

## JANUARY 7, 2003 -REORGANIZATION MEETING

This being the reorganization meeting of the Brown County Commission for year 2003, said Board convened at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, South Dakota. Present were Commissioners Fischbach, Knecht, Feickert, Hansen and Wiese. Commissioner Deb Knecht opened with Prayer and the Pledge of Allegiance.

Maxine Taylor, Brown County Auditor, called for nominations for Brown County Commission Chairman for year 2003, pursuant to SDCL 7-8-15.

Commissioner Hansen nominated Tom Fischbach for Chairman. Moved by Wiese, seconded by Feickert that nominations cease and a unanimous ballot be cast for Tom Fischbach, 2003 Chairman. All members present voting aye. Motion carried.

Commissioner Hansen nominated Dennis Feickert for Vice Chairman. Moved by Knecht, seconded by Wiese that nominations cease and a unanimous ballot be cast for Dennis Feickert, 2003 Vice Chairman. All members present voting aye. Motion carried.

### MINUTES:

Moved by Wiese, seconded by Feickert to approve the General Meeting minutes of December 31, 2002. All members present voting aye. Motion carried.

### CLAIMS:

Moved by Wiese, seconded by Feickert to approve the following claims:

Supplies: S&S Communications..\$1200.00, SD Dept of Revenue..\$35.00, Knox..\$193.00, Active Data..\$500.00, Spink County Public Transit..\$138.00, People's Transit..\$19.25, SWANA..\$203.00, Virginia Mitchell..\$50.00, Advanced Weighing..\$1200.00, SD Dept of Rev..\$2707.32, Quality Quick Print..\$162.00, LBG..\$1545.85, Graham Tire..\$500.00, Thompson Pub..\$398.00, Vallen Safety..\$128.64, Aberdeen Equip..\$9355.00, Menards..\$267.05, Dakota Electronics..\$25.00, SDML Worker's Comp..\$77,470.00, SD Public Assurance Alliance..\$126,157.37:

Publications: American News..\$221.40:

Professional Fees: Tom Price..\$805.00:

Court Appointed Attorney: Mike Butler..\$252.50, William Gerdes..\$5395.09, James & Assoc..\$163.99:

Utilities: Northwestern..\$5176.85, Dependable..\$17,044.08, Richmond Sanitary Dist..\$125.00, Northern Valley..\$21.15:

Care of Poor: Dr/Hospital – 1 recipient..Avera United Clinic..\$658.81, North Central Heart..\$518.88; Rent – 3 recipients..Craig Mickelson..\$210.00, Tom Croymans..\$150.00, Zumbaum Property..\$210.00.

All members present voting aye. Motion carried.

### PERSONNEL:

Moved by Hansen, seconded by Feickert to approve the following employee step/longevity increases, effective January 5, 2003: Jan Erickson @ \$11.66 per hour, Jason Hammerich @ \$11.82 per hour, Jeff Seiler @ \$10.97 per hour, Mickey Schulz @ \$9.47 per hour, Darrell Eaglestaff @ \$10.26 per hour, Kathy Neitzel @ \$12.75 per hour. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Wiese to acknowledge resignation of Chris Reder, effective January 2, 2003. All members present voting aye. Motion carried.

### ABATEMENTS:

Moved by Wiese, seconded by Hansen to approve the following Abatements: Leland Hammer, property combined (E2 of S2 Levey's OL 2 SE 24-123-65) Solid Waste for year 2003 in amount of \$65.00; Phillip

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Adler, mobile home moved (Lot 13-15 Blk 28 WB Hayes Addn Groton) Solid Waste for year 2003 in amount of \$15.00; Daniel F & Susan R Cybulski, owner occupied (Lt A Bk 1 D&G 1<sup>st</sup> Subd of Roosevelt Crystal 2<sup>nd</sup> Addn) for year 2002 in amount of \$898.85; NSU, tax exempt (Lt 3 Light's Addn to Abdn being a replat of Light's OL 1,2 & 3 SE 24-123-64 Bk 1 Normal Addn) for year 2002 in amount of \$258.71; Loren L Leonard, incorrect value (Lt 5 Bk 6 N Abdn) for year 2002 in amount of \$53.73; Mark J Richter, owner occupied (Lot 9 Bk 48 2<sup>nd</sup> Addn) for year 2002 in amount of \$345.22; Edith Brick, owner occupied (BOLS Park Village #208) for year 2002 in amount of \$174.43; Jeffrey D Voight, incorrect value (E44' of Lt 2 Bk 22 Smiths Addn) for year 2002 in amount of \$282.84; City of Groton, tax exempt (Johnsons OL 1 SE 19-123-60) for year 2002 in amount of \$122.93, (OP Lt 12 Bk 11 Groton) for year 2002 in amount of \$20.00, (OP Lt 13 Bk 11 Groton) for year 2002 in amount of \$464.28, (Hayes Addn Lt 1-12 Bk 39 Groton) for year 2002 in amount of \$87.25; Kevin or H Erickson Docter, owner occupied (Priors OL 4 E side N of RR NW 17-123-62) for year 2002 in amount of \$357.26; John & Jodee McCranie, fire damage (BOLS S2 of S2 8-126-60) for year 2002 in amount of \$300.00; Edward Plummer, storm damage (SE 12-126-63) for year 2002 in amount of \$124.84; Barney Bruns, storm damage (Dennerts OL 1 SW 32-127-62) for year 2002 in amount of \$221.63; Glen & Lorraine Wells, storm damage (NW 18-126-62) for year 2002 in amount of \$140.87; Engelhart Ranch, storm damage (SW 13-126-64) for year 2002 in amount of \$468.91. All members present voting aye. Motion carried.

#### DESIGNATION OF DEPUTIES:

Commissioner Knecht offered the following Resolution:

#### RESOLUTION NO. 1-03

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, 4 Deputies, 1 part-time Clerk; Treasurer - 1 Chief Deputy, 6 Deputies, 1 part-time Clerk; Register of Deeds - 1 Chief Deputy, 2 Deputies, 1 part-time Clerk. All extra help hired by County Officials must first be approved by the County Commission.

Seconded by Commissioner Wiese. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

#### OFFICIAL NEWSPAPERS:

Moved by Feickert, seconded by Knecht to designate the following as the official Brown County newspapers for year 2003 (SDCL 7-18-3): Aberdeen American News, Aberdeen, SD; Weekly Edition of the Groton Independent, Groton, SD; Dakota Press, Groton, SD. All members present voting aye. Motion carried.

#### DEPOSITORIES:

Moved by Hansen, seconded by Wiese to designate the following as official depositories for Brown County public funds for year 2003 (SDCL 7-2-13), with funds deposited in the name of Sheila Enderson, Brown County Treasurer: Dacotah Bank; US Bank of Aberdeen; Wells Fargo of Aberdeen; Wells Fargo Government Funds of Aberdeen; Wells Fargo East Branch of Aberdeen; Wells Fargo Groton Branch of Groton; First Savings of Beresford, Hecla Branch of Hecla; First State Bank of Warner; First State Bank of Claremont; First State Bank of Claremont, Columbia Branch of Columbia; First National Bank of Frederick; Plains Commerce Bank of Aberdeen; Home Federal Savings & Loan of Aberdeen; FM Savings & Loan of Aberdeen; FIT of Sioux Falls; First State Bank of Warner, Lakewood Mall Branch of

Aberdeen; Dacotah Bank, East Branch of Aberdeen; Aberdeen Federal Credit Union of Aberdeen. All members present voting aye. Motion carried.

INVESTMENT POLICY:

Commissioner Feickert offered the following Resolution:

RESOLUTION NO. 2-03

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 Wiese. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

EXPENSE POLICY:

Moved by Hansen, seconded by Feickert to set the following expense rates for Brown County employees for year 2003: Meal reimbursement made only for out of County travel

|           | In-State       | Out-of-State   |
|-----------|----------------|----------------|
| Breakfast | \$ 5.00        | \$ 7.00        |
| Lunch     | \$ 7.00        | \$10.00        |
| Dinner    | <u>\$11.00</u> | <u>\$16.00</u> |
|           | \$23.00        | \$33.00        |

Qualifying time for meal allowances:

Breakfast - leave before 5:31 a.m. - return after 7.59 a.m.

Lunch - leave before 11:30 a.m. - return after 12.59 p.m.

Dinner - leave before 5:31 p.m. - return after 7.59 p.m.

Mileage Rate: \$0.29 per mile, beginning and ending odometer readings are required to qualify for mileage reimbursement. Lodging reimbursed at actual cost, receipt required. All members present voting aye. Motion carried.

EXPENSE POLICY - ELECTION OFFICIALS:

Moved by Hansen, seconded by Feickert to set fee of \$100.00 for precinct officials working on Election Day, \$10.00 for precinct officials attending the Election School, \$5.00 for use of personal cell phone on election day (maximum \$5.00 per precinct), and to set minimum mileage at five miles when claimed by precinct official. All members present voting aye. Motion carried.

TAX DEED NOTICES:

Commissioner Knecht offered the following Resolution:

RESOLUTION NO. 3-03

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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, Sheila Enderson to request Mark McNeary and States Attorney Office personnel to act as agents to process said tax deeds and notices.

Seconded by Commissioner Wiese. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

#### COMMISSION APPOINTMENTS:

Moved by Feickert, seconded by Knecht to approve the following Commission Committee appointments for 2003: Tom Fischbach - LEPC, Communications Center Council, Range Fire Suppression, Legislative Contact, James River Valley Commission District President, Disaster Board, Rationing Board, Resource Management Advisory Board, NECOG; Deb Knecht - Risk Management Committee, Fair Board, Union Negotiations, SD Public Assurance Alliance, Aberdeen Hockey, CART, Weed & Seed; Nancy Hansen - Museum Board, Disaster Board, FGP Representative, NE Mental Health Board, Communications Center Council, City Net, SDACC Treasurer; Mike Wiese - Planning & Zoning Board, Liaison to Welfare, Union Negotiations, NADRIC, NECOG, Airport Board, SD Public Assurance Alliance, Aberdeen Development Corporation, BID, Boys & Girls Club, Aberdeen Hockey, Home Rule Task Force, Glacial Lakes; Dennis Feickert - County Buildings, Weed Board, SDACC Catastrophic Legal Board, Fair Board, Extension Board. All members present voting aye. Motion carried.

#### BOARD APPOINTMENTS:

Moved by Wiese, seconded by Knecht to appoint David Grettler and Michele Williams to second term on the Dacotah Prairie Museum Board, effective January 1, 2003 through December 31, 2005. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Knecht to appoint Paula Vogel to first term on the Brown County Extension Board, effective January 1, 2003 through December 31, 2005. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Hansen to re-appoint the following to the Brown County Weed Board: Dennis Wiedebush, term expires March 31, 2004, Berwyn Bain and Mark Hover, terms expire March 31, 2005. All members present voting aye. Motion carried.

#### FAIRGROUNDS/YOUTH CAMP RENTAL RATES:

Moved by Wiese, seconded by Knecht to establish the following rental rates:

##### **FAIRGROUNDS RENTAL RATES - EFFECTIVE JANUARY 1, 2003**

Storage Space Rental: October 1 to March 31 - PREPAID LEASE - NO REFUNDS - 4% SALES TAX

Campers under 25' (\$110.00 + \$4.40 Tax) Campers 25' and over (\$120.00 + \$4.80 Tax)

Vehicles, Boats, Popups, JetSkis (\$70.00 + \$2.80 Tax) Note: Pontoons are two spaces.

Swine Barns: 2 barns, (20- 8'x12' stalls each) Per barn per day.....\$ 35.00 - Clean-up additional.....\$ 45.00

Open Class Sheep Barn: 24 - 11'x12' stalls Per day.....\$ 50.00 - Per day for days over two.....\$ 25.00

Clean-up additional.....\$ 45.00

Poultry Barn: 23 - 10'x10' stalls Per day.....\$ 50.00 - Per day for days over two.....\$ 25.00

Clean-up additional.....\$ 45.00

Dairy Barn: 30 - 9'x 9 1/2' stalls Per day.....\$ 60.00 - Per day for days over two.....\$ 30.00

Clean-up additional.....\$ 70.00

Hog & Sheep Barn: 24 - 9'x 9' stalls on dirt floor Per day for dirt.....\$ 50.00 - Per day for days over two.....\$ 25.00

Per day total barn...\$100.00 - Per day for days over two.....\$ 50.00 Clean-up additional.....\$ 60.00

Hog & Sheep Barn Addition: 12 - 9'x 9' stalls on dirt floor, Per day for dirt \$ 25.00, Per day for days over two \$15.00



Per day total barn...\$ 50.00 - Per day for days over two.....\$ 25.00 Clean-up additional.....\$ 50.00  
Beef Barn: 120 stalls; 64 - 9'x 10' stalls; inside arena 50'x 180'; Per day \$100.00, Per day for days over two \$ 50.00  
 Clean-up/horse shows...\$300.00 - Clean-up/other activities...\$150.00  
Barns: Any person affiliated with NAHR that requests to occupy any building prior to the 12 days preceding the date of such racing will enter into a separate lease with the County. The lessee will be responsible to pay \$100 per barn per month and utilities used until the NAHR lease goes into effect. Lessee will also be responsible for all manure removal. Campground fee of \$10.00 per day is separate.  
Club House: 120' x 80' Per day \$200.00 - Per day for days over two \$100.00 - Clean-up additional \$ 45.00.  
 Activities obtaining a Special Malt Beverage License - \$35.00 per keg (or equivalent), with proof from wholesaler, excluding Fair Activities, Race Track and Horse Racing.  
Expo Addition: 90' x 240' - Per day.....\$150.00 - Per day for days over two.....\$ 75.00  
 Clean-up/horse shows...\$300.00 - Clean-up/other activities..\$150.00  
Holum Expo: 120' x 240' - Per day.....\$350.00 - Per day for days over two.....\$175.00  
 Clean-up/horse shows...\$300.00 - Clean-up/other Activities..\$150.00  
Horse Stalls: Set up fee - per stall.....\$ 7.00  
Orange Corral Panels - per day.....\$ 20.00  
Horse Arena: 174' x 240' .....\$1.00 per person per day  
Secretary's Building: Per day...\$ 50.00/Clean-up additional...\$ 15.00  
Portable Stage: Not to go out of County - except for Governmental Agency - Per day....\$ 75.00 - Per day for days over one.....\$ 50.00  
People Movers - as per request  
Bleachers - Large Green - \$50.00 per day, Small Orange - \$25.00 per day  
 Small Orange - \$75.00 per day if leave Fairgrounds  
Campgrounds: Per day per pad \$11.43 plus 5% State Sales Tax 200 pads w/ water and electricity  
 NOTE: EFFECTIVE JANUARY 1, 1999 - STRAW IS PROHIBITED - SAWDUST ONLY

#### **RICHMOND YOUTH CAMP RENTAL RATES - EFFECTIVE JANUARY 1, 2003**

(Rates include SD State Sales Tax when applicable)  
 Booking fee in amount of \$100.00 and proof of insurance must be submitted at least 30 days prior to date of occupancy.  
 Dorm only: \$ 60.00 per dorm per night for 20 people or less  
 More than 20 people - \$5.00 per person  
 Lodge only: \$100.00 per day  
 Dorm(s) and Lodge - \$100.00 minimum for 20 people or less  
 More than 20 people - \$5.00 per person  
 Youth Groups - \$5.00 per person per day (Age cut-off - 19 years old)  
 Adult Groups - \$7.00 per person per day  
 Clean-up: Lodge only - \$50.00 Dormitories only - \$100.00  
 Lodge and Dormitories - \$150.00  
 County House - \$350.00 per month

All members present voting aye. Motion carried.

#### **2003 SALARY SCHEDULE:**

Moved by Hansen, seconded by Wiese to approve the following salaries, effective December 22, 2002:  
Annually States Attorney Mark McNeary 52,416; Sheriff Mark Milbrandt 51,597; Auditor Maxine Taylor, Treasurer Sheila Enderson, Register of Deeds Carol Sherman 40,131; Commissioners Tom Fischbach, Dennis Feickert, Nancy Hansen, Mike Wiese, Deb Knecht 12,705 (plus county paid portion of optional insurance coverage); Deputy States Attorney James Billion 35,000; Chief Deputy Sheriff Tom Schmitt 46,437; Building Superintendent Mick Palmer 29,812; Museum Director Sue Gates 32,105; Veterans Service Officer Tom Gohn 33,678; FGP Director Jodi McQuillen 28,665; EM Director Freddie Robinson 30,862; Fairgrounds Superintendent Kurt Smith 29,875; Welfare Director Charlene Millim 37,838; Highway Superintendent Dirk Rogers 44,680; Director of Equalization Mary Worlie 40,131; Communications Director Gordon Vanuaken 44,680; Landfill Manager Mike Scott 42,278; Computer

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Programmer/Analyst Bill Meink 40,900; Fair Board Manager Larry Gerlach 22,212; Victims Assistance Coordinator Vicky Wicks 23,505; Highway Project Coordinator Richard Burns 38,984; Highway Shop Foreman Mark Wendt 31,500; Deputy Director of Equalization Leo Leshar 33,251. **Per Hour** Weed Supervisor Todd Odenbach 12.98. Senior Fieldman Gene Loeschke 15.02. Chief Office Deputies (Auditor, Treasurer, Register of Deeds) Jeanette Nietert, Carol Misfeldt, Dorene Borchard, Catherine Lindemann 15.44. Planning/Zoning & Fieldmen Kathy Fischer 10.75, Mick Waller 12.79. Chief Office Deputies (Sheriff, Welfare, States Attorney, Maintenance, Director of Equalization) Janice Moore, Penny Hart 14.46, Mavis Kempf 14.41, Judy Dosch 14.91. States Attorney's Office Secretaries Sheree Locken 9.62, Pam Ernst 10.29, Jane Jensen 10.95. Office Deputies, EDS Assistant Director, Museum Curators, Secretaries/Clerk Jodi Buhl, Polly Rush 9.48, Carol White 9.68, Lora Schaunaman, Barbara Jansen, Sherry Theobald 9.90, Cindy Meyers, Michelle Haag 10.11, Wende Holzkamm, Lynn Heupel, Deb Dugger 10.27, Sandra Green 10.59, Jolene Forsting 10.74, Patty Van Meter, Pat Dahlerup 11.06, Sherri Rawstern 11.16, Jan Beckler, Ginger Walker 11.51, Karla Hallstrom, Kathy Schlecht 11.76, Ione Shilman 11.66, Jan Erickson 11.61, Geri Sillman 12.11, Cindy Schwan 12.26. Clerk, Secretary & Maintenance Mickey Schulz 9.25, Monte Podoll 9.67. Sheriff Department Clerical & Cooks Kathryn Dennert 9.90, Diane Mielke 11.24, Joyce DesCamps 12.50, Carol Wolf 12.45, Kathy Neitzel 12.70. Dispatchers Melony Flinn, Kimberly Perrin, Laurie Dinger, Matthew Traylor, Sarah Jesz 10.17, Sandy Hjermstad 10.42, Alicia Dohn 10.97, Betty Haar, Sheila Anderson 12.82, Mary Browning 13.02. Chief Dispatcher Nancy Radke 14.43. Highway Seasonal with Commercial Drivers License Ted Brockel 9.16. Highway (Labor Grade 3) Mervyn Heaton, Jason Stoltenburg, Wade Lechner 10.18, Jason Heagley, Todd Odenbach 10.68, Jeff Seiler, Ben Hofer, Casey Thorstenson, Melvin Ernst 10.82, Joseph Malsom 11.12, Kendall Titze 11.29, Larry Hardy, Roxanne Bjorklund 11.76, Richard Schaible 12.06, Tom Lammon 11.96, Roger Schaible 12.21, John Weig 12.41. Highway (Labor Grade 4) Dennis VanHeerde 11.08, Bryan Owens 11.25, Nyle Jensen 11.57, Brian Dargatz 12.04, Leon Vickers 12.34, Markcus Selzler 12.44, Daryl Lloyd 12.59, Carl Wright 12.84. Highway (Labor Grade 5) Cordell Rudolph 12.10, Janet Weismantel 12.95, David Bruckner 12.80. Highway Mechanics Labor Grade (B) Jason Hammrich 11.62, Ronald Glugla 11.82. Field Deputy Sheriff Brian Koens 12.68, Lesley Farmen, Terrence Evans 12.95, Gary Bunt 13.21, Steve Cogley 13.75, David Fair 15.37, Scott Kolb 15.52, Bryan Locke 15.62, John Heine 15.57, Craig Anderson, John McQuillen 15.67. Jail Deputy/Home Detention Supervisor/Assistant JDC Supervisor Jennifer Mechaley 11.47, Kevin Johnson 11.74. Jailers (Adult and JDC) Pat Schock, Lisa Thorpe, Shari Schock, Rachel Kane, Jason Hoffman, Wendy Osterkamp, Ben Woodward, Robert Suedmeier, Keith Baker, Chris Reder 9.72, Jon Gohn, Justin Cleveland, Darrell Eaglestaff, Matthew Farley, Justin Lematta, Mandy Pettigrew, Brenda Hammrich 9.99. Russ Ochsner, Heather Rystrom 10.26, Cindy Mitchell, Jeffrey Kirnan 10.53, Kristal Biegler, Amy Lake 10.79, Amy Mathiason 11.07, Roxanne Schumacher 11.61. Chief Jailers, Juvenile Detention Supervisor Craig Nelson 12.41, Barbara Johnson 14.56, John VanderHoek 15.16. **Part time employees – per hour:** Doris Adler, Misty Holsing, Robert Heintzman, Bob Gardner 6.80, Dean Sinclair, Sally Swanson, Daryl Thomas 6.95, Ron Leighty 7.05, Richard Schooley 7.20, James Crouch 7.80, Irene Gese 8.30, Kay Albrecht, Ann Bierman, Nancy Petersen, Stacy LeDuc, Kelly Moinichen, Luticia Mann, Jeremy Zimmerman, Harlan Place, R.J. Miller, Michael Law, Lee Kludt, Marjorie Lammon 8.80, Kenneth Thompson, Catherine Breeding, Harlan Place, Jenniver Bohlen, Michael Law 9.49, Janet Dosch, Dennis Lambert, Tina Erickson, Dion Dargatz, Don Fischer, Jim Downie 10.25, Robert Retzer, Jerry Dempsey 11.50, Dawn Barton 12.25, Melissa Koester, Lorah Houser Jankord 14.25. **Differential Pay: Adult Jailers, JDC Officers, Deputy Sheriffs, Dispatchers:** 4:00 P.M. to Midnight @ \$0.30 per hour, Midnight to 8:00 A.M. @ \$0.40 per hour NOTE: All overtime calculated on base pay. **GUARDS:** Flat rate of \$50.00 per day for each trip. All members present voting aye. Motion carried.

#### AUDITORS REPORT OF ACCOUNT:

Moved by Feickert, seconded by Wiese to approve the December 2002 Auditor's Report of Account with the County Treasurer in total amount of \$7,544,484.57 (total amount of actual cash @ \$3,449.41, Wells Fargo Bank @ \$2,652.35, US Bank @ \$10,941.18, Dacotah Bank @ \$376,180.32, Petty Cash @

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\$1,700.00, Fund Investments @ \$7,149,510.72, Outstanding Checks @ \$50.59). All members present voting aye. Motion carried.

**WORK STUDY HOURS:**

Moved by Hansen, seconded by Feickert to approve 142.25 hours of work-study hours completed by Jonathan Meyer for 4<sup>th</sup> quarter work comp purposes. All members present voting aye. Motion carried.

**SET HEARING DATE:**

Moved by Wiese, seconded by Feickert to set public hearing for 6:30 p.m. on January 27, 2003 in the Aberdeen City Commission Chambers, 123 S Lincoln Street for First Reading of Ordinance No. 03-01-01/264, An Ordinance amending Ordinance 1164 to rezone Lot 2 of "Bourdon's First Subdivision in NE 1/4 of Sec. 21-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto from Section 710 (I-2) Unrestricted Industrial District to Section 714 (M-Ag) Mini-Agricultural District (Robert B and Kevin Bourdon). All members present voting aye. Motion carried.

**BID – COUNTY LAND LEASE AT LANDFILL:**

Moved by Feickert, seconded by Hansen to authorize advertising public hearing to open, read and consider bids for Lease of County Land at the Brown County Landfill (NW ¼ of Sec 14-T123N-R65W of the 5<sup>th</sup> P.M.), to be held in the Commissioner's Chambers, Courthouse Annex, Brown County, SD at 8:45 A.M. on January 21, 2003. All members present voting aye. Motion carried.

**LOTTERY APPLICATION:**

Moved by Hansen, seconded by Knecht to approve and authorize the Chairman sign an application, submitted by Stratford Community Theatre for raffles to be held on March 2, March 8, March 15 and March 28, 2003. All members present voting aye. Motion carried.

**CORONER:**

Moved by Hansen, seconded by Wiese to appoint Kevin Spitzer as Brown County Coroner, effective January 7, 2003 at a salary of \$100.00 per call. All members present voting aye. Motion carried.

**JDC CONTRACTS DISCUSSED:**

Mark Milbrandt, Barb Johnson and Kevin Johnson discussed contracts with the SD Department of Corrections, Dakota House, The New Beginnings Center and US Marshalls.

**EXECUTIVE SESSIONS:**

Moved by Knecht, seconded by Feickert to go into executive session for personnel discussion with Mark Milbrandt, Barb Johnson and Kevin Johnson in attendance. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Feickert to adjourn executive session. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to go into executive session to discuss possible litigation with Dirk Rogers in attendance. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Wiese to adjourn executive session. All members present voting aye. Motion carried.

**SUBORDINATION AGREEMENT:**

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Moved by Hansen, seconded by Wiese to approve and authorize the Chairman sign Subordination Agreement for a Poor Relief Lien with Rural Development on Lot 1 and N ½ of Lot 2 Block 17 First Addition to Groton, Brown County, South Dakota. All members present voting aye. Motion carried.

**POOR RELIEF:**

Commissioner Wiese offered the following Resolution:

**RESOLUTION NO. 04-03**

WHEREAS, Brown County has filed a Poor Relief Lien in total amount of \$1,568.59 dated January 30, 1976, Yankton Lien in amount of \$417.34 dated August 10, 1950 through November 8, 1956, and Yankton Lien in amount of \$3,928.31 dated March 5, 1958 through April 6, 1970, and

WHEREAS, Brown County has determined it to be in the best interest of the taxpayers to release certain property from the effect of said lien, upon payment of \$3,206.94 and on condition that balance of lien stays filed against the individual.

NOW, THEREFORE BE IT RESOLVED that the following real property, which is described as follows:

Lot 10, Block 3, Pleasant Hill Addition to Aberdeen, according to the plat thereof of record,  
Brown County, South Dakota

is hereby released from the effect and force of said liens, upon payment of Poor Relief Lien (\$1,568.59), Yankton Lien (\$417.34) Yankton Lien (\$1,221.01) and on condition that balance of second Yankton Lien (\$2,707.30) stays filed against the individual.

Seconded by Commissioner Feickert. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

**BROWN COUNTY HIGHWAY SYSTEM:**

Commissioner Hansen offered the following Resolution:

**RESOLUTION NO. 05-03**

WHEREAS, it is deemed in the best interest of the taxpayers of Brown County that changes be made in the Brown County Highway System, and

WHEREAS, SDCL 32-14-6 permits local authorities by resolution to impose restrictions as to the weight of vehicles allowed upon any highway under the jurisdiction of and for the maintenance of which such local authorities are responsible and only if the highway by reason of physical condition will be seriously damaged or destroyed unless the use of vehicles on the highway is prohibited or the permissible weights of the vehicles are reduced.

WHEREAS, the following highways are such that without the imposition of permanent weight limits will be seriously damaged or destroyed:

County Road #17: from the intersection of County Road #14 at the NW Corner of 15-123-63 for four (4) miles East to the intersection of County Road #16 at the NW Corner of 17-123-62

County Road #9: from the intersection of County Road #12 (Roosevelt Street) at the NW Corner of 29-123-63 for 4500' East

County Road #10: from the intersection of County Road #13 (Prairiewood Road) at the NW Corner of 1-123-64, ten (10) miles North to the intersection of County Road #9 at the NW Corner of 13-125-64

NOW, THEREFORE BE IT RESOLVED that the Brown County Board of Commissioners, in accordance with SDCL 32-14-6 impose permanent weight limits on the following segments of three highways on the Brown County Highway System:

SIX (6) TON PER AXLE - COUNTY ROAD #17 from the intersection of County Road #14 at the NW Corner of 15-123-63 for four (4) miles East to the intersection of County Road #16 at the NW Corner of 17-123-62

SIX (6) TON PER AXLE - COUNTY ROAD #9 from the intersection of County Road #12 (Roosevelt Street) at the NW Corner of 29-123-63 for 4500' East

TWELVE (12) TON GROSS WEIGHT - COUNTY ROAD #10 from the intersection of County Road #13 (Prairiewood Road) at the NW Corner of 1-123-64, ten (10) miles North to the intersection of County Road #9 at the NW Corner of 13-125-64

BE IT FURTHER RESOLVED that the Brown County Highway Department erect and maintain signs designating the provisions of this resolution at each end of that portion of each highway affected, and at points of intersection as that Department deems necessary.

Seconded by Commissioner Knecht. Roll call vote: Commissioner's Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

EXECUTIVE SESSION:

Moved by Wiese, seconded by Feickert to go into executive session for personnel discussion with Larry Gerlach in attendance. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Hansen to adjourn executive session. All members present voting aye. Motion carried.

RECESS:

The Chairman declared the Commission recessed until January 14, 2003.

Maxine Taylor - Brown County Auditor

# JANUARY 14, 2003 – GENERAL MEETING

Meeting called to order by Chairman Fischbach at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Feickert and Wiese. Absent Commissioners Hansen and Knecht.

## MINUTES:

Moved by Feickert, seconded by Wiese to approve the General Meeting minutes of January 7, 2003. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Wiese, seconded by Feickert to approve the following claims:

Payroll: Commissioners..\$2,443.30; Auditor..\$5,919.05; Treasurer..\$8,088.30; Data Processing..\$1,573.08; State's Attorney..\$6,987.76; Victims Assistance..\$904.05; Maintenance..\$4,895.80, Assessor..\$6,550.95; Planning & Zoning..\$1,023.20; Register of Deeds..\$4,517.90; Veterans Service Office..\$2,412.68; Sheriff..\$55,146.38; DOJ Grant..\$3,203.50; Communications..\$14,452.89; Welfare Office..\$2,608.10; Health..\$2,528.00; Museum..\$3,891.20; Fairgrounds & Parks..\$3,007.44, Fairboard..\$1,775.11; Extension..\$1,613.60; Weed..\$101.84; Foster Grandparent Program..\$1,894.50; Emergency Management..\$2,107.79; Highway..\$25,963.18, Landfill..\$6,496.16;

Matching Benefits: FICA..\$10,073.05, Medicare..\$2,355.73;

Supplies: Best Business..\$117.88, SD Assoc of County Comm..\$252.00, Office Equip..\$207.20, State Bar of SD..\$190.00, State Flag Acct..\$356.50, Exchange Club..\$367.50, Gardner Locksmith..\$49.60, Schwan Welding..\$293.00, Jones Drug..\$5.39, SD Sheriff Assn..\$500.00, Mobile Electronic Service..\$1352.00, Office Max..\$32.94, Lust..\$142.60, Bob Barker..\$338.04, Avera St Lukes..\$44.00, Accuprint..\$5.50, Photo Xpress..\$5.78, Cheryl Hairgrove..\$750.00, MOCIC..\$150.00, Sewing Shop..\$13.00, Artz Camera..\$6.35, Civic Research Inst..\$169.95, Bonnie Bitz..\$144.00, Quint City..\$45.00, Dicks..\$31.00, Eddie's Northside..\$27.20, Parcel Erickson..\$292.30, Weismantel Rent-All..\$25.00, Kansas State Bank..\$13,765.00, Johnson Tire..\$3.30, HF Jacobs..\$49,240.80, Highway Impr..\$50,950.25, Don Gunther..\$45,075.55, Fastenal..\$78.80, Dakota Fluid Power..\$113.92, Cunningham Elec..\$341.87, B&B..\$6479.60, Shopko..\$64.13, Menards..\$216.28, Erdmann Fuels..\$153.74, Brick Propane..\$4639.30, Runnings..\$41.08, Sand Lake Tree Service..\$1800.00, Belleville Hobby..\$75.90, Town of Frederick..\$1750.00, Abdn Senior Citizens..\$250.00, MarTech..\$139.00, Mayo Clinic Health Letter..\$49.00, Weed & Pest Conf..\$45.00, Division of Ag Services..\$90.00, Aberdeen Dev Corp..\$40,000.00, NECOG..\$19,045.28, Glacial Lakes..\$1500.00, Brucelli Adv..\$81.00, Academy Trophy..\$7.00, Aberdeen Ride Line..\$1334.34, Office Max..\$220.73, Dakota Electronics..\$60.00, Brown & Saenger..\$33.84, Motorola..\$33,950.38, Bramic..\$307.00, Food & Fuel..\$83.75, Ferno MIR..\$25.95, Praxair..\$15.25, Dakota Supply..\$63.72, Earth Tech..\$191.08, Brown County Tres..\$132.14, SD Dept of Ag..\$60.00;

Mileage: Cindy Schwan..\$300.00, Roger Schaible..\$300.00, Dorothy Peterson..\$20.00, Rosie Varns..\$20.00, Minnie Ryman..\$35.96, Millie Watson..\$25.52, Eleanore Durfee..\$25.81;

Transcriptions: Cheryl Hook..\$24.00, Neal Reporting..\$225.00, Slowey Court Reporting..\$25.00,

Publications: American News..\$384.15, Weekly Edition..\$363.57;

Professional Fees: witness fees..\$160.00, Sioux Vocational Services..\$60.00, NADRIC..\$2083.33, Cathy Rehfuß..\$15.00, Gary Mikelson..\$33.50, Don Carlson..\$15.00, Donna Dietrich..\$74.10;

Utilities: NW Energy..\$1361.84, City of Aberdeen..\$563.21, Northwestern..\$4178.60, Verizon..\$135.39, Midcontinent Cable..\$132.50, Northern Valley Comm..\$68.85, James Valley Comm..\$141.33, Town of Frederick..\$18.25, Qwest..\$1131.12, Cellular One..\$14.99, Verizon..\$13.63, Northern Rural Cable..\$55.90, Northern Electric..\$693.45;

Care of Poor: Dr/Hospital – 7 recipients..Dakota Plains Surgical..\$783.94, Siouxland Anesthesiology..\$112.00, Anesthesia Care..\$404.00, Aberdeen Plastic Surgery..\$327.38, Eckrich Urology..\$47.40, Avera St Lukes..\$687.11; Drugs – 9 recipients..K-Mart Pharmacy..\$8.29, Kesslers..\$264.02, Medical Center..\$697.10, Dakota Square..\$253.68, Jones Drug..\$270.38; Rent – 6

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recipients..Park Village..\$162.00, Leona Villhauer..\$117.00, Carrel's Properties..\$250.00, Lakeside Estates..\$150.00, BMI..\$165.00, Joop Bollen..\$190.00; Transportation – 1 recipient..Aberdeen Advanced Care..\$119.53. All members present voting aye. Motion carried.

#### PERSONNEL:

Moved by Wiese, seconded by Feickert to approve the following employee step/longevity increases, effective January 19, 2003: Penny Hart @ \$14.51 per hour, Craig Anderson @ \$15.72 per hour, Barbara Johnson @ \$14.61 per hour, Brenda Hammerich @ \$10.26 per hour, Jane Jensen @ \$11.11 per hour, John McQuillen @ \$15.72 per hour. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Wiese to approve hiring Brad Ziegler, Joel Carda and Neil Bittner, effective January 1, 2003 as guards for purpose of prisoner transport. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Feickert to approve hiring Jacquelyn Ormand as part-time employee at the Dacotah Prairie Museum, effective January 20, 2003 at \$6.80 per hour. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Wiese to approve hiring Lori Ehlers as full-time Deputy States Attorney, effective January 13, 2003 at pro-rated annual salary of \$35,000.00. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Feickert to approve hiring Lee Kludt as part-time Home Detention Officer, effective January 14, 2003 at \$9.49 per hour. All members present voting aye. Motion carried.

#### ABATEMENTS:

Moved by Wiese, seconded by Feickert to approve the following Solid Waste Abatements: Avera St. Lukes, home unlivable (W 34.5' Lt 13-17 & S 10' of W 34.5' Lt 18 Bk 68 Hagerty & Lloyds Addn) for year 2003 in amount of \$15.00, house removed (Lt 3 Lager's 3<sup>rd</sup> Rearrg of Lt 10-12 Bk 88 Hagerty & Lloyds Addn) for year 2003 in amount of \$15.00; Brown County, tax exempt (E 71' Lt 23-24 Bk 44 Hagerty & Lloyds Addn for year 2003 in amount of \$15.00; Shirlee Briggs, pre-taxed mobile (Lt 10-12 Bk 46 WB Hayes Addn to Groton) for year 2003 in amount of \$15.00; Roger Spanier, pre-taxed mobile (Lt 2-4 Bk 33 1<sup>st</sup> Addn Groton) for year 2003 in amount of \$15.00; Merri Roettele, pre-taxed mobile (Smiloff's OL 2 N2 36-125-62) for year 2003 in amount of \$15.00; William & Rosemary Descamps, owner occupied (Lt 9 Bk 2 Park Ridge Estates 1<sup>st</sup> Addn) for year 2001 in amount of \$1,173.78. All members present voting aye. Motion carried.

#### AGREEMENTS:

Moved by Wiese, seconded by Feickert to approve and authorize the Chairman sign agreement with the SD Department of Corrections, effective January 1, 2003 through June 30, 2003 for providing secure detention services for youth under the jurisdiction of the State at the Brown County Juvenile Detention Center. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Wiese to approve and authorize the chairman sign affiliation agreement with Presentation College for Social Work Practicum Experience for students at the Brown County Juvenile Detention Center; and further allow Jessica Heintzman to shadow the Home Detention Program under guidelines of agreement. All members present voting aye. Motion carried.

#### EXTENSION BOARD APPOINTMENT:

Moved by Feickert, seconded by Wiese to appoint Dennis Mitchell to the Extension Board (first term commencing January 1, 2003, ending December 31, 2005). All members present voting aye. Motion carried.

**SHERIFF REPORTS:**

Moved by Wiese, seconded by Feickert to approve the following December 2002 Sheriff Reports: Incidents & Offenses, Prisoner Care, JDC, Money deposited with the County Treasurer, Monthly activities and Commissary Report. All members present voting aye. Motion carried.

**LETTER OF SUPPORT:**

Moved by Feickert, seconded by Wiese to approve and authorize the Chairman sign letter of support for NADRIC and Avera St. Luke's Hospital. All members present voting aye. Motion carried.

**DOJ SPECIAL APPROPRIATION:**

Moved by Wiese, seconded by Feickert to approve and authorize the Chairman sign Financial Form 269 for October through December 2002 for the Brown County Special Appropriation "Prevention and Intervention Programs for at-risk and detained youth" Grant #2001-JS-FX-0014. All members present voting aye. Motion carried.

**BROWN COUNTY WEED AND SEED:**

Moved by Wiese, seconded by Feickert to approve and authorize the Chairman sign Financial Form 269 for October through December 2002 for the Brown County Weed and Seed Grant #2002-WS-QX-0054. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Wiese to approve for filing the Year #1 Evaluation Report (October 1, 2001 – September 30, 2002) for the Brown County Weed and Seed Grant #2002-WS-QX-0054, prepared by Carol Borchard, M.A. All members present voting aye. Motion carried.

**HIGHWAY REPORT:**

Dirk Rogers, Highway Superintendent presented department project update.

**SURPLUS SALE:**

Merlin Worlie and Val Jark met to discuss process for selecting an auctioneer service to assist with County surplus property sales. Sealed proposals for auctioneer services will be requested prior to scheduling the next surplus sale.

**PARCEL ADDRESSING:**

Sheila Enderson, Carol Sherman, Mary Worlie and Gordon Vanauker met to discuss provisions of ordinance regarding address assignments on real estate parcels. Mick Waller, Planner/Zoner was also in attendance and was asked to return in two weeks with parcel addresses that are currently missing in six townships.

**2004 ASSESSMENT PLAN:**

Mary Worlie, Director of Equazliation answered questions in regard to the 2004 Assessment Plan provided to the Commission.

**DOJ DISUCSSION:**

Tom Schmitt, Barb Johnson, Faye Kann and Kevin Bain met to discuss the DOJ Special Appropriation Funds and Projects.

**RECESS:**

The Chairman declared the Commission recessed until January 21, 2003.

Maxine Taylor – Brown County Auditor



JANUARY 21, 2003 – GENERAL MEETING

Meeting called to order by Chairman Fischbach at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Feickert, Knecht and Wiese.

MINUTES:

Moved by Wiese, seconded by Feickert to approve the General Meeting minutes of January 14, 2003. All members present voting aye. Motion carried.

CLAIMS:

Moved by Wiese, seconded by Knecht to approve the following claims:

Supplies: New Trends..\$33.30, Exec Mgmt Finance..\$91.80, Huffman..\$13.98, Best Business..\$221.86, Office Equip..\$11.97, Western Printing..\$718.90, OK Tire..\$265.00, Heartland Paper..\$125.93, Quality Quick Print..\$2.50, Runnings..\$59.51, Keeper of the Stationery..\$156.00, Ecolab..\$69.70, K-Mart..\$357.14, Service Signs..\$50.00, SD Crime Conference..\$10.00, Photo Xpress..\$6.19, 4 Seasons Coop..\$27.06, Aberdeen School Dist..\$14.04, Bennett County Auditor..\$90.00, Safety Service..\$331.34, Fleet Mgmt..\$63.50, Herbergers..\$172.96, Credit Bureau..\$7.50, Food Services..\$225.83, Phillips 66..\$30.94, Dakota Outdoors..\$42.00, Tri-State Water..\$27.00, Career Planning..\$1013.25, Medical Center Pharmacy..\$1511.80, Viking Glass..\$107.32, SD Assoc of County Hwy Supt..\$165.00, Quill..\$76.48, Heartland Paper..\$514.80, JD Evans..\$18,272.98, Dware..\$625.00, Crady's..\$80.00, Menards..\$1552.20, Pierson Ford..\$10,035.00, Shopko..\$29.58, Janitor Supply..\$139.45, Dacotah Prairie Merchantile..\$24.95, Jobbers Moving..\$18.75, Lora Schaunaman..\$13.89, Parcel-Erickson..\$10.00, Senior Nutrition..\$156.50, South Brown Cons Dist..\$808.00, RDO..\$673.58, SDACC..\$187.50:

Mileage: City of Groton..\$360.18, Gordon Vanauken..\$102.37:

Transcriptions: Neal Reporting..\$179.10, Tammy Erickson..\$49.35:

Publications: American News..\$892.50, Midland Press..\$25.00:

Professional Fees: NE Mental Health..\$336.49, Sheriff of Yankton County..\$33.00, Donna Dietrich..\$129.07, Don Carlson..\$24.00, Marv Ekeren..\$24.00:

Court Appointed Attorney: Delaney, VanderLinden..\$1948.30, Christy Griffin Serr..\$416.10, Kelly Marnette..\$209.48:

Utilities: Northwestern Energy..\$3373.13, Dependable..\$356.00, Northern Elec..\$14.20, City of Hecla..\$107.61, Qwest..\$8244.24, AT&T..\$19.06:

Care of Poor: Dr/Hospital – 7 recipients..Dakota Imaging..\$739.84, Avera St Lukes..\$1840.52, Dianon Systems..\$346.80, Avera United Clinic..\$384.05, Orthopedic Surgery..\$165.35, Aberdeen Surgical Assoc..\$918.80; Rent – 5 recipients..Rockford Apts..\$380.00, Better Rentals..\$190.00, HTL Holdings..\$190.00, Kurt Krueger..\$111.00, Bob Schatz..\$210.00; Insurance – 1 recipient..Midstates Printing..\$549.17; Utilities – 1 recipient..NWPS..\$115.00; Burial – 1 recipient..City of Aberdeen..\$350.00, Osthus Funeral Home..\$1490.00. All members present voting aye. Motion carried.

PERSONNEL:

Moved by Hansen, seconded by Knecht to acknowledge resignation of Kevin Johnson, effective January 31, 2003. All members present voting aye. Motion carried.

ABATEMENTS:

Moved by Feickert, seconded by Wiese to approve the following Abatements: Rusty D Flack, double assessment (1997 Highland MH) for year 2002 in amount of \$546.57; SD School & Public Lands, Tax Exempt (Abandoned DM&E RR R/O/W) for year 2000 in total amount of

\$216.34, for year 2001 in total amount of \$223.92 and for year 2002 in total amount of \$217.17. All members present voting aye. Motion carried.

**WAIVE INTEREST:**

Moved by Wiese, seconded by Hansen to authorize Sheila Enderson, County Treasurer waive interest on School & Public Lands RR R/O/W tax exempt property obtained by abandonment of line by DM&E RR. All members present voting aye. Motion carried.

**AGREEMENT:**

Moved by Feickert, seconded by Wiese to approve and authorize the Chairman sign agreement with Dakota House for providing secure detention services for youth under the jurisdiction of Dakota House at the Brown County Juvenile Detention Center. All members present voting aye. Motion carried.

**BID – WEED CHEMICALS:**

Moved by Feickert, seconded by Hansen to authorize advertising public hearing to open, read and consider bids for furnishing chemical for the Brown County Weed and Pest Board, effective May 1 to October 31, 2003, to be held in the Commissioner's Chambers, Courthouse Annex, Brown County, SD at 9:45 A.M. on February 4, 2003. All members present voting aye. Motion carried.

**ATTORNEY CONTRACTS:**

Moved by Knecht, seconded by Hansen to approve Deputy States Attorney Contracts with Richard Russman in pro-rated annual amount of \$35,000.00 and Kim Dorsett in pro-rated annual amount of \$25,000.00 to perform services as a limited Deputy States Attorney. All members present voting aye. Motion carried.

**MUSEUM CONTRACTS:**

Moved by Hansen, seconded by Knecht to approve and authorize the Chairman to sign documentation in conjunction with the Dacotah Prairie Museum Foundation for Phase I – Restoration of Windows, Awnings and Masonry Project at the Museum (Foundation project, but County owns building). All members present voting aye. Motion carried.

**BID – LANDFILL LAND LEASE:**

Time and place, as advertised to open, read and consider sealed bids for the lease of County owned land at the Landfill. Two bids were received.

Moved by Knecht, seconded by Feickert to award high bid, submitted by Jeff Voeller in amount of \$52.36 per acre for lease of the NW ¼ of Sec 14-T123N-R65W of the 5<sup>th</sup> P.M., Brown County, SD for one year with two one-year options available; rejecting bid submitted by Bauer Farms in amount of \$49.55 per acre. All members present voting aye. Motion carried.

**BID – LITTER VACUUM:**

Moved by Feickert, seconded by Wiese to authorize advertising public hearing to open, read and consider bids for a Litter Vacuum for use at the Landfill, to be held at 8:45 A.M. on February 11, 2003 in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. All members present voting aye. Motion carried.

**EXECUTIVE SESSION:**

Moved by Wiese, seconded by Feickert to go into executive session to discuss possible litigation with Dirk Rogers in attendance. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Feickert to adjourn executive session. All members present voting aye. Motion carried.

**DOJ SPECIAL APPROPRIATION:**

Moved by Knecht, seconded by Feickert to authorize advertising public hearing to open Proposals for Health Care Assistance for the Juvenile Detention Center to be funded by the Department of Justice Prevention and Intervention Programs for At-Risk and Detained Youth Project #2001-JS-FX-0014, to be read and considered at 9:00 A.M. on February 18, 2003 in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Hansen to approve and authorize the Chairman sign Categorical Assistance Progress Report for the Brown County "Prevention and Intervention Programs for At-Risk and Detained Youth" Project for July 1, 2002 through December 31, 2002. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Feickert to approve and authorize the Chairman sign Brown County DOJ Special Appropriation – Year 2 Contract for Services with Lutheran Social Services to provide specific, limited mental health services to "At-Risk" youth in rural Brown County (program components include School-Based Mental Health Projects and Wraparound Individualized Services). All members present voting aye. Motion carried.

Moved by Wiese, seconded by Feickert to go into executive session to discuss personnel with Mark Milbrandt, Faye Kann and Kevin Bain in attendance. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Knecht to adjourn executive session. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Feickert to approve and authorize Addendum No. 3 to Agreement for DOJ Brown County Special Appropriation for Project Coordinator/Administrative Assistance between Brown County and Northeast Council of Governments, effective January 21, 2003, naming Tom Fischbach as primary contact for the Project. All members present voting aye. Motion carried.

**BROWN COUNTY WEED AND SEED:**

Moved by Feickert, seconded by Knecht to approve and authorize the Chairman sign Categorical Assistance Progress Report for the Brown County Weed and Seed Project for July 1, 2002 through December 31, 2002. All members present voting aye. Motion carried.

**RECESS:**

The Chairman declared the Commission recessed until January 28, 2003.

Maxine Taylor – Brown County Auditor

JANUARY 27, 2003 - JOINT CITY/COUNTY MEETING

The Brown County Commission and the Aberdeen City Commission met in joint session at 6:30 P.M. in the Aberdeen Commission Chambers, 123 S Lincoln, Aberdeen, South Dakota. Present from City were Commissioners Klabo, Omland, Kirkpatrick and Mayor Hopper. Absent Commissioner Pfeifer. Present from County were Commissioners Hansen, Wiese and Fischbach. Absent Commissioners Knecht and Feickert.

ORDINANCE NO. 03-01-01/264:

On motion by Kirkpatrick and seconded by Klabo, the City unanimously voted to approve First Reading of Ordinance No. 03-01-01/264.

Moved by Hansen, seconded by Wiese to approve First Reading of Ordinance No. 03-01-01/264, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (I-2) Unrestricted Industrial District to Section 714 (M-Ag) Mini-Agricultural District, said property being described as follows: Lot 2 of "Bourdon's First Subdivision in NE ¼ of Sec 21-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to adjourn the Brown County Commission. All members present voting aye. Motion carried.

Maxine Taylor – Brown County Auditor

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JANUARY 28, 2003 – GENERAL MEETING

Meeting called to order by Vice Chairman Feickert at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioner Hansen and Wiese. Absent Commissioners Knecht and Fischbach.

MINUTES:

Moved by Hansen, seconded by Wiese to approve the General Meeting minutes of January 21, 2003. All members present voting aye. Motion carried.

CLAIMS:

Moved by Wiese, seconded by Hansen to approve the following claims:

Payroll: Commissioners..\$2,443.30; Auditor..\$5,879.50; Treasurer..\$8,378.74; Data

Processing..\$1,573.08; State's Attorney..\$8,333.92; Victims Assistance..\$904.05;

Maintenance..\$4,986.18, Assessor..\$6,933.54; Planning & Zoning..\$1,023.20;

Register of Deeds..\$4,517.90; Veterans Service Office..\$2,247.00; Sheriff..\$52,186.41;

DOJ Grant..\$3,246.68; Communications..\$13,390.42; Welfare Office..\$2,608.10; Health..\$2,528.00;

Museum..\$3,694.00; Fairboard..\$1,775.11; Fairgrounds & Parks..\$3,007.44; Extension..\$1,613.60;

Weed..\$53.92; Foster Grandparent Program..\$1,894.50; Emergency Management..\$2,107.79;

Highway..\$27,126.98, Landfill..\$6,570.44:

Matching Benefits: FICA..\$10,003.34, Medicare..\$2,339.43, Wellmark BCBS Life..\$686.96, Wellmark BCBS Health..\$51,936.28, Delta Dental..\$3,414.20, SD State Retirement..\$20,723.63:

Supplies: US Post Office..\$1516.58, Pitney Bowes..\$297.00, ES&S..\$673.28, Legislative Mail..\$13.69,

CSD Acct Dept..\$40.00, West Group..\$2778.50, Language Line..\$49.75, CMS Holdings..\$6013.50,

Brown & Saenger..\$410.08, McLeods..\$339.29, McFarland..\$3.53, Central Supply..\$264.54, Dakota

Supply..\$30.50, Menards..\$354.28, Taylor Laundry..\$51.00, Sherwin Williams..\$16.49, Heartland

Paper..\$311.85, Active Data..\$4855.92, SD Coalition..\$15.00, Respond..\$181.15, Dept of Rev..\$735.00,

Photo Xpress..\$2.76, Great North Am Co..\$79.00, Dick's Westside..\$33.00, New Trends..\$344.47, Best

Business..\$215.64, Dakota Electronics..\$1864.50, Vosika Fencing..\$186.00, Brown County..\$4038.42,

Viking Office..\$69.81, George Sumption..\$200.00, Hagan Ins..\$272.00, Plastic Works..\$2250.00, Larson

Blacksmith..\$65.00, Kar Products..\$14.69, Darla Jung..\$300.00, John Deere..\$30,216.16, JD

Evans..\$36,113.00, Violet Dinger..\$5759.58, Diesel Machinery..\$3700.00, Creative Signs..\$20.00,

Crawford Trucks..\$12,000.00, Boys & Girls Club..\$10,000.00, Area IV Nutrition..\$5500.00, Sherwin

Williams..\$34.80, Ameripride..\$23.71, Kleins..\$13.35, Travel & Recreation Directory..\$395.00, SDN

Tech..\$205.00, SD 4-H Foundation..\$12.00, Century Business..\$68.05, Wearguard..\$42.73, City of

Aberdeen..\$5700.00, ND APCO..\$100.00, E-Mat..\$37.00, Minnehaha County Metro..\$885.00,

Kesslers..\$8.52, Dodge Co..\$277.20, Helms & Assoc..\$2389.85, MN Pollution Control..\$210.00, Taylor

Laundry..\$201.68, Sam's Sound..\$875.00, Fordham Signs..\$367.50, Midwest Pump & Tank..\$342.68,

Farnam's..\$15.13, Mac's..\$124.37, Gas & Goodies..\$30.00, Runnings..\$130.98, SD Dept of

Revenue..\$13.00:

Mileage: Eileen Hoffarat..\$65.54:

Transcriptions: Neal Reporting..\$42.00:

Publications: American News..\$262.45, Next Generation Pub..\$271.42:

Professional Fees: witness fees..\$60.00, Richard Russman..\$2916.66, Kim Dorsett..\$2083.33, Kevin

Spitzer..\$319.00, Brandon Leslie..\$158.00, Marv Ekeren..\$15.00, Don Carlson..\$15.00, Donna

Dietrich..\$110.37, Avera St Lukes..\$595.00:

Court Appointed Attorney: William Gerdes..\$4166.61, Scott Kuck..\$4166.61, Christy Serr..\$4166.61,

Randy Turner..\$4166.61, Kettering Law Office..\$127.45:

Utilities: Qwest..\$2564.57, Cellular One..\$805.93, Northwestern..\$1239.82, Bureau of Admin..\$400.26,

Midcontinent Cable..\$82.67, Prairiewave..\$19.95, Northern Elec..\$270.51:

Care of Poor: Dr/Hospital – 6 recipients..Northern Plains OMS..\$49.36, Dakota Plains Surgical..\$738.00, LCM Pathologists..\$105.16, Anesthesia Care..\$288.00, Avera St Lukes..\$3983.56, North Central Heart..\$2246.67; Drugs – 7 recipients..K-Mart Pharm..\$1085.13, Dakota Square Pharm..\$101.76, Kessler Pharm..\$201.24, Walmart Pharm..\$55.30; Rent – 4 recipients..Park Village..\$155.00, Rockford Apts..\$210.00, Mary Walker..\$250.00, Rachel Stephens..\$210.00; Transportation – 1 recipient..SD Human Services Center..\$53.50; Insurance – 4 recipients..Pay Flex Systems..\$283.39, Twin City Fan..\$370.90, Avera Health Plans..\$613.92; Utilities – 1 recipient..WEB Water..\$110.61, Northern Electric..\$134.06. All members present voting aye. Motion carried.

**PERSONNEL:**

Moved by Hansen, seconded by Wiese to approve the following step/longevity increase, effective February 2, 2003: Gary Bunt @ \$13.48 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to approve hiring Brad Erhardt, Roland Barvels and Nathan Wood as guards, effective January 5, 2003 for purpose of prisoner transport. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to approve hiring Bobbie Olauson as full-time JDC Officer, effective January 28, 2003 at \$9.72 per hour. All members present voting aye. Motion carried.

**ABATEMENTS:**

Moved by Hansen, seconded by Wiese to approve the following Abatements: Bruce MacDonald, parcels combined (N 528' of W 20 rods of N 80 rods NE 34-123-63) solid waste for year 2003 in amount of \$65.00; Jerry W Sjerven, owner/occupied (S2 Hoff's OL 1 Bk 16 Smith's Addn) for year 2001 in amount of \$460.03 for year 2002 in amount of \$445.21; NSU, tax exempt (Lt 2 Lights Addn Bk 1 Normal Addn) for year 2002 in amount of \$269.57; David Hofer, double assessment (BOLS Broadway Pecks 1<sup>st</sup> Addn E 30' Lt 2, 4, 6) for year 2002 in amount of \$574.40; Cecile Ringgenberg, mobile home moved (Tract 60' N & S by 175' E & W adj to Lt 1 SE 8-128-65) solid waste for year 2003 in amount of \$25.00; Dale & Roxanna Streckfuss, BOLS (SE 18-122-65) for year 2002 in amount of \$1635.38; John Burgard, incorrect assessment (BOLS #20 S 300' Lt 1 Piersons SD & N2 v/s 18-123-63) solid waste for year 2003 in amount of \$810.00. All members present voting aye. Motion carried.

**INVENTORY TRANSFER:**

Moved by Wiese, seconded by Hansen to transfer Decal #3060 Typewriter (Sheriff) and Decal #315 Copier (EM) to Central Storage. All members present voting aye. Motion carried.

**VALEC 457 AMENDMENT:**

Moved by Wiese, seconded by Hansen to authorize Chairman sign documentation to amend investment options on VALIC 457 Deferred Compensation Plan offered to employees. All members present voting aye. Motion carried.

**PLATS:**

Commissioner Hansen offered the following Resolution:

**RESOLUTION NO. 06-03**

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Pharis First Subdivision in Putney, SD", 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. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-absent, Wiese-aye, Fischbach-absent. Resolution adopted.

Commissioner Wiese offered the following Resolution:

RESOLUTION NO. 07-03

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Pray Addition in the SW¼ of Sec 20-T124N-R61W of the 5<sup>th</sup> P.M., Brown County, SD", 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 Hansen. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-absent, Wiese-aye, Fischbach-absent. Resolution adopted.

Commissioner Hansen offered the following Resolution:

RESOLUTION NO. 08-03

BE IT RESOLVED by the Board of Commissioners of Brown County, SD, that the plat showing "Sippel Addition in the SW¼ of Sec 9-T123N-R60W of the 5<sup>th</sup> P.M., Brown County, SD", 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. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-absent, Wiese-aye, Fischbach-absent. Resolution adopted.

Commissioner Wiese offered the following Resolution:

RESOLUTION NO. 09-03

BE IT RESOLVED by the Board of Commissioners of Brown County, SD, that the plat showing "Munger First Addition in the SW¼ of Sec 28-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD", 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 Hansen. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-absent, Wiese-aye, Fischbach-absent. Resolution adopted.

Commissioner Wiese offered the following Resolution:

RESOLUTION NO. 10-03

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Ludwig's First Subdivision in SE¼ of Sec 33-T124N-R64W of 5<sup>th</sup> P.M., Brown County, SD", 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 Hansen. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-absent, Wiese-aye, Fischbach-absent. Resolution adopted.

Commissioner Wiese offered the following Resolution:

RESOLUTION NO. 11-03

BE IT RESOLVED by the Board of Commissioners of Brown County, SD, that the plat showing "Dombrowe Lot 1 in the NE¼ of Sec 34-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD", 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 Hansen. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-absent, Wiese-aye, Fischbach-absent. Resolution adopted.

Commissioner Wiese offered the following Resolution:

RESOLUTION NO. 12-03

BE IT RESOLVED by the Board of Commissioners of Brown County, SD, that the plat showing "Lock Addition in the SW¼ of Sec 3-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD", 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 Hansen. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-absent, Wiese-aye, Fischbach-absent. Resolution adopted.

Commissioner Wiese offered the following Resolution:

RESOLUTION NO. 13-03

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Musel 1<sup>st</sup> Subdivision of SE¼ Sec 2-T123N-R64W of 5<sup>th</sup> P.M., Brown County, SD", 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 Hansen. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-absent, Wiese-aye, Fischbach-absent. Resolution adopted.

Commissioner Wiese offered the following Resolution:

RESOLUTION NO. 14-03

BE IT RESOLVED by the Board of Commissioners of Brown County, SD, that the plat showing "Bollwerk Addition in the SW¼ of Sec 3-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD", 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 Hansen. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-absent, Wiese-aye, Fischbach-absent. Resolution adopted.

BID DATES SET:

Moved by Wiese, seconded by Hansen to authorize advertising public hearing to open, read and consider the following bids for the Highway Department, to be held in the Commissioner's Chambers, Courthouse



Annex, Brown County, SD: Road Oil at 9:00 a.m., Hot Mix at 9:15 a.m. and Gravel at 9:30 a.m. on February 25, 2003; and Rental Equipment at 8:45 a.m., Milling at 9:00 a.m. and Mixing at 9:15 a.m. on March 4, 2003. All members present voting aye. Motion carried.

#### BID AWARD – CULVERTS:

Moved by Wiese, seconded by Hansen to award bid (as awarded by Beadle County on January 14, 2003), submitted by Huron Culvert & Tank Company for furnishing Metal Pipe Culverts and Bridge Material FOB; rejecting bid submitted by Central Culvert Supply. Bids are available for public inspection Monday – Friday, 8:00 a.m. to 5:00 p.m. in the Auditor's Office. All members present voting aye. Motion carried.

#### EXECUTIVE SESSION:

Moved by Wiese, seconded by Hansen to go into executive session for personnel discussion with Dirk Rogers in attendance. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to adjourn executive session. All members present voting aye. Motion carried.

#### BCCHC REPORT:

DeAnna Kyburz presented the Brown County Community Health Center Report for October, November and December 2002.

#### JDC/HOME DETENTION ANNUAL REPORT:

The 2002 Annual JDC and Home Detention Reports were submitted by Barb Johnson, JDC Supervisor and Jennifer Mechaley, Home Detention Supervisor.

#### BUSINESS IMPROVEMENT DISTRICT:

Georgia Smith met to present the Aberdeen Master Vision Report completed in December 2002 and request Commission to consider paying an annual assessment to fund the Business Improvement District, based on square footage owned, although Brown County is Tax Exempt. No action was taken at this time.

#### BROWN COUNTY WEED AND SEED:

Moved by Wiese, seconded by Hansen to approve the Brown County Weed and Seed Monthly Expenses for January (Year One 2002-WS-QX-0054), in amount of \$4,038.42. All members present voting aye. Motion carried.

#### DOJ SPECIAL APPROPRIATION:

Moved by Wiese, seconded by Hansen to approve and authorize the Chairman sign Brown County DOJ Special Appropriation – Year 2 Contract for Services with the Aberdeen Family YMCA to provide services through staff who will facilitate group exercise classes in the Juvenile Detention Center. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to go into executive session to discuss personnel with Faye Kann and Kevin Bain in attendance. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to adjourn executive session. All members present voting aye. Motion carried.

#### COMPUTER UPDATE:

Bill Meink presented an update on the computer program update being developed. Pete Adams was also in attendance.

**JAIL SECURITY SYSTEM:**

Mark Milbrandt, Tom Schmitt and John VanderHoek discussed the jail security system cost estimate of \$250,000 to \$300,000. Additional information will be presented at a later date.

**COMMISSARY:**

Moved by Hansen, seconded by Wiese to add lotion and lip balm to items available for inmates to purchase through the Sheriff's Department. All members present voting aye. Motion carried.

**ADDRESS ASSIGNMENT DISCUSSED:**

Mick Waller discussed the current system of assigning addresses to real estate parcels.

**US FISH & WILDLIFE:**

John Koerner and Pat Russell presented information in regard to grassland easements and indicated a potential interest in County owned property if offered in the future.

**SHERIFF VEHICLES:**

Tom Schmitt discussed the 2003 budget line item for vehicles and options available. No action was taken at this time.

**JAIBG:**

Moved by Wiese, moved by Hansen to authorize Barb Johnson to submit an amendment to the FY01 JAIBG Grant for Brown County (replacing the video camera line item with traffic radar machines). All members present voting aye. Motion carried.

**RECESS:**

The Vice Chairman declared the Commission recessed until February 4, 2003.

Maxine Taylor – Brown County Auditor

## FEBRUARY 3, 2003 - JOINT CITY/COUNTY MEETING

The Brown County Commission and the Aberdeen City Commission met in joint session at 6:30 P.M. in the Aberdeen Commission Chambers, 123 S Lincoln, Aberdeen, South Dakota. Present from City were Commissioners Klabo, Omland, Kirkpatrick, Pfeifer and Mayor Hopper. Present from County were Commissioners Hansen, Wiese and Fischbach. Absent Commissioners Knecht and Feickert.

## ORDINANCE NO. 03-01-01/264:

On motion by Kirkpatrick and seconded by Klabo, the City unanimously voted to approve Second Reading of Ordinance No. 03-01-01/264.

On motion by Pfeifer and seconded by Omland, the City unanimously voted to adopt Ordinance No. 03-01-01/264.

Moved by Hansen, seconded by Wiese to approve Second Reading of Ordinance No. 03-01-01/264. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to adopt Ordinance No. 03-01-01/264, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (I-2) Unrestricted Industrial District to Section 714 (M-Ag) Mini-Agricultural District, said property being described as follows: Lot 2 of "Bourdon's First Subdivision in NE ¼ of Sec 21-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto. Roll call vote: Commissioners Hansen-aye, Wiese-aye, Fischbach-aye, Knecht-absent, Feickert-absent. Ordinance adopted.

## SET HEARING DATES:

Moved by Kirkpatrick and seconded by Omland, the City unanimously voted to set public hearing for 6:30 p.m. on February 25, 2003 in the Aberdeen City Commission Chambers, 123 S Lincoln Street for First Reading of Ordinance No. 03-02-01/265 (Schumaker/Dabbert), Ordinance No. 03-02-02/266 (Cutler), Ordinance No. 03-02-06/270 (Hub City Livestock/Young) and Ordinance No. 03-02-08/271 (Munger/Bonn).

Moved by Hansen, seconded by Wiese to set public hearing for 6:30 p.m. on February 25, 2003 in the Aberdeen City Commission Chambers, 123 S Lincoln Street for First Reading of Ordinance No. 03-02-01/265 (Schumaker/Dabbert), An Ordinance to amend Ordinance No. 1164 to rezone the following described property from Section 701 (A-1) Agricultural District to Section 707 (C-2) Highway Commercial District (Schumaker Lot 1 in NW ¼, Sec. 23-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto); Ordinance No. 03-02-02/266 (Cutler), to amend Ordinance No. 1164 to rezone the following described property from Section 701 (A-1) Agricultural District to Section 714 (M-AG) Mini-Agricultural District (The SW ¼ of Sec 10-T123N-R63W and extending to the centerline of all public right-of-way located adjacent thereto, except plat of "Evergreen East Second Addition in the SW ¼ of Sec 10-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD", except plat of Lien Acres in the SW ¼ of Sec. 10-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD", except plat of "Hamilton's First Addition in SW ¼, Sec 10-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD" and except plat of "Evergreen East Addition in the SW ¼ of Sec 10-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD"); Ordinance No. 03-02-06/270 (Hub City Livestock/Young), to amend Ordinance No. 1164 to rezone the following described property from Section 701 (A-1) Agricultural District, Section 704 (R-2) Medium Density Residential District, and Section 710 (I-2) Unrestricted Industrial District to Section 710 (I-2) Unrestricted Industrial District (Hub City Livestock Lot 1, Young's Lot 1 and Young's Lot 2 of "Hub City Livestock Second Addition in E ½ Sec 26-T123N-R64W of 5<sup>th</sup> P.M., Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto); Ordinance No. 03-02-08/271 (Munger/Bonn), to amend Ordinance No. 1164 to rezone the following described property from Section 701 (A-1) Agricultural District to Section 704 (R-2)

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Medium Density Residential District (Lots 1 and 2 of "Munger First Addition in the SW ¼ of Sec 28-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto) and to rezone the following described property from Section 701 (A-1) Agricultural District to Section 714 (M-AG) Mini-Agricultural District (Lot 3 of "Munger First Addition in the SW ¼ of Sec 28-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD", Lot 4 of "Airport Addition (includes replat of Preston OL 1, Anderson OL 1 and Anderson OL 2) in the SW ¼ of Sec 28-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto). All members present voting aye. Motion carried.

Moved by Klabo and seconded by Pfeifer, the City unanimously voted to set public hearing for 6:30 p.m. on February 25, 2003 in the Aberdeen City Commission Chambers, 123 S Lincoln Street for First Reading of Ordinance No. 03-02-05/269 (Amend Ordinance 1164).

Moved by Wiese, seconded by Hansen to set public hearing for 6:30 p.m. on February 25, 2003 in the Aberdeen City Commission Chambers, 123 S Lincoln Street for First Reading of Ordinance No. 03-02-05/269, An Ordinance to amend Ordinance No. 1164 pertaining to zoning, said amendment being described as follows: Amending Section 502 and 707.3 to add definition of crematorium and a special exception which may be permitted in the (C-2) Highway Commercial District. All members present voting aye. Motion carried.

Moved by Pfeifer and seconded by Klabo, the City unanimously voted to set public hearing for 6:30 p.m. on March 3, 2003 in the Aberdeen City Commission Chambers, 123 S Lincoln Street for First Reading of Ordinance No. 02-09-04/267 and Ordinance No. 02-09-05/268 (Amend Ordinance 1164).

Moved by Wiese, seconded by Hansen to set public hearing for 6:30 p.m. on March 3, 2003 in the Aberdeen City Commission Chambers, 123 S Lincoln Street for First Reading of Ordinance No. 02-09-04/267, An Ordinance amending Sec 502, 707.3, 708.3, 710.3 and adding Sec 1103 to Ordinance No. 1164, known as the Zoning Ordinance of the City of Aberdeen, SD, to add definitions of words, to add sexually oriented businesses as a special exception which may be permitted in the (C-2) Highway Commercial District, (C-3) Central Business District and (I-2) Unrestricted Industrial District and to add Adult Uses Ordinance; and Ordinance No. 02-09-05/268, An Ordinance amending Sec 502, 706.5, 707.2, 708.2, 710.2 and adding Sec 1104 to Ordinance No. 1164, known as the Zoning Ordinance of the City of Aberdeen, SD, to add definitions of words, to add all uses in the (C-1) Neighborhood Commercial District, (C-) Highway Commercial District, (C-3) Central Business District and (I-2) Unrestricted Industrial District are subjected to requirements as defined in Section 1104. School Safe Zone and to add a 300' School Safe Zone ordinance. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to adjourn the Brown County Commission. All members present voting aye. Motion carried.

Maxine Taylor – Brown County Auditor

## FEBRUARY 4, 2003 – GENERAL MEETING

Meeting called to order by Chairman Fischbach at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Knecht and Wiese. Absent Commissioner Feickert.

## MINUTES:

Moved by Wiese, seconded by Knecht to approve the Joint City/County Meeting minutes of January 27, 2003 and the General Meeting minutes of January 28, 2003. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Wiese, seconded by Hansen to approve the following claims:

Supplies: Dakota Electronics..\$3,041.25, Office Max..\$1676.66, Office Equip..\$232.00, Heartland Paper..\$1143.45, Runnings..\$502.70, McFarland..\$22.66, Rux Bros..\$55.35, Respond..\$22.70, Sherwin-Williams..\$4.49, Dakota Supply..\$686.82, Best Business..\$641.89, New Trends..\$72.28, Mobile Electronic Service..\$2020.00, CPI..\$424.00, Arlys Kluess..\$155.00, West Group..\$208.00, Langs..\$14.00, Streichers..\$185.85, Visa..\$189.00, Food Service..\$131.05, Int'l Assoc for Property..\$300.00, Dept of Revenue..\$2729.05, Target..\$111.27, Exec Mgmt Finance..\$1932.84, Menards..\$267.36, Pierson Ford..\$26.10, Jones Drug..\$35.81, Walmart..\$37.10, NECOG..\$9754.62, Butler..\$1601.00, Crawford Trucks..\$12,417.81, Farm Power..\$109.82, Lawson Products..\$470.80, M-R Signs..\$40.61, NADRIC..\$2083.33, Sand Lake Tree Service..\$157.00, Feickert Elec..\$1065.96, Shopko..\$49.36, RE Huffman..\$129.72, Dacotah Prairie Museum..\$31.24, AgBio Comm..\$37.05, Kesslers..\$9.95, CarQuest..\$39.99, Cellular One..\$29.99, SD Assoc of County Weed Supervisors..\$50.00, Nat'l Assoc of FGP Directors..\$75.00, Creative Forecasting..\$48.00, State Raio..\$2050.00, US Post Master..\$68.00, Quality Quick Print..\$96.77, OK Tire..\$572.00, Graham Tire..\$2515.44, Sheehan Mack Sales..\$390.65, Butler..\$3176.92, Artz Camera..\$45.56, NECOG..\$2903.77, Warner School District..\$605.00:  
Mileage: Maxine Taylor..123.34, Gene Loeschke..\$93.09, Barb Johnson..\$95.12, Lisa Thorpe..\$123.00, Rachel Kane..\$762.76, Jerry Mills..\$74.89, Jodi McQuillen..\$20.88:

Transcriptions: Neal Reporting..\$145.80:

Publications: American News..\$199.80, Weekly Edition..\$167.68, Midcontinent Cable..\$68.02:

Utilities: Northwestern Energy..\$6972.83, Qwest..\$407.77, Montana Dakota..\$30.27, WEB..\$81.46, Midcontinent Cable..\$130.00, James Valley Coop..\$207.20:

Care of Poor: Dr/Hospital – 2 recipients..Avera St Lukes..\$2559.62, Dr John Adams..\$174.26; Drugs – 2 recipients..Randall Pharmacy..\$78.10, Avera Home Medical Equip..\$453.37; Rent – 7 recipients..Falcon Properties..\$185.00, Dallas Niederbaumer..\$250.00, Park Village..\$157.00, D&L LLC..\$380.00, Foxridge..\$210.00, Leona Vilhauer..\$190.00; Transportation – 2 recipients..Aberdeen Ride Line..\$51.00, Christensen Ambulance..\$876.49; Utilities – 3 recipients..NWPS..\$679.29. All members present voting aye. Motion carried.

## ABATEMENTS:

Moved by Wiese, seconded by Hansen to approve the following Abatements: Alan & Mary Rieger, owner/occupied (S2 Lt 25 & Lt 26 Garden Add) for year 2000 in amount of \$435.02, for year 2001 in amount of \$361.94 and for year 2002 in amount of \$335.18; Bob or Susan Gravatt, Mobile Home moved (BOLS NE 10-125-62 ex NE of NE) for year 2002 in amount of \$536.22; Walter & Sandra Blondo, owner/occupied (N 36 rods of E 22 rods NE 1-121-61) for year 2002 in amount of \$587.69; Northern Valley Communications, centrally assessed (Lt 1 NVC Add (OL 1 Highland OLS) for year 2002 in amount of \$14.94. All members present voting aye. Motion carried.

## PERSONNEL:

Moved by Knecht, seconded by Wiese to acknowledge resignation of Lynn Heupel, effective February 14, 2003; and further to authorize the Extension Office to advertise for replacement. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Hansen to acknowledge the following miles driven and amount to be taxed for personal use of County vehicles during November and December 2002: Richard Burns – 100 @ \$32.50, Dirk Rogers – 1008 @ \$327.60, and Mike Scott – 318 @ \$103.35. All members present voting aye. Motion carried.

#### BID – WOOD WASTE GRINDING:

Moved by Knecht, seconded by Wiese to authorize advertising public hearing to open, read and consider bids on 2003 Wood Waste Grinding for the Brown County Landfill, to be held in the Commissioner's Chambers, Courthouse Annex, Brown County, SD at 10:00 a.m. on February 25, 2003. All members present voting aye. Motion carried.

#### EXECUTIVE SESSION:

Moved by Hansen, seconded by Wiese to go into executive session to discuss possible litigation with Mark McNeary and Lori Ehlers in attendance. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Knecht to adjourn executive session. All members present voting aye. Motion carried.

#### FAIR DISCUSSION:

Larry Gerlach met with the Commission to discuss ways of promoting additional booth spaces that will be available for the 2003 Brown County Fair.

#### SHERIFF BUDGET:

Mark Milbrandt and Tom Schmitt discussed the 2003 Sheriff Budget in regard to the purchase and/or lease of patrol vehicles. The Commission authorized the purchase of one vehicle in 2003.

#### BID – WEED CHEMICAL:

Time and place, as advertised to open, read and consider bids for furnishing and delivery of Chemical for the Brown County Weed and Pest Board for 2003. Moved by Wiese, seconded by Hansen to award low bid, submitted by VanDiest Supply Company, McCook, NE in amount of \$29,158.32; rejecting bids submitted by Timberland, Spearfish, SD in amount of \$29,367.80 and Hefty Seed Company, Aberdeen, SD in amount of \$31,882.12. All members present voting aye. Motion carried.

#### SECURITY EQUIPMENT:

Mark Milbrandt and Judy Dosch met to discuss specifications for updating the camera security system in the Brown County Jail. The Commission requested a list of equipment in immediate need of replacement be compiled with the intent of enhancing the system at a later date.

#### DOJ SPECIAL APPROPRIATION:

Moved by Knecht, seconded by Wiese to approve the following funding proposal that complies with the goals and objectives of the DOJ Special Appropriation – Prevention and Intervention Programs for At-Risk and Detained Youth #2001-JS-FX-0014: Aberdeen School District Parents As Teachers (parent education for at-risk families with preschool youth). All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman sign Contract for Services with Aberdeen School District for Parents As Teachers Program in amount not to exceed \$7,670.40 to be

funded by DOJ Special Appropriation Grant #2001-JS-FX-0014-Year Two. All members present voting aye. Motion carried.

**BROWN COUNTY WEED & SEED:**

Moved by Wiese, seconded by Hansen to approve the transfer of the following Weed and Seed Year One funding request to Year Two: NADRIC (Parent Educational Booklets), as recommended by the Steering Committee. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to approve the following Weed and Seed Year One funding requests: Aberdeen Police Department (Night Vision Equipment, Drug Dog Training), Aberdeen Catholic Schools (Peer Helper Training, Active Parenting Workshops), Lutheran Social Services (Life Skills Training), as recommended by the Steering Committee. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to approve the following Weed and Seed Year Two funding requests: Aberdeen School District (Link Crew), City of Aberdeen (Housing & Redevelopment Security Enhancement, DocStar Computer Scanning System), as recommended by the Steering Committee. All members present voting aye. Motion carried.

Jodi Gerdes was introduced as Coordinator for the Brown County Weed & Seed Program.

**RECESS:**

The Chairman declared the Commission recessed until February 11, 2003.

Maxine Taylor – Brown County Auditor

## FEBRUARY 11, 2003 – GENERAL MEETING

Meeting called to order by Chairman Fischbach at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Feickert, Knecht and Wiese.

### MINUTES:

Moved by Wiese, seconded by Hansen to approve the General Meeting minutes of February 4, 2003. All members present voting aye. Motion carried.

### CLAIMS:

Moved by Feickert, seconded by Wiese to approve the following claims:

Payroll: Commissioners..\$2,443.30; Auditor..\$5,914.24; Treasurer..\$8,088.30; Data Processing..\$1,573.08; State's Attorney..\$8,350.72; Victims Assistance..\$904.05; Maintenance..\$4,972.45, Assessor..\$6,814.58; Planning & Zoning..\$1,090.35; Register of Deeds..\$4,517.90; Veterans Service Office..\$2,254.05; Sheriff..\$54,505.14; DOJ Grant..\$3,209.50; Communications..\$14,895.94; Welfare Office..\$2,608.10; Health..\$2,528.00; Museum..\$4,039.10; Fairgrounds & Parks..\$3,007.44, Fairboard..\$1,775.11; Extension..\$1,613.60; Weed..\$335.69; Foster Grandparent Program..\$1,894.50; Emergency Management..\$2,107.79; Highway..\$26,932.62, Landfill..\$6,911.52;

Matching Benefits: FICA..\$10,309.45, Medicare..\$2,411.03;

Supplies: Ramkota..\$60.00, SD Assoc of County Commissioners..\$31.50, Reserve Acct..\$5000.00, Office Equip..\$247.00, Heartland Paper..\$1249.68, Vicky Wicks..\$30.32, Gardner Locksmith..\$20.00, Menards..\$760.51, House of Glass..\$4698.00, Taylor Laundry..\$44.00, Cunningham Elec..\$350.76, Sanders Sew 'N Vac..\$239.98, New Trends..\$32.99, HRS..\$2851.34, Respond..\$117.40, Sewing Shop..\$11.00, Herbergers..\$64.97, Hoven Auto..\$17.14, Duanes Amoco..\$25.65, Cheryl Hairgrove..\$950.00, Dawn Woods..\$100.00, Kesslers..\$252.78, Quality Quick Print..\$448.73, Dakota Electronics..\$605.95, OK Tire..\$7.00, Parcel-Erickson..\$65.00, Mid American Specialties..\$283.48, Bonnie Bitz..\$24.00, Sirchie..\$55.23, Accurint..\$6.00, Photo Xpress..\$17.12, Velvet Uniforms..\$209.61, Lust..\$429.54, Office Max..\$1357.15, Viking Office..\$4.32, Specialty Mfg..\$206.65, SD Federal Property..\$64.50, Sheehan..\$12.31, Safety Service..\$5676.00, Runnings..\$144.42, Quality Quick Print..\$52.14, North Central Farmers Elev..\$8164.36, Newman Signs..\$572.25, Midwest Pump & Tank..\$321.59, Macs..\$29.90, K-Mart..\$40.46, Johnson Tire..\$20.00, JBS Backhoe..\$375.00, Interstate Battery..\$153.90, House of Glass..\$288.63, Hedahls..\$1.98, Hecla Impl..\$45.30, Great Western Tire..\$3490.54, Four Seasons Coop..\$12.26, Fastenal..\$65.00, Farnams..\$148.89, Farm Plan..\$393.78, Evergreen..\$193.65, JD Evans..\$451.06, Violet Dinger..\$5735.29, Erdmann Oil..\$9573.90, Diesel Machinery..\$2100.00, Dakota Oil..\$1249.90, Cunningham Elec..\$128.76, Cartney Bearing..\$146.26, Bridgestone..\$917.24, Best Business..\$97.82, Advanced Auto..\$49.98, Sioux Vocational Services..\$60.00, Ken's Superfair Foods..\$23.04, A&M Radio..\$43.00, Assoc of SD Museums..\$100.00, Carol White..\$4.56, Dial-A-Move..\$135.00, Dakota Electronics..\$409.60, Hauck Plumbing..\$313.36, CHI..\$3187.42, SD Wheat Growers..\$60.28, Cellular One..\$19.99, Frey's Electronics..\$546.00, People's Transit..\$29.75, Aberdeen Ride Line..\$2077.69, Spink County Public Transit..\$188.00, Earth Tech..\$1486.97, Gary's Engine..\$147.53, Cunningham Elec..\$53.57, Artz Camera..\$31.03, Praxair..\$379.24, Hedahls..\$134.07, Taylor Laundry..\$44.55, LBG..\$3708.75;

Mileage: Mike Wiese..\$183.56, Kurt Smith..\$254.92, Dorothy Peterson..\$20.00, Rosie Varns..\$20.00, Mike Scott..\$7.00, Nyle Jenson..\$7.00, Carl Wright..\$7.00;

Publications: American News..\$870.05, Weekly Edition..\$174.68;

Professional Fees: Avera St Lukes..\$1835.00, NEMHC..\$117.04, Lewis & Clark BHS..\$125.00, stipends..\$16471.40, Eide Bailley..\$225.25;

Court Appointed Attorney: Christy Griffin Serr..\$1054.25, Harmelink & Fox..\$49.10;



Utilities: City of Aberdeen..\$312.34, Northwestern Energy..\$2163.89, Northwestern..\$5423.12, Verizon..\$140.39, Northern Valley Comm..\$90.33, James Valley Coop..\$139.84, Town of Frederick..\$18.25, Northwestern Communications..\$189.00, Richmond Lake Sanitary Dist..\$500.00, Northern Electric..\$743.07, Northern Rural Cable..\$55.90, Dependable..\$13,681.08:

Care of Poor: Dr/Hospital – 3 recipients..Yankton Medical Clinic..\$14.50, Sacred Heart Hospital..\$847.87, Avera St Lukes..\$5562.49; Drugs – 3 recipients..K-Mart Pharmacy..\$33.36, Medical Center Pharmacy..\$292.81; Rent – 9 recipients..D&L LLC..\$78.00, D&D Properties..\$310.00, Bob Schatz..\$210.00, Super 8 East..\$175.00, Eddie Falcon..\$230.00, Better Rentals..\$190.00, Donald Bonn..\$230.00, John Husby..\$153.00; Transportation – 2 recipients..Aberdeen Ride Line..\$96.00; Utilities – 3 recipients..NWPS..\$305.36, Farmers Union Coop..\$206.80. All members present voting aye. Motion carried.

#### PERSONNEL:

Moved by Feickert, seconded by Hansen to approve the following employee step/longevity increases, effective February 16, 2003: Brian Koens @ \$12.95 per hour, Mary Browning @ \$13.07 per hour, Patrick Schock @ \$9.99 per hour. All members present voting aye. Motion carried.

#### ABATEMENTS:

Moved by Knecht, seconded by Wiese to approve the following Abatements: James Valley Coop Telephone, house moved (N 16' of E ½ Lot 36 & E ½ Lot 37 Blk 11 Groton) for year 2003 in amount of \$15.00; Terry or Jackie Thompson, mobile home moved (BOLS #1247 Park Village Lt 2 Bk 1) for year 2002 in amount of \$482.00; City of Westport, tax exempt ( Lt 1-5 Bk 7 ex land platted) for year 2002 in amount of \$44.24; City of Aberdeen, tax exempt (Lt 1 Bk 1 Woolverton Addn) for year 2002 in amount of \$5.17. All members present voting aye. Motion carried.

#### AUDITORS REPORT OF ACCOUNT:

Moved by Feickert, seconded by Wiese to approve the January 2003 Auditor's Report of Account with the County Treasurer in total amount of \$7,599,213.18 (total amount of actual cash @ \$3,500.00, Wells Fargo Bank @ \$2,652.35, US Ban @ \$9,066.03, Dacotah Bank @ \$161,950.02, Petty Cash @ \$1,700.00, Fund Investments @ \$7,420,344.78). All members present voting aye. Motion carried.

#### BUDGET SUPPLEMENT – EXCAVATOR:

Commissioner Wiese offered the following Resolution:

#### RESOLUTION NO. 15-03

WHEREAS, due to the failure to provide adequate spending authority within the Brown County Highway Department Budget for year 2003, to enable the Highway to acquire equipment through a Capitol Lease Program in the following amount:

New Holland Credit-----\$64,049.52

WHEREAS, the County has chosen to incur this obligation and expenditure by supplementing the 2003 fiscal Brown County Highway Department Budget #201-311-434.02 in the amount of \$64,049.52, and to fund same from other financing sources (372.5 Capitol Lease):

Capitol Lease on Excavator-----\$64,049.52

THEREFORE, BE IT RESOLVED, that notice of hearing for said supplement shall be published in the Official County Newspapers and the public hearing shall be held on March 4, 2003 at 9:30 A.M. in the

Commissioner's Chambers, Courthouse Annex, Brown County, South Dakota, at which time any persons may appear to support or oppose the adoption of same.

Seconded by Commissioner Feickert. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

**JAIBG:**

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman sign documentation for the Juvenile Accountability Incentive Block Grant. All members present voting aye. Motion carried.

**BID – LITTER VACUUM:**

Time and place, as advertised to open, read and consider bids for purchase and delivery of a new 2003 Litter Vacuum for the Landfill. Moved by Feickert, seconded by Wiese to award bid, submitted by Sheehan Mack Sales & Equipment for a 2003 MADVAC 61 Litter Vacuum in amount of \$19,660.00 (only bid received). All members present voting aye. Motion carried.

Moved by Hansen, seconded by Knecht to approve and authorize the Chairman sign contract with Sheehan Mack Sales & Equipment for the purchase of a 2003 Kubota Litter Vacuum for the Landfill. All members present voting aye. Motion carried.

**LANDFILL ANNUAL REPORT/2003 PROJECTS:**

Mike Scott, Landfill Manager presented the 2002 Brown County Landfill Annual Report and a list of 2003 Projects to be completed at the Landfill.

**BRIDGE REPLACEMENT:**

Commissioner Feickert offered the following Resolution:

**RESOLUTION NO. 16-03  
COUNTY FEDERAL AID BRIDGE REPLACEMENT PROGRAM RESOLUTION**

WHEREAS, the Brown County Board of County Commissioners desire the replacement of the bridge hereinafter described:

LOCATION AND LENGTH: (Bridge #36) Structure #07-087-310 located 2 N & 2.5 W of Aberdeen over Foot Creek.

AND WHEREAS, Brown County is obligated and hereby agrees to provide proper maintenance as required by the Federal Highway act as amended and supplemented thereto for project after construction is completed and to regulate or cause to be regulated the installation of utility facilities within the limits of the right-of-way of the proposed project in accordance with State and Federal requirements.

AND WHEREAS, Brown County is obligated and hereby agrees to reimburse the State for all costs not reimbursable with Special Bridge Replacement Funds.

AND WHEREAS, the bridge is in need of replacement for the following reasons: 1) The sufficiency rating is 38.9. 2) The bridge is not located on a County or Township designated Minimum Maintenance Road. 3) The bridge is located on a school bus route and a mail route. 4) The load carrying capacity of the existing bridge cannot be improved to carry legal loads by rehabilitation of the existing bridge.

NOW THEREFORE BE IT RESOLVED, that the South Dakota Department of Transportation be and hereby is authorized and requested to program for construction, in accordance with the approved

Secondary Road Plan Agreement and the State's "Standard Specifications for Roads and Bridges", the bridge replacement project at the above described location. Consultant services are to be with Federal Participation. Preliminary Engineering Services by State Forces with Federal Participation are the Hydraulic Study and the Foundations Investigation (if necessary). Construction administration is to be handled by State forces with Federal Participation.

Brown County will have \$75,000.00 available during calendar year 2003 to match available Special Bridge Replacement Funds.

Seconded by Commissioner Wiese. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Moved by Feickert, seconded by Wiese to approve and authorize the Chairman sign Utilities Certificate and Letting Authorization for Project No. BRO 8007(39), Bridge #36. All members present voting aye. Motion carried.

#### BRIDGE REINSPECTION:

Commissioner Wiese offered the following Resolution:

#### RESOLUTION NO. 17-03 BRIDGE REINSPECTION PROGRAM FOR USE WITH SDDOT RETAINER CONTRACTS

WHEREAS, Paragraph 124 of Title 23, United States Code (USC), requires initial inspection of all bridges and reinspection at intervals not to exceed two years.

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

Brown County requests SDDOT to hire Hofland Engineering 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. Brown County will be responsible for the required 20% matching funds.

There are a total of 48 bridges in Brown County that require inspection.

Seconded by Commissioner Knecht. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

#### SURPLUS PROPERTY:

Moved by Feickert, seconded by Wiese to declare Decal #1687 1991 JD Motor Grader surplus for purpose of sale to the South Dakota Department of Transportation for \$30,000.00. All members present voting aye. Motion carried.

#### HOSPITAL CLAIMS:

Moved by Wiese, seconded by Hansen to deny payment of a hospital bill, submitted by the Heart Hospital of Sioux Falls in amount of \$11,587.22 for a 48 year old male, as the individual has not provided sufficient information to determine indigency. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Knecht to deny payment of a hospital bill, submitted by the Sioux Valley Hospital of Sioux Falls in amount of \$19,956.53 for a 45 year old male, as the individual has not provided sufficient information to determine indigency. All members present voting aye. Motion carried.

**ARCHITECTURAL SERVICES:**

Fred Herrmann, Architect met with the Commission to request that his Company be considered when planning County projects requiring architectural services.

**SHERIFF DEPARTMENT UPDATE:**

Mark Milbrandt and Tom Schmitt discussed the use of RSVP volunteers in the Department, assistance offered to the County Coroner and answered questions on a voucher presented for payment.

**RECESS:**

The Chairman declared the Commission recessed until February 18, 2003.

Maxine Taylor – Brown County Auditor

## FEBRUARY 18, 2003 – GENERAL MEETING

Meeting called to order by Vice Chairman Feickert at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Knecht and Wiese. Absent Commissioner Fischbach.

### MINUTES:

Moved by Hansen, seconded by Wiese to approve the General Meeting minutes of February 11, 2003. All members present voting aye. Motion carried.

### CLAIMS:

Moved by Knecht, seconded by Wiese to approve the following claims:

Supplies: Best Business..\$126.08, Office Equip..\$392.16, RE Huffman..\$65.34, Crucial Tech..\$402.94, CDW Govt..\$540.54, New Trends..\$103.18, Ramkota ..\$35.00, A&M Radio..\$76.70, Menards..\$112.27, Heartland Paper..\$567.23, Custom Sheet Metal..\$2501.68, SDACO..\$15.00, Lar-Jos..\$505.00, Mobile Electronic Service..\$141.32, Tri-State Water..\$33.00, Command & Control..\$1421.40, Economy Meats..\$28.00, Earthgrains..\$410.58, Food Service..\$172.45, Amoco..\$29.98, Dicks Westside..\$65.00, Sec of State..\$7.00, RB Upholstery..\$51.61, Credit Bureau..\$7.50, Fleet Mgmt..\$48.30, Ameripride..\$71.74, Streichers..\$59.95, Share Corp..\$82.00, 3-D Specialties..\$737.92, Roger Schaible..\$40.00, Praxair..\$312.96, Petroleum Partners..\$2184.98, Peek Corp..\$75.00, Hagan Ins..\$50.00, Violet Dinger..\$962.20, Diesel Machinery..\$3700.00, Dakota Fluid Power..\$908.64, Circle R Equip..\$14,990.00, Carquest..\$2171.50, Daryl Lloyd..\$300.00, Bricks Propane..\$1196.25, Weismantels..\$95.00, Office Max..\$153.43, Kleins..\$18.18, Sherwin-Williams..\$33.90, Quality Quick Print..\$35.42, Swanson Elec..\$4175.00, Senior Citizens..\$250.00, Petroleum Products..\$471.41, Extension Service..\$66.70, Century Business Products..\$127.64, US Postmaster..\$111.00, Radio Shack..\$24.75, Safe Harbor..\$685.00, Soil Tech..\$1705.00, Energy Tech..\$37.50:

Mileage: Larry Gerlach..\$80.73, Marg Kolb..\$63.05, Gary Erickson..\$91.24, Lynn Heupel..\$14.79, Carrie Thornes..\$34.80, Jessie Richmond..\$11.60:

Transcriptions: Neal Reporting..\$51.30:

Publications: American News..\$251.10, Midland Press..\$120.00:

Professional Fees: Witness fees..\$80.00, King County Sheriff..\$38.00, Institute of Forensic Sciences..\$421.00, NEMHC..\$248.71:

Court Appointed Attorney: Randy Turner..\$10.65:

Utilities: Northwestern..\$3242.90, Dependable..\$356.00, Midcontinent Cable..\$120.00, Qwest..\$2026.96, Bureau of Admin..\$405.51, Northern Elec..\$603.76, City of Hecla..\$112.74, Verizon..\$10.40, AT&T..\$19.63, James Valley Comm..\$216.40:

Care of Poor: Dr/Hospital – 7 recipients..Aberdeen Surgical Assoc..\$666.58, Dr Charles Miller..\$7213.92, Sacred Heart..\$2146.48, Rochester Methodist Hosp..\$18,696.20, Dakota Imaging..\$186.26, Avera St Lukes..\$7866.82; Drugs – 1 recipient..Quarve Drug..\$53.00; Rent – 7 recipients..Kurt Kruger..\$111.00, Scherr Apts..\$95.00, White House Inn..\$66.00, Laddie Vetsch..\$145.00, Nichols Mgmt..\$190.00, Milbert Schaffer..\$185.00, Park Village..\$155.00; Insurance – 1 recipient..Midstates Printing..\$549.17. All members present voting aye. Motion carried.

### PERSONNEL:

Moved by Wiese, seconded by Knecht to approve hiring Kenneth Hostetter as guard, for purpose of prisoner transport. All members present voting aye. Motion carried.

### ABATEMENTS:

Moved by Hansen, seconded by Knecht to approve the following abatements: Roy F & Maggie Torres, owner/occupied and single unit dwelling (Lt 1-2 Bk 16 Hagerty & Lloyd Addn) for year 2002 in amount of \$540.47 and solid waste for 2003 in amount of \$13.00; David H Melemster, owner/occupied (Lt 5-7

Bk 33 Corrected Plat of Highlands) for year 2002 in amount of \$651.04; Daniel or Edna Schaeftbauer, owner/occupied (BOLS Park Village #1017) for year 2002 in amount of \$192.46; Willis F & Diane K Bruns, owner/occupied (Bruns Lt 1 NE 2-126-63 inc 33' ROW) for year 2002 in amount of \$197.52. All members present voting aye. Motion carried.

#### DOJ PREVENTION GRANT:

Moved by Wiese, seconded by Knecht to approve Change Order #194.1 to secure a walkway to the outdoor inmate recreation area, in total amount of \$874.80, with 50% to be funded by the Department of Justice Prevention and Intervention Programs for At-Risk and Detained Youth Project #2001-FX-0014 (County to provide 50% funding for adult jail use of walkway). All members present voting aye. Motion carried.

Moved by Wiese, seconded by Knecht to approve Change Order #139.2 to purchase DocStar computer program for the Juvenile Detention Center, in amount of \$2,895.34 for year two, \$1,000.00 each in year three and four, to be funded by the Department of Justice Prevention and Intervention Programs for At-Risk and Detained Youth Project #2001-JS-FX-0014 (County agrees to provide system support and upgrades in subsequent years). All members present voting aye. Motion carried.

#### BROWN COUNTY WEED AND SEED:

Moved by Hansen, seconded by Wiese to approve and authorize use of "Funding Proposal Ranking and Evaluation/Year 2" form for all future funding requests from the Brown County Weed and Seed Program #2002-WS-QX-0054. All members present voting aye. Motion carried.

#### LETTER OF SUPPORT:

Moved by Wiese, seconded by Knecht to approve and authorize the Vice-Chairman to sign a Letter of Support for the DEPOT Project. All members present voting aye. Motion carried.

#### TRANSFER:

Moved by Hansen, seconded by Wiese to approve and authorize the following transfer of spending authority and cash, as reflected in the 2003 General Fund #101 Budget: \$76,379.38 to Emergency Management Fund #226, \$182,391.82 to E911 Fund #207 and \$90,000.00 to Courthouse & Jail Improvement Fund #233. All members present voting aye. Motion carried.

#### BRIDGE #172 & BRIDGE #174:

Moved by Knecht, seconded by Wiese to approve and authorize the Vice-Chairman to sign Work Order for Consultant Services authorizing Clark Engineering complete the field survey, drainage data sheet, contour map and hydraulic analysis for Project No. BRO 8007(31) Bridge #172 and Project No. BRO 8007(28) Bridge #174. All members present voting aye. Motion carried.

#### INVENTORY TRANSFER:

Moved by Hansen, seconded by Wiese to transfer Decal #3133, 1995 Ford Crown Victoria and Decal #3102, 1993 Ford Crown Victoria from the Sheriff's Department to Central Storage. All members present voting aye. Motion carried.

#### SHERIFF REPORTS:

Moved by Knecht, seconded by Wiese to approve the following January 2003 Sheriff Reports: Incidents & Offenses, Prisoner Care, JDC, Money deposited with the County Treasurer, Monthly activities and Commissary Report. All members present voting aye. Motion carried.

#### JDC HEALTH CARE PROPOSALS:

Time and place, as advertised to open, read and consider Proposals for Health Care Services at the Brown County Juvenile Detention Center. No proposals were received. Will re-advertise at a later date.

**DRAINAGE DISCUSSION:**

Herman Lier met with the Commission with questions about the Putney Slough area. The Commission referred Mr. Lier's question to the Highway Department.

**RECESS:**

The Vice-Chairman declared the Commission recessed until February 25, 2003.

Maxine Taylor – Brown County Auditor

FEBRUARY 24, 2003 - JOINT CITY/COUNTY MEETING

The Brown County Commission and the Aberdeen City Commission met in joint session at 6:30 P.M. in the Aberdeen Commission Chambers, 123 S Lincoln, Aberdeen, South Dakota. Present from City were Commissioners Klabo, Omland, Kirkpatrick and Pfeifer. Absent Mayor Hopper. Present from County were Commissioners Feickert, Wiese and Fischbach. Absent Commissioners Knecht and Hansen.

ORDINANCE NO. 03-02-01/265:

On motion by Kirkpatrick and seconded by Omland, the City unanimously voted to approve First Reading of Ordinance No. 03-02-01/265.

Moved by Wiese, seconded by Feickert to approve First Reading of Ordinance No. 03-02-01/265, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 707 (C-2) Highway Commercial District: Schumaker Lot 1 in NW ¼, Sec. 23-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto. All members present voting aye. Motion carried.

ORDINANCE NO. 03-02-02/266:

On motion by Kirkpatrick and seconded by Pfeifer, the City unanimously voted to approve First Reading of Ordinance No. 03-02-02/266.

Moved by Feickert, seconded by Wiese to approve First Reading of Ordinance No. 03-02-02/266, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 714 (M-AG) Mini-Agricultural District: The SW ¼ of Sec 10-T123N-R63W and extending to the centerline of all public right-of-way located adjacent thereto, except plat of "Evergreen East Second Addition in the SW ¼ of Sec 10-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD", except plat of Lien Acres in the SW ¼ of Sec. 10-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD", except plat of "Hamilton's First Addition in SW ¼, Sec 10-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD" and except plat of "Evergreen East Addition in the SW ¼ of Sec 10-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD". All members present voting aye. Motion carried.

ORDINANCE NO. 03-02-05/269:

On motion by Kirkpatrick and seconded by Pfeifer, the City unanimously voted to approve First Reading of Ordinance No. 03-02-05/269.

Moved by Wiese, seconded by Feickert to approve First Reading of Ordinance No. 03-02-05/269, An Ordinance amending Ordinance No. 1164 pertaining to zoning, said amendment being described as follows: Amending Section 502 to add definition of crematorium; Section 707.3 to add crematoriums as a special exception which may be permitted in the (C-2) Highway Commercial District; and Section 708.3 to add crematoriums as a special exception which may be permitted in the (C-3) Central Business District. All members present voting aye. Motion carried.

ORDINANCE NO. 03-02-06/270:

On motion by Pfeifer and seconded by Kirkpatrick, the City unanimously voted to approve First Reading of Ordinance No. 03-02-06/270.

Moved by Feickert, seconded by Wiese to approve First Reading of Ordinance No. 03-02-06/270, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District, Section 704 (R-2) Medium Density Residential District, and Section 710 (I-2) Unrestricted Industrial District to Section 710 (I-2) Unrestricted Industrial District: Hub City Livestock Lot 1, Young's Lot 1 and Young's Lot 2 of "Hub



City Livestock Second Addition in E ½ Sec 26-T123N-R64W of 5<sup>th</sup> P.M., Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto. All members present voting aye. Motion carried.

ORDINANCE NO. 03-02-08/271:

On motion by Omland and seconded by Kirkpatrick, the City unanimously voted to approve First Reading of Ordinance No. 03-02-08/271.

Moved by Wiese, seconded by Feickert to approve First Reading of Ordinance No. 03-02-08/271, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 704 (R-2) Medium Density Residential District: Lots 1 and 2 of "Munger First Addition in the SW ¼ of Sec 28-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto and to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 714 (M-AG) Mini-Agricultural District: Lot 3 of "Munger First Addition in the SW ¼ of Sec 28-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD", Lot 4 of "Airport Addition (includes replat of Preston OL 1, Anderson OL 1 and Anderson OL 2) in the SW ¼ of Sec 28-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Wiese to adjourn the Brown County Commission. All members present voting aye. Motion carried.

Maxine Taylor – Brown County Auditor

# FEBRUARY 25, 2003 – GENERAL MEETING

Meeting called to order by Chairman Fischbach at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Feickert, Knecht and Wiese.

## MINUTES:

Moved by Feickert, seconded by Knecht to approve the General Meeting minutes of February 18, 2003. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Knecht, seconded by Feickert to approve the following claims:

Payroll: Commissioners..\$2,443.30; Auditor..\$6,804.62; Treasurer..\$8,088.30; Data Processing..\$1,573.08; State's Attorney..\$8,350.72; Victims Assistance..\$904.05; Maintenance..\$4,925.25, Assessor..\$6,726.19; Planning & Zoning..\$1,023.20; Register of Deeds..\$4,517.90; Veterans Service Office..\$2,342.18; Sheriff..\$50,159.33; DOJ Grant..\$3,242.63; Communications..\$13,358.10; Welfare Office..\$2,608.10; Health..\$2,528.00; Museum..\$4,090.10; Fairboard..\$854.31; Fairgrounds & Parks..\$3,007.44; Extension..\$1,785.62; Weed..\$197.94; Foster Grandparent Program..\$1,894.50; Emergency Management..\$2,133.70; Highway..\$27,830.80; Landfill..\$6,850.95;

Matching Benefits: FICA..\$9,976.72, Medicare..\$2,333.21, Delta Dental..\$3,322.00, SD State Retirement..\$20,707.17;

Supplies: Papa Johns..\$35.15, Robbies..\$95.77, West Group..\$2366.00, Language Line..\$147.57, Office Equip..\$14.99, Home Federal..\$20.00, Exec Mgmt..\$65.62, Mark Reedstrom..\$58.00, Ramkota..\$35.00, Debbie Bouchie..\$11.49, SOS Garage Door..\$607.30, Menards..\$25.25, Gardner Locksmith..\$15.00, Heartland Paper..\$142.31, Ecolab..\$162.50, New Trends..\$280.12, Best Business..\$32.40, AIMS Multimedia..\$500.45, Phillips 66..\$63.13, Intoximeters..\$273.00, Streichers..\$27.95, Hofers Repair..\$19.75, Best Business..\$189.46, Hoven Auto..\$392.25, RE Huffman..\$1060.00, Photo Xpress..\$3.84, Dakota Silk Screen..\$336.66, Brown County..\$4879.03, NECOG..\$4520.53, Safe Harbor..\$2040.00, City of Groton..\$1402.50, Salvation Army..\$386.12, HF Jacobs..\$1249.25, Creative Signs..\$20.00, ATSSA..\$285.00, Sewer Duck..\$50.00, Newman Signs..\$529.00, M-R Signs..\$421.61, L&O Acres..\$3727.50, John Deere..\$572.12, Jensen Rock..\$82,850.00, SDACHS..\$65.00, Shopko..\$38.03, Menards..\$100.92, Northern State University..\$222.76, HRS..\$46.00, Sherri Rawstern..\$9.71, Century Business..\$290.39, Natl FGP Director..\$18.48, Walmart..\$13.89, Respond..\$594.00, Donna Koch..\$200.00, Paul Mardian..\$379.70, Sheehan..\$496.38, Motorola..\$33,950.38, APCO..\$598.00, Active Data Systems..\$9,912.50;

Mileage: Leo Leshar..\$197.78, Barbara Jansen..\$16.82, Mike Scott..\$28.00, Sheila Anderson..\$300.00;

Transcriptions: Tammy Erickson..\$70.00;

Publications: American News..\$579.85, Dakota Press..\$1876.15, Weekly Edition..\$767.19;

Professional Fees: Avera United Clinic..\$245.00, Richard Russman..\$2916.66, Kim Dorsett..\$2083.33, Sheriff of McLeod County..\$31.00, Adv Care Ambulance..\$306.66, Career Plan..\$769.25, Avera St Lukes..\$3191.40, Terry Serr..\$105.00, Brandon Leslie..\$200.00, Kevin Spitzer..\$270.35, Lewis & Clark BHS..\$125.00, Dr Navaid Khan..\$133.49;

Court Appointed Attorney: William Gerdes..\$4166.61, Scott Kuck..\$4166.61, Christy Serr..\$4166.61, Randy Turner..\$4166.61, Timothy Bormann..\$1768.95, Kennedy Rokahr..\$146.80;

Utilities: Qwest..\$3493.71, Cellular One..\$159.73, Northwestern Energy..\$79.33, Montana Dakota..\$32.43, Prairiewave..\$19.95;

Care of Poor: Dr/Hospital – 5 recipients..Aberdeen Surgical Assoc..\$586.16, Dr Arlin Myrmoe..\$154.93, Avera St Lukes..\$1785.00, Dr Charles Miller..\$1482.28, Neurospine of Aberdeen..\$296.46; Rent – 3 recipients..Ken Dohn..\$134.00, Brian Boettcher..\$210.00, D&D Properties..\$180.00; Insurance – 5

recipients..Avera Health Plan..\$920.19, Pay Flex Systems..\$283.39, Twin City Fan..\$170.90. All members present voting aye. Motion carried.

#### PERSONNEL:

Moved by Feickert, seconded by Wiese to approve the following employee step/longevity increases, effective March 2, 2003: Jan Weismantel @ \$13.00 per hour, Cindy Mitchell @ \$10.79 per hour, Lisa Thorpe @ \$9.99 per hour. All members present voting aye. Motion carried.

#### ABATEMENTS:

Moved by Wiese, seconded by Knecht to approve the following Abatements: American Legion, incorrect code (Lot 11 Blk 10, OP Claremont) solid waste for year 2002 in amount of \$65.55 and for year 2003 in amount of \$65.00; Cecile Ringgenberg, mobile home moved (Tract 60' N & S by 175' E & S Adj to Lt 1 SE 8-128-65) solid waste for year 2003 in amount of \$24.00; Aberdeen Housing Authority, tax exempt (Lt 1 Aberdeen Housing Authority) for year 2002 in amount of \$844.94. All members present voting aye. Motion carried.

#### CONTRACT:

Moved by Feickert, seconded by Wiese to approve and authorize the Chairman sign Contract with Van Diest Supply Company to provide chemical for the Weed Board, as per specifications in bid awarded February 4, 2003. All members present voting aye. Motion carried.

#### AGREEMENT:

Moved by Wiese, seconded by Feickert to approve and authorize the Chairman sign Medication Storage Voluntary Release and Indemnity Agreement for storage of Hepatitis B Vaccine at the Brown County Community Health Center. All members present voting aye. Motion carried.

#### INVENTORY TRANSFER:

Moved by Wiese, seconded by Knecht to transfer the following inventory from Dispatch to Central Storage: Decal #4268 Racal Recording Unit, Decal #4273 Racal Playback Unit, Decal #4278 Motorola E911 Equipment and Decal #4269 Motorola Radio Consoles (shells only). All members present voting aye. Motion carried.

#### SURPLUS PROPERTY:

Moved by Wiese, seconded by Knecht to declare a portion of Decal #4269 Motorola Radio Console Shells surplus for purpose of selling to Grant County Sheriff's Office for \$150.00. All members present voting aye. Motion carried.

#### DELINQUENT MOBILE HOMES:

Moved by Wiese, seconded by Knecht to authorize Sheila Enderson, Treasurer to not issue Distress Warrants at this time for delinquent taxes on 12 mobile homes in total amount of \$1,303.01 for the following reasons: interest held by Financial Institution, Mobile Home Court lot rent delinquent, Owner has left area. All members present voting aye. Motion carried.

#### AGREEMENT:

Moved by Feickert, seconded by Knecht to approve and authorize the Chairman sign Contract with Minnesota Valley Testing Laboratories, Inc. to provide 2003 Monitoring services for the Brown County Landfill in amount of \$11,238.80. All members present voting aye. Motion carried.

#### SCHOOL DISTRICT MINOR BOUNDARY CHANGE:

Commissioner Feickert offered the following Resolution:

## RESOLUTION NO. 18-03

WHEREAS, Bruns Farms A Partnership (Barney Bruns) has petitioned for the transfer of Dennert's OL 2 SW ¼ 32-127-62 Brown County, South Dakota, from the Britton-Hecla School District 6-45-4 to the Elm Valley School District 6-2 and

WHEREAS, the boundary of the area to be transferred to the Elm Valley School District No. 6-2 from the Britton-Hecla School District 6-45-4 is coterminous at some point with the common boundary of the Elm Valley School District No. 6-2, and

WHEREAS, the area to be taken from the Britton-Hecla School District No. 6-45-4 does not affect more than two percent (2%) of the assessed valuation of the Britton-Hecla School District No. 6-45-4, and

WHEREAS, the requested transfer has been signed by over fifty percent (50%) of the electors residing in the area to be transferred, and

WHEREAS, copies of the petitions calling for transfer has been delivered to the Brown County Commissioners, and

WHEREAS, a map of the area proposed and detachment and annexation has been prepared, said map comprising a portion of the district from which the area is to be detached and annexed respectively, and

WHEREAS, a certified statement by the Brown County Auditor, setting forth the assessed valuation of the respective area to be transferred, the total valuation of the School District from which the area is to be removed, and the amount of the bond indebtedness of judgements against the respective School Districts, is attached hereto, and be referenced thereto is made a part hereof, and,

WHEREAS, the Britton-Hecla School District No. 6-45-4 has approved with respective detachments described above to Dennert's OL 2 SW ¼ 32-127-62, Brown County, South Dakota.

NOW, THEREFORE, IT IS THE ORDER OF THE BROWN COUNTY BOARD OF COMMISSIONERS;

That Dennert's OL 2 SW ¼ 32-127-62, Brown County, South Dakota is detached from the Britton-Hecla School District No. 6-45-4 and annexed to the Elm Valley School District 6-2.

To be effective February 25, 2003.

Seconded by Commissioner Knecht. Roll call vote: Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

PLATS:

Commissioner Feickert offered the following Resolution:

## RESOLUTION NO. 19-03

BE IT RESOLVED by the County Commission of Brown County, SD, that the Plat showing "Brewer's Acres in the SE ¼ Sec 32-T125N-R64W of the 5<sup>th</sup> P.M., Brown County, SD," 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 Knecht. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Knecht offered the following Resolution:

RESOLUTION NO. 20-03

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the Plat showing "Hofer Subdivision in the NE ¼ of Sec 8-T123N-R62W of the 5<sup>th</sup> P.M., Brown County, SD," having been examined is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof.

Seconded by Commissioner Feickert. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Feickert offered the following Resolution:

RESOLUTION NO. 21-03

BE IT RESOLVED by the County Commission of Brown County, SD, that the Plat showing "Anderson Annex Lot 1 in NW ¼ Sec 30-T128N-R62W of 5<sup>th</sup> P.M., Brown County, SD," 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 Knecht. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Knecht offered the following Resolution:

RESOLUTION NO. 22-03

BE IT RESOLVED by the County Commission of Brown County, SD, that the Plat showing "Anderson Homestead Lot 1 in NE ¼ Sec 25-T128N-R63W of 5<sup>th</sup> P.M., Brown County, SD," 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 Feickert. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Feickert offered the following Resolution:

RESOLUTION NO. 23-03

BE IT RESOLVED by the County Commission of Brown County, SD, that the Plat showing "Barber's Second Subdivision in SW ¼ Sec 31-T124N-R64W of 5<sup>th</sup> P.M., Brown County, SD," 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 Knecht. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Knecht offered the following Resolution:

RESOLUTION NO. 24-03

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the Plat showing "Lot 1B of Lot 1 of Biegler Richmond Lake Second Subdivision in the SW ¼ of Sec 13-T124N-R65W of 5<sup>th</sup> P.M., Brown County, SD," having been examined is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof.

Seconded by Commissioner Feickert. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Knecht offered the following Resolution:

RESOLUTION NO. 25-03

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the Plat showing "Hinz Subdivision in the SE ¼ of Sec 29-T126N-R64W of the 5<sup>th</sup> P.M., Brown County, SD," having been examined is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof.

Seconded by Commissioner Feickert. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

**BROWN COUNTY WEED & SEED:**

Moved by Feickert, seconded by Wiese to approve and authorize the Chairman sign Amendment No. 1 to Agreement with NECOG in amount of \$13,333.28, to provide assistance in meeting the administrative requirements of the Brown County Weed and Seed Project, effective February 1, 2003 through September 30, 2003. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Feickert to approve and authorize the Chairman sign Amendment No. 1 to Agreement with Northeast Council of Governments as Contractor for purpose of employing an individual who will provide overall project coordination and consultation services to both the Weed and Seed Steering Committee and Brown County, effective January 1, 2003 through September 30, 2003. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Feickert to approve and authorize a Grant Adjustment Notice (GAN) be sent to EOWS naming Jodi Gerdes as the Coordinator for Brown County Weed and Seed. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Wiese to approve amending the "Funding Proposal Ranking and Evaluation/Year 2" form for all future funding requests from the Brown County Weed and Seed Program #2002-WS-QX-0054. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Feickert to approve the transfer of the following Weed and Seed Year One funding requests to Year Two: Aberdeen Police Department (Night Vision Equipment, Drug Dog Training) and Aberdeen Catholic Schools (Active Parenting Workshops), as recommended by the Steering Committee. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Knecht to approve the transfer of the following Weed and Seed Year Two funding request to Year One: EOWS Application Workshop, as recommended by the Steering Committee. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Feickert to approve the following Weed and Seed Year Two funding requests: Brown County Sheriff (DocStar Computer Scanning System), Warner School (Summer Safe Haven) and Safe Harbor (Outreach supplies and equipment), as recommended by the Steering Committee. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Knecht to approve the Brown County Weed and Seed Monthly Expenses for February 2003 (Year One 2002-WS-QX-0054), in amount of \$11,561.52. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Feickert to approve the Brown County Weed and Seed Monthly Expenses for February 2003 (Year Two 2002-WS-QX-0054), in amount of \$1,666.66. All members present voting aye. Motion carried.

#### ACHS PROJECT SKILLS:

Mary Worlie, Director of Equalization introduced Marcus Judd and Joel Walker, Central Students working in the Office under the Aberdeen Central High School Project Skills Program (computer data entry).

#### BID – ASPHALT ROAD OIL:

Time and place, as advertised to open, read and consider bids for furnishing and delivery of Asphalt Road Oil and Soil Binder Materials. Bids were received from K&L Oil & Asphalt Co Inc, Rapid City; Koch Material Co, Marshall MN; Jebro Inc, Sioux City IA; Z&S Dust Control, Rapid City; Share Corporation, Aberdeen. Moved by Hansen, seconded by Feickert to refer all bids to Dirk Rogers, Highway Superintendent for review and recommendation. 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 materials and delivery of Asphalt Concrete Plant Mix Materials for road maintenance and construction on Brown County System of Roads. Bids were received from Lien Transportation, Aberdeen; Aberdeen Asphalt Inc, Aberdeen; Sherbrooke Asphalt Inc, Detroit Lakes, MN. Moved by Wiese, seconded by Hansen to refer all bids to Dirk Rogers, Highway Superintendent for review and recommendation. All members present voting aye. Motion carried.

#### BID – GRAVEL:

Time and place, as advertised to open, read and consider bids for furnishing and delivery of one-year supply of road construction and maintenance gravel materials. Bids were received from HF Jacobs & Son Construction Inc, Aberdeen; Brownlee Construction Inc, Watertown; Crushing Inc, Veblen; Hanlon Brothers, Verdon; Lien Transportation, Aberdeen; Bowes Construction Inc, Brookings; Violet Dinger, Hecla; Norm Mandel Transportation, Huron, Jensen Rock & Sand Inc, Aberdeen. Moved by Knecht, seconded by Feickert to refer all bids to Dirk Rogers, Highway Superintendent for review and recommendation. All members present voting aye. Motion carried.

#### EXECUTIVE SESSION:

Moved by Hansen, seconded by Feickert to go into executive session for personnel discussion with Dirk Rogers in attendance. All members present voting aye. Motion carried.

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Moved by Wiese, seconded by Feickert to adjourn executive session. All members present voting aye. Motion carried.

**BID – WOOD WASTE GRINDING:**

Time and place, as advertised to open, read and consider bids to complete 2003 Wood Waste Grinding at the Landfill. Bid received from Dakota Wood-Grinding Inc, Rosemount, MN. Moved by Knecht, seconded by Feickert to award bid, submitted by Dakota Wood-Grinding Inc in amount of \$325.00 per hour with mobilization in amount of \$400.00 to complete 2003 Wood Waste Grinding at the Landfill. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Knecht to approve and authorize the Chairman sign Contract with Dakota Wood-Grinding, Inc to complete 2003 Wood Waste Grinding at the Landfill. All members present voting aye. Motion carried.

**BUSINESS IMPROVEMENT DISTRICT:**

Georgia Smith and Lonnie Helgersen, representing BID (Business Improvement District) met for further discussion of the proposed assessment on County owned property. BID consultant Charles Cullen, Assistant Director Parking and Transportation Planning, Consulting Engineers Group was introduced. No action was taken at this time.

**DPM CDBG PUBLIC HEARING:**

Time and place, as advertised for public hearing to receive comments on the proposed Community Development Block Grant (CDBG) for the replacement of windows at the Dacotah Prairie Museum. During the hearing no written or oral comments were received from the public on the project and its funding. In addition, the Community Development and Housing Needs Assessment was completed. At the conclusion of the public comment portion of the hearing, the following action ensued:

Commissioner Wiese offered the following Resolution:

**RESOLUTION NO. 26-03  
Authorizing Community Development Block Grant Application**

WHEREAS, Brown County on behalf of the Dacotah Prairie Museum proposes to execute an application for \$200,000 for Community Development Block Grant funds to help replace windows at the Dacotah Prairie Museum; and

WHEREAS, Brown County is eligible for Federal assistance for the proposed project; and

WHEREAS, with the submission of the Community Development Block Grant application, Brown County assures and certifies that all Community Development Block Grant program requirements will be fulfilled; and

WHEREAS, Brown County has held the required public hearing on February 25, 2003 for the Community Development Block Grant; and

WHEREAS, Brown County is required to designate a certifying officer for the purpose of signing documents pertaining to this grant; and

WHEREAS, Brown County is required to designate an environmental certifying officer for the purpose of signing required environmental documents pertaining to this grant; and



NOW, THEREFORE BE IT RESOLVED, that the Brown County Commission, will be authorized to execute the Community Development Block Grant application for Brown County; and

BE IT FURTHER RESOLVED, that the Chairman of the Brown County Commission, be hereby designated as the county's certifying officer for the purpose of signing correspondence, pay requests, and other required documents; and

BE IT FURTHER RESOLVED, that the Chairman of the Brown County Commission, hereby designated as the county's environmental certifying officer for the purpose of signing correspondence and other required documents and forms.

Seconded by Commissioner Feickert. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Moved by Wiese, seconded by Knecht to approve and authorize the Chairman sign letter to Paige Hoskinson, SHPO Compliance Coordinator in regard to the proposed Dacotah Prairie Museum window replacement project. All members present voting aye. Motion carried.

#### JAIL ISSUES:

Mark Milbrandt and Tom Schmitt met to discuss the following Jail issues: employees called to active duty will be replaced with part-time personnel; underage drinking grant funding and DocStar funding sources.

#### STORM READY ENTITY:

Freddie Robinson, EM Director presented the Commission with the Certificate of Recognition from the National Weather Service designating Brown County as a "Storm Ready" Entity.

#### HIPAA:

Charlene Millim, Welfare director met to discuss the next step Brown County should take to comply with HIPAA.

#### RECESS:

The Chairman declared the Commission recessed until March 4, 2003.

Maxine Taylor – Brown County Auditor

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MARCH 3, 2003 - JOINT CITY/COUNTY MEETING

The Brown County Commission and the Aberdeen City Commission met in joint session at 6:30 P.M. in the Aberdeen Commission Chambers, 123 S Lincoln, Aberdeen, South Dakota. Present from City were Commissioners Klabo, Omland, Kirkpatrick, Pfeifer and Mayor Hopper. Present from County were Commissioners Hansen, Wiese and Fischbach. Absent Commissioners Knecht and Feickert.

ORDINANCE NO. 03-02-01/265:

On motion by Kirkpatrick and seconded by Pfeifer, the City unanimously voted to approve Second Reading of Ordinance No. 03-02-01/265.

On motion by Klabo and seconded by Omland, the City unanimously voted to adopt Ordinance No. 03-02-01/265.

Moved by Hansen, seconded by Wiese to approve Second Reading of Ordinance No. 03-02-01/265. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to adopt Ordinance No. 03-02-01/265, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 707 (C-2) Highway Commercial District: Schumaker Lot 1 in NW ¼, Sec. 23-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto. Roll call vote: Commissioners Hansen-aye, Wiese-aye, Fischbach-aye, Feickert-absent, Knecht-absent. Ordinance adopted.

ORDINANCE NO. 03-02-02/266:

On motion by Kirkpatrick and seconded by Klabo, the City unanimously voted to approve Second Reading of Ordinance No. 03-02-02/266.

On motion by Pfeifer and seconded by Omland, the City unanimously voted to adopt Ordinance No. 03-02-02/266.

Moved by Wiese, seconded by Hansen to approve Second Reading of Ordinance No. 03-02-02/266. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to adopt Ordinance No. 03-02-02/266, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 714 (M-AG) Mini-Agricultural District: The SW ¼ of Sec 10-T123N-R63W and extending to the centerline of all public right-of-way located adjacent thereto, except plat of "Evergreen East Second Addition in the SW ¼ of Sec 10-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD", except plat of Lien Acres in the SW ¼ of Sec. 10-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD", except plat of "Hamilton's First Addition in SW ¼, Sec 10-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD" and except plat of "Evergreen East Addition in the SW ¼ of Sec 10-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD". Roll call vote: Commissioners Hansen-aye, Wiese-aye, Fischbach-aye, Feickert-absent, Knecht-absent. Ordinance adopted.

ORDINANCE NO. 03-02-05/269:

On motion by Kirkpatrick and seconded by Klabo, the City unanimously voted to approve Second Reading of Ordinance No. 03-02-05/269.

On motion by Pfeifer and seconded by Kirkpatrick, the City unanimously voted to adopt Ordinance No. 03-02-05/269.

Moved by Hansen, seconded by Wiese to approve Second Reading of Ordinance No. 03-02-05/269. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to adopt Ordinance No. 03-02-05/269, An Ordinance amending Ordinance No. 1164 pertaining to zoning, said amendment being described as follows: Amending Section 502 to add definition of crematorium; Section 707.3 to add crematoriums as a special exception which may be permitted in the (C-2) Highway Commercial District; and Section 708.3 to add crematoriums as a special exception which may be permitted in the (C-3) Central Business District. Roll call vote: Commissioners Hansen-aye, Wiese-aye, Fischbach-aye, Feickert-absent, Knecht-absent. Ordinance adopted.

ORDINANCE NO. 03-02-06/270:

On motion by Klabo and seconded by Kirkpatrick, the City unanimously voted to approve Second Reading of Ordinance No. 03-02-06/270.

On motion by Omland and seconded by Pfeifer, the City unanimously voted to adopt Ordinance No. 03-02-06/270.

Moved by Hansen, seconded by Wiese to approve Second Reading of Ordinance No. 03-02-06/270. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to adopt Ordinance No. 03-02-06/270, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District, Section 704 (R-2) Medium Density Residential District, and Section 710 (I-2) Unrestricted Industrial District to Section 710 (I-2) Unrestricted Industrial District: Hub City Livestock Lot 1, Young's Lot 1 and Young's Lot 2 of "Hub City Livestock Second Addition in E ½ Sec 26-T123N-R64W of 5<sup>th</sup> P.M., Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto. Roll call vote: Commissioners Hansen-aye, Wiese-aye, Fischbach-aye, Feickert-absent, Knecht-absent. Ordinance adopted.

ORDINANCE NO. 03-02-08/271:

On motion by Pfeifer and seconded by Omland, the City unanimously voted to approve Second Reading of Ordinance No. 03-02-08/271.

On motion by Omland and seconded by Pfeifer, the City unanimously voted to adopt Ordinance No. 03-02-08/271.

Moved by Hansen, seconded by Wiese to approve Second Reading of Ordinance No. 03-02-08/271. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to adopt Ordinance No. 03-02-08/271, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 704 (R-2) Medium Density Residential District: Lots 1 and 2 of "Munger First Addition in the SW ¼ of Sec 28-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto and to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 714 (M-AG) Mini-Agricultural District: Lot 3 of "Munger First Addition in the SW ¼ of Sec 28-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD", Lot 4 of "Airport Addition (includes replat of Preston OL 1, Anderson OL 1 and Anderson OL 2) in the SW ¼ of Sec 28-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto. Roll call vote: Commissioners Hansen-aye, Wiese-aye, Fischbach-aye, Feickert-absent, Knecht-absent. Ordinance adopted.

## ORDINANCE NO. 02-09-04/267:

On motion by Klabo and seconded by Kirkpatrick, the City unanimously voted to approve First Reading of Ordinance No. 02-09-04/267.

Moved by Hansen, seconded by Wiese to approve First Reading of Ordinance No. 02-09-04/267, An Ordinance amending Sec 502, 707.3, 708.3, 710.3 and adding Sec 1103 to Ordinance No. 1164, known as the Zoning Ordinance of the City of Aberdeen, SD, to add definitions of words, to add sexually oriented businesses as a special exception which may be permitted in the (C-2) Highway Commercial District, (C-3) Central Business District and (I-2) Unrestricted Industrial District and to add Adult Uses Ordinance. All members present voting aye. Motion carried.

## ORDINANCE NO. 02-09-05/268:

On motion by Omland and seconded by Pfeifer, the City unanimously voted to approve First Reading of Ordinance No. 02-09-05/268.

Moved by Wiese, seconded by Hansen to approve First Reading of Ordinance No. 02-09-05/268, An Ordinance amending Sec 502, 706.5, 707.2, 708.2, 710.2 and adding Sec 1104 to Ordinance No. 1164, known as the Zoning Ordinance of the City of Aberdeen, SD, to add definitions of words, to add all uses in the (C-1) Neighborhood Commercial District, (C-) Highway Commercial District, (C-3) Central Business District and (I-2) Unrestricted Industrial District are subjected to requirements as defined in Section 1104. School Safe Zone and to add a 300' School Safe Zone ordinance. All members present voting aye. Motion carried.

## SET HEARING DATES:

On motion by Klabo and seconded by Pfeifer, the City unanimously voted to set public hearing for 6:30 p.m. on March 24, 2003 in the Aberdeen City Commission Chambers, 123 S Lincoln Street for First Reading of Ordinance No. 03-03-01/272 (non-conforming uses) and Ordinance No. 03-03-02/273 (Johnson, etal).

Moved by Wiese, seconded by Hansen to set public hearing for 6:30 p.m. on March 24, 2003 in the Aberdeen City Commission Chambers, 123 S Lincoln Street for First Reading of Ordinance No. 03-03-01/272, An Ordinance Amending Section 1001.4, known as the Zoning Ordinance of the City of Aberdeen, SD, to amend section regarding nonconforming uses of a structure, or structure and premises in combination is discontinued or abandoned; Ordinance No. 03-03-02/273 (Johnson, etal), to amend Ordinance No. 1164 to rezone the following described property from Section 701 (A-1) Agricultural District to Section 703 (R-1) Low Density Residential District (Lots 1 thru 15 of "Plat of Lots 1 through 15, Volk's Subdivision, located in the NE ¼ of Sec 4-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD" and Lots 1A thru 15A of Plat of Lots 1A thru 15A, Volk's Subdivision, located in the NE ¼ of Sec 4-T123N-R64W, Brown County, SD", and extending to the centerline of all public right-of-way located adjacent thereto). All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to adjourn the Brown County Commission. All members present voting aye. Motion carried.

Maxine Taylor – Brown County Auditor

# MARCH 4, 2003 – GENERAL MEETING

Meeting called to order by Chairman Fischbach at 8:45 a.m. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Feickert, Knecht and Wiese.

## MINUTES:

Moved by Wiese, seconded by Knecht to approve the Joint City/County Meeting minutes of February 24, 2003 and the General Meeting minutes of February 25, 2003. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Wiese, seconded by Hansen to approve the following claims:

Supplies: Reserve Acct..\$5000.00, Office Equip..\$399.09, Northwestern Solutions..\$148.00, Runnings..\$164.61, Gardner Locksmith..\$35.00, OK Tire..\$6.00, Sherwin Williams..\$32.08, RE Huffman..\$117.36, Office Max..\$288.10, McLeods Printing..\$352.00, Exec Mgmt..\$1812.16, Dept of Rev..\$1225.00, DSS Image Apparel..\$19.95, Best Business..\$126.21, Photo Xpress..\$2.08, Pierson Ford..\$349.35, Medical Center Pharmacy..\$2225.87, Parcel-Erickson..\$36.95, K-Mart..\$15.60, Langs TV..\$14.00, Panther Arms..\$57.45, City of Groton..\$130.00, Warner School..\$640.00, Grand Casino Hotel..\$490.60, Plastic Works..\$780.00, Macs..\$34.27, Lawson Products..\$369.95, K&E Tech..\$95.72, Farm Power..\$525.21, Edmunds County Hwy..\$1000.00, Dakota Supply..\$41.40, Dakota Riggers..\$290.59, Curts Body Works..\$55.00, Crawford Trucks..\$860.68, Circle R Equip..\$248.96, Butler Machinery..\$117.08, Budget Host..\$34.95, Bridgestone/Firestone..\$123.59, Walmart..\$214.96, ADSRUS..\$139.95, JBS Backhoe..\$625.00, Keeleys..\$95.40, Hedahls..\$49.93, Runnings..\$1170.78, Heartland Heating..\$173.47, Menards..\$96.16, McFarland Supply..\$14.25, Quality Quick Print..\$542.38, Nutrition Seminar..\$85.00, CarQuest..\$21.12, Best Business..\$42.33, FedEx..\$14.41, Milbank Communications..\$1590.00, Dakota Electronics..\$2348.30, Cecile Ringgenberg..\$24.00, Farm Power..\$3561.05, Pierson Ford..\$158.16, SDSWMA..\$150.00, Paul Mardian..\$117.19, Dakota Supply..\$51.81, Brown County Treasurer..\$13.00, Butler..\$2110.45, Dakota Wood Grinding..\$11,450.00, Chem-Tainer Ind..\$1136.30, Pro Ag..\$2448.30, C&S Motor Sports..\$32.47, Eide Bailley..\$225.25: Mileage: Dennis Feickert..\$31.90, Deb Knecht..\$223.30, Gene Loeschke..\$73.37, Kathy Fischer..\$85.84, Mike Scott..\$324.48:

Publications: American News..\$810.23, Weekly Edition..\$378.67:

Professional Fees: Sheriff of Hennipen County..\$60.00, Witness fees..\$160.00, Avera United Clinic..\$165.15, Dakota Imaging..\$9.76, Aberdeen Psychiatric Services..\$75.60, Dr John Carrels..\$27.87, Eckrich Urology..\$47.40:

Court Appointed Attorney: Randy Turner..\$16.50, Christy Serr..\$770.00:

Utilities: Midcontinent Cable..\$284.81, Qwest..\$196.20, Cellular One..\$703.72, Northwestern..\$1859.64, Web..\$90.45:

Care of Poor: Dr/Hospital – 7 recipients..Avera St Lukes..\$5169.44, Northern Plains OMS..\$266.51, Dr Matushin..\$431.90, Anesthesia Care..\$160.00, Dakota Imaging..\$464.84, Mayo Clinic..\$5357.93; Rent – 7 recipients..Zumba Properties..\$105.00, Barb Klein..\$250.00, Danne Inc..\$190.00, Park Village..\$320.00, Elmer Sayler..\$190.00, Tom Croymans..\$150.00; Transportation – 1 recipient..Brown County Highway..\$4.65. All members present voting aye. Motion carried.

## PERSONNEL:

Moved by Knecht, seconded by Hansen to approve hiring Danielle Radke at the Extension Office, effective March 17, 2003 at \$9.48 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to approve hiring Kathleen Tupper as Assistant Supervisor at JDC, effective March 4, 2003 at \$11.21 per hour. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Feickert to approve employee status change for Kendell Titze from Labor Grade 3 to Labor Grade 4, effective March 3, 2003 at \$11.40 per hour. All members present voting aye. Motion carried.

#### LEASE AGREEMENTS:

Moved by Feickert, seconded by Wiese to approve and authorize the Chairman sign the following agreements: Aberdeen School District for lease of the Expo Building on April 29, 2003; Liebelt Homes for lease of the Expo Building on March 19 – 30, 2003. All members present voting aye. Motion carried.

#### ABATEMENTS:

Moved by Wiese, seconded by Knecht to approve the following Abatements: Kent L & Laureen E Larson, owner/occupied (OL 37 Louis Millers Subd of Richmond Lake SE 24-124-64) for year 2002 in amount of \$1,398.03; Alvin R & Audrey M Anderson, owner/occupied (Lot 1 & 2 Blk 10 Sullivan & Easton Addn) for year 2002 in amount of \$524.04; Leo J & Marjorie Imberi, owner/occupied (S 67' Lt 5 Blk 6 Addison Addn) for year 2002 in amount of \$416.82; Dennis J & Becky J Hinz, double assessment (BOLS SE 29-126-64) for year 2002 in amount of \$199.13. All members present voting aye. Motion carried.

#### BUDGET SUPPLEMENT:

Commissioner Feickert offered the following Resolution:

#### RESOLUTION NO. 27-03

WHEREAS, due to the failure to provide adequate spending authority within the Brown County Dacotah Prairie Museum Budget for year 2003, to enable the Museum to complete program planning in the following amount:

Program Planning-----\$ 10,000.00

WHEREAS, the County has chosen to incur this obligation and expenditure by supplementing the 2003 fiscal Brown County Dacotah Prairie Museum Budget #101-512 in the amount of \$10,000.00, and to fund same from the following:

Aberdeen City Contribution-----\$ 10,000.00

THEREFORE, BE IT RESOLVED, that notice of hearing for said supplement shall be published in the Official County Newspapers and the public hearing shall be held on March 25, 2003 at 9:15 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, South Dakota, at which time any persons may appear to support or oppose the adoption of same.

Seconded by Commissioner Wiese. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

#### EQUALIZATION:

Moved by Hansen, seconded by Wiese to authorize advertising Notice of County Board of Equalization and Notice of Consolidated Board of Equalization, to begin on April 8, 2003. All members present voting aye. Motion carried.

#### SPECIAL MALT BEVERAGE LICENSE HEARING:

Moved by Feickert, seconded by Wiese to authorize advertising public hearing on the following Special Malt Beverage License Application, to be held at 9:00 AM on March 25, 2003, in the Commissioner's Chambers, Courthouse Annex, Brown County, SD: Aberdeen Hockey Association, Brown County March 4, 2003 General Meeting

Fairgrounds (Expo Building) SW ¼ Sec 1-T123N-R64W (map indicating specific building on file with application). Special License effective April 4 & 5, 2003. All members present voting aye. Motion carried.

#### TAX DEED SALE:

Moved by Hansen, seconded by Wiese to declare the following property surplus for sale and further to authorize advertising a Tax Deed Sale to be held at 10:00 a.m. on March 24, 2003 in the Courthouse Annex Community Room: Aberdeen Township: Easton's Subd F NE ¼ 14-123-64, 37.6' Next W of E 425' of F (.129 A); Warner Township: Lot 5, Remde's Addition, (Warner Twp) Brown County, SD; Garden Prairie Township: Lot 12, Block 9; Aberdeen City: E 71' of Lots 23-24, Block 44, Hagerty & Lloyd Addn; Ravinia Township: Lingor's Subd, N ½ of Lot 4, NE ¼ 22-124-65; Frederick City: First Addition Lot 16, Block 34; First Addition Lot 25, Block 44; Claremont City: Benson's Addition Lot 17; Columbia City: Pecks 2<sup>nd</sup> Addn, Lots 1 to 9 Inc., Block 6; Stratford City: Lot 5, Block 4; Wesport City: Park Addn., Lots 15 & 16, Block 2; Warner City: Lots 1-2-3 Block 1 & the S 33' of Vacated 1st St; N 42' of Lots 10, 11, 12 & Vacated Alley Block 1; Prairiewood Village: Lot 8, Block 5. All members present voting aye. Motion carried.

#### PREVENTION GRANT:

Moved by Wiese, seconded by Knecht to approve Change Order #56 for the purchase of cameras and monitoring equipment for the Juvenile Detention Center, in total amount of \$19,000.00, to be funded by the Department of Justice Prevention and Intervention Programs for At-Risk and Detained Youth Project #2001-JS-FX-0014 (County agrees to provide system support and upgrades in subsequent years). All members present voting aye. Motion carried.

#### AREA IV SENIOR NUTRITION:

Rick Pesek and Sandra Pfaff, Area IV Senior Nutrition met to explain the "March for Meals" Program to be held March 16-22, 2003 and invite the Commission and County Personnel to participate in activities to promote public awareness of the scope and purpose of the programs offered.

#### BID – RENTAL OF EQUIPMENT:

Time and place, as advertised to open, read and consider bids for furnishing Full Operation and Bare Operation Rental Services of Gravel Trucks and Road Machinery for construction and maintenance repairs on Brown County Road Projects for year 2003. Bids were received from Aberdeen Asphalt, Inc, Aberdeen; Lien Transportation, Aberdeen; HF Jacobs & Son Construction, Aberdeen; Slaughter Construction, Hecla; Kevin Bourdon, Aberdeen; Hanlon Trucking, Verdon; Spitzer Construction, Aberdeen; Volzke Construction, Aberdeen; Howell Trucking, Aberdeen; Bawek Construction, Conde; Fred Ludwig Trucking, Aberdeen; Herb Dabbert Trucking, Aberdeen; Al Dabbert Trucking, Aberdeen; Alan Winburn, Houghton; Hatlewick Trucking, Leola; Marvin Lout Construction, Aberdeen; Schell Trucking, Frederick; Hollaway Construction, Mitchell; Beckler Construction, Redfield; Cass Trucking, Redfield; DMR Trucking, Aberdeen; JD Evans, Sioux Falls; Roger Johnson Trucking, Groton; Knight Construction, Aberdeen; Odland Construction, Redfield; David Gardner Trucking, Mina. Moved by Feickert, seconded by Hansen to refer all bids to Dirk Rogers, Highway Superintendent for review and recommendation. All members present voting aye. Motion carried.

#### BID – MILLING:

Time and place, as advertised to open, read and consider bids for asphalt milling on location in Brown County, SD. Bids were received from Midstates Reclamation of SD, Spearfish; Upper Plains Contracting, Aberdeen. Moved by Hansen, seconded by Feickert to refer all bids to Dirk Rogers, Highway Superintendent for review and recommendation. All members present voting aye. Motion carried.

#### BID – HOT MIX PLANT SITE:

Time and place, as advertised to open, read and consider bids for furnishing a Bituminous Hot Mix Plant at the site located ½ mile west of Ferney. Bids were received from Jensen Rock & Sand, Mobridge, SD; Sherbrooke Construction, Detroit Lakes, MN. Moved by Feickert, seconded by Knecht to refer all bids to Dirk Rogers, Highway Superintendent for review and recommendation. All members present voting aye. Motion carried.

#### BUDGET SUPPLEMENT HEARING:

Time and place, as advertised for public hearing to consider Budget Supplement for year 2003 for the Brown County Highway Department. Moved by Feickert, seconded by Hansen to approve the following Budget Supplement for year 2003: To enable the Highway Department Budget #201-311-434.02 to acquire equipment through a Capitol Lease Program in the following amount: New Holland Credit @ \$64,049.52. Funding to come from other financing sources (372.5 Capitol Lease): Capitol Lease on Excavator @ \$64,049.52. All members present voting aye. Motion carried.

#### AWARD BID – ROAD OIL:

Moved by Feickert, seconded by Knecht to award the following bids: Road Oil to Jebro for MC-70; Koch Materials for MC-3000, CSS1-H, CRS-2P, HFMS-2P; Soil Binders/Dust Control to Share Corp \$10.00 Drum/County applies; Z&S Dust Control \$.47 per gallon/Contractor applies. Complete tabulation sheet on file in the Auditor's Office (available for public inspection Monday – Friday, 8:00 a.m. to 5:00 p.m.). All members present voting aye. Motion carried.

#### AWARD BID – GRAVEL MATERIAL:

Moved by Wiese, seconded by Feickert to award bids on Gravel Material to low bidders of each type at each location, as per tabulation sheet on file in the Auditor's Office (available for public inspection Monday – Friday, 8:00 a.m. to 5:00 p.m.). All members present voting aye. Motion carried.

#### AWARD BID – HOT MIX:

Moved by Knecht, seconded by Hansen to award the following Hot Mix bids: Sherbrooke Asphalt for use East of 391<sup>st</sup> Ave; Lien Transportation for use West of 391<sup>st</sup> Ave; Aberdeen Asphalt for use North of 129<sup>th</sup> Ave. Complete tabulation sheet on file in the Auditor's Office (available for public inspection Monday – Friday, 8:00 a.m. to 5:00 p.m.). All members present voting aye. Motion carried.

#### DPM 2002 ANNUAL REPORT:

Sue Gates, Director presented copies and an oral overview of the 2002 Annual Report for the Dacotah Prairie Museum.

#### OWNER/OCCUPIED STATUS:

Don Phillips met with the Commission to request owner/occupied status on his residence for 2002 payable 2003, explaining that the title was transferred from his wife's maiden name to a Realtor and then from the Realtor to both he and his wife. An owner/occupied form was mailed from the Assessor's Office, but addressed to a rental unit so was ignored. The Commission expressed regret that an adjustment could not be approved for taxes payable in 2003.

#### JAIBG:

Moved by Wiese, seconded by Knecht to approve and authorize submission of GAN (Grant Adjustment Notice) for FY00 Juvenile Accountability Incentive Block Grant, requesting budget changes. All members present voting aye. Motion carried.

#### RECESS:

The Chairman declared the Commission recessed until March 11, 2003.

Maxine Taylor – Brown County Auditor



MARCH 10, 2003 - JOINT CITY/COUNTY MEETING

The Brown County Commission and the Aberdeen City Commission met in joint session at 6:30 P.M. in the Aberdeen Commission Chambers, 123 S Lincoln, Aberdeen, South Dakota. Present from City were Commissioners Klabo, Omland, Kirkpatrick, Pfeifer and Mayor Hopper. Present from County were Commissioners Feickert, Wiese and Fischbach. Absent Commissioners Knecht and Hansen.

ORDINANCE NO. 02-09-04/267:

On motion by Kirkpatrick and seconded by Klabo, the City unanimously voted to approve Second Reading of Ordinance No. 02-09-04/267.

On motion by Omland and seconded by Pfeifer, the City unanimously voted to adopt Ordinance No. 02-09-04/267.

Moved by Wiese, seconded by Feickert to approve Second Reading of Ordinance No. 02-09-04/267. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Feickert to adopt Ordinance No. 02-09-04/267, An Ordinance amending Sec 502, 707.3, 708.3, 710.3 and adding Sec 1103 to Ordinance No. 1164, known as the Zoning Ordinance of the City of Aberdeen, SD, to add definitions of words, to add sexually oriented businesses as a special exception which may be permitted in the (C-2) Highway Commercial District, (C-3) Central Business District and (I-2) Unrestricted Industrial District and to add Adult Uses Ordinance. Roll call vote: Commissioners Hansen-absent, Wiese-aye, Fischbach-aye, Feickert-aye, Knecht-absent. Ordinance adopted.

ORDINANCE NO. 02-09-05/268:

On motion by Omland and seconded by Kirkpatrick, the City unanimously voted to approve Second Reading of Ordinance No. 02-09-05/268.

On motion by Klabo and seconded by Pfeifer, the City unanimously voted to adopt Ordinance No. 02-09-05/268.

Moved by Feickert, seconded by Wiese to approve Second Reading of Ordinance No. 02-09-05/268. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Wiese to adopt Ordinance No. 02-09-05/268, An Ordinance amending Sec 502, 706.5, 707.2, 708.2, 710.2 and adding Sec 1104 to Ordinance No. 1164, known as the Zoning Ordinance of the City of Aberdeen, SD, to add definitions of words, to add all uses in the (C-1) Neighborhood Commercial District, (C-) Highway Commercial District, (C-3) Central Business District and (I-2) Unrestricted Industrial District are subjected to requirements as defined in Section 1104. School Safe Zone and to add a 300' School Safe Zone ordinance. Roll call vote: Commissioners Hansen-absent, Wiese-aye, Fischbach-aye, Feickert-aye, Knecht-absent. Ordinance adopted.

Moved by Wiese, seconded by Feickert to adjourn the Brown County Commission. All members present voting aye. Motion carried.

Maxine Taylor – Brown County Auditor

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## MARCH 11, 2003 – GENERAL MEETING

Meeting called to order by Vice-Chairman Feickert at 8:30 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen and Wiese. Absent Commissioners Knecht and Fischbach.

### MINUTES:

Moved by Hansen, seconded by Wiese to approve the Joint City/County Meeting minutes of March 3, 2003 and the General Meeting minutes of March 4, 2003. All members present voting aye. Motion carried.

### CLAIMS:

Moved by Hansen, seconded by Wiese to approve the following claims:

Payroll: Commissioners..\$2,443.30; Auditor..\$6,800.30; Treasurer..\$8,088.30; Data Processing..\$1,573.08; State's Attorney..\$7,677.64; Victims Assistance..\$904.05; Maintenance..\$4,938.18, Assessor..\$6,775.39; Planning & Zoning..\$1,061.57; Register of Deeds..\$4,517.90; Veterans Service Office..\$2,338.65; Sheriff..\$55,192.37; DOJ Grant..\$3,210.85; Communications..\$13,547.58; Welfare Office..\$2,608.10; Health..\$2,528.00; Museum..\$3,993.20; Fairgrounds & Parks..\$3,225.32, Fairboard..\$854.31; Extension..\$792.00; Weed..\$464.04; Foster Grandparent Program..\$1,894.50; Emergency Management..\$2,107.79; Highway..\$26,424.56, Landfill..\$6,902.45:

Matching Benefits: FICA..\$10,144.65, Medicare..\$2,372.48, Health..\$52,393.62, Life..\$695.96:

Supplies: Office Max..\$677.23, Chet's Janitorial..\$240.00, Gardner Locksmith..\$19.99, House of Glass..\$1383.23, McFarland Supply..\$86.21, K-Mart..\$11.98, Sherwin-Williams..\$21.67, Dakota Supply..\$23.00, Heartland Paper..\$245.02, Cunningham Elec..\$71.43, New Trends..\$184.48, HRS..\$3482.25, 4 Seasons Cooperative..\$28.08, Kesslers..\$272.12, Quality Quick Print..\$513.48, Bonnie Bitz..\$72.00, Duane's Amoco..\$25.55, Hoven Auto Repair..\$159.07, OK Tire..\$22.00, Deluxe Business Checks..\$132.55, Dawn Woods..\$1200.00, Dakota Electronics..\$292.40, Walmart..\$216.17, Cheryl Hairgrove..\$50.00, Accurint..\$3.75, Office Equipment..\$38.45, Dick's Westside..\$55.00, Kesslers..\$83.89, Jan Weismantel..\$40.00, Swanson Elec..\$96.61, Specialty Mfg..\$272.16, SDDOT..\$31,248.11, Share Corp..\$138.00, Safety Service..\$1956.72, Runnings..\$509.81, North Central Rental..\$995.00, North Central Farmers Elev..\$9846.68, Menards..\$1444.08, Mid-American Research..\$81.19, MR-Signs..\$171.16, Larson Blacksmith..\$24.00, HF Jacobs..\$31,000.00, Interstate Battery..\$165.95, Hecla Impl..\$37.44, Great Western Tire..\$3489.84, Farm Plan..\$107.58, Erdmann Oil..\$6073.73, Diesel Machinery..\$2100.00, Dakota Oil..\$115.75, Dakota Air..\$34.35, Clark Engineering..\$226.45, Best Business..\$12.83, Advance Auto..\$40.91, Advance..\$3.99, NADRIC..\$2083.33, Kens Superfair Foods..\$16.81, A&M Radio..\$44.50, UBC..\$30.10, Farm Power..\$167.66, Runnings..\$136.97, Petroleum Partners..\$652.60, Sioux Vocational Services..\$60.00, Artz Camera..\$14.80, SD Federal Property..\$34.00, Great Western Tire..\$1078.64, Richard Burns..\$4.16, Hewlett-Packard..\$5927.15, Aberdeen RideLine..\$1962.89, Spink County Public Transit..\$151.00, People's Transit..\$24.50, USPO..\$97.00, Sheehan Mack Sales..\$19,660.00, Taylor Laundry..\$71.30, Aberdeen Ride Line..\$75.00, Petroleum Products..\$699.50, Artz..\$12.60, NAPA..\$4.77, Dakota Oil..\$218.25, SD Federal Property..\$6754.00, Erdmann Oil..\$2990.08, Hedahls..\$38.03, Pierson Ford..\$34.90, Praxair..\$40.17, SD Dept of Rev..\$2173.99, Pitney Bowes..\$33.99, Best Business..\$110.30, Dept of Motor Vehicles..\$6.00:

Mileage: Todd Odenbach..\$95.00, Larry Gerlach..\$92.27, Mike Wiese..\$8.70:

Transcriptions: Sara VanDeWalle..\$22.50, Neal Reporting..\$21.00:

Publications: American News..\$903.05:

Professional Fees: witness fees..\$60.00, Avera St Lukes..\$833.44, Aberdeen Psychiatric Services..\$75.60, Avera United Clinic..\$89.24, stipends..\$14,389.50:

Court Appointed Attorney: Timothy Bormann..\$1412.20:

Utilities: Northwestern Energy..\$6534.51, City of Aberdeen..\$484.98, Verizon..\$138.12, Northern Valley Comm..\$91.53, James Valley Co-op..\$156.51, Town of Frederick..\$18.25, City of Aberdeen..\$227.50, Dependable..\$12,540.48, Northern Elec..\$713.86, Northern Rural Cable..\$55.90:

Care of Poor: Dr/Hospital – 9 recipients..Harbert Orthopedics..\$1306.48, Anesthesia Care..\$256.00, Siouxland Anesthesiology..\$304.00, Avera St Lukes..\$17,069.24, Aberdeen Advanced Care..\$193.87; Drugs – 6 recipients..K-Mart Pharmacy..\$49.00, Kesslers Pharmacy..\$194.65, Plaza Pharmacy..\$17.99, Dakota Square Pharmacy..\$78.49, Walmart Pharmacy..\$91.78; Rent – 9 recipients..Mel Ros..\$50.00, Jon Husby..\$175.00, Wells Fargo Home Mortgage..\$420.00, Tom Appletoft..\$110.00, Leona Vilhauer..\$360.00, Falcon Rentals..\$100.00, Kurt Kruger..\$111.00, D&L LLC..\$129.00; Transportation – 2 recipients..Brown County Hwy..\$5.97, Aberdeen Ride Line..\$119.00. All members present voting aye. Motion carried.

#### PERSONNEL:

Moved by Wiese, seconded by Hansen to approve the following step/longevity increases, effective March 16, 2003: Mervyn Heaton @ \$10.38, Carl Wright @ \$12.89, Marcus Selzler @ \$12.49. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to approve hiring Ryan Kiefer, as full time Correction's Officer for the Jail, effective March 24, 2003 at \$9.72 per hour and Shawna Musch, as part-time Correction's Officer for the Jail, effective March 10, 2003 at \$8.80 per hour. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to approve hiring Rachel Wilkins as Deputy States Attorney, effective March 10, 2003 at a pro-rated annual salary of \$35,000.00. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to approve hiring Kyle Brandner in the Highway/Weed Departments, effective March 12, 2003 at \$10.18 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to approve employee status change for Jeff Seiler from Labor Grade 3 to Labor Grade 4, effective March 16, 2003 at \$11.08 per hour. All members present voting aye. Motion carried.

#### AUDITORS REPORT OF ACCOUNT:

Moved by Hansen, seconded by Wiese to approve the February 2003 Auditor's Report of Account with the County Treasurer in total amount of \$6,811,736.27 (total amount of actual cash @ \$3,500.00; Wells Fargo Bank @ \$2,652.35; US Bank @ \$4,156.91; Dacotah Bank @ \$27,689.37; Petty Cash @ \$1,700.00; Fund Investments @ \$6,772,037.64). All members present voting aye. Motion carried.

#### COURT SECURITY GRANT:

Moved by Wiese, seconded by Hansen to approve and authorize the Vice-Chairman sign Letter of Application for Court Security Grant Funds available through the Unified Judicial System for FY2003 for Brown County in amount of \$19,000.00. All members present voting aye. Motion carried.

#### ABATEMENT DENIED:

Moved by Wiese, seconded by Hansen to deny Abatement for 2002 in amount of \$2,878.70, submitted by Carlyle Richards representing Northeastern Mental Health Center, requesting Tax Exempt status (Lot 2B 1<sup>st</sup> Subd of Lot 2 Auto Plaza Addition), as property was not in the name of Northeastern Mental Health on the legal assessment date of November 1, 2001 and by law, Tax Exemption Applications must be filed by

January 1, 2002 to qualify for tax exempt status for 2002. All members present voting aye. Motion carried.

**LANDFILL SPRING RESIDENTIAL CLEANUP:**

Moved by Wiese, seconded by Hansen to approve waiving fees from April 25 thru May 26, 2003 for the Brown County Landfill's Spring Residential Cleanup. Waste types include: tires (no rims or retailers), appliances (with or without freon), construction and demolition debris, all trees, furniture, metals, lead acid batteries, propane tanks, waste oil, antifreeze, paint and other miscellaneous waste. RESIDENTIAL ONLY. All members present voting aye. Motion carried.

**AWARD BID – GRAVEL CRUSHING:**

Moved by Wiese, seconded by Hansen to award the following bid: Gravel Crushing to Bowes Construction @ \$1.08 per ton. Complete tabulation sheet on file in the Auditor's Office (available for public inspection Monday – Friday, 8:00 a.m. to 5:00 p.m.). All members present voting aye. Motion carried.

**AWARD BID – HOT MIX PLANT SITE:**

Moved by Wiese, seconded by Hansen to award the following bid: Bituminous Hot Mix Plant at the site located ½ mile west of Ferney to Jensen Rock & Sand @ \$21.50 per ton. Complete tabulation sheet on file in the Auditor's Office (available for public inspection Monday – Friday, 8:00 a.m. to 5:00 p.m.). All members present voting aye. Motion carried.

**AWARD BID – RENTAL OF EQUIPMENT:**

Moved by Wiese, seconded by Hansen to award the following bids: Tandem Trucks to Kevin Bourdon Trucking, 16.50 ton truck @ \$40.00 per hour and Dave Gardner Trucking, 16.50 ton truck @ \$40.00 per hour; Semi tractor/trailer rental to Odland Construction, Cass Trucking and Hanlon Brothers Construction @ \$55.00 per hour; Scraper rental to HF Jacobs & Son Construction @ \$120.00 per hour; Bridge equipment to Hollaway Construction @ \$210.00 per hour; Patching Equipment to Aberdeen Asphalt @ \$240.00 per hour; Paving Equipment to Aberdeen Asphalt @ \$340.00 per hour. Complete tabulation sheet on file in the Auditor's Office (available for public inspection Monday – Friday, 8:00 a.m. to 5:00 p.m.). All members present voting aye. Motion carried.

**ORDINANCE NO. 024:**

Moved by Hansen, seconded by Wiese to authorize advertising public hearing to consider amending Title 4 Zoning, Second Revision Brown County Ordinances, Chapter 4.33 – Rural Addressing to reflect current addressing practices, to be held in the Commissioner's Chambers, Courthouse Annex, Brown County, SD on April 1, 2003 at 8:45 A.M. All members present voting aye. Motion carried.

**AUDIT ENTRANCE CONFERENCE:**

Kay Fredrick, SD Department of Legislative Audits met with the Commission for Entrance Conference for the Audit being conducted for fiscal year 2002.

**HIPAA:**

Charlene Millim, Welfare Director met with the Commission to discuss options to bring Brown County into compliance with HIPAA.

**RECESS:**

The Vice-Chairman declared the Commission recessed until March 18, 2003.

Maxine Taylor – Brown County Auditor

# MARCH 18, 2003 - GENERAL MEETING

Meeting called to order by Chairman Fischbach at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Feickert, Knecht and Wiese.

## MINUTES:

Moved by Wiese, seconded by Feickert to approve the Joint City/County Meeting minutes of March 10, 2003 and the General Meeting minutes of March 11, 2003. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Wiese, seconded by Knecht to approve the following claims:

Supplies: Claims Assoc..\$3000.00, Taylor Laundry..\$44.00, D&D Paint..\$1100.94, Dakota Supply..\$53.97, Runnings..\$18.57, Lar-Jos..\$36.00, Streichers..\$115.70, Office Equip..\$9.50, Earthgrains..\$482.90, Civic Research Inst..\$132.95, A&M Radio..\$186.00, Herbergers..\$59.97, Amoco..\$19.02, Ameripride..\$74.30, Best Business..\$218.75, Velvet Uniforms..\$61.02, Sewing Shoppe..\$10.50, Avera St Lukes..\$157.50, Grafix Shoppe..\$366.00, Towing Plus..\$50.00, Karst Car Care..\$30.00, Bob Barker..\$57.90, RB Upholstery..\$150.00, West Group..\$104.00, Tri State Water..\$33.00, Career Planning..\$973.25, Artz Camera..\$699.00, Swanson Electric..\$85.00, Share Corp..\$85.00, Safelite Auto..\$76.07, RB Upholstery..\$120.00, Praxair..\$9.80, Palmer Dist..\$140.00, Newman Signs..\$564.25, Midwest Pump..\$63.95, Lyle Signs..\$695.91, Larson Blacksmith..\$127.27, L&O Acres..\$920.50, House of Glass..\$56.92, Ben Hofer..\$50.00, Frey Electronics..\$355.80, Farnams Parts..\$86.78, JD Evans..\$573.81, Diesel Machinery..\$2610.80, Dakota Fluid..\$240.08, Carquest..\$1842.72, IAFE..\$200.00, K-Mart..\$18.00, Kleins..\$57.17, Quality Quick Print..\$7.74, Senior Citizens..\$250.00, Yankton County Tres..\$198.95, Ameripride..\$13.59, Aberdeen Family Y..\$330.00, Menards..\$332.38, Brick Propane..\$3390.00, Agbio Communications..\$85.86, Century Business Products..\$105.11, Assn of SD County Weed Boards..\$100.00, Specialty Mfg..\$54.10, Ramkota..\$110.00, Gene Wolter..\$175.00, Lynn & Wende Holzkamm..\$100.00, Jesse Luce..\$50.00, Brad Waage..\$50.00, Don Hurst..\$50.00, Michelle Harder..\$100.00, Loy Stange..\$50.00, Mike Thompson..\$50.00, Minnesota Valley Testing Labs..\$26.80, Dahme Const..\$14,533.50, Earth Tech..\$3096.69, FedEx..\$15.34, Radio Shack..\$29.99, CDW Govt..\$553.47, Aberdeen Ride Line..\$33.93, MN State Bar Assn..\$530.00, IAFE..\$525.00:

Mileage: Gordon Vanauken..\$539.39, Mary Browning..\$338.30, Rosie Varns..\$20.00, Dorothy Peterson..\$20.00, Jessie Richmond..\$11.60, Minnie Ryman..\$37.12, Carrie Thornes..\$34.80:

Transcriptions: Neal Reporting..\$135.00, Renee Kennedy..\$64.40:

Publications: American News..\$1251.45, Weekly Edition..\$644.06:

Professional Fees: Northern Plains..\$40.75, Dakota Imaging..\$24.00, NE Mental Health..\$248.71, Avera St Lukes..\$595.00:

Utilities: Northwestern Energy..\$11,175.86, Dependable Sanitation..\$356.00, Midcontinent Cable..\$110.00, Qwest..\$5537.18, Northern Electric..\$14.20, City of Hecla..\$105.88, Northwestern..\$2.74, AT&T..\$19.59, Verizon..\$8.01, Bureau of Admin..\$450.01:

Care of Poor: Dr/Hospital – 4 recipients..Orthopedic Surgery Spec..\$2101.55, Anesthesia Care..\$320.00, Dr Scott Berry..\$177.90; Drugs – 6 recipients..K-Mart Pharm..\$109.62, Jones Drug..\$162.37, Medical Center Pharm..\$416.24; Rent – 5 recipients..Park Village..\$165.00, Leona Vilhauer..\$200.00, Diane Hickenbotham..\$250.00, Peggy Habeck..\$70.00, Jerry Jensen..\$185.00; Transportation – 1 recipient..Emergency Poor Fund..\$65.00; Insurance – 1 recipient..Midstates Printing..\$549.17. All members present voting aye. Motion carried.

## PERSONNEL:

Moved by Wiese, seconded by Hansen to approve employee status change for Jason Stoltenburg from Labor Grade 3 to Labor Grade 4, effective March 30, 2003 at \$10.29 per hour. All members present voting aye. Motion carried.

#### ABATEMENTS:

Moved by Knecht, seconded by Wiese to approve the following Abatements: Richard Russman, owner/occupied on wrong property (Lt 13-15 & W 12' of Lt 16 Bk 12 Corrected Plat of Highlands) for year 2002 in amount of \$775.27; Cory or Kristal Biegler, owner/occupied (1971 Kirkwood MH) for year 2003 in amount of \$34.73; Greenpoint Credit, incorrect assessment (1975 Artcraft MH) for year 2003 in amount of \$.84; Aberdeen Finance, incorrect assessment (1968 Great Lakes MH) for year 2003 in amount of \$13.84. All members present voting aye. Motion carried.

#### LEOP AGREEMENT:

Moved by Knecht, seconded by Wiese to approve and authorize the Chairman sign SD Division of Emergency Management Local Emergency Operations Planning (LEOP) Agreement. All members present voting aye. Motion carried.

#### FAIR CONTRACT:

Moved by Knecht, seconded by Wiese to acknowledge the entertainment contract for August 14, 2003 at the Brown County Fair. All members present voting aye. Motion carried.

#### CLAIM ASSIGNMENT:

Moved by Knecht, seconded by Wiese to approve and authorize the Chairman sign documentation to assign a claim against an individual to L.F. Noll Inc. for purpose of collecting a lien. All members present voting aye. Motion carried.

#### SHERIFF REPORTS:

Moved by Wiese, seconded by Knecht to approve the following February 2003 Sheriff Reports: Incidents & Offenses, Prisoner Care, JDC, Money deposited with the County Treasurer, Monthly activities and Commissary Report. All members present voting aye. Motion carried.

#### EASEMENT:

Moved by Wiese, seconded by Feickert to approve and authorize the Chairman sign a Temporary Easement granting the City of Aberdeen a temporary easement to allow for the construction of roadway facilities including bike path, street lighting and storm sewer construction on the Southwestern corner of the SW ¼ of Sec 1-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD, effective until completion of the project or until July 1, 2004, whichever comes first. All members present voting aye. Motion carried.

#### PREVENTION GRANT PROPOSALS – HEALTH CARE SERVICES AT JDC:

Time and place, as advertised to open, read and consider proposals to provide Health Care Services at the Brown County Juvenile Detention Center, to be funded by the Brown County Prevention Grant #2001-JS-FX-0014. Proposals were received from the Lizabeth Haberer, Christine Heidenreich and Arlene Mewing. Moved by Feickert, seconded by Wiese to refer proposals to selection Committee (Brown County Commissioners, Sheriff, JDC, NECOG, BCCHC) for review and recommendation. All members present voting aye. Motion carried.

#### AGREEMENT:

Moved by Knecht, seconded by Feickert to approve and authorize the Chairman to sign Agreement with the SD Department of Transportation for striping approximately 198 miles of Brown County roads at an estimated cost to Brown County of \$23,939.58. All members present voting aye. Motion carried.

**ON-SYSTEM BRIDGE RE-INSPECTION:**

Moved by Feickert, seconded by Wiese to approve and authorize the Chairman to sign Work Order No. B1-04-03 with the SD Department of Transportation for the Bridge Inspection for 48 structures in Brown County, to be completed by Hofland Engineering in amount not to exceed \$10,202.65. All members present voting aye. Motion carried.

**CONTRACTS:**

Moved by Wiese, seconded by Feickert to authorize the Chairman sign contracts for material, supplies and rental of equipment bid for the Highway Department. All members present voting aye. Motion carried.

**JAIBG:**

Moved by Wiese, seconded by Knecht to approve and authorize the Chairman to sign application documentation for the Juvenile Accountability Incentive Block Grant. All members present voting aye. Motion carried.

**EXECUTIVE SESSION:**

Moved by Hansen, seconded by Wiese to go into executive session for personnel discussion. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Wiese to adjourn executive session. All members present voting aye. Motion carried.

**PROPERTY RELEASE:**

Commissioner Hansen offered the following Resolution:

**RESOLUTION NO. 28-03**

WHEREAS, Brown County has filed the following liens against three individual family members: County Relief Lien @ \$51,330.58 dated 8/9/96 to 2/7/03, Indigent Counsel Lien @ \$315.00 dated 5/12/94 to 4/8/98; Indigent Counsel Lien @ \$140.59 dated 3/19/81, Ambulance Lien @ \$45.00 dated 8/26/82, County Relief Lien @ \$3,117.51 dated 9/13/82 to 3/6/86, and County Relief Lien @ \$1,459.50 dated 7/19/94, and

WHEREAS, Brown County has determined it to be in the best interest of the taxpayers to release certain property from the effect of said lien, upon payment of approximately \$2,323.01 and on condition that balance of liens stay filed against the three individual family members.

NOW, THEREFORE BE IT RESOLVED that the following real property, which is described as follows:

Lot 8, Block 3, Addison's Addition to the City of Aberdeen, Brown County, South Dakota

is hereby released from the effect and force of said liens, upon payment of approximately \$2,323.01 on the various liens and on condition that balance of all liens stay filed against the three individual family members.

Seconded by Commissioner Wiese. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

**CDBG – MUSEUM PROJECT:**

Moved by Wiese, seconded by Knecht to approve and authorize the Chairman sign Application for State Assistance through Community Development Block Grant (CDBG) Funds in amount of \$206,000 to replace the windows on the second and third floor of the Dacotah Prairie Museum. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to approve and authorize the Chairman sign Operation, Maintenance, and Repair (OM&R) Statement for the Dacotah Prairie Museum Window Replacement CDBG Project Application. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Feickert to approve and authorize the Chairman sign Relocation, Displacement and Acquisition Plan documentation for the Dacotah Prairie Museum Window Replacement CDBG Project Application. All members present voting aye. Motion carried.

RECESS:

The Chairman declared the Commission recessed until March 25, 2003.

Maxine Taylor – Brown County Auditor



MARCH 24, 2003 - JOINT CITY/COUNTY MEETING

The Brown County Commission and the Aberdeen City Commission met in joint session at 6:30 P.M. in the Aberdeen Commission Chambers, 123 S Lincoln, Aberdeen, South Dakota. Present from City were Commissioners Klabo, Omland, Kirkpatrick, Pfeifer and Mayor Hopper. Present from County were Commissioners Feickert, Wiese and Fischbach. Absent Commissioners Knecht and Hansen.

ORDINANCE NO. 03-03-01/272:

On motion by Kirkpatrick and seconded by Omland, the City unanimously voted to approve First Reading of Ordinance No. 03-03-01/272.

Moved by Feickert, seconded by Wiese to approve First Reading of Ordinance No. 03-03-01/272, An amendment to Ordinance No. 1164 pertaining to zoning, Amending Section 1001.4, known as the Zoning Ordinance of the City of Aberdeen, SD, to amend section regarding nonconforming uses of a structure, or structure and premises in combination is discontinued or abandoned. All members present voting aye. Motion carried.

ORDINANCE NO. 03-03-02/273:

On motion by Klabo and seconded by Pfeifer, the City unanimously voted to approve First Reading of Ordinance No. 03-03-02/273.

Moved by Feickert, seconded by Wiese to approve First Reading of Ordinance No. 03-03-02/273, to amend Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 703 (R-1) Low Density Residential District: Lots 1 thru 15 of "Plat of Lots 1 through 15, Volk's Subdivision, located in the NE ¼ of Sec 4-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD" and Lots 1A thru 15A of Plat of Lots 1A thru 15A, Volk's Subdivision, located in the NE ¼ of Sec 4-T123N-R64W, Brown County, SD", and extending to the centerline of all public right-of-way located adjacent thereto. All members present voting aye. Motion carried.

HAZARD MITIGATION PLAN:

Freddie Robinson, Brown County Emergency Management Director presented information about the Disaster Mitigation Act of 2000, which requires all entities eligible for Federal funding to establish a Hazard Mitigation Plan.

Moved by Wiese, seconded by Feickert to adjourn the Brown County Commission. All members present voting aye. Motion carried.

Maxine Taylor – Brown County Auditor

# MARCH 25, 2003 – GENERAL MEETING

Meeting called to order by Chairman Fischbach at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Feickert, Knecht and Wiese. Absent Commissioner Hansen.

## MINUTES:

Moved by Knecht, seconded by Wiese to approve the General Meeting minutes of March 18, 2003. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Wiese, seconded by Feickert to approve the following claims:

Payroll: Commissioners..\$2,443.30; Auditor..\$6,800.30; Treasurer..\$8,088.30; Data Processing..\$1,573.08; State's Attorney..\$7,677.64; Victims Assistance..\$904.05; Maintenance..\$4,938.18, Assessor..\$6,775.39; Planning & Zoning..\$1,061.57; Register of Deeds..\$4,517.90; Veterans Service Office..\$2,338.65; Sheriff..\$55,192.37; DOJ Grant..\$3,210.85; Communications..\$13,547.58; Welfare Office..\$2,608.10; Health..\$2,528.00; Museum..\$3,993.20; Fairgrounds & Parks..\$3,225.32, Fairboard..\$854.31; Extension..\$792.00; Weed..\$464.04; Foster Grandparent Program..\$1,894.50; Emergency Management..\$2,107.79; Highway..\$26,424.56, Landfill..\$6,902.45; Matching Benefits: FICA..\$10,144.65, Medicare..\$2,372.48, Health..\$52,393.62, Life..\$695.96;

Supplies: Dutch's..\$119.00, GlaxoSmithKline..\$242.50, David Buchanan..\$30.00, Exec Mgmt Finance..\$90.63, Office Equip..\$78.00, Quality Quick Print..\$484.83, New Trends..\$71.91, Vicky Wicks..\$57.93, Gardner Locksmith..\$60.00, Rux Bros..\$211.11, Dakota Supply..\$157.20, Heartland Paper..\$250.67, Sanders Sew 'N Vac..\$160.75, Best Business..\$221.86, School Health Corp..\$29.27, K-Mart..\$41.15, Ecolab..\$79.30, Service Signs..\$188.70, Division of Motor Vehicles..\$20.00, Dept of Revenue..\$877.00, Jones Drug..\$6.72, Sirchie..\$117.04, Credit Bureau..\$16.00, Pierson Ford..\$238.51, Respond..\$35.45, Langs..\$549.00, Bexar County Forensic Science Center..\$658.00, Christ & Don's Tarp..\$60.00, Avera St Lukes..\$50.00, Photo Xpress..\$25.06, Dicks Westside..\$31.75, NECOG..\$12,996.13, Lutheran Social Service..\$1722.00, Roncalli Middle School..\$388.08, City of Aberdeen..\$18,757.58, Brown County..\$9912.50, Aberdeen Housing..\$23,163.06, New Beginnings..\$3975.00, Taylor Laundry..\$609.18, SDDOT..\$561.77, Petroleum Partners..\$1340.63, Newman Signs..\$910.34, New Pig..\$111.60, Midstate Reclamation..\$3311.00, M-R Sign..\$463.25, Fred Ludwig..\$123.91, Kar Products..\$46.43, House of Glass..\$86.53, Fastenal..\$109.70, Diesel Machinery..\$3300.00, Cedar Shore Resort..\$133.90, Batteries Plus..\$80.48, Shopko..\$315.97, CHI..\$2223.00, Hedahls..\$15.12, Macs..\$9.44, Menards..\$292.71, Exhaust Pros..\$117.80, McFarland Supply..\$6.98, Lora Schaunaman..\$49.04, Assoc of SD Museums..\$75.00, NSU..\$83.20, Sherwin-Williams..\$34.79, CarQuest..\$11.42, Extension Service..\$66.30, Kirks Auto..\$22.00, Area IV Senior Nutrition..\$137.50, Utah Communications..\$5201.64, Walmart..\$136.46, MVTL Labs..\$26.80, Freys Elec..\$1995.00, RDO..\$7041.87, Paul Mardian..\$51.35, Active Data..\$10,490.39; SD Corrections Assn..\$105.00;

Mileage: Casey Thorstenson..\$66.00, Cordell Rudolph..\$66.00, Richard Burns..\$66.00, Freddie Robinson..\$131.06, Barb Jansen..\$11.31, Jodi McQuillen..\$143.84;

Transcriptions: Cheryl Hook..\$128.00, Tammy Erickson..\$87.30;

Publications: American News..\$492.65, Weekly Edition..\$229.17;

Professional Fees: Kim Dorsett..\$2083.33, Richard Russman..\$2916.66, Sheriff of King County..\$114.00, Sheriff of Bon Homme County..\$23.70, Hennepin County Sheriff..\$45.40, NE Mental Health..\$277.97, stipends..\$15,081.15, LCM Pathologist..\$1738.83, Marv Ekeren..\$15.00, Don Carlson..\$15.00, Donna Dietrich..\$119.22;

Court Appointed Attorney: William Gerdes..\$4166.61, Scott Kuck..\$4166.61, Christy Serr..\$4166.61, Randy Turner..\$4166.61;

Utilities: Qwest..\$135.34, Cellular One..\$915.52, James Valley Co-Op..\$212.00, Geniusweb..\$26.97, Prairiewave..\$19.95:

Care of Poor: Dr/Hospital – 3 recipients..Avera St Lukes..\$17,397.55, Siouxland Anesthesiology..\$400.00, Orthopedic Surgery Spec..\$5643.51; Rent – 2 recipients..Stephen Darling..\$190.00, Better Rentals..\$159.00; Insurance – 4 recipients..PayFlex Systems..\$283.39, Twin City Co..\$570.90, Avera Health Plans..\$608.76. All members present voting aye. Motion carried.

**PERSONNEL:**

Moved by Feickert, seconded by Knecht to approve the following employee step/longevity increase, effective March 30, 2003: Leon Vickers @ \$12.39 per hour. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Knecht to approve hiring Nicole Smith as Summer Assistant at the Brown County Extension Office, effective May 28, 2003 at \$6.25 per hour. All members present voting aye. Motion carried.

**ABATEMENTS:**

Moved by Wiese, seconded by Feickert to approve the following Abatements: Mae Serfling, home destroyed (MH Palmyra Township) for year 2003 in amount of \$6.89; Robert A Schroeder, incorrect assessment (NW 13-128-61) for year 2002 in amount of \$264.03; Aberdeen School District, house removed (Lt 1 Bk 25 1<sup>st</sup> Add to Highlands) Solid Waste for year 2003 in amount of \$21.00; Todd Cox, incorrect assessment (James OL 2) for year 2003 in amount of \$51.55. All members present voting aye. Motion carried.

**BROWN COUNTY HIGHWAY SYSTEM:**

Commissioner Feickert offered the following Resolution, which replaces Resolution No. 05-03 dated January 7, 2003. This Resolution corrects the County Road #9 designation to County Road #19:

**RESOLUTION NO. 29-03**

WHEREAS, it is deemed in the best interest of the taxpayers of Brown County that changes be made in the Brown County Highway System, and

WHEREAS, SDCL 32-14-6 permits local authorities by resolution to impose restrictions as to the weight of vehicles allowed upon any highway under the jurisdiction of and for the maintenance of which such local authorities are responsible and only if the highway by reason of physical condition will be seriously damaged or destroyed unless the use of vehicles on the highway is prohibited or the permissible weights of the vehicles are reduced.

WHEREAS, the following highways are such that without the imposition of permanent weight limits will be seriously damaged or destroyed:

County Road #17: from the intersection of County Road #14 at the NW Corner of 15-123-63 for four (4) miles East to the intersection of County Road #16 at the NW Corner of 17-123-62

County Road #19: from the intersection of County Road #12 (Roosevelt Street) at the NW Corner of 29-123-63 for 4500' East

County Road #10: from the intersection of County Road #13 (Prairiewood Road) at the NW Corner of 1-123-64, ten (10) miles North to the intersection of County Road #9 at the NW Corner of 13-125-64

NOW, THEREFORE BE IT RESOLVED that the Brown County Board of Commissioners, in accordance with SDCL 32-14-6 impose permanent weight limits on the following segments of three highways on the Brown County Highway System:

SIX (6) TON PER AXLE - COUNTY ROAD #17 from the intersection of County Road #14 at the NW Corner of 15-123-63 for four (4) miles East to the intersection of County Road #16 at the NW Corner of 17-123-62

SIX (6) TON PER AXLE - COUNTY ROAD #19 from the intersection of County Road #12 (Roosevelt Street) at the NW Corner of 29-123-63 for 4500' East

TWELVE (12) TON GROSS WEIGHT - COUNTY ROAD #10 from the intersection of County Road #13 (Prairiewood Road) at the NW Corner of 1-123-64, ten (10) miles North to the intersection of County Road #9 at the NW Corner of 13-125-64

BE IT FURTHER RESOLVED that the Brown County Highway Department erect and maintain signs designating the provisions of this resolution at each end of that portion of each highway affected, and at points of intersection as that Department deems necessary.

Seconded by Commissioner Wiese. Roll call vote: Commissioner's Hansen-absent, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

#### TAX DEED SALE:

Moved by Wiese, seconded by Knecht to approve and authorize the Chairman to sign the following Quit Claim Deeds to the successful bidders for the surplus property sold at auction at 10:00 A.M. on March 24, 2003: Ravinia Township: Lingor's Subd, N ½ of Lot 4, NE ¼ 22-124-65 to Ron Janke @ \$1,800.00; Claremont City: Benson's Addition Lot 17 to Gary White @ \$117.00; Columbia City: Pecks 2<sup>nd</sup> Addn, Lots 1 to 9 Inc., Block 6 to Ron Janke @ \$180.00; Stratford City: Lot 5, Block 4 to John Johnson @ \$225.00; Warner City: Lots 1-2-3 Block 1 & the S 33' of Vacated 1st St to Dennis Hase @ \$2,800.00; N 42' of Lots 10, 11, 12 & Vacated Alley Block 1 to Dennis Hase @ \$450.00; Prairiewood Village: Lot 8, Block 5 to Ron Janke @ \$22.50. All members present voting aye. Motion carried.

#### PLATS:

Commissioner Feickert offered the following Resolution:

#### RESOLUTION NO. 30-03

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "F & F First Subdivision in SW ¼ Sec 24-T125N-R64W of 5<sup>th</sup> P.M., Brown County, SD", 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. Roll call vote: Commissioners Hansen-absent, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Knecht offered the following Resolution:

#### RESOLUTION NO. 31-03

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing "Lot 2B of Lot 2 Schaeffer Richmond Lake Subdivision in the NW ¼ of Sec 25-T124N-R65W of the 5<sup>th</sup> P.M., Brown County, SD", having been examined, is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof.

Seconded by Commissioner Wiese. Roll call vote: Commissioners Hansen-absent, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

#### INVENTORY DONATION:

Moved by Wiese, seconded by Knecht to donate the following inventory items to Presentation College, as the new sponsor for the Foster Grandparent Program, effective April 1, 2003: Decal #3253 Canon Calculator, #3254 Canon Calculator, #3256 4-drawer File w/lock, #3257 Indiana Desk, #3258 Executive Desk, #3259 Hon Unifile Cabinet, #3260 4-drawer File w/lock, #3263 Tennsco 28" Cabinet, #3267 Excellence Refrigerator, #3269 Sears 13" TV, #3270 Tennsco 30-drawer Cabinet, #3271 4-drawer File w/lock, #3272 Copy Machine Stand, #3276 Executive Office Chair, #3277 Sharp Copier, #3279 HP Deskjet 890C Printer, #3280 Gateway Computer System, #3281 HP Laserjet 6PXI Printer, #3282 Compaq Computer System and Miscellaneous items (Metal 5-Shelf Unit, 3 Brown Metal Chairs, 2 Wooden Computer Desks, 1 Scanner, 2 Telephones, 1 Answering Machine, 1 Office Table, 3 Bulletin Boards, 1 Wooden 3 shelf Bookcase, 1 Display Unit, 1 Metal Folding Table). All members present voting aye. Motion carried.

#### ADDENDUM:

Moved by Wiese, seconded by Knecht to approve and authorize the Chairman to sign Addendum to Girl Scouts of Nyoda Council Contract. All members present voting aye. Motion carried.

#### BROWN COUNTY WEED & SEED:

Moved by Knecht, seconded by Wiese to approve and authorize a Grant Adjustment Notice (GAN) be sent to EOWS requesting the approval of a new Revised Official Budget for Years One and Two for Brown County Weed and Seed Grant #2002-WS-QX-0054. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Feickert to approve the "Bylaws" for the Steering Committee be changed to "Policies and Procedures" for the Brown County Weed and Seed Program #2002-WS-QX-0054. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Wiese to approve the following Weed and Seed Year Two funding requests: Carol Borchard (Year Two Evaluation), Aberdeen Police Department (Overtime for Multi-Unit Housing Training/Security, Aberdeen Area Police Reserve Program), Aberdeen Area Boys & Girls Club (Enhancement of Life Skills Program), NECOG (Weed & Seed 2003 National Conference), NSU (Insight Program), as recommended by the Steering Committee. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Wiese to approve the Brown County Weed and Seed Monthly Expenses for March 2003 (Year One 2002-WS-QX-0054), in amount of \$14,476.22. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Wiese to approve the Brown County Weed and Seed Monthly Expenses for March 2003 (Year Two 2002-WS-QX-0054), in amount of \$52,714.22. All members present voting aye. Motion carried.

#### BROWN COUNTY PREVENTION GRANT:

Moved by Knecht, seconded by Wiese to accept low proposal, submitted by Arlene Mewing in amount of \$15.00 per hour to provide Health Care Services at the Brown County JDC, to be funded by the Brown County Prevention Grant #2001-JS-FX-0014; rejecting proposals from Christine Heidenreich @ \$22.50 per hour and Lizabeth Haberer @ \$60.00 per hour. All members present voting aye. Motion carried.

#### ADC:

Jim Barringer, Aberdeen Development Corporation and Dennis Maloney met with the Commission to discuss Tax Increment Financing Districts and to ask the Commission if they would support future requests. The Commission said all future requests would be reviewed and decisions would be made on the individual merits and circumstances of each TIF requested.

#### SPECIAL MALT BEVERAGE LICENSE HEARING:

Time and place, as advertised for public hearing to consider application for a Special Malt Beverage License. Moved by Wiese, seconded by Knecht to approve the following Special Malt Beverage License: Aberdeen Hockey Association – Brown County Fairgrounds Expo Building, SW ¼ Sec 1-T123N-R64W, effective April 4 & 5, 2003. All members present voting aye. Motion carried.

#### BUDGET SUPPLEMENT – DPM:

Time and place, as advertised for public hearing to consider Budget Supplement for year 2003 for the Dacotah Prairie Museum. Moved by Feickert, seconded by Wiese to approve the following Budget Supplement for year 2003: To enable the Dacotah Prairie Museum Budget #101-512 to complete program planning in amount of \$10,000.00, funding same from Aberdeen City Contribution of \$10,000.00. All members present voting aye. Motion carried.

#### EXECUTIVE SESSION:

Moved by Knecht, seconded by Wiese to go into executive session for personnel discussion with Todd Odenbach in attendance. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Knecht to adjourn executive session. All members present voting aye. Motion carried.

#### WEED & PEST GRANT:

Moved by Feickert, seconded by Wiese to approve and authorize the Chairman sign documentation for the Brown County Weed & Pest Grant #WP-2443 in amount of \$3,300.00 (50/50 cost share by Brown County), effective July 1, 2003 through June 1, 2004. All members present voting aye. Motion carried.

#### APPLICATION FOR OCCUPANCY:

Moved by Feickert, seconded by Wiese to approve and authorize the Chairman sign application for occupancy, submitted by the Mina Lake Sanitary District for installation of a sanitary sewer forcemain pipe from Sec 19-T123N-R65W to Sec 30-T123N-R65W, Brown County, SD. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Knecht to approve and authorize the Chairman sign application, submitted by WEB Water Development Association for occupancy of Highway #27 in Sec 32-T121N-R64W, Brown County, SD to install water line. All members present voting aye. Motion carried.

#### BID AWARD – MILLING:

Moved by Feickert, seconded by Knecht to award bid, submitted by Upper Plains Contracting in amount of 0.259 per square yard for asphalt milling on location in Brown County; rejecting bid submitted by Midstates Reclamation of SD (total square yard volume: 0"-1" .242 to .177, 1"-2" .268 to .194, 2"-3"

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.303 to .223, 3"-4" .349 to .248, 4"-5" .373 to .299, 5"-6" .478 to .405, 6"+ .652 to .559). All members present voting aye. Motion carried.

**HAZARD MITIGATION PLAN:**

Freddie Robinson, Brown County Emergency Management Director presented information about the Disaster Mitigation Act of 2000, which requires all entities eligible for Federal funding to establish a Hazard Mitigation Plan.

**ABATEMENT DISCUSSED:**

Jane Herrmann met with the Commission to request taxes be abated on property owned by her father, requesting tax exempt status. Director of Equalization Mary Worlie will review laws regulating Tax Exempt status qualifications and return to the Commission with a recommendation.

**ADJOURN:**

Moved by Wiese, seconded by Feickert to adjourn the Brown County Commission. All members present voting aye. Motion carried.

Maxine Taylor – Brown County Auditor

MARCH 31, 2003 - JOINT CITY/COUNTY MEETING

The Brown County Commission and the Aberdeen City Commission met in joint session at 6:30 P.M. in the Aberdeen Commission Chambers, 123 S Lincoln, Aberdeen, South Dakota. Present from City were Commissioners Klabo, Omland, Kirkpatrick and Pfeifer. Absent Mayor Hopper. Present from County were Commissioners Feickert, Wiese and Fischbach. Absent Commissioners Knecht and Hansen.

ORDINANCE NO. 03-03-01/272:

On motion by Kirkpatrick and seconded by Pfeifer, the City unanimously voted to approve Second Reading of Ordinance No. 03-03-01/272.

On motion by Pfeifer and seconded by Omland, the City unanimously voted to adopt Ordinance No. 03-03-01/272.

Moved by Feickert, seconded by Wiese to approve Second Reading of Ordinance No. 03-03-01/272. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Feickert to adopt Ordinance No. 03-03-01/272, An amendment to Ordinance No. 1164 pertaining to zoning, Amending Section 1001.4, known as the Zoning Ordinance of the City of Aberdeen, SD, to amend section regarding nonconforming uses of a structure, or structure and premises in combination is discontinued or abandoned. Roll call vote: Commissioners Hansen-absent, Feickert-aye, Knecht-absent, Wiese-aye, Fischbach-aye. Motion carried.

ORDINANCE NO. 03-03-02/273:

On motion by Kirkpatrick and seconded by Omland, the City unanimously voted to approve Second Reading of Ordinance No. 03-03-02/273.

On motion by Pfeifer and seconded by Omland, the City unanimously voted to adopt Ordinance No. 03-03-02/273.

Moved by Feickert, seconded by Wiese to approve Second Reading of Ordinance No. 03-03-02/273. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Feickert to adopt Ordinance No. 03-03-02/273, to amend Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 703 (R-1) Low Density Residential District: Lots 1 thru 15 of "Plat of Lots 1 through 15, Volk's Subdivision, located in the NE ¼ of Sec 4-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD" and Lots 1A thru 15A of Plat of Lots 1A thru 15A, Volk's Subdivision, located in the NE ¼ of Sec 4-T123N-R64W, Brown County, SD", and extending to the centerline of all public right-of-way located adjacent thereto. Roll call vote: Commissioners Hansen-absent, Feickert-aye, Knecht-absent, Wiese-aye, Fischbach-aye. Motion carried.

Moved by Wiese, seconded by Feickert to adjourn the Brown County Commission. All members present voting aye. Motion carried.

Maxine Taylor – Brown County Auditor



# APRIL 1, 2003 – GENERAL MEETING

Meeting called to order by Chairman Fischbach at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Feickert, Knecht and Wiese.

## MINUTES:

Moved by Wiese, seconded by Knecht to approve the Joint City/County Meeting minutes of March 24, 2003 and the General Meeting minutes of March 25, 2003. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Wiese, seconded by Knecht to approve the following claims:

Supplies: Dakota Supply..\$191.40, Ecolab..\$67.60, SOS..\$20.00, Nelson Auto..\$54.94, McFarland..\$3.33, Heartland Paper..\$120.05, Springhouse Direct..\$43.90, New Trends..\$110.61, Photo Xpress..\$15.93, Exec Mgmt..\$2310.55, Streichers..\$83.80, Medical Center Pharm..\$1198.04, SD Dept of Rev..\$140.00, Wallwork Truck Center..\$47,955.00, Lyle Signs..\$34.80, Share Corp..\$75.00, SD Trucking Assn..\$84.86, Wade Lechner..\$95.00, Lawson Products..\$231.40, Farm Power..\$221.00, Cass County Heating..\$100.00, Walmart..\$58.82, Polk Directories..\$123.00, Swanson Elec..\$86.00, Menards..\$252.25, Runnings..\$130.02, Macs..\$25.85, CarQuest..\$23.74, Academy..\$7.00, Office Max..\$176.31, Best Business..\$42.33, SDDOT..\$14.00, Area IV..\$127.50, Great Plains Cummins..\$860.12, SDN Tech..\$536.00, Paul Mardian..\$278.27, Service Signs..\$64.00, Pro Ag Supply..\$425.25, Farm Power..\$842.84, Fred Ludwig..\$1975.59, Hewlett-Packard..\$4971.17, CDW..\$588.98, Butler Machinery..\$206.20, Fastenal..\$231.99, Chateau Lodge..\$172.80, Super 8..\$224.00, Comfort Inn..\$35.00, Jury: Don Abeln..\$110.30, Randolph Anderson..\$31.74, Jocelyn Bartusis..\$10.58, Walter Bauer..\$42.32, Ginger Beck..\$11.16, Brenda Blair..\$42.32, Jennifer Bomesberger..\$138.70, Edward Brick..\$55.80, Luis Brown..\$12.90, Michael Bumpous..\$89.32, Dale Carr..\$156.70, Becky Daly..\$186.96, Penny Darling..\$55.80, Marie Denouden..\$127.44, Catherine Diede..\$118.74, Neal Dieter..\$31.60, Sheila Ehli..\$75.22, Heidi Engstrom..\$55.80, Julie Farmen..\$263.48, Patricia Fettig..\$234.06, Sharon Fischer..\$47.40, John Fogel..\$55.80, Julie Ford..\$52.90, Doris Foss..\$42.18, Leonard Geffre..\$238.12, Jena German..\$132.90, Crystal Glugla..\$10.00, Marian Goebel..\$52.90, Travis Goetz..\$42.32, Audumn Gortmaker..\$31.74, Douglas Grote..\$103.20, Irene Hanson..\$71.74, Deb Hardy..\$262.48, Corey Helms..\$46.96, Pat Hermansen..\$42.32, Lawrence Hoffman..\$55.80, Richard Karjalainen..\$372.10, James Keeley..\$223.48, Gloria Kline..\$194.06, Don Knecht..\$160.20, Vickie Koch..\$71.74, Marcia Kranz..\$64.50, Florence Kumpf..\$55.80, Ryan Kutter..\$177.00, Dennis Larson..\$152.10, Sharon Lieberg..\$84.64, William Long..\$10.58, Julie Lust-Hofschulte..\$56.24, Peggy Martin..\$92.90, Mark Mills..\$89.32, Carolyn Mund..\$98.70, Loren Nehlich..\$51.60, Sean Nelson..\$186.96, Rose Newell..\$42.32, Diane O'Connor..\$89.32, Erin Olson..\$10.58, Roxie Olson..\$52.90, David Osborn..\$31.74, Vernon Pfeifer..\$102.80, Charles Raap..\$86.40, Roberta Ritchie..\$31.74, Roger Roth..\$63.20, Ken Rueschenberg..\$42.32, Glen Rystrom..\$99.30, Rhoda Sandquist..\$11.16, Robert Sayler..\$259.90, James Schaunaman..\$44.64, Rita Schile..\$223.48, Patricia Schwan..\$64.50, Duane Simon..\$99.90, Rodney Simon..\$139.30, Trudi Stanton..\$132.90, Tim Timmerman..\$259.30, Carmal Tobin..\$195.00, Joshua Vaux..\$42.32, Darrel Wahl..\$96.10, Raymond Wik..\$99.90, Julie Willett..\$31.74, Randy Zens..\$219.90:

Mileage: William Meink..\$27.84, Sheila Anderson..\$11.89, Gordon Vanauken..\$233.20, Leo Leshier..\$109.91, Gene Loeschke..\$69.31, Ted Heupel..\$186.00, Derwin Kampa..\$128.00, Gene Wolter..\$128.00:

Transcriptions: Neal Reporting..\$144.00, Betsy Johnson..\$48.60:

Publications: American News..\$32.40:

Professional Fees: Avera St Lukes..\$100.00, Kevin Spitzer..\$308.70, Brandon Leslie..\$300.00, Sheriff of Yankton County..\$16.50, witness fee..\$20.00:

Court Appointed Attorney: Christy Serr..\$485.25:

Utilities: Qwest..\$223.55, Montana Dakota..\$31.65, Northwestern Energy..\$985.56, Midcontinent Cable..\$248.74:

Care of Poor: Dr/Hospital – 1 recipient..Avera St Lukes..\$802.83; Rent – 6 recipients..Jon Husby..\$95.00, Perry Pitz..\$250.00, Park Village..\$155.00, ARC..\$199.00, Falcon Properties..\$111.00, SD Real Estate..\$190.00; Insurance – 1 recipient..Avera Health Plans..\$311.43. All members present voting aye. Motion carried.

#### PERSONNEL:

Moved by Hansen, seconded by Wiese to acknowledge the termination of Luticia Mann, effective March 31, 2003 and Lee Kludt, effective March 19, 2003. All members present voting aye. Motion carried.

#### ABATEMENT – DENIED:

Moved by Wiese, seconded by Hansen to deny Abatement for 2001 and 2002 taxes, requested by Frederick Herrman, as SDCL 10-4-24.11 (Reduction of tax on dwelling owned by paraplegic) requires that the dwelling be owned and occupied for the full calendar year prior to the year in which the taxes are due and receivable. All members present voting aye. Motion carried.

#### ABATEMENT:

Moved by Hansen, seconded by Knecht to approve the following Abatement: Lou Ludwig, double assessment on Mobile Home (Engle's OL 2 NE 20-122-64 ex W 330') for year 2003 in amount of \$41.85. All members present voting aye. Motion carried.

#### CDBG – MUSEUM:

Moved by Wiese, seconded by Feickert to approve and authorize the Chairman sign CDBG (Community Development Block Grant) Agreement with the State of South Dakota for \$205,000.00 for the Dacotah Prairie Museum Window Replacement Project. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Hansen to approve and authorize the Chairman sign Agreement with NECOG for administrative assistance with the Dacotah Prairie Museum Window Replacement Project funded with the Community Development Block Grant award. All members present voting aye. Motion carried.

#### LEASE ADDENDUM:

Moved by Wiese, seconded by Feickert to approve and authorize the Chairman sign Addendum to the Lease of the blue steel-framed building at 6 ½ N Main Street with the Aberdeen School District No. 6-1. All members present voting aye. Motion carried.

#### SURPLUS PROPERTY:

Moved by Hansen, seconded by Feickert to declare a window air conditioner surplus and donate it to Presentation College for use by the Foster Grandparent Program and declare a file cabinet at the Highway Department surplus for sale to Farm Power for \$50.00. All members present voting aye. Motion carried.

#### BROWN COUNTY WEED & SEED:

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman sign letter requesting Weed and Seed funding for year three (October 1, 2003 – September 30, 2004). All members present voting aye. Motion carried.

Moved by Knecht, seconded by Wiese to approve and authorize the Chairman sign Application for Federal Assistance and Certificates regarding Lobbying, Debarment, Suspension and other responsibility

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matters; and Drug-Free Workplace requirements for Brown County Weed and Seed Project – year three (October 1, 2003 – September 30, 2004). All members present voting aye. Motion carried.

#### LEGISLATIVE STUDY OF TAX EXEMPT PROPERTY:

Moved by Feickert, seconded by Wiese to support Resolution approved by the James River Valley District of the SD Association of County Commissioners on March 27, 2003 and recommend that the LRC Executive Board select a study on tax exempt property and the criteria required to receive such property tax exemption as a topic for a legislative summer study. All members present voting aye. Motion carried.

#### ORDINANCE NO. 024:

Time and place, as advertised for First Reading of Ordinance No. 024, An Ordinance Amending Title 4, Zoning, Second Revision Brown County Ordinances, Chapter 4.33 – Rural Addressing. John Stahl, Aberdeen Fire Department met to request notification of addressed assigned in unincorporated areas. Moved by Hansen, seconded by Feickert to amend Paragraph 4.3303, Item 3 to include notification of new addresses to the Aberdeen Fire Department. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hanson to approve First Reading of Ordinance No. 024, An Ordinance Amending Title 4, Zoning, Second Revision Brown County Ordinances, Chapter 4.33 – Rural Addressing. All members present voting aye. Motion carried.

#### DIRECTOR OF EQUALIZATION:

Mary Worlie, Director of Equalization met with the Commission for annual review, as per SDCL 10-3-14 and discussed upcoming equalization process.

#### EXECUTIVE SESSION:

Moved by Feickert, seconded by Wiese to go into executive session for personnel discussion with Mary Worlie in attendance. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Knecht to adjourn executive session. All members present voting aye. Motion carried.

#### CENTENNIAL VILLAGE REPORT:

Don Gisi presented the 2002 Centennial Village Annual Report and discussed the following projects to be completed in 2003: re-roofing of four buildings, addition to the restrooms in front of the Village. Kurt Smith, Fairgrounds Manager was also in attendance.

#### GAS/DIESEL FUEL BID AWARD:

Moved by Feickert, seconded by Wiese to purchase Transport Gas/Fuels and Tankwagon Fuels, as per State Bid Contract #13893 from Howes Oil Company, Sioux Falls, SD, effective April 1, 2003 through March 31, 2004, as bid by the State of South Dakota on March 13, 2003. All members present voting aye. Motion carried.

#### EXECUTIVE SESSION:

Moved by Feickert, seconded by Wiese to go into executive session for personnel discussion with a former employee. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Feickert to adjourn executive session. All members present voting aye. Motion carried.

#### AMEND RESOLUTION NO. 49-96:

Commissioner Hansen offered the following Resolution:

RESOLUTION NO. 32-03

WHEREAS, the Brown County Commission adopted Resolution No. 49-96 on July 16, 1996, and

WHEREAS, the total amount and dates of the liens listed were incorrect (should have been \$57,568.76 for period of October 26, 1995 through July 16, 1996), and

WHEREAS, Brown County has determined it to be in the best interest of the taxpayers to correct the amount and dates of said lien and release certain property from the effect of said lien, on condition that balance of lien stay filed against the individuals.

NOW, THEREFORE BE IT RESOLVED that the following real property, which is described as follows:

PARCEL I: Lots 3 and 4, Plat of Airport Addition (includes Replat of Preston OL 1, Anderson OL 1 and Anderson OL 2) in the SW ¼ of Sec 28-T123N-R63W of the 5<sup>th</sup> P.M., according to the plat thereof of record, Brown County, South Dakota, a portion of which is now known as Munger 1<sup>st</sup> Addition in SW ¼ Sec 28-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD

PARCEL II: The 8 rods next South of the North 50 ½ rods of the W 20 rods of the SW ¼ of Sec 28-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD, now known as Munger 1<sup>st</sup> Addition in SW ¼ Sec 28-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD

is hereby released from the effect and force of said lien in correct amount of \$57,568.76 as of July 16, 1996 and on condition that balance of lien stay filed against the individuals.

Seconded by Commissioner Wiese. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

BROWN COUNTY PREVENTION GRANT:

Moved by Knecht, seconded by Wiese to acknowledge termination of the contract with the Aberdeen Family YMCA to provide services through staff who will facilitate group exercise classes in the Juvenile Detention Center. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Knecht to go into executive session to discuss Contract to provide Health Care Services at the Brown County JDC, to be funded by the Brown County Prevention Grant. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Feickert to adjourn executive session. All members present voting aye. Motion carried.

SPEED LIMIT DISCUSSED:

Al Waltman, Calvin Nelson and LeRoy Krage met to discuss the speed limits set around Richmond Lake. The Sheriff and Highway Superintendent will review limits and make recommendations for change, if needed.

RECESS:

The Chairman declared the Commission recessed until April 8, 2003.

Maxine Taylor – Brown County Auditor

## APRIL 8, 2003 – GENERAL MEETING

Meeting called to order by Chairman Fischbach at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Feickert, Knecht and Wiese.

### MINUTES:

Moved by Wiese, seconded by Feickert to approve the Joint City/County Meeting minutes of March 31, 2003 and the General Meeting minutes of April 1, 2003. All members present voting aye. Motion carried.

### CLAIMS:

Moved by Feickert, seconded by Wiese to approve the following claims:

Payroll: Commissioners..\$2,443.30; Auditor..\$6,800.30; Treasurer..\$8,088.30; Data Processing..\$1,573.08; State's Attorney..\$8,350.72; Victims Assistance..\$904.05; Maintenance..\$4,795.66, Assessor..\$6,811.01; Planning & Zoning..\$1,042.39; Register of Deeds..\$4,517.90; Veterans Service Office..\$2,282.25; Sheriff..\$52,525.03; DOJ Grant..\$3,211.81; Communications..\$13,218.09; Welfare Office..\$2,608.10; Health..\$2,528.00; Museum..\$4,108.80; Fairgrounds & Parks..\$3,286.84, Fairboard..\$854.31; Extension..\$1,171.20; Weed..\$207.68; Foster Grandparent Program..\$1,894.50; Emergency Management..\$2,107.79; Highway..\$28,329.34, Landfill..\$6,650.03.

Matching Benefits: FICA..\$10,116.33, Medicare..\$2,365.91.

Supplies: SD Assoc of County Commissioners..\$10.00, SD Assoc of County Officials..\$37.50, Quality Quick Print..\$145.56, Office Equip..\$205.18, New Trends..\$246.83, Wells Fargo..\$13.40, Kerston Painting..\$5518.38, Taylor Laundry..\$63.50, Cartney Bearing..\$4.17, UBC..\$10.13, OK Tire..\$18.00, Ameripride..\$39.00, Vapor Power..\$174.00, Office Max..\$613.81, RE Huffman..\$25.80, ESRI..\$468.20, Walmart..\$273.33, McLeods..\$156.32, HRS..\$2809.29, Dawn Wood..\$250.00, Lutheran Social Services..\$101.13, James Rowenhorst..\$195.26, Velvet Uniforms..\$288.34, Cheryl Hairgrove..\$1200.00, Northwestern..\$125.00, Sewing Shoppe..\$32.00, OK Tire..\$26.00, Langs..\$14.00, County Health..\$28.00, Neve's Uniforms..\$20.43, Dicks..\$30.00, Quint City Coin Ops..\$36.00, Dakota Electronics..\$363.15, Best Business..\$221.02, Eddies Northside..\$26.45, Visa..\$115.83, Jones Drug..\$27.39, Wylie Thunder Road..\$500.00, Parents as Teachers..\$79.90, Warner School Dist..\$660.00, City of Groton..\$87.50, FEI..\$70.00, HC Clark..\$32.60, Butler..\$441.71, Bridgestone/Firestone..\$672.04, Advance Auto..\$5.98, Crawford Trucks..\$1010.63, K-Mart..\$6.99, Macs..\$73.58, SD Div of Motor Vehicles..\$13.00, Ramada..\$564.90, Palmer Dist..\$13.00, North Central Rental..\$1074.60, Hecla Impl..\$25.90, Great Western Tire..\$1253.44, Frey Elec..\$21.31, Diesel Machinery..\$300.00, Creative Signs..\$10.00, NADRIC..\$2083.33, Walmart..\$14.18, Assn of County W & P Board..\$97.12, Evergreen supply..\$13.86, Runnings..\$76.64, Menards..\$23.71, Senior Center..\$250.00, American Assn of Museums..\$155.00, Cobblestone Publishing..\$29.95, QQP..\$393.15, Pheasant Country Broadcasting..\$100.00, A&M Radio..\$44.50, HSR Food Service..\$1,500.00, NAPA Auto Parts..\$4.03, Exhaust Pros..\$74.95, Runnings..\$26.92, OK Tire Store..\$15.00, Dakota Electronics..\$1385.00, Macs..\$7.13, Petroleum Partners..\$275.60, Aberdeen TV & Appliance..\$255.00:

Mileage: Tom Fischbach..\$342.24, Dennis Feickert..\$55.72, Mike Wiese..\$49.34, Sheila Enderson..\$7.00, Kathy Fischer..\$51.91, Carol Sherman..\$31.65, Dirk Rogers..\$341.87, Todd Odenbach..\$76.00, Betty Haar..\$11.60, Rosie Varns..\$10.00, Dorothy Peterson..\$20.00, Spink County Public Transit..\$156.00, Deb Knecht..\$307.40:

Transcriptions: Neal Reporting..\$60.00:

Publications: American News..\$1410.56:

Professional Fees: witness fee..\$20.00, Aberdeen Family Physicians..\$78.15, Avera St Lukes..\$105.71, NEOG..\$1,406.75:

Court Appointed Attorney: Tim Bormann..\$326.75:

Utilities: City of Aberdeen..\$1178.24, Northwestern Energy..\$7767.37, Midcontinent Cable..\$36.07, Verizon..\$140.39, Northern Valley Comm..\$91.46, James Valley Coop..\$143.63, Town of Frederick..\$33.47, WEB Water..\$45.69:

Care of Poor: Dr/Hospital – 4 recipient..Avera St Lukes..\$1033.58, Anesthesia Care..\$624.00, Dakota Imaging..\$159.39, Northern Plains OMS..\$189.57; Drugs – 6 recipients..Medical Center Pharm..\$420.32, Jones Drug..\$115.80, Walmart Pharm..\$142.32; Rent – 2 recipient..Country Village..\$250.00, D&D Investments..\$95.00; Utilities – 2 recipients..NWPS..\$421.67; Burial – 1 recipient..Spitzer-Osthus Funeral Home..\$1570.00. All members present voting aye. Motion carried.

#### PERSONNEL:

Moved by Feickert, seconded by Knecht to approve the following employee step/longevity increases, effective April 13, 2003: Geri Sillman @ \$12.16 per hour, Jo Forsting @ \$10.91 per hour, Melvin Ernst @ \$10.97 per hour, Judy Dosch @ \$14.96 per hour, Diane Mielke @ \$11.51 per hour, Jeffrey Kirnan @ \$10.79 per hour, Justin Lematta @ \$10.26 per hour. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Knecht to approve hiring the following seasonal Highway employees: Joe Schwan @ \$7.91 per hour, effective April 21, 2003 and Jason Jung @ \$7.91 per hour, Josh Perman @ \$8.38 per hour, Matt Sandve @ \$7.91 per hour, effective May 12, 2003. All members present voting aye. Motion carried.

#### AUDITORS REPORT OF ACCOUNT:

Moved by Feickert, seconded by Wiese to approve the March 2003 Auditor's Report of Account with the County Treasurer in total amount of \$6,983,436.67 (total amount of actual cash @ \$3,495.00, Wells Fargo Bank @ \$2,652.35, US Bank @ \$8,720.89, Dacotah Bank @ \$287,341.52, Petty Cash @ \$1,700.00, Fund Investments @ \$6,679,521.91, Outstanding Checks @ \$5.00). All members present voting aye. Motion carried.

#### CORE SERVICE PROVIDER:

Moved by Feickert, seconded by Hansen to approve and authorize the Chairman sign documentation designating NADRIC as the Core Service Agency to provide alcohol and drug prevention and treatment services in Brown County. All members present voting aye. Motion carried.

#### ABATEMENTS:

Moved by Knecht, seconded by Wiese to approve the following Abatements: Darrell E Nerby, owner/occupied status (Lt 1C of Lt 1 Bk 3 Pleasant Valley Estates SE 30-124-64) for year 2002 in amount of \$505.60. Lynn Swanson, incorrect value on the following mobile homes for year 2003: 1963 Buddy @ \$16.37, 1966 Great Lakes @ \$16.37, 1972 Pathfinder @ \$134.84, 1972 Rushmore @ \$116.36, 1972 Detroitter @ \$94.42, 1973 Rushmore @ \$142.83, 1964 Marlette @ \$16.37, 1970 Kenwood @ \$139.79, 1971 New Moon @ \$75.34, 1970 Safeway @ \$127.34, 1973 Detroitter @ \$113.92. Melanie Nichols, owner/occupied status ( Lt 3 Bk 3 Replat Bk 3-4 Huffmans 2<sup>nd</sup> Addn) for year 2002 in amount of \$390.49. All members present voting aye. Motion carried.

#### PLAT:

Commissioner Wiese offered the following Resolution:

#### RESOLUTION NO. 33-03

BE IT RESOLVED by the County Commission of Brown County, SD that the plat showing "Jones First Subdivision in Mallard Pass Subdivision in SW ¼ Sec 8-T123N-R62W of 5<sup>th</sup> P.M., Brown County, SD", 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 Knecht. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

#### DOJ SPECIAL APPROPRIATION:

Moved by Feickert, seconded by Wiese to approve and authorize the Chairman sign Financial Form 269 for January through March 2003 for the Brown County Special Appropriation "Prevention and Intervention Programs for at-risk and detained youth" Grant #2001-JS-FX-0014. All members present voting aye. Motion carried.

#### BROWN COUNTY WEED AND SEED:

Moved by Wiese, seconded by Knecht to approve and authorize the Chairman sign Financial Form 269 for January through March 2003 for the Brown County Weed and Seed Grant #2002-WS-QX-0054. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Knecht to approve the termination of the Contract with NECOG to provide office space for and the employment of a Coordinator for the Brown County Weed and Seed Grant #2002-WS-QX-0054, as NECOG needs the office space and employee slot for another project. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to approve hiring Jodi Gerdes as full-time Brown County employee as Brown County Weed and Seed Grant #2002-WS-QX-0054 Coordinator, effective April 14, 2003 at a pro-rated annual salary of \$27,000.00. All members present voting aye. Motion carried.

#### ORDINANCE NO. 024:

Moved by Wiese, seconded by Feickert to approve Second Reading of Ordinance No. 024. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to adopt Ordinance No. 024, An Ordinance Amending Second Revision Brown County Ordinances, effective March 12, 1997 by amending Title 4 Zoning, Chapter 11-3 – Rural Addressing, to reflect current addressing practices and clarify procedure. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Ordinance adopted.

#### EXECUTIVE SESSION:

Moved by Wiese, seconded by Hansen to go into executive session for personnel discussion with Dirk Rogers in attendance. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to adjourn executive session. All members present voting aye. Motion carried.

#### PRE-DISASTER MITIGATION PLANNING GRANT:

Freddie Robinson, EM Director and Eric Senger, NECOG presented information and documentation for the Pre-Disaster Mitigation Planning Grant. Moved by Wiese, seconded by Feickert to approve and authorize the Chairman sign application for Pre-Disaster Mitigation Planning Grant with the SD Division of Emergency Management. All members present voting aye. Motion carried.

#### COMMUNITY EMERGENCY RESPONSE TEAM (CERT) AGREEMENT:

Moved by Wiese, seconded by Hansen to approve and authorize the Chairman sign the Community Emergency Response Team (CERT) Agreement with the SD Division of Emergency Management for funding in amount of \$1,750.00 for Brown County to establish CERT. All members present voting aye. Motion carried.

**BID – LANDFILL SCALE HOUSE ADDITION:**

Moved by Feickert, seconded by Knecht to authorize advertising public hearing to open, read and consider bids for labor and material for an addition to the existing Landfill Scale House, to be held in the Commission Chambers, Courthouse Annex, Brown County, SD at 8:45 A.M. on May 6, 2003. All members present voting aye. Motion carried.

**BOILER BURNER:**

Moved by Knecht, seconded by Feickert to authorize removal of old burner, labor and material to install a new dual fired burner, electrical wiring, fuel piping for oil and natural gas for the Courthouse boiler from Northwestern in amount of \$14,644.36. All members present voting aye. Motion carried.

**RECESS:**

The Chairman declared the Commission recessed until April 15, 2003.

Maxine Taylor – Brown County Auditor



APRIL 8, 2003 – BROWN COUNTY BOARD OF EQUALIZATION

This being the second Tuesday, April 8, 2003, the Brown County Commission organized themselves as the Brown County Board of Equalization, in accordance with SDCL 10-22-25, at 10:00 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, South Dakota. Oaths of office were taken by Commissioners Hansen, Feickert, Knecht, Wiese and Fischbach. Mary E. Worlie and Kathy Fischer, Director of Equalization Office were also present. Auditor Taylor called the meeting to order.

Commissioner Feickert nominated Tom Fischbach as Chairman for the 2003 Brown County Board of Equalization. Moved by Feickert, seconded by Wiese that nominations cease and a unanimous ballot be cast. All members present voting aye. Motion carried.

Commissioner Hansen nominated Dennis Feickert as Vice Chairman for the 2003 Brown County Board of Equalization. Moved by Hansen, seconded by Wiese that nominations cease and a unanimous ballot be cast. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Feickert to deny Tax Exempt status (storage and outdoor recreation) for **Praise Family Bible Church** on the W 10' Lt 8, Lt 9 & E 15' Lt 10 Blk 77 Hagerty & Lloyds Addn to Aberdeen (100% requested). All members present voting aye. Motion carried.

Moved by Hansen, seconded by Feickert to deny Tax Exempt status (parking lot) for **St Mary's Church** on Lts 19 & 20 Blk 38 Hagerty & Lloyd Addn to Aberdeen (100% requested). All members present voting aye. Motion carried.

Moved by Hansen, seconded by Feickert to approve 20% Tax Exempt status (church meeting place) for **First United Methodist Church** on Lts 1-5 & S 10' of W 56' of vac alley lying adj to the N boundary of Lt 2-3 Fosters 3<sup>rd</sup> Rearrangement to Aberdeen (100% requested). All members present voting aye. Motion carried.

Moved by Hansen, seconded by Feickert to deny Tax Exempt status (services) for **Spurs Theapeutic Riding Center** on BOLS Lt 2 Spurs Addn NW 6-123-63 in Aberdeen Township (100% requested). All members present voting aye. Motion carried.

Moved by Hansen, seconded by Feickert to approve 100% Tax Exempt status, as requested on the following: **St Pauls Lutheran Church** on Lt 9 & E 15' Lt 10 Blk 36 2<sup>nd</sup> Addn to Aberdeen; **Northeastern Mental Health Foundation** on Lt 2B of 1<sup>st</sup> Subd of Lt 2 Auto Place Addn to Aberdeen; **St Mary's Church** on Lts 13-17 Blk 39 Hagerty & Lloyds Addn to Aberdeen; **St Mary's Church** on Blk 47 Hagerty & Lloyds Addn to Aberdeen; **Elks Lodge #1046** on Lt 26 Plat of Auto Plaza Addn to Aberdeen; **Aberdeen Labor Temple** on Lt 2 Restaurant Growth 2<sup>nd</sup> Addn to Aberdeen; **First United Methodist Church** on the S 40' of Lt 3 Blk 30 1<sup>st</sup> Addn & Lt 4-6 & 13-14 Blk 30 Subd of Lts 4-6 1<sup>st</sup> Addn & Lt 4-6 & 13-14 of Lt 14 Blk 30 2<sup>nd</sup> Addn to Aberdeen; **Spurs Therapeutic Riding Center** on Lt 1 (land and structures) and Lt 2 (land only) Spurs Addn NW 6-123-63 in Aberdeen Township. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Hansen to approve 66% Tax Exempt status (land and structure) for **First United Methodist Church** on Lots 1 & 2 Blk 29 1<sup>st</sup> Addn to Aberdeen (66% structure and 100% land requested). All members present voting aye. Motion carried.

Moved by Feickert, seconded by Hansen to approve 50% Tax Exempt status (unimproved lot) for **CC Croal Post #17 VFW** on Lt 18 Plat of Auto Plaza Addn to Aberdeen (100% requested). All members present voting aye. Motion carried.

Moved by Feickert, seconded by Hansen to approve 50% Tax Exempt status (serviceman's club) for **VFW CC Croal Post #17** on Lt 19 Auto Plaza Addn to Aberdeen (100% requested). All members present voting aye. Motion carried.

Moved by Feickert, seconded by Hansen to approve 50% Tax Exempt status for **Sacred Heart School** on the N ½ of Lt 21 & all of Lt 22 Bk 80 Hagerty & Lloyds Addn to Aberdeen (100% requested). All members present voting aye. Motion carried.

Moved by Feickert, seconded by Hansen to approve 10% Tax Exempt status for **Floyd Mertz** (Library) on E 10' of Lot 18 and all of Lot 19 Blk 2 OP Houghton (50% requested). All members present voting aye. Motion carried.

Moved by Hansen, seconded by Feickert to deny Tax Exempt status (housing for director) for **Roman Catholic Church (Sacred Heart Church)** on the E 35' of Lots 1-2-3 Blk 89 Hagerty & Lloyds Addn to Aberdeen (100% requested). All members present voting aye. Motion carried.

Moved by Feickert, seconded by Hansen to approve partial Tax Exempt Status for the following applications, as requested: **Children's House of Montessori @ 50% Tax Exempt** on Lots 7-9 Blk 89 Hagerty & Lloyd's Addn; **Montessori School %Eric Hofer @ 25% Tax Exempt** on Lot 10 Blk 3 Thomas Addn; **Resource Center for Women @ 58% Tax Exempt** on Lots 5 & 6 Blk 90 Hagerty & Lloyds Addn; **Loyal Order of Moose #590 @ 80% Tax Exempt** on Lots 1-8 and all of vac alley Blk 54 Second Addn; **Yelduz Temple @ 90% Tax Exempt** on Lots 1-3 Blk 50 Second Addn; **Fraternal Order of Eagles @ 50%** on Lots 4-12 Blk 22 First Addn; **Avera St Luke's @ 96.46% Tax Exempt** on Blk 87 Hagerty & Lloyds Addn & vac Lloyd St & vac 4<sup>th</sup> Ave SE & Lots 1-8 & 17-24 Blk 96 Hagerty & Lloyds Addn & vac 5<sup>th</sup> Ave SE; **Avera St Lukes @ 15.40%** on Dakota Square Building located in Blk 69 & 70 Hagerty & Lloyds Addn; **American Legion Post #39 @ 60%** on Lots 22-25 Blk 11 OP to Groton. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Feickert to remove Tax Exempt status from the following: Aberdeen City #32 Bethlehem Evangelical Lutheran Church-Lots 13-24 inc Blk 91 Hagerty & Lloyds Addn S 18' of Lot 37 all of Lots 38-41 inc & the N 4' of Lot 42 Blk A 1<sup>st</sup> Addn; Aberdeen Labor Temple-Lot 6 Blk 9 OP Aberdeen; Aberdeen Twp #20 Rolling Meadows Inc-Portion of Lot 11 Blk 1 Rolling Meadows NW ¼ 1-123-64; Hecla City #40 St John's Lutheran Church-Lot 1 Blk 22. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Feickert to approve Paraplegic Tax Exempt Status for the following applications: **Stella F Biegler** on Lot 2 Blk 9 Highland North Addition to Aberdeen; **Robert G Fickett** on Lot 8 Blk 4 17<sup>th</sup> Addition of Highland North Addition to Aberdeen; **William D Herman** on Lot 1 Bonaccord Estates Subd to Aberdeen. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Feickert to deny Paraplegic Tax Exempt Status for the following application: **Frederick A Herrmann** on Lot 2 Blk 2 Francis Evelo's Addn to Aberdeen. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Knecht to approve the following applications to continue 100% Tax Exempt Status: Aberdeen City #32 Aberdeen Alliance Church-Lot 12 Blk 20 Ganje Addn of Mel Ros Estates. **Bethlehem Evangelical Lutheran Church**-Lincoln & Boyd's Addn OL 2 Blk F ex E 25' of 255' & Ex Lot 1 Bethlehem Evangelical Lutheran Church Addn SE ¼ 18-123-63 (land and BOLS). **Church of God**-Lot 3 Plat of Church of God 1<sup>st</sup> Addn. **Church of Christ**-L 2 & N 15' of L 3 Blk 1 Gorders Replat of 4<sup>th</sup> Addn. **Evangelical Lutheran Church of Our Savior**-Our Savior Lutheran Church 1<sup>st</sup> Subd a Replat of Lots 15-24 Blk 9 Hagerty & Lloyds Addn. **Faith United Methodist Church**-

Hoffer's 1<sup>st</sup> Addn Lot 2 Replat of Blk 6 Golden Acres 7<sup>th</sup> Addn. **First Church of Nazarene**-Lot 12 Blk 4 Mel Ros 2<sup>nd</sup> Addn. **First Presbyterian Church**-Lots 7-8 Blk 90 Hagerty & Lloyds Addn. **First Reformed Church**-Lot 47 Blk 2 Plat of a portion of Clark's 1<sup>st</sup> Addn to Mel Ros & a part of Ganje Addn to Mel Ros. **First United Methodist Church**-Ashwood Heights Subd Lot 1 Blk 8 SW ¼ 8-123-63; Lot 13 Blk 1 Mel Ros Estates 8<sup>th</sup> Addn. **Grace Lutheran Church**-Grace Lutheran Church OL 2 Francis Evelo's Addn NE ¼ 19-123-63. **Holly Cross Lutheran Church**-Lot 14 Blk 10 11<sup>th</sup> Addn to Highland North. **North Highland United Methodist Church**-Lots 11 & 12 Blk 3 1<sup>st</sup> Addn to Highlands. **Sacred Heart Roman Catholic Church**-Lots 23-24 Blk 80 Hagerty & Lloyds Addn; Lots 6-17 & S ½ of Lot 18 Blk 80 Hagerty & Lloyds Addn. **SD Conference of Seventh Day Adventist**-Lot 4 & the W 13.95' of Lot 3 Blk 1 Francis Evelo's Addn. **SD Annual Conference of United Methodist Church**-Park Ridge Estates 1<sup>st</sup> Addn Lot 8 Blk 2. **St Mark's Episcopal Church**-Lot 19 Replat of Blk 1 Gederos Subd NW ¼ 35-124-64; Lots 1 & 2 Blk 5 Spauldings 4<sup>th</sup> Addn. **St Mary's Catholic Church**-E 76' of Lots 13 & 14 Blk 38 Hagerty & Lloyds Addn; Lots 15 & 16 Blk 38 Hagerty & Lloyds Addn; Lots 17 & 18 Blk 38 Hagerty & Lloyds Addn. **St Paul's Evangelical Lutheran Church**-Lot 4 & W 10' of Lot 3 Blk 45 2<sup>nd</sup> Addn; Lots 16-18 Blk 36 2<sup>nd</sup> Addn. **Trinity Lutheran Church**- L 13 & 17' of vac street Blk 21 Coe & Howard Addn; L 12 & 17' of vac street Blk 21 Coe & Howard Addn; Lot 14 & N 17' of vac street Blk 21 Coe & Howard Addn; L 1-5 & 8' of vac alley & 17' of vac street Blk 23 Coe & Howard Addn; E 24' of L 11 & 17' of vac street Blk 21 Coe & Howard Addn. **Aquinas Student Center**-N 38' of E 52' of Lot 21 & E 52' of Lot 22 Blk 1 Normal Addn. **NSU Foundation** - Lots 9-12 Blk 24 Corrected Plat of the Highlands. **Catholic Chancery Office**-Lots 1-3 Blk 1 Normal Addn. **Roncalli Central Catholic High School**-Lot 1 Central Catholic High School Addn. **Hub Area Multi-District Vocational School**-595' of OL 5 Ex E 50' of S 25' lying N of S 220' of OL 5 Reese's OL E ½ NE ¼ 23-123-64. **Presentation Sisters**-NW ¼ 12-123-63 Presentation Heights; Presentation Heights Addn OL A Blk 1; Pt. Of NW ¼ 12-123-64; N 75' of Lots 19-24 Blk 14 Corrected Plat of the Highlands. **Sacred Heart School**-Lots 1-5 Lager's 1<sup>st</sup> Rearr of Lots 20 to 24 inc Blk 81 Hagerty & Lloyds Addn; Lots 1-10 & vac alley Blk 81 Hagerty & Lloyds Addn; Lot 13-19 & vac alley & vac E ½ of Arch Street Blk 81 Hagerty & Lloyds Addn; Lots 11-12 & vac alley Blk 81 Hagerty & Lloyds Addn.. **The Alano Society of Aberdeen**-W 8' of Lot 3 all of Lots 4-9 Blk 1 Thomas Addn Lot 12 & W 115' of the S 8.5' of Lot 13 & E 27' of Lots 13 & 14 Pierce's Subd & vac alley of Blk 103 Hagerty & Lloyds Addn. **Adjustment Training Center**-E 77' of Lots 1 & 2 Blk 19 Thomas Addn; Lots 849-852 Morning Heights Ext Addn; Lots 7 -8 & Lots 11-12 Blk 47 Bennett & Thomas Addn; Berkshire Addition Lot 3; N 100' of the W 150' of OL B of Lawson's OLS in Lot 8 of Bonaccord Heights Subd; N ½ of Lot 193 and all of Lots 194-196 Morning Star Subd. **Northeastern Mental Health Center**-N 78' of W 34' of Lot 12 & N 78' of Lot 13 & N 78' of E 16' of Lot 14 Blk 53 Second Addn; W 34' of Lot 11 & E 16' of Lot 12 Blk 53 Second Addn; S 150' of Lot 5 of St. Lukes Replat of Blk 83 Hagerty & Lloyds Addn; That portion of Lot 2 St. Lukes Replat that was formerly described as Lots 8 & 9, 13-17 together with vac alley between said Lots 8 & 17, 9 & 16. **Resource Center for Women**-Lots 15-16 & S 9' of Lot 17 Blk 89 Hagerty & Lloyds Addn. **The American National Red Cross** - Lots 3 & 4 of Nelson & Rohrbach's Replat of Lot C Lawson's OLS of Lot 8 Bonaccord Heights 19-123-63. **Family Y**-Lots 1-5 Narragand's Subd of Lots 5 & 6 & the S 5' of vac alley Blk 27 First Addn; Lots 7-12 & S 32' of Lot 44 & all of Lots 45-47 & N 16' of Lot 48 Blk A 1<sup>st</sup> Addn Blk 92 Hagerty & Lloyds Addn. **Salvation Army**-Lot 11 Blk 5 Third Addn of Forrest Acres; Lot A Blk 3 Garden Park Addn NW ¼ 23-123-64; Salvation Army 1<sup>st</sup> Addn replat of Rehfeld's replat Blk 1 Pleasant Hill Addn. **New Beginnings Center**-BOLS Lincoln & Boyds Addn OL 2 Blk F SE ¼ 18-123-63. **Knights of Columbus**-Lots 4-5 & 6 Ex the E 90' Blk 3 OP Aberdeen. **Masonic Temple Assoc**-Lots 8-12 Blk 30 1<sup>st</sup> Addn. **Mother Joseph Manor**-S 732' of the W 336' of Highland OL 3 SE ¼ 12-123-64. **Good Samaritan**-Lots 9-12 Huff's Subd of Blk 2 1<sup>st</sup> Addn of Meadowbrook Estates SW ¼ 19-123-63. **Sunset Memorial Gardens**-Garden of Gethsemane Subd of Lot 1 First Addn to Sunset Memorial Gardens SE ¼ 15-123-63 NE corner of SW ¼ 14-123-63. **Roncalli High School Corp**-Lots 3 & 4 & N 3'8" of the E 40' of Lot 2 of Roche's 4<sup>th</sup> Subd of Lots 11-14 & N 63.8' of L 16 Roche's 3<sup>rd</sup> Rearr of Lot 11-12 Blk 8 North Abdn. **Avera St Luke's**-Lots 1-4 Lagers 2<sup>nd</sup> Rearr of Lots 1-3 Blk 88 Hagerty & Lloyds Addn; Lots 4-9, 13-14 & S ½ of Lot 15 & Lots 20-24 Blk 88 Hagerty & Lloyds Addn; Lots 1-4

Blk 95 Hagerty & Lloyds Addn; A trapezoidal parcel in Vaughn's Lot 2 plat of St Lukes Midland Regional Medical Center Addn; Lots 7-24 Blk 82 Hagerty & Lloyd Addn; Lots 1,3,4,5,7,8 Ex E 7' of Lot 11 & 12 of plat of SLMRMC; OL 1 in the NW ¼ 11-123-64 ex Lot A & ex bike trail Lot 1; S 60' of Highland School Lot SE ¼ of 12-123-64; Unit 8B a/k/a Suite W260; Unit 6B & 7B a/k/a Suite W210; Unit 4B a/k/a Suite W290 all located in Physician's Plaza, being a part of Lots 1 & 2 St Lukes Replat of Blk 83 Hagerty & Lloyds Addn. Aberdeen Twp #20 Melgaard Park Baptist Church-E 108.7' of Lot 1 NE 25-123-64; Avera St Luke's Hospital-500' next W of E 700' of N 658' NW ¼ 11-123-64 ex Lot H1 & Lot H2; Adjustment Training Center-E 540' of N 403.33' of NE ¼ 28-123-64; Aberdeen Area Humane Society-SW ¼ 27-123-64. Warner Twp #23 Mansfield Community Betterments-N 100' of Lt 1 Blk 4 Town of Mansfield Lot 2 Blk 4; Lot 3 Blk 4. East Hanson Twp #25 St Paul's Lutheran Church-All Blk 15 of Subd Entitled Blks 14,15,16 & OL H,I,J,K & S 60' of Lots 7-12, Blk 9 of Subd Entitled Blks 9-13 of OL E & F. Groton City #33 Groton Alliance Church-S 12'13" of Lot 3 Blk 59 Third Addition. St John's Lutheran Church-OP Lots 11 & 12 Blk 14. Masonic Lodge-OP Lots 1-4 Blk 9. Highland Twp #35 St John's Lutheran Church-S 290' of E 208' SE ¼ 23-122-65. Frederick City #38 St Paul's Lutheran OP Lot 9 Blk 10; Curtis 1<sup>st</sup> Rearr of S ½ of Blk 14 1<sup>st</sup> Addn Lot 5 Blk 14. Hecla City #40 St John's Lutheran Church-Lot 2 Blk 14. Claremont City #42 United Methodist Church-Dinsmore's 1<sup>st</sup> Addn Lot 1 of OL E & Dinsmore's 2<sup>nd</sup> Addn Lots 13-18 Blk 1; Claremont 1<sup>st</sup> Methodist Episcopal Church Subd of OL F Dinsmore's 1<sup>st</sup> Addn; Leonard's Subd Lot 1; American Legion Post #262- Lots 11 & 12 Blk 10 OP. Masonic Building Co-OP Lots 7,8,9 Blk 10; OP Lot 10 Blk 10. Columbia City #43 St John's Evangelical Lutheran Church-Lake Boulevard Peck's 1<sup>st</sup> Addn Lots 18,20,22,24,26,28; James Street Peck's 1<sup>st</sup> Addn Lots 26 & 28. American Legion Post #58-Broadway Peck's First Addn Lots 102,104,106,108,110,112,114,116,118,120,122,124,126,128; Mill Street Peck's 1<sup>st</sup> Addn Lots 107,109,111,113,115,117,121,125,127. Garland Twp #46 St John's Lutheran Church-S ½ of NW ¼ of SW ¼ of NW ¼ 5-125-62. Putney Twp #48 Granary Memorial Gallery-Sieh's OL 1 N ½ of NE ¼ 29-124-61. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Knecht to approve the following recommendation from the Director of Equalization: Aberdeen Township #20 1. Aberdeen Area Modelaires-Lot 1 Modelaire's Outlots SE ¼ 36-123-64 from 10,000 to 13,090, maintain equalization. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to approve the following recommendations by the Director of Equalization: Oneota Township #6 2.Engelhart Ranch, Inc - SW 13-126-64 from 183,007 to 156,597, storm damage. North Detroit Township #9 3.Doug Hubert - N½ SE ¼ 9-127-60 from 66,687 to 36,270, flood elevation. Westport Township #12 4.Roger & Darlys Marko - NW 17-125-64 from 71,442 to 74,991, maintain equalization. Henry Township #18 5.Vernon Gerharter - Gerharter Conservation Easement Tract 1 SW 26-123-62 from 60,097 to 19,750, flood elevation. Aberdeen Township #20 6.Louis R Ludwig - BOLS Lakeside Estates W ½ 26-123-64 (1982 Schultz MH) from 9,400 to 6,915, adjust after review. 7.Myron E & Noreen A Lefor-Johnson OL 2 NE 34-123-64, add owner occupied. Warner Township #23 8.Kirk & Kimberly Schaunaman-NE 6-122-64 from 40,630 to 44,000 (land only), adjust after review. East Hanson Township #25 9.Rochelle Pigors Adams-NE 34-122-60 ex NW of NE, add owner occupied. Liberty Township #31 10.Allen G & Karen G Siefkes-SE 17-128-62 (add BOLS value of 8,265 for 1981 Northlander MN) from 149,074 to 157,339, transfer mobile home value from Hecla City. 11.Mildred Herther-SW 29-128-62 ex land platted from 72,745 to 39,610, adjust after review. Lincoln Township #39 12.Edwin R & Gloria J Bunke-Bunke's Inventory Addn SE 18-126-65 from 38,625 to 34,005, adjust after review. 13-14.Anne Marie & Lynn Maldoon-Lot 16 Schaunaman's Replat Millers Richmond Lake Subd SW 9-124-64 from 24,390 to 12,200, adjust after review. Lot 17 Schaunaman's Replat Millers Richmond Lake Subd SW 9-124-64 from 33,100 to 16,550, adjust after review. Hecla City #40 15.Allen & Karen Siefkes-BOLS Lt 8 Bk 2 OP Hecla (1981 Northlander MH) from 8265 to 0, transfer mobile home value to Liberty Township. Prairiewood Township #53 16.Joseph

**M Pauley**-Lt 21 Bk 12 Prairiewood Village from 229,070 to 177,390, adjust after review. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Knecht to approve the following late water adjustments, as recommended by the Director of Equalization: Columbia Township #11 **17. Kenneth Sieber**-SW 10-125-62 ex land deeded from 82,747 to 86,846. **18-20. Charlie Mitchell**-NE 2-125-62 from 143,301 to 138,178. NE 3-125-62 from 116,740 to 72,545. SE 3-125-62 from 142,934 to 126,796. **21-22. Steven Daly**-NW 18-125-61 from 53,624 to 53,512. N 64 A of SW 18-125-61 from 27,093 to 27,057. **23. Carol Daly**-S 99 acres SW 18-125-61 from 54,236 to 56,941. **24. Dennis Mitchell**- NE 36-125-62 ex land platted from 135,784 to 132,947. Ordway Township #14 **25. Jonathan, Dana & Loren Locken**-NE 23-124-63 ex portion of Locken OL A from 96,834 to 80,365. Cambria Township #15 **26. Dennis Mitchell**-NE 1-124-62 from 161,198 to 160,334. Bath Township #19 **27-28. Jonathan Locken et al**-KO Lee Conservation Easement Tract 1 SE 27-123-62 from 55,141 to 29,606. KO Lee Conservation Easement Tract 1 SW 27-123-62 from 94,837 to 84,857. **29. Roger & Peggy Locken**-SE 33-123-62 from 101,056 to 68,637. **30. Jonothan Locken et al**-W ½ NE 34-123-62 from 16,533 to 9,875. **31-33. Iola Locken**-NW 34-123-62 from 97,753 to 82,942. SE 34-123-62 from 103,930 to 86,348. SW ¼ W of River 34-123-62 from 75,040 to 42,851. Gem Township #24 **34. Roger Locken et al**-N ½ of Lots A & B of Subd of NW ¼ 3-122-62 from 25,732 to 12,381. **35. Locken Ag**-Lot C of Subd of NW ¼ 3-122-62 from 14,266 to 4,016. **36. Iola Locken**-Lot D of Subd of NW ¼ 3-122-62 from 4,408 to 2,500. **37. Locken Ag**-SW 3-122-62 ex Locken's Outlot 1 from 103,330 to 55,948. **38. Roger & Peggy Locken**-NE 4-122-62 from 116,155 to 85,586. **39. Roger Locken**-NE of SE W pt 4-122-62 from 6,104 to 3,721. **40-41. Locken Ag**-SE of SE 4-122-62 from 23,739 to 5,937. NE of SE E pt 4-122-62 from 14,267 to 1,875. **42-43. Iola Locken**-NE 9-122-62 from 115,120 to 93,834. N ½ of SE ¼ 9-122-62 from 16,681 to 16,164. **44. Roger & Gordon Locken**-S ½ of SE ¼ 9-122-62 from 33,297 to 21,438. **47. Locken Ag**-S ½ of SW ¼ 9-122-62 from 63,883 to 61,785. NW 10-122-62 ex Locken's Outlot 1 from 108,216 to 75,801. SW 10-122-62 from 115,679 to 98,071. **48-51. Iola Locken**-N ½ of NE ¼ 16-122-62 from 40,772 to 14,616. SE of NE 16-122-62 from 32,802 to 27,937. SW of NE 16-122-62 from 23,583 to 5,000. SE of NW 16-122-62 from 21,783 to 5,000. **52. Jason & Brodie Munro**-NW 32-122-62 from 33,335 to 27,851. West Rondell Township #57 **53-55. Jonathan Locken et al**-SE 23-121-63 from 153,794 to 129,173. SW 23-121-63 from 149,688 to 125,737. Locken Conservation Easement Tract 1 NE 26-121-63 from 136,660 to 109,623. Roll call vote: Commissioners Hansen-aye, Feickert-nay, Knecht-aye, Wiese-aye, Fischbach-aye. Motion carried.

#### RECESS:

Chairman Fischbach declared the County Board of Equalization recessed until April 15, 2003.

Maxine Taylor – Brown County Auditor

## APRIL 8, 2003 – CONSOLIDATED BOARD OF EQUALIZATION

Members of the Brown County Commission, Aberdeen City Commission and Aberdeen School District 6-1 organized themselves as the 2003 Consolidated Board of Equalization, in accordance with SDCL 10-11-66 at 1:00 P.M. on April 8, 2003 in the Commissioner's Chambers, Courthouse Annex, Brown County, South Dakota. Oaths of Office were taken by Tom Fischbach, Dennis Feickert, Nancy Hansen, Julie Pfeifer and Robert Nikolas. Mary E Worlie, Director of Equalization was also in attendance. Auditor Taylor called the meeting to order and called for nominations for Chairman.

Commissioner Hansen nominated Commissioner Fischbach as Chairman for the 2003 Consolidated Board of Equalization. Moved by Hansen, seconded by Pfeifer that nominations cease and a unanimous ballot be cast. All members present voting aye. Motion carried.

Commissioner Pfeifer nominated Commissioner Hansen as Vice Chairman for the 2003 Consolidated Board of Equalization. Moved by Pfeifer, seconded by Feickert that nominations cease and a unanimous ballot be cast. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Pfeifer to approve the following recommendations from the Director of Equalization: **1. Carson & Silvia Murdy**-Lot 7 & S 30' of Lot 8 Blk 28 First Addition from 157,830 to 97,285, adjust after review. **2. Pauline M Jacobson**-W 60' of Lot 1 Blk 27 Bennett & Thomas Addn from 41,150 to 30,635, adjust after review. **3. Ramona M Hurin**-Lot 6 Easton's 1<sup>st</sup> Subd Blk 40 Bennett & Thomas Addn from 40,960 to 27,940, adjust after review. **4. Craig & Sandra Brunson**-Lot 28 Bk 15 13<sup>th</sup> Addn to Highland North from 102,530 to 95,350, adjust after review. **5. James G & Melony R Malsom**-Lot 12 Block 17 14<sup>th</sup> Addn to Highland North from 119,530 to 113,000, adjust after review. **6. Ronald & Birdyne Hedges**-Lot 3 & W 17' of North Congress St Blk 23 Howard & Hedger's Replat of NW from 10,080 to 4,000, adjust after review. **7. James D & Rebecca J Johnson**-Lot 7 Blk 29 Hagerty & Lloyds Addn from 67,980 to 47,010, adjust after review. **8-11. Blackstone Developers Inc**-Lots 1-7 Blk 91 Hagerty & Lloyds Addn from 49,700 to 24,850, adjust after review. Lots 13-24 inc Bk 91 Hagerty & Lloyds Add & S 18' of Lt 37 all Lt 38-41 & N 4' Lt 42 Bk A 1<sup>st</sup> Addn from 0 to 69,290, omitted assessment. S 24' Lt 33, all Lt 34 & 35, N 5' Lt 36 Bk A 1<sup>st</sup> Addn & N 97' Lt 10-12 Bk 91 Hagerty & Lloyds Addn from 22,045 to 11,025, adjust after review. S 29' Lt 36 & N 16' Lt 37 Bk A 1<sup>st</sup> Addn & S 45' Lt 10-12 Bk 91 Hagerty & Lloyds Addn from 8,910 to 4,555, adjust after review. **12. Kyburz-Carlson Construction**-Lots 1-6 Blk 2 Simmons 1<sup>st</sup> Addn from 1,329,555 to 676,120, adjust after review. **13. Deborah J O'Donnell**-Lt 8 & that portion of land lying directly E of Lt 8 Bk 3 Huffman's 3<sup>rd</sup> Addn from 94,250 to 89,510, adjust after review. **14. Randall W & Michelle Kingery**-S 100' of Lts 16-18 & S 100' of W ½ of Lt 19 Bk 49 West Aberdeen Addn from 33,130 to 30,846, adjust after review. **15. Jason or Kristen Lee**-BOLS Lt 2 Bk 1 Park Village Addn (1996 Highlander MH) from 48,500 to 41,770, adjust after review. **16. Patricia K LeCompte**-BOLS Lt 2 Bk 1 Park Village Addn (1996 Friendship MH) from 43,420 to 38,920, adjust after review. **17. Sheila Storley**-BOLS Lt 2 Bk 1 Park Village Addn (1996 Friendship MH) from 32,370 to 29,720, adjust after review. **18. Bruce & Sonya Rath**-Lot 3 of Gearey's Replat of portion of Pleasant Hill Addn from 31,560 to 16,330, adjust after review. **19. James B & Yvonne K Franzen**-Lot 4 & S 36' of Lot 5 Blk 1 1<sup>st</sup> Addn of Forest Acres 93,210 to 80,410, adjust after review. **20. Brian D & Catherine E Christensen**-Lt 7A & Lot 7 Johnson's 1<sup>st</sup> Addn to Forest Acres from 204,295 to 163,490, adjust after review. **21. Verna W Price**-Lot 13 & the E 16.5' of Lt 14 Blk 8 Nicollet Park Addn from 89,250 to 84,440, adjust after review. **22. Associates Financial SVC**-Lt 7 Bk 10 Nicollet Park Addn from 76,040 to 48,400, adjust after review. **23. Millard O & Laura S Stokke**-S 50' of Lts 906-907-908-909 & of the E 20' of Lt 910 Morning Heights Ext Addn from 41,940 to 22,100, adjust after review. **24-25. Highlands East Dev Co**-A strip of land 50' in width in the NE 7-123-63 east of RR from 1,700 to 0, City owns. A Strip of land 50' in width in the S ½ 7-123-63 from 1,615 to 0, City owns. All members present voting aye. Motion carried.

The Chairman declared the Consolidated Board of Equalization recessed until April 22, 2003.

Maxine Taylor – Brown County Auditor

# APRIL 15, 2003 – GENERAL MEETING

Meeting called to order by Chairman Fischbach at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Feickert, Knecht and Wiese.

## MINUTES:

Moved by Feickert, seconded by Wiese to approve the General Meeting Minutes, the Brown County Board of Equalization Meeting Minutes and the Consolidated Board of Equalization Meeting Minutes of April 8, 2003. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Wiese, seconded by Feickert to approve the following claims:

Supplies: Farm & Home Pub..\$106.25, Best Business..\$113.63, RE Huffman..\$134.00, West Group..\$2778.50, Pheasantland Ind..\$247.00, Wells Fargo..\$50.00, Quality Quick Print..\$665.65, Parcel Erickson..\$21.95, Menards..\$1020.11, RadioShack..\$85.37, State Radio..\$2300.00, Tri-State Water..\$27.50, Langs..\$146.00, Target..\$287.74, Accurint..\$7.25, Bonnie Bitz..\$24.00, Lust Chev..\$631.40, Video Service..\$261.60, Bexar County Forensic..\$35.00, Kesslers..\$398.04, Eddie's Northside..\$26.45, Custom Micro..\$6000.00, Jensen Rock..\$922.88, Zastrow Conoco..\$5.50, Trail King..\$212.99, 3-D Spec..\$5059.38, Specialty Mfg..\$171.65, SD Div of Motor Vehicles..\$13.00, SD Federal Property..\$369.00, SDDOT..\$345.38, Sheehan Mack Sales..\$24,073.58, Safety Service..\$379.00, Runnings..\$434.29, Quality Welding..\$39.00, Praxair..\$437.42, Office Max..\$137.96, North Central Rental..\$1998.54, North Central Farm Elev..\$8346.41, Newman Signs..\$612.70, Fred Ludwig..\$714.83, Light & Siren..\$126.00, Johnson Tire..\$10.00, Interstate Battery..\$153.90, Huron Culvert..\$14,957.80, Habeck Radiator..\$80.00, J Gross..\$960.00, Farnams..\$155.20, Farm Plan..\$1258.63, Evergreen..\$84.06, JD Evans..\$157.57, Erdmann Oil..\$10,128.92, Diesel Machinery..\$2500.00, Dakota Supply..\$114.95, Dakota Fluid Power..\$506.44, Creative Signs..\$40.00, Cartney Bearing..\$29.43, Carquest..\$503.23, Kings Inn..\$35.00, C-Express..\$750.00, Best Business..\$13.59, Macs..\$17.85, Schwan Welding..\$10.57, Dept of Health..\$10.00, Sherwin-Williams..\$59.94, Ameripride..\$65.00, Office of Financial Aid..\$86.62, Carol White..\$14.17, Sioux Vocational Services..\$60.00, Petroleum Partners..\$605.75, Pierson Ford..\$18.00, Swanson Elec..\$194.62, Graham Tire..\$1198.70, Hedahls..\$635.20, Praxair..\$14.35, Crawford..\$3603.50, Dept of Revenue..\$2707.98, MVTL..\$1060.00, Fred Ludwig..\$1489.50, Fastenal..\$153.65, Brown County..\$119.68, Paul Mardian..\$45.17, Earth Tech..\$2749.77, Central Fiber..\$10,541.75, Brick Propane..\$13.50, Holiday Inn..\$1792.00, Chaska River Inn..\$272.64, Aberdeen Ride Line..\$1225.05, SDAAO..\$325.00, ProMap..\$2100.00, ES&S..\$2683.19, Reserve Acct..\$5000.00:

Mileage: Kristal Biegler..\$253.16, Cordell Rudolph..\$300.00, Sue Gates..\$98.02, Nancy Radke..\$311.85, Ginger Walker..\$61.53, Laurie Dinger..\$198.90, Judy Bretsch..\$152.62, Mike Hassebroek..\$14.00, Jan Beckler..\$14.00, Larry Gerlach..\$153.20, Curt Erickson..\$138.99:

Transcriptions: Calleen Misterek..\$45.90:

Publications: American News..\$1725.27, Weekly Edition..\$544.93, Dakota Press..\$2134.24, Mobridge Tribune..\$185.00, Midland Press..\$157.50:

Professional Fees: witness fee..\$20.00, Avera St Lukes..\$524.00, NE Mental Health..\$292.60, Dakota Imaging..\$37.88, Avera United Clinic..\$37.20, Advanced Care..\$101.57, Avera Queen of Peace..\$160.50, Lewis & Clark BHS..\$125.00, Yankton County Sheriff..\$16.50:

Utilities: Midcontinent Cable..\$120.00, Qwest..\$471.97, City of Hecla..\$102.80, Dependable Sanitation..\$15,085.88, Northwestern Energy..\$76.59, Northern Rural Cable..\$84.55, WEB..\$43.72, Northern Elec..\$676.46, AT&T..\$19.59, Verizon..\$102.18:

Care of Poor: Dr/Hospital – 4 recipients..Avera St Lukes..\$8349.69, Dakota Plains Surgical..\$10,600.72; Rent – 6 recipients..Leona Vilhauer..\$135.00, Elmer Sayler..\$190.00, Ken Dohn..\$230.00, Park Village..\$165.00, John Kokales..\$230.00, Danne Inc..\$150.00; Insurance – 1 recipient..

Dakotacare..\$803.43; Utilities – 1 recipient..Petroleum Partners..\$250.00. All members present voting aye. Motion carried.

PERSONNEL:

Moved by Wiese, seconded by Feickert to approve hiring Janice Kampfe and Loren Nehlich as part-time JDC Officers, effective April 15, 2003 at \$8.80 per hour. All members present voting aye. Motion carried.

CLAIM ASSIGNMENT:

Moved by Wiese, seconded by Hansen to approve and authorize the Chairman sign documentation to assign a claim against an individual to L.F. Noll Inc. for purpose of collecting a lien. All members present voting aye. Motion carried.

ABATEMENTS:

Moved by Feickert, seconded by Wiese to approve the following Abatements: Eunice Herrbach, assessment freeze (1967 New Moon MH) for year 2003 in amount of \$52.30, Milton & Nancy Schlichenmayer, owner/occupied (Schoppe's OL 1 NE 11-121-64) for year 2002 in amount of \$526.16, Nicole Mills, incorrect value (1969 Marshfield MH) for year 2003 in amount of \$112.89. All members present voting aye. Motion carried.

AGREEMENT:

Moved by Hansen, seconded by Feickert to approve and authorize the Chairman sign agreement with Earth Tech, Inc. for 2003 Monitoring Services at the Brown County Landfill. All members present voting aye. Motion carried.

PLAT:

Commissioner Feickert offered the following Resolution:

RESOLUTION NO. 34-03

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing "Lot 1A of Lot 1 of Hagan Subdivision in the SW ¼ of Sec 20-T121N-R62W of the 5<sup>th</sup> P.M., Brown County, SD", having been examined, is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof.

Seconded by Commissioner Wiese. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

LEASE AGREEMENTS:

Moved by Feickert, seconded by Wiese to approve and authorize the Chairman sign the following agreements: Northeast Area Horse Racing, Inc. for lease of Fairgrounds facilities to conduct horse racing on May 10, 11, 17, 18, 24, 25 & 26, 2003; Great Plains Ag for lease of the Expo Building on April 12, 2003. All members present voting aye. Motion carried.

LOTTERY APPLICATION:

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman sign Lottery application, submitted by Northeast South Dakota Rabbit Club, to be held May 31, 2003. All members present voting aye. Motion carried.

QCD:



Moved by Feickert, seconded by Wiese to approve and authorize the Chairman sign Quit Claim Deed to James F & Kay M Dumire for property described as, First Addition Lot 16, Block 34, City of Frederick (property previously declared surplus and offered for public auction on March 24, 3003). All members present voting aye. Motion carried.

#### HOSPITAL BILL DISCUSSED:

Charlene Millim, Welfare Director met to discuss a hospital bill for an individual who has not filed a proper application to determine indigency. Ms. Millim will contact the Department of Corrections in an attempt to secure the appropriate documentation.

#### BURN BAN:

Moved by Hansen, seconded by Feickert to impose a Burn Ban, as per Title 18 – Fire Safety, Second Revision Brown County Ordinances, prohibiting open burning in Brown County, South Dakota, effective immediately and stay in effect until significant moisture is received. This action supports and is supplemental to an emergency burn ban enacted by telephone vote on Saturday, April 12, 2003. All members present voting aye. Motion carried.

#### DISASTER DECLARATION:

Commissioner Feickert offered the following Resolution:

### RESOLUTION NO. 35-03 RESOLUTION FOR DECLARATION OF EMERGENCY/DISASTER

WHEREAS, Brown County, South Dakota, has suffered severe damage, brought on by Grass land and Wild land fires on the date of April 10, 11, 12 and 13, 2003, and

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 April 15, 2003, it is hereby requested that the Governor declare an emergency/disaster to exist in the County of Brown.

Dated this 15<sup>th</sup> day of April, 2003

Seconded by Commissioner Wiese. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

#### EXECUTIVE SESSION:

Moved by Wiese, seconded by Feickert to go into executive session to discuss a contract with Kevin Bain, NECOG in attendance. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Wiese to adjourn executive session. All members present voting aye. Motion carried.

#### BRIDGE REPLACEMENT:

Commissioner Wiese offered the following Resolution:

### RESOLUTION NO. 36-03 FEDERAL AID BRIDGE REPLACEMENT PROGRAM RESOLUTION

WHEREAS, Brown County desires the replacement of the bridge hereinafter described:

LOCATION AND LENGTH: (Bridge #229) Structure #07-229-270 located 0.1 mile W of Tacoma Park. Steel Girder Structure (3 spans) 206'6" long.

AND WHEREAS, Brown County is obligated and hereby agrees to provide proper maintenance as required by the Federal Highway Act as amended and supplemented thereto for project after construction is completed and to regulate or cause to be regulated the installation of utility facilities within the limits of the right-of-way of the proposed project in accordance with State and Federal requirements.

AND WHEREAS, Brown County is obligated and hereby agrees to reimburse the State for all costs not reimbursable with Special Bridge Replacement Funds.

AND WHEREAS, the bridge is in need of replacement for the following reason: The sufficiency rating is 48.5.

NOW THEREFORE BE IT RESOLVED, that the South Dakota Department of Transportation be and hereby is authorized and requested to program for construction, in accordance with the approved Secondary Road Plan Agreement and the State's "Standard Specifications For Roads and Bridges", the bridge replacement project at the above described location. Consultant services are to be with Federal Participation. Preliminary Engineering Services by State Forces with Federal Participation are the Hydraulic Study and the Foundations Investigation (if necessary). Construction administration is to be handled by State forces with Federal Participation.

Brown County will have \$100,000.00 available during calendar year 2007 to match available Special Bridge Replacement Funds.

Seconded by Commissioner Hansen. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

RESOLUTION NO. 37-03  
FEDERAL AID BRIDGE REPLACEMENT PROGRAM RESOLUTION

WHEREAS, Brown County desires the replacement of the bridge hereinafter described:

LOCATION AND LENGTH: (Bridge #238) Structure #07-200-234 located 1.0 mile S of Columbia SD. Steel Girder (3 spans) 206'6" long.

AND WHEREAS, Brown County is obligated and hereby agrees to provide proper maintenance as required by the Federal Highway Act as amended and supplemented thereto for project after construction is completed and to regulate or cause to be regulated the installation of utility facilities within the limits of the right-of-way of the proposed project in accordance with State and Federal requirements.

AND WHEREAS, Brown County is obligated and hereby agrees to reimburse the State for all costs not reimbursable with Special Bridge Replacement Funds.

AND WHEREAS, the bridge is in need of replacement for the following reason: The sufficiency rating is 48.4.

NOW THEREFORE BE IT RESOLVED, that the South Dakota Department of Transportation be and hereby is authorized and requested to program for construction, in accordance with the approved Secondary Road Plan Agreement and the State's "Standard Specifications For Roads and Bridges", the bridge replacement project at the above described location. Consultant services are to be with Federal Participation. Preliminary Engineering Services by State Forces with Federal Participation are the Hydraulic Study and the Foundations Investigation (if necessary). Construction administration is to be handled by State forces with Federal Participation.

Brown County will have \$100,000.00 available during calendar year 2006 to match available Special Bridge Replacement Funds.

Seconded by Commissioner Hansen. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

RESOLUTION NO. 38-03  
FEDERAL AID BRIDGE REPLACEMENT PROGRAM RESOLUTION

WHEREAS, Brown County desires the replacement of the bridge hereinafter described:

LOCATION AND LENGTH: (Bridge #278) Structure #07-255-220 located 5.5 miles E and 0.5 miles N of Columbia SD. Seven Barrel 5'x5' reinforced concrete Box Culvert w/flow gates 32'0" long.

AND WHEREAS, Brown County is obligated and hereby agrees to provide proper maintenance as required by the Federal Highway Act as amended and supplemented thereto for project after construction is completed and to regulate or cause to be regulated the installation of utility facilities within the limits of the right-of-way of the proposed project in accordance with State and Federal requirements.

AND WHEREAS, Brown County is obligated and hereby agrees to reimburse the State for all costs not reimbursable with Special Bridge Replacement Funds.

AND WHEREAS, the bridge is in need of replacement for the following reason: The sufficiency rating is 36.7.

NOW THEREFORE BE IT RESOLVED, that the South Dakota Department of Transportation be and hereby is authorized and requested to program for construction, in accordance with the approved Secondary Road Plan Agreement and the State's "Standard Specifications For Roads and Bridges", the bridge replacement project at the above described location. Consultant services are to be with Federal Participation. Preliminary Engineering Services by State Forces with Federal Participation are the Hydraulic Study and the Foundations Investigation (if necessary). Construction administration is to be handled by State forces with Federal Participation.

Brown County will have \$100,000.00 available during calendar year 2006 to match available Special Bridge Replacement Funds.

Seconded by Commissioner Hansen. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

RESOLUTION NO. 39-03  
FEDERAL AID BRIDGE REPLACEMENT PROGRAM RESOLUTION

WHEREAS, Brown County desires the replacement of the bridge hereinafter described:

LOCATION AND LENGTH: (Bridge #324) Structure #07-358-300 located 3.0 miles N and 5.8 miles E of Groton SD. Steel Stringer Structure (1-span) 24'0" long.

AND WHEREAS, Brown County is obligated and hereby agrees to provide proper maintenance as required by the Federal Highway Act as amended and supplemented thereto for project after construction is completed and to regulate or cause to be regulated the installation of utility facilities within the limits of the right-of-way of the proposed project in accordance with State and Federal requirements.

AND WHEREAS, Brown County is obligated and hereby agrees to reimburse the State for all costs not reimbursable with Special Bridge Replacement Funds.

AND WHEREAS, the bridge is in need of replacement for the following reason: The sufficiency rating is 32.9.

NOW THEREFORE BE IT RESOLVED, that the South Dakota Department of Transportation be and hereby is authorized and requested to program for construction, in accordance with the approved Secondary Road Plan Agreement and the State's "Standard Specifications For Roads and Bridges", the bridge replacement project at the above described location. Consultant services are to be with Federal Participation. Preliminary Engineering Services by State Forces with Federal Participation are the Hydraulic Study and the Foundations Investigation (if necessary). Construction administration is to be handled by State forces with Federal Participation.

Brown County will have \$100,000.00 available during calendar year 2007 to match available Special Bridge Replacement Funds.

Seconded by Commissioner Hansen. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

**BID – MOTOR GRADER:**

Moved by Feickert, seconded by Wiese to authorize advertising a public hearing to open, read and consider bids for one (1) new 2003 year model in production Motor Grader on a 4-year Capitalized Lease, to be held in the Commission Chambers, Courthouse Annex, Brown County, SD on May 13, 2003 at 9:00 A.M. All members present voting aye. Motion carried.

**EXECUTIVE SESSION:**

Moved by Wiese, seconded by Knecht to go into executive session for personnel discussion with Dirk Rogers in attendance. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Knecht to adjourn executive session. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Wiese to go into executive session for personnel discussion with Kay Fredrick and Tom Schmitt in attendance. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Feickert to adjourn executive session. All members present voting aye. Motion carried.

**LAND PURCHASE DISCUSSED:**

Dale Roesch inquired about purchasing County owned property behind his property located at 1011 1<sup>st</sup> Ave SE. No action was taken at this time.

**RECESS:**

The Chairman declared the Commission recessed until April 22, 2003.

Maxine Taylor – Brown County Auditor

## APRIL 15, 2003 – BROWN COUNTY BOARD OF EQUALIZATION

Meeting called to order by Chairman Fischbach at 10:00 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Feickert, Knecht and Wiese. Mary Worlie, Director of Equalization was also in attendance.

Moved by Wiese, seconded by Hansen to approve senior freeze applications (complete list on file and available for public inspection at the Brown County Auditor's Office, 25 Market Street from 8 a.m. to 5 p.m. Monday – Friday). All members present voting aye. Motion carried.

Moved by Hansen, seconded by Feickert to approve the following recommendation from the Director of Equalization: Lansing Township #5 56.Dean W Pulfrey-NE 3-127-61 ex 3.94 acre for Hwy from 80,770 to 73,660, grass/crop acres. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Wiese to approve the following recommendation from the Director of Equalization: Lansing Township #5 57.Robert Kenny-NE 10-127-61 ex 4.02 acre for Hwy from 88,890 to 102,495, maintain equalization. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Wiese to approve the following recommendation from the Director of Equalization: Claremont Township #10 58.Mary Lu Sanderson-NW 16-125-60 from 132,865 to 144,538, maintain equalization. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Feickert to defer appeal **59.Kathleen Franz, 60.Valdmar Jacobson and 61.Ronald Jacobson** to April 22, 2003. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to approve the following recommendations from the Director of Equalization: Aberdeen Township #20 62.Dorothy F Hedges-BOLS (Lakeside Estates) 1985 Friendship mobile home from 17,470 to 5,820, fire damage. Bath Township #19 63.Roland W & Lavohn C Sieh-E2 NE 15-123-62 ex 1073.42' S of RR ROW & OL 1 Inc Cons Ease Tr 1 from 39,938 to 16,949, grass/crop acres. Groton Township #17 64-65.D&J Walter Family Ltd-N ½ SW ¼ 5-123-60 from 36,024 to 132,920, NAZ Land; S ½ SW ¼ 5-123-60 from 36,024 to 131,260, NAZ Land. Aberdeen Township #20 66.Carol Thommen & Dorothea Mickey-Auditors Subd Lts 5 & 6 in SE 27-123-64 to 53,090, uphold assessor. Oneota Township #6 67-68.Dennis J & Becky J Hinz-BOLS SE 29-126-64 (AG-A1) from 7,000 to 10,380, 50% complete; BOLS SE 29-126-64 (NA-A1S) from 40,000 to 49,495, 90% complete. **69.Neil and Lora Schaunaman**-Govt Lt 2 & SE NW 30-126-64 to 18,485, combine parcels. Prairiewood Township #53 70.William H & Ruthann Webb-Lot 3 Blk 5 Prairiewood Village from 132,770 to 142,830, maintain equalization. Groton Township #17 71.Carl Jr & Robert J Howard-E ½ SE ¼ 19-123-60 lying N & E of Hwy & Ex Hwy from 4,899 to 5,190, maintain equalization. Liberty Township #31 72.Marvin Hansen-Lts 1 & 2 & S ½ NE ¼ 6-128-61 from 95,921 to 113,246, correct assessment. Claremont Township #10 73.Charles E & Constance E Anderson-NE 33-125-60 from 120,000 to 149,178, no water 2003. **74.Janet L Frey**-W 50 Acre & E 105 Acre NE 35-125-60 ex Church ex H1 from 138,000 to 154,238, no water 2003. Aberdeen Township #20 75.Ervin F Burrer-E 111.5' N 100' of Easton's OL F in SE NE 14-123-64 to 14,415, combine parcels. South Detroit Township #59 76.Keith W & Kathryn P Cutler-NW 25-126-60 ex NW of NW from 159,980 to 105,970, split and water. East Hanson Township #25 77.Edward Gleason-200' Sq in SW corner of OL J OLS H-I-J-K to Ferney ex .01 acre to state from 4,000 to 8,435, maintain equalization. Claremont City #42 78.David & Rebecca Traylor-Lts 7 & 8 Blk 1 OP from 125 to 500, maintain equalization add owner/occupied. Claremont Township #10 79-80.Don Hinrichs-W ½ NW ¼ 12-125-60 from 32,332 to 34,255, late water; N ½ NE ¼ 10-125-60 from 51,501 to 43,652, late water. **81.Rodney Hinrichs**-E ½ NW ¼ 12-125-60 from 58,250 to 72,334, late water. **82.Jan Hinrichs**-S ½ NE ¼ 10-125-60 from 59,563 to 65,447, late water. **83.Marjorie N Hinrichs**-E ½ SE ¼ 17-125-60 ex RR from 38,052 to 61,721, late water. **84.Jean**

**Carson-W ½ SE ¼ 17-125-60** from 46,117 to 50,699, late water. Columbia Township #11 **85. Penelope Sieh DeHueck-W ½ W ½ SE ¼ 13-125-62** from 23,100 to 37,909, no water 2003. **86. Mary P DeHueck-E ½ SE ¼ 23-125-62** from 56,280 to 62,368, late water. Gem Township #24 **87-88. Oliver & Ramona Erickson-N ½ SE ¼ 31-122-62** ex land deeded from 10,000 to 15,250, late water; N ½ NW ¼ 20-122-62 from 16,000 to 33,011, late water. Lincoln Township #39 **89. Louis L & Delores Campton-NW ¼ 17-124-64** from 77,900 to 80,697, late water. **90-92. Evelyn Schaunaman-NE 34-125-64** from 64,800 to 73,084, late water; NE 35-125-64 from 54,025 to 61,884, late water; SE 35-125-64 from 42,900 to 47,524, late water. Putney Township #48 **93-94. Larry & Barbara Pharis-W ½ NW ¼ 16-124-61** N of RR from 18,145 to 19,442, late water; NW 21-124-61 from 149,751 to 177,579, late water. **95. Robert L Jensen-N ½ NE 23-124-61** ex Hwy from 40,090 to 64,403, late water. South Detroit Township #59 **96. Rex Hinrichs-SE SE 2-126-60** from 34,695 to 40,826, no water 2003. **97. Marjorie Hinrichs-S ½ SW ex W 17' 2-126-60** from 60,134 to 79,611, no water 2003. Portage Township #1 **98-99. Charles & Donna Stehly-NE 27-128-60** to 62,160, uphold local board; NE 28-128-60 to 70,110, uphold local board. Westport Township #12 **100. Ray & Geraldine Rystrom-N ½ SW ¼ 13-125-64**, owner/occupied status approved. Aberdeen Township #20 **101. John H Beck-E 30 acres of SE 18-123-64**, owner/occupied status denied. **102. Donald R Bothwell-Lot 3 Bothwells 1<sup>st</sup> Addn SE 20-123-63**, owner/occupied status denied. **103. Danny, Michael & Peggy Buchanan-Auditors Subd Lots 10-11 SE 27-123-64**, owner/occupied status approved. **104. Ronald L & Bernadette Udell-Lts 2 & 3 & 11 rods lying next E of Lts 2 & 3 NW 28-123-63**, owner/occupied status approved. East Hanson Township #25 **105. Delores E & Arthur J Kruger-NW 15-122-60**, owner/occupied status denied. Hecla City #40 **106. William A & Irene Kilpatrick-Lts 4 & 5 Blk 22**, owner/occupied status denied. **107. Devern E & Teresa R Kurtz-Lt 1 & S 35' of the E 15' of Lt 2 Blk 23**, owner/occupied status denied. **108. Bonnie Jean Herseth-Lt 5 Blk 26**, owner/occupied status approved. **109. Harold & Jerena Sukut-Lt 1 & W ½ Lt 2 Blk 27**, owner/occupied status denied. Hecla Township #50 **110. Daryl E Bagley-NW 2-128-61**, owner/occupied status approved. Portage Township #1 **111-112. Mildred Herther-NW 23-128-60** to 71,845, uphold local board; SW 23-128-60 to 77,602, uphold local board. Lincoln Township #39 **113-127. ARC III LLC-Country Village BOLS SW 34-124-64**, uphold Assessor on following: Lot 167 @ 33,780; Lot 19 @ 25,235; Lot 22 @ 30,460; Lot 32 @ 33,780; Lot 39 @ 20,740; Lot 45 @ 33,780; Lot 49 @ 33,780; Lot 51 @ 30,460; Lot 93 @ 33,780; Lot 101 @ 30,460; Lot 128 @ 30,460; Lot 129 @ 30,460; Lot 157 @ 30,460; Lot 160 @ 30,460; Lot 162 @ 33,780, maintain equalization. All members present voting aye. Motion carried.

The Chairman declared the Commission recessed until April 22, 2003.

Maxine Taylor – Brown County Auditor

# APRIL 22, 2003 – GENERAL MEETING

Meeting called to order by Chairman Fischbach at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Feickert, Knecht and Wiese.

## MINUTES:

Moved by Wiese, seconded by Knecht to approve the General Meeting Minutes and the Brown County Board of Equalization Meeting Minutes of April 15, 2003. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Feickert, seconded by Wiese to approve the following claims:

Payroll: Commissioners..\$2,443.30; Auditor..\$6,800.30; Treasurer..\$8,088.30; Data Processing..\$1,573.08; State's Attorney..\$8,350.72; Victims Assistance..\$904.05; Maintenance..\$4,998.45; Assessor..\$6,974.89; Planning & Zoning..\$1,042.39; Register of Deeds..\$4,517.90; Veterans Service Office..\$2,257.58; Sheriff..\$51,804.24; DOJ Grant..\$3,298.86; Communications..\$14,012.17; Welfare Office..\$2,608.10; Health..\$2,528.00; Museum..\$4,054.40; Fairboard..\$854.31; Fairgrounds & Parks..\$3,312.11; Extension..\$1,550.40; Weed..\$1,077.34; Foster Grandparent Program..\$5,172.12; Emergency Management..\$2,418.65; Highway..\$27,880.58; Landfill..\$6,971.35; Matching Benefits: FICA..\$10,437.68, Medicare..\$2,441.01, Wellmark BCBS Life..\$695.96, Wellmark BCBS Health..\$52,208.90, Delta Dental..\$3,410.00, SD State Retirement..\$20,933.15;

Supplies: Pitney Bowes..\$297.00, Kesslers..\$3.96, Office Max..\$205.96, SD Assoc of County Officials..\$375.00, Crucial Tech..\$114.97, RE Huffman..\$58.32, Nelson Auto..\$16.49, UBC..\$8.29, Gardner Locksmith..\$21.50, Taylor Laundry..\$10.50, Grote Roofing..\$927.72, Sanders..\$83.06, House of Glass..\$44.00, Tyco..\$205.54, Heartland Paper..\$394.02, D&D Paint..\$31.43, Dakota Supply..\$12.42, Vapor Power..\$6.11, Western Printing..\$169.60, New Trends..\$104.82, Exec Mgmt Finance..\$28.00, Best Business..\$221.86, Central SD Teen Court..\$450.00, Brick Propane..\$14.40, Sec of State..\$7.00, Respond..\$147.85, Langs..\$33.00, Office Equip..\$107.75, Ameripride..\$186.38, Bob Barker..\$303.05, Photo Xpress..\$7.27, Streichers..\$101.45, 4 Seasons Co-op..\$26.13, Earthgrains..\$518.73, Avera St Lukes..\$100.00, JC Penney..\$74.97, Quality Quick Print..\$60.34, Credit Bureau..\$7.50, Career Planning..\$1105.00, Village Bowl..\$275.00, Gary's Engine..\$36.66, Velvet Uniforms..\$94.67, Phillips 66..\$26.26, Northern State U..\$100.00, Weismantel Rent-All..\$35.00, Tractor Salvage..\$708.00, Safelite Auto Glass..\$80.93, Petroleum Partners..\$438.88, Newman Signs..\$142.51, Lawson Products..\$277.49, Butler Machinery..\$12,914.32, AW Direct..\$194.25, Century Business..\$187.10, Extension Service..\$191.10, Macs..\$18.33, Specialty Mfg..\$41.26, Menards..\$16.93, People's Transit..\$12.25, Service Signs..\$250.00, Sheehans..\$2789.90, Public Safety Group..\$708.00, Fedex..\$4.55, Foreman Sales..\$800.00, Lutheran Social Services..\$4942.00, SDACC..\$112.50, NEOG..\$5,256.47, Aberdeen Housing Authority..\$5,316.00, Aberdeen Catholic School System..\$1,557.61, Brown County..\$7,017.16;

Mileage: Cindy Meyers..\$55.10, Vicky Wicks..\$196.93, Mark Milbrandt..\$893.90, Amy Lake..\$62.00, Mike Scott..\$35.00, Nyle Jensen..\$7.00, Matthew Traylor..\$80.00;

Publications: American News..\$584.55, Weekly Edition..\$196.10;

Professional Fees: witness fee..\$50.44, Karen Runyon..\$500.00;

Court Appointed Attorney: Randy Turner..\$1057.90;

Utilities: Northwestern..\$10,381.93, Dependable Sanitation..\$356.00, Northern Elec..\$14.20, Cellular One..\$164.23, MVTL..\$26.80, Prairiewave..\$19.95, Qwest..\$4947.48, Bureau of Admin..\$428.70;

Care of Poor: Dr/Hospital – 4 recipients..Orthopedic Surgery Spec..\$802.27, Yankton Radiology..\$117.08, Dakota Imaging..\$35.56; Rent – 2 recipients..PK Investments..\$250.00, Kurt Kruger..\$111.00; Insurance – 2 recipients..Pay Flex Systems..\$164.55, Midstates Printing..\$549.17;



Utilities – 2 recipients..City of Aberdeen..\$210.00, NWPS..\$230.00. All members present voting aye. Motion carried.

#### PERSONNEL:

Moved by Feickert, seconded by Wiese to approve the following employee step/longevity increases, effective April 27, 2003: Monte Podoll @ \$9.89 per hour, Ronald Glugla @ \$12.04 per hour, Matthew Farley @ \$10.26 per hour, Pat Dahlerup @ \$11.11 per hour. All members present voting aye. Motion carried.

#### SPECIAL MALT BEVERAGE LICENSE HEARING:

Moved by Wiese, seconded by Knecht to authorize advertising a public hearing to be held in the Commissioner's Chambers, Courthouse Annex, Brown County, South Dakota on May 6, 2003 at 9:00 a.m. to consider the following Special Malt Beverage applications: Northeast Area Horse Racing, Inc., P.O. Box 1104, Aberdeen, S.D. 57401 – Brown County Fairgrounds (Clubhouse) SW ¼ Sec 1-T123N-R64W, effective May 10, 11, 17 & 18, 2003; Northeast Area Horse Racing, Inc. - Brown County Fairgrounds (Grandstand) SW ¼ Sec 1-T123N-R64W, effective May 10, 11, 17 & 18, 2003; Northeast Area Horse Racing, Inc. - Brown County Fairgrounds (Clubhouse) SW ¼ Sec 1-T123N-R64W, effective May 24, 25 & 26, 2003; and Northeast Area Horse Racing, Inc. – Brown County Fairgrounds (Grandstand) SW ¼, Sec 1-T123N-R64W, effective May 24, 25 & 26, 2003 (map indicating specific buildings on file with application). All members present voting aye. Motion carried.

#### ABATEMENT:

Moved by Hansen, seconded by Wiese to approve the following Abatement: Sandra Grodzen, incorrect city special assessment (Lts 13-14 Blk 34 Hagerty & Lloyds Addn) for year 2003 in amount of \$370.00; Citi Financial, incorrect city special assessment (S 14' Lt 6 & all Lt 7 Narregang's 3<sup>rd</sup> Resd Lt 14-18 Blk 12 Thomas Addn) for year 2003 in amount of \$150.00. All members present voting aye. Motion carried.

#### AGREEMENT:

Moved by Wiese, seconded by Feickert to approve and authorize the Chairman sign agreement for housing inmates in the Jail and JDC with Corson County. All members present voting aye. Motion carried.

#### PLAT:

Commissioner Feickert offered the following Resolution:

#### RESOLUTION NO. 40-03

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing "Barnard School Subdivision in the SW ¼ of the NW ¼ of Sec 13-T126N-R64W of the 5<sup>th</sup> P.M., Brown County, SD", having been examined, is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof.

Seconded by Commissioner Wiese. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

#### CDBG – MUSEUM UPPER TWO FLOORS WINDOW REPLACEMENT PROJECT:

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman sign Environmental Review Record for the Brown County Dacotah Prairie Museum Upper Two Floors Window Replacement Project, to be funded by a Community Development Block Grant. All members present voting aye. Motion carried.

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Moved by Wiese, seconded by Knecht to authorize advertising public meeting to open, read and consider sealed bids for the construction of the window replacement project for the upper two floors of the Dacotah Prairie Museum, to be held at 1:30 p.m., May 15, 2003 at the office of Sue Gates, DPM Director; and further to authorize the DPM Foundation open and review all bids for recommendation to the Brown County Commission. All members present voting aye. Motion carried.

**SHERIFF REPORTS:**

Moved by Wiese, seconded by Hansen to approve the following March 2003 Sheriff Reports: Incidents & Offenses, Prisoner Care, JDC, Money deposited with the County Treasurer, Monthly activities and Commissary. All members present voting aye. Motion carried.

**SDDOT PROJECT WITHDRAWAL:**

Commissioner Wiese offered the following Resolution:

**COUNTY FEDERAL AID SURFACE TRANSPORTATION PROGRAM BRO8007(29)PCEMS 6084  
RESOLUTION NO. 41-03**

WHEREAS, the Brown County Board of County Commissioners desire the withdrawal from the construction program of the project hereinafter described:

LOCATION AND LENGTH: Structure 0.7 S and 4 W of Ferney over Mud Creek SN 07-260-427 BR82

NOW THEREFORE BE IT RESOLVED, that the South Dakota Department of Transportation be and hereby is authorized and requested to withdraw from the construction program that project described above.

Dated this 22<sup>nd</sup> day of April 2003.

Seconded by Commissioner Feickert. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

**COUNTY FEDERAL AID SURFACE TRANSPORTATION PROGRAM BRO8007(50)PCEMS 5747  
RESOLUTION NO. 42-03**

WHEREAS, the Brown County Board of County Commissioners desire the withdrawal from the construction program of the project hereinafter described:

LOCATION AND LENGTH: Structure 2.5 S and 2.4 E of Columbia over James River SN 07-224-250 BR234 114' length 1 span vert. abut concrete I-beam bridge T115 0 skew

NOW THEREFORE BE IT RESOLVED, that the South Dakota Department of Transportation be and hereby is authorized and requested to withdraw from the construction program that project described above.

Dated this 22<sup>nd</sup> day of April 2003.

Seconded by Commissioner Feickert. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

COUNTY FEDERAL AID SURFACE TRANSPORTATION PROGRAM BRO8007(47)PCEMS 5741  
RESOLUTION NO. 43-03

WHEREAS, the Brown County Board of County Commissioners desire the withdrawal from the construction program of the project hereinafter described:

LOCATION AND LENGTH: Structure 2.6 S and 6.0 W of Columbia over Elm River SN 07-140-251  
BR150

NOW THEREFORE BE IT RESOLVED, that the South Dakota Department of Transportation be and hereby is authorized and requested to withdraw from the construction program that project described above.

Dated this 22<sup>nd</sup> day of April 2003.

Seconded by Commissioner Feickert. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

COUNTY FEDERAL AID SURFACE TRANSPORTATION PROGRAM BRO8007(48)PCEMS 5738  
RESOLUTION NO. 44-03

WHEREAS, the Brown County Board of County Commissioners desire the withdrawal from the construction program of the project hereinafter described:

LOCATION AND LENGTH: Structure 2.5 S and 5.4 W of Columbia over Elm River SN 07-146-250  
BR151

NOW THEREFORE BE IT RESOLVED, that the South Dakota Department of Transportation be and hereby is authorized and requested to withdraw from the construction program that project described above.

Dated this 22<sup>nd</sup> day of April 2003.

Seconded by Commissioner Feickert. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

COUNTY FEDERAL AID SURFACE TRANSPORTATION PROGRAM P6251(00)PCEMS 6718  
RESOLUTION NO. 45-03

WHEREAS, the Brown County Board of County Commissioners desire the withdrawal from the construction program of the project hereinafter described:

LOCATION AND LENGTH: From 1 mile W and 5 miles S of Stratford North 8 miles (County Rd #16)  
Mill and Overlay

NOW THEREFORE BE IT RESOLVED, that the South Dakota Department of Transportation be and hereby is authorized and requested to withdraw from the construction program that project described above.

Dated this 22<sup>nd</sup> day of April 2003.

Seconded by Commissioner Feickert. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

#### AUDIT UPDATE:

Kay Fredrick, Department of Legislative Audits presented an update on the audit being performed for the fiscal affairs of Brown County for year 2002 and informed the Commission that payroll costs charged to the Juvenile Justice and Delinquency Prevention Special Emphasis Grant were not supported by time/effort reports and explained that a Corrective Action Plan needs to be completed prior to the completion of the Audit. Tom Schmitt, Barb Johnson, Kathleen Tupper and Kevin Bain were also in attendance.

#### BROWN COUNTY PREVENTION GRANT:

Barb Johnson, Jason Hoffman, Lisa Thorpe and Rachel Kane met with the Commission to summarize the accomplishments made with students in area schools by the Community Resource Coordinator positions and explained the need for overtime hours. Moved by Hansen, seconded by Knecht to authorize the Sheriff Department and NECOG proceed with a change order for overtime for the Community Resource Coordinator positions, to be funded by the Brown County Prevention Grant #2001-JS-FX-0014. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Knecht to acknowledge the resignation of Lisa Thorpe, Community Resource Coordinator effective May 2, 2003. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Feickert to rescind motion in minutes of March 25, 2002 accepting low proposal, submitted by Arlene Mewing in amount of \$15.00 per hour to provide Health Care Services at the Brown County JDC, to be funded by the Brown County Prevention Grant #2001-JS-FX-0014, as Ms. Mewing withdrew the proposal. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Feickert to accept proposal, submitted by Christine Heidenreich in amount of \$22.50 per hour to provide Health Care Services at the Brown County JDC, to be funded by the Brown County Prevention Grant #2001-JS-FX-0014; and further to authorize the Chairman sign Contract for Services with Ms. Heidenreich. All members present voting aye. Motion carried.

#### RECESS:

The Chairman declared the Commission recessed until April 29, 2003.

Maxine Taylor – Brown County Auditor

## APRIL 22, 2003– BROWN COUNTY BOARD OF EQUALIZATION

Meeting called to order by Chairman Fischbach at 9:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, South Dakota. Present were Commissioners Hansen, Feickert, Knecht and Wiese. Mary Worlie, Director of Equalization was also in attendance.

Moved by Hansen, seconded by Knecht to deny owner/occupied status on not qualified list (complete list on file and available for public inspection at the Brown County Auditor's Office, 25 Market Street from 8 a.m. to 5 p.m. Monday – Friday). All members present voting aye. Motion carried.

Moved by Feickert, seconded by Wiese to approve owner/occupied status on accepted list (complete list on file and available for public inspection at the Brown County Auditor's Office, 25 Market Street from 8 a.m. to 5 p.m. Monday – Friday). All members present voting aye. Motion carried.

Moved by Feickert, seconded by Wiese to approve the following recommendation from the Director of Equalization: Ordway Township #14 59.**Kathleen Franz**-NE ¼ 32-124-63 from 111,985 to 132,468, no water 2003. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to approve the following recommendation from the Director of Equalization: Warner Township #23 60.**Valdemar Jacobson**-Outlot 3 E ½ 10-122-64 from 3,000 to 10,560, maintain equalization. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to approve the following recommendation from the Director of Equalization: Warner Township #23 60.**Ronald Jacobson**-Outlot 5 E ½ 10-122-64 from 3,000 to 10,960, maintain equalization. All members present voting aye. Motion carried.

## ADJOURNMENT:

Moved by Wiese, seconded by Feickert to adjourn the 2003 Brown County Board of Equalization. All members present voting aye. Motion carried.

Maxine Taylor – Brown County Auditor

APRIL 22, 2003 – CONSOLIDATED BOARD OF EQUALIZATION

Meeting called to order by Chairman Fischbach at 10:00 a.m. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Feickert, Knecht, Hopper and Alm. Oaths of Office were taken by Deb Knecht, Duane Alm and Tom Hopper.

Moved by Alm, seconded by Hoper to approve the following recommendation from the Director of Equalization: **26.Roy J & Geri Docktor**-N 87' of W 10' of Lt 10 & N 87' of Lts 11 & 12 Blk 36 2<sup>nd</sup> Addn @ 65,110, maintain equalization. All members present voting aye. Motion carried.

Moved by Hopper, seconded by Feickert to approve the following recommendation from the Director of Equalization: **27.Beverly Elsen**-Lts 1-4 Blk 25 Corrected Plat of the Highlands from 121,480 to 108,275, adjust after review. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Alm to approve the following recommendation from the Director of Equalization: **28.Michael F & Sonia R Arnoldy**-Lt 1 Blk 1 Addisons Addn @ 130,680, maintain equalization. All members present voting aye. Motion carried.

Moved by Hopper, seconded by Knecht to approve the following recommendations from the Director of Equalization: **29.Jerry W Sjerven**-S ½ of Hoff's OL 1 to Blk 16 Smith's Addn from 68,520 to 65,670, adjust after review & add owner/occupied. **30.Dale D Martens**-Lt 6 Blk 7 Woolverton's Addn @ 19,905, maintain equalization. **31.Jeffrey D Voight**-E 44' Lt 2 Blk 22 Smith's Addn @ 31,210, maintain equalization. **32.Robert E & Dee Ann Brandner**-N 133.1' of Hoff's OL 1 to Blk 7 Woolverton's Addn @ 40,145, maintain equalization. All members present voting aye. Motion carried.

Moved by Hopper, seconded by Alm to approve the following recommendations from the Director of Equalization: **33.Albert Lee & Marilyn Hoffman**-Unit 1 & Garage Crystal Ave Condos Blk 2 1<sup>st</sup> Addn to Roosevelt Crystals Subd @ 112,020, maintain equalization. **34.Jacqueline K Leisen**-Unit 2 & Garage Crystal Ave Condos Blk 2 1<sup>st</sup> Addn to Roosevelt Crystals Subd @ 107,465, maintain equalization. **35.Harvey L & Alice J Janes**-Unit 3 & Garage Crystal Ave Condos Blk 2 1<sup>st</sup> Addn to Roosevelt Crystals Subd @ 111,280, maintain equalization. **36.Timothy W Price et al**-Unit 6 & Garage Crystal Ave Condos Blk 2 1<sup>st</sup> Addn to Roosevelt Crystals Subd @ 112,020, maintain equalization. **37.Dean & Bertha Turnquist**-Unit 4 & Garage Crystal Ave Condos Blk 2 1<sup>st</sup> Addn to Roosevelt Crystals Subd @ 111,280, maintain equalization. **38.Myles K & Elnor M Beckler**-Unit 5 & Garage Crystal Ave Condos Blk 2 1<sup>st</sup> Addn to Roosevelt Crystals Subd from 113,720 to 111,280, adjust after review. All members present voting aye. Motion carried.

Moved by Hopper, seconded by Feickert to approve the following recommendations from the Director of Equalization: **39.Walter G & Shirley Jahraus**-Lt 23 Blk 6 19<sup>th</sup> Addn to Highland North from 133,230 to 132,450, adjust after review. **40.SCI Corp**-Lts 1-18 which includes Sandvig OL 1 & 2 Blk 38 Thomas Addn from 1,020,355 to 948,700, adjust after review. **41-42.Doug Lundeen**-Lt 16 Blk 36 Hagerty & Lloyds Addn from 20,860 to 15,970, adjust after review and add owner/occupied; Lt 17 Blk 36 Hagerty & Lloyds Addn from 38,210 to 29,930, adjust after review and remove owner/occupied. **43.Chuck Blumhardt**-E 122' of Lt 5 Coachers Resubd Blk 61 2<sup>nd</sup> Addn from 48,720 to 31,500, adjust after review. **44.David Gabriel**-Lt 15 & S 25' of Lt 16 Blk 21 Simmons 1<sup>st</sup> Addn from 183,415 to 144,245, adjust after review and remove owner/occupied. **45.William S & Jennifer Mount**-Lts 13 & 14 Maggie Alderliste's Replat of the S 42' of Lts 1-6 Inc. & all of Lts 7-24 Inc Blk 46 West Aberdeen Addn from 41,880 to 35,560, adjust after review. **46.Dorothea L Mickey**-N 44' of Lts 5-6-7 Blk 5 Pleasant Hill Addn from 38,865 to 31,550, adjust after review. **47.Harvey C Jewett IV**-Palmer's 1<sup>st</sup> Addn Lt 1 SE ¼ 7-123-63 from 0 to 20,030, omitted assessment. **48.HRS Equipment Company**-Lt 1 HRS/SAL Subd @ 1,488,320, maintain equalization. **49.Bruce T Boschee**-Lt 4 Blk 4 Thomas Addn @ 34,630, maintain equalization.

**50-51.Kent Hyde**-W ½ Lt 5 and all Lt 6 Blk 3 2<sup>nd</sup> Addn from 41,095 to 31,900, adjust after review; Lt 1 Draeger & Daniel's Replat of Lts 10-11-12 Blk 35 2<sup>nd</sup> Addn from 34,840 to 31,900, adjust after review. **52.Lynn Swanson**-BOLS #28 Northview Mobile Manor OL F & G Northview 6<sup>th</sup> Addn from 6,470 to 500, adjust after review. **53.Rhoda J Schultz & Duane Crum**-Lt 7-8 Blk 29 Thomas Addn from 33,820 to 24,070, adjust after review. All members present voting aye. Motion carried.

**ADJOURNMENT:**

Moved by Hopper, seconded by Knecht to adjourn the 2003 Consolidated Board of Equalization. All members present voting aye. Motion carried.

Maxine Taylor – Brown County Auditor

# APRIL 29, 2003 GENERAL MEETING

Meeting called to order by Chairman Fischbach at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Feickert, Knecht and Wiese.

## MINUTES:

Moved by Knecht, seconded by Hansen to approve the General Meeting Minutes, the County Board of Equalization Minutes and the Consolidated Board of Equalization Minutes of April 22, 2003. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Wiese, seconded by Feickert to approve the following claims:

Supplies: Aberdeen Awards..\$28.00, Office Equip..\$777.94, State Bar of SD..\$50.00, SD Continuing Legal Ed..\$150.00, New Trends..\$74.80, Executive Mgmt Finance..\$2485.17, Best Business..\$175.52, Dept of Rev..\$962.00, Rux Bros..\$45.20, Hofers Repair..\$19.75, Amoco..\$43.89, Safety Service..\$185.00, Medical Arts Press..\$28.43, Pierson Ford..\$20,751.00, Setina Mfg..\$23.87, Sanders Sew 'N Vac..\$507.32, Sports Illustrated for Kids..\$229.96, Newsweek..\$24.00, Nat'l Assoc of School Resource Officers..\$375.00, John Reed & Assoc..\$45.00, Share Corp..\$273.15, Sewer Duck..\$180.00, Odland Gravel..\$2296.25, Mathison..\$24.68, Lawson Products..\$250.81, Langs..\$26.00, Larson Blacksmith..\$30.00, Howes Oil..\$6750.10, Erdmann Oil..\$5359.52, Cass Trucking..\$2695.00, Sears..\$180.94, Kleins..\$10.48, House of Glass..\$11.00, Walmart..\$105.59, Lora Schaunaman..\$3.18, Dakota Supply..\$5.36, Division of Emergency Mgmt..\$60.00, Fire Safety First..\$97.76, ABC Seamless..\$6115.00, Aberdeen Equip..\$195.00, Ben Hofer..\$363.38, North Central Steel..\$2830.00, Menards..\$326.03, Office Max..\$135.15, Pro Ag Supply..\$173.52, Evergreen..\$55.55, Aberdeen Ride Line..\$754.25, Dakota Electronics..\$512.80, WearGuard..\$89.71, Kesslers..\$15.13, Runnings..\$31.96, Macs..\$14.36, Farm & Home Pub..\$24.25, Mallory Headsets..\$116.76, SDN Tech..\$440.00, City of Groton..\$30.00, Gempler..\$326.66, Reflective Apparel..\$215.85, Paul Mardian..\$207.89, Western Printing..\$1520.67, Brick TV..\$365.00, Brown County Tres..\$13.00, Rockmount..\$348.08, House of Glass..\$10.70, McFarland..\$2.98, Heartland Paper..\$583.08, Academy..\$25.00, Ecolab..\$74.00, Sherwin Williams..\$14.68, Woodman Refrig..\$930.00, Twin City Roofing..\$1800.00:

Mileage: Mike Wiese..\$109.62, Gerri Sillman..\$300.00, Leo Leshner..\$124.99, Gene Loeschke..\$69.60:

Transcriptions: Betsy Johnson..\$35.10:

Publications: American News..\$479.25, Weekly Edition..\$257.20:

Professional Fees: Rich Russman..\$2916.66, Kim Dorsett..\$2083.33, Winkler Clinic..\$15.60, Avera St Lukes..\$595.00, witness..\$40.00:

Court Appointed Attorney: Scott Kuck..\$4166.61, Christy Serr..\$4166.61, Randy Turner..\$4166.61, William Gerdes..\$5366.61, Kabeiseman & Pollard..\$146.80:

Utilities: Qwest..\$2288.62, Midcontinent Cable..\$248.74, Cellular One..\$860.26, NWPS..\$817.26, Montana Dakota..\$26.20, Northern Elec..\$236.34, James Valley..\$202.00, WEB..\$57.24:

Care of Poor: Dr/Hospital – 3 recipients..Aberdeen Advanced Care..\$101.57, Dakota Plains Surgical..\$145.39, Avera St Lukes..\$3254.86; Drugs – 3 recipients..Kesslers..\$186.75, Shopko..\$21.99, K-Mart..\$129.79; Rent – 6 recipients..Lakeside Estates..\$150.00, Park Village..\$312.00, Diane Hickenbotham..\$250.00, Dennis Hasvold..\$98.00, D&L LLC..\$260.00; Insurance – 4 recipients..Avera Health Plans..\$920.19, Twin City Co..\$470.90; Utilities – 9 recipients..NWPS..\$1286.71, City of Aberdeen..\$190.00, Northern Elec..\$70.62, BDM Rural Water..\$120.00. All members present voting aye. Motion carried.

## ABATEMENT:



Moved by Feickert, seconded by Wiese to approve the following Solid Waste Abatement: Scott Holzer, incorrect tax notice (Lt 6 Blk 2 Ashwood Heights) for year 2003 in amount of \$15.00. All members present voting aye. Motion carried.

**PERSONNEL:**

Moved by Wiese, seconded by Feickert to approve hiring Brian Lilly at the Fairgrounds, effective April 28, 2003 to September 5, 2003 at \$7.20 per hour. All members present voting aye. Motion carried.

**SURPLUS PROPERTY:**

Moved by Wiese, seconded by Hansen to declare a Motorola Centracom low console rack surplus property for purpose of sale to the LacQuiParle County MN Sheriff's Office for \$50.00. All members present voting aye. Motion carried.

**BROWN COUNTY WEED & SEED:**

Moved by Knecht, seconded by Feickert to approve the following Weed and Seed Year Two funding requests: New Beginnings Center (Cultural Safe Haven Program), Brown County Weed & Seed (Office Supplies), Groton Youth Center (Youth Center Enhancement), Court Services (Truancy Program Training & Teaching Materials), Aberdeen Police Department (Property Room Management Training, Portable Radio Equipment), Groton Police Department (Portable Radio Equipment), as recommended by the Steering Committee. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Wiese to approve the Brown County Weed and Seed Monthly Expenses for April 2003 (Year One 2002-WS-QX-0054), in amount of \$2,315.00. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Wiese to approve the Brown County Weed and Seed Monthly Expenses for March 2003 (Year Two 2002-WS-QX-0054), in amount of \$16,832.24. All members present voting aye. Motion carried.

**DOJ PREVENTION GRANT:**

Moved by Hansen, seconded by Wiese to authorize advertising Community Resource Coordinator position, to be funded by the Department of Justice Prevention and Intervention Programs for At-Risk and Detained Youth Project #2001-JS-FX-0014, to replace Lisa Thorpe who resigned May 2, 2003. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Feickert to approve Change Order #192.1 to include \$812.00 for advertising open positions funded by the Department of Justice Prevention and Intervention Programs for At-Risk and Detained Youth Project #2001-JS-FX-0014. All members present voting aye. Motion carried.

**AUDIT RESPONSE:**

Moved by Feickert, seconded by Knecht to approve and authorize Sheriff Milbrandt sign formal response to audit finding #2002-01. All members present voting aye. Motion carried.

**WAR MEMORIAL PROJECT:**

Dave Osborn, Mark Caven and Dr. K Broadhurst representing the War Memorial Project at the Aberdeen Regional Airport met to request Brown County sponsorship for the Memorial, with all funds returned if and when private donations are sufficient. The Commission will consider sponsorship in total amount of \$25,000.00.

**BCCHC REPORT:**

DeAnna Kyburz presented the Brown County Community Health Center Report for January – March 2003.

**HIGHWAY UPDATE:**

Dirk Rogers informed the Commission that load limits would be removed on May 1, 2003.

**DEVELOPMENT/ROAD DISCUSSION:**

Rusty Merkel explained a proposed new housing development at Richmond Lake and informed the Commission that the entry road would be built to meet county specifications in the event the County would consider taking over maintenance and snow removal in the future. No action was taken at this time.

**EXECUTIVE SESSION:**

Moved by Hansen, seconded by Feickert to go into executive session for personnel discussion with Freddie Robinson in attendance. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Feickert to adjourn executive session. All members present voting aye. Motion carried.

**BURN BAN:**

Freddie Robinson reported that his Department and area Rural Fire Departments recommend that the Burn Ban stay in place at this time. After discussion, the following action ensued: Moved by Knecht, seconded by Feickert to remove the Burn Ban. Roll call vote: Commissioner's Hansen-nay, Feickert-aye, Knecht-aye, Wiese-nay, Fischbach-nay. Motion failed.

**RECESS:**

The Chairman declared the Commission recessed until May 6, 2003.

Maxine Taylor – Brown County Auditor

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# MAY 6, 2003 – GENERAL MEETING

Meeting called to order by Chairman Fischbach at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Feickert, Knecht and Wiese. Absent Commissioner Hansen.

## MINUTES:

Moved by Knecht, seconded by Feickert to approve the General Meeting minutes of April 29, 2003. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Feickert, seconded by Knecht to approve the following claims:

Payroll: Commissioners..\$2,443.30; Auditor..\$5,879.50; Treasurer..\$8,264.70; Data Processing..\$1,573.08; State's Attorney..\$8,350.72; Victims Assistance..\$904.05; Maintenance..\$4,993.08, Assessor..\$6,700.57; Planning & Zoning..\$1,042.39; Register of Deeds..\$4,517.90; Veterans Service Office..\$2,257.58; Sheriff..\$52,092.46; DOJ Grant..\$3,461.29; Communications..\$15,080.75; Welfare Office..\$2,608.10; Health..\$2,528.00; Museum..\$3,964.30; Fairgrounds & Parks..\$3,518.04, Fairboard..\$1,775.11; Extension..\$1,550.40; Weed..\$1,038.40; Emergency Management..\$2,189.82; Weed & Seed..\$1,038.47, Highway..\$28,147.86; Landfill..\$6,679.19:

Matching Benefits: FICA..\$10,282.03, Medicare..\$2,404.66:

Supplies: Nat'l Auto Research..\$48.00, RE Huffman..\$329.00, Ameripride..\$39.00, Rux Bros..\$188.94, Cartney Bearing..\$13.86, Ecolab..\$69.70, Taylor Laundry..\$17.50, Woodman..\$342.40, D&D..\$28.00, Dept of Rev..\$525.00, Visa..\$239.00, Respond..\$66.05, New Trends..\$12.72, Town & Country..\$64.56, Lar-Jos..\$597.00, Dicks..\$71.75, OK Tire..\$744.04, Liebelt..\$50.00, Velvet Uniforms..\$182.86, American Locker Security..\$26.63, Best Business..\$114.29, Medical Center Pharmacy..\$815.03, Cheryl Hairgrove..\$750.00, Walmart..\$604.53, K-Mart..\$73.00, Diane Mielke..\$7.42, Electronic Security..\$662.91, Warner School Dist..\$800.00, City of Groton..\$309.36, M-R Signs..\$72.41, HC Overhead Systems..\$600.00, Huron Culvert..\$15,240.00, Great Western Tire..\$427.64, Frey's Electronics..\$55.00, Farm Power..\$296.10, Creative Sign..\$65.00, Crawford Trucks..\$1539.33, HC Clark..\$56.12, Chris & Don's..\$8.50, Chet's Janitorial..\$81.50, Carquest..\$784.74, Butler Machinery..\$588.98, Bridgestone Firestone..\$103.00, Advanced Auto..\$85.95, Three Marketeers..\$131.00, SD State Hist Society..\$45.00, DPM Merchantile..\$30.13, Menards..\$516.65, Quality Quick Print..\$19.74, Dakota Supply..\$34.27, Service Sign..\$5406.00, Western States Fire..\$4089.38, City of Aberdeen..\$25,000.00, HRS..\$17.35, KGIM/KQKD..\$677.88, Pro Ag..\$71.40, C&S Motor Sports..\$26.50, Runnings..\$526.89, Cunningham Elec..\$260.96, Burlington Northern..\$10,191.91, Pierson Ford..\$325.36, Paul Mardian..\$1754.04, Ramkota Inn..\$67.00, Ken Opp..\$106.00, Praxair..\$15.70, OK Tire..\$313.00, Cole Papers..\$111.42, Erdmann Oil..\$2401.28, Dept of Rev..\$2979.26, Sheehan Sales..\$2103.94, Nat'l Academies of Emergency Dispatch..\$90.00, Farm & Home Pub..\$24.25, Dakota Electronics..\$254.75, Eide Bailley..\$235.25, SD Public Assurance Alliance..\$558.00:

Mileage: Carol Misfeldt..\$300.00, Gary Erickson..\$143.15, Marj Kolb..\$373.27:

Transcriptions: Neal Reporting..\$72.30:

Publications: American News..\$400.95, Weekly Edition..\$200.90, Midland Press..\$688.75:

Professional Fees: Minnehaha County Sheriff..\$16.50, Donna Dietrich..\$167.94, Don Carlson..\$15.00, Bob Walser..\$15.00, Nelva Kooistra..\$15.00, Cathy Reh fuss..\$15.00, Gary Mikelson..\$15.00, Jerry Pollard..\$15.00, NADRIC..\$2083.33, Sioux Vocational Services..\$60.00:

Utilities: NWPS..\$6118.34, City of Aberdeen..\$1369.10, Midcontinent Cable..\$61.84, WEB..\$37.50, Northern Valley Comm..\$21.15, Northern Rural Cable..\$79.90:

Care of Poor: Drugs – 5 recipients..K-Mart..\$24.62, Jones Drug..\$359.79, Kessler Pharmacy..\$23.75; Rent – 5 recipients..Zumbaum Property..\$95.00, Foxridge Apts..\$105.00, Dakota Square..\$210.00,

Danne..\$163.00, JoAnn Lorenz..\$133.00; Utilities – 5 recipients..NWPS..\$480.00, City of Aberdeen..\$605.32, Northern Elec..\$230.00; Burial – 2 recipients..Schrivers Memorial..\$3460.00. All members present voting aye. Motion carried.

#### PERSONNEL:

Moved by Feickert, seconded by Knecht to approve the following employee step/longevity increases, effective May 11, 2003: Ione Shilman @ \$11.71 per hour, Wende Holzkamm @ \$10.43 per hour, John Weig @ \$12.46 per hour, Ginger Walker @ \$11.56 per hour, Joseph Malsam @ \$11.29 per hour, Cordell Rudolph @ \$12.15 per hour, Richard Schaible @ \$12.11 per hour, Janice Moore @ \$14.51 per hour, Carol Wolf @ \$12.50 per hour, John VanderHoek @ \$15.21 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Knecht to approve hiring Theodore Huss as guard, effective April 29, 2003 for purpose of prisoner transport. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Knecht to acknowledge the following miles driven and amount to be taxed for personal use of County vehicles during January, February and March 2003: Richard Burns – 232 @ \$75.40, Dirk Rogers – 1404 @ \$456.30, Mike Scott – 506 @ \$164.45. All members present voting aye. Motion carried.

#### BROWN COUNTY PREVENTION GRANT:

Moved by Wiese, seconded by Knecht to acknowledge the resignation of Rachel Kane, Community Resource Coordinator effective May 23, 2003. All members present voting aye. Motion carried.

#### SET HEARING DATES:

Moved by Wiese, seconded by Feickert to set public hearing for 8:45 a.m. on May 27, 2003 in the Aberdeen City Commission Chambers, 123 S Lincoln Street for First Reading of Ordinance No. 03-05-01/274 (McIntire), An Ordinance amending Ordinance No. 1164 to rezone the following described property from Section 704 (R-2) Medium Density Residential District to Section 707 (C-2) Highway Commercial District: "Lot 7, NE ¼ of NE ¼ of Sec 22-T123N-R64W" and "Lot 8, NE ¼ of NE ¼ of Sec 22-T123N-R64W". Ordinance No. 03-05-02/275 (Barondeau), An Ordinance amending Ordinance No. 1164 to rezone the following described property from Section 710 (I-2) Unrestricted Industrial District to Section 714 (M-AG) Mini-Agricultural District: Lot 1 of "Wagner Holdings First Addition in the SW ¼ of Sec 17-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto. Ordinance No. 03-05-03/276 (Fonder, etal), An Ordinance amending Ordinance No. 1164 to rezone the following described property from Section 701 (A-1) Agricultural District to Section 714 (M-AG) Mini-Agricultural District: Lots 1 thru 4 of "Gramlow-Ringgenberg-Boeddeker-Robinson Addition in the SE ¼ of Sec 35-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD"; Outlot 4 of "Evelo's Outlots in the SE ¼ of 35-T123N-R64W"; Lot 1 of "Seitz Acres in the SW ¼ of Sec 1-T122N-R64W of the 5<sup>th</sup> P.M., Brown County, SD"; Lot 1 of "Fonder's Outlot 1 in the SE ¼ of Sec 2-T122N-R64W of the 5<sup>th</sup> P.M., Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto. All members present voting aye. Motion carried.

#### AUDITORS REPORT OF ACCOUNT:

Moved by Knecht, seconded by Wiese to approve the April 2003 Auditors Report of Account with the County Treasurer in total amount of \$15,054,833.78 (total amount of actual cash @ \$3,236.05, Wells Fargo Bank @ \$3,106.83, US Bank @ \$21,416.77, Dacotah Bank @ \$186,896.63, Petty Cash @ \$1,700.00, Fund Investments @ \$14,838,213.55, Outstanding Checks @ \$263.95). All members present voting aye. Motion carried.

#### CONTRACT:

Moved by Feickert, seconded by Wiese to approve and authorize the Chairman sign Contract for Secretary at the Brown County Community Health Center with the State of South Dakota beginning June 1, 2003 and ending May 31, 2004 in amount not to exceed \$29,212.32. All members present voting aye. Motion carried.

#### COURT SECURITY GRANT:

Moved by Wiese, seconded by Knecht to acknowledge Court Security Grant Award and authorize Chairman sign documentation for payment in amount of \$10,464.81. All members present voting aye. Motion carried.

#### AED GRANT:

Moved by Wiese, seconded by Knecht to acknowledge AED Grant Award (automatic external defibrillators) and authorize the Chairman sign application forms. All members present voting aye. Motion carried.

#### CONTRACT:

Moved by Wiese, seconded by Knecht to approve and authorize the Chairman sign Contract with McGarry Electric for electrical work in meeting room area at the Dacotah Prairie Museum, as owner of the building (funds in amount of \$14,576.29 to be provided by the Dacotah Prairie Museum Foundation). All members present voting aye. Motion carried.

#### ADDENDUM – LANDFILL SCALE HOUSE ADDITION:

Moved by Wiese, seconded by Feickert to approve Addendum's M-1, G-1 and G-2 to the general and mechanical plans and specifications to the addition to the administration building at the Brown County Landfill. All members present voting aye. Motion carried.

#### BID LANDFILL SCALE HOUSE ADDITION:

Time and place, as advertised to open, read and consider bids for labor and material required for the construction of an addition to the administration building at the Brown County Landfill. Bids were received from Nordling Construction Co, Zeller Brothers Construction and Gray Construction. Moved by Feickert, seconded by Knecht to refer all bids to Mike Scott for review and recommendation. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Feickert to award low bid, submitted by Zeller Brothers Construction in amount of \$126,800.00 for labor and material required for the construction of an addition to the administration building at the Brown County Landfill; rejecting bids submitted by Nordling Construction in amount of \$129,750.00 and Gray Construction in amount of \$136,800.00. All members present voting aye. Motion carried.

#### LANDFILL EQUIPMENT:

Moved by Wiese, seconded by Knecht to approve purchase of a Woods Mower for the Landfill from HC Clark Implement in amount of \$1,625.00. All members present voting aye. Motion carried.

#### SPECIAL MALT BEVERAGE LICENSE HEARING:

Time and place, as advertised for public hearing to consider application for Special Malt Beverage Licenses for the 2003 Northeast Area Horse Racing Season at the Fairgrounds. Moved by Knecht, seconded by Wiese to approve the following applications for Special Malt Beverage License, submitted by Northeast Area Horse Racing, Inc: Brown County Fairgrounds (Clubhouse) SW ¼ Sec 1-T123N-R64W, effective May 10, 11, 17 & 18, 2003. Brown County Fairgrounds (Grandstand) SW ¼ Sec 1-T123N-R64W, effective May 10, 11, 17 & 18, 2003. Brown County Fairgrounds (Clubhouse) SW ¼ Sec 1-T123N-R64W, effective May 24, 25 & 26, 2003. Brown County Fairgrounds (Grandstand) SW ¼ Sec

1-T123N-R64W, effective May 24, 25 & 26, 2003 (map indicating specific buildings on file with applications). All members present voting aye. Motion carried.

#### EXECUTIVE SESSION:

Moved by Feickert, seconded by Wiese to go into executive session for personnel discussion with Gordon Vanauken in attendance. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Wiese to adjourn executive session. All members present voting aye. Motion carried.

#### BCCHC UPDATE:

Merri Nelson, BCCHC Director met to discuss a State policy change requiring County involvement during the annual evaluation of County Secretarial Employees under State direction. Board concurred.

#### AGREEMENT:

Moved by Knecht, seconded by Feickert to approve and authorize the Chairman sign Agreement to perform road and parking lot asphalt surface treatment, sealing and gravel repair/maintenance at Richmond Lake Recreation Area (including Forest Drive, South Campground, West and East Boat Ramps and the park Shop area) with reimbursement from the SD Game, Fish and Parks in an amount not to exceed \$35,000.00. All members present voting aye. Motion carried.

#### EQUIPMENT PURCHASE:

Moved by Wiese, seconded by Knecht to approve purchase of a 2003 Ford 1-ton 4x4 Truck for the Highway Department from Pierson Ford, as per State Bid Contract #13770 in amount of \$23,216.00. All members present voting aye. Motion carried.

#### APPLICATION FOR OCCUPANCY:

Moved by Wiese, seconded by Feickert to approve and authorize the Chairman sign application, submitted by Northern Electric Cooperative for occupancy of 387<sup>th</sup> Ave in Sec 23-T124N-R64W, Brown County, SD for underground cable crossing. All members present voting aye. Motion carried.

#### EXECUTIVE SESSION:

Moved by Wiese, seconded by Knecht to go into executive session for personnel discussion with Dirk Rogers in attendance. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Feickert to adjourn executive session. All members present voting aye. Motion carried.

#### BURN BAN:

Loy Stange, Darrel Berreth, Dave Traylor and Dale Ringgenberg representing the Rural Fire Departments questioned the Commission's position as to whether the ban, if lifted, would be reinstated if conditions would become excessively dry.

Moved by Wiese, seconded by Feickert to remove the Burn Ban, effective May 6, 2003 until such time as conditions warrant reinstatement. All members present voting aye. Motion carried.

#### CLAREMONT TOWNSHIP ROAD:

Gary and Kris Fliehs met with the Commission to discuss the road in Claremont Township they requested assistance with last year. As this is a Township road, the County has no jurisdiction and can only defer the question to the Claremont Township Officials.

**LOWER CROW CREEK:**

Roger Schuller, representing the Lower Crow Creek Watershed discussed the work plan to clean the drainage ditch from the Renzienhausen Slough to the Sullivan Grade; also, resubmitted the letter dated April 27, 2002 from the Lower Crow Creek Watershed for consideration. There was no action taken by the Commission.

**RECESS:**

The Chairman declared the Commission recessed until May 13, 2003.

Maxine Taylor – Brown County Auditor

## MAY 13, 2003 - GENERAL MEETING

Meeting called to order by Chairman Fischbach at 8:45 A.M. in the Commission Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Feickert, Knecht and Wiese. Absent Commissioner Hansen.

## MINUTES:

Moved by Feickert, seconded by Wiese to approve the General Meeting minutes of May 6, 2003. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Wiese, seconded by Feickert to approve the following claims:

Supplies: Best Business..\$130.02, Robbie's..\$84.87, Menards..\$70.66, CDW Govt..\$492.00, Quality Welding..\$5.62, RE Huffman..\$8.49, Cunningham Elec..\$107.14, UBC..\$75.17, K-Mart..\$15.92, Woodman Refrig..\$67.20, Matz Saw..\$15.70, Sterling Solutions..\$600.00, Spitzer-Osthus Funeral Home..\$228.96, Pierson Ford..\$23268.83, Amoco..\$35.38, Dakota Electronics..\$443.75, Hitch 'N Post..\$34.99, Respond..\$14.00, Parcel-Erickson..\$21.95, Secretary of State..\$7.00, OK Tire..\$11.25, Quality Quick Print..\$194.25, Accurint..\$8.35, HRS..\$3788.16, FedEx..\$5.60, Kesslers..\$435.42, Tri State Water..\$104.00, Bonnie Bitz..\$336.00, Sewing Shoppe..\$25.50, Human Service Agency..\$30.00, Hoven Auto..\$17.14, Tri-State Water..\$44.50, Aberdak Travel..\$418.00, IANCICI..\$75.00, Spink County Hwy..\$17,313.00, SD Division of Motor Vehicles..\$13.00, Sheehan Mack Sales..\$1161.93, Runnings..\$138.49, Praxair..\$27.95, Petroleum Partners..\$373.82, Office Max..\$489.83, North Central Farmers Elev..\$1018.17, Menards..\$238.11, Macs..\$226.99, Lyle Signs..\$63.26, Fred Ludwig..\$343.50, James Loterbauer..\$306.00, Daryl Lloyd..\$40.88, Hecla Impl..\$31.60, City of Hecla..\$72.78, Fastenal..\$57.00, Farm Plan..\$217.15, Evergreen..\$50.15, Diesel Machinery..\$2503.86, Dakota Oil..\$1099.29, Dakota Fluid Power..\$95.11, Dakota Air..\$42.00, Crushing..\$9750.00, Clark Engineering..\$781.40, Ameripride..\$364.66, KSFY..\$500.00, A&M Radio..\$44.50, Porter's Camera Store..\$108.47, Johnston Agency..\$176.00, North Central Steel..\$3674.46, Kleins..\$26.99, Carquest..\$21.78, Dakota Oil..\$88.56, Advanced Auto..\$10.24, Bridgestone/Firestone..\$35.00, House of Glass..\$269.59, DSS..\$20.00, Paul Mardian..\$893.24, Clear Channel..\$300.00, Bricks TV..\$360.00, RDO..\$368.00, Ohio University..\$590.00, DOI/BLM..\$396.17:

Mileage: Maxine Taylor..\$32.00, Carol Misfeldt..\$128.28, Sheila Enderson..\$21.00, Cindy Meyers..\$32.00, Jerry Dempsey..\$104.15, Bob Retzer..\$7.00, Mavis Kempf..\$104.15, Carol Sherman..\$134.88:

Publications: American News..\$966.75:

Professional Fees: Kevin Spitzer..\$1387.79, Brandon Leslie..\$400.00, LCM Pathologists..\$1438.70, Dawn Woods..\$450.00, Avera St Lukes..\$1190.00:

Utilities: NWPS..\$1877.24, Northwestern Energy..\$105.74, Cellular One..\$19.99, Midcontinent Cable..\$120.00, Qwest..\$112.53, Northern Valley..\$70.33, James Valley..\$150.51, Town of Frederick..\$18.25, Dependable Sanitation..\$16,276.68, Northern Elec..\$544.33, Verizon..\$142.20: Care of Poor: Dr/Hospital – 2 recipients..Denture Clinic..\$580.00, Aberdeen Family Physicians..\$28.70; Rent – 5 recipients..Rockford Apts..\$210.00, John Kokales..\$230.00, Dakota Properties..\$250.00, Elmer Sayler..\$190.00, Kurt Kruger..\$185.00; Utilities – 3 recipients..NWPS..\$595.70. All members present voting aye. Motion carried.

## SURPLUS PROPERTY SALE:

Moved by Feickert, seconded by Knecht to authorize advertising the following property and declare surplus for purpose of sale to highest bidder at public auction to be held at 10:00 a.m., May 28, 2003 in the Courthouse Community Room: First Addition Lots 13, 14 & E 37' of Lot 15 and vacated street Block 44, Frederick City. All members present voting aye. Motion carried.



**LOTTERY APPLICATION:**

Moved by Knecht, seconded by Wiese to approve application, submitted by Columbia 125<sup>th</sup> Centennial Committee for raffle to be held August 30, 2003. All members present voting aye. Motion carried.

**LANDFILL SCALE HOUSE ADDITION CONTRACT:**

Moved by Feickert, seconded by Wiese to approve and authorize the Chairman sign Contract with Zeller Bros Construction Inc. for construction of the Addition to Administration Building at the Brown County Landfill. All members present voting aye. Motion carried.

**ABATEMENT:**

Moved by Wiese, seconded by Feickert to approve the following Abatement: Wayne Schleder, house fire (NW ¼ 4-125-63) solid waste for year 2002 in amount of \$65.00 and for year 2003 in amount of \$65.00. All members present voting aye. Motion carried.

**PLAT:**

Commissioner Wiese offered the following Resolution:

**RESOLUTION NO. 46-03**

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "North Ten in the SW ¼ of Sec 13 and the SE ¼ of Sec 14-T124N-R64W of the 5<sup>th</sup> P.M., Brown County, SD", 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 Feickert. Roll call vote: Commissioner's Hansen-absent, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

**PERSONNEL:**

Moved by Feickert, seconded by Wiese to approve hiring John Hagen as part-time mechanic at the Highway Department, effective May 28, 2003 at \$10.00 per hour. All members present voting aye. Motion carried.

**BID – HIGHWAY MOTOR GRADER:**

Time and place, as advertised to open, read and consider bids for One New 2003 Year model in Production Motor Grader on a 4-year Capitalized Lease. Bids were received from Butler Machinery, Diesel Machinery, RDO Equipment and Sheehan Mack Sales. Moved by Feickert, seconded by Knecht to refer all bids to Dirk Rogers, Highway Superintendent for review and recommendation. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Knecht to award bid to RDO Equipment for JD 770 in amount of \$49,449.00 per year on a 4-year Capitalized Lease; rejecting RDO Equipment Option 1 @ \$7732.00, Option 2 @ \$4495.00, Option 3 @ \$2517.00, Option 4 @ \$1618.00; rejecting Sheehan Mack Sales @ \$43,277.02 (did not meet specs on frame construction), Option 1 @ \$8769.07, Option 2 @ \$4017.53, Option 3 @ \$2514.36, Option 4 @ \$1698.24; rejecting Butler Machinery @ \$58,792.30, Option 1 @ \$24000.00, Option 2 @ \$13500.00, Option 3 @ \$5900.00, Option 4 @ \$4500.00; rejecting Diesel Machinery Inc @ \$59,905.20, Option 1 no bid, Option 2 @ \$3719.49, Option 3 @ \$3647.96, Option 4 @ \$1609.39. All members present voting aye. Motion carried.

**EMPLOYEE HEALTH PLAN:**

Gary Welter, Blue Cross/Blue Shield presented rate information for new plan year and additional deductible options for the County to consider. No decisions made at this time.

**BROWN COUNTY PREVENTION GRANT:**

Moved by Feickert, seconded by Wiese to authorize advertising Community Resource Coordinator position, to be funded by the Department of Justice Prevention and Intervention Programs for At-Risk and Detained Youth Project #2001-JS-FX-0014, to replace Rachel Kane who resigned May 23, 2003. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Feickert to authorize the Chairman to sign Addendum No. 1 to Agreement with Lutheran Social Services to provide specific, limited mental health services to "At-Risk" youth in rural Brown County (program components include School-Based Mental Health Projects and Wraparound individualized Services), to be funded by federal funds from US DOJ Grant #2001-JS-FX-0014-Year 2. Motion carried. All members present voting aye. Motion carried.

**CLOSING AUDIT CONFERENCE:**

Kay Fredrick, Department of Legislative Audits met with the Commission for closing conference for audit of fiscal year 2002.

**GROTON ANNEXATION PROPOSAL:**

Mick Waller, Planner/Zoner and Carol Sherman, Register of Deeds met to discuss proposed annexation of property west of the current Groton City limits. Information will be forwarded to the States Attorney for review.

**EXECUTIVE SESSION:**

Moved by Wiese, seconded by Feickert to go into executive session for personnel discussion with Gordon Vanauken and Freddie Robinson in attendance. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Wiese to adjourn executive session. All members present voting aye. Motion carried.

**PERSONNEL:**

Moved by Wiese, seconded by Knecht to acknowledge resignation of Gordon Vanauken, effective June 6, 2003. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Feickert to approve appointing Freddie Robinson as Interim Communications Director, effective May 19, 2003 for additional pro-rated compensation of \$500.00 per pay period. All members present voting aye. Motion carried.

**RECESS:**

The Chairman declared the Commission recessed until May 20, 2003.

Maxine Taylor – Brown County Auditor

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## MAY 20, 2003 GENERAL MEETING

Meeting called to order by Chairman Fischbach at 8:45 A.M. in the Commission Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Feickert, Knecht and Wiese.

### MINUTES:

Moved by Wiese, seconded by Feickert to approve the General Meeting minutes of May 13, 2003. All members present voting aye. Motion carried.

### CLAIMS:

Moved by Feickert, seconded by Wiese to approve the following claims:

Payroll: Commissioners..\$2,443.30; Auditor..\$5,879.50; Treasurer..\$8,105.90; Data Processing..\$1,573.08; State's Attorney..\$8,350.72; Victims Assistance..\$904.05; Maintenance..\$5,014.91, Assessor..\$6,928.57; Planning & Zoning..\$1,042.39; Register of Deeds..\$4,517.90; Veterans Service Office..\$2,282.25; Sheriff..\$53,183.05; DOJ Grant..\$3,445.56; Communications..\$14,216.90; Welfare Office..\$2,674.50; Health..\$2,532.00; Museum..\$3,874.20; Fairgrounds & Parks..\$3,962.02, Fairboard..\$1,775.11; Extension..\$1,550.40; Weed..\$1,722.54; Emergency Management..\$2,176.87; Weed & Seed..\$1,038.47, Highway..\$30,004.55; Landfill..\$6,533.54; Matching Benefits: FICA..\$10,488.47, Medicare..\$2,452.96;  
Supplies: Ramkota Inn..\$69.00, Days Inn..\$70.00, Comfort Inn..\$400.00, US Bancorp..\$16.25, Office Equip..\$113.28, Dept of Revenue..\$66.00, New Trends..\$37.27, SD Assoc of County Commissioners..\$8302.29, Fire Safety First..\$364.78, D&D Paint..\$8.91, Exchange Club..\$190.50, Gardner Locksmith..\$25.00, Heartland Paper..\$738.43, Safety Vision..\$444.68, Paul Mardian..\$1064.46, Skill Path Seminar..\$398.00, Health Care Inc..\$64.05, Earthgrains..\$518.35, Office Max..\$31.15, Credit Bureau..\$7.50, K-Log Inc..\$206.93, MCPC..\$187.10, Amoco..\$45.67, Double D Body Shop..\$105.00, Parcel-Erickson..\$21.95, Fleet..\$39.91, Ameripride..\$79.55, Best Business..\$189.46, Streichers..\$204.55, Teen Court..\$378.00, Upper Plains Contracting..\$71,536.01, Odland Gravel..\$1123.50, Light & Siren..\$238.95, Lien Trans..\$115,634.21, Koch Materials..\$11,519.76, Jebro Inc..\$6489.48, Don Gunther..\$14,474.20, Dave Gardner Trucking..\$1080.00, Creative Signs..\$123.60, Cartney Bearing..\$88.85, Kevin Bourdon Trucking..\$1220.00, Biersbach Equip..\$135.21, Aberdeen Transmission..\$44.95, NSU..\$231.00, South Dakota Magazine..\$210.00, Custom Sheet Metal..\$34.98, Macs..\$75.30, OK Tire..\$4.00, Hedahls..\$167.68, RE Huffman..\$329.00, Aberdeen Asphalt..\$220.00, Dakota Supply..\$42.47, Dakota Electronics..\$25.00, McFarlands..\$7.76, Menards..\$249.32, Trout Bros Screen Printing..\$262.50, Northern Tool..\$134.88, Target..\$9.38, Western Printing..\$395.50, Jim River Riders..\$30.00, Aberdeen Area Senior Citizens..\$250.00, Extension Service..\$174.74, Century Business..\$134.19, Light & Siren..\$228.00, Lust Chev..\$26.94, Radio Shack..\$29.95, FedEx..\$34.04;  
Mileage: Laurie Dinger..\$218.08, Gordon Vanauken..\$98.31, Ginger Walker..\$16.53;  
Transcriptions: Neal Reporting..\$48.60, Tammy Erickson..\$75.00, Slowey Court Reporting..\$85.00;  
Publications: American News..\$914.40, Weekly Edition..\$193.13, Dakota Press..\$132.86, Bennett County Booster..\$21.77;  
Professional Fees: Sheriff Robert Huston..\$29.00, Norman County Sheriff..\$41.20, Avera St Lukes..\$2400.00, Career Planning..\$1224.00, NE Mental Health..\$117.04, Lutheran Social Services..\$4676.00, Avera Queen of Peace Health..\$160.50, Lewis & Clark BHS..\$250.00, Sheriff of Yankton County..\$16.50, Yankton County Treas..\$179.60;  
Court Appointed Attorney: William Gerdes..\$336.00;  
Utilities: Dependable Sanitation..\$356.00, Northwestern Energy..\$2778.95, Qwest..\$1665.50, Bureau of Admin..\$534.20, Northern Elec..\$423.38, Qwest..\$3716.88, AT&T..\$19.64, Verizon..\$64.51;  
Care of Poor: Dr/Hospital – 4 recipients..Orthopedic Surgery..\$45.95, Dr PH Lynch..\$160.25, Dakota Plains Surgical Center..\$8152.54; Drugs – 6 recipients..Dakota Square Pharm..\$132.01, Plaza Pharm..\$113.86, Medical Center Pharm..\$415.94; Rent – 5 recipients..Kurt Fleury..\$185.00, Michael Erdmann..\$190.00, Larry Klebsch..\$250.00, Don Bonn..\$250.00, Danne Inc..\$105.00; Insurance – 2

recipients..Wellmark Blue Cross Blue Shield..\$455.90, Midstates Printing..\$549.17; Utilities – 3 recipients..NWPS..\$430.00, City of Aberdeen..\$210.00. All members present voting aye. Motion carried.

#### PERSONNEL:

Moved by Knecht, seconded by Hansen to approve the following employee step/longevity increases, effective May 25, 2003: David Bruckner @ \$12.85 per hour, Bryan Locke @ \$15.67 per hour, Tom Lammon @ \$12.01 per hour, Jennifer Mechaley @ \$11.74 per hour, Roger Schaible @ \$12.26 per hour. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Wiese to approve hiring Joe Flynn as 2003 summer intern at the States Attorney Office, effective May 19, 2003 at \$425.00 per week. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Wiese to acknowledge the resignation of Nancy Peterson as part-time JDC Officer, effective May 21, 2003. All members present voting aye. Motion carried.

#### RACE TRACK LEASE ADDENDUM:

Moved by Wiese, seconded by Knecht to approve and authorize the Chairman sign Lease Option Renewal Addendum for the car racing facilities at the Brown County Fairgrounds with Terry L Voeltz, DBA T's Promotions for year 2003. All members present voting aye. Motion carried.

#### SECURITY CAMERA FUNDING REQUEST:

Moved by Hansen, seconded by Knecht to authorize NECOG proceed with application process for Brown County Appropriations Funding for Video Cameras in the Brown County Jail in amount of \$200,000.00. All members present voting aye. Motion carried.

#### PLAT:

Commissioner Knecht offered the following Resolution:

#### RESOLUTION NO. 47-03

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing "AGC Subdivision in the SE ¼ of Sec 15-T122N-R64W of the 5<sup>th</sup> P.M., Brown County, SD", having been examined, is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof.

Seconded by Commissioner Wiese. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

#### EQUIPMENT PURCHASE:

Moved by Feickert, seconded by Wiese to authorize the Extension Service to participate in the group purchase of a LCD Projector and Gateway Laptop Computer. County share in amount of \$1,000.00 and SDSU share in amount of \$1,700.00 (County would retain ownership of the projector, Cooperative Extension Service/SDSU would retain ownership of the computer). All members present voting aye. Motion carried.

#### EXECUTIVE SESSION:

Moved by Hansen, seconded by Knecht to go into executive session to discuss union negotiations currently in progress. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Hansen to adjourn executive session. All members present voting aye. Motion carried.

**BID – MUSEUM UPPER FLOOR WINDOW REPLACEMENT PROJECT:**

Moved by Feickert, seconded by Wiese to approve Addendum No. 1 to the Dacotah Prairie Museum, Upper Floor Window Replacement Project. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Wiese to award bid, submitted by Northland Ltd, Fargo, ND in amount of \$209,875.00 for the Dacotah Prairie Museum, Upper Floor Window Replacement Project, as recommended by the Board of Directors of the Dacotah Prairie Museum Foundation. A Community Development Block Grant (CDBG) in amount of \$200,000.00 will fund this project. The following bids were rejected: Zeller Brothers, Aberdeen in amount of \$288,000.00 and Mueller Lumber, Mitchell in amount of \$199,438.00 (low bid rejected because Addendum No. 1 was not acknowledged). All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to approve and authorize Chairman to sign Notice of Award to Northland Ltd, Fargo, ND in amount of \$209,875.00. All members present voting aye. Motion carried.

**GROTON ANNEXATION:**

Mick Waller informed the Commission that the City Council of the City of Groton held a public hearing on May 19 for purpose of First Reading of Resolution extending the boundaries of the City of Groton. A public hearing for purpose of Second Reading and possible adoption is scheduled for June 2, 2003. Mark McNeary, States Attorney was also in attendance.

**CONTRACT FOR US DOJ FY 2002 EQUIPMENT PROGRAM:**

Moved by Wiese, seconded by Feickert to approve and authorize the Chairman sign State of South Dakota Reimbursement Contract for US Department of Justice FY 2002 Equipment Program between Brown County and the SD Division of Emergency Management in total amount of \$172,733.33 for specific equipment listed in Appendix A to Contract. All members present voting aye. Motion carried.

**EXECUTIVE SESSION:**

Moved by Hansen, seconded by Wiese to go into executive session for personnel discussion with Freddie Robinson in attendance. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Knecht to adjourn executive session. All members present voting aye. Motion carried.

**BROWN COUNTY WEED AND SEED:**

Jodi Gerdes, Brown County Weed and Seed Coordinator presented the Commission with an update of the program.

**EXECUTIVE SESSION:**

Moved by Wiese, seconded by Hansen to go into executive session for personnel/contract discussion with Dick Howard, Executive Director of the SD Association of County Commissioners, Gordon Vanauken, Freddie Robinson and Jeanette Nietert in attendance. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Wiese to adjourn executive session. All members present voting aye. Motion carried.

**AGREEMENT:**

Moved by Feickert, seconded by Knecht to approve and authorize the Chairman sign Intergovernmental Agreement between Brown County and the SD Association of County Commissioners, effective May 19, 2003 through December 31, 2004. The Association agrees to provide the services of Gordon Vanauken, Statewide 911 Coordinator to serve as a technical manager for Brown County in the start-up, operation and maintenance of the Brown County Emergency Communications Center at a rate of \$29.00 per hour up to a maximum of \$2,500.00 per month. All members present voting aye. Motion carried.

RECESS:

The Chairman declared the Commission recessed until May 27, 2003.

Maxine Taylor, Brown County Auditor

MAY 27, 2003 - JOINT CITY/COUNTY MEETING

The Brown County Commission and the Aberdeen City Commission met in joint session at 8:45 A.M. in the Aberdeen Commission Chambers, 123 S Lincoln, Aberdeen, South Dakota. Present from City were Commissioners Klabo, Omland, Kirkpatrick, Pfeifer and Mayor Hopper. Present from County were Commissioners Feickert, Wiese, Hansen and Knecht. Absent Commissioner Fischbach.

On motion by Kirkpatrick and seconded by Klabo, the City Commission unanimously voted to continue hearing date on Ordinance No. 03-05-01/274, Ordinance No. 03-05-02/275 and Ordinance No. 03-05-03/276 to June 23, 2003 at 5:30 P.M. in the Aberdeen Commission Chambers.

Moved by Knecht, seconded by Wiese to continue hearing date on Ordinance No. 03-05-01/274, Ordinance No. 03-05-02/275 and Ordinance No. 03-05-03/276 to June 23, 2003 at 5:30 P.M. in the Aberdeen Commission Chambers. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to adjourn the Brown County Commission. All members present voting aye. Motion carried.

Maxine Taylor – Brown County Auditor

MAY 27, 2003 – GENERAL MEETING

Meeting called to order by Chairman Fischbach at 9:00 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioner's Hansen, Feickert, Knecht and Wiese.

MINUTES:

Moved by Wiese, seconded by Knecht to approve the General Meeting minutes of May 20, 2003. All members present voting aye. Motion carried.

CLAIMS:

Moved by Hansen, seconded by Wiese to approve the following claims:

Supplies: Mallory Headsets..\$79.85, SD Dept of Rev..\$750.00, New Trends..\$7.45, IAAO..\$155.00, Sherri Rawstern..\$9.54, Parcel-Erickson..\$41.95, Midwest Plan Service..\$20.00, Van Diest Supply..\$845.35, Carquest..\$1172.51, Creative Sign..\$20.00, Crushing..\$9750.00, Diesel Machinery..\$3777.45, Fire Safety First..\$404.99, Howes Oil..\$6769.50, Koch Materials..\$5799.88, Lawson Products..\$358.00, Piorier Equip..\$3000.00, Pro Ag..\$423.71, Brown County..\$2280.26, NECOG..\$3183.98, City of Aberdeen..\$1592.69, City of Groton..\$585.54, Aberdeen Police..\$1800.00, Aberdeen School Dist..\$5403.89, Best Business..\$144.11, Mark Milbrandt..\$6.00, NADRIC..\$90.00, Langs..\$14.00, Scott Kolb..\$101.50, Office Equip..\$559.00, SD Dept of Rev..\$1216.00, Exec Mgmt..\$1839.20, Medtox..\$250.34, Great North American Co..\$308.16, Hofer's Repair..\$41.37, Medical Center Pharmacy..\$573.52, Roncalli..\$35.00, Phillips 66..\$26.14, Sirchie..\$59.38, Runnings..\$15.98, Galls..\$53.53, Internet Crimes..\$699.00, CDW Govt..\$1107.71:

Mileage: Matthew Traylor..\$223.88, Kathy Fischer..\$54.00, Mary Worlie..\$54.00, Leo Leshner..\$54.00, Lorah Houser Jankord..\$103.60, Melissa Koester..\$249.42, Charlene Millim..\$25.56:

Publications: American News..\$500.61:

Professional Fees: witness fee..\$20.00, Richard Russman..\$2916.66, Kim Dorsett..\$2083.33, Sheriff of Yankton County..\$16.50, Avera St Lukes..\$2095.11, Dakota Imaging..\$144.74, Aberdeen Family Physicians..\$320.26:

Court Appointed Attorney: Randy Turner..\$4166.61, Christy Serr..\$4166.61, Scott Kuck..\$4166.61, William Gerdes..\$4166.61:

Utilities: Midcontinent Cable..\$212.67, Qwest..\$40.22, Northwestern Energy..\$59.72, James Valley..\$239.20, Cellular One..\$96.80, Northwestern..\$197.50:

Care of Poor: Dr/Hospital – 10 recipients..Dakota Plains Surgical..\$10,998.90, Avera St Lukes..\$9671.79, Northern Plains OMS..\$163.00, Siouxland Anesthesiology..\$304.00, Orthopedic Surgery..\$2072.22; Rent – 6 recipients..Jon Husby..\$230.00, Milbert Schaffer..\$97.60, Leona Vilhauer..\$85.00, D&L LLC..\$115.00, Tom Appletoft..\$101.70, Nichols Mgmt..\$190.00; Insurance – 1 recipient..Dakotacare..\$535.62; Utilities – 3 recipients..Northern Elec..\$190.00, NWPS..\$440.00, City of Aberdeen..\$120.21; Transportation – 1 recipient..Jefferson Line..\$106.00. All members present voting aye. Motion carried.

PERSONNEL:

Moved by Hansen, seconded by Knecht to approve hiring Amanda Mollman as Seasonal Highway Employee, effective May 12, 2003 at \$8.17 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to approve hiring Holly Ann Schumacher, Shana Theobald and Stacey LeDuc as part-time Home Detention Officers, effective May 27, 2003 at \$9.49 per hour. All members present voting aye. Motion carried.

FIREWORKS PERMIT:



Moved by Wiese, seconded by Knecht to approve and authorize the Chairman sign Fireworks Public Display Permit to operate a display of Fireworks on August 16, 2003 at the Fairgrounds (Brown County Fair), subject to status of burn ban in Brown County. All members present voting aye. Motion carried.

PLATS:

Commissioner Knecht offered the following Resolution:

RESOLUTION NO. 48-03

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD that the plat showing "Lot 2C of Lot 2 Schaeffer Richmond Lake Subdivision in the NW ¼ of Sec 25-T124N-R65W of the 5<sup>th</sup> P.M., Brown County, SD", having been examined, is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof.

Seconded by Commissioner Wiese. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

RESOLUTION NO. 49-03

BE IT RESOLVED by the County Commission of Brown County, SD that the plat showing "L & M Subdivision in SE ¼ Sec 16-T123N-R63W of 5<sup>th</sup> P.M., Brown County, SD", 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 Knecht. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

RESOLUTION NO. 50-03

BE IT RESOLVED by the County Commission of Brown County, SD that the plat showing "Evelo's First Subdivision in S ½ Sec 29-T123N-R63W of 5<sup>th</sup> P.M., Brown County, SD", 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 Hansen. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Hansen offered the following Resolution:

RESOLUTION NO. 51-03

BE IT RESOLVED by the County Commission of Brown County, SD that the plat showing "Edwards Third Subdivision in SE ¼ Sec 26-T124N-R64W of 5<sup>th</sup> P.M., Brown County, SD", 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. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Knecht offered the following Resolution:

**RESOLUTION NO. 52-03**

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD that the plat showing "Weismantel Subdivision in the SW ¼ of Sec 10-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD", having been examined, is hereby approved in accordance with the provisions of SDCL Chapter 11-3, and any amendments thereof.

Seconded by Commissioner Wiese. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Knecht offered the following Resolution:

**RESOLUTION NO. 53-03**

BE IT RESOLVED by the County Commission of Brown County, SD that the plat showing "Kuntz Outlot 1 in the SW ¼ of Sec 34-T124N-R64W of the 5<sup>th</sup> P.M., Brown County, SD", 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. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Hansen offered the following Resolution:

**RESOLUTION NO. 54-03**

BE IT RESOLVED by the Board of Commissioners of Brown County, SD that the plat showing "Arlt's Second Addition in the SW ¼ of Sec 25-T124N-R64W of the 5<sup>th</sup> P.M., Brown County, SD", 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. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

**SURPLUS PROPERTY:**

Moved by Knecht, seconded by Hansen to declare burner from boiler surplus for donation to Newport Colony on condition they remove from premises. All members present voting aye. Motion carried.

**BROWN COUNTY WEE D AND SEED:**

Moved by Wiese, seconded by Knecht to approve the following Weed and Seed Year Two funding requests: Brown County Sheriff (Computer Crime Investigator Course); City of Aberdeen (Computer, Digital Camera, Radio for Code Enforcement Officer); Aberdeen Police Department (Video equipment for Drug Dog Officer); The Salvation Army (Community Center), as recommended by the Steering Committee. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to approve the Brown County Weed and Seed Monthly Expenses for May 2003 (Year One 2002-WS-QX-0054), in amount of \$1,257.92. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to approve the Brown County Weed and Seed Monthly Expenses for May 2003 (Year Two 2002-WS-QX-0054), in amount of \$12,042.23. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Knecht to amend Procedure for the Brown County Weed and Seed (Year Two) Funding Proposals, as amended (originally adopted by the Brown County Commission on May 21, 2002 and amended September 17, 2002 and December 17, 2002). All members present voting aye. Motion carried.

**EXECUTIVE SESSION:**

Moved by Feickert, seconded by Knecht to go into executive session for personnel discussion with Pat Dahlerup and States Attorney Mark McNeary in attendance. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to adjourn executive session. All members present voting aye. Motion carried.

**HIGHWAY PROJECT UPDATE:**

Dirk Rogers, Highway Superintendent presented an update on current department projects.

**RECESS:**

The Chairman declared the Commission recessed until June 3, 2003.

Maxine Taylor – Brown County Auditor

# JUNE 3, 2003 – GENERAL MEETING

Meeting called to order by Chairman Fischbach at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Feickert, Knecht and Wiese.

## MINUTES:

Moved by Hansen, seconded by Wiese to approve the Joint City/County Meeting Minutes and the General Meeting Minutes of May 27, 2003. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Feickert, seconded by Wiese to approve the following claims:

Payroll: Commissioners..\$2,443.30; Auditor..\$5,879.50; Treasurer..\$8,105.90; Data Processing..\$1,573.08; State's Attorney..\$8,775.72; Victims Assistance..\$904.05; Maintenance..\$4,999.67, Assessor..\$7,363.20; Planning & Zoning..\$1,042.39; Register of Deeds..\$4,517.90; Veterans Service Office..\$2,359.80; Sheriff..\$51,869.91; DOJ Grant..\$2,486.17; Communications..\$13,226.49; Welfare Office..\$2,608.10; Health..\$2,544.80; Museum..\$3,836.80; Fairboard..\$1,775.11; Fairgrounds & Parks..\$3,787.71; Extension..\$1,550.40; Weed..\$2,263.15; Emergency Management..\$2,107.79; Weed & Seed..\$1,038.47; Highway..\$35,896.42; Landfill..\$6,623.85; Matching Benefits: FICA..\$11,136.90, Medicare..\$2,604.54, Wellmark BCBS Life..\$695.96, Wellmark BCBS Health..\$52,301.25, Delta Dental..\$3,410.00, SD State Retirement..\$31,634.90:

Supplies: Office Equipment..\$89.40, Office Max..\$132.30, Don Builders Hardware..\$34.95, CarQuest Auto Parts..\$44.09, Runnings..\$60.93, SD Assoc of County Commissioners..\$333.50, Advance Auto Parts..\$3.47, Clark Engineering..\$821.95, HC Clark Impellent..\$54.99, Crawford Trucks..\$1285.02, Diesel Machinery..\$2,995.00, Farm Power Mfg..\$525.62, Freys Electronics..\$199.41, Dave Gardner Trucking..\$1,320.00, Great Western..\$1,845.88, Huron Culvert & Tank..\$118.00, Jerrys Radiator..\$36.50, K-Mart..\$32.57, Kens Alignment..\$342.05, Lawson Products Inc..\$32.64, M-R Sign Co..\$408.07, Newman Traffic Signs..\$222.44, Office Equipment..\$30.60, Old Dominion Brush..\$602.00, Share Corp..\$326.80, Trail King Ind..\$40.00:

Mileage & Travel: Dennis Feickert..\$224.72, Leo Leshner..\$90.48, Gene Loeschke..\$164.14, Jodi Gerdes..\$845.65, Tom Schmitt..\$877.65:

Publications: Parks, Rec & Forestry..\$75.00, APCO..\$175.00:

Utilities: Cellular One..\$21.42, Cellular One..\$31.69, Cellular One..\$160.77, Montana Dakota Utilities..\$26.54, NW Energy Huron..\$1,376.06:

Care of Poor: Drugs – 3 recipients..Walmart Pharmacy..\$37.91, Kesslers Pharmacy..\$213.18, Kesslers Pharmacy..\$151.30; Dr./Hospital – 8 recipients – Dakota Plains Surgical Center..\$369.00, Sioux Valley Hosp..\$12,083.80, Avera St Lukes ..\$20,074.52; Insurance – 1 recipient.. Avera Health Plans..\$297.33; Utilities – 5 recipients..NWPS..\$230.00, NWPS..\$190.00, NWPS..\$190.00, NWPS..\$230.00, NWPS..\$250.00; Rent – 2 recipient..Park Village Mobile Home Court..\$155.00, G&J Investments..\$170.00. All members present voting aye. Motion carried.

## PERSONNEL:

Moved by Feickert, seconded by Wiese to approve the following employee step/longevity increases, effective June 8, 2003: Cindy Meyers @ \$10.27 per hour, Shari Schock @ \$9.99 per hour, Melody Flinn @ \$10.42 per hour, Mandy Pettigrew @ \$10.26 per hour, Brian Dargatz @ \$12.09 per hour, Kim Perrin @ \$10.42 per hour, Sherry Theobald @ \$10.11 per hour, Kendell Titze @ \$11.57 per hour. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Wiese to approve hiring Mike Law as a part-time Home Detention Officer, effective June 3, 2003 at \$9.49 per hour. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Wiese to approve employee status change for Ryan Kiefer from full-time to part-time Corrections Officer, effective June 1, 2003 at \$8.80 per hour. All members present voting aye. Motion carried.

#### SURPLUS PROPERTY SALE:

Moved by Wiese, seconded by Knecht to approve and authorize the Chairman to sign the following Quit Claim Deed to the successful bidder for the surplus property sold at auction at 10:00 A.M. on May 28, 2003: Frederick City: First Addition, Lots 13, 14 & E 37' of Lot 15 and vacated street, Block 44 to Shirley M Anderson for \$225.00. All members present voting aye. Motion carried.

#### ANNUAL MALT BEVERAGE LICENSE HEARING:

Moved by Feickert, seconded by Hansen to authorize advertising public hearing to consider the following applications for RETAIL (ON-OFF SALE) MALT BEVERAGE LICENSES: Marge Frohling DBA The Connection, Houghton. Alan Lanphere DBA Bath Quick Stop, Bath. Terry Voeltz DBA T's Promotion, Inc, Aberdeen (Fairgrounds Grandstand limited to drawing attached to license). Moccasin Creek Country Club Inc, Aberdeen. Elm Lake Resort Inc, Forbes ND. James R Schumacher DBA Westside Bait & Tackle, Aberdeen. Public hearing to be held at 8:45 AM on June 17, 2003 in the Chambers of the Brown County Commissioners, Courthouse Annex, Brown County, SD. All members present voting aye. Motion carried.

#### SET HEARING DATE:

Moved by Hansen, seconded by Feickert to set public hearing for 5:30 p.m. on June 23, 2003 in the Aberdeen City Commission Chambers, 123 S Lincoln Street for First Reading of Ordinance No. 03-06-01/277 (Jones), An Ordinance to amend Ordinance No. 1164 to rezone the following described property from Section 710 (I-2) Unrestricted Industrial District and Section 707 (C-2) Highway Commercial District to Section 707 (C-2) Highway Commercial District (Lots 1 and 2 of "L&M Subdivision in the SE ¼ Sec 16-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto); Ordinance No. 03-06-02/278 (Rosebrock/Weismantel), to amend Ordinance No. 1164 to rezone the following described property from Section 701 (A-1) Agricultural District to Section 707 (C-2) Highway Commercial District (Lot 1 of "Weismantel Subdivision in the SW ¼ of Sec 10-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD", and extending to the centerline of all public right-of-way located adjacent thereto); Ordinance No. 03-06-03/279 (Hartman), to amend Ordinance No. 1164 to rezone the following described property from Section 701 (A-1) Agricultural District to Section 703 (R-1) Low Density Residential District (Lot 1 of "Hartman First Subdivision in the SE ¼ of Sec 17-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto); Ordinance No. 03-06-04/280 (Arlt), to amend Ordinance No. 1164 to rezone the following described property from Section 701 (A-1) Agricultural District to Section 714 (M-AG) Mini-Agricultural District (Lots 3, 4 and 5 of "Arlt's Second Addition in the SW ¼ of Sec 25-T124N-R64W of the 5<sup>th</sup> P.M., Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto). All members present voting aye. Motion carried.

#### FIREWORKS PERMIT:

Moved by Knecht, seconded by Wiese to approve and authorize the Chairman sign Fireworks Public Display Permit to operate a display of Fireworks on July 5, 2003 at Elm Lake (Paul Monroe), subject to status of burn ban in Brown County. All members present voting aye. Motion carried.

#### TOWNSHIP BONDS:

Moved by Wiese, seconded by Knecht to approve the following Township Bonds (Treasurer and Clerk): PORTAGE #1- Susan Gerdes, Tom Stehly; GREENFIELD #2 - Carol Luttrell, Karen Lunzman; FREDERICK #3 - Dan Rahja, Eric Sumption; ALLISON #4 - Dillon Cutler, Robert Hixon; LANSING #5

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- Sharon Lehr, Dixie Clark; ONEOTA #6 - Karla Engelhart, Neil Schaunaman; BRAINARD #7 - Charles Dennert, Diane Bruns; SHELBY #8 - Karen Mettler, Brent Miller; NORTH DETROIT #9 - Sandy Dinger, Cindy Olson; CLAREMONT #10 - Donald Wegleitner, Justin Wegleitner; COLUMBIA #11 - Marty Weismantel, Roger Zastrow; WESTPORT #12 - Guyna Dehne, Henry Schaunaman; CARLISLE #13 - Sally Waltman, Alfred Waltman; ORDWAY #14 - Kerry Howell, Mike McHugh; CAMBRIA #15 - Monte McNickle, Ron Ringgenberg; RIVERSIDE #16 - Art Gengerke, Bruce Sippel; GROTON #17 - Jerry Locke, Jeff Howard; HENRY #18 - Jerroll Erdmann, Lena Cox; BATH #19 - David Stahl, Scott Sperry; ABERDEEN #20 - Tom Eilers, Darlys Jensen; MERCIER #21 - Jerry Streckfuss, Randy Bauer; NEW HOPE #22 - Alan Borchard, Milton Haselhorst; WARNER #23 - Bev Graham, Robert Seaton; GEM #24 - Loel Schott, Mary Jane Schott; EAST HANSON #25 - Dennis Pigors, Richard Strom; GARDEN PRAIRIE #26 - Steve Dunker, Todd Osterman; EAST RONDELL #27 - Marilyn Stange, Cheryl Papke; PALMYRA #28 - Sarah Monroe, Paul Monroe; OSCEOLA #29 - John Peldo, Chris Sumption; SAVO #30 - Calvin Raisanen, Mary Ann Luoma; LIBERTY #31 - Ben Willhaus, Rollin Stearns; RAVINIA #34 - Lisa Berbor, Patrick Keatts; HIGHLAND #35 - Dan Misslitz, Alan Dahme; FRANKLYN #36 - Sharon Bain, Jeff Stein; RICHLAND #37 - Margaret Sumption, Deb Heine; LINCOLN #39 - Loren Harms, Casey Black; BATES #44 - Kathy Dobberpuhl, Roger Ball; GARLAND #46 - Lloyd Buntrock, Dwain Buntrock; PUTNEY #48 - Robert Schuelke, Kevin Pharis; WEST HANSON #49 - Tom Paepke, Arnold Bahr; HECLA #50 - Cindy Bagley, Sharon Schroeder; PRAIRIEWOOD #53 - Richard Niebuhr, Craig McFarland; WEST RONDELL #57 - Allen Ryckman, Larry Ihde; SOUTH DETROIT #59 - Mark Perkins, Mark Hoines. All members present voting aye. Motion carried.

#### SHERIFF REPORTS:

Moved by Wiese, seconded by Feickert to approve the following April 2003 Sheriff Reports: Incidents and Offenses, Prisoner Care, JDC, Money deposited with the County Treasurer, Monthly activities and Commissary Report. All members present voting aye. Motion carried.

#### GROTON PROPOSED ANNEXATION:

Gerald Rix, Anita Lowary, Gary Heitmann and Drew Johnson met to discuss the proposed annexation of unplatted property west of Groton City. Mr. Johnson explained that a new hearing date will be set and advertised due to a change in the footage in the annexation proposal. The Commission will act upon the proposal, as per SDCL 9-4-5 after the public hearings have been held. Jon Anderson was also in attendance.

#### EXECUTIVE SESSION:

Moved by Wiese, seconded by Hansen to go into executive session to discuss possible litigation with Sheila Enderson in attendance. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Wiese to adjourn executive session. All members present voting aye. Motion carried.

#### DISTRESS WARRANT:

Moved by Feickert, seconded by Hansen to approve and authorize a Distress Warrant be issued on a 1995 Friendship Mobile Home owned by Wayne and Tammi Ackerman. All members present voting aye. Motion carried.

#### SHERIFF DEPARTMENT UPDATE:

Mark Milbrandt and John VanderHoek discussed the procedure change for revenue from the sale of commissary items to inmates; the purchase of a system to transmit informational videos to all cells simultaneously; and discussed procedure for transferring an employee from full-time to part-time.

**EM UPDATE:**

Freddie Robinson discussed the need for a new or used vehicle to replace the current one; the Department of Interior selection of Brown and McPherson Counties for a pilot project "Comprehensive Fire Plan for Counties" and the need to select a Commissioner to serve as a member on the Fire Plan Committee. The Chairman will serve on the Committee.

**EXECUTIVE SESSION:**

Moved by Wiese, seconded by Feickert to go into executive session for personnel discussion with Freddie Robinson in attendance. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Knecht to adjourn executive session. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to go into executive session to discuss possible litigation. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Wiese to adjourn executive session. All members present voting aye. Motion carried.

**RECESS:**

The Chairman declared the Commission recessed until June 10, 2003.

Maxine Taylor – Brown County Auditor

JUNE 10, 2003 – GENERAL MEETING

Meeting called to order by Chairman Fischbach at 8:45 A.M. in the Commissioners Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Feickert, Knecht and Wiese.

MINUTES:

Moved by Wiese, seconded by Hansen to approve the General Meeting minutes of June 3, 2003. All members present voting aye. Motion carried.

CLAIMS:

Moved by Wiese, seconded by Hansen to approve the following claims:

Supplies: Heartland Paper..\$288.73, Pro Ag Supply..\$99.50, Postage Reserve Acct..\$5,000.00, Civic Research Institute..199.95, Lar-Jo's..202.50, Penny Hart..\$300.00, Daryl Lloyd..\$600.00, Quality Quick Print..\$9.80, Eide Baily..\$231.00, Ab Area Senior Center..\$250.00, West Group Payment Center..\$2,539.13, Lexis Nexis..\$42.94, QQP..\$458.98, Lar-Jo's..\$20.00, New Trends..\$120.62, Office Equipment..\$100.08, Dakota Supply..\$156.94, Woodman Refrigeration..\$174.20, Huffman..\$59.98, Ecolab..\$162.50, Ameri-Pride..\$39.00, Mac's Inc..\$3.90, UBC..\$7.23, Grote Roofing..\$103.77, Tri-State Water..\$33.00, Bonnie Bitz..\$96.00, Photo X Press..\$38.68, Gardner Locksmithing..\$55.70, Lust..\$68.63, Midcontinent Comm..\$120.00, Kesslers..\$325.50, Kesslers..\$78.79, HRS..\$3182.27, Bob Barker..\$66.33, Hoven Auto..\$87.07, Northwestern..\$40.00, Velvet Uniforms..\$643.26, Walmart..\$249.79, Dakota Electronics..\$1134.55, Office Max..\$105.98, Best Business..\$114.29, Office Equipment..\$47.00, CDW Government Inc..\$475.00, OK Tire..\$7.00, Dick's Westside..\$30.00, QQP..\$104.07, Photo X Press..\$49.44, Hitch N Post..\$104.97, Simplexgrinnell LP..\$98.00, Parcel Erickson..\$114.38, Nat Sheriff's Assoc..\$100.00, Best Business..\$22.81, Visa..\$241.87, Towing Plus..\$65.00, New Trends..\$45.55, Respond..\$127.40, SD Civil Air Patrol..\$195.00, Runnings..\$31.23, RDO Equipment..\$59.94, Mac's..\$53.97, Heartland Paper..\$73.46, Runnings..\$186.98, Jensen Rock & Gravel..\$138.00, A-1 Sanitation..\$273.40, Janitor Supply..\$38.25, Aberdeen Hockey..\$50,000.00, Dakota Supply Group..\$212.04, Parkview Nursery..\$1500.00, North Central Steel..\$2597.19, Dakota Electronics..\$25.00, OK Tire..\$883.00, Hub City Rents LLC..\$8.94, Specialty Mfg..\$1200.00, Weather All Roofing Inc..\$9063.00, Alan Winburn..\$2510.00, Aberdeen Asphalt..\$247,406.20, Artz Equipment..\$15.31, Business Products..\$7.71, Kevin Bourdon Trucking..\$1320.00, Bridgestone/Firestone Inc..\$139.00, Butler Machinery..\$1140.75, Cartney Bearing..\$83.04, Dakota Fluid Power..\$117.44, Dakota Oil..\$441.25, Dakota Supply Group..\$4.92, Erdmann Oil Co..\$6605.34, Evergreen Supply Inc..\$36.50, Exhaust Pros..\$15.00, Hecla Implement..\$15.84, Hedahl's..\$188.05, Huron Curlvert & Tank..\$2375.00, Interstate Battery System..\$63.95, James Valley Coop..\$142.92, Kar Products..\$185.09, Koch Materials..\$5186.24, Lien Transportation..\$71,097.54, M-R Sign Co..\$240.93, Mac's..\$201.75, Menards of Aberdeen..\$266.04, Newman Traffic Signs..\$792.89, Odland Gravel..\$1302.00, Performance Products..\$200.00, Petroleum Partners..\$308.82, Runnings..\$134.97, Safety Service..\$598.70, Sheehan Mack Sales..\$923.32, Best Business Products..\$42.33, Ab TV, Audio & Appl..\$87.78, Dakota Electronics..\$1,222.70, Walmart Community..\$31.94, Office Max..\$12.15, Kmart..\$44.91, Mac's..\$7.58, Kirk's Auto..\$22.00, Safety Kleen Systems..\$246.50, QQP..\$310.80, Carquest Auto Parts..\$141.69, OK Tire..\$8.00, Runnings..\$87.75, HF Jacobs & Son Const..\$5,001.00, Fire Safety First..\$299.46, Paul Mardian..\$1,576.17, Butler Machinery..\$440.16, Radio Shack..\$29.98, Brick Propane..\$117.40, Sheehan Mack Sales..\$161.60, Ken Opp Sanitation..\$68.80:

Mileage & Travel: Extension Service..\$283.40, Deb Knecht..\$318.08, Nancy Hansen..\$1174.07, Kelly Inn..\$98.00, Best Western..\$58.50, Gary Erickson..\$189.61:

Transcriptions: Sharon Neal..\$13.00, Richard Neal..\$30.30, Jeanne Haug..\$90.00:

Publications: Dakota Press..\$432.00, American News..\$564.30, Chicago Tribune..\$268.54:

Professional Fees: witness fees..\$172.20, FGP Program..\$2813.51, NADRIC..\$2,083.33, Parents as Teachers Program..\$359.55, Warner School District..\$990.00, City of Groton..\$50.00, Christine Heidenreich..\$1520.33, RSVP..\$12,000.00, Huron Clinic..\$35.00, Ex. Mgmt Finance Office..\$47.52,



Chippewa Co Sheriff..\$31.40, Yahoo Custodian of Records..\$25.00, Lutheran Social Services..\$404.52, Avera St Lukes..\$64.00, Fisher's Cleaning Ser..\$78.00, Dawn Woods..\$900.00, Accurint..\$6.50, Bexar County Forensic Science Ctr..\$658.00, Dept Revenue..\$70.00, HC Clark Implement..\$1,625.00: Utilities: NW Energy..\$35.71, Verizon Wireless..\$135.79, Qwest..\$54.17, Qwest..\$41.94, AT&T..\$2.88, NW Energy..\$5826.46, Midcontinent Comm..\$36.08, Qwest..\$41.94, NW Energy..\$622.92, Cellular One..\$73.40, Web Water..\$37.50, Qwest..\$126.11, Qwest..\$32.22, Northern Valley Comm..\$21.15, Web Water..\$150.00, Wheat Growers..\$561.28, Erdmann Fuels..\$816.02, Aberdeen City Treasurer..\$162.90, Town of Frederick..\$18.25, Northern Valley..\$73.62, Midcontinent Comm..\$36.08, Cellular One..\$79.10, Northwestern..\$80.22, Prairiewave..\$19.95, Cellular One..\$158.27, Web Water..\$35.80: Care of Poor: Drugs – 4 recipients..Dakota Square Pharmacy..\$159.26, Jones Drug..\$231.55, , Medical Center Pharmacy..\$583.49, Shopko Pharmacy..\$273.93: Dr./Hospital – 6 recipients – Avera St Lukes..\$3108.81, Aberdeen Plastic Surgery..\$662.64, Dakota Imaging..\$25.94, Abdn Surgical Assoc..\$1889.02, Harlow Orthopedics..\$437.06, OBGYN..\$26.30; Utilities –3 recipients..Northern Electric..\$281.99, BDM Rural Water Systems..\$158.01, NWPS..\$885.47; Rent – 7 recipients..Jon Husby..\$150.00, Don Bonn..\$200.00, G&J Investments..\$97.50, D&L LLC..\$240.00, Rockford Apartments..\$460.00, Kurt Kruger..\$185.00, Danne Inc..\$190.00. All members present voting aye. Motion carried.

#### AUDITORS REPORT OF ACCOUNT:

Moved by Hansen, seconded by Wiese to approve the May 2003 Auditor's Report of Account with the County Treasurer in total amount of \$13,039,983.04 (total amount of actual cash @ \$3,360.60, Wells Fargo Bank @ \$3,109.47, US Bank @ \$8,776.67, Dacotah Bank @ \$56,060.31, Petty Cash @ \$1,700.00, Fund Investments @ \$12,966,836.59, Outstanding Checks @ \$139.40). All members present voting aye. Motion carried.

#### TRANSFER:

Moved by Wiese, seconded by Hansen to approve and authorize the transfer of spending authority and cash, as reflected in the 2003 General Fund #101 Budget: \$1,000,000.00 to Road & Bridge Fund #201. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Knecht to transfer balance of non-federal money in Fund #237 to Presentation College in amount of \$2,813.51, as the new sponsor for the Foster Grandparent Program. All members present voting aye. Motion carried.

#### LOTTERY APPLICATION:

Moved by Wiese, seconded by Knecht to approve and authorize the Chairman sign application, submitted by Bide-A-Wee Extension Club for raffle to be held on August 17, 2003. All members present voting aye. Motion carried.

#### PLAT:

Commissioner Feickert offered the following Resolution:

#### RESOLUTION NO. 55-03

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing "Schaeffer Richmond Lake Second Addition in the NW ¼ and NE ¼ of Sec 25-T124N-R65W of the 5<sup>th</sup> P.M., Brown County, SD", having been examined, is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof.

Seconded by Commissioner Wiese. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

**SURPLUS PROPERTY:**

Moved by Wiese, seconded by Hansen to declare the following property surplus for purpose of donation to Aberdeen City, for use in the street department: high-band radio equipment #2895 SN170523, #2918 SN114866, #2924 SN213213, #2953 SN150375, #2967 SN297292, #3041 SN321769. All members present voting aye. Motion carried.

**MUSEUM UPPER FLOOR WINDOW REPLACEMENT PROJECT:**

Moved by Wiese, seconded by Knecht to approve and authorize the Chairman sign Notice to Proceed document with Northland, LTd., as bid for the Dacotah Prairie Museum Upper Floor Replacement Project, effective June 10, 2003 with completion date of October 15, 2003. All members present voting aye. Motion carried.

**EXECUTIVE SESSION:**

Moved by Hansen, seconded by Wiese to go into executive session to discuss possible litigation with Mike Scott in attendance. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Feickert to adjourn executive session. All members present voting aye. Motion carried.

**PREVENTION GRANT:**

JDC Supervisor Barb Johnson, Simmons Principal Eric Kline and Holgate Principal Dr. Gregg Aas presented information on the success of the Community Resource Coordinator positions made available during the past school year by the Prevention Grant and endorsed continuation of the program next year. A salary increase was requested for the Community Resource Coordinator positions. The Commission took no action on the salary increase request at this time. Kathy Tupper and Kevin Bain were also in attendance.

Kevin Bain, NECOG presented an update on the contract for a physical fitness instructor at the JDC, to be funded by the Prevention Grant.

**HIGHWAY PROJECT UPDATE:**

Dirk Rogers, Highway Superintendent discussed the following: Paving update/schedule, Chip Sealing update/schedule for week of June 16-20 and Water levels.

**EXECUTIVE SESSION:**

Moved by Feickert, seconded by Hansen to go into executive session for personnel discussion with Dirk Rogers in attendance. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Wiese to adjourn executive session. All members present voting aye. Motion carried.

**PERSONNEL:**

Moved by Wiese, seconded by Hansen to authorize the highway department to advertise a Labor Grade 5 position. All members present voting aye. Motion carried.

**PROPERTY RELEASE:**

Moved by Wiese, seconded by Knecht to authorize resolution to release lien from property be prepared upon receipt of \$4000.00 from proceeds of property sale. All members present voting aye. Motion carried.

**BID - SECURITY VIDEO EQUIPMENT:**

Mark Milbrandt, John VanderHoek, Mick Palmer and Judy Dosch discussed the specifications for camera security equipment for the Jail and JDC.

Moved by Wiese, seconded by Feickert to authorize advertising public hearing to open, read and consider bids for labor and material to install a Security Video System in the Brown County Jail and Juvenile Detention Center, to be held at 8:45 a.m. on July 22, 2003 in the Commissioners Chambers, Courthouse Annex, Brown County, SD. All members present voting aye. Motion carried.

#### BMX TRACK:

Kyle Oswald, BMX Track Operator met to explain and request permission to install a light pole and to landscape area around BMX sign on County property. Board concurred.

#### COOLING SYSTEM:

Freddie Robinson, Mick Palmer and Bill Meink explained temperature problem occurring in the Dispatch Center and adjacent equipment room. It was suggested that a separate air conditioning unit be installed to solve the problem at an estimated cost of \$8,600.00.

Moved by Feickert, seconded by Hansen to authorize separate air conditioning unit be installed at an estimated cost of \$8,600.00 to be paid from Fund #207. All members present voting aye. Motion carried.

#### AGREEMENT:

Moved by Feickert, seconded by Wiese to approve and authorize the Chairman sign agreement with Northeast Council of Governments in amount not to exceed \$8,400.00 for assistance in the completion of a Pre Disaster Mitigation (PDM) Plan as required by a grant agreement between Brown County and the Department of Emergency Management. All members present voting aye. Motion carried.

#### FIRE REIMBURSEMENT UPDATE:

Freddie Robinson informed the Commission that the entities involved with the suppression of the fire along the James River and the support agencies were negotiating a settlement with the landowners insurance company.

#### EXECUTIVE SESSION:

Moved by Feickert, seconded by Hansen to go into executive session to discuss personnel with Freddie Robinson in attendance. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Feickert to adjourn executive session. All members present voting aye. Motion carried.

#### EMPLOYEE HEALTH INSURANCE:

Moved by Knecht, seconded by Wiese to renew the Brown County Employee Health Insurance Plan with Wellmark Blue Cross and Blue Shield of SD with the following changes: Premium – Single @ \$336.58 per month, Two-Party @ \$620.58 per month and Family @ \$853.58 per month. Benefit period deductible @ \$500 Single, \$1000 Two-Party, \$1500 Family. The Insurance plan coverage effective July 1, 2003 through June 30, 2004. All members present voting aye. Motion carried.

#### RECESS:

The Chairman declared the Commission recessed until June 17, 2003.

Maxine Taylor – Brown County Auditor

## JUNE 17, 2003 – GENERAL MEETING

Meeting called to order by Chairman Fischbach at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Feickert, Knecht and Wiese.

## MINUTES:

Moved by Hansen, seconded by Wiese to approve the General Meeting minutes of June 10, 2003. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Knecht, seconded by Wiese to approve the following claims:

Payroll: Commissioners..\$2,443.30; Auditor..\$6,167.48; Treasurer..\$8,105.90; Data Processing..\$1,573.08; State's Attorney..\$9,200.72; Victims Assistance..\$904.05; Maintenance..\$5,021.95, Assessor..\$6,908.45; Planning & Zoning..\$1,042.39; Register of Deeds..\$4,517.90; Veterans Service Office..\$2,257.58; Sheriff..\$54,616.26; DOJ Grant..\$1,736.68; Communications..\$15,778.09; Welfare Office..\$2,608.10; Health..\$2,544.80; Museum..\$4,006.80; Fairgrounds & Parks..\$3,918.85, Fairboard..\$1,775.11; Extension..\$1,944.15; Weed..\$3,023.98; Emergency Management..\$2,107.79; Weed & Seed..\$1,038.47, Highway..\$38,509.73; Landfill..\$6,858.71; Matching Benefits: FICA..\$11,247.24, Medicare..\$2,630.33  
Supplies: Best Business..\$113.33, Treasurer..\$21.47, McLeods..\$181.12, SDN Tech..\$247.25, HRS..\$17.45, NSU..\$150.00, Pizza Ranch..\$63.42, Cunningham Elec..\$592.38, Dakota Supply..\$524.22, Woodman Refrig..\$23.94, Taylor Laundry..\$21.00, Heartland Paper..\$700.23, Cusom Sheet Metal..\$63.00, Runnings..\$30.28, RDR Plumbing..\$35.76, SDAAO..\$90.00, Electronic Security..\$17,767.40, Lexis/Nexis..\$74.40, Matthew Bender..\$624.31, Sec of State..\$7.00, Safety Service..\$577.18, Credit Bureau..\$7.50, Fleet..\$39.10, Amoco..\$87.54, Ameripride..\$192.18, Pierson Ford..\$6.00, Earthgrains..\$542.03, Evercom Systems..\$700.00, AlcoPro..\$288.00, Dept of Revenue..\$3217.01, AW Direct..\$194.25, Creative Signs..\$407.80, Diesel Machinery..\$4500.00, Farm Plan..\$609.19, Farnams NAPA..\$130.96, Dave Gardner..\$920.00, Ken's Alignment..\$455.98, Newman Signs..\$338.00, North Central Farm Elev..\$758.42, Piorier Equip..\$13,825.00, Praxair..\$77.31, Respond..\$64.35, Safelite Auto Glass..\$60.00, Joseph Schwan..\$70.00, Howes Oil..\$6846.75, Lien Transportation..\$47,230.11, Ameripride..\$171.62, Ken's Superfair Foods..\$64.24, A&M Radio..\$44.50, Sherri Rawstern..\$89.25, Quality Quick Print..\$106.98, Dacotah Prairie Museum..\$41.90, Upper Midwest Cons Dist..\$165.00, Parcel-Erickson..\$20.00, Trout Bros..\$417.00, KSFY..\$800.00, KELO..\$800.00, Midcontinent..\$833.80, Northern Tool..\$134.88, Dakota Silk Screen..\$385.30, Mac's..\$106.72, Runnings..\$13.89, McFarland..\$9.59, U of Calif..\$28.00, Menards..\$808.46, Lust Chev..\$40.51, ProAg Supply..\$165.90, Bridgestone..\$15.50, Zeller Bros..\$13,000.00, MVTL Laboratories..\$5109.20, Paul Mardian..\$1278.05, Earth Tech..\$857.77, Sheehan..\$122.47, Hedahls..\$35.94, Pro Ag Supply..\$236.14, Erdmann Oil..\$2934.88, Safety Service..\$147.85, KGIM/KQKD..\$225.00, K-Mart..\$120.00, Jodi Gerdes..\$10.00, City of Groton..\$25.00, NECOG..\$1173.41, Parents As Teachers..\$95.88:  
Mileage & Travel: Judy Dosch..\$300.00, Craig Anderson..\$300.00, Sherry Theobald..\$16.24, Sarah Jesz..\$330.00:  
Publications: American News..\$2818.38, Weekly Edition..\$345.25, Mobridge Tribune..\$115.00, Redfield Press..\$350.00, Midland Press..\$1968.49, Jamestown Sun..\$110.00, Watertown Public Opinion..\$253.26, Dakota Press..\$145.00:  
Professional Fees: witness fees..\$20.00, Avera Queen of Peace..\$160.90, Avera St Lukes..\$150.00, Lutheran Social Services..\$101.13, NEMHC..\$102.41, Career Planning..\$1721.25, Sioux Vocational Service..\$60.00, Yankton County Sheriff..\$16.50, Marv Ekeren..\$15.00, Joan Kittelson..\$15.00, Donna Dietrich..\$118.47:  
Court Appointed Attorney: Kennedy, Rokahr, Pier & Knoff..\$156.20, David Hosmer..\$133.37, Tamara Lee..\$118.83:

Utilities: Northwestern Energy..\$2528.34, City of Aberdeen..\$944.29, Dependable Sanitation..\$153.00, City of Hecla..\$54.56, Northern Elec..\$14.20, Qwest..\$182.03, Verizon..\$49.41, James Valley..\$215.60, AT&T..\$20.40, Northern Rural Cable..\$79.90:

Care of Poor: Dr./Hospital – 7 recipients – Physicians Lab..\$1273.80, Anesthesia Care..\$560.00, OB/GYN..\$1381.84, Anesthesiology Assoc..\$256.00, Mayo Clinic..\$182.49; Utilities – 2 recipients..NWPS..\$278.27; Rent – 8 recipients..William Kimball..\$190.00, Wells Fargo..\$190.00, Kevin Braun..\$210.00, Rieger Assoc..\$210.00, D&D Properties..\$190.00, John Dalager..\$210.00, Michael Erdmann..\$190.00, Larry Welk..\$250.00; Transportation – 1 recipient..Brown County Hwy..\$6.46. All members present voting aye. Motion carried.

#### PERSONNEL:

Moved by Feickert, seconded by Wiese to approve the following employee step/longevity increases, effective June 22, 2003: Cindy Schwan @ \$12.31 per hour, Craig Nelson @ \$12.68 per hour, Casey Thorstenson @ \$10.97 per hour, Sheree Locken @ \$9.85 per hour. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Wiese to acknowledge resignation of Wendy Osterkamp, effective June 28, 2003. All members present voting aye. Motion carried.

#### PREVENTION GRANT – PERSONNEL:

Moved by Wiese, seconded by Knecht to approve hiring Jason Hill, effective June 22, 2003 at \$9.72 per hour as Community Resource Coordinator, to be funded by federal funds from US DOJ Grant #2001-JS-FX-0014. All members present voting aye. Motion carried.

#### SECTION 125 CAFETERIA PLAN:

Moved by Wiese, seconded by Feickert to increase maximum claim amount for Unreimbursed Medical Claim portion of Section 125 Cafeteria Plan from \$2000 to \$2500, effective July 1, 2003. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Knecht to approve and authorize the Chairman sign Agreement for Administrative Services with Eide Bailly LLP for the ongoing administration of Brown County's Section 125 Cafeteria Plan. All members present voting aye. Motion carried.

#### FAIR CONTRACTS:

Moved by Wiese, seconded by Feickert to acknowledge 2003 Fair Entertainment Contracts with Pat Benatar on August 15, 2003 and Sawyer Brown on August 16, 2003. All members present voting aye. Motion carried.

#### SPEED ZONE AMENDMENT NO. 3:

Commissioner Hansen offered the following Resolution:

#### RESOLUTION NO. 56-03

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 56-2000, as amended by Resolution No. 19-01 (BC #16) and Resolution No. 19-02 (BC #17), and

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WHEREAS, the residents of Lincoln Township and Ravinia Township have requested a speed zone change on a portion of Brown County #06.

NOW THEREFORE BE IT RESOVLED that Resolution No. 56-2000 be amended as follows: the speed limit on Brown County Highway 6 shall be 55 miles per hour except as herein modified, qualified and changed:

**County Road 6**, beginning eight-tenths of a mile north of the southwest corner of Section 30 and the intersection of Road 6 and Road 13, T124, R64W of the 5<sup>th</sup> P.M., then north across Richmond Dam and Spillway four-tenths of a mile, 35 MPH;

(Richmond North Bridge), beginning three-tenths of a mile west of the northeast corner of Section 13, T124, R65W of the 5<sup>th</sup> P.M., then west three-tenths of a mile across bridge, 35 MPH;

Effective: June 17, 2003

Seconded by Commissioner Feickert. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

**STORM SHELTER:**

Moved by Knecht, seconded by Hansen to utilize the Courthouse Community Room as a shelter during severe summer weather or extreme heat waves. All members present voting aye. Motion carried.

**BID – EM VEHICLE:**

Moved by Hansen, seconded by Knecht to authorize advertising public hearing to open, read and consider bids for furnishing and delivery of one new 2003 or 2004 Sport Utility Vehicle or one used 2000 or newer Sport Utility Vehicle with less than 65,000 miles with option to lease or purchase and option with or without a trade in, to be held in the Commissioner's Chambers, Courthouse Annex, Brown County, SD at 10:00 a.m. on July 8, 2003. All members present voting aye. Motion carried.

**WAIVE SHERIFF FEES:**

Moved by Feickert, seconded by Knecht to waive the following Sheriff Fees: #03-01 @ \$22.70, #03-02 @ \$16.00, #03-03 @ \$16.50, #03-04 @ \$5.00, #03-05 @ \$16.50, #03-06 @ \$17.55, #03-07M @ \$18.60. All members present voting aye. Motion carried.

**SHERIFF REPORTS:**

Moved by Hansen, seconded by Feickert to approve the following May 2002<sup>3</sup> Sheriff Reports: Incidents & Offenses, Prisoner Care, JDC, Money deposited with the County Treasurer and Monthly activities. All members present voting aye. Motion carried.

**ANNUAL MALT BEVERAGE LICENSE RENEWAL:**

Time and place as advertised for public hearing to consider renewal of Annual Malt Beverage License Applications.

Moved by Feickert, seconded by Knecht to approve the following applications for renewal of Retail (On-Off Sale) Malt Beverage License: Marge Frohling DBA The Connection; Alan Lanphere DBA Bath Quick Stop; Terry Voeltz DBA T's Promotion, Inc; Moccasin Creek Country Club, Inc; Elm Lake Resort Inc; James R Schumacher DBA Westside Bait & Tackle. All members present voting aye. Motion carried.

**PREVENTION GRANT:**

Barb Johnson and Christie Heidenreich presented an update on the program providing health care services at the Brown County JDC, being funded by the Brown County Prevention Grant #2001-JS-FX-0014. Kevin Bain, NECOG was also in attendance and presented the change order for additional supplies for the program.

Moved by Wiese, seconded by Feickert to approve Change Order No. 90 dated June 16, 2003 in amount of \$783.17 for supplies for the health care service program. All members present voting aye. Motion carried.

**HIGHWAY PROJECT UPDATE:**

Dirk Rogers, Highway Superintendent discussed a personnel issue, the work schedule for June 17-27 and presented copy of SD County Bridge Summary information.

**AGREEMENT:**

Moved by Feickert, seconded by Wiese to approve and authorize the Chairman sign agreement with Adamsoft Inc. (Pete Adams) for the design and development of assessment and taxation software for Brown County, to be completed by December 31, 2003 in amount not to exceed \$20,000.00. All members present voting aye. Motion carried.

**RECESS:**

The Chairman declared the Commission recessed until June 24, 2003.

Maxine Taylor – Brown County Auditor

JUNE 23, 2003 - JOINT CITY/COUNTY MEETING

The Brown County Commission and the Aberdeen City Commission met in joint session at 5:30 P.M. in the Aberdeen Commission Chambers, 123 S Lincoln, Aberdeen, South Dakota. Present from City were Commissioners Klabo, Omland, Kirkpatrick and Mayor Hopper. Absent Commissioner Pfeifer. Present from County were Commissioners Hansen, Wiese, Feickert and Fischbach. Absent Commissioner Knecht.

ORDINANCE NO. 03-05-01/274:

On motion by Kirkpatrick and seconded by Klabo, the City unanimously voted to approve First Reading of Ordinance No. 03-05-01/274.

Moved by Wiese, seconded by Feickert to approve First Reading of Ordinance No. 03-05-01/274, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 704 (R-2) Medium Density Residential District to Section 707 (C-2) Highway Commercial District: "Lot 7, NE ¼ of NE ¼ of Sec 22-T123N-R64W" and "Lot 8, NE ¼ of NE ¼ of Sec 22-T123N-R64W". All members present voting aye. Motion carried.

ORDINANCE NO. 03-05-02/275:

On motion by Kirkpatrick and seconded by Omland, the City unanimously voted to approve First Reading of Ordinance No. 03-05-02/275.

Moved by Feickert, seconded by Wiese to approve First Reading of Ordinance No. 03-05-02/275, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 710 (I-2) Unrestricted Industrial District to Section 714 (M-AG) Mini-Agricultural District: Lot 1 of "Wagner Holdings First Addition in the SW ¼ of Sec 17-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto. All members present voting aye. Motion carried.

ORDINANCE NO. 03-05-03/276:

On motion by Klabo and seconded by Omland, the City unanimously voted to approve First Reading of Ordinance No. 03-05-03/276.

Moved by Hansen, seconded by Wiese to approve First Reading of Ordinance No. 03-05-03/276, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 714 (M-AG) Mini-Agricultural District: Lots 1 thru 4 of "Gramlow-Ringgenberg-Boeddeker-Robinson Addition in the SE ¼ of Sec 35-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD"; Outlot 4 of "Evelo's Outlots in the SE ¼ of 35-T123N-R64W"; Lot 1 of "Seitz Acres in the SW ¼ of Sec 1-T122N-R64W of the 5<sup>th</sup> P.M., Brown County, SD"; Lot 1 of "Fonder's Outlot 1 in the SE ¼ of Sec 2-T122N-R64W of the 5<sup>th</sup> P.M., Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto. All members present voting aye. Motion carried.

ORDINANCE NO. 03-06-01/277:

On motion by Omland and seconded by Klabo, the City unanimously voted to approve First Reading of Ordinance No. 03-06-01/277.

Moved by Feickert, seconded by Wiese to approve First Reading of Ordinance No. 03-06-01/277, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 710 (I-2) Unrestricted Industrial District and Section 707 (C-2) Highway Commercial District to Section 707 (C-2) Highway Commercial District: Lots 1 and 2 of "L & M



Subdivision in the SE ¼, Sec 16-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD", and extending to the centerline of all public right-of-way located adjacent thereto. All members present voting aye. Motion carried.

ORDINANCE NO. 03-06-02/278:

On motion by Klabo and seconded by Kirkpatrick, the City unanimously voted to approve First Reading of Ordinance No. 03-06-02/278.

Moved by Hansen, seconded by Wiese to approve First Reading of Ordinance No. 03-06-02/278, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 707 (C-2) Highway Commercial District: Lot 1 of "Weismantel Subdivision in the SW ¼ of Sec 10-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD," and extending to the centerline of all public right-of-way located adjacent thereto. All members present voting aye. Motion carried.

ORDINANCE NO. 03-06-03/279:

On motion by Kirkpatrick and seconded by Omland, the City unanimously voted to approve First Reading of Ordinance No. 03-06-03/279.

Moved by Feickert, seconded by Wiese to approve First Reading of Ordinance No. 03-06-03/279, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 703 (R-1) Low Density Residential District: Lot 1 of "Hartman First Subdivision in the SE ¼ of Sec 17-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD," and extending to the centerline of all public right-of-way located adjacent thereto. All members present voting aye. Motion carried.

ORDINANCE NO. 03-06-04/280:

On motion by Klabo and seconded by Omland, the City unanimously voted to approve First Reading of Ordinance No. 03-06-04/280.

Moved by Hansen, seconded by Wiese to approve First Reading of Ordinance No. 03-06-04/280, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 714 (M-AG) Mini-Agricultural District: Lot 3, 4 and 5 of "Arlt's Second Addition in the SW ¼ of Sec 25-T124N-R64W of the 5<sup>th</sup> P.M., Brown County, SD," and extending to the centerline of all public right-of-way located adjacent thereto. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Wiese to adjourn the Brown County Commission. All members present voting aye. Motion carried.

Maxine Taylor – Brown County Auditor

# JUNE 24, 2003 – GENERAL MEETING

Meeting called to order by Chairman Fischbach at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Feickert, Knecht and Wiese.

## MINUTES:

Moved by Feickert, seconded by Hansen to approve the General Meeting minutes of June 10, 2003. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Knecht, seconded by Feickert to approve the following claims:

Supplies: Office Equip..\$11.90, CDW Gov't..\$2801.10, Active Data..\$105.89, Executive Mgmt..\$3263.88, New Trends..\$20.67, Dakota Supply..\$581.84, UBC..\$19.27, Lar-Jos..\$135.00, Dicks Westside..\$65.00, Vosika Fencing..\$9.00, Best Business..\$189.46, Eddies Northside..\$65.00, Towing Plus..\$65.00, Parcel-Erickson..\$27.28, Aberdeen Chrysler..\$318.80, House of Glass..\$68.00, Sirchie..\$53.68, SOS..\$20.00, Respond..\$70.95, Jones Drug..\$40.83, Lutheran Social Services..\$3927.00, NECOG..\$3466.49, Brown County..\$5696.23, City of Aberdeen..\$1313.54, City of Groton..\$330.00, Safe Harbor..\$862.65, Aberdeen Asphalt..\$138,329.20, Carquest..\$1611.56, Lien Transportation..\$1002.16, Share Corp..\$254.90, Quill..\$113.98, Risk Services..\$50.00, Kevin Bourdon..\$1040.00, Foster Grandparent Program..\$5052.16, Heartland Paper..\$25.24, HRS..\$26.15, Feickert Elec..\$2189.32, Runnings..\$35.09, Menards..\$302.51, Dakota Supply..\$603.29, US Post Office..\$300.00, MWPS..\$30.50, Century Business Prod..\$257.18, VanDiest..\$6470.31, Language Line..\$58.26, Matthew Bender..\$303.30, Paul Mardian..\$435.77, Waste Recovery..\$1441.90, Office of Weights & Measures..\$75.00, Bricks TV..\$345.00:

Mileage & Travel: William Meink..\$15.95, Penny Hart..\$300.00, Quality Inn..\$367.50, Mark Milbrandt..\$684.34, John Weig..\$300.00, Amy Mathison..\$300.00:

Publications: American News..\$221.40:

Professional Fees: Ash & Reedstrom..\$174.00, Sheriff of Pennington County..\$1.50, Larimer County Sheriff..\$19.60, Richard Russman..\$2916.66, Kim Dorsett..\$2083.33, Avera St Lukes..\$2236.68, Dr John Carrels..\$19.26, NE Mental Health..\$395.01, Sheriff of Yankton County..\$16.50, Lewis & Clark BHS..\$250.00, Donna Dietrich..\$239.94, Bob Walser..\$15.00, Marv Ekeren..\$30.00, Don Carlson..\$15.00, Yankton County..\$197.35:

Court Appointed Attorney: William Gerdes..\$4166.67, Scott Kuck..\$4166.67, Christy Serr..\$4166.67, Randy Turner..\$4166.67:

Utilities: Midcontinent Cable..\$147.67, Cellular One..\$451.96, A-1 Sanitation..\$109.45, Northwestern Energy..\$97.71, Qwest..\$5327.09, Bureau of Admin..\$537.48, Prairiewave..\$19.95, Northern Elec..\$287.54, Genius Web..\$26.97:

CARE OF POOR - Dr./Hospital – 3 recipients –Avera St Lukes..\$15,642.57, Sacred Heart..\$249.17, Utilities – 4 recipients..NWPS..\$867.41; Rent – 3 recipients..Zumbaum Property..\$95.00, Ken Dohn..\$250.00, Norman Brown..\$190.00; Transportation – 1 recipient..Jefferson Lines..\$96.00; Insurance – 1 recipient..Midstates Printing..\$549.17. All members present voting aye. Motion carried.

## PERSONNEL:

Moved by Hansen, seconded by Knecht to approve hiring Andrea Bellew as part-time Dispatcher, effective June 23, 2003 at \$10.25 per hour. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Wiese to approve employee status change for Joe Schwan from Seasonal Highway without CDL to Seasonal Highway with CDL, effective June 23, 2003 at \$8.38 per hour. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Feickert to acknowledge resignation of Jeff Seiler from Highway Department, effective June 28, 2003. All members present voting aye. Motion carried.

**LOTTERY APPLICATION:**

Moved by Hansen, seconded by Feickert to approve and authorize the Chairman sign application, submitted by Stratford Community Theater for a raffle to be held on July 4, 2003. All members present voting aye. Motion carried.

**INCREASE SPENDING AUTHORITY/ESTIMATED REVENUE:**

Moved by Knecht, seconded by Hansen to increase spending authority in Fund #234-211.01-411 and estimated revenue in Fund #234-331.90 in amount of \$1,955.57 for reimbursement from Underage Drinking Grant. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Feickert to increase spending authority in Fund #234-215.01-422 and estimated revenue in Fund #234-331.99 in amount of \$85.00 for reimbursement from Shelter Care Grant. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Knecht to increase spending authority in Fund #201-311-422 and estimated revenue in Fund #201-343.12 in amount of \$27,000.00 for reimbursement from the State of SD for Hwy 12W By-pass Project. All members present voting aye. Motion carried.

**PLATS:**

Commissioner Knecht offered the following Resolution:

**RESOLUTION NO. 57-03**

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Browning First Subdivision in SW ¼ Sec 35-T122N-R65W of 5<sup>th</sup> P.M., Brown County, SD", 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 Feickert. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Hansen offered the following Resolution:

**RESOLUTION NO. 58-03**

BE IT RESOLVED by the Board of Commissioners of Brown County, SD, that the plat showing "First Subdivision of Bieber's Outlot 1 in the N ½ of Sec 21-T126N-R64W of 5<sup>th</sup> P.M., Brown County, SD", 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 Feickert. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Knecht offered the following Resolution:

**RESOLUTION NO. 59-03**

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Mohr's Second Subdivision in the SE ¼ Sec 36-T124N-R64W of 5<sup>th</sup> P.M., Brown County, SD", 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 Hansen. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

**FIREWORKS PERMIT:**

Moved by Knecht, seconded by Hansen to approve and authorize the Chairman sign Fireworks Public Display Permit to operate a display of Fireworks on July 4, 2003 at Richmond Lake (Steve Herther). All members present voting aye. Motion carried.

**BROWN COUNTY WEED AND SEED:**

Moved by Hansen, seconded by Knecht to approve the following Weed and Seed Year Two funding requests: Aberdeen Area Boys & Girls Club (SPARK), Brown County Weed & Seed (Brochures), Groton City (Groton Youth Center), NSU (Insight Program), Groton Public School (Peer Helper Training), as recommended by the Steering Committee. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Hansen to approve the Brown County Weed and Seed Monthly Expenses for June 2003 (Year One 2002-WS-QX-0054), in amount of \$2.08. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Hansen to approve the Brown County Weed and Seed Monthly Expenses for June 2003 (Year Two 2002-WS-QX-0054), in amount of \$11,666.83. All members present voting aye. Motion carried.

**VIDEO CAMERAS IN JAIL:**

Moved by Feickert, seconded by Hansen to approve and authorize the Chairman sign letters of support for Appropriations Funding for Video Cameras in the Brown County Jail in amount of \$200,000.00. All members present voting aye. Motion carried.

**HIGHWAY REPORT:**

Dirk Rogers, Highway Superintendent met to discuss personnel, Bridge 177, 2002 Annual Report, Warner Project and Water levels.

**BRIDGE #177:**

Commissioner Knecht offered the following Resolution:

**RESOLUTION NO. 60-03  
RESOLUTION TO DELETE BRIDGE FROM NBIS**

The Brown County Board of Commissioners is in agreement with SDDOT that the following structure should be deleted from the National Bridge Inventory System (NBIS) for the following reasons:

STRUCTURE ID: 07-080-130 (Bridge #177)

LOCATION: 1.0 miles North and 3.0 miles West of Barnard, SD

REASON FOR DELETION: Road is closed to traffic. Traffic is being routed to a low-water crossing and this structure is no longer in use.

The Commission is aware of the following stipulations once a structure is deleted from the NBIS

Inventory: 1) Federal Bridge funds will not be available for structure replacement or rehabilitation and; 2) The structure will only be added to the Inventory following replacement, using County funds.

Seconded by Commissioner Wiese. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

#### EXECUTIVE SESSION:

Moved by Hansen, seconded by Knecht to go into executive session to discuss personnel. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Knecht to adjourn executive session. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Feickert to go into executive session to discuss personnel. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Knecht to adjourn executive session. All members present voting aye. Motion carried.

#### BUDGET REQUEST DISCUSSIONS:

The Commission met with representatives from various departments and entities who have submitted requests for 2004 funding. Comments will be considered prior to adoption of Provisional Budget.

#### ADJOURNMENT:

Moved by Feickert, seconded by Knecht to adjourn the Brown County Commission. All members present voting aye. Motion carried.

Maxine Taylor – Brown County Auditor

JUNE 30, 2003 - JOINT CITY/COUNTY MEETING

The Brown County Commission and the Aberdeen City Commission met in joint session at 5:30 P.M. in the Aberdeen Commission Chambers, 123 S Lincoln, Aberdeen, South Dakota. Present from City were Commissioners Klabo, Omland and Kirkpatrick. Absent Commissioner Pfeifer and Mayor Hopper. Present from County were Commissioners Hansen, Wiese and Fischbach. Absent Commissioners Knecht and Feickert.

ORDINANCE NO. 03-05-01/274:

On motion by Kirkpatrick and seconded by Omland, the City unanimously voted to approve Second Reading of Ordinance No. 03-05-01/274.

On motion by Kirkpatrick and seconded by Omland, the City unanimously voted to adopt Ordinance No. 03-05-01/274.

Moved by Wiese, seconded by Hansen to approve Second Reading of Ordinance No. 03-05-01/274. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to adopt Ordinance No. 03-05-01/274, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 704 (R-2) Medium Density Residential District to Section 707 (C-2) Highway Commercial District: "Lot 7, NE ¼ of NE ¼ of Sec 22-T123N-R64W" and "Lot 8, NE ¼ of NE ¼ of Sec 22-T123N-R64W". Roll call vote: Commissioners Hansen-aye, Wiese-aye, Fischbach-aye, Knecht-absent, Feickert-absent. Ordinance adopted.

ORDINANCE NO. 03-05-02/275:

On motion by Kirkpatrick and seconded by Omland, the City unanimously voted to approve Second Reading of Ordinance No. 03-05-02/275.

On motion by Kirkpatrick and seconded by Omland, the City unanimously voted to adopt Ordinance No. 03-05-02/275.

Moved by Wiese, seconded by Hansen to approve Second Reading of Ordinance No. 03-05-02/275. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to adopt Ordinance No. 03-05-02/275, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 710 (I-2) Unrestricted Industrial District to Section 714 (M-AG) Mini-Agricultural District: Lot 1 of "Wagner Holdings First Addition in the SW ¼ of Sec 17-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto. Roll call vote: Commissioners Hansen-aye, Wiese-aye, Fischbach-aye, Knecht-absent, Feickert-absent. Ordinance adopted.

ORDINANCE NO. 03-05-03/276:

On motion by Kirkpatrick and seconded by Omland, the City unanimously voted to approve Second Reading of Ordinance No. 03-05-03/276.

On motion by Kirkpatrick and seconded by Omland, the City unanimously voted to adopt Ordinance No. 03-05-03/276.

Moved by Wiese, seconded by Hansen to approve Second Reading of Ordinance No. 03-05-03/276. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to adopt Ordinance No. 03-05-03/276, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 714 (M-AG) Mini-Agricultural District: Lots 1 thru 4 of "Gramlow-Ringgenberg-Boeddeker-Robinson Addition in the SE ¼ of Sec 35-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD"; Outlot 4 of "Evelo's Outlots in the SE ¼ of 35-T123N-R64W"; Lot 1 of "Seitz Acres in the SW ¼ of Sec 1-T122N-R64W of the 5<sup>th</sup> P.M., Brown County, SD"; Lot 1 of "Fonder's Outlot 1 in the SE ¼ of Sec 2-T122N-R64W of the 5<sup>th</sup> P.M., Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto. Roll call vote: Commissioners Hansen-aye, Wiese-aye, Fischbach-aye, Knecht-absent, Feickert-absent. Ordinance adopted.

**ORDINANCE NO. 03-06-01/277:**

On motion by Kirkpatrick and seconded by Omland, the City unanimously voted to approve Second Reading of Ordinance No. 03-06-01/277.

On motion by Kirkpatrick and seconded by Omland, the City unanimously voted to adopt Ordinance No. 03-06-01/277.

Moved by Wiese, seconded by Hansen to approve Second Reading of Ordinance No. 03-06-01/277. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to adopt Ordinance No. 03-06-01/277, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 710 (I-2) Unrestricted Industrial District and Section 707 (C-2) Highway Commercial District to Section 707 (C-2) Highway Commercial District: Lots 1 and 2 of "L & M Subdivision in the SE ¼, Sec 16-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD", and extending to the centerline of all public right-of-way located adjacent thereto. Roll call vote: Commissioners Hansen-aye, Wiese-aye, Fischbach-aye, Knecht-absent, Feickert-absent. Ordinance adopted.

**ORDINANCE NO. 03-06-02/278:**

On motion by Omland and seconded by Kirkpatrick, the City unanimously voted to approve Second Reading of Ordinance No. 03-06-02/278.

On motion by Omland and seconded by Kirkpatrick, the City unanimously voted to adopt Ordinance No. 03-06-02/278.

Moved by Wiese, seconded by Hansen to approve Second Reading of Ordinance No. 03-06-02/278. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to adopt Ordinance No. 03-06-02/278, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 707 (C-2) Highway Commercial District: Lot 1 of "Weismantel Subdivision in the SW ¼ of Sec 10-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD," and extending to the centerline of all public right-of-way located adjacent thereto. Roll call vote: Commissioners Hansen-aye, Wiese-aye, Fischbach-aye, Knecht-absent, Feickert-absent. Ordinance adopted.

**ORDINANCE NO. 03-06-03/279:**

On motion by Omland and seconded by Kirkpatrick, the City unanimously voted to approve Second Reading of Ordinance No. 03-06-03/279.

On motion by Omland and seconded by Kirkpatrick, the City unanimously voted to adopt Ordinance No. 03-06-03/279.

Moved by Wiese, seconded by Hansen to approve Second Reading of Ordinance No. 03-06-03/279. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to adopt Ordinance No. 03-06-03/279, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 703 (R-1) Low Density Residential District: Lot 1 of "Hartman First Subdivision in the SE ¼ of Sec 17-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD," and extending to the centerline of all public right-of-way located adjacent thereto. Roll call vote: Commissioners Hansen-aye, Wiese-aye, Fischbach-aye, Knecht-absent, Feickert-absent. Ordinance adopted.

ORDINANCE NO. 03-06-04/280:

On motion by Omland and seconded by Kirkpatrick, the City unanimously voted to approve Second Reading of Ordinance No. 03-06-04/280.

On motion by Omland and seconded by Kirkpatrick, the City unanimously voted to adopt Ordinance No. 03-06-04/280.

Moved by Wiese, seconded by Hansen to approve Second Reading of Ordinance No. 03-06-04/280. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to adopt Ordinance No. 03-06-04/280, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 714 (M-AG) Mini-Agricultural District: Lot 3, 4 and 5 of "Arlt's Second Addition in the SW ¼ of Sec 25-T124N-R64W of the 5<sup>th</sup> P.M., Brown County, SD," and extending to the centerline of all public right-of-way located adjacent thereto. Roll call vote: Commissioners Hansen-aye, Wiese-aye, Fischbach-aye, Knecht-absent, Feickert-absent. Ordinance adopted.

SET HEARING DATES:

On motion by Omland and seconded by Kirkpatrick, the City unanimously voted to set public hearing for 8:30 a.m. on July 22, 2003 in the Brown County Commission Chambers, 25 Market Street for First Reading of Ordinance No. 03-07-01/281 (Pahl/Crady) and Ordinance No. 03-07-02/282 (Wika).

Moved by Hansen, seconded by Wiese to set public hearing for 8:30 a.m. on July 22, 2003 in the Brown County Commission Chambers, 25 Market Street for First Reading of Ordinance No. 03-07-01/281 (Pahl/Crady) to amend Ordinance No. 1164 to rezone the following described property from Section 701 (A-1) Agricultural District to Section 714 (M-AG) Mini-Agricultural District (Lot 1 of "Pahl Addition in the SE ¼ of Sec 17-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto; Ordinance No. 03-07-02/282 (Wika), to amend Ordinance No. 1164 to rezone the following described property from Section 701 (A-1) Agricultural District to Section 714 (M-AG) Mini-Agricultural District (Lot 1 of "Wika Addition in the SW ¼ of Sec 27-T124N-R64W of the 5<sup>th</sup> P.M., Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto). All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to adjourn the Brown County Commission. All members present voting aye. Motion carried.

Maxine Taylor – Brown County Auditor



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## JULY 1, 2003 – GENERAL MEETING

The Brown County Commission convened at 8:30 a.m. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Feickert, Knecht, Wiese and Fischbach.

### MINUTES:

Moved by Hansen, seconded by Wiese to approve the Joint City/County Meeting minutes of June 23, 2003 and the General Meeting minutes of June 24, 2003. All members present voting aye. Motion carried.

### CLAIMS:

Moved by Wiese, seconded by Knecht to approve the following claims:

Payroll: Commissioners..\$2,443.30; Auditor..\$5,883.50; Treasurer..\$8,118.70; Data Processing..\$1,573.08; State's Attorney..\$9,200.72; Victims Assistance..\$904.05; Maintenance..\$4,900.38, Assessor..\$6,627.14; Planning & Zoning..\$1,042.39; Register of Deeds..\$4,517.90; Veterans Service Office..\$2,268.15; Sheriff..\$53,717.93; DOJ Grant..\$1,735.57; Communications..\$14,890.36; Welfare Office..\$2,608.10; Health..\$2,544.80; Museum..\$3,850.40; Fairboard..\$1,805.33; Fairgrounds & Parks..\$3,945.00; Extension..\$1,277.55; Weed..\$3,779.37; Emergency Management..\$2,111.79; Weed & Seed..\$1,038.47; Highway..\$37,288.29; Landfill..\$7,021.73; Matching Benefits: FICA..\$11,029.25, Medicare..\$2,579.36, Wellmark BCBS Life..\$691.46, Wellmark BCBS Health..\$55,851.84, Delta Dental..\$3,344.00, SD State Retirement..\$21,725.14;

Supplies: CDW Govt..\$2362.23, Carquest..\$10.98, House of Glass..\$54.82, McFarland..\$23.52, Ameripride..\$39.00, Heartland Paper..\$227.70, Ecolab..\$149.40, Langs..\$119.99, Medical Center Pharmacy..\$1253.79, Runnings..\$7.99, Sec/State..\$7.00, Hitch 'n Post..\$34.99, Evercom Systems..\$700.00, Parcel-Erickson..\$189.20, Visa..\$190.75, Eddie's Northside..\$26.20, Best Business..\$207.92, Viking Office Products..\$72.04, M-R Signs..\$408.07, Lawson Products..\$666.18, Koch Materials..\$6556.92, Heartland Paper..\$168.26, Hanna Rubber Co..\$321.09, Farm Power..\$225.48, Diesel Machinery..\$3090.29, Crawford Trucks..\$573.79, HC Clark..\$126.11, Roy Boe..\$1320.00, NADRIC..\$2083.33, Walmart..\$47.64, Academy Trophy..\$100.00, NSU..\$99.00, Shopko..\$37.30, Menards..\$378.87, Sewer Duck..\$190.00, US Post Office..\$70.00, Office Max..\$340.37, Cole Papers..\$134.95, Carquest..\$45.18, New Trends..\$122.00, City of Stratford..\$300.00, Jodi Gerdes..\$16.99, TeleType..\$181.50, Hewlett-Packard..\$2390.15, Specialty Mfg..\$2850.00, SD Federal Property..\$17.00, IAAO..\$155.00, Dakota Electronics..\$175.50;

Mileage & Travel: Mike Wiese..\$6.96, Cindy Mitchell..\$268.00, Todd Odenbach..\$78.75, Mark McNear..\$300.00, Amy Lake..\$300.00, Leo Leshner..\$146.45, Gene Loeschke..\$170.23, Mary Worlie..\$48.72, Polly Rush..\$12.00, Michelle Haag..\$99.58;

Transcriptions: Neal Reporting..\$132.00, Cassel Reporting..\$25.00;

Publications: American News..\$544.88, Dickey County Leader..\$75.30, Midstates Printing..\$25.00, Dakota Press..\$716.46;

Professional Fees: witness fees..\$80.00, Avera St Lukes..\$3214.41, Lawrence County Sheriff..\$300.00, Northern Plains OMS..\$205.55, Dr John Carrels..\$128.94, Dakota Imaging..\$22.16, Aberdeen Ambulance..\$525.23, Marv Ekeren..\$15.00, Don Carlson..\$15.00, Donna Dietrich..\$118.97, Sheriff of Yankton County..\$16.50;

Court Appointed Attorney: Brad Borge..\$3308.60;

Utilities: Northwestern..\$40.00, Qwest..\$240.49, Midcontinent Cable..\$137.16, Cellular One..\$779.71, Northwestern Energy..\$3651.99, Montana-Dakota..\$26.42, Richmong Lake Sanitary Dist..\$875.00, WEB..\$44.90;

Care of Poor: Drugs – 3 recipients..Shopko..\$76.69, Dakota Square..\$5.92, Jones Drug..\$121.20; Dr./Hospital – 6 recipients – Avera United Clinic..\$516.98, Aberdeen Family Physicians..\$28.70,

McKenna Hosp..\$5425.51, Avera St Lukes..\$14,215.79, Dr John Adams..\$37.20; Utilities – 3 recipients..City of Aberdeen..\$420.00, NWPS..\$210.00; Burial – 1 recipient..Schrivers..\$1255.00; Rent - 4 recipients..G&J Investments..\$170.00, Erickson & Assoc..\$147.50, Jon Husby..\$190.00, Tom Appletoft..\$49.00; Insurance – 6 recipients..Dakotacare..\$267.81, Twin City Fan..\$470.90, Wellmark Blue Cross/Blue Shield..\$1528.50, Avera Health Plans..\$920.19. All members present voting aye. Motion carried.

#### PERSONNEL:

Moved by Wiese, seconded by Hansen to approve the following employee step/longevity increases, effective July 6, 2003: Sandy Green @ \$10.74 per hour, Roxanne Schumacher @ \$11.88 per hour, Jason Hoffman @ \$9.99 per hour, Joyce DesCamps @ \$12.55 per hour, Heather Rystrom @ \$10.53 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Knecht to approve hiring Tabatha Moore as part-time JDC Officer, effective July 1, 2003 at \$8.80 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Feickert to approve employee status change for Janice Kampfe from part-time JDC to full-time JDC Officer, effective July 13, 2003 at \$9.72 per hour. All members present voting aye. Motion carried.

#### PLAT:

Commissioner Wiese offered the following Resolution:

#### RESOLUTION NO. 61-03

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing “Hartman First Subdivision in SE ¼ Sec 17-T123N-R64W of 5<sup>th</sup> P.M., Brown County, SD”, 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 Knecht. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

#### PRIORITIZE REQUESTS FOR FUNDING:

Moved by Hansen, seconded by Knecht to approve the \$200,000 request for Video Cameras in the Brown County Jail as first priority for funding and review the \$250,000 request for State Radio System Integration in the Brown County Regional Communications Center at a later date. All members present voting aye. Motion carried.

#### LIQUOR & MALT BEVERAGE LICENSE HEARING SET:

Moved by Knecht, seconded by Feickert to authorize advertising public hearing to consider the following applications: New Retail (on-sale) and Sunday Liquor License, submitted by Jarrett O & Dennis O Jones, DBA Tacoma Park Place, 39849 127<sup>th</sup> St, Columbia, SD (building known as Tacoma Park Place is located on 5 acres in the NW corner of the NE ¼ of Sec 23-T124N-R62W, Brown County, SD). Transfer Retail (on-sale) and Sunday Liquor License and Retail (on-off sale) Malt Beverage License, submitted by James Schumacher, DBA Westside Bait & Tackle to Larry Schumacher DBA Westside Bait & Tackle (N 218' of Lot A, Replat of Evelo's Subdivision in NW ¼ Sec 21-T123N-R64W, Brown County, SD). Hearing to be held at 8:45 a.m. on July 15, 2003 in the Commissioner's Chambers, Courthouse Annex, Brown County, SD). All members present voting aye. Motion carried.

#### FIREWORKS PERMIT:

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Moved by Wiese, seconded by Knecht to approve and authorize the Chairman sign Fireworks Public Display Permit to operate a display of Fireworks on July 4, 2003 at the Brown County Fairgrounds (Terry L Voeltz DBA T's Promotions). All members present voting aye. Motion carried.

**INSURANCE STATEMENT:**

Moved by Feickert, seconded by Wiese to approve and authorize the Chairman sign Proof of Loss Statement for Claim #GC03.24716 with Claims Associates, Inc. All members present voting aye. Motion carried.

**BCRCC GRANT:**

Moved by Feickert, seconded by Hansen to approve budget outline for the Brown County Regional Communications Council Special Appropriation Funding in amount of \$496,750 and proceed with application. All members present voting aye. Motion carried.

**AGREEMENT:**

Moved by Wiese, seconded by Hansen to acknowledge and approve agreement between Brown County Regional Communications Council and Avera St. Luke's Hospital for purpose of the Dispatch Center providing communications services for the hospital based medical service known as CareFlight with reimbursement of a one-time set up fee of \$5,000.00 and a monthly charge of \$1000.00 for the service. All members present voting aye. Motion carried.

**EXECUTIVE SESSION:**

Moved by Wiese, seconded by Knecht to go into executive session to discuss pending litigation with Mark McNeary, Gordon Vanauken and Freddie Robinson in attendance; and also discuss personnel issue with Mark McNeary in attendance. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Hansen to adjourn executive session. All members present voting aye. Motion carried.

**HIGHWAY REPORT:**

Dirk Rogers, Highway Superintendent and Butch Burns, Highway Project Coordinator discussed the following: 1) culvert north of Ferney in East Hanson Township (six township officers and/or residents were in attendance); 2) drainage project along County Road 13; 3) drainage in Garland Township near Co 14 & Co 11 intersection (two residents were in attendance); 4) request from Frederick Parade committee to have County blade in 4<sup>th</sup> of July parade; 5) Herman Lier request for culvert replacement on Hwy 13 (Mary Coleman was also in attendance); and 6) water levels.

**LAPTOP COMPUTER ORDER/POLICY:**

Bill Meink, Data Processor Specialist and Kevin Bain, NECOG met to discuss recent purchase of a laptop computer for use by the Community Resource Coordinator positions funded by the Prevention Grant. Questions were raised about the ordering process not being followed and discussed the need for a county policy to cover laptop computer use.

**RECESS:**

The Chairman declared the Commission recessed until July 8, 2003.

Maxine Taylor – Brown County Auditor

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# JULY 8, 2003 – GENERAL MEETING

Meeting called to order by Chairman Fischbach at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Feickert, Knecht and Wiese.

## MINUTES:

Moved by Hansen, seconded by Knecht to approve the Joint City/County Meeting minutes of June 30, 2004 and the General Meeting minutes of July 1, 2003. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Feickert, seconded by Hansen to approve the following claims:

Supplies: Farm & Home Publishers..\$1937.50, Dept of Legislative Audit..\$10,615.15, Eide Bailley..\$221.00, Vision Video..\$283.00, Matthew Bender..\$524.95, Executive Mgmt Finance..\$20.00, New Trends..\$21.89, Office Equip..\$85.92, Quality Quick Print..\$1055.01, Schwan Welding..\$2665.00, Menards..\$42.85, McFarland..\$35.31, Grote Roofing..\$2372.00, Gardner Locksmith..\$40.00, Rux Bros..\$123.28, House of Glass..\$326.50, Sanders..\$6.47, Dakota Supply..\$12.97, Runnings..\$13.91, Woodman Refrigeration..\$2235.76, Heartland Paper..\$97.32, UBC..\$24.33, Ultramax..\$554.11, Dept of Revenue..\$1416.00, Nat'l Target..\$82.57, Bob Barker..\$228.21, Deans Upholstery..\$37.95, Dakota Electronics..\$881.30, Walmart..\$814.81, Bestest Inc..\$165.00, James Rowenhorst..\$180.00, Int'l Police Tech..\$28.00, Catastrophic County Poor Relief..\$4039.96, Polk City Directory..\$672.00, Heritage Funding Assoc..\$25.00, A&M Radio..\$44.50, Dacotah Prairie Merchantile..\$17.85, Kleins..\$14.80, Dons Builders Hwd..\$517.00, Senior Citizens..\$250.00, NW Communications..\$40.00, US Postal Service..\$102.00, Extension Service..\$307.84, Van Diest..\$5455.80, Evergreen Supply..\$133.00, CK Auto..\$5.60, SD Assoc of County Hwy Supt..\$30.00, Warner School Dist..\$1700.00:

Jury: Sheila Anderson..\$209.28, Stacy Anderson..\$70.44, Clyde Arnold..\$58.70, Rebecca Bender..\$95.80, Jacob Bentz..\$55.80, Cristy Biegler..\$282.18, Elroy Boschee..\$87.84, Maureen Brink..\$146.96, Christine Brunen..\$271.20, David Carlson..\$194.06, Rhonda Clark..\$84.64, Kathie Courtney..\$164.64, Karen Daly..\$409.92, Vera Deyo..\$71.74, James Evans..\$67.40, Carol Fallon..\$289.28, Roger Felix..\$152.20, Charles Ferris..\$143.48, Carol Fink..\$263.48, Marian Fischbach..\$230.60, Jolaine Fitch..\$194.06, Julie Fliehs..\$412.10, Dalen Folkestad..\$55.80, Naomi Gergen..\$36.96, Alyce Gilbert..\$63.48, Herman Gollnick..\$333.92, Cecelia Gooding..\$66.96, Joseph Gourneau..\$11.74, Hugh Hay..\$70.44, Marhall Hegge..\$143.48, Thomas Helling..\$73.92, Julie Hermansen..\$335.22, Allan Heupel..\$52.90, Luke Heupel..\$42.32, Kenneth Hier..\$331.04, Stephen Hogg..\$35.22, Theresa Huff..\$138.70, Lorelei Inman..\$42.32, Brian Jenson..\$198.12, Roger Johnson..\$109.60, Raymond Jones..\$55.80, Richard Kelley..\$10.58, Albert Kissner..\$135.80, Gregory Kjellsen..\$434.40, Alan Kjenstad..\$213.92, Douglas Klein..\$113.20, Charles Kopetsky..\$44.64, Linda Krage..\$192.20, Betty Krueger..\$142.80, Marvel Larson..\$157.40, Denise Lilly..\$143.48, Duane Lipp..\$31.74, Beverly Lout..\$66.96, Jamie Maine..\$55.80, Adam Malsam..\$193.20, Teresita Mendoza..\$184.50, Daneld Mielke..\$415.22, Gary Morehouse..\$66.96, Christopher Mueller..\$55.80, Lori Naasz..\$92.90, Donna Ness..\$89.28, Gail Ogdahl..\$95.80, Mary Olseson..\$73.48, Tamera Ottenbacher..\$71.74, Alfred Payne..\$63.48, Karren Peterson..\$318.12, Teresa Peterson..\$22.32, Donna Pettigrew..\$141.76, Marlon Rahm..\$166.24, Terry Roettele..\$42.32, Lavonne Scepaniak..\$248.64, Peggy Schaunaman..\$624.00, Michael Shorley..\$52.90, Laura Sichmeller..\$194.06, Donna Simon..\$249.60, Duane Skoglund..\$39.00, Wilma Tisher..\$234.00, Charlie Unser..\$95.80, Sally Waltman..\$148.00, Robert Ward..\$42.32, Harry Watten..\$10.58, Amber Weber..\$223.20, Jennifer Wegleitner..\$191.50, Susan Wiseman..\$335.22, Lisa Wysk..\$234.00, Jamie Zacher..\$31.74, Arlin Zoellner..\$451.68:

Mileage & Travel: Tom Fischbach..\$156.60, Dennis Feickert..\$17.40, Deb Knecht..\$142.10, Sherri Rawstern..\$366.47, David Bruckner..\$95.42:

Transcriptions: Cheryl Hook..\$117.60, Tammy Erickson..\$74.20:

Publications: Weekly Edition..\$511.97, American News..\$220.36, River City Newspaper..\$48.53:

Professional Fees: witness fees..\$60.00, Yankton County Tres..\$89.80, Sioux Vocational Services..\$60.00, Brandon Leslie..\$550.00, Kevin Spitzer..\$434.22:

Utilities: City of Aberdeen..\$632.86, Northwestern Energy..\$6142.73:

Care of Poor: Utilities – 5 recipients..NWPS..\$971.35; Rent – 4 recipients..Kurt Kruger..\$185.00, Rockford Apts..\$190.00, Michael Erdmann..\$190.00, CK Realty..\$150.00. All members present voting aye. Motion carried.

#### LIQUOR & MALT BEVERAGE LICENSE TRANSFER HEARING SET:

Moved by Hansen, seconded by Knecht to authorize advertising public hearing to consider the following applications: Transfer Retail (on-sale) and Sunday Liquor License and Retail (on-off sale) Malt Beverage License, from Paul Monroe DBA Elm Lake Resort, Inc. to Daniel Brandenburger DBA Elm Lake Resort (Lot 1 Elm Lake Resort Subdivision in the SE ¼ of Sec 8-T128N-R65 ex that portion of road r/o/w Brown County, SD). Hearing to be held at 9:00 a.m. on July 22, 2003 in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. All members present voting aye. Motion carried.

#### INCREASE SPENDING AUTHORITY/ESTIMATED REVENUE:

Moved by Feickert, seconded by Wiese to increase spending authority in Fund #101-411-421.01 and increase estimated revenue in Fund #101-373.02 in amount of \$4,039.96 for unanticipated reimbursement. All members present voting aye. Motion carried.

#### ORDINANCE NO. 025 – SPERRY REZONE:

Moved by Hansen, seconded by Wiese to authorize advertising public hearing beginning at 9:30 a.m. on July 22, 2003 in the Brown County Commission Chambers, 25 Market Street, to consider the petition filed by James and JoAnn Sperry to amend Second Revision Brown County Ordinances to rezone the following property from Agricultural Preservation District (AG-P) to Heavy Industrial District (HI) for purpose to install an Asphalt Hot Mix Plant: The West 654' of the North 517' of the NW ¼ of Sec 20-T123N-R62W of the 5<sup>th</sup> P.M., Brown County, SD, to be known as Sperry Outlot 1 in the NW ¼ of Sec 20-T123N-R62W of the 5<sup>th</sup> P.M., Brown County, SD. All members present voting aye. Motion carried.

#### ORDINANCE NO. 026 – WHEEL TAX:

Moved by Wiese, seconded by Knecht to authorize advertising public hearing beginning at 9:45 a.m. on July 22, 2003 in the Brown County Commission Chambers, 25 Market Street, to consider the repeal of Title 13, Second Revision Brown County Ordinances – Wheel Tax, as adopted July 6, 1999 and to replace with Title 13 – Wheel Tax, effective October 1, 2003, Second Revision Brown County Ordinances. All members present voting aye. Motion carried.

#### AUDITORS REPORT OF ACCOUNT:

Moved by Wiese, seconded by Hansen to approve the following June 2003 Auditor's Report of Account with the County Treasurer in total amount of \$8,049,866.39 (total amount of actual cash @ \$3,423.20, Wells Fargo Bank @ \$3,240.77, US Bank @ \$14,444.51, Dacotah Bank @ \$152,846.88, Petty Cash @ \$1,700.00, Fund Investments @ \$7,874,134.23, Outstanding checks @ \$76.80). All members present voting aye. Motion carried.

#### BCRCC GRANT APPLICATION:

Moved by Wiese, seconded by Feickert to approve and authorize the Chairman sign application for federal assistance in amount of \$496,750.00 for the installation of a Computer Aided Dispatch System in the Brown County Communications Center, to be funded by US Department of Justice COPS Grant. All members present voting aye. Motion carried.

**EXECUTIVE SESSION:**

Moved by Wiese, seconded by Hansen to go into executive session for personnel discussion with Freddie Robinson in attendance. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Knecht to adjourn executive session. All members present voting aye. Motion carried.

**FREDERICK THANK YOU:**

Sue Maunu, representing the Community of Frederick thanked the Commission for the County's support and participation in the Frederick 4<sup>th</sup> of July Celebration.

**BID – EM VEHICLE:**

Time and place, as advertised to open, read and consider bids for furnishing and delivery of one new or used utility sport vehicle with options of buy/lease or with or without trade for use by the Emergency Management Department. Bids were received from Dave Hahler Automotive, Webster; Lust Chevrolet-Buick, Aberdeen; Johnson Motor Company, Aberdeen; Nelson Dodge-GMC, Fergus Falls, MN; and Pierson Ford, Aberdeen.

Moved by Wiese, seconded by Knecht to refer all bids to Freddie Robinson, EM Director for review and recommendation. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Knecht to award bid for out-right purchase, with trade-in (1994 Chevy Suburban with approx. 130,000 miles) for a used 2000 Chevrolet Suburban ¾ ton 4x4 with 60,211 actual miles in amount of \$18,983.00 for use by the EM Department, rejecting 3-yr lease option on used unit @ \$24,024.00 no trade, \$20,784.00 with trade, outright purchase with no trade @ \$21,983.00. The following bids for a new unit were rejected: Dave Hahler Automotive – 5-yr lease @ \$7,331.00 per year no trade and \$1 buy-out, \$6,459.00 per year w/trade and \$1 buy out, \$33,625.00 outright no trade, \$29,625.00 outright with trade. Lust Chevrolet-Buick – no proposal guaranty enclosed. Nelson Dodge-GMC - 5-yr lease @ \$8,159.50 per year no trade and \$1 buy-out, \$7,735.00 per year w/trade and \$1 buy out, \$34,593.00 outright no trade, \$32,793.00 outright with trade. Pierson Ford - 5-yr lease @ \$6,720.00 per year no trade and \$9,000 buy-out, \$5,412.00 per year w/trade and \$9000 buy out, \$34,843.00 outright no trade, \$29,343.00 outright with trade. All members present voting aye. Motion carried.

**SURPLUS PROPERTY:**

Moved by Wiese, seconded by Knecht to declare a 1994 Chevy Suburban with approximately 130,000 miles surplus from EM Department for purpose of trade in. All members present voting aye. Motion carried.

**2004 BUDGET REVIEW:**

The Commission reviewed budget requests and discussed funding sources.

**RECESS:**

The Chairman declared the Commission recessed until July 15, 2003.

Maxine Taylor – Brown County Auditor

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## JULY 15, 2003 – GENERAL MEETING

Meeting called to order by Chairman Fischbach at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Feickert, Knecht and Wiese.

### MINUTES:

Moved by Hansen, seconded by Knecht to approve the General Meeting minutes of July 8, 2003. All members present voting aye. Motion carried.

### CLAIMS:

Moved by Hansen, seconded by Feickert to approve the following claims:

Payroll: Commissioners..\$2,443.30; Auditor..\$5,883.50; Treasurer..\$8,118.70; Data Processing..\$1,573.08; State's Attorney..\$9,219.12; Victims Assistance..\$904.05; Maintenance..\$5,016.92, Assessor..\$6,925.02; Planning & Zoning..\$1,023.20; Register of Deeds..\$4,521.90; Veterans Service Office..\$2,197.65; Sheriff..\$54,990.98; DOJ Grant..\$1,917.89; Communications..\$12,452.86; Welfare Office..\$2,608.10; Health..\$2,544.80; Museum..\$3,694.00; Fairgrounds & Parks..\$3,959.66, Fairboard..\$1,809.65; Extension..\$1,246.30; Weed..\$3,727.32; Emergency Management..\$2,119.79; Weed & Seed..\$1,038.47, Highway..\$34,849.47; Landfill..\$6,149.78; Matching Benefits: FICA..\$10,733.63; Medicare..\$2,510.24;

Supplies: Best Business..\$158.45, Reserve Acct..\$5000.00, Office Equip..\$139.85, CDW..\$616.00, Taylor Laundry..\$16.50, McFarland..\$36.58, Menards..\$325.87, Runnings..\$1236.45, McDonald Supply..\$39.37, Dakota Supply..\$192.60, Active Data..\$257.46, Ameripride..\$353.72, Bexar County Forensic..\$35.00, Safety Service..\$631.66, Office Max..\$288.96, Parcel-Erickson..\$91.00, Eddie's Northside..\$26.20, Dicks Westside..\$40.00, Polk Directories..\$480.18, Tri-State Water..\$4.50, Nat'l Public Safety Information..\$327.00, Bonnie Bitz..\$264.00, OK Tire..\$140.76, Accurint..\$13.75, Respond..\$274.70, Lust..\$89.06, Kesslers..\$311.25, Pierson Ford..\$265.22, Evercom..\$1066.72, Galls..\$66.97, Earthgrains..\$484.17, Lutheran Social Services..\$404.52, Quint City Coin-Ops..\$39.00, Ron's Body Shop..\$75.00, PLF..\$250.97, Diane Mielke..\$4.24, Christine Heidenreich..\$1750.25, School Health Corp..\$245.91, Henry Schein..\$327.98, Z&S..\$4283.11, Specialty Mfg..\$71.60, Hagan Ins..\$167.00, Sheehan Mack..\$288.55, Share..\$436.90, Safety Service..\$881.30, Runnings..\$122.34, Reliable Office..\$41.40, Quality Quick Print..\$934.32, Praxair..\$270.60, Petroleum Partners..\$125.98, Office Max..\$46.14, Northern Central Farmers Elev..\$684.80, Midwest Pump & Tank..\$79.61, Mac..\$85.25, M-R Sign..\$510.90, Lawson Products..\$45.50, Larson Blacksmith..\$139.50, Keeleys..\$58.80, Johnson Tire..\$1.68, Interstate Battery..\$203.50, Howes Oil..\$7006.30, Hedahls..\$4.58, Hecla Impl..\$20.45, Habecks..\$56.00, Great Western Tire..\$602.00, Frey's Electronics..\$659.80, Fox Valley System..\$34.73, Fire Safety First..\$23.52, Farnams..\$90.11, Farm Plan..\$854.30, Farm & Home Pub..\$193.50, Exhaust Pros..\$86.85, Evergreen Supply..\$27.65, Erdmann Oil..\$6649.15, Diamond Mowers..\$113.41, Dakota Oil..\$1651.49, Dakota Fluid Power..\$2171.67, Dware..\$60.00, Caspers Hwd..\$44.28, Cartney Bearing..\$232.84, Butler Machinery..\$1076.28, Bridgestone..\$495.44, Advanced Auto..\$88.93, Chrysler Center..\$9.30, Dakota Electronics..\$25.00, Ben Hofer Backhoe..\$193.88, Evergreen Supply..\$24.00, North Central Steel..\$673.00, Parkview Nursery..\$3964.79, Hub City Rents..\$143.55, Shopko..\$13.72, Kleins..\$9.44, Sherri Rawstern..\$117.31, South Dakota Magazine..\$210.00, Karelyn Farrand..\$30.00, Jared Anderson..\$25.00, Annika Mattern..\$25.00, Mark Sperry..\$25.00, Erica Sperry..\$25.00, Kaye Weber..\$25.00, Sheri Elsen..\$25.00, Lois Davis..\$34.64, Char Backman..\$30.00, Jessica Schmidt..\$30.00, Arlene Naasz..\$30.00, Western Printing..\$642.70, Ken's Superfair Foods..\$18.72, Country Weekly..\$34.95, Kleins..\$45.18, Ramkota..\$49.00, Sherry Theobald..\$8.00, Red Cross..\$150.00, Dakota Miniature Horse

Club..\$500.00, BioQuip Products..\$39.90, SD Assoc of County Commissioners..\$739.50, NECOG..\$4200.00, Johnson Motors..\$18,983.00, Lab Safety..\$2202.69, Skedco..\$1976.00, Ambient..\$923.44, Aramsco..\$1750.00, Tesco..\$11551.87, Medtronic..\$24,924.14, Dept of Motor Vehicles..\$13.00, Erdmann Oil..\$2251.64, Reflective Apparel..\$168.88, Hedahls..\$31.26, Sheehan Mack Sales..\$151.90, Nelson Sales..\$96.00, Artz Camera..\$81.00, MVTL..\$26.80, Zeller Bros..\$34,900.00, Macs..\$5.16, OK Tire..\$8.00, Earth Tech..\$2321.49, Overhead Door..\$66.33, Tres..\$118.46, B&B Contracting..\$3255.00, KGIM/KQKD..\$350.00, Paul Mardian..\$3824.22, Praxair..\$15.70, Graham Tire..\$340.00, Butler..\$964.86, SD Dept of Rev..\$3281.46:

Mileage & Travel: Kathy Fischer..\$104.11, Carol Wolf..\$300.00, Gary Erickson..\$186.45, Mike Scott..\$25.00:

Transcriptions: Sara VanDeWalle..\$30.00, Calleen Misterek..\$1955.70, Slowey Court Reporting..\$145.00:

Publications: American News..\$1038.80, Midland Press..\$252.00:

Professional Fees: witness fee..\$20.00, Avera St Lukes..\$6990.28, Advanced Care Ambulance..\$297.39, Anesthesia Care..\$176.00, NE Mental Health..\$292.60, Dawn Woods..\$150.00, Avera Queen of Peace..\$53.50, Donna Dietrich..\$119.97, Sheriff of Yankton County..\$16.50, Joan Kittelson..\$15.00, Marv Ekeren..\$15.00, Lewis & Clark BHS..\$375.00:

Court Appointed Attorney: Harmelink & Fox..\$74.20, Goetz & Klimisch..\$215.80:

Utilities: Northwestern Energy..\$416.48, Midcontinent Cable..\$120.00, Northwestern Comm..\$150.00, Northern Valley Comm..\$94.57, James Valley Co-Op..\$147.93, Town of Frederick..\$18.25, City of Aberdeen..\$2137.25, Northern Elec..\$421.87, A-1 Sanitation..\$125.55, Qwest..\$112.55, Cellular One..\$36.68, Verizon..\$104.61, WEB Water..\$57.81, Northern Cable..\$79.90:

Care of Poor: Dr./Hospital – 6 recipients – Avera St Lukes..\$5470.15, Family Physicians..\$140.67, Gerber Prof Assoc..\$742.50, Christine Stehly..\$1008.00; Utilities – 6 recipients..NWPS..\$1312.71, Northern Elec..\$46.69; Rent – 7 recipients..D&D Properties..\$230.00, Milbert Schaffer..\$190.00, Rodney Schoen..\$200.00, D&D Investments..\$230.00, Mart Zomers..\$210.00, Paul Meyers..\$250.00, Dennis White..\$210.00. All members present voting aye. Motion carried.

#### PERSONNEL:

Moved by Knecht, seconded by Hansen to approve the following employee step/longevity increases, effective July 20, 2003: Jodi Buhl @ \$9.68 per hour, Jason Heagley @ \$10.82 per hour, Pam Ernst @ \$10.45 per hour, Russell Ochsner @ \$10.53 per hour. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Knecht to approve employee status change for Mark Selzler from Highway Labor Grade 4 @ \$12.49 per hour (\$11.89 plus .60 longevity) to Labor Grade 5 @ \$12.70 per hour (\$12.10 plus .60 longevity), effective July 20, 2003. All members present voting aye. Motion carried.

#### INCREASE SPENDING AUTHORITY/ESTIMATED REVENUE:

Moved by Hansen, seconded by Feickert to increase spending authority in Fund #234-161-434.01 and increase estimated revenue in Fund #234-331.18 in amount of \$10,464.81 for Court Security Grant Funding. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Feickert to increase spending authority in Fund #234-211-426 and increase estimated revenue in Fund #234-331.95 in amount of \$1,910.21 for Underage Drinking Grant Funding. All members present voting aye. Motion carried.



# RE-ADVERTISE ORDINANCE 025:

Moved by Hansen, seconded by Knecht to re-advertise (legal description corrected/hearing date changed) notice of public hearing to begin at 9:30 a.m. on July 29, 2003 in the Brown County Commission Chambers, 25 Market Street, to consider the petition filed by James and JoAnn Sperry to amend Second Revision Brown County Ordinances to rezone the following property from Agricultural Preservation District (AG-P) to Heavy Industrial District (HI) for purpose to install an Asphalt Hot Mix Plant: The West 654' of the North 517' of the NE ¼ of Sec 20-T123N-R62W of the 5<sup>th</sup> P.M., Brown County, SD, to be known as Sperry Outlot 1 in the NE ¼ of Sec 20-T123N-R62W of the 5<sup>th</sup> P.M., Brown County, SD. All members present voting aye. Motion carried.

# ABATEMENT:

Moved by Knecht, seconded by Hansen to approve the following Solid Waste Abatement: Dennis O Jones, house moved (NW ¼ 23-124-62 Ex RR) for year 2003 in amount of \$25.00. All members present voting aye. Motion carried.

# HOME RULE TASK FORCE:

Moved by Wiese, seconded by Feickert to concur with the action of the City Commission and jointly establish the "City/County Home Rule Charter Task Force", and further to appoint Mike Wiese as the Brown County Commission representation on the task force. All members present voting aye. Motion carried.

# SHERIFF REPORTS:

Moved by Hansen, seconded by Knecht to approve the following June 2003 Sheriff Reports: Incidents and Offenses, Prisoner Care, JDC, Money deposited with the County Treasurer (including commissary revenue) and Monthly activities. All members present voting aye. Motion carried.

# LIQUOR/MALT BEVERAGE LICENSE HEARING:

Time and place, as advertised to consider applications for transfer of a Liquor License and Malt Beverage License. The notice of hearing to consider the application for a new liquor license will be re-advertised (legal description corrected/hearing date changed).

Moved by Wiese, seconded by Knecht to approve transfer of Retail (on-sale) and Sunday Liquor License and Retail (on-off sale) Malt Beverage License from James Schumacher, DBA Westside Bait & Tackle to Larry Schumacher DBA Westside Bait & Tackle (N 218' of Lot A, Replat of Evelo's Subdivision in NW ¼ Sec 21-T123N-R64W, Brown County, SD). All members present voting aye. Motion carried.

# LIQUOR/SPECIAL MALT BEVERAGE LICENSE NOTICE:

Moved by Knecht, seconded by Hansen to authorize advertising public hearing to consider application for a **New Retail (on-sale) and Sunday Liquor License**, submitted by Jarrett O & Dennis O Jones, DBA Tacoma Park Place, 39849 127<sup>th</sup> St, Columbia, SD (building known as Tacoma Park Place is located on 5 acres in the NE corner of the NW ¼ of Sec 23-T124N-R62W, Brown County, SD); and to consider the following **Special Malt Beverage License Applications**: Aberdeen Hockey Association, P.O. Box 515, Aberdeen, SD 57401- Brown County Fairgrounds (Clubhouse) SW ¼-Sec 1-T123N-R64W (map indicating specific building on file with application), effective August 11, 12, 13, 14, 15, 16, 17, 2003. Centennial Village Inc., 621 S Main, Aberdeen, SD 57401 - Brown County Fairgrounds (Centennial Village) SW ¼ Sec 1-T123N-R64W (map indicating specific building on file with application), effective August 12, 13, 14, 15, 16, 17, 2003. Boys & Girls Club, 1111 1<sup>st</sup> Ave SE, Aberdeen, SD 57401 - Brown

County Fairgrounds (Grandstand) SW ¼-Sec 1-T123N-R64W (map indicating specific building on file with application), effective August 11, 12, 13, 14, 15, 16, 17, 2003. Hearing to be held at 8:45 A.M. on the 5<sup>th</sup> day of August 2003 in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. All members present voting aye. Motion carried.

**EXECUTIVE SESSION:**

Moved by Wiese, seconded by Feickert to go into executive session for personnel discussion with Maxine Taylor in attendance. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Wiese to adjourn executive session. All members present voting aye. Motion carried.

**APPLICATION FOR OCCUPANCY:**

Moved by Wiese, seconded by Hansen to approve application, submitted by WEB Water Development for occupancy of Brown County Highway #10 in Sec 13 & 14-T124N-R64W, Brown County, SD to install a pottable water line. All members present voting aye. Motion carried.

**REGISTER OF DEEDS EQUIPMENT:**

Carol Sherman, Register of Deeds discussed three quotes for the purchase of a reader/printer and recommended purchase from Active Data in amount of \$6,386.88. Board concurred.

**DOJ PREVENTION GRANT:**

Kevin Bain, NECOG discussed Change Order No. 32.1 for travel (Option A @ \$2,237.50 and Option B @ \$1,939.50), submitted for Christine Heidenreich JDC contracted nurse. After discussion the following action ensued. Moved by Hansen, seconded by Knecht to deny Change Order No. 32.1, as training targets narcotic officers, traffic officers, patrol officers, probation and corrections officers. The Commission suggested an alternate Change Order requesting the purchase of a CD-ROM course entitled "Drug Recognition Expert" in amount of \$24.95 be submitted and also suggested researching training available from local law enforcement officers. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Feickert to approve and authorize the Chairman sign Categorical Assistance Progress Report for the Brown County "Prevention and Intervention Programs for At-Risk and Detained Youth" Project for January 1, 2003 through June 30, 2003. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman sign Financial Form 269 for April through June 2003 for the Brown County Special Appropriation "Prevention and Intervention Programs for at-risk and detained youth" Grant #2001-JS-FX-0014. All members present voting aye. Motion carried.

**BROWN COUNTY WEED AND SEED:**

Moved by Hansen, seconded by Feickert to approve and authorize the Chairman sign Categorical Assistance Progress Report for the Brown County Weed and Seed Project for January 1, 2003 through June 30, 2003. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Knecht to approve and authorize the Chairman sign Financial Form 269 for April through June 2003 for the Brown County Weed and Seed Grant #2002-WS-QX-0054. All members present voting aye. Motion carried.

**PARTIAL LIEN RELEASE:**

Moved by Wiese, seconded by Feickert to authorize the Register of Deeds to remove a lien notation for an individual's propane bill when dates of bankruptcy filing are confirmed and proper verification has been filed at the Register of Deeds. All members present voting aye. Motion carried.

**EXECUTIVE SESSION:**

Moved by Knecht, seconded by Wiese to go into executive session for personnel discussion with Mark McNeary in attendance. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Hansen to adjourn executive session. All members present voting aye. Motion carried.

**2004 BUDGET DISCUSSION:**

The following individuals appeared before the Commission to discuss proposed funding cuts vs. opting out of the tax freeze: Barb Johnson, Mary Worlie, Jodi McQuillen, John VanderHoek, Jim Haar, Kim Lien, Sue Gates, Arnold Dinger, Deb Schlosser, Larry Gerlach, Herb Schaunaman, Stan Altman, Harold Schaunman, Al Waltman, Robert Schuelke, Paul Meyers, Carl Howard, John Sieh and Sheila Enderson.

**OPT OUT RESOLUTION:**

Commissioner Knecht offered the following Resolution:

**ATTENTION TAXPAYERS:  
NOTICE OF  
PROPERTY TAX INCREASE  
OF \$750,000**

**RESOLUTION NO. 62-03  
RESOLUTION FOR OPT OUT**

THE GOVERNING BOARD OF BROWN COUNTY do state that the above said board is unable to operate under the tax limitation measure currently in statute. We therefore OPT OUT of such tax limitation in the amount of \$750,000 starting with calendar year 2003 taxes payable in the calendar year 2004. This opt out will be for FIVE years, which will be through taxes payable in the calendar year 2008. This action has been taken by the board and approved by at least a two-thirds vote of the board.

This decision may be referred to a vote of the people upon a petition signed by at least five percent of the registered voters in the county and filed with the county auditor within twenty days of the first publication of this decision.

Unless this action is referred to a vote of the people and reversed by such vote, this resolution authorizes the county auditor to spread an excess levy to raise tax dollars in the above stated amount.

Seconded by Commissioner Wiese. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

**AGREEMENT:**

Moved by Feickert, seconded by Wiese to amend Contract/Letter of Agreement between Brown County and the SD Department of Corrections, Section II, Items A & D to read \$160/day per child for detention services in Brown County; and further to approve and authorize the Chairman to sign. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Motion failed.

Moved by Knecht, seconded by Wiese to amend Contract/Letter of Agreement between Brown County and the SD Department of Corrections, Section II, Items A & D to read \$155/day per child for detention services in Brown County; and further to approve and authorize the Chairman to sign. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Motion carried.

PLAT:

Commissioner Hansen offered the following Resolution:

RESOLUTION NO. 63-03

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Sperry's Outlot 1 in the NE ¼ of Sec 20-T123N-R62W of the 5<sup>th</sup> P.M., Brown County, SD", 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 Knecht. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

RECESS:

The Chairman declared the Commission recessed until July 29, 2003.

Maxine Taylor – Brown County Auditor

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## JULY 22, 2003- JOINT CITY/COUNTY MEETING

The Brown County Commission and the Aberdeen City Commission met in joint session at 8:30 A.M. in the Brown County Commission Chambers, Courthouse Annex, Aberdeen, South Dakota. Present from City were Commissioners Klabo, Kirkpatrick, Omland, Forkel and Mayor Hopper. Present from County were Commissioners Feickert, Knecht, Wiese and Fischbach. Absent Commissioner Hansen.

### ORDINANCE NO. 03-07-01/281:

On motion by Omland and seconded by Klabo, the City unanimously voted to approve First Reading of Ordinance No. 03-07-01/281.

Moved by Feickert, seconded by Knecht to approve First Reading of Ordinance No. 03-07-01/281, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 714 (M-AG) Mini-Agricultural District, said property being described as follows: Lot 1 of "Pahl First Subdivision in the SE ¼ of Sec 17-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto. All members present voting aye. Motion carried.

### ORDINANCE NO. 03-07-02/282:

On motion by Kirkpatrick and seconded by Forkel, the City unanimously voted to approve First Reading of Ordinance No. 03-07-02/282.

Moved by Feickert, seconded by Wiese to approve First Reading of Ordinance No. 03-07-02/282, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 714 (M-AG) Mini-Agricultural District, said property being described as follows: Lot 1 of "Wika Addition in the SW ¼ of Sec 27-T124N-R64W of the 5<sup>th</sup> P.M., Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto. All members present voting aye. Motion carried.

The Aberdeen City Commission adjourned and the County Commission continued into regular meeting.

Maxine Taylor – Brown County Auditor

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# JULY 22, 2003 – GENERAL MEETING

Meeting called to order by Chairman Fischbach at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Feickert, Knecht and Wiese. Absent Commissioner Hansen.

## MINUTES:

Moved by Feickert, seconded by Knecht to approve the General Meeting minutes of July 15, 2003. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Wiese, seconded by Feickert to approve the following claims:

Supplies: Pitney Bowes..\$297.00, West Group..\$4732.00, Sanders..\$54.67, Macs..\$43.95, Custom Sheet Metal..\$87.00, Ecolab..\$69.70, Rux Bros..\$148.12, Dakota Supply..\$130.69, OK Tire..\$7.00, New Trends..\$115.02, Best Business..\$221.86, NECOG..\$902.88, Little Professor..\$67.90, Office Equip..\$250.00, Credit Bureau..\$7.50, Phillips 66..\$73.00, Dicks..\$31.00, Evergreen..\$35.20, Parcel-Erickson..\$123.89, Duanes Amoco..\$86.48, Medical Center Pharmacy..\$697.68, HRS..\$3217.93, FMS Productions..\$2839.00, Truthought..\$360.00, PC-LAN..\$2028.95, Career Planning..\$3690.63, Ultramax..\$19.80, Tom Schmitt..\$52.70, Amoco..\$40.83, Z&S Dust Control..\$1530.32, Safelite Auto Glass..\$239.13, Quality Welding..\$28.00, Piorier Equip..\$3000.00, Newman Signs..\$65.35, Lighthouse Pointe..\$136.00, Light & Siren..\$115.00, Koch Materials..\$19,521.78, Habecks..\$56.00, Diesel Machinery..\$4598.26, Clark Engineering..\$538.80, Carquest..\$1102.56, Aberdeen Asphalt..\$199,407.28, Language Line Service..\$99.75, Lutheran Social Service..\$4340.00, Aberdeen Area Career Planning..\$1371.48, Safe Harbor..\$3836.75:

Mileage & Travel: Mark McNeary..\$523.20, Kathy Fischer..\$216.20, Tom Gohn..\$7.00, Kathy Schlecht..\$126.19, Jason Hoffman..\$155.00:

Transcriptions: Sara Van De Walle..\$285.60:

Publications: American News..\$ 214.65:

Professional Fees: Cheryl Hairgrove..\$1250.00, Avera United Clinic..\$86.10, Northern Plains OMS..\$203.75, Aberdeen Family Physicians..\$28.70, Avera St Lukes..\$54.00, Sheriff of Yankton County..\$49.50, Donna Dietrich..\$439.88, Gary Mikelson..\$35.50, Bob Walser..\$30.00, Don Carlson..\$45.00, Marv Ekeren..\$15.00:

Utilities: Northwestern Energy..\$1587.26, Dependable Sanitation..\$712.00, Qwest..\$60.00, Northern Elec..\$14.20, City of Hecla..\$52.64, Cellular One..\$31.69:

Care of Poor: Drugs – 11 recipients..Walmart Pharm..\$59.04, Kessler Pharm..\$53.37, Shopko Pharm..\$230.81, Dakota Square Pharm..\$80.17, K-Mart Pharm..\$384.50, Medical Center Pharm..\$642.10; Dr./Hospital – 4 recipients – Aberdeen Plastic Surgery Assoc..\$352.80, Northern Plains OMS..\$76.94, Shopko Optical..\$34.00, Avera St Lukes..\$485.00; Utilities – 4 recipients..NWPS..\$863.90; Burial – 1 recipient..Sunset Memorial..\$510.00, Miller Huebl Funeral Home..\$901.65; Rent – 1 recipient..Erickson & Assoc..\$147.50; Insurance – 1 recipient..Midstates Printing..\$549.17. All members present voting aye. Motion carried.

## LOTTERY APPLICATION:

Moved by Knecht, seconded by Wiese to approve and authorize the Chairman sign application, submitted by Rondell Robins 4-H Club for raffle to be held August 17, 2003 in conjunction with the Brown County Fair. All members present voting aye. Motion carried.

## BROWN COUNTY WEED AND SEED:

Moved by Wiese, seconded by Feickert to approve the Brown County Weed and Seed Monthly Expenses for July 2003 (Year Two 2002-WS-QX-0054), in amount of \$12,516.03. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Knecht to approve and authorize a Grant Adjustment Notice (GAN) be sent to EOWS requesting an extension for the year two funding period until December 31, 2003 for Brown County Weed and Seed Grant #2002-WS-QX-0054. All members present voting aye. Motion carried.

#### ABATEMENT:

Moved by Feickert, seconded by Wiese to approve the following Abatement: Connie Riesland, mobile home moved (1994 Atlantic) for year 2003 (payable 2004 prepaid) in amount of \$121.14. All members present voting aye. Motion carried.

#### LEASE AGREEMENT:

Moved by Wiese, seconded by Knecht to approve agreement with Aberdeen Abate for lease of the Club House at the Fairgrounds on August 24 and 25, 2003. All members present voting aye. Motion carried.

#### SPECIAL MALT BEVERAGE LICENSE HEARING:

Moved by Wiese, seconded by Feickert to authorize advertising public hearing to consider the following application for a Special Malt Beverage License: Aberdeen Abate, P.O. Box 825, Aberdeen, S.D. 57401 – Brown County Fairgrounds (Clubhouse) SW ¼ Sec1-T123N-R64W, Brown County, SD (map indicating specific building on file with application), effective August 23 & 24, 2003. Hearing to be held at 8:45 AM on August 12, 2003, in the Chambers of the Brown County Commissioners, Courthouse Annex, Brown County, SD. All members present voting aye. Motion carried.

#### PERSONNEL:

Moved by Knecht, seconded by Feickert to acknowledge the following miles driven and amount to be taxed for personal use of County vehicles during April, May and June 2003: Richard Burns – 218 @ \$70.85, Dirk Rogers – 2290 @ \$744.25, Mike Scott – 430 @ \$139.75. All members present voting aye. Motion carried.

#### QCD:

Moved by Feickert, seconded by Wiese to approve and authorize the Chairman sign Quit Claim Deed to Phil Bodine for property described as, Park Addn., Lots 15 & 16 Blk 2, Westport City (property previously declared surplus and offered for public auction on March 24, 2003). All members present voting aye. Motion carried.

#### BID – SECURITY VIDEO SYSTEM:

Time and place, as advertised to open, read and consider bids for furnishing labor and material for installation of a Security Video System for the Brown County Jail and Juvenile Detention Center (JDC portion to be partially funded by the Brown County Prevention Grant #2001-JS-FX-0014). Bids were received from SimplexGrinnell, Fargo, ND; A & M Radio, Aberdeen, SD; Electronic Security Equipment, Mitchell, SD; Dakota Electronics, Aberdeen, SD. Moved by Feickert, seconded by Wiese to refer all bids to the Maintenance and Sheriff Departments for review and recommendation. All members present voting aye. Motion carried.

#### TRANSFER LIQUOR/MALT BEVERAGE LICENSE HEARING:

Time and place, as advertised to consider applications for transfer of a Liquor License and Malt Beverage License. Moved by Feickert, seconded by Wiese to approve transferring the following applications: TRANSFER RETAIL (ON SALE) AND SUNDAY LIQUOR and TRANSFER RETAIL (ON-OFF SALE) MALT BEVERAGE from Paul Monroe DBA Elm Lake Resort, Inc to Daniel Brandenburger DBA Elm Lake Resort (Lot 1 Elm Lake Resort Subd. in the SE ¼ of Sec 8-T128-R65 ex that portion of Road r/o/w Brown County, South Dakota). All members present voting aye. Motion carried.

#### APPLICATIONS FOR OCCUPANCY:

Moved by Wiese, seconded by Knecht to approve and authorize the Chairman sign the application, submitted by Northern Electric Cooperative for occupancy of 395<sup>th</sup> Ave (Brown County16) in Sec 29-T123N-R62W, Brown County, SD to install single phase underground cable crossing. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Knecht to approve and authorize the Chairman sign the application, submitted by Northern Electric Cooperative for occupancy of 395<sup>th</sup> Ave (Brown County16) in Sec 5-T122N-R62W, Brown County, SD to install single phase underground cable crossing. All members present voting aye. Motion carried.

#### ORDINANCE NO. 026:

Moved by Wiese, seconded by Feickert to approve First Reading of Ordinance No. 026, An Ordinance amending Title 13 – Wheel Tax, Second Revision Brown County Ordinances, as amended. All members present voting aye. Motion carried.

#### PLATS:

Commissioner Wiese offered the following Resolution:

#### RESOLUTION NO. 64-03

BE IT RESOLVED by the Board of Commissioners of Brown County, SD, that the plat showing “Pahl First Subdivision in the SE ¼ of Sec 17-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD”, 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 Knecht. Roll call vote: Commissioners Hansen-absent, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

#### RESOLUTION NO. 65-03

BE IT RESOLVED by the Board of Commissioners of Brown County, SD, that the plat showing “Wika Addition in the SW ¼ of Sec 27-T124N-R64W of the 5<sup>th</sup> P.M., Brown County, SD”, 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 Feickert. Roll call vote: Commissioners Hansen-absent, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

#### HOSPITAL CLAIMS:

Jeff Steele, Avera St Lukes Regional Hospital met to discuss payment of various hospital bills. Charlene Millim, Welfare Director was also in attendance.



Moved by Knecht, seconded by Feickert to deny payment of a hospital bill, submitted by the Avera St Lukes Hospital in amount of \$2,937.68 for a 49 year old female, as the individual has not provided sufficient information to determine indigency. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Feickert to deny payment of a hospital bill, submitted by the Avera St Lukes Hospital in amount of \$13,421.49 for a 20 year old male, as the individual has not provided sufficient information to determine indigency. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Knecht to deny payment of a hospital bill, submitted by the Avera St Lukes Hospital in amount of \$3,010.61 for a 41 year old male, as the individual has not provided sufficient information to determine indigency. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Knecht to deny payment of a hospital bill, submitted by the Avera St Lukes Hospital in amount of \$5,301.07 for a 22 year old female, as the individual has not provided sufficient information to determine indigency. All members present voting aye. Motion carried.

#### LIEN DISCUSSION:

An individual met with the Commission to offer monthly payments of \$50.00 up to \$2,000.00 on a lien if the balance is released. Welfare Director Charlene Millim was instructed to research with the States Attorney's Office.

#### EXECUTIVE SESSION:

Moved by Wiese, seconded by Knecht to go into executive session for personnel discussion with an employee with Paul Alyward and Mark McNeary also in attendance. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Feickert to adjourn executive session. All members present voting aye. Motion carried.

#### RECESS:

The Chairman declared the Commission recessed until July 29, 2003.

Maxine Taylor – Brown County Auditor

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## JULY 29, 2003- JOINT CITY/COUNTY MEETING

The Brown County Commission and the Aberdeen City Commission met in joint session at 8:30 A.M. in the Brown County Commission Chambers, Courthouse Annex, Brown County, South Dakota. Present from City were Commissioners Klabo, Omland and Forkel. Absent Commissioner Kirkpatrick and Mayor Hopper. Present from County were Commissioners Hansen, Feickert, Knecht, Wiese and Fischbach.

### ORDINANCE NO. 03-07-01/281:

On motion by Omland and seconded by Forkel, the City unanimously voted to approve Second Reading of Ordinance No. 03-07-01/281.

On motion by Forkel and seconded by Omland, the City unanimously voted to adopt Ordinance No. 03-07-01/281.

Moved by Feickert, seconded by Wiese to approve Second Reading of Ordinance No. 03-07-01/281. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Wiese to adopt Ordinance No. 03-07-01/281, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 714 (M-AG) Mini-Agricultural District, said property being described as follows: Lot 1 of "Pahl First Subdivision in the SE ¼ of Sec 17-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Ordinance adopted.

### ORDINANCE NO. 03-07-02/282:

On motion by Omland and seconded by Forkel, the City unanimously voted to approve Second Reading of Ordinance No. 03-07-02/282.

On motion by Forkel and seconded by Omland, the City unanimously voted to adopt Ordinance No. 03-07-02/282.

Moved by Knecht, seconded by Wiese to approve Second Reading of Ordinance No. 03-07-02/282. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to adopt Ordinance No. 03-07-02/282, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 714 (M-AG) Mini-Agricultural District, said property being described as follows: Lot 1 of "Wika Addition in the SW ¼ of Sec 27-T124N-R64W of the 5<sup>th</sup> P.M., Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Ordinance adopted.

The Aberdeen City Commission adjourned and the County Commission continued into regular meeting.

Maxine Taylor – Brown County Auditor

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## JULY 29, 2003 GENERAL MEETING

Meeting called to order by Chairman Fischbach at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Feickert, Knecht and Wiese.

### MINUTES:

Moved by Feickert, seconded by Wiese to approve the Joint City/County Meeting minutes and the General Meeting minutes of July 22, 2003. All members present voting aye. Motion carried.

### CLAIMS:

Moved by Knecht, seconded by Wiese to approve the following claims:

Payroll: Commissioners..\$2,443.30; Auditor..\$5,883.50; Treasurer..\$8,130.70; Data Processing..\$1,573.08; State's Attorney..\$8,783.82; Victims Assistance..\$904.05; Maintenance..\$5,001.43, Assessor..\$6,757.58; Planning & Zoning..\$1,061.57; Register of Deeds..\$4,521.90; Veterans Service Office..\$2,294.10; Sheriff..\$54,607.29; DOJ Grant..\$1,986.24; Communications..\$11,069.41; Welfare Office..\$2,608.10; Health..\$2,544.80; Museum..\$3,884.40; Fairboard..\$1,775.11; Fairgrounds & Parks..\$3,940.23; Extension..\$1,247.86; Weed..\$3,183.48; Emergency Management..\$2,111.79; Weed & Seed..\$924.89; Highway..\$37,108.66; Landfill..\$5,709.89; Matching Benefits: FICA..\$10,738.29, Medicare..\$2,511.38, Wellmark BCBS Life..\$691.46, Wellmark BCBS Health..\$55,851.84, Delta Dental..\$3,344.00, SD State Retirement..\$21,725.14;

Supplies: Lexis/Nexis..\$352.25, New Trends..\$85.34, Mediapro..\$393.00, Phillips 66..\$73.73, Best Business Products..\$180.71, Hoven Auto..\$44.01, Parcel-Erickson..\$21.95, Safelite Glass..\$25.00, Respond..\$60.00, Matthew Bender..\$340.05, Chris & Don Tarp..\$45.00, Langs..\$57.95, Dept of Rev..\$1157.00, Photo Xpress..\$16.67, Medtox..\$250.34, Printak..\$211.00, Old Dominion..\$583.87, Don Maunu..\$1000.00, Fred Ludwig..\$882.12, Lincoln County Highway..\$39.29, Koch Materials..\$102,722.58, John Deere..\$49,449.19, HF Jacobs..\$3676.03, Huron Culvert..\$1324.31, Howes Oil..\$4495.50, House of Glass..\$39.80, Farm Power..\$8.93, Jason's Truck Body..\$25.09, Walmart..\$42.36, National Register Pub..\$226.95, NSU Office of Finance..\$149.88, Court St Lighting..\$15.68, Lora Schaunaman..\$31.74, Adj Training Center..\$12,220.00, UBC..\$22.31, Ext Service..\$1000.00, Van Diest..\$5169.60, Pro Ag Supply..\$45.95, Carquest..\$29.62, Evergreen Supply..\$187.10, Bridgestone..\$12.00, Farnam's..\$27.24, Quality Quick Print..\$448.00, Dept of Motor Vehicles..\$6.00, Kelsey Welding..\$17.04, RadioShack..\$24.99, Johnson Motors..\$68.20, Office Equip..\$159.00, ProMap..\$2100.00, Jodi Gerdes..\$94.07, Runnings..\$382.80, Menards..\$206.30, Fordham Signs..\$1566.00, Dakota Oil..\$73.80, HF Jacobs..\$3412.50, Gemplers..\$444.25, Overhead Door..\$89.29, FedEx..\$32.84, P-C Lan..\$2,028.95;

Mileage & Travel: Mike Wiese..\$17.69, Maxine Taylor..\$81.20, Tom Gohn..\$529.79, Gene Loeschke..\$258.97, Leo Leshar..\$136.30, Dennis Feickert..\$20.30, Kristal Biegler..\$267.21;

Transcriptions: Suzanne Breedigan..\$213.50;

Publications: American News..\$328.05;

Professional Fees: Witness fees..\$138.00, Sheriff of Chippewa County..\$30.00, Kim Dorsett..\$2083.33, Rich Russman..\$2083.33, Dr John Carrels..\$72.05, Northern Plains Psych..\$37.80, Avera St Lukes..\$1322.05, Eckrich Urology..\$912.90, Aberdeen Family Physicians..\$28.70, Treas of Yankton County..\$359.20;

Court Appointed Attorney: Randy Turner..\$4166.67, Christy Serr..\$4166.67, Scott Kuck..\$4166.67, William Gerdes..\$4166.67, Kennedy, Rokahr..\$120.70;

Utilities: Qwest..\$134.17, Cellular One..\$1064.77, Northwestern Energy..\$1675.13, Montana Dakota..\$30.49, A-1 Sanitation..\$105.95, Midcontinent Cable..\$82.67, Prairiewave..\$19.95, WEB..\$57.81;

Care of Poor: Dr./Hospital – 3 recipients – Anesthesia Care..\$512.00, Avera St Lukes..\$474.30; Utilities – 2 recipients..NWPS..\$415.94; Rent – 3 recipients..Rob Waltman..\$190.00, D&D Properties..\$190.00,

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Jurgens Apts..\$150.00; Insurance – 4 recipients..Avera Health Plans..\$622.86, Dakota Care..\$267.81, Twin City Fan..\$470.90. All members present voting aye. Motion carried.

**ABATEMENT:**

Moved by Feickert, seconded by Wiese to approve the following Abatement: Thayne Wika, double assessment (S 290'4" of W 200' SW 27-124-64) solid waste for year 2003 in amount of \$65.00. All members present voting aye. Motion carried.

**PERSONNEL:**

Moved by Wiese, seconded by Hansen to approve the following employee step/longevity increase, effective August 3, 2003: Dennis VanHeerde @ \$11.25 per hour. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Hansen to acknowledge the resignation of Justin Lematta and Mike Law, effective July 25, 2003. All members present voting aye. Motion carried.

**HAY CUTTING AT RICHMOND YOUTH CAMP:**

Moved by Hansen, seconded by Feickert to authorize advertising request for proposals for Hay Cutting at Richmond Youth Camp, to be opened, read and considered by the Brown County Commission at 8:45 A.M. on August 19, 2003 in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. All members present voting aye. Motion carried.

**CDBG DOCUMENTATION:**

Moved by Hansen, seconded by Knecht to approve and authorize the Chairman sign documentation on behalf of the Dacotah Prairie Museum Community Development Block Grant - Parts I-VI; and further to approve and authorize the Chairman sign CDBG Payment Request #1 in amount of \$4,950.00. All members present voting aye. Motion carried.

**INCREASE SPENDING AUTHORITY/ESTIMATED REVENUE:**

Moved by Hansen, seconded by Knecht to increase spending authority in Fund #101-523-425 and increase estimated revenue in Fund #101-373.01 in amount of \$7,676.16 for unanticipated insurance reimbursement for wind damage to the Grandstand at the Fairgrounds. All members present voting aye. Motion carried.

**PLAT:**

Commissioner Feickert offered the following Resolution:

**RESOLUTION NO. 66-03**

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing "Nilsson Subdivision in the SE ¼ of Sec 24-T121N-R64W of the 5<sup>th</sup> P.M., Brown County, SD", having been examined, is hereby approved in accordance with the provisions of SDCL of 11-3, and any amendments thereof.

Seconded by Commissioner Hansen. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

**POLLING PLACE CHANGED:**

Moved by Hansen, seconded by Feickert to approve changing polling place for Precinct 002 from O.M. Tiffany Elementary School to the Washington Street Gym, as recommended by Maxine Taylor, Brown County Auditor. All members present voting aye. Motion carried.

**COMMUNITY HEALTH CENTER:**

Moved by Hansen, seconded by Wiese to authorize Charlene Millim, Welfare Director prepare voucher in amount of \$5,000.00 to be remitted to the Community Health Center Planning Committee. All members present voting aye. Motion carried.

**DOJ PREVENTION GRANT:**

Moved by Feickert, seconded by Knecht to authorize purchase of a laptop computer, for use by the Community Resource Coordinators, to be funded in amount of \$1,502.72 by the Brown County Prevention Grant #2001-JS-FX-0014 with balance of \$526.23 coming from County JDC Budget. All members present voting aye. Motion carried.

**BROWN COUNTY WEED AND SEED:**

Moved by Knecht, seconded by Feickert to approve and authorize a Amended Grant Adjustment Notice (GAN) be sent to EOWS requesting an extension for the year two funding period until December 31, 2003 for Brown County Weed and Seed Grant #2002-WS-QX-0054. All members present voting aye. Motion carried.

**COMMUNITY ACCESS GRANT APPLICATION:**

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman sign SD Department of Transportation Community Access Grant application for Project located on County Road 12, from Melgaard Road one-half mile South, in SE Aberdeen, Brown County, SD in amount of \$120,000.00 (40% County Match). All members present voting aye. Motion carried.

Commissioner Hansen offered the following Resolution:

**RESOLUTION NO. 67-03**

**RESOLUTION OF FINANCIAL COMMITMENT, RESPONSIBILITY  
FOR ROAD MAINTENANCE, AND SUPPORT FOR PROJECT**

WHEREAS, Brown County is applying for a Community Access Grant through the South Dakota Department of Transportation (SDDOT) for Brown County, and

WHEREAS, the SDDOT requires a 40 percent local match for the construction costs of a project up to a specified amount; and

WHEREAS, the SDDOT required the local government agency to be responsible for the maintenance of improved road; and

WHEREAS, Brown County is in full support of this project and grant application;

THEREFORE, BE IT RESOLVED that Brown County will provide the local mach needed to supplement the SDDOT grant. This match will be 40 percent of the construction costs as shown in the grant application.

THEREFORE, BE IT ALSO RESOLVED that Brown County will be responsible for maintenance of the improved road; and

THEREFORE, BE IT ALSO RESOLVED that Brown County expresses their full support and cooperation to the road improvement project and the SDDOT CAG application.

Dated this 29<sup>th</sup> day of July 2003.

Seconded by Commissioner Wiese. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

#### APPLICATION FOR OCCUPANCY:

Moved by Knecht, seconded by Feickert to approve the following application, submitted by WEB Water Development Association for occupancy of Brown County Highway #23 in Sec 2-T121N-R65W and in Sec 35-T122N-R65W, Brown County, SD to install pottable water lines. All members present voting aye. Motion carried.

#### BCCHC REPORT:

DeAnna Kyburz presented the Brown County Community Health Center Report for April – June 2003.

#### BID AWARD – BROWN COUNTY SECURITY VIDEO SYSTEM:

Moved by Feickert, seconded by Wiese to award bid, submitted by A & M Radio in total amount of \$48,281.05 for furnishing labor and material for installation of a Security Video System for the Brown County Jail and Juvenile Detention Center. The JDC portion in amount of \$13,266.60 is to be funded by the Brown County Prevention Grant #2001-JS-FX-0014 and Jail portion in amount of \$35,014.45 is to be funded by County General Funds.. Bids received from the following were rejected: SimplexGrinnell @ \$73,155.00; Electronic Security Equipment @ \$64,843.06 and Dakota Electronics @ \$79,942.00. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to approve and authorize the Chairman sign Contract with A & M Radio. All members present voting aye. Motion carried.

#### ORDINANCE NO. 025:

Time and place, as advertised for First Reading of Ordinance No. 025 Sperry Rezone. Chet Howard, Lyle Fritz, Richard Hulshof, Garey and Patty Finley appeared in opposition. After discussed the following action ensued. Moved by Hansen, seconded by Wiese to approve First Reading of Ordinance No. 025, An Ordinance amending Title 4, Second Revision Brown County Ordinances, as amended to rezone the West 654' of the North 517' of the NE ¼ of Sec 20-T123N-R62W of the 5<sup>th</sup> P.M., Brown County, SD, to be known as Sperry Outlot 1 in the NE ¼ of Sec 20-T123N-R62W of the 5<sup>th</sup> P.M., Brown County, SD; from Chapter 4.06 (AG-P) Agricultural Preservation District to Chapter 4.16 (H-I) Heavy Industrial District. All members present voting aye. Motion carried.

#### ORDINANCE NO. 026:

Moved by Wiese, seconded by Feickert to approve Second Reading of Ordinance No. 026, An Ordinance amending Title 13 – Wheel Tax, Second Revision Brown County Ordinances, as amended. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to adopt Ordinance No. 026, An Ordinance amending Title 13 – Wheel Tax, Second Revision Brown County Ordinances, as amended to impose a Wheel Tax, effective October 1, 2003. All members present voting aye. Motion carried.

#### RECESS:

The Chairman declared the Commission recessed until August 5, 2003.

Maxine Taylor – Brown County Auditor

## AUGUST 5, 2003 – GENERAL MEETING

Meeting called to order by Chairman Fischbach at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Feickert, Knecht and Wiese.

## MINUTES:

Moved by Hansen, seconded by Wiese to approve the Joint City/County Meeting minutes and the General Meeting minutes of July 29, 2003. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Hansen, seconded by Wiese to approve the following claims:

Supplies: Brown & Saenger..\$275.00, RE Huffman..\$114.98, Office Equip..\$41.34, Nat'l Auto Dealers..\$58.00, Sec of State..\$25.00, Shafer & Feld..\$258.95, Mark McNeary..\$148.56, Dept of Revenue..\$3338.31, Executive Mgmt..\$2021.00, Mobile Electronic Service..\$48.00, Bob Barker..\$47.44, Dicks Westside..\$65.00, Sodak Sport & Bait..\$48.98, Walmart..\$265.55, Best Business..\$114.29, Matthew Bender..\$174.55, Praxair..\$15.81, Share Corp..\$174.00, Office Max..\$82.04, Lawson Products..\$483.94, Larson Blacksmith..\$52.00, Koch materials..\$82,412.02, Howes Oil..\$2397.60, Great Western Tire..\$3580.62, Diesel Machinery..\$7495.00, Crawford Trucks..\$1208.28, HC Clark..\$421.39, Clark Engineering..\$861.20, Butler Machinery..\$1085.39, Advanced Auto..\$14.88, Oahe Inc..\$500.00, Mueller Lumber..\$501.00, City of Hecla..\$1750.00, Alexander Mitchell Library..\$25,000.00, Donna Bertsch..\$50.00, PJ Sanitation..\$3700.00, Schwan Welding..\$660.00, Amy Engelhart..\$630.00, Macs..\$46.79, Civil Air Patrol..\$700.00, Jane Hummel..\$125.00, Pheasantland Industries..\$2099.00, Ken's Superfair Foods..\$4.68, Menards..\$1242.57, Quality Quick Print..\$94.73, Linda Emery..\$30.00, Jean Hommel..\$133.58, Gene Carr..\$148.66, Kesslers..\$82.56, Paper Warehouse..\$26.93, Jan Beckler..\$150.00, AAHA..\$400.00, Erica Paulson..\$100.00, Carol Skinner..\$100.00, Di/An Controls..\$700.00, Dakota Team Penning..\$550.00, BOTMA..\$50.00, Pete Carmichael..\$300.00, Karen Geditz..\$48.56, Bobbie Bierman..\$45.08, Nancy Schlickemayer..\$30.00, Susan Lehr..\$30.00, Janelle Klapperich..\$30.00, Barb Jansen..\$41.02, Karen Wolter..\$42.18, Elsie Wells..\$30.00, Heather Traphagen..\$30.00, Becky Thyen..\$47.40, Brad Sharp..\$30.00, Terry Richardson..\$30.00, Mike Radke..\$30.00, Kara Paulson..\$30.00, Norma Miller..\$65.38, Jeff Jarman..\$30.00, Renee Marzhan..\$50.30, Sherri Mack..\$57.84, Duane Jark..\$42.76, Zach Hilpert..\$30.00, Carrie Lashly..\$30.00, Vicki Forkel..\$59.00, Tara Erickson..\$38.12, Pam Erickson..\$30.00, Tammy Dennert..\$30.00, Pat Dennert..\$30.00, Lois Davis..\$30.00, Joyce Dahme..\$30.00, Erin Dabney..\$30.00, Marsha Braun..\$59.00, Alice Bartell..\$59.00, Linda Generke..\$44.50, Van Diest..\$341.64, Jim River Riders..\$1500.00, Blanchard Communications..\$1908.00, Pro-Clean..\$3700.00, Sam's Sound..\$5350.00, Three Seasons Tent Rental..\$6100.00, BSA Troop 51..\$2849.00, Westport Little League..\$50.00, Aberdeen Advanced Care..\$2208.00, Evergreen Supply..\$230.00, Hoff's RVs..\$375.00, Frederick Community Club..\$6750.00, SDNA Dist 13..\$800.00, Bethlehem Lutheran Church..\$2000.00, Sacred Heart Church..\$1000.00, Midwest Golf Car..\$5760.00, Machinists Local Union..\$850.00, TMS..\$12,000.00, Romeo Entertain Group..\$9,000.00, Korkow Rodeo..\$18,500.00, TBA Entertainment..\$35,000.00, Sawyer Brown..\$35,000.00, Catalina Cource..\$30,000.00, No-Till Farmer..\$57.95, ProAg Supply..\$18.50, Frey Electronics..\$1092.00, Runnings..\$516.21, Habecks Radiator..\$68.00, S&S Communications..\$1500.00, Ed Feld Co..\$500.00, Dakota Elec..\$1044.15, Best Business..\$42.33, Hagenmeyer North America..\$2560.00, Aramsco..\$475.00, Dakota Air..\$31.50, Erdmann Oil..\$1934.26, JD Evans..\$153.43, MVTL..\$26.80, Praxair..\$15.25, Earth Tech..\$1348.96, Bricks..\$380.00, Sheehan Mack Sales..\$4.83, Butler Machinery..\$102.45, New Deal Tire..\$7123.85, DSS..\$175.20, Overhead Door..\$247.24, K-Mart..\$36.02, Weigel Const..\$1855.00, Visa..\$802.80:

Mileage & Travel: Jeanette Nietert..\$107.52, Sherry Theobald..\$90.21, Kimberly Perrin..\$252.68, Marg Kolb..\$357.22:

Publications: American News..\$1302.52, Groton Independent..\$322.59, Weekly Edition..\$275.70:

Professional Fees: Avera St Lukes..\$54.00, Eide Bailly..\$256.50:

Court Appointed Attorney: Goetz & Klimisch..\$108.10, William Gerdes..\$248.50:

Utilities: Qwest..\$196.50, Midcontinent Cable..\$137.16, WEB..\$96.95, Verizon..\$175.81:

Care of Poor: Drugs – 11 recipients – Kessler Pharmacy..\$67.55, Walmart Pharmacy..\$41.32, Medical Center Pharmacy..\$268.04, Jones Drug..\$405.72, Shopko Pharmacy..\$279.70, K-Mart Pharmacy..\$209.87, Dakota Square Pharmacy..\$5.92; Utilities – 4 recipients..NWPS..\$900.00; Rent – 7 recipients..Rockford Apts..\$210.00, Aberdeen Living Center..\$966.30, CK Realty..\$150.00, G&J Investments..\$170.00, Ken Hallstrom..\$286.80, D&L LLC..\$130.00, Rod Eikamp..\$230.00. All members present voting aye. Motion carried.

#### PERSONNEL:

Moved by Knecht, seconded by Wiese to acknowledge resignation of JDC Employee Kathie Tupper, effective August 15, 2003. All members present voting aye. Motion carried.

#### CANCEL CHECKS:

Moved by Wiese, seconded by Knecht to cancel the following outstanding checks, effective July 30, 2003: US Bank: #13883 @ \$1.00 Craig Schaunaman, #13991 @ \$3.00 DMV; Wells Fargo Bank: #11942 @ \$4.00 Larry Dingman, #12090 @ \$1.00 Jayne Hynes, #12098 @ \$3.17 Jamie Metcalfe, #12223 @ \$1.00 Cherie Plymate, #12237 @ \$5.19 Franjo Inc, #12316 @ \$7.12 Joelyn Sherley, #12326 @ \$12.48 Garry Black, #12412 @ \$4.50 Marty LeCompte, #33263 @ \$11.50 BJ Hanson, #33460 @ \$.89 Jodi Fettig, #12464 @ \$3.00 Sam Williams, #12496 @ \$5.00 Robert Johnson, #12534 @ \$7.00 Delbert Dutenhoffer, #12546 @ \$4.00 Amy or Troy Engelhart; Dacotah Bank: #23188 @ \$12.32 David Peck, #25552 @ \$10.58 Del Janusz, #12100 @ \$2.00 Scott or Pamela Berry, #12142 \$1.49 Linda Harr, #12154 \$1.00 Lawrence Solney, #12168 @ \$3.50 DMV, #12172 @ \$19.90 Garry Black, #36356 @ \$21.16 Jane King. All members present voting aye. Motion carried.

#### SET HEARING DATES:

Moved by Wiese, seconded by Hansen to set public hearing for 8:45 a.m. on August 26, 2003 in the Brown County Commission Chambers, 25 Market Street for First Reading of Ordinance No. 03-08-04/283 (Mohr/Neitzel), An Ordinance amending Ordinance No. 1164 to rezone the following described property from Section 701 (A-1) Agricultural District to Section 714 (M-AG) Mini-Agricultural District: Lots 1 & 2 of Mohr's Second Subdivision in the SE ¼ of Sec 36-T124N-R64W of the 5<sup>th</sup> P.M., Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto, and from Section 701 (A-1) Agricultural District to Section 703 (R-1) Low Density Residential District: Plat known as "Guthmiller's Outlot 1 in the NW ¼ of Sec 6-T123N-R64W, Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto. Ordinance No. 03-08-05/284 (Bollwerk/Lock), An Ordinance amending Ordinance No. 1164 to rezone the following described property from Section 714 (M-AG) Mini-Agricultural District to Section 704 (R-2) Medium Density Residential District: Lot 1 of "Bollwerk Addition in the SW ¼ of Sec 3-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD", Lot 1 of "Lock Addition in SW ¼ of Sec 3-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto. Ordinance No. 03-08-06/285 (Kuntz), An Ordinance amending Ordinance No. 1164 to rezone the following described property from Section 701 (A-1) Agricultural District to Section 703 (R-1) Low Density Residential District: Plat known as "Kuntz Outlot 1 in the SW ¼ of Sec 34-T124N-R64W of the 5<sup>th</sup> P.M., Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto. Ordinance No. 03-08-07/286 (Angerhofer/Heyd/Dombrowe), An Ordinance amending Ordinance No. 1164 to rezone the following described property from Section 701 (A-1) Agricultural District to Section 704 (R-2) Medium Density Residential District: Plat known as "Angerhofer Lot 1 in the NE ¼ of Sec 27-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD", the 100' next North of the South 133' of the East 300' of the NE ¼ of Sec 27-T123N-R64W, Lot 3 of "Lots 1 thru 5, Lowary's First Subdivision in the SE



¼ of Sec 27-T123N-R64W", plat known as "Dombrowe Lot 1 in the NE ¼ of Sec 34-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto. All members present voting aye. Motion carried.

**SW DISPOSAL FACILITY RENEWAL:**

Moved by Wiese, seconded by Knecht to acknowledge and approve application to renew the following permit #98-12 issued by the SD DENR for Aberdeen City to operate a solid waste disposal facility in the NW ¼ of NW ¼ Sec 16-T124N-R63W, Brown County, SD to dispose of waste lime sludge- water treatment. All members present voting aye. Motion carried.

**LOTTERY APPLICATION:**

Moved by Knecht, seconded by Hansen to approve and authorize the Chairman sign application, submitted by Granary Memorial Gallery, Inc. for raffle to be held during the second week of September 2003. All members present voting aye. Motion carried.

**SPECIAL MALT BEVERAGE LICENSE HEARING:**

Time and place, as advertised to consider Special Malt Beverage License applications for use during the Brown County Fair. Moved by Wiese, seconded by Hansen to approve and authorize the Chairman sign the following Special Malt Beverage License Applications for use during the Fair at the Brown County Fairgrounds, located in the SW ¼ Sec 1-T123N-R64W (map indicating specific buildings on file with applications): Aberdeen Hockey Association at the Clubhouse, effective August 11, 12, 13, 14, 15, 16 and 17, 2003; Centennial Village Inc at Centennial Village, effective August 12, 13, 14, 15, 16 and 17, 2003; Boys & Girls Club at the Grandstand, effective August 11, 12, 13, 14, 15, 16 and 17, 2003. All members present voting aye. Motion carried.

**NEW RETAIL/SUNDAY LIQUOR LICENSE HEARING:**

Time and place, as advertised to consider application for new Retail (on-sale) Liquor and Sunday Liquor License. Moved by Wiese, seconded by Hansen to approve and authorize the Chairman sign application, submitted by Jarrett O & Dennis O Jones DBA Tacoma Park Place, 39849 127<sup>th</sup> Street, Columbia for Retail (on-sale) Liquor and Sunday Liquor License. Building known as Tacoma Park Place is located on five (5) acres in the NE corner of the NW ¼ of Sec 23-T124N-R62W of the 5<sup>th</sup> P.M., Brown County, SD. All members present voting aye. Motion carried.

**OPT OUT DISCUSSION:**

Bud Dennert met with the Commission to discuss the Opt Out Resolution.

**SUBORDINATION AGREEMENT:**

Moved by Wiese, seconded by Feickert to approve and authorize the Chairman sign Subordination Agreement with Dacotah Bank on Lots 471, 472 and the N 5' of Lot 473, Morning Heights Subdivision of the N ½ of Sec 19-T123N-R63W of the 5<sup>th</sup> P.M., according to the plat thereof of record, Brown County, SD. All members present voting aye. Motion carried.

**ORDINANCE NO. 025:**

Time and place, as advertised for Second Reading and possible Adoption of Ordinance No. 025, An Ordinance amending Title 4, Second Revision Brown County Ordinances, as amended to rezone certain property. Thirteen area residents appeared to oppose the rezone. Three individuals appeared in favor of the rezone. After lengthy discussion, the following action ensued:

Moved by Hansen, seconded by Knecht to approve Second Reading of Ordinance No. 025. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to adopt Ordinance No. 025, An Ordinance Amending Title 4, Second Revision Brown County Ordinances, as amended, to rezone certain described property from Chapter 4.06 (AG-P) Agricultural Preservation District to Chapter 4.16 (H-I) Heavy Industrial District, said property described as follows: The West 654' of the North 517' of the NE ¼ of Sec 20-T123N-R62W of the 5<sup>th</sup> P.M., Brown County, SD, to be known as Sperry Outlot 1 in the NE ¼ of Sec 20-T123N-R62W of the 5<sup>th</sup> P.M., Brown County, SD. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Ordinance adopted.

**PROPERTY/SPECIAL ASSESSMENT RECORDS DISCUSSED:**

Mary Worlie and Maxine Taylor discussed current process followed when changing information on property/special assessment records.

**RECESS:**

The Chairman declared the Commission recessed until August 12, 2003.

Maxine Taylor – Brown County Auditor

## AUGUST 12, 2003 – GENERAL MEETING

Meeting called to order by Chairman Fischbach at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Feickert and Knecht. Absent Commissioner Wiese.

## MINUTES:

Moved by Feickert, seconded by Knecht to approve the General Meeting minutes of August 5, 2003. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Knecht, seconded by Hansen to approve the following claims:

Payroll: Commissioners..\$2,443.30; Auditor..\$5,883.50; Treasurer..\$8,130.70; Data Processing..\$1,573.08; State's Attorney..\$9,231.92; Victims Assistance..\$904.05; Maintenance..\$5,004.79; Assessor..\$6,675.64; Planning & Zoning..\$1,023.20; Register of Deeds..\$4,521.90; Veterans Service Office..\$2,472.60; Sheriff..\$52,652.52; DOJ Grant..\$2,460.75; Communications..\$10,919.49; Welfare Office..\$2,608.10; Health..\$4,743.25; Museum..\$3,864.00; Fairgrounds & Parks..\$4,254.71; Fairboard..\$1,870.10; Extension..\$1,455.56; Weed..\$3,678.43; Emergency Management..\$2,111.79; Weed & Seed..\$986.48; Highway..\$36,285.94; Landfill..\$6,093.94; Matching Benefits: FICA..\$10,786.70; Medicare..\$2,522.68;

Supplies: Brown County Tres..\$39.82, SDACO..\$15.00, Best Business..\$159.61, Heartland Paper..\$304.42, McFarland Supply..\$18.07, Gary's Engine..\$29.00, Aberdeen ProClean..\$570.00, Ecolab..\$74.00, Rux Bros..\$157.33, Menards..\$17.13, Dakota Supply..\$523.11, Gardner Locksmith..\$90.00, Eilers..\$94.62, Woodman Refrig..\$229.41, Runnings..\$268.77, House of Glass..\$10.17, Executive Mgmt..\$20.00, SDN..\$128.00, Dakota Electronics..\$844.70, Jones Drug..\$93.18, Ameripride..\$371.68, Bonnie Bitz..\$192.00, Dicks..\$47.25, Lust..\$505.19, Chris & Dons..\$45.00, OK Tire..\$430.88, New Trends..\$249.24, Neves Uniform..\$226.66, Respond..\$98.20, UltraMax..\$15.00, Accurint..\$8.25, Quality Quick Print..\$66.28, Kesslers..\$332.01, Office Max..\$103.61, Prairie Fire..\$75.00, HRS..\$3112.80, Cheryl Hairgrove..\$1242.00, DSS..\$483.50, Warner School Dist..\$1900.00, Backup Training Corp..\$24.95, California Narcotic Officers Assn..\$20.00, Parents as Teachers..\$415.48, Vosika Fencing..\$996.80, City of Groton..\$20.00, West Group..\$95.00, SDDOT..\$479.36, Sheehan Mack Sales..\$240.00, Daniel Schinkel..\$800.00, Safety Service..\$99.75, Pierson Ford..\$4.84, Josh Perman..\$80.00, Palmer Dist..\$117.00, North Central Farmers Elev..\$1655.51, Nelson Auto..\$1.91, Midwest Pump & Tank..\$375.34, Menards..\$399.63, Macs..\$112.94, James Loterbauer..\$90.00, Koch Materials..\$76,248.28, Interstate Battery..\$139.90, Howes Oil..\$7931.20, Dave Gardner Trucking..\$2604.00, Freys Electronics..\$15.00, Farm Plan..\$36.09, Evergreen..\$47.76, Erdmann Oil..\$781.93, Diamond Mowers..\$329.81, Dakota Oil..\$100.10, Dakota Fluid Power..\$105.96, Cunningham Elec..\$35.70, Cartney Bearing..\$78.37, Bridgestone Firestone..\$1222.53, Kevin Bourdon Trucking..\$2646.00, SDACC..\$37.50, Lewis & Clark BHS..\$375.00, Sioux Vocational..\$60.00, Swanson Elec..\$55.00, Cunningham Elec..\$5356.02, Jensen Rock..\$1061.76, Farnam's..\$468.64, Tractor Supply..\$88.34, K-Mart..\$144.41, Butler..\$40.68, Extension Service..\$234.76, Carquest..\$33.55, Hedges Auto..\$30.00, Dakota Fluid..\$39.00, VanDiest..\$6419.40, Zeller Bros..\$48500.00, Power Plan..\$17,040.04, Aberdeen Equip..\$974.35, Graham Tire..\$1307.70, Dakota Oil..\$441.96, Brick Propane..\$13.50, Artz Camera..\$12.10, Paul Mardian..\$847.45, South Brown Cons Dist..\$131.20, MVTL..\$26.80, SWANA..\$1125.00, Galls..\$169.99, Langs..\$120.00, Kirk's Auto..\$111.55, Central Supply..\$59.64, Hagemeyer North America..\$7852.00, Lab Safety..\$554.40, EF Johnson..\$55,958.00, Northland LTD..\$4,950.00;

Mileage & Travel: Deb Knecht..\$237.80, Wende Holzkamm..\$73.20, Gary Erickson..\$152.22, Nyle Jensen..\$234.20;

Publications: American News..\$745.80, Dakota Press..\$1142.16;

Professional Fees: Witness fees..\$20.00, Christine Heidenreich..\$2031.75, Avera Queen of Peace..\$180.50:

Utilities: Northwestern Energy..\$21,079.16, City of Aberdeen..\$3848.49, Midcontinent Cable..\$120.00, Northern Valley Comm..\$186.87, James Valley Co-Op..\$145.72, City of Hecla..\$50.42, Town of Frederick..\$18.25, Northern Elec..\$445.99:

Care of Poor: Drugs – 3 recipients –Medical Center Pharmacy..\$228.56, Heart Hospital..\$60.00, Dr./Hospital – 2 recipients –Avera St Lukes..\$4703.37; Utilities – 2 recipients..NWPS..\$326.07; Rent – 9 recipients..Rockford Apts..\$210.00, D&L LLC..\$380.00, Don Bonn..\$200.00, Tom Appletoft..\$230.00, Sandy Grodzin..\$190.00, Dean Salzsieder..\$230.00, Rob Waltman..\$190.00, Michael Erdmann..\$210.00. All members present voting aye. Motion carried.

#### PERSONNEL:

Moved by Hansen, seconded by Feickert to approve the following employee step/longevity increases, effective August 17, 2003: Sherri Rawstern @ \$11.21 per hour, Scott Kolb @ \$15.57 per hour, John Heine @ \$15.62 per hour. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Hansen to approve hiring the following, as part-time employees to work during Fair, effective August 11, 2003: Tim Norton @ \$7.25 per hour, Jason Weig @ \$7.25 per hour, Michael Sievers @ \$7.20 per hour, Kenny Thorton @ \$7.20 per hour, Matt Rodgers @ \$7.20 per hour, Connie Howard @ \$7.00 per hour, LaVonne Wolf @ \$7.00 per hour, Laura Boone @ \$6.75 per hour. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Hansen to approve hiring the following, as part-time security to work during the Fair, effective August 11, 2003 at \$16.00 per hour: Jason Hoffman, Jason Hill, Jon Gohn, Keith Baker, Ryan Kiefer, Jacob Miller, Shana Theobald, Ben Woodward, Heather Rystrom, Matt Farley, Justin Cleveland, Brenda Hammrich, Jennifer Mechaley, Holly Schumacher, Stacey LeDuc, Bobbie Olauson, Harlan "Butch" Radke, Mary Clawson, Michael Novack, Michael Flanigan, Tanner Johndahl, Jeffrey Carlson, Marty Mechaley, Joseph Mosslander, Daryl VanDover, Brad Erhardt, Chris Gross, Brad Gardner, Roland Barvels, Brent Koens. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Knecht to approve hiring Michael Flanigan as guard, effective August 12, 2003 for purpose of prisoner transport. All members present voting aye. Motion carried.

#### SPECIAL MALT BEVERAGE LICENSE FEE SET:

Moved by Feickert, seconded by Hansen to set the fee, as authorized by SDCL 35-4-11.5 for Special Malt Beverage License applications at fifty dollars per day, effective January 1, 2004,. All members present voting aye. Motion carried.

#### LOTTERY APPLICATION:

Moved by Feickert, seconded by Knecht to approve and authorize the Chairman sign application, submitted by the Brown County Democrats for a raffle to be held August 24, 2003. All members present voting aye. Motion carried.

#### PREVENTION GRANT:

Moved by Feickert, seconded by Knecht to approve Change Order #79.4 to include \$200.40 for reference material to be used by the contracted JDC nurse, funded by the Department of Justice Prevention and Intervention Programs for At-Risk and Detained Youth Project #2001-JS-FX-0014. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Hansen to approve Change Order #193 to include \$1,106.70 in year two budget for renovation in the main recreation room and exercise area, to be funded by the Department of

Justice Prevention and Intervention Programs for At-Risk and Detained Youth Project #2001-JS-FX-0014. All members present voting aye. Motion carried.

#### AUDITORS REPORT OF ACCOUNT:

Moved by Feickert, seconded by Hansen to approve the July 2003 Auditor's Report of Account with the County Treasurer in total amount of \$7,624,793.04 (total amount of actual cash @ \$31,81.81, Wells Fargo Bank @ \$3,240.77, US Bank @ \$89,670.79, Dacotah Bank @ \$34,991.42, Petty Cash @ \$1,700.00, Fund Investments @ \$7,491,690.06, Outstanding Checks @ \$318.19). All members present voting aye. Motion carried.

#### RANGE FIRE SUPPRESSION:

Commissioner Hansen offered the following Resolution:

#### RESOLUTION NO. 68-03 RANGE FIRE SUPPRESSION

WHEREAS, SDCL 41-20-8.1 authorizes the South Dakota Wildlife Coordinator to assist in fighting range fires throughout the State, but only if a county submits a formal request; and

WHEREAS, Brown County appoints individuals periodically by motion and submits a County Designee Report annually to the SD Department of Agriculture for the purpose of range fire suppression assistance.

NOW, THEREFORE BE IT RESOLVED, that the Brown County Commission name the following designees, as authorized by SDCL 41-20-8.1 for purpose of requesting assistance from the SD Wildlife Coordinator in fighting range fires in Brown County: Darrell Berreth, Tom Fischbach, Ted Heupel, Freddie Robinson and John Stahl.

Seconded by Commissioner Feickert. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-absent, Fischbach-aye. Resolution adopted.

#### PLAT:

Commissioner Knecht offered the following Resolution:

#### RESOLUTION NO. 69-03

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Prairie Lake First Subdivision in E ½ W ½ Sec 23-T124N-R65W of 5<sup>th</sup> P.M., Brown County, SD", 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 Feickert. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-absent, Fischbach-aye. Resolution adopted.

#### SPECIAL MALT BEVERAGE LICENSE HEARING:

Time and place, as advertised to consider Special Malt Beverage License application, submitted by Aberdeen Abate. Moved by Feickert, seconded by Hansen to approve and authorize the Chairman sign the following Special Malt Beverage License Application: Aberdeen Abate, P.O. Box 825, Aberdeen, S.D. 57401 – Brown County Fairgrounds (Clubhouse) SW ¼-Sec1-T123N-R64W (map indicating specific building on file with application), effective August 23 & 24, 2003. All members present voting aye. Motion carried.

**APPLICATION FOR OCCUPANCY:**

Moved by Feickert, seconded by Knecht to approve application, submitted by Northern Electric Cooperative for occupancy of Brown County Highway #10 in Sec 24-T123N-R65W, Brown County, SD for installation of underground cable crossing. All members present voting aye. Motion carried.

**EXECUTIVE SESSIONS:**

Moved by Feickert, seconded by Hansen to go into executive session for personnel discussion with Mark McNeary in attendance. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Hansen to adjourn executive session. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Hansen to go into executive session for personnel discussion with Mark Milbrandt and Barb Johnson in attendance. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Hansen to adjourn executive session. All members present voting aye. Motion carried.

**POSITION ADVERTISED:**

Mark Milbrandt and Barb Johnson informed the Commission that the open position for Assistance JDC Supervisor has been advertised.

**LANDFILL FALL RESIDENTIAL CLEANUP:**

Moved by Hansen, seconded by Feickert to approve waiving fees from September 6 through September 20, 2003 for the Brown County Landfill's fall residential cleanup. Waste types include: appliances, batteries, antifreeze, waste oil, propane tanks (20# and smaller), paint, tires (no rims or businesses), grass and leaves, all tree waste (logs, branches, shrubbery, etc), rubble debris (lumber, sheet rock, shingles, etc), other miscellaneous waste. RESIDENTIAL ONLY. All members present voting aye. Motion carried.

**2004 PROVISIONAL BUDGET:**

Moved by Hansen, seconded by Feickert to approve the 2004 Provisional Budget and authorize advertising public hearing to be held in the Commissioner's Chambers, Courthouse Annex, at 10:00 A.M. on September 2, 2003. All members present voting aye. Motion carried.

**RECESS:**

The Chairman declared the Commission recessed until August 19, 2003.

Maxine Taylor – Brown County Auditor

## AUGUST 19, 2003 - GENERAL MEETING

Meeting called to order by Chairman Fischbach at 8:45 a.m. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Feickert, Knecht and Wiese.

### MINUTES:

Moved by Knecht, seconded by Feickert to approve the General Meeting minutes of August 12, 2003. All members present voting aye. Motion carried.

### CLAIMS:

Moved by Feickert, seconded by Hansen to approve the following claims:

Supplies: IOMA..\$228.95, Adamsoft..\$340.00, CDW Govt..\$3201.35, New Trends..\$131.72, Mark McNery..\$28.47, Dept of Rev..\$45.00, Exec Mgmt..\$49.92, Office Equip..\$70.08, Taylor Laundry..\$15.00, K-Mart..\$131.46, McFarland Supply..\$100.78, Cunningham Elec..\$225.99, Menards..\$219.29, Heartland Paper..\$693.39, Active Data..\$6886.88, Hoven Auto..\$127.84, Amoco..\$25.46, Herbergers..\$64.97, JC Penneys..\$59.98, Career Planning..\$2231.25, Parcel-Erickson..\$21.95, Credit Bureau..\$7.50, Streichers..\$108.85, FEI..\$35.00, Fleet Mgmt..\$15.24, Earthgrains..\$454.78, Share Corp..\$402.30, ProAg..\$115.30, Olson Milling..\$12.00, Koch Materials..\$1578.73, Napa..\$128.22, Carquest..\$1099.93, Batteries Plus..\$198.46, AAM..\$75.00, UBC..\$1.83, McQuillen Design..\$62.24, Ken's Superfair Foods..\$3.38, Lora Schaunaman..\$6.78, A&M Radio..\$44.50, AASLH..\$75.00, Ameripride..\$43.82, Sue Gates..\$15.89, Quality Quick Print..\$51.01, Stage Pros..\$5246.25, UPS..\$141.19, Hagemeyer North America..\$520.00, Jacobs..\$2057.62, Warner School..\$1497.29, NECOG..\$1001.04, Hewlett-Packard..\$117.01, Best Business..\$32.40:

Mileage & Travel: Kim Perrin..\$111.38, Nancy Radke..\$18.00, Tom Gohn..\$265.70, Mark Milbrandt..\$861.10:

Transcriptions: Michelle Gaikowski..\$85.00, Tammy Erickson..\$75.00:

Publications: American News..\$1207.49:

Professional Fees: Witness fees..\$27.25, Avera United Clinic..\$170.25, Northern Plains OMS..\$213.95, Aberdeen Family Physicians..\$75.99, Avera St Lukes..\$482.70, NE Mental Health..\$160.93, Avera St Lukes..\$1785.00, NADRIC..\$2083.33:

Utilities: Northwestern Energy..\$2165.09, Dependable..\$371.00, Qwest..\$120.00, Northern Elec..\$14.20, Midcontinent Cable..\$65.00, Verizon..\$87.05, Cellular One..\$105.67:

Care of Poor: Dr./Hospital – 2 recipients –Heart Hospital of SD..\$40.00, Avera McKennan..\$4237.05; Utilities – 3 recipients..NWPS..\$401.69, BDM Water..\$133.05, Northern Elec..\$56.95; Rent – 4 recipients..Hinz, Hinz & Hoffman..\$190.00, Kent Cutler..\$190.00, D&D Properties..\$230.00, Dallas Niederbaumer..\$210.00. All members present voting aye. Motion carried.

### SVAWA GRANT APPLICATION:

Moved by Hansen, seconded by Feickert to approve and authorize the Chairman sign application for Stop Violence Against Women Act Grant funding. All members present voting aye. Motion carried.

### HAY CUTTING PROPOSALS – RICHMOND YOUTH CAMP:

Time and place, as advertised to open, read and consider proposals for hay cutting on approximately 21 acres at the Richmond Youth Camp. Proposals were received from Don Schumacher, Michael Muldoon and Frohling Farms.

Moved by Hansen, seconded by Wiese to accept proposal, submitted by Don Schumacher in amount of \$22.00 per acre for hay cutting on approximately 21 acres at the Richmond Youth Camp; rejecting proposals from Frohling Farms in amount of \$18.00 per acre and Michael Muldoon in amount of \$17.28 per acre. All members present voting aye. Motion carried.

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**EXECUTIVE SESSION:**

Moved by Feickert, seconded by Wiese to go into executive session for personnel discussion with Craig Price and Mark McNeary in attendance. After discussion Mr. Price left and Mark Milbrandt and Freddie Robinson joined Mr. McNeary to discuss another personnel issue. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Knecht to adjourn executive session. All members present voting aye. Motion carried.

**HIGHWAY PROJECT UPDATE:**

Dirk Rogers, Highway Superintendent presented update on current highway projects.

**LLEBG HEARING AND APPLICATION:**

Time and place, as scheduled for public hearing for input on spending priorities for Local Law Enforcement Block Grant funding. No one appeared.

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman sign application for Local Law Enforcement Block Grant funding. All members present voting aye. Motion carried.

**RECESS:**

The Chairman declared the Commission recessed until August 26, 2003.

Maxine Taylor – Brown County Auditor



AUGUST 25, 2003 - JOINT CITY/COUNTY MEETING

The Brown County Commission and the Aberdeen City Commission met in joint session at 3:00 P.M. in the Aberdeen Commission Chambers, 123 S Lincoln, Aberdeen, South Dakota. Present from City were Commissioners Klabo, Forkel, Omland, Kirkpatrick and Mayor Hopper. Present from County were Commissioners Hansen, Feickert, Knecht, Wiese and Fischbach.

Mayor Hopper had requested this meeting of the City Commission and County Commission to discuss suggestions made at the August 20<sup>th</sup> Communications Council for the future management of the Brown County Regional Communications Center.

On motion by Klabo and seconded by Omland, the City unanimously voted to go into executive session for personnel discussion with Ken Schwab, Ron VanMeter, John Stahl, Mark Milbrandt, Tom Schmitt, Freddie Robinson, Mark Anderson and Mark McNeary in attendance.

Moved by Feickert, seconded by Knecht to go into executive session for personnel discussion with Ken Schwab, Ron VanMeter, John Stahl, Mark Milbrandt, Tom Schmitt, Freddie Robinson, Mark Anderson and Mark McNeary in attendance. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Feickert to adjourn the Brown County Commission, with no action taken as a result of the executive session. All members present voting aye. Motion carried.

Maxine Taylor – Brown County Auditor

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AUGUST 26, 2003- JOINT CITY/COUNTY MEETING

The Brown County Commission and the Aberdeen City Commission met in joint session at 8:45 A.M. in the Brown County Commission Chambers, Courthouse Annex, Aberdeen, South Dakota. Present from City were Commissioners Klabo, Forkel and Mayor Hopper. Absent were Commissioners Kirkpatrick and Omland. Present from County were Commissioners Hansen, Feickert, Knecht and Fischbach. Absent Commissioner Wiese.

ORDINANCE NO. 03-08-04/283:

On motion by Forkel and seconded by Klabo, the City unanimously voted to approve First Reading of Ordinance No. 03-08-04/283.

Moved by Knecht, seconded by Hansen to approve First Reading of Ordinance No. 03-08-04/283, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 714 (M-AG) Mini-Agricultural District, said property being described as follows: Lots 1 and 2 of "Mohr's Second Subdivision in the SE ¼ of Sec 36-T124N-R64W of the 5<sup>th</sup> P.M., Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto and to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 703 (R-1) Low Density Residential District, said property being described as follows: Plat known as "Guthmiller's Outlot 1 in the NW ¼ of Sec 6-T123N-R63W, Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto. All members present voting aye. Motion carried.

ORDINANCE NO. 03-08-05/284:

On motion by Klabo and seconded by Forkel, the City unanimously voted to approve First Reading of Ordinance No. 03-08-05/284.

Moved by Feickert, seconded by Knecht to approve First Reading of Ordinance No. 03-08-05/284, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 714 (M-AG) Mini-Agricultural District to Section 704 (R-2) Medium Density Residential District, said property being described as follows: Lot 1 of "Bollwerk Addition in the SW ¼ of Sec 3-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD", Lot 1 of "Lock Addition in the SW ¼ of Sec 3-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto. All members present voting aye. Motion carried.

ORDINANCE NO. 03-08-06/285:

On motion by Forkel and seconded by Klabo, the City unanimously voted to approve First Reading of Ordinance No. 03-08-06/285.

Moved by Hansen, seconded by Feickert to approve First Reading of Ordinance No. 03-08-06/285, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 703 (R-1) Low Density Residential District, said property being described as follows: Plat known as "Kuntz Outlot 1 in the SW ¼ of Sec 34-T124N-R64W of the 5<sup>th</sup> P.M., Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto. All members present voting aye. Motion carried.

ORDINANCE NO. 03-08-07/286:

On motion by Klabo and seconded by Forkel, the City unanimously voted to approve First Reading of Ordinance No. 03-08-07/286.

Moved by Hansen, seconded by Feickert to approve First Reading of Ordinance No. 03-08-07/286, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 704 (R-2) Medium Density Residential District, said property being described as follows: Plat known as "Angerhofer Lot 1 in the NE ¼ of Sec 27-T123N-R64W, of the 5<sup>th</sup> P.M., Brown County, SD", the 100' next North of the South 133' of the East 300' of the NE ¼ of Sec 27-T123N-R64W, Lot 3 of "Lots 1 thru 5, Lowary's First Subdivision in the SE ¼ of Sec 27-T123N-R64W", plat known as "Dombrowe Lot 1 in the NE ¼ of Sec 34-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto. All members present voting aye. Motion carried.

The Aberdeen City Commission adjourned and the County Commission continued into regular meeting.

Maxine Taylor – Brown County Auditor

## August 26, 2003 GENERAL MEETING

Meeting called to order by Chairman Fischbach at 8:45 a.m. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Feickert and Knecht. Absent Commissioner Wiese.

## MINUTES:

Moved by Feickert, seconded by Hansen to approve the General Meeting minutes of August 19, 2003. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Hansen, seconded by Feickert to approve the following claims:

Payroll: Commissioners..\$2,443.30; Auditor..\$5,908.20; Treasurer..\$8,130.70; Data Processing..\$1,573.08; State's Attorney..\$8,280.93; Victims Assistance..\$904.05; Maintenance..\$4,980.59; Assessor..\$6,852.42; Planning & Zoning..\$1,042.39; Register of Deeds..\$4,537.90; Veterans Service Office..\$2,423.25; Sheriff..\$51,957.93; DOJ Grant..\$2,517.96; Communications..\$10,742.79; Welfare Office..\$2,637.15; Health..\$1,656.00; Museum..\$3,830.00; Fairboard..\$12,915.59; Fairgrounds & Parks..\$6,389.76; Extension..\$2,489.84; Weed..\$3,234.89; Emergency Management..\$2,111.79; Weed & Seed..\$986.48; Highway..\$35,570.40; Landfill..\$6,184.78; Matching Benefits: FICA..\$11,312.61, Medicare..\$2,645.69, Wellmark BCBS Life..\$668.96, Wellmark BCBS Health..\$54,686.46, Delta Dental..\$3,256.00, SD State Retirement..\$21,486.29; Supplies: CDW Govt..\$155.18, Office Max..\$57.99, DSS..\$115.60, Medical Center Pharmacy..\$1127.96, Best Business..\$189.46, Sodak Sport..\$28.99, Phillips 66..\$55.85, DocuSource..\$97.22, Evercom..\$700.00, Duanes Amoco..\$38.30, Z&S Dust..\$2151.66, Alan Winburn..\$1312.50, Upper Plains Contracting..\$4780.64, SDDOT..\$2085.72, SD Counties..\$160.00, Petroleum Partners..\$227.50, Old Dominion Brush..\$574.76, Lien Trans..\$69,473.04, Koch Materials..\$75,408.20, Huron Culvert..\$4196.50, Howes Oil..\$7519.10, Erdmann Oil..\$1397.96, Biersbach Equip..\$180.52, Aberdeen Asphalt..\$51,988.86, A&M Radio..\$192.00, Tractor Supply..\$7.33, Vosika Fencing..\$5806.00, Runnings..\$168.14, Macs..\$8.00, Midwest Golf Cart..\$30.46, Beadle Floral..\$2792.00, Menards..\$322.73, Shopko..\$18.63, Jensen Rock & Sand..\$650.00, Senior Citizens..\$250.00, Century Business..\$152.87, Nasco..\$85.40, Frey's Electronics..\$3342.00, Farnam's Genuine Parts..\$1.30, Radio Shack..\$24.99, Language Lines..\$96.91, Bureau of Info..\$1800.00, Galls..\$273.97, Lutheran Social Services..\$4095.00, City of Aberdeen..\$1950.00, NECOG..\$1666.66, Brown County..\$4287.30, New Beginnings..\$3200.00, Warner School Dist..\$2470.53, City of Groton..\$1174.44, Pierson Ford..\$6.00, Earth Tech..\$4358.47, Sheehan Mack Sales..\$217.32, West Group..\$4732.00; Mileage & Travel: Maxine Taylor..\$68.48, Mary Worlie..\$56.36, Leo Leshner..\$148.77, Gene Loeschke..\$236.06, Jan Weismantel..\$35.00; Publications: American News..\$337.50; Professional Fees: Kim Dorsett..\$2083.33, Rich Russman..\$2916.66, Dakota Imaging..\$24.00, Avera St Lukes..\$439.27, Avera United Clinic..\$83.00, Yankton County Sheriff..\$33.00, Don Carlson..\$30.00, Donna Dietrich..\$239.94, Cathy Rehfuess..\$15.00, Marv Ekeren..\$15.00, Pennington County..\$200.00; Court Appointed Attorney: William Gerdes..\$4166.67, Scott Kuck..\$4166.67, Christy Serr..\$4166.67, Randy Turner..\$4166.67, Kennedy, Rokahr & Pier..\$255.60; Utilities: Cellular One..\$711.06, Northwestern Energy..\$2934.82, Dependable Sanitation..\$428.40, Qwest..\$5406.55, Northern Elec..\$278.33, A-1 Sanitation..\$205.95, AT&T..\$20.52, James Valley..\$233.20, Bureau of Admin..\$505.01, Prairiewave..\$19.95; Care of Poor: Dr./Hospital – 5 recipients – Northern Plains Oral..\$152.75, Aberdeen Family Physicians..\$110.40, Avera St Lukes..\$23,791.00; Utilities – 9 recipients..NWPS..\$1489.99; Rent – 4 recipients..Kurt Krueger..\$45.00, Park Village..\$210.00, Frederick Dev Corp..\$199.00, Mart Zomers..\$150.00; Insurance – 1 recipient..Midstates Printing..\$750.83. All members present voting aye. Motion carried.

**PERSONNEL:**

Moved by Knecht, seconded by Feickert to approve the following employee step/longevity increases, effective August 31, 2003: Amy Lake @ \$11.07 per hour, Alicia Dohn @ \$11.24 per hour. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Feickert to terminate employment of Weed Supervisor Todd Odenbach, effective August 19, 2003. All members present voting aye. Motion carried.

**SHERIFF REPORTS:**

Moved by Hansen, seconded by Knecht to approve the following July 2003 Sheriff Reports: Incidents and Offenses, Prisoner Care, JDC, Money deposited with the County Treasurer and Monthly activities. All members present voting aye. Motion carried.

**CLAIM ASSIGNMENT:**

Moved by Feickert, seconded by Hansen to approve and authorize the Chairman sign documentation to assign a claim against an individual to L.F. Noll Inc. for purpose of collecting a lien. All members present voting aye. Motion carried.

**BROWN COUNTY WEED AND SEED:**

Moved by Hansen, seconded by Knecht to approve the following Weed and Seed Year Two funding proposals: Brown County Sheriff's Office (Community Policing Supplies), Aberdeen Police Department (Officer Trading Cards), Brown County Weed & Seed (Meetings), as recommended by the Steering Committee. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Feickert to approve the Brown County Weed and Seed Monthly Expenses for August 2003 (Year Two 2002-WS-QX-0054), in amount of \$14,748.93. All members present voting aye. Motion carried.

**E911 SURCHARGE:**

Commissioner Hansen offered the following Resolution:

**RESOLUTION NO. 70-03**

WHEREAS, Title 11 – Enhanced 911 Emergency Telephone Reporting System, Second Revision Brown County Ordinances, authorizes Brown County to impose a uniform monthly Enhanced 911 emergency surcharge, and

WHEREAS, Title 11, Chapter 11.0103 requires the Brown County Commission to review the current charge and establish, by resolution, a rate of charge to be effective on the next January first, not to exceed the amount authorized.

BE IT RESOLVED that the Brown County Commission establishes a rate of \$.75 for each local exchange access line, including cellular and enhanced SRM telephone, effective January 1, 2004.

Seconded by Commissioner Knecht. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-absent, Fischbach-aye. Resolution adopted.

**SURPLUS PROPERTY:**

Moved by Feickert, seconded by Hansen to declare 12 Glock model 23 pistols from the Sheriff Department surplus for trade in and transfer Decal #2073 Reader Printer from the Register of Deeds to central storage. All members present voting aye. Motion carried.

**PLATS:**

Commissioner Knecht offered the following Resolution:

August 26, 2003 General Meeting

# RESOLUTION NO. 71-03

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Crawford's First Subdivision in NE ¼ Sec 17-T124N-R64W of 5<sup>th</sup> P.M., Brown County, SD", 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 Hansen. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-absent, Fischbach-aye. Resolution adopted.

Commissioner Knecht offered the following Resolution:

# RESOLUTION NO. 72-03

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Taylor's First Subdivision in the NE ¼ of Sec 22-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD", 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 Feickert. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-absent, Fischbach-aye. Resolution adopted.

Commissioner Feickert offered the following Resolution:

# RESOLUTION NO. 73-03

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Franz Outlot 1 in the NW ¼ Sec 33-T124N-R63W of the 5<sup>th</sup> P.M., Brown County, SD", 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 Hansen. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-absent, Fischbach-aye. Resolution adopted.

## EXECUTIVE SESSION:

Moved by Feickert, seconded by Knecht to go into executive session to discuss personnel with Dirk Rogers in attendance. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Feickert to adjourn executive session. All members present voting aye. Motion carried.

## PERSONNEL:

Moved by Feickert, seconded by Hansen to authorize Dirk Rogers, Highway Superintendent to advertise open position at the Highway Department. All members present voting aye. Motion carried.

## REQUEST REVIEWED:

The Commission and Sheriff Milbrandt reviewed a request for office supplies in relation to contract.

## RECESS:

The Chairman declared the Commission recessed until September 2, 2003.

Maxine Taylor – Brown County Auditor

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SEPTEMBER 2, 2003- JOINT CITY/COUNTY MEETING

The Brown County Commission and the Aberdeen City Commission met in joint session at 8:45 A.M. in the Brown County Commission Chambers, Courthouse Annex, Aberdeen, South Dakota. Present from City were Commissioners Klabo, Forkel and Mayor Hopper. Absent were Commissioners Kirkpatrick and Omland. Present from County were Commissioners Hansen, Feickert, Knecht, Wiese and Fischbach.

ORDINANCE NO. 03-08-04/283:

On motion by Forkel and seconded by Klabo, the City unanimously voted to approve Second Reading of Ordinance No. 03-08-04/283.

On motion by Klabo and seconded by Forkel, the City unanimously voted to adopt Ordinance No. 03-08-04/283.

Moved by Knecht, seconded by Feickert to approve Second Reading of Ordinance No. 03-08-04/283. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Feickert to adopt Ordinance No. 03-08-04/283, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 714 (M-AG) Mini-Agricultural District, said property being described as follows: Lots 1 and 2 of "Mohr's Second Subdivision in the SE ¼ of Sec 36-T124N-R64W of the 5<sup>th</sup> P.M., Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto and to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 703 (R-1) Low Density Residential District, said property being described as follows: Plat known as "Guthmiller's Outlot 1 in the NW ¼ of Sec 6-T123N-R63W, Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Ordinance adopted.

ORDINANCE NO. 03-08-05/284:

On motion by Klabo and seconded by Forkel, the City unanimously voted to approve Second Reading of Ordinance No. 03-08-05/284.

On motion by Forkel and seconded by Klabo, the City unanimously voted to adopt Ordinance No. 03-08-05/284.

Moved by Feickert, seconded by Hansen to approve Second Reading of Ordinance No. 03-08-05/284. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Hansen to adopt Ordinance No. 03-08-05/284, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 714 (M-AG) Mini-Agricultural District to Section 704 (R-2) Medium Density Residential District, said property being described as follows: Lot 1 of "Bollwerk Addition in the SW ¼ of Sec 3-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD", Lot 1 of "Lock Addition in the SW ¼ of Sec 3-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Ordinance adopted.

ORDINANCE NO. 03-08-06/285:

On motion by Forkel and seconded by Klabo, the City unanimously voted to approve Second Reading of Ordinance No. 03-08-06/285.

On motion by Klabo and seconded by Forkel, the City unanimously voted to approve adopt Ordinance No. 03-08-06/285.

Moved by Feickert, seconded by Wiese to approve Second Reading of Ordinance No. 03-08-06/285. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to adopt Ordinance No. 03-08-06/285, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 703 (R-1) Low Density Residential District, said property being described as follows: Plat known as "Kuntz Outlot 1 in the SW ¼ of Sec 34-T124N-R64W of the 5<sup>th</sup> P.M., Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

ORDINANCE NO. 03-08-07/286:

On motion by Klabo and seconded by Forkel, the City unanimously voted to approve Second Reading of Ordinance No. 03-08-07/286.

On motion by Forkel and seconded by Klabo, the City unanimously voted to adopt Ordinance No. 03-08-07/286.

Moved by Wiese, seconded by Hansen to approve Second Reading of Ordinance No. 03-08-07/286. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Wiese to adopt Ordinance No. 03-08-07/286, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 704 (R-2) Medium Density Residential District, said property being described as follows: Plat known as "Angerhofer Lot 1 in the NE ¼ of Sec 27-T123N-R64W, of the 5<sup>th</sup> P.M., Brown County, SD", the 100' next North of the South 133' of the East 300' of the NE ¼ of Sec 27-T123N-R64W, Lot 3 of "Lots 1 thru 5, Lowary's First Subdivision in the SE ¼ of Sec 27-T123N-R64W", plat known as "Dombrowe Lot 1 in the NE ¼ of Sec 34-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

The Aberdeen City Commission adjourned and the County Commission continued into regular meeting.

Maxine Taylor – Brown County Auditor



## SEPTEMBER 2, 2003 – GENERAL MEETING

Meeting called to order by Chairman Fischbach at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Feickert, Knecht and Wiese.

### MINUTES:

Moved by Knecht, seconded by Feickert to approve the Joint City/County Meeting minutes of August 25 and 26, 2003, the General Meeting minutes of August 26, 2003. All members present voting aye. Motion carried.

### CLAIMS:

Moved by Wiese, seconded by Feickert to approve the following claims:

Supplies: Walmart..\$27.52, Sue Gates..\$17.74, Menards..\$123.28, Dakota Supply Group..\$136.54, A-1 Sanitation..\$345.40, Swanson Electric..\$246.02, Sewer Duck..\$40.00, Z&S Dust Control..\$2132.39, Respond..\$120.00, Kmart..\$61.43, Best Business Products..\$115.38, FedEx..\$5.57, Chris & Dons Tarp..\$30.00, Safety Service..\$368.87, Dakota Supply..\$8.16, Ecolab..\$65.00, Menards..\$80.66, Heartland Paper..\$267.00, Crescent Elec..\$732.37, North Wind Machine..\$389.80, Rux Bros..\$98.90, Chet's Janitorial..\$390.00, Indoff Inc..\$1165.18:

Transcriptions: Cheryl Hook..\$1748.20:

Publications: Groton Independent..\$711.89:

Professional Fees: NSU Finance Office..\$86.62, Dawn Woods..\$162.00, Dept of Revenue..\$1120.00, Avera St Lukes..\$54.00:

Mileage & Travel: Dennis Feickert..\$20.30:

Utilities: Midcontinent Communications..\$65.00, Quest..\$36.89, Qwest..\$133.47, Northwestern Energy..\$126.50, Qwest..\$40.96:

Care of Poor: Drugs – 5 recipients – Kesslers..\$346.16, D&L LLC..\$110.00, Dakota Square Pharmacy..\$82.37, Jones Drug..\$154.37, Walmart Pharmacy..\$227.61; Dr./Hospital – 3 recipients – Avera St Lukes Hosp..\$11,919.95; Utilities – 2 recipients..NWPS..\$454.03; Rent – 7 recipients.. Lakeside Estates..\$168.00, Danne Inc..\$95.00, Arlan Anderson..\$230.00, J&O Apartments..\$95.00, Bruce Boschee..\$105.00, Lowell Punt..\$125.00; Insurance – 3 recipients.. Avera Health Plans..\$622.86, Twin City Fan Co..\$470.90, Dakotacare Cobra Services..\$267.81. All members present voting aye. Motion carried.

### PERSONNEL:

Moved by Wiese, seconded by Knecht to approve hiring Andre Cowins and Brenda Cooper, as part-time Fairgrounds employees, effective August 12<sup>th</sup> at \$7.00 per hour. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Wiese to appoint Jerry Dempsey, as Acting Weed Supervisor, effective August 19, 2003 at \$12.98 per hour. All members present voting aye. Motion carried.

### PREVENTION GRANT:

Moved by Wiese, seconded by Knecht to approve hiring David Koch, effective September 2, 2003 at \$9.72 per hour as the Community Resource Coordinator for Warner School, to be funded by the DOJ Prevention and Intervention Programs for At-Risk and Detained Youth #2001-JS-FX-0014 that runs through September 30, 2004. All members present voting aye. Motion carried.

### SURPLUS PROPERTY:

Moved by Wiese, seconded by Feickert to declare the following surplus from Emergency Management: portable radio (destroyed in fire April 9, 2003); 16MM Projector (donated to ARFPD); 2 MSA Detectors

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(destroyed); Hurst 6" Cutting Tool, Hazmat Trailer, Hurst 257RO43JG 608 RAM, Sniffer, Detector, Hazcat Kit (donated to AFD). All members present voting aye. Motion carried.

**LEASE AGREEMENT:**

Moved by Hansen, seconded by Feickert to approve and authorize the Chairman sign agreement, submitted by Kyle Blondo and Charlene Hintz for lease of the Clubhouse on October 25, 2003; and further to grant permission to serve alcoholic beverages on stipulation no alcoholic beverages will be sold or served contrary to law. All members present voting aye. Motion carried.

**ALTERNATIVE DAILY COVER BID AWARD:**

Moved by Feickert, seconded by Knecht to purchase Alternative Daily Cover Material from Central Fiber, Wellsville, KS in amount of \$11.80 per bag plus freight, as bid by the City of Watertown for the Watertown Landfill. All members present voting aye. Motion carried.

**TAX DEED SALE:**

Moved by Wiese, seconded by Feickert to declare the following property surplus for sale and further to authorize advertising a Tax Deed Sale to be held at 10:00 a.m. on September 29, 2003 in the Courthouse Annex Community Room: Aberdeen Township: Easton's Subd F NE ¼ 14-123-64, 37.6' Next W of E 425' of F (.129 A); Warner Township: Lot 5, Remde's Addition, (Warner Twp) Brown County, SD; Garden Prairie Township: Lot 12, Block 9; Aberdeen City: E 71' of Lots 23-24, Block 44, Hagerty & Lloyd Addn; N 10' of Lot 15 and all of Lot 16, Block 10, Hagerty & Lloyd Addn; Frederick City: First Addition Lot 10 and W ½ of Lot 11, Block 33; First Addition Lot 25, Block 44; Prairiewood Village: Lot 5, Block 6. All members present voting aye. Motion carried.

**ON-SALE ALCOHOLIC BEVERAGE LICENSE FEE SET:**

Moved by Feickert, seconded by Wiese to set the number of on-sale licenses at eight for calendar year 2004 and to further set the following fees, as authorized by SDCL 35-4-11.1: On-sale Retailer Liquor at the maximum allowed for licenses except Elm Lake Resort, Mansfield Bar & Grill and Ferney Farmers Bar at \$650.00. On-sale Retailer Liquor (Sunday) – all eight at maximum of \$200.00. All members present voting aye. Motion carried.

**SOLID WASTE SPECIAL ASSESSMENT FEES - 2004**  
Commissioner Hansen offered the following Resolution:

**RESOLUTION NO. 74-2003**

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, prior to the second Tuesday in September.

NOW, THEREFORE BE IT RESOLVED, that the following Solid Waste Special Assessment fees shall be effective January 1, 2004 through December 31, 2004, for the Brown County Sanitary Landfill:

**SOLID WASTE SPECIAL ASSESSMENT FEE SCHEDULE**  
(Billed with the Real Estate Tax Notice)

1. Households within Incorporated Cities or Civil Townships that require curb service @ \$15.00 per year

2. Households within Incorporated Cities or Civil Townships that do not require curb service @ \$65.00 per year
3. Condominiums taxed as single units within Incorporated Cities or Civil Townships that require curb service @ \$15.00 per year
4. Condominiums taxed as single units within Incorporated Cities or Civil Townships that do not require curb service @ \$65.00 per year
5. Apartment Units within incorporated Cities that require curb service @ \$ 7.00 per unit per year
6. Seasonal Lake Cabins @ \$25.00 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 @ \$15.00 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 @ \$65.00 per unit per year

Dated this 2<sup>nd</sup> day of September 2003.

Seconded by Commissioner Feickert. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

**SW EQUALIZATION NOTICE:**

Moved by Wiese, seconded by Hansen to authorize advertising the Solid Waste Special Assessment Equalization Notice. All members present voting aye. Motion carried.

**REQUEST REVIEWED:**

The Commission and Sheriff Mark Milbrandt discussed request for the purchase of office supplies in regard to the JDC nurse under contract.

**2004 PROVISIONAL BUDGET HEARING:**

Time and place, as advertised for public hearing for the 2004 Provisional Budget. Sue Gates, Museum Director and Larry Gerlach, Fair Manager discussed proposed cuts due to possible funding shortages. No one from the public appeared.

**RECESS:**

The Chairman declared the Commission recessed until September 9, 2003.

Maxine Taylor – Brown County Auditor

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## SEPTEMBER 9, 2003 - GENERAL MEETING

Meeting called to order by Chairman Fischbach at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Feickert, Knecht and Wiese.

### MINUTES:

Moved by Knecht, seconded by Hansen to approve the Joint City/County Meeting minutes and the General Meeting minutes of September 2, 2003. All members present voting aye. Motion carried.

### CLAIMS:

Moved by Wiese, seconded by Hansen to approve the following claims:

Payroll: Commissioners..\$2,443.30; Auditor..\$5,883.50; Treasurer..\$8,130.70; Data Processing..\$1,573.08; State's Attorney..\$8,381.92; Victims Assistance..\$904.05; Maintenance..\$5,006.36, Assessor..\$7,142.33; Planning & Zoning..\$1,042.39; Register of Deeds..\$4,537.90; Veterans Service Office..\$2,472.60; Sheriff..\$51,334.44; DOJ Grant..\$2,470.48; Communications..\$10,487.15; Welfare Office..\$2,608.10; Health..\$1,656.00; Museum..\$3,936.00; Fairgrounds & Parks..\$4,290.36, Fairboard..\$1,783.75; Extension..\$2,012.53; Weed..\$4,977.12; Emergency Management..\$2,111.79; Weed & Seed..\$960.52, Highway..\$34,884.10; Landfill..\$6,288.86; Matching Benefits: FICA..\$10,515.46; Medicare..\$2,459.24;

Supplies: Reserve Account..\$5000.00, Western Printing..\$882.82, Lexis/Nexis..\$22.20, Dacotah Bank..\$101.72, NADA..\$220.00, Office Max..\$427.29, Avera McKennan..\$20.00, Dept of Rev..\$66.00, New Trends..\$13.80, Office Equip..\$82.68, State Bar of SD..\$90.00, Spec Mfg..\$52.24, Hagan Ins..\$50.00, SDDOT..\$14,694.12, Safety Service..\$395.00, Pierson Ford..\$10.08, North Central Farmers Elev..\$747.89, Midwest Pump & Tank..\$134.99, Menards..\$226.47, Lien Trans..\$400.14, Howes Oil..\$7213.10, Great Western Tire..\$3392.25, Frey's Elec..\$90.35, Evergreen Supply..\$39.55, JD Evans..\$584.00, Erdmann Oil..\$489.79, Diesel Machinery..\$8189.09, Dakota Oil..\$1392.55, Cartney Bearing..\$117.48, Bridgestone/Firestone..\$1237.24, Best Business..\$51.45, Aberdeen Chrysler..\$270.00, Artz Equip..\$58.17, Aberdeen Asphalt..\$55,556.12, Wallwork Truck Center..\$86.57, Stern Oil..\$69.05, Respond..\$14.95, L&O Acres..\$1009.20, Lawson Products..\$337.68, Koch Materials..\$19,282.47, Keeleys..\$1200.63, Farm Power..\$21.23, JD Evans..\$2028.99, Crawford Trucks..\$762.00, HC Clark..\$27.41, Clark Engineering..\$72.50, Butler Machinery..\$909.01, Adv Auto..\$2.98, A&M Radio..\$153.84, ABC Seamless..\$8806.30, Menards..\$385.29, Kleins..\$79.79, Quality Quick Print..\$9.90, Sherwin-Williams..\$23.45, UBC..\$3.58, SD Magazine..\$210.00, Runnings..\$788.38, RDO..\$71.97, OK Tire..\$62.00, Dakota Elec..\$1222.65, US Postal Service..\$145.00, Reuers Auto..\$33.60, Pro Ag..\$547.94, Van Diest..\$5455.80, Nat'l Academy of EMD..\$45.00, 9-1-1 Magazine..\$26.95, SD Dept of Rev..\$3098.82, Powerplan..\$478.69, General Traffic Controls..\$472.32, Aberdeen Asphalt..\$5086.40, Ameripride..\$96.50, Sheehan Mack Sales..\$625.96, Lien Trans..\$86,802.17, Hedahls..\$59.56, Midwest Pump & Tank..\$129.72, Erdmann Fuels..\$2862.81, Cole Papers..\$217.86, Praxair..\$15.70, Town & Country..\$141.79, Warner School Dist..\$109.20, School Health Corp..\$128.02, Civic Research..\$133.95, Henry Schein..\$26.49, PMC..\$1500.00;

Publications: Groton Independent..\$47.83, Tribune..\$7.94, Dakota Disc..\$500.00, American News..\$204.16, Midland Press..\$157.50;

Professional Fees: witness fee..\$40.00, Tom Price..\$20.00, Brandon Leslie..\$585.00, Kevin Spitzer..\$1287.54, Lutheran Social Services..\$206.70, Eide Bailly..\$256.50, Christine Heidenreich..\$1469.25;

Travel: Cedar Shore Resort..\$151.90, Kathy Fischer..\$63.80, Best Western Ramkota..\$40.00, Gary Erickson..\$141.52, Danielle Radke..\$34.91, Jodi Gerdes..\$183.27;

Utilities: Northern Valley Comm..\$145.31, James Valley Co-Op..\$153.89, Town of Frederick..\$18.25, City of Aberdeen..\$2337.00, Northwestern Energy..\$325.97, Montana Dakota..\$25.61, Dependable

Sanitation..\$16,471.42, A-1 Sanitation..\$89.15, WEB..\$162.07, Midcontinent Cable..\$183.75, Cellular One..\$39.33, MVTL..\$1087.20, GeniusWeb..\$26.97, Northern Cable..\$79.90, Verizon..\$163.80: Care of Poor: Drugs – 4 recipients – Shopko Pharm..\$367.94, Medical Center Pharm..\$1026.54; Dr./Hospital –..\$376.51 - 2 recipients – Avera St Lukes..\$594.30, Internal Medicine Assoc; Utilities – 1 recipient..NWPS..\$154.60; Rent – 7 recipients.. D&L LLC..\$190.00, Dean Wockenfuss..\$105.00, Larry Diegel..\$250.00, Rockford Apts..\$210.00, Park Village..\$210.00, CK Realty..\$150.00, G&J Investments..\$170.00; Transportation – 2 recipients..Brown County Highway..\$21.90, Jefferson Lines..\$121.80. All members present voting aye. Motion carried.

**PERSONNEL:**

Moved by Wiese, seconded by Hansen to approve the following employee step/longevity increases, effective September 14, 2003: Karla Hallstrom @ \$11.81 per hour, Kathy Schlecht @ \$11.81 per hour, Deb Dugger @ \$10.43 per hour, Kathy Fischer @ \$11.01 per hour, Ben Hofer @ \$10.97 per hour, Lesley Farnen @ \$13.21 per hour. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Knecht to acknowledge the resignation of Barbara Johnson, as JDC Supervisor, effective October 1, 2003. All members present voting aye. Motion carried.

**AUDITORS REPORT OF ACCOUNT:**

Moved by Hansen, seconded by Knecht to approve the August 2003 Auditor's Report of Account with the County Treasurer in total amount of \$6,950,310.58 (Total amount of actual cash @ \$3,178.91, Wells Fargo Bank @ \$3,694.79, US Bank @ \$157,204.44, Dacotah Bank @ \$64,770.11, Petty Cash @ \$1,700.00, Fund Investments @ \$6,714,441.24, Outstanding Checks @ \$5,321.09). All members present voting aye. Motion carried.

**WEST NILE VIRUS SPRAYING BUFFER ZONE:**

Commissioner Wiese offered the following Resolution:

**RESOLUTION NO. 75-03**

WHEREAS, the City of Aberdeen has been heavily impacted by West Nile Virus and has agreed to participate in an aerial mosquito control program offered by the State of South Dakota; and

WHEREAS, the mosquito control expert contracted by the State has recommended up to a 2-mile sprayed buffer zone around the City of Aberdeen to maximize the effectiveness of the aerial mosquito control program; and

WHEREAS, these buffer zones may not be within the incorporated city limits of Aberdeen, requiring permission of Brown County to spray and complete the buffer zone; and

WHEREAS, Brown County does not have the financial resources to respond to the control and prevention of West Nile Virus spread by the infestation of mosquitoes; and

WHEREAS, Brown County recognized that without assistance from State and/or Federal resources to control and prevent West Nile Virus, residents may suffer from a Public Health Emergency.

NOW THEREFORE BE IT RESOLVED, the Board of Commissioners of Brown County respectfully request emergency mosquito prevention and control measures in the form of aerial spraying from the State of South Dakota for the City of Aberdeen and to provide with all dispatch and remedies any other state and/or federal assistance available for the control and prevention of such mosquitoes.

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Dated this 9<sup>th</sup> day of September 2003.

Seconded by Commissioner Hansen. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted

PLATS:

Commissioner Wiese offered the following Resolution:

RESOLUTION NO. 76-03

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Krause Outlot 1 in the NW ¼ of Sec 12-T125N-R65W of the 5<sup>th</sup> P.M., Brown County, SD", has been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof.

Seconded by Commissioner Hansen. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Knecht offered the following Resolution:

RESOLUTION NO. 77-03

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Zeck First Subdivision in SW ¼ Sec 31-T123N-R61W of 5<sup>th</sup> P.M., Brown County, SD", 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. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Hansen offered the following Resolution:

RESOLUTION NO. 78-03

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing "Ehresmann Subdivision in the SW ¼ of Sec 34-T126N-R61W of the 5<sup>th</sup> P.M., Brown County, SD", having been examined, is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof.

Seconded by Commissioner Knecht. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

RESOLUTION NO. 79-03

BE IT RESOLVED by the Board of Commissioners of Brown County, SD, that the plat showing "Yoder Addition in the S ½ of the SE ¼ of Sec 36-T124N-R65W of the 5<sup>th</sup> P.M., Brown County, SD", 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 Hansen. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

PRECINCT BOUNDARIES/POLLING PLACES – AMENDMENT #2:  
Commissioner Feickert offered the following Resolution:

RESOLUTION NO. 80-03

WHEREAS, as per SDCL 12-14-1, the Brown County Board of County Commissioners established Precinct Boundaries and Designated polling places for Brown County in Resolution No. 105-2001; and

WHEREAS, the implementation of the Help America Vote Act (HAVA) will require additional space at a polling place for new technology, and currently polling place locations for Precinct No. 002 and No. 007 may not have adequate space to accommodate the new technology; and

WHEREAS, housing multiple precincts at polling places will be more cost efficient; and the Washington Street Gym and the National Guard Armory have adequate space to house multiple precincts.

NOW, THEREFORE BE IT RESOLVED by the Brown County Commission to designate the polling place locations for Precinct No. 002 and Precinct No. 007, as follows:

Precinct No. 002 – Washington Street Gym, 401 N Washington Street, Aberdeen, SD

Precinct No. 007 – National Guard Armory, 115 S Roosevelt Street, Aberdeen, SD

Seconded by Commissioner Hansen. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

NE LEVY UPDATE:

Robin Bobzien, City Engineer informed the Commission that a meeting was held with the Corps of Engineers, all easements have been approved by the Corps, and the bid process will begin in October, with construction depending upon weather conditions. Dirk Rogers, Highway Superintendent was also present.

EASEMENT DISCUSSED:

Rusty Merkel, Richmond Lake area homeowner informed the Commission that in the near future an easement either across or adjacent to County/City owned land at Richmond Lake will be requested by the utility companies for land development purposes. Dirk Rogers and Robin Bobzien were also in attendance.

HIGHWAY PROJECT UPDATE:

Dirk Rogers, Highway Superintendent discussed current highway projects, explained that the flashing red/yellow lights at the intersection of Brown County 10 and Prairiewood Road were down and will be replaced with stop signs on Prairiewood Road, and water levels.

EXECUTIVE SESSION:

Moved by Wiese, seconded by Feickert to go into executive session for personnel discussion with Dirk Rogers in attendance. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Hansen to adjourn executive session, with no action taken as a result of discussion. All members present voting aye. Motion carried.

**DISPATCH CENTER:**

Scott Meints, Columbia Rural Fire Chief and Dion Bahr, Groton Rural Fire Department acted as spokespersons for the Rural Fire Chiefs Association and informed the Commission that the Rural Fire Chiefs support the Dispatch Center and the current procedures. In the past whenever a problem arose, the Director was contacted, the Standards Committee discussed any procedure change, if needed and the Director informed the Dispatchers accordingly. The system works very well and the Dispatch Center is a great asset to the 10 rural fire departments served. Mr. Meints stated that Gordon Vanauken made many improvements to the Center and his knowledge and vision for the future of the Center will be missed.

**RECESS:**

The Chairman declared the Commission recessed until September 16, 2003.

Maxine Taylor – Brown County Auditor



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SEPTEMBER 16, 2003 – GENERAL MEETING

Meeting called to order by Chairman Fischbach at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Feickert, Knecht and Wiese. Absent Commissioner Hansen.

MINUTES:

Moved by Wiese, seconded by Knecht to approve the General Meeting minutes of September 9, 2003. All members present voting aye. Motion carried.

CLAIMS:

Moved by Wiese, seconded by Knecht to approve the following claims:

Supplies: SD Assoc of County Commissioners..\$1440.00, City of Groton..\$14,000.00, Best Business..\$94.65, Penton Tech..\$49.95, CDW Govt..\$1425.00, Brown & Saenger..\$129.79, Gardner Locksmith..\$1000.00, House of Glass..\$32.87, Runnings..\$227.53, Cunningham Elec..\$308.78, Dakota Supply..\$328.34, Heartland Paper..\$154.68, Ecolab..\$131.25, Menards..\$2308.71, SOS..\$20.00, Wooden Mallet..\$15.00, Ameripride..\$214.42, A&M Radio..\$27,177.84, McDonald Supply..\$1362.58, Woodman Refrig..\$1691.83, Crescent Elec..\$196.40, Taylor Laundry..\$19.50, Interstate Battery..\$136.64, McLeods..\$205.38, Active Data..\$57.00, Langs..\$122.00, Fleet..\$19.74, Earthgrains..\$472.54, QQP..\$956.44, Best Business..\$114.29, US Marshals Service..\$1289.00, Darrel's Sinclair..\$10.50, Cheryl Hairgrove..\$1404.00, Sewing Shop..\$16.50, Office Max..\$367.92, Credit Bureau..\$16.00, Walmart..\$507.17, Chris & Don's..\$30.00, Accurint..\$10.45, Dakota Electronics..\$292.50, Bonnie Bitz..\$72.00, Exec Mgmt..\$2845.15, Parcel-Erickson..\$21.95, Kesslers..\$943.91, K-Mart..\$49.65, Lust..\$628.08, Medical Waste..\$69.73, Dick's Westside..\$35.00, Visa..\$400.00, Office Equip..\$306.55, HRS..\$3493.50, SD Corrections..\$255.00, Share Corp..\$279.40, Old Dominion Brush..\$583.19, M-R Signs..\$26.84, Lorman Ed Services..\$50.00, Lien Transportation..\$2871.38, Jebro..\$3355.61, Hedahls..\$1.07, Fastenal..\$13.78, Farm Plan..\$60.73, Erdmann Oil..\$1940.17, Diamond Mowers..\$92.09, Dakota Supply..\$142.82, Dakota Fluid Power..\$306.00, Carquest..\$1176.94, NADRIC..\$2083.33, Sioux Vocational Services..\$60.00, Senior Citizens..\$250.00, Ken's Superfair Foods..\$787.85, Photo Express..\$206.88, Fire Safety First..\$94.45, Millstone..\$237.50, Rohl Beverage..\$690.00, A-1 Locksmith..\$5.00, Midwest Golf Cars..\$349.00, Praxair..\$74.51, Paper Warehouse..\$92.63, Hub City Rents..\$276.29, Ryan's Candy..\$29.85, Gompf Displays..\$2376.00, Swanson Elec..\$11,627.31, Butler Cat..\$124.66, Dietrich & Sons..\$3365.00, Service Signs..\$1462.78, Academy..\$54.00, 4-H Bar-B-Q..\$1972.42, Mac's..\$20.73, Fed-Ex..\$94.00, Shopko..\$25.30, Larry Gerlach..\$10.59, Bonn Express..\$47.35, Aberdeen Awards..\$273.04, TBA Entertainment..\$331.57, Best Western Ramkota..\$1865.54, Susan Lehr..\$30.00, Kathy Novstrup..\$30.00, Linda Emery..\$30.00, Ruth Cassanova..\$30.00, Susan Gerlach..\$30.00, Janelle Klapperich..\$30.00, Jon Oster..\$30.00, Elsie Wells..\$30.00, Judy Gulleeson..\$30.00, Duane Jark..\$30.00, Jenny Martens..\$117.00, Di/An Controls..\$37.82, Jan Beckler..\$237.32, Brian Schlosser..\$70.00, Ramada..\$3205.00, Prairie Fire..\$31.39, Dolly Evans..\$30.00, Florence Kraus..\$30.00, Carol Storley..\$30.00, Kara Paulson..\$30.00, Sheri Mack..\$57.84, Jeannette Lunders..\$59.00, Irene Plummer..\$37.25, Marie Schlosser..\$49.72, Linda Gengerke..\$44.50, Deb Pauli..\$205.68, Mary Odland..\$112.70, Dave Stout..\$207.36, Barb Jansen..\$41.60, Barb Hoops..\$39.57, Dave Pearson..\$254.92, Lynn Weismantel..\$83.70, Larry Crane..\$226.50, Matt Gunderson..\$162.00, Tyler Melroe..\$235.20, Ben Galbreath..\$94.72, Karen Harr..\$54.94, North Central Rental..\$307.20, Papa John's Pizza..\$451.23, Tony Aldrich..\$89.50, Al-Shar Holsteins..\$80.50, Anderson Family..\$79.00, Jared Anderson..\$57.50, Matt Anderson..\$54.50, Isaiah Bauck..\$341.50, Cassie Benz..\$46.00, Tina Boldt..\$31.50, Travis Boldt..\$26.00, Tricia Boldt..\$20.00, Tru Boldt..\$34.50, Aaron Ceroll..\$34.50, Kyle Cronin..\$57.50, JaCee Dennert..\$11.50, Jules Desert Sheep Ranch..\$31.50, Dew Drop Farms..\$224.50, Dosch Montadales..\$83.00, Cody Edgar..\$11.50, Chris Ford..\$23.00, Frey-View Dairy Farm..\$26.50, Friesz Suffolks..\$61.00, Joana Friesz..\$54.50, Taylor & Thomas Friesz..\$28.50, Fritz-Bruckner Montadales..\$135.50, Jody & Bill Fuller..\$294.50, Ceroll

Gilbvieh..\$11.50, Hansen Farms..\$34.50, Harmony Suffolks..\$103.50, Bruce Hoffman..\$184.50, Jan Houghtaling..\$156.50, Kelsey Houghtaling..\$23.00, James Taylor Family Hamps..\$17.00, Matthew Jones..\$11.50, David Juntunen..\$109.00, Donald Juntunen..\$26.50, Tyler Kolb..\$8.50, Betsy Krohmer..\$83.50, Jake Krohmer..\$68.50, Kali Krohmer..\$101.50, Keith Larsen..\$6.00, Stephanie Nussebaum..\$23.00, Paulson Dairy..\$51.50, Steven Paulson..\$17.00, Kelsey Popham..\$18.00, Nathan Popham..\$9.00, Brittany Rennich..\$40.00, Emma Schaunaman..\$11.50, Kevin Scherr..\$11.50, Lindsey Schock..\$8.50, Loni Schumacher..\$20.00, Symens Bros..\$23.00, Taylor Wolff..\$11.50, James Taylor..\$3.00, Andrew Thyen..\$8.50, Natalie Thyen..\$11.50, Nathan Thyen..\$8.50, Tollefson's Wollie Acres..\$54.00, Brittney Traxinger..\$3.00, Michael Traxinger..\$6.00, Amanda Underwood..\$18.00, Lyle Warner..\$23.00, Wolff's Suffolks..\$135.50, Office Max..\$11.36, Extension Service..\$173.42, Pro Ag..\$12.48, Assn of SD Weed Boards..\$390.50, Steam Brothers..\$52.95, Brick Propane..\$1060.15, OMJC Signal..\$60.06, Central Fiber..\$10,527.57:

Transcriptions: Cheryl Hook..\$273.60, Sara VanDeWalle..\$15.60:

Publications: Groton Independent..\$199.49, American News..\$1488.41, Dakota Press..\$1125.24, Midland Press..\$172.20:

Professional Fees: witness fee..\$78.00, Avera St Lukes..\$1701.47, Sheriff of Yankton County..\$16.50, NE Family Health Services..\$5000.00:

Travel: Kathy Schlecht..\$329.22, Tom Gohn..\$25.00, Lora Houser Jankord..\$209.67:

Court Appointed Attorney: Randy Turner..\$394.50, Yankton County..\$269.40, Brevik & Thurman..\$158.24:

Utilities: Northwestern Energy..\$14,467.15, City of Aberdeen..\$3366.69, Dependable Sanitation..\$371.00, Midcontinent Cable..\$168.58, Qwest..\$173.14, Northern Elec..\$571.59, City of Hecla..\$49.34, Cellular One..\$79.99, Northern Valley Communications..\$273.47, Landfill..\$353.15:

Care of Poor: Drugs – 4 recipients..Kesslers..\$129.56, Dakota Square Pharm..\$14.87, K-Mart..\$476.46; Dr./Hospital – 3 recipients..Sioux Valley Hospital..\$590.49, Ophthalmology Assoc..\$1618.20, North Central Heart Inst..\$132.76; Utilities – 5 recipients..BDM Rural Water..\$63.94, Northern Elec..\$70.17, NWPS..\$607.29; Burial – 1 recipient..Spitzer Osthus Funeral Home..\$1200.00; Rent – 5 recipients..Dean Salszieder..\$250.00, D&L LLC..\$130.00, Norman Brown..\$190.00, Bruce Boschee..\$250.00, Ken Hallstrom..\$190.00. All members present voting aye. Motion carried.

#### PERSONNEL:

Moved by Feickert, seconded by Wiese to approve hiring Jason Holland, as full-time JDC Officer, effective September 16, 2003 at \$9.72 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Feickert to approve status change for Marjorie Lammon, effective September 9, 2003 from part-time corrections officer to full-time corrections officer at \$9.72 per hour. All members present voting aye. Motion carried.

#### LAND LEASE:

Moved by Wiese, seconded by Knecht to approve and authorize the Chairman sign agreement with Bob and Arlene Hixon for pasture lease of approximately 10 acres in the W ½ of W ½ of N ½ of N ½ of NE ¼ Sec 6-T127N-R65W, Brown County, SD, effective for the remainder of 2003. All members present voting aye. Motion carried.

#### LOTTERY APPLICATION:

Moved by Wiese, seconded by Feickert to approve and authorize the Chairman sign application, submitted by NSU Foundation for raffle to be held on October 18, 2003. All members present voting aye. Motion carried.

#### WAIVE INTEREST:

Moved by Wiese, seconded by Feickert to authorize Sheila Enderson, Treasurer waive September interest in amount of \$125.71 on Lot 1 Block 1 and Block 1 ex Lot 1 Fuhrmann's Addn 7-123-63, as legal description questioned on plat. All members present voting aye. Motion carried.

**AGREEMENT:**

Moved by Wiese, seconded by Knecht to approve and authorize the Chairman sign FY 2004 Emergency Management agreement with the SD Office of Emergency Management. All members present voting aye. Motion carried.

**JOINT POWERS AGREEMENT:**

Moved by Wiese, seconded by Knecht to approve and authorize the Chairman sign amended Intergovernmental Agreement for the Brown County Regional Communications Council with the City of Aberdeen: adding the following sentence to Section VI. Membership of the Council: "The Council shall also have four ex-officio (non-voting) members consisting of the Aberdeen Chief of Police, the Aberdeen Fire Chief, the Brown County Sheriff and a Representative from the Rural Fire Departments served by the Center". All members present voting aye. Motion carried.

**JDC UPDATE:**

Barb Johnson accompanied by seven JDC employees and interested persons met to inform the Commission of staffing concerns in the Juvenile Detention Center including the need for higher wages to maintain qualified staff members and changes that have occurred in the past several years requiring a wider range of duties for the officers. Mark Milbrandt and Tom Schmitt were also in attendance.

**HIGHWAY UPDATE/AGREEMENT:**

Dirk Rogers accompanied by Bob Babcock from Helms and Associates presented an update on the Warner Project. Mr. Rogers also discussed the lights at the intersection of County Roads 10 & 13 and mowing of count road right-of-ways.

Moved by Wiese, seconded by Feickert to approve and authorize the Chairman to sign agreement with SDDOT for Stop Sign Mounted Flasher System at the intersection of Brown County #13 and Brown County #10 located at the NW corner of Sec 1-T123N-R64W, Brown County, SD. All members present voting aye. Motion carried.

**EXECUTIVE SESSION:**

Moved by Wiese, seconded by Feickert to go into executive session for personnel discussion with Dirk Rogers in attendance. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Knecht to adjourn executive session, with no action taken as a result of discussion. All members present voting aye. Motion carried.

**WISSOTA WESTERN 100:**

Terry Voeltz explained circumstances that caused the WISSOTA Western 100 to run well past midnight on Saturday, September 14<sup>th</sup> and apologized for any inconvenience to the public. Mick Thares, Convention and Visitors Board President spoke on behalf of the event stating income for the area is estimated at \$250,000.00. The Commission accepted and thanked Terry for the apology.

**EXECUTIVE SESSION:**

Moved by Feickert, seconded by Knecht to go into executive session for personnel discussion with Mark Milbrandt and Barb Johnson in attendance. All members present voting aye. Motion carried.

After adjournment of executive session, the following action ensued:

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Moved by Wiese, seconded by Feickert to authorize advertising position of Juvenile Detention Supervisor at an annual salary of \$30,000 - \$35,000 DOE. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Wiese to set salary for Interim Juvenile Detention Supervisor at \$15.00 per hour. All members present voting aye. Motion carried.

RECESS:

The Chairman declared the Commission recessed until September 23, 2003.

Maxine Taylor – Brown County Auditor

## SEPTEMBER 23, 2003 – GENERAL MEETING

Meeting called to order by Chairman Fischbach at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Feickert, Knecht and Wiese. Absent Commissioner Hansen.

## MINUTES:

Moved by Wiese, seconded by Knecht to approve the General Meeting minutes of September 16, 2003 and the Canvass Meeting minutes of September 25, 2003. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Feickert, seconded by Wiese to approve the following claims:

Payroll: Commissioners..\$2,443.30; Auditor..\$5,883.50; Treasurer..\$8,130.70; Data Processing..\$1,573.08; State's Attorney..\$8,381.92; Victims Assistance..\$904.05; Maintenance..\$4,891.54, Assessor..\$6,789.64; Planning & Zoning..\$1,042.39; Register of Deeds..\$4,537.90; Veterans Service Office..\$2,306.93; Sheriff..\$52,772.29; DOJ Grant..\$3,117.50; Communications..\$11,258.73; Welfare Office..\$2,608.10; Health..\$1,656.00; Museum..\$3,881.60; Fairboard..\$1,775.11; Fairgrounds & Parks..\$3,797.76; Extension..\$1,567.20; Weed..\$1,477.61; Emergency Management..\$2,189.82; Weed & Seed..\$973.50; Highway..\$33,503.21; Landfill..\$6,485.52; Matching Benefits: FICA..\$10,307.93, Medicare..\$2,410.75, Wellmark BCBS Life..\$659.96, Wellmark BCBS Health..\$53,913.90, Delta Dental..\$3,256.00, SD State Retirement..\$20,783.09;

Supplies: ES&S..\$562.73, Maxine Taylor..\$7.98, Service Signs..\$100.00, Lar-Jos..\$90.00, Aberdeen Carpet Cleaning..\$289.00, Cartney Bearing..\$36.27, Mac's..\$4.49, McFarland Supply..\$388.29, Heartland Paper..\$240.96, Custom Sheet Metal..\$31.50, Dakota Supply..\$14.26, Aberdeen Home Builders Assn..\$220.00, SDN Tech..\$379.77, Best Business..\$221.86, Career Planning..\$1243.80, Kesslers..\$33.09, Ameripride..\$64.12, Photo Xpress..\$54.35, Anderson Saddlery..\$15.00, Hoven Auto..\$79.83, Phillips 66..\$66.50, Streichers..\$1205.95, Dawn Woods..\$162.00, Cheryl Hairgrove..\$162.00, Exhaust Pros..\$25.95, Matthew Bender..\$23.60, Henry Schein..\$107.76, Office Equip..\$69.10, JC Penney..\$124.96, Wallwork Truck Center..\$11.00, Quality Welding..\$54.00, Pro Ag Supply..\$238.75, Newman Signs..\$307.00, Meyers Auto..\$70.00, Vern McCullough..\$816.00, Lien Transportation..\$3282.63, Inman & McDowell..\$148.90, Hub City Rents..\$45.60, Heartland Paper..\$169.11, General Traffic Controls..\$1135.84, Frey's Electronics..\$8400.00, Fox Valley Systems..\$34.73, Exhaust Pros..\$100.00, Diesel Machinery..\$6724.17, County Road Advisors Conference..\$60.00, HC Clark..\$199.44, Menards..\$88.40, Hedahls..\$2.70, BioQuip Products..\$72.68, Century Business..\$186.60, Runnings..\$62.37, Groton Fire Dept..\$210.00, Paul Mardian..\$2945.21, SDSWMA..\$125.00, Graham Tire..\$202.17, Office Max..\$320.05, Bricks TV..\$850.00, Waste Recovery..\$1076.32, Sanderson Lumber..\$75.00, Walmart..\$140.44, Earth Tech..\$2323.39, Warner School Dist..\$1813.97, Salvation Army..\$2563.68, Brown County..\$2665.78, Boys & Girls Club..\$182.00, Rebecca Kuch..\$1483.66, NSU..\$895.00, NECOG..\$1666.66, Parents As Teachers..\$143.82, School Health..\$49.37, NECOG..\$1161.64;

Publications: Groton Indep..\$967.81, American News..\$224.10;

Professional Fees: witness fee..\$20.00, Avera St Lukes..\$108.00, NE Mental Health..\$131.67, Behavior Mgmt Systems..\$100.00, Taryn VanGilder..\$425.00, Lewis & Clark BHS..\$375.00, Pennington County Auditor..\$47.00, Marv Ekeren..\$15.00, Jerry Pollard..\$15.00, Don Carlson..\$15.00, Donna Dietrich..\$83.95;

Travel: Deb Knecht..\$229.10, Mike Wiese..\$18.56, Roxanne Bjorklund..\$121.60, Carl Wright..\$33.00, Dennis VanHerde..\$23.00, Nyle Jensen..\$23.00, Mike Scott..\$44.00;

Court Appointed Attorney: William Gerdes..\$852.00;

Utilities: Cellular One..\$511.53, Dependable Sanitation..\$120.00, Northwestern Energy..\$1969.41, Qwest..\$4984.07, Verizon..\$64.27, AT&T..\$20.52, James Valley..\$215.60, Prairiewave..\$19.95, Bureau of Admin..\$493.26:

Care of Poor: Dr./Hospital – 4 recipients..Avera St Lukes..\$1384.44, Northern Plains Oral..\$51.83, Anesthesia Care..\$384.00, Dr William Goumas..\$1168.53; Utilities – 3 recipients..City of Aberdeen..\$204.94, NWPS..\$415.80, Northern Elec..\$250.00; Rent – 5 recipients..Robert Geary..\$250.00, Home Federal..\$250.00, Bruce Boschee..\$35.00, Kent Cutler..\$190.00, Park Village..\$230.00; Transportation – 1 recipient..Bus Systems..\$54.00; Insurance – 2 recipients..Wellmark Blue Cross..\$1528.50, Dakotacare..\$267.81. All members present voting aye. Motion carried.

#### PERSONNEL:

Moved by Knecht, seconded by Wiese to approve hiring Paul Alusa as part-time JDC Officer, effective September 23, 2003 at \$8.80 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Feickert to appoint Amy Lake as Interim JDC Supervisor, effective September 21, 2003 at \$15.00 per hour. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Feickert to approve utilizing Barb Johnson in a consulting position during the transition and hiring period at \$22.50 per hour, starting October 5, 2003 for 20 hours per week up to a maximum of two pay periods. All members present voting aye. Motion carried.

#### BROWN COUNTY WEED AND SEED:

Moved by Knecht, seconded by Wiese to approve the following Weed and Seed Year Two funding proposals: Bruce Petrie, Ph.D. (Year 2 Evaluation), Aberdeen Police Department (Officer Training), Safe Harbor (Speaker), Brown County Weed & Seed (Regional Conference, Web Based Reporting Annual Fee), Groton Police Department (DARE Program Speaker), as recommended by the Steering Committee. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Knecht to approve the Brown County Weed and Seed Monthly Expenses for September 2003 (Year Two 2002-WS-QX-0054), in amount of \$10,890.55. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Knecht to approve and authorize the Chairman sign Agreement with Dr. Bruce Petrie to provide outside evaluation services for Year Two of the Department of Justice Program known as Brown County Weed and Seed #2002-WS-QX-0054, in amount of \$5,000.00, effective September 30, 2003 through December 31, 2003. All members present voting aye. Motion carried.

#### PREVENTION GRANT:

Moved by Knecht, seconded by Wiese to approve and authorize the Chairman sign Addendum to Contract for Services with Warner School District for After School Care and Summer Care Coordinator Program in amount of \$767.48, effective August 25, 2003 – September 30, 2003, to be funded by DOJ Special Appropriation Grant #2001-JS-FX-0014-Year Two. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Wiese to approve and authorize the Chairman sign Addendum to Contract for Services with Warner School District for After School Care and Summer Care Coordinator Program in amount of \$10,164.50, effective October 1, 2003 – September 30, 2004, to be funded by DOJ Special Appropriation Grant #2001-JS-FX-0014-Year Three. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Feickert to approve Change Order #169.3 to include \$380.00 in year two budget for a brochure containing all relevant information in regard to the School-Based Mental Health Therapy and Wraparound Services Program, to be funded by the Department of Justice Prevention and Intervention Programs for At-Risk and Detained Youth Project #2001-JS-FX-0014. All members present voting aye. Motion carried.

**LOTTERY APPLICATION:**

Moved by Wiese, seconded by Feickert to approve application, submitted by the Stratford Centennial Committee for a raffle, with drawings weekly for a year. All members present voting aye. Motion carried.

**PLAT:**

Commissioner Feickert offered the following Resolution:

**RESOLUTION NO. 81-03**

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Iwerks Outlots in the SE ¼ of Sec 4-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD", 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. Roll call vote: Commissioners Hansen-absent, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

**LEASE AGREEMENT:**

Moved by Feickert, seconded by Knecht to approve and authorize the Chairman sign agreement with Lein Transportation for lease of the Club House on September 27, 2003; and further to grant permission to serve alcoholic beverages on stipulation that no alcoholic beverages will be sold or served contrary to law. All members present voting aye. Motion carried.

**JDC MEDICATION UPDATE:**

Christine Heidenreich, Contracted JDC Nurse suggested to the Commission that options for the purchase of over the counter drugs for the Jail and JDC be reviewed. Board concurred.

**APPLICATION FOR OCCUPANCY:**

Moved by Feickert, seconded by Knecht to approve application, submitted by Northern Valley Communications for occupancy of Brown County Highway No. 20 and 121<sup>st</sup> Street in Sec 22, 23, 14, 13 & 24-T125N-R60W, Brown County, SD to install telecommunications equipment. All members present voting aye. Motion carried.

**EXECUTIVE SESSIONS:**

Moved by Wiese, seconded by Knecht to go into executive session for personnel discussion with Dirk Rogers in attendance. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Wiese to adjourn executive session, with no action taken as a result of discussion. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Knecht to go into executive session for personnel discussion with Sheila Enderson and Mary Worlie in attendance. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Wiese to adjourn executive session, with no action taken as a result of discussion. All members present voting aye. Motion carried.

**JDC GRANTS:**

Barb Johnson met to explain her replacement (interim or permanent) would not be submitting any grant vouchers or documentation. Amy Lake was also in attendance. Commissioner Wiese will contact the Sheriff for clarification.

**RECESS:**

The Chairman declared the Commission recessed until September 30, 2003.

Maxine Taylor – Brown County Auditor



SEPTEMBER 25, 2003 – CANVASS OF SEPTEMBER 23, 2003 BROWN COUNTY OPT OUT SPECIAL ELECTION

Brown County Commissioners Tom Fischbach, Dennis Feickert and Deb Knecht convened at 8:00 A.M. on September 25, 2003 for purpose of canvassing the September 23, 2003 Brown County Opt Out Special Election, as authorized by SDCL 12-20-36.

ABERDEEN CITY PRECINCTS

|      |                 |     |
|------|-----------------|-----|
| #001 | Poll Book Count | 444 |
|      | Ballots Counted | 443 |
| #002 | Poll Book Count | 402 |
|      | Ballots Counted | 401 |
| #003 | Poll Book Count | 329 |
|      | Ballots Counted | 329 |
| #004 | Poll Book Count | 319 |
|      | Ballots Counted | 318 |
| #005 | Poll Book Count | 217 |
|      | Ballots Counted | 217 |
| #006 | Poll Book Count | 505 |
|      | Ballots Counted | 505 |
| #007 | Poll Book Count | 361 |
|      | Ballots Counted | 361 |
| #008 | Poll Book Count | 216 |
|      | Ballots Counted | 216 |
| #009 | Poll Book Count | 393 |
|      | Ballots Counted | 393 |
| #010 | Poll Book Count | 250 |
|      | Ballots Counted | 250 |
| #011 | Poll Book Count | 341 |
|      | Ballots Counted | 341 |

RURAL PRECINCTS

|      |                 |     |
|------|-----------------|-----|
| #012 | Poll Book Count | 215 |
|      | Ballots Counted | 215 |
| #013 | Poll Book Count | 176 |
|      | Ballots Counted | 176 |
| #014 | Poll Book Count | 132 |
|      | Ballots Counted | 132 |
| #015 | Poll Book Count | 285 |
|      | Ballots Counted | 284 |
| #016 | Poll Book Count | 155 |
|      | Ballots Counted | 155 |
| #017 | Poll Book Count | 192 |
|      | Ballots Counted | 192 |
| #018 | Poll Book Count | 117 |
|      | Ballots Counted | 117 |
| #019 | Poll Book Count | 474 |
|      | Ballots Counted | 474 |
| #020 | Poll Book Count | 103 |
|      | Ballots Counted | 103 |
| #021 | Poll Book Count | 178 |
|      | Ballots Counted | 176 |
| #022 | Poll Book Count | 156 |
|      | Ballots Counted | 155 |

Moved by Knecht, seconded by Feickert to adjourn the Canvass Meeting for the September 23, 2003 Brown County Opt Out Special Election. All members present voting aye. Motion carried.

Maxine Taylor – Brown County Auditor

SEPTEMBER 30, 2003 – GENERAL MEETING

Meeting called to order by Chairman Fischbach at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Feickert, Knecht and Wiese.

MINUTES:

Moved by Wiese, seconded by Feickert to approve the General Meeting minutes of September 23, 2003 and the Special Opt Out Election Canvass Meeting minutes of September 25, 2003. All members present voting aye. Motion carried.

CLAIMS:

Moved by Feickert, seconded by Wiese to approve the following claims:

Supplies: Pizza Ranch..\$57.63, Crescent Electric..\$318.22, Prairie Fire Communications..\$40.00, Gardner Locksmith..\$2434.09, Menards..\$1955.66, Schwan Welding..\$121.85, McFarland Supply..\$512.67, Dakota Supply..\$84.42, New Trends..\$83.02, Dept of Revenue..\$734.00, Medical Center Pharmacy..\$1612.52, Best Business..\$138.03, Office Equip..\$568.32, Heartland Paper..\$891.00, Herbergers..\$84.97, Runnings..\$113.18, Handi-Clean..\$292.00, Video Service..\$392.40, Bob Barker..\$33.68, Evercom..\$700.00, Amoco..\$16.56, Duanes Amoco..\$24.80, Z&S Dust Control..\$4207.44, Mark Selzler..\$23.26, Pro Ag Supply..\$132.00, Newman Signs..\$359.40, Lawson Products..\$331.49, Larson Blacksmith..\$178.00, Huron Culvert..\$387.99, Howes Oil..\$7437.90, Robbin Green..\$653.00, Kathy Fischbach..\$653.00, Farm Power..\$132.37, Erdmann Oil..\$2457.23, Electric Co..\$4224.80, Diesel Machinery..\$2000.00, Diamond Mowers..\$140.50, Dakota Fluid Power..\$229.13, Lora Schaunaman..\$16.99, Dex Media Inc..\$104.12, Upper Midwest Cons Assoc..\$100.00, DPM Merchantile..\$4.95, Walmart..\$37.46, Floor Max..\$76.49, Western States Fire..\$399.58, Aberdeen Jaycees..\$1176.00, Uline..\$33.48, Nelson Sales..\$11.44, Jodi Gerdes..\$22.28, Burlington Northern..\$1359.41, Ramkota Inn..\$67.00, Zeller Bros..\$30,400.00, Hecla Volunteer Firefighters..\$300.00, Petroleum Partners..\$846.43, SD Dept of Revenue..\$35.00, Office Max..\$58.26:

Transcriptions: Richard Neal..\$182.80:

Publications: Groton Indep..\$93.12, American News..\$233.55:

Professional Fees: witness fee..\$20.00, Richard Russman..\$2916.66, Kim Dorsett..\$2083.33, Avera St Lukes..\$1814.48, SD Assoc of County Commissioners..\$870.00:

Travel: William Meink..\$44.08, Melissa Koester..\$123.54, Gene Loeschke..\$264.48:

Court Appointed Attorney: William Gerdes..\$4166.67, Randy Turner..\$4166.67, Christy Serr..\$4166.67, Scott Kuck..\$4166.67, Kennedy, Rokahr..\$134.90:

Utilities: Qwest..\$539.87, Cellular One..\$425.55, Northwestern Energy..\$2251.62, Montana Dakota..\$31.11, Midcontinent Cable..\$65.00, Dependable Sanitation..\$15,773.42, WEB..\$66.48,

Elections: Joan Freudenthal..\$115.00, Mavis Hoffman..\$110.00, Sharon Deilke..\$110.00, Linda Miles..\$111.45, Jean Rahja..\$110.00, Marilyn Lahr..\$110.00, Maggie Zenker..\$116.45, Phyllis Becker..\$110.00, Janice Diegel..\$110.00, Ardys Gosch..\$110.00, Catherine Clinton..\$110.00, Rene Graf..\$110.00, Vera Deoy..\$110.00, Joanne Mielke..\$110.00, Shirley Gellhaus..\$110.00, Ethel Bakken..\$111.45, Helen Reuer..\$110.00, Evelyn Holdhusen..\$110.00, Yolanda Jahraus..\$110.00, Shirley Ochsner..\$100.00, Karen Mogen..\$115.00, Barb Rogers..\$115.00, Betty Podrouzek..\$110.00, Donna Lout..\$110.00, Rebecca Jeschke..\$115.00, Jill Hostetter..\$110.00, Joan Solberg..\$110.00, MaryAnn Bierman..\$115.00, Joyce Gage..\$110.00, Barbara Masgai..\$110.00, Donna Swanhorst..\$110.00, Irma Mork..\$110.00, Gladys Braun..\$110.00, Connie Howard..\$132.90, Karelyn Farrand..\$130.00, Evalyn Smith..\$135.00, Kathryn Vitense..\$146.60, Nancy Ringgenberg..\$130.00, Margaret DeHoet..\$130.00, Gloria Gooding..\$138.70, Carol McCulloch..\$120.00, Peggy Cruse..\$120.00, Pauline Peterson..\$110.00, Pam Larson..\$110.00, Eleanor Haar..\$110.00, Vonda Hinz..\$110.00, Peggy Buchanan..\$110.00, Caroline Lowe..\$110.00, Pam Erickson..\$121.38, Darleen Haselhorst..\$110.00, Jane Ristau..\$110.00, Charlean Erickson..\$146.02, Myrna Stange..\$120.00, Kathy Williams..\$120.00, J Lorraine Anderson..\$146.60,

Marion Mydland..\$130.00, Leslie Ann Pigors..\$130.00, Darcey Leshner..\$152.04, Roberta Spencer..\$130.00, Kelly Clark..\$130.00, Mary Beck..\$139.00, Linda Bauer..\$100.00, Merna Treeby..\$110.00, Krysti Mikkonen..\$125.95, Mary Ann Luoma..\$110.00, Margaret Strand..\$110.00: Care of Poor: Drugs – 5 recipients ..Dakota Square Pharm..\$127.35, K-Mart Pharm..\$29.20, Jones Drug..\$102.38, Shopko Pharm..\$171.66; Dr./Hospital – 5 recipients..Avera St Lukes..\$3399.28, Dakota Plains Surgical Center..\$344.00, LCM Pathologists..\$54.68; Rent – 2 recipients..Lakeside Estates..\$163.00, Brian Boettcher..\$210.00; Insurance – 2 recipients..Avera Health Plans..\$311.43, Midstates Printing..\$650.00. All members present voting aye. Motion carried.

#### ABATEMENT:

Moved by Knecht, seconded by Wiese to approve the following Abatement: Ronald Bercier, moving mobile home (1974 Champion) for year 2003 in amount of \$17.49. All members present voting aye. Motion carried.

#### PREVENTION GRANT:

Moved by Knecht, seconded by Wiese to approve and authorize the Chairman sign Addendum to Contract for Services with Aberdeen School District for Parents As Teachers Program in amount of \$7,119.36, effective October 1, 2003 – September 30, 2004, to be funded by DOJ Special Appropriation Grant #2001-JS-FX-0014-Year Three. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Knecht to approve and authorize the Chairman sign Addendum to Contract for Services with Christine P Heidenreich for JDC nursing assistance in amount of \$23,400.00, effective October 1, 2003 – September 30, 2004, to be funded by DOJ Special Appropriation Grant #2001-JS-FX-0014-Year Three. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Knecht to approve Change Order #90 to include \$120.00 in year two budget for a cold-safe storage box for use by JDC staff to store medications that require refrigeration, to be funded by the Department of Justice Prevention and Intervention Programs for At-Risk and Detained Youth Project #2001-JS-FX-0014; and further deny request for purchase of two books in total amount of \$46.90. All members present voting aye. Motion carried.

#### AGREEMENT:

Moved by Knecht, seconded by Hansen to approve and authorize the Chairman sign agreement with PMC, ProMap Corporation for a web based property information system at a rate of \$700.00 per month, effective July 1, 2003 through June 30, 2004. All members present voting aye. Motion carried.

#### QCD:

Moved by Wiese, seconded by Hansen to approve sale of tax deed properties previously declared surplus and authorize the Chairman sign the following Quit Claim Deeds from Brown County to: Gregory Cann (Lot 12, Block 9, Garden Prairie Township); Phil Bodine (N 10' of Lot 15 and all of Lot 16, Block 10, Hagerty & Lloyd Addition); Frederick Farmers Elevator Co-op (First Addition Lot 10 and W ½ of Lot 11, Block 33, Frederick City); Larry Vogel and Rick Kline (Lot 5, Block 6, Prairiewood Village). All members present voting aye. Motion carried.

#### CDBG MUSEUM PROJECT:

Moved by Hansen, seconded by Feickert to approve and authorize the Chairman sign Pay Request No. 3 in amount of \$21,510.00 to Northland, Ltd. for the Community Development Block Grant Project at the Dacotah Prairie Museum (replace upper floor windows). All members present voting aye. Motion carried.

#### SHERIFF REPORTS:

Moved by Knecht, seconded by Wiese to approve the following August 2003 Sheriff Reports: Incidents and Offenses, Prisoner Care, JDC, Money deposited with the County Treasurer and Monthly activities. All members present voting aye. Motion carried.

#### CONTRACT:

Moved by Wiese, seconded by Knecht to approve and authorize the Chairman sign Contract with Aberdeen Career Planning Center to provide corrective thinking classes, individual and group counseling for youth housed at the Brown County JDC, effective October 1, 2003 through June 30, 2005, to be funded in part (90%) by OJJDP Juvenile Accountability Incentive Block Grant Funds. All members present voting aye. Motion carried.

#### SNOW REMOVAL:

Mick Palmer, Maintenance Supervisor and Dirk Rogers, Highway Superintendent met to discuss quotes received for snow removal from parking lots at the Courthouse and Extension Building. Moved by Wiese, seconded by Knecht to approve quote, submitted by Lien Transportation for snow removal from parking lots at the Courthouse and Extension Building. All members present voting aye. Motion carried.

#### APPLICATION FOR OCCUPANCY:

Moved by Hansen, seconded by Knecht to approve and authorize the Chairman sign application, submitted by NorthWestern Energy for occupancy of Brown County Highway No. 27 in Sec 31-T121N-R63W, Brown County, SD to install natural gas pipe line. All members present voting aye. Motion carried.

#### EXECUTIVE SESSION:

Moved by Feickert, seconded by Knecht to go into executive session for personnel discussion with Dirk Rogers in attendance. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Wiese to adjourn executive session, with no action taken as a result of discussion. All members present voting aye. Motion carried.

#### BMX TRACK CONCESSION STAND/LEASE ADDENDUM:

Kyle Oswald met to discuss BMX Track on county property and requested permission to replace current concession stand with new building. Moved by Hansen, seconded by Wiese to approve and authorize Aberdeen BMX Track Organization replace current concession stand with new building on county owned property located on Lot 3 Brown County Commissioner's Subdivision. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Feickert to approve and authorize the Chairman sign addendum with Aberdeen BMX Track #1075 for first three year lease option for use of county owned property, effective November 1, 2003 through October 31, 2006. All members present voting aye. Motion carried.

#### 2004 PROVISIONAL BUDGET CHANGES:

Moved by Feickert, seconded by Hansen to make the following changes to the 2004 Provisional Budget. Estimated Revenue – increase 101-335.14 \$75,000.00 (Cell Phone Tax), decrease 101-311 \$750,000.00 (Opt Out Vote Failed), decrease 101-311 \$706.00 (adjustment for centrally assessed utilities). Decrease the following 2004 Department Budget Totals – Commission \$1,500.00, Auditor \$1,500.00, Treasurer \$1,500.00, Data Processing \$1,500.00, States Attorney \$1,500.00, Victims Assistance \$1,500.00, Maintenance \$1,500.00, Assessor \$1,500.00, Register of Deeds \$1,500.00, Veterans \$5,000.00, Sheriff \$50,000.00, Jail \$50,000.00, JDC \$1,500.00, LEPC \$1,500.00, FGP \$5,000.00, Adjustment Training Center/Oahe/Sioux Vocational \$11,220.00, NADRIC \$5,000.00, Aberdeen Library \$40,000.00, Groton Library \$2,000.00, Frederick Library \$1,500.00, Hecla Library \$1,500.00, Museum \$20,000.00, Boys &

Girls Club \$9,500.00, Parks \$1,500.00, Fair \$25,000.00, Senior Citizens \$2,500.00, RSVP \$11,500.00, Area IV \$5,000.00, Ride Line \$8,500.00, Extension \$1,500.00, Weed \$1,500.00, Planning/Zoning \$1,500.00, NESDCAP \$2,000.00, Aberdeen Development Corp \$40,000.00, Glacial Lakes \$1,500.00, Highway \$100,000.00, Emergency Management \$1,500.00, Courthouse & Jail Improvement \$150,000.00. All members present voting aye. Motion carried.

**2004 ANNUAL BUDGET:**

Commissioner Feickert offered the following Resolution:

**ANNUAL BUDGET FOR BROWN COUNTY, SD  
For the Year January 1, 2004 to December 31, 2004**

**RESOLUTION NO. 82-03**

**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, 2004 and ending December 31, 2004 and the same is hereby approved and adopted by the Board of County Commissioners of Brown County, South Dakota, this 30<sup>th</sup> day of September, 2003. 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, 2004 through December 31, 2004.

| COUNTY TAX LEVIES WITHIN LIMITED LEVY | Dollars            | \$'S/1,000  |
|---------------------------------------|--------------------|-------------|
| *General County Purposes (10-12-9)    | \$7,355,422        | 4.41        |
| Fire                                  | 17,410             | .02         |
| <b>TOTAL TAXES LEVIED BY COUNTY</b>   | <b>\$7,372,832</b> | <b>4.43</b> |

\*These amounts include the 25% to be distributed to cities.

Seconded by Commissioner Hansen. Roll call vote: Hansen-aye, Feickert-aye, Knecht-aye, Wiese-nay, Fischbach-aye. Resolution adopted.

**CITIZEN CORPS:**

Freddie Robinson and Gordon Vanauken met to explain the mission of a Citizens Corps and funding available for a Community Emergency Response Team (CERT). Rollie Moerke was also in attendance. After discussion the following action ensued.

Commissioner Wiese offered the following Resolution:

# RESOLUTION NO. 83-03

## BROWN COUNTY CITIZEN CORPS COUNCIL

Whereas the Brown County Commission has the responsibility to develop plans to respond to emergencies in Brown County;

Whereas responders to emergencies in Brown County may be overwhelmed in a major incident;

Whereas the residents of Brown County have a long history of neighbor helping neighbor in difficult time small or large;

Therefore be it resolved that the Brown County Commission hereby creates the Brown County Citizen Corps Council.

The Citizen Corps Council will:

- Identify opportunities for local organizations to collaborate to accomplish the shared goals of the Citizen Corps programs.
- Engage in an ongoing discussion regarding the best ways to develop and support Citizen Corps Programs and to advance the Citizen Corps mission across the county.
- Exchange facts and information on programs to promote public awareness, training, safety and volunteer service opportunities and on safety and preparedness messages to be conveyed to the public.
- Develop and disseminate messages on safety and emergency preparedness that will be effective in engaging communities and individuals in Citizen Corps.
- Serve as the catalyst for engaging others within their areas of expertise to promote the Citizen Corps mission.
- Act as an oversight group to advise and approve grants requests and procedures to use those funds for the Citizen Corps programs.

The Brown County Citizen Corps Council will meet at least quarterly each year; smaller working groups may meet more frequently. Membership does not encompass financial support from Brown County, Citizen Corps or FEMA nor is there any financial obligation from member organizations. The purpose of the Council is to foster collaboration and ensure programs adhere to financial guidelines as set by the national programs. This Council is intended as an advisory board not a governing body nor to set policy.

## CITIZEN CORPS MISSION STATEMENT

The mission of Citizen Corps is to harness the power of every individual through education, training, and volunteer service to make communities safer, stronger, and better prepared to respond to the threats of terrorism, crime, public health issues, and disasters of all kinds

The Citizen Corps Council will consist of nine members

- 1 - Emergency Management Official
- 1 - Red Cross representative
- 1 - Salvation Army representative
- 1 - Hub Area Radio Club representative
- 1 - Civil Air Patrol representative
- 1 - Medical Community representative
- 3 - At Large representatives

Positions will be appointed by the County Commission at their regular reorganization meeting in January of each year. 3 appointments will be made each year for a term of 3 years.

The Council will elect its own officers at the first meeting after the Brown County Commission's reorganization meeting. The following positions at a minimum:

- Chairperson
- Vice Chairperson
- Secretary
- 1 Liaison person to each active affiliate program

Seconded by Commissioner Feickert. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

**ADJOURNMENT:**

Moved by Feickert, seconded by Hansen to adjourn the Brown County Commission. All members present voting aye. Motion carried.

Maxine Taylor -- Brown County Auditor

# OCTOBER 14, 2003 – GENERAL MEETING

The Brown County Commission convened at 8:45 A.M. in the Commissioners Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Feickert, Knecht and Wiese. Absent Commissioner Fischbach.

## MINUTES:

Moved by Wiese, seconded by Knecht to approve the General Meeting minutes of September 30, 2003. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Knecht, seconded by Wiese to approve the following claims:

Payroll: Commissioners..\$2,443.30; Auditor..\$6,493.99; Treasurer..\$8,134.70; Data Processing..\$1,573.08; State's Attorney..\$8,381.92; Victims Assistance..\$904.05; Maintenance..\$4,666.80, Assessor..\$6,846.07; Planning & Zoning..\$1,042.39; Register of Deeds..\$4,537.90; Veterans Service Office..\$2,332.08; Sheriff..\$51,183.17; DOJ Grant..\$2,895.75; Communications..\$10,492.56; Welfare Office..\$2,613.51; Health..\$1,668.80; Museum..\$3,998.90; Fairgrounds & Parks..\$3,846.57, Fairboard..\$1,775.11; Extension..\$1,552.98; Weed..\$1,929.06; Emergency Management..\$2,111.79; Weed & Seed..\$1,038.47, Highway..\$32,521.43; Landfill..\$6,706.00; Matching Benefits: FICA..\$10,166.53; Medicare..\$2,377.67;  
Supplies: Walmart..\$657.27, Office Max..\$58.99, Jensen Rock..\$1285.62, Visa..\$172.80, Crescent Supply..\$142.32, SD Assoc of County Commissioners..\$8322.76, Brown County..\$30.10, Quality Quick Print..\$1402.55, State Bar of SD..\$45.00, LexisNexis..\$474.25, Legislative Mail..\$54.47, Language Line..\$49.56, SD Law Review..\$28.30, RE Huffman..\$1354.53, Office Equip..\$103.44, Mark McNeary..\$67.55, New Trends..\$163.12, Matthew Bender..\$13.60, Exec Mgmt..\$2763.26, Gardner Locksmith..\$517.61, Heartland Paper..\$457.38, Honeywell..\$799.68, Cartney Bearing..\$77.23, Cunningham Elec..\$234.73, Aberdeen Carpet Cleaning..\$180.00, Cole Papers..\$98.88, Runnings..\$339.83, Menards..\$654.26, Woodman Refrig..\$118.88, Ecolab..\$149.10, Eilers..\$59.50, Office Max..\$445.51, Lar-Jos..\$770.00, ProMap..\$2100.00, Avera United Clinic..\$90.00, Behavioral Interventions..\$76.00, Bonnie Bitz..\$192.00, Best Business..\$166.73, OK Tire..\$15.00, Deluxe Checks..\$43.47, Langs..\$439.00, Schwan Welding..\$20.00, Prairie Fire Comm..\$200.00, Macs..\$102.02, Parcel-Erickson..\$21.95, Lutheran Social Service..\$4417.00, DSS..\$75.60, Tri-State Water..\$66.50, SD Federal Property..\$3500.50, SD Division of Motor Vehicles..\$13.00, Praxair..\$2.60, Bryan Owens..\$125.90, Nelson Sales..\$37.99, Lien..\$1227.21, Larson Blacksmith..\$28.00, Great Western Tire..\$2781.24, Evergreen Supply..\$118.15, Dakota Oil..\$1052.20, Crawford Trucks..\$321.47, Clark Engineering..\$311.00, Butler Machinery..\$398.83, Bridgestone Firestone..\$683.84, Aberdeen Equip..\$59.14, Aberdeen Chrysler..\$44.54, Interstate Battery..\$225.87, NADRIC..\$2083.33, Dakota Electronics..\$25.00, Senior Citizens..\$250.00, A&M Radio..\$44.50, Sue Gates..\$10.48, UBC..\$141.54, ASA/CCA..\$60.00, Beverly Farmen..\$10.00, Donna Jensen..\$10.00, Crystal Weller..\$10.00, Chantel Tunby..\$5.00, Jo Sperry..\$10.00, Farm Power..\$7.50, Pro Ag Supply..\$229.00, Ranger Joe's..\$288.71, Dakota Electronics..\$8.65, Hagemeyer North America..\$4401.00, Aramsco..\$17,675.00, Custom Sheet Metal..\$8558.00, SD Assoc of County Commissioners..\$1044.00, Eide Bailly..\$264.00, West Group..\$6329.00, Nelson Sales..\$59.73, Crescent Electric..\$31.16, Heartland Paper..\$890.75, Kone..\$1247.88, Taylor Laundry..\$25.50, McFarland Supply..\$134.71, Gardner Locksmith..\$10.00, HRS..\$4385.63, Phillips 66..\$25.00, Matthew Bender..\$23.60, Pheasantland Ind..\$534.95, Parcel-Erickson..\$43.90, Fleet..\$60.66, Dick's Westside..\$30.00, Chris & Don Tarp..\$24.00, Quint City Coin-Ops..\$36.00, Kesslers..\$535.42, Accurint..\$5.00, Federal Property..\$338.50, Hoven Auto..\$75.61, OK Tire..\$7.00, Dakota Electronics..\$406.90, GMAC..\$590.00, Ameripride..\$390.66, Specialty Mfg..\$82.78, Sheehan..\$254.18, Petroleum Partners..\$876.63, North Central Elev..\$857.88, Newman Signs..\$2025.00, James Loterbauer..\$90.00, Lawson Products..\$87.50, Larson Blacksmith..\$240.00, 4 Seasons Co-Op..\$92, Farm Plan..\$1027.24, Dakota Fluid Power..\$68.25, Carquest..\$978.66, Prairie Fire



Communications..\$160.50, Sherwin-Williams..\$36.83, Sue Gates..\$9.98, Universal Pub..\$180.00, SD Fairs..\$2755.00, Glacial Lakes..\$100.00, Schwan Welding..\$236.00, Paper Warehouse..\$299.96, Shopko..\$12.99, 4-H Leaders..\$5000.00, City of Aberdeen..\$1894.16, Sewer Duck..\$90.00, Farm Power..\$15.00, Walmart..\$3.96, North Central Rental..\$384.00, APCO..\$600.00, Dakota Fluid Power..\$372.40, Dakota Air & Tool..\$30.05, Pierson Ford..\$89.72, New Trends..\$1139.80, Western Printing..\$826.44, House of Glass..\$53.26, Cole Papers..\$49.17, Century Business Products..\$235.51, Exhaust Pros..\$8.00, Erdmann Oil..\$1954.58, Midwest Pump & Tank..\$73.82, Cunningham Elec..\$2870.59, KGIM/KQKD..\$125.00, Power Plan..\$734.71, SD Dept of Rev..\$3038.42, Reflective Apparel..\$34.78, Praxair..\$15.70, Brown County Tres..\$128.70, Clear Channel Broadcasting..\$294.50, Sheehan..\$543.59, Service Signs..\$142.80, Brick Propane..\$13.50, Butler..\$13,410.38:

Transcriptions: Richard Neal..\$65.00, Tammy Erickson..\$30.00:

Publications: Groton Indep..\$312.15, American News..\$4364.02, Dakota Press..\$923.99, Bennett County Booster..\$23.11, Midland Press..\$172.70:

Professional Fees: Cass County Sheriff..\$27.00, Northern Plains OMS..\$171.16, Avera St Lukes..\$1605.10, Dr Navaid Khan..\$22.10, Avera United Clinic..\$514.87, Sioux Vocational Services..\$60.00, Dawn Woods..\$486.00, Warner School District..\$488.91:

Travel: Dennis Feickert..\$25.52, Tom Fischbach..\$149.64, Melissa Koester..\$181.70, Kathy Fischer..\$163.43, Mary Worlie..\$203.74, Leo Leshner..\$191.45, Marj Kolb..\$312.79, Jodi Gerdes..\$479.14, Tom Gohn..\$133.73, Charlene Millim..\$121.85, Mary Browning..\$91.15, Laurie Dinger..\$23.00, Kathy Schlecht..\$133.96:

Court Appointed Attorney: Kennedy, Rokahr..\$416.00, Tim Bormann..\$2611.40:

Utilities: Midcontinent Cable..\$36.08, Northern Valley Comm..\$73.11, James Valley Co-Op..\$151.09, Web..\$76.95, Qwest..\$40.96, Verizon..\$141.51, Northwestern Energy..\$6994.80, City of Aberdeen..\$880.68, City of Warner..\$28,506.80, Northwestern Energy..\$1344.31, Northern Valley Comm..\$136.62, Midcontinent Cable..\$238.75, City of Hecla..\$52.85, Qwest..\$60.00, Cellular One..\$14.99, Prairie Fire..\$218.79, AT&T..\$20.52, Northern Rural Cable..\$79.90:

Jury: Judy Ackerman..\$202.32, Robert Baumgartner..\$213.92, Gary Bellikka..\$16.96, Scott Bellikka..\$17.54, Judy Bulian..\$209.28, Kelly Christenson..\$12.32, Paul Church..\$11.16, Thomas Crabtree..\$10.00, Renee Declercq..\$10.58, Richard Dehne..\$36.10, William Feiock..\$11.16, Jacquelyn Flinn Lefforge..\$204.64, Gary Goebel..\$11.16, Alice Grytness..\$204.64, Tom Halverson..\$10.58, Linda Hanson..\$206.96, Jason Harms..\$202.32, Ron Hart..\$10.58, Michael Heier..\$11.74, Kathleen Herman..\$11.16, Raymond Hoerner..\$10.58, Janice Holter..\$10.58, Nancy Jensen..\$10.58, Jenilee Joseph..\$12.32, Karen Kienow..\$18.70, William Kiser..\$10.58, Phillip Klapperich..\$11.16, Keith Knappe..\$16.38, Joshua Kraft..\$10.58, Linda Lacher..\$202.32, Peggy Letcher..\$10.58, Randall Long..\$11.74, Tonya Mitchener Mack..\$11.16, Marie McIntosh..\$10.58, Nickalona Meidinger..\$202.32, Donald Miller..\$10.58, Darlene Mohr..\$11.74, Annie Morman..\$10.58, Merri Nelson..\$10.58, Luverne Nolan..\$204.64, Carrie Olson..\$246.40, Janice Padgett..\$204.64, Stephen Peters..\$11.16, Joel Podoll..\$18.70, Susan Rosand Brick..\$11.74, Darla Rousseau..\$10.58, Pamela Schmit..\$17.54, Donnie Schumacher..\$13.48, Mark Shoup..\$18.12, Gerald Skramstad..\$16.38, Sarah Squire..\$11.16, Jeff Stein..\$23.34, Charlene Stewart..\$11.74, Curtis Storly..\$11.16, Jeremy Swanston..\$10.58, Pamela Tiegen..\$16.96, Cindy Thayer..\$17.54, Lela Tveit..\$10.58, Marlys Volzke..\$11.74, Jeremy Wasem..\$10.00, Randy Weisz..\$223.20, Angela Luce..\$14.64:

Care of Poor: Drugs – 6 recipients..Medical Center Pharmacy..\$870.44; Dr./Hospital – 6 recipients..Avera St Lukes..\$20,491.47, Aberdeen Family Physicians..\$28.70, Dakota Imaging..\$351.28, Avera St Lukes..\$12,195.23, Denture Clinic..\$580.00; Utilities – 3 recipients..NWPS..\$97.32, Northern Elec..\$64.83, BDM Rural Water..\$30.00; Rent – 14 recipients..Tom Appletoft..\$230.00, KH Gerving..\$190.00, Meier & Co..\$89.55, T&S Investments..\$360.00, Robert Geary..\$250.00, Don Gisi..\$190.00, PK Investments..\$250.00, Elmer Saylor..\$180.00, Jon Husby..\$175.00, Kent Cutler..\$190.00, Lyle Goldade..\$210.00, Dennis Hasvold..\$190.00, D&D Investments..\$230.00. All members present voting aye. Motion carried.

**PERSONNEL:**

Moved by Knecht, seconded by Wiese to approve the following employee step/longevity increases, effective October 12, 2003: Daryl Lloyd @ \$12.64 per hour, Nyle Jenson @ \$11.72 per hour, Kristal Biegler @ \$11.07 per hour, Justin Cleveland @ \$10.26 per hour, Terrence Evans @ \$13.21 per hour, Bryan Owens @ \$11.40 per hour, Sandra Hjermstad @ \$10.70 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Knecht to approve hiring Angela Senger as guard, effective September 14, 2003 for purpose of prisoner transport. All members present voting aye. Motion carried.

**ABATEMENT:**

Moved by Knecht, seconded by Wiese to approve the following abatement: McLaughlin Electric Supply House Inc, double assessment (All of Blocks 50 and 51 including vacated Jay Street and CMSTP ROW Hagerty & Lloyd's Add) for year 2001 in amount of \$14,115.83 and for year 2002 in amount of \$14,611.85. All members present voting aye. Motion carried.

**WEED AND SEED:**

Moved by Knecht, seconded by Wiese to approve and authorize the Chairman sign Financial Form 269 for July through September 2003 for the Brown County Weed and Seed Grant #2002-WS-QX-0054. All members present voting aye. Motion carried.

**PREVENTION GRANT:**

Moved by Wiese, seconded by Knecht to approve and authorize the Chairman sign Financial Form 269 for July through September 2003 for the Brown County Special Appropriation "Prevention and Intervention Programs for at-risk and detained youth" Grant #2001-JS-FX-0014. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Hansen to approve increasing the hours of service provided by Lutheran Social Services for at-risk youth through School-Based Therapy and Wraparound Services in Groton, Warner and Frederick, to be funded by the Brown County Special Appropriation "Prevention and Intervention Programs for at-risk and detained youth" Grant #2001-JS-FX-0014. All members present voting aye. Motion carried.

**DISPARATE JURISDICTION:**

Moved by Wiese, seconded by Knecht to approve and authorize the Chairman sign Financial Form 269 for April through June 2003 for the Brown County Disparate Jurisdiction Grant #2002-LB-BX-0900. All members present voting aye. Motion carried.

**SET HEARING DATE:**

Moved by Wiese, seconded by Knecht to set public hearing for 8:45 a.m. on November 4, 2003 in the Brown County Commission Chambers, 25 Market Street for First Reading of Ordinance No. 03-10-03/287 (Franzen) to amend Ordinance No. 1164 to rezone the following described property from Section 714 (M-AG) Mini-Agricultural District to Section 703 (R-1) Low Density Residential District (Lot 1B of "Franzen's Subdivision of Lot 1, Dumdei's 1<sup>st</sup> Subdivision in the SW ¼ of Sec 28-T124N-R64W, Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto. All members present voting aye. Motion carried.

**TREASURER REPORT:**

Moved by Wiese, seconded by Knecht to approve the 2003 Third Quarter Interest Report submitted by Sheila Enderson, Treasurer. All members present voting aye. Motion carried.

**AUDITORS REPORT OF ACCOUNT:**

Moved by Wiese, seconded by Knecht to approve the September 2003 Auditor's Report of Account with the County Treasurer in total amount of \$6,684,668.63 (total amount of actual cash @ \$3,448.00, Wells Fargo Bank @ \$3,694.79, US Bank @ \$77,313.98, Dacotah Bank @ \$129,249.55, Petty Cash @ \$1,700.00, Fund Investments @ \$6,469,210.31, Outstanding Checks @ \$52.00). All members present voting aye. Motion carried.

**FAIR BOARD MEMBERS:**

Moved by Wiese, seconded by Knecht to appoint the following to the Brown County Fair Board: Tammy Dennert and Sheryl Erickson – three year term; Gerald Signs, Roger Huettl, Barb Pinkerton, Jamie Pulfrey – three year term; Bob Haak and Fae Dayton – two year term. All members present voting aye. Motion carried.

**QCD:**

Moved by Knecht, seconded by Hansen to approve and authorize the Chairman sign Quit Claim Deed to Lester L Larson Jr for property described as, First Addition Lot 25, Block 44, City of Frederick (property previously declared surplus and offered for public auction on September 29, 2003). All members present voting aye. Motion carried.

**PRE-DISASTER MITIGATION PLAN:**

Moved by Wiese, seconded by Knecht to approve the Pre-Disaster Mitigation Plan of the Brown County Emergency Management Office as the Official Document for all Pre-Disaster Mitigation Planning. All members present voting aye. Motion carried.

**LIQUOR LICENSE TRANSFER HEARING:**

Time and place, as advertised for public hearing to consider application for transfer of a liquor license from Weismantel's Rent All to NSU Foundation. No action taken, as the application was withdrawn.

**FAIRGROUNDS DISCUSSION:**

Kurt Smith, Fairgrounds Superintendent met to discuss the Commissions intent for the monies accumulated for the construction of a facility at the Fairgrounds to be utilized for livestock activities, as per Resolution No. 91-2000. The Commission stated that the initial purpose for the accumulation of funds for capitol outlay purposes is still the goal and instructed Kurt to proceed with architectural plans and pursue any grant monies available for such projects.

**INDIGENT COUNSEL CONTRACT:**

Mark McNeary, States Attorney met to discuss continuation of existing Indigent Counsel Contract with minor adjustments. Board concurred.

**EXECUTIVE SESSION:**

Moved by Wiese, seconded by Knecht to go into executive session to discuss possible litigation and personnel with Mark McNeary and Dirk Rogers in attendance. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Wiese to adjourn executive session, with the following personnel action taken as a result of the discussion. All members present voting aye. Motion carried.

**PERSONNEL:**

Moved by Knecht, seconded by Wiese to approve hiring Nick Fullmer as full-time Highway employee, effective November 3, 2003 at \$10.18 per hour. All members present voting aye. Motion carried.

**CDBG – MUSEUM UPPER WINDOW PROJECT PUBLIC PROGRESS HEARING:**

Time and place, as advertised for a public hearing to discuss the progress of the Dacotah Prairie Museum upper window replacement project and to receive any comments and concerns that may exist regarding the project, funded by a Community Development Block Grant. No one appeared with comments or concerns.

**CDBG PAY REQUEST NO. 3:**

Moved by Wiese, seconded by Knecht to approve and authorize the Chairman sign Pay Request No. 3 for CDBG Grant #0103-113 – Dacotah Prairie Museum Upper Window Replacement Project in amount of \$21,510.00. All members present voting aye. Motion carried.

**CDBG – NE REGIONAL HEALTH AND FITNESS CENTER:**

Moved by Wiese, seconded by Knecht to approve Brown County as applicant for a Community Development Block Grant for the Northeast Regional Health and Fitness Center Project to be built in Aberdeen; and further authorize the Chairman sign application letter. All members present voting aye. Motion carried.

**LOSS CONTROL/SAFETY ACHIEVEMENT AWARD:**

Brown County Employees received a Gold Level Loss Control/Safety Achievement Award from Risk Services of South Dakota on behalf of SDML WC Fund and SDPAA.

**RECESS:**

The Vice-Chairman declared the Commission recessed until October 21, 2003.

Maxine Taylor – Brown County Auditor

# OCTOBER 21, 2003 – GENERAL MEETING

Meeting called to order by Chairman Fischbach at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Feickert, Knecht and Wiese.

## MINUTES:

Moved by Knecht, seconded by Wiese to approve the General Meeting minutes of October 14, 2003. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Feickert, seconded by Hansen to approve the following claims:

Payroll: Commissioners..\$2,443.30; Auditor..\$5,883.50; Treasurer..\$8,134.70; Data Processing..\$1,573.08; State's Attorney..\$8,381.92; Victims Assistance..\$904.05; Maintenance..\$4,669.65, Assessor..\$7,384.00; Planning & Zoning..\$1,023.20; Register of Deeds..\$4,537.90; Veterans Service Office..\$2,342.65; Sheriff..\$54,635.34; DOJ Grant..\$2,538.70; Communications..\$9,919.03; Welfare Office..\$2,608.10; Health..\$1,668.80; Museum..\$3,915.60; Fairgrounds & Parks..\$3,048.13, Fairboard..\$1,775.11; Extension..\$1,567.20; Weed..\$1,303.09; Emergency Management..\$2,111.79; Weed & Seed..\$1,038.47, Highway..\$27,071.25; Landfill..\$6,612.13; Matching Benefits: FICA..\$9,881.38; Medicare..\$2,310.93;  
Supplies: Eide Bailly..\$350.00, Best Business..\$428.21, Pitney Bowes..\$297.00, Pizza Ranch..\$8.64, Radio Shack..\$37.03, CDW..\$1047.81, Heartland Paper..\$629.14, Ameripride..\$39.00, Dakota Supply..\$86.46, Sanders..\$31.46, House of Glass..\$217.38, Hoven Auto..\$103.57, K-Mart..\$134.12, Menards..\$458.36, Rux Bros..\$57.16, New Trends..\$309.05, Tri-State Water..\$22.00, City of Groton..\$30.00, Pierson Ford..\$250.10, Office Equip..\$31.87, BP/Amoco..\$105.96, Earthgrains..\$488.26, Langs..\$60.00, Career Planning..\$777.75, Weismantel Rent-All..\$114.00, City of Warner..\$24,438.54, Jason Stoltenburg..\$128.12, Lien..\$532.10, Langs..\$18.99, HF Jacobs..\$478.00, Larry Hardy..\$6.36, Farnams..\$281.83, Aberdeen Asphalt..\$5791.82, Sherri Rawstern..\$16.58, Lora Schaunaman..\$28.39, Sherwin-Williams..\$22.08, Butler Cat..\$31.62, Century Business Products..\$134.72, Extension Service..\$554.37, Graham Tire..\$1406.49, Macs..\$15.78, NECOG..\$4200.00, Quality Welding..\$55.73, Specialty Mfg..\$358.50, Radio Shack..\$77.99, Language Line..\$112.00, Wright & Sudlow..\$340.00, Dakota Fluid Power..\$211.27, Dakota Wood Grinding..\$22,400.00, NECOG..\$955.96, LSS..\$3570.00;  
Publications: American News..\$454.54;  
Travel: Ramkota..\$923.00, Oaks Hotel..\$284.00, Maxine Taylor..\$139.96, Sheila Enderson..\$150.74, Leo Leshner..\$270.57, Gene Loeschke..\$276.95, Carol Sherman..\$141.19, Brimark Inn..\$104.00, Nancy Hansen..\$149.58;  
Utilities: Dependable Sanitation..\$371.00, Qwest..\$5350.74, Northwestern Energy..\$1228.57, Northern Elec..\$431.19, Town of Frederick..\$18.25, A-1 Sanitation..\$174.10, Verizon..\$64.19, Bureau of Admin..\$392.75;  
Care of Poor: Drugs – 1 recipient..Shopko..\$451.33; Dr./Hospital – 1 recipient..Dakota Plains Surgical Center..\$1231.50; Utilities – 4 recipients..NWPS..\$789.64; Burial – 1 recipient..Spitzer Funeral Home..\$1535.00; Rent – 4 recipients..Edward Weber..\$250.00, Hinz, Hinz & Hoffman..\$190.00, Len Evangelisto..\$103.20, Meier & Co..\$250.00; Transportation – 2 recipients..Jefferson Lines..\$165.77. All members present voting aye. Motion carried.

## PERSONNEL:

Moved by Feickert, seconded by Hansen to approve the following employee step/longevity increases, effective October 26, 2003: Michelle Haag @ \$10.27 per hour, Mavis Kempf @ \$14.46 per hour. All members present voting aye. Motion carried.

## CAR RACE CONTRACT:

Moved by Hansen, seconded by Knecht to not allow option of renewal be exercised for the lease of the car racing facilities for year 2004. All members present voting aye. Motion carried.

#### SVAWA GRANT:

Moved by Knecht, seconded by Hansen to approve and authorize the Chairman sign Grant Award and Certified Assurances and Program Expectations form for the FY 2004 Stop Violence Against Women Act Grant #STOP\_P-04-160, which provides direct services to victims of violent crimes, effective October 1, 2003 to September 30, 2004 in amount of \$25,730.00. All members present voting aye. Motion carried.

#### QCD:

Moved by Knecht, seconded by Feickert to approve and authorize the Chairman sign Quit Claim Deed to Doug and Dina Rush for property described as, Lot 5 Remde's Addition, Mansfield, Warner Township (property previously declared surplus and offered for public auction on September 29, 2003). All members present voting aye. Motion carried.

#### BROWN COUNTY WEED AND SEED GRANT AWARD:

Moved by Wiese, seconded by Knecht to approve and authorize the Chairman sign Supplement #2 Grant Award and Special Condition documentation for continuation of Brown County Weed and Seed Grant #2002-WS-QX-0054, effective until September 30, 2004 in amount of \$225,000.00. All members present voting aye. Motion carried.

#### CITIZEN CONCERN:

Carl Howard expressed concern about the decision to proceed with the construction of a facility at the Fairgrounds for livestock activities.

#### PREVENTION GRANT:

Moved by Wiese, seconded by Hansen to approve Change Order 79.5, submitted by Christine Heidenreich for office supplies for the nurse's office at JDC in amount of \$407.79. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Feickert to approve and authorize the Chairman sign Addendum No. 2 to Agreement with Lutheran Social Services to provide specific, limited mental health services to "At-Risk" youth in rural Brown County (program components include School-Based Mental Health Projects and Wraparound individualized Services), to be funded by federal funds from US DOJ Grant #2001-JS-FX-0014-Year 3 (October 1, 2003 – September 30, 2004) in amount of \$116,256.00. Motion carried. All members present voting aye. Motion carried.

#### WAR MEMORIAL:

Moved by Hansen, seconded by Wiese to contribute \$25,000.00 to the War Memorial Project at the Aberdeen Regional Airport, with all funds returned if and when private donations are sufficient. All members present voting aye. Motion carried.

#### EM UPDATE:

Freddie Robinson, Emergency Management Director informed the Commission that the Comprehensive Fire Plan was near completion and discussed the pros and cons of a burn ban. At this time the Commission and Emergency Management Office urge extreme caution to all citizens contemplating a controlled burn.

#### CITIZEN CORPS COUNCIL:

Moved by Feickert, seconded by Wiese to appoint the following Brown County Citizen Corps Council with staggered terms: Emergency Management Official – Freddie Robinson, Hub Area Radio Club

Representative– Rolland Moerke, At Large Representative – Gordon Vanauken for a period ending in January 2005; Civil Air Patrol Representative – Dave Shultis, Red Cross Representative – Gary King, At Large Representative – Scott Meints for a period ending in January 2006; Salvation Army Representative – Ralph Labbee, Medical Community Representative – Becky Berreth, At Large Representative – Tom Kessler for a period ending in January 2007. All members present voting aye. Motion carried.

**CITIZEN CONCERN:**

Bud Dennert expressed concern about the decision to proceed with the construction of a facility at the Fairgrounds for livestock activities and also complained about the dumpster site at Westport.

**RECESS:**

The Chairman declared the Commission recessed until October 28, 2003.

Maxine Taylor – Brown County Auditor

## OCTOBER 28, 2003 – GENERAL MEETING

Meeting called to order by Chairman Fischbach at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Feickert, Knecht and Wiese.

## MINUTES:

Moved by Hansen, seconded by Knecht to approve the General Meeting minutes of October 21, 2003. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Hansen, seconded by Feickert to approve the following claims:

Supplies: War Memorial Project..\$25,000.00, Reserve Account..\$5000.00, Walmart..\$140.46, Office Equip..\$48.86, New Trends..\$248.53, Quality Quick Print..\$84.30, Crescent Supply..\$178.71, K-Mart..\$201.00, Ecolab..\$143.70, Best Business..\$481.59, Velvet Uniforms..\$178.24, Hofers Repair..\$58.20, Respond..\$105.60, Artz Camera..\$7.35, Dept of Revenue..\$315.00, Gardner Locksmith..\$632.00, Pierson Ford..\$152.74, RNJ Electronics..\$10.47, FedEx..\$5.93, Credit Bureau..\$7.50, Dick's Westside..\$30.00, Jewett Drug..\$34.53, Parcel-Erickson..\$21.95, Evercom..\$700.00, Lien..\$1348.91, Lawson Products..\$303.94, Kar Products..\$154.55, Howes Oil..\$8248.20, Fastenal..\$77.50, Farm Power..\$8.00, Diesel Machinery..\$2154.67, Spink County..\$988.85, Sheriff of Yankton County..\$16.50, Northland Ltd..\$21,510.00, House of Glass..\$104.98, Lora Schaubman..\$47.06, Greg Van De Rostyne..\$120.00, Sherwin-Williams..\$4.64, SD for the Arts..\$125.00, Overhead Door..\$929.14, NESDCAP..\$2000.00, Stoffel Seals..\$764.00, Western Printing..\$375.17, Brown County..\$2814.34, Salvation Army..\$2936.32, Groton School..\$1531.25, City of Aberdeen..\$698.00, Boys & Girls Club..\$8194.25, Safe Harbor..\$5982.26, Bricks TV..\$250.00, Farm Power..\$149.71, SD Public Assurance Alliance..\$75.00, New Trends..\$11.06, Hewlett-Packard..\$2732.80:

Publications: American News..\$311.92, Wells Fargo Services..\$30.65:

Transcriptions: Slowey Court Reporting..\$120.00:

Professional Fees: Shannon County Sheriff..\$57.46, Hennepin County Sheriff..\$49.00, witness fees..\$102.34, Richard Russman..\$2916.66, Kim Dorsett..\$2083.33, NE Mental Health..\$58.52, Behavioral Interventions..\$216.00, Donna Dietrich..\$118.47, Don Carlson..\$15.00, Marv Ekeren..\$15.00: Travel: Mark Milbrandt..\$848.48, Kelly Inn..\$66.00, Marj Kolb..\$295.80, Gary Erickson..\$360.05, Country Inn..\$80.00, Drew Bickford..\$1000.00, Ramkota Inn..\$820.00:

Court Appointed Attorney: Randy Turner..\$4166.67, Christy Serr..\$4166.67, Scott Kuck..\$4166.67, William Gerdes..\$4166.67:

Utilities: Cellular One..\$868.54, Prairie Fire..\$153.29, Northwestern Energy..\$727.62, Qwest..\$134.88, WEB Water..\$35.80, Prairiewave..\$19.95:

Care of Poor: Dr./Hospital – 5 recipients..Sacred Heart Hospital..\$442.27, Dr John Adams..\$28.70, Aberdeen Surgical Assoc..\$716.30, Othopedic Surgery Specialists..\$2689.86, Avera Home Medical Equip..\$600.00; Utilities – 3 recipients..NWPS..\$402.16; Burial – 1 recipient..City of Aberdeen..\$350.00; Rent – 4 recipients..Danne..\$170.00, Ken Hallstrom..\$190.00, Jon Husby..\$250.00, Lakeside Estates..\$158.00; Insurance – 3 recipients..Midstates Printing..\$650.00, Dakotacare..\$267.81, Avera Health Plans..\$311.43. All members present voting aye. Motion carried.

## PERSONNEL:

Moved by Hansen, seconded by Wiese to approve hiring Randall Drew Bickford, as Communications Center Director, effective October 27, 2003 at a pro-rated annual salary of \$40,000.00. All members present voting aye. Motion carried.



Moved by Feickert, seconded by Wiese to approve employee status change for Paul Alusa from part-time to full-time JDC Officer, effective October 26, 2003 at \$9.72 per hour. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Wiese to thank Freddie Robinson for being interim director of the Communications Center and remove additional salary, effective October 27, 2003. All members present voting aye. Motion carried.

**ABATEMENT:**

Moved by Wiese, seconded by Hansen to approve the following Solid Waste Abatement: Otto Friske, no lake cabin (Lt 19 Raetzmanns Richmond Lake Subd NW 13-124-65) for year 2003 in amount of \$25.00. All members present voting aye. Motion carried.

**PLATS:**

Commissioner Knecht offered the following Resolution:

**RESOLUTION NO. 84-03**

BE IT RESOLVED by the Board of Commissioners of Brown County, SD, that the plat showing "Shornack Addition in the NW ¼ of the NW ¼ of Sec 2-T123N-R61W of the 5<sup>th</sup> P.M., Brown County, SD", 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. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Knecht offered the following Resolution:

**RESOLUTION NO. 85-03**

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing "Haselhorst Subdivision, in the SE ¼ of Sec 1-T121N-R65W of the 5<sup>th</sup> P.M., Brown County, SD", having been examined is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof.

Seconded by Commissioner Wiese. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Knecht offered the following Resolution:

**RESOLUTION NO. 86-03**

BE IT RESOLVED by the Board of Commissioners of Brown County, SD, that the plat showing "Hanson Addition in the SW ¼ of Sec 9-T121N-R62W of the 5<sup>th</sup> P.M., Brown County, SD", having been examined is hereby approved in accordance with the provisions of SDCL of 1967 and any amendments thereof.

Seconded by Commissioner Wiese. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Knecht offered the following Resolution:

RESOLUTION NO. 87-03

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Palmer's First Subdivision in NW ¼ Sec 7-T121N-R64W of 5<sup>th</sup> P.M., Brown County, SD", 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. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Knecht offered the following Resolution:

RESOLUTION NO. 88-03

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Walter's First Subdivision in SE ¼ Sec 13-T123N-R62W of 5<sup>th</sup> P.M., Brown County, SD", 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. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Knecht offered the following Resolution:

RESOLUTION NO. 89-03

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Kamen First Subdivision in SW ¼ Sec 23-T122N-R64W of 5<sup>th</sup> P.M., Brown County, SD", 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. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Hansen offered the following Resolution:

RESOLUTION NO. 90-03

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing "Lots 3B-1 and 3B-2 of Lot 3 of Mohr's Outlots in the S ½ of Sec 36-T124N-R64W of the 5<sup>th</sup> P.M., Brown County, SD", having been examined, is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof.

Seconded by Commissioner Feickert. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Hansen offered the following Resolution:

RESOLUTION NO. 91-03

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Erickson Addition to Prairiewood Village in the NE ¼ of Sec 33-T124N-R63W of the 5<sup>th</sup> P.M., Brown County, SD", 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 Feickert. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Hansen offered the following Resolution:

#### RESOLUTION NO. 92-03

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Fulker First Subdivision in SE ¼ Sec 17-T123N-R64W of 5<sup>th</sup> P.M., Brown County, SD", 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 Feickert. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

#### INCREASE SPENDING AUTHORITY/ESTIMATED REVENUE:

Moved by Knecht, seconded by Wiese to increase spending authority in Fund #234-211.01-411 by \$1171.68, #234-211.01-412.01 by \$72.63, #234-211.01-412.02 by \$16.97, #234-211.01-413 by \$93.75 and increase estimated revenue in Fund #234-331.90 by \$1355.03 for reimbursement of Underage Drinking Grant funds. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Knecht to increase spending authority in Fund #234-211.03-426.03 by \$273.71 and increase estimated revenue in Fund #234-331.04 by \$273.71 for reimbursement of Bullet Proof Vest Grant funds. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to increase spending authority in Fund #234-215.01-422 by \$425.00 and increase estimated revenue in Fund #234-331.99 by \$425.00 for reimbursement of Shelter Care Grant funds. All members present voting aye. Motion carried.

#### OPERATING TRANSFER OUT/IN:

Moved by Feickert, seconded by Wiese to authorize transfer of budget and cash in amount of \$1,033,650.00 from General Fund #101-191-911 (expense) to Road and Bridge Fund #201-371 (revenue). All members present voting aye. Motion carried.

#### SHERIFF REPORTS:

Moved by Wiese, seconded by Feickert to approve the following September 2003 Sheriff Reports: Incidents and Offenses, Prisoner Care, JDC, Money deposited with the County Treasurer and Monthly activities. All members present voting aye. Motion carried.

#### BROWN COUNTY WEED AND SEED:

Moved by Wiese, seconded by Feickert to approve the following Weed and Seed Year Two funding proposals: Aberdeen Police Department (Evidence Safe and Bus Lockers, Cell Phones), Aberdeen Central (Speaker), Dakota Square (Security Equipment), NSU (Speaker), as recommended by the Steering Committee. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Knecht to approve the Brown County Weed and Seed Monthly Expenses for October 2003 (Year Two 2002-WS-QX-0054), in amount of \$22,156.42. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Feickert to approve and authorize the Chairman sign Agreement with Northeast Council of Governments to provide administrative assistance for Year Three of the Department of Justice Program known as Brown County Weed and Seed #2002-WS-QX-0054, in amount of \$20,000.00, effective October 10, 2003 through September 30, 2004. All members present voting aye. Motion carried.

#### PREVENTION GRANT:

Moved by Wiese, seconded by Feickert to approve Change Order #142.2 to include \$150.00 in year three budget to provide Hep-B shots for the Community Resource Coordinators, to be funded by the Department of Justice Prevention and Intervention Programs for At-Risk and Detained Youth Project #2001-JS-FX-0014. All members present voting aye. Motion carried.

#### REQUEST DENIED:

Moved by Wiese, seconded by Feickert to deny request, submitted by Terri Erker to waive penalty and interest on delinquent taxes due on the SW ¼ 22-121-62, as Brown County was not at fault in the delinquency. Roll call vote: Hansen-abstain, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Motion carried.

#### TECHNOLOGY GRANT AWARD:

Moved by Wiese, seconded by Feickert to approve and authorize the Chairman to sign award documentation and special conditions for COPS 2003 Technology Grant #2003CKWX0177 in amount of \$496,750.00, effective February 20, 2003 – February 19, 2004. All members present voting aye. Motion carried.

#### RICHMOND LAKE SANITARY DISTRICT ANNEXATION:

Moved by Feickert, seconded by Knecht to approve and authorize the Chairman to sign Approval for Richmond Lake Sanitary District to annex the following property into the district: Prairie Lake First Subdivision in E ½ W ½ of Sec 23-T124N-R65W of the 5<sup>th</sup> P.M., Brown County, SD, effective October 28, 2003. All members present voting aye. Motion carried.

#### BCCHC REPORT:

DeAnna Kyburz presented the Brown County Community Health Center Report for July - September 2003.

#### BUILDING PERMIT FEES:

The Commission requested Mick Waller, Planning/Zoning Director change his method and time frame for submitting building permit fees to the Treasurers office, as recommended by the State Auditor.

#### APPLICATION FOR OCCUPANCY:

Moved by Knecht, seconded by Feickert to approve the application, submitted by Northern Electric Cooperative for occupancy of Brown County Highway #6J in Sec 25-T124N-R65W, Brown County, SD to provide single phase underground cable. All members present voting aye. Motion carried.

#### SURPLUS PROPERTY:

Moved by Hansen, seconded by Feickert to declare the following surplus for purpose of sale at public auction to be held at the Highway Department on November 7, 2003: Decal #1857 1980 Rex Roller, Decal #1435 1983 Sullair Air Compressor, Decal #1329 1983 GMC Truck, Miscellaneous Office/Shop

items, Miscellaneous household items from tax deed property, 1975 Olds 98, 1993 Ford Crown Victoria, 1995 Ford Crown Victoria and Miscellaneous Electronic/Computer related items. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Wiese to declare the following surplus for purpose of sale at public auction to be held at the Highway Department on November 7, 2003: Decal #4002 1989 Chevy Pickup, Miscellaneous Office/Shop items from the Landfill and four office chairs from the Auditor's Office. All members present voting aye. Motion carried.

#### EXECUTIVE SESSION:

Moved by Feickert, seconded by Hansen to go into executive session to discuss possible litigation and personnel with Dirk Rogers in attendance. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to adjourn executive session, with no action taken as a result of discussion. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to go into executive session to discuss personnel with Mark McNeary in attendance. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Knecht to adjourn executive session, with no action taken as a result of discussion. All members present voting aye. Motion carried.

#### CAR RACE CONTRACT:

Terry Voeltz read a prepared statement in regard to Commission action taken October 21, 2003. Seventeen other interested persons were in attendance. After discussion the following action ensued and the Commission stated a draft addendum for the 2004 option is to be prepared by the States Attorney.

Moved by Hansen, seconded by Knecht to rescind the following action taken at the October 21, 2003 General Meeting "to not allow option of renewal be exercised for the lease of the car racing facilities for year 2004". All members present voting aye. Motion carried.

#### EXECUTIVE SESSION:

Moved by Feickert, seconded by Knecht to go into executive session to discuss personnel with Jeanette Nietert in attendance. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Wiese to adjourn executive session, with no action taken as a result of discussion. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to go into executive session to discuss personnel with Bill Meink in attendance. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Hansen to adjourn executive session, with no action taken as a result of discussion. All members present voting aye. Motion carried.

#### RECESS:

The Chairman declared the Commission recessed until November 4, 2003.

Maxine Taylor – Brown County Auditor

**NOVEMBER 4, 2003- JOINT CITY/COUNTY MEETING**

The Brown County Commission and the Aberdeen City Commission met in joint session at 8:45 A.M. in the Brown County Commission Chambers, Courthouse Annex, Aberdeen, South Dakota. Present from City were Commissioners Klabo, Forkel and Mayor Hopper. Absent were Commissioners Kirkpatrick and Omland. Present from County were Commissioners Hansen, Feickert, Knecht, Wiese and Fischbach.

**ORDINANCE NO. 03-10-03/287:**

On motion by Klabo and seconded by Forkel, the City unanimously voted to deny passage of First Reading of Ordinance No. 03-10-03/287.

Moved by Wiese, seconded by Knecht to deny passage of First Reading of Ordinance No. 03-10-03/287, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 714 (M-AG) Mini-Agricultural District to Section 703 (R-1) Low Density Residential District, said property being described as follows: Lot 1B of "Franzen's Subdivision of Lot 1, Dumdei's 1<sup>st</sup> Subdivision in the SW ¼ of Sec 28-T124N-R64W, Brown County, SD", and extending to the centerline of all public right-of-way located adjacent thereto, as recommended by the Joint Planning and Zoning Commission (spot zoning). All members present voting aye. Motion carried.

**UTILITY EASEMENT DISCUSSION:**

A request submitted by Rusty Merkel for routing a utility easement across City/County owned property located at Richmond Lake was discussed by the joint Commission's. Robin Bobzien and Dirk Rogers suggested that if approved, the easement not interfere with future development in the area. Mr. Merkel and the utility company will proceed with plan.

The Aberdeen City Commission adjourned and the County Commission continued into regular meeting.

Maxine Taylor – Brown County Auditor

NOVEMBER 4, 2003 – GENERAL MEETING

Meeting called to order by Chairman Fischbach at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Feickert, Knecht and Wiese.

MINUTES:

Moved by Wiese, seconded by Feickert to approve the General Meeting minutes of October 28, 2003. All members present voting aye. Motion carried.

CLAIMS:

Moved by Knecht, seconded by Wiese to approve the following claims:

Payroll: Commissioners..\$2,443.30; Auditor..\$5,906.66; Treasurer..\$8,134.70; Data Processing..\$1,573.08; State's Attorney..\$8,381.92; Victims Assistance..\$904.05; Maintenance..\$4,673.13, Assessor..\$6,878.13; Planning & Zoning..\$1,042.39; Register of Deeds..\$4,537.90; Veterans Service Office..\$2,286.25; Sheriff..\$52,114.58; DOJ Grant..\$2,575.97; Communications..\$11,554.59; Welfare Office..\$2,608.10; Health..\$1,668.80; Museum..\$4,041.40; Fairboard..\$1,775.11; Fairgrounds & Parks..\$3,023.44; Extension..\$1,567.20; Weed..\$369.93; Emergency Management..\$2,111.79; Weed & Seed..\$1,012.44; Highway..\$27,498.29; Landfill..\$6,420.20; Matching Benefits: FICA..\$10,236.39, Medicare..\$2,394.00, Wellmark BCBS Life..\$659.96, Wellmark BCBS Health..\$53,913.90, Delta Dental..\$3,124.00, SD State Retirement..\$30,256.58:

Supplies: Office Max..\$1245.88, Superior Specialty..\$126.48, Chris & Don's Tarp..\$18.00, State Supply..\$66.65, Dan Lingor Flooring..\$441.00, Menards..\$56.86, Dakota Supply..\$11.45, UBC..\$25.57, Western Printing..\$223.25, Civil Research Institute..\$169.95, Visa..\$565.67, SD LECC..\$20.00, Dicks Westside..\$33.00, Quality Welding..\$13.00, NAPA..\$5.99, Dept of Revenue..\$297.00, Medical Center Pharmacy..\$1491.64, New Trends..\$382.99, Newman Signs..\$32.18, Buzz McNeil..\$573.75, Erdmann Oil..\$1553.71, Diesel Machinery..\$207.21, Crawford Trucks..\$65.84, HC Clark..\$54.48, Butler Machinery..\$68.55, Advanced Auto..\$28.72, Aberdeen Equip..\$4920.00, Walmart..\$181.92, Sherri Rawstern..\$15.00, Aberdeen Arts Council..\$157.75, RDO..\$62.48, Aberdeen Hockey..\$4812.50, SD County Ag Agents..\$175.00, US Postal Service..\$330.00, Best Business..\$42.33, Dakota Electronics..\$225.00, Warner School Dist..\$625.35:

Publications: American News..\$131.52, Groton Indep..\$203.16:

Professional Fees: Avera St Lukes..\$2028.17, Aberdeen Advanced Care..\$265.35, Eide Bailly..\$256.50, Christine Heidenreich..\$1721.25:

Travel: Gene Loeschke..\$230.55, Leo Leshner..\$298.41, Brookings Inn..\$87.00:

Utilities: Northwestern Energy..\$5975.15, Midcontinent Cable..\$284.83, Qwest..\$197.64, Montana Dakota Utilities..\$28.67, James Valley Co-Op..\$104.00, WEB..\$41.34, Verizon..\$141.33:

Care of Poor: Drugs – 1 recipient..Shopko Pharmacy..\$457.32; Dr./Hospital – 3 recipients..Avera St Lukes..\$1785.00, Orthopedic Surgery Spec..\$1132.31, Siouxland Anesthesiology..\$176.00; Rent – 6 recipients..Larry Dingman..\$230.00, Dale Bain..\$185.00, Pat Preston..\$190.00, Brian Boettcher..\$210.00, Gary Wald..\$190.00, T&S Investments..\$170.00. All members present voting aye. Motion carried.

PERSONNEL:

Moved by Wiese, seconded by Hansen to approve the following employee step/longevity increases, effective November 9, 2003: Jason Stoltenburg @ \$10.51 per hour, Ben Woodward @ \$9.99 per hour, Steven Cogley @ \$14.02 per hour. All members present voting aye. Motion carried.

CHRISTMAS CLOSING:

Moved by Wiese, seconded by Feickert to close at noon on Wednesday, December 24<sup>th</sup> and all day on Friday, December 26<sup>th</sup>, with the following policy: each employee will be compensated for four hours

regular pay for December 24 and eight hours regular pay for December 26, if an employee is required to work a full shift on December 24, four hours will be added to their vacation record and if an employee is required to work a full shift on December 26, eight hours will be added to their vacation record – under no circumstances will premium pay be paid for these twelve hours. All members present voting aye. Motion carried.

#### ABATEMENTS:

Moved by Hansen, seconded by Wiese to approve the following Abatements: Andrew & Kelli VanSteenwyk, owner/occupied status (Lot 6 & N 25' Lot 7 Blk 24 Simmons 1<sup>st</sup> Addn) for year 2002 in amount of \$467.86; Adam & Kelli Burgard, owner/occupied status (Lot 19-20 Blk 12 Hagerty & Lloyds Addn) for year 2002 in amount of \$372.19. All members present voting aye. Motion carried.

#### TECHNOLOGY GRANT:

Moved by Hansen, seconded by Feickert to approve and authorize the Chairman to sign Certification Form stating an Equal Employment Opportunity Plan (EEOP) is on file for review for the COPS 2003 Technology Grant #2003CKWX0177 in amount of \$496,750.00, effective February 20, 2003 – February 19, 2004. All members present voting aye. Motion carried.

#### LEASE AGREEMENT:

Moved by Wiese, seconded by Hansen to approve and authorize the Chairman to sign agreement with Northern State University for lease of the Expo Building and Club House on Jun 19 & 20, 2004. All members present voting aye. Motion carried.

#### SURPLUS PROPERTY:

Moved by Knecht, seconded by Wiese to declare the following property surplus for sale at a public auction to be held November 7, 2003: Dispatch - Decal #4268 Racal Recorder, Decal #4273 Racal Recorder, Decal #4284 Magitronic, Decal # 4285 Magitronic, Decal #4313 Gateway; Highway – Decal #1502 Compaq, Decal #1927 Compaq; Register of Deeds – Decal #2084 Compaq; Treasurer – Decal #2135 AT&T, Decal #2138 AT&T, Decal #2143 AT&T; Veterans – Decal #4286 Magitronic, Decal #118 SMC, Decal #784 Gateway 2000; and miscellaneous computer equipment. All members present voting aye. Motion carried.

#### BRIDGE #36:

Moved by Feickert, seconded by Wiese to approve and authorize the Chairman to sign right of way and temporary construction easements with Donald J Bollwerk and Marilyn M Glaser for the construction of Bridge #36 Project No. BRO 8007(39), PCEMS 5746. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Wiese to approve and authorize the Chairman to sign Right-of-Way Certificate for Bridge #36 Project No. BRO 8007(39), PCEMS 5746. All members present voting aye. Motion carried.

#### BID – SEMI TRACTOR:

Moved by Wiese, seconded by Knecht to authorize advertising public hearing to open, read and consider bids for one current model 2004 Tandem Axle Semi Tractor with or without trade in of a 1993 International Model 4900, to be held at 8:45 A.M. on November 25, 2003 in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. All members present voting aye. Motion carried.

#### JAIL DISCUSSION:

John VanderHoek discussed need for an all weather phone for after hour access to Jail personnel and the need to update the cell check clock system, with expenses defrayed by inmate telephone fees. Board concurred.



**EXTENSION DISCUSSION:**

Extension Agents Marj Kolb and Gary Erickson discussed the condition of the copier at the Extension Office and explained with personnel changes there are funds available in the 2003 budget to purchase a new copier. Board concurred on stipulation quotes from three sources are reviewed.

**SCHOOL/CITY/COUNTY COMMITTEE:**

Dennis Feickert and Tom Fischbach will sit on the School/City/County Committee with Deb Knecht as alternate.

**RECESS:**

The Chairman declared the Commission recessed until 6:00 P.M. on November 10, 2003.

Maxine Taylor – Brown County Auditor

# NOVEMBER 10, 2003 – GENERAL MEETING

Meeting called to order by Chairman Fischbach at 6:00 P.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Feickert, Knecht and Wiese.

## MINUTES:

Moved by Feickert, seconded by Wiese to approve the Joint City/County Meeting minutes and the General Meeting minutes of November 4, 2003. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Wiese, seconded by Feickert to approve the following claims:

Supplies: Risk Services..\$225.00, Eagle Forms..\$98.36, Menards..\$194.25, Cunningham Elec..\$886.56, Ecolab..\$162.50, Hedahls..\$197.70, Langs..\$97.70, D&d Paint..\$418.60, Taylor Laundry..\$15.00, OK Tire..\$81.00, Runnings..\$485.25, Sanders Sew 'N Vac..\$31.46, Interstate..\$1064.00, Bonnie Bitz..\$360.00, Dakota Electronics..\$285.55, Quality Quick Print..\$1087.11, Karst Car Care..\$20.00, Radio Shack..\$19.99, Walmart..\$228.97, Office Max..\$565.17, Liebelt..\$37.50, US Marshall Service..\$1289.00, Bob Barker..\$1158.88, Velvet Uniforms..\$43.39, Executive Mgmt..\$2704.46, Cellular One..\$60.98, Safety Service..\$327.56, Hoven Auto..\$44.01, Lutheran Social Services..\$103.35, FedEx..\$7.88, Lust..\$221.14, Aberdeen Ins Agency..\$75.00, Kesslers..\$415.30, Pierson Ford..\$648.12, Parcel Erickson..\$18.00, Bryan Locke..\$244.97, Langs..\$14.00, HRS..\$3682.74, NADRIC..\$2083.33, A&M Radio..\$44.50, Sherwin-Williams..\$19.98, RE Huffman..\$39.98, Sue Gates..\$2.80, Senior Center..\$250.00, Sheehan Mack Sales..\$41.10, MVTL..\$27.20, Powerplan..\$1594.38, Bricks TV..\$330.00, Artz Camera..\$63.56, Butler..\$325.46, SD Dept of Rev..\$3107.71, Erdmann Oil..\$2908.43, New Trends..\$116.12, Office Equip..\$393.77, Tri-State Water..\$33.00, Gardner Locksmith..\$406.25, NECOG..\$1791.29, Medical Arts Press..\$142.55, Lutheran Social Services..\$419.00, Henry Schein..\$115.67, Ramkota..\$146.00, K-Mart..\$10.77, Chrysler Center..\$349.68, Sheehan Mack Sales..\$58.60, Safety Service..\$213.00, Morbark..\$30.03, Macs..\$28.25, Jensen Rock..\$285.62, Interstate Battery..\$300.80, House of Glass..\$103.85, Hecla Impl..\$18.34, Great Western Tire..\$2797.24, General Irrigation..\$76.33, Freys Electronics..\$87.45, Farnams Genuine Parts..\$131.71, Farm Plan..\$387.74, Evergreen Supply..\$125.55, Dakota Oil..\$100.10, Dakota Fluid..\$161.39, Cartney Bearing..\$17.83, Best Business..\$9.74, Aberdeen Equip..\$285.17, SD Sheriff Assn..\$60.00, Johnson Motors..\$17.70, Cole Papers..\$56.78, SDSU Journalism Dept..\$5.00, A&M Radio..\$15,888.53, Heartland Paper..\$990.00:  
Publications: American News..\$567.32, Groton Indep..\$146.79:

Professional Fees: Aberdeen Family Physicans..\$28.70, Cheryl Hairgrove..\$594.00, Avera St Lukes..\$632.33, Tage Born..\$33.30, Helms..\$2108.71, Wells Fargo Services..\$16.15, Pennington County Sheriff..\$29.10, SD Assoc of County Commissions..\$1486.25, Sheriff of Yankton County..\$196.10:

Travel: Dennis Feickert..\$72.79, Jerry Mills..\$550.82, Jerry Dempsey..\$16.00:

Court Appointed Attorney: Kabeiseman & Pollard..\$146.80:

Utilities: City of Aberdeen..\$1120.98, Northwestern Energy..\$1624.69, Northern Cable..\$79.90, Northern Valley Comm..\$144.77, James Valley Co-Op..\$363.93:

Care of Poor: Drugs – 10 recipients..Dakota Square Pharm..\$240.85, Jones Drug..\$210.77, K-Mart Pharm..\$191.39, Kessler Pharm..\$294.15, Shopko Pharm..\$172.26, Walmart Pharm..\$30.36, Medical Center Pharm..\$318.08; Dr./Hospital – 3 recipients..Yankton Radiology..\$13.88, Avera St Lukes..\$1692.96, Anesthesia Care..\$144.00; Utilities – 3 recipients.. BDM Rural Water..\$30.00, Northern Elec..\$45.98, NWPS..\$190.00; Rent – 7 recipients..Don Bonn..\$230.00, D&D Properties..\$190.00, Lakeside Estates..\$158.00, Stewart Schipke..\$230.00, Elmer Sayler..\$105.00, Hinz, Hinz & Hoffman..\$95.00, T&S Investments..\$75.00. All members present voting aye. Motion carried.

## AUDITORS REPORT OF ACCOUNT:

Moved by Wiese, seconded by Feickert to approve the October 2003 Auditor's Report of Account with the County Treasurer in total amount of \$15,515,772.71 (total amount of actual cash @ \$2,934.23, Wells Fargo Bank @ \$3,694.79, US Bank @ \$117,856.48, Dacotah Bank @ \$73,692.96, Petty Cash @ \$1,700.00, Fund Investments @ \$15,315,328.48, Outstanding Checks @ \$565.77). All members present voting aye. Motion carried.

**LETTER OF SUPPORT:**

Moved by Feickert, seconded by Knecht to authorize the Commission sign a letter of support for the Northeast Family Health Center. All members present voting aye. Motion carried

**TECHNOLOGY GRANT:**

Moved by Wiese, seconded by Knecht to approve and authorize the Chairman sign agreement with the Northeast Council of Governments to provide administrative assistance and services in amount of \$4,968.00 for the COPS 2003 Technology Grant #2003CKWX0177. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to authorize Gordon Vanauken coordinate a vendor pre-proposal teleconference on November 18, 2003 at an estimated cost of \$2000 to discuss the CAD system to be purchased with the COPS 2003 Technology Grant #2003CKWX0177. All members present voting aye. Motion carried.

**CDBG PAY REQUEST NO. 4:**

Moved by Wiese, seconded by Feickert to approve and authorize the Chairman sign Pay Request No. 4 for CDBG Grant #0103-113 - Dacotah Prairie Museum Upper Window Replacement Project in amount of \$24,500.00. All members present voting aye. Motion carried.

**FIREWORKS PERMIT:**

Moved by Wiese, seconded by Knecht to approve and authorize the Chairman sign Fireworks Public Display Permit to operate a display of fireworks on November 20, 2003 in field south of the Ramada Hotel (SD Association of Fairs & Celebrations Convention Committee). All members present voting aye. Motion carried.

**WEED & PEST GRANT APPLICATION:**

Moved by Feickert, seconded by Knecht to approve and authorize the Chairman sign application for Weed & Pest Grant Funds in amount of \$7,000.00. All members present voting aye. Motion carried.

**MUTUAL AID AGREEMENT:**

Moved by Feickert, seconded by Wiese to approve and authorize the Chairman sign a mutual aid agreement with Edmunds County to better assist each county in providing law enforcement services, effective until January 1, 2005 with automatic one year renewals until written notice of termination served by either county. All members present voting aye. Motion carried.

**PLATS:**

Commissioner Wiese offered the following Resolution:

**RESOLUTION NO. 93-03**

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Jones Second Subdivision in Mallard Pass Subdivision in SW ¼ Sec 8-T123N-R62W of 5<sup>th</sup> P.M., Brown County, SD", 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 Knecht. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Motion carried.

Commissioner Wiese offered the following Resolution:

RESOLUTION NO. 94-03

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Pharis Second Subdivision in Putney, SD", 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 Hansen. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Motion carried.

SW DISPOSAL FACILITY RENEWAL:

Moved by Knecht, seconded by Feickert to acknowledge and approve application to renew the permits issued by the SD DENR for Groton City to operate a rubble site and a compost site on the N 700' of the E 560' of the NE ¼ of the SW ¼ of Sec 30-T123N-R60W, Brown County, SD. All members present voting aye. Motion carried.

CLAIM ASSIGNMENT:

Moved by Hansen, seconded by Knecht to approve and authorize the Chairman sign documentation to assign a claim against an individual to L.F. Noll Inc. for purpose of collecting a lien. All members present voting aye. Motion carried.

PREVENTION GRANT PURCHASE:

Christine Heidenreich, Contracted JDC Nurse discussed the purchase of medical test strips for use at the Juvenile Detention Center in an effort to avoid unnecessary trips to a medical doctor, to be funded by the Department of Justice Prevention and Intervention Programs for At-Risk and Detained Youth Project #2001-JS-FX-0014. The Commission requested Ms. Heidenreich complete more research and return at a later date.

LIEN DISCUSSION:

An individual was upset that a lien was listed on a credit report and questioned why the County did not send billing statements for liens rather than hiring a collection service. It was explained that County personnel did not have the expertise and contracting was more cost effective than training or hiring an individual to perform the service and most liens are listed on credit reports, especially when buying or selling property.

RECESS:

The Chairman declared the Commission recessed until November 18, 2003.

Maxine Taylor – Brown County Auditor

# NOVEMBER 18, 2003 – GENERAL MEETING

Meeting called to order by Chairman Fischbach at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Feickert and Knecht. Absent Commissioner Wiese.

## MINUTES:

Moved by Knecht, seconded by Hansen to approve the General Meeting minutes of November 10, 2003. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Feickert, seconded by Hansen to approve the following claims:

Payroll: Commissioners..\$2,443.30; Auditor..\$5,883.50; Treasurer..\$8,134.70; Data Processing..\$1,573.08; State's Attorney..\$8,381.92; Victims Assistance..\$904.05; Maintenance..\$4,952.97, Assessor..\$6776.93; Planning & Zoning..\$1,023.20; Register of Deeds..\$4,537.90; Veterans Service Office..\$2,286.25; Sheriff..\$49,967.85; DOJ Grant..\$2,435.00; Communications..\$12,292.75; Welfare Office..\$2,612.10; Health..\$1,668.80; Museum..\$3,895.20; Fairgrounds & Parks..\$3,023.44, Fairboard..\$1,775.11; Extension..\$1,567.20; Weed..\$347.22; Emergency Management..\$2,111.79; Weed & Seed..\$934.56, Highway..\$31,951.73; Landfill..\$6,339.62; Matching Benefits: FICA..\$10,006.68; Medicare..\$2,340.20;

Supplies: Best Business..\$311.74, West Group..\$4826.25, Pizza Ranch..\$41.12, Language Line..\$185.22, Ameripride..\$277.08, Menards..\$35.88, Macs Electric..\$125.00, Gardner Locksmith..\$130.40, Cresent Elec..\$111.41, Lien Trans..\$212.50, A&M Radio..\$960.00, Kesslers..\$18.87, CarQuest..\$298.45, Jarmans Water..\$30.00, New Trends..\$472.49, Photo Xpress..\$39.91, Diane Mielke..\$3.69, Accurint..\$7.75, Credit Bureau..\$7.50, Fleet Mgmt..\$20.01, Phillips 66..\$88.50, Dawn Woods..\$378.00, Langs..\$46.99, Sentinel Scientific..\$56.60, Academy Trophy..\$6.00, Indoff Inc..\$40.47, Nat'l Child Safety..\$1718.00, Respond..\$64.00, Avera Pace..\$350.00, Earthgrains..\$432.64, Amoco..\$14.84, Medtox..\$261.08, Bridgestone Firestone..\$1506.44, Columbia Fire Dept..\$450.00, DL Mohr Appraisals..\$400.00, Midwest Pump & Tank..\$12.90, Howes Oil..\$7159.45, Brown County Dept of Health..\$17.95, Dakota Supply..\$45.07, HC Clark..\$2.60, Jeanette Kline..\$250.00, Dorothy Hedges..\$250.00, Les Frohling..\$200.00, Ken's Superfair Foods..\$47.84, Shopko..\$9.98, Verns..\$304.50, Aberdeen Awards..\$1018.10, KELO-TV..\$100.00, Fox Valley Systems..\$287.24, Pheasantland Industries..\$205.64, Kleins..\$24.50, Heartland Paper..\$2263.88, OK Tire..\$205.00, Century Business..\$145.99, Consumer Reports..\$26.00, Extension Service..\$13.63, Ramkota..\$40.00, SWANA..\$203.00, Brick Propane..\$13.50, Graham Tire..\$1342.42, Cunningham Elec..\$35.70, Praxair..\$15.25, Earth Tech..\$573.25, Kirk's Auto..\$1480.75, City of Groton..\$50.00, Medical Arts Press..\$180.26;

Transcriptions: Neal Reporting..\$30.40;

Professional Fees: Volk Investigating..\$1190.92, NE Mental Health..\$336.49, Avera St Lukes..\$54.00, LCM Pathologists..\$4418.03, Yankton County Sheriff..\$16.50, Lewis & Clark BHS..\$250.00, Donna Dietrich..\$121.47, Marv Ekeren..\$15.00, Don Carlson..\$15.00, Brandon Leslie..\$345.00, Kevin Spitzer..\$511.87;

Court Appointed Attorney: James Eirinberg..\$1376.10, Christy Griffin Serr..\$2615.25;

Utilities: Northwestern Energy..\$2003.33, Dependable Sanitation..\$371.00, Midcontinent Cable..\$120.00, Qwest..\$3827.56, Northern Elec..\$1482.48, City of Hecla..\$52.21, Town of Frederick..\$18.25, AT&T..\$20.44, Verizon..\$64.19;

Care of Poor: Rent – 7 recipients..Tom Appletoft..\$250.00, Don Bonn..\$200.00, Renee Jarvis..\$250.00, Chuck Ackerman..\$250.00, Kurt Kruger..\$47.84, Dr Gregg Carlson..\$104.20, PK Investments..\$115.00.

All members present voting aye. Motion carried.

## PERSONNEL:

Moved by Hansen, seconded by Knecht to approve employee classification change for Kristal Biegler, effective November 23, 2003 from JDC Officer to Assistant JDC Supervisor at \$11.47 per hour. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Feickert to acknowledge resignation of Jason Hill, Community Resource Coordinator effective November 28, 2003. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Hansen to approve hiring Andrew Cowan as part-time JDC Officer, effective November 20, 2003 at \$8.80 per hour and approve hiring Jason Hill as part-time JDC Officer, effective December 1, 2003 at \$8.80 per hour. All members present voting aye. Motion carried.

#### ANNUAL LIQUOR LICENSE RENEWAL HEARING:

Moved by Feickert, seconded by Knecht to authorize advertising public hearing to consider the following applications for liquor license to operate outside of the municipality, to be held in the Brown County Commission Chambers at 8:45 a.m. on December 9, 2003: TRANSFER OF RETAIL (ON-SALE) AND SUNDAY LIQUOR: Edward C Weismantel DBA Weismantel's Rent-All to Ronald Erickson DBA Road Kill Café (E & J First Subdivision Lot 3 SE ¼ Sec 16-T123N-R63W). PACKAGE (OFF-SALE) LIQUOR. Trudi Bain, DBA Mansfield Bar & Grill, (Lots 12, 13, 14, Block 4, Mansfield, 32-121-64); Marge Frohling, DBA The Connection (Lots 13, 14, & 15, Block 2, Houghton, 31-127-61); William Dean Mundhenke, DBA Ferney Farmers Bar (Lots 4 & 5, Block 5, Ferney, 31-122-60). RETAIL (ON-SALE) AND SUNDAY LIQUOR: Trudi Bain, DBA Mansfield Bar & Grill (Lots 12, 13, 14, Block 4, Mansfield 32-121-64); William Dean Mundhenke, DBA Ferney Farmers Bar (Lots 4 & 5, Block 5, Ferney, 31-122-60); Moccasin Creek Country Club, Inc. (Prairiewood Village OL 7, 33-124-63); Daniel A Brandenburger, DBA Elm Lake Resort (Lot 1 Elm Lake Subdivision in the SE ¼ of 8-128-65); Larry Schumacher, DBA Westside Bait & Tackle, (N218' of Lot A Replat of Evelo's Subd. in the NW ¼ of 21-123-64); Stacy Gossman DBA Big Fella's, (Lot 1B Gossman 1st Add. S ½ of 15-123-63); Ronald Erickson DBA Road Kill Café, (E & J First Subdivision Lot 3 SE ¼ Sec 16-T123N-R63W); Jarrett O & Dennis O Jones DBA Tacoma Park Place (5 acres in NE corner of NW ¼ of Sec 23-T124N-R62W). All members present voting aye. Motion carried.

#### CONSERVATION RESERVE PROGRAM:

Moved by Hansen, seconded by Feickert to authorize the Chairman sign US Department of Agriculture documentation for the tree claim planted at the Brown County Landfill. All members present voting aye. Motion carried.

#### FAIR BOARD MILEAGE POLICY:

Moved by Hansen, seconded by Knecht to approve a progressive mileage reimbursement policy for judging events at the Brown County Fair, effective January 1, 2004 (1-50 miles or Brown County residents no reimbursement, 51-75 miles @ \$10.00, 76-100 miles @ \$15.00, 101-125 miles @ \$20.00, 126-150 miles @ \$25.00, 151-175 miles @ \$30.00, 176-200 miles @ \$35.00, 201-225 miles @ \$40.00, 226-250 miles @ \$45.00, 251-275 miles @ \$50.00, 276-300 miles @ \$55.00, 301-325 miles @ \$60.00, 326-350 miles @ \$65.00, 351-375 miles @ \$70.00, 376-400 miles @ \$75.00, 401-425 miles @ \$80.00, 426-450 @ \$85.00). All members present voting aye. Motion carried.

#### SURPLUS PROPERTY:

Jerry Mills, Extension Agent discussed quotes obtained for the purchase of a copier for the Extension Office and invited the Commission to attend a Community Leader Luncheon Meeting on December 16, 2003.

Moved by Feickert, seconded by Hansen to declare Decal #4685 Mita Copier surplus for purpose of trade in (\$940.00) on the purchase of Mita 3035 Copier from Century Business Products in total amount of \$5,517.93 (net purchase price @ \$4,577.93). All members present voting aye. Motion carried.

**APPLICATION FOR OCCUPANCY:**

Moved by Knecht, seconded by Feickert to approve and authorize the Chairman sign an application, submitted by Northern Electric for occupancy of Brown County Highway No. 18 in Sec 25-T123N-R62W to install a URD cable crossing. All members present voting aye. Motion carried.

**INVENTORY TRANSFER:**

Moved by Feickert, seconded by Knecht to transfer Decal 1893 (1993 International Truck) from the Landfill to the Highway Department. All members present voting aye. Motion carried.

**EXECUTIVE SESSION:**

Moved by Feickert, seconded by Hansen to go into executive session to discuss possible litigation with Dirk Rogers in attendance. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Feickert to adjourn executive session, with no action taken as a result of discussion. All members present voting aye. Motion carried.

**PREVENTION GRANT PURCHASE:**

Christine Heidenreich, Contracted JDC Nurse answered previous questions about the purchase of medical supplies for use at the Juvenile Detention Center in an effort to avoid unnecessary trips to a medical doctor, to be funded by the Department of Justice Prevention and Intervention Programs for At-Risk and Detained Youth Project #2001-JS-FX-0014.

**PARTIAL PAYMENTS:**

Moved by Feickert, seconded by Knecht to authorize Sheila Enderson, County Treasurer to accept partial payments for taxes (as authorized by SDCL 10-21-7) in amount of \$170.00 per month on Lot 3 Davies 3<sup>rd</sup> Rearr Lot 15-18 Bk 31 Bennett & Thomas Addn to Aberdeen. All members present voting aye. Motion carried.

**WAIVE INTEREST:**

Moved by Knecht, seconded by Feickert to authorize Sheila Enderson, County Treasurer to waive interest (\$17.79) on tax receipt #1749 (BOLS S2 NE 14-127-60), as taxpayer not properly notified. All members present voting aye. Motion carried.

**DELINQUENT PROPERTY:**

Moved by Feickert, seconded by Hansen to authorize Sheila Enderson, County Treasurer to not advertise delinquent taxes on tax receipt #5975 (Lot 4 Remdes Addn SE 32-121-64), due to litigation in progress. All members present voting aye. Motion carried.

**RECESS:**

The Chairman declared the Commission recessed until November 25, 2003.

Maxine Taylor – Brown County Auditor

# NOVEMBER 25, 2003 – GENERAL MEETING

Meeting called to order by Chairman Fischbach at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Feickert, Knecht and Wiese.

## MINUTES:

Moved by Wiese, seconded by Feickert to approve the General Meeting minutes of November 18, 2003. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Wiese, seconded by Feickert to approve the following claims:

Supplies: SDACC..\$6900.60, NACO..\$720.00, ES&S..\$699.00, SDACO..\$2502.60, Fordham Signs..\$216.00, Youngs..\$94.26, McFarland Supply..\$753.95, Newman Signs..\$56.16, Dakota Supply..\$19.05, Crescent Elec..\$243.73, Menards..\$649.08, New Trends..\$11.10, NECOG..\$3333.40, Brown County..\$5530.24, NSU Students of Social Science..\$1886.53, Career Planning..\$692.75, Behavioral Interventions..\$236.00, Ameripride..\$30.25, Safety Service..\$132.82, Dept of Revenue..\$735.00, Johnson Motors..\$40.00, Velvet Uniforms..\$304.43, Hoven Auto..\$205.89, Parcel Erickson..\$50.95, Office Equip..\$42.00, Hitch 'N Post..\$34.99, Evercom..\$850.64, Medical Center Pharmacy..\$1761.84, Runnings..\$4.47, Macs..\$13.90, Lar-Jos..\$285.80, Best Business..\$32.40, Visa..\$307.95, SD Dept of Rev..\$553.61, City of Warner..\$9716.70, Safelite Auto Glass..\$241.14, Don Maunu..\$800.00, K-Mart..\$24.99, Diesel Machinery..\$2000.00, Brown County..\$19.38, Avera Queen of Peace Health System..\$414.00, Lora Schaunaman..\$11.91, Dacotah Prairie Museum..\$8.15, Aberdeen Awards..\$15.00, Defence Group..\$14,985.00, Burghardt Amateur Center..\$95.82, Dakota Electronics..\$1444.50, Office Max..\$601.92, NAEMD..\$135.00, Cummins Great Plains..\$404.85, Bricks TV..\$690.00, Quality Quick Print..\$118.20, High Priority Connections..\$1500.00:

Publications: American News..\$670.93, Groton Independent..\$195.25:

Professional Fees: witness fees..\$152.50, Richard Russman..\$2916.66, Kim Dorsett..\$2083.33, Sheriff of Yankton County..\$16.50, Avera St Lukes..\$262.50:

Travel: Deb Knecht..\$335.96, Kendell Titze..\$19.00, Dirk Rogers..\$19.00, Mervyn Heaton..\$19.00, Jason Hammrich..\$19.00, Anthony Motel..\$140.00, Jerry Mills..\$501.90, Sherry Theobald..\$19.14, Jeanette Nietert..\$14.00, Jodi Buhl..\$101.00:

Court Appointed Attorney: William Gerdes..\$4166.67, Scott Kuck..\$4166.67, Christy Serr..\$4166.61, Randy Turner..\$4166.61, Brevik & Thurman..\$157.24:

Utilities: Cellular One..\$813.88, Northwestern Energy..\$48.16, Midcontinent Cable..\$147.67, Qwest..\$7958.79, Bureau of Admin..\$467.55, Prairiewave..\$19.95:

Care of Poor: Drugs – 5 recipients..Shopko Pharm..\$139.57, Walmart Pharm..\$189.26, Dakota Square Pharm..\$82.08; Dr./Hospital – 6 recipients..Aberdeen Family Physicians..\$28.70, Avera St Lukes..\$23,244.36, Northern Plains OMS..\$51.83; Utilities – 1 recipient..Northern Elec..\$200.00; Burial – 1 recipient..Carlsen Funeral Home..\$1200.00; Rent – 4 recipients..Jon Husby..\$360.77, Home Federal Bank..\$250.00, Gary Wald..\$190.00; Transportation – 1 recipient..Brown County Highway..\$15.27; Insurance – 3 recipients..Avera Health Plans..\$311.43, Dakotacare..\$267.81, Midstates Printing..\$255.00. All members present voting aye. Motion carried.

## BROWN COUNTY WEED AND SEED:

Moved by Wiese, seconded by Hansen to approve the following Weed and Seed Year Two funding proposal: Warner School (Safe Haven), as recommended by the Steering Committee. All members present voting aye. Motion carried.



Moved by Feickert, seconded by Knecht to approve the Brown County Weed and Seed Monthly Expenses for November 2003 (Year Two 2002-WS-QX-0054), in amount of \$3,454.21. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Knecht to approve the Brown County Weed and Seed Monthly Expenses for November 2003 (Year Three 2002-WS-QX-0054), in amount of \$7,295.96. All members present voting aye. Motion carried.

#### PREVENTION GRANT:

Moved by Feickert, seconded by Wiese to approve and authorize the Chairman sign Addendum No. 1 to Agreement with the Groton Youth Center for program delivery of the Groton Youth Center Expansion to be funded by federal funds from US DOJ Grant #2001-JS-FX-0014-Year 3 (October 1, 2003 – September 30, 2004) in amount of \$3,840.00. Motion carried. All members present voting aye. Motion carried.

#### INCREASE SPENDING AUTHORITY/ESTIMATED REVENUE:

Moved by Hansen, seconded by Knecht to increase spending authority in Fund #234-211.01-411 by \$582.05, #234-211.01-412.01 by \$36.08, #234-211.01-412.02 by \$8.44, #234-211.01-413 by \$46.58 and increase estimated revenue in Fund #234-331.90 by \$673.15 for reimbursement of Underage Drinking Grant funds. All members present voting aye. Motion carried.

#### CONTINGENCY TRANSFER:

Moved by Wiese, seconded by Feickert to approve the following Contingency Transfers from Fund #101-112-422.99 in total amount of \$13,765.98 to General Fund Accounts (spending authority) as follows: #130 Courts @ \$6,500.91, #213 Coroner @ \$7,265.07. All members present voting aye. Motion carried.

#### PERSONNEL:

Moved by Hansen, seconded by Feickert to acknowledge the following miles driven and amount to be taxed for personal use of County vehicles during July, August, September and October 2003: Richard Burns – 282 @ \$91.65, Dirk Rogers – 2676 @ \$869.70, Mike Scott – 524 @ \$170.30. All members present voting aye. Motion carried.

#### SHERIFF REPORTS:

Moved by Feickert, seconded by Wiese to approve the following October 2003 Sheriff Reports: Incidents & Offenses, Prisoner Care, JDC, Money deposited with the County Treasurer and Monthly activities. All members present voting aye. Motion carried.

#### FAIR BOARD AWARDS:

The Commission extends congratulates to the following recipients receiving awards at the ND/SD Fair & Celebrations Convention: Fair Manager Larry Gerlach inducted into the IAFE South Dakota Hall of Fame; Ann and Roger Huettl named Fair Persons of the Year; and George Casanova and Roger Huettl named Volunteers of the Year.

#### PLATS:

Commissioner Wiese offered the following Resolution:

#### RESOLUTION NO. 95-03

BE IT RESOLVED by the Board of Commissioners of Brown County, SD, that the plat showing “Boesl Addition in the SE ¼ of the SE ¼ of Sec 32-T122N-R63W of the 5<sup>th</sup> P.M., Brown County, SD,” 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 Feickert. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

#### RESOLUTION NO. 96-03

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Mallard Pass South Subdivision in SW ¼ Sec 8-T123N-R62W of 5<sup>th</sup> P.M., Brown County, SD," 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 Feickert. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

#### RESOLUTION NO. 97-03

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing "Kempf Subdivision in the SW ¼ of Sec 28-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD," having been examined, is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof.

Seconded by Commissioner Feickert. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

#### PRELIMINARY PLAT:

Moved by Wiese, seconded by Knecht to approve preliminary plat of 15 lots for future residential development (all lots vacant with no addresses) entitled River Horse Development in the NE ¼ of Sec 4-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD, with the following stipulation - A 66' access easement platted between Lots 6 and 7 on Phase 2 of the development. All members present voting aye. Motion carried.

#### BID – 2004 SEMI TRACTOR:

Time and place for public hearing to open, read and consider bids for furnishing and delivery of one new current model 2004, in production, Tandem Axle Semi Tractor. Bids were received from Crawford Trucks & Equipment, Sheehan Mack Sales, and Wallwork Trucks.

Moved by Wiese, seconded by Hansen to refer all bids to Dirk Rogers, Highway Superintendent for review and recommendation. All members present voting aye. Motion carried.

#### PLAT DISCUSSION:

Mike Mattern and Joe Gese appeared to discuss a proposed plat that has been denied by the City Commission (within the 3-mile joint jurisdiction area). Loren Fuhrmann, City Planning & Zoning explained that one lot on the plat is considered a flag lot, which is a method of avoiding the construction of a full street system. The Commission recommended that the plat be returned to the Joint Planning & Zoning Commissions for further discussion. Bruce and Sharmie Henderson also appeared in opposition to the plat as it is currently drawn.

**PARTIAL PAYMENTS:**

Moved by Feickert, seconded by Wiese to authorize Sheila Enderson, County Treasurer to accept partial payments for taxes (as authorized by SDCL 10-21-7) in amount of \$100.00 per month on Lots 3 & 4 & E ½ of Lot 5 Block 11 OP Westport. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Feickert to authorize Sheila Enderson, County Treasurer to accept partial payments for taxes (as authorized by SDCL 10-21-7) in amount of \$85.00 per month on the E 14' of N 62' of Lot 26 & N 62' of Lot 27 Block 3 Houghton (Shelby Township). All members present voting aye. Motion carried.

Moved by Hansen, seconded by Feickert to authorize Sheila Enderson, County Treasurer to accept partial payments for taxes (as authorized by SDCL 10-21-7) in amount of \$175.00 per month on Lot 4 Block 53 Second Addition to Aberdeen. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-nay, Fischbach-aye. Motion carried.

Moved by Feickert, seconded by Knecht to authorize Sheila Enderson, County Treasurer to accept partial payments for taxes (as authorized by SDCL 10-21-7) in amount of \$100.00 per month on the 1260' next E of W 325' of N 346' NW ¼ 34-122-61 (West Hanson Township). All members present voting aye. Motion carried.

**PARTIAL PAYMENT CANCELLED:**

Moved by Wiese, seconded by Feickert to authorize Sheila Enderson, County Treasurer cancel partial payment contract for taxes (as authorized by SDCL 10-21-7) on the NW 25' of Lot 2 and all of Lots 3 & 4 Blk 9 OP Westport, due to non-payment. All members present voting aye. Motion carried.

**WAIVE INTEREST:**

Moved by Knecht, seconded by Feickert to authorize Sheila Enderson, County Treasurer waive interest on tax receipt #16158 (Lot 7 Blk 14 First Addition to Highland), as taxpayer not properly notified. All members present voting aye. Motion carried.

**EXECUTIVE SESSION:**

Moved by Hansen, seconded by Wiese to go into executive session to discuss possible litigation with Dirk Rogers and Mark Wendt in attendance. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Wiese to adjourn executive session, with discussion following. All members present voting aye. Motion carried.

Dirk Rogers recommended accepting second low bid, as low bid does not meet engine specification. The Commission requested more research on the engine comparisons be completed prior to decision to award.

**EXECUTIVE SESSION:**

Moved by Wiese, seconded by Knecht to go into executive session to discuss personnel. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Knecht to adjourn executive session, with no action taken as a result of discussion. All members present voting aye. Motion carried.

**RECESS:**

The Chairman declared the Commission recessed until December 2, 2003.

Maxine Taylor – Brown County Auditor

## DECEMBER 2, 2003 – GENERAL MEETING

Meeting called to order by Chairman Fischbach at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Feickert, Knecht and Wiese.

### MINUTES:

Moved by Knecht, seconded by Feickert to approve the General Meeting minutes of November 25, 2003. All members present voting aye. Motion carried.

### CLAIMS:

Moved by Wiese, seconded Feickert to approve the following claims:

Payroll: Commissioners..\$2,443.30; Auditor..\$5,883.50; Treasurer..\$8,134.70; Data Processing..\$1,573.08; State's Attorney..\$8,381.92; Victims Assistance..\$904.05; Maintenance..\$4,972.11, Assessor..\$6,702.11; Planning & Zoning..\$1,051.99; Register of Deeds..\$4,537.90; Veterans Service Office..\$2,307.40; Sheriff..\$52,373.01; DOJ Grant..\$2,707.60; Communications..\$12,806.25; Welfare Office..\$2,612.10; Health..\$1,668.80; Museum..\$3,759.20; Fairboard..\$1,775.11; Fairgrounds & Parks..\$3,023.44; Extension..\$1,567.20; Weed..\$363.44; Emergency Management..\$2,111.79; Weed & Seed..\$1,038.47; Highway..\$26,381.26; Landfill..\$6,455.52; Matching Benefits: FICA..\$9,852.61, Medicare..\$2,304.23, Wellmark BCBS Life..\$664.46, Wellmark BCBS Health..\$54,349.88, Delta Dental..\$3,256.00, SD State Retirement..\$20,294.26;

Supplies: Tri-State Water..\$27.50, GlaxoSmithKline..\$242.50, Indoff..\$269.63, Semaphore..\$256.50, Office Max..\$89.66, Hedahls..\$32.71, UBC..\$4.98, Gardner Locksmith..\$12.37, Erdmann Rooter..\$175.50, Crescent Elec..\$56.89, Menards..\$179.18, Dakota Supply..\$292.28, Hartland Paper..\$1083.67, Chets Janitorial Supply..\$240.00, Judy Dosch..\$21.18, Woodman Refrigeration..\$380.10, New Trends..\$60.99, Nat'l Assoc of CVSOs..\$30.00, Best Business..\$273.00, Parcel Erickson..\$43.90, Dept of Rev..\$210.00, Sherwin-Williams..\$54.01, SD Campground Owners Assoc..\$131.00, Kens Superfair Foods..\$19.80, Lora Schaunaman..\$21.07, Carol White..\$8.62, HC Clark..\$18.83, McFarlands..\$26.14, Dakota Supply..\$22.68, University of Wyoming..\$50.00, Claremont Recreation..\$300.00, Century Business Prod..\$4577.93, EAI Corp..\$893.95, Galls..\$4487.94, Print On It..\$849.44, Quality Quick Print..\$61.90, Ramada Inn..\$3172.00, Jodi Gerdes..\$75.06, A&M Radio..\$5296.18, Gardner Locksmith..\$4890.00, Lutheran Social Services..\$5194.00;

Publications: American News..\$232.90, Groton Independent..\$82.84;

Professional Fees: Avera St Lukes..\$1839.00, Nelva Kooistra..\$15.00, Joan Kittelson..\$15.00, Don Carlson..\$15.00, Marv Ekeren..\$15.00, Donna Dietrich..\$238.94;

Travel: Holiday Inn..\$129.90, Gene Loeschke..\$232.58, Jerry Mills..\$593.19, Jerry Dempsey..\$11.00, Leo Leshner..\$231.71;

Utilities: Northwestern Energy..\$5914.14, Qwest..\$197.53, Midcontinent Cable..\$136.03, Cellular One..\$86.14;

Care of Poor: Dr./Hospital – 1 recipient..Aberdeen Family Physicians..\$28.70; Utilities – 1 recipient..Northwestern Energy..\$222.49; Rent – 5 recipients..Zumbaum Property Mgmt..\$125.00, SD Real Estates..\$190.00, Monte McNickle..\$230.00, Ray Hollan..\$140.00, Rockford Apts..\$135.00. All members present voting aye. Motion carried.

### SET HEARING DATE:

Moved by Hansen, seconded by Wiese to set public hearing for 8:45 a.m. on December 23, 2003 in the Brown County Commission Chambers, 25 Market Street for First Reading of Ordinance No. 03-12-03/288, An Ordinance Amending Section 709.2, 709.3 and 709.5 of Ordinance No. 1164, known as the Zoning Ordinance of the City of Aberdeen, SD, to allow permits issued administratively without planning commission approval for interior remodeling or repairs and any exterior repairs and/or maintenance,

amending guidelines of all materials and equipment used in connections with a development and deleting open storage as a prohibited use, all in the (I-1) Industrial Park District. All members present voting aye. Motion carried.

**PERSONNEL:**

Moved by Feickert, seconded by Knecht to approve the following employee step/longevity increases, effective December 7, 2003: Jan Beckler @ \$11.56 per hour, Carol White @ \$9.90 per hour, Laurie Dinger @ \$10.42 per hour, Amy Mathiason @ \$11.34 per hour, Lora Schaunaman @ \$10.11 per hour. All members present voting aye. Motion carried.

**AGREEMENT:**

Moved by Knecht, seconded by Hansen to approve and authorize the Chairman sign Joint Cooperative Agreement with Northeast Council of Governments, effective January 1, 2004 to December 31, 2004. All members present voting aye. Motion carried.

**DISPARATE JURISDICTION:**

Moved by Wiese, seconded by Feickert to approve and authorize the Chairman sign Financial Form 269 for July through September 2003 for the Brown County Disparate Jurisdiction Grant #2002-LB-BX-0900. All members present voting aye. Motion carried.

**PLATS:**

Commissioner Wiese offered the following Resolution:

**RESOLUTION NO. 98-03**

BE IT RESOLVED by the Board of Commissioners of Brown County, SD, that the plat showing "Bellikka's Outlot 2 in the SE ¼ of Sec 22-T125N-R64W of the 5<sup>th</sup> P.M., Brown County, SD", 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 Knecht. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Hansen offered the following Resolution:

**RESOLUTION NO. 99-03**

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Thorpe's Third Elm Lake Subdivision in NE ¼ Sec 17-T128N-R65W of 5<sup>th</sup> P.M., Brown County, SD", 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 Knecht. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

**CONTINGENCY TRANSFER:**

Moved by Wiese, seconded by Feickert to approve the following Contingency Transfers from Fund #101-112-422.99 in total amount of \$35,018.51 to General Fund Accounts (spending authority) as follows: #212 Jail @ \$19,213.24, #411 Support of Poor @ \$15,805.27. All members present voting aye. Motion carried.

**EXECUTIVE SESSION:**

Moved by Wiese, seconded by Hansen to go into executive session to discuss possible litigation with Kurt Smith and Mark McNeary in attendance. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Feickert to adjourn executive session, with no action taken as a result of discussion. All members present voting aye. Motion carried.

**OMITTED ASSESSMENT HEARING:**

Time and place, as scheduled for any person from CMC Heartland Corporation to appear to dispute adding omitted properties and valuation to the tax rolls for 1997 payable 1998 and subsequent years. No one appeared.

Moved by Hansen, seconded by Feickert to authorize omitted assessments be added to the tax rolls for 1997 payable 1998 and subsequent years. All members present voting aye. Motion carried.

**BID – 2004 SEMI TRACTOR:**

Dirk Rogers, Highway Superintendent discussed research on engines requested by the Commission. Mark Wendt, Highway Shop Foreman recited comments he obtained about both engine brands from surrounding County Highway Superintendents and local companies. Greg Barsgard, Wallwork Truck Center and Ed Melroe, Sheehan Mack Sales & Equipment explained the engines in the trucks they bid and answered questions. After discussion the following action ensued.

Moved by Wiese, seconded by Feickert to reject all bids and re-bid. Roll call vote: Commissioners Hansen-nay, Feickert-aye, Knecht-nay, Wiese-aye, Fischbach-nay. Motion failed.

Moved by Hansen, seconded by Knecht to award bid, submitted by Wallwork Truck Center Option #2 (trade allowance) in amount of \$56,883.00; rejecting bid submitted by Sheehan Mack Sales & Equipment Option #2 in amount of \$54,600.00 (12.0 liter engine did not meet specification of 12.8 liter engine); and reject bid submitted by Crawford Trucks and Equipment Option #2 in amount of \$69,000.00. Roll call vote: Commissioners Hansen-aye, Feickert-nay, Knecht-aye, Wiese-nay, Fischbach-aye. Motion carried.

**SURPLUS PROPERTY:**

Moved by Hansen, seconded by Knecht to declare Decal #1893 - 1993 International Semi Tractor surplus for purpose of trade on a 2004 Sterling LT9513 Semi Tractor. All members present voting aye. Motion carried.

**REQUEST FOR E-FILES:**

Mary Worlie informed the Commission about a request for the purchase of Brown County assessment records electronically from a company. More research will be completed before decision is made.

**EXECUTIVE SESSION:**

Moved by Feickert, seconded by Wiese to go into executive session to discuss personnel with Mark Milbrandt in attendance. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Feickert to adjourn executive session, with no action taken as a result of discussion. All members present voting aye. Motion carried.

**RECESS:**

The Chairman declared the Commission recessed until December 9, 2003.

Maxine Taylor – Brown County Auditor

# DECEMBER 9, 2003 – GENERAL MEETING

Meeting called to order by Chairman Fischbach at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Feickert, Knecht and Wiese.

## MINUTES:

Moved by Hansen, seconded by Feickert to approve the General Meeting minutes of December 2, 2003. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Hansen, seconded by Knecht to approve the following claims:

Supplies: Language Lines..\$111.60, Quality Quick Print..\$714.42, CSD..\$40.00, Wells Fargo..\$20.00, New Trends..\$146.58, Nat'l District Atty Assoc..\$155.00, Office Equip..\$93.47, SD State's Attorney Assoc..\$600.00, State Bar of SD..\$695.00, Heartland Paper..\$69.30, Gardner Locksmith..\$30.00, Menards..\$413.59, Macs..\$29.46, Lien Transportation..\$1137.48, Crescent Elec..\$27.53, House of Glass..\$1118.13, McFarland Supply..\$15.05, Honeywell..\$14,964.00, Runnings..\$502.22, SD Veterans..\$50.00, Kerston Painting..\$1107.00, Accurint..\$7.50, HRS..\$3332.21, Kesslers..\$605.87, OK Tire..\$1482.60, Walmart..\$390.67, Dakota Electronics..\$169.50, Dicks..\$102.25, Bonnie Bitz..\$168.00, Herbergers..\$199.99, Cheryl Hairgrove..\$1080.00, Langs..\$299.99, Midwest Pump & Tank..\$57.59, Safety Service..\$4827.00, Lawson Products..\$55.57, John & Steve Erickson & Styles & Bryon..\$338.40, Hecla Impl..\$20.23, 4 Seasons Co-Op..\$3.79, Farm Power..\$138.15, Erdmann Oil..\$3357.14, Diesel Machinery..\$3350.00, Dakota Riggers..\$193.21, Dakota Fluid Power..\$64.75, Crawford Trucks..\$415.78, Butler Machinery..\$37.31, Bridgestone/Firestone..\$623.66, UBC..\$180.90, Best Business..\$7.30, Plastic Works..\$5200.00, Farnams..\$28.73, HC Clark..\$70.46, Dakota Electronics..\$12.50, Sherri Rawstern..\$117.12, Donna Koch..\$528.00, Eugene Noeldner..\$120.00, A&M Radio..\$44.50, Ameripride..\$282.91, Aberdeen Community Theatre..\$250.00, Senior Citizens..\$250.00, Walmart..\$191.09, SD Dept of Rev..\$2634.68, Petroleum Partners..\$556.41, HC Clark..\$10.23, Heartland Fuels..\$54.00, Butler Machinery..\$2343.81, Webster Scale..\$1089.55, Bricks TV..\$287.50, Graham Tire..\$92.75, Cunningham Elec..\$573.95, Praxair..\$15.70, Powerplan..\$398.84, Hedahls..\$277.60, Sheehan Mack..\$3485.88, MVTL..\$5161.40, Webb Shoes..\$300.90, HKG..\$16,029.85, Office Max..\$449.41, Nat'l Emergency Number Assoc..\$95.00, APCO..\$80.00, Food-N-Fuel..\$83.75, Rux Bros..\$267.70, CSK Pro Shop..\$20.88, Warner School Dist..\$488.91, City of Groton..\$70.71, Medical Arts Press..\$63.68:

Publications: American News..\$500.08, Groton Independent..\$1009.27:

Transcriptions: Neal Reporting..\$88.20, Sara VandeWalle..\$222.60:

Professional Fees: Witness Fees..\$452.60, Krista Heeren-Graber..\$424.70, Dee Wacker..\$1785.41, Sheriff of Grand Forks County..\$23.00, Avera McKennan..\$10.99, Rich Russman..\$2916.74, Northern Plains OMS..\$230.13, Avera St Lukes..\$298.46, Christine Heidenreich..\$1,428.75:

Travel: Dennis Feickert..\$17.40, Tom Gohn..\$141.25, Mike Scott..\$22.00, Maxine Taylor..\$180.89, Mike Wiese..\$8.12:

Court Appointed Attorney: Scott Kuck..\$4166.93, William Gerdes..\$4166.93, Randy Turner..\$4166.99, Christy Serr..\$4166.99, Fox, Youngberg & Lewno..\$167.58, Goetz & Klimisch..\$108.10:

Utilities: Northwestern Energy..\$6233.88, City of Aberdeen..\$871.94, Verizon..\$141.33, James Valley Co-Op..\$346.80, Northern Valley Comm..\$144.10, Montana Dakota..\$38.50, Town of Frederick..\$18.25, Cellular One..\$79.99, WEB..\$96.69, Dependable Sanitation..\$52,955.86, Northern Rural Cable..\$79.90:

Care of Poor: Drugs – 3 recipients..Kesslers..\$165.53, Jones Drug..\$140.00; Dr./Hospital – 2 recipients..Northern Plains OMS..\$85.58, Avera St Lukes..\$938.64; Utilities – 2 recipients..Web..\$73.49, Northwestern Energy..\$167.57; Burial – 1 recipient..Sunset Memorial Gardens..\$520.00; Rent – 7 recipients..T&S Investments..\$170.00, Todd Cunningham..\$190.00, Lakeside Estates..\$158.00, John

Liebelt..\$250.00, Brian Boettcher..\$210.00, Barb Kumpf..\$137.50, Chuck Ackerman..\$250.00; Insurance – 1 recipient..Avera Health Plans..\$297.33. All members present voting aye. Motion carried.

**PERSONNEL:**

Moved by Feickert, seconded by Wiese to approve employee status change for R. Jacob Miller from part-time to full-time JDC Officer, effective December 21, 2003 at \$9.72 per hour. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Knecht to approve employee status change for Amy Lake from Interim JDC Director to JDC Director, effective December 2, 2003 at an annual pro-rated salary of \$35,000.00. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Wiese to approve hiring Erik Red Hill as part-time Correction Officer in the Jail, effective December 8, 2003 at \$8.80 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Knecht to approve hiring Robert Baumgartner as guard, effective December 8, 2003 for purpose of prisoner transport. All members present voting aye. Motion carried.

**RELEASE OF PROPERTY:**

Commissioner Wiese offered the following Resolution:

**RESOLUTION NO. 100-03**

WHEREAS, Brown County has filed a Poor Relief Lien in total amount of \$298.50, which is a lien co-filed from Marshall County for Ambulance Service, and

WHEREAS, Brown County has determined it to be in the best interest of the taxpayers to release certain property from the effect of said liens, upon payment of all delinquent and current real estate taxes on condition that the lien shall stay filed against individual.

NOW, THEREFORE BE IT RESOLVED that the following real property, which is described as follows:

Lots 7, 8, 9, 10, 11, 12, 13 and 14, Block 12, Town of Claremont, according to the plat thereof of record, Brown County, South Dakota

is hereby released from the effect and force of said liens, upon condition that the lien shall stay filed against the individual.

Dated this 9<sup>th</sup> day of December 2003.

Seconded by Commissioner Hansen. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

**AUDITORS REPORT OF ACCOUNT:**

Moved by Wiese, seconded by Feickert to approve the November 2003 Auditor's Report of Account with the County Treasurer in total amount of \$11,903,242.84 (total amount of actual cash @ \$3,070.49, Wells Fargo Bank @ \$3,694.79, US Bank @ \$76,042.45, Dacotah Bank @ \$89,014.85, Petty Cash @ \$1,700.00, Fund Investments @ \$11,727,790.75, Outstanding Checks @ \$1,929.51). All members present voting aye. Motion carried.

**ALCOHOLIC BEVERAGE LICENSE TRANSFER/RENEWAL HEARING:**



Time and place, as advertised to consider applications for transfer and renewal of Alcoholic Beverage License to operate outside of the Municipality. Moved by Knecht, seconded by Feickert to approve the following applications for transfer and renewal of Alcoholic Beverage Licenses to operate outside of the Municipality: TRANSFER OF RETAIL (ON-SALE) AND SUNDAY LIQUOR: Edward C Weismantel DBA Weismantel's Rent-All to Ronald Erickson DBA Road Kill Café. PACKAGE (OFF-SALE) LIQUOR: Trudi Bain, DBA Mansfield Bar & Grill; Marge Frohling, DBA The Connection Houghton; William Dean Mundhenke, DBA Ferney Farmers Bar. RETAIL ON-SALE AND SUNDAY LIQUOR: Trudi Bain, DBA Mansfield Bar & Grill; William Dean Mundhenke, DBA Ferney Farmers Bar; Moccasin Creek Country Club, Inc; Daniel A Brandenburger DBA Elm Lake Resort; Larry Schumacher DBA Westside Bait & Tackle; Stacy Gossman DBA Big Fella's; Ronald Erickson DBA Road Kill Café; Jarrett O & Dennis O Jones DBA Tacoma Park Place. All members present voting aye. Motion carried.

#### AMEND MOTION:

Moved by Wiese, seconded by Knecht to amend motion in minutes from December 2, 2003 to remove the Contingency Transfer to the Care of Poor Budget, due to availability of Catastrophic reimbursement from the State on prior liens. A budget supplement will be advertised to help cover the Care of Poor Budget for 2003. All members present voting aye. Motion carried.

#### BUDGET SUPPLEMENT:

Commissioner Hansen offered the following Resolution:

#### RESOLUTION NO. 101-03

WHEREAS, due to the failure to provide adequate spending authority within the Brown County Care of Poor Budget for year 2003, to enable the payment of medical expenses for the indigent in the following amount: Indigent Medical Expenses-----\$7 5,000.00

WHEREAS, the County has chosen to incur this obligation and expenditure by supplementing the 2003 fiscal Brown County Care of Poor Budget #101-411 in the amount of \$75,000.00, and to fund same from the following: Unobligated Surplus Cash-----\$7 5,000.00

THEREFORE, BE IT RESOLVED, that notice of hearing for said supplement shall be published in the Official County Newspapers and the public hearing shall be held on December 30, 2003 at 9:00 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, South Dakota, at which time any persons may appear to support or oppose the adoption of same.

Seconded by Commissioner Feickert. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

#### OWNER/OCCUPIED STATUS DISCUSSED:

An individual purchased property from a nephew and requested owner/occupied status, but the nephew still resides there and the individual has owner/occupied status on his own home. The request was denied.

#### PERSONNEL:

Kurt Smith, Fairgrounds Superintendent met to request a salary increase for 2004. The Commission will review the request.

#### RECESS:

The Chairman declared the Commission recessed until December 16, 2003.

Maxine Taylor – Brown County Auditor

## DECEMBER 16, 2003 – GENERAL MEETING

Meeting called to order by Vice Chairman Feickert at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Knecht and Wiese. Absent Commissioner Fischbach.

## MINUTES:

Moved by Hansen, seconded by Wiese to approve the General Meeting minutes of December 9, 2003. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Knecht, seconded by Wiese to approve the following claims:

Payroll: Commissioners..\$2,443.30; Auditor..\$5,883.50; Treasurer..\$8,134.70; Data Processing..\$1,573.08; State's Attorney..\$8,381.92; Victims Assistance..\$904.05; Maintenance..\$4,923.76, Assessor..\$7,254.30; Planning & Zoning..\$1,042.39; Register of Deeds..\$4,537.90; Veterans Service Office..\$2,342.65; Sheriff..\$51,941.74; DOJ Grant..\$2,182.31; Communications..\$12,427.25; Welfare Office..\$2,612.10; Health..\$1,668.80; Museum..\$3,997.20; Fairgrounds & Parks..\$3,023.44, Fairboard..\$1,775.11; Extension..\$1,567.20; Weed..\$58.41; Emergency Management..\$2,111.79; Weed & Seed..\$986.48, Highway..\$26,397.24; Landfill..\$6,202.48; Matching Benefits: FICA..\$9,693.97; Medicare..\$2,267.10;

Supplies: Heartland Paper..\$2031.23, Best Business..\$104.37, Rux Bros..\$57.14, Crescent Elec..\$68.60, Taylor Laundry..\$109.50, McDonald Supply..\$471.46, Sander's Sew 'N Vac..\$528.10, Hedahls..\$211.50, Menards..\$23.96, Dependable Sanitation..\$371.00, Lien Trans..\$2491.25, Reserve Acct..\$5000.00, ProMap..\$4450.00, Marshall & Swift..\$541.90, Pheasantland Ind..\$350.08, Active Data..\$6000.00, SDAAO..\$330.00, US Post Office..\$112.00, City of Groton..\$543.46, HRS..\$1583.94, Photo Express..\$30.43, Medical Center Pharm..\$265.14, Respond..\$21.00, Cunningham Elec..\$693.61, Credit Bureau..\$7.50, Earthgrains..\$454.20, Dawn Woods..\$270.00, Office Max..\$98.99, Safety Service..\$9324.51, Executive Mgmt..\$2488.20, Amoco..\$102.91, Ameripride..\$214.50, Hoven Auto..\$914.00, Pierson Ford..\$23.95, Lust..\$32.50, Behavioral Interventions..\$120.00, AlcoPro..\$735.25, SDDOT..\$35,558.93, SD Federal Surplus..\$98.50, Share Corp..\$349.00, Runnings..\$7.47, Petroleum Partners..\$233.42, North Central Farmers Elev..\$1752.60, Newman Signs..\$62.90, Lyle Signs..\$1033.00, K-Mart..\$43.16, HF Jacobs..\$81,095.98, Howes Oil..\$7227.10, Farm Plan..\$1340.25, Economy Oil..\$1032.75, CarQuest..\$1123.93, Brick Propane..\$72.00, Aberdeen Equip..\$114.72, NADRIC..\$2083.37, NE Mental Health..\$219.45, Walmart..\$11.98, Karena Loffer..\$17.04, Ed Sargent..\$152.38, Dakota Silk Screen..\$521.70, Service Signs..\$428.40, Academy..\$172.00, Ben Hofer..\$2050.00, Brown County..\$16.00, Kurt Smith..\$47.37, Shopko..\$11.96, Chuck Mewing..\$342.00, RE Huffman..\$89.30, Menards..\$90.49, Kesslers..\$5.81, Store Supply..\$680.14, Holiday Inn..\$55.00, NECOG..\$6061.04, Medical Arts Press..\$195.33, Graham Tire..\$413.48, NFPA..\$483.95, Tri-Combined Resources..\$758.50, Paul Mardian..\$415.58, Cole Papers..\$1056.40, Aberdeen Rural Fire..\$639.50, Weed Science..\$65.00, Oregon State University..\$40.00, Office Max..\$858.18, SD OEM..\$39.29;

Publications: American News..\$741.17, Groton Independent..\$700.63;

Transcriptions: Gail Gaikowski..\$71.40, Renee Kennedy..\$35.34;

Professional Fees: Avera St Lukes..\$203.00, Avera Queen of Peace..\$53.50, Yankton County..\$179.60, Lewis & Clark BHS..\$250.00, Yankton County Sheriff..\$33.00, Marv Ekeren..\$21.00, Don Carlson..\$21.00, Donna Dietrich..\$134.17, SD Assoc of County Comm..\$725.00, Kevin Spitzer..\$200.00, Brandon Leslie..\$50.00, Thomas Price..\$1525.00;

Travel: Mark Milbrandt..\$397.00;

Court Appointed Attorney: May & Johnson..\$1729.92;

Utilities: Midcontinent Cable..\$77.10, Qwest..\$2047.56, Northwestern Energy..\$2631.22, Northern Elec..\$1001.48, City of Hecla..\$106.15, Verizon..\$64.19, Prairiewave..\$19.95, Bureau of Admin..\$444.99;

Care of Poor: Drugs – 8 recipients..Medical Center Pharm..\$314.92, Kessler Pharm..\$106.33, Shopko Pharm..\$42.99, Dakota Square Pharm..\$625.64; Dr./Hospital – 3 recipients..Avera St Lukes..\$1452.87, Dakota Imaging..\$54.04, Dr Scott Berry..\$302.40; Utilities – 3 recipients..BDM Water..\$35.00, Northern Elec..\$45.15, NWPS..\$331.69; Burial – 1 recipient..Miller Huebl..\$500.00; Rent – 3 recipients..Kurt Kruger..\$185.00, Tom Croymans..\$150.00, Jon Husby..\$175.00. All members present voting aye. Motion carried.

#### PERSONNEL:

Moved by Wiese, seconded by Hansen to approve the following employee step/longevity increases, effective December 21, 2003: Jon Gohn @ \$10.26, Keith Baker @ \$9.99 per hour, Polly Rush @ \$9.68 per hour, Robert Suedmeier @ \$9.99 per hour. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Knecht to approve hiring Tricia Jondahl and Paul Dockter in the Dispatch Center, effective January 5, 2004 at \$10.17 per hour. All members present voting aye. Motion carried.

#### PREVENTION GRANT:

Moved by Hansen, seconded by Knecht to approve the purchase of instruction manuals in amount of \$55.00, to be funded by the Department of Justice Prevention and Intervention Programs for At-Risk and Detained Youth Project #2001-JS-FX-0014 (year three Line Item #90). All members present voting aye. Motion carried.

#### TECHNOLOGY GRANT:

Moved by Wiese, seconded by Knecht to establish Fund #220 to account for financial activities of the COPS 2003 Technology Grant #2003-CK-WX-0177. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Hansen to appoint the following committee to review request for proposals received for the CAD system to be purchased with the COPS 2003 Technology Grant #2003-CK-WX-0177: Drew Bickford, Freddie Robinson, Tom Schmitt, Jay Tobin, John Stahl and Mike Nehls. All members present voting aye. Motion carried.

#### INCREASE SPENDING AUTHORITY/ESTIMATED REVENUE:

Moved by Hansen, seconded by Knecht to increase spending authority in Fund #234-211-426 and increase estimated revenue in Fund #234-331.95 in amount of \$1,827.00 for Disparate Jurisdiction Grant Funding. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to increase spending authority in Fund #234-512-426.17 and increase estimated revenue in Fund #234-331.03 in amount of \$205,000.00 for CDBG Funding for the Dacotah Prairie Museum Upper Floor Window Project. All members present voting aye. Motion carried.

#### CLAIM ASSIGNMENT:

Moved by Wiese, seconded by Knecht to approve and authorize the Chairman sign documentation to assign a claim against an individual to L.F. Noll Inc. for purpose of collecting a lien. All members present voting aye. Motion carried.

#### PLAT:

Commissioner Knecht offered the following Resolution:

#### RESOLUTION NO. 101-03

BE IT RESOLVED by the Board of Commissioners of Brown County, SD, that the plat showing "Odde Addition in the NE ¼ of Sec 15-T125N-R64W of the 5<sup>th</sup> P.M., Brown County, SD," 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 Hansen. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-absent. Resolution adopted.

**PROPERTY DISCUSSION:**

Art Russo met with the Commission to discuss the county owned land in Palmyra Township and asked if the Commission plans to sell or lease the property in 2004. Currently the Commission plans to lease, but regardless of lease or sale, the property will be advertised and anyone interested will be invited to bid.

**RECESS:**

The Vice Chairman declared the Commission recessed until December 23, 2003.

Maxine Taylor – Brown County Auditor

DECEMBER 23, 2003- JOINT CITY/COUNTY MEETING

The Brown County Commission and the Aberdeen City Commission met in joint session at 8:45 A.M. in the Brown County Commission Chambers, Courthouse Annex, Aberdeen, South Dakota. Present from City were Commissioners Klabo, Omland, Forkel, Richardson and Mayor Hopper. Present from County were Commissioners Feickert, Knecht, Wiese and Fischbach. Absent Commissioner Hansen.

ORDINANCE NO. 03-12-03/288:

On motion by Klabo and seconded by Omland, the City unanimously voted to approve First Reading of Ordinance No. 03-12-03/288.

Moved by Feickert, seconded by Wiese to approve First Reading of Ordinance No. 03-12-03/288, An Ordinance Amending Section 709.2, 709.3 and 709.5 of Ordinance No. 1164, known as the Zoning Ordinance of the City of Aberdeen, SD, to allow permits issued administratively without planning commission approval for interior remodeling or repairs and any exterior repairs and/or maintenance, amending guidelines of all materials and equipment used in connection with a development and deleting open storage as a prohibited use, all in the (I-1) Industrial Park District. All members present voting aye. Motion carried.

The Aberdeen City Commission adjourned and the County Commission continued into regular meeting.

Maxine Taylor – Brown County Auditor

# DECEMBER 23, 2003 – GENERAL MEETING

Meeting called to order by Chairman Fischbach at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Feickert, Knecht and Wiese. Absent Commissioner Hansen.

## MINUTES:

Moved by Wiese, seconded by Feickert to approve the General Meeting minutes of December 16, 2003. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Feickert, seconded by Wiese to approve the following claims:

Supplies: RE Huffman..\$105.99, Quality Quick Print..\$1625.72, Heartland Paper..\$237.60, New Trends..\$668.78, Best Business..\$727.16, ProMap..\$26,100.00, Evercom..\$840.00, Phillips 66..\$132.56, Eddie's Northside..\$12.00, Quality Welding..\$10.66, Kesslers..\$363.15, HRS..\$815.65, Earthgrains..\$274.46, NECOG..\$1666.66, Brown County..\$4367.12, City of Aberdeen..\$2964.63, Dakota Square Operations..\$14,976.00, City of Warner..\$10,193.94, SDDOT..\$3908.69, Runnings..\$277.22, Praxair..\$33.00, Pierson Ford..\$66.74, Office Max..\$11658.57, North Central Farmers Elev..\$1865.56, Menards..\$284.86, Macs..\$72.02, Lawson Products..\$166.14, Kar Products..\$72.21, Huron Culvert..\$3175.50, Howes Oil..\$7477.40, Hedahls..\$5.22, Don Gunther..\$4155.71, Great Western Tire..\$3608.24, Frey's Electronics..\$23.80, Farnams..\$97.28, Farm Power..\$770.72, Farm Plan..\$25.05, Evergreen Supply..\$32.67, Erdmann Oil..\$1960.76, Economy Oil..\$803.25, Dakota Oil..\$146.40, Dakota Fluid Power..\$34.11, Crawford Trucks..\$472.34, HC Clark..\$16.92, Cartney Bearing..\$25.16, Carquest..\$393.56, Butler..\$56.89, Bridgestone/Firestone..\$66.72, Ameripride..\$88.84, Aberdeen Chrysler..\$46.22, Am Inst for Cancer Research..\$168.75, Nasco..\$43.66, Century Business Prod..\$101.90, Cummins Great Plains..\$404.85, Trent Anderson..\$9.00, Minnesota Pollution..\$270.00, Earth Tech..\$385.14, Crady's Radiator..\$144.00, Sheehan..\$65.05, Artz Camera..\$12.29, OK Tire..\$8.00, C&S Motor Sports..\$43.42, Grote Body Shop..\$286.92, MVTL..\$27.20, GeniusWeb..\$29.97, Audrey Jacobson..\$194.40, Nancy Kiesz..\$66.96, George Hansen..\$280.80, Jerry Streckfuss..\$294.84, Harley Gage..\$254.40, Erling Podoll..\$170.00, Hughes County Sheriff..\$19.50, Minnehaha County Sheriff..\$16.50, Nat'l College of DA..\$975.00, Exec Mgmt..\$111.80, Mark McNeary..\$54.00, Hewlett-Packard..\$10,687.00, CDW..\$2564.96, City of Aberdeen..\$739.40, Interstate Detroit Diesel..\$1495.00, Youngs..\$168.09, Crescent Elec..\$16.04, Heartland Paper..\$449.70, Schwan Welding..\$163.00, Division of Hajoca Corp..\$2784.34, Superior..\$390.03, D&D Paint..\$291.80, Rux Bros..\$37.80, Southern Steel..\$4181.50, Ameripride..\$88.46, UBC..\$8.45, Medical Center Pharm..\$487.39, Jewett Drug..\$6.27, Earthgrains..\$84.08, SD Dept of Rev..\$1050.00, Dakota Elec..\$832.20, LSS..\$723.45, Office Equip..\$1.70, HRS..\$259.22, Duane's Amoco..\$34.05, Langs..\$1695.84, Galls..\$662.51, Office Max..\$1509.36, Hewlett-Packard..\$1167.00, Little Professor..\$559.95, Avera St Lukes Pharm..\$383.67, Stephens Peck..\$52.00:

Publications: American News..\$205.50, Dakota Press..\$569.49:

Transcriptions: Stephanie Moen..\$74.85:

Professional Fees: witness fee..\$20.00, Avera United Clinic..\$84.66, Aberdeen Family Physicians..\$78.74, Avera St Lukes..\$1602.31, Dr John Carrels..\$58.22, Don Carlson..\$15.00, Marv Ekeren..\$15.00, Donna Dietrich..\$119.97, Brandon Leslie..\$200.00, Kevin Spitzer..\$192.96:

Jury: Carol Aberle..\$28.12, Janelle Arampatzis..\$21.16, Marion Becker..\$21.16, Steven Berreth..\$21.16, Jeffrey Black..\$23.48, Amy Blackstone..\$13.48, Christopher Bretsch..\$57.58, Michele Bretsch..\$23.48, Shawn Brist..\$21.16, Douglas Brown..\$21.16, Craig Brunson..\$21.16, Patricia Buechler..\$277.30, Delores Campton..\$31.60, Zachary Carlson..\$10.58, Bonnie Clausen..\$24.64, Brandon Clocksene..\$338.20, Waneta Curran..\$69.32, Mary Davis..\$75.12, Cara Dennert..\$50.16, Tim Determan..\$68.16, Alan Dixon..\$30.44, Barney Dombrowe..\$311.50, Chad Evans..\$23.48, Steven Everson..\$22.32, Douglas Farrand..\$28.12, Annette Fischer..\$43.20, Gilbert Garrett..\$24.64, Barbara

Glanzer.. \$69.32, Ronald Greer..\$11.16, WilliamHacker..\$10.58, Michael Hochstetter..\$215.80, Rita Hofer..\$33.92, Douglas Hoikkala..\$68.16, Anthony John Horner..\$21.16, Virginia Huber..\$37.40, Richard Hubert..\$118.04, Joyce Hunstad..\$204.64, Laurie Imberi..\$23.48, Darwin Ives..\$66.40, Marvin Kalt..\$215.80, Jeffrey Killion..\$11.16, Patrick Knecht..\$28.56, Irene Krumm..\$22.32, Craig Kuckelburg..\$68.16, Lance Larsen..\$43.20, Clyde Lehr..\$28.12, Cheryl Lorenz..\$11.74, Rebecca Luecke..\$43.20, Lindsay Maunu..\$10.58, Daniel Moen..\$22.32, John Morris..\$22.32, Robyn Mullins..\$66.40, Samarade Otis..\$22.32, Roberta Perman..\$29.28, Lavera Rall..\$22.32, Victor Ratzlaff..\$212.90, Theresa Rux..\$21.16, Geraldine Rye \$11.16, Troy Schanzenbach..\$21.16, Curtis Schumack..\$233.20, Peggy Schumack..\$23.48, Donna Sharp..\$62.22, Lyle Smith..\$12.32, Angela Stephen..\$21.16, Krissanne Stevens..\$22.32, Daniel Stoecker..\$10.58, David Swanhorst..\$11.16, Elizabeth Tewksbury..\$265.10, Thomas Tobin..\$13.48, Don Tomlinson..\$22.32, Trent Traphagen..\$22.32, Jarami Vanwagner..\$227.40, Terry Voeltz..\$21.16, Florian Volk..\$10.58, Jason Volk..\$268.60, Brenda Wahl..\$18.70, Joyce Wilson..\$52.48, Scott Wiswall..\$212.90, Janet Wright..\$54.80, Magdalena Wurtz..\$21.16, Elmer Zahn..\$212.90:

Travel: Kathy Fischer..\$118.03, Danielle Radke..\$15.37, Jason Warrington..\$ 46.40, Gary Erickson..\$40.33, Dennis Wiedebush..\$390.48, Mark Hoven..\$250.00, Randall Bickford..\$23.00,

Court Appointed Attorney:Hosmer Law Office..\$152.17:

Utilities: Cellular One..\$812.65, Northwestern Energy..\$43.32, AT&T..\$21.64, Qwest..\$3396.79:

Care of Poor: Dr./Hospital – 4 recipients..Avera St Lukes..8461.68, Avera United Clinic..\$322.94, Avera McKennan..\$374.61; Rent – 3 recipients..Larry Dingman..\$230.00, Stan Moffenbier..\$146.00, Jon Husby..\$95.05; Insurance – 4 recipients..Midstates Printing..\$255.00, Dakotacare Cobra..\$267.81, Wellmark BC/BS..\$1837.50, Avera Health Plans..\$311.43. All members present voting aye. Motion carried.

#### PERSONNEL:

Moved by Feickert, seconded by Wiese to approve hiring George Gibbons as full time corrections officer in the Jail, effective January 5, 2003 at \$9.72 per hour. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Wiese to approve hiring Joni Gaulrapp as full time corrections officer in the Jail, effective January 5, 2003 at \$9.72 per hour. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Wiese to acknowledge resignation of Heather Rystom from the Sheriff Department effective December 25, 2003. All members present voting aye. Motion carried.

#### CONTINGENCY TRANSFER:

Moved by Feickert, seconded by Knecht to approve the following Contingency Transfers from Fund #101-112-422.99 in total amount of \$19,978.04 to General Fund Accounts (spending authority) as follows: #130 Courts @ \$5,870.26, #120 Elections @ \$226.99, #212 Jail @ \$13,880.79. All members present voting aye. Motion carried.

#### ABATEMENT:

Moved by Knecht, seconded by Wiese to approve the following Abatement: St. Paul Lutheran Church, omitted assessment listed lot again – taxes paid (Lot 10 Blk 10 OP Frederick) for year 2002 in amount of \$524.57. All members present voting aye. Motion carried.

#### SHERIFFS REPORTS:

Moved by Feickert, seconded by Wiese to approve the following November 2003 Sheriff Reports: Incidents and Offense, Prisoner Care, JDC, Money deposited with the County Treasurer and Monthly activities. All members present voting aye. Motion carried.

#### SUBORDINATION AGREEMENT:

Moved by Knecht, seconded by Feickert to approve and authorize the Chairman to sign Agreement to subordinate certain county relief liens in total amount of \$26,434.75 and filed against Lot 10 Block 6 North Aberdeen to a Mortgage held by Popular Financial Services, L.L.C., on condition owner pays \$100.00 per month to the County on the lien balance. All members present voting aye. Motion carried.

#### JAIL/JDC CONTRACT:

Moved by Feickert, seconded by Knecht to approve and authorize the Chairman sign agreement for housing inmates in the Jail and JDC with Hughes County. All members present voting aye. Motion carried.

#### CONTRACT:

Moved by Knecht, seconded by Wiese to approve and authorize the Chairman sign contract with the SD Department of Health to provide community health services at the Brown County Community Health Center, effective January 1, 2004 through December 31, 2004. All members present voting aye. Motion carried.

#### PLATS:

Commissioner Feickert offered the following Resolution:

#### RESOLUTION NO. 102-03

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Hoines First Subdivision in NW ¼ Sec 4-T122N-R63W of 5<sup>th</sup> P.M., Brown County, SD", 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. Roll call vote: Commissioners Hansen-absent, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

#### RESOLUTION NO. 103-03

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Heinz 1<sup>st</sup> Consolidation Addition in Aberdeen, SD", 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 Feickert. Roll call vote: Commissioners Hansen-absent, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Feickert offered the following Resolution:

#### RESOLUTION NO. 104-03

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Garden of Honor, Sunset Memorial Gardens in the SE ¼ Sec 15-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD", 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 Knecht. Roll call vote: Commissioners Hansen-absent, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.



Commissioner Wiese offered the following Resolution:

RESOLUTION NO. 105-03

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Second Addition to Ashwood Heights Subdivision, City of Aberdeen, Brown County, SD", 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 Knecht. Roll call vote: Commissioners Hansen-absent, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

RESOLUTION NO. 106-03

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "River Horse Subdivision in the NE ¼ Sec 4-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD", 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 Knecht. Roll call vote: Commissioners Hansen-absent, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

RESOLUTION NO. 107-03

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing "Beyers Highland Park Addition in the NW ¼ of Sec 23-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD", having been examined, is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof.

Seconded by Commissioner Knecht. Roll call vote: Commissioners Hansen-absent, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

RESOLUTION NO. 108-03

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing "Pheasant Run Second Subdivision in the SW ¼ of Sec 11-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD", having been examined, is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof.

Seconded by Commissioner Knecht. Roll call vote: Commissioners Hansen-absent, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Knecht offered the following Resolution:

RESOLUTION NO. 109-03

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Rott's Mina Lake Ranchettes in W ½ Sec 19-T123N-R65W of 5<sup>th</sup> P.M., Brown County, SD", 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. Roll call vote: Commissioners Hansen-absent, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Feickert offered the following Resolution:

#### RESOLUTION NO. 110-03

BE IT RESOLVED by the Board of Commissioners of Brown County, SD, that the plat showing "Olson Addition in the NE ¼ of Sec 11-T127N-R63W of the 5<sup>th</sup> P.M., Brown County, SD", 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. Roll call vote: Commissioners Hansen-absent, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

#### RESOLUTION NO. 111-03

BE IT RESOLVED by the Board of Commissioners of Brown County, SD, that the plat showing "Pence Addition in the SE ¼ of Sec 2-T126N-R64W of the 5<sup>th</sup> P.M., Brown County, SD", 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 Knecht. Roll call vote: Commissioners Hansen-absent, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Feickert offered the following Resolution:

#### RESOLUTION NO. 112-03

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Hanson's First Subdivision in Bath, SD", 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. Roll call vote: Commissioners Hansen-absent, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

#### BROWN COUNTY WEED AND SEED:

Moved by Feickert, seconded by Wiese to approve the following Weed and Seed Year Two funding proposal: Groton Police Department (Laser/Color Printer), as recommended by the Steering Committee. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Wiese to approve the Brown County Weed and Seed Monthly Expenses for December 2003 (Year Two 2002-WS-QX-0054), in amount of \$19,668.63. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Feickert to approve the Brown County Weed and Seed Monthly Expenses for December 2003 (Year Three 2002-WS-QX-0054), in amount of \$4,305.78. All members present voting aye. Motion carried.

#### TECHNOLOGY GRANT:

Moved by Wiese, seconded by Knecht to approve and authorize the Chairman sign Financial Form 269 for February through September 2003 for the COPS 2003 Technology Grant #2003-CK-WX-0177. All members present voting aye. Motion carried.

#### DOJ FY2003 PART I EQUIPMENT GRANT PROGRAM AGREEMENT:

Moved by Feickert, seconded by Wiese to approve and authorize the Chairman sign DOJ FY 2003 Part I Equipment Grant reimbursement Agreement in amount of \$28,751.84. All members present voting aye. Motion carried.

#### SOLID WASTE MANAGEMENT PROGRAM GRANT APPLICATION:

Moved by Feickert, seconded by Wiese to approve and authorize the Chairman sign Solid Waste Management Program Grant Application in total amount of \$60,000.00 (50/50 grant and match) for waste tire clean up. All members present voting aye. Motion carried.

#### BID AWARD – LOADER:

Moved by Wiese, seconded by Feickert to award bid, submitted by RDO Equipment for a John Deere 724J Front End Loader in amount of \$153,090.00, as bid by the City of Pierre on April 15, 2003. All members present voting aye. Motion carried.

#### EQUIPMENT PURCHASE:

Moved by Wiese, seconded by Knecht to authorize the purchase of a roll off container for the Landfill in amount of \$4,800.00. All members present voting aye. Motion carried.

#### HIGHWAY UPDATE:

Dirk Rogers, Highway Superintendent presented a highway project update.

#### PARTIAL PAYMENTS:

Moved by Feickert, seconded by Knecht to authorize Sheila Enderson, County Treasurer accept partial payments for taxes (as authorized by SDCL 10-21-7) on the E 92' of Lots 1 & 2 Block 32 Hagerty & Lloyds Addition to Aberdeen at \$230.00 per month starting January 5, 2004. All members present voting aye. Motion carried

Moved by Feickert, seconded by Knecht to deny request for partial payments for taxes on the E 54' of Lots 23 & 24 Block 53 Hagerty & Lloyds Addition to Aberdeen. All members present voting aye. Motion carried

#### SHERIFF BUDGET:

Mark Milbrandt discussed the purchase of a vehicle from the state bid list, if sufficient spending authority is available December 30<sup>th</sup>. Board concurred.

#### SHSGP LETTER OF INTENT:

Moved by Wiese, seconded by Knecht to approve and authorize the Chairman sign Letter of Intent for Brown County to participate in the 2003 State Homeland Security Grant Program (SHSGP) for an approved emergency management exercise. All members present voting aye. Motion carried.

**EXECUTIVE SESSION:**

Moved by Knecht, seconded by Feickert to go into executive session to discuss possible litigation with Mark McNeary in attendance. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Feickert to adjourn executive session. All members present voting aye. Motion carried.

**RECESS:**

The Chairman declared the Commission recessed until December 30, 2003.

Maxine Taylor – Brown County Auditor

DECEMBER 30, 2003- JOINT CITY/COUNTY MEETING

The Brown County Commission and the Aberdeen City Commission met in joint session at 8:45 A.M. in the Brown County Commission Chambers, Courthouse Annex, Aberdeen, South Dakota. Present from City were Commissioners Klabo, Omland, Forkel, Richardson and Mayor Hopper. Present from County were Commissioners Hansen, Feickert, Knecht, Wiese and Fischbach.

ORDINANCE NO. 03-12-03/288:

On motion by Klabo and seconded by Omland, the City unanimously voted to approve Second Reading of Ordinance No. 03-12-03/288.

On motion by Forkel and seconded by Richardson, the City unanimously voted to adopt Ordinance No. 03-12-03/288.

Moved by Wiese, seconded by Feickert to approve Second Reading of Ordinance No. 03-12-03/288. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Hansen to adopt Ordinance No. 03-12-03/288, An Ordinance Amending Section 709.2, 709.3 and 709.5 of Ordinance No. 1164, known as the Zoning Ordinance of the City of Aberdeen, SD, to allow permits issued administratively without planning commission approval for interior remodeling or repairs and any exterior repairs and/or maintenance, amending guidelines of all materials and equipment used in connection with a development and deleting open storage as a prohibited use, all in the (I-1) Industrial Park District. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Ordinance adopted.

The Aberdeen City Commission adjourned and the County Commission continued into regular meeting.

Maxine Taylor – Brown County Auditor

## DECEMBER 30, 2003 – GENERAL MEETING

Meeting called to order by Chairman Fischbach as 8:45 a.m. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Feickert, Knecht and Wiese.

## MINUTES:

Moved by Feickert, seconded by Wiese to approve the Joint City/County Meeting minutes and the General Meeting minutes of December 23, 2003. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Knecht, seconded by Wiese to approve the following claims:

Supplies: QQP..\$301.16, University Products..\$888.07, Dakota Electronics..\$194.50, West..\$150.00, Velvet Uniforms..\$28.00, Duane's Amoco..\$34.05, Respond..\$52.00, M&T Fire..\$9544.99, Clear Channel..\$576.00, Wanda Wagemann..\$108.00, RE Huffman..\$1143.00, Malchows..\$500.00, Parcel-Erickson..\$837.03, Haar Plumbing..\$45.00, Kesslers..\$12.48, Earthgrains..\$139.56, Hofers Repair..\$19.75, Best Business..\$190.74, Exec Mgmt..\$499.40, Ext Service..\$167.56, Kleins..\$7.73, Menards..\$39.27, Security Uniforms..\$77.59, Walmart..\$1687.59, Office Max..\$700.60, ESRI..\$796.00, Schwan Elec..\$7030.00, Micks Scuba..\$2941.07, Cheryl Hairgrove..\$972.00, HRS..\$1401.20, Office Equip..\$45.45, Deb Munger..\$27.84, Warner Fire Dept..\$350.00, Stratford Fire Dept..\$225.00, SD DOT..\$44,464.66, Macs..\$51.48, HF Jacobs..\$71576.20, Hutterville Fire Dept..\$310.00, House of Glass..\$61.08, Frederick Fire Dept..\$225.00, Economy Oil..\$340.00, Diesel Machinery..\$3350.00, Dakota Riggers..\$152.65, Dakota Fluid Power..\$8.41, Crawford Trucks..\$89.89, Clark Engineering..\$1453.10, Carquest..\$20.68, Butler Machinery..\$4.84, Bath Fire Dept..\$270.00, Ameripride..\$181.98, Aberdeen Rural Fire Dept..\$1269.50, FedEx..\$27.96, Western Printing..\$304.30, Int'l Assoc of Assessing Officers..\$165.00, McLeods..\$3515.19, UBC..\$9.66, New Trends..\$74.75, SDN..\$45.00, Dakota Silk Screen..\$47.90, Office Equip..\$187.55, Matthew Bender..\$45.20, Langs..\$188.99, Mark McNear..\$7357.94, Cunningham Elec..\$193.90, Runnings..\$265.99, Butler Machinery..\$372.35, Safelite Auto..\$80.00, Sheehan..\$240.15, Advanced Weigh System..\$613.72, Erdmann Fuels..\$2075.97, Helms..\$2371.74, TruGreen..\$251.10, Heartland Paper..\$193.05, McFarland..\$7.85, Indoff..\$96.00, Dakota Supply..\$5533.20, NE Mental Health Center..\$32,415.65:

Publications: American News..\$1517.10, Groton Indep..\$89.57, Huron Plainsman..\$11.30,

Professional Fees: Avera St Lukes..\$1271.56, Brandon Leslie..\$300.00, McGarry Electric..\$1836.72, SDACC..\$290.00, May & Johnson..\$432.60, Minnehaha County Sheriff..\$16.50, Aberdeen Career Planning..\$1640.50, Dr. Kim Jundt..\$225.00:

Travel: Marg Kolb..\$96.98, Tom Fischbach..\$175.74, Barnie Bain..\$381.60, Gene Loeschke..\$154.57, Leo Leshner..\$129.63, Melissa Koester..\$101.79, Lorah Houser Jankord..\$115.42, William Meink..\$19.72, Deb Knecht..\$121.80, Dennis Feickert..\$20.30:

Utilities: Qwest..\$932.07, Cellular One..\$75.64, Northwestern Energy..\$7762.52, Midcontinent Cable..\$1578.75, Montana Dakota..\$47.43, WEB..\$48.12:

Care of Poor: Drugs – 6 recipients..Walmart Pharm..\$12.68, Jones Drug..\$160.00, Plaza Pharm..\$45.84, Shopko Pharm..\$82.17, Kessler Pharm..\$289.91; Dr./Hospital – 2 recipients..Dakota Imaging..\$88.70, Avera St Lukes..\$18,406.99; Utilities – 2 recipients..NWPS..\$131.93, Northern Elec..\$210.00; Rent – 6 recipients..T&S..\$190.00, Dakota Square..\$116.00, Park Village..\$162.00, Gary Nielsen..\$120.00, Harlan Pease..\$190.00, Jim Bird..\$250.00; Transportation – 1 recipient..Brown County Highway..\$7.88. All members present voting aye. Motion carried.

## PERSONNEL:

Moved by Knecht, seconded by Hansen to approve the following employee step/longevity increase, effective December 21, 2003: Sarah Jesz @ \$10.42 per hour. All members present voting aye. Motion carried.

**INCREASE SPENDING AUTHORITY/ESTIMATED REVENUE:**

Moved by Feickert, seconded by Hansen to increase spending authority in Fund #201-311-426.31 and increase estimated revenue in Fund #201-343.12 by \$36,148.47 for reimbursement for work completed for SD Department of Game, Fish and Parks at Richmond Lake. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to increase spending authority in Fund #234-211.04-426 and increase estimated revenue in Fund #234-331.92 by \$3,463.20 for reimbursement of Radar Unit Grant funds; and to increase spending authority in Fund #234-215.01-422 and increase estimated revenue in Fund #234-331.99 by \$1020.00 for reimbursement of Shelter Care Grant funds. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to increase spending authority in Fund #236-222.03-426 by \$4,223.65 for LEOP Grant funds, Fund #236-222.06-434.07 by \$2,878.83 for Risk Assessment Grant funds, Fund #236-222.04-426 by \$10,255.68 for CERT Grant funds, Fund #236-222.02-422 by \$8452.39 for PDM Grant funds and Fund #236-222-426 by \$147,763.42 for WMD '02 Grant funds; and further to increase estimated revenue in Fund #236-331 by \$173,573.97 for reimbursement of grant funds. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to increase spending authority and estimated revenue for Fund #219 - Brown County Weed and Seed Grant #2002-WS-QX-0054 in amount of \$223,609.85. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to increase spending authority and estimated revenue for Fund #218 - Brown County Prevention Grant #2001-JS-FX-0014 in amount of \$237,832.43. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to increase spending authority and estimated revenue for Fund #220 - Brown County Technology Grant #2003-CK-WX-0177 in amount of \$4,968.00. All members present voting aye. Motion carried.

**TRANSFER:**

Moved by Feickert, seconded by Wiese to complete an operating transfer from the General Fund #101-161-911 to Courthouse and Jail Improvement Fund #233-371 for purpose of building maintenance projects in amount of \$15,000.00. All members present voting aye. Motion carried.

**INVENTORY TRANSFER:**

Moved by Wiese, seconded by Hansen to declare Decal #1198 1977 Caterpillar Motor Grader and Decal #1811 VP-09 surplus from the Highway Department for purpose of sale to the Brown County Landfill in amount of \$30,000.00. All members present voting aye. Motion carried.

**WILDERNESS AREAS:**

Commissioner Wiese offered the following Resolution:

**RESOLUTION NO. 113-03**

WHEREAS, The Sierra Club has requested South Dakota's Congressional Delegation to sponsor legislation designating approximately 75,000 acres of public land on the Buffalo Gap National Grasslands in Custer, Fall River and Pennington Counties as Wilderness Areas, restricting many of the current uses of these lands; and

WHEREAS, The lands recommended by the Sierra Club for Wilderness have been dedicated to multiple use for over sixty years; and

WHEREAS, The Sierra Club asserts that 88 percent of the people of the Black Hills region support the designation of thousands of acres as Wilderness on the Buffalo Gap National Grasslands; and

WHEREAS, the Wilderness designation is designed to close roads and restrict many of the current uses of the lands, including hunting, rock collecting, mechanized travel, and mineral and water development.

NOW, THEREFORE, BE IT RESOLVED, That the Brown County Commission respectfully requests that Governor Mike Rounds, Senator Tom Daschle, Senator Tim Johnson and Congressman Bill Janklow actively oppose the designation of Wilderness Areas on the Buffalo Gap National Grasslands, as there has been no adequately demonstrated justification for the designation of such Wilderness Areas and the resulting curtailment of the public's ability to access and utilize these lands owned by all of the citizens of the United States; and

BE IT FURTHER RESOLVED, That the Brown County Commission respectfully request that Governor Mike Rounds meet with a group of the leaders of the grazing associations in South Dakota and representatives of the South Dakota Farm Bureau, the South Dakota Stockgrowers, the South Dakota Farmer's Union and the South Dakota Cattlemen's Association.

Seconded by Commissioner Hansen. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

PLAT:

Commissioner Knecht offered the following Resolution:

#### RESOLUTION NO. 114-03

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing "Knudsen Conservation Easement Tracts 1, 2 and 3 in the NW ¼, NE ¼, and SE ¼ of Sec 14-T123N-R62W of the 5<sup>th</sup> P.M., Brown County, SD", having been examined, is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof.

Seconded by Commissioners Hansen. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

#### DOJ FY2003 PART II EQUIPMENT GRANT PROGRAM AGREEMENT:

Moved by Wiese, seconded by Knecht to approve and authorize the Chairman sign DOJ FY 2003 Part II Equipment Grant Reimbursement Agreement in amount of \$253,299.49. All members present voting aye. Motion carried.

#### MUSEUM BOARD APPOINTMENTS:

Moved by Knecht, seconded by Hansen to appoint Troy McQuillen for second term, Randy Grismer, Tom Richards and Connie Groop for first term on the Dacotah Prairie Museum Board of Directors, effective January 2004. All members present voting aye. Motion carried.

#### AMBULANCE LIENS:



Moved by Hansen, seconded by Wiese to deny request to exempt an individual from three ambulance liens until adequate documentation is presented to prove individual is not the same person listed on the liens. All members present voting aye. Motion carried.

**BID AWARD:**

Moved by Wiese, seconded by Hansen to award bid for one Sheriff Patrol Vehicle to Beck Motors from the State Bid List in amount of \$16,981.00 (Fund #101 2003 Sheriff Budget). All members present voting aye. Motion carried.

**CONTINGENCY TRANSFERS:**

Moved by Wiese, seconded by Knecht to approve the following Contingency Transfers from Fund #101-112-422.99 in total amount of \$175,081.24 to General Fund Accounts (spending authority) as follows: #111 Commission @ \$1,616.14, #163 Register of Deeds @ \$6,451.38, #212 Jail @ \$72,442.43, #213 Coroner @ \$1,287.96, #215 Juvenile Detention Center @ \$551.24, #411 Care of Poor @ \$63,543.02, #445 Mental Illness Board @ \$267.42, #523 Fairgrounds @ \$28,231.90, #611 Planning and Zoning @ \$689.75; and approve the following Contingency Transfer from Fund #101-112-422.99 in total amount of \$21,961.50 to Special Revenue Fund #201-311-422.99 Road & Bridge (spending authority only). All members present voting aye. Motion carried.

**BUDGET SUPPLEMENT HEARING:**

Time and place, as advertised for public hearing to consider Budget Supplement for year 2003 for the General Fund Care of Poor Budget. Moved by Knecht, seconded by Feickert to approve the following Budget Supplement for 2003. To enable the payment of medical expenses for the indigent in amount of \$75,000.00, to fund same from unobligated surplus cash in amount of \$75,000.00. All members present voting aye. Motion carried.

**BID AWARD:**

Moved by Wiese, seconded by Hansen to award bid for fifteen state radios for the Rural Fire Departments from E.F. Johnson Company from the State Bid List in amount of \$33,750.00 (Fund #207 Dispatch 2003 Budget). All members present voting aye. Motion carried.

**SHERIFF DEPUTY WAGE:**

Brown County Sheriff Field Deputies met to discuss 2004 wage scale. The Commission will review request before 2004 salaries set in January.

**ADJOURN:**

Moved by Wiese, seconded by Hansen to adjourn the Brown County Commission. All members present voting aye. Motion carried.

Maxine Taylor – Brown County Auditor

## JANUARY 6, 2004 -REORGANIZATION MEETING

This being the reorganization meeting of the Brown County Commission for year 2004, said Board convened at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, South Dakota. Present were Commissioners Fischbach, Knecht, Feickert, Hansen and Wiese. Pastor Ronald Laue, St. Paul's Lutheran Church opened with Prayer and Scott Waltman, Aberdeen American News lead the Pledge of Allegiance.

Maxine Taylor, Brown County Auditor, called for nominations for Brown County Commission Chairman for year 2004, pursuant to SDCL 7-8-15.

Commissioner Knecht nominated Dennis Feickert for Chairman. Moved by Fischbach, seconded by Wiese that nominations cease and a unanimous ballot be cast for Dennis Feickert, 2004 Chairman. All members present voting aye. Motion carried.

Commissioner Fischbach nominated Deb Knecht for Vice Chairman. Moved by Fischbach, seconded by Hansen that nominations cease and a unanimous ballot be cast for Deb Knecht, 2004 Vice Chairman. All members present voting aye. Motion carried.

### MINUTES:

Moved by Fischbach, seconded by Wiese to approve the Joint City/County Meeting minutes and the General Meeting minutes of December 30, 2003. All members present voting aye. Motion carried.

### CLAIMS:

Moved by Knecht, seconded by Hansen to approve the following claims:

Supplies: Office Equipment..\$238.29, Heartland Paper..\$311.35, Quality Quick Pring..\$669.00, Dakota Electronics..\$37.50, Menards..\$327.07, A&M Radio..\$44.50, Praxair..\$15.25, Dept of Revenue..\$2748.15, Americpride..\$11.28, Petroleum Partners..\$890.24, Pwreplan..\$1321.77, Treas..\$89.04, Vicky Wicks..\$24.37, City of Groton..\$71.55, Lutheran Social Services..\$6230.00, SDML Worker's Comp..\$80,890.00, SD Public Assurance Alliance..\$136,049.49:

Publications: American News..\$632.74:

Professional Fees: Kim Dorsett..\$2083.37

Utilities: Northwestern Energy..\$510.71, Richmond Sanitary Dist..\$375.00, WEB..\$43.04, Northern Valley Comm..\$71.15:

Travel: Comfort Inn..\$80.00:

Care of Poor: Dr/Hospital – 2 recipients..Dr Adams..\$68.00, Avera McKennan..\$52,811.57; Utilities – 1 recipient..NWPS..\$210.00; Rent – 5 recipients..Ken Dohn..\$250.00, Zumbaum Mgmt..\$108.00, T&S Investments..\$119.00, Falcon Rentals..\$175.00, Harlan Pease..\$250.00; Insurance – 1 recipient – WellmarkBC/BS..\$329.62. All members present voting aye. Motion carried.

### PERSONNEL:

Moved by Hansen, seconded by Fischbach to approve hiring Karla Milbrandt, Brad Erhardt, Neil Bittner, Roland Barvels, Brad Gardner and Robert Baumgartner as guards, effective December 21, 2003, for purpose of prisoner transport. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Hansen to re-appoint Tom Gohn as Veterans Service Officer for an additional four-year term, as per SDCL 33-16-24. All members present voting aye. Motion carried.

### ABATEMENTS:

Moved by Knecht, seconded by Wiese to approve the following Abatements: Rick Haux, etal, incorrect taxing district (S 512' of E 100' of W 1600' SW 15-123-63 ex Hwy) for 2003 @ \$2552.89; Aberdeen

Equipment, incorrect taxing district (S 512' of W 700' of SW 15-123-63) for 2003 @ \$6512.02; City of Groton, tax exempt (Lts 8-9 Bk 3 OP Groton) for 2003 @ 98.72; Groton School District, tax exempt (Lt 14 Olson Addn NE 19-123-60) for 2003 @ \$318.47; Lee and Tracy Olson, MH personal property not BOLS (BOLS NE 11-127-63) for 2003 @ \$93.00; Roger L Huff & Gary Mueller, double assessment (Lt 4 Bk 2 Roosevelt Estates 1<sup>st</sup> Addn) for 2003 @ \$32.83; Roger L Huff & Gary Mueller, double assessment (Lt 3 Bk 1 Roosevelt Estates 1<sup>st</sup> Addn) for 2003 @ \$27.12; John & Jodee McCranie, MH and outbuilding destroyed by fire (S2 S2 8-126-60) for 2003 @ \$495.68; LaFay A & Sharon K Schipke, incorrect taxing district (Schipke 1<sup>st</sup> SD Lt 2 NE 22-123-64) for 2003 @ \$1432.84 (real estate and solid waste); City of Aberdeen, tax exempt (W 40' Lt 6 Bk 62 2<sup>nd</sup> Addn) for 2003 @ \$616.76 (real estate and solid waste); Kevin D Schpke & Rita M Wey, incorrect taxing district (Schipke 1<sup>st</sup> SD Lt 1 NE 22-123-64) for 2003 @ \$2218.30 (real estate and solid waste). All members present voting aye. Motion carried.

#### DESIGNATION OF DEPUTIES:

Commissioner Wiese offered the following Resolution:

#### RESOLUTION NO. 1-04

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, 4 Deputies, 1 part-time Clerk; Treasurer - 1 Chief Deputy, 6 Deputies, 1 part-time Clerk; Register of Deeds - 1 Chief Deputy, 2 Deputies, 1 part-time Clerk. All extra help hired by County Officials must first be approved by the County Commission.

Seconded by Commissioner Fischbach. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

#### OFFICIAL NEWSPAPERS:

Moved by Wiese, seconded by Knecht to designate the following as the official Brown County newspapers for year 2004 (SDCL 7-18-3): Aberdeen American News, Aberdeen, SD; Weekly Edition of the Groton Independent, Groton, SD; Dakota Press, Groton, SD. All members present voting aye. Motion carried.

#### DEPOSITORIES:

Moved by Hansen, seconded by Wiese to designate the following as official depositories for Brown County public funds for year 2004 (SDCL 7-2-13), with funds deposited in the name of Sheila Enderson, Brown County Treasurer: Dacotah Bank; US Bank of Aberdeen; Wells Fargo of Aberdeen; Wells Fargo Government Funds of Aberdeen; Wells Fargo East Branch of Aberdeen; Wells Fargo Groton Branch of Groton; First Savings of Beresford, Hecla Branch of Hecla; First State Bank of Warner; First State Bank of Claremont; First State Bank of Claremont, Columbia Branch of Columbia; First National Bank of Frederick; Plains Commerce Bank of Aberdeen; Home Federal Savings & Loan of Aberdeen; Great Western Bank of Aberdeen; FIT of Sioux Falls; First State Bank of Warner, Lakewood Mall Branch of Aberdeen; Dacotah Bank, East Branch of Aberdeen. All members present voting aye. Motion carried.

#### INVESTMENT POLICY:

Commissioner Hansen offered the following Resolution:

#### RESOLUTION NO. 2-04

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 Fischbach. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

#### EXPENSE POLICY:

Moved by Hansen, seconded by Wiese to set the following expense rates for Brown County employees for year 2004: Meal reimbursement made only for out of County travel

|           | In-State       | Out-of-State   |
|-----------|----------------|----------------|
| Breakfast | \$ 5.00        | \$ 7.00        |
| Lunch     | \$ 7.00        | \$10.00        |
| Dinner    | <u>\$11.00</u> | <u>\$16.00</u> |
|           | \$23.00        | \$33.00        |

Qualifying time for meal allowances:

Breakfast - leave before 5:31 a.m. - return after 7.59 a.m.

Lunch - leave before 11:30 a.m. - return after 12.59 p.m.

Dinner - leave before 5:31 p.m. - return after 7.59 p.m.

Mileage Rate: \$0.29 per mile, beginning and ending odometer readings are required to qualify for mileage reimbursement. Lodging reimbursed at actual cost, receipt required. All members present voting aye. Motion carried.

#### EXPENSE POLICY - ELECTION OFFICIALS:

Moved by Hansen, seconded by Fischbach to set fee of \$100.00 for precinct officials working on Election Day, \$10.00 for precinct officials attending the Election School, \$5.00 for use of personal cell phone on election day (maximum \$5.00 per precinct), and to set minimum mileage at five miles when claimed by precinct official. All members present voting aye. Motion carried.

#### TAX DEED NOTICES:

Commissioner Hansen offered the following Resolution:

#### RESOLUTION NO. 3-04

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, Sheila Enderson to request Mark McNeary and States Attorney Office personnel to act as agents to process said tax deeds and notices.

Seconded by Commissioner Fischbach. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

#### COMMISSION APPOINTMENTS:

Moved by Hansen, seconded by Wiese to approve the following Commission Committee appointments for 2004: Tom Fischbach - LEPC, County Buildings, Range Fire Suppression, Legislative Contact, Disaster Board, Rationing Board, Resource Management Advisory Board, Union Negotiations, Aberdeen/Brown County Regional Railroad Authority Commission; Deb Knecht - Risk Management Committee, Fair Board, SD Public Assurance Alliance, Aberdeen Hockey, CART, Weed & Seed, NECOG; Nancy Hansen - Union Negotiations, Disaster Board, FGP Advisory Board, NE Mental Health Board, Communications Center Council, City Net, SDACC Treasurer, Aberdeen/Brown County Regional Railroad Authority Commission; Mike Wiese - Planning & Zoning Board, Liaison to Welfare, NECOG, Museum Board, Airport Board, SD Public Assurance Alliance, Aberdeen Development Corporation, BID, Boys & Girls Club, Aberdeen Hockey, Glacial Lakes; Dennis Feickert - Communications Center Council, Weed Board, SDACC Catastrophic Legal Board, Fair Board, Extension Board, Ride Line. All members present voting aye. Motion carried.

#### BOARD APPOINTMENTS:

Moved by Hansen, seconded by Knecht to appoint Roland Moerke as member at large on the Disaster Board, replacing Clark Swisher. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to appoint the following to the Brown County Dive Team, effective January 1, 2004: Rick Adema, Trent Anderson, Mart Farley, Steve Hairgrove, Mike Miller, Tom Tarnowski, Kevin Vaughn, Dave Volek, Brad Waage and Kent Warrey. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Knecht to appoint Deb Munger to second term on the Brown County Extension Board, effective January 1, 2004 through December 31, 2006. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to appoint the following to the Local Emergency Planning Committee (LEPC): Drew Bickford, Mary Clawson, Burt Elliott, Ron Feickert, Rod Olerud and Lisa Rose; and further remove the following from LEPC: Kevin Bakke, Frank Dixon, Ron Evenson, Dick Jensen, Julie Pfeifer, Darrell Schnaidt, Scott Sikkink, Gordon Vanauken, Al Waltman and Tom Wylam. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to remove term limits from the Planning and Zoning Board, effective January 1, 2004. All members present voting aye. Motion carried.

#### FAIRGROUNDS/YOUTH CAMP RENTAL RATES:

Moved by Wiese, seconded by Knecht to establish the following rental rates:

##### **FAIRGROUNDS RENTAL RATE - EFFECTIVE JANUARY 1, 2004**

**Storage Space Rental:** October 1 to March 31- PREPAID LEASE -NO REFUNDS - 4% SALES TAX Campers under 25' (\$110.00 + \$4.40 Tax) Campers 25' and over (\$120.00 + \$4.80 Tax) Vehicles, Boats, Popups, JetSkis (\$70.00 + \$2.80 Tax) Note: Pontoons, deckboats, and cabin cruisers are two spaces.  
**Barn Rental:** Any person affiliated with NAHR that requests to occupy any building prior to the 12 days preceding the date of such racing will enter into a separate lease with the County. The lessee will be responsible to pay \$100 per barn per month and utilities used until the NAHR lease goes into effect. Lessee will also be responsible for all manure removal. Campground fee of \$12.00 per day is separate.  
**Club House :** 120' X 80' Per day \$250.00 - Per day for days over two \$125.00 - Clean-up additional \$50.00. Activities obtaining a Special Malt Beverage License - \$35.00 per keg (or equivalent), with proof from wholesaler, excluding Fair Activities, Race Track and Horse Racing.

**Expo Addition:** 90' x 240' - Per day \$200.00 - Per day for days over two.....\$100.00 If fairgrounds personnel needs to clean up after the activity..... Clean-up/horse shows \$300.00 - Clean-up/other activities.....\$150.00

**Holum Expo Building:** 120' x 240' - Per day \$400.00 - Per day for days over two.....\$200.00 If fairgrounds personnel needs to clean-up after the activity.....Clean-up/horse shows \$300.00 - Clean-up/other Activities....\$150.00

**Horse Stalls:** Set up fee - per stall. \$7.00

**Orange Corral Panels:-** per day.....\$20.00

**Horse Arena:** 174' x 240' .....\$2.00 per horse per day.

**Portable Stage:** Not to go out of County-except for Governmental Agencies -Per day \$80.00 - Per day for days over one - \$40.00

**People Movers** - as per request

**Bleachers** - Large Green - \$50.00 per day, Small Orange - \$25.00 per day Small Orange - \$75.00 per day if leaves Fairgrounds

**Campgrounds:** Per day per pad \$12.00. This includes a 5% State Sales Tax.

232 pads with water and electricity. All south campgrounds have both 50 amp and 30 amp plug-ins

**NOTE: EFFECTIVE JANUARY 1,1999 - STRAW IS PROHIBITED- SAWDUST ONLY**

### **RICHMOND YOUTH CAMP RENTAL RATES- EFFECTIVE JANUARY 1<sup>ST</sup>, 2004**

Booking fee in the amount of \$100.00 and proof of insurance must be submitted at least 30 days prior to date of occupancy.

Dorm only: \$60.00 per dorm per night for 20 people or less. More than 20 people - \$5.00 per person.

Lodge Only: \$100.00 per day

Dorm(s) and Lodge: \$100.00 minimum for 20 people or less. More than 20 people - \$5.00 per person.

Youth Groups: \$5.00 per person per day (Ages 17 and under.)

Adult Groups: \$7.00 per person per day. (Ages 18 and older)

Deposit: A \$100.00 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. Please sign the lease and return with a copy of proof of insurance and your deposit to the Brown County Auditor at 25 Market Street, Aberdeen, SD 57401.

Cleanup: \$50.00 for the Lodge and \$100.00 for the dorms.

All members present voting aye. Motion carried.

### **2004 SALARY SCHEDULE:**

Moved by Wiese, seconded by Knecht to approve the following salaries, effective December 21, 2003:

**Annually** States Attorney Mark McNeary 53,166; Sheriff Mark Milbrandt 52,347; Auditor Maxine Taylor, Treasurer Sheila Enderson, Register of Deeds Carol Sherman 40,881; Commissioners Tom Fischbach, Dennis Feickert, Nancy Hansen, Mike Wiese, Deb Knecht 13,455 (plus county paid portion of optional insurance coverage); Deputy States Attorney's Lori Ehler, Rachel Wilkins 36,500; Chief Deputy Sheriff Tom Schmitt 47,187; Building Superintendent Mick Palmer 30,562; Museum Director Sue Gates 32,855; Veterans Service Officer Tom Gohn 33,428; EM Director Freddie Robinson 31,612; Fairgrounds Superintendent Kurt Smith 31,375; Welfare Director Charlene Millim 38,588; Highway Superintendent Dirk Rogers 45,430; Director of Equalization Mary Worlie 40,881; Communications Director Drew Bickford 40,000; Landfill Manager Mike Scott 43,028; Computer Programmer/Analyst Bill Meink 41,650; Fair Board Manager Larry Gerlach 22,774; Victims Assistance Coordinator Vicky Wicks 23,505; Weed and Seed Coordinator Jodi Gerdes 27,750; Juvenile Detention Supervisor Amy Lake 35,000; Highway Project Coordinator Richard Burns 39,734; Highway Shop Foreman Mark Wendt 32,250; Deputy Director of Equalization Leo Leshner 34,001. **Per Hour** Interim Weed Supervisor Jerry Dempsey 12.98. Senior Fieldman Gene Loeschke 15.38. Chief Office Deputies (Auditor, Treasurer, Register of Deeds) Jeanette Nietert, Carol Misfeldt, Dorene Borchard, Catherine Lindemann 15.80. Planning/Zoning

& Fieldmen Kathy Fischer 11.26, Mick Waller 13.04. Chief Office Deputies (Sheriff, Welfare, States Attorney, Maintenance, Director of Equalization) Janice Moore, Penny Hart 14.76, Mavis Kempf 14.71, Judy Dosch 15.21. States Attorney's Office Secretaries Sheree Locken 10.10, Pam Ernst 10.70, Jane Jensen 11.36. Office Deputies, EDS Assistant Director, Museum Curators, Secretaries/Clerk Danielle Radke 9.73, Jodi Buhl, Polly Rush 9.93, Carol White 10.15, Lora Schaunaman, Sherry Theobald 10.36, Cindy Meyers, Michelle Haag 10.52, Sandra Green 10.99, Jolene Forsting 11.16, Patty Van Meter 11.31, Sherri Rawstern 11.46, Jan Beckler, Ginger Walker 11.81, Karla Hallstrom, Kathy Schlecht 12.06, Ione Shilman 11.96, Jan Erickson 11.91, Geri Sillman 12.41, Cindy Schwan 12.56. Clerk, Secretary & Maintenance Mickey Schulz 9.72, Monte Podoll 10.14. Sheriff Department Clerical & Cooks Diane Mielke 11.76, Joyce DesCamps 12.80, Carol Wolf 12.75, Kathy Neitzel 13.00. Dispatchers Tricia Jondahl, Paul Dockter 10.42, Melony Flinn, Kimberly Perrin, Laurie Dinger, Sarah Jesz 10.67, Sandy Hjermstad 10.95, Alicia Dohn 11.49, Betty Haar, Sheila Anderson 13.07, Mary Browning 13.32. Chief Dispatcher Nancy Radke 14.68. Highway Seasonal with Commercial Drivers License Ted Brockel 9.16. Highway (Labor Grade 3) Wade Lechner, Kyle Brandner, Nick Fullmer 10.43, Mervyn Heaton 10.63, Jason Heagley 11.07, Ben Hofer, Casey Thorstenson, Melvin Ernst 11.22, Joseph Malsom 11.54, Larry Hardy, Roxanne Bjorklund 12.01, Richard Schaible 12.36, Tom Lammon 12.26, Roger Schaible 12.51, John Weig 12.71. Highway (Labor Grade 4) Jason Stoltenberg 10.76, Dennis VanHeerde 11.50, Bryan Owens 11.65, Kendell Titze 11.82, Nyle Jenson 11.97, Leon Vickers 12.64, Daryl Lloyd 12.89, Carl Wright 13.14. Highway (Labor Grade 5) Cordell Rudolph 12.40, Janet Weismantel 13.25, David Bruckner 13.10, Marcus Selzler 12.95. Highway Mechanics Labor Grade (B) Jason Hammrich 12.07, Ronald Glugla 12.29. Field Deputy Sheriff Brian Koens 13.30, Lesley Farmen, Terrence Evans 13.56, Gary Bunt 13.83, Steve Cogley 14.37, David Fair 15.72, Scott Kolb 15.92, Bryan Locke 16.02, John Heine 15.97, Craig Anderson, John McQuillen 16.07. Jail Deputy/Home Detention Supervisor/Assistant JDC Supervisor Kristal Biegler 11.82, Jennifer Mechaley 12.09. Jailers (Adult and JDC) David Koch, Janice Kampfe, Joni Gaulrapp, George Gibbons, Bobbie Olauson, Marjorie Lammon, Paul Alusa, RJ Miller 10.07. Shari Schock, Jason Hoffman, Ben Woodward, Robert Suedmeier, Keith Baker 10.34. Jon Gohn, Justin Cleveland, Darrell Eaglestaff, Matthew Farley, Mandy Pettigrew, Brenda Hammrich 10.61. Russ Ochsner, Heather Rystrom 10.88, Cindy Mitchell, Jeffrey Kirnan 11.14, Amy Mathiason 11.69, Roxanne Schumacher 12.23. Chief Jailers, Juvenile Detention Supervisor Craig Nelson 13.03, John VanderHoek 15.56. **Part time employees – per hour:** Doris Adler, Jacqueline Ormand, Robert Heintzman, Bob Gardner 6.80, Dean Sinclair, Sally Swanson, Daryl Thomas 6.95, Ron Leighty 7.05, Richard Schooley, Brian Lilly 7.20, James Crouch 7.80, Irene Gese 8.30, Kay Albrecht, Ann Bierman, Stacy LeDuc, Kelly Moinichen, Jeremy Zimmerman, Harlan Place, Jason Hill, Andrew Cowen, Tabitha Moore, Shawna Musch, Erik Red Hill 8.80, Kenneth Thompson, Harlan Place, Holly Ann Schumacher, Shana Theobald, Stacey LeDuc 9.49, John Hagen \$10.00, Tina Hubert, Don Fischer, Jim Downie, Andrea Bellew 10.25, Melissa Koester, Lorah Houser Jankord 14.25. **Differential Pay: Adult Jailers, JDC Officers, Deputy Sheriffs, Dispatchers:** 4:00 P.M. to Midnight @ \$0.30 per hour, Midnight to 8:00 A.M. @ \$0.40 per hour NOTE: All overtime calculated on base pay. **GUARDS:** Flat rate of \$75.00 per day for each trip. All members present voting aye. Motion carried.

#### BID – PALMYRA TOWNSHIP LAND LEASE:

Moved by Wiese, seconded by Hansen to authorize advertising hearing to open, read and consider bids for a one-year Lease with no option on the following County Land in Palmyra Township: Tract 1: SW ¼ of Sec 30 and NW ¼ of Sec 31-T128N-R65W (250 acres more or less), Tract 2: SW ¼ of NW ¼, W ½ of SW ¼ and SE ¼ of SW ¼ of Sec 20-T128N-R65W (120 acres more or less), to be held in the Courthouse Annex Meeting Room at 10:00 a.m. on Monday, January 26, 2004. All members present voting aye. Motion carried.

#### CORONER:

Moved by Knecht, seconded by Hansen to appoint Kevin Spitzer as Brown County Coroner, effective January 6, 2004 at a salary of \$100.00 per call. All members present voting aye. Motion carried.

**CLAIM ASSIGNMENT:**

Moved by Wiese, seconded by Knecht to approve and authorize the Chairman sign documentation to assign claims against two individuals to L.F. Noll Inc. for purpose of collecting a lien. All members present voting aye. Motion carried.

**TREASURER REPORT:**

Moved by Wiese, seconded by Knecht to approve the 2003 Fourth Quarter Interest Report submitted by Sheila Enderson, Treasurer. All members present voting aye. Motion carried.

**WEED AND SEED:**

Moved by Hansen, seconded by Fischbach to approve and authorize the Chairman sign Financial Form 269 for October through December 2003 for the Brown County Weed and Seed Grant #2002-WS-QX-0054. All members present voting aye. Motion carried.

**PREVENTION GRANT:**

Moved by Hansen, seconded by Fischbach to approve and authorize the Chairman sign Financial Form 269 for October through December 2003 for the Brown County Special Appropriation "Prevention and Intervention Programs for at-risk and detained youth" Grant #2001-JS-FX-0014. All members present voting aye. Motion carried.

**TECHNOLOGY GRANT:**

Moved by Hansen, seconded by Fischbach to approve and authorize the Chairman sign Financial Form 269 for October through December 2003 for the COPS 2003 Technology Grant #2003-CK-WX-0177. All members present voting aye. Motion carried.

**INDIGENT DEFENSE CONTRACT:**

Moved by Hansen, seconded by Fischbach to approve Indigent Defense Agreement with William Gerdes, Scott Kuck, Christy Serr and Randy Turner, effective January 1, 2004 through December 31, 2005 in amount of \$200,000.00 per year. All members present voting aye. Motion carried.

**RECESS:**

The Chairman declared the Commission recessed until January 13, 2004.

Maxine Taylor - Brown County Auditor



## JANUARY 13, 2004 – GENERAL MEETING

Meeting called to order by Chairman Feickert at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Feickert and Wiese. Absent Commissioner Knecht.

## MINUTES:

Moved by Wiese, seconded by Fischbach to approve the General Meeting minutes of January 6, 2004. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Hansen, seconded by Wiese to approve the following claims:

Payroll: Commissioners..\$2,587.50; Auditor..\$6,009.95; Treasurer..\$8,317.01; Data Processing..\$1,601.93; State's Attorney..\$8,606.15; Victims Assistance..\$904.05; Maintenance..\$4,872.87, Assessor..\$7,284.98; Planning & Zoning..\$1,043.20; Register of Deeds..\$4,635.55; Veterans Service Office..\$2,363.30; Sheriff..\$55,916.55; DOJ Grant..\$1,671.58; Communications..\$14,065.35; Welfare Office..\$2,660.96; Health..\$3,125.88; Museum..\$3,967.46; Fairgrounds & Parks..\$3,121.14, Fairboard..\$1,824.73; Extension..\$1,607.20; Weed..\$350.46; Emergency Management..\$2,160.65; Weed & Seed..\$801.00, Highway..\$26,629.69; Landfill..\$6,214.86; Matching Benefits: FICA..\$10,185.22; Medicare..\$2,382.01:

Supplies: Brown & Saenger..\$408.40, Office Equip..\$55.42, Ecolab..\$67.60, Taylor Laundry..\$25.50, Lar-Jos..\$654.88, Active Data..\$500.00, Lust Chev..\$396.68, Hoven Auto..\$53.25, Quint City Coin-Op..\$39.00, Bonnie Bitz..\$164.00, Cheryl Hairgrove..\$432.00, Medtox..\$250.34, Office Max..\$188.94, MOCIC..\$150.00, SD Sheriff Assn..\$500.00, Dick's Westside..\$31.00, Parcel-Erickson..\$9.00, SD Division of Ag..\$60.00, SDACHS..\$195.00, Share Corp..\$139.60, Petroleum Partners..\$408.29, New Holland Credit..\$18,272.81, Krueger Bros..\$336.60, Kansas State Bank..\$13,765.00, HF Jacobs..\$35,700.00, Howes Oil..\$8013.20, Dware..\$625.00, Crushing..\$3000.00, Ameripride..\$26.92, SD Tourism..\$450.00, Carol White..\$6.25, University Art Gallery..\$500.00, D&d Paint..\$2782.06, Farnams..\$24.23, Menards..\$89.25, Pierson Ford..\$5035.00, Walmart..\$150.21, Quality Quick Print..\$591.90, NE Council of Govt..\$19,359.53, SDN Comm..\$26,250.00, Brown County..\$48.50, City of Groton..\$301.10, Christine Heidenreich..\$1138.50, Warner School Dist..\$488.91, Northern Electric..\$2800.00, Premier Construction..\$1404.61, GC Builders..\$1900.91:

Publications: American News..\$245.23, Groton Independent..\$312.11:

Transcriptions: Neal Reporting..\$114.00, Slowey Court Reporting..\$125.00:

Professional Fees: Avera St Lukes..\$617.50, NE Mental Health..\$160.93, Yankton County..\$213.85, Lewis & Clark BHS..\$250.00:

Court Appointed Attorney: Randy Turner..\$240.16:

Utilities: Northwestern Energy..\$5844.23, City of Aberdeen..\$626.46, Qwest..\$120.00, Northern Valley Comm..\$73.52, Northern Elec..\$1840.00, James Valley Comm..\$141.28, City of Hecla..\$48.00, Town of Frederick..\$20.95:

Jury: Mark Adolf..\$668.12, Ardis Bellikka..\$15.80, Deborah Elsen..\$39.00, Ray Hanson..\$33.20, Michael Kraft..\$668.12, Marvel Larson..\$15.80, Nancy Nack..\$617.54, Jennifer Stippich..\$10.58, Ladonna Sumption..\$637.60, Stewart Swenson..\$685.40, Janelle Arampatzis..\$10.58, Joyce Corliss..\$829.00, H Paul Dennert..\$576.00, Andrew Hoerner..\$566.96, Gladys Melcher..\$10.58, Donna Opsahl..\$10.58, Tamara Pierce..\$617.54, Malee Rosonke..\$22.76, Margaret Shorley..\$465.80:

Care of Poor: Dr./Hospital – 4 recipients..Heart Hospital..\$25,785.05, Avera St Lukes..\$15,581.48; Rent – 7 recipients..Ken Dohn..\$149.00, Dennis Ellwein..\$190.00, SD Real Estate..\$190.00, Dallas Niederbaumer..\$105.00, Mike Salo..\$105.00, Arlan Anderson..\$174.15, Barb Kumpf..\$210.00; Insurance – 2 recipients..Avera Health Plans..\$363.06; Transportation – 1 recipient..Emergency Poor Fund..\$20.00. All members present voting aye. Motion carried.

**PERSONNEL:**

Moved by Wiese, seconded by Fischbach to approve the following employee step/longevity increases, effective January 4, 2004: Janis Erickson @ \$11.96 per hour, Darrell Eaglestaff @ \$10.88 per hour, Mickey Schulz @ \$9.92 per hour, Jason Hammrich @ \$12.29 per hour, Kathy Neitzel @ \$13.05 per hour; and approve the following step/longevity increases, effective January 18, 2004: Penny Hart @ \$14.81 per hour, Craig Anderson @ \$16.12 per hour, Wade Lechner @ \$10.63 per hour, Jane Jensen @ \$11.54 per hour, Brenda Hammrich @ \$10.88 per hour, Patty VanMeter @ \$11.36 per hour, John McQuillen @ \$16.12 per hour. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Fischbach to acknowledge resignation of Jason Hoffman, effective January 6, 2004. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to approve the following salary adjustments, effective December 21, 2003: Ted Brockel @ \$ 9.26 per hour; Doris Adler, Robert Heintzman, Bob Gardner, Jacqueline Ormand @ \$6.90 per hour; Dean Sinclair, Sally Swanson, Daryl Thomas @ \$7.05 per hour; Ron Leighty @ \$7.15 per hour; Richard Schooley, Brian Lilly @ \$7.30 per hour, James Crouch @ \$7.90 per hour, Irene Gese @ \$8.40 per hour; Kay Albrecht, Ann Bierman, Stacey LeDuc, Kelly Moinichen, Jeremy Zimmerman, Harlan Place, Jason Hill, Andrew Cowen, Tabatha Moore, Shawna Musch, Erik Red Hill @ \$8.90 per hour; Kenneth Thompson, Harlan Place, Holly Ann Schumacher, Shana Theobald, Stacey LeDuc @ \$9.59 per hour; John Hagen @ \$10.10 per hour; Tina Hubert, Jim Downie, Don Fischer, Andrea Bellew @ \$10.35 per hour; Jerry Dempsey @ \$13.08 per hour; Melissa Koester, Lorah Houser Jankord @ \$14.35 per hour. All members present voting aye. Motion carried.

**ABATEMENTS:**

Moved by Fischbach, seconded by Wiese to approve the following Abatements: Charles Knecht, double assessment (BOLS SW 21-126-60) for 2003 @ \$12.70; Larry T and Suzanne M Vogel, tax deed property (Lt 5 Bk 6 Prairiewood Vlg NE 33-124-63) for 2003 @ \$174.48; Andrew & Kelli VanSteenwyk, owner/occupied (Lt 6 & N 25' Lt 7 Bk 24 Simmons 1<sup>st</sup> Addn) for 2003 @ \$452.90; Adam & Kelli Burgard, owner/occupied (Lt 19-20 Bk 12 Hagerty & Lloyd Addn) for 2003 @ \$354.59. All members present voting aye. Motion carried.

**AUDITORS REPORT OF ACCOUNT:**

Moved by Fischbach, seconded by Wiese to approve the December 2003 Auditor's Report of Account with the County Treasurer in total amount of \$8,090,588.04 (total amount of actual cash @ \$2866.53, Wells Fargo Bank @ \$3694.79, US Bank @ \$288,430.90, Dacotah Bank @ \$120,965.43, Petty Cash @ \$1700.00, Fund Investments @ \$7,672,296.92, Outstanding checks @ \$633.47). All members present voting aye. Motion carried.

**SHERIFF REPORTS:**

Moved by Fischbach, seconded by Wiese to approve the following December 2003 Sheriff Reports: Incidents & Offenses, Prisoner Care, JDC, Money deposited with the County Treasurer and Monthly activities. All members present voting aye. Motion carried.

**VEHICLES - PURCHASE/SURPLUS:**

Moved by Wiese, seconded by Fischbach to approve purchase of a 1998 Chev Venture Mini Van in amount of \$8000.00 from Pierson Ford and further to declare a 1988 Chev PU surplus for purpose of trade-in on the 1998 Chev in amount of \$3000.00. All members present voting aye. Motion carried.

**AGREEMENT:**

Moved by Wiese, seconded by Hansen to approve and authorize the Chairman to sign the 2004 Emergency Management State and Local Agreement Addendum. All members present voting aye. Motion carried.

#### 2004 ASSESSMENT PLAN:

Moved by Wiese, seconded by Hansen to approve the 2004 Assessment Plan as submitted by Mary Worlie, Director of Equalization. All members present voting aye. Motion carried.

#### PDM MAN-MADE HAZARD ANNEX:

Moved by Wiese, seconded by Hansen to approve and authorize the Chairman to sign Agreement to create a Man-Made Hazard Annex to the Pre-Disaster Mitigation plan currently being drafted in amount of \$2,750.00. All members present voting aye. Motion carried.

#### P & Z BOARD APPOINTMENTS:

Moved by Wiese, seconded by Fischbach to appoint Stan Beckler to the Planning & Zoning Board (first term), effective January 1, 2004 through December 31, 2008. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Wiese to re-appoint Erling "Punch" Podoll (second term), Harley Gage (third term) and Jerry Streckfuss (third term) to the Planning & Zoning Board, effective January 1, 2004 through December 31, 2008. All members present voting aye. Motion carried.

#### BRIDGE DELETION:

Commissioner Wiese offered the following Resolution:

#### RESOLUTION NO. 4-04 RESOLUTION TO DELETE BRIDGE FROM NBIS

The Brown County Board of Commissioners is in agreement with SDDOT that the following structures should be deleted from the National Bridge Inventory System (NBIS) for the following reason:

#### STRUCTURE ID, LOCATION AND REASON FOR DELETION:

07-127-010 (Bridge #215) 6.3 miles North and 2.4 miles East of Frederick, SD; 07-140-251 (Bridge #150) 2.6 miles South and 6.0 miles West of Columbia, SD; 07-223-320 (Bridge #109) 0.5 miles North and 2.8 miles East of Bath, SD. County is closing structures, not to be re-opened to traffic.

The Commission is aware of the following stipulations once a structure is deleted from the NBIS Inventory:

1. Federal Bridge funds will not be available for structure replacement or rehabilitation, and
2. The structures will only be added to the Inventory following replacement, using County funds.

Seconded by Commissioner Hansen. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-absent, Wiese-aye, Feickert-aye. Resolution adopted.

#### INVENTORY TRANSFER:

Moved by Wiese, seconded by Fischbach to transfer Decal #1397 1975 Caterpillar 910 Loader from the Highway Department to the Fairgrounds. All members present voting aye. Motion carried.

#### EXECUTIVE SESSION:

Moved by Fischbach, seconded by Wiese to go into executive session to discuss personnel with Vicky Wicks, Victims Assistant in attendance. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Wiese to adjourn executive session, with no action taken as a result of discussion. All members present voting aye. Motion carried.

**ACCESS APPROVAL PRIOR TO PLAT:**

States Attorney Mark McNeary will draft a county ordinance requiring written approval of access be obtained prior to filing plats for any property along the Brown County highway system, in conjunction with SDCL 11-3-12.1, which requires written approval of access be obtained prior to filing plats for any property along the state highway system.

**RECESS:**

The Chairman declared the Commission recessed until January 20, 2004.

Maxine Taylor – Brown County Auditor

## January 20, 2004 – GENERAL MEETING

Meeting called to order by Chairman Feickert at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Fischbach, Wiese and Knecht.

### MINUTES:

Moved by Wiese, seconded by Knecht to approve the General Meeting minutes of January 13, 2004. All members present voting aye. Motion carried.

### CLAIMS:

Moved by Fischbach, seconded by Knecht to approve the following claims:

Supplies: Pitney Bowes..\$297.00, Office Equip..\$4.19, Menards..\$322.79, OK Tire..\$7.00, Heartland Paper..\$238.00, Ecolab..\$143.70, Gardner Locksmith..\$55.00, Hagen Ins..\$351.00, Quill..\$50.07, Lawson Products..\$285.57, Larson Blacksmith..\$18.80, Kens Alignment..\$83.43, Howes Oil..\$8013.20, Heartland Paper..\$239.08, Erdmann Oil..\$552.64, Diesel Machinery..\$5650.00, RE Huffman..\$3.11, Lora Schaunaman..\$16.16, Dacotah Prairie Museum..\$17.39, A&M Radio..\$150.00, IAFE..\$650.00, Trout Bros..\$224.00, Academy..\$27.00, Macs..\$40.36, Farnam's..\$46.23, Extension Service..\$102.44, ProMap Corp..\$3850.00, Dakota Electronics..\$60.00, Dispatch Monthly Magazine..\$20.00, Farm & Home Pub..\$24.25, SDEMA..\$60.00, City of Aberdeen..\$5912.50, Grote Body Shop..\$288.19:

Publications: American News..\$588.92, Groton Independent..\$194.44:

Utilities: Dependable..\$16034.42, Northwestern Energy..\$2938.98, Northern Elec..\$382.18, Qwest..\$4547.98, James Valley Comm..\$198.40, Cellular One..\$38.00, Verizon..\$64.18, Midcontinent Cable..\$36.08:

Care of Poor: Drugs – 6 recipients.. Dakota Square Pharm..\$52.97, Walmart Pharm..\$96.98, Medical Center Pharm..\$504.42; Dr./Hospital – 12 recipients..Aberdeen Surgical Assoc..\$139.23, Harbert Orthopedics..\$1584.01, Northern Plains..\$222.66, Harlow Orthopedics..\$1623.58, Avera St Lukes..\$23,718.19, Dr Cliff Matushin..\$198.35, Dakota Imaging..\$216.88, Surgical Assoc..\$403.20:

Utilities – 1 recipient..Northern Elec..\$50.72, BDM..\$30.00:

Rent – 3 recipients..Lou Ludwig..\$230.00, Jim Lickfelt..\$167.00, T&S Investments..\$190.00:

All members present voting aye. Motion carried.

### PERSONNEL:

Moved by Wiese, seconded by Knecht to approve hiring Jason Hill and Andrew Cowan as part-time Home Detention staff, effective January 26, 2004 at \$9.59 per hour. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Wiese to acknowledge resignation of Loren Nehlich, effective January 15, 2004. All members present voting aye. Motion carried.

### CDBG – CLOSE-OUT DOCUMENTS:

Moved by Wiese, seconded by Fischbach to approve and authorize Chairman to sign CDBG Close-out documents for Museum Project. All members present voting aye. Motion carried.

**INCREASE SPECIAL MALT BEVERAGE FEES:**

Moved by Hansen, seconded by Fischbach to increase Special Malt Beverage License Fees from \$5.00 per day to \$50.00 per day. All members present voting aye. Motion carried.

**VICTIM'S ASSISTANT:**

Vicky Wicks, Brown County Victim's Assistant explained the Victim's Assistance program and an overview of what her job entails. Monica Hale and Lisa Coody from Safe Harbor and Ruth Heiser from NE Mental Health spoke in support of the program.

**FAIRGROUNDS INDOOR ARENA:**

Kurt Smith, Manager, Brown County Fairgrounds presented a proposed plan for an indoor arena at the Fairgrounds. The Commission directed him to obtain alternative options and possible funding sources for the new building.

**RECESS:**

The chairman declared the Commission recessed until January 27, 2004.

Carol Misfeldt – Deputy Brown County Auditor

# JANUARY 27, 2004 – GENERAL MEETING

Meeting called to order by Chairman Feickert at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Fischbach, Knecht and Wiese.

## MINUTES:

Moved by Fischbach, seconded by Wiese to approve the General Meeting minutes of January 20, 2004. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Wiese, seconded by Fischbach to approve the following claims:

Payroll: Commissioners..\$2,587.50; Auditor..\$6,958.75; Treasurer..\$8,312.35; Data Processing..\$1,601.93, State's Attorney..\$8,606.15; Victims Assistance..\$904.05; Maintenance..\$5,074.87, Assessor..\$7,455.37; Planning & Zoning..\$1,043.20; Register of Deeds..\$4,635.55; Veterans Service Office..\$2,335.90; Sheriff..\$53,453.77; DOJ Grant..\$1,400.15; Communications..\$13,554.53; Welfare Office..\$2,660.96; Museum..\$3,928.21; Fairboard..\$875.93; Fairgrounds & Parks..\$3,121.14; Extension..\$1,218.00; Weed..\$277.38; Emergency Management..\$2,160.65; Weed & Seed..\$1,067.31; Highway..\$26,711.32; Landfill..\$5,940.60; Matching Benefits: FICA..\$9,612.45, Medicare..\$2,248.06, Wellmark BCBS Life..\$664.46, Wellmark BCBS Health..\$54,711.76, Delta Dental..\$3,482.00, SD State Retirement..\$19,909.36;  
Supplies: SDACC..\$77.00, Health Dept..\$28.00, Best Business..\$224.91, Reserve Acct..\$5000.00, West Group..\$3025.75, CMS Holdings..\$2006.25, McLeods..\$246.00, Lar-Jos..\$167.00, Ameripride..\$28.56, United Labs..\$463.29, Dakota Supply..\$19.55, McFarland Supply..\$7.49, Rux Bros..\$43.97, Best Business..\$224.78, NECOG..\$1113.10, Civic Research..\$169.95, Jewett Drug..\$14.26, Towing Plus..\$75.00, SD Sheriff Assn..\$55.00, Pierson Ford..\$221.19, New Trends..\$9.29, Ecolab..\$81.50, Velvet Uniforms..\$131.81, Sewing Shoppe..\$39.00, Amoco..\$13.99, Avera St Lukes..\$6376.81, Wholesale Elec..\$75.83, Bob Barker..\$148.87, OK Tire..\$7.00, Credit Bureau..\$7.50, Safety Service..\$94.50, Accurint..\$7.50, Medical Center Pharm..\$431.88, Phillips 66..\$118.60, Suppleyes..\$17.94, Matthew Bender..\$63.20, Decatur..\$4329.00, Pharatech..\$2085.00, Avera United Clinic..\$45.00, Visa..\$59.40, Dept of Rev..\$850.00, Jan Weismantel..\$10.60, Viking Office..\$152.20, Don Maunu..\$1600.00, JH Larson Co..\$169.09, Howes Oil..\$7721.00, Farm Power..\$65.12, Dacotah Prairie Museum..\$1.95, RE Huffman..\$65.25, Runnings..\$20.63, Office Max..\$318.98, Farnam's..\$2.29, Menards..\$89.12, Aberdeen Hockey Assn..\$50,000.00, Weed & Pest Conf..\$100.00, Gerald Dempsey..\$40.00, Dakota Air..\$43.50, Olympic Sales..\$4800.00, Advanced Weighing Systems..\$1400.00, Virginia Mitchell..\$50.00, Gemplers..\$307.55, Earth Tech..\$393.58, New Waste Concepts..\$414.66, Safety-Kleen..\$175.90, MVTL..\$27.20, Enpac Corp..\$1409.00, Keypoints Training..\$1443.76, Aberdeen Fire Dept..\$1396.56, Brown County Emergency Mgmt..\$3797.68, Warner School..\$6944.16, High Priority Connections..\$1500.00, City of Aberdeen..\$739.92, City of Groton..\$699.00, NECOG..\$1666.66, Brown County..\$2817.23:

Publications: American News..\$489.49:

Transcriptions: Neal Reporting..\$68.00:

Professional Fees: witness fees..\$173.94, NE Mental Health..\$219.45:

Court Appointed Attorney: Christy Serr..\$4166.67, Kuck Law Office..\$4166.67, William Gerdes..\$4166.67, Randy Turner..\$4166.67, Tim Bormann..\$2349.50:

Utilities: Qwest..\$135.24, Cellular One..\$833.46, Midcontinent Communications..\$267.67, Northwestern Energy..\$1028.69, Prairiewave..\$19.95, Northern Elec..\$871.80, WEB..\$45.36:

Care of Poor: Dr./Hospital – 2 recipients..Avera St Lukes..\$20,815.10; Utilities – 1 recipient..Northern Elec..\$210.00; Rent – 2 recipients..Lakeside Estates..\$158.00, J&L Renters..\$210.00; Insurance – 3 recipients..Avera Health Plans..\$340.89, Midstates Printing..\$255.00, Wellmark Blue Cross..\$329.60; Transportation – 1 recipient..Brown County Hwy..\$12.13. All members present voting aye. Motion carried.

**PERSONNEL:**

Moved by Wiese, seconded by Hansen to approve the following employee step/longevity increase, effective February 1, 2004: Bobbie Olauson @ \$10.34 per hour. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to approve 219.50 hours of work-study hours completed by Jonathan N Meyer and 86 hours of work-study hours completed by Bobbie J Mauer in 2003 for work comp purposes. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to acknowledge the following miles driven and amount to be taxed for personal use of County vehicles during November and December 2003: Richard Burns – 114 @ \$37.05, Dirk Rogers – 767 @ \$249.28, Mike Scott – 244 @ \$79.30. All members present voting aye. Motion carried.

**ABATEMENT:**

Moved by Knecht, seconded by Wiese to approve the following Abatement: Phil Bodine, tax deed property (N 10' of Lt 15 and all of Lt 16 Bk 10 Hagerty & Lloyds Addn) for 2003 @ \$361.71. All members present voting aye. Motion carried.

**COMBINED ELECTION AGREEMENT:**

Moved by Wiese, seconded by Fischbach to approve and authorize the Chairman sign Agreement between Brown County, the Aberdeen School District 6-1 and the City of Aberdeen for the purpose of conducting a combined election as provided under the provisions of SDCL 9-13-37, 13-7-10.3 and 12-2-5 on June 1, 2004. All members present voting aye. Motion carried.

**LOTTERY APPLICATION:**

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman sign application, submitted by the Stratford Community Theatre for raffles to be held on February 29, March 7, March 13 and March 20, 2004. All members present voting aye. Motion carried.

**LEASE AGREEMENTS:**

Moved by Wiese, seconded by Fischbach to approve and authorize the Chairman sign the following Lease Agreements for one year: Tract 1 – SW ¼ of Sec 30 and NW ¼ of Sec 31-T128N-R65W (250 acres more or less) to L.R. Corporation for \$6.50 per acre (\$1,625.00). Tract 2 – SW ¼ of NW ¼, W ½ of SW ¼ and SE ¼ of SW ¼ of Sec 20-T128N-R65W (120 acres more or less) to Thorpe Ranch for \$6.50 per acre (\$780.00). All members present voting aye. Motion carried.

Moved by Hansen, seconded by Fischbach to approve and authorize the Chairman sign land lease renewal (year 2 of a 3 year lease) agreement with Jeff Voeller on the NW ¼ of Sec 14-T123N-R65W of 5<sup>th</sup> P.M., Brown County, SD 145 acres @ \$52.36 per acre - \$7,592.20. All members present voting aye. Motion carried.

**BROWN COUNTY WEED AND SEED:**

Moved by Wiese, seconded by Fischbach to approve and authorize the Chairman sign Categorical Assistance Progress Report for the Brown County Weed and Seed Grant #2002-WS-FX-0054 for July 1, 2003 through December 31, 2003. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Knecht to approve the Brown County Weed and Seed Monthly Expenses for January 2004 (Year Two 2002-WS-QX-0054), in amount of \$9,883.08. All members present voting aye. Motion carried.



Moved by Wiese, seconded by Knecht to approve the Brown County Weed and Seed Monthly Expenses for January 2004 (Year Three 2002-WS-QX-0054), in amount of \$4,483.89. All members present voting aye. Motion carried.

**PREVENTION GRANT:**

Moved by Wiese, seconded by Knecht to approve and authorize the Chairman sign Categorical Assistance Progress Report for the Brown County "Prevention and Intervention Programs for At-Risk and Detained Youth" Grant #2001-JS-FX-0014 for July 1, 2003 through December 31, 2003. All members present voting aye. Motion carried.

**DOJ FY2003 PART I EQUIPMENT GRANT PROGRAM AGREEMENT:**

Moved by Knecht, seconded by Wiese to approve and authorize the Chairman sign DOJ FY 2003 Part I Equipment Grant reimbursement Agreement in amount of \$28,751.84 (duplicate of motion approved in General Meeting minutes of December 23, 2003). All members present voting aye. Motion carried.

**WAIVE SHERIFF FEES:**

Moved by Wiese, seconded by Fischbach to waive the following Sheriff Fees: #04-01 @ \$24.90, #04-02 @ \$18.60, #04-03 @ \$16.50, #04-04 @ \$16.50 and #04-05 @ \$16.50. All members present voting aye. Motion carried.

**PLAT:**

Commissioner Fischbach offered the following Resolution:

**RESOLUTION NO. 05-04**

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing "Knudsen Conservation Easement Tract 1 in the NW ¼ of Sec 23-T123N-R62W of the 5<sup>th</sup> P.M., Brown County, SD" having been examined, is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof.

Seconded by Commissioner Wiese. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

**TRACFONE WIRELESS:**

Moved by Wiese, seconded by Hansen to approve and authorize the Chairman sign letter to SD Attorney General Larry Long in regard to the collection of the 911 surcharge from TracFone Wireless, Inc. All members present voting aye. Motion carried.

**GROTON AREA SCHOOL DISTRICT 06-6 – SPECIAL ELECTION:**

Moved by Wiese, seconded by Hansen to set April 20, 2004 as date for Special Election to elect school board members for the new Groton Area School District 06-6 (formerly Groton School District 06-3 and Bristol School District 18-1). All members present voting aye. Motion carried.

**BCCHC REPORT:**

DeAnna Kyburz presented the Brown County Community Health Center Report for October-December 2003.

**BID DATES SET:**

Moved by Wiese, seconded by Knecht authorize advertising public hearing to open, read and consider the following bids for the Highway Department, to be held in the Commissioner's Chambers, Courthouse

Annex, Brown County, SD: Rental of Equipment at 9:00 a.m. and Gravel Material at 9:30 a.m. on February 24, 2004. All members present voting aye. Motion carried.

RECESS:

The Chairman declared the Commission recessed until February 3, 2004.

Maxine Taylor – Brown County Auditor

## FEBRUARY 3, 2004 - GENERAL MEETING

Meeting called to order by Chairman Feickert at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Fischbach and Wiese. Absent Commissioner Knecht.

## MINUTES:

Moved by Wiese, seconded by Fischbach to approve the General Meeting minutes of January 27, 2004. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Wiese, seconded by Hansen to approve the following claims:

Supplies: Nat'l College of DA..\$25.00, Exec Mgmt..\$3210.35, Matthew Bender..\$31.60, New Trends..\$143.32, Office Equip..\$109.08, Radioshack..\$2.49, Dakota Supply..\$11.00, Court St Lighting..\$26.07, Crescent Elec..\$119.72, Taylor Tech..\$27.08, Fordham Signs..\$68.00, Kesslers..\$4.14, Simplex..\$239.00, Menards..\$158.52, Custom Micro..\$5000.00, Hewlett Packard..\$9165.00, Stop Tech..\$3283.95, Best Business..\$142.05, Velvet Uniforms..\$95.30, Parcel Erickson..\$21.95, Wholesale Elec..\$5.45, Sanders Sew 'N Vac..\$25.38, Respond..\$206.70, Moore Medical..\$126.95, Evercom..\$840.00, Active Data..\$4855.92, Reuer's Auto..\$40.10, Lyle Signs..\$2039.47, Mac's..\$675.79, Lawson Products..\$151.88, Crawford Trucks..\$4171.47, John Deere Credit..\$30,788.46, Great Western Tire..\$439.12, Diesel Machinery..\$14,975.00, Creative Signs..\$60.00, Cass County Heating..\$3500.00, Bridgestone Firestone..\$70.96, Walmart..\$297.83, SD Division of Motor Vehicles..\$19.00, Runnings..\$4.30, House of Glass..\$25.91, IAFE..\$30.00, Blanchard Comm..\$625.00, ND State University..\$75.50, RDJ Spec..\$90.40, State Radio..\$2050.00, Lab Safety..\$201.47, Lab Safety..\$3868.22, Medtronic..\$8951.88, Swarovski Optik..\$10,505.05, Photos Now..\$2547.00, Pratt Audio-Visual..\$7267.00, EF Johnson..\$66,128.00, Artz Camera..\$24.58, OK Tire..\$94.00, Runnings..\$130.25, Petroleum Partners..\$901.97, Webb Shoes..\$162.00, Cole Papers..\$660.52, Chem-Tainer Ind..\$1295.09, Butler..\$187.60, Powerplan..\$575.89, Sheehan..\$135.60, USPO..\$68.00, SD Dept of Rev..\$2461.46:

Publications: Dakota Press..\$957.73, Groton Indep..\$108.19, Patomac News..\$89.16, American News..\$34.25:

Transcriptions: Betsy Johnson..\$255.00:

Professional Fees: witness fees..\$80.60, Wells Fargo Services..\$21.45, LCM Pathologists..\$5191.15, Marv Ekeren..\$15.00, Donna Dietrich..\$119.97:

Court Appointed Attorney: Harmelink & Fox..\$86.27, Kettering Law Office..\$130.80, Don Carlson..\$15.00:

Utilities: Midcontinent Cable..\$141.79, Qwest..\$202.82, Northwestern Energy..\$34.10, Montana Dakota..\$33.73, Web..\$37.50, Cellular One..\$47.80:

Travel: Dennis Feickert..\$20.30, Deb Knecht..\$121.80, Leo Leshner..\$72.79, Gene Loeschke..\$179.22, David Fair..\$10.00:

Care of Poor: Drugs – 16 recipients..Shopko Pharm..\$236.37, Kessler Pharm..\$734.47, Jones Drug..\$625.43, K-Mart Pharm..\$103.88, Dakota Square Pharm..\$88.58, Plaza Pharm..\$298.78; Dr./Hospital – 6 recipients..Dakota Plains Surgical Center..\$452.00, Avera St Lukes..\$8236.31; Rent – 7 recipients..Lakeside Estates..\$158.00, SD Real Estate..\$136.50, Warren Hunstad..\$210.00, Rob Hengel..\$230.00, T&S Investments..\$119.00, Bob Schatz..\$190.00, Black Acre..\$250.00; Insurance – 1 recipient..Avera Health Plans..\$333.60; Transportation – 1 recipient..Brown County Hwy..\$18.46. All members present voting aye. Motion carried.

## ABATEMENTS:

Moved by Fischbach, seconded by Hansen to approve the following Abatements: Standard Pacific, mobile home on dealers lot (BOLS Country Vlg #5 SW 34-124-64) for 2003 @ \$310.97; Arlan D &

Mary K Aman, building burned down (S 6' Lt 1 & Lt 2-4 Blk 22 West Hill Addn) for 2003 @ \$927.72; Susan Clark, incorrect value (Lt 4 Bk 23 Highland Park Addn) for 2003 @ \$367.92; Clarabel Daschel, incorrect value (#12 Dakota Park East Condo E 310' OL B Bk 13 10<sup>th</sup> Addn to Highland North) for 2003 @ \$44.11; Arlene Griffiths, incorrect value (S 45' Lt 21-24 Bk 39 West Abdn Addn) for 2003 @ \$401.80; Mary Hoeft, incorrect value (N 67' Lt 13-14 Bk 2 Pleasant Hill Addn) for 2003 @ \$203.08; Bernice Nixon, incorrect value (Lt 14 Bk 34 1<sup>st</sup> Addn Frederick) for 2003 @ \$43.89; Harvin Schlosser, bare lot (portion Hinz 1<sup>st</sup> Addn SE of abandoned RR SW 12-125-64 ex portion Hertel 1<sup>st</sup> Subd Westport) solid waste for 2004 @ \$65.00; Karen White, bare lot (Lt 17 Bk 2 Bensons Addn Claremont) solid waste for 2004 @ \$65.00; Violet Utecht, incorrect value (Lt 15 Bk 3 Pleasant Hill Addn) for 2003 @ \$146.45. All members present voting aye. Motion carried.

**SURPLUS PROPERTY:**

Moved by Wiese, seconded by Hansen to declare Decal #3826 (desk), Decal #3833 (chair) and Decal #3862 (stand) surplus for disposal. All members present voting aye. Motion carried.

**SET HEARING DATE:**

Moved by Fischbach, seconded by Wiese to set public hearing for 5:30 p.m. on February 23, 2004 in the Aberdeen City Commission Chambers, 123 S Lincoln Street for First Reading of Ordinance No. 04-02-02/289, An Ordinance Amending Section 701.10, 703.4, 704.4, 705.4, 706.7, 707.4, 708.4, 710.4, 711.4, 714.10, 715.5, 716.4, adding Sec 702.4, 709.6, 712.5 of Ordinance No. 1164, as amended, known as the Zoning Ordinance of the City of Aberdeen, SD, amending the Jurisdiction and Section 4 of Ordinance No. 1411, as amended, known as the Sign Ordinance of the City of Aberdeen, SD, requiring the provisions of Sign Ordinance No. 1411, as amended, to apply to all lands within the corporate limits of the City of Aberdeen, SD and in all one-quarter sections fully contained within the territory beyond said corporate limits as now or hereafter fixed, for a distance of three miles in all directions. All members present voting aye. Motion carried.

**INCREASE ESTIMATED REVENUE/SPENDING AUTHORITY:**

Moved by Wiese, seconded by Fischbach to increase estimated revenue in Fund #236-331 and spending authority in Fund #236-222.07-429 in amount of \$26,250.00 for EM Transport Cost Grant. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to increase estimated revenue in Fund #236-331 and spending authority in Fund #236-222.04-426 in amount of \$1,494.32 for EM CERT Grant. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to increase estimated revenue in Fund #236-331 and spending authority in Fund #236-222.08-426 in amount of \$11,373.05 for EM SHSGP FY 02 Grant. All members present voting aye. Motion carried.

**DISPARATE JURISDICTION:**

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman sign Financial Form 269 for October through December 2003 for the Brown County Disparate Jurisdiction Grant #2002-LB-BX-0900. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman sign Financial Form 269 for September 17, 2003 through September 30, 2003 for the Brown County Disparate Jurisdiction Grant #2003-LB-BX-1657. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman sign Financial Form 269 for October through December 2003 for the Brown County Disparate Jurisdiction Grant #2003-LB-BX-1657. All members present voting aye. Motion carried.

#### WEED AND SEED:

Moved by Wiese, seconded by Hansen to approve and authorize the Chairman sign Addendum No. 1 to Agreement with Dr. Bruce Petrie to provide outside evaluation services for Year Two of the Department of Justice Program known as Brown County Weed and Seed #2002-WS-QX-0054, extending agreement ending date to January 20, 2004. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to approve for filing the Year #2 Evaluation Report (October 1, 2002 – September 30, 2003) for the Brown County Weed and Seed Grant #2002-WS-QX-0054, prepared by Dr. Bruce Petrie, Ph.D. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Fischbach to approve and authorize the Chairman sign Categorical Assistance Progress Report for the Brown County Weed and Seed Project for July 1, 2003 through December 31, 2003. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to approve the following Weed and Seed Year Two funding proposal: Aberdeen Public School (Display Material), as recommended by the Steering Committee. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to approve the following Weed and Seed Year Three funding proposal: Weed and Seed (Workshop/Regional Meeting), as recommended by the Steering Committee. All members present voting aye. Motion carried.

#### CLAIM ACCEPTANCE:

Moved by Wiese, seconded by Hansen to accept \$2,200.00 as payment in full for an individual, as recommended by Noll Collection Services. All members present voting aye. Motion carried.

#### A&N ATTORNEY APPOINTMENTS:

Mark McNeary, accompanied by Bill Gerdes, Christy Serr and Kelly Marnette discussed grant funding that ended December 31, 2003, which paid attorney fees to represent a child in an Abused and Neglect Court Case (A&N) and further discussed if this would affect the current Court Appointed Attorney Contract. Ms. Marnette stated there are 23 pending cases in Brown County. Mr. McNeary will contact NECOG for assistance in researching additional grant funds and will inform the Commission as soon as possible.

#### EXECUTIVE SESSION:

Moved by Wiese, seconded by Hansen to go into executive session to discuss contract with Mark McNeary in attendance. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Fischbach to adjourn executive session, with no action taken as a result of discussion. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to go into executive session to discuss personnel with Bill Meink and Mark McNeary in attendance. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to adjourn executive session, with no action taken as a result of discussion. All members present voting aye. Motion carried.

**PARTIAL PAYMENTS:**

Moved by Wiese, seconded by Hansen to authorize Sheila Enderson, County Treasurer to accept partial payments for taxes (as authorized by SDCL 10-21-7) in amount of \$200.00 per month on the S ½ of Lot 2 Bk 48 Bennett & Thomas Addn to Aberdeen. All members present voting aye. Motion carried.

**COURTHOUSE CENTENNIAL CELEBRATION:**

Sue Gates, Dacotah Prairie Museum Director discussed preliminary plans to celebrate the Courthouse Centennial. Commissioner Wiese and Ms. Gates will contact other volunteers to coordinate activities.

**PLAT ADDRESSING:**

Mary Worlie, Director of Equalization discussed various plats that have not had addresses assigned and discussed pending legislation affecting congregate housing and NAZ percentages.

**EXECUTIVE SESSION:**

Moved by Wiese, seconded by Hansen to go into executive session to discuss personnel with Mary Worlie in attendance. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Fischbach to adjourn executive session, with no action taken as a result of discussion. All members present voting aye. Motion carried.

**RECESS:**

The Chairman declared the Commission recessed until February 10, 2004.

Maxine Taylor – Brown County Auditor

## FEBRUARY 10, 2004 – GENERAL MEETING

Meeting called to order by Vice Chairman Knecht at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen and Fischbach. Absent Commissioners Feickert and Wiese.

### MINUTES:

Moved by Hansen, seconded by Fischbach to approve the General Meeting minutes of February 3, 2004. All members present voting aye. Motion carried.

### CLAIMS:

Moved by Fischbach, seconded by Hansen to approve the following claims:

Payroll: Commissioners..\$2,587.50; Auditor..\$7,029.85 Treasurer..\$8,320.87; Data Processing..\$1,601.93; State's Attorney..\$8,624.55; Victims Assistance..\$904.05; Maintenance..\$5,106.01, Assessor..\$7,035.65; Planning & Zoning..\$1,062.76; Register of Deeds..\$4,635.55; Veterans Service Office..\$2,322.00; Sheriff..\$54,704.04; DOJ Grant..\$805.60; Communications..\$14,946.87; Welfare Office..\$2,660.96; Museum..\$3,876.46; Fairgrounds & Parks..\$3,121.14, Fairboard..\$875.93; Extension..\$1,218.00; Weed..\$441.47; Emergency Management..\$2,160.65; Weed & Seed..\$1,038.18, Highway..\$26,624.19; Landfill..\$6,415.72; Matching Benefits: FICA..\$9,903.23; Medicare..\$2,316.09;

Supplies: Lien Transportation..\$2357.43, Quality Quick Print..\$665.38, Runnings..\$198.85, Lien Transportation..\$191.25, Taylor Laundry..\$16.50, Nelson Sales..\$84.68, Heartland Paper..\$53.46, Macs..\$11.85, New Trends..\$35.54, Warner School Dist..\$511.65, HRS..\$3289.12, Pierson Ford..\$82.91, Sewing Shop..\$67.00, Hoven Auto..\$293.82, OK Tire..\$25.00, Dicks Westside..\$60.00, Economy Meats..\$80.00, Herbergers..\$49.96, Parcel-Erickson..\$43.90, Cheryl Hairgrove..\$918.00, Walmart..\$204.71, FedEx..\$5.62, Dakota Electronics..\$392.75, South Dakota Wings..\$195.00, SD Federal Property..\$116.25, Accurint..\$3.10, State Radio..\$4100.00, Kustom Signals..\$208.50, Career Planning..\$1449.25, Sentencing Concepts..\$1409.59, SD Sec/State..\$25.00, Safety Service..\$318.00, Pro Ag..\$24.83, Respond First Aid..\$47.45, Palmer Dist..\$314.97, North Central Farmers Elev..\$985.30, Newman Signs..\$415.00, Midwest Pump & Tank..\$912.49, Menards..\$6359.18, Lust Chev..\$175.00, K-Mart..\$31.56, Interstate Battery..\$70.95, House of Glass..\$83.35, Gary's Auto..\$49.95, Evergreen Supply..\$148.40, Erdmann Oil..\$1448.31, Diesel Machinery..\$14,000.00, Mike Elsen..\$200.00, Economy Oil..\$1874.25, Dakota Oil..\$2319.58, Dakota Fluid Power..\$634.80, Cartney Bearing..\$23.91, CarQuest..\$1324.62, Butler Machinery..\$193.36, Best Business..\$6.37, Advanced Auto..\$17.82, Midwest Rubber Stamp..\$48.39, UBC..\$83.94, Ken's Superfair Foods..\$22.75, A&M Radio..\$44.50, Erdmann Oil..\$2798.36, Aberdeen Equip..\$145.60, Farnam's..\$4.33, Nelson Auto..\$38.50, HC Clark..\$94.95, Office Max..\$699.42, SD Assoc of County Comm..\$246.50, Avera Queen of Peace..\$287.50, Sheehan Mack Sales..\$161.80, Praxair..\$15.70, Cunningham Elec..\$1535.33, Brick Propane..\$13.50;

Publications: American News..\$734.11, Groton Independent..\$85.66;

Professional Fees: witness fees..\$20.00, Christine Heidenreich..\$1507.25, Donna Dietrich..\$118.47, Yankton County..\$179.60, NE Mental Health..\$160.93, Joan Kittelson..\$15.00, Don Carlson..\$15.00;

Court Appointed Attorney: Christy Serr..\$656.75, David Hosmer..\$136.26;

Utilities: City of Aberdeen..\$449.62, Northwestern Energy..\$8905.87, Verizon..\$141.33, Northern Valley Comm..\$144.57, James Valley Co-Op..\$343.73, Town of Frederick..\$18.25, Cellular One..\$38.00, Northern Rural Cable..\$79.90, Dependable Sanitation..\$13,404.02;

Travel: Mike Wiese..\$191.34, Kendell Titze..\$12.00, Nick Fullmer..\$12.00, Richard Burns..\$12.00, Kyle Brandner..\$12.00;

Care of Poor: Dr./Hospital – 6 recipients..Aberdeen Plastic Surgery Assoc..\$611.92, Orthopedic Surgery Spec..\$1064.70, Northern Plains OMS..\$434.50, Sioux Valley Clinic..\$294.68, Ophthalmology Assoc..\$1618.20, Avera St Lukes..\$381.37; Rent – 7 recipients..Janine Tritle..\$210.00, Linda Marko..\$131.00, Russell Daugherty..\$230.00, Joanne Mehlhoff..\$190.00, Dallas Niederbaumer..\$190.00,

Jon Husby..\$297.00, Kurt Kruger..\$185.00; Insurance – 1 recipient..eBen X..\$95.55. All members present voting aye. Motion carried.

#### AUDITORS REPORT OF ACCOUNT:

Moved by Hansen, seconded by Fischbach to approve the January 2004 Auditor's Report of Account with the County Treasurer in total amount of \$8,328,765.41 (Total amount of actual cash @ \$3,343.17, Wells Fargo Bank @ \$3,694.79, US Bank @ \$136,113.20, Dacotah Bank @ \$36,539.40, Petty Cash @ \$1,700.00, Fund Investments @ \$8,147,218.02, Outstanding Checks @ \$156.83. All members present voting aye. Motion carried.

#### PERSONNEL:

Moved by Fischbach, seconded by Hansen to approve the following employee step/longevity increase, effective February 15, 2004: Brian Koens @ \$13.56 per hour, Gary Bunt @ \$14.10 per hour, Mary Browning @ \$13.37 per hour. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Fischbach to approve hiring Margaret Unser as a part-time cook for the Brown County Jail, effective February 18, 2004 at \$9.88 per hour. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Hansen to approve employee status change for Shana Theobald from part-time to full-time Home Detention Officer, effective February 9, 2004 at \$10.07 per hour, to be funded by the Department of Justice Prevention and Intervention Program for At-risk and Detained Youth Grant #2001-JS-FX-0014. All members present voting aye. Motion carried.

#### EXTENSION BOARD:

Moved by Hansen, seconded by Fischbach to appoint Jesslyn Latt to the Brown County Extension Board, effective January 1, 2004 through December 31, 2006 (first term). All members present voting aye. Motion carried.

#### ABATEMENTS:

Moved by Fischbach, seconded by Hansen to approve the following Abatements: George Holmes, vacant house (Lot 4-6 Blk 3 Mansfield SE 32-121-64) solid waste for 2004 @ \$65.00; DM&E RR, tax credit (centrally assessed main line track in Mansfield) for 2003 @ \$238.89; Groton City, tax exempt (Hayes Addn Lt 1-12 Bk 39) for 2003 @ \$515.04; Groton City, tax exempt (OP Lt 13 Bk 11) for 2003 @ \$498.30; Groton City, tax exempt (OP Lt 12 Bk 11) for 2003 @ \$21.46; Ted M & Monica Hatzenbeller, owner/occupied status (Lt 4 & 5 Bk 39 Hagerty & Lloyd Addn) for 2003 @ \$231.29. All members present voting aye. Motion carried.

#### BID - WOOD WASTE GRINDING BID SET/CHEMICAL:

Moved by Hansen, seconded by Fischbach to authorize advertising public hearing to open, read and consider bids for 2004 Wood Waste Grinding for the Brown County Landfill, to be held in the Commissioner's Chambers, Courthouse Annex, Brown County, SD at 9:15 a.m. on March 2, 2004. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Fischbach to authorize advertising public hearing to open, read and consider bids for furnishing and delivery of chemical for the Brown County Weed and Pest Board for 2004, to be held in the Commissioner's Chambers, Courthouse Annex, Brown County, SD at 9:00 a.m. on March 2, 2004. All members present voting aye. Motion carried.

#### INCREASE SPENDING AUTHORITY/ESTIMATED REVENUE:



Moved by Fischbach, seconded by Hansen to increase estimated revenue in Fund #234-331.90 in amount of \$2,355.68 and spending authority in Fund #234-211.01-411 @ \$2,036.92, Fund #234-211.01-412.01 @ \$126.28, Fund #234-211.01-412.02 @ \$29.53 and Fund #234-211.01-413 @ \$162.95 for Underage Drinking Grant. All members present voting aye. Motion carried.

#### HOSPITAL CLAIMS:

Jeff Steele and Cheryl Majeske, Avera St Lukes Regional Hospital met to discuss payment of two hospital bills. Charlene Millim, Welfare Director was also in attendance.

Moved by Fischbach, seconded by Hansen to deny payment of a hospital bill, submitted by the Avera St Lukes Hospital in amount of \$12,116.37 for a 43 year old female, as the individual has not provided sufficient information to determine indigency. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Fischbach to deny payment of a hospital bill, submitted by the Avera St Lukes Hospital in amount of \$17,053.07 for a 52 year old female, as the individual has not provided sufficient information to determine indigency. All members present voting aye. Motion carried.

#### OWNER/OCCUPIED STATUS:

Russ Hoon met with the Commission to request owner/occupied status on a BOLS for 2003 payable 2004. Owner/occupied forms were mailed from the Assessor's Office on December 31, 2002 and November 5, 2003. Moved by Fischbach, seconded by Hansen to deny owner/occupied status on BOLS for 2003 taxes payable 2004. All members present voting aye. Motion carried.

#### BROWN COUNTY PREVENTION GRANT:

Moved by Fischbach, seconded by Hansen to approve Change Order #56.1 to include \$51,000.00 in year three budget to purchase security cameras for the new Aberdeen Central High School, to be funded by the Department of Justice Prevention and Intervention Programs for At-Risk and Detained Youth Project #2001-JS-FX-0014. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Hansen to approve Change Order #185.1 to include \$5,600.00 per month for the remainder of the year three budget to provide a programmatic piece to go along with the purchase of the Aberdeen Central High School Security Camera, as recommended by Donn Davis, Federal Program Manager. Central High School expressed an interest in the school-based and wraparound services that Lutheran Social Services (LSS) is currently providing to rural Brown County. This program would be an extension of the current contract with LSS and would focus on students at Central High School and their families, to be funded by the Department of Justice Prevention and Intervention Programs for At-Risk and Detained Youth Project #2001-JS-FX-0014. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Fischbach to approve and authorize the Vice Chairman sign Contract with Lutheran Social Services to provide a School Based and Wrap Around program which will focus on responding to the prevention, educational and therapeutic needs for at-risk youth identified at Aberdeen Central High School. This program is an expansion of the current program presently active in Warner, Frederick and Groton School Districts and will be funded by the Department of Justice Prevention and Intervention Programs for A-Risk and Detained Youth Project #2001-JS-FX-0014. All members present voting aye. Motion carried.

#### INVENTORY TRANSFER/SALE:

Moved by Hansen, seconded by Fischbach to approve inventory transfer/sale of Decal #1210 1978 CAT Loader (\$18,000.00) from the Brown County Landfill to Brown County Highway Department, effective February 2004. All members present voting aye. Motion carried.

**BID AWARD – CULVERTS:**

Moved by Hansen, seconded by Fischbach to award bid, submitted by Huron Culvert and Tank for the purchase of Metal Culverts and Bridge Material for year 2004, as bid by Beadle County on January 13, 2004. All members present voting aye. Motion carried.

**BRIDGE RE-INSPECTION:**

Commissioner Fischbach offered the following Resolution:

**BRIDGE RE-INSPECTION PROGRAM RESOLUTION NO. 06-04  
FOR USE WITH SDDOT RETAINER CONTRACTS**

WHEREAS, Title 23, Section 151, United States Code and Title 23, Part 650, Subpart C, Code of Federal Regulations, requires initial inspection of all bridges and re-inspection at intervals not to exceed two years.

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

Brown County requests SDDOT to hire Hofland Engineering 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. Brown County will be responsible for the required 20% matching funds.

There are a total of 110 bridges in Brown County that require inspection.

Seconded by Commissioner Hansen. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-absent, Feickert-absent. Resolution adopted.

**RECESS:**

The Chairman declared the Commission recessed until February 17, 2004.

Maxine Taylor – Brown County Auditor

## FEBRUARY 17, 2004 – GENERAL MEETING

Meeting called to order by Chairman Feickert at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Knecht and Wiese. Absent Commissioner Fischbach.

### MINUTES:

Moved by Wiese, seconded by Hansen to approve the General Meeting minutes of February 10, 2004. All members present voting aye. Motion carried.

### CLAIMS:

Moved by Wiese, seconded by Hansen to approve the following claims:

Supplies: Days Inn..\$119.98, Best Business..\$331.39, Lien Transportation..\$212.50, Heartland Paper..\$1616.42, Crescent Elec..\$90.71, United Labs..\$161.89, Indoff Inc..\$47.45, Rux Bros..\$63.29, Gardner Locksmith..\$30.00, Menards..\$80.63, Ecolab..\$65.00, Active Data..\$1437.75, IAAO..\$165.00, McLeods..\$29.00, New Trends..\$21.44, Lar-Jos..\$48.80, Office Max..\$7.99, Langs..\$60.00, Kesslers..\$311.20, PSI Health Care..\$150.90, Karen Wolter..\$96.00, Credit Bureau..\$16.00, Evercom..\$851.26, Pierson Ford..\$24.19, Dicks..\$65.00, Tom Schmitt..\$1000.00, Photo Express..\$75.62, Amoco..\$37.97, Parcel-Erickson..\$19.00, Dawn Woods..\$216.00, Ameripride..\$182.39, Velvet Uniforms..\$188.20, Earthgrains..\$476.48, Tri-State Water..\$27.00, SDDOT..\$2922.65, SDACHS..\$65.00, Howes Oil..\$8837.40, Frey's Electronics..\$208.75, Farm Plan..\$567.83, Caspers Hwd..\$55.58, ATSSA..\$190.00, Dept of Social Services..\$20,033.00, Quality Quick Print..\$17.82, Macs..\$14.26, House of Glass..\$25.27, Sams Sound..\$875.00, Extension Service..\$178.62, Martech Systems..\$139.00, Metro Fire..\$331.62, Leica Camera..\$1122.75, SD Dept of Revenue..\$5.00, C&S Motorsports..\$8000.00, Curt's Motor Sports..\$6500.00, Aberdeen Fire Dept..\$1379.38, FedEx..\$46.14, Jodi Gerdes..\$47.53, SD Division of Motor Vehicles..\$13.00:  
Publications: American News..\$715.86, Groton Indep..\$94.97:  
Professional Fees: NE Mental Health..\$263.34, Avera St Lukes..\$178.00, Lewis & Clark BHS..\$250.00, Donna Dietrich..\$66.02, NADRIC..\$3333.34:  
Utilities: Dependable..\$371.00, Midcontinent Cable..\$60.00, Qwest..\$1748.92, Northwestern Energy..\$3060.70, Northern Elec..\$362.76, City of Hecla..\$192.57, Verizon..\$64.18, Bureau of Admin..\$477.74:  
Care of Poor: Dr./Hospital – 4 recipients..Dr William Goumas..\$403.20, Dakota Imaging..\$269.57, Anesthesia Care..\$128.00, Dr Richard Conklin..\$2238.17; Rent – 3 recipients..Arlan Anderson..\$150.00, Lakeside Estates..\$158.00, Danne Inc..\$250.00; Transportation – 1 recipient..Brown County Highway..\$6.15; Utilities – 1 recipient..NWPS..\$250.00; Drugs – 1 recipient..Medical Center Pharmacy..\$97.07; Insurance – 2 recipients..SD Risk Pool..\$675.36, Dakota Care Cobra Service..\$267.81. All members present voting aye. Motion carried.

### ABATEMENTS:

Moved by Wiese, seconded by Hansen to approve the following Abatements: Sacred Heart, house removed (W 115' Lt 17-18 Bk 75 Hagerty & Lloyds Addn) solid waste for 2003 @ \$21.00 and solid waste for 2004 @ \$21.00; Edna Schnoor, bare lot (Wiltfang OL A ex N 451' SW of SE 32-121-64) solid waste for 2004 @ \$65.00. All members present voting aye. Motion carried.

### FAIR CONTRACTS:

Moved by Wiese, seconded by Hansen to acknowledge the following Fair Contracts for the 2004 Brown County Fair: TBA Entertainment Corp, Diamond Rio, Chris Cagle, Joan Jett and the Blackhearts and Korkow Rodeos. All members present voting aye. Motion carried.

### LEASE AGREEMENT:

Moved by Knecht, seconded by Wiese to approve and authorize the Chairman sign agreement with Mary Ludwig for lease of the residence located on the Richmond Youth Camp adjacent to the Richmond Lake State Recreation Area for a monthly rental rate of \$375.00 plus utilities. All members present voting aye. Motion carried.

**BID AWARD – ALTERNATIVE DAILY COVER:**

Moved by Hansen, seconded by Wiese to award bid, submitted by Central Fiber Corp for the purchase of Alternative Daily Cover Material for the Brown County Landfill for 2004, as bid by the City of Watertown on November 19, 2003. All members present voting aye. Motion carried.

**LANDFILL 2003 ANNUAL REPORT:**

Mike Scott, Landfill Manager presented the 2003 Annual Report for the Brown County Landfill.

**EXECUTIVE SESSION:**

Moved by Hansen, seconded by Wiese to go into executive session for personnel and contract discussion with Mark McNeary in attendance. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Wiese to adjourn executive session, with no action taken as a result of discussion. All members present voting aye. Motion carried.

**RECESS:**

The Chairman declared the Commission recessed until February 24, 2004.

Maxine Taylor – Brown County Auditor

FEBRUARY 23, 2004- JOINT CITY/COUNTY MEETING

The Brown County Commission and the Aberdeen City Commission met in joint session at 5:30 P.M. in the Aberdeen City Commission Chambers, 123 S Lincoln Street, Aberdeen, South Dakota. Present from City were Commissioners Klabo, Omland, Forkel, Richardson and Mayor Hopper. Present from County were Commissioners Feickert, Knecht and Wiese. Absent Commissioners Hansen and Fischbach.

ORDINANCE NO. 04-02-02/289:

On motion by Richardson and seconded by Forkel, the City unanimously voted to approve First Reading of Ordinance No. 04-02-02/289.

Moved by Knecht, seconded by Wiese to approve First Reading of Ordinance No. 04-02-02/289, An Ordinance Amending Section 701.10, 703.4, 704.4, 705.4, 706.7, 707.4, 708.4, 710.4, 711.4, 714.10, 715.5, 716.4, adding Section 702.4, 709.6, 712.5 of Ordinance No. 1164, as amended, known as the Zoning Ordinance of the City of Aberdeen, SD, amending the Jurisdiction and Section 4 of Ordinance No. 1411, as amended, known as the Sign Ordinance of the City of Aberdeen, SD, requiring the provisions of Sign Ordinance No. 1411, as amended, to apply to all lands within the corporate limits of the City of Aberdeen, SD and in all one-quarter sections fully contained with the territory beyond said corporate limits as now or hereafter fixed, for a distance of three miles in all directions. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Knecht to adjourn the Brown County Commission. All members present voting aye. Motion carried.

Maxine Taylor – Brown County Auditor

## FEBRUARY 24, 2004 – GENERAL MEETING

Meeting called to order by Chairman Feickert at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County SD. Present were Commissioner's Hansen, Fischbach, Knecht and Wiese.

## MINUTES:

Moved by Fischbach, seconded by Knecht to approve the General Meeting minutes of February 17, 2004. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Knecht, seconded by Fischbach to approve the following claims:

Payroll: Commissioners..\$2,587.50; Auditor..\$6,981.18; Treasurer..\$8,316.35; Data Processing..\$1,601.93, State's Attorney..\$8,624.55; Victims Assistance..\$904.05; Maintenance..\$5,102.85, Assessor..\$7,228.47; Planning & Zoning..\$1,043.20; Register of Deeds..\$4,635.55; Veterans Service Office..\$2,386.35; Sheriff..\$53,596.80; DOJ Grant..\$805.60; Communications..\$13,403.61; Welfare Office..\$2,660.96; Museum..\$3,945.46; Fairboard..\$875.93; Fairgrounds & Parks..\$3,121.14; Extension..\$1,218.00; Weed..\$248.52; Emergency Management..\$2,253.68; Weed & Seed..\$1,038.18; Highway..\$27,172.32; Landfill..\$6,205.46; Matching Benefits: FICA..\$9,770.69, Medicare..\$2,285.03, Wellmark BCBS Life..\$664.46, Wellmark BCBS Health..\$54,711.76, Delta Dental..\$3,482.00, SD State Retirement..\$19,909.36; Supplies: House of Glass..\$685.00, Office Equip..\$257.11, Indoff..\$47.76, Exec Mgmt..\$51.40, New Trends..\$570.50, Quality Quick Print..\$508.25, Gardner Locksmith..\$89.00, Menards..\$12.51, Lien Transportation..\$127.50, Crescent Elec..\$40.28, Heartland Paper..\$79.20, Ecolab..\$97.50, Langs..\$138.00, Matz Saw Service..\$7.85, McLeods..\$357.50, Best Business..\$35.32, Kleins..\$27.00, Parcel Erickson..\$12.40, Lust Chev..\$357.37, Wholesale Elec..\$25.53, Dept of Rev..\$840.00, Phillips 66..\$46.92, Beck Motors..\$16,981.00, Brown County..\$2770.95, Darla Jung..\$500.00, Heartland Paper..\$351.44, Erosion & Sediment Control..\$50.00, Diesel Machinery..\$1350.00, Anderson Agency..\$30.00, Field Services..\$6500.00, UBC..\$1378.09, Nelson Auto..\$8907.49, Macs..\$22.89, Farnams..\$47.52, Runnings..\$57.91, Swanson Elec..\$1247.38, Rex..\$354.99, Shopko..\$97.87, Todd Wren..\$3105.00, HC Clark..\$42.25, D&D Paint..\$30.60, Aberdeen Arts Council..\$157.75, Dacotah Prairie Museum..\$10.58, Lora Schaunaman..\$11.61, Carol White..\$6.35, Sherwin-Williams..\$82.19, Farm & Ranch Guide..\$32.95, Fastenal..\$493.32, Fire & Safety..\$41.64, Ameripride..\$119.40, Bricks TV..\$150.00, Galls..\$1164.84, Ed M Feld Equip..\$14,990.00, Aberdeen TV..\$133.75, Godfather's Pizza..\$82.47, West Group..\$2771.50, Minnehaha County Auditor..\$114.80; Publications: Groton Indep..\$183.73, American News..\$16.44; Transcriptions: Neal Reporting..\$50.00, Tammy Erickson..\$59.05; Professional Fees: witness fees..\$20.00, Dr Michael Puumala..\$636.00, Richard Russman..\$2916.67, Kim Dorsett..\$2083.33, NECOG..\$2676.56, Behavioral Interventions..\$112.00, Dr Bruce Petrie..\$5000.00, Avera St Lukes..\$625.00; Court Appointed Attorney: Randy Turner..\$4166.67, Kuck Law Office..\$4166.67, Christy Serr..\$4166.67, William Gerdes..\$4166.67; Utilities: Qwest..\$4423.41, Cellular One..\$424.76, Northwestern Energy..\$90.97, Montana Dakota..\$34.24, AT&T..\$45.99, Prairiewave..\$19.95, Northern Elec..\$915.95; Care of Poor: Dr./Hospital – 2 recipients..Aberdeen Family Physicians..\$242.89, Avera St Lukes..\$3568.04; Rent – 3 recipients.. T&S Investments..\$157.00, Meier & Co..\$250.00, Zumbaum Property Mgmt..\$210.00; Utilities - 4 recipients..NWPS..\$190.00, Northern Elec..\$81.85, BDM Rural Water..\$40.00, Farmers Union..\$136.52; Drugs – 5 recipients..Kessler Pharm..\$127.99, Dakota Square Pharm..\$185.96, Econofoods Pharm..\$90.00, Medical Center Pharm..\$104.22. All members present voting aye. Motion carried.

## PERSONNEL:

Moved by Fischbach, seconded by Knecht to approve employee step/longevity increase, effective February 29, 2004: Jan Weismantel @ \$13.30 per hour. All members present voting aye. Motion carried.

#### WEED & SEED:

Moved by Fischbach, seconded by Knecht to approve the Brown County Weed and Seed Monthly Expenses for February 2004 (Year Two 2002-WS-QX-0054), in amount of \$5,000.00. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Knecht to approve the Brown County Weed and Seed Monthly Expenses for February 2004 (Year Three 2002-WS-QX-0054), in amount of \$4,437.61. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Knecht to approve the following Weed and Seed Year Two funding proposal: Aberdeen Area Career Planning Center (Family Resources and Education), as recommended by the Steering Committee. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Fischbach to approve the following Weed and Seed Year Three funding proposals: Brown county Sheriff (Covert Surveillance, Interview Room Equipment, Computer Digital Work Stations, Global Positioning Equipment, Photographic Evidence Equipment), Groton Police Department (Traffic Safety Speed Monitor), Aberdeen Police Department (Computer Forensic Equipment, Repeater/Receiver unit for Drug Task Force), as recommended by the Steering Committee. All members present voting aye. Motion carried.

#### PREVENTION GRANT:

Moved by Wiese, seconded by Knecht to deny a change order requesting replacement computers for JDC and Home Detention supervisor workstations from the Department of Justice Prevention and Intervention Programs for At-Risk and Detained Youth Project #2001-JS-FX-0014. All members present voting aye. Motion carried.

#### PLATS:

Commissioner Wiese offered the following Resolution:

#### RESOLUTION NO. 7-04

BE IT RESOLVED by the Board of Commissioners of Brown County, SD, that the plat showing "Geist Addition in the NE ¼ of Sec 21-T121N-R60W of the 5<sup>th</sup> P.M., Brown County, SD", 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 Fischbach. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

#### RESOLUTION NO. 8-04

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Second Addition to Sacred Heart Cemetery in the NE ¼ of Sec 14-T125N-R64W of the 5<sup>th</sup> P.M., Brown County, SD", 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 Fischbach. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

#### RESOLUTION NO. 9-04

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Musel 2<sup>nd</sup> Subdivision in SE ¼ Sec 2-T123N-R64W of 5<sup>th</sup> P.M., Brown County, SD", 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 Fischbach. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

#### BID AWARD – BRIDGE NO. 36:

Moved by Wiese, seconded by Fischbach to award low bid, submitted by Grangaard Construction, Watertown in amount of \$160,611.70 (Item 3 on SDDOT February 11, 2004 Letting) for BRO 8007(39) PCMS 5746 – Bridge #36 structure and approach grading, located 2.0 N and 2.5 W of Aberdeen over Foot Creek; rejecting Industrial Builders @ \$168,780.85 and Hollaway Construction Co Inc @ \$186,691.00. All members present voting aye. Motion carried.

#### CANCEL CHECKS:

Moved by Fischbach, seconded by Wiese to approve Sheriff's Office cancel the following checks; #3065 @ \$.70, #3068 @ \$.40 and #3074 @ \$.30. All members present voting aye. Motion carried.

#### SHERIFFS REPORTS:

Moved by Fischbach, seconded by Wiese to approve the following January 2004 Sheriff Reports: Incidents & Offenses, Prisoner Care, JDC, Money deposited with the County Treasurer and Monthly activities. All members present voting aye. Motion carried.

#### LEASE AGREEMENT:

Moved by Wiese, seconded by Fischbach to approve and authorize the Chairman sign agreement with ABATE for lease of the Holum Expo Building on April 17, 2004. All members present voting aye. Motion carried.

#### TRANSFER:

Moved by Wiese, seconded by Fischbach to approve and authorize the following transfer of spending authority and cash, as reflected in the 2004 General Fund #101 Budget: \$77,499.29 to Emergency Management Fund #226, \$186,716.80 to E911 Fund #207 and \$816,144.58 to Road & Bridge Fund #201. All members present voting aye. Motion carried.

#### SURPLUS PROPERTY:

Moved by Fischbach, seconded by Knecht to declare Decal #1849 - 1998 Cat Patrol surplus, effective December 31, 2003 and return to Butler Machinery for \$115,000.00 (buy back terms of 5-year lease). All members present voting aye. Motion carried.

#### EXECUTIVE SESSION:

Moved by Hansen, seconded by Wiese to go into executive session to discuss possible litigation with Dirk Rogers in attendance. All members present voting aye. Motion carried.



Moved by Hansen, seconded by Knecht to adjourn executive session, with no action as a result of discussion. All members present voting aye. Motion carried.

#### COUNTY ROAD #15:

The SD DOT and affected landowners have inquired whether or not County forces will complete the construction work at the intersection of the County Road #15 and US Highway 281. The landowners will absorb cost of preliminary site work (tree removal, building relocation, etc) and the SD DOT will provide all surveys, plans, engineering costs and will reimburse the County a maximum of \$50,000.00 for labor and material. The Commission agreed to the proposal if it did not interfere with the normal operation of the Highway Department.

#### BID – RENTAL OF EQUIPMENT:

Time and place, as advertised to open, read and consider bids for furnishing Full Operation Rental Services of Gravel Trucks and Road Machinery for construction and maintenance repairs on Brown County Road Projects for year 2004. Bids were received from Aberdeen Asphalt, Inc, Aberdeen; Lien Transportation, Aberdeen; HF Jacobs & Son Construction, Aberdeen; Slight Construction, Hecla; Kevin Bourdon, Aberdeen; Hanlon Brothers, Verdon; Howell Trucking, Aberdeen; Bawek Construction, Conde; Fred Ludwig Trucking, Aberdeen; Dabbert Trucking Inc, Aberdeen; Herb Dabbert Trucking, Aberdeen; Winburn Construction, Houghton; Marvin Lout Construction, Aberdeen; Schell Trucking, Frederick; Hollaway Construction, Mitchell; Beckler Construction, Redfield; Cass Trucking, Redfield; Knight Construction, Aberdeen; Odland Construction & Gravel, Redfield; David Gardner Trucking, Mina; Ranger Trucking, Aberdeen; Craig Marten Construction, Aberdeen; Brick Propane Inc, Aberdeen; Engel Trucking, Aberdeen. Moved by Knecht, seconded by Wiese to refer all bids to Dirk Rogers, Highway Superintendent for review and recommendation. All members present voting aye. Motion carried.

#### BID – GRAVEL:

Time and place, as advertised to open, read and consider bids for furnishing and delivery of one-year supply of road construction and maintenance gravel materials. Bids were received from HF Jacobs & Son Construction Inc, Aberdeen; Brownlee Construction Inc, Watertown; Hanlon Brothers, Verdon; Lien Transportation, Aberdeen; Violet Dinger, Hecla; Norm Mandel Transportation, Huron; Jensen Rock & Sand Inc, Mobridge; Trins Construction, Aberdeen. Moved by Fischbach, seconded by Knecht to refer all bids to Dirk Rogers, Highway Superintendent for review and recommendation. All members present voting aye. Motion carried.

#### GROTON LIBRARY:

Anita Lowary, Deanna Hendrickson and Peggy Locke met with the Commission to request some kind of funding, not the full \$2500, but any amount for the Groton Library in 2004 to purchase books. Chairman Feickert explained that a list of line items to be cut without an opt-out of the tax freeze had been published and discussed during the opt-out meetings held in Aberdeen, Frederick and Groton prior to the opt-out special election and the Groton Library was on that list. With regret the Commission took no action at this time, but will review all line items cut in 2004 for possible funding in 2005 during the budget process.

#### 2003 ANNUAL DPM REPORT:

Sue Gates, Director presented the 2003 Dacotah Prairie Museum Annual Report.

#### PLAT DISCUSSION:

The plat of Mohr's Third Subdivision, previously approved by the City Commission was presented to the County Commission for approval. Sharmie and Bruce Henderson, Rich Kezar, Jerry Cope, Mike Mattern, Loren Fuhrmann and Phil Lookadoo were in attendance. After discussed the following action ensued:

Moved by Hansen, seconded by Wiese to deny approval of plat showing "Mohr's Third Subdivision in the SE ¼ of Sec 36-T124N-R64W of the 5<sup>th</sup> P.M., Brown County, SD, as recommended by the Planning Commission. All members present voting aye. Motion carried.

RECESS:

The Chairman declared the Commission recessed until March 2, 2004.

Maxine Taylor – Brown County Auditor

# MARCH 1, 2004- JOINT CITY/COUNTY MEETING

The Brown County Commission and the Aberdeen City Commission met in joint session at 5:30 P.M. in the Aberdeen City Commission Chambers, 123 S Lincoln Street, Aberdeen, South Dakota. Present from City were Commissioners Klabo, Omland, Forkel, Richardson and Mayor Hopper. Present from County were Commissioners Feickert, Fischbach and Wiese. Absent Commissioners Hansen and Knecht.

## ORDINANCE NO. 04-02-02/289:

On motion by Forkel and seconded by Richardson, the City unanimously voted to approve Second Reading of Ordinance No. 04-02-02/289.

On motion by Klabo and seconded by Omland, the City unanimously voted to adopt Ordinance No. 04-02-02/289.

Moved by Wiese, seconded by Fischbach to approve Second Reading of Ordinance No. 04-02-02/289. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Fischbach to adopt Ordinance No. 04-02-02/289, An Ordinance Amending Section 701.10, 703.4, 704.4, 705.4, 706.7, 707.4, 708.4, 710.4, 711.4, 714.10, 715.5, 716.4, adding Section 702.4, 709.6, 712.5 of Ordinance No. 1164, as amended, known as the Zoning Ordinance of the City of Aberdeen, SD, amending the Jurisdiction and Section 4 of Ordinance No. 1411, as amended, known as the Sign Ordinance of the City of Aberdeen, SD, requiring the provisions of Sign Ordinance No. 1411, as amended, to apply to all lands within the corporate limits of the City of Aberdeen, SD and in all one-quarter sections fully contained with the territory beyond said corporate limits as now or hereafter fixed, for a distance of three miles in all directions. Roll call vote: Commissioners Wiese-aye, Fischbach-aye, Feickert-aye, Hansen-absent, Knecht-absent. Ordinance adopted.

## SET HEARING DATE:

On motion by Richardson and seconded by Omland, the City unanimously voted to set public hearing for 5:30 p.m. on March 22, 2004 in the Aberdeen City Commission Chambers for First Reading of Ordinance No. 04-03-01/290.

Moved by Fischbach, seconded by Wiese to set public hearing for 5:30 p.m. on March 22, 2004 in the Aberdeen City Commission Chambers, 123 S Lincoln Street for First Reading of Ordinance No. 04-0032-02/290 (Malsom, Schwab, Carda), An Ordinance Amending Ordinance No. 1164 to rezone the following property from Section 701 (A-1) Agricultural District to Section 714 (M-AG) Mini-Agricultural District: Lots 1, 3 and 4 of "Hansen Subdivision in the NE ¼ of Sec 17-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Wiese to adjourn the Brown County Commission. All members present voting aye. Motion carried.

Maxine Taylor – Brown County Auditor

## MARCH 2, 2004 – GENERAL MEETING

Meeting called to order by Chairman Feickert at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Fischbach and Wiese. Absent Commissioner Knecht.

### MINUTES:

Moved by Wiese, seconded by Fischbach to approve the Joint City/County Meeting minutes of February 23, 2004 and the General Meeting minutes of February 24, 2004. All members present voting aye. Motion carried.

### CLAIMS:

Moved by Hansen, seconded by Wiese to approve the following claims:

Supplies: Western Printing..\$37.50, Pizza Ranch..\$77.31, RE Huffman..\$12.28, Health Dept..\$7.00, Best Business..\$222.47, SD Dept of Revenue..\$160.00, Streichers..\$159.85, New Trends..\$132.72, BSU..\$76.96, Herbergers..\$109.93, Deluxe Business Checks..\$143.72, Medical Center Pharm..\$648.22, George Sumption..\$200.00, Rick's Heating..\$1401.89, Newman Signs..\$861.25, Lawson Products..\$160.00, Howes Oil..\$7614.20, Fastenal..\$164.57, House of Glass..\$81.64, Farm Power..\$168.38, Crawford Trucks..\$2711.67, Bridgestone..\$394.42, Butler Machinery..\$1067.29, Advanced Auto..\$17.82, Catastrophic County Poor Relief..\$820.43, Walmart..\$337.95, Kens Superfair Foods..\$12.67, Sue Gates..\$26.91, Macs..\$57.65, Marv Dombrowe..\$100.00, Runnings..\$71.34, Menards..\$804.26, Farm Power..\$203.34, Photos Now..\$2327.00, Best Business..\$45.73, KeyPoints..\$145.24, Fire Safety First..\$148.00, Swarovski..\$1750.25, Lab Safety..\$1783.03, Hewlett Packard..\$2893.00, SD Dept of Rev..\$1368.94, Taylor Laundry..\$16.00, Ameripride..\$44.68, UBC..\$29.11, Dakota Supply..\$9.18, Hewlett-Packard..\$1196.00, CDW Govt..\$613.51, Dodge Co..\$232.35, Olympic Sales..\$262.00, Butler Cat..\$2612.59, OK Tire..\$23.20, Pierson Ford..\$24.19, Quality Quick Print..\$994.89, Office Max..\$344.93, Crescent Elec..\$36.95, New Trends..\$12.00, SD Dept of Health..\$10.00:

Publications: Dakota Press..\$432.90, American News..\$384.97, Groton Independent..\$95.79:

Transcriptions: Cheryl Hook..\$8.00, Sara VanDeWalle..\$71.40, Neal Reporting..\$19.00:

Professional Fees: witness fees..\$20.00, LCM Pathologists..\$1765.41, Avera United Clinic..\$108.05, Northern Plains Psych Assoc..\$113.40, Avera St Lukes..\$2117.99, Harlow Orthopedics..\$20.75, Northern Plains Oral Surgery..\$247.87, Aberdeen Family Physicians..\$28.70, Sheriff of Yankton County..\$16.50, Brandon Leslie..\$500.00, Kevin Spitzer..\$512.76:

Utilities: Midcontinent Cable..\$82.67, Qwest..\$210.99, Cellular One..\$466.92, Midcontinent Cable..\$65.00, Northwestern Energy..\$7576.44, MVTL..\$27.20, WEB..\$46.02, City of Aberdeen..\$447.24:

Travel: Dennis Feickert..\$128.02, Sherry Theobald..\$12.76, Jodi Gerdes..\$855.20, Mike Scott..\$318.66, Kathy Fischer..\$52.78, Gene Loeschke..\$44.08, Leo Leshner..\$88.45:

Care of Poor: Dr./Hospital – 6 recipients..Avera St Lukes..\$12,319.92, Dakota Imaging..\$92.88, Dr William Goumas..\$768.15, Eckrich Urology..\$610.55; Rent – 6 recipients.. T&S Investments..\$129.00, Pheasant Ridge Apts..\$190.00, SD Real Estate..\$136.00, Carl Hanson..\$210.00, Wayne Ackerman..\$241.33, CK Realty..\$88.00; Utilities - 1 recipient..Erdmann Fuels..\$132.50; Drugs – 8 recipients..Shopko Pharm..\$13.69, K-Mart Pharm..\$143.66, Jones Drug..\$1374.54, Walmarat Pharm..\$581.02; Insurance – 4 recipients..Wellmark BC/BS..\$329.61, Avera Health Plans..\$340.89, eBenX..\$315.62, Midstates Printing..\$255.00. All members present voting aye. Motion carried.

### PERSONNEL:

Moved by Fischbach, seconded by Hansen to acknowledge resignation of Ben Woodward, effective March 5, 2004 and Stacey LeDuc, effective February 25, 2004 from the Sheriff Department. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Fischbach to approve employee status change from full-time JDC to part-time JDC for Janice Kampfe, effective March 7, 2004 at \$8.90 per hour. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Wiese to approve hiring the following as guards: Grant Schnabel, effective February 23, 2004, Jeffrey Carlson, Joel Carda and Darin Swanston, effective January 19, 2004, for purpose of prisoner transport at flat rate of \$75.00 per day. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to amend date of status change for Shana Theobald from part-time to full-time Home Detention Officer, from February 9, 2004 to February 15, 2004 at \$10.07 per hour, to be funded by the Department of Justice Prevention and Intervention Program for At-risk and Detained Youth Grant #2001-JS-FX-0014. All members present voting aye. Motion carried.

#### ABATEMENTS:

Moved by Hansen, seconded by Wiese to approve the following Abatements: Roland R and Sandra G Tullis, building gone (Lt 9 & S ¼ Lt 10 Bl 33 1<sup>st</sup> Addn to Groton) for 2003 @ \$290.00; Paul Fischbach Warner Apartments, sold to tax exempt entity (Lt 7-8 replat of Warner OL 11) for 2003 @ \$198.41; Richard or Lori Niehoff, mobile home gone (BOLS Country Vlg #43 SW 34-124-64) for 2003 @ \$138.20. Roll call vote: Commissioners Hansen-aye, Fischbach-abstain, Knecht-absent, Wiese-aye, Feickert-aye. Motion carried.

#### AGREEMENT:

Moved by Hansen, seconded by Fischbach to approve and authorize the Chairman sign cooperative agreement with Aberdeen School District 6-1 to establish an educational program for youth placed in the Juvenile Detention Center, effective to June 30, 2004. All members present voting aye. Motion carried.

#### BOARD APPOINTMENTS:

Moved by Fischbach, seconded by Hansen to appoint the following to the Local Emergency Planning Committee (LEPC): Neil Bittner, Mike Nehls, Bill Winter and Gordon Vanauken and further to remove members Ken Schwab and John Stahl. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Fischbach to amend Resolution No. 68-03 dated August 12, 2003 to name Bill Winter as one of the Range Fire Suppression designees, replacing John Stahl. All members present voting aye. Motion carried.

#### SPECIAL MALT BEVERAGE LICENSE HEARING:

Moved by Fischbach, seconded by Hansen to authorize advertising public hearing on the following Special Malt Beverage License Applications to be held at 8:45 AM on March 30, 2004, in the Commissioner's Chambers, Courthouse Annex, Brown County, SD: Aberdeen Hockey Association, Brown County Fairgrounds (Expo Building) SW ¼ Sec 1-T123N-R64W (map indicating specific building on file with application), effective April 2 & 3, 2004 and Aberdeen Hockey Association, Brown County Fairgrounds (Expo Building) SW ¼ Sec 1-T123N-R64W (map indicating specific building on file with application), effective April 17, 18 & 19, 2004. All members present voting aye. Motion carried.

#### EXECUTIVE SESSION:

Moved by Fischbach, seconded by Wiese to go into executive session to discuss contract with Mark McNeary in attendance. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Fischbach to adjourn executive session, with no action taken as a result of discussion. All members present voting aye. Motion carried.

#### BID – WEED CHEMICAL:

Time and place, as advertised to open, read and consider bids for furnishing and delivery of Chemical for the Brown County Weed and Pest Board for 2004. Moved by Wiese, seconded by Hansen to refer all bids to Jerry Dempsey for review and recommendation. All members present voting aye. Motion carried. Moved by Wiese, seconded by Fischbach to award low bid, submitted by VanDiest Supply Company, McCook, NE in total amount of \$39,446.28; rejecting bid submitted by UAP Timberland, Spearfish, SD in amount of \$40,373.55. All members present voting aye. Motion carried.

#### BID – WOOD WASTE GRINDING:

Time and place, as advertised to open, read and consider bids to complete 2004 Wood Waste Grinding at the Landfill. Bid received from Dakota Wood-Grinding Inc, Rosemount, MN. Moved by Fischbach, seconded by Hansen to award bid, submitted by Dakota Wood-Grinding Inc in amount of \$325.00 per hour with mobilization in amount of \$400.00 per event to complete 2004 Wood Waste Grinding at the Landfill. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman sign Contract with Dakota Wood-Grinding, Inc to complete 2004 Wood Waste Grinding at the Landfill. All members present voting aye. Motion carried.

#### LANDFILL SPRING RESIDENTIAL CLEANUP:

Moved by Hansen, seconded by Wiese to approve waiving fees from April 23 thru May 22, 2004 for the Brown County Landfill's Spring Residential Cleanup. Waste types include: tires (no rims or retailers), appliances (with or without freon), construction and demolition debris, all trees, furniture, metals, lead acid batteries, propane tanks, waste oil, antifreeze, paint and other miscellaneous waste. RESIDENTIAL ONLY. April 23 & 24 to include drop sites at Jensen Rock & Sand and the Brown County Highway Department. All members present voting aye. Motion carried.

#### LANDFILL SOFTWARE PURCHASE:

Moved by Wiese, seconded by Fischbach to authorize Mike Scott, Landfill Manager to purchase software to track equipment maintenance expense, inventory and fuel usage, etc. from Collective Data, Iowa City, IA in amount of \$795.00. All members present voting aye. Motion carried.

#### ASSESSMENT UPDATE:

Mary Worlie informed the Commission that assessment notices were mailed February 27<sup>th</sup> and Township Officials will pick up assessment books at a meeting to be held on March 9, 2004.

#### AWARD BID – RENTAL OF EQUIPMENT:

Moved by Wiese, seconded by Fischbach to award the following bids for Rental of Equipment: Tandem Truck (Asphalt) to Odland Construction, 17 tons @ \$40.00 per hour; Semi Truck w/belly dump trailer to Cass Trucking, 28 tons @ \$55.00 per hour; Scraper Rental to HF Jacobs & Son Construction, 24 cu yd @ \$125.00 per hour; Bridge Equipment (Full operation) to Hollaway Construction @ \$223.00 per hour; Paving Equipment North of County Road #13 to Aberdeen Asphalt; Paving Equipment South of County Road #13 to Lien Transportation; Patching Equipment same as Paving. Complete tabulation sheet on file in the Auditor's Office (available for public inspection Monday – Friday, 8:00 a.m. to 5:00 p.m.). All members present voting aye. Motion carried.

#### EXECUTIVE SESSION:

Moved by Fischbach, seconded by Wiese to go into executive session to complete employee annual review. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Wiese to adjourn executive session. All members present voting aye. Motion carried.

RECESS:

The Chairman declared the Commission recessed until March 9, 2004.

Maxine Taylor – Brown County Auditor

# MARCH 9, 2004 – GENERAL MEETING

Meeting called to order by Chairman Feickert at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Feickert, Knecht and Wiese.

## MINUTES:

Moved by Fischbach, seconded by Hansen to approve the Joint City/County Meeting minutes of March 1, 2004 and the General Meeting minutes of March 2, 2004. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Fischbach, seconded by Hansen to approve the following claims (except ambulance bill in separate motion):

Payroll: Commissioners..\$2,587.50; Auditor..\$6,958.75; Treasurer..\$8,316.35; Data Processing..\$1,601.93; State's Attorney..\$8,624.55; Victims Assistance..\$904.05; Maintenance..\$5,081.45, Assessor..\$7,458.07; Planning & Zoning..\$1,072.54; Register of Deeds..\$4,635.55; Veterans Service Office..\$2,350.60; Sheriff..\$54,516.27; DOJ Grant..\$1,611.20; Communications..\$13,925.34; Welfare Office..\$2,660.96; Museum..\$3,910.96; Fairgrounds & Parks..\$3,121.14, Fairboard..\$875.93; Extension..\$1,038.00; Weed..\$490.50; Emergency Management..\$2,160.65; Weed & Seed..\$1,067.31, Highway..\$26,640.20; Landfill..\$6,125.25; Matching Benefits: FICA..\$9,885.08; Medicare..\$2,311.77;

Supplies: Office Equip..\$70.60, Kesslers..\$9.56, Sanders Sew 'N Vac..\$24.00, Cunningham Elec..\$1286.61, Runnings..\$878.71, Artz Equip..\$107.30, Henry Schein..\$61.63, City of Groton..\$197.95, Warner School..\$477.54, Tri-State Water..\$16.50, Menards..\$4465.33, UBC..\$50.41, Schwan Welding..\$71.32, Dicks..\$91.50, Safety Service..\$465.27, Office Max..\$2581.08, Langs..\$62.59, Lust Chev..\$27.71, Schwaab..\$221.35, HRS..\$3876.45, Quality Quick Print..\$260.17, OK Tire..\$7.00, Accurint..\$2.00, Indoff Inc..\$17.96, Evercom..\$980.00, Galls..\$76.96, Exec Mgmt..\$2679.05, Sewing Shoppe..\$27.00, Kesslers..\$283.84, Photo Express..\$6.73, Avera St Lukes..\$50.00, Diane Mielke..\$35.97, SD Dept of Rev..\$13.00, Active Data..\$100.00, Taser..\$80.00, SD Asphalt Conf..\$80.00, Sheehan Mack Sales..\$22.91, Safety Service..\$1626.03, Reuer Auto..\$98.10, Praxair..\$23.58, North Central Farmers Elev..\$892.20, Nelson Sales..\$23.58, Newman Signs..\$101.30, Midwest Pump..\$6.00, Interstate Battery..\$297.80, Great Western Tire..\$5372.95, Farnam's..\$37.45, Evergreen Supply..\$47.76, Erdmann Oil..\$2701.34, Economy Oil..\$1317.50, Dakota Oil..\$253.50, Dakota Fluid Power..\$172.36, Dakota Air..\$64.50, Cunningham Elec..\$2036.55, Carquest..\$974.37, Best Business..\$13.32, Anthony Motel..\$60.00, A&M Radio..\$46.00, Sherwin-Williams..\$102.90, Glacial Lakes..\$200.00, AAM..\$168.00, Clear Channel..\$168.00, Dacotah Prairie Museum..\$45.66, Ameripride..\$74.45, RE Huffman..\$19.99, Janitor Supply..\$147.70, Town & Country..\$2117.02, Farm Power..\$164.55, Macs..\$21.15, Holiday Inn..\$165.00, Streichers..\$38.65, Godfathers..\$57.49, Global Protection..\$2297.75, Praxair..\$53.65, EarthTech..\$196.79, SDSWMA..\$500.00, Powerplan..\$3142.81, Hedahls..\$315.84, Sheeham Mack Sales..\$521.04, Collectivedata..\$695.00, Heartland Paper..\$213.00, Great Western Tire..\$3032.40, APCO Conf..\$95.00,

Publications: American News..\$716.88, Groton Indep..\$197.70;

Professional Fees: witness fees..\$40.00, Christine Heidenreich..\$1392.75, Cheryl Hairgrove..\$1350.00, Don Carlson..\$30.00, Donna Dietrich..\$157.57, Nelva Kooistra..\$30.00, Avera United Clinic..\$83.00, SD Assoc of County Comm..\$58.00;

Utilities: Northwestern Energy..\$5452.49, Midcontinent Cable..\$141.28, Northern Valley..\$146.60, James Valley Co-Op..\$347.98, Town of Frederick..\$18.25, City of Aberdeen..\$121.42, WEB..\$41.82, Northern Cable..\$79.90, Dependable Sanitation..\$12,950.22, Cellular One..\$38.00;

Travel: Larry Gerlach..\$102.18, Gary Erickson..\$128.82, Jerry Mills..\$503.90, Jerry Dempsey..\$33.00, Freddie Robinson..\$195.95, Kim Perrin..\$58.17;



Care of Poor: Dr./Hospital – 6 recipients..Anesthesia Care..\$224.00, Avera St Lukes..\$5239.64, Dr James Weekly..\$1176.57, Aberdeen Family Physicians..\$682.29, Northern Plains OMS..\$151.48; Rent – 3 recipients..Lakeside Estates..\$158.00, Arlan Anderson..\$190.00, Lois Obenauer..\$250.00; Transportation – 1 recipient..Brown County Hwy..\$6.37; Utilities - 1 recipient..Northern Elec..\$122.47, BDM Rural Water..\$35.00; Drugs – 2 recipients..Medical Center Pharm..\$331.32; Insurance – 2 recipients..Avera Health Plans..\$333.60, Dakota Care..\$267.81. All members present voting aye. Motion carried. Moved by Fischbach, seconded by Knecht to approve ambulance bill submitted by the City of Aberdeen in amount of \$9494.57. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-nay. Motion carried.

**PERSONNEL:**

Moved by Wiese, seconded by Fischbach to approve the following employee step/longevity increases, effective March 14, 2004: Mervyn Heaton @ \$10.85 per hour, Carl Wright @ \$13.19 per hour, Markcus Selzler @ \$13.00 per hour, Cindy Mitchell @ \$11.42 per hour, Kyle Brandner @ \$10.63 per hour. All members present voting aye. Motion carried.

**PERSONNEL - PREVENTION GRANT:**

Moved by Knecht, seconded by Hansen to approve hiring Darin Sinner and Deborah Tank, effective March 22, 2004 at \$10.07 per hour as Community Resource Coordinators for Holgate Middle School and Simmons Middle School, to be funded by the DOJ Prevention and Intervention Programs for At-Risk and Detained Youth #2001-JS-FX-0014 that runs through September 30, 2004. All members present voting aye. Motion carried.

**PREVENTION GRANT:**

Moved by Knecht, seconded by Hansen to approve Change Order #51 increasing instructor re-certification class registration fee to \$399.00 in year three budget to provide in-house crisis intervention and de-escalation technique training for JDC, Home Detention and CRC staff, to be funded by the Department of Justice Prevention and Intervention Programs for At-Risk and Detained Youth Project #2001-JS-FX-0014. All members present voting aye. Motion carried.

**AUDITORS REPORT OF ACCOUNT:**

Moved by Fischbach, seconded by Knecht to approve the February 2004 Auditors Report of Account with the County Treasurer in total amount of \$7,547,054.91 (Total amount of actual cash @ \$3,343.17, Wells Fargo Bank @ \$3,694.79, US Bank @ \$46,154.40, Dacotah Bank @ \$33,746.87, Petty Cash @ \$1,700.00, Fund Investments @ \$7,458,258.85, Outstanding Checks @ \$156.83. All members present voting aye. Motion carried.

**ABATEMENTS:**

Moved by Knecht, seconded by Wiese to approve the following Abatements: Cathy Feickert, bare land (E2 NE 16-123-64 Ex Feickert OL 1) solid waste for 2004 @ \$65.00; St Mary's Church, house gone (Lt 13-14 Bk 39 Hagerty & Lloyds Addn) solid waste for 2004 @ \$15.00. All members present voting aye. Motion carried.

**LEASE AGREEMENT:**

Moved by Wiese, seconded by Hansen to approve and authorize the Chairman to sign agreement with Liebelt Homes for lease of the Holum Expo Building on March 17 – March 28, 2004. All members present voting aye. Motion carried.

**AGREEMENT:**

Moved by Fischbach, seconded by Hansen to approve and authorize the Chairman to sign agreement with Minnesota Valley Testing Laboratories, Inc. to provide 2004 Monitoring services for the Brown County Landfill in amount of \$11,933.60. All members present voting aye. Motion carried.

**COUNTY OFFICES CLOSED:**

Moved by Fischbach, seconded by Knecht to close the County Offices to the public for one hour (10:00 a.m. to 11:00 a.m.) on Monday, March 15, 2004 in order for employees to attend the 100<sup>th</sup> Anniversary Program for the Brown County Courthouse (employees not desiring to attend the ceremony shall remain in their respective offices). All members present voting aye. Motion carried.

**SPECIAL MALT BEVERAGE LICENSE HEARING:**

Moved by Wiese, seconded by Hansen to authorize advertising public hearing on the following Special Malt Beverage License Application to be held at 8:45 AM on March 30, 2004, in the Commissioner's Chambers, Courthouse Annex, Brown County, SD: ABATE, Brown County Fairgrounds (Holum Expo Building) SW ¼ Sec 1-T123N-R64W (map indicating specific building on file with application), effective April 17 & 18, 2004. All members present voting aye. Motion carried.

**BID – FENCING FOR FAIRGROUNDS CONTAINER SITE:**

Moved by Hansen, seconded by Knecht to authorize advertising public hearing to open, read and consider bids for labor and material to install a complete chain link fence at the Brown County Fairgrounds Container Site, to be held at 9:00 A.M. on March 30, 2004, in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. All members present voting aye. Motion carried.

**BUILDING DISCUSSED:**

Freddie Robinson, Tom Schmitt, Mark Milbrandt and Mick Palmer met to discuss future plans for the County owned building north of the Courthouse. Officials from the Aberdeen School District will be contacted in regard to their future plans, as the School District is currently leasing the facility from the County.

**2003 LANDMARK COMMISSION ANNUAL REPORT:**

Dr. Art Buntin presented the 2003 Landmark Commission Annual Report and gave the Commission an update on current projects.

**TOWING ROTATION:**

Drew Johnson, representing Dallas Ellenbecker DBA Knight Truck & Trailer met to update the Commission on Mr. Ellenbecker's request to join the Aberdeen Towing Organization, which provides a central telephone number for use by the Brown County Communications Center when towing services are requested.

**AWARD BID – GRAVEL MATERIAL:**

Moved by Fischbach, seconded by Knecht to award bids on Gravel Material to low bidders of each type at each location, as per tabulation sheet on file in the Auditor's Office (available for public inspection Monday – Friday, 8:00 a.m. to 5:00 p.m.). All members present voting aye. Motion carried.

**LOAD LIMITS:**

Brown County load limits shall go into effect at 8:00 A.M. on March 10, 2004.

**APPLICATION FOR OCCUPANCY:**

Moved by Hansen, seconded by Wiese to approve application, submitted by WEB Water Development Association for occupancy of Brown County Highway #9 in Sec 10 & 15-125-64 to provide pottable water line. All members present voting aye. Motion carried.

**CONTRACTS:**

Moved by Knecht, seconded by Hansen to authorize the Chairman sign contracts for material, supplies and rental of equipment bid for the Highway Department. All members present voting aye. Motion carried.

**EXECUTIVE SESSION:**

Moved by Hansen, seconded by Wiese to go into executive session to discuss personnel with Mary Worlie in attendance. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to adjourn executive session, with no action taken as a result of discussion. All members present voting aye. Motion carried.

**RECESS:**

The Chairman declared the Commission recessed until March 16, 2004.

Maxine Taylor – Brown County Auditor

# MARCH 16, 2004 – GENERAL MEETING

Meeting called to order by Chairman Feickert at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Knecht and Wiese. Absent Commissioner Fischbach.

## MINUTES:

Moved by Hansen, seconded by Knecht to approve the General Meeting minutes of March 9, 2004. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Wiese, seconded by Hansen to approve the following claims:

Supplies: Best Business..\$127.67, House of Glass..\$383.00, Sioux Valley Hospital..\$40.00, Office Equip..\$114.01, Crescent Elec..\$537.55, Dakota Supply..\$39.53, RE Carlson..\$556.93, Heartland Paper..\$1594.35, Active Data..\$712.50, Electronic Security..\$2797.66, Ecolab..\$81.50, Dakota Electronics..\$257.85, Parcel Erickson..\$21.95, Earthgrains..\$455.48, New Trends..\$114.95, A&M Radio..\$204.00, Ameripride..\$184.65, Bonnie Bitz..\$72.00, Credit Bureau..\$7.50, Streichers..\$135.65, Schwan Welding..\$309.11, Sec of State..\$7.00, JC Penneys..\$84.94, Amoco..\$27.16, Fleet Mgmt..\$49.43, Phillips 66..\$55.40, AACPC..\$1270.75, CPI..\$399.00, Behavioral Interventions..\$224.00, Piorier Equip..\$3280.00, Farm Plan..\$1087.28, Menards..\$98.05, Hub City Rents..\$58.80, Runnings..\$44.72, Farm Power..\$20.35, Macs..\$5.53, Gas & Goodies..\$7.00, Quality Quick Print..\$32.95, Office Max..\$182.43, Assn of SD County Weed Boards..\$100.00, WVV & Assoc..\$2950.00, Kirks Auto..\$22.00, IAFE..\$675.00:

Publications: Groton Independent..\$112.05, Tribune..\$13.95, American News..\$141.11:

Transcriptions: Sara VanDeWalle..\$34.00, Michelle Gaikowski..\$78.20:

Professional Fees: witness fees..\$242.10, Minnehaha County Sheriff..\$24.90, Grand Forks County Sheriff..\$16.50, NE Mental Health Center..\$204.82, Avera St Lukes..\$54.00, Yankton County Sheriff..\$143.55, Lewis & Clark BHS..\$125.00, Pennington County..\$108.00, Donna Dietrich..\$135.22, Don Carlson..\$21.00, Joan Kittelson..\$21.00:

Court Appointed Attorney: Kabeiseman & Pollard..\$184.80:

Utilities: Dependable Sanitation..\$371.00, Midcontinent Cable..\$90.00, Verizon..\$141.33, Qwest..\$121.78, Northwestern Energy..\$2600.85, Northern Elec..\$282.49, City of Hecla..\$141.55, Prairie Fire..\$145.38:

Travel: Maxine Taylor..\$31.94, Extension Service..\$231.14:

Care of Poor: Dr./Hospital – 2 recipients..Avera St Lukes..\$11,232.04; Rent – 11 recipients..Meier & Co..\$250.00, Erik Stewart..\$115.00, Loel Goldade..\$190.00, Rob Hengel..\$230.00, CK Realty..\$150.00, Rockford Apts..\$210.00, Loren Leonard..\$225.00, Arlan Anderson..\$140.00, Joanne Mehlhoff..\$136.00, Park Village..\$327.00. All members present voting aye. Motion carried.

## PERSONNEL:

Moved by Wiese, seconded by Hansen to approve hiring Barbara Greiner as a full-time jailer for JDC, effective March 29, 2004 at \$10.07 per hour. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Hansen to approve hiring Roger Johnson as Weed Supervisor, effective March 22, 2004 at \$12.50 per hour; and further to approve status change from Interim Weed Supervisor to spray operator for Jerry Dempsey, effective March 22, 2004 at \$11.60 per hour. All members present voting aye. Motion carried.

## ABATEMENTS:

Moved by Wiese, seconded by Hansen to approve the following abatements: Bruce O and Sherri Hakala, incorrect property class (N 75' Lt 19-24 Bk 15 Corrected Plat of Highlands) for 2002 @ \$500.22 and 2003 @ \$476.58; Blackstone Developers LLC, incorrect value (Lt 1 Blackstone 2<sup>nd</sup> SD) for 2003 @ \$8,607.07. All members present voting aye. Motion carried.

**NOXIOUS WEED NOTICE:**

Moved by Wiese, seconded by Hansen to authorize publishing noxious weed notice on March 31, 2004. All members present voting aye. Motion carried.

**CONTRACT:**

Moved by Wiese, seconded by Hansen to approve and authorize the Chairman sign contract with VanDiest Supply Company for providing weed chemical as bid March 2, 2004. All members present voting aye. Motion carried.

**LETTER OF SUPPORT:**

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman sign letter of support for the NESDCAP application to the NeighborWorks Network. All members present voting aye. Motion carried.

**ORDINANCE NO. 027:**

Moved by Wiese, seconded by Knecht to authorize advertising public hearing to consider Ordinance No. 027, An Ordinance amending Title 5 – Subdivision Regulations to Second Revision Brown County Ordinances to include access approval prior to the filing of plats, to be held in the Brown County Commission Chambers at 8:45 a.m. on April 6, 2004. All members present voting aye. Motion carried.

**EQUALIZATION NOTICES:**

Moved by Wiese, seconded by Hansen to authorize advertising notice of the Consolidated Board of Equalization and the Brown County Board of Equalization on Tuesday, April 13, 2004. All members present voting aye. Motion carried.

**LIEN COMPROMISE DENIED:**

Moved by Hansen, seconded by Knecht to deny request for compromise of lien balance upon payment of \$1500.00. All members present voting aye. Motion carried.

**SHERIFF REPORTS:**

Moved by Hansen, seconded by Wiese to approve the following February 2004 Sheriff Reports: Incidents and Offenses, Prisoner care, JDC, Money deposited with the County Treasurer and Monthly activities. All members present voting aye. Motion carried.

**CENTENNIAL VILLAGE ANNUAL REPORT:**

Don Gisi presented the Centennial Village Annual Report for 2003.

**BID DATES SET:**

Moved by Hansen, seconded by Wiese to authorize advertising public hearing to open, read and consider the following Highway Department bids, to be held in the Commissioner's Chambers, Courthouse Annex, Brown County, SD on April 20, 2004: Road Oil at 8:45 a.m. and Milling at 9:00 a.m. All members present voting aye. Motion carried.

**MEDICAL BILLS DISCUSSED:**

Charlene Millim, Welfare Director informed the Commission about current catastrophic medical bills to be paid by the County.

**SPEED ZONE AMENDMENT NO. 4:**

Commissioner Wiese offered the following Resolution:

RESOLUTION NO. 10-04  
SPEED ZONE AMENDMENT NO. 4  
TO RESOLUTION NO. 56-2000

WHEREAS, the Brown County Commission may determine and establish speed zones upon all or any part of the highways under its jurisdiction and upon streets and highways on the request of and after any other local authority having charge of the maintenance of the highway has declared its intention to post speed zone, as authorized by SDCL 32-25-9.1, and

WHEREAS, Chapter 6.03 Speed Zones of the Second Revision Brown County Ordinances, as amended has been enacted for this purpose, and

WHEREAS, the Groton Township Board of Supervisors adopted a Resolution on March 2, 2004 declaring their intention to post speed zone and are requesting formal action by Brown County to set 40 MPH as the speed limit on 134<sup>th</sup> Street from 404<sup>th</sup> Ave to ½ mile west of Highway 37 (boundary of Groton Township and City of Groton) and on 404<sup>th</sup> Ave from 134<sup>th</sup> Street to Highway 12, and

WHEREAS, the Henry Township Board of Supervisors adopted a Resolution on March 2, 2004 declaring their intention to post speed zone and are requesting formal action by Brown County to set 40 MPH as the speed limit on 134<sup>th</sup> Street from 398<sup>th</sup> Ave to 404<sup>th</sup> Ave (boundary of Henry and Groton Township) and on 404<sup>th</sup> Ave from 134<sup>th</sup> Street to Highway 12, and

WHEREAS, it is deemed to be in the best interest of the residents of Brown County, to establish speed zones on roads maintained by Groton Township and Henry Township.

NOW, THEREFORE BE IT RESOLVED that the speed limits on the following sections of Groton Township and Henry Township Roads shall be 40 miles per hour.

**134<sup>th</sup> Street**, beginning one-half mile west of US Highway 37 (boundary of Groton Township and city of Groton) and extending east to 398<sup>th</sup> Ave;

**404<sup>th</sup> Ave**, beginning at 134<sup>th</sup> Street and extending north to US Highway 12.

Seconded by Commissioner Knecht. Roll call vote: Commissioners Hansen-aye, Fischbach-absent, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

#### MOSQUITO CONTROL CONFERENCE:

Freddie Robinson and Jerry Dempsey presented information they received at the SD West Nile Preparedness and Mosquito Control Conference held in Pierre on March 15. The Commission scheduled a meeting with officials from all Brown County towns and cities and other interested persons for March 23 at 10:00 a.m. in the Courthouse Annex Community Room.

#### SHERIFF VEHICLE REPORT:

Tom Schmitt informed the Commission that a department vehicle needed \$800 to \$900 worth of repairs and asked if repairs should be made or purchase a replacement. The Commission recommended that the repairs be made, but for the department to look for a replacement vehicle in the future.

#### ADC MEETING REPORT:

Mary Worlie presented discussion hi-lights from a meeting with Aberdeen Development Corporation in regard to a Turkey Processing Plant in the area.

#### RECESS:

The Chairman declared the Commission recessed until March 23, 2004.

Maxine Taylor – Brown County Auditor

## MARCH 23, 2004 – GENERAL MEETING

Meeting called to order by Chairman Feickert at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Fischbach, Knecht and Wiese. The Chairman welcomed Groton High School Senior Class Students who were touring the Courthouse Offices and Jail.

### MINUTES:

Moved by Hansen, seconded by Wiese to approve the General Meeting minutes of March 16, 2004. All members present voting aye. Motion carried.

### CLAIMS:

Moved by Knecht, seconded by Fischbach to approve the following claims:

Payroll: Commissioners..\$2,587.50; Auditor..\$6,981.18; Treasurer..\$8,316.35; Data Processing..\$1,601.93, State's Attorney..\$8,624.55; Victims Assistance..\$904.05; Maintenance..\$5,102.85, Assessor..\$7,228.47; Planning & Zoning..\$1,043.20; Register of Deeds..\$4,635.55; Veterans Service Office..\$2,386.35; Sheriff..\$53,596.80; DOJ Grant..\$805.60; Communications..\$13,403.61; Welfare Office..\$2,660.96; Museum..\$3,945.46; Fairboard..\$875.93; Fairgrounds & Parks..\$3,121.14; Extension..\$1,218.00; Weed..\$248.52; Emergency Management..\$2,253.68; Weed & Seed..\$1,038.18; Highway..\$27,172.32; Landfill..\$6,205.46; Matching Benefits: FICA..\$9,770.69, Medicare..\$2,285.03, Wellmark BCBS Life..\$664.46, Wellmark BCBS Health..\$55,096.09, Delta Dental..\$3,552.00, SD State Retirement..\$20,360.61:  
Supplies: Kesslers..\$16.26, Paper Warehouse..\$27.57, Lora Schaunaman..\$45.27, Wanda Wagemann..\$96.00, New Trends..\$26.91, Academy Trophy..\$68.00, Menards..\$964.00, OK Tire..\$7.00, Sanders Sew 'N Vac..\$14.40, RadioShack..\$4.78, NACVSO..\$500.00, Best Business..\$224.78, Aberdeen Ins Agency..\$75.00, Photos Now..\$3628.00, Taser Int'l..\$6948.76, Towing Plus..\$90.00, Hoven Auto..\$18.14, Velvet Uniforms..\$133.08, SD Dept of Rev..\$822.00, Safety Service..\$182.81, Brown County..\$2913.95, NECOG..\$2785.49, Medical Center Pharm..\$1351.90, SDDOT..\$2774.94, SD Asphalt Conf..\$160.00, Lithia Dodge..\$20,592.00, Jensen Rock..\$4335.20, Diesel Machinery..\$1350.00, Securicor EMS..\$58.08, Creative Sign..\$65.00, Behavior Mgmt..\$231.83, IAFE..\$600.00, Farm Power..\$30.05, House of Glass..\$46.26, Macs..\$9.90, Dakota Supply..\$226.68, Farnam's..\$31.19, USPO..\$300.00, AgBio Communications..\$57.20, FedEx..\$27.52, OSTC/911 Cares..\$80.00, Ramkota Inn..\$230.50, Crucial Tech..\$363.94, Ecolab..\$67.60, IAFE..\$75.00, Homeland Security..\$350.00:  
Publications: American News..\$505.53, Groton Indep..\$140.38:  
Transcriptions: Sara VanDeWalle..\$74.80:  
Professional Fees: Avera St Lukes..\$1210.70, Advanced Care..\$193.87, Avera United Clinic..\$166.00:  
Utilities: Northwestern Energy..\$1111.13, Cellular One..\$865.59, Qwest..\$5947.77, Richmond Lake Sanitary Dist..\$1445.00, AT&T..\$22.98, Verizon..\$64.58, Bureau of Admin..\$414.68:  
Travel: Deb Knecht..\$227.40, Gerald Dempsey..\$27.00, Freddie Robinson..\$126.16:  
Care of Poor: Dr./Hospital – 5 recipients..Dr John Adams..\$258.27, Avera St Lukes..\$9489.45, Harlow Orthopedics..\$1627.86, Sioux Valley..\$12,761.63; Rent – 4 recipients..Housing Authority..\$247.00, T&S Investments..\$157.00, Bruce Boschee..\$190.00, Stan Moffenbier..\$146.00; Transportation – 3 recipients..Jefferson Line..\$181.70; Utilities - 1 recipient..Northwestern Energy..\$250.00; Drugs – 6 recipients..Lori Pharmacy..\$13.74, Econofoods Pharm..\$79.12, Jones Drug..\$11.01, Kessler Pharm..\$103.00, K-Mart Pharm..\$13.99; Insurance – 1 recipient..Wellmark BC/BS..\$1837.50. All members present voting aye. Motion carried.

### PERSONNEL:

Moved by Wiese, seconded by Hansen to approve the following employee step/longevity increases, effective March 28, 2004: Leon Vickers @ \$12.69 per hour, Danielle Radke @ \$9.93 per hour. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Knecht to approve hiring Trenton Lunstrum as full-time adult jailer, effective March 22, 2004 at \$10.07 per hour. All members present voting aye. Motion carried.

**ABATEMENTS:**

Moved by Hansen, seconded by Knecht to approve the following abatements: Roger Johnson, mobile home vacant (SW 33-125-60) solid waste for 2004 @ \$65.00; Robert W Bruns, double assessment (mobile home Dinsmore's 1<sup>st</sup> Addn Lts 6 & 7 Bk 1 Claremont City) for 2004 @ \$9.51; Les Frohling, bare land (E2 SW & N2 E2 W2 SW 30-124-64) solid waste for 2004 @ \$65.00. All members present voting aye. Motion carried.

**PLATS:**

Commissioner Wiese offered the following Resolution:

**RESOLUTION NO. 11-04**

BE IT RESOLVED by the Board of Commissioners of Brown County, SD, that the plat showing "Young Addition in the SE ¼ of Sec 27-T121N-R63W of the 5<sup>th</sup> P.M., Brown County, SD", 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 Knecht. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

**RESOLUTION NO. 12-04**

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing "Kieso's Subdivision in the SW ¼ of Sec 30-T124N-R64W of the 5<sup>th</sup> P.M., Brown County, SD", having been examined is hereby approved in accordance with the provisions of SDCL 11-3 and any amendments thereof.

Seconded by Commissioner Hansen. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

**BUDGET SUPPLEMENT:**

Commissioner Wiese offered the following Resolution:

**RESOLUTION NO. 13-04**

WHEREAS, due to the failure to provide adequate spending authority within the Brown County General Fund Jail Budget for year 2004, to enable the County to provide for the purchase of video equipment to play orientation tapes for inmates in the following amount:

General Fund Jail -----\$2 ,797.66

WHEREAS, the County has chosen to incur this obligation and expenditure by supplementing the 2004 fiscal Brown County General Fund Jail Budget Fund #101-212-426.36 in the amount of \$2,797.66, and to fund same from the proceeds of telephone cards purchased by inmates deposited in cash:



Unobligated Surplus Cash in Fund #101-----\$2,797.66

THEREFORE, BE IT RESOLVED, that notice of hearing for said supplement shall be published in the Official County Newspapers and the public hearing shall be held on April 6, 2004 at 9:00 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, South Dakota, at which time any persons may appear to support or oppose the adoption of same.

Seconded by Commissioner Hansen. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

#### PREVENTION GRANT:

Moved by Hansen, seconded by Fischbach to approve and authorize the Chairman sign letter to the Aberdeen School Board explaining the history of the Department of Justice Prevention Grant and the reason the Commission allocated grant dollars to fund the purchase of security cameras for the new high school. All members present voting aye. Motion carried.

#### WEED AND SEED:

Moved by Knecht, seconded by Wiese to approve the following Weed and Seed Year Two funding proposals: Brown County Sheriff (conference); Aberdeen City (enhance spring cleanup); Brown County Weed & Seed (promotional items), as recommended by the Steering Committee. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Knecht to approve the Brown County Weed and Seed Monthly Expenses for March 2004 (Year Three 2002-WS-QX-0054), in amount of \$4,580.61. All members present voting aye. Motion carried.

#### BUILDING STATUS:

Freddie Robinson inquired about the status of the agreement with Aberdeen School District for lease of the building north of the Courthouse. There is no change in status at this time.

#### COURT SECURITY GRANT APPLICATION:

Moved by Knecht, seconded by Wiese to approve and authorize the Chairman sign letter of application for Court Security Grant funds (Brown County will provide 50% matching funds). All members present voting aye. Motion carried.

#### STRIPING AGREEMENT:

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman sign agreement with the SDDOT for 2004 County Striping Program. All members present voting aye. Motion carried.

#### EQUIPMENT PURCHASE:

Moved by Knecht, seconded by Wiese to approve purchase of a 2004 Dodge ¾ ton Pickup for the Highway Department from Lithia Dodge, Inc., as per State Bid Contract #14073 in amount of \$20,592.00. All members present voting aye. Motion carried.

#### CRACK SEAL AGREEMENT:

Moved by Fischbach, seconded by Wiese to approve purchasing crack sealing services from SDDOT contract with Highway Improvement, Inc, Harrisburg, SD. All members present voting aye. Motion carried.

#### MOSQUITO CONTROL DISCUSSION:

The Commission met with area city, township and association members to discuss options and interest by those in attendance in pursuing state grant funds for the control of west nile, though monitoring and spraying for mosquito's in 2004. Ted Dickey, NECOG will assist the group.

**EXECUTIVE SESSION:**

Moved by Fischbach, seconded by Wiese to go into executive session to discuss personnel. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Knecht to adjourn executive session, with no action taken as a result. All members present voting aye. Motion carried.

**RECESS:**

The Chairman declared the Commission recessed until March 30, 2004.

Maxine Taylor – Brown County Auditor

MARCH 22, 2004- JOINT CITY/COUNTY MEETING

The Brown County Commission and the Aberdeen City Commission met in joint session at 5:30 P.M. in the Aberdeen City Commission Chambers, 123 S Lincoln Street, Aberdeen, South Dakota. Present from City were Commissioners Klabo, Omland, Forkel, Richardson and Mayor Hopper. Present from County were Commissioners Feickert, Fischbach and Wiese. Absent Commissioners Hansen and Knecht.

ORDINANCE NO. 04-03-01/290:

On motion by Klabo and seconded by Forkel, the City unanimously voted to continue hearing until April 26, 2004 at 5:30 p.m. in the City Commission Chambers to consider First Reading of Ordinance No. 04-03-01/290 (no quorum at planning meeting).

Moved by Fischbach, seconded by Wiese to continue hearing (no quorum at planning meeting) until April 26, 2004 at 5:30 p.m. in the City Commission Chambers to consider First Reading of Ordinance No. 04-03-01/290 (Malsom, Schwab, Carda), An Ordinance Amending Ordinance No. 1164 to rezone the following property from Section 701 (A-1) Agricultural District to Section 714 (M-AG) Mini-Agricultural District: Lots 1, 3 and 4 of "Hansen Subdivision in the NE ¼ of Sec 17-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Fischbach to adjourn the Brown County Commission. All members present voting aye. Motion carried.

Maxine Taylor – Brown County Auditor

# MARCH 30, 2004 – GENERAL MEETING

Meeting called to order by Chairman Feickert at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Fischbach and Wiese. Absent Commissioner Knecht.

## MINUTES:

Moved by Hansen, seconded by Wiese to approve the Joint City/County Meeting minutes of March 22, 2004 and the General Meeting minutes of March 23, 2004. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Hansen, seconded by Wiese to approve the following claims:

Supplies: Adamsoft..\$10,000.00, Office Equipment..\$82.29, Dakota Supply..\$23.57, Custom Sheet Metal..\$43.00, Chets Janitorial..\$390.00, OK Tire..\$18.00, Active Data..\$1860.87, CPI..\$238.50, Dakota Electronics..\$351.00, Moore Medical Corp..\$272.46, SD Sheriff Assn..\$25.00, Best Business..\$267.53, Duane's Amoco..\$29.30, Medtox..\$230.43, Exec Mgmt..\$2335.85, Parcel-Erickson..\$65.00, Supercircuits..\$341.20, Auto Glass..\$215.82, Share Corp..\$326.80, Respond..\$10.95, New Deal..\$54.35, Lyle Sign..\$74.70, Lawson Prod..\$287.87, Keeleys..\$585.60, Jenson Rock & Sand..\$668.00, Hub City Rents..\$100.80, Howes Oil..\$8596.40, Frey's Elec..\$72.50, Farm Power..\$312.36, Erdmann Oil..\$2004.97, Violet Dinger..\$1808.00, Creative Signs..\$10.00, Farnam's..\$14.63, Janitor Supply..\$84.50, Evergreen Supply..\$56.50, Kleins..\$4.22, Sherri Rawstern..\$90.45, Walmart..\$11.05, Travel & Recreation Directory..\$515.00, NADRIC..\$1666.67, Office Max..\$29.99, New Trends..\$134.95, Western Printing..\$132.10, Claritus..\$5439.00, Global Protection..\$9794.70, Vicky Wicks..\$8.79, DSS..\$167.40, Petroleum Partners..\$762.11, Heartland Paper..\$971.78, Hagen Ins..\$276.00, Butler..\$1181.64, ARCOA..\$287.64, RDO..\$153,090.00, Les Frohling..\$65.00, Eide Bailey..\$267.00, John Kippley..\$68.64:

Publications: American News..\$315.37, Dakota Press..\$828.01, Groton Indep..\$162.29:

Transcriptions: Cheryl Hook..\$106.60, Neal Reporting..\$134.80:

Professional Fees: Kim Dorsett..\$2083.33, Richard Russman..\$2916.67, Avera St Lukes..\$247.50, Dawn Woods..\$58.00:

Court Appointed Attorney: William Gerdes..\$4166.67, Christy Serr..\$4166.67, Kuck Law Office..\$4166.67, Randy Turner..\$4166.67, Kelly Marnette..\$666.00:

Utilities: Qwest..\$259.07, Northwestern Energy..\$864.26, Montana Dakota..\$30.66, Cellular One..\$137.10, Midcontinent Cable..\$130.00, GeniusWeb..\$29.97, Northern Elec..\$772.35, MVTL..\$27.20, WEB..\$52.45:

Travel: Mike Wiese..\$8.12, Wm Meink..\$17.69, Mark Milbrandt..\$576.55, Casey Thorstenson..\$66.00, Cordell Rudolph..\$66.00, Gene Loeschke..\$87.29, Dennis Feickert..\$29.00:

Care of Poor: Dr./Hospital – 1 recipient..Anesthesia Care..\$320.00; Rent – 7 recipients..Wilbert Schultz..\$122.50, Warren Hunstad..\$210.00, Tom Hinz..\$210.00, Jon Husby..\$122.00, Northview Mobile Manner..\$120.00, Arlan Anderson..\$140.00, Kurt Kruger..\$129.00; Utilities - 3 recipients..NWPS..\$335.00; Drugs – 5 recipients..Kessler Pharm..\$232.59, K-Mart Pharm..\$161.90, Walmart Pharm..\$757.66; Insurance – 1 recipient..Avera Health Plans..\$340.89; Burial – 1 recipient..Miller Huebl Funeral Home..\$1490.00. All members present voting aye. Motion carried.

## PERSONNEL:

Moved by Wiese, seconded by Fischbach to approve hiring Jodi Heller and Traci Freeman as part-time JDC Officers, effective April 6, 2004 at \$8.90 per hour. All members present voting aye. Motion carried.

## ABATEMENTS:

Moved by Hansen, seconded by Fischbach to approve the following abatements: Paul Meyers, house fire (SE 20-124-63 ex land deeded) solid waste for 2004 @ \$65.00; Merle & Shirley Freeman, owner/occupied status (mobile home Park Village #212) for 2004 @ \$35.71; Lonald L & Marva Gellhaus, house fire (1<sup>st</sup> Addn Lt 5-6 Bk 22 Groton) for 2003 @ \$697.33; Anton R & Shelly L Gross, owner/occupied status (Gross 2<sup>nd</sup> Addn NW 34-124-64) for 2003 @ \$657.34; Richard or Ida Neu c/o Charlotte Roblewski, owner/occupied status (Lt 7 Bk 3 Warner) for 2004 @ \$32.82; Merle or Linda Weisz, owner/occupied status (mobile home Lakeside Estates) for 2004 @ \$29.68; Ned M & Kay M Fredrick, incorrect legal (W 1005' of E 1105' SE 27-125-64 ex land deeded) weed assessment for 2004 @ \$50.00. All members present voting aye. Motion carried.

#### TAX DEED SALE:

Moved by Wiese, seconded by Hansen to declare the following property surplus for sale and further to authorize advertising a Tax Deed Sale to be held at 10:00 a.m. on April 19, 2004 in the Courthouse Annex Community Room: Aberdeen Township: Easton's Subd F NE ¼ 14-123-64, 37.6' Next W of E 425' of F (.129 A); Osceola Township: Abandon RR R/O/W SW ¼ 26-128-64; Aberdeen City: W ½ of Lot 13 Block 17, Hagerty & Lloyd's Addn; E 71' of Lots 23-24, Block 44, Hagerty & Lloyd Addn. All members present voting aye. Motion carried.

#### LOTTERY APPLICATION:

Moved by Hansen, seconded by Fischbach to approve and authorize the Chairman sign application, submitted by Northeast South Dakota Rabbit Club for a lottery to be held on June 12, 2004. All members present voting aye. Motion carried.

#### CAPITAL ASSET POLICY:

Moved by Hansen, seconded by Fischbach to adopt the following Capital Asset Policy, effective March 30, 2004:

##### **BROWN COUNTY CAPITAL ASSET POLICY:**

##### **Governmental Funds, Non-Governmental Funds and Enterprise Fund**

SDCL 5-24 requires all county departments to file a property inventory with the county auditor by January 10<sup>th</sup> of each year, which shall include all items in the following categories over the stated original cost.

Land and Land Rights – all purchases included

Buildings - \$25,000

Improvements other than buildings - \$25,000

Machinery and Equipment - \$5000

Infrastructure - \$25,000

Note:

Personal Property Listings – All county departments are required to file an additional list of electronic equipment, furniture, and/or equipment requiring insurance coverage with an original cost less than \$5000.

All members present voting aye. Motion carried.

#### SPECIAL MALT BEVERAGE LICENSE HEARING:

Time and place, as advertised for public hearing to consider applications for a Special Malt Beverage License. Moved by Wiese, seconded by Hansen to approve the following Special Malt Beverage Licenses, contingent upon receipt of Certificate of Insurance naming Brown County as additional insured: Aberdeen Hockey Association – Brown County Fairgrounds Holum Expo Building, SW ¼ Sec 1-T123N-R64W, effective April 2 & 3, 2004; Aberdeen Hockey Association – Brown County Fairgrounds Aberdeen Ice Arena Building, SW ¼ Sec 1-T123N-R64W, effective April 17 & 18, 2004; Aberdeen A.B.A.T.E. – Brown County Fairgrounds Holum Expo Building, SW ¼ Sec 1-T123N-R64W, effective April 17 & 18, 2004 All members present voting aye. Motion carried.

**WASTE TIRE REMOVAL GRANT AWARD:**

Mike Scott, Landfill Manager informed the Commission that Brown County has received a \$30,000.00 Grant Award from the Solid Waste Management Grant Program for waste tire removal (50/50 cost share grant, effective for two years).

**BID – WASTE TIRE REMOVAL:**

Moved by Hansen, seconded by Wiese to authorize advertising public hearing to open, read and consider bids for the 2004 Brown County Waste Tire Cleanup, to be held at 9:00 a.m. on April 13, 2004 in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. All members present voting aye. Motion carried.

**BID – CHAIN LINK FENCE AT FAIRGROUNDS CONTAINER SITE:**

Time and place, as advertised to open, read and consider bids for labor and material to install a chain link fence at the fairgrounds container site. Moved by Wiese, seconded by Hansen to award low bid, submitted by Vosika Fencing in amount of \$25,928.00 for labor and material to install a chain link fence at the fairgrounds container site; rejecting bid submitted by Mohr's Fencing in amount of \$38,893.00. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Fischbach to approve and authorize the Chairman sign Contract with Vosika Fencing for installation of a chain link fence at the fairgrounds container site. All members present voting aye. Motion carried.

**APPLICATION FOR OCCUPANCY:**

Moved by Fischbach, seconded by Hansen to approve and authorize the Chairman sign application, submitted by NorthWestern Energy for occupancy of Brown County Highway #23 in Sec 5-121-63 and Sec 32-122-63, Brown County, SD to install underground electrical cable. All members present voting aye. Motion carried.

**TERMINATE CONTRACT:**

Moved by Fischbach, seconded by Hansen to authorize the Chairman sign letter of intent to terminate the agreement with the Aberdeen School District for lease of the blue steel-framed building located at 6 ½ N Main Street, Aberdeen, SD, effective October 1, 2004. All members present voting aye. Motion carried.

**FAIRGROUNDS CAMPSITE:**

Larry Gerlach, Fair Manager and Kurt Smith, Fairgrounds Manager met to discuss the creation of a new campground at the Fairgrounds and finance through donations. Moved by Wiese, seconded by Fischbach to approve campaign to obtain donations to finance a new campground at the Fairgrounds (\$625.00 donation per site with 2004 and 2005 camper fee waived during week of Fair). All members present voting aye. Motion carried.

**ASSESSMENT UPDATE:**

Mary Worlie gave the Commission a preliminary number of appeals to be heard during equalization (deadline to file appeal form is April 6).

**EAST RIVER ELECTRIC POWER COOPERATIVE FRANCHISE:**

Commissioner Wiese offered the following Resolution:

**RESOLUTION NO. 14-04**

WHEREAS, East River Electric Power Cooperative, Inc., a corporation, on the 17<sup>th</sup> day of March, 2004, filed with the County Auditor of the County of Brown, South Dakota, its duly verified petition for franchise for a grant of the right to construct, maintain, and operate poles and wires for the purpose of transmitting electricity and electric energy for lighting, heating, and power purposes over, upon, along, and across the following public highways in said County of Brown, to-wit:

1. Existing transmission system:

Entering Brown County from the east along the quarter line of Section Twelve (12), Township One Hundred Twenty Two (122) North, Range Sixty (60) West of the Fifth Principal Meridian, proceeding thence west along said quarter line across said Section Twelve (12) and across Sections Eleven (11), Ten (10), Nine (9) and to a point approximately in the center of Section Eight (8), same Township and Range, thence proceeding south across the south one-half of said Section Eight (8), continuing on south through Section Seventeen (17) to a point approximately thirty five (35) feet south of the north boundary of Section Twenty (20), thence westerly along the north boundary of the Northwest Quarter (NW1/4) of Section Twenty (20), continuing on in the same manner along the north boundary of Section Nineteen (19) to a point in the Northwest Quarter (NW1/4) of said Section Nineteen (19), thence north to a point in the Southwest Quarter (SW1/4) of the Southwest Quarter (SW1/4) of Section Eighteen (18), Township One Hundred Twenty Two (122) North, Range Sixty (60) West, the location of the United States Western Area Power Administration substation.

Also beginning at a point along the quarter line at the north boundary of Section Twenty Three (23), Township One Hundred Twenty Two (122) North, Range Sixty One (51) West, proceeding thence south along said quarter line across Sections Twenty Three (23), Twenty Six (26), and Thirty Five (35), same township and range, and proceeding south to a point approximately in the center of Section Two (2), Township One Hundred Twenty One (121) North, Range Sixty One (61) West, thence proceeding west along the quarter line across the west one-half of said Section Two (2), and across Section Three (3), thence north along the west section line of said Section Three (3), to the Cooperative's substation located in the northwest corner of the Northwest Quarter (NW1/4) of said Section Three (3), same township and range, a distance of approximately five and one-half (5 1/2) miles.

Also beginning at a point along the quarter line at the west boundary of Section Three (3), Township One Hundred Twenty One (121) North, Range Sixty One (61) West, proceeding thence west along said quarter line across Sections Four (4), Five (5), and Six (6), same township and range, and proceeding west across Section One (1), and across the east one-half of Section Two (2), to a point approximately in the center of said Section Two (2), thence proceeding south to a point approximately in the center of Section Eleven (11), thence proceeding west across the west one-half of said Section Eleven (11) and across Sections Ten (10), Nine (9), Eight (8), and Seven (7), all in Township One Hundred Twenty One (121) North, Range Sixty Two (62) West, and continuing west across Sections Twelve (12), Eleven (11), Ten (10), Nine (9), Eight (8), and Seven (7), Township One Hundred Twenty One (121) North, Range Sixty Three (63) West, and continuing west across Sections Twelve (12), Eleven (11), Ten (10), Nine (9), Eight (8) and Seven (7), thence south along the west boundary of Section Seven (7) to the Cooperative's substation located in the southwest corner of the Southwest Quarter (SW1/4) of said Section Seven (7), Township One Hundred Twenty One (121) North, Range Sixty Four (64) West, a distance of approximately twenty two and one-half (22 1/2) miles.

Also beginning at a point in the Southwest Quarter of the Southwest Quarter (SW1/4SW1/4) of Section Eighteen (18), Township One Hundred Twenty Two (122) North, Range Sixty (60) West, the location of the United States Western Area Power Administration Substation, thence proceeding westerly crossing Highway 37 to a point along the east boundary of Section Thirteen (13), Township One Hundred Twenty Two (122) North, Range Sixty One (61) West, thence south to a point in the northeast corner of Section Twenty Four (24), same township and range, thence westerly along the north boundary of said Section

Twenty Four (24) to a point along the north-south quarter line of Section Twenty Three (23), thence northerly through Sections Fourteen (14) and Eleven (11), and across Section Two (2), same township and range, and continuing north across Sections Thirty Five (35), Twenty Six (26), Twenty Three (23), Fourteen (14), Eleven (11), and Two (2), Township One Hundred Twenty Three (123) North, Range Sixty One (61) West, and continuing north across Sections Thirty Five (35), Twenty Six (26), Twenty Three (23), Fourteen (14), Eleven (11), and Two (2), Township One Hundred Twenty Four (124) North, Range Sixty One (61) West, and continuing north along the quarter line across Sections Thirty Five (35), Twenty Six (26), Twenty Three (23), Fourteen (14) and Eleven (11), to a point approximately in the center of Section Eleven (11), same Township and Range, thence proceeding east along the quarter line to a point approximately in the center of Section Twelve (12), same Township and Range, thence north to a point along the south boundary of Section One (1), same Township and Range, thence east to the cooperative's substation located in the southeast corner of the Southeast Quarter (SE1/4) of said Section One (1), all in Township One Hundred Twenty Five (125) North, Range Sixty One (61) West, a distance of approximately twenty (20) miles.

Also beginning at a point on the existing transmission line of the cooperative near the center of Section Twenty Six (26), Township One Hundred Twenty Four (124) North, Range Sixty One (61) West of the Fifth Principal Meridian, proceeding thence west along the quarter section line across the west one-half of said Section Twenty Six (26) and across Sections Twenty Seven (27), Twenty Eight (28), Twenty Nine (29), and Thirty (30), same township and range, and continuing west across Sections Twenty Five (25), Twenty Six (26), Twenty Seven (27), Twenty Eight (28), Twenty Nine (29), and Thirty (30), Township One Hundred Twenty Four (124) North, Range Sixty Two (62) West, and continuing west across Sections Twenty Five (25) and Twenty Six (26), and to a point approximately one hundred thirty three (133) feet west of the east section line of Section Twenty Seven (27), all in Township One Hundred Twenty Four (124) North, Range Sixty Three (63) West, and thence proceeding north parallel to the east section line of said Section Twenty Seven (27) of said township and range to the site of the cooperative's substation located in the northeast corner of the Northeast Quarter (NE1/4) of said Section Twenty Seven (27), Township One Hundred Twenty Four (124) North, Range Sixty Three (63) West, a total distance of approximately thirteen (13) miles.

Entering Brown County from the south approximately fifty two (52) feet west of the southeast corner of Section Thirty One (31), Township One Hundred Twenty One (121) North, Range Sixty Two (62) West of the Fifth Principal Meridian, continuing north fifty two (52) feet west of the east boundaries of said Section Thirty One (31) and Sections Thirty (30), Nineteen (19), Eighteen (18), and to the east-west quarter line of Section Seven (7), Township One Hundred Twenty One (121) North, Range Sixty Two (62) West, to the location of and point of connection with the cooperative's existing transmission line, a distance of approximately four and one-half (4 1/2) miles.

Also beginning at a point at the United States Western Area Power Administration substation in the Southwest Quarter of the Southwest Quarter (SW1/4SW1/4) of Section Eighteen (18), Township One Hundred Twenty Two (122) North, Range Sixty (60) West. At this point the transmission line crosses Highway 37 to a point in the Southeast Quarter Southeast Quarter (SE1/4SE1/4) of Section Thirteen (13), Township One Hundred Twenty Two (122) North, Range Sixty One (61) West. From this point turning north paralleling Highway 37 approximately seventy seven (77) feet west of road center along Section Thirteen (13), Township One Hundred Twenty Two (122) North, Range Sixty One (61) West, to a point in the Northeast Quarter Northeast Quarter (NE1/4NE1/4). At this point turning west, continuing westerly approximately forty seven (47) feet south of road center along Section Thirteen (13) and Northeast Quarter (NE1/4) of Section Fourteen (14), Township One Hundred Twenty Two (122) North, Range Sixty One (61) West. At this point East River Electric Power Cooperative, Inc. connects to their existing 69 KV line. Transmission line consists of approximately two and one half (2 1/2) miles.



Also beginning at a point in the Southwest Quarter Northwest Quarter (SW1/4NW1/4) of Section Eleven (11), Township One Hundred Twenty One (121) North, Range Sixty Three (63) West, of the Fifth Principal Meridian. Commencing at this point in a northerly direction paralleling west boundaries of Northwest Quarter (NW1/4) of Section Eleven (11) and Section Two (2), entering Section Thirty Five (35) in Southwest Quarter of Southwest Quarter (SW1/4SW1/4) of Township One Hundred Twenty Two (122) North, Range Sixty Three (63) West, continuing along west boundary of Section Thirty Five (35), Township One Hundred Twenty Two (122) North, Range Sixty Three (63) West, to the Northwest Quarter Southwest Quarter (NW1/4SW1/4) of Section Twenty Six (26), at this point crossing township road to Northeast Quarter Southeast Quarter (NE1/4SE1/4) of Section Twenty Seven (27), Township One Hundred Twenty Two (122) North, Range Sixty Three (63) West. At this point continuing northerly paralleling east boundary of the Northeast Quarter (NE1/4) of Section Twenty Seven (27), Township One Hundred Twenty Two (122) North, Range Sixty Three (63) West, continuing northerly along east boundary of Section Twenty Two (22), at this point crossing township road to the southwest corner of the Southwest Quarter (SW1/4) of Section Fourteen (14), Township One Hundred Twenty Two (122) North, Range Sixty Three (63) West, continuing northerly along the west boundary of Section Fourteen (14) to the southwest corner of the Southwest Quarter (SW1/4) of Section Eleven (11), Township One Hundred Twenty Two (122) North, Range Sixty Three (63) West, at this point crossing the township road to the southeast corner of the Southeast Quarter of Section Ten (10) Township One Hundred Twenty Two (122) North, Range Sixty Three (63) West, continuing north along the east boundary of Sections Ten (10) and Three (3), entering Section Thirty Four (34) in the Southeast Quarter of Southeast Quarter (SE1/4SE1/4) in Township One Hundred Twenty Three (123) North, Range Sixty Three (63) West, continuing northerly on east boundary of Sections Thirty Four (34) and Twenty Seven (27), to the Northeast Quarter of Southeast Quarter (NE1/4SE1/4) of Section Twenty Two (22). At this point crossing road to Southwest Quarter of Northwest Quarter (SW1/4NW1/4) of Section Twenty Three (23), Township One Hundred Twenty Three (123) North, Range Sixty Three (63) West. Continuing to the 69 KV substation located in the Northwest Quarter of Northwest Quarter (NW1/4NW1/4) of Section Twenty Three (23), Township One Hundred Twenty Three (123) North, Range Sixty Three (63) West.

Also at the point in the Northwest Quarter Northwest Quarter (NW1/4NW1/4) (from substation) continuing northerly crossing Highway 12 to the Southwest Quarter Southwest Quarter (SW1/SW1/4) of Section Fourteen (14), Township One Hundred Twenty Three (123) North, Range Sixty Three (63) West, approximately thirty five (35) feet east of road center, continuing northerly paralleling the west boundary of Sections Fourteen (14), Eleven (11), and Two (2), all in Township One Hundred Twenty Three (123) North, Range Sixty Three (63) West, entering Section Thirty Five (35), Township One Hundred Twenty Four (124) North, Range Sixty Three (63) West in the Southwest Quarter Southwest Quarter (SW1/4SW1/4) continuing northerly and paralleling west boundary of Section Thirty Five (35), to the Northwest Quarter Southwest Quarter (NW1/4SW1/4) of Section Twenty Six (26). At this point connecting to East River Electric Power Cooperative's existing 69 KV line. Line consisting of approximately fifteen (15) miles.

Also at a point in the northwest corner of the Northwest Quarter (NW1/4) of Section Two (2), Township One Hundred Twenty Two (122) North, Range Sixty Three (63) West of the Fifth Principal Meridian, approximately thirty five (35) feet south of road center. Continuing in a westerly direction paralleling north boundaries approximately thirty five (35) feet south of road center through Sections Three (3), Four (4), Five (5), and Six (6), all in Township One Hundred Twenty Two (122) North, Range Sixty Three (63) West. Continuing in the same manner through Sections One (1), Two (2), and Three (3), Township One Hundred Twenty Two (122) North, Range Sixty Four (64) West at a point in the northeast corner of the Northeast Quarter (NE1/4), Section Three (3), turning north at right angles. Entering Section Thirty Four (34), Township One Hundred Twenty Three (123) North, Range Sixty Four (64) West in the southeast corner of Southeast Quarter (SE1/4) continuing northerly approximately thirty five (35) feet east of road center, paralleling Section Thirty Four (34). At a point in the northwest corner of the

Northwest Quarter (NW1/4), Section Thirty Four (34), crossing road to a point in the northeast corner of the Northeast Quarter (NE1/4), Section Thirty Three (33), Township One Hundred Twenty Three (123) North, Range Sixty Four (64) West. Continuing northerly paralleling east boundary approximately thirty five (35) feet west of road center through Section Twenty Eight (28), Township One Hundred Twenty Three (123) North, Range Sixty Four (64) West, crossing road to a point in the southeast corner of Southeast Quarter (SE1/4), Section Twenty One (21), Township One Hundred Twenty Three (123) North, Range Sixty Four (64) West. At this point turning west at right angle, continuing westerly paralleling south boundary approximately thirty five (35) feet south of road center of the Southwest Quarter (SW1/4) of Section Thirty One (31), Township One Hundred Twenty Three (123) North, Range Sixty Four (64) West to a point in the Southwest Quarter Southeast Quarter (SW1/4SE1/4), Section Thirty One (31), Township One Hundred Twenty Three (123) North, Range Sixty Four (64) West to the S.W. Aberdeen Substation. Line approximately nine and one-half (9 1/2) miles.

Also taking off from the existing line in the Northwest Quarter of the Northwest Quarter (NW1/4NW1/4) of Section Eleven (11), Township One Hundred Twenty Three (123) North, Range Sixty Three (63) West, thence westerly along the north edge of Section Ten (10) to a point in the Northwest Quarter (NW1/4) of Section Ten (10), stub pole and anchors along railroad right of way in Section Three (3), thence paralleling the Burlington Northern Railroad line to the southwest through Section Ten (10) and to a point in the Southeast Quarter (SE1/4) of the Northwest Quarter (NW1/4) of Section Nine (9), thence south along the quarter line to a point in the northeast corner of the Northwest Quarter (NW1/4), Section Sixteen (16) and west to a cooperative substation in the Northwest Quarter (NW1/4) of Section Sixteen (16). The line is approximately two and three-quarters (2 3/4) miles in length.

Also beginning in the southwest corner of the Southwest Quarter (SW1/4) of Section Twenty Six (26), Township One Hundred Twenty Four (124) North, Range Sixty Three (63) West of the Fifth Principal Meridian, thence west into the southeast corner of the Southeast Quarter (SE1/4) of Sections Twenty Seven (27), continuing west along the south edge of Section Twenty Seven (27) and Twenty Eight (28), into the southeast corner of the Southeast Quarter (SE1/4) of Section Twenty Nine (29), making a right angle turn to the north, with a stub pole and four anchors to the south into the northeast corner of the Northeast Quarter (NE1/4) of Section Thirty Two (32), and four anchors west in the southeast corner of the Southeast Quarter (SE1/4) of Section Twenty Nine (29), thence north along the east edge of Section Twenty Nine (29) into the southeast corner of the Southeast Quarter (SE1/4) of Section Twenty (20), making a right angle turn to the west, with four anchors to the north and a stub pole and four anchors into the southwest corner of the Southwest Quarter (SW1/4) of Section Twenty One (21), thence west along the south edge of Section Twenty (20), Section Nineteen (19), all in Township One Hundred Twenty Four (124) North, Range Sixty Three (63) West of the Fifth Principal Meridian, continuing west into the southeast corner of the Southeast Quarter (SE1/4) of Section Twenty Four (24), Township One Hundred Twenty Four (124) North, Range Sixty Four (64) West of the Fifth Principal Meridian, thence west along the south edge of Section Twenty Four (24) and into Section Twenty Three (23), making a right angle turn to the south, with four anchors to the north and four anchors to the west in Section Twenty Three (23), thence south into Section Twenty Six (26), with four anchors to the east and four anchors to the south, thence west along the north edge of Section Twenty Six (26), Section Twenty Seven (27), Section Twenty Eight (28) and Section Twenty Nine (29), ending in the northwest corner of the Northwest Quarter (NW1/4) of Section Twenty Nine (29), Township One Hundred Twenty Four (124) North, Range Sixty Four (64) West of the Fifth Principal Meridian, in Lincoln Township, Brown County, South Dakota, the site of the N.W. Aberdeen Substation. The transmission line is approximately ten (10) miles.

Also a 115 KV substation is built in the South Six Hundred Feet (S 600'), the East Eight Hundred Fifty Feet (E 850') of the Southwest Quarter (SW1/4) of Section Twenty Eight (28), Township One Hundred Twenty Four (124) North, Range Sixty Two (62) West. There is one-half mile of double circuit line along the east edge of the Southwest Quarter (SW1/4), connecting into our line in the north corner of the

Southwest Quarter (SW1/4) of Section Twenty Eight (28), Township One Hundred Twenty Four (124) North, Range Sixty Two (62) West.

Also East River Electric Power Cooperative, Inc., has constructed an electrical transmission line interconnecting with the N.W. Aberdeen Substation located in the northwest corner of the Northwest Quarter (NW1/4), Section Twenty Nine (29), Township One Hundred Twenty Four (124) North, Range Sixty Four (64) West of the Fifth Principal Meridian, thence southerly along the west edge of Section Twenty Nine (29), crossing into the northwest corner of Section Thirty Two (32), thence westerly along the north edge of Section Thirty One (31), Township One Hundred Twenty Four (124) North, Range Sixty Four (64) West of the Fifth Principal Meridian, continuing westerly along the north edges of Sections Thirty Six (36), Thirty Five (35), Thirty Four (34) and Thirty Three (33), Township One Hundred Twenty Four (124) North, Range Sixty Five (65) West of the Fifth Principal Meridian, thence extending into the southwest corner of Section Twenty Eight (28) and the northeast corner of Section Thirty Two (32) for the purpose of bracing and securing the transmission line, thence southerly along the west edge of Section Thirty Three (33), crossing into the northwest corner of Section Four (4), Township One Hundred Twenty Three (123) North, Range Sixty Five (65) West the Fifth Principal Meridian, thence westerly along the north edge of Sections Five (5) and Six (6), leaving Brown County in the northwest corner of Section Six (6), Township One Hundred Twenty Three (123) North, Range Sixty Five (65) West the Fifth Principal Meridian. The transmission line is approximately nine (9) miles.

Also East River Electric Power Cooperative, Inc. has constructed an electrical transmission line interconnecting with the Claremont Substation located in the Southeast Quarter (SE1/4) of Section One (1), Township One Hundred Twenty Five (125) North, Range Sixty One (61) West of the Fifth Principal Meridian, thence northerly along the east edge of Section One (1), Township One Hundred Twenty Five (125) North, Range Sixty One (61) West, continuing northerly along the east edge of Sections Thirty Six (36) and Twenty Five (25), Twenty Four (24), Thirteen (13), Twelve (12) and One (1), Township One Hundred Twenty Six (126) North, Range Sixty One (61) West, thence continuing north along the east edge of Sections Thirty Six (36) and Twenty Five (25), Township One Hundred Twenty Seven (127), Range Sixty One (61) North, to the Hecla Substation in the Southeast corner of the Southeast Quarter (SE1/4) of Section Twenty Four (24), Township One Hundred Twenty Seven (127), Range Sixty One (61) West of the 5th P.M.

WHEREAS, said application was heard by the Board of County Commissioners of said County of Brown, on the 30<sup>th</sup> day of March, 2004, at the hour of 10:00 o'clock A.M. at the office of said board in the Court House in the City of Aberdeen, Brown County, South Dakota, due notice of said hearing having been given by mail, in strict compliance with the requirements of law, to all persons, firms or corporations owning or operating transmission, telegraph, or telephone lines on or along any part of the highways hereinbefore described which the proposed transmission or distribution line of the applicant is to occupy, all in accordance with the terms and provisions in SDCL Chapter 31-26 and all acts amendatory thereto.

WHEREAS, no person, firm, or corporation has appeared in opposition to the granting of such application, and it appearing to the satisfaction of the Board of County Commissioners that no differences have arisen or exist between the applicant, East River Electric Power Cooperative, Inc., and any owner of any transmission, telegraph, or telephone line on or along any part of said highways; and it further appearing to the satisfaction of the board that the construction, operation and maintenance of the applicant's distribution and transmission line as now installed and operating and with additions thereto will not interfere with the maintenance and operation of any other line upon any part of said highways;

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of the County of Brown and State of South Dakota that East River Electric Power Cooperative, Inc., is hereby granted, in addition to rights previously granted to it, the right to construct, maintain, and operate poles

and wires for the purpose of transmitting electricity and electric energy for lighting, heating, and power purposes over, upon, along, and across the public highways hereinbefore described in said County of Brown for a period of twenty years from and after the date hereof be, subject to the terms and conditions of SDCL Chapter 31-26 and all acts amendatory thereto. Dated this 30<sup>th</sup> day of March, 2004.

Seconded by Commissioner Fischbach. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-absent, Wiese-aye, Feickert-aye. Resolution adopted.

**COMPUTER:**

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman sign Articles of Agreement for a computer being granted to the Brown County Commissioners by the SD Department of Health. All members present voting aye. Motion carried.

**INSURANCE:**

Jeanette Nietert, Deputy County Auditor presented a comparison of the county health insurance plan basics and rates to the city and schools. More discussion to be conducted next week.

**CONTRACT:**

Moved by Wiese, seconded by Fischbach to approve and authorize the Chairman sign contract with the SD DOT, whereby Brown County will furnish labor and material to control the growth of declared noxious weed, aquatic vegetation and growth suppression around sign posts and guard rail within the right-of-way of all SD DOT maintained highway routes designated with reimbursement to the County in amount of \$17,108.00. All members present voting aye. Motion carried.

**MOSQUITO CONTROL UPDATE:**

Ted Dickey, NECOG presented an update on the status of a county-wide Mosquito Control Grant application being prepared.

**LIEN DISCUSSION:**

A couple met with the Commission to discuss a medical bill lien. There was no action taken at this time.

**ADJOURNMENT:**

Moved by Hansen, seconded by Wiese to adjourn the Brown County Commission. All members present voting aye. Motion carried.

Maxine Taylor – Brown County Auditor

## APRIL 6, 2004 – GENERAL MEETING

The Brown County Commission convened at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Feickert, Hansen, Fischbach, Knecht and Wiese.

## MINUTES:

Moved by Wiese, seconded by Knecht to approve the General Meeting minutes of March 30, 2004. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Knecht, seconded by Wiese to approve the following claims:

Payroll: Commissioners..\$2,587.50; Auditor..\$6,958.75; Treasurer..\$8,316.35; Data Processing..\$1,601.93; State's Attorney..\$8,624.55; Victims Assistance..\$904.05; Maintenance..\$5,061.41, Assessor..\$7,117.26; Planning & Zoning..\$1,062.76; Register of Deeds..\$4,635.55; Veterans Service Office..\$2,422.10; Sheriff..\$52,238.59; DOJ Grant..\$2,497.37; Communications..\$14,086.29; Welfare Office..\$2,660.96; Museum..\$3,910.96; Fairgrounds & Parks..\$3,121.14, Fairboard..\$875.93; Extension..\$1,607.20; Weed..\$422.38; Emergency Management..\$2,160.65; Weed & Seed..\$1,067.31, Highway..\$26,629.56; Landfill..\$6,187.37; Matching Benefits: FICA..\$9,831.61; Medicare..\$2,299.34:

Supplies: Office Equip..\$24.36, Quality Quick Print..\$321.34, Dacotah Prairie Museum..\$25.90, Office Max..\$654.40, New Trends..\$159.18, Dept of Revenue..\$45.00, Exec Mgmt..\$51.40, Dakota Supply..\$132.70, Heartland Paper..\$90.56, Runnings..\$318.82, Double D Body Shop..\$42.00, House of Glass..\$765.00, Menards..\$93.36, UBC..\$3076.02, Best Business..\$217.68, Dicks..\$65.25, Pioneer Ford..\$57.75, Velvet Uniforms..\$84.82, NSU..\$100.00, Parcel-Erickson..\$195.00, SDSA/SDPC Assoc..\$60.00, Zastrow Service..\$32.00, SD Division of Motor Vehicle..\$13.00, Reuer Auto..\$12.60, Ramada..\$312.00, ProAg..\$26.00, Newman Signs..\$30.89, Great Western Tire..\$2785.51, JD Evans..\$171.14, Violet Dinger..\$4760.60, HC Clark..\$18.04, Butler Machinery..\$49.92, Best Business..\$8.94, Bridgestone/Firestone..\$149.58, Aberdeen Equip..\$2209.62, Crawford Trucks..\$559.83, A&M Radio..\$217.37, Lora Schaubman..\$119.77, Streichers..\$279.99, Justin Brotzel..\$150.00, Godfather's Pizza..\$57.50, City of Groton..\$153.45, Dakota Electronics..\$37.50, Macs..\$20.63, Todd Wren Const..\$3105.00, Farm & Home Pub..\$25.25, SDACC..\$188.50, Erdmann Oil..\$1611.13, Dakota Oil..\$260.33, Praxair..\$14.80, Cradys Radiator..\$96.00, OK Tire..\$166.00, SD Dept of Rev..\$2943.52, Hedahls..\$21.83, Dakota Wood Grinding..\$12,425.00, Tres..\$117.22, Powerplan..\$470.49, Sheehan Mack Sales..\$239.94, Town & Country..\$38.37, Earth Tech..\$2124.10, Bricks..\$892.50:

Publications: Groton Independent..\$134.59, Reporter & Farmer..\$17.91, American News..\$704.41:

Professional Fees: witness fees..\$20.00, Wells Fargo Services..\$10.90, Olmsted County Sheriff..\$75.00, SD Continuing Legal Ed..\$150.00, Avera St Lukes..\$776.21, Dr John Carrels..\$58.22:

Court Appointed Attorney: Harmelink & Fox..\$84.95:

Utilities: Northwestern Energy..\$6145.75, City of Aberdeen..\$592.95, Midcontinent Cable..\$158.95, Qwest..\$40.67, Northern Valley Comm..\$71.20, WEB..\$61.98, James Valley Comm..\$204.00, Dependable Sanitation..\$14,361.42, MVTL..\$1024.40:

Travel: Mark McNeary..\$1239.95:

Care of Poor: Dr./Hospital – 4 recipients..Aberdeen Surgical Assoc..\$627.20, Yankton Medical Clinic..\$94.04, Northern Plains OMS..\$29.26, Avera United Clinic..\$858.88; Rent – 7 recipients..Lakeside..\$158.00, T&S Investments..\$129.00, SD Real Estate..\$136.00, Brian Boettcher..\$200.00, Dean Rott..\$105.00, Pat Preston..\$157.50, Gene Krueger..\$190.00; Transportation – 2 recipients..Jefferson Lines..\$51.45, SD Human Services Center..\$56.00; Utilities - 1 recipient..NWPS..\$236.99; Drugs – 8 recipients..Jones Drug..\$119.98, Kessler Pharm..\$122.03, Dakota Square Pharm..\$120.56, Medical Center Pharm..\$165.82; Insurance – 3 recipients..Avera Health

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Plans..\$333.60, Dakota Care Cobra..\$267.81, Wellmark BC/BS..\$329.61; Burial – 1 recipient..City of Aberdeen..\$350.00. All members present voting aye. Motion carried.

**PERSONNEL:**

Moved by Wiese, seconded by Hansen to approve the following employee step/longevity increases, effective April 11, 2004: Jo Forsting @ \$11.31 per hour, David Fair @ \$15.77 per hour, Melvin Ernst @ \$11.37 per hour, Geri Sillman @ \$12.46 per hour, Diane Mielke @ \$12.01 per hour, Judy Dosch @ \$15.26 per hour, Jeff Kirnan..\$11.42 per hour. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Wiese to acknowledge the resignation of Deputy Sheriff Lesley Farnen, effective April 8, 2004. All members present voting aye. Motion carried.

**ABATEMENT:**

Moved by Wiese, seconded by Knecht to approve the following abatement: Catherine C Dell, owner/occupied status (mobile home #50 Eisenbeisz Court) for 2004 @ \$30.04. All members present voting aye. Motion carried.

**AUDITORS REPORT OF ACCOUNT:**

Moved by Wiese, seconded by Knecht to approve the March 2004 Auditor's Report of Account with the County Treasurer in total amount of \$7,929,692.85 (total amount of actual cash @ \$3,343.17, Wells Fargo Bank @ \$3,694.79, US Bank @ \$169,440.78, Dacotah Bank @ \$96,627.80, Petty Cash @ \$1,700.00, Fund Investments @ \$7,654,729.48, Outstanding Checks @ \$156.83). All members present voting aye. Motion carried.

**LEASE AGREEMENTS:**

Moved by Wiese, seconded by Hansen to approve the following agreements: 3M (Jeff Tostenrud) for lease of the Holum Expo Building on September 11, 2004; Northeast Area Horse Racing Inc for lease of various facilities at the Fairgrounds to conduct horse racing on May 15, 16, 22, 23, 29, 30 & 31, 2004; Max Henderson for lease of the Petting Zoo Barn for 30 days between April 1 and Sept 30, 2004. All members present voting aye. Motion carried.

**RELIEF LIEN:**

Commissioner Fischbach offered the following Resolution:

**RESOLUTION NO. 15-04**

WHEREAS, Brown County has filed a Poor Relief Lien in total amount of \$3,138.77, and

WHEREAS, Brown County has determined it to be in the best interest of the taxpayers to release certain property from the effect of said lien, upon condition that the lien remain filed against the individual and monthly payments are received.

NOW, THEREFORE BE IT RESOLVED that the following real property, which is described as follows:

W 42' of Lots 5 & 6, Block 14, Thomas Addition to Aberdeen, according to the plat thereof of record, Brown County, South Dakota

is hereby released from the effect and force of said lien, upon condition that the lien shall stay filed against the individual and monthly payments in amount of \$30.00 are received until lien paid in full.

Dated this 6<sup>th</sup> day of April 2004.

Seconded by Commissioner Wiese. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

**INTEREST STATEMENT:**

Moved by Fischbach, seconded by Wiese to acknowledge first quarter interest statement, submitted by County Treasurer Sheila Enderson. All members present voting aye. Motion carried.

**SET HEARING DATE:**

Moved by Hansen, seconded by Wiese to set public hearing for 5:30 p.m. on April 26, 2004 in the Aberdeen City Commission Chambers, 123 S Lincoln Street for First Reading of Ordinance No. 04-04-01/291, An Ordinance amending Section 502 (Accessory building or use), Section 502 (Building Accessory) 703.2.8, 704.2.1, 705.2.1, 706.5.14, 707.2.10, 708.2.19, 715.2.2 and 716.2.7 of Ordinance No. 1164, as amended, known as the Zoning Ordinance of the City of Aberdeen, SD, amending definitions and residential and commercial regulations pertaining to accessory buildings and or structures and Ordinance No. 04-04-02/292, (Stucker, Lane) An Ordinance amending Ordinance No. 1164 to rezone the following property from Section 701 (A-1) Agricultural District to Section 715 (R-2A) Manufactured Housing and Medium Density Residential District: The N 660' of the E 660' of the NW ¼ of Sec 5-T122N-R63W of the 5<sup>th</sup> P.M., Brown County, SD". All members present voting aye. Motion carried.

**WEED AND SEED:**

Moved by Wiese, seconded by Fischbach to approve and authorize the Chairman sign Financial Form 269 for January through March 2004 for the Brown County Weed and Seed Grant #2002-WS-QX-0054. All members present voting aye. Motion carried.

**PREVENTION GRANT:**

Moved by Fischbach, seconded by Hansen to approve and authorize the Chairman sign Financial Form 269 for January through March 2004 for the Brown County Special Appropriation "Prevention and Intervention Programs for at-risk and detained youth" Grant #2001-JS-FX-0014. All members present voting aye. Motion carried.

**TECHNOLOGY GRANT:**

Moved by Wiese, seconded by Fischbach to approve and authorize the Chairman sign Financial Form 269 for January through March 2004 for the COPS 2003 Technology Grant #2003-CK-WX-0177. All members present voting aye. Motion carried.

**NE REGIONAL HEALTH AND FITNESS CENTER:**

Moved by Wiese, seconded by Fischbach to authorize advertising public hearing to be held at 9:15 a.m. April 13, 2004 in the Commission Chambers, Courthouse Annex, Brown County, SD for purpose of receiving comments on the Northeast Regional Health and Fitness Center Project and its funding from Community Development Block Grant Funds. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to authorize advertising combined notice of finding of no significant impact and notice of intent to request funds for the Northeast Regional Health and Fitness Center; and further approve and authorize the Chairman to sign the environmental review record for the project. All members present voting aye. Motion carried.

**ORDINANCE NO. 027:**

Moved by Fischbach, seconded by Knecht to approve First Reading of Ordinance No. 027, An Ordinance amending Second Revision Brown County Ordinances, Title 5, Subdivision Regulation, Chapter 5.0203

to include access approval prior to the filing of plats. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Motion carried.

#### BUDGET SUPPLEMENT HEARING:

Time and place, as advertised for public hearing to consider Budget Supplement for year 2004 for the General Fund Jail Budget. Moved by Wiese, seconded by Fischbach to approve the following Budget Supplement for 2004. To enable the purchase of video equipment to play orientation tapes for inmates in amount of \$2,797.66, to fund same from unobligated surplus cash (telephone card proceeds) in amount of \$2,797.66. All members present voting aye. Motion carried.

#### WELLMARK BCBS UPDATE:

Gary Welter, Wellmark BCBS presented an overview and statistical summary of the Brown County employee health insurance package and options to consider for the new plan year. No action was taken at this time.

#### AWARD FUEL BIDS:

Moved by Knecht, seconded by Fischbach to award bids for Transport Gas to North Central Farmers Elevator, Transport Fuels to Harms Oil Co, Tankwagon Fuels to Howes Oil Co, from contracts resulting from State Bid Proposal #21844, effective April 1, 2004 thru March 31, 2005. All members present voting aye. Motion carried.

#### MOSQUITO GRANT UPDATE:

Ted Dickey, NECOG informed the Commission that informational letters were sent to all cities, towns, townships and other interested parties in regard to participation in a Countywide Mosquito Control Grant Application to be submitted to the State by Brown County. The deadline to be included in the county application is April 15, 2004.

#### SOLID WASTE MANAGEMENT GRANT:

Moved by Wiese, seconded by Fischbach to approve and authorize the Chairman sign award documentation for the DENR Solid Waste Management Program Grant in amount of \$60,000.00 (50% State 50% County) to remove and dispose of waste tires. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Knecht to approve and authorize the Chairman sign agreement with NECOG for the administration of the DENR SWMP Tire Disposal Grant in amount not to exceed \$1000.00. All members present voting aye. Motion carried.

#### BURN BAN:

Freddie Robinson, EM Director met to request the Commission adopt a Burn Ban immediately. Eugene Williams, Sand Lake Refuge Manager was introduced and requested an exemption for the refuge, as two controlled burn plans have been formulated for the purpose of enhancing habitat area and for future use as a fire break along the refuge. After discussion the following action ensued: Moved by Hansen, seconded by Fischbach to impose a Burn Ban, as per Title 18 – Fire Safety, Second Revision Brown County Ordinances, prohibiting open burning in Brown County, South Dakota, effective immediately and stay in effect until draught conditions improve. All members present voting aye. Motion carried.

#### TURKEY PROCESSING PLANT:

Jim Barringer, Aberdeen Development Corporation presented an informational summary of the Dakota Turkey Growers Processing Plant that may locate in the area.

#### WMD/HAZMAT AGREEMENTS:



Bill Winter and Roger Bortnam, Aberdeen City Fire Department met to discuss two agreements with the City of Aberdeen: 1) to enable the County to receive emergency assistance from the City in the form of personnel, equipment, and/or technical information in responding to emergencies involving WMD (weapons of mass distruction) with no stated fee; 2) to enable the County to receive emergency assistance from the City in the form of personnel, equipment, and/or technical information in responding to emergency situations involving the release of hazardous materials with an annual fee of \$5,000 and additional response charges as stated in Exhibit A of the agreement. No action was taken on the agreements at this time.

RECESS:

The Chairman declared the Commission recessed until April 13, 2004.

Maxine Taylor – Brown County Auditor

APRIL 13, 2004 – GENERAL MEETING

Meeting called to order by Chairman Feickert at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Fischbach, Knecht and Wiese.

MINUTES:

Moved by Fischbach, seconded by Wiese to approve the General Meeting minutes of April 6, 2004. All members present voting aye. Motion carried.

CLAIMS:

Moved by Knecht, seconded by Wiese to approve the following claims:

Supplies: Brown & Saenger..\$246.75, Dakota Supply..\$10.76, Heartland Paper..\$190.57, Ecolab..\$69.70, Cunningham Elec..\$66.18, Taylor Laundry..\$25.00, Runnings..\$721.56, UBC..\$7.57, Amoco..\$51.62, Warner School Dist..\$568.50, Christine Heidenreich..\$1413.86, Walmart..\$369.75, Office Max..\$474.50, Evercom..\$980.00, Quint City Coin-Ops..\$39.00, Avera St Lukes..\$22.50, Sewing Shop..\$38.00, Quality Quick Print..\$49.00, Bonnie Bitz..\$288.00, Office Equip..\$32.00, Accurint..\$8.00, Kesslers..\$340.97, Cheryl Hairgrove..\$756.00, Dicks..\$61.00, Hoven Auto..\$379.43, Towing Plus..\$100.00, Auto Glass..\$240.75, HRS..\$4163.31, Dakota Fluid..\$134.80, D&d Paint..\$369.60, Ameripride..\$172.79, Aberdeen Equip..\$92.00, Chrysler Center..\$424.37, Jensen Rock..\$5067.75, House of Glass..\$186.74, Hedahls..\$43.92, Hecla Impl..\$27.55, Governor's Inn..\$120.00, Farm Plan..\$1584.23, 4 Seasons Co-Op..\$3.39, Fastenal..\$392.69, Evergreen Supply..\$89.95, Economy Oil..\$497.50, Violet Dinger..\$3579.63, Dakota Oil..\$1527.97, Deutsch Trucking..\$10,000.00, 3-D Spec..\$689.77, Safety Service..\$2925.63, Praxair..\$9.86, Piorier Equip..\$1900.00, North Central Farmers Elev..\$866.84, Newman Signs..\$328.00, Nelson Sales..\$20.87, Midwest Pump & Tank..\$675.91, Menards..\$1670.32, Macs..\$20.29, Lust Chev..\$304.42, Clear Channel..\$168.00, Gas 'N Goodies..\$7.00, Erdmann Fuel..\$114.60, Western States Fire..\$120.00, Parkview Nursery..\$623.07, Overhead Door..\$3305.00, Weismantel Rent-All..\$125.00, Town & Country..\$2468.64, NSU..\$100.00, Nasco..\$126.44, Pro Ag Supply..\$130.00, Praxair..\$17.58, GMPCS..\$400.00, DSS..\$68.85, Indorff..\$698.00, Graham Tire..\$400.00, SD Fed Property..\$18.00, Bricks TV..\$511.00, Central Fiber..\$11,419.21, Tri-State Water..\$38.50, AACPC..\$1372.75, Securicor EMS..\$87.12, Motel 6..\$224.34, West Group..\$5018.00: Publications: Groton Independent..\$366.13, American News..\$1074.11:

Transcriptions: Neal Reporting..\$18.80:

Professional Fees: Avera St Lukes..\$595.00, Behavioral Interventions..\$236.00:

Utilities: Northwestern Energy..\$3776.46, Cellular One..\$182.74, James Valley Co-Op..\$149.99, Town of Frederick..\$41.19, Northern Valley Comm..\$74.12, Qwest..\$52.59, Northern Elec..\$842.24, Northern Rural Cable..\$129.90, Verizon..\$142.71:

Travel: Tom Fischbach..\$206.81, Maxine Taylor..\$53.11, Tom Gohn..\$7.00, Kathy Schlecht..\$68.48, Richard Burns..\$30.00, Kendall Titze..\$30.00, Marcus Selzler..\$30.00:

Care of Poor: Dr./Hospital – 4 recipients..Great Plains Psychol..\$235.60, Dakota Imaging..\$185.24, Avera St Lukes..\$4195.92, Yankton County EMS..\$265.37; Rent – 6 recipients..Maureen Wolf..\$190.00, Dallas Niederbaumer..\$210.00, Joanne Mehlhoff..\$136.00, Kurt Krueger..\$129.00, RC Lathrop..\$250.00, Sherrie Humphries..\$230.00; Utilities - 3 recipients..NWPS..\$670.00. All members present voting aye. Motion carried.

DTG LETTER OF SUPPORT:

Moved by Knecht, seconded by Hansen to approve Letter of support for DTG (Dakota Turkey Growers) Project and commitment to provide a Tax Increment Finance District (TIF). Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-nay. Motion carried.

PLATS:

Commissioner Wiese offered the following Resolution:

## RESOLUTION NO. 16-04

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Erickson's First Subdivision in NW ¼ Sec 20-T122N-R62W of 5<sup>th</sup> P.M., Brown County, SD", 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 Fischbach. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

## RESOLUTION NO. 17-04

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Schlosser's Tract 1 in the NE ¼ of Sec 3-T127N-R65W of the 5<sup>th</sup> P.M., Brown County, SD", 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 Knecht. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

## RESOLUTION NO. 18-04

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Erickson & Meier 1<sup>st</sup> Subdivision in Aberdeen, SD", having been examined, is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof, with the following stipulation: An ordinance is submitted identifying a street name for the public right of way located West of and adjacent to the West lot lines of Lots 1 thru 6.

Seconded by Commissioner Knecht. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

## RESOLUTION NO. 19-04

BE IT RESOLVED by the Board of Commissioners of Brown County, SD, that the plat showing "Wagner Holdings Second Addition in the W ½ of Sec 17-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD", having been examined, is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof, with the following stipulations: 1) Lots 1 thru 8 are combined and platted as Lot 1. 2) The North 33' of the new Lots 1 and 2 is dedicated as public right of way for future street purposes.

Seconded by Commissioner Fischbach. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

ORDINANCE NO. 027:

Moved by Knecht, seconded by Hansen to approve Second Reading of Ordinance No. 027. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Fischbach to adopt Ordinance No. 027, An Ordinance amending Second Revision Brown County Ordinances, Title 5, Subdivision Regulation, Chapter 5.0203 to include access approval prior to the filing of plats. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Ordinance adopted.

#### BID – LANDFILL WASTE TIRE CLEANUP:

Time and place, as advertised to open, read and consider bids for 2004 Brown County Waste Tire Cleanup. Bids were received from New Deal Tire, Groton, SD and GreenMan Technologies of MN, Inc, Savage, MN. Moved by Wiese, seconded by Knecht to refer all bids to Mike Scott, Landfill Manager for review and recommendation. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to award low Alternate #1 bid, submitted by GreenMan Technologies of MN, Inc in amount of \$108.50 per ton picked up for 2004 Brown County Waste Tire Cleanup; rejecting GreenMan Alternate #2 bid @ \$60.00 per ton delivered, rejecting New Deal Tire Alternate #1 bid @ \$120.00 per ton picked up and Alternate #2 bid @ \$85.00 per ton delivered. All members present voting aye. Motion carried.

#### CONTRACT:

Moved by Wiese, seconded by Fischbach to approve and authorize the Chairman sign Contract Agreement with GreenMan Technologies of MN, Inc for 2004 Brown County Waste Tire Cleanup. All members present voting aye. Motion carried.

#### CLEANUP DATES SET:

Moved by Hansen, seconded by Wiese to approve setting dates for free cleanup for Claremont, Hecla, Frederick, Stratford, Columbia and surrounding Brown County areas for May 7<sup>th</sup> through May 15, 2004. All members present voting aye. Motion carried.

#### AGREEMENTS:

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman sign Agreement with Earth Tech, Inc for 2004 Annual Monitoring Services in amount not to exceed \$17,000.00. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman sign Agreement with Earth Tech, Inc for 2004 Geophysical/Hydrogeological Services in amount not to exceed \$16,550.00. All members present voting aye. Motion carried.

#### NE REGIONAL HEALTH AND FITNESS CENTER CDBG PUBLIC HEARING:

Time and place, as advertised for public hearing to receive comments on the proposed Community Development Block Grant (CDBG) for the Northeast Regional Health and Fitness Center Project. During the hearing no written comments were received from the public on the project and its funding. Moved by Fischbach, seconded by Wiese to close public hearing. All members present voting aye. Motion carried.

Mike Evans, Vi Stoia and Rod Fouberg were in attendance. Eric Senger, NECOG assisted in the completion of the Community Development and Housing Needs Assessment. After which time, the following action ensued:

Commissioner Wiese offered the following Resolution:

RESOLUTION NO. 20-04

Authorizing Community Development Block Grant Application to Assist in Construction Of The  
Northeast Regional Health And Fitness Center in Brown County, South Dakota

WHEREAS, Brown County proposes to execute an application for \$412,000 Community Development Block Grant funds to help construct the Northeast Regional Health and Fitness Center in Brown County; and

WHEREAS, Brown County is eligible for Federal assistance for the proposed project; and

WHEREAS, with the submission of the Community Development Block Grant application, Brown County assures and certifies that all Community Development Block Grant program requirements will be fulfilled; and

WHEREAS, Brown County has held the required public hearing on Tuesday, April 13, 2004, for the Community Development Block Grant; and

WHEREAS, Brown County is required to designate a certifying officer for the purpose of signing documents pertaining to this grant; and

WHEREAS, Brown County is required to designate an environmental certifying officer for the purpose of signing required environmental documents pertaining to this grant.

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Brown County Commission, will be authorized to execute the Community Development Block Grant application for Brown County;

AND, BE IT FURTHER RESOLVED, that the Chairman of the Brown County Commission, be hereby designated as the County's certifying officer for the purpose of signing correspondence, pay requests, and other required documents;

AND, BE IT FURTHER RESOLVED, that the Chairman of the Brown County Commission, be hereby designated as the County's environmental certifying officer for the purpose of signing correspondence and other required documents and forms.

Seconded by Commissioner Knecht. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

CAD PROPOSAL ACCEPTANCE:

Moved by Wiese, seconded by Hansen to accept CAD Proposal, submitted by New World Systems in amount of \$383,535; rejecting proposals from Positron @ \$306,443, Intergraph Public Safety @ \$396,668, Plant Equipment Inc @ \$352,993 and Orbacom @ \$307,145, as recommended by Drew Bickford and selection Committee (Kevin Bain, NECOG was also in attendance). All members present voting aye. Motion carried.

RECESS:

The Chairman declared the Commission recessed until April 20, 2004.

Maxine Taylor – Brown County Auditor

## APRIL 13, 2004 – BROWN COUNTY BOARD OF EQUALIZATION

This being the second Tuesday, April 13, 2004, the Brown County Commission organized themselves as the Brown County Board of Equalization, in accordance with SDCL 10-22-25, at 10:00 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, South Dakota. Oaths of office were taken by Commissioners Hansen, Feickert, Knecht, Wiese and Fischbach. Mary E. Worlie, Director of Equalization Office was also present. Auditor Taylor called the meeting to order.

Commissioner Fischbach nominated Dennis Feickert as Chairman for the 2004 Brown County Board of Equalization. Moved by Fischbach, seconded by Hansen that nominations cease and a unanimous ballot be cast. All members present voting aye. Motion carried.

Commissioner Hansen nominated Deb Knecht as Vice Chairman for the 2004 Brown County Board of Equalization. Moved by Hansen, seconded by Wiese that nominations cease and a unanimous ballot be cast. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Knecht to deny owner/occupied status on not qualified list (complete list on file and available for public inspection at the Brown County Auditor's Office, 25 Market Street from 8 a.m. to 5 p.m. Monday – Friday). All members present voting aye. Motion carried.

Moved by Hansen, seconded by Knecht to approve owner/occupied status on accepted list (complete list on file and available for public inspection at the Brown County Auditor's Office, 25 Market Street from 8 a.m. to 5 p.m. Monday – Friday). All members present voting aye. Motion carried.

Moved by Wiese, seconded by Knecht to deny owner/occupied status on the following: Columbia Township #11 Matthew & Sherri Bauer-Larson's Outlot 1 NE ¼ 33-125-62. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Wiese to approve owner/occupied status on the following: Warner Township #23 George & Lisa Holmes-Lots 4-5-6 Block 3 OP Mansfield. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Fischbach to approve Paraplegic Tax Exempt Status for the following applications: **Debra K Fickett** on Lot 8 Blk 4 17<sup>th</sup> Addition of Highland North Addition to Aberdeen; **William Herman** on Lot 1 Bonaccord Estates Subd to Aberdeen. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Knecht to approve the following applications to continue 100% Tax Exempt Status: Aberdeen City #32 Aberdeen Alliance Church-Lot 12 Blk 20 Ganje Addn of Mel Ros Estates. **Bethlehem Evangelical Lutheran Church**-Lincoln & Boyd's Addn OL 2 Blk F ex E 25' of 255' & Ex Lot 1 Bethlehem Evangelical Lutheran Church Addn SE ¼ 18-123-63 (land and BOLS). **Church of God**-Lot 3 Plat of Church of God 1<sup>st</sup> Addn. **Church of Christ**-L 2 & N 15' of L 3 Blk 1 Gorders Replat of 4<sup>th</sup> Addn. **Community Christian Church**-W 67' of Lt 7 & S 12' of W 67' of 8 N 38' of 8 ex the S 12' of the E 30' Bk 6 North Aberdeen. **Evangelical Lutheran Church of Our Savior**-Our Savior Lutheran Church-1<sup>st</sup> Subd a Replat of Lots 15-24 Blk 9 Hagerty & Lloyds Addn. **Faith United Methodist Church**-Hoffer's 1<sup>st</sup> Addn Lot 2 Replat of Blk 6 Golden Acres 7<sup>th</sup> Addn. **First Church of Nazarene**-Lot 12 Blk 4 Mel Ros 2<sup>nd</sup> Addn. **First Presbyterian Church**-Lots 7-8 Blk 90 Hagerty & Lloyds Addn. **First Reformed Church**-Lot 47 Blk 2 Plat of a portion of Clark's 1<sup>st</sup> Addn to Mel Ros & a part of Ganje Addn to Mel Ros. **First United Methodist Church**-Ashwood Heights Subd Lot 1 Blk 8 SW ¼ 8-123-63; Lot 13 Blk 1 Mel Ros Estates 8<sup>th</sup> Addn; Lt 1 FUMC Corner SD (Bk 30 1<sup>st</sup> & 2<sup>nd</sup> Addn); Lts 1 & 2 Blk 29 1<sup>st</sup> Addn. **Grace Lutheran Church**-Grace Lutheran Church OL 2 Francis Evelo's

Addn NE ¼ 19-123-63. **Holly Cross Lutheran Church**-Lot 14 Blk 10 11<sup>th</sup> Addn to Highland North. **North Highland United Methodist Church**-Lots 11 & 12 Blk 3 1<sup>st</sup> Addn to Highlands. **Sacred Heart Roman Catholic Church**-Lots 23-24 Blk 80 Hagerty & Lloyds Addn; Lots 6-17 & S ½ of Lot 18 Blk 80 Hagerty & Lloyds Addn. **SD Conference of Seventh Day Adventist**-Lot 4 & the W 13.95' of Lot 3 Blk 1 Francis Evelo's Addn. **St Mark's Episcopal Church**-Lots 1 & 2 Blk 5 Spauldings 4<sup>th</sup> Addn. **St Mary's Catholic Church**-S 20' of Lt 4 and all of Lts 5-12 Bk 38 Hagerty & Lloyds Addn; E 76' of Lots 13 & 14 Blk 38 Hagerty & Lloyds Addn; Lots 15 & 16 Blk 38 Hagerty & Lloyds Addn; Lots 17 & 18 Blk 38 Hagerty & Lloyds Addn; Lt 1 St Mary's SD Bk 39 Hagerty & Lloyds Addn. **St Paul's Evangelical Lutheran Church**-St Paul SD (Bk 36 2<sup>nd</sup> SD); Lt 4 & W 10' of Lt 3 Bk 45 2<sup>nd</sup> Addn. **St Pauls Lutheran Church**-L 9 & E 15' L 10 Blk 36 2<sup>nd</sup> Addn. **Trinity Evangelical Lutheran Church**-OL 10 N ½ 19-123-63. **Trinity Lutheran Church**-L 13 & 17' of vac street Blk 21 Coe & Howard Addn; L 12 & 17' of vac street Blk 21 Coe & Howard Addn; Lot 14 & N 17' of vac street Blk 21 Coe & Howard Addn; L 1-5 & 8' of vac alley & 17' of vac street Blk 23 Coe & Howard Addn; E 24' of L 11 & 17' of vac street Blk 21 Coe & Howard Addn. **Zion Lutheran Church**-Gorder's 1<sup>st</sup> Addn Blk 3 Lts 51-60. **Zion Christian Fellowship**-Lts 757-760 Lts 767-772 Morning Heights Subd. **Aquinas Student Center**-N 38' of E 52' of Lot 21 & E 52' of Lot 22 Blk 1 Normal Addn. **NSU Foundation** - Lots 9-12 Blk 24 Corrected Plat of the Highlands. **Catholic Chancery Office**-Lots 1-3 Blk 1 Normal Addn. **Aberdeen Catholic School Systems Inc (Roncalli)**-Lot 1 Central Catholic High School Addn. **Hub Area Multi-District Vocational School**-595' of OL 5 Ex E 50' of S 25' lying N of S 220' of OL 5 Reese's OL E ½ NE ¼ 23-123-64. **Presentation Sisters**-NW ¼ 12-123-63 Presentation Heights; Presentation Heights Addn OL A Blk 1; N 75' of Lots 19-24 Blk 14 Corrected Plat of the Highlands. **St. Mary's Catholic Church**-Bk 47 Hagerty & Lloyds Addn. **Sacred Heart School**-Lots 1-5 Lager's 1<sup>st</sup> Rearr of Lots 20 to 24 inc Blk 81 Hagerty & Lloyds Addn; Lots 1-10 & vac alley Blk 81 Hagerty & Lloyds Addn; Lot 13-19 & vac alley & vac E ½ of Arch Street Blk 81 Hagerty & Lloyds Addn; Lots 11-12 & vac alley Blk 81 Hagerty & Lloyds Addn.. **The Alano Society of Aberdeen**-W 8' of Lot 3 all of Lots 4-9 Blk 1 Thomas Addn Lot 12 & W 115' of the S 8.5' of Lot 13 & E 27' of Lots 13 & 14 Pierce's Subd & vac alley of Blk 103 Hagerty & Lloyds Addn. **Adjustment Training Center**-E 77' of Lots 1 & 2 Blk 19 Thomas Addn; Lots 849-852 Morning Heights Ext Addn; Lots 7 -8 & Lots 11-12 Blk 47 Bennett & Thomas Addn; Berkshire Addition Lot 3; N 100' of the W 150' of OL B of Lawson's OLS in Lot 8 of Bonaccord Heights Subd; N ½ of Lot 193 and all of Lots 194-196 Morning Star Subd. **Northeastern Mental Health Center**-N 78' of W 34' of Lot 12 & N 78' of Lot 13 & N 78' of E 16' of Lot 14 Blk 53 Second Addn; W 34' of Lot 11 & E 16' of Lot 12 Blk 53 Second Addn; S 150' of Lot 5 of St. Lukes Replat of Blk 83 Hagerty & Lloyds Addn; That portion of Lot 2 St. Lukes Replat that was formerly described as Lots 8 & 9, 13-17 together with vac alley between said Lots 8 & 17, 9 & 16. **Northeastern Mental Health Foundation**-Lt 2B of 1<sup>st</sup> Subd of Lt 2 Auto Plaza Addn in NE 14-123-64. **Resource Center for Women**-Lots 15-16 & S 9' of Lot 17 Blk 89 Hagerty & Lloyds Addn. **The American National Red Cross** - Lots 3 & 4 of Nelson & Rohrbach's Replat of Lot C Lawson's OLS of Lot 8 Bonaccord Heights 19-123-63. **Family Y**-Lots 1-5 Narragand's Subd of Lots 5 & 6 & the S 5' of vac alley Blk 27 First Addn; Lots 7-12 & S 32' of Lot 44 & all of Lots 45-47 & N 16' of Lot 48 Blk A 1<sup>st</sup> Addn Blk 92 Hagerty & Lloyds Addn. **Salvation Army**-Lot 11 Blk 5 Third Addn of Forrest Acres; Lot A Blk 3 Garden Park Addn NW ¼ 23-123-64; Salvation Army 1<sup>st</sup> Addn replat of Rehfeld's replat Blk 1 Pleasant Hill Addn. **New Beginnings Center**-BOLS Lincoln & Boyds Addn OL 2 Blk F SE ¼ 18-123-63. **Knights of Columbus**-Lots 4-5 & 6 Ex the E 90' Blk 3 OP Aberdeen. **Masonic Temple Assoc**-Lots 8-12 Blk 30 1<sup>st</sup> Addn. **Elks Lodge #1046**-Lt 26 Plat of Auto Plaza Addn to Aberdeen; **Quint City Trades & Labor**-Lt 2 Restaurant Growth 2<sup>nd</sup> Addn to Aberdeen; **Mother Joseph Manor**-S 732' of the W 336' of Highland OL 3 SE ¼ 12-123-64. **Good Samaritan Health Services**-Lt 1 & 2 Good Samaritan Subd Meadowbrooke Estates. **Aberdeen Catholic School System Inc**-Lots 3 & 4 & N 3' 8" of the E 40' of Lot 2 of Roche's 4<sup>th</sup> Subd of Lots 11-14 & N 63.8' of L 16 Roche's 3<sup>rd</sup> Rearr of Lot 11-12 Blk 8 North Abdn. **Avera St Luke's**-Lots 1-4 Lagers 2<sup>nd</sup> Rearr of Lots 1-3 Blk 88 Hagerty & Lloyds Addn; Lots 4-9, 13-14 & S ½ of Lot 15 & Lots 20-24 Blk 88 Hagerty & Lloyds Addn; Lots 1-4 Blk 95 Hagerty & Lloyds Addn; A trapezoidal parcel in Vaughn's Lot 2 plat of St Lukes Midland Regional Medical Center Addn; Lots 1-24 Blk 82 Hagerty & Lloyd Addn; Lots

1,3,4,5,7,8 Ex E 7' of Lot 11 & 12 of plat of SLMRMC; OL 1 in the NW ¼ 11-123-64 ex Lot A & ex bike trail Lot 1; S 60' of Highland School Lot SE ¼ of 12-123-64; Unit 8B a/k/a Suite W260; Unit 6B & 7B a/k/a Suite W210; Unit 4B a/k/a Suite W290 all located in Physician's Plaza, being a part of Lots 1 & 2 St Lukes Replat of Blk 83 Hagerty & Lloyds Addn. Bath Twp #19 Sunset Memorial Gardens—1<sup>st</sup> Addn to Sunset Memorial Gardens Lts 2-5 15-123-63; NW corner of SW 14-123-63; W 295' of 166' lying N of S 966' of SW of SW 14-123-63, Garden of Gethsemane Subd of Lot 1 1st Addn to Sunset Memorial Gardens SE 15-123-63. Aberdeen Twp #20 Melgaard Park Baptist Church—E 108.7' of Lot 1 NE 25-123-64; Avera St Luke's Hospital—500' next W of E 700' of N 658' NW ¼ 11-123-64 ex Lot H1 & Lot H2; Adjustment Training Center—E 540' of N 403.33' of NE ¼ 28-123-64; Aberdeen Area Humane Society—Janusz OL 1 SW 27-123-64. Spurs Therapeutic Riding Center—Lt 1 (land and structures) and Lt 2 (land only) Spurs Addn NW 6-123-63. Warner Twp #23 Mansfield Community Betterments—N 100' of Lt 1 Blk 4 Town of Mansfield Lot 2 Blk 4; Lot 3 Blk 4. East Hanson Twp #25 St Paul's Lutheran Church—All Blk 15 of Subd Entitled Blks 14,15,16 & OL H,I,J,K & S 60' of Lots 7-12, Blk 9 of Subd Entitled Blks 9-13 of OL E & F. Groton City #33 Groton Alliance Church—S 12'13" of Lot 3 Blk 59 Third Addition; St John's Lutheran Church—OP Lots 11 & 12 Blk 14; United Methodist Church—Randall's Addn Lts 1-16 Bk 22 ex .045 acres of Lts 11 & 12; Masonic Lodge—OP Lots 1-4 Blk 9. Highland Twp #35 St John's Lutheran Church—St John's Evangelical Lutheran Church OL Lts 1 & 2 SW ¼ 24-122-65; St John Evangelical Lutheran Church OL 1 SE 23-122-65. Frederick City #38 St Paul's Lutheran—Curtis 1<sup>st</sup> Rearr of S ½ of Blk 14 1<sup>st</sup> Addn Lot 5 Blk 14. Hecla City #40 St Anthony Catholic Church—Lt 5 Bk 14; Prince of Peace Lutheran Church—L4 Bk 24; St John's Lutheran Church—Lot 2 Blk 14; Brown Marshall Soil Conservation—S 47 ½' of S 95' of Lts 17 & 18 Bk 3. Claremont City #42 United Methodist Church—Dinsmore's 1<sup>st</sup> Addn Lot 1 of OL E & Dinsmore's 2<sup>nd</sup> Addn Lts 13-18 Blk 1; Claremont 1<sup>st</sup> Methodist Episcopal Church Subd of OL F Dinsmore's 1<sup>st</sup> Addn; Leonard's Subd Lot 1; American Legion Post #262—Lts 11 & 12 Blk 10 OP; Masonic Building Co—OP Lts 7-10 Blk 10. Columbia City #43 St John's Evangelical Lutheran Church—Lake Boulevard Peck's 1<sup>st</sup> Addn Lts 18,20,22,24,26,28; James Street Peck's 1<sup>st</sup> Addn Lts 26 & 28; American Legion Post #58—Broadway Peck's First Addn Lts 102,104,106,108,110,112,114,116,118,120,122,124,126,128; American Legion Baseball—Mill Street Peck's 1<sup>st</sup> Addn Lts 107,109,111,113,115,117,121,125,127. Garland Twp #46 St John's Lutheran Church—S ½ of NW ¼ of SW ¼ of NW ¼ 5-125-62. Putney Twp #48 Granary Memorial Gallery—Sieh's OL 1 N ½ of NE ¼ 29-124-61. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Wiese to deny Tax Exempt status for **Tom & Danielle Aman Foundation** on the following: S 24' of Lt 33 all Lts 34 & 35 & N 5' of Lt 36 Bk A 1<sup>st</sup> Addn & N97' of Lts 10-12 & Strip in NE corner of S 45' of Lts 10-11 being 15' N & S & 30' E & W Bk 91 Hagerty & Lloyds Addn; S 29' of Lt 36 & N 16' of Lt 37 Bk A 1<sup>st</sup> Addn & S 45' of Lt 10-12 ex a strip in NE corner of S 45' being 15' N & S 30' E & W in Bk 91 Hagerty & Lloyds Addn; Lt 1-7 inc Bk 91 Hagerty & Lloyd Addn; Lt 13-24 inc Bk 91 Hagerty & Lloyd's Addn S 18' of Lt 37 all of Lts 38-41 inc & the N 4' of Lt 42 Bk A 1<sup>st</sup> Addn to Aberdeen (100% requested). All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Wiese to approve 50% Tax Exempt status for **Foundation for Youth Firearms Safety Inc** on the N 820' of SE 15-122-64 ex Hwy lying E of CNW RR in Aberdeen Township (100% requested). All members present voting aye. Motion carried.

Moved by Hansen, seconded by Feickert to approve 20% Tax Exempt status for **Frederick Lounge Inc** on Lts 6-9 Bk 9 OP Frederick City, as requested. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Feickert to approve 100% Tax Exempt status, as requested on the following: Aberdeen City #32 St Pauls Evangelical Lutheran Church on Lts 1-8 Bk 36 2<sup>nd</sup> Addn. St Mary's Catholic Church on Lts 19-22 Blk 38 Hagerty & Lloyds Addn. Avera St Lukes Hospital on the N 12 ½' of Lt 16 & all of Lts 17-19 and N 12 ½' of Lt 15 & S 12 ½' of Lt 16 Bk 88 Hagerty & Lloyds



Addn; Lt 5-6 Bk 95 Hagerty & Lloyds Addn. **Presentation Sisters College** on Lt 1 Russo Addn (NW 12-123-64 25.42 A). **First United Pentecostal Church** on Lt 2 Jund's Golden Acre addn (Meidinger 1<sup>st</sup>). Aberdeen Twp #20 Aberdeen Motocross Association on Lt 3 Wolff's 1<sup>st</sup> Addn N ½ 21-123-64. Warner Town #52 St Johns Lutheran Church on St Johns Addn (St Johns OL 1-3). All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to approve partial Tax Exempt Status for the following applications, as requested: **Children's House of Montessori @ 50% Tax Exempt** on Lots 7-9 Blk 89 Hagerty & Lloyd's Addn; **Montessori School %Eric Hofer @ 25% Tax Exempt** on Lot 10 Blk 3 Thomas Addn; **Resource Center for Women @ 58% Tax Exempt** on Lots 5 & 6 Blk 90 Hagerty & Lloyds Addn; **CC Croal Post #17 VFW @ 50% Tax Exempt** on Lt 18 Plat of Auto Plaza Addn to Aberdeen; **VFW CC Croal Post #17 @ 50% Tax Exempt** on Lt 19 Auto Plaza Addn to Aberdeen; **Loyal Order of Moose #590 @ 80% Tax Exempt** on Lots 1-8 and all of vac alley Blk 54 Second Addn; **Yelduz Temple @ 90% Tax Exempt** on Lots 1-3 Blk 50 Second Addn; **Avera St Luke's Hospital @ 95.45% Tax Exempt** on Blk 87 Hagerty & Lloyds Addn & vac Lloyd St & vac 4<sup>th</sup> Ave SE & Lots 1-8 & 17-24 Blk 96 Hagerty & Lloyds Addn & vac 5<sup>th</sup> Ave SE; **Avera St Lukes Hospital @ 15.40%** on Dakota Square Building located in Blk 69 & 70 Hagerty & Lloyds Addn; **Sacred Heart School @ 50% Tax Exempt** on the N ½ of Lt 21 & all of Lt 22 Bk 80 Hagerty & Lloyds Addn to Aberdeen; **American Legion Post #39 @ 60%** on Lots 22-25 Blk 11 OP to Groton. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to approve 50% Tax Exempt status for the **Fraternal Order of Eagles @ 50%** on Lots 7-12 Blk 22 First Addn (60% requested). All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to approve 10% Tax Exempt status for **Floyd Mertz (Library)** on E 10' of Lot 18 and all of Lot 19 Blk 2 OP Houghton (50% requested). All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to remove Tax Exempt status from the following: Aberdeen City #32 First Church of Nazarene-Mel Ros 2<sup>nd</sup> Addn Bk 4 Lt 12; Zion Lutheran Church-Gorder's 1<sup>st</sup> Addn Blk 3 Lt 50; Aberdeen Jehovah Witnesses-Lt 2 Isaiahs' Addn (Bk 5 & 6 Melose Southview Addn); SD Conference of United Methodist Church-Park Ridge Estates 1<sup>st</sup> Addn Lot 8 Blk 2; Dakota Southern Baptist Fellowship-Gugel's First Subd Lt 10 & a portion of vacated street SW 6-123-63; First United Methodist Church-Lt 1-5 & S 10' of W 56' of vac alley lying adj to the N boundary of Lts 2 & 3, as formerly platted now vacated; all in Foster's 3<sup>rd</sup> Rearr, being a rearrangement of Lts 14-16 of the subd of Lt 5 and other property in Blk 29 1<sup>st</sup> Addn to Aberdeen and Lts 14-16 Bk 29 2nd Addn. Lincoln Twp #39 St Mark's Episcopal Church-Lt 19 replat of Blk 1 Gederos Subd NW ¼ 35-124-64. All members present voting aye. Motion carried.

#### RECESS:

Moved by Wiese, seconded by Fischbach to recess the County Board of Equalization recessed until 10:00 a.m. April 20, 2004. All members present voting aye. Motion carried.

Maxine Taylor – Brown County Auditor

## APRIL 13, 2004 – CONSOLIDATED BOARD OF EQUALIZATION

Members of the Brown County Commission, Aberdeen City Commission and Aberdeen School District 6-1 organized themselves as the 2004 Consolidated Board of Equalization, in accordance with SDCL 10-11-66 at 1:00 P.M. on April 13, 2004 in the Commissioner's Chambers, Courthouse Annex, Brown County, South Dakota. Oaths of Office were taken by Tom Fischbach, Deb Knecht, Mike Wiese, Duane Alm and Todd Forkel. Mary E Worlie, Director of Equalization was also in attendance. Auditor Taylor called the meeting to order and called for nominations for Chairman.

Commissioner Fischbach nominated Commissioner Knecht as Chairman for the 2004 Consolidated Board of Equalization. Moved by Fischbach, seconded by Wiese that nominations cease and a unanimous ballot be cast. All members present voting aye. Motion carried.

Commissioner Forkel nominated Commissioner Fischbach as Vice Chairman for the 2004 Consolidated Board of Equalization. Moved by Forkel, seconded by Wiese that nominations cease and a unanimous ballot be cast. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Wiese to approve the following recommendations from the Director of Equalization: **1. Alice C Bakken**-N 35' of Lot 9, & S 30' of Lot 10 Blk 6 Howard & Hedger's Replat of NW from 62,885 to 58,985, adjust after review. **2. Chad Bergen**-Lots 3&4 Blk 6 Gorder's Replat of Fourth Add from 265,498 to 206,428, adjust after review. **3. Dorothy V Bossly**-W 82' of Lot 18 & E 3' of Lot 19 Block 8 MelRos Fourth Addition to Aberdeen from 112,527 to 105,917, adjust after review. **4. Robert & Linda Buechler**-Lot 20 Blk 1 MelRos Est 8<sup>th</sup> Addition from 140,169 to 129,240, correct error. **5. Leo & Monica Jean Carda**-#3 Lot 1 Jung's Golden Acres Add (Meidinger 1<sup>st</sup>) from 155,800 to 133,860, correct error. **6. Joyce E Carlson**-#11 Lt 1 Jung's Golden Acres Add (Meidinger 1<sup>st</sup>) from 152,410 to 131,035, correct error. **7. Neva S Christensen**-Lot 18 Blk 41 Thomas Addition from 48,340 to 44,705, adjust after review. **8. Clarence H & Leah Cowhick**-#7 Lt 1 Jung's Golden Acres Add (Meidinger 1<sup>st</sup>) from 152,050 to 130,740, correct error. **9. Gary H & Frances E Cutler**-#8 Lot 1 Jung's Golden Acres Add (Meidinger 1<sup>st</sup>) from 155,440 to 130,740, correct error. **10. Lloyd Dahley**-Lot 25 Except the W 10' Blk 8 MelRos Fourth Addition from 161,128 to 157,288, adjust after review. **11. Christopher D Dohrer**-Lot 1 Blk 1 Sea 2<sup>nd</sup> SD (Lt 21 Bk 1 MelRos 8<sup>th</sup>) from 149,186 to 137,140, correct error. **12. Sheryl J Erickson**-E 52' of Lot 7 Blk 14 Thomas Add from 42,605 to 31,330, adjust after review. **13. David D Fischer**-#14 Lot 1 Jung's Golden Acres Add (Meidinger 1<sup>st</sup>) from 152,410 to 131,035, adjust after review. **14. Clarence J & Theresa Fjeldheim**-Lot 14 Blk 5 Wylie Park Estates Fourth Add from 149,040 to 124,640, adjust after review. **15. Margaret & Richard Flemmer**-Lot 13 Blk 8 7<sup>th</sup> Add to Highland North from 142,000 to 110,000, adjust after review. **16. Lucien & Kimberly Fontenelle**-Lots 17, 18, 19 & 20 inc Blk 26 Corr Plat of Highlands from 129,600 to 121,745, adjust after review. **17. Melvin D & Joan K Frahm**-S 100' Lt 7 Blk 41 2<sup>nd</sup> Add from 50,515 to 80,120, adjust after review. **18. Walter W Galbrecht**-S ½ of Lot 4 & All of Lot 5 Morning Heights Subd from 27,070 to 25,420, adjust after review. **19. Kenneth L Gosch et al**-E 53' of Lot 4 Union Subd of Blk 105 Hagerty & Lloyd's Add from 60,905 to 42,710, correct error. **20. Virgil & Beatrice Grandpre**-Lot 14 Blk 1 MelRos Est 8<sup>th</sup> Add from 135,490 to 124,780, correct error. **21. Olga M Greiser**-Lot 67 & S ½ of Lot 68 Blk 3 Gorder's First Add from 132,548 to 118,788, adjust after review. **22. Mary Jane Harris**-#4 Lot 1 Jung's Golden Acres Add (Meidinger 1<sup>st</sup>) from 155,800 to 131,035, adjust after review. **23. Courtney & Cheryl Haussman**-#10 Lot 1 Jung's Golden Acres Add (Meidinger 1<sup>st</sup>) from 150,790 to 129,690, correct error. **24. Terri Heiser**-Lot 4 Blk 12 Highland Park Add from 26,010 to 18,850, adjust after review. **25. Ervin & Avis Heupel**-Lot 6 Blk 10 West Hill Add from 37,330 to 31,010, adjust after review. **26. Tim & Gayle Hixon**-Lot 11 Resub of Blk 49 Howard & Hedger's Replat of NW Add from 35,170 to 28,140, adjust after review. **27. Robert J & Marian R Hofland**-S ½ of Lot 8 & S ½ of Lot 7 Blk 55 2<sup>nd</sup> Add from 45,395 to 38,575, adjust after review. **28. Roger L Huff & Gary Mueller**-Lot 1 Blk 2 Sea 2<sup>nd</sup> SD (L 12 Blk 1 MelRos 8<sup>th</sup>) from 15,943 to 9,920, correct error. **29. Cory W & Chad Huff**-Lot 15 Blk 1 MelRos

Est 8<sup>th</sup> Add from 189,800 to \$169,375, correct error. **30.Roger L Huff & Gary Mueller**-Lot 16 Blk 1 MelRos Est 8<sup>th</sup> Add from 26,952 to 16,770, correct error. **31.Roger L Huff & Gary Mueller**-Lot 18 Blk 1 MelRos Est 8<sup>th</sup> Add from 17,791 to 11,070, correct error. **32.George J & Irene Imbery**-#15 Lot 1 Jung's Golden Acres Add (Meidinger 1<sup>st</sup>) from 152,050 to 130,740, correct error. **33.Larry A & Carol J Klebsch**-Lot 1 Blk 42 2<sup>nd</sup> Add from 32,600 to 19,000, adjust after review. **34.Patrick J & Paula R Knettel**-Lots 24-25 Blk 6 Replat of Gorder's Fourth Add from 99,800 to 87,360, adjust after review. **35.Irene M Kraft**-#2 Lt 1 Jung's Golden Acres Add (Meidinger 1<sup>st</sup>) from 152,050 to 130,740, correct error. **36.Annette Hayes & Jeff Lefforge**-BOLS #3 Eisenbeis Ct S 300' Lot 1 Piersons SD & N2 v/s (1<sup>st</sup> Ave SE) 18-123-63 Ex Hwy from 25,600 to 18,830, adjust after review. **37.Robert A & Cheri L Lien**-Lot 3 Blk 1 Hellwigs Replat Hellwigs 1<sup>st</sup> Add from 100,180 to 98,700, adjust after review. **38.Leonard A Lippert**-#16 Lot 1 Jung's Golden Acres Add (Meidinger 1<sup>st</sup>) from 152,050 to 130,740, correct error. **39.Joanne Mielke**-Lot 2-3 Blk 13 Thomas Add from 53,230 to 63,745, adjust after review. **40.Virginia M Mielke**-Lot 9, Blk 11 First Add to Highlands from 70,370 to 47,730, adjust after review. **41.Donald R & Geraldine M Moffenbier**-Lots 10 & 11 Blk 31 Thomas Add from 77,900 to 45,950, correct error. **42.Roger E Muldoon**-Lots 7 & 8 & E 17' of North Congress St Blk 19 Howard & Hedger's Replat of NW from 35,010 to 25,625, adjust after review. **43.Bruce A & Vilma F Nelson**-Lot 5 Blk 7 Mehlhoffs 2<sup>nd</sup> Add NW ¼ 7-123-63 from 128,650 to 113,255, adjust after review. **44.Bruce A & Vilma F Nelson**-Lot 6 Blk 7 Mehlhoffs 2<sup>nd</sup> Add NW ¼ 7-123-63 from 128,650 to 113,255, adjust after review. **45.Glen Neumiller**-Lot 15 Blk 34 Hagerty & Lloyd's Add from, 7,395, uphold assessor. **46.Marina Payne**-#6 Lot 1 Jung's Golden Acres Add (Meidinger 1<sup>st</sup>) from 152,410 to 131,035, correct error. **47.Robert Porter**-Lot 19 Blk 1 MelRos Est 8<sup>th</sup> Add from 160,939 to 150,010, correct error. **48.Verna W Price**-Lot 13 & the E 16.5' of Lot 14 Blk 8 Nicollet Park Add from 141,100 to 84,440, adjust after review. **49.Joan M Sahli**-#13 Lot 1 Jung's Golden Acres Add (Meidinger 1<sup>st</sup>) from 154,540 to 132,815, adjust after review. **50.Lucille A (Lundborg) Speidel**-Lot 2 of Hay's 2<sup>nd</sup> Subd of Lots 1-2-3 Blk 19 Howard & Hedger's Replat of Northwestern from 44,350 to 20,390, adjust after review. **51.Ralph J & Eunice B Stevens**-Lot 2 Diver's 3<sup>rd</sup> Rearr of Lots 7-8-9 Blk 21 1<sup>st</sup> Add from 108,185 to 85,450, adjust after review. **52.Charles & Judith Sudlow**-Lots 6 & 7 Blk 53 Thomas Add, 3,500, uphold assessor. **53.Charles & Judith Sudlow**-Lot 8 Blk 53 Thomas Add, 3,500, uphold assessor. **54.Charles & Judith Sudlow**-Lots 9 & 10 Blk 53 Thomas Add from 58,710 to 43,250, adjust after review. **55.Michael C & Cynthia Sudlow**-Lot 17 Blk 1 MelRos Est 8<sup>th</sup> Add from 194,379 to 173,460, correct error. **56.Betty Suedmeier**-Lot 1 Ludwig 1<sup>st</sup> Imp (L7-9 B 23 Highland P) from 102,215 to 88,590, adjust after review. **57.Daniel D & Laverne J Tarver**-#9 Lot 1 Jung's Golden Acres Add (Meidinger 1<sup>st</sup>) from 152,050 to 130,740, correct error. **58.Kevin A & Lori K Tiede**-Lot 6 Blk 19 18<sup>th</sup> Add to Highland North from 125,530 to 111,045, adjust after review. **59.Matthew Vogel**-S 11' of Lot 285 and all of Lot 286 Morning Heights Add from 67,960 to 41,000, adjust after review. **60.Geneva M Volk**-#1 Lot 1 Jung's Golden Acres Add (Meidinger 1<sup>st</sup>) from 150,790 to 129,690, correct error. **61.William T Wade**-Lot 11 Plat of Lots 1-24 Blk 1 2<sup>nd</sup> add of Camelot Est from 81,720 to 80,020, adjust after review. **62.Steven W & Kathryn M Wagenaar**-#12 Lot 1 Jung's Golden Acres Add (Meidinger 1<sup>st</sup>) from 152,407 to 131,035, correct error. **63.Robert C & Lois A Wales**-#5 Lot 1 Jung's Golden Acres Add (Meidinger 1<sup>st</sup>) from 152,410 to 131,035, correct error. **64.Har-jo Inc**-Lot 13 & Lot 14 Ex E 40' of N 1' & S 10' Lot 15 Ex E 40' Blk 19 Hagerty & Lloyd Add from 51,865 to 32,195, adjust after review. **65.HUD**-E 8 1/3' of Lot 17 & All of Lot 18 Blk 39 West Aberdeen Add from 43,488 to 38,638, adjust after review. **66.Bantz, Gosch & Cremer Law Office**-47' W of the E 53' of Lot 4 Union Subd of Blk 105 Hagerty & Lloyd's Add from 51,180 to 35,040, correct error. **67.Park Plaza Rentals, Inc**-Lot 16 Blk 11 Draeger's Rearr of Blks 9 & 10 Draeger & Yeager's Add from 71,430 to 59,110, adjust after review. **68.Jamie Veen & Tracy Stanton**-Lot 13 Easton's 1<sup>st</sup> Subd of Blk 35 Bennett & Thomas Add from 49,690 to 29,740, adjust after review. **69.Western Wireless Corp**-BOLS Lots 7-18 Blk 66 Hagerty & Lloyd Add from 56,920 to 0 adjust after review. **70.HUD**-W ½ of Lot 3 & All of Lot 4 Blk 40 West Aberdeen Add from 53,643 to 49,293, adjust after review. **71.Wagner Holdings LLC**-Lot 10, 11-12 Moccasin Plaza Add Replat of Blk 26 of Pierson's Subd from 296,375 to 287,000, adjust after review. **72.Ronald J Rivett**-Lot 1 Plat of Lots 1-24 Blk 1 2<sup>nd</sup> Addn of Camelot Est from 9,290 to 2,900, adjust after review. **73.Ronald J Rivett**-Lot 2 Plat of Lots 1-24 Blk 1

2<sup>nd</sup> Add of Camelot Est from 4,670 to 2,900, adjust after review. **74. Ronald J Rivett**-Lot 3 Plat of Lots 1-24 Blk 1 2<sup>nd</sup> Add of Camelot Est from 4,650 to 2,900, adjust after review. **75. Ronald J Rivett**-Lot 4 Plat of Lots 1-24 Blk 1 2<sup>nd</sup> Add of Camelot Est from 4,650 to 2,900, adjust after review. **76. Ronald J Rivett**-Lot 5 Plat of Lots 1-24 Blk 1 2<sup>nd</sup> add of Camelot Est from 4,650 to 2,900, adjust after review. **77. Ronald J Rivett**-Lot 6 Plat of Lots 1-24 Blk 1 2<sup>nd</sup> add of Camelot Est from 4,650 to 2,900, adjust after review. **78. Ronald J Rivett**-Lot 7 Plat of Lots 1-24 Blk 1 2<sup>nd</sup> Add of Camelot Est from 4,960 to 2,900, adjust after review. **79. Ronald J Rivett**-Lot 8 Plat of Lots 1-24 Blk 1 2<sup>nd</sup> Add of Camelot Est from 4,240 to 2,900, adjust after review. **80. Ronald J Rivett**-Lot 9 Plat of Lots 1-24 Blk 1 2<sup>nd</sup> Add of Camelot Est from 4,860 to 2,900, adjust after review. **81. Ronald J Rivett**-Lot 10 Plat of Lots 1-24 Blk 1 2<sup>nd</sup> Add of Camelot Est from 4,600 to 2,900, adjust after review. **82. Ronald J & Frank J Rivett**-Lot 12 Plat of Lots 1-24 Blk 1 2<sup>nd</sup> Add of Camelot Est from 75,760 to 73,785, adjust after review. **83. Ronald J & Frank J Rivett**-Lot 13 Plat of Lots 1-24 Blk 1 2<sup>nd</sup> Add of Camelot Est from 74,580 to 72,750, adjust after review. **84. Rivett Family Trust**-Lot 14 Plat of Lots 1-24 Blk 1 2<sup>nd</sup> Add of Camelot Est from 84,360 to 82,660, adjust after review. **85. Rivett Family Trust**-Lot 15 Plat of Lots 1-24 Blk 1 2<sup>nd</sup> Add of Camelot Est from 85,250 to 83,550, adjust after review. **86. Ronald J & Frank J Rivett**-Lot 16 Plat of Lots 1-24 Blk 1 2<sup>nd</sup> Add of Camelot Est from 85,130 to 83,550, adjust after review. **87. Ronald J Rivett**-Lot 17 Plat of Lots 1-24 Blk 1 2<sup>nd</sup> Add of Camelot Est from 4,240 to 2,900, adjust after review. **88. Ronald J Rivett**-Lot 18 Plat of Lots 1-24 Blk 1 2<sup>nd</sup> Add of Camelot Est from 4,960 to 2,900, adjust after review. **89. Ronald J Rivett**-Lot 19 Plat of Lots 1-24 Blk 1 2<sup>nd</sup> Add of Camelot Est from 4,650 to 2,900, adjust after review. **90. Ronald J Rivett**-Lot 20 Plat of Lots 1-24 Blk 1 2<sup>nd</sup> Add of Camelot Est from 4,650 to 2,900, adjust after review. **91. Ronald J Rivett**-Lot 21 Plat of Lots 1-24 Blk 1 2<sup>nd</sup> Add of Camelot Est from 4,650 to 2,900, adjust after review. **92. Ronald J Rivett**-Lot 22 Plat of Lots 1-24 Blk 1 2<sup>nd</sup> Add of Camelot Est from 4,650 to 2,900, adjust after review. **93. Ronald J Rivett**-Lot 23 Plat of Lots 1-24 Blk 1 2<sup>nd</sup> Add of Camelot Est from 4,690 to 2,900, adjust after review. **94. Ronald J Rivett**-Lot 24 Plat of Lots 1-24 Blk 1 2<sup>nd</sup> Add of Camelot Est from 7,710 to 2,900, adjust after review. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Alm to uphold Assessor's value on the following: **95. Harold C Berreth-Franzen's** 2<sup>nd</sup> subd A Replat Lot 1, 28,050. **96. Ruth H Bonnet**-Lot 1 Blk 7 3<sup>rd</sup> Add of Forest Acres, 102,185. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Alm to uphold Assessor's value on the following: **97. Christina Heinz-Solberg's** OL 1 & a Portion of Vacated Roadway SE ¼ 7-123-63, 100,150. All members present aye. Motion carried.

Moved by Fischbach, seconded by Alm to uphold Assessor's value on the following: **98. Allen & Mavis Hoffman**-Lot 7 Blk 10 11<sup>th</sup> Add to Highland North, 212,240. **99. Allen & Mavis Hoffman**-Lot 5 Blk 10 11<sup>th</sup> Add to Highland North, 22,050. **100. Esther V Scheuffele**-Lot 5 Blk 7 MelRos Est, 97,237. **101. Patrick C & Melanie R Bain**-N 15' of Lot 14 & All of Lot 15 Replat of Blk 1 Huffman's 2<sup>nd</sup> Add, 95,645. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Alm to approve recommendation by the Director of Equalization on the following: **102. Clarence & Ruth Grote**-W 75' E 232.3' of OL J Lincoln & Boyd's SD of Lincoln University OLS, from 1,000 to 500, correct error. All members present voting aye. Motion carried.

Commissioner Wiese left the meeting. Commissioner Feickert arrived and took Oath of Office.

Moved by Knecht, seconded by Forkel to uphold Assessor's value on the following: **103. Walter W Galbrecht**-Lot 6 & N ½ of Lot 7 Morning Heights Subd, 40,330. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Forkel to approve recommendation by the Director of Equalization on the following: **104.Larry V & Barbara J Kumpf**-Lot 4 of Fossum's Subd & W 13' of Lot 9 Blk 6 Thomas Add from 38,855 to 36,880, adjust after review. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Forkel to approve recommendation by the Director of Equalization on the following: **105.TMG Life Insurance Company**-Lot A Aberdeen Motor Motels Add to Aberdeen Subd of Bjournson's OL #2 NW ¼ 20-123-63 from 2,164,560 to 2,124,320, Adjust after review. **106.Terry L VanderVorst**-BOLS Snack Shop Lot 1 Wylie Park SD SE3, SW2, NW11-123-64 from 1,615 to 0, Adjust after review. **107.Allan R Novstrup**-BOLS Thunder RD & Bumper Boats Lot 1 Wylie Park SD SE3, SW2, NW 11-123-64 from 156,045 to 0, Adjust after review. **108.Allan R Novstrup**-BOLS Mini Golf Course Lot 1 Wylie Park SD SE3, SW2, NW11-123-64 from 35,980 to 0, adjust after review. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Alm to uphold Assessor's value on the following: **109.Robert J Balhorn**-S 134' of Lot 8 Blk 1 Normal Add, 58,305. **110.Paul B & Bonnie J Henjum**-Lots 651 & 652 Morning Heights Add, 94,590. All members present voting aye. Motion carried.

Moved by Alm, seconded by Fischbach to adjourn consolidated Board of Equalization. All members present voting aye. Motion carried.

Maxine Taylor – Brown County Auditor

APRIL 20, 2004 – GENERAL MEETING

Meeting called to order by Chairman Feickert at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Fischbach and Knecht. Absent Commissioners Hansen and Wiese.

MINUTES:

Moved by Fischbach, seconded by Knecht to approve the General Meeting minutes, the Brown County Board of Equalization Meeting minutes and the Consolidated Board of Equalization Meeting minutes of April 13, 2004.. All members present voting aye. Motion carried.

CLAIMS:

Moved by Fischbach, seconded by Knecht to approve the following claims:

Payroll: Commissioners..\$2,587.50; Auditor..\$6,013.95; Treasurer..\$8,316.35; Data Processing..\$1,601.93; State's Attorney..\$8,624.55; Victims Assistance..\$904.05; Maintenance..\$4,947.14, Assessor..\$7,178.25; Planning & Zoning..\$1,052.98; Register of Deeds..\$4,635.55; Veterans Service Office..\$2,443.55; Sheriff..\$55,149.33; DOJ Grant..\$3,222.40; Communications..\$14,253.91; Welfare Office..\$2,660.96; Museum..\$3,931.66; Fairgrounds & Parks..\$3,437.14, Fairboard..\$1,820.73; Extension..\$1,623.20; Weed..\$839.18; Emergency Management..\$2,328.99 Weed & Seed..\$640.32, Highway..\$26,840.81; Landfill..\$6,795.22; Matching Benefits: FICA..\$10,133.17 Medicare..\$2,369.83:

Supplies: Academy Trophy..\$120.00, SDACC..\$187.50, Best Business..\$173.20, Pitney Bowes..\$297.00, Midwest Rubber Stamp..\$58.60, ES&S..\$1589.43, SDACO..\$300.00, CDW Govt..\$1301.79, Hewlett Packard..\$80.00, SD Continuing Ed..\$52.50, Fall River County Sheriff..\$17.10, Lincoln County Sheriff..\$37.50, Shafer & Feld..\$258.95, Lar-Jos..\$348.00, Office Equip..\$89.18, ProMap..\$2100.00, Grafix Shoppe..\$366.00, Best Business..\$189.46, DocuSource..\$87.88, Pacer Service Center..\$10.78, Farnams..\$5.99, Credit Bureau..\$7.50, Earthgrains..\$577.78, Pierson Ford..\$56.87, Parcel-Erickson..\$43.90, Hoven Auto..\$18.14, Ameripride..\$228.01, Velvet Uniforms..\$167.36, Fleet Mgmt..\$18.34, Specialty Mfg..\$17.64, Hagan Ins..\$117.00, Safelite Auto..\$72.51, Lust Chev..\$158.05, Jensen Rock & Sand..\$3742.13, HF Jacobs..\$13,804.49, Violet Dinger..\$3278.86, Creative Signs..\$10.00, Carquest..\$912.61, George Casanova..\$65.59, Office Max..\$43.23, Sherwin-Williams..\$22.49, Joe Hauck..\$40.17, Town & Country..\$41.90, Extension Service..\$267.80, Western Printing..\$139.00, Village Bowl..\$550.00, Indoff..\$32.89, Crescent Elec..\$58.21, Dakota Supply..\$102.29, Ecolab..\$74.00, Menards..\$137.45, Central Fiber..\$62.43, Macs..\$36.00, Runnings..\$13.53, Vosika Fencing..\$386.00, HC Clark..\$13.04, Menards..\$265.90, Dakota Supply..\$145.96, Schwan Welding..\$7410.04, Ben Hofer..\$693.88:

Publications: Groton Independent..\$302.27, American News..\$428.81:

Professional Fees: Yankton County State's Attorney..\$105.45, Lewis & Clark BHS..\$125.00, NE Mental Health Center..\$321.86, Lutheran Social Services..\$28553.72:

Court Appointed Attorney: Kelly Marnette..\$396.00:

Utilities: Midcontinent Cable..\$140.00, Qwest..\$5976.71, Northwestern Energy..\$2096.48, Northern Elec..\$206.70, City of Hecla..\$107.63, Dependable Sanitation..\$371.00, AT&T..\$22.98, Cellular One..\$151.06, Bureau of Admin..\$494.34:

Travel: Leo Leshar..\$162.40, Holiday Inn..\$1062.00, Jan Beckler..\$10.00, Tammy Dennert..\$196.03, Curt Erickson..\$186.18, Comfort Inn..\$55.00:

Care of Poor: Dr./Hospital – 5 recipients..Aberdeen Surgical Assoc..\$1081.19, Avera St Lukes..\$5609.16, Medical Xray Center..\$524.13; Rent – 4 recipients..Aberdeen Housing Authority..\$190.00, Rockford Apts..\$210.00, Park Village..\$165.00, Thomas Goehring..\$230.00; Utilities - 4 recipients..NWPS..\$678.28, Farmers Union Co-Op..\$98.00; Insurance – 1 recipient..SD Risk Pool..\$815.30. All members present voting aye. Motion carried.

**PERSONNEL:**

Moved by Knecht, seconded by Fischbach to approve the following employee step/longevity increases, effective April 25, 2004: Monte Podoll @ \$10.29 per hour, Matthew Farley @ \$10.88 per hour, Ron Glugla @ \$12.46 per hour. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Fischbach to approve hiring Robert Retzer as part-time weed sprayer at \$11.60 per hour, effective April 26, 2004. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Fischbach to approve employee status change for Tabatha Moore from part-time JDC jailer to temporary full-time JDC jailer (Bobbie Olauson, who is currently serving our military overseas, holds the position permanently) at \$10.07 per hour, effective May 9, 2004. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Knecht to approve hiring Laurel Busch, as dispatcher at \$10.42 per hour, effective April 15, 2004. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Knecht to approve hiring the following seasonal highway employees: Paul Riel @ \$7.40 per hour, effective May 3, 2004 and Rick Breitag @ \$8.38 per hour, effective May 10, 2004. All members present voting aye. Motion carried.

**EMPLOYEE HEALTH INSURANCE:**

Moved by Fischbach, seconded by Knecht to renew the Brown County Employee Health Insurance Plan with Wellmark Blue Cross and Blue Shield of SD with the following changes: Premium – Single @ \$341.14 per month, Two-Party @ \$628.98 per month and Family @ \$865.12 per month. Benefit period deductible In-Network @ \$500/\$1500 and Out-of-Network @ \$1000/\$3000. Brown County will pay 100% of employee premium, 50% of 2/party and family premium or single premium equivalent. The Insurance plan coverage effective July 1, 2004 through June 30, 2005. All members present voting aye. Motion carried.

**LOTTERY APPLICATION:**

Moved by Fischbach, seconded by Knecht to approve application, submitted by Northern State University Foundation for raffle to be held on June 19 & 20, 2004. All members present voting aye. Motion carried.

**SPECIAL MALT BEVERAGE LICENSE HEARING:**

Moved by Fischbach, seconded by Knecht to authorize advertising public hearing to be held in the Commissioner's Chambers, Courthouse Annex, Brown County, South Dakota on May 11, 2004 at 8:45 a.m. to consider the following Special Malt Beverage applications: Northeast Area Horse Racing, Inc., P.O. Box 1104, Aberdeen, S.D. 57401 – Brown County Fairgrounds (Clubhouse) SW ¼ Sec 1-T123N-R64W, effective May 13, 15 & 16, 2004; Northeast Area Horse Racing, Inc. - Brown County Fairgrounds (Grandstand) SW ¼ Sec 1-T123N-R64W, effective May 15 & 16, 2004; Northeast Area Horse Racing, Inc. - Brown County Fairgrounds (Clubhouse) SW ¼ Sec 1-T123N-R64W, effective May 22, 23, 29, 30 & 31, 2004; and Northeast Area Horse Racing, Inc. – Brown County Fairgrounds (Grandstand) SW ¼, Sec 1-T123N-R64W, effective May 22, 23, 29, 30 & 31, 2004 (map indicating specific buildings on file with application). All members present voting aye. Motion carried.

**SURPLUS PROPERTY:**

Moved by Knecht, seconded by Fischbach to declare the following personal property surplus: 1 blue office chair, 1 gray office chair and 1 metal desk #2501, for purpose of donating to Warner City. All members present voting aye. Motion carried.

**SHERIFF REPORTS:**

Moved by Fischbach, seconded by Knecht to approve the following March 2004 Sheriff Reports: Incidents & Offenses, Prisoner Care, JDC, Money deposited with the County Treasurer and Monthly activities. All members present voting aye. Motion carried.

#### ABATEMENTS:

Moved by Knecht, seconded by Fischbach to approve the following Abatements: Robert & Deann Schaeffer, owner/occupied status (mobile home #114 Country Village) for 2004 @ \$36.64; Marjorie & Eunice Herrbach, senior tax freeze (mobile home #42 Northview Mobile Home Court) for 2004 @ \$46.63. All members present voting aye. Motion carried.

#### QCD:

Moved by Knecht, seconded by Fischbach to approve sale of tax deed properties previously declared surplus and authorize the Chairman sign the following Quit Claim Deeds from Brown County to: Lauren & Deborah Witte (Abandon RR R/O/W SW ¼ 26-128-64 East of Center Line); Miles & Judy Bretsch (Abandon RR R/O/W SW ¼ 26-128-64 West of Center Line). All members present voting aye. Motion carried.

#### POOR RELIEF LIEN:

Commissioner Fischbach offered the following Resolution:

#### RESOLUTION NO. 21-04

WHEREAS, Brown County has filed a Poor Relief Lien in total amount of \$298.50, which is a lien co-filed from Marshall County for Ambulance Service, and

WHEREAS, Brown County has determined it to be in the best interest of the taxpayers to release certain property from the effect of said liens, upon payment of all delinquent and current real estate taxes on condition that the lien shall stay filed against individual.

NOW, THEREFORE BE IT RESOLVED that the following real property, which is described as follows:

Lots 3 and 4, Block 7, Town of Claremont, according to the plat thereof of record, Brown County, South Dakota.

is hereby released from the effect and force of said liens, upon condition that the lien shall stay filed against the individual.

Dated this 20th day of April, 2004.

Seconded by Commissioner Knecht. Roll call vote: Commissioners Hansen-absent, Fischbach-aye, Knecht-aye, Wiese-absent, Feickert-aye. Resolution adopted.

#### ASSET FORFEITURE FUNDS:

Moved by Knecht, seconded by Fischbach to authorize the Chairman to sign Federal Annual Certification Report for Asset Forfeiture Funds. All members present voting aye. Motion carried.

#### PREVENTION GRANT:

Moved by Knecht, seconded by Fischbach to authorize the Chairman to sign Addendum No. 3 to Agreement with Lutheran Social Services to provide specific, limited mental health services to "At-Risk" youth in rural Brown County (program components include School-Based Mental Health Projects and Wraparound individualized Services), to be funded by federal funds from US DOJ Grant #2001-JS-FX-



0014-Year 3 (October 1, 2003 – September 30, 2004) increasing funding for Administrative Assistance in amount of \$339.84 (which is included in total amount of \$116,256.00 available until September 30, 2004). Motion carried. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Knecht to approve and authorize the Chairman sign Addendum No. 1 to Agreement with Lutheran Social Services to provide a School Based and Wrap Around program which will focus on responding to the prevention, educational and therapeutic needs for at-risk youth identified at Aberdeen Central High School, increasing funding for Administrative Assistance in amount of \$99.12 (which is included in total amount of \$39,200.00 available until September 30, 2004). This program is an expansion of the current program presently active in Warner, Frederick and Groton School Districts and will be funded by the Department of Justice Prevention and Intervention Programs for A-Risk and Detained Youth Project #2001-JS-FX-0014. All members present voting aye. Motion carried.

#### AWARD HIGHWAY BIDS:

Moved by Fischbach, seconded by Knecht to award Hot Mix, as bid by the City of Aberdeen on March 24, 2004. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Fischbach to award Road Oil MC-3000, as bid by the City of Aberdeen on March 24, 2004. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Knecht to award Road Oil MC-70, as bid by Edmunds County on March 2, 2004. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Fischbach to award Magnesium Chloride (Dust Control), as bid by Spink County on March 30, 2004. All members present voting aye. Motion carried.

#### APPLICATION FOR OCCUPANCY:

Moved by Fischbach, seconded by Knecht to approve application, submitted by WEB Water Development Association for occupancy of Brown County Highway No. 16 in Sec 17 & 18-T122N-R62W, Brown County, SD to provide pottable water line. All members present voting aye. Motion carried.

#### BID – ASPHALT MILLING:

Time and place, as advertised to open, read and consider bids for asphalt milling on location in Brown County. Moved by Fischbach, seconded by Knecht to award low bid in amount of \$.235 per sq yd, submitted by Upper Plains Contracting, Aberdeen, SD; rejecting the following bids: Midstates Reclamation of SD, Spearfish, SD @ \$.44 per sq yd; Teigen Construction, Aberdeen, SD @ \$.53 per sq yd with \$3500 mobilization charge per location. All members present voting aye. Motion carried.

#### BCCHC REPORT:

DeAnna Kyburz presented the Brown County Community Health Center Report for January-March 2004.

#### WMD/HAZMAT AGREEMENTS:

Bill Winter and Roger Bortnam presented draft copies of WMD and HazMat Agreements with Aberdeen City. The States Attorney's Office will review and present recommendation next week.

#### ORDINANCE NO. 028:

Moved by Fischbach, seconded by Knecht to authorize advertising public hearing to consider first reading of Ordinance No. 028, An Ordinance amending Title 18 – Fire Safety, Second Revision Brown County Ordinances, by adding Chapter 18.07, An Ordinance to authorize the Brown County Board of Commissioners to declare a fire danger emergency and to prohibit open burning within the county, to be

held at 9:30 A.M. on May 11, 2004 in the Commissioner's Chambers, Courthouse Annex, Brown County, South Dakota. All members present voting aye. Motion carried.

#### EMERGENCY RESOLUTION-FIRE SAFETY:

Commissioner Knecht offered the following Resolution

#### RESOLUTION NO. 21-04

#### A RESOLUTION BY THE BROWN COUNTY BOARD OF COMMISSIONERS DECLARING A FIRE DANGER EMERGENCY AND PROHIBITING OPEN BURNING WITHIN THE COUNTY.

BE IT RESOLVED BY BROWN COUNTY, that weather or other conditions exist which make the open burning of any substance unduly hazardous and a danger to public safety, and because of such conditions the Brown County Board of Commissioners by resolution declares a "Fire Danger Emergency"; and

BE IT FURTHER RESOLVED BY BROWN COUNTY, that because a "Fire Danger Emergency" is declared, all open burning of any substance shall be prohibited within any or all of the unincorporated area of Brown County until such time as this resolution declaring the "Fire Danger Emergency" shall be rescinded by appropriate action of the Brown County Board of Commissioners; and

BE IT FURTHER RESOLVED BY BROWN COUNTY, that any person who shall create, commit, maintain or permit to be created, committed or maintained an open burning in violation of this resolution declaring a "Fire Danger Emergency" shall be deemed to have committed a public nuisance in violation and subject to all criminal and civil penalties provided for therein. Any person that maintains, commits, or fails to abate a public nuisance as required under the provisions of this resolution shall be subject to a maximum penalty of thirty (30) days in jail, a \$200 fine, or both. Each and every day that the violation continues may constitute a separate offense.

#### Section 1. DEFINITION:

"Open burning" the intentional burning of any substance whether natural or manmade, or the intentional casting off of any burning substance, whether natural or manmade, except the burning of such substance, in a container sufficient so as to prohibit the escape of any of the burning substance, or any sparks, flames or hot ashes from the container. The escape of any such burning substance, or the escape of any sparks, flames or hot ashes from any such container shall be deemed prima facie evidence that the container was insufficient so as to meet the exception from the definition of any open burning set forth herein. The maintaining of a fire in any interior fireplace, stove or furnace is specifically excluded from the definition of an open burning as contemplated by this ordinance.

THIS RESOLUTION is declared to be necessary for the immediate preservation of the public safety in accordance with the provision of SDCL 7-18A-8.

Approved this 20<sup>th</sup> day of April 2004

Seconded by Commissioner Fischbach. Roll call vote: Commissioners Hansen-absent, Fischbach-aye, Knecht-aye, Wiese-absent, Feickert-aye. Resolution adopted.

#### AUDIT ENTRANCE CONFERENCE:

Kay Fredrick, SD Department of Legislative Audits met with the Commission for Entrance Conference for the Audit being conducted for fiscal year 2003.

The Chairman declared the Commission recessed until 2:45 p.m.

Meeting called to order by Chairman Feickert at 2:45 P.M. Present were Commissioners Fischbach and Knecht. Absent Commissioners Hansen and Wiese.

**EXECUTIVE SESSION:**

Moved by Knecht, seconded by Fischbach to go into executive session to discuss personnel with Mark McNeary in attendance. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Fischbach to adjourn executive session, with no action taken as a result of discussion. All members present voting aye. Motion carried.

**MOSQUITO CONTROL GRANT APPLICATION:**

Moved by Fischbach, seconded by Knecht to approve and authorize the Chairman sign Agreement for Services with the City of Groton, Town of Claremont, Town of Warner, Town of Columbia, Elm Lake Resort, Richmond Lake Association, Town of Hecla, Town of Stratford and Lansing Township; and further to approve and authorize the Chairman sign 2004 Mosquito Control Plan and South Dakota Department of Health Grant Application. All members present voting aye. Motion carried.

**SHERIFF DEPUTY POSITION:**

Tom Schmitt discussed the closing date for open deputy position.

**EXECUTIVE SESSION:**

Moved by Fischbach, seconded by Knecht to go into executive session to discuss personnel with Mary Worlie and Jeanette Nietert in attendance. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Fischbach to adjourn executive session, with no action taken as a result of discussion. All members present voting aye. Motion carried.

**RECESS:**

The Chairman declared the Commission recessed until April 27, 2004.

Maxine Taylor – Brown County Auditor

# APRIL 20, 2004 – BROWN COUNTY BOARD OF EQUALIZATION

Meeting called to order by Chairman Feickert at 10:00 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Fischbach and Knecht. Mary Worlie, Director of Equalization was also in attendance.

Moved by Fischbach, seconded by Knecht to approve senior freeze applications (complete list on file and available for public inspection at the Brown County Auditor's Office, 25 Market Street from 8 a.m. to 5 p.m. Monday – Friday). All members present voting aye. Motion carried.

Moved by Knecht, seconded by Fischbach to amend motion from minutes of April 13, 2004 to approve 75% (change from 50%) Tax Exempt status for **Foundation for Youth Firearms Safety Inc** on the N 820' of SE 15-122-64 ex Hwy lying E of CNW RR in Aberdeen Township (100% requested). All members present voting aye. Motion carried.

Moved by Knecht, seconded by Fischbach to approve the following recommendation from the Director of Equalization: Verdon Village #41 **1. Gary Spear**-Lt 16-18 Bk 6 Verdon from 250 to 0, house gone. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Knecht to approve the following recommendation from the Director of Equalization: Brainard Twp #7 **2. Martin Ronning**-SW 2-126-63 from 82,020 to 90,222, water form not filed. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Knecht to approve the following recommendation from the Director of Equalization: Westport Town #51 **3. David E & Rayma Scepaniak**-SW 90' Lt 1 Bk 9 Westport from 25,000 to 32,655, adjust after review. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Knecht to approve the following recommendation from the Director of Equalization: Franklyn Twp #36 **4-5. William O & Karen L Edwards**-NE 14-126-65 @ 54,722; SE 14-126-65 @ 59,327, uphold local board. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Knecht to approve the following recommendation from the Director of Equalization: Savo Twp #30 **6-15. Virgil Frohling**-NE 15-128-63 @ 59,748; SW 13-128-63 @ 78,038; NW 15-128-63 ex Rd @ 84,806; SE 15-128-63 @ 62,077; SW 15-128-63 ex Rd @ 56,770; NE 24-128-63 @ 65,843; NW 24-128-63 @ 76,010; SW 26-128-63 @ 71,944; SE 27-128-63 @ 77,118; SW 19-127-62 @ 96,958, uphold local board. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Fischbach to approve the following recommendation from the Director of Equalization: South Detroit Twp #59 **16. Theresa S Henehan**-SW 36-126-60 ex RR & r/o/w from 53,200 to 63,597, late water form. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Knecht to approve the following recommendation from the Director of Equalization: South Detroit Twp #59 **17. Monica K McCranie**-NE 27-126-60 from 171,991 to 207,681, late water form and from 220 to 0, uphold local board buildings gone. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Knecht to approve the following recommendation from the Director of Equalization: South Detroit Twp #59 **18-21. Michael McCranie**-NE 31-126-60 from 99,992 to 107,636; SE 31-126-60 from 138,221 to 143,639; SW 32-126-60 ex the S 40 acres from 71,255 to 116,538; SE ex Rd 35-126-60 from 38,979 to 66,124, late water forms. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Knecht to approve the following recommendation from the Director of Equalization: Columbia Twp #11 22.Charlie H & N Lucille Mitchell—NE 2-125-62 from 133,000 to 157,631, maintain equalization. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Knecht to approve the following recommendation from the Director of Equalization: Allison Twp #4 23.Gilbert & Jean M Rahja—S2 SE 36-127-65 from 104,798 to 21,757, correct error. Shelby Twp #8 24.Donald E & Doris Knecht—S2 29-126-61 shift exemption from SE to SW. Columbia Twp #11 25.Linda E & Dana Vail—NE 24-125-62 from 162,221 to 144,394, water. Claremont Twp #12 26.Henry & Shirley Heagley—Valentine's OL 1 & 2 SW 24-125-64 from 12,345 to 26,870, add buildings; 27.Schaunaman Family Farm, Inc—W2 SE ex land deeded 1-125-64 from 33,120 to 34,780, adjust cropland; E2 SE 1-125-64 from 35,800 to 37,600, adjust cropland. Ordway Twp #14 28.Kelly L & Nancy L Howell—Lt 1 Howell Add SE 2-124-63 from 89,765 to 89,195, remove building; 29.Kerry A & Juanita L Howell—N 330' of W 370' SW 23-124-63 from 42,455 to 41,785, remove building; 30.Paul & Wendy Meyers—NE 20-124-63 from 134,635 to 117,160, adjust crop and grass. Groton Twp #17 31.James Valley Ethanol LLC—NW ex RR & hwy 23-123-61 from 7,794,410 to 7,617,268, adjust after review; 32.Ben & Iyone Anderson Trustee—E2 23-123-61 N of RR ex hwy and land deeded from 186,594 to 195,519, add building; 33.Western Wireless Corp—E2 SW 16-123-60 from 113,785 to 0, centrally assessed. Bath Twp #19 34.Michael & Luanne Anderson—OL 6 Priors OL W 139' N 153' S 333' lying E 1<sup>st</sup> St from 2,090 to 1,960, remove building; 35.Billy Jensen-BOLS S2 34-123-63 from 2,720 to 21,470, add building. Aberdeen Twp #20 36.Nicole Jensen-BOLS Lakeside Estates W2 26-123-64 from 0 to 11,390, add building; 37.US Bank Nat'l Assn—Rolling Meadows Lt 7 Bk 2 NW 1-123-64 from 126,140 to 83,475, correct error; 38.Ron Rockstead—E2 SW ex E 400' of S 474' lying N of hwy & the 120' lying next W of the E 440' of S 237' lying N of hwy 16-123-64 from 60,807 to 52,067, adjust after review; 39.Edward M Nyvold-BOLS Lakeside Est W2 26-123-64 @ 7,380, correct error. Warner Twp #23 40.William Wiest-BOLS Mobile Dwellers from 23,630 to 0, mobile home gone. Gem Twp #24 41-43.Richards Family Trust—NW 11-122-63 @ 183,525, maintain equalization; SE 11-122-63 ex land deeded @ 192,715, maintain equalization; SW 11-122-63 ex land deeded @ 180,205, maintain equalization. Palmyra Twp #28 44.Jeff & Patti Mitchell—Lt 6 Thorpe's 2<sup>nd</sup> Elm Lake SD NE 17-128-65 from 45,325 to 38,585, correct error. Ravinia Twp #34 45.Charlotte A Liebelt—Lt 1 Badger's SD SE 24-124-65 from 60,185 to 36,590, structure gone. Highland Twp #35 46.Craig R & Deborah A Dahme—S2 SW 30-122-65 ex Dahme OL 1 from 94,082 to 53,588, correct error. Lincoln Twp #39 47-54.William O & Karen L Edwards—Lt 1 Edwards 3<sup>rd</sup> SD SE 26-124-64 from 3,460 to 2,389, water; Lt 2 Edwards 3<sup>rd</sup> SD SE 26-124-64 from 5,190 to 2,384, water; Lt 3 Edwards 3<sup>rd</sup> SD SE 26-124-64 from 4,090 to 2,122, water; Lt 4 Edwards 3<sup>rd</sup> SD SE 26-124-64 from 9,260 to 3,525, water; Lt 6 Edwards 3<sup>rd</sup> SD SE 26-124-64 from 4,170 to 2,686, water; Lt 7 Edwards 3<sup>rd</sup> SD SE 26-124-64 from 3,700 to 2,173, water; Lt 8 Edwards SD SE 26-124-64 from 2,380 to 1,676, water; Lt 9 Edwards 3<sup>rd</sup> SD SE 26-124-64 from 2,150 to 2,247, water. 55.Thomas Jr & Kathryn Barber—Lt 1 Barber 2<sup>nd</sup> SD SW 31-124-64 from 50,540 to 48,650, structure gone. 56.David & Janice Bunt—Louis Miller's SD of Richmond Lake OL 73 ex the N 34' & all of OL 74 19-124-64 from 61,990 to 56,930, correct error. Claremont Town #42 57-58.Delores Henehan-Benson's Addn Lt 10 Bk 2 from 8,650 to 7,115, adjust after review; unplatted Pt of SE of NW E of 8<sup>th</sup> Ave & 6<sup>th</sup> St of Benson's OL 2 from 7,670 to 7,105, correct error. West Hanson Twp #49 59.Myron E & Lana L Zoellner—NE 7-122-61 from 139,982 to 125,617, house removed. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Knecht to approve the following recommendations from the Director of Equalization: Columbia Township #11 60.Herschel E Kemnitz Trustee—SE ex Kemnitz's OL 1 1-125-62 @ 149,734, maintain equalization. 61.Roger Elsen—NW 24-125-62 @ 134,432, maintain equalization.

South Detroit Twp #59 62.Louise Miller Rohde—SW ex school 29-126-60 from 129,213 to 143,783, late water form. Westport Town #51 63.Larry & Susan Gerlach—Lt 2 Gerlach's 1<sup>st</sup> Addn from 15,565 to 19,145, adjust after review. Brainard Twp #7 64.Tonigan Living Trust—NW 25-126-63 from 75,450 to

82,363, late water. East Rondell Twp #27 **65.Steven W Schaller-NW 13-121-62** from 134,054 to 147,459, maintain equalization. West Hanson #49 **66.Daniel & Marjae Schinkel-NE 26-122-61** from 56,000 to 61,930, maintain equalization. **67.John D Schinkel Trust-S2 SW 36-122-61** ex hwy from 60,336 to 64,191, maintain equalization. Lincoln Twp #39 **68.William G Welk-Palmer's Richmond Resort Sd Lt 1 @ 610,430**, maintain equalization. **69.Marcia Paul-N 430' of W 481.7' Ex hwy SW 30-124-64 @ 132,350**, maintain equalization. New Hope Twp #22 **70.Troy & Jill Haselhorst-BOLS SE 1-121-65** from 26,800 to 22,930, adjust after review. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Fischbach to approve the following recommendations from the Director of Equalization: Lincoln Township #39 **71-93.ARC III LLC-Country Village BOLS SW 34-124-64**, uphold Assessor on following: Lot 11 @ 24,780; Lot 19 @ 25,235; Lot 22 @ 30,460; Lot 32 @ 33,780; Lot 39 @ 20,740; Lot 45 @ 33,780; Lot 48 @ 18,290; Lot 49 @ 33,780; Lot 51 @ 30,460; Lot 93 @ 33,780; Lot 94 @ 27,570; Lot 101 @ 30,460; Lot 104 @ 24,780; Lot 105 @ 24,780; Lot 107 @ 21,880; Lot 116 @ 31,960; Lot 128 @ 30,460; Lot 129 @ 30,460; Lot 157 @ 30,460; Lot 158 @ 24,780; Lot 160 @ 30,460; Lot 162 @ 33,780; Lot 167 @ 33,780, maintain equalization. All members present voting aye. Motion carried.

Mary Worlie thanked the Board and her Office Staff for assistance during the Equalization process.

Moved by Fischbach, seconded by Knecht to adjourn the Brown County Board of Equalization. All members present voting aye. Motion carried.

Maxine Taylor – Brown County Auditor

APRIL 21, 2004 – CANVASS OF APRIL 20, 2004 GROTON AREA SCHOOL DISTRICT #06-6  
SCHOOL BOARD ELECTION

Brown County Commissioners Deb Knecht, Tom Fischbach and Dennis Feickert convened for purpose of canvassing the April 20, 2004 Groton Area School District #06-0 School Board Election. Mike Weber, Business Manager of the Groton School District was also in attendance.

GROTON AREA SCHOOL DISTRICT PRECINCTS

- #1 Andover
  - Poll Book Count 51
  - Ballots Counted 51
- #2 Columbia
  - Poll Book Count 62
  - Ballots Counted 62
- #3 Groton
  - Poll Book Count 433
  - Ballots Counted 433
- #4 Bristol
  - Poll Book Count 248
  - Ballots Counted 248

Moved by Fischbach, seconded by Knecht to adjourn the Canvass Meeting for the April 20, 2004 Groton Area School Election. All members present voting aye. Motion carried.

Maxine Taylor – Brown County Auditor

## APRIL 27, 2004 – GENERAL MEETING

Meeting called to order by Chairman Feickert at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Fischbach and Knecht. Absent Commissioner Wiese.

## MINUTES:

Moved by Knecht, seconded by Fischbach to approve the General Meeting Minutes of April 20, 2004, Brown County Equalization Meeting Minutes of April 20, 2004 and the Groton Area School Election Canvass Meeting Minutes of April 21, 2004. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Hansen, seconded by Fischbach to approve the following claims:

Supplies: Nat'l Auto Research..\$48.00, Dakota Supply..\$24.04, UBC..\$44.98, McDonald Supply..\$917.28, Hoven Auto Repair..\$796.96, Best Business..\$265.95, Jones Drug..\$2.00, Medical Center Pharm..\$453.93, Custom Micro..\$5400.00, Wholesale Elec..\$13.83, Double D Body Shop..\$290.17, PLF Inc..\$215.97, D&K Health Care..\$42.53, Dakota Elec..\$8770.65, Safety Service..\$287.53, FEI..\$48.00, Office Equip..\$96.50, Dept of Rev..\$1006.00, Quality Welding..\$24.29, OK Tire..\$1033.60, Jensen Rock & Sand..\$5024.63, Hub City Rents..\$40.43, Howes Oil..\$100.00, Violet Dinger..\$3079.48, Diesel Machinery..\$2892.00, NADRIC..\$1666.67, Double D Body Shop..\$416.58, Swanson Elec..\$4434.29, Menards..\$22.33, Bowers Tree Service..\$175.00, SD State Hist Soc..\$45.00, Neb Dept of Ag..\$50.00, Jerry Dempsey..\$143.23, Ed Feld Equip..\$14,990.00, M&T Fire & Safety..\$7532.00, Western Printing..\$316.50, Justin Brotzel..\$79.50, Ginger Walker..\$4.45, UBC..\$1.99, ESRI..\$800.00, SDAAO..\$450.00, Office Equip..\$6.45, EF Johnson..\$34,750.00, Brown County..\$7184.36, City of Groton..\$7937.00, NECOG..\$2907.23, Prairie View Prevention..\$700.90, City of Aberdeen..\$90.65:

Elections: Doris Townsend..\$123.70, Theresa Schuring..\$110.00, Amy Flemmer..\$110.00, Cyndy Larson..\$126.60, Peggy DeHoet..\$110.00, Kathryn Vitense..\$110.00, Linda Gengerke..\$115.00, Sandy Clocksene..\$110.00, Gloria Pharis..\$110.00, Lorinda Towe..\$126.60, Alice Jean Peterson..\$110.00, Pat Marx..\$110.00:

Publications: Groton Independent..\$393.78, American News..\$1439.87:

Transcriptions: Neal Reporting..\$57.80, Slowey Court Reporting..\$170.00:

Professional Fees: witness fees..\$140.00, Kim Dorsett..\$2083.33, Richard Russman..\$2916.67, Dr John Carrels..\$97.67, Avera St Lukes..\$1407.05, Lutheran Social Services..\$206.70, LCM Pathologists..\$4142.01, Kevin Spitzer..\$618.91, Brandon Leslie..\$350.00, Yankton County Sheriff..\$49.50, Marv Ekeren..\$30.00, Don Carlson..\$30.00, Donna Dietrich..\$242.64:

Court Appointed Attorney: Kelly Marnette..\$396.00, William Gerdes..\$4166.67, Christy Serr..\$4166.67, Kuck Law Office..\$4166.67, Randy Turner..\$4166.67, Brevik & Thurman..\$145.72:

Utilities: Qwest..\$134.31, Cellular One..\$915.91, Prairie Fire..\$46.99, Northwestern Energy..\$1090.00, Midcontinent Cable..\$65.00, Verizon..\$65.87:

Travel: Jeanette Nietert..\$11.60, Maxine Taylor..\$39.52, Roger Johnson..\$62.23, Jerry Dempsey..\$58.00, Gene Loeschke..\$97.73, Deb Knecht..\$203.00, Dennis Feickert..\$44.95:

Care of Poor: Dr./Hospital – 4 recipients..Aberdeen Surgical Assoc..\$799.89, Anesthesia Care..\$192.00, Dr Michael Kuglitsch..\$552.72, Avera St Lukes..\$10,810.24; Rent – 4 recipients..Harlan Pease..\$200.00, Janine Trittle..\$190.00, SD Real Estate..\$190.00, Kurt Krueger..\$129.00; Utilities – 4 recipients..NWPS..\$490.00, Northern Elec..\$117.90, BDM Rural Water..\$35.00; Drugs – 9 recipients..Shopko Pharm..\$252.16, Walmart Pharm..\$523.38, Econofoods Pharm..\$117.36, Dakota Square Pharm..\$102.75, K-Mart Pharm..\$38.82, Kessler Pharm..\$127.87, Jones Drug..\$1064.16; Transportation – 2 recipients..Jefferson Lines..\$107.02. All members present voting aye. Motion carried.

## PERSONNEL:



Moved by Knecht, seconded by Hansen to approve hiring Jennifer Sandquist as Extension Summer Intern, effective May 25, 2004 at \$6.25 per hour. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Hansen to approve hiring the following seasonal highway employees: Joe Schwan, effective May 10, 2004 at \$8.64 per hour and Jay Schochenmaier, effective May 17, 2004 at \$7.40 per hour. All members present voting aye. Motion carried.

**CONTRACT:**

Moved by Hansen, seconded by Fischbach to approve and authorize the Chairman sign contract agreement with Upper Plains Contracting for asphalt milling of Brown County roads. All members present voting aye. Motion carried.

**LEASE AGREEMENT:**

Moved by Knecht, seconded by Hansen to approve and authorize the Chairman sign agreement with the SD Hereford Association for lease the of the Expo Addition on June 26, 2004. All members present voting aye. Motion carried.

**CREDIT CARD LIMIT:**

Moved by Hansen, seconded by Fischbach to set the following credit limits on Brown County credit cards: Office Max @ 2000, Visa @ 1000, Walmart @ 1000, Amoco @ 600, Fleet @ 1000. All members present voting aye. Motion carried.

**WEED & SEED:**

Moved by Hansen, seconded by Knecht to approve the Brown County Weed and Seed Monthly Expenses for April 2004 (Year Two 2002-WS-QX-0054), in amount of \$791.55. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Fischbach to approve the Brown County Weed and Seed Monthly Expenses for April 2004 (Year Three 2002-WS-QX-0054), in amount of \$18,028.59. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Fischbach to approve the following Weed and Seed Year Two funding proposals: Amend Brown County Sheriff (conference); Safe Harbor (equipment), as recommended by the Steering Committee. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Knecht to approve the following Weed and Seed Year Three funding proposals: Teen Court (conference), Safe Harbor (outreach), as recommended by the Steering Committee. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Hansen to approve Brown County Weed and Seed Strategy for Year Four (2002-WS-QX-0054). All members present voting aye. Motion carried.

**PREVENTION GRANT:**

Moved by Knecht, seconded by Fischbach to approve and authorize the Chairman sign Equal Employment Opportunity Plan (EEOP) for the Brown County DOJ Special Appropriation, Prevention and Intervention Programs for At-Risk and Detained Youth Grant #2001-JS-FX-0014, effective April 27, 2004. All members present voting aye. Motion carried.

**EXPENDITURE APPROVED:**

Moved by Fischbach, seconded by Hansen to authorize payment in amount of \$34,750.00 to EF Johnson Company from Fund #102, until such time as recommendation from States Attorney is received. All members present voting aye. Motion carried.

**HOUSING & REDEVELOPMENT COMMISSION OF BROWN COUNTY:**

Moved by Fischbach, seconded by Hansen to appoint the following to the Housing and Redevelopment Commission of Brown County, South Dakota: Francis Brink (term ending July 9, 2009), Dan Cybulski (term ending July 9, 2008), Lonnie Anderson (term ending July 9, 2007); retaining members: Deb Knecht (term ending July 9, 2006) and Mike Wiese (term ending July 9, 2005). All members present voting aye. Motion carried.

**PLATS:**

Commissioner Fischbach offered the following Resolution:

**RESOLUTION NO. 23-04**

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Schaub Lot 1 in NW ¼ Sec 26-T124N-R63W of 5<sup>th</sup> P.M., Brown County, SD", 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 Hansen. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-absent, Feickert-aye. Resolution adopted.

Commissioner Knecht offered the following Resolution:

**RESOLUTION NO. 24-04**

BE IT RESOLVED by the Board of Commissioners of Brown County, SD, that the plat showing "Jones Subdivision in the SE ¼ of Sec 21-T124N-R62W of the 5<sup>th</sup> P.M., Brown County, SD", 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 Hansen. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-absent, Feickert-aye. Resolution adopted.

Commissioner Hansen offered the following Resolution:

**RESOLUTION NO. 25-04**

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Zoellner Lot 1 in NE ¼ Sec 7-T122N-R61W of 5<sup>th</sup> P.M., Brown County, SD", 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 Fischbach. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-absent, Feickert-aye. Resolution adopted.

Commissioner Fischbach offered the following Resolution:

**RESOLUTION NO. 26-04**

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing "Johnston Subdivision in the SE ¼ of Sec 24-T123N-R62W of the 5<sup>th</sup> P.M., Brown County, SD", having been examined, is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof.

Seconded by Commissioner Knecht. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-absent, Feickert-aye. Resolution adopted.

Commissioner Hansen offered the following Resolution:

#### RESOLUTION NO. 27-04

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Droog's First Subdivision in S ½ Sec 22-T123N-R64W of 5<sup>th</sup> P.M., Brown County, SD", and the location of the proposed access roads connecting to the County Highway as shown thereon, 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 Fischbach. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-absent, Feickert-aye. Resolution adopted.

Commissioner Knecht offered the following Resolution:

#### RESOLUTION NO. 28-04

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Crompton First Addition in the NW ¼ Sec 23-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD", 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 Hansen. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-absent, Feickert-aye. Resolution adopted.

Commissioner Fischbach offered the following Resolution:

#### RESOLUTION NO. 29-04

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Gross 3<sup>rd</sup> Subdivision in NW ¼ Sec 34-T124N-R64W of 5<sup>th</sup> P.M., Brown County, SD", 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 Knecht. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-absent, Feickert-aye. Resolution adopted.

#### TOWNSHIP BONDS:

Moved by Fischbach, seconded by Hansen to approve the following Township Bonds (Treasurer and Clerk): PORTAGE #1- Susan Gerdes, Tom Stehly; GREENFIELD #2 - Carol Luttrell, Karen Lunzman; FREDERICK #3 - Dan Rahja, Eric Sumption; ALLISON #4 - Dillon Cutler, Robert Hixon; LANSING #5 - Sharon Lehr, Dixie Clark; ONEOTA #6 - Karla Engelhart, Neil Schaunaman; BRAINARD #7 - Charles

Dennert, Diane Bruns; SHELBY #8 - Karen Mettler, Brent Miller; NORTH DETROIT #9 - Sandy Dinger, Cindy Olson; CLAREMONT #10 - Donald Wegleitner, Justin Wegleitner; COLUMBIA #11 - Marty Weismantel, Roger Zastrow; WESTPORT #12 - Guyna Dehne, Doug Fjeldheim; CARLISLE #13 - Sally Waltman, Alfred Waltman; ORDMAN #14 - Kerry Howell, Mike McHugh; CAMBRIA #15 - Monte McNickle, Ron Ringgenberg; RIVERSIDE #16 - Art Gengerke, Bruce Sippel; GROTON #17 - Jerry Locke, Jeff Howard; HENRY #18 - Ellen Leonhardt, Lena Cox; BATH #19 - David Stahl, Scott Sperry; ABERDEEN #20 - Tom Eilers, Darlys Jensen; MERCIER #21 - Jerry Streckfuss, Randy Bauer; NEW HOPE #22 - Alan Borchard, Milton Haselhorst; WARNER #23 - Bev Graham, Robert Seaton; GEM #24 - Loel Schott, Mary Jane Schott; EAST HANSON #25 - Dennis Pigors, Richard Strom; GARDEN PRAIRIE #26 - Steve Dunker, Todd Osterman; EAST RONDELL #27 - Marilyn Stange, Cheryl Papke; PALMYRA #28 - Sarah Monroe, Paul Monroe; OSCEOLA #29 - John Peldo, Chris Sumption; SAVO #30 - Calvin Raisanen, Mary Ann Luoma; LIBERTY #31 - Ben Willhaus, Rollin Stearns; RAVINIA #34 - Lisa Berbor, Patrick Keatts; HIGHLAND #35 - Dan Misslitz, Alan Dahme; FRANKLYN #36 - Sharon Bain, Jeff Stein; RICHLAND #37 - Margaret Sumption, Deb Heine; LINCOLN #39 - Loren Harms, Casey Black; BATES #44 - Kathy Dobberpuhl, Roger Ball; GARLAND #46 - Lloyd Buntrock, Dwain Buntrock; PUTNEY #48 - Bill Schuelke, Kevin Pharis; WEST HANSON #49 - Tom Paepke, Arnold Bahr; HECLA #50 - Cindy Bagley, Sharon Schroeder; PRAIRIEWOOD #53 - Richard Niebuhr, Craig McFarland; WEST RONDELL #57 - Allen Ryckman, Larry Ihde; SOUTH DETROIT #59 - Mark Perkins, Mark Hoines. All members present voting aye. Motion carried.

**QCD:**

Moved by Fischbach, seconded by Hansen to approve sale of tax deed property previously declared surplus and authorize the Chairman sign Quit Claim Deed from Brown County to Lawrence A Brunmaier on the 37.6' next West of East 425' of OL F, Easton's Subdivision NE 14-123-64 (.129 A). All members present voting aye. Motion carried.

**JIM RIVER RIDERS:**

Stephanie Healy, Secretary/Treasurer of the Jim River Riders presented a letter from Jay T Kleinknecht, President of the Jim River Riders establishing the riding clubs views about the proposed new building at the Fairgrounds.

**LIBRARY FEE:**

Robert Gloss met to express his concern about the requirement for County residents to purchase a library card from the Alexander Mitchell Library.

**EXECUTIVE SESSION:**

Moved by Hansen, seconded by Fischbach to go into executive session to discuss personnel with Mary Worlie and Jeanette Nietert in attendance. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Hansen to adjourn executive session, with the following personnel action taken. All members present voting aye. Motion carried.

**PERSONNEL:**

Moved by Knecht, seconded by Hansen to approve hiring Bev Wright as part-time employee in the Assessor's Office, effective May 6, 2004 at \$9.00 per hour. All members present voting aye. Motion carried.

**RECESS:**

The Chairman declared the Commission recessed until May 4, 2004.

Maxine Taylor - Brown County Auditor

MAY 3, 2004- JOINT CITY/COUNTY MEETING

The Brown County Commission and the Aberdeen City Commission met in joint session at 5:30 P.M. in the Aberdeen City Commission Chambers, 123 S Lincoln Street, Aberdeen, South Dakota. Present from City were Commissioners Klabo, Omland, Forkel, Richardson and Mayor Hopper. Present from County were Commissioners Feickert, Hansen and Wiese. Absent Commissioners Knecht and Fischbach.

ORDINANCE NO. 04-03-01/290:

On motion by Forkel and seconded by Richardson, the City unanimously voted to approve Second Reading of Ordinance No. 04-03-01/290.

On motion by Klabo and seconded by Omland, the City unanimously voted to adopt Ordinance No. 04-03-01/290.

Moved by Hansen, seconded by Wiese to approve Second Reading of Ordinance No. 04-03-01/290. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to adopt Ordinance No. 04-03-01/290, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 714 (M-AG) Mini-Agricultural District: Lots 1, 3 and 4 of "Hansen Subdivision in the NE ¼ of Sec 17-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto. Roll call vote: Commissioners Hansen-aye, Wiese-aye, Feickert-aye, Fischbach-absent, Knecht-absent. Ordinance adopted.

ORDINANCE NO. 04-04-01/291:

On motion by Richardson and seconded by Omland, the City unanimously voted to approve Second Reading of Ordinance No. 04-04-01/291 with amendment.

On motion by Klabo and seconded by Forkel, the City unanimously voted to adopt Ordinance No. 04-04-01/291.

Moved by Wiese, seconded by Hansen to approve Second Reading of Ordinance No. 04-04-01/291 with amendment. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to adopt Ordinance No. 04-04-01/291, An Ordinance amending Section 502 (Accessory building or use), Section 502 (Building Accessory) 703.2.8, 704.2.1, 705.2.1, 706.5.14, 707.2.10, 708.2.19, 715.2.2 and 716.2.7 of Ordinance No. 1164, as amended, known as the Zoning Ordinance of the City of Aberdeen, SD, amending definitions and residential and commercial regulations pertaining to accessory buildings and or structures. Roll call vote: Commissioners Hansen-aye, Wiese-aye, Feickert-aye, Fischbach-absent, Knecht-absent. Ordinance adopted.

ORDINANCE NO. 04-04-02/292:

On motion by Klabo and seconded by Richardson, the City unanimously voted to approve Second Reading of Ordinance No. 04-04-02/292.

On motion by Omland and seconded by Forkel, the City unanimously voted to adopt Ordinance No. 04-04-02/292.

Moved by Wiese, seconded by Hansen to approve Second Reading of Ordinance No. 04-04-02/292. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to adopt Ordinance No. 04-04-02/292, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 714 (M-AG) Mini-Agricultural District (amended to read Section 714 not Section 715 (R-2A) Manufactured Housing and Medium Density Residential District, as published): The North 660' of the East 660' of the NW ¼ of Sec 5-T122N-R63W of the 5<sup>th</sup> P.M., Brown County, SD". Roll call vote: Commissioners Hansen-aye, Wiese-aye, Feickert-aye, Fischbach-absent, Knecht-absent. Ordinance adopted.

**SET HEARING DATE:**

On motion by Omland and seconded by Klabo, the City unanimously voted to set public hearing for 5:30 p.m. on May 24, 2004 in the Aberdeen City Commission Chambers for First Reading of Ordinance No. 04-05-01/293.

Moved by Hansen, seconded by Wiese to set public hearing for 5:30 p.m. on May 24, 2004 in the Aberdeen City Commission Chambers, 123 S Lincoln Street for First Reading of Ordinance No. 04-05-01/293, An Ordinance amending Subsection B of Section 5 of Part II of Ordinance No. 1164, as amended, known as the Zoning Ordinance of the City of Aberdeen, SD, adding Subsection 7. Portable signs. All members present voting aye. Motion carried.

On motion by Richardson and seconded by Forkel, the City unanimously voted to set public hearing for 5:30 p.m. on May 24, 2004 in the Aberdeen City Commission Chambers for First Reading of Ordinance No. 04-05-04/294.

Moved by Hansen, seconded by Wiese to set public hearing for 5:30 p.m. on May 24, 2004 in the Aberdeen City Commission Chambers, 123 S Lincoln Street for First Reading of Ordinance No. 04-05-04/294, (Cole, Dreis, Carlson), An Ordinance Amending Ordinance No. 1164 to rezone the following property from Section 701 (A-1) Agricultural District to Section 714 (M-AG) Mini-Agricultural District: The South 891' of the NE ¼ Sec 28-T124N-R64W, except the East 660' of the South 660', to be platted and known as Lots 1 and 2 of "Cole Subdivision in the NE ¼ of Sec 28-T124N-R64W of the 5<sup>th</sup> P.M., Brown County SD". Lots 1, 2 and 4 of "Lots 1-14, Ham's East Richmond Road Subdivision in the SE ¼ of Sec 28-T124N-R64W" and extending to the centerline of all public right-of-way located adjacent thereto. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to adjourn the Brown County Commission. All members present voting aye. Motion carried.

Maxine Taylor – Brown County Auditor

MAY 4, 2004 – GENERAL MEETING

Meeting called to order by Chairman Feickert at 8:45 A.M. in the Commissioner's Chambers Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Knecht and Wiese. Absent Commissioner Fischbach.

MINUTES:

Moved by Wiese, seconded by Hansen to approve the Joint City/County Meeting minutes of April 26, 2004 and the General Meeting minutes of April 27, 2004. All members present voting aye. Motion carried.

CLAIMS:

Moved by Knecht, seconded by Wiese to approve the following claims:

Payroll: Commissioners..\$2,587.50; Auditor..\$6,122.21; Treasurer..\$8,313.66; Data Processing..\$1,601.93, State's Attorney..\$8,810.79; Victims Assistance..\$904.05; Maintenance..\$5,116.98, Assessor..\$7,157.45; Planning & Zoning..\$1,043.20; Register of Deeds..\$4,635.55; Veterans Service Office..\$2,447.13; Sheriff..\$52,622.07; DOJ Grant..\$3,229.96; Communications..\$12,991.97; Welfare Office..\$2,660.96; Museum..\$3,931.66; Fairboard..\$1,820.73; Fairgrounds & Parks..\$3,511.87; Extension..\$1,623.20; Weed..\$1,539.40; Emergency Management..\$2,160.65; Weed & Seed..\$560.28; Highway..\$26,709.63; Landfill..\$6,289.11; Matching Benefits: FICA..\$10,440.23, Medicare..\$2,441.69, Wellmark BCBS Life..\$677.96, Wellmark BCBS Health..\$56,019.70, Delta Dental..\$3,600.00, SD State Retirement..\$30,833.76;

Supplies: Western Printing..\$3606.03, McLeod Printing..\$889.80, Office Max..\$206.59, Ecolab..\$67.00, Heartland Paper..\$375.70, Dakota Supply..\$8.01, Harms Oil..\$8945.25, Streichers..\$21.95, Armor Holding Forensics..\$155.50, Best Business..\$29.18, Parcel Erickson..\$437.19, Dept of Rev..\$2947.08, Visa..\$37.45, Langs..\$45.99, Tractor Supply..\$536.98, Tractor Salvage..\$492.00, Larson Products..\$178.10, Jensen Rock & Sand..\$2156.63, Huron Culvert..\$7552.92, Farm Power..\$609.60, JD Evans..\$44.93, Violet Dinger..\$284.31, Bridgestone Firestone..\$352.38, Leon Vickers..\$31.80, Dacotah Prairie Merchantile..\$5.95, Walmart..\$9.26, A&M Radio..\$46.00, McFarland..\$215.95, Macs..\$24.00, Runnings..\$370.29, Menards..\$557.58, Kings Inn..\$62.00, HRS..\$12.88, Century Business Prod..\$70.00, ADAPCO..\$12,969.00, Jodi Gerdes..\$18.98, Ramkota Hotel..\$177.00, Farm & Home Pub..\$25.25, Earth Tech..\$245.99, Service Signs..\$408.00, Bricks TV..\$452.50, KGIM/KQKD..\$555.00, Sewer Duck..\$120.00, Quality Quick Print..\$259.20, OK Tire..\$16.00, Best Western..\$584.00, Artz Camera..\$23.69, Reserve Acct..\$5000.00, Kesslers..\$10.30;

Publications: Groton Independent..\$228.96, American News..\$413.74, Dakota Press..\$1277.89;

Transcriptions: Neal Reporting..\$51.00;

Professional Fees: witness fees..\$20.00, Avera St Lukes..\$398.64, Avera United Clinic..\$228.86, Marv Ekeren..\$15.00, Don Carlson..\$15.00, Donna Dietrich..\$121.07;

Court Appointed Attorney: Miller & Swier..\$288.00;

Utilities: Midcontinent Cable..\$185.82, Northwestern Energy..\$5410.59, Qwest..\$205.70, Montana Dakota..\$34.10, WEB..\$90.61, Cellular One..\$47.80, Dependable Sanitation..\$16,344.42;

Travel: Amy Lake..\$249.72, Jason Stoltenburg..\$99.00, Marcus Selzler..\$139.00, Bryan Owens..\$99.00, Drew Bickford..\$133.84, Dennis Vanheerde..\$71.00, Nyle Jensen..\$71.00, Marjorie Kolb..\$267.34, Gary Erickson..\$412.83;

Care of Poor: Dr./Hospital – 3 recipients..Northern Plains Oral Surgery..\$1098.10, Anesthesia Care..\$272.00; Rent – 11 recipients..Falcon Rentals..\$122.00, Meier & Co..\$250.00, White House Inn..\$35.10, Green Point Credit..\$171.56, Dakota Square..\$164.00, Greg Wieker..\$210.00, T&S Investments..\$337.00, Tom Appletoft..\$175.00, D&d Properties..\$190.00, Danne..\$210.00; Utilities - 2 recipients..NWPS..\$350.00; Insurance – 1 recipient..Avera Health Plans..\$340.89. All members present voting aye. Motion carried.

**PERSONNEL:**

Moved by Wiese, seconded by Knecht to approve the following employee step/longevity increases, effective May 9, 2004: Janice Moore @ \$14.81 per hour, Ginger Walker @ \$11.86 per hour, Cordell Rudolph @ \$12.45 per hour, Carol Wolf @ \$12.80 per hour, Larry Hardy @ \$12.06 per hour, Richard Schaible @ \$12.41 per hour, John Weig @ \$12.76 per hour, Joseph Malsam @ \$11.69 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Knecht to approve hiring Conway Betone, effective May 10, 2004 and Tina Barnes, effective April 30, 2004 as full-time Correctional Officers in the Jail at \$10.07 per hour. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Hansen to approve hiring Charles Crawley as seasonal highway employee, effective May 5, 2004 at \$7.40 per hour. All members present voting aye. Motion carried.

**ABATEMENT:**

Moved by Wiese, seconded by Hansen to approve the following Abatement: William Edwards, correct water error (SW 35-124-63) for 2003 @ \$549.43. All members present voting aye. Motion carried.

**ROAD #16 PROJECT**

Commissioner Hansen offered the following Resolution:

**RESOLUTION NO. 30-04****COUNTY FEDERAL AID SURFACE TRANSPORTATION PROGRAM RESOLUTION**

WHEREAS, the Brown County Board of Commissioners desire the construction and improvement of the road as hereinafter described:

LOCATION AND LENGTH: Beginning 1 Mile North and 1 Mile West of Stratford, North 9 miles (County Road #16)

AND WHEREAS, Brown County is obligated and hereby agrees to provide proper maintenance as required by the Federal Highway Act as amended and supplemented thereto for the project after construction is completed and to regulate or cause to be regulated the installation of utility facilities within the limits of the right-of-way of the proposed project in accordance with State and Federal requirements.

AND WHEREAS, Brown County is obligated and hereby agrees to reimburse the State for all costs not reimbursable with Surface Transportation Program (STP) Funds and associated State matching funds.

NOW THEREFORE BE IT RESOLVED, that the South Dakota Department of Transportation be and hereby is authorized and requested to program for construction, in accordance with the approved Secondary and Off-System Road Plan Agreement and the State's "Standard Specifications For Roads and Bridges" the project hereinafter described.

Major Collector Route Number 6251

Type of Construction: Spot grading, reclamation and asphalt paving

Construction Services with Federal Aid. Survey, Materials, Design, Traffic, Bituminous, Hydraulics, Foundations and Construction Services with State Forces.



Its is estimated that Brown County will have \$1.1 Million STP and State matching funds available in year 2007.

Seconded by Commissioner Wiese. Roll call vote: Commissioners Hansen-aye, Fischbach-absent, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

SCHOOL DISTRICT MINOR BOUNDARY CHANGE:

Commissioner Wiese offered the following Resolution:

RESOLUTION NO. 31-04

WHEREAS, Brian, Karen and Eugene Wiedebush have petitioned for the transfer of the S ½ of 18-121-64, and the N ½ of 19-121-64, Brown County, South Dakota, from the Aberdeen School District 6-1 to the Warner School District 6-5 and

WHEREAS, the boundary of the area to be transferred to the Warner School District No. 6-5 from the Aberdeen School District No. 6-1 is coterminous at some point with the common boundary of the Warner School District No. 6-5, and

WHEREAS, children reside within the area to be transferred, and

WHEREAS, the area to be taken from the Aberdeen School District No. 6-1 does not affect more than two percent (2%) of the assessed valuation of the Aberdeen School District No. 6-1, and

WHEREAS, the requested transfer has been signed by over fifty percent (50%) of the electors residing in the area to be transferred, and

WHEREAS, copies of the petitions calling for transfer has been delivered to the Brown County Commissioners, and

WHEREAS, a map of the area proposed and detachment and annexation has been prepared, said map comprising a portion of the district from which the area is to be detached and annexed respectively, and

WHEREAS, a certified statement by the Brown County Auditor, setting forth the assessed valuation of the respective area to be transferred, the total valuation of the School District from which the area is to be removed, and the amount of the bond indebtedness of judgements against the respective School Districts, is attached hereto, and be referenced thereto is made a part hereof, and,

WHEREAS, the Office of the Secretary, Department of Education has approved with respective detachments described above to the S ½ of 18-121-64 and the N ½ of 19-121-64, Brown County, South Dakota.

NOW, THEREFORE, IT IS THE ORDER OF THE BROWN COUNTY BOARD OF COMMISSIONERS;

1. That the S ½ of 18-121-64 and the N ½ of 19-121-64, Brown County, South Dakota is detached from the Aberdeen School District No. 6-1 and annexed to the Warner School District 6-5.
2. To be effective May 4, 2004.

Seconded by Commissioner Hansen. Roll call vote: Hansen-aye, Fischbach-absent, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

**PLAT:**

Commissioner Wiese offered the following Resolution:

**RESOLUTION NO. 32-04**

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Camelot Subdivision in SE ¼ Sec 19-T123N-R62W of 5<sup>th</sup> P.M., Brown County, SD", 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 Knecht. Roll call vote: Hansen-aye, Fischbach-absent, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

**DISPARATE JURISDICTION:**

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman sign Financial Form 269 for January through March 2004 for the Brown County Disparate Jurisdiction Grant #2002-LB-BX-0900. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman sign Financial Form 269 for January through March 2004 for the Brown County Disparate Jurisdiction Grant #2003-LB-BX-1657. All members present voting aye. Motion carried.

**HIGHWAY REPORT:**

Dirk Rogers, Highway Superintendent presented the 2003 Highway Department Annual Report.

**APPLICATION FOR OCCUPANCY:**

Moved by Hansen, seconded by Wiese to approve application, submitted by John Sumption for occupancy of Brown County Highway No. 14 in Sec 34-T127N-R63W, Brown County, SD for installation of a water line for irrigation. All members present voting aye. Motion carried.

**EXECUTIVE SESSION:**

Moved by Hansen, seconded by Wiese to go into executive session to discuss possible litigation with Dirk Rogers in attendance. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to adjourn executive session, with no action taken as a result of discussion. All members present voting aye. Motion carried.

**RECESS:**

The Chairman declared the Commission recessed until May 11, 2004.

Maxine Taylor – Brown County Auditor

## MAY 11, 2004 - GENERAL MEETING

Meeting called to order by Chairman Feickert at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Fischbach, Knecht and Wiese.

## MINUTES:

Moved by Knecht, seconded by Wiese to approve the Joint City/County Meeting minutes of May 3, 2004 and the General Meeting minutes of May 4, 2004. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Hansen, seconded by Fischbach to not pay an invoice in amount of \$133.42. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Wiese to approve the following claims:

Supplies: Best Business..\$172.40, ES&S..\$783.83, Adamsoft..\$5000.00, Exec Mgmt Finance..\$2892.40, New Trends..\$5.56, Cunningham Elec..\$278.77, Ecolab..\$97.50, Taylor Laundry..\$24.00, Runnings..\$434.16, Menards..\$480.17, Dakota Supply..\$499.17, McFarland Supply..\$13.08, Regional Dist Center..\$419.85, Hewlett-Packard..\$3584.00, Sewing Shop..\$34.00, Herbergers..\$71.94, Office Max..\$158.74, Hoven Auto Repair..\$363.45, Dick's Westside..\$30.00, Quality Quick Print..\$814.46, OK Tire..\$8.00, Bonnie Bitz..\$120.00, Walmart..\$408.48, Cheryl Hairgrove..\$1134.00, Evercom..\$980.00, Photos Now..\$149.95, Darrels Sinclair..\$8.00, Accurint..\$5.10, Dakota Electronics..\$451.90, Spec Mfg..\$4.04, SD Division of Motor Vehicles..\$13.00, SDDOT..\$2978.61, Sheehan Mack Sales..\$722.39, Share Corp..\$157.50, Safety Service..\$1387.86, Runnings..\$598.69, North Central Farmers Elev..\$12,129.78, Midwest Pump & Tank..\$96.75, Mathison..\$18.37, Macs..\$105.93, Lust Chev..\$78.50, Keeleys..\$44.70, Jensen Rock & Sand..\$4824.87, Interstate Battery..\$226.85, Great Western Tire..\$4927.22, Farm Plan..\$312.53, Farm & Home Pub..\$193.50, Erdmann Oil..\$1111.71, Economy Oil..\$786.25, Deutsch Trucking..\$1500.00, Dakota Oil..\$106.75, Dakota Fluid Power..\$18.36, Creative Sign..\$30.00, Crawford Trucks..\$2823.06, HC Clark..\$201.87, Cartney Bearing..\$79.10, Butler Machinery..\$15.53, Biersbach Equip..\$95.13, Artz Equip..\$23.77, Ameripride..\$116.24, Advanced Auto..\$81.42, Aberdeen Equip..\$16.13, AW Direct..\$162.50, Avera Queen of Peace..\$521.50, Clear Channel..\$168.00, South Dakota Magazine..\$214.00, Fire Safety First..\$85.80, UBC..\$398.16, Mack's Auto Body..\$133.42, Univ of Wisc..\$20.00, Kesslers..\$24.54, Brookings Inn..\$98.00, Hedahls..\$34.65, Roger Johnson..\$2.53, ADAPCO..\$147.50, Kings Inn..\$80.00, C&S Motor Sports..\$81.95, Farm Power..\$78.00, Ranger Joe's..\$254.83, Godfather's Pizza..\$53.46, Kirk's Auto..\$22.00, Dakota Electronics..\$93.50, SD Federal Property Agency..\$50.00, Fair Value Inn..\$374.64, NECOG..\$1263.39, Warner School Dist..\$568.50, City of Groton..\$80.00, North Central 4-H Camp..\$80.00, Wallwork Truck..\$56,883.00, Prairie Builders..\$580.00, Phillips 66..\$43.37:

Publications: Groton Independent..\$320.10, American News..\$695.96:

Transcriptions: Neal Reporting..\$74.80:

Utilities: City of Aberdeen..\$1036.57, NWPS..\$1812.51, Cellular One..\$331.96, Northern Valley..\$147.85, James Valley..\$155.82, Town of Frederick..\$18.25, Midcontinent Cable..\$38.15:

Travel: Mike Wiese..\$184.92, Carol Misfeldt..\$126.25, Maxine Taylor..\$32.00, Sheila Enderson..\$39.00, Carol Sherman..\$139.88, Ginger Walker..\$85.84, Roger Bortnem..\$166.70, Ron Van Meter..\$134.36, Nancy Hansen..\$117.83:

Care of Poor: Dr./Hospital - 2 recipients..Northern Plains OMS..\$166.37, Avera St Lukes..\$593.06; Rent - 5 recipients..Ken Dohn..\$190.00, The Zoo..\$250.00, Jenny Wilson..\$250.00, O Mason Greiser..\$190.00, Pat Preston..\$190.00; Utilities - 4 recipients..NWPS..\$833.86; Transportation - 2 recipients..Brown County Hwy..\$6.73, SD Human Service Center..\$57.20. All members present voting aye. Motion carried.

## PERSONNEL:

Moved by Wiese, seconded by Knecht to approve hiring Amanda Mollman, as seasonal highway employee, effective May 17, 2004 at \$8.17 per hour. All members present voting aye. Motion carried.

## AGREEMENTS:

Moved by Knecht, seconded by Wiese to approve and authorize the Chairman sign Agreement for Emergency Response to WMD (Weapons of Mass Destruction) Incidents with the City of Aberdeen. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Hansen to approve and authorize the Chairman sign Agreement for Emergency Response to Hazardous Materials Incidents with the City of Aberdeen. All members present voting aye. Motion carried.

**CONTINGENCY TRANSFER:**

Moved by Knecht, seconded by Wiese to approve the following Contingency Transfer from Fund #101-112-422.99 to Fund #101-213 Coroner in amount of \$3,581.45. All members present voting aye. Motion carried.

**AUDITORS REPORT OF ACCOUNT:**

Moved by Hansen, seconded by Fischbach to approve the April 2004 Auditor's Report of Account with the County Treasurer in total amount of \$17,667,477.47 (total amount of actual cash @ \$3,343.17, Wells Fargo Bank @ \$3,694.79, US Bank @ \$84,318.61, Dacotah Bank @ \$91,404.61, Petty Cash @ \$1,700.00, Fund Investments @ \$17,482,859.46, Outstanding Checks @ \$156.83). All members present voting aye. Motion carried.

**CLAIM ASSIGNMENT:**

Moved by Wiese, seconded by Fischbach to approve and authorize the Chairman sign documentation to assign a claim against an individual to L.F. Noll Inc. for purpose of collecting a lien. All members present voting aye. Motion carried.

**QCD:**

Moved by Hansen, seconded by Knecht to approve sale of tax deed property previously declared surplus and authorize the Chairman sign Quit Claim Deed from Brown County to Michael Harmon on the W ½ of Lot 13, Block 17, Hagerty & Lloyds Addition to the City of Aberdeen. All members present voting aye. Motion carried.

**RELIEF LIEN:**

Commissioner Wiese offered the following Resolution:

**RESOLUTION NO. 33-04**

WHEREAS, Brown County has filed a Poor Relief Lien dated Jun 16, 1998 with a balance of \$3,439.33 and a Poor Relief Lien dated from Oct 17, 2000 to Jul 18, 2001 with a balance of \$15,311.41, and

WHEREAS, Brown County has determined it to be in the best interest of the taxpayers to release certain property from the effect of said liens, upon condition that the lien remain filed against the individuals and payments are received.

NOW, THEREFORE BE IT RESOLVED that the following real property, which is described as follows:

Lot 9 and the South 1/4<sup>th</sup> of Lot 10, Block 33, First Addition to Groton, according to the plat thereof of record, Brown County, South Dakota

is hereby released from the effect and force of said liens, upon condition that the lien shall stay filed against the individuals and payments are received until lien paid in full.

Dated this 11<sup>th</sup> day of May 2004.

Seconded by Commissioner Fischbach. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

#### INCREASE SPENDING AUTHORITY/ESTIMATED REVENUE:

Moved by Hansen, seconded by Knecht to increase spending authority in Fund #234-211.01-411 by \$2,692.00, #234-211.01-412.01 by \$166.78, #234-211.01-412.02 by \$39.12, #234-211.01-413 by \$215.29 and increase estimated revenue in Fund #234-331.90 by \$3113.19 for reimbursement of Underage Drinking Grant funds. All members present voting aye. Motion carried.

#### PLATS:

Commissioner Hansen offered the following Resolution:

#### RESOLUTION NO. 34-04

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Hoeft's Tract 1 in the E ½ of the SE ¼ of Sec 32-T121N-R63W of the 5<sup>th</sup> P.M., Brown County, SD", 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 Fischbach. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

Commissioner Hansen offered the following Resolution:

#### RESOLUTION NO. 35-04

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Trail School Outlots in the NW ¼ of Sec 23-T123N-R65W of the 5<sup>th</sup> P.M., Brown County, SD", 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. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

#### SPECIAL MALT BEVERAGE LICENSE HEARING:

Time and place, as advertised for public hearing to consider application for Special Malt Beverage Licenses for the 2004 Northeast Area Horse Racing Season at the Fairgrounds. Moved by Fischbach, seconded by Wiese to approve the following applications for Special Malt Beverage License, submitted by Northeast Area Horse Racing, Inc: Brown County Fairgrounds (Clubhouse) SW ¼ Sec 1-T123N-R64W, effective May 13, 15 and 16, 2004. Brown County Fairgrounds (Grandstand) SW ¼ Sec 1-T123N-R64W, effective May 15 & 16, 2004. Brown County Fairgrounds (Clubhouse) SW ¼ Sec 1-T123N-R64W, effective May 22, 23, 29, 30 & 31, 2004. Brown County Fairgrounds (Grandstand) SW ¼ Sec 1-T123N-R64W, effective May 22, 23, 29, 30 & 31, 2004 (map indicating specific buildings on file with applications). All members present voting aye. Motion carried.

#### REMOVE BURN BAN:

Commissioner Fischbach offered the following Resolution:

#### RESOLUTION 36-04

WHEREAS, Resolution No. 22-04, A Resolution by the Brown County Board of Commissioners declaring a fire danger emergency and prohibiting open burning within the County, was adopted on April 20, 2004, and

WHEREAS, Resolution No. 22-04 authorizes the Brown County Board of Commissioners to rescind the "Fire Danger Emergency", and

WHEREAS, sufficient moisture has been received in Brown County to decrease the "Fire Danger Emergency".

NOW THEREFORE, BE IT RESOLVED that the Brown County Board of Commissioners rescinds Resolution No. 22-04, removing the open burn ban, effective May 11, 2004.

Seconded by Commissioner Knecht. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

**JOINT POWERS AGREEMENT DISCUSSED:**

Stan Albrecht, Terry Nash, Earl Schultz, Tootie Podoll, Jerry Cope and Bill Whiteside, Jr met with the Commission to discuss a Joint Powers Agreement between Brown County and two Townships – Aberdeen and Lincoln, dated May 16, 1995. Dirk Rogers, Highway Superintendent was also in attendance. After discussion no action was taken.

**ORDINANCE NO. 028:**

Moved by Hansen, seconded by Wiese to approve First Reading of Ordinance No. 028, An Ordinance Amending Title 18, Second Revision Brown County Ordinances to authorize the Brown County Board of Commissioners to declare a fire danger emergency and to prohibit open burning within the County. All members present voting aye. Motion carried.

**APPLICATIONS FOR OCCUPANCY:**

Moved by Knecht, seconded by Hansen to approve application, submitted by WEB Water Development for occupancy of Brown County Highway No. 16 in Sec 29 & 30-T123N-R62W, Brown County, SD to provide a pottable water line. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Fischbach to approve application, submitted by Dickey Rural Telephone Coop of Ellendale, ND for occupancy of Brown County Highway No. 1 in NE ¼ of Sec 6-T128N-R61W, Brown County, SD to install telephone cable. All members present voting aye. Motion carried.

**SURPLUS PROPERTY:**

Moved by Fischbach, seconded by Wiese to declare Decal #1893 - 1993 International Truck surplus property for purpose of trade-in from Highway Department. All members present voting aye. Motion carried.

**MOBILE HOME RULES HEARING:**

Sheila Enderson, Brown County Treasurer informed the Commission about an upcoming South Dakota Department of Revenue Rules Hearing, to be held on May 18<sup>th</sup> in regard to legislation that changed the type of tax to be collected on mobile home sales.

**ASSESSOR REPORT:**

Mary Worlie, Director of Equalization introduced Bev Wright and reported the 2004 Growth for Brown County would be 2.833%.

**RECESS:**

The Chairman declared the Commission recessed until May 18, 2004.

Maxine Taylor – Brown County Auditor

MAY 18, 2004 – GENERAL MEETING

Meeting called to order by Chairman Feickert at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Fischbach, Knecht and Wiese.

MINUTES:

Moved by Wiese, seconded by Fischbach to approve the General Meeting minutes of May 11, 2004. All members present voting aye. Motion carried.

CLAIMS:

Moved by Wiese, seconded by Knecht to approve the following claims, including a bill in amount of \$133.42 previously denied:

Payroll: Commissioners..\$2,587.50; Auditor..\$6,013.95; Treasurer..\$8,342.80; Data Processing..\$1,601.93; State's Attorney..\$7,816.55; Victims Assistance..\$904.05; Maintenance..\$5,104.53, Assessor..\$7,177.99; Planning & Zoning..\$1,043.20; Register of Deeds..\$4,635.55; Veterans Service Office..\$2,454.28; Sheriff..\$52,850.33; DOJ Grant..\$3,222.40; Communications..\$13,032.41; Welfare Office..\$2,660.96; Museum..\$3,966.16; Fairgrounds & Parks..\$3,435.32, Fairboard..\$1,820.73; Extension..\$1,623.20; Weed..\$2,757.40; Emergency Management..\$2,178.37; Weed & Seed..\$880.44, Highway..\$28,821.17; Landfill..\$6,131.59; Matching Benefits: FICA..\$10,102.21; Medicare..\$2,362.59;

Supplies: Ramkota..\$138.00, West Group..\$3491.51, CDW Givt.,\$129.48, Penton Tech..\$37.46, Kone Inc..\$493.81, Crescent Elec..\$62.33, Schwan Welding..\$45.00, Dakota Supply..\$79.00, SDAOO..\$45.00, McLeods..\$128.42, Sterling Solutions..\$600.00, Streichers..\$18.95, Prairie Fire..\$48.75, Fleet Mgmt..\$21.58, Lust..\$557.14, Pierson Ford..\$190.14, NE Mental Health..\$380.38, Richard Condon & Assoc..\$350.00, Kesslers..\$383.62, Parcel-Erickson..\$21.95, HRS..\$3814.85, Earthgrains..\$558.83, JC Penney..\$89.97, Career Planning..\$1292.00, Z&S Dust..\$6568.32, SD Div of Motor Vehicles..\$13.00, Paul Riel..\$80.00, Koch Materials..\$5120.34, Harms Oil..\$9307.74, Frey's Elec..\$50.65, Farnam's..\$84.79, Erdmann Oil..\$1185.72, Enerco..\$2275.15, Creative Signs..\$60.00, Carquest..\$1324.83, A&M Radio..\$50.00, Dacotah Prairie Merchantile..\$19.95, Ameripride..\$60.15, Macs..\$71.35, Runnings..\$308.38, Farnams..\$6.24, HC Clark..\$169.94, Menards..\$94.89, Dakota Supply..\$14.40, Mattern Elec..\$110.95, Gas N Goodies..\$10.50, Successful Farming..\$15.95, Van Diest..\$3610.21, Reuers Auto..\$402.97, Nelson Sales..\$49.62, C&S Motor Sports..\$81.95, Pro Ag Supply..\$78.29, Jodi Gerdes..\$27.53, V&S Dust Control..\$4394.40, JD Evans..\$2555.48, Sheehan..\$391.52, Fire & Safety First..\$137.75, Powerplan..\$1693.42, Erdmann Oil..\$3518.72, Heartland Paper..\$124.00, Clear Channel..\$495.00, Praxair..\$15.70, Aberdeen Rural Firefighters..\$100.00, Cunningham Elec..\$580.52, Metro Fire..\$83,330.00, UBC..\$1.99, Brick Propane..\$80.10, Walmart..\$8.00, Cummins Great Plains..\$150.00, SD Assoc of County Commissioners..\$116.00, Farm & Home Pub..\$25.25, Lutheran Social Services..\$15,253.64, NECOG..\$1328.88, Christine Heidenreich..\$1347.75, Tri-State Water..\$72.50, Tri State Water..\$72.50, Mack's Auto Body..\$133.42:

Publications: American News..\$2478.29, Midland Press..\$544.87,

Professional Fees: Lewis & Clark BHS..\$375.00, Yankton County..\$273.15,

Court Appointed Attorney: Fox Youngberg..\$169.88,

Utilities: Northwestern Energy..\$2432.23, Dependable Sanitation..\$371.00, Midcontinent Cable..\$80.00, Verizon..\$142.65, Qwest..\$471.08, City of Hecla..\$68.86, Northern Elec..\$626.68, Verizon..\$64.57, James Valley..\$206.80, Cellular One..\$64.50,

Travel: Dennis Feickert..\$112.28, Leo Leshner..\$110.78, Melissa Koester..\$77.43,

Care of Poor: Dr./Hospital – 6 recipients..Neurospine..\$1892.58, Dr Charles Miller..\$6955.61, Anesthesia Care..\$112.00, Avera St Lukes..\$7095.00; Rent – 7 recipients..Dallas Niederbaumer..\$210.00, Kurt Kruger..\$370.00, Jim Bird..\$210.00, Dakota Square..\$230.00, Fairbanks Capital Corp..\$210.00, Pheasant Ridge..\$150.00; Utilities - 3 recipients..City of Aberdeen..\$90.00, Northern Elec..\$97.75, BDM Rural

Water..\$35.00; Transportation - 2 recipients..Brown County Hwy..\$33.13; Insurance – 1 recipient..Wellmark BC/BS..\$347.81. All members present voting aye. Motion carried.

**PERSONNEL:**

Moved by Wiese, seconded by Knecht to approve the following employee step/longevity increases, effective May 23, 2004: Tom Lammon @ \$12.31 per hour, Jennifer Mechaley @ \$12.36 per hour, Roger Schaible @ \$12.56 per hour, Bryan Locke @ \$16.07 per hour, David Bruckner @ \$13.15 per hour, John VanderHoek @ \$15.61 per hour; and further to defer decision on one individuals increase for one week. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to approve hiring Jeffrey Hayes as part-time scale operator at the Landfill, effective May 17, 2004 at \$10.35 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to approve hiring Andrew L Wilen as a full time Corrections Officer in the Jail, effective May 25, 2004 at \$10.07 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Fischbach to approve hiring Tracy Krogman as part-time Secretary in the States Attorney Office, effective May 24, 2004 at \$9.87 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Fischbach to approve employee status change for Paul Riel from Highway Seasonal without a CDL to Highway Seasonal with a CDL, effective May 23, 2004 at \$8.38 per hour. All members present voting aye. Motion carried.

**BROWN COUNTY WEED & SEED:**

Moved by Knecht, seconded by Wiese to approve and authorize the Chairman sign letter requesting Weed and Seed funding for year four (October 1, 2004 – September 30, 2005). All members present voting aye. Motion carried.

Moved by Knecht, seconded by Wiese to approve and authorize the Chairman sign Application for Federal Assistance and Certificates regarding Lobbying, Debarment, Suspension and other responsibility matters; Standard Assurances; and Drug-Free Workplace requirements for Brown County Weed and Seed Project – year four (October 1, 2004 – September 30, 2005). All members present voting aye. Motion carried.

**SET HEARING DATE – MALT/ALCOHOLIC BEVERAGE LICENSES:**

Moved by Hansen, seconded by Wiese to authorize advertising public hearing to consider the following applications, to be held in the Brown County Commission Chambers, Courthouse Annex at 8:45 a.m. on June 8, 2004: Transfer Retail (On-Off Sale) Malt Beverage from Larry Schumacher DBA Westside Bait & Tackle to Ken Schumacher DBA Bait Shop Bar & Grill – N218' of Lot A Replat of Evelo's Subdivision in NW ¼ Sec 21-T123N-R64W, Brown County, South Dakota. Transfer Retail (On Sale) Liquor from Larry Schumacher DBA Westside Bait & Tackle to Ken Schumacher DBA Bait Shop Bar & Grill-N218' of Lot A Replat of Evelo's Subdivision in the NW ¼ Sec.21, T123N, R64W, Brown County, South Dakota. Retail (On-Off Sale) Malt Beverage Ken Schumacher DBA Bait Shop Bar & Grill. 38401 133<sup>rd</sup> St, Aberdeen, SD – N218' of Lot A, Replat of Evelo's Subdivision in NW ¼ Sec 21-T123N-R64W, Brown County, South Dakota. Marge Frohling DBA The Connection, Main Street, Box 62, Houghton, SD – Lots 10-11-12-13-&14, Block 2, Sec 31-T127-R61. Alan Lanphere DBA Bath Quick Stop, RR 1, Box 96, Bath, SD – Lot B Weismantel's First Subd of Lot 1 ex N 12' Jenkins Subd E ½ of SE ¼ Sec.18-123-62. Daniel Brandenburger DBA Elm Lake Resort, 37594 102<sup>nd</sup> St, Forbes ND – Lot 1, Elm Lake Resort Subd in the SE ¼ of Sec 8-128-65, ex that portion of Road r/o/w. Moccasin Creek Country Club,



Inc. 39084 130<sup>th</sup> St., Aberdeen, SD – Prairiewood Village Outlot 7 Sec 33-124-63. Special Malt Beverage License Northern State University Foundation, 620 15<sup>th</sup> Ave SE, Aberdeen, SD – Brown County Fairgrounds- SW ¼ Sec. 1-T123N-R64W, effective June 19 & 20, 2004. Special Malt Beverage License Aberdeen Community Foundation, 1220 N Lincoln, Aberdeen SD – Lot 1 Parkview Nursery Addn in NE 25-123-64 (5.25A) 304 E Melgaard Road, effective June 17, 2004. All members present voting aye. Motion carried.

**CLAIM ASSIGNMENTS:**

Moved by Knecht, seconded by Wiese to approve and authorize the Chairman sign documentation to assign a claim against five individuals to L.F. Noll Inc. for purpose of collecting liens. All members present voting aye. Motion carried.

**INCREASE SPENDING AUTHORITY/ESTIMATED REVENUE:**

Moved by Wiese, seconded by Hansen to increase spending authority in Fund #234-211.05-426 in amount of \$23,772.76 and increase estimated revenue in Fund #234-331.19 in amount of \$23,772.76 for unanticipated reimbursement of SDSA/SDPCA Technology Grant funds. All members present voting aye. Motion carried.

**MOSQUITO PREVENTION & CONTROL COMMUNITY GRANT:**

Moved by Wiese, seconded by Knecht to approve and authorize the Chairman sign the West Nile Prevention and Mosquito Control Grant Agreement with the SD Department of Health in amount not to exceed \$29,705.00 with Brown County contributing an equal amount not to exceed \$29,705.00 as match. All members present voting aye. Motion carried.

**HIGHWAY UPDATE:**

Dirk Rogers, Highway Superintendent presented an update on deer carcass removal from county road ditches, parking area near the West Bridge at Richmond Lake and water levels.

**EXECUTIVE SESSION:**

Moved by Hansen, seconded by Wiese to go into executive session to discuss possible litigation with Dirk Rogers in attendance. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Wiese to adjourn executive session, with no action taken as a result of discussion. All members present voting aye. Motion carried.

**CERT:**

Freddie Robinson, Gordon Vanauken, Captain Labbee, Tom Kessler and Becky Berreth discussed items that affect the preliminary draft of the policies to be followed when training CERT (Citizen Emergency Response Team) Volunteers. The draft policies will be presented for review and approval at a later date.

**ORDINANCE NO. 028:**

Moved by Knecht, seconded by Wiese to approve Second Reading of Ordinance No. 028. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Fischbach to adopt Ordinance No. 028, An Ordinance Amending Title 18, Second Revision Brown County Ordinances to authorize the Brown County Board of Commissioners to declare a fire danger emergency and to prohibit open burning within the County. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Ordinance adopted.

**WELFARE OFFICE COPIER:**

Charlene Millim, Welfare Director discussed the condition of the copier in the office and requested permission to purchase a replacement when current copier is no longer operable. Board concurred.

**WEED DEPARTMENT:**

Roger Johnson and Mark Hoven met to discuss the mosquito grant and option of hiring a part-time spray operator to assist with the project.

**SPEED LIMIT DISCUSSED:**

Kurt Smith, Fairgrounds Manager discussed the need for posted speed limits when approaching the Richmond Youth Camp for the safety of the public. The Board requested a resolution be drafted for review and adoption.

**EMMA BURNHAM PUBLIC LIBRARY:**

Eve Larson invited the Commission to attend the Emma Burnham Public Library fundraising event to be held in Frederick on May 30, 2004.

**AFSCME CONTRACT:**

Moved by Wiese, seconded by Fischbach to approve and authorize signing the contract with Local 162, Council 59 of the American Federation of State, County and Municipal Employees, AFL-CIO, effective January 1, 2004 (unless otherwise stated) through December 31, 2005. All members present voting aye. Motion carried.

**EXECUTIVE SESSION:**

Moved by Knecht, seconded by Fischbach to go into executive session to discuss personnel with Maxine Taylor and Mark McNeary in attendance. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Hansen to adjourn executive session, with no action taken as a result of discussion. All members present voting aye. Motion carried.

**RECESS:**

The Chairman declared the Commission recessed until May 25, 2004.

Maxine Taylor – Brown County Auditor

MAY 24, 2004- JOINT CITY/COUNTY MEETING

The Brown County Commission and the Aberdeen City Commission met in joint session at 5:30 P.M. in the Aberdeen City Commission Chambers, 123 S Lincoln Street, Aberdeen, South Dakota. Present from City were Commissioners Klabo, Omland, Forkel, Richardson and Mayor Hopper. Present from County were Commissioners Fischbach, Knecht, Hansen and Wiese. Absent Commissioner Feickert.

ORDINANCE NO. 04-05-01/293:

On motion by Omland and seconded by Forkel, the City unanimously voted to approve First Reading of Ordinance No. 04-05-01/293.

Moved by Fischbach, seconded by Wiese to approve First Reading of Ordinance No. 04-05-01/293, An Ordinance amending Subsection B of Section 5 of Part II of Ordinance No. 1164, as amended, known as the Zoning Ordinance of the City of Aberdeen, South Dakota, adding subsection 7. Portable signs. All members present voting aye. Motion carried.

ORDINANCE NO. 04-05-04/294:

On motion by Klabo and seconded by Richardson, the City unanimously voted to approve First Reading of Ordinance No. 04-05-04/294.

Moved by Hansen, seconded by Wiese to approve First Reading of Ordinance No. 04-05-04/294, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 714 (M-AG) Mini-Agricultural District: The South 891' of the NE  $\frac{1}{4}$  Sec 28-T124N-R64W, except the East 660' of the South 660', to be platted and known as Lots 1 and 2 of "Cole Subdivision in the NE  $\frac{1}{4}$  of Sec 28-T124N-R64W of the 5<sup>th</sup> P.M., Brown County, SD". Lots 1, 2 and 4 of "Lots 1-14, Ham's East Richmond Road Subdivision in the SE  $\frac{1}{4}$  of Sec 28-T124N-R64W" and extending to the centerline of all public right-of-way located adjacent thereto. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Wiese to adjourn the Brown County Commission. All members present voting aye. Motion carried.

Maxine Taylor – Brown County Auditor

MAY 25, 2004 - GENERAL MEETING

Meeting called to order by Chairman Feickert at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Fischbach, Knecht and Wiese.

MINUTES:

Moved by Wiese, seconded by Knecht to approve the General Meeting minutes of May 18, 2004. All members present voting aye. Motion carried.

CLAIMS:

Moved by Fischbach, seconded by Wiese to approve the following claims:

Supplies: US Postal Service..\$150.00, Office Equip..\$128.05, SDN Tech..\$233.00, Avera McKennan..\$20.00, Shafer & Feld..\$38.00, SDRDTN..\$186.00, Aberdeen Carpet Cleaning..\$540.00, K-Mart..\$95.06, UBC..\$18.73, Matz Saw Service..\$13.50, SOS Garage Door..\$26.50, Erdmann Rooter..\$1099.80, Youngs..\$42.64, Quality Welding..\$9.28, Gardner Locksmith..\$45.00, Menards..\$252.62, Ameripride..\$45.93, Kone..\$201.74, Best Business..\$224.78, D&K Health Care..\$52.76, Velvet Uniform..\$101.86, Dicks Westside 66..\$85.25, Medical Waste..\$71.09, Medical Center Pharm..\$662.78, Aberdeen Chrysler Center..\$646.40, Cabelas..\$2053.82, Evercom..\$1400.00, Dept of Rev..\$805.00, Credit Bureau..\$7.50, Visa..\$90.10, CDT..\$618.75, Behavioral Interventions..\$80.00, Division of Motor Vehicles..\$13.00, Share Corp..\$75.00, Newman Signs..\$66.00, Mathison Co..\$1198.46, Jensen Rock & Sand..\$5056.96, Janitor Supply..\$125.00, J Gross..\$5109.00, Farnam's..\$54.16, Runnings..\$85.13, Heartland Paper..\$433.03, HRS..\$7.08, Diann Steinheuser..\$109.80, Kesslers..\$35.92, Dakota Fluid Power..\$18.00, Van Diest..\$481.80, Hewlett Packard..\$23.00, Inman & McDowell..\$404.55, Vosika Fencing..\$23,828.00, Verns..\$95.00, Bricks TV..\$327.50, Greenman Tech..\$26,610.68, Brown County..\$11,122.58, City of Groton..\$1750.00, NECOG..\$1666.66, Carmike..\$1260.00, Farm & Home Pub..\$2287.50:

Publications: American News..\$352.09, Dakota Press..\$1028.66, Groton Independent..\$375.97, Gibson Publishing..\$21.51:

Professional Fees: Kim Dorsett..\$2083.33, Richard Russman..\$2916.67, witness fees..\$20.00, Kevin Spitzer..\$450.10, Brandon Leslie..\$300.00, NADRIC..\$1666.67:

Transcriptions: Neal Reporting..\$20.40:

Court Appointed Attorney: Christy Serr..\$4166.67, William Gerdes..\$4166.67, Kuck Law Office..\$4166.67, Randy Turner..\$4166.67:

Utilities: Qwest..\$5690.88, Cellular One..\$1009.85, Prairie Fire..\$71.24, Northwestern Energy..\$298.85, Midcontinent Cable..\$120.82, AT&T..\$23.02, Bureau of Admin..\$547.77:

Travel: Jeanette Nietert..\$183.73, Sheila Enderson..\$209.54, Tom Schmitt..\$1222.32:

Care of Poor: Dr./Hospital – 4 recipients..Avera St Lukes..\$2975.00, Aberdeen Surgical Assoc..\$666.58, Avera United Clinic..\$373.60, University Physicians..\$89.08; Rent – 5 recipients..Arlan Anderson..\$175.00, Rob Hengel..\$210.00, Kurt Krueger..\$185.00, Zumbaum Property Mgmt..\$210.00, Rockford Apts..\$210.00; Utilities - 1 recipient..NWPS..\$250.00; Insurance – 1 recipient..Dakota Care..\$267.81. All members present voting aye. Motion carried.

PERSONNEL:

Moved by Hansen, seconded by Wiese to approve employee status change from full-time to part-time JDC Officer for Barbara Greiner, effective May 22, 2004 at \$8.90 per hour; and further approve to approve employee status change from part-time to full-time JDC Officer for Harlan Place, effective May 27, 2004 at \$10.07 per hour. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Wiese to acknowledge the following miles driven and amount to be taxed for personal use of County vehicles during January, February and March 2004: Richard Burns –

250 @ \$81.25, Dirk Rogers – 748 @ \$243.10, Mike Scott – 540 @ \$175.50. All members present voting aye. Motion carried.

#### LOTTERY APPLICATION:

Moved by Fischbach, seconded by Hansen to approve application, submitted by NSU Alumni Association for a lottery to be held on June 25 & 26, 2004. All members present voting aye. Motion carried.

#### SUBORDINATION AGREEMENT:

Moved by Knecht, seconded by Wiese to approve and authorize the Chairman sign Subordination Agreement for a Poor Relief Lien with Wells Fargo Financial of SD, Inc. on Lots 1-2, Lincoln's First Rearrangement, Block 47, West Aberdeen Addition, according to the plat thereof of record, Brown County, South Dakota. All members present voting aye. Motion carried.

#### WEED AND PEST GRANT APPLICATION:

Moved by Hansen, seconded by Knecht to approve and authorize the Chairman sign Letter of Agreement for Grant #WP2535 with SD Weed & Pest Control Commission for funding in amount not to exceed \$3,500.00 on a 50/50 cost share basis for Seasonal Personnel, Equipment, Chemical and Ag Trade Shows in Brown County, effective July 1, 2004 – June 1, 2005. All members present voting aye. Motion carried.

#### PLATS:

Commissioner Wiese offered the following Resolution:

#### RESOLUTION NO. 37-04

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Kippley 1<sup>st</sup> Subdivision in SW ¼ Sec 19-T125N-R63W of 5<sup>th</sup> P.M., Brown County, SD", 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 Knecht. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

Commissioner Fischbach offered the following Resolution:

#### RESOLUTION NO. 38-04

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Wanous 1<sup>st</sup> Subdivision in SW ¼ Sec 9-T121N-R65W of 5<sup>th</sup> P.M., Brown County, SD", 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. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

#### SHERIFF REPORTS:

Moved by Wiese, seconded by Knecht to approve the following April 2004 Sheriff Reports: Incidents & Offenses, Prisoner Care, JDC, Money deposited with the County Treasurer and Monthly activities. All members present voting aye. Motion carried.

#### WEED AND SEED:

Moved by Hansen, seconded by Fischbach to approve the Brown County Weed and Seed Monthly Expenses for May 2004 (Year Two 2002-WS-QX-0054), in amount of \$1,750.00. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Knecht to approve the Brown County Weed and Seed Monthly Expenses for May 2004 (Year Three 2002-WS-QX-0054), in amount of \$12,789.24. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Wiese to approve the following Weed and Seed Year Two funding proposal: Aberdeen Police Department (bicycle patrol equipment), as recommended by the Steering Committee. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Wiese to approve the following Weed and Seed Year Three funding proposal: Bruce Petrie (year three evaluation), as recommended by the Steering Committee. All members present voting aye. Motion carried.

#### PREVENTION GRANT:

Christine Heidenreich, contracted nurse for JDC inquired about the purchase of supplies and material for use when training JDC Corrections Officers in First Aid, CPR and AED and whether payment would come from supply line item of Prevention Grant. Board asked that request be submitted on a change order form for review.

#### CRITICAL INFRASTRUCTURE GRANT AWARD:

Moved by Wiese, seconded by Hansen to approve and authorize the Chairman sign Grant Reimbursement Agreement for FY 2003 Critical Infrastructure Protection Funding in amount of \$16,496.07, as recommended by Freddie Robinson, EM Director. All members present voting aye. Motion carried.

#### ABATEMENT:

Mark Anderson, Aberdeen City Attorney discussed the abatement of real estate taxes on a building that was City owned, but the deed was not executed by the owner in a timely manner. Mr. Anderson also discussed the possibility of certain fee waivers for properties demolished in the future. Board concurred. Moved by Wiese, seconded by Knecht to approve the following Abatement: City of Aberdeen, tax exempt (Lt 1-7 Bk 61 Hagerty & Lloyds Addn & W 33' of vacated Arch Street) for 2001 @ \$336.16; for 2202 @ \$322.87 and for 2003 @ \$161.27. All members present voting aye. Motion carried.

#### LIEN DISCUSSION:

Tom Tobin, Attorney and an individual met to request a lien filed in 1990 be released. As this account has been assigned to a collection agency, the Commission took no action.

#### SURPLUS SALE:

Moved by Wiese, seconded by Fischbach to authorize advertising notice that a 1998 Caterpillar Motor Grader (previously declared surplus) will be offered for sale by Brown County. Sealed bids will be accepted until 8:45 A.M. on June 15, 2004 in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. All members present voting aye. Motion carried.

#### EXECUTIVE SESSION:

Moved by Wiese, seconded by Knecht to go into executive session to discuss personnel with Dirk Rogers in attendance. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Fischbach to adjourn executive session, with no action taken as a result of discussion. All members present voting aye. Motion carried.

**MOSQUITO GRANT:**

Roger Johnson and Mark Hoven discussed additional equipment that can be purchased with 50% reimbursement from Mosquito Grant funds and discussed hiring a part-time sprayer operator to assist with the mosquito equipment and other regular duties of the weed department. Board recommended equipment be ordered and concurred with hiring an additional operator.

**CDBG - HEALTH & FITNESS CENTER:**

Ted Dickey, NECOG met to discuss and present documentation for the Health & Fitness Center Project and the Solid Waste Tire Removal Project.

Moved by Fischbach, seconded by Wiese to approve and authorize the Chairman sign SD CDBG Award, Assurances, Terms and Conditions Agreement for the Health & Fitness Center Project Funding from Community Development Block Grant funds in amount of \$412,000.00. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Hansen to approve and authorize the Chairman sign Agreement with Northeast Council of Governments for administrative assistance and services for to the Health & Fitness Center Project in amount not to exceed \$12,000.00 from CDBG funding. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Hansen to approve and authorize the Chairman sign letter of request to DENR for reimbursement of \$13,310.34, which represents 50% of the current expenses covered by the Brown County Solid Waste Management Program Tire Removal Grant. All members present voting aye. Motion carried.

**RECESS:**

The Chairman declared the Commission recessed until June 1, 2004.

Maxine Taylor – Brown County Auditor

JUNE 1, 2004- JOINT CITY/COUNTY MEETING

The Brown County Commission and the Aberdeen City Commission met in joint session at 8:45 A.M. in the County Commission Chambers, 25 Market Street, Aberdeen, South Dakota. Present from City were Commissioners Klabo, Omland, Forkel and Richardson. Absent Mayor Hopper. Present from County were Commissioners Fischbach, Knecht, Hansen, Wiese and Feickert. Karl Alberts and Phillip Lookadoo were also in attendance.

ORDINANCE NO. 04-05-01/293:

On motion by Omland and seconded by Forkel, the City unanimously voted to approve Second Reading of Ordinance No. 04-05-01/293.

On motion by Richardson and seconded by Omland, the City unanimously voted to adopt Ordinance No. 04-05-01/293.

Moved by Knecht, seconded by Wiese to approve Second Reading of Ordinance No. 04-05-01/293. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Fischbach to adopt Ordinance No. 04-05-01/293, An Ordinance amending Subsection B of Section 5 of Part II of Ordinance No. 1164, as amended, known as the Zoning Ordinance of the City of Aberdeen, South Dakota, adding subsection 7. Portable signs. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Ordinance adopted.

ORDINANCE NO. 04-05-04/294:

On motion by Forkel and seconded by Richardson, the City unanimously voted to approve Second Reading of Ordinance No. 04-05-04/294.

On motion by Omland and seconded by Richardson, the City unanimously voted to adopt Ordinance No. 04-05-04/294.

Moved by Fischbach, seconded by Wiese to approve Second Reading of Ordinance No. 04-05-04/294. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Hansen to adopt Ordinance No. 04-05-04/294, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 714 (M-AG) Mini-Agricultural District: The South 891' of the NE ¼ Sec 28-T124N-R64W, except the East 660' of the South 660', to be platted and known as Lots 1 and 2 of "Cole Subdivision in the NE ¼ of Sec 28-T124N-R64W of the 5<sup>th</sup> P.M., Brown County, SD". Lots 1, 2 and 4 of "Lots 1-14, Ham's East Richmond Road Subdivision in the SE ¼ of Sec 28-T124N-R64W" and extending to the centerline of all public right-of-way located adjacent thereto. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

SET HEARING DATES:

On motion by Forkel and seconded by Richardson, the City unanimously voted to set public hearing for 5:30 p.m. on June 21, 2004 in the Aberdeen City Commission Chambers for First Reading of Ordinance No. 04-06-02/295 and Ordinance No. 04-06-03/296.

Moved by Fischbach, seconded by Knecht to set public hearing for 5:30 p.m. on June 21, 2004 in the Aberdeen City Commission Chambers, 123 S Lincoln Street for First Reading of Ordinance No. 04-06-02/295 (Droog, Reinbold), An Ordinance Amending Ordinance No. 1164 to rezone the following



property from Section 701 (A-1) Agricultural District to Section 714 (M-AG) Mini-Agricultural District: Plat known as "Droog's First Subdivision in the SW ¼ of Sec 22-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto and to rezone the following property from Section 714 (M-AG) Mini-Agricultural District to Section 704 (R-2) Medium Density Residential District: Outlot 10 of "Derian's Outlots 1 thru 10 of the NW ¼ of Sec 27-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto; and for First Reading of Ordinance No. 04-06-03/296 (Riley), An Ordinance Amending Ordinance No. 1164 to rezone the following property from Section 701 (A-1) Agricultural District to Section 714 (M-AG) Mini-Agricultural District: Plat known as "Phillips Outlot 1 in the SW ¼ of Sec 26-T123N-R63W" and extending to the centerline of all public right-of-way located adjacent thereto . All members present voting aye. Motion carried.

The Aberdeen City Commission adjourned and the County Commission continued into regular session.

Maxine Taylor – Brown County Auditor

# JUNE 1, 2004 – GENERAL MEETING

Meeting called to order by Chairman Feickert at 8:45 A.M. in the Commissioners Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Fischbach, Knecht and Wiese.

## MINUTES:

Moved by Wiese, seconded by Knecht to approve the Joint City/County Meeting minutes of May 24, 2004 and the General Meeting minutes of May 25, 2004. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Hansen, seconded by Wiese to approve the following claims:

Payroll: Commissioners..\$2,587.50; Auditor..\$6,031.73; Treasurer..\$8,176.60; Data Processing..\$1,601.93, State's Attorney..\$7,816.55; Victims Assistance..\$904.05; Maintenance..\$5,101.18, Assessor..\$7,378.32; Planning & Zoning..\$1,043.20; Register of Deeds..\$4,635.55; Veterans Service Office..\$2,282.68; Sheriff..\$51,613.88; DOJ Grant..\$3,222.40; Communications..\$13,058.76; Welfare Office..\$2,660.96; Museum..\$3,904.06; Fairboard..\$1,825.16; Fairgrounds & Parks..\$3,479.57; Extension..\$1,623.20; Weed..\$2,915.59; Emergency Management..\$2,164.65; Weed & Seed..\$1,067.31; Highway..\$32,247.66; Landfill..\$6,950.62; Matching Benefits: FICA..\$10,344.89, Medicare..\$2,419.32, Wellmark BCBS Life..\$673.46, Wellmark BCBS Health..\$55,203.98, Delta Dental..\$3,576.00, SD State Retirement..\$20,479.79

Supplies: Midwest Rubber Stamps..\$21.60, FedEx..\$21.09, Palmer Dist..\$28.60, Dakota Supply..\$6.71, Runnings..\$10.46, Menrards..\$282.97, Century Business Products..\$81.86;

Publications: American News..\$280.85;

Utilities: Cellular One..\$38.00, A-1 Sanitation..\$159.00, Qwest..\$165.03, Midcontinent Cable..\$65.00;

Care of Poor: Dr./Hospital – 2 recipients..Avera St Lukes..\$7556.45; Rent – 5 recipients..Rockford Apts..\$100.00, Lawrence Welk..\$190.00, Danne Inc..\$400.00, Tom Hinz..\$210.00; Utilities - 2 recipients..Northern Elec..\$150.00, NWPS..\$227.11; Drugs – 7 recipients..Jones Drug..\$265.99, Dakota Square Pharm..\$123.76, K-Mart Pharm..\$93.04, Shopko Pharm..\$139.99, Walmart Pharm..\$211.24, Kessler Pharm..\$159.73, Econofoods Pharm..\$107.24;

Transportation - 1 recipient..Brown County Highway..\$19.88. All members present voting aye. Motion carried.

## PERSONNEL:

Moved by Wiese, seconded by Hansen to approve the following employee step/longevity increases, effective May 23, 2004: Ione Shilman @ \$12.01 per hour and effective June 6, 2004: Mandy Pettigrew @ \$10.88 per hour, Kim Perrin @ \$10.95 per hour, Shari Schock @ \$10.61 per hour, Sherry Theobald @ \$10.52 per hour, Melony Flinn @ \$10.95 per hour and Kendell Titze @ \$11.97 per hour. All members present voting aye. Motion carried.

## LOTTERY APPLICATION:

Moved by Knecht, seconded by Wiese to approve and authorize the Chairman sign application, submitted by Bide A Wee Extension Club for a raffle to be held during the Brown County Fair on August 17-21, 2004. All members present voting aye. Motion carried.

## LEASE AGREEMENTS:

Moved by Wiese, seconded by Fischbach to approve the following agreements: Brenda Artz for lease of the Clubhouse on June 12, 2004 and TAP Enterprises, Inc for lease of the Clubhouse on Jun 11, 2004. All members present voting aye. Motion carried.

**VOTING EQUIPMENT MATCH:**

Moved by Fischbach, seconded by Knecht to agree to plan formulated by Chris Nelson, Secretary of State to secure the needed match money for the \$11.5 million dollars which has been allocated to South Dakota to help comply with the requirements of the Help America Vote Act. Brown County's portion, based upon number of registered voters in the county is \$21,092.91, which will be refunded at a later date if alternate funding is obtained for the match. All members present voting aye. Motion carried.

**DEER CARCASS REMOVAL:**

Dirk Rogers, Highway Superintendent and Mary Coleman, Department of Game, Fish & Parks discussed which county highways in addition to the state highways the Department of Game, Fish and Parks assumes financial responsibility for the removal of road-killed deer. The roads listed on an invoice presented to the County from the state contractor were reviewed and it has been determined that Brown County is the responsible party and will pay accordingly.

**RECESS:**

The Chairman declared the Commission recessed until June 8, 2004.

Maxine Taylor – Brown County Auditor

# JUNE 3, 2004 – CANVASS OF JUNE 1, 2004 PRIMARY, SPECIAL CONGRESSIONAL AND ABERDEEN CITY ELECTION

Brown County Commissioners Dennis Feickert, Mike Wiese, Tom Fischbach, Deb Knecht and Aberdeen City Commissioners Jacki Omland, Todd Forkel, Terry Richardson and Mayor Tom Hopper convened for purpose of canvassing the June 1, 2004 Primary, Special Congressional and Aberdeen City Election, as authorized by SDCL 12-20-36. Karl Alberts was also in attendance.

## ABERDEEN CITY PRECINCTS

|                      |                                  |
|----------------------|----------------------------------|
| #001 Poll Book Count | 1127                             |
| Ballots Counted      | 1126                             |
| #002 Poll Book Count | 940                              |
| Ballots Counted      | 939                              |
| #003 Poll Book Count | 860                              |
| Ballots Counted      | 860                              |
| #004 Poll Book Count | 898                              |
| Ballots Counted      | 897 – 1 Provisional not counted  |
| #005 Poll Book Count | 541                              |
| Ballots Counted      | 541 – 1 Provisional was counted  |
| #006 Poll Book Count | 1167                             |
| Ballots Counted      | 1165 – 1 Provisional not counted |
| #007 Poll Book Count | 952                              |
| Ballots Counted      | 953                              |
| #008 Poll Book Count | 596                              |
| Ballots Counted      | 596                              |
| #009 Poll Book Count | 858                              |
| Ballots Counted      | 858                              |
| #010 Poll Book Count | 604                              |
| Ballots Counted      | 604                              |
| #011 Poll Book Count | 884                              |
| Ballots Counted      | 882 – 2 Provisional not counted  |

## RURAL PRECINCTS

|                      |                            |
|----------------------|----------------------------|
| #012 Poll Book Count | 509                        |
| Ballots Counted      | 509                        |
| #013 Poll Book Count | 376                        |
| Ballots Counted      | 377                        |
| #014 Poll Book Count | 250                        |
| Ballots Counted      | 250                        |
| #015 Poll Book Count | 630                        |
| Ballots Counted      | 630                        |
| #016 Poll Book Count | 329                        |
| Ballots Counted      | 327                        |
| #017 Poll Book Count | 467                        |
| Ballots Counted      | 466 - 1 Provsn not counted |
| #018 Poll Book Count | 216                        |
| Ballots Counted      | 214                        |
| #019 Poll Book Count | 941                        |
| Ballots Counted      | 941                        |
| #020 Poll Book Count | 203                        |
| Ballots Counted      | 203                        |
| #021 Poll Book Count | 353                        |
| Ballots Counted      | 353                        |
| #022 Poll Book Count | 262                        |
| Ballots Counted      | 262                        |

Moved by Weise, seconded by Knecht to adjourn the Canvass Meeting for the June 1, 2004 Primary, Special Congressional and Aberdeen City Election. All members present voting aye. Motion carried.

Maxine Taylor – Brown County Auditor

# JUNE 8, 2004 – GENERAL MEETING

Meeting called to order by Chairman Feickert at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Fischbach, Knecht and Wiese.

## MINUTES:

Moved by Wiese, seconded by Knecht to approve the Joint City/County Meeting minutes of June 1, 2004, General Meeting minutes of June 1, 2004 and June 3, 2004 Canvass Meeting minutes of the June 1, 2004 Primary Election. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Fischbach, seconded by Wiese to approve the following claims:

Supplies: Office Max..\$760.10, Western Printing..\$976.36, Quality Quick Print..\$647.85, Aberdeen Ins Agency..\$75.00, Midwest Rubber Stamp..\$140.34, Hewlett Packard..\$900.00, Tessco Tech..\$107.34, CDW Govt..\$769.70, Active Data..\$120.95, RE Huffman..\$15.62, New Trends..\$205.09, Exec Mgmt..\$1930.95, Dept of Rev..\$41.00, Best Business..\$295.78, Health Dept..\$28.00, Dawn Woods..\$162.00, Galls..\$58.47, Parcel-Erickson..\$43.90, Floor to Ceiling..\$149.33, Lust..\$44.00, Medtox..\$250.43, Warner School Dist..\$466.17, Christine Heidenreich..\$1183.50, NECOG..\$1270.72, Tri-State Water..\$33.00, Kessler..\$320.38, Accurint..\$17.70, HRS..\$3870.00, Bonnie Bitz..\$216.00, Quality Welding..\$12.00, Ecolab..\$81.50, Darrels Sinclair..\$8.00, OK Tire..\$8.00, Walmart..\$256.90, Dakota Electronics..\$622.50, Diane Mielke..\$6.34, Langs..\$147.41, Pierson Ford..\$644.89, Dan Lingor..\$117.60, Photo Xpress..\$56.43, Office Equip..\$825.45, Hoven Auto..\$18.14, Dicks Westside..\$30.00, Tractor Supply..\$35.10, Trail King..\$83.68, 3-D Specialties..\$206.16, Spec Mfg..\$67.76, SDDOT..\$1140.02, Sherbrooke Asphalt..\$4899.09, M-R Signs..\$361.62, Lien Transportation..\$1526.28, Lawson Products..\$98.77, Harms Oil..\$8868.90, HC Overhead..\$800.00, Farm Power..\$381.31, Erdmann Oil..\$521.72, Diesel Machinery..\$3750.00, Crawford Trucks..\$917.25, Advanced Auto..\$17.76, Wallwork Truck Center..\$24.61, Upper Plains..\$23,604.46, Sound Decisions..\$10.00, Sheehan Mack Sales..\$102.92, Safety Service..\$662.72, Runnings..\$229.06, PR Diamond Products..\$749.00, Newman Signs..\$480.80, Menards..\$409.55, Macs..\$357.49, James Loterbauer..\$414.00, Larson Blacksmith..\$6.00, Interstate Battery..\$141.90, Hedahls..\$88.61, Hecla Impl..\$32.59, Great Western Tire..\$1909.26, Fire Safety First..\$669.97, Fastenal Co..\$9.30, Economy Oil..\$1045.42, Diesel Machinery..\$650.00, Diamond Mowers..\$478.61, Dakota Oil..\$1535.41, Heartland Paper..\$480.55, Bridgestone/Firestone..\$1034.91, Ameripride..\$125.46, Aberdeen Chrysler..\$19.00, Aberdeen Parks..\$75.00, Sherri Rawstern..\$53.84, Mark McGinnis..\$425.00, McQuillen Design..\$231.90, Sherwin-Williams..\$44.07, Kens Superfair Foods..\$101.47, Aberdeen Arts Council..\$179.32, Erdmann Fuels..\$826.37, SD Wheat Growers..\$148.25, Ben Hofer Backhoe..\$3511.64, Parkview Nursery..\$3.49, Beadle Floral..\$189.45, Dakota Supply..\$19.05, Dakota Fluid..\$89.78, Van Diest..\$4692.24, ProAg Supply..\$35.60, Farm Power..\$8.00, C&S Sports..\$45.12, John Hock Co..\$2760.80, Sound Decisions..\$10.00, ADAPCO..\$12,969.00, Weight Vest.com..\$1147.65, SD Redbook Fund..\$1645.00, Hewlett-Packard..\$24.00, Godfather's Pizza..\$53.46, GPS Teletype..\$69.00, Dakota Electronics..\$107.50, Empire Clock..\$82.40, United Labs..\$267.86, Taylor Laundry..\$18.00, Quality Welding..\$12.00, K-Mart..\$135.80, Youngs..\$40.16, Fire Safety First..\$243.13:

Publications: Groton Independent..\$754.33, American News..\$4039.20, Mobridge Tribune..\$115.00, Redfield Press..\$350.00, Brecht-Pacific Pub..\$99.00:

Elections: Joan Freudenthal..\$115.00, Mavis Hoffman..\$110.00, Kristi Strivens..\$110.00, Sharon Deilke..\$110.00, Alayne Meyer..\$110.00, Linda Miles..\$111.45, Jean Rahja..\$110.00, Marylou Adams..\$110.00, Diane Hickenbotham..\$115.00, Francella Butch..\$110.00, Bonnie VandeRostyne..\$110.00, Helen Anderson..\$110.00, Dorothy O'Keefe..\$100.00, Jan Diegel..\$110.00, Caroline Gallup..\$115.00, Ardys Gosch..\$110.00, Catherine Clinton..\$110.00, Leonhard Albrecht..\$110.00, Neva Christensen..\$110.00, Rene Graf..\$110.00, Vera Deyo..\$110.00, Fern Preston..\$110.00, Joanne Mielke..\$110.00, Shirley Gellhaus..\$110.00, May Wylie..\$110.00, Ethel Bakken..\$111.45, Helen Reuer..\$110.00, Annette Renelt..\$110.00, Evelyn Holdhusen..\$110.00, Shirley

Pelkofer..\$110.00, Yolonda Jahraus..\$110.00, Ron Krogman..\$110.00, Shirley Ochsner..\$110.00, Karen Mogen..\$115.00, Hermina Kelly..\$110.00, Barb Rogers..\$115.00, Betty Podrouzek..\$110.00, Wendy Schaunaman..\$110.00, Donna Lout..\$100.00, Marjorie Campbell..\$110.00, Rebecca Jeschke..\$115.00, Jill Hostetter..\$110.00, Cathy Emmett..\$100.00, Joan Solberg..\$110.00, Marlys Suttan..\$110.00, Maryann Bierman..\$115.00, Joyce Gage..\$110.00, Joyce Pfeiffer..\$110.00, Barbara Masgai..\$110.00, Virginia Klitz..\$110.00, Donna Swanhorst..\$110.00, Irma Mork..\$110.00, Lucille Kushman..\$110.00, Gladys Braun..\$110.00, Rita Sebert..\$100.00, Linda Siebrasse..\$117.90, Karelyn Farrand..\$110.00, Linda Siefkes..\$110.00, Evalyn Smith..\$110.00, Arlene Hanson..\$110.00, Kathryn Vitense..\$120.80, Nancy Ringgenberg..\$110.00, Shirley Everson..\$110.00, Margaret DeHoet..\$100.00, Cynthia Larson..\$110.00, Gloria Gooding..\$123.70, Carol McCulloch..\$110.00, Pauline Schaunaman..\$110.00, Peggy Cruse..\$100.00, Kathy Schaunaman..\$110.00, Pauline Peterson..\$110.00, Pam Larson..\$100.00, Mildred Bauer..\$110.00, Eleanor Haar..\$110.00, Mildred Kessler..\$110.00, Vonda Hinz..\$110.00, Peggy Buchanan..\$110.00, Carol Erdmann..\$100.00, Deanna Sanderson..\$100.00, Marilyn Gramlow..\$110.00, Pam Erickson..\$120.80, Darleen Haselhorst..\$110.00, Ellen Wiedeubush..\$110.00, Jane Ristau..\$110.00, Alice Bierman..\$110.00, Charlean Erickson..\$121.02, Myrna Stange..\$110.00, Donna Seaton..\$110.00, Sharon Lee..\$100.00, Kathy Williams..\$110.00, Gloria Pharis..\$126.60, Marion Mydland..\$110.00, J Lorraien Anderson..\$110.00, Leslie Ann Pigors..\$110.00, Carol Sombke..\$110.00, Darcey Leshner..\$133.20, Roberta Spencer..\$110.00, Susan Stanley..\$100.00, Kelly Clark..\$110.00, Joan Thompson..\$110.00, Carol Dinger..\$138.42, Linda Bauer..\$100.00, Cindy Olson..\$110.00, Merna Treeby..\$100.00, Karen Lunzman..\$110.00, Patricia Mikkonen..\$124.50, Arlene Hixon..\$110.00, Marie Schlosser..\$100.00, Dianna Kopetsky..\$110.00, Margaret Strand..\$110.00:

Professional Fees: SD Assoc of County Commissioners..\$2202.10, Avera St Lukes..\$2569.84, Avera United Clinic..\$69.75, Sheriff of Yankton County..\$33.00, Donna Dietrich..\$120.07, Joan Kittelson..\$15.00, Don Carlson..\$15.00, Gene Wolter..\$800.00, Jesse Luce..\$225.00, Loy Stange..\$150.00, Lynn Holzkamm..\$75.00, EideBailey..\$247.50, Brandon Leslie..\$200.00, Kevin Spitzer..\$233.64, Clinical Lab..\$1000.00:

Transcriptions: Neal Reporting..\$168.20:

Court Appointed Attorney: Kelly Marnett..\$342.00, Christy Serr..\$60.50:

Utilities: Cellular One..\$8.99, Qwest..\$40.67, Midcontinent Cable..\$103.15, Verizon..\$144.07, Northwestern Energy..\$7134.34, Montana Dakota..\$37.28, Northern Valley Comm..\$147.54, James Valley Co-Op..\$360.35, Town of Frederick..\$18.25, City of Aberdeen..\$679.50, WEB..\$48.54, Northern Elec..\$81.68:

Travel: Deb Knecht..\$240.68, Jan Erickson..\$3.77, Jan Beckler..\$7.25, Gene Loeschke..\$176.36, Kathy Fischer..\$38.28, Melissa Koester..\$169.40, Leo Leshner..\$369.79, Mary Worlie..\$199.27, Comfort Inn..\$110.00, Gary Erickson..\$148.11, Tom Gohn..\$355.79, Kathy Schlecht..\$347.96, Laurie Dinger..\$165.00, Kim Perrin..\$282.16, Ginger Walker..\$14.21:

Care of Poor: Dr./Hospital – 1 recipient..Anesthesia Care..\$160.00; Rent – 5 recipients..PK Investments..\$115.00, Tom Appletoft..\$125.00, Home Federal..\$500.00, David & Nancy Torbert..\$250.00, Kelly Schuster..\$250.00; Drugs – 1 recipient..Kessler Pharm..\$71.36; Burial - 1 recipient..Miller Funeral Home..\$1200.00; Insurance – 1 recipient..Dakota Care Cobra..\$267.81. All members present voting aye. Motion carried.

#### WAIVE INTEREST:

Moved by Wiese, seconded by Knecht to authorize Sheila Enderson, Treasurer to waive penalty and interest charges on Tax Bill No. 24055 for year 2002 in amount of \$175.77 (MCI filed bankruptcy under name of World Com). All members present voting aye. Motion carried.

#### ABATEMENTS:

Moved by Knecht, seconded by Hansen to approve the following Abatements: Ed Iverson & Vicki Kolasch, mobile home gone (BOLS Lt 1 Blk 12 Columbia City) for 2004 @ \$108.99; Conceco Finance, mobile home gone (BOLS Lt 2 Blk 1 Park Village Addn) for 2003 @ \$685.76; Burt Schroeder, double

assessment (BOLS SW 27-128-61) for 2003 @ \$205.32. All members present voting aye. Motion carried.

**FIREWORKS PERMIT:**

Moved by Wiese, seconded by Hansen to approve and authorize the Chairman sign Fireworks Public Display Permit, submitted by LaVern Gardner DBA Vern's, 18 S Broadway, Columbia for a Class C Common Fireworks Display to be held on June 19, 2004 at 18 S Broadway, Columbia, SD. All members present voting aye. Motion carried.

**AUDITORS REPORT OF ACCOUNT:**

Moved by Knecht, seconded by Wiese to approve the May 2004 Auditor's Report of Account with the County Treasurer in total amount of \$12,947,271.10 (total amount of actual cash @ \$3,098.29, Wells Fargo Bank @ \$3,694.79, US Bank @ \$153,542.48, Dacotah Bank @ \$4,958.88, Petty Cash @ \$1,700.00, Fund Investments @ \$12,779,874.95, Outstanding checks @ \$401.71). All members present voting aye. Motion carried.

**PLATS:**

Commissioner Hansen offered the following Resolution:

**RESOLUTION NO. 39-04**

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing "Cole Subdivision in the NE ¼ of Sec 28-T124N-R64W of the 5<sup>th</sup> P.M., Brown County, SD", having been examined, is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof.

Seconded by Commissioner Wiese. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

**RESOLUTION NO. 40-04**

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Volk/Johnson Subdivision in NE ¼ Sec 4-T123N-R64W of 5<sup>th</sup> P.M., Brown County, SD", 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 Hansen. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

**RESOLUTION NO. 41-04**

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Thurston's Addition to Prairiewood Village in the NE ¼ of Sec 33-T124N-R63W of the 5<sup>th</sup> P.M., Brown County, SD", 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 Fischbach. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

Commissioner Knecht offered the following Resolution:

RESOLUTION NO. 42-04

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Jones Commercial Park Subdivision in SE ¼ Sec 16-T123N-R63W of 5<sup>th</sup> P.M., Brown County, SD", 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. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

Commissioner Hansen offered the following Resolution:

RESOLUTION NO. 43-04

BE IT RESOLVED by the Board of Commissioners of Brown County, SD, that the plat showing "Heintzman Addition in the SE ¼ of Sec 24-T124N-R65W of the 5<sup>th</sup> P.M., Brown County, SD", 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. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

RESOLUTION NO. 44-04

BE IT RESOLVED by the Board of Commissioners of Brown County, SD, that the plat showing "First Replat of Lot 1, Geist Addition in the NE ¼ of Sec 21-T121N-R60W of the 5<sup>th</sup> P.M., Brown County, SD", 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 Knecht. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

PREVENTION GRANT:

Moved by Wiese, seconded by Knecht to approve Change Order #188 to increase budget line item #188 from \$750.00 to \$798.00 to cover a rate increase for service contracts on the copiers in JDC, to be funded by the Department of Justice Prevention and Intervention Programs for At-Risk and Detained Youth Project #2001-JS-FX-0014. All members present voting aye. Motion carried.

ANNUAL MALT BEVERAGE LICENSE RENEWAL/LIQUOR TRANSFER & SPECIAL MALT:

Time and place as advertised for public hearing to consider applications for renewal of Annual Malt Beverage Licenses, Transfer of Alcoholic Beverage and Malt Beverage License and Special Malt Beverage License Applications.

Moved by Knecht, seconded by Wiese to approve the following applications: Transfer Retail (On-Off Sale) Malt Beverage from Larry Schumacher DBA Westside Bait & Tackle to Ken Schumacher DBA Bait Shop Bar & Grill. Transfer Retail (On Sale) Liquor from Larry Schumacher DBA Westside Bait & Tackle to Ken Schumacher DBA Bait Shop Bar & Grill. Retail (On-Off Sale) Malt Beverage: Ken



Schumacher DBA Bait Shop Bar & Grill, Marge Frohling DBA The Connection, Alan Lanphere DBA Bath Quick Stop, Daniel Brandenburger DBA Elm Lake Resort, Moccasin Creek Country Club, Inc. Special Malt Beverage License: Northern State University Foundation, Brown County Fairgrounds- SW ¼ Sec. 1-T123N-R64W, effective June 19 & 20, 2004. Special Malt Beverage License: Aberdeen Community Foundation, Lot 1 Parkview Nursery Addn in NE 25-123-64 (5.25A) 304 E Melgaard Road, effective June 17, 2004. All members present voting aye. Motion carried.

#### EM UPDATE:

Freddie Robinson, EM Director discussed grant funding from Homeland Security and use of ambulance (formerly used by the Dive Team) by Emergency Management Department.

#### CAD/MDT:

Drew Bickford, Mark Milbrandt, Gordon Vanauken, Doug Lake, Bill Meink, Kevin Bain, Neil Bittner, Jacki Omland, Tom Schmitt and Freddie Robinson met to discuss the possibility of including a records management system for the Aberdeen Police Department in the CAD/MDT Special Appropriation. There was no action taken at this time.

#### HIGHWAY UPDATE:

Dirk Rogers, Highway Superintendent presented highway project update and water levels.

#### SPECIAL PAY PLAN:

Jeanette Nietert, Chief Deputy Auditor discussed SD Retirement System 401a Special Pay Plan and its affects on County employees. Board to review documentation for further discussion and possible action.

#### GRANT DISCUSSION:

Mark Milbrandt and Doug Lake returned to discuss possibly funding a records management system for JDC from the Prevention Grant and for the Sheriff Department and Jail from Homeland Security Funding. More research will be completed before action taken.

#### EXECUTIVE SESSION:

Moved by Knecht, seconded by Hansen to go into executive session to discuss personnel with Maxine Taylor and Mark Milbrandt in attendance. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Knecht to adjourn executive session, with the following action taken as a result of discussion. All members present voting aye. Motion carried.

#### OVERTIME POLICY – NON UNION COVERED EMPLOYEES:

Moved by Fischbach, seconded by Wiese to approve the following Policy for all employees not covered by Local 162, Council 59 of the American Federation of State, County and Municipal Employees, AFL-CIO: OVERTIME Time and one-half the employee's regular rate of pay shall be paid for work under any of the following conditions but that compensation shall not be paid twice for the same hours: (a) all work performed in excess of regular scheduled workday; (b) all work performed in excess of forty (40) hours in any workweek, where applicable, and (c) all work performed in excess of eighty (80) hours in any two week pay period, where applicable. Holidays shall be used when computing overtime. Effective June 1, 2004, vacation and sick leave shall not be used when computing overtime, except for Sheriff Field Deputies. All members present voting aye. Motion carried.

#### RECESS:

The Chairman declared the Commission recessed until June 15, 2004.

Maxine Taylor – Brown County Auditor

## JUNE 15, 2004 – GENERAL MEETING

Meeting called to order by Chairman Feickert at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Fischbach, Knecht and Wiese.

## MINUTES:

Moved by Hansen, seconded by Wiese to approve the General Meeting minutes of June 8, 2004. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Fischbach, seconded by Knecht to approve the following claims:

Payroll: Commissioners..\$2,587.50; Auditor..\$6,993.10; Treasurer..\$8,332.35; Data Processing..\$1,601.93; State's Attorney..\$8,211.35; Victims Assistance..\$904.05; Maintenance..\$5,171.03, Assessor..\$7,552.37; Planning & Zoning..\$1,043.20; Register of Deeds..\$4,635.55; Veterans Service Office..\$2,529.35; Sheriff..\$54,519.36; DOJ Grant..\$3,403.72; Communications..\$14,209.02; Welfare Office..\$2,660.96; Museum..\$3,910.96; Fairgrounds & Parks..\$3,534.68, Fairboard..\$1,829.59; Extension..\$1,885.70; Weed..\$3,492.00; Emergency Management..\$2,164.65; Weed & Seed..\$967.15, Highway..\$37,497.90; Landfill..\$6,386.40; Matching Benefits: FICA..\$10,934.00; Medicare..\$2,557.15:

Supplies: Office Equip..\$400.41, Mark McNeary..\$150.58, Avera McKennan..\$20.00, New Trends..\$117.36, Exec Mgmt Finance..\$239.20, Dept of Rev..\$3421.39, Wells Fargo..\$20.00, Dakota Supply..\$31.48, Menards..\$154.64, Sanders..\$45.44, Kone..\$98.97, Holiday Inn..\$577.50, Active Data..\$239.85, City of Groton..\$89.82, Moore Medical..\$181.94, Fleet..\$56.69, Amoco..\$70.58, Duane's Amoco..\$33.30, Burghardt Amateur Center..\$699.95, Double D..\$924.00, Aberdeen School Dist..\$116.68, Parcel-Erickson..\$21.95, Brown County..\$7.00, Earthgrains..\$536.18, Cheryl Hairgrove..\$1296.00, Wylie Thunder Road..\$1799.00, Career Planning..\$1024.25, Swan Welding..\$40.00, Safelite Auto..\$179.90, RB Upholstery..\$277.00, North Central Farmers Elev..\$953.34, Midwest Pump & Tank..\$413.89, Lyle Sign..\$86.12, Lust Chev..\$162.67, Lien Trans..\$7334.00, Farm Plan..\$727.13, Deutsch Trucking..\$1500.00, Dakota Fluid Power..\$911.58, Clark Engineering..\$1020.85, Creative Signs..\$20.00, Chris & Dons..\$23.95, Cartney Bearing..\$192.31, Carquest..\$1169.22, Burdick Bros..\$3206.43, Brian Bourdon..\$98.00, Biersbach Equip..\$128.16, Avera Queen of Peace..\$267.50, Aberdeen Ins..\$75.00, Gas & Goodies..\$7.00, Tractor Supply..\$14.97, Parkview Nursery..\$343.94, KSFY-TV..\$800.00, NSU..\$16.00, Quality Quick Print..\$424.99, Office Max..\$41.04, Evergreen Supply..\$19.70, Respond..\$78.25, FedEx..\$14.60, Runnings..\$292.16, Sheehan Mack Sales..\$231.39, Kelsey Welding..\$140.00, Pheasant Country Broadcasting..\$445.00, Erdmann Oil..\$2932.26, Earth Tech..\$8132.60, Farm Power..\$2867.44, Collective Data..\$250.00, OK Tire..\$59.00, Field Services..\$6782.66, Butler..\$372.35, Bridgestone/Firestone..\$1683.82, Praxair..\$15.25, Ameripride..\$36.50, Lyle Signs..\$110.63, Graham Tire..\$358.24, Powerplan..\$150.00, West Pub..\$3248.00, Phillips 66..\$22.00:

Publications: American News..\$1685.01, Groton Independent..\$165.21, Dakota Press..\$120.00, Watertown Public Opinion..\$208.76, Jamestown Sun..\$120.00, Midland Press..\$507.37:

Professional Fees: witness fees..\$20.00, King County Sheriff..\$24.20, Avera St Lukes..\$595.00, NE Mental Health Center..\$307.23, Lewis & Clark BHS..\$250.00, Yankton County..\$91.05, Marv Ekeren..\$15.00, Don Carlson..\$15.00, Donna Dietrich..\$120.57:

Transcriptions: Shepherd Reporting..\$33.75:

Court Appointed Attorney: Kettering Law Office..\$111.20:

Utilities: Northwestern Energy..\$697.78, Midcontinent Comm..\$930.00, Northern Elec..\$615.58, Verizon..\$64.57, Dependable Sanitation..\$16,821.22, Northern Cable TV..\$79.90, WEB..\$55.26:

Travel: Mike Wiese..\$7.54, Lorah Houser-Jankord..\$215.24, Mark Milbrandt..\$656.84:

Care of Poor: Rent – 7 recipients..Chuck Currie..\$190.00, Pat Preston..\$95.00, Kurt Kruger..\$185.00, Danne..\$162.00, Green Tree..\$190.00, T&S Investment..\$180.00, Ron Erdmann..\$95.00; Drugs – 3

recipients..Walmart Pharm..\$671.56, Econofoods Pharm..\$79.12; Burials - 1 recipient..City of Aberdeen..\$150.00; Utilities - 1 recipient..Northern Elec..\$58.21, BDM Rural Water..\$45.00; Transportation – 5 recipients..Brown County Highway..\$17.37, Jefferson Lines..\$161.28, Emergency Poor Fund..\$55.00. All members present voting aye. Motion carried.

**PERSONNEL:**

Moved by Knecht, seconded by Wiese to approve the following employee step/longevity increases, effective June 20, 2004: Cindy Meyers @ \$10.68 per hour, Craig Nelson @ \$13.30 per hour, Casey Thorstenson @ \$11.37 per hour, Cindy Schwan @ \$12.61 per hour. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Wiese to approve employee status change for Tracy Krogman from part-time to full-time Secretary in States Attorney Office, effective June 14, 2004 at \$9.87 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Knecht to approve hiring Damian Bahr as Sheriff Field Deputy, effective June 7, 2004 at \$13.03 per hour. All members present voting aye. Motion carried.

**INCREASE SPENDING AUTHORITY/ESTIMATED REVENUE:**

Moved by Wiese, seconded by Knecht to increase spending authority in Fund #234-120-426 and increase estimated revenue in Fund #234-331 in amount of \$8,123.80 for Voting Access for Individuals with Disabilities Grant Funding. All members present voting aye. Motion carried.

**PLAT:**

Commissioner Wiese offered the following Resolution:

**RESOLUTION NO. 45-04**

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing “Storly Tract 1 in the SE ¼ of the SW ¼ Sec 25-T123N-R65W of the 5<sup>th</sup> P.M., Brown County, SD”, having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof.

Seconded by Commissioners Knecht. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

**JABG APPLICATION:**

Moved by Knecht, seconded by Wiese to approve and authorize the Chairman sign the Juvenile Accountability Block Grant (JABG) Application for FY 03 Funding in total amount of \$16,856.00 (Federal portion @ \$15,170.00, County match portion @ \$1,686.00). All members present voting aye. Motion carried.

**COPS JAIL SECURITY SYSTEM UPGRADE GRANT:**

Moved by Fischbach, seconded by Hansen to approve and authorize the Chairman sign Application for Federal Assistance and related documents for Department of Justice Office of Community Oriented Policing Services Grant Funding in amount of \$247,369 for a Brown County Jail Security System Upgrade. All members present voting aye. Motion carried.

**RACE TRACK LEASE ADDENDUM:**

Moved by Wiese, seconded by Knecht to approve and authorize the Chairman sign Lease Option Renewal Addendum for the car racing facilities at the Brown County Fairgrounds with Terry L Voeltz, DBA T's Promotions for year 2004. All members present voting aye. Motion carried.

#### MALT BEVERAGE LICENSE HEARING:

Moved by Knecht, seconded by Wiese to authorize advertising public hearing to held at 9:00 A.M. on June 29, 2004 in the Commission Chambers, Courthouse Annex, Brown County, SD to consider the following application for Retail (On-Off Sale) Malt Beverage License - Terry Voeltz DBA T's Promotion Inc., 6250 Country Lane, Aberdeen, SD – Brown County Fairgrounds Grandstand limited to drawing on file - SW ¼ Sec 1-T123N-R64W, Brown County, SD. All members present voting aye. Motion carried.

#### ABATEMENTS:

Moved by Wiese, seconded by Knecht to approve the following Abatements: Shane Storm, home destroyed (Lt 6 Blk 6 OP Westport) for 2004 @ \$191.41; Luedeke-Cutler Hay Co Inc, home destroyed (NE 19-121-62) for 2004 @ \$41.31. All members present voting aye. Motion carried.

#### CLOSE ACCOUNT:

Moved by Wiese, seconded by Hansen to apportion principal in amount of \$5,403.00 and interest in amount of \$108.36 to appropriate entities closing Fund #711.01 Wetlands. All members present voting aye. Motion carried.

#### ANNEXATION – RICHMOND LAKE SANITARY DISTRICT:

Moved by Wiese, seconded by Hansen to approve Richmond Lake Sanitary District Resolution No. 04-1, annexing the following property into the District: Lot 1B of Lot 1 of Biegler's Richmond Lake Second Subdivision in the SW ¼ of Sec 13-T124N-R65W of the 5<sup>th</sup> P.M., Brown County, SD (also known as 37904 127<sup>th</sup> Street). All members present voting aye. Motion carried.

#### BID – SALE OF SURPLUS MOTOR GRADER:

Time and place, as advertised to open, read and consider offers through sealed bids on the sale of the following surplus property: 1998 Caterpillar Motor Grader, Model 140H (S/N 9TN00698). One bid received from Butler Machinery in amount of \$115,000.00. Moved by Hansen, seconded by Wiese to accept \$115,000.00 from Butler Machinery for sale of the following surplus property: 1998 Caterpillar Motor Grader, Model 140H (S/N 9TN00698). All members present voting aye. Motion carried.

#### AGREEMENT TO CLOSE ROAD:

Moved by Wiese, seconded by Fischbach to approve and authorize the Chairman to sign Agreement with the City of Columbia, whereby Brown County is held harmless and assumes no responsibility regarding the detour of County Road #16 in the City of Columbia during the Columbia 125<sup>th</sup> Anniversary Celebration on June 18 & 19, 2004. All members present voting aye. Motion carried.

#### HIGHWAY UPDATE:

Dirk Rogers, Highway Superintendent discussed highway projects and water levels.

#### MAINTENANCE UPDATE:

Mick Palmer, Maintenance Director and Judy Dosch discussed proposed carpet purchase and lease of county owned property for use as parking area.

#### CAD CONTRACT:

Drew Bickford, Communications Director discussed payment schedule deviation from RFP requested by New World Systems and counter proposal drafted by Mr. Bickford. Bill Meink and Freddie Robinson were also present for the discussion.

**GAS UTILITY EASEMENTS:**

Moved by Hansen, seconded by Knecht to approve and authorize the Chairman sign Gas Utility Easement with Northwestern Corporation, a Delaware Corporation, d/b/a Northwestern Energy upon and through the following described lands situated in Brown County, SD: The N 15' of the W 1782' of that portion of the SE ¼ of Sec 23-T124N-R65W of the 5<sup>th</sup> P.M., Brown County, SD lying North of Richmond Lake, containing 0.61 acres more or less. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman sign Gas Utility Easement with Northwestern Corporation, a Delaware Corporation, d/b/a Northwestern Energy upon and through the following described lands situated in Brown County, SD: The E 10' of the N 80' of the W 170' of the E 180' and the W 10' of the E 190' all in Lot 4 of Brown County Commissioner's Subdivision to the City of Aberdeen, a part of the SW ¼ of Sec 18-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD, containing 0.03 acres more or less. All members present voting aye. Motion carried.

**AGREEMENT:**

Moved by Wiese, seconded by Hansen to approve and authorize the Chairman sign Agreement with the City of Groton for use of the Speed Monitor Trailer owned by the City of Groton. All members present voting aye. Motion carried.

**SHERIFF VEHICLES:**

Moved by Wiese, seconded by Fischbach to authorize the Sheriff Department review state bids for one new vehicle and research availability at Federal Surplus for one used vehicle to be purchased in 2004. All members present voting aye. Motion carried.

**RECESS:**

The Chairman declared the Commission recessed until June 22, 2004.

Maxine Taylor – Brown County Auditor

JUNE 21, 2004- JOINT CITY/COUNTY MEETING

The Brown County Commission and the Aberdeen City Commission met in joint session at 5:30 P.M. in the Aberdeen City Commission Chambers, 123 S Lincoln Street, Aberdeen, South Dakota. Present from City were Commissioners Klabo, Omland, Forkel, Richardson and Mayor Hopper. Present from County were Commissioners Fischbach, Knecht and Wiese. Absent Commissioners Feickert and Hansen.

ORDINANCE NO. 04-06-02/295:

On motion by Forkel and seconded by Richardson, the City unanimously voted to approve First Reading of Ordinance No. 04-06-02/295.

Moved by Fischbach, seconded by Wiese to approve First Reading of Ordinance No. 04-06-02/295, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 714 (M-AG) Mini-Agricultural District: Plat known as "Droog's First Subdivision in the SW¼ of Sec 22-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto; and to rezone the following described property from its present zoning designation of Section 714 (M-AG) Mini-Agricultural District to Section 704 (R-2) Medium Density Residential District: Outlot 10 of "Derian's Outlots 1 thru 10 of the NW¼ of Sec 27-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto. All members present voting aye. Motion carried.

ORDINANCE NO. 04-06-03/296:

On motion by Klabo and seconded by Omland, the City unanimously voted to approve First Reading of Ordinance No. 04-06-03/296.

Moved by Wiese, seconded by Fischbach to approve First Reading of Ordinance No. 04-06-03/296, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 714 (M-AG) Mini-Agricultural District: Plat known as "Phillips Outlot 1 in the SW¼ of Sec 26-T123N-R63W" and extending to the centerline of all public right-of-way located adjacent thereto. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Wiese to adjourn the Brown County Commission. All members present voting aye. Motion carried.

Maxine Taylor – Brown County Auditor

## JUNE 22, 2004 – GENERAL MEETING

Meeting called to order by Chairman Feickert at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Fischbach, Knecht and Wiese. Absent Commissioner Hansen.

## MINUTES:

Moved by Wiese, seconded by Knecht to approve the General Meeting minutes of June 15, 2004. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Knecht, seconded by Wiese to approve the following claims:

Supplies: Cartney Bearing..\$9.20, Sanders Sew 'N Vac..\$507.95, Best Business..\$35.32, Aberdeen Ride Line..\$423.15, Artz Camera..\$5.34, Avera St Lukes..\$76.50, Streichers..\$124.85, Dept of Revenue..\$70.00, Bob Barker..\$74.08, Hewlett Packard..\$308.00, Active Data..\$1039.48, Exec Mgmt..\$1836.45, Galls..\$74.99, Academy..\$6.00, BesTest..\$75.00, Hedahls..\$614.72, 3-D Spec..\$378.00, SDACHS..\$30.00, Sherbrooke Asphalt..\$53,976.05, Share Corp..\$122.40, Praxair..\$1775.60, Lyle Signs..\$247.50, Lien Transportation..\$10,156.19, Jensen Rock & Sand..\$3630.00, Highway Improvement..\$34,384.80, Harms Oil..\$9814.95, Ron Glugla..\$100.00, Fastenal..\$29.86, Caspers Hwd..\$76.09, Ameripride..\$33.72, Clear Channel..\$168.00, A&M Radio..\$50.00, Menards..\$326.58, Parcel-Erickson..\$30.00, Sherri Rawstern..\$15.00, Farnams Genuine Parts..\$37.90, Dakota Supply..\$15.96, Macs..\$45.70, HRS..\$16.20, Tractor Supply..\$4.03, AgBio..\$34.07, Roger Johnson..\$9.99, Farm Power..\$328.59, Dakota Oil..\$57.00, VanDiest..\$818.65, Simpler Life Emergency Provisions..\$6751.99, Brown County Tres..\$194.25, Kesslers..\$5.98, MeisterPro..\$177.00, Brown County..\$9544.84, NECOG..\$1666.66, City of Aberdeen..\$10.755.00, Aberdeen Central High School..\$2399.00, Roll-Out..\$160.00, Parks & Recreation..\$300.00, Behavioral Intervention..\$72.00:

Publications: American News..\$349.35:

Professional Fees: witness fees..\$120.00, NE Mental Health Center..\$204.82, Yankton County Sheriff..\$33.00, Donna Dietrich..\$121.07, Marv Ekeren..\$15.00, Don Carlson..\$15.00, SD Assoc of County Comm..\$58.00, Avera United Clinic..\$83.00, Avera St Lukes..\$759.47:

Court Appointed Attorney: Christy Serr..\$37.10:

Utilities: Dependable Sanitation..\$371.00, Qwest..\$5742.32, Northwestern Energy..\$1052.47, City of Hecla..\$74.18, A-1 Sanitation..\$159.00, AT&T..\$23.02, Cellular One..\$32.89, Bureau of Admin..\$615.22:

Travel: Kelly Inn..\$257.00:

Care of Poor: Dr./Hospital - 1 recipient..Avera St Lukes..\$100.00; Rent - 6 recipients..Falcon Rentals..\$335.00, Erik Stewart..\$162.50, T&S Invest..\$380.00, Stu Gulden..\$230.00, HTL Holdings..\$190.00, Zumbaum Property..\$125.00; Insurance - 5 recipients..Wellmark BC/BS..\$1403.20, Dakotacare Cobra..\$552.47, South Dakota Risk Pool..\$1695.90; Utilities - 4 recipients..NWPS..\$748.11; Transportation - 1 recipient..Brown County Highway..\$7.36. All members present voting aye. Motion carried.

## PERSONNEL:

Moved by Knecht, seconded by Wiese to approve employee status change for Harlan Place from Corrections Officer in the Jail to JDC, effective July 2, 2004 at \$10.07 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Knecht to acknowledge resignation of R. Jacob Miller, JDC Corrections Officer and Deborah Tank, Community Resource Coordinator, effective July 2, 2004. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Knecht to approve hiring Joel Weig as part-time Mosquito Sprayer with the Brown County Weed Department, effective June 22, 2004 at \$10.00 per hour. All members present voting aye. Motion carried.

**ABATEMENT:**

Moved by Wiese, seconded by Knecht to approve the following Abatement: Jason and Jennifer Jorgenson, owner/occupied status (Lt 5 Bk 3 Bader & Hyde 1<sup>st</sup> Addn) for 2003 @ \$458.58. All members present voting aye. Motion carried.

**PLATS:**

Commissioner Knecht offered the following Resolution:

**RESOLUTION NO. 46-04**

BE IT RESOLVED by the Board of Commissioners of Brown County, SD, that the plat showing "Hart Replat of Lot 1, Hart's Subdivision in the SE ¼ of Sec 17-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD", 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. Roll call vote: Commissioners Hansen-absent, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

Commissioner Knecht offered the following Resolution:

**RESOLUTION NO. 47-04**

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Goetz Lot 1 in NE ¼ SE ¼ Sec 20-T123N-R63W of 5<sup>th</sup> P.M., Brown County, SD", 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. Roll call vote: Commissioners Hansen-absent, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

Commissioner Knecht offered the following Resolution:

**RESOLUTION NO. 48-04**

BE IT RESOLVED by the Board of Commissioners of Brown County, SD, that the plat showing "Lane Subdivision in the NW¼ of Sec 5-T122N-R63W of the 5<sup>th</sup> P.M., Brown County, SD", having been examined is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof.

Seconded by Commissioner Wiese. Roll call vote: Commissioners Hansen-absent, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

Commissioner Knecht offered the following Resolution:

**RESOLUTION NO. 49-04**



BE IT RESOLVED by the Board of Commissioners of Brown County, SD, that the plat showing "Rathert Addition in the SE¼ of the SE¼ of Sec 4-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD", 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. Roll call vote: Commissioners Hansen-absent, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

#### WEED AND SEED:

Moved by Knecht, seconded by Wiese to approve the Brown County Weed and Seed Monthly Expenses for June 2004 (Year Two 2002-WS-QX-0054), in amount of \$3,621.32. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Knecht to approve the Brown County Weed and Seed Monthly Expenses for June 2004 (Year Three 2002-WS-QX-0054), in amount of \$20,744.18. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Wiese to approve the following Weed and Seed Year Two funding proposal: Brown County Weed and Seed (to include shipping/handling charges for promotional items for the Fair), as recommended by the Steering Committee. All members present voting aye. Motion carried.

#### SHERIFF REPORTS:

Moved by Wiese, seconded by Knecht to approve the following May 2004 Sheriff Reports: Incidents & Offenses, Prisoner Care, JDC, Money deposited with the County Treasurer and Monthly activities. All members present voting aye. Motion carried.

#### CAD CONTRACT:

Moved by Wiese, seconded by Knecht to approve and authorize the Chairman sign Standard Software License and Services Agreement with New World Systems for the installation, licensing, training and support services for a Computer Aided Dispatch (CAD) System for the Brown County Regional Communications Center, as awarded through RFP on April 13, 2004 in adjusted amount of \$334,835. All members present voting aye. Motion carried.

#### SHERIFF VEHICLE UPDATE:

Mark Milbrandt and Tom Schmitt informed the Commission that no new patrol vehicles are available at this time and requested permission to purchase two used vehicles at this time. Board concurred.

#### GLACIAL LAKES 2005 BUDGET:

Representatives from Glacial Lakes presented visitor statistics to the area and information in regard to the 2005 Glacial Lakes Budget request.

#### RECESS:

The Chairman declared the Commission recessed until June 29, 2004.

Maxine Taylor – Brown County Auditor

JUNE 28, 2004- JOINT CITY/COUNTY MEETING

The Brown County Commission and the Aberdeen City Commission met in joint session at 5:30 P.M. in the Aberdeen City Commission Chambers, 123 S Lincoln Street, Aberdeen, South Dakota. Present from City were Commissioners Klabo, Forkel, Richardson and Mayor Hopper. Absent Commissioner Omland. Present from County were Commissioners Fischbach, Knecht and Wiese. Absent Commissioners Feickert and Hansen.

ORDINANCE NO. 04-06-02/295:

On motion by Forkel and seconded by Richardson, the City unanimously voted to approve Second Reading of Ordinance No. 04-06-02/295.

On motion by Klabo and seconded by Richardson, the City unanimously voted to adopt Ordinance No. 04-06-02/295.

Moved by Fischbach, seconded by Wiese to approve Second Reading of Ordinance No. 04-06-02/295. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Fischbach to adopt Ordinance No. 04-06-02/295, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 714 (M-AG) Mini-Agricultural District: Plat known as "Droog's First Subdivision in the SW¼ of Sec 22-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto; and to rezone the following described property from its present zoning designation of Section 714 (M-AG) Mini-Agricultural District to Section 704 (R-2) Medium Density Residential District: Outlot 10 of "Derian's Outlots 1 thru 10 of the NW¼ of Sec 27-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto. Roll call vote: Commissioners Knecht-aye, Fischbach-aye, Wiese-aye, Feickert-absent, Hansen-absent. Ordinance adopted.

ORDINANCE NO. 04-06-03/296:

On motion by Forkel and seconded by Klabo, the City unanimously voted to approve Second Reading of Ordinance No. 04-06-03/296.

On motion by Richardson and seconded by Forkel, the City unanimously voted to adopt Ordinance No. 04-06-03/296.

Moved by Wiese, seconded by Fischbach to approve Second Reading of Ordinance No. 04-06-03/296. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Fischbach to adopt Ordinance No. 04-06-03/296, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 714 (M-AG) Mini-Agricultural District: Plat known as "Phillips Outlot 1 in the SW¼ of Sec 26-T123N-R63W" and extending to the centerline of all public right-of-way located adjacent thereto. Roll call vote: Commissioners Knecht-aye, Fischbach-aye, Wiese-aye, Feickert-absent, Hansen-absent. Ordinance adopted.

Moved by Fischbach, seconded by Wiese to adjourn the Brown County Commission. All members present voting aye. Motion carried.

Maxine Taylor – Brown County Auditor

## JUNE 29, 2004 – GENERAL MEETING

Meeting called to order by Chairman Feickert at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Fischbach, Knecht and Wiese.

## MINUTES:

Moved by Hansen, seconded by Wiese to approve the Joint City/County Meeting minutes of June 21, 2004 and the General Meeting minutes of June 22, 2004. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Wiese, seconded by Fischbach to approve the following claims:

Payroll: Commissioners..\$2,587.50; Auditor..\$6,136.45; Treasurer..\$8,332.35; Data Processing..\$1,601.93, State's Attorney..\$8,211.35; Victims Assistance..\$904.05; Maintenance..\$5,115.03, Assessor..\$6,787.07; Planning & Zoning..\$1,043.20; Register of Deeds..\$4,635.55; Veterans Service Office..\$2,493.60; Sheriff..\$54,483.32; DOJ Grant..\$3,192.19; Communications..\$14,868.69; Welfare Office..\$2,660.96; Museum..\$3,876.46; Fairboard..\$1,820.73; Fairgrounds & Parks..\$3,551.30; Extension..\$1,279.10; Weed..\$4,245.40; Emergency Management..\$2,164.65; Weed & Seed..\$793.73; Highway..\$44,730.67; Landfill..\$6,233.81; Matching Benefits: FICA..\$11,292.23, Medicare..\$2,640.87, Wellmark BCBS Life..\$673.46, Wellmark BCBS Health..\$52,499.96, Delta Dental..\$3,504.00, SD State Retirement..\$22,009.86;

Supplies: New Trends..\$4.99, Exec Mgmt..\$50.20, IAAO..\$165.00, NADA..\$60.00, Velvet Uniforms..\$576.04, Best Business..\$189.46, Nat'l Target Co..\$82.52, Double D Body Shop..\$84.00, TelServe..\$48.75, Parcel-Erickson..\$23.95, Credit Bureau..\$15.00, Dept of Rev..\$990.00, Pheasantland Ind..\$414.20, Pierson Ford..\$142.71, Trail King..\$2500.00, Lyle Signs..\$170.00, Lien Trans..\$47,310.29, Huron Culvert..\$6922.82, Heppers Sport Center..\$5.00, Fox Valley..\$70.02, Farm Power..\$797.27, Diesel Machinery..\$3165.73, Dakota Fluid Power..\$259.56, Bridgestone Firestone..\$465.74, Office Max..\$149.76, BioQuip..\$39.35, VanDiest..\$1218.40, Farnam's..\$28.80, ProAg..\$56.72, Reuers Auto..\$1690.09, Pizza Ranch..\$149.75, Priority Dispatch..\$610.00, RE Huffman..\$39.98, ASDM..\$100.00, Menards..\$150.02, Reserve Acct..\$5000.00, Crucial Tech..\$338.94, Cunningham Elec..\$53.35, Gardner Locksmith..\$126.00, Ecolab..\$67.60, Sanders Sew 'N Vac..\$799.98, Heartland Paper..\$730.71, Chets Janitorial Supply..\$180.00, House of Glass..\$121.21, Dakota Supply..\$2393.55, Pro Ag..\$19.00, Runnings..\$48.86;

Publications: American News..\$224.68, Dakota Press..\$1043.08;

Professional Fees: Yahoo..\$20.37, Turner County Sheriff..\$23.50, Potomac News..\$89.16, Dept of Rev..\$66.00, Dept of Social Services..\$12.32, Rich Russman..\$21916.67, Kim Dorsett..\$2083.33, Aberdeen Adv Care..\$101.57, Avera St Lukes..\$576.22, Dr John Carrels..\$20.22, Avera United Clinic..\$176.21, Don Carlson..\$15.00, Marv Ekeren..\$15.00, Donna Dietrich..\$121.57, NADRIC..\$1666.67, Sheriff of Yankton County..\$16.50, Lutheran Social Services..\$11,340.64, Office of Sheriff..\$20.00;

Court Appointed Attorney: Christy Serr..\$4166.67, Kuck Law Office..\$4166.67, William Gerdes..\$4166.67, Randy Turner..\$4170.52, Goetz & Klimisch..\$164.55, Kennedy & Rokahr..\$96.00;

Utilities: Qwest..\$454.68, Northwestern Energy..\$1002.99, Montana Dakota..\$23.84, Cellular One..\$643.11, Midcontinent Cable..\$250.82;

Travel: Leo Leshar..\$87.29, Kathy Fischer..\$60.90, Gene Loeschke..\$156.31, Maxine Taylor..\$277.66, Sherry Theobald..\$26.14, Dennis Feickert..\$29.00, Deb Knecht..\$182.70;

Care of Poor: Dr./Hospital – 4 recipients..Dr RJ Sanders..\$72.05, Avera St Lukes..\$6270.19; Rent – 4 recipients..Lawrence Welk..\$190.00, Tom Appletoft..\$90.00, Schrivvers..\$250.00, Zumbaum Property Mgmt..\$150.00; Drugs – 2 recipients..Dakota Square Pharm..\$172.86, Walmart Pharm..\$31.68; Insurance -1 recipient..Aberdeen School District..\$319.60; Utilities - 4 recipients..NWPS..\$893.07; Transportation – 2 recipients..Brown County Highway..\$22.08. All members present voting aye. Motion carried

PERSONNEL:

Moved by Wiese, seconded by Fischbach to approve the following employee step/longevity increases, effective July 4, 2004: Sandy Green @ \$11.16 per hour, Roxanne Schumacher @ \$12.76 per hour, Joyce DesCamps @ \$12.85 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Knecht to approve hiring Leon Vickers, as part-time Highway employee, effective June 30, 2004 at \$11.60 per hour. All members present voting aye. Motion carried.

PLAT:

Commissioner Hansen offered the following Resolution:

RESOLUTION NO. 50-04

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Rieck First Subdivision in NW ¼ Sec 28-T121N-R64W of 5<sup>th</sup> P.M., Brown County, SD", 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. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

SDRS SPECIAL PAY PLAN:

Commissioner Hansen offered the following Resolution:

RESOLUTION NO. 51-04

RESOLUTION TO BECOME A SOUTH DAKOTA RETIREMENT SYSTEM  
SPECIAL PAY PROGRAM UNIT

BE IT RESOLVED AS FOLLOWS:

WHEREAS, House Bill 1033 of the 2004 Legislative Session offers qualified members of special pay program units of the South Dakota Retirement System (SDRS) the opportunity after July 1, 2004, of receiving a tax advantage and a Social Security advantage when terminating active service in SDRS by having special termination payments transmitted to the Special Pay Program;

WHEREAS, House Bill 1033 offers such qualified members' employers a corresponding Social Security advantage;

WHEREAS, Brown County, SD wishes to offer this option to its qualified permanent, full-time employees, all of whom are members of SDRS;

WHEREAS, Brown County, SD agrees to transmit all special pay data by electronic media and understands that reporting final compensation data electronically is a condition, which must be met in order to participate;

WHEREAS, Brown County, SD understands and agrees to the following points:

- Only special, lump-sum payments made to an employee at the time of the employee's termination are transmitted to the special pay program;
- Only employees age 55 or older qualify to have such special pay transmitted to the special pay program;

- Only such special payments of \$2,000 or more qualify to be transmitted to the special pay program;
- If the employee qualifies and the special pay qualifies, transmission of such special pay to the special pay program is mandatory; and
- Brown County, SD shall pay to SDRS an initial, one-time fee per participant of .75% of such special pay or \$45, whichever is greater.

NOW, THEREFORE, BE IT RESOLVED, that Brown County, SD shall become a special pay program unit of the South Dakota Retirement System under the terms and conditions of House Bill 1033 of the 2004 Legislative Session with an effective date of July 1, 2004.

BE IT FURTHER RESOLVED that a copy of this RESOLUTION shall be transmitted to SDRS as soon as possible after adoption.

Dated this 29<sup>th</sup> day of June 2004.

Seconded by Commissioner Wiese. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

#### POOR RELIEF:

Commissioner Knecht offered the following Resolution:

#### RESOLUTION NO. 52-04

WHEREAS, Brown County has filed a Relief Lien against an individual residing at 833 S High Street in amount of \$70.95, dated April 6-27, 2004; and

WHEREAS, another individual has the same first and last name as the poor relief recipient, but resides elsewhere and does not have the same middle name, birth date or social security number.

NOW, THEREFORE BE IT RESOLVED that the Poor Relief Lien in amount of \$70.95 is against individual residing at 833 S High Street, and not the individual with the same first and last name residing at 708 9<sup>th</sup> Ave SE.

Seconded by Commissioner Fischbach. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

#### FIREWORKS PERMITS:

Moved by Fischbach, seconded by Hansen to approve and authorize the Chairman sign Fireworks Public Display Permit, submitted by Bryce Iwerks, 1411 N 4<sup>th</sup> Street, Aberdeen for a Class B Explosive Special Fireworks Display to be held on July 4, 2004 at 13063 385<sup>th</sup> Ave, Aberdeen, SD. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Wiese to approve and authorize the Chairman sign Fireworks Public Display Permit, submitted by Terry Voeltz, 2622 13<sup>th</sup> Ave SE, Aberdeen for a Class B Explosive Special Fireworks Display to be held on July 2, 2004 in the infield at Brown County Speedway, Brown County Fairgrounds, Aberdeen, SD. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Wiese to approve and authorize the Chairman sign Fireworks Public Display Permit, submitted by Steve Herther, 379464 S Shore Drive, Aberdeen for a Class B Explosive Special Fireworks Display to be held on July 4, 2004 at S Shore Drive across from 379464 S Shore Drive, Aberdeen, SD. All members present voting aye. Motion carried.

**PLAT:**

Commissioner Knecht offered the following Resolution:

**RESOLUTION NO. 53-04**

BE IT RESOLVED by the Board of Commissioners of Brown County, SD, that the plat showing "Cutler Addition in the SE ¼ of Sec 14-T125N-R60W of the 5<sup>th</sup> P.M., Brown County, SD", 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 Hansen. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

**CLAIM ASSIGNMENT:**

Moved by Wiese, seconded by Fischbach to approve and authorize the Chairman sign documentation to assign a claim against an individual to L.F. Noll Inc. for purpose of collecting a lien. All members present voting aye. Motion carried.

**GROTON AREA SCHOOL DISTRICT DIRECTIVE:**

Moved by Wiese, seconded by Fischbach to approve and authorize the Chairman sign Notice and Order of Transmittal of Assets for the Groton Area School District No. 6-6, effective July 1, 2004. All members present voting aye. Motion carried.

**ABATEMENT:**

Moved by Knecht, seconded by Hansen to approve the following Abatement: Jennifer Lambert, mobile home destroyed (BOLS Park Village #408) for 2004 @ \$71.40. All members present voting aye. Motion carried.

**MALT BEVERAGE LICENSE APPLICATION HEARING:**

Time and place as advertised for public hearing to consider application for renewal of Annual Malt Beverage License.

Moved by Wiese, seconded by Knecht to approve the following application: Retail (On-Off Sale) Malt Beverage License – Terry Voeltz DBA T's Promotion Inc., Brown County Fairgrounds Grandstand limited to drawing on file – SW ¼ Sec 1-T123N-R64W, Brown County, SD. All members present voting aye. Motion carried.

**PARTIAL PAYMENT CANCELLED:**

Moved by Hansen, seconded by Wiese to authorize Sheila Enderson, County Treasurer to cancel partial payment contract for taxes (as authorized by SDCL 10-21-7) on the S ½ of Lot 2 Blk 48 Bennett & Thomas Addition to Aberdeen, due to non-payment. All members present voting aye. Motion carried.

**TAXES UNCOLLECTIBLE:**

Moved by Wiese, seconded by Fischbach to declare the following taxes uncollectible: BOLS Lt 5 Blk 14 Subdivision of Bks 8-14 & OL E, Hecla for year 2001 @ \$195.47, for year 2002 @ \$168.76 and for year 2003 @ \$169.59. All members present voting aye. Motion carried.

**ABERDEEN DEVELOPMENT CORP:**

Jim Barringer, Larry Frost, Dennis Maloney and Chris Harr met with the Commission to discuss the 2005 Budget request for the Aberdeen Development Corporation. No action taken at this time.

**HOSPITAL CLAIM:**

Attorney Robert R. Nelson, Sioux Falls submitted a letter in regard to a bill payable to Avera St Lukes Hospital. Charlene Millim, Welfare Director was in attendance.

Moved by Wiese, seconded by Fischbach to deny payment of a hospital bill, submitted by Avera St Lukes Hospital in amount of \$7,385.75 for a 46 year old male, as the individual needs to pursue third party liability. All members present voting aye. Motion carried.

**HIGHWAY UPDATE:**

Dirk Rogers, Highway Superintendent discussed dust proofing projects, proposed road name changes and water levels.

**RR TRAFFIC SIGNALS:**

R.C. Lathrop inquired whether the antique railroad traffic signals, currently stored at 1019 1<sup>st</sup> Ave SE could remain or be placed in another county storage facility. No action taken at this time.

**NE LEVY UPDATE:**

Stu Nelson, Assistant Aberdeen City Engineer and Alan Prismantas, US Army Corps of Engineers presented an update on the NE Levy Project.

**OFFICE HOURS:**

Commissioner Wiese offered the following Resolution:

**RESOLUTION NO. 54-04**

WHEREAS, SDCL 7-7-2 requires the Board of County Commissioners to establish the hours of operation for each county government office, except for the offices of the sheriff and state's attorney, and

WHEREAS, SDCL 7-7-2 also requires the county auditor's office to remain open for special, primary and general elections, and if requested for school and municipal elections, until the closing of polls and the tabulation of votes for each election.

NOW, THEREFORE BE IT RESOLVED that the hours of operation for the administrative offices of the Auditor (except as provided for elections), Treasurer, Register of Deeds, Director of Equalization and Welfare shall be from 7:00 A.M. to 5:00 P.M., Monday through Thursday and from 7:00 A.M. to 12:00 Noon on Friday of each week, except on those days declared legal holidays or as given by the Board of County Commissioners of Brown County.

AND FURTHER RESOLVE that the aforementioned schedule will be in effect from July 12, 2004 through October 1, 2004, at which time the hours of operation will be reviewed for extension or modification.

Seconded by Commissioner Knecht. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

**ADJOURNMENT:**

Moved by Knecht, seconded by Fischbach to adjourn the Brown County Commission.

Maxine Taylor – Brown County Auditor

## JULY 6, 2004 – GENERAL MEETING

The Brown County Commission convened at 8:45 A.M., July 6, 2004 in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioner's Hansen, Knecht, Wiese and Feickert. Absent Commissioner Fischbach.

### MINUTES:

Moved by Wiese, seconded by Knecht to approve the Joint City/County Meeting minutes of June 28, 2004 and the General Meeting minutes of June 29, 2004. All members present voting aye. Motion carried,

### CLAIMS:

Moved by Hansen, seconded by Wiese to approve the following claims:

Supplies: Midwest Rubber Stamp..\$12.10, Office Max..\$319.99, Quality Quick Print..\$77.68, Best Business..\$45.73, Ameripride..\$45.93, Dakota Supply..\$99.78, UBC..\$30.95, Gardner Locksmith..\$30.00, Century Business..\$93.00, Walmart..\$29.98, Van Diest..\$1518.00, Roger Johnson..\$4.03, Evergreen..\$4.65, New Trends..\$26.25, WorldPoint..\$155.72:

Publications: American News..\$198.98, Groton Indep..\$235.34:

Professional Fees: Don Carlson..\$15.00, Sheriff of Yankton County..\$16.50, Marv Ekeren..\$15.00, Donna Dietrich..\$121.57:

Court Appointed Attorney: Brevik & Thurman..\$241.97, Kelly Marnette..\$360.00:

Utilities: City of Aberdeen..\$641.53, Northwestern Energy..\$5882.56:

Travel: Merle Voeller..\$683.32, Freddie Robinson..\$683.15, Rose Cathy Thornton..\$623.96:

Care of Poor: Dr./Hospital – 1 recipient..Mayo Clinic..\$12,968.71; Rent – 8 recipients..Zumbaum Property..\$210.00, O Mason Greiser..\$190.00, Foxridge Apts..\$230.00, Danne Inc..\$190.00, Tom Hinz..\$210.00, Don Gisi..\$190.00, Erickson & Assoc..\$200.00, Kurt Krueger..\$185.00; Utilities - 1 recipient..NWPS..\$190.00. All members present voting aye. Motion carried.

### PERSONNEL:

Moved by Wiese, seconded by Knecht to approve hiring Delbert Black Bear as full-time Corrections Officer in the Jail, effective July 6, 2004 at \$10.07 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Knecht to approve hiring R. Jacob Miller as part-time Home Detention Officer, effective July 6, 2004 at \$9.59 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to approve hiring Michelle Cogley as guard for purpose of prisoner transport, effective June 21, 2004. All members present voting aye. Motion carried,

### AUDITORS REPORT OF ACCOUNT:

Moved by Hansen, seconded by Knecht to approve the June 2004 Auditor's Report of Account with the County Treasurer in total amount of \$9,555,589.03 (total amount of actual cash @ \$3,356.97, Wells Fargo Bank @ \$3,694.79, US Bank @ \$13,296.69, Dacotah Bank @ \$58,680.82, Petty Cash @ \$1,700.00, Fund Investments @ \$9,474,716.73, Outstanding Checks @ \$143.03). All members present voting aye. Motion carried.

### ORDINANCE NO. 029:

Moved by Knecht, seconded by Wiese to authorize advertising public hearing to consider amending Title 13, Second Revision Brown County Ordinances to increase wheel tax, to be held in the Commissioner's Chambers, Courthouse Annex at 9:00 a.m., July 27, 2004. At the conclusion of the hearing the Brown



County Commission may adopt first reading of Ordinance No. 029. All members present voting aye. Motion carried.

#### SET HEARING DATES:

Moved by Wiese, seconded by Hansen to set public hearing for 8:30 a.m. on July 27, 2004 in the Brown County Commission Chambers, Courthouse Annex for First Reading of Ordinance No. 04-07-01/297 (Bjorgaard), An Ordinance Amending Ordinance No. 1164 to rezone the following property from Section 701 (A-1) Agricultural District to Section 714 (M-AG) Mini-Agricultural District: The East 594' of the South 1320' of the SW ¼ of Sec 26-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD, except that portion deeded for highway purposes, to be platted and known as Lots 1 and 2 of "Foote Creek Stables Addition in the SW¼ of Sec 26-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto; and for First Reading of Ordinance No. 04-07-02/298 (Goetz), An Ordinance Amending Ordinance No. 1164 to rezone the following property from Section 701 (A-1) Agricultural District to Section 704 (R-2) Medium Density Residential: The 137' next South of the North 274' of the East 318' of the NE ¼ of the SE ¼ of Sec 20-T123N-R63W, to be platted and known as Goetz Lot 1 of "Goetz Lot 1 in the NE ¼ of the SE¼, Sec 20-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto. All members present voting aye. Motion carried.

#### INTEREST STATEMENT:

Moved by Hansen, seconded by Wiese to acknowledge second quarter interest statement, submitted by County Treasurer Sheila Enderson. All members present voting aye. Motion carried.

#### MOSQUITO GRANT:

Moved by Wiese, seconded by Knecht to approve and authorize the Chairman sign change order for Weed and Pest Mosquito Grant, deleting Mozzie Granular Adapter and inserting wind/temperature meters and portable weather radios. All members present voting aye. Motion carried.

#### GRANT APPLICATIONS:

Moved by Hansen, seconded by Knecht to approve and authorize the Chairman sign the application documents for the following Homeland Security Grant Projects: ODP 2004 Exercise Grant in amount of \$8,697.66; ODP 2004 Training Grant in amount of \$4,348.83; ODP FY 2004 Equipment Grant in amount of \$464,525.64; and Citizens Corp Award for FY 2004 in amount of \$7,599.05. All members present voting aye. Motion carried.

#### APPLICATION FOR OCCUPANCY:

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman sign application, submitted by James Valley Telecommunications for occupancy of Brown County Highway No. 13 in Sec 4-T123N-R60W, Brown County, SD to provide telecommunications. All members present voting aye. Motion carried.

#### DOC CONTRACT:

Moved by Wiese, seconded by Knecht to approve and authorize the Chairman sign contract with the SD Department of Corrections for housing juveniles under the jurisdiction of the State at the Brown County Juvenile Detention Center, effective July 1, 2004 through June 30, 2005. All members present voting aye. Motion carried.

#### AGREEMENT:

Moved by Knecht, seconded by Hansen to approve and authorize the Chairman sign cooperative agreement with Aberdeen School District 6-1 to establish an educational program for youth placed in the

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Juvenile Detention Center, effective July 1, 2004 through June 30, 2005. All members present voting aye. Motion carried.

**VICTIMS ASSISTANCE 2005 BUDGET:**

Vicky Wicks, Victims Assistance discussed the 2005 Budget request for the program.

**NADRIC 2005 BUDGET:**

Julie Pfeifer and Jan Patterson, Avera St Lukes discussed the 2005 Budget request for the NADRIC Program.

**PARKING AREA DISCUSSED:**

Mick Palmer discussed parking area at 1<sup>st</sup> Ave SE.

**PUTNEY SLOUGH:**

John Ries outlined a plan for cleaning road ditches along county road 18 and stabilizing the river levy in the Putney Slough area. The plan was deferred to Dirk Rogers, Highway Superintendent for further review.

**RECESS:**

The Chairman declared the Commission recessed until July 13, 2004.

Maxine Taylor – Brown County Auditor

# JULY 13, 2004 – GENERAL MEETING

Meeting called to order by Chairman Feickert at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Fischbach and Knecht. Absent Commissioner Wiese.

## MINUTES:

Moved by Hansen, seconded by Knecht to approve the General Meeting minutes of July 6, 2004. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Knecht, seconded by Hansen to approve the following claims:

Payroll: Commissioners..\$2,587.50; Auditor..\$6,017.95; Treasurer..\$8,345.15; Data Processing..\$1,601.93; State's Attorney..\$8,606.15; Victims Assistance..\$904.05; Maintenance..\$4,956.78, Assessor..\$7,586.92; Planning & Zoning..\$1,043.20; Register of Deeds..\$4,639.55; Veterans Service Office..\$2,457.85; Sheriff..\$54,181.02; DOJ Grant..\$2,990.79; Communications..\$13,266.66; Welfare Office..\$2,660.96; Museum..\$3,942.01; Fairgrounds & Parks..\$3,524.96, Fairboard..\$1,820.73; Extension..\$1,216.60; Weed..\$4,627.48; Emergency Management..\$2,164.65; Weed & Seed..\$1,007.17, Highway..\$36,981.73; Landfill..\$6,274.80; Matching Benefits: FICA..\$10,734.48; Medicare..\$2,510.48;

Supplies: Best Business..\$243.05, Verizon..\$20.00, Quality Quick Print..\$947.20, Langs..\$49.45, Office Equip..\$120.60, Double D..\$100.00, Matthew Bender..\$70.80, Heartland Paper..\$127.71, North Wind Machine..\$25.00, Runnings..\$337.06, Crescent Elec..\$173.80, Schwan Welding..\$735.85, Taylor Laundry..\$18.00, Menards..\$292.53, Woodman Refrig..\$567.89, Exchange Club..\$588.00, Keeper of the Stationery..\$338.00, ProMap..\$2100.00, City of Groton..\$121.61, Warner School Dist..\$2160.30, Medical Center Pharm..\$1862.82, Velvet Uniforms..\$316.63, Walmart..\$433.08, Fishers Cleaning Service..\$250.00, Pierson Ford..\$125.48, Shopko..\$9.99, Evercom..\$1400.00, Parcel Erickson..\$21.95, Dept of Revenue..\$3325.89, Hagan Ins..\$100.00, SDDOT..\$178,155.76, Share Corp..\$204.40, Outlaw Graphics..\$90.00, Lawson Products..\$418.18, Lien Trans..\$70,868.03, Koch Materials..\$4944.66, Johnson Motors..\$99.08, Diesel Machinery..\$3379.87, Diamond Mowers..\$226.21, Crawford Trucks..\$1141.15, HC Clark..\$10.85, Butler Machinery..\$243.20, Kevin Bourdon..\$1025.00, Advanced Auto..\$29.34, State Flag Account..\$140.90, SD Wheat Growers..\$21.83, Sheehan Mack Sales..\$49.87, ProAg..\$5.10, Odland Gravel..\$2494.00, North Central Farmers Elev..\$12106.40, Newman Traffic Signs..\$1722.45, Midwest Pump & Tank..\$57.07, Macs..\$247.93, Lyle Signs..\$521.13, Lien Transportation..\$141,741.91, Interstate Battery..\$45.05, Hedahls..\$39.88, Hecla Impl..\$17.59, Harms Oil..\$8281.50, Great Western Tire..\$5505.44, Freys Electronics..\$1093.95, Farnams..\$128.25, Exhaust Pros..\$88.85, Evergreen Supply..\$78.60, Erdmann Oil..\$625.72, Dakota Oil..\$1314.55, Dakota Fluid Power..\$20.94, Cradys Radiator..\$72.00, Cartney Bearing..\$25.62, Ameripride..\$268.55, SD Assoc of County Comm..\$416.00, Farm Power..\$18.24, Dakota Electronics..\$300.00, John Deere..\$26.20, Brennans Travelers Guide..\$200.00, Clear Channel Broadcasting..\$168.00, A&M Radio..\$50.00, South Dakota Magazine..\$214.00, Chamber of Commerce..\$330.00, Hedahls..\$34.65, Pheasant Country..\$480.00, Treeline Tree Service..\$3500.00, Earth Tech..\$10,521.58, Arcoa..\$10.18, Brick Propane..\$13.50, OK Tire..\$8.00, Helms & Assoc..\$1496.51, Aberdeen Asphalt..\$30,615.85, Nelson Sales..\$1096.06, Genius WEB..\$29.97, Bricks TV..\$1377.50, Tres..\$209.16, MVTL Labs..\$5142.20, Artz Camera..\$12.60, Powerplan..\$1478.22, Cunningham Elec..\$38.76, Erdmann Fuels..\$2605.84, Waste Recovery Services..\$1557.60, Praxair..\$15.70, Dakota Fluid Power..\$200.06, Vosika Fencing..\$2000.00, Town & Country..\$20.52, Pierson Ford..\$1369.96, Graham Tire..\$632.64, Kirk's Auto..\$30.00, Indoff..\$145.00, Mallory Headsets..\$329.95, Office Max..\$75.06, Jodi Gerdes..\$17.98, Fleet..\$49.24, Amoco..\$55.23, Phillips 66..\$71.32;

Publications: American News..\$889.81, Groton Independent..\$154.24;

Professional Fees: witness fees..\$124.10, Sheriff of Lake County..\$19.50, Avera St Lukes..\$54.00, SD Sheriff Assn..\$35.73, NE Mental Health Center..\$175.56, Donna Dietrich..\$363.71, Marv Ekeren..\$45.00, Don Carlson..\$30.00, Cathy Rehfuß..\$15.00, Sheriff of Yankton County..\$49.50, Christine Heidenreich..\$1111.50:

Transcriptions: Michelle Gaikowski..\$40.80:

Court Appointed Attorney: Kelly Marnette..\$3564.00, Miller & Swier..\$144.00:

Utilities: Northwestern Energy..\$622.21, Qwest..\$165.03, Midcontinent Cable..\$38.15, Northern Valley Comm..\$144.90, James Valley Comm..\$387.09, Town of Frederick..\$18.25, City of Aberdeen..\$2201.25, WEB Water..\$59.01, Cellular One..\$175.13, Northern Cable..\$79.90, Dependable Sanitation..\$23,149.22, Northern Elec..\$46.74:

Travel: Jeff Kirnan..\$761.97, Tony Jones..\$647.15, Brian Johnson..\$447.19, Becky Berreth..\$649.15:

Jury: Tina Aberle..\$11.74, Robert Borchard..\$21.60, Derek Brick..\$10.58, Colleen Callum..\$11.16, Beth Coats..\$11.16, Emma Delzer..\$11.16, Jessica Dunker..\$12.90, Ramona Erickson..\$18.70, Chad Ferguson..\$11.16, Melissa Fipps..\$10.58, Dianne Furman..\$11.74, Hurley Gellhaus..\$10.58, Susan Haaland..\$15.80, Terry Haaland..\$30.30, Dawn Hauge..\$12.32, Kathryn Heier..\$10.58, Bonnie Henning..\$11.16, Travis Hoeft..\$12.90, Ben Hushka..\$21.60, Nelda Jorgenson..\$11.16, Constance Kaup..\$13.48, Cora Krueger..\$29.72, Cherie Lewis..\$21.60, Dawn Lilly..\$10.58, Kristi McKiver-Peterson..\$22.18, Mary Mehaffey..\$10.58, Heidi Miller..\$11.74, Wayne Miller..\$13.48, Allan Monson..\$15.80, Nyla Monson..\$22.76, Delbert Norton..\$12.90, Bernard Ochs..\$10.58, Carla Pahl..\$30.30, Dennis Pesicka..\$10.58, Jessie Richmond..\$22.76, Charlotte Rovang..\$11.74, Christine Salwei..\$10.58, Deann Schaeffer..\$12.90, Catherine Schatz..\$10.58, Kristi Schott..\$11.16, Dorothy Schwab..\$10.58, Frank Schwan..\$10.58, Lorrie Stroh..\$10.58, Marjorie Swanson..\$10.58, Roger Thomsen..\$11.16, Shawna Vandeweerd..\$11.16, Melissa Vikander..\$15.80, Mary Walker..\$11.16, Gerlad Wandry..\$14.06, Trevor Wenbourne..\$10.58, Cassie Wilson..\$10.58, Melvin Wockenfuß..\$10.58:

Care of Poor: Rent – 6 recipients..Donald Peck..\$250.00, John Painter..\$190.00, Lakeside Mobile Home Park..\$158.00, Falcon Rentals..\$250.00, Tom Hinz..\$190.00, Dakota Square Operations..\$191.00; Drugs – 8 recipients..Econofoods Pharm..\$110.00, Medical Center Pharm..\$67.97, Kessler Pharm..\$179.27, Jones Drug..\$307.33; Utilities - 5 recipients..NWPS..\$847.51, BDM Water..\$45.00; Transportation – 3 recipients..SD Human Services..\$48.50, Jefferson Lines..\$106.80. All members present voting aye. Motion carried.

#### PERSONNEL:

Moved by Fischbach, seconded by Knecht to approve the following employee step/longevity increases, effective July 18, 2004: Jodi Buhl @ \$10.15 per hour, Russell Ochsner @ \$11.14 per hour, Pam Ernst @ \$10.87 per hour, Jason Heagley @ \$11.22 per hour. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Fischbach to approve hiring Teri Haussler as a part-time Corrections Officer in the JDC, effective July 20, 2004 at \$8.90 per hour. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Knecht to approve hiring Tanner Jondahl as guard, effective July 8, 2004, for purpose of prisoner transport at flat rate of \$75.00 per day. All members present voting aye. Motion carried.

#### WEED AND SEED:

Moved by Knecht, seconded by Fischbach to approve and authorize the Chairman sign Financial Form 269 for April through June 2004 for the Brown County Weed and Seed Grant #2002-WS-QX-0054. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Hansen to approve and authorize Jodi Gerdes, Program Coordinator for the Brown County Weed & Seed Grant #2002-WS-QX-0054 request a six-month extension for Year 2 funds and a twelve-month extension for Year 3 funds. All members present voting aye. Motion carried.

#### PREVENTION GRANT:

Moved by Knecht, seconded by Hansen to approve and authorize the Chairman sign Financial Form 269 for April through June 2004 for the Brown County Special Appropriation "Prevention and Intervention Programs for at-risk and detained youth" Grant #2001-JS-FX-0014. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Fischbach to approve and authorize the Chairman sign letter requesting a twelve-month project period extension for the "Prevention and Intervention Programs for at-risk and detained youth" Grant #2001-JS-FX-0014, extending current expiration date of September 30, 2004 to September 30, 2005. All members present voting aye. Motion carried.

#### TECHNOLOGY GRANT:

Moved by Hansen, seconded by Knecht to approve and authorize the Chairman sign Financial Form 269 for April through June 2004 for the COPS 2003 Technology Grant #2003-CK-WX-0177. All members present voting aye. Motion carried.

#### EXPENSE POLICY:

Moved by Knecht, seconded by Hansen to amend expense policy in regard to travel reimbursement for use of personal vehicle for County business, effective July 13, 2004, as follows:

- 32 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.

#### CLAIM ASSIGNMENT:

Moved by Hansen, seconded by Fischbach to approve and authorize the Chairman sign documentation to assign a claim against an individual to L.F. Noll Inc. for purpose of collecting a lien. All members present voting aye. Motion carried.

#### CAD PROPOSAL:

Moved by Hansen, seconded by Knecht to reject the following CAD proposals: rejecting proposals from NEC @ \$379,405, Logisys @ \$409,764, PSSI @ \$399,250, Interact @ \$318,700, Abbey @ \$369,000 and Sun Ridge @ \$235,081 (these vendors were inadvertently omitted in minutes of April 13, 2004 when project awarded). All members present voting aye. Motion carried.

#### ABATEMENTS:

Moved by Hansen, seconded by Fischbach to approve the following Abatement: Timothy Wall, owner/occupied status (Lts 19-21 Blk 8 Hagerty & Lloyds Addn) for year 2002 @ \$289.79 and for year 2003 @ \$277.10. All members present voting aye. Motion carried.

#### AGREEMENT:

Moved by Hansen, seconded by Knecht to approve and authorize the Chairman sign agreement with Aberdeen Area Career Planning Center for the Center to provide Corrective Thinking curriculum at the Brown County Juvenile Detention Center, effective October 1, 2004 – September 30, 2005, to be funded

by Juvenile Accountability Block Grant Funds (JABG). All members present voting aye. Motion carried.

**APPLICATION FOR OCCUPANCY:**

Moved by Hansen, seconded by Knecht to approve and authorize the Chairman sign application, submitted by NorthWestern Energy for occupancy of Brown County Highway No. 10 in Sec 1 & 2-T123N-R64W, Brown County, SD, to install electrical cable. All members present voting aye. Motion carried.

**BROWN COUNTY HIGHWAY SYSTEM:**

Commissioner Hansen offered the following Resolution:

**RESOLUTION NO. 55-04**

WHEREAS, it is deemed in the best interest of the people of Brown County that changes be made in the Brown County Highway System, and

WHEREAS, renaming two sections of County Road 13 would better serve the general public and would address public safety concerns.

THEREFORE, BE IT RESOLVED that the Brown County Board of Commissioners rename the following sections of County Road #13 and update all maps accordingly:

COUNTY ROAD 13W – Brown County 13 (130<sup>th</sup> Street) between US Highway 281 (386<sup>th</sup> Avenue) and 385<sup>th</sup> Ave: Commencing at the northeast corner of Section 3, Township 123N, Range 64W, thence West 1.0 mile to the northeast corner of Section 4, Township 123N, Range 64W.

COUNTY ROAD 13E – Brown County 13 (129<sup>th</sup> Street) between US Highway 281 (386<sup>th</sup> Avenue) and Brown County 10 (387<sup>th</sup> Ave): Commencing at the northwest corner of Section 35, Township 124N, Range 64W, thence East 1.0 mile to the northwest corner of Section 36, Township 124N, Range 64W.

Seconded by Commissioner Fischbach. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Fischbach-aye, Wiese-absent, Knecht-aye. Resolution adopted.

**PLATS:**

Commissioner Hansen offered the following Resolution:

**RESOLUTION NO. 56-04**

BE IT RESOLVED by the Board of Commissioners of Brown County, SD, that the plat showing "Kolb Addition in the SE ¼ of Sec 33-T126N-R64W of the 5<sup>th</sup> P.M., Brown County, SD", 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 Fischbach. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Fischbach-aye, Wiese-absent, Knecht-aye. Resolution adopted.

Commissioner Fischbach offered the following Resolution:

**RESOLUTION NO. 57-04**

BE IT RESOLVED by the Board of Commissioners of Brown County, SD, that the plat showing "Second Subdivision of Bauer's Outlot 1 in the SW ¼ of Sec 7-T123N-R65W of the 5<sup>th</sup> P.M., Brown County, SD", 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 Knecht. Roll call vote: Commissioners Hansen-aye, Feickert-aye, Fischbach-aye, Wiese-absent, Knecht-aye. Resolution adopted.

#### MAINTENANCE UPDATE:

Mick Palmer and Judy Dosch discussed the Maintenance Department 2005 budget request and presented quotes received for replacing the carpet in several annex offices. Moved by Fischbach, seconded by Hansen to accept quote submitted by The Finishing Touch @ \$10,300.99 for carpet in the Assessor's, Registers of Deeds, Commission and Auditor's Offices; rejecting quotes from Malchows @ \$11,570.00, Floormax @ \$11,861.80 and Floor to Ceiling @ \$11,933.70. All members present voting aye. Motion carried.

#### ASSESSOR DISCUSSION:

Mary Worlie discussed a request for assessment information from a Florida company. Sheriff Milbrandt confirmed is a legitimate company, which assists law enforcement agencies. A price for furnishing the information will be determined and sent to the company.

#### EXECUTIVE SESSION:

Moved by Knecht, seconded by Hansen to go into executive session to discuss personnel with Mary Worlie in attendance. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Knecht to adjourn executive session, with no action taken as a result of discussion. All members present voting aye. Motion carried.

#### NESDCAP 2005 BUDGET DISCUSSION:

Representatives from NESDCAP presented statistical reports about all programs and information in regard to the 2005 NESDCAP Budget request.

#### RECESS:

The Chairman declared the Commission recessed until July 20, 2004.

Maxine Taylor – Brown County Auditor

# JULY 20, 2004 – GENERAL MEETING

Meeting called to order by Chairman Feickert at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Fischbach, Knecht and Wiese.

## MINUTES:

Moved by Knecht, seconded by Wiese to approve the General Meeting minutes of July 13, 2004. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Fischbach, seconded by Wiese to approve the following claims:

Supplies: Pitney Bowes..\$297.00, Menards..\$640.12, Runnings..\$336.55, Heartland Paper..\$427.38, Ecolab..\$45.00, Dakota Supply Group..\$173.70, House of Glass..\$30.50, Spink County..\$82.50, Medical Center Pharm..\$1322.73, Health Connection..\$701.62, Securicor..\$121.00, Nimco..\$608.79, Human Relations Media..\$1008.20, Prevention Partners..\$282.35, Channing Bete..\$791.05, AACPC..\$816.00, Hoven Auto..\$34.28, Kesslers..\$235.15, Lust..\$9.92, Nat'l Sheriff Assoc..\$100.00, Cheryl Hairgrove..\$1242.00, NE Mental Health..\$307.23, Sewing Shoppe..\$6.00, Parcel-Erickson..\$21.95, Accurint..\$7.50, Dept of Motor Vehicles..\$12.00, SD Federal Property..\$24,752.00, West..\$1456.00, Earthgrains..\$522.27, Office Max..\$226.63, HRS..\$4205.06, Brown County..\$20.00, D&K Health Care..\$18.25, Bob Barker..\$257.76, OK Tire..\$25.50, Quality Quick Print..\$372.95, Dakota Electronics..\$2411.84, Dawn Woods..\$216.00, Quint City Coin-Ops..\$39.00, Mobile Electronic Service..\$79.92, Duane Amoco..\$28.50, Safety Service..\$236.12, Best Business..\$189.46, Z&S Dust Control..\$2200.80, Share Corp..\$244.80, Safelite Auto Glass..\$630.76, Palmer Dist..\$140.00, Bryan Owens..\$64.75, Meyers Auto..\$100.00, Lien Trans..\$64,538.10, City of Hecla..\$69.94, Farm Plan..\$879.11, Diamond Mowers..\$240.89, Duetsch Trucking..\$1500.00, Carquest..\$1544.91, Mattern Elec..\$11,454.07, Shopko..\$49.98, Gas N Goodies..\$10.50, Macs..\$2.00, Swanson Elec..\$673.20, Ben Hofer Backhoe..\$2900.00, Overhead Door..\$71.58, Western Printing..\$348.00, Michelle Schmitt..\$90.00, Jean Hommel..\$120.00, Ken's Superfair Foods..\$26.69, Walmart..\$6.62, Jim River Riders..\$30.00, Barb Crawford..\$13.04, Office Equip..\$7.08, Van Diest..\$8024.80, Farm Power..\$11.00, Carquest..\$221.15, U of Calif..\$28.00, Kleins..\$2.02, New World Systems..\$91,163.00, Aramsco..\$15,554.00, K-Mart..\$18.26, NECOG..\$3001.95:

Publications: American News..\$168.51, Midland Press..\$92.50:

Professional Fees: witness fees..\$136.32, Avera St Lukes..\$1774.47, Dakota Imaging..\$29.60, Nelva Kooistra..\$45.00, Yankton County..\$668.85, Donna Dietrich..\$364.21, Aberdeen Family Physicians..\$67.61, Lewis & Clark BHS..\$780.00, Marv Ekeren..\$30.00:

Transcriptions: Neal Reporting..\$117.80, Cheryl Hook..\$41.40, Slowey Court Reporting..\$195.00:

Court Appointed Attorney: Randy Turner..\$24.20, May & Johnson..\$2532.44, Fox & Youngberg..\$169.88, Mikelson Law Office..\$149.91:

Utilities: Dependable Sanitation..\$371.00, Northwestern Energy..\$1569.30, Verizon..\$218.07, Midcontinent Communications..\$80.00, Qwest..\$1758.20, Northern Elec..\$280.20, A-1 Sanitation..\$159.00, Cellular One..\$76.42, Bureau of Admin..\$382.23:

Travel: Tom Fischbach..\$77.14, Leo Leshner..\$115.71, Gene Loeschke..\$152.25, Kathy Fischer..\$24.36, Charlene Millim..\$15.66, Danielle Radke..\$29.58, Gary Erickson..\$180.67:

Care of Poor: Rent – 4 recipients..Zumbaum Property Mgmt..\$149.00, Kurt Kruger..\$185.00, Ron Erdmann..\$190.00, Schrivers..\$145.00; Utilities – 2 recipients..Northern Elec..\$57.32, NWPS..\$190.00; Transportation – 21 recipients..Brown County..\$21.18, Emergency Poor Fund..\$22.00; Dr/Hospital – 3 recipients..Dr John Adams..\$62.04, Aberdeen Family Physicians..\$86.30, Avera St Lukes..\$3599.26; Burial – 1 recipient..Spitzer Osthus Funeral Home..\$10.00. All members present voting aye. Motion carried.

## PERSONNEL:



Moved by Wiese, seconded by Hansen to increase wage of Landfill part-time scale operator Don Fischer to \$10.43 per hour in anticipation of full-time. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Knecht to approve overtime for Extension employees during the Brown County Fair (August 16-23, 2004). All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Knecht to set wage for following part-time Brown County Fair Office employees at \$7.50 per hour, effective August 16 – August 24, 2004: LaVonne Wolf, Laura Boone and Bobbie Bierman. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Motion carried.

#### SPECIAL MALT BEVERAGE LICENSE NOTICE:

Moved by Wiese, seconded by Hansen to authorize advertising public hearing, to be held at 8:45 A.M. on the 10<sup>th</sup> day of August, 2004 in the Commissioner's Chambers, Courthouse Annex, Brown County, SD, to consider approval of the following Special Malt Beverage License Applications: Aberdeen Hockey Association, Brown County Fairgrounds Clubhouse, effective August 17, 18, 19, 20, 21 & 22, 2004. Centennial Village Inc., Brown County Fairgrounds Centennial Village, effective August 17, 18, 19, 20, 21 & 22, 2004. Boys & Girls Club, Brown County Fairgrounds Grandstand, effective August 16, 17, 18, 19, 20, 21 & 22, 2004. Aberdeen Abate, Brown County Fairgrounds Club House, effective August 28 & 29, 2004. All members present voting aye. Motion carried.

#### AMEND NOTICE ORDINANCE NO. 029:

Moved by Hansen, seconded by Wiese to amend notice and authorize re-advertising public hearing to consider amending Title 13, Second Revision Brown County Ordinances by adding new section to increase wheel tax, to be held in the Commissioner's Chambers, Courthouse Annex at 9:00 a.m., August 3, 2004. At the conclusion of the hearing the Brown County Commission may adopt first reading of Ordinance No. 029. All members present voting aye. Motion carried.

#### PREVENTION GRANT:

Moved by Wiese, seconded by Knecht to approve and authorize the Chairman sign Categorical Assistance Progress Report for the Brown County "Prevention and Intervention Programs for At-Risk and Detained Youth" Grant #2001-JS-FX-0014 for January 1, 2004 through June 30, 2004. All members present voting aye. Motion carried.

#### PLAT:

Commissioner Wiese offered the following Resolution:

#### RESOLUTION NO. 58-04

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Stange Lot 1 in NW ¼ Sec 26-T122N-R62W of 5<sup>th</sup> P.M., Brown County, SD", 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 Fischbach. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

#### SCHOOL DISTRICT MINOR BOUNDARY CHANGE:

Commissioner Knecht offered the following Resolution:

#### RESOLUTION NO. 59 -04

WHEREAS, Steven Neal and Elizabeth Tewksbury and Randy & Violet Tewksbury have petitioned for the transfer of the SE ¼ 26-121-61 Brown County, South Dakota, from the Groton Area School District 6-6 to the Conde School District No. 56-1; and the SE ¼ and the East 990' of the NE ¼ 14-121-60, Brown County, South Dakota from the Conde School District No. 56-1 to the Groton Area School District No. 6-6, and

WHEREAS, the boundary of the area to be transferred to the Conde School District No. 56-1 from the Groton Area School District No. 6-6, and the area to be transferred to the Groton Area School District No. 6-6 from the Conde School District No. 56-1 is coterminous at some point with the common boundaries of the Conde and Groton Area School Districts, and

WHEREAS, the area to be taken from the Groton Area School District No. 6-6, does not affect more than two percent (2%) of the assessed valuation of the Groton Area School District No. 6-6, and the area to be taken from the Conde School District No. 56-1 does not affect more than two percent (2%) of the Conde School District No. 56-1, and

WHEREAS, the requested transfer has been signed by over fifty percent (50%) of the electors residing in the area to be transferred, and

WHEREAS, copies of the petitions calling for transfer has been delivered to the Brown County Commissioners, and

WHEREAS, a map of the area proposed and detachment and annexation has been prepared, said map comprising a portion of the district from which the area is to be detached and annexed respectively, and

WHEREAS, a certified statement by the Brown County Auditor, setting forth the assessed valuation of the respective area to be transferred, the total valuation of the School District from which the area is to be removed, and the amount of the bond indebtedness of judgments against the respective School Districts, is attached hereto, and be referenced thereto is made a part hereof, and

WHEREAS, the Groton Area School District No. 6-6 has approved with respective detachments described above to the SE ¼ 26-121-61, Brown County, South Dakota and the Conde School District No. 56-1 has approved with respective detachments described above to the SE ¼ and East 990 feet of 14-121-60, Brown County South Dakota ,and

WHEREAS, the Groton Area School District No. 6-6 has approved the respective annexation described as the SE ¼ and East 990 feet of 14-121-60, Brown County, South Dakota and the Conde School District No. 56-1 has approved the respective annexation described as the SE ¼ 26-121-61, Brown County, South Dakota.

NOW, THEREFORE, IT IS THE ORDER OF THE BROWN COUNTY BOARD OF COMMISSIONERS:

1. That the SE ¼ 26-121-61, Brown County, South Dakota is detached from the Groton Area School District No. 6-6 and annexed to the Conde School District No. 56-1 and the SE ¼ and the East 990 feet of 14-121-60 is detached from the Conde School District No. 56-1 and annexed to the Groton Area School District No. 6-6.
2. To be effective July 20, 2004.

Seconded by Commissioner Hansen. Roll call vote: Hansen-aye, Feickert-aye, Knecht-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

**ABERDEEN CHAMBER:**

Representatives from the Aberdeen Chamber of Commerce Partners in Community Pride Committee met to formally thank the Commission and Mike Scott, Landfill Manager for participation in the Free Residential Cleanup Campaigns. Mike Scott distributed statistics comparing the 2003 and 2004 Spring Cleanup Campaigns by type of material brought to the Landfill.

**NEMHC 2005 BUDGET:**

Representatives from NEMHC presented Brown County July 2003 – June 2004 statistics and information in regard to the 2005 Northeastern Mental Health Center Budget request.

**SENATE REPORT:**

Sharon Stroschein, Field Office Representative for Senator Tim Johnson discussed several federal issues affecting counties, i.e. HAVA (Help America Vote Act) and Homeland Security; and further asked the Commission for questions, concerns or comments in regard to other federal issues.

**SHERIFF UPDATE:**

Mark Milbrandt and Tom Schmitt discussed a Homeland Security Grant and vehicles.

**GRANT AGREEMENT:**

Moved by Knecht, seconded by Wiese to approve and authorize the Chairman sign Grant Reimbursement Agreement for US DOJ for Domestic Preparedness FY2004 Law Enforcement Terrorism Prevention Program (LETPP) between Brown County and the SD Department of Public Safety in amount of \$148,742.61. All members present voting aye. Motion carried.

**INVENTORY TRANSFER:**

Moved by Knecht, seconded by Hansen to transfer Decal #3221, 1986 Ford Ambulance from Sheriff (Dive Team) to Emergency Management. All members present voting aye. Motion carried.

**INVENTORY DONATION:**

Moved by Knecht, seconded by Wiese to accept the following vehicle donation from the City of Aberdeen for use by the Brown County Dive/Rescue Team (Sheriff Department): Decal #3354, 1994 Ford Cayelcra AH valued at \$10,000.00. All members present voting aye. Motion carried.

**HIGHWAY UPDATE:**

Dirk Rogers, Highway Superintendent discussed equipment, closing portion of Brown County Road #6, personnel and water levels.

**INVENTORY TRANSFER/SALE:**

Moved by Hansen, seconded by Fischbach to transfer/sell Decal #1637, 1990 Chevrolet CK209 Pickup from the Highway Department to the Weed Department for \$2000.00. All members present voting aye. Motion carried.

**EXECUTIVE SESSION:**

Moved by Hansen, seconded by Wiese to go into executive session to discuss personnel with Dirk Rogers in attendance. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Wiese to adjourn executive session, with the following action taken as a result of discussion. All members present voting aye. Motion carried.

**PERSONNEL:**

Moved by Knecht, seconded by Wiese to approve employee status change for Rick Breitag from part-time seasonal to full-time employee at the Highway Department, effective August 30, 2004 at \$10.43 per hour. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to approve hiring Jon Koeniguer, as part-time seasonal highway employee, effective July 20, 2004 at \$8.38 per hour. All members present voting aye. Motion carried.

**FAIR UPDATE:**

Larry Gerlach, Fair Manager discussed preparations for the Fair and requested travel approval to Minot and Fargo. Board concurred.

**BASIN ELECTRIC:**

Representatives from Basin Electric explained and answered questions in regard to future expansion plans for Basin Electric.

**RECESS:**

The Chairman declared the Commission recessed until July 27, 2004.

Maxine Taylor – Brown County Auditor

**JULY 27, 2004- JOINT CITY/COUNTY MEETING**

The Brown County Commission and the Aberdeen City Commission met in joint session at 8:45 A.M. in the Brown County Commission Chambers, 25 Market Street, Aberdeen, South Dakota. Present from City were Commissioners Klabo, McQuillen and Mayor Levsen. Absent Commissioners Omland and Forkel. Present from County were Commissioners Hansen, Fischbach, Wiese and Feickert. Absent Commissioner Knecht.

**ORDINANCE NO. 04-07-01/297:**

On motion by Klabo and seconded by McQuillen, the City unanimously voted to continue public hearing on Ordinance No. 04-07-01/297 until 8:45 a.m., August 24, 2004.

Moved by Wiese, seconded by Fischbach to continue public hearing on Ordinance No. 04-07-01/297 until 8:45 A.M., August 24, 2004. All members present voting aye. Motion carried.

**ORDINANCE NO. 04-07-02/298:**

On motion by McQuillen and seconded by Klabo, the City unanimously voted to approve First Reading of Ordinance No. 04-07-02/298.

Moved by Fischbach, seconded by Wiese to approve First Reading of Ordinance No. 04-07-02/298, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 704 (R-2) Medium Density Residential District: The 137' next South of the North 274' of the East 318' of the NE ¼ of the SE ¼ of Sec 20-T123N-R63W, to be platted and known as Goetz Lot 1 of "Goetz Lot 1 in the NE ¼ of the SE ¼, Sec 20-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto. All members present voting aye. Motion carried.

The Aberdeen City Commission adjourned and the County Commission continued into regular meeting.

Maxine Taylor – Brown County Auditor

# JULY 27, 2004 – GENERAL MEETING

Meeting called to order by Chairman Feickert at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Fischbach and Wiese. Absent Commissioner Knecht.

## MINUTES:

Moved by Hansen, seconded by Wiese to approve the General Meeting minutes of July 20, 2004. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Fischbach, seconded by Wiese to approve the following claims:

Payroll: Commissioners..\$2,587.50; Auditor..\$6,017.95; Treasurer..\$8,358.75; Data Processing..\$1,601.93, State's Attorney..\$8,606.15; Victims Assistance..\$904.05; Maintenance..\$5,074.54, Assessor..\$7,391.14; Planning & Zoning..\$1,069.28; Register of Deeds..\$4,639.55; Veterans Service Office..\$2,357.75; Sheriff..\$56,039.74; DOJ Grant..\$2,583.01; Communications..\$14,900.85; Welfare Office..\$2,660.96; Museum..\$3,876.46; Fairboard..\$1,820.73; Fairgrounds & Parks..\$3,498.10; Extension..\$1,210.35; Weed..\$3,875.47; Emergency Management..\$2,164.65; Weed & Seed..\$1,067.31; Highway..\$35,643.74; Landfill..\$6,414.15; Matching Benefits: FICA..\$10,794.93, Medicare..\$2,524.59, Wellmark BCBS Life..\$673.46, Wellmark BCBS Health..\$52,408.54, Delta Dental..\$3,624.00, SD State Retirement..\$21,595.07;

Supplies: West Pub..\$364.00, Ecolab Pest..\$69.70, Custom Sheet Metal..\$115.50, Sanders Sew 'N Vac..\$107.10, House of Glass..\$44.68, Wright & Sudlow..\$3324.90, Heartland Paper..\$196.14, Menards..\$161.01, Nelson Auto..\$29.00, Rux Bros..\$37.80, New Trends..\$15.78, Best Business..\$216.17, Deluxe Car Wash..\$10.94, Velvet Uniforms..\$22.00, Parcel Erickson..\$65.00, OK Tire..\$89.25, MOCIC..\$195.00, Safety Service..\$226.28, Gardner Locksmith..\$143.50, Bonnie Bitz..\$452.00, Dept of Rev..\$735.00, Prairie Fire..\$9.96, Office Equip..\$250.00, Z&S Dust Control..\$4481.76, 3-D Spec..\$909.63, Specialty Mfg..\$11.10, Share Corp..\$75.00, Michael Todd..\$56.94, Lyle Signs..\$186.14, Lien Trans..\$1647.45, Larson Blacksmith..\$60.00, Lang's Audio..\$35.99, Koch Materials..\$6309.23, Diesel Machinery..\$3100.00, Dacotah Prairie Museum..\$4.44, Van Diest..\$14,760.90, Farm Power..\$28.32, Hedahls..\$101.02, Ed M Feld Co..\$500.00, City of Aberdeen..\$5285.00, Jodi Gerdes..\$78.98, Safe Harbor..\$2352.58, NECOG..\$1666.66, Brown County..\$2493.23, Quality Quick Print..\$1194.89, MTS..\$1945.00, Ben Hofer..\$255.10, Macs..\$29.02, TCR..\$62.15, J Gross Equip..\$1995.00, Galls Inc..\$1957.79, Western Printing..\$316.50, Claritus..\$247.00, Dakota Electronics..\$5754.00, Menards..\$1220.22;

Publications: American News..\$294.55, Dakota Press..\$511.75, Groton Indep..\$125.64, Ad Dept..\$108.00;

Professional Fees: witness fees..\$20.00, Rich Russman..\$2916.67, Kim Dorsett..\$2083.33, Avera St Lukes..\$3293.79, Aberdeen Family Physicians..\$35.70, Dakota Imaging..\$13.88, Aberdeen Advanced Care..\$253.14, NADRIC..\$1666.67, Brandon Leslie..\$150.00, Dept of Rev..\$87.00, Rapid City Hospital..\$219.00, Kevin Spitzer..\$416.53, Sheriff of Yankton County..\$33.00;

Court Appointed Attorney: Randy Turner..\$4166.67, Kuck Law Office..\$4166.67, Christy Serr..\$4166.67, William Gerdes..\$4166.67, Goetz & Klimisch..\$128.40;

Utilities: Cellular One..\$910.75, Midcontinent Cable..\$147.67, Montana-Dakota..\$30.50, Qwest..\$4437.20, AT&T..\$23.02, Northwestern Energy..\$1469.92;

Travel: Mike Wiese..\$6.96, Deb Knecht..\$109.90, Melissa Koester..\$38.57, Lorah Houser Jankord..\$30.16, Carol Sherman..\$57.88;

Care of Poor: Rent – 4 recipients..J&O Apts..\$190.00, Zumbaum Property..\$95.00, Cindy Stewart..\$167.70, Kurt Krueger..\$185.00; Transportation – 1 recipient..Aberdeen Advanced Care..\$153.52; Dr/Hospital - 3 recipients..Avera St Lukes..\$5782.74, North Central Heart..\$531.40, Heart Hospital of SD..\$7082.66; Burial – 1 recipient..Miller Huebl Funeral Home..\$1490.00; Insurance – 4

recipients..Celtic Ins Co..\$200.00, Aberdeen School Dist 6-1..\$622.20, Sioux Valley Health Plan..\$283.56, DakotaCare..\$314.26. All members present voting aye. Motion carried.

#### PERSONNEL:

Moved by Wiese, seconded by Hansen to approve the following employee step/longevity increase, effective, August 1, 2004: Dennis VanHeerde @ \$11.65 per hour. All members present voting aye. Motion carried.

#### TREE DISPOSAL FEE WAIVED:

Mike Scott, Landfill Manager recommended waiving tree disposal fee, effective at noon July 21 through July 24, 2004, due to wind storm. Board concurred.

#### WEED AND SEED:

Moved by Wiese, seconded by Hansen to approve and authorize the Chairman sign Categorical Assistance Progress Report for the Brown County Weed and Seed Grant #2002-WS-FX-0054 for January 1, 2004 through June 30, 2004. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Fischbach to approve the Brown County Weed and Seed Monthly Expenses for July 2004 (Year Two 2002-WS-QX-0054), in amount of \$7,751.59. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Wiese to approve the Brown County Weed and Seed Monthly Expenses for July 2004 (Year Three 2002-WS-QX-0054), in amount of \$5,312.47. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to approve the following Weed and Seed Year Two funding proposal: Dakota Square (security lighting), Aberdeen Area Boys and Girls Club (equipment), Teen Court (videos and equipment), NADRIC Avera St Lukes (speaker), as recommended by the Steering Committee. All members present voting aye. Motion carried.

#### LOTTERY APPLICATION:

Moved by Hansen, seconded by Fischbach to approve the following application, submitted by the Dakota Heritage Barbershop Chorus for raffle to be held during the 2004 Brown County Fair. All members present voting aye. Motion carried.

#### CLOSE FUNDS:

Moved by Hansen, seconded by Fischbach to close Fund #711.01 Wetlands by apportioning base amount of \$5,403.00 and current interest of \$108.36 to appropriate entities. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to close Fund #706.3 Sand Donations to the General Fund #101 in amount of \$2,144.00. All members present voting aye. Motion carried.

#### CHANGE FUNDS:

Moved by Hansen, seconded by Wiese to change the following from Agency Funds to Governmental Funds: Law Library from #704 to #239, Richmond Youth Camp from #711.02 to #243, Bench Donations/Fair from #706.1 to #244.1, Centennial Village Donations from #706.2 to #244.2, Victims Assistance Donations from #706.4 to #244.3, Veterans Service Donation from #706.8 to #244.4, Mosquito Spraying Donation from #706.9 to #244.5. All members present voting aye. Motion carried.

#### INCREASE SPENDING AUTHORITY/ESTIMATED REVENUE:

Moved by Hansen, seconded by Wiese to increase spending authority and estimated revenue for the following unanticipated reimbursements: Underage Drinking Control Grant #234-331.90 @ \$1208.99 and #234-211.01-411 @ \$1045.40, #234-211.01-412.01 @ \$64.81, #234-211.01-212.02 @ \$15.16, #234-211.01-413 @ \$83.62; Bullet Proof Vest Grant #234-331.04 and #234-211.03-426.03 @ \$285.00. All members present voting aye. Motion carried.

**LEASE AGREEMENT:**

Moved by Hansen, seconded by Wiese to approve agreement with Aberdeen Abate for lease of the Club House at the Fairgrounds on August 28, 2004. All members present voting aye. Motion carried.

**SHERIFF REPORTS:**

Moved by Fischbach, seconded by Wiese to approve the following June 2004 Sheriff Reports: Incidents and Offenses, Prisoner Care, JDC, Money deposited with the County Treasurer and Monthly activities. All members present voting aye. Motion carried.

**PLATS:**

Commissioner Fischbach offered the following Resolution:

**RESOLUTION NO. 60-04**

BE IT RESOLVED by the Board of Commissioners of Brown County, SD, that the plat showing "Patterson Addition in the NW¼ of Sec 13-T124N-R65W of the 5<sup>th</sup> P.M., Brown County, SD", 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. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-absent, Wiese-aye, Feickert-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

**RESOLUTION NO. 61-04**

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing plat of "Wrights Second Subdivision in the SE¼ of Sec 7-T123N-R62W of the 5<sup>th</sup> P.M., Brown County, SD", having been examined is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof.

Seconded by Commissioner Hansen. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-absent, Wiese-aye, Feickert-aye. Resolution adopted.

Commissioner Fischbach offered the following Resolution:

**RESOLUTION NO. 62-04**

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Stokes Addition in Prairiewood Village located in the S½ of Sec 33-T124N-R63W of the 5<sup>th</sup> P.M., Brown County, SD", 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. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-absent, Wiese-aye, Feickert-aye. Resolution adopted.



Commissioner Wiese offered the following Resolution:

**RESOLUTION NO. 63-04**

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Preszler's Addition in the SE¼ of NE¼ of Sec 22-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD", 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 Hansen. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-absent, Wiese-aye, Feickert-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

**RESOLUTION NO. 64-04**

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing "CT Ranch Subdivision in the SW¼ of Sec 10-T126N-R64W of the 5<sup>th</sup> P.M., Brown County, SD", having been examined is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof.

Seconded by Commissioner Fischbach. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-absent, Wiese-aye, Feickert-aye. Resolution adopted.

**FAIRGROUNDS BUILDING:**

Kurt Smith, Fairgrounds Superintendent and Larry Gerlach, Fair Manager met to discuss the proposed indoor arena and funding sources.

**BCCHC REPORT:**

DeAnna Kyburz presented the Brown County Community Health Center Report for April-June 2004.

**GRANT APPLICATION:**

Ted Dickey, NECOG presented application documentation for approval for a Community Access Grant. Moved by Fischbach, seconded by Hansen to approve and authorize the Chairman sign application for a SD Department of Transportation Community Access Grant for a project consisting of chip sealing one mile on Brown County Road #20 from Brown County Road #9 running south. All members present voting aye. Motion carried.

**APPLICATION FOR OCCUPANCY:**

Moved by Wiese, seconded by Hansen to approve and authorize the Chairman sign application, submitted by Northern Electric for occupancy of Brown County 378<sup>th</sup> Ave in Sec 22-T122N-R65W, Brown County, SD, for installation of single phase URD crossing. All members present voting aye. Motion carried.

**CLOSING AUDIT CONFERENCE:**

Kay Fredrick, Department of Legislative Audits met with the Commission for closing conference for audit of fiscal year 2003.

**RECESS:**

The Chairman declared the Commission recessed until August 3, 2004.

Maxine Taylor – Brown County Auditor

AUGUST 3, 2004- JOINT CITY/COUNTY MEETING

The Brown County Commission and the Aberdeen City Commission met in joint session at 8:45 A.M. in the Brown County Commission Chambers, 25 Market Street, Aberdeen, South Dakota. Present from City were Commissioners Klabo, McQuillen and Mayor Levsen. Absent Commissioners Omland and Forkel. Present from County were Commissioners Hansen, Fischbach, Wiese and Feickert. Absent Commissioner Knecht.

ORDINANCE NO. 04-07-02/298:

On motion by McQuillen and seconded by Klabo, the City unanimously voted to approve Second Reading of Ordinance No. 04-07-02/298.

On motion by McQuillen and seconded by Klabo, the City unanimously voted to adopt Ordinance No. 04-07-02/298.

Moved by Fischbach, seconded by Wiese to approve Second Reading of Ordinance No. 04-07-02/298. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Fischbach to adopt Ordinance No. 04-07-02/298, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 704 (R-2) Medium Density Residential District: The 137' next South of the North 274' of the East 318' of the NE ¼ of the SE ¼ of Sec 20-T123N-R63W, to be platted and known as Goetz Lot 1 of "Goetz Lot 1 in the NE ¼ of the SE ¼, Sec 20-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-absent, Wiese-aye, Feickert-aye. Ordinance adopted.

The Aberdeen City Commission adjourned and the County Commission continued into regular meeting.

Maxine Taylor – Brown County Auditor

## AUGUST 3, 2004 – GENERAL MEETING

Meeting called to order by Chairman Feickert at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Fischbach and Wiese. Absent Commissioner Knecht.

## MINUTES:

Moved by Fischbach, seconded by Wiese to approve the Joint City/County Meeting minutes and the General Meeting minutes of July 27, 2004. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Hansen, seconded by Wiese to approve the following claims:

Supplies: Office Equip..\$123.00, Langs..\$830.00, Dept of Revenue..\$499.00, Exec Mgmt..\$3225.10, Floor to Ceiling..\$530.76, Dakota Supply Group..\$110.67, Ecolab..\$74.00, Kesslers..\$79.77, Sanders Sew 'N Vac..\$463.91, New Trends..\$26.59, Best Business..\$172.72, Nat'l Sheriff Assn..\$210.00, Sewing Shop..\$7.00, Robinson Textile..\$91.36, Visa..\$61.56, Upper Plains Contracting..\$1664.58, Newman Signs..\$80.09, Michael Todd..\$279.84, Harms Oil..\$9721.60, Habecks..\$230.00, Diesel Machinery..\$3300.00, Lien Trans..\$173,691.29, Crawford Trucks..\$1469.48, Cole Papers..\$192.08, HC Clark..\$485.64, Butler Machinery..\$507.17, Bridgestone/Firestone..\$116.00, Cobblestone..\$29.95, Carol White..\$10.47, Nat'l Audio Video..\$104.00, ProAg..\$28.50, Century Business Products..\$70.00, Nasco..\$24.66, McMaster-Carr..\$74.40, Godfather's Pizza..\$53.46, Polk Directories..\$438.00, Office Max..\$152.68, Quality Quick Print..\$445.98, Macs..\$52.72, Fordham Signs..\$114.00, A-1 Sanitation..\$98.60, Tractor Supply..\$380.38, Mohr Const..\$2564.64, SD Wheat Growers..\$368.50, Farnam's..\$23.21, Walmart..\$284.99, Crescent Elec..\$580.87, Taylor Laundry..\$15.00, Woodman Refrig..\$426.52, McFarland Supply..\$16.83, Treasurer..\$209.16, Greenman Tech..\$28,588.72, OK Tire..\$8.00, Powerplan..\$1331.70, Newman Sign..\$269.18, Earth Tech..\$3992.95, Dawn Woods..\$885.00:

Publications: Groton Indep..\$285.93, American News..\$791.68:

Professional Fees: Avera St Lukes..\$59.00, Eide Bailly..\$238.50, Avera McKennan..\$178.30, Marv Ekeren..\$15.00, Nelva Kooistra..\$15.00, Donna Dietrich..\$120.07, witness fees..\$52.80:

Transcriptions: Tammy Erickson..\$75.00, Shepherd Reporting..\$87.50:

Court Appointed Attorney: Brevik & Thurman..\$381.86, Kettering Law Office..\$129.20, May & Johnson..\$668.40:

Utilities: Qwest..\$209.38, Midcontinent Cable..\$141.30, Northwestern Energy..\$7395.53, WEB..\$161.70, City of Aberdeen..\$529.86, Northern Elec..\$325.90, Cellular One..\$249.00:

Travel: Gene Loeschke..\$204.80, Larry Gerlach..\$340.95:

Care of Poor: Rent – 5 recipients..Danne..\$190.00, Ken Dohn..\$250.00, J&O Apt..\$230.00, Zumbaum..\$210.00, Arlan Anderson..\$190.00; Medications - 4 recipients..K-Mart Pharm..\$111.35, Dakota Square..\$284.60, Kessler Pharm..\$33.03; Transportation – 2 recipients..Brown County Highway..\$52.52; Dr/Hospital - 3 recipients..Avera St Lukes..\$2455.44, Aberdeen Family Physicians..\$28.70, Dakota Imaging..\$251.26; Burial – 1 recipient..Uttenhove Const..\$400.00; Insurance – 1 recipient..Dakotacare..\$267.81. All members present voting aye. Motion carried.

## PERSONNEL:

Moved by Wiese, seconded by Hansen to approve hiring Joel McMaster as a part-time JDC Officer, effective August 3, 2004 at \$8.90 per hour. All members present voting aye. Motion carried.

## ABATEMENT:

Moved by Wiese, seconded by Fischbach to approve the following abatement: Blackstone Developers LLC, property centrally assessed (Lt 1 Blackstone 2<sup>nd</sup> SD – RR ROW) for 2004 @ \$6,695.09. Roll call

vote: Commissioners Hansen-nay, Fischbach-aye, Knecht-absent, Wiese-aye, Feickert-aye. Motion carried.

**APPLICATION FOR OCCUPANCY:**

Moved by Hansen, seconded by Wiese to approve the following application, submitted by NorthWestern Energy for occupancy of Brown County Hwy 14 in Sec 22 & 27-T123N-R63W, Brown County, SD for installation of natural gas pipeline. All members present voting aye. Motion carried.

**ORDINANCE NO. 029:**

Moved by Fischbach, seconded by Wiese to approve First Reading of Ordinance No. 029, An Ordinance to amend Title 13 – Wheel Tax of Second Revision Brown County Ordinances, by adding Chapter 13.20 to impose an additional two dollars per wheel on all motor vehicles. All members present voting aye. Motion carried.

**TAXES UNCOLLECTIBLE:**

Moved by Wiese, seconded by Fischbach to declare the following taxes uncollectible: 1970 KIT Mobile Home SN 5182K in amount of \$117.12 (43-6-3), unit moved out of state. All members present voting aye. Motion carried.

**LANDFILL FUTURE EXPANSION:**

Mike Scott, Landfill Manager and Melanie Niday, Earth Tech met with the Commission to discuss the proposed drilling program at an estimated cost of \$40,770 and estimated associated costs of \$45,900 (well installation/soil borings) for the future landfill expansion area. Board concurred with plan.

**FAIR DISCUSSION:**

Larry Gerlach, Fair Manager informed the Commission that even though the Fair has a signed agreement with the Hockey Association for exclusive use of the new Hockey facility for a month for the Fair, Hockey Officials have informed the Fair Board that they cannot use the Concession Area and related office during this years Fair. The States Attorney has been notified of the situation.

**RECESS:**

The Chairman declared the Commission recessed until August 10, 2004.

Maxine Taylor – Brown County Auditor

# AUGUST 10, 2004 – GENERAL MEETING

Meeting called to order by Chairman Feickert at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Fischbach, Knecht and Wiese.

## MINUTES:

Moved by Wiese, seconded by Knecht to approve the Joint City/County Meeting minutes and the General Meeting minutes of August 3, 2004. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Knecht, seconded by Wiese to approve the following claims:

Payroll: Commissioners..\$2,587.50; Auditor..\$6,017.95; Treasurer..\$8,358.75; Data Processing..\$1,601.93; State's Attorney..\$8,619.75; Victims Assistance..\$904.05; Maintenance..\$5,108.94, Assessor..\$7,672.11; Planning & Zoning..\$1,082.32; Register of Deeds..\$4,657.15; Veterans Service Office..\$2,429.25; Sheriff..\$54,771.46; DOJ Grant..\$2,547.75; Communications..\$13,076.95; Welfare Office..\$2,660.96; Museum..\$3,931.66; Fairgrounds & Parks..\$3,483.52, Fairboard..\$1,820.73; Extension..\$1,202.54; Weed..\$3,788.54; Emergency Management..\$2,164.65; Weed & Seed..\$1,067.31, Highway..\$36,296.41; Landfill..\$6,224.00; Matching Benefits: FICA..\$10,642.56; Medicare..\$2,488.97;

Supplies: William Meink..\$237.95, Office Equip..\$151.52, New Trends..\$440.76, Office Max..\$925.54, Nat'l Veterans..\$87.50, HRS..\$5527.77, Sewing Shop..\$19.00, Dicks Westside..\$127.25, Cheryl Hairgrove..\$649.00, OK Tire..\$7.00, Darrels Sinclair..\$8.00, Duane Amoco..\$24.60, Quality Quick Print..\$2270.68, Dakota Electronics..\$1054.90, Velvet Uniforms..\$101.86, Accurint..\$19.25, Quality Welding..\$52.58, Bonnie Bitz..\$120.00, Safety Service..\$1343.89, Polk City Directories..\$453.00, Galls..\$107.38, Hoven Repair..\$364.23, Career Planning..\$620.50, Nat'l School Products..\$44.95, State of Health Products..\$317.50, Discover Films Video..\$162.41, Wallwork Truck Center..\$136.80, Tractor Supply..\$240.46, Hagan Ins..\$150.00, SDDOT..\$522.14, Sherbrooke Asphalt..\$73,820.35, Sheehan Mack Sales..\$2302.06, Share Corp..\$157.50, Runnings..\$901.28, Old Dominion Brush..\$629.85, Nelson Sales..\$12.46, Menards..\$1796.02, Macs..\$83.81, Lien Trans..\$161.29, Koch Materials..\$18,794.66, Interstate Battery..\$233.85, Heartland Paper..\$219.48, Great Western Tire..\$5805.78, Evergreen Supply..\$36.50, Erdmann Oil..\$5215.26, Dakota Fluid Power..\$422.69, Cartney Bearing..\$219.24, Best Business..\$8.39, Artz Equip..\$443.85, Ameripride..\$135.65, Aberdeen Chrysler..\$31.85, ProClean..\$3950.00, Schwan Welding..\$660.00, Sam's Sound..\$5350.00, Three Season Tents..\$6500.00, Westport Little League..\$50.00, Specialized Commications..\$1195.00, Civil Air Patrol..\$800.00, Dakota Team Penning..\$550.00, Papa Pizza..\$32.98, Creative Sign..\$437.85, HC Clark..\$75.00, Jan Beckler..\$175.00, Independence..\$350.00, Remily Parks..\$500.00, TBA Entertainment..\$60,940.00, Rio Hot Inc..\$40,000.00, Marsha Braun..\$45.00, Alice Bartell..\$45.00, Vicki Forkel..\$45.00, Sheri Mack..\$45.00, Norma Miller..\$50.00, Karen Geditz..\$40.00, Karen Wolter..\$30.00, Vicki Wilson..\$30.00, Elsie Wells..\$30.00, Dale Washnok..\$30.00, Dave Swain..\$30.00, Becky Thyen..\$30.00, Kara Paulson..\$30.00, Mary Ludwig..\$30.00, Susan Lehr..\$30.00, Carrie Lashly..\$30.00, Duane Jark..\$30.00, Barb Jansen..\$30.00, Jeannie Huettl..\$30.00, Pam Erickson..\$30.00, Tammy Dennert..\$30.00, Pat Dennert..\$30.00, Lois Davis..\$30.00, Joyce Dahme..\$30.00, Bobbie Bierman..\$30.00, Char Bachman..\$60.00, Natalie Geffre..\$30.00, 4-H Leaders Assn..\$5000.00, Linda Emery..\$30.00, Kaye Weber..\$20.00, Lindsey Schock..\$20.00, Kylee Habeck..\$20.00, Interstate Battery..\$94.95, Bricks Roto Rooter..\$3430.00, Amy Engelhart ..\$580.00, Lois Davis..\$30.00, Theatrical Media Services..\$13,700.00, Aberdeen Advanced Care..\$2208.00, Boy Scouts..\$2849.00, Frederick Community Club..\$6750.00, SD Nurses Assoc..\$800.00, Machinists Union 862..\$850.00, Westport Catholic Church..\$1000.00, Bethlehem Lutheran Church..\$2000.00, Midwest Golf Cars..\$5760.00, Jim River Riders..\$1500.00, Valerie Smith..\$1500.00, Korkow Rodeo..\$18,500.00, Kristin Gonsoir..\$125.00, Aberdeen Area Horse Assoc..\$200.00, Farm Power..\$43.30, Ken's Superfair Foods..\$455.00, Tractor Supply..\$9.00, Custom Glass..\$75.00, Liebelt Homes..\$350.00, Cross Country Courier..\$97.20, Airport Café..\$127.50, Di-An

Enterprises..\$750.00, Barb Crawford..\$18.23, Kesslers..\$191.65, Western Printing..\$246.80, Shelby Elsen..\$20.00, Shari Elsen..\$20.00, Jodi Artz..\$20.00, Evergreen Supply..\$4.65, Reuers Auto..\$101.37, ProAg Supply..\$550.40, Dakota Electronics..\$417.65, Jungle Lounge..\$158.47, Keypoints Training..\$3366.31, Glas Consulting..\$100.00, Dept of Rev..\$3112.64, JD Evans..\$477.74, Praxair..\$15.25, Hedahls..\$76.16, SDSWMA..\$750.00, Brown County..\$317.85, State Radio..\$1800.00, Amoco..\$145.17, Heartland Paper..\$78.43, SD Wheat Growers..\$162.23, Brown County Weed Board..\$101.06, Cunningham Elec..\$612.00, Swanson Elec..\$495.23, OK Tire..\$30.00, Gas 'N Goodies..\$3.50, Lutheran Social Services..\$14,679.64, Warner School Dist..\$1478.10, Christine Heidenreich..\$1032.75, NECOG..\$1324.70:

Publications: Groton Indep..\$345.54, American News..\$832.47:

Professional Fees: Pennington County Sheriff..\$3.00, Dr Susan Roe..\$250.00, NE Mental Health..\$73.15, SD Assoc of County Comm..\$145.00, witness fee..\$46.88:

Transcriptions: Sara VanDeWalle..\$22.80, Betsy Johnson..\$41.70:

Utilities: Cellular One..\$59.99, Verizon..\$142.74, Northwestern Energy..\$300.35, Northern Valley Comm..\$143.03, James Valley Coop..\$356.27, Town of Frederick..\$18.25, Dependable Sanitation..\$19,065.22, City of Aberdeen..\$2412.65:

Travel: Leo Leshner..\$175.36:

Care of Poor: Rent – 7 recipients..Danne..\$230.00, Chuck Currie..\$230.00, Northview Mobile Manor..\$60.00, Tom Hinz..\$190.00, Jim Lorenz..\$210.00, Harlan Pease..\$250.00, JoAnne Mehlhoff..\$150.00; Medications - 1 recipient..Econofoods..\$209.12; Transportation – 1 recipient..Jefferson Lines..\$169.05; Dr/Hospital - 4 recipients..Dr William Goumas..\$403.80, Northern Plains OMS..\$51.83, Avera St Lukes..\$1455.97; Insurance – 1 recipient..Celtic Ins..\$200.00; Utilities - 2 recipients..NWPS..\$190.00, Northern Elec..\$59.99, BDM Rural Water..\$40.00. All members present voting aye. Motion carried.

#### PERSONNEL:

Moved by Wiese, seconded by Fischbach to approve the following employee step/longevity increases, effective August 15, 2004: Sherri Rawstern @ \$11.51 per hour, John Heine @ \$16.02 per hour, Scott Kolb @ \$15.97 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Fischbach to acknowledge the resignation of Shana Theobald, as full-time Home Detention Officer (DOJ Grant), effective July 30, 2004. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to approve hiring Jamie Kern as part-time jailer for JDC, effective August 10, 2004 at \$8.90 per hour. All members present voting aye. Motion carried.

#### AUDITORS REPORT OF ACCOUNT:

Moved by Fischbach, seconded by Wiese to approve the July 2004 Auditor's Report of Account with the County Treasurer in total amount of \$8,804,651.52 (total amount of actual cash @ \$2,969.34, Wells Fargo Bank @ \$3,694.79, US Bank @ \$17,386.24, Dacotah Bank @ \$155,771.02, Petty Cash @ \$1,700.00, Fund Investments @ \$8,622,599.47, Outstanding checks @ \$530.66). All members present voting aye. Motion carried.

#### FIREWORKS PERMIT:

Moved by Knecht, seconded by Fischbach to approve and authorize the Chairman sign Fireworks Public Display Permit, submitted by Brown County Fair for a Class B Explosive Special Fireworks Display to be held on August 21, 2004 in the pit area at the Brown County Fairgrounds, Aberdeen, SD. All members present voting aye. Motion carried.

#### PROJECT LETTER:

Moved by Wiese, seconded by Hansen to approve and authorize the Chairman co-sign a letter with the President of the Dacotah Prairie Museum Foundation Board in regard to final payment for the Dacotah Prairie Museum Window and General Construction Contract. All members present voting aye. Motion carried.

**PLAT:**

Commissioner Wiese offered the following Resolution:

**RESOLUTION NO. 65-04**

BE IT RESOLVED by the Board of Commissioners of Brown County, SD, that the plat showing "Larson and Smith Addition in the NE ¼ of Sec 26-T123N-R61W of the 5<sup>th</sup> P.M., Brown County, SD," 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 Knecht. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

**SPECIAL MALT BEVERAGE LICENSE HEARING:**

Time and place, as advertised to consider approval for the following Special Malt Beverage License applications. Moved by Wiese, seconded by Knecht to approve and authorize the Chairman sign the following Special Malt Beverage License Applications for use at the Brown County Fairgrounds, located in the SW ¼ Sec 1-T123N-R64W (map indicating specific buildings on file with applications): Aberdeen Hockey Association at the Clubhouse, effective August 17, 18, 19, 20, 21 and 22, 2004 (contingent upon insurance); Centennial Village Inc at Centennial Village, effective August 17, 18, 19, 20, 21 and 22, 2003; Boys & Girls Club at the Grandstand, effective August 16, 17, 18, 19, 20, 21 and 22, 2004 (contingent upon insurance); Aberdeen Abate at the Clubhouse, effective August 28 & 29, 2004 (contingent upon insurance). All members present voting aye. Motion carried.

**ORDINANCE NO. 029:**

Moved by Wiese, seconded by Hansen to approve Second Reading of Ordinance No. 029, An Ordinance to amend Title 13 – Wheel Tax of Second Revision Brown County Ordinances, by adding Chapter 13.20 to impose an additional two dollars per wheel on all motor vehicles. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to adopt Ordinance No. 029, An Ordinance to amend Title 13 – Wheel Tax of Second Revision Brown County Ordinances, by adding Chapter 13.20 to impose an additional two dollars per wheel on all motor vehicles. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Ordinance adopted.

**SHERIFF BUDGET:**

Mark Milbrandt discussed current status of vehicles and 2005 budget request.

**WHEEL TAX/CAMPGROUND QUESTIONS:**

Carl Howard had questions about the wheel tax (maximum, when start, who covers) and the new campground area at the Fairgrounds (how financed). The additional wheel tax will be effective October 1, 2004 with a maximum of sixteen dollars on all vehicles. The campground was financed by individuals wishing to camp there in 2004 and 2005 at \$625 per lot.

**HIGHWAY UPDATE:**

Dirk Rogers, Highway Superintendent presented an update on current highway projects.

**ROAD/FIRE DISCUSSION:**

Paul Dennert, District 2 Legislator discussed the following 1) cost share paving of one mile of County Road #9, 2) Chamber desire for additional sales tax 3) reimbursement from insurance companies for fires set by individuals that go out of control.

**EM 2005 BUDGET:**

Freddie Robinson, EM Director discussed the 2005 EM Department Budget request.

**2005 PROVISIONAL BUDGET:**

Moved by Wiese, seconded by Hansen to approve the 2005 Provisional Budget and authorize advertising public hearing to be held in the Commissioner's Chambers, Courthouse Annex, at 9:00 A.M. on September 7, 2004. All members present voting aye. Motion carried.

**RECESS:**

The Chairman declared the Commission recessed until August 17, 2004.

Maxine Taylor – Brown County Auditor



AUGUST 17, 2004 – GENERAL MEETING

Meeting called to order by Chairman Feickert at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Fischbach, Knecht and Wiese.

MINUTES:

Moved by Wiese, seconded by Knecht to approve the General Meeting minutes of August 10, 2004. All members present voting aye. Motion carried.

CLAIMS:

Moved by Knecht, seconded by Wiese to approve the following claims:

Supplies: CDW Govt..\$571.99, Reserve Acct..\$5000.00, Ken's Superfair Foods..\$4.36, West Payment..\$962.00, Gardner Locksmith..\$96.18, Finishing Touch..\$10,300.99, Ecolab..\$67.00, Electronic Security..\$292.50, Runnings..\$122.96, Cunningham Elec..\$512.26, McFarland Supply..\$5.41, McDonald Supply..\$301.06, North Wind..\$85.72, Dakota Supply Group..\$235.88, Ameripride..\$125.82, City of Groton..\$125.24, Phillips 66..\$39.45, Langs..\$249.49, Bob Barker..\$108.37, US Marshall Service..\$1172.00, Matthew Bender..\$86.80, D&K Health Care..\$14.03, Medical Center Pharmacy..\$2577.08, Security Products..\$970.17, Moore Medical..\$245.71, Lust..\$302.73, Bureau of Information..\$1800.00, Evercom..\$1400.00, Galls..\$140.08, Double D Body Shop..\$29.40, Kesslers..\$332.95, Earthgrains..\$669.98, Centennial Village..\$20.00, Kleins..\$10.77, A&M Radio..\$50.00, Northern Valley Communications..\$25.90, Clear Channel Broadcasting..\$168.00, Quality Quick Print..\$1562.19, Chris Aman..\$100.00, UBC..\$14.37, ProAg Supply..\$50.90, Assoc of SD County Weed Board..\$216.20, Farm Power..\$59.95, CarQuest..\$17.16, Karl's..\$154.95, Walmart..\$58.62, SD Dept of Revenue..\$13.00, Northern Elec..\$58.42, Jodi Gerdes..\$37.76, FedEx..\$58.52, Frey's Electronics..\$352.00, Brick Propane..\$13.50, Nelson Auto..\$261.94, Outlaw Graphics..\$54.00, Bricks TV..\$645.17, Red Cross..\$150.00:

Publications: American News..\$1158.86:

Professional Fees: NE Mental Health..\$190.19, Yankton County..\$364.20, Donna Dietrich..\$120.57, Joan Kittleson..\$15.00, Nelva Kooistra..\$15.00, Fox, Youngberg..\$169.88, Lewis & Clark BHS..\$780.00, Brandon Leslie..\$350.00:

Transcriptions: Sara VanDeWalle..\$44.20:

Court Appointed Attorney: Christy Serr..\$313.80, Kelly Marnette..\$1116.00, Randy Turner..\$50.00:

Utilities: Dependable Sanitation..\$212.00, Northwest Energy..\$1056.47, Midcontinent Communications..\$80.00, Qwest..\$60.00, NRCTV..\$79.90, Northern Elec..\$676.94:

Travel: Mark Milbrandt..\$589.29:

Care of Poor: Rent – 4 recipients..Erik Stewart..\$460.00, Zumbaum Property..\$190.00, Kurt Kruger..\$185.00, Jim Bird..\$162.50; Medications – 4 recipients..Kessler Pharm..\$50.19, Medical Center Pharm..\$419.96; Transportation – 2 recipients..Emergency Poor Fund..\$45.00; Dr/Hospital -2 recipients..Dakota Imaging..\$121.62, Avera St Lukes..\$1585.20; Burial – 1 recipient..City of Aberdeen..\$350.00, Miller-Huebl Funeral Home..\$1785.00; Insurance – 1 recipient..Plains Commerce..\$370.00. All members present voting aye. Motion carried.

LOTTERY APPLICATION:

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman sign application, submitted by Rondell Robins 4-H Club for a raffle to be held during the Brown County Fair (August 17-22, 2004). All members present voting aye. Motion carried.

LEASE AGREEMENT:

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman sign agreement with Robert and Arlene Hixon for lease of approximately 10 acres in the W ½ of W ½ of N ½ of N ½ of NE ¼

Sec 6-T127N-R65W, Brown County, SD for year 2004. All members present voting aye. Motion carried.

**PERSONNEL:**

Moved by Knecht, seconded by Wiese to approve hiring Kimberly Droog as full-time Deputy Auditor for Elections, effective August 23, 2004 at \$9.73 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Fischbach to approve employee status change for Don Fischer from part-time to full-time scale operator at the Landfill, effective August 16, 2004 at \$10.43 per hour. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Wiese to approve hiring the following part-time employees to work at the Fairgrounds during the Fair, effective August 16, 2004: Tim Norton and Mike Sievers at \$7.35 per hour; Ryan Reinhardt, Mary Greely, Sarah Greely, Daniel Greely, Jason Weig and Gabriel Young at \$7.30 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Fischbach to approve hiring Sheri Gross as part-time scale operator at the Landfill, effective August 21, 2004 at \$10.35 per hour. All members present voting aye. Motion carried.

**WAIVE FEES – FALL CLEANUP:**

Moved by Wiese, seconded by Knecht to approve waiving fees for all materials at the Landfill ONLY from September 10 thru September 25, 2004 for the Fall RESIDENTIAL Cleanup. All members present voting aye. Motion carried.

**SCENIC BYWAY:**

Dean North and Bea Premack discussed the designation of Highway 10 as a South Dakota Scenic Byway at minimal cost to the County (signage). After discussion the following action ensued: Commissioner Wiese offered the following Resolution:

**RESOLUTION NO. 66-04**

WHEREA, South Dakota State Highway 10 is located in the northern portion of Brown County where it traverses some of the most productive farm and ranch land in that portion of the state; and

WHEREAS, Highway 10 passes through the James River Valley, an area rich in Indian lore and history; and

WHEREAS, Highway 10 cuts through Sand Lake National Wildlife Refuge, an area well known to hunters, bird watchers, and other outdoor enthusiasts; and

WHEREAS, Highway 10 is close to Aberdeen, Wylie Park Storybook Land and other Aberdeen attractions; and

WHEREAS, the designation of Highway 10 as a Scenic byway would complement the efforts of those promoting a Northern Route to the Black Hills; and

WHEREAS, encouraging tourism in other areas of Brown County will increase prosperity for the entire county.

NOW, THEREFORE, BE IT RESOLVED, that the Brown County Commissioners by and through this resolution does support and encourage the designation of Highway 10 as a South Dakota Scenic Byway and urges the South Dakota Department of Transportation designation as such.

Seconded by Commissioner Hansen. Roll call vote: Commissioner's Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

PLAT:

Commissioner Wiese offered the following Resolution:

**RESOLUTION NO. 67-04**

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing "Rieck-Angerhofer Subdivision in the NE ¼ of Sec 3-T121N-R64W of the 5<sup>th</sup> P.M., Brown County, SD", having been examined, is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof.

Seconded by Commissioner Hansen. Roll call vote: Commissioner's Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

**RESOLUTION OF PROCLAMATION:**

Commissioner Knecht offered the following Resolution:

**RESOLUTION NO. 68-04**

WHEREAS the use of illegal drugs and the abuse of alcohol and nicotine constitute the greatest threats to the well-being of America's children; and

WHEREAS surveys conducted by the National Center on Addiction and Substance Abuse at Columbia University have consistently found that the more often children and teenagers eat dinner with their families the less likely they are to smoke, drink and use illegal drugs; and

WHEREAS teenagers who virtually never eat dinner with their families are 72 percent more likely than the average teenager to use illegal drugs, alcohol and cigarettes; and

WHEREAS teenagers who almost always eat dinner with their families are 31 percent less likely than the average teenager to use illegal drugs, alcohol and cigarettes; and

WHEREAS the correlation between family dinners and reduced risk for teen substance abuse are well documented; and

WHEREAS, parental influence is known to be one of the most crucial factors in determining the likelihood of substance abuse by teenagers; and

WHEREAS family dinners have long constituted a substantial pillar of family life in America.

NOW THEREFORE, the Brown County Commission does hereby proclaim the fourth Monday in September as

***FAMILY DAY – A DAY TO EAT DINNER WITH YOUR CHILDREN***

and urge all citizens to recognize and participate in its observance.

Seconded by Commissioner Wiese. Roll call vote: Commissioner's Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

**HIGHWAY UPDATE:**

Dirk Rogers, Highway Superintendent presented an update on current highway projects. Susan Evans appeared in regard to section of township road from Brown County Road #13W one-mile west. The Commission referred Ms. Evans to the Aberdeen and Lincoln Township Officials.

**ROAD PROJECT:**

Vi Stoia, Jeff Senst and Bill Roth met to discuss project to reconstruct 24<sup>th</sup> Ave adjacent to US 281. Dirk Rogers was also in attendance. After discussion the following action ensued: Moved by Wiese, seconded by Hansen to approve and authorize the Chairman sign Property and Financial Agreement between the State of South Dakota, County of Brown and Avera St. Lukes Hospital for Reconstruction of 24<sup>th</sup> Ave Adjacent to US 281. All members present voting aye. Motion carried.

**RECESS:**

The Chairman declared the Commission recessed until August 24, 2004.

Maxine Taylor – Brown County Auditor

AUGUST 24, 2004- JOINT CITY/COUNTY MEETING

The Brown County Commission and the Aberdeen City Commission met in joint session at 8:45 A.M. in the Brown County Commission Chambers, 25 Market Street, Aberdeen, South Dakota. Present from City were Commissioners Forkel, McQuillen and Mayor Levsen. Absent Commissioners Omland and Klabo. Present from County were Commissioners Hansen, Fischbach, Knecht, Wiese and Feickert.

ORDINANCE NO. 04-07-01/297:

On motion by McQuillen and seconded by Forkel, the City unanimously voted to approve First Reading of Ordinance No. 04-07-01/297.

Moved by Knecht, seconded by Wiese to approve First Reading of Ordinance No. 04-07-01/297, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 714 (M-AG) Mini-Agricultural District: The East 594' of the South 1320' of the SW ¼ of Sec 26-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD, except that portion deeded for highway purposes, to be platted and known as Lots 1 and 2 of "Foote Creek Stables Addition in the SW¼ of Sec 26-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto. All members present voting aye. Motion carried.

EMERGENCY WARNING SYSTEMS:

Freddie Robinson, Emergency Management Director discussed emergency warning systems for new developments outside of current municipal boundaries. No action will be taken until more research is completed.

The Aberdeen City Commission adjourned and the County Commission continued into regular meeting.

Maxine Taylor – Brown County Auditor

# AUGUST 24, 2004 – GENERAL MEETING

Meeting called to order by Chairman Feickert at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Fischbach, Knecht and Wiese.

## MINUTES:

Moved by Knecht, seconded by Fischbach to approve the General Meeting minutes of August 17, 2004. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Hansen, seconded by Wiese to approve the following claims:

Payroll: Commissioners..\$2,587.50; Auditor..\$6,068.34; Treasurer..\$8,358.75; Data Processing..\$1,601.93, State's Attorney..\$8,619.75; Victims Assistance..\$904.05; Maintenance..\$5,099.34, Assessor..\$7,160.30; Planning & Zoning..\$1,043.20; Register of Deeds..\$4,657.15; Veterans Service Office..\$2,322.00; Sheriff..\$54,383.60; DOJ Grant..\$1,633.87; Communications..\$13,669.92; Welfare Office..\$2,660.96; Museum..\$3,959.26; Fairboard..\$1,865.03; Fairgrounds & Parks..\$4,051.48; Extension..\$2,028.19; Weed..\$3,207.84; Emergency Management..\$2,164.65; Weed & Seed..\$1,047.19; Highway..\$34,534.90; Landfill..\$6,337.12; Matching Benefits: FICA..\$10,512.25, Medicare..\$2,458.50, Wellmark BCBS Life..\$677.96, Wellmark BCBS Health..\$52,749.68, Delta Dental..\$3,600.00, SD State Retirement..\$21,350.89;

Supplies: Penton Tech..\$49.95, Heartland Paper..\$1807.84, Rux Bros..\$499.18, Aberdeen Carpet Cleaning..\$225.00, Best Business..\$224.78, US Gov't Printing..\$120.00, Security Products..\$21.63, SD Dept of Health..\$266.00, HRS..\$100.00, Bob Barker..\$78.74, Safety Service..\$124.76, Parcel Erickson..\$21.95, Dohns Dent Pro..\$49.95, Motorola..\$1268.00, Aberdeen Lock & Key..\$6.00, Trail King..\$896.91, Delwyn Tisher Sweeping..\$157.50, SDDOT..\$1739.24, Share Corp..\$280.00, Daniel Schinkel..\$500.00, North Wind..\$35.30, North Central Farmers Elev..\$13,057.70, Lyle Signs..\$544.55, Lien..\$3066.28, Larson Blacksmith..\$150.00, Koch Materials..\$122,456.23, Jensen Rock & Sand..\$6247.50, HF Jacobs..\$3248.19, Harms Oil..\$10,239.13, Freys Electronics..\$16.95, Farnams..\$29.35, Farm Plan..\$295.88, Diesel Machinery..\$186.05, Deutsch Trucking..\$1500.00, Crady's Radiator..\$156.00, Carquest..\$1257.30, Dependable Sanitation..\$159.00, Avera Queen of Peace..\$53.50, A&M Radio..\$198.00, Sherri Rawstern..\$14.82, UPS..\$131.45, City of Aberdeen..\$2780.00, NEOG..\$1666.66, Brown County..\$2863.65, Lutheran Social Services..\$16,842.64;

Publications: American News..\$604.25, Groton Indep..\$306.20;

Professional Fees: witness fees..\$310.64, Donna Dietrich..\$66.92, Bill Antonides..\$180.00, Nick Fischer..\$220.00, Local 503..\$5287.50, Northstar..\$10,280.49;

Transcriptions: Michelle Gaikowski..\$91.80;

Court Appointed Attorney: Brevik & Thurman..\$274.04;

Utilities: Cellular One..\$109.88, Qwest..\$5923.88, Northwestern Energy..\$1180.18, Northern Elec..\$7.10, City of Hecla..\$59.40, AT&T..\$22.96, Verizon..\$66.59, Wireless World..\$323.52, Bureau of Admin..\$630.98;

Care of Poor: Rent – 4 recipients..Kurt Kruger..\$185.00, Ron Erdmann..\$190.00, Park Village Court..\$125.00, Brian Boettcher..\$145.00; Dr/Hospital - 3 recipients..Avera St Lukes..\$1870.39, Dakota Plains Surgical Center..\$691.00; Insurance – 2 recipients..Dakotacare..\$314.26, Sioux Valley Health Plan..\$283.56; Utilities - 1 recipient..Northwestern Public Service..\$230.00. All members present voting aye. Motion carried.

## PERSONNEL:

Moved by Fischbach, seconded by Hansen to approve the following employee step/longevity increase, effective August 29, 2004: Alicia Dohn at \$11.76 per hour. All members present voting aye. Motion carried.

**WEED AND SEED:**

Moved by Knecht, seconded by Wiese to approve the Brown County Weed and Seed Monthly Expenses for July 2004 (Year Two 2002-WS-QX-0054), in amount of \$2,708.30. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Hansen to approve the Brown County Weed and Seed Monthly Expenses for July 2004 (Year Three 2002-WS-QX-0054), in amount of \$4,530.31. All members present voting aye. Motion carried.

**INCREASE SPENDING AUTHORITY/ESTIMATED REVENUE:**

Moved by Wiese, seconded by Knecht to increase spending authority (#234-215-422) and estimated revenue (#234-331.94) in amount of \$170.00 for Shelter Care Grant. All members present voting aye. Motion carried.

**LOTTERY APPLICATION:**

Moved by Fischbach, seconded by Wiese to approve application, submitted by Elm Lake Chapter Ducks Unlimited for raffle to be held on September 20, 2004. All members present voting aye. Motion carried.

**CLAIM ASSIGNMENTS:**

Moved by Fischbach, seconded by Hansen to approve and authorize the Chairman sign documentation to assign claims against individuals to L.F. Noll Inc. for purpose of collecting liens. All members present voting aye. Motion carried.

**PLATS:**

Commissioner Wiese offered the following Resolution:

**RESOLUTION NO. 69-04**

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Foote Creek Stables Addition in the SW ¼ of Sec 26-T123N-R64W of the 5<sup>th</sup> P.M, Brown County, SD", 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 Knecht. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

**RESOLUTION NO. 70-04**

BE IT RESOLVED by the Board of Commissioners of Brown County, SD, that the plat showing "Kamm Addition in the NE ¼ of Sec 34-T124N-R64W of the 5<sup>th</sup> P.M, Brown County, SD", 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 Fischbach. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

**HOSPITAL BILL:**

Moved by Knecht, seconded by Hansen to deny payment of a hospital bill, submitted by Avera St Lukes Hospital in amount of \$18,808.17 for a 36 year old male, as the individual has not provided sufficient information to determine indigency. All members present voting aye. Motion carried.

**HIGHWAY UPDATE:**

Dirk Rogers, Highway Superintendent presented an update on current highway projects. Vicki Wilson was also in attendance.

**RECESS:**

The Chairman declared the Commission recessed until August 31, 2004.

Maxine Taylor – Brown County Auditor



## AUGUST 31, 2004- JOINT CITY/COUNTY MEETING

The Brown County Commission and the Aberdeen City Commission met in joint session at 8:45 A.M. in the Brown County Commission Chambers, 25 Market Street, Aberdeen, South Dakota. Present from City were Commissioners Klabo, McQuillen and Mayor Levsen. Absent Commissioners Omland and Forkel. Present from County were Commissioners Hansen, Fischbach, Knecht and Feickert. Absent Commissioner Wiese.

## ORDINANCE NO. 04-07-01/297:

On motion by McQuillen and seconded by Klabo, the City unanimously voted to approve Second Reading of Ordinance No. 04-07-01/297.

On motion by Klabo and seconded by McQuillen, the City unanimously voted to adopt Ordinance No. 04-07-01/297.

Moved by Hansen, seconded by Knecht to approve Second Reading of Ordinance No. 04-07-01/297. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Hansen to adopt Ordinance No. 04-07-01/297 An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 714 (M-AG) Mini-Agricultural District: The East 594' of the South 1320' of the SW ¼ of Sec 26-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD, except that portion deeded for highway purposes, to be platted and known as Lots 1 and 2 of "Foote Creek Stables Addition in the SW¼ of Sec 26-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-absent, Feickert-aye. Ordinance adopted.

## JOINT FACILITY:

Aberdeen City Officials discussed a joint law enforcement facility.

The Aberdeen City Commission adjourned and the County Commission continued into regular meeting.

Maxine Taylor – Brown County Auditor

AUGUST 31, 2004 – GENERAL MEETING

Meeting called to order by Chairman Feickert at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Fischbach and Knecht. Absent Commissioner Wiese.

MINUTES:

Moved by Knecht, seconded by Fischbach to approve the Joint City/County Meeting minutes and the General Meeting minutes of August 24, 2004. All members present voting aye. Motion carried.

CLAIMS:

Moved by Knecht, seconded by Hansen to approve the following claims:

Supplies: SD Assoc of County Commission..\$1280.00, Brown County Tres..\$8.30, Menards..\$32.56, Chris & Dons..\$17.00, Erdmann Roto Rooter..\$105.00, UBC..\$27.35, Dakota Supply..\$186.35, Crescent Elec..\$166.99, Ecolab..\$97.50, McDonald Supply..\$144.65, Heartland Paper..\$146.02, Veterans Info Services..\$45.00, Dept of Revenue..\$1111.00, Securicor..\$99.22, Velvet Uniforms..\$264.61, Best Business..\$1330.64, Hofers Repair..\$22.00, Medtox..\$250.43, Share Corp..\$244.80, Pro Ag..\$311.20, Koch Materials..\$64,064.75, Jensen Rock & Sand..\$7619.25, Dave Gardner Trucking..\$1591.00, Fastenal..\$139.13, Farm Power..\$29.60, Diesel Machiney..\$3272.71, Dabbert Trucking..\$1365.00, Barnes Dist..\$95.49, Advanced Auto..\$18.34, Lora Schaunaman..\$14.39, Deb Many-Carson..\$40.24, Kesslers..\$23.25, Shopko..\$98.89, Climate Control..\$3813.50, Farnams..\$19.04, Herc-U-Lift..\$398.70, Cartney Bearing..\$35.53, Runnings..\$138.41, Macs..\$69.98, Office Max..\$225.07, Diann Steinheuser..\$113.40, VanDiest..\$8890.50, Ameripride..\$101.88, Graham Tire..\$71.62, Hedahls..\$14.80, Town & Country..\$25.14, George Cassanova..\$40.94, Aberdeen Awards..\$7.00, Aberdeen Police Dept..\$429.12, Aberdeen Ride Line..\$250.00, Aberdeen Fire & Hazmat..\$3991.22, Lynn DeYoung..\$200.00, Brown County Communications..\$100.00, Godfather's Pizza..\$53.46, New Trends..\$26.54, Palmer Dist..\$60.00, Butler Machinery..\$540.41, HF Jacobs..\$3899.03, Pierson Ford..\$408.52, Service Signs..\$790.50, Earth Tech..\$1475.92, MVTL..\$54.40, RDO..\$5882.00, Overhead Door..\$91.84:

Publications: American News..\$271.26, Groton Dakota Press..\$947.03:

Professional Fees: Richard Russman..\$2916.67, Kim Dorsett..\$2083.33, Avera St Lukes..\$4200.76, Avera United Clinic..\$41.30, Yankton County Sheriff..\$16.50, NADRIC..\$1666.67:

Transcriptions: Neal Reporting..\$95.00:

Court Appointed Attorney: Randy Turner..\$4166.67, Kuck Law Office..\$4166.67, Christy Serr..\$4166.67, William Gerdes..\$4166.67, Fox Youngberg..\$169.88:

Travel: Gene Loeschke..\$212.80, Leo Leshner..\$271.68, Ginger Walker..\$17.60, Laurel Busch..\$305.28:

Utilities: Qwest..\$311.85, Midcontinent Cable..\$250.82, Cellular One..\$935.42, Northwestern Energy..\$1445.12, Montana Dakota..\$28.91, Northern Elec..\$281.40, Richmond Lake Sanitary Dist..\$612.50, WEB..\$40.84, A-1 Sanitation..\$96.85:

Care of Poor: Rent – 3 recipients – Robert Muldoon..\$168.00, Jim Bird..\$162.50, Danne..\$190.00; Medications – 8 recipients – Jones Drugs..\$26.94, Dakota Square Pharm..\$235.30, K-Mart Pharm..\$357.41, Walmart..\$159.26; Dr/Hospital – 2 recipients – Avera St Lukes..\$1190.00, North Central Heart Institute..\$311.50; Utilities – 1 recipient – NWPS..\$161.93. All members present voting aye. Motion carried.

PERSONNEL:

Moved by Fischbach, seconded by Hansen to acknowledge the resignation of Jodi Gerdes, Weed and Seed Coordinator, effective September 14, 2004. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Knecht to acknowledge the resignation of Mandy Pettigrew, Jail Correctional officer, effective September 3, 2004. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Knecht to acknowledge the following miles driven and amount to be taxed for personal use of County vehicles during April, May and June 2004: Richard Burns – 182 @ \$59.15, Dirk Rogers – 1854 @ \$602.55, Mike Scott – 472 @ \$153.40. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Fischbach to approve the following volunteers for work comp purposes: Fair Board – Chad Bierman, Judy Bretsch, Barb Crawford, Fae Dayton, Tammy Dennert, Arnold Dinger, Colin Dutenhoffer, Curt Erickson, Sheryl Erickson, Bob Haak, Mike Hassebroek, Roger Huettl, Duane Jark, Joey Kaven, Barb Kusler, Mark Nelson, Barb Paepke, Jamie Pulfrey, Herb Schaunaman, Jacie Schley, Deb Schlosser, Brian Sharp, Gerald Signs, Marlys Volzke; Dive Team – Richard Ademan, Trent Anderson, Matt Farley, Steven Hairgrove, Mike Miller, Tom Tarnowski, Kevin Vaughn, Dave Volek, Brad Waage, Kent Warrey; CERT/Citizens Corp – Becky Berreth, Marvin Dreesen, Barry Eske, Randy Imberi, Brian Johnson, Tony Jones, Tom Kessler, Randall Kingery, Scott Meints, Roland Moerke, Jill Reber, Lynn Reber, David Shultis, Justin Shultis, Donna Stearns, Rose Thornton, Merle Voeller. All members present voting aye. Motion carried.

#### REQUEST FOR PAYMENT:

Moved by Hansen, seconded by Knecht to approve and authorize the Chairman sign reimbursement request for the Brown County Solid Waste Management Program Grant for tire removal in amount of \$14,269.36 (50/50 match \$28,538.72 total expenditure). All members present voting aye. Motion carried.

#### PREVENTION GRANT:

Moved by Knecht, seconded by Hansen to approve and authorize the Chairman sign letter of request for a 12-month project period extension on the “Prevention and Intervention Programs for At-Risk and Detained Youth Project”, award #2001-JS-FX-0014. All members present voting aye. Motion carried.

#### SPECIAL MALT BEVERAGE LICENSE:

Moved by Hansen, seconded by Fischbach to authorize advertising a public hearing to consider application, submitted by the Boys and Girls Club for a Special Malt Beverage License, effective September 11, 2004 – Brown County Fairgrounds (Expo) SW ¼ Sec 1-T123N-R64W, Brown County, SD. All members present voting aye. Motion carried.

#### PLATS:

Commissioner Hansen offered the following Resolution:

#### RESOLUTION NO. 71-04

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing “Harry’s First Addition to Outlot “H” to the Town of Ferney, Brown County, SD”, 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 Knecht. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-absent, Feickert-aye. Resolution adopted.

Commissioner Fischbach offered the following Resolution:

#### RESOLUTION NO. 72-04

2/00

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Luedeke 1<sup>st</sup> Subdivision in SE ¼ Sec 18-T121-R62W of 5<sup>th</sup> P.M., Brown County, SD", 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 Knecht. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-absent, Feickert-aye. Resolution adopted.

**EXECUTIVE SESSION:**

Moved by Fischbach, seconded by Hansen to go into executive session for personnel discussion (union negotiations). All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Hansen to adjourn executive session with no action taken as a result of discussion. All members present voting aye. Motion carried.

**VEHICLE DISCUSSION:**

Freddie Robinson discussed exchanging vehicle being used by the dive team for a van to be donated by the City. Board concurred.

**RECESS:**

The Chairman declared the Commission recessed until September 7, 2004.

Maxine Taylor – Brown County Auditor

# SEPTEMBER 7, 2004 – GENERAL MEETING

Meeting called to order by Chairman Feickert at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Fischbach, Knecht and Wiese.

## MINUTES:

Moved by Knecht, seconded by Hansen to approve the Joint City/County Meeting minutes and the General Meeting minutes of August 31, 2004. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Hansen, seconded by Wiese to approve the following claims:

Payroll: Commissioners..\$2,587.50; Auditor..\$6,416.07; Treasurer..\$8,362.99; Data Processing..\$1,601.93; State's Attorney..\$8,271.91; Victims Assistance..\$904.05; Maintenance..\$5,067.32, Assessor..\$7,307.39; Planning & Zoning..\$1,043.20; Register of Deeds..\$4,657.15; Veterans Service Office..\$2,286.25; Sheriff..\$55,264.73; DOJ Grant..\$1,822.74; Communications..\$13,083.01; Welfare Office..\$2,660.96; Museum..\$3,963.26; Fairgrounds & Parks..\$7,773.86, Fairboard..\$13,958.21; Extension..\$2,601.89; Weed..\$4,156.21; Emergency Management..\$2,164.65; Weed & Seed..\$1,027.18, Highway..\$34,965.91; Landfill..\$6,798.14; Matching Benefits: FICA..\$11,727.16; Medicare..\$2,742.70:

Supplies: GlaxoSmithKline..\$242.50, NADA..\$220.00, RE Huffman..\$736.00, Quality Quick Print..\$141.27, Woodman Refrigeration..\$4641.00, Runnings..\$110.07, Nelson Auto..\$149.64, Office Max..\$41.74, Brown County Community Health..\$21.00, Accurant..\$29.75, Duanes Amoco..\$25.80, Bonnie Bitz..\$144.00, Avera St Lukes..\$45.00, Kmart..\$24.80, Safety Service..\$42.00, Parcel Erickson..\$23.50, Velvet Uniforms..\$53.64, Diane Mielke..\$29.11, SD Fed Property..\$100.00, Ultramax..\$955.00, Evercom..\$1400.00, Walmart..\$425.11, Pioneer Ford..\$273.28, Bob Barker..\$86.52, Galls..\$83.96, West..\$95.00, Exec Mgmt..\$2504.15, Best Business..\$10.74, Kevin Bourdon..\$2085.50, Bridgestone/Firestone..\$417.04, Butler Machinery..\$311.68, Crawford Trucks..\$1130.16, Diamond Mowers..\$195.58, Diesel Machinery..\$1600.00, Fastenal..\$171.79, Great Western Tire..\$1597.21, Harms Oil..\$9978.43, Howell Trucking..\$960.00, HF Jacobs..\$7055.65, Jensen Rock & Sand..\$3678.90, Koch Materials..\$37,235.12, Lien Transportation..\$18,388.33, Macs..\$98.48, North Central Rentals..\$3500.00, Sherbrooke Asphalt..\$109.80, Tractor Supply..\$258.83, Nick Fischer..\$445.00, Bill Antonides..\$392.50, Carol White..\$25.09, UBC..\$22.44, Sherwin Williams..\$61.17, Aberdeen Awards..\$7.00, Century Business Prod..\$111.40, Van Diest..\$603.90, Chris & Dons Repair..\$317.00, Graham Tire..\$24.38, Menards..\$37.39, Macs..\$17.90:

Publications: American News..\$473.32:

Professional Fees: Dawn Woods..\$826.00, Avera United Clinic..\$28.70, Avera St Lukes..\$626.96, Eide Bailly..\$238.50, Christine Heidenreich..\$1206.00, witness fee..\$20.00:

Court Appointed Attorney: May & Johnson..\$522.30, Kelly Marnette..\$1008.00:

Travel: Larry Gerlach..\$90.55, Gary Erickson..\$11.00:

Utilities: Northwestern Energy..\$6738.46, City of Aberdeen..\$811.42, Midcontinent..\$38.15, Qwest..\$40.27, Town of Frederick..\$18.25, James Valley..\$147.38, Northern Valley..\$558.11:

Care of Poor: Rent – 4 recipients..Robert Muldoon..\$210.00, Zumbaum Property..\$190.00, Don Peck..\$190.00, Ann Storm..\$250.00; Medications – 4 recipients..Medical Center Pharm..\$293.74, Kessler Pharm..\$92.92; Transportation – 1 recipient..Jefferson Lines..\$72.00; Dr/Hospital - 3 recipients..Avera St Lukes..\$11,147.66, Dakota Imaging..\$207.16, Orthopedic Surgery..\$524.89; Insurance - 1 recipient..Celtic Ins..\$200.00; Utilities - 3 recipients..NWPS..\$172.84, City of Aberdeen..\$245.65. All members present voting aye. Motion carried.

## PERSONNEL:

Moved by Hansen, seconded by Wiese to approve the following employee step/longevity increases, effective September 12, 2004: Ben Hofer @ \$11.37 per hour, Kathy Schlecht @ \$12.11 per hour, ✓

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Marjorie Lammon @ \$10.34 per hour, Kathy Fischer @ \$11.52 per hour, David Koch @ \$10.34 per hour. All members present voting aye. Motion carried.

#### AUDITORS REPORT OF ACCOUNT:

Moved by Knecht, seconded by Hansen to approve the August 2004 Auditor's Report of Account with the County Treasurer in total amount of \$8,846,060.77 (total amount of actual cash @ \$3,162.68, Wells Fargo Bank @ \$3,694.79, US Bank @ \$48,751.93, Dacotah Bank @ \$95,468.93, Petty Cash @ \$1,700.00, Fund Investments @ \$8,684,645.12, Outstanding Checks @ \$8,637.32). All members present voting aye. Motion carried. ✓

#### TEEN COURT PROCLAMATION:

Commissioner Wiese offered the following Resolution:

#### RESOLUTION NO. 73-04 ✓

WHEREAS, Brown County Teen Court is a 90-day, voluntary diversion program that offers juvenile offenders an alternative to appearing in formal Court. Teen Court is based upon a referral from the Brown County State's Attorney. Teen Court holds sessions every other Thursday evening from 6:00 to 9:00 p.m. in the 3<sup>rd</sup> floor courtroom of the courthouse; and

WHEREAS, all members of the Teen Court, with the exception of the judge, who is a volunteer local attorney, are teens who have participated in training for their respective positions, or teens that are required to participate as a juror, resulting from their Teen Court sentence; and

WHEREAS, sentencing options include: community service hours; teen court jury sessions; drug and alcohol classes; written or personal apology to victims, parents, police officers, etc.; restitution; shoplifting classes; research paper; curfew; restriction of driving privileges; and other options as agreed upon by the jury; and

WHEREAS, Teen Court has been in existence since November of 1997. Currently there are over 15 teens volunteering their time to the program. These teens receive no school credits, are not reimbursed for mileage or any other related expenses. The volunteers drive in from Warner, Frederick and Groton on their own to donate their time and energy to make the program a success; and

WHEREAS, this year, youth and adult volunteers in the area have committed more than 1,832 hours of service to Brown County Teen Court. In addition, youth court respondents and volunteers have provided more than 1,543 hours of community service to countless nonprofit organizations in the County. The program has also been a positive force in the lives of more than fifty-nine youth respondents this year, by providing them a second chance while holding them accountable for their behavior; and

WHEREAS, Teen Court volunteers and participants are attempting to use positive peer pressure to correct the actions and attitudes of their fellow classmates. Through this positive intervention by these young people, Brown County is a healthier, safer and better place to live.

NOW, THEREFORE, the Brown County Commission does hereby proclaim September 13, 2004, as Teen Court Day in Brown County, SD. It is the hope that young people will continue to support this worthwhile program and volunteer their time, talents and efforts to keep Teen Court an integral component of the juvenile justice system.

Seconded by Commissioner Fischbach. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

1/03

**SET HEARING DATE:**

Moved by Hansen, seconded by Knecht to set public hearing for 8:45 a.m. on September 28, 2004 in the Brown County Commission Chambers, Courthouse Annex for First Reading of Ordinance No. 04-09-06/299 (Rathert), An Ordinance Amending Ordinance No. 1164 to rezone the following property from Section 701 (A-1) Agricultural District to Section 714 (M-AG) Mini-Agricultural District: Plat of "River Horse Subdivision in the NE ¼, Sec 4-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD"; the SE ¼ of the SE ¼ of Sec 4-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD, to be platted and known as "Rathert Addition in the SE ¼ of the SE ¼ of Sec 4-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto. All members present voting aye. Motion carried. ✓

**SPECIAL MALT BEVERAGE LICENSE HEARING:**

Time and place, as advertised to consider approval for the following Special Malt Beverage License application. Moved by Fischbach, seconded by Wiese to approve and authorize the Chairman sign the following Special Malt Beverage License Application for use at the Brown County Fairgrounds, located in the SW ¼ Sec 1-T123N-R64W (map indicating specific buildings on file with applications): Boys & Girls Club at the Holum Expo Building, effective September 11, 2004. All members present voting aye. Motion carried. ✓

**SOLID WASTE SPECIAL ASSESSMENT FEES – 2005:**

Commissioner Hansen offered the following Resolution:

**RESOLUTION NO. 74-04**

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, prior to the second Tuesday in September.

NOW, THEREFORE BE IT RESOLVED, that the following Solid Waste Special Assessment fees shall be effective January 1, 2005 through December 31, 2005, for the Brown County Sanitary Landfill:

**SOLID WASTE SPECIAL ASSESSMENT FEE SCHEDULE  
(Billed with the Real Estate Tax Notice)** ✓

1. Households within Incorporated Cities or Civil Townships that require curb service @ \$15.00 per year
2. Households within Incorporated Cities or Civil Townships that do not require curb service @ \$65.00 per year
3. Condominiums taxed as single units within Incorporated Cities or Civil Townships that require curb service @ \$15.00 per year
4. Condominiums taxed as single units within Incorporated Cities or Civil Townships that do not require curb service @ \$65.00 per year
5. Apartment Units within incorporated Cities that require curb service @ \$ 7.00 per unit per year
6. Seasonal Lake Cabins @ \$25.00 per year

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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 @ \$15.00 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 @ \$65.00 per unit per year

Dated this 7th day of September 2004.

Seconded by Commissioner Fischbach. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

**SW EQUALIZATION NOTICE:**

Moved by Wiese, seconded by Hansen to authorize advertising the Solid Waste Special Assessment Equalization Notice. All members present voting aye. Motion carried.

**2005 PROVISIONAL BUDGET HEARING:**

Time and place, as advertised for public hearing for the 2005 Provisional Budget. No one appeared.

**ASSISTANCE DENIAL FAIR HEARING:**

As requested by an individual, the Commission conducted a fair hearing in regard to the rejection of the individual's request for county assistance with medical bills. After discussion the following action ensued. Moved by Fischbach, seconded by Hansen to deny request for assistance based on SDCL 28-13-27 (6b). All members present voting aye. Motion carried.

**HIGHWAY UPDATE:**

Dirk Rogers, Highway Superintendent discussed equipment, work schedule, overtime and current projects.

**EXECUTIVE SESSION:**

Moved by Fischbach, seconded by Wiese to go into executive session for personnel discussion with Dirk Rogers in attendance. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Knecht to adjourn executive session with no action taken as a result of discussion. All members present voting aye. Motion carried.

**RECESS:**

The Chairman declared the Commission recessed until September 14, 2004.

Maxine Taylor – Brown County Auditor



4/05

# SEPTEMBER 14, 2004 – GENERAL MEETING

Meeting called to order by Chairman Feickert at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Fischbach, Knecht and Wiese.

## MINUTES:

Moved by Knecht, seconded by Hansen to approve the General Meeting minutes of September 7, 2004. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Hansen, seconded by Knecht to approve the following claims:

Supplies: Office Equip..\$977.37, Intuit..\$818.00, SD Continuing Legal Ed..\$500.00, Quality Quick Print..\$305.87, New Trends..\$169.23, Mathew Bender..\$25.20, Nat'l College of Dist Attny..\$1150.00, Macs..\$53.55, Nelson Sales..\$138.99, Court Street Lighting..\$3.04, Dakota Supply Group..\$8.14, Cunningham Elec..\$171.01, Taylor Laundry..\$21.00, Wallwork..\$37.36, Specialty Mfg..\$188.98, SD Fed Property..\$1889.00, SD Division of Motor Vehicles..\$13.00, SDDOT..\$16862.28, Sheehan Sales..\$1503.89, Office Max..\$234.45, Newman Signs..\$396.00, Midwest Pump & Tank..\$594.70, Menards..\$2085.64, Lyle Signs..\$55.00, Lien Transportation..\$124,075.21, Larson Blacksmith..\$20.00, Koch Materials..\$4675.96, Interstate Battery..\$70.95, Huron Culvert..\$6113.76, Graham Tire..\$16.43, Freys Electronics..\$8496.00, Farm Plan..\$2408.95, Evergreen Supply..\$99.90, Erdmann Oil..\$4426.02, Economy Oil..\$735.25, Dakota Oil..\$2124.65, Dakota Fluid Power..\$1258.78, Cartney Bearing..\$503.45, Carquest..\$1282.39, Artz Equip..\$63.78, American Linen..\$159.51, Clear Channel Broadcasting..\$168.00, A&M Radio..\$50.00, SD Magazine..\$214.00, Ameripride..\$419.99, Glas Consulting..\$75.00, Jensen Rock..\$630.00, Swanson Elec..\$8883.26, Herc-U-Lift..\$131.97, Farnams Genuine Parts..\$7.99, Midwest Pest Control..\$83.00, Kens Alignment..\$46.35, A-1 Sanitation..\$234.30, Mattern Elec..\$2508.00, SD Wheat Growers..\$162.23, Florence Kraus..\$60.00, Brett Oelke..\$195.00, Bev Schwarting..\$30.00, Cassie Guthmiller..\$30.00, Randy Wirt..\$210.00, Matt Gunderson..\$130.00, Deb Pauli..\$135.00, Mary Odland..\$100.00, Sheri Mack..\$45.00, Justin Fuechte..\$145.00, Jeff VanderWal..\$140.00, Collin Galbreath..\$150.00, Ben Galbreath..\$100.00, Carol Storley..\$30.00, Barb Jansen..\$30.00, Irene Plummer..\$30.00, Judy Gulleeson..\$30.00, Diane Fields..\$30.00, Elsie Wells..\$30.00, Martha Mehlhaff..\$30.00, Kara Paulson..\$30.00, Susan Lehr..\$30.00, Pam Erickson..\$30.00, Jeannie Huettl..\$30.00, Kathy Novstrup..\$30.00, Marjorie Krueger..\$30.00, Linda Gengerke..\$30.00, Jeannette Lunders..\$45.00, Jon Oster..\$30.00, Barb Hoops..\$30.00, Ruth Casanova..\$30.00, Susan Gerlach..\$30.00, Don Begalka..\$55.00, Service Signs..\$1282.75, Rob Waltman..\$220.00, Millstone..\$360.00, Gompf Displays..\$1785.00, Midwest Golf Cars..\$523.50, Country Weekly..\$26.01, Photo Express..\$201.69, Hardees..\$596.02, AmericInn..\$1700.00, Hagen Ins..\$183.00, Hog Wild..\$172.00, Aberdeen Jaycees..\$1188.00, Kesslers..\$289.38, Paper Warehouse..\$39.62, Deb Schlosser..\$10.00, Mark Nelson..\$29.02, Barb Crawford..\$27.24, Papa Johns..\$320.38, Evergreen Supply..\$9.50, Glacial Lakes..\$125.00, Shopko..\$41.69, OK Tire..\$145.00, Walmart..\$36.47, HRS..\$367.75, Runnings..\$118.14, Janene Papendick..\$40.77, Dietrich..\$1264.80, UPS..\$15.90, Schumacher Sales..\$104.50, Kens Superfair Foods..\$1203.98, RadioShack..\$109.98, Evergreen Supply..\$4.65, Freys Electronics..\$2670.00, VanDiest..\$3323.10, Graham Tire..\$409.07, Advanced Auto..\$32.88, Cartney Bearing..\$33.30, ProMap..\$12,000.00, Chamber of Commerce..\$25.00, SD Dept of Rev..\$3113.56, PowerPlan..\$129.76, Hub City Rents..\$38.75, Sheehan Mack Sales..\$201.80, MVTL Labs..\$811.48, JD Evans..\$1574.77, Bricks TV..\$1130.00, Brick Propane..\$13.50, Nelson Sales..\$4.80, OK Tire..\$16.00, GeniusWeb..\$29.97, Praxair..\$15.70, Tractor Supply..\$4299.98, Laurie Hadrick..\$179.20, Fleet Mgmt..\$44.96, FedEx..\$15.52, Office Max..\$172.47, State Property Mgmt..\$28.18, SD Law Review..\$28.30, State Bar of SD..\$180.00, West Payment Center..\$2233.50, Language Line Service..\$99.75, CSD..\$40.00, Brown County Highway..\$2628.57, Hewlett-Packard Company..\$1590.00:

Publications: American News..\$306.14, Groton Indep..\$330.16, Tribune..\$15.85, Midland Press..\$15.90:

Professional Fees: Cass County Sheriff Dept..\$17.00, Career Planning..\$726.75, Avera St Lukes..\$701.47, Dr John Carrels..\$69.28, Yankton County Sheriff..\$66.00, Donna Dietrich..\$241.89, Don Carlson..\$15.00, Marv Ekeren..\$15.00, NEMHC..\$365.75, Lewis & Clark BHS..\$260.00, NEOG..\$1647.94, Warner School..\$852.75:

Transcriptions: Tammy Erickson..\$45.00:

Court Appointed Attorney: Kelly Marnette..\$144.00, Kettering Law Office..\$129.20:

Travel: Deb Knecht..\$224.00, Dennis Feickert..\$48.64, Kathy Schlecht..\$343.88, Tricia Jondahl..\$186.18, Drew Bickford..\$124.40, Marg Kolb..\$316.16, Mike Wiese..\$7.54:

Utilities: Northwestern Energy..\$6877.09, City of Hecla..\$56.50, Qwest..\$60.00, Web Water..\$138.83, Northern Valley..\$182.55, Verizon..\$100.40, NRCTV..\$79.90, Dependable Sanitation..\$16,872.42, City of Aberdeen..\$1723.75, James Valley..\$198.80, AT&T..\$22.96, Mark McNeary..\$145.56:

Open Class Premiums: Aldrich Bros..\$196.50, Al-Shar Holsteins..\$31.50, Jared Anderson..\$52.50, Kyle Cronin..\$43.50, Dosch Montadales..\$120.00, Cody Edgar..\$10.50, Frey-View Dairy Farms..\$21.00, Fritz-Bruckner..\$154.00, Fuller Bros..\$257.00, Hansen Farms..\$10.50, Harmony Suffolks..\$61.00, Hoffman Family..\$233.00, Jan Houghtaling..\$190.00, David Juntunen..\$18.50, Donald Juntunen..\$42.00, Duane Juntunen..\$38.50, Tyler Kolb..\$7.50, Krohmer Family..\$176.50, Marshall Rambouillet..\$106.50, Jordan Miller..\$7.50, Nathan Munger..\$10.50, Brittany Nusbaum..\$23.00, Troy Opdahl..\$10.50, Paulson Dairy..\$33.00, Brittany Rennich..\$70.00, Reppel Ranch..\$72.50, Emma Schaunaman..\$10.50, Schnabel Simmental..\$10.50, James Taylor..\$46.50, Thorpe Family..\$106.50, Thyen Farms..\$55.00, Tollefson's Wollie Acres..\$56.00, Michael Traxinger..\$13.50, Dustin Treftz..\$10.50, Bailey Willman..\$63.00, Wolffs Suffolks..\$71.00, D Zenk..\$45.00:

Care of Poor: Rent – 8 recipients..Dallas Niederbaumer..\$210.00, Brian Boettcher..\$145.00, Chuck Currie..\$230.00, Grand II Apts..\$190.00, White House Inn..\$193.50, Kelly Stringer..\$230.00, Ann Storm..\$250.00; Dr/Hospital - 3 recipients..Avera St Lukes..\$6604.71, Utilities -2 recipients..Northern Elec..\$73.80, BDM Rural Water..\$35.00, NWPS..\$77.13; Insurance – 1 recipient..Plains Commerce Bank..\$285.00. All members present voting aye. Motion carried.

#### LOTTERY APPLICATION:

Moved by Wiese, seconded by Fischbach to approve application, submitted by SPURS for raffle to be held on September 25, 2004. All members present voting aye. Motion carried.

#### PREVENTION GRANT:

Moved by Knecht, seconded by Fischbach to approve hiring Jacob Miller as full-time Home Detention Officer, effective September 20, 2004 at \$10.07 per hour, to be funded by the Department of Justice Prevention and Intervention Program for At-risk and Detained Youth Grant #2001-JS-FX-0014. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Knecht to approve and authorize the Chairman sign Addendum No. 4 to Agreement for DOJ Brown County Special Appropriation Project Coordinator/Administrative Assistance between Brown County and Northeast Council of Governments, in amount not exceeding \$75,000.00 for total life of project based on costs incurred by NEOG on an actual basis, effective October 1, 2001 to September 30, 2005. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Knecht to approve and authorize the Chairman sign Addendum No. 2 to agreement with Christine P Heidenreich by renewing original contract for a 1 year period from October 1, 2004 to September 30, 2005, to be funded by DOJ Special Appropriation Grant #2001-JS-FX-0014-Year Three. All members present voting aye. Motion carried.

#### WEED & SEED:

Moved by Hansen, seconded by Wiese to authorize advertising the position of Weed and Seed Coordinator. All members present voting aye. Motion carried.

4/07

**PLATS:**

Commissioner Wiese offered the following Resolution:

**RESOLUTION NO. 75-04**

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Holum 1<sup>st</sup> Subdivision in SE¼ Sec 12-T123N-R62W of 5<sup>th</sup> P.M., Brown County, SD", 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 Knecht. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

**RESOLUTION NO. 76-04**

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Hanson 1<sup>st</sup> Subdivision in NW¼ Sec 30-T124N-R62W of 5<sup>th</sup> P.M., Brown County, SD", 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 Hansen. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

**PROPOSAL:**

Jim Payne and Doug Fjeldheim, United Accounts presented a proposal for furnishing lien collection services to the county. The Commission took no action at this time.

**EXECUTIVE SESSION:**

Moved by Wiese, seconded by Knecht to go into executive session to discuss possible contract negotiations with Salvation Army representatives in attendance. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Hansen to adjourn executive session, with the following discussion/action. All members present voting aye. Motion carried.

Salvation Army representatives requested a letter of support and tentative approval for donation of county owned land, if the Salvation Army is awarded monies from the Ray and Joan Kroc estate to construct a Corps Community Center. Moved by Hansen, seconded by Wiese to approve and authorize the Chairman sign a letter of support for project and agreeing in principle to donating county owned land, if funding for a community center is awarded to the Salvation Army. All members present voting aye. Motion carried.

**FAIR UPDATE:**

Larry Gerlach, Fair Manager reported attendance at the Fair was down a little compared to last year, but anticipate \$325,000 in revenue.

**EXECUTIVE SESSION:**

Moved by Fischbach, seconded by Wiese to go into executive session to discuss personnel with Larry Garlach in attendance. All members present voting aye. Motion carried.

2/08

Moved by Knecht, seconded by Fischbach to adjourn executive session, with no action taken as a result of the discussion. All members present voting aye. Motion carried.

RECESS:

The Chairman declared the Commission recessed until September 28, 2004 (no meeting to be held September 21, due to County Convention).

Maxine Taylor- Brown County Auditor

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SEPTEMBER 28, 2004- JOINT CITY/COUNTY MEETING

The Brown County Commission and the Aberdeen City Commission met in joint session at 8:45 A.M. in the Brown County Commission Chambers, 25 Market Street, Aberdeen, South Dakota. Present from City were Commissioners Klabo, McQuillen and Mayor Levsen. Absent Commissioners Omland and Forkel. Present from County were Commissioners Hansen, Fischbach, Knecht, Wiese and Feickert.

ORDINANCE NO. 04-09-06/299:

On motion by Klabo and seconded by McQuillen, the City unanimously voted to approve First Reading of Ordinance No. 04-09-06/299.

Moved by Knecht, seconded by Wiese to approve First Reading of Ordinance No. 04-09-06/299, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 714 (M-AG) Mini Agricultural District: Plat of "River Horse Subdivision in the NE ¼, Sec 4-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD"; the SE ¼ of the SE ¼ of Sec 4-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD, to be platted and known as "Rathert Addition in the SE ¼ of the SE ¼ of Sec 4-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto. All members present voting aye. Motion carried.

The Aberdeen City Commission adjourned and the County Commission continued into regular meeting.

Maxine Taylor – Brown County Auditor

# SEPTEMBER 28, 2004 – GENERAL MEETING

Meeting called to order by Chairman Feickert at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Fischbach, Knecht and Wiese.

## MINUTES:

Moved by Wiese, seconded by Knecht to approve the General Meeting minutes of September 14, 2004. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Hansen, seconded by Wiese to approve the following claims:

Payroll: Commissioners..\$2,587.50; Auditor..\$6,793.36; Treasurer..\$8,358.75; Data Processing..\$1,601.93, State's Attorney..\$8,338.57; Victims Assistance..\$904.05; Maintenance..\$5,022.18, Assessor..\$6,948.65; Planning & Zoning..\$1,043.20; Register of Deeds..\$4,657.15; Veterans Service Office..\$2,479.30; Sheriff..\$56,108.71; DOJ Grant..\$1,913.40; Communications..\$14,372.06; Welfare Office..\$2,660.96; Museum..\$3,963.26; Fairboard..\$1,820.73; Fairgrounds & Parks..\$3,421.54; Extension..\$1,636.00; Weed..\$3,376.38; Emergency Management..\$2,164.65; Weed & Seed..\$1,007.17; Highway..\$33,610.59; Landfill..\$6,510.23; Matching Benefits: FICA..\$10,615.63, Medicare..\$2,482.62, Wellmark BCBS Life..\$677.96, Wellmark BCBS Health..\$52,749.68, Delta Dental..\$3,600.00, SD State Retirement..\$21,350.89

Supplies: Kleins Office Plus..\$35.40, ES&S..\$765.37, Terry Newman..\$69.00, Schwaab..\$63.50, RE Huffman..\$401.84, Travel Host..\$352.00, CDW Govt..\$2540.98, SDN..\$400.00, Electronic Security..\$3741.05, Dakota Supply..\$68.89, Indoff..\$247.91, Kmart..\$228.00, Grote Roofing..\$170.00, Rux Bros..\$340.94, Chris Stanley..\$925.67, Macs..\$35.85, Heartland Paper..\$297.72, New Trends..\$137.97, Best Business..\$325.24, Earthgrains..\$617.82, HRS..\$9656.62, Service Signs..\$500.00, Galls..\$83.96, Kesslers..\$520.62, Velvet Uniforms..\$62.07, Parcel Erickson..\$49.90, Dept of Rev..\$507.00, Diane Mielke..\$12.70, DSS..\$729.45, Jones Drug..\$31.76, Dicks Westside..\$62.25, UBC..\$43.59, Medical Center Pharm..\$1928.02, Dakota Electronics..\$580.25, Quint City Coin-Ops..\$27.00, Safety Service..\$1075.63, Sewing Shoppe..\$74.00, Office Max..\$380.82, Custom Sheet Metal..\$60.00, Ecolab..\$81.50, OK Tire..\$14.00, Rons Body Shop..\$75.00, D&K Health..\$16.41, Hoven Auto..\$72.15, Phillips 66..\$104.77, QQP..\$79.95, City of Groton..\$892.96, US Dept of Justice..\$21,733.44, Sherbrooke Asphalt..\$150,241.77, Safety Auto Glass..\$164.90, Old Dominion Brush..\$976.30, Newman Signs..\$511.50, Lyle Signs..\$550.00, Lien Trans..\$678.94, Jensen Rock..\$12991.58, HF Jacobs..\$12198.27, Harms Oil..\$10571.14, Gardner Trucking..\$2113.00, Diesel Machinery..\$3100.00, Deutsch Trucking..\$1500.00, Kevin Bourdon..\$1661.00, Aberdeen Asphalt..\$21,122.33, Wallwork Truck..\$84.24, 3-D Spec..\$1076.40, Marcus Selzler..\$90.09, Kens Alignment..\$190.81, Fastenal..\$41.01, Farm Power..\$29.38, Diamond Mowers..\$255.24, Dakota Fluid Power..\$66.23, Dware..\$55.00, Herb Dabbert..\$1397.50, Am Assoc of State & Local History..\$75.00, Dex Media..\$107.42, Kens Superfair Foods..\$4.62, Shopko..\$14.27, House of Glass..\$23.04, Gas 'N Goodies..\$7.00, McFarland..\$15.79, Ext Service..\$232.92, Adv Auto..\$25.86, Menards..\$426.37, RDO..\$49.44, Dakota Oil..\$27.25, Van Diest..\$2505.80, Salvation Army..\$500.00, Best Western..\$138.00, RDR Plumbing..\$231.74, Ameripride..\$45.93, Gardner Locksmith..\$82.50, Keeleys..\$10.80, EPG..\$5272.36, Aberdeen Equip..\$226.74, Cunningham Elec..\$137.04, Earth Tech..\$817.57, Runnings..\$323.91, Dakota Air..\$47.85, SDSWMA..\$50.00, US Postal Service..\$50.19; Publications: American News..\$232.90, Groton Independent..\$433.99; Professional Fees: witness fee..\$72.80, Richard Russman..\$2916.67, Kim Dorsett..\$2083.33, Avera St Lukes..\$736.68, Avera United Clinic..\$252.55, Northern Plains OMS..\$44.07, Brandon Leslie..\$350.00, Kevin Spitzer..\$433.12, Behavioral Interventions..\$228.00, Nelva Kooistra..\$15.00, Donna Dietrich..\$187.49, Marv Ekeren..\$15.00, NADRIC..\$1666.67, NEMHC..\$175.56, Glas Consulting..\$200.00, NECOG..\$1666.66, Safe Harbor..\$1549.97, Brown County..\$3894.41;

Transcriptions: Neal Reporting..\$102.60:

Court Appointed Attorney: Randy Turner..\$4166.67, Kuck Law Office..\$4166.67, Christy Serr..\$4166.67, William Gerdes..\$4166.67, Ken Tschetter..\$288.00, Kelly Marnette..\$468.00, Yankton County..\$182.10, Kennedy, Rokahr..\$189.60:

Travel: Carol Sherman..\$62.40, Maxine Taylor..\$99.22, Sheila Enderson..\$92.00, William Meink..\$34.59, Gene Loeschke..\$262.40, Mavis Kempf..\$72.60, Ginger Walker..\$108.00, Freddie Robinson..\$241.48, Randall Bickford..\$64.00, Mike Scott..\$148.50, Dennis Feickert..\$300.11, Mike Wiese..\$252.12, Nancy Hansen..\$97.00:

Utilities: Qwest..\$5996.63, Bureau of Admin..\$536.93, Cellular One..\$871.94, Dependable Sanitation..\$377.00, Midcontinent Cable..\$85.00, Verizon..\$206.60, Northwestern Energy..\$1277.66, Northern Elec..\$277.81, Montana Dakota..\$26.10, Milbank Communications..\$110.30, WEB..\$51.79:

Care of Poor: Rent – 5 recipients..Ron Erdmann..\$410.00, Cindy Stewart..\$210.00, Kurt Krueger..\$150.00, Gary Sperle..\$160.00; Medications – 5 recipients..Walmart Pharm..\$328.68, Jones Drug..\$23.74, Kmart Pharm..\$21.91, Avera Home Medical..\$122.50; Transportation – 1 recipient..Brown County Highway..\$15.30; Dr/Hospital - recipients..Yankton Medical Center..\$258.00, Avera St Lukes..\$44,184.41; Burial – 1 recipient...Spitzer Funeral Home..\$1140.00; Utilities -1 recipient..Dakotacare..\$389.33; Insurance – 2 recipients..NWPS..\$440.00. All members present voting aye. Motion carried.

#### INVENTORY DONATION:

Moved by Knecht, seconded by Wiese to accept donation of a 1994 Ford Ambulance, Cayel Craft III (SN 1FDKE30M6RHA82972) to Brown County (for use by the Dive Team) from Aberdeen City, valued at \$10,000.00. All members present voting aye. Motion carried.

#### LIEN COMPROMISE REQUEST DENIED:

Moved by Wiese, seconded by Hansen to deny request for compromise of lien in amount of \$6,600.35. All members present voting aye. Motion carried.

#### WELFARE GUIDELINES AMENDED:

Commissioner Hansen offered the following Resolution:

#### RESOLUTION NO. 77-04

WHEREAS, Title 2, Second Revision of Brown County Ordinances, as amended, requires the Brown County Commission, by resolution, to adopt rules, regulations and appendixes necessary for the implementation of a County Welfare Program, in accordance with SDCL 28-13; and

WHEREAS, the Brown County Commission adopted the Brown County Welfare Guidelines by Resolution No. 4-98, dated January 6<sup>th</sup> 1998; and

WHEREAS, it is deemed necessary and in the best interest of the residents of Brown County to amend Appendix A Income Eligibility/Determination Tests – Poverty Guidelines.

NOW, THEREFORE BE IT RESOLVED that Appendix A Income Eligibility/Determination Tests – Poverty Guidelines be amended as follows:

| <u>Family Size</u> | <u>Annual</u> | <u>Poverty Guidelines</u> |                |
|--------------------|---------------|---------------------------|----------------|
|                    |               | <u>3 Months</u>           | <u>Monthly</u> |
| 1                  | \$ 9,312      | \$2,328                   | 776            |
| 2                  | 12,492        | 3,123                     | 1,041          |
| 3                  | 15,672        | 3,918                     | 1,306          |

|    |        |       |       |
|----|--------|-------|-------|
| 4  | 18,852 | 4,713 | 1,571 |
| 5  | 22,032 | 5,508 | 1,836 |
| 6  | 25,212 | 6,303 | 2,101 |
| 7  | 28,392 | 7,098 | 2,366 |
| 8  | 31,572 | 7,893 | 2,631 |
| 9  | 34,752 | 8,688 | 2,896 |
| 10 | 37,932 | 9,483 | 3,161 |

Seconded by Commissioner Fischbach. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

Commissioner Hansen offered the following Resolution:

#### RESOLUTION NO. 78-04

WHEREAS, Title 2, Second Revision of Brown County Ordinances, as amended, requires the Brown County Commission, by resolution, to adopt rules, regulations and appendixes necessary for the implementation of a County Welfare Program, in accordance with SDCL 28-13; and

WHEREAS, the Brown County Commission adopted the Brown County Welfare Guidelines by Resolution No. 4-98, dated January 6<sup>th</sup> 1998; and

WHEREAS, it is deemed necessary and in the best interest of the residents of Brown County to amend Appendix B Housing Assistance.

NOW, THEREFORE BE IT RESOLVED that Appendix B Housing Assistance be amended as follows:

The maximum rental supplement per household per month shall not exceed the following, including utilities:

|                    |                      |
|--------------------|----------------------|
| 1 Person Household | \$200 (monthly rent) |
| 2 Person Household | \$220 (monthly rent) |
| 3 Person Household | \$240 (monthly rent) |
| 4 Person Household | \$260 (monthly rent) |

Seconded by Commissioner Fischbach. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

#### PREVENTION GRANT:

Moved by Hansen, seconded by Knecht to approve and authorize the Chairman sign Addendum No. 2 to contract with Lutheran Social Services for School Based and Wrap Around Program at Aberdeen Central High School in amount of \$67,200.00, effective October 1, 2004 - September 30, 2005, to be funded by DOJ Special Appropriation Grant #2001-JS-FX-0014-Year Four. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Knecht to approve and authorize the Chairman sign Addendum No. 4 to contract with Lutheran Social Services for School Based and Wrap Around Program in rural Brown County in amount of \$116,256.00, effective October 1, 2004 - September 30, 2005, to be funded by DOJ Special Appropriation Grant #2001-JS-FX-0014-Year Four. All members present voting aye. Motion carried.



Moved by Hansen, seconded by Wiese to approve and authorize the Chairman sign Addendum No 3 to Contract for Services with Warner School District for After School Care and Summer Care Coordinator Program in amount of \$10,164.50, effective October 1, 2004 – September 30, 2005, to be funded by DOJ Special Appropriation Grant #2001-JS-FX-0014-Year Four. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Fischbach to acknowledge Grant Adjustment Notice approving change of project director from Deb Knecht to Dennis Feickert for Grant #2001-JS-FX-0014. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to acknowledge Grant Adjustment Notice approving a no cost extension of Grant #2001-JS-FX-0014 from 10/1/2001 – 9/30/2004 to 10/1/2001 – 9/30/2005. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Knecht to approve the \$200 registration fee for David Koch, CRC to attend a two-day workshop, to be funded by DOJ Special Appropriation Grant #2001-JS-FX-0014. All members present voting aye. Motion carried.

#### WEED AND SEED:

Moved by Knecht, seconded by Fischbach to approve the Brown County Weed and Seed Monthly Expenses for September 2004 (Year Two 2002-WS-QX-0054), in amount of \$2,017.03. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to approve the Brown County Weed and Seed Monthly Expenses for September 2004 (Year Three 2002-WS-QX-0054), in amount of \$7,111.04. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Hansen to approve and authorize the Chairman sign Agreement with NECOG in amount of \$10,000.00, to provide assistance in meeting the administrative requirements of the Brown County Weed and Seed Project #2002-WS-QX-0054, effective October 1, 2004 – March 31, 2005. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Fischbach to approve the following Weed and Seed Year Two funding proposals: Aberdeen Police Department (Community Policing/Neighborhood Watch), Groton Police Department (Panasonic Projector), as recommended by the Steering Committee. All members present voting aye. Motion carried.

#### COPS TECHNOLOGY GRANT #2004-CK-WX-0150:

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman sign Notice of Award for COPS Special Appropriation Grant #2004-CK-WX-0150 in amount of \$247,369 (Jail Security), effective January 23, 2004 through January 22, 2005. All members present voting aye. Motion carried.

#### LEASE AGREEMENTS:

Moved by Knecht, seconded by Fischbach to approve and authorize the Chairman sign the following agreements: Aberdeen Humane Society for lease of the Club House on October 9 – 10, 2004; AGC of South Dakota for lease of the Expo Building on October 7, 2004; NSU Foundation for lease of the Club House on October 22, 2004. All members present voting aye. Motion carried.

#### SHERIFF REPORTS:

Moved by Fischbach, seconded by Wiese to approve the following August 2004 Sheriff Reports: Incidents & Offenses, Prisoner Care, JDC, Money deposited with the County Treasurer and Monthly Activities. All members present voting aye. Motion carried.

**LIQUOR LICENSE TRANSFERS:**

Moved by Fischbach, seconded by Knecht to authorize advertising public hearing to consider the following applications for transfer of alcoholic beverage licenses, to be held at 8:45 a.m. on October 19, 2004 in the Commissioner's Chambers, Courthouse Annex, Brown County, SD: TRANSFER RETAIL (ON SALE) LIQUOR Road Kill Cafe to NSU Foundation (SW¼ Sec 1-T123N-R64W in the Clubhouse, Brown County South Dakota) TRANSFER RETAIL (ON SALE) LIQUOR NSU Foundation to Ronald Erickson, DBA Road Kill Café (Erickson & Meier First Subdivision Lot 6 SE¼ Sec 16- T123-R64W). All members present voting aye. Motion carried.

**PLATS:**

Commissioner Knecht offered the following Resolution:

**RESOLUTION NO. 79-04**

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Aldinger 1<sup>st</sup> Subdivision in S ½ SE ¼ Sec 8-T128N-R65W of the 5<sup>th</sup> P.M., Brown County, SD", 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. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

Commissioner Hansen offered the following Resolution:

**RESOLUTION NO. 80-04**

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Jung's 1<sup>st</sup> Subdivision in NE ¼ & NW ¼ Sec 11-T125N-R64W of 5<sup>th</sup> P.M., Brown County, SD", 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. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

Commissioner Knecht offered the following Resolution:

**RESOLUTION NO. 81-04**

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Sunset Ridge Estates 1<sup>st</sup> Extension in NE ¼ Sec 29-T123N-R60W of 5<sup>th</sup> P.M., Brown County, SD", 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. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

RESOLUTION NO. 82-04

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing "Keatts Second Subdivision in the W ½ of the NW ¼ of Sec 23-T124N-R65W of the 5<sup>th</sup> P.M., Brown County, SD", having been examined, is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof.

Seconded by Commissioner Knecht. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

Commissioner Fischbach offered the following Resolution:

RESOLUTION NO. 83-04

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Stokes Addition to Prairiewood Village, Sec 33-T124N-R63W of the 5<sup>th</sup> P.M., Brown County, SD", 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 Knecht. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

Commissioner Fischbach offered the following Resolution:

RESOLUTION NO. 84-04

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Bothwell-Rust Subdivision in SE ¼ Sec 20-T123N-R63W of 5<sup>th</sup> P.M., Brown County, SD", 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 Knecht. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

Commissioner Fischbach offered the following Resolution:

RESOLUTION NO. 85-04

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Lamont Fifth Addition in the NE ¼ of Sec 20-T123N-R63W of 5<sup>th</sup> P.M., Brown County, SD", 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 Knecht. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

RACE TRACK LEASE ADDENDUM:

Moved by Wiese, seconded by Knecht to approve and authorize the Chairman sign Lease Option Renewal Addendum for the car racing facilities at the Brown County Fairgrounds with Terry L Voeltz, DBA T's Promotions for year 2005. All members present voting aye. Motion carried.

**EOP UPDATE:**

Moved by Hansen, seconded by Fischbach to approve and authorize the Chairman sign Certificate of Adoption for the overall Emergency Operations Plan updates for Brown County, consisting of Book One -Administrative Overview, Book Two – Operations Manual, Book Three – Emergency Operations Center (EOC) Manual and Book Four – Resource Manual. All members present voting aye. Motion carried.

**PROVISIONAL BUDGET CHANGES:**

Moved by Knecht, seconded by Wiese to make the following change in the 2005 Provisional Budget – increase Museum \$24,208.77 – for total of \$195,434.77. All members present voting aye. Motion carried.

**2005 ANNUAL BUDGET:**

Commissioner Hansen offered the following Resolution:

**ANNUAL BUDGET FOR BROWN COUNTY, SD  
For the Year January 1, 2005 to December 31, 2005**

**RESOLUTION NO. 86-04**

**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, 2005 and ending December 31, 2005 and the same is hereby approved and adopted by the Board of County Commissioners of Brown County, South Dakota, this 28<sup>th</sup> day of September, 2004. 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, 2005 through December 31, 2005.

| COUNTY TAX LEVIES WITHIN LIMITED LEVY | Dollars            | \$'S/1,000  |
|---------------------------------------|--------------------|-------------|
| *General County Purposes (10-12-9)    | \$7,666,536        | 4.30        |
| Fire                                  | 18,356             | .02         |
| Library                               | 23,000             | .03         |
| <b>TOTAL TAXES LEVIED BY COUNTY</b>   | <b>\$7,707,892</b> | <b>4.35</b> |

\*These amounts include the 25% to be distributed to cities.

Seconded by Commissioner Wiese. Roll call vote: Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

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**HIGHWAY UPDATE:**

Dirk Rogers, Highway Superintendent discussed the purchase of surplus roller, milling county road 14 and political campaign signs in the right-of-way.

**EXECUTIVE SESSION:**

Moved by Hansen, seconded by Wiese to go into executive session to discuss personnel with Larry Gerlach in attendance. All members present voting aye. Motion carried.

The Chairman declared the session adjourned with no action taken.

**FAIR UPDATE:**

Larry Gerlach, Fair Manager presented a list of potential fair board members that will be contacted and presented preliminary revenue figures from the 2004 fair.

**ADJOURN:**

Moved by Wiese, seconded by Knecht to adjourn the Brown County Commission. All members present voting aye. Motion carried.

Maxine Taylor – Brown County Auditor

OCTOBER 5, 2004- JOINT CITY/COUNTY MEETING

The Brown County Commission and the Aberdeen City Commission met in joint session at 8:45 A.M. in the Brown County Commission Chambers, 25 Market Street, Aberdeen, South Dakota. Present from City were Commissioners Klabo, McQuillen and Mayor Levsen. Absent Commissioners Omland and Forkel. Present from County were Commissioners Fischbach, Knecht and Feickert. Absent Commissioners Hansen and Wiese.

ORDINANCE NO. 04-09-06/299:

On motion by Klabo and seconded by McQuillen, the City unanimously voted to approve Second Reading and Adopt Ordinance No. 04-09-06/299.

Moved by Knecht, seconded by Fischbach to approve Second Reading and Adopt Ordinance No. 04-09-06/299, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 714 (M-AG) Mini Agricultural District: Plat of "River Horse Subdivision in the NE ¼, Sec 4-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD"; the SE ¼ of the SE ¼ of Sec 4-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD, to be platted and known as "Rathert Addition in the SE ¼ of the SE ¼ of Sec 4-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD" and extending to the centerline of all public right-of-way located adjacent thereto. Roll call vote: Commissioners Fischbach-aye, Knecht-aye, Feickert-aye, Hansen-absent, Wiese-absent. Ordinance adopted.

The Aberdeen City Commission adjourned and the County Commission continued into regular meeting.

Maxine Taylor – Brown County Auditor

OCTOBER 5, 2004 GENERAL MEETING

The Brown County Commission convened at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Fischbach, Knecht and Feickert. Absent Commissioners Hansen and Wiese.

MINUTES:

Moved by Fischbach, seconded by Knecht to approve the Joint City/County and General Meeting minutes of September 28, 2004. All members present voting aye. Motion carried.

CLAIMS:

Moved by Knecht, seconded by Fischbach to approve the following claims:

Payroll: Commissioners..\$2,587.50; Auditor..\$6,895.28; Treasurer..\$8,358.75; Data Processing..\$1,601.93; State's Attorney..\$8,338.55; Victims Assistance..\$904.05; Maintenance..\$5,142.66, Assessor..\$7,321.02; Planning & Zoning..\$1,043.20; Register of Deeds..\$4,657.15; Veterans Service Office..\$2,290.25; Sheriff..\$53,260.00; DOJ Grant..\$2,108.14; Communications..\$13,249.46; Welfare Office..\$2,736.56; Museum..\$3,935.66; Fairgrounds & Parks..\$3,516.79, Fairboard..\$1,842.88; Extension..\$1,636.00; Weed..\$2,546.60; Emergency Management..\$2,164.65; Weed & Seed..\$573.62, Highway..\$28,117.48; Landfill..\$6,394.78; Matching Benefits: FICA..\$9,983.79; Medicare..\$2,334.84;

Supplies: Best Western Ramkota..\$204.00, Reserve Acct..\$5000.00, Brown & Saenger..\$246.40, ES&S..\$1012.97, Pheasantland Ind..\$175.79, Quality Quick Print..\$30.98, IOMA..\$248.95, Exec Mgmt..\$89.69, New Trends..\$103.52, Aberdak Travel..\$812.38, Office Equip..\$222.34, Medtox..\$250.43, Best Business..\$153.55, Dept of Rev..\$838.00, Avera united Clinic..\$93.07, Avera St Lukes..\$419.35, Bob Barker..\$115.60, Parcel Erickson..\$220.00, Knight Towing..\$65.00, Visa..\$278.45, SD Human Service Center..\$67.10, Video Service of America..\$84.70, Streichers..\$67.80, Walmart..\$261.91, Upper Plains..\$10,840.84, Trail King..\$823.90, Snap-On Tools..\$24.95, Sherbrooke Asphalt..\$35,262.89, Palmer Dist..\$394.70, Macs..\$249.02, Larson Blacksmith..\$77.90, Great Western Tire..\$5300.68, HC Clark..\$126.63, Butler Machinery..\$217.77, Bridgestone/Firestone..\$143.00, Jason Stoltenburg..\$155.15, Dakota Supply..\$14.70, Sewer Duck..\$355.00, House of Glass..\$10.44, Holiday Inn..\$63.00, Century Business..\$88.03, Graham Tire..\$12.19, Van Diest..\$2841.30, State of SD..\$50.00, Aramsco..\$4040.00, Hagemeyer Vallen..\$2356.00, Warner School Dist..\$768.50, Christine Heidenreich..\$1631.25, CDW Govt..\$6404.91, Hewlett Packard..\$9192.00, Brown County..\$48.50;

Publications: American News..\$966.45, Groton Indep..\$20.19;

Professional Fees: witness fee..\$40.00, NEMHC..\$40.00, Pine County Sheriff..\$54.30, Tazewell County Sheriff..\$16.00, River City Newspaper..\$11.55, Eide Bailly..\$250.50;

Transcriptions: Cheryl Hook..\$26.60;

Travel: Kathy Fischer..\$129.60, Gene Loeschke..\$230.11, Mary Worlie..\$217.40, Leo Leshner..\$339.20, Sherry Theobald..\$18.63;

Utilities: Midcontinent Cable..\$206.30, Qwest..\$206.68, Cellular One..\$136.35, Northwestern Energy..\$1162.70, Web..\$57.70;

Care of Poor: Rent – 7 recipients..Ida Fauth..\$190.00, Chuck Currie..\$210.00, Danne..\$175.00, Aberdeen Finance..\$152.49, Falcon Rentals..\$190.00, Zumbaum Property..\$305.00; Transportation – 2 recipients..Brown County..\$7.65, Jefferson Lines..\$64.05; Dr/Hospital - 2 recipients..Avera St Lukes..\$3336.58; Utilities –2 recipients..NWPS..\$341.99. All members present voting aye. Motion carried.

PERSONNEL:

Moved by Knecht, seconded by Fischbach to approve the following employee step/longevity increases, effective October 10, 2004: Daryl Lloyd @ \$12.94 per hour, Justin Cleveland @ \$10.88 per hour, Bryan

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Owens @ \$11.82 per hour, Terrence Evans @ \$13.83 per hour, Sandra Hjermstad @ \$11.22 per hour. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Fischbach to approve hiring Cristi L Lier as guard, effective October 5, 2004, for purpose of prisoner transport at flat rate of \$75.00 per day. All members present voting aye. Motion carried.

#### CLAIM ASSIGNMENTS:

Moved by Knecht, seconded by Fischbach to approve and authorize the Chairman sign documentation to assign claims against individuals to L.F. Noll Inc. for purpose of collecting liens. All members present voting aye. Motion carried.

#### AUDITORS REPORT OF ACCOUNT:

Moved by Fischbach, seconded by Knecht to approve the September 2004 Auditor's Report of Account with the County Treasurer in total amount of \$7,877,103.84 (total amount of actual cash @ \$3,394.85, Wells Fargo Bank @ \$3,694.79, US Bank @ \$24,531.48, Dacotah Bank @ \$297,202.90, Petty Cash @ \$1,700.00, Fund Investments @ \$7,538,174.67, Outstanding checks @ \$8,405.15). All members present voting aye. Motion carried.

#### PLAT:

Commissioner Knecht offered the following Resolution:

#### RESOLUTION NO. 87-04

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing "Third Subdivision of Outlot 3 of Prior's Outlot in the NW ¼ of Sec 17-T123N-R62W of the 5<sup>th</sup> P.M., Brown County, SD," having been examined, is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof.

Seconded by Commissioner Fischbach. Roll call vote: Commissioners Hansen-absent, Fischbach-aye, Knecht-aye, Wiese-absent, Feickert-aye. Resolution adopted.

#### COPS 2004 TECHNOLOGY GRANT:

Moved by Fischbach, seconded by Knecht to establish Fund #221 to account for financial activities of the COPS 2004 Technology Grant #2004-CK-WX-0150. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Knecht to approve and authorize the Chairman to sign Certification Form stating an Equal Employment Opportunity Plan (EEOP) is on file for review for the COPS 2004 Technology Grant #2004CKWX0150 in amount of \$247,369.00, effective January 23, 2004 – January 22, 2005. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Fischbach to approve and authorize the Chairman sign agreement with the Northeast Council of Governments to provide administrative assistance and services in amount of \$3,500.00 for the COPS 2004 Technology Grant #2004CKWX0150. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Fischbach to approve and authorize the Chairman sign Financial Form 269 for January through September 2004 for the COPS 2004 Technology Grant #2004-CK-WX-0150. All members present voting aye. Motion carried.

#### COPS 2003 TECHNOLOGY GRANT:



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Moved by Knecht, seconded by Fischbach to approve and authorize the Chairman sign Financial Form 269 for July through September 2004 for the COPS 2003 Technology Grant #2003-CK-WX-0177. All members present voting aye. Motion carried.

**PREVENTION GRANT:**

Moved by Knecht, seconded by Fischbach to approve and authorize the Chairman sign Addendum No. 2 to Agreement with the Groton Youth Center for program delivery of the Groton Youth Center Expansion to be funded by federal funds from US DOJ Grant #2001-JS-FX-0014, effective October 1, 2004 – September 30, 2005 in amount of \$9,992.00. All members present voting aye. Motion carried.

**WEED AND SEED:**

Moved by Fischbach, seconded by Knecht to approve and authorize the Chairman sign Financial Form 269 for July through September 2004 for the Brown County Weed and Seed Grant #2002-WS-QX-0054. All members present voting aye. Motion carried.

**CDBG FITNESS CENTER:**

Moved by Knecht, seconded by Fischbach to approve and authorize the Chairman sign CDBG Payment Request #1 in amount of \$284,005.00 for CDBG Grant #0204-108 Northeast Regional Health and Fitness Center. All members present voting aye. Motion carried.

**EMPLOYEE YEARS OF SERVICE AWARDS:**

Certificates of Achievement and Appreciation were presented to Cynthia Schwan for 36 years of dedicated service to Brown County and John Weig for 25 years of dedicated service to Brown County.

**FAIRGROUNDS PARKING LOT LIGHTS:**

Larry Gerlach presented cost estimates for additional dawn to dusk lights to be installed in the machinery display area and two campground areas at the Fairgrounds. Three quotes will be secured and project to be funded by the Fair Budget and Contingency, if needed.

**RECESS:**

The Chairman declared the Commission recessed until October 12, 2004.

Maxine Taylor – Brown County Auditor

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## OCTOBER 12, 2004 – GENERAL MEETING

Meeting called to order by Chairman Feickert at 8:45 A.M. in the Commissioners Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Fischbach, Knecht and Wiese.

### MINUTES:

Moved by Fischbach, seconded by Wiese to approve the Joint City/County Meeting minutes and the General Meeting minutes of October 5, 2004. All members present voting aye. Motion carried.

### CLAIMS:

Moved by Wiese, seconded by Fischbach to approve the following claims:

Supplies: New Trends..\$195.95, Bonnie Bitz..\$225.00, Streichers..\$16.95, Dicks..\$60.00, OK Tire..\$603.00, Cole Papers..\$130.52, Taser Int..\$2673.22, Lust..\$147.12, Pierson Ford..\$209.12, Apparel Master..\$13.64, Kesslers..\$13.22, Office Max..\$22.96, McFarland Supply..\$132.53, Woodmen Refrigeration..\$80.50, CarQuest..\$7.37, Gardner Locksmith..\$20.00, Taylor Laundry..\$18.00, Heartland Paper..\$106.92, Cunningham Electric..\$282.85, Runnings..\$83.49, Vapor Power Int..\$492.05, Kone Inc..\$1344.12, House of Glass..\$5227.00, Exec Mgmt Finance Office..\$3527.70, Duane's Amoco..\$25.80, Evercom..\$1540.00, Parcel Erickson..\$22.95, HRS..\$4215.94, Kesslers..\$469.86, Office Max..\$185.44, Hoven Auto Repair..\$107.29, Tri-State Water..\$38.00, Aberdeen School Dist..\$50,798.54, Career Planning..\$624.75, Lutheran Social Services..\$17,598.64:

Professional Fees:, Accurint Account..\$40.30, Dawn Woods..\$413.00, Avera United Clinic..\$20.75, Dr. John Carrels..\$69.28:

Transcriptions: Neal Reporting Service..\$207.80:

Travel: Tom Fischbach..\$58.24, Kathy Schlecht..\$154.36:

Utilities: Midcontinent Cable..\$82.67, Midcontinent Comm..\$35.00, BP/Amoco..\$312.67, City Treasurer..\$955.25, Northwestern Energy..\$7397.32:

Jury: Christi Albrecht..\$125.60, Helen Alden..\$11.28, Trent Andree..\$16.40, Tammy Bauer..\$11.28, Lindsey Bertsch..\$263.40, Phyllis Biegler..\$172.12, Donald Bonn..\$172.12, Richard Bosma..\$22.56, Jerry Buechler..\$15.12, Marlyene Buechler..\$113.84, John Dalager..\$26.40, Marsha Daly..\$22.56, Janet Elsen..\$391.40, Amy Erickson..\$121.52, John Ewart..\$32.80, Matthew Feickert..\$273.00, Alva Ferguson..\$35.36, Linda Fordham..\$177.24, Donna Fritz..\$17.68, Jesse Frohling..\$11.28, Gailen Geffre..\$11.28, Donna Gehring..\$22.56, Michelle Gerlach..\$22.56, Nicole Glugla..\$172.12, Elizabeth Gugel..\$22.56, Ryan Hixon..\$26.40, Russell Inches..\$22.56, Sheila Ives..\$35.60, Angie Jensen..\$11.28, Caroline Kornmann..\$13.84, Robert Kuntz..\$11.28, Martin Lacher..\$11.28, Scott Lautenschlager..\$102.56, Patricia Lentz..\$11.28, Scott Lorensberg..\$11.28, Cody Marks..\$11.28, Russell Melcher..\$35.36, Margie Meyer..\$22.56, Diane Mitchell..\$38.80, Bernadette Moran..\$11.28, Grant Oleson..\$35.36, Martha Parsch..\$11.28, Todd Peterson..\$148.40, Darlene Petty..\$22.56, Justin Pierson..\$26.40, Eldon Reich..\$11.92, Stanley Rice..\$113.84, George Rich..\$11.28, Jeffrey Ruenz..\$417.00, Larry Schelle..\$45.60, Cheryl Scherbenske..\$11.28, Jonathan Seaton..\$32.80, Anita Serna..\$11.28, Shelly Shepherd..\$11.28, Shaun Snyder..\$22.56, Diane Soderlund..\$129.20, Jan Stiegelmeier..\$263.40, Jean Thares..\$22.56, Caroline Thorsen..\$22.56, Terry Ulmer..\$90.40, Joel Vig..\$172.12, Jared Voeller..\$45.60, Sonya Wagner..\$11.28, Lorraine Wasem..\$22.56, Tammy Webb..\$192.60, Robert Weyer..\$11.28, Delores Widstrom..\$282.20, Steven Winther..\$314.00, Sandra Woehl..\$22.56. All members present voting aye. Motion carried.

### PERSONNEL:

Moved by Wiese, seconded by Knecht to acknowledge the resignation of Darrell Eaglestaff, effective October 8, 2004, Trenton Lunstrum, effective October 11, 2004 and Eric Red Hill, effective September 30, 2004. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Fischbach to approve hiring Lisa Brown as part-time Home Detention Officer, effective October 12, 2004 at \$9.59 per hour. All members present voting aye. Motion carried.

**INTEREST STATEMENT:**

Moved by Hansen, seconded by Wiese to acknowledge third quarter interest statement, submitted by County Treasurer Sheila Enderson. All members present voting aye. Motion carried.

**EM STATE/LOCAL AGREEMENT:**

Moved by Wiese, seconded by Knecht to approve and authorize the Chairman sign the South Dakota Emergency Management State and Local Agreement with the State of SD for fiscal year 2005. All members present voting aye. Motion carried.

**PREVENTION GRANT:**

Moved by Knecht, seconded by Wiese to approve and authorize the Chairman sign Financial Form 269 for July through September 2004 for the Brown County Special Appropriation "Prevention and Intervention Programs for at-risk and detained youth" Grant #2001-JS-FX-0014. All members present voting aye. Motion carried.

**SVAWA GRANT AWARD:**

Moved by Knecht, seconded by Hansen to approve and authorize the Chairman sign Stop Violence Against Women Act Grant Award documentation with the SD Department of Social Services, effective October 1, 2004 – September 30, 2004<sup>5</sup>. All members present voting aye. Motion carried.

**PLATS:**

Commissioner Hansen offered the following Resolution:

**RESOLUTION NO. 88-04**

BE IT RESOLVED by the Board of Commissioners of Brown County, SD, that the plat showing "Ringgenberg Addition in the SE ¼ of Sec 3-T124N-R62W of the 5<sup>th</sup> P.M., Brown County, SD", 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 Fischbach. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

Commissioner Hansen offered the following Resolution:

**RESOLUTION NO. 89-04**

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Wayman First Subdivision in SE ¼ Sec 26-T125N-R64W of the 5<sup>th</sup> P.M., Brown County, SD", 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. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

Commissioner Fischbach offered the following Resolution:

**RESOLUTION NO. 90-04**

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "W.E.B. Water Lot 1 in NW ¼ Sec 23-T124N-R65W of 5<sup>th</sup> P.M., Brown County, SD", having been examined, is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof.

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Seconded by Commissioner Knecht. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

Commissioner Knecht offered the following Resolution:

#### RESOLUTION NO. 91-04

BE IT RESOLVED by the Board of Commissioners of Brown County, SD, that the plat showing "Dirks Addition in the SE ¼ of Sec 9-T122N-R61W of the 5<sup>th</sup> P.M., Brown County, SD", 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 Fischbach. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

#### APPLICATION FOR OCCUPANCY:

Moved by Fischbach, seconded by Wiese to approve and authorize the Chairman sign application, submitted by James Valley Telecommunications for occupancy of Brown County Highway #20 in Sec 21-T127N-R60W, Brown County, SD, to provide communications service. All members present voting aye. Motion carried.

#### BID DATES SET:

Moved by Hansen, seconded by Knecht to authorize publishing public hearings to be held in the Commissioners Chambers, Courthouse Annex, Brown County, SD to open, read and consider the following equipment bids for the Highway Department: Pup Trailer on November 9, 2004 at 8:45 A.M. and Plow Truck on November 9, 2004 at 9:00 A.M. All members present voting aye. Motion carried.

#### HIGHWAY UPDATE:

Dirk Rogers, Highway Superintendent discussed current activities in the department. Carl Howard was also in attendance.

#### EM UPDATE:

Freddie Robinson, EM Director presented update for Emergency Management Grants and informed the Commission that the Pre-Disaster Plan, Man-Made Disaster Plan and Man-Pad Plan have been completed.

#### FAIR BOARD MEMBERS:

Larry Gerlach, Fair Manager presented list of people interested in serving on the Fair Board. A final list for appointment will be presented next week.

#### LANDFILL UPDATE:

Mike Scott, Landfill Manager informed the Commission that the City of Huron is seeking proposals for acceptance of household waste. Brown County will submit a proposal.

#### LEGISLATIVE CANDIDATE:

Norbert Barrie, District 2 State Representative Candidate greeted the Commission and briefly discussed pending County issues.

#### RECESS:

The Chairman declared the Commission recessed until October 19, 2004.

Maxine Taylor - Brown County Auditor

October 12, 2004 General Meeting

# OCTOBER 19, 2004 – GENERAL MEETING

Meeting called to order by Chairman Feickert at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Fischbach, Knecht and Wiese.

## MINUTES:

Moved by Wiese, seconded by Fischbach to approve the General Meeting minutes of October 12, 2004. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Wiese, seconded by Knecht to approve the following claims

Payroll: Commissioners..\$2,587.50; Auditor..\$7,248.33; Treasurer..\$8,358.75; Data Processing..\$1,601.93; State's Attorney..\$8,271.91; Victims Assistance..\$904.05; Maintenance..\$5,111.31, Assessor..\$7,328.19; Planning & Zoning..\$1,062.76, Register of Deeds..\$4,657.15; Veterans Service Office..\$2,326.00; Sheriff..\$56,764.62; DOJ Grant..\$2,503.45; Communications..\$12,796.55; Welfare Office..\$2,660.96; Museum..\$4,156.46; Fairgrounds & Parks..\$3,342.99, Fairboard..\$1,820.73; Extension..\$1,636.00; Weed..\$2,517.60; Emergency Management..\$2,164.65; Highway..\$31,051.84; Landfill..\$6,381.69; Matching Benefits: FICA..\$10,356.04; Medicare..\$2,421.95:

Supplies: Best Business..\$315.39, Cass Trucking..\$2090.00, Cartney Bearing..\$159.56, Crawford Trucks..\$1850.42, Dakota Fluid Power..\$39.19, Erdmann Oil..\$2422.32, Farm Plan..\$1455.65, Farnams Parts..\$211.61, Don Gunther..\$12350.00, Harms Oil..\$11,185.78, Hecla Impl..\$16.08, Holland Auto Care..\$7.77, Howell Trucking..\$2430.00, HF Jacobs..\$14,250.00, Menards..\$584.09, North Central Elev..\$12,948.00, Northern Truck..\$5718.00, Northern Electric..\$72.48, Quality Quick Print..\$86.41, Runnings..\$490.93, Sheehan Mack Sales..\$354.39, Tractor Supply..\$50.69, SD Leg Audit..\$12,978.70, Western Printing..\$6139.99, Travel Host Motel..\$66.00, CDW Govt..\$22.65, JailCraft..\$38.85, Dakota Supply..\$12.36, Eilers..\$63.50, Hoven Auto..\$87.65, Gardner Locksmith..\$35.00, Active Data..\$50.00, Ramkota..\$505.00, Sewing Shop..\$21.00, Cheryl Hairgrove..\$1003.00, Verizon..\$135.87, Artz Camera..\$150.00, New Trends..\$91.92, Photos Now..\$16.59, Terry Evans..\$25.33, Civil Air Patrol..\$195.00, Fleet Mgmt..\$64.21, Safety Service..\$337.13, Earthgrains..\$568.80, Upper Plains Contracting..\$6749.95, Share Corp..\$75.00, Safelite Auto..\$336.03, Praxair..\$141.88, Newman Signs..\$120.60, Fred Ludwig..\$2688.09, Marvin Lout..\$2121.00, Lawson Products..\$51.86, James Valley Ethanol..\$2812.50, Howell Trucking..\$3090.00, Fastenal..\$97.86, Deutsch Trucking..\$1500.00, Cass Trucking..\$1938.75, Carquest..\$818.48, Ameripride..\$162.95, Aberdeen Asphalt..\$85,581.99, Dorothy Hedges..\$250.00, Jeanette Kline..\$250.00, Les Frohling..\$200.00, Glas Consulting..\$100.00, A&M Radio..\$50.00, Nelson Sales..\$52.17, Dakota Electronics..\$37.50, OK Tire..\$8.00, Office Equip..\$20.80, Office Max..\$424.89, Paper Warehouse..\$59.44, Dakota Supply Group..\$50.86, UPS..\$4.00, Bethesda..\$150.00, Bonn Express..\$30.26, TBA..\$460.75, AgBio..\$81.60, RE Huffman..\$65.00, Learning ZoneXpress..\$67.43, ProAg Supply..\$280.00, Performance Ag..\$585.00, Lab Safety..\$112.46, Kirks Auto..\$563.88, SD Dept of Rev..\$3115.16, American Flag..\$301.80, Hedahls..\$446.52, Town & Country..\$1221.40, Sheehan Mack Sales..\$444.42, Brown County..\$176.02, PowerPlan..\$164.52, Artz Camera..\$12.60, Petroleum Partners..\$310.17, MVTL Labs..\$27.20, OK Tire..\$42.00, Aberdeen Radio Ranch..\$555.00, Clear Channel..\$495.00, Cunningham Elec..\$604.58, Erdmann Oil..\$2617.43, Praxair..\$15.70, Henry Schein..\$30.00, Moore Medical..\$152.35, Cheryl Hairgrove..\$354.00: Publications: American News..\$2332.62, Dakota Press..\$886.29, Groton Indep..\$271.28, Midland Press..\$512.00:

Professional Fees: witness fees..\$26.40, Avera St Lukes..\$1134.66, NE Mental Health..\$160.93, Sheriff of Yankton County..\$33.00, Donna Dietrich..\$66.92, Lewis & Clark BHS..\$130.00, NECOG..\$1415.99 Transcriptions: Cheryl Hook..\$26.60, Slowey Court Reporting..\$180.00, Tamara Lee..\$97.37, Shepherd Reporting..\$25.00:

Court Appointed Attorney: Brevik & Thurman..\$258.61, Yankton County..\$273.15:

Travel: Charlene Millim..\$79.92, Mavis Kempf..\$18.84:

Utilities: James Valley Co-op..\$148.96, Dependable Sanitation..\$17,908.02, Qwest..\$60.00, Northwestern Energy..\$2671.92, Northern Elec..\$58.68, City of Hecla..\$64.10, Town of Frederick..\$18.25, Northern Valley..\$71.49, City of Aberdeen..\$1642.40, NRCTV..\$79.90:

Care of Poor: Rent – 8 recipients..Dale Bain..\$190.00, Brian Boettcher..\$101.00, Monte McNickle..\$250.00, Barb Jansen..\$85.00, Kurt Kruger..\$370.00, Tom Croymans..\$125.00, Falcon Rentals..\$140.00; Medications – 8 recipients..Kessler Pharm..\$250.19, Medical Center Pharm..\$218.65, K-Mart Pharm..\$37.40, Jones Drug..\$732.94; Dr/Hospital - 3 recipients..Avera St Lukes..\$4523.17; Utilities – 3 recipients..City of Aberdeen..\$400.00, NWPS..\$375.67; Insurance – 1 recipient..Brown County..\$216.28. All members present voting aye. Motion carried.

#### PERSONNEL:

Moved by Knecht, seconded by Wiese to approve the following employee step/longevity increases, effective October 24, 2004: Michelle Haag @ \$10.68 per hour, Mavis Kempf @ \$14.76 per hour, Nyle Jensen @ \$12.14 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to approve hiring the following full-time Correctional Officers for the Jail, effective October 25, 2004 at \$10.07 per hour: Lance Aeschlima and Brandi Hagen. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Knecht to approve hiring Nina Smith as Dispatcher, effective October 18, 2004 at \$10.42 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to acknowledge resignation of Vicky Wicks, Victim's Assistant, effective October 29, 2004. All members present voting aye. Motion carried.

#### LEASE AGREEMENT:

Moved by Wiese, seconded by Fischbach to approve and authorize the Chairman sign agreement with Lien Transportation Co for lease of the Club House on October 23-24, 2004. All members present voting aye. Motion carried.

#### BID – EM VEHICLE:

Moved by Fischbach, seconded by Wiese to authorize advertising public hearing to open, read and consider bids for one new 2005 Sport Utility Vehicle for the Emergency Management Department, to be held in the Commissioners Chambers, Courthouse Annex, Brown County, SD at 9:30 A.M. on November 9, 2004. All members present voting aye. Motion carried.

#### RFP – JAIL CAMERA SYSTEM:

Moved by Hansen, seconded by Knecht to authorize advertising public hearing to open Requests for Proposals for furnishing and installation of surveillance equipment with video/digital storage transfer system capabilities and a master intercom/paging/background audio system for the Brown County Jail, to be held at 10:00 A.M. on November 9, 2004 in the Commissioners Chambers, Courthouse Annex, Brown County, SD. All members present voting aye. Motion carried.

#### CLAIM ASSIGNMENT:

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman sign documentation to assign a claim against an individual to L.F. Noll Inc. for purpose of collecting a lien. All members present voting aye. Motion carried.

#### FAIR BOARD APPOINTMENTS:

Moved by Hansen, seconded by Wiese to approve exception to Fair Board By-laws by appointing an extra person to the Fair Board until natural attrition creates an opening to absorb additional member and appoint the following seven people for a three-year term on the Fair Board, effective January 1, 2005 – December 31, 2007: Kathy Schaunaman, Myles Haugen, Tom Green, Don Craft, John Aman, Darcy Leshner, Karla Meints. All members present voting aye. Motion carried.

#### ALCOHOLIC BEVERAGE LICENSE TRANSFER:

Time and place, as advertised for public hearing to consider applications for transfer of alcoholic beverage licenses. The following action ensued: Moved by Fischbach, seconded by Knecht to approve the following Alcoholic Beverage License Transfers: RETAIL (ON SALE) LIQUOR from Road Kill Cafe to NSU Foundation (SW ¼ Sec-1-T123N-R64W in the Clubhouse, Brown County South Dakota); RETAIL (ON SALE) LIQUOR from NSU Foundation to Ronald Erickson, DBA Road Kill Café (Erickson & Meier First Subdivision Lot 6 SE ¼ Sec 16-T123R64W. All members present voting aye. Motion carried.

#### BCCHC REPORT:

DeAnna Kyburz presented the Brown County Community Health Center Report for July-September 2004.

#### PROPERTY DISCUSSION:

Dale and Bonnie Rausch and Lonnie Anderson met to discuss the possibility of leasing a portion of county owned land for parking purposes adjacent and to the north of Clark Engineering on 1<sup>st</sup> Ave SE. No action taken at this time. Mick Palmer, Maintenance Supervisor was also in attendance.

#### CERT:

Moved by Hansen, seconded by Fischbach to approve the CERT (Community Emergency Response Team) Guidelines. All members present voting aye. Motion carried.

#### HOSPITAL BILL:

Moved by Wiese, seconded by Hansen to deny payment of a hospital bill, submitted by Avera St Lukes Hospital in amount of \$16,393.46 for a 64 year old male, as the individual has not provided sufficient information to determine indigency. All members present voting aye. Motion carried.

#### HIGHWAY UPDATE:

Dirk Roger, Highway Superintendent discussed current department activities and specs for upcoming bid lettings.

#### PARKING LOT DISCUSSION:

Trevor Lien met to discuss use of the county owned property lot on Market Street as a means of exit for the Blackstone parking lot adjacent to the north. Losing at least two parking spaces and the additional wear and tear on the county property was discussed. No action was taken at this time. Mick Palmer, Judy Dosch and Dirk Rogers were also in attendance.

#### RECESS:

The Chairman declared the Commission recessed until October 26, 2004.

Maxine Taylor – Brown County Auditor

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## OCTOBER 26, 2004 – GENERAL MEETING

Meeting called to order by Chairman Feickert at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Knecht and Wiese. Absent Commissioner Fischbach.

### MINUTES:

Moved by Knecht, seconded by Wiese to approve the General Meeting minutes of October 19, 2004. All members present voting aye. Motion carried.

### CLAIMS:

Moved by Wiese, seconded by Hansen to approve the following claims:

Supplies: SD Planners..\$40.00, Best Business..\$91.35, Pitney Bowes..\$297.00, Office Equip..\$227.89, Indoff..\$155.98, Crescent Elec..\$176.65, Winzip..\$115.00, Lar-Jos..\$38.40, New Trends..\$185.61, Heartland Paper..\$1078.60, Macs..\$5.38, Rux Bros..\$63.30, McFarland Supply..\$105.51, McDonald Supply..\$578.59, Menards..\$741.98, Chris Stanley..\$719.29, Aberdeen Home Builders..\$230.00, Office Max..\$248.25, New Trends..\$87.98, Hofer Repair..\$19.75, Langs..\$259.50, Christine Heidenreich..\$100.00, Double D Body Shop..\$2968.94, Janice Moore..\$58.66, McQuillen Design..\$251.70, Medical Center Pharm..\$1892.59, Dept of Rev..\$385.00, NADRIC..\$1666.67, Sherri Rawstern..\$12.12, Kleins..\$6.26, Sherwin-Williams..\$67.09, Upper Midwest Conservation..\$100.00, Ramkota Inn..\$1140.00, ND Assoc of Fairs..\$1710.00, SD Assoc of Fairs..\$55.00, EDC,LLC..\$517.00, US Postal Service..\$720.00, Deans Upholstery..\$65.00, Graham Tire..\$12.19, Bluff City Wholesale..\$17.99, Brown County..\$2690.27, City of Aberdeen..\$2601.00, Peacock Design..\$4100.00, Avera McKennan Careflight..\$600.00, APCO Intl..\$175.00, SD Assoc of County Commissioners..\$72.50, Dakota Wood Grinding..\$19,802.50, Heppers Sport Center..\$7550.00:

Publications: Groton Indep..\$301.60, Tribune..\$10.56, Gibson Pub..\$8.68, American News..\$315.00:

Professional Fees: Kim Dorsett..\$2083.33, Richard Russman..\$2916.67, Brandon Leslie..\$400.00, Kevin Spitzer..\$400.00, Dakota Imaging..\$24.00:

Court Appointed Attorney: William Gerdes..\$4166.67, Christy Serr..\$4166.67, Kuck Law Office..\$4166.67, Randy Turner..\$4166.67, Mikelson Law Office..\$306.25:

Travel: Mike Scott..\$117.28, Deb Knecht..\$243.20:

Utilities: Qwest..\$5905.90, Midcontinent Cable..\$212.67, Cellular One..\$292.37, City of Aberdeen..\$97.32, AT&T..\$22.96, James Valley..\$219.60, Northwestern Energy..\$10.00, Bureau of Admin..\$540.37:

Care of Poor: Rent – 3 recipients..Suzette McQuillen..\$220.00, Perry Pitz..\$220.00, Kurt Krueger..\$129.00; Medications – 6 recipients..Jones Drug..\$85.14, Econofoods Pharm..\$294.34, Kessler Pharm..\$93.38, Walmart Pharm..\$128.30, K-Mart Pharm..\$111.95; Drs/Hospital - 2 recipients..Avera St Lukes..\$13,225.86; Utilities – 2 recipients..Northern Elec..\$67.93, NWPS..\$220.77. All members present voting aye. Motion carried.

### SHERIFF REPORTS:

Moved by Wiese, seconded by Knecht to approve the following September 2004 Sheriff Reports: Incidents & Offenses, Prisoner Care, JDC, Money deposited with the County Treasurer and Monthly activities. All members present voting aye. Motion carried.

### INCREASE SPENDING AUTHORITY/ESTIMATED REVENUE:

Moved by Hansen, seconded by Knecht to increase spending authority and estimated revenue for the following unanticipated reimbursements: Underage Drinking Control Grant #234-331.90 @ \$3,197.12 and #234-211.01-411 @ \$2764.54, #234-211.01-412.01 @ \$171.38, #234-211.01-412.02 @ \$40.08, #234-211.01-413 @ \$221.12. All members present voting aye. Motion carried.



**WEED AND SEED:**

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman sign Agreement with Dr. Bruce Petrie to provide outside evaluation services for Year Three of the Department of Justice Program known as Brown County Weed and Seed #2002-WS-QX-0054, in amount of \$5,000.00, effective October 1, 2004 through March 31, 2005. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to approve the Brown County Weed and Seed Monthly Expenses for October 2004 (Year Two 2002-WS-QX-0054), in amount of \$6,701.00. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Wiese to approve the Brown County Weed and Seed Monthly Expenses for October 2004 (Year Three 2002-WS-QX-0054), in amount of \$2,690.27. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Wiese to approve the following Weed and Seed Year Two funding proposal: Aberdeen Police Department (Fiber optic cable for Drug Task force computer network), as recommended by the Steering Committee. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Wiese to amend Procedure for the Brown County Weed and Seed (Year Two and Three) Funding Proposals, as amended (originally adopted by the Brown County Commission on May 21, 2002 and amended September 17, 2002, December 17, 2002 and May 27, 2003). All members present voting aye. Motion carried.

**INVENTORY TRANSFER/SURPLUS PROPERTY:**

Moved by Wiese, seconded by Knecht to declare the following vehicles from the Sheriff Department surplus property for trade-in: Decal #3094 1992 GMC Suburban, Decal #3181 1993 Chevy Suburban, Decal #3158 1986 Chevy Suburban. All members present voting aye. Motion carried.

**SICK LEAVE BANK BOARD:**

Jeanette Nietert, Tom Schmitt and Jan Weismantel met with the Commission to discuss changing the Sick Leave Bank guidelines regarding the emergency leave time that an employee may use during any one calendar year and the maximum benefit per employee. Further discussions will be held prior to a decision.

**EXECUTIVE SESSION:**

Moved by Knecht, seconded by Wiese to go into executive session to discuss contract negotiations with Mark McNeary in attendance. All members present voting aye. Motion carried.

The Chairman declared the session adjourned with no action taken.

**RECESS:**

The Chairman declared the Commission recessed until November 2, 2004.

Maxine Taylor – Brown County Auditor

# NOVEMBER 2, 2004 - GENERAL MEETING

Meeting called to order by Chairman Feickert at 8:45 A.M. in the Commissioners Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Fischbach, Knecht and Wiese.

## MINUTES:

Moved by Hansen, seconded by Fischbach to approve the General Meeting minutes of October 26, 2004. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Knecht, seconded by Wiese to approve the following claims:

Payroll: Commissioners..\$2,587.50; Auditor..\$8,511.03; Treasurer..\$8,358.75; Data Processing..\$1,601.93, State's Attorney..\$8,271.91; Victims Assistance..\$904.05; Maintenance..\$5,128.97, Assessor..\$7,044.78; Planning & Zoning..\$1,062.76; Register of Deeds..\$4,657.15; Veterans Service Office..\$2,376.05; Sheriff..\$54,288.74; DOJ Grant..\$2,513.96; Communications..\$14,501.03; Welfare Office..\$2,728.16; Museum..\$4,377.26; Fairboard..\$1,820.73; Fairgrounds & Parks..\$3,137.14; Extension..\$1,636.00; Weed..\$1,806.50; Emergency Management..\$2,164.65; Highway..\$27,564.74; Landfill..\$6,866.39; Matching Benefits: FICA..\$10,782.29, Medicare..\$2,521.67, Wellmark BCBS Life..\$679.74, Wellmark BCBS Health..\$52,841.10, Delta Dental..\$3,528.00, SD State Retirement..\$31,412.63:

Supplies: Office Equip..\$92.81, Brown & Saenger..\$35.11, Quality Quick Print..\$228.45, Kesslers..\$1.53, West Payment Center..\$1946.00, HRS..\$18.05, Language Line..\$100.00, Gary's Engine..\$51.14, Ecolab..\$69.70, Crescent Elec..\$99.22, Menards..\$52.95, Erdmann Rooter..\$68.00, Artz Equip..\$218.60, Bob Barker..\$457.55, Auto Glass Solutions..\$213.93, DSS..\$132.75, Mobile Electronic Service..\$26.75, Civic Research..\$169.95, Fire Safety First..\$17.70, Dept of Rev..\$35.00, Avera St Lukes..\$59.00, Henry Schein..\$143.70, Moore Medical..\$86.54, Best Business..\$495.82, Behavioral Interventions..\$192.00, Securicor EMS..\$107.94, Z&S Dust Control..\$2196.48, SDLTAP..\$60.00, SDDOT..\$16,044.51, PR Diamond Products..\$228.00, Bryan Owens..\$47.51, Lyle Signs..\$714.80, Lien Transportation..\$114.05, Larson Blacksmith..\$428.00, JB Center..\$64.54, Bernie Howard..\$5370.00, Highway Improvement Inc..\$36,250.00, Harms Oil..\$12,188.19, Dave Gardner Trucking..\$1373.50, Farm Power..\$114.24, Diesel Machinery..\$4303.03, Cass Trucking..\$4908.75, Brookings County..\$6000.00, Kevin Bourdon Trucking..\$1394.00, Aberdeen Asphalt..\$12,637.28, Fays Refrigeration..\$1181.18, Herc-U-Lift..\$109.51, Sewer Duck..\$46.80, Western States Fire..\$180.00, Farnams..\$32.53, Butler Machinery..\$156.27, Runnings..\$6.27, RDO..\$12.62, SD for the Arts..\$125.00, Walmart..\$45.56, Kens..\$9.81, Lora Schaunaman..\$5.27, NDSU..\$73.50, Century Business Products..\$70.00, SDSU..\$614.51, Nat'l Extension Assoc..\$100.00, Dakota Electronics..\$1395.00, Columbia Fire..\$1000.00, Warner School Dist..\$495.86, CarQuest..\$363.14, K-Mart..\$8.58, Safety Benefits..\$150.00, Macs..\$14.27, SD Dept of Rev..\$3048.40, Central Fiber..\$11,729.02, Powerplan..\$865.74, Butler Machinery..\$141.00, NECOG..\$1000.00:

Publications: Groton Indep..\$1152.56, Dakota Press..\$1416.76, American News..\$472.58:

Professional Fees: Avera United Clinic..\$122.25, Northern Plains OMS..\$44.07, Eide Bailly..\$238.50:

Transcriptions: Michelle Gaikowski..\$91.80, Neal Reporting..\$133.00, Nelva Kooistra..\$60.00, Don Carlson..\$60.00, Donna Dietrich..\$482.28, Sheriff of Yankton County..\$33.00:

Travel: Deb Knecht..\$243.20, Lorah Houser Jankord..\$95.36, Gene Loeschke..\$160.00, Leo Leshner..\$227.52, Mark Milbrandt..\$835.76, Dirk Rogers..\$131.02, Gary Erickson..\$397.12, Marj Zastrow..\$364.35:

Court Appointed Attorney: Kelly Marnette..\$180.00:

Utilities: Qwest..\$40.38, Midcontinent Cable..\$76.30, Cellular One..\$650.40, Northwestern Energy..\$1891.20, Montana Dakota..\$25.11, A-1 Sanitation..\$83.55, WEB..\$47.34:

Care of Poor: Rent – 5 recipients..Danne Inc..\$288.00, Albert Schnaidt..\$200.00, Kurt Krueger..\$129.00, Caroline Orr..\$48.00; Transportation – 1 recipient..Jefferson Lines..\$48.30, Dr/Hospital - 1 recipient..Dr John Adams..\$129.72; Burial – 1 recipient.. City of Aberdeen..\$350.00; Utilities – 1 recipient..Northern Electric..\$240.00. All members present voting aye. Motion carried.

**PERSONNEL:**

Moved by Fischbach, seconded by Wiese to approve the following employee step/longevity increases, effective November 7, 2004: Jason Stoltenburg @ \$10.96 per hour, Steven Cogley @ \$14.64 per hour, Paul Alusa @ \$10.34 per hour, Nick Fullmer @ \$10.63 per hour, Sheila Anderson @ \$13.12 per hour. All members present voting aye. Motion carried.

**LIBRARY AGREEMENT:**

Moved by Knecht, seconded by Fischbach to approve and authorize the Chairman sign Agreement with Aberdeen City for the Alexander Mitchell Library to provide library services for all residents of Brown County, effective January 1 – December 31, 2005 in amount of \$20,000.00. All members present voting aye. Motion carried.

**CDBG DPM WINDOW PROJECT:**

Moved by Wiese, seconded by Knecht to acknowledge receipt of final closeout documentation for CDBG 0103-113 – Dacotah Prairie Museum Window Project. All members present voting aye. Motion carried.

**APPLICATION FOR OCCUPANCY:**

Moved by Hansen, seconded by Knecht to approve and authorize the Chairman sign application, submitted by Qwest Corporation for occupancy of 387<sup>th</sup> Ave and 130<sup>th</sup> Street in Sec 1-T123N-R64W, Brown County, SD to provide telephone service. All members present voting aye. Motion carried.

**CDBG – NORTHEAST HEALTH AND FITNESS CENTER PUBLIC PROGRESS HEARING:**

Time and place, as advertised for a public hearing to discuss the progress of the Northeast Health and Fitness Center and to receive any comments and concerns pertaining to the project or its funding by Community Development Block Grant. No one appeared with comments or concerns.

**RECESS:**

The Chairman declared the Commission recessed until November 9, 2004.

Maxine Taylor – Brown County Auditor

NOVEMBER 4, 2004 – CANVASS OF NOVEMBER 2, 2004 GENERAL AND MUNICIPAL ELECTION

Brown County Commissioners Dennis Feickert, Nancy Hansen and Deb Knecht and Aberdeen City Commissioners Todd Forkel, Pat Klabo and Mayor Mike Levsen convened for purpose of canvassing the November 2, 2004 General and Aberdeen Municipal Election, as authorized by SDCL 12-20-36. Karl Alberts was also in attendance.

ABERDEEN CITY PRECINCTS

|      |                 |   |
|------|-----------------|---|
| #001 | Poll Book Count | 1431  |
|      | Ballots Counted | 1435 includes 1 FWAB                              |
| #002 | Poll Book Count | 1257  |
|      | Ballots Counted | 1259  |
| #003 | Poll Book Count | 1210  |
|      | Ballots Counted | 1214 1 Provisional not counted                    |
| #004 | Poll Book Count | 1260  |
|      | Ballots Counted | 1263  |
| #005 | Poll Book Count | 830   |
|      | Ballots Counted | 829 1 Provisional not counted                     |
| #006 | Poll Book Count | 1554  |
|      | Ballots Counted | 1560 1 Provisional not counted<br>includes 1 FWAB |
| #007 | Poll Book Count | 1303  |
|      | Ballots Counted | 1301  |
| #008 | Poll Book Count | 902   |
|      | Ballots Counted | 904   |
| #009 | Poll Book Count | 1138  |
|      | Ballots Counted | 1137  |
| #010 | Poll Book Count | 830   |
|      | Ballots Counted | 831   |
| #011 | Poll Book Count | 1146  |
|      | Ballots Counted | 1145  |

RURAL PRECINCTS

|      |                 |  |
|------|-----------------|--|
| #012 | Poll Book Count | 720  |
|      | Ballots Counted | 721 includes 1 FWAB                              |
| #013 | Poll Book Count | 456  |
|      | Ballots Counted | 455  |
| #014 | Poll Book Count | 327  |
|      | Ballots Counted | 328  |
| #015 | Poll Book Count | 944  |
|      | Ballots Counted | 944 includes 1 FWAB                              |
| #016 | Poll Book Count | 495  |
|      | Ballots Counted | 496  |
| #017 | Poll Book Count | 620  |
|      | Ballots Counted | 619 1 Provisional not counted<br>includes 1 FWAB |
| #018 | Poll Book Count | 285  |
|      | Ballots Counted | 285  |
| #019 | Poll Book Count | 1178   |
|      | Ballots Counted | 1179   |
| #020 | Poll Book Count | 246  |
|      | Ballots Counted | 248 includes 1 FWAB                              |
| #021 | Poll Book Count | 422  |
|      | Ballots Counted | 421  |
| #022 | Poll Book Count | 335  |
|      | Ballots Counted | 335 1 Provisional not counted<br>includes 1 FWAB |

Moved by Knecht, seconded by Hansen to adjourn the Canvass Meeting for the November 2, 2004 General and Municipal Election. All members present voting aye. Motion carried.

Maxine Taylor – Brown County Auditor

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# NOVEMBER 9, 2004 – GENERAL MEETING

Meeting called to order by Chairman Feickert at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Fischbach, Knecht and Wiese.

## MINUTES:

Moved by Wiese, seconded by Hansen to approve the General Meeting minutes of November 2, 2004 and the Canvass Meeting minutes of November 4, 2004. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Wiese, seconded by Knecht to approve the following claims:

Supplies: Best Business..\$10,095.96, Pheasantland Industries..\$618.02, Intab..\$58.87, Office Max..\$265.91, RE Huffman..\$175.17, Quality Quick Print..\$357.83, Brown County Tres..\$125.96, Lar-Jos..\$230.00, New Trends..\$20.07, Exec Mgmt..\$2218.57, Office Equip..\$91.42, Chris Stanley..\$569.29, Crescent Elec..\$281.03, Woodman Refrig..\$1183.28, Cunningham Elec..\$1315.66, A&M Radio..\$606.00, Runnings..\$188.75, Macs..\$61.23, Dakota Supply..\$349.36, Heartland Paper..\$210.37, Taylor Laundry..\$18.00, Gardner Locksmith..\$11.00, House of Glass..\$112.01, Nelson Sales..\$39.00, Sioux Falls Clinical Labs..\$97.26, Cheryl Hairgrove..\$590.00, Dicks Westside..\$227.25, Bonnie Bitz..\$384.00, OK Tire..\$175.00, Velvet Uniforms..\$129.63, Accurint..\$23.20, Video Service of America..\$60.50, Evercom..\$1540.00, Dakota Electronics..\$1050.20, Brown County Health..\$14.00, Bob Barker..\$78.95, HRS..\$4220.98, Walmart..\$352.55, Lust Chev..\$39.39, Kesslers..\$317.94, Kustom Signal..\$128.92, Warner School Dist..\$568.50, Hewlett Packard..\$11,177.00, CDW Govt..\$3582.67, City of Groton..\$550.32, Viking Office..\$69.97, Town & Country..\$3.98, Swanson Elec..\$64.54, Sheehan Mack..\$733.49, Schaible Trucking..\$360.00, Safety Service..\$495.50, Plastic Works..\$50.00, Newman Signs..\$438.00, Menards..\$162.98, Larson Blacksmith..\$50.00, Keeleys..\$84.50, Jensen Rock & Sand..\$3174.00, HF Jacobs..\$70,202.00, Great Western Tire..\$642.23, Exhaust Pros..\$118.00, Evergreen Supply..\$13.85, Erdmann Oil..\$2644.89, Diamond Mowers..\$99.27, Dakota Oil..\$1292.26, Creative Signs..\$20.00, Crawford Trucks..\$6087.53, Cass Trucking..\$2626.25, Butler Machinery..\$60.11, Bridgestone Firestone..\$1729.83, Menards..\$111.35, Ben Hofer Backhoe..\$327.70, Farm Power..\$27.67, Farnams..\$117.61, A&M Radio..\$454.00, SD County Ag Agents..\$90.00, Streichers..\$874.00, SD Dept of Rev..\$13.00, Graham Tire..\$14.00, Ginger Walker..\$29.90:

Publications: American News..\$4304.50, Watertown Public Opinion..\$185.40:

Professional Fees: Sheriff of Custer County..\$25.95, Sheriff of Grand Forks County..\$16.50, Sheriff of Cass County..\$15.25, Dr John Carrels..\$119.94, Avera St Lukes..\$257.94, Christine Heidenreich..\$1262.25:

Elections: Joan Freudenthal..\$125.00, Mavis Hoffman..\$120.00, Kristi Strivens..\$125.00, Sharon Deilke..\$120.00, Alayne Meyer..\$120.00, Linda Miles..\$120.00, Melissa Dorn..\$120.00, Mary Lou Adams..\$125.96, Diane Hickenbotham..\$120.00, Gayle Osman..\$120.00, Bonnie VanDeRostyne..\$120.00, Helen Anderson..\$120.00, Dorothy O'Keefe..\$120.00, Jan Diegel..\$120.00, Caroline Gallup..\$125.00, Ardys Gosch..\$120.00, Catherine Clinton..\$120.00, Marlis Nack..\$120.00, Bonnie Kluck..\$120.00, Shirley Jahraus..\$120.00, Vera Deyo..\$120.00, Fern Preston..\$120.00, Joanne Mielke..\$120.00, Shirley Gellhaus..\$120.00, May Wylie..\$120.00, Ethel Bakken..\$120.00, Helen Reuer..\$120.00, Gail Marshall..\$120.00, Evelyn Holdhusen..\$120.00, Shirley Pelkofer..\$120.00, Yolonda Jahraus..\$120.00, Ron Krogman..\$120.00, Shirley Ochsner..\$120.00, Karen Mogen..\$105.00, Rita Sebert..\$120.00, Barb Rogers..\$125.00, Betty Podrouzek..\$120.00, Wendy Schaunaman..\$125.00, Donna Lout..\$120.00, Marjorie Campbell..\$120.00, Rebecca Jeschke..\$125.00, Jill Hostetter..\$120.00, Cathy Emmett..\$120.00, Joan Solberg..\$120.00, Marlys Suten..\$100.00, Mary Ann Bierman..\$125.00, Joyce Gage..\$120.00, Joyce Pfeiffer..\$120.00, Barbara Masgai..\$100.00, Virginia Klitz..\$120.00, Donna Swanhorst..\$120.00, Barbara Walker..\$120.00, Lucille Kushman..\$120.00, Gladys Braun..\$120.00, Kathy Ellingson..\$120.00, Linda Siebrasse..\$129.80, Karelyn Farrand..\$120.00, Linda Siefkes..\$120.00, Evalyn Smith..\$120.00, Arlene Hanson..\$120.00, Kathryn Vitense..\$151.22, Nancy Ringgenberg..\$100.00,

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Darlene Dell..\$120.00, Margaret DeHoet..\$120.00, Judy Albrecht..\$120.00, Gloria Gooding..\$120.00, Shirley Bender..\$120.00, Pauline Schaunaman..\$120.00, Peggy Cruse..\$100.00, Kathy Schaunaman..\$134.60, Pauline Peterson..\$120.00, Pam Larson..\$120.00, Mildred Bauer..\$120.00, Eleanor Haar..\$120.00, Sharon Bain..\$120.00, Vonda Hinz..\$120.00, Peggy Buchanan..\$120.00, Carol Erdmann..\$120.00, Deanna Sanderson..\$125.00, Marilyn Gramlow..\$120.00, Pam Erickson..\$131.40, Darleen Haselhorst..\$120.00, Ellen Wiedebush..\$120.00, Lynn Butler..\$120.00, Aaron Dorn..\$120.00, Charlean Erickson..\$136.02, Myrna Stange..\$120.00, Donna Seaton..\$120.00, Sharon Lee..\$120.00, Kathy Williams..\$120.00, Gloria Pharis..\$137.80, Peggy Fliehs..\$120.00, J Lorraine Anderson..\$120.00, Jean Schaller..\$120.00, Carol Sombke..\$120.00, Darcey Leshner..\$145.60, Roberta Spencer..\$120.00, Janel Merkel..\$120.00, Kelly Clark..\$120.00, Joan Thompson..\$120.00, Carol Dinger..\$155.40, Linda Bauer..\$100.00, Cindy Olson..\$110.00, Merna Treeby..\$120.00, Karen Lunzman..\$120.00, Patricia Mikkonen..\$120.00, Maryann Luoma..\$157.00, Marie Schlosser..\$120.00, Dianna Kopetsky..\$120.00, Margaret Strand..\$120.00, Waste Recovery..\$1667.51, SWANA..\$211.00, Praxair..\$15.25, Clear Channel..\$495.00, Sheehan Mack Sales..\$1327.93, Nelson Sales..\$343.36, Ameripride..\$43.04, Cunningham Elec..\$162.56, Bricks TV..\$1743.75, Office Max..\$99.99, Runnings..\$51.58, Midwest Pump & Tank..\$809.75, Erdmann Fuels..\$4351.43, OK Tire..\$23.00:

Travel: Dennis Feickert..\$19.20, Mike Wiese..\$112.64, Jan Beckler..\$19.84, Jeanette Nietert..\$8.64, Mike Scott..\$32.00:

Court Appointed Attorney: H I King..\$6195.34:

Utilities: City of Aberdeen..\$504.02, Northwestern Energy..\$9269.72, Northern Valley..\$146.98, James Valley..\$150.35, Town of Frederick..\$18.25, WEB..\$37.50, Qwest..\$166.30, Verizon..\$42.84, NRCTV..\$79.90, Dependable Sanitation..\$20,448.62:

Care of Poor: Rent – 2 recipients..Dallas Niederbaumer..\$130.00, Rockford Apts..\$200.00; Medications – 5 recipients..Kessler Pharm..\$155.74, Medical Center Pharm..\$267.65; Dr/Hospital - 3 recipients..Avera St Lukes..\$9182.31, Emergency Poor Fund..\$55.00; Utilities – 1 recipient..BDM Rural Water..\$40.00. All members present voting aye. Motion carried.

#### PERSONNEL:

Moved by Wiese, seconded by Hansen to acknowledge resignation of Correctional Officer Justin Cleveland, effective November 16, 2004. All members present voting aye. Motion carried.

#### THANKSGIVING CLOSING:

Moved by Wiese, seconded by Hansen to close Friday, November 26<sup>th</sup>, with the following policy: each employee will be compensated for eight hours regular pay for November 26, if an employee is required to work a full shift on November 26<sup>th</sup>, eight hours will be added to their vacation record – under no circumstances will premium pay be paid for these eight hours. All members present voting aye. Motion carried.

#### SET HEARING DATE:

Moved by Wiese, seconded by Hansen to set public hearing for 8:45 a.m. on November 30, 2004 in the Brown County Commission Chambers, Courthouse Annex for First Reading of the following: Ordinance No. 04-11-01/300 (Iwerks), An Ordinance Amending Ordinance No. 1164 to rezone the following property from Section 701 (A-1) Agricultural District to Section 714 (M-AG) Mini-Agricultural District: Iwerks Outlots in the SE ¼ of Sec 4-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD; Ordinance No. 04-11-02/301 (Fulker), An Ordinance Amending Ordinance No. 1164 to rezone the following property from Section 701 (A-1) Agricultural District to Section 714 (M-AG) Mini-Agricultural District: Fulker First Subdivision in SE ¼ of Sec 17-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD; Ordinance No. 04-11-03/302 (Kempf), An Ordinance Amending Ordinance No. 1164 to rezone the following property from Section 701 (A-1) Agricultural District to Section 704 (R-2) Medium Density Residential District: Kempf Addition in the SW ¼ of Sec 28-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD; Ordinance No. 04-11-04/303 (Hoines), An Ordinance Amending Ordinance No. 1164 to rezone the following

property from Section 701 (A-1) Agricultural District to Section 714 (M-AG) Mini-Agricultural District: Hoines First Subdivision in NW ¼ of Sec 4-T122N-R63W of the 5<sup>th</sup> P.M., Brown County, SD; Ordinance No. 04-11-05/304 (Musel), An Ordinance Amending Ordinance No. 1164 to rezone the following property from Section 701 (A-1) Agricultural District to Section 714 (M-AG) Mini-Agricultural District: Lots 1 and 2, Musel Second Subdivision in SE ¼ of Sec 2-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD; Ordinance No. 04-11-06/305 (Franz), An Ordinance Amending Ordinance No. 1164 to rezone the following property from Section 701 (A-1) Agricultural District to Section 703 (Low Density Residential District: Franz Outlot 1 in the NW ¼ of Sec 33-T124N-R63W of the 5<sup>th</sup> P.M., Brown County, SD; Ordinance No. 04-11-07/306 (Neuhardt), An Ordinance Amending Ordinance No. 1164 to rezone the following property from Section 701 (A-1) Agricultural District to Section 714 (M-AG) Mini-Agricultural District: Neuhardt First Subdivision in the NE ¼ of Sec 7-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD; Ordinance No. 04-11-08/307 (Lust/Kessler), An Ordinance Amending Ordinance No. 1164 to rezone the following property from Section 701 (A-1) Agricultural District to Section 714 (M-AG) Mini-Agricultural District: Lot 1 of Lust Addition in the E ½ of the NE ¼ of Sec 15-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD; Lot 2, Kessler Second Addition in the NE ¼ of Sec 4-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD. All members present voting aye. Motion carried.

#### AUDITORS REPORT OF ACCOUNT:

Moved by Hansen, seconded by Fischbach to approve the October 2004 Auditor's Report of Account with the County Treasurer in total amount of \$16,791,570.08 (Total amount of actual cash @ \$3,402.05, Wells Fargo Bank @ \$3,694.79, US Bank @ \$12,148.92, Dacotah Bank @ \$50,007.70, Petty Cash @ \$1,700.00, Fund Investments @ \$16,712,218.67, Outstanding Checks @ \$8,397.95). All members present voting aye. Motion carried.

#### DISPARATE JURISDICTION:

Moved by Wiese, seconded by Hansen to approve and authorize the Chairman sign Financial Form 269 for April through June 2004 for the Brown County Disparate Jurisdiction Grant #2002-LB-BX-0900. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to approve and authorize the Chairman sign Financial Form 269 for July through September 2004 for the Brown County Disparate Jurisdiction Grant #2002-LB-BX-0900. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman sign Financial Form 269 for April through June 2004 for the Brown County Disparate Jurisdiction Grant #2003-LB-BX-1657. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman sign Financial Form 269 for July through September 2004 for the Brown County Disparate Jurisdiction Grant #2003-LB-BX-1657. All members present voting aye. Motion carried.

#### BROWN COUNTY WEED AND SEED:

Moved by Hansen, seconded by Wiese to acknowledge receipt of Grant Adjustment Notice (GAN) for Brown County Weed and Seed Grant #2002-WS-QX-0054, extending grant period for six months (10/1/2001 to 3/31/2005) and formally recognizing resignation of coordinator. All members present voting aye. Motion carried.

#### TRANSFER:

Moved by Wiese, seconded by Knecht to approve and authorize the following transfer of spending authority and cash, as reflected in the 2004 General Fund #101-191-911 Budget: \$1,000,000.00 to Road & Bridge Fund #201-371. All members present voting aye. Motion carried.

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**AMEND FEE:**

Moved by Fischbach, seconded by Wiese to amend the fee paid for attendance at the general election schooling for precinct workers from \$10.00 to \$20.00. All members present voting aye. Motion carried.

**INCREASE SPENDING AUTHORITY/ESTIMATED REVENUE:**

Moved by Fischbach, seconded by Wiese to increase spending authority for Mosquito Grant in Fund #101-615-426.45 for chemical/minor equipment in amount of \$15,554.90 and #101-615-434 for equipment in amount of \$12,969.00; and further increase estimated revenue in Fund "101-334 in total amount of \$28,523.90. All members present voting aye. Motion carried.

**PLAT:**

Commissioner Wiese offered the following Resolution:

**RESOLUTION NO. 92-04**

BE IT RESOLVED by the Board of Commissioners of Brown County, SD, that the plat showing "Lust Addition in the E ½ of the NE ¼ of Sec 15-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD," 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 Hansen. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

**BID – PUP TRAILER:**

Time and place, as advertised to open, read and consider bids for furnishing and delivery of one new 2005 4-axle bottom dump Pup Trailer. Bids were received from Butler Machinery, Diesel Machinery and JD Evans. Moved by Fischbach, seconded by Wiese to refer all bids to the Highway Department for review and recommendation. All members present voting aye. Motion carried.

Moved by Knecht, seconded by Wiese to award low bid, submitted by Diesel Machinery in amount of \$44,900.00 for furnishing and delivery of one new 2005 4-axle bottom dump Pup Trailer; rejecting Butler Machinery @ \$55,100.00 and JD Evans @ \$46,242.00. All members present voting aye. Motion carried.

**BID – TANDEM TRUCK:**

Time and place, as advertised to open, read and consider bids for furnishing and delivery of one new Twin Screw Tandem Axle Dump Truck Cab and Chassis. Bids were received from Crawford Trucks and Wallwork Trucks. Moved by Wiese, seconded by Knecht to refer all bids to the Highway Department for review and recommendation. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to award low bid, submitted by Wallwork Trucks in amount of \$64,621.00 (less trade-in of 1999 Intl 2574 model @ \$24,200.00 for net cost of \$40,421.00) for furnishing and delivery of a new 2005 Twin Screw Tandem Axle Dump Truck Cab and Chassis; rejecting Crawford Trucks @ \$73,870.00 (less trade-in @ \$27,570.00 for net cost of \$46,300.00). All members present voting aye. Motion carried.

**SURPLUS PROPERTY:**

Moved by Hansen, seconded by Wiese to declare Decal #1845 1999 Intl 2574 from the Highway Department surplus property for purpose of trade-in at \$24,200.00. All members present voting aye. Motion carried.



**BID – SUV FOR EM:**

Time and place, as advertised to open, read and consider bids for furnishing and delivery of one new 2005 Sport Utility Vehicle. Bids were received from Lust Chevrolet and Johnson Motors. Moved by Knecht, seconded by Wiese to refer all bids to Emergency Management for review and recommendation. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to award low bid, submitted by Lust Chevrolet in amount of \$40,380.26 (less trade-in of 1993 Chev Suburban @ 2,700.00, 1992 Chev Suburban @ 2,700.00 and 1986 Chev Suburban @ 1,500.00 for net cost of \$33,480.26) for furnishing and delivery of one new 2005 Sport Utility Vehicle; rejecting Johnson Motors with net bid @ \$35,039.98. All members present voting aye. Motion carried.

**REQUEST FOR PROPOSALS – SURVEILLANCE SYSTEM:**

Time and place, as advertised to open, read and consider Requests for Proposals for labor and material to install a surveillance system in the Brown County Jail. Proposals were received from A & M Radio, Electronic Security Equipment and Golden West Technology. Moved by Knecht, seconded by Hansen to refer the proposals to the parties involved for review and recommendation. All members present voting aye. Motion carried.

**WASTE DISPOSAL APPROVAL:**

Moved by Knecht, seconded by Wiese to approve and authorize the Chairman sign waste disposal approval form with Rg, Inc, Gwinner, ND to haul waste (non-friable asbestos/translucent siding) to the Brown County Landfill (not to exceed 20 tons per year). All members present voting aye. Motion carried.

**EXECUTIVE SESSION:**

Moved by Wiese, seconded by Fischbach to go into executive session for personnel discussion with Mark McNeary in attendance. All members present voting aye. Motion carried.

The Chairman declared the executive session closed, with no action taken as a result of discussion.

**RECESS:**

The Chairman declared the Commission recessed until November 16, 2004.

Maxine Taylor – Brown County Auditor

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## NOVEMBER 16, 2004 – GENERAL MEETING

Meeting called to order by Chairman Feickert at 8:45 A.M. in the Commissioners Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Knecht and Wiese. Absent Commissioners Hansen and Fischbach.

### MINUTES:

Moved by Knecht, seconded by Wiese to approve the General Meeting minutes of November 9, 2004. All members present voting aye. Motion carried.

### CLAIMS:

Moved by Wiese, seconded by Knecht to approve the following claims:

Payroll: Commissioners..\$2,587.50; Auditor..\$9,614.90; Treasurer..\$8,358.75; Data Processing..\$1,601.93; State's Attorney..\$8,271.91; Victims Assistance..\$1,393.91; Maintenance..\$5,129.83, Assessor..\$7,154.44; Planning & Zoning..\$1,043.20, Register of Deeds..\$4,657.15; Veterans Service Office..\$2,404.65; Sheriff..\$54,121.53; DOJ Grant..\$2,453.91; Communications..\$13,429.11; Welfare Office..\$2,664.96; Museum..\$4,322.06; Fairgrounds & Parks..\$3,137.14, Fairboard..\$1,820.73; Extension..\$1,636.00; Weed..\$65.63; Emergency Management..\$2,164.65; Highway..\$26,720.64; Landfill..\$6,351.85; Matching Benefits: FICA..\$9,941.88; Medicare..\$2,325.06;

Supplies: ES&S..\$22.09, MilesTek Corp..\$194.95, Dakota Supply Group..\$348.43, Menards..\$1024.95, Ameripride..\$244.22, Ecolab..\$141.00, Finishing Touch..\$8531.93, Heartland Paper..\$304.42, Crescent Elec..\$151.57, Gardner Locksmith..\$24.00, Best Business..\$79.14, Apparel Master..\$25.00, Vantek Communications..\$50.00, Bob Barker..\$78.94, Fleet Mgmt..\$44.25, Amoco..\$49.40, Earthgrains..\$631.55, Double D Body Shop..\$302.96, Dawn Woods..\$1298.00, D&K Health Care..\$4.14, Lutheran Social Services..\$106.46, Tri-State Water..\$39.55, Phillips 66..\$30.00, JC Penney..\$44.97, Odland Gravel..\$15,904.00, Jensen Rock & Sand..\$6033.30, Farm Plan..\$310.42, Deutsch Trucking..\$1500.00, Carquest..\$1145.95, Cass Trucking..\$2145.00, Aberdeen Hockey..\$4806.25, Aberdeen Awards..\$1387.00, Shopko..\$158.96, Office Max..\$61.61, Academy..\$80.00, Am Institute for Cancer Research..\$70.00, Reuers Auto..\$1554.65, Quality Quick Print..\$9.91, James Dosch..\$450.00, Boundtree Medical..\$195.58, RE Huffman..\$52.60, Gardner Locksmith..\$52.00, SD Dept of Revenue..\$18.00, Little Professor Book Center..\$494.61;

Publications: American News..\$198.65, Huron Plainsman..\$255.60, Argus Leader..\$304.22;

Professional Fees: Opportunities for Independent Living..\$331.28, Avera St Lukes..\$1734.25, Career Planning..\$714.00, NEOG..\$1261.08, Lewis & Clark BHS..\$520.00, NEMHC..\$175.56;

Transcriptions: Shepherd Reporting..\$50.00;

Travel: Jerry Mills..\$713.93;

Court Appointed Attorney: Kelly Marnette..\$342.00, Fox, Youngberg..\$169.88;

Utilities: Dependable Sanitation..\$212.00, Verizon..\$142.77, Qwest..\$120.00, Northwestern Energy..\$1613.18, Northern Elec..\$49.45, City of Hecla..\$49.90;

Care of Poor: Rent – 6 recipients..Steven Milberger..\$130.00, Gale Gunderson..\$240.00, Tree House Properties..\$80.00, Ken Dohn..\$200.00, D&D Properties..\$200.00, Kurt Kruger..\$185.00; Dr/Hospital - 3 recipients..Avera St Lukes..\$2202.61, Dakota Plains Surgical Center..\$821.00; Burial – 1 recipient..Spitzer Funeral Home..\$1185.00; Utilities – 1 recipient..BDM Rural Water..\$40.00, Northern Electric..\$71.91. All members present voting aye. Motion carried.

### PERSONNEL:

Moved by Wiese, seconded by Knecht to approve the following employee step/longevity increase, effective November 21, 2004: Betty Haar @ \$13.12 per hour. All members present voting aye. Motion carried.

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**DENY DF REQUEST:**

Moved by Wiese, seconded by Knecht to deny request from NorthWestern Corporation and Nekota Resources for discretionary formula for 2004 taxes paid in 2005, as the Department of Revenue certified values to be assessed in August and the County Budget cycle is complete. All members present voting aye. Motion carried.

**GRANT APPLICATION:**

Moved by Wiese, seconded by Knecht to approve and acknowledge application for grant funding in amount of \$10,000.00 for the purpose of law enforcement overtime to enforce SD underage drinking laws. All members present voting aye. Motion carried.

**FY 2003 EXERCISE PROGRAM GRANT:**

Moved by Wiese, seconded by Knecht to approve and authorize the Chairman sign grant reimbursement agreement with the State of SD for US DOJ FY 2003 Exercise Program in amount of \$10,680.71. All members present voting aye. Motion carried.

**FAIR CONTRACT:**

Moved by Wiese, seconded by Knecht to acknowledge contract for entertainment at the Brown County Fair for Friday, August 19, 2005. All members present voting aye. Motion carried.

**ABATEMENT:**

Moved by Wiese, seconded by Knecht to approve the following Abatement: St Mary's Church, house torn down parking lot (S 20' of Lt 4 and Lots 5-12 Blk 38 Hagerty & Lloyds Addition to Aberdeen) solid waste for year 2004 in amount of \$15.00. All members present voting aye. Motion carried.

**PLATS:**

Commissioner Knecht offered the following Resolution:

**RESOLUTION NO. 93-04**

BE IT RESOLVED by the Board of Commissioners of Brown County, SD, that the plat showing "Weismantel Subdivision in the NW ¼ of Sec 4-T124N-R62W of the 5<sup>th</sup> P.M., Brown County, SD", 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. Roll call vote: Commissioners Hansen-absent, Fischbach-absent, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

Commissioner Knecht offered the following Resolution:

**RESOLUTION NO. 94-04**

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Larson First Subdivision in SW ¼ Sec 25-T128N-R65W of the 5<sup>th</sup> P.M., Brown County, SD", 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. Roll call vote: Commissioners Hansen-absent, Fischbach-absent, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

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RESOLUTION NO. 95-04

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Habeck's 1<sup>st</sup> Subdivision in SW ¼ Sec 27-T124N-R63W of 5<sup>th</sup> P.M., Brown County, SD", 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 Knecht. Roll call vote: Commissioners Hansen-absent, Fischbach-absent, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

Commissioner Knecht offered the following Resolution:

RESOLUTION NO. 96-04

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Everson 1<sup>st</sup> Subdivision in SW ¼ Sec 22-T124N-R62W of the 5<sup>th</sup> P.M., Brown County, SD", 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. Roll call vote: Commissioners Hansen-absent, Fischbach-absent, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

Commissioner Knecht offered the following Resolution:

RESOLUTION NO. 97-04

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Neuhardt First Subdivision in NE ¼ Sec 7-T123N-R64W of 5<sup>th</sup> P.M., Brown County, SD", 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. Roll call vote: Commissioners Hansen-absent, Fischbach-absent, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

RESOLUTION NO. 98-04

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing "Kesslers Second Addition in the NE ¼ and NW ¼ of Sec 4-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD", having been examined is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof.

Seconded by Commissioner Knecht. Roll call vote: Commissioners Hansen-absent, Fischbach-absent, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

SICK LEAVE BANK POLICY:

Moved by Knecht, seconded by Wiese to approve policy change for sick leave bank, recommended by the Sick Leave Board for use of employee sick leave for catastrophic family emergencies. All members present voting aye. Motion carried.

**APPLICATION FOR OCCUPANCY:**

Moved by Wiese, seconded by Knecht to approve the application, submitted by Northern Valley Communication for occupancy of Brown County Highway 12W-B in Sec 21-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD to provide communications services. All members present voting aye. Motion carried.

**EXECUTIVE SESSION:**

Moved by Wiese, seconded by Knecht to go into executive session for personnel discussion with Dirk Rogers in attendance. All members present voting aye. Motion carried.

The Chairman declared the executive session closed, with no action taken as a result of discussion.

**AWARD PROPOSAL:**

Moved by Wiese, seconded by Knecht to award proposal for labor and material to install a surveillance system in the Brown County Jail, submitted by Electronic Security Equipment in total amount of \$207,957.78; rejecting proposals from A & M Radio Inc @ \$196,083.84 and Golden West Technologies @ \$164,198.33, to be funded by US DOJ Grant #2004-CK-WX-0150. All members present voting aye. Motion carried.

**EXECUTIVE SESSION:**

Moved by Knecht, seconded by Wiese to go into executive session for personnel discussion with Jeanette Nietert, Deputy Auditor in attendance. All members present voting aye. Motion carried.

The Chairman declared the executive session closed, with no action taken as a result of discussion.

**RECESS:**

The Chairman declared the Commission recessed until November 23, 2004.

Maxine Taylor – Brown County Auditor

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## NOVEMBER 23, 2004 - GENERAL MEETING

Meeting called to order by Chairman Feickert at 8:45 A.M. in the Commissioners Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Fischbach, Knecht and Wiese.

### MINUTES:

Moved by Knecht, seconded by Wiese to approve the General Meeting minutes of November 16, 2004. All members present voting aye. Motion carried.

### CLAIMS:

Moved by Hansen, seconded by Wiese to approve the following claims:

Supplies: Election Systems..\$1114.00, K-Mart..\$69.56, Sherwin Williams..\$120.29, UBC..\$11.08, Dakota Supply Group..\$359.77, Ecolab..\$97.50, McFarland Supply..\$19.40, Sanders Sew 'N Vac..\$399.99, Crescent Elec..\$301.56, Fire Safety First..\$12.85, New Trends..\$114.61, Towing Plus..\$145.00, Best Business..\$189.46, Medical Center Pharm..\$1959.71, Behavioral Interventions..\$72.00, Securicor..\$120.79, Brown County..\$988.25, NECOG..\$3333.36, Boys & Girls Club..\$5760.37, Dakota Square..\$6490.00, Teen Court..\$1025.71, Medical Arts Press..\$162.12, Christine Heidenreich..\$7.23, Lutheran Social Services..\$19,460.64, Ramkota..\$146.00, Larson Blacksmith..\$20.00, Jensen Rock & Sand..\$2793.75, Huron Culvert..\$4323.95, Harms Oil..\$11,728.77, Habecks Radiator..\$153.00, Aberdeen Asphalt..\$2553.34, Farm Power..\$25.56, Runnings..\$68.32, SDACC..\$90.00, Consumer Reports..\$26.00, Kreisers..\$90.69, M&T Fire Safety..\$21,788.00, Hutterville Fire Dept..\$1000.00, MVTL..\$5022.80, Greenman Tech..\$12,307.56, Office Equip..\$270.00, Dakota Fluid Power..\$30.87, Chamber of Commerce..\$198.00, CDW Govt..\$337.44, CDW Govt..\$165.45, Dakota Electronics..\$300.00, Office Max..\$134.74, FedEx..\$9.53, Language Line..\$98.00:  
Publications: American News..\$330.17, Groton Indep..\$677.39, Dakota Press..\$666.45, Midland Press..\$157.50:  
Professional Fees: witness fee..\$20.00, Avera St Lukes..\$262.14, Avera United Clinic..\$353.37, Harlow Orthopedics..\$68.50:  
Transcriptions: Neal Reporting..\$30.60, Cheryl Hook..\$25.20:  
Travel: Jerry Mills..\$451.89, Gloria Gooding..\$9.60, Kathy Fischer..\$104.96, Betty Haar..\$188.84, Sheila Anderson..\$195.84, Alicia Dohn..\$195.84:  
Court Appointed Attorney: Kelly Marnette..\$2196.00, Yankton County..\$364.20:  
Utilities: Qwest..\$5850.29, Bureau of Admin..\$427.65, Cellular One..\$156.99, Dependable Sanitation..\$159.00, Northern Elec..\$518.70, Verizon..\$28.75, AT&T..\$22.96, James Valley..\$217.20, Northwestern Energy..\$10.00:  
Care of Poor: Rent – 3 recipients..Lenny Evangelisto..\$220.00, Kurt Kruger..\$129.00, D&D Properties..\$220.00; Dr/Hospital - 5 recipients..Eckrich Urology..\$1143.53, Aberdeen Family Physicians..\$110.40, Northern Plains OMS..\$88.32, Dakota Imaging..\$103.20, Avera St Lukes..\$3860.25; Burial – 2 recipients..Schrivers Mortuary..\$3580.00; Utilities – 1 recipient..Brown County..\$432.56. All members present voting aye. Motion carried.

### PERSONNEL:

Moved by Wiese, seconded by Knecht to acknowledge the following miles driven and amount to be taxed for personal use of County vehicles during July, August and September 2004: Richard Burns – 248 @ \$80.60, Dirk Rogers – 2358 @ \$766.35, Mike Scott – 602 @ \$195.65. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to approve hiring Amy Bisgard as part-time Corrections Officer in the Jail, effective November 29, 2004 at \$8.90 per hour. All members present voting aye. Motion carried.

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Moved by Fischbach, seconded by Knecht to approve salary of \$10.43 per hour for Roger Johnson when working at the Highway Department and \$12.50 per hour when working as Weed Supervisor. All members present voting aye. Motion carried.

**WEED AND SEED:**

Moved by Knecht, seconded by Wiese to approve the Brown County Weed and Seed Monthly Expenses for October 2004 (Year Two 2002-WS-QX-0054), in amount of \$15,583.73. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Knecht to approve the Brown County Weed and Seed Monthly Expenses for October 2004 (Year Three 2002-WS-QX-0054), in amount of \$2,013.96. All members present voting aye. Motion carried.

**AGREEMENT:**

Moved by Wiese, seconded by Hansen to approve and authorize the Chairman sign Joint Cooperative Agreement with Northeast Council of Government (NECOG) for 2005. All members present voting aye. Motion carried.

**PLATS:**

Commissioner Knecht offered the following Resolution:

**RESOLUTION NO. 99-04**

Be it resolved by the County Commission of Brown County, SD, that the plat showing "Homes Are Possible Second Subdivision to the City of Aberdeen, Brown County, SD", 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 Hansen. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

Commissioner Fischbach offered the following Resolution:

**RESOLUTION NO. 100-04**

Be it resolved by the County Commission of Brown County, SD, that the plat showing "Andersen-Freeman Addition in the SW ¼ of Sec 23-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD", 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 Hansen. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

Commissioner Hansen offered the following Resolution:

**RESOLUTION NO. 101-04**

Be it resolved by the Board of County Commissioners of Brown County, SD, that the plat showing "Hettich Conservation Easement Tract 1 in Larson's Outlot 1 in the NW ¼ of Sec 25-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD", having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof.

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Seconded by Commissioner Knecht. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

#### GIS DISCUSSION:

The Commission held a general discussion in regard to the status and future of a GIS system in the County and the possibility of hiring a GIS Coordinator with the following: Bill Meink, Drew Bickford, Mary Worlie, Tom Schmitt, Dirk Rogers, Freddie Robinson and Maxine Taylor.

#### PARTIAL PAYMENTS:

Moved by Knecht, seconded by Fischbach to authorize Sheila Enderson, County Treasurer to accept partial payments for taxes (as authorized by SDCL 10-21-7) in amount of \$120.00 per month on the N 109' of Lots 1 and 2 Blk 12 OP Stratford, effective January 20, 2005. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Knecht to authorize Sheila Enderson, County Treasurer to accept partial payments for taxes (as authorized by SDCL 10-21-7) in amount of \$100.00 per month on the Lot 7 Blk 37 First Addition to Frederick, effective January 5, 2005. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Knecht to authorize Sheila Enderson, County Treasurer to accept partial payments for taxes (as authorized by SDCL 10-21-7) in amount of \$200.00 per month on the E 45' and the W 55' Lots 1-2 Lincolns Replat of Lot 7-8 Blk 51 Second Addition to Aberdeen, effective January 15, 2005. All members present voting aye. Motion carried.

#### ABATEMENT:

Moved by Fischbach, seconded by Wiese to approve and authorize the Chairman sign the following Abatement: Dennis Durheim, building gone (BOLS NE 11-128-65) for 2003 in amount of \$1.93. All members present voting aye. Motion carried.

#### TRANSFER DISCUSSION:

Sheila Enderson requested that real estate transfers be completed in the computer system through September for publication of the delinquent tax list.

#### EXECUTIVE SESSION:

Moved by Knecht, seconded by Fischbach to go into executive session for personnel discussion with Sheila Enderson and Mary Worlie in attendance. All members present voting aye. Motion carried.

The Chairman declared the executive session closed, with no action taken as a result of discussion.

#### BID – HIGHWAY TRUCK:

Moved by Hansen, seconded by Knecht to approve the purchase of a 2005 Ford F550 1-ton 4x4 Truck from the 2005 State of South Dakota Vehicle State Bid List Contract #14367 for the Highway Department in total amount of \$34,925 from 2005 budget (\$32,825 base price plus \$2100 for options). All members present voting aye. Motion carried.

#### FLU PREPAREDNESS:

Freddie Robinson, EM Director recapped the Flu Preparedness Meeting held Monday, November 22 for County Commissioners, City Commissioners, School Administrators, Hospital Administrators, etc. Follow-up meetings will be scheduled if needed.

#### RECESS:

The Chairman declared the Commission recessed until November 30, 2004.

Maxine Taylor – Brown County Auditor



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NOVEMBER 30, 2004- JOINT CITY/COUNTY MEETING

The Brown County Commission and the Aberdeen City Commission met in joint session at 8:45 A.M. in the Brown County Commission Chambers, 25 Market Street, Aberdeen, South Dakota. Present from City were Commissioners Klabo, McQuillen and Mayor Levsen. Absent Commissioners Omland and Forkel. Present from County were Commissioners Hansen, Knecht, Wiese and Feickert. Absent Commissioner Fischbach.

ORDINANCE NO. 04-11-01/300:

On motion by Klabo and seconded by McQuillen, the City unanimously voted to approve First Reading of Ordinance No. 04-11-01/300.

Moved by Knecht, seconded by Wiese to approve First Reading of Ordinance No. 04-11-01/300, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 714 (M-AG) Mini Agricultural District: Iwerks Outlots in the SE ¼ of Sec 4-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD. All members present voting aye. Motion carried.

ORDINANCE NO. 04-11-02/301:

On motion by McQuillen and seconded by Klabo, the City unanimously voted to approve First Reading of Ordinance No. 04-11-02/301.

Moved by Hansen, seconded by Knecht to approve First Reading of Ordinance No. 04-11-02/301, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 714 (M-AG) Mini Agricultural District: Fulker First Subdivision in SE ¼ of Sec 17-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD. All members present voting aye. Motion carried.

ORDINANCE NO. 04-11-03/302:

On motion by Klabo and seconded by McQuillen, the City unanimously voted to continue First Reading of Ordinance No. 04-11-03/302 until December 28, 2004.

Moved by Wiese, seconded by Hansen to continue First Reading of Ordinance No. 04-11-03/302 until December 28, 2004. All members present voting aye. Motion carried.

ORDINANCE NO. 04-11-04/303:

On motion by McQuillen and seconded by Klabo, the City unanimously voted to approve First Reading of Ordinance No. 04-11-04/303.

Moved by Knecht, seconded by Hansen to approve First Reading of Ordinance No. 04-11-04/303, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 714 (M-AG) Mini Agricultural District: Hoines First Subdivision in NW ¼ of Sec 4-T122N-R63W of the 5<sup>th</sup> P.M., Brown County, SD. All members present voting aye. Motion carried.

ORDINANCE NO. 04-11-05/304:

On motion by McQuillen and seconded by Klabo, the City unanimously voted to approve First Reading of Ordinance No. 04-11-05/304.

Moved by Hansen, seconded by Wiese to approve First Reading of Ordinance No. 04-11-05/304, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present

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zoning designation of Section 701 (A-1) Agricultural District to Section 714 (M-AG) Mini Agricultural District: Lots 1 and 2, Musel Second Subdivision in SE ¼ of Sec 2-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD. All members present voting aye. Motion carried.

ORDINANCE NO. 04-11-06/305:

On motion by McQuillen and seconded by Klabo, the City unanimously voted to approve First Reading of Ordinance No. 04-11-06/305.

Moved by Knecht, seconded by Wiese to approve First Reading of Ordinance No. 04-11-06/305, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 703 (R-1) Low Density Residential District: Franz Outlot 1 in the NW ¼ of Sec 33-T124N-R63W of the 5<sup>th</sup> P.M., Brown County, SD. All members present voting aye. Motion carried.

ORDINANCE NO. 04-11-07/306:

On motion by Klabo and seconded by McQuillen, the City unanimously voted to approve First Reading of Ordinance No. 04-11-07/306.

Moved by Knecht, seconded by Hansen to approve First Reading of Ordinance No. 04-11-07/306, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 714 (M-AG) Min-Agricultural District: Neuhardt First Subdivision in the NE ¼ of Sec 7-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD. All members present voting aye. Motion carried.

ORDINANCE NO. 04-11-08/307:

On motion by McQuillen and seconded by Klabo, the City unanimously voted to approve First Reading of Ordinance No. 04-11-08/307.

Moved by Hansen, seconded by Wiese to approve First Reading of Ordinance No. 04-11-08/307, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 714 (M-AG) Min-Agricultural District: Lot 1 of Lust Addition in the E ½ of the NE ¼ of Sec 15-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD; Lot 2, Kessler's Second Addition in the NE ¼ of Sec 4-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD. All members present voting aye. Motion carried.

The Aberdeen City Commission adjourned and the County Commission continued into regular meeting.

Maxine Taylor – Brown County Auditor

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## NOVEMBER 30, 2004 – GENERAL MEETING

Meeting called to order by Chairman Feickert at 8:45 A.M. in the Commissioners Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Knecht and Wiese. Absent Commissioner Fischbach.

### MINUTES:

Moved by Knecht, seconded by Wiese to approve the General Meeting minutes of November 23, 2004. All members present voting aye. Motion carried.

### CLAIMS:

Moved by Wiese, seconded by Hansen to approve the following claims:

Payroll: Commissioners..\$2,587.50; Auditor..\$6,796.35; Treasurer..\$8,358.75; Data Processing..\$1,601.93, State's Attorney..\$8,271.91; Maintenance..\$5,085.66; Assessor..\$7,229.78; Planning & Zoning..\$1,043.20; Register of Deeds..\$4,657.15; Veterans Service Office..\$2,311.70; Sheriff..\$56,744.96; DOJ Grant..\$2,357.84; Communications..\$14,938.54; Welfare Office..\$2,664.96; Museum..\$4,377.26; Fairboard..\$1,820.73; Fairgrounds & Parks..\$3,137.14; Extension..\$1,636.00; Weed..\$468.49; Emergency Management..\$2,164.65; Highway..\$26,616.92; Landfill..\$6,412.18; Matching Benefits: FICA..\$10,072.38, Medicare..\$2,355.57, Wellmark BCBS Life..\$679.74, Wellmark BCBS Health..\$52,841.10, Delta Dental..\$3,528.00, SD State Retirement..\$31,412.63; Supplies: City of Aberdeen..\$9738.32, Reserve Acct..\$5000.00, QQP..\$44.71, Semaphore..\$171.00, Indoff..\$45.99, New Trends..\$145.78, Exec Mgmt..\$40.85, Dept of Rev..\$1506.00, Northwest Airlines..\$100.00, Heartland Paper..\$589.62, Crescent Electric..\$33.03, Dakota Supply..\$4212.56, Respond..\$50.90, Runnings..\$32.11, Menards..\$151.95, Indoff..\$375.92, Regional Dist Center..\$839.75, Walmart..\$25.76, Office Max..\$344.31, Best Business..\$33.20, Galls..\$125.32, Cooper Animal Clinic..\$14.50, Bob Barker..\$84.30, Aberdeen Chrysler..\$1611.80, Grafix Shoppe..\$222.89, Sewing Shop..\$8.00, SD Sheriff Assn..\$525.00, FedEx..\$12.63, Christine Heidenreich..\$90.00, Alan Winburn..\$1323.00, Kelly Inn..\$164.00, Jensen Rock..\$4499.33, Americinn..\$98.00, Cert Crop Adviser Program..\$65.00, Kesslers..\$13.64, Nat'l Food Service..\$262.00, Central Supply..\$8.08, Advanced Auto..\$8.98, CarQuest..\$15.84, Fed Signal Corp..\$36,699.00, New World Systems..\$86,810.48; Publications: Groton Indep..\$143.09, Gibson Pub..\$11.10; Professional Fees: Rich Russman..\$2916.67, Kim Dorsett..\$2083.33, Avera St Lukes..\$702.39, Avera United Clinic..\$20.75, Kevin Spitzer..\$730.28, Brandon Leslie..\$100.00, LCM..\$1453.42, NADRIC..\$1666.67; Transcriptions: Neal Reporting..\$135.60, witness fee..\$40.00; Travel: Maxine Taylor..\$31.80, Gene Loeschke..\$344.64, Leo Leshar..\$356.48, Darin Sinner..\$119.50, Jan Weismantel..\$129.00, Kendell Titze..\$19.00, Merv Heaton..\$19.00, Kyle Brandner..\$19.00; Court Appointed Attorney: Scott Kuck..\$4166.67, Randy Turner..\$4166.67, Christy Serr..\$4166.67, William Gerdes..\$4166.67, Tamara Lee..\$114.28; Utilities: Qwest..\$133.60, Midcontinent Cable..\$82.67, Cellular One..\$598.47, Northwestern Energy..\$31.58, Montana Dakota..\$33.91; Care of Poor: Rent – 3 recipients..Ken Krause..\$208.00, Dakota Operations..\$233.00, Brian Boettcher..\$101.00; Medications – 7 recipients..Walmart Pharm..\$380.67, Jones Drug..\$67.84, K-Mart Pharm..\$101.00, Dakota Square Pharm..\$32.09; Transportation – 2 recipients..Brown County Hwy..\$31.83; Utilities – 1 recipient..NWPS..\$179.18. All members present voting aye. Motion carried.

### PERSONNEL:

Moved by Knecht, seconded by Wiese to approve the following employee step/longevity increases, effective December 5, 2004: Jan Beckler @ \$11.86 per hour, Carol White @ \$10.36 per hour, Lora

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Schaunaman @ \$10.52 per hour, Amy Mathiason @ \$11.96 per hour, Kristal Biegler @ \$12.09 per hour, Jon Gohn @ \$10.88 per hour. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to approve hiring Heather Wilkinson as Dispatcher, effective December 2, 2004 at \$ 10.42 per hour. All members present voting aye. Motion carried.

**CONTINGENCY TRANSFERS:**

Moved by Hansen, seconded by Wiese to approve the following Contingency Transfers from Fund #101-112-422.99 in total amount of \$41,641.04 to General Fund Accounts (spending authority) as follows: #154 A&N @ \$2,248.95, #213 Coroner @ \$7,642.09, and #102 @ \$31,750.00. All members present voting aye. Motion carried.

**BUDGET SUPPLEMENT:**

Commissioner Hansen offered the following Resolution:

**RESOLUTION NO. 102-04**

WHEREAS, due to the failure to provide adequate spending authority within the Brown County Dacotah Prairie Museum Budget for year 2004, to enable the Museum to complete program planning in the following amount:

Program Advertising-----\$10,000.00

WHEREAS, the County has chosen to incur this obligation and expenditure by supplementing the 2004 fiscal Brown County Dacotah Prairie Museum Budget #101-512 in the amount of \$10,000.00, and to fund same from the following:

Aberdeen City Contribution-----\$10,000.00

THEREFORE, BE IT RESOLVED, that notice of hearing for said supplement shall be published in the Official County Newspapers and the public hearing shall be held on December 21, 2004 at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, South Dakota, at which time any persons may appear to support or oppose the adoption of same.

Seconded by Commissioner Wiese. Roll call vote: Commissioners Hansen-aye, Fischbach-absent, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

**SHERIFF REPORTS:**

Moved by Knecht, seconded by Wiese to approve the following October 2004 Sheriff Reports: Incidents & Offenses, Prisoner Care, JDC, Money deposited with the County Treasurer and Monthly activities. All members present voting aye. Motion carried.

**PLAT:**

Commissioner Wiese offered the following Resolution:

**RESOLUTION NO. 103-04**

BE IT RESOLVED by the Board of Commissioners of Brown County, SD, that the plat showing "Lot 38A of Dewald's Outlot C in the E ½ of Sec 14-T124N-R65W of the 5<sup>th</sup> P.M., Brown County, SD",

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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 Knecht. Roll call vote: Commissioners Hansen-aye, Fischbach-absent, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

#### WEED AND SEED:

Moved by Knecht, seconded by Wiese to approve the following Weed and Seed Year Two funding proposals: Aberdeen Youth Network (Drug Prevention Activity), as recommended by the Steering Committee. All members present voting aye. Motion carried.

#### GRANT AWARD:

Moved by Hansen, seconded by Wiese to approve and authorize Mark Milbrandt sign Award Agreement for grant funding in amount of \$10,000.00 for the purpose of law enforcement overtime to enforce SD underage drinking laws. All members present voting aye. Motion carried.

#### ABATEMENTS:

Moved by Wiese, seconded by Knecht to approve the following Abatements: NSU, incorrect assessment (Lt 2 Lights Add Blk 1 Normal Addn SE 24-123-64 replat of Lights OL 1-3) for year 2003 @ \$269.30; (Lt 3 Lights Add Blk 1 Normal Addn SE 24-123-64 replat of Lights OL 1-3) for year 2001 @ \$269.36, for year 2002 @ \$258.71, for year 2003 @ \$258.45; (Lt 1 Lights Add Blk 1 Normal Addn SE 24-123-64 replat of Lights OL 1-3) for year 2001 @ \$1960.47, for year 2002 @ \$2510.68, for year 2003 @ \$2508.11. All members present voting aye. Motion carried.

#### JAIL SECURITY GRANT:

Moved by Wiese, seconded by Knecht to approve and authorize the Chairman sign Contract Agreement for labor and material to install a surveillance system in the Brown County Jail with Electronic Security Equipment, to be funded by US DOJ Grant #2004-CK-WX-0150. All members present voting aye. Motion carried.

#### CAD TECHNOLOGY GRANT:

Moved by Wiese, seconded by Knecht to approve and authorize the Chairman sign Agreement with New World Systems Corp for purchase and installation of a Message Switch in amount of \$10,434.00 in addition and in conjunction with the Computer Aided Dispatch (CAD) System for the Brown County Regional Communications Center, to be funded by the COPS 2003 Technology Grant #2003-CK-WX-0177. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Knecht to approve and authorize the purchase of specific interfaces as listed in Exhibit F of Standard Software License and Services Agreement with New World Systems for the installation, licensing, training and support services for a Computer Aided Dispatch (CAD) System for the Brown County Regional Communications Center, as follows: (b) Firehouse Interface (\$6,000), (c) One-way Data Transfer to SQL Justice (\$15,000), (d) One-way Data Transfer to Sleuth (\$15,000); and further to authorize payment of \$21,600 (60%) as specified in Contract, to be funded by the COPS 2003 Technology Grant #2003-CK-WX-0177. All members present voting aye. Motion carried.

#### DAV REQUEST:

Alan Ochsner, DAV Area Commander met with the Commission to request a county contribution toward the purchase of a 12-passenger vehicle for the disabled veterans transport system. Moved by Wiese, seconded by Hansen to approve a \$2000.00 contribution toward the \$12,000 needed to purchase a 12-passenger vehicle for the disabled veterans transport system. All members present voting aye. Motion carried.

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**DOJ NURSE CONTRACT:**

Christine Heidenreich, Amy Lake, Mark Milbrandt and Tom Schmitt met to discuss the possibility of providing county funded services in the Jail similar to the health care services currently provided in JDC that are funded by the DOJ Prevention and Intervention Grant. Kevin Bain, NECOG will discuss with the DOJ Program Manager.

**RECESS:**

The Chairman declared the Commission recessed until December 7, 2004.

Maxine Taylor – Brown County Auditor

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## DECEMBER 7, 2004- JOINT CITY/COUNTY MEETING

The Brown County Commission and the Aberdeen City Commission met in joint session at 8:45 A.M. in the Brown County Commission Chambers, 25 Market Street, Aberdeen, South Dakota. Present from County were Commissioners Fischbach, Knecht, Wiese and Feickert. Commissioner Hansen absent. Due to lack of quorum at 8:45 a.m., the City met at 4:30 p.m. with Commissioners Klabo, McQuillen, Forkel, Omland and Mayor Levsen present.

### ORDINANCE NO. 04-11-01/300:

On motion by Omland and seconded by Klabo, the City unanimously voted to approve Second Reading and Adopt Ordinance No. 04-11-01/300.

Moved by Fischbach, seconded by Wiese to approve Second Reading and Adopt Ordinance No. 04-11-01/300, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 714 (M-AG) Mini Agricultural District: Iwerks Outlots in the SE ¼ of Sec 4-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD. Roll call vote: Commissioners Hansen-absent, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Ordinance adopted.

### ORDINANCE NO. 04-11-02/301:

On motion by Omland and seconded by Forkel, the City unanimously voted to approve Second Reading and Adopt Ordinance No. 04-11-02/301.

Moved by Knecht, seconded by Wiese to approve Second Reading and Adopt Ordinance No. 04-11-02/301, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 714 (M-AG) Mini Agricultural District: Fulker First Subdivision in SE ¼ of Sec 17-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD. Roll call vote: Commissioners Hansen-absent, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Ordinance adopted.

### ORDINANCE NO. 04-11-04/303:

On motion by Omland and seconded by Forkel, the City unanimously voted to approve Second Reading and Adopt Ordinance No. 04-11-04/303.

Moved by Fischbach, seconded by Wiese to approve Second Reading and Adopt Ordinance No. 04-11-04/303, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 714 (M-AG) Mini Agricultural District: Hoines First Subdivision in NW ¼ of Sec 4-T122N-R63W of the 5<sup>th</sup> P.M., Brown County, SD. Roll call vote: Commissioners Hansen-absent, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Ordinance adopted.

### ORDINANCE NO. 04-11-05/304:

On motion by Omland and seconded by Forkel, the City unanimously voted to approve Second Reading and Adopt Ordinance No. 04-11-05/304.

Moved by Knecht, seconded by Wiese to approve Second Reading and Adopt Ordinance No. 04-11-05/304, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 714 (M-AG) Mini Agricultural District: Lots 1 and 2, Musel Second Subdivision in SE ¼ of Sec 2-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD. Roll call vote: Commissioners Hansen-absent, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Ordinance adopted.

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**ORDINANCE NO. 04-11-06/305:**

On motion by Omland and seconded by Forkel, the City unanimously voted to approve Second Reading and Adopt Ordinance No. 04-11-06/305.

Moved by Knecht, seconded by Fischbach to approve Second Reading and Adopt Ordinance No. 04-11-06/305, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 703 (R-1) Low Density Residential District: Franz Outlot 1 in the NW ¼ of Sec 33-T124N-R63W of the 5<sup>th</sup> P.M., Brown County, SD. Roll call vote: Commissioners Hansen-absent, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Ordinance adopted.

**ORDINANCE NO. 04-11-07/306:**

On motion by Omland and seconded by Forkel, the City unanimously voted to approve Second Reading and Adopt Ordinance No. 04-11-07/306.

Moved by Fischbach, seconded by Wiese to approve Second Reading and Adopt Ordinance No. 04-11-07/306, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 714 (M-AG) Min-Agricultural District: Neuhardt First Subdivision in the NE ¼ of Sec 7-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD. Roll call vote: Commissioners Hansen-absent, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Ordinance adopted.

**ORDINANCE NO. 04-11-08/307:**

On motion by Omland and seconded by Forkel, the City unanimously voted to approve Second Reading and Adopt Ordinance No. 04-11-08/307.

Moved by Knecht, seconded by Wiese to approve Second Reading and Adopt Ordinance No. 04-11-08/307, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 714 (M-AG) Min-Agricultural District: Lot 1 of Lust Addition in the E ½ of the NE ¼ of Sec 15-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD; Lot 2, Kessler's Second Addition in the NE ¼ of Sec 4-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD. Roll call vote: Commissioners Hansen-absent, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Ordinance adopted.

The County Commission continued into regular meeting. On motion by McQuillen and seconded by Klabo the City Commission adjourned.

Maxine Taylor – Brown County Auditor



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## DECEMBER 7, 2004 – GENERAL MEETING

Meeting called to order by Chairman Feickert at 8:45 A.M. in the Commissioners Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Fischbach, Knecht and Wiese. Absent Commissioner Hansen.

### MINUTES:

Moved by Wiese, seconded by Knecht to approve the Joint City/County Meeting minutes and the General Meeting minutes of November 30, 2004. All members present voting aye. Motion carried.

### CLAIMS:

Moved by Fischbach, seconded by Knecht to approve the following claims:

Supplies: Eagle Business Forms..\$100.94, Quality Quick Print..\$265.14, Office Max..\$160.57, Crucial Tech..\$283.95, Cunningham Elec..\$232.56, Taylor Laundry..\$24.00, Gardner Locksmith..\$35.50, House of Glass..\$8.25, Honeywell..\$12,598.00, UBC..\$7.29, Heartland Paper..\$396.60, Rux Bros Plumbing..\$205.74, SOS Garage..\$29.50, New Trends..\$2.34, SD Vets Assn..\$50.00, Pacer Service..\$12.67, City of Groton..\$507.10, Lust Chev..\$27.52, Vantek..\$40.00, Best Business..\$230.04, Christine Heidenreich..\$140.00, Velvet Uniforms..\$198.23, Walmart..\$315.37, Exec Mgmt..\$3188.35, Galls..\$194.98, Pioneer Ford..\$147.55, Odland Gravel..\$2390.25, James Loterbauer..\$162.00, Farm Power..\$58.00, Erdmann Oil..\$6653.78, Crawford Trucks..\$1955.36, Cass Trucking..\$1388.75, Butler Machinery..\$3656.52, Bridgestone Firestone..\$1214.22, Advance Auto..\$467.87, Macs..\$28.15, Menards..\$374.15, Kens Superfair Foods..\$18.48, Carquest..\$122.72, Sue Gates..\$76.92, D&d Paint..\$25.00, House of Glass..\$4.86, Dacotah Prairie Merchantile..\$38.39, Farnams..\$9.23, Runnings..\$2746.52, SD Dept of Rev..\$3012.47, HRS..\$30.21, Century Business Forms..\$70.00, ESHA Research..\$609.00, Dakota Electronics..\$31187.00, Nat'l Emergency Number..\$95.00, Advanced Systems..\$892.00, Radio Shack..\$749.75, RE Huffman..\$6549.00, Godfather's Pizza..\$91.13, Galls..\$419.93, Kirks Auto..\$22.00, Glas Consulting..\$50.00, PowerPlan..\$3213.68, SD Federal Property..\$223.00, Sheehan Mack Sales..\$510.55, Graham Tire..\$63.60, Ameripride..\$60.92, Sound Decisions..\$159.99, Praxair..\$16.70, GeniusWeb..\$29.97, Cunningham Elec..\$3825.00, Nelson Sales..\$7.40, Cole Paper..\$1104.56, Pierson Ford..\$151.83, Brown County..\$87.73:

Publications: American News..\$486.35:

Professional Fees: Anesthesia Care..\$192.00, Dakota Imaging..\$13.88, Dawn Woods..\$708.00, Donna Dietrich..\$243.64, Nelva Kooistra..\$30.00, Marv Ekeren..\$30.00, Yankton County Sheriff..\$33.00:

Transcriptions: Sara Van De Walle..\$2001.00:

Court Appointed Attorney: Miller & Swier..\$144.00:

Utilities: City of Aberdeen..\$1126.09, Northwestern Energy..\$7582.62, Qwest..\$206.68, Midcontinent Cable..\$206.30, Northern Valley..\$73.15, James Valley..\$370.10, Town of Frederick..\$18.25, WEB..\$120.47, Cellular One..\$161.78, Dependable Sanitation..\$20,874.60:

Care of Poor: Rent – 6 recipients..Danne..\$200.00, Falcon Rental..\$220.00, Bruce Boschee..\$200.00, Ron Erdmann..\$250.00, Chow Main Properties..\$175.00, Kurt Kruger..\$129.00; Medications – 2 recipients..Medical Center Pharm..\$267.54; Transportation – 2 recipients..Brown County Highway..\$27.06; Dr/Hospital - 2 recipients..Eckrich Urology..\$697.58, Siouxland Anesthesiology..\$128.00; Burial – 1 recipient..Schrivers Memorial Mortuary..\$800.00; Utilities – 3 recipient..NWPS..\$344.09; Insurance – 1 recipient..Celtic Ins..\$200.00. All members present voting aye. Motion carried.

### PERSONNEL:

Moved by Wiese, seconded by Knecht to approve hiring Samiuela Mouna and John Schalde as part-time JDC Officers, effective December 19, 2004 at \$8.90 per hour. All members present voting aye. Motion carried.

### CDBG FITNESS CENTER:

Moved by Knecht, seconded by Wiese to approve and authorize the Chairman sign CDBG Payment Request #1 in amount of \$127,995.00 for CDBG Grant #0204-108 Northeast Regional Health and Fitness Center. All members present voting aye. Motion carried.

**PARTIAL PAYMENTS:**

Moved by Fischbach, seconded by Knecht to authorize Sheila Enderson, County Treasurer to accept partial payments for taxes (as authorized by SDCL 10-21-7) in amount of \$225.00 per month on the W ½ of SW ¼ Sec 20-T122N-R63W, effective January 15, 2005. All members present voting aye. Motion carried.

**INCREASE SPENDING AUTHORITY/ESTIMATED REVENUE:**

Moved by Wiese, seconded by Fischbach to increase spending authority for unanticipated insurance reimbursement in Fund #101-211-425 and increase estimated revenue in Fund #101-373.01 in amount of \$4,303.63. All members present voting aye. Motion carried.

**AGREEMENT:**

Moved by Wiese, seconded by Knecht to approve and authorize the Chairman sign Agreement for SD Worker's Compensation with SDML Worker's Compensation Fund for fiscal year 2005, administered by Insurance Benefits Inc. All members present voting aye. Motion carried.

**TECHNOLOGY GRANT:**

Moved by Knecht, seconded by Fischbach to authorize sending request for proposals for a Wireless Mobile Data System Network to interested parties to be purchased with the COPS 2003 Technology Grant #2003-CK-WX-0177. All members present voting aye. Motion carried.

**FAMILY CRISIS INTERVENTION PROGRAM:**

Janice Kampfe, Program Coordinator and other interested individuals and law enforcement personnel explained what the Family Crisis Intervention Program does and how it benefits Brown County.

**ALCOHOLIC BEVERAGE LICENSE RENEWAL HEARING:**

Time and place, as advertised to consider applications for renewal of Alcoholic Beverage Licenses to operate outside of the Municipality. Moved by Knecht, seconded by Fischbach to approve the following applications for renewal of Alcoholic Beverage Licenses to operate outside of the Municipality: PACKAGE (OFF-SALE) LIQUOR: Trudi Bain, DBA Mansfield Bar & Grill; Marge Frohling, DBA The Connection Houghton; William Dean Mundhenke, DBA Ferney Farmers Bar. RETAIL ON-SALE AND SUNDAY LIQUOR: Trudi Bain, DBA Mansfield Bar & Grill; William Dean Mundhenke, DBA Ferney Farmers Bar; Moccasin Creek Country Club, Inc; Daniel A Brandenburger DBA Elm Lake Resort; Ken Schumacher DBA Bait Shop Bar & Grill; Stacy Gossman DBA Big Fella's; Ronald Erickson DBA Road Kill Café; Jarrett O & Dennis O Jones DBA Tacoma Park Place. All members present voting aye. Motion carried.

**GIS COORDINATOR:**

Moved by Wiese, seconded by Knecht to authorize advertising for position of GIS Coordinator for Brown County. All members present voting aye. Motion carried.

**EXECUTIVE SESSION:**

Moved by Fischbach, seconded by Knecht to go into executive session for personnel discussion with Mark Milbrandt in attendance. All members present voting aye. Motion carried.

The Chairman declared the executive session closed, with no action taken as a result of discussion.

**HIGHWAY UPDATE:**

Dirk Rogers, Highway Superintendent presented a brief recap of the State Association of Towns & Townships Annual Meeting held in Huron and presented a project update for the department.

#### APPLICATION FOR OCCUPANCY:

Moved by Fischbach, seconded by Knecht to approve the following application, submitted by Northern Valley Communication for occupancy of Brown County Highway No. 12W-B in Sec 21-T123N-R64W, Brown County, SD, to provide communications. All members present voting aye. Motion carried.

#### EXECUTIVE SESSION:

Moved by Fischbach, seconded by Wiese to go into executive session for personnel discussion with Dirk Rogers in attendance. All members present voting aye. Motion carried.

The Chairman declared the executive session closed, with no action taken as a result of discussion.

#### BUDGET SUPPLEMENT:

Commissioner Wiese offered the following Resolution:

#### RESOLUTION NO. 104-04

WHEREAS, due to the failure to provide adequate spending authority within the following Brown County Budgets for year 2004, to enable the Departments to complete program planning:

|                        |              |
|------------------------|--------------|
| Welfare-----           | \$ 62,000.00 |
| Elections-----         | \$ 14,000.00 |
| Jail-----              | \$107,000.00 |
| Courthouse & Jail----- | \$ 32,000.00 |
| Fairgrounds-----       | \$ 22,500.00 |
| Road & Bridge-----     | \$ 20,000.00 |

WHEREAS, the County has chosen to incur this obligation and expenditure by supplementing the following 2004 fiscal Brown County Department Budgets, and to fund same from the following:

|   |   |              |
|---|---|--------------|
| Welfare by unanticipated Revenue              | @ | \$ 62,000.00 |
| Elections by unanticipated Revenue            | @ | \$ 14,000.00 |
| Jail by unobligated Surplus Cash              | @ | \$107,000.00 |
| Courthouse & Jail by unobligated Surplus Cash | @ | \$ 32,000.00 |
| Fairgrounds by unanticipated Revenue          | @ | \$ 22,500.00 |
| Road & Bridge by unanticipated Revenue        | @ | \$ 20,000.00 |

THEREFORE, BE IT RESOLVED, that notice of hearing for said supplement shall be published in the Official County Newspapers and the public hearing shall be held on December 28, 2004 at 9:00 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, South Dakota, at which time any persons may appear to support or oppose the adoption of same.

Seconded by Commissioner Knecht. Roll call vote: Commissioners Hansen-absent, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

#### RECESS:

The Chairman declared the Commission recessed until December 14, 2004.

Maxine Taylor – Brown County Auditor

# DECEMBER 14, 2004 – GENERAL MEETING

Meeting called to order by Chairman Feickert at 8:45 A.M. in the Commissioners Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Fischbach, Knecht and Wiese.

## MINUTES:

Moved by Wiese, seconded by Fischbach to approve the Joint City/County Meeting minutes and the General Meeting minutes of December 7, 2004. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Knecht, seconded by Wiese to approve the following claims:

Payroll: Commissioners..\$2,587.50; Auditor..\$6,851.65; Treasurer..\$8,358.75; Data Processing..\$1,601.93; State's Attorney..\$8,271.91; Maintenance..\$5,099.30, Assessor..\$7,017.87; Planning & Zoning..\$1,043.20, Register of Deeds..\$4,657.15; Veterans Service Office..\$2,433.25; Sheriff..\$54,940.78; DOJ Grant..\$2,418.26; Communications..\$14,685.39; Welfare Office..\$2,664.96; Museum..\$4,377.26; Fairgrounds & Parks..\$3,137.14, Fairboard..\$1,820.73; Extension..\$1,636.00; Weed..\$256.25; Emergency Management..\$2,164.65; Highway..\$26,505.89; Landfill..\$6,026.32; Matching Benefits: FICA..\$9,799.40; Medicare..\$2,291.77:

Supplies: SDACC..\$5650.60, NACO..\$740.00, Best Business..\$757.92, SDACO..\$2502.60, Nat'l DA Assoc..\$155.00, State Bar of SD..\$820.00, Office Equip..\$116.59, Midwest Rubber Stamp..\$50.00, Vision Net..\$66.50, Mark McNeary..\$144.54, Aberdeen Flying Service..\$150.00, Praxair..\$31.32, Hoven Auto Repair..\$2618.05, Sherwin-Williams..\$16.41, Sanders Sew 'N Vac..\$90.94, Interstate..\$2747.00, Malchows..\$1750.00, Macs..\$3.41, OK Tire..\$18.00, UBC..\$21.87, McFarland..\$12.52, Menards..\$545.02, Heartland Paper..\$64.35, Runnings..\$351.11, Dakota Supply Group..\$19.55, SDAAO..\$330.00, Cellular One..\$394.66, Promap..\$4450.00, IAAO..\$175.00, Office Max..\$895.28, Indoff..\$187.96, US Post Office..\$64.00, Fleet..\$79.08, Docusource..\$97.88, SD Human Service Center..\$134.20, Micks Scuba..\$4018.00, Dakota Electronics..\$584.04, New Trends..\$76.32, HRS..\$4161.19, Dicks Westside..\$61.50, Maurices..\$102.00, Accurint..\$18.85, Kesslers..\$315.07, Duanes Amoco..\$25.80, Cheryl Hairgrove..\$177.00, Hoven Auto..\$122.90, Sewing Shop..\$78.25, Lust..\$339.16, Tel Serv..\$1926.89, Parcel-Erickson..\$97.80, Graham Tire..\$22.50, NE Mental Health..\$73.15, Ecolab..\$81.51, Tri-State Water..\$16.95, Spec Mfg..\$26.02, Pro Ag..\$6.55, Newman Signs..\$1226.33, Lien..\$8456.18, HF Jacobs..\$53,065.54, Interstate Battery..\$63.60, Bud How Co..\$136.00, Hecla Impl..\$39.91, Harms Oil..\$11,667.10, Habeck..\$67.00, Great Western..\$7460.20, Farm Plan..\$129.51, Exhaust Pros..\$279.75, Evergreen Supply..\$47.50, Economy Oil..\$2108.21, Deutsch Trucking..\$1500.00, Dakota Oil..\$174.00, Dakota Fluid..\$471.54, Dakota Air..\$3212.00, Cunningham Elec..\$471.43, Cartney Bearing..\$27.07, Carquest..\$1317.26, Artz Equip..\$11,166.40, Ameripride..\$194.33, Ramkota..\$2661.64, Swanson Elec..\$10,331.20, Macs..\$63.43, Midwest Golf Cars..\$99.29, Di-An Dist..\$67.00, Dietrichs..\$1129.60, SD Fed Prop..\$225.00, Academy..\$126.00, Gas 'N Goodies..\$10.50, Farnams..\$76.74, Western States Fire..\$362.00, Lora Schaunaman..\$39.15, Sue Gates..\$32.03, Sherwin-Williams..\$6.13, Sherri Rawstern..\$74.91, SD Retailers..\$98.25, Martech..\$139.00, Washington State Univ..\$36.00, Hewlett-Packard..\$1554.00, Ext Service..\$705.58, ASAP Software..\$261.43, Frey's Elec..\$60.00, Roger Johnson..\$7.00, Sportsman..\$10.88, Food & Fuel..\$83.75, E F Johnson..\$2351.70, Fire Safety First..\$14.48, Emergency Film Group..\$2095.00, Pocket Mobility..\$79.00, Avera Queen of Peace..\$307.50, Lutheran Social Service..\$19,005.64, Warner School Dist..\$511.65, Mitzel & Sons..\$1200.00, Earth Tech..\$1869.49, Aberdeen Equip..\$47.30, Brick Propane..\$15.00, EPG Co..\$352.34:

Publications: American News..\$892.74:

Professional Fees: witness fees..\$40.00, Richard Russman..\$2916.63, Kim Dorsett..\$2083.37, Harlow Orthopedics..\$68.60, Avera St Lukes..\$486.68, Aberdeen Family Physicians..\$58.32, Avera United Clinic..\$246.83, Aberdeen Advanced Care..\$151.57, Dr John Carrels..\$30.14, Lewis & Clark

BHS..\$260.00, NADRIC..\$1666.67, NECOG..\$1093.05, Christine Heidenreich..\$1318.50, NE Regional Fitness Center..\$127,995.00:

Transcriptions: Sara Van De Walle..\$41.40, Michelle Gaikowski..\$30.40:

Travel: Diann Steinheuser..\$113.40, Jerome Streckfuss..\$217.56, Erling Podoll..\$160.00, Audrey Jacobson..\$177.60, Harley Gage..\$260.16, Stanley Beckler..\$195.51:

Court Appointed Attorney: Christy Serr..\$4166.67, Kuck Law Office..\$4166.67, Randy Turner..\$4166.67, William Gerdes..\$4166.67:

Utilities: Northwestern Energy..\$6070.30, Qwest..\$120.00, City of Hecla..\$80.04, City of Aberdeen..\$265.92, Northern Valley Comm..\$71.16, Northern Elec..\$1722.40, NRCTV..\$79.90:

Care of Poor: Rent – 2 recipients..Danne..\$240.00, Dakota Square..\$108.00; Transportation – 2 recipients..Brown County Hwy..\$30.23, Jefferson Lines..\$51.45; Dr/Hospital - 2 recipients..Anesthesia Care..\$440.00, Avera St Lukes..\$6810.18; Utilities – 2 recipients..Northern Elec..\$78.74, BDM Water..\$35.00, NWPS..\$141.14. All members present voting aye. Motion carried.

#### PERSONNEL:

Moved by Hansen, seconded by Fischbach to approve the following employee step/longevity increases, effective December 19, 2004: Polly Rush @ \$10.15 per hour, Keith Baker @ \$10.61 per hour, Laurie Dinger @ \$10.95 per hour, Sarah Jesz @ \$10.95 per hour, Robert Suedmeier @ \$10.61 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Fischbach to approve hiring Ben Smith at full-time Correctional Officer in the Jail, effective December 13, 2004 at \$10.07 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Fischbach to approve hiring Judy Miller as guard, effective December 14, 2004, for purpose of prisoner transport at flat rate of \$75.00 per day. All members present voting aye. Motion carried.

#### WAIVE SHERIFF FEES:

Moved by Wiese, seconded by Knecht to waive the following Sheriff Fees: #04-09 @ \$8.55, #04-10 @ \$17.55, #04-11 @ \$5.00, #04-12 @ \$5.00, #04-13 @ \$5.00, #04-14 @ \$5.00, #04-15 @ \$5.00, #04-16 @ \$5.00. All members present voting aye. Motion carried.

#### INCREASE SPENDING AUTHORITY/ESTIMATED REVENUE:

Moved by Wiese, seconded by Hansen to increase spending authority and estimated revenue for the following unanticipated grant funds: Court Security #234-161-426 and #234-331.18 @ \$6,187.55; Weed & Pest #234-615-429.02 and #234-334.03 @ \$2,058.75; Homeland Security #236-222-426 @ \$24,970.91, #236-222.05-426 @ \$28,751.14, #236-222.11-426 @ \$253,299.49, #236-222.12-426 @ \$25,973.00, #236-222.13-426 @ \$3,150.00, #236-222.14-426 @ \$2,750.00 and #236-331 @ \$338,894.54. All members present voting aye. Motion carried.

#### TOWNSHIP BOND:

Moved by Wiese, seconded by Fischbach to approve the Riverside Township Treasurer Bond for Art Gengerke. All members present voting aye. Motion carried.

#### RESERVE ACCOUNT:

Moved by Wiese, seconded by Fischbach to approve placing \$20,801.31 in a fund balance reserve account (Fund #101-271.99 Election Grant), to account for Brown County's share of the match requirement for the HAVA (Help America Vote Act) Grant received by the State. All members present voting aye. Motion carried.

REQUEST FOR PAYMENT:

Moved by Wiese, seconded by Hansen to approve and authorize the Chairman sign reimbursement request for the Brown County Solid Waste Management Program Grant for tire removal in amount of \$1,925.64 (grant balance from \$12,307.56 total expenditure). All members present voting aye. Motion carried.

LETTER OF SUPPORT:

Moved by Wiese, seconded by Knecht to approve and authorize the Chairman sign letter of support for the Homes Are Possible, Inc. (HAPI) of Aberdeen Program. All members present voting aye. Motion carried.

PLATS:

Commissioner Wiese offered the following Resolution:

RESOLUTION NO. 105-04

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Larson's Subdivision of SE ¼ Sec 28-T122N-R63W of the 5<sup>th</sup> P.M., Brown County, SD", 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 Knecht. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Wiese-aye, Feickert-aye. Resolution adopted.

Commissioner Knecht offered the following Resolution:

RESOLUTION NO. 106-04

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Jone's 1<sup>st</sup> Subdivision in SE ¼ Sec 22-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD", 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 Fischbach. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Wiese-aye, Feickert-aye. Resolution adopted.

Commissioner Knecht offered the following Resolution:

RESOLUTION NO. 107-04

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Haas Outlot 1 in NW ¼ Sec 3-T125N-R64W of the 5<sup>th</sup> P.M., Brown County, SD", 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. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Wiese-aye, Feickert-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

RESOLUTION NO. 108-04

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Jark's First Subdivision in Stratford, SD", 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 Fischbach. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Wiese-aye, Feickert-aye. Resolution adopted.

STATEWIDE 211:

Carol Muller and Janet Kittams-Lalley, HELP! Line Center explained the goals for implementing South Dakota 211. 211 is to social and human services what 911 is to Emergency Services.

TAX PROGRAM UPDATE:

Bill Meink, Pete Adams and Mary Worlie discussed progress of new tax program.

JDC NURSE:

Christine Heidenreich, JDC Nurse met to discuss salary options if working full-time for the County.

WEED AND SEED:

Duane Cavanaugh and Amy Krueger, Weed and Seed Steering Committee Members presented the Commission with an update on the hiring process for a Weed and Seed Coordinator and presented the draft of a Memorandum of Understanding between the Weed and Seed Steering Committee and the Commission in regard to the position.

EXECUTIVE SESSION:

Moved by Fischbach, seconded by Wiese to go into executive session to discuss labor negotiations. All members present voting aye. Motion carried.

The Chairman declared the executive session closed, with no action taken as a result of discussion.

RECESS:

The Chairman declared the Commission recessed until December 21, 2004.

Maxine Taylor – Brown County Auditor

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## DECEMBER 21, 2004 – GENERAL MEETING

Meeting called to order by Chairman Feickert at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Fischbach, Knecht and Wiese.

### MINUTES:

Moved by Hansen, seconded by Knecht to approve the General Meeting minutes of December 14, 2004. All members present voting aye. Motion carried.

### CLAIMS:

Moved by Knecht, seconded by Hansen to approve the following claims:

Supplies: CDW Govt..\$1105.26, Hewlett Packard..\$12,584.00, Wellmark BC/BS..\$347.96, Pitney Bowes..\$58.94, McLeods..\$40.03, Office Equip..\$150.92, Westlaw..\$2157.00, Matthew Bender..\$36.95, Crucial Tech..\$238.95, Grote Roofing..\$4668.03, Runnings..\$53.20, Ameripride..\$152.87, UBC..\$8.79, Heartland Paper..\$671.21, Dependable..\$371.00, House of Glass..\$22.55, Chets Janitorial..\$260.00, Rux Bros..\$83.03, Ecolab..\$67.60, Menards..\$151.81, Erdmann Rooter..\$214.50, Cartney Bearing..\$11.93, Pheasantland Ind..\$362.55, New Trends..\$441.42, Promap..\$20,300.00, North Wind..\$12.00, Indoff..\$110.45, RE Huffman..\$30.96, Lar-Jos..\$179.70, Career Planning..\$1071.00, Bonnie Bitz..\$192.00, Eddies Northstar..\$65.00, Safety Service..\$5467.92, Christine Heidenreich..\$100.00, Best Business..\$189.46, Pierson Ford..\$9.00, Batteries Plus..\$52.50, Phillips 66..\$18.15, Earthgrains..\$557.46, Avera Home Medical Equip..\$121.73, DK Healthcare..\$30.45, Hoven Auto..\$124.35, Medtox..\$250.43, Evercom..\$1540.00, Postmaster..\$68.00, OK Tire..\$954.40, Hagan Ins..\$38.00, Share Corp..\$75.00, Safelite Auto..\$323.30, Quality Quick Print..\$42.20, Praxair..\$31.32, Office Max..\$14.99, North Central Rental..\$2100.00, John Noltner..\$9443.08, Macs..\$134.88, Lyle Signs..\$84.74, Great Western Tire..\$2187.60, Freys Elec..\$347.85, Fastenal..\$1006.81, Farm Power..\$242.10, Farm Plan..\$715.48, Evergreen Supply..\$59.90, Dakota Fluid..\$244.15, Crawford Trucks..\$752.61, Clark Engineering..\$377.00, Cartney Bearing..\$39.90, Cass County Heating..\$186.50, Carquest..\$344.58, Butler Machinery..\$46.62, Bridgestone/Firestone..\$62.84, Brick Propane..\$27.52, Clear Channel..\$168.00, Kurt Smith..\$10.00, Farnams..\$243.90, Shopko..\$15.96, ProAg..\$6.00, City of Groton..\$5071.38, Jungle Logic..\$2339.16, Electronic Security..\$2816.49, Rux Brothers..\$2,180.10, Sewer Duck..\$300.00, Hoven Repair..\$129.48:

Publications: American News..\$1109.76, Groton Indep..\$233.98:

Professional Fees: Brandon Leslie..\$300.00, Avera St Lukes..\$1278.22, Eide Bailly..\$255.00:

Travel: Lorah Houser Jankord..\$47.00, Sherry Theobald..\$10.88, Dennis Wiedebush..\$394.38, Bernie Bain..\$437.24, Freddie Robinson..\$166.39, George Hansen..\$178.80:

Court Appointed Attorney: Yankton County..\$182.10:

Utilities: City of Aberdeen..\$40.50, Verizon..\$234.10, Northwestern Energy..\$2271.67, Northern Elec..\$134.11, Qwest..\$1546.64, Bureau of Admin..\$434.68:

Jury: Thomas Agnitsch..\$11.28, Angela Amos..\$11.28, Jennifer Bergeron..\$12.56, Sherri Bierman..\$11.28, Cleo Blazer-Edwards..\$11.28, David Bucklin..\$11.28, Ty Call..\$11.28, Todd Campbell..\$11.28, Brent Christensen..\$13.20, Andrea Cox..\$11.28, Scott Dennert..\$29.20, Betty Dobberpuhl..\$11.28, Ronald Droog..\$12.56, Shirley Easterby..\$11.28, Steve Ellerbusch..\$11.28, Roberta Engraf..\$11.28, Martha Farnen..\$22.80, Emily Gilbert..\$11.28, James Gross..\$11.28, Edna Gulke..\$11.28, Heather Halsey..\$11.28, Debbie Hepper..\$11.28, Joyce Hermansen..\$11.28, Denise Hier..\$18.96, Cheryl Holzwarth..\$11.28, Ramona Isaak..\$13.20, Carol Jones..\$22.80, Stanley Keefe..\$11.92, Edward Kessler..\$11.28, Roberta Kiser..\$11.28, Paula Knettel..\$11.28, Sandra Kriesel..\$11.28, Florence Kumpf..\$11.28, Brandon Kvasnicka..\$11.28, Joanne Lyren..\$11.28, Heidi McKane..\$11.28, Brenda Mitzel..\$17.68, Thomas Ortmeier..\$11.28, Sandra Peterson..\$11.28, Jonathan Roberson..\$11.28, James Schliinz..\$11.28, Mary Schulz..\$11.28, Constance Solberg..\$11.28, Dale Streckfuss..\$19.60, Donald Suedmeier..\$11.28, Jacalyn Uhrich..\$11.28, Sandra Weins-Kersten..\$11.28, Myron Zoellner..\$11.28:



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Care of Poor: Rent – 5 recipients..Ken Dohn..\$200.00, Kurt Kruger..\$387.00, Eisenbeis Mobile Home Court..\$150.00; Dr/Hospital - 6 recipients..Avera St Lukes..\$9009.38, Avera United Clinic..\$28.70, Dakota Plains Surgical Center..\$780.50, Dakota Imaging..\$1407.52; Utilities – 2 recipients..NWPS..\$224.06; Insurance – 2recipients..SD Risk Pool..\$768.30, Brown County..\$432.56. All members present voting aye. Motion carried.

**PERSONNEL:**

Moved by Wiese, seconded by Hansen to approve hiring Kyle L Stoddard as guard, effective December 21, 2004, for purpose of prisoner transport at flat rate of \$75.00 per day. All members present voting aye. Motion carried.

**WEED AND SEED:**

Moved by Wiese, seconded by Hansen to approve the Brown County Weed and Seed Monthly Expenses for November 2004 (Year Two 2002-WS-QX-0054), in amount of \$15,002.49. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to approve the Brown County Weed and Seed Monthly Expenses for November 2004 (Year Three 2002-WS-QX-0054), in amount of \$1,873.47. All members present voting aye. Motion carried.

**INCREASE SPENDING AUTHORITY/ESTIMATED REVENUE:**

Moved by Hansen, seconded by Wiese to increase spending authority and estimated revenue for the following unanticipated reimbursements: Underage Drinking Control Grant #234-331.90 @ \$188.25 and #234-211.01-411 @ \$162.78, #234-211.01-412.01 @ \$10.09, #234-211.01-412.02 @ \$2.36, #234-211.01-413 @ \$13.02. All members present voting aye. Motion carried.

**INVENTORY TRANSFER:**

Moved by Hansen, seconded by Fischbach to approve transfer of a 1976 Black Trailer to the Fairgrounds from Emergency Management (value under \$5000 fixed asset level). All members present voting aye. Motion carried.

**PLAT:**

Commissioner Hansen offered the following Resolution:

**RESOLUTION NO. 109-04**

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing “Aldinger 2<sup>nd</sup> Subdivision in N ½ SE ¼ Sec 8-T128N-R65W of the 5<sup>th</sup> P.M., Brown County, SD”, 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 Knecht. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

**BUDGET SUPPLEMENT – DPM:**

Time and place, as advertised for public hearing to consider Budget Supplement for year 2004 for the Dacotah Prairie Museum. Moved by Hansen, seconded by Wiese to approve the following Budget Supplement for year 2004: To enable the Dacotah Prairie Museum Budget #101-512 to complete program planning in amount of \$10,000.00, funding same from Aberdeen City Contribution of \$10,000.00. All members present voting aye. Motion carried.

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**EXECUTIVE SESSION:**

Moved by Hansen, seconded by Wiese to go into executive session for personnel discussion with Dirk Rogers in attendance. All members present voting aye. Motion carried.

The Chairman declared the executive session closed, with the following action taken as a result of discussion.

**PERSONNEL:**

Moved by Hansen, seconded by Fischbach to authorize the Highway Superintendent advertise for a Labor Grade 5 position. All members present voting aye. Motion carried.

**EXECUTIVE SESSION:**

Moved by Fischbach, seconded by Knecht to go into executive session for personnel discussion with Christine Heidenreich and Kevin Bain in attendance. All members present voting aye. Motion carried.

The Chairman declared the executive session closed, with the following action taken as a result of discussion.

**PERSONNEL:**

Moved by Knecht, seconded by Wiese to approve hiring Christine Heidenreich as Nurse in the Jail and JDC, effective January 18, 2005 at a pro-rated annual salary of \$35,360.00. All members present voting aye. Motion carried.

**LANDFILL EQUIPMENT PURCHASE:**

Moved by Wiese, seconded by Knecht to approve purchase of a 2000 Komatsu FG30HT-12 Forklift (Factory Reconditioned) from Deisel Machinery Inc in amount of \$14,975.00 for the Brown County Landfill, to be delivered in 2005. All members present voting aye. Motion carried.

**CITIZENS CORP:**

Roland Moerke, Scott Meints and Gordon Vanauken presented an update on the activities of the Citizens Corp during 2004.

**RECESS:**

The Chairman declared the Commissioner recessed until December 28, 2004.

Maxine Taylor – Brown County Auditor

DECEMBER 28, 2004 - JOINT CITY/COUNTY MEETING

The Brown County Commission and the Aberdeen City Commission met in joint session at 8:45 A.M. in the Brown County Commission Chambers, 25 Market Street, Aberdeen, South Dakota. Present from City were Commissioners Klabo, McQuillen and Mayor Levsen. Absent Commissioners Omland and Forkel. Present from County were Commissioners Hansen, Fischbach, Knecht, Wiese and Feickert.

ORDINANCE NO. 04-11-03/302:

On motion by McQuillen and seconded by Klabo, the City unanimously voted to approve First Reading of Ordinance No. 04-11-03/302.

Moved by Hansen, seconded by Knecht to approve First Reading of Ordinance No. 04-11-03/302, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 704 (R-2) Medium Density Residential District: Kempf Addition in the SW ¼ of Sec 28-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD. All members present voting aye. Motion carried.

The Aberdeen City Commission adjourned and the County Commission continued into regular meeting.

Maxine Taylor – Brown County Auditor

# DECEMBER 28, 2004 – GENRAL MEETING

Meeting called to order by Chairman Feickert at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Fischbach, Knecht and Wiese.

## MINUTES:

Moved by Fischbach, seconded by Wiese to approve the General Meeting minutes of December 21, 2004. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Wiese, seconded by Hansen to approve the following claims:

Payroll: Commissioners..\$2,587.50; Auditor..\$6,789.05; Treasurer..\$8,358.75; Data Processing..\$1,601.93, State's Attorney..\$8,271.91; Maintenance..\$5,129.00; Assessor..\$7,174.05; Planning & Zoning..\$1,043.20; Register of Deeds..\$4,657.15; Veterans Service Office..\$2,386.78; Sheriff..\$53,892.93; DOJ Grant..\$2,445.96; Communications..\$13,403.28; Welfare Office..\$2,664.96; Museum..\$4,386.16; Fairboard..\$1,824.73; Fairgrounds & Parks..\$3,137.14; Extension..\$1,636.00; Weed..\$100.00; Emergency Management..\$2,226.92; Highway..\$26,347.67; Landfill..\$6,579.81; Matching Benefits: FICA..\$9,663.22, Medicare..\$2,259.94, Wellmark BCBS Life..\$659.96, Wellmark BCBS Health..\$51,476.54, Delta Dental..\$3,750.00, SD State Retirement..\$20,415.54:

Supplies: Brown County Tres..\$27.42, Sams Sound..\$7670.00, Runnings..\$833.92, Janitors Closet..\$59.35, McFarland Supply..\$121.03, Honeywell..\$2845.00, Woodman Refrig..\$550.00, Taylor Laundry..\$27.00, Menards..\$442.57, TruGreen..\$261.05, Sanders..\$17.61, Dakota Supply..\$475.29, Sherwin Williams..\$47.12, ProMap..\$2100.00, Bonnie Bitz..\$144.00, Avera Health/Pace..\$204.19, Exec Mgmt..\$2048.76, Med Center Pharm..\$289.53, DT Pharm..\$1794.70, Evercom..\$1546.27, Dakota Electronics..\$186.45, Schwaab..\$30.05, Western Printing..\$325.60, Best Business..\$232.19, Dept of Rev..\$490.00, Hoven Auto..\$256.19, Securicor..\$61.68, Violet Dinger..\$1472.77, Economy Oil..\$2777.04, Huron Culvert..\$29,637.89, HF Jacobs..\$53,011.67, Ameripride..\$96.00, Butler Machinery..\$159.66, Carquest..\$134.36, Crawford Trucks..\$868.50, Cunningham Elec..\$738.01, Dakota Fluid..\$606.55, Erdmann Oil..\$4665.71, Evergreen Supply..\$47.76, Fastenal..\$3.91, Grote Sheet Metal..\$502.00, Jason Hammrich..\$11.00, Harms Oil..\$10,946.35, SDDOT..\$14,874.48, Trins..\$11,000.00, Dacotah Prairie Museum..\$22.20, GLAS Consulting..\$193.75, Dakota Fluid Power..\$16.39, Butler Cat..\$1093.91, NECOG..\$1666.66, City of Aberdeen..\$8062.83, Prairie View Prevention..\$5273.00, Brown County..\$2068.99, Safe Harbor..\$1107.87, APCO..\$620.00, Priority Dispatch..\$69.00, Farm & Home Pub..\$25.25, Tesco..\$985.89, Spec Mfg..\$585.00, Renee Fredericks..\$1800.00, Karls..\$269.96, Office Max..\$2280.75, RE Huffman..\$662.01, Schwan Welding..\$479.92, Hedahls..\$561.80, Hewlett-Packard..\$1690.00, Century Business..\$70.00, Reserve Account..\$5000.00, SD Human Services Center..\$67.10, Vantek..\$30.00, New Trends..\$5.10, Office Equip..\$3180.60, D&K Health Care..\$5.54, CDT..\$1750.00, Medical Waste Transport..\$106.38, Span Pub..\$129.00, Dacotah Prairie Museum Foundation..\$7000.00, Macs..\$2.58, Midwest Pump & Tank..\$47.74, Overhead Door..\$229.59, Petroleum Partner..\$513.37, Powerplan..\$1404.07, Helms..\$6663.73, Artz Camera..\$10.60, UBC..\$44.29, B&B Contracting..\$2707.75, Lord Henry Enterprises..\$349.60, Cunningham Elec..\$1665.89, MVTL Labs..\$27.20, Academy..\$110.00, Photo Xpress..\$6.25, OK Tire..\$115.00, DSS..\$460.10, IAFE..\$650.00, Geffdog Designs..\$397.60, Ray Rystrom..\$93.75, Quality Quick Print..\$900.00, Earthgrains..\$495.70, Kesslers..\$235.85, JC Penney..\$44.97, Walmart..\$386.19, Amoco..\$30.45, Fleet Mgmt..\$57.50, Galls..\$182.19, HRS..\$3603.20, SD States Attorney..\$600.00, Jane Jensen..\$4.30, Verizon Legal..\$3.00, Vision Video..\$38.00, North Central Farmers Elev..\$11,200.80, Kone..\$190.34, JD Evans..\$325.00, Safety Service..\$19,818.00, A&M Radio..\$50.00, Clear Channel..\$168.00, West Pub..\$168.00, Hedahls..\$28.58, Quality Quick Print..\$579.00, Rux Bros..\$449.77, FedEx..\$30.40, Brown County..\$15,000.00, David Fair..\$214.75, Radio Shack..\$105.98, McLeods..\$392.25, New World Systems..\$14,255.00:

Publications: American News..\$761.31, Groton Indep..\$1028.09, Dakota Press..\$1249.92:

Professional Fees: Avera United Clinic..\$219.19, Dr Robert Cihak..\$279.38, Anesthesia Care..\$224.00, Avera St Lukes..\$13,483.05, Harlow Orthopedics..\$894.16, NE Mental Health Center..\$32,166.94, Harlow Orthopedics..\$19.50, DT Pharm..\$127.46, Sheriff of Woodbury County..\$20.68, Sheriff of Hennepin County..\$16.50, Rapid City Regional Hospital..\$17.00, Dawn Woods..\$177.00, Cheryl Hairgrove..\$295.00, City of Aberdeen..\$6257.00, RE Huffman..\$576.03, Volk Investigation..\$3371.48, Brandon Leslie..\$50.00, Kevin Spitzer..\$100.00:

Transcriptions: Cheryl Hook..\$290.20, Slowey Court Reporting..\$50.00:

Travel: Tom Fischbach..\$49.28, Leo Leshner..\$321.28, Gene Loeschke..\$127.36, Stan Beckler..\$28.32, Marg Zastrow..\$14.00, Jason Warrington..\$38.40, Gary Erickson..\$79.88, Danielle Radke..\$24.96, Deb Munger..\$20.48, Mark Hoven..\$275.00, Dennis Feickert..\$38.40, Mike Wiese..\$9.60, Deb Knecht..\$268.80, Charlene Millim..\$7.68, Mark McNeary..\$424.32, Mark Milbrandt..\$276.00, Dennis Mitchell..\$48.00, Melissa Koester..\$124.48, Erling Podoll..\$30.00, Harley Gage..\$35.36, Audrey Jacobson..\$22.80, Jerry Streckfuss..\$17.04:

Court Appointed Attorney: Kelly Marnette..\$486.00, H I King..\$142.59:

Utilities: Qwest..\$4787.44, Cellular One..\$1361.30, Midcontinent Cable..\$288.97, CellularOne..\$46.55, Montana Dakota..\$20.42, Northwestern Energy..\$7529.78, Web..\$96.40, AT&T..\$23.15, Northern Elec..\$1200.00, Mark McNeary..\$30.40:

Care of Poor: Rent – 6 recipients..White House Inn..\$70.20, Erik Stewart..\$220.00, Peter Andrew..\$200.00, Connie Newell..\$240.00, Ron Erdmann..\$260.00, Danne..\$200.00; Medications – 13 recipients..Kessler Pharmacy..\$606.02, K-Mart Pharm..\$23.78, Economy Pharm..\$10.00, Walmart Pharm..\$16.84, Jones Drug..\$31.64; Dr/Hospital - 2 recipient..Aberdeen Family Physicians..\$363.30, Northern Plains OMS..\$190.96; Burial – 1 recipient..Spitzer Funeral Home..\$1200.00, City of Aberdeen..\$150.00; Utilities – 3 recipients.NWPS..\$420.25; Insurance – 1 recipient..Celtic Ins..\$200.00. All members present voting aye. Motion carried.

#### PERSONNEL:

Moved by Knecht, seconded by Hansen to approve employee status change for Jackie Ormand, Museum Employee from part-time to full-time, effective January 3, 2005 at \$9.73 per hour. All members present voting aye. Motion carried.

#### PERSONNEL - PREVENTION GRANT:

Moved by Wiese, seconded by Fischbach to approve hiring Judith Hauge, effective January 3, 2005 at \$10.07 per hour as Community Resource Coordinator for Holgate Middle School, to be funded by the DOJ Prevention and Intervention Programs for At-Risk and Detained Youth #2001-JS-FX-0014 that runs through September 30, 2005. All members present voting aye. Motion carried.

#### PERSONNEL – WEED AND SEED:

Moved by Knecht, seconded by Hansen to approve hiring Tabitha Moore as full-time Brown County employee as Brown County Weed and Seed Grant #2002-WS-QX-0054 Coordinator, effective January 10, 2005 at a pro-rated annual salary of \$27,750.00. All members present voting aye. Motion carried.

#### WEED AND SEED:

Moved by Wiese, seconded by Fischbach to approve amending the following Weed and Seed Year Three funding proposal: Safe Harbor (outreach), as recommended by the Steering Committee. All members present voting aye. Motion carried.

#### PLATS:

Commissioner Hansen offered the following Resolution:

#### RESOLUTION NO. 110-04

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Radke's First Subdivision in W ½ Sec 34-T122N-R61W of 5<sup>th</sup> P.M., Brown County, SD", 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. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

Commissioner Knecht offered the following Resolution:

RESOLUTION NO. 111-04

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing "Mettler Subdivision in the NE ¼ of Sec 6-T126N-R61W of the 5<sup>th</sup> P.M., Brown County, SD", having been examined, is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof.

Seconded by Commissioner Wiese. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

RESOLUTION NO. 112-04

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing "Peterson Conservation Easement Tract 1 in the SW ¼ of Sec 26-T128N-R61W of the 5<sup>th</sup> P.M., Brown County, SD", having been examined, is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof.

Seconded by Commissioner Hansen. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

Commissioner Knecht offered the following Resolution:

RESOLUTION NO. 113-04

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Sperry First Subdivision in Camelot Subdivision in SE ¼ Sec 19-T123N-R62W of 5<sup>th</sup> P.M., Brown County, SD", having been examined, is hereby approved in accordance with the provisions of SDCL 1967, Chapter 11-3, and any amendments thereof.

Seconded by Commissioner Fischbach. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

RESOLUTION NO. 114-04

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Lowe's Outlots in the SW ¼ of Sec 21-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD", having been

examined, is hereby approved in accordance with the provisions of SDCL 1967, Chapter 11-3, and any amendments thereof.

Seconded by Commissioner Fischbach. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

Commissioner Hansen offered the following Resolution:

#### RESOLUTION NO. 115-04

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Bud Smith Addition in the SE ¼ of the SE ¼ of Sec 20-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD", 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. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

Commissioner Hansen offered the following Resolution:

#### RESOLUTION NO. 116-04

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "First Replat of South Dakota Wheat Growers Addition in the S ½ of Sec 14-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD", 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. Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Knecht-aye, Wiese-aye, Feickert-aye. Resolution adopted.

#### LANDFILL UNCOLLECTIBLE ACCOUNTS:

Moved by Fischbach, seconded by Hansen to authorize Mike Scott, Landfill Manager to declare the following accounts receivable amounts uncollectible: \$117.47 and \$1,200.49. All members present voting aye. Motion carried.

#### SHERIFF REPORTS:

Moved by Wiese, seconded by Hansen to approve the following November 2004 Sheriff Reports: Incidents & Offenses, Prisoner Care, JDC, Money deposited with the County Treasurer and Monthly activities. All members present voting aye. Motion carried.

#### INTEREST TRANSFER IN/OUT:

Moved by Hansen, seconded by Wiese to transfer interest from General to individual funds as current revenue; and further per Commission Policy transfer out to General Fund: #201 \$11,163.24; #226 \$1,240.36; #504 \$42,172.23; #207 \$6,201.80; #233 \$13,643.96. All members present voting aye. Motion carried.

#### INVENTORY TRANSFER:

Moved by Wiese, seconded by Knecht to donate the siren system purchased through Emergency Management Fund #226 to the City of Groton in total amount of \$41,124.00. All members present voting aye. Motion carried.

**INCREASE SPENDING AUTHORITY/ESTIMATED REVENUE:**

Moved by Hansen, seconded by Knecht to increase spending authority and estimated revenue for the following unanticipated grant funds: Cops Technology #220-225-422 & 426 and #234-331.19 @ \$222,585.06; Emergency Management #226-222-434,426.17 & 426.18 and #226-332 @ \$44,080.25; SVAWA #234-151-422 and #234-331.97 @ \$5,472.75; CDBG #234-161.01-422 and #234-334.05 @ \$412,000.00; Disparate Jurisdiction/Operation Safe #234-211-429.02 and #234-331.95 @ \$2,116.36; COPS Tech Sheriff #234-211.05-426 and #234-331.19 @ \$2,076.89; JABG/SPECIAL #234-215-429.02 and #234-331.99 @ \$2,136.71; Homeland Security #236-222.09-426 @ \$10,680.70, #236-222.15-426 @ \$74,374.34, #236-222.16-426 @ \$14.48 and #236-331 @ \$85069.52. All members present voting aye. Motion carried.

**EXECUTIVE SESSION:**

Moved by Hansen, seconded by Knecht to go into executive session for personnel discussion. All members present voting aye. Motion carried.

The Chairman declared the executive session closed, with no action taken as a result of discussion.

**BUDGET SUPPLEMENT:**

Time and place, as advertised for public hearing to consider Budget Supplement for year 2004 for various departments. Moved by Wiese, seconded by Knecht to approve the following Budget Supplements for year 2004: Welfare (unanticipated revenue) @ \$62,000.00; Elections (unanticipated revenue) @ 14,000.00; Jail (unobligated surplus cash) @ \$107,000.00; Courthouse & Jail (unobligated surplus cash) @ \$32,000.00; Fairgrounds (unanticipated revenue) @ \$22,500.00; Road & Bridge (unanticipated revenue) @ \$20,000.00. All members present voting aye. Motion carried.

**OPERATING TRANSFER:**

Moved by Wiese to approve an operating transfer in total amount of \$15,000.00 from Fairgrounds Budget (\$12,000.00) and Contingency (\$3,000.00) to Capitol Projects – Ag Building at the Fairgrounds. Motion died for lack of second.

Moved by Wiese, seconded by Knecht to approve an operating transfer-out from Fairgrounds #101-523 in amount of \$12,000.00 and transfer to Capitol Projects – Ag Building at the Fairgrounds. All members present voting aye. Motion carried.

**EXECUTIVE SESSION:**

Moved by Wiese, seconded by Hansen to go into executive session for personnel discussion with Mark McNearly in attendance. All members present voting aye. Motion carried.

The Chairman declared the executive session closed, with no action taken as a result of discussion.

**PARTIAL PAYMENTS:**

Moved by Fischbach, seconded by Hansen to authorize Sheila Enderson, County Treasurer to accept partial payments for taxes (as authorized by SDCL 10-21-7) in amount of \$115.00 per month on the N ½ Lot 11 & all of Lot 12 Blk 33 1<sup>st</sup> Addition to Groton BOLS 1997 Friendship MH, effective January 3, 2005. All members present voting aye. Motion carried.

**PARTIAL PAYMENTS CANCELLED:**

Moved by Wiese, seconded by Fischbach to authorize Sheila Enderson, County Treasurer to cancel partial payments for taxes (as authorized by SDCL 10-21-7) on the 1260' E of W 325' of N 346' NW 34-122-61, due to non-payment and proceed with tax deed process. All members present voting aye. Motion carried.



**TAX DEED PROPERTY:**

Moved by Wiese, seconded by Fischbach to authorize Sheila Enderson, County Treasurer to submit all qualifying parcels to the States Attorney for completion of the tax deed process. All members present voting aye. Motion carried.

**DISTRESS WARRANT:**

Moved by Wiese, seconded by Hansen to authorize Sheila Enderson, County Treasurer reissue the distress warrant on the BOLS RR ROW HUFFTON (Steel Bin and Hopper Bin) to be processed by the Sheriff's Department. All members present voting aye. Motion carried.

**DELINQUENT TAX DISCUSSION:**

Allen Wellman met with the Commission requesting taxes be adjusted on property owned by family members. The tax adjustment request was denied by the Commission.

**GENERAL FUND LOAN:**

Moved by Wiese, seconded by Fischbach to authorize cash from the General Fund be loaned to the following Grant Funds until reimbursements received: Fund #234 SVAWA @ \$6,175.25, JABG @ \$3,410.56, COPS @ \$2,076.89; Fund #236 Homeland Security – 226.09 @ \$10,680.70, 226.15 @ \$74,374.34, 226-16 @ \$14.48; Fund #759 Weed & Seed Pass-through @ \$18.79. All members present voting aye. Motion carried.

**CONTINGENCY TRANSFERS:**

Moved by Wiese, seconded by Fischbach to approve the following Contingency Transfers (spending authority only): Fund #101: 141 Auditor @ \$10,205.12; 154 Abused & Neglect @ \$486.00; 211 Sheriff @ \$43,535.40; 212 Jail @ \$24,190.11; 213 Coroner @ \$450.00; 441 Mental Illness @ \$1,982.28; 443 NADRIC @ \$.04; 445 Mental Illness Board @ \$2,538.84; 615 Weed @ \$16,711.26; Fund #239 @ \$6,523.95; Fund #244: Fair Bench @ \$200.57, Victim Assistance @ \$276.66, Veterans Service @ \$2,152.11, Mosquito @ \$500.00. All members present voting aye. Motion carried.

**WORK STUDY HOURS:**

Moved by Hansen, seconded by Wiese to approve 127.25 hours of work-study hours completed by Rachel Gilbert during September – December 2004 for work comp purposes. All members present voting aye. Motion carried.

**ADJOURNMENT:**

Moved by Wiese, seconded by Knecht to adjourn the Brown County Commission. All members present voting aye. Motion carried.

Maxine Taylor – Brown County Auditor