

APRIL 2, 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, Gage, Sutton, and Wiese. Commissioner Fjeldheim was absent. Commissioner Wiese 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: None

EQUALIZATION DIRECTOR ANNUAL CONFERENCE:

Gene Loeschke, Director of Equalization (DOE) met with the Commission to give his Annual Conference as per SDCL 10-3-14. Gene shared that for the City of Aberdeen the median is sitting at 87%. They have done some computer updates to the Taxation System are able to transfer information from CAMA system into the software which eliminates some opportunities for errors; they have four months of transfers completed as well. Gene shared they have had a few Omits going from Exempt status to Taxable Properties. Equalization Board meetings will start on April 9th: County Equalization will meet in the morning and Consolidated will be in the afternoons. Commissioner Wiese thanked Gene for being pro-active and assisting the public with their questions and concerns to better understand how the system or process works.

DISCRETIONARY ABATEMENT:

Aberdeen City Attorney, Ron Wager; Aberdeen City Finance Officer, Jordan McQuillen and Aberdeen City Manager, Robin Bobzien met with the Brown County Commissioners to explain why they approved the abatements on two properties for Discretionary Formula. Mr. Wager explained that they wanted to explain the process the City Councils goes through when dealing with a TIF; the discuss is regarding TIF 35, Dakota Estates abatement request. He stated that typically the discretionary formula would come up during a project plan and typically the developer would waive the discretionary formula. With the TIFs what has happened in the past is the Developer would volunteer to waive the discretionary formula. TIF 35 Developer had in their project plan what the City Council considered private improvements and after much discussion with Public Works Director, City Engineer and the City Manager the Developer was encouraged to look into adding some public improvements, such as road extensions to serve the development and to include that cost under the TIF. Initially when it came to the City Council, they denied this TIF on December 6th and encouraged the Developer to return with an alternative proposal. The Developer came back and said they would do the public improvements: road extensions and water main loop but also proposed that it not be required to waive the discretionary formula for assessed value because of the reduction in reimbursable project costs, that even with the discretionary formula on assessed value, positive tax increment will pay off the TIF in 12-13 years, the City Council then approved TIF 35 on December 20th. Mr. Wager explained the Request for Council Action documents that he shared with the Commissioners along with red line of the Resolution Number 21-11-02R. They came to the Commission today to share that the discretionary formula was a discussed item, after receiving the abatement application from the Assessor's Office, Jordan took his time and went through this and the determined the city would support the abatement request and gave formal approval on March 25th at the City Council meeting. Gene Loeschke, DOE asked if he could offer a suggestion on the verbiage regarding the discretionary so that is clearer going forward, Mr. Wager said that is something they can do going forward. Mr. Wager complimented Gene, sharing that Gene does an excellent job communicating with the city. Commissioner Wiese asked to clarify his understanding that the application for the discretionary formula was missed at the time that would have taken that off the valuation, taking it from the County revenue stream; now asking for an abatement which means a refund from County revenue and not have the opportunity to recoup it. Gene Loeschke, DOE stated that is correct, they are looking at a partial completion of property in 2023 payable in 2024, so when the tax bill came out in 2024 that's when it came about that the Developer thought/assumed they would not have a full tax bill due to partial completion and the discretionary formula would be in place. Mr. Wager stated that they are not going to allow the option anymore and clean up the verbiage and when Commissioner Gage came and talked to the Council there were a lot of points taken to clean things up and be more concise on how they approach TIF's; they are doing some reclassifications on some of the TIF's and the State has been receptive to the reclassifications. Chairman Sutton stated that it kind of sent up a red flag because it has always been discretionary or the TIF, this is the first time the County has encountered they are asking for both, from the County's standpoint it is a double hit; the TIF delays the tax

revenue the County receives, and now it is approximately \$80,000.00 they want refunded. Chairman Sutton shared they are going to visit with the State's Attorney before taking final action on this but appreciated the City coming over to share their position on this. Commissioner Gage shared that besides cleaning up the verbiage the County has to build a mechanism to process this type of abatement, which is going to take time away from regular County staff duties between Auditor's office, Assessor's office and IT for programming and the County is left holding the bag, which is something he has an issue with when it comes to TIF's but he appreciates them explaining how and why this one got through. Gene Loeschke explained that normally with an abatement comes through you abate all the entities on the tax bill, and a TIF the amount that would be abated is the amount of the increment that goes to the TIF itself, right now our tax system is not set-up to refund money for one specific part of the apportionment and replenish that because this is nothing that has never come up before so our IT department will have to develop something. Commissioner Wiese added provided we approve the abatement.

DACOTA PRAIRIE MUSEUM ANNUAL REPORT:

Patricia Kendall, Director of Dacota Prairie Museum gave the Commissioners her Annual Report. She shared some highlights: they had a record-breaking attendance last year which was due to the Thomas & Friends exhibit; they won the Abby Award for Community Involvement Non-Profit; had first ever Pickle Ball Fundraiser Tournament; Holiday Open House also had record-breaking attendance. Patricia shared an overview of the Education department – they have visited 373 classrooms and collaborated with 7,280 students last year in Brown County. They continue having school tours, which will begin in about two-weeks. Collection department handles the artifacts; they received donations from Hub City, Presentation College and Presentation Convent; also, they have all the Aberdeen Insider publications in their collections. They are extending their Outreach program in the Community, currently there are exhibits at the Airport, Aberdeen Chamber but currently working on doing exhibits at the Depot and Dakotaland Federal Credit Union; BBQ Twist has some of their photos on display. The Dacota Prairie Museum Foundation awarded Scholarships for the first time in 2023 to Brown County students that are attending an accredited 2–4-year School or University in the State; there were 8 recipients. This year they have 13 applications for 8 scholarships. Commissioner Wiese commented that the volunteers at the Museum do a great job, also. Patricia commented that they couldn't do what they do without the volunteers and staff they have, she is very appreciative of all of them.

AUDIT ENTRANCE CONFERENCE:

Jason Hill, SD Department of Legislative Audits met with the Commission for Entrance Conference for the Audit being conducted for fiscal year 2022 and 2023.

PLANNING GROUP – FACILITY USE AGREEMENT:

Moved by Commissioner Wiese, seconded by Gage to postponed this for a week due to Kelsi Vinger, State's Attorney Grant Coordinator unable to attend today. All members present voting aye. Motion carried.

APPLICATION FOR OCCUPANCY:

Moved by Commissioner Wiese, seconded by Dennert to approve the following applications submitted by Northern Electric for occupancy of Brown County Highway Right of Ways to bore pits at toe on in-slope both sides and bore highway: Highway #23 in Sec 7-T125-R65W of the 5th P.M., Brown County, SD; Highway #7 in Sec 15-T126N-R64W of the 5th P.M., Brown County, SD; Highway #7 in Sec 7-T126N-R65W of the 5th P.M., Brown County, SD; Highway #6 in Sec 12-T126n-R65W of the 5th P.M., Brown County, SD; Highway # 7 in Sec 8-T126N-R64W of the 5th P.M., Brown County, SD and Highway #6 in Sec 10-T125N-R65W of the 5th P.M., Brown County, SD. All members present voting aye. Motion carried.

HIGHWAY DEPARTMENT UPDATE:

Dirk Rogers, Highway Superintendent gave the Commissioners a Department Update. Dirk shared that this week they are starting spring work on County Rd. 21 between Hwy. 16 & 18. They are done with crushing and depending on the temperatures will determine the load limits. Commissioner Wiese asked for a status update on the Guard Rail at Richmond Lake; Dirk informed him that the SD DOT has it figured in the STP but looking at alternative design. Commissioner Sutton asked about the status of Elm Lake Road, Dirk shared that it is complete, and he sent in the paperwork for reimbursement. They may question some of the Engineering costs, but they were able to cut 3.4 million dollars on the total cost by doing it the way they did.

MINUTES:

Moved by Commissioner Wiese, seconded by Gage to approve the March 26, 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: Insurance: SD Public Assurance Alliance \$688.11. Professional Fees: Bill Schaeffer \$18.00; Civil Solutions LLC \$1,197.20; Dakota Trails Investigation \$943.02; Fox Law Firm, PLLC \$170.00; Helms & Associates \$1,922.40; Mark Katterhagen \$18.00; Sanford Health \$65.40; SD Dept of Transportation \$88.50; Zylstra Investigations \$962.50. Publishing: Groton Daily Independent \$166.87. Repairs & Maintenance: Custom Installation Solutions \$375.00; Hoven Auto Repair, Inc \$4,766.90; K&S Plumbing, Inc \$88.78; Lawson Products, Inc \$51.51; Olson's Pest Technicians \$250.00; Weismantel Rent-All \$3,160.00; Wright & Sudlow \$22,290.00. Supplies: A&B Business Solutions \$716.32; Amazon Capital Services, Inc \$165.34; Bakken Building Maintenance \$500.00; Burdette Security & Technologies, LLC \$360.00; Cole Paper Inc \$421.07; Dakota Electronics \$183.00; Dakota Supply Group \$669.69; Farm Power Mfg. \$14.74; Fox Law Firm, PLLC \$2.14; Galls, LLC \$560.00; Lawson Products, Inc \$610.21; Leidholdt Tool Sales, LLC \$68.85; Safe Life Defense \$80.49; Stan Houston Equipment Company, Inc \$28.00; Thee Glass Doktor, LLC \$565.34. Travel & Conference: Doug Fjeldheim \$185.64; Drew Dennert \$684.92; Duane Sutton \$134.64. Utilities: AT&T Mobility \$185.09; CenturyLink \$305.67; CenturyLink-Lumen \$199.89; Dependable Sanitation, Inc \$172.00; Midcontinent Communications \$153.07; Montana-Dakota Utilities Co \$52.69; Northwestern Energy \$296.10. Machinery & Equipment: RDO Equipment Co \$465,421.00. 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:

- Acknowledge the resignation of the following and request to fill them:
 - Jerremias Vega IV, Brown County Jail Detention Officer, FT – effective March 27, 2024.
 - Makayla Jenniges, Brown County Jail Sergeant, FT – effective April 14, 2024.
- Employment ending for Molly McClellan, Brown County Jail Detention Officer, FT – effective March 27, 2024. Request to fill.
- Approve the hiring of Jeffrey Leinen as Brown County Jail Detention Officer, starting wage \$21.29/hr. – effective April 2, 2024.
- Approve the extension of the following Brown County Jail/JDC Nurse, PRN, PT Temporary for an additional approximate two-week time period assignment – effective March 29, 2024:
 - Brenda Lyke
 - Lori Wipf
 - Jennifer Powell

All members present voting aye. Motion carried.

ANNUAL REPORTS FOR 2022 & 2023:

Moved by Commissioner Wiese, seconded by Dennert to approve the Annual Reports for Fiscal Year 2022 & 2023. All members present voting aye. Motion carried.

2023 CORRECTIONS TO LANDFILL CHARGE ACCOUNTS:

Moved by Commissioner Gage, seconded by Wiese to acknowledge and approve the 2023 Corrections to Landfill Charge Accounts for Ticket #'s as follows: # 824254 on May 26th; #830213 & #831556 on July 21st; #841780 on November 3rd; and #845455 on December 15th. Waived late fees on account for Pomp's Tire services from November 21st. All members present voting aye. Motion carried.

TRAVEL REQUESTS:

Moved by Commissioner Dennert, seconded by Wiese to approve the following travel request: Brandon Mills, Sheriff's Office to attend Advanced Search & Seizure, Advanced Traffic Stops & Advanced Criminal Investigations on August 21-23, 2024 in Pierre, SD. All members present voting aye. Motion carried.

OTHER BUSINESS:

Auditor Heupel asked the Commission who was going to attend the Consolidated Equalization meetings – it will be Commissioners Sutton, Gage and Dennert.

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 chair declared the executive session closed with no action taken.

ABATEMENTS:

Moved by Commissioner Gage, seconded by Dennert to deny the abatements since to Brown County did not pass a Resolution in 2022 for discretionary formula for housing types of structures, so no discretionary formula to apply to properties. All members present voting aye. Motion carried.

ADJOURNMENT:

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

Lynn Heupel, Brown County Auditor

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