except Sulzle Outlots A & B, of the 5<sup>th</sup> P.M., Brown County, South Dakota (12643 389<sup>th</sup> Avenue, Ordway Twp.). All members present voting aye. Motion carried.

**APPLICATION FOR OCCUPANCY – WEB WATER:**

Moved by Commissioner Fjeldheim, seconded by Dennert to approve application, submitted by Web Water for occupancy of Brown County Hwy #14 in Sec 3-T123-R63W of the 5<sup>th</sup> P.M, Brown County, SD to provide potable water line services. All members present voting aye. Motion carried.

**BRIDGE IMPROVEMENT GRANT/LOCAL FEDERAL BRIDGE PROGRAMS:**

Dirk Rogers, Highway Superintendent discussed the Federal Local Bridge Grants, stating he has 3 Bridges that will qualify for this program: Bridge 6, 350 and 81 and ask the Commission to approve and pass a Resolution for each to authorize applying for the Grant. Hall Crossing will be filed with FEMA.

Commissioner Wiese brought the following Resolution:

**RESOLUTION #34-23**

**RESOLUTION AUTHORIZING SUBMISSION OF APPLICATIONS**

WHEREAS, Brown County wishes to submit an application(s) for consideration of award for the Bridge Improvement Grant and/or Local Federal Bridge Programs:

STRUCTURE NUMBER(S) AND LOCATION(S):

07-000-431 – 11.0 miles west and 1.0 mile south of Warner, SD

and WHEREAS, N/A certifies that the project(s) are listed in the county's Five-Year County Highway and Bridge Improvement Plan\*.

and WHEREAS, Brown County agrees to pay N/A% match on the Bridge Improvement Grant Funds and /or 0.0% match on the Local Federal Bridge Funds;

and WHEREAS, Brown County hereby authorizes the Bridge Improvement Grant and Local Federal Bridge application(s) and any required funding commitments.

NOW THEREFORE BE IT RESOLVED: that the South Dakota Department of Transportation be and hereby is requested to accept the attached Bridge Improvement Grant and/or Local Federal Bridge application(s).

Dated this 1<sup>st</sup> day of August 2023.

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

Commissioner Wiese brought the following Resolution:

RESOLUTION #35-23

RESOLUTION AUTHORIZING SUBMISSION OF APPLICATIONS

WHEREAS, Brown County wishes to submit an application(s) for consideration of award for the Bridge Improvement Grant and/or Local Federal Bridge Programs:

STRUCTURE NUMBER(S) AND LOCATION(S):

07-010-176 – 3.6 miles south and 10.0 miles west of Barnard, SD

and WHEREAS, N/A certifies that the project(s) are listed in the county's Five-Year County Highway and Bridge Improvement Plan\*.

and WHEREAS, Brown County agrees to pay N/A% match on the Bridge Improvement Grant Funds and /or 0.0% match on the Local Federal Bridge Funds;

and WHEREAS, Brown County hereby authorizes the Bridge Improvement Grant and Local Federal Bridge application(s) and any required funding commitments.

NOW THEREFORE BE IT RESOLVED: that the South Dakota Department of Transportation be and hereby is requested to accept the attached Bridge Improvement Grant and/or Local Federal Bridge application(s).

Dated this 1<sup>st</sup> day of August 2023.

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

Commissioner Fjeldheim brought the following Resolution:

RESOLUTION #36-23

RESOLUTION AUTHORIZING SUBMISSION OF APPLICATIONS

WHEREAS, Brown County wishes to submit an application(s) for consideration of award for the Bridge Improvement Grant and/or Local Federal Bridge Programs:

STRUCTURE NUMBER(S) AND LOCATION(S):

07-256-430 – 1.0 mile south and 4.4 miles west of Ferney, SD

and WHEREAS, N/A certifies that the project(s) are listed in the county's Five-Year County Highway and Bridge Improvement Plan\*.

and WHEREAS, Brown County agrees to pay N/A% match on the Bridge Improvement Grant Funds and /or 0.0% match on the Local Federal Bridge Funds;

and WHEREAS, Brown County hereby authorizes the Bridge Improvement Grant and Local Federal Bridge application(s) and any required funding commitments.

NOW THEREFORE BE IT RESOLVED: that the South Dakota Department of Transportation be and hereby is requested to accept the attached Bridge Improvement Grant and/or Local Federal Bridge application(s).

Dated this 1<sup>st</sup> day of August 2023.

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

#### SPEED ZONE AMENDMENT:

This item was postponed for a week.

#### HIGHWAY DEPARTMENT UPDATE:

Dirk Rogers, Highway Superintendent gave a department update. Starting August 14<sup>th</sup> will be hauling gravel to Elm Lake; doing some maintenance patching south of Houghton; will get back to Co. Hwy. 16 to finish the 6 miles to the north; on Rd. 5 have some soft spots to dig out; mowing; helping Fair get ready for Rodeo and things. Dirk shared that BR 211 came out nice and that is a big part of the Bridge Program. Chairman Sutton asked about wanting to hire a mechanic – Dirk stated that he has some close to retirement so would like to get 1 or 2 more hired and looking into the Tech School program, also. Commissioner Dennert stated that on Co. 14 east of Frederick there is some road breakup due to the water, so asked Dirk to check on that.

#### 2024 PROVISIONAL BUDGET HEARING:

Moved by Commissioner Wiese to approve and authorize publication of the 2024 Provisional Budget Hearing to be held on Tuesday, September 5, 2023, in the Commission Chambers, Courthouse Annex at 8:45 A.M.

Seconded by Gage. Roll call vote: Commissioner's Dennert-aye; Fjeldheim-aye; Wiese-aye; Gage-aye; Sutton-aye. Motion carried.

#### MINUTES:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the General Meeting minutes of July 25, 2023. All members present voting aye. Motion carried.

#### CLAIMS:

Moved by Commissioner Dennert, seconded by Gage to approve the following claims and payroll: Claims: Insurance: SD Public Assurance Alliance \$135.73. Professional Fees: US Bank Visa \$69.00; Avera McKennan \$131.91; Avera St. Lukes \$251.26; CGI, LLC \$3,344.38; Christy Griffin-Serr Law Office \$40,280.00; Houston Engineering Inc. \$775.50; Lumen \$192.17; Medical Waste Transport Inc \$235.50; Pauer Sound \$12,500.00. Publishing: Gatehouse Media \$373.72; Groton Daily Independent \$239.03; Midstates Group \$52.50. Rentals: Linde Gas & Equipment Inc \$49.70. Repairs & Maintenance: US Bank Visa \$2,170.06; All Over Roofing \$255.00; Anderson Electric \$1.73; B&B Contracting \$561.12; Crawford Truck & Equipment \$501.93; Dakota Doors Inc \$451.48; Diesel Machinery Inc. \$1,608.64; Double A Plumbing LLC \$1,982.52; Graham Tire Inc. \$163.75; Jason's Electric Inc. \$86.73; K&S Plumbing Inc. \$2,988.52; Keith Lunders \$8,995.54; LyCox Enterprises Inc. \$1,150.00; Mac's \$12.63; Nelson Sales & Service \$70.53; Pierson Ford Lincoln \$295.95; Pomp's Tire Service \$761.00; TrueNorth Steel \$10,710.90; Webster Scale \$1,065.00. Supplies: US Bank Visa \$12,844.08; Amazon Capital Services \$759.85; American Solutions for Business \$243.41; Anderson Electric \$85.00; Artz Equipment \$1,044.91; Century Business Products \$718.81; Cole Papers \$386.70; Crawford Truck & Equipment \$985.76; Dakota Fluid Power \$4.69; Dakota Mailing & Shipping Equipment \$290.26; Dakota Oil \$191.50; Farm Power Mfg. \$1,028.16; Intab LLC \$104.95; Jensen Rock & Sand Inc. \$233,848.64; John Florey \$33.99; Karen Swank \$30.00; Lien Transportation Company \$94,285.02; Marco Technologies \$47.48; Menards \$1,328.40; Pantorium Cleaners \$28.00; Pierson Ford Lincoln \$403.43; Pomp's Tire Service \$1,318.06; Pro Ag Supply Inc \$594.36; Quality Welding Inc. \$48.00; Runnings \$104.40; WEB Water Bottling Company \$27.75. Travel & Conference: US Bank Visa \$525.41; Monica Hein \$97.92. Utilities: US Bank Visa \$1,653.77; Centurylink \$0.36; Midcontinent Communications \$138.23; Montana Dakota Utilities \$25.24; Northwestern Energy \$7,372.91; State 4H Office \$70.00; Verizon Wireless \$83.62. Machinery & Equipment: LyCox Enterprises Inc. \$23,765.00; SD Federal Property Agency \$2,500.00.

Payroll: Commission \$4,615.41; Auditor \$11,144.00; Treasurer \$16,363.82; SA \$33,603.49; Maintenance \$8,562.52; DOE \$16,817.46; ROD \$9,932.81; VSO \$4,254.09; GIS \$2,643.52; IT \$5,892.04; HR \$4,698.75; Sheriff \$45,460.64; Jail \$57,019.41; Coroner \$613.60; Court Security \$6,873.03; JDC/HD \$27,656.09; Welfare \$2,336.49; DPM \$12,367.08; Parks/Fairgrounds \$7,064.23; Fair \$5,370.84; 4-H \$1,637.52; W&P \$5,361.78; P&Z \$7,297.11; Hwy. \$50,539.73; Dispatch \$39,776.22; EM \$4,933.61; 24/7 \$2,701.25; Landfill \$15,218.22; Mileage Benefits \$554.13. Matching Benefits-County Portion: FICA \$24,373.29; Medicare \$5,700.23; Discovery\_HSA \$1,535.10; Health Insurance\_Wellmark BCBS \$123,348.80; Dental Insurance\_Delta \$8,245.44; Life Insurance\_Dearborn \$1,027.14; Retirement\_SDRS \$54,173.89. All members present voting aye. Motion carried.

#### HR REPORT:

Moved by Commissioner Fjeldheim, seconded by Gage to acknowledge & approve the following Human Resource Report submitted by Human Resources Director, Allison Tunheim:

- Transfer of:
  - Kymberly Gasser from Brown County Jail Detention Officer to JDC Detention Officer; effective August 7, 2023. Request to fill.
  - Kandi Shantz from PT to FT Brown County Jail Detention Officer, effective August 6, 2023.
- Hiring of the following:
  - Jason Erickson as Brown County Landfill Heavy Equipment Operator, FT; starting wage \$22.82/hour; effective August 1, 2023.
  - Zachary Wicaryus as Brown County Jail Detention Officer, FT; starting wage \$20.67/hour; effective August 1, 2023.
- Approve Request to fill Brown County Highway Equipment Mechanic.

All members present voting aye. Motion carried.

#### CLAIM ASSIGNMENTS:

Moved by Commissioner Dennert seconded by Wiese 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 Fjeldheim, seconded by Wiese to approve the following Travel Requests: Gavin Wright, Sheriff's Office to attend DRE Inservice Training in Sioux Falls, SD from Sept. 6-7, 2023. 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 SD State Chili Committee for a lottery to be held August 19, 2023, at Brown County Fair. All members present voting aye. Motion carried.

OTHER BUSINESS: None

#### EXECUTIVE SESSION:

Moved by Commissioner Fjeldheim, seconded by Wiese to go into Executive Session for Legal and Personnel 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 10:59 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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## AUGUST 8, 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, and Sutton. Commissioner Wiese was absent. Auditor Heupel led the Pledge of Allegiance.

### APPROVAL OF AGENDA:

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

### OPPORTUNITY FOR PUBLIC COMMENT:

Jared Bossly met with the Commissioners to let them know that he hadn't heard from the State's Attorney Office so if they could follow-up on that. He also encouraged the Commission to follow through with the request from Representative Schaeffbauer last week to get a copy of the Plume Study from Summit Carbon Solutions. Jared attended some meetings in IA, and they did a demonstration on how dangerous it would be if a pipeline erupts, the gentleman doing the test with all the safety equipment only had 4 minutes of air left and that was only walking and back out of the demonstration. Mr. Bossly encouraged the Commission to enforce the Ordinance and look at a new moratorium and keep up the good fight.

### SPECIAL MALT BEVERAGE LICENSES:

Moved by Commissioner Gage, seconded by Fjeldheim to approve and authorize Chairman Sutton to sign the application for Special Event Malt Beverage for Boys & Girls Club of Aberdeen Area on August 14-20, 2023, at Brown County Fair Grandstand (SW 1/4 of Sec 1-T123N-R64W of the 5<sup>th</sup> PM Brown County, SD) for Grandstand Concessions. All members present voting aye. Motion carried.

Moved by Commission Fjeldheim, seconded by Gage to approve and authorize Chairman Sutton to sign the application for Special Event Malt Beverage for SPURS Therapeutic Riding Center, Aberdeen, SD on September 16, 2023, at SPURS (SPURS 2<sup>nd</sup> Addition, NW 1/4 Sec 6-T123N-R63W of the 5<sup>th</sup> PM Brown County, SD) for Barn Dance & Benefit Auction. All members present voting aye. Motion carried.

### SPEED ZONE AMENDMENT:

Commissioner Fjeldheim brought the following Resolution:

#### RESOLUTION #37-23

WHEREAS, Chapter 6.03 Speed Zones of the Second Revision of Brown County Ordinances authorizes the Brown County Commission to change the speed limit or the extent of any such limited speed zones, at any time they may deem necessary, and

WHEREAS, all Speed Zones throughout the County were established by Resolution #46-05, as amended by Resolution #66-06, Resolution #39-08, Resolution #72-08, Resolution #101-08, Resolution #94-13, Resolution #69-14, Resolution #15-16, Resolution #27-17 and

WHEREAS, the Brown County Commission has recommended amending the speed zone on County Road 4

NOW THEREFORE BE IT RESOLVED that Resolution #46-05, as amended by Resolution #66-06, #39-08, #72-08, #101-08, and #94-13, #69-14 and #15-16, and #26-17 be amended as follows:

### AMEND:

**County Road #4 (North Dakota Street)**, beginning at the East Quarter corner of Section 1, Township 123N, Range 64W of the 5<sup>th</sup> PM, then north on County Road #4 (North Dakota Street) 500 feet, to 35 MPH.

Dated this 8th day of August 2023.

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

### FALL RESIDENTIAL CLEAN-UP:

Mike Scott, Landfill Manager met with the Commission to approve the FREE 2023 Fall Residential Cleanup set for August 25 – September 9, 2023, at the Landfill Only. Limit of 4 car/pickup Tires. Ross Aldentaler, State's Attorney Deputy encourages people to take advantage of this because Container Enforcement has gone up. Loads will need to

be covered and secured and only use Asphalt Roads to get to the Landfill (no 8<sup>th</sup> Ave. access). Moved by Commissioner Dennert, seconded by Gage to approve the FREE 2023 Fall Residential Cleanup for August 25 – September 9, 2023. All members present voting aye. Motion carried.

#### CENTENNIAL VILLAGE CONTRACT:

Rachel Kippley, Fair Manager met with the Commission to ask they approve and authorize the Chairman to sign the updated contract with Centennial Village (CV). Chairman Sutton shared that he did meet with the Board Members from Centennial Village, and they did approve of the changes the Fair Board is asking for. Those changes are as follows: per Keg of Beer that is sold goes from \$75 to \$85; \$20 for every case of Malt Beverage sold instead of \$75 for every 7 cases sold; Reports and payment are due to the County Auditor by September 30<sup>th</sup> each year; appropriate security at CV during hours of operation after 7pm will be agreed between CV and Brown County Fair Board & Brown County Sheriff – if an agreement can't be reached then it will be decided by the Brown County Commission and CV hours of operation during Fair Week will be determined by the Fair Board & Sheriff's Office on an annual basis. Moved by Commissioner Fjeldheim, seconded by Gage to approve and authorize Chairman Sutton to sign the contract with Centennial Village. All members present voting aye. Motion carried.

#### AKKERMAN ARENA CONTRACT:

Rachel Kippley, Fair Manager informed the Commission that due to rain on August 6<sup>th</sup> the Aberdeen Area Horseman's Association was not able to have their Horse Show at the Akkerman Arena – they have asked to reschedule it for this Sunday, August 13<sup>th</sup> and it will not interfere with the County Fair preparations. Moved by Commissioner Gage, seconded by Dennert to approve the rescheduling of the Horse Show for Aberdeen Area Horseman's Association at Akkerman Arena to Sunday, August 13<sup>th</sup>. All members present voting aye. Motion carried.

#### FAIR UPDATE:

Rachel Kippley, Fair Manager gave an update on the Brown County Fair. They are still in need of about 200 Volunteers. They do have an app that the volunteers can enter their name and cell phone number and then will be given a reminder of the shifts they signed up for. Without the volunteers some activities may be limited such as the Barrel Train and Inflatables. Rachel also stressed that people purchase their tickets from the Outlets by Saturday – Sunday will be available Online Only, then starting on Monday Concert Tickets will increase by \$20.00 and Adult Rodeo Tickets will increase by \$5.00.

#### MINUTES:

Moved by Commissioner Gage, seconded by Dennert to approve the General Meeting minutes of August 1, 2023. All members present voting aye. Motion carried.

#### CLAIMS:

Moved by Commissioner Dennert, seconded by Gage to approve the following Claims: Professional Fees: 4-H Performing Arts \$200.00; ACBMSJPK \$17,000.00; Aleda Tollefson \$50.00; Alscessa T. Elsey \$200.00; Ann Gibbs \$50.00; Apollo's Beacon LLC \$3,500.00; Ashley Seeklander \$50.00; Avera McKennan \$131.91; Avera St. Luke's Hospital \$1,721.46; Bailey Pro Rodeo \$45,000.00; Bohm's Family Entertainment \$2,700.00; Becky Erickson \$50.00; BJ Clocksene \$50.00; Blackburn & Stevens, Prof. LLC \$171.20; Bobbie Dempsey \$50.00; Brayden Lachenmeier \$150.00; Brian Sharp \$50.00; Brown County Treasurer \$2,060.00; Buggy Kershaw LLC \$27,000.00; Cara Dennert \$50.00; Carrie Hansen \$50.00; CGI, LLC \$835.00; Cindy Schnabel \$50.00; Collin Raye Entertainment LLC \$16,500.00; Connie Groop \$50.00; Courtney Wolff \$50.00; Crown Tours, LLC \$100,000.00; DADP Agency LLC \$10,000.00; Dakota Group LLC \$2,100.00; Dakota Kids Pedal Pulls \$798.75; David W. Brown \$150.00; Deb Stamm \$100.00; Doreen Sperry \$50.00; Fire Safety First LLC \$325.00; Florence Kraus \$50.00; Footprints Touring, Inc \$20,000.00; Gompf Display Inc \$2,100.00; Good Shepherd Lutheran Church \$3,500.00; Gordy Wensel \$4,500.00; Grant Petersen \$275.00; Gretchen Sharp \$50.00; Groton Lions Club \$2,250.00; Hinder Touring, Inc \$22,500.00; Horizon Health Care, Inc \$108.05; Hub Area Habitat for Humanity, Inc \$1,500.00; Jan Zuidema \$150.00; Janet Wright \$50.00; Janey Cronin \$150.00; Jean Hommel Kessler \$150.00; John Eilertson \$150.00; Jyl Graves \$50.00; Karen Porter Bartell \$50.00; Kathy Novstrup \$50.00; Kennedy Pier Knoff Loftus, LLP \$256.80; Kristi Brandt \$1,096.60; LeVox Touring, Inc \$80,000.00; Lincoln County Treasurer \$551.67; Lisa Fedeler \$100.00; Lora Schaunaman \$50.00; Lucy Lewno \$170.00; Magie Joe \$4,000.00; Mark Katterhagen \$18.00; Mike Frey \$50.00; Mike Grann \$100.00; Miranda Dauksavage \$1,700.00; National Sheriff's Association \$142.00; NB Golf, LLC \$25,716.00; Phil Baker \$1,200.00; Professional Rodeo Cowboys Association \$16,000.00; Ronald Parker \$1,000.00; Rosalie Schumacher \$50.00; Sanford Aberdeen ED \$1,710.46; Sanford Health \$1,064.69; SD Nurse's Association \$1,000.00; SDSU Extension \$213.64; SHI International Corp \$722.51; Susan Gerlach \$50.00; T & K Rentals, LLC \$16,950.00; Tayler Wolff \$700.00; Terrance L. Dosch \$8,900.00;

Thomson Reuters-West Payment Center \$283.30; Three Seasons Tent Rental Inc \$3,637.50; Tip Top Entertainment \$16,500.00; TrailerTrapMusic LLC \$40,000.00; Tschetter & Adams Law Office, PC \$485.58; Two Nickel Touring, Inc \$50,000.00; Union Cattle Band \$1,200.00; Upside-Down & Backwards Touring Inc \$25,000.00; Valerie J Larson \$18.00; Wayne Fischer \$150.00; Wendy Brunes \$50.00; Winterset Concert Events \$20,000.00; Yankton County Sheriff's Office \$100.00; Zack Post \$150.00. Publishing: Dakota Broadcasting, LLC \$300.00. Rentals: Dakota Electronics \$5,035.00; Pantorium Cleaners Inc \$207.36. Repairs & Maintenance: Artz Equipment, Inc \$16.50; Dakota Fluid Power, Inc \$25.17; Diamond Mowers LLC \$120.38; Diesel Machinery, Inc \$7,500.00; EcoLab Pest Elimination Division \$350.29; Graham Tire Inc \$17.77; House of Glass \$1,560.36; K & S Plumbing, Inc \$4,116.08; Lawson Products, Inc \$11.99; Midwest Pump & Tank \$3.67; Olson's Pest Technicians \$250.00; Pantorium Cleaners Inc \$189.32; Pierson Ford Lincoln, Inc \$109.09; Pomp's Tire Service, Inc \$40.00; Precision Kiosk Technologies \$2,700.00; RDO Equipment Co \$18,985.69; Sherwin Williams \$2,454.04; Transource Truck & Equipment, Inc \$70.35; Woodman Refrigeration, Inc \$1,075.30. Supplies: Agtegra Cooperative \$46,287.85; Amazon Capital Services, Inc \$29.67; Artz Equipment, Inc \$100.56; Auto Value Aberdeen \$8.99; Bakken Building Maintenance \$500.00; Butler Machinery Company \$202.99; Cole Paper Inc \$1,420.80; Creative Community Promotions, LLC \$8,000.00; Dakota Electronics \$30.00; Dakota Fluid Power, Inc \$986.42; Diamond Mowers LLC \$1,391.60; Duck Enterprises, LLC \$7,000.00; Farm Power Mfg \$122.40; Fastenal Company \$145.77; Fire Safety First LLC \$542.00; Geffdog Designs \$413.83; GovConnection, Inc \$1,017.82; Great Live Music Productions \$500.00; Great Western Tire \$276.90; Interstate Battery System of South Dakota \$140.95; Jensen Rock & Sand Inc \$33,454.89; Kipp Davis \$2,500.00; Lawson Products, Inc \$96.83; Leidholdt Tool Sales, LLC \$13.60; Lew's Fireworks \$4,000.00; Lucy Lewno \$6.60; Mac's Inc-Capital One Trade Credit \$95.40; Menards \$78.93; Midwest Pump & Tank \$179.77; Monte Beringer \$6,000.00; Professional Rodeo Cowboys Association \$6,500.00; Pantorium Cleaners Inc \$56.00; PharmChem, Inc \$401.40; Pomp's Tire Service, Inc \$227.49; RDO Equipment Co \$1,671.55; Runnings \$435.64; Safety Service \$358.66; SHI International Corp \$577.71; Sideline Media Group, LLC \$18,500.00; Theatrical Media Services Inc \$39,380.00; Todd Oliver Inc \$8,000.00; Transource Truck & Equipment, Inc \$1,419.70; US Foods \$11,140.09; Van Diest Supply Company \$4,433.00; Zachary Wicaryus \$50.00. Travel & Conference: Brayden Lachenmeier \$146.88; Carrie Hanson \$44.06; Courtney Wolff \$59.01; Dave Lunzman \$392.00; David W. Brown \$125.46; Deb Stamm \$178.50; Grant Petersen \$44.06; Jan Zuidema \$191.76; Janey Cronin \$98.94; Jean Hommel Kessler \$15.10; John Eilertson \$186.66; Karen Porter Bartel \$42.23; Lisa Fedeler \$196.86; Mike Grann \$80.58; Tayler Wolff \$59.01; Wayne Fischer \$132.60; Zack Post \$295.80. Utilities: City of Aberdeen Treasurer \$1,874.08; Economy Propane, LLC \$201.00; Midcontinent Communications \$163.80; Northwestern Energy \$12,969.28; State of South Dakota PMB 0112 \$120.73; Town of Frederick \$90.11; WEB Water Development Association, Inc \$188.69. Others: SD Assoc of County Officials \$848.00; SD Dept of Agriculture & Natural Resources \$4,375.95; South Brown Conservation District \$2,176.95. All members present voting aye. Motion carried.

#### HR REPORT:

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

- Approve wage increase for Macy Mickelson, PT Building Service Worker from \$13.96/hr. to \$14.08/hr.; effective August 6, 2023.
- Hiring of the following Temporary 2023 Brown County Fair Workers August 14-20, 2023:
  - Ticketing Supervisors @ \$14.50/hr.
    - April Fryer
    - Malerie Henschel
  - Ticket Sellers @ 14.00/hr.
    - Jacque Ohleen-Kallhoff
    - Amy Rawert
    - Anje Hinkelman
  - Odde Office Staff @ 14.00/hr.
    - Julie VanDover
    - Jody Carlsgaard
    - Jan Erickson
    - Jeannette Hasselbroek
    - Bobbie Dempsey
  - GateKeepers @ 12.00/hr.
    - Hunter Cramer
    - Kyle Johnson
    - Crystal Twiggs
    - Jonathan Shepherd
    - Anna Richardson
    - Kevin Price
    - Tony Price
    - Andrew Palmer
    - Colleen Palmer
  - Security Staff @ \$35.00/hr.

- Kyle Couchy
- Brent Koens
- Nick Cochran
- Dave Hunter
- Ryan Antaya
- Pte Eng
- Justine Charles

- Zach Krage
- Josh Weber
- Keith Miller
- Noah Wiedrick
- Kanuani Valencia
- Mike Wiese
- Josh Lee

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.

#### AUDITOR REPORT OF ACCOUNTS FOR JUNE 2023:

Moved by Commissioner Dennert, seconded by Gage to approve the 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 \$19,729,978.23; Road & Bridge Fund \$2,067,691.37; Road & Bridge Fund-restricted \$423,243.27; 911 Service \$954,423.80; Emergency & Disaster \$128,942.39; 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 \$6.53; Rural Access Infrastructure \$295,534.81; TIF Debt Service \$25,962.07; Landfill + cash change \$4,286,334.66; 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.

#### TRAVEL REQUESTS:

Moved by Commissioner Fjeldheim, seconded by Gage to approve the following Travel Requests: Karly Winter, State's Attorney to attend Advanced Trial Techniques & Investigate Skills in Pierre, SD from August 15-17, 2023; Dirk Rogers, Highway Dept. to attend LTAP Advisory Board Meeting & SDACHS Certification in Pierre, SD from August 8-9, 2023; Adelaide Mouna to attend Annual Membership Meeting & the Domestic Violence Institute in Sioux Falls, SD on September 5-6, 2023. All members present voting aye. Motion carried.

#### TITLE 4 ZONING AMENDED ORDINANCE – SET HEARING DATE/AUTHORIZE PUBLICATION:

Moved by Commissioner Gage, seconded by Dennert to set hearing date and authorize publication for first reading of the following zoning ordinance to be held on August 29, 2023, in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Proposed Ordinance #255, amending portions of Title 4 Zoning: Chapters 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 of Brown County Planning & Zoning Office during regular business hours. All members present voting aye. Motion carried.

OTHER BUSINESS: None

#### EXECUTIVE SESSION:

Moved by Commissioner Gage, 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 9:44 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

Published August 16, 2023, at the total approximate cost of \$ \_\_\_\_\_ and may be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com).

## 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 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 – 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 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 – 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 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 – 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 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.

### 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 14<sup>th</sup> – 20<sup>th</sup>:
  - 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 8<sup>th</sup> Annual Spotted Pride Appaloosa Horse Show and 2<sup>nd</sup> 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

Published August 23, 2023, at the total approximate cost of \$\_\_\_\_\_ and may be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com).



## AUGUST 22, 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 Wiese 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:

Jared Bossly met with the Commissioners to inform them that Summit Carbon Solutions is getting ready to file a motion requesting the Public Utilities Commission to preempt the County ordinances. He feels this is them trying to take power away from the counties and the people, and the county has done a fantastic job doing their jobs. Summit Carbon Solutions is going against Minnehaha, Spink, Brown, and McPherson Counties; Minnehaha has signed on with Alex Hagen of Sioux Falls and urged the County to give him a chance and look into him. He stated there is no disrespect to the State's Attorney, but we may need to step up our game and dig in our heels. He also stated there will be zero economic development or impact from the pipeline, but will hurt property values, take away from the west part of town, and put the people in danger. Jared stated the plume study is very crucial, and they need to be showing us because it's the only way anybody can make a good decision on this. Jared again encouraged the Commission to consider Alex Hagen.

### MINUTES:

Moved by Commissioner Dennert, seconded by Wiese to approve the General Meeting minutes of August 15, 2023. All members present voting aye. Motion carried.

### CLAIMS:

Moved by Commissioner Wiese, seconded by Dennert to approve the following Claims: Professional Fees: Aberdeen Karting Club \$500.00; ACBMSJPK \$5,600.00; Avera Medical Group Radiology \$40.66; Avera St. Luke's Hospital \$2,969.91; Darcy L. Lockwood \$15.00; Faulk County Sheriff's Office \$4,320.00; First Interstate Bank \$55.00; Fox Law Firm, PLLC \$160.00; Natrona County Sheriff's Office \$55.00; Northeastern Mental Health Center \$858.00; Sanford Health Network \$461.89; SD Dept of Health \$1,905.00; Valerie J. Larson \$15.00; Veronica Sainz 357.62; Yankton County Sheriff's Office \$50.00. Publishing: GateHouse Media California Holdings, Inc \$127.10; GateHouse Media South Dakota Holdings, Inc \$1,214.44; Groton Daily Independent \$838.51. Repairs & Maintenance: Auto Glass Solutions Inc \$410.87; B & B Contracting, Inc \$8,732.50; Dakota Doors Inc \$5.30; House of Glass \$1,187.43; Hoven Auto Repair, Inc \$73.99; Sewer Duck, Inc \$1,200.00; Titan Machinery \$1,936.40; Town & Country Building Supply \$59.64. Supplies: Aramark \$123.43; Avera LTC Pharmacy Aberdeen \$608.75; Century Business Products \$110.95; Cole Paper Inc \$1,295.50; Dakota Doors Inc \$260.00; Farm Power Mfg \$24.08; Fire Safety First LLC \$1,997.23; Fox Law Firm, PLLC \$2.88; Geffdog Designs \$500.00; GovConnection, Inc \$1,629.50; Hillyard Sioux Falls \$87.94; Kessler's \$244.16; Leidholdt Tool Sales, LLC \$246.54; Marco Technologies, LLC \$64.12; Menards \$762.74; Millstone Restaurant \$465.64; Performance Oil \$653.06; Runnings \$59.88; Sander's Sew-N-Vac \$609.04; Steven Lust Automotive \$38.76; Thomson-Reuters-West Payment Center \$1,894.62; Weismantel Rent-All \$350.00. Travel & Conference: Lynn Heupel \$251.54; Safety Benefits Inc \$75.00. Utilities: CenturyLink \$674.29; City of Aberdeen Treasurer \$9,058.69; Dependable Sanitation, Inc \$513.00; Midcontinent Communications \$85.39; Northwestern Energy \$962.48; NVC \$3,370.52; Verizon Wireless \$3,004.43. Others: Safe Harbor \$1,137.95; WEX Health Inc \$3,000.00. All members present voting aye, except Commissioner Sutton abstained from voting on the Millstone Restaurant claim. Motion carried.

### HR REPORT:

Moved by Commissioner Fjeldheim, seconded by Gage to acknowledge & approve the following Human Resource Report submitted by Human Resources Director, Allison Tunheim:

#### Acknowledge:

- Transfer of Stacie Wasem from Brown County Home Detention Officer to Brown County Home Detention Sergeant, FT; starting wage \$26.46/hour-effective August 20<sup>th</sup>, 2023.

#### Approve:

- Hiring of Jonathan Roberson as Brown County Jail Detention Officer, FT; starting wage \$20.67/hour-effective August 22<sup>nd</sup>, 2023.
- Temporary 2023 Brown County Fair Workers August 14<sup>th</sup> thru 20<sup>th</sup>:
  - Gatekeepers \$12/hour: Jaycee Seaman.

All members present voting aye. Motion carried.

#### CLAIM ASSIGNMENTS:

Moved by Commissioner Wiese seconded by Dennert 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 Fjeldheim, seconded by Wiese to approve the following Travel Requests: Brandon Mills, Brown County Sheriff's Office to attend Problem-Solving Court Conference in Deadwood, SD from November 7-9, 2023; Judy Dosch, Maintenance to attend Risk & Safety Conference in Pierre, SD from November 1-2, 2023. All members present voting aye. Motion carried.

#### PLATS:

##### Resolution #38-23

Commissioner Wiese brought the following resolution: "Be it resolved by the Board of County Commissioners of Brown County, South Dakota, that the Plat showing Pigors Second Addition in the SE ¼ of Section 27-T122N-R60W 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 #39-23

Commissioner Wiese brought the following resolution: "Be it resolved by the Board of County Commissioners of Brown County, South Dakota, that the Plat showing Huck First Subdivision in the SW ¼ of Section 23 and the NW ¼ of Section 26 all in T123N-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 #40-23

Commissioner Wiese brought the following resolution: "Be it resolved by the County Commission of Brown County, South Dakota, that the following plat showing K. Jensen Addition in the NE ¼ of Section 34, Township 123 North, Range 63 West 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.

#### TITLE 4 ZONING AMENDED ORDINANCE – SET HEARING DATE/AUTHORIZE PUBLICATION:

Moved by Commissioner Wiese, seconded by Gage to set hearing date and authorize publication for first reading of the following zoning ordinance to be held on September 19, 2023, in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Proposed 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). The proposed ordinance will be made available for public inspection at the Brown County Auditor's Office or Brown County Planning and Zoning Office during regular business hours. 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 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 Dennert, seconded by Wiese to adjourn the Brown County Commission meeting at 9:46 a.m. All members present voting aye. Motion carried.

Janel Hettich, Brown County Chief Deputy Auditor

Published August 30, 2023, at the total approximate cost of \$\_\_\_\_\_and may be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com).

## 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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## SEPTEMBER 5, 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 Dennert.

### APPROVAL OF AGENDA:

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

### OPPORTUNITY FOR PUBLIC COMMENT: None

### 2024 PROVISIONAL BUDGET HEARING:

Time and place, as advertised for public hearing on the 2024 Provisional Budget was held. No one from the public or various departments appeared. Updated budgets for the Maintenance department and State's Attorney office were presented. Formal action will be taken on September 26, 2023.

### APPROVE PLANNING & ZONING ALTERNATE:

Moved by Commissioner Gage, seconded by Fjeldheim to approve appointing Paul Johnson as the new Alternate to the Planning & Zoning Board. All members present voting aye. Motion carried.

### TICKETING AGENT FOR BROWN COUNTY FAIR:

Rachel Kippely, Fair Manager met with the Brown County Commission to discuss getting quotes for a new Ticketing Agent to use for the Brown County Fair. There have been some issues with Tech Support and the scanners so the Brown County Fair Board would like to get quotes and see what other vendors offer.

### MINUTES:

Moved by Commissioner Dennert, seconded by Wiese to approve the General Meeting minutes of August 29, 2023. All members present voting aye. Motion carried.

### CLAIMS:

Moved by Commissioner Wiese, seconded by Dennert to approve the following Claims: Professional Fees: Birmingham & Cwach Law Offices, PLLC \$577.80; Civil Solutions LLC \$1,484.50; Dakota Portable Toilets, Inc \$140.00; Fox Law Firm, PLLC \$140.00; Lucy Lewno \$180.00; Mark Katterhagen \$30.00; NB Golf, LLC \$294.05; Saber Shred Solutions, Inc \$11,025.20; Schneider Geospatial, LLC \$2,703.00; SD Dept of Transportation \$93.89; TAS, Inc \$27,110.00; Tonia Jungwirth \$2,500.00; US Bank \$1,241.89; Valerie J. Larson \$30.00. Repairs & Maintenance: Ace Refrigeration, LLC \$375.36; Climate Control \$10,561.00; CommTech Inc \$1,248.53; Crawford Trucks & Equipment \$978.12; Dakota Supply Group \$89.89; HF Jacobs & Son Const. Inc \$6,010.34; Hollaway Bridge and Culvert, Inc \$25,000.00; Hoven Auto Repair, Inc \$51.00; K & S Plumbing, Inc \$853.01; Ken's Alignment \$1,912.03; Kramp Enterprise and Investment \$38,694.09; Lawson Products, Inc \$74.34; Muth Electric Inc \$7,636.84; Schwan Welding \$55.00; Sewer Duck, Inc \$85.00; Sherwin Williams \$554.48; Steven Lust Automotive \$82.15; US Bank \$3,705.73. Supplies: Amazon Capital Services, Inc \$77.08; Auto Value Aberdeen \$997.26; Birmingham & Cwach Law Offices, PLLC \$13.30; Charm-Tex, Inc \$81.80; Cole Paper Inc \$987.78; Crawford Trucks & Equipment \$2,406.26; Domino's Pizza \$101.85; Fastenal Company \$74.01; Faulkton Drug \$29.80; Fire Safety First LLC \$284.20; Fox Law Firm, PLLC \$4.26; Geffdog Designs \$350.16; James Marnette \$149.97; Jebro Inc \$20,305.86; LabSource, Inc \$882.32; Lawson Products, Inc \$880.70; Lien Transportation Company \$18,876.48; Lucy Lewno \$3.50; Marco Technologies, LLC \$1,456.00; Matheson Tri-Gas, Inc \$1,382.04; Menards \$317.13; Pantorium Cleaners Inc \$84.00; Pomp's Tire Service, Inc \$50.60; Runnings \$232.92; US Bank \$14,854.02; Van Diest Supply Company \$4,459.10; WEB Water Bottling Company \$19.50. Travel & Conference: US Bank \$1,316.77. Utilities: AT&T Mobility \$281.22; Midcontinent Communications \$302.03; Northwestern Energy \$22,370.12; US Bank \$4,624.11. Jury: Jurors \$149.98. All members present voting aye. Motion carried.

### HR REPORT:

Moved by Commissioner Fjeldheim, seconded by Wiese to acknowledge & approve the following Human Resource Report submitted by Human Resources Director, Allison Tunheim: Acknowledge the transfer of Ellie



Weinmeister from Brown County Jail Detention Officer to Brown County Home Detention Officer, FT; effective September 3, 2023. All members present voting aye. Motion carried.

#### TRAVEL REQUESTS:

Moved by Commissioner Gage, seconded by Wiese to approve the following Travel Requests: Russell Metz, DOE to attend SDAAO Education Meeting in Pierre, SD on October 12, 2023; Aaron Walberg & Jesse Milbrandt, VSO Office to attend SDDVA Benefit School in Sioux Falls, SD from September 5-7, 2023; Scott Madsen, GIS to attend SD Geospatial Conference in Oacoma, SD from October 18-19, 2023. All members present voting aye. Motion carried.

#### LEASE AGREEMENT:

Moved by Commissioner Dennert, seconded by Wiese to approve and authorize the Chairman to sign the following Lease Agreement: Aberdeen Area Humane Society for lease of Holum Expo Building on September 30 – October 1, 2023, for Second Paw Fall Sale. 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 individuals to Credit Collections Bureau for the purpose of collecting liens. All members present voting aye. Motion carried.

#### SET HEARING DATE FOR HIGHWAY 5-YEAR PLAN:

Moved by Commissioner Wiese, seconded by Dennert to set Tuesday, September 26, 2023, as the date for the Highway 5-year plan. All members present voting aye. Motion carried.

#### LANDFILL SCALE BIDS:

Moved by Commissioner Fjeldheim, seconded by Wiese to authorize and approve advertising for the Landfill Scale Bids public hearing to open, read and consider bids for Truck Scale Replacement, A-9079 at 8:45 a.m. on September 19, 2023, in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Specifications are available at Helms and Associates and/or Brown County Auditor's Office. All members present voting aye. Motion carried.

#### OTHER BUSINESS:

Chairman Sutton shared there will be no Commission Meeting on Tuesday, September 12<sup>th</sup> since they will be attending the Fall Convention.

#### EXECUTIVE SESSION:

Moved by Commissioner Wiese, seconded by Gage to go into Executive Session for Personnel. Contracts & 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 Dennert, seconded by Wiese to adjourn the Brown County Commission meeting at 10:48 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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## SEPTEMBER 19, 2023 – GENERAL MEETING

Meeting called to order by Vice-Chairman Fjeldheim at 8:45 A.M. in the Commission Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Dennert, Fjeldheim, Gage, and Wiese. Commissioner Sutton was absent. The Pledge of Allegiance was led by Commissioner Wiese.

### APPROVAL OF AGENDA:

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

### OPPORTUNITY FOR PUBLIC COMMENT:

Jared Bossly just wanted to Thank the Commission for putting the time in and going through the pipeline ordinance because it showed how important it was since Brown County was a big factor as to what happened with the PUC. Jared stated though that this is not over with by any means but wanted to Thank the Commission and the Representatives and that maybe now is the time to think about the other things we have talked about such as another moratorium to get ahead of this issue. Dennis Feickert also wanted to echo what Jared said and Thanks to the Planning & Zoning Board for their work on this. Dennis stated we can't back off because Summit is resetting their options in North Dakota. Dennis thinks Summit may try to come up with another route and take another run-on Brown County. Craig Schaunaman also echoed the Thanks as well but wanted to share how important the Ordinance was: on Friday evening their attorney received an email from the PUC Attorney asking how many landowners would sign the 1500-foot setback but instead they did the opposite and got names of landowners that would not go along with the pipeline or the setback – they got 11 landowners along with 7 adjoining landowners that would not sign. The PUC Attorney specifically ask for Brown County and referenced that in her testimony.

Dennis Mitchell asked the Commission to consider opening the back roads into AgTegra Bath (Grebner) terminal due to the construction on Hwy. 12, not sure how they will get in unless the State could put a stop light at the Bath Corner. Dennis Jones also asked for an exit route to 8<sup>th</sup> Ave. for the empty trucks because it will be a disaster on Hwy. 12 with 350-400 trucks a day. If they can move trucks to East of Grebner and go North to 8<sup>th</sup> Ave. then go either East or West but it will create a lot of dust, so will need to address that issue. Mike Rizer, COO with AgTegra visited with the Commission in regard to the construction on Hwy. 12, also. Mike stated they are working with D.O.T on a regular basis and they have a project meeting today; they are looking at signals, display signs to alert traffic and they have reduced the speed already. AgTegra is concerned about the public, producers, members, and employees. D.O.T is looking at solutions but wondering if it's a possibility of opening that road for safety purposes. Dirk Rogers, Highway Superintendent informed everyone that he has been communicating with D.O.T but this is a State Project, and it shouldn't be costing the County money. Right now, the road is not fit for trucks and probably a couple hundred dollars to fix and before he would fix the road, he would want to receive the funding up front from the State; he will plan to attend the meeting this afternoon.

District 3 Representative Brandie Schaeffbauer addressed the Commission to reiterate the Thanks and appreciates everything the Commission has done to stand up for their constituents. Representative Schaeffbauer stated: "Local Control Won the Day" and District 3 Representatives and Senator Novstrup are here to help in any way they can to maintain that control.

District 3 Representative Carl Perry just wanted to commend the Exchange Club of Aberdeen for having the Flags up around town on September 17<sup>th</sup> for Constitution Day. Also, Northern State University, Professor Rick Dice had Constitution Day on September 18<sup>th</sup> @ NSU Campus. Carl recited a couple of quotes on the Constitution then stated we take a lot of things for granted like America and the Brown County Commission, we have some great things in America, and this is a great Commission.

### BID – BROWN COUNTY FAIR ENTERTAINMENT CONSULTANTS:

Time and place, as advertised to open, read and consider sealed bids for Entertainment Consulting and Buying Services for the Grandstand Entertainment, in years 2024, 2025, and 2026. Bids were received from Hooked Up Entertainment in the amount of \$23,500.00 for 2024; \$23,500.00 for 2025 and \$26,500.00 for 2026 for a three year total of \$73,500.00 plus 2 motel rooms each year; Pepper Entertainment in the amount of 8% of total talent fees for 2024; 9% of total talent fees for 2025 and 10% of total talent fees with each year being capped at \$30,000.00 annually; Monument Talent in the amount of \$18,000.00 for 2024, \$20,000.00 for 2025 and \$20,000.00 for 2026 for a three year total of \$58,000.00; Neste Live in the amount of \$28,000.00 for 2024;

\$29,000.00 for 2025 and \$30,000.00 for 2026 for a three-year total of \$87,000.00 plus one hotel room for a Nestle Live on-site Service Representative each year; Romeo Entertainment Option 1 in the amount of \$31,000.00 for 2024, \$33,000.00 for 2025 and \$35,000.00 for 2026: for a three-year total of \$99,000.00 plus \$500.00/day for service rep plus expenses or Option 2 in the amount of \$17,000.00 for 2024, \$19,000.00 for 2025 and \$21,000.00 for 2026 for a three-year total of \$57,000.00 plus \$1 per ticket sold plus expenses each year. Rachel Kippely, Fair Manager requested to defer awarding the bid for 1 week to review all the details and discuss it with the Fair Board. Moved by Commissioner Wiese, seconded by Dennert to defer bids for 1 week. All members present voting aye. Motion carried.

#### BID – LANDFILL SCALE:

Time and place, as advertised to open, read and consider sealed bids for Landfill Truck Scale Replacement. Bids were received from Prairie Scale in the amount of \$189,351.68 and Webster Scale in the amount of \$173,297.23. Mike Scott, Landfill Manager and Leif Redinger, Project Engineer from Helms & Associates requested to defer awarding the bid for 1 week to review all the details. Moved by Commissioner Wiese, seconded by Gage to defer bids for 1 week. All members present voting aye. Motion carried.

#### ORDINANCE #255 - SECOND READING/ADOPTION:

Moved by Commissioner Dennert, seconded by Gage to approve the Second Reading and Adopt Ordinance #255 amending portions of Title 4 Zoning, Chapter 4.14, “Highway Commercial District (HC)” and Chapter 4.15, “Light Industrial District (LI)”. Roll Call: Dennert – aye; Fjeldheim – aye; Wiese – aye; Gage – aye and Sutton – absent. Ordinance #255 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).

#### ORDINANCE #256 – FIRST READING:

Scott Bader, Planning & Zoning Director shared that he would like to amend this ordinance regarding outdoor storage and containment. Discuss was held in regard to the setback as well, proposed ordinance says 500 feet and Ross Aldentaler, States Attorney questioned making it 1500 feet to stay consistent with other setbacks and landowners can sign a waiver if agree to something less. Moved by Commissioner Wiese, seconded by Gage to approve the First Reading of Proposed Ordinance #256 – to amend 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) with the changes that Scott Bader proposed. Roll Call: Dennert – aye; Fjeldheim – aye; Wiese – aye; Gage – nay and Sutton – absent. The first reading passed with majority vote. The proposed ordinance will be made available for public inspection at the Brown County Auditor’s Office or Brown County Planning and Zoning Office during regular business hours.

#### QUOTES FOR A/C UNIT:

Judy Dosch, Building Superintendent presented 2 quotes for replacing an A/C Unit at the 1<sup>st</sup> Street Building: Woodman Refrigeration in the amount of \$13,583.00 for a Carrier 5-ton roof top A/C unit and Jakes Heating & Cooling in the amount of \$14,280.00 for a 5-ton Carrier RTU. Judy recommended going with Woodman Refrigeration. Moved by Commissioner Wiese, seconded by Dennert to accept the Quote from Woodman Refrigeration in the amount of \$13,583.00 to replace A/C unit at the 1<sup>st</sup> Street Building. All members present voting aye. Motion carried.

#### SURPLUS EQUIPMENT:

Dirk Rogers, Highway Superintendent asked to have 2010 Terex Track Skidsteer and 2012 John Deere 772G Blade declared Surplus and place on Purplewave. Moved by Commissioner Wiese, seconded by Gage to approve declaring the 2010 Terex Track Skidsteer and 2012 John Deere 772G Blade surplus and use Purplewave to sell these items. All members present voting aye. Motion carried.

#### SPEED ZONE AMENDMENT:

Commissioner Wiese brought the following Resolution:

RESOLUTION #41-23

WHEREAS, Chapter 6.03 Speed Zones of the Second Revision of Brown County Ordinances authorizes the Brown County Commission to change the speed limit or the extent of any such limited speed zones, at any time they may deem necessary, and

WHEREAS, all Speed Zones throughout the County were established by Resolution #46-05, as amended by Resolution #66-06, Resolution #39-08, Resolution #72-08, Resolution #101-08, Resolution #94-13, Resolution #69-14, Resolution #15-16, Resolution #26-17, Resolution #30-18, Resolution #51-21 and Resolution #37-23.

WHEREAS, the Brown County Commission has recommended amending the speed zone on County Road 15

NOW THEREFORE BE IT RESOLVED that Resolution #46-05, as amended by Resolution #66-06, #39-08, #72-08, #101-08, #94-13, #69-14, #15-16, #26-17, #30-18, #51-21 and #37-23 be amended as follows:

**AMEND:**

**County Road #15 (131st Street)**, beginning 1450' east and 300' south of the NW corner of 11-T123N-R64W at the intersection of US 281 and County 15, then 0.2 miles easterly at 35 mph.

Dated this 19th day of September 2023.

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

**FEMA UPDATE:**

Dirk Rogers, Highway Superintendent gave the Commissioners an update with the three sites for FEMA filings. County will be reimbursed for hauling gravel to Co. Rd. 25 & 16 by the Scandinavian Church; Hall Crossing FEMA is looking at repair or mitigation to see what we can do – but right now we can't do anything at this time because a Topeka Shiner has been found there, they are endangered and have a black out. Commissioner Fjeldheim asked about extracting the gravel that has been washed down stream, but Dirk stated we would need to get permits to do that. Fjeldheim wondered if FEMA would reimburse since it is part of their project and Dirk stated they could look into it.

**ELM LAKE BRIDGE CERTIFICATION:**

Commissioner Wiese moved to approve and authorize Vice-Chairman Fjeldheim to sign the certificates for the Elm Lake Bridge per Dirk Rogers, Highway Superintendent recommendation. Seconded by Commissioner Dennert. All members present voting aye. Motion carried.

**HIGHWAY DEPARTMENT UPDATE:**

Dirk Rogers, Highway Superintendent gave the Commission a Department Update: still milling on Co. Rd. 16 and doing 6 miles of paving to the North; Biegler Road on the East side of Richmond; Mowing; Replacing BR 93, which is south of Groton; Lien's finished Co. Rd. 5 & 6 – will be sealed and striped in the next week or so; Elm Lake is going good – hauling black dirt out and gravel in, need to move fences back and seed it; Railroad Crossing at Tacoma Park is being replaced tomorrow and they did the one by Claremont yesterday. Commissioner Wiese asked about the Bridge at Sand Lake and Dirk said he will follow-up again on that. Dirk questioned the speed zone around the Sports Complex on 15 & 19 that was discussed at Convention. Dirk will come up with a plan.

**MINUTES:**

Moved by Commissioner Wiese, seconded by Dennert to approve the General Meeting minutes of September 5, 2023. All members present voting aye. Motion carried.

**CLAIMS:**

Moved by Commissioner Dennert, seconded by Gage to approve the following claims and payroll.

Claims: Insurance: Claims Associates \$5,000.00. Professional Fees: All Nations Interpreters Inc \$2,000.00; Avera Aberdeen Family Physicians \$40.40; Avera Medical Group Behavioral Health Clinic \$2,800.00; Avera Medical Group Radiology \$944.27; Avera St. Luke's Hospital \$2,185.64; Certified Languages International LLC \$1,093.95; Christy Griffin-Serr Law Office \$7,211.64; Cogley Law Office, Prof LLC \$7,211.64; Computer Forensic Resources \$3,009.85; Dakota Group LLC \$2,100.00; Dawn Foiles \$50.00; DEVNET \$3,445.31; Dohrer

Law Office, PC \$7,211.64; Faulkton Area Medical Center \$62.22; Fox Law Firm, PLLC \$30.00; Horizon Health Care, Inc \$88.05; IMEG Corp \$16,658.19; Jerald M. McNeary \$7,211.64; Jeremy Lund-Siegel Barnett & Schutz, LLP \$7,211.64; John Noyes-Bantz, Gosch & Cremer \$7,211.64; Kristi Brandt \$132.25; Kuck Law Office \$7,211.64; Language Line Services, Inc \$466.54; LexisNexis Risk Data Mgt, LLC \$200.00; Northeastern Mental Health Center \$1,222.00; Park Dietz & Associates, Inc \$6,868.13; Sanford Aberdeen Cardiology \$8.48; Sanford Aberdeen ED \$2,817.50; Sanford Cardiovascular Institute E \$8.48; Sanford Clinic Aberdeen \$426.55; Sanford Clinic Radiology-North Center \$385.42; Sanford Health Occupational Medicine \$902.00; Satellite Tracking of People, LLC \$1,725.75; SD Dept of Revenue & Regulations \$1,954.89; SDSU Extension \$238.04; Super 8 by Wyndham Aberdeen \$10,988.00; Taliaferro Law Firm, PC \$7,211.64; Thomson Reuters-West Payment Center \$291.80; Yankton County Sheriff's Office \$50.00; Yankton County Treasurer \$415.70; Yellow Robe Consulting \$1,500.00; Zylstra Investigations \$1,216.30. Publishing: AlphaMedia Watertown \$4,200.00; Dakota Broadcasting, LLC \$4,960.00; DRG Media Group \$1,568.00; GateHouse Media South Dakota Holdings, Inc \$867.96; Groton Daily Independent \$440.93; Hub City Radio \$1,200.00; i3G Media \$3,900.00; Todd County Tribune/Mellette County News \$24.46. Rentals: Aramark \$363.25; Dakota Electronics \$2,652.75; Pantorium Cleaners Inc \$207.36; Vision Communications Co \$950.00. Repairs & Maintenance: Auto Value Aberdeen \$12.98; Century Business Products \$130.44; Custom Installation Solutions \$90.00; Dakota Fluid Power, Inc \$116.48; Diamond Mowers LLC \$12.01; Diesel Machinery, Inc \$1,911.09; EcoLab Pest Elimination Division \$125.83; Gardner Locksmithing \$100.00; Graham Tire Inc \$1,670.24; House of Glass \$583.06; Lien Transportation Company \$610,699.82; Napa Central \$129.99; NESD Specialized Washing, LLC \$1,207.50; Otis Elevator Company \$200.00; Pierson Ford Lincoln, Inc \$155.68; Pomp's Tire Service, Inc \$896.65; Precision Kiosk Technologies \$8,250.00; RDO Equipment Co \$16,695.32; Sewer Duck, Inc \$225.00; Steven Lust Automotive \$381.89; Titan Machinery \$1,744.20; Transource Truck & Equipment, Inc \$9,107.31; Woodman Refrigeration, Inc \$1,947.81. Supplies: A-1 Locksmithing \$19.75; Aberdeen Fire Rescue \$1,129.49; Agtegra Cooperative \$74,344.56; Amazon Capital Services, Inc \$1,150.28; Aramark \$123.43; Artz Equipment, Inc \$257.99; Avera LTC Pharmacy Aberdeen \$962.84; Bakken Building Maintenance \$500.00; Bimbo Foods USA, Inc \$1,271.31; Butler Machinery Company \$5,340.36; Candace Rohrbach \$57.31; Century Business Products \$1,004.01; Clint Sombke \$161.22; Cole Paper Inc \$634.18; Dakota Fluid Power, Inc \$978.17; Dakota Oil \$2,910.20; Dakota Supply Group \$20.65; Diamond Mowers LLC \$509.30; Diesel Machinery, Inc \$1,309.06; Dive Rescue International \$800.00; East Side Jersey Dairy Inc \$929.66; Eddie's Northside Sinclair \$70.00; Farm Tire Service LLC \$1,890.00; FedEx \$17.71; Full Circle Ag \$884.36; Geffdog Designs \$164.88; Gillund Enterprises \$764.40; Hall Sand & Gravel, Inc \$12,520.73; Jebro Inc \$103,833.32; Jensen Rock & Sand Inc \$166,925.70; K & S Plumbing, Inc \$4,864.94; Kessler's \$947.44; Lien Transportation Company \$65,820.05; Linde Gas & Equipment Inc \$112.55; Mac's Inc-Capital One Trade Credit \$194.88; Makendra Ochsner \$100.00; McLeod's Printing & Office Supply \$21.90; Menards \$299.19; Midstates Group \$169.00; Network Center, Inc \$5,250.00; NVC \$27.66; Performance Oil \$85.95; PharmChem, Inc \$720.90; Race West Awards & Trophies \$110.00; RDO Equipment Co \$8,187.61; Rinse & Go Car Wash \$10.00; Rixstine Recognition \$1,394.46; Runnings \$2,065.25; Safeguard \$826.58; Sherwin Williams \$159.02; Titan Machinery \$234.32; Transource Truck & Equipment, Inc \$6,752.81; Tri-State Water \$115.00; United Tactical Systems, LLC \$525.00; US Foods \$10,898.08; Vision Communications Co \$1,800.00; Volk Upholstery \$250.00; WEB Water Bottling Company \$26.25; Woodman Refrigeration, Inc \$2,455.11. Travel & Conference: Aaron Walberg \$302.08; Best Western Plus Ramkota Hotel \$404.00; Dave Lunzman \$258.00; Dawn Foiles \$96.80; Grant County Auditor \$578.88; Jesse Milbrandt \$302.08; Karly Winter \$264.18; Lynn Heupel \$235.51; Mariann Malsom \$224.00; Safe Harbor \$225.00. Utilities: AT&T Mobility \$43.23; CenturyLink \$352.69; City of Aberdeen Treasurer \$6,782.53; City of Hecla \$130.88; Dependable Sanitation, Inc \$513.00; James Valley Telecommunications \$209.10; Northern Electric \$5,622.10; Northwestern Energy \$11,476.85; NVC \$3,999.37; State of South Dakota PMB 0112 \$131.29; Town of Frederick \$78.44; Verizon Wireless \$1,332.68; WEB Water Development Association, Inc \$130.76. Others: Safe Harbor \$1,226.53; SD Assoc of County Officials \$926.00; SD Dept of Agriculture & Natural Resources \$4,546.50; SD Dept of Revenue & Regulations \$1,022,458.38. Jury: Grand Jurors \$10,975.16. Payroll: Commission \$4,615.41; Auditor \$11,144.00; Treasurer \$16,448.42; SA \$37,620.08; Maintenance \$10,077.45; Assessor \$15,058.87; Register of Deeds \$9,932.81; VSO \$4,254.09; GIS \$2,643.52; IT \$9,124.46; HR \$4,698.76; Sheriff \$46,685.43; Jail \$59,939.37; Coroner \$147.65; Court Security \$6,725.22; JDC \$27,715.42; Welfare \$2,336.49; Museum \$11,848.28; Parks/Fairgrounds \$6,487.13; Fair Board \$5,850.58; 4-H \$877.43; Weed \$5,546.83; Planning & Zoning \$7,232.60; Highway \$50,715.85; Dispatch \$36,950.02; Emergency \$4,836.31; 24/7 Sobriety \$2,927.17; Landfill \$19,320.87. FICA \$24,993.41; Medicare \$5,845.25 and Discovery\_HSA \$1,688.61. All members present voting aye. Motion carried.

#### HR REPORT:

Moved by Commissioner Wiese, seconded by Gage to approve the following Human Resource Report submitted by Human Resources Director, Allison Tunheim: hiring of Brian Wagemann as Brown County Highway Truck Driver, FT, starting wage \$20.67/hour, effective September 11, 2023; hiring of Tina Jacobs as Brown County Jail Detention Officer, FT, starting wage \$20.67/hour, effective September 18, 2023; hiring of Jerremias Vega IV as Brown County Jail Detention Officer, FT, starting wage \$20.67/hour, effective September 20, 2023. All members present voting aye. Motion carried.

#### LANDFILL TONNAGE REPORT:

Moved by Commissioner Gage, seconded by Wiese to acknowledge the Landfill Tonnage Report for August 2023. All members present voting aye. Motion carried.

#### LEASE AGREEMENT:

Moved by Commissioner Dennert, seconded by Wiese to approve and authorize the Vice-Chairman to sign the following Lease Agreement: Northern Electric for lease of Club House on September 19, 2023, for Annual Meeting. 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, Mariann Malsom, ROD and Lynn Heupel, Auditor to attend SDACO Conference in Sioux Falls on September 11-13, 2023; Stephanie Morgan, DOE to attend IAAO Basic Course in Pierre, SD on October 1-6, 2023. All members present voting aye. Motion carried.

#### CLAIM ASSIGNMENTS:

Moved by Commissioner Wiese, seconded by Dennert 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.

#### AUDITOR REPORT OF ACCOUNTS FOR JULY 2023:

Moved by Commissioner Wiese, seconded by Gage to approve the Auditor's Report of Accounts of July 2023 as follows: Total Cash and Checks on Hand \$7,700.00; Total Checking Account Balances \$23,120,217.44; Total Savings Account Balances \$1,325,447.42; Total Certificates of Deposit \$5,479,550.72; Grand Total Cash & Balances \$29,932,915.58. General Fund Cash and Investment Balances by Funds: General Fund \$19,026,706.00; Road & Bridge Fund \$1,357,508.93; Road & Bridge Fund-restricted \$423,243.27; 911 Service \$868,994.52; Emergency & Disaster \$114,534.43; Domestic Abuse \$1,137.95; Teen Court \$0.00; Grant \$32.11; SA Grants \$51,004.88; Truancy Court 221.23; Richmond Youth Camp \$0.00; 24/7 Sobriety \$15,319.17; ROD M&P \$95,443.54; American Rescue Plan Federal Grant \$0.00; Rural Access Infrastructure \$442,663.63; TIF Debt Service \$25,962.07; Landfill + cash change \$4,336,874.79; Landfill – restricted \$1,400,479.44; Trust and Agency Funds \$1,772,789.62; Grand Total General Fund Cash & Investments \$29,932,915.58. 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 per SDCL 1-25-2. All members present voting aye. Motion carried. The Vice-Chairman declared the executive session closed with no action taken.

#### ADJOURNMENT:

Moved by Commissioner Dennert, seconded by Wiese to adjourn the Brown County Commission meeting at 10:51 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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## SEPTEMBER 26, 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 with a change of moving Item 9 - Kylie Lange from Summit Carbon Solutions to item #5, seconded by Dennert. All members present voting aye. Motion carried.

### OPPORTUNITY FOR PUBLIC COMMENT: None

### 2024 ANNUAL BUDGET:

Commissioner Fjeldheim offered the following Resolution:

#### ANNUAL BUDGET FOR BROWN COUNTY, SD For the Year January 1, 2024, to December 31, 2024

#### RESOLUTION #42-23

#### ADOPTION OF ANNUAL BUDGET FOR BROWN COUNTY, SOUTH DAKOTA

Whereas, (7-21-5 thru 13), SDCL provides that the Board of County Commissioners shall each year prepare a Provisional Budget of all contemplated expenditures and revenues of the County and all its institutions and agencies for such fiscal year and,

Whereas, the Board of County Commissioners did prepare a Provisional Budget and cause same to be published by law, and

Whereas, due and legal notice has been given to the meeting of the Board of County Commissioners for the consideration of such Provisional Budget and all changes, elimination's and additions have been made thereto.

NOW THEREFORE, BE IT RESOLVED, That such provisional budget as amended and all its purposes, schedules, appropriations, amounts, estimates and all matters therein set forth, SHALL BE APPROVED AND ADOPTED AS THE ANNUAL BUDGET OF THE APPROPRIATION AND EXPENDITURES FOR BROWN COUNTY, SOUTH DAKOTA and all its institutions and agencies for calendar year beginning January 1, 2024 and ending December 31, 2024 and the same is hereby approved and adopted by the Board of County Commissioners of Brown County, South Dakota, this 26<sup>th</sup> day of September, 2023. The Annual Budget so adopted is available for public inspection during normal business hours at the office of the County Auditor, Brown County, South Dakota. The accompanying taxes are levied by Brown County for the year January 1, 2024, through December 31, 2024.

COUNTY TAX LEVIES WITHIN LIMITED LEVY	Dollars	\$'S/1,000
*General County Purposes (10-12-9)	\$17,191,689.00	3.588
TOTAL TAXES LEVIED BY COUNTY	\$17,191,689.00	3.588

\*These amounts include the 25% to be distributed to cities.

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

### SUMMIT CARBON SOLUTIONS PROJECT UPDATE:

Kylie Lange and Alex Lange from Summit Carbon Solutions met with the Commission to give a project update. Kylie stated that both Alex and she are moving to Brown County to be more hands on with the project and they heard that they need to work with County Officials and its constituents. Moving forward the goal is to have complete transparency. Kylie also informed the Commission that they are working with the Emergency Management (EM) and First Responders: they will train them and give them the equipment they will need; planning on getting a Grant to pay for the equipment. They are designing a waiver form and will submit it to

Planning & Zoning for approval. There is no route defined at this time but hoping to have a plan in the next month or so.

Jim Seurer, CEO from Glacial Lakes Energy also commented that they are dedicated to prosperity of Brown County, they buy 65 million bushels of corn from this area. In the future reduction of the Carbon Footprint is critical to their survival and the economic liability to this area, which in turn leads to success for local producers. Jim stated there is not another proven technology or project out there that lower their score by 25-30 points, this can and will qualify for tax incentives at the same time, this project will allow Glacial Lakes to be in a competitive market for corn in this community and potentially even expand, which will mean jobs for Brown County and surrounding area, more importantly higher tax revenues. Without this project Glacial Lakes may have to scale back or discontinue their capital investment particularly this area if not able to get outside city limits of Aberdeen. Jim stated looking into the future this may be their only way to get into Aviation fuel, which is a market 3 times the size of ethanol and has higher margins, which would ultimately lead to more local profits. They have plants in Mina, Huron and Watertown, also. Glacial Lakes want to collaborate again, they need our involvement, feedback, and insight so this can be a win for everyone.

Jared Bossly asked how the condemnation is going to benefit his future place, by still condemning him and going through his farm, he feels they are going to devalue every piece of land the pipeline goes through. Jared also asked why the condemnation cases are not getting dropped, when they don't have a permit. Kylie Lange stated that her understanding is that they are working towards dropping the condemnation cases, but she is not familiar with the legal process. Kylie reiterated they do not have a route at this time so they are working on developing a route that works Brown County, landowners that are interested in the project, so there will be changes made. Commissioner Gage questioned Kylie wanting to know if they had some defined routing in Brown County as of now. Kylie responded they have multiple option they are discussing but haven't made a definite route at this time. Then Gage stated Summit Carbon is wanting a conditional use permit for the pump station that was just addressed at the Planning & Zoning Commission last Tuesday, need to know how you are going to get in and out. Alex Lange stated they want to maintain that location, because have an agreement with a voluntary landowner, but how they get there is still undefined. Commissioner Gage then asked about the equipment for EM, how are they making a decision on what is necessary, Kylie says they are meeting with EM from each county and the Grant will assist with the differences.

Dennis Feickert asked if they are willing to release the full-scale plume study now if they are willing to work with EM and First Responders. Kylie stated they are reviewing the Input & Outputs Safety and Alex is working on that. Summit Carbon will be doing a presentation with this information in the future.

Commissioner Dennert stated that he would like to see plume study presented to the County Commission, also. The asked if Summit is willing to commit to not doing condemnation and Kylie replied not at this time.

Commissioner Fjeldheim asked if they are willing to work with the landowners of Brown County. Maybe they have better options for the pipeline. Kylie said they are willing to work with the public, having to sit down with landowners because don't have a permit through PUC.

Ed Fischbach shared that their landowner attorney has made 2 attempts to get the eminent domain lawsuits against 160 landowners dropped and has not gotten any response. Landowner attorney has filed a motion to dismiss, hearing will be held here on of October 4<sup>th</sup> to dismiss those cases. Ed also commented that the people have a right to say 'NO', we don't want it here.

Dewayne Siebrasse shared that 82% of the farmland is owned by Farmers and it has been passed down by generation after generation. The land is paid for so why put something on it to destroy it, he suggests using sciences for other solutions to capture the carbon. Dewayne shared that the Farm Forum addition had an article on Summit Carbon Solutions, he encouraged people to read it.

Dennis Feickert asked how many lawsuits Summit Carbon Solutions had against Brown County and if it has been dropped. Ross Aldentaler, State's Attorney Deputy stated there was 1 regarding the moratorium and it has been dropped. Dennis then questioned if the offers that Summit is making to the Counties, Sheriff Departments, etc. could be considered bribery.

Alex Lange shared that he did validate with their SD legal team, they are dropping all condemnation proceedings. Part of the condemnation proceedings, you need a PUC permit as Kylie stated we don't have one. Alex also stated that there are some landowners that are for the project and were at the Planning & Zoning meeting. Jared Bossly questioned the 70% for it because there was only 1 person at the Planning & Zoning meeting. Ed Fishbach then asked what percentage of those signed under distress or were coerced into signing. Then Ed also asked if Summit is wanting to turn over a new leaf, would they offer a list of investors, so the people know who is behind this and who is financing this project. Alex responded ultimately no because some of the funds have hundreds of investors, they don't have clarity of where the funds come from to finance projects like this. Alex



says he does know that 85% of the investors are Domestic, 10% is South Korean; vast majority is here domestically.

Amy Haselhorst and her family is one of the 160 landowners, she wanted to let everyone know this project has caused emotional and financial implications for her family. She has had Sheriff Deputies at her home and her place of business, countless times over the last 2 years and trying to explain this to their young daughters. Also, trying to explain why they can't take over their great grandfather's farm, without the fear of someone being able to come in and take it from them. They are teaching their children not to steal but that is what has been happening to them and the other 159 landowners. Amy has also been showing her children how good Government works, such as the Commission along with Planning & Zoning: they take care of the people that elected them. Amy and her husband volunteer for the Warner Fire Department and they have lots of concerns with the pipeline. Amy stated that if Summit wants to turn over a new leaf and support the farmers, she ask that they stop terrifying our children, don't steal our land, and be respectful.

Commissioner Dennert stated that the Eminent Domain Laws need to be reviewed by the Legislature and working on fixing this so the landowners have a fair shake. Some of those in Pierre working on this are Representatives Schaeffbauer and Perry, John Hanson and others. Dennert suggested that Summit Carbon Solutions work with the Legislators on Eminent Domain Reform as a sign of good faith to the people.

Dewayne Siebrasse mentioned that Private Property Rights are in the Constitution, and we need to live by the Constitution.

Commissioner Sutton shared an article that three major carbon capture and sequestration companies were told that state and local governments have the authority to regulate the location and routing of their carbon pipelines, which is the opposite of what the Commission has been told for the last year and a half. Sutton commented that Summit needs to work closely with Planning & Zoning Commission by providing input, look at routes that are less damaging and don't impact the economic growth for Brown County.

Jared Bossly shared that his kids are also afraid, families are being bullied and now they lock their doors because afraid of invasion. Neighbors are on edge and don't trust anyone that is pulling into their farms: the project just needs to end.

Ed Fischbach shared he has a letter from PHMSA if anyone would like to read it. He also reminded them that they were being sued over it. Ed feels that landowners were vindicated by PUC, PHMSA and compliment them for sticking up for the landowners.

Dennis Feickert had a final comment that its about Freedom and Property Rights instead of striping the land/house for a tax incentive.

Kylie again wanted to let everyone know they are willing to work with the people and feel free to reach out to her or Alex.

#### APPLICATION FOR OCCUPANCY – NORTHERN ELECTRIC:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve three applications submitted to provide primary electrical services by Northern Electric for occupancy of Brown County Hwy #12W in Section 24-T123N-R65W, Brown County, SD: Brown County #12W, in Section 17-T123N-R64W, Brown County, SD and Brown County Hwy #12W, in Section 19-T123N-R5W, 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: continuing to pave on Co. Rd. 16 from State Hwy. 10 south 6 miles; Brooke Brown Rd. will be done before winter and continuing to mow but may not get it all done before weather changes.

#### HIGHWAY 5-YEAR PLAN:

Time and place, as advertised to discuss and receive public comment on the 5-year County Highway and Bridge Improvement Plan. Dirk Rogers, Highway Superintendent presented his 5-year plan to the Commission outlining plans for 2024-2028.

#### WEBSITE DEMONSTRATION:

Joe Adam, IT Specialist met with the Brown County Commission to demonstrate the new website for Brown County that he has been working on to update our services.

#### BROWN COUNTY FAIR ENTERTAINMENT CONSULTANT BID:

Rachel Kippley, Fair Manager met with the Brown County Commission sharing the Brown County Fair Board would like to recommend awarding the bid to Neste Live! for the Entertainment Consultant for the 2024, 2025

and 2026 Brown County Fair. Moved by Commissioner Wiese, seconded by Dennert to award the bid, per the Fair Boards recommendation, submitted by Neste Live! in the amount of \$28,000.00 for 2024; \$29,000.00 for 2025 and \$30,000.00 for 2026 for a three-year total of \$87,000.00 plus one hotel room for a Neste Live on-site Service Representative each year. Rejecting bids from Hooked Up Entertainment @ \$73,500.00 for three years; Pepper Entertainment with a cap of \$30,000.00 annually; Monument Talent @ \$58,000.00 for three years; Romeo Entertainment @ \$99,000.00 (Option 1) and @ \$57,000.00 plus \$1/ticket sold (Option 2). All members present voting aye. Motion carried.

#### FAIR DEPARTMENT UPDATES:

Rachel Kippley, Fair Manager informed the Commission that she is wanting to start contacting Electricians to get quotes because feels the companies are booking in the fall for the following summer. They've had issues in the past with additional projects lumped into Fair week, which elevated the costs for this year. Rachel presented her letter that she would like to send out for quotes.

Rachel also shared the Commission will be receiving a letter from the Aberdeen Hockey Association in regard to some concerns during the Fair this year. She will be meeting with Duke on Friday to discuss this matter further. Commissioner Wiese commented in regard to the Dynamics and the downtime between the acts have an impact so maybe look at having 2 good acts instead of 3 in the future.

Rachel informed the Commission that she wasn't expecting the cost of the Marquee this year and they were hoping to purchase a Forklift between Fair, Fair Grounds and Parks budget. She is getting price quotes because they are in dire need of a Forklift that is in good condition.

#### LANDFILL SCALE BID:

Mike Scott, Landfill Manager and Leif Redinger, Project Engineer met with the Brown County Commission to recommend awarding the bid to Webster Scale for the Landfill Scale. Moved by Commissioner Wiese, seconded by Fjeldheim to award the bid submitted by Webster Scale in the amount of \$173,297.23, rejecting the bid from Prairie Scale @ \$189,351.68. All members present voting aye. Motion carried.

#### LANDFILL UPDATE:

Mike Scott, Landfill Manager share the Solid Waste Conference went well. He thanked Commissioner Fjeldheim for attending. They had about 125 people in attendance and had a good Landfill Tour.

#### MINUTES:

Moved by Commissioner Dennert, seconded by Wiese to approve the General Meeting minutes of September 19, 2023. All members present voting aye. Motion carried.

#### CLAIMS:

Moved by Commissioner Wiese, seconded by Dennert to approve the following claims and payroll.

Claims: Professional Fees: Aberdeen Advanced Care Ambulance \$5,350.00; Avera Medical Group Orthopedics Aberdeen \$185.32; Avera Medical Group Radiology \$347.60; Avera Medical Group University Psychiatry Associates \$3,750.00; Avera St. Luke's Hospital \$1,325.95; Brad Meehan \$357.62; CenturyLink-Lumen \$184.84; CGI, LLC \$1,691.25; Dakota Group LLC \$2,100.00; Dependable Sanitation, Inc \$36,019.20; Fox Law Firm, PLLC \$110.00; Jeremy Lund - Siegel Barnett & Schutz, LLP \$1,544.50; Lewis & Clark BHS \$639.00; Mark Katterhagen \$6.00; Mitchell Alan Vilhauer \$1,173.30; Muth Electric Inc \$29,322.69; Park Dietz & Associates, Inc \$742.50; Priority Dispatch Corp \$3,474.00; Sanford Aberdeen ED \$582.67; Sanford Clinic Radiology-North Center \$90.40; Sanford Health \$651.35; SD Dept of Health \$1,960.00; Taliaferro Law Firm, PC \$51.50; US Bank Visa \$2,420.00; Valerie J. Larson \$6.00; Yellow Robe Consulting \$9,000.00. Publishing: GateHouse Media South Dakota Holdings, Inc \$2,068.23; The Argus Leader \$21.15; Todd County Tribune/Mellette County News \$52.20; US Bank Visa \$300.00; West River Eagle \$16.59. Repairs & Maintenance: City of Aberdeen Treasurer \$9,716.50; CommTech Inc \$2,719.75; Hase Plumbing, Heating & Air Conditioning, Inc \$130.00; Hoven Auto Repair, Inc \$293.98; Lien Transportation Company \$3,836.74; Nelson Sales & Service, LLC \$91.96; NESD Specialized Washing, LLC \$2,040.00; Northstar Safety, Inc \$24.60; Olson's Pest Technicians \$440.00; Pantorium Cleaners Inc \$189.32; Safety Service \$8.25; Schwan Welding \$4,549.38; Sewer Duck, Inc \$600.00; Town & County Building Supply \$110.98; Vosika Fencing \$3,200.00; US Bank Visa \$2,818.69. Supplies: Aberdeen Chrysler Center \$70.00; Advance Auto Parts \$681.03; Amazon Capital Services, Inc \$1,254.43; Cole Paper Inc

\$883.08; Diesel Machinery, Inc \$1,963.44; Fox Law Firm, PLLC \$0.75; Gardner Locksmithing \$22.00; Geffdog Designs \$1,013.10; HF Jacobs & Son Const. Inc \$88,366.32; Hitch 'n Post \$120.00; Marco Technologies, LLC \$26.35; Menards \$626.90; Northstar Safety, Inc \$119.90; Performance Oil \$655.55; Pitney Bowes Global Financial Services LLC \$1,046.10; Runnings \$134.85; Safety Service \$137.70; Share Corporation \$2,371.20; Sherwin Williams \$350.00; Thomson Reuters-West Payment Center \$1,894.62; US Bank Visa \$13,121.91; Western Detention \$589.50. Travel & Conference: Drew Dennert \$254.20; Kathy Fischer \$220.00; Michael Gage \$239.30; Michael Wiese \$234.20; Safe Harbor \$700.00; US Bank Visa \$2,373.12. Utilities: CenturyLink \$1,144.76; Northwestern Energy \$1,279.01; US Bank Visa \$2,984.90; Verizon Wireless \$2,962.67. Others: Office of Child & Family Services \$10,646.50.

Payroll: Commission \$4,615.41; Auditor \$11,144.00; Treasurer \$16,428.74; SA \$33,526.71; Maintenance \$11,356.70; Assessor \$15,031.21; Register of Deeds \$9,932.80; VSO \$4,379.94; GIS \$2,643.52; IT \$8,974.46; HR \$4,406.95; Sheriff \$50,238.30; Jail \$66,966.84; Coroner \$146.70; Court Security \$7,056.83; JDC \$32,985.10; Welfare \$2,336.49; Museum \$11,189.04; Parks/Fairgrounds \$6,580.38; Fair \$4,107.22; 4-H \$786.80; Weed \$5,358.01; Planning & Zoning \$7,232.61; Highway \$53,163.44; Dispatch \$40,951.80; Emergency \$4,933.61; 24/7 Sobriety \$2,541.05; Landfill \$19,889.64. FICA \$26,030.64; Medicare \$6,087.82; Discovery\_HSA \$1,688.61; Health Insurance\_Wellmark BCBS \$127,891.47; Dental Insurance\_Delta \$8,589.00; Life Insurance\_Dearborn \$1,050.94 and Retirement\_SDRS \$54,332.71. All members present voting aye. Motion carried.

#### HR REPORT:

Moved by Commissioner Gage, seconded by Fjeldheim to approve the following Human Resource Report submitted by Human Resources Director, Allison Tunheim: employment ending for Caden Shelton and Brianna Locke, Brown County Fairgrounds seasonal workers; effective August 20, 2023; resignation of Dawson Anderson, Brown County Jail Detention Officer, FT; effective September 29, 2023; request to fill. All members present voting aye. Motion carried.

#### LEASE AGREEMENT:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve and authorize the Chairman to sign the following Lease Agreements: Agtegra for lease of 1 People Mover on October 7, 2023; Dennis Nelson, Freddie Robinson and Les Hinds for lease of Club House on September 30, 2023, for 452<sup>nd</sup> Reunion. All members present voting aye. Motion carried.

#### ABATEMENTS/REFUNDS:

Moved by Commissioner Fjeldheim, seconded by Dennert to approve the following abatement for F & L Investments, LLC for tax year 2023: Parcel #30725 \$345.41; and refunds for F & L Investments, LLC for tax year 2022: Parcel #30725 \$447.37; for tax year 2021: Parcel #30725 \$474.91. All members present voting aye. Motion carried.

#### TRAVEL REQUESTS:

Moved by Commissioner Wiese, seconded by Gage to approve the following Travel Requests: Patricia Kendall, Marianne Marttila-Klipfel, Brandon Duxbury and Levi Margolies, Dacotah Prairie Museum staff to attend Association of SD Museums Annual Conference in Spearfish on October 8-10, 2023. All members present voting aye. Motion carried.

#### PLATS:

##### Resolution #43-23

Commissioner Wiese brought the following resolution: "Be it resolved by the Board of County Commissioners of Brown County, South Dakota, that the plat showing Donald Dennert First Subdivision in the NW ¼ and the N ½ SW ¼ and the W ½ NE ¼ and the NW ¼ NW ¼ SE ¼ all in Section 10-T126N-R62W 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 Fjeldheim. All members present voting aye. Resolution adopted.

##### Resolution #44-23

Commissioner Wiese brought the following resolution: "Be it resolved by the Board of County Commissioners of Brown County, South Dakota, that the plat showing "B Miller Addition in the NE ¼ of Section 13-Township 126

North, Range 61 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 Fjeldheim. All members present voting aye. Resolution adopted.

#### Resolution #45-23

Commissioner Wiese brought the following resolution: "Be it resolved by the Board of County Commissioners of Brown County, South Dakota, that the following plat showing Bernie and Tonya Jark First Subdivision in the SE ¼ of Section 5-T121N-R62W 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 Fjeldheim. All members present voting aye. Resolution adopted.

#### ZONING ORDINANCES - SET HEARING DATE/AUTHORIZE PUBLICATION:

Moved by Commissioner Fjeldheim, seconded by Wiese to set hearing date and authorize publication for first reading of the following zoning ordinances to be held on October 17, 2023, in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Proposed Ordinance #257, applicant of Brown County Planning & Zoning Board for purpose of rezoning the following properties from Heavy Industrial District (H-I) to Highway Commercial District (HC) to bring these parcels into compliance for their current use: Lot 1 & Lot 2 "S&C Schipke Subdivision of Lot 1, D&S Business Park First Addition", Lot 2 thru 8, "D&S Business Park First Addition" & Lot 1 thru 10, "Todd Rosebrock First Subdivision", all in the NW ¼ of Section 9-T123N-R63W of the 5th P.M., Brown County, South Dakota (4051, 4063, 4050, 4202, 4230, 4302, 4301, 4231 & 4201 Schipke Lane; 4095, 4185, 4275, 4365, 4395, 4390, 4360, 4270, 4180 & 4090 Paper Lane; Aberdeen Twp.); Proposed Ordinance #258, applicant Nickolas & Nicole Johnson for the purpose of rezoning the following properties from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use: The 343.5 feet next North of the South 343.5 feet of Outlot D, "Engel Subdivision" in the NE ¼ of Section 18-T124N-R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota (12625 389<sup>th</sup> Avenue, Ordway Twp.); Proposed Ordinance #259, applicant Bernie & Tonya Jark for the purpose of rezoning the following properties from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use: Proposed Lot 1A, "Bernie & Tonya Jark First Subdivision" in the SE ¼ of Section 5-T121N-R62W of the 5<sup>th</sup> P.M., Brown County, South Dakota (14265 396<sup>th</sup> Avenue, East Rondell Twp.). All members present voting aye. Motion carried.

#### SAFETY BENEFITS SURVEY RESULTS:

Commissioner Fjeldheim, seconded by Dennert motioned to acknowledge the Safety Benefits Survey results. Auditor Heupel asked if they wanted to implement the media policy they suggested, consensus was not at this time.

#### OTHER BUSINESS:

Commissioner Gage wanted to recognize the Dacotah Prairie Museum staff for the Abby Award they received for Community Involvement.

#### EXECUTIVE SESSION:

Moved by Commissioner Wiese, seconded by Dennert to go into Executive Session for Personnel 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 11:24 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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## 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:
  - 23<sup>rd</sup> 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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## October 10, 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, Wiese, Gage, and Sutton. The Pledge of Allegiance was led by Commissioner Dennert.

### APPROVAL OF AGENDA:

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

### OPPORTUNITY FOR PUBLIC COMMENT:

Ed Fischbach wanted to address some of the comments that were made by Mr. Hartwig with GEVO at last weeks Commission meeting. Ed wanted to inform the Commissioners not to be concerned with the threat he feels Mr. Hartwig made about pulling out of South Dakota: GEVO is a company from Colorado; totally subsidized by the taxpayers and has received \$187 million dollars from the State of South Dakota to build this project. Ed shared that he read an article stating that GEVO is not financially stable, stock shares are selling for \$1.00/share. He also wanted to bring to the Commissioners attention that Mr. Hartwig was at the last Legislative session, and he was lobbying against eminent domain and GEVO was not even in on the original application that Summit Carbon submitted to the PUC. Ed stated that in his opinion to let them leave the State and give that money back to State and in turn give to the Counties for help with such things as roads. Ed informed the Commissioners that Mr. Powell with Summit Carbon Solutions was at the Commission meeting in McPherson County proposing new routes; but about a month ago in Iowa he stated that if South Dakota & North Dakota rejected the permit – Summit would stop the project and again they didn't keep their word.

Kylie Lange from Summit Carbon Solutions shared that again they want to be transparent and wanted to share with the Commission that they have the Grant amounts that they will be giving to the Emergency Managers and First Responders along the route to allocate these funds based on their individual needs. The grant will be \$50,000 plus an additional \$1,000/mile of pipeline in your county. The first installment of \$10,000 will be deposited to a South Dakota Bank in short order, and the remaining funds will be disbursed once all requisite federal, state and local permits for the pipeline are secured. In addition to the grant, Summit plans to continue to work with first responders to identify and support response equipment needs.

Jim Seurer with Glacial Lakes Energy came to provide a short update from Glacial Lakes Energy perspective. Jim shared that he received a call from a reputable source with whom they have collaborated with for many years. This person was providing an update and wanted to inquiry in their interest in forming a joint venture to construct a sustainable aviation fuel production facility at the Mina plant. They are highly interested in this plant mainly because of the 210 million gallons of ethanol that are currently produced between the Aberdeen and Mina. This is in preliminary planning stages they have had discussions with major airlines, who are willing to sign-off and take agreements has already occurred. The airlines are looking to lower their CI scores using through carbon capture and sequestration. The Summit project would lower the CI score by almost 50% at each plant. Jim feels the 2 local area plants would be in a competitive market position to meet the airlines sub-stability levels. He also stated the caller said without this project an opportunity like this will likely have to go somewhere else. Jim asked the Commission to think about this because he believes this can and will happen; several places were looked at including Watertown, which was not picked. They selected 2 plants – Brown & Edmunds County – they see the opportunity to select 1 owner (Glacial Lakes Energy) with 2 locations within 12 miles of each other so the production facility can be more efficient and feels this is a real opportunity to lead into a larger energy market and reward the local economy into the future.

Ed Fischbach asked where the grant money was coming from, and Kylie Lange stated it is coming from Summits funds.

### WEED & PEST BOARD:

Moved by Commissioner Wiese, seconded by Dennert to approve and appoint Dennis Feickert to the Weed & Pest Board to replace Bill Donaldson, who was injured in a car accident and unable to fulfill his duties at this time. All members present voting aye. Motion carried.

### SD DOT 511 TRAVELER INFORMATION SERVICE LIAISON:

Moved by Commissioner Wiese, seconded by Dennert to approve Scott Meints, Brown County Emergency Management Director to be the SD DOT 511 Traveler Information Service Liaison and authorize Chairman Sutton to sign the application for permission. All members present voting aye. Motion carried.

#### EXECUTIVE SESSION:

Ross Aldentaler, States Attorney Deputy suggested to go into Executive Session to discuss contracts. Moved by Commissioner Wiese, seconded by Fjeldheim 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.

#### FORKLIFT PURCHASE:

Rachel Kippely, Fair/Fairgrounds/Parks Manager met with the Commission to discuss the quotes she had last week, because when she got to her office after the meeting, she had another quote in her inbox and wanted to present that to the Commission since it is cheaper and from a local vendor. Rachel is recommending a 2021 Viper FY25BCS Propane Lift Truck, with 742 Hours @ \$18,750.00 from JGE. Commissioner Dennert moved to rescind the motion to purchase the 2019 Unicarriers with 700 hours from Forklifts of MN, seconded by Gage. All members present voting aye. Motion carried. Commissioner Fjeldheim moved to approve purchasing the 2021 Viper FY25BCS Propane Lift Truck, with 742 Hours @ \$18,750.00 with a \$500 trade in from JGE, seconded by Gage. All members present voting aye. Motion carried.

#### RENTAL HOUSE:

Rachel Kippely, Fair/Fairgrounds/Parks Manager met to further discuss the Rental House with the Commission. Commissioner Sutton shared that the Web water for the Youth Camp goes through that house, so would need to keep the house heated to prevent freezing and when house is moved would need to figure out a new configuration, so it doesn't freeze then as well. After some discussion it was decided to advertise and accept sealed bids with a right to reject and have a deadline of next June to have it moved. Ross Aldentaler, States Attorney Deputy will work in the bid specs and present it at the meeting on October 17<sup>th</sup>. Ross also suggested setting up a couple of Open Houses for people to view the property.

#### NACo RECOMMENDATION FOR NATIONAL CENTER FOR PUBLIC LAND COUNTIES:

Chairman Sutton shared that NACo is asking for 1% of the funds Brown County received from the US Treasury, which would be \$1,000.00: Brown County received \$100,000.00 in total. This would support the NACo initiative to establish the National Center for Public Land Counties and is a one-time investment. Commissioner Wiese shared that he feels NACo is a good investment, and they do a lot of good things, and this is focusing on counties with public lands and there are issues that come up occasionally. Chairman Sutton also stated that he has a lot of respect for what NACo does and their programs are strictly for the benefit of counties. Moved by Commissioner Fjeldheim to approve the \$1,000.00 contribution to NACo for the National Center for Public Lands, seconded by Wiese. All members present voting aye. Motion carried.

#### MINUTES:

Moved by Commissioner Fjeldheim, seconded by Gage to approve the General Meeting minutes of October 3, 2023. All members present voting aye. Motion carried.

#### CLAIMS/PAYROLL:

Moved by Commissioner Dennert, seconded by Wiese to approve the following claims/payroll:

Claims: Insurance: Claims Associates \$3,000.00. Professional Fees: Avera St. Luke's Hospital \$125.63; Dakota Wood-Grinding Inc \$46,734.80; Dean Schaefer Court Reporting \$222.00; Faulk County Sheriff's Office \$13,410.00; Helms & Associates \$2,552.40; Kristi Brandt \$234.00; Language Line Services, Inc \$342.52; Minn-Kota Communications, Inc \$6,450.00; Sanford Health Occupational Health \$1,575.00; Satellite Tracking of People, LLC \$1,725.75; Taliaferro Law Firm, PC \$70.25; Thomson Reuters-West Payment Center \$291.80; Yankton County Sheriff's Office \$50.00. Publishing: Dakota Country \$1,530.00; Lee Agri-Media \$477.00. Rentals: Dakota Electronics \$15,360.00. Repairs & Maintenance: A-1 Locksmithing \$276.00; B&B Contracting, Inc \$19,869.02; Climate Control \$1,514.09; Crawford Trucks & Equipment \$39.31; Dakota Electronics \$240.00; Dakota Fluid Power, Inc \$1,924.29; Graham Tire Inc \$1,889.28; Jensen Rock & Sand Inc \$535.82; K&S Plumbing, Inc 2,738.17; Kirk's Auto \$26.90; Lawson Products, Inc \$84.35; Leidholt Electric, LLC \$2,891.92; Precision Kiosk Technologies \$2,700.00; RDO Equipment Co \$9,332.07; Sander's Sew-N-Vac \$178.85; Sewer

Duck, Inc \$85.00; Sign Solutions USA, LLC \$9,152.31; State of South Dakota PMB 0112 \$81.62; Transource Truck & Equipment, Inc \$4,730.76. Supplies: Agtegra Cooperative \$57,956.42; Amazon Capital Services, Inc \$15.28; Auto Value Aberdeen \$331.35; Bakken Building Maintenance \$500.00; Bimbo Foods USA, Inc \$874.20; Butler Machinery Company \$1,096.83; Century Business Products \$336.63; Charm-Tex, Inc \$88.74; Cole Paper Inc \$48.73; Crawford Trucks & Equipment \$5,000.58; Crescent Electric Supply Co \$44.73; Dakota Fluid Power, Inc \$719.74; Dakota Oil \$398.60; DSS Image Apparel \$860.00; Fastenal Company \$74.39; Geffdog Designs \$2,339.10; Great Western Tire \$24,305.70; Interstate Battery System of South Dakota \$215.90; Kessler's \$123.86; Lawson Products, Inc \$956.02; Lynn Zacher \$161.67; McLeod's Printing & Office Supply \$101.19; Menards \$315.68; Myers Tire-Salt Lake City #20 \$100.02; Pantorium Cleaners Inc \$60.00; PharmChem, Inc \$341.55; Pitney Bowes Global Financial Services LLC \$15,000.00; RDO Equipment Co \$5,432.42; Reporter & Farmer \$975.00; Rinker Materials \$20,527.44; Tri State Water \$35.00; US Foods \$8,081.69. Travel & Conference: Heartland Association of Fairs, Festivals & Events \$245.00. Utilities: Midcontinent Communications \$163.80; Northwestern Energy \$12,964.63; State of South Dakota PMB 0112 \$130.81; Town of Frederick \$80.34; WEB Water Development Association, Inc \$126.08. Machinery & Equipment: Karl Chevrolet \$124,456.50; Lamb Chevrolet and Implement Inc \$47,914.00. Jury: Jurors \$921.50. Fair Premiums: Abby Wagner \$150.19; Abigail Johnson \$28.33; Ada Sharp \$30.00; Adelyn Quinn \$10.00; Aidan Grupe \$136.79; Andrew Moe \$360.19; Anisten Petersen \$236.79; Anna Johnson \$20.00; Arlowyn Spencer \$30.00; Arther Eichler \$350.00; Arthur Nelson \$402.60; Ashlyn Rathert \$125.00; Ayalyn Crary \$15.00; Barb Crawford \$10.00; Barb Kumpf \$15.00; Bevin Bertsche \$823.58; Blair Wasland \$88.57; Blake Pauli \$586.79; Brad Ellefson \$15.00; Brantley Belden \$24.08; Brenda Hanson \$15.00; Briggston Bertsche \$223.58; Carley Crist \$313.34; Carol Hilgemann \$15.00; Carol Osterman \$10.00; Carson Eichler \$156.23; Cassidy Hardie \$306.23; Chancey Kessler \$74.53; Char Akkerman \$25.00; Charlee Holt \$336.79; Charleston Wachter \$51.96; Charli Rawden \$329.81; Chloe Jager \$173.58; Colin Frey \$598.85; Cort Paulson \$198.72; Coy Stephenson \$182.74; Crystal Bohle \$15.00; Cutler Schaunaman \$86.79; Daline Gellhaus \$15.00; Damian Larson \$12.90; Danielle Houghtaling \$157.19; Danyelle Schnabel \$16.67; David Juntunen \$29.02; Deb Droog \$30.00; Dee Sanderson \$15.00; Deegan Moes \$138.87; Dusty Fuller \$219.81; Emily Greenbaum \$25.00; Erica Juntunen \$31.12; Ethan Andresen \$156.49; Evangeline Wachter \$17.32; Gale Anderson \$25.00; Gayle Osman \$15.00; Georgia Wachter \$34.64; Gina Malsam \$10.00; Glenn Ringgenberg \$310.71; Grady Wasland \$310.71; Gwyn Fischbach \$40.00; Haden Harder \$36.11; Hadley Flogstad \$141.67; Hailey Heinje \$30.00; Hailey Pauli \$336.79; Hank Paulson \$404.55; Harmony Dorsets \$369.76; Hudson Eichler \$298.15; Hunter Kern \$48.59; Hunter Miller \$10.00; Iggy Fuller \$3.22; Isaiah Sharp \$30.00; Jacie Fogarty \$410.73; Jackson Cihak \$6.45; Jacob Jung \$208.52; James Dragt \$144.48; Janet Wright \$230.42; Jean Gerber \$10.00; Jeremy Cox \$25.00; Jill Johnson \$23.33; Jocelyn Wagner \$144.45; Jonathan Moe \$270.38; Justin Klootwyk \$156.23; Kanin Wasland \$387.73; Karly Allison \$310.06; Katelyn Dorsey \$51.96; Kathryn Kilber \$263.78; Kaylee White \$136.79; Kimberly Kulesa \$10.00; Kristine Calva \$15.00; Kylie Herman \$15.00; Lauren Griesse \$17.36; LeAnn Conn \$15.00; Lexi Osterman \$348.57; Linda Yates \$10.00; Liza Krueger \$427.98; Maggie Holt \$260.37; Mallory Schnabel \$90.12; Margo Wachter \$11.55; Mary Anne Whitman \$15.00; Melissa Denelsbeck \$15.00; Merrick Gemar \$310.71; Michael Kwasniewski \$15.00; Mike Frey \$148.72; Miranda Hanson \$69.44; Natylee Hockenbrock \$3.33; Nella Thompson \$15.00; Nolan Eichler \$231.49; Norman Johnson \$21.67; Pat Fritz-Bruckner \$247.15; Pat James \$30.00; Paxtyn Moes \$12.04; Peggy Hallstrom \$30.00; Peyton Bischoff \$289.76; Peyton Schnabel \$138.87; Preston Hinkleman \$96.30; Rachel Gemar \$225.67; Raymond Thorpe \$166.54; Remington Smith \$86.79; Richard Haberman \$787.85; Ricky Larson \$12.90; Robert Pechar \$25.00; Ron Loeschke \$15.00; Ron Lyren \$10.00; Ron Wolff \$316.20; Ryan Crist \$155.00; Ryder Juntunen \$63.69; Samantha Hockenbrock \$25.00; Samuel Fogarty \$3.74; Shaden Muller \$301.96; Sidney Anderson \$621.68; Sienna Kessler \$86.79; Sophia Feickert \$86.79; Sophia Fogarty \$127.07; Stetson Stearns \$72.23; Sydney Holmes \$150.30; Tamrin Rathert \$44.85; Tanner Grupe \$86.79; Tate McGraw \$23.09; Taylor McGraw \$46.42; Terry Salfrank \$15.00; Tigh Hardie \$69.44; Treyvin Griesse \$86.79; Tristan Gosch \$86.79; Tye McGraw \$23.34; Tyler Heinje \$156.23; Vanessa Barondeau \$15.00; Will Bruckner \$274.15; Wyatt Burggraff \$128.35; Wyatt Holmes \$17.32.

Payroll: Commission \$4,615.41; Auditor \$11,144.00; Treasurer \$16,411.31; SA \$33,513.20; Maintenance \$11,292.45; DOE \$15,062.49; ROD \$9,932.80; VSO \$4,266.10; GIS \$2,643.52; IT \$8,974.46; HR \$4,115.22; Sheriff \$47,175.81; Jail \$61,525.48; Coroner \$0.00; Court Security \$7,001.86; JDC \$30,555.44; Welfare \$2,336.49; DPM \$11,612.60; Parks/Fairgrounds \$6,561.13; Fair Board \$4,107.22; 4-H \$786.79; W & P \$5,530.95; P & Z \$8,224.75; Hwy \$53,576.49; Dispatch \$36,809.80; EM \$4,933.61; 24/7 Sobriety \$2,590.78; Landfill \$20,634.04; Meal Benefits \$216.00; FICA \$25,222.46; Medicare \$5,898.83 and 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: Transfer of Kandi Shantz from FT Brown County Jail Detention Officer to PT Brown County Jail Detention Officer, starting wage \$16.76; effective September 17, 2023; Resignation of Michael Ellerbush, Brown County Jail Detention Officer, FT; effective October 3, 2023; Request to fill: Hiring of Angela Senger, PT Brown County Transport Driver, starting wage \$23.97/hour; effective October 4, 2023; Hiring of Jerome Akin, FT Brown County Highway Truck Driver, starting wage \$20.67/hour; effective October 23, 2023. All members present voting aye. Motion carried.

#### CENTENNIAL VILLAGE FAIR REPORT:

Moved by Commissioner Wiese, seconded by Dennert to acknowledge receipt of revenue generated at Centennial Village for 2023 in the amount of \$16,264.80. All members present voting aye. Motion carried.

#### LOCAL EMERGENCY MANAGEMENT PERFORMANCE GRANT:

Moved by Commissioner Wiese, seconded by Fjeldheim to approve and authorize Chairman Sutton to sign the 4th quarter LEMPG Grant Report. All members present voting aye. Motion carried.

#### CLAIM ASSIGNMENTS:

Moved by Commissioner Dennert, seconded by Wiese 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.

#### LANDFILL TONNAGE REPORT:

Moved by Commissioner Wiese, seconded by Gage to acknowledge the Landfill Tonnage Report for September 2023. All members present voting aye. Motion carried.

#### OTHER BUSINESS:

Auditor Heupel shared with the Commission that she had contacted Rod Fortin, with Department of Legislative Audits to see if we could have the 2022 and 2023 Fiscal Year audits done in Spring of 2024 and then get back on track to yearly audits. Rod Fortin stated it was up to the governing board, but he didn't see a problem with that. Moved by Commissioner Wiese, seconded by Gage to have the 2022 and 2023 Fiscal Year Audits done in the Spring of 2024. All members present voting aye. Motion carried.

#### EXECUTIVE SESSION:

Moved by Commissioner Wiese, seconded by Dennert 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 Dennert, seconded by Wiese to adjourn the Brown County Commission meeting at 10:38 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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## October 17, 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, Wiese, Gage, and Sutton. The Pledge of Allegiance was led by Auditor Heupel.

### APPROVAL OF AGENDA:

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

### OPPORTUNITY FOR PUBLIC COMMENT: None

### APPLICATION FOR OCCUPANCY – WEB WATER:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve application submitted to provide potable water line service by Web Water for occupancy of Brown County Hwy #14 in Section 22-T124-R63, Brown County, SD. All members present voting aye. Motion carried.

### HIGHWAY DEPARTMENT UPDATE:

Dirk Rogers, Highway Superintendent met with the Commissioners to give them a department update. Dirk shared they are continuing with mowing, they have 4 tractors but looking to rent a couple more; Elm Lake Road is still closed but a good portion of the fencing is completed – will put another lift of gravel then be able to open the road fully in a couple of weeks; will be putting oil on Biegler Road then pave later in this week; BR93 is being replaced by Hollaway; done paving on Co. Rd. 16 this year but will still be striping; he has gotten a few calls regarding lights at the dumpster sit on south Co. Rd 10 and then doing some patching yet as well.

### SUMMIT CARBON SOLUTIONS UPDATE:

Kylie Lange with Summit Carbon Solutions met with the Commission to explain further that they are wanting to produce Sustainable Aviation Fuel (SAF), which is similar to ethanol fuel, but it is blended into jet fuel; 50% can be blended with jet fuel where only 10-15% for ethanol gasoline. Kylie compared it to the Dakota Access Pipeline which runs through South Dakota but its not an energy source because it runs through as crude oil to Illinois where it is refined, become a product at which time they have the right to sell it. Where the carbon pipeline will do is sequester the CO<sub>2</sub> to North Dakota where they can produce SAF, without capturing the CO<sub>2</sub>, SAF is not an option. Blend ethanol with jet fuel, for ethanol jet fuel but it's not SAF. Airlines get to choose which product to use, majority of them are making commitments to SAF, Summit Carbon and Glacial Lakes want to produce this here in the US instead of the airlines purchasing it from foreign entities, which are already working on this, and create energy independence here in the U.S. Glacial Lakes wants to make a 750-million-dollar investment into producing SAF, but not able to do this if they are not able to lower their carbon intensity score lowered.

Commissioner Sutton asked for clarification regarding the ethanol that is being produced today can be mixed with jet fuel, Kylie said no that it would need to go through a process to be turned into SAF. Then Sutton asked if the sequestration would affect the ethanol that is bringing produced, and Kylie stated no it would only be considered low carbon. Sutton stated that it only makes it low carbon because it would be sequestered instead of being emitted into the atmosphere. Kylie answered Commissioner Sutton stating that yes it will be the same final product.

Scott Bader, Planning & Zoning Director asked if they would then have two pipelines: 1 for ethanol and 1 for jet fuel. Kylie thinks that would be the case, but she and Eric Schovanec are not familiar with how it will exactly work. Eric reiterated that Glacial Lakes wants to invest 750-million-dollars and the GEVO plant in Lake Preston is a 4-billion-dollar investment that would create thousands of jobs. The proposed plant in Lake Preston will produce roughly 50-million-gallons of SAF, with the potential to build 700 plants across the world. Question is will they be built in the U.S. using domestic corn production or in China.

Jared Bossly commented that for 2 years we have been discussing this pipeline and how you are talking about the jet fuels. He feels they need pipeline to get Carbon Dioxide (CO<sub>2</sub>) to these plants, but there are other options such as green menthol which doesn't need a pipeline. Now you are coming to the Commission saying if they don't change their ordinance and back this, you will be pulling out of the state – Jared questioned whose backing all this and its foreign entities so not sure what to think. He personally doesn't trust what they are saying now, after how they handled things the last 2 years so will need to explain things more. Eric stated they don't need CO<sub>2</sub> to produce SAF, the plant needs to lower their carbon ethanol. Jared again asked why they couldn't make methanol & lower their carbon footprint and then do the jet fuel process with no pipeline. Eric replied that that is not what

GEVO is proposing to do but will not build in SD if they are not able to get low carbon ethanol. GEVO is looking at other sites, so it is just a matter of where they build.

Dennis Feickert asked if there have been any studies of how much CO2 they are emitting into the atmosphere if they are using this jet fuel. Kylie replied that airlines track their emissions, when you book a flight, you have to bypass the information stating how much CO2 will be produced on the flight you are taking, which is why they want SAF to drop their score drastically. Eric stated that the only way airlines will be able to hit their goal is through SAF, jet fuel is the largest impact on their carbon intensity.

Commissioner Wiese asked what Kylie and Eric (Summit Carbon Solutions) wants from the Brown County Commission. Kylie stated they will be permitting a Conditional Use Permit so wants to give them the information and the 'Why'. Eric shared that ultimately to discuss if there could be any revision to the ordinance setback, as of now they know they have to reroute the pipeline in order to comply with the ordinance but there is no opportunity to route the pipeline to get to the plant. They are going to try to go through the process and seek out the waivers, which is going to be difficult, but as it stands now if they can't get to the Aberdeen plant it will be dropped from the project and proceed without this plant. Want to work with Brown County for a route to get to the plant. Commissioner Wiese stated the work is going to have to be done with the landowners and Planning & Zoning (P&Z) because the Commission takes the recommendations from P&Z. Kylie stated that is what she wanted to discuss because she understands that they can't work with P&Z or even get on their agenda until Summit submits a Conditional Use Permit, she was hoping for a more collaborative process to discuss the route, where they are in the County, but that sounds like it's not an option. Commissioner Gage explained the process that you need to have everything in order, P&Z doesn't do the groundwork, but you can work with Scott Bader, P & Z Director as far as what you need for this.

Commissioner Dennert asked if they could come in and show the Plume Study. Kylie shared the Director of Engineering (Alex Lange) is presenting it to the Emergency Managers and First Responders at this time: it took 2 hours for a one-on-one explanation but don't have a presentation at this time.

Commissioner Fjeldheim stated that the Aberdeen Plant seems to be the hang-up, why can't they attach to another plant such as Watertown. Eric responded that most of the plants are surrounded by businesses, they want to explore the opportunities, seek out the waivers so they can access the Aberdeen plant. Dennis Feickert asked if Commission has had any update from Emergency Management Director and Chairman Sutton shares Scott Meints is listening in on the meetings, but he has not given Commission any updates. Kylie wanted to answer Commissioner Fjeldheim as to why the Aberdeen plant: they did a study and with having two plants within 13 miles of each other – they would piggyback off each other - ethanol from Aberdeen Plant and proposing SAF conversion at Mina plant. Commissioner Gage shared they will need to work on the Conditional Use Permit and once have everything they can present to the P&Z Board, as far as project or routing update that can be done through the Commission meetings: the P&Z Board pays attention to the Commission meetings and Scott Bader is a good resource for finding out the process. Dennis Feickert commented that it comes down to Freedom and Property Rights and feels the Grant lends towards a bribe to influence the Counties. Kylie replied they were asked for transparency, give us information and you wanted us to prove that we'd take care of the First Responders, so they provided the written letter on the grant, not a bribe, which went to the Emergency Managers to get to the right people. Eric wanted to clarify that this is not for only Brown County, they have heard that budgets are strapped, this is an opportunity to give money & the equipment, where it's needed. Dennis feels that Summit Carbon Solutions should draft a contract and sign it, that specifically states they will pay for any damages created or caused, any equipment needed or used, any loss of life would cover all these costs – if and when the pipeline goes through.

#### FAIR TICKETING SERVICES:

Rachel Kippely, Fair/Fairgrounds/Parks Manager met with the Commission to discuss ticketing services for the Brown County Fair. Rachel got quotes from Saffire, Etix, Midwest Tix, Virtual Tickets, AttendStar, Showpass and Tixr and presented them to the Fair Board last week. The Fair has been using Showclix for several years, but the Customer Service is not what we need for Tech Support and Troubleshooting. Etix is who they'd like to recommend. The box office fee, which the Fair absorbs would go from 25 cents to 15 cents, which we would be invoiced for; they would continue the same for credit card/online purchases the cost will go to a flat fee of \$2.50 per ticket instead of varying based on the amount of sales and the buyer will still absorb the credit card fees. Rachel shared if they would decide to go with their recommendation it would take 2-4 weeks to Onboard, which is the mapping on the website: only the yellow now will be the reserved seating in the Larry Gerlach Grandstand. Discussion was held on Event Insurance for refunds, but policy states ticket sales are final and not refundable. Rachel said that kiosks are becoming more popular and are thinking or trying 1 or 2 at the Fair this year, as well.

Etix is used by the ND and MN State Fairs. Commissioner Wiese suggested to go into 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.

Chairman Sutton shared they have a proposal from E-tix so asked for a motion to approve for Option 1. Moved by Commissioner Dennert, seconded by Wiese to accept the proposal from E-tix, option 1. All members present voting aye. Motion carried.

#### FAIR BOARD MEMBER RECOMMENDATIONS:

Rachel Kippely, Fair/Fairgrounds/Parks Manager presented recommendation from the Fair Board to appoint the following Fair Board Members: Dylan Frey, Lee Kock and Trevor Meints for 3-year terms; reappoint Dwight Guthmiller, Jeff Kippely, Mike Nehls and Nancy Radke for their second 3-year terms; recommend a second 1-year term appointment for Jayson Tollefson and Greg Markley. Moved by Commissioner Wiese, seconded by Fjeldheim to approve the Fair Board recommendations as listed above. All members voting aye. Motion carried.

#### ORDINANCE #257 – FIRST READING:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the First Reading of Proposed Ordinance #257. Applicant Brown County Planning & Zoning requesting to amended to change zoning on the described properties from Heavy Industrial District (H-I) to Highway Commercial District (HC) to bring these parcels into compliance for their current use: Lot 1 & Lot 2, “S&C Schipke Subdivision of Lot 1, D&S Business Park First Addition”, Lot 2 thru 8 “D&S Business Park First Addition” & Lot 1 thru 10 “Todd Rosebrock First Subdivision”, all in the NW ¼ of Section 9-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota (4051, 4063, 4050, 4202, 4230, 4302, 4301, 4231 & 4201 Schipke Lane; 4095, 4185, 4275, 4365, 4395, 4390, 4360, 4270, 4180 & 4090 Paper Lane; Aberdeen Twp.). All members present voting aye. Motion carried.

#### ORDINANCE #258 – FIRST READING:

Moved by Commissioner Gage, seconded by Wiese to approve the First Reading of Proposed Ordinance #258. Applicant Nickolas & Nicole Johnson 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: The 343.5 feet next North of the South 343.5 feet of Outlot D “Engel Subdivision” in the NE ¼ of Section 18-T124N-R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota (12625 389<sup>th</sup> Ave., Ordway Twp.). All members present voting aye. Motion carried.

#### ORDINANCE #259– FIRST READING:

Moved by Commissioner Fjeldheim, seconded by Dennert to approve the First Reading of Proposed Ordinance #259. Applicant Bernie & Tonya Jark 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: Proposed Lot 1A, “Bernie & Tonya Jark First Subdivision” in the SE ¼ of Section 5-T121N-R62W of the 5<sup>th</sup> P.M., Brown County, South Dakota (14265 396<sup>th</sup> Ave., East Rondell Twp.). All members present voting aye. Motion carried.

#### STATE’S ATTORNEY UNIFORM POLICY:

Karly Winter, State’s Attorney presented the Commission a Clothing/Logo Apparel Policy for the State’s Attorney office. After some discussion, Commissioner Dennert moved to approve the policy presented: State Attorney Office (SAO) staff may be allotted logo-apparel which identifies them as employees of the Brown County SAO. Clothing purchased with department funds must be appropriate in both cost and function for the work performed and is subject to department-head approval. Department-head approval will be dependent on availability of funds each year. Employees should not wear SAO logo apparel items outside of work hours unless for stops incidental to trips to and from work. SAO logo apparel items should not be worn in non-professional settings, such as bars and lounges. Employees may be required to return items purchased with department funds upon termination of SAO employment. Seconded by Commissioner Wiese. All members present voting aye. Motion carried.

#### MINUTES:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the General Meeting minutes of October 10, 2023. All members present voting aye. Motion carried.

#### CLAIMS/PAYROLL:

Moved by Commissioner Dennert, seconded by Wiese to approve the following claims: Insurance: Claims Associates \$5,000.00; SD Assoc of Country Commissioners \$5,942.00. Professional Fees: Bill Schaeffer \$15.00; Certified Languages International LLC \$1,211.10; CGI, LLC \$1,386.88; Christy Griffin-Serr Law Office \$7,211.64; Cogley Law Office, Prof LLC \$7,211.64; Dakota Group LLC \$2,100.00; Dohrer Law Office, PC \$7,211.64; Fox Law Firm, PLLC \$160.00; Jerald M. McNeary \$7,211.64; Jeremy Lund - Siegel Barnett & Schutz, LLP \$7,211.64; John Noyes-Bantz, Gosch & Cremer \$7,211.64; Koletzky Law Office, Prof. LLC \$224.70; Kuck Law Office \$7,211.64; Lewis & Clark BHS \$426.00; Mark Katterhagen \$15.00; Northeastern Mental Health Center \$754.00; NSU Women's Swim Club \$7,000.00; Sanford Health Occupational Medicine \$143.00; SD Dept of Health \$1,380.00; SD Dept of Revenue & Regulations \$2,387.70; SDACC \$1,000.00; SDSU Extension \$103.40; Taliaferro Law Firm, PC \$7,211.64; Thurman Law Office \$593.85; Yankton County Sheriff's Office \$50.00. Publishing: GateHouse Media South Dakota Holdings, Inc \$669.84; Groton Daily Independent \$1,025.56; Hireclick-Keloland Employment \$1,788.00; McQuillen Creative Group, Inc \$918.00; West River Eagle \$13.65. Rentals: Aramark \$257.32; Mike Nehls \$80.62; Pantorium Cleaners Inc \$259.20. Repairs & Maintenance: Aberdeen Chrysler Center \$454.95; Artz Equipment, Inc \$207.13; Century Business Products \$163.03; Fastcase Inc \$528.00; IMEG Corp \$49,730.98; Jebro Inc \$600.00; Jensen Rock & Sand Inc \$4,403.61; JGE, Inc \$18,250.00; Lawson Products, Inc \$78.62; Pantorium Cleaners Inc \$683.77; Pheasantland Industries, Garment Division \$14.89; Sewer Duck, Inc \$377.50; Transource \$136.58; Western States Fire Protection Co \$4,693.00. Supplies: Aberdeen Chrysler Center \$1,257.91; Aberdeen Pit Stop \$4.70; Advance Auto Parts \$535.62; Agtegra Cooperative \$1,953.82; Amazon Capital Services, Inc \$563.99; Cartney Bearing \$344.03; Century Business Products \$1,322.16; Dakota Oil \$178.20; DSS Image Apparel \$514.00; Ellie Weinmeister \$97.66; Farm Tire Service LLC \$1,525.00; FedEx \$19.13; Fox Law Firm, PLLC \$2.88; GovConnection, Inc \$744.40; Jensen Rock & Sand Inc \$93,740.28; Karen Swank \$721.50; Koletzky Law Office, Prof. LLC \$6.00; Lawson Products, Inc \$898.21; Leidholdt Tool Sales, LLC \$142.39; Lien Transportation Company \$378,559.14; Linde Gas & Equipment Inc \$622.06; Mac's Inc-Capital One Trade Credit \$2,025.00; Matador Detailing \$359.00; Menards \$86.27; Midstates Group \$240.80; Midwest Pump & Tank \$239.10; Napa Central \$42.98; NVC \$26.97; Performance Oil \$325.19; PharmChem, Inc \$694.17; Pheasantland Industries, Garment Division \$226.00; Pomp's Tire Service, Inc \$66.60; Pro Ag Supply, Inc \$18.58; Quality Welding, Inc \$34.00; Runnings \$1,145.14; Sanford Health Occupational Medicine \$385.00; Thee Glass Doktor, LLC \$609.40; Thomson Reuters-West Payment Center \$1,894.62; Thurman Law Office \$6.90; Titan Machinery \$248.00; Transource \$2,869.79; WEB Water Bottling Company \$19.50. Travel & Conference: Adelaide Mouna \$617.16; Brandon Duxbury \$94.00; Karla Nelson \$589.66; Logan Flack \$182.69; Mariann Marttila-Klipfel \$94.00; Mike Nehls \$494.50; Patricia Kendall \$94.00; Stephanie Morgan \$348.18; Tucker Anderson \$196.18. Utilities: CenturyLink \$128.70; City of Aberdeen Treasurer \$893.29; City of Hecla \$142.30; James Valley Telecommunications \$209.10; Midcontinent Communications \$208.78; Midwest Alarm Fire & Security Systems \$306.73; Northwestern Electric \$86.00; Northwestern Energy \$105.35; NVC \$2,989.99; Verizon Wireless \$4,253.24. Others: Brown County Sheriff's Office \$128,416.50; F&L Investments, LLC \$1,267.69; SD Assoc of County Officials \$766.00; SD Dept of Revenue & Regulations \$916,746.22. All members present voting aye. Motion carried.

#### HR REPORT:

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

- Employment ending for Nancy Radke, Brown County Fair & Parks, seasonal; effective October 6, 2023; Richard Burns, Brown County Fair & Parks Maintenance, PT; effective October 27, 2023; John Weig, Brown County Fair & Parks, seasonal; effective October 19, 2023.
- Employment ending for Megan Bierman, Brown County 911 Communications Officer, FT; effective October 10, 2023. Request to fill.
- Resignation of Zachary Wicaryus, Brown County Jail Detention Officer, FT; effective October 8, 2023. Request to fill.
- Retirement of Kendall Titze, Brown County Highway Roads & Bridges Operations Supervisor, FT; effective December 23, 2023.
- Transfer of Matt Heupel from Brown County Highway Equipment Operator to Brown County Roads & Bridges Operations Supervisor, wage \$27.80/hour; effective October 16, 2023.
- Transfer of Joshua Matthews from Brown County Highway Road & Bridge Crew Leader to Brown County Highway Roads & Bridges Operations Supervisor, wage \$27.80/hour; effective October 16, 2023.
- Approve personal miles driven for July 2023 at .62 per mile as follows: Kendell Titze 90 miles at \$55.80; John Florey 114 miles at \$70.68; Mike Scott 160 miles at \$99.20.



- Approve personal miles driven for August 2023 at .62 per mile as follows: Kendell Titze 138 miles at \$85.56; John Florey 126 miles at \$78.12; Mike Scott 220 miles at \$136.40.
- Approve personal miles driven for September 2023 at .62 per mile as follows: Kendall Titze 102 miles at \$63.24; John Florey 114 miles at \$70.68; Mike Scott 150 miles at \$93.00.

All members present voting aye. Motion carried.

#### OPERATING TRANSFER FOR HIGHWAY DEPT.:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve and authorize the following operating transfer from the General Fund #101-5.911.191 in total amount of \$3,805,500.00 to the Road and Bridge Fund #201-4.371 @ \$3,805,500.00, as reflected in the 2023 General Fund Budget. All members present voting aye. Motion carried.

#### AUDITORS REPORT OF ACCOUNTS FOR AUGUST 2023:

Moved by Commissioner Dennert, seconded by Gage to approve the Auditor's Report of Accounts of August 2023 as follows: Total Cash and Checks on Hand \$7,700.00; Total Checking Account Balances \$20,792,675.31; Total Savings Account Balances \$1,325,447.42; Total Certificates of Deposit \$5,479,550.72; Grand Total Cash & Balances \$27,605,373.45. General Fund Cash and Investment Balances by Funds: General Fund \$17,538,850.77; Road & Bridge Fund (\$413,152.44); Road & Bridge Fund-restricted \$423,243.27; 911 Service \$793,275.70; Emergency & Disaster \$98,978.02; Domestic Abuse \$1,226.53; Teen Court \$0.00; Grant \$32.11; SA Grants \$51,047.03; Truancy Court 221.23; Richmond Youth Camp \$0.00; 24/7 Sobriety \$7,980.62; ROD M&P \$101,019.16; American Rescue Plan Federal Grant \$0.00; Rural Access Infrastructure \$442,663.63; TIF Debt Service \$25,962.07; Landfill + cash change \$4,512,790.94; Landfill – restricted \$1,400,479.44; Trust and Agency Funds \$2,620,755.57; Grand Total General Fund Cash & Investments \$27,605,373.45. All members present voting aye. Motion carried.

#### LEASE AGREEMENT:

Moved by Commissioner Wiese, seconded by Fjeldheim to approve and authorize the Chairman to sign the following lease agreement: Hannah Carlson for lease of Richmond Lake Youth Camp on November 3-4, 2023, for Birthday Party. All members present voting aye. Motion carried.

#### OTHER BUSINESS:

Commissioner Dennert brought the following Resolution:

##### Resolution #46-23

WHEREAS, our Founding Fathers created and adopted the United States Constitution in 1787, thereby setting forth the supreme law of the United States of America; and

WHEREAS, the first ten amendments to the Constitution, written by James Madison to guarantee individual freedoms, were ratified in 1791 and became known collectively as the Bill of Rights; and

WHEREAS, The First Amendment states: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances"; and

WHEREAS, Freedom of speech is a right guaranteed to all Americans; and

WHEREAS, Free Speech Week, a national, annual, non-partisan, commemorative event, takes place during the third full week of October to raise awareness of the importance of free speech and free press in the United States; and

WHEREAS, Free Speech Week is designed to be an inclusive celebration for all Americans, and as such, a wide variety of organizations, schools and individuals across the country will conduct activities and events devoted to free speech topics to mark the week; and

WHEREAS, Free Speech Week is also an opportunity to share information with the public and the media as a way of furthering the vision of our Founding Fathers;

NOW, THEREFORE, We the Brown County Commission do hereby proclaim October 16-22, 2023, to be Free Speech Week, and encourage all citizens to participate in the celebration of this fundamental freedom.

Dated this 17<sup>th</sup> day of October 2023.

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

#### EXECUTIVE SESSION:

Moved by Commissioner Fjeldheim, seconded by Wiese to go into Executive Session for Personnel 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 Dennert to adjourn the Brown County Commission meeting at 10:41 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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## October 24, 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, Wiese, Gage, and Sutton. The Pledge of Allegiance was led by Commissioner Dennert.

### APPROVAL OF AGENDA:

Commissioner Gage moved approve the agenda with striking the Operating Transfer for 24/7 and possibly moving Rental House Bid discussion if Ross Aldentaler, State's Attorney Deputy was not available at that time, seconded by Dennert. All members present voting aye. Motion carried.

### OPPORTUNITY FOR PUBLIC COMMENT: None

### FAIRGROUNDS IMPROVEMENT FUND:

Rachel Kippley, Fair, Fairgrounds and Parks Manager met with Commission asking them to add the revenue of \$16,264.80 from Centennial Village this year to the Fairground Improvement Fund. Motioned by Commissioner Wiese, seconded by Fjeldheim to move those funds to the Fairgrounds Improvement Fund. All members present voting aye. Motion carried.

### RENTAL HOUSE BID PROPOSAL:

Moved by Commissioner Wiese, seconded by Dennert to declare the Rental House at Richmond Youth Camp surplus. All members present voting aye. Motion carried.

Discussion was held regarding the bid proposal, advertising, holding a couple of open houses, and setting bid opening date. Moved by Commissioner Fjeldheim, seconded by Gage to authorize advertising with bid opening date January 9, 2024 (2<sup>nd</sup> Tuesday in January 2024) and work with Rachel on setting up dates for Open Houses. All members present voting aye. Motion carried.

### 2023 BROWN COUNTY FAIR REPORT:

Rachel Kippley, Fair, Fairgrounds & Park Manager presented preliminary budget recap of the 2023 Brown County Fair. Rachel also shared there is a \$5,000 Grant from Farm Credit that they would like to use towards updating the Beef Barn. Commissioner Fjeldheim questioned if there were any more outstanding bills for the Fair, Rachel stated the majority have been processed but there may be a few others but the Heartland Convention is this year and being held in Aberdeen so it will be offered to the Fair Board members.

### ESRI SMALL PUBLIC SAFETY ENTERPRISE AGREEMENT (SPSEA):

Moved by Commissioner Fjeldheim, seconded by Gage to approve and authorize Chairman Sutton to sign the ESRI Small Public Safety Enterprise Agreement (SPSEA) which is a three-year agreement that will grant GIS access to ESRI Term License at the cost of \$17,600.00 per year for a grand total of \$52,800.00. All members present voting aye. Motion carried.

### MINUTES:

Moved by Commissioner Dennert, seconded by Wiese to approve the General Meeting minutes of October 17, 2023. All members present voting aye. Motion carried.

### CLAIMS/PAYROLL:

Moved by Commissioner Gage, seconded by Wiese to approve the following claims/payroll:

Claims: Professional Fees: Avera Medical Group Emergency \$21.02; Avera St. Luke's Hospital \$1,209.59; Brown County Treasurer \$96.60; Carrels & Bain Family Dental Care, LLC \$429.75; CGI, LLC \$462.50; Dependable Sanitation \$34,758.20; Horizon Health Care, Inc \$178.44; Saber Shred Solutions, Inc \$11,160.65; Sanford Aberdeen ED \$166.64; Sanford Clinic Radiology-North Center \$424.19; Zylstra Investigations \$4,760.40. Publishing: GateHouse Media South Dakota Holdings, Inc \$288.98; Groton Daily Independent \$164.18. Rentals: Linde Gas & Equipment Inc \$49.70. Repairs & Maintenance: Artz Equipment, Inc \$165.00; Consolidated Ready Mix, Inc \$2,927.50; Dakota Doors Inc \$487.55; Dakota Pump LLC \$872.45; Do-All Insulation \$511.00; EcoLab Pest Elimination Division \$280.91; HF Jacobs & Son Const. Inc \$581.63; House of Glass \$198.32; Jason's Electric Inc \$133.43; K&S Plumbing, Inc \$3,309.48; KONE \$4,450.44; Kramp Enterprise and Investment \$3,321.00; Leidholt Electric, LLC \$183.12; Matt's Tree Service \$350.00; Olson's Pest Technicians \$250.00;

Pierson Ford Lincoln, Inc \$697.55; Steven Lust Automotive \$109.55; TripleC Pros LLC \$1,760.00; Woodman Refrigeration, Inc \$13,583.00. Supplies: Amazon Capital Services, Inc \$141.74; Artz Equipment, Inc \$914.34; Auto Value Aberdeen \$10.99; Avera LTC Pharmacy Aberdeen \$258.21; Cole Paper Inc \$4,673.26; Dakota Oil \$127.65; Dakota Supply Group \$44.47; Geffdog Designs \$325.80; GovConnection, Inc \$433.29; Hall Sand & Gravel, Inc \$21,716.63; Hillyard Sioux Falls \$16.62; J.D. Power \$252.00; Jensen Rock & Sand Inc \$121,391.04; Kramp Enterprise and Investment \$1,927.90; Lien Transportation Company \$114,776.27; Marco Technologies, LLC \$53.00; Menards \$737.78; Pauer Sound, LLC \$1,586.72; Plumbing & Heating Wholesale, Inc \$2,370.14; Reuer's Auto Service \$1,299.09; Runnings \$212.97; SD Assoc of County Commissioners \$50.00; VanDiest Supply Company \$33,238.00. Travel & Conference: Abby Wentz \$345.38; Dave Lunzman \$486.00; Levi Margolies \$94.00; Lynn Heupel \$234.20; Michael Wiese \$53.04; Russell Metz \$14.00; Scott Madsen \$203.20; Stephanie Jacobson \$66.00. Utilities: CenturyLink \$1,217.88; City of Aberdeen Treasurer \$1,852.33; Dependable Sanitation \$513.00; Northwestern Energy \$1,143.71; NVC \$1,260.71; Verizon Wireless \$83.91. Machinery & Equipment: Dakota Electronics \$3,860.00. Others: Safe Harbor \$1,243.50.

Payroll: Commission \$4,615.41; Auditor \$11,144.00; Treasurer \$16,409.06; SA \$33,919.75; Maintenance \$11,351.21; Assessor \$15,031.21; Register of Deeds \$9,932.82; VSO \$4,254.09; GIS \$2,643.52; IT \$8,974.46; HR \$4,698.75; Sheriff \$55,120.68; Jail \$65,245.23; Coroner \$613.59; Court Security \$7,128.74; JDC \$31,670.81; Welfare \$2,336.49; Museum \$12,735.45; Parks/Fairgrounds \$6,264.26; Fair Board \$4,107.23; 4-H \$786.80; Weed \$4,983.46; Planning & Zoning \$7,232.60; Highway \$53,597.31; Dispatch \$41,837.74; Emergency \$7,761.37; 24/7 Sobriety \$2,702.47; Landfill \$17,921.87; Mileage Benefits \$752.00; Meal Benefits \$70.00; FICA \$26,441.63; Medicare \$6,183.93; Discovery\_HSA \$1,739.78 and Retirement\_SDRS \$55,103.25. 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:

- Transfer of Cody Richards from Brown County Jail Detention Officer to Brown County, JDC; effective October 30, 2023.
- Hiring of Carlos Caraballo Rodriguez as Brown County Jail Detention Officer, FT, starting wage \$20.67/hour; effective October 22, 2023.

All members present voting aye. Motion carried.

#### ZONING ORDINANCE – SET HEARING DATE/AUTHORIZE PUBLICATION:

Moved by Commissioner Fjeldheim, seconded by Gage to set hearing date and authorize publication for first reading of the following zoning ordinance to be held on November 14, 2023 in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Proposed Ordinance #260, applicant John & Lindsay Peterson for the purpose of rezoning the following property from Agriculture Preservation District (AG-P) to Lake Front Residential District (R-3) to bring this parcel into compliance for its current use: Lobe 1B of L1, "Biegler Richmond Lake Second Subdivision" in the SW ¼ of Section 13-T124N-R65W of the 5<sup>th</sup> P.M., Brown County, South Dakota (37902 127<sup>th</sup> Street, Ravinia Twp.) All members present voting aye. Motion carried.

#### PLATS:

##### Resolution #47-23

Commissioner Wiese brought the following resolution: "Be it resolved by the County Commission of Brown County, South Dakota that the plat showing "Groton Substation Second Addition in the Southwest Quarter of Section 18, Township 122 North, Range 60 West of the 5<sup>TH</sup> 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 present voting aye. Resolution adopted.

##### Resolution #48-23

Commissioner Wiese brought the following resolution: "Be it resolved by the Board of County Commissioners of Brown County, South Dakota, that the following plat showing River Horse North Third Subdivision in the NE ¼ of Section 4-T123N-R63W of the 5<sup>TH</sup> 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 #49-23

Commissioner Wiese brought the following resolution: “Be it resolved by the Board of County Commissioners of Brown County, South Dakota, that the following plat showing Tim & Peggy Fliehs First Subdivision in Government Lot 1 in the NE ¼ of Section 4-T121N-R61W 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.

**SURPLUS VEHICLE FROM EQUALIZATION:**

Moved by Commissioner Wiese, seconded by Dennert to declare the 2011 Chevrolet Impala from the Dept. of Equalization surplus and added to the next auction. All members present voting aye. Motion carried.

**OTHER BUSINESS:** None

**EXECUTIVE SESSION:**

Moved by Commissioner Fjeldheim, seconded by Wiese 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 Wiese, seconded by Gage to adjourn the Brown County Commission meeting at 9:45 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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## October 31, 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, Wiese, Gage, and Sutton. The Pledge of Allegiance was led by Commissioner Fjeldheim.

### APPROVAL OF AGENDA:

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

### OPPORTUNITY FOR PUBLIC COMMENT:

Carl Perry, District 3 Representative wanted to visit regarding the petition process at the Courthouse; Chairman Sutton shared that was on the agenda to be discussed later. Representative Perry then shared information on the Constitutional Amendment regarding Abortion and feels it is a true extreme and great threat to life of our state.

### LIQUOR LICENSE TRANSFER:

Moved by Commissioner Wiese, seconded by Gage to approve the transfer of the following license: RETAIL (ON-SALE) LIQUOR – UPDATING LOCATION: Stacy Gossman, DBA Nacho Business to update location from 578 N. Roosevelt St., Aberdeen, SD – Lot 1, Creekside Addition in the NW ¼ of Sec 17-T123N-R63W of the 5<sup>th</sup> P.M. to 2520 8<sup>th</sup> Ave. NE, Ste. G, Aberdeen, SD 57401 – Lot 1 Ronnie’s Way Addition in the NW ¼ of Sec 17-T123-R63W of the 5<sup>th</sup> P.M., Brown County, SD. All members present voting aye. Motion carried.

### ORDINANCE #257 – SECOND READING/ADOPTION:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the Second Reading and Adopt Ordinance #257. Filed by Brown County Planning & Zoning Department to rezone the following described properties from Heavy Industrial District (H-I) to Highway Commercial District (HC) to bring these parcels into compliance with their current use: Lot 1 & Lot 2, “S&C Schipke Subdivision of Lot 1, D&S Business Park First Addition”, Lot 2 thru 8, “D&S Business Park First Addition” & Lot 1 thru 10, “Todd Rosebrock First Subdivision”, all in the NW 1/4 of Section 9-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota (4051, 4063, 4050, 4202, 4230, 4302, 4301, 4231 & 4201 Schipke Lane; 4095, 4185, 4275, 4365, 4395, 4390, 4360, 4270, 4180 & 4090 Paper Lane; Aberdeen Twp.). All members present voting aye. Motion carried.

### ORDINANCE #258 – SECOND READING/ADOPTION:

Moved by Commissioner Dennert, seconded by Wiese to approve the Second Reading and Adopt Ordinance #258. Filed by Nickolas & Nicole Johnson to rezone from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use: The 343.5 feet next North of the South 343.5 feet of Outlot D, “Engel Subdivision” in the NE 1/4 of Section 18-T124N-R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota (12625 389<sup>th</sup> Avenue, Ordway Twp.). All members present voting aye. Motion carried.

### ORDINANCE #259 – SECOND READING/ADOPTION:

Moved by Commissioner Gage, seconded by Fjeldheim to approve the Second Reading and Adopt Ordinance #259. Filed by Bernie & Tonya Jark 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 1A, “Bernie & Tonya Jark First Subdivision” in the SE 1/4 of Section 5-T121N-R62W of the 5<sup>th</sup> P.M., Brown County, South Dakota (14265 396<sup>th</sup> Avenue, East Rondell Twp.). All members present voting aye. Motion carried.

### VETERAN’S SERVICE OFFICE – CLOTHING/LOGO POLICY:

Aaron Walberg, Veterans Service Officer presented the Commission a Clothing/Logo Apparel Policy for the Veterans Service Office. After some discussion, Commissioner Fjeldheim moved to approve the policy presented: Veteran’s Service Office (VSO) staff may be allotted logo-apparel which identifies them as employees of the Brown County VSO. Clothing purchased with department funds must be appropriate in both cost and function for the work performed and is subject to department-head approval. Department-head approval will be dependent on availability of funds each year. Employees should not wear VSO logo apparel items outside of work hours unless for community outreach and trips to and from the office. VSO logo apparel items should not be worn in non-professional settings, such as bars and lounges. Employees may be required to return items purchased with department funds upon termination of VSO employment. Seconded by Commissioner Gage. All members present voting aye. Motion carried.

#### OPERATION GREEN LIGHT:

Chairman Sutton shared that NaCO had posted a challenge to light up the Courthouses in Green from November 6 – 12, 2023 showing support for Veterans. Sutton stated that he is proud to share that they have been working with the Maintenance and Emergency Management Departments to secure spotlights that we light the Courthouse Green next week to support Veterans. Aaron Walberg shared that there are over 2400 Veterans in Brown County, so he appreciates this.

#### APPLICATION FOR OCCUPANCY – WEB WATER:

Moved by Commissioner Wiese, seconded by Dennert to approve application submitted to provide potable water line service by Web Water for occupancy of Brown County Hwy #9 in Section 1-T125-R63, Brown County, SD. All members present voting aye. Motion carried.

#### HIGHWAY DEPARTMENT UPDATE:

Dirk Rogers, Highway Superintendent met with the Commission to give them a department update. Dirk shared they are still mowing; hauling gravel to finish up at Elm Lake – should be officially opening the road tomorrow – finishing up the fencing; cold-mix patching with a couple more days of hot mix patching; Bridge 93 south of Groton has been completed by Holloway; return to 8-hour days on Monday, November 6<sup>th</sup>; staffing – had 3 new hires recently and everything is going well. Commissioner Gage, asked about striping 12W off the bypass curve – Dirk shared he will look into it. Dirk informed the Commission that Russ Podoll, former Highway Superintendent had passed away.

#### LIMITED PUBLIC USE POLICY:

Chairman Sutton shared that we have had the sidewalk on the west side of the annex occupied by a couple different groups, in the 15 years that he has been a Commissioner he doesn't recall any causes setting up at the Courthouse before but as a result of this it has been decided to put together a policy and the States Attorney office has been working on this with input from two other counties: Minnehaha and Pennington, facing similar issues. Asked for public input but not to debate either side of the issue; this is strictly Brown County Policy on location – what we will allow or disallow in this policy regarding this issue. Chairman Sutton asked Ross Aldentaler, States Attorney Deputy to explain the Pennington County policy and how that would work for Brown County. Ross stated that sidewalks are considered public forums so ability to control or regulate that is limited; issue came up due to the weather changing and in absence of a policy we were looking at ways to accommodating but it lasted about 4 hours before there were some issues; inside the building is a non-public forum, we can open it up for access but we don't have to, both Minnehaha and Pennington are limiting it to outside areas; another thing we need to account for is the Community Room in the basement so would need to build in an exception for that; needs to view point neutral can't be one side of the issue or other – policy needs to apply to everyone. Chairman Sutton stated that he feels we have the right to require them to stay outside the building and not allow them inside; he feels it has been more prominent due to people coming in to pay their property taxes and since today is the last day to be on time, the traffic will probably slow down and the problem may remedy itself but given the fact the Courthouse is a public entity and open to the public and as States Attorney stated we don't have to allow people inside, they have the right to be outside in an area that our new policy will designate that area to eliminate the problem going forward. Then opened for comments on the policy only not to debate either side of the issue. Dave Green had a couple of comments: wanted to know who would be liable if someone is hurt by a petitioner because some of them are being paid; who's responsible. Brandie Schaeffbauer, District 3 Representative wanted to share a personal experience she had being on one-side of the issue; there are 3 petitions, and they are non-partisan – then both sides of the issue needs to be done – one side can not silence the other. Senator Al Novstrup shared what you can and can't do under Constitutional Law; can't be involved in the content - Freedom of Speech is not unlimited, it is limited by time and place; can't unreasonably restrict the place. Senator Novstrup believes this activity should not be inside the building and recommends having a setback from the entrance to the courthouse. After further discussion, Commissioner Dennert made a motion for a temporary verbal policy until a written policy is presented: restrict any political solicitation or signage be outside only; 10 feet from any entrance; effective immediately. Seconded by Gage. All members present voting aye. Motion carried.

#### NOTICE TO PROCEED FOR LANDFILL SCALE BID:

Moved by Commissioner Wiese, seconded by Fjeldheim to approve and authorize Chairman Sutton to sign the Notice to Proceed for Landfill Scale Bid. All members present voting aye. Motion carried.

#### MINUTES:

Moved by Commissioner Wiese, seconded by Gage to approve the General Meeting minutes of October 24, 2023. All members present voting aye. Motion carried.

#### CLAIMS/PAYROLL:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the following Claims: Professional Fees: Avera St. Luke's Hospital \$3,267.00; Carrels & Bain Family Dental Care, LLC \$545.07; CenturyLink-Lumen \$183.17; CGI, LLC \$602.50; Civil Solutions LLC \$1,472.35; Horizon Health Care, Inc \$2,321.33; Kristi Brandt \$57.50; Northern Plains Appraisal, LLC \$36.00; Sanford Aberdeen ED \$110.93; Sanford Aberdeen Medical Center \$2,525.03; SD Dept of Transportation \$2,688.58; State Bar of South Dakota \$500.00; Thomas L. Price M.A., PhD \$2,400.00. Publishing: GateHouse Media California Holdings, Inc \$56.76; Groton Daily Independent \$230.96; The Argus Leader \$21.93; Todd County Tribune/Mellette County News \$25.19. Repairs & Maintenance: ABC Seamless Siding & Windows \$1,505.10; Aberdeen Chrysler Center \$442.40; Dakota Concrete Inc \$1,361.00; Dakota Supply Group \$49.42; Day County Treasurer \$1,276.15; Fulcrum Biometrics \$749.00; Hase Plumbing, Heating & Air Conditioning, Inc \$1,741.39; Hollaway Bridge and Culvert, Inc \$162,436.52; House of Glass \$6,832.35; Hoven Auto Repair, Inc \$502.99; Ken's Alignment \$415.16; Leidholt Electric, LLC \$644.80; Lien Transportation \$757,763.93; Nardini Fire Equipment \$453.00; Pro Concrete Raising \$3,468.00; Rinker Materials \$50,530.60; Schwan Welding \$1,038.64. Supplies: Aberdeen Chrysler Center \$1,164.35; Amazon Capital Services, Inc \$699.99; Century Business Products \$263.44; Creative Product Sourcing, Inc \$269.90; Dakota Electronics \$1,737.85; DSS Image Apparel \$914.50; Jensen Rock & Sand Inc \$92,558.25; Karen Swank \$60.50; LabSource, Inc \$616.05; Lar-Jo's Specialties \$745.15; Leidholdt Tool Sales, LLC \$29.10; Lien Transportation \$110,380.85; Matheson Tri-Gas, Inc \$109.79; Menards \$100.64; Midwest Pump & Tank \$155.27; Runnings \$4.47; Safety Service \$4,287.70; Share Corporation \$781.80; Thomson Reuters-West Payment Center \$278.99. Travel & Conference: Kelsi Vinger \$413.66; USD Center for the Prevention of Child Maltreatment \$150.00; Wambli Ska Okolakiciye \$1,200.00. Utilities: Midcontinent Communications \$138.23; Montana-Dakota Utilities Co \$27.25; Northwestern Energy \$3,528.06. Others: WEX Health Inc \$5,000.00. All members present voting aye. Motion carried.

#### HR REPORT:

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

- Temporary transfer of Gerald Lehrkamp from Brown County Weed & Pest Control Technician to Brown County Highway Mechanic, effective November 6, 2023.
- Temporary transfer of Michael Rohrbach from Brown County Weed & Pest Control Technician to Brown County Highway Equipment Operator, effective November 6, 2023.
- Temporary transfer of Chris Hemen from Brown County Weed & Pest Control to Brown County States Attorney's Office, effective November 6, 2023.
- Resignation of Ashely Schnell, Brown County 911 Communications Officer, FT, effective October 23, 2023. Request to fill.
- Hiring of Jason Stichka as Brown County Jail Detention Officer, FT, starting wage \$20.67/hour; effective October 29, 2023.
- Hiring of Chase Galbraith as Brown County Jail Detention Officer, FT, starting wage \$20.67/hour; effective November 13, 2023.
- Request to fill Brown County Equalization Appraisal Technician, FT.

All members present voting aye. Motion carried.

#### LIQUOR LICENSE RENEWALS:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the following applications for liquor license renewals of Alcoholic Beverage Licenses to operate outside of the Municipality: PACKAGE (OFF-SALE) LIQUOR: P'ZA Inc DBA Anchors Away Lodge & Resort (Palmer's Richmond Resort SD Lt 1, SD OL 1 Richmond OL 1 & 2 ) AND Dustin Guthmiller DBA Bath Quick Stop LLC (Lot B Weismantels 1<sup>st</sup> SD Lot 1 Ex. N 12' Jenkins SD Inc Adjacent N 12' Lot 1 Jenkins SD E2 SE 18-123-62) AND Travis Swenson DBA Elm Lake Resort LLC (Lot 1 Elm Lake Resort SE 8-128-65) AND Roderic L Hanson DBA Ferney Farmers Bar (Lot 4-5, Block 5 Ferney SW 31-122-60) AND Jackie Chantal LLC DBA Richmond Oasis (Lot 4 Schaeffer Richmond Lake 2<sup>nd</sup> Addition NW & NE 25-124-65). RETAIL (ON-SALE) LIQUOR: P'ZA Inc DBA Anchors Away Lodge



& Resort (Palmer's Richmond Resort SD Lt 1, SD OL 1 Richmond OL 1 & 2) AND Stacy J Gossman DBA Big Fella's (Lot 1B, Gossman 1<sup>st</sup> Addition, S2 15-123-63) AND Travis Swenson DBA Elm Lake Resort LLC (Lot 1 Elm Lake Resort SE 8-128-65) AND Roderic L Hanson DBA Ferney Farmers Bar (Lots 4 & 5, Block 5, Ferney, 31-122-60) AND Stacy J Gossman DBA Flying Pig (Lot 1 Ronnie's Way Addition, NW ½ of Section 17-T123-R63W) AND Moccasin Creek Country Club Inc (Prairiewood Village OL 7, E2, 33-124-63) AND Stacy Gossman DBA Nacho Business (Lot 1 Ronnie's Way Addition, NW ¼ of Section 17-T123-R63W) AND Tyler Jones DBA: Tacoma Park Place LLC (5 acres in NE Corner of NW ¼ 23-124-62). RETAIL (ON-OFF-SALE) WINE AND CIDER: ARR LCC DBA Flatland Flyways Lodge (Russo's OL 1 NW ¼ 1-127-62) AND Moccasin Creek Country Club (Prairiewood Village OL 7, E2, 33-124-63) AND Parkview Nursery (Lot 1, Parkview Nursery Addition, NE ¼ Section 25-T123-R64). All members present voting aye. Motion carried.

#### CLAIM ASSIGNMENT:

Moved by Commissioner Dennert, seconded by Wiese to authorize and approve the Auditor sign the Claim Assignment against individual(s) to Credit Collections Bureau for the purpose of collecting liens. All members present voting aye. Motion carried.

#### AUDITORS REPORT OF ACCOUNTS FOR SEPTEMBER 2023:

Moved by Commissioner Gage, seconded by Wiese to approve the Auditor's Report of Accounts of September 2023 as follows: Total Cash and Checks on Hand \$7,700.00; Total Checking Account Balances \$19,640,922.40; Total Savings Account Balances \$1,425,447.42; Total Certificates of Deposit \$5,479,550.72; Grand Total Cash & Balances \$26,553,620.54. General Fund Cash and Investment Balances by Funds: General Fund \$16,954,793.77; Road & Bridge Fund (\$1,522,893.83); Road & Bridge Fund-restricted \$423,243.27; 911 Service \$715,646.79; Emergency & Disaster \$133,476.12; Domestic Abuse \$1,243.50; Teen Court \$0.00; Grant \$32.11; SA Grants \$56,978.00; Truancy Court 221.23; Richmond Youth Camp \$0.00; 24/7 Sobriety (\$2,799.56); ROD M&P \$102,168.16; American Rescue Plan Federal Grant \$0.00; Rural Access Infrastructure \$442,663.63; TIF Debt Service \$25,962.07; Landfill + cash change \$4,550,297.50; Landfill – restricted \$1,400,479.44; Trust and Agency Funds \$3,272,108.34; Grand Total General Fund Cash & Investments \$26,553,620.54. All members present voting aye. Motion carried.

#### NOTICE OF TAX DEED SALE:

Moved by Commissioner Fjeldheim, seconded by Dennert to authorize advertising the following described properties to be offered for sale by auction in the Community Room, Brown County Courthouse Annex on November 20, 2023 at 10:00am and further to declare property surplus for purpose of sale: Aberdeen City: Lot – 402 N. Lloyd St. (Lt 1 Brown County Commissioner's 4TH SD; LT 13-14 BK 27 Hagerty & Lloyd Addition), Aberdeen, Brown County, South Dakota; Lot – 912 S. 3<sup>rd</sup> St. (LT 1 BK 56 Thomas Addition) Aberdeen, Brown County, South Dakota; Lot – 1118 S. Aldrich St. (LT 1 Brown County Commissioner's 5TH SD; LT 928-929 Morning Heights Ext. Addition) Aberdeen, Brown County, South Dakota; Lot – 810 2<sup>nd</sup> Ave. NE (LT 6 BK 43 Hagerty & Lloyd Addition) Aberdeen, Brown County, South Dakota; Lot – 605 N. Arch St. (LT 1 Brown County Commissioner's 6TH SD; LT 10 & N 10' LT 11 BK 10 Hagerty & Lloyd Addition) Aberdeen, Brown County South Dakota; Lot – 1400 9<sup>th</sup> Ave. SW (E 2' LT 12 BK 8 Highland Park Addition) Aberdeen, Brown County, South Dakota. All members present voting aye. Motion carried.

#### TRAVEL REQUESTS:

Moved by Commissioner Gage, seconded by Wiese to approve the following Travel Requests: Gene Loeschke, Joe Kraft & Kathy Fischer from DOE to attend Property Rights Presentation on November 9, 2023 in Brookings; Lynn Heupel, Auditor to attend Lake Region Meeting on November 16, 2023 in Veblen. All members present voting aye. Motion carried.

#### ZONING ORDINANCE – 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 ordinance to be held on November 21, 2023, in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Proposed Ordinance #261, applicant Brown County Planning & Zoning to consider an ordinance adding to Title 4 Zoning, Chapter 4.2015 "Fences". (The proposed ordinance is 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.

OTHER BUSINESS: None

EXECUTIVE SESSION:

Moved by Commissioner Wiese, seconded by Dennert 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 9:52 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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November 7, 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, Wiese, Gage, and Sutton. The Pledge of Allegiance was led by Commissioner Wiese.

#### APPROVAL OF AGENDA:

Commissioner Wiese moved to approve the agenda by scratching Rachel Kippley on the RFP for Expo Roof for this week, seconded by Gage. All members present voting aye. Motion carried.

#### OPPORTUNITY FOR PUBLIC COMMENT:

Mark Remily met with the Commissioners regarding the altercations that had happened while he is circulating petitions. He explained that he has been called many things including a baby killer over the Roe vs Wade petition: then explained the struggles him and his wife had with trying to have a baby. Mark then stated he would continue to get signatures.

#### FEMA BRIC GRANT:

Scott Meints, Emergency Management Director along with Char Hagar, CEO and Jerry Weber, Operations Manager from Northern Electric met with the Commission to discuss the new FEMA BRIC (Building Resistant Infrastructure in Communities) Grant. Scott explained that this is mitigation funds, FEMA sets aside so much money from every Presidential Disaster declaration, which Brown County had due to the Spring Flooding. Northern Electric will apply for this grant, but they would need Brown County to be the Administrator of these funds and they would be the recipient. Scott shared that they have an agreement drawn up that has been reviewed by both the State's Attorney and Northern Electric's legal counsel that will need to be approved and signed. Char informed the Commission that Northern Electric currently has a project they are getting the application ready for; Northern Electric would take care of all the paperwork, then submit them to Scott/EM to file with FEMA. Char asked for the Commission's approval on this process. Scott also shared they would like to continue this as an ongoing process with Northern Electric as long as there are Federal Funds available. Moved by Commissioner Wiese, seconded by Dennert to approve Northern Electric applying for the FEMA BRIC Grant and having Brown County be the administrator, along with authorizing Chairman to sign the agreement and letter of approval. All members present voting aye. Motion carried.

#### ROADS AT RICHMOND LAKE:

Neil Bellikka along with Mark Hanson, Bruce Johnson, Ken Dulik, and several other residents of Richmond Lake met with the Commission to discuss the condition of the County Roads. A concern was raised that a new guard rail hadn't been put up along the bridge after 2 years; Dirk Rogers, Highway Superintendent shared that he had just received notice to proceed from SD DOT (after 2 years of communication), he needed to apply for Safety Funds because of the cost being too substantial for the County. This project will be bid on through the State and it is in their 2024 Construction plans. Further discussion was had regarding the condition of the roads and their safety on them. The residents feel that the county needs to do a better job of maintaining the county roads, get rid of the washboard, cause within 2-3 days after blading the road it is back to the same state. Also, down the road the dam is going to be replaced so traffic from the west side will be rerouted and then have more traffic on it. Bruce Johnson shared that the dam is listed in the State for FEMA as the #1 hazard; there is 6.5 million dollars that will be allocated on the berm on the other side of the road and not replace the spillway; they are asking the Legislator to allocate another \$4-6 million to get a match with FEMA. District 3 Representative, Carl Perry shared it won't happen right away because they don't meet until January, but it is on the docket. Commissioner Dennert asked if he thinks it will likely be funded this year; Rep. Perry shared the budget is limited but he thinks it will be funded. After further discussion on the roads – Commissioner Wiese reiterated that the main concerns are the guard rail, will likely be taken care of next year and they want more effort on the wash-boarding of the roads at this time. Chairman Sutton shared they will work with Dirk to work on the wash-boarding issues then report back to the residents in two weeks; they will look at any and all options. Representative Perry shared that the County is not getting funding they need from the State but will do what they can on a State Level; the Representative for Transportation is Brandei Schaeffbauer for people to contact.

#### GROTON CITY SOLID WASTE PERMIT:

The City of Groton sent in a letter along with a copy of their application to renew their Solid Waste Permit for the rubble and compost site located south of Groton. Mike Scott, Landfill Manager, informed the Commission this is

just a formality, and he is in favor of this. Moved by Commissioner Wiese, seconded by Fjeldheim to approve and authorize the Chairman to send a letter of approval for the City of Groton renewal of the Solid Waste Permit. All members present voting aye. Motion carried.

#### APPLICATION FOR OCCUPANCY – WEB WATER:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve application submitted to provide potable water line service by Web Water for occupancy of Brown County Hwy #14 in Section 4-T123-R63, Brown County, SD. All members present voting aye. Motion carried.

#### HIGHWAY DEPARTMENT UPDATE:

Dirk Rogers, Highway Superintendent informed the Commission the Highway Department is working on gravel stock piling; last of the fence at the Elm Lake project might be completely done at the end of the week; mowing but are behind so hoping the snow holds off; he will look at options for Richmond Lake roads. Commissioner Fjeldheim asked about cutting down on locations where you stop and go or if it comes right back; Dirk shared they will come back fairly quick. The accelerating and deaccelerating cause the wash-boarding. Commissioner Gage asked about the blading schedule for Co. Road 18 and the debris cleaned up on Br. Co. 10 by dump; Dirk shared they didn't get called on that one but normally when debris is on the road, deputies call it in, and they are notified then go out and clean it up.

#### MINUTES:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the General Meeting minutes of October 31, 2023. All members present voting aye. Motion carried.

#### CLAIMS/PAYROLL:

Moved by Commissioner Dennert, seconded by Wiese to approve the following claims/payroll:

Claims: Professional Fees: Avera St. Luke's Hospital \$251.26; Brown County 4-H Leaders Association \$5,350.00; CGI, LLC \$788.13; Horizon Health Care, Inc \$302.08; Kennedy Pier Loftus & Reynolds, LLP \$85.60; LexisNexis Risk Data Mgt, LLC \$400.00; Lincoln County Auditor \$226.20; Lucy Lewno \$270.00; Mark Katterhagen \$30.00; Sanford Health Occupational Medicine \$552.00; Satellite Tracking of People, LLC \$1,482.00; SD Dept of Legislative Audit \$2,847.70; US Bank \$699.85; Valerie Larson \$21.00; Yankton County Sheriff's Office \$50.00. Publishing: Groton Daily Independent \$107.55; Hub City Radio \$300.00; US Bank \$300.00. Rentals: Pantorium Cleaners Inc \$207.36. Repairs & Maintenance: 5D Transport, LLC \$3,881.25; Big Scoop \$40.00; Chemtek, Inc \$53.98; CommTech Inc \$1,699.00; Crawford Trucks & Equipment \$64.43; Dakota Fluid Power \$43.45; Diamond Mowers LLC \$14.60; EcoLab Pest Elimination Division \$112.83; Eilers Water Conditioning and Lawn Irrigation \$135.00; Graham Tire Inc \$95.54; Jensen Rock & Sand Inc \$2,494.80; Pomp's Tire Service, Inc \$358.56; Precision Kiosk Technologies \$2,700.00; Quality Welding, Inc \$35.45; Runnings \$558.90; US Bank \$475.99; Webster Scale \$284,626.50. Supplies: Artz Equipment, Inc \$1,293.64; Bakken Building Maintenance \$500.00; Bimbo Foods USA, Inc \$696.57; Butler Machinery Company \$1,130.32; Century Business Products \$177.64; Chemtek, Inc \$224.75; Cole Paper Inc \$583.09; Crawford Trucks & Equipment \$3,110.45; Dakota Electronics \$3,056.35; Dakota Fluid Power \$2,713.85; Dakota Mailing & Shipping Equipment \$135.01; Dakota Oil \$1,223.35; Diamond Mowers LLC \$500.64; East Side Jersey Dairy Inc \$1,946.30; Fastenal Company \$53.73; Government Forms & Supplies \$499.42; Great Western Tire \$3,466.10; HOH Water Technology Inc \$256.61; Jensen Rock & Sand Inc \$82,258.55; JGE, Inc \$29.14; Karen Swank \$20.00; Kristin Barstad \$86.76; Lucy Lewno \$8.88; McLeod's Printing & Office Supply \$896.78; Menards \$161.67; Nelson Sales & Service, LLC \$30.02; Pantorium Cleaners Inc \$92.00; PharmChem, Inc \$351.45; RDO Equipment Co \$4,160.79; Runnings \$265.27; Tri State Water \$87.00; US Bank \$12,191.99; US Foods \$9,772.97. Travel & Conference: C Scott Bader \$203.94; Fox Valley Technical College \$325.00; Heartland Association of Fairs, Festivals & Events \$2,665.00; Ron Keller \$34.00; US Bank \$4,023.43. Utilities: AT&T Mobility \$43.23; CenturyLink \$305.48; City of Aberdeen Treasurer \$1,617.09; Midcontinent Communications \$163.80; Northwestern Energy \$9,881.00; US Bank \$2,857.71.

Payroll: Commission \$4,615.41; Auditor \$11,144.00; Treasurer \$16,302.58; SA \$34,070.32; Maintenance \$11,324.39; Assessor \$15,031.22; Register of Deeds \$9,932.81; VSO \$4,254.09; GIS \$2,643.52; IT \$8,974.46; HR \$4,698.75; Sheriff \$52,724.88; Jail \$58,704.82; Coroner \$613.60; Court Security \$7,587.62; JDC \$30,339.88; Welfare \$2,336.49; Museum \$11,581.44; Parks/Fairgrounds \$6,367.25; Fair Board \$4,107.22; 4-H \$786.79; Weed \$5,037.41; Planning & Zoning \$7,315.53; Highway \$56,333.52; Dispatch \$35,143.19; Emergency \$2,224.00; 24/7 Sobriety \$2,742.09; Landfill \$16,603.53; Meal Benefits \$270.00; FICA \$25,211.08; Medicare

\$5,896.13; Discovery\_HSA \$1,688.61; Health Insurance\_Wellmark BCBS \$127,686.85; Dental Insurance\_Delta \$8,638.08; Life Insurance\_Dearborn \$1,057.74. All members present voting aye. Motion carried.

#### HR REPORT:

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

- Transfer of Tina Jacobs from FT Brown County Jail Detention Officer to PT Brown County Jail Detention Officer, starting wage \$16.76; effective October 29, 2023.
- Employment ending for Jason Erickson, Landfill Heavy Equipment Operator, FT; effective October 30, 2023. Request to fill.

All members present voting aye. Motion carried.

#### LANDFILL TONNAGE REPORT:

Moved by Commissioner Fjeldheim, seconded by Wiese to acknowledge the Landfill Tonnage Report for October 2023. All members present voting aye. Motion carried.

#### SET HEARING DATE FOR RETAIL (ON-OFF) MALT BEVERAGE & SD FARM WINE LICENSES:

Moved by Commissioner Wiese, seconded by Gage to set hearing date and authorize publication for public hearing on the following applications of Retail (On-Off Sale) Malt Beverage and SD Farm Wine License on 28<sup>th</sup> day of November 2023 in the Commission Chambers of the Brown County Commissioners. Stacy Gossman, DBA: Head East at 5759 E. Hwy, 12, Ste. #2, Aberdeen, SD - Lot 1B, Gossman First Addition, Kesslers Outlot to Aberdeen in S 1/4 of Section 15-T123-R63 of the 5<sup>th</sup> P.M., Brown County, SD; Stacy Gossman, DBA: West Bound at 5759 E. Hwy, 12, Ste. #3, Aberdeen, SD - Lot 1B, Gossman First Addition, Kesslers Outlot to Aberdeen in S 1/4 of Section 15-T123-R63 of the 5<sup>th</sup> P.M., Brown County, SD; Stacy Gossman, DBA: Up North at 5759 E. Hwy, 12, Ste. #4, Aberdeen, SD - Lot 1B, Gossman First Addition, Kesslers Outlot to Aberdeen in S 1/4 of Section 15-T123-R63 of the 5<sup>th</sup> P.M., Brown County, SD; All members present voting aye. Motion carried.

#### OTHER BUSINESS:

District 3 Representative Carl Perry commented that this is Government at its finest and the Commission is doing a great job. Represent the County well.

#### EXECUTIVE SESSION:

Moved by Commissioner Wiese, seconded by Fjeldheim 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 Wiese, seconded by Dennert to adjourn the Brown County Commission meeting at 10:29 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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November 14, 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, Wiese, Gage, and Sutton. The Pledge of Allegiance was led by Commissioner Gage.

**APPROVAL OF AGENDA:**

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

**OPPORTUNITY FOR PUBLIC COMMENT:** None

**ORDINANCE #260 – FIRST READING:**

Moved by Commission Gage, seconded by Wiese to approve the First Reading of Proposed Ordinance #260. Applicant John & Lindsay Peterson requesting to rezone from Agriculture Preservation District (AG-P) to Lake Front Residential District (R-3) to bring this parcel into compliance with its current use: Lot 1B of Lot 1, “Biegler Richmond Lake Second Subdivision” in the SW ¼ of Section 13-T124N-R65W of the 5<sup>th</sup> P.M., Brown County, South Dakota (37902 127<sup>th</sup> Street, Ravinia Twp.). All members present voting aye. Motion carried.

**RENTAL RATES:**

Rachel Kippely, Fair/Fairgrounds/Parks Manager met with the Commission regarding a request received for renting out the Cement Barriers. The cost to transport would be on the Lessee. Rachel suggested \$25.00 per barrier per week. Moved by Commissioner Wiese, seconded by Dennert to approve renting the cement barriers at \$25.00 per barrier per week. All members present voting aye. Motion carried.

**FAIR CONTRACTS:**

Rachel Kippely, Fair/Fairgrounds/Parks Manager presented a contract for Paul Bunyan Lumberjack Show to be held at the 2024 Brown County Fair on Sunday, August 18<sup>th</sup>. They would still have the Antique Tractor Pull as well, this would be additional family entertainment. The Lumberjack Show would be for an hour at the cost of \$12,000.00. Moved by Commissioner Wiese, seconded by Dennert to approve the contract for the Paul Bunyan Lumberjack Show for the 2024 Brown County Fair at the cost of \$12,000.00. All members present voting aye. Motion carried.

Rachel Kippely, Fair/Fairgrounds/Parks Manager shared with the Commission that she had requested quotes for Electrical Services for 3 years. She received two quotes: Muth Electric for \$63.00/hr. per Journeyman and \$63.00/hr. for any additional labor (non-journeyman) & KEI for \$75.00/hr. per Journeyman and \$69.00/hr. for any additional labor (non-Journeyman). The Fair Boards recommendation would be to go with KEI. Commission Chairman stated they acknowledge the Fair Board recommendation since it is under \$25,000.00.

**RFP FOR EXPO ROOF:**

Rachel Kippely, Fair/Fairgrounds/Parks Manager discussed two options for updating the roof on the Expo Building and the Expo Addition: they are looking at a removing the old and replace it or build over the top of the current roof. Rachel is working with HKG for engineering specs and weight limits on the current roof. She is hoping to have the final RFP ready by the end of the day, with an opening date of December 12<sup>th</sup>. Discussion was held on the problem areas with current roof, Rachel stated that in the RFP they state that the company will need to do a walk through before placing a bid. Moved by Commissioner Wiese, seconded by Gage to approve publishing the RFP with a bid opening date of December 12, 2023. All members present voting aye. Motion carried.

**POTENTIAL AGRICULTURAL LEARNING CENTER AT THE BROWN COUNTY FAIRGROUNDS:**

Samantha Olson, South Dakota Farmer’s Union (SDFU) Education Specialist presented the Commission a proposal for an Agricultural Learning Center. They would like to renovate the current building that holds the chickens and/or Petting Zoo during the Fair by putting in a concrete floor and bring Agriculture to life by providing free interactive agricultural educational displays and resources with things such as live sow birth, live cow birth, baby chicks hatching, calf bottle feeding, soil & range conservation, farm safety and several grain and livestock displays. They do not have any dollar amount on the financing right now because they are waiting to some quotes but working with 4-H, FFA and County; County would pay to replace the building for the bunnies

and chickens then Farmer's Union would be for the renovations and displays in the building for the Agricultural Learning Center. Rachel shared that the bunny barn needs to be replaced because it is at the end of its life and the roof had significant damage. Currently, there are only two other Agricultural Learning Centers in the State, so we could be the third one; other two are at Sioux Empire Fair and State Fairgrounds. Rachel showed Commission a Quonset type building to possibly replace the Bunny Barn; a 45' x 70' building that would cost around \$39,000.00 without a cement floor, cement floor would cost an additional \$4,000.00 and then to add a couple garage doors on each end, either a 12' x 12' or 10' x 10' total cost of the building would be around \$55,000.00. Rachel shared that after visiting with 4-H Advisor, the Poultry could be temporarily housed in the Open Class Sheep Barn – a row down the middle, if needed. Another benefit is that Samantha would run this during the Fair and free up the Fair Board Members to do other things. Commissioner Wiese questioned about possible sponsorships for the new building, Rachel said that could be an option but hadn't done any preliminary work on that at this time. Commissioner Wiese, seconded by Dennert approved Farmer's Union and County State's Attorney work on a contract to move forward on the Agricultural Learning Center at the Brown County Fairgrounds. All members present voting aye. Motion carried.

#### FY2025 WEED & PEST GRANT:

Chris Hemen, Weed & Pest Supervisor met with the Commission asking for approval of the FY2025 Competitive Weed & Pest Grant for Yellow Toadflax Biological Control in the amount of \$2,000.00. Chris shared with the Commission this is a 50/50 cost share and they are trying to establish a collection site. Chris gave the Commission an update on the year and how well things went. Moved by Commissioner Dennert, seconded by Wiese to approve and authorize Chairman Sutton to sign the FY2025 Competitive Weed & Pest Grant application. All members present voting aye. Motion carried.

#### MINUTES:

Moved by Commissioner Fjeldheim, seconded by Gage to approve the General Meeting minutes of November 7, 2023. All members present voting aye. Motion carried.

#### CLAIMS/PAYROLL:

Moved by Commissioner Dennert, seconded by Wiese to approve the following claims: Professional Fees: Certified Languages International LLC \$787.05; CGI, LLC \$816.88; Dakota Group LLC \$1,800.00; Faulk County Sheriff's Office \$15,030.00; Helms & Associates \$4,802.16; Language Line Services, Inc \$531.08; Lewis & Clark BHS \$426.00; Sanford Health Occupational Medicine \$310.00; SD Dept of Revenue & Regulations \$2,554.89; Thomson Reuters-West Payment Center \$291.80; Troup County Sheriff's Office \$50.00; Yellow Robe Consulting \$1,500.00; Youngberg Law, Prof. LLC \$246.10. Publishing: Groton Daily Independent \$261.58. Rentals: Aramark \$388.14; Dakota Electronics \$218.00; Erickson & Associates LLC \$150.00; Linde Gas & Equipment Inc \$49.70. Repairs & Maintenance: 5D Transport, LLC \$4,995.00; Aberdeen Chrysler Center \$219.95; Aberdeen Clean-All, LLC \$3,598.98; All Over Roofing LLC \$1,300.00; Artz Equipment, Inc \$390.00; B & B Contracting, Inc \$3,465.00; Butler Machinery Company \$2,618.66; Dakota Fluid Power, Inc \$786.24; Graham Tire Inc \$13,597.19; House of Glass \$1,943.41; Hoven Auto Repair, Inc \$561.91; Leidholt Electric \$144.17; Mac's Inc-Capital One Trade Credit \$235.09; Napa Central \$189.99; Northstar Safety, Inc \$32.58; Pantorium Cleaners Inc \$189.32; Pierson Ford Lincoln, Inc \$1,587.81; Pomp's Tire Service, Inc \$629.84; RDO Equipment Co \$10,596.80; Runnings \$2,616.22; Schroeder Construction Inc \$184,979.28; Schwan Welding \$1,691.50; Steven Lust Automotive \$364.27; Transource Truck & Equipment, Inc \$9,358.09; Vosika Fencing \$9,775.00. Supplies: Aberdeen Chrysler Center \$736.00; Agtegra Cooperative \$70,658.27; Amazon Capital Service, Inc \$65.72; Arther Eichler \$186.79; Artz Equipment, Inc \$541.56; Auto Value Aberdeen \$9.98; Carson Eichler \$96.30; Cartney Bearing \$1,241.73; Century Business Products \$1,068.82; Cole Paper Inc \$1,095.87; Creative Product Sourcing, Inc \$87.14; Crescent Electric Supply Co \$138.39; Dakota Electronics \$1,737.85; Dakota Oil \$6,844.30; Dive Rescue International \$4,177.35; Farm Tire Service LLC \$3,760.00; GovConnection, Inc \$161.80; HF Jacobs & Son Const. Inc \$66,184.51; Hudson Eichler \$319.44; Ken's SuperFair Foods \$33.93; Kessler's \$104.18; Lamont Companies Inc \$800.00; Leidholdt Tool Sales, LLC \$274.35; Lien Transportation Company \$1,548.93; Linde Gas & Equipment Inc \$108.91; MacQueen Emergency \$587.40; Mac's Inc-Capital One Trade Credit \$134.87; Menards \$133.24; Midstates Group \$6.00; Newman Signs, Inc \$2,706.49; Nolan Eichler \$433.34; Northstar Safety, Inc \$62.25; Rinse & Go Car Wash \$22.00; Runnings \$2,012.93; SD Dept of Health \$40.00; Transource Truck & Equipment, Inc \$1,131.81. Travel & Conference: Dave Lunzman \$472.00. Utilities: AT&T Mobility \$141.75; City of Aberdeen Treasurer \$147.01; Northern Electric \$86.00; Northwestern Energy \$1,042.80; Town of Frederick \$80.34; Verizon Wireless \$2,880.98; WEB Water Development

Association, Inc \$108.84. Others: SD Dept of Agriculture & Natural Resources \$8,831.20; SD Dept of Revenue & Regulations \$792,499.01; Thomas L Kline \$274.13. State Fair Premiums: Adelyn Quinn \$5.00; Gina Malsam \$10.00; Hunter Miller \$10.00; Jean Berger \$10.00; Linda Yates \$5.00; Ron Lyren \$10.00. All members present voting aye. Motion carried.

#### HR REPORT:

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

- Hiring of Merari Salazar-Aguilar as Brown County Jail Detention Officer, FT; starting wage \$20.67/hr.; effective November 8, 2023.
- Hiring of Gabrielle Schneider as Brown County Jail Detention Officer, FT; starting wage \$20.67/hr.; effective November 15, 2023.

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 individuals to Credit Collections Bureau for the purpose of collecting liens. All members present voting aye. Motion carried.

#### BROWN COUNTY RACETRACK RENEWAL FOR 2024 SEASON:

Moved by Commissioner Dennert, seconded by Gage to approve the Brown County Racetrack Renewal Addendum for 2024 Season. All members present voting aye. Motion carried.

#### TRAVEL REQUESTS:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the Travel Request for Dirk Rogers, Highway Superintendent to attend Asphalt Conference Planning Meeting in Brookings on November 8, 2023. All members present voting aye. Motion carried.

#### OTHER BUSINESS:

Chairman Sutton shared there will be a Department Head Meeting at 11am. Commissioner Wiese shared that the SD Assoc. of Towns & Townships meeting this evening at 6pm in the Community Room at the Courthouse.

#### EXECUTIVE SESSION:

Moved by Commissioner Wiese, seconded by Dennert 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 Wiese, seconded by Fjeldheim to adjourn the Brown County Commission meeting at 9:57 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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## November 21, 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, Gage, and Sutton. Absent were Commissioners Fjeldheim and Wiese. The Pledge of Allegiance was led by Commissioner Dennert.

### APPROVAL OF AGENDA:

Commissioner Gage moved to approve the agenda with removing MOU for SDSU for 4-H Advisor due to further discussion needed to be had, seconded by Dennert. All members present voting aye. Motion carried.

### OPPORTUNITY FOR PUBLIC COMMENT: None

### ORDINANCE #261 – FIRST READING:

Moved by Commissioner Dennert, seconded by Gage to approve the First Reading of Proposed Ordinance #261. Applicant Brown County Planning & Zoning requesting to add to Title 4 Zoning, Chapters 4.2015 “Fences”. All members present voting aye. Motion carried. (The full proposed ordinance is available for public inspection at the Brown County Auditor’s Office or Brown County Planning & Zoning Office during regular business hours.)

### NE COUNCIL OF GOVERNMENT (NECOG) – COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG):

Ted Dickey, NECOG Program Coordinator met with the Commission regarding the CDBG Grant for the YMCA Youth Development Center addition. First item presented was the Administration Contract between NECOG and Brown County for the administration of the CDBG Grant in the amount of \$20,000.00 which is paid for entirely out of the CDBG Grant. Moved by Commissioner Gage, seconded by Dennert to approve and authorize Chairman Sutton to sign the Administration Contract between NECOG and Brown County for the construction of the addition to the YMCA Youth Development Center. All members present voting aye. Motion carried.

Next item Ted presented was the Drawdown Request #1 for a total of \$597,433.94, requesting approval and authorization of signature. Moved by Commissioner Dennert, seconded by Gage to approve and authorize Chairman Sutton to sign the Drawdown Request #1. All members present voting aye. Motion carried.

Final items presented by Ted were the Initial Requirement Documents which include Equal Employment Opportunity Policy; Resolution Assuring Fair Housing; Excessive Force Policy; Certification Regarding Restrictions on Lobbying; Relocation, Displacement and Acquisition Plan and Code of Conduct Policy. Moved by Commissioner Gage, seconded by Dennert to approve and authorize Chairman Sutton to sign the Initial Requirement Documents listed above. All members present voting aye. Motion carried.

### RFP FOR SHERIFF OFFICE IN-CAR CAMERAS & DEPUTY BODY CAMERAS:

Dave Lunzman, Sheriff presented an RFP for the Commission to get approval and authorization for publication requesting proposals for new body camera and in car camera systems. After some discussion, it was moved by Commissioner Dennert, seconded by Gage to authorize advertising for the RFP for new body camera and in car camera systems for the Sheriff Deputies with an open date of December 12, 2023. All members present voting aye. Motion carried.

### TIF ADMINISTRATION FEE:

Commissioner Gage shared that after some discussion with the Department of Revenue, Counties are allowed to charge an Administrative Fee for the work that County Offices put into TIF’s. County offices involved include Equalization, Auditor’s Office, Treasurer, Planning & Zoning and GIS, there is a lot of expense at the County level but there is no tax base to offset that because with a TIF it is locked up for 20 years. There are currently 27 TIF’s that are active; 26 are in Aberdeen City and 1 with Brown County. Ross Aldentaler, State Attorney Deputy shared that he has reached out to another County that has an agreement with a Municipality to put that in the development plan – since they don’t originate with the County, we don’t really have a say in the matter. SDCL 11-9-15 is specific to municipal not counties. Our goal would be to pass a Resolution with an Administrative Fee for the County, stated Chairman Sutton. Commissioner Gage reiterated that due to the number of TIF’s, it puts a large burden on what the County must handle for the 20 years of each TIF. Chairman Sutton shared that at the District Meeting, Brown County is tied at #2 in the State for the number of TIF’s, Pennington County is #1 and Brown County and Codington County are tied at #2, followed by Minnehaha County.

### FLOOD PLAIN DEVELOPMENT PERMITS:

Scott Bader, Planning & Zoning Director met with the Commission to discuss the Flood Plain Development Permits that Townships need to complete when there is a Flood to recoup costs for gravel or culvert repairs or replacements through FEMA. Normally, Emergency Management does the meetings with the Townships and works with FEMA. What is happening is that the Townships are sending their documentation into FEMA, but then FEMA is sending it back because they are missing the Flood Plain Permit that is issued by a Flood Plain Administrator. Then its crunch time because of the deadlines that it needs to be submitted. Scott contacted the State Emergency Management office to see about adding a line item, so the Townships are aware of this step before they submit their documents to FEMA. Scott questioned if they want the County Emergency Management Director, Scott Meints to inform them or he could attend the meetings, also to visit with the Townships. After further discussion, it was decided the Emergency Management Department will notify the entities to contact Scott Bader, Planning and Zoning Director. Dirk Rogers, Highway Superintendent would like to be included in this process as well, so he is aware of what they are applying for when it comes to the recovery of the roads if they are going to be using FEMA funds then the Highway Department needs have this permit before proceeding with their process. Scott Bader also shared that he is going to attend the Equalization Township meeting in March and visit with the Board Members at that meeting as well.

#### MINUTES:

Moved by Commissioner Gage, seconded by Dennert to approve the General Meeting minutes of November 14, 2023. All members present voting aye. Motion carried.

#### CLAIMS/PAYROLL:

Moved by Commissioner Dennert, seconded by Gage to approve the following claims/payroll:

Claims: Professional Fees: Avera St. Luke's Hospital \$131.91; Birmingham & Cwach Law Offices, PLLC \$278.20; Brick's TV and Appliance \$1,650.00; Christy Griffin-Serr Law Office \$7,211.64; Cogley Law Office, Prof LLC \$7,211.64; Den Herder Law Firm \$172.36; Dependable Sanitation, Inc \$41,027.20; Dohrer Law Office, PC \$7,211.64; Horizon Health Care, Inc \$457.16; Jerald M. McNeary \$7,211.64; Jeremy Lund-Siegel Barnett & Schutz, LLP \$7,211.64; John Noyes-Bantz, Gosch & Cremer \$7,211.64; Krista Heeren-Graber \$500.00; Kuck Law Office \$7,211.64; Natrona County Sheriff's Office \$55.00; Northeastern Mental Health Center \$780.00; Saber Shred Solutions, Inc \$3,975.35; SD Assoc of County Officials \$100.00; SD Dept of Health \$2,810.00; Taliaferro Law Firm, PC \$7,211.64; Yankton County Sheriff's Office \$100.00; Yellowstone County Sheriff's Office \$75.00. Publishing: Black Hills Pioneer \$13.10; GateHouse Media California Holdings, Inc \$33.20; Gatehouse Media South Dakota Holdings, Inc \$337.99; Groton Daily Independent \$183.79; Lakota Times \$27.20; McQuillen Creative Group, Inc \$3,060.00. Rentals: H & H Farms \$250.00; Les Frohling \$200.00; Linde Gas & Equipment Inc \$49.16; Ron Jacobson \$250.00; Titan Machinery \$455.00. Repairs & Maintenance: 5D Transport, LLC \$6,480.00; Butler Machinery Company \$836.40; Diesel Machinery, Inc \$2,183.50; EcoLab Pest Elimination Division \$157.46; Hoven Auto Repair, Inc \$51.00; IMEG Corp \$33,543.30; Leidholt Electric, LLC \$9.61; Pomp's Tire Service, Inc \$1,101.56; Safety Service \$65.00; Sewer Duck, Inc \$85.00; Titan Machinery \$10,272.80; Traffic Solutions, Inc \$1,098.20; Webster Scale \$22,368.05; Woodman Refrigeration \$8,885.86. Supplies: Abigail Johnson \$20.00; Advance Auto Parts \$1,277.97; Agtegra Cooperative \$2,670.26; Amazon Capital Services, Inc \$408.08; Anna Johnson \$23.33; Avera LTC Pharmacy Aberdeen \$562.04; Birmingham & Cwach Law Offices, PLLC \$6.65; Century Business Products \$165.49; Cole Paper Inc \$1,156.00; Elite Unmanned LLC \$239.00; Gillund Enterprises \$252.20; Graham Tire Inc \$1,981.35; Hall Sand & Gravel, Inc \$9,398.81; J.D. Power \$351.00; Jordenne DuCheny \$81.67; Leidholt Electric, LLC \$471.04; Linde Gas & Equipment Inc \$711.60; MacQueen Emergency \$781.84; Menards \$646.15; Midstates Group \$47.50; Norman Johnson \$20.00; Pitney Bowes Global Financial Services LLC \$15,000.00; Runnings \$699.97; Safety Service \$1,669.10; Thomson Reuters-West Payment Center \$1,894.62; Titan Machinery \$680.85; Traffic Solutions, Inc \$53,806.97; WEB Water Bottling Company \$27.75; Woodman Refrigeration \$354.17. Travel & Conference: Adelaide Mounga \$213.86; Axon Enterprise, Inc \$495.00; Bill Donaldson \$24.48; Clubhouse Hotel & Suites Pierre \$760.60; Lynn Heupel \$114.11; Michael Wiese \$108.86; Ramkota Hotel & Conference Center \$107.00; Safe Harbor \$500.00. Utilities: CenturyLink \$1,323.41; City of Aberdeen Treasurer \$321.47; City of Hecla \$176.34; Dependable Sanitation, Inc \$513.00; James Valley Telecommunications \$209.10; Midcontinent Communications \$4.62; Northwestern Energy \$1,087.07; NVC \$3,828.61; State of South Dakota PMB 0112 \$96.47; Verizon Wireless \$1,467.04. Machinery & Equipment: CommTech Inc \$34,009.66. Others: Butler Machinery Company \$1,000.00; Safe Harbor \$755.00; SD Assoc of County Officials \$788.00.

Payroll: Commission \$4,615.41; Auditor \$11,144.00; Treasurer \$16,578.58; SA \$33,002.19; Maintenance \$10,336.74; Assessor \$15,143.68; Register of Deeds \$9,932.81; VSO \$4,254.10; GIS \$2,643.52; IT \$9,274.46;

HR \$4,698.75; Sheriff \$53,329.37; Jail \$65,101.83; Coroner \$683.60; Court Security \$7,980.01; JDC \$33,957.83; Welfare \$2,336.49; Museum \$11,605.18; Parks/Fairgrounds \$4,918.00; Fair Board \$4,107.21; 4-H \$786.80; Weed \$3,131.79; Planning & Zoning \$7,232.60; Highway \$53,833.44; Dispatch \$36,580.98; Emergency \$4,808.51; 24/7 Sobriety \$2,673.89; Landfill \$18,004.34; Meal Benefits \$28.00; FICA \$25,672.66; Medicare \$6,004.09; Discovery\_HSA \$ 1,739.78; Retirement\_SDRS \$54,266.98. All members present voting aye. Motion carried.

#### HR REPORT:

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

- Hiring of Cheyenne Neck as Brown County Jail Detention Officer, FT; starting wage \$20.67/hr. – effective November 19, 2023.

All members present voting aye. Motion carried.

#### CLAIM ASSIGNMENTS:

Moved by Commissioner Dennert, seconded by Sutton 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.

#### LEASE AGREEMENT:

Moved by Commissioner Gage, seconded by Dennert to approve and authorize the Chairman to sign the following lease agreement: Tom Aman for lease of 37 10' Concrete Jersey Barriers on November 19, 2023, to December 18, 2023. All members present voting aye. Motion carried.

#### TRAVEL REQUESTS:

Moved by Commissioner Dennert, seconded by Gage to approve the Travel Request for Dirk Rogers, Highway Superintendent to attend Lake Region District Meeting in Veblen on November 16, 2023. All members present voting aye. Motion carried.

OTHER BUSINESS: None

#### EXECUTIVE SESSION:

Moved by Commissioner Gage, seconded by Dennert to go into Executive Session for Personnel and Contracts for Planning & Zoning 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 Dennert, seconded by Gage to adjourn the Brown County Commission meeting at 9:57 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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## 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 5<sup>th</sup> P.M., Brown County, South Dakota (37902 127<sup>th</sup> 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 5<sup>TH</sup> 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 5<sup>TH</sup> 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 5<sup>TH</sup> 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 28<sup>th</sup> 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 28<sup>th</sup> 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 5<sup>TH</sup> P.M., Brown County South Dakota (38314 133<sup>rd</sup> 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 5<sup>TH</sup> P.M., Brown County, South Dakota (13424 379<sup>th</sup> 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 5<sup>TH</sup> P.M., Brown County, South Dakota (37824 101<sup>st</sup> 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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## December 5, 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 Dennert.

### APPROVAL OF AGENDA:

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

### OPPORTUNITY FOR PUBLIC COMMENT: None

### ORDINANCE #261 – SECOND READING/ADOPTION:

Moved by Commissioner Fjeldheim, seconded by Gage to adopt Ordinance #261. An Ordinance adding to the Second Revision of Title 4 Zoning, Chapter 4.2015 “Fences”. (Copies of the full Ordinance are available at the Brown County Auditor’s Office or Brown County Planning & Zoning Office during regular business hours). All members present voting aye. Motion carried.

### LANDOWNERS CONCERNED WITH SUMMIT CARBON SOLUTIONS REROUTING PLANS:

Dennis Feickert met with the Commission to share that Summit is trying to figure out a new route, but speculation is they are trying to avoid McPherson County due to their 1-mile setback, where Brown County is 1500 feet. No one has been able to get a map. A resident by Elm Lake was contacted about 3 weeks ago by Summit and he asked for a description of the land, where the pipeline was going to go but they couldn’t give him a land description at that time, he hasn’t heard back from anyone since then. Dennis has been contacted by a few landowners that were contacted to see if they were interested in signing an easement and questioning the route. A meeting was held at Steve Dutenhoffer’s shop, consensus is ‘No’ we don’t want the pipeline. The group of people opposed to the pipeline has grown, and we have the Brown County Commission to thank for digging your heels in and staying on course. The group feels this is a money grab and a multitude of issues such as safety, land disturbance and insurance. Dennis informed the Commission there is a new group formed now called South Dakota Alliance, they are going to be working on legislation and other things to try to strip local government of their ability to pass setback ordinances. Summit Carbon Solutions has hired Lawrence & Schiller advertising company to promote the pipeline in order to save the ethanol industry and anything else they can think of to make this pipeline so great.

Chairman Sutton shared that he reached out to the Planning & Zoning Director to see if they had been provided a new proposed map and they had received nothing.

Jared Bossly shared that he has also had people reaching out to him wondering where things were at or if the deal was dead since it’s been such a long pause but none of us have accepted that this is going away, but every conversation he has had with people it has been ‘No’ and they don’t want this pipeline either. It is not just us a few radicals Farmers that nobody can get along with, which is what we’ve been labeled. Jared commented there are a lot of new faces here today and this is happening all over in all the counties that Summit Carbon is trying to do this and he was glad to see everybody here and also thanked the Commission for what they’ve done but we need to keep this fight up because the people do not want this project and there is a lot of issues, even investor issues. We need to keep fighting the fight.

Chairman Sutton stated that he has also heard that there is going to be an attempt during the legislative session to introduce a bill or several bills that would circumvent the County’s ability to have a final say in Planning & Zoning, setbacks, and all. He commented that we all need to be very diligent and keep an eye on this matter because the last thing we need is the State making decision for Counties on what’s going on within counties – local control is critical in having a say in what happens in the future. Chairman Sutton shared that they hear everyone’s concerns, and the Commission will stay on top of it.

Ed Fischbach shared this new Alliance group has been quoted publicly now in the media and at public meetings that they have 2 goals: First one is to take away all local authority from the Counties and place it in the hands of the State Legislature – we need to be very vigilant and fight back on this. The second goal is that if they have a private company that says they have a 2/3% of people that have signed easements whether they’ve been coerced or did it voluntarily then that company can use the eminent domain procedure on everybody. We are also opposed to this and we’re going to speak out and fight this as well. From their perspective, they have 3 bills that we have

filed with the LRC, that we believe are common sense bills: First one is No Eminent Domain procedure should be implemented on anyone until there's an actual permit granted by the PUC (not just pending it must be granted). The second one is No Surveying of any kind until there is an approved permit granted by the PUC – this is to avoid another situation like what happened at Jared Bossly's place. Third one is very specific that No Eminent Domain should be used for CO2 pipelines – last session there was some opposition to our Bill 1133 because we had other utility groups come in and didn't think it was clear enough and it might affect them so this time, we are being more specific and very clear. All these bills have been filed and sponsored by State Representative Carla Limbs. Ed stated there may be other bills that come down the line but this is what they are proposing at this time and we are going to fight their attempts on their two goals and Ed appreciates Chairman Suttons comments because nobody around here wants anything taken away from local control and Spink County Commission feels the same way and they're going to fight it with everything they have and he assumes all 66 counties in the State of SD ought to be concerned about this – we don't need the State setting a standard Ordinance for every County because each County has their own individual issues. Ed commented that they heard Summit has given Lawrence & Shiller \$1 million to launch a PR Campaign to try to drive this pipeline through and their attempts to get different groups on board with their Alliance: SD Soybean Association is trying to adopt a resolution to support the pipeline; they've approached the Aberdeen Development Corporation; the State Chamber of Commerce President has been all over the State advocating this project; SD Farm Bureau is another one they've tried to get them on board so we need to continue to vigilant and fight back.

Representative Brandie Schaeffbauer asked if we had any ideas on who might be bringing the legislation for taking the local control away from the Counties. She also shared that she has heard they want to put control at the State level for Solar and Wind, so wanted to inform the people of this.

Chairman Sutton stated he has not heard of a particular Legislator that's agreed to introduce the legislation. Ed Fischbach stated they have an idea who might, but we don't know that for sure at this time.

Commissioner Dennert asked Kylie Lange with Summit Carbon Solutions if she had anything to share with the Commission today as far as what the new route is. Kylie responded that the Commission made it clear that you didn't want to be involved in the routing and it was Summits job to find the route, so we've been making a lot of phone calls, talked to a lot of landowners. It is not finalized; they are working on it and have got a lot of options and different routes they can take; once they finalize it, she will get with Planning and Zoning and then come to Commission and talk about the final. The comments are correct that they are making a lot of phone calls and trying to find landowners and they've had a decent amount of success; doing a lot of work Redfield north; but once they have a route, they'll get it to Planning & Zoning through the Conditional Use process, looks like we've got a couple of options that comply with your ordinance.

Dennis Feickert shared that at the last McPherson County Planning & Zoning Board meeting a representative from Summit Carbon Solutions was there and a reference was made that paperwork was nearly done but quite lengthy for Brown County to request a variance. Dennis was wondering if there had been any contact with Planning and Zoning as far as permitting a variance or anything at all to move this process forward. Scott Bader, Planning & Zoning Director replied that he has had 2 meetings with Kylie Lange, but nothing has been submitted or a date for them to be at a Planning & Zoning meeting. Kylie replied that she has spent a month putting the paperwork together and it is going to be a pretty lengthy submission for the Conditional Use Permit, trying to have it close to what would be submitted at the State level, so once it's 100% complete it will be submitted. They have a list put together and know that 85% of it can be done before they have a finalized route. Scott Bader shared that he has an email from Kylie with the list of items they are putting together for future submittal of a Conditional Use Permit; that is all his office has at this time.

Commissioner Fjeldheim commented to Kyle Lange that most of the people here are totally against this project as far as signing any type of easement, there has never been anyone before the Commission in favor of this project and every time you try to go through we have these people that come and say no to it – so if you don't have the easements and you have a 1500 foot setback from the property line how are you going to get through anywhere. Kylie replied that their 1<sup>st</sup> step is working with landowners which we have been doing and have a decent amount of success; them not coming into the Commission meeting and publicly making their neighbors angry doesn't necessarily mean they are against the project; quite a few people actually ask that they don't use their name; then making sure it is a compliant route with the ordinance; it is not an easy task and it is not fast which is why it's been more than a month but they are working on it.

Ed Fischbach shared that at the Farmer's Union Convention last weekend they had a panel discussion on the pipeline and property rights and Brown County Commission was represented by Commissioner Dennert and Spink County had Commissioner Smith and wanted to let everyone know that they did an outstanding job and was well received; they received a standing ovation at the end. Ed wanted to let the rest of the Commission know how well Commissioner Dennert represented them.

Dennis Feickert wanted to share that when he was in the Legislature 15 years ago, they had an attempt back then to strip the counties of their local control of ordinances. This summer there was a summer study on the funding for Counties and how we're going to fund County government going forward. One suggestion was a consolidation of counties; a comment was made that there are 16 counties that are nearing bankruptcy or insolvency so that is something else to keep your one eye on as well because if they pull that off it's easier to bribe five counties that have one Board of County Commissioners than it is to come in front of 25 people that have local control. It has been great to see the people come together; the group has been referred to as the minority but causing all this rift but that's not true because this is going to affect the entire state of South Dakota and local government and local control if we allow this to continue. Dennis encouraged the Commission to keep this on their radar and when the bills come up to attend the Committee hearings in Pierre and speak up so we can still have control of our counties, townships, and our land. Jared Bossly reiterated what Representative Schaeffbauer said it's not just pipeline, its Solar, Wind and if they strip your property rights away Freedom is gone so we all must be watching this. Chairman Sutton shared they will continue to watch and keep track of what goes on during the Legislation in January & February and will report any new news they receive; he thanked everyone for coming in to share their concerns and they will do what they can to preserve landowner rights and make sure we have a voice.

#### MINUTES:

Moved by Commissioner Wiese, seconded by Sutton to approve the Revised General Meeting minutes of November 28, 2023. All members present voting aye. Motion carried.

#### CLAIMS:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the following claims/payroll:

Claims: Professional Fees: Aberdeen Advanced Care Ambulance \$254.30; Aberdeen ED \$1,492.83; Aberdeen Imaging \$486.00; Aberdeen OB/GYN \$30.36; Avera Medical Group Radiology \$386.05; Avera St. Luke's Hospital \$1,994.40; CGI, LLC \$567.50; Christy Griffin-Serr Law Office \$11,796.75; Midwest Pump & Tank \$130.00; Sara J. Zahn \$164.70; Womens Health MFM PBB \$498.39; Zylstra Investigations \$4,375.00. Publishing: Groton Daily Independent \$162.53; McQuillen Creative Group, Inc \$600.00; TDS Media Direct, Inc \$630.00. Repairs & Maintenance: 5D Transport, LLC \$5,433.75; B&B Contracting, Inc \$2,078.58; Dahme Construction \$38,933.82; Dakota Electronics \$1,470.00; Dale Aman \$2,908.17; Dickinson Truck Equipment \$37.75; Interstate Powersystems \$1,750.00; Lang's Audio, TV & Appliance \$332.00; Lawson Products, Inc \$51.46; Leidholt Electric, LLC \$198.98; Nelson Sales & Service, LLC \$45.00; Newman Signs, Inc \$111.95; Pheasantland Industries, Garment Division \$16.50; Precision Kiosk Technologies \$2,700.00; RDO Equipment Co \$2,370.25; Sewer Duck, Inc \$350.00; Smalley Fencing \$17,698.32. Supplies: Aberdeen Chrysler Center \$96.72; Amazon Capital Services, Inc \$379.87; Aramark \$123.43; Bakken Building Maintenance \$500.00; Century Business Products \$181.09; Cole Paper Inc \$221.24; Dacotah Prairie Museum \$75.96; Dakota Fluid Power, Inc \$1,286.65; Dakota Supply Group \$2,773.71; Dickinson Truck Equipment \$1,668.00; Farm Power Mfg. \$25.73; Fastenal Company \$149.45; Faulkton Drug \$32.15; FedEx \$22.15; Gannett Holdings-Ohio \$353.44; Interstate Battery System of South Dakota \$439.85; Karl Emergency Vehicles \$12,870.18; Lawson Products, Inc \$609.67; Leidholdt Tool Sales, LLC \$1,220.08; M & T Fire and Safety \$1,737.85; MacQueen Emergency \$4,475.90; Matthew Bender & Co., Inc \$179.10; Menards \$125.60; Midwest Art Conservation Center \$100.00; Midwest Pump & Tank \$377.07; Napa Central \$14.98; Nelson Sales & Service, LLC \$71.59; Newman Signs, Inc \$1,980.00; Performance Oil \$430.00; Pheasantland Industries, Garment Division \$393.00; Plumbing & Heating Wholesale, Inc \$1,789.39; RDO Equipment Co \$87.28; Rinse & Go Car Wash \$12.00; Runnings \$39.98; Sander's Sew-N-Vac \$209.94; Sherwin Williams \$57.27; Towing Plus \$200.00. Travel & Conference: Best Western Plus Ramkota Hotel \$407.96; Ramkota Hotel Aberdeen \$1,276.88. Utilities: AT&T Mobility \$184.98; CenturyLink \$305.48; Midcontinent Communications \$138.23; Montana-Dakota Utilities Co \$36.94; Northwestern Energy \$1,034.18. Others: Pizza Ranch \$109.84; SD Dept of Revenue & Regulation \$450.00. Payroll: Commission \$4,615.41; Elections \$250.00; Auditor \$11,144.00; Treasurer \$16,216.86; SA \$33,119.20; Maintenance \$11,363.50; Assessor \$15,150.29; Register of Deeds \$9,932.81; VSO \$4,254.09; GIS \$2,643.52; IT \$8,974.46; HR \$4,698.75; Sheriff \$56,207.53; Jail \$76,049.38; Coroner \$621.27; Court Security \$7,607.63; JDC

\$36,784.50; Welfare \$2,336.49; Museum \$11,899.37; Parks/Fairgrounds \$4,918.00; Fair Board \$4,132.22; 4-H \$786.79; Weed \$1,058.37; Planning & Zoning \$7,263.31; Highway \$51,169.13; Dispatch \$37,203.71; Emergency \$4,933.61; 24/7 Sobriety \$2,697.64; Landfill \$17,675.95; FICA \$26,314.66; Medicare \$6,154.19; Discovery\_HSA \$1,739.78; Health Insurance\_Wellmark BCBS \$125,959.38; Dental Insurance\_Delta \$8,441.76; Life Insurance\_Dearborn \$1,057.74. All members present voting aye. Motion carried.

#### HR REPORT:

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

- Hiring of Erislandy Ferrer as Brown County Jail Detention Officer, FT; starting wage \$20.67/hr. – effective December 4, 2023.
- Hiring of Emily Jacob as Brown County Jail Detention Officer, PT; starting wage \$16.76/hr. – effective December 4, 2023.
- Hiring of Jillian Klein as Brown County Appraisal Technician, FT; starting wage \$17.82/hr. – effective December 18, 2023.
- Approve the Holiday's for 2024. Brown County recognizes and observes the following as paid holidays for eligible employees:
  - New Year's Day January 1, 2024
  - Martin Luther King Jr. Day Third Monday in January
  - President's Day Third Monday in February
  - Memorial Day Last Monday in May
  - Juneteenth June 19, 2024
  - Independence Day July 4, 2024
  - Labor Day First Monday in September
  - Native American's Day Second Monday in October
  - Veteran's Day November 11, 2024
  - Thanksgiving Day Fourth Thursday in November
  - Day after Thanksgiving Fourth Friday in November
  - Christmas Eve December 24, 2024
  - Christmas Day December 25, 2024

Plus, any other day that is proclaimed as a holiday by the Governor of South Dakota or the President of the United States.

- If a holiday falls on a Saturday, it is observed on the preceding Friday. If a holiday falls on a Sunday, it is observed on the following Monday. (Sheriff's Deputies, Correctional Officers: Jail, JDC/HD, 24/7, and Dispatchers, who are required to work, are paid for actual Holiday Day).

#### Eligibility for Holiday Pay

- Non-essential Employees
  - Full-time employees = 8 hours for full day; 4 hours for half day
  - Part-time employees = 4 hours for full day; 2 hours for half day
    - Only if it is your scheduled day to work.
- Essential Employees
  - Full-time employees = number of hours worked on holiday at 1.5 times and 8/10/12 hours holiday at regular pay. (Holiday hours depend on regularly scheduled shifts).
    - Ex: 0 hours worked on the holiday, holiday hours = regularly scheduled shift at regular pay
    - Ex: 2 hours worked on holiday at 1.5 times plus holiday hours = regularly scheduled shift at regular pay
    - Ex: 8 hours worked on holiday at 1.5 times plus holiday hours = regularly scheduled shift at regular pay
    - Ex: 10 hours worked on holiday at 1.5 times plus holiday hours = regularly scheduled shift at regular pay
  - Part-time employees = number of hours worked on holiday at 1.5 times and 4 hours holiday at regular pay.
    - Ex: 0 hours worked on the holiday, 0 hours holiday pay

- Ex: 1 hour worked on holiday at 1.5 times plus 4 hours holiday at regular pay
- Ex: 4 hours worked on holiday at 1.5 times plus 4 hours holiday at regular pay
- Ex: 6 hours worked on holiday at 1.5 times plus 4 hours holiday at regular pay

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.

#### ABATEMENTS:

Moved by Commissioner Dennert, seconded by Wiese to approve the following abatement for Tax Deed Sales: Parcel #13884 for tax year 2022 - \$804.57; 2021 - \$1,093.22; 2020 - \$505.71; 2019 - \$499.57; 2018 - \$505.97; 2017 - \$469.14 and 2016 - \$285.25 for a total of \$4,163.43; Parcel #17164 for tax year 2022 - \$5,803.15; 2021 - \$1,870.06; 2020 - \$1,542.57; 2019 - \$689.69; 2018 - \$384.65; 2017 - \$179.90 and 2016 - \$298.60 for a total of \$10,768.55; Parcel #15155 for tax year 2019 - \$10.95; 2018 - \$11.15; 2017 - \$10.79; 2016 - \$11.29; 2015 - \$12.09 and 2014 - \$9.76 for a total of \$66.03. Abatement for Brown County for Parcel #17422 – Exempt Property for tax year 2023 - \$13,0328.68. Abatements for Better Living Homes, LLC for tax year 2023: Parcel #29518 \$493.14; for Bert Wilson for tax year 2023: Parcel #28876 \$5.13; for Shaun Moore for tax year 2023 Parcel #28563 \$4.29 and for tax year 2022 Parcel #28563 \$35.26 and for tax year 2021 Parcel #28563 \$35.60; for Jeffrey Johnson for tax year 2023 Parcel #22634 \$6.56 and for tax year 2022 Parcel #22634 \$6.56 and for tax year 2021 Parcel #22634 \$6.56 and for tax year 2020 Parcel #22634 \$6.44 and for tax year 2019 Parcel #22634 \$23.40. All members present voting aye. Motion carried.

#### TRAVEL REQUESTS:

Moved by Commissioner Fjeldheim, seconded by Gage to approve the following Travel Requests: Gavin Wright from Sheriff's Office to attend Advanced Sexual Assault Investigation on January 16, 2024, in Vermillion; Chris Hemen, Gerald Lehrkamp and Mike Rohrbach from Weed & Pest to attend Van Diest Supply 2023 End-User Seminars on November 29, 2023, in Sioux Falls. All members present voting aye. Motion carried.

#### SET HEARING DATE & AUTHORIZE ADVERTISING FOR RETAIL (ON-OFF SALE) MALT BEVERAGE & SD FARM WINE LICENSES:

Moved by Commissioner Gage, seconded by Fjeldheim to set hearing date and authorize publication for public hearing on the following applications of Retail (On-Off Sale) Malt Beverage and SD Farm Wine License on 27<sup>th</sup> day of December 2023 in the Commission Chambers of the Brown County Commissioners. Stacy Gossman, DBA: Ollie's at 2520 8<sup>th</sup> Ave. NE, Ste. B, Aberdeen, SD - Lot 1, Ronnie's Way Addition to Aberdeen in the NW ¼ of Section 17-T123-T63 of the 5<sup>th</sup> P.M., Brown County, SD; Stacy Gossman, DBA: Annie's at 2520 8<sup>th</sup> Ave. NE, Ste. C, Aberdeen, SD - Lot 1, Ronnie's Way Addition to Aberdeen in the NW ¼ of Section 17-T123-T63 of the 5<sup>th</sup> P.M., Brown County, SD; Stacy Gossman, DBA: Bergyz at 2520 8<sup>th</sup> Ave. NE, Ste. E, Aberdeen, SD - Lot 1, Ronnie's Way Addition to Aberdeen in the NW ¼ of Section 17-T123-T63 of the 5<sup>th</sup> P.M., Brown County, SD; Stacy Gossman, DBA: BigZ at 2520 8<sup>th</sup> Ave. NE, Ste. D, Aberdeen, SD - Lot 1, Ronnie's Way Addition to Aberdeen in the NW ¼ of Section 17-T123-T63 of the 5<sup>th</sup> P.M., Brown County, SD; Stacy Gossman, DBA: Caponez at 2520 8<sup>th</sup> Ave. NE, Ste. F, Aberdeen, SD - Lot 1, Ronnie's Way Addition to Aberdeen in the NW ¼ of Section 17-T123-T63 of the 5<sup>th</sup> P.M., Brown County, SD; Stacy Gossman, DBA: Tinkaz at 2520 8<sup>th</sup> Ave. NE, Ste. H, Aberdeen, SD - Lot 1, Ronnie's Way Addition to Aberdeen in the NW ¼ of Section 17-T123-T63 of the 5<sup>th</sup> P.M., Brown County, SD. 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 Contracts and Personnel 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 Dennert to adjourn the Brown County Commission meeting at 10:09 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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## December 12, 2023 – GENERAL MEETING

Meeting called to order by Vice-Chairman Fjeldheim at 8:45 A.M. in the Commission Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Dennert, Fjeldheim, Gage, and Wiese. Commissioner Sutton was absent. 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: None

### BIDS FOR EXPO ROOF:

Time and place, as advertised to open, read and consider sealed bids for replacing or retrofitting a metal roof on the Holum Expo Building at the Brown County Fairgrounds. Rachel Kippley, Fair/Fairgrounds/Parks Manager wanted to Thank Dean Marske from HKG Architects for his assistance with this project. One bid was received from MEGA Construction with products from Campbell Town & County in the amount of \$658,500.00 for Option #1 to remove and replace the roof: no bid for the retrofitting. Alternate #1 provides contractor to furnish and install 60 mill building flashing between Holum Expo Building and Odde Ice Area transition at the cost of \$4,125.00; Alternate #2 provides contractor to furnish and install roofing contractors alternate building flashing between Holum Expo Building and Odde Ice Area transition at the cost of \$5,980.00; Option #3 provides for contractor to patch and repair existing ceiling in the Holum Expo Building under option #2 cover rib roof retrofit. Contractor to provide allowance for damaged or missing insulation per 100 sq. ft. of replacement furnished and installed at the cost of \$1,600.00, if chose to do the retrofit but they chose not to bid that option. Rachel asked to defer the decision for a week because it is significantly higher than the estimates they received in May, which they knew would happen and asked the Commission to look at the budgets because about double of what they thought it would be. Commissioner Dennert moved to defer the bid for the roof on the Holum Expo for a week, seconded by Wiese. All members present voting aye. Motion carried.

Commissioner Wiese asked for the time frame on this project, Rachel shared they had stated to be done by August 1, 2023. Discussion was held with Kurt Preszler with MEGA Construction and Rich Hilgemann with Campbell Town & County about the time frame and they stated that if start by beginning of May should be completed by August 1<sup>st</sup> plus discussed the plans on what they were looking at doing. Commissioner Dennert asked how long the new roof would approximately last, Rachel stated specs asked for a 20-year warranty.

### REQUEST FOR PROPOSALS FOR BODY CAMERAS & IN CAR CAMERA SYSTEMS:

Time and place, as advertised to open, read and consider proposals for new body cameras and in car camera systems for the Sheriff's Deputies. Dave Lunzman, Sheriff and Jon Lemke, Chief Deputy opened the proposals. All Proposals received were for 5-year contracts, Commissioner Fjeldheim questioned what happens at the end of the 5 years and it was shared they would probably have to start over with new contracts. Proposals received were as follows: Motorola Solutions in the amount of \$174,488.00: \$21,000.00 for the first year and \$38,300.00 for years two through five; Digital Ally in the amount of \$218,168.00: \$51,704.00 for the first year and \$41,616.00 for years two through five; LensLock in the amount of \$152,745.00: \$32,065.00 for first year and \$30,170.00 for years two through five; Axon in the amount of \$105,177.60; Versatarm Visual Labs was \$35,760.00 for first year and recurring years are \$24,480.00; Utility Inc. in the amount of \$170,000: \$68,000 for first year and \$25,500 for years two through five. Sheriff Lunzman asked to defer the decision for a week so they could go over all the proposals. Commissioner Fjeldheim asked if they were familiar with any of them that were common in this area, Sheriff Lunzman and Chief Deputy Lemke shared that Axon is one, Lens Lock is used by the SD Highway Patrol and Motorola is another one. Commissioner Wiese moved to defer the proposals for the body cameras and in car camera systems for a week, seconded by Gage. All members present voting aye. Motion carried. Commissioner Wiese asked Sheriff Lunzman to get information back to the Commission also from the IT Department to make sure in case there are any questions on the capabilities, storage capacity and functionality.

### APPLICATION FOR OCCUPANCY – NORTHERN ELECTRIC:

Moved by Commissioner Wiese, seconded by Dennert to approve the application submitted to provide primary electrical services by Northern Electric for occupancy of Brown County Hwy #16 in Section 5-T123N-R62, Brown County, SD. All members present voting aye. Motion carried.

#### HIGHWAY DEPARTMENT UPDATE:

Dirk Rogers, Highway Superintendent met with the Commission to give them a department update. Dirk shared they have hauled rock to a holding pattern for Rip Rap; graveling in the SW part of the County; going to look at getting some material in place to save on some trucking; may be crushing soon – depends on when receive the crusher – renting as of January 1<sup>st</sup>; cleaning up the backyard and Snowplows are ready to go when needed. Commissioner Dennert shared that he got a call regarding the truck speed by Rolling Meadows on Co. Rd. 13 and asked if a flashing speed limit sign could be posted there and Dirk said they could do that.

#### AUTHORIZE SIGNING OF THE EMPLOYEE UNION CONTRACT:

Moved by Commissioner Wiese, seconded by Gage to authorize Chairman to sign the Employee Union Contract. All members present voting aye. Motion carried.

#### APPROVE & AUTHORIZE SIGNING THE JOINT COOPERATIVE AGREEMENT WITH NECOG FOR 2024

Moved by Commissioner Wiese, seconded by Dennert to approve and authorize Vice-Chairman Fjeldheim to sign the Joint Cooperative Agreement with NECOG for 2024. All members present voting aye. Motion carried.

#### DISCUSS PERSONAL PROTECTIVE EQUIPMENT PILOT PROGRAM:

Allison Tunheim, Human Resources (HR) Director and Scott Meints, Emergency Management (EM) Director met with the Commission to discuss the Personal Protective Equipment (PPE) Pilot Program that is being offered through the SDML Workman's Comp. Allison shared that the goal of the program is to reduce the number of slips and falls work comp claims; SDML shows that approximately 25% of the claims are slips and falls. Focus of the program is where the employees job requires them to be outdoors during the winter months, such as Highway, Landfill, Law Enforcement and Maintenance. Scott informed the Commission thought it would have some good benefits but after looking into it more, there are more questions than answers. A couple of issues are the requirements for the program: employee must sign documentation, follow the policy set forth; employee must wear the PPE for their whole shift. If the employee doesn't wear the PPE and has an accident, then the adjuster could deny the Work Comp claim and the County could be liable or the footwear could damage some flooring and not sure who would be liable for those situations. Plus, the cost is \$30/pair. Scott feels there are too many unknowns at this time, and we are getting push back on the wording "must" and "shall" wear. They don't feel this policy would not be beneficial for Brown County at this time. The recommendation from EM & HR is if the County wanted to do something, to purchase the same style of footwear that is being offered but for a lower cost of around \$15-\$18 and offer the employees that would like them and not sign onto the Pilot Program. Our claims were very low for outside weather related. Commissioner Fjeldheim asked if they needed a certain percentage needed for this pilot program to take off. Scott stated they provided a list of potential departments, which was Sheriff's office, Corrections, Highway, Landfill. Another concern was what happens if a deputy ends up in a foot pursuit and one gets caught or starts coming off and the deputy gets hurt, so who's liable for that situation. Scott offered to purchase some through the Safety Committee, funding from his budget. They did have a deputy test them when we got the little bit of snow, and she was happy with them but again concerned about wearing them inside and possibility of damaging floors. Commissioner Wiese commented that they are offering this Pilot Program to 3 Counties and 3 Cities, and they won't be offended if they are told 'No'; it does heighten awareness and an opportunity for the County to be proactive without mandating the PPE. Commissioner Fjeldheim stated that he doesn't feel the interest is there to implement the program and it is for information only. Commissioner Wiese asked them to provide SDML some feedback and work with the Safety Committee. Scott Meints asked if the Commission would object to his department purchasing a few of the pairs he mentioned, consensus was it would be a good thing to have available and let the employees decide if want to use them at their discretion.

#### MINUTES:

Moved by Commissioner Wiese, seconded by Gage to approve the General Meeting minutes of December 5, 2023. All members present voting aye. Motion carried.

#### CLAIMS:

Moved by Commissioner Wiese, seconded by Fjeldheim to approve the following claims: Professional Fees: Aberdeen Advanced Care Ambulance \$300.68; Avera St. Luke's Hospital \$244.84; CGI, LLC \$1,057.50; Dakota Group LLC \$3,287.24; Faulkton Area Medical Center \$63.63; Helms & Associates \$7,521.26; Horizon Health Care, Inc \$300.36; Language Line Services, Inc \$286.30; Lincoln County Auditor \$574.65; Matthew Bender & Co., Inc \$179.10; Minnehaha County Auditor \$600.74; Park Dietz & Associates, Inc \$742.50; Pauer Sound, LLC \$64.00; Sanford Clinic Aberdeen \$221.52; Sanford Health Occupational Medicine \$216.00; SD Dept of Health

\$1,220.00; Thomson Reuters-West Payment Center \$291.80; Yankton County Sheriff's Office \$100.00; Yankton County Treasurer \$497.20. Publishing: Black Hills Pioneer \$15.04; GateHouse Media South Dakota Holdings, Inc \$1,282.82; Groton Daily Independent \$289.85; Hub City Radio \$300.00; TDS Media Direct, Inc \$380.00; Todd County Tribune/Mellette County News \$53.30. Rentals: Aramark \$355.16. Repairs & Maintenance: A-1 Locksmithing \$36.50; All Over Roofing LLC \$1,836.50; Big Scoop \$20.00; Butler Machinery Company \$2,942.45; Crawford Trucks & Equipment \$3,274.05; Custom Installation Solutions \$85.00; Dakota Pump & Control \$673.47; Dakota Supply Group \$506.32; Diesel Machinery, Inc \$300.00; EcoLab Pest Elimination Division \$125.83; Graham Tire Inc \$26,113.72; Great Western Tire \$55.50; Heartland Heating & Cooling, LLC \$27.06; Montgomery's Furniture Inc \$27,510.90; Olympic Sales, Inc \$546.83; Pantorium Cleaners Inc \$212.64; RDO Equipment Co \$196.41; Safety Service \$8.25; Service Signs Inc \$99.49; Transource Truck & Equipment, Inc \$8,070.74; Valtir, LLC \$369.11. Supplies: Agtegra Cooperative \$56,971.09; Amazon Capital Services, Inc \$785.42; Auto Value Aberdeen \$280.60; Butler Machinery Company \$448.71; Century Business Products \$53.05; Charlee Holt \$173.58; Crawford Trucks & Equipment \$5,153.58; Dakota Electronics \$663.40; Diesel Machinery, Inc \$37,457.72; Farm Tire Service LLC \$800.00; Great Western Tire \$4,942.16; Heartland Heating & Cooling, LLC \$1,326.00; Ken's SuperFair Foods \$36.12; Leidholdt Tool Sales, LLC \$206.59; Linde Gas & Equipment Inc \$111.94; Mac's Inc-Capital One Trade Credit \$62.60; Maggie Holt \$423.58; Matthew Bender & Co., Inc \$115.43; Menards \$235.69; Midstates Group \$847.00; Pantorium Cleaners Inc \$32.00; Performance Oil \$544.00; PharmChem, Inc \$497.25; Pitney Bowes Global Financial Services, LLC \$15,000.00; RDO Equipment Co \$4,382.93; Safety Service \$3,301.53; SD Dept of Transportation \$3,963.77; Transource Truck & Equipment, Inc \$6,487.14; Tyler Business Forms \$1,483.06; US Foods \$9,580.50; Valtir, LLC \$3,424.00. Travel & Conference: Dave Lunzman \$446.00; Karla Nelson \$426.52. Utilities: City of Aberdeen Treasurer \$1,299.57; Economy Propane, LLC \$938.70; Midcontinent Communications \$163.80; Northwestern Energy \$14,215.96; State of South Dakota PMB 0112 \$120.49; Town of Frederick \$192.39; Verizon Wireless \$41.92; WEB Water Development Association, Inc \$245.18. Machinery & Equipment: Transource Truck & Equipment, Inc \$148,500.00. Others: Keith Butterfield \$53.38; SD Assoc of County Officials \$780.00; SD Dept of Agriculture & Natural Resources \$4,680.09; SD Retirement System \$2,008.50; WEX Health Inc \$5,000.00. 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:

- Hiring of Jaycob Aldea De Jesus as Brown County Jail Detention Officer, FT; starting wage \$20.67/hr. – effective December 10, 2023.
- Hiring of Ross Collins as Brown County Jail Detention Officer, FT; starting wage \$20.67/hr. – effective December 10, 2023.
- Hiring of Marty McDermind as Brown County Landfill Heavy Equipment Operator, FT; starting wage \$22.82/hr. – effective December 18, 2023.

All members present voting aye. Motion carried.

#### LANDFILL TONNAGE REPORT:

Moved by Commissioner Gage, seconded by Wiese to acknowledge the Landfill Tonnage Report for November 2023. All members present voting aye. Motion carried.

#### CLAIM ASSIGNMENTS:

Moved by Commissioner Wiese, seconded by Dennert 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.

#### UNCOLLECTIBLE TAXES FOR 2021 & 2022:

Moved by Commissioner Wiese, seconded by Gage to declare the taxes uncollectible on three mobile homes (Parcel #15215, #28574 and #28560) as submitted by Patty VanMeter, Brown County Treasurer. All members present voting aye. Motion carried.

#### OTHER BUSINESS:

District 3 Representative Perry shared with the Commission some information on the Retirement Laws: in 2022 about \$31 million was given to 1344 residents got their retirement checks in Brown County. They have set aside December 12, 2023 General Meeting

14.6 billion dollars set aside so they can continue to make those payments. Rep. Perry commented that he believes South Dakota is the only state that is fully funded at this time.

EXECUTIVE SESSION:

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

ADJOURNMENT:

Moved by Commissioner Wiese, 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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## 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 5<sup>th</sup> P.M., Brown County, South Dakota (13424 379<sup>th</sup> 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 5<sup>th</sup> P.M., Brown County, South Dakota (38314 133<sup>rd</sup> 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 5<sup>th</sup> P.M., Brown County, South Dakota (37824 101<sup>st</sup> Street, Palmyra Twp.). All members present voting aye. Motion carried.

### FAIR CARNIVAL CONTRACT:

Rachel Kippley, 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 3<sup>rd</sup> year option, so if no issues between them we will continue the 3<sup>rd</sup> 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 Kippley, 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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## December 27, 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 Sutton.

### APPROVAL OF AGENDA:

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

### OPPORTUNITY FOR PUBLIC COMMENT: None

#### 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: Ollie's at 2520 8<sup>th</sup> Ave. NE, Ste. B, Aberdeen, SD – Lot 1, Ronnie's Way Addition to Aberdeen in NW ¼ of Section 17-T123-R63 of the 5<sup>TH</sup> 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: Annie's at 2520 8<sup>th</sup> Ave. NE, Ste. C, Aberdeen, SD – Lot 1, Ronnie's Way Addition to Aberdeen in NW ¼ of Section 17-T123-R63 of the 5<sup>TH</sup> 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: Bergyz at 2520 8<sup>th</sup> Ave. NE, Ste. E, Aberdeen, SD – Lot 1, Ronnie's Way Addition to Aberdeen in NW ¼ of Section 17-T123-R63 of the 5<sup>TH</sup> 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: BigZ at 2520 8<sup>th</sup> Ave. NE, Ste. D, Aberdeen, SD – Lot 1, Ronnie's Way Addition to Aberdeen in NW ¼ of Section 17-T123-R63 of the 5<sup>TH</sup> 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 Gage, 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: Caponez at 2520 8<sup>th</sup> Ave. NE, Ste. F, Aberdeen, SD – Lot 1, Ronnie's Way Addition to Aberdeen in NW ¼ of Section 17-T123-R63 of the 5<sup>TH</sup> 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: Tinkaz at 2520 8<sup>th</sup> Ave. NE, Ste. H, Aberdeen, SD – Lot 1, Ronnie's Way Addition to Aberdeen in NW ¼ of Section 17-T123-R63 of the 5<sup>TH</sup> P.M., Brown County, SD. All members present voting aye. Motion carried.

### AWARD BID FOR TUCKPOINTING PROJECT:

Judy Dosch, Building Superintendent met with the Commission to discuss her recommendation on the Tuckpointing Bid. Judy recommended accepting the bid from Building Restoration Corporation for \$738,233.00, which includes the base bid of \$692,283.00 plus alternate #2 for \$45,950.00. Moved by Commissioner Gage, seconded by Dennert to approve the bid from Building Restoration Corporation for a total of \$738,233.00. All members present voting aye. Motion carried.

### COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) – DRAWDOWN REQUEST #2:

Moved by Commissioner Wiese, seconded by Fjeldheim to authorize Chairman Sutton to sign the Drawdown Request #2 for a total of \$558,493.93. All members present voting aye. Motion carried.

#### PUBLIC PROGRESS HEARING:

Moved by Commissioner Gage, seconded by Wiese to approve and authorize publication for the Public Progress Hearing on the Brown County YMCA Youth Development Center Building Addition Project to be held on January 23, 2024. All members present voting aye. Motion carried.

#### MINUTES:

Moved by Commissioner Wiese, seconded by Gage to approve the General Meeting minutes of December 19, 2023. All members present voting aye. Motion carried.

#### CLAIMS:

Moved by Commissioner Wiese, seconded by Fjeldheim to approve the following claims/payroll: Claims: Professional Fees: Aberdeen Advanced Care Ambulance \$254.30; Avera St. Luke's Hospital \$389.45; Blackburn & Stevens, Prof. LLC \$364.46; Brick's TV and Appliance \$1,037.50; CenturyLink-Lumen \$179.32; Christy Griffin-Serr Law Office \$2,086.50; Horizon Health Care, Inc \$222.37; Kristi Brandt \$132.05; Lucy Lewno \$170.00; Mark Katterhagen \$18.00; Northeastern Mental Health Center \$27,702.00; Sanford Health Occupational Medicine \$47.00; Sara J. Zahn \$144.40; State Bar of South Dakota \$3,240.00; US Bank Visa \$2,700.32; Valerie Larson \$18.00; Yankton County Sheriff's Office \$100.00. Publishing: GateHouse Media California Holdings, Inc \$259.47; Groton Daily Independent \$47.46; The Argus Leader \$20.63. Repairs & Maintenance: B&B Contracting, Inc \$5,993.81; Butler Machinery Company \$776.00; J&K Painting \$973.58; K&S Plumbing, Inc \$3,046.83; Nelson Sales & Service, LLC \$137.89; Northern Electric \$15,000.00; US Bank Visa \$1,299.51. Supplies: Amazon Capital Services, Inc \$108.75; Brown County Treasurer \$5.01; Cole Paper Inc \$3,436.79; Fire Safety First LLC \$19.60; Kessler's \$36.04; Lucy Lewno \$6.63; Marco Technologies, LLC \$41.71; McLeod's Printing & Office Supply \$1,595.00; Menards \$100.77; PharmChem, Inc \$1,282.34; Panther Premier Print Solutions \$202.84; Runnings \$135.30; Sandy Woytassek \$18.75; US Bank Visa \$9,946.08. Travel & Conference: Carrie Weisenberger \$37.32; Dale Kurth \$117.21; David North \$114.45; Doug Fjeldheim \$190.74; Drew Dennert \$275.40; Duane Jark \$18.87; Duane Sutton \$104.04; James Meyers \$22.95; National Assessment Center Association \$600.00; Patrick Keatts \$25.10; Paul Johnson \$100.68; Stan Beckler \$19.59; US Bank Visa \$1,964.87. Utilities: Dependable Sanitation, Inc \$348.00; US Bank Visa \$3,174.84; Verizon Wireless \$201.96. Payroll: SA \$5,218.40; Assessor \$2,515.60; IT \$5,012.00; HR \$712.40; Sheriff \$4,383.20; Jail \$5,266.40; JDC \$3,788.30; Museum \$6,145.60; Parks/Fairgrounds \$1,084.00; Fair Board \$1,713.60; 4-H \$629.60; Highway \$9,722.20; Dispatch \$1,779.20; Emergency \$1,779.20; 24/7 Sobriety \$1,356.00; Landfill \$4,469.60; FICA \$3,445.69 and Medicare \$805.87. 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:

- Reclassification of Jail Records Technician from a Grade 10 to a Grade 11; effective December 24, 2023.
- Reclassification of Records Technician from a Grade 10 to a Grade 11; effective December 24, 2023.
- Promotion of Wes Graff from Brown County Sheriff Office Investigator to Brown County Sheriff Office Senior Investigator, starting wage \$32.40/hr.; effective December 24, 2023.
- Payment of retirement award for Kendall Titze in the amount of \$150.00 before taxes, requirement was met.
- Request to fill Brown County Highway Heavy Equipment Operator, FT.
- Wage increases as submitted effective December 24, 2023 for a pay date of January 12, 2024. **Per Pay Period - Commissioners**: Duane Sutton @ 988.81; Drew Dennert @ 941.27; Doug Fjeldheim @ 941.27; Mike Gage @ 941.27; Mike Wiese @ 941.27. All eligible employees **per hour**: Lynn Heupel @ 39.62; David Engraf @ 24.09; Janel Hettich @ 29.35; Stephanie Jacobson @ 22.93; Joshua Walberg @ 30.08; Patricia VanMeter @ 39.62; Dorene Borchard @ 30.83; Tracy Engquist @ 21.82; Jolene Forsting @ 29.35; Lori Goldade @ 19.11; Elizabeth Hovendick @ 21.29; Erin Kumpf @ 20.77; Jo Sheffield @ 21.82; Brandy Trusty @ 20.77; Karly Winter @ 56.95; Ross Aldentaler @ 43.57; Mark Anderson @ 36.65; Tuckor Anderson @ 36.65; Christine Haggerty @ 21.29; Penny Hart @ 29.35; Adelaide Mouna @ 25.31; Karla Nelson @ 38.51; Jessica Rychlik @ 21.29; Jennifer Stoddard @ 42.51; Sara Swisher @ 26.59; Judy Dosch @ 35.76; Jon Daschel @ 16.00; Monty Forsting @ 18.82; Macy Mikkelsen @ 16.00;

Joel Randall @ 17.91; Jason Reed @ 16.00; Mickey Schulz @ 21.82; Sally Swanson @ 16.00; Randy Zens @ 30.08; Gene Loeschke @ 35.76; Kathy Fischer @ 27.93; Jillian Klein @ 18.82; Joe Kraft @ 25.94; Barry Kusler @ 27.25; Russell Metz @ 30.83; Stephanie Morgan @ 21.29; Sarah Swenson @ 29.35; Mariann Malson @ 39.62; Anne Dohman @ 21.29; Andrew Janusz @ 21.82; Martha Stohr @ 20.77; Cindy Woodford @ 26.59; Aaron Walberg @ 30.83; Jesse Milbrandt @ 25.31; Scott Madson @ 34.89; Pat Wolberg @ 46.92; Allison Tunheim @ 38.51; Jessica Johnson @ 23.50; Dave Lunzman @ 49.52; Jon Lemke @ 41.47; Keith Baker @ 30.08; Austin Ball @ 26.59; Kristin Barstad @ 25.31; Brandon Black @ 29.35; Daniel Bray @ 28.63; Bryan Gordon @ 26.59; Wes Graff @ 32.40; Michael Hill @ 32.40; Sam Hoppock @ 26.59; Doreen Howell @ 20.26; Linn Kamin @ 29.35; Joseph Kretchman @ 26.59; Joshua Lee @ 26.59; Ermelinda Marcuson @ 28.63; Brandon Mills @ 27.93; Erin Spencer @ 27.25; Sandra Woytassek @ 26.59; Gavin Wright @ 30.83; Lynn Zacher @ 20.77; Jaycob Aldea De Jesus @ 21.82; Neil Bittner @ 24.69; Carlos Caraballo Rodriguez @ 21.82; Alondra Caraballo-Sambolin @ 21.82; Ross Collins @ 21.82; Kyle Couchey @ 24.69; William Esser @ 21.82; Erislandy Ferrer @ 21.82; Shanae Florence @ 21.82; Chase Galbraith @ 21.82; Lesli Geranen @ 26.59; Taylor Harman @ 21.82; JoAnn Hatzenbeller @ 17.91; Monica Hein @ 33.21; Danica Hillestad @ 22.93; Paige Hull @ 21.82; David Hunter @ 24.69; Emily Jacobs @ 21.29; Tina Jacobs @ 21.29; Michael Janes @ 20.26; Makayla Jenniges @ 26.59; Scott Kolb @ 24.69; Everett Krueger @ 21.82; Heather Kulwicki @ 21.82; James Marnette @ 21.82; Molly McClellan @ 21.82; Jeree Meyers @ 24.69; Cynthia Mitchell @ 28.63; Sam Mouna @ 35.76; Cheyenne Neck @ 21.82; Tyler Richards @ 21.82; Luis Rivera Colon @ 21.82; Jonathan Roberson @ 21.82; Merari Salazar-Aguilar @ 21.82; Angela Senger @ 24.69; Kandi Shantz @ 21.29; Patricia Slutts @ 21.82; Nathan Smith @ 30.83; Jason Stichka @ 21.82; Jerremias Vega IV @ 21.82; Brittany Watts @ 20.26; Terrence Evans @ 31.61; Russell Ochsner @ 25.94; Anthony Sorenson @ 28.63; Jacob Carrillo @ 22.37; Kymberly Gasser @ 21.82; Julie Hermansen @ 21.29; Denica Jones @ 21.82; Troy Knebel @ 26.59; Jennifer Kolb @ 22.37; Johann Kolb @ 22.37; Makendra Ochsner @ 21.82; Cody Richards @ 21.82; Rhaecine Sam @ 21.82; Savanna Simon @ 21.82; Jerremias Vega @ 22.93; Caid Verzani @ 21.82; Stacie Wasem @ 27.93; Ellie Weinmeister @ 22.37; Rachel Wilson @ 27.93; Roxanne Hilgenberg @ 30.83; Patricia Kendall @ 30.83; Kristin Boeshans @ 22.93; Brandon Duxbury @ 22.93; Jennifer Hopkins-Entzel @ 17.82; Levi Margolies @ 17.82; Marianne Marttila-Klipfel @ 23.50; Alaina Perry @ 17.82; Sherri Rawstern @ 24.09; Joe Kaven @ 22.93; Daniel Schlosser @ 24.09; Rachel Kippley @ 35.76; McKenzie Bierman @ 25.94; Stacey Usselman @ 20.77; Christopher Hemen @ 27.93; Cliften Bader @ 43.57; Ronald Keller @ 25.94; Dorion Anderson @ 25.94; Dirk Rogers @ 43.57; Jerome Akin @ 21.82; Jerry Bjerke @ 21.82; Cindy Eppard @ 21.82; John Florey @ 30.83; Troy Grote @ 22.93; Charles Gruenstein @ 22.93; Matthew Heupel @ 29.35; Casey Jensen @ 25.31; Nicholas Juenger @ 25.31; Joseph Keough @ 22.37; Kyle Kost @ 22.93; Gerald Lehrkamp @ 25.31; Joshua Matthews @ 29.35; Brad Nehlich @ 24.09; Darrin Olson @ 21.82; Dwain Otte @ 22.37; John Peterson @ 21.82; Kurt Pigors @ 25.31; Michael Rohrbach @ 24.09; Jeffrey Seiler @ 21.82; Joshua Ulmer @ 23.50; Brian Wagemann @ 21.82; Paul Wipf @ 25.94; Dean Zumbaum @ 25.31; Kenton Jones @ 39.47; Sarah Jesz @ 33.21; Dawn Allam @ 29.35; Jill Crosby @ 24.69; Jordenne Ducheny @ 23.50; Logan Flack @ 24.09; Aaron Gasser @ 29.35; Sierra Kamin @ 24.09; Nichole Krenz @ 24.09; MaKayla Madsen @ 24.09; Haydn Podoll @ 24.69; Candance Rohrbach @ 26.59; Joshua Sitarz @ 22.93; Tonya Walth @ 28.63; Abby Wentz @ 22.93; Scott Meints @ 35.76; Patti Woods @ 29.35; Ryan McClain @ 22.37; Maggie Bell @ 17.26; Henry Fulda @ 18.33; Michael Scott @ 35.76; Jarell Arndt @ 24.69; Robert Baumgartner @ 25.31; Jason Kallenberger @ 25.31; Rhonda Kvernevig @ 19.11; Terry Lout @ 25.31; Marty McDermand @ 24.09; Mark Milbrandt @ 19.11; Hunter Miller @ 19.11; Steven Ramsdell @ 19.11; Tobias Stugelmayer @ 19.11.

- Side Note: Kelsi Vinger with the Brown County State's Attorney office, JDAI, wage as of December 24, 2023, \$56,686.39/year plus \$7,438.11/year for the grant, for a total of \$64,124.50/year; effective December 24, 2023. The grant is scheduled to end on June 30, 2024; at that time \$7,438.11 will be subtracted from the annual wage.

All members present voting aye. Motion carried.

#### AUTO BUDGET SUPPLEMENTS:

Moved by Commissioner Dennert, seconded by Wiese to increase spending authority and estimated revenue in the following funds for unanticipated reimbursement for expenditures: Fund #101.4.331.97 @ \$13,026.75, #101.5.151.411 @ \$13,026.75 (SVAWA); Fund #101.4.37300 @ \$2,100.06, #101.5.512.42518 @ \$2,100.06; Fund #101.4.34555 @ \$114,000.00, #101.5.524.42500 @ \$114,000.00; Fund #201.4.33402 @ 544,869.85,

#201.5.311.42501 @ \$544,869.85; Fund #238.4.33100 @ \$2,202.85, #238.5.158.421 @ \$38.86; #238.5.158.42600 @ 14.99, #238.5.158.42700 @ \$2,149.00 (JDAI); Fund #238.4.33100 @ 7,693.74, #238.5.155.41100 @ \$5,960.61, #238.5.155.41210 @ \$369.60; #238.5.155.41220 @ \$86.46; #238.5.155.42700 @ \$ 1,277.07 (Court Resource Home); Fund #248.4.33400 @ \$10,000, #248.5.212.41100 @ \$10,000.00 (24/7). All members present voting aye. Motion carried.

#### CONTINGENCY TRANSFERS:

Moved by Commissioner Gage, seconded by Wiese to increase spending authority (no cash): Fund #101.5.XXX.422.99: 142 Treasurer @ \$35,000.00; 153 Court Appointed Attorney @ \$23,000.00; 166 Predatory Animal @ .01; 172 Human Resources @ \$28,000.00; 421 County Nurse @ \$293.00; 441 – Mentally Ill @ \$8,500.00; 445 MI Board @ \$20,108.25; 512 Museum @ \$60,000.00; 522 Parks @ \$3,500.00; 523 Fairgrounds @ \$15,000.00; 711 P & Z @ \$27,000.00; 248 24/7 @ \$5,000.00. All members present voting aye. Motion carried.

#### ZONING ORDINANCES - SET HEARING DATE/AUTHORIZE ADVERTISING:

Moved by Commissioner Dennert, seconded by Gage to set hearing date and authorize advertising for first reading of the following zoning ordinances to be held January 16, 2024 in the Commissioner's Chambers, Courthouse Annex, Brown County, SD: Proposed Ordinance 265, applicant William Wulff for the purpose or rezoning the property from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use: Lot 1, "Wulff First Subdivision" in the SE 1/4 of Section 7-T123N-R62W of the 5<sup>th</sup> P.M., Brown County, South Dakota (13159 395<sup>th</sup> Avenue, Bath Twp.). All members present voting aye. Motion carried.

#### PLATS:

##### Resolution #59-23

Commissioner Fjeldheim brought the following resolution "Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing: "TRUEBENBACH ADDITION IN THE SE ¼ OF SECTION 2, TOWNSHIP 127 NORTH, RANGE 62 WEST OF THE 5TH P.M. BROWN COUNTY, SOUTH DAKOTA" having been examined is hereby approved in accordance with provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof." Seconded by Wiese. All members present voting aye. Resolution adopted.

##### Resolution #60-23

Commissioner Fjeldheim brought the following resolution "Be it resolved by the Board of County Commissioners of Brown County, South Dakota, that the plat showing: "EDWARD HOFER FIRST ADDITION IN THE S ½ OF SECTION 6-T123N-R62W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" having been examined is hereby approved in accordance with provisions of SDCL 11-3, and any amendments thereof." Seconded by Wiese. All members present voting aye. Resolution adopted.

##### Resolution #61-23

Commissioner Fjeldheim brought the following resolution "Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing: "J AND J BROTZEL ADDITION IN GOVERNMENT LOT 1 IN THE NW ¼ OF SECTION 7, TOWNSHIP 126 NORTH, RANGE 65 WEST OF THE 5TH P.M. BROWN COUNTY, SOUTH DAKOTA" having been examined is hereby approved in accordance with provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof." Seconded by Wiese. All members present voting aye. Resolution adopted.

##### Resolution #62-23

Commissioner Fjeldheim brought the following resolution "Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing: "D. FEICKERT ADDITION IN THE NW ¼ OF SECTION 21 TOWNSHIP 124 NORTH, RANGE 64 WEST OF THE 5TH P.M. BROWN COUNTY, SOUTH DAKOTA" having been examined is hereby approved in accordance with provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof." Seconded by Wiese. All members present voting aye. Resolution adopted.

#### CLAIM ASSIGNMENTS:

Moved by Commissioner Gage, 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.

**TOWNSHIP BOND:**

Moved by Commissioner Wiese, seconded by Gage to approve the Township Bond (Treasurer & Clerk) for Aberdeen #20 – Heather Basham, James Kunkle. All members present voting aye. Motion carried.

**DISCUSS CERTIFICATES OF DEPOSITS:**

Discussion was held regarding two Certificates of Deposits that mature on December 30, 2023. Patty VanMeter is going to check to see what the new interest rate would be if they are renewed. Commissioner Fjeldheim, mentioned to look into alternative sources to get a higher interest rate. This discussion was postponed until January 9, 2024.

**OTHER BUSINESS:** None

**EXECUTIVE SESSION:** None

**ADJOURNMENT:**

Moved by Commissioner Wiese, seconded by Dennert to adjourn the Brown County Commission meeting at 9:02 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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