

## FEBRUARY 13, 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, 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:

Dennis Feickert wanted to inform the Commission that things are not going well at the Legislative Session regarding the CO2 Pipeline. He asked the Commission to look at SB201 and specifically section 16 of that bill because it removes the Counties opportunity to have any control to put setbacks in place for pipelines, wind towers, solar panels, etc. Dennis encouraged the Commission to testify when it hits the floor, to stand up for the local people. Under Governor Farrar (1969-1971) Planning Districts were implemented to help the Counties do Ordinances and now they are wanting to cut the counties out.

### ORDINANCE #256 – FIRST READING:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the First Reading of Proposed Ordinance #266. Applicant Alvin & Nancy Haugen requesting to rezone from Mini-Agriculture 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 ¼ of Section 23-T124N-R65W of the 5<sup>th</sup> P.M., Brown County, South Dakota (127277 West Shore Drive; Ravinia Twp.). All members present voting aye. Motion carried.

### BROWN COUNTY FAIR FOUNDATION – ANNUAL REPORT:

Laura Siefken, BCF Foundation President and Jeff Kippley met with the Commission to give them an Annual Report. Laura shared that they are up to 13 members currently on the board; she was appointed President and Vice-President is Chad Locken. They raised funds for the permanent Playground set that was installed and dedicated in 2023. Since the Foundation has started, they have sold 50 benches, 5 picnic tables and 62 parking lot signs. Recently, they put together a Livestock Committee whose purpose will be to look the buildings and give a livestock perspective to them to see what needs to be addressed. They will be having their Hall of Fame Banquet in March, after this they will have 32 total inductees. Different ways the Foundation is raising funds by doing concessions at events at the Fairgrounds such as the Dwarfanators last year; this year they will be doing the Your Town Tour - Concert with Tracy Byrd in March and then the Dwarfanators will be returning this year, too. Jeff Kippley thanked the Commission for making it a policy that the Fair Foundation gets first chance to do the events held at the Fairgrounds. Jeff went over the financials with the Commission; current balance is \$82,000.00; for assets they have Picnic Table Racks, he shared they have over 40 Picnic Tables but only sold name plates to 5 thus far and they purchased a Storage Container to store their items. The net savings for 2023 was \$54,185.00. The Fair Foundation is wanting to generate income outside County General Funds to help with improvements at the Fairgrounds such as Home Arts Building; Club House; Grandstands; Bathrooms, etc. In July, the Foundation will be donating 350 folding chairs that they are receiving. Jeff shared that the Fair Board has asked them to look into the curtains that are used during the Fair to separate the vendors instead of renting and having to make the trip to pick-up and return them each year. Commissioner Wiese commented that he appreciates all the effort of the Foundation is putting in both in fundraising and building momentum. He hopes that they will be able to get some Long-Term Endowments and be able to do some of the bigger improvements that are needed. Chairman Sutton shared that he sits on this Board and that all the members are dedicated and hard-working.

### ALCOHOL LICENSE:

Laura Siefken, BCF Foundation President shared that they would like to get approval to have liquor sales for the 2 nights of Rodeo, it would not be a full bar. Laura mentioned that the Fair lost sponsorship with Pendelton Whiskey so hoping this could possibly bring them back. The alcohol would be under the VIP Tent on the East side. It was approved by the Brown County Fair Board; Laura shared they have done the research on the insurance, liability and getting the volunteers to bartend. Commissioner Fjeldheim asked what time frame they are looking at for serving; Laura stated open from 6pm then cut-off sales when the Bull Riding begins. Commissioner Dennert asked if they had an estimated potential revenue, Jeff Kippley shared he would estimate \$5,000.00 - \$20,000.00 in the two nights. Mike Hermans, representing the Boys & Girls Club stated he was just here to listen

but is concerned they would be competing against them, which means loss revenue for them and what they pay into the County. Moved by Commissioner Dennert, seconded by Wiese to postpone this discussion until next week so they could visit with the Fair Board more and do a bit more research. All members present voting aye. Motion carried.

#### BID FOR MICRO-SURFACING:

Time and place, as advertised to open, read and consider sealed bids for 2024 Brown County Micro-surfacing Project. John Florey, Highway Department along with Mike Gutankauf and Troy Nelson with IMEG were present to open the three bids received: ASTECH Corp. from St. Cloud, MN for \$1,583,750.60; ASCO from Sioux Falls for \$1,638,476.99 and Missouri Petroleum for \$1,665,564.70. Mike asked to table this so that they could review and run the numbers. Dirk Rogers, Highway Superintendent commented that he would recommend the bid from ASTECH if the math is correct because they have worked with them in the past and done a good job.

#### BID FOR EXPO ROOF:

Rachel Kippely, Fair/Fairgrounds/Parks Manager met with the Commission regarding the Bids for the Expo Roof that were opened on February 6, 2024. Rachel shared that her and Dean Marske had visited with North Central Steel regarding the flashing issue where the 2 buildings meet, and his rough estimate was for \$7,800.00. Their recommendation was to accept the bid from North Central Steel for \$585,654.00. Moved by Commissioner Fjeldheim, seconded by Dennert to accept the bid from North Central Steel for \$585,654.00 to replace the Holum Expo Roof. All members present voting aye. Motion carried.

#### UPDATE:

Rachel Kippely, Fair/Fairgrounds/Parks Manager shared with the Commission that she was asked to testify at the Legislative Session in Pierre on Senate Bill 32 regarding the Sales Tax Revenue for County Fairs tomorrow the 14<sup>th</sup> of February.

#### HOUSTON ENGINEERING CONTRACT FOR LANDFILL:

Mike Scott, Landfill Manager met with the commission asking for approval of the contract with Houston Engineering, Inc. (HEI) for monitoring and consulting services for 2024. The difference this year is that every 5 years they need to do an Air Sampling Process: analysis of landfill gas from organic compounds. This is a subtitle D requirement every 5 years, so the normal annual fee will be about \$33,000.00 higher this year. Moved by Commissioner Wiese, seconded by Gage to approve and authorize Chairman Sutton to sign the contract with Houston Engineering, Inc. for monitoring and consulting services required for an estimated compensation of \$96,270.00. All members present voting aye. Motion carried.

#### 2023 ANNUAL COMPLIANCE CERTIFICATION REPORT:

Mike Scott, Landfill Manager shared this is an annual state required report that they need to complete and have Chairman sign off on. Moved by Commissioner Fjeldheim, seconded by Wiese to approve and authorize Chairman Sutton to sign the 2023 Annual Compliance Certification Report. All members present voting aye. Motion carried.

#### 2023 OPERATIONAL REPORT AIR EMISSION INVENTORY:

Mike Scott, Landfill Manager shared this is an annual state required report that they need to complete and have Chairman sign off on. Moved by Commissioner Dennert, seconded by Gage to approve and authorize Chairman Sutton to sign the 2023 Operational Report Air Emission Inventory documents. All members present voting aye. Motion carried.

#### BID FOR MICRO-SURFACING:

Mike Gutankauf with IMEG returned stating the math was correct on all the bids Per recommendation from Dirk Rogers, Highway Superintendent and IMEG to go with ASTECH. Moved by Commissioner Wiese, seconded by Dennert to accept the bid from ASTECH for \$1,583,750.60 to do the Micro-Surfacing Project. All members present voting aye. Motion carried.

#### INMATE HOUSING AGREEMENT:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve and authorize Chairman Sutton to sign the Inmate Housing Agreement with Sisseton-Wahpeton Oyate for Jail; the cost would be \$100/day. All members present voting aye. Motion carried.

#### MINUTES:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the February 6, 2024 General Meeting Minutes. All members present voting aye. Motion carried.

#### CLAIMS/PAYROLL:

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

**CLAIMS:** Insurance: SD Public Assurance Alliance \$2,161.04. Professional Fees: CGI, LLC \$968.75; Fischbach Law Office \$1,570.00; Gregory DeClue \$4,220.00; Koletzky Law Office, Prof. LLC \$171.20; Language Line Services, Inc \$319.54; Lewis & Clark BHS \$639.00; LexisNexis Risk Data Mgt, LLC \$200.00; Lucy Lewno \$310.00; Mark Katterhagen \$27.00; RegistrationMax, LLC \$750.00; Sanford Health Occupational Medicine \$835.00; SD Dept of Revenue & Regulations \$3,557.59; SDJPS \$300.00; Valerie Larson \$27.00; Yankton County Sheriff's Office \$150.00. Publishing: Gannett South Dakota Local iQ \$256.70; Groton Daily Independent \$187.69. Rentals: Aramark \$336.53. Repairs & Maintenance: Diesel Machinery, Inc \$33,694.45; EcoLab Pest Elimination Division \$270.29; Graham Tire Inc \$19.16; Honeywell International Inc \$3,797.52; House of Glass \$117.96; Hoven Auto Repair, Inc \$286.55; Ken's Alignment \$103.92; Leidholt Electric, LLC \$487.32; Meister Mowing LLC \$782.50; RDO Equipment \$1,028.43; Safety Service \$68.50; Transource Truck & Equipment, Inc \$20,204.86; Ultimate Upholstery Solutions, LLC \$254.69; Vosika Fencing \$2,381.73. Supplies: Agtegra Cooperative \$53,595.15; Amazon Capital Services, Inc \$598.46; Auto Value Aberdeen \$197.90; Burdette Security & Technologies, LLC \$892.50; Butler Machinery Company \$988.86; Century Business Products \$750.48; Cole Paper Inc \$1,295.50; Diesel Machinery, Inc \$20,712.38; DiscountCell LLC \$6,293.00; Farm Tire Service LLC \$470.00; Fastenal Company \$56.89; Full Circle Ag \$4,011.39; GovConnection, Inc \$1,380.96; Hoven Auto Repair, Inc \$39.00; Kessler's \$304.31; Koletzky Law Office, Prof. LLC \$4.00; Linde Gas & Equipment Inc \$153.51; Lucy Lewno \$13.27; Menards \$946.49; Midstates Group \$231.56; Pantorium Cleaners Inc \$120.00; Pauer Sound, LLC \$378.00; Performance Oil \$455.78; PharmChem, Inc \$639.00; Plumbing & Heating Wholesale, Inc \$466.85; Rachel Wilson \$31.85; RDO Equipment \$1,765.78; Runnings \$161.24; Safe Life Defense \$651.60; Safety Service \$5,441.75; Schwan Welding \$6,238.00; Share Corporation \$389.85; Transource Truck & Equipment, Inc \$21,248.39; Tri-State Water \$35.00; Vosika Fencing \$1,513.30; WEB Water Bottling Company \$36.00. Travel & Conference: Candace Rohrbach \$295.95; Karla Nelson \$254.12. Utilities: AT&T Mobility \$43.23; CenturyLink \$1,153.20; City of Aberdeen Treasurer \$1,507.22; Economy Propane, LLC \$4,008.78; Northern Electric \$1,200.00; Northwestern Energy \$8,466.15; Town of Frederick \$77.00; Verizon Wireless \$3,433.39. Machinery & Equipment: Karl Chevrolet \$48,661.40; Transource Truck & Equipment, Inc \$146,000.00. Others: City of Groton \$2,000.00; City of Hecla \$500.00; Emma Burnham Public Library \$1,000.00; SD Assoc of County Officials \$650.00; SD Dept of Agriculture & Natural Resources \$3,615.45; SD Dept of Revenue & Regulations \$854,058.22; Warner Library \$1,000.00.

**PAYROLL:** Commission \$4,753.89; Elections \$1,834.40; Auditor \$9,850.83; Treasurer \$17,265.67; SA \$34,989.43; Maintenance \$12,074.75; DOE \$17,373.50; ROD \$10,406.84; VSO \$4,491.55; GIS \$2,790.90; IT \$9,322.67; HR \$4,960.63; Sheriff \$58,613.53; Jail \$68,644.03; Coroner \$648.00; Ct. Security \$7,748.17; JDC/HD \$31,404.27; Welfare \$2,466.75; DPM \$12,727.14; Parks/Fairgrounds \$5,191.95; Fair \$4,336.33; 4-H \$830.80; W&P \$1,117.37; P&Z \$7,645.58; Hwy. \$57,066.89; Dispatch \$37,216.96; EM \$5,098.61; 24/7 \$2,586.75; Landfill \$17,220.77; Meal Benefits \$262.00; FICA \$26,775.99; Medicare \$6,262.17; Discovery\_HSA \$1,790.95. 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:

- Transfer of Jason Stichka from Brown County Jail Detention Officer to Brown County JDC Detention Officer; effective February 18, 2024.
- Transfer of Savanna Simon from Brown County JDC Detention Officer to Brown County Jail Detention Officer; effective February 18, 2024.
- Approve Transfer of Branson Mills from Brown County Deputy Sheriff to Brown County Sheriff Office Investigator, FT, starting wage \$30.08/hr.; effective February 18, 2024.

All members present voting aye. Motion carried.

#### TRAVEL REQUESTS:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the following travel requests: Brandon Mills, Sheriff's Office to attend Crime Scene Investigations on April 22-24, 204 in Sturgis; Dirk Rogers, Hwy. Dept. to attend House/Senate Local Government Committee on February 8 & 13, 2024 in Pierre; Dirk Rogers, John Florey, Dean Zumbaum & Joshua Ulmer, Hwy. Dept. to attend Asphalt Conference on February 14-15, 2024 in Chamberlain; Lynn Heupel & Stephanie Jacobson, Elections to attend Election Training on February 28-29, 2024 in Pierre. All members present voting aye. Motion carried.

#### LEASE AGREEMENT:

Moved by Commissioner Gage, seconded by Wiese to approve and authorize Chairman Sutton to sign the following lease agreements: American Foundation for Suicide Prevention for lease of Holum Expo Building for Out of Darkness Fundraiser on September 6, 2024; Hub City Radio for lease of the Holum Expo Building on April 6, 2024 for the Big Boy Toy Show. 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.

#### AUTHORIZE ADVERTISING FOR THE WASTE TIRE REMOVAL BID:

Moved by Commissioner Wiese, seconded by Dennert to set hearing date and authorize advertising public hearing to open, read and consider bids for Waste Tire Removal at 8:45 a.m. on Tuesday, March 5, 2024 in the Commission Chambers, Courthouse Annex, Brown County, SD. Specifications may be viewed and obtained at the Brown County Landfill, Brown County Auditor's Office, during normal business hours or via the Brown County website: [www.brown.sd.us](http://www.brown.sd.us). All members present voting aye. Motion carried.

#### AUTHORIZE ADVERTISING FOR THE WOOD WASTE GRINDING BID:

Moved by Commissioner Wiese, seconded by Dennert to set hearing date and authorize advertising public hearing to open, read and consider bids for Wood Waste Grinding at 8:45 a.m. on Tuesday, March 5, 2024 in the Commission Chambers, Courthouse Annex, Brown County, SD. Specifications may be viewed and obtained at the Brown County Landfill, Brown County Auditor's Office, during normal business hours or via the Brown County website: [www.brown.sd.us](http://www.brown.sd.us). All members present voting aye. Motion carried.

#### BRIDGE INSPECTION RESOLUTION:

Moved by Commissioner Wiese, seconded by Fjeldheim to approve and authorize Chairman Sutton to sign the following Resolution with SD DOT:

BRIDGE REINSPECTION  
PROGRAM RESOLUTION  
FOR USE WITH SDDOT RETAINER CONTRACTS

WHEREAS: 23 CFR 650 Subpart C, requires initial inspection of all bridges and reinspection at intervals not to exceed two years with the exception of reinforced concrete box culverts that meet specific criteria. These culverts are reinspected at intervals not to exceed four years.

THEREFORE, Brown County is desirous of participating in the Bridge Inspection Program.

The County requests SDDOT to hire IMEG (Consulting Engineers) for the inspection work. SDDOT will secure federal approvals, make payments to the Consulting Engineer for inspection services rendered, and bill the County for 20% of the cost. The County will be responsible for the required 20% matching funds.

Dated this 13 day of February, 2024 at Aberdeen, South Dakota.

Board of County Commissioners of Brown County: Duane Sutton, Chairman of the Board

Attest: Lynn Heupel, Brown County Auditor

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 Wiese, seconded by Dennert to adjourn the Brown County Commission at 9:42 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

Published February 21, 2024, at the total approximate cost of \$ \_\_\_\_\_ and may be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com).