

## JANUARY 6, 2009 -REORGANIZATION MEETING

This being the reorganization meeting of the Brown County Commission for year 2009, said Board convened at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, South Dakota. Present were Commissioners Hansen, Fischbach, Sutton, Elliott and Wiese.

The following Oaths of Office were administered by Auditor Maxine Taylor: Commissioner Burt Elliott, Commissioner Duane Sutton, States Attorney Kim Dorsett, Treasurer Sheila Enderson and Coroner Kevin Spitzer. Pastor Tom Holslag, First Presbyterian Church led the Pledge of Allegiance and opened with Prayer.

Maxine Taylor, Brown County Auditor, called for nominations for Brown County Commission Chairman for year 2009, pursuant to SDCL 7-8-15.

Commissioner Hansen nominated Tom Fischbach for Chairman. Moved by Hansen, seconded by Elliott that nominations cease and a unanimous ballot be cast for Tom Fischbach, 2009 Chairman. All members present voting aye. Motion carried.

Commissioner Elliott nominated Nancy Hansen for Vice Chairman. Moved by Sutton, seconded by Elliott that nominations cease and a unanimous ballot be cast for Nancy Hansen, 2009 Vice Chairman. All members present voting aye. Motion carried.

### MINUTES:

Moved by Hansen, seconded by Sutton to approve the Joint City County Meeting minutes and the General Meeting minutes of December 30, 2008. All members present voting aye. Motion carried.

### CLAIMS:

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

Payroll: Commissioners...\$3,110.60; Auditor...\$7,913.25; Treasurer...\$10,591.04; Data Processing...\$3,400.62; State's Attorney...\$12,479.86; Blood Draws...\$490.00; Stop Loss Grant...\$1,421.05; Maintenance...\$5,689.53; Assessor...\$10,031.02; Register of Deeds...\$6,311.84; Veterans Service Office...\$3,083.79; GIS...\$1,921.93; Sheriff...\$73,036.73; Communications...\$17,403.06; Welfare Office...\$3,144.20; Museum...\$5,702.92; Fairgrounds & Parks...\$3,086.40; Fairboard...\$1,606.73; Extension...\$2,028.80; Weed...\$460.52; Planning and Zoning...\$2,030.81; Emergency Management...\$2,810.42; Teen Court...\$352.62; Coroner...\$600.00; Highway...\$29,644.02; Landfill...\$8,107.99 Matching Benefits: FICA...\$12,722.73; Medicare...\$2,975.36;

Supplies: SD Workers Compensation Fund...\$95,151.00, Hagan Ins Group...\$159,354.73. All members present voting aye. Motion carried.

### PERSONNEL:

Moved by Sutton, seconded by Hansen to amend salary amount for the following employee step increases, approved in minutes of December 23, 2008: Jan Erickson @ \$14.31 per hour, Nancy Radke @ \$17.73 per hour, Craig Nelson @ \$17.63 per hour, Kathy Schlecht @ \$15.50 per hour, Brad Nehlish @ \$12.66 per hour (effective December 28, 2008); and further approve the following employee step increases, effective January 11, 2009: Patty VanMeter @ \$13.71, Mickey Schulz @ \$12.82, Jane Jensen @ \$13.87, Kathy Neitzel @ \$15.53, Jackie Ormand @ \$12.53. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Elliott to amend status change salary amount for Brittney Lout approved in minutes of December 23, 2008 from \$12.03 per hour to \$12.52 per hour, effective December 29, 2008. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to list the following volunteers for work comp purposes (CERT, Citizens Corp, Dive Team, Fair, Museum): Cole Adema, Richard Adema, Joe Akkerman, John Aman, Trent Anderson, Sea Atwood, Richard Bakeberg, Ryan Bakeberg, Diana Banker, Becky Berreth, Chad Bierman, Sandra Bierman, Evelyn Blum, Ed Bohlander, Paul Bohling, Esther Boschee, Mercedes Buchanan, Becky Burdick, Condal Burgard, Emily Buttarro, Tom Carlson, Ryan Cunningham, Val Daschel, Fae Dayton, Marvin Dreesen, Eva Dudley, Darcie Engel, Ryan Engel, Curt Erickson, Kristie Erickson, Rieck Eske, Matt Farley, Brad Fiechtner, Cora Fiedler, Gwyn Fischbach, Carol Fowler, Randy Grismer, Connie Groop, Nancy Gross, Helen Mae Hammrich, Mary Jane Hanson, Jeanette Hassebroek, Gerald Helm, Pat Helm, Janet Herman, Vi Herman, Trixie Hettich, Bill Hild, Mary Jo Hild, Roger Huettl, Richard Humphries, Geneva Hurlburt, Robert Husby, Randy Imberi, Tony Ingemansen, Lynn Isackson, Carole Jansen, Robert Janssen, Janne Jockheck, Dave Johnson, Sally Johnston, Zach Kern, Jamie Kern, Tom Kessler, Nathan Kessler, Rich Kezar, Randy Kingery, Daniel Klinger, Matthew Klundt, Lee Koch, Michael Kost, Ron Kost, Phyllis Kringen, Brian LaCroix, Marilyn Lahr, Peggy Larson, Cora Jane Lawton, Janet Malsom, Tim Mattern, Douglas Mayer, Gretchen Mayer, Carla Meints, Jesse Milbrandt, Mike Miller, Roland Moerke, Deborah Munger, Elizabeth Myers, Dorothy O'Keefe, Heidi Olsen, Gayle Opp, Barb Paepke, Tom Paepke, Mike Paye, Cindy Pigors, Rick Pigors, Lois Pletten, Bea Premack, Jeannette Protxter, Jamie Pulfrey, Douglas Reierson, Freddie Robinson, Caroline Sahli, Mike Sandmark, Butch Sauvage, Kathy Schaunaman, Neil Schaunaman, Jacie Schley, Deb Schlosser, Joel Schneider, Kimberly Schneider, Nancy Schrenk, Brian Sharp, Gretchen Sharp, Carol Sheldon, Dave Shultis, Justin Shultis, Barry Smith, Keith Starks, Donna Stearns, Jessi Stucke, Char Suel, Liz Sutherland, Jesse Swallow, Chip Swanson, Marian Swanson, Stu Swenson, Keigh Theroux, Anne Thomas, Kevin Vaughn, Eric Vetter, Nina Vilhauer, Brad Waage, Shane Wagner, Joan Walter, Pat Waltman, Kent Warrey, Kathy Webb, Betty Werth, Dennis White, Brad Wollman, Cara Wollman, Matt Zeller, Jeffrey Zeltwanger, Jennifer Zeltwanger. All members present voting aye. Motion carried.

Moved by Sutton, seconded by Wiese to approve hiring Craig E Gardner as Shop/Partsman at the Highway, effective January 7, 2009 at \$11.40 per hour. All members present voting aye. Motion carried.

#### ABATEMENTS:

Moved by Sutton, seconded by Hansen to approve and authorize the Chairman sign the following abatements: Denise Krueger @ \$143.20, Bryan Kleinsasser @ \$292.11, Brown County @ \$671.50, George Jundt @ \$75.06, Steve Green @ \$951.63, Lakeside Estates @ \$40.01, Edwin Wiseman @ \$749.94, Thorpe Ranch Inc @ \$487.59, Aberdeen City @ \$17.98, Old Apostolic Lutheran Church @ 1,538.86, Willeen Druley @ \$107.52, Ben Schnell @ \$1,243.84, Jesse Luce @ \$1,899.42, Sandy Nelson @ \$621.94, Claremont City @ \$6.65, Masonic Temple Assn @ \$710.00, BNSF RR @ \$30,312.58, DM&E RR @ \$307.65. All members present voting aye. Motion carried.

#### DESIGNATION OF DEPUTIES:

Commissioner Elliott offered the following Resolution:

#### RESOLUTION NO. 1-09

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, 7 Deputies, 1 part-time Clerk; Register of Deeds - 1 Chief Deputy, 3 Deputies, 1 part-time Clerk. All extra help hired by County Officials must first be approved by the County Commission.

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

#### OFFICIAL NEWSPAPERS:

Moved by Hansen, seconded by Sutton to designate the following as the official Brown County newspapers for year 2009 (SDCL 7-18-3): Aberdeen American News, Aberdeen, SD; 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 2009 (SDCL 7-2-13), with funds deposited in the name of Sheila Enderson, Brown County Treasurer: Dacotah Bank; US Bank; Wells Fargo; First Savings of Beresford, Hecla Branch of Hecla; First State Bank of Warner; First State Bank of Claremont; First National Bank of Frederick; Plains Commerce Bank; Home Federal Savings & Loan; Great Western Bank; FIT; Cortrust Bank; Great Plains Bank. All members present voting aye. Motion carried.

#### INVESTMENT POLICY:

Commissioner Wiese offered the following Resolution:

#### RESOLUTION NO. 2-09

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 Sutton. Roll call vote: Commissioners Hansen-aye, Wiese-aye, Sutton-aye, Elliott-aye, Fischbach-aye. Resolution adopted.

#### EXPENSE POLICY:

Moved by Sutton, seconded by Elliott to set the following expense rates for Brown County employees for year 2009: Meal reimbursement made only for out of County travel

	In-State	Out-of-State
Breakfast	\$ 5.00	\$ 8.00
Lunch	\$ 9.00	\$11.00
Dinner	<u>\$12.00</u>	<u>\$17.00</u>
	\$26.00	\$36.00

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.

Lodging reimbursed at actual cost, receipt required (if possible have direct billing, as County tax exempt).

Mileage Rate: Reimbursement for use of personal vehicle for County business, as follows:

- 37 cents per mile
- Miles to be determined by the assistance of Map Quest or similar web site
- Odometer readings required for all destinations not available on web site
- Odometer reading only required once to establish routine destination routes, i.e per diem for board members

All members present voting aye. Motion carried.

#### EXPENSE POLICY - ELECTION OFFICIALS:

Moved by Wiese, seconded by Sutton to set fee of \$100.00 for precinct officials working on Election Day, \$10.00 for precinct officials attending the Election School, \$10.00 for precinct official attending AutoMark training (one per precinct), \$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.

#### EXPENSE POLICY FOR BROWN COUNTY BOARDS:

Moved by Wiese, seconded by Elliott to set the following policy for the boards appointed by the Brown County Commission.

1. Dacotah Prairie Museum Board – No per diem - Maximum two three-year terms.
2. Extension Board – Mileage per County policy if reside out of Aberdeen City – Maximum two three-year terms.
3. Fair Board – No per diem – Maximum two three-year terms.
4. Local Emergency Planning Committee – No per diem – No term length/limit.
5. Planning/Zoning Board - \$35.00 per meeting attended, plus mileage per County policy – Five-year terms – No term limit per January 1, 2004 Commission Minutes.
6. Rationing Board – No per diem – No term length/limit.
7. Weed & Pest Control Board - \$35.00 per meeting attended, plus mileage per County policy, if reside out of Aberdeen City – Three year terms – No term limit.

Appointments to fill vacated positions on a board will be for the remainder of the term of the position vacated. If the remainder of the term is over one-half of the regular term, this appointment will count as a full term regarding term limits.

Appointees to all boards shall not receive pay or other forms of benefit or benefits that extend beyond the termination or expiration of their appointment to a county board. All members present voting aye. Motion carried.

#### TAX DEED NOTICES:

Commissioner Wiese offered the following Resolution:

#### RESOLUTION NO. 3-09

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 Kim Dorsett and States Attorney Office personnel to act as agents to process said tax deeds and notices.

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

#### COMMISSION APPOINTMENTS:

Moved by Elliott, seconded by Wiese to approve the following Commission Committee appointments for 2009: Tom Fischbach - Communications Center Council, Range Fire Suppression, LEPC, County Buildings, Union Negotiations, Rationing Board, Aberdeen/Brown County Regional Railroad Authority Commission, FIT, FSA Representative; Duane Sutton - Aberdeen Development Corporation, NECOG, CART, Fair Board, SD Public Assurance Alliance, Dacotah Prairie Museum Board; Nancy Hansen - Union Negotiations, Senior Citizens Board, City Net, NE Mental Health Board, NACO Board of Directors, SDACC Past President; Mike Wiese - Planning & Zoning Board, Liaison to Welfare, SD Public Assurance Alliance Board Member, Airport Board, NECOG, Glacial Lakes, Communications Center Council; Burt Elliott: Weed & Pest Board, SDACC Catastrophic Legal Board, Fair Board, Extension Board, Risk Management Committee, Legislative Contact. All members present voting aye. Motion carried.

#### BOARD APPOINTMENTS:

Moved by Hansen, seconded by Elliott to appoint the following additional CERT Members: Ryan Bakeberg, Douglas Mayer, Gretchen Mayer, Chip Swanson; and remove the following CERT Members: Richard Adema, Dion Bahr, Cindy Beard, Kerry Beckler, Diane Bruns, Lance Bunke, Luann Cunningham, Bill Dennert, Tammy Dennert, Barry Eske, Donald Hurst, Tony Jones, Chad Kampa, Carla Kramer, Josh Latterell, Randall Long, Jason Malson, Jodi McQuillen, Joyce Mehaffey, Roland Moerke, Cindy Olson, James Petrich, Rick Rainford, Jayne Reuer, Linda Schwabe, Judith Sheldon, Dean Sinclair, Glenda Smith, Justin Steiger, Keith Theroux, Rose Cathy Thornton, Terri Traxinger, Barney Williams, Corey Wipf. All members present voting aye. Motion carried.

Moved by Sutton, seconded by Hansen to appoint the following Citizens Corp Council Members: Elizabeth Myers (red cross representative), Scott Meints (emergency management), Rich Kezar (at large representative, terms effective January 1, 2009 – December 31, 2011. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to appoint the following to the Dacotah Prairie Museum Board: Eric Vetter, First Term, effective January 1, 2009 – December 31, 2011; Carol Fowler, Second Term, effective January 1, 2009 – December 31, 2011; Nina Vilhauer, Second Term, effective January 1, 2009 – December 31, 2011. All members present voting aye. Motion carried.

Moved by Sutton, seconded by Elliott to appoint the following to the Extension Board: Michael Elson, Second Term, effective January 1, 2008 – December 31, 2010; Curt Haaland, Second Term, effective January 1, 2009 – December 31, 2011. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Elliott to appoint the following to the Brown County Fair Board: Karen Erdmann, Val Daschel, Robert Husby, Matt Zeller, Sea Atwood, First Term, effective January 1, 2009 – December 31, 2011; Stu Swenson, Butch Sauvage, Rick Pigors, Kristie Erickson, Jeanette Hassebroek, Second Term, effective January 1, 2009 – December 31, 2011. All members present voting aye. Motion carried.

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Moved by Hansen, seconded by Wiese to appoint Duane Sutton as replacement for Deb Knecht on Housing and Redevelopment Commission of Brown County, term expires July 9, 2011. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Elliott to appoint the following to the Planning & Zoning Board: Dale Kurth to finish term expiring December 31, 2010; Darwin Bettman, First Term, effective January 1, 2008 – December 31, 2012; Stan Beckler, Second Term, effective January 1, 2009 – December 31, 2013; Jerry Streckfuss, Fourth Term, effective January 1, 2009 – December 31, 2013. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Sutton to appoint the following to the Weed and Pest Board: Dennis Wiedebush, term expiring March 2010; Duane Jark, term expiring March 2009; Troy Knecht, term expiring March 2011, Mark Hoven, term expiring March 2011. All members present voting aye. Motion carried.

#### FAIRGROUNDS/YOUTH CAMP RENTAL RATES:

Moved by Hansen, seconded by Sutton to establish the following rental rates:

#### **FAIRGROUNDS RENTAL RATE - EFFECTIVE JANUARY 1, 2009**

**Storage Space Rental:** October 15 to April 1<sup>st</sup> - Prepaid Lease -No Refunds - \$6.00 per linear foot for each unit plus 4% sales tax. All lengths will be rounded to the nearest foot.

**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 **\$275.00** - Per day for days over two **\$135.00** - Clean-up additional **\$75.00**. 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 **\$250.00** - Per day for days over two.....**\$125.00** If fairgrounds personnel needs to clean up after the activity..... Clean-up/horse shows **\$300.00** - Clean-up/other activities.....**\$175.00**

**Holum Expo Building:** 120' x 240' - Per day **\$450.00** plus utilities - Per day for days over two...**\$225.00** plus utilities. If fairgrounds personnel needs to clean-up after the activity.....Clean-up/horse shows **\$300.00** - Clean-up/other Activities....**\$175.00**

**Horse Stalls:** Set up fee - per stall. **\$8.00**

**Orange Corral Panels:** - per day.....**\$25.00**

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

**Portable Stage:** Not to go out of County-except for Governmental Agencies -Per event **\$80.00**

**People Movers** - **\$10.00** per event (lessee is liable for any damage)

**Bleachers** - Large Green - **\$50.00** per day, Small Orange - **\$25.00** per day Small Orange - **\$75.00** per day if leaves Fairgrounds

**10" Benches:** **\$1.00** per bench per event.

**Campgrounds:** **\$12.00** per day for pads with power and water. **\$15.00** per day for pads with power, water and sewer drops. This includes a 5% State Sales Tax.

232 pads with water and power and 36 with power, water, and sewer. All south campgrounds have both 50 amp and 30 amp plug-ins

#### **RICHMOND YOUTH CAMP RENTAL RATES- EFFECTIVE JANUARY 1<sup>ST</sup>, 2009**

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 per day: **\$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. Signed lease, deposit and proof of insurance shall be sent to the Brown County Auditor at 25 Market Street, Ste. 1, Aberdeen, SD 57401.

Cleanup: **\$50.00** for the Lodge and **\$100.00** for the dorms.

Absolutely no pets allowed in any of the buildings.

All members present voting aye. Motion carried.

#### 2009 SALARY SCHEDULE:

Moved by Hansen, seconded by Elliott to approve the following salaries, effective December 14, 2008:

**Annually** States Attorney Kim Dorsett 59,453; Sheriff Mark Milbrandt 60,945 (plus \$500 per pay period to oversee Communications Center); Auditor Maxine Taylor, Treasurer Sheila Enderson, Register of Deeds Carol Sherman 48,543; Commissioners Burt Elliott, Tom Fischbach, Nancy Hansen, Duane Sutton, Mike Wiese, Dennis Feickert, Deb Knecht 16,175 (plus county paid portion of optional insurance coverage); Deputy States Attorney's Lori Ehlers 46,800, Rebecca Millan \$41,600, Brandon Taliaferro 41,340, Jodi Brown 12,480 (Victims Assistance) 27,000 (SVAWA Grant); Chief Deputy Sheriff Tom Schmitt 54,851; Building Superintendent Mick Palmer 37,458; Museum Director Sue Gates 39,159; Veterans Service Officer Tom Gohn 39,801; EM Director Scott Meints 44,346; Fairgrounds Superintendent Kurt Smith 37,502; Planning/Zoning/Drainage/E911 Rural Addressing Director Gary Vetter 41,101; Welfare Director Charlene Millim 45,578; Deputy Sheriff/Communications Director John McQuillen 49,754; Highway Superintendent Jan Weismantel 53,561; Director of Equalization Mary Worlie 48,144; GIS Coordinator Scott Madsen 49,970; Landfill Manager Mike Scott 50,872; Computer Programmer/Analyst Bill Meink 50,872; Fair Board Manager Larry Gerlach 29,659; Sheriff/JDC Nurse Marcy Fritz 39,543; Juvenile Detention Supervisor Amy Lake-Harmon 41,560; Highway Shop Foreman Mark Wendt 41,641; Deputy Director of Equalization Leo Leshar 40,064; Highway Department Assistants Kendell Titze, Marcus Selzler 40,064. **Coroner and Deputies:** Kevin Spitzer, Brandon Leslie, Andrea Snoozy-Bahr, Scott Stevenson, Michael Wight \$150.00 per call. **Blood Draw:** Lyrita Wilkie, Scott Weitbrecht, Jason Engel, Jacqueline Schrader, Pam Smid, Joes McMaster \$35.00 per draw. **Per Meeting:** Darwin Bettmann, Stanley Beckler, Patrick Keatts, David North, Jerry Streckfuss, Dale Kurth, Dennis Weidebush, Mark Hoven, Duane Jark, Troy Knecht \$35.00 per meeting. **Per Hour** Weed Supervisor Roger Johnson 14.72. Assistant Landfill Manager Don Fischer 14.83. Senior Fieldman Gene Loeschke 18.09. Chief Office Deputies (Auditor, Treasurer, Register of Deeds) Jeanette Nietert, Jan Beckler, Dorene Borchard, Catherine Lindemann 19.26. Appraisers: Allan Vietmeier 15.81, Kathy Fischer 17.75. Computer/Technology Support Specialist: Chris Stucke 18.05. Chief Office Deputies (Sheriff, Welfare, States Attorney, Maintenance, Director of Equalization, EM, Veterans Service) Polly Rush 14.60, Ginger Walker 15.25, Kathy Schlecht 15.21, Janice Moore 17.44, Penny Hart 20.19, Mavis Kempf 17.39, Judy Dosch 17.89. States Attorney's Office Secretaries Kristina Vetter 12.30, Tracy Madsen 12.73, Jane Jensen 13.82. Office Deputies, Museum Curators, Secretaries/Clerks Lisa Roach, Andrew Janusz, Rochelle Moser 11.65; Bobbie Bierman, Sara Hagman, Pam Sudlow 11.88; Roxanne Hilgenberg, Lisa Samson, Mariann Malsom, JoAnn Sheffield 12.12; Jackie Ormand 12.36, Kimberly Byram 12.53, Carol White 13.05, Lora Schaunaman, Sherry Theobald 13.24, Cindy Meyers 13.41, Sandra Green 13.51, Jolene Forsting 13.56, Patty Van Meter 13.66, Sherri Rawstern 13.81, Jan Erickson 14.26. Clerk, Secretary, Maintenance, Parts Cindy Eppard 11.40, Mickey Schulz 12.64, Monte Podoll 12.98. Sheriff Department Clerical & Cooks Sandy Mielke 12.12, Margaret Unser 12.99, Diane Mielke 14.88, Joyce DesCamps 15.28, Carol Wolf 15.23, Kathy Neitzel 15.48. Dispatchers Christine Haggerty, Amber Johnson, Judon Reinbold 12.80, Tonya Walth 13.08, James Petich 13.38, Jennifer Stoddard 13.69,

Melony Flinn 14.28, Sarah Jesz 14.56, Betty Haar, Sheila Anderson 15.99, Mary Browning 16.24. Chief Dispatcher Nancy Radke 17.68. Highway (Labor Grade 3) Kathy Thompson, Robert Jenson, Jeremy Holtey, Justin Salo, Richard Breitag, Tim Hettich, Brad Nehlich 12.43, Bryan Owens 12.66, Michael Rohrbach 13.15, Roger Johnson 13.31, Ben Hofer 14.18, Joseph Malsom 14.23, Larry Hardy 14.43, John Weig 15.13. Highway (Labor Grade 4) Dennis VanHeerde 14.32, Nyle Jenson 14.47, Carl Wright 15.57. Highway (Labor Grade 5) Daryl Lloyd, Leon Vickers 12.81, John Heidenreich 13.51, David Bruckner 15.56. Highway Mechanics Labor Grade A (with cdl) Ronald Glugla 15.44. Highway Mechanics Labor Grade B (without cdl) Darin Vilhauer 13.78. Field Deputy Sheriff/Chief Jailers Ben Smith, Anthony Sorenson, Kyle Crawford, Nathan Smith 15.84, Keith Baker 16.43; Damian Bahr 17.03, Craig Nelson 17.33, Brian Koens 17.63, Terrence Evans 17.88, David Fair 19.10, Scott Kolb 19.30, Bryan Locke 19.40, John Heine 19.35. Jail Deputy/Home Detention Supervisor/Assistant JDC Supervisor Brenda Hammrich 15.08, Kristal Biegler 15.99. Jailers (Adult and JDC) Jon-Thomas Roemmick, Albert Chagolla, Charles Tveit, Teresa Mayou, Joseph Embury, Shawn Mestas, Randy Kurtz, Mattheus Badenhorst, Amber Crouch, Heidi Fischer, Ross Erickson 12.52, Ashby Beckman, Michael Bowser, Brandi Hagen, Tricia Jondahl, Michael Ernst 13.13; Shawna Everson, Samiuela Mouna, Teri Jondahl 13.43, Harlan Place 13.72, Russ Ochsner 14.94, Cindy Mitchell, Jeffrey Kirnan 15.53. **Part time employees – per hour:** Paul Opp 7.70, Doris Adler 8.34, Sally Swanson, Daryl Thomas 8.51, Ron Leighty 8.62, Richard Schooley 8.77 Irene Gese 9.95, Bonnie Siebrecht 10.40, Kay Albrecht, Julie Hermansen, Kelly Moinichen, Cheryl Grant, Robert Baumgartner, Dennis Olson, Shirelle Stadel, Raegan Flamboe, Britney Lout, Timothy Harford, Jeffrey Neal, Maggie Bell, Marissa McDermond, Robert Fitch 10.48, Stacie Wasem, Jamie Beard, Rebecca Heintzman 11.24; Todd Harder, Tom Lammon, Kathy Fischbach, Don Fischer, Geri Sillman, Jeff Hayes, Heidi Harder 12.08, Robert Retzer 13.46, Emily Hughes 14.61, Lorah Houser Jankord 16.51. **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. **Dispatchers for Training at Terminals:** \$0.30 per hour all shifts. **Jail Sergeant:** 10:00 P.M. to 8:00 A.M. @ \$.40 per hour. NOTE: All overtime calculated on base pay. **GUARDS:** \$75 per day for each round trip less than 400 miles; \$100 per day for each round trip over 400 miles – Robert Baumgartner, Nathan Wood, Lesley Farmen, Darin Swanston, Brock Schifrel, Ken Hostetter, Rod Grismer, Brook Brown, Erik Red Hill, Jonathan Waldner, Michael Bunke, Dale Farmen, Joel McMaster, Matthew Olson, Deb Heine, Nick Cochrane, Mike Heier. All members present voting aye. Motion carried.

#### CORONER:

Moved by Wiese, seconded by Elliott to set salary for Coroner and Deputy Coroner's at \$150.00 per call. All members present voting aye. Motion carried.

#### SDPAA REPRESENTATIVE:

Commissioner Wiese offered the following Resolution:

#### RESOLUTION #04-09

Be it resolved by the County of Brown, that the undersigned representative of the Governmental Sub-Division (hereinafter referred to as MEMBER) hereby nominates and appoints the following individual and alternate to represent the MEMBER with the South Dakota Public Assurance Alliance (hereinafter referred to as ALLIANCE). The individual and alternate shall act as liaison between the MEMBER and the ALLIANCE for the purposes of relating risk reduction and loss control information, and any other information or instructions concerning the obligation of the MEMBER imposed by signing the Intergovernmental Contract and the rules and regulations established thereunder, to the same extent and with like effect as the undersigned could do if personally present and the undersigned does hereby ratify and confirm and adopt all action done or taken by the individual or alternate. The individual or alternate shall cast on behalf of the MEMBER any vote, which the MEMBER is required or permitted to cast.

Individual: Duane Sutton, Brown County Commissioner  
Alternate: Maxine Taylor, Brown County Auditor

Seconded by Commission Elliott. Roll call vote: Commissioners Hansen-aye, Wiese-aye, Sutton-aye, Elliott-aye, Fischbach-aye. Resolution adopted.

**MOTOR GRADER PURCHASE:**

Moved by Hansen, seconded by Wiese to approve and authorize Jan Weismantel, Highway Superintendent to cancel lease agreement for a motor grader bid January 8, 2008; and further authorize the balance of \$140,614.12 plus interest in amount of \$2,104.22 for out right purchase payable on December 30, 2008 (previous payment made in amount of \$38,333.88). All members present voting aye. Motion carried.

**HIGHWAY UPDATE:**

Jan Weismantel, Highway Superintendent discussed report prepared by Soil Technologies Inc in regard to the present condition of County 14WA adjacent to the Northern Beef Plant.

**SDML WORKMANS COMP:**

Brad Wilson, SDML Workers Compensation Fund Marketing Director met to answer questions and present an update on Brown County's renewal figures for work comp coverage for the County.

**RECESS:**

The Chairman declared the Commission recessed until January 13, 2009.

Maxine Taylor - Brown County Auditor

JANUARY 13, 2009 – 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, Wiese and Sutton. Absent Commissioner Elliott.

MINUTES:

Moved by Hansen, seconded by Sutton to approve the Reorganization Meeting minutes of January 6, 2009. All members present voting aye. Motion carried.

CLAIMS:

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

Supplies: Office Equip..\$101.90, Best Business..\$262.48, Quality Quick Print..\$1072.05, Brown County Bar..\$60.00, Central Supply..\$719.00, Lien Trans..\$920.00, Heartland Paper..\$436.68, Time Works..\$138.60, Gardner Locksmith..\$10.00, Dakota Supply..\$86.12, Adamsoft..\$5209.31, Corinsurance..\$50.00, Sec of State..\$25.00, Pierson Ford..\$641.20, TriState Water..\$35.50, Accurint..\$83.45, Hoven Auto..\$256.16, Kesslers..\$482.91, Cash-Wa..\$5310.95, Woodman Refrig..\$78.57, SD Sheriff Assoc..\$1408.40, Mid States Org Crime..\$150.00, Earthgrain..\$653.41, DT Pharm..\$283.28, Steven Lust Chev..\$248.31, West Payment..\$255.00, Civic Research Institute..\$179.95, Soil Tech..\$140.50, Menards..\$5.97, SDACHS..\$195.00, Freys Elec..\$599.50, Hanlon Bros..\$1008.03, Howes Oil..\$13698.10, Dware..\$1200.00, Ameripride..\$40.99, Titan..\$65.34, Advantage Self Storage..\$258.00, Glas Consulting..\$135.00, Aberdeen Community Theatre..\$320.00, Northern Route to Black Hills..\$200.00, Kleins..\$3.61, Hub City Radio..\$500.00, Midwest Alarm..\$51.50, Walmart..\$12.66, SD Division of Ag Services..\$80.00, SD Assoc of County Weed & Pest..\$50.00, Aberdeen Dev. Corp..\$20,000.00, Nat'l Academies of Emergency Dispatch..\$50.00, New World Systems..\$52,198.00, Macs..\$84.67, Racom..\$44.10, Runnings..\$180.85, Helms..\$14,520.70, Sheehan Mack Sales..\$6788.38, Erdmann Fuels..\$7294.08, SD Dept of Rev..\$3057.05, Columbia Fire Dept..\$1075.00, Warner Fire Dept..\$952.50, Abdn Rural Fire..\$1295.00, Brown County..\$174.26, Ameripride..\$176.96, SDSWMA..\$50.00, Virginia Mitchell..\$50.00, New Deal Tire..\$2296.55, MN Pollution Control..\$350.00, Spec Mfg..\$2600.00:

Professional Fees: Avera St Lukes..\$2094.00, NE Mental Health..\$58.52, Donna Dietrich..\$132.92, Cathy Reh fuss..\$15.00, Nelva Kooistra..\$15.00, Sheriff of Yankton County..\$50.00:

Publications: American News..\$1117.28:

Attorney Fees: Christy Serr..\$165.30:

Utilities: FSH..\$60.00, Northwestern Energy..\$16,003.21, City of Aberdeen..\$1076.77, Northern Valley Comm..\$122.14, James Valley Telecomm..\$354.01, Northern Elec..\$1793.46, Midcontinent Cable..\$98.28, Verizon..\$70.15, Dependable..\$17,648.32, Northern Wireless..\$111.90:

Care of Poor: Dr/Hospital – 5 recipients..Dr James Weekly..\$41.53, Anesthesia Care..\$192.00, Avera St Lukes..\$12485.29; Rent – 7 recipients..Danne..\$240.00, Zumbaum Property..\$240.00, Bruce Boschee..\$280.00, JTs Rentals..\$400.00, Lamont Office Bldg..\$260.00, P&H Invest..\$200.00. All members present voting aye. Motion carried.

INTEREST STATEMENT:

Moved by Hansen, seconded by Sutton to accept for filing the October - December 2008 Interest Statement, submitted by County Treasurer Sheila Enderson. All members present voting aye. Motion carried.

DIVE TEAM:

Moved by Sutton, seconded by Hansen to approve Megan Mayers as a member of the Dive Team, effective January 1, 2009 for work comp purposes. All members present voting aye. Motion carried.

#### AUDITORS REPORT OF ACCOUNT:

Moved by Sutton, seconded by Hansen to approve the December 2008 Auditor's Report of Account with the County Treasurer in total amount of \$12,925,804.28 (total amount of actual cash @ \$3,273.68, Wells Fargo Bank @ \$3,694.79, US Bank @ \$25,846.36, Dacotah Bank @ \$314,041.15, Petty Cash @ \$1,800.00, Fund Investments @ \$12,576,921.98, Outstanding Checks @ \$226.32). All members present voting aye. Motion carried.

#### LOTTERY APPLICATION:

Moved by Hansen, seconded by Sutton to approve the application submitted by Stratford Community Theater for raffle to be held on March 1, 8 and 14, 2009. All members present voting aye. Motion carried.

#### ABATEMENTS:

Moved by Sutton, seconded by Hansen to approve the following abatements: Jeffrey Brockel @ \$1,611.94, Lavonne Lemley @ \$66.28, Ronald Belden @ \$170.62, Wayne Theunissen @ \$245.84, John Wheeting @ \$647.36. All members present voting aye. Motion carried.

#### BMX FENCE:

Kyle Oswald, BMX met with the Commission to discuss repairs needed on the fence between the BMX track and the County impound lot. The County will assume all responsibility for the repairs.

#### FAIRGROUNDS CAMPGROUND:

John Aman, Kurt Smith and Larry Gerlach presented a campground proposal at an estimated cost of \$750,000.00 to be located on county property east and adjacent to the current facilities. No action was taken at this time.

#### HIGHWAY BRIDGE:

Jan Weismantel, Highway Superintendent discussed repairs made to bridges on roads adjoining Day County and requested permission to meet with the States Attorney to draft an agreement, which would define the responsibilities for each county involved. Board concurred.

#### EXECUTIVE SESSION:

Moved by Sutton, seconded by Hansen to go into executive session for contract discussion with Kim Dorsett in attendance. All members present voting aye. Motion carried.

The Chairman declared the executive session closed, with no action taken as a result of the discussion.

#### HOSPITAL CLAIMS:

Moved by Wiese, seconded by Sutton to deny payment of the following hospital claims: 53 year old male @ \$21,804.94, 55 year old female @ \$15,389.72, 30 year old male @ \$3,363.28, as the individuals have not provided sufficient information to determine if indigent. All members present voting aye. Motion carried.

#### RECESS:

The Chairman declared the Commission recessed until January 20, 2009.

Maxine Taylor – Brown County Auditor

# JANUARY 20, 2009 – 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, Wiese, Sutton and Elliott.

## MINUTES:

Moved by Sutton, seconded by Hansen to approve the General Meeting minutes of January 13, 2009. All members present voting aye. Motion carried.

## CLAIMS:

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

Payroll: Commissioners...\$3,110.60; Auditor...\$8,331.65; Treasurer...\$10,831.30; Data Processing...\$3,400.62; State's Attorney...\$12,479.86; Stop Loss Grant-SA ...\$1,421.05; Blood Draws-SA...\$490.00; Maintenance...\$5,856.96; Assessor...\$10,068.16; Planning & Zoning...\$1,580.81; Register of Deeds...\$6,311.84; Veterans Service Office...\$2,980.35; GIS...\$1,921.93; Sheriff...\$72,273.85; Communications...\$18,217.80; Coroner...\$150.00; Welfare...\$3,144.20; Museum...\$5,702.92; Fair board...\$1,612.56; Fairgrounds & Parks...\$3,361.75; Extension...\$2,028.80; Weed...\$277.28; E&D...\$2,991.00; Teen Court...\$448.45; Highway...\$28,158.19; Landfill...\$8,074.38; Matching Benefits: FICA...\$12,632.39; Medicare...\$2,954.35:

Supplies: CMRS-FP...\$5000.00, Dept of Rev...\$122.00, Kimberly Dorsett...\$105.00, McFarland Supply...\$12.00, Central Supply...\$158.00, Lien Trans...\$330.00, Share Corp...\$508.80, HF Jacobs...\$20,500.00, Hollands Auto Care...\$59.71, Habecks Radiator...\$429.00, Best Business...\$73.66, Avera Queen of Peace...\$20.00, Quality Quick Print...\$596.50, Office Equip...\$18.91, Ameripride...\$48.39, Runnings...\$85.83, Lust Chev...\$63.20, Evergreen Supply...\$362.00, Dakota Elec...\$37.50, Mayo Health Letter...\$27.00, Dive Rescue Int'l...\$229.05, Metro Fire...\$3600.00, Overhead Door...\$780.76:

Professional Fees: witness fees...\$40.00, Sheriff of Cass County...\$36.00:

Publications: American News...\$1320.21:

Transcriptions: Tammy Erickson...\$20.70:

Travel: Gene Loeschke...\$83.62:

Utilities: City of Aberdeen...\$88.89, Dependable Sanitation...\$356.50, NW Energy...\$3628.81, Northern Elec...\$256.93, City of Hecla...\$170.84, Richmond Sanitary Dist...\$2340.00, Northern Valley...\$69.55, Qwest...\$323.07, Bureau of Admin...\$2650.00:

Care of Poor Fuel – 1 recipient..Erdmann Fuels...\$240.00; Rent – 5 recipients..Tom Appletoft...\$156.00, Lakeside Estates...\$120.00, Falcon Rentals...\$280.00, Randall Weber...\$240.00, Hengel FB...\$225.00. All members present voting aye. Motion carried.

## PERSONNEL:

Moved by Sutton, seconded by Hansen to approve the following employee step increases, effective January 25, 2009: Ben Smith @ \$16.14 per hour, Teri Jondahl @ \$13.72 per hour, Anthony Sorenson @ \$16.14 per hour, Leon Vickers @ \$13.02 per hour. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Sutton to acknowledge resignation of Brandi Hagen, effective January 21, 2009. All members present voting aye. Motion carried.

## ABATEMENT:

Moved by Wiese, seconded by Hansen to approve the following abatement: Aberdeen Christian Fellowship @ \$533.25. All members present voting aye. Motion carried.

## STORM READY CERTIFICATE:

Scott Meints, Emergency Management Director informed the Commission that Brown County has been presented a Storm Ready Certificate.



**EXECUTIVE SESSION:**

Moved by Sutton, seconded by Wiese to go into executive session for personnel discussion with Scott Meints, Tom Schmitt and Kim Dorsett in attendance. All members present voting aye. Motion carried.

The Chairman declared the executive session closed, with no action taken as a result of the discussion.

**HIGHWAY UPDATE:**

Jan Weismantel, Highway Superintendent presented draft bridge agreement for discussion. No action was taken at this time.

**SURPLUS PROPERTY:**

Moved by Hansen, seconded by Elliott to declare scrap metal material from the Highway Department surplus for purpose of sale. All members present voting aye. Motion carried.

**BID – HIGHWAY SUPPLIES:**

Moved by Sutton, 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: Hot Mix at 8:45 a.m. and Gravel Material at 8:50 a.m. on February 24, 2009; and Rental of Equipment at 8:45 a.m. on March 10, 2009. All members present voting aye. Motion carried.

**BID – HIGHWAY ASPHALT ROLLER:**

Moved by Hansen, seconded by Elliott to authorize advertising public hearing to open, read and consider bids for one new 2009 Double Drum Asphalt Roller, with possible trade-in for the Brown County Highway, to be held in the Commissioner's Chambers, Courthouse Annex, Brown County, SD at 8:45 a.m. on February 17, 2009. All members present voting aye. Motion carried.

**FREDERICK LIBRARY:**

Tamie Nickelson, Emma Burnham Library in Frederick presented an update on construction of a new library building on donated land. NECOG has been contacted for grant research and other funding avenues are being explored.

**RECESS:**

The Chairman declared the Commission recessed until January 27, 2009.

Maxine Taylor – Brown County Auditor

# JANUARY 27, 2009 – 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, Sutton and Elliott. Absent Commissioner Wiese.

## MINUTES:

Moved by Hansen, seconded by Sutton to approve the General Meeting minutes of January 20, 2009. All members present voting aye. Motion carried.

## CLAIMS:

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

Supplies: SDACC..\$240.00, SD Law Review..\$35.00, Language Lines..\$145.00, West Pub..\$159.50, First Nat'l Bank..\$170,921.25, Heartland Paper..\$492.33, Brown County..\$31.90, Florida Micro..\$522.30, Active Data..\$9925.90, Tyler Tech..\$2077.00, Nat'l College of DA..\$595.00, HSBC..\$1024.44, Menards..\$379.05, Ecolab..\$171.00, Lien Trans..\$1122.50, Aberdeen Plumbing..\$281.34, J Gross..\$516.00, Central Supply..\$183.70, Office Equip..\$255.41, Visa..\$570.46, Knight Towing..\$127.00, DPMS Firearms..\$723.60, Best Business..\$349.05, Hoven Auto..\$209.75, Bureau of Info..\$2300.00, Parcel Erickson..\$62.44, Center Printing..\$164.92, Towing Plus..\$75.00, Medtox..\$316.57, Intoximeters..\$240.00, LLS..\$1929.76, Danko..\$25.46, Lawson Products..\$810.16, Frey's Elec..\$150.00, Diesel Machinery..\$2400.00, Dacotah Prairie Museum..\$10.00, Sherri Rawstern..\$22.42, Kleins..\$15.64, Advantage Self Storage..\$774.00, Walmart..\$19.82, Runnings..\$47.47, Farnams..\$12.71, House of Glass..\$194.24, PRCA..\$950.00, DSS..\$870.00, Century Business..\$54.32, Extension Service..\$166.89, Hewlett Packard..\$1366.00, OSI..\$360.35, AOSNC..\$3440.54, LBG..\$4907.12, Webb Shoes..\$229.90, Advanced Weighing System..\$1650.00, SWANA..\$241.00, Community Intervention..\$1425.00:

Professional Fees: NADRIC..\$1666.67, Avera St Lukes..\$698.00, Lewis & Clark BHS..\$568.00, Language Line..\$90.00:

Publications: American News..\$387.22, Groton Indep..\$1127.27:

Transcriptions: Richard Neal..\$220.00, Shepherd Reporting..\$25.00:

Attorney Fees: Randy Turner..\$4416.67, Christy Serr..\$4416.67, Kuck Law Office..\$4166.67, William Gerdes..\$4166.67, Gina Rogers..\$4166.67, Creighton Thurman..\$174.93, Yankton County..\$405.00:

Travel: Leo Leshner..\$348.91, City of Groton..\$82.14, Days Inn..\$194.48, Don Fischer..\$17.00, Mike Scott..\$17.00:

Utilities: Alltel..\$1,455.22, Midcontinent Cable..\$250.20, NW Energy..\$11,763.04, Montana Dakota..\$31.30, Qwest..\$4015.02, Bureau of Admin..\$452.07, Northern Elec..\$100.00:

Jury: Connie Anderson..\$767.70, Sonia Arnoldy..\$320.36, Char Bachman..\$34.44, Cynthia Banker..\$22.96, Lowell Bittner..\$168.88, Rella Botha..\$174.92, William Bowen..\$34.44, Mark Bower..\$34.44, Betsy Brick..\$174.92, Jean Clark..\$364.00, Nicole Cornelius..\$34.44, Bryan Crawford..\$57.00, John Davis..\$22.96, Benjamin Degroot..\$177.40, Ryan Derouchey..\$34.44, Stephen Duncan..\$34.44, William Engelhart..\$11.48, Tamera Feiock..\$186.40, Julie Fliehs..\$459.96, Jill Fonder..\$45.54, Leroy Fryer..\$63.30, James Gelling..\$96.60, Alan Gobcynski..\$34.44, Terrence Goldade..\$230.80, Barbara Grieben..\$177.40, Matthew Haliburton..\$34.44, Jessica Heilman..\$34.44, Annie Henry..\$34.44, Elton Herman..\$34.44, Lacinda Jensen..\$41.10, Glenda Johnson..\$40.72, Brian Jordan..\$11.48, Jason Kaan..\$31.84, Karen Kellen..\$355.26, Daniel Klinger..\$234.50, Marlo Knoepfle..\$34.44, Danny Kolb..\$234.50, Donald Krause..\$141.00, Gary Larson..\$174.92, Darla Linder..\$370.80, William Marshall..\$11.48, Lindsay Maunu..\$34.44, Kevin McNulty..\$165.92, Ann Medenwald..\$34.44, Jeffrey Merkel..\$186.40, William Merritt..\$34.44, Jerry Mestas..\$317.88, Vanessa Molina..\$63.30, Dana Myhre..\$186.40, Greg Nielson..\$186.40, Lucille Nold..\$478.98, Annette Osborn..\$186.40, Jordan Palmer..\$186.40, Daniel Parsons..\$49.60, Angela Phillips..\$204.90, Michael Profeta..\$253.00, Catherine Pulatie..\$22.96, Harlan Radke..\$89.94, Matthew Ramsdell..\$43.32, Ramah Redwing..\$34.44, Mary Reed..\$244.00, Robin Rosenthal..\$165.92, Jordan Ryckman..\$34.44, Sherry

Schlosser..\$85.50, Michele Severson..\$36.66, Collin Shelton..\$24.44, Stacy Thissen..\$34.44, Bonnie Thorpe..\$11.48, Teresa Weber..\$186.40, Dennis Werlinger..\$34.44, Margaret Wild..\$34.44, Leonard Willett..\$34.44, Glen Wurtz..\$36.66:

Care of Poor: Dr/Hospital – 2 recipients..Aberdeen Surgical Assoc..\$983.21, Sanford Medical Center..\$560.90; Rent – 4 recipients..Scott Gilbertson..\$300.00. Cleone Pekelder..\$280.00, Diane Olson..\$280.00, Jody Kalt..\$300.00; Utilities –1 recipient..NW Energy..\$240.00; Insurance – 2 recipients..Avera Health Plans..\$467.16, ARC..\$375.67. All members present voting aye. Motion carried.

#### PERSONNEL:

Moved by Elliott, seconded by Hansen to acknowledge resignation of Shirelle Stadel, 24/7 Sobriety employee, effective January 16, 2009. All members present voting aye. Motion carried.

Moved by Sutton, seconded by Elliott to authorize the Chairman to sign agreement and approve hiring Miranda Hart to perform blood draws at \$35.00 per draw, effective January 21, 2009; and further to acknowledge resignation and terminate agreement with Jason Engel for blood draw services. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Elliott to acknowledge resignation of Ginger Walker, effective January 23, 2009. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Elliott to approve hiring Ashley Pigors as summer assistant at the Extension Office, effective May 26, 2009 – August 28, 2009 at \$7.66 per hour. All members present voting aye. Motion carried.

Moved by Sutton, seconded by Hansen to acknowledge resignation of Emily Hughes as Brown County Teen Court Coordinator, effective February 20, 2009. All members present voting aye. Motion carried.

Moved by Sutton, seconded by Hansen to approve employee status change for Rochelle Moser from Fair Office Deputy to Emergency Management Chief Office Deputy Step 4, effective February 9, 2009 at \$14.60 per hour. All members present voting aye. Motion carried.

Moved by Elliott, seconded by Sutton to acknowledge the following miles driven and amount to be taxed for personal use of County vehicles during November – December 2008: Jan Weismantel – 173.2 @ \$87.47, Marcus Selzler – 238 @ \$120.19, Kendell Titze – 204 @ \$103.02, Michael Scott – 340 @ \$171.70. All members present voting aye. Motion carried.

Moved by Sutton, seconded by Elliott to approve hiring Merv Heaton as part-time Weed Sprayer, effective January 22, 2009 at \$13.46 per hour. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Elliott to approve hiring Derek Schuster as part-time JDC Correctional Officer, effective January 27, 2009 at \$10.48 per hour. All members present voting aye. Motion carried.

#### SWAWA GRANT MEMORANDUM:

Moved by Hansen, seconded by Sutton to approve and authorize the Chairman sign STOP Violence Against Women (STOP-P) Grant Program Memorandum of Commitment for Coordinated Response Teams/Efforts. All members present voting aye. Motion carried.

#### EXTENSION BOARD:

Moved by Hansen, seconded by Sutton to appoint Krysti Mikkonen to the Extension Board, First Term effective January 1, 2009 – December 31, 2011. All members present voting aye. Motion carried.

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POOR RELIEF LIEN:

Commissioner Hansen offered the following Resolution:

RESOLUTION # 05-09

WHEREAS, Brown County has filed the following lien against an individual: Indigent Counsel crossed filed from Moody County @ \$185.00 dated 10/28/2005 with residence of 43346 270<sup>th</sup> Street, Aberdeen; and

WHEREAS, another individual has the same first name and same last name as the recipient, but resides elsewhere and has a different middle name, birth date and social security number.

NOW, THEREFORE BE IT RESOLVED that the following lien against an individual: Indigent Counsel crossed filed from Moody County @ \$185.00 dated 10/28/2005 with residence of 43346 270<sup>th</sup> Street, Aberdeen is not the individual residing in Aberdeen with the same first name, same last name, different date of birth and social security number.

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

DAV VAN:

Moved by Hansen, seconded by Sutton to authorize \$2000.00 donation to the Disabled American Veterans of SD towards purchase of a van. All members present voting aye. Motion carried.

GROTON SCHOOL BOND:

Tobin J Morris, Northland Securities inquired about possibility of refinancing the Groton School Bond recently turned over to the County in compliance with SDCL 13-6-82. No action taken at this time.

PLATS:

Commissioner Sutton offered the following Resolution:

RESOLUTION #06-09

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Mehlhaff Cemetery in the SW ¼ Sec 28-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 Elliott. Roll call vote: Commissioners Hansen-aye, Wiese-absent, Sutton-aye, Elliott-aye, Fischbach-aye. Resolution adopted.

Commissioner Sutton offered the following Resolution:

RESOLUTION #07-09

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing "Diamond Ridge Addition in the SE 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.

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

**SET HEARING DATE:**

Moved by Sutton, seconded by Elliott to set hearing date for Brown County Ordinance #057, An Ordinance amending Second Revision Brown County Ordinances, Title 4, specifically amending Chapter 4.01 Definitions; adding Chapter 4.35 Communication Towers and Facilities; and adding Chapter 4.36 Wind Energy Conservation Systems; and Ordinance #058, An Ordinance amending Second Revision Brown County Ordinances, Title 4, specifically amending Chapter 4.06 Agriculture Preservation District; Chapter 4.07 Mini-Ag District to include hunting lodges, communication towers/facilities and wind energy conservation systems; and amending Chapter 4.2202 as it relates to when a building permit is needed and extending the time to begin construction to 180 days, to be held in the Commissioner's Chambers, Courthouse Annex, Brown County, SD at 9:00 a.m. and 9:15 a.m. respectively on February 17, 2009. All members present voting aye. Motion carried.

**LANDFILL EXPANSION – UNIT 2:**

Mike Scott, Landfill Manager accompanied by Jay Koch, Helms and Associates and Tim Kenyon, Leggette, Brashears & Graham, Inc. presented update on the Landfill Expansion Project.

**LANDFILL AGREEMENT:**

Moved by Sutton, seconded by Hansen to approve and authorize the Chairman to sign agreement with Leggette, Brashears and Graham, Inc. for completion of eight primary tasks in 2009: 1) existing area ground-water monitoring, 2) expansion area ground-water monitoring, 3) methane monitoring, 4) storm water monitoring, 5) compost monitoring, 6) leachate monitoring, 7) expansion construction observations, and 8) general environmental/hydrogeologic consulting at the Brown County Landfill at estimated cost of \$87,022.00. All members present voting aye. Motion carried.

**BID – LANDFILL EXPANSION PROJECT:**

Moved by Hansen, seconded by Sutton to authorize advertising public hearing to open, read and consider bids for the Landfill Expansion Project, to be held in the Commissioner's Chambers, Courthouse Annex, Brown County, SD at 10:00 a.m. on March 3, 2009. All members present voting aye. Motion carried.

**EM UPDATE:**

Scott Meints, Emergency Management Director discussed personnel and presented update on training required by the State, which includes ICS classes for County personnel.

**CITIZENS CORP GUIDELINES:**

Moved by Hansen, seconded by Elliott to approve amendments to the Citizens Corp Guidelines. All members present voting aye. Motion carried.

**CITIZENS CORP MEMBERS:**

Moved by Sutton, seconded by Elliott to appoint the following Citizens Corp Members: Captain Michael Cripe as Salvation Army Representative, effective January 1, 2009 - December 31, 2009 (replacing Tony Jones) and appoint Tom Schmitt as Law Enforcement Representative, effective January 1, 2009 - December 31, 2011 (replacing Civil Air Patrol Representation category). All members present voting aye. Motion carried.

**EXECUTIVE SESSION:**

Moved by Sutton, seconded by Elliott to go into executive session for personnel discussion with Larry Gerlach 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 the discussion.

Moved by Sutton, seconded by Hansen to authorize Larry Gerlach to advertise for position of Fair Secretary. All members present voting aye. Motion carried.

DOE UPDATE:

Mary Worlie, Director of Equalization presented update on Ag land adjustments being discussed by the Legislators in Pierre.

RECESS:

The Chairman declared the Commission recessed until February 3, 2009.

Maxine Taylor – Brown County Auditor

## FEBRUARY 3, 2009 – 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, Wiese, Sutton and Elliott.

### MINUTES:

Moved by Hansen, seconded by Elliott to approve the General Meeting minutes of January 27, 2009. All members present voting aye. Motion carried.

### CLAIMS:

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

Payroll: Commissioners..\$3,110.60; Auditor..\$7,811.48; Treasurer..\$10,603.25; Data Processing..\$3,400.62, State's Attorney..\$13,904.91; Blood Draws – SA..\$700.00; Maintenance..\$5,715.48; Assessor..\$9,865.92; Planning & Zoning..\$1,580.81; Register of Deeds..\$6,311.84; Veterans Service Office..\$3,106.99; GIS..\$1,921.93; Sheriff..\$76,020.28; Communications..\$18,128.64; Coroner..\$450.00; Welfare..\$3,144.20; Museum..\$5,716.52; Fairboard..\$1,886.33; Fairgrounds & Parks..\$3,311.11; Extension..\$2,028.80; Weed..\$811.64; Emergency Management..\$2,624.02; Teen Court..\$542.30; Highway..\$31,279.85; Landfill..\$8,242.64; Matching Benefits: FICA..\$13,788.94, Medicare..\$3,224.82, Wellmark BCBS Life..\$689.40, Wellmark BCBS Health..\$64,525.44, Delta Dental..\$4,410.52, SD State Retirement..\$40,164.91;  
Supplies: DAV Swanson O'Connor..\$2000.00, Brown County..\$17.66, Dakota Mailing..\$69.92, Walmart..\$360.41, McLeod Printing..\$308.20, Quality Quick Print..\$318.00, Dept of Revenue..\$1137.00, Medtox Labs..\$120.08, New Trends..\$83.83, Exec Mgmt..\$3934.01, Travel Leaders..\$634.21, Lar-Jos..\$856.28, Racom..\$308.70, Double D..\$213.60, Office Equip..\$1356.21, Nelson Sales..\$30.00, Karst Car Care..\$25.00, DSS..\$68.90, SDDOT..\$11,428.28, Crawford Trucks..\$1122.42, B&B Contracting..\$375.00, Adjustment Training..\$1000.00, Area IV Nutrition..\$2250.00, Carquest..\$37.57, Brick Propane..\$28.00, Runnings..\$102.93, Fastenal..\$15.16, Health & Nutrition Letter..\$28.00, Weed & Pest Conf..\$280.00, Powerplan..\$925.14, Overhead Door..\$122.45, Aberdeen C&F..\$248.95, Butler Machinery..\$1137.26, Language Lines..\$90.00, Dakota Electronics..\$120.00;  
Professional Fees: Dakota Psychological Services..\$3090.00, Witness fees..\$40.00, Avera St Lukes..\$5564.00;  
Publications: American News..\$121.81, Dakota Press..\$859.01, Groton Indep..\$597.69, Rapid City Journal..\$154.28;  
Transcriptions: Kristi Kost..\$71.40, Tammy Erickson..\$176.40;  
Attorney Fees: Kennedy, Pier & Knoff..\$124.00, Harmelink, Fox & Ravensborg..\$151.20;  
Travel: Mark Milbrandt..\$1736.70, Duane Jark..\$106.56, Dennis Wiedebush..\$71.04;  
Utilities: Qwest..\$80.54, Midcontinent Cable..\$43.37, WEB Water..\$91.86, Northwestern Energy..\$924.74, Alltel..\$75.94;  
Care of Poor: Dr/Hospital – 3 recipients..Orthopedic Surgery..\$2503.47, Dakota Imaging..\$235.26, Avera St Lukes..\$1759.54; Rent – 3 recipients..Richard Bakken..\$480.00, Cleone Pekelder..\$240.00; Medication – 1 recipient..Walmart Pharm..\$97.68. All members present voting aye. Motion carried.

### PERSONNEL

Moved by Sutton, seconded by Elliott to approve the following employee step increases, effective February 8, 2009: Brian Koens @ \$17.88 per hour, Amber Johnson @ \$13.08 per hour, Tricia Johdahl @ \$13.43 per hour, Judon Reinbold @ \$13.08 per hour. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Sutton to approve hiring Jennifer Patton as full time corrections officer in the Jail, effective January 29, 2009 at \$12.52 per hour. All members present voting aye. Motion carried.

Moved by Sutton, seconded by Wiese to acknowledge resignation of Robert Fitch from 24/7 Sobriety Program, effective February 7, 2009. All members present voting aye. Motion carried.

#### SHERIFF REPORTS:

Moved by Hansen, seconded by Elliott to approve the following December 2008 Sheriff Reports: Incidents and offenses, Prisoner Care, JDC, Money deposited with the County Treasurer and Monthly activities. All members present voting aye. Motion carried.

#### ABATEMENTS:

Moved by Sutton, seconded by Wiese to approve the following Abatements: Douglas Eilers @ \$522.00, Charles Calhoun @ \$32.86, Darrel Flihs @ \$206.35, Dorothy Bierman @ \$828.01, Susan Clark @ \$568.01, Jean Lukens @ \$445.25, Irene Hanson @ \$130.11, Bert Christensen @ \$478.00, Arthur Bahr @ \$132.70, Tyler Sperry @ \$18.00. All members present voting aye. Motion carried.

#### MAINTENANCE:

Moved by Sutton, seconded by Hansen to authorize the Maintenance Department install carpet and countertop in former machine room. All members present voting aye. Motion carried.

#### AIRPORT MASTER PLAN:

Dave Osborn, Aberdeen Airport Manager presented the Executive Summary for the Airport Master Plan 2008 and answered questions from the Commission and several interested individuals also present.

#### BID AWARD - CULVERTS:

Moved by Hansen, seconded by Sutton to award low bid, submitted by Huron Culvert & Tank Company for furnishing and delivery of metal culverts and bridge material, as bid by Beadle County on January 6, 2009; rejecting bid submitted by Central Culvert Supply (full tabulation sheet available for public inspection at Auditor's Office). All members present voting aye. Motion carried.

#### EQUIPMENT PURCHASE:

Moved by Wiese, seconded by Sutton to approve purchase of 1979 Truck/Snow Remover from SD Federal Property in amount of \$17,500.00 for the Highway Department. All members present voting aye. Motion carried.

#### GROTON SCHOOL BOND:

Thomas Grimmond, Dougherty & Company LLC appeared to discuss the possibility of refinancing the Groton School Bond recently turned over to the County in compliance with SDCL 13-6-82. No action taken at this time.

#### RECESS:

The Chairman declared the Commission recessed until February 10, 2009.

Maxine Taylor – Brown County Auditor



## FEBRUARY 10, 2009 – 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, Wiese, Sutton and Elliott.

### MINUTES:

Moved by Hansen, seconded by Sutton to approve the General Meeting minutes of February 3, 2009. All members present voting aye. Motion carried.

### CLAIMS:

Moved by Sutton, seconded by Elliott to approve the following claims:

Supplies: NACO..\$772.00, SDACC..\$5009.80, CMRS-FP..\$5000.00, Office Equip..\$196.95, Best Business..\$183.17, West Pub..\$1164.83, Deluxe Business Forms..\$82.15, SDACO..\$3007.20, Taylor Laundry..\$38.50, Runnings..\$546.03, Gardner Locksmith..\$25.00, James Dosch..\$570.00, House of Glass..\$241.14, Ecolab..\$113.50, Menards..\$150.20, Cunningham Elec..\$1275.51, New Trends..\$65.48, Heartland Paper..\$225.03, Active Data..\$150.00, Super 8..\$39.99, SD Fed Property..\$17,550.00, Spec Mfg..\$33.20, Share Corp..\$318.40, Rosenau Ent..\$3400.00, Quality Quick Print..\$200.94, North Central..\$2330.00, Newman Signs..\$1712.93, Menards..\$638.96, Macs..\$110.57, Howes Oil..\$23,956.56, Helms & Assoc..\$2100.00, Hedahls..\$15.54, Hecla Impl..\$119.35, Heartland Heating..\$673.84, Graham Tire..\$25.00, Farnams..\$658.82, Farm Power..\$157.47, Evergreen Supply..\$39.56, Erdmann Fuels..\$7542.66, Economy Propane..\$2377.90, Dakota Oil..\$570.90, Dakota Electronics..\$135.00, Clark Eng..\$2307.80, Chris Allen..\$500.00, Kleins..\$2.87, Assoc of SD Museums..\$100.00, Western State Fire..\$352.74, GCR Tire..\$31.44, Brown County..\$5.00, Housing Bureau..\$182.57, Am Planning Assoc..\$975.00, NECOG..\$21,010.27, Graham Tire..\$12.19, Praxair..\$32.58, Postmaster..\$106.00, Ameripride..\$133.07, Midstates Printing..\$57.21, SD Dept of Rev..\$2860.13, Priority Dispatch..\$620.00, APCO..\$309.00, Steve Lust..\$1433.60, Racom..\$44.10, Pizza Ranch..\$62.95, Metro Fire..\$5991.03, Northwest Divers..\$2928.00, Micks Scuba..\$4251.00, MES-MIDAM..\$15,674.13, Prof Mailing..\$172.00, Nutrition Seminar..\$105.00, SD Division of Ag..\$80.00:

Professional Fees: Sheriff of Yankton..\$25.00, Eide Bailly..\$243.00, Kristi Spitzer..\$400.00, Zachary Kern..\$300.00:

Publications: American News..\$536.61:

Travel: Michael Wiese..\$278.67, Allan Vietmeier..\$244.20, Leo Leshner..\$150.59, Gene Loeschke..\$167.61, Jan Weismantel..\$14.00:

Utilities: FSH..\$60.00, NW Energy..\$15,092.67, City of Aberdeen..\$1015.55, Northern Valley..\$385.47, James Valley..\$362.48, Town of Frederick..\$33.66, Northern Elec..\$1200.00, Alltel..\$65.52, Verizon..\$69.96, Midcontinent Cable..\$43.28:

Care of Poor Dr/Hospital – 5 recipients..United Clinic..\$287.48, Avera St Lukes..\$1536.36, Avera Urology Spec..\$196.41, Dakota Imaging..\$584.60, Dakota Plains Surg Center..\$826.01; Rent – 5 recipients..Lucas Hilgemann..\$300.00, Zumbaum Property..\$690.00, Steve Gauer..\$280.00; Medication – 2 recipients..K-Mart Pharm..\$20.59, Kessler Pharm..\$53.88; Transportation – 1 recipient..Aberdeen Adv Care..\$213.52. All members present voting aye. Motion carried.

### PERSONNEL:

Moved by Sutton, seconded by Wiese to acknowledge resignation of Jon Thomas Roemmick, effective February 8, 2009. All members present voting aye. Motion carried.

Moved by Elliott, seconded by Sutton to approve Joel McMaster and Lynn Hovel as members of the Dive Team, effective February 10, 2009 for work comp purposes. All members present voting aye. Motion carried.

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Moved by Hansen, seconded by Wiese to approve hiring Garrett Young, effective February 16, 2009 at \$12.43 per hour; Casey Jensen, effective February 16, 2009 at \$12.43 per hour; Randy Kutter, effective February 16, 2009 at \$14.38 per hour at the Highway Department. All members present voting aye. Motion carried.

#### LEASE AGREEMENTS:

Moved by Sutton, seconded by Elliott to approve and authorize the Chairman sign the following agreements: Aberdeen Humane Society for lease of the Club House on April 18, 2009; Aberdeen American News for lease of the Holum Expo Building on April 24-25, 2009. All members present voting aye. Motion carried.

#### ABATEMENTS:

Moved by Sutton, seconded by Wiese to approve the following solid waste abatements: Robert Borchard @ \$70.00, Robert Haselhorst at \$70.00. All members present voting aye. Motion carried.

#### AUDITORS REPORT OF ACCOUNT:

Moved by Hansen, seconded by Sutton to approve the January 2009 Auditor's Report of Account with the County Treasurer in total amount of \$13,003,534.28 (total amount of actual cash @ \$3,273.68, Wells Fargo Bank @ \$3,694.79, US Bank @ \$25,691.49, Dacotah Bank @ \$30,746.49, Petty Cash @ \$1,800.00, Fund Investments @ \$12,938,101.51, Outstanding Checks @ \$226.32). All members present voting aye. Motion carried.

#### SURPLUS CASH ANALYSIS REPORT:

Moved by Hansen, seconded by Elliott to approve the following General Fund Surplus Cash Analysis Report: December 2008 @ \$2,346,207.44 (17.81%). All members present voting aye. Motion carried.

#### TRANSFER:

Moved by Hansen, seconded by Elliott to approve and authorize the following transfer of spending authority and cash (total of \$400,755.88), as reflected in the 2009 General Fund #101 Budget: \$270,906.41 to E911 Fund #207; \$124,090.86 to EM Fund #226, \$5,758.61 to Teen Court Fund #230. All members present voting aye. Motion carried.

#### BCCHC REPORT:

DeAnna Kyburz presented the Brown County Community Health Center Report for October – December 2008.

#### USE OF PARKING LOT:

Moved by Wiese, seconded by Sutton to temporarily close the Brown County Parking Lot north of the Dacotah Prairie Museum to parking after 5:00 p.m. on July 10 and all day July 11, 2009 in conjunction with the Pig Out event and all day August 29, 2009 in conjunction with Sizzlin' Summer Nights, as requested by Georgia Smith, Aberdeen Downtown Association. All members present voting aye. Motion carried.

#### SAFETY COMMITTEE:

Safety Committee members Lisa Samson and Tom Schmitt discussed chairs to be declared surplus for sale and membership on the Employee Safety Committee. No action was taken at this time.

#### FAIRGROUNDS FENCE:

Kurt Smith, Fairgrounds Superintendent discussed the need for fencing at the Fairgrounds and will return with cost estimates at a later date.

**BID – HIGHWAY EQUIPMENT:**

Moved by Sutton, seconded by Elliott to authorize advertising public hearing to be held in the Commissioner's Chambers, Courthouse Annex, Brown County, SD, to open, read and consider bids for the following equipment for the Highway Department: one new Tandem Truck March 3, 2009 at 8:45 a.m.; one new Box and Hoist March 3, 2009 at 9:00 a.m.; one new Tree Chipper March 3, 2009 at 9:15 a.m.; one new Motor Grader March 17, 2009 at 8:45 a.m. All members present voting aye. Motion carried.

**HOMELAND SECURITY UPDATE:**

Scott Meints, John McQuillen and Tom Schmitt presented update on 2009 Homeland Security Funding. No action was taken at this time.

**RECESS:**

The Chairman declared the Commission recessed until February 17, 2009.

Maxine Taylor – Brown County Auditor

## FEBRUARY 17, 2009 – GENERAL MEETING

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

### MINUTES:

Moved by Wiese, seconded by Sutton to approve the General Meeting minutes of February 10, 2009. All members present voting aye. Motion carried.

### CLAIMS:

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

Payroll: Commissioners...\$3,110.60; Auditor...\$7,674.86; Treasurer...\$10,595.04; Data Processing...\$3,400.62; State's Attorney...\$13,253.86; Stop Loss Grant...\$1,421.05; Maintenance...\$5,617.68; Assessor...\$10,200.24; Register of Deeds...\$6,311.84; Veterans Service Office...\$3,106.99; GIS...\$1,921.93; Sheriff...\$72,188.72; Communications...\$16,697.99; Welfare Office...\$3,144.20; Museum...\$5,716.52; Fairgrounds & Parks...\$3,159.19; Fairboard...\$2,072.73; Extension...\$2,028.80; Weed...\$117.76; Planning and Zoning...\$1,580.81; Emergency Management...\$1,705.62; Teen Court...\$479.90; Coroner...\$450.00; Highway...\$29,246.78; Landfill...\$7,821.25 Matching Benefits: FICA...\$12,496.70; Medicare...\$2,922.56;

Supplies: Dakota Mailing...\$152.95, Heartland Paper...\$179.00, Office Equip...\$467.98, Menards...\$49.60, Miles Tek...\$280.29, Kim Dorsett...\$163.40, Carpets Plus...\$777.28, House of Glass...\$126.58, Sanders Sew 'N Vac...\$135.84, GIS Workshop...\$860.00, New Trends...\$21.20, Hewlett Packard...\$2560.00, Bonnie Bitz...\$96.00, Accurint...\$30.00, Earthgrains...\$632.89, Midwest Alarms...\$204.00, Dakota Electronics...\$161.40, Medical Waste...\$267.95, Fed Ex...\$14.76, Taylor Laundry...\$42.00, Double D Body Shop...\$1271.20, Evercom...\$3500.00, AmeraChem...\$41.95, Galls...\$64.98, Graham Tire...\$196.46, Hoven Auto...\$27.00, Exhaust Pros...\$28.45, Custom Sheet Metal...\$80.00, Lust Chev...\$46.95, Best Business...\$295.61, Sewing Shoppe...\$314.00, Medtox...\$561.92, Tri-State Water...\$63.90, Kesslers...\$453.13, Cash-Wa...\$4859.66, Florida Micro...\$2208.04, Office Max...\$2864.28, Quality Quick Print...\$66.62, Kleins...\$15.84, Ameripride...\$48.39, Midwest Alarms...\$51.50, Rocky Mt Fairs Assoc...\$300.00, Brown County 4-H Leaders...\$5500.00, Titan...\$1010.20, Farnams...\$349.78, Brown County...\$13.00, Chamber of Commerce...\$30.00, SDEMA...\$60.00, Walmart...\$33.74, Prairieland Awning...\$2411.30, Academy...\$25.00;

Professional Fees: Sheriff of Pennington County...\$31.88, Sheriff of Anoka County...\$36.00, witness fees...\$20.00, Benson Psych...\$2000.00, United Clinic...\$62.42, Dental Center...\$49.00, DT Pharm...\$134.32, Avera St Lukes...\$87.50, Sheriff of Yankton County...\$50.00, Donna Dietrich...\$487.41, Cathy Rehfuss...\$15.00, Helms & Assoc...\$8100.00;

Publications: American News...\$501.79;

Transcriptions: Tammy Erickson...\$98.10;

Attorney Fees: Mikelson Law Office...\$173.26, Yankton County...\$207.50;

Travel: Lorah Houser Jankord...\$66.23, City of Groton...\$46.99;

Utilities: Dependable Sanitation...\$15,975.32, Northern Elec...\$2049.36, Qwest...\$68.25, Northern Wireless...\$161.90;

Care of Poor: Dr/Hospital – 1 recipient..Dr JL Gerber...\$700.17; Rent – 2 recipients..Jeff Rich...\$240.00, Danne...\$240.00; Insurance – 1 recipient..Dakota Lodging...\$464.15. All members present voting aye. Motion carried.

### PERSONNEL:

Moved by Sutton, seconded by Wiese to approve the following employee step increases, effective February 22, 2009: Margaret Unser @ \$13.31 per hour, Mary Browning \$ 16.29 per hour, Charles Tveit @ \$12.82 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Sutton to approve hiring Amy Scott as Fair Board Administrative Assistant, effective February 17, 2009 at \$11.65 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Sutton to approve hiring Angela Gilbert as full-time Corrections Officer in the Jail, effective February 16, 2009 at \$12.52 per hour. All members present voting aye. Motion carried.

**SHERIFF REPORTS:**

Moved by Wiese, seconded by Sutton to approve the following January 2009 Sheriff Reports: Incidents and offenses; Prisoner care, JDC, Money deposited with the County Treasurer and Monthly activities. All members present voting aye. Motion carried.

**AMEND BID DATES:**

Moved by Sutton, seconded by Wiese to amend the following bid dates: cancel Box and Hoist bid date of March 3 at 9:00 a.m.; change Tandem Truck bid date to March 10 at 9:15 a.m.; change Tree Chipper bid date to March 10, at 9:30 a.m. All members present voting aye. Motion carried.

**COMBINED ELECTION AGREEMENT:**

Moved by Wiese, seconded by Sutton to approve and authorize the Chairman sign Agreement between Brown County, 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 2, 2009. All members present voting aye. Motion carried.

**BID – ASPHALT ROLLER:**

Moved by Wiese, seconded by Sutton to approve Addendum #1, Addendum #2 and Addendum #3 to the bid specifications for a Double Drum Asphalt Roller. All members present voting aye. Motion carried.

Time and place, as advertised to open read and consider bids for a Double Drum Asphalt Roller. Bids were received from RDO Equipment Company, Sheehan Mack Sales & Equipment, Titan Machinery and Diesel Machinery, Inc. Moved by Wiese, seconded by Sutton to refer all bids to Jan Weismantel, Highway Superintendent for review and recommendation. All members present voting aye. Motion carried.

**AWARD:**

Gary Warne, Commander American Legion Sidney L Smith Post #24 presented Maxine Taylor, Brown County Auditor the 2009 "Friend of the American Legion" award.

**ORDINANCE #057:**

Moved by Wiese, seconded by Sutton to approve First Reading of Ordinance #057, An Ordinance amending Second Revision Brown County Ordinances, Title 4, specifically amending Chapter 4.01 Definitions; adding Chapter 4.35 Communication Towers and Facilities; and adding Chapter 4.36 Wind Energy Conservation Systems. All members present voting aye. Motion carried.

**ORDINANCE #058:**

Moved by Sutton, seconded by Wiese to approve First Reading of Ordinance #058, An Ordinance amending Second Revision Brown County Ordinances, Title 4, specifically amending Chapter 4.06 Agriculture Preservation District; Chapter 4.07 Mini-Ag District to include hunting lodges, communication towers/facilities and wind energy conservation systems; and amending Chapter 4.2202 as it relates to when a building permit is needed and extending the time to begin construction to 180 days. All members present voting aye. Motion carried.

**BID AWARD – ASPHALT ROLLER:**

Moved by Wiese, seconded by Sutton to award low bid, submitted by RDO Equipment Company for a 2009 Sakai Double Drum Asphalt Roller with trade in amount of \$31,500.00 less \$2,100.00 for net cost of \$29,400; rejecting Diesel Machinery Inc @ \$37,500 w/o trade, \$32,500 with trade; Sheehan Mack Sales @ \$37,516 w/o trade, \$34,516 with trade; Titan Machinery @ \$41,418 w/o trade, \$36,418 with trade. All members present voting aye. Motion carried.

**SURPLUS PROPERTY:**

Moved by Wiese, seconded by Sutton to declare Decal #1876 1997 Stone Roller surplus for purpose of trade in. All members present voting aye. Motion carried.

**HIGHWAY:**

Moved by Sutton, seconded by Wiese to approve posting two labor grade 4 positions in house to ensure adequate number of employees capable of operating the oil distributor. All members present voting aye. Motion carried.

Moved by Sutton, seconded by Wiese to authorize working four ten-hour days at the highway department, effective March 30, 2009. All members present voting aye. Motion carried.

**EMERGENCY SNOW FUNDS:**

Moved by Sutton, seconded by Wiese to approve the purchase of a 1979 Snow Blower SN 20357 Decal #580 from SD Federal Surplus and further to utilize Snow Emergency Funds in the Highway Fund #201 in amount of \$17,500.00. All members present voting aye. Motion carried.

**GROTON SCHOOL DISTRICT 6-3 BOND RESOLUTION:**

Commissioner Sutton offered the following Resolution:

**RESOLUTION NO. 08-09**

Resolution authorizing the execution, terms, issuance, sale and payment of Groton School District 6-3 General Obligation Refunding Bonds in the aggregate principal amount of not to exceed Two Million Three Hundred Thousand Dollars (\$2,300,000) of the Groton School District 6-3 of Brown County, South Dakota.

WHEREAS, the Brown County is acting as the governing body of the dissolved School District of Groton School District 6-3 (the "School District") because of a reorganization pursuant to SDCL §13-6-82.

WHEREAS, the Brown County is authorized by the provisions of SDCL §§ 6-8B-30 through 6-8B-52 and 13-6-59 to issue General Obligation Refunding Bonds to refund and refinance validly issued outstanding General Obligation Bonds, Series 2002 of the School District (the "Refunded Bonds"); and

WHEREAS, the County Commission has determined that refunding certain General Obligation Bonds of the dissolved School District will reduce the interest expense to the taxpayers; and

WHEREAS, the Governing Body has determined that is necessary and in the best interest of the taxpayers to issue General Obligation Refunding Bonds for the purpose of providing funds to (i) refinance all or a portion of the Refunded Bonds, as such term is defined herein; and (ii) pay the costs of issuance of the Bonds described herein.

NOW THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSION OF BROWN COUNTY, AS FOLLOWS:

**ARTICLE I**  
**DEFINITIONS**

**Section 1.1. Definition of Terms.**

In addition to the words and terms elsewhere defined in this Bond Resolution, the following words and terms as used herein, whether or not the words have initial capitals, shall have the following meanings, unless the context or use indicates another or different meaning or intent, and such definitions shall be equally applicable to both the singular and plural forms of any of the words and terms herein defined:

"Act" means collectively SDCL Chapter 6-8B and Title 13, as amended.

"Auditor" means the Auditor of the County elected pursuant to the provisions of South Dakota Codified Laws Title 7-10 or, in the absence of such appointment or in the event the person so appointed is unable or incapable of acting in such capacity, the person appointed by the Auditor to perform the duties otherwise performed by the Auditor, or his designee.

"Authorized Officer of the County" means the Chairman and the Auditor, or, in the case of any act to be performed or duty to be discharged, any other member, officer, or employee of the County then authorized to perform such act or discharge such duty.

"Bond Counsel" means Meierhenry Sargent LLP, a firm of attorneys recognized as having experience in matters relating to the issuance of state or local governmental obligations.

"Bond Payment Date" " means each date on which interest, or both principal and interest, shall be payable on the Bonds so long as any of the Bonds shall be outstanding.

"Bond Purchase Agreement" means the agreement between the County Commission and the Underwriter for the purchase of the Bonds.

"Bond Resolution" means this Resolution, as it may be amended from time to time.

"Bondholder", "Holder" and "Registered Owner" means the registered owner of a Bond, including any nominee of a Depository.

"Bonds" means not to exceed \$2,300,000 in aggregate principal amount of General Obligation Refunding Bonds (Groton School District 6-3), Series 2009, dated the date of issuance, or such other designation or date as shall be determined by the School Board pursuant to Section 8.1 hereof, authorized and issued under the Bond Resolution.

"Book-Entry Form" or "Book-Entry System" means a form or system, as applicable, under which physical Bond certificates in fully registered form are issued to a Depository or to its nominee as Registered Owner, with the certificated Bonds being held by and "immobilized" in the custody of such Depository, and under which records maintained by persons, other than the County Commission or the Registration Agent, constitute the written record that identifies, and records the transfer of the beneficial "book-entry" interests in those Bonds.

"Chairman" means the Chairman elected pursuant to the provisions of SDCL 13-8 or his or her designee acting on his or her behalf pursuant to the Charter.

"County" means Brown County, South Dakota.

"Closing Date" means the date the Bonds are exchanged for value.

"Code" means the Internal Revenue Code of 1986, as amended, and the applicable regulations of the United States Department of Treasury promulgated thereunder as in effect on the date of issuance of the Bonds.

"Depository" means any securities depository that is a clearing agency under federal laws operating and maintaining, with its participants or otherwise, a Book-Entry System, including, but not limited to DTC.

"DTC Participant(s)" means securities brokers and dealers, banks, trust companies and clearing corporations that have access to the DTC system.

"DTC" means the Depository Trust Company, a limited purpose company organized under the laws of the State of New York, and its successors and assigns.

"Groton School District 6-3" means the Groton School District 6-3, Brown County, South Dakota.

"Interest Payment Dates" means each date on which interest shall be payable on the Bonds so long as any of the Bonds shall be outstanding.

"Letter of Representation" means the Issuer Letter of Representations or Blanket Issuer Letter of Representations to DTC of the County.

"Official Statement" and "Preliminary Official Statement" means that Official Statement and Preliminary Official Statement described in Section 8.2 hereof pertaining to the sale of the Bonds.

"Original Issue Discount or O.I.D." means the difference between the issue price and the stated redemption price at maturity. The stated redemption price is determined without regard to optional call dates.

"Outstanding," "Bonds Outstanding," or "Outstanding Bonds" means, as of a particular date all Bonds issued and delivered under this Bond Resolution except: (1) any Bond paid or redeemed or otherwise canceled by the County at or before such date; (2) any Bond for the payment of which cash, equal to the principal amount thereof with interest to date of maturity, shall have theretofore been deposited prior to maturity by the County for the benefit of the Owner thereof; (3) any Bond for the redemption of which cash, equal to the redemption price thereof with interest to the redemption date, shall have theretofore been deposited with the Registration Agent and for which notice of redemption shall have been mailed in accordance with this Bond Resolution; (4) any Bond in lieu of or in substitution for which another Bond shall have been delivered pursuant to this Resolution, unless proof satisfactory to the County is presented that any Bond, for which a Bond in lieu of or in substitution therefore shall have been delivered, is held by a bona fide purchaser, as that term is defined in Article 8 of the Uniform Commercial Code of the State, as amended, in which case both the Bond in lieu of or in substitution for which a new Bond has been delivered and such new Bond so delivered therefore shall be deemed Outstanding; and, (5) any Bond deemed paid under the provisions of Article VII of this Resolution, except that any such Bond shall be considered Outstanding until the maturity or redemption date thereof only for the purposes of being exchanged, transferred, or registered.

"Person" means an individual, partnership, corporation, trust, or unincorporated organization, or a governmental entity or agency or political subdivision thereof.



"Purchase Agreement" means the Bond Purchase Agreement authorized pursuant to and described in Section 8.1 hereof by and between the County and the Underwriter.

"Rating Agency" means Moody's Investor Services, Standard and Poor's or Fitch Ratings Service.

"Record Date" means such dates as set forth in the Certificate Purchase Agreement..

"Refunded Bonds" means the \$2,700,000 General Obligation Refunding Bonds, Series 2002 Bonds dated July 1, 2002.

"Registration Agent" means the Registration Agent appointed by the Auditor its successor or successors hereafter appointed in the manner provided in Article VI hereof.

"Resolution" means this Bond Resolution.

"Schedule" the schedule which indicates the principal and interest payments on the Bonds.

"School District" means the dissolved Groton School District 6-3.

"Series 2002 Bonds" means the School District's outstanding General Obligation Refunding Bonds, Series 2002, dated July 1, 2002, to be redeemed on such date set forth in the Bond Purchase Agreement, as follows:

<u>Maturity Date</u>	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>CUSIP</u>
February 1, 2010	125,000	3.85%	399350 AG2
February 1, 2011	130,000	3.95%	399350 AH0
February 1, 2012	135,000	4.10%	399350 AJ6
February 1, 2013	140,000	4.25%	399350 AK3
February 1, 2014	145,000	4.35%	399350 AL1
February 1, 2015	155,000	4.45%	399350 AM9
February 1, 2016	160,000	4.55%	399350 AN7
February 1, 2017	165,000	4.65%	399350 AP2
February 1, 2018	175,000	4.75%	399350 AQ0
February 1, 2022	790,000	5.00%	399350 AR8

"Series 2002 Bond Registrar and Paying Agent" means The First National Bank in Sioux Falls, Sioux Falls, South Dakota.

"Underwriter" means Northland Securities, Inc., acting for and on behalf of itself and such securities dealers as it may designate.

"Vice-Chairman" means the Vice-Chairman who may act for the Chairman in the absence of the Chairman.

### **Section 1.2. References to Resolution.**

The words "hereof", "herein", "hereunder", and other words of similar import refer to this Bond Resolution as a whole.

### **Section 1.3. References to Articles, Sections, Etc.**

References to Articles, Sections, and other subdivisions of this Bond Resolution are to the designated Articles, Sections, and other subdivisions of this Bond Resolution as originally adopted.

#### **Section 1.4. Headings.**

The headings of this Bond Resolution are for convenience only and shall not define or limit the provisions hereof.

### **ARTICLE II FINDINGS**

#### **Section 2.1.**

It is hereby found and determined by the County Commission as follows:

(a) The refunding of the Refunded Bonds as set forth herein through the issuance of the Bonds will result in the reduction in debt service payable by the County over the term of the Refunded Bonds thereby effecting a cost savings to the public;

(b) The County hereby determines that all limitations upon the issuance of Bonds have been met and the Bonds are being authorized, issued and sold in accordance with the provisions of §§ 6-8B-30 to 6-8B-52, inclusive.

### **ARTICLE III AUTHORITY, PLEDGE, AND LEVY**

#### **Section 3.1. Authority.**

In order to (i) refund the Refunded Bonds and (ii) pay costs incident to the sale and issuance of the Bonds, there shall be issued pursuant to, and in accordance with, the provisions of the Act, the Bond Resolution, and other applicable provisions of law, General Obligation Refunding Bonds in the aggregate principal amount of not to exceed \$2,300,000.

#### **Section 3.2. Pledge.**

The taxing powers of SDCL 13-6-82 shall be and they are hereby irrevocably pledged to the prompt and full payment of the principal of and interest on each and all of said Bonds as such principal and interest respectively become due. Pursuant to SDCL § 13-16-82, the County does hereby pledge and provide for an annual tax sufficient to pay principal and interest on the Bonds when due. All taxes in counties in which the School District previously existed shall be pledged for the payment of principal and interest respectively become due.

#### **Section 3.3. Levy of Taxes.**

The County does hereby provide for an annual levy to produce collected taxes, taking into consideration an amount necessary to provide for delinquencies, reasonable reserve and mandatory early redemption, to pay principal and interest on the Bonds when due. The Schedule is made a part this resolution as if stated in full and shall be open to public inspection at the office of the Auditor. Said levies shall be irrevocable so long as any of the Bonds of said issue or interest thereon shall remain unpaid, except that the County Commission of the County and the Auditor shall have the power to reduce the levy as provided by SDCL §13-16-11.

### **ARTICLE IV FORM, TERMS, EXECUTION, AND TRANSFER OF BONDS**

#### **Section 4.1. Authorized Bonds.**

The aggregate principal amount of Bonds that may be issued under the Bond Resolution shall not exceed Two Million Three Hundred Thousand Dollars (\$2,300,000).

#### **Section 4.2. Form of Bonds; Execution.**

(a) The Bonds are issuable only as fully registered Bonds, without coupons, in the denomination of Five Thousand Dollars (\$5,000) or any integral multiple thereof (but no single Certificate shall represent installments of principal maturing on more than one date). All Bonds issued under the Resolution shall be substantially in the form set forth in Exhibit A attached hereto, and by this reference incorporated herein as fully as though copied.

(b) The Bonds shall be executed in such manner as may be prescribed by applicable law in the name and on behalf of the County with the manual or facsimile signature of the Chairman, attested by the manual or facsimile signature of the Auditor, and approved as to form and countersigned by a Resident Attorney by his manual or facsimile signature.

(c) In the event any officer whose manual or facsimile signature shall appear on any Bond shall cease to be such officer before the delivery of such Bond, such manual or such facsimile signature shall nevertheless be valid and sufficient for all purposes as if he or she had remained in office until such delivery. Any Bond may bear the facsimile signature of, or may be manually signed by, such individuals who, at the actual time of the execution of such Bond, were the proper officers of the County to sign such Bond, although on the date of the adoption by the County of this Resolution, such individuals may not have been such officers.

#### **Section 4.3. Maturities, Interest Rates, and Certain Other Provisions of Bonds.**

(a) The Bonds shall become due and payable and be subject to the terms and conditions as are set forth in the Bond Purchase Agreement.

(b) The Bonds shall be designated "General Obligation Refunding Bonds, Series 2009", or such other designation as shall be determined by the School Board pursuant to Section 8.1 hereof. The Bonds shall bear interest from their date or from the most recent interest payment date to which interest has been paid or duly provided for, until the principal amount of the Bond is paid, such interest (computed upon the basis of a 360-day year of twelve 30-day months) being payable on Interest payment Dates. Interest on each Bond shall be paid by wire transfer, check or draft of the Paying Agent, payable in lawful money of the United States of America, to the person in whose name such Bond is registered at the close of business on the Record Date. The principal of the Bond shall be payable in lawful money of the United States of America at the principal office of the Paying Agent on the Bond Payment Date. Each Certificate shall state that it is issued pursuant to SDCL 6-8B.

(c) The Registration Agent shall make all interest payments with respect to the Bonds on each interest payment date directly to the registered owners as shown on the Bond registration records maintained by the Registration Agent as of the close of business on the Record Date by wire transfer, check or draft mailed to such owners at their addresses shown on said Bond registration records, without, except for final payment, the presentation or surrender of such registered Bonds, and all such payments shall discharge the obligations of the County in respect of such Bonds to the extent of the payments so made. Payment of principal of and premium, if any, on the Bonds shall be made upon presentation and surrender of such Bonds to the Registration Agent as the same shall become due and payable.

#### **Section 4.4. Negotiability of Bonds.**

All Bonds issued under this Resolution shall be negotiable, subject to the provisions for registration and transfer contained in this Resolution and in the Bonds.

**Section 4.5. Registration, Transfer and Exchange of Bonds.**

(a) The Bonds are transferable only by presentation to the Registration Agent by the registered owner, or his legal representative duly authorized in writing, of the registered Bond(s) to be transferred with the form of assignment on the reverse side thereof completed in full and signed with the name of the registered owner as it appears upon the face of the Bond(s) accompanied by appropriate documentation necessary to prove the legal capacity of any legal representative of the registered owner. Upon receipt of the Bond(s) in such form and with such documentation, if any, the Registration Agent shall issue a new Bond or Bonds to the assignee(s) in \$5,000 denominations, or integral multiples thereof, as requested by the registered owner requesting transfer. The Registration Agent shall not be required to transfer or exchange any Bond during the period commencing on a Record Date and ending on the corresponding interest payment date of such Bond, nor to transfer or exchange any Bond after the publication of notice calling such Bond for redemption has been made, nor to transfer or exchange any Bond during the period following the receipt of instructions from the County to call such Bond for redemption; provided, the Registration Agent, at its option, may make transfers after any of said dates. No charge shall be made to any registered owner for the privilege of transferring any Bond, provided that any transfer tax relating to such transaction shall be paid by the registered owner requesting transfer. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and neither the County nor the Registration Agent shall be affected by any notice to the contrary whether or not any payments due on the Bonds shall be overdue. Bonds, upon surrender to the Registration Agent, may, at the option of the registered owner, be exchanged for an equal aggregate principal amount of Bonds of the same maturity in any authorized denomination or denominations.

(b) Except as otherwise provided in this subsection, the Bonds shall be registered in the name of Cede & Co., as nominee of DTC, which will act as securities depository for the Bonds. References in this Section to a Bond or the Bonds shall be construed to mean the Bond or the Bonds that are held under the Book-Entry System. One Bond for each maturity shall be issued to DTC and immobilized in its custody. Unless otherwise provided herein, a Book-Entry System shall be employed, evidencing ownership of the Bonds in authorized denominations, with transfers of beneficial ownership affected on the records of DTC and the DTC Participants pursuant to rules and procedures established by DTC.

Each DTC Participant shall be credited in the records of DTC with the amount of such DTC Participant's interest in the Bonds. Beneficial ownership interests in the Bonds may be purchased by or through DTC Participants. The holders of these beneficial ownership interests are herein referred to as the "Beneficial Owners." The Beneficial Owners shall not receive the Bonds representing their beneficial ownership interests. The ownership interests of each Beneficial Owner shall be recorded through the records of the DTC Participant from which such Beneficial Owner purchased its Bonds. Transfers of ownership interests in the Bonds shall be accomplished by book entries made by DTC and, in turn, by DTC Participants acting on behalf of Beneficial Owners. SO LONG AS CEDE & CO., AS NOMINEE FOR DTC, IS THE REGISTERED OWNER OF THE BONDS, THE REGISTRATION AGENT SHALL TREAT CEDE & CO., AS THE ONLY HOLDER OF THE BONDS FOR ALL PURPOSES UNDER THIS RESOLUTION, INCLUDING RECEIPT OF ALL PRINCIPAL OF, PREMIUM, IF ANY, AND INTEREST ON THE BONDS, RECEIPT OF NOTICES, VOTING AND REQUESTING OR DIRECTING THE REGISTRATION AGENT TO TAKE OR NOT TO TAKE, OR CONSENTING TO, CERTAIN ACTIONS UNDER THIS BOND RESOLUTION.

Payments of principal, interest, and redemption premium, if any, with respect to the Bonds, so long as DTC is the only owner of the Bonds, shall be paid by the Registration Agent directly to DTC or its

nominee, Cede & Co., as provided in the Letter of Representation. DTC shall remit such payments to DTC Participants, and such payments thereafter shall be paid by DTC Participants to the Beneficial Owners. Neither the County nor the Registration Agent shall be responsible or liable for payment by DTC or DTC Participants, for sending transaction statements or for maintaining, supervising or reviewing records maintained by DTC or DTC Participants.

In the event that (1) DTC determines not to continue to act as securities depository for the Bonds or (2) the County determines that the continuation of the Book-Entry System of evidence and transfer of ownership of the Bonds would adversely affect their interests or the interests of the Beneficial Owners of the Bonds, the County may discontinue the Book-Entry System with DTC. If the County fails to identify another qualified securities depository to replace DTC, the County shall cause the Registration Agent to authenticate and deliver replacement Bonds in the form of fully registered Bonds to each Beneficial Owner.

NEITHER THE COUNTY NOR THE REGISTRATION AGENT SHALL HAVE ANY RESPONSIBILITY OR OBLIGATIONS TO ANY DTC PARTICIPANT OR ANY BENEFICIAL OWNER WITH RESPECT TO (i) THE BONDS; (ii) THE ACCURACY OF ANY RECORDS MAINTAINED BY DTC OR ANY DTC PARTICIPANT; (iii) THE PAYMENT BY DTC OR ANY DTC PARTICIPANT OF ANY AMOUNT DUE TO ANY BENEFICIAL OWNER IN RESPECT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS; (iv) THE DELIVERY OR TIMELINESS OF DELIVERY BY DTC OR ANY DTC PARTICIPANT OF ANY NOTICE DUE TO ANY BENEFICIAL OWNER THAT IS REQUIRED OR PERMITTED UNDER THE TERMS OF THIS BOND RESOLUTION TO BE GIVEN TO BENEFICIAL OWNERS, (v) THE SELECTION OF BENEFICIAL OWNERS TO RECEIVE PAYMENTS IN THE EVENT OF ANY PARTIAL REDEMPTION OF THE BONDS; OR (vi) ANY CONSENT GIVEN OR OTHER ACTION TAKEN BY DTC, OR ITS NOMINEE, CEDE & CO., AS OWNER.

SO LONG AS A BOOK-ENTRY SYSTEM OF EVIDENCE OF TRANSFER OF OWNERSHIP OF ALL THE BONDS IS MAINTAINED IN ACCORDANCE HERewith, THE PROVISIONS OF THIS RESOLUTION RELATING TO THE DELIVERY OF PHYSICAL BOND CERTIFICATES SHALL BE DEEMED INAPPLICABLE OR BE OTHERWISE SO CONSTRUED AS TO GIVE FULL EFFECT TO SUCH BOOK-ENTRY SYSTEM. IF THE PROVISIONS OF THE LETTER OF REPRESENTATION SHALL BE IN CONFLICT WITH THE PROVISIONS OF THIS RESOLUTION AS SAID PROVISIONS RELATE TO DTC, THE PROVISIONS OF THE LETTER OF REPRESENTATION SHALL CONTROL.

#### **Section 4.6. Mutilated, Lost, Stolen, or Destroyed Bonds.**

(a) In the event any Bond is mutilated, lost, stolen, or destroyed, the County may execute, and upon the request of an Authorized Officer of the County the Registration Agent shall authenticate and deliver, a new Bond of like maturity, interest rate, and principal amount, and bearing the same number (but with appropriate designation indicating that such new Bond is a replacement Bond) as the mutilated, destroyed, lost, or stolen Bond, in exchange for the mutilated Bond or in substitution for the Bond so destroyed, lost, or stolen. In every case of exchange or substitution, the Bondholder shall furnish to the County and the Registration Agent: (1) such security or indemnity as may be required by them to save each of them harmless from all risks, however remote; and, (2) evidence to their satisfaction of the mutilation, destruction, loss, or theft of the subject Bond and the ownership thereof. Upon the issuance of any Bond upon such exchange or substitution, the County and the Registration Agent may require the Owner thereof to pay a sum sufficient to defray any tax or other governmental charge that may be imposed in relation thereto and any other expenses, including printing costs and counsel fees, of the County and the Registration Agent. In the event any Bond which has matured or is about to mature shall become mutilated or be destroyed, lost, or stolen, the County may, instead of issuing a Bond in exchange or

substitution therefore, pay or authorize the payment of the same (without surrender thereof except in the case of a mutilated Bond) if the Owner thereof shall pay all costs and expenses, including attorneys fees, incurred by the County and the Registration Agent in connection herewith, as well as a sum sufficient to defray any tax or other governmental charge that may be imposed in relation thereto and shall furnish to the County and the Registration Agent such security or indemnity as they may require to save them harmless and evidence to the satisfaction of the County and the Registration Agent the mutilation, destruction, loss, or theft of such Bond and of the ownership thereof.

(b) Every Bond issued pursuant to the provisions of this section shall constitute an additional contractual obligation of the County (whether or not the destroyed, lost, or stolen Bond shall be found at any time to be enforceable) and shall be entitled to all the benefits of this Bond Resolution equally and proportionately with any and all other Bonds duly issued under this Bond Resolution.

(c) All Bonds shall be held and owned upon the express condition that the provisions of this Section are exclusive, with respect to the replacement or payment of mutilated, destroyed, lost, or stolen Bonds, and, to the maximum extent legally permissible, shall preclude all other rights or remedies, notwithstanding any law or statute now existing or hereafter enacted to the contrary.

#### **Section 4.7. Authentication.**

The Registration Agent is hereby authorized to authenticate and deliver the Bonds to the Underwriter or as it may designate upon receipt by the County of the proceeds of the sale thereof, to authenticate and deliver Bonds in exchange for Bonds of the same principal amount delivered for transfer upon receipt of the Bond(s) to be transferred in proper form with proper documentation as hereinabove described. The Bonds shall not be valid for any purpose unless authenticated by the Registration Agent by the manual signature of an officer thereof on the certificate set forth herein on the Bond form.

#### **Section 4.8. Qualification for DTC.**

The Registration Agent is hereby authorized to take such actions as may be necessary from time to time to qualify and maintain the Bonds for deposit with DTC, including but not limited to, wire transfers of interest and principal payments with respect to the Bonds, utilization of electronic book entry data received from DTC in place of actual delivery of Bonds and provision of notices with respect to Bonds registered by the DTC (or any of its designees identified to the Registration Agent) by overnight delivery, courier service, telegram, telecopy or other similar means of communication. No such arrangements with DTC may adversely affect the interest of any of the Owners of the Bonds, provided, however, that the Registration Agent shall not be liable with respect to any such arrangements it may make pursuant to this section.

**Section 4.09. Rating Agency.** The Chairman and Auditor are authorized to enter into an agreement with a Rating Agency as may be required under the Purchase Agreement. Any terms or conditions of the Rating Agency shall be attached to this resolution and incorporated herein as if stated in full.

### **ARTICLE V**

#### ***REDEMPTION OF BONDS PRIOR TO MATURITY***

**Section 5.1 Redemption.** The redemption provisions shall be set forth in the Certificate Purchase Agreement.

### **ARTICLE VI**

#### ***REGISTRATION AGENT***

### **Section 6.1. Appointment and Acceptance of Duties.**

(a) The County hereby authorizes the Auditor to appoint the Registration Agent with respect to the Bonds and authorizes and directs the Registration Agent to maintain Bond registration records with respect to the Bonds, to authenticate and deliver the Bonds as provided herein, either at original issuance, upon transfer, or as otherwise directed by the County, to effect transfers of the Bonds, to give all notices of redemption as required herein, to make all payments of principal and interest with respect to the Bonds as provided herein, to cancel and destroy Bonds which have been paid at maturity or upon earlier redemption or submitted for exchange or transfer, to furnish the County at least annually a certificate of destruction with respect to Bonds canceled and destroyed, and to furnish the County at least annually an audit confirmation of Bonds paid, Bonds Outstanding and payments made with respect to interest on the Bonds. The Chairman and the Auditor, or either of them is hereby authorized to execute and the Auditor is hereby authorized to attest such written agreement between the County and the Registration Agent as they shall deem necessary or proper with respect to the obligations, duties and rights of the Registration Agent. The payment of all reasonable fees and expenses of the Registration Agent for the discharge of its duties and obligations hereunder or under any such agreement is hereby authorized and directed.

### **Section 6.2. Permitted Acts and Functions.**

The Registration Agent may become the Owner of any Bonds, with the same rights as it would have if it were not a Registration Agent. The Registration Agent may act as an underwriter or fiscal agent in connection with the sale of the Bonds or of any other securities offered or issued by the County.

### **Section 6.3. Resignation or Removal of the Registration Agent and Appointment of Successors.**

(a) The Registration Agent may at any time resign and be discharged of the duties and obligations created by the Bond Resolution by giving at least sixty (60) calendar days' written notice to the Auditor. The Registration Agent may be removed at any time by the Auditor, provided that such removal does not constitute a breach of any contractual agreement with any such Registration Agent, by filing written notice of such removal with such Registration Agent. Any successor Registration Agent shall be appointed by the Auditor and shall be a trust company or a bank having the powers of a trust company, having a combined capital, surplus, and undivided profits aggregating at least Forty Million Dollars (\$40,000,000), willing to accept the office of Registration Agent on reasonable and customary terms and authorized by law to perform all the duties imposed upon it by the Bond Resolution.

(b) In the event of the resignation or removal of the Registration Agent, such Registration Agent shall pay over, assign and deliver any monies and securities held by it as Registration Agent, and all books and records and other properties held by it as Registration Agent, to its successor, or if there be no successor then appointed, to the Auditor until such successor be appointed.

### **Section 6.4. Merger or Consolidation of Registration Agent.**

Any corporation or association into which the Registration Agent may be converted or merged, or with which it may be consolidated, or to which it may sell or transfer its trust business and assets as a whole, or substantially as a whole, or any corporation or association resulting from any such conversion, sale, merger, consolidation, or transfer to which it is a party shall be and become successor Registration Agent hereunder and shall be vested with all the trusts, powers, discretion, immunities, privileges, and other matters as was its predecessor, without the execution or filing of any instrument or any further act, deed, or conveyance on the part of any of the parties hereto, anything herein contained to the contrary notwithstanding. Upon any such conversion, merger, consolidation, sale or transfer, the Auditor shall have the right and option, upon notice to such converted, merged, consolidated or acquiring entity, to remove such entity and appoint a successor thereto pursuant to the procedures and requirements set forth in Section 6.3 hereof.

**ARTICLE VII**  
**DEFEASANCE OF BONDS**

**Section 7.1. Defeasance of Bonds.**

If the County shall pay and discharge the indebtedness evidenced by any of the Bonds in any one or more of the following ways, to wit:

- (a) By paying or causing to be paid, by deposit of sufficient funds as and when required with the Registration Agent, the principal of and interest on such Bonds as and when the same become due and payable;
- (b) By depositing or causing to be deposited with any trust company or financial institution whose deposits are insured by the Federal Deposit Insurance Corporation or similar federal agency and which has trust powers ("an Agent"; which Agent may be the Registration Agent) in trust or escrow, on or before the date of maturity or redemption, sufficient money or Federal Obligations, as hereafter defined, the principal of and interest on which, when due and payable, will provide sufficient moneys to pay or redeem such Bonds and to pay premium, if any, and interest thereon when due until the maturity or redemption date (provided, if such Bonds are to be redeemed prior to maturity thereof, proper notice of such redemption shall have been given or adequate provision shall have been made for the giving of such notice);
- (c) By delivering such Bonds to the Registration Agent, for cancellation by it; and if the County shall also pay or cause to be paid all other sums payable hereunder by the County with respect to such Bonds, or make adequate provision therefore, and by resolution of the Governing Body instruct any such Escrow Agent to pay amounts when and as required to the Registration Agent for the payment of principal of and interest and redemption premiums, if any, on such Bonds when due, then and in that case the indebtedness evidenced by such Bonds shall be discharged and satisfied and all covenants, agreements and obligations of the County to the holders of such Bonds shall be fully discharged and satisfied and shall thereupon cease, terminate and become void.

If the County shall pay and discharge the indebtedness evidenced by any of the Bonds in the manner provided in either clause (a) or clause (b) above, then the registered owners thereof shall thereafter be entitled only to payment out of the money or Federal Obligations deposited as aforesaid.

Except as otherwise provided in this Section, neither Federal Obligations nor moneys deposited with the Registration Agent pursuant to this Section nor principal or interest payments on any such Federal Obligations shall be withdrawn or used for any purpose other than, and shall be held in trust for, the payment of the principal and premium, if any, and interest on said Bonds; provided that any cash received from such principal or interest payments on such Federal Obligations deposited with the Registration Agent, (A) to the extent such cash will not be required at any time for such purpose, shall be paid over to the County as received by the Registration Agent and (B) to the extent such cash will be required for such purpose at a later date, shall, to the extent practicable, be reinvested in Federal Obligations maturing at times and in amounts sufficient to pay when due the principal and premium, if any, and interest to become due on said Bonds on or prior to such redemption date or maturity date thereof, as the case may be, and interest earned from such reinvestments shall be paid over to the County, as received by the Registration Agent. For the purposes of this Section, Federal Obligations shall mean direct obligations of, or obligations, the principal of and interest on which are guaranteed by, the United States of America, or any agency thereof, obligations of any agency or instrumentality of the United States or any other obligations at the time of the purchase thereof are permitted investments under South Dakota Law for the purposes described in this Section, which Bonds or other obligations shall not be subject to redemption prior to their maturity other than at the option of the registered owner thereof.



**ARTICLE VIII**  
***SALE OF BONDS AND DEPOSIT OF PROCEEDS***

**Section 8.1. Sale of Bonds.**

The Bonds shall be sold to the Underwriter at a price as set forth in the Bond Purchase Agreement less any Original Issue Discount on the Bonds plus accrued interest. The Chairman and the Auditor, or either of them, in consultation with the Underwriter, are authorized to make such changes in the structuring of the terms and sale of the Bonds, including the name, as they shall deem necessary to maximize the savings from the refunding of the Refunded Bonds. In this regard, they, or either of them, in consultation with the Underwriter, are authorized to cause to be sold an aggregate principal amount of the Bonds less than that authorized herein, cause fewer than all the Refunded Bonds to be refunded, to sell any or all of the Bonds as term Bonds with annual mandatory redemption requirements which will produce substantially the same annual principal reductions as authorized herein, to change the dated date of the Bonds, and to adjust principal and interest payment dates and redemption dates of the Bonds. The form of the Bond set forth in Exhibit A attached hereto shall be conformed to reflect any changes, if any, as hereinbefore mentioned. The Chairman and the Auditor, or either of them, are hereby authorized to execute and the Auditor is authorized to attest the Purchase Agreement with the Underwriter providing for the purchase and sale of the Bonds. The Purchase Agreement shall be in form and content acceptable to the Chairman and Auditor, the execution thereof by either of them to constitute conclusive evidence thereof, and approved as to form and legality by the County's attorney; provided the Purchase Agreement effects the sale of the Bonds in accordance with the provisions of this Resolution, and is not inconsistent with the terms hereof. The Chairman and the Auditor, are authorized to cause the Bonds to be authenticated and delivered by the Registration Agent to the Underwriter and to execute, publish, and deliver all certificates and documents, including the Official Statement, and closing certificates and documents, as they shall deem necessary in connection with the sale and delivery of the Bonds.

**Section 8.2. Official Statement.**

The Chairman, Auditor, and the Underwriter are hereby authorized and directed to provide for the preparation and distribution of a Preliminary Official Statement describing the Bonds in the form of the Preliminary Official Statement attached hereto and by this reference made a part hereof (the "Preliminary Official Statement"). After the Bonds have been sold, the Chairman and Auditor shall make such completions, omissions, insertions and changes in the Preliminary Official Statement not inconsistent with this resolution as are necessary or desirable to complete it as a final Official Statement for purposes of Rule 15c2-12(e)(3) of the Securities and Exchange Commission. The Chairman and Auditor shall arrange for the delivery to the Underwriter of a reasonable number of copies of the Official Statement within seven business days after the Bonds have been sold for delivery by the Underwriter to each potential investor requesting a copy of the Official Statement.

The Chairman and Auditor are authorized, on behalf of the County, to deem the Preliminary Official Statement and the Official Statement in final form, each to be final as of its date within the meaning of Rule 15c2-12(b)(1), except for the omission in the Preliminary Official Statement of certain pricing and other information allowed to be omitted pursuant to such Rule 15c2-12(b)(1). The distribution of the Preliminary Official Statement and the Official Statement in final form shall be conclusive evidence that each has been deemed in final form as of its date by the County except for the omission in the Preliminary Official Statement of such pricing and other information.

**Section 8.3. Disposition of Bond Proceeds.**

The proceeds of the sale of the Bonds shall be disbursed as follows:

(a) An amount representing accrued interest on the Bonds from the dated date to the closing date shall be deposited to the appropriate fund of the County to be used to pay interest on the Bonds on the first interest payment date following delivery of the Bonds.

(b) An amount representing accrued interest and principal on the Series 2002 Bonds shall be deposited with the Series 2002 Bond Registrar and Paying Agent to be used to refund the Series 2002 Bonds.

(c) The remaining proceeds of the sale of the Bonds shall be used to pay the costs of issuance and sale of the Bonds including necessary legal, accounting and fiscal expenses, printing, engraving, advertising and similar expenses, administrative and clerical costs, rating agency fees, Registration Agent fees, and other necessary miscellaneous expenses incurred in connection with the issuance and sale of the Bonds. Any funds remaining after payment of said expenses shall be used to pay interest on the Bonds on the first interest payment date following delivery of the Bonds.

#### **Section 8.4. Tax Matters.**

(a) The County covenants and agrees with the registered owners from time to time of the Bonds that it will not take or permit to be taken by any of its officers, employees or agents any action which would cause the interest on the Bonds to become includable in gross income for federal income tax purposes under the Code and applicable Treasury Regulations (the "Regulations"), and covenants to take any and all actions within its powers to ensure that the basic interest on the Bonds will not become includable in gross income for federal income tax purposes under the Code and the Regulations.

(b) The Chairman and the Auditor, being the officers of the County charged with the responsibility for issuing the Bonds pursuant to this Resolution are hereby authorized and directed to execute and deliver to the Underwriter thereof a certificate in accordance with the provisions of Section 148 of the Code, and Section 1.148-2(b) of the Regulations, stating that on the basis of facts, estimates and circumstances in existence on the date of issue and delivery of the Bonds, it is reasonably expected that the proceeds of the Bonds will be used in a manner that would not cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code and the Regulations.

(c) The County further certifies and covenants as follows with respect to the requirements of Section 148 of the Code that the County reasonably expects, as of the Bond Date, that the aggregate face amount of all tax exempt bonds (other than private activity bonds) issued by it and all subordinate entities during the calendar year of 2009 will not exceed \$10,000,000.

(d) The County shall file with the Secretary of the Treasury a statement concerning the Bonds containing the information required by Section 149(e) of the Code.

(e) Pursuant to Section 265(b)(3)(B)(ii) of the Code, the County hereby designates the Bonds as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code. The County hereby represents that it does not anticipate that obligations bearing interest not includable in gross income for purposes of federal income taxation under Section 103 of the Code (including refunding obligations as provided in Section 265 (b) (3) of the Code and including "qualified 501 (c) (3) bonds" but excluding other "private activity Bonds," as defined in Sections 141(a) and 145(a) of the Code) will be issued by or on behalf of the County and all "subordinate entities" of the County in 2009 in an amount greater than \$10,000,000.

#### **ARTICLE IX NOTICE OF REFUNDING**

**Section 9.1. Notice of Refunding.**

Prior to the issuance of the Bonds, notice of the County's intention to refund the Refunded Bonds shall be given, at the direction of the Auditor, by the Series 2002 Bond Registrar and Paying Agent, via first-class mail to the respective Registered Owners of the Refunded Bonds or any other manner as is required by DTC. Such notice shall be in substantially the form as provided in Exhibit B attached hereto and by this reference made a part hereof.

**ARTICLE X  
MISCELLANEOUS**

**Section 10.1. Failure to Present Bonds.**

(a) Subject to the provisions of Section 4.7 hereof, in the event any Bond shall not be presented for payment when the principal or redemption price hereof becomes due, either at maturity or at the date fixed for prior redemption thereof or otherwise, and in the event monies sufficient to pay such Bond shall be held by the Registration Agent for the benefit of the Owner thereof, all liability of the County to such Owner for the payment of such Bond shall forthwith cease, determine, and be completely discharged. Whereupon, the Registration Agent shall hold such monies, without liability for interest thereon, for the benefit of the Owner of such Bond who shall thereafter be restricted exclusively to such monies for any claim under the Resolution or on, or with respect to, said Bond.

(b) If any Bond shall not be presented for payment within a period of five years following the date when such Bond becomes due, whether by maturity or otherwise, the Registration Agent shall, subject to the provisions of any applicable escheat or other similar law, pay to the County any monies then held by the Registration Agent for the payment of such Bond and such Bond shall (subject to the defense of any applicable statute of limitation) thereafter constitute an unsecured obligation of the County.

**Section 10.2. Payments Due on Saturdays, Sundays, and Holidays.**

In any case where the date of maturity or interest on or principal of any Bond, or the date fixed for redemption of any Bond, shall be a Saturday or Sunday or shall be, at the place designated for payment, a legal holiday or a day on which banking institutions similar to the Registration Agent are authorized by law to close, then the payment of the interest on, or the principal, or the redemption price of, such Bond need not be made on such date but must be made on the next succeeding day not a Saturday, Sunday, or a legal holiday or a day upon which banking institutions similar to the Registration Agent are authorized by law to close, with the same force and effect as if made on the date of maturity or the date fixed for redemption, and no interest shall accrue for the period after such date.

**Section 10.3. Miscellaneous Acts.**

The appropriate officers of the County are hereby authorized, empowered, and directed to do any and all such acts and things, and to execute, acknowledge, deliver, and, if applicable file or record, or cause to be filed or recorded, in any appropriate public offices, all such documents, instruments, and certifications, in addition to those acts, things, documents, instruments, and certifications hereinbefore authorized and approved, as may, in their discretion, be necessary or desirable to implement or comply with the intent of the Bond Resolution, or any of the documents herein authorized and approved, or for the authorization, issuance, and delivery by the County of the Bonds.

**Section 10.4. Amendment.**

The School Board is hereby authorized to make such amendments to the Bond Resolution as will not impair the rights of the Bondholders.

**Section 10.5. No Recourse Under Bond Resolution or on Bonds.**

All stipulations, promises, agreements, and obligations of the County contained in the Initial Resolutions or the Resolution shall be deemed to be the stipulations, promises, agreements, and obligations of the County and not of any officer, director, or employee of the County in his or her individual capacity, and no recourse shall be had for the payment of the principal of or interest on the Bonds or for any claim based thereon or on the Initial Resolution or the Resolution against any officer, director, or employee of the County or against any official or individual executing the Bonds.

**Section 10.6. Partial Invalidity.**

If any one or more of the provisions of the Bond Resolution, or of any exhibit or attachment thereto, shall be held invalid, illegal, or unenforceable in any respect, by final decree of any court of lawful jurisdiction, such invalidity, illegality, or unenforceability shall not affect any other provision hereof, or of any exhibit or attachment thereto, but the Bond Resolution, and the exhibits and attachments thereto, shall be construed the same as if such invalid, illegal, or unenforceable provision had never been contained herein, or therein, as the case may be.

**Section 10.7. Continuing Disclosure.**

The County hereby covenants and agrees that it will provide financial information upon request and material event notices as required by Rule 15c2-12 of the Securities Exchange Commission for the Bonds. The Chairman is authorized to execute at the Closing of the sale of the Bonds, an agreement for the benefit of and enforceable by the owners of the Bonds specifying the details of the financial information and material event notices to be provided and its obligations relating thereto. Failure of the County to comply with the undertaking herein described and to be detailed in said closing agreement, shall not be a default hereunder, but any such failure shall entitle the owner or owners of any of the Bonds to take such actions and to initiate such proceedings as shall be necessary and appropriate to cause the County to comply with its undertaking as set forth herein and in said agreement, including the remedies of mandamus and specific performance.

**Section 10.8. Conflicting Resolutions Repealed.**

All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

**Section 10.9. Effective Date.**

This Bond Resolution shall take effect from and after its adoption, the welfare of the County requiring it.

Said motion was seconded by Commissioner Wiese and upon vote being taken the following voted: Commissioner Hansen-aye, Wiese-aye, Sutton-aye, Elliott-absent, Fischbach-absent. Resolution adopted this 17<sup>th</sup> day of February 2009.

**LEASE LANDFILL LAND:**

Moved by Sutton, seconded by Wiese to authorize advertising public hearing to open, read and consider proposals for the lease of the quarters of land east and west of the landfill for 2009, to be held in the Commissioners Chambers, Courthouse Annex, Brown County, SD on March 10, 2009 at 9:45 a.m. All members present voting aye. Motion carried.

**AGREEMENT:**

Moved by Wiese, seconded by Sutton to approve and authorize the Chairman sign agreement with South Brown Conservation District for 2009 Tree Planting on the NW ¼ of Sec 12-T123N-R65W of the 5<sup>th</sup> P.M., Brown County, SD in preparation for the landfill expansion project. All members present voting aye. Motion carried.

**LANDFILL SPRING RESIDENTIAL CLEANUP:**

Moved by Wiese, seconded by Sutton to approve waiving fees on all material types from Residential Users Only during the Spring Residential Cleanup at the Brown County Landfill, to be held from April 24 thru May 9, 2009. No free waste will be accepted from Commercial Contractors or Businesses (including

mobile homes). In the event circumstances beyond the control of Brown County (flood, tornado, fire, other) would occur during the FREE Cleanup period the Brown County Commission would reserve the right to end the free cleanup period at such time and implement the regular fee structure. All members present voting aye. Motion carried.

#### LANDFILL EQUIPMENT PURCHASE:

Moved by Sutton, seconded by Wiese to authorize Mike Scott, Landfill Manager purchase a 2009 Ford F350 Pickup from Pierson Ford, who is matching the state bid in amount of \$27,560.00. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Sutton to authorize Mike Scott, Landfill Manager purchase a JMS 17' Grapple Mechanism to be mounted on an existing Landfill Trailer in amount of \$13,495.00 from Bailey's, Laytonville, CA. All members present voting aye. Motion carried.

#### ABERDEEN HOUSING AUTHORITY – LANDFILL FEE DISCUSSION:

Bryan Samson, Deputy Director Aberdeen Housing Authority presented information about an application Aberdeen Housing Authority will submit to the South Dakota Housing Authority for Home Funds and Tax Credits for a housing project in Aberdeen; requesting that landfill fees be waived for the construction project. Mike Scott, Landfill Manager was also in attendance and after discussion, the following action ensued. Moved by Wiese, seconded by Sutton to waive landfill fees for this project. Roll call vote: Commissioners Hansen-aye, Wiese-aye, Sutton-aye, Elliott-absent, Fischbach-absent. Motion carried.

#### RECESS:

The Chairman declared the Commission recessed until February 24, 2009.

Maxine Taylor – Brown County Auditor

## FEBRUARY 24, 2009 – 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, Wiese, Sutton and Elliott.

### MINUTES:

Moved by Sutton, seconded by Elliott to approve the General Meeting minutes of February 17, 2009. All members present voting aye. Motion carried.

### CLAIMS:

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

Supplies: New Trends..\$16.98, QQP..\$37.74, Office Equip..\$161.88, Velvet Uniforms..\$98.38, Grafix..\$781.03, Best Business..\$226.02, Exhaust Pros..\$28.45, MCP..\$323.38, Towing Plus..\$100.00, Moore Medical..\$560.23, Bob Barker..\$380.25, Hoven Auto..\$123.95, Graham Tire..\$24.38, Midstates Printing..\$69.96, Intoximeters..\$1000.00, Eddies Northside..\$85.00, Dakota Elec..\$60.00, Angela Gilbert..\$68.87, Inventory Trading..\$106.50, SDACHS..\$80.00, Safety Service..\$83.55, Pioneer Ford..\$23,822.00, Pumps Tire..\$858.21, Newman Signs..\$154.71, Lyle Signs..\$359.00, Hollands Auto..\$8.46, J Gross..\$150.00, Frey Elec..\$275.00, Fastenal..\$274.50, Dakota Riggers..\$1341.00, Carquest..\$838.32, Brown County..\$13.00, Ameripride..\$118.23, Advanced Auto..\$62.77, Avera Queen of Peace..\$160.50, ATSSA..\$190.00, Quality Quick Print..\$135.46, Northern Route to Black Hills..\$25.00, Lora Schaunaman..\$39.26, Aberdeen area Arts Council..\$140.00, Glacial Lakes..\$220.00, Pizza Ranch..\$65.95, Aberdeen Rural Fire Dept..\$125.00, LBG..\$5136.22, Overhead Door..\$637.75, South Brown Conservation..\$1837.00, New Trends..\$5.58, Danko..\$561.23, Adv Charger Tech..\$74.00, Cunningham Elec..\$455.63, Mallory Headsets..\$374.37, Nat'l Emergency Number Assoc..\$120.00, New World..\$5577.74, Language Lines..\$90.00, Visa..\$397.87, NADRIC..\$1666.67, Sherwin Williams..\$30.72, Runnings..\$81.94, Hub City Rents..\$16.00, Western States Fire..\$205.00, Menards..\$12.93, Police Legal Sciences..\$1560.00, APCO..\$207.00, Plaques & Engraving..\$38.75, Probuild..\$4.46, JCL Solutions..\$93.66, Chris Stanley..\$243.38, Heartland Paper..\$816.97, Crescent Elec..\$9.43, Central Supply..\$1283.90, Nelson Sales..\$43.00, House of Glass..\$97.86, Mick Palmer..\$209.04, West Pub..\$1221.22:

Professional Fees: Avera St Lukes..\$5520.69, Sheriff of Yankton County..\$50.00, Nelva Kooistra..\$45.00, Bob Walser..\$30.00:

Publications: American News..\$1401.05, Groton Indep..\$1053.89:

Attorney Fees: Christy Serr..\$4416.67, Randy Turner..\$4419.77, Kuck Law Office..\$4166.67, Gina Rogers..\$4166.67, William Gerdes..\$4166.67:

Travel: Sherry Theobald..\$20.35, Kathy Fischer..\$142.08:

Utilities: Alltel..\$2971.83, Northern Elec..\$9.40, NW Energy..\$4163.56, City of Hecla..\$133.61, Dependable..\$144.50, Qwest..\$4213.18, Midcontinent Cable..\$82.67, Bureau of Admin..\$464.25:

Care of Poor: Dr/Hospital – 1 recipient..Avera St Lukes..\$3172.06; Rent – 5 recipients..White House Inn..\$325.80, Eisenbeis Mobile Home..\$200.00, Fifth Ave Holding..\$188.57, Bruce Boschee..\$280.00, Mary Hofemann..\$225.00; Insurance – 3 recipients..Avera Health Plans..\$467.16, Dakota Lodging..\$464.15, ARC..\$375.67; Medication - 1 recipient.. K-Mart Pharm..\$8.73. All members present voting aye. Motion carried.

### PERSONNEL:

Moved by Wiese, seconded by Sutton to approve hiring Heather Beusch as part-time 24/7 Sobriety Program employee, effective February 18, 2009 at \$10.48 per hour. All members present voting aye. Motion carried.

Moved by Sutton, seconded by Wiese to approve continuing appointment of Mark McNeary as special prosecutor for the Brown County States Attorney Office at \$150.00 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Sutton to approve hiring Rick Hansen as Teen Court Coordinator, effective February 24, 2009 at \$13.50 per hour. All members present voting aye. Motion carried.

#### ABATEMENT:

Moved by Hansen, seconded by Elliott to approve the following solid waste abatement: Feickert @ \$72.80. All members present voting aye. Motion carried.

#### LEASE AGREEMENTS:

Moved by Sutton, seconded by Hansen to approve the following agreements: Relay for Life for lease of the Holum Expo Building on June 5-6, 2009; Aberdeen Home Builders Association for lease of the Holum Expo Building on April 4-5, 2009; AAHA for lease of the Open Arena on June 7, July 5, August 2 and 30, 2009; Camp Good News for the Richmond Youth Camp on July 25-31, 2009; Melgaard Park Baptist Church for lease of the Richmond Youth Camp on June 21-28, 2009. 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. Bids were received from Aberdeen Ashphalt, Lien Transportation and Serocki Excavation. Moved by Wiese, seconded by Sutton to refer all bids to Jan Weismantel, Highway Superintendent for review and recommendation. All members present voting aye. Motion carried.

#### BID – GRAVEL MATERIALS

Time and place, as advertised to open, read and consider bids for producing, furnishing and delivery of one year supply of road construction and maintenance Gravel Materials. Bids were received from Jensen Rock and Sand, Trins Construction, Hanlon Brothers, and H F Jacobs & Son Construction. Moved by Sutton, seconded by Elliott to refer all bids to Jan Weismantel, Highway Superintendent for review and recommendation. All members present voting aye. Motion carried.

#### EXECUTIVE SESSION:

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

The Chairman declared the executive session closed with no action taken as a result of the discussion.

#### ORDINANCE #057:

Moved by Hansen, seconded by Sutton to approve Second Reading and Adoption of Ordinance #057, An Ordinance amending Second Revision Brown County Ordinances, Title 4, specifically amending Chapter 4.01 Definitions; adding Chapter 4.35 Communication Towers and Facilities; and adding Chapter 4.36 Wind Energy Conservation Systems. Roll call vote: Commissioners Hansen-aye, Wiese-aye, Sutton-aye, Elliott-aye, Fischbach-aye. Ordinance adopted.

#### ORDINANCE #058:

Moved by Wiese, seconded by Sutton to amend Ordinance #058, as presented to include the original wording in "4.2202 #1. For any improvements on or to any structure/building in which the market value (net worth) of the improvement exceeds \$2,000"; and strike proposed new language of #1. For any

structure or building, structure or building repair or alteration, concrete work, regardless of cost". All members present voting aye. Motion carried.

Moved by Hansen, seconded by Sutton to Adopt Ordinance #058, as amended, An Ordinance amending Second Revision Brown County Ordinances, Title 4, specifically amending Chapter 4.06 Agriculture Preservation District; Chapter 4.07 Mini-Ag District to include hunting lodges, communication towers/facilities and wind energy conservation systems; and amending Chapter 4.2202 as it relates to when a building permit is needed and extending the time to begin construction to 180 days. Roll call vote: Commissioners Hansen-aye, Wiese-aye, Sutton-aye, Elliott-aye, Fischbach-aye. Ordinance adopted.

#### RESCIND RESOLUTION #08-09:

Moved by Sutton, seconded by Hansen to rescind Resolution #08-09 in its entirety, as adopted February 17, 2009, until such time as action by the 2009 SD Legislature on HB 1282 is complete. Roll call vote: Commissioners Hansen-aye, Wiese-aye, Sutton-aye, Elliott-aye, Fischbach-aye. Resolution #08-09 rescinded.

#### PLATS:

Commissioner Sutton offered the following Resolution:

#### Resolution #09-09

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "D&S Business Park First Addition in the NW ¼ Sec 9-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-aye, Wiese-aye, Sutton-aye, Elliott-aye, Fischbach-aye. Resolution adopted.

Commission Nancy Hansen excused herself from the meeting at this time.

Commissioner Wiese offered the following Resolution:

#### Resolution #10-09

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing "Corrective Plat of Ranchland First Subdivision in Sec 31-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 11-3, and any amendments thereof.

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

Commissioner Wiese offered the following Resolution:

#### Resolution #11-09

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing "Corrective Plat of Ranchland Second Subdivision in Sec 20-T128N-R65W of the 5<sup>th</sup> P.M., Brown



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County, SD", having been examined is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof.

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

Commissioner Sutton offered the following Resolution:

Resolution #12-09

BE IT RESOLVED by the Board of Commissioners of Brown County, SD, that the plat showing "Val Jark Addition in the NE ¼ of Sec 8-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, Chapter 11-3, and any amendments thereof.

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

**BID AWARD – ASPHALT CONCRETE PLANT MIX:**

Moved by Wiese, seconded by Sutton to award all of the bids, purchasing various quantities based on availability and location: Aberdeen Asphalt - Class "D" Type II (1/2 inch) in amount of \$56.90 per ton and Class "D" Type I (3/4 inch) in amount of \$56.90 per ton; Lien Transportation - Class "D" Type II (1/2 inch) @ \$59.00 per ton and Class "D" Type II (3/4 inch) @ \$59.00 per ton; Serocki Excavating - Class "D" Type II (1/2 inch) @ \$57.50 per ton and Class "D" Type II (3/4 inch) @ \$58.00 per ton. All members present voting aye. Motion carried.

**BID AWARD – GRAVEL MATERIAL:**

Moved by Wiese, seconded by Sutton to award bids on Gravel Material, 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.

**BRIDGE #425 REPLACEMENT:**

Commissioner Wiese offered the following Resolution:

RESOLUTION # 13-09

FEDERAL AID BRIDGE REPLACEMENT OR REHABILITATION PROGRAM RESOLUTION  
FOR COUNTY AND URBAN PROJECTS

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

STRUCTURE NUMBER AND LOCATION: (Bridge #425) 07-120-230 1.0 miles East and 3.0 miles South of Westport, SD

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 Bridge Replacement Funds.

AND WHEREAS, the bridge is in need of replacement for the following reasons: 1) The sufficiency rating is 61.2%. 2) The bridge is not located on a County or Township designated Minimum Maintenance Road. 3) The bridge is located on a Federal Aid Route. 4) The load carrying capacity of the existing bridge cannot be improved to carry legal loads by rehabilitation of the existing bridge. 5) The bridge is functionally obsolete.

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 "Secondary Road Plan" and the State's "Standard Specifications For Roads and Bridges", the bridge replacement project at the above described location. Items to be handled by State forces with Federal Participation will include hydraulic study review, foundations investigation (if necessary), plan reviews, and construction administration.

Estimated Cost of Project Including Engineering:	\$1,057,800
Federal Share (80%):	\$846,240
Local Share (20%):	\$211,560

Proposed Year of Construction: 2017

Dated this 24<sup>th</sup> day of February 2009.

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

#### STRIPING AGREEMENT:

Moved by Wiese, seconded by Sutton to approve and authorize the Chairman to sign agreement with the SD DOT for the striping of county roads within Brown County and provide for their continuing maintenance. All members present voting aye. Motion carried.

#### BRIDGE RE-INSPECTION:

Commissioner Wiese offered the following Resolution:

#### RESOLUTION NO. 14-09 BRIDGE REINSPECTION 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 with the exception of reinforced concrete box culverts that meet specific criteria. These culverts are re-inspected at intervals not to exceed four 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 46 bridges in Brown County that require inspection.

Dated this 24<sup>th</sup> day of February 2009, at Aberdeen, SD.

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

MUSEUM ANNUAL REPORT:

Sue Gates, Museum Director presented the Dacotah Prairie Museum 2008 Annual Report.

HOSPITAL CLAIMS:

Moved by Wiese, seconded by Sutton to deny payment of the following hospital claims: 26 year old male @ \$6,881.42, 51 year old female @ \$23,403.22, 27 year old male @ \$16,550.76, as the individuals have not provided sufficient information to determine if indigent. All members present voting aye. Motion carried.

RECESS:

The Chairman declared the Commission recessed until March 3, 2009.

Maxine Taylor – Brown County Auditor

## MARCH 3, 2009 – GENERAL MEETING

Meeting called to order by Chairman Fischbach at 8:45 a.m. in the Courthouse Community Room, as a group of Northern State University Students were visiting, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Elliott, Sutton and Wiese.

### MINUTES:

Moved by Sutton, seconded by Elliott to approve the General Meeting minutes of February 24, 2009. All members present voting aye. Motion carried.

### CLAIMS:

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

Payroll: Commissioners...\$3,110.60; Auditor...\$7,639.22; Treasurer...\$10,595.04; Data Processing...\$3,400.62; State's Attorney...\$13,253.86; Stop Loss Grant-SA ...\$1,421.05; Maintenance...\$5,625.29; Assessor...\$9,861.79; Planning & Zoning...\$1,580.81; Register of Deeds...\$6,311.84; Veterans Service Office...\$3,003.55; GIS...\$1,921.93; Sheriff...\$74,731.41; Communications...\$17,388.05; Coroner...\$300.00; Welfare...\$3,144.20; Museum...\$5,716.52; Fair board...\$1,466.93; Fairgrounds & Parks...\$3,665.59; Extension...\$2,028.80; Weed...\$1,391.46; E&D...\$2,873.62; Teen Court...\$542.30; Highway...\$28,951.61; Landfill...\$8,095.97; Matching Benefits: FICA...\$12,816.80; Medicare...\$2,997.43; Wellmark BCBS Life...\$690.34; Delta Dental...\$4,557.00; Wellmark BCBS Health...\$66,256.00; SD State Retirement...\$26,473.71:

Supplies: Hofers Repair...\$111.95, Ray O'Herron...\$1038.59, Langs...\$67.00, UPS...\$11.70, Secretary of State...\$7.00, Evergreen Supplies...\$14.52, Bob Barker...\$330.94, Office Equipment...\$208.95 Sheila Enderson...\$11.99, CMRS-FP...\$5000.00, Eide Bailly...\$250.50, New Trends...\$83.00, DSG...\$16.05, House of Glass...\$58.16, Sanders Sew 'N Vac...\$24.76, Menards...\$54.90, Lar-Jos...\$242.00, SDDOT...\$7153.23, Sicard...\$88.80, Share Corp...\$147.40, Macs...\$292.40, Howes Oil...\$10,133.20, Fire Safety First...\$533.90, Erdmann Fuels...\$1578.24, CD Exchange...\$9.00, Bridgestone...\$36.00, Crawford Trucks...\$5110.71, Cricket Magazine...\$28.95, Dacotah Prairie Museum...\$6.35, Walmart...\$1011.12, Zone 4...\$720.00, TelServ...\$31.72, Dakota Farmer...\$19.95, Glacial Lakes Tourism...\$750.00, Racom...\$88.20, Dakota Electronics...\$195.00, Aberdeen C&F...\$459.50, Genius Web...\$29.97, New Deal Tire...\$6382.50, SDSWMA...\$330.00, Hewlett Packard...\$243.00, PC Mall Gov...\$27,993.80, Florida Micro...\$2194.21, Runnings...\$229.96:

Professional Fees: Cuyahoga Community College...\$175.00, Sheriff of Pennington County...\$31.88, Sheriff of Anoka County...\$36.00, witness fees...\$80.00, Dept of Revenue...\$1822.00, Exec Mgmt...\$84.18:

Publications: Groton Indep...\$723.95, American News...\$1020.81, Rapid City Journal...\$23.20:

Transcriptions: Tammy Erickson...\$157.50:

Travel: Executive Mgmt Finance...\$3280.95, Leo Leshner...\$68.45, John McQuillen...\$191.00, Chris Stucke...\$191.00:

Utilities: NW Energy...\$10,598.72, Montana Dakota...\$45.24, Midcontinent Cable...\$155.81, James Valley...\$204.73, WEB...\$26.43, Qwest...\$46.71, City of Aberdeen...\$982.71:

Care of Poor: Dr/Hospital – 1 recipient...Avera St Lukes...\$687.45; Rent – 7 recipients...Justin Shultis...\$540.00, Maureen Wolf...\$280.00, Zumbaum Prop...\$330.00, Erickson Assoc...\$214.00, Cleberg Ent...\$120.00. All members present voting aye. Motion carried.

### PERSONNEL:

Moved by Hansen, seconded by Sutton to approve the following employee step increases, effective March 8, 2009: Carl Wright @ \$15.62 per hour, JoAnn Sheffield @ \$12.36 per hour, Shawn Mestas @ \$12.82 per hour, Joseph Embury @ \$12.82 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Sutton to approve the following classification changes, effective March 22, 2009: Richard Breitag and Casey Jensen from Labor Grade 3 to Labor Grade 4, Step 2 at \$12.80 per hour. All members present voting aye. Motion carried.

#### SET HEARING DATE:

Moved by Wiese, seconded by Sutton to set date for joint public meeting of the Brown County Commission and Aberdeen City Council for 5:30 p.m. on March 23, 2009 in the City Council Chambers, 123 S Lincoln Street, Aberdeen, SD for First Reading of the following: Ordinance No. 09-03-02/374, An Ordinance to rezone the following property from Section 701 (A-1) Agricultural District and Section 714 (M-AG) Mini-Agricultural District to Section 714 (M-AG) Mini-Agricultural District: Lot 1, Breezy Acres Subdivision in the SE ¼ of Sec 8-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD. All members present voting aye. Motion carried.

#### HAY CUTTING NOTICE:

Moved by Sutton, seconded by Wiese to authorize advertising public hearing to open, read and consider bids for Hay Cutting on county land located east of the Brown County Fairgrounds, described as approximately 40 acres in Lot 1 First Replat of Dahme Northview Addition in the SE ¼ of Sec 1-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD, to be held in the Commissioner's Chambers, Courthouse Annex at 9:45 A.M. on March 24, 2009. All members present voting aye. Motion carried.

#### GROTON SCHOOL BOND:

Commissioner Hansen offered the following Resolution:

#### RESOLUTION #15-09

WHEREAS, SDCL 13-6-28 requires remaining bonded indebtedness from any school reorganization to be transferred to the County, and

WHEREAS, Groton School District 6-3 dissolved and the bonded indebtedness was transferred to Brown County, and

WHEREAS, SDCL 6-8B-16 allows the governing body to appoint another governing body to administer outstanding bonded indebtedness.

NOW THEREFORE, BE IT RESOLVED that the Brown County Commission appoint Groton Area School District 6-6 as the administrator of the remaining bonded indebtedness of Groton School District 6-3.

Dated this 3<sup>rd</sup> day of March 2009.

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

#### CONTRACTS:

Moved by Wiese, seconded by Sutton 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 Elliott to go into executive session for personnel discussion with Jan Weismantel in attendance. All members present voting aye. Motion carried.

The Chairman declared the executive session closed, with no action taken as a result of the discussion.

#### LOAD LIMIT RESOLUTION:

Commissioner Wiese offered the following Resolution:

#### RESOLUTION NO. 16-09

WHEREAS: Enforce Annual Seasonal Load Restrictions on over weight limits, over width load limits, and speed limits on Brown County Roads. All Brown County oil Roads are posted at 6-ton per axle and truck speed of 40 MPH, with the exception of Brown County Road #10, from Brown County Road #13 (Prairiewood Road) north 10.0 miles to Brown County Road #9 is posted at 12-ton gross load limit with truck speed at 40 MPH year round.

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

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

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

#### SEASONAL LOAD RESTRICTIONS:

Moved by Wiese, seconded by Sutton to approve the following seasonal load restrictions for 2009: The Brown County Highway Department seasonal load restrictions will go into effect Wednesday, March 11, 2009, or when the load limit signs are installed and displayed, on all Brown County Oil Roads, except the Belt Loop around Aberdeen and other specified roads that are listed below. All Asphalt Roads will be posted at 6-tons per axle and 40 MPH for trucks during the March/April spring thaw and breakup or until roads become stable. No overweight or over-width permits will be issued except in extreme cases of emergency. If such an emergency exists, the following permit fees will be applicable:

Single Permit	- \$10.00
Temporary Permit	- \$20.00
Annual Permit	- \$50.00

#### Belt Loop around the City of Aberdeen:

Road #4 from 24<sup>th</sup> Ave north 1.0 mile to County Road #13

Road #10 from County Road #13 (Prairiewood Road) south 1.0 mile to Road #15

Road #10 from County Road #19 (Melgaard Road) south 0.5 miles to the Livestock Sale Barn

Road #12 from 24<sup>th</sup> Ave NE 1 mile to County Road #13

Road #12W will be posted from County Road #19 to County Road #12WA Landfill Road (1 mile)

Road #12WA from U S Highway 12 north 2.0 miles

Road #13 from County Road #14 west 5.0 miles to U S Highway 281

Road #15 from U S Highway 281 east 1 mile to County Road #10

Road #15 from 385<sup>th</sup> Ave east .50 miles

Road #15 from County Road #12 (Roosevelt Road) east 1.0 miles to County Road #19

Road #19 from the jct. of County Road #19 and County Road #17 (8<sup>th</sup> Ave NE) north 1.0 mile to County Road #15

Other Brown County Roads that are not posted are:

Frederick Main Street from U S Highway #281 east 0.5 miles to the Frederick City limits  
 Road #7 from U S Highway 281 east 1.0 mile to Barnard and County Road #10  
 Road #9 from U S Highway 281 east 1.0 mile to Westport and County Road #10  
 Road #9 from State Highway #37 east 7.0 miles to Brown/Marshall County line  
 Road #11 from County Road #16 west 10.0 miles to U S Highway 281  
 Road #11 .50 mile east of State Highway #37 to Huffton  
 Road #11 from County Road #16 east 1.0 mile  
 Road #12WB from U S Highway 12 north to County Road #12W  
 Road #14 from County Road #11 south 10.0 miles to U S Highway #12  
 Road #16C from the town of Stratford north 1.0 miles to County Road #23  
 Road #16 from the town of Columbia south 0.5 miles to County Road #11  
 Road #20 from County Road #9 south .02 miles to the railroad tracks  
 Road #23 from U S Highway 281 east 1.0 mile to Warner and County Road #10  
 Road #23 from County Road 16C east 10.0 miles to State Highway 37  
 Road #23 from U S Highway 281 west .25 miles  
 Road #23B the Town of Ferney west to State Highway 37  
 Road #27 from Highway 281 west 2.0 miles to the town of Mansfield

All members present voting aye. Motion carried.

**LANDFILL EXPANSION BID:**

Time and place, as advertised to open, read and consider sealed bids for the Landfill Expansion Project. Bids were received from the following: Loiseau Construction Inc, Flandreau, SD; Bates Construction Co, Twin Brooks, SD; Foothills Contracting, Webster, SD; Northern Improvements, Bismarck ND; Riley Bros. Construction Inc, Morris, MN; Frattalone Companies Inc, St. Paul, MN; Bowes Construction Inc, Brookings, SD; Comstock Construction Inc, Wahpeton, ND; North Pine Aggregates, Inc, Forest Lake, MN; Mathiowetz Construction, Sleepy Eye, MN; Gratech Company LTD, Berthold, ND; Enebak Construction Company, Northfield, MN; Kern & Tabery Inc, Wadena, MN. Moved by Wiese, seconded by Sutton to refer all bids to Mike Scott, Landfill Manager and Jay Koch, Helms and Associates for review and recommendation. All members present voting aye. Motion carried.

**RECESS:**

The Chairman declared the Commission recessed until March 10, 2009.

Maxine Taylor – Brown County Auditor

# MARCH 10, 2009 – 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, Elliott and Sutton. Absent Commissioner Wiese.

## MINUTES:

Moved by Hansen, seconded by Sutton to approve the General Meeting minutes of March 3, 2009. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Sutton, seconded by Elliott to approve the following claims:

Supplies: Tennant..\$126.00, Runnings..\$1739.58 Dakota Electronics..\$147.10, RNJ Electronics..\$332.97, RACOM..\$264.60, Cash-way..\$4477.20, Eddies Northside..\$38.10, The Sewing Shoppe..\$433.00, Walmart..\$666.17, Dave Fair..\$62.78, Hoven Auto..\$822.70, Trail Chevrolet..\$37.07, Neves..\$434.00, Reuers Auto Service..\$44.80, Liebelt..\$51.00, Best Business Products...\$145.83, Assoc. of SD Museums..\$50.00, Kleins..\$11.68, Quality Quick Print..\$40.10, GLAS Consulting..\$416.25, SDAAO..\$600.00, New Trends..\$156.86, Central Supply..\$676.60, Fire Safety First..\$10.50, Gardner Locksmithing..\$40.00, Time Works..\$114.48, House of Glass..\$362.27, Taylor Laundry..\$42.00, Cunningham Electric..\$496.50, Lien Transportation..\$1035.00, Crescent Electric..\$195.84, Menards..\$99.24, Visa..\$646.46, Northwest Travel Leaders..\$1158.00, Crady's Radiator Shop..\$116.00, Dakota Fluid Power Inc..\$76.49, Dakota Oil..\$3450.73, Diesel Machinery Inc..\$146.88, Economy Propane, LLC..\$3474.99, JD Evans Equipement Co..\$1711.81, Evergreen Supply Inc..\$344.79, Exhaust Pros Aberdeen..\$102.00, Farnam Genuine Parts Inc..\$36.50, Gillund Enterprises..\$137.78, Hecla Implement..\$12.20, Lawson Products Inc..\$695.85, Lust Chevrolet Buick..\$734.89, MAC'S Inc..\$916.90, Midwest Pump & Tank..\$45.17, Northern Safety Co. Inc..\$228.29, Power Plan..\$3307.56, Praxair Distribution Inc..\$399.97, Safety Service Inc..\$20.00, Sheehan Mack Sales..\$10891.64, Wallwork Truck Center..\$181.34, Assn of SD County Weed & Pest Boards..\$60.00, HC Clark Implement..\$375.38, Woodman Refrigeration..\$4435.00, Office Equipment..\$85.98, Photo X Press..\$4.99, Central Supply..\$1407.50, Butler Machinery Co..\$73986.23, Hedahls..\$88.72, Petroleum Partners LLC..\$2030.80, Ameripride Linen & Apparel Services..\$139.91, Erdmann Fuels..\$6556.93, Pierson Ford Inc..\$497.92, Kesslers..\$22.25:

Professional Fees: Clark Engineering..\$1519.46, Donna Dietrich..\$136.12, Denise Cody..\$15.00, Cathy Rehfuss..\$15.00, Sheriff of Yankton County..\$25.00, Dept. of Revenue..\$2789.44:

Publications: Aberdeen American News..\$503.35:

Travel: Best Western Ramkota..\$490.00, Duane Jark..\$33.00, Roger Johnson..\$315.66, Mike Rohrbach..\$277.94, Amy Scott..\$11.00, Kurt Smith..\$11.00, Larry Gerlach..\$11.00:

Utilities: Web Water..\$46.05, NVC..\$313.25, Northwestern Engery..\$12980.92, A-1 Sanitation..\$579.00, Qwest..\$80.54, Midcontinent Communication..\$98.28, Verizon Wireless..\$69.96, Town of Frederick..\$32.25, Heartland Heating & Cool..\$994.60, James Valley Cooperative..\$179.57, Tel Serv Communications..\$131.29, FSH Communications..\$60.00, Dak Electronics..\$712.50:

Care of Poor: Dr/Hospital – 4 recipients..Avera St. Lukes..\$36,014.09, Dr Weekly..\$94.94, Dental Center..\$131.00, Dakota Plains Surgical Center..\$4227.36; Medication – 3 recipients Walmart Pharmacy..\$763.74; Rent – 7 recipients..H&H Rentals..\$120.00, Nichols Management Co..\$185.00, Aberdeen Properties..\$150.00, Russ Daugherty..\$240.00, Jody Myburgh..\$240.00, Key Investments..\$150.00, Lenny Evangelisto..\$480.00; Burial – 1 recipient..Schrivers Mortuary..\$1200.00. All members present voting aye. Motion carried.

## PERSONNEL:



Moved by Hansen, seconded by Sutton to acknowledge resignation of Angela Gilbert, effective March 2, 2009 and Mattheus Badenhorst, effective March 20, 2009. All members present voting aye. Motion carried.

Moved by Elliott, seconded by Hansen to approve hiring Jesse Milbrandt, as full time Corrections Officer, effective March 18, 2009 at \$12.52 per hour. All members present voting aye. Motion carried.

Moved by Elliott, seconded by Hansen to approve hiring Curt Erickson, as part-time Fairgrounds employee, effective March 10, 2009 at \$8.82 per hour. All members present voting aye. Motion carried.

Moved by Sutton, seconded by Hansen to encourage all Managers and Supervisors to attend The Managers & Supervisors Conference, to be held in Aberdeen on May 28, 2009, with enrollment fee of \$149.00 per person (\$139 each for four or more) coming from individual department budgets. All members present voting aye. Motion carried.

#### NOXIOUS WEED NOTICE:

Moved by Sutton, seconded by Elliott to authorize advertising the 2009 Noxious Weed Notice. All members present voting aye. Motion carried.

#### BID - WEED CHEMICALS:

Moved by Sutton, seconded by Hansen to authorize advertising public hearing to open, read and consider bids for chemicals for Brown County Weed and Pest Board, to be held in the Commissioner's Chambers, Courthouse Annex, Brown County, SD on April 2, 2009 at 8:45 a.m. All members present voting aye. Motion carried.

#### 2008 FINANCIAL REPORTS:

Moved by Hansen, seconded by Elliott to accept the 2008 Financial Reports as presented March 10, 2009 and authorize the County Auditor to not prepare the M, D & A (Manager's Discussion and Analysis) as a supplement to the report. All members present voting aye. Motion carried.

#### MALT BEVERAGE HEARING:

Moved by Sutton, seconded by Elliott to authorize advertising a public hearing to be held in the Commissioners Chambers, Courthouse Annex, Brown County, SD on March 31, 2009 at 9:00 a.m. to consider the following application for a Malt Beverage License: Daniel R Naption DBA 281 Roadhouse, 601 4<sup>th</sup> Street, Frederick SD on Lot 1 Borden's Subdivision located in the S ½ of SE ¼ Sec 3-T127N-R64W 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 Elliott approve the February 2009 Auditor's Report of Account with the County Treasurer in total amount of \$12,694,589.77 (total amount of actual cash @ \$3,094.85, Wells Fargo Bank @ \$3,694.79, US Bank @ \$25,248.40, Dacotah Bank @ \$64,334.18, Petty Cash @ \$1,800.00, Fund Investments @ \$12,596,012.40, Outstanding Checks @ \$405.15). All members present voting aye. Motion carried.

#### 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 2009. Bids were received from Aberdeen Asphalt, Inc; Kevin Bourdon; Herb Dabbert Trucking; Dave Gardner Trucking; Hanlon Brothers; Hollaway Construction; Howell Trucking; HF Jacobs & Son Construction; Al Dabbert Trucking; B&B Contracting Inc; Cass Trucking; Lien Transportation; Fred Ludwig Trucking; Odland Construction & Gravel; Upper Plains Contracting.

Moved by Sutton, seconded by Elliott to refer all bids to Jan Weismantel, Highway Superintendent for tabulation, review and recommendation. 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 current 2010 model Twin Screw Axle Dump Truck Cab and Chassis for the Highway Department. Bids were received from Crawford Trucks and Sheehan Mack Sales. Moved by Hansen, seconded by Sutton to refer all bids to Jan Weismantel, Highway Superintendent for review and recommendation. All members present voting aye. Motion carried.

**BID – TREE CHIPPER:**

Time and place, as advertised to open, read and consider bids for furnishing and delivery of new Tree Chipper for the Highway Department. Bids were opened from Diesel Machinery and Sheehan Mack Sales. Moved by Sutton, seconded by Hansen to refer all bids to Jan Weismantel, Highway Superintendent for review and recommendation. 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. One bid was received.

Moved by Hansen, seconded by Elliott to award bid, submitted by Bauer Farms in amount of \$91.00 per acre for lease of county owned land described as the NW ¼ of Sec 14-T123N-R65W of the 5<sup>th</sup> P.M., Brown County, SD (approximately 35 acres) for one year with two one-year options available; Bauer Farms in amount of \$88.60 per acre for lease of county owned land described as the NW ¼ of Sec 13-T123N-R65W of the 5<sup>th</sup> P.M., Brown County, SD (approximately 157 acres) for one year with two one-year options available. All members present voting aye. Motion carried.

**BID AWARD – TANDEM TRUCK:**

Moved by Hansen, seconded by Sutton to award bid with trade, as submitted by Crawford Trucks for 2010 International Truck @ \$93,870.00 after trade of \$6,000.00 (total \$99,870.00); rejecting bid submitted by Sheehan Mack @ \$96,953.00 after trade of \$2,500.00 (total \$99,453.00); and further award bid without trade, as submitted by Sheehan Mack for 2010 Mack Truck @ \$99,453.00 (purchase contingent upon availability of funds in the fall); rejecting bid submitted by Crawford Trucks @ \$99,870.00. All members present voting aye. Motion carried.

**SURPLUS PROPERTY:**

Moved by Hansen, seconded by Sutton to declare Decal #1500 1984 International Truck surplus property for purpose of trade in. All members present voting aye. Motion carried.

**BID AWARD – TREE CHIPPER:**

Moved by Sutton, seconded by Sutton, seconded by Hansen to award bid, as submitted by Sheehan Mack for one 2009 Woodman Tree Chipper at \$39,362.00; rejecting bid submitted by Diesel Machinery in amount of \$45,965.00. All members present voting aye. Motion carried.

**BID AWARD - RENTAL OF EQUIPMENT:**

Moved by Sutton, seconded by Elliott to award the following bids for Rental of Equipment: Dozer to HF Jacobs & Son Cat D8R @ \$190.00 per hour; Dump Trucks to Odland Construction 16 ton @ \$65.00 per hour, Cass Trucking 16 ton @ \$65.00 per hour; Dump Truck with Pup Trailer to Lien Transportation 35 ton @ \$120.00 per hour; Excavator to Lien Transportation CAT 320 @ \$120.00 per hour; Semi Truck Trailer to Cass Trucking 28 ton @ \$85.00 per hour; Semi Tractor/Trailer with Pup Trailer to Odland Construction, 40 ton @ \$95.00 per hour; Side Dumps to H F Jacobs & Son Construction, 27 ton @

\$90.00 per hour; Scrapers to HF Jacobs & Son CAT 627 @ \$220.00 per hour; Bridge Equipment to Hollaway Construction @ \$270.00 per hour; Paving Equipment to Aberdeen Asphalt @ \$350.00 per hour; Patching Equipment to Aberdeen Asphalt @ \$310.00 per hour; Crushing Equipment- natural to HF Jacobs & Son ½" @ \$2.85 per ton ¾" @ \$2.35 per ton 1" @ \$2.05 per ton; Crushing Equipment – recycled to H F Jacobs & Son Construction 1" @ \$7.10 per ton; Milling Equipment to Upper Plains Contracting @ \$0.40 per sq yd.;. 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.

#### BID AWARD – LANDFILL EXPANSION PROJECT:

Moved by Sutton, seconded by Hansen to award low bid, submitted by North Pine Aggregate Inc, Forest Lake, MN in amount of \$2,344,928.93 for completion of the Landfill Expansion Project; rejecting the following: Bowes Construction Inc @ \$2,365,702.58, Riley Bros Companies @ \$2,532,033.58, Bates Construction @ \$2,575,915.37, Kern & Tabery Inc @ \$2,701,719.45, Enebek Construction Co @ \$2,734,577.00, Loiseau Construction Inc @ \$2,739,992.50, Mathlowetz Construction Co @ \$2,811,003.42, Foothills Contracting Inc @ \$2,992,891.66, Frattalone Companies Inc @ \$3,018,085.35, Comstock Construction Inc @ \$3,105,000.60, Gratech Company Ltd @ \$3,303,089.46, Northern Improvement Co @ \$4,091,713.46. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Elliott to approve and authorize the Chairman sign Notice of Award for the Landfill Expansion Project with North Pine Aggregate Inc; and further approve and authorize the Chairman sign Contract Agreement with North Pine Aggregate Inc for the project when prepared. All members present voting aye. Motion carried.

#### LANDFILL UPDATE:

Mike Scott, Landfill Manager and Jay Koch, Helms & Associates presented update on additional future costs in conjunction with the Landfill Expansion Project.

#### RECESS:

The Chairman declared the Commission recessed until March 17, 2009.

Maxine Taylor – Brown County Auditor

## MARCH 17, 2009 – GENERAL MEETING

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

### MINUTES:

Moved by Wiese, seconded by Sutton to approve the General Meeting minutes of March 10, 2009. All members present voting aye. Motion carried.

### CLAIMS:

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

Payroll: Commissioners...\$3,110.60; Auditor...\$7,639.22; Treasurer...\$10,595.04; Data Processing...\$3,400.62; State's Attorney...\$13,148.86; Stop Loss Grant...\$1,421.05; Maintenance...\$5,513.15; Assessor...\$10,035.14; Register of Deeds...\$6,311.84; Veterans Service Office...\$3,081.13; GIS...\$1,921.93; Sheriff...\$71,479.82; Communications...\$16,148.43; Welfare Office...\$3,144.20; Museum...\$5,716.52; Fairgrounds & Parks...\$3,361.75; Fairboard...\$2,072.73; Extension...\$2,028.80; Weed...\$235.52; Planning and Zoning...\$1,580.81; Emergency Management...\$2,873.62; Teen Court...\$580.15; Highway...\$32,547.22; Landfill...\$8,138.38; Matching Benefits: FICA...\$12,705.01; Medicare...\$2,971.26;

Supplies: SDACC...\$250.00, Alltel...\$117.98, Bureau of Administration...\$4.00, Office Equipment...\$730.21, Earthgrains...\$594.63, Tri State Water...\$35.50, Best Business Products...\$160.95, Kesslers...\$361.42, Auto Glass Solutions...\$273.18, Parcel Erickson...\$28.95, Town & Country Lumber...\$24.72, Farm Power Mfg...\$398.39, Sewer Duck...\$160.00, Northern Wireless Com...\$111.90, Dependable Sanitation...\$15349.82, Cartney Bearing...\$149.06, Kleins...\$39.45, Ameripride...\$206.33, Qwest...\$3164.38, Runnings...\$17.98, Farnum...\$28.18, Menards...\$1570.07, Carquest...\$2105.55, Fastenal...\$126.92, House of Glass...\$939.45, Howes Oil Company...\$10789.40, Poms Tire Service...\$241.45, Simplex...\$255.99, Fire Safety First...\$45.40, Heartland Paper...\$243.56, Sonicwall...\$335.00, Tel Serv Communications...\$1519.23, Dollar Tree...\$24.00, Office Max...\$388.80; Professional Fees: Yankton County Sheriff...\$50.00, Donna Dietrich...\$283.32, Cathy Rehfuß...\$30.00, Nelva Kooistra...\$30.00, Lewis & Clark BHS...\$142.00, NE Mental Health...\$1331.33, Avera St. Lukes...\$3149.81, Grand Forks County Sheriff Department...\$36.00, Stacy Sperle...\$20.00, Jeff Reuer...\$20.00, Language Line...\$90.00, Avera Queen/Peace Health...\$107.00;

Publications: Groton Independent...\$496.65, Dakota Press...\$1246.88, American News...\$2370.97;

Transcriptions: Sara Van De Walle...\$23.80;

Court Appointed Attorney: Yankton County Treasurer...\$207.50, Christy Serr...\$68.72, Gary Mikelson...\$185.88;

Travel: Northwest Travel Leaders...\$70.00;

Utilities: City of Hecla...\$169.72, Aberdeen City Treasurer...\$309.17, Northern Electric Coop...\$1803.64, Northwestern Energy...\$2555.65;

Care of Poor: Dr/Hospital – 3 recipients..Dr. James Weekly...\$150.97, Regional Medical Clinic Neur...\$3429.13, Orthopedic Surgery Specialists...\$82.58; Rent – 3 recipients..Erickson & Associates Realtors...\$240.00, Fifth Avenue Holdings...\$240.00, Erdmann Properties...\$260.00; Transportation – 3 recipients..Jefferson Lines...\$340.50. All members present voting aye. Motion carried.

### PERSONNEL:

Moved by Sutton, seconded by Wiese to approve the following employee step increases, effective March 22, 2009: Chris Stucke @ \$18.43 per hour, Michael Rohrbach @ \$13.31 per hour. All members present voting aye. Motion carried.

### ABATEMENTS:

Moved by Sutton, seconded by Wiese to approve the following Abatements: Rose Marie Hawk @ \$7.67, Carol Rydberg @ \$72.80, Fred Walraven @ \$72.80, Bradley Hart @ \$72.80, William Gustafson @ \$72.80, Willis Bruce @ \$72.80, Audrey Spitzer @ \$215.60, Darin Devries @ \$142.80, Joycel Goodrich @ \$72.80, Michael McCranie @ \$72.80, John Meyer @ \$41.60. All members present voting aye. Motion carried.

#### AGREEMENT:

Moved by Wiese, seconded by Sutton to approve and authorize the Chairman sign 2009 Emergency Management State and Local Agreement in amount not to exceed \$50,911.13 for essential county emergency management expenses, and further to provide 50% match for all funds received. All members present voting aye. Motion carried.

#### EQUALIZATION NOTICES:

Moved by Sutton, seconded by Wiese to authorize publishing notices for the Brown County Board of Equalization and the Consolidated Board of Equalization. All members present voting aye. Motion carried.

#### GRANT APPLICATION:

Moved by Wiese, seconded by Elliott to approve and authorize Larry Gerlach, Fair Manager sign application for grant through the SD Office of Tourism for matching funds in amount of \$15,390.00 for the grant awarded from Aberdeen Hotel Alliance Special Events Fund for the 2009 Brown County Fair. All members present voting aye. Motion carried.

#### COURT SECURITY GRANT APPLICATION:

Moved by Sutton, seconded by Wiese to approve and authorize the Vice Chairman sign Court Security Grant application letter in amount of \$3,895.00 (50/50 match grant). All members present voting aye. Motion carried.

#### FAIR CONTRACTS:

Moved by Wiese, seconded by Elliott to approve the entertainment contracts for the 2009 Brown County Fair in total amount of \$142,500.00 (Luke Bryan with Heidi Newfield on August 20, Blake Shelton with Herb Dixon on August 21, and Rodney Atkins with Gloriana on August 22, 2009). All members present voting aye. Motion carried.

#### VETERANS SERVICE OFFICER REIMBURSEMENT:

Moved by Elliott, seconded by Sutton to approve and authorize the Vice Chairman sign agreement with the SD Division of Veterans Affairs for state aid for partial reimbursement of the salary of the County Veterans Service Officer in amount of \$4,375.00 per year. All members present voting aye. Motion carried.

#### SUBORDINATION AGREEMENT:

Moved by Wiese, seconded by Sutton to approve and authorize the vice chairman sign a Subordination Agreement for Dacotah Bank (county relief lien on an individual). All members present voting aye. Motion carried.

#### BID – MOTOR GRADER:

Time and place, as advertised to open, read and consider bids for one new 2009 Articulated Motor Grader for the Highway Department. Bids were received from RDO, DMI and Sheehan. Moved by Wiese, seconded by Sutton to refer all bids to Jan Weismantel, Highway Superintendent for review and recommendation. All members present voting aye. Motion carried.

**BID DATES SET:**

Moved by Wiese, seconded by Sutton to authorize advertising time and date to open, read and consider bids for the following: Semi Tractor at 8:45 a.m. and Belly Pup Trailer at 9:00 a.m. on April 14, 2009 for the Highway Department, to be held in the Commission Chambers, Courthouse Annex, Brown County, SD. All members present voting aye. Motion carried.

**HIGHWAY UPDATE:**

Jan Weismantel, Highway Superintendent and Robin Bobzien, Aberdeen City Engineer discussed the need to permanently designate various county roads south of Aberdeen at 40 MPH with maximum 6-ton axel weight in the future. Jan Weismantel also explained the preliminary process for accounting for the stimulus money Brown County will receive.

**STATES ATTORNEY DISCUSSION:**

Kim Dorsett, States Attorney discussed proposal for Identity Theft Protection and Group Legal Services that is available to employees for a fee. More information will be presented in the future. Ms. Dorsett also discussed a complaint received about an event held at the Odde Ice Arena. The event is a sanctioned event and the promoter provided all required documents used by the participants for the type of event held.

**RECESS:**

The Vice Chairman declared the Commission recessed until March 24, 2009.

Maxine Taylor – Brown County Auditor

MARCH 23, 2009 - JOINT CITY/COUNTY MEETING

The Brown County Commission and the Aberdeen City Council met in joint session at 5:30 P.M. in the City Commission Chambers, 123 S Lincoln Street, Aberdeen, South Dakota. Present from City were Council Members Agnitsch, Aman, Bunsness, Campbell, Hodgins, Kraft, Mitchell, Rux and Mayor Levensen. Present from County were Commissioners Sutton, Wiese and Fischbach. Absent Commissioners Hansen and Elliott.

ORDINANCE NO. 09-03-02/374:

On motion by Mitchell and seconded by Aman, the City unanimously voted to approve First Reading of Ordinance No. 09-03-02/374.

Moved by Sutton, seconded by Wiese to approve First Reading of Ordinance No. 09-03-02/374, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District and Section 714 (M-AG) Mini-Agricultural District to Section 714 (M-AG) Mini-Agricultural District: Lot 1, Breezy Acres Subdivision in the SE ¼ of Sec 8-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD. All members present voting aye. Motion carried.

FLOOD UPDATE:

Robin Bobzien, Aberdeen City Engineer presented brief update on conditions in and around Aberdeen, based on information from the National Weather Service and Emergency Management. Preventive measures should be taken in case conditions change rapidly.

ADJOURNMENT:

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

Maxine Taylor - Brown County Auditor

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MARCH 24, 2009 – 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, Elliott, Sutton and Wiese.

MINUTES:

Moved by Hansen, seconded by Sutton to approve the General Meeting minutes of March 17, 2009. All members present voting aye. Motion carried.

CLAIMS:

Moved by Sutton, seconded by Elliott to approve the following claims:

Supplies: Best Business Products..\$366.94, Timekeeping Systems Inc..\$95.00, Deluxe Business Checks..\$219.43, Steven Lust..\$100.41, Cals Repair..\$250.00, Towing Plus..\$175.00, Office Equipment..\$1366.03, Dive Rescue International..\$455.97, International All Battery Ctr..\$147.14, Ohio State Univ. Ext..\$14.00, DPM..\$60.00, American Assoc of Museums..\$155.00, Aberdeen Rural Firefighters..\$125.00, Webb Shoe Company..\$169.95, Kyle Moser..\$135.00, Danko..\$2961.00, North Central Retal..\$3761.00, Inerstate Battery..\$348.75, Great Western Tire..\$4959.73, Northern Safety Co..\$166.94, Newman Traffic Signs..\$4113.42, Erdmann Fuels..\$2994.04, US West Bureau of Admin..\$98.21, Crescent Electric..\$75.24, Lien Transportation..\$225.00, Gardner Locksmithing..\$40.00, Motorola..\$17411.04, SD Panner Assoc..\$50.00:

Professional Fees: Accurint..\$54.50, New Deal Tire..\$1089.05, Baileys Inc..\$12149.50, LCM..\$2029.21, Lincoln County Treasurer..\$199.30, Horn Law Office..\$216.00, SD Dept. of Health..\$7725.00, Helms & Assoc..\$2940.00:

Publications: Aberdeen American News..\$593.14:

Travel: International Assoc. for Property & Evidence..\$350.00, City of Groton..\$72.15, SD Sheriff's Assoc..\$60.00, Extension Service..\$227.53, Gene Loeschke..\$53.28, Mavis Kempf..\$119.88, Mike Scott..\$57.92, Nyle Jenson..\$21.00, Carl Wright..\$21.00, Dennis Vanheerde..\$21.00, John Heidenreich..\$61.00, Kendall Titze..\$81.00, Jan Weismantel..\$40.00, Super 8 Motel..\$190.80, Cedar Shore..\$163.90, Travel Leaders..\$526.20, Stanley Beckler..\$15.54, Jerome Streckfuss..\$28.86, Patrick Keatts..\$17.76, Dale Kurth..\$84.36, David North..\$56.24, Darwin Bettmann..\$11.10:

Utilities: Northwestern Energy..\$60.34, Alltel..\$1519.00, Bureau of Admin(Qwest)..\$1987.58, Qwest..\$26.86:

Care of Poor: Dr/Hospital – 2 recipients..Avera Cardiology Specialist..\$384.43, Avera St Lukes..\$2961.53; Rent – 7 recipients..Karen Kolb..\$95.00, Olive Holdings..\$130.00, Sundown Motel..\$224.00, Jeff & Colleen Schnaidt..\$140.00, Lonnie Frost..\$180.00, Lenny Evangelisto..\$195.00, Eldon Wahl..\$120.00; Medication – 1 recipient..DT Pharmacy..\$44.12. All members present voting aye. Motion carried.

PERSONNEL:

Moved by Elliott, seconded by Hansen to approve hiring Jeffrey McTague, Landfill Labor Grade 4, effective March 23, 2009 @ \$12.55 per hour; and Todd Larson part-time Landfill Operator, effective March 23, 2009 @ \$12.08 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to approve hiring Stanley Schulz and Linn Kamin as full time Corrections Officers for the Jail, effective March 23, 2009 @ \$12.52 per hour. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to approve employee status change for Ross Erickson from Corrections Officer to Sheriff Field Deputy at \$15.84 per hour, effective April 6, 2009 until Nathan Smith returns from active duty, when Ross will return to Corrections Officer position. All members present voting aye. Motion carried.



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Moved by Wiese, seconded by Hansen to approve hiring Dennis Ells as part-time Fairgrounds employee, effective March 30, 2009 at \$8.82 per hour. All members present voting aye. Motion carried.

**RICHMOND YOUTH CAMP HAY CUTTING OPTION:**

Moved by Hansen, seconded by Elliott to accept renewal option for 2009, submitted by Frohling Farms for purpose of hay cutting at the Richmond Youth Camp (approximately 21 acres @ \$27.50 per acre) in amount of \$577.50. All members present voting aye. Motion carried.

**SHERIFF REPORTS:**

Moved by Hansen, seconded by Sutton to approve the following February 2009 Sheriff Reports: Incidents and offenses, Prisoner care, JDC, Money deposited with the County Treasurer and Monthly activities. All members present voting aye. Motion carried.

**JOINT POWERS AGREEMENT:**

Moved by Sutton, seconded by Hansen to approve and authorize the Chairman sign Joint Powers Agreement with Groton School District 6-6 for purpose of delegating the joint exercise of administering the bonded indebtedness of the former Groton School District 6-3. The parties find that Groton School District 6-6 is in the best position to administer the outstanding indebtedness of the former district. Nothing contained in the Joint Powers Agreement shall be construed to authorize the transfer of liabilities of the former district to the County or Groton School District 6-6. All members present voting aye. Motion carried.

**WELFARE DEPARTMENT ANNUAL REPORT:**

Moved by Sutton, seconded by Wiese to accept for filing the 2008 Welfare Department Annual Report, submitted by Charlene Millim, Welfare Director.

**MOTOR CROSS CLUB:**

Corey Harder, representing the Motor Cross Club explained that a portion of the property currently used by the Club is no longer available and the Club is looking for options. The Commission suggested exploring grant funding sources.

**PLATS:**

Commissioner Hansen offered the following Resolution:

**RESOLUTION #17-09**

BE IT RESOLVED by the Board of Commissioners of Brown County, SD, that the plat showing "River View Third Addition in the NE ¼ of Sec 32-T122N-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 Commissioners Sutton: Roll call vote: Commissioners Hansen-aye, Elliott-aye, Sutton-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Sutton offered the following Resolution:

**RESOLUTION #18-09**

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing "Ranchland Third Subdivision in Sec 31-T128N-R65W of the 5<sup>th</sup> P.M., Brown County, SD", having been

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examined, is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof.

Seconded by Commissioners Wiese. Roll call vote: Commissioners Hansen-aye, Elliott-aye, Sutton-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

RESOLUTION #19-09

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing "Ranchland Fourth Subdivision in Sec 29-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 11-3, and any amendments thereof.

Seconded by Commissioners Elliott. Roll call vote: Commissioners Hansen-aye, Elliott-aye, Sutton-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

RESOLUTION #20-09

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Schoppe Tracts in the SW ¼ of Sec 22-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 Commissioners Elliott. Roll call vote: Commissioners Hansen-aye, Elliott-aye, Sutton-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

RESOLUTION #21-09

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Sterling Jones 1<sup>st</sup> Subdivision in SW 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 of 1967, Chapter 11-3, and any amendments thereof.

Seconded by Commissioners Sutton. Roll call vote: Commissioners Hansen-aye, Elliott-aye, Sutton-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

RESOLUTION #22-09

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "D and L Jones 1<sup>st</sup> Subdivision in NE ¼ of Sec 27-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 Commissioners Elliott. Roll call vote: Commissioners Hansen-aye, Elliott-aye, Sutton-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

#### RESOLUTION #23-09

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Breezy Acres Subdivision in SE ¼ Sec 8-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 Commissioners Sutton. Roll call vote: Commissioners Hansen-aye, Elliott-aye, Sutton-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

#### FAIRGROUNDS CAMPGROUND PROPOSAL:

John Aman, Kurt Smith and Larry Gerlach appeared to present a proposal from the Brown County Fair with the cooperation of the Brown County Fairgrounds requesting a campground expansion of 270 full service sites with further expansion of 68 sites to be located on land east of existing Fairgrounds. This proposal is follow-up to an earlier discussion with additional cost estimates. No action was taken at this time.

#### BID – HAY CUTTING EAST OF FAIRGROUNDS:

Time and place, as advertised to open, read and consider proposals for hay cutting on county owned land east of the Fairgrounds. Moved by Sutton, seconded by Hansen to award cash rent proposal for hay cutting on county owned land east of the Fairgrounds, submitted by Alan Neitzel in amount of \$63.50 per acre (approximately 40 acres); rejecting Stu Swenson @ \$51.39 per acre. All members present votion aye. Motion carried.

#### BID AWARD EXTENSION – TIRES:

Moved by Wiese, seconded by Sutton to approve bid award extension on State Bid Contract #15255 for tires for the Highway Department, effective through March 1, 2010. All members present voting aye. Motion carried.

#### BOX AND HOIST QUOTES:

Moved by Wiese, seconded by Sutton to accept low quote, submitted by Safety Service Inc in amount of \$22,750.00 for Box and Hoist for new tandem truck; rejecting Northern Truck @ \$23,242.00, Sanitation Products @ \$24,978.25. All members present voting aye. Motion carried.

#### SURPLUS SALE SET - AUCTIONEER QUOTES:

Moved by Sutton, seconded by Wiese to authorize Brown County Surplus Sale be held at the Brown County Highway Department on May 8, 2009; and further to accept quote from Buntrock Auction Service @ \$385.00 for advertising and 3.5% of gross sales or \$400.00, whichever is greater; rejecting quotes submitted by Thorpe Auction Service, Inc @ \$1,000.00 for advertising and 4% of gross sales or \$700.00, whichever is greater; and Jark/Worlie Auction Service @ \$2,000.00 flat fee. All members present voting aye. Motion carried.

#### JANITORIAL SERVICE QUOTES:

Moved by Hansen, seconded by Elliott to accept low quote, submitted by Bakken Building Maintenance @ 500.00 per month, effective March 18, 2009 for janitorial services at the Highway Department;

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rejecting VanMeter Facility Maintenance @ \$625.00 per month. All members present voting aye. Motion carried.

**HIGHWAY UPDATE:**

Jan Weismantel, Highway Superintendent discussed the consequences if Bridge 172 is taken off the STIP Plan and discussed status of Bridge 204.

**CENTENNIAL VILLAGE ANNUAL REPORT:**

Don Gisi presented the 2008 Centennial Village Annual Report.

**GIS ORDINANCE:**

Scott Madsen, GIS Coordinator and Kim Dorsett, States Attorney discussed preliminary draft of GIS Ordinance. No action was taken at this time.

**NESDCAP:**

Toby Morris, Northland Securities and two representatives from NESDCAP discussed Workforce Housing Project proposed for Aberdeen and the possible tax breaks that would be available. Two options may be available depending upon qualifications (tax exempt status or discretionary formula).

**NORTHERN BEEF PACKERS:**

Allen Dunlavy, Northern Beef packers requested weight limits be lifted on the portion of Brown County #10 from Hub City Livestock south to 135<sup>th</sup> Street. Moved by Sutton, seconded by Wiese to amend the following section of the Belt Loop around Aberdeen (minutes of March 3, 2009), which is excluded from the posted 6-tons per axle and 40 MPH for trucks during the March/April spring thaw and breakup or until roads become stable: County Road #19 (Melgaard Road) south 1.0 miles to County Road #14W. All members present voting aye. Motion carried.

**COMMISSION WORKSHOP UPDATE:**

Commissioner Elliott presented an update on the Commission Workshop held in Pierre.

**RECESS:**

The Chairman declared the Commission recessed until March 31, 2009.

Maxine Taylor – Brown County Auditor

MARCH 30, 2009 - JOINT CITY/COUNTY MEETING

The Brown County Commission and the Aberdeen City Council met in joint session at 5:30 P.M. in the City Commission Chambers, 123 S Lincoln Street, Aberdeen, South Dakota. Present from City were Council Members Agnitsch, Aman, Bunsness, Campbell, Hodgin, Kraft, Mitchell, Rux and Mayor Levsen. Present from County were Commissioners Sutton, Elliott, and Fischbach. Absent Commissioners Hansen and Wiese.

ORDINANCE NO. 09-03-02/374:

On motion by Mitchell and seconded by Aman, the City unanimously voted to approve Second Reading and Adoption of Ordinance No. 09-03-02/374.

Moved by Sutton, seconded by Elliott to approve Second Reading and Adoption of Ordinance No. 09-03-02/374, An Ordinance amending Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District and Section 714 (M-AG) Mini-Agricultural District to Section 714 (M-AG) Mini-Agricultural District: Lot 1, Breezy Acres Subdivision in the SE ¼ of Sec 8-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD. Roll call vote: Commissioners Elliott-aye, Sutton-aye, Fischbach-aye. Ordinance adopted.

ADJOURNMENT:

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

Jan Beckler - Deputy Brown County Auditor

APRIL 2, 2009 – 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 Elliott, Wiese and Fischbach. Absent Commissioners Hansen and Sutton.

MINUTES:

Moved by Wiese, seconded by Elliott to approve the Joint City/County Meeting Minutes of March 23, 2009 and the General Meeting Minutes of March 24, 2009. All members present voting aye. Motion carried.

CLAIMS:

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

Payroll: Commissioners...\$3,110.60; Auditor...\$7,639.22; Treasurer...\$10,614.24; Data Processing...\$3,400.62; State's Attorney...\$13,113.86; Stop Loss Grant-SA ...\$1,421.05; Maintenance...\$5,626.44; Assessor...\$9,857.66; Planning & Zoning...\$2,140.80; Register of Deeds...\$6,311.84; Veterans Service Office...\$3,106.99; GIS...\$1,921.93; Sheriff...\$72,669.93; Communications...\$16,507.10; Welfare...\$3,223.80; Museum...\$5,716.52; Fair board...\$2,072.73; Fairgrounds & Parks...\$3,582.10; Extension...\$2,028.80; Weed...\$117.76; E&D...\$2,873.62; Teen Court...\$616.45; Highway...\$32,765.07; Landfill...\$8,292.26; Matching Benefits: FICA...\$12,869.04; Medicare...\$3,009.72; Wellmark BCBS Life...\$707.87; Delta Dental...\$4,645.20; Wellmark BCBS Health...\$67,770.24; SD State Retirement...\$26,707.49

Supplies: Exec Mgmt...\$3186.91, Dept of Rev...\$1976.00, Cunningham Elec...\$91.09, Central Supply...\$422.30, Midwest Alarms...\$199.50, Nelson Sales...\$50.00, Runnings...\$288.64, Wm MacGill...\$83.31, Ultramax...\$1110.00, Velvet Uniforms...\$659.16, ProHydro Testing...\$31.20, Schwan Welding...\$15.00, New Trends...\$61.78, John VanderHoek...\$200.00, Hoven Auto...\$45.56, Exhaust Pros...\$28.45, D&L Diesel...\$400.00, Quality Welding...\$44.10, Taylor Laundry...\$45.50, SDDOT...\$53,624.83, SD Asphalt Conf...\$300.00, House of Glass...\$4.37, Helms...\$1050.00, Am Assoc of State & Local History...\$22.50, Dacotah Prairie Mercantile...\$6.75, Walmart...\$44.34, Ken's Superfair Foods...\$21.49, Academy Trophy...\$5.00, SD Baskets Unlmt...\$93.72, Geffdog...\$1022.90, Bricks Propane...\$14.00, LBG...\$6544.94, Aberdeen C&F...\$14.00, Racom...\$88.20, Dakota Electronics...\$53.10, Danko...\$34.45, Pepsi...\$45.00, Scott Madsen...\$81.60, Kyle Moser...\$17.06, Visa...\$2239.95, HF Jacobs...\$193.25, Artz Camera...\$239.70, Best Business...\$94.84, Florida Micr...\$515.16,

Professional Fees: Sheriff of Grand Forks County...\$56.00, State Dept of Health...\$60.00, witness fees...\$20.00, Dakota Imaging...\$100.81, Sanford Clinic...\$51.08, Avera St Lukes...\$564.41, NADRIC...\$1666.67,

Publications: Aberdeen American News...\$1299.36, Groton Indep...\$284.91,

Transcriptions: Kristi Kost...\$30.60, Cheryl Hook...\$364.80, McClanahan Court Reporting...\$51.45, Tammy Erickson...\$75.90,

Court Appointed Attorney: Christy Serr...\$5458.33, Randy Turner...\$5458.33, Kuck Law Office...\$5208.33, Gina Rogers...\$5208.33,

Travel: Governors Inn...\$65.00, Jodi Brown...\$1331.78, Darin Vilhauer...\$80.00, Gary Erickson...\$247.29, Bonnie Siebrecht...\$118.40, Nyle Jensen...\$43.00, Don Fischer...\$43.00, Mike Scott...\$43.00, Wm Meink...\$23.68,

Utilities: NW Energy...\$9142.47, Qwest...\$46.56, Midcontinent Cable...\$238.48, Alltel...\$5441.04, Northern Elec...\$100.00, WEB Water...\$25.00,

Care of Poor: Dr/Hospital – 7 recipients..Anesthesia Care...\$864.00, Dental Center...\$503.00, Aberdeen Family Phys...\$886.36, Avera St Lukes...\$7295.12, Dakota Imaging...\$181.44; Burial - 1 recipient..Schrivers Mortuary...\$1200.00; Rent - 5 recipients..Dakota Lodging...\$160.04, Richard Bakken...\$177.00, Matthew Vogel...\$260.00, Randall Weber...\$240.00, Peter Andrew...\$120.00; Insurance – 2 recipients..ARC...\$375.67, Wellmark BC/BS...\$422.42. All members present voting aye. Motion carried.

**PERSONNEL:**

Moved by Wiese, seconded by Elliott to approve the following employee step increases, effective April 5, 2009: Jo Forsting @ \$13.61 per hour, Judy Dosch @ \$17.94 per hour, Roger Johnson @ \$13.47 per hour (highway). All members present voting aye. Motion carried.

**WEED BOARD:**

Moved by Elliott, seconded by Wiese to appoint Duane Jark to the Brown County Weed and Pest Board, effective March 31, 2009 – March 31, 2012. All members present voting aye. Motion carried.

**INDIGENT COUNSEL AGREEMENT - AMENDED:**

Moved by Wiese, seconded by Elliott to approve and authorize the Chairman sign Amendment to the Indigent Counsel Agreement with Randall B Turner, Christy Serr, Scott Kuck, William Gerdes and Gina Rogers, effective January 1, 2008 – December 31, 2009; removing William Gerdes and re-assigning case load and reapportioning monetary share to remaining Attorneys in contract. All members present voting aye. Motion carried.

**AIR QUALITY PERMIT:**

Moved by Elliott, seconded by Wiese to approve and authorize the Chairman sign Application for Air Quality Permit for the Brown County Landfill from the SD Department of Environment and Natural Resources. All members present voting aye. Motion carried.

**CHEMICAL BIDS:**

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 2009. Bids were received from VanDiest Supply Company, Pierre, SD; Hefty Seed Company, Aberdeen, SD; and Performance Ag, Aberdeen, SD. Moved by Wiese, seconded by Elliott to refer bids to Brown County Weed and Pest Supervisor for tabulation and recommendation. All members present voting aye. Motion carried.

**MALT BEVERAGE HEARING:**

Moved by Elliott, seconded by Fischbach to approve application for a Malt Beverage License: Daniel R Napton DBA 281 Roadhouse., 601 4<sup>th</sup> St, Frederick, SD 57441 at 10695 386<sup>th</sup> Ave, Frederick, SD 57441, contingent upon meeting all requirements and receiving fees by April 7, 2009. Roll call vote: Commissioners Elliott-aye, Wiese-nay, Fischbach-aye. Motion carried.

**CARD FEE:**

Tom Schmitt met with commission to discuss annual credit card business fee. Various companies will be contacted as to their policy concerning annual business account fees.

**BID REJECT – MOTOR GRADER:**

Motion by Wiese, seconded by Elliott to reject all bids opened March 17, 2009 for one new 2009 Articulated Motor Grader for the Brown County Highway, as specifications did not meet the needs of Brown County. All members present voting aye. Motion carried.

**RE-BID MOTOR GRADER – SET DATE:**

Moved by Wiese, seconded by Elliott to authorize advertising public hearing to open, read and consider bids for one new 2009 Articulated Motor Grader for the Brown County Highway, to be held in the Commissioner's Chambers, Courthouse Annex, Brown County, SD at 8:45 a.m. on May 5, 2009, with amended specifications to better meet the needs of Brown County. All members present voting aye. Motion carried.

**HIGHWAY UPDATE:**

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Jan Weismantel, Highway Superintendent, discussed the following: 1) Bridge 172; 2) NWPS gas line in center of County 14W with Mike Williams of NWPS in attendance; 3) Repair to NWPS electric line poles by County 18; 4) Overtime due to flooding beginning in May.

**AIRCRAFT LANDING PERMIT:**

Moved by Wiese, seconded by Elliott to deny blanket request to land aircraft on all Brown County Highways, submitted by Dakota Airspray, Inc. All members present voting aye. Motion carried.

**SURPLUS:**

Motion by Wiese, seconded by Elliott to declare a used pressure washer, Decal #1920 2001 Allied Model 2000-5GT surplus property for trade in on new pressure washer from Palmer Distributing in Aberdeen. All members present voting aye. Motion carried.

**BRIDGE:**

Chris and Wendy Mehlhaff, David Peldo, John Kippley and Jan Weismantel discussed condition of Gunderson Bridge near Westport due to flooding.

**COMMUNICATIONS DEPARTMENT:**

John McQuillen, Communications Director, discussed need for a study to develop plan to follow future mandated guidelines for the Brown County Communications Center. Will present commission with a proposal for a Communications Health Check.

**FSA LOSS ASSESSMENT:**

Moved by Elliott, seconded by Wiese, to approve chairman sign loss assessment report submitted by Farm Services Agency. All members present voting aye. Motion carried.

**FLOOD UPDATE:**

Scott Meints, Emergency Management Director, discussed effects of flooding on Brown County and presented Resolution for Declaration of Emergency/Disaster.

**DISASTER DECLARATION – 2009 FLOOD:**

Commissioner Wiese offered the following Resolution:

**RESOLUTION NO. 24-09  
RESOLUTION FOR DECLARATION OF EMERGENCY/DISASTER**

WHEREAS, Brown County, SD has suffered severe damage, brought on by Flooding starting on the date of March 23, 2009; 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 2, 2009, it is hereby requested that the Governor declare an emergency/disaster to exist in the County of Brown.

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

**LANDFILL LAND LEASE CONTRACTS:**



Moved by Wiese, seconded by Elliott to authorize chairman sign Land Lease contracts for land east and west of Landfill. All members present voting aye. Motion carried.

**ABATEMENTS:**

Moved by Elliott, seconded by Wiese to approve the following Abatements: Mertz Farms @ \$72.80; Achen Farms @ \$218.40; Howard Olson Jr. @ \$70.00; Gordon Schmidt @ \$72.80; Sperry Farms @ \$72.80; James Sperry @ \$72.80; Jason Sattler @ \$72.80; Becky Fjelstad @ \$72.80; Susan Fluke @ \$70.00; Chad Lehman @ \$72.80; Dan Cutler @ \$41.60; Glenn Ringgenberg @ \$72.80. All members present voting aye. Motion carried.

**ADJOURNMENT:**

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

Jan Beckler - Deputy Brown County Auditor

## April 7, 2009 – 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 Hansen, Elliott, Sutton, Wiese and Fischbach.

### MINUTES:

Moved by Sutton, seconded by Wiese to approve the March 30, 2009 Joint City\County Meeting Minutes and the April 2, 2009 (postponed from March 31, 2009, due to blizzard) General Meeting Minutes. All members present voting aye. Motion carried.

### CLAIMS:

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

Supplies: Farm & Home Pub..\$1970.00, FSH..\$60.00, CMRS-FP..\$5000.00, Best Business..\$200.59, Dakota Mailing..\$303.54, Dakota Supply Group..\$16.05, Crescent Elec..\$340.18, SDAAO..\$625.00, Lar-Jos..\$865.53, Rubber Stamp Works..\$171.00, Office Equip..\$25.87, Kesslers..\$313.60, Midstates Printing..\$185.35, Groton Vet Clinic..\$8.20, Elec Security Equip..\$2150.00, Taser..\$650.00, Trail Chev..\$82.77, Lamb Chev..\$38492.00, Langs..\$58.00, Racom..\$264.60, Karst Car Care..\$58.00, Cunningham Elec..\$90.39, Galls..\$895.52, Infity Gear..\$306.02, Walmart..\$169.31, 3-D Spec..\$10240.90, Runnings..\$1624.54, Powerplan..\$148.14, Palmer Dist..\$4400.00, Newman Signs..\$1861.01, North Central Rentals..\$13328.00, Macs..\$97.42, Laureen Larson..\$73.13, Huron Culvert..\$9626.14, Great Western Tire..\$4674.04, General Irrigation..\$76.50, Exhaust Pros..\$305.98, Crawford Trucks..\$2271.05, Crady's Radiator..\$722.00, Bridgestone Firestone..\$162.00, Butler Machinery..\$1281.42, Bakken Bldg Maint..\$350.00, Sherri Rawstern..\$20.15, Glas Consulting..\$281.25, Midwest Alarm..\$51.50, Gelling Auto..\$1005.21, AgBio..\$81.60, Eide Bailly..\$250.50, Sheehan Mack Sales..\$1521.59, SD Fed Property..\$564.00, HF Jacobs..\$12909.88, Gemplers..\$1528.35, Erdmann Fuels..\$3403.20, SD Dept of Rev..\$3128.11, Helms & Assoc..\$5900.00, Pierson Ford..\$46.45, HP..\$594.00, RDJ Spec..\$573.69, Infinity Gear..\$59.49, Dakota Elec..\$110.00, Pizza Ranch..\$65.95:

Professional Fees: Avera St Lukes..\$4928.26, Joan Kittelson..\$15.00, David Knoff..\$41.00, Cathy Reh fuss..\$15.00, Nelva Kooistra..\$30.00, Donna Dietrich..\$232.99, Sheriff of Yankton County..\$50.00:

Publications: Aberdeen American News..\$1015.02, Groton Indep..\$192.70:

Transcriptions: Slowey Court Reporting..\$205.00:

Court Appointed Attorney: Brevik Law Office..\$198.95, Johnson, Miner, Marlow..\$157.35, Fox, Youngverg..\$172.66:

Travel: Burt Elliott..\$140.40, Scott Madsen..\$48.84, Larry Gerlach..\$1216.00, Gary Vetter..\$57.35, Richard Hansen..\$581.84, Amy Scott..\$22.00, Kevin Spitzer..\$151.70, Marj Zastrow..\$339.98, Sherry Theobald..\$18.96, Jerry Mills..\$38.59:

Utilities: Northwestern Energy..\$957.70, City of Aberdeen..\$801.11, Midcontinent Cable..\$98.28, Northern Valley Comm..\$270.76, James Valley Co-Op..\$363.11, Town of Frederick..\$32.25, Verizon..\$75.07:

Care of Poor: Dr/Hospital – 7 recipients..Aberdeen Psychiatric Assoc..\$99.86, Abdn Internal Med..\$142.72, Orthopedic Surgery Spec..\$723.71, Avera St Lukes..\$6315.98, Dakota Imaging..\$185.24, Anesthesia Care..\$128.00; Rent -3 recipients..Ken Dohn..\$200.00, James Burns..\$480.00, Zumbaum Prop..\$280.00; Medication – 3 recipients..United Clinic Pharm..\$24.39, Walmart Phar..\$354.56, Shopko Pharm..\$177.05; Transportation – 1 recipient..Aberdeen Adv Care..\$213.52. All members present voting aye. Motion carried.

### PERSONNEL:

Moved by Wiese, seconded by Elliott to appoint Matthew Leonard as Deputy Coroner, effective April 7, 2009 at \$150.00 per call. All members present voting aye. Motion carried.

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Moved by Sutton, seconded by Elliott to approve hiring Richard Burns, as part-time Fairgrounds employee, effective April 13, 2009 at \$8.77 per hour. All members present voting aye. Motion carried.

**CONTRACT:**

Moved by Sutton, seconded by Hansen to approve and authorize John McQuillen, Communications Counsel Director sign Professional Services Contract with L. Robert Kimball & Associates, Inc for completion of a radio communications system health check in amount of \$10,000.00. All members present voting aye. Motion carried.

**LEASE AGREEMENT:**

Moved by Wiese, seconded by Elliott to approve and authorize the Chairman sign the following agreement: District VII & III Farmers Union for lease of the Richmond Youth Camp on June 28 – July 1, 2009. All members present voting aye. Motion carried.

**FAIR BOARD:**

Moved by Hansen, seconded by Wiese to accept resignation of Jessi Stucke and appoint Janet Schile as replacement on the Brown County Fair Board, effective April 7, 2009 – December 31, 2010. All members present voting aye. Motion carried.

**AUDITORS REPORT OF ACCOUNT:**

Moved by Hansen, seconded by Wiese to approve the March 2009 Auditor's Report of Account with the County Treasurer in total amount of \$12,454,418.44 (total amount of actual cash @ \$3,260.00, Wells Fargo Bank @ \$3,694.79, US Bank @ \$31,179.07, Dacotah Bank @ \$163,717.77, Petty Cash @ \$1,800.00, Fund Investments @ \$12,250,526.81, Outstanding Checks @ \$240.00). All members present voting aye. Motion carried.

**MALT BEVERAGE LICENSE:**

The Commission acknowledged letter from Daniel R Napton withdrawing application for Malt Beverage License at this time, due to major flooding conditions in Frederick.

**CAMA SYSTEM:**

Julie Hall, Devnet Inc presented information and answered question about the CAMA (Computer Aided Mass Appraisal) System that Mary Worlie, Director of Equalization is proposing for use by the County at an approximate cost of \$38,412.00. There was no action taken by the Commission at this time.

**EMPLOYEE HEALTH INSURANCE:**

Pam Lewis, Avera Health Plans and Mark Mehlhoff, Mark Mehlhoff Insurance met to ask if the Commission planned to secure quotes for employee health insurance in 2009 and briefly explained and answered questions about the Avera Plan. There was no action taken by the Commission at this time.

**SET HEARING DATE:**

Moved by Wiese, seconded by Sutton to set hearing date for Brown County Ordinance #059, An Ordinance amending Second Revision Brown County Ordinances, as amended, by adding Title 19 – Geographic Information System (GIS) Data Access and Distribution, to be held in the Commissioner's Chambers, Courthouse Annex, Brown County, SD at 9:15 a.m. on May 5, 2009. All members present voting aye. Motion carried.

**CHEMICAL BIDS – AWARD:**

Moved by Hansen, seconded by Wiese to award the following low bids for furnishing and delivery of Chemicals for the Weed and Pest Department: Van Diest Supply Company – Bio-Mist 3+15 @ \$70.69 per 55 gal drum, 4# 2-4, D Amine @ \$11.74 per 55 gal, Clarity @ \$58.47 per 2.5 gal, Embark 2-S IVM

@ \$258.24 per 5 gal, Escort XP @ \$6.77 per 8oz bottle, Gardian @ \$17.35 per 5 gal, Habitat @ \$67.90 per quart, Overdrive @ \$30.07 per 7.5 lbs, Plateau @ \$149.97 per gal, Sahara DG @ \$8.89 per 40 lbs, Tordon or Outpost 22K @ \$55.67 per 30 gal drum; Performance Ag Services – 4# Round-Up @ \$23.00 per 5 gal, Rodeo-Aquaneat or equivalent @ \$26.70 per 5 gal; Hefty Seed Co – Milestone @ \$246.10 per 2.5gal, Tempo 2 @ \$32.79 per 240 mL bottle; rejecting the following: Van Diest Supply Co – 4# Round-Up @ \$25.17, Milestone @ \$289.97, Premier 90 @ \$18.38, Rodeo-Aquaneat or equivalent @ \$36.87, Tempo 2 @ \$35.84; Performance Ag Services – Milestone @ \$268.00; Hefty Seed Co – 4# Round-Up @ \$30.15, 4# 2-4, D Amine @ \$11.79, Clarity @ \$83.31, Plateau @ \$254.63, Premier 90 @ \$12.85, Rodeo-Aquaneat or equivalent @ \$57.25, Sahara DG @ \$9.86, Tordon or Outpost 22K @ \$63.68. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to award the following from State Bid Contract #24436 for the Weed and Pest Department: Premier 90 @ \$8.00 per 5 gal. All members present voting aye. Motion carried.

#### EMPLOYEE HEALTH INSURANCE:

Gary Welter, Wellmark BCBS presented preliminary renewal options for the employee health insurance currently in place. There was no action taken by the Commission at this time.

#### RELIEF LIEN:

Moved by Wiese, seconded by Hansen to give preliminary approval to an individual to transfer a poor relief lien from one property to another. All members present voting aye. Motion carried.

#### EXECUTIVE SESSION:

Moved by Wiese, seconded by Hansen 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 the discussion.

#### RECESS:

The Chairman declared the Commission recessed until April 14, 2009.

Maxine Taylor – Brown County Auditor

APRIL 14, 2009 – CONSOLIDATED BOARD OF EQUALIZATION

Members of the Brown County Commission, Aberdeen City Council and Aberdeen School District 6-1 organized themselves as the 2009 Consolidated Board of Equalization, in accordance with SDCL 10-11-66 at 1:30 P.M. on April 14, 2009 in the Commissioner's Chambers, Courthouse Annex, Brown County, South Dakota. Oaths of Office were taken by Tom Fischbach, Burt Elliott, Duane Sutton, Duane Alm and Mike Levsen. Mary E Worlie, Director of Equalization was also in attendance. Auditor Maxine Taylor called the meeting to order and called for nominations for Chairman.

Mayor Levsen nominated Commissioner Fischbach as Chairman for the 2009 Consolidated Board of Equalization. Moved by Alm, seconded by Sutton that nominations cease and a unanimous ballot be cast. All members present voting aye. Motion carried.

Commissioner Sutton nominated Mayor Levsen as Vice Chairman for the 2009 Consolidated Board of Equalization. Moved by Elliott, seconded by Sutton that nominations cease and a unanimous ballot be cast. All members present voting aye. Motion carried.

Moved by Sutton, seconded by Levsen to acknowledge receipt of letters from owners of the Auto Plaza Condos. All members present voting aye. Motion carried.

The Chairman declared the Consolidated Board of Equalization recessed until 10:00 A.M., April 28, 2009.

Maxine Taylor – Brown County Auditor

# APRIL 14, 2009 – 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 Elliott, Sutton and Wiese. Absent Commissioner Hansen.

## MINUTES:

Moved by Wiese, seconded by Sutton to approve the April 7, 2009 General Meeting Minutes. All members present voting aye. Motion carried.

## CLAIMS:

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

Payroll: Commissioners...\$3,110.60; Auditor...\$7,603.58; Treasurer...\$10,614.24; Data Processing...\$3,431.02; State's Attorney...\$12,513.34; Stop Loss Grant...\$1,421.05; Maintenance...\$5,560.81; Assessor...\$10,014.51; Register of Deeds...\$6,311.84; Veterans Service Office...\$2,960.45; GIS...\$1,921.93; Sheriff...\$72,133.68; Communications...\$16,773.11; Welfare Office...\$3,144.20; Museum...\$5,716.52; Fairgrounds & Parks...\$4,113.07; Fairboard...\$2,072.73; Extension...\$2,028.80; Weed...\$1,005.12; Planning and Zoning...\$1,580.81; Emergency Management...\$3,256.87; Teen Court...\$640.63; Highway...\$34,920.80; Coroner...\$750.00; Landfill...\$9,347.75; Matching Benefits: FICA...\$13,177.93; Medicare...\$3,081.84;

Supplies: West Pub...\$2206.22, CSD...\$210.00, Fred Pryor Seminars...\$365.00, Quality Quick Print...\$772.27, Office Equip...\$310.73, New Trends...\$176.68, Dept of Rev...\$35.00, Central Supply...\$169.90, Taylor Laundry...\$113.00, Gardner Locksmith...\$10.00, Lien Trans...\$888.75, Menards...\$851.19, Aberdeen Plumbing...\$400.40, Heartland Paper...\$552.81, Digi Photo...\$209.95, Lar-Jos...\$870.59, Earthgrains...\$561.85, Knight Towing...\$110.00, Tri-State Water...\$35.50, Moore Med...\$565.97, Pheasantland Ind...\$209.84, Cash Wa...\$4846.87, Tel Serv...\$195.27, Hoven Auto...\$995.35, Best Business...\$23.54, Accurint...\$60.30, Auto Glass Solutions...\$273.18, Safety Service...\$316.95, Dakota Elec...\$95.00, Aberdeen Flying Service...\$150.00, Adv Charger Tech...\$74.00, Bonnie Bitz...\$168.00, Pacer Service Center...\$24.80, Tractor Supply...\$82.98, Snap On Tools...\$455.95, Hagan Ins...\$150.00, Praxair...\$79.00, Pierson Ford...\$21.18, Midwest Pump/Tank...\$59.07, Menards...\$325.78, Lust...\$213.30, Langs...\$19.99, Kesslers...\$79.53, HF Jacobs...\$225.00, Interstate Battery...\$57.95, Inman & McDonald...\$170.11, Holland Auto...\$11.18, Highway Impr...\$50,000.02, Hedahls...\$87.07, Hecla Impl...\$8.20, Fastenal...\$233.41, Farnams...\$313.86, Farm Power...\$163.41, Evergreen Supply...\$87.09, Economy Propane...\$2138.15, Diesel Machinery...\$71.14, Dakota Fluid Power...\$426.94, Brown County Tres...\$26.00, Ameripride...\$434.72, Runnings...\$40.84, Erdmann Fuels...\$1163.22, Dakota Elec...\$37.50, D&L Diesel...\$38.67, GCR Tire...\$21.12, Cartney Bearing...\$36.26, Carquest...\$35.98, Photo Xpress...\$10.26, Crescent Elec...\$19.46, US Postal Service...\$40.00, NESDCAP...\$2000.00, Hedahls...\$414.73, Gemplers...\$165.00, Pierson Ford...\$27,560.00, ProAg Supply...\$2771.02, Fastenal...\$1590.25, HSBC...\$958.79;

Professional Fees: Avera St Lukes...\$93.00, witness fees...\$20.00, NE Mental Health Center...\$248.71, Kristi Spitzer...\$1000.00, Miller Consulting...\$1100.00, Todd Struwe...\$1166.70;

Publications: Aberdeen American News...\$1741.47, Dickey County Leader...\$46.80;

Transcriptions: Kristi Kost...\$221.40, Tammy Erickson...\$60.00;

Travel: Maxine Taylor...\$55.91, Larry Gerlach...\$22.00, Stu Swenson...\$22.00, John Aman...\$22.00, Roger Huettl...\$22.00, Jeanette Hassebroek...\$22.00, Kathy Schaunaman...\$22.00, Duane Jark...\$26.64, Dennis Wiedebush...\$26.64;

Utilities: City of Aberdeen...\$59.54, NW Energy...\$10,432.48, Dependable...\$16,521.32, Northern Valley Comm...\$136.03, WEB...\$52.88, Qwest...\$37.89, Northern Cable...\$111.90;

Care of Poor: Dr/Hospital –1 recipient..Avera St Lukes...\$2272.11; Rent - 3 recipients..Getty Rentals...\$260.00, Justin Shultis...\$300.00, Mary Hofemann...\$225.00; Utilities 1– recipient..NW Energy...\$153.63. All members present voting aye. Motion carried.

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**PERSONNEL:**

Moved by Sutton, seconded by Wiese to approve the following employee step increases, effective April 19, 2009: Roxy Hilgenberg @ \$12.36 per hour, David Fair @ \$19.15 per hour, Diane Mielke @ \$14.93 per hour, Bryan Owens @ \$12.90 per hour, Kathy Fischer @ \$18.09 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Sutton to acknowledge the following miles driven and amount to be taxed for personal use of County vehicles during the months of January – March 2009: Jan Weismantel – 244.8 @ \$134.64, Marcus Selzler – 391 @ \$215.05, Kendell Titze – 354 @ \$194.70, Michael Scott – 520 @ \$286.00. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Sutton to approve employee status change for Timothy Harford from part-time to regular part-time, effective April 5, 2009 at \$10.48 per hour. All members present voting aye. Motion carried.

**INTEREST STATEMENT:**

Moved by Sutton, seconded by Elliott to accept for filing the January - March 2009 Interest Statement, submitted by County Treasurer Sheila Enderson. All members present voting aye. Motion carried.

**MALT BEVERAGE LICENSE TRANSFER APPLICATION:**

Moved by Elliott, seconded by Wiese to authorize advertising public hearing to consider the following malt beverage license application: Transfer Retail (on-off sale) Malt Liquor License from Al Malsam DBA A&E Promotions to Jamie Naasz DBA Brown County Speedway – Brown County Fairgrounds (Grandstand) SW ¼-Sec 1-T123N-R64W (map indicating specific building on file with application), to be held in the Commissioner's Chambers, Courthouse Annex, Brown County, SD at 9:30 A.M. May 5, 2009. All members present voting aye. Motion carried.

**SPECIAL MALT BEVERAGE HEARING:**

Moved by Wiese, seconded by Sutton to authorize advertising a public hearing to be held in the Commissioners Chambers, Courthouse Annex, Brown County, SD on May 5, 2009 at 9:30 a.m. to consider the following applications for Special Malt Beverage Licenses: Northeast Area Horse Racing, Inc., P.O. Box 1104, Aberdeen, S.D. 57401 at the Brown County Fairgrounds SW ¼ Sec 1-T123N-R64W (maps indicating specific building on file with application): Clubhouse effective May 9, 10, 16 & 17, 2009; Grandstand effective May 9, 10, 16 & 17, 2009; Clubhouse effective May 23, 24 & 25, 2009; Grandstand effective May 23, 24 & 25, 2009. All members present voting aye. Motion carried.

**WEED & PEST GRANT APPLICATION:**

Moved by Wiese, seconded by Sutton to approve and authorize Roger Johnson to submit online Grant Application to the SD Department of Health for the 2009 Mosquito Prevention and Control Program. All members present voting aye. Motion carried.

**BID OPENING – TANDEM TRUCK:**

Time and place, as advertised to open, read and consider bids for Tandem Axle Semi Tractor for the Highway Department. Bids were opened from Crawford Trucks, Sheehan Mack Sales, Wallwork Trucks. Moved by Wiese, seconded by Sutton to refer all bids to Jan Weismantel, Highway Superintendent for review and recommendation. All members present voting aye. Motion carried.

**FUEL BID AWARD:**

Moved by Wiese, seconded by Sutton to award the following Fuel Bids from state bid contracts, effective April 1, 2009 through March 31, 2010 inclusive, as follows: Contract #15618 Howes Oil Company, Inc

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for Transport Gasohol and Transport Diesel (all types); Contract #15629 North Central Farmers Elevator for Tankwagon Diesel (all types). All members present voting aye. Motion carried.

**APPLICATION FOR TEMPORARY OCCUPANCY:**

Moved by Wiese, seconded by Sutton to approve and authorize the Chairman to sign the following application, submitted by Brown County to The Burlington Northern and Santa Fe Railway Company for occupancy of the SW ¼ Sec 36-T123N-R64W for a temporary easement for construction of a replacement bridge on County Highway 10, located just upstream from the Railroad Bridge. This is necessary for placement of riprap in the County right-of-way. All members present voting aye. Motion carried.

**BID RESCIND/AWARD – ASPHALT ROLLER:**

Moved by Sutton, seconded by Elliott to rescind portion of motion in minutes of February 17, 2009 awarding bid, submitted by RDO Equipment Company for a 2009 Sakai Double Drum Asphalt Roller with trade in amount of \$31,500.00 less \$2,100.00 for net cost of \$29,400.00, as this machine failed to meet specifications when delivered; and further to award second low bid, submitted by Diesel Machinery Inc for a 2009 Hypac Double Drum Asphalt Roller with trade in amount of \$37,500.00 less \$5,000.00 for net cost of \$32,500.00. All members present voting aye. Motion carried.

**BID OPENING – BELLY PUP TRAILER:**

Time and place, as advertised to open, read and consider bids for Belly Pup Trailer for the Highway Department. Bids were opened from Diesel Machinery Inc, JD Evans, Sheehan Mack Sales, Wallwork Trucks. Moved by Sutton, seconded by Elliott to refer all bids to Jan Weismantel, Highway Superintendent for review and recommendation. All members present voting aye. Motion carried.

**RECESS:**

The Chairman declared the Commission recessed until April 21, 2009.

Maxine Taylor, Brown County Auditor



APRIL 14, 2009 – BROWN COUNTY BOARD OF EQUALIZATION

This being the second Tuesday, April 14, 2009, 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 Elliott, Sutton, Wiese and Fischbach. Mary E. Worlie and Sara Hagman from Director of Equalization Office and Treasurer Sheila Enderson were also present. Auditor Maxine Taylor called the meeting to order and called for nominations for Chairman.

Commissioner Wiese nominated Tom Fischbach as Chairman for the 2009 Brown County Board of Equalization. Moved by Elliott, seconded by Sutton that nominations cease and a unanimous ballot be cast. All members present voting aye. Motion carried.

Commissioner Elliott nominated Mike Wiese as Vice Chairman for the 2009 Brown County Board of Equalization. Moved by Sutton, seconded by Elliott that nominations cease and a unanimous ballot be cast. All members present voting aye. Motion carried.

Moved by Sutton, seconded by Wiese to accept for filing the Review Board Minutes from the towns and townships within Brown County. All members present voting aye. Motion carried.

Moved by Sutton, seconded by Elliott to instruct the Director of Equalization to reduce values on all properties qualifying for the Veteran Exemption for 2009. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Elliott to instruct the Director of Equalization to reduce values on all properties qualifying for Assessment Freeze for the Elderly and Disabled for 2009. All members present voting aye. Motion carried.

Moved by Elliott, seconded by Sutton to instruct the Director of Equalization to reduce values on all properties qualifying for Paraplegic Veteran Exemption for 2009. All members present voting aye. Motion carried.

Moved by Sutton, seconded by Wiese to approve Tax Exempt status, as requested on the following: Aberdeen City #32: Milwaukee Depot @ 36% on Lt 1 Blackstone 2nd Subd; First United Methodist Church @ 100% on Lt 7 Blk 30 1<sup>st</sup> Addn; New Life Fellowship Church @ 100% on Lt A of Lt 2 Howards OL B NE 14-123-64; Aberdeen Christian Fellowship @ 100% on Blk 77 Hagerty & Lloyd Addn; Avera St Lukes Hospital @ 58% on Lt 2 HRS/SAL Subd. All members present voting aye. Motion carried.

Moved by Sutton, seconded by Wiese to remove Tax Exempt status, as requested on the following: Aberdeen City #32 Homes Are Possible on Lt 1-2 Blk 6 Howard & Hedger Replat of NW Addn; Frederick City #38 Frederick Lounge Inc on Lt 6-9 Blk 9 OP. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Elliott to approve partial Tax Exempt Status for the following applications: Aberdeen City #32 First United Methodist Church @ 33% Tax Exempt on Lts 12 & 13 Blk 29 Subd of Lts 4 & 5 Blk 29 1<sup>st</sup> Addn & Lts 12 & 13 Blk 29 2<sup>nd</sup> Addn; Montessori School %Eric Hofer @ 25% Tax Exempt on Lot 10 Blk 3 Thomas Addn; Resource Center for Women @ 75% 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 (100% requested); VFW CC Croal Post #17 @ 50% Tax Exempt on Lt 19 Auto Plaza Addn (100% requested); Loyal Order of Moose #590 @ 80% Tax Exempt on Lots 1-8

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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% Tax Exempt** on Lts 7-12 Blk 22 First Addn (60% requested); **Avera St Luke's Hospital @ 40% Tax Exempt** on Lt 5 Avera Land 'O Lakes Subd (Farmers Union OL 3 Blk 71 H & L Addn); **Avera St Luke's Hospital @ 93% Tax Exempt** on Lt 1 Avera St Lukes Addn (previously portions of Blk 86, 87 & 96 Hagerty & Lloyds Addn & vac Street); **Avera St Lukes Hospital @ 15% Tax Exempt** on Lt 4 Hagerty & Lloyds 3<sup>rd</sup> Subd SE 13-123-64; **Sacred Heart School @ 50% Tax Exempt** on Lt 2 Sacred Heart 1<sup>st</sup> Subd; **Aberdeen Development Corporation @ 62% Tax Exempt** status on Lt 1 Abdn Dev Corp 2001-1 Subd NE 16-123-63 (Office). Warner Twp #23 Foundation for Youth Firearms Safety Inc @ 75% on the N 820' of SE 15-122-64 ex Hwy lying E of CNW RR. Groton City #33 American Legion Post #39 @ 60% Tax Exempt on Lts 22-23 & N 3' of Lt 24 & S 22' of Lt 24 & all of Lt 25 Blk 11 OP. All members present voting aye. Motion carried.

Moved by Sutton, seconded by Wiese to approve the applications to continue 100% Tax Exempt Status (complete listing available for public inspection Monday – Friday 8:00 a.m. to 5:00 p.m. at the Director of Equalization Office, 25 Market Street, Aberdeen, SD). All members present voting aye. Motion carried.

RECESS:

The Chairman declared the County Board of Equalization recessed until 10:00 on April 21, 2009.

Maxine Taylor – Brown County Auditor

# APRIL 21, 2009 – 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, Elliott and Wiese. Absent Commissioner Sutton.

## MINUTES:

Moved by Elliott, seconded by Wiese to approve the General Meeting minutes of April 14, 2009 and the Consolidated Board of Equalization Meeting minutes of April 14, 2009. All members present voting aye. Motion carried.

## CLAIMS:

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

Supplies: West Payment Center..\$1221.22, Language Lines..\$179.80, Office Equip..\$90.10, Wooden Mallet..\$4200.00, Crutial Tech..\$420.89, Wright & Sudlow..\$612.59, House of Glass..\$140.72, SDACO..\$300.00, Best Business..\$228.42, Galls..\$163.07, Graham Tire..\$28.00, Plaza Pharm..\$4.00, Evercom..\$3500.00, Custom Micro..\$6000.00, DT Pharm..\$720.46, Hagan Ins..\$350.00, Pumps Tire..\$79.80, HF Jacobs..\$7875.36, Howes Oil..\$11,582.25, Freys Elec..\$184.65, Custom Glass..\$682.19, Carquest..\$1139.57, Ramkota..\$246.00, Advanced Auto..\$10.89, Kleins..\$13.93, Ameripride..\$98.46, Sherri Rawstern..\$99.28, Service Signs..\$2750.00, Walmart..\$65.96, Runnings..\$41.98, Macs..\$40.29, SD-NEAFCS..\$50.00, Dakota Electronics..\$1579.65, Brown County..\$125.36, RPP Containers..\$1621.60, Americinn..\$371.94, Harvin Schlosser..\$198.00, Olympic Sales..\$650.00, Susan Fluke..\$70.00, Howard Olson..\$70.00, Visa..\$371.63, Florida Micro..\$2167.64:

Professional Fees: Avera St Lukes..\$2792.00, Sheriff of Yankton County..\$25.00, Lewis & Clark BHS..\$568.00, Language Lines..\$90.11, Zachary Kern..\$300.00, Avera Queen of Peace..\$53.50:

Publications: Aberdeen American News..\$2027.04, Groton Indep..\$244.89:

Travel: Mike Wiese..\$58.58, Kathy Fischer..\$127.65, Gene Loeschke..\$62.16, Carol Sherman..\$22.30, City of Groton..\$128.39, Marcus Selzler..\$35.00, Casey Jensen..\$35.00, Richard Breitag..\$35.00, Extension Service..\$272.70, Troy Knecht..\$86.58, Roger Johnson..\$41.19, Nyle Jensen..\$9.00:

Utilities: Alltel..\$366.99, Northwestern Energy..\$2561.87, Northern Elec..\$1541.59, City of Hecla..\$137.28, Dependable..\$144.50, City of Aberdeen..\$237.04, Qwest..\$4051.43, Bureau of Admin..\$466.46:

Care of Poor: Dr/Hospital – 3 recipients..Orthopedic Surgery Spec..\$29.71, OB/GYN..\$858.59, Dental Center..\$69.00; Rent - 4 recipients..Zumbaum Property..\$240.00, GPHC..\$260.00, Dallas Niederbaumer..\$114.00, Lonnie Frost..\$260.00; Utilities – 2 recipients..Northern Elec..\$189.16, NW Energy..\$280.00. All members present voting aye. Motion carried.

## PERSONNEL:

Moved by Wiese, seconded by Elliott to acknowledge resignation of Amber Crouch, effective April 23, 2009. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Elliott to approve hiring Derek Kiefer as a full time Correctional Officer in the Jail, effective April 20, 2009 at \$12.52 per hour. All members present voting aye. Motion carried.

## SHERIFF REPORTS:

Moved by Hansen, seconded by Elliott to approve the following March 2009 Sheriff Reports: Incidents and offenses; Prisoner care, JDC, Money deposited with the County Treasurer and Monthly activities. All members present voting aye. Motion carried.

## COUNTY RANGELAND FIRE PROTECTION:

Commissioner Hansen offered the following Resolution:

RESOLUTION #25-09  
RANGELAND FIRE PROTECTION

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 and submits a County Designee Report annually to the SD Department of Agriculture for the purpose of rangeland 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 rangeland fires in Brown County: Tom Fischbach, Scott Meints and Rochele Moser.

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

**CHEMICAL CONTRACTS:**

Moved by Hansen, seconded by Elliott to approve and authorize the Chairman to sign contract agreements with Van Diest Supply Company, Hefty Seed Company and Performance Ag for furnishing and delivery of chemical to the Weed Department, effective April 7, 2009 – November 30, 2009. All members present voting aye. Motion carried.

**SDDOT WEED CONTROL CONTRACT:**

Moved by Wiese, seconded by Hansen to approve and authorize the Chairman sign agreement with the SD DOT for the County to furnish the necessary equipment, material and labor to control the growth of declared noxious weeds within the right-of-way of state routes as designated in agreement, effective May 1, 2009 – October 15, 2009. All members present voting aye. Motion carried.

**BID – LANDFILL FENCE PROJECT:**

Moved by Hansen, seconded by Elliott to authorize advertising public hearing to open, read and consider bids for the Landfill Fence Project, to be held in the Commissioner's Chambers, Courthouse Annex, Brown County, SD at 9:30 a.m. on May 12, 2009. All members present voting aye. Motion carried.

**LANDFILL CLOSED PRE-SUBTITLE D ASSESSMENT:**

Moved by Wiese, seconded by Hansen to approve and authorize the Chairman sign Agreement with Leggette, Brashears & Graham, Inc to perform a leachate assessment of the closed pre-Subtitle D Landfill, in amount not to exceed \$29,407.00. All members present voting aye. Motion carried.

**AGREEMENT AMENDMENT:**

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman to sign Amendment #1 to the Agreement for Professional Services with Helms and Associates for the Brown County Landfill Expansion Project to amend Attachment "A" 2009 Schedule of Hourly Rates and Charges commencing January 2, 2009 through December 31, 2009. All members present voting aye. Motion carried.

**HOSPITAL CLAIMS:**

Moved by Wiese, seconded by Hansen to deny payment of the following hospital claims: 38 year old female @ \$8,272.34, 34 year old male @ \$35,552.50, 39 year old male @ \$4,937.00, 55 year old female @ \$9,850.17, as the individuals have not provided sufficient information to determine if indigent. All members present voting aye. Motion carried.

#### TOWING SERVICE DISCUSSION:

The gentleman who made an appointment to discuss the towing service group used by the Communications Center did not attend.

#### AWARD BID – BELLY PUP TRAILER:

Moved by Hansen, seconded by Elliott to award bid, submitted by Diesel Machinery for one 2009 Ranco 4-axel Belly Pup Trailer for the Brown County Highway Department in amount of \$47,880.00; rejecting the following: JD Evans @ \$52,707.00, Sheehan Mack @ \$43,256.00 (did not meet Item B specs), Wallwork Truck @ \$46,460.00 (did not meet Item A, B, C or D specs). All members present voting aye. Motion carried.

#### AWARD BID – SEMI TRACTOR:

Moved by Elliott, seconded by Wiese to award bid, submitted by Sheehan Mack for one 2010 Mack CXU613 Semi Tractor for the Brown County Highway Department in amount of \$89,478.00 with PTO option in additional amount of \$3,196.00; rejecting the following: Crawford Trucks @ \$99,520.00, Sheehan Mack @ \$91,869.00, Wallwork Truck @ \$101,535.00. All members present voting aye. Motion carried.

#### MAXIMUM WEIGHT LIMITATION ON BRIDGES:

Commissioner Wiese offered the following Resolution:

##### RESOLUTION #26-09

WHEREAS, SDCL 32-22-47 authorizes the board of county commissioners to erect and maintain at a point on the right-of-way and within one hundred feet of both entrances to any bridge and may, where they deem necessary, erect and maintain at the nearest intersection in each direction from any bridge, upon any public highway which it is the duty of the boards to maintain and repair, a conspicuous sign in large numerals, the maximum weight of any vehicle, laden or unladen, which may enter upon or cross over such bridge, and

WHEREAS, SDCL 32-22-50 authorizes any peace officer having reason to believe that the weight of a vehicle and load is unlawful is authorized to weigh the same.

NOW, THEREFORE BE IT RESOLVED by the Brown County Commission, pursuant to SDCL 32-22-34 the following bridges shall be posted with the maximum weight of any vehicle, laden or unladen, which may enter upon or cross over such bridge, and

FURTHER, BE IT RESOLVED, pursuant to SDCL 32-22-50 the Brown County Commission requests the South Dakota Department of Public Safety and the South Dakota Highway Patrol to enforce any and all bridge weight limits as posted.

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

#### SEASONAL LOAD LIMIT EXTENSION:

Commissioner Wiese offered the following Resolution:

##### RESOLUTION #27-09

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

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

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

NOW, THEREFORE BE IT RESOLVED, that the Brown County Commission, per SDCL 32-22-24 extends the seasonal load restrictions established by the Brown County Commission in regular session on March 3, 2009 (6-ton per axle and 40 MPH for trucks) from April 30, 2009 to May 31, 2009, inclusive or until roads become stable.

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

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

#### HIGHWAY UPDATE:

Jan Weismantel, Highway Superintendent discussed County Road 27 culvert repair; monitoring for flood damage; use of county vehicle by Mark Wendt (will track personal miles driven for tax purposes); vacation benefits for salaried personnel.

#### RECESS:

The Chairman declared the Commission recessed until April 28, 2009.

Maxine Taylor – Brown County Auditor

2009 BROWN COUNTY RESTRICTED BRIDGE WEIGHTS			T3/T3S2/T3-2
Bridge #	State Bridge #	Location	Rating Tons
BR006	07-000-431	Section 6/7 Township 121 Range 65 Off System New Hope Township	14/24/27
BR008	07-003-400	Section 19/30 Township 122 Range 65 Off System Highland Township	9/15/15
BR010	07-110-441	Section 14/13 Township 121 Range 65 Off System Warner Township	20/34/40
BR021	07-098-400	Section 22/27 Township 122 Range 65 Off System Warner Township	3/3/3
BR024	07-110-385	County Road 10 Section 13/14 Township 122 Range 64 On System Warner Township	20/33/39
BR025	07-121-040	Section 19/30 Township 128 Range 63 Off System Savo Township	21/36/41
BR031	07-110-356	County Road 10 Section 35/36 Township 123 Range 64 On System Warner Township	16/26/31
BR032	07-114-360	Section 1/36 Township 123 Range 64 Off System Aberdeen Township	10/18/21
BR045	07-170-384	Section 13/14 Township 122 Range 63 Off System Gem Township	20/34/38
BR066	07-210-468	Section 27/28 Township 121 Range 62 Off System East Rondell Township	22/36/40
BR068	07-220-454	Section 22/23 Township 121 Range 62 Off System East Rondell Township	9/16/18
BR069	07-230-444	Section 13/14 Township 121 Range 62 Off System East Rondell Township	12/20/23
BR080	07-250-432	Section 7/8 Township 121 Range 61 Off System Garden Prairie Township	9/15/14
BR081	07-256-430	Section 5/8 Township 121 Range 61 Off System Garden Prairie Township	16/27/28
BR082	07-260-427	Section 4/5 Township 121 Range 61 Off System Garden Prairie Township	4/4/4
BR087	07-299-470	Section 25/36 Township 121 Range 61 Off System Garden Prairie Township	21/35/37
BR091	07-304-414	Section 31 Township 122 Range 60 Off System East Hanson Township	5/5/5
BR093	07-311-374	Section 7/8 Township 122 Range 60 Off System East Hanson Township	15/24/27
BR098	07-347-400	Section 23/26 Township 122 Range 60 Off System East Hanson Township	16/26/26
BR104	07-305-370	Section 6/7 Township 122 Range 60 Off System East Hanson Township	6/6/6
BR117	07-270-417	Section 33/34 Township 122 Range 61 Off System West Hanson Township	9/16/18
BR118	07-301-410	Section 30/31 Township 122 Range 60 Off System East Hanson Township	19/32/36
BR123	07-280-384	Section 14/15 Township 122 Range 61 Off System West Hanson Township	8/13/14
BR124	07-283-380	Section 11/14 Township 122 Range 61 Off System West Hanson Township	18/30/35
BR132	07-322-350	Section 28/33 Township 123 Range 60 Off System Groton Township	20/34/40
BR138	07-330-311	Section 9/10 Township 123 Range 60 Off System Groton Township	16/27/29
BR142	07-346-330	Section 14/23 Township 123 Range 60 Off System Groton Township	16/28/31
BR145	07-322-330	Section 16/21 Township 123 Range 60 Off System Groton Township	18/30/34
BR172	07-125-220	Section 19/30 Township 125 Range 63 Off System Westport Township	10/17/19
BR180	07-050-160	Section 23/24 Township 126 Range 65 Off System Franklyn Township	5/5/5
BR197	07-082-070	County Road 5 Section 4/9 Township 127 Range 64 On System Frederick Township	24/40/42
BR204	07-010-070	County Road 5 Section 6/7 Township 127 Range 65 On System Allison Township	18/29/35
BR211	07-110-057	Section 35/36 Township 128 Range 64 Off System Osceola Township	19/31/36
BR232	07-240-288	County Road 18 Section 25/30 Township 124 Range 61/62 On System Putney Township	19/32/36
BR234	07-224-250	Section 2/11 Township 124 Range 62 Off System Cambria Township	7/12/14
BR238	07-200-234	County Road 16 Section 32/33 Township 125 Range 62 On System Columbia Township	10/16/18
BR245	07-330-104	Section 27/28 Township 127 Range 60 Off System North Detroit Township	11/18/21
BR259	07-284-450	Section 14/23 Township 121 Range 61 Off System Garden Prairie Township	18/30/34
BR268A	07-075-450	Section 17/20 Township 121 Range 64 Off System Warner Township	17/28/31
BR278	07-255-220	Section 20/29 Township 125 Range 61 Off System Columbia Township	12/20/23
BR325	07-338-300	County Road 13 Section 34/3 Township 124/123 Range 60 On System Groton Township	17/29/30
BR346	07-268-030	Section 16/21 Township 128 Range 61 Off System Hecla Township	6/10/10
BR352	07-040-275	Section 22/23 Township 124 Range 65 Off System Ravinia Township	18/31/30
BR425	07-120-230	County Road 11 Section 30/31 Township 125 Range 63 On System Westport Township	22/29/32

# APRIL 21, 2009 – 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 Elliott and Wiese. Commissioner Sutton was absent. Mary Worlie and Gene Loeschke, Director of Equalization Office were also in attendance.

## MINUTES:

Moved by Wiese, seconded by Elliott to approve the Brown County Board of Equalization Meeting minutes of April 14, 2009. All members present voting aye. Motion carried.

## APPEALS:

Moved by Wiese, seconded by Elliott to approve the following recommendations from the Director of Equalization: Frederick Twp #3 **1-2. Gary Peterson**-SE corner SE 1-127-64 (east part 1.6 ac) from 68917 to 62,160; SE corner SE 1-127-64 (west part 1.6 ac) from 66,538 to 55,944, adjust after review. Bath Twp #19 **3. Laura Arth**-Lt 3 Jones 2<sup>nd</sup> Subd Mallard Pass Subd SW 8-123-62 from 184,530 to 173,390, adjust after review. **4. Perry Blocker**-Lt 4 Camelot Subd SE 19-123-62 from 278,770 to 261,460, adjust after review. **5. Jerry D Buechler**-Lt 1 Priors OL 6 to Bath NW 17-123-62 from 132,840 to 113,445, adjust after review. **6. Richard J Conklin**-Lt 1 Camelot Subd SE 19-123-62 from 343,870 to 322,710, adjust after review. **7. John R Dalgren**-Lt 7 Jones 1<sup>st</sup> Subd Mallard Pass Subd SW 8-123-62 from 373,780 to 349,060, adjust after review. **8. Barry Dunlavy**-Lt 7 Blk 1 Mallard Pass Subd SW 8-123-62 from 259,730 to 243,625, adjust after review. **9. Burton Glover**-Lt 2 Blk 6 Mallard Pass Subd SW 8-123-62 from 298,740 to 279,970, adjust after review. **10. Brian Goebel**-Lt 1 Blk 6 Mallard Pass Subd SW 8-123-62 from 187,930 to 172,340, adjust after review. **11. James Haugen**-Lt 2 Jones 1<sup>st</sup> Subd Mallard Pass SW 8-123-62 from 307,595 to 287,970, adjust after review. **12. Daryle Hein**-Lt 1 Blk 1 Lt 1 Mallard Pass Subd SW 8-123-62 from 220,760 to 207,860, adjust after review. **13. Matt Helde**-Lt 8 Jones 1<sup>st</sup> Subd Mallard Pass Subd SW 8-123-62 from 218,395 to 204,920, adjust after review. **14. Travis Hoeft**-Lt 3 Jones 1<sup>st</sup> Subd Mallard Pass Subd SW 8-123-62 from 333,660 to 312,810, adjust after review. **15. Cole Jandel**-Lt 5 Camelot Subd SE 19-123-62 from 269,090 to 252,770, adjust after review. **16. Jason Kaan**-Lt 6 Blk 1 Mallard Pass Subd SW 8-123-62 from 134,685 to 126,950, adjust after review. **17. Jason Mahan**-Lt 11 Blk 1 Mallard Pass Subd SW 8-123-62 from 322,010 to 301,460, adjust after review. **18. Caleb Maynard**-Lt 2 Jones 2<sup>nd</sup> Subd Mallard Pass Subd SW 8-123-62 from 279,855 to 262,205, adjust after review. **19. Theodore Miller**-Lt 4 Blk 1 Mallard Pass Subd SW 8-123-62 from 267,210 to 250,590, adjust after review. **20. James A Moore**-Lt 9 Blk 1 Mallard Pass Subd SW 8-123-62 from 255,260 to 240,330, adjust after review. **21. Steve Orman**-Lt 13 Blk 1 Mallard Pass Subd SW 8-123-62 from 348,710 to 329,155, adjust after review. **22. Pepsi Company**-OL 1 Lieberg SW 15-123-63 from 337,074 to 330,805, adjust after review. **23. Steven Rust**-Lt 12 Blk 1 Mallard Pass Subd SW 8-123-62 from 239,040 to 224,205, adjust after review. **24. Gordy Schmidt Jr**-Lt 1 Jones 2<sup>nd</sup> Subd Mallard Pass Subd SW 8-123-62 from 367,560 to 345,865, adjust after review. **25. Ronald Snaza**-Lt 1 Blk 5 Mallard Pass Subd SW 8-123-62 from 223,520 to 211,490, adjust after review. **26. James Sperry**-Lt 6 Camelot Subd SE 19-123-62 from 239,330 to 225,250, adjust after review. **27. Wayne A Wienk**-Lt 3 Camelot Subd SE 19-123-62 from 220,420 to 208,050, adjust after review. **28. John Zweber**-Lt 1 Jones 1<sup>st</sup> Subd Mallard Pass Subd SW 8-123-62 from 351,210 to 329,400, adjust after review. Aberdeen Twp #20 **29. Eric Brenner**-Lt 7 Blk C Droog 1<sup>st</sup> Subd S ½ 22-123-64 from 226,100 to 213,325, adjust after review. **30. Brady Byram**-Lt 4A Blk C Droog 1<sup>st</sup> Subd S ½ 22-123-64 from 292,835 to 273,925, adjust after review. **31. Joyce Dahme**-10 acres immediately west of east 60 acres SE 18-123-64 from 203,935 to 192,685, adjust after review. **32. Arthur Fulker**-Lt 6 Fulker 1<sup>st</sup> Subd SE 17-123-64 from 113,763 to 103,653, adjust after review. **33. Daniel W Haselhorst**-Lt 6 Blk C Droog 1<sup>st</sup> Subd S ½ 22-123-64 from 227,490 to 213,980, adjust after review. **34. Thomas Leidholt**-Lt 1 Blk C Droog 1<sup>st</sup> Subd S ½ 22-123-64 from 342,070 to 320,145, adjust after review. **35. Barry L Marcuson**-Lt 11 Blk C Droog 1<sup>st</sup> Subd S ½ 22-123-64 from 307,520 to 288,045, adjust after review. **36. Sue Miller**-Lt 19 Blk 2 Rolling Meadows @ 250,730, remove



owner/occupied status. **37. Brent A Neys**-Lt 4B Blk C Droog 1<sup>st</sup> Subd S ½ 22-123-64 from 316,543 to 296,835, adjust after review. **38. Larry D Schumacher**-Lt 8 Blk C Droog 1<sup>st</sup> Subd S ½ 22-123-64 from 323,475 to 302,900, adjust after review. **39. Patrick W Weisgram**-Lt 2 Blk C Droog 1<sup>st</sup> Subd S ½ 22-123-64 from 303,010 to 283,845, adjust after review. **40. Troy A Woehl**-Lt 3 Blk C Droog 1<sup>st</sup> Subd S ½ 22-123-64 from 313,815 to 295,935, adjust after review. Warner Twp #23 **41. Chris Reder-BOLS** Lt 1 Larson OL 1 SW 24-122-64 from 250 to 0, remove mobile home. **42. Norman Couch**-Lt 17 Evelos OL NE 2-122-64 from 138,990 to 119,060, adjust after review. Palmyra Twp #28 **43. Lon V Lagodinski**-Lt 14-15 Thorpes 4<sup>th</sup> Elm Lake Subd E ½ 17-128-65 from 94,760 to 118,010, combine lots. Highland Twp #35 **44-47. John Braun**-NE 21-122-65 from 66,850 to 331,630; NW 21-122-65 from 66,850 to 331,630; SE 21-122-65 from 111,305 to 371,993; SW 21-122-65 from 66,850 to 331,630, NAZ. Frederick City #38 **48. Robert Johnson**-Lts 8-9 and Lts 10-12, except N 30' Blk 32 First Addition, from 18,220 to 6,647, flood damage. **49. Gary Peterson**-Lts 1-2 Blk 29 First Addition from 15,690 to 8,095, flood damage. Lincoln Twp #39 **50. Bruce Frink**-OL 90 & 91 Louis Millers Subd of Richmond Lake 19-124-64 from 41,735 to 35,495, adjust after review. **51. Todd Ochsner**-NW 10-124-64 except land deeded from 116,614 to 112,230, adjust after review. **52. James R & Linda J Titze**-S ½ S ½ 36-124-65 except Yoders OL 1 and except land deeded from 82,755 to 65,630, adjust after review. Hecla City #40 **53. Arthur Karlen**-Lt 9-10 Blk 43 Hecla from 11,250 to 8,150, adjust after review. **54. Clyde O Wells**-Lt 6-7 Blk 35 Subd N ½ Blk 25 & 35-46 and OL M Hecla from 39,441 to 9,690, adjust after review. Columbia City #33 **55. Alan Davis**-James Street Smiths 1<sup>st</sup> Addn Lt 418, 420, 422 from 103,820 to 36,755, adjust after review. **56. Ken & Clair Frohling**-Lake Blvd Smiths 1<sup>st</sup> Addn Lt 303 from 44,640 to 35,480, adjust after review. Stratford Town #45 **57. Leona Martel**-Lts 20, 21, 22 Blk 26 First Addn to Stratford from 6,048 to 2,500, adjust after review. Westport Town #51 **58. Bradley D & Janice Ellefson-Johnsons** Lt A NE 14-125-64 from 46,445 to 15,892, adjust after review. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Elliott to approve the following recommendation from the Director of Equalization: Greenfield Twp #2 **59-61. David W North**-SW 27-127-62 from 88,614 to 189,100; SE 22-127-62 from 93,535 to 189,100; W ½ SE ¼ 27-127-62 from 44,859 to 94,550, NAZ. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Elliott to approve the following recommendation from the Director of Equalization: Warner Twp #23 **62. Tracy E Smith**-Lt 26 Evelos OL NE 2-122-64 from 82,495 to 114,100, maintain equalization. All members present voting aye. Motion carried.

Moved by Elliott, seconded by Wiese to defer action on the following until April 28, 2009: Lincoln Twp #39 **63. Ty S Call**-Lt 1 Edwards 3<sup>rd</sup> Subd SE 26-124-64. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Elliott to approve the following recommendation from the Director of Equalization: Greenfield Twp #2 **64-66. William Richter**-NE 2-127-62 from 92,288 to 98,523, correct crop/grass acres; SE 21-127-62 @ 95,209, maintain equalization; SE 2-127-62 from 36,785 to 46,785, correct Ag exemption. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Elliott to approve the following recommendation from the Director of Equalization: Greenfield Twp #2 **67-68. Carson Stensland**-E ½ NW 2-127-62 @ 27,677, maintain equalization; W ½ NW 9-127-62 from 51,695 to 53,446, correct crop/grass acres. All members present voting aye. Motion carried.

Moved by Elliott, seconded by Wiese to approve the following recommendations from the Director of Equalization: Bath Twp #19 **69-71. David E Stahl**-Pt S ½ NW 16-123-62 lying S of RR from 22,865 to 60,520; S ½ SW 16-123-62 ex hwy from 91,460 to 260,960; N ½ SW 16-123-62 from 106,255 to 298,780, NAZ. Lansing Twp #5 **72. Traxinger Family Trust**-E ½ SE 36-127-61 from 47,788 to 76,174,

adjust crop/grass acres. North Detroit #9 **73.Marvin Beck**-N ½ SE 13-127-60 from 83,108 to 141,140, NAZ. Hecla City #40 **74.Cindy Miller**-Lt 3 Blk 33 of Plat of N ½ Blk 11 & S ½ Blk 17-20 & Blk 27-34 Inc. and OL F-L Inc Hecla from 18,125 to 20,150, correct assessment. **75.Mary Freudenthal**-Lt 1 Blk 12 Blk 11-14 Hecla from 21,198 to 24,530, uphold City Board. **76.Lloyd Wetenkamp**-Lt 3-4 Blk 8 Subd of Blk 8-10 Hecla from 15,040 to 23,240, uphold City Board. Groton City #33 **77.Richard Vogt**-BOLS #27 Cottonwood Lt A & B Doeringsfeld OL 3 from 17,430 to 11,910, adjust after review. All members present voting aye. Motion carried.

RECESS:

The Chairman declared the Brown County Board of Equalization recessed until 9:45 A.M. April 28, 2009.

Maxine Taylor – Brown County Auditor

## APRIL 28, 2009 – 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, Elliott, Sutton and Wiese.

## MINUTES:

Moved by Wiese, seconded by Sutton to approve the General Meeting minutes of April 21, 2009. All members present voting aye. Motion carried.

## CLAIMS:

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

Payroll: Commissioners...\$3,110.60; Auditor...\$7,704.56; Treasurer...\$10,697.59; Data Processing...\$3,431.02; State's Attorney...\$13,183.86; Stop Loss Grant-SA ...\$1,421.05; Maintenance...\$5,626.96; Assessor...\$9,915.45; Planning & Zoning...\$1,580.81; Register of Deeds...\$6,311.84; Veterans Service Office...\$2,925.97; GIS...\$1,921.93; Sheriff...\$72,481.00; Communications...\$16,520.33; Coroner...\$450.00; Welfare...\$3,144.20; Museum...\$5,716.52; Fair board...\$2,072.73; Fairgrounds & Parks...\$4,867.92; Extension...\$2,028.80; Weed...\$588.80; E&D...\$2,901.00; Teen Court...\$630.23; Highway...\$32,042.60; Landfill...\$9,719.19; Matching Benefits: FICA...\$13,031.03; Medicare...\$3,047.55; Wellmark BCBS Life...\$723.62; Delta Dental...\$4,762.80; Wellmark BCBS Health...\$69,284.48; SD State Retirement...\$27,302.50:

Supplies: Florida Micro...\$533.18, SDACO...\$300.00, Nat'l Auto Research...\$54.00, NADRIC...\$1666.67, Travel Leaders...\$598.20, SD Continuing Legal Ed...\$37.50, Gardner Locksmith...\$126.68, Office Equip...\$153.53, Grote Roofing...\$351.46, Menards...\$79.41, Ecolab...\$375.00, Fire Safety First...\$523.47, LarJos...\$225.19, Bob Barker...\$454.65, Exec Mgmt...\$2051.37, Civil Air Patrol...\$195.00, Best Business...\$164.14, Graham Tire...\$28.00, Intoximeter...\$1000.00, Langs...\$70.50, 3-D Spec...\$5326.50, Share Corp...\$113.00, Joe Malsam...\$9.30, Frey Elec...\$18.85, JD Evans...\$14362.64, Violet Dinger...\$4663.20, Sherri Rawstern...\$99.15, Don Bldg Hwd...\$32.50, North Pine Agg...\$200,857.10, Walmart...\$77.40, Nat'l Academy of Emergency Dispatch...\$70.00, Pizza Ranch...\$65.95, Geffdog...\$653.07, Macs...\$39.99, Hub City Rents...\$304.00, Sewer Duck...\$89.00, Huron Culvert...\$1165.33:

Professional Fees: witness fees...\$40.00, Avera St Lukes...\$90.00, SDACC...\$21,533.79, SD Human Service Center...\$500.00:

Publications: Aberdeen American News...\$732.06:

Transcriptions: Michelle Gaikowski...\$70.00, Kristi Kost...\$61.20, Tammy Erickson...\$84.30:

Court Appointed Attorney: Kuck Law Office...\$5208.33, Gina Rogers...\$5208.33, Randy Turner...\$5458.33, Christy Serr...\$5458.33:

Travel: Gary Erickson...\$71.32, Tom Fischbach...\$213.12:

Utilities: Midcontinent Cable...\$238.48, Alltel...\$1300.64, NW Energy...\$8739.36, Montana Dakota...\$27.75, Qwest...\$35.85:

Jury: Martin Albl...\$50.74, Trisha Arment...\$12.22, Chang Beachem...\$11.48, Steven Beare...\$10.74, Tracy Berg...\$11.48, Laura Bettmann...\$11.48, Samantha Beyers...\$11.48, Wayne Bierman...\$10.74, Jerry Bosch...\$11.48, Sharon Breaw...\$10.74, Susan Chamberlin...\$11.48, Mary Davis...\$10.74, Glen Delzer...\$51.48, Kevin Dockter...\$61.84, Alvin Doerr...\$11.48, Dorothy Elsen...\$50.70, Alexander Engel...\$10.74, Sherlyn Freeland...\$35.90, Jesse Frohling...\$24.80, Phyllis Gab...\$12.22, Jason Goette...\$10.74, Craig Green...\$12.22, Barbara Grosz...\$50.74, Doug Guthmiller...\$18.14, Nickolas Guthmiller...\$17.40, Mark Hale...\$10.74, Danielle Haley...\$10.74, Leroy Ham...\$23.32, Brenda Hanson...\$51.48, Gloria Hartze...\$12.96, Herbert Hawley...\$10.74, Nikkisue Heinz...\$11.48, Suzanne Hetletved...\$11.48, Steven Hinds...\$51.48, Connie Howard...\$15.92, Barbara Hubert...\$50.74, Hertha Jensen...\$12.22, Robert Jensen...\$11.48, Shannon Jensen...\$51.48, Valerie Jensen...\$21.10, Steven Kehm...\$10.74, Douglas Klein...\$12.96, Deirdra Kolb...\$11.48, Albert Kruger...\$10.74, Valerie Kuckelburg...\$10.74, Brent Kukrall...\$11.48, Christopher Lane...\$10.74, Daniel Larson...\$10.74, Nicole

Lemke..\$11.48, Ronald Merkel..\$10.74, Steven Monson..\$15.92, Gene Morsching..\$12.96, Heather Muntean..\$11.48, Mark Murphy..\$11.48, Louise Nash..\$14.44, Wendy Neietzel..\$13.70, Jodi Opitz..\$10.74, Teresa Peterson..\$12.22, Virginia Pulfrey..\$42.56, Lowell Punt..\$18.88, Tanya Reszler..\$11.48, Bill Rohrbach..\$12.96, Tony Rousseau..\$11.48, Tracy Russman..\$11.48, Jeremy Sampson..\$12.96, Pamela Savoie..\$11.48, Roger Schaible..\$11.48, Vernon Schilling..\$10.74, Mary Schulz..\$11.48, Ryan Schwab..\$12.22, Joshua Schwan..\$14.44, Raymond Schwan..\$10.74, Lori Seaman..\$18.88, Amy Serfling..\$51.48, James Skaggs..\$52.22, Anissa Stange..\$26.28, Alexa Stenvig..\$10.74, Brandi Swalve..\$12.22, Ezra Tebben..\$15.18, Thomas Scoatt..\$24.80, Amy Totton..\$50.74, Scott Townsend..\$11.48, Angela Ulberg..\$11.48, Floy Venegas..\$10.74, Kimberly Washenberger..\$10.74, Lorrie Weber..\$24.80, Mary Weismantel..\$64.80, Vayle Woodward..\$11.48, Trevor Zeck..\$24.80, Paul Zinter..\$11.48:

Care of Poor: Dr/Hospital – 3 recipients..Anesthesia Care..\$176.00, Avera St Lukes..\$361.59, Aberdeen Family Physicians..\$135.91; Rent - 6 recipients..White House Inn..\$176.40, Richard Bakken..\$177.00, Erdmann Prop..\$500.00, Justin Shultis..\$150.00, Joe VanDeRostyne..\$300.00; Utilities –3 recipients..NW Energy..\$399.69, City of Aberdeen..\$300.00; Transportation – 1 recipient..Aberdeen Adv Care..\$223.84. All members present voting aye. Motion carried.

#### PERSONNEL:

Moved by Hansen, seconded by Wiese to approve the following employee step increases, effective May 3, 2009: Janice Moore @ \$17.49 per hour, Carol Wolf @ \$15.28 per hour, John Weig @ \$15.18 per hour, Monte Podoll @ \$13.20 per hour, Ron Glugla @ \$15.61 per hour. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Sutton to approve hiring Tina McLeod as Secretary in the States Attorney's Office, effective May 11, 2009 at \$11.82 per hour; and further accept resignation of Jane Jensen, effective May 7, 2009. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Sutton to approve hiring Richard Schaible as seasonal employee at the Highway Department, effective June 1, 2009 at \$10.47 per hour (second year with CDL). All members present voting aye. Motion carried.

#### ABATEMENTS:

Moved by Hansen, seconded by Sutton to approve the following Abatements: Jung Development @ \$18.72, Edna Schnoor @ \$141.40, Faye Kightlinger @ \$53.16, Chris Reder @ \$4.47 and \$4.28, Lyle Goldade @ \$65.94, Shirley Lock @ \$501.26, Darius Schwan @ \$534.42. All members present voting aye. Motion carried.

#### TOWNSHIP BONDS:

Moved by Sutton, seconded by Hansen to approve the following Township Bonds (Treasurer and Clerk): PORTAGE #1- Susan Gerdes, Tom Stehly; GREENFIELD #2 – Valerie Weisser, Karen Lunzman; FREDERICK #3 – Dennis Walworth Jr, Jill Gisi; ALLISON #4 - Dillon Cutler, Arlene Hixon; LANSING #5 – Dixie Clark (clerk); ONEOTA #6 - Karla Engelhart, Neil Schaunaman; BRAINARD #7 - Charles Dennert, Diane Bruns; SHELBY #8 – Michael Knecht, Brent Miller; NORTH DETROIT #9 – Sandy Dinger, Cindy Olson; CLAREMONT #10 – Donald Wegleitner, Justin Wegleitner; COLUMBIA #11 – Marty Weismantel, Patricia Daly; WESTPORT #12 - Guyna Dehne, Doug Fjeldheim; CARLISLE #13 - Sally Waltman, Alfred Waltman; ORDWAY #14 - Kerry Howell, Mike McHugh; CAMBRIA #15 – Monte McNickel, Ron Ringgenberg; RIVERSIDE #16 – Steve Simon, Bruce Sippel; GROTON #17 – Jerry Locke, Jeff Howard; HENRY #18 – Matt Oswald, Janet Lehman; 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, Betty Schinkel;

GARDEN PRAIRIE #26 – Craig Dunker, Todd Osterman; EAST RONDELL #27 – Dennis Rossow, Kathy Williams; PALMYRA #28 - Sarah Monroe, Margaret Strand; OSCEOLA #29 – John Peldo, Chris Sumption; SAVO #30 - Calvin Raisanen, Judy Bretsch; LIBERTY #31 – Todd Lunzman, Rollin Stearns; RAVINIA #34 – Lisa Berbos, Patrick Keatts; HIGHLAND #35 - Dan Misslitz, Deanna Nelson; FRANKLYN #36 - Sharon Bain, Jeff Stein; RICHLAND #37 - Margaret Sumption, Deb Heine; LINCOLN #39 – Vickie Schrenk, Glen L Larson; BATES #44 – Kathy Dobberpuhl, Betty Geist; GARLAND #46 – Lloyd Buntrock, Glenn Ringgenberg; PUTNEY #48 – Bill Schuelke, Mark Thompson; WEST HANSON #49 - Tom Paepke, Arnold Bahr; HECLA #50 – Cliff Schroeder, Sharon Schroeder; PRAIRIEWOOD #53 – R Lee Ginsbach, Craig McFarland; SOUTH DETROIT #59 - Mark Perkins, Mark Hoines. All members present voting aye. Motion carried.

#### EOC SECURITY SYSTEM:

Moved by Sutton, seconded by Elliott to approve security system for the EOC (Emergency Operations Center) to be funded by HLS (Homeland Security) Funds in approximate amount of \$51,710.00. All members present voting aye. Motion carried.

#### PLATS:

Commissioner Elliott offered the following Resolution:

#### RESOLUTION #28-09

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing “J Gross Addition, in the NW ¼ 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, Elliott-aye, Sutton-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Sutton offered the following Resolution:

#### RESOLUTION #29-09

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing “Stiklestad Lot 1 in NW ¼ Sec 20-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 Wiese. Roll call vote: Commissioners Hansen-aye, Elliott-aye, Sutton-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Elliott offered the following Resolution:

#### RESOLUTION #30-09

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing “Wright Third Subdivision in the NE ¼ 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 of 1967, Chapter 11-3, and any amendments thereof.

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

Commissioner Wiese offered the following Resolution:

#### RESOLUTION #31-09

BE IT RESOLVED by the Board of Commissioners of Brown County, SD, that the plat showing "Ron Erdmann Addition in the SW ¼ of the NW ¼ of Sec 2-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 Sutton. Roll call vote: Commissioners Hansen-aye, Elliott-aye, Sutton-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

#### LEASE AGREEMENTS:

Moved by Sutton, seconded by Wiese to approve and authorize the Chairman sign the following agreements: Liebelts RV for lease of the Holum Expo Building Addition on March 17 – 29, 2009; Lynette Mincks for lease of the Richmond Lake Youth Camp on May 21-26, 2009. All members present voting aye. Motion carried.

#### TAX DEED SALE:

Moved by Sutton, seconded by Wiese to authorize advertising the following described property to be offered for sale by auction in the Community Room, Brown County Courthouse Annex, on May 18, 2009 at 10:00 a.m; and further to declare property surplus for purpose of sale (90% of minimum bid): Oneota Twp: OL 1 Barnard Elevator NE ¼ Sec 14-T126N-R64N of 5<sup>th</sup> P.M., Brown County, SD @ \$500.00; Shelby Twp: S ½ of Lt 3 Blk 3, Houghton, Brown County, SD @ \$55.00; E 14' of N 62' Lt 26, and the N 62' of Lt 27 Blk 3 Houghton, Brown County, SD @ \$125.00; Aberdeen Twp: The N 333' of the 900' West of the East 1150' of the NE ¼ of Sec 27-T123-R64W of the 5<sup>th</sup> P.M., Brown County, SD @ \$32,313.00; Westport Town: Lt 6 Blk 9 Westport, Brown County, SD @ \$750.00. All members present voting aye. Motion carried.

#### LANDFILL EXPANSION PROJECT:

Moved by Sutton, seconded by Elliott to approve and authorize the Chairman sign Payment Request #1 for the Brown County Landfill Expansion Project in amount of \$200,857.10. All members present voting aye. Motion carried.

#### LETTER OF SUPPORT:

Moved by Hansen, seconded by Elliott to authorize the Chairman sign letter of support for the restoration of the former Milwaukee Railroad Depot for the establishment of a Native American Cultural Center & Museum. All members present voting aye. Motion carried.

#### EMPLOYEE HEALTH INSURANCE:

Gary Welter, Wellmark BCBS presented additional renewal options for the employee health insurance currently in place. There was no action taken by the Commission at this time.

#### SDRS SRP:

Jeanette Nietert, Deputy Auditor discussed the newest SDRS Plan innovator – automatic enrollment in the Supplemental Retirement Plan. The Commission declined to make it automatic and will leave the decision to participate in the supplemental plan to each employee.

**NESDCAP:**

Larry Wattier presented 2008 NESDCAP Annual Report for Brown County.

**ABANDONED PROPERTY:**

Moved by Sutton, seconded by Elliott to transfer an abandoned mobile home frame from the Highway Department to the Fair Board. All members present voting aye. Motion carried.

**HIGHWAY UPDATE:**

Jan Weismantel, Highway Superintendent discussed Bridge #51 and the return of an employee to light duty, per Doctors permission.

**BID AWARD – MAGNESIUM CHLORIDE:**

Moved by Hansen, seconded by Wiese to award bid for Magnesium Chloride, submitted by Z & S Dust Control Systems at \$.69 per gallon, as bid by Spink County on March 17, 2009. All members present voting aye. Motion carried.

**RECESS:**

The Chairman declared the Commission recessed until May 5, 2009.

Maxine Taylor – Brown County Auditor

# APRIL 28, 2009 – 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, SD. Present were Commissioners Elliott, Sutton and Wiese. Mary Worlie and Gene Loeschke, Director of Equalization Office were also in attendance.

## MINUTES:

Moved by Wiese, seconded by Elliott to approve the Brown County Board of Equalization Meeting minutes of April 21, 2009. All members present voting aye. Motion carried.

## APPEALS:

Moved by Sutton, seconded by Elliott to approve the following recommendation from the Director of Equalization: Lincoln Twp #39 63.Ty S Call-Lt 1 Edwards 3<sup>rd</sup> Subd SE 26-124-64 from 220,140 to 206,258, market factor adjustment; **78.Duane Hedge**-Lt 2 Edwards 3<sup>rd</sup> Subd SE 26-124-64 from 160,200 to 150,142, market factor adjustment; **79.Craig Stein**-Lt 3A Edwards/Stein Subd SE 26-124-64 from 145,670 to 136,903, market factor adjustment; **80.Michael Keller**-Lt 4A Edwards/Stein Subd SE 26-124-64 from 235,460 to 221,119, market factor adjustment; **81.Timothy Hixon**-Lt 6 Edwards 3<sup>rd</sup> Subd SE 26-124-64 from 181,835 to 170,832, market factor adjustment; **82.Jeffrey Casanova**-Lt 7 Edwards 3<sup>rd</sup> Subd SE 26-124-64 from 271,880 to 254,668, market factor adjustment; **83.Andrew Hendrickson**-Lt 8 Edwards 3<sup>rd</sup> Subd SE 26-124-64 from 142,375 to 133,999, market factor adjustment; **84.Robert M Larson**-Lt 9 Edwards 3<sup>rd</sup> Subd SE 26-124-64 from 213,404 to 201,586, market factor adjustment. All members present voting aye. Motion carried.

Moved by Sutton, seconded by Wiese to approve 100% Tax Exempt Status for the following, with the understanding that if Tax Exempt Status is reversed by Attorney General and/or City Attorney Opinion an omitted assessment will be filed on said properties: Aberdeen City #32: 85-86.Housing & Redevelopment Commission-Block 4 Mel Ros Southview Addn; Lawson View Addn (N 300' of S 600' OL 4A Ganje Addn of Mel Ros Estates). All members present voting aye. Motion carried.

## ADJOURNMENT:

Moved by Wiese, seconded by Sutton to adjourn the Brown County Board of Equalization. All members present voting aye. Motion carried.

Maxine Taylor – Brown County Auditor



APRIL 28, 2009 – 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 Commissioners Alm, Elliott, Sutton and Levsen. Mary Worlie, Leo Leshner and Gene Loeschke from the Director of Equalization Office were also in attendance.

APPEALS:

Moved by Sutton, seconded by Levsen to approve the following recommendation from the Director of Equalization: **1.Darwin Vetch**-Lt 7 Blk 43 Hagerty & Lloyd Addn @ 20,000, maintain equalization. All members present voting aye. Motion carried.

Moved by Sutton, seconded by Levsen to approve the following recommendation from the Director of Equalization: **2.Dana & Becky Randall**-Lt 4 Blk 1 Melros 6<sup>th</sup> Addn @ 204,792, maintain equalization. **3-7.Robert Vanriter**-Lt 9 Blk 2 Normal Addn @ 73,980; W 71' of Lt 5-6 Blk 23 Thomas Addn @ 53,220; E ½ Lt 7 Blk 48 Second Addn @ 27,958, maintain equalization; Lt 10 Blk 1 Normal Addn from 104,583 to 67,703; Lt 3 Blk 40 Thomas Addn from 81,200 to 52,740, adjust after review. **8.Scott & Rhonda Clark**-Lt 12 Blk 4 North Plains 2<sup>nd</sup> Addn from 188,350 to 185,810, adjust after review. **9.Sharon Leisen Watts & Dorothy Leisen Howe**-S ½ Lt 5 all Lt 6 Blk 12 North Aberdeen Addn @ 74,575, maintain equalization. **10.Loren Lomis**-W 75' of Lt 7 & W 75' of S ½ Lt 8 Blk 3 OP to Aberdeen @ 73,727, maintain equalization. **11.Bridgestone/Firestone**-Firestone Addn @ 472,265, maintain equalization. **12.Anthony & Patricia Schwan**-Lt 5 Boulevards Subd SE 6-123-63 from 440,350 to 421,470, adjust after review. **13.Jensen Rock & Sand Inc**-Reeses OL 1 ex H-1 E ½ NE 23-123-64 from 287,505 to 328,439, correct error. **14.Michael & Colleen Fowle**-Lt 2 Blk 2 Mehlhoffs 11<sup>th</sup> Addn @ 290,140, maintain equalization. **15.Donald & Carole VonWald**-Lt 6 Blk 8 15<sup>th</sup> Addn to Highland North from 222,635 to 197,570, adjust after review. **16.Thomas F Agnitsch**-Lt 9 Blk 10 Forest Acres 7<sup>th</sup> Addn from 163,430 to 147,765, adjust after review. **17.Forrest C Allred**-#3 Lt 5 BB Wards 1<sup>st</sup> Subd Lt 1-3 Blk 6 OP from 64,225 to 43,332, adjust after review. **18.Steven Ballinger**-S 81.5' Lt 12 Blk 13 Thomas Addn from 100,918 to 82,723, adjust after review. **19.Steven & Christine Beare**-Parker Improvement Addn (Blk 12 3<sup>rd</sup> Addn to Highland North Addn from 267,670 to 249,080, adjust after review. **20.Thomas & Deanna Blanchard**-Lt 4 Blk 2 Northview 3<sup>rd</sup> Addn from 155,520 to 142,810, adjust after review. **21.Morgan Brockel**-Lts 871-872 Morning Heights Subd from 126,400 to 118,380, adjust after review. **22.Duane & Kay Bush**-#204 Plaza Place Condos Lt 12 & N 30' Lt 13 Auto Plaza Addn from 114,140 to 103,540, adjust after review. **23.Todd Campbell**-Lt 2 Elmwood Acres 2<sup>nd</sup> Addn from 312,690 to 265,360, adjust after review. **24.Kim O Clausen**-Lt 20 Blk 21 Simmons 1<sup>st</sup> Addn from 122,500 to 99,590, adjust after review. **25.Rickter & Betty Clay**-Lt 2 Blk 2 Mehlhoffs 6<sup>th</sup> Addn (Blk 2 North Plains 1<sup>st</sup>) from 368,985 to 343,015, adjust after review. **26.Jonathan & Amber Davidson**-Lt 3 Sauerwein 1<sup>st</sup> Subd from 210,230 to 174,400, adjust after review. **27.Delores E Diedtrich**-S 60' Lt 6 Blk 53 2<sup>nd</sup> Addn from 73,140 to 55,000, adjust after review. **28.Edward & Kay Dosch**-Lt 4 Blk 14 8<sup>th</sup> Addn to Highland North from 177,385 to 153,955, adjust after review. **29.Doug Dryer**-Lt 10 Blk 42 2<sup>nd</sup> Addn from 67,850 to 8,750, adjust after review. **30.Elvin & Delpha Dumdei**-#301 S 120' Lt 13 & N 60' Lt 14 Auto Plaza Addn from 114,140 to 103,540, adjust after review. **31.Evan Erdmann**-Lt 8 & N 4' Lt 9 Blk 22 Simmons 1<sup>st</sup> Addn from 118,730 to 107,510, adjust after review. **32.Elroy & Vivian Eske**-#103 Plaza Place Condos Lt 12 & N 30' Lt 13 Auto Plaza Addn from 114,140 to 103,540, adjust after review. **33.Alex Falk**-Lt 8-13 Blk 28 Corrected Plat of Highlands & Lt 2 Maloney 1<sup>st</sup> Addn from 551,835 to 475,390, adjust after review. **34.Justin Feickert**-Lt 1 Blk 1 D & G 3<sup>rd</sup> Subd Roosevelt Crystal Subd from 289,090 to 242,510, adjust after review. **35.Marian L Finwall**-Lt 23 Blk 6 Mel Ros 1<sup>st</sup> Addn to Mel Ros Estates Addn from 118,466 to 114,336, adjust after review. **36.August & Alegra Fischer**-#306 S 120' Lt 13 & N 60' Lt 14 Auto Plaza Addn from 114,140 to 103,540, adjust after review. **37.Helen Fry** -#305 S 120' Lt 13 & N 60' Lt 14 Auto Plaza Addn from 114,140 to 103,540, adjust after review. **38.Brian Frost & Diane Cummings**-#515 Lt 2 Rolling Hills Village 5<sup>th</sup> Addn from 288,380 to 261,960, adjust after

review. **39.Elsie Geffre**-Lt 2 Huffmans 4<sup>th</sup> Addn from 111,953 to 103,218, adjust after review. **40.Jay R Gellhaus**-Lt 19 Blk 7 17<sup>th</sup> Addn to Highland North from 393,325 to 331,725, adjust after review. **41.Patrick & Mona Gillick**-W 96.22' L 745-746 & W 96.22' of N 8' Lt 744 Morning Heights Addn from 68,890 to 60,120, adjust after review. **42.Daniel Grewe**-W 80' Lt 4 Blk 11 11<sup>th</sup> Addn to Highland North from 234,090 to 186,420, adjust after review. **43.Mark Gederos**-Lt 10 Blk 8 15<sup>th</sup> Addn to Highland North from 162,380 to 153,740, adjust after review. **44-75.Richard Halstead**-Lts 1-12 Blk 1 Halsteads 1<sup>st</sup> Subd from 5,000 to 1,610; Lt 1 Blk 2 Halsteads 1<sup>st</sup> Subd from 5,000 to 2,420; Lt 2 Blk 2 Halsteads 1<sup>st</sup> Subd from 5,000 to 2,570; Lt 3, Blk 2 Halsteads 1<sup>st</sup> Subd from 5,000 to 1,610; Lt 4 Blk 2 Halsteads 1<sup>st</sup> Subd from 5,000 to 2,430; Lts 1-11 Blk 3 Halsteads 1<sup>st</sup> Subd from 5,000 to 1,610; Lt 12 Blk 3 Halsteads 1<sup>st</sup> Subd from 5,000 to 2,100; Lt 1 Blk 4 Halsteads 1<sup>st</sup> Subd from 5,000 to 2,170; Lt 2 Blk 4 Halsteads 1<sup>st</sup> Subd from 5,000 to 2,240; Lt 3 Blk 4 Halsteads 1<sup>st</sup> Subd from 5,000 to 2,180; Blk 5 Halsteads 1<sup>st</sup> Subd from 10,000 to 27,910, adjust after review. **76.Earl & Nina Haugen**-E 75' Lt 25 Blk 8 Melros 4<sup>th</sup> Addn to Melros Estates from 208,468 to 206,483, adjust after review. **77.Kay Hohnacker**-#104 Plaza Place Condos Lt 12 & N 30' Lt 13 Auto Plaza Addn from 114,140 to 103,540, adjust after review. **78.Leslie & Jennifer Huettl**-Lt 2 Blk 3 Roosevelt Estates from 448,745 to 342,475, adjust after review. **79.Jason & Angela Jackson**-Lt 7 Blk 49 Bennett & Thomas Addn from 65,415 to 56,180, adjust after review. **80.Fred A Johnson**-Lt 10 & W ½ Lt 11 Blk 12 West Hill Addn from 52,735 to 32,695, adjust after review. **81.James Kaiser**-Lt 26 Blk 15 13<sup>th</sup> Addn to Highland North from 159,595 to 153,885, adjust after review. **82.Helen Kolden**-#102 Plaza Place Condos Lt 12 & N 30' Lt 13 Auto Plaza Addn from 114,140 to 103,540, adjust after review. **83.Helen Kopecky**-Lt 12 & N 30' Lt 13 #101 Plat of Auto Plaza Addn from 114,140 to 103,540, adjust after review. **84.Jeff Lamont**-Lt 5 Blk 1 Willowwood Addn @ 262,610, maintain equalization. **85.Lamont Enterprises**-N ½ NE 20-123-63 ex land platted inc land in S ½ NE in city limits @ 413,340, maintain equalization. **86.Lamont Development LLC**-NE NW 20-123-63 ex W ½ W ½ W ½ @ 356,176, maintain equalization. **87.James & Betty Lemler**-#202 Plaza Place Condos Lt 12 & N 30' Lt 13 Auto Plaza Addn from 114,140 to 103,540, adjust after review. **88.Catherine K Lindemann**-Lt 11 Blk 7 Melros 1<sup>st</sup> Addn to Melros Estates from 160,237 to 152,747, adjust after review. **89.Jerry Maier**-Lt 25 Blk 9 11<sup>th</sup> Addn to Highland North from 176,030 to 155,090, adjust after review. **90.Donna M Markley**-Lt 4 Clocksins Replat Lts 11-12 Blk 46 2<sup>nd</sup> Addn and portion of vacated alley from 77,273 to 71,473, adjust after review. **91.Max & Marjorie Marquardt**-#303 S 120' Lt 13 & N 60' Lt 14 Auto Plaza Addn from 114,140 to 103,540, adjust after review. **92.Clifford & Leona Martz**-#203 Plaza Place Condos Lt 12 & N 30' Lt 13 Auto Plaza Addn from 114,140 to 103,540, adjust after review. **93.Robert & Donna Masters**-#206 Plaza Place Condos Lt 12 & N 30' Lt 13 Auto Plaza Addn from 114,140 to 103,540, adjust after review. **94.Alma McKelvey Trust**-#106 Plaza Condos Lt 12 & N 30' Lt 13 Auto Plaza Addn from 114,140 to 103,540, adjust after review. **95.Peter & Patricia Mehlhaff**-Lts 10-11 Campbells Subd Replat of Plat G of Lt 2 Elmwood Acres in NW 12-123-64 from 436,120 to 381,500, adjust after review. **96.Wayne Miller**-Lt 3 Miller Subd Lt 1 McIntyres Subd SW 16-123-63 from 162,905 to 104,495, adjust after review. **97.Charlie & Lucille Mitchell**-#203 S 120' Lt 13 & N 60' Lt 14 Auto Plaza Addn from 114,140 to 103,540, adjust after review. **98.Helen Moulton**-#105 Plaza Place Condos Lt 12 & N 30' Lt 13 Auto Plaza Addn from 114,140 to 103,540, adjust after review. **99.Ronnie & Jean Nold**-Lt 3 Blk 1 1<sup>st</sup> Addn to Highland North from 267,960 to 247,765, adjust after review. **100.Dorothy O'Keefe**-#202 S 120' Lt 13 & N 60' Lt 14 Auto Plaza Addn from 114,140 to 103,540, adjust after review. **101.Olga Olson**-#304 S 120' Lt 13 & N 60' Lt 14 Auto Plaza Addn from 114,140 to 103,540, adjust after review. **102.Esther M Patterson**-S 25' Lts 13 & 14 Blk 24 Simmons 1<sup>st</sup> Addn from 123,030 to 109,350, adjust after review. **103.Walter V Plumage**-Lt 6 Blk 2 Huffmans 3<sup>rd</sup> Addn from 149,612 to 127,412, adjust after review. **104.Judith Porter**-#204 S 120' Lt 13 & N 60' Lt 14 Auto Plaza Addn from 114,140 to 103,540, adjust after review. **105.Primrose Cottages**-Lt 1 Primrose Cottages from 944,198 to 708,788, adjust after review. **106.Property Management & Construction**-E 40' of N 15' Lt 13 & E 40' Lt 14 Blk 37 Thomas Addn from 31,155 to 29,000, adjust after review. **107.Duane & Isabel Riedel**-Lt 3 & S 5' Lt 2 Blk 4 Gorders Replat 4<sup>th</sup> Addn from 225,046 to 193,940, adjust after review. **108-111.Rolling Hills Golf Club LLC**-Lt 2 Rolling Hills Village 6<sup>th</sup> Addn from 24,530 to 38,165; Lt C Rolling Hills Village 10<sup>th</sup> Addn from 444,688 to 246,960; Lt B Rolling Hills

Village 10<sup>th</sup> Addn from 23,690 to 3,500, adjust after review; Lt 10 Rolling Hills Village 6<sup>th</sup> Addn @ 90,365, maintain equalization. **112-113. Rubloff Tri-State Lakewood Portfolio LLC**-Lt 2A of Dial Third Addn SE 17-123-63 from 13,565,275 to 10,731,592; Lt 2B of Dial Third Addn SE 17-123-63 from 227,380 to 181,906, adjust after review. **114. Patrick Russell**-E 99.58' of Lt 2 Blk 5 North Plains from 186,810 to 180,000, adjust after review. **115. Mary Lu Sanderson**-#205 S 120' Lt 13 & N 60' Lt 14 Auto Plaza Addn from 114,140 to 103,540, adjust after review. **116. Karen Sandquist-Fleming**-Lt 12 Blk 6 Forest Acres 3<sup>rd</sup> Addn from 111,510 to 103,860, adjust after review. **117. Corey Sauerwein**-Lt 6 Sauerwein 1<sup>st</sup> Subd (pt Lockington OL 1) from 280,190 to 226,430, adjust after review. **118. Ray Sauerwein**-W 35' Lts 7-8 Blk 50 Bennett & Thomas Addn from 37,455 to 6,880, adjust after review. **119. Frank Scepianiak**-S ½ Lts 13-14 Blk 15 Thomas Addn from 160,221 to 143,659, adjust after review. **120. Julius D. Schipke**-Lt 2 Hermans Replat of Blk 7 Pleasant Hill Addn from 53,332 to 46,612, adjust after review. **121. Carl Schoch**-#201 Plaza Place Condos Lt 12 & N 30' Lt 13 Auto Plaza Addn from 114,140 to 103,540, adjust after review. **122. Warren & Ruth Schumacher**-#205 Plaza Place Condos Lt 12 & N 30' Lt 13 Auto Plaza Addn from 114,140 to 103,540, adjust after review. **123. Eric Barnett**-Lt 11 Blk 29 1<sup>st</sup> Addn to Highlands from 74,650 to 59,510, adjust after review. **124. Anthony & Barbara Schwan**-Lt 6 Boulevards Subd SE 6-123-63 from 498,550 to 469,120, adjust after review. **125. Ron Snaza**-Lt A Snazas 1<sup>st</sup> Subd NE 20-123-63 from 72,330 to 70,410, adjust after review. **126. Squash**-Lts 17-18 Blk 6 OP from 133,120 to 129,036, adjust after review. **127. Scott Stolle**-Lt 5 Blk 1 Mehlhoffs 11<sup>th</sup> Addn from 245,165 to 189,220, adjust after review. **128. Vincent V Stotz**-Lt 13 & N ½ Lt 14 Lawsons 1<sup>st</sup> Replat Blk 10 Woolverton Addn from 172,385 to 128,860, adjust after review. **129. Joyce Stugelmayer**-Lt 8 Lawsons 1<sup>st</sup> Replat Blk 10 Woolvertons Addn from 84,240 to 82,600, adjust after review. **130. William Svenson**-Lt 3 NE 20-123-63 ex Lt A Snaza 1<sup>st</sup> Subd & Hwy from 289,725 to 220,555, adjust after review. **131. Dwight B Syverson**-Lt 2 Tarrell-Syverson Subd (Lts 937-942 Morning Heights) from 77,075 to 62,275, adjust after review. **132. Alice Taylor**-#302 S 120' Lt 13 & N 60' Lt 14 Auto Plaza Addn from 109,700 to 103,540, adjust after review. **133. Leslie K Tebben**-Lt 3 Elmwood Acres 2<sup>nd</sup> Addn from 308,980 to 254,785, adjust after review. **134. James Thorpe**-Lt 10 Blk 19 Ganje Addn to Melros Estates from 98,526 to 86,500, adjust after review. **135. Bernard Tomek**-Lt 1 Tomek 1<sup>st</sup> Subd from 151,110 to 111,250, adjust after review. **136. Kristen Truman**-N 24' Lt 10 Blk 46 Hagerty & Lloyds Addn from 39,190 to 26,890, adjust after review. **137. Patricia Tunheim**-#206 S 120' Lt 13 & N 60' Lt 14 Auto Plaza Addn, from 114,140 to 103,540, adjust after review. **138. Joseph VanDeRostyne**-Lt 8 Eastons 1<sup>st</sup> Subd Blk 35 Bennett & Thomas Addn from 44,900 to 34,470, adjust after review. **139. Bonnie VanDeRostyne**-Lt 4 Blk 22 Thomas Addn from 111,025 to 94,130, adjust after review. **140. Paul & Katherine Vetch**-Lt 16 Blk 8 Melros 4<sup>th</sup> Addn from 131,027 to 126,299, adjust after review. **141. Wagner Holding LLC**-Lt 13 & E 16.5' Lt 14 Blk 8 Nicolet Park Addn from 104,555 to 85,328, adjust after review. **142. John Weaver**-Lt 23-27 Blk 28 Corrected Plat of the Highlands & Lt 5 Maloney's 1<sup>st</sup> from 365,805 to 316,210, adjust after review. **143. Gene & Mary Lou Welk**-#201 S 120' Lt 13 & N 60' Lt 14 Auto Plaza Addn from 114,140 to 103,540, adjust after review. **144. Lawrence Welk**-Lt 18-20 Blk 93 Hagerty & Lloyd Addn from 131,975 to 104,470, adjust after review. **145. Allan Wellman**-Lt 1 Voights Subd Blk 74 Hagerty & Lloyds Addn from 70,460 to 57,680, adjust after review. **146. Rodney Wertman**-Lt 7 Sauerwein 1<sup>st</sup> Subd (pt Lockington OL 1) from 222,680 to 184,710, adjust after review. **147. Brenda & Randy White**-W 75' Lt 24 Blk 8 Melros 4<sup>th</sup> Addn to Melros Estates from 231,948 to 215,678, adjust after review. **148. Lee Wilson**-Lt 24 Blk 7 19<sup>th</sup> Addn to Highland North from 373,675 to 310,035, adjust after review. **149. Robert & Kathy Zerr**-Lt 3 Blk 3 College Subd Blk 8-11 Simmons 1<sup>st</sup> Addn from 168,590 to 159,860, adjust after review. All members present voting aye. Motion carried.

Moved by Sutton, seconded by Elliott to approve the following recommendation from the Director of Equalization: **150. 3M Center Building**-NW ¼ Sec 16-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD @ 14,755,585, maintain equalization. All members present voting aye. Motion carried.

Moved by Elliott, seconded by Alm to approve the following recommendation from the Director of Equalization: **151-161. Blackstone Developers**-Lt 1-2 & N 20.9' & W 42' of S 41' Lt 3 & W 42' N 19'

Lt 4 Blk 10 OP from 1,221,317 to 1,097,715; Alonzo Wards Condo Commons Area Lt 1-2 & N 20.9' & W 42' of S 41' Lt 3 & W 42' N 19' Lt 4 Blk 10 OP from 336,227 to 268,980; N 120' Lt 1 Blackstone 4<sup>th</sup> Subd from 1,631,912 to 1,312,350; Balance of Lt 1 Blackstone 4<sup>th</sup> Subd from 403,566 to 324,578, adjust after review. Unit 3M Alonzo Ward Plaza Residential Suites @ 182,402; Unit 3N Alonzo Ward Plaza Residential Suites @ 237,739; Unit 3P Alonzo Ward Plaza Residential Suites @ 300,402; Unit 4R Alonzo Ward Plaza Residential Suites @ 237,914; Unit 5T Alonzo Ward Plaza Residential Suites @ 187,459; Unit 5U Alonzo Ward Plaza Residential Suites @ 237,914; Unit 6A Alonzo Ward Plaza Residential Suites @ 407,098, maintain equalization. All members present voting aye. Motion carried.

Moved by Alm, seconded by Levsen to approve the following recommendation from the Director of Equalization: **162.Culvers**-Lt 3 1<sup>st</sup> Replat Lamont 1<sup>st</sup> Addn NE 20-123-63 @ 906,295, maintain equalization. **163.Shopko Properties**-Shopko OL of Howards OL B NE 14-123-64 from 2,386,530 to 1,992,227, adjust after review. **164.Evergreen Supply**-S 267' OL D Lincoln & Boyds Subd from 304,967 to 281,288, adjust after review. All members present voting aye. Motion carried.

#### ADJOURNMENT:

Moved by Sutton, seconded by Levsen to adjourn the 2009 Consolidated Board of Equalization. All members present voting aye. Motion carried.

Maxine Taylor – Brown County Auditor

## MAY 5, 2009 – 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, Elliott, Sutton and Wiese.

### MINUTES:

Moved by Sutton, seconded by Elliott to approve the General Meeting Minutes, the Brown County Board of Equalization Meeting Minutes, and the Consolidated Board of Equalization Meeting Minutes of April 28, 2009. All members present voting aye. Motion carried.

### CLAIMS:

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

Supplies: Runnings..\$1462.44, MC Products..\$177.83, SD Dept. of Rev.. \$3673.89, Bricks TV & Appl..\$965.00, Cunningham Electric..\$5226.09, E-zee Supply & Dist..\$343.57, MAC's..\$107.32, Butler Machinery..\$4517.84, Power Plan..\$397.43, PC Mail Gov..\$235.48, Dakota Electronics..\$91.25, Double D Body Shop..\$270.00, Woodman Refrigeration..\$1176.08, RACOM..\$352.80, National Academies of Emergency Dispatch..\$50.00, Bridgestone/Firestone..\$13.00, Crawford Trucks & Equip..\$334.39, Violet Dinger..\$381.30, Huron Culvert & Tank Co..\$656.53, Lawson Products Inc..\$114.98, North Central Farmers Elevator..\$3250.78, SD Dept. of Transportation..\$37873.75, Walmart Businesses..\$920.68, Roxy Hilgenberg..\$17.76, Kens Superfair Foods..\$41.31, SDSHS Membership Program..\$45.00, Office Equipment..\$163.04, Grote Body Shop..\$1430.11, Autoglass Solutions..\$40.00, National Sheriffs Association..\$100.00, Cooks Direct..\$105.03, Safety Service..\$213.70, Titan Machinery..\$718.86, SDRA..\$35.00, Boys & Girls Club..\$5000.00, Eide Bailly..\$234.00, DSG..\$3588.31, Taylor Laundry..\$50.00, Medtox..\$497.59:

Professional Fees: Leggette, Brashears & Graham, Inc..\$6247.88, Helms & Assoc..\$7467.70, Dennis J. Anderson..\$2500.00:

Publications: Aberdeen American News..\$799.37, Dakota Press..\$1627.95:

Travel: Leo Leshner..\$356.68, Gene Loeschke..\$74.00, Allan Vietmeier..\$140.60, Gary Vetter..\$714.93:

Utilities: Web Water..\$25.00, Northern Valley..\$51.45, City Treasurer..\$ 1026.17, Alltel..\$44.55, Midcontinent Communications..\$98.28, Qwest..\$46.75, Northwestern Energy..\$666.75:

Care of Poor: Dr/Hospital – 8 recipients..OB/GYN Associates of Aberdeen..\$1457.32, Dakota Imaging Prof..\$116.57, Internal Medicine Associates..\$50.37, Dr. Clifford Matushin..\$485.23, Aberdeen Family Physicians..\$562.99, Avera St. Lukes Hospital..\$15431.79; Rent - 3 recipients..Aberdeen Housing Authority..\$200.00, Falcon Rentals..\$240.00, Builders Management & Investments..\$120.00; Utilities – 2 recipients..NW Energy..\$560.00; Transportation – 1 recipient..Aberdeen Advanced Care Ambulance..\$97.09; Drugs – 2 recipients..Walmart Pharmacy..\$14.00, Shopko..\$355.95; Insurance – 1 recipient..Anthem..\$376.06. All members present voting aye. Motion carried.

### PERSONNEL:

Moved by Sutton, seconded by Wiese to appoint Nancy Reiersen, Neighborhood Watch representative on the Citizens Corp Council. All members present voting aye. Motion carried.

### SET HEARING DATE:

Moved by Hansen, seconded by Elliott to set public hearing for Ordinance No. 09-05-01/375, An Ordinance amending the Zoning Ordinance concerning co-location of Telecommunications Towers, to be held on May 26, 2009 at 8:45 a.m. in the City Council Chambers, 123 S Lincoln Street, Aberdeen, SD. All members present voting aye. Motion carried.

### SURPLUS PROPERTY:

Moved by Wiese, seconded by Sutton to declare miscellaneous computer equipment from various departments surplus for disposal at the Brown County Landfill. All members present voting aye. Motion carried.

Moved by Sutton, seconded by Wiese to declare the following surplus for purpose of sale to be held on May 8, 2009: Decal #1822 1986 AutoCar Semi Tractor, Decal #1990 1972 Kenworth W900 Semi Tractor, Decal #1837 1978 Cat Dozer D7G, Decal #1838 Cat U Dozer Blade and miscellaneous personal property items from various departments (complete listing on file at the Auditor's Office). All members present voting aye. Motion carried.

#### BID AWARD – SHERIFF VEHICLES:

Moved by Sutton, seconded by Wiese to award the following bids for the Sheriff Department: State Contract #15538 with Lamb Chevrolet for two 2009 Chevrolet Impala Police Sedans in amount of \$38,492.00. All members present voting aye. Motion carried.

#### AUDITORS REPORT OF ACCOUNT:

Moved by Sutton, seconded by Wiese to approve the April 2009 Auditor's Report of Account with the County Treasurer in total amount of \$25,244,689.30 (total amount of actual cash @ \$3,465.00, Wells Fargo Bank @ \$3,694.79, US Bank @ \$153,480.20, Dacotah Bank @ \$26,292.58, Petty Cash @ \$1,800.00, Fund Investments @ \$25,055,921.73, Outstanding Checks @ \$35.00). All members present voting aye. Motion carried.

#### NE LEVEE ESCROW:

Moved by Wiese, seconded by Sutton to close Fund #772 NE Levee Escrow to the General Fund #101 in amount of \$7,472.97. All members present voting aye. Motion carried.

#### BID – MOTOR GRADER:

Time and place, as advertised to open, read and consider bids for one (1) new 2009 Articulated Motor Grader for the Highway Department. Bids were received from Butler Machinery, RDO Equipment and Sheehan Mack. Moved by Wiese, seconded by Elliott to refer all bids to Jan Weismantel, Highway Superintendent for review and recommendation. All members present voting aye. Motion carried.

#### APPLICATION FOR OCCUPANCY:

Moved by Wiese, seconded by Sutton to approve application, submitted by SDN Communications for occupancy of right-of-way located in the central portion of the County to place fiber optic cable to upgrade their Aberdeen exchange (map on file at the County Highway Department with exact locations). All members present voting aye. Motion carried.

#### ROAD DISCUSSION:

Rich Russman, Alex Falk, Erik Funk, Chad Pray and Kristen Dinger discussed road conditions in the Putney Slough area. Gary Vetter and Jan Weismantel will provide water levels to the Commission and do what can be legally done under the jurisdiction of their respective departments.

#### ORDINANCE NO. 059 – FIRST READING:

Moved by Sutton, seconded by Elliott to approve First Reading of Ordinance No. 059, An Ordinance amending Second Revision Brown County Ordinances, by adding Title 19 – Geographic Information Systems (GIS), which defines data access and distribution policies for GIS information. 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 2009 Northeast Area Horse Racing Season at the Fairgrounds. Moved by Hansen, 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 9, 10, 16 and 17, 2009. Brown County Fairgrounds (Grandstand) SW ¼ Sec 1-T123N-R64W, effective May 9, 10, 16 and 17, 2009. Brown County Fairgrounds (Clubhouse) SW ¼ Sec 1-T123N-R64W, effective May 23, 24 and 25, 2009. Brown County Fairgrounds (Grandstand) SW ¼ Sec 1-T123N-R64W, effective May 23, 24 and 25, 2009 (map indicating specific buildings on file with applications). All members present voting aye. Motion carried.

#### MALT BEVERAGE LICENSE TRANSFER HEARING:

Time and place, as advertised for public hearing to consider transfer of Retail (on-off sale) Malt Beverage License. Moved by Sutton, seconded by Elliott to approve the following: Transfer Retail (on-off sale) Malt Beverage License from Al Malsam, DBA A&E Promotions to Jamie Naasz DBA Brown County Speedway, Brown County Fairgrounds in SW ¼ of Sec 1-T123N-R64W of 5<sup>th</sup> P.M., Brown County South Dakota (map of specific building on file with license application). All members present voting aye. Motion carried.

#### BYRNE JUSTICE ASSISTANCE GRANT (JAG) JOINT POWERS AGREEMENT:

Moved by Wiese, seconded by Sutton to approve and authorize the Chairman to sign Joint Powers Agreement with the City of Aberdeen whereby the City agrees to provide the County \$22,500 from the JAG award of \$71,750 for the 2009 Byrne Justice Assistance Grant. 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 2008.

#### BCCHC REPORT:

DeAnna Kyburz presented the Brown County Community Health Center Report for January – March 2009. Merri Nelson, Public Health Regional Manager presented 2008 accomplishments and services provided by State of South Dakota Department of Health.

#### TOWING SERVICE DISCUSSION:

The gentleman who made an appointment to discuss the towing service group used by the Communications Center did not attend.

#### RECESS:

The Chairman declared the Commission recessed until May 12, 2009.

Maxine Taylor – Brown County Auditor

## MAY 12, 2009 – 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, Elliott, Sutton and Wiese.

## MINUTES:

Moved by Sutton, seconded by Wiese to approve the General Meeting minutes of May 5, 2009. All members present voting aye. Motion carried.

## CLAIMS:

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

Payroll: Commissioners...\$3,110.60; Auditor...\$7,704.56; Treasurer...\$10,871.92; Data Processing...\$3,431.02; State's Attorney...\$12,973.86; Stop Loss Grant...\$1,421.05; Maintenance...\$5,622.03; Assessor...\$10,062.34; Register of Deeds...\$6,311.84; Veterans Service Office...\$3,003.55; GIS...\$1,921.93; Sheriff...\$73,140.36; Communications...\$16,394.47; Welfare Office...\$3,198.93; Museum...\$5,716.52; Fairgrounds & Parks...\$5,185.61; Fairboard...\$2,072.73; Extension...\$2,048.00; Weed...\$2,446.79; Planning and Zoning...\$1,580.81; Emergency Management...\$2,873.62; Teen Court...\$661.43; Highway...\$31,014.55; Landfill...\$10,047.93; Matching Benefits: FICA...\$13,127.10; Medicare...\$3,069.98:

Supplies: Best Business...\$178.86, Dakota Mailing...\$152.07, Office Equip...\$339.02, Dept of Rev...\$1879.00, SDACC...\$820.88, Sanders Sew 'n Vac...\$500.11, McFarland Supply...\$31.68, Aberdeen Chrysler...\$275.00, Beadle Floral...\$2110.00, Ecolab...\$81.00, House of Glass...\$58.16, Quality Quick Print...\$20.30, Intermountain Gym Repair...\$146.50, Dakota Elec...\$170.85, Pioneer Ford...\$30.81, Town & Country...\$69.54, Hoven Auto...\$44.24, Napco...\$534.58, McQuillen Group...\$301.05, Parcel Erickson...\$28.95, Custom Sheet Metal...\$130.00, Steven Lust...\$86.15, Sewing Shoppe...\$15.00, Runnings...\$644.91, SD Sheriff Assoc...\$45.94, Tri-State Water...\$28.40, Earthgrains...\$563.40, Lexis-Nexis...\$50.00, Cash-Wa...\$4087.95, Taylor Laundry...\$49.00, Willard Sumption...\$90.63, Safety Service...\$33.95, Quality Welding...\$41.24, Praxair...\$28.59, Powerplan...\$12,391.90, Pierson Ford...\$34.28, North Central Leasing...\$14,932.00, Midwest Pump & Tank...\$2351.55, Menards...\$299.73, Light & Siren...\$554.85, HF Jacobs...\$330.00, Interstate Battery...\$195.90, Howes Oil...\$12,502.40, Helm & Assoc...\$5250.00, Hedahls...\$17.40, Hecla Impl...\$13.14, Great Western Tire...\$2671.36, Gary's Auto...\$350.00, Farm Power...\$1025.95, Evergreen...\$91.12, Farnams...\$61.62, Violet Dinger...\$472.20, Diesel Machinery...\$2765.00, Dakota Fluid Power...\$444.86, Crady's Radiator...\$318.50, Clark Engineering...\$2809.72, Butler Machinery...\$237.60, Bakken Bldg Maint...\$500.00, Aberdeen Chrysler...\$2370.51, Midwest Alarm...\$51.50, CWD...\$42.55, SD Magazine...\$279.00, Preserve SD...\$50.00, Central Supply...\$100.45, Macs...\$8.65, Galetton...\$226.93, TSC...\$80.42, Light & Siren...\$240.52, SDSU Print Lab...\$211.65, Kesslers...\$23.04, Frey Elec...\$753.45, North Central Farmers Elev...\$4739.86, Fastenal...\$465.23, North Pine...\$100,034.67, Brick Propane...\$42.00, Ameripride...\$200.70, Hedahls...\$7.18, Erdmann Fuels...\$3429.01, Cole Papers...\$1306.50, Safety Service...\$4974.00, Farm Power...\$2589.91, Landfill Service Corp...\$22,470.60, Helms...\$13,231.70, Pierson Ford...\$3881.79, Sheehan...\$1031.81, Menards...\$778.40, Quality Welding...\$703.75, Aberdeen C&F...\$14.00, Petroleum Partners...\$56.88, Keypoint Training...\$2450.00, Shopko...\$23.94, PC Mall...\$4388.63, Alexander Open System...\$51,972.48, HSBC...\$1413.10, Dak Elec...\$45.00, Elec Engineering...\$612.30, OSI...\$350.54, SD Teen Court Assn...\$137.50, Rick Hansen...\$309.58, Results Unltd...\$15,000.00:

Professional Fees: Exec Finance...\$77.29, witness fees...\$170.00, NE Mental Health...\$599.83, Norma Andersen...\$30.00, Donna Dietrich...\$376.56, Nelva Kooistra...\$45.00, Cathy Rehfuess...\$15.00, Sheriff of Yankton County...\$75.00, Language Lines...\$90.00:

Publications: Aberdeen American News...\$2020.15, Groton Indep...\$485.12:

Transcriptions: Sara VandeWalle...\$71.40:

Court Appointed Attorney: Mikelson Law Office...\$173.26:



Travel: Days Inn..\$93.00, Carol Sherman..\$152.40, Mark Milbrandt..\$808.47, Town of Frederick..\$32.25:

Utilities: FSH..\$60.00, City of Aberdeen..\$22.54, Northwestern Energy..\$5906.45, Northern Valley..\$301.96, James Valley..\$358.23, WEB..\$66.90, Dependable..\$17,075.92, Northern Wireless..\$111.90, Verizon..\$188.50, Qwest..\$385.24:

Care of Poor: Dr/Hospital – 6 recipients..Dakota Plains..\$1116.07, Avera St Lukes..\$9745.34, Dakota Imaging..\$65.57; Rent - 7 recipients..Aberdeen Properties..\$280.00, Lakeside Estates..\$260.00, Hangun Properties..\$240.00, Dan Brenner..\$240.00, PDS Properties..\$240.00, JTs Rentals..\$440.00; Utilities – 2 recipients..Petroleum Partners..\$240.00, NW Energy..\$175.86; Transportation – 1 recipient..Brown County..\$27.10. All members present voting aye. Motion carried.

#### PERSONNEL:

Moved by Wiese, seconded by Sutton to approve the following employee step increases, effective May 17, 2009: David Bruckner @ \$15.61 per hour, Shawna Everson @ \$13.72 per hour, Larry Hardy @ \$14.48 per hour, Joseph Malsam @ \$14.28 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Sutton to approve hiring Erin McClain and Jordan Majeske as Dispatchers, effective May 11, 2009 at \$12.80 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Sutton to approve hiring the following seasonal highway employees: Jon Koeniguer at \$10.08 per hour, effective May 18, 2009 and Matt Heuttl at \$9.41 per hour, effective May 18, 2009. All members present voting aye. Motion carried.

#### SHERIFF REPORTS:

Moved by Hansen, seconded by Elliott to approve the following April 2009 Sheriff Reports: Incidents and offenses; Prisoner care, JDC, Money deposited with the County Treasurer and Monthly activities. All members present voting aye. Motion carried.

#### LEASE AGREEMENTS:

Moved by Sutton, seconded by Elliott to approve the following agreements: Northeast Area Horse Racing, Inc for lease of various facilities at the Fairgrounds from May 1, 2009 through May 28, 2009; and Rachel Flihs for lease of the Open Arena on May 3, May 17 and June 28, 2009. All members present voting aye. Motion carried.

#### RELIEF LIEN:

Commissioner Elliott offered the following Resolution:

#### RESOLUTION NO. 32-09

WHEREAS, Brown County has filed a Poor Relief Lien in total amount of \$26,434.75 with a balance of \$20,634.75, 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.

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

Lot 10, Block 6, North Aberdeen Addition to Aberdeen, 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.

Dated this 12<sup>th</sup> day of May 2009.

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

#### SUBORDINATION AGREEMENT:

Moved by Sutton, seconded by Wiese to approve and authorize the Chairman sign Subordination Agreement for a Poor Relief Lien with the Aberdeen Federal Credit Union on Lot 4 and the West 13.95' of Lot 3, Block 1, Francis Evelo Addition to Aberdeen, according to the plat thereof of record, Brown County, South Dakota. All members present voting aye. Motion carried.

#### WEED & PEST GRANT AGREEMENT:

Moved by Sutton, seconded by Wiese to approve and authorize the Chairman sign Grant Agreement Letter with the SD Weed and Pest Control Commission for grant funding in amount not to exceed \$2,000 on a 50/50 cost share basis for chemical, promotional items, radio ads and seasonal labor, effective July 1, 2009 to June 1, 2010. All members present voting aye. Motion carried.

#### ORDINANCE #059:

Moved by Sutton, seconded by Wiese to approve Second Reading and Adoption of Ordinance #059, An Ordinance amending Second Revision Brown County Ordinances by adding Title 19 – Geographic Information Systems (GIS), which defines data access and distribution policies for GIS information. Roll call vote: Commissioners Hansen-aye, Elliott-aye, Sutton-aye, Wiese-aye, Fischbach-aye. Ordinance adopted.

#### BID OPEN/AWARD FENCE FOR LANDFILL EXPANSION PROJECT:

Time and place to open, read and consider sealed bids for the Landfill Expansion Fence Project. Bids were received from American Fence Company, Sioux Falls, SD; FM Fence Inc, Fargo, ND; JDH Construction Inc, Aberdeen, SD. Moved by Hansen, seconded by Sutton to refer all bids to Mike Scott, Landfill Manager and Jay Koch, Helms and Associates for review and recommendation. All members present voting aye. Motion carried.

Moved by Sutton, seconded by Wiese to award low bid, submitted by American Fence Company in amount of \$198,637.00 for the Landfill Expansion Fence Project; rejecting FM Fence Inc in amount of \$219,882.10, JDH Construction Inc in amount of \$204,950.10. All members present voting aye. Motion carried.

#### LANDFILL UPDATE:

Mike Scott, Landfill Manager presented an information sheet on the following: free cleanup statistics, landfill school tours, Skidsteer attachment, trees planted, recycling of electronics.

#### ABATEMENT:

Doug Fjeldheim and Bryan Itterman presented tax exempt information for an abatement for the New Life Fellowship Church. After discussion the following action ensued: Moved by Sutton, seconded by Elliott to approve the following Abatement: New Life Fellowship in amount of \$10,130.74. All members present voting aye. Motion carried.

#### BID REJECT – MOTOR GRADER:

Motion by Elliott, seconded by Sutton to reject all bids opened May 5, 2009 for one new 2009 Articulated Motor Grader for the Brown County Highway, as this action is in the best interest of the taxpayers of Brown County. Roll call vote: Commissioners Hansen-aye, Elliott-aye, Sutton-aye, Wiese-aye, Fischbach-nay. Motion carried.

#### AWARD MOTOR GRADER BID:

Moved by Wiese, seconded by Sutton to award bid, as submitted by Butler Machinery at the Custer County Bid Letting held April 22, 2009 for one 2009 Caterpillar Model 140M All Wheel Drive Motor Grader in amount of \$208,800.00 plus options listed in Custer County Bid for total amount of \$234,642.00 to be financed with a five year lease with annual payments of \$43,597.21. Roll call vote: Commissioners Hansen-aye, Elliott-aye, Sutton-aye, Wiese-aye, Fischbach-nay. Motion carried.

#### EMPLOYEE HEALTH INSURANCE DISCUSSION:

Dave Bruckner and Larry Hardy of Local 162 met to discuss changes in the employee health insurance program.

Moved by Sutton, seconded by Wiese to go into executive session to discuss personnel with Kim Dorsett, Jeanette Nietert, Dave Bruckner, Larry Hardy and Jan Weismantel 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 the discussion.

Moved by Sutton, seconded by Elliott to renew the Brown County Employee Health Insurance Plan with Wellmark Blue Cross and Blue Shield of SD, as follows: Premium – Single \$447.46 per month, Two-Party @ \$824.98 per month and Family @ \$1,134.72 per month. Benefit period deductible @ \$1500 Single, \$3000 Two-person, \$4500 Family (with employee reimbursement for deductible paid over the prior year \$1000 Single limit). Office visit PPO co-pay \$20.00, prescription drug three-tier co-payment \$10/\$25/\$40 plus \$100/\$200 deductible (deductible waived for generic drugs). The Insurance plan coverage effective July 1, 2009 through June 30, 2010. Effective July 1, 2009 employee insurance coverage will expire at the end of the month of employment. Continuing coverage for retirees, who have completed twenty-years of continuous service and have reached the age of 55 years old, from date of retirement until qualified for Medicare coverage (retiree paying 100% of premium). Roll call vote: Commissioners Hansen-aye, Elliott-aye, Sutton-aye, Wiese-nay, Fischbach-aye. Motion carried.

#### EXECUTIVE SESSION:

Moved by Sutton, seconded by Hansen 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 the discussion.

#### RECESS:

The Chairman declared the Commission recessed until May 19, 2009.

Maxine Taylor – Brown County Auditor

## MAY 19, 2009 – 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, Elliott, Sutton and Wiese.

## MINUTES:

Moved by Wiese, seconded by Sutton to approve the General Meeting minutes of May 12, 2009. All members present voting aye. Motion carried.

## CLAIMS:

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

Supplies: Skillpath Seminars..\$1251.00, CMRS-FP..\$5000.00, West Payment..\$11398.72, Tel Serv..\$110.00, Carpets Plus..\$1329.03, Aberdeen Plumbing..\$444.62, Menards..\$319.80, JCL Solutions..\$98.42, Nelson Sales..\$122.84, Sterling Solutions..\$700.00, LSS..\$137.84, Sewing Shoppe..\$18.00, Bonnie Bitz..\$72.00, Hoven Auto..\$117.19, Glock..\$450.00, Kesslers..\$392.13, Graham Tire..\$593.10, DT Pharm..\$796.44, Steven Lust..\$241.44, Joyce DesCamps..\$10.90, Office Equip..\$169.23, Exhaust Pros..\$28.45, Best Business..\$179.07, Trins..\$1921.93, TSC..\$14.98, Share Corp..\$147.40, Schwan Welding..\$377.54, Pumps Tire..\$122.25, Lawson Products..\$625.21, Huron Culvert..\$22,336.66, Hollands Auto..\$15.54, City of Hecla..\$132.80, Graham Tire..\$70.13, Fastenal..\$96.47, Violet Dinger..\$505.05, Diesel Machinery..\$32,500.00, Clark Eng..\$80.00, Carquest..\$928.72, Biersbach Equip..\$357.10, Ameripride..\$238.76, Adv Auto..\$15.99, Fire Safety First..\$614.25, Menards..\$386.86, Runnings..\$13.07, HC Clark..\$1.05, Overhead Door..\$142.86, McFarland Supply..\$44.75, City of Aberdeen Parks..\$75.00, Kens..\$122.16, Geffdog..\$80.09, US Postmaster..\$185.00, VanDiest..\$2799.44, PC Mall Gov..\$39,928.59, SDEMA..\$25.00, Louie's Service..\$13.80, Kesslers..\$159.58, Lakeside Estates..\$30.00, RDJ Spec..\$574.10, Public Safety..\$144.00; Professional Fees: Avera Queen of Peace..\$160.50, Rapid City Hospital..\$1396.00, Denise Cody..\$15.00, Donna Dietrich..\$137.62, Cathy Rehfuß..\$15.00, CSD..\$1220.18; Publications: Aberdeen American News..\$434.58; Transcriptions: Richard Neal..\$21.20; Court Appointed Attorney: Yankton County..\$311.25, Harmelink & Fox..\$349.12, Creighton Thurman..\$179.78; Travel: Maxine Taylor..\$149.36, Jan Beckler..\$68.80, Patty VanMeter..\$119.88, Kathy Schlecht..\$118.52, Tom Gohn..\$9.00, City of Groton..\$21.46, Sherry Theobald..\$21.09; Utilities: Alltel..\$469.57, Dependable Sanitation..\$356.50, NW Energy..\$1681.06, Northern Elec..\$192.02, City of Aberdeen..\$237.04, Northern Valley..\$136.78, Qwest..\$1553.71, Bureau of Admin..\$509.63; Care of Poor: Dr/Hospital – 2 recipients..Aberdeen Plastic Surgery..\$537.10, Dental Center..\$1387.00; Rent - 3 recipients..Kosmer Invest..\$300.00, Zumbaum Property..\$130.00, A&S Services..\$280.00; Utilities – 1 recipient..NW Energy..\$240.00; Insurance – 1 recipient..Anthem BC/BS..\$934.09. All members present votng aye. Motion carried.

## PERSONNEL:

Moved by Sutton, seconded by Wiese to approve employee status change for Ben Hofer from Highway Labor Grade 3 to Labor Grade 4, effective May 18, 2009 at \$14.32 per hour. All members present voting aye. Motion carried.

## LEASE AGREEMENT:

Moved by Sutton, seconded by Wiese to approve agreement submitted by Jim River Riders for lease of the Open Arena on Jun 14, July 12, August 9 and Sept 13, 2009. All members present voting aye. Motion carried.

**TOWNSHIP BONDS:**

Moved by Elliott, seconded by Sutton to approve the following Township Bonds (clerk/treasurer): West Rondell #59 Larry Ihde, Al Ryckman. All members present voting aye. Motion carried.

**TAX DEED SALE:**

Moved by Sutton, seconded by Elliott to approve and authorize the Chairman sign Quit Claim Deeds to the successful bidders for the following Tax Deed property sold at public auction on May 18, 2009:

Oneota Township: OL 1 Barnard Elevator NE 14-126-64, Brown County, SD @ \$450.00; Shelby Township: S ½ of Lt 3 Blk 3 Houghton, Brown County SD @ \$49.50; E 14' of N 62' Lt 26 and the N 62' of Lt 27 Blk 3 Houghton, Brown County SD @ \$112.50; Westport Town: Lt 6 Blk 9 Westport, Warner City, Brown County, SD @ \$675.00. All members present voting aye. Motion carried.

**DOC CONTRACT:**

Moved by Wiese, seconded by Sutton 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 June 1, 2009 through May 31, 2010. All members present voting aye. Motion carried.

**SURPLUS SALE REPORT:**

Moved by Sutton, seconded by Elliott to accept surplus sale report and acknowledge proceeds in amount of \$37,586.00. All members present voting aye. Motion carried.

**SDDOT WEED CONTROL CONTRACT:**

Moved by Wiese, seconded by Elliott to approve and authorize the Chairman sign Form DOT-209 in conjunction with the SD DOT Noxious Weed Control Agreement. All members present voting aye. Motion carried.

**PEDDLERS LICENSE:**

Moved by Wiese, seconded by Sutton to approve and authorize the Chairman sign Peddlers License #01-09 with Robert Steelman DBA Coast 2 Coast Equipment. All members present voting aye. Motion carried.

**EXECUTIVE SESSION:**

Moved by Sutton, seconded by Hansen to go into executive session to discuss possible litigation with Kim Dorsett, 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 the discussion.

**JAIL TRUSTEES AND 24/7 PROGRAM:**

Craig Nelson, Dean Marske, Duane Sutton and Mike Wiese presented committee report on options for housing work release and 24/7 programs off-site. No action was taken at this time.

**BID AWARD – ROAD OIL MC-3000 AND MC-70:**

Moved by Elliott, seconded by Hansen to award bid, submitted by Flint Hills Resources, LP for furnishing and delivery of Road Oil MC-3000 @ \$554.28 per ton and Road Oil MC-70 @ \$634.28 per ton, as bid by McPherson County on May 5, 2009 (only bid submitted). All members present voting aye. Motion carried.

**CAGE FIGHTING EVENT:**

Jason Ehresmann discussed the possibility of holding a Cage Fighting Event at the Fairgrounds in June. No action was taken at the time.

**MOTOR GRADER BID DISCUSSED:**

Mike Sheehan and Casey Kamm, Sheehan Mack Sales & Equipment presented historical and new information about various bids and the types of equipment on the market.

**FAIRGROUNDS LIGHTING PROJECT:**

Kurt Smith, Fairgrounds Manager and John Aman, Fair Board Member discussed an anticipated lighting project for parking lots at an estimated cost of \$60,000 – \$65,000 plus \$12,000 for power. No action was taken at this time.

**EXECUTIVE SESSION:**

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

The Chairman declared the executive session closed, with no action taken as a result of the discussion.

**RECESS:**

The Chairman declared the Commission recessed until May 26, 2009.

Maxine Taylor – Brown County Auditor

MAY 26, 2009 - JOINT CITY/COUNTY MEETING

The Brown County Commission and the Aberdeen City Council met in joint session at 8:45 A.M. in the City Commission Chambers, 123 S Lincoln Street, Aberdeen, South Dakota. Present from City were Council Members Aman, Bunsness, Campbell, Hodgin, Kraft, Mitchell, Rux and Mayor Levsen. Present from County were Commissioners Sutton, Hansen and Fischbach. Absent Council Member Agnitsch and Commissioners Wiese and Elliott.

ORDINANCE NO. 09-05-01/375:

On motion by Rux and seconded by Bunsness, the City unanimously voted to approve First Reading of Ordinance No. 09-05-01/375.

Moved by Sutton, seconded by Hansen to approve First Reading of Ordinance No. 09-05-01/375, An Ordinance amending the Zoning Ordinance concerning Co-location of Telecommunications Towers. All members present voting aye. Motion carried.

ADJOURNMENT:

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

Maxine Taylor - Brown County Auditor

## MAY 26, 2009 – GENERAL MEETING

Meeting called to order by Chairman Fischbach at 9:30 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Sutton and Wiese. Absent Commissioner Elliott.

## MINUTES:

Moved by Sutton, seconded by Hansen to approve the General Meeting minutes of May 19, 2009. All members present voting aye. Motion carried.

## CLAIMS:

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

Payroll: Commissioners...\$3,110.60; Auditor...\$7,490.72; Treasurer...\$10,865.88; Data Processing...\$3,431.02; State's Attorney...\$17,315.74; Stop Loss Grant-SA ...\$1,421.05; Maintenance...\$5,621.16; Assessor...\$10,066.47; Planning & Zoning...\$1,580.81; Register of Deeds...\$6,311.84; Veterans Service Office...\$3,106.99; GIS...\$1,921.93; Sheriff...\$72,005.43; Communications...\$17,610.86; Coroner...\$300.00; Welfare...\$3,144.20; Museum...\$5,716.52; Fair board...\$2,072.73; Fairgrounds & Parks...\$5,171.39; Extension...\$2,048.00; Weed...\$4,342.16; E&D...\$2,873.62; Teen Court...\$644.28 Highway...\$33,702.92; Landfill...\$9,321.94; Matching Benefits: FICA...\$13,646.74; Medicare...\$3,191.49; Wellmark BCBS Life...\$697.46; Delta Dental...\$4,586.40; Wellmark BCBS Health...\$67,870.64; SD State Retirement...\$27,285.03:

Supplies: Gardner Locksmith...\$859.00, Icewarp...\$1176.00, West Payment...\$1774.50, Quality Quick Print...\$249.33, New Trends...\$552.00, Office Equip...\$208.70, Best Business...\$420.51, House of Glass...\$282.56, Aberdeen Plumbing...\$350.76, Timekeeping Systems...\$390.00, Hoven Auto...\$40.50, Bob Barker...\$140.97, Ross Erickson...\$17.39, Auto Glass Solutions...\$40.00, Exhaust Pros...\$28.45, Willard Sumption...\$1264.79, Randy Lechner...\$130.00, Langs...\$50.00, Violet Dinger...\$232.20, B&B Contracting...\$562.50, NADRIC...\$1666.67, Dacotah Prairie Museum...\$15.00, Walmart...\$120.80, GCR Tire...\$14.00, Cartney Bearing...\$60.46, Alligare...\$320.00, Telserv...\$65.00, Adv Auto...\$56.26, Superior Jetting...\$3160.00, LBG...\$23,889.84, Vosika Fencing...\$5322.00, Fire Safety First...\$903.19, Farm Power...\$13.07, E-Zee...\$347.37, Graham Tire...\$1024.78, SD DENR...\$1057.97, NAED...\$50.00, L Robert Kimball...\$3146.00, VISA...\$1,251.93:

Professional Fees: Psychological Assoc...\$500.00, Lewis & Clark BHS...\$426.00:

Publications: Aberdeen American News...\$819.29:

Court Appointed Attorney: Kuck Law Office...\$5208.33, Gina Rogers...\$5208.33, Christy Serr...\$5458.33, Randy Turner...\$5458.33, David Hosmer...\$753.41, Mikelson Law Office...\$173.26:

Travel: Marg Zastrow...\$58.97, Extension Service...\$98.61:

Utilities: Alltel...\$1261.91, NW Energy...\$65.29, Montana Dakota...\$69.37, Midcontinent Cable...\$195.20, Genius Web...\$29.97, Northern Elec...\$921.68, Qwest...\$2418.98:

Jury: Katrina Ackerman...\$11.48, Jessica Anderson...\$566.28, Darlene Dockter...\$978.12, Thomas Dutenhoeffer...\$11.48, Larry Gillies...\$823.68, Gwen Gross...\$11.48, Lindsey Heidenreich...\$772.20, Lorrie Horn...\$566.28, Pamela Jangula...\$926.64, David Kalt...\$1073.16, James Kleinsasser...\$11.48, Christina Koeniguer...\$12.96, Robert Landreth...\$47.00, Sunny Lester...\$669.24, Marvin Malsam...\$11.48, Arlan McNeil...\$28.50, Theodore Misslitz...\$11.48, Christopher Nikolas...\$11.48, Ralph Stiles...\$11.48, Jason Swartz...\$11.48, Terry Michael...\$12.22, Lowell Walter...\$1006.56, Janet Wetz...\$978.12:

Care of Poor: Dr/Hospital – 5 recipients..Anesthesia Care...\$540.00, Avera St Lukes...\$1803.98; Rent - 4 recipients..A&S Services...\$200.00, Carol Jean Hardin...\$225.00, J&O Apts...\$240.00, Lakeside Estates...\$200.00; Utilities – 1 recipient..NW Energy...\$300.00; Transportation – 2 recipients..Brown County Hwy...\$23.10; Medications - 1 recipient..United Clinic Pharm...\$21.41; Insurance – 1 recipient..Wellmark...\$422.42. All members present voting aye. Motion carried.

## PERSONNEL:



Moved by Sutton, seconded by Hansen to approve the following employee step increases, effective May 31, 2009: Harlan Place @ \$14.03 per hour, Tim Hettich @ \$12.66 per hour, Brenda Hammrich @ \$15.39 per hour, Bryan Locke @ \$19.45 per hour. All members present voting aye. Motion carried.

#### SET HEARING DATE – MALT BEVERAGE LICENSES:

Moved by Hansen, seconded by Sutton 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 9, 2009: Retail (On-Off Sale) Malt Beverage 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. Jamie Naasz DBA Brown County Speedway, PO Box 1187, Aberdeen, SD – Brown County Fairgrounds Grandstand limited to drawing on file - SW ¼ Sec 1-T123N-R64W, Brown County, SD. Moccasin Creek Country Club, Inc. 39084 130<sup>th</sup> St., Aberdeen, SD – Prairiewood Village Outlot 7 Sec 33-124-63. Dave Schumaker 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. Larry Griffiths and Carolyn Crist DBA Griff's Place, 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, SD. Alex and Diane Schaeffer, DBA Richmond Oasis LLC, 12845 382<sup>nd</sup> Ave, Aberdeen SD – Lot 4 Schaeffer Richmond Lake 2<sup>nd</sup> Addition in NE ¼ of Sec 25-T124N-R65W, Brown County, SD. Aberdeen Hockey Association Inc, PO Box 515, Aberdeen SD – Brown County Fairgrounds SW ¼ Sec 1-T123N-R64W (Odde Hockey Building – map indicating specific building on file with application). Special Malt Beverage - effective June 18, 2009 Aberdeen Area Community Foundata, PO Box 285, Aberdeen SD – Lt 1 Parkview Nursery Addn NE 25-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD. All members present voting aye. Motion carried.

#### EMPLOYEE FUNDED VISION CARE INSURANCE:

Moved by Hansen, seconded by Sutton to approve employee funded vision care insurance as a payroll deduction with a company to be determined at a later date. All members present voting aye. Motion carried.

#### LANDFILL EXPANSION FENCE PROJECT:

Moved by Sutton, seconded by Wiese to approve and authorize the Chairman sign Notice of Award for the Landfill Expansion Fence Project with American Fence Company; and further approve and authorize the Chairman sign Contract Agreement with American Fence Company for the project when prepared. All members present voting aye. Motion carried.

#### APPLICATION FOR OCCUPANCY:

Moved by Hansen, seconded by Sutton to approve and authorize the Chairman sign application, submitted by Qwest for occupancy of Brown County Highway #6 in Sec 25-T124N-R65W, Brown County, SD to provide telephone service. All members present voting aye. Motion carried.

#### BID – HIGHWAY 12W INTERSECTION PROJECT:

Moved by Hansen, seconded by Wiese to authorize advertising public hearing to open, read and consider bids for the Highway 12W Intersection Project, to be held in the Commissioner's Chambers, Courthouse Annex, Brown County, SD at 8:45 a.m. on June 16, 2009. All members present voting aye. Motion carried.

#### PLAT:

Commissioner Wiese offered the following Resolution:

#### RESOLUTION #33-09

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Craig Lot A in SE ¼ SW ¼ Sec 18-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 Sutton. Roll call vote: Commissioners Hansen-aye, Elliott-absent, Sutton-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

#### SALARY SURVEY:

Tom Schmitt discussed a salary survey to be completed by county departments and agreed to serve as the point of contact.

#### EXECUTIVE SESSION:

Moved by Sutton, seconded by Wiese to go into executive session to discuss litigation with Kim Dorsett 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 the discussion.

#### LETTER OF ENGAGEMENT:

Moved by Hansen, seconded by Sutton to authorize a letter of engagement for professional fees be executed with Mike Amo to perform a real estate appraisal. All members present voting aye. Motion carried.

#### RECESS:

The Chairman declared the Commission recessed until June 2, 2009.

Maxine Taylor – Brown County Auditor

JUNE 1, 2009 - JOINT CITY/COUNTY MEETING

The Brown County Commission and the Aberdeen City Council met in joint session at 5:30 P.M. in the City Commission Chambers, 123 S Lincoln Street, Aberdeen, South Dakota. Present from City were Council Members Agnitsch, Aman, Bunsness, Campbell, Hodgins, Kraft, Mitchell, Rux and Mayor Levensen. Present from County were Commissioners Sutton, Wiese and Fischbach. Absent Commissioners Hansen and Elliott.

ORDINANCE NO. 09-05-01/375:

On motion by Mitchell and seconded by Aman, the City unanimously voted to approve Second Reading and Adoption of Ordinance No. 09-05-01/375.

Moved by Sutton, seconded by Wiese to approve Second Reading and Adoption of Ordinance No. 09-05-01/375, An Ordinance amending the Zoning Ordinance concerning Co-location of Telecommunications Towers. Roll call vote: Commissioners Sutton-aye, Wiese-aye, Fischbach-aye, Hansen-absent, Elliott-absent. Ordinance adopted.

ADJOURNMENT:

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

Maxine Taylor - Brown County Auditor

## JUNE 2, 2009 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, Elliott, Sutton and Wiese.

### MINUTES:

Moved by Sutton, seconded by Wiese to approve the Joint City/County Meeting minutes and the General Meeting minutes of May 26, 2009. All members present voting aye. Motion carried.

### CLAIMS:

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

Supplies: Scott Madsen..\$29.67, Office Equip..\$209.15, DT Pharm..\$21.00, Moore Medical..\$360.35, Trail Chev..\$40.85, G's Convenience..\$1240.29, Racom..\$352.80, Exec Mgmt..\$3474.15, Midwest Alarm..\$67.50, Eddies Northside..\$15.00, Walmart..\$968.71, Z&S Dust..\$1422.09, SDDOT..\$11,930.29, Howes Oil..\$12,537.17, Hanlon Bros..\$8590.90, Custom Glass..\$640.00, Quality Quick Print..\$147.17, Fastenal..\$24.69, Premier Auto..\$594.37, Runnings..\$345.75, Dakota Supply Group..\$182.21, Northern Safety..\$23.54, Lora Schaunaman..\$38.00, Academy Trophy..\$5.00, Prof Mailing..\$3015.24, Brick Propane..\$35.00, Pizza Ranch..\$65.95, Claritus..\$24.50, Priority Dispatch..\$117.00, A-1 Locksmith..\$20.00, OK Tire..\$12.00, Dahme Const..\$1658.00, Crescent Elec..\$110.16, McFarland Supply..\$120.18, Cunningham Elec..\$2944.23, Hub City Rents..\$76.00, North Pine Agg..\$215,530.30, Aberdeen C&F..\$114.00, Macs..\$207.70, Titan..\$756.57, Van Diest..\$1937.10, GCR Tire..\$724.03, Fire Safety First..\$128.46, Farm Power..\$297.47:

Professional Fees: Orthopedic Surgery..\$120.85, Donna Dietrich..\$32.80, CSD..\$886.08, Eide Bailly..\$246.00, Avera St Lukes..\$4854.59:

Publications: Aberdeen American News..\$216.07, Dakota Press..\$1288.51:

Transcriptions: Neal Reporting..\$91.80:

Travel: Leo Leshner..\$315.84, Mary Worlie..\$45.00, Allan Vietmeier..\$189.30, Gene Loeschke..\$368.59, Ramkota..\$632.00:

Utilities: Qwest..\$82.60, Midcontinent Cable..\$196.56, Web Water..\$181.77, Northwestern Energy..\$7866.06:

Care of Poor: Dr/Hospital – 5 recipients..Orthopedic Surgery..\$1305.40, Dakota Plains Surgical..\$452.00, Avera St Lukes..\$5616.02, Aberdeen Surgical Assoc..\$981.41, Dakota Imaging..\$81.50; Rent - 3 recipients..Herman Rentals..\$280.00, SD Real Estate..\$280.00, Northview Mobile Manor..\$165.00; Utilities – 1 recipient..NW Energy..\$300.00; Transportation – 1 recipient..Brown County Hwy..\$21.12. All members present voting aye. Motion carried.

### BRIDGE 172 EASEMENTS:

Moved by Hansen, seconded by Elliott to authorize the Chairman sign Perpetual and Temporary Easements for Bridge 172 with Doreen and Carl Davis, John C and Geraldine Kippley. All members present voting aye. Motion carried.

### EQUIPMENT PURCHASE:

Moved by Wiese, seconded by Sutton to approve purchase of a Gang-mower for the Highway Department from Artz Equipment in amount of \$12,475.00; rejecting quote submitted by DMI in amount of \$16,820.00. All members present voting aye. Motion carried.

### COUNTY HIGHWAY #16 DISCUSSION:

Area residents Gary and Jo McNeil met to discuss barricade on County Highway #16 and requested it be widened. Jan Weismantel, Highway Superintendent explained that the barricade was wide enough for cars and pickups and if widened heavier equipment would possibly be driven through, which would cause further damage to the road; and also explained that the flood damage report has not been received from

FEMA to determine qualifying disaster reimbursement. The Commission concurred with the Highway Superintendent.

**CAMA SOFTWARE PURCHASE:**

Moved by Sutton, seconded by Hansen to proceed with the purchase on the CAMA Software Program; and further authorized the Chairman sign Agreement for program with DEVNET, Inc with approximate year one cost of \$40,162.00. All members present voting aye. Motion carried.

**PIPELINE ORDINANCE:**

Gary Vetter discussed a proposed county pipeline ordinance being drafted for multiple counties to consider, which would set consistent guidelines for the construction and placement of pipelines in South Dakota. Curt Hohn, WEB Manager presented statistical information about the location of current pipelines and specifications the counties should consider for the actual pipe to be buried.

**EMPLOYEE VISION CARE INSURANCE:**

Moved by Elliott, seconded by Wiese to offer vision care insurance to employees as an elective with no reimbursement from county funds; and further approve Guardian Vision Insurance Plan B (two-year option) sponsored by Insurance Plus. All members present voting aye. Motion carried.

**BID – COURTHOUSE ROOFING PROJECT:**

Moved by Wiese, seconded by Sutton to authorize advertising public hearing to open, read and consider bids for the Courthouse Roofing Project, to be held in the Commissioner's Chambers, Courthouse Annex, Brown County, SD at 8:45 A.M. on June 30, 2009. All members present voting aye. Motion carried.

**NACO CONVENTION:**

Moved by Wiese, seconded by Sutton to approve and authorize the Chairman sign 2009 Voting Credentials document for the 2009 NACO Convention. All members present voting aye. Motion carried.

**EXECUTIVE SESSION:**

Moved by Wiese, seconded by Sutton to go into executive session to discuss contract negotiations. All members present voting aye. Motion carried.

The Chairman declared the executive session closed, with no action taken as a result of the discussion.

**RECESS:**

The Chairman declared the Commission recessed until June 9, 2009.

Maxine Taylor – Brown County Auditor

## JUNE 9, 2009 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, Elliott and Wiese. Absent Commissioner Sutton.

## MINUTES:

Moved by Hansen, seconded by Wiese to approve the Joint City/County Meeting minutes of June 1, 2009 and the General Meeting minutes of June 2, 2009. All members present voting aye. Motion carried.

## CLAIMS:

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

Payroll: Commissioners...\$3,110.60; Auditor...\$7,354.10; Treasurer...\$10,618.24; Data Processing...\$3,431.02; State's Attorney...\$12,739.86; Stop Loss Grant...\$1,421.05; Maintenance...\$5,629.26; Assessor...\$9,876.61; Register of Deeds...\$6,093.85; Veterans Service Office...\$3,106.99; GIS...\$1,921.93; Sheriff...\$76,051.31; Communications...\$20,178.46; Welfare Office...\$3,144.20; Coroner...\$300.00; Museum...\$5,716.52; Fairgrounds & Parks...\$5,173.52; Fairboard...\$2,072.73; Extension...\$2,048.00; Weed...\$4,385.91; Planning and Zoning...\$1,580.81; Emergency Management...\$2,873.62; Teen Court...\$508.70; Highway...\$33,557.02; Landfill...\$9,622.62; Matching Benefits: FICA...\$13,698.98; Medicare...\$3,203.77;

Supplies: ES&S...\$233.19, Walling Data Systems...\$2586.49, Menards...\$532.01, Office Equip...\$800.40, Dept of Rev...\$4994.94, Exec Mgmt...\$81.00, Richards & Oliver...\$77.54, Taylor Laundry...\$99.50, McFarland Supply...\$233.95, JCL Solutions...\$24.00, Runnings...\$1254.83, SDAAO...\$1000.00, Midstates Printing...\$307.80, New Trends...\$472.34, Britney Lout...\$20.99, SD DCI Lab...\$15.00, Tri-State Water...\$35.50, Schwan Welding...\$68.00, Sewing Shoppe...\$25.50, FedEx...\$14.24, Avera St Lukes...\$66.50, Dakota Electronics...\$392.83, Best Business...\$133.97, Allied 100...\$111.80, Infinity Gear...\$212.95, Cash-Wa...\$3761.42, Eddies Northside...\$15.00, Earthgrains...\$494.54, Van Diest...\$3899.60, Trins...\$424.64, Spec Mfg...\$8.82, Hagan Ins...\$1348.00, Sheehan...\$41,521.79, Share Corp...\$513.80, Safety Service...\$122.15, Power Plan...\$4988.74, North Central Leasing...\$3978.00, North Central Farmers Elev...\$10,634.19, Newman Signs...\$85.67, Macs...\$51.90, Lust Chev...\$244.45, Randy Lechner...\$563.00, Kens Alignment...\$123.76, Jensen Rock & Sand...\$92,089.13, Interstate Battery...\$122.85, Helms & Assoc...\$12,600.00, J Gross Equip...\$5100.00, Great Western Tire...\$304.80, Gillund Ent...\$315.12, Freys Elec...\$830.00, Farnams...\$277.04, Farm Power...\$54.51, Evergreen Supply...\$18.17, Economy Propane...\$1390.50, Diesel Machinery...\$491.49, Custom Glass...\$475.97, Crawford Trucks...\$5624.93, Butler Machinery...\$22.02, Firestone...\$242.00, Bakken Bldg Maint...\$500.00, Midwest Alarms...\$51.50, Natural Abundance...\$20.00, Sherwin Williams...\$87.42, Glas Consulting...\$427.50, Dacotah Prairie Museum...\$9.90, SD Fed Property...\$240.00, Meyers Auto...\$35.00, Kens Alignment...\$201.11, Mallory Headsets...\$682.14, Evergreen Supply...\$6.65, Dakota Fluid...\$2015.65, Ameripride...\$146.22, Pierson Ford...\$246.95, Dak Elec...\$748.25, Helms & Assoc...\$22,180.65, North Pine...\$272,304.87;

Professional Fees: witness fees...\$80.00, Dental Center...\$34.00, Yankton County Sheriff...\$25.00, Kristi Spitzer...\$1000.00;

Publications: Aberdeen American News...\$2727.36, Groton Indep...\$617.83;

Transcriptions: Neal Reporting...\$47.60, Tammy Erickson...\$38.55;

Travel: Mike Wiese...\$84.63, Kathy Fischer...\$95.18;

Utilities: FSH Communications...\$60.00, City of Aberdeen...\$825.83, NW Energy...\$1045.01, Northern Valley...\$150.27, James Valley Co-op...\$395.64, Town of Frederick...\$32.25;

Care of Poor: Dr/Hospital – 8 recipients..Avera St Lukes...\$10,733.81, Dakota Imaging...\$290.21, Dental Center...\$45.00, John Carrels...\$462.00; Rent - 8 recipients..Jody Kalt...\$240.00, Key Investments...\$240.00, J & O Apts...\$240.00, White House Inn...\$624.00; Transportation – 5 recipients..Jefferson Lines...\$229.00, Emergency Poor Fund...\$185.00; Medications - 5 recipients..Walmart Pharm...\$471.00. All members present voting aye. Motion carried.

#### PERSONNEL:

Moved by Hansen, seconded by Elliott to approve the following employee step increases, effective June 14, 2009: Damain Bahr @ \$17.33 per hour, Sherry Theobald @ \$13.41 per hour, Polly Rush @ \$14.90 per hour. All members present voting aye. Motion carried.

#### HIGHWAY SAFETY GRANT APPLICATION:

Moved by Wiese, seconded by Hansen to approve and authorize the Chairman sign FY 2010 Highway Safety Grant Application in amount of \$29,440, which includes local match of \$1,668 on equipment. All members present voting aye. Motion carried.

#### LANDFILL EXPANSION PROJECT:

Moved by Wiese, seconded by Elliott to approve and authorize the Chairman sign Payment Request #2 in amount of \$100,034.67, Payment Request #3 in amount of \$215,530.30 and Payment Request #4 in amount of \$272,304.87 for the Brown County Landfill Expansion Project. All members present voting aye. Motion carried.

#### SVAWA GRANT AGREEMENT:

Moved by Hansen, seconded by Elliott to approve and authorize the Chairman sign STOP Violence Against Women (STOP-P) grant award agreement in amount of \$57,333.00, effective July 1, 2009 through June 30, 2010. All members present voting aye. Motion carried.

#### ANNUAL MALT BEVERAGE LICENSE RENEWAL HEARING:

Time and place as advertised for public hearing to consider applications for renewal of Annual Malt Beverage Licenses. Moved by Elliott, seconded by Wiese to approve the following renewal applications: Retail (On-Off Sale) Malt Beverage: Marge Frohling DBA The Connection; Alan Lanphere DBA Bath Quick Stop; Jamie Naasz, DBA Brown County Speedway; Dave Schumaker DBA Elm Lake Resort; Moccasin Creek Country Club, Inc.; Alex and Diane Schaeffer, DBA Richmond Oasis LLC; Aberdeen Hockey Association Inc (Odde Hockey Building). All members present voting aye. Motion carried.

#### SPECIAL MALT BEVERAGE HEARING:

Moved by Elliott, seconded by Wiese to approve application for a Special Malt Beverage License: Aberdeen Area Community Foundation, PO Box 285, Aberdeen, S.D. 57401 at the Parkview Nursery located on Lot 1 Parkview Nursery Addition NE ¼ Sec 25-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD, effective June 18, 2009. All members present voting aye. Motion carried.

#### HAPI TIF #5:

Jeff Mitchell and Jodi Zuger, HAPI Homes announced that HAPI Homes has started a Down Payment Assistance Program for Brown County residents to be financed with funds held in a special account obtained from repayment of lot reduction loans previously made to home owners.

#### 132<sup>nd</sup> STREET DISCUSSION:

Rolly Aman, Ted Arlt, Walter Wagemann, Roger Darling, David Feickert and Sonja Feickert met to discuss the dust on 132<sup>nd</sup> Street west from by-pass to Landfill caused by residents traveling to the Landfill. It was suggested that Aberdeen Township prepare the road and the cost of the dust control product be shared by the County. Mike Scott, Landfill Manager and Dennis Feickert, area Legislator were also in attendance. Moved by Wiese, seconded by Hansen to approve suggestion if Aberdeen Township prepares the road, the County will cost share the dust control product in an amount not to exceed \$2,000.00 to be funded by the Landfill. All members present voting aye. Motion carried.

**LANDFILL GAS PILOT TEST CONTRACT:**

Moved by Wiese, seconded by Elliott to approve and authorize the Chairman sign Contract with Leggette, Bashears & Graham Inc (LBG) to complete the following Unit 1 in amount not to exceed \$45,900.00: 1) install 2 permanent wells for landfill gas pilot test; 2) prepare Letter of Understanding between County and potential user; 3) prepare pilot study report; and 4) update capital construction cost estimate. All members present voting aye. Motion carried.

**LANDFILL EXPANSION SHOP:**

Moved by Elliott, seconded by Hansen to approve and authorize the Chairman sign Agreement for design work associated with the construction of a shop structure near the Landfill Expansion (Unit 2) in amount not to exceed \$12,600.00 with Hula Design/Build LLC (Thomas Hurlbert). All members present voting aye. Motion carried.

**LANDFILL UPDATE:**

Mike Scott, Landfill Manager presented a cell construction update and discussed the container sites.

**ACCESS AGREEMENT:**

Thomas Fischer, ARCADIS and DENR representatives Kim McIntosh and Trish Kindt discussed need for an access agreement to install additional test wells on county owned property. Moved by Wiese, seconded by Elliott to approve and authorize the Chairman sign Agreement with ARCADIS U.S., Inc and NorthWestern Energy for temporary access on county owned property located on 1<sup>st</sup> Ave SE (Extension/Weed /Welfare Complex) to install additional test wells to complete soil and groundwater sampling; and further to name Mick Palmer as primary point of contact. All members present voting aye. Motion carried.

**NEMHC:**

Northeastern Mental Health Center representatives Joe Manuel, Laura Boone and Lisa German presented center statistics and related information in regard to the 2010 NEMHC Budget request.

**BRIDGE #172 REPLACEMENT:**

Commissioner Wiese offered the following Resolution; and further moved to approve and authorize the Chairman sign the following documents in conjunction with the Resolution: 1) Utilities Certificate; 2) Letting Authorization; 3) Right-of-Way Certificate; 4) Amendment #3 to Work Order LGA-36-05.

**RESOLUTION # 34-09**

**FEDERAL AID BRIDGE REPLACEMENT OR REHABILITATION PROGRAM RESOLUTION  
FOR COUNTY AND URBAN PROJECTS**

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

**STRUCTURE NUMBER AND LOCATION:** (Bridge #172) BRO 8007(31) PCN 6085  
SN07-125-220 2.0 mile South and 1.5 mile East of Westport over the Elm River

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 Bridge Replacement Funds.

AND WHEREAS, the bridge is in need of replacement for the following reasons: 1) The sufficiency rating is 18.9. 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, 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 "Secondary Road Plan" and the State's "Standard Specifications For Roads and Bridges", the bridge replacement project at the above described location. Items to be handled by State forces with Federal Participation will include hydraulic study review, foundations investigation (if necessary), plan reviews, and construction administration.

Estimated Cost of Project Including Engineering:	\$668,246
Federal Share (80%):	\$534,597
Local Share (20%):	\$133,649

Proposed Year of Construction: 2010

Dated this 9<sup>th</sup> day of June 2009.

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

#### BRIDGE #229:

Moved by Wiese, seconded by Elliott to approve and authorize the Chairman sign Amendment #2 to Work Order LGA-121-05 with the SD Department of Transportation in regard to the replacement of Bridge #229. All members present voting aye. Motion carried.

#### APPLICATIONS FOR OCCUPANCY:

Moved by Wiese, seconded by Hansen to approve and authorize the Chairman sign the following applications, submitted by James Valley Telecommunications for occupancy of Brown County Hwy #27 & 2 in Sec 27 and 28-T121N-R65W of the 5<sup>th</sup> P.M., Brown County, SD and Brown County Hwy #21 in Sec 16 and 9-T122N-R61W of the 5<sup>th</sup> P.M., Brown County, SD to provide telecommunication services. All members present voting aye. Motion carried.

#### HOMELAND SECURITY FUNDS:

Scott Meints, Emergency Management Director discussed Memorandum from the SD Department of Public Safety requesting Brown County release FY 2009 Homeland Security Grant Funds to the State for upgrading the SD Interoperable Digital Radio Network. Mr. Meints recommended that the County NOT release the FY 2009 Homeland Security Grant Funds. The Board concurred.

#### RECESS:

The Chairman declared the Commission recessed until June 16, 2009.

Maxine Taylor – Brown County Auditor

## JUNE 16, 2009 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, Elliott, Sutton and Wiese.

## MINUTES:

Moved by Hansen, seconded by Wiese to approve the General Meeting minutes of June 9, 2009. All members present voting aye. Motion carried.

## CLAIMS:

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

Supplies: Best Business..\$422.77, West Payment..\$1567.22, Menards..\$818.76, Sanders Sew 'n Vac..\$80.69, Cat5ecableguy.com..\$774.97, House of Glass..\$165.55, McDonald Supply..\$412.94, RadioShack..\$19.99, Office Equip..\$1553.37, Comfort Inn..\$93.00, DSS..\$99.75, Tom Schmitt..\$17.96, Parcel Erickson..\$28.95, Hoven Auto..\$27.00, Mobile Electronic Service..\$1445.00, Langs..\$136.00, Steven Lust..\$46.95, Taser..\$650.00, LSS..\$551.36, Kesslers..\$309.21, Accurint..\$50.00, Safety Service..\$408.50, Graham Tire..\$29.45, DT Pharm..\$110.65, TSC..\$107.50, Serocki Excavating..\$32,800.086, Pumps Tire..\$116.00, Howes Oil..\$17,491.57, Graham Tire..\$13.25, Flint Hills..\$15,577.92, Fire Safety First..\$296.18, Fastenal..\$415.25, Dakota Fluid..\$75.75, Cartney Bearing..\$414.32, Carquest..\$754.68, BNSF Failway..\$500.00, Avera Queen of Peace..\$53.50, Ameripride..\$218.34, Advanced Auto..\$23.94, Abdn Asphalt..\$104,933.83, gEOsPATIAL..\$4700.62, ProBuild Aberdeen..\$65.83, Sherwin Williams..\$37.51, Farm Power..\$222.53, Volk Upholstry..\$201.70, SD Public Assurance Alliance..\$50.00, Macs..\$45.00, Erdmann Fuels..\$733.20, Respond..\$35.75, Adv Auto..\$20.09, Bob Barker..\$1490.44, Larry Gerlach..\$117.00, Midstates Printing..\$319.00, Glas Consulting..\$78.75, Geffdog..\$70.09, Midcontinent..\$900.00, KSFY..\$225.00, Watertown Public Opinion..\$600.00, American News..\$864.60, My Add Spots..\$600.00, Dakota Fairs..\$150.00, Runnings..\$19.28, Hodge Prod..\$83.77, Parkview Nursery..\$836.89, Northern Elec..\$30,425.00, Hub City Rents..\$165.00, Harr Plumbing..\$281.95, Crawford Trucks..\$10.01, RDO..\$81.69, Quality Welding..\$105.05, Avera Home Med Equip..\$200.00, Butler Machinery...\$368.02, Dakota Elec..\$68.75, Walmart..\$94.71, SD Fed Property..\$3000.00, Karls..\$95.95, Florida Micro..\$1794.69:  
Professional Fees: Nancy Schlichenmayer..\$75.00, Sheriff of Yankton County..\$25.00, NEMHC..\$318.86, Kristi Spitzer..\$600.00, Language Line..\$90.00, Sanford..\$166.00:  
Publications: Aberdeen American News..\$630.90:  
Court Appointed Attorney: Yankton County..\$311.25:  
Travel: Leo Leshier..\$120.62, Lorah Houser Jankord..\$50.69, Gene Loeschke..\$45.51, Allan Vietmeier..\$62.53, City of Groton..\$34.41:  
Utilities: City of Aberdeen..\$305.14, Dependable..\$19,089.62, NW Energy..\$917.95, Northern Elec..\$711.62, City of Hecla..\$97.96, Northern Valley..\$197.85, Qwest..\$1926.76, Northern Wireless..\$111.90, Verizon..\$70.17, Bureau of Admin..\$493.29:  
Care of Poor: Dr/Hospital – 4 recipients..Aberdeen Internal Medicine..\$65.33, Avera St Lukes..\$18,558.59, Catastrophic County Poor Relief Program..\$193.62; Rent - 6 recipients..Zumbaum Property Mgmt..\$120.00, Lonnie Frost..\$260.00, Erickson & Assoc..\$300.00, Jolene Salsaa..\$195.00, Beachair Ent..\$300.00, Lonnie Lyke..\$240.00, Dan Brenner..\$240.00; Utilities –1 recipient..Northern Elec..\$300.00. All members present voting aye. Motion carried.

## PERSONNEL:

Moved by Wiese, seconded by Sutton to approve hiring Clay Nelson as part-time JDC Corrections Officer, effective June 23, 2009 at \$10.48 per hour. All members present voting aye. Motion carried.

**SHERIFF REPORTS:**

Moved by Hansen, seconded by Elliott to approve the following May 2009 Sheriff Reports: Incident and offenses; Prisoner care, JDC, Money deposited with the County Treasurer and Monthly activities. All members present voting aye. Motion carried.

**PROPERTY TRANSFER:**

Moved by Wiese, seconded by Sutton to approve and authorize the Chairman sign agreement with the following entities that received equipment from the 2004 ODP Equipment Grant Program: Barb Paepke (weather radio), Richmond Youth Camp (weather radios); 2007 HLS Equipment Grant Program: Aberdeen Fire & Rescue (mobile data terminals), Brown County Sheriff (mobile data terminals); 2008 HLS Equipment Grant Program: Aberdeen Rural Fire Protection District (extendaire kit), Aberdeen Fire & Rescue (cascade systems), Aberdeen Police Department (mobile data terminals). All members present voting aye. Motion carried.

**FAIR BOARD AGREEMENT:**

Moved by Wiese, seconded by Sutton to approve and authorize Larry Gerlach to sign agreement with Romeo Entertainment Group to provide e-mail list management and marketing services for the Brown County Fair in amount not to exceed \$2,000.00. All members present voting aye. Motion carried.

**GRANT LETTER OF AGREEMENT:**

Moved by Wiese, seconded by Sutton to approve and authorize Larry Gerlach to sign FY 2010 Letter of Agreement for the Governor's Million Dollar Challenge grant award for the 2009 Brown County Fair marketing plan in amount of \$30,780 (county share \$15,390, state share \$15,390). All members present voting aye. Motion carried.

**LANDFILL AGREEMENT:**

Moved by Wiese, seconded by Elliott to approve and authorize the Chairman to sign agreement with Northern Electric Cooperative, Inc. for labor and materials for power supply installation to the Brown County Landfill Expansion Project (Unit 2) at estimated cost of \$29,150.00. All members present voting aye. Motion carried.

**FIREWORKS PERMIT:**

Moved by Sutton, seconded by Hansen to approve and authorize the Chairman sign Fireworks Public Display Permit, submitted by Kent Larson, Richmond Lake Association 379799 N Shore Drive, Aberdeen, SD for a fireworks display to be held on July 4, 2009 at Richmond Lake. All members present voting aye. Motion carried.

**BID 12W CONCRETE INTERSECTION PROJECT:**

Time and place, as advertised to open, read and consider bids to furnish all labor, material and equipment necessary to complete all the work for the 12W/385<sup>th</sup> Ave Intersection Project. Bids were received from Upper Plains Contracting, Inc; Lien Transportation & Construction; B&B Contracting, Inc. Moved by Wiese, seconded by Sutton to refer all bids to Jan Weismantel, Highway Superintendent and Helms & Associates for review and recommendation. All members present voting aye. Motion carried. Moved by Hansen, seconded by Sutton to award low bid, submitted by B&B Contracting, Inc in amount of \$196,093.40; rejecting Upper Plains Contracting in amount of \$224,679.70, Lien Transportation & Construction in amount of \$249,444.18. All members present voting aye. Motion carried. Moved by Wiese, seconded by Hansen to authorize the Chairman sign Notice of Award to B&B Contracting for 12W/385<sup>th</sup> Ave Intersection Project in amount of \$196,093.40. All members present voting aye. Motion carried.

**BRIDGE #051:**

Moved by Wiese, seconded by Sutton to approve and authorize the Chairman to sign Change Order #2 for Bridge #051 relocating structure four feet to the west. All members present voting aye. Motion carried.

**AGREEMENT BRIDGE #031:**

Moved by Wiese, seconded by Elliott to approve and authorize the Chairman sign Right-of-Way Agreement with Staubach Global, BNSF Railroad in conjunction with Bridge #031 Project located south of Aberdeen on County Road 10, effective until January 1, 2010. All members present voting aye. Motion carried.

**HIGHWAY ANNUAL REPORT:**

Jan Weismantel, Highway Superintendent presented the 2008 Annual Report for the Brown County Highway Department.

**2010 GLACIAL LAKES BUDGET:**

Rosie Smith, Executive Director Glacial Lakes & Prairies presented program statistics and related information in regard to the 2010 Glacial Lakes budget request.

**OWNER/OCCUPIED STATUS DISCUSSED:**

John Davidson requested consideration for owner/occupied status on the home he purchased in the spring of 2008. The home was unoccupied on the assessment date of November 1, 2007, therefore does not qualify for owner/occupied status for taxes payable in 2009. With regret the Commission denied the request for consideration for owner/occupied status on the home.

**2010 GIS BUDGET:**

Scott Madsen, GIS Coordinator presented information in regard to the 2010 budget request for GIS activities.

**COUNTY LAND DISCUSSION:**

Steve Stickelmyer discussed the possibility of purchasing county owned land adjacent to the commercial property he owns at 1011 1<sup>st</sup> Ave SE. There was no action taken by the Commission at this time.

**CREDIT CARD DISCUSSION:**

Scott Meints and Bill Meink discussed need for a county credit card. There was no action taken by the Commission at this time.

**RECESS:**

The Chairman declared the Commission recessed until June 23, 2009.

Maxine Taylor – Brown County Auditor

## JUNE 23, 2009 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, Elliott, Sutton and Wiese.

## MINUTES:

Moved by Hansen, seconded by Wiese to approve the General Meeting minutes of June 16, 2009. All members present voting aye. Motion carried.

## CLAIMS:

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

Payroll: Commissioners...\$3,110.60; Auditor...\$7,578.98; Elections...\$383.20; Treasurer...\$10,618.24; Data Processing...\$3,431.02; State's Attorney...\$12,739.86; Stop Loss Grant-SA ...\$1,421.05; Maintenance...\$5,631.84; Assessor...\$10,029.32; Planning & Zoning...\$1,580.81; Register of Deeds...\$5,309.44; Veterans Service Office...\$3,106.99; GIS...\$1,921.93; Sheriff...\$70,649.76; Communications...\$18,979.58; Coroner...\$450.00; Welfare...\$3,144.20; Museum...\$5,716.52; Fair board...\$2,125.17; Fairgrounds & Parks...\$5,459.77; Extension...\$2,545.90; Weed...\$4,641.20; E&D...\$2,873.62; Teen Court...\$540.00 Highway...\$34,907.55; Landfill...\$9,001.49; Matching Benefits: FICA...\$13,414.22; Medicare...\$3,137.19; Wellmark BCBS Life...\$722.94; Delta Dental...\$4,762.80; Wellmark BCBS Health...\$72,105.34; SD State Retirement...\$27,662.65;

Supplies: MilesTek...\$93.45, Tessco...\$325.91, Penny Hart...\$220.30, Software Unltd...\$1654.48, Harvey Oliver...\$77.54, New Trends...\$88.72, Midstates Printing...\$175.00, Office Equip...\$440.62, Heartland Paper...\$507.31, Nelson Sales...\$24.00, Cartney Bearing...\$15.90, McFarland Supply...\$202.88, House of Glass...\$64.20, Vision Bs Prod...\$244.64, Geo Sumption...\$500.00, Spec Mfg...\$188.34, Serocki Excavating...\$34,740.94, Old Dominion...\$832.05, Louie's Service...\$352.49, Brown County...\$13.00, Artz Equip...\$13,400.00, Sherwin Williams...\$29.54, Dacotah Prairie Museum...\$18.00, Walmart...\$71.78, Sewer Duck...\$419.00, DSS...\$115.80, North Pine...\$76,443.28, L Robert Kimball...\$3604.00, SDACC...\$100.00;

Professional Fees: Safe Harbor...\$500.00, Avera St Lukes...\$2130.00, Cass County Sheriff...\$46.00, Lewis & Clark BHS...\$142.00, Cathy Rehfuss...\$45.00, Donna Dietrich...\$409.92, Marv Ekeren...\$30.00, Nelva Kooistra...\$15.00;

Publications: Aberdeen American News...\$355.53, Groton Indep...\$408.82;

Transcriptions: Neal Reporting...\$187.00, Kristi Kost...\$226.05, McClanahan Reporting...\$177.78;

Court Appointed Attorney: Johnson, Miner, Marlow...\$157.43, Yankton County Tres...\$103.75;

Travel: Extension Service...\$303.02, Jerry Mills...\$574.51;

Utilities: Alltel...\$227.63, NW Energy...\$42.47, Northern Elec...\$286.85, City of Aberdeen...\$2928.10, Qwest...\$2418.98;

Care of Poor: Dr/Hospital - 3 recipients..Dental Center...\$2444.00, Avera St Lukes...\$2468.33; Rent -2 recipients..Perry Huber...\$280.00, Danne...\$180.00; Transportation -1 recipient..Brown County...\$16.05; Medication -1 recipient..Quarve Drug...\$163.02. All members present voting aye. Motion carried.

## PERSONNEL:

Moved by Hansen, seconded by Sutton to approve the following employee step increases, effective June 28, 2009: James Petrich @ \$13.69 per hour, Tracy Madsen @ \$12.92 per hour, Cindy Eppard @ \$11.64 per hour, Melony Flinn @ \$14.56 per hour. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Sutton to acknowledge resignation of Randy Kurtz; and further approve hiring Tamara Ketterling as full-time Corrections Officer in the Jail, effective July 1, 2009 at 12.52 per hour. All members present voting aye. Motion carried.

Moved by Sutton, seconded by Hansen to approve hiring Jacie Schley @ \$9.95 per hour, Rochele Moser and Terry Serr @ \$8.99 per hour, effective August 17 – 24, 2009 at the Brown County Fair Office during the 2009 Brown County Fair. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Elliott to approve hiring Paul J Wipf, effective June 29, 2009 at \$14.38 per hour as Mechanic with CDL at the Highway Department. All members present voting aye. Motion carried.

#### RELIEF LIEN:

Commissioner Hansen offered the following Resolution:

#### RESOLUTION NO. 35 -09

WHEREAS, Brown County has filed a Poor Relief Lien in total amount of \$14,849.52 with a balance of \$13,410.00, 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 remaining property owned.

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

Lots 21 and 22, Block 26, First Addition to Stratford, being a part of the Southwest Quarter (SW ¼) of Section 4, Township 121 North, Range 62 West of the Fifth Principal Meridian, 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.

Dated this 23<sup>rd</sup> day of June 2009.

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

#### MALT BEVERAGE HEARING SET:

Moved by Sutton, seconded by Elliott to authorize advertising public hearing to consider the following application for a Special Retail (On-Off Sale) Malt Beverage License, to be held in the Brown County Commission Chambers, Courthouse Annex at 8:45 a.m. on July 14, 2009: Retail (on-off sale) Malt Beverage License: Groton Chamber of Commerce, PO Box 21 Groton, SD – portion of E ½ E ½ SE ¼ Sec 19-T123N-R60W 1-T123N-R64W and portion of W ½ W ½ SW ¼ Sec 20-T123N-R60W (map indicating specific location on file with application), effective July 17, 18 & 19, 2009. All members present voting aye. Motion carried.

#### AGREEMENT:

Moved by Sutton, seconded by Hansen to approve and authorize the Chairman to sign cooperative agreement with Aberdeen School District 6-1 to establish an educational program for youth placed in the Juvenile Detention Center, effective July 1, 2009 through June 30, 2010. All members present voting aye. Motion carried.

#### LANDFILL EXPANSION PROJECT:

Moved by Elliott, seconded by Sutton to approve and authorize the Chairman sign Payment Request #5 in amount of \$76,443.28 for the Brown County Landfill Expansion Project. All members present voting aye. Motion carried.

**GRANT APPLICATION – EECBG:**

Moved by Elliott, seconded by Hansen to approve and authorize Brown County Auditor Maxine Taylor sign application and other documentation for U S Department of Energy Recovery Act – Energy Efficiency and Conservation Block Grant #DE-FOA-0000013 in amount of \$50,000.00 (no local match required) for purpose of performing energy efficiency retrofits (window replacement in Courthouse Annex and heating/cooling unit replacement at the Dacotah Prairie Museum. All members present voting aye. Motion carried.

Moved by Elliott, seconded by Hansen to designate Maxine Taylor, Brown County Auditor to apply for and receive funding based on Title V, Subtitle E, Energy Efficiency and Conservation Block Grants, Sections 541(3)(A) or 541(3)(B) of EISA 2007, Public Law 110-140. All members present voting aye. Motion carried.

**FIREWORKS PERMIT:**

Moved by Hansen, seconded by Sutton to approve and authorize the Chairman sign Fireworks Public Display Permit, submitted by Jamie Naasz, DBA Brown County Speedway for a Class B Fireworks Display to be held on July 3, 2009 in the infield of the racetrack at the Fairgrounds. All members present voting aye. Motion carried.

**BRIDGE #051:**

Moved by Sutton, seconded by Elliott to approve and authorize the Chairman to sign Change Order #1 for Bridge #051 Line No. 012 P Class A45 Concrete, Bridge Deck resulting in no time added to contract and no change in bid price. All members present voting aye. Motion carried.

**LEASE AGREEMENTS:**

Moved by Sutton, seconded by Wiese to approve and authorize the Chairman sign the following agreements: Church of God Native American Ministries of SD for lease of the Richmond Youth Camp on October 12-13, 2009; Aberdeen Chamber for lease of the Expo Addition on June 6, 2009; Maureen Gilbertson for lease of the Richmond Lake Youth Camp on August 21-23, 2009. All members present voting aye. Motion carried.

**DISINTERMENT PERMIT:**

Moved by Sutton, seconded by Elliott to acknowledge and accept Notice of Disinterment Permit affecting Brown County from the SD Department of Health Vital Records. All members present voting aye. Motion carried.

**CAPITAL OUTLAY TAX:**

Commissioner Sutton offered the following Resolution:

**RESOLUTION #36-09  
Permit Counties to Impose a Capital Outlay Tax**

WHEREAS, County Government is increasingly unable to meet its statutory responsibilities to provide for law enforcement, human services, and the maintenance of county road infrastructure, and

WHEREAS, this inability to continue to fund these important services is directly related to a lack of financial resources caused by the property tax limitation statutes, outdated fee allowances currently in state law, and the absence of a funding stream that keeps pace with economic growth and inflation, and

WHEREAS, the board of county commissioners may levy a tax not to exceed one dollar per thousand dollars of taxable valuation for the capital outlay fund for assets as defined by this section, its obligations under a resolution, or a lease-purchase agreement, and

WHEREAS, the capital outlay fund of the county is a fund provided by law to meet expenditures which result in the acquisition or lease of or additions to real property, plant, or equipment, and

WHEREAS, any expenditure from the fund shall be for land, existing facilities, improvement of grounds, construction of facilities, additions to facilities, remodeling of facilities, or for the purchase or lease of equipment, and

WHEREAS, an expenditure from the fund may also be used for installment or lease-purchase payment for the purchase of real property, plant, or equipment, which have a contracted terminal date not exceeding twenty years from the date of the installment contract, and

WHEREAS, the county may cooperate in a joint undertaking for any purpose provided in this section with any other county, municipality, or school district, and

WHEREAS, the levy authorized by this section is in addition to the levies authorized in §§ 7-25-1 and 10-12-21. Any tax imposed pursuant to this section is exempt from the tax limitations imposed on a county by chapter 10-13, and

WHEREAS, section 10-13-35 does not apply to school districts or any tax imposed by a county pursuant to section 1 of this Act, and

WHEREAS, for taxes payable in 1997, and each year thereafter, the total amount of revenue payable from taxes on real property within a taxing district, excluding the levy pursuant to § 10-13-36, may increase no more than the lesser of three percent or the index factor, as defined in § 10-13-38, over the amount of revenue payable from taxes on real property in the preceding year, excluding the amount of taxes levied pursuant to § 10-13-36, and

WHEREAS, after applying the index factor, a taxing district may increase the revenue payable from taxes on real property above the limitations provided by this section by the percentage increase of value resulting from any improvements or change in use of real property, annexation, minor boundary changes, and any adjustments in taxation of property separately classified and subject to statutory adjustments and reductions under chapters 10-4, 10-6, 10-6A, and 10-6B, except § 10-6-31.4, only if assessed the same as property of equal value, and

WHEREAS, a taxing district may increase the revenue it receives from taxes on real property above the limit provided by this section for taxes levied to pay the principal, interest, and redemption charges on any bonds issued after January 1, 1997, which are subject to referendum, scheduled payment increases on bonds and for a levy directed by the order of a court for the purpose of paying a judgment against such taxing district, and

WHEREAS, any taxing district created after the effective date of this section is exempt from the limitation provided by this section for a period of two years immediately following its creation,



NOW, THEREFORE BE IT RESOLVED, that the Brown County Commission supports legislation that will permit counties to impose a capital outlay tax for construction and equipment purposes and exempt counties from certain tax limitations on property.

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

#### APPLICATION FOR OCCUPANCY:

Moved by Sutton, seconded by Elliott to approve and authorize the Chairman sign application, submitted by Northern Electric for occupancy of Brown County Highway #14W in Sec 30/31-T123N-R63W, Brown County, SD to provide primary electrical service. All members present voting aye. Motion carried.

#### EQUIPMENT PURCHASE:

Moved by Sutton, seconded by Wiese to approve purchase of a sign retroreflectometer in amount of \$10,950.00 for the sign shop at the Highway Department. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Elliott to award low quote, submitted by Northern Truck Equipment Corp in amount of \$9,257.00 for a sander unit for the Highway Department; rejecting Safety Service Inc in amount of \$13,200.00. All members present voting aye. Motion carried.

#### COUNTY 12W:

Moved by Sutton, seconded by Elliott to authorize Jan Weismantel, Highway Superintendent request Helms and Associates assist with the upcoming 12W bid process. All members present voting aye. Motion carried.

#### PLATS:

Commissioner Sutton offered the following Resolution:

#### RESOLUTION #37-09

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Belden Tract 1, in the W ½ of the SW ¼ of Sec 20-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, Elliott-aye, Sutton-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Elliott offered the following Resolution:

#### RESOLUTION #38-09

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Haar's First Subdivision in NE 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 Sutton. Roll call vote: Commissioners Hansen-aye, Elliott-aye, Sutton-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Sutton offered the following Resolution:

RESOLUTION #39-09

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing "Corrective Plat of Ranchland Third Subdivision in Sec 31-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 11-3, and any amendments thereof.

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

ORDINANCE #060:

Moved by Hansen, seconded by Sutton to set hearing date for Ordinance #060, An Ordinance amending Second Revision Brown County Ordinances, Title 4, Chapter 4.3501 Communication Towers and Facilities Requirements, Subsection F. Submittal Requirements, by adding 15. The applicant shall agree, in writing, to allow for possible co-location of Brown County Public Safety equipment in the top position to the proposed communications facility and grants a perpetual access agreement to such equipment. Brown County Communications Department would be responsible for all public safety equipment installed, to be held in the Commissioner's Chambers, Courthouse Annex Brown County, SD at 9:00 a.m. on July 14, 2009. All members present voting aye. Motion carried.

PURCHASE CARD SYSTEM:

Kae McNel presented additional information on a Purchase Card System offered by US Bank originally presented to the Commission on April 8, 2008. The Commission took no action at this time.

EXTENDED PARKING LEASE:

The Commission discussed the need for a policy for extended parking on county owned lots. The States Attorney will be contacted for input.

RECESS:

The Chairman declared the Commission recessed until June 30, 2009.

Maxine Taylor – Brown County Auditor

## JUNE 30, 2009 – 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, Elliott and Sutton. Absent Commissioner Wiese.

### MINUTES:

Moved by Hansen, seconded by Elliott to approve the General Meeting minutes of June 23, 2009. All members present voting aye. Motion carried.

### CLAIMS:

Moved by Sutton, seconded by Elliott to approve the following claims:

Supplies: CMRS-FP..\$5000.00, ES&S..\$7480.20, Menards..\$298.56, SOS Garage Door..\$660.40, Exec Mgmt..\$2660.70, New Trends..\$274.00, Crisis Prevention..\$100.00, Exhaust Pros..\$28.45, Tel Serv..\$260.00, Western Detention..\$114.40, Racom..\$352.80, Karst Car Care..\$27.00, Best Business..\$164.14, Walmart..\$288.63, Visa..\$868.26, Serocki..\$105,012.25, Lien Trans..\$63,551.53, Graham Tire..\$576.78, QQP..\$39.50, Office Equip..\$53.88, Kesslers..\$106.38, Dacotah Prairie Museum..\$25.25, Sherwin-Williams..\$17.81, Kleins..\$29.08, Office Max..\$359.13, Van Diest..\$3212.78, Z&S Dust Control..\$3107.07, Aberdeen C&F..\$1316.50, LBG..\$10,223.57, NECOG..\$1000.00, Florida Micro..\$1533.19, Crime Reports..\$1791.00, Tessco Inc..\$325.56, Fire Safety First..\$5.50, Gardner Locksmith..\$20.00, Landfill Service Corp..\$81.80:

Professional Fees: NADRIC..\$1666.67:

Publications: Aberdeen American News..\$274.08:

Court Appointed Attorney: Randy Turner..\$5458.33, Kuck Law Office..\$5208.33, Gina Rogers..\$5208.33, Christy Serr..\$5458.33, Jason Adams..\$582.57:

Travel: Kathy Schlecht..\$185.96, Tom Gohn..\$87.28, Charlene Millim..\$146.46, Gary Vetter..\$101.75, Dale Kurth..\$56.24, David North..\$84.36, Pat Keatts..\$26.64, Stan Beckler..\$15.54, Darwin Bettmann..\$11.10, Jerome Streckfuss..\$19.24:

Utilities: Midcontinent Cable..\$241.67, NW Energy..\$7704.62, Qwest..\$46.75, Montana Dakota..\$22.46, Alltel..\$225.48:

Care of Poor: Rent - 3 recipients..Joe Kokales..\$240.00, A&S Services..\$300.00, J&O Apts..\$240.00; Insurance - 1 recipient..Anthem Blue Cross/BS..\$376.06; Utilities - 2 recipients..City of Aberdeen..\$440.09. All members present voting aye. Motion carried.

### ABATEMENT:

Moved by Sutton, seconded by Hansen to approve the following Abatement: Gary Klabo @ \$18.00. All members present voting aye. Motion carried.

### LEASE AGREEMENTS:

Moved by Elliott, seconded by Sutton to approve and authorize the Chairman sign the following agreements: The Celtic Faire for lease of the Holum Expo Building and Expo Addition on September 19-20, 2009; Jobs Daughters International for lease of the Richmond Youth Camp on September 11-13, 2009; Thorpe Auction for lease of the Clubhouse on June 27, 2009; Deb Backous for lease of the Richmond Lake Youth Camp on August 14-16, 2009. All members present voting aye. Motion carried.

### DISASTER 2009:

Moved by Hansen, seconded by Sutton to approve and authorize the Chairman sign State/Applicant Agreement for State of South Dakota Disaster Contract DR-1844-SD in regard to the 2009 Disaster Declaration. All members present voting aye. Motion carried.

### FAIR TICKETS:

Moved by Elliott, seconded by Sutton to approve and authorize the Chairman sign documentation which enables Brown County Fair Tickets be sold through a secure webpage. All members present voting aye. Motion carried.

#### TOWNSHIP BOND:

Moved by Hansen, seconded by Sutton to approve the following Township Bond (treasurer): Lansing #5 Sharon Lehr. All members present voting aye. Motion carried.

#### PROPERTY TRANSFER:

Moved by Sutton, seconded by Elliott to approve and authorize the Chairman sign agreement with Beadle County for receipt of equipment purchased with FY 2007 HSGP Region VI funds in amount of \$124,185.86. All members present voting aye. Motion carried.

#### CLAIM ASSIGNMENT:

Moved by Hansen, seconded by Elliott 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.

#### EXECUTIVE SESSION:

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

The Chairman declared the executive session closed with no action taken as a result of the discussion.

#### BID – COURTHOUSE ROOF PROJECT:

Time and place, as advertised to open, read and consider sealed bids for Courthouse Roof Project. Bids were received from Grote Roofing and Twin City Roofing. Moved by Hansen, seconded by Elliott to refer all bids to Mick Palmer, Maintenance for review and recommendation. All members present voting aye. Motion carried. Moved by Sutton, seconded by Elliott to award bid, submitted by Grote Roofing in amount of \$46,373.00; rejecting bid submitted by Twin City Roofing in amount of \$48,500.00. All members present voting aye. Motion carried.

#### HIGHWAY UPDATE:

Jan Weismantel, Highway Superintendent presented status report on Bridge 051, County Road 16 and other projects.

#### RELIEF LIEN:

Moved by Hansen, seconded by Sutton to release claim on auction proceeds in exchange for \$100.00 per month payment from individual on lien balance of \$22,377.16. All members present voting aye. Motion carried.

#### ADJOURNMENT:

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

Maxine Taylor – Brown County Auditor

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## JULY 7, 2009 – 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 Hansen, Sutton, Wiese and Fischbach. Absent Commissioner Elliott.

## MINUTES:

Moved by Sutton, seconded by Hansen to approve the General Meeting minutes of June 30, 2009. All members present voting aye. Motion carried.

## CLAIMS:

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

Payroll: Commissioners...\$3,110.60; Auditor...\$7,578.61; Treasurer...\$10,618.24; Data Processing...\$3,431.02; State's Attorney...\$12,869.91; Stop Loss Grant...\$1,421.05; Maintenance...\$5,600.78; Assessor...\$9,805.67; Register of Deeds...\$5,309.44; Veterans Service Office...\$3,106.99; GIS...\$1,921.93; Sheriff...\$73,468.28; Communications...\$18,720.57; Welfare Office...\$3,144.20; Museum...\$5,716.52; Fairgrounds & Parks...\$5,517.13; Fairboard...\$2,125.17; Extension...\$2,559.50; Weed...\$4,877.46; Planning and Zoning...\$2,140.81; Emergency Management...\$2,873.62; Teen Court...\$540.00; Highway...\$35,911.37; Landfill...\$9,057.95; Matching Benefits: FICA...\$13,597.54; Medicare...\$3,180.10;

Supplies: Midstates Printing...\$455.29, Dakota Mailing...\$187.97, GovConnection...\$230.73, Central Supply...\$312.00, Active Data...\$313.10, Huron Culvert...\$15,353.76, Swede's Body Shop...\$980.00, Swanston Equip...\$6500.00, Hagan Ins...\$150.00, SDDOT...\$71.98, Share Corp...\$421.80, Serocki Excavating...\$59,376.81, Runnings...\$265.64, Reliable Office Supplies...\$89.46, Outlaw Graphics...\$70.00, Newman Signs...\$310.74, Macs...\$253.99, Farm Power Mfg...\$252.70, Gardner Locksmith...\$4.50, Larson Blacksmith...\$83.00, Jensen Rock & Sand...\$54,548.74, Howes Oil...\$24,821.50, Harry's Impl...\$67.53, Great Western Tire...\$4279.01, Violet Dinger...\$626.40, Diesel Machinery...\$50,830.00, Dakota Elec...\$165.50, Cretex Concrete...\$99,816.00, Crawford Trucks...\$2226.95, Butler Machinery...\$479.85, Walmart...\$19.88, Bakken Bldg Maint...\$500.00, Sherri Rawstern...\$30.00, Office Equip...\$76.56, Midwest Alarm...\$60.00, Menards...\$1614.53, DSG...\$862.45, Titan...\$212.27, Electronic Security...\$3895.00, McFarland Supply...\$17.73, Sewer Duck...\$222.50, Walmart...\$50.00, Quality Quick Print...\$112.08, Van Diest...\$11,804.50, Dakota Oil...\$116.73, Pro Ag...\$294.26, Kens Alignment...\$162.74, Hub City Radio...\$520.00, North Pine...\$108,265.50, NAED...\$50.00, Tessco...\$85.15, Dakota Electronics...\$6.50, Best Business...\$97.08, HP...\$2065.00;

Professional Fees: David Kauffman...\$2670.00, Kaleidoscope Media...\$454.00, Dept of Revenue...\$5310.01, witness fees...\$20.00, Exec Mgmt...\$37.01, Sheriff of Yankton County...\$50.00, Eide Bailly...\$225.00;

Transcriptions: Tammy Erickson...\$115.35;

Court Appointed Attorney: Horn Law Office...\$196.60;

Travel: Dennis Wiedebush...\$26.64, Troy Knecht...\$57.72, Duane Jark...\$39.96;

Utilities: FSH Communications...\$60.00, NW Energy...\$3803.70, City of Aberdeen...\$979.37, Northern Valley...\$230.24, James Valley...\$153.62, Town of Frederick...\$32.25, Qwest...\$35.85, WEB...\$95.81, Midcontinent Cable...\$55.00, Verizon...\$70.17;

Care of Poor: Dr/Hospital - 1 recipient..Aberdeen Internal Med...\$143.63; Rent - 4 recipients..Steve Gauer...\$240.00, Builders Mgmt...\$260.00, Eisenbeis Mobile Home Ct...\$300.00, Valley Inn...\$57.95; Transportation – 1 recipient..Brown County Hwy...\$25.69; Utilities – 1 recipient..NW Energy...\$280.00; Medication – 3 recipients..Walmart Pharm...\$297.53. All members present voting aye. Motion carried.

## PERSONNEL:

Moved by Sutton, seconded by Hansen to approve the following employee step increases, effective July 12, 2009: Lisa Samson @ \$12.36 per hour, Pam Sudlow @ \$12.12 per hour, Sandy Green @ \$13.56 per

hour, Keith Baker @ \$16.73 per hour, Joyce DesCamps @ \$15.33 per hour, Tonya Walth @ \$13.38 per hour. All members present voting aye. Motion carried.

#### HOUSING & REDEVELOPMENT BOARD:

Moved by Sutton, seconded by Hansen to appoint Francis Brink to a second five-year term ending July 9, 2014 on the Housing and Redevelopment Commission of Brown County. All members present voting aye. Motion carried.

#### BID – COURTHOUSE ROOF PROJECT - CONTRACT:

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman sign Contact Agreement with Grote Roofing Inc. for Courthouse Roof Project awarded June 30, 2009. All members present voting aye. Motion carried.

#### LANDFILL EXPANSION PROJECT:

Moved by Sutton, seconded by Wiese to approve and authorize the Chairman sign Payment Request #6 in amount of \$108,265.50 for the Brown County Landfill Expansion Project. All members present voting aye. Motion carried.

#### LEASE AGREEMENTS:

Moved by Sutton, seconded by Wiese to approve and authorize the Chairman sign the following agreements: Buntrock Auction for lease of the Clubhouse on May 31, 2009; The Juvenile Foresters for lease of the Richmond Youth Camp on August 3-6, 2009. All members present voting aye. Motion carried.

#### AUDITORS REPORT OF ACCOUNT:

Moved by Hansen, seconded by Wiese to approve the May 2009 Auditor's Report of Account with the County Treasurer in total amount of \$18,685,859.09 (total amount of actual cash @ \$3,433.09, Wells Fargo Bank @ \$3,694.79, US Bank @ \$486,778.87, Dacotah Bank @ \$12,112.57, Petty Cash @ \$1,800.00, Fund Investments @ \$18,177,472.86, Outstanding Checks @ \$566.91). All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to approve the June 2009 Auditor's Report of Account with the County Treasurer in total amount of \$13,818,547.69 (total amount of actual cash @ \$2,743.09, Wells Fargo Bank @ \$3,694.79, US Bank @ \$70,810.31, Dacotah Bank @ \$110,136.33, Petty Cash @ \$1,800.00, Fund Investments @ \$13,628,606.26, Outstanding Checks @ \$756.91). All members present voting aye. Motion carried.

#### WEED POSITION DISCUSSED:

Roger Johnson, Weed Supervisor discussed options of full-time or part-time employment. No action was taken at this time.

#### BID – COURTHOUSE ANNEX WINDOW PROJECT:

Moved by Sutton, seconded by Hansen to authorize advertising public hearing to open, read and consider bids for the Courthouse Annex Window Project (to be funded in part by DOE Grant), to be held in the Commissioner's Chambers, Courthouse Annex, Brown County, SD at 8:45 a.m. on July 28, 2009. All members present voting aye. Motion carried.

#### COUNTY HIGHWAY 16:

Allen Siefkes and Mike Elsen discussed the condition of Brown County Highway 16 north of US Hwy 281. Jan Weismantel, Highway Superintendent explained amount of hot mix is set and that traffic counts dictate which roads are patched with hot mix or gravel.

BNSF INSURANCE BRIDGE #031:

Moved by Wiese, seconded by Suttott to approve and authorize the Chairman sign insurance letter as a supplement to the Right-of-Way Agreement signed Jun 16, 2009 with Staubach Global, BNSF Railroad in conjunction with Bridge #031 Project located south of Aberdeen on County Road 10. All members present voting aye. Motion carried.

EXECUTIVE SESSION:

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

The Chairman declared the executive session closed with no action taken as a result of the discussion.

HOSPITAL CLAIMS:

Moved by Hansen, seconded by Sutton to deny payment of the following hospital claim: 31 year old female @ \$10,136.52, as the individual has not provided sufficient information to determine if indigent. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to deny payment of the following hospital claims: 24 year old male @ \$2,753.04, 51 year old female @ \$30,269.10, as the individuals are indigent by design. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Sutton to deny payment of the following hospital claim: 49 year old female @ \$5,130.48, as the individual has sufficient resources. All members present voting aye. Motion carried.

RECESS:

The Chairman declared the Commission recessed until July 14, 2009.

Maxine Taylor – Brown County Auditor

Published once at the total approximate cost of \_\_\_\_\_.

JOINT BROWN, CLARK, DAY & SPINK COUNTY COMMISSION PROCEEDINGS  
JULY 7, 2009 - CONDE, SOUTH DAKOTA

A joint session of the Brown County Commission, Clark County Commission, Day County Commission and Spink County Commission was held at 2:00 PM, Tuesday, July 7, 2009 at the Community Center in Conde, SD. Present from Brown County were Commissioners Tom Fischbach, Nancy Hansen and Duane Sutton; from Clark County were Commissioners Eugene Furness, Francis Hass, Clara Luvaas, Richard Reints and Jerry Wicks; from Day County were Commissioners Marvin Bury, Chuck Hesla, Richard Tobin and Mark Wattier; from Spink County were Commissioners Dave Albrecht, Jeff Albrecht, Brian Johnson, Craig Johnson and Gerald Zerbel. Spink County Commission Chairman Dave Albrecht opened the meeting with the Pledge of Allegiance.

Also present was a delegation of interested parties, list of which is on file in the offices of the Brown, Clark, Day and Spink County Auditors.

On motion by Brown County Commissioner Sutton and seconded by Spink County Commissioner C. Johnson the agenda was adopted. All Commissioners present voted aye. Motion carried.

Commissioner D. Albrecht called for testimony in favor of the petition. Lynn Sanderson, Conde, distributed and explained data supporting the establishment of a Conde Rural Fire Protection District.

Commissioner D. Albrecht called for testimony against the petition and there was none.

On motion by Commissioner Sutton and seconded by Commissioner Hanson, both Brown County, to amend the proposed boundaries to include Section 36-T121-R60W Bates Township. Upon roll call vote: Fischbach-aye, Hansen-aye and Sutton-aye, motion passed.

On motion by Commissioner Luvaas and seconded by Commissioner Furness, Clark County Commissioners voted Furness-aye, Hass-aye, Luvaas-aye, Reints-aye and Wicks-aye to adopt Order Establishing Conde Rural Fire Protection District.

On motion by Commissioner Wattier and seconded by Commissioner Tobin the Day County Commission unanimously voted to adopt Order Establishing Conde Rural Fire Protection District.

On motion by Commissioner J. Albrecht and seconded by Commissioner Zerbel the Spink County Commission unanimously voted to adopt the Order Establishing Conde Rural Fire Protection District.

On motion by Commissioner Sutton and seconded by Commissioner Hanson the Brown County Commission unanimously voted to adopt Brown County Resolution #40-09 - Order Establishing Conde Rural Fire Protection District, as follows, Commissioners Hansen-aye, Sutton-aye, Fischbach-aye. Resolution adopted.

ORDER ESTABLISHING CONDE RURAL FIRE PROTECTION DISTRICT

WHEREAS, the Board of County Commissioners of Brown County, Clark County, Day County and Spink County, South Dakota, jointly acting upon Notice of Hearing on Petitions for the formation of the proposed Conde Rural Fire Protection District, having been given by the County Auditor of Brown County, South Dakota under date of May 29, 2009, having been given by the County Auditor of Clark County under date of May 26, 2009, having been given by the County Auditor of Day County under date of May 26, 2009 and having been given by the County Auditor of Spink County under date of May 13, 2009, and pursuant to the Certificate of the County Auditors of Brown, Clark, Day and Spink Counties,



South Dakota on file in the office of the respective County Auditor, reference to which Notice of Hearing and Certificate is hereby made and incorporated herein by this reference, and

WHEREAS the Board of County Commissioners of Brown, Clark, Day and Spink Counties, South Dakota, at a joint meeting this 7th day of July, 2009 at 2:00 PM, in the City of Conde, Spink County, South Dakota, having met, and all persons residing in or owning taxable property within the proposed district having had a opportunity to be heard respecting the formation of said District or the location of the boundaries thereof, and

WHEREAS the Board of County Commissioners of Brown County, Clark County, Day County and Spink County, South Dakota have determined that the proposed Conde Rural Fire Protection District is suited to having determined that the boundaries of the proposed district, as suggested in the Petition now on file herein in this matter, reference to which is hereby made and incorporated herein by this preference, and having been otherwise fully advised in the premises, and good cause having been shown and now appearing,

NOW, THEREFORE, it is hereby ordered by the Board of County Commissioners of Brown County, South Dakota, the Board of County Commissioners of Clark County, South Dakota, the Board of County Commissioners of Day County, South Dakota and the Board of County Commissioners of Spink County, South Dakota that the proposed Conde Rural Fire Protection District is suited to the general fire protection and rescue policies of Brown County, Clark County, Day County and Spink County, South Dakota, as a whole, and that the boundaries of said Conde Rural Protection District be, and they are, determined and established as embracing and including all or a portion of the area and real properties within the boundaries of Conde Township including the City of Conde, Benton Township, Beotia Township and Olean Township, all in Spink County; Oak Gulch Township, Day County; Warren Township, Clark County; Bates Township and the City of Verdon, Brown County, and all plats and subdivisions within said area, such area covering 252 square miles, specifically described as:

In Conde Township: Sections 1 - 36, Township 120N, Range 60, West of the 5th P.M., Spink County, South Dakota including the City of Conde;

In Benton Township: Sections 1 - 36, Township 119N, Range 61, West of the 5th P.M., Spink County, South Dakota;

In Beotia Township: Sections 1 - 36, Township 120N, Range 61 West of the 5th P.M., Spink County, South Dakota;

In Olean Township: Sections 1 - 36, Township 124N, Range 61, West of the 5th P.M., Spink County, South Dakota;

In Oak Gulch Township: Sections 1 - 36, Township 120N, Range 59, West of the 5th P.M., Day County, South Dakota;

In Warren Township: Section 1 - 36, Township 119N, Range 59, West of the 5th P.M., Clark County, South Dakota;

In Bates Township: Sections 1 - 36, Township 121N, Range 60, West of the 5th P.M., Brown County, South Dakota;

City of Verdon, Brown County, South Dakota.

and that the said Conde Rural Fire Protection District be, and the same hereby is, established as aforesaid, pursuant to SDCL 34-31A.

That the County Auditors are hereby directed to designate a time and place for an election, pursuant to law to determine if the organization of the Conde Rural Fire Protection shall be completed.

That an original of this Order shall be entered into the books and minutes of Brown County, Clark County, Day County and Spink County, South Dakota.

Dated this 7th day of July 2009 at Conde, Spink County, South Dakota.

Tom Fischbach, Brown County Board of Commissioners  
Richard Reints, Clark County Board of Commissioners  
Charles D. Hesla Jr., Day County Board of Commissioners  
Dave Albrecht, Spink County Board of Commissioners

ATTEST:

Maxine Taylor, Brown County Auditor  
Nancy Worth, Clark County Auditor  
Sandra Raap, Day County Auditor  
Cindy Schultz, Spink County Auditor

On motion by Commissioner Sutton and seconded by J. Albrecht the joint meeting was adjourned at 3:00 PM. All members present voted aye. Motion carried.

Maxine Taylor, Brown County Auditor  
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## JULY 14, 2009 – 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, Elliott, Sutton and Wiese.

## MINUTES:

Moved by Sutton, seconded by Elliott to approve the General Meeting minutes of July 7, 2009 and the Joint Brown, Clark, Day & Spink County Commission Meeting minutes of July 7, 2009. All members present voting aye. Motion carried.

## CLAIMS:

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

Supplies: GovConnection..\$669.77, SDACC..\$11,923.59, Aberdeen Plumbing..\$1699.07, Taylor Laundry..\$45.50, Cartney Bearing..\$14.06, Matthew Bender..\$108.20, Polly Rush..\$10.30, Best Business..\$150.09, Langs..\$849.99, Animal Health..\$50.00, Accurint..\$50.00, Bonnie Bitz..\$480.00, Cash-Wa..\$4233.45, Center Printing..\$253.63, Dakota Elec..\$1764.00, Evercom..\$3500.00, Intoximeters..\$1000.00, Kesslers..\$197.53, Tammy Ketterling..\$90.06, Midstates Printing..\$1033.00, Runnings..\$1202.57, Sewing Shoppe..\$180.00, Ultramax..\$124.16, Prof Pavement..\$9550.00, TSC..\$7.47, Spec Mfg..\$58.50, Sheehan Mack Sales..\$1988.08, Serocki..\$36,586.11, Safety Service..\$33.90, Pro Ag..\$56.60, Pierson Ford..\$239.00, North Central Rental..\$234,642.00, Midwest Alarms..\$204.00, D&L..\$345.01, Louie's Service..\$1051.58, Lien Trans..\$83,575.11, Hedahls..\$145.81, Flint Hills..\$8403.57, Farnams..\$157.62, Evergreen Supply..\$38.56, JD Evans..\$75.63, Diesel Machinery..\$2050.47, Dakota Oil..\$4824.31, Dakota Fluid Power..\$614.48, Crawford Trucks..\$93,870.00, Artz Equip..\$188.97, Ameripride..\$429.80, Abdn Chrysler..\$60.00, SD Magazine..\$279.00, Craig Haugard..\$30.00, Carole Sweeter..\$30.00, Red River Pedal Pulls..\$485.00, Glas Consulting..\$225.00, Holly Remund..\$185.00, Dacotah Bank..\$433.08, Menards..\$846.18, Western States..\$1787.18, RDO Equip..\$768.45, SD Wheat Growers..\$70.73, Farm Power..\$237.99, Erdmann Fuels..\$548.09, Quality Quick Print..\$37.08, Kleins..\$30.69, Police Legal Sciences..\$60.00, Geffdog..\$264.72, Fastenal..\$111.08, Century Business..\$90.00, Helms & Assoc..\$18,735.80, North Central Farmers Elev..\$4541.21, Dakota Fluid Power..\$495.57, Bricks TV..\$684.00, Cunningham Elec..\$1265.04, Midwest Pump & Tank..\$140.20, Butler Machinery..\$5119.21, Macs..\$221.92, Brown County..\$391.59, SD Fed Property..\$250.00, Lien..\$13,879.59, Brick Propane..\$429.80, Powerplan..\$1213.55, Safety Service..\$3080.76, Western Printing..\$489.46, South Brown Cons. Dist..\$917.97, Town & Country..\$459.45, Quality Welding..\$49.14, Office Max..\$1097.53, Thomson West..\$186.00:

Professional Fees: Nancy Schlichenmayer..\$265.00, Aberdeen Adv Care..\$97.09, Dakota Imaging..\$9.94, Avera St Lukes..\$795.38, NEMHC..\$321.86, Donna Dietrich..\$274.78, Cathy Rehfuess..\$30.00, Nelva Kooistra..\$30.00, Lincoln County..\$463.62:

Publications: American News..\$331.10:

Transcriptions: Slowey Court Reporting..\$262.50:

Travel: Gene Loeschke..\$95.09, City of Groton..\$59.20, Sherry Theobald..\$14.80, Richard Hansen..\$194.35:

Utilities: City of Aberdeen..\$4518.49, Dependable..\$18,986.52, Midcontinent..\$45.34, Alltel..\$1069.61, Northern Valley..\$251.05, James Valley..\$211.93, Qwest..\$379.28, Alltel..\$1808.01:

Care of Poor: Dr/Hospital - 1 recipient..Dr Rizan Hajal..\$74.73; Rent - 7 recipients..Americinn..\$209.70, Stewart Gulden..\$300.00, Erickson & Assoc..\$100.00, Dan Brenner..\$240.00, Lonnie Frost..\$260.00, Lakeside Estates..\$400.00, Aberdeen Housing..\$46.00; Transportation - 1 recipient..Emergency Poor Fund..\$40.00; Medication - 1 recipient..United Clinic Pharm..\$21.41. All members present voting aye. Motion carried.

## PERSONNEL:

Moved by Hansen, seconded by Elliott to acknowledge resignation of Jackie Schraeder as blood draw tech, effective July 31, 2009; and further approve hiring Katherine Grote Goulding as blood draw tech, effective July 8, 2009 at \$35.00 per draw. All members present voting aye. Motion carried.

Moved by Sutton, seconded by Elliott to acknowledge the following miles driven and amount to be taxed for personal use of County vehicles during the months of April – June 2009: Jan Weismantel – 244.8 @ \$134.64, Marcus Selzler – 364 @ \$200.20, Kendell Titze – 282 @ \$155.10, Mark Wendt – 732 @ \$402.60, Michael Scott – 600 @ \$330.00. All members present voting aye. Motion carried.

SUBORDINATION AGREEMENT:

Moved by Sutton, seconded by Elliott to approve and authorize the Chairman sign Subordination Agreement for a Poor Relief Lien with Wells Fargo Bank, NA on Lot 9 Narregang's Third Resubdivision of Lots 7 through 9, Block 13, Thomas Addition to Aberdeen, according to the plat thereof of record, Brown County, South Dakota. All members present voting aye. Motion carried.

LEASE AGREEMENTS:

Moved by Sutton, seconded by Hansen to approve and authorize the Chairman sign the following agreements: Jacki Hawkinson for lease of the Richmond Youth Camp on August 7-9, 2009; North Central 4-H Camp Association for lease of the Richmond Youth Camp on June 10-20, 2009. All members present voting aye. Motion carried.

12W PAVING PROJECT:

Moved by Hansen, seconded by Sutton to authorize advertising public hearing to open, read and consider bids to furnish labor, material and equipment necessary to complete the 12W Paving Project, to be held in the Commissioners Chambers, Courthouse Annex, Brown County, SD at 8:45 A.M. on August 4, 2009. All members present voting aye. Motion carried.

US BANK VISA ONE CARD APPROVAL AND POLICY:

Moved by Hansen, seconded by Sutton to approve and authorize Maxine Taylor, Brown County Auditor sign application and to act as card program contact person for the US Bank One Card Program. All members present voting aye. Motion carried.

Commissioner Sutton offered the following Resolution:

RESOLUTION NO. 41-09

Whereas: Brown County Board of Commissioners has determined that the County has a need for a credit card as authorized by SDCL 4-3-27.

Now Therefore, Be It Resolved: The County Auditor's Office (herein after referred to as the "designated official") is hereby authorized to acquire and use credit card accounts for the purchase of certain necessities on behalf of and for the benefit of Brown County, in accordance with the policies set out below.

The credit card account shall only be used for the purchase of meeting registration, motel room guarantees, or other purchases that cannot be accomplished by the issuance of a purchase order and billed directly to the County to be processed in the normal warrant process, unless it is more economically advantageous to pay by credit card. Cards may be used to pay for pre-authorized purchases through the Internet, if it is the only means of payment accepted by the vendor. All purchases in excess of \$2,500.00 must be pre-approved by the County Commission.

The card may not be used to pay for meals that qualify for reimbursement through per diem or for any item, which does not directly benefit the County.

The credit card accounts shall be administered by the designated official at all times, and the designated official may assign sub-administrators for certain departments to oversee the usage, limits, and processing for that department. In all cases where a credit card is used by any county employee original receipts, invoices or other authentic documentation stating what the card was used for shall be submitted to the designated administrator or sub-administrator. The designated person shall immediately verify the purchase was necessary and to the benefit of the County and submit the invoice to the Auditor's Office

with appropriate account coding information. Charges submitted to the Auditor's Office for payment without the proper documentation will not be processed and may become the responsibility of the employee through garnishment. Personal use of the credit card is strictly prohibited. Misuse of credit card accounts or repeated failure to provide proper documentation will be the responsibility of the employee and will be considered grounds for disciplinary action up to and including termination and any restitution.

Any perks, credits or items of value earned because of the use of said cards shall only be used for the benefit of the County and not for that of any employee. Except, frequent flier credits may accrue to the employee/official actually incurring the credit, in accordance with Official Opinion No. 90-04 of the SD Office of the Attorney General.

Dated this 14<sup>th</sup> day of July 2009.

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

Moved by Hansen, seconded by Wiese to approve Agreement to Accept the US Bank One Card, to be signed by all employees responsible for cards. All members present voting aye. Motion carried.

#### SPECIAL MALT BEVERAGE HEARING:

Moved by Hansen, seconded by Sutton to approve application for a Special Malt Beverage License: Groton Chamber of Commerce, Groton Chamber of Commerce, PO Box 21 Groton, SD – portion of E ½ E ½ SE ¼ Sec 19-T123N-R60W 1-T123N-R64W and portion of W ½ W ½ SW ¼ Sec 20-T123N-R60W (map indicating specific location on file with application), effective July 17, 18 & 19, 2009. All members present voting aye. Motion carried.

#### ORDINANCE #060:

Moved by Sutton, seconded by Elliott to approve First Reading of Ordinance #060, An Ordinance amending Second Revision Brown County Ordinances, Title 4, Chapter 4.3501 Communication Towers and Facilities Requirements, Subsection F. Submittal Requirements, by adding 15. The applicant shall agree, in writing, to allow for possible co-location of Brown County Public Safety equipment in the top position to the proposed communications facility and grants a perpetual access agreement to such equipment. Brown County Communications Department would be responsible for all public safety equipment installed. All members present voting aye. Motion carried.

#### NADRIC 2010 BUDGET:

NADRIC representatives Julie Pfeifer and Jan Patterson presented statistics and program information in regard to the 2010 NADRIC Budget request.

#### FIRST AVE SE PROPERTY:

Moved by Sutton, seconded by Elliott to request States Attorney's Office proceed with appraisal of county owned land south of the Weed & Pest Building on First Ave SE for possible sale. All members present voting aye. Motion carried.

#### LANDFILL CONTRACT:

Moved by Wiese, seconded by Sutton to approve and authorize the Chairman sign contract with Leggette, Brashears & Graham, Inc (LBG) for Tier II Non-Methane Organic Compounds (NMOC) sampling at the Brown County Landfill in amount not to exceed \$22,238.00. All members present voting aye. Motion carried.

**CELL PHONE DISCUSSION:**

Jeff Everson and Rick Stugelmeyer, Northern Valley Communications presented preliminary information about a consolidated county cell phone plan. Scott Meints, Bill Meink and Duane Jark were also in attendance. There was no action taken by the Commission at this time.

**EXECUTIVE SESSION:**

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

The Chairman declared the executive session closed, with no action taken as a result of the discussion.

**MONSTER TRUCK EVENT:**

Larry Gerlach, Fair Manager and Jamie Naasz, Brown County Speedway discussed potential conflicts with a monster truck event scheduled August 1, 2009. The Commission suggested the Fair Board should have ample time to install sound towers on the infield stage prior to the event and requested Mr. Naasz submit an addendum to the Race Track Contract for approval next week, as this event is not part of the original contract.

**BRIDGE DISCUSSION:**

Bob and Travis Swisher met to discuss bridge near Putney Slough. There was no action taken at this time.

**BUDGET WORK SESSION:**

The Commission began reviewing 2010 budget requests. There was no action taken at this time.

**RECESS:**

The Chairman declared the Commission recessed until July 21, 2009.

Maxine Taylor – Brown County Auditor

Published once at the total approximate cost of \$\_\_\_\_\_.

## JULY 21, 2009 – GENERAL MEETING

Meeting called to order by Chairman Fischbach at 8:45 A.M. in the Commissioners Chambers, Courthouse Annex, Brown County, South Dakota. Present were Commissioners Hansen, Elliott, Sutton and Wiese.

## MINUTES:

Moved by Elliott, seconded by Hansen to approve the General Meeting minutes of July 14, 2009. All members present voting aye. Motion carried.

## CLAIMS:

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

Payroll: Commissioners...\$3,110.60; Auditor...\$7,591.70; Treasurer...\$10,618.24; Data Processing...\$3,431.02; State's Attorney...\$12,261.98; Stop Loss Grant-SA ...\$1,421.05; Maintenance...\$5,653.94; Assessor...\$9,694.23; Planning & Zoning...\$1,580.81; Register of Deeds...\$5,792.21; Veterans Service Office...\$3,106.99; GIS...\$1,921.93; Sheriff...\$75,332.51; Communications...\$20,512.10; Coroner...\$300.00; Welfare...\$3,144.20; Museum...\$5,716.52; Fair board...\$2,125.17; Fairgrounds & Parks...\$5,826.60; Extension...\$2,436.94; Weed...\$4,801.97; E&D...\$2,873.62; Teen Court...\$533.25; Highway...\$35,216.63; Landfill...\$9,270.41; Matching Benefits..FICA..\$13,843.77; Medicare..\$3,237.70;

Supplies: Pizza Ranch..\$24.01, Best Business..\$337.34, Hewlett Packard..\$3658.00, Penny Herther..\$39.20, West Payment Center..\$2897.30, Rebecca Millan..\$8.47, Office Equip..\$235.02, Shafer & Feld..\$355.00, Lar-Jos..\$38.70, Exec Mgmt..\$28.00, Menards..\$201.34, Do-All Insulation..\$209.00, Ecolab..\$261.50, Graham Tire..\$460.18, Dakota Elec..\$225.00, Safety Service..\$68.25, Hoven Auto..\$248.42, Double D Body Shop..\$100.00, Trail Chev..\$113.63, Exhaust Pros..\$28.45, FedEx..\$23.46, Earthgrains..\$441.76, Taylor Laundry..\$56.00, Midwest Rubber Stamp..\$88.50, Avera Health..\$350.00, Pacer..\$12.88, Tel Serv..\$119.75, Medtox..\$561.83, Time Keeping..\$95.00, Hagan Ins..\$141.00, SDACHS..\$160.00, Sheehan Mack Sales..\$1980.00, Serocki..\$51,382.02, Poms..\$40.75, Krueger Bros..\$11,185.73, Holland Auto..\$84.64, Fastenal..\$60.16, Diesel Machinery..\$1200.00, Cartney Bearing..\$213.78, Carquest..\$870.81, Brown County..\$13.00, Butler Machinery..\$3069.57, Aberdeen Asphalt..\$384,443.90, Dacotah Prairie Museum..\$28.29, Lora Schaunaman..\$92.59, Pro-Build..\$151.45, Fastenal..\$62.47, Runnings..\$62.88, Farnams..\$15.78, Crescent Elec..\$19.46, GCR Tire..\$23.42, Kens Superfair Foods..\$23.99, Sherwin Williams..\$91.45, Rocky Mt Fair Assn..\$330.00, Van Diest..\$6916.75, TSC..\$32.93, Ameripride..\$160.84, Office Max..\$374.75, RDJ Spec..\$703.32, Language Lines..\$90.00, Grote Roofing..\$543.98, North Pine..\$240,595.55, Western Printing..\$1024.95, Webb Shoes..\$169.95, Walmart..\$37.65, Lust Chev..\$36.95;

Professional Fees: Mike Amo..\$5200.00, Clinical Lab of Black Hills..\$1916.08, Yankton County..\$539.25, Lewis & Clark BHS..\$710.00, Marv Ekeren..\$15.00, Donna Dietrich..\$138.64, Nelva Kooistra..\$15.00, Zachary Kern..\$300.00;

Publications: American News..\$345.12;

Transcriptions: Neal Reporting..\$114.60;

Court Appointed Attorney: Johnson, Miner, Marlow..\$157.43;

Travel: Mary Worlie..\$157.14, Kathy Fischer..\$38.00, Leo Leshner..\$38.00, Mark Milbrandt..\$790.91;

Utilities: Northwestern Energy..\$1228.05, Northern Elec..\$1037.92, City of Hecla..\$80.96, Dependable Sanitation..\$144.50, Qwest..\$3974.96, Bureau of Admin..\$456.95, Alltel..\$200.19;

Care of Poor: Dr/Hospital - recipient..Dental Center..\$118.00; Rent - 9 recipients..Tom Hinz..\$300.00, Pat Lingren..\$240.00, P&H Inv..\$240.00, JT Rentals..\$286.02, A&S Services..\$300.00, Arlene Griffiths..\$300.00, Danne..\$240.00, Country Village..\$280.00; Transportation – 2 recipients..Aberdeen Shuttle..\$61.00, Brown County..\$36.37; Utilities – 2 recipients..NW Energy..\$400.00; Burial – 1 recipient..Spitzer Miller Funeral Home..\$1200.00. All members present voting aye. Motion carried.

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PERSONNEL:

Moved by Wiese, seconded by Sutton to approve the following employee step increases, effective July 26, 2009: Russ Ochsner @ \$15.53 per hour, Darin Vilhauer @ \$14.03 per hour, Bobbie Bierman @ \$12.12 per hour. All members present voting aye. Motion carried.

AWARD MOTOR GRADER BID - AMEND:

Moved by Sutton, seconded by Elliott to amend motion to award motor grader in minutes dated May 12, 2009 by striking all reference to a five year lease, as Custer County's bid proposal did not allow for a lease arrangement only requested an outright purchase; therefore, award bid, as submitted by Butler Machinery at the Custer County Bid Letting held April 22, 2009 for one 2009 Caterpillar Model 140M All Wheel Drive Motor Grader in amount of \$208,800.00 plus options listed in Custer County Bid for total amount of \$234,642.00. Roll call vote: Commissioners Hansen-aye, Elliott-aye, Sutton-aye, Wiese-aye, Fischbach-nay. Motion carried.

SPECIAL MALT BEVERAGE LICENSE HEARING:

Moved by Hansen, seconded by Sutton to authorize advertising public hearing to consider the following Special Malt Beverage License Applications (maps indicating specific buildings on file with applications): Aberdeen Hockey Association - Brown County Fairgrounds (Clubhouse) SW ¼ Sec 1-T123N-R64W, effective August 17, 18, 19, 20, 21, 22 & 23, 2009; Centennial Village Inc - Brown County Fairgrounds (Centennial Village) SW ¼ Sec 1-T123N-R64W, effective August 17, 18, 19, 20, 21, 22 & 23, 2009; Boys & Girls Club - Brown County Fairgrounds (Grandstand) SW ¼ Sec 1-T123N-R64W, effective August 17, 18, 19, 20, 21, 22, & 23, 2009, to be held in the Commission Chambers, Courthouse Annex at 8:45 A.M. on the 11<sup>th</sup> day of August, 2009. All members present voting aye. Motion carried.

ABATEMENT:

Moved by Wiese, seconded by Sutton to approve the following Abatement: Keith Dennert @ \$156.84. All members present voting aye. Motion carried.

LANDFILL EXPANSION PROJECT:

Moved by Sutton, seconded by Elliott to approve and authorize the Chairman sign Payment Request #7 in amount of \$240,595.55 for the Brown County Landfill Expansion Project. All members present voting aye. Motion carried.

Moved by Sutton, seconded by Hansen to approve and authorize the Chairman sign Change Order #1 for the Brown County Landfill Expansion Project, decreasing total \$4,800.00 for total contract price of \$2,340,128.93. All members present voting aye. Motion carried.

HIGHWAY 12W INTERSECTION PROJECT:

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman sign Contract Agreement and Notice to Proceed with B & B Contracting Inc. for completion of the Highway 12W Intersection Project. All members present voting aye. Motion carried.

SHERIFF REPORTS:

Moved by Sutton, seconded by Elliott to approve the following June 2009 Sheriff Reports: Incident and offenses; Prisoner care, JDC, Money deposited with the County Treasurer and Monthly activities. All members present voting aye. Motion carried.

INTEREST STATEMENT:

Moved by Sutton, seconded by Elliott to accept for filing the April - June 2009 Interest Statement, submitted by County Treasurer Sheila Enderson. All members present voting aye. Motion carried.



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ORDINANCE #060:

Moved by Hansen, seconded by Sutton to approve Second Reading and Adoption of Ordinance #060, An Ordinance amending Second Revision Brown County Ordinances, Title 4, Chapter 4.3501 Communication Towers and Facilities Requirements, Subsection F. Submittal Requirements, by adding 15. The applicant shall agree, in writing, to allow for possible co-location of Brown County Public Safety equipment in the top position to the proposed communications facility and grants a perpetual access agreement to such equipment. Brown County Communications Department would be responsible for all public safety equipment installed. Roll call vote: Commissioners Hansen-aye, Elliott-aye, Sutton-aye, Wiese-aye, Fischbach-aye. Ordinance adopted.

CLOSING AUDIT CONFERENCE:

Kay Fredrick, Department of Legislative Audits met with the Commission for closing conference for audit of fiscal year 2008.

TEEN COURT 2010 BUDGET:

Rick Hansen and Bonnie Siebrecht, Teen Court Program presented statistics and program information in regard to the 2010 Teen Court Budget request.

INDIGENT COUNSEL AGREEMENT – AMENDED:

Moved by Wiese, seconded by Sutton to approve and authorize the Chairman sign amendment to the 2008-2009 Indigent Counsel Agreement, as amended. All members present voting aye. Motion carried.

COURTHOUSE ANNEX WINDOW PROJECT – BID ADDENDUM #1:

Moved by Hansen, seconded by Elliott to approve Addendum #1 - Item #1 Change bid opening date to August 4, 2009 at 9:00 a.m.; Item #2 Alternate bid proposal for triple glazed insulating glass for the Courthouse Annex Window Project (to be funded in part by DOE Grant). All members present voting aye. Motion carried.

APPLICATION FOR OCCUPANCY:

Moved by Sutton, seconded by Hansen to approve and authorize the Chairman sign application, submitted by Northern Electric for occupancy of Brown County Highway #14E in NE Sec 22-T123N-R63W, Brown County, SD to provide electrical service. All members present voting aye. Motion carried.

EXECUTIVE SESSION:

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

The Chairman declared the executive session closed, with no action taken as a result of the discussion.

RECESS:

The Chairman declared the Commission recessed until July 28, 2009.

Maxine Taylor – Brown County Auditor

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## JULY 28, 2009 – 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 Sutton and Wiese. Absent Commissioners Hansen and Elliott.

### MINUTES:

Moved by Wiese, seconded by Sutton to approve the General Meeting minutes of July 21, 2009. All members present voting aye. Motion carried.

### CLAIMS:

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

Supplies: Ramkota \$350.00, West Payment Center \$1221.22, Office Equip \$40.25, Interior Design \$55.59, Gardner Locksmith \$81.92, Heartland Paper \$677.87, Visa \$506.92, Galls \$565.03, Ray Allen Mfg \$489.80, Ultramax \$147.84, Aberdeen Ins Agency \$75.00, Hoven Auto \$27.00, Velvet Uniforms \$165.85, Exec Mgmt \$4302.20, Midwest Rubber Stamp \$54.50, Lippincott \$47.90, Best Business \$164.14, Double D \$100.00, State Radio \$1800.00, Sec of State \$7.00, DT Pharm \$463.12, Groton Vet \$36.50, Hagan Ins \$214.00, Share Corp \$147.40, Serocki \$189,744.26, RBE Elec \$302.71, N Central Farmers Elev \$1806.62, Louie's Service \$1002.54, Lien Trans \$175,880.49, Lawson Products \$377.96, Howes Oil \$10,167.60, NADRIC \$1666.67, Heartland Paper \$709.35, Menards \$130.58, Dacotah Prairie Museum \$15.00, Runnings \$86.40, Carquest \$5.27, Farnams \$18.59, GCR Tire \$14.00, Evergreen \$23.80, Farm Power \$21.30, Pizza Ranch \$415.91, Horticulture \$14.95, Van Diest \$6180.60, Northern Elec \$99,375.00, Bureau of Info \$2400.00, Kimball & Assoc \$1350.00, Aberdeen C&F \$7741.50, Walmart \$873.82, Lar-Jos \$487.50, Geffdog \$1280.64, Beadle Floral \$1960.00, Warner Library \$750.00, DSS Image Apparel \$129.65:

Professional Fees: Avera St Lukes \$6027.95, Dakota Imaging \$81.50, Cathy Rehffuss \$15.00, Donna Dietrich \$137.64, Norma Andersen \$15.00, Kristi Spitzer \$400.00:

Publications: American News \$614.42, Dakota Press \$868.26, Groton Indep \$511.66:

Transcriptions: Kristi Kost \$37.20:

Court Appointed Attorney: Randy Turner \$5458.33, Christy Serr \$5458.33, Gina Rogers \$5208.33, Kuck Law Office \$5208.33, David Hosmer \$91.32:

Utilities: Alltel \$3040.85, Northwestern Energy \$4906.77, Midcontinent Comm \$296.67:

Care of Poor: Dr/Hospital - 2 recipients-Avera St Lukes \$3865.19; Rent - 6 recipients-Danne \$120.00, Mary Hofemann \$225.00, White House Inn \$682.50; Transportation – 3 recipients-Brown County Hwy \$26.31, Jefferson Lines \$358.00; Utilities – 3 recipients-NW Energy \$840.00;

Insurance – 1 recipient-Anthem Blue Cross/Blue Shield \$376.06:

### PERSONNEL:

Moved by Wiese, seconded by Sutton to approve hiring Matthew Weidner as part-time JDC Corrections Officer, effective August 19, 2009 at \$10.48 per hour. All members present voting aye. Motion carried.

Moved by Sutton, seconded by Wiese to approve hiring Arden Gerald Raap as seasonal employee at the Highway Department, effective July 29, 2009 at \$9.41 per hour. All members present voting aye. Motion carried.

### LOTTERY APPLICATION:

Moved by Sutton, seconded by Wiese to approve application, submitted by Adjustment Training Center Foundation Inc for raffle to be held at the Brown County Speedway on July 10, 11 & 31, 2009 and at the Brown County Fair on August 17, 18 & 23, 2009. All members present voting aye. Motion carried.

RACE TRACK ADDENDUM NO. 1:

Moved by Sutton, seconded by Wiese to approve and authorize the Chairman to sign First Addendum to lease agreement for the Brown County Raceway with Jamie Naasz DBA Brown County Speedway, to allow the following racing event: Monster Truck Event on August 1, 2009, with balance and remainder of lease agreement remaining unchanged and in full force and effect. All members present voting aye. Motion carried.

OPERATING TRANSFER:

Moved by Wiese, seconded by Sutton to approve an operating transfer from General Fund #101-191-911 to 24/7 Fund #248-371 in amount of \$26,332.00 (revenue and cash January – June 2009). All members present voting aye. Motion carried.

WELFARE GUIDELINES AMENDED:

Commissioner Sutton offered the following Resolution:

RESOLUTION NO. 42-09

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; amended by Resolution No. 2-06, dated April 4, 2006; amended by Resolution No. 24-08, dated March 18, 2008, 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>Poverty Guidelines</u> <u>Monthly</u>
1	903
2	1,215
3	1,526
4	1,838
5	2,150
6	2,461
7	2,773
8	3,085
9	3,397
10	3,709

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

Commissioner Sutton offered the following Resolution:

RESOLUTION NO. 43-09

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; amended by Resolution No. 2-06, dated April 4, 2006; amended by Resolution No. 25-08, dated March 18, 2008, 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	\$260 (monthly rent)
2 Person Household	\$280 (monthly rent)
3 Person Household	\$300 (monthly rent)
4 Person Household	\$320 (monthly rent)

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

#### GROTON AREA FIRE PROTECTION DISTRICT:

Moved by Sutton, seconded by Wiese to appoint Rodney Kappes and Harlan Radke Jr to serve as Board Members for the Groton Area Fire Protection District. All members present voting aye. Motion carried.

#### DAMAGE SETTLEMENT ROAD #20:

Moved by Wiese, seconded by Sutton to approve and authorize the Chairman to sign Release of Damage Claims for all damages to date, which occurred on Brown County Road #20 upon receipt of \$11,185.73 from Keystone Pipeline Company. All members present voting aye. Motion carried.

#### EXECUTIVE SESSION:

Moved by Sutton, seconded by Wiese to go into executive session for personnel discussion with Jan Weismantel and Kim Dorsett in attendance. All members present voting aye. Motion carried.

The Chairman declared the executive session closed, with no action taken as a result of the discussion.

#### RESCIND MOTION:

Moved by Sutton, seconded by Wiese to rescind the following motion and purchase the equipment with general Road and Bridge Funds: Moved by Sutton, seconded by Wiese to approve the purchase of a 1979 Snow Blower SN 20357 Decal #580 from SD Federal Surplus and further to utilize Snow Emergency Funds in the Highway Fund #201 in amount of \$17,500.00". All members present voting aye. Motion carried.

#### PLATS:

Commissioner Sutton offered the following Resolution:

RESOLUTION #44-09

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD that the plat showing "Nash Subdivision in the NE ¼ and NW ¼ of Sec 32-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 Wiese. Roll call vote: Commissioners Hansen-absent, Elliott-absent, Sutton-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Sutton offered the following Resolution:

RESOLUTION #45-09

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD that the plat showing "Corrective Plat of Nash Conservation Easement Tract 1 in Lot 1 of Nash Subdivision and NW ¼ of Sec 32-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 Wiese. Roll call vote: Commissioners Hansen-absent, Elliott-absent, Sutton-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Sutton offered the following Resolution:

RESOLUTION #46-09

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD that the plat showing "Doug Hinrichs Subdivision in Hinrichs Conservation Easement Tract 3 in the NE ¼ Sec 6-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 11-3, and any amendments thereof.

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

Commissioner Sutton offered the following Resolution:

RESOLUTION #47-09

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD that the plat showing "Bierman-Nash Subdivision in the NW ¼ of Sec 32-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 Wiese. Roll call vote: Commissioners Hansen-absent, Elliott-absent, Sutton-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

USE OF PARKING LOT:

Moved by Sutton, seconded by Wiese to temporarily close the Brown County Parking Lot north of the Dacotah Prairie Museum to parking on August 29, 2009 in conjunction with Sizzlin' Summer Nights, as requested by Georgia Smith, Aberdeen Downtown Association. All members present voting aye. Motion carried.

**EASEMENT:**

Moved by Wiese, seconded by Sutton to approve and authorize the Chairman sign perpetual right of way easement with Northern Valley Communications, LLC (NVC) to install and service telecommunication cables and telecommunication cabinet with appurtenances thereto on Brown County property located in the SW ¼ Sec 1-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD. All members present voting aye. Motion carried.

**RECESS:**

The Chairman declared the Commission recessed until August 4, 2009.

Maxine Taylor – Brown County Auditor

# AUGUST 4, 2009 – 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, Elliott and Sutton. Absent Commissioner Wiese.

## MINUTES:

Moved by Elliott, seconded by Sutton to approve the General Meeting minutes of July 28, 2009. All members present voting aye. Motion carried.

## CLAIMS:

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

Payroll: Commissioners \$3,110.60; Auditor \$7,658.42; Treasurer \$10,641.44; Data Processing \$3,431.02, State's Attorney \$11,686.46; SVAWG \$1,421.05; Maintenance \$5,609.78; Assessor \$9,694.23; Planning & Zoning \$1,580.81; Register of Deeds \$6,311.84; Veterans Service Office \$3,106.99; GIS \$1,921.93; Sheriff \$77,108.33; Communications \$18,875.05; Coroner \$300.00; Welfare \$3,144.20; Museum \$5,716.52; Fairboard \$2,072.73; Fairgrounds & Parks \$5,759.95; Extension \$2,517.37; Weed \$4,703.08; Emergency Management \$2,873.62; Teen Court \$574.85; Highway \$37,576.46; Landfill \$9,100.96; Matching Benefits: FICA \$14,575.89, Medicare \$3,408.92, Wellmark BCBS Life \$713.94, Wellmark BCBS Health \$71,210.42, Delta Dental \$4,762.80, SD State Retirement \$47,840.49:

Supplies: CMRS-FP \$5000.00, Office Equip \$173.78, Hewlett Packard \$8628.00, Dept of Rev \$1133.00, Harvey Oliver \$77.54, New Trends \$94.66, Blue Book \$34.95, Heartland Paper \$332.51, Runnings \$63.42, Central Supply \$489.00, Cunningham Elec \$308.96, McFarland Supply \$104.26, FedEx \$33.88, AB Dick \$82.82, Z&S Dust \$3105.69, Walmart \$252.78, Volk Upholstery \$114.13, Swanston Equip \$6500.00, SDDOT \$224.50, Serocki Excavating \$101,645.05, Pro Ag \$332.32, Powerplan \$2503.52, North Central Farmers Elev \$2190.44, John Noltner \$1500.00, Newman Signs \$1099.65, Lawson Products \$1055.56, Macs \$94.58, Bud How \$140.85, Helms & Assoc \$31,321.05, Frey Elec \$105.00, Dakotaland \$10.40, Dakota Elec \$919.25, Crawford Trucks \$1446.30, Crady's Radiator \$219.43, Butler Machinery \$4037.39, Brown County \$10.00, Bridgestone \$370.64, Velvet Uniforms \$1968.32, Trail Chev \$548.45, House of Glass \$804.36, Parcel Erickson \$28.95, Exhaust Pros \$26.78, Ultramax \$555.00, Bob Barker \$293.15, Walmart \$643.98, Foster Grandparent Program \$1000.00, Advantage Storage \$690.00, Jeff Vilhauer \$264.55, Titan \$711.64, Dakota Supply Group \$1154.39, Diann Steinhauer \$50.00, Lois Davis \$30.00, Larry Gerlach \$12.72, Woodman Refrig \$21.94, TSC \$25.98, Aaron's Sales \$75.00, Geffdog \$223.56, Results Unltd \$9210.00, Health & Nutrition Letter \$28.00, Reuers Auto \$27.82, Pro Ag \$259.94, Dawn Hagen \$25.00, Jeremy Holcomb \$36.00, SD Planners Assoc \$1000.00, Hecla Library \$750.00, Alexander Mitchell Library \$20,000.00, Ride Line \$2000.00, Emma Burnham Library \$750.00, Groton Library \$750.00, Office Max. 19.29, Inventory Trading \$217.75, LBG \$10,713.64, Hula Design \$3339.00, Vosika Fencing \$3253.00, Farm Power \$334.33, North Pine \$162,225.31, Shopko \$17.17, Richard Hansen \$70.11, Florida Micro \$2340.41, GovConnection \$1172.96:

Professional Fees: witness fees \$120.00, Anoka County Sheriff \$43.00, Roberts County Sheriff \$17.40, Pennington County Sheriff \$25.00, Dakota Imaging \$34.63, Avera St Lukes \$132.27, Avera Sacred Heart \$104.34, Yankton County Sheriff \$100.00, Eide Bailly \$238.50:

Publications: American News \$426.35:

Transcriptions: Tammy Erickson \$90.00:

Travel: Kim Dorsett \$26.00, Al Vietmeier \$146.52, Gene Loeschke \$131.72, Mary Worlie \$12.00, Leo Leshner \$233.10, Extension Service \$404.12, Gary Vetter \$71.78:

Utilities: City of Aberdeen \$930.49, Northwestern Energy \$8456.40, Montana Dakota \$21.23, Town of Frederick \$32.25, Qwest \$46.92, Midcontinent \$45.34, Northern Elec \$100.00, WEB \$206.39:

Care of Poor: Dr/Hospital - 2 recipients-Avera St Lukes \$639.32, Prairie Lakes Healthcare \$479.23; Rent - 5 recipients-Eldon Wahl \$240.00, Golden West \$33.00, Falcon Rentals \$240.00, Danne \$240.00,

Aberdeen Housing \$201.00; Medication – 4 recipients-Walmart Pharm \$192.95, Quarve Drug \$635.63; Utilities – 1 recipients-City of Aberdeen \$228.00. All members present voting aye. Motion carried.

#### PERSONNEL:

Moved by Sutton, seconded by Hansen to approve the following employee step increases, effective August 9, 2009: John Heine@ \$19.40 per hour, Sherri Rawstern @ \$13.86 per hour, Scott Kolb @ \$19.35 per hour, Dennis VanHeerde @ \$14.37 per hour. All members present voting aye. Motion carried.

#### LEASE AGREEMENTS:

Moved by Hanson, seconded by Sutton to approve and authorize the Chairman sign the following agreement: The Human Service Agency for lease of the Richmond Youth Camp on July 14-16, 2009. All members present voting aye. Motion carried.

#### PLAT:

Commissioner Elliott offered the following Resolution:

#### RESOLUTION: #48-09

Be it Resolved by the County Commission of Brown County, SD, that the plat showing "Newman Consolidation 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 Sutton. Roll call vote: Commissioners Hansen-aye, Elliott-aye, Sutton-aye, Wiese-absent, Fischbach-aye. Resolution adopted.

#### WAIVE FEES – FALL CLEANUP:

Moved by Sutton, seconded by Elliott to approve waiving fees during the Fall Residential Cleanup Event for all materials received at the Landfill ONLY from September 4 thru 12, 2009. Charges will apply to all mobile homes, business and commercial waste during this time frame. All members present voting aye. Motion carried.

#### LANDFILL EXPANSION PROJECT:

Moved by Hanson, seconded by Sutton to approve and authorize the Chairman sign Payment Request #8 in amount of \$162,225.31 for the Brown County Landfill Expansion Project. All members present voting aye. Motion carried.

#### LOTTERY APPLICATIONS:

Moved by Sutton, seconded by Elliott to approve the following applications: Aberdeen Karting Club for raffle to be held at the Brown County Speedway on June 20, July 17, July 24 & August 1, 2009; NSU Men's Rugby Club for raffle to be held at the Brown County Speedway on October 2 & 3, 2009; NSU SERVE for raffle to be held at the Brown County Speedway on September 4, 2009; Brown County Democrats for raffles to be held during the Brown County Fair from August 17 - 24, 2009. All members present voting aye. Motion carried.

#### SET HEARING DATE:

Moved by Sutton, seconded by Elliott to set date for joint public meeting of the Brown County Commission and Aberdeen City Council for 8:45 a.m. on August 25, 2009 in the County Commission Chambers, 25 Market Street, Aberdeen, SD for First Reading of the following: Ordinance No. 09-08-01/376, An Ordinance to rezone the following property from Section 701 (A-1) Agricultural District to Section 714 (M-AG) Mini-Agricultural District: Lot 13, Block 1, Richmond Heights Subdivision in the E



149  
½ of Sec 32-T124N-R64W of the 5<sup>th</sup> P.M., Brown County, SD. All members present voting aye.  
Motion carried.

**SDPAA NOMINATION:**

Commissioner Sutton offered the following Resolution:

**RESOLUTION #49-09**

WHEREAS, several positions on the South Dakota Public Assurance Alliance Board of Directors are up for election, and

WHEREAS, Brown County Commissioner Mike Wiese is currently serving as Vice Chairman on the South Dakota Public Assurance Alliance Board of Directors and desires to continue.

BE IT RESOLVED that the Brown County Commission hereby nominates Mike Wiese for re-election to the SD Public Assurance Alliance Board of Directors on behalf of Brown County.

Dated this 4<sup>th</sup> day of August 2009.

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

**POD GRANT AGREEMENT:**

Moved by Sutton, seconded by Elliott to approve and authorize the Chairman sign Grant Agreement with the State of SD for federal financial assistance to develop local POD (Point of Distribution) plans, effective August 1, 2009 thru May 31, 2010 in amount of \$15, 250.00. All members present voting aye. Motion carried.

**BID - 12W RECONSTRUCTION PROJECT:**

Moved by Hansen, seconded by Sutton to approve and authorize the Chairman sign Addendum #1 – Section 00300 Bid Form, base bid – grading and asphalt surfacing, items 10 & 11 on the specifications for the 12W Reconstruction Project. All members present voting aye. Motion carried.

Time and place, as advertised to open, read and consider bids for the 12W Reconstruction Project. One bid received from Lien Transportation Company. Moved by Elliott, seconded by Sutton to refer the bid to Jan Weismantel, Highway Superintendent and Jay Koch, Helms and Associates for review and recommendation. All members present voting aye. Motion carried.

**BID – COURTHOUSE ANNEX WINDOW PROJECT:**

Time and place, as advertised to open, read and consider bids for the Courthouse Annex Window Project. One bid received from House of Glass, Inc. Moved by Sutton, seconded by Hansen to award bid, submitted by House of Glass Inc in total amount of \$45,300.00 (only bid received) for labor and material to complete Courthouse Annex Window Project (to be funded by DOE stimulus funds). All members present voting aye. Motion carried.

Moved by Hansen, seconded by Sutton to approve and authorize the Chairman sign Contract Agreement with House of Glass, Inc. for Courthouse Annex Window Project. All members present voting aye. Motion carried.

**HIGHWAY UPDATE:**

Kendell Titze, Highway Foreman presented informational report.

**BCCHC REPORT:**

DeAnna Kyburz presented the Brown County Community Health Center Report for April – June 2009.

**EXECUTIVE SESSION:**

Moved by Sutton, seconded by Elliott to go into executive session to discuss possible litigation with Kim Dorsett 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 the discussion.

**BUDGET WORK SESSION:**

The Commission continued review of the 2010 budget requests. There was no action taken at this time.

**RECESS:**

The Chairman declared the Commission recessed until August 11, 2009.

Maxine Taylor – Brown County Auditor

Published once at the total approximate cost of \$\_\_\_\_\_.

# AUGUST 11, 2009 – 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, Elliott, Sutton and Wiese.

## MINUTES:

Moved by Elliott, seconded by Sutton to approve the General Meeting minutes of August 4, 2009. All members present voting aye. Motion carried.

## CLAIMS:

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

Supplies: Best Business \$226.73, Brown & Saenger \$443.88, Central Supply \$362.50, Taylor Laundry \$94.50, Office Equip \$391.61, Exhaust Pros \$31.80, Dakota Elec \$4251.65, Jefferson Partners \$55.00, Graham Tire \$13.25, Double D \$171.00, Ultramax \$486.00, Streichers \$116.96, Digital Alley \$135.00, Michael Kost \$175.00, Trent Anderson \$175.00, Sewing Shop \$84.50, Kesslers \$348.65, Cash-Wa \$4263.78, Menards \$2046.70, Macs \$224.50, Fastenal \$31.10, Evergreen Supply \$83.17, Farm Power \$15.61, Meyers Tractor Salvage \$150.00, Crescent Elec \$19.46, Praxair \$17.25, Carquest \$4.87, Jacobs Const \$5087.50, RDO \$11.67, Runnings \$840.09, Midstates Printing \$1187.50, Glas Consulting \$596.25, Sherri Rawstern \$18.19, Dacotah Prairie Merchantile \$3.50, Ameripride \$131.61, ProBuild \$59.90, Quality Quick Print \$28.09, Van Diest \$7294.00, TSC \$73.87, Kens Alignment \$675.34, Consumer Reports \$26.00, New Deal Tire \$990.15, North Central Farmers Elev \$8103.52, Pierson Ford \$273.62, Sheehan Mack Sales \$1359.56, Safety Service \$1178.35, SD Dept of Revenue \$4326.74, DNA Auto \$45.13, InfoUSA City Directory \$900.00, Hub City Radio \$500.00, Insurance \$500.00, Economy Meats \$195.00, K-Mart \$69.80, Walmart \$562.36, Rich Hansen \$53.97, A-1 Locksmith..\$108.00, Sherwin-Williams \$77.36, Kens Superfair Foods \$31.56, Hefty Seed \$39.48, Crafty Wofer \$75.00, Fred Johnson \$500.00, Volunteers of America \$340.00, Civil Air Patrol \$950.00, ProBuild \$87.96, Horizon Signal Tech \$3200.00, Three Season Tents \$8300.00, Spotslam \$1513.00, Amy Engelhart \$750.00, Midwest Golf Carts \$6670.00, Aberdeen Lions Club \$700.00, Local 862 \$850.00, B&B Contracting \$3940.00, Specialized Radio \$1950.00, Boy Scouts Troop 51 \$2766.00, CNW Sanitation \$4500.00, Pickup Pullers Assn \$1200.00, Aberdeen Karting Club \$500.00:

Professional Fees: NE Mental Health Center \$453.53, Mike Amo \$2800.00, Kathy Bender \$1000.00, Edward Aragoni \$3250.00, Phil Baker \$800.00, Bowdle Boys \$1100.00, Great Pretenders \$2500.00, John Mogen \$900.00, Glacial Lakes Chili Cook-off \$150.00, KELO TV \$1500.00, Dakota Bank \$615.99, Dakota Radio Group \$117.00, Scott McFall \$4000.00, Sherwin Linton \$1500.00, Old Time Tractor Pullers Assn \$1200.00, NBHA Barrel Race \$1000.00, Romeo Entertainment \$142,500.00, Good Shepherd Lutheran Church \$2100.00, Dana Brick \$4800.00, NBHA \$1800.00, TMS \$15,500.00, Frederick Comm Club \$9250.00, NSU Swim Team \$4000.00, Aberdeen Advanced Care \$3132.00, Korkow Rodeo \$24,000.00, Romeo Entertainment \$9000.00, Patrick Flanigan \$2000.00:

Publications: American News \$472.52:

Court Appointed Attorney: Johnson, Miner, Marlow \$157.43, Creighton Thurman \$318.34:

Travel: Tom Fischbach \$156.88, Roxy Hilgenberg \$18.13, Kim Dorsett \$26.00:

Utilities: FSH \$60.00, City of Aberdeen \$31.02, Northwestern Energy \$884.32, Northern Valley \$368.45, Tel Serv \$1419.75, Qwest \$35.95, Northern Wireless \$111.90, Dependable Sanitation \$19,725.12, Verizon \$70.40:

Care of Poor: Dr/Hospital - 6 recipients-Dakota Imaging \$165.07, Avera St Lukes \$40,305.67, Dakota Plains Surgical \$480.00, Orthopedic Surgery \$570.72; Rent - 5 recipients-P&H Investments \$200.00, Danne \$260.00, Justin Shultis \$497.50, Super 8 East \$71.98; Transportation -4 recipients-Emergency Poor Fund \$110.00, Brown County Hwy \$32.09. All members present voting aye. Motion carried.

## PERSONNEL:

Moved by Hansen, seconded by Elliott to approve hiring the following to work during the 2009 Brown County Fair, effective August 18, 2009: Jason Weig, Adam Shepard, Meredith McGarry, Tim Norton, Wayne Naeviell, Vernell Jensen, Andrew Cutt, Shayne LeBeau, Steven Newton, William Watros, DeWayne Dauwen, Mike Bryant, Kayla LaBelle, Leslie Campbell @ \$8.77 per hour. All members present voting aye. Motion carried.

#### TRANSFER:

Moved by Wiese, seconded by Sutton to approve and authorize the following transfer of spending authority and cash, as reflected in the 2009 General Fund #101 Budget: \$3,276,625.06 to Road and Bridge Fund #201. All members present voting aye. Motion carried.

#### AUDITORS REPORT OF ACCOUNT:

Moved by Hansen, seconded by Sutton to approve the July 2009 Auditor's Report of Account with the County Treasurer in total amount of \$11,778,283.85 (total amount of actual cash @ \$3,337.60, Wells Fargo Bank @ \$3,694.79, US Bank @ \$171,682.02, Dacotah Bank @ \$36,437.25, Petty Cash @ \$1,800.00, Fund Investments @ \$11,561,169.79, Outstanding Checks @ \$162.40). All members present voting aye. Motion carried.

#### LEASE AGREEMENT:

Moved by Wiese, seconded by Elliott to approve and authorize the Chairman sign the following agreement: Aberdeen Chamber for lease of the Expo Addition on June 6, 2009. All members present voting aye. Motion carried.

#### SW DISPOSAL FACILITY RENEWAL:

Moved by Wiese, seconded by Hansen to acknowledge and approve application to renew the permit issued by the SD DENR for the City of Hecla to operate a restricted use solid waste facility in the SE ¼ of the SW ¼ of Sec 22-T128N-R61W, Brown County, SD to dispose of trees and wood waste; construction and demolition debris (no asbestos); and yard waste composting. All members present voting aye. Motion carried.

#### LOTTERY APPLICATION:

Moved by Sutton, seconded by Wiese to approve the following application: Disabled American Veterans, Swenson-O'Conner, Chapter 13 for raffle to be held at the Brown County Speedway on August 7, 2009. All members present voting aye. Motion carried.

#### 2010 BUDGET PRESENTATION:

Stephanie Graeb, Volunteers of America, Molly Vetter, Eric Vetter and Amy Lake-Harmon presented information in regard to the 2010 budget request for the Crisis Intervention portion of the Volunteers of America Program.

#### 2010 PROVISIONAL BUDGET:

Moved by Sutton, seconded by Hansen to approve the 2010 Provisional Budget and authorize advertising public hearing to be held in the Commissioner's Chambers, Courthouse Annex, at 9:00 A.M. on September 1, 2009. Roll call vote: Commissioners Hansen-aye, Elliott-aye, Sutton-aye, Wiese-aye, Fischbach-aye. Motion carried.

#### SPECIAL MALT BEVERAGE LICENSE HEARING:

Moved by Elliott, seconded by Sutton to approve the following Special Malt Beverage License Applications (maps indicating specific buildings on file with applications): Aberdeen Hockey Association – Brown County Fairgrounds (Clubhouse) SW ¼-Sec 1-T123N-R64W, effective August 17, 18, 19, 20, 21, 22 & 23, 2009; Centennial Village Inc - Brown County Fairgrounds (Centennial Village) SW ¼ Sec

1-T123N-R64W, effective August 17, 18, 19, 20, 21, 22 & 23, 2009; Boys & Girls Club - Brown County Fairgrounds (Grandstand) SW ¼ Sec 1-T123N-R64W, effective August 17, 18, 19, 20, 21, 22, & 23, 2009, to be held in the Commission Chambers, Courthouse Annex at 8:45 A.M. on the 11<sup>th</sup> day of August, 2009. All members present voting aye. Motion carried.

**BID AWARD – 12W RECONSTRUCTION PROJECT:**

Moved by Hansen, seconded by Wiese to award bid, submitted by Lien Transportation Company in total amount of \$461,734.57 (only bid received) for labor and material to complete the 12W Reconstruction Project. All members present voting aye. Motion carried.

**COURT ADMINISTRATOR OFFICE:**

Angie Goetz, Court Administrator and Mick Palmer, Maintenance discussed need to remodel office for Court Administrator at approximate cost of \$4,700.00. Board concurred.

**EQUIPMENT PURCHASE:**

Moved by Sutton, seconded by Hansen to award low quote, submitted by Tool Crib, Fargo ND in amount of \$6,224.99 for an aerial work platform for the Maintenance Department; rejecting Weismantel, Aberdeen SD @ \$7,051.00, Stan Houston, Sioux Falls SD @ \$6,524.00. All members present voting aye. Motion carried.

**EXECUTIVE SESSION:**

Moved by Sutton, seconded by Wiese to go into executive session to discuss possible litigation with Kim Dorsett and Mary Worlie 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 the discussion.

**APPEAL 3M COMPANY VALUATION:**

Moved by Wiese, seconded by Elliott to authorize Kim Dorsett, States Attorney file an appeal in Circuit Court on behalf of Brown County contesting OHE (Office of Hearing Examiners) Decision EQ 9-72 3M Company v. Brown County, SD. All members present voting aye. Motion carried.

**FAIRGROUNDS LIGHTING DISCUSSION:**

John Aman and Kurt Smith requested reinstating \$60,000.00 in the 2010 Fairgrounds Budget to fund the lighting project on the land east of the main Fairgrounds. Board concurred.

**LETTER OF SUPPORT:**

Moved by Sutton, seconded by Elliott to authorize the Chairman sign letter of support for the Northeast South Dakota Rural Broadband (NESDRB) initiative. All members present voting aye. Motion carried.

**RECESS:**

The Chairman declared the Commission recessed until August 18, 2009.

Maxine Taylor – Brown County Auditor

Published once at the total approximate cost of \$\_\_\_\_\_.

## AUGUST 18, 2009 – 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, Elliott, Sutton and Wiese.

### MINUTES:

Moved by Sutton, seconded by Elliott to approve the General Meeting minutes of August 11, 2009. All members present voting aye. Motion carried.

### CLAIMS:

Moved by Elliott, seconded by Sutton to approve the following claims:

Payroll: Commissioners \$3,110.60; Auditor \$7,760.96; Treasurer \$10,641.44; Data Processing \$3,431.02; State's Attorney \$12,694.80; Stop Loss Grant \$1,421.05; Maintenance \$5,887.88; Assessor \$9,694.23; Register of Deeds \$6,382.34; Veterans Service Office \$3,106.99; GIS \$1,921.93; Sheriff \$70,535.46; Communications \$18,860.90; Welfare Office \$3,144.20; Museum \$5,716.52; Fairgrounds & Parks \$6,962.45; Fairboard \$2,282.49; Extension \$2,521.20; Weed \$4,122.10; Planning and Zoning \$1,580.81; Emergency Management \$2,873.62; Teen Court \$604.23; Coroner \$300.00; Highway \$37,046.32; Landfill \$9,102.69; Matching Benefits: FICA \$13,616.08; Medicare \$3,184.46:

Supplies: Office Equip \$59.47, West Payment \$1221.22, McFarland Supply \$68.33, Ecolab \$194.50, Central Supply \$404.40, Lar-Jos \$390.50, Insurance \$500.00, Avera St Lukes \$77.80, DSS \$319.00, Accurint \$50.00, Velvet Uniforms \$182.39, Safety Service \$1500.84, DT Pharm \$1042.64, Moore Medical \$521.95, Best Business \$88.62, Lust \$54.34, Brown County \$6.00, Bakken Bldg.. \$500.00, Avera Queen of Peace \$53.50, Artz Equip \$425.14, Ameripride \$347.14, Carquest \$1236.49, Zastrow Service \$4.50, Mark Wendt \$63.59, Wallwork \$250.62, Universal Label \$1961.28, TSC \$122.94, Spec Mfg \$73.42, Sioux Equip \$224.88, Sheehan Mack Sales \$1008.06, Runnings \$472.55, Praxair \$79.12, Pumps Tire \$20.50, Midwest Pump & Tank \$324.69, Mereen Johnson Machine \$42.96, Menards \$593.93, Myers Ind \$99.26, D&L \$213.13, Interstate Battery \$293.85, Howes Oil \$15,870.20, Hedahls \$579.89, Hecla Impl \$481.51, GCC Ready Mix \$669.50, Fastenal \$140.61, Farm Power \$362.12, Evergreen \$180.18, JD Evans \$5.00, Economy Propane \$1178.10, Violet Dinger \$336.60, Diamond Mowers \$690.13, Dakota Oil \$3187.23, Dakota Fluid \$560.45, Clark Engineering \$877.85, Cartney Bearing \$278.68, Quality Quick Print \$189.62, Frey Elec \$2884.48, Language Line \$90.00, Nat'l Academy of Emergency Dispatch \$80.00, Tel Serv \$1020.41, Office Max \$49.99, Walmart \$106.17, Climate Control \$5916.06, Fastenal \$208.71, Crawford Trucks \$83.35, Hub City Rents \$66.00, Erdmann Fuels \$1343.40, Abdn Asphalt \$18,018.86, Nelson Sales \$9.45, Heartland Paper \$2189.38, HSBC \$80.94:

Professional Fees: Kevin Spitzer \$264.18, Cathy Rehfuss \$15.00, Joan Kittelson \$15.00, Sheriff of Yankton County \$27.00, Donna Dietrich \$137.64, Romeo Ent \$2320.00, Open Class Livestock \$525.00, Open Class Home Arts \$1095.00:

Publications: American News \$210.18, Groton Indep \$990.66:

Transcriptions: Valorie Olson \$25.00:

Court Appointed Attorney: David Hosmer \$87.32, Kennedy, Pier & Knoff \$127.00:

Travel: Kathy Schlecht \$178.62, Tom Gohn \$35.00, Sherry Theobald \$19.61:

Utilities: Dependable Sanitation \$356.50, City of Aberdeen \$22.54, NW Energy \$1286.43, Northern Valley \$72.55, Northern Elec \$1033.01, James Valley Co-op \$162.58, City of Hecla \$84.68, Qwest \$129.00:

Care of Poor: Dr/Hospital - 4 recipients-Avera St Lukes \$15,595.23, Aberdeen Surgical Assoc \$1143.08, OB/GYN \$1506.87, Dakota Imaging \$249.10, Avera Home Med Equip \$1000.00; Rent - 5 recipients-Bonita Herrick \$215.00, Danne \$130.00, Richard Ludwig \$195.00, Lonnie Frost \$270.00, Maureen Wolf \$260.00; Medication - 4 recipients..Quarve Drug \$425.73, United Clinic \$24.60, Kessler Phar \$6.42, K-Mart Phar \$8.00; Utilities - 1 recipient- NW Energy \$545.59; Insurance - 1 recipient - Wellmark BC/BS \$283.57; Transportation - 5 recipients - Jefferson Lines \$438.50, Brown County \$10.78. All members present voting aye. Motion carried.

#### PERSONNEL:

Moved by Sutton, seconded by Hansen to approve the following employee step increases, effective August 23, 2009: Kristi Vetter @ \$12.55 per hour, John Heidenreich @ \$13.69, Teresa Mayou @ \$12.82 per hour, Robert Jenson @ \$12.66 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Sutton to approve hiring the following to perform security work during the 2009 Brown County Fair, effective August 17, 2009 at \$16.00 per hour: Jon Waldner, Vance McInerney, Troy Strid, Kyle Stoddard, Brook Brown, Mark Miller, Mike Bunke, Nick Cochrane, Darin Moke, Justin Meyer, Mike Waldrop and Justin Cleveland. All members present voting aye. Motion carried.

#### LANDFILL EXPANSION PROJECT:

Moved by Hanson, seconded by Wiese to approve and authorize the Chairman sign Payment Request #9 in amount of \$42,788.80 for the Brown County Landfill Expansion Project. All members present voting aye. Motion carried.

#### SHERIFF REPORTS:

Moved by Wiese, seconded by Sutton to approve the following July 2009 Sheriff Reports: Incident and offenses; Prisoner care, JDC, Money deposited with the County Treasurer and Monthly activities. All members present voting aye. Motion carried.

#### FIREWORKS PERMIT:

Moved by Elliott, seconded by Wiese to approve and authorize the Chairman sign Fireworks Public Display Permit, submitted by Larry Gerlach, Brown County Fair for a Class B Fireworks Display to be held on August 22, 2009 in the infield of the racetrack at the Fairgrounds. All members present voting aye. Motion carried.

#### AGREEMENT:

Moved by Wiese, seconded by Sutton to approve and authorize the Chairman sign End User Agreement, which allows the Brown County Director of Equalization limited right to use Marshall & Swift Proprietary Information in DEVNET, Inc CAMA (Computer Aided Mass Appraisal) Program. All members present voting aye. Motion carried.

#### BID – LANDFILL WETLANDS SEEDING PROJECT:

Moved by Hansen, seconded by Wiese to authorize advertising public hearing to open, read and consider sealed bids for the Landfill Wetlands Seeding Project, to be held in the Commissioner's Chambers, Courthouse Annex, Brown County, SD on September 8, 2009 at 8:45 A.M. All members present voting aye. Motion carried.

#### GIS FORMS AND FEE STRUCTURE:

Commissioner Sutton offered the following Resolution:

#### RESOLUTION #50-09

WHEREAS, Title 19, Second Revision Brown County Ordinance, as amended, requires the Brown County Commission, by resolution, to set approve all forms and set fees necessary for the implementation of the Geographic Information Systems (GIS) Data Access and Distribution Ordinance, and

WHEREAS, Brown County GIS Forms and Fee Structure has been submitted for adoption by the Brown county Commission in regular session this 18th day of August 2009.

NOW, THEREFORE BE IT RESOLVED that the Brown County Commission adopt Brown County GIS Forms and Fee Structure, necessary for the implementation of the Geographic Information Systems (GIS) Data Access and Distribution Ordinance.

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

#### WEED POSITION DISCUSSED:

Roger Johnson, Weed Supervisor discussed options of full-time or part-time employment. No action was taken at this time.

#### BANK DISCUSSION:

Sheila Enderson, Brown County Treasurer discussed new banking issues, which will affect Brown County investments and daily balances. No action was taken as a result of the discussion.

#### DETERMINATION OF RIGHT-OF-WAY EASEMENT:

Moved by Wiese, seconded by Sutton to acknowledge receipt of application, submitted by Prairie Hill Farms LLC for determination of a right-of-way or easement in accordance with SDCL 31-22-2; and further to schedule a meeting at the land located in the NW ¼ of Sec 15-T124N-R62W of the 5<sup>th</sup> P.M., Brown County, SD for 11:00 a.m., Tuesday August 25, 2009 to make a determination whether a right-of-way should be granted to Prairie Hill Farms, LLC from landowners Dean Weismantel and Donald Weismantel. All members present voting aye. Motion carried.

#### EXECUTIVE SESSION:

Moved by Sutton, seconded by Wiese to go into executive session for personnel discussion with Kim Dorsett and Jeanette Nietert in attendance. All members present voting aye. Motion carried.

The Chairman declared the executive session closed, with no action taken as a result of the discussion.

#### BID – 12W PROJECT:

Moved by Wiese, seconded by Fischbach to authorize Vice-Chairman Nancy Hansen sign Notice of Award to Lien Transportation Company for completion of the Brown County 12W Reconstruction Project. All members present voting aye. Motion carried.

#### RECESS:

The Chairman declared the Commission recessed until August 25, 2009.

Maxine Taylor – Brown County Auditor

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# AUGUST 25, 2009 – 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, Elliott, Sutton and Wiese.

## MINUTES:

Moved by Hansen, seconded by Wiese to approve the General Meeting minutes of August 18, 2009. All members present voting aye. Motion carried.

## CLAIMS:

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

Supplies: Howes Oil \$16,452.60, GCC Ready Mix \$2,109.00, Frey's Electronics \$4,287.19, Farnams Genuine Parts \$143.03, LG Everist \$1,519.83, Violet Dinger \$775.80, Best Business Products \$398.46, The Ace Group LLC \$1698.00, North Pine Aggregate \$42,788.80, Hula Design \$6,300.00, Aberdeen Township \$2,327.70, Crescent Electric \$132.12, Heartland Paper \$151.49, Court Street Lighting \$34.76, Menards \$83.51, SDACO \$40.00, DPM Petty Cash \$36.79, Sherri Rawstern \$292.32, Aberdeen Downtown Association \$250.00, Natural Abundance \$5.79, Lora Schaunaman \$8.03, Lacey Costume Wig \$81.50, Naomi Even \$7.41, AltaMira Press \$156.00, Sherwin Williams \$33.48, Devnet \$11478.00, Gardner Locksmith \$105.63, Kendell Titze \$20.01, Share Corp \$294.80, Serocki Excavating \$36114.61, Northstar Safety \$55.68, Newman Traffic Signs \$1202.75, Louies Service \$691.64, Lawson Products \$69.66, Huron Culvert & Tank \$71636.49, Academy Trohpy \$36.00, Moore Medical Supply \$75.00, Graham Tires \$116.30, DSS Image Apparel \$239.50, Taser \$809.95, Otis Elevator \$780.00, SD Drug Control Fund \$45.00, Bill Daschle \$100.00, Richard Hansen \$31.52, Kesslers \$27.22, Subway \$53.77, NADRIC \$1666.67, McLeods Printing \$88.38, Danko Emergency Equipment Co \$3504.64, Landmark Commission \$1000.00, OfficeMax \$377.78, UPS \$10.56, Aberdeen Plumbing \$167.49, Firestone \$13.00, GovConnection Inc \$3008.61:

Professional Fees: LBG, Inc \$9,700.93, Brown Co Treasurer \$1290.26, Lewis & Clark BHS \$852.00, Avera St. Lukes \$698.00, Red River Pedal Pulls \$485.00, Fae Dayton \$300.00:

Publications: Ad Department \$61.75, American News \$253.78:

Court Appointed Attorney: Yankton County \$311.25, Mikelson Law Office \$292.44, Kuck Law Office \$5208.33, Gina Rogers \$5208.33, Christy Serr \$5458.33, Chris Dohrer \$5458.33:

Travel: SDAAO \$50.00, City of Groton \$98.79, SDACC \$1440.00:

Utilities: Alltel \$362.69, Aberdeen City Treasurer \$242.34, Midcontinent Communications \$100.34, Qwest \$2007.88, Northern Electric \$100.00:

Care of Poor: Dr/Hospital – 10 recipients- Dental Center \$49.00, Avera St Lukes \$1221.40, Sanford Clinic \$41.53, Dental Center \$174.00; Rent - 9 recipients- Diane Dumire \$320.00, Tom Hinz \$225.00, White House Inn \$909.00, Wanzek Family LTD \$169.00; Transportation – 1 recipients – Brown County Highway Dept \$43.13; Utilities – 4 recipients - Northern Electric Cooperative \$320.00, City of Aberdeen \$100.00, NW Energy \$765.11. All members present voting aye. Motion carried.

## PERSONNEL:

Moved by Wiese, seconded by Elliott to approve an unpaid leave of absence from August 30 to November 20, 2009, as requested by Charles Tveit, per Brown County Policy 6.5. All members present voting aye. Motion carried.

Moved by Sutton, seconded by Wiese to approve hiring Cindy Reinbold as blood draw tech, effective August 19, 2009 at \$35.00 per draw. All members present voting aye. Motion carried.

## JOINT CITY/COUNTY MEETING:

The joint meeting of the Brown County Commission and the Aberdeen City Council has been rescheduled for 8:45 A.M. on September 1, 2009 in the County Commission Chambers, 25 Market Street, Aberdeen, SD.

DISCRETIONARY FORMULA:

Moved by Sutton, seconded by Wiese to approve Discretionary Formula, as requested by Basin Electric Power Cooperative and NorthWestern Corporation, as companies are centrally assessed by the SD Department of Revenue. All members present voting aye. Motion carried.

DISASTER DECLARATION:

Commissioner Wiese offered the following Resolution:

RESOLUTION #51-09

RESOLUTION FOR DECLARATION OF EMERGENCY/DISASTER

WHEREAS, Brown County, South Dakota has suffered severe damage, brought on by extended flooding and excessive precipitation during the months of March through August in the James, Elm, and Maple Rivers, and the Crow Creek and Foote Creek drainage basins;

WHEREAS, this record flooding has not only caused public infrastructure problems, but has also caused severe damage to agricultural land, fences, conservation structures, and a need for debris removal;

WHEREAS, Brown County has committed all available resources and taken all possible actions within the jurisdictional boundaries to combat and to alleviate the disaster, local resources are not adequate to cope with the situation, and help from other sources is needed.

NOW, THEREFORE, BE IT RESOLVED by the Brown County Commission at a regular meeting held on August 25, 2009, it is hereby requested that the Governor declare a Secretarial Disaster Declaration to exist in the County of Brown.

Adopted this 25<sup>th</sup> day of August 2009.

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

E911 SURCHARGE:

Commissioner Wiese offered the following Resolution:

RESOLUTION #52-09

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, 2010.

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

SOLID WASTE SPECIAL ASSESSMENT FEES - 2010  
Commissioner Sutton offered the following Resolution:

#### RESOLUTION #53-09

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, 2010 through December 31, 2010, for the Brown County Sanitary Landfill:

#### SOLID WASTE SPECIAL ASSESSMENT FEE SCHEDULE (Billed with the Real Estate Tax Notice)

- Households within Incorporated Cities or Civil Townships that require curb service @ \$19.00 per year
- Households within Incorporated Cities or Civil Townships that do not require curb service @ \$75.00 per year
- Condominiums and Duplexes taxed as single units within Incorporated Cities or Civil Townships that require curb service @ \$19.00 per year
- Condominiums and Duplexes taxed as single units within Incorporated Cities or Civil Townships that do not require curb service @ \$75.00 per year
- Apartment Units and Assisted Living Units within incorporated Cities that require curb service @ \$11.00 per unit per year
- Seasonal Lake Cabins @ \$32.00 per year
- 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 @ \$19.00 per unit per year
- 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 @ \$75.00 per unit per year

Dated this 25<sup>th</sup> day of August 2009.

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

#### SW EQUALIZATION NOTICE:

Moved by Sutton, seconded by Hansen to authorize advertising the Solid Waste Special Assessment Equalization Notice. All members present voting aye. Motion carried.

#### LANDFILL EXPANSION UPDATE:

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Mike Scott, Landfill Manager presented Landfill Expansion Project update; waste flow; wood waste grinding; fall free cleanup.

APPLICATIONS FOR OCCUPANCY:

Moved by Wiese, seconded by Elliott to approve application, submitted by Midcontinent Communications for occupancy of Brown County 10 in Sec 13-T122N-R64W of the 5<sup>th</sup> P.M., Brown County, SD to relocate fiber. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Sutton to approve application, submitted by Midcontinent Communications for occupancy of Brown County 10 in Sec 36-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD to relocate fiber. All members present voting aye. Motion carried.

Moved by Sutton, seconded by Elliott to approve application, submitted by Qwest Corporation for occupancy of Brown County 23 in Sec 3-T121N-R64W of the 5<sup>th</sup> P.M., Brown County, SD to provide telephone service. All members present voting aye. Motion carried.

AMENDMENT #1 COUNTY ROAD 16 PROJECT:

Moved by Sutton, seconded by Hansen to approve and authorize the Chairman sign Amendment #1 to Agreement #712746 with the SD Department of Transportation to change letting date to FY 2011 for Project P6251(00), PCN 6718 (County Road 16). All members present voting aye. Motion carried.

BRIDGE 031 CHANGE ORDER #1:

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman sign Change Order #1 for Project No. BRF 6599(03) – Bridge 031, Line No. 009 P Class A45 Concrete, Bridge, with no change in completion date or cost of project. All members present voting aye. Motion carried.

PLAT:

Commissioner Sutton offered the following Resolution:

RESOLUTION #54-09

Be It Resolved by the Board of County Commissioners of Brown County, SD, that the plat showing “Gunther Subdivision in the NW ¼ of Sec 31-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 Wiese. Roll call vote: Commissioners Hansen-aye, Elliott-aye, Sutton-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

BARNARD ROAD:

LeRoy Ham and Dale Engelhart met to ask why the road on the west side of Barnard is being eliminated from the Brown County Highway System. Jan Weismantel, Highway Superintendent, also in attendance stated cost for upkeep and snow removal as the primary reasons for closure. After discussion it was suggested the road be designated a minimum maintenance road. There was no action taken at this time.

PRODUCTIVITY PLAN:

Mary Worlie, Director of Equalization explained her goal to implement productivity plan as efficiently and equitably as possible between August 18, 2009 and March 1, 2010 as the starting point, as it will take years to fully implement. The plan consists of the following: Identify allowable adjustments; Establish neighborhoods; and Meet with township boards and other concerned individuals.

**BROADBAND ACCESS:**

John McQuillen, Communications Director invited the Commission to attend a meeting September 2, 2009 to discuss regional public safety technology connectivity/interoperability and the possibilities for funding available for improvements in broadband access and usage in the region.

**CONDEMNATION OF EASEMENTS FOR ISOLATED TRACTS:**

Pursuant to SDCL 31-22 Prairie Hill Farms LLC requested that the Brown County Commission determine a right-of-way easement on property owned by Donald and Dean Weismantel. Commissioners Fischbach, Sutton, Hansen and Elliott conducted a site visit of the land in question. Al Davis, Stacy Johnson, Donald Weismantel, Jim Thares, Mark McNeary, Craig Bonn, Leo Leshner, Gary Vetter and Maxine Taylor were also present. A survey will be completed to satisfy all parties as to the number of isolated acres involved. The Commission took no action at this time.

**RECESS:**

The Chairman declared the Commission recessed until September 1, 2009

Maxine Taylor – Brown County Auditor

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SEPTEMBER 1, 2009 - JOINT CITY/COUNTY MEETING

The Brown County Commission and the Aberdeen City Council met in joint session at 8:45 A.M. in the County Commission Chambers, 25 Market Street, Aberdeen, South Dakota. Present from City were Council Members Bunsness, Campbell, Hodgins, Mitchell and Mayor Levsen. Present from County were Commissioners Hansen, Elliott, Sutton, Wiese and Fischbach.

ORDINANCE NO. 09-08-01/376:

On motion by Bunsness and seconded by Mitchell, the City unanimously voted to approve First Reading of Ordinance No. 09-08-01/376.

Moved by Wiese, seconded by Sutton to approve First Reading of Ordinance No. 09-08-01/376, 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 13, Block 1, Richmond Heights Subdivision in the E ½ of Sec 32-T124N-R64W of the 5<sup>th</sup> P.M., Brown County, SD. All members present voting aye. Motion carried.

SET HEARING DATE:

On motion by Campbell and seconded by Hodgins the City unanimously voted to set public hearing for Ordinance No. 09-09-01/377 (Brenner/Crady Rezone) and Ordinance No. 09-09-02/378 (Moen Rezone).

Moved by Sutton, seconded by Elliott to set public hearing for Ordinance No. 09-09-01/377, 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 1, Brenner Addition in the SW ¼ of Sec 16-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD and set public hearing for Ordinance No. 09-09-02/378, 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: Moen-Rudolph Subdivision in Lot 1, Evelo's Outlots in the SE ¼ of Sec 35-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD, to be held on September 29, 2009 at 8:45 a.m. in the County Commission Chambers, 25 Market Street, Aberdeen, SD. All members present voting aye. Motion carried.

ADJOURNMENT:

The City Council adjourned and the County Commission continued in regular session.

Maxine Taylor - Brown County Auditor

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# SEPTEMBER 1, 2009 – 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 Commissioner's Hansen, Elliott, Sutton and Wiese.

## MINUTES:

Moved by Elliott, seconded by Sutton to approve the General Meeting minutes of August 25, 2009. All members present voting aye. Motion carried.

## CLAIMS:

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

Payroll: Commissioners \$3,110.60; Auditor \$7,373.12; Treasurer \$10,641.44; Data Processing \$3,431.02; State's Attorney \$13,280.06; Stop Loss Grant-SA \$1,421.05; Maintenance \$5,884.49; Assessor \$9,694.23; Planning & Zoning \$1,580.81; Register of Deeds \$6,311.84; Veterans Service Office \$3,106.99; GIS \$1,921.93; Sheriff \$69,089.32; Communications \$18,725.76; Coroner \$150.00; Welfare \$3,144.20; Museum \$5,720.52; Fair board \$18,247.63; Fairgrounds & Parks \$12,002.32; Extension \$3,432.37; Weed \$5,086.24; E&D \$2,873.62; Teen Court \$578.23; Highway \$34,240.20; Landfill \$9,372.53; Matching Benefits: FICA \$14,775.29; Medicare \$3,455.55; Life \$722.94; Dental \$4,616.32; Health \$72,105.34; Retirement \$28,101.09:

Supplies: Quality Quick Print \$76.00, NADA \$274.00, Office Equip \$315.41, Aberdeen Police \$40.20, Hedahls \$40.50, Hoven Auto \$54.00, Shopko \$919.97, Hoven Auto \$1640.01, House of Glass \$132.50, Reuers Auto \$252.61, AED Brands \$47.95, Bob Barker \$185.95, Matthew Bender \$217.52, Dakota Electronics \$128.00, Walmart \$592.58, Intoximeters \$690.00, Kustom Signals \$2778.00, Exec Mgmt \$3695.30, Trail Chev \$115.93, Visa \$864.41, Bridgestone \$285.44, Aberdeen Asphalt \$5041.34, Cretex Concrete \$50,736.00, Mark Wendt \$12.55, SD Federal Property \$480.00, Sheehan Mack Sales \$92,674.00, Share Corp \$341.00, Serocki \$10,140.71, N Central Farmers Elev \$1470.17, Myers Auto \$690.00, SDDOT \$381.36, Louies Service \$130.32, Kane Trans \$1500.00, RDO \$64.05, Titan \$1609.90, Sewer Duck \$186.00, Menards \$155.36, Sherri Rawstern \$48.95, SD for the Arts \$125.00, Lora Schaunaman \$74.19, Preserve SD \$50.00, ND State Hist Soc \$10.00, Runnings \$150.64, B&B \$3673.48, Van Diest \$9792.25, Heppers Sports \$13.50, GCR Tire \$16.00, Dakota Oil \$28.44, Alligare \$1200.00, Adv Auto \$9.95, Aberdeen Chrysler \$333.00, No Till Farmer \$37.95, Heartland Paper \$274.25, Langs TV \$43.00, L Robert Kimball \$1624.00, Richard Hansen \$100.00, Avera Heart Hospital \$1020.00, Nelson Sales \$1069.88, Aberdeen C&F \$662.50, Reuers Auto \$346.40, SDSWMA \$1350.00, Butler Machinery \$1304.28, Palmer Dist \$66.00, Overhead Door \$116.27, Cyfre \$358.15, Priority Dispatch \$405.00, Best Business \$26.69, Kaleb Englin \$160.00, North Star Amusements..\$14,000.54, Daniel & Travis Sharp \$54.00, Jordan Miller \$63.00, Al-Shar Holsteins \$72.00, Frey-View Dairy Farm \$125.00, Steven Paulsen \$42.00, Jeremy & Azaria Angstman \$25.00; Sterling Kappes \$36.00, Adrienne Schaunaman \$15.00, Thomas Friesz \$223.50, Morgan Eichler \$21.00, Evan Duterhoffer \$21.00, Emma Schaunaman \$31.50, Justine Sanderson \$42.00, Brooke Skoglund \$21.00, Osterman Shorthorns \$82.00, Sam Schaunaman \$10.50, Jessica Podoll \$21.00, Chelsea Deiter \$15.00; All Shook Up \$60.00, Fritz Bruckner \$105.00, Faith & Jan Houghtaling \$201.00, Krohmer Family \$64.00, Nohner Family \$132.00, Rossow Family \$138.50, Brody & Wyatt Sombke \$36.00, Jerry Tollefson \$58.50, Wolffs Suffolks \$78.00, Kali & Kyla Wolkow \$325.50:

Professional Fees: Avera St Lukes \$272.24, Cass County Sheriff \$36.00, witness fees \$20.00, SD Dept of Rev \$1420.00,, Eide Bailly \$243.00:

Publications: American News \$397.34:

Transcriptions: Tammy Erickson \$176.40, Neal Reporting \$224.00:

Travel: Kathy Fisher \$121.73, Gene Loeschke \$132.83, Leo Leshner \$85.84, Gary Vetter \$87.32:

Utilities: NW Energy \$10,561.05, Midcontinent \$251.67, Qwest \$2825.40, Alltel \$2849.49, Montana Dakota \$19.88, Web \$136.93:

Care of Poor: Dr/Hospital – 5 recipients- Northern Plains OMS \$171.37, Dental Center \$99.00, Sanford Clinic \$349.13, Urology Spec \$277.41, Anesthesia Phys \$352.00; Rent - 5 recipients- Scott Gilbertson \$260.00, Zumbaum Property \$260.00, BMI \$260.00, Mary Ann Ochs \$280.00, Getty Rentals \$260.00; Insurance - 1 recipient – Anthem Blue Cross & Blue Shield \$376.06; Utilities – 3 recipients – NW Energy \$433.73, City of Aberdeen \$169.68; Medication – 4 recipients - Walmart Pharm \$97.82, Quarve Drug \$306.88; Burial – 1 recipient – Eddy Funeral Home \$1215.00. All members present voting aye. Motion carried.

#### PERSONNEL:

Moved by Wiese, seconded by Sutton to approve the following employee step increases, effective September 6, 2009: Samiulela Mouna @ \$13.72 per hour, Sara Hagman @ \$12.12 per hour, Kimberly Byram @ \$12.71 per hour, Justin Salo @ \$12.66 per hour. All members present voting aye. Motion carried.

Moved by Sutton, seconded by Hansen to approve hiring John Kirnan as security officer at the Fair, effective August 17, 2009 at \$16.00 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Elliott to approve hiring Dustin Peiker as Sheriff Field Deputy, effective August 31, 2009 at \$15.84 per hour. All members present voting aye. Motion carried.

#### LEASE AGREEMENTS:

Moved by Wiese, seconded by Sutton to approve and authorize the Chairman sign the following agreements: First United Methodist Church for lease of the Richmond Youth Camp on September 9, 2009; October 11-12, 2009; The Associated General Contractors of SD for lease of the Holum Expo Building on September 17, 2009. All members present voting aye. Motion carried.

#### DISINTERMENT PERMIT:

Moved by Sutton, seconded by Elliott to acknowledge and accept Notice of Disinterment Permit (Wells) affecting Brown County from the SD Department of Health Vital Records. All members present voting aye. Motion carried.

#### LOTTERY APPLICATION:

Moved by Sutton, seconded by Hansen to approve the following application: Granary Memorial Gallery, Inc for raffle to be held September 13, 2009. All members present voting aye. Motion carried.

#### APPLICATION FOR OCCUPANCY:

Moved by Sutton, seconded by Elliott to approve request submitted by Dalager Engineering Co on behalf of Northern Electric Coop for occupancy of various sites in the County for inspection and repair of existing utilities, with the stipulation that Northern Electric cannot cut through any Brown County roads, all repairs must be done by boring under Brown County roads. All members present voting aye. Motion carried.

#### EXECUTIVE SESSION:

Moved by Sutton, seconded by Wiese 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 the discussion.

Moved by Wiese, seconded by Sutton 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 the discussion.

**2010 PROVISIONAL BUDGET HEARING:**

Time and place, as advertised for public hearing on the 2010 Provisional Budget. No one from the public or various departments appeared. No action will be taken on the Provisional Budget until September 29, 2009.

**EXECUTIVE SESSION:**

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

The Chairman declared the executive session closed, with no action taken as a result of the discussion.

**BID – LANDFILL SHOP 5 BUILDING PROJECT:**

Mike Scott, Landfill Manager and Tom Hurlbert, Hula Design presented bid specifications for the Landfill Expansion Shop Building Project. Moved by Sutton, seconded by Elliott to authorize advertising public hearing to open, read and consider sealed bids for the Landfill Shop 5 Building Project, to be held in the Commissioner's Chambers, Courthouse Annex, Brown County, SD on September 29, 2009 at 9:00 A.M. All members present voting aye. Motion carried.

**RAILROAD AVENUE PROPERTY LINES:**

Gary Fischer met to discuss the position of the building at 117 RR Ave on the lot, as the planned wall reconstruction may extend over the lot lines. Survey pins will be located to determine if the proposed remodeling will cause the building to cross lot lines.

**RECESS:**

The Chairman declared the Commission recessed until September 8, 2009.

Maxine Taylor – Brown County Auditor

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SEPTEMBER 8, 2009 - JOINT CITY/COUNTY MEETING

The Brown County Commission and the Aberdeen City Council met in joint session at 9:00 A.M. in the County Commission Chambers, 25 Market Street, Aberdeen, South Dakota. Present from City were Council Members Agnitsch, Bunsness, Campbell, Hodgin, Kraft, Mitchell, Rux and Mayor Levsen. Present from County were Commissioners Hansen, Sutton, Wiese and Fischbach. Absent Commissioner Elliott.

ORDINANCE NO. 09-08-01/376:

On motion by Hodgin and seconded by Campbell, the City unanimously voted to approve Second Reading and adoption of Ordinance No. 09-08-01/376.

Moved by Sutton, seconded by Wiese to approve Second Reading and Adoption of Ordinance No. 09-08-01/376, 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 13, Block 1, Richmond Heights Subdivision in the E ½ of Sec 32-T124N-R64W of the 5<sup>th</sup> P.M., Brown County, SD. Roll call vote: Commissioners Hansen-aye, Elliott-absent, Sutton-aye, Wiese-aye, Fischbach-aye. Ordinance adopted.

ADJOURNMENT:

The City Council adjourned and the County Commission continued in regular session.

Maxine Taylor - Brown County Auditor

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## SEPTEMBER 8, 2009 – 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, Sutton and Wiese. Absent Commissioner Elliott.

### MINUTES:

Moved by Wiese, seconded by Sutton to approve the Joint City/County Meeting minutes and the General Meeting minutes of September 1, 2009. All members present voting aye. Motion carried.

### CLAIMS:

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

Supplies: Kesslers \$956.10, CMW \$429.97, Lee Koch \$9.73, K-Mart \$17.08, Ace Refrigeration \$66.30, Joey Kaven \$72.36, Academy \$46.00, Economy Meats \$520.00, Roger Huettl \$150.11, Bricks Roto Rooter \$50.00, Northern Valley \$391.81, Erdmann Fuels \$531.28, Photo Xpress \$1699.21, Romeo Ent \$369.86, Glas Consulting \$146.25, NSU Swim Team \$750.00, DSS \$1653.45, Aberdeen Asphalt \$7395.00, Cash-Wa \$4119.99, Menards \$821.62, Millstone \$367.50, Office Equip \$313.50, Northern Tool \$217.18, Aberdeen Awards \$7.00, Town & Country \$1351.90, Geffdog \$241.67, Kleins \$1.97, Gompf Displays \$1842.50, Amy Scott \$64.59, Homestead Milk \$362.40, Subway \$57.13, Farm Power \$214.25, Sherwin Williams \$92.25, B&B Contracting \$2804.08, Pro Build \$289.99, Dominos \$198.04, Matthew Sperry \$25.00, Mark Sperry \$25.00, Emily Sperry \$25.00, Breanna Marzahn \$25.00, Stuart Farrand \$25.00, Ashley Ferrand \$25.00, GovConnection \$359.95, IceWarp \$871.00, Woodman Refrig \$3666.15, Central Supply \$117.45, Taylor Laundry \$95.50, Crescent Elec \$42.47, Runnings \$1353.46, SOS Garage \$37.50, SDVSO \$50.00, VSO \$48.00, Hoven Auto \$114.95, Tel Serv \$65.00, Academy \$6.00, Shawna Everson \$11.54, Dakota Electronics \$1902.45, Tri State Water \$35.50, Avera St Lukes \$25.00, Sec of State \$7.00, Sewing Shoppe \$79.00, Midstates Printing \$68.48, CNA Surety \$50.00, Moore Medical \$83.95, Soil Tech \$7665.50, Serocki \$3481.05, Quality Welding \$101.20, Plastic Works \$5645.00, Pierson Ford \$1308.85, Macs \$163.87, House of Glass \$283.32, Tim Hettich \$25.00, Great Western Tire \$3122.85, GCC Ready Mix \$2377.50, Farnams \$23.88, Evergreen Supply \$85.28, Dakota Oil \$2281.27, Dakota Fluid Power \$584.78, Butler Machinery \$8994.69, Bakken Bldg Maint \$500.00, B&B Contracting \$175,855.30, Best Business \$311.26, Cunningham Elec \$239.80, Midwest Alarm \$51.50, Sue Gates \$35.20, ND APCO \$280.00, Ameripride \$244.21, Powerplan \$6725.84, North Central Farmers Elev \$8323.00, Webb Co \$209.95, Palmer Dist \$27.10, Bricks TV \$474.50, SD Dept of Rev \$3859.07, DSG \$1535.83, Thomsen West \$177.50, Danko \$3378.95, Ingstad Family Media \$1000.00, Matthew Bender \$57.47, sd Public Assurance \$1328.00:

Professional Fees: Jacobsen Elec \$9466.82, Rebecca Whitlock \$45.00, Susan Busk \$65.00, Sheri Wenzel \$170.00, Susan Havery \$75.00, Kathy Novstrup \$30.00, Irene Plummer \$30.00, Rick Pesek \$30.00, Ric Dias \$30.00, Martha Mehlhaff \$30.00, Janelle Klapperich \$30.00, Barb Hoops \$30.00, Ramona Hurin \$30.00, Jeanette Lunders \$45.00, Jon Oster \$30.00, Carole Sweeter \$40.00, Tracy Elsen \$30.00, Carol Green \$30.00, Florence Kraus \$30.00, Jolynn Zeller \$30.00, Jessi Stucke \$30.00, Ruth Casanova \$30.00, Joyce Schilder \$50.00, Dianne Steinheuser \$50.00, Joy Braun \$40.00, Kevin Vanderwal \$160.00, Steve Ulmer \$300.00, Dan Schimek \$215.00, Marilyn Maloney \$10.00, Pat Dennert \$30.00, Cynthia Marzahn \$50.00, Sherry Perrion \$40.00, Michelle Munger \$10.00, Brad Sharp \$30.00, Angie Sharp \$30.00, Peggy Stager \$40.00, Jackie Thompson \$30.00, Karen Wolter \$30.00, Shad Wood \$30.00, Ryan Eichler \$155.00, Wayne Fischer \$150.00, Doug Hofer \$225.00, Wes Limesand \$220.00, Todd Nordman \$275.00, Tyler Melroe \$120.00, Diane Leitheiser \$30.00, Susan Lehr \$30.00, Jeannie Huettl \$30.00, Carol Hein \$30.00, Gwen Hansen \$40.00, Linda Gengerke \$30.00, Vicki Forkel \$55.00, Janet Elsen \$30.00, Phyllis Donat \$30.00, Lois Davis \$30.00, Bobbie Bierman \$30.00, Howard Anderson \$30.00, Brenda Artz \$30.00, Darcee Munsterteiger \$30.00, Avera St Lukes \$1396.00, Donna Dietrich \$136.14, Sheriff of Yankton County \$50.00, Norma Andersen \$15.00, Cathy Reh fuss \$15.00, Glas Consulting \$67.50, SD Wheat Growers \$108.19, SDEMA \$60.00, Helms \$29,352.70, Nancy Schlichenmayer \$60.00:

Transcriptions: Kristi Kost \$236.20:

Court Appointed Attorney: Scott Kuck \$128.84, Kennedy, Pier & Knoff \$102.40:

Travel: Larry Gerlach \$319.45, Michael Wiese \$19.24, Tom Gohn \$21.00, Kathy Schlecht \$566.29, Scott Madsen \$315.96, Extension Service \$154.50:

Utilities: Alltel \$34.28, Northwestern Energy \$731.17, City of Aberdeen \$1106.73, Northern Valley \$130.61, James Valley \$586.12, Town of Frederick \$32.25, Web Water \$25.00:

Care of Poor: Dr/Hospital – 2 recipients- Anesthesia Care \$224.00, Sanford Medical Center \$8929.71; Rent - 5 recipients- A&S Service \$320.00, Bonita Herrick \$260.00, Erickson & Assoc \$300.00, Bldg Mgmt \$260.00, Mary Hofemann \$225.00; Utilities – 2 recipients – NW Energy \$287.15, Northern Elec \$320.00. All members present voting aye. Motion carried.

#### ABATEMENT:

Moved by Sutton, seconded by Wiese to approve Abatement for Staci McGhee @ \$51.29 (mobile home demolished). All members present voting aye. Motion carried.

#### LEASE AGREEMENT:

Moved by Wiese, seconded by Sutton to approve and authorize the Chairman sign the following agreement: Aberdeen American News for lease of the Holum Expo Building on September 11 - 12, 2009. All members present voting aye. Motion carried.

#### AUDITORS REPORT OF ACCOUNT:

Moved by Hansen, seconded by Sutton to approve the August 2009 Auditor's Report of Account with the County Treasurer in total amount of \$10,688,948.17 (total amount of actual cash @ \$2,749.53, Wells Fargo Bank @ \$3,621.29, US Bank @ \$177,442.39, Dacotah Bank @ \$36,312.20, Petty Cash @ \$1,800.00, Fund Investments @ \$10,466,272.29, Outstanding Checks @ \$750.47). All members present voting aye. Motion carried.

#### BID OPEN/AWARD WETLANDS SEEDING FOR LANDFILL EXPANSION PROJECT:

Time and place to open, read and consider sealed bids for the Landfill Expansion Wetland Seeding Project. Bids were received from J & N Manufacturing, Aberdeen, SD; Skyview Construction Co, Waubay, SD. Moved by Wiese, seconded by Sutton to refer all bids to Mike Scott, Landfill Manager and Jay Koch, Helms and Associates for review and recommendation. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to award low bid, submitted by J & N Manufacturing in amount of \$10,648.26 for the Landfill Expansion Wetland Seeding Project; rejecting Skyview Construction Co in amount of \$29,774.50. All members present voting aye. Motion carried.

#### ABATEMENT:

States Attorney Kim Dorsett, County Treasurer Sheila Enderson, County Auditor Maxine Taylor and Planner/Zoner Gary Vetter recommended the following action be taken on five tax deed parcels. Moved by Hansen, seconded by Sutton to cancel tax deed proceedings and authorize the Chairman sign document approving Abatement for the following centrally assessed Railroad properties; and further request that the Director of Equalization remove values for tax purposes and designate properties as centrally assessed: Blks 10-26 West Aberdeen Addn @ \$16,363.40; Blks 28-29 West Aberdeen Addn @ \$1,274.92; Blks 1-5 West Hill Addn @ \$2,997.72; CMSTP&P RR Main R/O/W NW 13-123-64 @ \$5,541.47; Lt 9 Blk 51 Northwestern Addn @ \$1,681.53. All members present voting aye. Motion carried.

#### BID AWARD BRIDGE #172:

Moved by Sutton, seconded by Wiese to approve SDDOT award of contract to Industrial Builders, Inc in amount of \$709,785.75 for Bridge #172 BRO 8007(31), PCN 6085 Brown County Structure and

Approach Grading (160' 3-Span Prestressed Concrete Girder Bridge), as bid by SDDOT on September 2, 2009 Item 1; rejecting: Swingen Construction Company @ \$1,169,252.15; Grangaard Construction Inc @ \$877,709.95; Sioux Falls Construction Company @ \$742,041.71. All members present voting aye. Motion carried.

**BID AWARD BRIDGE #229:**

Moved by Sutton, seconded by Wiese to approve SDDOT award of contract to Industrial Builders, Inc in amount of \$792,082.65 for Bridge #229 BRF 6426(05), PCN H069 Brown County Structure and Approach Grading (178' 2-Span Prestressed Concrete Girder Bridge), as bid by SDDOT on September 2, 2009 Item 2; rejecting: Swingen Construction Company @ \$1,030,472.60; Grangaard Construction Inc @ \$836,557.35; Sioux Falls Construction Company @ \$830,544.67. All members present voting aye. Motion carried.

**PERSONNEL:**

Mary Worlie presented job description for appraiser position.

**RECESS:**

The Chairman declared the Commission recessed until September 15, 2009.

Maxine Taylor – Brown County Auditor

Published once at the total approximate cost of \_\_\_\_\_.

# SEPTEMBER 15, 2009 – 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, Elliott, Sutton and Wiese.

## MINUTES:

Moved by Wiese, seconded by Sutton to approve the Joint City/County Meeting minutes and the General Meeting minutes of September 8, 2009. All members present voting aye. Motion carried.

## CLAIMS:

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

Payroll: Commissioners \$3,110.60; Auditor \$7,670.06; Treasurer \$10,245.92; Data Processing \$3,431.02; State's Attorney \$12,950.06; Stop Loss Grant \$1,421.05; Maintenance \$5,911.83; Assessor...\$9,694.23; Register of Deeds \$6,299.31; Veterans Service Office \$3,106.99; GIS \$1,921.93; Sheriff \$70,199.38; Communications...\$18,451.44; Welfare Office...\$3,144.20; Museum...\$5,720.52; Fairgrounds & Parks \$5,388.07; Fairboard \$2,638.87; Extension \$2,747.41; Weed \$5,013.51; Planning and Zoning \$1,580.81; Emergency Management \$2,873.62; Teen Court \$578.23; Coroner \$300.00; Highway \$33,627.07; Landfill \$9,431.24; Matching Benefits: FICA \$13,352.01; Medicare \$3,122.60:

Supplies: Best Business 301.93, CMRS-FP \$5000.00, Dakota Mailing \$161.51, Exec Mgmt \$30.00, Quality Quick Print \$2139.50, SD Continuing Legal Ed \$500.00, Matthew Bender \$5.67, Office Equip \$274.18, New Trends \$111.97, Aberdeen Plumbing \$111.86, Acme Elec \$6224.99, Gardner Locksmith \$25.00, Heartland Paper \$222.57, Devnet \$8978.00, Brown County \$15.00, Swanston Equip \$6500.00, Spec Mfg \$373.55, Serocki \$4883.48, Safety Service \$27575.25, Northern Truck Equip \$9347.00, Pro Ag Supply \$1167.16, Praxair \$310.34, Poms Tire \$229.60, Kane Transport \$1500.00, Hollaway Const \$89,100.00, Helms & Assoc \$7460.30, Hedahls \$681.39, GCC Ready Mix \$507.50, Fastenal \$358.72, LG Everist \$1759.96, Diesel Machinery \$861.44, Cartney Bearing \$13.99, Artz Equip \$556.21, Ameripride \$409.30, Runnings \$171.17, Vosika Fencing \$185.71, Cunningham Elec \$37.23, Praxair \$17.25, Farm Power \$184.91, Farnams \$92.66, Jacobs \$7419.44, Erdmann Fuels \$2517.87, Kens Superfair Foods \$95.97, Hub City Radio \$2160.00, Parkview \$615.00, Dietrich Bus \$3318.43, Barb Paepke \$123.45, Big Stone Radio \$612.00, Photo Xpress \$187.22, Bonn Express \$49.23, Dacotah Prairie Merchantile \$28.70, SD Magazine \$279.00, Probuild \$127.56, Deb Schlosser \$123.65, Spec Communications \$418.86, Evergreen Supply \$33.15, Van Diest \$6617.43, TSC \$11.94, GCR Tires \$195.98, Freys Elec \$324.54, Menards \$91.26, Sams Sound \$6375.00, Securus \$3510.00, Intoximeters \$2000.00, Pantorium \$18.85, Accurint \$50.00, Exhaust Pros \$26.78, Neves \$430.56, Hoven Auto \$40.50, Reuters Auto \$252.61, Lust Chev \$36.95, Bob Barker \$67.57, Language Line \$90.00, Web Water \$1226.79, American Fence \$88,409.17, North Pine \$86,520.80, Augusta Engine Parts \$198.80, New Deal Tire \$13,415.90, Brick Propane \$21.00, Century Business \$74.43, Sheehan Sales \$1694.88, Walmart \$10.95, Dakota Electronics \$19,854.70, Danko \$20.08, Menards \$179.19:

Professional Fees: Harrison County Clerk of Courts \$21.00, witness fees \$40.00, NE Mental Health \$25,000.00:

Publications: American News \$1162.87, Dakota Press \$1211.14, Groton Indep \$528.53:

Transcriptions: Tammy Erickson \$108.30, Capital Reporting \$1065.00:

Travel: Kimberly Dorsett \$869.75, Northern Valley \$3678.42, Jerry Mills \$147.23, City of Groton \$22.20, SD Human Service Center \$69.00:

Utilities: FSH \$60.00, City of Aberdeen \$300.90, NW Energy \$1088.19, Qwest \$450.82, Northern Valley \$136.47, Dependable Sanitation \$18,823.32, Northern Elec \$960.71, Northern Comm \$111.90, Verizon \$70.40:

Care of Poor: Dr/Hospital – 2 recipients-Sanford Clinic \$2627.14, Avera St Lukes \$18.40; Rent - 11 recipients- Zumbaum Property \$300.00, Rob Ellerbe \$160.00, Wilbert Schultz \$200.00, Erickson & Assoc \$600.00, Erdmann Properties \$280.00, Danne \$720.00, Lonnie Lyke \$280.00; Utilities – 4 recipients – NW Energy \$887.97; Medication – 2 recipients - United Clinic \$319.97; Transportation – 4 recipients – Aberdeen Shuttle \$90.00, Emergency Poor Fund \$104.97. All members present voting aye. Motion carried.

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PERSONNEL:

Moved by Sutton, seconded by Wiese to approve the following employee step increases, effective September 20, 2009: Jennifer Stoddard @ \$13.99 per hour, Christine Haggerty @ \$13.08 per hour. All members present voting aye. Motion carried.

LEASE AGREEMENT:

Moved by Wiese, seconded by Sutton to approve and authorize the Chairman sign the following agreement: RDO for lease of the Holum Expo Building on September 8 & 9, 2009. All members present voting aye. Motion carried.

LANDFILL EXPANSION PROJECTS:

Moved by Wiese, seconded by Elliott to approve and authorize the Chairman sign Payment Request #10 in amount of \$86,520.80 for the Landfill Expansion Project. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Elliott to approve and authorize the Chairman sign Payment Request #1 in amount of \$88,409.17 for the Brown County Landfill Expansion Fencing Project. All members present voting aye. Motion carried.

GRANT AWARD – HIGHWAY SAFETY:

Moved by Sutton, seconded by Wiese to approve and authorize the Chairman sign Highway Safety Grant Award for funding in amount of \$29,340.00. All members present voting aye. Motion carried.

TEEN COURT JABG APPLICATION:

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman sign application for Department of Corrections – Juvenile Accountability Block Grant in amount of \$12,777.78 (90% DOC, 10% County), effective October 1, 2009 – September 30, 2010. All members present voting aye. Motion carried.

POOR RELIEF LIEN:

Commissioner Sutton offered the following Resolution:

RESOLUTION NO. 55-09

WHEREAS, Brown County has filed a Poor Relief Lien in total amount of \$8,602.28 with a balance of \$6,502.28, 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 individuals and remaining property owned.

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

Lot 4 in Block 34 of the Subdivision entitled "N ½ of Block 11, S ½ of Blocks 17,18,19 and 20, Blocks 27 to 34 inclusive Outlots F to L inclusive, to Hecla, 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 individuals.

Dated this 15<sup>th</sup> day of September 2009.

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

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PROPERTY CONVEYANCE:

Commissioner Sutton offered the following Resolution:

RESOLUTION NO. 56-09

WHEREAS, Brown County is the legal owner of a Certificate of Tax Sale, which was conveyed to Brown County by Treasurer's Tax Deed and duly recorded in the Register of Deeds office on March 11, 2009 in Book 288 Page 796, and

WHEREAS, there are trees on the property that need to be taken down and the house is in a very dilapidated condition and also needs to be removed, and

WHEREAS, the Hecla City Council has requested the County remove existing poor relief liens and deed the property to the City of Hecla in exchange for the tree and house removal.

NOW THEREFORE, BE IT RESOLVED, that the Brown County Commission declare the following property surplus and execute a Quit Claim Deed conveying the property to the City of Hecla: Lot 4 in Block 34 of the Subdivision entitled "N ½ of Block 11, S ½ of Blocks 17,18,19 and 20, Blocks 27 to 34 inclusive Outlots F to L inclusive, to Hecla, Brown County, South Dakota

Dated this 15<sup>th</sup> day of September 2009.

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

TAX DEED SALE:

Moved by Sutton, seconded by Wiese to authorize advertising the following described property to be offered for sale by auction in the Community Room, Brown County Courthouse Annex, on October 5, 2009 at 10:00 a.m., and further to declare property surplus for purpose of sale (90% of minimum bid): Aberdeen Twp: The N 333' of the 900' West of the East 1150' of the NE ¼ of Sec 27-T123-R64W of the 5<sup>th</sup> P.M., Brown County, SD @ \$16,000.00. All members present voting aye. Motion carried.

EXECUTIVE SESSION:

Moved by Wiese, seconded by Sutton to go into executive session for personnel discussion with Jan Weismantel and Kim Dorsett in attendance. All members present voting aye. Motion carried.

The Chairman declared the executive session closed, with no action taken as a result of the discussion.

Moved by Hansen, seconded by Sutton to go into executive session for personnel discussion with Jeanette Nietert and Kim Dorsett in attendance. All members present voting aye. Motion carried.

The Chairman declared the executive session closed, with no action taken as a result of the discussion.

RAILROAD AVENUE PROPERTY LINES:

Gary Fischer and Mick Palmer presented certificate of survey that defines the position of the building at 117 RR Ave on the lot, as discussed on September 1, 2009. An easement will be drafted by the States Attorney to be approved at a later date.

RECESS:

The Chairman declared the Commission recessed until September 29, 2009.

Maxine Taylor – Brown County Auditor

Published once at the total approximate cost of \_\_\_\_\_.



# SEPTEMBER 29, 2009 – 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, Elliott, Sutton and Wiese.

## MINUTES:

Moved by Hansen, seconded by Wiese to approve the General Meeting minutes of September 15, 2009. All members present voting aye. Motion carried.

## CLAIMS:

Moved b Elliott, seconded by Sutton to approve the following claims:

Payroll: Commissioners \$3,110.60; Auditor \$7,724.60; Treasurer \$10,245.92; Data Processing \$3,431.02; State's Attorney \$12,775.06; Stop Loss Grant-SA \$1,421.05; Maintenance \$5,832.15; Assessor \$9,713.43; Register of Deeds \$6,186.43; Veterans Service Office \$3,106.99; GIS \$1,921.93; Sheriff \$75,350.11; Communications \$20,922.78; Welfare \$3,144.20; Museum \$5,720.52; Fair board \$2,072.73; Fairgrounds & Parks \$4,573.92; Extension \$2,061.60; Weed \$3,545.93; Planning & Zoning \$2,210.81; Teen Court \$671.83; EM \$2,873.62; Highway \$35,415.85; Landfill \$9,308.98; Matching Benefits FICA \$13,716.97; Medicare \$3,208.05; Life \$716.87; Dental \$4,762.80; Health \$72,105.34; Retirement \$27,795.09;

Supplies: Brown County \$25.89, Jeff Vilhauer \$3162.00, West Payment \$1221.22, Matthew Bender \$57.47, Language Lines \$49.30, Office Equip \$231.54, Miles Tek \$158.97, Heartland Paper \$2084.86, Hoven Auto \$124.18, Best Business \$380.76, Digital Ally \$210.00, Bob Barker \$589.16, Moore Medical \$322.87, Visa \$1341.60, DT Pharm \$200.26, Hewlett Packard \$531.00, Newman Signs \$286.92, SDLTAP \$70.00, Lien Trans \$18,081.73, Howes Oil \$15,800.60, GCC Ready Mix \$277.50, Farm Power \$481.19, Diesel Machinery \$1300.00, Cretex \$102.00, Carquest \$613.93, Outlaw Graphics \$90.00, Lawson Products \$409.60, Huron Culvert \$5413.63, Dakota Riggers \$112.31, Bridgestone Firestone \$93.00, Barco Products \$1876.75, Dex Media \$138.00, House of Glass \$186.30, Sue Gates \$10.94, Advantage Self Storage \$1464.00, Midwest Alarm \$51.50, Dacotah Prairie Museum \$3.96, Brehmer Photo \$125.00, AASLH \$100.00, Sherri Rawstern \$117.37, Dacotah Bank \$576.31, Runnings \$1014.83, Photo Xpress \$94.53, Richard LaQua \$250.00, Quality Quick Print \$3125.35, B&E Siding \$4667.52, Northern Tool \$66.59, Macs \$61.90, Evergreen Supply \$11.90, Hedahls \$39.06, Farnams \$143.68, NDSU \$163.50, Van Diest \$5187.08, Holiday Inn \$1164.00, Best Western \$80.00, Dakota Electronics \$1000.00, Office Max \$187.79, Richard Hansen \$69.78, Geffdog \$81.00, TigerDirect \$215.85, Robert Kimball & Assoc \$276.00, DSS Image Apparel \$50.85, Richards & Oliver \$77.54, Ramada \$3260.00, Performance Ag \$2292.00, New Trends \$115.00, Ramkota \$512.40, Heartland Paper \$503.34, Mallory Headsets \$544.84, Schwan Elec \$798.00, Tel Serv \$45.00, GovConnection \$1189.47, Central Supply \$643.90, Interior Design \$69.70, Menards \$105.54, Sherwin Williams \$45.10, Fire Safety First \$5.00, Keeleys \$31.20, RDO \$1200.00, Brown & Saenger \$804.94, North Central Farmers Elev \$2972.36, GovConnection \$5006.36, Earthgrains \$1183.59;

Professional Fees: Nancy Schlickemayer \$167.50, NADRIC \$1666.66, Regional Health Hospital \$1050.00, Avera Queen of Peace \$180.50, Sheriff of Yankton County \$50.00, Donna Dietrich \$273.78, Marv Ekeren \$30.00, Cathy Rehfuss \$30.00, SDNA Dist 4 Nurses \$900.00, Kristi Spitzer \$1000.00, Eide Bailly \$243.00, Avera St Lukes \$798.00, Dept of Revenue \$1762.00, NE Mental Health \$219.45, Romeo Ent \$1400.00;

Publications: American News \$895.31;

Transcriptions: Michelle Gaikowski \$122.40;

Court Appointed Attorney: Christopher Dohrer \$5458.33, Kuck Law Office \$5208.33, Gina Rogers \$5208.33, Christy Serr \$5458.33, Johnson, Miner, Marlow \$157.43, Kabeiseman & Pollard \$170.00, Fox, Youngberg & Lewno \$193.16;

Travel: Ashby Beckman \$76.22, Jan Weismantel \$47.25, Charlene Millim \$122.84, Dennis Wiedebush \$17.76, Troy Knecht \$28.86, Duane Jark \$26.64, Gary Vetter \$48.00, Jerome Streckfuss \$28.86, Stanley

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Court Appointed Attorney: Christopher Dohrer \$5458.33, Kuck Law Office \$5208.33, Gina Rogers \$5208.33, Christy Serr \$5458.33, Johnson, Miner, Marlow \$157.43, Kabeiseman & Pollard \$170.00, Fox, Youngberg & Lewno \$193.16:

Travel: Ashby Beckman \$76.22, Jan Weismantel \$47.25, Charlene Millim \$122.84, Dennis Wiedebush \$17.76, Troy Knecht \$28.86, Duane Jark \$26.64, Gary Vetter \$48.00, Jerome Streckfuss \$28.86, Stanley Beckler \$15.54, Patrick Keatts \$26.64, Dale Kurth \$377.30, Darwin Bettman \$59.10, David North \$365.30, Jan Beckler \$82.26, Carol Sherman \$317.35, Sheila Enderson \$104.12, Leo Leshner \$193.51, Mary Worlie \$375.68, Kathy Fischer \$442.93, Allan Vietmeier \$476.69:

Utilities: Alltel \$3384.61, Midcontinent Cable \$296.67, Verizon \$52.91, NW Energy \$19,313.31, Northern Elec \$111.50, City of Hecla \$77.77, Dependable Sanitation \$144.50, Montana Dakota \$19.24, City of Aberdeen \$2705.31, Qwest \$4230.77, Bureau of Admin \$480.98:

Care of Poor: Dr/Hospital – 7 recipients- Aberdeen Internal Medicine \$41.53, Sanford Medical Center \$671.29, Avera St Lukes \$6311.35, Dental Center \$111.00, Sanford Clinic \$33.07, Dr Gerber \$945.25, Medical Xray Center \$272.48; Rent - 8 recipients- Beachair Ent \$260.00, Ray Hollan \$300.00, Zumbaum Property \$239.00, Lonnie Frost \$270.00, Richard Ludwig \$195.00, Dalat Ent \$260.00, Foxridge Apts \$300.00, Tom Hinz \$150.00; Utilities – 3 recipients – City of Aberdeen \$301.65, Bath Sanitary Dist \$292.50; Medication – 3 recipients – Kesslers Pharm \$205.65, Econofoods Pharm \$22.03; Transportation – 1 recipient – Brown County \$35.14. All members present voting aye. Motion carried.

#### PERSONNEL:

Moved by Sutton, seconded by Hansen to approve the following employee step increases, effective October 4, 2009: Alan Vietmeier @ \$16.12 per hour, Marian Malsam @ \$12.36 per hour, Terrence Evans @ \$18.24 per hour, Lisa Roach @ \$11.88 per hour, Kathy Thompson @ \$12.66 per hour, Albert Chagolla @ \$12.82 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Sutton to approve hiring Lorne Serr as Deputy Coroner, effective September 28, 2009 at \$150.00 per call. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Sutton to acknowledge resignation of Lisa Roach, effective October 1, 2009. All members present voting aye. Motion carried.

#### EXECUTIVE SESSION:

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

The Chairman declared the executive session closed, with no action taken as a result of the discussion.

#### MALT BEVERAGE HEARING SET:

Moved by Elliott, seconded by Wiese to authorize advertising public hearing to consider the following application for a Special Retail (On-Off Sale) Malt Beverage License, to be held in the Brown County Commission Chambers, Courthouse Annex at 8:45 a.m. on October 20, 2009: Retail (on-off sale) Malt Beverage License: Celebrity Pheasant Hunt, 124 S 2<sup>nd</sup> Street, Aberdeen SD – Brown County Fairgrounds (Clubhouse) SW ¼ Sec 1-T123N-R64W (map indicating specific location on file with application), effective October 30 & 31, 2009. All members present voting aye. Motion carried.

#### LANDFILL EXPANSION WETLANDS SEEDING PROJECT:

Moved by Wiese, seconded by Sutton to approve and authorize the Chairman sign Notice of Award, Contract Agreement and Notice to Proceed with J & N Manufacturing for the Landfill Expansion Wetlands Seeding Project. All members present voting aye. Motion carried.

#### ABATEMENT:

Moved by Sutton, seconded by Elliott to approve the following Abatement: William R Wright @ \$149.50. All members present voting aye. Motion carried.

**ORDINANCE 061 SET HEARING DATE:**

Moved by Wiese, seconded by Hansen to authorize advertising public hearing to be held at 9:00 a.m. on October 20, 2009 in the Commission Chambers, Courthouse Annex, Brown County, SD for First Reading of the following: Ordinance No. 061, An Ordinance to amend Second Revision Brown County Ordinance, Title 4, Chapter 4.28, Section 4.2801 Building Permit Violation. All members present voting aye. Motion carried.

**FAIR CONTRACT:**

Moved by Wiese, seconded by Sutton to acknowledge contract between Romeo Entertainment Group and Brown County Fair Board to secure entertainment for the 2010 Brown County Fair. All members present voting aye. Motion carried.

**REGIONAL AGING COUNCIL (RAC):**

Moved by Wiese, seconded by Elliott to appoint Gloriane Yost and Shari Phillips as Brown County Representatives on the Northeast South Dakota Regional Aging Council (RAC) for 2010 and 2011. All members present voting aye. Motion carried.

**APPLICATION FOR OCCUPANCY:**

Moved by Wiese, seconded by Sutton to approve request submitted by Dalager Engineering Co on behalf of Northern Electric Coop for occupancy of additional sites in the County for inspection and repair of existing utilities (reference Letter # 2109h0901), with the stipulation that Northern Electric cannot cut through any Brown County roads, all repairs must be done by boring under Brown County roads. All members present voting aye. Motion carried.

**SHERIFF REPORTS:**

Moved by Sutton, seconded by Elliott to approve the following August 2009 Sheriff Reports: Incident and offenses; Prisoner care, JDC, Money deposited with the County Treasurer and Monthly activities. All members present voting aye. Motion carried.

**FSA DOCUMENTATION:**

Moved by Wiese, seconded by Elliott to approve and authorize the Chairman sign Farm Service Agency (FSA) documents for County owned property at the Landfill. All members present voting aye. Motion carried.

**LANDFILL EXPANSION PROJECT:**

Moved by Sutton, seconded by Hansen to approve and authorize the Chairman sign Payment Request #11 in amount of \$91,196.68 for the Landfill Expansion Project. All members present voting aye. Motion carried.

**BID ADDENDUM LANDFILL SHOP 5 BUILDING PROJECT:**

Moved by Sutton, seconded by Hansen to approve Addendum #1 that modifies, amends and supplements designated parts of the Contract Documents for the Brown County Landfill Shop 5 Building Project. All members present voting aye. Motion carried.

**BID LANDFILL SHOP 5 BUILDING PROJECT:**

Time and place, as advertised to open, read and consider sealed bids for the construction of the Brown County Landfill Shop 5 Building Project. Bids were received from the following: Steel Structures, Aberdeen; Kyburz/Carlson Construction, Aberdeen; Grey Construction, Watertown; Zeller Bros, Aberdeen; JDH Construction, Aberdeen. Moved by Hansen, seconded by Wiese to refer all bids to Mike Scott, Landfill Manager and Tom Hurlbert, Hula Design for review and recommendation. All members present voting aye. Motion carried.

Moved by Sutton, seconded by Hansen to award bid to Grey Construction. All members present voting aye. Motion carried. Moved by Sutton, seconded by Hansen to rescind the foregoing motion awarding the bid to Grey Construction and defer decision until later date. All members present voting aye. Motion carried.

PROVISIONAL BUDGET CHANGES:

Moved by Sutton, seconded by Hansen to make the following changes to the 2010 Provisional Budget – increase 311 Current Property Tax Levy to \$10,510,643.00; decrease cash balance applied to \$1,896,504.74. All members present voting aye. Motion carried.

2010 ANNUAL BUDGET:

Commissioner Sutton offered the following Resolution:

ANNUAL BUDGET FOR BROWN COUNTY, SD  
For the Year January 1, 2010 to December 31, 2010

RESOLUTION NO. 57-09

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, 2010 and ending December 31, 2010 and the same is hereby approved and adopted by the Board of County Commissioners of Brown County, South Dakota, this 29<sup>th</sup> day of September, 2009. 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, 2010 through December 31, 2010.

COUNTY TAX LEVIES WITHIN LIMITED LEVY	Dollars	\$'S/1,000
*General County Purposes (10-12-9)	\$10,451,920	4.56
Library	33,849	.03
Fire	24,874	.02
TOTAL TAXES LEVIED BY COUNTY	\$10,510,643	4.61

\*These amounts include the 25% to be distributed to cities.

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

12W/385<sup>th</sup> AVE INTERSECTION PROJECT:

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Moved by Sutton, seconded by Wiese to approve and authorize the Chairman sign Payment Request #1 in amount of \$184,873.00 for the Highway 12W/385<sup>th</sup> Ave Intersection Project. All members present voting aye. Motion carried.

Moved by Elliott, seconded by Wiese to approve and authorize the Chairman sign Change Order #1 in amount of \$5,583.00 (increase total to \$201,676.40) for the Highway 12W/385<sup>th</sup> Ave Intersection Project. All members present voting aye. Motion carried.

EXECUTIVE SESSION:

Moved by Hansen, seconded by Sutton to go into executive session for personnel discussion with Kim Dorsett and Jan Weismantel in attendance. All members present voting aye. Motion carried.

The Chairman declared the executive session closed, with no action taken as a result of the discussion.

PLATS:

Commissioner Wiese offered the following Resolution:

RESOLUTION NO. 58-09

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing "Bray Subdivision (includes Dinger Conservation Easement Tract 1) in the NW ¼ of Sec 13-T127N-R61W, 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 Sutton. Roll call vote: Hansen-aye, Elliott-aye, Sutton-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

RESOLUTION NO. 59-09

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "L and L Krause 1<sup>st</sup> Subdivision in NW ¼ Sec 22-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 Hansen. Roll call vote: Hansen-aye, Elliott-aye, Sutton-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

RESOLUTION NO. 60-09

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Bruckner's 1<sup>st</sup> 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 Elliott. Roll call vote: Hansen-aye, Elliott-aye, Sutton-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Hansen offered the following Resolution:

RESOLUTION NO. 61-09

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Ziegler's 1<sup>st</sup> Subdivision in SE ¼ Sec 26-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: Hansen-aye, Elliott-aye, Sutton-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Sutton offered the following Resolution:

RESOLUTION NO. 62-09

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "J and J Schaunaman 1<sup>st</sup> Subdivision in NE ¼ Sec 28-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 Hansen. Roll call vote: Hansen-aye, Elliott-aye, Sutton-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

RESOLUTION NO. 63-09

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Campton 1<sup>st</sup> Subdivision in NW ¼ Sec 9-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: Hansen-aye, Elliott-aye, Sutton-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Sutton offered the following Resolution:

RESOLUTION NO. 64-09

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing "Ryan Brick Subdivision in the NE ¼ of Sec 23-T122N-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 Elliott. Roll call vote: Hansen-aye, Elliott-aye, Sutton-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Sutton offered the following Resolution:

RESOLUTION NO. 65-09

BE IT RESOLVED by the Board of Commissioners of Brown County, SD, that the plat showing "Brenner Addition in the SW ¼ of Sec 16-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.

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

Commissioner Hansen offered the following Resolution:

RESOLUTION NO. 66-09

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Moen Subdivision in Lot 1 Evelo's Outlots in SE ¼ Sec 35-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: Hansen-aye, Elliott-aye, Sutton-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

EXECUTIVE SESSION:

Moved by Sutton, seconded by Hansen to go into executive session for personnel discussion with Kim Dorsett and Gary Vetter 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 the discussion:

Moved by Wiese, seconded by Sutton to approve employment of June Remien in the Planning & Zoning Department under the Experience Works Program at no cost to the County. All members present voting aye. Motion carried.

EXECUTIVE SESSION:

Moved by Sutton, seconded by Wiese to go into executive session for personnel discussion with 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 the discussion.

HEARTLAND GRAIN FUELS CONDUIT FINANCING:

Moved by Wiese, seconded by Sutton to approve and authorize the Chairman sign Restructuring Agreement to cancel all Brown County interest in the Conduit Financing for Heartland Grain Fuels, L.P. All members present voting aye. Motion carried.

EXECUTIVE SESSION:

Moved by Wiese, seconded by Sutton to go into executive session to discuss contract negotiations. All members present voting aye. Motion carried.

The Chairman declared the executive session closed, with no action taken as a result of the discussion.

ADJOURNMENT:

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

Maxine Taylor – Brown County Auditor

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SEPTEMBER 29, 2009 - JOINT CITY/COUNTY MEETING

The Brown County Commission and the Aberdeen City Council met in joint session at 8:45 A.M. in the County Commission Chambers, 25 Market Street, Aberdeen, South Dakota. Present from City were Council Members Bunsness, Campbell, Mitchell, Slight-Hansen and Mayor Levsen. Absent Council Members Agnitsch, Hodgin, Kraft and Rux. Present from County were Commissioners Hansen, Elliott, Sutton, Wiese and Fischbach.

ORDINANCE NO. 09-09-01/377:

On motion by Bunsness and seconded by Mitchell, the City unanimously voted to approve First Reading of Ordinance No. 09-09-01/377.

Moved by Sutton, seconded by Elliott to approve First Reading of Ordinance No. 09-09-01/377, 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 1, Brenner Addition in the SW ¼ of Sec 16-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD. All members present voting aye. Motion carried.

ORDINANCE NO. 09-09-02/378:

On motion by Bunsness and seconded by Mitchell, the City unanimously voted to approve First Reading of Ordinance No. 09-09-02/378.

Moved by Elliott, seconded by Sutton to approve First Reading of Ordinance No. 09-09-02/378, 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: Moen-Rudolph Subdivision in Lot 1, Evelo's Outlots in the SE ¼ of Sec 35-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD. All members present voting aye. Motion carried.

ADJOURNMENT:

The City Council adjourned and the County Commission continued in regular session.

Maxine Taylor - Brown County Auditor

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# OCTOBER 6, 2009 - JOINT CITY/COUNTY MEETING

The Brown County Commission and the Aberdeen City Council met in joint session at 8:45 A.M. in the County Commission Chambers, 25 Market Street, Aberdeen, South Dakota. Present from City were Council Members Agnitsch, Bunsness, Campbell, Mitchell and Mayor Levsen. Absent Council Members Hodgins, Kraft, Rux and Slaughter-Hansen. Present from County were Commissioners Elliott, Sutton and Fischbach. Absent Commissioners Hansen and Wiese.

## ORDINANCE NO. 09-09-01/377:

On motion by Mitchell and seconded by Agnitsch, the City unanimously voted to approve Second Reading and Adoption of Ordinance No. 09-09-01/377.

Moved by Sutton, seconded by Elliott to approve Second Reading and Adoption of Ordinance No. 09-09-01/377, 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 1, Brenner Addition in the SW ¼ of Sec 16-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD. Roll call vote: Commissioners Hansen-absent, Elliott-aye, Sutton-aye, Wiese-absent, Fischbach-aye. Ordinance adopted.

## ORDINANCE NO. 09-09-02/378:

On motion by Campbell and seconded by Bunsness, the City unanimously voted to approve Second Reading and Adoption of Ordinance No. 09-09-02/378.

Moved by Elliott, seconded by Sutton to approve Second Reading and Adoption of Ordinance No. 09-09-02/378, 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: Moen-Rudolph Subdivision in Lot 1, Evelo's Outlots in the SE ¼ of Sec 35-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD. Roll call vote: Commissioners Hansen-absent, Elliott-aye, Sutton-aye, Wiese-absent, Fischbach-aye. Ordinance adopted.

## SET HEARING DATE:

On motion by Mitchell and seconded by Agnitsch the City unanimously voted to set hearing date for Ordinance No. 09-10-02/379 (Dutenhoffer Rezone).

Moved by Sutton, seconded by Elliott to set public hearing for Ordinance No. 09-10-02/379, 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 and Section 704 (R-2) Medium Density Residential District to Section 704 (R-2) Medium Density Residential District: Lot 1, Bud Smith First Addition in the SE ¼ of Sec 20-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD, to be held on October 27, 2009 at 8:45 a.m. in the County Commission Chambers, 25 Market Street, Aberdeen, SD. All members present voting aye. Motion carried.

## ADJOURNMENT:

The City Council adjourned and the County Commission continued in regular session.

Maxine Taylor - Brown County Auditor

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## OCTOBER 6, 2009 – GENERAL MEETING

The Brown County Commission convened Tuesday, October 6, 2009 at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Elliott, Sutton and Fischbach. Absent Commissioners Hansen and Wiese.

## MINUTES:

Moved by Elliott, seconded by Sutton to approve the Joint City/County Meeting minutes and the General Meeting minutes of September 29, 2009. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Sutton, seconded by Elliott to approve the following claims:

Supplies: SDACO \$30.00, Office Equip \$421.74, Hewlett Packard \$1320.00, Menards \$413.52, Central Supply \$641.50, Cunningham Elec \$1784.11, Sanders Sew 'N Vac \$171.12, Midstates Printing \$2911.08, Rushmore Plaza \$1110.00, Best Business \$13.89, FedEx \$18.82, Exec Mgmt \$1876.00, Safety Service \$505.44, Moore Medical \$378.99, Graham Tire \$83.52, Trail Chev \$99.98, Bob Barker \$32.05, Exhaust Pros \$28.45, Dave Fair \$104.40, Hoven Auto \$246.61, Artz Camera \$176.50, Pauer Sound \$451.42, Parcel Erickson \$28.95, Walmart \$623.26, Upper Plains \$21,744.95, SDDOT \$5590.09, Roto Rooter \$200.00, Palmer Dist \$45.00, North Central Farmers Elev \$1901.05, Newman Signs \$270.75, Macs \$7.14, L&O Acres \$1822.71, Hollaway Const \$12,959.05, Dean Rogers Auto \$450.00, Crawford Trucks \$4228.68, Crady's Radiator \$219.43, Butler Machinery \$1185.65, Bakken Bldg Maint \$500.00, B&B Const \$184,873.00, Titan Machinery \$2486.12, Dakota Supply Group \$3415.54, Midwest Alarm \$51.50, Midwest Art Cons \$100.00, Kens Superfair Foods \$2976.82, Runnings \$821.22, Lillian Stone \$86.00, Val Dassel \$73.00, Heartland Paper \$192.57, Diesel Machinery \$18.27, Kesslers \$40.12, Walmart \$207.72, Dakota Electronics \$1091.85, Office Max \$143.47, Aberdeen C&F \$1155.44, LBG \$3997.81, North Pine \$91,196.68, Schmidt Const \$1640.00, HF Jacobs \$3528.18, Bricks TV \$377.00, Holiday Inn \$701.55, Great North American Co \$430.60, Commercial Electronics \$5208.00, Farnams \$157.40, Farm Power \$217.39, Erdmann Fuels \$959.62, Evergreen Supply \$11.90, Macs \$47.84:

Professional Fees: Donna Dietrich \$96.06, Norma Andersen \$24.00, Karen Swanda \$24.00:

Publications: American News \$46.42:

Transcriptions: Neal Reporting \$140.60, Valorie Olson \$37.50:

Court Appointed Attorney: Jerry Pollard \$65.60:

Travel: Nancy Hansen \$246.00, Tom Fischbach \$232.14, Maxine Taylor \$272.73, Sheila Enderson \$152.55, Extension Service \$391.17, Gary Vetter \$45.51, Rochele Moser \$172.00, Scott Meints \$172.00, Don Fischer \$45.00, Nyle Jensen \$45.00, Mike Scott \$45.00, Bryan Owens \$9.00, John Weig \$9.00, Robt Retzer \$9.00, Mike Rohrbach \$9.00, Roger Johnson \$9.00, Merv Heaton \$9.00:

Utilities: Northern Valley \$292.77, Qwest \$46.91, Midcontinent Cable \$45.34, Tel Serv \$75.00, Town of Frederick \$32.25, WEB \$126.87, Northwestern Energy \$12.42, City of Aberdeen \$8098.78:

Care of Poor: Dr/Hospital – 5 recipients-Dental Center \$154.00, Avera Family Physicians \$720.41, Dr Barry Winkler \$16.13, Avera Cardiology Spec \$583.20; Rent - 2 recipients- Mary Hofemann \$225.00, Dan Brenner \$240.00; Utilities – 1 recipient – Northern Elec \$198.90; Medication – 1 recipient – Kessler Pharm \$207.73; Transportation – 1 recipient – Aberdeen Adv Care \$223.84. All members present voting aye. Motion carried.

## PERSONNEL:

Moved by Sutton, seconded by Elliott to approve hiring Curtis Brooks as Appraiser in the Director of Equalization Office, effective October 13, 2009 at \$13.85 per hour. All members present voting aye. Motion carried.

Moved by Sutton, seconded by Elliot approve the following employee classification changes, effective October 4, 2009: Teri Jondahl from JDC Corrections Officer to JDC Supervisor at \$14.18 per hour,

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Kristal Biegler from JDC Supervisor to JDC Corrections Officer at \$15.53 per hour. All members present voting aye. Motion carried.

Moved by Sutton, seconded by Elliott to approve employment of Jeanette Kline in the Register of Deeds Office under the Experience Works Program at no cost to the County. All members present voting aye. Motion carried.

#### LEASE AGREEMENT:

Moved by Sutton, seconded by Elliott to approve and authorize the Chairman sign agreement with the Aberdeen American News for lease of the Expo Building on June 26-27, 2009. All members present voting aye. Motion carried.

#### ABATEMENTS:

Moved by Elliott, seconded by Sutton to approve and authorize the Chairman sign the following Solid Waste Abatements: Wanzek Family Limited Partnership @ \$3,163.68, Arrow Enterprises @ \$2,208.96, Ronald Fischer @ \$1,104.48, Verna Kulm @ \$823.68, Aberdeen Lakeside LLP @ \$3,538.08, Krueger, Schlepp & Assc @ \$37.44. All members present voting aye. Motion carried.

#### AUDITORS REPORT OF ACCOUNT:

Moved by Sutton, seconded by Elliott to approve the September 2009 Auditor's Report of Account with the County Treasurer in total amount of \$10,804,564.80 (total amount of actual cash @ \$3,123.98, Wells Fargo Bank @ \$3,621.29, US Bank @ \$621,007.44, Dacotah Bank @ \$52,691.38, Petty Cash @ \$1,800.00, Fund Investments @ \$10,119,744.69, Outstanding Checks @ \$2,576.02). All members present voting aye. Motion carried.

#### GRANT REIMBURSEMENT - LANDFILL:

Moved by Elliott, seconded by Sutton to approve and authorize the Chairman sign Payment Request #1 for Solid Waste Grant Program #2009G-RLA-202 for the Landfill Expansion Project, consisting of equipment, office facility and fencing in amount of \$44,257.54 from the South Dakota Department of Environment and Natural Resources. All members present voting aye. Motion carried.

#### CAPITAL ACCUMULATION:

Commissioner Sutton offered the following Resolution:

#### RESOLUTION #67-09

WHEREAS, SDCL 7-21-51 authorizes the accumulation of funds for capital outlay purposes, and

WHEREAS, Brown County desires to complete Phase III at the Brown County Jail (remodel kitchen, control room, install elevator, excavate old garage and floor system), and

WHEREAS, the total cost for such a facility is extraordinary in nature, exceeding the funding ability of a single-budget year.

NOW, THEREFORE BE IT RESOLVED that a maximum of \$1,000,000.00 shall be accumulated over a period not exceeding five years for the completion of Phase III at the Brown County Jail (remodel kitchen, control room, install elevator, excavate old garage and floor system).

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

#### TEEN COURT JABG NOTICE OF AWARD:

Moved by Elliott, seconded by Sutton to approve and authorize the Chairman sign Notice of Award and Special Conditions document for the Department of Corrections FFY07 JABG Teen Court/Diversion Program Grant - Juvenile Accountability Block Grant in amount of \$12,778.00 (90% federal, 10% local), effective October 1, 2009 – September 30, 2010. All members present voting aye. Motion carried.

#### RELEASE OF STOCKPILE LEASE AGREEMENT:

Commissioner Sutton offered the following Resolution:

#### RESOLUTION #68-09

WHEREAS, On January 1, 1993, Brown County, South Dakota, acting by and through its Public Works Department, as Grantee (Lessee), and Harley Hall, as Grantor (Lessor), entered into a Stockpile Lease Agreement covering the NW ¼ of 31-124-64; and

WHEREAS, Said Agreement was to last for two years with an option to renew for an unspecified period of time; and

WHEREAS, At the time of execution of the Stockpile Lease Agreement Harley Hall did not own the NW ¼ of 31-124-64; and

WHEREAS, On January 1, 1993, the NW ¼ of 31-24-64 was owned by Edwin E Korab and Esther G Korab; and

WHEREAS, Edwin E Korab died on January 5, 1997, and his joint tenancy interest in said property was terminated in favor of Esther G Korab on or about March 19, 1997.

NOW, THEREFORE, Brown County hereby releases the NW ¼ of 31-124-64 from any and all interest it may have had in said Stockpile Lease Agreement, which was recorded as Instrument No. 183, in Book 112 of Miscellaneous Records at page 509, on March 11, 1993, at 2:23 p.m. with the Brown County Register of Deeds.

Dated this 6<sup>th</sup> day of October 2009.

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

#### APPLICATIONS FOR OCCUPANCY:

Moved by Sutton, seconded by Elliott to approve and authorize the Chairman sign application, submitted by Dickey Rural Network for occupancy of Brown County Highway #2 in Sections 6 & 7-T128N-R65W of the 5<sup>th</sup> P.M., Brown County, SD to install fiber optic cable. All members present voting aye. Motion carried.

Moved by Elliott, seconded by Sutton to approve and authorize the Chairman sign application, submitted by Dickey Rural Network for occupancy of Brown County Highway #3A in Sections 16 & 17-T128N-R65W of the 5<sup>th</sup> P.M., Brown County, SD to install fiber optic cable. All members present voting aye. Motion carried.

#### FEDERAL AID – TRAFFIC CONTROL SIGNING:

Commissioner Sutton offered the following Resolution:

FEDERAL AID SURFACE TRANSPORTATION PROGRAM  
RESOLUTION #69-09  
FOR COUNTY AND URBAN PROJECTS

WHEREAS, Brown County desires the construction and improvement of the road and/or bridge as hereinafter described: Location, Length, Structure Number: Various County Roads. Type of Construction: Traffic Control Signing

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.

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 "Secondary road Plan" and the State's "Standard Specifications for Roads and Bridges," the project described.

Estimated Cost of Project Including Engineering: \$500,000. Proposed Year of Construction: 2010

Dated this 6<sup>th</sup> day of October 2009.

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

**TOWING CHARGE:**

Merlin Elsen explained that when several cars were stolen in the spring, the owners of the vehicles were responsible for paying all towing and other charges. It was explained that the only recourse for the owners or victims in such cases is restitution ordered by the Court or a State program that helps crime victims.

**PROPERTY TAX:**

Jim Dumire questioned the method of collecting property taxes on a property he owned. It was explained that the County follows State law when collecting property taxes.

**BID AWARD LANDFILL SHOP 5 BUILDING PROJECT:**

Moved by Sutton, seconded by Elliott to accept low bid submitted by Grey Construction for labor and material to complete the Landfill Shop 5 Building Project in amount of \$272,500.00 (exception - no windows in overhead doors); rejecting the following: Steel Structures @ \$319,500.00, Kyburz/Carlson Construction @ \$325,000.00, Zeller Brothers @ \$329,552.00, JDH Construction @ \$322,000.00.

Moved by Sutton, seconded by Elliott to approve and authorize the Chairman sign Notice of Award with Grey Construction for labor and material to complete the Landfill Shop 5 Building Project. All members present voting aye. Motion carried.

**HOSPITAL CLAIMS:**

Moved by Sutton, seconded by Elliott to deny payment of the following hospital claims: 28 year old male @ \$9,083.86 and 31 year old male @ \$2,094.00, as the individuals has not provided sufficient information to determine if indigent. All members present voting aye. Motion carried.

**EXECUTIVE SESSION:**

Moved by Elliott, seconded by Sutton to go into executive session for personnel discussion with Jeanette Nietert in attendance. All members present voting aye. Motion carried.

The Chairman declared the executive session closed, with no action taken as a result of the discussion.

RECESS:

The Chairman declared the Brown County Commission recessed until October 13, 2009.

Maxine Taylor – Brown County Auditor

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OCTOBER 13, 2009 – 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, Elliott, Sutton and Wiese.

YEARS OF SERVICE AWARDS:

The Commission presented the following Certificates of Appreciation and Congratulations to Judy Dosch for Thirty-Five Years of Service to the County; John Weig for Thirty Years of Service to the County; Mavis Kempf, Kathy Neitzel and Leo Leshar for Twenty-Five Years of Service to the Brown County.

MINUTES:

Moved by Sutton, seconded by Elliott to approve the Joint City/County Meeting minutes and the General Meeting minutes of October 6, 2009. All members present voting aye. Motion carried.

CLAIMS:

Moved by Sutton, seconded by Elliott to approve the following claims:

Payroll: Commissioners \$3,110.60; Auditor \$7,760.96; Treasurer \$10,781.82; Data Processing \$3,431.02; State's Attorney \$12,810.06; Stop Loss Grant \$1,421.05; Maintenance \$5,869.93; Assessor \$9,713.43; Register of Deeds \$6,326.24; Veterans Service Office \$3,106.99; GIS \$1,921.93; Sheriff \$72,274.36; Communications \$18,691.27; Welfare Office \$3,144.20; Museum \$5,720.52; Fairgrounds & Parks \$4,676.12; Fairboard \$2,072.73; Extension \$2,061.60; Weed \$3,035.26; Planning and Zoning \$1,580.81; Emergency Management \$2,911.95; Teen Court \$588.63; Coroner \$150.00; Highway \$32,510.11; Landfill \$9,548.50; Matching Benefits: FICA \$13,352.01; Medicare \$3,122.60;

Supplies: Best Business \$296.52, Cunningham Elec \$600.23, Language Lines \$191.40, Office Equip \$400.51, Midstates Printing \$313.21, New Trends \$400.39, Exec Mgmt \$30.00, Dept of Rev \$35.00, SD Sec of State \$35.00, Sewing Shoppe \$33.25, Lust Chev \$36.95, Moore Medical \$164.17, Bonnie Bitz \$288.00, Tri-State Water \$7.10, Parcel Erickson \$28.95, Cash Wa \$4466.88, Graham Tire \$235.55, David Fair \$115.71, Kesslers \$324.61, Dakota Electronics \$943.40, Hoven Auto \$114.63, Tel Serv \$45.00, Z&S Dust \$3839.85, Runnings \$1377.03, Praxair \$3400.63, Power Plan \$723.23, Menards \$689.68, Interstate Battery \$91.95, Howes Oil \$16,043.20, Helms & Assoc \$7816.40, Hedahls \$142.64, Hecla Impl \$68.95, Farnams \$202.52, Farm Power \$474.39, Evergreen \$291.84, Economy Propane \$820.50, Diesel Machinery \$815.72, Diamond Mowers \$138.12, Cartney Bearing \$12.60, Artz Equip \$797.62, Aberdeen Asphalt \$2034.17, Midwest Alarms \$412.00, Ameripride \$54.77, Interior Design Concepts \$131.92, Service Signs \$2971.51, Steve Ulmer \$99.65, Ken's Superfair Foods \$401.00, SDSU CES \$90.00, TSC \$69.99, ProAg \$344.89, HF Jacobs \$247.50, Warner School Dist \$6000.00, Walmart \$186.34, Lar-Jos \$94.00, GovConnection \$613.35, Pizza Ranch \$56.95, Photo Xpress \$36.00, John Heine \$381.55, Central Supply \$167.10, Midwest Alarm \$612.00, ProBuild \$19.66, Fire Safety First \$39.80, Taylor Laundry \$60.50, Gardner Locksmith \$239.44, House of Glass \$191.42, Sanders Sew 'N Vac \$33.28, Sheehan Mack Sales \$16,120.77, Brown County \$187.06, Helms \$19,979.75, SD Dept of Rev \$3860.39, North Central Farmers Elev \$9168.99, Hedahls \$251.27, Brick Propane \$38.50, Ameripride \$147.39, Powerplan \$6247.85, Macs \$20.56, Curts Repair \$1019.49, Evergreen \$12.00, North Pine \$173,815.77, Office Max \$63.80, SD Assoc of Fairs & Celebrations \$2,065.00;

Professional Fees: Beltrami County Sheriff \$97.65, Dakota Investigation \$10.00, Clinical Lab \$3802.46, Lewis & Clark BHS \$142.00, NE Mental Health \$614.46;

Publications: Lakota Country Times \$31.20, American News \$1093.54;

Transcriptions: Tammy Erickson \$174.30;

Court Appointed Attorney: Brevik Law Office \$166.98:

Travel: Burt Elliott \$280.40, Rebecca Millan \$274.56, Gene Loeschke \$161.69, Leo Leshner \$154.29, Mark Milbrandt \$832.41:

Utilities: FSH \$60.00, Northern Valley \$75.59, James Valley \$351.49, NW Energy \$720.24, Verizon \$70.40, City of Aberdeen \$1373.43, Qwest \$414.85, Northern Wireless \$111.90:

Care of Poor: Dr/Hospital – 4 recipients- Dr Rizan Hajal \$65.20, Pulmonary & Sleep \$99.86, Avera St Lukes \$12,286.55; Medication – 9 recipients – Quarve Drug \$366.72, Econofoods Pharm \$27.43, Walmart Pharm \$151.00, United Clinic Pharm \$363.85; Transportation – 2 recipients – Jefferson Lines \$211.48, Emergency Poor Fund \$25.00; Burial – 1 recipient – Carlsen Funeral Home \$1200.00. All members present voting aye. Motion carried.

#### PERSONNEL:

Moved by Wiese, seconded by Hansen to approve the following employee stop increases, effective October 18, 2009: Ashby Beckman @ \$13.43 per hour, Nyle Jenson @ \$14.52 per hour, Nathan Smith @ \$16.14 per hour. All members present voting aye. Motion carried.

Moved by Elliott, seconded by Sutton to acknowledge resignation of Heather Beusch as part-time 24/7 Sobriety employee, effective October 4, 2009. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Sutton to acknowledge the following miles driven and amount to be taxed for personal use of County vehicles during the month of July 2009: Jan Weismantel – 81.6 @ \$44.88, Markus Selzler – 98 @ \$53.90, Kendell Titze – 66 @ \$36.30, Mark Wendt 384 @ \$211.20, Michael Scott – 210 @ \$115.50. All members present voting aye. Motion carried.

#### HOLIDAY CLOSING:

Moved by Sutton, seconded by Hansen to close Friday, November 27<sup>th</sup>, with the following policy: each employee will be compensated for eight hours regular pay for the day, if an employee is required to work a full shift on November 27<sup>th</sup>, eight hours will be added to their vacation record – under no circumstances will premium pay be paid for these hours. All members present voting aye. Motion carried.

#### DETERMINATION OF RIGHT-OF-WAY EASEMENT:

Moved by Wiese, seconded by Hansen to acknowledge receipt of letter withdrawing the application, submitted by Prairie Hill Farms LLC for determination by the Commission in accordance with SDCL 31-22-2 whether a right-of-way should be granted to Prairie Hill Farms, LLC from landowners Dean Weismantel and Donald Weismantel. All members present voting aye. Motion carried.

#### SHERIFF REPORTS:

Moved by Wiese, seconded by Sutton to approve the following September 2009 Sheriff Reports: Incident and 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 Hansen to approve and authorize the Chairman sign the following agreement: Brown County 4-H for lease of the Holum Expo Building on October 4, 2009. All members present voting aye. Motion carried.

#### COURTHOUSE ROOF PROJECT CHANGE ORDER:



Moved by Sutton, seconded by Elliott to approve and authorize the Chairman sign Change Order #1 with Grote Roofing Inc. for Courthouse Roof Project awarded June 30, 2009, extending completion date to December 31, 2009. All members present voting aye. Motion carried.

APPLICATION FOR OCCUPANCY:

Moved by Elliott, seconded by Wiese to approve application, submitted by Northern Electric for occupancy of intersection of 389<sup>th</sup> Ave and 130<sup>th</sup> Street in Sec 5-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD to install underground trenching for light pole. All members present voting aye. Motion carried.

RACE TRACK OPTION:

Moved by Sutton, seconded by Elliott to approve and authorize the Chairman sign request, submitted by Jamie Naasz for one-year option to lease Brown County facilities at the Fairgrounds for the 2010 Car Racing season, per lease dated November 25, 2008. All members present voting aye. Motion carried.

FAIR UPDATE:

Larry Gerlach, Fair Manager presented a recap of the 2009 Brown County Fair.

BREAK ROOM DISCUSSION:

Courthouse employees met with the Commission to discuss the use and storage of individual appliances in the Employee break area, rather than in the EOC kitchen. The Commission will visit area with the Maintenance Department.

RECESS:

The Chairman declared the Commission recessed until October 20, 2009.

Maxine Taylor – Brown County Auditor

Published once at the total approximate cost of \_\_\_\_\_.

## OCTOBER 20, 2009 – 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, Elliott, Sutton and Wiese.

### MINUTES:

Moved by Wiese, seconded by Sutton to approve the General Meeting minutes of October 13, 2009. All members present voting aye. Motion carried.

### CLAIMS:

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

Supplies: FP Mailing Solutions \$504.00, West Payment \$2174.72, Penton Tech \$39.95, SHI Int'l \$8970.48, Richards & Oliver \$77.54, Exec Mgmt \$30.00, Office Equip \$6736.00, NADA \$90.00, Crescent Elec \$496.02, Gardner Locksmith \$51.25, Kone \$1910.64, Heartland Paper \$628.87, SD Dept of Rev \$440.00, Supt of Documents \$134.00, Velvet Uniforms \$53.00, Pennington County \$176.05, Deluxe for Business \$296.27, Best Business \$248.15, Graham Tire \$89.75, Exhaust Pros \$33.48, DT Pharm \$188.01, Runnings \$29.97, Hoven Auto \$546.24, Quality Quick Print \$9.00, Western Printing \$425.92, Pacer \$10.16, Civic Research Institute \$179.95, Diane Mielke \$21.92, Accurint \$50.00, Taylor Laundry \$71.00, Bud & Owens \$9219.79, Ameripride \$285.42, Advanced Auto \$47.97, 3-D Spec \$361.00, Poms Tire \$907.19, Lien Transportation \$1138.11, Governors Inn \$70.00, Fastenal \$466.81, Dakota Fluid Power \$2919.00, Carquest \$541.70, Dietrich Bus \$2150.00, Ameripride \$166.45, Fed Signal \$12,159.28, Claritus \$474.73, Geffdog \$271.66, Bill Daschle \$100.00, Zachary Kern \$300.00, RDJ Spec \$364.72, Cummins Central Power \$98.54, L Robert Kimball \$1350.00, Genius Web \$29.97, Pierson Ford \$111.14, Schmidt Const \$33.46, SD Dept of Public Safety \$103.00, Petroleum Partners \$963.56:

Professional Fees: Clark Engineering \$263.25, Nancy Schlickemayer \$370.00, Avera St Lukes \$100.00, witness fees \$20.00, Noll Collection \$67.81, Donna Dietrich \$76.24, Sheriff of Yankton County \$50.00, Language Line \$90.00:

Publications: Groton Indep \$785.78, American News \$1200.34:

Court Appointed Attorney: Yankton County \$435.50:

Travel: City of Groton \$43.29, Jan Weismantel \$40.00, Nancy Radke \$212.97, Mary Browning \$194.26:

Utilities: Alltel \$2994.63, Dependable Sanitation \$17,493.82, City of Aberdeen \$242.34, Northwestern Energy \$1046.83, Northern Elec \$944.89, City of Hecla \$84.55, Qwest \$3974.19, Bureau of Admin \$393.64:

Care of Poor: Dr/Hospital – 4 recipients- Aberdeen Nephrology \$135.73, Avera St Lukes \$9377.70, Aberdeen Surgical Assoc \$99.86, Aberdeen Internal Medicine \$56.51; Burial – 1 recipient – City of Aberdeen \$250.00. All members present voting aye. Motion carried.

### LANDFILL EXPANSION PROJECT:

Moved by Wiese, seconded by Elliott to approve and authorize the Chairman sign Payment Request #12 in amount of \$173,815.77 for the Landfill Expansion Project. All members present voting aye. Motion carried.

### LEASE AGREEMENT:

Moved by Hansen, seconded by Sutton to approve and authorize the Chairman sign the following agreement: Celebrity Pheasant Hunt for lease of the Fairgrounds Clubhouse on October 30 & 31, 2009, contingent upon the submission of required proof of insurance prior to the event. Roll call vote: Commissioners Hansen-aye, Elliott-aye, Sutton-nay, Wiese-nay, Fischbach-aye. Motion carried.

### SURPLUS CASH REPORTS:

Moved by Hansen, seconded by Elliott to approve the following General Fund Surplus Cash Analysis Reports: March 2009 @ \$1,433,322.83 (10.88%); September 2009 @ -\$1,094,799.21 (-7.66%). All members present voting aye. Motion carried.

CONSOLIDATED BOARD OF EQUALIZATION:

Commissioner Sutton offered the following Resolution:

RESOLUTION NO. 70-09  
A RESOLUTION TO ESTABLISH CONSOLIDATED BOARD OF EQUALIZATION  
PURSUANT TO SDCL 10-11-66 THROUGH 10-11-77

BE IT RESOLVED by the Brown County Commission, Brown County, SD that a consolidated Board of Equalization as authorized by 10-11-66 shall be established pursuant to the Resolution of the Governing Boards of Brown County, City of Aberdeen, and the Aberdeen School District 6-1. The consolidated Board of Equalization as created by this Resolution shall be authorized to exercise all powers contained in SDCL 10-11.

BE IT FURTHER RESOLVED that three members from the Brown County Commission and one member of the Aberdeen City Council and one member of the Aberdeen School District 6-1 School Board shall constitute a consolidated Board of Equalization as provided by SDCL 10-11-66.

BE IT FURTHER RESOLVED that the Aberdeen City Council, Brown County Commission and the Aberdeen School District 6-1 shall be responsible for the per diem and salary and mileage costs of the respective members that serve on the Consolidated Board of Equalization. Brown County Commission shall be responsible for the ordinary and customary expenses associated with the equalization of property including appeals to the State of South Dakota Office of Hearing Examiners. The financial responsibilities contained in this resolution shall remain unless, either the Aberdeen City Council, Brown County Commission or the Aberdeen School District 6-1 shall request that they be modified prior to December 1<sup>st</sup> of each year.

THIS RESOLUTION shall be binding upon the Brown County Commission, Brown County, SD and upon each governing body adopting this Resolution according to law.

Seconded by Commission Elliott. Roll call vote: Commissioners Hansen-aye, Elliott-aye, Sutton-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

RESOLUTION OF PROCLAMATION:

Commissioner Hansen offered the following Resolution:

RESOLUTION NO. 71-09

WHEREAS, the residents of Brown County have always honored the sacrifice of the men and women in the Armed Forces; and

WHEREAS, The Silver Star Families of America was formed to make sure we remember the blood sacrifice of our wounded and ill by designating and manufacturing a Silver Star Banner and Flag; and

WHEREAS, The Silver Star Families of America's sole mission is that every time someone sees a Silver Star Banner in a window or a Silver Star Flag flying, that people remember the sacrifices of the wounded and their families; and

WHEREAS, the residents of Brown County wish that the sacrifice of so many in our Armed forces are never forgotten.

NOW THEREFORE, the Brown County Commission does hereby proclaim May 1<sup>st</sup> of each year "Silver Star Banner Day" as the permanent and official day to honor the wounded and ill Soldiers of Brown County.

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

#### ENCROACHMENT EASEMENT:

Moved by Hansen, seconded by Elliott to approve and authorize the Chairman sign Building Encroachment Easement for County owned lots described as Railroad Outlot 5 and 7, as the building owned by Gary Fischer on Railroad Outlot 6 encroaches on the two lots owned by Brown County. All members present voting aye. Motion carried.

#### DELTA DENTAL RATES:

Moved by Wiese, seconded by Sutton to approve the 2010 Delta Dental Rates for employee dental insurance: \$31.40 Single, \$59.24 Two-Party and \$93.64 Three or more. All members present voting aye. Motion carried.

#### TIF 5 INCREMENT PAYMENT:

Moved by Sutton, seconded by Wiese to request the City of Aberdeen apportion any and all TIF 5 2009 taxes collected in 2010 exceeding the final TIF 5 Increment payment to all appropriate taxing entities. All members present voting aye. Motion carried.

#### EM AGREEMENT:

Moved by Wiese, seconded by Hansen to approve and authorize the Chairman to sign FY 2010 (October 1, 2009 – September 30, 2010) Emergency Management State and Local Agreement with the South Dakota Office of Emergency Management. All members present voting aye. Motion carried.

#### SURPLUS PROPERTY:

Moved by Hansen, seconded by Sutton to declare Decal #2654 Ricoh 450E Copier surplus property for purpose of disposal at the Brown County Landfill. All members present voting aye. Motion carried.

#### LANDFILL SHOP 5 BUILDING PROJECT:

Moved by Sutton, seconded by Hansen to approve and authorize the Chairman sign Contract Agreement and Notice to Proceed Documents for the Brown County Landfill Shop 5 Building Project with Grey Construction. All members present voting aye. Motion carried.

#### ABATEMENT:

Moved by Hanson, seconded by Wiese to approve the following Abatement: M&K Investment Company @ \$265.53. All members present voting aye. Motion carried.

#### SPECIAL MALT BEVERAGE HEARING:

Time and place, as advertised for public hearing to consider Special Malt Beverage License application, submitted by Celebrity Pheasant Hunt. Moved by Hansen, seconded by Elliott to approve application for a Special Malt Beverage License, contingent upon the submission of required proof of insurance prior to the event: Celebrity Pheasant Hunt, 124 S 2<sup>nd</sup> Street, Aberdeen SD – Brown County Fairgrounds (Clubhouse) SW ¼ Sec 1-T123N-R64W (map indicating specific location on file with application),

effective October 30 & 31, 2009. Roll call vote: Commissioners Hansen-aye, Elliott-aye, Sutton-aye, Wiese-nay, Fischbach-aye. Motion carried.

ORDINANCE #061 - FIRST READING:

Time and place, as advertised for First Reading of Ordinance No. 061. No one appeared with testimony (written/oral), comments and/or questions for discussion. Moved by Hansen, seconded by Sutton to approve First Reading of Ordinance No. 061, An Ordinance amending Second Revision Brown County Ordinance, Title 4, Chapter 4.28, Section 4.2801 Building Permit Violation. All members present voting aye. Motion carried.

APPLICATION FOR OCCUPANCY:

Moved by Wiese, seconded by Elliott to approve application, submitted by Northern Electric for occupancy of Brown County #7 in Sec 7 & 18-T126N-R60W of the 5<sup>th</sup> P.M., Brown County, SD to install primary electrical. All members present voting aye. Motion carried.

BRIDGE #278 REPLACEMENT:

Commissioner Sutton offered the following Resolution; and further moved to approve and authorize the Chairman sign the Letting Authorization Document.

RESOLUTION # 72-09  
FEDERAL AID BRIDGE REPLACEMENT OR REHABILITATION PROGRAM RESOLUTION  
FOR COUNTY AND URBAN PROJECTS

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

STRUCTURE NUMBER AND LOCATION: (Bridge #278) BRO 8007(37) PCN H051 SN 07-255-220  
Structure 5.5E & o.5N of Columbia over Crow Creek Ditch

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 Bridge Replacement Funds.

AND WHEREAS, the bridge is in need of replacement for the following reasons: 1) The sufficiency rating is 36.7%. 2) The bridge is not located on a County or Township designated Minimum Maintenance Road. 3) 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 "Secondary Road Plan" and the State's "Standard Specifications For Roads and Bridges", the bridge replacement project at the above described location. Items to be handled by State forces with Federal Participation will include hydraulic study review, foundations investigation (if necessary), plan reviews, and construction administration.

Estimated Cost of Project Including Engineering:	\$286,920
Federal Share (80%):	\$229,536
Local Share (20%):	\$ 57,384

194  
Proposed Year of Construction: 2010

Dated this 20<sup>th</sup> day of October 2009.

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

#### COURTHOUSE WINDOW PROJECT CHANGE ORDER:

Moved by Sutton, seconded by Wiese to approve and authorize the Chairman sign Change Order #1 with House of Glass for Courthouse Window Project awarded August 4, 2009, extending completion date to December 1, 2009. All members present voting aye. Motion carried.

#### QUOTES – DPM FURNACE PROJECT:

Moved by Sutton, seconded by Hansen to award low quote, submitted by Heartland Heating & Cooling in total amount of \$6,268.04 (95% efficiency) for labor and material to remove old and install two new furnaces at the Dacotah Prairie Museum (to be funded in part by DOE stimulus funds); rejecting the following: Jakes Heating & Cooling 95% efficiency @ \$7,745.42, 85% efficiency @ \$4,493.64; Woodman Refrigeration Inc 95% efficiency @ \$6,650.00, 85% efficiency @ \$5,100.00; Heartland Heating & Cooling 85% efficiency @ \$3,299.76. All members present voting aye. Motion carried.

#### TOWNSHIP ROAD – BRIDGE AND CULVERT DISCUSSION:

Randy Bretsch, Savo Township, Randy Walter and Larry Stroschein, New Hope Township met to discuss condition of bridges and culverts on township roads, requesting clarification of SDCL 31-14-27 in reference to the definition of construction vs. maintenance. The Commission, with concurrence from the States Attorney and Highway Superintendent will determine on a case-by-case basis. Dennis Feickert was also in attendance.

#### EXECUTIVE SESSION:

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

The Chairman declared the executive session closed, with no action taken as a result of the discussion.

#### FAIR SAND UPDATE:

Larry Gerlach, Fair Manager informed the Commission that replacing the rodeo sand will cost approximately \$4,600.00. No decision has been made yet as to how to keep other groups from using the sand.

#### EXECUTIVE SESSION:

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

The Chairman declared the executive session closed, with no action taken as a result of the discussion.

#### RECESS:

The Chairman declared the Commission recessed until October 27, 2009.

Maxine Taylor – Brown County Auditor

Published once at the total approximate cost of \_\_\_\_\_.

OCTOBER 27, 2009 - JOINT CITY/COUNTY MEETING

The Brown County Commission and the Aberdeen City Council met in joint session at 8:45 A.M. in the County Commission Chambers, 25 Market Street, Aberdeen, South Dakota. Present from City were Council Members Agnitsch, Campbell, Hodgin, Rux and Mayor Levsen. Absent Council Members Bunsness, Kraft, Mitchell and Slaughter-Hansen. Present from County were Commissioners Hansen, Elliott, Sutton, Wiese and Fischbach.

ORDINANCE NO. 09-10-02/379:

On motion by Rux and seconded by Agnitsch, the City unanimously voted to approve First Reading of Ordinance No. 09-10-02/379.

Moved by Sutton, seconded by Hansen to approve First Reading of Ordinance No. 09-10-02/379, 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 and Section 704 (R-2) Medium Density Residential District to Section 704 (R-2) Medium Density Residential District: Lot 1, Bud Smith First Addition in the SE ¼ of Sec 20-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD. All members present voting aye. Motion carried.

ADJOURNMENT:

The City Council adjourned and the County Commission continued in regular session.

Maxine Taylor - Brown County Auditor

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## OCTOBER 27, 2009 – 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, Elliott, Sutton and Wiese.

## MINUTES:

Moved by Hansen, seconded by Wiese to approve the General Meeting minutes of October 20, 2009. All members present voting aye. Motion carried.

## CLAIMS:

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

Payroll: Commissioners \$3,110.60; Auditor \$7,924.58; Treasurer \$9,709.44; Data Processing \$3,431.02; State's Attorney \$13,160.06; Stop Loss Grant-SA \$1,421.05; Maintenance \$5,902.84; Assessor \$10,181.43; Register of Deeds \$6,345.44; Veterans Service Office \$3,106.99; GIS \$1,921.93; Sheriff \$76,610.02; Communications \$20,994.58; Welfare \$3,144.20; Museum \$5,720.52; Fair board \$2,072.73; Fairgrounds & Parks \$3,982.59; Extension \$2,061.60; Weed \$3,480.72; Planning & Zoning \$1,580.81; Teen Court \$557.70; E&D \$2,873.62; Highway \$34,284.57; Landfill \$9,450.81; Matching Benefits FICA..\$13,668.35; Medicare \$3,196.65; Life \$721.36; Dental \$4,674.60; Health \$72,072.03; Retirement \$27,963.53:

Supplies: Brown County Tres \$2232.19, Gary's Engines \$59.89, House of Glass \$45.00, Nelson Sales \$78.00, Gardner Locksmith \$11.90, Aberdeen Clean All \$1831.00, Central Supply \$270.00, Fire Safety First \$122.36, Fordham Signs \$46.40, Ecolab Pest \$261.50, Menards \$25.45, Digi Photo \$539.95, Willard Sumption \$240.50, N Central Farmers Elev \$1824.87, Newman Signs \$363.03, Am Assoc of Museums \$51.69, U of Calif \$28.00, SDCAA \$90.00, NEAFCS \$115.00, MN Fruit Growers \$25.00, USPO \$840.00, Sewer Duck \$4819.00, Gemplers \$1029.35, North Pine \$122,018.83, Inventory Trading \$246.00, Karls \$124.00, Claritus \$42.49, US Bank \$6852.91, Nat'l Emergency Number Assoc \$120.00, Frederick Forward \$650.00:

Professional Fees: SDACC \$13,513.19, NADRIC \$1666.66, Donna Dietrich \$410.67, Cathy Reh fuss \$45.00, Nelva Kooistra \$45.00:

Publications: American News \$178.36:

Transcriptions: Neal Reporting \$106.40, Michelle Gaikowski \$41.80:

Court Appointed Attorney: Kuck Law Office \$5208.33, Gina Rogers \$5208.33, Christy Serr \$5458.33, Christopher Dohrer \$5458.33, Mikelson Law Office \$347.52:

Utilities: Midcontinent Cable \$241.67, NW Energy \$20.57, Alltel \$156.62, Northern Elec \$100.00:

Care of Poor: Dr/Hospital – 8 recipients- Dakota Imaging \$809.27, LCM Pathologists \$125.88, Dental Center \$105.00, Avera St Lukes \$10,910.99, Avera Heart Hospital \$6098.05; Utilities – 1 recipient – NW Energy \$107.75; Rent – 1 recipient – Zumbaum Property \$320.00; Insurance – 1 recipient – OHFS \$508.86. All members present voting aye. Motion carried.

## PERSONNEL:

Moved by Sutton, seconded by Wiese to approve the following employee step increases, effective November 1, 2009: Mavis Kempf @ \$17.44 per hour, Sandra Mielke @ \$12.42 per hour, Heidi Fischer @ \$12.82 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Sutton to approve hiring Thomas Del Grosso Jr as a Sobiety 24/7 Program employee, effective October 26, 2009 @ \$10.48 per hour. All members present voting aye. Motion carried.

Moved by Elliott, seconded by Sutton to approve hiring Dana Breske as labor Grade 3 Highway Employee, effective November 9, 2009 at \$12.43 per hour. All members present voting aye. Motion carried.



**BMX LEASE AGREEMENT:**

Moved by Sutton, seconded by Hansen to approve and authorize the Chairman sign agreement with Aberdeen Exchange BMX Track #1075 for lease of County owned property located at the Extension/Welfare Complex. All members present voting aye. Motion carried.

**LANDFILL EXPANSION PROJECT:**

Moved by Sutton, seconded by Wiese to approve and authorize the Chairman sign Payment Request #13 in amount of \$122,018.83 for the Landfill Expansion Project. All members present voting aye. Motion carried.

**DPM FURNACE PROJECT:**

Moved by Hansen, seconded by Elliott to approve and authorize the Chairman sign Contract Agreement for the Brown County DPM Furnace Project with Heartland Heating & Cooling. All members present voting aye. Motion carried.

**ABATEMENTS:**

Moved by Hansen, seconded by Wiese to approve the following Abatements: Lakeside Estates 2 @ \$37.21 each; Ronald Ross @ \$21.88 (2008) and \$25.81 (2009); Pete Rush @ \$42.79. All members present voting aye. Motion carried.

**ORDINANCE #061 - SECOND READING:**

Moved by Hansen, seconded by Sutton to approve Second Reading and Adoption of Ordinance No. 061, An Ordinance amending Second Revision Brown County Ordinance, Title 4, Chapter 4.28, Section 4.2801 Building Permit Violation. Roll call vote: Commissioners Hansen-aye, Elliott-aye, Sutton-aye, Wiese-aye, Fischbach-aye. Ordinance adopted.

**EXECUTIVE SESSION:**

Moved by Wiese, seconded by Sutton 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 the discussion.

**RR CROSSING REHABILITATION PP 6176(21):**

Moved by Hanson, seconded by Elliott to approve and authorize the Chairman sign Agreement with the SD Department of Transportation to provide the approach work and traffic control for the crossing surface rehabilitation portion of Project PP 6176(21) PCN 01VK Brown County Road 23 (142<sup>nd</sup> Street) at the north edge of Warner. The estimated 10% County share is \$29,600.00. All members present voting aye. Motion carried.

**RR CROSSING REHABILITATION PP 6578(01):**

Moved by Sutton, seconded by Wiese to approve and authorize the Chairman sign Agreement with the SD Department of Transportation to provide the approach work and traffic control for the crossing surface rehabilitation portion of Project PP 6578(01) PCN 01VJ Brown County Road 14W (135<sup>th</sup> Street) one mile south of Aberdeen. The estimated 10% County share is \$24,500.00. All members present voting aye. Motion carried.

**BRIDGE #278:**

Moved by Wiese, seconded by Elliott to approve and authorize the Chairman sign temporary construction Easements with Lance and Sharon Hanson, and SD Department of Game, Fish & Parks for Bridge #278, BRO 8007 (37). All members present voting aye. Motion carried.

TREASURER DISCUSSION:

Sheila Enderson, Brown County Treasurer informed the Commission that quotes for a "flat" monthly charge for banking services will be requested for a minimum period of eight months. Quotes due by 5:00 p.m. November 13, 2009. Board concurred.

PLATS:

Commissioner Hansen offered the following Resolution:

Resolution #73-09

BE IT RESOLVED by the Board of Commissioners of Brown County, SD, that the plat showing "Lyle Fritz First Addition in the W ½ 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 of 1967, Chapter 11-3, and any amendments thereof.

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

Commissioner Sutton offered the following Resolution:

Resolution #74-09

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Wampler Richmond Lake Subdivision in N ½ 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 of 1967, Chapter 11-3, and any amendments thereof.

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

Commissioner Wiese offered the following Resolution:

Resolution #75-09

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Skoglund 1<sup>st</sup> Subdivision in NE ¼ Sec 7-T128N-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 Elliott. Roll call vote: Commissioners Hansen-aye, Elliott-aye, Sutton-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Sutton offered the following Resolution:

Resolution #76-09

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Groop 1<sup>st</sup> Subdivision in SW ¼ Sec 14-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.

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

Commissioner Wiese offered the following Resolution:

Resolution #77-09

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Hanson's First Replat in 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 Sutton. Roll call vote: Commissioners Hansen-aye, Elliott-aye, Sutton-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

Resolution #78-09

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Stange Outlot 1 in SE ¼ Sec 17-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 Sutton. Roll call vote: Commissioners Hansen-aye, Elliott-aye, Sutton-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Sutton offered the following Resolution:

Resolution #79-09

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Liebe Addition in NE ¼ Sec 22-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-aye, Elliott-aye, Sutton-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Sutton offered the following Resolution:

Resolution #80-09

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Bud Smith First Addition in the SE 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 Wiese. Roll call vote: Commissioners Hansen-aye, Elliott-aye, Sutton-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

**SD IMAT:**

Moved by Wiese, seconded by Sutton to approve and authorize the Chairman sign Acceptance Certificates for Scott Meints and Tom Schmitt to participate on a SD Type 3 Incident Management Assistance Teams (SD IMAT). All members present voting aye. Motion carried.

**WEED & PEST SUPERVISOR POSITION:**

Mark Hoven and Roger Johnson met with the Commission to discuss the position of Weed & Pest Supervisor. Moved by Elliott to change job description, died for lack of second. The Commission directed Mark Hoven to draft a job description.

**EXPENDITURE DISCUSSED:**

Larry Gerlach and Kurt Smith met to discuss expenditure from the Fairgrounds budget to sponsor an event held during the 2009 Brown County Fair. The Board authorized payment from Fairgrounds budget.

**RECESS:**

The Vice Chairman declared the Commission recessed until November 3, 2009.

Maxine Taylor – Brown County Auditor

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# NOVEMBER 3, 2009 - JOINT CITY/COUNTY MEETING

The Brown County Commission and the Aberdeen City Council met in joint session at 8:45 A.M. in the County Commission Chambers, 25 Market Street, Aberdeen, South Dakota. Present from City were Council Members Agnitsch, Bunsness, Campbell, Mitchell and Mayor Levsen. Absent Council Members Hodgins, Kraft, Rux and Slaughter-Hansen. Present from County were Commissioners Hansen, Elliott, Sutton, Wiese and Fischbach.

## ORDINANCE NO. 09-10-02/379:

On motion by Mitchell and seconded by Campbell, the City unanimously voted to approve Second Reading and Adoption of Ordinance No. 09-10-02/379.

Moved by Sutton, seconded by Hansen to approve Second Reading and Adoption of Ordinance No. 09-10-02/379, 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 and Section 704 (R-2) Medium Density Residential District to Section 704 (R-2) Medium Density Residential District: Lot 1, Bud Smith First Addition in the SE ¼ of Sec 20-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD. Roll call vote: Commissioners Hansen-aye, Elliott-aye, Sutton-aye, Wiese-aye, Fischbach-aye. Ordinance adopted.

## SET HEARING DATE:

On motion by Mitchell and seconded by Agnitsch the City unanimously voted to set hearing date for Ordinance No. 09-11-03/381 (Huettl Rezone).

Moved by Wiese, seconded by Sutton to set public hearing for Ordinance No. 09-11-03/381, 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 1, Except the N 105' thereof, Block 1, Moulton's First Subdivision in the SE ¼ of Sec 2-T122N-R64W of the 5<sup>th</sup> P.M., Brown County, SD, to be held on November 24, 2009 at 8:45 a.m. in the County Commission Chambers, 25 Market Street, Aberdeen, SD. All members present voting aye. Motion carried.

## ADJOURNMENT:

The City Council adjourned and the County Commission continued in regular session.

Maxine Taylor - Brown County Auditor

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# NOVEMBER 3, 2009 – 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, Elliott, Sutton and Wiese.

## MINUTES:

Moved by Sutton, seconded by Hansen to approve the Joint City/County Meeting minutes and the General Meeting minutes of October 27, 2009. All members present voting aye. Motion carried.

## CLAIMS:

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

Supplies: Safety Benefits \$165.00, Custom Sheet Metal \$300.00, West Payment Center \$1895.50, Quality Quick Print \$72.75, Office Equip \$703.94, Anderson Agency \$60.00, GovConnection \$1963.35, SOS Garage Door \$25.00, Ecolab \$150.00, Dan Lingor \$527.50, Carquest \$7.27, Cunningham Elec \$218.66, Menards \$266.27, JCL Solutions \$100.42, Cartney Bearing \$10.66, Woodman Refrig \$5773.90, Heartland Paper \$603.57, IAAO \$525.00, Hoven Auto \$134.95, Graham Tire \$13.25, Galls \$361.53, Best Business \$237.32, Langs \$182.00, SD Human Service Center \$71.00, Parcel Erickson \$30.00, Shawna Everson \$53.00, Kustom Signals \$18.00, Exec Mgmt \$1750.00, Richard Breitag \$85.33, SDDOT \$26,953.69, Howes Oil \$18,769.30, Crawford Trucks \$1105.69, Bridgestone Firestone \$299.50, Ramkota \$150.00, ASDM \$30.00, Midwest Alarm \$51.50, Runnings \$355.92, Walmart \$18.69, Century Business Products \$86.65, Butler Machinery \$1406.14, LBG \$13,531.31, Dakota Electronics \$204.90, Danko \$319.50, Environmental Systems \$1500.00, Priority Dispatch \$2790.00:

Professional Fees: Dept of Legislative Audit \$21,890.00, Aberdeen Advance Care \$310.61, Sanford Clinic \$60.07, Avera St Lukes \$2604.37, Dakota Imaging \$91.44, Aberdeen Pyschiatric \$428.51, Sheriff of Yankton County \$25.00, Dennis Anderson \$2000.00:

Publications: American News \$ 332.06, Dakota Press \$1161.02:

Transcriptions: Slowey Court Reporting \$175.00:

Court Appointed Attorney: Christy Serr \$33.28:

Travel: Kathy Fischer \$127.65, Gene Loeschke \$247.16, Leo Leshner \$461.39, Jan Weismantel \$73.00, Sherri Rawstern \$50.24, Marj Zastrow \$525.58:

Utilities: Northwestern Energy \$8349.71, City of Aberdeen \$876.95, Midcontinent Cable \$100.34, Verizon \$134.02, Qwest \$82.76, Alltel \$1006.94, Montana Dakota \$20.35, WEB Water \$100.37, James Valley \$200.73:

Care of Poor: Dr/Hospital – 4 recipients-Avera St Lukes \$7217.39, Dakota Imaging \$436.53, Anesthesia Care \$208.00; Utilities – 2 recipient – Northwestern Energy \$280.00, City of Aberdeen \$213.19; Burial – 1 recipient – City of Aberdeen \$450.00. All members present voting aye. Motion carried.

## PERSONNEL:

Moved by Sutton, seconded by Hansen to approve employee classification change for Timothy Harford from regular part-time to part-time JDC Correctional Officer, effective November 1, 2009 at \$10.48 per hour. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Elliott to accept resignation of Kevin T. Spitzer, Brown County Coroner, effective November 3, 2009, due to recent move to Mina Lake, which is in Edmunds County. All members present voting aye. Motion carried.

## LEASE AGREEMENT:

Moved by Elliott, seconded by Sutton to approve agreement with Sturgis SD Soccer Team for lease of the Richmond Lake Youth Camp Lodge on October 7 – 11, 2009. Roll call vote: Commissioners Hansen-aye, Elliott-aye, Sutton-aye, Wiese-nay, Fischbach-aye. Motion carried.

**COMBINED ELECTION AGREEMENT:**

Moved by Wiese, seconded by Sutton to approve and authorize the Chairman sign Agreement between Brown County, 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 8, 2010. All members present voting aye. Motion carried.

**FAIR CONTRACT:**

Moved by Elliott, seconded by Sutton to acknowledge contract between Theatrical Media Services Inc and Brown County Fair Board to provide sound, lighting, stage roof and spotlights for the 2010 Brown County Fair. All members present voting aye. Motion carried.

**JABG AWARD:**

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman to sign Notice of Award for Federal Fiscal Year 2006 (JABG) Juvenile Accountability Block Grant - Teen Court/Diversion Program Funding, effective October 1, 2008 – September 30, 2009 in amount of \$12,007.00 (10% County match), through the SD Department of Corrections. All members present voting aye. Motion carried.

**ABERDEEN AREA FOUNDATION REORGANIZATION:**

Moved by Wiese, seconded by Sutton to acknowledge Restated Articles of Incorporation of Aberdeen Area Foundation, Inc., changing the name to Aberdeen Area Community Foundation Inc, and management to a Board of Trustees with Brown County no longer an active management participant. All members present voting aye. Motion carried.

**CAR RACE TRACK DISCUSSION:**

The Commission and Jamie Naasz, Brown County Speedway Lessee discussed multiple areas at the Fairgrounds that have not been cleaned and/or returned to usable condition since the last racing weekend; also payments to the county from Mr. Naasz. The Commission requested Mr. Naasz pay all bills and complete all cleanup issues by Monday, November 9.

**BCCHC REPORT:**

DeAnna Kyburz presented the Brown County Community Health Center Report for July – September 2009

**INFECTIOUS DISEASE DISCUSSION:**

Scott Meints, Marcy Fritz and Tom Schmitt presented a draft infectious disease policy. After discussion it was decided to condense the information and place in a memo for distribution.

**CERT GUIDELINES:**

Moved by Wiese, seconded by Sutton to approve amendments to the Community Emergency Response Team (CERT) Guidelines August 2009 Revision B (copy available for public inspection 8:00 a.m. – 5:00 p.m., Monday – Friday at Emergency Management Department or Auditor's Office). All members present voting aye. Motion carried.

**CERT EQUIPMENT:**

Scott Meints and Tom Schmitt discussed the need for the CERT Program to purchase a four-wheeler at estimated cost of \$11,350.00. Board concurred if funding available.

**CPR TRAINING:**

Members from the Safety Committee discussed the possibility of securing CPR training for employees. Marcy Fritz, Jail/JDC Nurse suggested that having key personnel as certified instructors would save the

County training expenses in the future. Board concurred and agreed the commission budget would cover the cost for employee instructor certification and in house training materials.

COUNTY 23 BRIDGE 051:

Mark Peterson, SDDOT and Jan Weismantel, Highway Superintendent presented progress report on Bridge 051 on Brown County Road 23.

BRIDGE #278:

Moved by Sutton, seconded by Wiese to approve and authorize the Chairman sign Utilities Certificate and Right-of-Way Certificate for Bridge #278, BRO 8007 (37). All members present voting aye. Motion carried.

APPROACH APPLICATION PERMIT:

Moved by Wiese, seconded by Sutton to approve amended Application for Permit to Construct Access Approach form, as submitted by Jan Weismantel, effective November 3, 2009. All members present voting aye. Motion carried.

APPLICATION FOR OCCUPANCY REVISION:

Moved by Sutton, seconded by Wiese to approve amended Application for Occupancy Brown County Right-of-way form, as submitted by Jan Weismantel, effective November 3, 2009. All members present voting aye. Motion carried.

HIGHWAY EQUIPMENT:

Jan Weismantel requested permission to purchase a reconditioned 6" water pump from General Irrigation for \$13,500.00. Board concurred.

EXECUTIVE SESSION:

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

The Chairman declared the executive session closed, with no action taken as a result of the discussion.

CLOSE OUT DOCUMENTS:

Ted Dickey, NECOG presented close out documents for the Health and Fitness Center Funding Project.

RECESS:

The Chairman declared the Commission recessed until November 10, 2009.

Maxine Taylor – Brown County Auditor

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NOVEMBER 10, 2009 – 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 Hansen, Sutton and Wiese. Absent Commissioners Elliott and Fischbach.

Moved by Wiese, seconded by Sutton to appoint Nancy Hansen as Chairman in the absence of Tom Fischbach. All members present voting aye. Motion carried.

MINUTES:

Moved by Wiese, seconded by Sutton to approve the Joint City/County Meeting minutes and the General Meeting minutes of November 3, 2009. All members present voting aye. Motion carried.

CLAIMS:

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

Payroll: Commissioners \$3,110.60; Auditor \$7,754.90; Treasurer \$10,210.76; Data Processing \$3,431.02; State's Attorney \$13,230.06; Stop Loss Grant \$1,421.05; Maintenance \$5,936.56; Assessor \$10,846.23; Register of Deeds \$6,364.51; Veterans Service Office \$3,106.99; GIS \$1,921.93; Sheriff \$70,274.68; Communications \$18,875.87; Welfare Office \$3,144.20; Museum \$5,720.52; Fairgrounds & Parks \$3,688.79; Fairboard \$2,072.73; Extension \$2,061.60; Weed \$2,248.40; Planning and Zoning \$1,580.81; Emergency Management \$2,873.62; Teen Court \$585.25; Coroner \$150.00; Highway \$32,742.08; Landfill \$8,991.36; Matching Benefits: FICA \$13,046.46; Medicare \$3,051.22:

Supplies: Brown County \$30.99, CMRS-FP \$5000.00, Best Business \$66.93, Walmart \$232.08, Office Equip \$121.09, Dept of Revenue \$1426.00, Sanders Sew 'N Vac \$95.90, Cartney Bearing \$16.18, Menards \$558.69, Taylor Laundry \$48.50, Runnings \$973.99, Dakota Supply Group \$236.64, Schwan Welding \$2397.67, Hedahls \$23.10, Central Supply \$516.30, New Trends \$46.99, Taylor Laundry \$45.50, Galls \$92.17, Contec \$116.76, Sewing Shoppe \$19.25, FedEx \$15.05, Reuers Auto \$125.00, Trail Chev \$129.81, Graham Tire \$12.00, Dakota Electronics \$906.75, Midstates Printing \$549.00, Cash-Wa \$4969.18, Eddie's Northside \$112.00, Newman Signs \$133.75, Wallwork Trucks \$143.20, TSC \$569.37, Sheehan Mack Sales \$46.28, Safety Service \$8.15, Power Plan \$485.09, Pioneer Ford \$510.00, Pierson Ford \$1024.93, North Central Farmers Elev \$12,228.87, Midwest Pump & Tank \$549.51, Macs \$214.75, Lien Transporation \$3614.82, L&O Acres \$1842.14, HF Jacobs \$4167.88, Interstate Battery \$192.00, Holland Auto Care \$9.87, Helms & Assoc \$3757.25, Hecla Impl \$23.00, Hanlon Bros \$7834.35, Farnams \$186.23, Farm Power \$604.43, Economy Propane \$546.75, Dakota Fluid Power \$396.17, Cartney Bearing \$26.88, Butler Machinery \$13,638.25, Bakken Build Maint \$500.00, Hockey Assn \$11,018.75, Quality Quick Print \$209.10, Glas Consulting \$236.25, JT Electric Motor \$230.50, Western States Fire \$1043.01, Evergreen Supply \$12.40, NAPA \$8.96, Pauline Peterson \$10.00, Letitia Smith \$5.00, Jenna Jerde \$10.00, Deb Zimmerman \$10.00, Tiffany Maunu \$5.00, Abbie Drees \$10.00, Academy Trophy \$192.00, Dacotah Bank \$180.00, Race West \$986.75, Geffdog \$456.42, Ken's Superfair Foods \$120.00, Riddles \$100.00, Lori Shaunaman \$114.00, Brown County \$23.00, Heartland Paper \$274.25, Mike Rohrbach \$12.00, Roger Johnson \$12.00, Dakota Oil \$114.18, Metro Fire \$1241.52, Office Max \$98.53, Pizza Ranch \$68.75, Sheehan Mack Sales \$1758.66, Gray Const \$7936.30, Ameripride \$138.70, Safety Service \$266.50, SD Dept Rev \$3990.03, Fastenal \$133.81, North Pine \$117,860.44, Titan \$745.75:

Professional Fees: Eide Bailly \$243.00, Sheriff of Anoka County \$36.00, Avera St Lukes \$979.37, Dakota Imaging \$348.24, Sheriff of Yankton County \$50.00:

Publications: American News \$520.66, Lake Country Times \$10.24:

Transcriptions: Tammy Erickson \$112.50:

Court Appointed Attorney: Brevik Law Office \$189.38:

Travel: Scott Madsen \$83.00, Extension Service \$195.51, Days Inn \$139.50, Sherry Theobald \$21.83, Gary Vetter \$108.41:

Utilities: FSH \$60.00, Northwestern Energy \$1916.30, Northern Valley \$337.71, James Valley \$173.75, Town of Frederick \$32.25, Verizon \$70.28, Northern Wireless Comm \$111.90:

Care of Poor: Dr/Hospital – 6 recipients- Avera Aberdeen Family Physicians \$52.20, Dental Clinic \$622.00, Avera St Lukes \$13,823.85, Dakota Imaging \$81.50, Aberdeen Advanced Care \$102.25; Burial – 2 recipients – Spitzer Funeral Home \$1695.00, Schrivers \$1200.00; Medication – 10 recipients – United Clinic Pharm \$280.23, Kessler Pharm \$1216.75, Economy Foods \$22.95, Jones Drug \$258.07, Shopko Pharm \$9.29, Walmart Pharm \$89.34. All members present voting aye. Motion carried.

#### PERSONNEL:

Moved by Wiese, seconded by Sutton to approve the following employee step increases, effective November 15, 2009: Andrew Janusz @ \$11.88 per hour, Michael Ernst @ \$13.43 per hour, Sheila Anderson @ \$16.04 per hour. All members present voting aye. Motion carried.

#### FAIR BOARD APPOINTMENTS:

Moved by Sutton, seconded by Wiese to appoint Joe Akkerman and Nate Kessler for their second three-year term and the following for their first three-year term on the Brown County Fair Board, effective January 1, 2010 – December 31, 2012: Terri Traxinger, Rieck Eske, Curt Erickson and Daren Zellner. All members present voting aye. Motion carried.

#### AUDITORS REPORT OF ACCOUNT:

Moved by Wiese, seconded by Sutton to approve the October 2009 Auditor's Report of Account with the County Treasurer in total amount of \$21,350,999.19 (total amount of actual cash @ \$2,962.18, Wells Fargo Bank @ \$3,621.29, US Bank @ \$186,753.76, Dacotah Bank @ \$82,075.06, Petty Cash @ \$1,800.00, Fund Investments @ \$21,072,349.08, Outstanding Checks @ \$1,437.82). All members present voting aye. Motion carried.

#### WEED & PEST GRANT APPLICATION:

Moved by Sutton, seconded by Wiese to approve and authorize the Chairman sign FY2011 Grant Application with the SD Weed and Pest Control Commission for grant funding on a 50/50 cost share basis for chemical, promotional items, radio ads and seasonal labor, effective July 1, 2010 to June 1, 2011. All members present voting aye. Motion carried.

#### LANDFILL EXPANSION PROJECT:

Moved by Sutton, seconded by Wiese to approve and authorize the Chairman sign Change Order #2 for the Brown County Landfill Expansion Project, increasing total \$11,045.00 for total contract price of \$2,351,173.93. All members present voting aye. Motion carried.

Moved by Sutton, seconded by Wiese to approve and authorize the Chairman sign Payment Request #14 in amount of \$117,860.44 for the Landfill Expansion Project. All members present voting aye. Motion carried.

#### 12W/385<sup>th</sup> AVE INTERSECTION PROJECT:

Moved by Sutton, seconded by Wiese to approve and authorize the Chairman sign Change Order #2 in amount of \$234.40 (decrease total to \$201,442.00) for the Highway 12W/385<sup>th</sup> Ave Intersection Project. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Sutton to approve and authorize the Chairman sign Payment Request #2 (final) in amount of \$25,586.70 for the Highway 12W/385<sup>th</sup> Ave Intersection Project. All members present voting aye. Motion carried.

#### AGRONOMY EDUCATOR:

Marj Zastrow introduced Ronald Dodds as the newly hired Agronomy Educator for the Extension Service.

**TOW TRUCK DISCUSSION:**

John McQuillen, accompanied by several representatives of the tow truck providers for Brown County recommended that the charter members of the association determine the guidelines, renewal standards and approval for new members in the association. Board concurred.

**PROPERTY TRANSFER:**

Moved by Wiese, seconded by Sutton to approve the transfer of Decal #600 SN 297891 1982 Homemade Utility Trailer from the Weed Department to the Highway Department. All members present voting aye. Motion carried.

**SNOW/ICE REMOVAL POLICY:**

Moved by Sutton, seconded by Wiese to approve amending the Brown County Highway Department Snow/Ice Removal Procedures by adding section about stalled or stranded vehicles and mailbox damage. All members present voting aye. Motion carried.

**EXECUTIVE SESSION:**

Moved by Sutton, seconded by Wiese to go into executive session for personnel discussion with Kim Dorsett, Jan Weismantel and Jeanette Nietert in attendance. All members present voting aye. Motion carried.

The Chairman declared the executive session closed, with no action taken as a result of the discussion.

**STATES ATTORNEY OFFICE SECURITY:**

Kim Dorsett, States Attorney informed the Commission that the States Attorney's Office entrance should have a security system similar to the Clerk of Courts Office. Board concurred.

**RECESS:**

The Chairman declared the Commission recessed until November 17, 2009.

Maxine Taylor – Brown County Auditor

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## NOVEMBER 17, 2009 – 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, Elliott, Sutton and Wiese. Brown County Government Day, sponsored by The American Legion was held with 65 area high school students visiting the Commission and all County Offices.

### MINUTES:

Moved by Wiese, seconded by Sutton to approve the General Meeting minutes of November 10, 2009. All members present voting aye. Motion carried.

### CLAIMS:

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

Supplies: Eagle Business \$128.73, West Payment \$30.50, Payroll Practitioner \$365.95, SHI Int'l Corp \$637.84, Crescent Elec \$682.68, Heartland Heating \$6462.54, Honeywell \$19,709.00, Ecolab \$194.50, Sewer Duck \$282.00, Aberdeen Plumbing \$66.10, ProBuild \$9.52, Grote Roofing \$1327.18, RadioShack \$19.99, Moore Medical \$360.06, Kesslers \$483.13, Best Business \$189.35, Galls \$128.55, Duane's Amoco \$41.00, Steven Lust \$1069.29, Office Equip \$4.04, Accurint \$50.00, Tri-State Water \$28.40, Bonnie Bitz \$72.00, Hoven Auto \$48.80, Hofer Repair \$452.26, Graham Tire \$1572.53, Parcel Erickson \$75.00, DT Pharm \$1023.43, Safety Service \$439.68, Spring Creek Colony \$3250.00, Praxair \$15.54, N Central Farmers Elev \$1739.10, Howes Oil \$18,685.70, General Irrigation \$11,649.39, Fastenal \$298.78, Carquest \$836.37, Avera Queen of Peace \$180.50, Ameripride \$276.14, Kens Superfair Foods \$9.44, Lora Schaunaman \$5.25, Kleins \$34.81, Duane Jark \$12.00, Adv Auto \$18.94, City of Westport \$12,159.28, Walmart \$201.06, APCO \$1058.00, Best Business \$28.76:

Professional Fees: Human Service Center \$500.00, Avera St Lukes \$6099.78, NE Mental Health Center \$555.94, Kristi Spitzer \$1000.00, Language Line \$90.00, Lewis & Clark BHS \$426.00:

Publications: American News \$857.87, Groton Indep \$509.98:

Travel: City of Groton \$82.88, Amy Scott \$115.00, Larry Gerlach \$676.66, Richard Hansen \$118.84, Erin McClain \$155.88:

Utilities: Northwestern Energy \$3960.22, City of Aberdeen \$273.36, Dependable Sanitation \$356.50, Northern Elec \$11.50, City of Hecla \$135.94, Qwest \$3977.89, Alltel \$1845.47, Bureau of Admin \$404.49:

Care of Poor: Dr/Hospital – 4 recipients- Avera Cardiology Spec \$2411.89, Aberdeen Family Physicians \$254.30, Avera St Lukes \$3821.16; Rent – 8 recipients – Medical Social Services \$304.00, White House Inn \$449.98, Super 8 \$69.98; Transportation – 1 recipient – Brown County \$47.82. All members present voting aye. Motion carried.

### ALCOHOLIC BEVERAGE LICENSE RENEWAL HEARING:

Moved by Elliott, seconded by Wiese to authorize advertising public hearing to consider the following applications for renewal of Alcoholic Beverage Licenses to operate outside of the Municipality, to be held at 9:00 A.M. on December 8, 2009: PACKAGE (OFF-SALE) LIQUOR: Venus and Kit Donley, DBA Mansfield Bar & Grill; Marge Frohling, DBA The Connection Houghton; Roderic L Hanson, DBA Ferney Farmers Bar. RETAIL ON-SALE AND SUNDAY LIQUOR: Venus and Kit Donley, DBA Mansfield Bar & Grill; Roderic L Hanson, DBA Ferney Farmers Bar; Moccasin Creek Country Club, Inc; Dave Schumacker DBA Elm Lake Resort; Stacy Gossman DBA Big Fella's; Jarrett O & Dennis O Jones DBA Tacoma Park Place. All members present voting aye. Motion carried.

### PROTECTED HEALTH INFORMATION:

Moved by Wiese, seconded by Hansen to approve the Brown County Notice of Privacy Practices for protected health information and related release forms. All members present voting aye. Motion carried.

NEC TOWER LEASE:

Moved by Sutton, seconded by Wiese to approve and authorize the Chairman sign agreement with Northern Electric Cooperative for lease of building and tower space on the NEC tower near Bath for the Brown County Emergency Management radio repeater at a rental rate of \$100.00 per month. All members present voting aye. Motion carried.

SHERIFF REPORTS:

Moved by Wiese, seconded by Elliott to approve the following October 2009 Sheriff Reports: Incident and offenses; Prisoner care, JDC, Money deposited with the County Treasurer and Monthly activities. All members present voting aye. Motion carried.

2010 ASSESSMENT PLAN:

Moved by Hansen, seconded by Sutton to approve the 2010 Assessment Plan as developed by Mary Worlie, Director of Equalization. All members present voting aye. Motion carried.

2010 RACE TRACK LEASE:

Moved by Wiese, seconded by Hansen to revoke Jamie Naasz agreement to lease Brown County facilities at the Fairgrounds for the 2010 Car Racing season, due to breach of contract in regard to keeping in good standing with WISSOTA; and further set date to open, read and consider sealed proposals to lease Brown County facilities at the Fairgrounds for the 2010 Car Racing season, to be opened at 9:15 a.m. December 8, 2009 in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. All members present voting aye. Motion carried.

EXECUTIVE SESSION:

Moved by Sutton, seconded by Wiese to go into executive session to discuss personnel with Jan Weismantel in attendance. All members present voting aye. Motion carried.

The Chairman declared the executive session closed, with no action taken as a result of the discussion.

EXECUTIVE SESSION:

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

The Chairman declared the executive session closed, with no action taken as a result of the discussion.

APPOINT BROWN COUNTY CORONER:

Moved by Sutton, seconded by Hansen to appoint Michael Carlsen, as Brown County Coroner, effective November 17, 2009. All members present voting aye. Motion carried.

RECESS:

The Chairman declared the Commission recessed until November 24, 2009.

Maxine Taylor – Brown County Auditor

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## NOVEMBER 24, 2009 - JOINT CITY/COUNTY MEETING

The Brown County Commission and the Aberdeen City Council met in joint session at 8:45 A.M. in the County Commission Chambers, 25 Market Street, Aberdeen, South Dakota. Present from City were Council Members Bunsness, Campbell, Hodgin, Mitchell and Mayor Levsen. Absent Council Members Agnitsch, Kraft, Rux and Slaughter-Hansen. Present from County were Commissioners Elliott, Sutton, Wiese and Fischbach. Absent Commissioner Hansen.

## ORDINANCE NO. 09-11-03/381:

On motion by Bunsness and seconded by Mitchell, the City unanimously voted to approve First Reading of Ordinance No. 09-11-03/381.

Moved by Sutton, seconded by Elliott to approve First Reading of Ordinance No. 09-11-03/381, 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 1, except the N 105' thereof, Block 1, Moulton's First Subdivision in the SE ¼ of Sec 2-T122N-R64W of the 5<sup>th</sup> P.M., Brown County, SD. All members present voting aye. Motion carried.

## SET HEARING DATE:

On motion by Hodgin and seconded by Bunsness the City unanimously voted to set hearing date on the petition to vacate public right-of-way (Resolution No. 09-12-01R/380).

Moved by Wiese, seconded by Sutton to set public hearing on the petition to vacate the public right-of-way filed by Douglas R Smith, David C Manning and Geraldine Stubbe, for the vacation of the public right-of-way described as follows: 50' of Public Right-of-Way extending 297' East of 385<sup>th</sup> Avenue between Chandler's Outlots 22 and 23 North of 131<sup>st</sup> Street located in the SW ¼ of Sec 3-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD, to be held on December 15, 2009 at 8:45 a.m. in the County Commission Chambers, 25 Market Street, Aberdeen, SD. All members present voting aye. Motion carried.

## ADJOURNMENT:

The City Council adjourned and the County Commission continued in regular session.

Maxine Taylor - Brown County Auditor

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# NOVEMBER 24, 2009 – 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 Elliott, Sutton and Wiese. Absent Commissioner Hansen.

## MINUTES:

Moved by Wiese, seconded by Sutton to approve the General Meeting minutes of November 17, 2009. All members present voting aye. Motion carried.

## CLAIMS:

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

Payroll: Commissioners \$3,110.60; Auditor \$7,760.96; Treasurer \$9,999.36; Data Processing \$3,431.02; State's Attorney \$12,880.06; Stop Loss Grant-SA 1,421.05; Maintenance \$5,914.81; Assessor \$10,846.23; Register of Deeds \$6,354.98; Veterans Service Office \$3,106.99; GIS \$1,921.93; Sheriff \$72,198.75; Communications \$19,932.88; Coroner \$900.00; Welfare \$3,148.20; Museum \$5,720.52; Fair board \$2,072.73; Fairgrounds & Parks \$3,688.79; Extension \$2,061.60; Weed \$654.36; Planning & Zoning \$1,580.81; Teen Court \$563.73; EM \$2,873.62; Highway \$30,241.91; Landfill \$9,543.79; Matching Benefits: FICA \$13,004.73; Medicare \$3,041.48; Life \$721.36; Dental \$4,674.60; Health \$72,072.03; Retirement \$27,963.53:

Supplies: Days Inn \$186.00, SD Continuing Ed \$135.00, West Payment \$1381.04, NADA \$240.00, Richards & Oliver \$77.54, Exec Mgmt \$30.00, Fire Safety First \$21.70, Crescent Elec \$17.46, House of Glass \$2133.32, Quality Welding \$46.36, Acme Tool \$229.99, SDAAO \$330.00, Office Max \$80.33, Office Equip \$104.26, NACVSO \$30.00, New Trends \$160.86, ESRI \$6500.00, Neves \$43.55, GovConnection \$1312.34, TimeKeeping Systems \$190.00, Pennington County \$102.50, Exhaust Pros \$28.45, Best Business \$1824.05, Towing Plus \$75.00, Safety Service \$978.64, Northwest Divers \$33.00, Western Printing \$77.25, Intermountain Gym Repair \$49.00, Sewing Shoppe \$28.00, Evercom \$14,010.00, Intoximeters \$95.00, Graham Tire \$673.78, Amy Lake Harmon \$500.00, Hagan Ins \$200.00, Northern Safety \$140.31, M-R Signs \$537.96, Lyle Signs \$120.75, Lawson Products \$155.70, HF Jacobs \$106,664.52, Inman & McDowell \$128.35, Tim Hettich \$80.00, B&B Contracting \$25,586.70, Aberdeen Asphalt \$12,473.97, Lora Schaunaman \$9.40, Jeanette Kline \$250.00, Dorothy Hedges \$250.00, Les Frohling \$200.00, CWD \$15.80, B&B Contracting \$4305.60, Safety Service \$329.59, Macs \$6.88, NAPA \$53.25, PCRA \$20.00, Hewlett Packard \$1378.00, Ag Horizon Conf \$75.00, Century Business \$174.65, Carquest \$138.86, Ameripride \$52.97, AOSNC \$4425.15, Pizza Ranch \$68.75, Dakota Electronics \$300.75, Muth Elec \$1956.81, Aberdeen Rural Firefighters \$1120.00, Heartland Paper \$606.62, US Bank \$3536.76, CMRS-FP \$5000.00:

Professional Fees: Dakota Imaging \$12.83, Avera St Lukes \$1191.96, NADRIC \$1666.66:

Publications: American News \$239.28:

Court Appointed Attorney: Kuck Law Office \$5208.33, Gina Rogers \$5208.33, Christy Serr \$5458.33, Chris Dohrer \$5458.33, Yankton County \$311.25:

Travel: Maxine Taylor \$169.03, Lisa Samson \$43.00, Jeanette Nietert \$18.00, Judy Dosch \$18.00, Leo Leshner \$175.01, Gene Loeschke \$260.11, Mary Worlie \$188.96, Kathy Fischer \$94.35, Jordan Majeske \$450.10:

Utilities: Midcontinent Cable \$2518.80, Alltel \$1417.23, Verizon \$79.32, Northwestern Energy \$58.34, Montana Dakota \$18.64, Qwest \$69.61, Northern Elec \$1174.58, Genius Web \$29.97, Dependable Sanitation \$28,120.20:

Care of Poor: Dr/Hospital – 2 recipients- Avera Internal Medicine Spec \$80.52, Avera St Lukes \$8941.13; Rent – 1 recipient – William Wall \$260.00; Insurance – 1 recipient – Avera Health Plans \$467.16; Medications - 1 recipient – Avera Home Medical Equip \$46.25. All members present voting aye. Motion carried.

PERSONNEL:

Moved by Wiese, seconded by Sutton to approve the following employee step increases, effective November 29, 2009: Lora Schaunaman @ \$13.41 per hour, Michael Bowser @ \$13.43 per hour, Carol White @ \$13.24 per hour, Kyle Crawford @ \$16.14 per hour, Betty Haar @ \$16.04 per hour. All members present voting aye. Motion carried.

BID WOOD WASTE GRINDING AT LANDFILL:

Moved by Wiese, seconded by Sutton to authorize advertising public hearing to open, read and consider bids for 2009 Wood Waste Grinding for the Brown County Landfill, to be held in the Commissioner's Chambers, Courthouse Annex, Brown County, SD at 9:00 a.m. on December 15, 2009. All members present voting aye. Motion carried.

LEASE AGREEMENTS:

Moved by Wiese, seconded by Sutton to approve the following agreements: Sioux Council Boy Scouts for lease of the Richmond Lake Youth Camp on July 17-19, 2009; Richmond Lake Association for lease of the Richmond Lake Youth Camp Lodge on December 31, 2009 to 1:00 a.m. January 1, 2010 at regular fee (request for fee waiver denied). All members present voting aye. Motion carried.

PLATS:

Commissioner Sutton offered the following Resolution:

RESOLUTION #81-09

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing "Parsch First Subdivision in the SW ¼ of Sec 8-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 11-3, and any amendments thereof.

Seconded by Commissioner Wiese. Roll call vote: Commissioner Hansen-absent, Elliott-aye, Sutton-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

RESOLUTION #82-09

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Kenny Outlot 1 in the SE ¼ Sec 4-T127N-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 1967, Chapter 11-3, and any amendments thereof.

Seconded by Commissioner Elliott. Roll call vote: Commissioner Hansen-absent, Elliott-aye, Sutton-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

RESOLUTION #83-09

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing "Martin Conservation Easement Tract 1 in the SE ¼ of Sec 2, and Tract 2 in the NE ¼ of Sec 11 all in 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 11-3, and any amendments thereof.



Seconded by Commissioner Sutton. Roll call vote: Commissioner Hansen-absent, Elliott-aye, Sutton-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Sutton offered the following Resolution:

RESOLUTION #84-09

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing "Donovan Conservation Easement Tract 1 in the N ½ of the NW ¼ of Sec 22-T128N-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 11-3, and any amendments thereof.

Seconded by Commissioner Wiese. Roll call vote: Commissioner Hansen-absent, Elliott-aye, Sutton-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

RESOLUTION #85-09

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Hub City Livestock Third Subdivision in E ½ Sec 26-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 1967, Chapter 11-3, and any amendments thereof.

Seconded by Commissioner Sutton. Roll call vote: Commissioner Hansen-absent, Elliott-aye, Sutton-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Elliott offered the following Resolution:

RESOLUTION #86-09

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Wagners 2<sup>nd</sup> Subdivision in SE ¼ Sec 35-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 1967, Chapter 11-3, and any amendments thereof.

Seconded by Commissioner Wiese. Roll call vote: Commissioner Hansen-absent, Elliott-aye, Sutton-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

TREASURER DISCUSSION:

Sheila Enderson, Brown County Treasurer reported that three banks responded to the request for quotes for a "flat" monthly charge for banking services and after review, recommended that since no cost savings would be realized, the County should stay with current bank. Board concurred.

BID AWARD – SHERIFF VEHICLES:

Moved by Sutton, seconded by Wiese to award the following bids for the Sheriff Department: State Contract #15769 with Lamb Chevrolet for three 2010 Chevrolet Impala Police Sedans in total amount of \$58,569.00. All members present voting aye. Motion carried.

QUOTES – FOUR-WHEELER:

214

Moved by Sutton, seconded by Wiese to award low quote, submitted by Hepper's Sport Center in total amount of \$11,355.00 for a 2010 Polaris Ranger 800 HD 4-Wheeler (to be funded in part by FEMA and Pre-Disaster Mitigation funds); rejecting the following: H C Clark Implement @ \$11,350.00; Curt's Motor Sports @ \$11,999.00. All members present voting aye. Motion carried.

EXECUTIVE SESSION:

Moved by Sutton, seconded by Wiese to go into executive session to discuss contract and possible litigation with Maxine Taylor in attendance. All members present voting aye. Motion carried.

The Chairman declared the executive session closed, with no action taken as a result of the discussion.

RECESS:

The Chairman declared the Commission recessed until December 1, 2009.

Maxine Taylor – Brown County Auditor

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## DECEMBER 1, 2009 - JOINT CITY/COUNTY MEETING

The Brown County Commission and the Aberdeen City Council met in joint session at 8:45 A.M. in the County Commission Chambers, 25 Market Street, Aberdeen, South Dakota. Present from City were Council Members Agnitsch, Bunsness, Campbell, Hodgins and Mayor Levsen. Absent Council Members Kraft, Mitchell, Rux and Slaughter-Hansen. Present from County were Commissioners Elliott, Sutton, Wiese and Fischbach. Absent Commissioner Hansen

## ORDINANCE NO. 09-11-03/381:

On motion by Bunsness and seconded by Hodgins, the City unanimously voted to approve Second Reading and Adoption of Ordinance No. 09-11-03/381.

Moved by Elliott, seconded by Sutton to approve Second Reading and Adoption of Ordinance No. 09-11-03/381, 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 1, except the N 105' thereof, Block 1, Moulton's First Subdivision in the SE ¼ of Sec 2-T122N-R64W of the 5<sup>th</sup> P.M., Brown County, SD. Roll call vote: Commissioners Hansen-absent, Elliott-aye, Sutton-aye, Wiese-aye, Fischbach-aye. Ordinance adopted.

## SET HEARING DATE:

On motion by Bunsness and seconded by Campbell the City unanimously voted to set hearing date for Ordinance No. 09-12-01/382 (Muldoon Rezone).

Moved by Sutton, seconded by Wiese to set public hearing for Ordinance No. 09-12-01/382, 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: Proposed Lot 1, Goshen Addition in the SE ¼ of Sec 30-T124N-R63W of the 5<sup>th</sup> P.M., Brown County, SD, to be held on December 22, 2009 at 8:45 a.m. in the County Commission Chambers, 25 Market Street, Aberdeen, SD. All members present voting aye. Motion carried.

## ADJOURNMENT:

The City Council adjourned and the County Commission continued in regular session.

Maxine Taylor - Brown County Auditor

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## DECEMBER 1, 2009 – 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 Elliott, Sutton and Wiese. Absent Commissioner Hansen.

### MINUTES:

Moved by Wiese, seconded by Elliott to approve the Joint City/County Meeting minutes and the General Meeting minutes of November 24, 2009. All members present voting aye. Motion carried.

### CLAIMS:

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

Supplies: New Trends \$63.00, Pheasantland Ind \$222.68, DSS Apparel \$18.95, Medical Waste Transport \$85.00, Office Equip \$76.92, Exec Mgmt \$1842.40, Willard Sumption \$3000.00, Metro Fire \$123.74, Ziamatic Corp \$123.74, Hepper Sports Center \$11,355.00, Best Business \$28.76, Bricks TV \$3006.50, LBG \$4272.03, Hula \$460.72, North Pine \$152,570.77, SD Teen Court \$1308.66:

Professional Fees: Eide Bailly \$243.00, Avera St Lukes \$8899.31, Aberdeen Ambulance \$97.09, Donna Dietrich \$136.14, Cathy Reh fuss \$15.00, Nelva Kooistra \$15.00, Yankton Co Sheriff \$25.00, Aberdeen City \$26,260.89:

Publications: American News \$184.17, Groton Indep \$102.04, Dakota Press \$556.28:

Court Appointed Attorney: Christy Serr \$28.24:

Travel: Cedar Shore Resort \$327.80:

Utilities: Qwest \$82.76, Northwestern Energy \$835.56, Northern Electric \$300.00:

Care of Poor: Dr/Hospital – 2 recipients- Avera St Lukes \$16,976.80; Transportation – 1 recipient – Brown County \$11.01. All members present voting aye. Motion carried.

### PERSONNEL:

Moved by Wiese, seconded by Elliott to approve employee status change for Roger Johnson from full-time Weed Supervisor/Highway Employee to part-time Weed Supervisor, effective October 30, 2009 at \$14.72 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Sutton to authorize Roxy Hilgenberg, Weed Secretary to sign all Weed & Pest Department vouchers and provide copies to the Weed and Pest Board at their next regular meeting. All members present voting aye. Motion carried.

### HOLIDAY CLOSING:

Moved by Sutton, seconded by Wiese to close Thursday, December 24<sup>th</sup>, with the following policy: each employee will be compensated for eight hours regular pay for the day, if an employee is required to work a full shift on December 24<sup>th</sup>, eight hours will be added to their vacation record – under no circumstances will premium pay be paid for these hours. All members present voting aye. Motion carried.

### EXECUTIVE SESSION:

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

The chairman declared the executive session closed, with no action taken as a result of the discussion.

### INDIGENT COUNSEL AGREEMENT:

Moved by Wiese, seconded by Sutton to authorize the Chairman sign the Indigent Counsel Agreement with Christopher Dohrer, Christy Serr, Scott Kuck and Gina Rogers, effective January 1, 2010 – December 31, 2013 in amount of \$271,000.00 per year. All members present voting aye. Motion carried.

**HIGHWAY DISCUSSION:**

Jan Weismantel, Highway Superintendent discussed the following: the bridge on County 23 is open, the grade on County 7A.2 has been raised, FEMA reimbursement needs.

**LIBRARY AGREEMENT:**

Moved by Sutton, seconded by Elliott to approve and authorize the Chairman sign agreement with the City of Aberdeen for the purpose of having unified library service for the residents of Brown County for 2010 in amount of \$20,000.00. All members present voting aye. Motion carried.

**RECOVERY ZONE BOND PROCEDURES:**

Moved by Sutton, seconded by Wiese to approve the following Brown County Volume Cap Procedures: 1) All volume cap requests shall be made by application to the County Auditor upon the forms provided by County Auditor. 2) Completed form shall be filed with the County Auditor. 3) If the County Auditor deems the application complete and satisfactory, the County Auditor may present it to the Board at a Regular Meeting. 4) The County Commission may in its discretion grant or deny the volume cap request. 5) If a volume cap allocation is granted the County Auditor shall make such allocation on the Volume Cap Allocation register. All members present voting aye. Motion carried.

**RECOVERY ZONE BOND:**

Commissioner Wiese offered the following Resolution:

**RESOLUTION #87-09**

Resolution Establishing Recovery Zone Bonds procedures, Creating a Volume Cap Allocation Register for Recovery Zone Bonds and Allocating a portion of the County's Recovery Zone Economic Development Bond Volume Cap to Warner School District 06-5

**WITNESETH**

**WHEREAS** Brown County, South Dakota was suballocated \$7,795,000 for Recovery Zone Economic Development Bonds volume cap; and

**WHEREAS**, the Notice 2009-50 provides that a County receiving volume cap allocation under §1400U-1(a)(3)(A) may issue bonds for use by a ultimate beneficiary or may suballocate the allocation to ultimate beneficiary who is an eligible issuer;

**WHEREAS**, it is in the best interest of Brown County to allocate to the ultimate beneficiary, Warner School District 06-5 (the "District") , and have the District issue its own Recovery Zone Economic Development Bonds.

**NOW THEREFORE BE IT RESOLVED AS FOLLOWS:**

**1. Recovery Zone Allocation Procedures.** The County Commission does hereby adopt the Recovery Zone Allocation Procedures, a copy of which is shall be and is on file with the County Auditor.

**2. Creating of Volume Cap Allocation Register.** The County Auditor is directed to establish a Volume Cap Allocation Register to separately keep track of suballocation of Recovery Zone allocation for Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds under IRC §§ 1400U-2 and 1400U-3.

**3. Recovery Zone Findings.** Prior to allocating volume cap to an ultimate beneficiary of ultimate issuer, the County must find that the ultimate beneficiary or ultimate issuer, or both, are in an area, which has significant poverty, unemployment, rate of home foreclosures or general distress. The County Commission finds that the School District has significant poverty, unemployment and general distress as more fully set forth in the Recovery Zone Study on file with the County Auditor. The findings made in the Recovery Zone Study for Warner School District 06-5, on file with the County Auditor, are hereby adopted.

**4. Allocation of Recovery Zone Economic Development Bond volume cap.** Brown County pursuant to 26 USCA § 1400U-1(a)(3)(A) allocates its Recovery Zone Economic Development Bond volume cap as follows:

<b>Recovery Zone Economic Development Bonds Allocation</b>		<b>\$1,300,000</b>
<b>Amount:</b>		
<b>Eligible Issuer:</b>	Warner School District 06-5	
<b>Ultimate Beneficiary:</b>	Warner School District 06-5	

Passed this 1<sup>st</sup> day of December, 2009

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

RECESS:

The Chairman declared the Commission recessed until December 8, 2009.

Maxine Taylor – Brown County Auditor

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## DECEMBER 8, 2009 – 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 Hansen, Elliott, Sutton and Wiese. Absent Commissioner Fischbach.

Moved by Wiese, seconded by Sutton to appoint Nancy Hansen as Chairman for the meeting. All members present voting aye. Motion carried.

### MINUTES:

Moved by Elliott, seconded by Wiese to approve the Joint City/County Meeting minutes and the General Meeting minutes of December 1, 2009. All members present voting aye. Motion carried.

### CLAIMS:

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

Payroll: Commissioners \$3,110.60; Auditor \$7,885.19; Treasurer \$9,709.44; Data Processing \$3,431.02; State's Attorney \$12,985.06; SVAWA Grant \$1,421.05; Maintenance \$5,885.83; Assessor \$10,846.23; Register of Deeds \$6,345.44; Veterans Service Office \$3,106.99; GIS \$1,921.93; Sheriff \$74,365.06; Communications \$20,462.98; Welfare Office \$3,148.20; Museum \$5,720.52; Fairgrounds & Parks \$3,688.79; Fairboard \$2,072.73; Extension \$2,061.60; Planning and Zoning \$1,580.81; Emergency Management \$2,911.95; Teen Court \$548.40; Highway \$30,475.58; Landfill \$8,901.11; Matching Benefits: FICA \$13,038.19; Medicare \$3,049.28:

Supplies: Quality Quick Print \$10,736.17, GovConnection \$1724.33, New Trends \$79.05, Taylor Laundry \$52.00, Aberdeen Plumbing \$109.81, Central Supply \$738.30, Interior Design \$614.71, House of Glass \$45,326.00, Cunningham Elec \$2286.79, Runnings \$1218.26, Crescent Elec \$11.00, Dakota Supply Group \$46.15, Interstate Powersystems \$1885.00, Best Business \$864.48, Heartland Paper \$908.81, Southern Folger Detention \$6962.00, Hoven Auto \$225.59, Taylor Laundry \$59.50, Eddie's Northside \$185.00, FedEx \$14.65, Parcel Erickson \$75.00, Intoximeter \$189.00, Trail Chev \$1429.23, Dakota Electronics \$1294.40, Walmart \$113.30, Vanderwerff Impl \$11,224.80, SDDOT \$63,404.73, Newman Signs \$142.46, Nelson Sales \$195.46, Light & Siren \$376.76, Lien Trans \$9686.09, Casey Jennsen \$79.50, J Gross \$700.00, Larry Hardy \$31.66, Hanlon Bros \$4988.60, Great Western Tire \$4195.96, Diesel Machinery \$12,500.00, Butler Machinery \$2969.41, Bridgestone \$4617.57, Bakken Bldg Maint \$500.00, David Bruckner \$500.00, Glas Consulting \$375.00, Ameripride \$236.93, Menards \$559.96, Brick Propane \$14.00, Gas & Goodies \$4.50, B&B Contracting \$8101.00, Rocky Mt Assoc of Fairs \$300.00, Photo Xpress \$76.93, DSS Image Apparel \$125.00, Pro Ag Supply \$308.00, TelServ \$16.48, Certification Programs \$120.00, Sheehan Mack \$4279.98, Hedahls \$409.60, Farm Power \$147.86, North Central Farmers Elev \$10,459.04, HF Jacobs \$6412.47, Powerplan \$13,650.70, American Fence \$95,330.06, DNA Auto \$33.48, NW Divers \$4143.53, James River Water Dev \$31,614.60, Safe Harbor \$795.00, Metro Fire \$708.14, OSI \$359.84, Academy \$192.00, Harr Motors \$14,000.00:

Professional Fees: Murphy, Goldammer \$572.40, SD State's Attny Assoc \$1564.00, witness fees \$20.00, Dept of Revenue \$2283.00, Jodi Brown \$207.50, Kimberly Dorsett \$207.50, State Bar of SD \$995.00, Dental Center \$331.00, Avera St Lukes \$340.47, Sanford Clinic \$41.53:

Publications: American News \$199.14:

Transcriptions: Michelle Gaikowski \$19.60:

Travel: Gene Loeschke \$136.90, Leo Leshner \$171.03, Justin Salo \$18.00, John Heidenreich \$18.00, Holiday Inn \$2914.00, Jerry Mills \$265.57, Gary Vetter \$35.52, Tonya Walth \$144.55, Erin McClain \$146.03, Amber Johnson \$144.18, James Petrich \$28.00, Jordan Majeske \$28.00, Kathy Schlecht \$87.81:

Utilities: Northwestern Energy \$7694.74, City of Aberdeen \$947.73, Northern Valley \$338.35, James Valley \$377.05, Town of Frederick \$32.25, WEB \$1145.13, Verizon \$70.28, FSH \$60.00:

Care of Poor: Dr/Hospital – 6 recipients- Aberdeen Surgical \$357.71, Dental Center \$45.00, Avera St Lukes \$2627.89, Anesthesia Care \$144.00, Dakota Imaging \$143.99; Medication – 5 recipients – Kessler

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Pharm \$348.99, United Clinic Pharm \$280.23, Jones Drug \$35.00, Quarve Drug \$215.99; Rent – 2 recipients – Rockford Apts \$260.00, Northview Mobile Manor \$165.00. All members present voting aye. Motion carried.

#### PERSONNEL:

Moved by Wiese, seconded by Sutton to approve the following employee step increases, effective December 13, 2009: Sarah Jesz @ \$14.87 per hour, Daryl Lloyd @ \$13.02 per hour. All members present voting aye. Motion carried.

Moved by Sutton, seconded by Wiese to acknowledge resignation of Tom Del Grosso, effective December 14, 2009; and approve hiring Dawn Lilly as a 24/7 Sobriety Program employee, effective December 3, 2009 at \$10.48 per hour. All members present voting aye. Motion carried.

Moved by Sutton, seconded by Wiese to approve hiring Kenneth Kusler as Deputy Coroner, effective December 8, 2009. All members present voting aye. Motion carried.

Moved by Sutton, seconded by Wiese to authorize Sue Gates, Museum Director to advertise a job notice for a part-time curatorial position. All members present voting aye. Motion carried.

#### SURPLUS PROPERTY:

Moved by Wiese, seconded by Sutton to declare Decal #3354 2001 Dodge Stratus surplus from the Sheriff Department for purpose of trade in. All members present voting aye. Motion carried.

#### AUDITORS REPORT OF ACCOUNT:

Moved by Elliott, seconded by Wiese to approve the November 2009 Auditor's Report of Account with the County Treasurer in total amount of \$17,217,970.76 (total amount of actual cash @ \$2,890.03, Wells Fargo Bank @ \$3,621.29, US Bank @ \$377,645.29, Dacotah Bank @ \$254,719.19, Petty Cash @ \$1,800.00, Fund Investments @ \$16,576,384.99, Outstanding Checks @ \$909.97). All members present voting aye. Motion carried.

#### SDDOT WEED CONTROL CONTRACT:

Moved by Wiese, seconded by Elliott to approve and authorize the Chairman sign Change Order #01F with the SD DOT for the County to furnish the necessary equipment, material and labor to control the growth of declared noxious weeds within the right-of-way of state routes as designated in agreement, effective May 1, 2009 – October 15, 2009, decreasing total contract price by \$10,687.90. All members present voting aye. Motion carried.

#### NECOG AGREEMENT:

Moved by Sutton, seconded by Elliott to approve and authorize the Chairman sign Joint Cooperative Agreement with NECOG for 2010. All members present voting aye. Motion carried.

#### CELL PHONE DISCUSSION:

Jeff Evenson and Rick Steigelmeyer representing NVC (Northern Valley Communications) presented various cell phone options for consideration for the County. No action was taken at this time.

#### 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 Wiese, seconded by Sutton to approve the following applications for renewal of Alcoholic Beverage Licenses to operate outside of the Municipality:

PACKAGE (OFF-SALE) LIQUOR: Venus & Kit Donley 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). Roderic L Hanson DBA Ferney Farmers Bar (Lots 4 & 5, Block 5, Ferney, 31-122-60). RETAIL (ON-SALE) AND SUNDAY LIQUOR: Venus & Kit Donley DBA Mansfield Bar & Grill (Lots 12, 13, 14, Block 4, Mansfield 32-121-64). Roderic L Hanson 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). Dave Schumaker DBA Elm Lake Resort (Lot 1 Elm Lake Subdivision in the SE ¼ of 8-128-65). Stacy Gossman DBA Big Fella's, (Lot 1B Gossman 1st Add. S ½ of 15-123-63). Jarrett O & Dennis O Jones DBA Tacoma Park Place (5 acres in NE corner of NW ¼ of 23-124N-62W). All members present voting aye. Motion carried.

#### LEASE OF RACE TRACK:

Time and place to open, read and consider proposals for lease of the Car Racing Facilities at the Brown County Fairgrounds. One proposal was received from Nick Guthmiller and Dave Weisz DBA Generation 2 Promotions, LLC.

Moved by Sutton, seconded by Wiese to accept proposal in amount of \$12,250.00 submitted by Nick Guthmiller and Dave Weisz DBA Generation 2 Promotions, LLC for lease of the Car Racing Facilities at the Brown County Fairgrounds for the 2010 racing season. Roll call vote: Commissioners Hansen-nay, Elliott-aye, Sutton-aye, Wiese-aye, Fischbach-absent. Motion carried.

#### STATES ATTORNEY SECURITY WINDOW:

Moved by Wiese, seconded by Elliott to approve renovation at the States Attorneys Office for placement of a security window and electronic access system at approximate cost of \$5,993.03. All members present voting aye. Motion carried.

#### EXECUTIVE SESSION:

Moved by Wiese, seconded by Sutton to go into executive session to discuss litigation with Kim Dorsett and Mary Worlie in attendance. All members present voting aye. Motion carried.

The Chairman declared the executive session closed, with the following action taken on the 3M Equalization Appeal.

#### 3M EQUALIZATION APPEAL:

Moved by Sutton, seconded by Wiese to accept the compromise settlement whereby the assessed full and true value for the 3M property in Aberdeen will be \$8,100,000 for 2009 and 2010; and further the appeal Brown County took from the hearing examiner's decision (Brown County, Civ. 09-770), will be dismissed. All members present voting aye. Motion carried.

#### CELL PHONE DISCUSSION:

Wayde Walther representing Verizon Wireless presented various cell phone options for consideration for the County. No action was taken at this time.

The Chairman declared the regular session recessed at 10:00 a.m. for a Drainage Board Meeting.

The Commission reconvened immediately after the conclusion of the Drainage Board Meeting.

#### TREE REMOVAL QUOTES:

Moved by Wiese, seconded by Sutton to accept tree removal quote in amount of \$2,790.00 from Arbor Pro Tree Care; rejecting quote submitted by Sand Lake Tree LLC in amount of \$2,800.00. All members present voting aye. Motion carried.

#### 12W/385<sup>th</sup> AVE INTERSECTION PROJECT:

Moved by Wiese, seconded by Sutton to approve and authorize the Chairman sign Payment Request #1 in amount of \$424,936.35 for the Brown County 12W Reconstruction Project. All members present voting aye. Motion carried.

Moved by Sutton, seconded by Wiese to approve and authorize the Chairman sign Change Order #1 in amount of \$13,367.10 (increase total to \$475,101.67) for the Brown County 12W Reconstruction Project. All members present voting aye. Motion carried.

#### FAIR/FAIRGROUNDS EQUIPMENT PURCHASE:

Moved by Wiese, seconded by Sutton to approve purchase of a Venture shower trailer for the Fairgrounds Campgrounds from SD Federal Property Agency in amount of \$3,800.00. All members present voting aye. Motion carried.

#### EXECUTIVE SESSION:

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

The Chairman declared the executive session closed, with no action taken as a result of the discussion.

#### LANDFILL EXPANSION PROJECT:

Moved by Sutton, seconded by Wiese to approve and authorize the Chairman sign Payment Request #2 in amount of \$95,330.06 for the Brown County Landfill Expansion Fencing Project. All members present voting aye. Motion carried.

Moved by Elliott, seconded by Sutton to approve and authorize the Chairman sign Payment Request #15 in amount of \$152,570.77 for the Landfill Expansion Project. All members present voting aye. Motion carried.

Moved by Sutton, seconded by Wiese to approve and authorize the Chairman sign Change Order #3 for the Brown County Landfill Expansion Project, increasing total \$43,131.32 for total contract price of \$2,394,305.25. All members present voting aye. Motion carried.

#### RECESS:

The Chairman declared the Commission recessed until December 15, 2009.

The Commission and Auditor accompanied Mike Scott and representatives from Helms and Associates to the Brown County Landfill for a tour of the Expansion Project.

Maxine Taylor – Brown County Auditor

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DECEMBER 15, 2009 - JOINT CITY/COUNTY MEETING

The Brown County Commission and the Aberdeen City Council met in joint session at 8:45 A.M. in the County Commission Chambers, 25 Market Street, Aberdeen, South Dakota. Present from City were Council Members Campbell, Hodgin, Mitchell, Rux and Mayor Levsen. Absent Council Members Agnitsch, Bunsness, Kraft and Slaughter-Hansen. Present from County were Commissioners Hansen, Elliott, Sutton, Wiese and Fischbach.

COUNTY RESOLUTION 88-09

CITY RESOLUTION 09-12-01R/380:

On motion by Rux and seconded by Hodgin the City unanimously voted to adopt Resolution No. 09-12-01R-380 approving the petition to vacate public right-of-way.

Commissioner Sutton offered the following Resolution:

BROWN COUNTY RESOLUTION NO. 88-09  
ABERDEEN CITY RESOLUTION NO. 09-12-01R/380

RESOLUTION TO VACATE PUBLIC RIGHT-OF-WAY

BE IT RESOLVED by the Brown County Commission, Aberdeen, South Dakota that the Petition to Vacate the Public Right-of-Way filed by Douglas R Smith, David C Manning and Geraldine Stubbe, is hereby granted and the public right-of-way is hereby vacated for the following described areas:

50' of Public Right-Of-Way extending 297' East of 385<sup>th</sup> Avenue between Chandler's Outlots 22 and 23 North of 131<sup>st</sup> Street located in the SW ¼ of Sec 3-T123N-R64W, Brown County, SD

BE IT FURTHER RESOLVED by the Brown County Commission, Aberdeen, South Dakota, that a certified copy of this Resolution shall be filed for record and duly recorded in the Office of the Register of Deeds in Brown County.

Dated this 15<sup>th</sup> day of December 2009

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

ADJOURNMENT:

The City Council adjourned and the County Commission continued in regular session.

Maxine Taylor - Brown County Auditor

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# DECEMBER 15, 2009 – 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, Elliott, Sutton and Wiese.

## MINUTES:

Moved by Wiese, seconded by Sutton to approve the General Meeting minutes of December 8, 2009. All members present voting aye. Motion carried.

## CLAIMS:

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

Supplies: Best Business \$190.32, Heartland Paper \$1988.08, Kone \$7320.00, Menards \$332.04, Devnet \$26,297.50, Western Printing \$168.50, Lar-Jos \$180.96, Office Equip \$1324.31, Tel Serv \$47.52, Tricia Jondahl \$500.00, Diane Mielke \$8.23, Earthgrains \$1200.60, DT Pharm \$239.88, Active Data \$2398.00, Civic Research Institute \$179.95, Graham Tire \$43.45, Tri State Water \$35.50, Winner Police \$67.20, Accurint \$50.00, Parcel Erickson \$294.41, Bonnie Bitz \$72.00, Medtox \$562.10, Integrity Products \$86.60, Safety Service \$515.91, West Govt Services \$102.85, Bob Barker \$730.45, Langs \$79.50, Exhaust Pros \$26.78, Towing Plus \$175.00, Kesslers \$292.67, Cash Wa \$4345.47, Spec Mfg \$66.17, Hagan Ins \$650.00, SD Fed Property \$3872.00, Sheehan Mack Sales \$40.44, Runnings \$154.91, Quality Welding \$35.00, Poms Tire \$199.90, N Central Farmers \$2001.17, Midwest Pump & Tank \$185.81, Menards \$198.34, Macs \$550.23, Lust Chev \$15.30, Lien Trans \$426,640.91, Lawson Products \$307.51, Huron Culvert \$15,284.76, Howes Oil \$18,809.57, Helms & Assoc \$591.00, Grangaard Const \$21,225.00, Gen Irrigation \$3654.45, Fastenal \$83.06, Farm Power \$8.42, Economy Propane \$2183.70, Diesel Machinery \$4325.00, Dakota Oil \$1516.45, Crawford Trucks \$3907.68, Crady's Radiator \$942.00, Avera Queen of Peace \$20.00, Ameripride \$226.96, Carquest \$389.63, Midwest Alarm \$51.50, Aberdeen Community Theatre \$340.00, Dacotah Prairie Museum \$2.64, Farnams \$153.48, Bricks Propane \$73.45, Steven Lust \$28.61, Brown County \$796.67, Bob Husby \$900.00, Governors Inn \$93.00, Advanced Weighing \$1650.00, Fastenal \$241.50, Cole Papers \$1545.64, HF Jacobs \$260.20, Office Max \$606.94, Aberdeen School Dist \$1563.37, Walmart \$228.52, Claritus \$172.30, City of Aberdeen \$8647.50, Danko \$64.45, Gray Const \$43,601.20, Farm & Home Pub \$472.00, Dakota Mailing \$445.00:

Professional Fees: NE Mental Illness \$438.90, Lincoln County \$264.50, Language Line \$90.00, Avera St Lukes \$1396.00, Nancy Schlichenmayer \$105.00:

Publications: American News \$690.30, Groton Indep \$163.75:

Court Appointed Attorney: Horn Law Office \$196.60:

Travel: City of Groton \$97.31, Judon Reinbold \$152.92:

Utilities: Northwestern Energy \$5875.42, City of Aberdeen \$320.81, Dependable San \$21,036.12, Northern Elec \$1415.06, Northern Wireless \$111.90, Qwest \$1626.85, Bureau of Admin \$424.99:

Care of Poor: Dr/Hospital – 7 recipients- Sanford Clinic \$420.98, Avera St Lukes \$3745.97, LCM Path \$100.65, Aberdeen Surgical Assoc \$1027.88; Medication – 1 recipients –Avera Home Medical Equip \$80.00; Utilities - 1 recipients – NW Energy \$25.76; Transportation – 5 recipients – Jefferson Lines \$367.25, Emergency Poor Fund \$82.97. All members present voting aye. Motion carried.

## PERSONNEL:

Moved by Sutton, seconded by Wiese to acknowledge the following miles driven and amount to be taxed for personal use of County vehicles during the month of August, September and October 2009: Jan Weismantel – 198.8 @ \$109.34, Markcus Selzler – 259 @ \$142.45, Kendell Titze – 264 @ \$145.20, Mark Wendt 1092 @ \$600.60, Michael Scott – 460 @ \$253.00. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Sutton to amend Brown County Policy 6.1 Pay Period and Pay Day, effective January 1, 2010, as follows: County employees are paid on a bi-weekly schedule. Payroll

checks are directly deposited into a checking or savings account as instructed by the employee on the first Friday following the end of the bi-weekly pay period. All members present voting aye. Motion carried.

#### ABATEMENTS:

Moved by Sutton, seconded by Wiese to approve the following abatements: Trayan Ilkov @ \$64.51, James Dumire @ \$330.95 and \$372.90. All members present voting aye. Motion carried.

#### 2010 BUDGET:

Moved by Wiese, seconded by Sutton to amend Budget Resolution #57-09 to extend levies three places and adjust dollars generated, as follows:

COUNTY TAX LEVIES WITHIN LIMITED LEVY	Dollars	\$'S/1,000
General County Purposes (10-12-9)	\$10,450.224	4.561
Library	32,556	.031
Fire	23,036	.020
TOTAL TAXES LEVIED BY COUNTY	\$10,505,816	4.612

All members present voting aye. Motion carried.

#### BCCHC CONTRACT:

Moved by Elliott, seconded by Wiese to approve and authorize the Chairman sign Contract with the State of South Dakota for providing community health nursing services in Brown County for fiscal year 2010 in amount of \$30,900.00. All members present voting aye. Motion carried.

#### LANDFILL SHOP 5 CONSTRUCTION PROJECT:

Moved by Sutton, seconded by Wiese to approve and authorize the Chairman sign Payment Request #1 in amount of \$7,936.30 and Payment Request #2 in amount of \$43,601.20 for the Brown County Landfill Shop 5 Construction Project. All members present voting aye. Motion carried.

#### SHERIFF REPORTS:

Moved by Sutton, seconded by Hansen to approve the following November 2009 Sheriff Reports: Incident and offenses; Prisoner care, JDC, Money deposited with the County Treasurer and Monthly activities. All members present voting aye. Motion carried.

#### BID – WOOD WASTE GRINDING:

Time and place, as advertised to open, read and consider bids for Wood Waste Grinding Project at the Landfill. Moved by Hansen, seconded by Sutton to award low bid, as submitted by Treeline Tree Service Inc, Groton SD in amount of \$350.00 per hour with no mobilization charge; rejecting bid submitted by Dakota Wood-Grinding Inc, Rosemount MN in amount of \$425.00 per hour with mobilization charge of \$850.00. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Elliott to approve and authorize the Chairman sign Contract with Treeline Tree Service for Wood Waste Grinding Project at the Landfill. All members present voting aye. Motion carried.

#### APPLICATIONS FOR OCCUPANCY:

Moved by Wiese, seconded by Hansen to approve application, submitted by James Valley Communications for occupancy of Brown County Road 16 and 7A in Sections 28 & 29-T126N-R62W to provide telecommunication services. All members present voting aye. Motion carried.

Moved by Sutton, seconded by Wiese to approve application, submitted by Northern Electric for occupancy of Brown County Road 3A and 2 in SE ¼ Sec 8 and NE ¼ of Sec 17-T128N-R65W to provide electrical service. All members present voting aye. Motion carried.

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Moved by Elliott, seconded by Sutton to approve application, submitted by Northern Electric for occupancy of Brown County Road 6D in Sec 25-T124N-R65W to provide electrical service. All members present voting aye. Motion carried.

EXECUTIVE SESSION:

Moved by Wiese, seconded by Sutton to go into executive session to discuss a contract with Kim Dorsett, States Attorney 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 the discussion.

Moved by Sutton, seconded by Wiese to approve and authorize the Chairman sign an engagement agreement with Todd Meierhenry with regard to the Tax Increment District Number One, effective December 15, 2009 at \$250.00 per hour plus expenses. All members present voting aye. Motion carried.

CELL PHONE DISCUSSION:

Scott Meints and Bill Meink met to discuss cell phone proposals presented last week. No action was taken at this time.

HOSPITAL CLAIMS:

Moved by Sutton, seconded by Wiese to deny payment of the following hospital claims: 20 year old male @ \$2,632.00 and 61 year old male @ \$4,850.18, as the individuals have not provided sufficient information to determine if indigent. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to deny payment of the following hospital claim: 62 year old female @ \$12,806.00, as the individual had no prior approval for scheduled surgery and does not have insurance. All members present voting aye. Motion carried.

RECESS:

The Chairman declared the Commission recessed until December 22, 2009.

Maxine Taylor – Brown County Auditor

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DECEMBER 22, 2009 - JOINT CITY/COUNTY MEETING

The Brown County Commission and the Aberdeen City Council met in joint session at 8:45 A.M. in the County Commission Chambers, 25 Market Street, Aberdeen, South Dakota. Present from City were Council Members Agnitsch, Hodgin, Kraft, Rux and Mayor Levsen. Absent Council Members Bunsness, Campbell, Mitchell and Slaight-Hansen. Present from County were Commissioners Hansen, Elliott, Sutton, Wiese and Fischbach.

ORDINANCE NO. 09-12-01/382:

On motion by Hodgin and seconded by Agnitsch, the City unanimously voted to approve First Reading of Ordinance No. 09-12-01/382.

Moved by Wiese, seconded by Sutton to approve First Reading of Ordinance No. 09-12-01/382, 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 714 (M-AG) Mini-Agricultural District: Proposed Lot 1, Goshen Addition in the SE ¼ of Sec 30-T124N-R63W of the 5<sup>th</sup> P.M., Brown County, SD. All members present voting aye. Motion carried.

ADJOURNMENT:

The City Council adjourned and the County Commission continued in regular session.

Maxine Taylor - Brown County Auditor

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DECEMBER 22, 2009 – 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, Elliott, Sutton and Wiese.

MINUTES:

Moved by Wiese, seconded by Sutton to approve the Joint City/County Meeting minutes and the General Meeting minutes of December 15, 2009. All members present voting aye. Motion carried.

CLAIMS:

Moved by Sutton, seconded by Elliott to approve the following claims:

Payroll: Commissioners \$3,110.60; Auditor \$7,791.26; Treasurer \$9,823.11; Data Processing \$3,431.02; State's Attorney \$12,845.06; SVAWA Grant \$1,421.05; Maintenance 5,874.75; Assessor \$10,846.23; Register of Deeds \$6,363.84; Veterans Service Office \$3,106.99; GIS \$1,921.93; Sheriff \$72,447.64; Communications \$18,861.58; Coroner \$750.00; Welfare \$3,148.20; Museum \$5,749.32; Fair board \$2,072.73; Fairgrounds & Parks \$3,688.79; Extension \$2,061.60; Weed \$699.52; Planning & Zoning \$1,580.81; Teen Court \$554.33; E&D \$2,873.62; Highway \$30,605.41; Landfill \$9,144.95; Matching Benefits..FICA \$13,000.44; Medicare \$3,040.42:

Supplies: Quality Quick Print \$255.43, Vision Business Products \$717.70, New Trends \$336.68, Best Business \$573.70, Office Equip \$577.92, West Govt Services \$102.85, Steven Lust \$78.47, Bob Barker \$204.69, Intoximeters \$2000.00, SD Human Services \$73.84, Towing Plus \$45.00, Heartland Paper \$615.74, Sanford Health \$1093.00, Grafix \$1164.33, Postmaster \$110.00, Eddie's Northside \$190.00, Superior Diving Repair \$1006.00, Hoven Auto \$717.93, Moore Medical \$317.03, Bonnie Bitz \$96.00, Dakota Electronics \$796.80, Electronic Security \$1085.00, Earthgrains \$551.56, Ameripride \$113.48, Advance Auto \$6.79, Newman Signs \$156.55, Menards \$348.22, Macs \$138.44, Hedahls \$26.20, Great Western Tire \$227.95, Four Seasons \$64.55, Farnams \$122.52, Dakota Oil \$223.20, Dakota Fluid Power \$570.96, Custom Glass \$60.00, Crawford Trucks \$3475.14, 3-D Specialties \$959.35, Sheehan Mack Sales \$122.08, Share Corp \$209.00, Runnings \$2.49, Praxair \$7.64, Power Plan \$608.87, Plastic Works \$375.00, Northwind Machine \$216.00, N Central Farmers Elev \$11,598.38, Carquest \$294.21, Butler Machinery \$333.19, Bridgestone Firestone \$259.50, Regalia \$752.40, Interior Design \$32.40, Production Monkeys \$5440.00, ProBuild \$165.87, GLAS Consulting \$303.75, Sherwin Williams \$33.39, Shopko \$17.99, Nick Schaunaman \$150.00, Lora Schaunaman \$75.51, Inventory Trading \$408.00, Aberdeen School Dist \$376.12, Pizza Ranch \$71.75, Office Max \$69.30, Dietrich Bus \$125.37, Helms & Assoc \$25,571.30, Sewer Duck \$356.00, Dakota Fluid Power \$173.50, Pro Ag \$560.05, HF Jacobs \$714.29, GovConnections \$5162.46, GovConnection \$5162.46, Metro Fire \$1971.86, G&R Controls \$418.16, Taylor Laundry \$48.00, Quality Welding \$11.00, US Bank \$6775.25, Eichert Transportation \$1425.00, Hewlett Packard \$929.00, West Payment Center \$1760.77, CSD \$350.00, AB Dick \$179.00, Sandra Mielke \$500.00, Jason Vilhauer \$1,020.00, Jeff Vilhauer \$1,020.00, Bob Sieh \$1,020.00:

Professional Fees: Adamsoft \$500.00, Dental Center \$35.00, Avera St Lukes \$8146.40, Sanford Clinic \$83.06, Arbor Pro Tree Care \$1530.00, NADRIC \$1666.66, Lewis & Clark BHS \$142.00, Sheriff of Yankton County \$25.00, Lincoln County \$264.50, Donna Dietrich \$427.82, Nelva Kooistra \$45.00, Cathy Rehffuss \$45.00, Kristi Kost \$600.00, Yankton County \$103.75:

Publications: Groton Indep \$837.17, American News \$1120.89:

Transcriptions: Shepherd Reporting \$50.00, Kristi Kost \$285.60, Sara Zahn \$113.40:

Court Appointed Attorney: Kuck Law Office \$5208.33, Gina Rogers \$5208.33, Christy Serr \$5458.33, Christopher Dohrer \$5458.33, Nichole Carper \$180.04:

Travel: Mark Milbrandt \$602.90, Extension Service \$524.08, Roxy Hilgenberg \$26.64, Jerry Streckfuss \$19.24, Pat Keatts \$26.64, Dale Kurth \$84.36, David North \$84.36, Darwin Bettmann \$11.10, Stan Beckler \$15.54:

Utilities: Alltel \$3119.62, Verizon \$20.89, City of Hecla \$128.36, Dependable Sanitation \$144.50, Qwest \$2419.42:



Care of Poor: Dr/Hospital – 3 recipients- Yankton Medical Clinic \$342.61, Avera McKennan \$1920.65, Avera Cardiology Spec \$160.80, Aberdeen Internal Medicine \$121.84; Insurance – 1 recipient – Verifications \$647.01; Utilities - 2 recipients – NW Energy \$80.00, Northern Elec \$200.80; Transportation – 1 recipient – Jefferson Lines \$75.00; Rent - 1 recipient – White House Inn \$35.00. All members present voting aye. Motion carried.

#### PERSONNEL:

Moved by Hansen, seconded by Wiese to approve the following employee step increases, effective December 27, 2009: Jan Erickson @ \$14.36 per hour, Craig Nelson @ \$17.88 per hour, Brad Nehlich @ \$12.90 per hour, Kathy Schlecht @ \$15.80 per hour, Nancy Radke @ \$17.78 per hour. All members present voting aye. Motion carried.

Moved by Sutton, seconded by Wiese to approve employee status change for Julie Hermansen from regular part-time to part-time employee, effective December 27, 2009 at \$10.48 per hour. All members present voting aye. Motion carried.

#### JRWDD REIMBURSEMENT REQUEST:

Moved by Sutton, seconded by Wiese to authorize the Chairman sign letter of request for reimbursement of expenses the County incurred in amount of \$12,000.00 for debris removal from a county bridge on the James River from the James River Water Development District. All members present voting aye. Motion carried.

#### PLATS:

Commissioner Hansen offered the following Resolution:

#### RESOLUTION #89-09

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD that the plat showing "Chris Podoll Subdivision in the NW ¼ of Sec 22-T125N-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 Sutton. Roll call vote: Commissioners Hansen-aye, Elliott-aye, Sutton-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Sutton offered the following Resolution:

#### RESOLUTION #90-09

BE IT RESOLVED by the County Commission of Brown County, SD that the plat showing "Ryckman Addition in the 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 of 1967, Chapter 11-3, and any amendments thereof.

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

Commissioner Elliott offered the following Resolution:

#### RESOLUTION #91-09

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD that the plat showing "Todd Hanson Conservation Easement Tract 1 in the NE ¼ of Sec 21-T125N-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 Sutton. Roll call vote: Commissioners Hansen-aye, Elliott-aye, Sutton-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Sutton offered the following Resolution:

#### RESOLUTION #92-09

BE IT RESOLVED by the Board of Commissioners of Brown County, SD that the plat showing "East Gem Evangelical Lutheran Church Cemetery Lot in the W ½ of the SE ¼ of Sec 4-T122N-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, Elliott-aye, Sutton-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Sutton offered the following Resolution:

#### RESOLUTION #93-09

BE IT RESOLVED by the Board of Commissioners of Brown County, SD that the plat showing "R. Anderson Addition in the W ½ of the SE ¼ of Sec 4-T122N-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-aye, Elliott-aye, Sutton-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Elliott offered the following Resolution:

#### RESOLUTION #94-09

BE IT RESOLVED by the Board of Commissioners of Brown County, SD that the plat showing "Kjer Tract 1 in the SE ¼ of Sec 1-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, Elliott-aye, Sutton-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Hansen offered the following Resolution:

#### RESOLUTION #95-09

BE IT RESOLVED by the County Commission of Brown County, SD that the plat showing "Sommers Outlots in the SW ¼ of Sec 26-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD", having been

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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, Elliott-aye, Sutton-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Commissioner Sutton offered the following Resolution:

#### RESOLUTION #96-09

BE IT RESOLVED by the Board of Commissioners of Brown County, SD that the plat showing "Goshen Addition in the SE ¼ of Sec 30-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 Elliott. Roll call vote: Commissioners Hansen-aye, Elliott-aye, Sutton-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

#### CITIZEN COMPLAINT:

Mark Black registered a complaint with the Commission about an incident at his property, when fill dirt was removed from the road right-of-way by the highway department without contact other than posting in the local newspaper. The Commission agreed the incident could have been addressed in a different manner.

#### EQUIPMENT PURCHASE:

Moved by Wiese, seconded by Sutton to approve purchase of a 1984 IHC Street Sweeper/Vacuum Truck from SD Federal Surplus Property for the Landfill in amount of \$6,500.00. All members present voting aye. Motion carried.

The Chairman declared the regular session recessed at 10:00 a.m. for a Drainage Board Meeting.

The Commission reconvened the regular session immediately after the conclusion of the Drainage Board Meeting.

#### BCBS EMPLOYEE HEALTH INSURANCE:

Gary Welter, BCBS Representative presented summary reports for the Employee Health Insurance Coverage midway through the plan year that suggest if trends continue the County will be facing major premium increases for the next plan year. Jeanette Nietert, Deputy Auditor was also in attendance.

#### COUNTY ROAD CULVERT:

Al Waltman met to inquire about the timeline for a culvert replacement on County Road 11. Jan Weismantel, Highway Superintendent was also in attendance and explained conditions have been too wet to analyze the correct elevation needed for the new culvert to equalize not drain the water from road ditch to road ditch.

#### FAIR REPORT:

Larry Gerlach, Fair Manager presented facts and figures reflecting the positive impact the Hotel Alliance Grant and the SD Tourism Grant Funds had in promoting the 2009 Brown County Fair.

#### EXECUTIVE SESSION:

Moved by Wiese, seconded by Sutton 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 the discussion.

RECESS:

The Chairman declared the Commission recessed until December 29, 2009.

Maxine Taylor – Brown County Auditor

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DECEMBER 29, 2009 - JOINT CITY/COUNTY MEETING

The Brown County Commission and the Aberdeen City Council met in joint session at 8:45 A.M. in the County Commission Chambers, 25 Market Street, Aberdeen, South Dakota. Present from City were Council Members Agnitsch, Campbell, Hodgin, Kraft and Mayor Levsen. Absent Council Members Bunsness, Mitchell, Rux and Slight-Hansen. Present from County were Commissioners Hansen, Elliott, Sutton and Fischbach. Absent Commissioner Wiese.

ORDINANCE NO. 09-12-01/382:

On motion by Hodgin and seconded by Campbell, the City unanimously voted to approve Second Reading and Adoption of Ordinance No. 09-12-01/382.

Moved by Sutton, seconded by Elliott to approve Second Reading and Adoption of Ordinance No. 09-12-01/382, 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 714 (M-AG) Mini-Agricultural District: Proposed Lot 1, Goshen Addition in the SE ¼ of Sec 30-T124N-R63W of the 5<sup>th</sup> P.M., Brown County, SD. Roll call vote: Commissioners Hansen-aye, Elliott-aye, Sutton-aye, Wiese-absent, Fischbach-aye. Ordinance adopted.

ADJOURNMENT:

The City Council adjourned and the County Commission continued in regular session.

Maxine Taylor - Brown County Auditor

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# DECEMBER 29, 2009 – 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, Elliott and Sutton. Absent Commissioner Wiese.

## MINUTES:

Moved by Hansen, seconded by Elliott to approve the Joint City/County Meeting minutes and the General Meeting minutes of December 22, 2009. All members present voting aye. Motion carried.

## CLAIMS:

Moved by Sutton, seconded by Elliott to approve the following claims:

Supplies: Richards & Oliver \$155.08, Exec Mgmt \$1677.20, Taylor Laundry \$59.50, House of Glass \$511.05, Macs \$31.15, Runnings \$1168.63, Century Business Products \$149.08, Danko \$525.55, NDSU Ag Communications \$272.50, Geffdog \$837.90, Malchows \$5000.00, Dakota Mailing \$215.01, CMRS-FP \$5000.00, Nelson Sales \$86.24, Dakota Electronics \$2300.00, Sound Decisions \$750.00, City of Groton \$15,549.28, Erdmann Fuels \$1312.42, Menards \$102.36, Graham Tire \$643.80, Heartland Paper \$1160.13, Heiman \$1000.00, Quality Welding \$227.65, David Kampa \$449.88, Vision Business Prod \$1172.24, M&T Fire \$1000.00, Metro Fire \$1000.00, Office Equip \$516.11, Kimberly Dorsett \$706.96, Dorfman \$1395.00, LBG \$11,109.00, Overhead Door \$76.53, Fastenal \$389.69, Farnams \$218.22, Hedahls \$80.35, Farm Power \$356.26, Webb Shoes \$188.96, Lien Transportation \$15,475.35, SDDOT \$51,399.62, Power Plan \$306.61, Pierson Ford \$193.80, Lawson Products \$340.19, Howes Oil \$9643.20, JD Evans \$436.41, Economy Propane \$738.50, Diesel Machinery \$34,836.52, Dakota Oil \$2713.41, Dakota Fluid Power \$17.92, Crawford Trucks \$403.17, Carquest \$29.36, Butler Machinery \$2.78, Bridgestone \$120.00, Best Business \$168.26, Ameripride \$168.50, Brown County \$23.60, Language Lines \$90.00, Central Supply \$903.25, Quality Quick Print \$244.00, Exec Mgmt \$30.00, New Trends \$1292.81, Dept of Rev \$1497.00, Moore Medical \$12.29, Bob Barker \$77.27, Harvey Oliver \$1558.89, Galls \$1093.51, Superior Diving Repair \$1006.00, Digital Ally \$8240.00, Stratford Fire Dept \$1200.00, Eilers \$97.00, Ameripride \$168.50, Jan Weismantel \$500.00, Northern Elec \$56,250.00, Titan \$411.49, Gov Connection \$81.39, Ecolab \$90.50, Gardner Locksmith \$15.00, Sanders Sew 'N Vac \$19.60, Danko \$315.26, Network Environment Systems \$259.25, SD Fed Surplus \$4329.00, Macs \$129.50, Hewlett-Packard \$1061.00, Compass Tools \$613.00, McFarland Supply \$16.47, Grote Roofing \$43,973.00, Overhead Door \$1035.71, RDR Plumbing \$3291.72, Aberdeen Hockey \$55.00, Aberdeen C&F \$87.00, North Central Farmers Elev \$5571.86, DSG \$284.00, TelServ \$75.00, Butler Machinery \$2664.45, Dakota Mailing \$215.01, Quality Quick Print \$1242.00, Sd Assoc of County Commissioners \$5,124.70, Heartland Paper \$465.00, New World Systems \$16,500.00, Dakota Electronics \$10,620.38, Cunningham Electric \$3543.00, NE Mental Health \$5838.61, Menards \$203.98, Office Equipment \$11.76, Jon Locken \$475.00, Walmart \$345.75, Tom Gohn \$500.00, Carahsoft Technology Corp \$2417.42:

Professional Fees: David Kauffman \$3360.00, Dakota Imaging \$474.51, NE Mental Health \$5838.61, Avera St Lukes \$3179.91, Sanford Health \$665.00, Eide Bailey \$243.00, Kimberly Dorsett \$10,000.00, Aberdeen Pyschiatric \$166.32:

Publications: American News \$418.62:

Transcriptions: Tammy Erickson \$147.00, Slowey Court Reporting \$50.00:

Court Appointed Attorney: Mikelson Law Office \$384.32:

Travel: Mike Wiese \$119.24, Kimberly Dorsett \$441.88, Kathy Vitense \$93.24, Al Ryckman \$44.40, Krysti Mikkonen \$111.00, Jesslyn Latt \$5.18, Curt Haaland \$44.40, Michael Elsen \$91.02, Sherry Theobald \$19.61, Jerry Mills \$13.07, Ron Dodds \$74.68, Marj Zastrow \$18.00,

Troy Knecht \$28.86, Dennis Wiedebush \$8.88, Duane Jark \$39.96, Extension Service \$224.74, Gene Loeschke \$119.51, Kathy Fischer \$204.98, Leo Leshner \$223.48, Al Vietmeier \$207.57, Curtis Brooks \$80.66, Mark Milbrandt \$36.00, Tom Fischbach \$67.34:

Utilities: Qwest \$82.76, Northwestern Energy \$9909.63, A-1 Sanitation \$579.00, Midcontinent Cable \$346.25, WEB \$124.82, Montana Dakota \$23.89, Alltel \$140.66, Midwest Alarm Co \$51.50:

Care of Poor: Dr/Hospital – 4 recipients- Avera St Lukes \$1431.74, Avera Sacred Heart \$1736.60, Dakota Imaging Prof LLC \$368.96; Medication – 3 recipients – Quarve Drug \$310.57, Walmart Pharm \$139.23; Insurance – 1 recipient – Dakota Lodging \$451.42; Burial – 1 recipient – Spitzer Funeral Home \$1200.00; Transportation – 2 recipients – Brown County \$52.58, Aberdeen Advanced Care Amb \$213.52; Rent - 1 recipient – Steve Nemmers \$320.00. Roll call vote: Commissioners Hansen-nay, Elliott-aye, Sutton-aye, Wiese-absent, Fischbach-aye. Motion carried.

#### PERSONNEL:

Moved by Sutton, seconded by Hansen to approve Chris Stucke's transfer from the Data Processing Department to the Communications Department, effective December 27, 2009. All members present voting aye. Motion carried.

#### INCREASE SPENDING AUTHORITY/ESTIMATED REVENUE:

Moved by Elliott, seconded by Sutton to increase spending authority and estimated revenue in the following funds for unanticipated reimbursement for expenditures: Fund #231-211-426 @ \$902.31, #231-334 @ \$902.31 (Drug Control); #234-211.01-426 @ \$2,860.40, #234-211.01-411 @ \$14,423.58, #234-211.01-412.01 @ \$894.29, #234-211.01-412.02 @ \$209.15, #234-211.01-413 @ \$1,153.88, #234-331.90 @ \$19,541.30 (Underage Drinking Control); #234-211.03-426.03 @ \$312.50, #234-331.04 @ \$312.50 (Bulletproof Vest); #234-151-429 @ \$1,525.21, #234-331.97 @ \$1,525.21 (SVAWA Grant); #234-159-411 @ \$1,258.55, #234-159-412.01 @ \$91.99, #234-159-412.02 @ \$18.26, #234-159-426 @ \$10,455.48, #234-331.99 @ \$11,824.28 (Teen Court JABG); #234-161-425 @ \$4,700.00, #234-161-432 @ \$45,300.00, #234-331.98 @ \$50,000.00 (DOE Stimulus), #234-161-426 @ \$1,947.50, #234-331.18 @ \$1,947.50 (Court Security), #234-222-426 @ \$155,625.00, #234-331.25 @ \$155,625.00 (Hazard Mitigation); #234-222.04-426 @ \$7,972.93, #234-331.05 @ \$7,972.93 (POD); #234-524.01-426 @ \$37,890.00, #234-339 @ \$37,890.00 (Fair Promotion); #236-222.28-426 @ \$11,648.25, #236-222.29-426 @ \$97,317.68, #236-222.30 @ \$4,870.17, #236-222.31-426 @ \$6,967.28, #236-331 @ \$120,803.38 (Homeland Security). All members present voting aye. Motion carried.

#### CONTINGENCY TRANSFERS:

Moved by Sutton, seconded by Hansen to approve the following Contingency Transfers: increase spending authority (no cash): Fund #101: 111 Commission @ \$13,486.79, 153 Court Appointed Legal @ \$18,480.81, 162 Director of Equalization @ \$406.92, 163 Register of Deeds @ \$12,117.52, 441 Mentally Ill @ \$7,593.02; 445 Mental Illness Board @ \$24,512.18, 522 Parks @ \$2,531.42, 523 Fairgrounds @ \$1,343.71, 524 Fair Board @ \$3,494.23, 911 Operating Transfer 24/7 @ \$57,535.00; reduce spending authority (no cash) 101-112-422.99 @ \$141,501.60. All members present voting aye. Motion carried.

#### OPERATING TRANSFERS:

Moved by Sutton, seconded by Elliott to approve an operating transfer from General Fund #101-191-911 to 24/7 Fund #248-371 in amount of \$31,203.00 (revenue and cash July – December 2009). All members present voting aye. Motion carried.

Moved by Sutton, seconded by Elliott to transfer interest from General to individual funds as current revenue; and further per Commission Policy transfer out to General Fund: #201 Highway @ \$30,167.26 #504 Solid Waste @ \$41,300.42; #207 Communications @ \$4,848.31; #226 Emergency Management @ \$1,256.97, #101 General @ \$77,572.96. All members present voting aye. Motion carried.

#### GENERAL FUND LOAN:

Moved by Elliott, seconded by Hansen to authorize cash from the General Fund be loaned to the following Funds until reimbursement/accounts receivable are received: Fund #234 @ \$68,887.18; Fund #236 \$18,137.17. All members present voting aye. Motion carried.

#### WAIVE SOLID WASTE FEES:

Moved by Hansen, seconded by Elliott to approve and authorize waiving the following Solid Waste credit slips: Jung Construction @ \$30.02, Dependable Sanitation @ \$284.47, City of Aberdeen @ \$506.85, Reuer Sanitation @ \$41.26, Mitzel & Sons @ \$10.48. All members present voting aye. Motion carried.

#### SA BUDGET:

Kim Dorsett discussed 2009 budget balance and requested \$10,000.00 be placed in prosecution fund. Board concurred.

#### TAX DEED PROPERTY:

Moved by Hansen, seconded by Sutton 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.

#### PARTIAL PAYMENTS:

Moved by Hansen, seconded by Elliott to authorize Sheila Enderson, County Treasurer to accept partial payments for taxes (as authorized by SDCL 10-21-7) in amount of \$150.00 per month on the 65.5 rods N and S by 39.5 rods E and W SE corner SE 19-128-64, effective January 1, 2010. All members present voting aye. Motion carried.

Moved by Sutton, seconded by Elliott to authorize Sheila Enderson, County Treasurer to accept partial payments for taxes (as authorized by SDCL 10-21-7) in amount of \$140.00 per month on Lot 6 Blk 21 1<sup>st</sup> Addition to Aberdeen, effective January 31, 2010. All members present voting aye. Motion carried.

#### CELL PHONE DISCUSSION:

Scott Meints met with additional information in regard to cell phone proposals presented earlier. No action was taken at this time.

#### BR278:

Moved by Sutton, seconded by Elliott to approve and authorize the Chairman sign SDDOT Work Order LGA-106-09 for consulting services for structure design revisions for Bridge 278 BRO 8007(37) in amount of \$4,140.64 with Clark Engineering. All members present voting aye. Motion carried.

#### CHANGE ORDER AND PAY REQUEST 12W PROJECT:

Moved by Hansen, seconded by Sutton to approve and authorize the Chairman sign Change Order #2 for the Brown County 12W Reconstruction Project, decreasing total project cost for as-



constructed quantities by \$34,689.97 (total project cost @ \$440,411.70). All members present voting aye. Motion carried.

Moved by Sutton, seconded by Elliott to approve and authorize the Chairman sign Payment Request #2 (final) for the Brown County 12W Reconstruction Project in amount of \$15,475.35. All members present voting aye. Motion carried.

HIGHWAY UPDATE:

Jan Weismantel, Highway Superintendent informed the Commission that due to ice conditions, a section of County Road 9 will continue to be closed to traffic. Board concurred.

ADJOURNMENT:

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

Maxine Taylor – Brown County Auditor

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**"A"**

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**"B"**

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2/10/09	BCCHC Report - DeAnna Kyburz presented health report for Oct-Dec 2008	22
2/10/09	Bid - Highway Equipment - authorize hearing for equipment: Truck 3/3/09 8:45 am, Box & Hoist 3/3/09 9:00 am, Tree Chipper 3/3/09 9:15 am, Motor Grader 3/17/09 8:45 am	23
2/17/09	Bid Dates, Amend - cancel Box & Hoist bid date 3/3/09 at 9:00 am, change Tandem Truck bid date to 3/10/09 at 9:15 am, change Tree Chipper bid to 3/10/09 9:30 am	25
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3/10/09	Bid - auth chemical bids, April 2, 09 at 8:45 am	53
3/10/09	Bid - Rental of Equipment - open and refer all bids to Jan Weismantel, Hwy, for review	54
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3/10/09	Bid - Tree Chipper - open and refer to Jan Weismantel, Hwy, for review	54
3/10/09	Bid - Landfill Land Lease - award bid to Bauer Farms, \$91 per acre Sec 14, \$88.60 Sec 13	54
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3/10/09	Bid - Award Tree Chipper to Sheehan Mack @ \$39,362.00	54
3/10/09	Bid - Rental of Equipment -Award bids to various dealers - see tabulation sheet in auditor's office	54
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3/17/09	Bid Dates Set - auth adv, Hwy, Semi Tractor at 8:45 am and Belly Pup Trailer at 9:00 on April 14, 2009	58
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1/27/09	Citizens Corp Members - appoint Captain Michael Cripe as Salvation Army rep (replace Tony Jones )eff 1/1/09 12/31/09 and Tom Schmitt as Law Enforcement Rep eff 1/1/09-12/31/09 (replacing Civil Air Patrol representation category)	17
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1/27/09	Grant - SVAWA - auth Chair sign grant memorandum of commitment for Coordinated Response Teams/Efforts	15
1/27/09	Groton School Bond - Tobin J Morris, Northland Securities inquired about refinancing the Groton School Bond turned over to the county - no action	16
2/3/09	Groton School Bond - Thomas Grimmond, Dougherty & Company, LLC discussed refinancing bond	20
2/17/09	Groton Bond - Resolution No. 8-09 - Refinance Groton School Bond funds - paperwork	26
3/3/09	Groton Bond - Resolution No. 15-09 - appoint Groton Area School Dist to admim bond	49
3/17/09	Grant Application - approve & auth Larry Gerlach sign grant app through SD Office of Tourism for matching funds of \$15,390.00 from Aberdeen Hotel Alliance Special Events for 2009 Fair	57
3/17/09	Grant Application - Court Security - app & auth Vice Chair sign grant app \$3,895.00 - 50 % match	57
3/24/09	GIS Ordinance - Scott Madsen, Kim Dorsett discussed draft of GIS Ordinance	64
4/14/09	Grant Application - Weed & Pest - App & auth Roger Johnson to submit online grant app to SD Dept of Health for the 2009 Mosquito Prevention and Control Program	75
4/28/09	Glugla, Ron - step inc eff 5/3/09	88
5/5/09	Grant - Byrne Justice Assistance (JAG) - approve with Aberdeen City	99
5/12/09	Grant - Weed & Pest Grant - SD Weed & Pest Control eff 7/1/09 to 6/1/10	102
5/12/09	Grant - Weed & Pest agreement - SD Weed & Pest Control eff 7/1/09 to 6/1/10	102
6/9/09	Grant - Highway Safety Grant Application: FY 2010 grant application \$29,440 w/match	115
6/16/09	Grant - FY 2010 Letter of Agreement for Governor's Million Dollar Challenge grant award	119
6/16/09	Glacial Lakes Budget 2010 info - Rosie Smith	120
6/16/09	GIS Budget - Scott Madsen, 2010 Budget	120
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1/6/09	Hwy Update - Jan Weismantel discussed report by Soil Technologies -Co Road 14WA adjacent to the Beef Plant	9
1/13/09	Highway Bridge - Jan Weismantel discussed repairs to bridges on roads adjoining Day County, requested permission to meet with SA to draft defining agreement	11
1/13/09	Hospital Claim - denied - 53 year old male, 55 female, not enough info for indigent	11
1/20/09	Highway Update - Jan Weismantel presented draft bridge agreement - no action	12
1/20/09	Highway - Bid supplies - auth adv for public hearing for highway supplies - Hot Mix 8:45 am & Gravel Material 8:50 am on 2/24/09, Rental of Equipment 8:45 am on 3/10/09	13
1/20/09	Hwy Bid -2009 Double Drum Asphalt Roller: auth adv for public hearing, 8:45 am 2/17/09	13
2/10/09	Highway - Bid- Equipment - authorize hearing for equipment: Truck 3/3/09 8:45 am, Box & Hoist 3/3/09 9:00 am, Tree Chipper 3/3/09 9:15 am, Motor Grader 3/17/09 8:45 am	23
2/10/09	Homeland Security Update - Scott Meints, John McQuillen, Tom Schmitt 2009 update	23
2/17/09	Hwy Bid Dates, Amend - cancel Box & Hoist bid date 3/3/09 at 9:00 am, change Tandem Truck bid date to 3/10/09 at 9:15 am, change Tree Chipper bid to 3/10/09 at 9:30 am.	25
2/17/09	Hwy Bid - Asphalt Roller - approve Addendum #1, #2, #3 to specs	25
2/17/09	Hwy Bid Award - Asphalt Roller - RDO Equip 2009 with trade in	26
2/17/09	Highway - approve posting two labor grade 4 positions in house to ensure adequate number of employees capable of operating the oil distributor Authorize working four ten-hour days at the highway department eff 3/30/09	26
2/24/09	Hwy Bid - Asphalt Concrete Plant Mix -open & refer all bids to Jan Weismantel, Hwy superintendent	43
2/24/09	Hwy Bid - Gravel Materials - open & refer all bids to Jan Weismantel, Hwy superintendent	43
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3/3/09	Hay Cutting Notice - East of Fairgrounds - Authorize hearing, 9:45 am 3/24/09	49
3/3/09	Hwy Contracts - Authorize chair sign for material, supplies & rental equipment	49
3/10/09	Hwy Bid - Rental of Equipment - open and refer all bids to Jan Weismantel, Hwy, for review	54
3/10/09	Hwy Bid - Tandem Truck - open and refer to Jan Weismantel, Hwy, for review	54
3/10/09	Hwy Bid - Tree Chipper - open and refer to Jan Weismantel, Hwy, for review	54
3/10/09	Hwy Bid - Landfill Land Lease - award bid to Bauer Farms, \$91 per acre Sec 14, \$88.60 Sec 13	54
3/10/09	Hwy Bid - Tandem Truck - award bid to Crawford Trucks w/trade, Sheehan Mack wo/trade	54
3/10/09	Hwy Bid - Award Tree Chipper to Sheehan Mack @ \$39,362.00	54
3/10/09	Hwy Bid - Rental of Equipment -Award bids to various dealers - see tabulation sheet in auditor's office	54
3/17/09	Hwy Bid - Motor Grader - open and refer to Jan Weismantel for review	57
3/17/09	Hwy Bid Dates Set - auth adv, Hwy, Semi Tractor at 8:45 am and Belly Pup Trailer at 9:00 on April 14, 2009	58
3/17/09	Highway Update - Jan Weismantel, Robin Bobzien, Ab City Engineer discussed co roads south of Aberdeen at 40 MPH w/max 6-ton axel weight in the future, Jan also discussed process for accounting for the stimulus money Brown County will receive	58
3/24/09	Hay Cutting Option renewal for 2009 by Frohling Farms at Richmond Youth Camp, 21 acres \$577.50	61
3/24/09	Hay Cutting Bid - East of Fairgrounds - open bids, award to Alan Neitzel \$63.50 per acre	63
3/24/09	Hwy Bid - Tires - approve bid award extension on State Bid Contract for tire eff through 3/1/10	63
3/1/09	Hwy - Box and Hoist Quotes: accept quote by Safety Service \$22,750.00	63
3/24/09	Hwy Janitorial Service Quotes - accept quote from Bakken Bldg Maintenance, \$500 month, effective March 8, 2009 for janitorial services at Hwy	63
3/24/09	Highway Update - Jan Weismantel discussed Bridge 172 if taken off STIP Plan, status Bridge 204	64
4/2/09	Hwy Bid - Motor Grader - reject all bids opened 3/17/09 - specs did not meet the needs of Hwy Dept	67
4/2/09	Hwy Bid - auth adv for new motor grader May 5, 2009 at 8:45 am	67
4/2/09	Highway Update - Jan Weismantel discussed Bridge 172 gas line w/Mike Wms NWPS, repair to NWPS elec line poles by County 18, overtime due to flooding	68
4/14/09	Hwy Bid Opening - Tandem Truck - open bids and refer to Jan Weismantel for review	75
4/14/09	Hwy Bid - Fuel Bid - award bids from state bid contracts eff 4/1/09 through 3/31/10, Howes Oil Co & North Central Farmers Elevator	75
4/14/09	Hwy Bid Rescind/Award - Asphalt Roller - rescind portion of motion in minutes of Feb 17, 2009 awarding bid to RDO Equipment, failed to meet specs when delivered, award to Diesel Machinery	76
4/14/09	Harford, Timothy - status change PT to Reg PT	75
4/14/09	Hwy Bid - Belly Pup Trailer - open and refer to Jan Weismantel for review	76
4/21/09	Hospital Claims denied, two males, two females	80

4/21/09	Highway Update - Jan W.	82
4/28/09	Highway Update - Jan W	91
5/12/09	Huettl, Matt - Hire seasonal hwy eff 5/18/09	101
5/19/09	Hofer, Ben - Labor Grad 3 up to 4 eff 5/18/09	104
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6/9/09	Highway Safety Grant Application: FY 2010 grant application \$29,440 w/match	115
6/9/09	HAPI TIF #5 - Down payment assistance program for BC residents	115
6/9/09	Homeland Security Funds - release to State for upgrading SD Digital Radio Network (No!)	117
6/16/09	Highway Annual Report - 2008	120
6/30/09	Highway Update - Bridge 051, County Road 16	128
7/7/09	Housing & Redevelopment Board - appoint Francis Brink 5 year term	130
7/7/09	Highway #16 - Allen Siefkes, Mike Elsen discussed condition	130
7/7/09	Hospital Claims - deny payment of 4 individuals	131
7/21/09	Highway 12W Intersection Project - sign Contract Agreement to proceed with completion	140
8/4/09	Highway Update - Kendell Titze, Hwy Foreman, info report	149
9/29/09	Highway 12W/385th Ave Intersection Project - authorize chairman sign pay request #1	177
9/29/09	Highway 12W/385th Ave Intersection Project - authorize chairman sign change order #1	177
9/29/09	Heartland Grain Fuels Conduit Financing - Restructuring Agreement to cancel all BC interest	179
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10/13/09	Holiday Closing - Friday, Nov. 27 - day after Thanksgiving	188
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11/3/09	Highway Equipment - Jan Weismantel - request permission to purchase water pump	204
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12/15/09	Hospital Claims - deny payment of claims for 2 individual males, 1 female insufficient info	226
12/29/09	Highway 12W Reconstruction Project - change order #2, Payment request #2	236/237
12/29/09	Highway Update - Jan Weismantel- section of Co Rd 9 closed due to ice conditions	237

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01/13/09	Interest Statement - accept Oct-Dec 2008 Interest statement from treasurer	10
04/02/09	Indigent Counsel Agreement - Amended - app & auth chair sign Amendment to Agreement eff 1/1/08-12/31/09. Removing Wm Gerdes & re-assigning case load & reapportioning monetary share to remaining attys in contract.	67
04/14/09	Interest Statement - accept Jan-Mar 2008 Interest statement from treasurer	75
7/21/09	Interest Statement - April-June 2009	140
07/21/09	Indigent Counsel Agreement 2008-2009 - Amended signed	141
10/27/09	IMAT, SD - authorize Acceptance Certificates for Scott Meints & T Schmitt	200
11/03/09	Infectious Disease Policy Discussion - Scott Meints, Marcy Fritz, Tom Schmitt	203
12/01/09	Indigent Counsel Agreement - eff 1/1/2010 to Dec 31, 2013	216
12/22/09	Employee Health Insurance, BCBS - Gary Welter presented summary reports for next year plan	231
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12/29/09	Interest - transfer from 101 to various funds	236

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Date	Description	Page
3/24/09	Joint Powers Agreement - app & auth chair sign agreement w/Groton School District for administering bond indebtedness	61
3/24/09	Janitorial Service Quotes - accept quote from Bakken Bldg Maintenance, \$500 month, effective March 8, 2009 for janitorial services at Hwy	63
4/28/09	Jensen, Jane - Resign eff 5/7/09	88
5/19/09	Jail Trustees & 24/7 Program - housing work release & 24/7 program off-site	105
6/23/09	JDC agreement with Aberdeen School District eff 7/1/09 to June 30, 2010	122
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8/25/09	Joint City County meeting rescheduled for 8:45 am on Sept. 1, 09	158
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11/3/09	JABG Award - authorize chairman sign Notice of Award for 2006 Eff Oct-Sept 2009	203
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5/12/09	Koeniguer, Jon - Hire seasonal hwy eff 5/18/09	101
6/23/09	Kurtz, Randy - resign 7/1/09	121
6/23/09	Ketterling, Tamara - hire FT Jail eff 7/1/09	121
9/1/09	Kirnan, John - hired for security at BC Fair	164
10/6/09	Kline, Jeanette -hire in Register of Deeds under Experience Works Program at no cost	183
12/8/09	Kusler, Kenneth - hire as Dep Coroner eff 12/8/09	220

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1/20/09	Library-Frederick - Tamie Nickelson, Emma Burnham - update on new building	13
1/27/09	Landfill Expansion - Unit 2 - Mike Scott, Jay Koch, Helms & Assoc, Tim Kenyon-Leggette, Brashears & Graham, Inc. presented update on expansion project	17
1/27/09	Landfill Agreement - auth chair sign agreement w/Leggette, Brashears for completion of eight primary tasks in 2009 at cost of \$87,022.00	17
1/27/09	Landfill Bid Expansion Project - auth adv for bid, 10:00 am on March 3, 09	17
2/10/09	Lease Agreements - authorize chair sign agreements - Ab Humane Society, AAN	22
2/17/09	Lease Landfill Land - authorize adv for lease of land east & west of landfill	40
2/17/09	Landfill Spring Residential Cleanup - approve to waive fees during April 24-May 9, 09	40
2/17/09	Landfill Equipment Purchase - auth Mike Scott to purchase 2009 Ford 350 Pickup from Pierson Ford, matching state bid in amount of \$27,560	41
	Authorize Mike Scott to purchase JMS 17" Grapple Mechanism \$13,495 from Baileys, CA	41
2/24/09	Lease Agreements - approve Relay for Life, Ab Home Builders, AAHA, Camp Good News, Melgaard Park Baptist Church	43
3/3/09	Load Restrictions - Seasonal 2009 restrictions	
3/3/09	Landfill Expansion Bid - open bids - all bids refer to Mike Scott and Jay Koch, Helms	51
3/10/09	Landfill Land Lease Bid - award bid to Bauer Farms, \$91 per acre Sec 14, \$88.60 Sec 13	54
3/10/09	Landfill Expansion Bid-Award to North Pine Aggregate Inc., Forest Lake, Mn \$2,344,928.93	55
3/10/09	Landfill Expan Bid - App & Authorize chair sign Notice of Award and Contract to North Pine Aggregate	55
3/10/09	Landfill Update - Mike Scott, Jay Koch, Helms & Assoc presented update on additional future costs in conjunction with the Landfill Expansion Project	55
3/24/09	Lease -Hay Cutting Option renewal for 09 by Frohling Farms at Richmond Youth Camp, 21 acres \$577.50	61
4/2/09	Land Lease Contracts - Landfill - auth chair sign contracts for land east & west of landfill	69
4/7/09	Lease Agreement - app & auth chair sign lease - Dist VII Farmers Union - Youth Camp 6/28-7/1/09	71
4/7/09	Leonard, Matthew - hire as deputy coroner eff 4/7/09	70
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5/26/09	Landfill Expansion Fence Project - sign contract with American Fence	109
5/26/09	Letter of Engagement - professional fees be executed with Mike Amo to perform a real estate appraisal	110
6/9/09	Landfill Expansion Project - sign payment requests 2, 3 & 4	115
6/9/09	Landfill road - 132nd Street discussion, dust control	115
6/9/09	Landfill Gas Pilot Test Contract - with Leggette, Bashears & Graham Inc	116
6/9/09	Landfill Expansion Shop - contract for design work with Hula Design/Build LLC (Hurlbert)	116
6/9/09	Landfill Update - cell construction update & container sites	116
6/16/09	Landfill Agreement - with Northern Elec for labor & power to LF Expansion Project	119
6/16/09	Land discussion - Steve Stickelmyer, county land adjacent to 1011 1st Ave SE, no action	120
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6/23/09	Lease Agreements - Church of God, Abdn Chamber, Maureen Gilbertson	123
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7/7/09	Landfill Expansion Project - sign payment request #6	130
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8/18/09	LF Expansion Project - sign payment request #9	155
8/25/09	LF Expansion Update - Mike Scott presented update, waste flow, wood waste grinding, fall free cleanup	160
9/1/09	Lease Agreements - First United Methodist, Assoc General Contractors of SD	164
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9/29/09	LF Expansion Wetlands Seeding Project - authorize chairman sign Notice of Award-J&N Mfg	174
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12/8/09	Landfill Expansion Project - Payment Request #2 for Fencing Project, Payment Re #15 for LF Project Change Order #3 for LF Expan Project	222
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2/3/09	Maintenance - authorize maintenance dept to install carpet & countertop in former machine room ( for Planning & Zoning Office)	20
2/24/09	Museum Annual Report - Sue Gates presented annual report 2008	47
3/10/09	Malt Beverage Hearing - Auth adv hearing, 3/31/09 at 9:00 am for Daniel Napton DBA 281 Roadhouse	53
3/24/09	Motor Cross Club - Corey Harder - part of property being used no longer available	61
4/2/09	Malt Beverage Hearing - approve application for Daniel R Napton DBA 281 Roadhouse contingent upon meeting all requirements and receiving fees by April 7, 2009	67
4/7/09	Malt Beverage License - Acknowledge letter from Daniel Napton withdrawing app for Malt Beverage License due to major flooding conditions in Frederick	71
4/14/09	Malt Beverage License - Authorize hearing Malsam, DBA A&E Promo to Jamie Naasz DBA Brown County Speedway on May 5, 2009 at 9:30 am.	75
4/14/09	Malt Beverage - Special - Authorize hearing for NE Area Horse Racing - May 5, 2009 at 9:30 am	75
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5/5/09	Malt Beverage Hearing - NE Area Horse Racing	99
5/5/09	Malt Beverage License Transfer Hearing - Al Malsam to Jamie Naasz - BC Speedway	99
5/12/09	McClain, Erin - Hire in Dispatch eff 5/11/09	101
5/12/09	Majeske, Jordan - Hire in Dispatch eff 5/11/09	101
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6/23/09	Moser, Rochele - hire in fair office, eff Aug 17-24, 09	122
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6/16/09	Nelson, Clay - Hire as PT JDC Officer, eff 6/23/09 @ 10.48	118
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10	3/3/09	Ordinance #09-03-02/374 - set hearing date 3/23/09 5:30 pm rezone	49
11	3/23/09	Ordinance #09-03-02/374 - 1st reading - rezone, Breezy Acres	59
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1/20/09	Personnel: Step inc - eff 1/25/09 - B Smith, T Jondahl, A Sorenson, L Vickers Acknowledge resignation of Brandi Hagen eff 1/21/09	12 12
1/27/09	Personnel: Acknowledge resignation of Shirelle Stadel, 24/7 emp eff 1/16/09 Hire Miranda Hart - blood draws @ \$35 eff 1/21/09, Acknowledge resignation & terminate agreement with Jason Engel for blood draw services Acknowledge resignation of Ginger Walker eff 1/23/09 Hire Ashley Pigors as summer assistant at Extension Office, eff 5/26/09 - 8/28/09 @ \$7.66 Acknowledge resignation of Emily Hughes as BC Teen Court Coordinator, eff 2/20/09 Approve status change for Rochelle Moser from Fair Office Deputy to EM Chief Office Deputy Step 4 eff 2/9/09 @ \$14.60 Acknowledge miles driven, county vehicles for Nov-Dec 2008: J Weismantel, M Selzler, K Titze, M Scott, Hire Merv Heaton PT Weed Sprayer eff 1/22/09 @ \$13.46, Hire Derek Schuster PT JDC Correctional Officer eff 1/27/09 @ \$10.48	15
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10/13/09 Years of Service Award - Judy Dosch, John Weig, Mavis Kempf, Kathy Neitzel, Leo Leshner