

JANUARY 23, 2024 – 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 Dennert. All members present voting aye. Motion carried.

OPPORTUNITY FOR PUBLIC COMMENT:

Ed Fischbach wanted to share some information regarding the comments made last week by Brent Gabler regarding Glacial Lakes being fined or having to close if the CO2 Pipeline isn't passed. Ed informed the Commission that Jared McEntaffer testified under oath at the PUC Hearings when asked if the SD Ethanol Producers Assoc. had told him they needed the pipeline in order to be successful; McEntaffer said 'No they did not'. Also, the CEO & Chief Lobbyist in Washington D.C. for the Renewable Fuels Assoc., David Halberg said the Ethanol Industry is no going anywhere and they should stop saying that. He shared that as of 2009 Glacial Lakes has received \$4,251,696.00 in refunds from sales and excise tax credits. \$3,954,333.00 million of that was received at the Aberdeen Ethanol Plant. Ed commented that when Glacial Lakes is in here stating they can't survive and they are making record profits on the dividends that they returned, we need to keep this in mind. Ed said to also remember that not all Ethanol Plants have signed up for this pipeline.

Dennis Feickert also commented that yes people have the right to sign an easement, but the people also have a right to say no, also. The Ethanol plants that didn't sign up for the pipeline must have a lower score or have other means to get the score down. Mr. Gabler alluded to the fact of the tax credits and it's all about the money. Dennis commented that sooner a resolution can be passed the better; he was contacted by three other counties that are interested and would like a copy of the resolution.

PUBLIC PROGRESS HEARING ON BROWN COUNTY YMCA YOUTH DEVELOPMENT CENTER BUILDING ADDITION PROJECT:

Ted Dickey with NECOG and Mike Quast with YMCA met with the Commission to give an update on the progress of the YMCA Addition to the Youth Development Center. Ted informed Commission that they received \$770,000 in Community Development Block Grant (CDBG) for the YMCA to build the addition to the Youth Development Center. One requirement of the Grant is to hold a Public Progress Hearing. Mike shared that everything is on schedule, and they will be able to add 185 state licensed spots from school age children down to 6 weeks old and they are set to open before the next school year. YMCA is entering into an agreement with Northern State University (NSU) to run some of the curriculum out of the expansion for 2-year degree in Early Learning Education. Chairman Sutton commented that Brown County is glad to be a partner in this, good and necessary project, that will benefit a lot of people in Aberdeen.

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) – DRAWDOWN REQUEST #3:

Moved by Commissioner Gage, seconded by Dennert to approve and authorize Chairman Sutton to sign the Drawdown Request #3 for a total of \$69,893.59. All members present voting aye. Motion carried.

FAIR CONTRACTS:

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

AGREEMENT WITH SD FARMER'S UNION – AG EDUCATION CENTER:

Rachel Kippley, Fair/Fairgrounds/Parks Manager informed the Commission that she is moving forward with the agreement with SD Farmer's Union to have an Ag Education Center during the week of the Fair only. Samantha Olson with SD Farmer's Union has been working on obtaining Grants to fund this project and it is looking positive for 2024 Fair. SD Farmer's Union would receive naming rights due to installing concrete floor, updating the electrical and water that they need in the current Poultry Barn to create the Ag Education Center. Proposed name is Farmer's Union Agriculture Expo. Then the SD Farmer's Union would be allowed to use the building throughout the year for four other events. Rachel shared that she will have a final draft to submit for approval and signature next week.

FREEDOM OF INFORMATION FEES (FOIA):

Further discussion was held regarding the FOIA fees. Auditor Heupel shared what she gathered from other counties, but it can vary from a 10-minute job to several hours depending on the request along with different media usages for the information as well. After further discussion Commissioner Fjeldheim mentioned to charge a per page fee for jobs under an hour, anything over an hour we charge an hourly rate. No decision was made at this time, Auditor Heupel will continue to gather more information and present it at a later date.

GRANT FOR TUCKPOINTING PROJECT:

Moved by Commissioner Gage, seconded by Fjeldheim to authorize Chairman Sutton to sign the grant application contingent upon approval from the State's Attorney. All members present voting aye. Motion carried. Ross Aldentaler, States Attorney Deputy reviewed the document and approved the grant application.

PROTECT LOCAL CONTROL RESOLUTION:

Commissioner Dennert gave the Commission an update but did not present a Resolution at this time because it has not been introduced on the Legislative Floor at this time. The proposal is a 250-foot set-back statewide unless it is within 2 miles from an Ethanol plant – then it would be a 50-foot set-back, which would eliminate any County Ordinances, so we want a chance to oppose this. Dennis Feickert mentioned to get the Resolution to the SD Association of County Commissioners so they can get it to the other counties and when it gets assigned to a committee, they can defend it. Chairman Sutton share it would be better to be proactive instead of reactive and when introduced and scheduled for a Committee hearing that's when we need to get the Resolution to them. Commissioner Dennert is going to finalize the draft and present it at the next meeting.

MINUTES:

Moved by Commissioner Gage, seconded by Dennert to approve the January 16, 2024 General Meeting Minutes. All members present voting aye. Motion carried.

CLAIMS:

Moved by Commissioner Fjeldheim, seconded by Gage to approve the following Claims: Insurance: SD Public Assurance Alliance \$647.73. Professional Fees: Aspire, Inc \$10,000.00; CGI, LLC \$1,353.75; Credit Collections Bureau \$2,089.96; Dependable Sanitation, Inc \$28,544.20; Dial-A-Move \$90.00; Grant County 4-H \$12.00; LexisNexis Risk Data Mgt, LLC \$400.00; Northern Plains Psychological Associates, LLC \$225.00; Sanford Health \$6,574.00; SDSU Extension \$92.40; Siegel, Barnett & Schutz \$2,812.50; Zylstra Investigations \$720.00. Publishing: Aberdeen Community Theatre \$700.00; Gannett South Dakota LocaliQ \$1,291.83; Groton Daily Independent \$212.84; Midstates Group \$570.00; N.W. Blade \$166.00. Rentals: Advantage Self Storage \$633.65; Linde Gas & Equipment Inc \$50.60; Northern Electric \$1,200.00. Repairs & Maintenance: Diesel Machinery, Inc \$10,524.30; Leidholt Electric, LLC \$658.22; LensLock Inc. \$32,065.00; Olson's Pest Technicians \$190.00; Soil Technologies, Inc \$8,898.00; Titan Machinery \$3,197.50. Supplies: Amazon Capital Services, Inc \$81.77; Artz Equipment, Inc \$33.98; Avera LTC Pharmacy Aberdeen \$195.15; Century Business Products \$365.01; Cole Paper Inc \$322.17; Dakota Supply Group \$48.17; Diesel Machinery, Inc \$19,208.45; Election Systems & Software \$713.62; Farm Power Mfg. \$50.20; Fastenal Company \$253.89; Geffdog Designs \$150.00; Graham Tire Inc \$613.36; Hall Sand & Gravel, Inc \$22,502.38; Midstates Group \$3,500.65; NVC \$27.09; The Electric Company of SD \$600.00; Thomson Reuters-West Payment Center \$1,894.62; Titan Machinery \$278.25. Travel & Conference: Dave Lunzman \$336.00. Utilities: City of Hecla \$205.80; James Valley Telecommunications \$209.10; Northwestern Energy \$3,994.05; NVC \$3,769.78; State of South Dakota PMB 0112 \$181.31; Verizon Wireless \$1,412.45. Others: Andax Industries LLC \$1,065.28; Avera Addiction Care Center \$25,000.00; NESDCAP \$2,500.00; Safe Harbor \$679.84; WEX \$3,000.00. 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:

- Resignation of Gavin Wright, Brown County Sheriff Department Investigator; effective January 30, 2024. Request to fill.
- Employment ending for Denica Jones, Brown County JDC Detention Officer; effective January 27, 2024. Request to fill.
- Retirement of Barry Kusler, Brown County Equalization Real Property Appraiser; effective March 1, 2024.

- Transfer of Cody Richards from Brown County JDC Detention Officer to Brown County JDC Overnight Sergeant, FT, starting wage \$25.94/hr.; effective January 21, 2024. Request to fill.
- Transfer of Keith Baker from Brown County Deputy Sheriff to Brown County Sheriff Department Sergeant, FT, starting wage \$33.21/hr.; effective January 21, 2024.
- Transfer of Rachel Wilson from Brown County JDC Administrative Sergeant to Brown County Assistant Jail Administrator, moving from hourly to salary, \$2,466.75/pay period; effective January 21, 2024.
- Transfer of Tina Jacobs and Emily Jacobs from PT Brown County Jail Detention Officer to FT Brown County Jail Detention Officer; effective January 21, 2024.
- Hiring of Jennifer Gunckel as Brown County Jail Control Room Attendant, PT, starting wage \$19.29/hr.; effective January 23, 2024.

All members present voting aye. Motion carried.

LEASE AGREEMENTS:

Moved by Commissioner Dennert, seconded by Gage to approve and authorize the Chairman to sign the following lease agreements: ND Country Fest for lease of the Holum Expo Building, Double Stage, Bleachers, Chairs & Tables on March 29, 2024 for Your Town Tour Concert; Liebelts RV for lease of the Holum Expo Building on March 11-24, 2024 for Liebelt's RV Show; Wiedebush Farms for lease of the Club House on October 12, 2024 for a Wedding; Aberdeen Home Builders for lease of the Holum Expo Building on March 8-10, 2024 for Home Builder's Show. 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.

ZONING ORDINANCES – SET HEARING DATE/AUTHORIZE ADVERTISING:

Moved by Commissioner Gage, seconded by Dennert to set hearing date and authorize advertising for first reading of the following zoning ordinances to be held February 13, 2024 in the Commissioner's Chambers, Courthouse Annex, Brown County, SD: Proposed Ordinance 266, applicants Alvin & Nancy Haugen for the purpose or rezoning the property from Mini-Agriculture Preservation District (M-AG) to Lake Front Residential District (R-3) to bring this parcel into compliance for its current use: Lot 2, "Brock Fischer First Richmond Lake Addition" in the NE 1/4 of Section 23-T124N-R65W of the 5th P.M., Brown County, South Dakota (127277 West Shore Drive, Ravinia Twp.). All members present voting aye. Motion carried.

ABATEMENTS:

Moved by Commissioner Fjeldheim, seconded by Sutton to approve the following abatements for tax year 2024: Parcel #12622 - \$41.68; Parcel #13169 - \$41.68; Parcel # 17164 - \$41.68; and Parcel #22455 - \$41.68. All members present voting aye. Motion carried.

AUTHORIZE ADVERTISING FOR THE 2024 MICRO-SURFACING PROJECT BID:

Moved by Commissioner Gage, seconded by Fjeldheim to authorize advertising public hearing to open, read and consider bids for Micro-surfacing project at 8:45 a.m. on Tuesday, February 13, 2024 in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Specifications may be viewed and obtained at www.questcdn.com by entering QuestCDN project number 8938832. All members present voting aye. Motion carried.

EXECUTIVE SESSION:

Moved by Commissioner Fjeldheim, seconded by Gage to go into executive session to discuss Personnel, 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.

OTHER BUSINESS:

Auditor Heupel informed the Commission that she heard back from Lynn Bren with SD Public Assurance Alliance; she was contacted by Risk Management with the State, and she is working on compiling their concerns and position in regard to the 4-H MOU.

ADJOURNMENT:

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

Lynn Heupel, Brown County Auditor

Published January 31, 2024, at the total approximate cost of \$_____ and may be viewed free of charge at www.sdpublicnotices.com.