

## JANUARY 4, 2011 -REORGANIZATION MEETING

This being the reorganization meeting of the Brown County Commission for year 2011, said Board convened at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, South Dakota. Present were Commissioners Hansen, Elliott, Sutton, Wiese and Fischbach.

Pastor Gary Wildman, First Assembly of God Church, opened with Prayer and led the Pledge of Allegiance.

Jan Beckler, Deputy Brown County Auditor, called for nominations for Brown County Commission Chairman for year 2011, pursuant to SDCL 7-8-15.

Commissioner Hansen nominated Duane Sutton for Chairman. Moved by Fischbach, seconded by Wiese that nominations cease and a unanimous ballot be cast for Duane Sutton, 2011 Chairman. All members present voting aye. Motion carried.

Commissioner Fischbach nominated Burt Elliott for Vice Chairman. Moved by Wiese, seconded by Hansen that nominations cease and a unanimous ballot be cast for Burt Elliott, 2011 Vice Chairman. All members present voting aye. Motion carried.

### MINUTES:

Moved by Wiese, seconded by Fischbach to approve the General Meeting minutes of December 28, 2010. All members present voting aye. Motion carried.

### CLAIMS:

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

Payroll: Commissioners \$3,149.05; Auditor \$7,947.79; Treasurer \$10,906.24; Data Processing \$15,586.42; State's Attorney \$12,813.52; SVAWA Grant \$1,163.46; Blood Draws \$490.00; Maintenance \$5,923.44; Assessor \$11,161.43; Register of Deeds \$6,718.49; Veterans Service Office \$3,225.25; GIS \$1,945.93; Sheriff Adm \$27,875.01; Jail \$29,784.81; JDC \$14,415.53; HD \$4,403.14; 24/7 \$1,875.72; Communications \$24,169.81; Coroner \$600.00; Welfare Office \$3,200.20; Museum \$6,299.56; Parks & Fairgrounds \$2,708.79; Fairboard \$2,130.52; Weed \$963.27; Extension \$2,123.20; Planning and Zoning \$2,503.82; Emergency Management \$2,945.62; Teen Court \$383.60; Highway \$38,864.50; Landfill \$10,234.35; Matching Benefits: FICA \$15,905.73; Medicare \$3,719.94; Life \$579.42; Dental \$5267.42; Health \$75,499.74; Retirement \$43,371.39;

Supplies: Dakota Supply Group \$19.05, Titan Machinery \$696.30,

Insurance: Hagan Benefits \$183,942.75, SD Municipal League \$100,561.00. All members present voting aye. Motion carried.

### PERSONNEL:

Moved by Wiese, seconded by Fischbach to list the following volunteers for work comp purposes (CERT, Citizens Corp, Dive Team, Fair, Museum): Cole Adema, Rick Adema, Joe Akkerman, Trent Anderson, Sea Atwood, Dave Bacon, Richard Bakeberg, Ryan Bakeberg, Diana Banker, Becky Berreth, Chad Bierman, Sandra Bierman, Evelyn Blum, Ed Bohlander, Jan Bohling, Paul Bohling, Mercedes Buchanan, Becky Burdick, Conald Burgard, Edythe Clark, Randy Crawford, Luanne Cunningham, Ryan Cunningham, Val Daschel, Fae Dayton, Marvin Dreesen, Janet Elsen, Darcie Engel, Ryan Engel, Karen Erdmann, Kristie Erickson, Reick Eske, Brad Fiechtner, Carol Fowler, Allen Gates, Randy Grismer, Helen Mae Hammrich, Mary Jane Hanson, Jeanette Hassebroek, Pam Haug, Gerald Helm, Pat Helm, Janet Herman, Vi Herman, Trixie Hettich, Bill Hild, Mary Jo Hild, Dave Hintz, Lynn Hovel, Richard Humphries, Robert Husby, Randy Imberi, Tony Ingemanson, Carole Jansen, Robert Janssen, Heath Johnson, Zach Kern, Nathan Kessler, Rich Kezar, Daniel Klinger, Randy Kingery, Lee Koch, Michael Kost, Ron Kost, Brian LaCroix, Robert LaCroix, Marilyn Lahr, Peggy Larson, Stacy Levsen, Tim

Mattern, Douglas Mayer, Gretchen Mayer, Megan Mayers, Erin McClain, Bill Meink, Dawn Meink, Carla Meints, Trevor Meints, Tara Meints, Scott Meints, Michael Miller, Roland Moerke, Elizabeth Myers, Nancy North, Dorothy O'Keefe, Gayle Opp, Barb Paepke, Tom Paepke, Mike Payne, Rick Pigors, Cindy Pigors, Lois Pletten, Jeanette Protexter, Jean Rahja, Douglas Reiersen, Bonnie Robinson, Freddie Robinson, Caroline Sahli, Mike Sandsmark, Butch Sauvage, Jean Schaffer, Troy Schaffer, Bob Schatz, Janet Schatz, Janet Schile, Jacie Schley, Deb Schlosser, Dan Schlosser, Kimberly Schneider, Nancy Schrenk, Gretchen Sharp, Brian Sharp, Mike Smith, Barry Smith, Kathy Sperry, Donna Stearns, Liz Sutherland, Jesse Swallow, Chip Swanson, Marian Swanson, Stu Swenson, Richard Taylor, Keith Theroux, Terri Traxinger, Kevin Vaughn, Eric Vetter, Nina Vilhauer, Brad Waage, Shane Wagner, Joan Walter, Pat Waltman, Kent Warrey, Dean Webb, Kathy Webb, Betty Werth, Cara Wollman, Matt Zeller. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to approve the following employee step increases, effective January 9, 2011: Patty VanMeter @ \$14.36 per hour, Mickey Schulz @ \$13.75 per hour, Craig Gardner @ \$12.42 per hour, Kathy Neitzel @ \$16.18 per hour, Jackie Ormand @ \$13.44 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Elliott to approve employee status change for Curt Erickson, Fairgrounds, Part-time to Full-time, Labor Grade 3, Step 1 @ \$12.98 per hour, effective January 10, 2011. All members present voting aye. Motion carried.

#### BROWN COUNTY WATER MGMT PLAN RECOMMENDATION:

Moved by Fischbach, seconded by Wiese to recommend Wenck/Clark Engineering to the JRWDD Board to act as consultant for the proposed Brown County Water Management Plan. All members present voting aye. Motion carried.

#### ABATEMENTS:

Moved by Elliott, seconded by Hansen to approve and authorize the Chairman sign the following abatements: BNSF RR @ \$40,077.65 (railroad tax credit), DM&E RR @ \$215.00 (railroad tax credit), Curtis Erickson @ 156.00, William Antonides @ \$1,337.17, Brown County @ \$51.79, Brown County @ \$507.00, Groton City @ \$65.44, Brown County @ \$7.83, Charles Currie @ \$230.83, Vince Olson @ \$200.65, Sec. of Veteran Affairs @ \$318.87, Robert Sumption @ \$78.00, Robert Sumption @ \$156.00, Kenneth Erdmann @ \$19.00, Kenneth Erdmann @ \$19.76, Robert Baker @ \$1,574.86. All members present voting aye. Motion carried.

#### ALCOHOLIC BEVERAGE TRANSFER HEARING:

Time and place, as advertised for public hearing to consider transfer of Alcoholic Beverage License. Moved by Fischbach, seconded by Hansen to approve the following: Transfer Retail (On Sale) Liquor License from Jarrett O Jones & Dennis O Jones DBA Tacoma Park Place to Dennis O Jones DBA Tacoma Park Place, 39849 127<sup>th</sup> St. Columbia, SD 57433, 5 acres in NE corner of NW ¼ of 23-123N-62W, Brown County South Dakota). All members present voting aye. Motion carried.

#### DESIGNATION OF DEPUTIES:

Commissioner Hansen offered the following Resolution:

#### RESOLUTION NO. 1-11

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

OFFICIAL NEWSPAPERS:

Moved by Wiese, seconded by Fischbach to designate the following as the official Brown County newspapers for year 2011 (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 Wiese, seconded by Fischbach to designate the following as official depositories for Brown County public funds for year 2011 (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 Warner, Aberdeen Branch; First State Bank of Claremont, Columbia Branch; First National Bank of Frederick; Plains Commerce Bank; Home Federal Savings & Loan; Great Western Bank; FIT, Great Plains Bank. All members present voting aye. Motion carried.

INVESTMENT POLICY:

Commissioner Hansen offered the following Resolution:

RESOLUTION NO. 2-11

WHEREAS, the nature of tax collections and other revenue is such that cash on deposit in the County's depositories at times exceeds the requirement for current expenditures; and

WHEREAS, it is in the best interest of the County to invest these monies not required for immediate expenditure.

NOW, THEREFORE, BE IT RESOLVED, that the Brown County Treasurer is hereby directed to invest Brown County public funds at the highest rate of interest possible at said time on available monies at financial institutions, as designated by the Brown County Commission, and

FURTHER, to furnish quarterly reports detailing same, as authorized by SDCL 4-5-8.

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

EXPENSE POLICY:

Moved by Elliott, seconded by Wiese to set the following expense rates for Brown County employees for year 2010: 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 Fischbach, seconded by Wiese to set fee of \$150.00 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 Elliott, seconded by Hansen to set the following policy for the boards appointed by the Brown County Commission.

Dacotah Prairie Museum Board – No per diem - Maximum two three-year terms.

Extension Board – Mileage per County policy if reside out of Aberdeen City – Maximum two three-year terms.

Fair Board – No per diem – Maximum two three-year terms.

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.

Rationing Board – No per diem – No term length/limit.

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. 3-11

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.



6

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

#### COMMISSION APPOINTMENTS:

Moved by Hansen, seconded by Elliott to approve the following Commission Committee appointments for 2011: 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; 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. The States Attorney will assist in conducting labor negotiations. All members present voting aye. Motion carried.

#### BOARD APPOINTMENTS:

Moved by Wiese, seconded by Hansen to appoint the following CERT Members: Robert Janssen, Zach Kern, Nobel LaCroix, Trevor Meints, Tara Meints, Tony Ingemenson. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Fischbach to reappoint the following Citizens Corp Council Members: Paul Bohling, second term effective January 1, 2011 – December 31, 2013, Freddie Robinson, second term effective January 1, 2011 – December 31, 2013, Keith Theroux, second term, effective January 1, 2011 – December 31, 2013, Roland Moerke, second term, effective January 1, 2011 – December 31, 2013. Remove Captain Audrey Smidt as Salvation Army Representative and appoint Pam Haug, Finish Term, effective January 1, 2011 – December 31, 2012. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to appoint the following to the Dacotah Prairie Museum Board: Kathy Sperry, First Term, effective January 1, 2011 – December 31, 2013; reappoint Jacie Schley, Second Term, effective January 1, 2011 – December 31, 2013. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Fischbach to appoint the following to the Planning & Zoning Board: Reappoint David North, Second Term, effective January 1, 2011 – December 31, 2013, Dale Kurth, First Term, effective January 1, 2011 – December 31, 2013. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to appoint the following to the Brown County Dive Team: Trent Anderson, Barry Smith, Brad Waage, Cole Adema, Daniel Klinger, Kent Warrey, Kevin Vaughn, Lynn Hovel, Megan Mayers, Michael Miller, Mike Kost, Rick Adem, Shane Wagner. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Elliott to appoint the following Fair Board Members: Mike Smith, First Term, effective January 1, 2011 – December 31, 2013, Janet Elsen, First Term, effective January 1, 2011 – December 31, 2013, Randy Crawford, First Term, effective January 1, 2011 – December 31, 2013, and reappoint Conald Burgard, Second Term, effective January 1, 2011 – December 31, 2013, Fae Dayton, Second Term, effective January 1, 2011 – December 31, 2013, Lee Koch, Second Term, effective January 1, 2011 – December 31, 2013, Janet Schile, Second Term, effective January 1, 2011 – December 31, 2013, Deb Schlosser, Second Term, effective January 1, 2011 – December 31, 2013. All members present voting aye. Motion carried.

#### FAIRGROUNDS/YOUTH CAMP RENTAL RATES:

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

7

## FAIRGROUNDS RENTAL RATE - EFFECTIVE JANUARY 1, 2011

Storage Space Rental: October 15 to April 1<sup>st</sup> - Prepaid Lease -No Refunds - \$6.00 per linear foot for each unit. 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, 2011

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.

CORONER:

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

#### 2011 SALARY SCHEDULE:

Moved by Wiese, seconded by Elliott approve the following salaries, effective December 26, 2010: Annually States Attorney Kim Dorsett 60,597; Sheriff Mark Milbrandt 62,089 (plus \$500 per pay period to oversee Communications Center); Auditor Maxine Taylor, Treasurer Sheila Enderson, Register of Deeds Carol Sherman 49,687; Commissioners (plus county paid portion of optional insurance coverage) Nancy Hansen 16,375, Burt Elliott, Tom Fischbach, Duane Sutton, Mike Wiese 16,895; Deputy States Attorney's Lori Ehlers 55,000, Rebecca Millan \$45,200, Brandon Taliaferro 43,020, Jodi Brown 12,730 (Victims Assistance) 30,250 (SVAWA Grant); Chief Deputy Sheriff Tom Schmitt 55,880; Building Superintendent Mick Palmer 38,602; Museum Director Sue Gates 40,303; Veterans Service Officer Tom Gohn 41,945; EM Director Scott Meints 45,490; Fairgrounds Superintendent Kurt Smith 38,646; Planning/Zoning/Drainage/E911 Rural Addressing Director Gary Vetter 42,245; Welfare Director Charlene Millim 46,722; Deputy Sheriff/Communications Director John McQuillen 50,898; Highway Superintendent Jan Weismantel 54,705; Director of Equalization Mary Worlie 49,288; GIS Coordinator Scott Madsen 51,114; Landfill Manager Mike Scott 52,016; Fair Board Manager Larry Gerlach 30,293; Sheriff/JDC Nurse Marcy Fritz 40,687; Juvenile Detention Supervisor Amy Lake-Harmon 42,704; Deputy Director of Equalization Leo Leshner 41,208. Coroner and Deputies: Michael Carlsen, Kenneth Kusler \$150.00 per call. Blood Draw: Lyrita Wilkie, Scott Weitbrecht, Miranda Hart, Mary Jo Rohrbach, Pam Smid, Joel McMaster \$35.00 per draw. On Call Nurse: \$15.00 per phone call, \$35.00 per one hour or less physical visit, \$25.00 per hour over one hour physical visit: Pam Smid, Sandra Fair. 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 15.17. Assistant Landfill Manager Don Fischer 15.38. Senior Fieldman Gene Loeschke 18.64. Chief Office Deputies (Auditor, Treasurer, Register of Deeds) Jeanette Nietert, Jan Beckler, Dorene Borchard, Catherine Lindemann 19.81. Highway Shop Foreman Mark Wendt 20.57 per hour; Highway Department Assistants Kendell Titze, Marcus Selzler 19.81 per hour. Appraisers: Curtis Brooks, Russell Metz 16.04, Kathy Fischer 18.64. Computer/Technology Support Specialist: Chris Stucke 19.37, Timothy Miller 17.86. Chief Office Deputies (Sheriff, Welfare, States Attorney, Maintenance, Director of Equalization, EM, Veterans Service) Rochele Moser 15.45, Polly Rush 15.74, Kathy Schlecht 16.64, Janice Moore 18.09, Penny Hart 20.74, Mavis Kempf 18.04, Judy Dosch 18.54. States Attorney's Office Secretaries Tina McLeod 12.62, Kristina Vetter 13.28, Tracy Madsen 13.66. Office Deputies, Museum Curators, Secretaries/Clerks Tracy Engquist, Cindy Woodford 12.20, Amy Scott 12.43, Andrew Janusz 12.67; Bobbie Bierman, Sara Hagman, Pam Sudlow 12.91; Roxanne Hilgenberg, Lisa Samson, Mariann Malsom, JoAnn Sheffield 13.08; Jackie Ormand 13.26, Carol White, Lora Schaunaman, Sherry Theobald 13.96, Cindy Meyers 14.01, Sandra Green 14.16, Jolene Forsting 14.21, Patty Van Meter 14.31, Sherri Rawstern 14.46, Jan Erickson 14.96. Clerk, Secretary, Maintenance, Parts Craig Gardner 12.19, Cindy Eppard 12.42, Mickey Schulz 13.53, Monte Podoll 13.75. Sheriff Department Clerical & Cooks Teresa Mann 12.38, Sandy Mielke 13.25, Diane Mielke 15.53, Joyce DesCamps 15.93, Carol Wolf 15.88, Kathy Neitzel 16.13. Dispatchers Austin Wellman, Denise Ernst, Ember Currence 13.35, Erin McClain 13.63, Christine Haggerty, Amber Johnson, James Petrich 13.93, Tonya Walth 14.24, Jennifer Stoddard 14.83, Melony Flinn 15.42, Sarah Jesz 15.71, Betty Haar, Sheila Anderson 16.64, Mary Browning 16.89. Chief Dispatcher Nancy Radke 18.38. Highway Seasonal Jeremy Eppard 9.50. Highway (Labor Grade 3) Kevin Ernst, Nicholas Juenger, Charles Gruenstein 12.98, Dana Breske 13.21, Kathy Thompson, Tim Hettich 13.45, Bryan Owens, Brad Nehlich 13.70, Michael Rohrbach 14.02, Joseph Malsom 14.88, Larry Hardy 15.08, John Weig 15.78. Highway/Landfill (Labor Grade 4) Myron Erhardt 13.10, Casey Jensen, Justin Salo 13.56, Dennis VanHeerde 14.97, Nyle Jenson 15.12, Carl Wright 16.22, Ben Hofer 14.92. Highway (Labor Grade 5) Daryl Lloyd 13.82, John Heidenreich 14.40, David Bruckner 16.21. Highway Mechanics Labor Grade A (with cdl) Randy Kutter, Paul Wipf 15.22, Ronald Glugla 16.33. Field Deputy Sheriff/Chief Jailers Ross Erickson, Dustin Peiker 16.69, Ben Smith, Anthony Sorenson, Kyle Crawford, Nathan Smith 16.98, Keith Baker 17.58; Damian

9

Bahr 18.18, Craig Nelson, Brian Koens 18.79, Terrence Evans 19.40, David Fair 19.75, Scott Kolb 19.95, John Heine 20.00. Jail Deputy/Home Detention Supervisor/Assistant JDC Supervisor Teri Jondahl 15.03, Brenda Hammrich 16.24. Jailers (Adult and JDC) Jonathan Waldner, Drew Ottenbacher, Adelaide Mouna 13.07, Tamara Knoll, Stanley Schulz, Linn Kamin, Jesse Milbrandt, Jennifer Patton 13.37, Albert Chagolla, Charles Tveit, Teresa Mayou, Joseph Embury, Heidi Fischer 13.68, Ashby Shrock, Michael Bowser, Tricia Jondahl, Michael Ernst 14.27; Shawna Musch, Samiuela Mouna 14.58, Harlan Place 14.89, Russ Ochsner, Kristal Koens 16.08, Cindy Mitchell, Jeffrey Kirnan 16.13. Part time employees – per hour: Paul Opp, Pamela Wolf 8.05, Doris Adler 8.69, Ron Leighty, Jeantte Kline 8.97, Richard Schooley 9.12 Irene Gese 10.30, Leon Vickers 10.43, Marianne Marttila-Klipfel 10.63, Kay Albrecht, Julie Hermansen, Kelly Moinichen, Cheryl Grant, Robert Baumgartner, Dennis Olson, Jeffrey Neal, Maggie Bell, Clay Nelson, Dawn Lilly, Britney Lout, Danica Marshall, Bradley Jung, Judy Norris 10.93, Stacie Wasem, Lisa Holcomb, Elizabeth Hahler 11.69; Tom Lammon, Geri Sillman, Jeff Hayes, Elizabeth Tice, Ron Gunderson, John Ness 12.43, Robert Retzer, Merv Heaton 13.81, Richard Hansen 13.82. 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, Brock Schifrel, Ken Hostetter, Rod Grismer, Daniel Harvey, Eldon Reich, Kyle Stoddard, J Arlt, Dale Farmen, David Hunter, Tim McCurdy. Roll call vote: Hansen-nay, Elliott-aye, Sutton-aye, Wiese-aye, Fischbach-nay. Motion carried.

#### TAX DEED PROPERTY:

Moved by Hansen, seconded by Wiese 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 \$75.00 per month on L3-4 & E2 Lt 5 Bk 11 to Westport, effective January 31, 2011; and in amount of \$350.00 per month on Lt 1-2 Blk 3 Original Plat to Groton, effective January 31, 2011, and in amount of \$125.00 per month on Lt 10 Bk 11 Original Plat to Claremont effective January 31, 2011. All members present voting aye. Motion carried.

#### EXECUTIVE SESSION:

Moved by Hansen, seconded by Wiese to go into executive session to discuss contract.

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

#### SOFTWARE UPDATES:

John McQuillen and Chris Stucke discussed Brown County's need for software updates.

#### EMPLOYEE WEATHER RELATED PAY:

Jeanette Nietert policy to reimburse employees for working during inclement weather.

#### RECESS:

The Chairman declared the Commission recessed until January 11, 2011.

Jan Beckler – Deputy Brown County Auditor

Published once at the total approximate cost of \_\_\_\_\_.

## JANUARY 11, 2011 – GENERAL MEETING

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

### MINUTES:

Moved by Fischbach, seconded by Wiese to approve the Joint City/County Meeting minutes of January 3, 2011 and the General Meeting minutes of January 4, 2011. All members present voting aye. Motion carried.

### CLAIMS:

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

Supplies: SDACC \$5989.40, Dakota Mailing \$923.95, Adamsoft \$7742.92, Midstates Printing \$1648.96, NDAA \$240.00, SD State's Attorney \$1564.00, Grote Roofing \$2055.61, Aberdeen Plumbing & Heating \$47.12, Kone \$169.12, Schwan Welding \$491.00, Runnings \$853.72, Lien Trans \$896.00, SDAAO \$330.00, Devnet \$16,683.00, Digi Photo \$119.98, Steven Lust \$142.79, Kesslers \$461.67, Earthgrains \$584.97, Reuers \$29.58, Duanes Amoco \$40.00, Safety Service \$481.34, Sewing Shoppe \$28.50, Diane Mielke \$33.24, AOSNC LLC \$8035.71, Dakota Electronics \$128.00, Southern Folger Detention \$7140.00, Cash-Wa \$4802.82, Moore Medical \$160.49, SDACHS \$195.00, Dware \$1300.00, Ameripride \$119.38, Laqua Logics \$750.00, Bakken Bldg Maint \$500.00, Crawford Trucks \$34.65, Dakota Fluid Power \$27.44, Dakota Oil \$230.40, Economy Propane \$2177.00, GCR \$89.53, Gen Equip \$3900.00, Midwest Pump & Tank \$71.07, N Central Farm Elev \$4312.00, Power Plan \$272.29, Sheehan Mack Sales \$157.24, Weller Truck Parts \$1002.54, Midwest Alarm \$51.50, Hub City Radio \$300.00, Glas Consulting \$213.75, SD County Ag Agents \$180.00, SD Assoc of County Weed Suprv \$50.00, Century Business \$5049.00, Certification Program \$75.00, ASA CSSA SSSA Headqtr \$181.00, SDPA \$55.00, SD Teen Court Assn \$1712.50, Rich Hansen \$150.00, Butler Machinery \$1442.58, Macs \$186.08, LBG \$4235.39, Safety Service \$360.50, SWANA \$261.00, Abdn Chamber of Commerce \$265.00, Ken Erdmann \$19.00, Photo Xpress \$38.95, IAFE \$650.00, WPRA Barrel Race \$110.00, PRCA \$950.00:

Utilities: FSH Communications \$60.00, NW Energy \$11,134.54, City of Aberdeen \$1175.99, Northern Valley \$397.83, James Valley \$351.90, Town of Frederick \$38.64:

Publications: American News \$887.85:

Transcriptions: Kristi Kost \$49.60:

Professional Fees: Janklow Law Firm \$2095.08, Avera Queen of Peace \$54.90:

Care of Poor: Medication: 1 recipient – Avera Home Med Equip \$30.00; Rent: 11 recipients – Dakota Square Op \$25.00, BMI \$260.00, Dale Bain \$245.00, Larry Dingman \$162.50, Lon Lyke \$260.00, Lakeside Estates \$137.00, White House Inn \$160.00, Falcon Rentals \$175.00, Chow Main Properties \$260.00; Utilities: 1 recipient – NW Energy \$140.00. All members present voting aye. Motion carried. Motion by Fischbach, seconded by Hansen to amend previous motion to approve claims with the exception of one item to be tabled for further review. All members present voting aye. Motion carried.

### AUDITORS REPORT OF ACCOUNT:

Moved by Hansen, seconded by Wiese to approve the December 2010 Auditor's Report of Account with the County Treasurer in total amount of \$11,981,274.95 (total amount of actual cash @ \$2,986.26, Wells Fargo Bank @ \$3,621.29, US Bank @ \$85,072.20, Dacotah Bank @ \$30,212.29, Petty Cash @ \$2,000.00, Fund Investments @ \$11,854,969.17, Outstanding Checks @ \$2,413.74). All members present voting aye. Motion carried.

### EM STATE & LOCAL AGREEMENT:

Moved by Wiese, seconded by Hansen to authorize chairman sign Emergency Management State and Local Agreement 1<sup>st</sup> Quarter Activity Report. All members present voting aye. Motion carried.

**RACE TRACK LEASE ADDENDUM:**

Moved by Fischbach, seconded by Wiese to sign Addendum #1 to set the fee for events other than auto racing, amending Section II of the Lease Agreement for Brown County Raceway. All members present voting aye. Motion carried.

**ABATEMENTS:**

Moved by Hansen, seconded by Wiese to accept the following abatements: Kollin Kramer @\$1,112.19, Eugene Hormann @ \$482.07, Eric Vetter @ \$2,358.02, Raymond Stange @ \$78.00. All members present voting aye. Motion carried.

**DIVE TEAM EQUIPMENT DONATION:**

Motion by Hansen, seconded by Wiese to accept dive gear equipment donated by a private individual. All members present aye. Motion carried.

**AMEND MINUTES – LIDAR RESOLUTION:**

Moved by Wiese, seconded by Fischbach to amend the January 4, 2011 General Meeting Minutes to include the following resolution:

**LIDAR RESOLUTION:**

Commissioner Fischbach offered the following Resolution:

**RESOLUTION NO. 4-11**

Resolution to Develop a Memorandum of Understanding between Brown County, SD and the James River Water Development District to Pledge Funding Towards the Acquisition of LIDAR-Derived Elevation Data and Derivative Products for Brown County, SD.

Whereas, Brown County has experienced severe flooding over the past several years resulting in significant impacts to infrastructure, agriculture, emergency access capabilities, and overall impacts to our local economy, and,

Whereas, Brown County has received numerous requests to address individual drainage issues, and,

Whereas, the James River Water Development District has approached Brown County with an offer to work together to address storm water management on a comprehensive basis, and,

Whereas, Brown County has accepted said offer and proceeded in conjunction with the JRWDD to hold stakeholder meetings and encourage public participation and input in a comprehensive storm water management plan, and,

Whereas, favorable discussions have taken place in support of acquiring higher accuracy elevation data in order to better analyze the relief and drainage of Brown County, and,

Whereas, the USFWS and NRCS have committed \$1.35 million dollars towards LIDAR-derived elevation data acquisitions in North and South Dakota including all of the James River Basin within Brown County equating approximately 60% of the total county land mass, and,

Whereas, the USFWS and NRCS have established a contract through the USCOE to begin LIDAR collection in the fall of 2010 and spring of 2011 and have presented Brown County with an opportunity to participate in said contract by funding LIDAR collection for the remaining 40% of the county at a total approximate cost of \$146,000, and,

Whereas, said high quality LIDAR-derived elevation data is essential for a County-Wide Storm Water Management Plan for Brown County to move forward.

Now therefore, be it resolved that the Brown County Commission hereby requests the James River Water Development District to commit to participate on a 50-50 cost share basis with Brown County and other local interests to fund the remaining 40% of the LIDAR initiative (with an estimated total cost of \$146,000) so that 100% coverage may be obtained for Brown County. (Subject to future Commission action).

Dated this 4<sup>th</sup> day of January 2011.

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

#### BRIDGE #229 CHANGE ORDER #3:

Moved by Fischbach, seconded by Hansen to approve change order #3 for additional materials for Bridge 229 on Co 13 at Tacoma Park. All members present voting aye. Motion carried.

#### WEIGHT LIMITS – COUNTY 14:

Moved by Wiese, seconded by Hansen to exempt County Road 14 from weight limits, from US 12 North 10 miles to County Road 11. All members present voting aye. Motion carried.

#### NACE CONFERENCE:

Moved by Wiese, seconded by Hansen to approve travel expense (room charges only) for Jan Weismantel, BC Highway Superintendent, to attend the NACE Conference April 17-21, 2011 in Minneapolis, MN. All members present voting aye. Motion carried.

#### EQUIPMENT PURCHASE:

Moved by Fischbach, seconded by Wiese to approve purchase of a snow blower from Federal Surplus by the Highway Department. All members present voting aye. Motion carried.

#### EXECUTIVE SESSION:

Moved by Hansen, seconded by Fischbach 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.

#### ANNUAL PRODUCTIVITY ASSESSMENT PLAN:

Mary Worlie discussed annual assessment plan for crop and grassland.

#### EXECUTIVE SESSION:

Moved by Hansen, seconded by Fischbach 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.

#### RECESS:

The Chairman declared the Commission recessed until January 18, 2011.

Jan Beckler, Deputy Brown County Auditor

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## JANUARY 18, 2011 – GENERAL MEETING

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

### MINUTES:

Moved by Wiese, seconded by Fischbach to approve the General Meeting minutes of January 11, 2011. All members present voting aye. Motion carried.

### CLAIMS:

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

Payroll: Commissioners \$3,229.05; Auditor \$8,404.22; Treasurer \$11,086.24; Data Processing \$1,428.80; State's Attorney \$13,145.83; SVAWA Grant \$1,163.46; Blood Draws \$315.00; Maintenance \$5,976.06; Assessor \$11,321.43; Planning and Zoning \$1,902.88; Register of Deeds \$6,818.88; Veterans Service Office \$3,294.30; GIS \$1,965.93; Sheriff Adm \$28,889.25; Jail \$30,620.51; JDC \$13,402.60; HD \$4,512.26; 24/7 \$1,754.25; Communications \$24,152.97; Coroner \$150.00; Welfare Office \$3,240.20; Museum \$6,405.26; Parks & Fairgrounds \$2,748.79; Fairboard \$2,159.52; Weed \$831.35; Extension \$2,163.20; Emergency Management \$2,985.62; Teen Court \$453.59; Highway \$46,631.96; Landfill \$9,517.41; Matching Benefits: FICA \$14,697.87; Medicare \$3,437.41.

Supplies: Ab Chamber of Commerce \$265.00, Brown County \$797.61, Software Unltd \$657.00, A&B Bs \$126.63, TruGreen \$449.28, Dakota Supply Group \$23.05, Taylor Laundry \$72.80, Office Equip \$30.00, Lien Trans \$1695.75, Integrated Imaging \$40.23, Active Data \$3230.00, West Payment Center \$118.28, SD Bureau of Info \$2750.00, Civic Research \$179.95, Graham Tire \$44.00, Tri State Water \$28.40, MOCIC \$150.00, Langs \$1078.99, Best Bs \$138.98, SD Sheriff Assn \$1413.80, DT Pharm \$2475.97, Aberdeen Comm Theatre \$375.00, Kleins \$52.01, Menards \$14.92, DPM Merchantile \$8.50, Adv Self Storage \$1656.00, Lora Schaunaman \$4.20, Marianne Marttila-Klipfel \$8.62, Western States Fire \$390.40, Dakota Electronics \$4389.40, NAPA \$83.35, Macs \$42.12, Runnings \$2688.11, Abdn Dev Corp \$20,000.00, Hagan Ins \$50.00, Share Corp \$420.40, North Central Farmers Elev \$19206.72, Howes Oil \$23,276.20, Diesel Machinery \$7767.53, Cass County Heating \$399.01, Holland Auto \$25.94, Weed & Pest Conf \$195.00, NESDCAP \$2500.00, Ameripride \$105.23, Woodman Refrig \$83.67, SD Dept of Rev \$3136.03, Aberdeen C&F \$759.20, Sheehan Sales \$1144.75, Hedahls \$451.61, Farnams \$81.58, Pet Products \$2918.82, Glas Consulting \$67.50, Brick Propane \$21.00, Farm Power \$677.72, Bureau of Info \$3250.00, New World \$44,515.00, KB Problem Solvers \$125.00, SDEMA \$60.00,

Utilities: Dependable Sanitation \$17042.04, NW Energy \$8603.80, Northern Electric \$2622.00, Richmond Lake Sanitary Dist \$2700.00, City of Hecla \$206.60, Northern Wireless \$149.90, Qwest \$72.90,

Publications: American News \$110.00,

Transcriptions: Kristi Brandt \$27.20,

Professional Fees: Sheriff of Laremer County \$8.60, witness fees \$140.00, Avera St Lukes \$1492.21, Abdn Adv Care \$220.11, NE Mental Health \$321.86, Language Line \$90.00,

Care of Poor: Medication: 6 recipients – Kessler Pharm \$554.09, Jones Drug \$51.48, United Clinic Pharm \$545.72, Lori Pharm \$310.23; Dr/Hospital – 7 recipients – Avera St Lukes \$143.59, Aberdeen Orthopedics \$378.96, Aberdeen Surgical Assoc \$751.61, Orthopedic Surgery Spec \$723.71, Avera Nephrology Spec \$243.84, Dental Center \$1198.00; Burial – 1 recipient – City of Aberdeen \$450.00; Transportation – 3 recipients – Aberdeen Adv Care \$222.95, Emergency Poor Fund \$90.00; Rent - 8 recipients – Jeff Rich \$260.00, Larry Dingman \$387.50, GPHC, LLC \$300.00, LBB, LLP \$280.00, Danne \$260.00, Tom Hinz \$210.00, Briscoe Rentals \$520.00, Rockford Apts \$280.00; Utilities: 2 recipients – Northern Elec \$273.34, NW Energy \$214.49. All members present voting aye. Motion carried.

### PERSONNEL:



14  
Moved by Elliott, seconded by Wiese to approve the following employee step increases, effective January 23, 2011: Ben Smith @ \$17.28 per hour, Anthony Sorenson @ \$17.28 per hour. All members present voting aye. Motion carried.

**INTEREST STATEMENT:**

Moved by Hansen, seconded by Fischbach to accept for filing the October-December 2010 Interest Statement, submitted by County Treasurer Sheila Enderson. All members present voting aye. Motion carried.

**EM CITIZEN CORPS AGREEMENT:**

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman to sign Emergency Management Citizen Corps Agreement, (October 1, 2010– September 30, 2012) with the South Dakota Office of Emergency Management. All members present voting aye. Motion carried.

**BOARD APPOINTMENTS:**

Moved by Elliott, seconded by Wiese to appoint the following Brown County Extension Board members: Colin Dutenhoffer, First Term, effective January 1, 2011-December 31, 2013, Jamie Milbrandt, First Term, effective January 1, 2011 – December 31, 2013. All members present voting aye. Motion carried.

**VACATE PLAT:**

Commissioner Fischbach offered the following Resolution:

**RESOLUTION NO. 5-11**

WHEREAS, Doris Tople, pursuant to SDCL 11-3-21.1, presented an Application for Vacation of Plat legally identified as:

Lot 1 Bradke Subdivision in the NW¼ of Sec 21-T126N-R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota

WHEREAS, the granting of the request will not authorize the closing or obstruction of any public highway according to law, and all property taxes on such plat are paid.

NOW, THEREFORE, BE IT RESOLVED, that the plat legally identified as:

Lot 1 Bradke Subdivision in the NW¼ of Sec 21-T126N-R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota is hereby vacated.

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

**ABATEMENTS:**

Moved by Fischbach, seconded by Wiese to accept the following abatements: Roman Catholic Church @ \$1,529.64, Merlin Arment @ \$1,595.17, Sewer Duck @ \$313.43, Sara Goldade @ \$649.40, Coleen Jerome @ \$606.92, Chad Johnson @ \$425.33. All members present voting aye. Motion carried.

**ORDINANCE #068 - FIRST READING:**

Time and place, as advertised for First Reading of Ordinance No. 068. No one appeared with testimony (written and oral), comments and/or questions for discussion. Moved by Fischbach, seconded by Wiese to approve First Reading of Ordinance No. 068, An Ordinance amending Second Revision Brown County Ordinances to rezone the following described property from its present zoning designation of Chapter 4.06 Agricultural Preservation District (AG-P) to Chapter 4.14 Highway Commercial District (H-C): Lot 2, Don and Eunice Weismantel First Addition in the NE ¼ of Sec 19-T123N-R62W of the 5<sup>th</sup> P.M., Brown County, SD. All members present voting aye. Motion carried.

**EMPLOYEE POLICY MANUAL:**

Kim Dorsett, Maxine Fischer, and Jeanette Nietert discussed Brown County Employee Policy Manual revisions.

**EXECUTIVE SESSION:**

Moved by Hansen, seconded by Elliott to go into executive session for personnel discussion with Kim Dorsett, Maxine Fischer, Jeanette Nietert, 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.

**HIGHWAY UPDATE:**

Jan Weismantel, Highway Superintendent, presented information on Bridge 51 and scrap materials.

**SURPLUS PROPERTY:**

Moved by Wiese, seconded by Fischbach to declare scrap metal from Highway Dept surplus for purpose of sale. All members present voting aye. Motion carried.

**BID – HIGHWAY SUPPLIES:**

Moved by Hansen, seconded by Wiese 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 9:00 a.m. on February 22, 2011; and Rental of Equipment at 8:45 a.m. on March 8, 2011. All members present voting aye. Motion carried.

**ANNUAL PRODUCTIVITY ASSESSMENT PLAN:**

Al Waltman discussed assessment process for crop and grassland.

**REAL ESTATE ASSESSMENT:**

Arlowene Hitchcock discussed increase of taxes on her 2010 real estate tax notice. The commission advised her of the upcoming equalization process for future assessment valuations.

**ANNUAL PRODUCTIVITY ASSESSMENT PLAN:**

Moved by Hansen, seconded by Wiese to approve Department of Revenue guidelines for 2011 assessments of Brown County property presented by Mary Worlie. All members present voting aye. Motion carried.

**LIDAR APPLICATION:**

Gary Vetter, and Scott Madsen discussed LIDAR Project Application. Moved by Wiese, seconded by Hansen to authorize chairman sign application for 50/50 funding match with JRWDD to collect LIDAR-derived elevation data for Brown County. All members present voting aye. Motion carried. Randy Grismer, JRWDD board member was also in attendance.

**FAIRGROUNDS CAMPGROUND:**

Larry Gerlach, Fair Board Manager and Fair Board Member Bob Husby met to discuss 20 additional camping pads at the Fairgrounds. Moved by Wiese, seconded by Elliott to give the Fair Board preliminary approval for 20 additional camping pads on the condition that the money is raised prior to construction. All members present voting aye. Motion carried.

**EXECUTIVE SESSION:**

16  
Moved by Wiese, seconded by Fischbach to go into executive session for personnel discussion with Larry Gerlach. 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 January 25, 2011.

Jan Beckler, Deputy Brown County Auditor

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17

## JANUARY 25, 2011 - GENERAL MEETING

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

### MINUTES:

Moved by Hansen, seconded by Fischbach to approve the General Meeting minutes of January 18, 2011. All members present voting aye. Motion carried.

### CLAIMS:

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

Supplies: Best Business \$181.86, Office Equip \$196.34, CMRS-FP \$5000.00, West Payment \$1679.95, House of Glass \$201.27, Lien Transportation \$1040.25, Hoven Auto \$41.00, McFarland Supply \$181.49, Gardner Locksmith \$25.00, Sanders Sew 'N Vac \$470.58, Ecolab \$171.00, Lar-Jos \$301.81, DSS Image Apparel \$19.95, Best Business \$382.83, NACVSO \$30.00, US Bank \$11,366.09, United Accounts \$517.80, Safe Harbor \$750.00, Dakota Electronics \$2052.00, Macs \$10.03, GovConnection \$923.02, LexisNexis \$50.00, Tamara Knoll \$48.97, Runnings \$45.25, Exhaust Pros \$26.78, North Central Steel \$2160.00, Huron Culvert \$2288.00, Economy Propane \$1358.00, Brown County \$30.00, ATSSA \$240.00, SDAE4-HE \$70.00, NECOG \$34,709.08, Pizza Ranch \$67.36, Danko \$694.75, TESSCO \$103.25, Cody Maynard \$70.000, Sanford Clinic \$185.00, Virginia Mitchell \$50.00, Adv Weigh Systems \$1650.00:

Travel: City of Groton \$125.06, Sherri Rawstern \$224.22:

Publications: American News \$941.22:

Transcriptions: Richard Neal \$235.60, Shepherd Reporting \$25.00:

Court Appointed Attorney: Christy Serr \$5790.83, Gina Rogers \$5520.83, Christopher Dohrer \$5770.83, Kuck Law Office \$5520.83, Kabeiseman & Pollard \$170.00, Yankton County \$850.50:

Professional Fees: Avera St Lukes \$1854.59, SD Human Service Center \$600.00, Lewis & Clark BHS \$284.00, Lincoln County \$218.46, Sheriff of Yankton County \$75.00, Norma Anderson \$15.00, Cathy Rehfuß \$30.00, Donna Dietrich \$288.08, Denise Cody \$15.00, Avera Psych \$126.07:

Utilities: Alltel \$2186.38, NW Energy \$55.73, Northern Elec \$1500.00, Qwest \$3942.33, Bureau of Admin \$437.09:

Care of Poor: Dr/Hospital – 2 recipients – Sanford Labs \$107.41, Dakota Plains Surgical Center \$581.25; Burial – 1 recipient – Carlsen Funeral Home \$1200.00, Angerhofer Concrete \$500.00; Transportation – 4 recipients – Jefferson Lines \$410.50. All members present voting aye. Motion carried.

### PERSONNEL:

Moved by Elliott, seconded by Hansen to acknowledge resignation of Roger Johnson, effective April 1, 2011; and further authorize advertising for position of Weed Supervisor/Highway Employee (shared position determined by demands of each department). All members present voting aye. Motion carried.

Moved by Elliott, seconded by Hansen to authorize Auditor Maxine Fischer hire additional full-time Deputy. All members present voting aye. Motion carried.

### ABATEMENT:

Moved by Hansen, seconded by Elliott to approve solid waste abatement for Jane Barke @ \$78.00. All members present voting aye. Motion carried.

### SHERIFF REPORTS:

Moved by Hansen, seconded by Fischbach to approve the following December 2010 Sheriff Reports: Incident and offenses; Prisoner care, JDC, Money deposited with the County Treasurer and Monthly activities. All members present voting aye. Motion carried.

#### LANDFILL AGREEMENT:

Moved by Hansen, seconded by Elliott to approve and authorize the Chairman to sign agreement with Leggette, Brashears and Graham, Inc. for completion of five primary tasks in 2011: 1) existing area monitoring, 2) expansion area monitoring, 3) Closed Landfill monitoring, 4) storm water monitoring, 5) general environmental/hydrogeologic consulting at the Brown County Landfill at estimated cost of \$61,615.00. All members present voting aye. Motion carried.

#### LOTTERY APPLICATION:

Moved by Hansen, seconded by Fischbach to approve application, submitted by Stratford Community Theater for raffle to be held on February 25, 26 & 27, March 4, 5, 6, 11 & 12, 2011. All members present voting aye. Motion carried.

#### LEASE AGREEMENTS:

Moved by Elliott, seconded by Fischbach to approve the following agreements: The American Cancer Society for lease of the Expo Building on June 3 & 4, 2011; 4H for lease of the Richmond Lake Youth Camp on June 8 - 18, 2011. All members present voting aye. Motion carried.

#### VACATE PLAT – SET HEARING:

Moved by Fischbach, seconded by Hansen to set hearing date to consider petition to vacate the following plat: Gengerke Outlot 1 in the SE ¼ of Sec 5-T124N-R60W, Brown County, SD, to be held in the Commissioner's Chambers, Courthouse Annex, Brown County, South Dakota at 8:45 A.M. on February 15, 2011. All members present voting aye. Motion carried.

#### PLATS:

Commissioner Hansen offered the following Resolution:

#### RESOLUTION #6-11

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing "Kuske First Conservation Easement Tract 1 and Tract 2 in the SW ¼, NE ¼, and SE ¼ of Sec 2-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 Fischbach. Roll call vote: Commissioners Hansen-aye, Elliott-aye, Fischbach-aye, Wiese-absent, Sutton-aye. Resolution adopted.

Commissioner Hansen offered the following Resolution:

#### RESOLUTION #7-11

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing "Kuske Second Conservation Easement Tract 1 and Tract 2 in the SW ¼, NW ¼, and NE ¼ of Sec 11-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 Fischbach. Roll call vote: Commissioners Hansen-aye, Elliott-aye, Fischbach-aye, Wiese-absent, Sutton-aye. Resolution adopted.

Commissioner Hansen offered the following Resolution:

RESOLUTION #8-11

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing "Kuske Third Conservation Easement Tract 1 in the S ½ SW ¼ of Sec 1-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 Fischbach. Roll call vote: Commissioners Hansen-aye, Elliott-aye, Fischbach-aye, Wiese-absent, Sutton-aye. Resolution adopted.

Commissioner Hansen offered the following Resolution:

RESOLUTION #9-11

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing "Kuske Fourth Conservation Easement Tract 1 in the SW ¼ of Sec 12-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 Fischbach. Roll call vote: Commissioners Hansen-aye, Elliott-aye, Fischbach-aye, Wiese-absent, Sutton-aye. Resolution adopted.

Commissioner Hansen offered the following Resolution:

RESOLUTION #10-11

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing "Kuske Fifth Conservation Easement Tract 1 in the NW ¼ of Sec 13-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 Fischbach. Roll call vote: Commissioners Hansen-aye, Elliott-aye, Fischbach-aye, Wiese-absent, Sutton-aye. Resolution adopted.

Commissioner Hansen offered the following Resolution:

RESOLUTION #11-11

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing "Mitchell Family Conservation Easement Tract 1 in the W ½ NW ¼ of Sec 35-T126N-R62W of the 5<sup>th</sup> P.M., Brown County, SD", having been examined, is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof.

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

Commissioner Hansen offered the following Resolution:

RESOLUTION #12-11

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing "Lindsey Conservation Easement Tract 3 in the N ½ NW ¼ of Sec 2-T122N-R64W of the 5<sup>th</sup> P.M., Brown County, SD", having been examined, is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof.

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

Commissioner Hansen offered the following Resolution:

RESOLUTION #13-11

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing "Lindsey Conservation Easement Tract 2 in the SW ¼ of Sec 35-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD", having been examined, is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof.

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

Commissioner Hansen offered the following Resolution:

RESOLUTION #14-11

BE IT RESOLVED by the Board of Commissioners of Brown County, SD, that the plat showing "Laurel Sharp Addition in the NW ¼ of Sec 22-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD", having been examined, is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof.

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

Commissioner Hansen offered the following Resolution:

RESOLUTION #15-11

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Manning Addition in the SW ¼ of Sec 3-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD", having been examined, is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof.

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

ORDINANCE #068 – SECOND READING/ADOPTION:

Moved by Fischbach, seconded by Elliott to approve Second Reading and Adoption of Ordinance No. 068, An Ordinance amending Second Revision Brown County Ordinances to rezone the following described property from its present zoning designation of Chapter 4.06 Agricultural Preservation District

21  
(AG-P) to Chapter 4.14 Highway Commercial District (H-C): Lot 2, Don and Eunice Weismantel First Addition in the NE ¼ of Sec 19-T123N-R62W of the 5<sup>th</sup> P.M., Brown County, SD. Roll call vote: Commissioners Hansen-aye, Elliott-aye, Fischbach-aye, Wiese-absent, Sutton-aye. Ordinance adopted.

**LIQUOR LICENSE FEE:**

The Commission discussed and decided to make no change in the \$25,000.00 fee currently being charged for an open liquor license.

**HIGHWAY UPDATE:**

Jan Weismantel, Highway Superintendent presented update on Bridge 51; County 14W drainage study; equipment to purchase; 2011 projected expenditures; expansion of equipment building. Highway Shop Foreman Mark Wendt and Don Weigel representing Clark Engineering were also in attendance.

**BID AWARD – PICKUP TRUCK:**

Moved by Elliott, seconded by Fischbach to award the following bid for the Weed & Pest Department: State Contract #16031 with Murdo Ford for one 2011 Ford F350 Pickup Truck in amount of \$29,845.00. All members present voting aye. Motion carried.

**BCBS EMPLOYEE HEALTH INSURANCE:**

Gary Welter, BCBS Representative presented summary reports for the Employee Health Insurance Coverage midway through the plan year and reviewed health care reform updates. Jeanette Nietert, Deputy Auditor was also in attendance.

**WETLAND DRAINAGE:**

Erling "Punch" Podoll discussed repercussions of draining wetlands and private parties draining at public expense.

**EXECUTIVE SESSION:**

Moved by Hansen, seconded by Fischbach to go into executive session to discuss personnel. 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 February 1, 2011.

Jan Beckler, Deputy Brown County Auditor

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## FEBRUARY 1, 2011 – GENERAL MEETING

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

### MINUTES:

Moved by Wiese, seconded by Hansen to approve the Joint City/County Meeting minutes of January 24, 2011 and the General Meeting minutes of January 25, 2011. All members present voting aye. Motion carried.

### CLAIMS:

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

Payroll: Commissioners \$3,229.05; Auditor \$8,091.83; Treasurer \$11,090.24; Data Processing \$2,071.76; State's Attorney \$13,185.83; SVAWA Grant \$1,163.46; Blood Draws \$875.00; Maintenance \$6,084.74; Assessor \$11,321.43; Planning & Zoning \$1,902.88; Register of Deeds \$6,821.64; Veterans Service Office \$3,294.30; GIS \$1,965.93; Sheriff \$28,259.42; Jail \$30,159.31; JDC \$13,831.08; HD \$4,485.33; 24/7 \$1,901.76; Communications \$23,512.21; Welfare Office \$3,240.20; Museum \$6,419.66; Parks & Fairgrounds \$3,787.19; Fairboard \$2,163.14; Weed \$790.89; Extension \$2,163.20; Emergency Management \$2,985.62; Teen Court \$387.80; Highway \$41,058.79; Landfill \$10,183.46; Matching Benefits: FICA \$14,434.64; Medicare \$3,375.90; Life \$575.82; Dental \$5,457.92; Health \$75,972.56; Retirement \$30,197.90:

Supplies: New Trends \$32.79, Richards & Oliver \$81.41, Menards \$121.78, McFarland Supply \$16.64, GCR \$15.00, Lien Transportation \$965.00, Lexis/Nexis \$49.87, Language Line \$95.70, State of SD \$60.00, Rhodes Anderson \$60.00, ES&S \$7476.00, SD Fed Property \$469.00, Damian Bahr \$155.44, Graham Tire \$215.00, Artz Camera \$39.99, American Health & Safety \$435.50, Joe Embury \$2.59, Exec Mgmt \$1726.08, Langs \$1141.99, SE Crime Conference \$50.00, DSS \$379.10, Krueger Bros \$20,604.20, Kendall Titze \$47.00, SDDOT \$2360.44, Pheasantland Ind \$656.24, North Central Farm Elev \$3641.56, M-R Signs \$1082.20, Lawson Products \$375.10, Huron Culvert \$11,281.00, Howes Oil \$23,661.00, Sherwin Williams \$43.69, Kleins \$31.14, Marianne Marttila-Klipfel \$97.39, Lora Schaunaman \$5.61, Area Nutrition \$2500.00, Office Equip \$71.98, Academy Trophy \$15.00, Carquest \$100.71, Nelson Sales \$18.35, Farm Power \$1437.21, Farnams \$25.42, Steven Lust \$179.42, Macs \$47.92, Runnings \$1246.19, ASA CSSA SSSA Headqtr \$125.00, New Trends \$24.14, Dakota Electronics \$313.45, Best Business \$107.98, Inventory Trading \$118.50, AOSNC \$16,424.49, HP \$2222.00, Farm & Home \$2298.00, Eide Bailly \$247.50, Cunningham Elec \$802.48, Titan \$248.46, Powerplan \$963.48, Butler \$2492.81, Dakota Oil \$435.50, DMI \$41.00, C&S Motor Sports \$67.11, Overhead Door \$76.53, Fastenal \$908.03, DSG \$23.05, Bourdons \$125.00, Town & Country \$30.78:

Travel: Gene Loeschke \$107.67, Leo Leshner \$297.85, Gary Vetter \$47.00:

Publications: American News \$178.19, Groton Indep \$354.96:

Transcriptions: Michelle Gaikowski \$30.60:

Professional Fees: Dept of Revenue \$1217.00, Janklow Law Firm \$4579.94, Sanford Health \$33.14, Denise Cody \$15.00, Cathy Rehffuss \$15.00, Donna Dietrich \$196.44:

Utilities: NW Energy \$11,267.02, Qwest \$100.99, Midcontinent Comm \$206.06, Montana Dakota \$53.89, WEB \$133.37:

Care of Poor: Dr/Hospital (4 recipients) Neogenomics Labs \$2240.66, Avera St Lukes \$22,477.50, Dr Richard Conklin \$286.86; Utilities (2 recipients) NW Energy \$341.64; Rent (7 recipients) Jared Hunstad \$275.00, Zumbaum Prop \$280.00, Dale Bain \$260.00, Country Village Park \$207.50, Erdmann Prop \$150.00, Triple D Farms \$280.00, James Burns \$210.00. All members present voting aye. Motion carried.

### PERSONNEL:

Moved by Wiese, seconded by Fischbach to approve the following employee step increases, effective February 6, 2011: Brian Koens @ \$19.40 per hour, Amber Johnson @ \$14.24 per hour, Kevin Ernst @ \$13.21 per hour, Jennifer Patton @ \$13.68 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to amend 2011 Salary Schedule to reflect corrected salary for Fair Manager Larry Gerlach @ pro-rated annual salary of \$30,340 and Deputy States Attorney Jodi Brown @ pro-rated annual salary of \$13,250 (Victims Assistance). All members present voting aye. Motion carried.

Moved by Wiese, seconded by Fischbach to approve employee status change for Bradley Jung from part-time to Regular Part-time as JDC Correctional Officer, effective February 6, 2011 at \$10.93 per hour. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to acknowledge resignation of Tricia Jondahl, effective February 5, 2011. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to acknowledge resignation of Scott Weitbrecht, effective February 1, 2011 and further to approve hiring and authorize Chairman sign agreement with Karlene Geffre as a blood draw tech. All members present voting aye. Motion carried.

#### SWAWA GRANT:

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman sign Memorandum of Commitment for Coordinated Response Teams/Effort for the Stop Violence Against Women Grant Program. All members present voting aye. Motion carried.

#### CULVERT DISCUSSION:

Rick Mettler discussed a plugged culvert on County Highway #18. Bill James and Gary Vetter were also in attendance. The Commission advised Gary Vetter to do further research at a later date.

#### APPLICATION FOR OCCUPANCY:

Moved by Fischbach, seconded by Wiese to approve and authorize the Chairman sign application, submitted by East River Electric Power Coop (Soil Technologies Inc) for occupancy of Brown County Highway #23 in Sec 6-T121N-R62W, Brown County SD to conduct test bores (Bridge #51). All members present voting aye. Motion carried.

#### STRIPING AGREEMENT:

Moved by Hansen, seconded by Wiese 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.

#### BID AWARD - CULVERTS:

Moved by Fischbach, seconded by Wiese to award low bid, submitted by Huron Culvert & Tank Company, Huron for furnishing and delivery of metal culverts and bridge material, as bid by Beadle County on January 5, 2011; rejecting bid submitted by Central Culvert Supply, Pierre (full tabulation sheet available for public inspection at Auditor's Office). All members present voting aye. Motion carried.

#### WEIGHT LIMIT DISCUSSION:

Jan Weismantel, Highway Superintendent discussed placing 40 mph maximum for trucks during weight limit season for all county roads whether posted or not (both asphalt and gravel). No action will be taken until further review completed.

**MEADOW WOOD TOWN HOMES:**

Jody Zueger and Bryan Samson, Aberdeen Housing Authority discussed new construction of a housing project – Meadow Wood Town Homes and requested fees at the Landfill be waived. Moved by Wiese, seconded by Fischbach to authorize Mike Scott, Landfill Manager to waive fees at the Landfill for the Meadow Wood Town Homes Project (approximately 100 ton @ \$3,600.00). All members present voting aye. Motion carried.

**EXECUTIVE SESSION:**

Moved by Wiese, seconded by Hansen to go into executive session for personnel discussion with Larry Gerlach and Amy Scott 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 Fischbach, seconded by Wiese to appoint Cara Dennert and Sandy Osterman to First Term on the Brown County Fair Board. All members present voting aye. Motion carried.

**ASSESSMENT DISCUSSION:**

Mary Worlie, Director of Equalization discussed the Department of Revenue proposed adjustments. The Commission requested the proposed adjustments from the Department of Revenue be in writing. The 2011 Assessment Notices will be in a new format with multiple parcels on each sheet for the same taxpayer.

**RECESS:**

The Chairman declared the Commission recessed until February 8, 2011.

Jan Beckler, Deputy Brown County Auditor

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## FEBRUARY 8, 2011 – GENERAL MEETING

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

### MINUTES:

Moved by Hansen, seconded by Elliott to approve the Joint City/County Meeting minutes of January 31, 2011 and the General Meeting minutes of February 1, 2011. All members present voting aye. Motion carried.

### CLAIMS:

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

Supplies: Dakota Mailing \$155.87, Best Business \$124.17, Pheasantland Ind \$344.95, SD Law Office \$1544.20, McLeods Printing \$211.77, Heartland Paper \$1332.41, McFarland Supply \$12.86, Ecolab \$194.50, Crescent Elec \$95.52, Nelson Sales \$204.47, Taylor Laundry \$35.00, New Trends \$221.92, Office Equip \$503.16, SD Dept of Rev \$3396.12, Lar-Jos \$42.00, Active Data \$16,822.65, Hoven Auto \$156.75, Graham Tire \$36.00, Exhaust Pros \$26.78, Ultramax \$249.00, Menards \$470.96, CAN Surety \$50.00, Aberdeen Ins Agency \$80.00, Southern Folger \$428.40, Wallwork Truck Center \$83.34, SD Fed Property \$60.00, Sheehan Sales \$6287.93, Share Corp \$84.00, Runnings \$43.73, Roto Rooter \$200.00, Praxair \$343.06, PowerPlan \$1560.54, Macs \$2042.87, HF Jacobs \$102,500.00, Hedahls \$103.65, Hecla Impl \$37.45, J Gross Equip \$99.89, Great Western Tire \$19,235.22, GCR Tire \$169.50, Fire Safety First \$101.24, Economy Propane \$1746.50, Dakotaland Autoglass \$45.50, Dakota Oil \$2979.00, Dakota Electronics \$65.00, Custom Glass \$214.43, Crawford Trucks \$79.49, Clark Engineering \$612.50, Cartney Bearing \$26.09, Butler \$3373.46, Bakken Bldg Maint \$500.00, B&B Contracting \$530.00, SD Assoc of County Commissioners \$17,302.00, Midstates Printing \$262.49, Glas Consulting \$90.00, ProBuild \$30.36, Nat'l Register Pub \$233.95, Hub City Radio \$300.00, Sherri Rawstern \$15.98, AASLH \$150.00, Marianne Marttila-Klipfel \$137.97, Dacotah Prairie Museum \$25.76, Hewlett Packard \$1111.00, Glacial Lakes \$750.00, Commercial Electronics \$5208.00, Public Safety Group \$468.00, Dakota Communications \$113.41, Sewer Duck \$172.00, Midwest Pump & Tank \$448.84, Safety Service \$1024.95, Hedahls \$374.05, Pro Ag \$736.57, Aberdeen C&F \$30.00, Ameripride \$148.76, US Postmaster \$110.00, Lab Safety \$392.31, Gemplers \$1195.25, Quality Welding \$1067.03, Dakota Brush \$812.88, Vosika Fencing \$418.00, House of Glass \$24.00, North Central Farm Elev \$13,938.68, Petroleum Partners \$2532.43, Cole Papers \$1621.40:

Travel: Extension Service \$38.91, Ron Dodds \$59.48, Days Inn \$46.50:

Publications: American News \$562.91:

Transcriptions: Olson Court Reporting \$25.00:

Court Appointed Attorney: Christy Serr \$71.45, Chris Dohrer \$8.63, Gary Mikelson \$190.16, David Hosmer \$155.62:

Professional Fees: Avera St Lukes \$888.03, Dental Center \$107.00, Denise Cody \$15.00, Donna Dietrich \$151.69, Cathy Rehfuß \$15.00:

Utilities: FSH Comm \$79.35, City of Aberdeen \$982.62, NW Energy \$1323.31, NVC \$1355.08, Tel Serv \$56.78, James Valley \$146.97, Town of Frederick \$49.76, James Valley \$215.90, Dependable Sanitation \$15,171.74:

Care of Poor: Dr/Hospital (5 recipients) Dakota Imaging \$124.66, Avera Clinic \$136.22, Anesthesia Care \$304.00, Dakota Plains Surgical Center \$624.46; Medications (9 recipients) Shopko Pharm \$30.68, Econofoods Pharm \$45.33, United Clinic Pharm \$620.49, Kessler Pharm \$520.60, Walmart Pharm \$32.54, K-Mart Pharm \$10.00; Insurance (1 recipient) Wellmark BC/BS \$596.35; Rent (8 recipients) Jim Bomar \$260.00, HTL Holdings \$170.00, Wolfsong Apts \$280.00, Hangun Property \$260.00, Dale Bain \$260.00, Larry Dingman \$320.00, Lon Lyke \$245.00, Bruce Boschee \$100.00. All members present voting aye. Motion carried.

#### PERSONNEL:

Moved by Fischbach, seconded by Elliott to approve hiring Trina Zomers as Deputy Coroner, effective February 8, 2011. All members present voting aye. Motion carried.

#### ALCOHOLIC BEVERAGE LICENSE HEARING:

Moved by Fischbach, seconded by Hansen to authorize advertising a public hearing to be held in the Commissioners Chambers, Courthouse Annex, Brown County, SD on March 1, 2011 at 8:45 a.m. to consider the following application for Alcoholic Beverage License, submitted by RDA, LLC (Ron Wagner) DBA Water Hole #2, Aberdeen, SD – (Lt 2 Wagner Holdings 2<sup>nd</sup> Addition in the W ½ of Sec 17-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD. All members present voting aye. Motion carried.

#### AUDITORS REPORT OF ACCOUNT:

Moved by Hansen, seconded by Elliott to approve the January 2011 Auditor's Report of Account with the County Treasurer in total amount of \$13,044,419.30 (total amount of actual cash @ \$2,987.74, Wells Fargo Bank @ \$3,621.29, US Bank @ \$412,936.39, Dacotah Bank @ \$40,678.19, Petty Cash @ \$2,000.00, Fund Investments @ \$12,581,683.43, Outstanding Checks @ \$512.26). All members present voting aye. Motion carried.

#### ABATEMENTS:

Moved by Fischbach, seconded by Hansen to accept the following abatements: Charles Currie @ \$115.74, Amber Schulz @ \$212.73, Prairie's Edge Dev LLC @ \$6,163.34, Thomas Aman @ \$16,538.52, Clifford Schroeder @ \$53.91. All members present voting aye. Motion carried.

#### SHERIFF REPORTS:

Moved by Hansen, seconded by Elliott to approve the following January 2011 Sheriff Reports: Incident and offenses; Prisoner care, JDC, Money deposited with the County Treasurer and Monthly activities. All members present voting aye. Motion carried.

#### LARRY GERLACH:

Moved by Hansen, seconded by Fischbach to close all Brown County Offices able to close to the public from 10 a.m. to 2 p.m. on Thursday, February 10, 2011 to honor the memory of Larry Gerlach, Fair Manager. All members present voting aye. Motion carried.

#### CHANGE ORDER BRIDGE #051:

Moved by Hansen, seconded by Elliott to approve and authorize the Chairman to sign Change Order #4 for Bridge #051 adjusting quantities of Class M6 Concrete @ \$12,000.00 for total increase of all change orders at \$29,183.00 (County share 20%). All members present voting aye. Motion carried.

#### DOT PLANNING & RESEARCH PROGRAM:

Moved by Fischbach, seconded by Hansen to approve and authorize Jan Weismantel, Highway Superintendent to sign application for the SD DOT State Planning & Research Program (SPR Funded Transportation Study) requiring 20% local funding match. All members present voting aye. Motion carried.

#### HIGHWAY UPDATE:

Jan Weismantel, Highway Superintendent discussed Bridge 180; and confirmed that the County will not assist in the removal of stranded vehicles, due to liability issues.

#### BID – BELLY DUMP TRAILER:

27

Moved by Fischbach, seconded by Elliott to authorize advertising public hearing to open, read and consider bids for one (1) belly dump trailer for the Highway Department, to be held in the Commissioner's Chambers, Courthouse Annex, Brown County, SD, on March 29, 2011 at 8:45 a.m. All members present voting aye. Motion carried.

**LANDFILL UPDATE:**

Mike Scott, Landfill Manager discussed the Container Site Hauling Service Agreement; Equipment including the compactor and daily cover sprayer; and 2010 operational information and status of Unit 2.

**EM UPDATE:**

Scott Meints, Emergency Management Director informed the Commission that Brown County has been awarded 2010 Homeland Security funds in amount of \$142,202.00; and discussed requests from the public for sandbags. The Commission authorized the purchase of 50,000 sandbags for re-sale to the general public in minimum lots of 100 (sand is purchasers responsibility), with time and place for the sales to be announced later.

**EXECUTIVE SESSION:**

Moved by Wiese, seconded by Hansen to go into executive session to discuss personnel with Amy Scott, Rick Pigors, Kurt Smith and Maxine Fischer in attendance. All members present voting aye. Motion carried.

The executive session was closed, with the following action taken as a result of the discussion.

Moved by Elliott, seconded by Wiese to appoint Amy Scott as Interim Fair Manager, effective February 7, 2011 with compensation at \$175.00 per pay period. All members present voting aye. Motion carried.

**TRAVEL APPROVED:**

Moved by Hansen, seconded by Fischbach to approve Fair Board member Stu Swenson attend the Fair Conference in Indianapolis with Amy Scott and further approve air travel, as cost approximately the same as driving. All members present voting aye. Motion carried.

**EXECUTIVE SESSION:**

Moved by Hansen, seconded by Wiese to go into executive session for personnel discussion with Kim Dorsett via telephone. 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 February 15, 2011.

Jan Beckler, Deputy Brown County Auditor

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## FEBRUARY 15, 2011 – GENERAL MEETING

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

### MINUTES:

Moved by Wiese, seconded by Hansen to approve the General Meeting minutes of February 8, 2011. All members present voting aye. Motion carried.

### CLAIMS:

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

Payroll: Commissioners \$3,229.05; Auditor \$7,988.10; Treasurer \$11,090.24; Data Processing \$1,951.21; State's Attorney \$13,165.83; SVAWA Grant \$1,163.46; Blood Draws \$525.00; Maintenance \$6,034.49; Assessor \$11,321.43; Planning and Zoning \$1,831.12; Register of Deeds \$6,908.21; Veterans Service Office \$3,294.30; GIS \$1,965.93; Sheriff Adm \$27,303.11; Jail \$29,005.81; JDC \$12,791.68; HD \$4,069.79; 24/7 \$1,836.24; Communications \$20,529.83; Coroner \$1,200.00; Welfare Office \$3,240.20; Museum \$6,419.66; Parks & Fairgrounds \$3,787.19; Fairboard \$2,161.33; Weed \$474.06; Extension \$2,163.20; Emergency Management \$2,985.62; Teen Court \$457.05; Highway \$39,888.79; Landfill \$10,007.34; Matching Benefits: FICA \$13,987.51; Medicare \$3,271.25:

Supplies: Office Equip \$68.06, Kim Dorsett \$9000.00, Midstates Printing \$778.06, A&B Business \$292.69, Lien Trans \$1166.00, Youngs \$329.66, Graham Tire \$27.25, Earthgrains \$607.02, Parcel Erickson \$38.94, Lexis/Nexis \$78.95, DT Pharm \$2119.44, Sewing Shoppe \$27.00, Midwest Alarm \$204.00, Moore Medical \$143.98, Grote Body Shop \$3098.05, Hoven Auto \$503.85, Steven Lust \$37.51, Tri-State Water \$35.50, Safety Service \$492.40, Taylor Laundry \$59.50, Auto Glass \$40.00, Kesslers \$366.79, Avera St Lukes \$110.00, Cash-Wa \$4950.82, Best Bs \$146.10, TSC \$129.94, Traffic Control \$255.00, Kendell Titze \$35.00, Pumps Tire \$459.55, North Star \$170.18, N Central Farm Elev \$6893.13, Newman Signs \$14,103.70, Midwest Pump & Tank \$161.75, HF Jacobs \$3275.86, Farm Power \$1376.15, Carquest \$2785.49, Ameripride \$228.89, Lora Schaunaman \$45.97, SD Art Museum \$1645.50, DPM Merchandise \$52.96, Kleins \$21.51, Geffdog \$538.54, Runnings \$74.85, Menards \$285.46, Town & Country \$62.09, SD Public Assurance \$39.00, Macs \$43.06, Farnams \$81.24, RDO \$38.75, Successful Farming \$15.95, Brown County \$9.00, ITS \$11,208.00, Cunningham Elec \$3436.10, Praxair \$751.76, Language Line \$90.00, Geffdog \$804.50, Lar-Jos \$217.13, Tracy Madsen \$12.71:

Travel: City of Groton \$31.82, Ron Dodds \$16.00:

Publications: Dakota Press \$1948.31, American News \$276.91:

Transcriptions: Michelle Gaikowski \$83.60, Tammy Erickson \$157.50, Shepherd Reporting \$25.00:

Professional Fees: Sheriff of Stearns County \$50.00, NE Mental Health \$424.27, Avera Queen of Peace \$74.90, Donna Dietrich \$150.44, Denise Cody \$15.00, Cathy Rehffuss \$15.00, Kristi Spitzer \$425.00, Safe Harbor \$615.00:

Utilities: City of Aberdeen \$291.20, NW Energy \$8846.24, City of Hecla \$192.09, NVC \$137.86, Qwest \$4041.34, Bureau of Admin \$428.06, Northern Wireless \$149.90, Northern Elec \$2688.99:

Care of Poor: Dr/Hospital (4 recipients) Orthopedic Physical Therapy \$67.53, AMG Cardio Spec \$1420.00, Sanford Clinic \$324.92, Anesthesia Care \$96.00, Dental Center \$118.00; Medications (3 recipients) Lori's Pharm \$170.21, Emergency Poor Fund \$70.00; Rent (7 recipients) Abdn Housing Auth \$146.00, Jeff Voight \$250.00, Bert Wilson \$260.00, Tom Hinz \$260.00, Falcon Rentals \$135.00, Lon Lyke \$245.00, Dallas Niederbaumer \$320.00. All members present voting aye. Motion carried.

### PERSONNEL:

Moved by Hansen, seconded by Wiese to approve the following employee step increases, effective February 20, 2011: Mary Browning @ \$16.94 per hour, Charles Tveit @ \$13.98 per hour, Randy Kutter @ \$15.41 per hour, Rochele Moser @ \$15.74 per hour, Amy Scott @ \$12.67 per hour, Myron Erhardt @ \$13.35 per hour. All members present voting aye. Motion carried.

**BID - WEED CHEMICALS:**

Moved by Elliott, seconded by Fischbach 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 March 8, 2011 at 9:15 a.m. 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: Liebelts RV for lease of the Holum Expo Building on March 15 – March 27, 2011. All members present voting aye. Motion carried.

**VACATE PLAT:**

Commissioner Hansen offered the following Resolution:

**RESOLUTION NO. 16-11**

WHEREAS, Gengerke Farms, Inc., pursuant to SDCL 11-3-20.1, presented an Application for Vacation of Plat legally identified as:

Gengerke Outlot 1 in the SE ¼ of Sec 5-T124N-R60W, Brown County, South Dakota

WHEREAS, the granting of the request will not authorize the closing or obstruction of any public highway according to law, and all property taxes on such plat are paid.

NOW, THEREFORE, BE IT RESOLVED, that the plats legally identified as:

Gengerke Outlot1 in the SE¼ of Sec 5-T124N-R60W, Brown County, South Dakota

is hereby vacated.

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

**BID AWARD – PICKUP TRUCKS:**

Moved by Elliott, seconded by Fischbach to award the following bids for the Highway Department: State Contract #16030 with Lamb Motors for two 2011 Ford F250 Pickup Trucks in amount of \$23,743.00 each (total @ \$47,486.00, which includes a \$500.00 up charge to purchase locally from Pioneer Ford). All members present voting aye. Motion carried.

**HIGHWAY UPDATE:**

Jan Weismantel, Highway Superintendent discussed documentation needed from the County and all Brown County Townships identifying 2010 disaster sites that have not been repaired in case the State has another spring flooding event in 2011.

**BRIDGE 180:**

Moved by Wiese, seconded by Hansen to participate with Game, Fish & Parks in the repair of Bridge 180. All members present voting aye. Motion carried. Chris Goldade and Dan Nelson, GF&P were also in attendance.

**PARTIAL PAYMENTS:**

Moved by Wiese, seconded by Fischbach to authorize Sheila Enderson, County Treasurer accept partial payments for taxes (as authorized by SDCL 10-21-7) in amount of \$450.00 per month on Lt 3, Blk 7



Green Meadows Addn to Warner, effective March 31, 2011. All members present voting aye. Motion carried.

WAIVE INTEREST:

Moved by Fischbach, seconded by Hansen to authorize Sheila Enderson, Brown County Treasurer waive penalty and interest fees on 2009 property taxes on the NE & SE & E2 SW 36-126-65 in amount of \$77.96, due to error in ownership record, which prevented delinquent tax notification. All members present voting aye. Motion carried.

EXECUTIVE SESSION:

Moved by Wiese, seconded by Fischbach to go into executive session to discuss personnel with Kim Dorsett and 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.

RECESS:

The Chairman declared the Commission recessed until February 22, 2011.

Jan Beckler – Deputy Brown County Auditor

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## FEBRUARY 22, 2011 – GENERAL MEETING

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

### MINUTES:

Moved by Elliott, seconded by Wiese to approve the General Meeting minutes of February 15, 2011. All members present voting aye. Motion carried.

### CLAIMS:

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

Supplies: Quality Quick Print \$105.68, Mayo Clinic \$29.55, Midwest Alarm \$51.50, Sherri Rawstern \$29.67, Lora Schaunaman \$110.82, House of Glass \$13.95, Aberdeen Plumbing \$195.25, Menards \$14.89, ProBuild \$23.82, Lien Transportation \$709.00, Brown County \$631.91, Sec of State \$7.00, Tel Serv \$37.50, Exhaust Pros \$26.78, Graham Tire \$43.45, Reuers Auto \$371.34, West Payment \$3166.23, Best Business \$339.01, Office Equip \$169.99, RDO \$7.31, Carquest \$16.53, SD Wheat Growers \$741.01, Macs \$34.64, Runnings \$127.89, Matthew Bender \$49.87, Unifid Judicial System \$2200.00, CDW Govt \$472.76, Pizza Ranch \$128.56, Fire Protection Pub \$1276.24, Charlie Wharton \$848.00, Bricks Roto Rooter \$150.00, Howes Oil \$18,827.40, Pheasantland Industries \$963.37, US Bank \$7701.38:  
Travel: Kathy Fischer \$160.95, Russell Metz \$341.14, Leo Leshner \$288.97, Gene Loeschke \$65.86, Curtis Brooks \$116.18, Ron Dodds \$27.00:

Publications: American News \$490.01:

Transcriptions: Kristi Kost \$125.60:

Court Appointed Attorney: Gina Rogers \$5520.83, Chris Dohrer \$5770.83, Kuck Law Office \$5520.83, Christy Serr \$5770.83:

Professional Fees: Avera St Lukes \$248.31, Dakota Imaging \$8.14, Cathy Rehfuss \$15.00, Donna Dietrich \$149.44, Lewis & Clark BHS \$568.00, Denise Cody \$15.00, Sanford Health \$105.00:

Utilities: Alltel \$324.06, Dependable Sanitation \$356.50, Qwest \$9.90, Northern Elec \$276.11, Genius Web \$99.00:

Care of Poor: Dr/Hospital (3 recipients) Avera St Lukes \$2905.30, Dental Center \$721.00; Insurance (1 recipient) Anthem BC/BS \$1566.89; Rent (3 recipients) Steve Darling \$300.00, David Crossley \$260.00, Keith Trinko \$197.00. All members present voting aye. Motion carried.

### PERSONNEL:

Moved by Elliott, seconded by Fischbach to approve hiring Kellie Jones as Deputy Auditor, effective March 7, 2011 @ \$12.20 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Elliott to acknowledge the following miles driven and amount to be taxed for personal use of County vehicles during the months of November and December 2010 and January 2011: Jan Weismantel – 244.80 @ \$123.31, Markcus Selzler – 399 @ \$201.18, Kendell Titze – 300 @ \$150.72, Mark Wendt - 1416 @ \$713.52, Michael Scott – 460 @ \$231.60. All members present voting aye. Motion carried.

### PLAT:

Commissioner Hansen offered the following Resolution:

### RESOLUTION #17-11

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing "Halvorson First Addition in the SE ¼ of Sec 35-T121N-R63W of the 5<sup>th</sup> P.M., Brown County, SD",

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

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

#### VACATE PLAT – SET HEARING:

Moved by Wiese, seconded by Elliott to set hearing date to consider petition to vacate the following plat: Lots 1-11 Keatt's Fifth Subdivision in the W ½ of the NW ¼ of Sec 23-T124N-R65W, Brown County, SD, to be held in the Commissioner's Chambers, Courthouse Annex, Brown County, South Dakota at 9:20 A.M. on March 8, 2011. All members present voting aye. Motion carried.

#### BID SOLID & YARD WASTE COLLECTION SERVICE – LANDFILL CONTAINER SITES:

Moved by Hansen, seconded by Fischbach to authorize advertising public hearing to open, read and consider bids for Solid & Yard Waste Collection Service at the Brown County Landfill Container Sites, to be held in the Commissioner's Chambers, Courthouse Annex, Brown County, SD at 8:45 a.m. on March 15, 2011. All members present voting aye. Motion carried.

#### LEASE AGREEMENT:

Moved by Elliott, seconded by Wiese to approve and authorize the Chairman sign the following agreement: Aberdeen Area Horsemen's Association for lease of the Open Horse Arena on June 5, June 26, July 9 and August 7, 2011. All members present voting aye. Motion carried.

#### ABATEMENTS:

Moved by Fischbach, seconded by Wiese to approve the following abatements: AT&T @ \$13.26, SD Network @ \$74.22. All members present voting aye. Motion carried.

#### BID – ASPHALT CONCRETE PLANT MIX:

Time and place, as advertised to open, read and consider bids for Asphalt Concrete Plant Mix. Moved by Wiese, seconded by Elliott 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 \$59.40 per ton and Class "D" Type I (3/4 inch) in amount of \$59.40 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) @ \$60.00 per ton and Class "D" Type II (3/4 inch) @ \$60.00 per ton; Bituminous Paving Inc - Class "D" Type II (1/2 inch) @ \$64.00 per ton and Class "D" Type II (3/4 inch) @ \$61.00 per ton. All members present voting aye. Motion carried.

#### EXECUTIVE SESSION:

Moved by Hansen, 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 the following action taken as a result of the discussion:

Moved by Wiese, seconded by Elliott to authorize Jan Weismantel advertise Public Works (Mechanic) Labor Grade B (without CDL) position. All members present voting aye. Motion carried.

#### BID – GRAVEL MATERIAL:

Time and place, as advertised to open read and consider bids on Gravel Material. Moved by Hansen, seconded by Wiese 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.

#### LOAD LIMIT RESOLUTION:

Commissioner Fischbach offered the following Resolution:

#### RESOLUTION #18-11

*March 15, 2011*

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

#### SEASONAL LOAD RESTRICTIONS:

Moved by Fischbach, seconded by Wiese to approve the following seasonal load restrictions for 2011: The Brown County Highway Department seasonal load restrictions will go into effect Tuesday, March 1, 2011, 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 1.0 mile to County Road 14W;

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 mile 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 .5 miles 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 #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 U S Highway 281 west .25 miles;  
Road #23B from 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.

**MAXIMUM WEIGHT LIMITATION ON BRIDGES:**

Commissioner Fischbach offered the following Resolution:

RESOLUTION #19-11 March 15, 2011

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: BR006 New Hope Twp; BR008 Highland Twp; BR021 and BR268A Warner Twp; BR025 Savo Twp; BR032 Aberdeen Twp; BR045 Gem Twp; BR066, BR068 and BR069 East Rondell Twp; BR080 (closed), BR081, BR082 (closed), BR087 and BR259 Garden Prairie Twp; BR091, BR093, BR098, BR104 and BR118 East Hanson Twp; BR117, BR123 and BR124 West Hanson Twp; BR132, BR138, BR142 and BR145 Groton Twp; BR425 Westport Twp; BR180 Franklyn Twp;

BR197 Frederick Twp; BR204 Allison Twp; BR211 Osceola Twp; R232 Putney Twp; BR234 Cambria Twp; BR238 and BR278 Columbia Twp; BR245 North Detroit Twp; BR346 Hecla Twp; BR352 Ravinia Twp.

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

**BRIDGE 278:**

Moved by Wiese, seconded by Hansen to approve and authorize the Chairman sign Letting Authorization for Project No. BRO 8007(23), Bridge 278. All members present voting aye. Motion carried.

**BLOOD DRAW COMPENSATION:**

Moved by Hansen, seconded by Elliott to increase compensation from \$35.00 per blood draw to \$40.00 per blood draw, effective February 22, 2011 for Lyrita Wilkie, Pam Smid, Joel McMaster, Miranda Hart, Mary Jo Rohrbach and Karlene Geffre. All members present voting aye. Motion carried.

**EXECUTIVE SESSION:**

Moved by Hansen, seconded by Fischbach 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 the following action taken as a result of the discussion:

Moved by Fischbach, seconded by Wiese to approve employee status change for Jodi Brown from part-time to regular part-time, effective February 20, 2011. All members present voting aye. Motion carried.

**MUSEUM ANNUAL REPORT:**

Sue Gates, Museum Director presented the Dacotah Prairie Museum 2010 Annual Report.

**RECESS:**

The Chairman declared the Commission recessed until March 1, 2011.

Jan Beckler, Deputy County Auditor

Published once at the total approximate cost of \$\_\_\_\_\_.

## MARCH 1, 2011 – GENERAL MEETING

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

### MINUTES:

Moved by Elliott, seconded by Wiese to approve the General Meeting minutes of February 22, 2011. All members present voting aye. Motion carried.

### CLAIMS:

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

Payroll: Commissioners \$3,229.05; Auditor \$7,943.52; Treasurer \$11,090.24; Data Processing \$1,830.65; State's Attorney \$13,165.83; SVAWA Grant \$1,163.46; Blood Draws \$420.00; Maintenance \$6,115.11; Assessor \$11,321.43; Planning & Zoning \$1,902.88; Register of Deeds \$6,818.88; Veterans Service Office \$3,294.30; GIS \$1,965.93; Sheriff Adm \$27,569.26; Jail \$29,367.49; JDC \$13,112.51; HD \$4,000.19; 24/7 \$1,825.31; Communications \$20,884.88; Welfare Office \$3,240.20; Museum \$6,419.66; Parks & Fairgrounds \$3,787.19; Fairboard \$1,169.60; Weed \$983.16; Extension \$2,163.20; Emergency Management \$2,985.62; Teen Court \$467.44; Coroner \$1,200.00; Highway \$37,838.50; Landfill \$10,123.47; Matching Benefits: FICA \$13,999.09; Medicare \$3,273.90; Life \$579.84; Dental \$5,358.08; Health \$77,220.78; Retirement \$28,648.83:

Supplies: CMRS-FP \$5000.00, Office Equip \$28.14, Richards & Oliver \$81.41, Civil Air Patrol \$195.00, Exec Mgmt Finance \$967.38, AOSNC \$897.00, Hewlett-Packard \$8473.95, Intoximeters \$248.15, Office Equip \$28.77, Sec of State \$30.00, Beck Motors \$60,666.00, SDDOT \$202,341.53, SDACHS \$80.00, N Central Farmers Elev \$4716.75, Lyle Signs \$553.75, Howes Oil \$24,507.20, J Gross \$6200.00, Graham Tire \$13.25, Fordham Signs \$89.51, Everest \$2820.08, 3-D Spec \$7215.94, Weismantel Rent-All \$180.00, ASDM \$100.00, Nelson Sales \$23.21, Farm Power \$41.84, Farnams \$28.43, Runnings \$116.75, Macs \$24.42, IAFE \$1170.00, Berg Bag \$6432.00, CDW \$203.10, OSI Int'l \$39.92, Heartland Paper \$1609.39, Lien Transportation \$1583.50, J&K Painting \$2500.93, McFarland Supply \$3.15, House of Glass \$93.60, Shaeffer Mfg \$640.48, Sewer Duck \$144.00, SD DENR \$139.48, Best Bs \$96.00, US Postmaster \$5160.18, Moore Medical \$244.00:

Travel: Maxine Fischer \$40.08, Sheila Enderson \$9.00, Patty VanMeter \$221.38, Dorene Borchard \$9.00, Mike Rohrbach \$89.08, Roger Johnson \$106.08, Mark Milbrandt \$637.99:

Publications: American News \$191.79, Groton Indep \$516.46:

Transcriptions: Tammy Erickson \$45.00:

Professional Fees: Eide Bailly \$259.50, witness fees \$20.00, Avera St Lukes \$805.55, Dental Center \$142.00, SDACC \$11,747.20:

Utilities: Alltel \$1991.85, Tel Serv \$6262.10, NW Energy \$9655.69, Montana Dakota \$41.73, Midcontinent \$646.43, WSI \$300.00:

Care of Poor: Dr/Hospital (3 recipients) Avera St Lukes \$24,059.70; Medication (1 recipient) K-Mart Pharm \$53.34; Rent (3 recipients) Larry Dingman \$320.00, Matthew Vogel \$100.00, Zumbaum Property \$320.00; Transportation (4 recipients) Aberdeen Adv Care \$220.11, Jefferson Lines \$196.00. All members present voting aye. Motion carried.

### PERSONNEL

Moved by Elliott, seconded by Wiese to approve the following employee step increases, effective March 6, 2011: Carl Wright @ \$16.27 per hour, Cindy Mitchell @ \$16.18 per hour, Joseph Embury @ \$13.98 per hour, JoAnn Sheffield @ \$13.26 per hour, Chris Stucke @ \$19.76 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to approve hiring Christopher White, as temporary Deputy States Attorney, effective February 21, 2011 at \$400.00 per week. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to acknowledge resignation of John Heidenreich, Highway; and further authorize advertise to fill position. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to approve hiring Tina Boldt, effective February 24, 2011 and Michael Merkel, effective March 2, 2011 as interns in the Data Processing Department at \$9.34 per hour. All members present voting aye. Motion carried.

**FAIR BOARD:**

Moved by Elliott, seconded by Wiese to acknowledge resignation of Mike (Shane) Smith from the Fair Board and appoint Mike Russell to fill opening (first term 2011-2013). All members present voting aye. Motion carried.

**LEASE AGREEMENTS:**

Moved by Wiese, seconded by Elliott to approve the following agreements: Aberdeen Home Builders Association for lease of the Holum Expo Building on April 2-3, 2011; Don Bonn for lease of the Richmond Lake Youth Camp Lodge on April 16 & 17, 2011. All members present voting aye. Motion carried.

**COUNTY RANGELAND FIRE PROTECTION:**

Commissioner Elliott offered the following Resolution:

**RESOLUTION #20-11  
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 Wiese. Roll call vote: Commissioners Hansen-aye, Elliott-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Resolution adopted.

**WAIVE INTEREST:**

Moved by Hansen, seconded by Wiese to authorize Sheila Enderson, Brown County Treasurer waive penalty and interest fees on 2007 Centrally assessed Airflight tax on the MN Airlines, LLC in amount of \$23.56, due to settlement through the Bankruptcy court. All members present voting aye. Motion carried.

**RETAIL (ON-SALE) LIQUOR LICENSE HEARING:**

Time and place, as advertised to consider application for Retail (on-sale) Liquor License. Moved by Hansen, seconded by Wiese to approve and authorize the Chairman sign application, submitted by RDA



LLC DBA Waterhole #2 for Retail (on-sale) Liquor License on Lt 2, Wagner Holdings Second Addition in the W ½ Sec 17-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD. All members present voting aye. Motion carried.

**PERSONNEL DISCUSSION:**

Maxine Fischer, Brown County Auditor appeared at the request of the Commission to answer questions about a new hire.

**LOAD LIMITS/ROAD AND BRIDGE RESTRICTIONS – EFFECTIVE DATE CHANGE:**

Moved by Hansen, seconded by Wiese to amend Resolution #18-11, Seasonal Load Restrictions motion, and Resolution #19-11 in minutes of February 22, 2011, striking the effective date of March 1, 2011 to a date to be determined later. All members present voting aye. Motion carried.

**HIGHWAY UPDATE:**

Jan Weismantel, Highway Superintendent discussed truck speed limits; barring trucks on County 12 by high school; mailboxes damaged while plowing snow.

**CONTRACTS:**

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

**EXECUTIVE SESSION:**

Moved by Hansen, seconded by Wiese to go into executive session to discuss contract 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.

**VETERANS SERVICE OFFICE:**

Tom Gohn, Veterans Service Officer discussed loss of state funding for mandated office training; presented state prepared veterans service officer performance evaluation; requested additional compensation for office assistant while in charge of the office when service officer on sick leave.

**CROW CREEK GATE STRUCTURE:**

Gary Vetter, Planner/Zoner; Jan Weismantel, Highway Superintendent; and Scott Meints, Emergency Manager presented update on Crow Creek gate structure – presented Clark Engineering cost estimate for replacement at same level, discussed possible application for FEMA funds through NECOG with 25% local match; reviewed other options (raising structure, using berms or gates), which would require new cost estimate. Prior to any action a resolution of intent will be drafted and public hearings will be held.

**ACCOUNTING/PAYROLL SOFTWARE:**

Sheila Enderson, Treasurer; John McQuillen, Dispatch; and Maxine Fischer, Auditor presented information about three accounting/payroll/lien/fixed asset software packages being researched. No action will be taken until another interested vendor returns information.

**EXECUTIVE SESSION:**

Moved by Wiese, seconded by Fischbach to go into executive session to discuss personnel with Duane Jark 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.

**EXPO BUILDING FEE WAIVED:**

Moved by Fischbach, seconded by Hansen to waive fee for lease of the Expo Building, as requested by Leslie Repp, representing the Williams Syndrome Association for an event to be held on May 8, 2011. All members present voting aye. Motion carried.

**EXECUTIVE SESSION:**

Moved by Fischbach, seconded by Hansen to go into executive session to discuss personnel. 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 March 8, 2011.

Jan Beckler, Deputy County Auditor

## MARCH 8, 2011 GENERAL MEETING

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

### MINUTES:

Moved by Wiese, seconded by Hansen to approve the March 1, 2011 General Meeting minutes. All members present voting aye. Motion carried.

### CLAIMS:

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

Supplies: SDACC \$350.00, Macs \$44.46, Taylor Laundry \$35.00, Crescent Elec \$101.16, Menards \$275.62, Runnings \$1143.87, Woodman Refrig \$592.58, Kone \$287.63, Interior Design \$1155.15, Schneider Corp \$7550.00, New Trends \$189.00, Midstates Printing \$2584.95, Kesslers \$242.35, Cash-Wa \$4830.34, Dakota Electronics \$214.99, Earthgrains \$560.83, Tri-State Water \$28.40, Rick Adema \$113.11, Taylor Laundry \$59.50, Office Equip \$150.42, Best Business \$107.05, FedEx \$16.57, Safety Service \$469.28, Jacs Uniforms \$2880.00, Bonnie Bitz \$170.00, Sheehan Mack Sales \$27.48, Reuers Auto \$178.76, Praxair \$147.24, Interstate Battery \$252.32, Howes Oil \$13,012.80, Hecla Impl \$30.00, J Gross Equip \$113.68, Great Western \$9075.90, Graham Tire \$800.00, Fastenal \$210.47, Farnams \$42.88, Evergreen Supply \$208.85, Economy Propane \$2896.25, Dakota Oil \$1131.60, Dakota Fluid Power \$3773.00, Cunningham Elec \$1828.22, Crawford Trucks \$4087.17, Butler Machinery \$1171.91, Bakken Bldg Maint \$500.00, Midwest Alarm \$51.50, Hub City Radio \$300.00, Ad Dept \$100.80, Kleins \$18.88, GCR Tire Center \$540.80, Kens Alignment \$1306.24, Fordham Signs \$385.00, Crady's Radiator \$245.88, Farnams \$286.98, TSC \$13.99, Premier Auto \$699.07, RDR Plumb \$156.59, Best Business \$94.54, N Central Farmers Elev \$8698.33, House of Glass \$656.45, Overhead Door \$3816.30, Webb Shoes \$297.95, Heartland Heating \$993.03, Ameripride \$148.76, SD Dept of Rev \$2731.67, AOSNC \$620.90, Dakota Electronics \$90.00, DSG \$4079.16, Noll Collection \$1252.37:

Travel: Jeanette Nietert \$9.00, Jan Beckler \$9.00, Extension Service \$268.38, Gary Vetter \$38.48:

Publications: American News \$952.58, Groton Indep \$209.51:

Transcriptions: Nancy Schlichenmayer \$60.00, Calleen Misterek \$37.40:

Court Appointed Attorney: David Hosmer \$114.03, Kabeiseman & Pollard \$170.00:

Professional Fees: Avera St Lukes \$4288.64, Kristi Spitzer \$1098.00:

Utilities: City of Aberdeen \$971.10, NW Energy \$2016.39, NVC \$1104.63, Midcontinent Comm \$48.03, Qwest \$91.09, James Valley \$346.04, Town of Frederick \$60.38, WEB \$123.11:

Care of Poor: Dr/Hospital (4 recipients) Orthopedic Surgery Spec \$1266.18, Avera St Lukes \$6695.17; Medication (2 recipients) Kessler Pharm \$360.60; Rent (7 recipients) Zumbaum Property \$280.00, Golden West \$143.00, Hangun Property \$280.00, Briscoe Rentals \$320.00, HTL Holdings \$260.00, P&H Investments \$260.00, James Burns \$210.00; Insurance (2 recipients) Wellmark BC/BS \$584.66, Allied Benefit \$480.00; Utilities (2 recipients) NW Energy \$418.96; Transportation (2 recipients) Brown County \$114.30. All members present voting aye. Motion carried.

### PERSONNEL:

Moved by Elliott, seconded by Wiese to approve hiring Nicole Leslie as a full time corrections officer for the Jail, effective March 12, 2011 at \$13.07 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Elliott to approve hiring Daniel Burzlaff as a full time corrections officer for the jail, effective April 4, 2011 at \$13.07 per hour; and further acknowledge resignation of Drew Ottenbacher, effective May 1, 2011. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to approve employee status change for Justin Salo from Labor Grade #4 to Labor Grade #5 at the Highway, effective March 7, 2011 at \$13.82 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Elliott to approve employee status change for Jeremy Eppard from Highway Seasonal to Highway Maintenance, effective March 7, 2011 at \$11.95 per hour. All members present voting aye. Motion carried.

Moved by Elliott, seconded by Wiese to approve employee status change for Michael Rohrbach from Weed & Pest Chemical Sprayer Operator/Highway Employee to Weed & Pest Supervisor/Highway Employee, effective March 8, 2011 @ \$15.27 per hour as Weed & Pest Supervisor and \$14.02 per hour as Highway Labor Grade 3 employee. All members present voting aye. Motion carried.

#### LEASE AGREEMENTS:

Moved by Wiese, seconded by Fischbach to approve the following agreements: VRBR Productions/NBHA SD04 (Rachel Fliehs) for lease of the Open Horse Arena on May 21, 2011; Aberdeen Humane Society for lease of the Club House on April 16 & 17, 2011; Prairie Fiber Arts Guild for lease of the Richmond Lake Youth Camp Lodge on April 30 and May 1, 2011. All members present voting aye. Motion carried.

#### AUDITORS REPORT OF ACCOUNT:

Moved by Fischbach, seconded by Wiese to approve the February 2011 Auditor's Report of Account with the County Treasurer in total amount of \$11,942,179.45 (total amount of actual cash @ \$3,037.71, Wells Fargo Bank @ \$3,621.29, US Bank @ \$383,486.89, Dacotah Bank @ \$141,246.17, Petty Cash @ \$2,000.00, Fund Investments @ \$11,408,325.10, Outstanding Checks @ \$462.29). All members present voting aye. Motion carried.

#### BID – RENTAL OF EQUIPMENT OPEN AND AWARD:

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 2011. Bids were received from Aberdeen Asphalt, Inc; Kevin Bourdon; Herb Dabbert Trucking; Hanlon Brothers; Hollaway Construction; Howell Trucking; HF Jacobs & Son Construction; B&B Contracting Inc; Lien Transportation; Fred Ludwig Trucking; Odland Construction & Gravel; Jerde-Hjermstad LLC, Florence; Bob Hastings, Britton; Michael Raml, Kranzburg; BW Morrison, Aberdeen; Lynn Hanson, Mina; Jason Raml Trucking, Kranzburg; Asphalt Recycling Solutions, Oakdale, MN; Kreich Construction, Waubay; Chad Raml Trucking, Kranzburg; Alan Winburn, Houghton; Dahme Construction Co, Inc, Aberdeen.

Moved by Hansen, seconded by Wiese to award bids for Rental of Equipment based on availability, with written or verbal waiver required from low bidder if not available. 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.

#### BRIDGE REINSPECTION:

Commissioner Hansen offered the following Resolution:

#### RESOLUTION # 21-11

#### 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 reinspection at intervals not

42

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 Clark Engineering Corporation 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.

Dated this 8<sup>th</sup> day of March 2011 at Aberdeen, SD.

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

#### DOT SIGN AND DELINEATION PROJECT AGREEMENT:

Moved by Fischbach, seconded by Wiese to approve and authorize the Chairman sign State of SD Financial and Maintenance Agreement between DOT and Brown County for the Sign and Delineation project identified as Roadway Safety Improvement Project Number PH 8007(210) PCN 01UC, located on various county roads in Brown County. 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 2011. Bids were received from VanDiest Supply Company, Norfolk, NE; Hefty Seed Company, Aberdeen, SD; and Alligare, LLC, Opelika, AL. Moved by Fischbach, seconded by Elliott to refer bids to Brown County Weed and Pest Supervisor for tabulation and recommendation. All members present voting aye. Motion carried.

#### VACATE PLAT:

Commissioner Fischbach offered the following Resolution:

#### RESOLUTION #22-11

WHEREAS, Patrick Keatts, pursuant to SDCL 11-3-20.1, presented an Application for Vacation of Plat legally identified as:

Lots 1-11 Keatt's Fifth Subdivision in the W ½ of the NW ¼ of Sec 23-T124N-R65W, Brown County, South Dakota

WHEREAS, the granting of the request will not authorize the closing or obstruction of any public highway according to law, and all property taxes on such plat are paid.

NOW, THEREFORE, BE IT RESOLVED, that the plats legally identified as:

Lots 1-11 Keatt's Fifth Subdivision in the W ½ of the NW ¼ of Sec 23-T124N-R65W, Brown County, South Dakota

is hereby vacated.

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

**TYLER TECHNOLOGIES:**

Ron Pieracci, Tyler Technologies presented information on accounting software for the Treasurer's Office and Auditor's Office. Sheila Enderson, Maxine Fischer and Jeanette Nietert were also in attendance.

**EXECUTIVE SESSION:**

Moved by Wiese, seconded by Elliott to go into executive session to discuss contract. 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 March 15, 2011.

Jan Beckler, Deputy County Auditor

Published once at the total approximate cost of \$\_\_\_\_\_.

## MARCH 15, 2011 – GENERAL MEETING

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

### MINUTES:

Moved by Wiese, seconded by Elliott to approve the General Meeting minutes of March 8, 2011. All members present voting aye. Motion carried.

### CLAIMS:

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

Payroll: Commissioners \$3,229.05; Auditor \$8,023.66; Treasurer \$11,090.24; Data Processing \$1,932.05; State's Attorney \$13,965.83; SVAWA Grant \$1,163.46; Blood Draws \$880.00; Maintenance \$5,926.12; Assessor \$11,321.43; Planning and Zoning \$1,871.49; Register of Deeds \$6,850.28; Veterans Service Office \$3,319.26; GIS \$1,965.93; Sheriff Adm \$29,337.57; Jail \$28,924.37; JDC \$13,020.48; HD \$4,398.01; 24/7 \$1,748.80; Communications \$22,294.41; Welfare Office \$3,240.20; Museum \$6,419.66; Parks & Fairgrounds \$3,787.19; Fairboard \$1,188.80; Weed \$590.59; Extension \$2,163.20; Emergency Management \$3,008.82; Teen Court \$425.89; Highway \$38,340.23; Landfill \$9,864.54; Matching Benefits: FICA \$14,096.70; Medicare \$3,296.81:

Supplies: West Payment Center \$1253.95, Office Equip \$350.88, SD Unified Judicial System \$15.00, Dept of Revenue \$1677.00, Brandon Taliaferro \$33.89, Matthew Bender \$34.47, SDAAO \$400.00, Carol Sherman \$37.09, Best Business \$208.62, Galls \$263.41, Graham Tire \$640.12, DT Pharm \$1898.55, Grafix \$1167.29, Midwest Rubber Stamp \$29.50, Town & Country Lumber \$104.94, A&B Business \$349.47, Exhaust Pros \$26.78, Steven Lust \$65.59, Center Printing \$191.24, Lexis/Nexis \$50.00, TSC \$33.98, Titan \$301.97, Pumps Tire \$90.72, N Central Farmers Elev \$3562.21, Hollands Auto Care \$16.16, Hedahls \$65.40, GCR Tire Center \$48.00, Farm Power \$404.52, Clark Engineering \$658.75, Central Supply \$787.00, Cass County Heating \$688.69, Cartney Bearing \$26.60, Carquest \$1120.19, Ameripride \$290.40, Geffdog \$3075.65, Kleins \$2.87, Western States Fire \$725.00, Macs \$70.06, Meyers Tractor Supply \$80.00, Fire Safety First \$17.10, Reuers Auto \$40.05, Runnings \$61.18, Farnams \$8.19, Sperian \$309.38, Hiplink Software \$23,600.00, Danko \$97.56, SD Solid Waste Mgmt Assn \$330.00, J Gross \$72.80, Aberdeen C&F \$28.00, HF Jacobs \$100.00, Petroleum Partners \$3038.75, Cunningham Elec \$929.18, Praxair \$278.07, Sewer Duck \$172.00, Hedahls \$5.28, Midwest Pump & Tank \$1312.30, Sheehan Mack Sales \$227.46, Brick Propane \$21.00, Wallwork Trucks \$182.94, Safe Harbor \$785.00, James River \$3321.54:

Travel: City of Groton \$131.35, Stu Swenson \$96.00, Amy Scott \$96.00, Sherry Theobald \$22.57:

Publications: American News \$304.10:

Transcriptions: Tammy Erickson \$112.50:

Professional Fees: Avera St Lukes \$212.00, NE Mental Health \$482.79, Avera Queen of Peace \$90.80:

Utilities: NW Energy \$2684.35, City of Hecla \$191.59, Dependable Sanitation \$12,234.14, City of Aberdeen \$260.28, Qwest \$1568.40, Northern Elec \$2558.63, Northern Wireless \$149.90, Bureau of Admin \$498.81:

Care of Poor: Dr/Hospital (11 recipients) Avera Urology Spec \$318.87, Avera Internal Medicine \$29.71, Avera St Lukes \$21,352.20, Dental Center \$128.00, Dakota Imaging \$35.57, AMG Cardiovascular Spec \$691.91, Avera OB/GYN \$655.18, Heloise Westbook \$161.84, Dr Conklin \$386.56, Anesthesia Care \$240.00; Medication (9 recipients) United Clinic Pharm \$498.11, Jones Drug \$96.21, Lori's Pharm \$142.53, Walmart Pharm \$185.49; Rent (12 recipients) Wagner Holdings \$200.00, Eisenbeis Mobile Home Court \$240.00, SD Real Estate \$300.00, Tom Hinz \$390.00, Wertman Properties \$260.00, Tabetha Melby \$300.00, Zumbaum Property \$280.00, White House Inn \$200.00; Burial (1 recipient) City of Aberdeen \$450.00, Utilities (1 recipient) City of Aberdeen \$142.18; Transportation (2 recipients) Emergency Poor Fund \$145.00. All members present voting aye. Motion carried.

**PERSONNEL:**

Moved by Elliott, seconded by Hansen to approve the following employee step increases, effective March 20, 2011: Michael Rohrbach @ \$14.22 per hour, Jesse Milbrandt @ \$13.68 per hour. All members present voting aye. Motion carried.

Moved by Elliott, seconded by Hansen to approve hiring Emily Sperry as Summer Assistant at the Brown County Extension Service, effective May 31, 2011 at \$8.01 per hour. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Elliott to acknowledge resignation of Dispatchers Christi Haggerty and Betty Harr, effective March 5, 2011. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to authorize Jan Weismantel, Highway Superintendent to advertise for five seasonal employee positions. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Elliott to authorize advertising shared full-time position between Weed & Pest Board and Highway Department. All members present voting aye. Motion carried.

**SURPLUS CASH REPORT:**

Moved by Hansen, seconded by Wiese to approve the following General Fund Surplus Cash Analysis Report dated December 31, 2010 @ \$2,448,425.65 (16.68%). All members present voting aye. Motion carried.

**SHERIFF REPORTS:**

Moved by Fischbach, seconded by Hansen to approve the following February 2011 Sheriff Reports: Incident and offenses; Prisoner care, JDC, Money deposited with the County Treasurer and Monthly activities. All members present voting aye. Motion carried.

**EQUALIZATION NOTICES:**

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

**FAIR CONTRACTS:**

Moved by Wiese, seconded by Elliott to approve the following entertainment contracts for the 2011 Brown County Fair in total amount of \$101,000.00: John Anderson on August 18, The Band Perry on August 19, and The Bellamy Brothers and Josh Turner on August 20, 2010. All members present voting aye. Motion carried.

**ABATEMENTS:**

Moved by Hansen, seconded by Wiese to approve the following Abatement: Mary Schriver @ \$3,862.05. All members present voting aye. Motion carried.

**LEASE AGREEMENT:**

Moved by Elliott, seconded by Wiese to approve and authorize the Chairman sign the following agreement: Melgaard Park Baptist Church for lease of the Richmond Lake Youth Camp on June 27 – July 3. All members present voting aye. Motion carried.

**BID – SOLID & YARD WASTE COLLECTION SERVICE:**

Time and place, as advertised to open, read and consider bids on the Solid & Yard Waste Collection Service for the Brown County container sites. One bid received from Dependable Sanitation. Moved by



46

Fischbach, seconded by Wiese to refer bid to Mike Scott, Landfill Manager for review and recommendation. All members present voting aye. Motion carried.

**EXECUTIVE SESSION:**

Moved by Hansen, seconded by Wiese to go into executive session to discuss contract and personnel 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 AWARD – SOLID & YARD WASTE COLLECTION SERVICE:**

Moved by Fischbach, seconded by Wiese to accept bid from Dependable Sanitation, Inc. in amount of \$289,060.00 per year for Solid & Yard Waste Collection Services for the Brown County Landfill container sites, effective March 15, 2011 – March 15, 2020, unless written notification of termination is submitted by either party, in accordance with the terms and conditions of the written specifications. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Wiese to approve and authorize the Chairman sign Contract Agreement with Dependable Sanitation, Inc for Solid & Yard Waste Collection services for the Brown County Landfill container sites. All members present voting aye. Motion carried.

**GRANT APPLICATION – LANDFILL:**

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman sign application for Solid Waste Grant Program offered by the South Dakota Department of Environment and Natural Resources in amount of \$745,575.00 (county share @ \$372,787.50, state share @ \$372,787.50) for purchase of a Compactor for the Brown County Landfill. All members present voting aye. Motion carried.

**LANDFILL SPRING RESIDENTIAL CLEANUP:**

Moved by Wiese, seconded by Elliott 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 29 thru May 14, 2011, with limit on number of tires (eight). 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.

**APPLICATION FOR OCCUPANCY:**

Moved by Fischbach, seconded by Wiese to approve and authorize the Chairman sign application, submitted by WEB Water Development Assoc, Inc for occupancy of Brown County Road 16 in Sec 19-T122N-R62W, Brown County, SD to provide potable water line. All members present voting aye. Motion carried.

**LOAD LIMITS/ROAD AND BRIDGE RESTRICTIONS – EFFECTIVE DATE:**

Moved by Wiese, seconded by Elliott to amend Resolution #18-11, Seasonal Load Restrictions motion, and Resolution #19-11 in minutes of February 22, 2011, with the effective date of March 15, 2011 (later effective date as referenced in proceedings of March 1, 2011). All members present voting aye. Motion carried.

**HECLA SHOP DOOR:**

Moved by Wiese, seconded by Hansen to award low quote, submitted by Dave Kampa Construction in amount of \$9,014.76 for labor and material to replace door at the Brown County Highway Shop in Hecla;

rejecting quote submitted by HC Doors (Holtey Construction) in amount of \$11,567.00. All members present voting aye. Motion carried.

#### SIGN PURCHASE:

Moved by Wiese, seconded by Elliott to approve purchase of 40 mph maximum for truck signs for the Highway Department. All members present voting aye. Motion carried.

#### EXECUTIVE SESSION:

Moved by Hansen, seconded by Elliott to go into executive session to discuss contract with Mark Milbrandt and Craig Nelson 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.

#### COMPUTER SOFTWARE DISCUSSION:

Treasurer Sheila Enderson and Auditor Maxine Fischer presented additional information in regard to software for the two offices. Moved by Hansen, seconded by Wiese to authorize States Attorney review contract presented by Tyler Technologies, Lubbock, TX. All members present voting aye. Motion carried.

#### CHEMICAL BID AWARD:

Moved by Fischbach, seconded by Elliott to award overall low bid, submitted by VanDiest Supply Company rejecting overall bids submitted by Hefty Seed Company and Aligare, LLC. Complete tabulation sheet on file in the Auditor's Office (available for public inspection Monday – Friday, 8:00 a.m. to 5:00 p.m.). All members present voting aye. Motion carried.

#### EXECUTIVE SESSION:

Moved by Elliott, 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 March 22, 2011.

Jan Beckler, Deputy Brown County Auditor

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## March 22, 2011 – GENERAL MEETING

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

### MINUTES:

Moved by Hansen, seconded by Wiese to approve the General Meeting minutes of March 15, 2011. All members present voting aye. Motion carried

### CLAIMS:

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

Supplies: Brown County \$374.78, Sanders Sew 'N Vac \$529.99, Heartland Paper \$167.03, Sherwin Williams \$6.09, J&K Painting \$575.70, Gardner Locksmith \$74.60, Central Supply \$291.60, Menards \$319.65, Comfort Inn \$210.00, New Trends \$37.98, Langs \$159.00, Safety Service \$181.00, Best Business \$199.66, West Payment Center \$118.28, SD Asphalt Conf \$300.00, Gear Networking \$8888.04, SDDOT \$260.37, Palmer Dist \$561.30, Newman Signs \$4776.60, Lawson Products \$1132.43, Interstate Battery System \$243.85, Huron Culvert \$3432.00, Howes Oil \$25,962.80, Sherri Rawstern \$19.76, Carus Pub \$28.95, Geffdog \$316.38, Assn of SD County Weed & Pest \$150.00, Pizza Ranch \$70.94, Danko \$21.75, Priority Dispatch \$770.00, CompUSA \$534.13, Tessco \$386.88, SDACC \$20.00:

Travel: Jan Weismantel \$61.00, Charlene Millim \$149.46, Extension Service \$167.18, Stan Beckler \$15.54, David North \$84.36, Darwin Bettmann \$11.10, Dale Kurth \$56.24, Jerome Streckfuss \$28.86, Patrick Keatts \$26.64:

Publications: American News \$185.92:

Transcriptions: Neal Reporting \$60.80, Michelle Gaikowski \$27.20:

Court Appointed Attorney: Gary Mikelson \$115.50, Fox, Youngberg & Lewno \$171.16:

Professional Fees: Spink County Sheriff \$46.00, Avera St Lukes \$1299.54, Avera OB/GYN Assoc \$86.56, Mary Rohrbach \$40.00, Sheriff of Yankton County \$100.00, Gary Mikelson \$54.00, Avera Psychiatric Assoc \$126.07, Lewis & Clark BHS \$142.00, Donna Dietrich \$105.86, Denise Cody \$18.00, Cathy Rehfuß \$18.00, Language Lines \$90.12,

Utilities: City of Aberdeen \$25.59, Northwestern Energy \$5014.63, Dependable Sanitation \$212.00, Alltel \$2129.75, Northern Valley Comm \$9400.00, Qwest \$2467.59:

Care of Poor: Dr/Hospital (5 recipients) Avera St Lukes \$3679.55, Orthopedic Surgery Spec \$406.03, Dental Center \$2863.00; Rent (3 recipients) Falcon Rentals \$130.00, Wolfsong Apts \$190.00, Han-Gun Properties \$280.00; Utilities (1 recipient) City of Aberdeen \$213.64. All members present voting aye. Motion carried.

### PERSONNEL:

Moved by Hansen, seconded by Wiese to amend January 25, 2011 minutes to change resignation date for Roger Johnson from April 1, 2011 to March 15, 2011. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Elliott to approve hiring Christi Haggerty as Dispatcher, effective March 21, 2011 at \$13.93 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Elliott to approve adjusting starting and quitting times during the summer construction season for highway personnel from 7:00 a.m. to 5:30 p.m., Monday – Thursday, as recommended by the Highway Superintendent, effective April 4, 2011. All members present voting aye. Motion carried.

### SURPLUS PROPERTY/EQUIPMENT:

Moved by Hansen, seconded by Elliott to declare box from 2011 Ford truck surplus for purpose of trade-in; and further authorize purchase of replacement flat bed for the unit, submitted by Specialty Trailer

Sales in total amount of \$1,450.00 (Flat bed at \$2,650.00 less box trade of \$1,200.00). All members present voting aye. Motion carried.

#### LEASE AGREEMENT:

Moved by Elliott, seconded by Fischbach to approve and authorize the Chairman sign the following agreement: Farmer's Union Camp for lease of the Richmond Lake Youth Camp on July 10-13, 2011. All members present voting aye. Motion carried.

#### PLATS:

Commissioner Hansen offered the following Resolutions:

#### RESOLUTION #23-11

BE IT RESOLVED by the Brown County Planning Commission of Brown County, South Dakota, that the plat showing "S & E Heintzman Subdivision in NE ¼ Sec 27-T123N-R64W of 5<sup>th</sup> P.M., Brown County, South Dakota", having been examined, is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof.

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

Commissioner Hansen offered the following Resolutions:

#### RESOLUTION #24-11

BE IT RESOLVED by the County Commission of Brown County, South Dakota, that the plat showing "A Swenson Subdivision in NE ¼ Sec 8-T122N-R62W of 5<sup>th</sup> P.M., Brown County, South Dakota", having been examined, is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof.

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

Commissioner Hansen offered the following Resolutions:

#### RESOLUTION #25-11

BE IT RESOLVED by the Board of Commissioners of Brown County, South Dakota, that the plat showing "Rose First Addition in the SW ¼ Sec 23-T125N-R62W of 5<sup>th</sup> P.M., Brown County, South Dakota", having been examined, is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof.

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

Commissioner Hansen offered the following Resolutions:

#### RESOLUTION #26-11

BE IT RESOLVED by the Board of County Commissioners of Brown County, South Dakota, that the plat showing "Stanley First Conservation Easement Tract 1 in the SW ¼ Sec 13-T125N-R61W of 5<sup>th</sup>

P.M., Brown County, South Dakota”, having been examined, is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof.

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

Commissioner Hansen offered the following Resolutions:

#### RESOLUTION #27-11

BE IT RESOLVED by the Board of County Commissioners of Brown County, South Dakota, that the plat showing “Stanley Second Conservation Easement Tract 1 in the N ½ NE ¼ of Section 22-T125N-R61W of the 5<sup>th</sup> P.M., Brown County, South Dakota”, having been examined, is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof.

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

Commissioner Hansen offered the following Resolutions:

#### RESOLUTION #28-11

BE IT RESOLVED by the Board of County Commissioners of Brown County, South Dakota, that the plat showing “Stanley Third Conservation Easement Tract 1 in the NW ¼ Sec 24-T125N-R61W of the 5<sup>th</sup> P.M., Brown County, South Dakota”, having been examined, is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof.

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

Commissioner Hansen offered the following Resolutions:

#### RESOLUTION #29-11

BE IT RESOLVED by the Board of Commissioners of Brown County, South Dakota, that the plat showing “Stanley Fourth Conservation Easement Tract 1 in Section 14-T125N-R61W of 5<sup>th</sup> P.M., Brown County, South Dakota”, having been examined, is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof.

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

Commissioner Hansen offered the following Resolutions:

#### RESOLUTION #30-11

BE IT RESOLVED by the Board of County Commissioners of Brown County, South Dakota, that the plat showing “Stanley Fifth Conservation Easement Tract 1 and Tract 2 in the NE ¼ and SE ¼ Sec 15-T125N-R61W of 5<sup>th</sup> P.M., Brown County, South Dakota”, having been examined, is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof.

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

#### WEED & PEST GRANT AGREEMENT:

Moved by Elliott, 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 \$4,125 on a 50/50 cost share basis for chemical, promotional items and seasonal labor, effective July 1, 2011 to June 1, 2012. All members present voting aye. Motion carried

#### ACCOUNTING SOFTWARE:

Moved by Hansen, seconded by Elliott to approve and authorize the Chairman to sign contract with Tyler Technologies, Local Government Division for accounting software package for the Treasurer's office and Auditor's office. All members present voting aye. Motion carried.

#### ABATEMENTS:

Moved by Wiese, seconded by Fischbach to approve the following abatements: Brown Marshall Conservation District @ \$385.87, Jacob Sanderson @ \$34.42, Janice Rott @ \$1,237.04. All members present voting aye. Motion carried.

#### FAIR CONTRACT:

Moved by Fischbach, seconded by Wiese to approve the following entertainment contract for the 2011 Brown County Fair in the total amount of \$60,000.00: LeAnn Rimes on August 18. All members present voting aye. Motion carried.

#### FAIR DISCUSSION:

Fairboard members Rick Pigors, Terri Traxinger, and Conald Burgard met to request approval to hire a part-time assistant for interim fair manager Amy Scott. Moved by Elliott, seconded by Wiese to authorize advertising for a part-time assistant for the fair at \$8.97. All members present voting aye. Motion carried.

#### APPLICATION FOR OCCUPANCY:

Moved by Fischbach, seconded by Elliot to approve and authorize the Chairman to sign application, submitted by James Valley Telecommunications for occupancy of the following Brown County Highways for Telecommunications purposes: Highway #5 in Sec 1-T127N-R63W, Highway #14 in Sec 14-T127N-R63W, Highway #5 in Sec 4-T127N-R64W, Highway #20 in Sec 32/33-T128N-R60W, and Highway #5 in Sec 25-T128N-R61W. All members present voting aye. Motion carried.

#### PERMIT TO LAND AIRCRAFT:

Moved by Fischbach, seconded by Hansen to deny request from Dakota Air Spray (Wilbur Ellis) to operate, take off, or land an aircraft on any county road in Brown County. All members present voting aye. Motion carried.

#### SEASONAL SPEED LIMIT ON COUNTY GRAVEL ROADS:

Commissioner Fischbach offered the following Resolution:

#### RESOLUTION #31-11

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, SDCL 32-25-9.1 authorizes the County Commission to determine and establish speed zones upon all or any part of the highways under their jurisdiction, and

WHEREAS, it has been deemed in the best interest of the county to establish a 40 MPH speed limit on all gravel roads as posted by the Brown County Highway Department during the March/April spring thaw and breakup period that the roads are posted.

NOW, THEREFORE BE IT RESOLVED, that the Brown County Commission, establish a 40 MPH speed zone on all Brown County gravel roads during the March/April spring thaw and breakup period that the roads are posted, and

FURTHER, BE IT RESOLVED that the Brown County Board of Commissioners request that the South Dakota Highway Patrol assist and enforce 40 MPH speed limits as posted by the Brown County Highway Department on all Brown County gravel roads during the March/April spring thaw and breakup period that the roads are posted.

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

#### USE OF EQUIPMENT:

Moved by Hansen, seconded by Wiese to waive fee for Aberdeen Downtown Association to use county personal property for 2011 Great Aberdeen Pig Out Event. All members present voting aye. Motion carried.

#### EXECUTIVE SESSION:

Moved by Hansen, seconded by Wiese to go into executive session to discuss contract. All members present voting aye. Motion carried.

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

#### EM UPDATE:

Scott Meints, Emergency Manager presented update on flooding and sand bags.

#### DRAINAGE DISCUSSION:

Dr. Chris Hays, SDSU presented informal discussion on drainage.

#### RECESS:

The Chairman declared the Commission recessed until March 29, 2011.

Jan Beckler, Deputy Brown County Auditor

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## MARCH 29, 2011 – GENERAL MEETING

Meeting called to order by Vice Chairman Elliott at 8.45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen and Fischbach. Absent Commissioners Wiese and Sutton.

### MINUTES:

Moved by Fischbach, seconded by Hansen to approve the General Meeting minutes of March 22, 2011. All members present voting aye. Motion carried.

### CLAIMS:

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

Payroll: Commissioners \$3,229.05; Auditor \$8,919.52; Treasurer \$11,104.64; Data Processing \$2,213.84; State's Attorney \$13,965.83; SVAWA Grant \$1,163.46; Blood Draws \$840.00; Maintenance \$6,074.80; Assessor \$11,321.43; Planning and Zoning \$2,497.88; Register of Deeds \$6,818.88; Veterans Service Office \$3,506.46 GIS \$1,965.93; Sheriff Adm \$28,962.22; Jail \$27,560.04; JDC \$12,698.26; HD \$4,153.66; 24/7 \$1,836.24; Communications \$19,144.90; Welfare Office \$3,246.97; Museum \$6,419.66; Parks & Fairgrounds \$3,826.13; Fairboard \$1,188.80; Weed \$1,464.44; Extension \$2,163.20; Emergency Management \$3,008.82; Teen Court \$342.79; Highway \$35,547.48; Landfill \$10,060.43; Matching Benefits: FICA \$13,784.94; Medicare \$3,223.92, Life \$565.44, Dental \$5,224.96, Health \$73,778.70, Retirement \$28,806.31:

Supplies: Tyler Tech \$17,272.75, Simplex Grinnell \$154.00, Cartney Bearing \$8.08, Heartland Paper \$1756.65, Richards & Oliver \$81.41, Lar-Jos \$128.70, A&B Business \$124.46, West Pub \$266.00, Tel Serv \$263.13, PC Mall Gov \$1545.49, Gardner Locksmith \$75.00, Exec Mgmt Finance \$825.70, Parcel-Erickson \$13.33, SD Sheriff Assoc \$113.33, SD Voices for Children \$6.00, Best Business \$133.32, Tactical Tech \$2305.00, George Sumption \$500.00, Hagan Ins \$4456.00, SD Fed Property \$45,000.00, Menards \$186.50, The Lodge \$178.00, Brown County \$10.00, Days Inn \$46.50, Kleins \$13.51, Herc-U-Lift \$70.86, Great Western Tire \$240.00, Runnings \$198.76, North Central Farmers Elev \$1746.76, Hedahls \$27.03, Nelson Sales \$20.92, Western States Fire \$928.81, Yankton County \$622.50, Brown County 4-H Leaders Assoc \$5350.00, Light & Siren \$574.76, Custom Micro \$2385.00, SHI International \$2098.35, Gear Networking \$3322.00, Randy Kutler \$510.00, US Bank \$13,767.05:

Travel: Scott Madsen \$75.60, Kathy Thompson \$52.00, Justin Salo \$52.00, Ron Dodds \$52.00, Gary Vetter \$9.00:

Publications: American News \$875.45, Dakota Press \$66.50:

Transcriptions: Tammy Erickson \$112.50:

Court Appointed Attorney: Christy Serr \$5776.03, Christopher Dohrer \$5903.18, Gina Rogers \$5520.83, Kuck Law Office \$5520.83, Kennedy, Pier & Knoff \$184.40:

Professional Fees: Avera St Lukes \$133.75, Lutheran Social Services \$4230.00, Mitch Vilhauer \$315.35, Helms & Assoc \$3535.20:

Utilities: Northwestern Energy \$8965.77, Alltel \$89.93, Montana Dakota \$45.28, Midcontinent Comm \$158.03:

Care of Poor: Dr/Hospital (4 recipients) Avera St Lukes \$5827.03, Infectious Disease \$205.19, Abdn Orthopedics \$76.46; Rent (2 recipients) Don Gisi \$260.00, Randall Weber \$280.00; Insurance (2 recipients) Anthem BC/BS \$913.47, Wellmark BC/BS \$572.97; Transportation (1 recipient) Brown County \$29.63. All members present voting aye. Motion carried.

### PERSONNEL:

Moved by Fischbach, seconded by Hansen to approve the following employee step increases, effective April 3, 2011: Jo Forsting @ \$14.26 per hour, Judy Dosch @ \$18.59 per hour, Linn Kamin @ \$13.68 per hour, Stanley Schulz @ \$13.68 per hour, Tim Miller @ \$18.22 per hour, Casey Jensen @ \$13.81 per hour. All members present voting aye. Motion carried.



**ABATEMENTS:**

Moved by Hansen, seconded by Fischbach to approve the following abatements: Calvin Nelson @ \$150.00 (weed assessment); Jeffrey Bretsch @ \$1,120.77 (house fire). All members present voting aye. Motion carried.

**LOTTERY APPLICATION:**

Moved by Fischbach, seconded by Hansen to approve application, submitted by Disabled American Veterans for raffle to be held on June 10, July 1, August 17, September 2 and October 27, 2011. All members present voting aye. Motion carried.

**CONTRACT – CHEMICAL BID:**

Moved by Hansen, seconded by Fischbach to approve and authorize the Chairman sign Contract Agreement with Van Diest Supply Company for furnishing and delivery of Chemicals for the Brown County Weed & Pest Department. All members present voting aye. Motion carried.

**2010 FINANCIAL REPORTS:**

Moved by Hansen, seconded by Fischbach to accept the 2010 Financial Reports as presented March 29, 2011 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.

**BID – BELLY DUMP TRAILER:**

Time and place, as advertised to open, read and consider bids for one new Belly Dump Trailer for the Highway Department. Bids were received from Diesel Machinery Inc, Butler Machinery Co and Truck World Inc. Moved by Hansen, seconded by Fischbach 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 Fischbach to go into executive session to discuss litigation and personnel 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 AWARD – BELLY DUMP TRAILER:**

Moved by Hansen, seconded by Fischbach to award bid, submitted by Diesel Machinery Inc in amount of \$48,875.00 for a 2011 Ranco Belly Dump Trailer; rejecting bids submitted by: Butler Machinery Co @ \$49,899.00 and Truck World, Inc @ \$40,900.00 (unit did not meet specifications). All members present voting aye. Motion carried.

**EQUIPMENT PURCHASE:**

Moved by Fischbach, seconded by Hansen to approve purchase of one Dialarc 250 AC/DC Welder per quote submitted by Praxair in amount of \$1,713.06; rejecting quote submitted by Evergreen Supply in amount of \$1,746.32. All members present voting aye. Motion carried.

**ADJOURNMENT:**

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

Jan Beckler – Deputy Brown County Auditor

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# APRIL 5, 2011 – GENERAL MEETING

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

## MINUTES:

Moved by Hansen, seconded by Fischbach to approve the General Meeting minutes of March 29, 2011. All members present voting aye. Motion carried.

## CLAIMS:

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

Supplies: CMRS-FP \$5000.00, Office Equip \$486.70, Avera McKennan \$248.75, Lar-Jos \$16.80, Dept of Rev \$1674.00, Lien Trans \$3693.55, Heartland Paper \$1503.91, Menards \$332.47, Crescent Elec \$303.05, Runnings \$349.47, Ecolab \$95.50, Cunningham Elec \$136.92, Nelson Sales \$84.20, Kone \$346.27, GeoSpatial Experts \$165.00, Nicole Leslie \$58.30, CPI \$233.20, Midwest Rubber Stamp \$25.20, SD Sheriff Assn \$92.70, Swank Motion Pictures \$290.00, Hoven Auto Repair \$38.00, Reuers Auto \$147.69, Ramada \$356.00, Power Plan \$1496.70, Joe Malsam \$5.00, Macs \$958.29, Lawson Products \$196.83, Great Western Tire \$1524.26, Butler Machinery \$416.57, Farm Power \$15.13, Carquest \$75.57, Ken's Alignment \$401.74, Herc-U-Lift \$16.88, Quality Quick Print \$477.44, ASDM \$51.00, AAM \$155.00, Hewlett Packard \$2387.16, City of Groton \$614.46, Dakota Electronics \$33,970.00, Motorola Solutions \$10,538.40, Butler Machinery \$4184.82, Truck World \$2045.00, Custom Sheet Metal \$150.00:

Jury: Todd Bakke \$177.40, Eric Barnett \$21.48, Darla Beaman \$69.60, Cristy Bengston \$24.44, Diane Berreth \$72.22, Timothy Bertsch \$42.96, Michael Bockorny \$13.70, Kyle Bowman \$188.88, Wanda Brezden \$184.44, Loretta Brick \$261.10, Chad Castrejon \$34.44, Wayne Cutler \$183.60, Hugh Dahme \$24.44, Joseph Decrane \$162.96, Pamela Devoe \$34.80, Lynn Dosche \$34.44, Carson Ellwein \$291.40, Gene Engelmann \$114.00, Angela Estey \$11.48, Susan Fischer \$165.92, Welsey Gienger \$213.70, Daryn Goetz \$193.32, Diane Goldade \$22.96, Bonita Grandpre \$184.44, Devin GRIESE \$27.40, Joseph Gustafson \$348.72, Jean Haaland \$109.60, Gloria Haar \$42.96, Ardis Havlorsen \$31.84, Mitchell Hanes \$36.66, Flora Hanson \$34.44, Todd Hanson \$109.60, Kristie Harger \$74.44, Kerry Harr \$257.40, Spencer Hatzenbeller \$358.00, Stanley Heier \$221.10, Jill Hermansen \$21.48, Scotty Hinman \$22.96, Brendan Hinrichs \$39.60, Mark Hoerner \$361.00, Ashley Holtznagel \$106.64, Douglas Howe \$34.44, Elaine Huff \$76.66, Mindy Hunt \$32.22, Cassandra Ihda \$42.96, Paula Jerke \$72.22, Michael Johnson \$217.40, Christopher Kenitzer \$165.92, Cynthia Kocabinski \$42.96, Gary Kopetsky \$64.40, Krista Kurtz \$11.48, Brenda Lanz \$82.96, Dianne Larson \$24.44, Jordon Lechner \$42.96, Kimberly Lein \$65.92, Peggy Locke \$114.00, Jeremiah Lonewolf \$21.48, Joshua Mach \$85.92, Milo Madsen \$22.96, Connie Maine \$11.48, Cheryl Majeske \$21.48, Melvin Malsam \$81.10, Paul Mammenga \$89.60, Tonya McComsey \$21.48, Amber Miller \$105.12, Jennifer Miller \$105.12, Barbara Nelson \$235.52, Joshua Osterloo \$34.44, Brooks Pietz \$12.96, Robert Prosper \$83.32, Danny Raile \$21.48, Jill Reiter \$11.48, Joe Ritter \$45.92, Jamie Schlaht \$48.88, Thomas Schneider \$21.48, Lisa Schriver \$63.68, Cynthia Schultze \$105.88, Frank Schwan \$42.96, Lillian Seyer \$74.40, Sheena Sieler \$45.92, Jamie Simon \$99.20, Dawn Smith \$189.60, Shirlee Smith \$250.70, Glenn Spitzer \$217.40, Vicci Stange \$86.64, Jennifer Starks \$85.92, Steve Stickelmyer \$62.96, Coni Stoner \$21.48, Karen Swank \$261.10, Michael Thompson \$188.88, Timothy Thurston \$25.54, Jenna Trumm \$34.44, Mitchell Uttecht \$21.48, Geneva Uttermark \$45.92, Emily Vilhauer \$34.44, Brian Waltman \$221.10, Margaret Walz \$184.44, Kent Webb \$49.60, Barbara Weber \$84.40, Angela Wigdahl \$85.92, Michael Wilson \$12.22, Amy Woods \$42.96, Russell Wright \$302.50, Eide Bailly \$234.00, Truck World \$2045.00, Custom Sheet Metal \$150.00:

Travel: Burt Elliott \$270.78, Kathy Fischer \$78.44:

Publications: American News \$418.39, Groton Indep \$493.15:

Transcriptions: Slowey Court Reporting \$110.00:

Court Appointed Attorney: Scott Kuck \$78.33:

Professional Fees: Cass County Sheriff \$26.00, witness fees \$100.00, Lincoln County \$22.50, Donna Dietrich \$150.94, Marv Ekeren \$15.00, Denise Cody \$15.00, Kristi Spitzer \$425.00, Eide Bailly \$234.00; Utilities: Midcontinent Cable \$289.73, Qwest \$91.09, Town of Frederick \$32.25, WEB \$125.39, NW Energy \$730.78, Genius.Web \$365.00, Northern Valley \$7318.91, James Valley \$214.30, Midcontinent Cable \$159.03;

Care of Poor: Dr/Hospital (4 recipients) Avera St Lukes \$12767.54, Orthopedic Surgery Spec \$1567.32, Orthopedic Physical Therapy \$29.20; Rent (5 recipients) Audrey Anderson \$260.00, Falcon Rentals \$130.00, Zumbaum Property \$260.00, Lonnie Lyke \$245.00, Wolfson Apts \$300.00; Insurance (1 recipient) Allied Benefit Systems \$480.00; Medication (3 recipients) K-Mart Pharm \$365.15, Jones Drug \$28.21; Utilities (2 recipients) Town of Frederick \$175.57, City of Aberdeen \$131.27; Transportation (3 recipient) Aberdeen Advanced Care \$100.19, Brown County \$70.97. All members present voting aye. Motion carried.

#### PERSONNEL:

Moved by Wiese, seconded by Elliott to approve hiring Michael Osborne at the Highway Department, effective April 11, 2011 at \$12.98 per hour. All members present voting aye. Motion carried.

#### SPECIAL MALT BEVERAGE HEARING:

Moved by Fischbach, seconded by Wiese to authorize advertising a public hearing to be held in the Commissioners Chambers, Courthouse Annex, Brown County, SD on April 26, 2011 at 8:45 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 14 & 15, 2011; Grandstand effective May 14 & 15, 2011; Clubhouse effective May 21, 22, 28, 29 & 30, 2011; Grandstand effective May 21, 22, 29 & 30, 2011. All members present voting aye. Motion carried.

#### SET HEARING DATE:

Moved by Wiese, seconded by Hansen to set public hearing for Ordinance No. 11-04-01/395, An Ordinance to amend Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 714 (M-AG) Mini-Agricultural District: N 208' of E 2,100' of the NE ¼ of Sec 7-T122N-R63W of the 5<sup>th</sup> P.M., Brown County, SD (Proposed Hinz 1<sup>st</sup> Addition), to be held on April 25, 2011 at 5:30 p.m. in the City Council Chambers, 123 S Lincoln Street, Aberdeen, SD. All members present voting aye. Motion carried.

#### LEASE AGREEMENTS:

Moved by Wiese, seconded by Elliott to approve and authorize the Chairman sign the following agreements: Hub City Radio for lease of the Expo Building on April 9 & 10, 2011; Williams Syndrom (Leslie Repp) for lease of the Expo Building on May 8-9, 2011, Native American Ministries of SD (Church of God) for lease of the Richmond Lake Youth Camp on July 18-22, 2011, CEF Great Plains (Child Evangelism Fellowship) for lease of the Richmond Lake Youth Camp on July 24-29, 2011. All members present voting aye. Motion carried.

#### SDDOT WEED CONTROL CONTRACT:

Moved by Elliott, 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, 2011 – October 15, 2011. All members present voting aye. Motion carried.

#### CITIZENS CORP (HLS) GRANT AGREEMENT:

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman sign application for FY2008 Citizens Corps Funding (HLS) in amount of \$15,000.00 for purchase of equipment. All members present voting aye. Motion carried.

**SALE OF COUNTY PROPERTY:**

The Commission discussed the sale of County owned property (Lot 4 Brown County Commissioner's Subd) to the Boys & Girls Club for \$100,000.00. BMX representatives Kyle Oswald and Cory Geffre questioned how the sale affects the BMX agreement with the County. Representatives from the Boys & Girls Club were not in attendance. Moved by Wiese, seconded by Elliott to take not action at this time. All members present voting aye. Motion carried.

**FAIRGROUNDS UPDATE:**

Kurt Smith, Fairgrounds Superintendent presented an update on the winter damage at the Fairgrounds and tentative plans for repair.

**SIVERTSEN TECHNOLOGY:**

Moved by Hansen, seconded by Elliott to authorize States Attorney Kim Dorsett review contract with Sivertsen Technology for IT related services. All members present voting aye. Motion carried.

**SDDOT PLANNING STUDY:**

Moved by Fischbach, seconded by Wiese to approve and authorize the Chairman sign Agreement for funding of a transportation planning study in Brown County by the SD Department of Transportation, in amount not to exceed \$12,000.00 (20% County Match). All members present voting aye. Motion carried.

**BID AWARD – TIRES:**

Moved by Wiese, seconded by Hansen to award tire bid from State Bid Contract #15308 to Goodyear Tire and Rubber Company (Great Western Tire) for the Highway Department, effective through February 28, 2012; rejecting Michelin Tire Company and Bridgestone Americans Tire Operations. All members present voting aye. Motion carried.

**FUEL BID AWARD:**

Moved by Wiese, seconded by Fischbach to award the following Fuel Bids from state bid contracts, effective April 1, 2011 through March 31, 2012 inclusive, as follows: Contract #16105 Howes Oil Company, Inc for Transport Gasohol and Transport Diesel (all types); Contract #16108 L & T, LLC, Leola for Tankwagon Diesel (all types). All members present voting aye. Motion carried.

**AMEND SEASONAL LOAD RESTRICTIONS:**

Moved by Fischbach, seconded by Wiese to amend Seasonal Load Restrictions, dated March 15, 2011, as follows: Amend Road #9 by posting the section from State Highway #37 east 5.0 miles to the town of Claremont at 6-tons per axle and 40 MPH for trucks during the March/April spring thaw and breakup period that the roads are posted; and further add trucks barred on County Road #20 from Claremont north to State Highway 10 during the March/April spring thaw and breakup period that the roads are posted. All members present voting aye. Motion carried.

**POOR RELIEF RESOLUTION:**

Commissioner Fischbach offered the following Resolution:

**RESOLUTION #32-11**

WHEREAS, Brown County has filed a Poor Relief Lien in total amount of \$1,479.49 and an Indigent Counsel Lien in total amount of \$100.00, 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 payment of \$750.00 cash and on condition that all real estate taxes are paid in full and that the lien balance remain filed against the individual.

NOW, THEREFORE BE IT RESOLVED that the following real properties, which are described as follows:

Lot 3, Block 9, Nicollet Park Addition to Aberdeen, according to the plat thereof of record,  
Brown County, South Dakota

is hereby released from the effect and force of said lien, upon payment of \$750.00 cash and on condition that all real estate taxes are paid in full and that the lien balance remain filed against the individual.

Dated this 5<sup>th</sup> day of April 2011

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

**BID – JAIL ROOF/STAIR TOWER:**

Moved by Wiese, seconded by Elliott to authorize advertising public hearing to open, read and consider bids for labor and material for replacement of the roof on the jail and stair tower, to be held in the Commissioner's Chambers, Courthouse Annex, Brown County SD at 8:50 a.m. on April 26, 2011. 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 2010.

**RECESS:**

The Chairman declared the Commission recessed until April 12, 2011.

Jan Beckler, Deputy County Auditor

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59

April 12, 2011 – GENERAL MEETING

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

**MINUTES:**

Moved by Hansen, seconded by Wiese to approve the General Meeting minutes of April 5, 2011. All members present voting aye. Motion carried.

**CLAIMS:**

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

Payroll: Commissioners \$3,229.05; Auditor \$8,770.07; Treasurer \$11,104.64; Data Processing \$2,339.56; State's Attorney \$12,234.29; SVAWA Grant \$1,163.46; Blood Draws \$680.00; Maintenance \$6,004.62; Assessor \$11,321.43; Planning and Zoning \$1,871.49; Register of Deeds \$6,850.28; Veterans Service Office \$3,469.02; GIS \$1,965.93; Sheriff Adm \$27,394.11; Jail \$29,050.66; JDC \$12,757.92; HD \$4,024.47; 24/7 \$1,836.24; Communications \$19,698.66; Coroner \$750.00; Welfare Office \$3,240.20; Museum \$6,419.66; Parks & Fairgrounds \$3,824.99; Fairboard \$1,188.80; Weed \$682.16; Extension \$2,163.20; Emergency Management \$3,008.82; Teen Court \$391.26; Highway \$33,907.16; Landfill \$9,221.54; Matching Benefits: FICA \$13,530.59; Medicare \$3,164.37:

Supplies: Best Business \$266.74, Office Equip \$355.69, SD Continuing Legal Ed \$45.00, Interior Design Concepts \$87.34, House of Glass \$345.74, Taylor Laundry \$119.00, Lien Trans \$1089.50, Sewer Duck \$178.00, Nelson Sales \$320.00, Integrated Imaging \$14.41, Schwan Welding \$330.61, Reuer Auto Service \$65.91, Parcel Erickson \$28.95, Dakota Electronics \$6194.96, SD Retailer Assn \$140.00, Midwest Rubber Stamp \$258.10, Diane Mielke \$25.10, Quality Quick Print \$42.64, Safety Service \$253.44, Sewing Shoppe \$101.50, Cash-Wa \$6353.23, Earthgrains \$726.08, Winner Police \$68.66, TriState Water \$29.15, Kesslers \$356.67, Beck Motors \$20,222.00, Zastrow Conoco \$19.95, Wallwork Truck Center \$67.07, Volk Upholstery \$52.00, TSC \$19.98, Spec Mfg \$42.95, Hagan Ins \$200.00, Sheehan Mack Sales \$6616.41, Runnings \$8.99, Quality Welding \$67.00, Praxair \$378.08, Poms Tire \$78.55, Pierson Ford \$628.45, N Central Farmers Elev \$27,369.36, Newman Signs \$748.90, Midwest Pump & Tank \$66.59, Menards \$639.66, Hollands Auto \$3.25, GCR Tire \$181.22, Farnams \$18.91, Exhaust Pros \$33.50, Evergreen Supply \$199.75, Economy Propane \$4255.00, Dakota Oil \$3580.49, Crawford Trucks \$1624.28, Clark Engineering \$3716.25, Cartney Bearing \$175.71, Brown County \$5.00, Bakken Bldg Maint \$500.00, Ameripride \$533.30, Glas Consulting \$731.25, Midwest Alarm \$51.50, Kleins \$37.59, Hub City Radio \$300.00, Midwest Rubber Stamp \$201.60, Interior Design Concepts \$219.75, Rock House Products \$5898.00, Schwan Welding \$28.00, Hedahls \$20.48, Pro Ag Supply \$1966.00, SD Federal Property \$182.00, Brick Propane \$15.40, HF Jacobs \$1369.14, SD Dept of Rev \$3460.51, James River \$9686.68, Safe Harbor \$525.00, Titan \$1153.00:

Travel: Sheila Enderson \$40.45, Carol Sherman \$83.10, Marcus Selzler \$35.00, Casey Jensen \$35.00, Dana Breske \$35.00, Ramkota \$258.00, Ramada \$1765.80, Dennis Wiedebush \$44.40, Duane Jark \$66.60, Ext Service \$390.35:

Publications: American News \$1051.25, Groton Indep \$249.35:

Transcriptions: Sara Zahn 97.90, Kristi Brandt \$37.40, Tammy Erickson \$112.50:

Court Appointed Attorney: Harmelink, Fox \$110.50:

Professional Fees: Dental Center \$229.00, Sanford Clinic \$164.06, Avera St Lukes \$4026.55,

Utilities: City of Aberdeen \$1288.24, NW Energy \$1225.42, NVC \$1071.78, James Valley Comm \$137.58, Northern Wireless Comm \$149.90:

Care of Poor: Dr/Hospital (3 recipients) Dental Center \$69.00, Avera St Lukes \$926.59, AMG Cardiovascular Spec \$1600.99; Rent (9 recipients) Bob Schatz \$260.00, Dakota Square \$122.00, JAS Properties \$240.00, Dakota Unlimited \$260.00, Danne \$260.00, Bart Walker \$300.00, Sayler Rentals \$285.00, Erickson & Assoc \$520.00, HTL Holdings \$520.00; Burial (2 recipients) Spitzer Miller Funeral Home \$685.56; Medication (6 recipients) United Clinic Pharm \$464.27, Kesslers Pharm \$217.90;

60

Utilities (4 recipients) NW Energy \$769.43, City of Aberdeen \$81.96. All members present voting aye. Motion carried.

**PERSONNEL:**

Moved by Wiese, seconded by Hansen to approve the following employee step increases, effective April 17, 2011: David Fair @ \$19.80 per hour, Jeff Kirman @ \$16.18 per hour, Ross Erickson @ \$16.98 per hour, Diane Mielke @ \$15.58 per hour, Bryan Owens @ \$13.86 per hour. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Elliott to acknowledge resignation of Correctional Officer Teresa Mayou, effective April 17, 2011. All members present voting aye. Motion carried.

Moved by Elliott, seconded by Hansen to approve hiring Samantha Foley as a full time Correctional Officer in the Jail, effective April 12, 2011 @ \$13.07 per hour. All members present voting aye. Motion carried.

**AUDITORS REPORT OF ACCOUNT:**

Moved by Fischbach, seconded by Hansen to approve the March 2011 Auditor's Report of Account with the County Treasurer in total amount of \$12,500,344.79 (total amount of actual cash @ \$3,095.11, Wells Fargo Bank @ \$3,621.29, US Bank @ \$236,556.63, Dacotah Bank @ \$17,173.09, Petty Cash @ \$2,000.00, Fund Investments @ \$12,237,493.78, Outstanding Checks @ \$404.89). All members present voting aye. Motion carried.

**INTEREST STATEMENT:**

Moved by Elliott, seconded by Hansen to accept for filing the January-March 2011 Interest Statement, submitted by County Treasurer Sheila Enderson. All members present voting aye. Motion carried.

**ABATEMENTS:**

Moved by Fischbach, seconded by Hansen to approve the following abatements: Aberdeen Mobile Home Park @ \$47.35 (MH condemned); Timothy Murray @ \$52.39 (MH condemned). All members present voting aye. Motion carried.

**LOTTERY APPLICATIONS:**

Moved by Elliott, seconded by Fischbach to approve the following applications: American Legion Post 24 for raffle to be held on May 14, 15, 21, 22, 29, 30, 2011; Richmond Lake Association for raffle to be held July 3, 2011. All members present voting aye. Motion carried.

**SPECIAL MALT BEVERAGE LICENSE HEARING SET:**

Moved by Fischbach, seconded by Elliott to authorize advertising public hearing to consider application for Special Malt Beverage License for May 5, 2011 event, submitted by Pink Ladies – Relay For Life, Frederick, SD – Richmond Resort OL 2 NE 25-126-65, to be held in the Commissioner's Chambers, Courthouse Annex, Brown County, SD at 8:45 A.M. May 3, 2011. All members present voting aye. Motion carried.

**NOXIOUS WEED NOTICE:**

Moved by Hansen, seconded by Wiese to authorize advertising the 2011 Noxious Weed Notice. All members present voting aye. Motion carried.

**CENTENNIAL VILLAGE ANNUAL REPORT:**

Don Gisi presented the 2010 Centennial Village Annual Report.

61

**BID AWARD – ROAD OIL:**

Moved by Wiese, seconded by Hansen to award bid, submitted by Flint Hills Resources, Marshall MN for furnishing and delivery of Road Oil MC-3000 @ \$604.98 per ton and Road Oil MC-70 @ \$719.98 per ton, as bid by Spink County on March 15, 2011; rejecting Jebro Inc MC-70 @ 731.20 per ton, MC-3000 @ \$611.14 per ton; and further award bid for Magnesium Chloride, submitted by Z&S Dust Control, Rapid City @ \$0.76 per gal (only bidder). All members present voting aye. Motion carried.

**SOIL SURVEY REVIEW:**

Moved by Wiese, seconded by Fischbach to request the South Dakota Department of Revenue review the current Brown County soil survey being utilized by the Director of Equalization Office; and further authorize the Chairman sign letter of request. All members present voting aye. Motion carried.

**EXECUTIVE SESSION:**

Moved by Hansen, seconded by Wiese to go into executive session to discuss contract 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.

**RECESS:**

The Chairman declared the Commission recessed until April 19, 2011.

Maxine Fischer, Brown County Auditor

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# APRIL 12, 2011 – BROWN COUNTY BOARD OF EQUALIZATION

This being the second Tuesday, April 12, 2011, 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, Fischbach, Wiese and Sutton. Director of Equalization Mary E. Worlie and Treasurer Sheila Enderson were also present. Auditor Maxine Fischer called the meeting to order and called for nominations for Chairman.

Commissioner Wiese nominated Duane Sutton as Chairman for the 2011 Brown County Board of Equalization. Moved by Fischbach, seconded by Wiese that nominations cease and a unanimous ballot be cast. All members present voting aye. Motion carried.

Commissioner Wiese nominated Burt Elliott as Vice Chairman for the 2011 Brown County Board of Equalization. Moved by Wiese, seconded by Fischbach that nominations cease and a unanimous ballot be cast. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Fischbach 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 Wiese, seconded by Fischbach to instruct the Director of Equalization to reduce values on all properties qualifying for Assessment Freeze for the Elderly and Disabled for 2011. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Wiese to instruct the Director of Equalization to reduce values on all properties qualifying for Paraplegic Veteran Exemption for 2011. All members present voting aye. Motion carried.

Moved by Elliott, seconded by Wiese to instruct the Director of Equalization to reduce values on all properties qualifying for Paraplegic Exemption for 2011. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Fischbach to instruct the Director of Equalization to reduce values on all properties qualifying for the 100% Disabled Veteran Exemption for 2011. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Elliott 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 Ste 6, Aberdeen, SD). 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% 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; **Resource Center for Women** 75% on Lts 5 & 6 Blk 90 Hagerty & Lloyds Addn; **CC Croal Post #17 VFW** 50% on Lt 18 Plat of Auto Plaza Addn; **VFW CC Croal Post #17** 50% on Lt 19 Auto Plaza Addn; **Loyal Order of Moose #590** 80% on Lts 1-8 and all of vac alley Blk 54 Second Addn; **Yelduz Temple** 90% on Lts 1-3 Blk 50 Second Addn; **Fraternal Order of Eagles** 50% on Lts 4-12 Blk 22 First Addn (60% requested); **Avera St Luke's Hospital** 20% on Lt 1 Avera St Lukes Subd (Blk 73); 58% on Lt 2 HRS/SAL Subd; 40% on Lt 3 Avera Land 'O Lakes Subd; 92% on Lt 1 Avera St Lukes Addn (hospital and parking lot); 15% on Lt 4 Hagerty & Lloyds 3<sup>rd</sup> Subd SE 13-123-64; **Aberdeen Development Corporation** 62% 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% on Lts 22-23 & N 3' of Lt 24 & S 22' of Lt 24 & all of Lt 25 Blk 11 OP; Groton Community Transit Inc 63% on Lts 9-12 Blk 10 OP Groton. All members present voting aye. Motion carried.

Moved by Elliott, seconded by Fischbach to deny 90% Tax Exempt Status and approve 36% Tax Exempt Status for the following application: Aberdeen City #32 TDAF/Tom Aman (Milwaukee Depot) 36% on Lt 1 Blackstone 2nd Subd (90% requested). All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Elliott to remove Tax Exempt status, as requested on the following: Aberdeen City #32 Avera St Lukes Hospital on Unit 8B (W260) of Physicians Plaza. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Elliott to approve 100% Tax Exempt status, as requested on the following: Aberdeen Township #20 Northern Plains Baptist Church on Lt 1 Bud Smith 1<sup>st</sup> Addn SE SE 20-123-63; Journey Church of Christian Missionary on the E 108.7' of Lt 1 NE 25-123-64. Gem Twp #24 East Gem Evangelical Lutheran Church on East Gem Evangelical Lutheran Church Cemetery W ½ SE 4-122-62. Aberdeen City #32 Avera St Lukes on Unit 5B (W270) of Physicians Plaza; Presentation Sisters on Lt 1 Blk 4 Huffmans 1<sup>st</sup> Addn; FOHO I, LLC on Lt 6 Blk 39 Thomas Addn; Lt 3 Blk 34 Thomas Addn; Journey Church of Christian Missionary on the W 100' Lt 1 NW NE 25-123-64. All members present voting aye. Motion carried.

RECESS:

The Chairman declared the County Board of Equalization recessed until 10:00 a.m. on April 19, 2011.

Maxine Fischer – Brown County Auditor

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# APRIL 12, 2011 – CONSOLIDATED BOARD OF EQUALIZATION

Members of the Brown County Commission, Aberdeen City Council and Aberdeen School District 6-1 organized themselves as the 2011 Consolidated Board of Equalization, in accordance with SDCL 10-11-66 at 1:30 P.M. on April 12, 2011 in the Commissioner's Chambers, Courthouse Annex, Brown County, South Dakota. Oaths of Office were taken by Burt Elliott, Mike Wiese, Duane Sutton, Robert Nikolas and Mike Levsen. Director of Equalization Mary E Worlie and Field Appraisers Gene Loeschke, Curtis Brooks and Russell Metz were also in attendance. Auditor Maxine Fischer called the meeting to order and called for nominations for Chairman.

Commissioner Wiese nominated Commissioner Sutton as Chairman for the 2011 Consolidated Board of Equalization. Moved by Nikolas, seconded by Levsen that nominations cease and a unanimous ballot be cast. All members present voting aye. Motion carried.

Commissioner Elliott nominated Mayor Levsen as Vice Chairman for the 2011 Consolidated Board of Equalization. Moved by Wiese, seconded by Nikolas that nominations cease and a unanimous ballot be cast. All members present voting aye. Motion carried.

## APPEALS:

Moved by Elliott, seconded by Levsen to approve the following recommendation from the Director of Equalization: **1.Dana Randall**-Lt 4 Blk 1 Melros 6<sup>th</sup> Addn to Melros Estates @ 204,792. All members present voting aye. Motion carried.

Moved by Levsen, seconded by Nikolas to approve the following recommendation from the Director of Equalization: **2.Alger Roseth**-#3 Dakota Park West Condo 310' W of E 310' OL B Blk 13 10<sup>th</sup> Addn to Highland North @ 91,910. All members present voting aye. Motion carried.

Moved by Levsen, seconded by Nikolas to approve the following recommendations from the Director of Equalization: **3.Helen Kolden**-#102 Plaza Place Condos Lt 12 & N 30' Lt 13 Auto Plaza Addn @ 115,583. **4.Helen Kopecky**-#101 Plaza Place Condos Lt 12 & N 30' Lt 13 Auto Plaza Addn @ 115,583. **5.James Lemler**-#202 Plaza Place Condos Lt 12 & N 30' Lt 13 Auto Plaza Addn @ 115,583. **6.Alma B Mosier**-#106 Plaza Place Condos Lt 12 & N 30' Lt 13 Auto Plaza Addn @ 115,583. **7.Carl W Schoch**-#201 Plaza Place Condos Lt 12 & N 30' Lt 13 Auto Plaza Addn @ 115,583. **8.Elroy and Vivian Eske**-#103 Plaza Place Condos Lt 12 & N 30' Lt 13 Auto Plaza Addn @ 115,583. **9.Kay Hohenecker**-#104 Plaza Place Condos Lt 12 & N 30' Lt 13 Auto Plaza Addn @ 115,583. All members present voting aye. Motion carried.

Moved by Elliott, seconded by Levsen to approve the following recommendations from the Director of Equalization: **10-11.Lamot Strip Mall II LLC**-Lt 3 Lamont 5<sup>th</sup> Subd @ 458,943; Lt 5 Lamont 5<sup>th</sup> Subd @ 1,012,850. **12.Lamont Office Building LLC**-Lt 1 Lamont Office Building Addn (Blk 106 H&L Addn & Blk 32 Thomas Addn @ 619,982. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Levsen to defer action on the following until April 26, 2011: **13.Aberdeen Lodging Group LLC**-Lt 2 Lamont 6<sup>th</sup> Addn. **14.Aberdeen Convention Group**-Lt 3 Lamont 6<sup>th</sup> Addn. All members present voting aye. Motion carried.

Moved by Levsen, seconded by Elliott to defer action on the following until April 26, 2011: **15.Tyron Luitjens**-Lt 1 Blk 2 Huffmans 2<sup>nd</sup> Addn. All members present voting aye. Motion carried.

Moved by Levsen, seconded by Wiese to approve the following recommendations for adjustment after review from the Director of Equalization: **16.Aberdeen Ventures**-Lt 1 Dornbush 2<sup>nd</sup> Addn @ 2,054,028.

17. **Adam Altman**-Lt 8 Blk 4 Spauldings 5<sup>th</sup> Addn from 210,400 to 193,390. 18. **John B Aman**-E 70' Lts 3-5 Blk 7 OP from 796,725 to 675,527. 19. **Howard & Arlowine Dahme**-#509 Lt 2 Rolling Hills Village 5<sup>th</sup> Addn from 275,205 to 252,870. 20. **Mark Daniels**-Lt 16 Blk 17 Coe & Howard Addn from 46,325 to 40,051. 21. **E C Rhodes Properties**-Unit 4 Capitol Midwest from 280,068 to 265,000. 22. **Calvin and Doris Engel**-Lt 12 Blk 1 Pagonos 3<sup>rd</sup> Addn from 266,574 to 223,515. 23-26. **Ron Erdman**-BOLS #109 Park Village Lt 2 Blk 1 Park Village from 4,230 to 2,500; BOLS #401 Park Village Lt 2 Blk 1 Park Village from 8,350 to 1,000; BOLS #701 Park Village Lt 2 Blk 1 Park Village from 3,000 to 500; BOLS #714 Park Village Lt 2 Blk 1 Park Village from 6,750 to 2,500. 27. **Jessica French**-N 20' Lt 11 & S ½ Lot 12 Blk 33 Thomas Addn from 93,345 to 82,433. 28. **Brian Frost**-#515 Lt 2 Rolling Hills Village 5<sup>th</sup> Addn from 261,960 to 261,900. 29. **Bryan German**-Lt 1 Rolling Hills 3<sup>rd</sup> Addn from 428,160 to 398,065. 30. **Priscilla Hamilton**-#517 Lt 2 Rolling Hills Village 5<sup>th</sup> Addn from 272,650 to 252,240. 31. **Derrick G Johnson**-Lt 4 Blk 26 1<sup>st</sup> Addn to Highlands from 138,620 to 89,260. 32-36. **Jung Development**-Unit 2019 Lt 1 Lakeview Preserve Subd (Lt 12-14 Blk 2 Lakeview 1<sup>st</sup> Replat) from 20,000 to 14,000; Unit 2017 Lt 1 Lakeview Preserve Subd (Lt 12-14 Blk 2 Lakeview 1<sup>st</sup> Replat) from 20,000 to 14,000; Unit 2015 Lt 1 Lakeview Preserve Subd (Lt 12-14 Blk 2 Lakeview 1<sup>st</sup> Replat) from 20,000 to 14,000; Unit 2013 Lt 1 Lakeview Preserve Subd (Lt 12-14 Blk 2 Lakeview 1<sup>st</sup> Replat) from 20,000 to 14,000; Unit 2009 Lt 1 Lakeview Preserve Subd (Lt 12-14 Blk 2 Lakeview 1<sup>st</sup> Replat) from 276,280 to 226,515. 37-38. **Jacob Jundt**-N ½ Lt 20 & 21 Blk 23 Hagerty & Lloyds Addn from 39,385 to 11,545; Lt 10 Blk 29 Hagerty & Lloyds Addn from 33,735 to 10,750. 39. **Karen Kempf**-Lt 1 & S 33' of vacated 13<sup>th</sup> Blk 12 1<sup>st</sup> Addn to Highlands from 79,735 to 75,665. 40. **John Koerner**-Unit 2011 Lt 1 Lakeview Preserve Subd (Lt 12-14 Blk 2 Lakeview 1<sup>st</sup> Replat) from 278,640 to 237,530. 41. **Margaret Krause**-BOLS #1241 Park Village Lt 2 Blk 1 Park Village from 34,110 to 31,994. 42. **Randolph Lechner**-Lt 2 Blk 19 18<sup>th</sup> Addn to Highland North from 184,180 to 174,975. 43. **Eddie Falcon**-53' S of the N 40' of Lts 19-22 incl Blk 74 Hagerty & Lloyds Addn from 69,184 to 56,080. 44. **Anne Morman**-Lt 17 Blk 10 Sullivan & Easton Addn from 62,240 to 35,120. 45. **David Palmer**-#511 Lt 2 Rolling Hills Village 5<sup>th</sup> Addn from 284,050 to 262,020. 46. **Peter and Alice Reszler**-S 70' of E 150' OL B Lawsons OLS Replat of Lt 8 Bonaccord Heights from 81,380 to 52,099. 47. **Gregg Risager**-Lt 3 Blk 6 Forest Acres 3<sup>rd</sup> Addn from 138,020 to 125,269. 48. **Thomas Seyer**-Lt 8 Blk 2 Mehlhoffs 10<sup>th</sup> Addn to Unit 2019 Lt 1 Lakeview Preserve Subd (Lt 12-14 Blk 2 Lakeview 1<sup>st</sup> Replat) from 20,000 to 14,000; North Plains Subd from 352,690 to 318,740. 49. **Ann Stein**-Unit 2007 Lt 1 Lakeview Preserve Subd (Lt 12-14 Blk 2 Lakeview 1<sup>st</sup> Replat) from 245,910 to 230,910. 50. **Benjamin Victor**-Lt 1 Blk 3 Mehlhoffs 10<sup>th</sup> Addn to North Plains Subd from 333,590 to 225,410. 51. **Jon and Peggy Walberg**-Lt 7-12 Ex S 75' Blk 4 Corrected Plat to Highlands from 145,600 to 131,290. 52. **Connie Williams**-Unit 2005 Lt 1 Lakeview Preserve Subd (Lt 12-14 Blk 2 Lakeview 1<sup>st</sup> Replat) from 279,530 to 236,740. All members present voting aye. Motion carried.

# RECESS:

The Chairman declared the Consolidated Board of Equalization recessed until 11:00 a.m. on April 26, 2011.

Maxine Fischer – Brown County Auditor

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66

## APRIL 19, 2011 – GENERAL MEETING

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

### MINUTES:

Moved by Hansen, seconded by Fischbach to approve the General Meeting minutes of April 12, 2011. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Wiese to approve the Brown County Board of Equalization Meeting minutes of April 12, with the following amendment: to instruct the Director of Equalization to reduce values on all properties qualifying for the 100% Disabled Veterans Exemption for 2011. Roll call vote: Commissioners Hansen-abstain, Elliott-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Motion carried.

Moved by Elliott, seconded by Wiese to approve the Consolidated Board of Equalization Meeting minutes of April 12, 2011. Roll call vote: Commissioners Hansen-abstain, Elliott-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Motion carried.

### CLAIMS:

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

Supplies: West Payment \$1372.23, Matthew Bender \$34.47, Office Equip \$456.04, Menards \$176.60, Gardner Locksmith \$108.00, Nelson Sales \$98.52, Crescent Elec \$26.92, DT Pharm \$2004.64, Bricks TV \$50.00, Pacer Service \$11.36, Custom Micro \$6000.00, AE Nelson \$81.14, Parcel Erickson \$31.75, Bonnie Bitz \$168.00, Double D Body Shop \$100.00, Best Business \$480.01, Intoximeters \$2000.00, Midwest Rubber Stamp \$50.40, Steven Lust \$155.14, Hagan Ins \$1273.00, Justin Salo \$14.00, Newman Signs \$725.46, Brad Nehlich \$14.00, Farm Power \$1949.89, Artz Camera \$149.97, Cass County \$189.51, Carquest \$1371.79, Geffdog \$330.36, Penn County Emergency Mgmt \$2250.00, TSC \$29.98, Auto Glass \$40.00, Crime Reports \$2388.00, Dakota Mailing \$233.95, Richard Hansen \$37.36, Roberts County Reg of Deeds \$12.00, Ecolab \$180.00, New Trends \$78.76, Kathy Fischer \$3.91, Don Fischer \$35.00, Mike Scott \$35.00, Nyle Jensen \$35.00, Farm Power \$987.73, Brown County \$43.80:

Jury: Loretta Brick \$52.22, Carson Ellwein \$66.28, Wesley Gienger \$50.74, Kerry Harr \$51.48, Spencer Hatzenbeller \$79.60, Stanley Heier \$52.22, Mark Hoerner \$72.20, Michael Johnson \$51.48, Shirlee Smith \$58.14, Glenn Spitzer \$51.48, Karen Swank \$52.22, Brian Waltman \$52.22, Russell Wright \$68.50:

Travel: Kathy Schlecht \$140.14, City of Groton \$90.28, Lexis/Nexis \$267.45:

Publications: American News \$919.54:

Transcriptions: Calleen Misterek \$83.60:

Professional Fees: NE Mental Health \$629.09, Avera St Lukes \$200.00, Sheriff of Yankton County \$25.00, UND Forensic Pathology \$1500.00, Language Lines \$90.00:

Utilities: Dependable Sanitation \$15,259.74, NW Energy \$6637.50, City of Hecla \$203.95, Qwest \$4572.89, Bureau of Admin \$480.94, Alltel \$1958.07, Northern Elec \$1961.36:

Care of Poor: Dr/Hospital (3 recipients) Avera St Lukes \$13,571.62, Orthopedic Surg Spec \$139.16; Rent (6 recipients) Han-Gun \$200.00, Tom Hinz \$260.00, Larry Dingman \$545.00, Steve Darling \$300.00, Builders Inc \$260.00; Medication (1 recipient) Lori's Pharm \$91.73; Utilities (5 recipients) NW Energy \$455.00, Emergency Poor Fund \$230.00. All members present voting aye. Motion carried.

### PERSONNEL

Moved by Wiese, seconded by Hansen to approve hiring the following seasonal employees at the Fairgrounds: Dennis Ells, effective May 2, 2011 at \$9.17 per hour; Richard Burns, effective April 20, 2011 at \$9.17 per hour; Curt Eisenbeisz, effective May 2, 2011 at \$9.12 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Fischbach to approve hiring Chad Locken as Part-time Deputy States Attorney, effective May 10, 2011 until August 1, at which time he would become a full-time Deputy, at prorated annual salary of \$36,000.00. All members present voting aye. Motion carried.

#### SHERIFF REPORTS:

Moved by Hansen, seconded by Wiese to approve the following March 2011 Sheriff Reports: Incident and offenses; Prisoner care, JDC, Money deposited with the County Treasurer and Monthly activities. All members present voting aye. Motion carried.

#### LAW ENFORCEMENT AGREEMENTS:

Moved by Wiese, seconded by Fischbach to approve and authorize the Chairman sign Prisoner Housing Agreements with Faulk County in amount of \$55.00 per day or partial day for each prisoner housed in the Faulk County Jail for Brown County; Edmunds County in the amount of \$50.00 for each day that Edmunds County houses and maintains a prisoner for Brown County. All members present voting aye. Motion carried.

#### WATERFOWL PRODUCTION AREA ACQUISITION:

US Fish and Wildlife Service representatives Amy Weismantel, Don Soderland and Joe Ferrero presented information in regard to the acquisition of waterfowl production areas from the Migratory Bird Conservation Fund in Brown County. Moved by Elliott, seconded by Wiese to approve and authorize the Chairman sign letter recommending approval of acquisition by Fish and Wildlife Service of Gov't Lots 1 and 2 in Sec 7-T128N-R60W of the 5<sup>th</sup> P.M., and the N ½ of SE ¼ of Sec 12-T128N-R61W of the 5<sup>th</sup> P.M., Brown County, SD from Harley Hall for waterfowl production areas. All members present voting aye. Motion carried.

#### DISASTER DECLARATION:

Commissioner Fischbach offered the following Resolution:

#### RESOLUTION #33-11

#### RESOLUTION FOR DECLARATION OF EMERGENCY/DISASTER

WHEREAS, Brown County, South Dakota has suffered severe damage, brought on by the flooding on the date of April 1, 2011.

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 19, 2011, it is hereby requested that the Governor declare an emergency/disaster to exist for the County of Brown.

Adopted this 19<sup>th</sup> day of April 2011.

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

#### EXECUTIVE SESSION:

Moved by Hansen, seconded by Elliott 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.

**GRANT AWARD – TIRE DISPOSAL:**

Moved by Elliott, seconded by Wiese to approve and authorize the Chairman sign Subgrant Agreement between the SD Department of Environment and Natural Resources and Brown County for the collection and disposal of waste tires from the Brown County Landfill, in amount not to exceed \$100,000.00. All members present voting aye. Motion carried.

**FREE CLEANUP TIRE LIMIT REMOVED:**

Moved by Hansen, seconded by Wiese to amend the Free Spring Residential Cleanup, as follows: All Residential Tires FREE (no limits) from April 29 – May 14 at the Landfill and April 29 and 30 at Jenson's Rock and Sand and the Brown County Highway Department drop sites (no tires from businesses or retailers). All members present voting aye. Motion carried.

**COUNTY ROAD DISCUSSION:**

Don Widstrom met to discuss the condition of County and Township roads near his property. Gary Vetter, Planning & Zoning and Kendell Titze, Highway Department were also in attendance.

**EMPLOYEE VISION CARE:**

Moved by Wiese, seconded by Hansen to accept monthly renewal rates for the Guardian Vision Program available to employees at their expense, as presented by Insurance Plus representatives Eldon Swingler and Carol Sommers (employee @ \$8.10, employee/spouse @ \$13.63, employee/child @ \$13.89, family @ \$21.98). All members present voting aye. Motion carried.

**EXECUTIVE SESSION:**

Moved by Hansen, seconded by Elliott to go into executive session for personnel discussion with Kim Dorsett in attendance.

The Chairman declared the executive session closed, with the following action taken as a result of the discussion.

**FULL TIME BROWN COUNTY STATES ATTORNEY:**

Commissioner Hansen offered the following Resolution:

**RESOLUTION #34-11**

WHEREAS, SDCL 7-16-1 requires that a state's attorney be elected quadrennially in each organized county of the state, and

WHEREAS, currently the state's attorney position in Brown County is part-time, and

WHEREAS, SDCL 7-16-19 authorizes any county where the board of county commissioners so designates, the state's attorney shall be a full-time position, and

WHEREAS, the board of county commission has determined it to be in the best interest of the residents of Brown County to designates the state's attorney as a full-time position, and

WHEREAS, SDCL 7-7-12 states the board of county commissioners shall establish, by resolution, the salary payable to the state's attorney prior to the first day of January in the year of the election and may not be amended for that term of office.

NOW, THEREFORE BE IT RESOLVED, that the Brown County Commission designate the state's attorney position as a full-time position, effective for the 2012 General Election, and

FURTHER RESOLVE that the salary to be paid for the four-year term of office be \$72,500.00 per year.

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

**BOYS & GIRLS CLUB LAND PURCHASE:**

Representatives from the Boys & Girls Club met to discuss the public access area contained in the proposed property description they wish to purchase from the county and suggested the property be replatted and the county keep the public access area. Board concurred. Representatives from the BMX Program were also in attendance.

**RECESS:**

The Chairman declared the Commission recessed until April 26, 2011.

Maxine Fischer, Brown County Auditor

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# APRIL 19, 2011 – BROWN COUNTY BOARD OF EQUALIZATION

Meeting called to order by Chairman Sutton at 1:00 p.m. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Elliott and Wiese. Commissioner Fischbach was absent. Director of Equalization Mary E Worlie and Field Appraisers Gene Loeschke, Curtis Brooks and Russell Metz were also in attendance.

## APPEALS:

Moved by Wiese, seconded by Elliott to approve the following recommendations from the Director of Equalization: **1-6. William & Karen Edwards** NW 31-127-64 63,487 to 74,121; NE 31-127-64 70,458 to 94,787; SW 13-126-65 90,578 to 85,976; SW 12-126-65 Ex Taylor Lt 1 81,916 to 78,765; NE 11-126-65 Inc Taylor OL A 91,710 to 87,017; SE 34-124-63 109,652 to 83,090. All members present voting aye. Motion carried.

Moved by Elliott, seconded by Wiese to approve the following recommendation from the Director of Equalization: **7. Elizabeth Crogan** NW 10-126-64 127,980 to 131,685. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Elliott to approve the following recommendation from the Director of Equalization: **8. Donald J Bollwerk** S 50 ac SE 4-123-64 26,732 to 30,719. All members present voting aye. Motion carried.

Moved by Elliott, seconded by Wiese to approve the following recommendations from the Director of Equalization: **9-12. Alfred A Waltman** SW 28-125-65 65,298 to 50,377; SE 29-125-65 65,298 to 73,947; SW 29-125-65 65,298 to 72,428; NW 32-125-65 65,298 to 55,495. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Elliott to approve the following recommendations from the Director of Equalization: **13-14. Hitchcock Land Trust** NE 17-121-60 126,000 to 156,891; SE 17-121-60 98,000 to 113,483. All members present voting aye. Motion carried.

Moved by Elliott, seconded by Wiese to approve the following recommendations from the Director of Equalization: **15-17. R&M Farms** OL 1 James Valley Coop Telephone Co NW SE 19-123-60 as NA Classification; Lt 1 Rix Addn to Groton as NA Classification; Lt 2 Rix Addn to Groton as NA Classification. **18. Alan Strom/Jerry Johnson** OL 1 Ferney Farmers Coop to Groton as NA Classification. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Elliott to approve the following recommendations from the Director of Equalization: **19. Iva Carlson** S ½ NW & N ½ SW 1-125-61 112,690 to 108,309. **20. Annette W Curtis** NW 33-122-64 80,784 to 93,273. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Elliott to approve the following recommendations from the Director of Equalization: **21-25. Howard Anderson** N ½ SW 16-122-63 85,243 to 55,390; SE 17-122-63 234,156 to 229,330; SW 3-122-63 191,530 to 173,788; SE 3-122-63 145,570 to 126,458; SE and Lt AB1 15-122-63 175,416 to 161,571. **26-27. Leroy Bahr** NW 30-122-60 @ 112,855; SW 30-122-60 155,132 to 130,851. **28-30. Diane B Beaman** E 92 rods SW 21-122-62 118,355 to 105,572; NW 28-122-62 160,735 to 131,195; SW 28-122-62 167,314 to 138,847. **31. Eldon Beckler** E 102A SW 18-123-62 ex 15 Ac for Road 122,502 to 112,133. **32. Darwin Bettmann** SW 3-122-64 108,948 to 80,287. **33. Mark Black** Lt 1 Droog Addn Richmond Lake Subd 274,766 to 252,210. **34. John Braun** NE 27-122-65 ex lake 67,3648 to 97,083. **35. Frank Cutler** E ½ NW 25-126-60 129,258 to 84,440. **36. Kathryn P Cutler** W ½ NW 25-126-60 91,182 to 89,902. **37. Dacotah Bank Trust Dept** NW 26-122-62 ex land platted 199,624 to

195,026. **38.Robby Dallmann** S 46 rods SW 22-128-62 38,157 to 24,793. **39.Robert Daly (Daly Farm Partnership)** NW 21-127-62 91,384 to 90,813. **40.Dixon Properties** Lt 1 NW 14-123-63 ex RR 102,806 to 85,972. **41.Alvin Dutenhoffer** E 1000' NW 27-122-63 ex S 280' 52,954 to 35,858. **42-43.William O Edwards** NW 35-127-65 135,328 to 134,416; S ½ NE 36-127-65 87,934 to 86,003. **44.Dorothy Elsen** NE 27-128-62 115,987 to 108,307. **45.Owen Elsen** E 48 rods SE 24-128-62 35,953 to 24,213. **46.Joseph P Engelhart** SW SE 2-124-62 41,020 to 26,653. **47.Bonnie Erdmann** NE NW 36-124-62 48,461 to 41,386. **48.John Erickson** NE 34-122-62 221,509 to 217,074. **49-50.Charles R Estee** SW 33-128-60 93,952 to 72,034; NW 4-127-60 129,135 to 108,654. **51.Dennis Feickert** NW 7-125-65 76,258 to 60,344. **52.Tim Fliels** W ½ Lt 4 NW 2-121-61 NA to AG. **53.Kenneth Frey** W ½ NE 24-126-60 ex land platted 238,408 to 216,500. **54.Virgil Frohling** NW 33-128-62 128,351 to 125,125. **55.Terry Gauer** NE 17-122-63 242,449 to 238,274. **56.Gengerke Farms Inc** SE 5-124-60 158,822 to 181,389. **57.Carson Gerdes** SW 7-128-61 144,594 to 141,380. **58.Steven Heckenlaibel** S ½ Lt 8 & Lt 9 Bieglers Richmond Lake Subd SW 13-124-65 184,545 to 182,285. **59.Mildred Herther** NW 29-128-62 122,262 to 103,267. **60.Brian K Hoeft** BOLS Blk 5-7 Blk 14 Stratford City 4,960 to 0. **61.Alisa Hogue** Lt 1 Seamans 1<sup>st</sup> Subd Warner OL 13 254,804 to 213,224. **62.Douglas M Kenny** Kenny OL 1 SE 4-127-61 73,185 to 30,943. **63.Ed Klatt** NW 4-128-63 103,422 to 93,478. **64-65.Jerry & Gail Klipfel** NW 19-128-65 61,337 to 52,365; SE 19-128-65 66,796 to 57,549. **66-67.Stanley Knudsen** Knudsen Cons Ease Tr 1 NW 23-123-62 7,384 to 3,692; NE & NW 14-123-62 N of RR, Portion E87A NE S of RR, inc S&K Cons Ease Tr 1-4 111,098 to 77,611. **68.Gary Larsen** Lt 1 Larson Subd SE 28-122-63 140,862 to 139,735. **69.Neil Larson** SW 33-122-63 @ 288,650. **70.Larson Land Limited Partnership** SE 11-125-63 90,000 to 106,911. **71.Norman Lee** W ½ SW 20-122-63 106,282 to 97,852. **72.Lynch Real Estate Corp** Lt 3 Whitneys 2<sup>nd</sup> Addn SE 16-123-64 109,168 to 105,639. **73.M&N Investments** E ½ NW & parcel in SW 23-124-65 @ 48,221. **74-76.Brent Miller** NW 26-126-61 104,870 to 56,780; NW 13-126-61 97,375 to 96,422; NE 13-126-61 @ 91,339. **77-78.Charlie H Mitchell** SW 26-126-62 @ 181,448; NE 25-126-62 148,427 to 137,499. **79-80.Mike Nehls** W ½ NW 28-123-60 ex RR & Halls OL 74,567 to 57,049; NW 3 ac E ½ NW 28-123-60 3,236 to 600. **81-85.Calvin Nelson** NW 33-125-65 65,298 to 56,312; NE 32-125-65 65,298 to 75,709; W ½ SE 36-125-65 32,649 to 35,384; SW 33-125-65 65,298 to 73,320; SE 32-125-65 65,298 to 62,126. **86-87.Richard & Carla Pahl** Lt 1 Brokows 1<sup>st</sup> Subd to Claremont 6,370 to 0; Brokows 1<sup>st</sup> Subd Lt 1 3,895 to 2,778. **88-91.Pearson Partnership (Donald & Natalie Pearson)** NW 26-128-61 107,956 to 87,272; SW 23-128-61 107,868 to 84,756; SE 23-128-61 107,919 to 70,298; NW 24-128-62 @ 137,539. **92-93.Edward Plummer** SE 13-126-63 100,926 to 111,806; NE 13-126-63 90,324 to 121,816. **94.Dean A Podoll** BOLS S 858' NE 29-125-63 10,485 to 5,298. **95.Charles Prochaska** E ½ SE 15-123-62 9,815 to 1,400. **96.Bert Raap** N2 NE 36-123-60 ex Hwy 88,755 to 60,404. **97.John & Derek Rieck** Lt 4-5 & S 42' Lt 6-7 Blk 2 Warner 58,020 to 58,373. **98.Glenn Ringgenberg** NE 11-125-63 82,809 to 83,576. **99.S&S Farm Corp** NE 22-122-63 159,907 to 130,587. **100-101.Mary Jane Schott** SW 1-122-62 215,243 to 203,630; SE 2-122-62 203,265 to 192,439. **102-103.Lyle Schroeder** NE 32-128-62 115,369 to 113,982; NW 32-128-62 118,273 to 112,912. **104.SD Houseing Development** Lt 1 Brewers 1<sup>st</sup> Subd SE 32-125-64 @ 6,250. **105-106.Donna Seaton** SE 22-122-63 159,220 to 110,096; SW 22-122-63 ex land platted 223,727 to 215,690; **107-108.Stanley Stearns** S ½ SE 21-128-62 ex Church 62,258 to 50,803; SW 21-128-62 119,989 to 109,252. **109.Jeffrey M & Faye J Stohr** S ½ S ½ SW 27-126-60 201,214 to 134,026. **110.Daryl Streckfuss** SE 17-122-65 ex Schwabs OL 1 83,826 to 82,005. **111.Jerry Streckfuss** SW 17-122-65 82,775 to 120,503. **112.Harold Sukut** E ½ Lt 8 Blk 11 Subd Blk 8-14 Hecla 10,198 to 9,350. **113.Leonard E Sumption** SE 31-128-62 133,423 to 118,844. **114.Svarstad Management** Lt 2 Dixons 1<sup>st</sup> Addn E ½ 14-122-63 53,821 to 37,756. **115.Wayne T Teigen** N 330' S ½ SW NW 16-124-63 16,500 to 5,000. **116.Scott & Carol Thomas** Lt 7 & S ½ Lt 8 Blk 26 Randalls Addn to Groton 38,726 to 33,928. **117.Aaron Vilhauer** SW 5-122-65 125,122 to 102,243. **118.Walter Wageman** SE 7-123-64 133,342 to 127,114. **119.Nick D Wampler** SE 28-128-62 ex School 125,751 to 112,536. **120.John Weaver** E 67 rds SE 5-122-62 116,595 to 103,715. **121.Aaron Wiest** E ½ NW 11-124-62 77,886 to 50,610. **122-125.Donald A Widstrom** NE 34-128-62 86,235 to 80,701; SE 34-128-62 @ 90,618; NE 35-128-62 126,274 to 114,833; NW 35-128-62 121,184 to 111,368. All members present voting aye. Motion carried.

ADJOURNMENT:

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

Maxine Fischer – Brown County Auditor

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APRIL 25, 2011 - 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 Council Chambers, 123 S Lincoln Street, Aberdeen, South Dakota. Present from City were Council Members Bunsness, Campbell, Mitchell, Kraft, Rux, Slaughter-Hansen, Swanson and Mayor Levsen. Council Member Agnitsch was absent. Present from County were Commissioners Sutton, Wiese and Elliott. Commissioners Hansen and Fischbach were absent.

ORDINANCE NO. 11-04-01/395:

On motion by Bunsness and seconded by Campbell, the City unanimously voted to approve First Reading of Ordinance No. 11-04-01/395.

Moved by Wiese, seconded by Elliott to approve First Reading of Ordinance No. 11-04-01/395, An Ordinance to amend Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 714 (M-Ag) Mini-Agricultural District: Lot 1, Hinz Subdivision in the NE ¼ of Sec 7-T122N-R63W of the 5<sup>th</sup> P.M., Brown County, SD. All members present voting aye. Motion carried.

ADJOURN:

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

Maxine Fischer, Brown County Auditor

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## April 26, 2011 – GENERAL MEETING

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

### MINUTES:

Moved by Wiese, seconded by Elliott to approve the General Meeting minutes and Brown County Equalization Meeting minutes of April 19, 2011. All members present voting aye. Motion carried.

### CLAIMS:

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

Payroll: Commissioners \$3,229.05; Auditor \$8,913.07; Treasurer \$11,108.64; Data Processing \$2,359.97; State's Attorney \$12,234.29; SVAWA Grant \$1,163.46; Blood Draws \$640.00; Maintenance \$6,003.93; Assessor \$11,321.43; Planning and Zoning \$1,902.88; Register of Deeds \$6,818.88; Veterans Service Office \$3,506.46; GIS \$1,965.93; Sheriff Adm \$27,470.45; Jail \$33,019.63; JDC \$13,543.75; HD \$4,031.59; 24/7 \$1,836.24; Communications \$19,297.16; Welfare Office \$3,240.20; Museum \$6,409.03; Parks & Fairgrounds \$4,315.21; Fairboard \$1,255.67; Weed \$1,376.28; Extension \$2,163.20; Emergency Management \$3,008.82; Teen Court \$377.41; Highway \$37,728.80; Landfill \$9,831.60; Matching Benefits: FICA \$14,049.39; Medicare \$3,285.77; Life \$558.72; Dental \$5,291.52; Health Ins \$75,206.40; Retirement \$28,456.32:

Supplies: Pizza Ranch \$157.83, Office Equip \$32.00, SD Assoc of County Officials \$450.00, Insurance Plus \$80.00, CM Information Spec \$60.54, A&B Business \$123.34, Richards & Oliver \$85.48, Lien Transportation \$187.25, Aberdeen Clean-All \$475.00, Cartney Bearing \$17.74, Fire Safety First \$577.59, Heartland Paper \$326.80, Best Business \$229.32, CDW Govt \$248.97, Hoven Auto \$67.50, Exhaust Pros \$26.78, Double D Body Shop \$1775.69, Moore Medical \$749.23, Knight Towing \$50.00, Kleins \$4.20, Carol White \$65.85, Lora Schaunaman \$16.36, Fordham Signs \$72.00, Hub City Radio \$12,000.00, KDLT TV \$1950.00, KELO TV \$1500.00, KSJB \$2250.00, KSFY \$2500.00, KOKK \$2400.00, KDLO \$5512.00, Ingstad Family Media \$1400.00, KBMW \$630.00, KOLY \$1500.00, Watertown Public Opinion \$878.40, Dakota Broadcasting \$3000.00, KDDR \$2250.00, Herc-u-lift \$316.38, RDO \$4.94, Evergreen Supply \$48.87, Conlins \$158.00, Praxair \$183.67, Weismantel Rent-All \$150.00, Macs \$56.22, Farm Power \$218.50, SDCAA \$65.00, Reuers Auto \$160.00, Inman & McDowell \$68.80, US Bank \$12,151.11:

Travel: Becca Wolf \$90.51, Scott Meints \$64.60:

Publications: Dakota Press \$1703.87, Groton Indep \$404.78, Dickey County Leader \$125.00, Mailbox Mony \$1000.00, Aberdeen American News \$3193.45:

Transcriptions: Michelle Gaikowski \$74.60, Sara Zahn \$20.40, Richard Neal \$64.60:

Court Appointed Attorney: Gina Rogers \$5520.83, Kuck Law Office \$5520.83, Christopher Dohrer \$5801.15, Christy Serr \$5810.97:

Professional Fees: Lutheran Social Service \$90.00, Avera St Lukes Hosp \$3690.00, SD Assoc of County Commissioners \$22,654.84, Cathy Rehfuß \$15.00, Denise Cody \$15.00, Donna Dietrich \$150.94, Sheriff of Yankton County \$25.00, Lewis & Clark BHS \$284.00:

Utilities: Northern Elec \$564.42, Alltel \$87.14, Midcontinent Comm \$302.06, Qwest \$9.90, NW Energy \$32.15, Dependable Sanitation \$4283.10:

Care of Poor: Dr/Hospital (2 recipients) Avera Orthopedic Specialists \$811.97, Shopko Eyecare \$65.00; Rent (5 recipients) Craig Pfitzer \$260.00, Jeff Andrews \$280.00, Dallas Niederbaumer \$320.00, Country Village \$207.50, Ted Huss \$215.00; Transportation (4 recipients) Aberdeen Adv Care \$220.39, Jefferson Lines \$186.25; Utilities (4 recipients) NW Energy \$750.19; Insurance (1 recipient) Anthem BC/BS \$1653.57. All members present voting aye. Motion carried.

### PERSONNEL:

Moved by Wiese, seconded by Elliott to approve the following employee step increases, effective May 1, 2011: John Weig @ \$15.83 per hour, Roxanne Hilgenberg @ \$13.26 per hour, Kathy Fischer @ \$18.69

per hour, Monte Podoll @ \$13.80 per hour, Ron Glugla @ \$16.52 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Elliott to approve hiring Beth Feist as SA summer intern, effective May 16, 2011 at \$500.00 per week. All members present voting aye. Motion carried.

**BID – WASTE TIRE CLEANUP:**

Moved by Elliott, seconded by Wiese to authorize advertising public hearing to open, read and consider bids for the 2011 Waste Tire Cleanup, to be held in the Commissioner's Chambers, Courthouse Annex, Brown County, SD at 9:00 a.m. on May 17, 2011. All members present voting aye. Motion carried.

**VACATE PLAT – SET HEARING:**

Moved by Wiese, seconded by Elliott to set hearing date to consider petition to vacate the following plat: S 1220' of Outlot A in the SW ¼ of Sec 14-T124N-R63W, Brown County, SD, to be held in the Commissioner's Chambers, Courthouse Annex, Brown County, South Dakota at 9:05 A.M. on May 17, 2011. All members present voting aye. Motion carried.

**GRANT-LANDFILL COMPACTOR:**

Commissioner Wiese offered the following Resolution:

**RESOLUTION #35-11  
Authorizing SWMP Signatory For Brown County**

WHEREAS, Brown County is proposing to purchase a compactor for the Brown County Landfill; and

WHEREAS, Brown County is applying for a Solid Waste Management Program Grant (SWMP) in an amount up to, but not exceeding \$372,787.50; and

WHEREAS, Brown County needs to authorize a SWMP signatory.

NOW THEREFORE, BE IT RESOLVED that Brown County make application to the South Dakota Department of Environment and Natural Resources for a SWMP grant in an amount up to, but not exceeding \$372,787.50; and

BE IT FURTHER RESOLVED that the Chair of Brown County be the authorized signatory for all loan related documents, including the application and pay requests.

Dated this 26th day of April, 2011

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

**PLATS:**

Commissioner Wiese offered the following Resolution:

**RESOLUTION #36-11**

BE IT RESOLVED by the Board of Commissioners of Brown County, SD, that the plat showing "Schumaker Second Subdivision in the SW ¼ of Sec 26-T123N-R63W of the 5th 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-absent, Elliott-aye, Fischbach-absent, Wiese-aye, Sutton-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

RESOLUTION #37-11

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Hinz Subdivision in NE ¼ Sec 7-T122N-R63W of the 5th 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-absent, Elliott-aye, Fischbach-absent, Wiese-absent, Sutton-aye. Resolution adopted.

TEMPORARY RETAIL ON-SALE LIQUOR LICENSE HEARING:

Moved by Elliott, seconded by Wiese to authorize advertising a public hearing to be held in the Commissioners Chambers, Courthouse Annex, Brown County, SD on May 31, 2011 at 8:45 a.m. to consider the following applications for Temporary Retail On-Sale Liquor Licenses, effective June 10, 2011 and June 25, 2011, submitted by P'ZA Inc DBA Anchors Away Lodge & Resort-12800 S Shore Dr., Aberdeen, SD - Richmond Resort OL 2 NE 25-124-65, Brown County, SD. All members present voting aye. Motion carried.

OPERATING TRANSFER:

Moved by Elliott, seconded by Wiese to transfer funds from Fund 233-911-191 Courthouse & Jail Improvement to the General Fund 101-371 in amount of \$200,000.00, per GASB 54 ruling on revenue stream for capital accumulations. All members present voting aye. Motion carried.

SD ACHIEVE:

Moved by Elliott, seconded by Wiese to approve and authorize the Chairman sign letter to SD Achieve stating Brown County is choosing not to participate in a donation to SD Achieve. 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 2011 Northeast Area Horse Racing Season at the Fairgrounds. Moved by Wiese, seconded by Elliott 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 14 and 15, 2011. Brown County Fairgrounds (Grandstand) SW ¼ Sec 1-T123N-R64W, effective May 14 & 15, 2011. Brown County Fairgrounds (Clubhouse) SW ¼ Sec 1-T123N-R64W, effective May 21, 22, 28, 29 and 30, 2011. Brown County Fairgrounds (Grandstand) SW ¼ Sec 1-T123N-R64W, effective May 21, 22, 29 and 30, 2010 (map indicating specific buildings on file with applications). All members present voting aye. Motion carried.

BID – JAIL ROOF/STAIR TOWER:

Time and place, as advertised to open, read and consider bids for labor and material for replacement of the roof on the jail and stair tower. Moved by Elliott, seconded by Wiese to award bid, submitted by Grote Roofing Inc, in amount of \$37,747.00 with \$0.85 board foot for insulation replacement, if needed; rejecting bid submitted by Twin City Roofing Co Inc in amount of 40,000.00 with \$0.85 board foot for insulation replacement. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Elliott to approve and authorize the Chairman sign contract with Grote Roofing Inc for completion of Jail Re-Roof/Stair Tower Project. All members present voting aye. Motion carried.

PERSONNEL DISCUSSION:

77

Jan Weismantel, Highway Superintendent and Mike Rohrbach, Weed Supervisor explained that the hours worked by the shared full-time employee position between Highway and Weed will be predominately with Highway. Board concurred.

**DISCUSSION:**

Paul Dennert, District 2 Legislator met to discuss the following: drain tile; comprehensive plan; disaster allocation split for fed/state/local; road conditions in Claremont area; housing Extension and Library at Econo Food location.

**TECHNOLOGY SERVICE AGREEMENT:**

Moved by Elliott, seconded by Wiese to approve and authorize the Chairman sign Technology Service Agreement with Sivertsen Technology Inc for the purpose of providing computer and technology services at \$75.00 per hour, not to exceed forty hours per week with a cap of \$97,500.00 for services under this agreement. All members present voting aye. Motion carried.

**BOYS & GIRLS CLUB LAND PURCHASE:**

Representatives from the Boys & Girls Club and BMX Track met to further discuss the proposed purchase of county property by the Boys & Girls Club and how the additional 40' adjacent to Lot 3 currently leased by BMX will be addressed in the future. After discussion it was suggested that when re-platting the public access area contained in the proposed property description the 40' be re-platted and attached to Lot 3 (property leased by BMX). Mutual agreement on the 40' and definition of adequate parking will be relayed to the States Attorney.

**COUNTY ROAD 18:**

Chad Pray discussed the condition of County Road 18 (Granary Road) and requested only local traffic be allowed access and inquired about procedure for placement of additional culverts. Jan Weismantel, Highway Superintendent agreed to post road closed except for local traffic and Gary Vetter, Planning & Zoning advised Mr. Pray meet with the Drainage Board to discuss culverts.

**EXECUTIVE SESSION:**

Moved by Wiese, seconded by Elliott to go into executive session to discuss contract with Kim Dorsett, Kurt Smith and Jan Beckler 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.

**PARTIAL PAYMENTS:**

Moved by Wiese, 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 \$500.00 per month on Lt 6 Blk 19 Thomas Addition to Aberdeen, effective May 30, 2011. All members present voting aye. Motion carried.

**EXECUTIVE SESSION:**

Moved by Wiese, seconded by Elliott to go into executive session to discuss personnel 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.

**RECESS:**

The Chairman declared the Commission recessed until May 3, 2011.

Maxine Fischer, Brown County Auditor

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APRIL 26, 2011 – CONSOLIDATED BOARD OF EQUALIZATION

Meeting called to order by Chairman Sutton at 11:00 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Oath of Office was taken by School Board Member Duane Alm. Present were Commissioners Elliott and Wiese, School Board Member Alm and Aberdeen City Mayor Levsen. Mary Worlie, Leo Leshner, Curtis Brooks, Russell Metz and Gene Loeschke from the Director of Equalization Office were also in attendance.

APPEALS:

Moved by Alm, seconded by Levsen to approve the following recommendation from the Director of Equalization: **13.Aberdeen Lodging Group LLC (Deferred from April 12, 2011 Meeting)** -Lt 2 Lamont 6<sup>th</sup> Addn NE 20-123-63 @ 3,004,985. All members present voting aye. Motion carried.

Moved by Levsen, seconded by Elliott to approve the following recommendation from the Director of Equalization: **14.Aberdeen Convention Group (Deferred from April 12, 2011 Meeting)**-Lt 3 Lamont 6<sup>th</sup> Addn NE 20-123-63 @ 2,504,597. All members present voting aye. Motion carried.

Moved by Levsen, seconded by Elliott to approve the following recommendation from the Director of Equalization: **15.Tyron Luitjens (Deferred from April 12, 2011 Meeting)**-Lt 1 Blk 2 Huffmans 2<sup>nd</sup> Addn from 134,937 to 131,809. All members present voting aye. Motion carried.

Moved by Elliott, seconded by Alm to approve the following recommendation from the Director of Equalization: **53.EIG Aberdeen LLC (K-Mart)**-Lt 1-3, Lt 13-14, W 73.66' Lt 15-17, Lt 18-29, and Lt 34-39 Shannons Replat Blk 25 Pearsons Subd East Park Addn to Aberdeen @ 2,432,380. All members present voting aye. Motion carried.

Moved by Levsen, seconded by Wiese to acknowledge receipt of appeal withdrawal letter accepting value established by Director of Equalization: **#54.Ryan, Inc**-Lt 2 Mutual of Omaha 4<sup>th</sup> Subd @ 1,950,630. All members present voting aye. Motion carried.

Mary Worlie, Director of Equalization thanked her staff for assisting with the equalization process.

ADJOURNMENT:

Moved by Levsen, seconded by Alm to adjourn the 2011 Consolidated Board of Equalization. All members present voting aye. Motion carried.

Maxine Fischer – Brown County Auditor

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79  
MAY 2, 2011 - 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 Council Chambers, 123 S Lincoln Street, Aberdeen, South Dakota. Present from City were Council Members Agnitsch, Bunsness, Campbell, Kraft, Mitchell, Slaight-Hansen and Mayor Levsen. Council Members Rux and Swanson were absent. Present from County were Commissioners Hansen, Elliott, Fischbach, Wiese and Sutton.

ORDINANCE NO. 11-04-01/395:

On motion by Bunsness and seconded by Agnitsch, the City unanimously voted to approve Second Reading and Adoption of Ordinance No. 11-04-01/395.

Moved by Hansen, seconded by Elliott to approve Second Reading and Adoption of Ordinance No. 11-04-01/395, An Ordinance to amend Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 714 (M-Ag) Mini-Agricultural District: Lot 1, Hinz Subdivision in the NE ¼ of Sec 7-T122N-R63W of the 5<sup>th</sup> P.M., Brown County, SD. Roll call vote: Commissioners Hansen-aye, Elliott-aye, Fischbach-aye, Wiese-aye, Elliott-aye. Ordinance adopted.

SET HEARING DATE:

On motion by Mitchell and seconded by Bunsness, the City unanimously voted to set hearing date for Ordinance No. 11-05-03/396 (Beadle Rezone).

Moved by Fischbach, seconded by Hansen to set public hearing for Ordinance No. 11-05-03/396, An Ordinance to amend Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 707 (C-2) Highway Commercial District: Proposed Lot 1, Beadle Subdivision in the NW ¼ of Sec 26-T124N-R64W of the 5<sup>th</sup> P.M., Brown County, SD and Yeoman's Outlots 2 and 3 and S 700' of 50' East of Outlots 2 and 3 in the NE ¼ of Sec 27-T124N-R64W of the 5<sup>th</sup> P.M., Brown County, SD, to be held on May 23, 2011 at 5:30 p.m. in the Aberdeen City Council Chambers, 123 S Lincoln Street, Aberdeen, SD. All members present voting aye. Motion carried.

ADJOURN:

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

Maxine Fischer, Brown County Auditor

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80

## MAY 3, 2011 – GENERAL MEETING

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

### MINUTES:

Moved by Wiese, seconded by Elliott to approve the Joint City/County Meeting minutes of April 25, 2011; the General Meeting minutes and Consolidated Equalization Meeting minutes of April 26, 2011. All members present voting aye. Motion carried.

### CLAIMS:

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

Supplies: Office Equip \$84.48, Primero Ins \$40.00, Carol Sherman \$74.65, Exec Mgmt \$1573.20, Exhaust Pros \$25.00, Samantha Foley \$52.98, Youngs \$618.03, Walmart \$24.76, Geffdog \$65.75, Hagan Ins \$100.00, SDDOT \$370.52, Sioux Falls Crane \$727.00, Share Corp \$274.00, Safety Service \$14,950.00, Huron Culvert \$29,859.92, Dave Kampa \$8838.00, Howes Oil \$25,917.00, House of Glass \$207.25, Ferguson Waterworks \$7516.85, DMI \$6552.83, Cunningham Elec \$1569.38, Menards \$651.57, ADA/BID \$250.00, SDSHS \$45.00, Farm Power \$82.34, Heartland Paper \$62.99, Runnings \$585.99, RDJ Spec \$300.45, Mattern Elec \$1095.70, Eide Bailly \$234.00, Dakota Electronics \$260.50, Best Business \$152.79, PC Mall.gov \$2132.99, Hewlett-Packard \$32.00, Morovision Night Vision \$13,200.00, Hewlett Packard \$224.00, Gear Networking \$7434.00, SHI International Corp \$2228.45, Gemplers \$206.00, Harvin Schlosser \$550.00, Grote Roofing \$576.43, House of Glass \$19,098.00, Herc-u-lift \$44.90, Fire Safety First \$151.86, Macs \$33.99, Farnams \$2.99, Cartney Bearing \$11.15, DSG 237.94, Kansas County Appraisers Assoc \$260.00:

Travel: Duane Sutton \$668.72, Gene Loeschke \$53.65, Leo Leshner \$276.39:

Publications: Groton Indep \$165.39, American News \$439.64:

Transcriptions: Sara Zahn \$57.80:

Utilities: Qwest \$91.00, Midcontinent Comm \$185.70, Alltel \$6.10, NW Energy \$9317.08, Montana Dakota \$26.47, Alltel \$107.65, WEB \$131.95, City of Aberdeen \$1159.99:

Care of Poor: Dr/Hospital (6 recipients) Avera St Lukes \$37,481.73; Rent (2 recipients) Ken Dohn \$260.00, Erdmann Properties \$195.00; Utilities (3 recipients) NW Energy \$817.83; Insurance (2 recipients) Wellmark BC/BS \$584.66, Allied Benefit Systems \$480.00. All members present voting aye. Motion carried.

### PERSONNEL:

Moved by Hansen, seconded by Wiese to approve hiring Gerald (Jerry) Lehrkamp, as full-time employee in the Highway Department/Weed Department, effective May 16, 2011 at \$12.98 per hour. All members present voting aye. Motion carried.

### SURPLUS CASH REPORT:

Moved by Hansen, seconded by Wiese to approve the following General Fund Surplus Cash Analysis Report: March 2011 @ \$1,979,996.70 (13.49%). All members present voting aye. Motion carried.

### TOWNSHIP BONDS:

Moved by Fischbach, seconded by Elliott 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, Jill Gisi; ALLISON #4 - Dillon Cutler, Arlene Hixon; LANSING #5 – Sharon Lehr, Dixie Clark; 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, Darlene Sass; 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; EAST RONDELL #27 - Dennis Rossow, Kathy Williams; PALMYRA #28 - Joanne Berheim, Margaret Strand; OSCEOLA #29 - John Peldo, Chris Sumption; SAVO #30 - Calvin Raisanen, Judy Bretsch; LIBERTY #31 - Todd Lunzman, Rollin Stearns; RAVINIA #34 - Kristie Wyly, Patrick Keatts; HIGHLAND #35 - Dan Misslitz, Deanna Nelson; FRANKLYN #36 - Sharon Bain, Shirley 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; HECLA #50 - Cliff Schroeder, Sharon Schroeder; PRAIRIEWOOD #53 - R Lee Ginsbach, Craig McFarland; WEST RONDELL #57 - Al Ryckman, Larry Ihde, SOUTH DETROIT #59 - Mark Perkins, Mark Hoines. All members present voting aye. Motion carried.

#### ABATEMENTS:

Moved by Wiese, seconded by Elliott to approve the following Abatements: Herman Lier @ \$524.00 and \$336.00 (assessment error); Cleone Pekelder @ \$32.28 and \$32.38 (mobile homes moved out of state); Aberdeen Mobile Home Park @ \$59.87 (assessment error). All members present voting aye. Motion carried.

#### SPECIAL MALT BEVERAGE LICENSE HEARING:

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman sign the following Special Malt Beverage License Application: Pink Ladies, Relay for Life, Frederick, SD - Richmond Resort OL 2 NE ¼ Sec 25-T126N-R65W, effective May 5, 2011. All members present voting aye. Motion carried.

#### EM UPDATE:

Scott Meints, Emergency Management Director presented update on River Gauge stats; water levels in ND; FEMA disaster assessments; Corp of Engineer meeting to discuss water flows from Jamestown and Pipestone Dam.

#### EXECUTIVE SESSION:

Moved by Wiese, seconded by Elliott to go into executive session with Kim Dorsett and Amy Scott 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 Elliott, seconded by Wiese to authorize re-advertising for Seasonal Fair Secretary position at \$10.63 per hour. All members present voting aye. Motion carried.

#### EMPLOYEE HEALTH INSURANCE:

Gary Welter, BCBS presented information for the 2011-2012 renewal of the Employee Health Insurance Plan. Moved by Wiese, seconded by Hansen to renew the Brown County Employee Health Insurance Plan with Wellmark Blue Cross and Blue Shield of SD, with premium amount to be spread in the minutes next week. All members present voting aye. Motion carried.

#### BOYS & GIRLS CLUB LAND PURCHASE:

Moved by Wiese, seconded by Elliott to authorize Chairman sign purchase agreement, after discussion of Paragraph #9, the Chairman asked for a substitute motion. Moved by Hansen, seconded by Fischbach to offer substitute motion, whereby the States Attorney shall review Paragraph #9 in the draft purchase agreement prior to execution. Roll call vote: Commissioners Hansen-aye, Elliott-aye, Fischbach-aye, Wiese-nay, Sutton-aye. Substitute motion carried.

PUTNEY SLOUGH/CASTLE DIKE:

Roger Schuller, Harry Pharis and a delegation of area residents met to discuss the history and current conditions of Putney Slough and the Castle Dike located in Day County.

RECESS:

The Chairman declared the Commission recessed until May 10, 2011.

Maxine Fischer, Brown County Auditor

Published at the total approximate cost of \$\_\_\_\_\_.

## MAY 10, 2011 – GENERAL MEETING

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

## MINUTES:

Moved by Wiese, seconded by Fischbach to approve the Joint City/County Meeting minutes of May 2, 2011 and the General Meeting minutes of May 3, 2011. All members present voting aye. Motion carried.

## CLAIMS:

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

Payroll: Commissioners \$3,229.05; Auditor \$8,885.44; Treasurer \$11,108.64; Data Processing \$1,910.59; State's Attorney \$12,234.29; SVAWA Grant \$1,163.46; Blood Draws \$840.00; Maintenance \$5,990.09; Assessor \$11,321.43; Planning and Zoning \$1,844.58; Register of Deeds \$6,841.31; Veterans Service Office \$3,431.58; GIS \$1,965.93; Sheriff Adm \$28,974.38; Jail \$33,269.41; JDC \$13,908.23; HD \$4,433.27; 24/7 \$1,896.30; Communications \$20,194.69; Welfare Office \$3,240.20; Museum \$6,419.66; Parks & Fairgrounds \$4,502.45; Fairboard \$1,188.80; Weed \$1,454.02 Extension \$2,163.20; Emergency Management \$3,008.82; Teen Court \$249.30; Highway \$40,576.87; Landfill \$9,761.10; Matching Benefits: FICA \$14,426.30; Medicare \$3,373.79:

Supplies: Best Business Products \$295.22, Office Equipment \$10.49, A&B Business Inc. \$234.82, Matthew Bender & Co. \$34.47, Quality Welding \$24.00, Cunningham Electric \$294.45, Runnings \$235.33, Woodman Refrigeration \$83.67, McFarland Supply \$320.04, Crescent Electric \$97.04, Ecolab Pest \$205.00, Sanders Sew-n-Vac \$19.17, Taylor Laundry \$98.00, Graham Tire \$274.57, Midstates \$70.50, Hoven Auto \$38.00, Parcel Erickson \$60.00, Exhaust Pros Aberdeen \$25.00, Dakota Electronics \$4,429.60, CDW \$6467.02, Safety Service \$204.74, Langs \$88.00, PC Mall.gov \$2,030.84, The Sewing Shoppe \$22.00, Animal Health & Safety \$435.50, Gillund Enterprises \$173.76, Great Western Tire \$10,172.78, J Gross Equipment \$582.28, Hecla Implement \$28.50, Howes Oil Co. \$27,167.28, Huron Culvert & Tank \$9,028.60, Interstate Battery System \$94.95, MAC'S Inc. \$222.72, Menards \$272.53, North Central Rental \$19,200.00, Palmer Distributing \$95.00, Praxair Distribution \$1,932.84, Power Plan \$2,983.68, Sanitation Products \$1,592.72, Sheehan Mack Sales \$1,795.45, Wallwork Truck Center \$271.92, Zastrow's Sales & Service \$80.00, Bakken Building Maint. \$500.00, Butler Machinery Co. \$952.59, Cartney Bearing \$ 64.20, Clark Engineering \$ 344.05, Custom Glass & Repair \$ 556.58, D&S Service \$1,179.24, Dakota Fuel Power Inc \$1,121.82, Dakota Oil \$312.45, Diesel Machinery \$693. 68, Farnams \$7.88, Fastenal \$781.94, Ameripride \$453.02, Ken's Super Fair Foods \$36.72, DPM Mercantile \$25.00, Hub City Radio \$300.00, Glas Consulting \$112.50, Speciality Mfg. Co. \$33.04, Aberdeen Chrysler Center \$107.88, Sheehan Mack Sales \$31.72, Hedahls \$79.82, Dakota Fluid Power \$222.14, Sewer Duck \$172.00, HF Jacobs & Son \$2,096.57, Reuers Auto Service \$154.50 LexisNexis \$159.95, LBG, Inc. \$11,512.35, Brick's TV & Appliance \$1,282.75, Boys & Girls Club \$5,000.00, SD Dept. of Rev. \$3,771.49, Dacotah Bank \$90.00, Dept. of Revenue \$1,976.00, Dakota Security System \$3637.53, Lar-Jos \$15.00, Motorola \$4196.07:

Travel: Stan Schulz \$249.94, Gary Vetter \$86.21, Mark Milbrandt \$680.16:

Publications: Aberdeen News \$696.03:

Transcriptions: Tammy Erickson \$138.15:

Court Appointed Attorney: Chris Dohrer \$296.80:

Professional Fees: Nancy Schlichenmeyer \$60.00, Mark Milbrandt \$500.00, Sanford Clinic \$249.77, Dental Center \$118.00 Dept. of Social Services \$61264.41, NADRIC \$10,000.00, SDACC \$11,747.20:

Utilities: City Treasurer \$24.77, NVC \$1,273.81, Town of Fredrick \$32.25, James Valley Cooperative \$357.71, Midcontinent Comm. \$55.00, NW Energy \$3375.28, Northern Valley \$1273.81:

Care of Poor: Dr/Hospital (11 recipients) Avera St. Luke's \$11,928.57, Dental Center \$231.00, Orthopedic Surgery Specialists \$1,339.25, Anesthesia Care \$512.00, Richard J. Conklin \$243.84, Avera McKennan \$9,668.61, Heloise D. Westbrook \$269.53; Rent (14 recipients) Lonnie Frost \$150.00, Bruce

Boschee \$150.00, Wolfson Apartments \$300.00, Elmer Sayler \$374.00, Roy Torres \$320.00, Ron Ottenbacher \$260.00, Bob Schatz \$260.00, Matthew Vogel \$ 121.00, Tom Appletoft \$280.00, Justin Shultis \$150.00, Zumbaum Property Management \$520.00, Eisenbeis Mobile Home Court \$260.00, Dakota Square Operations \$320.00; Utilities (3 recipients) NW Energy \$400.38, City of Aberdeen \$94.06; Transportation (2 recipients) Jefferson Lines \$113.00, DNDINC \$788.26. All members present voting aye. Motion carried.

#### PERSONNEL:

Moved by Fischbach, seconded by Hansen to approve the following employee step increases, effective May 15, 2011: Shawna Musch @ \$14.89 per hour, Larry Hardy @ \$15.13 per hour, Joseph Malsam @ \$14.93 per hour, Janice Moore @ \$18.14 per hour, Tina McLeod @ \$12.85 per hour, Erin McClain @ \$13.93 per hour, Carol Wolf @ \$15.93 per hour. All members present voting aye. Motion carried.

#### EMPLOYEE VISION CARE AMEND:

Moved by Wiese, seconded by Fischbach to amend renewal rates for the Guardian Vision Program available to employees at their expense: employee @ \$8.10 (same), employee/spouse from \$13.63 to \$13.64, employee/child from \$13.89 to \$13.90, family @ \$21.98 (same). All members present voting aye. Motion carried.

#### TEMPORARY ALCOHOL LICENSE HEARING:

Moved by Fischbach, seconded by Elliott to authorize advertising public hearing to consider the following temporary alcohol license applications: Special on-sale liquor license effective June 10, 2011, submitted by P'ZA Inc DBA Anchors Away Lodge & Resort (Richmond Resort OL 2 NE 25-124-65). Special on-sale liquor license effective June 25, 2011, submitted by P'ZA Inc DBA Anchors Away Lodge & Resort (Richmond Resort OL 2 NE 25-124-65). Special on-sale wine license effective June 16, 2011, submitted by North Plains Hospice of Avera St. Lukes (Lt 1 Parkview Nursery Addn NE 25-123-64). Special malt beverage license effective June 16, 2011, submitted by North Plains Hospice of Avera St. Lukes (Lt 1 Parkview Nursery Addn NE 25-123-64). All members present voting aye. Motion carried.

#### LEASE AGREEMENTS:

Moved by Elliott, seconded by Wiese to approve the following agreement, submitted by Sandy Quenzer for lease of the Richmond Lake Youth Camp Lodge on June 4-5, 2011; Jim River Riders for lease of the Open Horse Arena on Jun 12, Jul 10 and Aug 14, 2011 (rain date Sep 11); Northeast Area Horse Racing, Inc for lease of various facilities at the Fairgrounds from May 1, 2011 through Jun 2, 2011. All members present voting aye. Motion carried.

#### AUDITORS REPORT OF ACCOUNT:

Moved by Fischbach, seconded by Hansen to approve the April 2011 Auditor's Report of Account with the County Treasurer in total amount of \$25,197,108.44 (total amount of actual cash @ \$3,416.20, Wells Fargo Bank @ \$3,621.29, US Bank @ \$317,895.31, Dacotah Bank @ \$31,489.92, Petty Cash @ \$2,000.00, Fund Investments @ \$24,838,601.92, Outstanding Checks @ \$83.80). All members present voting aye. Motion carried.

#### EMPLOYEE HEALTH INSURANCE:

Moved by Elliott, seconded by Wiese to approve premium costs for renewal of the Brown County Employee Health Insurance Plan with Wellmark Blue Cross and Blue Shield of SD, as follows: 1.New Plan - Single @ \$536.50 per month (\$2500 deductible), Family @ \$1,360.48 (\$7500 deductible), Two-party @ \$989.14 per month (\$5000 deductible). 2.Base Plan - Single @ \$537.46 per month (\$2000 deductible), Family @ \$1,362.92 (\$6000 deductible), Two-party @ \$990.90 per month (\$4000 deductible). 3.Alternate Option - Single @ \$559.10 per month (\$1500 deductible), Family @ \$1,417.82 (\$4500 deductible), Two-party \$3000 deductible @ \$1,030.82 per month (\$3000 deductible), however the

employee shall pay the difference between the Base Plan premium and the Alternate Plan premium. All plans effective July 1, 2011 through June 30, 2012. 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). All members present voting aye. Motion carried.

#### RESCIND ROAD OIL BIDS:

Moved by Fischbach, seconded by Hansen to rescind the following award of road oil bids, as vendor will not honor the price as listed on the Spink County Bid: rescind bid submitted by Flint Hills Resources, Marshall MN for furnishing and delivery of Road Oil MC-3000 @ \$604.98 per ton and Road Oil MC-70 @ \$719.98 per ton, as bid by Spink County on March 15, 2011. All members present voting aye. Motion carried.

#### BID MC-3000 ROAD OIL:

Moved by Wiese, seconded by Hansen to award bid, submitted by Flint Hills Resources, Marshall MN for furnishing and delivery of Road Oil MC-3000 @ \$610.25 per ton, as bid by the City of Aberdeen on March 15, 2011; rejecting Jebro Inc MC-3000 @ \$619.00 per ton. All members present voting aye. Motion carried.

#### BID MC-70 ROAD OIL:

Moved by Wiese, seconded by Elliott to award bid, submitted by Flint Hills Resources, Marshall MN for furnishing and delivery of Road Oil MC-70 @ \$725.25 per ton, as bid by Edmunds County on March 15, 2011; rejecting Jebro Inc MC-70 @ 741.00 per ton. All members present voting aye. Motion carried.

#### CONTRACT:

Moved by Hansen, seconded by Elliott to approve and authorize the Chairman sign agreement with Flint Hills Resources for purchase and delivery of road oil. All members present voting aye. Motion carried.

#### FUEL BID AWARD AMENDED:

Moved by Fischbach, seconded by Wiese to award the following Fuel Bid from state bid contract, effective April 1, 2011 through March 31, 2012 inclusive, as follows: Contract #16114 North Central Farmer's Elevator for Tankwagon Diesel (all types), as low bidder L&T LLC Contract #16108 has not been able to deliver quantities needed. All members present voting aye. Motion carried.

#### SEASONAL LOAD LIMIT EXTENSION:

Commissioner Wiese offered the following Resolution:

#### RESOLUTION #38-11

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 (6-ton per axle and 40 MPH for trucks) on all county roads until May 31, 2011 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 Elliott. Roll call vote: Commissioners Hansen-aye, Elliott-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Resolution adopted.

ROAD DISCUSSION:

Brown County resident Terry Frohling met to discuss the water and road conditions affecting his property.

LIDAR UPDATE:

Scott Madsen, GIS Coordinator presented update on the LIDAR Project in the County. The Corp of Engineer's has completed 1006 sq miles in Brown County and the County has secured funding partners for the remaining 724 sq miles (SDOEM, JRWDD, City of Aberdeen, Brown County). The original plan was to complete the project in the fall, but the raw data needs to be delivered by Sept 1 or the County will lose 50% of the funding. The Commission advised to proceed with the RFP for collection of the raw data as soon as possible.

RECESS:

The Chairman declared the Commission recessed until May 17, 2011.

Maxine Fischer, Brown County Auditor

Published once at the total approximate cost of \$\_\_\_\_\_.

## MAY 17, 2011 – GENERAL MEETING

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

### MINUTES:

Moved by Fischbach, seconded by Wiese to approve the General Meeting minutes of May 10, 2011. All members present voting aye. Motion carried.

### CLAIMS:

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

Supplies: CMRS-FP \$5000.00, Black Book \$ 67.00, Office Equipment \$678.72, Dakota Security Systems \$74.24, City of Groton, \$45.88, DT Pharmacy \$2947.84, Exhaust Pros \$107.95, Grafix Shoppe \$175.26, Earthgrains \$760.76, Graham Tire \$346.57, Hoven Auto Repair \$49.97, Kessler's \$268.29, McQuillen Creative Group \$32.50, National Sheriff's Association \$100.00, Parcel Erickson \$8.54, Pierson Inc \$39.95, QQP \$74.00, Safety Service \$462.87, Steven Lust \$99.99, Western Printing \$291.20, Crawford Trucks & Equipment \$4300.35, Custom Glass & Repair \$275.08, Farm Power Manufacturing \$827.78, GCR Tire Centers \$190.50, Huron culvert & Tank \$1472.31, Newman Traffic Signs \$80.41, Pomp's Tire Service Inc. \$80.40, Schmidt Construction \$2399.47, MAC's \$50.92, Hedahl's \$6.70, Nelson Auto Electric \$19.50, Runnings \$98.36, Fastenal \$37.27, North Central Elevator \$2226.50, McFarland \$20.65, Fordham Signs \$850.00, NAPA \$126.85, Scherr Oil \$6658.55, Cole Papers \$1408.45, Farm Power MFG. \$663.55, Superior Jetting Inc. \$4232.43, Hagans Ins. Group \$100.00, Groton Library \$750.00, Hecla Library \$750.00, Active Systems Data \$656.03, Safe Harbor \$555.00, James River Water Dev. Dist. \$76762.77, Kliens \$11.31, SD Magazine \$285.00, Hewlett & Packard \$1421.25, Tyler Technologies \$734.07:

Travel: Russell Metz \$317.46, Lockup USA Productions \$702.30, Richard Hansen \$154.48, Kyle Moser \$220.00, 4-H Leaders Assoc. \$135.00:

Publications: Groton Independent \$344.55, American News \$1992.30:

Professional Fees: ADAMSOFT \$170.00, Avera St. Lukes \$56.50, West Payment Center \$118.28, Language Line \$90.00, Avera Queen of Peace \$54.90, Donna Dietrich \$149.44, Valorie Olson \$25.00, Cathy Ruhfuss \$15.00, Jeanne Collison \$15.00, Office of Yankton County \$27.00, Creighton Thurman \$318.34, Yankton County \$518.75, Lincoln County \$486.35:

Court Appointed Attorney: Tom Tobin \$1123.40:

Utilities: Aberdeen City Treasurer \$1542.21, Dependable Sanitation \$19827.02, City of Hecla \$178.74, Northwestern Energy \$2403.32, US West Bureau of Admin \$97.68, Town of Claremont \$123.00, Northern Valley Communications \$138.40, Qwest \$49.94, Northern Wireless Communications \$149.90, Alltel \$164.82, Northern Electric \$1681.83, US West \$1552.18, Bureau \$665.62:

Care of Poor: Dr/Hospital (3 recipients) Orthopedic Surgery Specialist \$1320.22; Rent (7 recipients) White House Inn \$240.00, Zumbaum Property Management \$320.00, Mercury Cleaners \$191.00, Falcon Rentals \$150.00, Tom Hinz \$260.00, Bob Schatz \$260.00, Solstice Holdings LLC \$295.00; Utilities (4 recipients) City Aberdeen \$142.53, Northwestern Energy \$830.32; Medication (4 recipients) Kmart Pharmacy \$351.73, Lori's Pharmacy \$53.53, United Clinic Pharmacy \$609.29. All members present voting aye. Motion carried.

### PERSONNEL:

Moved by Wiese, seconded by Fischbach to adjust salary of Deputy States Attorney Jodi Brown for administration of the Stop Violence Against Women Act Grant to prorated annual salary of \$33,500.00. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Wiese to approve hiring the following seasonal employees at the Highway Department: Curtis Stiegelmeier @ \$9.50 per hour, effective May 23, 2011; Nathan Wood @ \$9.50 per hour, effective June 1, 2011; Les Schaible @ \$9.76 per hour, effective June 1, 2011; Dick Schlieble @ \$10.32 per hour, effective June 1, 2011. All members present voting aye. Motion carried.

#### FEE WAIVED:

Moved by Wiese, seconded by Fischbach to waive camping and facility rental fee at the Fairgrounds for Emergency Management to conduct CERT training on July 29 and 30, 2011. All members present voting aye. Motion carried.

#### LEASE AGREEMENTS:

Moved by Wiese, seconded by Fischbach to approve the following agreements: Aberdeen Police Department for lease of the Expo Building on May 22 & 23, 2011; Linda Urlacher for lease of the Richmond Lake Youth Camp on June 24-26, 2011. All members present voting aye. Motion carried.

#### ABATEMENTS:

Moved by Fischbach, seconded by Wiese to approve the following Abatements: Steve Ackerman @ \$53.97 (MH destroyed); Joan Gilbertson @ \$53.98 (assessment error); Jerry Trefz @ \$43.17 (MH condemned). All members present voting aye. Motion carried.

#### STATES ATTORNEY FUND:

Commissioner Wiese offered the following Resolution:

#### RESOLUTION #39-11

WHEREAS, SDCL 34-20B-58 through 60, authorizes the Commission to establish a fund and make appropriations thereto for the purpose of confidential expenditures to assist in the enforcement of this chapter.

BE IT RESOLVED that the Brown County Commission authorize the States Attorney establish a checking account for confidential expenditures when purchases are necessary for obtaining convictions under SDCL 34-20B-58 through 60, with the following guidelines:

- States Attorney establish and maintain a checking account in amount of \$5,509.88
- States Attorney has exclusive access but accountable to the Brown County Commission
- County Tax ID number shall be used on account
- On-line banking shall be blocked for confidentiality
- States Attorney shall replenish funds with report to the Commission through the voucher system after each expenditure, stating amount of check used for confidential case

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

#### FAIR CONTRACT:

Moved by Fischbach, seconded by Wiese to approve the following entertainment contract for the 2011 Brown County Fair in the total amount of \$8,000.00: Frankie Ballard on August 19. All members present voting aye. Motion carried.

#### LOTTERY APPLICATION:

Moved by Wiese, seconded by Fischbach to approve application, submitted by Ipswich School for raffle to be held on June 3 and August 5, 2011 (Brown County Speedway). All members present voting aye. Motion carried.

**NESDCAP:**

Lori Moen presented the 2010 NESDCAP Annual Report for Brown County.

**BID - WASTE TIRE CLEANUP:**

Time and place, as advertised to open, read and consider bids for 2011 Waste Tire Cleanup Project at the Landfill. Moved by Fischbach, seconded by Wiese to award low bid, as submitted by New Deal Tire, Groton SD in amount of \$133.00 per ton; rejecting bid submitted by Liberty Tire Recycling Inc, Savage MN in amount of \$167.50 per ton. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Fischbach to approve and authorize the Chairman sign Contract with New Deal Tire for 2011 Waste Tire Cleanup Project at the Landfill. All members present voting aye. Motion carried.

**VACATE PLAT:**

Commissioner Fischbach offered the following Resolution:

**RESOLUTION #40-11**

WHEREAS, Paul and Wendy Meyers, pursuant to SDCL 11-3-20.1, presented an Application for Vacation of the South 1220 feet of the Plat legally identified as:

Outlot A in the SW ¼ of Sec 14-T124N-R63W, according to the plat thereof of record, Brown County, South Dakota

WHEREAS, the granting of the request will not authorize the closing or obstruction of any public highway according to law, and all property taxes on such plat are paid, and

WHEREAS, the owner of Outlot A, except the S 1220' thereof in the SW ¼ of Sec 14-T124N-R63W, Brown County, SD filed a consent form for the vacation of the S 1220', with the understanding that his property will not be vacated.

NOW, THEREFORE, BE IT RESOLVED, that the following portion of plat legally identified as:

South 1220 feet of Outlot A in the SW ¼ of Sec 14-T124N-R63W, according to the plat thereof of record, Brown County, South Dakota

is hereby vacated.

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

**POSTAL SERVICE RESOLUTION:**

Commissioner Fischbach offered the following Resolution:

Brown County Commission Resolution #41-11  
Regarding Postal Service-Aberdeen, SD, AMP Consolidation Plan/Study

WHEREAS, the US Postal Service has given notice to Aberdeen, SD that it is considering the consolidation of the mail processing of the 574 zip code mail, thus sending all of the Aberdeen mail to the Dakota Central processing center in Huron, SD; and

WHEREAS, The Brown County Commission has determined the impact of delayed delivery of mail to Aberdeen and from Aberdeen, and has determined that the Postal Service plan (or study) will negatively affect several of the economic engines of Aberdeen and Northeast and North Central South Dakota, including companies who plan to grow their use of first class mail, and government entities that count on very timely mail delivery and their constituencies; and

WHEREAS, the US Postal Service conducted a public hearing in Aberdeen, SD on May 9, 2011, before which Aberdeen knew very little about what was contemplated, studied or planned, but at which time Aberdeen learned a bit more about what the Postal Service is considering, reinforcing the determination that the plan to consolidate will definitely affect negatively the economy of NE South Dakota, as well as service various folks in the region depend on for health care and other such uses; and

WHEREAS, at such public hearing it was clear that the US Postal Service does not understand that Aberdeen is a growing economy, and regional trade center for a considerable range of geography in North and South Dakota, the Dakotas District of the US Postal Service; and

WHEREAS, it is clear that the US Postal Service plan or study would significantly interrupt business operations of several significant businesses and institutions in the region, and carve up the regional trade territory of Aberdeen; and

WHEREAS, the Brown County Commission agrees that the US Postal Service plan or study needs to be rethought and mail processing brought to Aberdeen, or additional equipment brought to Aberdeen to assist with the problem solving of the US Postal Service in a more productive and constructive manner.

NOW, THEREFORE, BE IT RESOLVED by the Brown County Commission, that it invite the US Postal Service to think differently about Aberdeen, it's role in the economy, and it's role in mail processing in NE and North Central South Dakota; and that it go on record opposed to any move that transfers the mail processing of the mail of the 574 zip code to Dakota Central.

Dated this 17<sup>th</sup> day of May, 2011

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

EMERGENCY PROCUREMENT FOR LIDAR PROJECT:  
Commissioner Fischbach offered the following Resolution:

#### RESOLUTION #42-11

WHEREAS, SD Codified Law, Chapter 5-18A-8; Brown County seeks to enter into a contract for services without competition as the requested services are of a unique and urgent nature that require an expedited timeline. Such services do not allow for the formal bid or proposal letting process outlined in SD Chapter 5-18A, and

WHEREAS, Brown County needs to acquire LiDAR-derived elevation data for the western 40% of the county (see attached map) in order to obtain 100% LiDAR coverage of the county. The LiDAR data and derivative products will be used to create a water management plan for the county which will be utilized

to study and mitigate flooding that has and continues to take place within the county and surrounding region. Acquisition of the LiDAR is the first step in preparing the plan and must occur in FY2011 so that flood mitigation analysis can occur before spring 2012, and

WHEREAS, A fall 2011 LiDAR collection was originally planned and was deemed to be the ideal time for such. Funding sources had been acquired and plans set for a fall collection. One of the funding sources included a 50% matching grant from SDEM mitigation funds. The original understanding of Brown County officials was that a contract authorizing the services had to be signed by July 1, 2011 but the deliverables could arrive later. On May 10, 2011 the Brown County GIS office learned that the SDEM grant funds would only be available if actual LiDAR products were delivered by September 1, 2011. This requirement rules out a fall 2011 collection and, instead, requires an expedited spring 2011 collection, and

WHEREAS, A spring 2011 collection requires the immediate contracting of a vendor as emerging vegetation has a degrading effect on the data being collected. Time is of the essence and, waiting even a few extra days to complete a formal bid letting process will greatly compromise the quality of the end product. It is therefore determined that an emergency procurement of such is necessary.

NOW, THEREFORE, BE IT RESOLVED, that the Brown County Commission select Fugro Horizons, of Rapid City, SD as the vendor for the services and products to be obtained. As the vendor that was previously contracted by the USCOE to collect the eastern 60% of Brown County, it is the opinion of Brown County officials as well as our funding partners and additional local experts in the field of LiDAR collection that Fugro Horizons is the only firm capable of meeting all three of the project requirements including; 1) collection of the raw LiDAR data within an expedited timeframe (before June 1, 2011), 2) integration of the previously-collected USCOE LiDAR data with the newly-collected data as to deliver a single seamless dataset and 3) delivery of data products before September 1, 2011. This firm also has the professional skill set and experience necessary to adequately collect this data.

Further, Fugro Horizons, the selected vendor, has provided a proposal for services that falls within a price range previously estimated using the USCOE contract as an example. Thus, Brown County and its funding partners are ensured that the price for the services and deliverables will be within the project budget.

BE IT FURTHER RESOLVED, that the Brown County Commission Chairman is hereby authorized to sign agreement with Fugro Horizons for completion of the LIDAR Project.

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

#### EXECUTIVE SESSION:

Moved by Wiese, seconded by Fischbach to go into executive session to discuss contracts 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.

#### FAIRGROUNDS GRANDSTAND DISCUSSION:

Fair Board members Sea Atwood and Deb Schlosser met to discuss possibility of naming the Fairgrounds Grandstand in honor of Larry Gerlach. Board concurred and requested resolution be drafted for adoption at a later date.

#### BID AWARD BRIDGE #278:

Moved by Fischbach, seconded by Wiese to approve SDDOT award of contract to Swingen Contruction Company in amount of \$357,356.00 for Bridge #278 BRO 8007(37), PCN H051 Brown County Structure and Approach Grading (55'6" Double Tee Bridge), as bid by SDDOT on May 11, 2011 Item 1; rejecting: Industrial Builders Inc @ \$376,354.23. All members present voting aye. Motion carried.

STP FUNDING SWAP AGREEMENT:

Moved by Wiese, seconded by Fischbach to approve and authorize the Chairman sign Funding Swap Agreement with the SD DOT in amount of \$298,568.27. All members present voting aye. Motion carried.

CONTRACT AGREEMENT:

Moved by Wiese, seconded by Fischbach to approve and authorize the Chairman sign Contract Agreement with Flint Hills Resources, LP for furnishing and delivery of road oil for the Highway. All members present voting aye. Motion carried.

JAIL EQUIPMENT DISCUSSED:

Sheriff Mark Milbrandt and Chris Stucke discussed the need to upgrade the camera system in the Jail and JDC (cameras and wiring). John McQuillen was also in attendance. More information will be provided at a later date.

RECESS:

The Chairman declared the Commission recessed until May 24, 2011.

Maxine Fischer, Brown County Auditor

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## MAY 24, 2011 – GENERAL MEETING

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

## MINUTES:

Moved by Fischbach, seconded by Wiese to approve the General Meeting minutes of May 17, 2011. All members present voting aye. Motion carried.

## CLAIMS:

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

Payroll: Commissioners \$3,229.05; Auditor \$8,987.13; Treasurer \$11,108.64; Data Processing \$2,064.70; State's Attorney \$12,580.45; SVAWA Grant \$1,163.46; Blood Draws \$560.00; Maintenance \$6,036.82; Assessor \$11,325.43; Planning and Zoning \$1,902.88; Register of Deeds \$6,818.88; Veterans Service Office \$3,294.30; GIS \$1,965.93; Sheriff Adm \$28,475.13; Jail \$29,144.40; JDC \$13,437.13; HD \$4,550.03; 24/7 \$1,814.38; Communications \$18,602.79; Welfare Office \$3,240.20; Museum \$6,403.72; Parks & Fairgrounds \$5,618.63; Fairboard \$1,188.80; Weed \$1,221.60; Extension \$2,177.60; Emergency Management \$3,008.82; Teen Court \$547.08; Highway \$39,635.58; Landfill \$9,905.14; Matching Benefits: FICA \$14,054.65; Medicare \$3,286.93, Life \$556.98, Dental \$5,158.40, Health Ins \$73,428.98, Retirement \$29,439.12:

Supplies: Office Equipment \$17.00, Shafer & Feld Printers \$248.50, CarQuest \$735.44, Lar-Jo's \$130.80, Economy Propane \$2195.95, Hanlon Brothers \$62420.94, Howes Oil \$26023.60, Lien Transportation \$45637.82, Locators & Supplies \$101.42, Newman Traffic Signs \$217.99, North Central Farmers \$2025.00, Share Corp \$211.00, Shur-Tite Products \$1265.00, Lora Schaunaman \$45.20, Sherwin Williams \$167.83, Hagen Ins \$124.50, Ride Line \$2000.00, Fredrick Library \$750.00, Alexander Library \$20000.00, Warner Library \$750.00, Kliens Office Furniture \$1613.00, Professional Pavement \$462.53, Tyler Technologies \$36471.60, Police Legal Services \$1920.00, Gear Networking \$1564.00, Sioux Falls Two Way Radio \$285.00, Danko \$19.21, Wright & Sudlow \$238.23, Chris Stanley \$1200.00, Sanders Sew-n-Vac \$21.69, Mac's Inc \$11.43, Premier Auto \$319.21, NAPA \$35.53, Chris & Don's Tarp \$7.00, Runnings \$113.86, Western States Fire Protection \$1453.68, Richards & Oliver \$85.48, Spec Mfg \$13,100.00, Sec of State \$60.00, Graham Tire \$251.00, Galls \$402.49, Exhaust Pros \$26.78, Best Business \$176.80, Securus \$14,010.00, Lust Chev \$145.00, QQP \$257.00, US Bank \$8,508.53:

Travel: A Voice for Children & Families \$20.00, Lisa Samson \$128.14, Kyle Moser \$1140.00, Michael Eliason \$915.00, Michael Roemmich \$565.00, Matt Leidholdt \$175.00, Blair Smith \$150.00, Best Western \$3599.55, Aberdeen Fire & Rescue \$238.28, Randy Moser \$81.00, JR Huebner \$81.00, Brian Wagemann \$76.00, Jeffery Carlson \$60.00, Kyle Stoddard \$60.00, Dave McNeil \$60.00, Derwin Kampa \$321.68, Brown County Sheriff's Office \$245.68, Dave Fair \$60.00, Tom Schmitt \$60.00, Rochele Moser \$72.00, John McQuillen \$317.68, Aberdeen Police Department \$245.68, Sheila Enderson \$170.51, Maxine Fischer \$155.47, Ember Currence \$144.25:

Transcriptions: Sarah Zahn \$19.60, Tammy Erickson \$112.50:

Publishing: American News \$445.45,;

Professional Fees: Douglas County Court \$3.25, Environmental Systems Research Inst. \$1500.00, Language Line \$119.70, West Payment Center \$1519.95, Lewis & Clark BHS \$426.00, Sheriff of Yankton County \$25.00, Denise Cody \$15.00, Cathy Reh fuss \$15.00, Donna Dietrich \$149.11:

Court Appointed Attorney: Horn & Koletzky \$360.60, Chris Dohrer \$5889.83, Gina Rogers \$5520.83, Christy Serr \$5770.83, Kuck Law Office \$5520.83, Fox & Lewno \$171.16, Tom Tobin \$1123.40,;

Utilities: Alltel \$238.69, Northwestern Energy \$431.38, Midcontinent Communications \$399.73, Qwest \$2386.55, Dependable Sanitation \$212.00, Northern Electric \$223.71:



Care of Poor: Dr/Hospital (5 recipients) Avera St. Luke's \$13425.96; Rent (2 recipients) Norman Fjelstad \$280.00; Utilities (4 recipients) City of Aberdeen \$228.44, Northwestern Energy \$362.54; Transportation (1 recipient) Brown County Highway Dept. \$96.69. All members present voting aye. Motion carried.

#### PERSONNEL:

Moved by Fischbach, seconded by Wiese to approve the following employee step increases, effective May 29, 2011: Harlan Place @ \$15.19 per hour, Tim Hettich @ \$13.70 per hour, Brenda Hammrich @ \$16.54 per hour, Ben Hofer @ \$14.97 per hour, Tracy Engquist @ \$12.43 per hour, David Bruckner @ \$16.26 per hour. All members present voting aye. Motion carried

Moved by Wiese, seconded by Elliott to acknowledge resignation of Michael Bowser effective May 20, 2011 and to approve employee status change for Stacie Wasem from part-time to full time Home Detention Officer effective May 30, 2011 at a wage of \$13.07 per hour. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Hansen to acknowledge the resignation of David Fair, effective May 27, 2011 and Kelly Moinichen effective, May 29, 2011. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to approve hiring Barry Kusler as an Appraiser in the Director of Equalization Office, effective June 9, 2011 @ \$14.40 per hour. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to acknowledge the resignation of Jeff Neal, effective June 10, 2011 and to approve hiring Kristen Bjerke as a JDC Part-time Correctional Officer, effective June 13, 2011 at \$10.93 per hour. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Wiese to approve hiring Susan Sumner as a part-time 24/7 Program employee, effective May 24, 2011 @ \$10.93 per hour. All members present voting aye. Motion carried.

Moved by Elliott, seconded by Wiese to authorize advertising a full-time position at the highway department. All members present voting aye. Motion carried.

#### FIREWORKS PERMITS:

Moved by Elliott, seconded by Wiese to approve and authorize the Chairman sign Fireworks Public Display Permit, submitted by Amy Scott, Brown County Fair for a Class B Fireworks Display to be held on August 20, 2011 in the infield of the racetrack at the Fairgrounds. All members present voting aye. Motion carried.

#### SHERIFF REPORTS:

Moved by Wiese, seconded by Fischbach to approve the following April 2011 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 AGREEMENTS:

Moved by Wiese, seconded by Elliott to approve and authorize the Chairman to sign the following agreements: Craig Harrison (Exterra) for lease of the Richmond Lake Youth Camp Lodge on July 30-31, 2011; Deb Backous for lease of the Richmond Youth Camp on August 5-7, 2011; Aberdeen Rural Fire Department for lease of the Expo Building on June 9-11, 2011. All members present voting aye. Motion Carried.

#### DISASTER 2011:

Moved by Wiese, seconded by Fischbach to approve and authorize the Chairman to sign State/Applicant Agreement for State of South Dakota Disaster Contract DR-1984-SD in regard to the 2011 Disaster Declaration. All members present voting aye. Motion carried.

#### VACATE PLAT – SET HEARING:

Moved by Wiese, seconded by Elliott to set hearing date to consider petition to vacate the following plat: Olson Outlot 1 in the SW ¼ of Sec 21-T125N-R60W, Brown County, SD, to be held in the Commissioner's Chambers, Courthouse Annex, Brown County, South Dakota at 8:50 A.M. on June 7, 2011. All members present voting aye. Motion carried.

#### ABATEMENT:

Moved by Wiese, seconded by Hansen to approve the following Abatement: Jeff Erickson @ \$78.00 (solid waste on BOLS). All members present voting aye. Motion carried.

Moved by Elliott, seconded by Hansen to rescind abatement approval granted May 17, 2011 for Joan Gilbertson @ \$53.98, as wrong year abated. All members present voting aye. Motion carried.

#### PEDDLERS LICENSE:

Moved by Fischbach, seconded by Elliott to approve and authorize the Chairman sign Peddlers License #01-11 with Robert Steelman DBA Coast 2 Coast Equipment, effective Jun 18 – July 18, 2011. All members present voting aye. Motion carried.

#### BOYS & GIRLS CLUB LAND PURCHASE:

Representatives from the Boys & Girls Club met to inform the Commission that additional research will be conducted on the environmental questions previously asked. Representatives from BMX were also in attendance.

#### HOSPITAL CLAIM:

Moved by Hansen, seconded by Elliott to deny payment of the following hospital claim: 38 year old male @ \$10,589.32, as the individual has not provided sufficient information to determine if indigent. All members present voting aye. Motion carried.

#### STP FUNDING SWAP AGREEMENT AMENDED:

Moved by Fischbach, seconded by Wiese to authorize the Chairman sign amended Funding Swap Agreement with the SD DOT (minutes of May 17, 2011), with change of amount from \$298,568.27 to \$364,290.11. All members present voting aye. Motion carried.

#### EXECUTIVE SESSION:

Moved by Hansen, 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.

#### RECESS:

The Chairman declared the Commission recessed until May 31, 2011.

Maxine Fischer, Brown County Auditor

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MAY 23, 2011 - 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 Council Chambers, 123 S Lincoln Street, Aberdeen, South Dakota. Present from City were Council Members Agnitsch, Bunsness, Campbell, Mitchell, Kraft, Rux, Slight-Hansen, Swanson and Mayor Levsen. Present from County were Commissioners Sutton, Hansen, Fischbach and Wiese. Commissioner Elliott was absent.

ORDINANCE NO. 11-05-03/396:

On motion by Bunsness and seconded by Agnitsch, the City unanimously voted to approve First Reading of Ordinance No. 11-05-03/396.

Moved by Hansen, seconded by Fischbach to approve First Reading of Ordinance No. 11-05-03/396, An Ordinance to amend Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 707 (C-2) Highway Commercial District: Proposed Lot 1, Beadle Subdivision in the NW ¼ of Sec 26-T124N-R64W of the 5<sup>th</sup> P.M., Brown County, SD and Yeoman's Outlots 2 and 3 and S 700' of 50' East of Outlots 2 and 3 in the NE ¼ of Sec 27-T124N-R64W of the 5<sup>th</sup> P.M., Brown County, SD. All members present voting aye. Motion carried.

ADJOURN:

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

Maxine Fischer, Brown County Auditor

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# May 31, 2011 – GENERAL MEETING/JOINT CITY/COUNCIL MEETING

Meeting called to order by Chairman Sutton at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioner's Hansen, Elliott, Fischbach and Wiese. Moved by Elliott, seconded by Hansen to amend agenda to strike indemnity bond and add welfare annual report. All members present voting aye. Motion carried.

## TEMPORARY ALCOHOL LICENSE HEARING:

Moved by Wiese, seconded by Fischbach to approve the following Temporary Alcohol License Applications: P'ZA Inc DBA Anchors Away Lodge & Resort, 12800 S Shore Dr, Aberdeen, S.D. 57401 – Richmond Resort OL2 NE 25-124-65. Special on-sale liquor license effective June 10, 2011; P'ZA Inc DBA Anchors Away Lodge & Resort, 12800 S Shore Dr, Aberdeen, S.D. 57401 – Richmond Resort OL2 NE 25-124-65. Special on-sale liquor license effective June 25, 2011; North Plains Hospice of Avera St Luke's, Lot 1 Parkview Nursery Addn NE ¼ 25-123-64. Special on-sale wine license effective June 16, 2011; North Plains Hospice of Avera St Luke's, Lot 1 Parkview Nursery Addn NE ¼ 5-123-64. Special malt beverage license effective June 16, 2011. All members present voting aye. Motion carried.

## JOINT CITY/COUNTY MEETING:

Commissioner's Elliott, Fischbach and Chairman Sutton left the Chambers to attend the Joint City/County Meeting in the City Council Chambers, 123 S Lincoln Street. Commissioners Hansen and Wiese were absent. Present from City were Council Members Agnitsch, Bunsness, Campbell, Kraft, Rux, Swanson and Mayor Levsen. Council members Mitchell and Slight-Hansen were absent.

## ORDINANCE NO. 11-05-03/396:

On motion by Bunsness and seconded by Agnitsch, the City unanimously voted to approve Second Reading and Adoption of Ordinance No. 11-05-03/396.

Moved by Elliott, seconded by Fischbach to approve Second Reading and Adoption of Ordinance No. 11-05-03/396, An Ordinance to amend Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 707 (C-2) Highway Commercial District: Proposed Lot 1, Beadle Subdivision in the NW ¼ of Sec 26-T124N-R64W of the 5<sup>th</sup> P.M., Brown County, SD and Yeoman's Outlots 2 and 3 and S 700' of 50' East of Outlots 2 and 3 in the NE ¼ of Sec 27-T124N-R64W of the 5<sup>th</sup> P.M., Brown County, SD. Roll call vote: Commissioner's Hansen-aye, Elliott-aye, Fischbach-aye, Wiese-absent, Sutton-aye. Ordinance adopted.

Commissioner's Elliott, Fischbach and Chairman Sutton rejoined Commissioner's Hansen and Wiese in the County Commission Chambers and continued in regular session.

## MINUTES:

Moved by Fischbach, seconded by Wiese to approve the Joint City/County Meeting Minutes of May 23, 2011 and the General Meeting Minutes of May 24, 2011. All members present voting aye. Motion carried.

## CLAIMS:

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

Supplies: New Trends \$14.73, Tyler Technologies \$37205.67, QQP \$71.00, B&B Contracting \$9581.98, Huron Culvert & Tank \$20252.62, HF Jacobs & Son Construction \$355.10, North Central Rental \$3000.00, Old Dominion Brush Co. \$657.65, Schmidt Construction Inc. \$8141.87, SD Dept. of Transportation \$320.30, Sterling Solutions \$700.00, Nancy Radke \$500.00, Gary Vetter \$437.21, Dakota Fluid Power \$862.81, Frey's Electronics \$162.27, Van Diest Supply Company \$4008.30, Full Circle Ag \$705.00, Western States Fire Protection \$413.22, Menards \$1339.20, Ace Refrigeration \$79.56, North

Central Steel \$29281.31, Heartland Paper Company \$840.15, Todd Black \$180.00, SD Public Assurance Alliance \$68.50, Langs \$176.95, Graham Tire \$189.32, Safety Service \$198.32, Walmart \$212.61, Double D Body Shop \$292.75, Allied Benefit Systems \$480.00, Best Business Products \$118.10, Malsam Construction \$3000.00, Griese Construction \$4271.44, C&L Plumbing \$145.32, Fastnel \$24.29, Lora Schaanman \$15.88, DPM Petty Cash \$104.73, Klein's \$13.83, Aberdeen Parks & Rec \$75.00, Kesslers \$13.32:

Travel: Days Inn \$93.00, Mike Wiese \$58.62, Carol Sherman \$185.68, Best Western Ramkota Hotel \$503.94, Extension Service \$344.09, Ron Dodds \$40.00, Executive Mgmt Finance Office \$1174.38, Scott Meints \$13.32, Lynn Hovel \$52.00, Loy Stange \$76.00, Michael J. Thompson \$81.00, Dale Ringgenberg \$76.00, Gene Loeschke \$86.58:

Publishing: Hub City Radio \$400.00:

Professional Fees: Black Hawk County \$24.00, Sivertson Tech \$6402.49, Eide Bailly \$234.00, Secretary of State \$14.00, Avera St. Lukes \$5024.93, Bantz Gosch & Cremer \$26.19, Lincoln County Auditor \$171.75:

Court Appointed Attorney: Kennedy, Pier & Knoff \$127.00:

Utilities: Montana Dakota Utilities \$23.42, Qwest \$41.21, Midcontinent Communications \$48.03, Best Business Products \$133.32, Web Water \$64.82, Midwest Alarm Co. \$51.50:

Care of Poor: Dr/Hospital (11 recipients) Avera St. Luke's \$5679.38, James M. Weekly, MD \$194.47, Robert Cihak, MD \$972.39, Walmart Pharmacy \$339.44; Utilities (2 recipients) Northwestern Energy \$320.00. All members present voting aye. Motion carried.

#### ABATEMENT:

Moved by Elliott, seconded by Fischbach to approve the following Abatement: Theresa Hidalgo @ \$77.86 (MH condemned). All members present voting aye. Motion carried.

#### INVENTORY TRANSFER:

Moved by Fischbach, seconded by Elliott to approve transferring a '94 Chev Pickup from the Weed Board to the Highway Department. All members present voting aye. Motion carried.

#### FIREWORKS PERMITS:

Moved by Wiese, seconded by Elliott to approve and authorize the Chairman sign Fireworks Public Display Permit, submitted by Nick Guthmiller DBA Generation 2 Promotions, LLC (Brown County Speedway for a Fireworks Display to be held on July 1, 2011 in the infield of the racetrack at the Fairgrounds. All members present voting aye. Motion carried.

#### WELFARE DEPARTMENT ANNUAL REPORT:

Moved by Hansen, seconded by Wiese to accept for filing the 2010 Welfare Department Annual Report, submitted by Charlene Millim, Welfare Director.

#### EXECUTIVE SESSION:

Moved by Wiese, 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.

#### HIGHWAY REPORT:

Jan Weismantel discussed ER reimbursement, load limits and hazard mitigation grant funding for County Road 23.

#### FAIR BUDGET DISCUSSION:

Amy Scott and Rick Pigors requested Commission input when calculating the salary expense for the 2012 Budget Request. The Commission advised that Amy use the same amounts as the 2011 Budget.

EXECUTIVE SESSION:

Moved by Hansen, seconded by Fischbach 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.

RECESS:

The Chairman declared the Commission recessed until June 7, 2011.

Maxine Fischer, Brown County Auditor

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## JUNE 7, 2011 – GENERAL MEETING

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

## MINUTES:

Moved by Wiese, seconded by Elliott to approve the General and Joint City/County Meeting minutes of May 31, 2011. All members present voting aye. Motion carried.

## CLAIMS:

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

Payroll: Commissioners \$3,229.05; Auditor \$8,895.48; Treasurer \$11,108.64; Data Processing \$2,972.80; State's Attorney \$13,945.00; SVAWA Grant \$1,163.46; Blood Draws \$1,080.00; Maintenance \$6,075.97; Assessor \$11,325.43; Planning and Zoning \$1,893.91; Register of Deeds \$6,827.85; Veterans Service Office \$3,294.30; GIS \$1,965.93; Sheriff Adm \$37,352.85; Jail \$28,239.99; JDC \$14,336.77; HD \$5,577.34; 24/7 \$1,814.38; Communications \$19,686.98; Welfare Office \$3,240.20; Museum \$6,377.14; Parks & Fairgrounds \$5,747.43; Fairboard \$1,188.80; Weed \$3,524.00; Extension \$2,177.60; Emergency Management \$3,008.82; Teen Court \$470.90; Highway \$42,379.75; Landfill \$9,168.92; Matching Benefits: FICA \$15,143.64; Medicare \$3,541.60:

Supplies: Pro Ag Supply \$271.31, Tracy Engquist \$500.00, Kolker Law Office \$350.30, Midstates Printing \$201.58, Parcel Erickson \$12.00, Double D Body Shop \$100.00, The National Target Center \$74.96, Taylor Laundry \$110.50, Dakota Electronics \$2948.35, Bakken Building Man \$500.00, Brick Propane \$5.70, Butler Machinery Co \$2061.13, Crawford Trucks & Equip. \$1573.31, Dakota Supply Group \$936.04, Diamond Mowers \$1125.53, Evergreen Supply \$199.00, Fire Safety First \$617.04, Great Western Tire \$5103.12, Harry's Implement \$27.48, Interstate Battery \$314.85, Lien Transportation \$136951.00, Menards \$305.59, Pheasantland Industries \$545.07, Power Plan \$1178.73, Runnings \$1016.34, Sheehan Mac Sales \$5738.90, Graham Tire \$731.88, Macs \$255.15, Brown County Treasurer \$28.00, Pizza Ranch \$75.35, Kleins \$48.50, Sherwin Williams \$31.99, Sherri Rawstern \$28.52, Hub City Radio \$300.00, McQuillen Creative Group \$400.00, AmeriPride \$478.42, Dakota Fluid Power \$105.58, Fastenal Company \$22.26, Karst's Car Care \$109.14, Specialty Manufacturing \$1996.04, Titan Machinery \$17.48, VanDiest Supply Comp \$1020.75, Pierson Ford \$29845.00, Tyler Technologies \$259.85, Dakota Mailing \$239.52, Best Business Products \$97.99, Cunningham Electric \$188.76, Dakota Concrete Raising \$571.20, Interior Design Concepts \$685.83, Cresnet Electric \$87.74, Clark Engineering \$1000.00 House of Glass \$724.86, Webster Lumber \$4919.92, Ronald Wegleitner \$300.00, John McQuillen \$133.00, Langs \$122.96, Aberdeen Amateur Hockey Assoc. \$79000.00, Safety Service \$1457.88, Sewer Duck \$344.00, SD Dept of Revenue \$4158.38, Fire Safety First \$137.39, Butler Machinery \$1801.75, Power Plan \$246.61, Hedahl's Headquarter \$24.64:

Travel: Leo Leshner \$54.00, Mary Worlie \$54.00, Russell Metz \$274.89, Cedar Shore Resort \$81.95, Sherry Theobald \$19.61, Priority Dispatch \$117.00:

Transcriptions: Michelle Gaikowski \$487.20, Richard Neal \$60.20:

Publishing: Aberdeen American News \$819.27, Dakota Broadcasting \$588.00:

Professional Fees: Juror Fees \$9,884.18, Dean Tong \$2,500.00, Dental Center \$292.00, Avera St. Lukes \$1521.27, Dakota Imaging Center \$12.82, Moore Medical \$244.00, Sanford Health \$613.95, Clark Engineering \$552.38, LBG, Inc \$2045.24, Helms & Assoc. \$1005.00, SD D.E.N.R. \$250.00, Kristi Spitzer \$673.00:

Court Appointed Attorney: Kennedy, Pier & Knoff \$178.20:

Utilities: Northwestern Energy \$8131.27, Northern Valley Communications \$400.05, Town of Frederick \$32.25, James Valley Coop \$358.91, City Treasurer \$1051.41, Web Water \$94.20:

Care of Poor: Rent (4 recipients) Foxridge Apartments \$300.00, Zumbaum Property Management \$280.00, Elmer Saylor \$220.00, Country Village \$207.50; Utilities (1 recipient) Northwestern Energy \$260.00. All members present voting aye. Motion carried.

#### PERSONNEL:

Moved by Hansen, seconded by Wiese to approve the following employee step increases, effective June 12, 2011: Cindy Meyers @ \$14.06 per hour, Damian Bahr @ \$18.43 per hour, Sherry Theobald @ \$14.01 per hour, Polly Rush @ \$16.05 per hour. All members present voting aye. Motion carried.

Moved by Elliott, seconded by Fischbach to acknowledge resignation of Shawna Musch, effective May 31, 2011. All members present voting aye. Motion carried

Moved by Hansen, seconded by Wiese to approve hiring Cortney Hilgemann as a Dispatcher, effective June 6, 2011 @ \$13.35 per hour. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Fischbach to acknowledge resignation of Kristen Bjerke effective May 24, 2011 and to approve hiring Danica Marshall as a FT JDC Correctional Officer, effective June 8, 2011 @ \$13.07 per hour and to approve hiring Leilani Tupou as a PT JDC Correctional Officer, effective June 8, 2011 @ \$10.93 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Elliott to acknowledge the following miles driven and amount to be taxed for personal use of County vehicles during the months of February, March and April 2011: Jan Weismantel – 249.6 @ \$127.30, Markcus Selzler – 378 @ \$192.78, Kendell Titze – 318 @ \$162.18, Mark Wendt 1176 @ \$599.76, Michael Scott – 2121.6 @ \$1082.02. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Wiese to approve hiring Sonje Twaddle as Seasonal Fair Employee, effective June 7, 2011 at \$10.63 per hour. All members present voting aye. Motion carried.

#### HEARINGS SET - SPECIAL MALT BEVERAGE LICENSES:

Moved by Fischbach, seconded by Hansen to authorize advertising public hearing to consider application for Special Malt Beverage License for July 2 & 3, 2011 event, submitted Ferney 125<sup>th</sup>, PO Box 832 Ferney, SD – all of Block 16 of subd entitled Blks 14-16 & OL H-I-J-K except OL L and land deeded in the SW 31-122-60, Brown County, to be held in the Commissioner's Chambers, Courthouse Annex, Brown County, SD at 8:45 A.M. on June 28, 2011. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Hansen to authorize advertising public hearing to consider application for Special Malt Beverage License for June 17, 2011 event, submitted by The Aberdeen Area Chamber of Commerce, Aberdeen, SD- Brown County Fairgrounds-Odde Hockey Building- SW ¼ Sec 1-T123N-R64W, to be held in the Commissioner's Chambers, Courthouse Annex, Brown County, SD at 8:45 A.M. on June 14, 2011. All members present voting aye. Motion carried.

#### SET HEARING DATE - ANNUAL MALT BEVERAGE LICENSE RENEWAL:

Moved by Elliott, seconded by Hansen to authorize advertising public hearing to consider the following applications, to be held in the Brown County Commission Chambers, Courthouse Annex at 8:50 a.m. on June 28, 2011: **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, RR1 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, T123, R62; Generation 2 Promotions, LLC, Nick Guthmiller DBA Brown County Speedway – Grandstand limited to drawing attached to license- SW ¼, Sec.1, T123N, R64W; 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, T128, R65, Ex. that portion of Road r/o/w; Alex & Diane Schaeffer, DBA Richmond Oasis LLC, 12845 382<sup>nd</sup> Ave, Aberdeen, SD –Lot 4 Schaeffer Richmond Lake 2<sup>nd</sup> Addition NE ¼ of Sec 25, T124, R65W. **RETAIL (ON-OFF SALE) MALT BEVERAGE & SD FARM WINE:** Aberdeen Hockey Association, Inc, PO Box 515, Aberdeen, SD 57401 – Brown County Fairgrounds SW ¼, Sec 1, T123N, R64W (Odde Hockey Building – map indicating specific building on file with application). **PACKAGE (OFF-SALE) MALT BEVERAGE & SD FARM WINE:** P'ZA, Inc., James Ronning, DBA Anchors Away, 12800 S Shore Dr, Aberdeen, SD 57401- Palmers Richmond Resort SD LT 1 (SD OL 1 Richmond OL 1 &2) Brown County, South Dakota. All members present voting aye. Motion carried.

**DOC CONTRACT:**

Moved by Wiese, seconded by Hansen to approve and authorize the Chairman to 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, 2011 through May 31, 2012. All members present voting aye. Motion carried.

**LEASE AGREEMENTS:**

Moved by Wiese, seconded by Elliott to approve and authorize the Chairman to sign the following agreements: Aberdeen Chamber of Commerce (Ag Committee) for lease of The Expo Addition and Petting Zoo Building on June 4-5, 2011; First United Methodist Church for lease of the Richmond Lake Youth Camp Lodge on April 9-10, 2011. All members present voting aye. Motion Carried.

**LOTTERY APPLICATION:**

Moved by Fischbach, seconded by Wiese to approve application, submitted by Bath Bulldog Baseball for raffle to be held on June 17, 2011 (Brown County Speedway). All members present voting aye. Motion carried.

**AUDITORS REPORT OF ACCOUNT:**

Moved by Hansen, seconded by Elliott to approve the May 2011 Auditor's Report of Account with the County Treasurer in total amount of \$19,419,575.22 (total amount of actual cash @ \$3,500.00, Wells Fargo Bank @ \$3,621.29, US Bank @ \$203,307.78, Dacotah Bank @ \$306,920.17, Petty Cash @ \$2,000.00, Fund Investments @ \$18,900,225.98). All members present voting aye. Motion carried.

**SURPLUS PROPERTY:**

Moved by Elliott, seconded by Fischbach to declare the following item surplus for donation to the Dacotah Prairie Museum Foundation as a collectible for exhibits: 1981 Century Graphic Camera with multiple lenses (Decal #4099). All members present voting aye. Motion carried.

**EXECUTIVE SESSION:**

Moved by Hansen, seconded by Wiese to go into executive session to discuss personnel with Amy Scott 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.

**VACATE PLAT:**

Commissioner Fischbach offered the following Resolution:

**RESOLUTION #43-11**

WHEREAS, Darl Olson, pursuant to SDCL 11-3-20.1, presented an Application for Vacation of Plat legally identified as:

Olson Outlot 1 in the SW ¼ of Sec 21-T125N-R60W, Brown County, South Dakota

WHEREAS, the granting of the request will not authorize the closing or obstruction of any public highway according to law, and all property taxes on such plat are paid.

NOW, THEREFORE, BE IT RESOLVED, that the plats legally identified as:

Olson Outlot 1 SW ¼ of Sec 21-T125N-R60W, Brown County, South Dakota  
is hereby vacated.

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

EXTENSION INFORMATION:

The Commission briefly discussed the option of forming partnerships with surrounding counties to help support the new 4-H Youth Program Advisor position, due to revamping the structure of the Cooperative Extension Service.

AFLAC:

Ashley Twiss-Bennett presented information on coverage options available with AFLAC.

EXECUTIVE SESSION:

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

The Chairman closed the executive session, with the following action taken after discussion.

Moved by Hansen, seconded by Elliott to authorize reimbursement to Jodi Brown in accordance with SVAWA Grant contract in amount of \$3,147.00. All members present voting aye. Motion carried.

RECESS:

The Chairman declared the Commission recessed until 8:45 a.m. on June 14, 2011.

Maxine Fischer, Brown County Auditor

Published once at the total approximate cost of \$\_\_\_\_\_.

# JUNE 14, 2011 GENERAL MEETING

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

## MINUTES:

Moved by Fischbach, seconded by Wiese to approve the General Meeting minutes of June 7, 2011. All members present voting aye. Motion carried.

## CLAIMS:

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

Supplies: Jackie Ormand \$500.00, Jennifer Stoddard \$500.00, A & B Business \$1820.57, USD School of Law \$48.00, Tracy Krogman \$13.77, Software Unlimited \$1680.00, Heartland Paper \$190.55, Plaques & Engraving \$60.00, Gardner Locksmithing \$50.00, Aberdeen Plumbing \$402.87, Graham Tire \$146.12, DT Pharmacy \$2632.61, Steven Lust \$72.01, Exhaust Pros \$26.83, Galls \$25.40, Dive Rescue International \$132.61, Earthgrains \$581.83, Dakota Electronics \$600.00, CWD \$5169.07, Tri State Water \$29.15, The Sewing Shoppe \$20.00, Best Business \$156.14, Dakota Inc & Toner \$219.96, Kesslers \$320.49, Midstates \$45.00, Cindy Mitchell \$23.28, AmeriPride \$361.24, B & B Contracting \$21935.30, Cartney Bearing \$38.84, Clark Engineering \$1115.15, Diesel Machinery \$5074.65, Farm Power \$554.66, Ferguson Waterworks \$6992.90, J Gross Equip \$8819.17, Hedahl's \$3.67, Huron Culvert & Tank \$12207.58, H F Jacobs \$25961.55, Midwest Pump & Tank \$225.95, No Central Farmers Elevator \$23,181.70, Pomp's Tire \$235.45, Praxiar \$266.77, Safety Service \$1375.05, SDPAA Hagan Ins. \$350.00, Van Deist Supply \$3895.00, Klein's \$17.71, Marianne Marttila-Klipfel \$49.44, CarQuest \$183.13, Dakota Oil \$66.99, Farm Power \$10.50, GCR Tire \$46.50, Menards \$6.28, Brick's Propane \$84.00, Ringgenberg Electric \$317.86, Tire Distribution \$104.09, Specialty Mfg. \$3300.00, Parkview Nursery \$271.93, Nelson Electric \$29.05, Runnings \$242.31, Mac's \$17.95, Crady's Radiator \$90.00, NAPA \$137.94 Hub City Radio \$1005.00, SD Dept of Rev \$440.00, SDAAO \$1500.00:

Travel: Gene Loeschke \$119.88, Curtis Brooks \$68.08:

Transcriptions: Kristi Brandt \$173.00, Tammy Erickson \$264.30:

Court Appointed Attorney: David Hosmer \$188.18:

Publishing: American News \$2207.91:

Professional Fees: Sivertsen Technologies \$8762.50, Avera St. Lukes \$106.00, Human Service Agency \$1500.00, Hennepin County Sheriff \$71.00, Dept of Rev \$1536.00, Lexis Nexis \$50.00, A-Tech Sewer/Laqua Logics \$1590.00, Dependable Sanitation \$25164.66, Safe Harbor \$3275.87, Avera Queen of Peace \$294.50, Language Lines \$90.00:

Utilities: Northwestern Energy \$1025.75, City Treasurer \$275.83, NVC \$805.35, Northern Wireless \$149.90, Qwest \$59.84:

Care of Poor: Rent- (8 recipients) Rockford Apartments \$260.00, Foxridge Apartments \$210.00, Nicole Walter \$260.00, Aberdeen Housing \$394.00, Zumbaum Mgmt \$300.00, White House Inn \$80.00, Adam Appletoft \$280.00; Medications (7 recipients) Kmart Pharmacy \$32.00, Kesslers Pharmacy \$19.96, Walmart Pharmacy \$35.41, Lori's Pharmacy \$125.76, United Clinic Pharmacy \$504.59; Dr/Medical (3 recipients) Avera St Lukes \$4978.40, Orthopedic Surgery Specialists \$1435.92, Anesthesia Care \$304.00; Utilities (2 recipients) Northwestern Energy \$370.45; Transportation (5 recipients) Emergency Poor Fund \$160.00, Brown County Highway Dept. \$48.44. All members present voting aye. Motion carried.

## PERSONNEL:

Moved by Wiese, seconded by Fischbach to amend the June 7, 2011 minutes to correct personal miles driven by Mike Scott from 2121.6 @ \$1082.02 to 520 @ \$265.20; and further to amend the May 17, 2011 minutes to correct salary for Dick Schaible from \$10.32 per hour to \$10.31 per hour and SVAWA Grant pro-rated annual salary for Jodi Brown from \$33,500.00 to \$33,000.00. All members present voting aye. Motion carried.

105

**BROWN COUNTY EIN NUMBER:**

Moved by Wiese, seconded by Elliott to clarify the guidelines when applying for grants under the Brown County EIN Number: (1 Brown County is the applicant; 2) Place Department name in brackets after Brown County to coordinate with contact information; 3) All applications to be placed on the Commission Agenda for approval and signature by the Chairman. All members present voting aye. Motion carried.

**SA PAYMENT AUTHORIZATION:**

Moved by Elliott, seconded by Fischbach to authorize the Auditor's Office to pay for documentation needed by the States Attorney's Office prior to Commission approval, when receipt of the information is time sensitive for prosecution. All members present voting aye. Motion carried.

**AGREEMENT:**

Moved by Hansen, seconded by Fischbach 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, 2011 through June 30, 2012. All members present voting aye. Motion carried.

**LEASE AGREEMENT:**

Moved by Elliott, seconded by Fischbach to approve the following agreements: RV Home Owners Association for lease of the Club House and campgrounds on June 8-12, 2011; South Dakota Good Sam's for lease of the Club House and campgrounds on June 15-19, 2011; Custom Cruisers for lease of Expo Building and parking lot on June 18-19, 2011. All members present voting aye. Motion carried.

**SHERIFF REPORTS:**

Moved by Fischbach, seconded by Wiese to approve the following May 2011 Sheriff Reports: Incidents and offenses; Prisoner care, JDC, Money deposited with the County Treasurer and Monthly activities. All members present voting aye. Motion carried.

**HIGHWAY SAFETY GRANT APPLICATION:**

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman sign FY 2012 Highway Safety Grant Application in amount of \$32,000.00. 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. Moved by Wiese, seconded by Fischbach to approve application for a Special Malt Beverage License: Aberdeen Area Chamber of Commerce, 516 S Main, Aberdeen, S.D. 57401 at Brown County Fairgrounds, Odde Hockey Building SW ¼ Sec 1-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD, effective June 17, 2011. All members present voting aye. Motion carried.

**CLOSING AUDIT CONFERENCE:**

Kay Fredrick, Department of Legislative Audits met with the Commission for closing conference for audit of fiscal year 2010.

**BROWN COUNTY WATER MANAGEMENT PLAN:**

Scott Madsen and Gary Vetter met to explain the need for an engineering firm to assist in the coordination and determination of the type and format of product deliverables to be requested from the recent aerial LiDAR data acquisition completed in Brown County by Fugro/Horizons. Moved by Wiese, seconded by Hansen to accept proposal from Donald Weigel, Clark Engineering Corp to provide engineering services to assist in the coordination and determination of the type and format of product deliverables to be

106  
requested from the recent aerial LiDAR data acquisition completed in Brown County by Fugro/Horizons in amount of \$1,500.00. All members present voting aye. Motion carried.

CITIZEN REQUEST:

Betty Breck, area resident met with the Commission to discuss open meeting complaints previously filed against the Aberdeen City Council and the Aberdeen Planning Commission with the States Attorney for action prescribed by SDCL 1-25-6. The Commission advised Ms. Breck contact the Aberdeen City Attorney, as SDCL 1-25-6 directs the States Attorney to investigate and choose one of three options to proceed. As of this date, the investigative questions from the States Attorney have not been addressed by the City. Ms. Breck raised issue of bringing mandamus action against the County if her complaints were not addressed.

RECESS:

The Chairman declared the Commission recessed until June 21, 2011.

Maxine Fischer, Brown County Auditor

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# JUNE 21, 2011 – GENERAL MEETING

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

## MINUTES:

Moved by Hansen, seconded by Wiese to approve the General Meeting Minutes of June 14, 2011. All members present voting aye. Motion carried.

## CLAIMS:

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

Payroll: Commissioners \$3,229.05; Auditor \$9,079.23; Treasurer \$11,127.04; Data Processing \$2,313.62; State's Attorney \$13,945.00; SVAWA Grant \$4,414.64; Blood Draws \$560.00; Maintenance \$6,069.88; Assessor \$12,205.45; Planning and Zoning \$1,867.00; Register of Deeds \$6,850.28; Veterans Service Office \$3,294.30; GIS \$1,965.93; Sheriff Adm \$27,418.03; Jail \$31,730.09; JDC \$14,471.74; HD \$4,524.60; 24/7 \$1,901.76; Communications \$22,161.50; Welfare Office \$3,240.20; Museum \$6,419.66; Parks & Fairgrounds \$6,086.56; Fairboard \$1,614.87; Weed \$4,769.42; Extension \$2,610.14; Emergency Management \$3,008.82; Teen Court \$505.53; Coroner \$750.00; Highway \$40,447.59; Landfill \$9,835.90; Matching Benefits: FICA \$15,239.53, Medicare \$3,564.00, Life \$485.02, Dental \$5523.90, Health Ins \$83,611.26, Retirement \$29,347.11:

Supplies: North Central Farmers Elevator \$14432.09, Ken's Super Fair Foods \$88.99, DakComm Solutions Inc \$148.40, SDN Technologies \$123895.50, Gary Vetter \$500.00, Fire Safety First \$221.15, Pizza Ranch \$110.50, B & B Contracting \$4108.99, Best Business Products \$58.77, CarQuest Automotive \$981.94, GCR Tire Centers \$109.00, Howell Trucking \$880.00, Howes Oil Company \$25091.25, Huron Culvert & Tank \$11324.48, HF Jacobs & Sons Const. \$8395.55, Lawson Products Inc \$470.08, Lien Transportation \$48864.24, Little Falls Machine Inc \$13015.00, Winburn Construction \$23193.00, A & B Business Products \$36.71, Parcel Erickson \$64.62, Karsts Car Care \$350.94, Best Business Products \$176.80, Moore Medical \$200.14, American Health & Safety \$159.13, Bonnie Bitz \$264.00, Secretary of State \$7.00, Safe Harbor \$555.00, James River Water District \$76762.77, Superintendent of Documents \$134.00, Fastenal Co. \$5.42, Menards \$186.05, Pierson Ford \$266.10, VanDiest Supply \$4789.50, GLAS Construction \$191.25, Klien's \$88.65, DPM Petty Cash \$26.15, Grote Roofing \$1975.42, Quality Welding \$19.00, House of Glass \$94.13, J & K Painting \$3373.01, Dahme Construction \$13210.90, Heartland Paper \$505.70, Claims Associates \$162.59, Dakota Electronics \$96.00, Lily's Floral \$574.56, Geffdog \$889.60, Inventory Trading Company \$134.00, Pro Ag Suply \$788.23, Schmidt Construction \$1519.38, GCR Tire Center \$75.00, HC Clark Imp \$82.44, Cartney Bearing \$22.72, Nelson Sales & Service \$73.65, Midstates Printing \$2225.00, US Bank \$6264.64: Travel: Executive Management Finance \$823.40, Leo Leshar \$215.34, Kathy Fischer \$140.60, Mary Worlie \$413.33, Oasis Inn \$432.00:

Transcriptions: Kristi Brandt \$374.20:

Publications: American News \$511.40, Groton Independent \$639.17:

Professional Fees: Dependable Sanitation \$356.50, State of SD \$30.00, West Payment Center \$118.28, Kristi Spitzer \$850.00, Kabeisman & Pollard \$170.00, Yankton County Sheriff \$25.00, Avera St. Lukes \$698.00, CNA Surety \$50.00. New Deal Tire \$27637.40, Minnehaha County Auditor \$90.00:

Utilities: City of Hecla \$118.56, Northwestern Energy \$2740.96, Alltel \$116.43, Qwest \$7241.49, Northern Electric \$1441.93, Bureau of Administration \$493.08:

Care of Poor: Rent- (3 recipients) Lonnie Frost \$260.00, Eisenbeis Mobile Home Court \$300.00, Ken Dohn \$260.00; Dr/Medical (12 recipients) Richard J Conklin MD \$757.45, Orthopedic Surgery Specialists \$29.20, Dakota Plains Surgical Center \$2564.30, Avera Enoscopy Surgical Center \$644.00, Aberdeen Surgical Associates LLP \$651.18, Avera St. Lukes \$23435.58; Utilities (6 recipients) City of

Groton \$128.26, NW Energy \$826.58; Insurance (1 recipient) Wellmark BCBS of SD \$681.90. All members present voting aye. Motion carried.

#### PERSONNEL:

Moved by Elliott, seconded by Fischbach to approve the following employee step increases, effective June 26, 2011: Tracy Madsen @ \$13.83 per hour, Cindy Eppard @ \$12.66 per hour, Jonathan Waldner @ \$13.37 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to acknowledge resignation of Jeanette Nietert, effective July 8, 2011. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Elliott to approve hiring Jeffrey Fix as Highway Labor Grade 3 employee, effective June 22, 2011 at \$12.98 per hour. All members present voting aye. Motion carried.

#### FIREWORKS PERMITS:

Moved by Wiese, seconded by Fischbach to approve and authorize the Chairman sign Fireworks Public Display Permit, submitted by Kent Larson, Richmond Lake Association for a Fireworks Display to be held on July 3, 2011 at Richmond Lake. All members present voting aye. Motion carried.

#### LOTTERY APPLICATIONS:

Moved by Hansen, seconded by Fischbach to approve application, submitted by Yelduz Shrine for raffles to be held on June 17 & July 16, 2011 (Brown County Speedway); and further amend date in minutes of June 7, 2011 for the Bath Bulldog Baseball raffle to be held on June 24 not June 17, 2011 (Brown County Speedway). All members present voting aye. Motion carried.

#### INVENTORY TRANSFER:

Moved by Wiese, seconded by Fischbach to approve transferring a '93 Chev Pickup Decal #448 from the Weed Board to the Highway Department. All members present voting aye. Motion carried.

#### SURPLUS PROPERTY:

Moved by Wiese, seconded by Elliott to declare obsolete computer batteries surplus for sale to Mardians; and to declare miscellaneous computer components surplus for disposal at the Brown County Landfill. All members present voting aye. Motion carried.

#### OPERATING TRANSFER:

Moved by Elliott, seconded by Wiese to approve and authorize the following operating transfer in total amount of \$1,901,572.58, as reflected in the 2011 General Fund #101 Budget (101-911-191): \$319,581.85 to E911 Fund #207-371; \$81,990.73 to EM Fund #226-371, \$1,500,000.00 to Highway Fund #201-371. All members present voting aye. Motion carried.

#### SET HEARING ORDINANCE NO. 069:

Moved by Hansen, seconded by Wiese to set public hearing for Brown County Ordinance No. 069, An Ordinance to amend Second Revision Brown County Ordinances, Title 10 Chapter 10.02 Alcoholic Beverages providing for times when on-and off-sale alcoholic beverage services prohibited in Brown County, to be held on July 12, 2011 at 8:45 a.m. in the Commissioners Chambers, Courthouse Annex, Brown County, SD. All members present voting aye. Motion carried.

#### JRWDD PROJECT ASSISTANCE:

Darrell Raschke, James River Water Development District Manager explained that the district will not pay the amount previously agreed upon for the Brown County Water Management Program, as Aberdeen

City agreed to match the Brown County share of the project, thus cutting the amount JRWDD is willing to pay. Mr. Raschke also discussed a telephone conversation he had with Chairman Sutton.

**BID AWARD – CRACK SEALANT:**

Moved by Fischbach, seconded by Wiese to award Asphalt Concrete Crack Sealant Bid from State Bid Contract – Project No. P 0032(09) PCN 02H7 to Highway Improvement, Inc. for Asphalt Concrete Crack Sealing on various county roads, to be completed on or before October 14, 2011. All members present voting aye. Motion carried.

**APPLICATION FOR OCCUPANCY:**

Moved by Wiese, seconded by Elliott to approve and authorize the Chairman sign application, submitted by WEB Water Development for occupancy of Brown County Road 14 (391<sup>st</sup> Ave) in Sec 22-T124N-R63W, Brown County, SD. Roll call vote: Commissioners Hansen-abstain, Elliott-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Motion carried.

**FEMA UPDATE:**

Scott Meints, EM Director informed the Commission that two FEMA inspectors are presently working in the County.

**EXTENSION BUDGET/4-H YOUTH ADVISOR POSITION:**

Extension Agent Marj Zastrow, Rosie Nold, SDSU, Extension Board Members Kathy Vitense and Mike Frey discussed the Brown County 2012 Extension Budget in regard to Brown County funding one/half of salary for the 4-H Youth Advisor position. No action was taken on the request at this time.

**CITIZEN REQUEST:**

Betty Breck, area resident appeared with additional comments in regard to open meeting violation procedures.

**EXECUTIVE SESSION:**

Moved by Elliott, seconded by Wiese to go into executive session to discuss personnel with Maxine Fischer 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 Wiese to go into executive session to discuss personnel. 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 28, 2011.

Maxine Fischer, Brown County Auditor

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## JUNE 28, 2011 GENERAL MEETING

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

### MINUTES:

Moved by Wiese, seconded by Fischbach to approve the General Meeting minutes of June 21, 2011. All members present voting aye. Motion carried.

### CLAIMS:

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

Supplies: Behnke Pit \$13583.43, Dahme Construction \$11240.00, Dakota Fluid Power \$642.27, Diesel Machinery \$5000.00, Graham Tire \$187.66, Lien Transportation \$146533.57, Breit Law Office \$331.84, Fastenal \$4.20, West Payment \$1519.95, Tom Gohn \$500.00, Western Printing \$173.10, Lar Jo's \$487.50, ReCarlson \$304.12, Sanders Sew-n-Vac \$111.95, Schwan Welding \$23.61, Hoven Auto Repair \$38.00, Gardner Locksmithing \$27.95, Cresnet Electric \$66.63, House of Glass \$88.53, SD Assoc. of County Commissioners \$3741.73, DSS Image Apparel \$113.70, A&B Business Products \$39.99, Pheasantland Industries \$304.14, Best Business Products \$133.32, Probuild \$41.05, Landmark Comm \$1000.00, Runnings \$29.78, Sewer Duck \$188.50:

Travel: Duane Jark \$53.28, Dennis Wiedebush \$35.52, Extension Service \$109.60:

Publications: Dakota Press \$1594.06, Groton Independent \$71.65, Aberdeen American News \$411.26:

Court Appointed Attorney: Christy Serr \$5773.91, Kuck Law Office \$5520.83, Christopher Dohrer \$5873.75, Gina Rogers \$5520.83:

Professional Fees: Avera Psychiatric Associates \$225.20, Donna Dietrich \$299.38, Avera St. Lukes \$698.00, Cathy Rehfuß \$30.00, Denise Cody \$30.00, Medical Waste Transport \$148.24, Sanford Clinic \$48.00, Lutheran Social Services \$58.92:

Utilities: Montana Dakota \$24.23, Northwestern Energy \$35.03, Midcontinent Communications \$325.26, AT&T \$80.05:

Care of Poor: Rent (3 recipients) Zumbaum Property Management \$280.00, Raymond Sauerwein \$260.00, Ron Ottenbacher \$260.00; Dr/Medical (4recipients) Aberdeen Surgical Associates \$1091.18, Dakota Imaging Professionals \$1362.64, Aberdeen Advanced Care Ambulance \$268.95, Neogenomics Laboratories \$1354.15; Utilities (4 recipients) Northwestern Energy \$302.19; Transportation (4 recipients) Brown County Highway \$84.10; Insurance (1 recipient) Allied Benefit Systems \$480.00. All members present voting aye. Motion carried.

### PERSONNEL:

Moved by Wiese, seconded by Fischbach to approve hiring Brian Bahr as full-time Corrections Officer in the Jail, effective July 11, 2011 at \$13.07 per hour. All members present voting aye. Motion carried.

### SALARY SCHEDULE AMENDMENT:

Moved by Elliott, seconded by Fischbach to expand the Chief Office Deputies classification in the Salary Schedule to include Elections Deputy, effective July 25, 2011. All members present voting aye. Motion carried.

### LETTER OF INTENT:

Moved by Hansen, seconded by Elliott to authorize the Chairman sign Letter of Intent to provide the 50% salary payment of \$16,750.00 to SDSU, beginning in 2012 for the 4-H Youth Program Advisor position. All members present voting aye. Motion carried.

### NACO CREDENTIALS:

111

Moved by Wiese, seconded by Elliott to authorize the Chairman sign Official Credential Documentation authorizing Nancy Hansen to vote on behalf of Brown County at the Annual NACO Convention. All members present voting aye. Motion carried.

PLATS:

Commissioner Wiese offered the following Resolution:

RESOLUTION #44-11

BE IT RESOLVED by the Board of Commissioners of Brown County, SD, that the plat showing "Tom Munger Addition in the NE ¼ of Sec 9-T121N-R64W of the 5th P.M., Brown County, SD", having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof.

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

Commissioner Wiese offered the following Resolution:

RESOLUTION #45-11

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing "Thorpes Fifth Elm Lake Subdivision in the NE ¼ and SE ¼ of Sec 17-T128N-R65W of the 5th P.M., Brown County, SD", having been examined is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof.

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

Commissioner Wiese offered the following Resolution:

RESOLUTION #46-11

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing "Flying T Elm Lake Subdivision in the NE ¼ of Sec 17-T128N-R65W of the 5th P.M., Brown County, SD", having been examined is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof.

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

Commissioner Wiese offered the following Resolution:

RESOLUTION #47-11

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing "Christenson First Subdivision in the SW ¼ of Sec 34-T127N-R60W of the 5th P.M., Brown County, SD", having been examined is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof.

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

Commissioner Wiese offered the following Resolution:

#### RESOLUTION #48-11

BE IT RESOLVED by the Board of Commissioners of Brown County, SD, that the plat showing "Hanley 1<sup>st</sup> Subdivision of Long's Outlot 2 in the NW ¼ of Sec 26-T124N-R63W of the 5th P.M., Brown County, SD", having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof.

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

#### LOTTERY APPLICATION:

Moved by Wiese, seconded by Elliott to approve application, submitted by Langford High School Prom for raffle to be held on July 29, 2011 (Brown County Speedway). All members present voting aye. Motion carried.

#### TOWNSHIP BONDS:

Moved by Hansen, seconded by Fischbach to approve the following Township Bonds: West Hanson #49 (clerk) Arnold Bahr, (treasurer) Maralyn Hoops. 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.

Moved by Fischbach, seconded by Wiese to approve application for a Special Malt Beverage License: Ferney 125<sup>th</sup>, PO Box 832, Ferney, S.D. 57439 – all of Block 16 of Subd Entitled Blks 14-16 & OL H-I-J-K except L and deeded land in the SW ¼ Sec 31-T122N-R60W of the 5<sup>th</sup> P.M., Brown County, SD, effective July 2 & 3, 2011. 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; Generation 2 Promotions LLC, Nick Guthmiller, DBA Brown County Speedway; Dave Schumaker DBA Elm Lake Resort; Alex and Diane Schaeffer, DBA Richmond Oasis LLC. Retail (On-Off Sale) Malt Beverage & SD Farm Wine: Aberdeen Hockey Association Inc (Odde Hockey Building).

Package (Off-Sale) Malt Beverage & SD Farm Wine: P'ZA, Inc, James Ronning, DBA Anchors Away.  
All members present voting aye. Motion carried.

NEMHC:

Northeastern Mental Health Center representatives Joe Manual, Laura Boone and Lisa German presented center statistics and related information in regard to the 2012 NEMHC Budget request.

EXECUTIVE SESSION:

Moved by Hansen, seconded by Wiese 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.

DATA PROCESSING DEPARTMENT EQUIPMENT:

Moved by Hansen, seconded by Wiese to authorize John McQuillen purchase necessary network equipment in amount of \$38,609.01 to support software being utilized by Brown County Departments, as recommended by Paul Sivertsen.

EXECUTIVE SESSION:

Moved by Wiese, seconded by Hansen to go into executive session for personnel discussion with John McQuillen, Paul Sivertsen and 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.

RESOLUTION ESTABLISHING RULES/REGULATIONS FOR TEMPORARY LICENSES:

Commissioner Wiese offered the following Resolution:

RESOLUTION #49-11

RESOLUTION OF THE COUNTY OF BROWN, SOUTH DAKOTA  
ESTABLISHING LICENSE COSTS FOR TEMPORARY MALT BEVERAGE LICENSE  
AND TEMPORARY LIQUOR LICENSES  
SDCL 35-4-124 – 125

WHEREAS, pursuant to South Dakota Law, the County of Brown, South Dakota, shall by resolution establish rules for regulating and restricting the issuance of special licenses for temporary malt beverage and temporary liquor licenses and;

WHEREAS, the County of Brown, South Dakota, wishes to comply with state law concerning operation of the special licenses;

NOW, THEREFORE, BE IT RESOLVED by the County of Brown, South Dakota, as follows:

- A. Temporary malt beverages licenses for civic, charitable, educational, fraternal or veterans organizations may be issued to said group at a cost of \$50.00 per day;
- B. Temporary malt beverages license may be issued to any person holding a malt beverage or on-sale alcoholic beverage license in the county at the cost of \$150.00 per day; and
- C. Temporary liquor licenses may be issued to any person holding a malt beverage or on-sale alcoholic beverage license in the county at a cost of \$200.00 per day;

- D. Each above-described license shall not exceed fifteen consecutive days in length;
- E. That the licensee must comply with all applicable state laws concerning the consumption of alcoholic beverages as set forth in SDCL ch. 35-4.

BE IT FURTHER RESOLVED by the County of Brown, South Dakota, as follows:

If the applicant already holds an on-sale alcoholic beverage or a malt beverage license or if the license is to be used in a publicly owned facility, it is not necessary to have a hearing on the temporary application and the number of licenses that may be issued to any person in any calendar year is (24) twenty-four.

Effective July 1, 2011.

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

CITIZEN REQUEST:

Alvin Mathern, area resident invited all Commissioners to inspect BR 029 and requested one load of gravel from the County. There was no action taken by the Commission.

ADJOURNMENT:

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

Maxine Fischer, Brown County Auditor

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# JULY 5, 2011 – BROWN COUNTY COMMISSION MEETING:

The Board of County Commissioners met in regular session at 8:45 a.m. on July 5, 2011 in the Commissioners Chambers, Courthouse Annex, Brown County, SD. Members present were: Hansen, Fischbach, Wiese and Sutton. Absent Commissioner Elliott.

## MINUTES:

Moved by Hansen, seconded by Wiese to approve the minutes of June 28, 2011. All members present voting aye. Motion carried.

## CLAIMS:

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

Payroll: Commissioners \$3,229.05; Auditor \$9,268.13; Treasurer \$11,127.04; Data Processing \$2,347.85; State's Attorney \$13,945.00; SVAWA Grant \$1,269.24; Blood Draws \$640.00; Maintenance \$5,850.51; Assessor \$11,219.03; Planning and Zoning \$2,462.88; Register of Deeds \$6,818.88; Veterans Service Office \$3,294.30; GIS \$1,965.93; Sheriff Adm \$27,083.12; Jail \$27,609.50; JDC \$12,696.03; HD \$4,159.62; 24/7 \$1,781.59; Communications \$20,656.58; Welfare Office \$3,240.20; Museum \$6,419.66; Parks & Fairgrounds \$5,733.68; Fairboard \$2,117.22; Weed \$5,304.75; Extension \$2,662.20; Emergency Management \$3,008.82; Teen Court \$391.26; Highway \$40,119.85; Landfill \$9,966.17; Matching Benefits: FICA \$14,468.03; Medicare \$3,383.59

Supplies: Lar Jo's \$238.10, Richard & Oliver \$365.32, Winburn Construction \$7043.50, Quality Welding \$25.00, Photo Express \$9.99, Pheasantland Industries \$223.52, Palmers Distributing \$367.00, Northcentral Famers Elevator \$717.98, Newman Traffic Signs \$668.32, Mac's \$1022.78, M-R Sign Co \$1123.15, Lien Transportation \$99916.89, Howes Oil \$24143.20, Ferguson Waterworks \$15167.32, Evergreen Supply \$66.70, Crawford Trucks \$4253.32, Crady's Radiator Shop \$312.00, B&B Contracting \$10099.16, Chris & Elissa Allen \$500.00, Aberdeen Asphalt \$288628.80, QQP \$1881.00, Geffdog \$366.75, Academy \$54.00, A & B Business \$132.14, Titan Machinery \$1649.63, Kesslers \$9.45, Michael Scott \$500.00, Dakota Supply Group \$6688.28, Graham Tire \$14.00, Best Business Products \$121.47, CPI \$125.00, Ameripride \$58.70, Sherri Rawstern \$167.59, Fastenal \$39.37, Menards \$31.61, Runnings \$675.36, Heartland Paper \$321.12, McFarland Supply \$964.18, Crescent Electric \$937.22, Beadle Floral \$1295.00, Brown County Treasurer \$513.57, Butler Machinery \$32719.34, SD Department of Revenue \$1,025.00, Best Business \$45.54:

Travel: Gene Loeschke \$159.47, HSC \$63.00:

Professional Fees: Sara Nack \$20.00, Mark Azure \$20.00, Jeff Schick \$20.00, Craig Kleindl \$20.00, David Ohrtman \$98.07, Avera St. Lukes \$212.00, Tammy Erickson \$248.70, Department of Revenue \$1938.00, SD Human Service Center \$600.00, Aberdeen Plumbing & Heating \$113.82, Cunningham Electric \$119.62, Ecolab Pest \$95.50, New Deal \$347.13, Dependable Sanitation \$4210.44, LBG, INC \$4983.96, Jane Hommel \$30.00, Jean Hommel \$190.00, Eide Bailly \$234.00:

Utilities: Town of Fredrick \$32.25, Midcontinent \$50.13, Midwest Alarm \$51.50, Northwestern Energy \$8390.25, City Treasurer \$1034.23, Web Water \$84.51, AT&T \$94.08:

Care of Poor: Rent (3 recipients) Annette Schwan \$300.00, Norman Fjelstad \$280.00, P&H Investments \$298.00; Dr/Medical (7 recipients) Orthopedic Surgery Specialists \$67.53, Avera St. Lukes \$279.91, Avera Aberdeen Family Physicains \$449.46, Anesthesia Care \$128.00, United Clinic Pharmacy \$60.74, Walmart Pharmacy \$167.72; Utilities (2 recipients) Montana Dakota Utilities \$172.00, Town of Fredrick \$148.00; Transportation (1 recipients) Brown County Highway Dept. \$82.42. All members present voting aye. Motion carried.

## PERSONNEL:

116

Moved by Wiese, seconded by Fischbach to approve the following employee step increases, effective July 10, 2011: Lisa Samson @ \$13.26 per hour, Pam Sudlow @ \$13.08 per hour, Sandy Green @ \$14.21 per hour, Joyce DesCamps @ \$15.98 per hour, Paul Wipf @ \$15.41 per hour, Tonya Walth @ \$14.54 per hour, Tamara Knoll @ \$13.68 per hour, Melony Flinn @ \$15.71 per hour. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Hansen to approve hiring Karlene Geffre as on-call nurse, effective July 5, 2011. All members present voting aye. Motion carried.

#### HOUSING & REDEVELOPMENT BOARD:

Moved by Hansen, seconded by Wiese to appoint Duane Sutton to a second five-year term ending July 9, 2016 on the Housing and Redevelopment Commission of Brown County. All members present voting aye. Motion carried.

#### LEASE AGREEMENTS:

Moved by Wiese, seconded by Hansen to approve the following lease agreements: Russ Steltzer for lease of the Richmond Lake Youth Camp on July 3-4, 2011; Butler Machinery for lease of the Richmond Lake Youth Camp on August 12-14, 2011. All members present voting aye. Motion carried.

#### PLATS:

Commissioner Fischbach offered the following Resolution:

#### RESOLUTION #50-11

Be it resolved by the County Commission of Brown County, SD that the plat showing "Performance Rentals 1<sup>st</sup> Subdivision in SW ¼ & NW ¼ Sec 21-T123N-R64W of 5<sup>th</sup> P.M., Brown County, SD", having been examined, is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof.

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

Commissioner Fischbach offered the following Resolution:

#### RESOLUTION #51-11

Be it resolved by the County Commission of Brown County, SD that the plat showing "Beadle First Subdivision in SW ¼ NW ¼ Sec 26-T124N-R64W of 5<sup>th</sup> P.M., Brown County, SD", having been examined, is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof.

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

Commissioner Fischbach offered the following Resolution:

#### RESOLUTION #52-11

Be it resolved by the Board of Commissioners of Brown County, SD that the plat showing "Barr 1<sup>st</sup> Consolidation Subdivision in the City of Aberdeen, SD", having been examined, is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof.

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

Commissioner Fischbach offered the following Resolution:

#### RESOLUTION #53-11

Be it resolved by the Board of County Commissioners of Brown County, SD that the plat showing "Artz Equipment Subdivision in the SE ¼ of Sec 20-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD", having been examined, is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof.

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

#### LOTTERY APPLICATIONS:

Moved by Hansen, seconded by Wiese to approve applications, submitted by Ipswich Langford High School Future Business Leaders of America for raffle to be held on July 8 and 15, 2011 (Brown County Speedway); and Relay For Life for raffle to be held on August 26, 2011 (Brown County Speedway). All members present voting aye. Motion carried.

#### AMEND FIREWORKS PERMIT DATE:

Moved by Hansen, seconded by Fischbach to amend the date on the Fireworks Public Display Permit, previously approved for Nick Guthmiller DBA Generation 2 Promotions, LLC (Brown County Speedway) to July 8, 2011. All members present voting aye. Motion carried.

#### NECOG:

Ted Dickey, NECOG discussed application for SDDOT Industrial Access Grant funding for Brown County 19 (Molded Fiberglass). The Commission will contact Molded Fiberglass and Aberdeen City to discuss possible joint funding of the \$506,250 required local match. Mr. Dickey also discussed DENR grant funding approved for purchase of a compactor at the Landfill in amount of \$298,230 (60/40 match); STP regional meetings to discuss five-year plan.

#### EXECUTIVE SESSION:

Moved by Wiese, seconded by Hansen 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 the following action taken as a result of the discussion:

#### SALARY SCHEDULE AMENDMENT:

Moved by Wiese, seconded by Fischbach to expand the Labor Grade A Highway classification in the Salary Schedule to include Outside Shop Foreman, effective July 25, 2011. All members present voting aye. Motion carried.

#### HIGHWAY 2010 ANNUAL REPORT:

Jan Weismantel, Highway Superintendent presented the 2010 Annual Highway Report.

#### EASEMENT:



James Cremer, Attorney and Robert Hornstra, James Valley Telecommunications met to discuss an Easement that was discussed in 2006, which, inadvertently, after mutual wording changes to the draft, was never brought before the Commission for approval and recording at the Register of Deeds Office. Moved by Wiese, seconded by Hansen to approve and authorize the Chairman sign Easement with James Valley Wireless, LLC on a plot of land described as "Lot H-1 in the NW ¼ of Sec 3-T121N-R64W of the 5<sup>th</sup> P.M., Brown County, SD", allowing James Valley construct and maintain a tower, antennae and maintenance building on a portion of the property without interfering with the area being used by the Landfill for a dumpster site. All members present voting aye. Motion carried.

RECESS:

The Chairman declared the Commission recessed until July 12, 2011.

Maxine Fischer, Brown County Auditor

Published once at the total approximate cost of \$\_\_\_\_\_.

## JULY 12, 2011 – GENERAL MEETING

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

### MINUTES:

Moved by Wiese, seconded by Fischbach to approve the General Meeting Minutes of July 5, 2011. All members present voting aye. Motion carried.

### CLAIMS:

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

Supplies: Best Business \$116.84, SD Supp Retire System \$4997.50, Academy Trophy \$23.00, Interior Design Concepts \$174.76, Matthew Bender \$119.46, Taylor Laundry \$55.50, Webster Lumber \$210.58, Woodman Refrig \$311.04, Grote Roofing \$46,787.00, Time Works \$19.95, Wallwork Truck Center \$180.12, SDDOT \$810.79, Sheehan \$45.84, QQP \$572.91, Praxair \$389.46, Pierson Ford \$2191.50, Northstar Safety \$131.46, Midwest Alarm \$255.50, Menards \$672.26, Lien Trans \$89,571.87, J Gross \$7834.90, Interstate Battery \$425.80, Hecla Impl \$32.50, Ferguson Waterworks \$15,316.54, Farnams \$45.41, Evergreen Supply \$66.70, Economy Propane \$612.50, Violet Dinger \$3507.76, DMI \$48.12, Diamond Mowers \$604.16, Dakota Oil \$2088.32, Dakota Fluid Power \$1116.50, Cartney Bearing \$7.92, Carquest \$1353.13, Bitz Equip \$325.00, Bakken Bldg \$500.00, B&B Const \$37,390.63, Ameripride \$258.12, Minnehaha County \$90.00, Cunningham Elec \$339.28, Runnings \$296.42, Pauer Sound \$8400.00, Heartland Paper \$60.39, Red River Pullers \$485.00, Ken's Superfair Foods \$35.39, Glas Consulting \$236.25, Fox Valley \$547.54, BSA Troop 51 \$2848.00, Korkow Rodeos \$24,000.00, T&K Rentals \$8550.00, TMS \$16,500.00, Matt Zeller \$300.00, CMW Cleaning Service \$4700.00, Fire Safety First \$300.00, Vision Comm \$1942.00, Bricks Roto Rooter \$5100.00, NB Golf Carts \$7941.00, Aberdeen Adv Care \$3402.00, V&R Production \$900.00, CHS Basketball Team \$1500.00, Walleye Club \$950.00, Lions Club \$700.00, Local 862 Union \$850.00, Aberdeen Karting \$840.00, SDNA Dist 4 \$900.00, Good Shepherd Lutheran \$2500.00, Horizon Signal Tech \$3400.00, The Shadows Band \$2500.00, Red River Valley Pullers \$7000.00, Lew's Fireworks \$4000.00, R&R Destruction \$7000.00, NSU Swim Team \$4000.00, Antique Tractor Pullers \$1200.00, Belladiva \$2250.00, Wood Picks \$4500.00, Nick Bretz \$800.00, Joe Thompson \$2000.00, HTM \$800.00, Scott McFall \$3400.00, Inner Depth \$294.00, Kathy Bender \$1000.00, Pam Linton \$1750.00, 4-H Performing Arts \$200.00, Phil Baker \$824.00, GeniusWeb \$125.00, VanDiest \$3681.30, Dakota Electronics \$228.50, Ameripride \$124.24, AASLH \$115.00, Hub City Radio \$300.00, Lora Schaunaman \$45.20, North Central Farmers Elev \$15,649.38, Sheehan Sales \$495.84, Safety Service \$258.95, Hedahls \$12.78, Ameripride \$140.74, SD Dept of Rev \$4239.03, Gemplers \$662.25, Danko \$1194.00:

Publications: Groton Indep \$209.92, American News \$766.19:

Travel: Russell Metz \$199.80, Ken Kusler \$120.00, Darwin Bettmann \$11.10, Stan Beckler \$15.54, David North \$56.24, Patrick Keatts \$26.64, Jerome Streckfuss \$28.86, Dale Kurth \$56.24:

Professional Fees: Sivertsen Tech \$13,331.50, U of ND \$139.08, Carlsen Funeral Home \$203.50, Cathy Rehfuss \$60.00, Denise Cody \$60.00, Donna Dietrich \$554.51, David Knoff \$45.00, Avera McKennan \$698.00, Phyllis Donat \$30.00:

Transcriptions: Kristi Kost \$993.00:

Utilities: NW Energy \$901.31, NVC \$309.32, Town of Claremont \$123.00, James Valley Comm \$351.05, City of Hecla \$96.28, City of Aberdeen \$258.32, WEB \$61.12, Qwest \$43.70, AT&T \$3150.83:

Care of Poor: Rent (5 recipients) Bldg Mgmt \$260.00, Russell Daugherty \$225.00, White House Inn \$200.00; Dr/Medical (3 recipients) Dakota Plains Surgical Center \$1503.00; Utilities (2 recipients) NW Energy \$490.00; Medication (3 recipients) Kessler Pharm \$60.53, Emergency Poor Fund \$25.00; Burials (1 recipient) Carlsen Funeral Home \$1000.00. All members present voting aye. Motion carried.

### PERSONNEL:

Moved by Elliott, seconded by Wiese to approve hiring Tim Johnson as Seasonal Highway Employee, effective July 18, 2011 at \$9.76 per hour. All members present voting aye. Motion carried.

#### INDUSTRIAL ACCESS GRANT:

Moved by Wiese, seconded by Fischbach to approve and authorize the Chairman sign Application dated July 12, 2011 and the following Resolution dated July 5, 2011 for Industrial Park Access Grant Funds for the following project location: That portion of Brown County Highway 19 from the intersection of 8<sup>th</sup> Ave NE on the east edge of Aberdeen north for one mile at an estimated cost of \$906,250.00 (Local @ \$506,250.00, DOT \$400,000.00). All members present voting aye. Motion carried.

Commissioner Wiese offered the following Resolution:

#### RESOLUTION #54-11

#### RESOLUTION OF FINANCIAL COMMITMENT, RESPONSIBILITY FOR ROAD MAINTENANCE, AND SUPPORT FOR PROJECT

WHEREAS, Brown County is applying for an Industrial Access Grant through the South Dakota Department of Transportation (SDDOT) for Brown County, and

WHEREAS, the SDDOT requires a 40 percent local match for the construction costs of a project up to a specified amount; and

WHEREAS, the SDDOT required the local government agency to be responsible for the maintenance of improved road; and

WHEREAS, Brown County is in full support of this project and grant application;

THEREFORE, BE IT RESOLVED that Brown County will provide the local match needed to supplement the SDDOT grant. This match will be 40 percent of the construction costs as shown in the grant application.

THEREFORE, BE IT ALSO RESOLVED that Brown County will be responsible for maintenance of the improved road; and

THEREFORE, BE IT ALSO RESOLVED that Brown County expresses their full support and cooperation to the road improvement project and the SDDOT IAG application.

Dated this 5<sup>th</sup> day of July 2011.

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

#### LEASE AGREEMENTS:

Moved by Hansen, seconded by Elliott to approve the following lease agreements: The Juvenile Foresters for lease of the Richmond Lake Youth Camp on August 1-4, 2011; Floyd Schweigert for lease of the Club House on August 6-7, 2011. All members present voting aye. Motion carried.

#### AUDITORS REPORT OF ACCOUNT:

Moved by Wiese, seconded by Hansen to approve the June 2011 Auditor's Report of Account with the County Treasurer in total amount of \$14,818,753.27 (total amount of actual cash @ \$2,905.31, Wells Fargo Bank @ \$3,621.29, US Bank @ \$88,680.52, Dacotah Bank @ \$516,912.44, Petty Cash @ \$2,000.00, Fund Investments @ \$14,204,039.02, Outstanding Checks @ \$594.69). All members present voting aye. Motion carried.

#### LOTTERY APPLICATION:

Moved by Hansen, seconded by Fischbach to approve application, submitted by Groton Golf Association for a raffle to be held on July 22, 2011 (Brown County Speedway). All members present voting aye. Motion carried.

#### AMEND FIREWORKS PERMIT DATE:

Moved by Wiese, seconded by Elliott to amend the date on the Fireworks Public Display Permit, previously approved for Nick Guthmiller DBA Generation 2 Promotions, LLC (Brown County Speedway) to July 15, 2011 (second rain out occurred July 8<sup>th</sup>). All members present voting aye. Motion carried.

#### EASEMENT ADDENDUM:

Moved by Wiese, seconded by Fischbach to approve and authorize the Chairman sign Addendum to Easement with James Valley Wireless, LLC on a plot of land described as "Lot H-1 in the NW ¼ of Sec 3-T121N-R64W of the 5<sup>th</sup> P.M., Brown County, SD", allowing James Valley to construct a larger maintenance building, which will not interfere with the area being used by the Landfill for a dumpster site. All members present voting aye. Motion carried.

#### ORD 069:

Moved by Fischbach, seconded by Wiese to approve First Reading of Ordinance #069, An Ordinance Amending Second Revision Brown County Ordinances, Title 10, Chapter 10.02 Providing for times when on-and off-sale alcoholic beverage services prohibited in Brown County. All members present voting aye. Motion carried.

#### NADRIC BUDGET DISCUSSION:

NADRIC representatives Julie Pfeifer and Jan Patterson presented statistics and program information in regard to the 2012 NADRIC Budget request; and also discussed cost savings for the County when additional services are provided locally and stated that the additional services were not part of the 2011 budget request.

#### ROAD DISCUSSION (8<sup>th</sup> Ave NW):

Mike Scott, Landfill Manager and Officials from Mercier and Aberdeen Townships met to discuss landfill customers traveling on 8<sup>th</sup> Ave NW, west of the by-pass road rather than on State Highway 12 or County 12W, which are both designed for heavier traffic counts. Additional signs will be placed on the roadways and informational fliers will be distributed to the public.

#### CITIZEN REQUEST:

Al Waltman, area resident discussed the condition of Brown County 6 and expressed concerns about milling roads rather than resurfacing them. Jan Weismantel, Highway Superintendent was also in attendance.

#### EXECUTIVE SESSION:

Moved by Wiese, seconded by Hansen to go into executive session to discuss personnel/contract 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.

RECESS:

The Chairman declared the Commission recessed until July 19, 2011.

Maxine Fischer, Brown County Auditor

Published at the total approximate cost of \$\_\_\_\_\_.

JULY 19, 2011 – GENERAL MEETING

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

MINUTES:

Moved by Fischbach, seconded by Elliott to approve the General Meeting Minutes of July 12, 2011. All members present voting aye. Motion carried.

CLAIMS:

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

Payroll: Commissioners \$3,229.05; Auditor \$9,050.86; Treasurer \$11,131.04; Data Processing \$2,161.92; State's Attorney \$13,945.00; SVAWA Grant \$1,269.24; Blood Draws \$800.00; Maintenance \$6,084.97; Assessor \$11,219.03; Planning and Zoning \$1,867.00; Register of Deeds \$6,850.28; Veterans Service Office \$3,294.30; GIS \$1,965.93; Sheriff Adm \$28,224.96; Jail \$31,534.08; JDC \$13,261.11; HD \$3,883.83; 24/7 \$1,879.93; Communications \$23,133.62; Welfare Office \$3,240.20; Museum \$6,419.66; Parks & Fairgrounds \$5,985.71; Fairboard \$1,869.12; Weed \$4,739.44; Extension \$2,662.20; Emergency Management \$3,008.82; Teen Court \$526.30; Highway \$42,913.05; Landfill \$9,099.67; Matching Benefits: FICA \$15,015.95; Medicare \$3,511.69.

Supplies: Heartland Paper Company \$462.49, Crescent Electric \$117.12, McDonald Supply \$718.65, Interstate Powersystems \$135.00, Menards \$93.24, DT Pharmacy \$2155.09, Exhaust Pros \$26.83, Hoven Auto \$38.00, Pierson Ford \$115.06, Best Business Products \$302.19, Dakota Electronics \$729.74, The Sewing Shoppe \$6.00, Earthgrains \$57.60, Kesslers \$438.99, Tri State Water \$21.30, Cash Wa \$4769.35, Brick's TV \$514.50, Time Keeping Systems \$604.25, Taylor Laundry \$73.50, Dahme Construction \$6525.00, Farm Power Manufacturing \$644.84, Fastenal Company \$595.35, GCR Tires \$312.00, Great Western Tire \$2243.76, Hanlon Brothers \$157096.87, Lien Transportation \$135639.03, Pomp's Tire Service Inc. \$749.42, Winburn Construction \$7507.50, South Dakota Magazine \$285.00, Malsam Construction \$7178.77, Jacobs & Son \$1500.52, Swanson Electric \$4515.31, Ken's Alignment \$964.12, Schwan Welding & Boiler Repair \$236.00, TSC \$4.99, Motorola \$6948.45, Firestone Tires \$4204.96, Service Signs \$229.59, Schaeffer Mfg. Co \$409.80, Brick Propane \$21.00, Safe Harbor \$1992.50, NADRIC \$10000.00, SHI International Corp \$2228.45, John McQuillen \$162.99, Gear Networking \$5825.54, Hewlett & Packard \$224.00:

Jury: Frances Aldinger \$116.66, Erica Anderson \$21.48, Lisa Anderson \$24.44, Wayne Arment \$205.92, James Arneson \$11.48, Caroline Baine \$10.74, Michael Bain \$68.84, Trudi Bain \$21.48, Jarrod Blackbird \$22.96, Roger Brick \$244.40, Kristine Christianson \$114.44, Joann Cunningham \$22.96, Patricia Darling \$21.48, Kevin Dell \$112.22, Dawn Dewaard \$22.96, Linda Dewalt \$21.48, Mark Ducheneaux \$21.48, Gabreil Dutenhoffer \$112.22, Dean Erickson \$22.96, Darlene Fischer \$46.64, Leo Fleckenstein \$27.40, Autumn Frailey \$10.74, Gregory Freeland \$71.80, Virgil Frohling \$79.20, Amy Fust \$25.92, Marcella Gab \$111.84, Jeffery Ganer \$21.48, Jeff Goreham \$114.44, Michael Grieben \$21.48, Darrell Hagen \$22.96, Shawn Healy \$112.22, Lori Hofer \$33.32, Jody Hoffman \$12.22, Patricia Holm \$214.80, Vileen Holmes \$22.96, Carolle Hook \$10.74, Connor Hulshof \$112.22, Mark Jark \$48.12, Brian Jorgenson \$22.96, Galeyn Kersting \$21.48, Faye Kightlinger \$22.96, Kelli Kirkpatrick Fischer \$21.48, David Kolb \$202.96, Donald Lanpher \$11.48, Dennis Larson \$24.80, Leonard Lipp \$22.96, Laura London \$22.96, Annette Madsen \$114.44, William McCance \$39.24, Benjamin McCarthy \$21.48, Jeffery Mitchell \$22.96, Tanya Mitchener \$10.74, Charles Mitzel \$27.40, Beth Muzzy \$21.48, Brandon Nichols \$112.22, Nancy Odde \$118.88, Kathy O'Keefe \$21.48, Donald Olson \$21.48, Nicole Osborne \$22.96, Deborah Pagel \$21.48, Jeanine Peterson \$22.96, Craig Pfitzer \$21.48, Julie Pigors \$154.40, Allison Poirier \$22.96, Collin Rasmussen \$21.48, Virginia Rohrbach \$21.48, Theresa Rux \$10.74, Terry Salfrank \$11.48, Sharon Sauer \$10.74, Helen Schauer \$22.96, Sara Schmidt \$27.40, Mary Schwab \$25.92, Susan Seaton \$17.40, Holly Shields-Peck \$22.96, Ricky Sitter \$10.00, Suzanne Souza \$116.66,

Charles Sudlow \$10.74, George Sullivan \$112.22, William Svensen \$22.96, Wenda Tomek \$11.48, Teresa Traxinger \$209.90, Tom Vanscoy \$12.22, Mary Wedemann \$21.48, Linda Weers \$112.22, Chelsey Weldon \$116.66, Emily West \$10.74, Dennis White \$112.22, Kayla White \$21.48:

Publications: American News \$366.10, Groton Indep \$87.72:

Travel: City of Groton \$203.13, Travel Leaders \$4003.80, SDEMA \$80.00:

Professional Fees: Dependable Sanitation \$26664.26, Grote Roofing \$2590.00, LexisNexis \$50.00, Avera Health \$350.00, Steven Lust \$378.34, Intoximeters \$110.05, Bonnie Bitz \$72.00, West Payment Center \$1372.23, Pacer \$11.36, Language Line \$90.00, Sanford Health \$83.00, Furgo Horizons, Inc \$165000.00, Nancy Schlichenmayer \$120.00, Lewis & Clark BHS \$852.00:

Court Appointed Attorney: William Gerdes \$237.80, Kabeiseman & Pollard \$340.00, Fox, Youngberg & Lewno \$171.16, Horn & Koletzky \$192.60:

Transcription: Michelle Gaikowski \$95.20, Kristi Brandt \$92.40:

Utilities: City Treasurer \$24.39, Northwestern Energy \$1032.30, Qwest \$60.20, Northern Electric \$1368.92, Northern Valley \$140.12, Northern Wireless \$149.90, Midcontinent Communications \$82.67, Qwest/Bur of Admin \$2118.98:

Care of Poor: Rent (4 recipients) Danne Inc \$280.00, Country Village \$226.02, Bruce Boschee \$300.00, Aberdeen Housing Authority \$280.00; Dr/Medical (1 recipient) Avera Heart Hospital of SD \$2146.24;

Utilities: (2 recipient) Northwestern Energy \$234.55. All members present voting aye. Motion carried.

#### PERSONNEL:

Moved by Fischbach, seconded by Elliott to approve the following employee step increases, effective July 24, 2011: Russ Ochsner @ \$16.13 per hour, Bobbie Bierman @ \$13.08 per hour, Keith Baker @ \$17.88 per hour, Teresa Mann @ \$12.67 per hour. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Wiese to approve the following employee status changes, effective July 25, 2011: Ross Erickson from Chief Jailer to Sheriff Investigative Deputy at \$16.98 per hour and Stanley Schultz from Correctional Officer to Sheriff Field Deputy at \$16.39 per hour. All members present voting aye. Motion carried.

Moved by Elliott, seconded by Wiese to acknowledge resignation of Jan Beckler, effective July 22, 2011. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Elliott to authorize overtime for Highway blade operators (on rotating basis) to work on Saturday for purpose of gravel and gravel patched road blading. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Wiese to approve hiring Mark Reedstrom as temporary Deputy States Attorney for purpose of prosecuting a conflict case at \$82.00 per hour plus \$0.37 per mile travel expense, effective July 19, 2011 until case complete. All members present voting aye. Motion carried.

#### SHERIFF REPORTS:

Moved by Fischbach, seconded by Wiese to approve the following June 2011 Sheriff Reports: Incidents and offenses; Prisoner care, JDC, Money deposited with the County Treasurer and Monthly activities. All members present voting aye. Motion carried.

#### LOTTERY APPLICATION:

Moved by Wiese, seconded by Elliott to approve application, submitted by Aberdeen Rural Firefighters for a raffle to be held on September 10, 2011 (Brown County Speedway). All members present voting aye. Motion carried.

#### SPECIAL MALT BEVERAGE LICENSE:

Moved by Wiese, seconded by Fischbach to approve application for a Special Malt Beverage License: Groton Chamber of Commerce, PO Box 21, Groton, S.D. 57445 – E ½ E ½ SE ¼ Sec 19-T123N-R60W and W ½ W ½ SW ¼ Sec 20-T123N-R60W of the 5<sup>th</sup> P.M., Brown County, SD, effective July 22 & 23 and 24, 2011. All members present voting aye. Motion carried.

#### TEMPORARY ALCOHOLIC BEVERAGE LICENSE:

Moved by Wiese, seconded by Fischbach to approve application for a Temporary Alcoholic Beverage License: P'ZA Inc (James Ronning) DBA Anchors Away Lodge Resort and Banquet Center, 12800 S Shore Drive, Aberdeen, SD 57401 – Richmond Resort OL 2 NE 25-T124N-R65W of the 5<sup>th</sup> P.M., Brown County, SD, effective July 30, 2011. All members present voting aye. Motion carried.

#### INTEREST STATEMENT:

Moved by Fischbach, seconded by Elliott to accept for filing the April - June 2011 Interest Statement, submitted by County Treasurer Sheila Enderson. All members present voting aye. Motion carried.

#### FAIRGROUNDS GRANDSTAND DEDICATION:

Commissioner Elliott offered the following Resolution:

#### RESOLUTION #55-11 FAIRGROUNDS GRANDSTAND DEDICATION

WHEREAS, the Brown County Fairgrounds Grandstand has been the site for many events, large and small for many years, and

WHEREAS, Larry Gerlach was instrumental in the continued success of the Brown County Fair, and supported all events held at the Fairgrounds, including the Brown County Speedway, as well as efforts in the beautification of the grounds, and

WHEREAS, members of the Fair Board, past and current and many local Brown County residents have suggested that the Grandstand be named to honor Larry Gerlach's love and support of all Grandstand activities, and

WHEREAS, contributions have been secured for a permanent sign naming the grandstand in honor of Larry Gerlach.

NOW, THEREFORE BE IT RESOLVED by the Brown County Commission on behalf of all Fair Board Members (past and present) and all area residents that the Fairgrounds Grandstand be dedicated and named in memory of Larry Gerlach.

FURTHER BE IT PROCLAIMED that a formal dedication ceremony shall be held on Sunday August 14, 2011 naming the Fairgrounds Grandstand the

#### BROWN COUNTY FAIR LARRY GERLACH GRANDSTAND

Dated this 19<sup>th</sup> day of July 2011

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

#### ABATEMENTS:



120  
Moved by Elliott, seconded by Wiese to approve the following abatements: Bruce Le @ \$22.11 and @ \$21.61 (MH condemned). All members present voting aye. Motion carried.

**AGRI-BUSINESS ACCESS GRANT:**

Moved by Wiese, seconded by Elliott to approve and authorize the Chairman sign Application for Agri-Business Access Grant Funds for the following project location: Brown County 14W from US Highway 281 to Brown County 10 in estimated amount of \$1,398,220.00 (Local @ \$523,288, Other @ \$200,000, DOT \$838,932); and further attach Resolution #64-10 as county funding commitment. All members present voting aye. Motion carried.

**ORD 069:**

Moved by Elliott, seconded by Fischbach to approve Second Reading and adoption of Ordinance #069, An Ordinance Amending Second Revision Brown County Ordinances, Title 10, Chapter 10.02 Providing for times when on-and off-sale alcoholic beverage services prohibited in Brown County. Roll call vote: Commissioners Hansen-absent, Elliott-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Ordinance adopted.

**GRANT AGREEMENT LANDFILL:**

Moved by Wiese, seconded by Fischbach to approve and authorize the Chairman sign SD Regional Landfill Appropriation Funding Agreement in amount of \$298,230 (total @ \$745,575) with the Department of Environment and Natural Resources (DENR) for purchase of a compactor for the Brown County Landfill. All members present voting aye. Motion carried.

**BID – CRUSHED GRAVEL:**

Moved by Wiese, seconded by Fischbach to award bid to HF Jacobs & Sons Construction for Crushed Gravel, as bid and awarded by the City of Aberdeen on March 21, 2011. All members present voting aye. Motion carried.

**RECESS**

The Chairman declared the Commission recessed until July 26, 2011.

Maxine Fischer – Brown County Auditor

Published once at the total approximate cost of \$\_\_\_\_\_.

## JULY 26, 2011 – GENERAL MEETING

Meeting called to order by Chairman Sutton at 8:45 A.M. in the Commissioners Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Elliott, Fischbach and Wiese. Chairman Sutton led the Pledge of Allegiance.

### MINUTES:

Moved by Wiese, seconded by Elliott to approve the General Meeting minutes of July 19, 2011. All members present voting aye. Motion carried.

### CLAIMS:

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

Supplies: Exhaust Pros \$26.83, West Payment Center \$558.88, Best Business Products \$172.54, A&B Business \$32.90, Gov Connection \$1151.71, Malsam Construction \$2246.02, Ace Refrigeration \$159.12, Pierson Ford \$1818.97, Pro Ag Supply \$512.95, Active Data Systems \$5453.73, PC Mall Gov \$676.94, Heartland Paper \$824.46, Geffdog \$359.16, B&B Contracting \$281.25, Diesel Machinery \$5000.00, Hanlon Brothers \$12011.48, Highway Improvement \$49999.04, Howes Oil Company \$51090.30, Huron Culvert & Tank \$11281.50, HF Jacobs & Sons \$119018.10, Kaiser Gravel Pit \$377.43, Krueger Brothers Gravel \$2732.15, Lien Transportation \$36577.01, Nelson Sales & Service \$15.24, Myers Tire Supply \$135.21, Newman Traffic Signs \$739.04, North Central Farmers Elevator \$7907.10, Outlaw Graphics \$42.00, Advantage Self Storage \$1656.00, Sherwin Williams \$113.85, Pizza Ranch \$58.95, US Bank \$8746.21, Bureau of Info & Telecommunications \$3000.00, Auto Glass Solutions \$226.83:

Publications: American News \$413.27, Groton Independent \$84.83:

Transcription: Michelle Gaikowski \$119.00:

Travel: Gene Loeschke \$83.99, Leo Leshner \$132.83, Dware Inc \$90.00, SDSU AG & Biosystems Engineering \$40.00, Extension Service \$389.37, Scott Madsen \$26.00:

Professional Fees: Sanford Health \$57.00, Dental Center \$74.00, Avera St. Lukes \$432.35, Yankton County \$518.75, Sheriff of Yankton County \$50.00, Office of Minnehaha County \$67.50, Shepherd Reporting \$50.00, Slowey Court Reporting Service \$165.00, Language Line \$88.20, Craig Haugard \$30.00, Big Stone Radio \$2000.00, Northern Electric \$300.00, United Accounts \$538.36, Dependable Sanitation \$14453.00, Claims Associates \$1303.45 NEMH \$746.13:

Court Appointed Attorney: Kabeiseman & Pollard \$170.00, Gina Rogers \$5520.83, Christopher Dohrer \$5770.83, Kuck Law Office \$5520.83, Christy Serr \$5770.83:

Utilities: NVC \$1128.11, Northwestern Energy \$60.36, AT&T \$42.39, Qwest \$2376.53:

Care of Poor: Rent (4 recipients) J&O Apartments \$97.00, GPHC, LLC \$140.00, Eisenbeis Mobile Home Crt \$200.00; Dr/Medical (10 recipients) Avera St. Lukes \$1931.68, Dakota Plains Surgical Center \$897.00, Orthopedic Surgery Specialist \$832.54, Avera Medical Group Endocrinal \$167.79, Medical Xray Center, PC \$12.82, Anesthesia Care \$260.00, Lori's Pharmacy \$613.69, Sanford Health \$46.54;

Utilities: (3 recipients) City of Aberdeen \$197.57, Northwestern Energy \$238.34; Transportation: (4 recipients) Jefferson Lines \$148.00, BC Highway Department \$42.30. All members present voting aye. Motion carried.

### PERSONNEL:

Moved by Elliott, seconded by Fischbach to approve employee classification change, effective July 25, 2011 for the following: Lisa Samson, Elections Deputy @ \$14.27 per hour; Daryl Lloyd, Highway Outside Shop Foreman @ \$14.93 per hour. Roll call vote: Commissioners Hansen-aye, Elliott-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Motion carried.

Moved by Wiese, seconded by Hansen to approve hiring Brandon Mills as full-time Corrections Officer in the Jail, effective August 8, 2011 @ \$13.07 per hour. All members present voting aye. Motion carried.

PLATS:

Commissioner Wiese offered the following Resolution:

RESOLUTION #56-11

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Ellwein's Outlot 3 in the NW ¼ of Sec 13-T126N-R64W of the 5<sup>th</sup> P.M., Brown County, SD", having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof.

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

Commissioner Wiese offered the following Resolution:

RESOLUTION #57-11

BE IT RESOLVED by the Board of Commissioners of Brown County, SD, that the plat showing "Roger Arlt Addition in the SW ¼ of Sec 25-T124N-R64W of the 5<sup>th</sup> P.M., Brown County, SD", having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof.

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

VACATE PLATS – SET HEARING:

Moved by Hansen, seconded by Wiese to set hearing date to consider petition to vacate the following plats: "Lot 1, 2 and 3 and Chicago & Northwestern Railway Right of Way and any interest we may have in any abandoned state, county or township or highway located in the NE ¼ of Sec 9-T124N-R63W and Lot 1 in the NW ¼ of Sec 10-T124N-R63W of the 5<sup>th</sup> P.M., Brown County, SD (South side of 125<sup>th</sup> Street, East and West side of Brown County 14/391<sup>st</sup> Ave)"; "Outlot 5 in the E ½ of Sec 10-T122N-R64W of the 5<sup>th</sup> P.M., Brown County, SD (North side of 138<sup>th</sup> Street, West side of 386<sup>th</sup> Ave), to be held in the Commissioner's Chambers, Courthouse Annex, Brown County, South Dakota at 9:00 A.M. on August 9, 2011. All members present voting aye. Motion carried.

ORDINANCE 070:

Moved by Hansen, seconded by Wiese to authorize advertising public hearing to be held at 8:45 a.m. on August 16, 2011 in the Commission Chambers, Courthouse Annex, Brown County, SD for First Reading of the following: Ordinance #070, An Ordinance to rezone the following property from Chapter 4.06 Agricultural Preservation District (AG-P) to Chapter 4.10 Lake Front Residential District (R-3): Thorpes Fifth Elm Lake Subdivision in the NE ¼ and SE ¼ of Sec 17-T128N-R65W of the 5<sup>th</sup> P.M., Brown County, SD (West Elm Lake Road south of Brown County 3A/102<sup>nd</sup> Street). All members present voting aye. Motion carried.

ORDINANCE 071:

Moved by Hansen, seconded by Wiese to authorize advertising public hearing to be held at 8:50 a.m. on August 16, 2011 in the Commission Chambers, Courthouse Annex, Brown County, SD for First Reading of the following: Ordinance #071, An Ordinance to rezone the following property from Chapter 4.06 Agricultural Preservation District (AG-P) to Chapter 4.10 Lake Front Residential District (R-3): Flying T Elm Lake Subdivision in the NE ¼ of Sec 17-T128N-R65W of the 5<sup>th</sup> P.M., Brown County, SD (West

Elm Lake Road south of Brown County 3A/102<sup>nd</sup> Street). All members present voting aye. Motion carried.

#### LEASE AGREEMENT:

Moved by Wiese, seconded by Fischbach to approve the following lease agreement: Lindley Harrington/Craig Howard for lease of the Richmond Lake Youth Camp on September 8-11, 2011. All members present voting aye. Motion carried.

#### BRIDGE INSPECTION WORK ORDER:

Moved by Fischbach, seconded by Wiese to approve and authorize the Chairman sign Bridge Inspection Work Order #B1-04-11 for SDDOT Project BR NBIS(26), PCN 00ZQ with Clark Engineering Company to complete bridge inspections for Brown County structures in 2012. All members present voting aye. Motion carried.

#### APPLICATION FOR OCCUPANCY:

Moved by Hansen, seconded by Elliott to approve and authorize the Chairman sign application, submitted by Northwestern Energy Company for occupancy of Brown County Highway #14 in Sec 25/36-T123N-R64W, Brown County, SD to provide sanitary sewer service. All members present voting aye. Motion carried.

#### TRAVEL APPROVAL:

Moved by Elliott, seconded by Wiese to approve travel and county vehicle expenses for Jan Weismantel to attend the "MINK" Conference in St. Joseph, MO on September 20-21, 2011. All members present voting aye. Motion carried.

#### EXECUTIVE SESSION:

Moved by Fischbach, seconded by Wiese to go into executive session to discuss contract and personnel 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.

#### EXECUTIVE SESSION:

Moved by Wiese, seconded by Hansen to go into executive session to discuss contract 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.

#### RECESS:

The Chairman declared the Commission recessed until August 2, 2011.

Maxine Fischer, Brown County Auditor

Published once at the total approximate cost of \$\_\_\_\_\_.

## AUGUST 2, 2011 – GENERAL MEETING

Meeting called to order by Chairman Sutton at 8:45 A.M. in the Commissioners Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Elliott, Fischbach and Wiese. Chairman Sutton led the Pledge of Allegiance.

### MINUTES:

Moved by Wiese, seconded by Fischbach to approve the General Meeting minutes of July 26, 2011. All members present voting aye. Motion carried.

### CLAIMS:

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

Payroll: Commissioners \$3,229.05; Auditor \$7,596.05; Treasurer \$11,148.64; Data Processing \$2,362.39; State's Attorney \$14,238.64; SVAWA Grant \$1,269.24; Blood Draws \$400.00; Maintenance \$5,884.51; Assessor \$11,219.03; Planning and Zoning \$1,902.88; Register of Deeds \$6,818.88; Veterans Service Office \$3,294.30; GIS \$1,965.93; Sheriff Adm \$26,226.69; Jail \$29,264.36; JDC \$13,081.10; HD \$3,916.80; 24/7 \$1,792.52; Communications \$21,060.58; Welfare Office \$3,240.20; Museum \$6,419.66; Parks & Fairgrounds \$6,244.42; Fairboard \$2,222.00; Weed \$5,029.07; Extension \$2,542.05; Emergency Management \$3,008.82; Teen Court \$283.93; Highway \$44,960.55; Landfill \$9,243.85; Matching Benefits: FICA \$15,491.71, Medicare \$3,623.04, Life \$569.70, Dental \$5258.24, Health Ins \$86,319.20, Retirement \$43,643.55:

Supplies: QQP \$1737.08, A&B Business \$182.75, West Payment Center \$1550.00, Richards & Oliver \$264.62, Crescent Electric \$13.00, Time Works \$233.70, Nelson Sales \$38.09, Custom Sheet Metal \$4500.00, Heartland Paper \$119.96, Menards \$1201.52, American Health & Safety \$670.00, Moore Medical \$505.90, Hoven Auto \$40.50, Exhaust Pros \$26.83, Steven Lust \$103.35, The Pantorium \$17.45, Otis \$807.48, Detco \$1776.11, HF Jacobs \$4178.06, Lien Transportation \$52471.37, Fred Ludwig Trucking \$2265.75, Share Corp \$250.00, SD DOT \$79.71, Hagan Insurance Group \$481.00, Fastenal \$5.26, Van Diest Supply \$14848.60, West \$120.75, Active Data Systems \$336.53, Griese Construction \$5441.65, Ace Refrigeration \$366.18, House of Glass \$31.04, WSI Internet \$300.00, Runnings \$447.81, Spotslam \$1615.00, Lois Davis \$30.00, Pat Dennert \$30.00, Pheasantland \$89.43, Prodigy Touring \$60,000.00, Josh Turner Enterprise \$55,000.00, Bellamy Brothers \$10,000.00, John Anderson, Inc. \$18,500.00, Frankie Ballard Ent \$8000.00, Best Business \$92.81, Geffdog \$804.04, Dakota Electronics \$488.30, Rinse & Go Car Wash \$100.00, CMRS-FP \$5000.00, Schwan Welding \$206.70, Pizza Ranch \$487.85, LBG Inc. \$4913.63, Butler Machinery \$1477.28, Powerplan \$30.15, Lang's TV \$47.70, Aberdeen Karting \$500.00, Woodman Refrig \$13,631.34, Michael Carlsen \$130.40:

Publications: American News \$465.63:

Transcription: Kristi Brandt \$80.80, Tammy Erickson \$357.60, Slowey Court Reporting Service \$165.00:

Travel: Jodi Brown \$241.98, Brandon Taliferro \$241.98, Kathy Fischer \$117.29:

Professional Fees: Dept. of Revenue \$1781.00, Great Plains \$1781.00, Avera McKennan \$129.00, SD Judicial System \$10.00, witness fees \$60.00, Avera St Lukes \$2286.52, Ecolab Pest \$180.00, Lutheran Social Services \$58.92, Aberdeen Advanced Care \$100.19, David Hosmer \$105.83, Dental Center \$93.00, Sivertsen Technology \$6900.00, Kristi Spitzer \$425.00, Rich Weber \$5500.00, VRBR Productions \$1000.00, Rodeo Secretary \$2800.00, Amy Engelhart \$750.00, Bath Fire Dept. \$500.00, Glacial Lakes Chili \$150.00, Romeo Entertainment \$26,500.00, NSU Wrestling \$500.00, Alex Massa \$250.00, Keith Trinko \$372.47:

Court Appointed Attorney: Siegel, Barnett & Schutz \$495.49:

Utilities: AT&T \$2216.77, Bureau of Information \$2250.00, Qwest \$41.60 Midcontinent Communications \$7725.39, Montana Dakota Utilities \$23.85, Northwestern Energy \$12902.20, City of Aberdeen \$2014.69, WEB Water \$325.11, Alltel \$1671.56:

Care of Poor: Rent (1 recipient) Sylvia Karst \$200.00; Dr/Medical (6 recipients) Avera McKennan \$7530.90, Avera St Lukes \$26302.91; Utilities (2 recipients) City of Aberdeen \$610.58; Transportation (3

recipients) Jefferson Lines \$167.00, Aberdeen Shuttle & Taxi \$198.00; Burial (1 recipient) Spitzer Miller Funeral Home \$1765.00; Insurance (1 recipient) Allied Benefit Systems \$480.33. All members present voting aye. Motion carried.

#### PERSONNEL:

Moved by Fischbach, seconded by Wiese to approve the following employee step increases, effective August 7, 2011: Sherri Rawstern @ \$14.51 per hour, Dennis VanHeerde @ \$15.02 per hour. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Elliott to approve hiring Andrea Sjomeling, as Chief Deputy Auditor for Payroll, effective August 15, 2011 at \$19.81 per hour. All members present voting aye. Motion carried.

Moved by Elliott, seconded by Wiese to approve hiring Dwayne Nelson, as part-time Landfill Employee, effective August 1, 2011 at \$12.43 per hour. All members present voting aye. Motion carried.

Moved by Elliott, seconded by Wiese to approve hiring Jaci Schley @ \$10.10 per hour and Winnie Kelly @ \$9.17 per hour, effective August 15 – 22, 2011 at the Brown County Fair Office during the 2011 Brown County Fair. All members present voting aye. Motion carried.

#### ABATEMENTS:

Moved by Wiese, seconded by Hansen to deny request for Abatement in amount of \$2,158.20, upon recommendation of the Director of Equalization. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Hansen to approve the following Abatements: Brandon Moser @ \$146.72, Lelana Holguin @ \$76.83, Tessa Wilson @ \$118.84, Christy Johnson @ \$38.43, George Lindboe @ \$17.48, Greg Ackerman @ \$52.39, Chalesa Hagen @ \$32.38, Leo Olson @ \$53.97, Larry Dingman @ \$64.77, Tomalyn Williams @ \$64.77, Brenda Rath @ \$53.97, Michael Green @ \$52.39, Nathaniel Wendt @ \$43.65, Dennis Hasvold @ \$17.48, mobile homes destroyed or moved off site. All members present voting aye. Motion carried.

#### LEASE AGREEMENT:

Moved by Wiese, seconded by Hansen to approve the following agreement: Primrose Retirement Communities for lease of the Fairgrounds on July 30, 2011. All members present voting aye. Motion carried.

#### SET HEARING DATE:

Moved by Fischbach, seconded by Wiese to set public hearing for Ordinance No. 11-08-03/397, An Ordinance to amend 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: Proposed Lot 1, Manning Addition in the SW ¼ of Sec 3-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD. Ordinance No. 11-08-04/398, An Ordinance to amend Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 714 (M-AG) Mini-Agricultural District : Proposed Lot 1, Sunset Memorial Gardens Maintenance Addition in the SW ¼ of Sec 14-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD. Ordinance No. 11-08-05/399, An Ordinance to amend the Municipal Code and Brown County Ordinances regarding electronic message board signs. Ordinance No. 11-08-06/400, An Ordinance to amend the Municipal Code and Brown County Ordinances regarding signs, to be held on August 23, 2011 at 8:45 a.m. in the County Commission Chambers, 25 Market Street, Aberdeen, SD. All members present voting aye. Motion carried.

#### EXECUTIVE SESSION:

Moved by Wiese, seconded by Fischbach to go into executive session to discuss potential litigation with Kim Dorsett, Jan Weismantel and Gary Vetter 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.

#### APPLICATION FOR OCCUPANCY:

Moved by Elliott, seconded by Wiese to approve and authorize the Chairman to sign application, submitted by WEB Water Development for occupancy of North Shore Drive in Sec 19-T124N-R64W, Brown County, SD, to provide potable water line. Roll call vote: Hansen-abstain, Elliott-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Motion carried.

#### SIGNING PROJECT AMENDMENT #2:

Moved by Wiese, seconded by Fischbach to approve and authorize the Chairman sign Amendment #2 for Project PH 8007(210), PCN 01UC, Agreement #410404, Work Order LA-156-09 with NJS Engineering and the SDDOT, increasing fixed fee from \$16,314.80 to \$17,150.47 and increasing maximum limiting amount from \$184,411.67 to \$193,818.58. All members present voting aye. Motion carried.

#### BEEF PLANT PLAN:

Todd Meierhenry, Attorney retained for Tax Increment Financing District discussed changes in the 2011 Legislative Session that gives the County the option of utilizing a Developers Agreement Grant or Bonds and explained that both options solidly pledge taxes as payment. If the real estate taxes are not paid, the obligations cannot be paid. The Developers Agreement Grant is less restrictive and stated an amended plan can be presented to the Planning Commission for recommendation to the Commission.

#### DETOX BILLS:

Charlene Millim, Welfare Director discussed bills received by the County for individuals in DETOX. Avera St Lukes Representatives Jeff Steele, Julie Pfeiffer and Micki Huettl explained that the consequences of excessive alcohol use may become a medical emergency for some and not others and the bills reflect the level of care required for each case.

#### EXECUTIVE SESSION:

Moved by Hansen, seconded by Wiese to go into executive session to discuss potential litigation with Kim Dorsett and Charlene Millim 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.

#### ROAD DISCUSSIONS:

Larry Krause met to discuss washout around culverts on 146<sup>th</sup> Street and offered to work with the Highway Department to upgrade condition. Larry Stroschein was also in attendance.

Jennifer Gustafson, spokesperson for the Langford Area and Groton Area School Districts discussed need for maintenance to be completed on Brown County 11 and 20 prior to the new school year to prevent bus route detours, which could add over 30 miles of travel for the students.

Al Waltman discussed rumor that Brown County 6 northwest of Richmond will be milled in the near future. The Commission stated there are no immediate plans to mill Brown County 6.

#### RECESS:

The Chairman declared the Commission recessed until August 9, 2011.

Maxine Fischer, Brown County Auditor

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## AUGUST 2, 2011 – SPECIAL MEETING

A Special Meeting of the Brown County Commission was convened by Chairman Sutton at 3:00 p.m. on August 2, 2011 in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Elliott, Fischbach and Wiese. Todd Meierhenry, Attorney retained for TIF, States Attorney Kim Dorsett, Highway Superintendent Jan Weismantel, Planning/Zoning Administrator Gary Vetter, Aberdeen City Officials and Northern Beef Plant Officials were in attendance.

The need to build up the road to the Beef Plant at an approximate cost of \$1.2 million was discussed.

Mr. Meierhenry will prepare an Amended Plan for the TIF, which will include proposals for the County and Beef Plant to share the cost of the road, or require as part of Amended Plan. The Amended Plan will be presented to the Planning Commission for consideration on August 16, 2011 at 7:00 P.M.

Moved by Wiese, seconded by Fischbach to adjourn the Special Meeting of the Brown County Commission. All members present voting aye. Motion carried.

Maxine Fischer, Brown County Auditor

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## AUGUST 9, 2011 – GENERAL MEETING

Meeting called to order by Chairman Sutton at 8:45 A.M. in the Commissioners Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Elliott and Fischbach. Commissioner Wiese was absent. Chairman Sutton led the Pledge of Allegiance.

### MINUTES:

Moved by Fischbach, seconded by Elliott to approve the General Meeting minutes and the Special Meeting minutes of August 2, 2011. All members present voting aye. Motion carried.

Moved by Hansen seconded by Fischbach to acknowledge that the amended Beef Plant Plan will be discussed at the September 20, 2011 Planning & Zoning Commission Meeting rather than at the August 17, 2011 meeting. All members present voting aye. Motion carried.

### CLAIMS:

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

Supplies: Cash-Wa \$5751.38, Graham Tire \$271.83, Taylor Laundry \$101.00, Digital Ally \$67.50, Midstates \$1122.96, Dakota Electronics \$934.18, A&B Business \$46.40, Executive Mgmt \$1339.06, Marco \$154.57, NEMH \$3224.00, Ameripride \$558.62, Secretary of State \$30.00, Bakken Building Maint. \$500.00, Cartney Bearing \$422.96, Crady's Radiator \$779.86, Crawford Trucks \$2049.43, Cunningham Electric \$829.58, Herb Dabbert \$6284.25, Dakota Oil \$462.20, Diamond Mowers \$283.18, Diesel Machinery \$917.29, Farnams \$69.10, General Irrigation \$9838.25, Gillund Enterprises \$173.76, Great Western Tire \$13959.52, J Gross Equipment \$3600.00, Hanlon Brothers \$92406.18, Hecla Implement \$17.74, Hedahl's \$89.12, House of Glass \$764.05, Howes Oil Company \$24869.27, Huron Culvert \$8015.36, Instate Battery \$172.08, Keeley's \$1021.44, Lien Trans \$73,373.59, Fred Ludwig Trucking \$3180.00, Macs \$288.77, Menards \$674.71, Midwest Pump \$128.52, Pierson Ford \$11.96, Power Plan \$3685.44, Praxair \$90.77, Runnings \$352.96, Sheehan \$14228.92, Specialty Mfg \$713.21, Steven Lust \$486.00, Volk Upholstery \$81.90, Wallwork Truck Center \$92.39, Winburn Construction \$9165.00, GLAS Consulting \$67.50, Sherwin Williams \$167.50, Aberdeen Asphalt \$12108.70, Ben Hofer Backhoe \$2374.95, North Central Steel \$69040.60, GCR Tires \$31.00, Connecting Point \$400.00, Dakota Supply Group \$1786.59, Heartland Paper \$3227.13, Kessler's \$178.44, Claritus \$301.54, Danko \$39.48, Dakota Fluid Power \$193.76, Full Circle Ag \$1594.14, New Deal Tire \$29640.38, Lang's \$53.00, SD Dept. of Revenue \$4088.91, North Central Farmer's Elevator \$9155.59, Grote Roofing \$1000.00, Midwest Alarm \$488.28 Aberdeen, Plumbing \$402.85, GovConnection \$224.33, Hewlett Packard \$1421.25, SDN Tech \$864.00, Active Data \$278.02, Geffdog \$240.00, Ecolab \$205.00:

Publications: American News \$612.69:

Transcriptions: Kristi Brandt \$401.80:

Travel: Scott Meints \$211.00:

Professional Fees: Sanford Clinic \$41.53, Avera St. Lukes \$2052.40, Dakota Imaging \$8.14, Human Service Center \$600.00, Dept. of Legislative Audit \$23,842.50, Donna Dietrich \$148.94, Lincoln County \$85.50:

Court Appointed Attorney: Marshall Lovrien \$512.34, Kennedy, Pier & Knoff \$118.80:

Utilities: NVC \$1031.46, Town of Frederick \$32.25, James Valley Coop \$347.48, Midcontinent Comm \$82.67, NW Energy \$1071.44, AT&T \$160.98, City Treasurer \$1074.63, Dependable Sanitation \$4313.44:

Care of Poor: Rent (10 recipients) Norman Fjelstad \$280.00, White House Inn \$1290.00, Zumbaum Property Management \$260.00, BMI \$91.00, Foxridge Apartments \$210.00; Dr/Medical (8 recipients) McGreevy Clinic Avera \$434.50, Sanford Clinic \$106.95, United Clinic Pharmacy \$718.32, Kesslers \$4.28, Kmart Pharmacy \$347.52, Walmart Pharmacy \$363.35, Lori's Pharmacy \$124.35; Utilities (1 recipient) Northwestern Energy \$178.12; Transportation (1 recipient) Jefferson Lines \$100.00; Burial (1

recipient) Spitzer Funeral Home \$1765.00, City of Aberdeen \$450.00; Insurance (1 recipient) Wellmark BCBS \$533.25. All members present voting aye. Motion carried.

#### PERSONNEL:

Moved by Elliott, seconded by Hansen to approve hiring Wayne Neaveill and Allan Mivshek as temporary Fairgrounds employees, effective August 15 – 21, 2011 at \$9.17 per hour. All members present voting aye. Motion carried.

#### LEASE AGREEMENT:

Moved by Hansen, seconded by Elliott to approve the following lease agreement: NESD Celtic Faire & Games for lease of the Expo Building and Expo Addition on September 17-18, 2011. All members present voting aye. Motion carried.

#### AUDITORS REPORT OF ACCOUNT:

Moved by Hansen, seconded by Elliott to approve the July 2011 Auditor's Report of Account with the County Treasurer in total amount of \$12,892,862.40 (total amount of actual cash @ \$3,168.10, Wells Fargo Bank @ \$3,621.29, US Bank @ \$71,788.82, Dacotah Bank @ \$441,212.97, Petty Cash @ \$2,000.00, Fund Investments @ \$12,370,739.32, Outstanding Checks @ \$331.90). All members present voting aye. Motion carried.

#### LOTTERY APPLICATION:

Moved by Fischbach, seconded by Hansen to approve application, submitted by Aberdeen Area Child Protection Team for a raffle to be held on September 2, 2011 (Brown County Speedway). All members present voting aye. Motion carried.

#### SHERIFF REPORTS:

Moved by Hansen, seconded by Fischbach to approve the following July 2011 Sheriff Reports: Incidents and offenses; Prisoner care, JDC, Money deposited with the County Treasurer and Monthly activities. All members present voting aye. Motion carried.

#### FLEX BENEFIT PLAN:

Moved by Fischbach, seconded by Elliott, to approve and authorize the Chairman to sign agreement with Eide Bailly to provide administrative services for the Brown County flexible benefits plan effective July 1, 2011. All members present voting aye. Motion carried.

#### SPECIAL MALT BEVERAGE AND TEMPORARY WINE LICENSES:

Moved by Elliott, seconded by Fischbach to approve and authorize the Chairman sign the following Special Malt Beverage License Applications: Aberdeen Hockey Association – Brown County Fairgrounds (Clubhouse) SW ¼-Sec 1-T123N-R64W, effective August 15, 16, 17, 18, 19, 20 and 21, 2011; Centennial Village Inc - Brown County Fairgrounds (Centennial Village) SW ¼ Sec 1-T123N-R64W, effective August 16, 17, 18, 19, 20 and 21, 2011; Boys & Girls Club - Brown County Fairgrounds (Grandstand) SW ¼ Sec 1-T123N-R64W, effective August 15, 16, 17, 18, 19, 20 and 21, 2010; Temporary On-Off Sale Wine License Application: Kessler's Inc. (RW19541)– Brown County Fairgrounds (Kessler's Tent) SW ¼-Sec 1-T123N-R64W, effective August 20, 2011; Temporary On Sale Farm Wine License Applications, submitted by Valiant Vineyards Inc (FW0001) and Schade Vineyard Inc (FW0003) – Brown County Fairgrounds (Special Tent) SW /14 1-T123N-R64W, effective August 18, 19 & 20, 2011; Temporary Off- Sale Farm Wine License Applications, submitted by Valiant Vineyards Inc (FW0001) and Schade Vineyard Inc (FW0003) – Brown County Fairgrounds (Special Tent) SW /14 1-T123N-R64W, effective August 18, 19 & 20, 2011 (maps indicating specific area licensed on file with applications). All members present voting aye. Motion carried.

# 2012 BUDGET PRESENTATION:

Cindy Gehring, Volunteers of America presented information in regard to the 2012 budget requests for the Volunteers of America Program, RSVP and Foster Grandparent Program.

## VACATE PLAT:

Commissioner Fischbach offered the following Resolution:

### RESOLUTION #58-11

WHEREAS, application, pursuant to SDCL 11-3-20.1, has been presented for Vacation of Plat legally identified as:

Lot 1, 2 and 3 and Chicago & Northwestern Railway Right of Way and any interest we may have in any abandoned state, county or township or highway located in the NE ¼ of Sec 9-T124N-R63W and Lot 1 in the NW ¼ of Sec 10-T124N-R63W of the 5<sup>th</sup> P.M., Brown County, SD (South side of 125<sup>th</sup> Street, East and West side of Brown County 14/391<sup>st</sup> Ave), and

WHEREAS, the granting of the request will not authorize the closing or obstruction of any public highway according to law, and all property taxes on such plat are paid.

NOW, THEREFORE, BE IT RESOLVED, that the plat legally identified as:

Lot 1, 2 and 3 and Chicago & Northwestern Railway Right of Way and any interest we may have in any abandoned state, county or township or highway located in the NE ¼ of Sec 9-T124N-R63W and Lot 1 in the NW ¼ of Sec 10-T124N-R63W of the 5<sup>th</sup> P.M., Brown County, SD (South side of 125<sup>th</sup> Street, East and West side of Brown County 14/391<sup>st</sup> Ave) is hereby vacated.

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

## VACATE PLAT:

Commissioner Fischbach offered the following Resolution:

### RESOLUTION #59-11

WHEREAS, application, pursuant to SDCL 11-3-20.1, has been presented for Vacation of Plat legally identified as:

Outlot 5 in the E ½ of Sec 10-T122N-R64W of the 5<sup>th</sup> P.M., Brown County, SD (North side of 138<sup>th</sup> Street, West side of 386<sup>th</sup> Ave), and

WHEREAS, the granting of the request will not authorize the closing or obstruction of any public highway according to law, and all property taxes on such plat are paid.

NOW, THEREFORE, BE IT RESOLVED, that the plat legally identified as:

Outlot 5 in the E ½ of Sec 10-T122N-R64W of the 5<sup>th</sup> P.M., Brown County, SD (North side of 138<sup>th</sup> Street, West side of 386<sup>th</sup> Ave) is hereby vacated.

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

**RECESS:**

The Chairman declared the Commission recessed until August 16, 2011.

Maxine Fischer, Brown County Auditor

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## AUGUST 16, 2011 – GENERAL MEETING

Meeting called to order by Chairman Sutton at 8:45 A.M. in the Commissioners Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Elliott, Fischbach and Wiese. Chairman Sutton led the Pledge of Allegiance.

### MINUTES:

Moved by Hansen, seconded by Elliott to approve the General Meeting minutes of August 9, 2011. All members present voting aye. Motion carried.

### CLAIMS:

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

Payroll: Commissioners \$3,229.05; Auditor \$5,641.72; Treasurer \$11,148.64; Data Processing \$2,326.41; State's Attorney \$14,380.44; Blood Draws \$680.00; SVAWA Grant \$1,269.24; Maintenance \$6,053.37; Assessor \$11,219.03; Register of Deeds \$6,823.37; Veterans Service Office \$3,294.30; GIS \$1,965.93; Sheriff Adm \$27,961.43; Jail \$28,017.65; Coroner \$2,400.00; JDC \$13,099.81; HD \$4,241.48; Welfare Office \$3,240.20; Museum \$6,371.83; Parks & Fairgrounds \$6,542.85; Fairboard \$2,674.87; Extension \$2,782.35; Weed \$4,670.76; Planning and Zoning \$1,902.88; Highway \$43,788.74; Communications \$20,451.95; Emergency Management \$3,008.82; Teen Court \$502.06; 24/7 Sobriety \$1,814.38; Landfill \$9,860.76; Matching Benefits: FICA \$14,822.74; Medicare \$3,466.57:

Supplies: Marco \$287.10, Heartland Paper \$550.00, West Payment Center \$118.28, Parcel Erickson \$28.95, Safety Service \$468.12, City Directory \$950.00, Hoven Auto \$153.24, Earthgrains \$1301.87, Graham Tire \$94.50, LexisNexis \$50.00, DT Pharm \$2264.94, Kesslers \$300.41, Exhaust Pros \$26.83, Avera St Lukes \$56.50, Sewing Shoppe \$100.00, Steven Lust \$255.54, Janice Moore \$154.00, Midwest Alarm \$51.50, Lora Schaunaman \$348.15, Owen Ormand \$135.00, Sherri Rawstern \$88.90, Fordham Signs \$3183.09, Kleins \$14.18, Romeo Ent \$3405.00, Val Dashel \$980.00, Menards \$12.98, Glas Consulting \$67.50, Ameripride \$58.24, Hub City Radio \$300.00, Sherwin Williams \$30.99, Quality Quick Print \$261.31, Van Diest \$88.35, Pro Ag Supply \$31.35, US Bank \$117.60, HF Jacobs \$4201.68, Prairie Tool \$146.00, New Waste Concepts \$195.00, Nelson Sales \$189.74, Tire Dist \$375.64, Crescent Elec \$637.20, GCC Ready Mix \$328.00, HF Jacobs \$1971.34, North Central Farmers Elev \$2487.96, Malsam Const \$1711.25:

Publications: American News \$1011.74:

Transcriptions: Michelle Gaikowski \$27.20:

Travel: Gene Loeschke \$95.83, Russell Metz \$190.18, Mark Milbrandt \$468.94, Emily Sperry \$38.11:

Professional Fees: Nancy Schlichenmayer \$120.00, NE Mental Health \$286.00, Language Lines \$90.00:

Utilities: Dependable Sanitation \$28,327.40, NW Energy \$198.09, Midcontinent \$55.00, Qwest \$60.32, Northern Wireless \$149.90, Northern Elec \$1602.93, City of Aberdeen \$1614.35:

Care of Poor: Rent (3 recipients) Wolfsong Apts \$260.00, Erickson & Assoc \$280.00, Rod Eikamp \$229.00, Lakeside Estates \$137.00; Dr/Medical (5 recipients) Orthopedic Physical Therapy \$52.93, Avera St Lukes \$3049.80, Avera Urology Spec \$1278.10; Utilities: (3 recipients) City of Aberdeen \$100.00, NW Energy \$465.34; Transportation: (3 recipients) Emergency Poor Fund \$85.00, Brown County \$16.57. All members present voting aye. Motion carried.

### PERSONNEL:

Moved by Elliott, seconded by Wiese to approve the following employee step increases, effective August 21, 2011: Kristi Vetter @ \$13.47 per hour, John Heine @ \$20.05 per hour, Scott Kolb @ \$20.00 per hour. All members present voting aye. Motion carried.

Moved by Elliott, seconded by Wiese to approve hiring the following part-time employees, effective August 15 – August 22, 2011 (Brown County Fair): Shawn Loomis, Caleb Fraser, Roberto Holmes, Nancy Goss, Darcy Krigbaum, Travis DeCoteau, Dustin Martin, Michael Lynch, Loraine Hawkins @

\$9.12 per hour; Bobbie Bierman @ \$13.08 per hour; Tom Barstad, Brady Berg, Nick Bratland, Amanda Buck, Jeff Carlson, Nick Cochran, Jon Cole, Dale Farnen, Wes Graff, Tanner Jondahl, John Kirnan, Brent Koens, Jason Kraft, Jon Lemke, Melissa Pagel, Kyle Stoddard, Dar VanDover, Brad Ziegler, Mike Wiese @ \$16.00 per hour. All members present voting aye. Motion carried.

Moved by Wiese seconded by Fischbach to allow sick leave and vacation leave as time worked for Highway Labor Grade 3, 4 and 5 employees, effective from August 14 – 20, 2011 only. All members present voting aye. Motion carried.

#### AGREEMENT ADDEMDUM:

Moved by Wiese, seconded by Hansen to approve and authorize the Chairman sign 2011 Emergency Management State and Local Agreement Addendum in amount of \$53,542.15 for essential county emergency management expenses, and further Brown County shall provide 50% match for all funds received. All members present voting aye. Motion carried.

#### ORDINANCE #070 - FIRST READING:

Time and place, as advertised for First Reading of Ordinance No. 070. No one appeared with testimony (written and oral), comments and/or questions for discussion. Moved by Elliott, seconded by Fischbach to approve First Reading of Ordinance #070, An Ordinance amending Second Revision Brown County Ordinances to rezone the following described property from its present zoning designation of Chapter 4.06 Agricultural Preservation District (AG-P) to Chapter 4.10 Lake Front Residential District (R-3): Thorpes Fifth Elm Lake Subdivision in the NE ¼ and SE ¼ of Sec 17-T128N-R65W of the 5<sup>th</sup> P.M., Brown County, SD (West Elm Lake Road south of Brown County 3A/102<sup>nd</sup> Street). All members present voting aye. Motion carried.

#### ORDINANCE 071:

Time and place, as advertised for First Reading of Ordinance No. 071. No one appeared with testimony (written and oral), comments and/or questions for discussion. Moved by Fischbach, seconded by Wiese to approve First Reading of Ordinance #071, An Ordinance to rezone the following property from Chapter 4.06 Agricultural Preservation District (AG-P) to Chapter 4.10 Lake Front Residential District (R-3): Flying T Elm Lake Subdivision in the NE ¼ of Sec 17-T128N-R65W of the 5<sup>th</sup> P.M., Brown County, SD (West Elm Lake Road south of Brown County 3A/102<sup>nd</sup> Street). All members present voting aye. Motion carried.

#### ROAD DISCUSSION:

Ted Dickey, NECOG and Jan Weismantel, Highway Superintendent outlined steps necessary when applying for FEMA funding to raise roads above current flood levels.

#### EXECUTIVE SESSION:

Moved by Wiese, seconded by Hansen to go into executive session to discuss litigation with Mary Worlie and Kim Dorsett in attendance; and discuss personnel 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.

#### ALCOHOLIC BEVERAGE LICENSE – NUMBER AND FEE:

Commissioner Hansen offered the following Resolution:

#### RESOLUTION #60-11

WHEREAS, the Legislature of the State of south Dakota has provided for the approval of liquor licenses by the boards of county commissioners of the counties of said State pursuant to SDCL Title 35 as amended; and

WHEREAS SDCL 35-4-11.1 as amended provides that the board of county commissioners shall on or before the first of September in each year determine by ordinance or continuing resolution the number of on-sale licenses (other than malt beverage) it will approve for the ensuing calendar year and the fees to be charged for the various classifications of licenses; and

WHEREAS, the Brown County Board of County Commissioners hereby desires, by resolution, to set the number of on-sale licenses it will approve for the ensuing calendar year and the fees to be charged for the various classifications of licenses, now therefore.

BE IT RESOLVED that the Brown County Board of County Commissioners hereby establish the classifications and fees for on-sale liquor licenses:

- "On-sale liquor dealer license" – shall mean an alcoholic beverage license as enumerated in SDCL 35-4-2(6) which permits the retail sale of any alcoholic beverage, other than malt beverage, for consumption only on the premises where sold and only issued outside of the boundaries of a municipality.
- The fees for on-sale liquor dealer licenses shall be as follows:
  1. Issuance. For those applicants applying for a new license said fee will be \$40,000.00.
  2. Renewal.
    - For those applicants located nearest to a municipality of the first class, the renewal fee for such license is Fifteen Hundred Dollars (\$1,500.00);
    - For those applicants located nearest to a municipality of the second class, the renewal fee for such license is Twelve Hundred Dollars (\$1,200.00); and
    - For those applicants located nearest to a municipality of the third class Nine Hundred Dollars (\$900.00).
  3. All other licenses shall be issued and renewed at the maximum fee allowed by SDCL 35-4-2 as amended.

BE IT FURTHER RESOLVED that Brown County shall approve a maximum of eight (8) on-sale liquor dealer licenses for the ensuing year.

This Resolution is intended to supersede any prior resolutions in this matter, including Resolution #55-06.

Dated this 16<sup>th</sup> day of August, 2011

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

ALCOHOLIC BEVERAGE LICENSE – NEW LICENSE PROCEDURE:  
Commissioner Hansen offered the following Resolution:



## RESOLUTION #61-11

WHEREAS, the Legislature of the State of South Dakota has provided for the approval of liquor licenses by the boards of county commissioners of the counties of said State pursuant to SDCL Title 35 as amended; and

WHEREAS SDCL 35-4-11.1 as amended provides that the board of county commissioners shall on or before the first of September in each year determine by ordinance or continuing resolution the number of on-sale licenses (other than malt beverage and wine) it will approve for the ensuing calendar year and the fees to be charged for the various classifications of licenses; and

WHEREAS, the Brown County Board of County Commissioners has set the number and fee for on-sale liquor dealer licenses by resolution; and

WHEREAS, Brown County currently has issued 7 on-sale liquor licenses, making 1 available for issuance January 1, 2012; and

WHEREAS the Brown County Board of Commissioners wishes to make the license available to the public in a fair and impartial manner.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Brown County Commission makes the following rules applicable to the issuance of new on-sale liquor dealer licenses:

Applicants may apply for the existing on-sale liquor dealer license beginning on the date of this resolution by submitting an application packet to the Brown County Auditor. Such application packet shall include the following:

- **Uniform Alcoholic Beverage Application.** This must be completed fully and according to its instructions, and bear the necessary original signatures. Photocopies will not be accepted.
- **Application Fee.** Certified check, cashier's check, or bank draft in the amount of \$4,000.00, which guarantees that the applicant will consummate the purchase of the on-sale liquor dealer license if the applicant is successful in the lottery for such license as set forth below.
  - i. If the applicant fails or refuses to consummate the purchase of the on-sale liquor dealer license, the applicant shall forfeit and the County shall be entitled to retain the application fee as liquidated damages. Any applicant who fails or refuses to consummate the purchase according to the terms of this resolution shall be disqualified from applying for any alcoholic beverage license for a period of one year.
  - ii. In the event that applicant whose name is drawn in the lottery shall not be able to meet the licensing standards set out by SDCL Ch. 35-2, the applicant shall forfeit and the County shall be entitled to retain the application fee as liquidated damages.
  - iii. The winner of the lottery shall have the application fee credited toward the issuance fee for the on-sale liquor dealer license.
  - iv. Those unsuccessful in the lottery shall have their application fee refunded immediately.
- **Deadline.** All applications for the on-sale liquor dealer license shall be delivered to the office of the Brown County Auditor not later than 5:00 p.m. on October 31, 2011.
- **Lottery.** The names of those applicants who have submitted a valid application for the on-sale liquor dealer license shall be drawn at random in an open meeting of the County Commission on

November 15, 2011. The application of the person, whose name is drawn will be accepted by the County Commission and that applicant's application shall be set for hearing in accordance with SDCL Ch. 35-

In the event the applicant refuses to consummate the purchase of the on-sale liquor dealer license or fails to meet the licensing standards set out by SDCL Ch. 35-2, a subsequent lottery shall be held according to the terms of this Resolution.

In the event that no valid applications are received by the Brown County Auditor by 5:00 p.m. on October 31, 2011, then the on-sale liquor dealer license shall become available on a first-come, first-served basis, subject to the statutory licensing terms regarding notice, hearing, and all license requirements. For purposes of this resolution, "first-come first-served" shall mean that the first fully and accurately completed application for the on-sale liquor dealer license which is submitted to the office of the Brown County Auditor with the issuance fee of \$40,000.00 in good funds shall be entitled to have their application noticed and heard in accordance with the alcoholic beverage licensing statutes.

In the event the first-come first-served applicant is not able to meet the licensing standards set out by SDCL Ch. 35-2, the applicant who next submits a fully and accurately completed application together with the issuance fee in good funds shall be next considered.

This Resolution is intended to supersede any prior resolutions in this matter, including Resolution #56-06.

Dated this 16<sup>th</sup> day of August 2011.

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

RESOLUTION ESTABLISHING RULES/REGULATIONS FOR TEMPORARY LICENSES:  
Commissioner Fischbach offered the following Resolution:

RESOLUTION #62-11  
RESOLUTION OF THE COUNTY OF BROWN, SOUTH DAKOTA  
ESTABLISHING LICENSE COSTS FOR TEMPORARY MALT BEVERAGE LICENSE  
AND TEMPORARY LIQUOR LICENSES  
SDCL 35-4-124 – 125

WHEREAS, pursuant to South Dakota Law, the County of Brown, South Dakota, shall by resolution establish rules for regulating and restricting the issuance of special licenses for temporary malt beverage, temporary liquor licenses, and temporary wine licenses, and;

WHEREAS, the County of Brown, South Dakota, wishes to comply with state law concerning operation of the special licenses;

NOW, THEREFORE, BE IT RESOLVED by the County of Brown, South Dakota, as follows:

1. Temporary malt beverage, liquor, or wine licenses in conjunction with a special event to any civic, charitable, educational, fraternal or veterans organizations may be issued to said group at a cost of \$50.00 per day;
2. Temporary malt beverage licenses in conjunction with a special event may be issued to any person holding a malt beverage or on-sale alcoholic beverage license at the cost of \$150.00 per day; and

- 144
3. Temporary liquor licenses in conjunction with a special event may be issued to any person holding an on-sale alcoholic beverage license at a cost of \$200.00 per day;
  4. Temporary wine licenses in conjunction with a special event may be issued to any person holding an on-sale wine retailers license or an off-sale package wine dealers license at a cost of \$150.00 per day;
  5. Each above-described license shall not exceed fifteen consecutive days in length;
  6. That the licensee must comply with all applicable state laws concerning the consumption of alcoholic beverages as set forth in SDCL ch. 35-4.

BE IT FURTHER RESOLVED by the County of Brown, South Dakota, as follows:

If the applicant already holds an on-sale alcoholic beverage or a malt beverage license or if the license is to be used in a publicly owned facility, it is not necessary to have a hearing on the temporary application and the number of licenses that may be issued to any person in any calendar year is (24) twenty-four. This Resolution is intended to supersede any prior resolutions in this matter, including R49-11.

Effective August 16, 2011.

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

2012 PROVISIONAL BUDGET:

Moved by Hansen, seconded by Wiese to approve the 2012 Provisional Budget and authorize advertising public hearing to be held in the Commissioner's Chambers, Courthouse Annex, at 9:00 A.M. on September 6, 2011. Roll call vote: Commissioners Hansen-aye, Elliott-nay, Fischbach-absent, Wiese-aye, Sutton-aye. Motion carried.

RECESS:

The Chairman declared the Commission recessed until August 23, 2011.

Maxine Fischer, Brown County Auditor

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## AUGUST 23, 2011 – GENERAL MEETING

Meeting called to order by Chairman Sutton at 8:45 A.M. in the Commissioners Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Elliott, Fischbach and Wiese. Chairman Sutton led the Pledge of Allegiance.

### MINUTES:

Moved by Wiese, seconded by Hansen to approve the General Meeting minutes of August 16, 2011. All members present voting aye. Motion carried.

### CLAIMS:

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

Supplies: SDACC \$800.00, Millstone \$216.87, Pizza Ranch \$384.96, Centennial Village \$50.00, West Payment Center \$2662.95, A&B Business \$46.49, Steve Den Ouden \$96.00, Frey's Electronics \$240.38, Sewer Duck, Inc \$172.00, Aberdeen Asphalt \$85355.84, Brainard Township \$2095.08, Carquest Automotive \$1058.07, Crady's Radiator Shop \$569.41, Custom Glass & Repair \$196.10, Herb Dabbert \$6626.25, Dahme Construction \$902.00, Dependable Sanitation \$144.50, Farm Power Manufacturing \$510.73, Frey's Electronics \$352.27, GCR Tire Centers \$87.00, Howes Oil Company \$23905.80, Huron Culvert & Tank \$11127.42, Kriech Construction \$23490.00, Lien Transportation \$227276.15, Fred Ludwig Trucking \$6002.25, North Central Farmer's Elevator \$2579.88, Pomp's Tire Service \$120.85, Pro Ag Supply \$109.66, Share Corp \$272.00, Volk Upholstery \$238.50, Winburn Construction \$11825.50, NADA \$286.00, Eilers \$172.85, North Star Amusements \$23419.85, BNA \$432.00, Gov Connection \$339.66, Otis Elevator \$690.69, HC Clark Implement \$3250.00:

Publications: American News \$244.02, Groton Independent \$531.22:

Transcriptions: Michelle Gailowski \$71.40:

Professional Fees: Avera St. Lukes \$698.00, Lewis & Clark BHS \$149.00, Karen Swanda \$15.00, Donna Dietrich \$149.44, Cathy Rehfuß \$15.00, Yankton County Sheriff \$150.00, Lincoln County \$505.50, Sivertson Technology \$13875.00, CLERP \$11,747.20:

Court Appointed Attorney: David Hosmer \$114.03:

Utilities: Aberdeen City Treasurer \$260.11, City of Hecla \$85.05, Northwestern Energy \$1222.50, Tel Serv Communications \$37.50, Century Link \$2376.76, Motorola \$1398.69:

Care of Poor: Rent (2 recipients) Pat Preston \$226.00, Danne Inc \$230.00; Dr/Medical (1 recipient) Northern Plains OMS \$379.00; Burial (1 recipient) Fiksdal Funeral Service, Inc \$1000.00; Transportation (1 recipient) Brown County Highway \$19.88. All members present voting aye. Motion carried.

### PERSONNEL:

Moved by Hansen, seconded by Fischbach to approve employee transfer for Sara Hagman from the Director of Equalization Office to the Auditor's Office, effective August 23, 2011 at \$12.91 per hour. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Wiese to approve employee status change for Jeanette Kline from part-time to regular part-time, effective August 22, 2011 at \$12.20 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Elliott to acknowledge resignation of Marcy Fritz as Jail/JDC Nurse, effective August 8, 2011; and further approve hiring Marcy Fritz as on-call Nurse at the Jail/JDC and as a Blood Draw Technician, effective August 9, 2011. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Wiese to approve hiring Dawn Wipf as Jail/JDC Nurse, effective September 6, 2011 at an annual pro-rated salary of \$40,600. All members present voting aye. Motion carried.

PLATS:

Commissioner Wiese offered the following Resolution:

RESOLUTION #63-11

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Heilman Dairy Tract 1 in the SW ¼ of Sec 7-T121N-R63W of the 5<sup>th</sup> P.M., Brown County, SD" having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof.

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

Commissioner Wiese offered the following Resolution:

RESOLUTION #64-11

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing "Homestead First Subdivision in the SW ¼ of Sec 35-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 11-3, and any amendments thereof.

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

Commissioner Wiese offered the following Resolution:

RESOLUTION #65-11

BE IT RESOLVED by the Board of Commissioners of Brown County, SD, that the plat showing "Prunty Tract 1 in the S ½ of Sec 25-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 Elliott. Roll call vote: Commissioner's Hansen-aye, Elliott-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

RESOLUTION #66-11

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing "Dayle Luedeke Second Conservation Easement Tract 1 in the SW ¼ of Sec 18-T121N-R62W of the 5<sup>th</sup> P.M., Brown County, SD" having been examined is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof.

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

Commissioner Wiese offered the following Resolution:

RESOLUTION #67-11

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing "Dobberpuhl Second Conservation Easement Tract 2 in the SW ¼ of Sec 11-T123N-R62W of the 5<sup>th</sup> P.M., Brown County, SD" having been examined is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof.

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

Commissioner Wiese offered the following Resolution:

RESOLUTION #68-11

BE IT RESOLVED by the Board of Commissioners of Brown County, SD, that the plat showing "Caspers First Addition in the NE ¼ of Sec 13-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 of 1967, Chapter 11-3, and any amendments thereof.

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

Commissioner Wiese offered the following Resolution:

RESOLUTION #69-11

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "T & T Guthmiller Outlot A in NE ¼ Sec 33-T121N-R65W of the 5<sup>th</sup> P.M., Brown County, SD" having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof.

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

Commissioner Wiese offered the following Resolution:

RESOLUTION #70-11

BE IT RESOLVED by the Board of Commissioners of Brown County, SD, that the plat showing "Greg's Addition in the SE 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 Elliott. Roll call vote: Commissioner's Hansen-aye, Elliott-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

#### RESOLUTION #71-11

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing "Sunset Memorial Gardens Maintenance Addition in the SW ¼ of Sec 14-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD" having been examined is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof.

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

#### LOTTERY APPLICATION:

Moved by Hansen, seconded by Wiese to approve application, submitted by NESD Celtic Faire, Inc for a raffle to be held on September 18, 2011. All members present voting aye. Motion carried.

#### TEMPORARY ALCOHOLIC BEVERAGE LICENSE:

Moved by Hansen, seconded by Wiese to approve application for a Temporary Alcoholic Beverage License: P'ZA Inc (James Ronning) DBA Anchors Away Lodge Resort and Banquet Center, 12800 S Shore Drive, Aberdeen, SD 57401 – Richmond Resort OL 2 NE 25-T124N-R65W of the 5<sup>th</sup> P.M., Brown County, SD, effective August 27, 2011. All members present voting aye. Motion carried.

#### TOWNSHIP BOND:

Moved by Fischbach, seconded by Wiese to approve the following Township Bonds: Garden Prairie #26 (clerk) Todd Osterman, (treasurer) Craig Dunker. All members present voting aye. Motion carried.

#### E911 SURCHARGE:

Commissioner Elliott offered the following Resolution:

#### RESOLUTION #72-11

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, 2012.

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

#### LIDAR SUPPLEMENTAL AGREEMENT:

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman to sign supplemental agreement between the USACE (US Army Corps of Engineers) and Brown County granting Horizons permission to share and standardize LIDAR data deliverables between the two agencies. All members present voting aye. Motion carried.

#### LANDFILL TIRE DISPOSAL GRANT REIMBURSEMENT:

Moved by Wiese, seconded by Fischbach to approve and authorize the Chairman to sign Payment Request #1 in amount of \$57,624.91 for the Brown County Landfill Solid Waste Management Program Grant for Tire Disposal. All members present voting aye. Motion carried.

#### DOC CONTRACT:

Moved by Wiese, seconded by Elliott 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, 2011 through May 31, 2012. All members present voting aye. Motion carried.

#### ORDINANCE #070 - ADOPTION:

Moved by Hansen, seconded by Wiese to approve Second Reading and Adoption of Ordinance #070, An Ordinance amending Second Revision Brown County Ordinances to rezone the following described property from its present zoning designation of Chapter 4.06 Agricultural Preservation District (AG-P) to Chapter 4.10 Lake Front Residential District (R-3): Thorpes Fifth Elm Lake Subdivision in the NE ¼ and SE ¼ of Sec 17-T128N-R65W of the 5<sup>th</sup> P.M., Brown County, SD (West Elm Lake Road south of Brown County 3A/102<sup>nd</sup> Street). Roll call vote: Commissioners Hansen-aye, Elliott-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Ordinance adopted.

#### ORDINANCE 071:

Moved by Wiese, seconded by Fischbach to approve Second Reading and Adoption of Ordinance #071, An Ordinance to rezone the following property from Chapter 4.06 Agricultural Preservation District (AG-P) to Chapter 4.10 Lake Front Residential District (R-3): Flying T Elm Lake Subdivision in the NE ¼ of Sec 17-T128N-R65W of the 5<sup>th</sup> P.M., Brown County, SD (West Elm Lake Road south of Brown County 3A/102<sup>nd</sup> Street). Roll call vote: Commissioners Hansen-aye, Elliott-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Ordinance adopted.

#### 2012 MUSEUM BUDGET:

Sue Gates, Dacotah Prairie Museum Director thanked the Commission for treating all budget recipients the same when cutting all 2012 budget requests by five percent and not just a few. If possible a large document scanner that would benefit many departments will be included in the remaining Museum budget.

#### BRIDGE #238:

Moved by Wiese, seconded by Elliott to approve and authorize the Chairman sign Letting Authorization, Utilities Certificate and Right-of-Way Certificate for Project BRF 6251 (06) PCN34S (Bridge 238). All members present voting aye. Motion carried.

#### BRIDGE #278:

Moved by Wiese, seconded by Elliott to grant informal approval to the request, submitted by Swingen Construction for an extension of contract time to complete BRO 8007(37) PCN H051 (Bridge 278), contingent upon receiving an official change order from the SD Department of Transportation. All members present voting aye. Motion carried.

#### COUNTY ROAD 23 GRADE RAISE:



Moved by Wiese, seconded by Elliott to authorize the Highway Department proceed with ER plans for the grade raise on Brown County Road #23 on condition completed by deadline to secure 100% reimbursement from Emergency Relief Funds. All members present voting aye. Motion carried.

#### TOWNSHIP CULVERTS:

Moved by Wiese, seconded by Hansen to authorize the Highway Superintendent send letter drafted by the States Attorney, as amended to Township officials requesting that each township notify Brown County officials prior to the installation of all culverts under 16 sq feet.

#### WAIVE FEES – FALL CLEANUP:

Moved by Elliott, seconded by Wiese to approve waiving fees during the Fall Residential Cleanup Event for all materials received at the Landfill ONLY from September 2 thru 17, 2011. Charges will apply to all mobile homes, business and commercial waste during this time frame. All vehicles must travel to the Landfill on asphalt roads – NO 8<sup>th</sup> Ave use. All members present voting aye. Motion carried.

#### PURCHASE APPROVED:

Moved by Wiese, seconded by Elliott to approve purchase of Brown County Landfill promotional water bottles at approximate cost of \$870.00 for distribution to groups that tour the facility and for those attending the Northern Prairie Water Festival. All members present voting aye. Motion carried.

#### ROAD DISCUSSION:

Al Waltman, area resident discussed the condition of County Road #9. Jan Weismantel, Highway Superintendent informed Mr. Waltman and the Commission that gravel patching would be completed as soon as the department was in that area of the County.

#### RECESS:

The Chairman declared the Commission recessed until August 30, 2011.

Maxine Fischer, Brown County Auditor

Published once at the total approximate cost of \$\_\_\_\_\_.

# AUGUST 23, 2011 - 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, Mitchell, Rux, Slight-Hansen and Mayor Levsen. Council Members Agnitsch, Bunsness, Kraft, and Swanson were absent. Present from County were Commissioners Hansen, Elliott, Fischbach, Wiese and Sutton.

## ORDINANCE NO. 11-08-03/397:

On motion by Campbell and seconded by Mitchell, the City unanimously voted to approve First Reading of Ordinance No. 11-08-03/397.

Moved by Hansen, seconded by Elliott to approve First Reading of Ordinance No. 11-08-03/397, 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: Proposed Lot 1, Manning Addition in the SW ¼ of Sec 3-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD. All members present voting aye. Motion carried.

## ORDINANCE NO. 11-08-04/398:

On motion by Mitchell and seconded by Rux, the City unanimously voted to approve First Reading of Ordinance No. 11-08-04/398.

Moved by Elliott, seconded by Wiese to approve First Reading of Ordinance No. 11-08-04/398, 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, Sunset Memorial Gardens Maintenance Addition in the SW ¼ of Sec 14-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD. All members present voting aye. Motion carried.

## ORDINANCE NO. 11-08-05/399:

On motion by Rux and seconded by Slight-Hansen, the City unanimously voted to approve First Reading of Ordinance No. 11-08-05/399.

Moved by Fischbach, seconded by Wiese to approve First Reading of Ordinance No. 11-08-05/399, An Ordinance amending Article I and Article XII of Chapter 60 of the Aberdeen Municipal Code dealing with Electronic Message Board Signs. All members present voting aye. Motion carried.

## ORDINANCE NO. 11-08-06/400:

On motion by Mitchell and seconded by Rux, the City unanimously voted to approve First Reading of Ordinance No. 11-08-06/400.

Moved by Elliott, seconded by Wiese to approve First Reading of Ordinance No. 11-08-06/400, An Ordinance amending Article XII of Chapter 60 of the Aberdeen Municipal Code dealing with signs. All members present voting aye. Motion carried.

The City Council adjourned and the County Commission continued in regular session.

Maxine Fischer - Brown County Auditor

Published once at the total approximate cost of \$\_\_\_\_\_.

## AUGUST 30, 2011 – GENERAL MEETING

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

### MINUTES:

Moved by Hansen, seconded by Wiese to approve the Joint City/County Meeting minutes and the General Meeting minutes of August 23, 2011. All members present voting aye. Motion carried.

### CLAIMS:

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

Payroll: Commissioners \$3,229.05; Auditor \$6,687.72; Treasurer \$11,148.64; Data Processing \$2,162.77; State's Attorney \$14,487.39; SVAWA Grant \$1,269.24; Blood Draws \$1,080.00; Maintenance \$5,998.53; Assessor \$11,219.03; Register of Deeds \$6,818.88; Veterans Service Office \$3,294.30; GIS \$1,965.93; Sheriff Adm \$28,379.17; Jail \$27,357.87; JDC \$13,171.91; HD \$4,411.54; Welfare Office \$3,246.97; Museum \$6,423.66; Parks & Fairgrounds \$13,532.82; Fairboard \$21,073.02; Extension \$3,840.76; Weed \$5,502.72; Planning and Zoning \$1,902.88; Highway \$40,840.45; Communications \$20,924.34; Emergency Management \$3,008.82; Teen Court \$554.00; 24/7 \$1,836.24; Landfill \$9,867.96; Matching Benefits: FICA \$16,227.83, Medicare \$3,795.19, Life \$573.30, Dental \$5,361.26, Health Ins \$86,327.63, Retirement \$29,872.05:

Supplies: Heartland Paper \$386.30, Marco \$169.64, Midstates \$121.72, A&B Business \$93.85, Graham Tire \$370.64, Galls \$532.10, Verizon \$79.62, Best Business Products \$310.12, Dakota Ink and Toner \$1019.90, Lien Transportation \$282664.69, Fred Ludwig Trucking \$3617.25, Sheehan Mack Sales \$177800.00, Lawson Products \$390.50, Huron Culvert & Tank \$9259.82, Holland's Auto Care \$23.50, Hanlon Brothers \$125643.35, Diesel Machinery \$57475.00, Herb Dabbert \$3548.25, Behnke Pit \$17523.43, Hase Plumbing & Heating \$166.96, Menards \$1076.89, Sherwin Williams \$511.92, Muth Electric \$525.43, RDR Plumbing \$78.48, Dakota Doors \$488.26, Malsam Construction \$1653.01, North Central Steel \$69365.00, Sewer Duck \$450.00, Gompf Displays \$1755.00, Photo X Press \$1585.98, Pierson Ford \$1839.60, Van Diest Chemicals \$2745.40, Runnings \$1205.53, US Bank \$7865.09, Crescent Electric \$828.12, Grote Roofing \$239.79, Simplex/Grinnell \$480.50, Gardner Locksmithing \$25.00, Danko \$215.72, Pheasantland Industries \$345.74, Reick Eske \$53.65, A-1 Locksmithing \$28.80, Kesslers \$11.10, Priority Dispatch \$405.00, Ken's Superfair Foods \$99.26, Cash-Wa Distributing \$17.25, North Central Farmers Elevator \$2983.11, Titan Machinery \$28.75:

Publications: Groton Independent \$409.10, American News \$504.73:

Transcriptions: Richard Neal \$108.20, Sara Zahn \$91.20:

Travel: Executive Management Office \$1371.26, SD Human Service Center \$58.00, Mark Milbrandt \$138.00, Mike Wiese \$17.76, Extension Service \$100.81, Ron Dodds \$31.45:

Professional Fees: Avera Medical Group Endocrinol \$167.79, UND Forensic Pathology \$2000.00, Kristi Spitzer \$1098.00, Yankton County Sheriff \$25.00, Avera St. Lukes \$505.90, Sanford Health \$53.74, LBG, Inc. \$2066.17, Lincoln County \$85.00, Supplemental Retirement System \$2426.43:

Court Appointed Attorney: Christy Serr \$5877.73, Gina Rogers \$5520.83, Christopher Dohrer \$5770.83, Kuck Law Office \$5520.83:

Utilities: Montana Dakota Utilities \$25.71, Northwestern Energy \$12729.62, Century Link \$41.75, AT&T Mobility \$134.47, Bureau of Administration \$410.00, Midcontinent Communications \$270.56:

Care of Poor: Rent (3 recipients) Zumbaum Property Management \$425.00, Jeff Andrews \$280.00; Dr/Medical (2 recipients) Avera St. Lukes \$2094.00, Northern Plains OMS \$163.00; Utilities (3 recipients) Northwestern Energy \$1124.23; Insurance (1 recipient) Allied Benefit Systems \$288.00; Transportation (2 recipients) Brown County Highway Department \$65.32. All members present voting aye. Motion carried.

**PERSONNEL:**

Moved by Wiese, seconded by Hansen to approve the following employee step increases, effective September 4, 2011: Samiulela Mouna @ \$14.89 per hour, Austin Wellman @ \$13.63 per hour, Dustin Peiker @ \$16.98 per hour. All members present voting aye. Motion carried.

Moved by Elliott, seconded by Hansen to approve hiring Tyann Baloun as part-time JDC Correctional Officer, effective September 6, 2011 at \$10.93 per hour. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Hansen to approve hiring Stacie Hallenbeck as full-time employee in the Director of Equalization Office, effective September 7, 2011 at \$12.20 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Fischbach to authorize Jan Weismantel, Highway Superintendent advertise for open position. All members present voting aye. Motion carried.

**TEMPORARY ALCOHOLIC BEVERAGE LICENSE:**

Moved by Elliott, seconded by Wiese to approve application for a Temporary Alcoholic Beverage License: P'ZA Inc (James Ronning) DBA Anchors Away Lodge Resort and Banquet Center, 12800 S Shore Drive, Aberdeen, SD 57401 – Richmond Resort OL 2 NE 25-T124N-R65W of the 5<sup>th</sup> P.M., Brown County, SD, effective September 10, 2011. All members present voting aye. Motion carried.

**SOLID WASTE TIPPING FEE SCHEDULE - 2012**

Commissioner Elliott offered the following Resolution:

**RESOLUTION NO. 73-11**

WHEREAS, Title 3, Solid Waste Management System, Chapter 3.07010 of the Second Revision Brown County Ordinances, effective March 12, 1997, as amended, requires the Board of County Commissioners to establish the fees for use of the landfill.

NOW, THEREFORE BE IT RESOLVED, that the following Solid Waste Tipping Fee Schedule shall be effective January 1, 2012:

**SOLID WASTE TIPPING FEE SCHEDULE**

PRICES EXCEPT MINIMUM CHARGE DO NOT REFLECT 4% SALES TAX

ALL LOADS MUST BE TARPED AND SECURED

ALL WASTE MUST BE SORTED AND PUT INTO PROPER AREAS

Type		Fee
Appliances	Refrigerators, Freezers, Air Conditioners, Dehumidifiers With or Without FREON	\$12.50 per item
Asbestos1	Friable – Powdery or Dusty state, can be crumbled and reduced to powder by hand	\$ 5.00 per bag
Compost	Grass, Leaves and Light Garden Residue	FREE
Contsoil	Gas and Diesel Contaminated Soil (notification and analysis required before disposal)	\$ 7.00 per ton
Contsoilsp	Contaminated Soil Special (NW Energy, Coal Gasification)	\$38.00 per ton
Contsmix	Waste Oil and Mixed Fuel Contaminated Soil	\$11.50 per ton
E-Waste	Electronic Waste – TV's, Computers, Copiers, Printers, etc	\$100.00 per ton
MSWRB	Rubble waste placed in Unit 1	\$20.00 per ton
INDSW	Industrial Solid Waste	\$38.00 per ton
MSW1	Municipal Solid Waste – IN COUNTY (Paper, plastic, cardboard, carpet, upholstered furniture, mattress, box springs, etc.) (Check with Landfill for material not accepted)	\$38.00 per ton

MSW2	Municipal Solid Waste – OUT OF COUNTY (same as MSW1)	\$38.00 per ton
MSWCR	Rural container site collection waste	Assess per ton
MSWDA	Carcasses (notification required prior to dumping)	\$38.00 per ton
Rubble 1	Construction debris-lumber, shingles, sheetrock etc.	\$20.00 per ton
Rubble 2	Heavy debris, concrete, dirt, rocks etc.	\$14.00 per ton
Rubble 3	Pallets	\$20.00 per ton
Mobile Homes	– all sizes	\$250.00 per unit
Scrap Metal	Metals	\$20.00 per ton
Sludge	Sump waste (analysis may be required)	\$10.00 per ton
Tires	Large quantities priced per ton	\$200.00 per ton
Tires Count	Car and light truck	\$ 2.50 per tire
Tire Shreds	Shredded tires (cell disposal)	\$38.00 per ton
Tree Chips	Wood chips from trees	\$14.00 per ton
Trees1	Trees less than 8 inches in diameter	\$20.00 per ton
Trees 2	Trees more than 8 inches in diameter (must be 8' or shorter in length)	\$14.00 per ton

Minimum Charge (except on per item fees) 4% Sales Tax included \$ 3.00

The following items are accepted free:

Lead Acid Batteries, Waste Oil, Paint, Grass and Leaves, Computer and Office Paper, Cardboard, #1 and #2 Plastic, Magazines, Phone Books, Antifreeze (residential only) and Propane Tanks

Dated this 30<sup>th</sup> of August 2011.

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

#### SOLID WASTE SPECIAL ASSESSMENT FEES - 2012

Commissioner Wiese offered the following Resolution:

#### RESOLUTION NO. 74-11

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, 2012 through December 31, 2012, for the Brown County Sanitary Landfill:

#### SOLID WASTE SPECIAL ASSESSMENT FEE SCHEDULE (Billed with the Real Estate Tax Notice)

1. Households within Incorporated Cities or Civil Townships that require curb service @ \$21.00 per year
2. Households within Incorporated Cities or Civil Townships that do not require curb service @ \$77.00 per year
3. Condominiums taxed as single units within Incorporated Cities or Civil Townships that require curb service @ \$21.00 per year
4. Condominiums taxed as single units within Incorporated Cities or Civil Townships that do not require curb service @ \$77.00 per year

5. Apartment Units and Assisted Living Units within incorporated Cities that require curb service @ \$13.00 per unit per year
6. Seasonal Lake Cabins @ \$34.00 per year
7. Mobile Home parks, outside incorporated municipalities, which provide or require lot side waste pickup during the entire assessment period, for deposit into a permitted landfill solid waste facility @ \$21.00 per unit per year
8. Mobile Home parks, outside incorporated municipalities, which do not provide or require lot side waste pickup during the entire assessment period, for deposit into a permitted landfill solid waste facility @ \$77.00 per unit per year

Dated this 30<sup>th</sup> of August 2011.

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

**ELECTRONIC RECYCLING COLLECTION AGREEMENT:**

Moved by Elliott, seconded by Wiese to approve and authorize Mike Scott, Landfill Manager to sign agreement for electronic recycling collection at the Brown County Landfill. All members present voting aye. Motion carried.

**HOSPITAL CLAIM:**

Moved by Wiese, seconded by Hansen to deny payment of the following hospital claim: 49 year old male @ \$99,766.36 (full amount of claim without County discount), as the individual has not provided sufficient information to determine if indigent. All members present voting aye. Motion carried.

**EXECUTIVE SESSION:**

Moved by Hansen, seconded by Wiese to go into executive session to discuss personnel with Scott Meints and Kim Dorsett in attendance; and further discuss 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.

**BCT1 – BEEF PLANT:**

Commissioner Wiese offered the following Resolution:

**RESOLUTION NO. 75-11**

**RESOLUTION GIVING APPROVAL TO THE ISSUANCE AND SALE OF TAX INCREMENTAL REVENUE BONDS FOR TAX INCREMENT DISTRICT NUMBER ONE IN AN AMOUNT NOT TO EXCEED \$8,995,000 PLUS COSTS OF ISSUANCE TO FINANCE TAX INCREMENT PROJECT COSTS, CAPITALIZED INTEREST AND CLOSING COSTS AND AUTHORIZING THE EXECUTION OF A DEVELOPER'S AGREEMENT AND RELATED DOCUMENTS**

NOW, THEREFORE, BE IT RESOLVED by the County Commission of the County of Brown as follows:

1. Declaration of Necessity. The County of Brown (the "County") find and declares a necessity to issue tax increment revenue bonds in connection with Tax Increment District Number One and use the proceeds therewith to pay for project costs as listed in the tax increment project plan (the

"Project") which Project has been approved and copies of plans are on file with the Auditor open to public inspection.

2. Authority. The County is authorized to issue its tax increment revenue bonds to finance project costs pursuant to Section 11-9-33 of the South Dakota Codified Laws. Pursuant to Chapter 11-9 of the South Dakota Codified Laws (the "Act") the County proposes to issue tax incremental revenue bonds (as herein authorized, the Tax Incremental Revenue Bonds, or the "Bonds") to finance a portion of the Project costs. The County is authorized by the Act to pledge a special fund into which the County will deposit the tax increment (as defined by the Act).
3. Pledge of State of South Dakota. Pursuant to SDCL 11-9-39.1, the state of South Dakota does pledge to and agree with the holders of any obligations issued under 11-9 that the state will not alter the rights vested in the bond holders until such bonds, together with the interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceeding by or on behalf of such holders, are fully met and discharged.
4. Authorization to issue the Bonds. The County does hereby authorize the issuance of the tax increment revenue bonds in an amount not to exceed \$8,955,000 plus costs of issuance (the "Bonds").
5. No Election Required. The Bonds may be issued by the County without an election pursuant to SDCL §11-9-34.
6. Form of Bonds. The Bonds shall be prepared in substantially the form as to be filed with the Auditor and open to public inspection.
- 6.1. Terms of Bonds. The County Commission hereby authorizes the issuance and sale of the Bonds. The principal amount of the Bonds shall not exceed any statutory or constitutional debt limitation and be in such amounts as will be retired with the Tax Increment District Number One revenues. The Bonds shall have maturities and interest rates as negotiated by the Chairman and Auditor, subject to the limitation of term as stated in the Act. The Bonds shall be prepared under the direction of the Auditor and shall be executed on behalf of the County by the facsimile or manual signatures of the Chairman and the Auditor and countersigned by the facsimile or manual signature of an attorney actually residing in the State of South Dakota and duly licensed to practice therein.
7. Registration. The County hereby appoints its Auditor as paying agent, registrar and transfer agent (the "Registrar") for the Bonds. The County reserves the right to appoint a financial institution as Registrar upon thirty (30) days' notice. The effect of registration and the rights and duties of the County and the Registrar with respect thereto shall be as follows:
  - 7.1.1. Register. The Registrar shall keep at its office a register (the "Register") in which the Registrar shall provide for the registration of ownership of the Bonds and the registration of transfers and exchanges of the Bonds entitled to be registered, transferred or exchanged.
  - 7.1.2. Transfer of Bonds. When a Bond is surrendered for transfer it shall be duly endorsed by the registered owner thereof or accompanied by a written instrument of transfer in form satisfactory to the Registrar; duly executed by the registered owner thereof or by an attorney duly authorized by the registered owner thereof. If the Bond is properly surrendered as provided above, the Registrar shall authenticate and deliver, in the name of the designated transferee, a new Bond of a like aggregate principal amount and maturity. The Registrar may, however, close the books for registration of any transfer after the fifteenth day of the month preceding each interest payment date and until such interest payment date.

- 7.1.3. Exchange of Bonds. Whenever a Bond is surrendered by the registered owner for exchange the Registrar shall authenticate and deliver the new Bond of a like aggregate principal amount and maturity, as required by the registered owner or the owner's attorney in writing.
- 7.1.4. Cancellation. All Bonds surrendered upon any transfer or exchange shall be promptly canceled by the Registrar and thereafter disposed of as directed by the County.
- 7.1.5. Improper or Unauthorized Transfer. When any Bond is presented the Registrar may refuse to transfer the same until satisfied that the endorsement on such Bond or separate instrument of transfer is valid and genuine and that the requested transfer is legally authorized. The Registrar shall incur no liability for the refusal, in good faith, to make transfer which, in their judgment, are deemed improper or unauthorized.
- 7.1.6. Persons Deemed Owners. The County, Paying Agent and Registrar may treat the person whose name on any Bond is at any time registered in the Register as the absolute owner of such Bond, whether such Bond shall be overdue or not, for the purpose of receiving payment of or on account of, the principal of and interest on such Bond and for all other purposes, and all such payments so made to any such registered owner or upon the owner's order shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.
- 7.1.7. Taxes, Fees and Charges. For every transfer or exchange of Bond, the Registrar may impose a charge upon the owner thereof sufficient to reimburse the Registrar for any tax, fee or other governmental charge required to be paid with respect to such transfer or exchange.
- 7.1.8. Mutilated, Lost, Stolen or Destroyed Bonds. In case any Bond shall become mutilated or be destroyed, stolen or lost, the Registrar shall deliver a new Bond of like amount, number, maturity date and tenor in exchange and substitution for and upon cancellation of any such mutilated Bond or in lieu of and in substitution for any such Bond destroyed, stolen or lost, upon the payment of the reasonable expenses and charges of the Registrar in connection therewith; and, in the case of a Bond destroyed, stolen or lost, upon filing with the Registrar of evidence satisfactory that such Bond was destroyed, stolen or lost, and of the ownership thereof, and upon furnishing to the Registrar of an appropriate bond or indemnity in form, substance and amount satisfactory to the Registrar, in which the County and the Registrar shall be named as obligees. All Bonds so surrendered to the Registrar shall be canceled by him and evidence of such cancellation shall be given to the County. If the mutilated, destroyed, stolen or lost certificate has already matured or has been called for redemption in accordance with its terms it shall not be necessary to issue a new Bond prior to payment.
8. Security Provisions; Funds and Accounts and Other Covenants and Determinations.
- 8.1. Pledge Tax Increments. Pursuant to the Act, the County shall receive Tax Increments as defined by the Act. All Tax Increments shall be placed in the Tax Incremental Revenue Bond Fund Number One ("Bond Fund"). The Tax Increment Revenues are irrevocably pledged and appropriated to, and shall be deposited to the Bond Fund. For purposes of this Resolution, "Outstanding Bonds" shall mean these Bonds and any parity lien bonds herebefore or hereafter issued pursuant to this Resolution. The Bond Fund shall be used and



applied only in the manner and order hereinafter set forth. The holders of the Outstanding Bonds shall have a lien against the Bond Fund for payment of the principal and interest and may either at law or in equity protect and enforce the lien. **THE COUNTY DOES NOT PLEDGE ITS PROPERTY, GENERAL CREDIT OR TAXING POWER, OTHER THAN TAX INCREMENT REVENUES, FOR THE PAYMENT OF THE TAX INCREMENT REVENUE BONDS. THE SOLE SOURCE OF PAYMENT OF THE BONDS IS THE TAX INCREMENT REVENUES.**

- 8.2. Bond Fund. The Auditor is hereby authorized and directed to establish and shall maintain a special account, the Bond Fund, as a separate and special fund in the financial records of the County until all Bonds issued and made payable therefrom, and interest due thereon, have been duly paid or discharged. All collections of the Tax Increments, as hereinafter defined, shall be credited, as received, to the Bond Fund. Within the Bond Fund are various separate accounts to be maintained by the County.
- 8.2.1. Project Account. There is hereby created and established as an account of the Bond Fund, a "Project Account". There shall be credited to the Project Account the proceeds from the sale of the Bonds remaining after payment of the expenses of issuing the Bonds. All moneys credited to the Project Account shall be applied solely to the payment or reimbursement of the costs of the Project. For the purposes of this Resolution, "costs of the Project" shall include costs of acquiring, construction, and installing the Project including cost of labor, services, materials and supplies, financial, architectural, engineering, legal, accounting and other professional expenses relating to the Project, the costs of acquisition of properties, grants, rights, easements, or other interest in properties, insurance premiums, and the costs of publishing, posting or mailing notices in connection with the Project. All sums derived from the investment of moneys in the Project Account shall remain in and become part of such account. Upon completion of the Project and when all costs of the Project have been paid, any balance remaining in the Project Account shall be credited to the Principal and Interest Account hereinafter established.
- 8.2.2. Principal and Interest Account. There is hereby created and established as an account of the Bond Fund, a "Principal and Interest Account." Immediately upon delivery of the Bonds, there shall be credited to the Principal and Interest Account the amount of any accrued interest received from the Purchaser. Periodically, as needed there shall be withdrawn from the Bond Fund and credited to the Principal and Interest Account an amount which will equal at least the next principal and interest payment. In all events there shall be credited to the Principal and Interest Account amounts sufficient to pay the principal of and interest on the Outstanding Bonds as the same become due.
- 8.2.3. Subordinate Lien Bonds. After making the above required payments, any remaining Tax Increment shall be used for the payment of the principal of and interest on any additional Tax Incremental revenue bonds having a lien which is subordinate to the lien of the Outstanding Bonds, and for a reserve fund as additional security for the payment of such subordinate lien bonds.
- 8.2.4. Deposit and Investment of Funds. The Auditor shall cause all moneys pertaining to the Fund to be deposited as received with one or more banks which are duly qualified public depositories under the provisions of Chapter 4-6A, South Dakota Codified Laws, in a deposit account or accounts, which shall be maintained separate and apart from all other accounts of the County, so long as any of the

Bonds and the interest thereon shall remain unpaid. Any of such moneys not necessary for immediate use may be deposited with such depository banks in savings or time deposits. No moneys shall at any time be withdrawn from such deposit accounts except for the purposes of the Fund as authorized in this Resolution; except that moneys from time to time on hand in the Fund may at any time, in the discretion of this Council, be invested in securities permitted by the provisions of Section 4-5-6, South Dakota Codified Laws, maturing and bearing interest at the times and in the amounts estimated to be required to provide cash when needed for the purposes of the respective accounts. Income received from the deposit or investment of moneys shall be credited to the account from whose moneys the deposit was made or the investment was purchased, and handled and accounted for in the same manner as other moneys in that account.

- 8.3. Defeasance. When all the Bonds issued have been discharged as provided in this section, all pledges, covenants, and other rights granted by this resolution to the registered owners of the Bonds shall cease. The County may discharge its obligations with respect to any Bonds which are due on any date by providing to the Paying Agent on or before that date a sum sufficient for the payment thereof in full; or, if any Bond should not be paid when due, it may nevertheless be discharged by providing to the Paying Agent a sum sufficient for the payment thereof in full with interest accrued to the date of such deposit. The County may also discharge its liability with reference to all Bonds which are called for redemption on any date in accordance with their terms by depositing funds with the Paying Agent on or before that date in accordance with their terms by depositing funds with the Paying Agent on or before that date, in an amount equal to the principal, interest, and premium, if any, which are then due thereon, provided that notice of such redemption has been duly given. The County may also at any time discharge this issue of Bonds in its entirety, subject to the provisions of law now or hereafter authorizing and regulating such action, by depositing irrevocably in escrow, with a bank qualified by law as an escrow agent for this purpose, cash or United States government obligations which are authorized by law to be so deposited, bearing interest payable at such times and at such rates and maturing on such dates as shall be required to provide funds (without an reinvestment) sufficient to pay all principal, interest and premiums, if any, to become due on all Bonds on and before maturity, or, if a Bond has been duly called for redemption, on or before the designated redemption date.
9. Tax-Exempt Bonds. The County shall issue the bonds the interest of which shall not be included in gross income for federal income tax purposes.
10. Certification of Proceedings. The officers of the County are authorized and directed to prepare and furnish to the purchasers of the Bonds certified copies of all proceedings and records of the County relating to the authorization and issuance of the Bonds and such other affidavits and certificates as may reasonably be required to show the facts relating to the legality and marketability of the Bonds as such facts appear from the officer's books and records or are otherwise known to them. All such certified copies, certificates and affidavits, including any heretofore furnished, shall constitute representations of the County as to the correctness of the facts recited therein and the action stated therein to have been taken. The County does hereby declare its official intent to reimburse the capital expenditures made with respect to the Project with proceeds of the Bonds.
11. Authorization of Developer's Agreement and Related Documents. The officers of the County are authorized and directed to negotiate and execute such developer's agreement and related

documents as they deem necessary. All such documents shall be deemed ratified by the County upon execution by the Chairman and County Auditor.

12. Partial Invalidity. If any one or more of the provisions of this 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 this 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.
13. 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 this Resolution, or any of the documents herein authorized and approved, or for the authorization, issuance, and delivery by the County of the Bonds or execution of the Developer's Agreement and related documents.

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

RECESS:

The Chairman declared the Brown County Commission recessed until September 6, 2011.

Maxine Fischer, Brown County Auditor

Published once at the total approximate cost of \$\_\_\_\_\_.

## SEPTEMBER 6, 2011 – GENERAL MEETING

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

### MINUTES:

Moved by Wiese, seconded by Elliott to approve the Joint City/County Meeting minutes and the General Meeting minutes of August 30, 2011. All members present voting aye. Motion carried.

### CLAIMS:

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

Supplies: Kesslers \$1363.78, Walmart \$311.18, The Sewing Shoppe \$80.50, Galls \$203.97, Hoven Auto \$29.00, Taylor Laundry \$102.00, B&B Contracting \$13868.75, Bakken Building Maintenance \$500.00, Butler Machinery \$469.84, Crawford Trucks & Equipment \$7261.19, Cunningham Electric \$1756.28, Herb Dabbert Trucking \$3120.75, Fire Safety First \$17.80, Howell Trucking \$1680.00, Huron Culvert & Tank \$11180.37, Lien Transportation \$69308.18, Fred Ludwig Trucking \$3060.75, Mac's \$108.82, Runnings \$1052.32, Allen Siefkes \$1228.12, Department of Transportation \$653.38, HF Jacobs & Son Construction \$382365.51, Kriech Construction \$19425.00, Northern Truck Equipment Corp. \$31.55, Heartland Paper \$442.31, Menards \$330.27, Sanders Sew-N-Vac \$86.26, Domino's Pizza \$206.28, Millstone \$305.00, Homestead \$343.56, A & B Business \$267.31, Midstates \$149.04, Lar-Jo's \$269.53, Marco \$49.79, Powerplan \$3390.29, Pheasantland Industries \$657.25, Sewer Duck \$184.00, McFarland Supply \$145.35, Butler Machinery \$1855.48, SDSWMA \$1090.00, Youngs \$85.65, Economy Meat Market \$106.00, Ameripride \$54.08, Midwest Alarm \$51.50, Assurity Life Insurance \$720.54, Aberdeen Fire Dept. \$60734.92, Claremont Fire Dept. \$1525.66, Columbia Fire Dept. \$4274.68, Frederick Fire Dept. \$3215.15, Stratford Fire Dept. \$2942.75, Warner Fire Dept. \$3687.49, Safe Harbor \$1077.50, Hutterville Hutterian \$294.69, Charlene Millim \$32.00, Sherri Rawstern \$195.85, SD Public Assurance \$500.00, Bath Fire Dept. \$2444.39:

Publications: Dakota Press \$1337.99, American News \$157.17:

Transcriptions: Richard Neal \$180.00, Sarah Zahn \$68.40:

Travel: Leo Leshner \$245.68, Barry Kusler \$49.58:

Professional Fees: Mid Columbia Medical Center \$400.50, Aberdeen Advanced Care \$200.38, Avera St. Lukes \$338.77, Sanford Clinic \$55.17, Ben Galbreath \$165.00, Colton Buus \$185.00, Steve Ulmer \$125.00, Wes Limesand \$230.00, Jory Hanson \$255.00, Missy Hanson \$150.00, Karen Harr \$80.00, Tyler Melroe \$270.00, Darcee Munsterteiger \$30.00, Ruby Rezac \$180.00, Brad Stolsmark \$90.00, Rebecca Whitlock \$115.00, Brian Zimprich \$190.00, Wayne Fischer \$155.00, Jeannette Hassebroek \$30.00, Laura Haven \$40.00, Carol Hein \$30.00, Jeannie Huettl \$30.00, Duane Jark \$30.00, Jackie Kessler \$30.00, Catherine Knapp \$30.00, Joyce Kringen \$30.00, Diane Leitheser \$30.00, Marilyn Maloney \$15.00, Katie Mattern \$30.00, Breanna Neiger \$30.00, Sherry Perrion \$40.00, Wendell Rye \$30.00, Angie Sharp \$30.00, Evalyn Smith \$30.00, Erica Sperry \$30.00, Scott Sperry \$30.00, Peggy Stager \$45.00, Karen Wolter \$30.00, Gwen Hansen \$15.00, Linda Gengerke \$30.00, Tracy Dice \$30.00, Pat Dennert \$30.00, Jenna Dennert \$30.00, Lois Davis \$30.00, Marcia Braun \$45.00, Kathy Blank \$40.00, Howard Anderson \$30.00, Carly Wheeting \$25.00, Abby Gibbs \$25.00, Nicole Marzahn \$25.00, Mark Sperry \$25.00, Matthew Sperry \$25.00, Peyton Johnson \$25.00, Tammy Erickson \$269.70, Carver County Sheriff \$43.88, Aspire \$27.80, Dept. of Revenue \$1352.00, Douglas County Sheriff \$31.00, SD Continuing Legal Education \$500.00, Francene Sippel \$620.00, Richards & Oliver \$85.48, Dept. of Social Services \$26.80, Family Court of Vermont \$6.25, David Angerhafer \$20.00, Kristine Henman \$20.00, Kristopher Walker \$20.00, Kaylene Henman \$20.00, Brittancy Baldwin \$20.00:

Utilities: Midcontinent Communications \$105.13, Town of Frederick \$32.25, Northern Valley Comm. \$702.96, Northwestern Energy \$12916.19, AT&T Mobility \$2288.41, James Valley Telecommunications \$211.90, Web Water \$6.50:

Care of Poor: Rent (4 recipients) Hangun Properties \$175.00, Ken Dohn \$320.00, GR Rentals \$130.00, Wolfstrong Apartments \$280.00; Dr/Medical (7 recipients) Dakota Plains Surgical Center \$2101.41, Northern Plains OMS \$500.40, Avera St. Lukes \$4526.47, Kesslers Pharmacy \$340.41, United Clinic Pharmacy \$480.40, Walmart Pharmacy \$507.01; Utilities: (2 recipients) Northwestern Energy \$353.90; Transportation: (1 recipients) Brown County Highway Dept. \$29.39. All members present voting aye. Motion carried.

#### SPECIAL MALT BEVERAGE LICENSE:

Moved by Elliott, seconded by Wiese to approve and authorize the Chairman sign the following Special Malt Beverage License Application: NESD Celtic Faire and Games – Brown County Fairgrounds (Holum Expo Building) SW ¼-Sec 1-T123N-R64W, effective September 17 and 18, 2011. 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 \$14,445.00 (90% DOC, 10% County), effective October 1, 2011 – September 30, 2012. All members present voting aye. Motion carried.

#### HIGHWAY UPDATE:

Jan Weismantel, Highway Superintendent presented highway department update.

#### 2012 PROVISIONAL BUDGET HEARING:

Time and place, as advertised for public hearing on the 2012 Provisional Budget. No one from the public or various departments appeared. No action will be taken on the Provisional Budget until September 27, 2011.

#### ROAD DISCUSSION:

Susan Hoffman, Richmond Lake property owner inquired about the use of Coyne Road. Gary Vetter, Planner/Zoning will discuss the inquiry with the Highway Superintendent and Fairgrounds Manager.

#### EXECUTIVE SESSION:

Moved by Wiese, seconded by Elliott to go into executive session for personnel discussion with Paul Sivertsen and John McQuillen 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 Fischbach to acknowledge resignation of Chris Stucke, effective September 30, 2011. All members present voting aye. Motion carried.

#### RECESS:

The Chairman declared the Commission recessed until September 13, 2011.

Maxine Fischer, Brown County Auditor

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# SEPTEMBER 13, 2011 – GENERAL MEETING

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

## MINUTES:

Moved by Wiese, seconded by Fischbach to approve the General Meeting minutes of September 6, 2011. All members present voting aye. Motion carried.

## CLAIMS:

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

Payroll: Commissioners \$3,229.05; Auditor \$8,375.03; Treasurer \$11,148.64; Data Processing \$2,290.61; State's Attorney \$13,666.11; Blood Draws \$1,320.00; SVAWA Grant \$1,269.24; Maintenance \$6,000.86; Assessor \$10,289.51; Register of Deeds \$6,922.24; Veterans Service Office \$3,294.30; GIS \$1,965.93; Sheriff Adm \$28,374.04; Jail \$27,237.87; Coroner \$900.00; JDC \$12,353.93; HD \$4,322.96; Welfare Office \$3,240.20; Museum \$6,423.66; Parks & Fairgrounds \$5,840.27; Fairboard \$2,700.72; Extension \$2,708.41; Weed \$4,314.29; Planning and Zoning \$2,003.01; Highway \$41,718.76; Communications \$21,076.72; Emergency Management \$3,008.82; Teen Court \$422.43; 24/7 Sobriety \$1,836.24; Landfill \$9,155.61; Matching Benefits: FICA \$14,532.65; Medicare \$3,398.76;

Supplies: Woodman Refrigeration \$512.31, Heartland Paper \$110.96, Crescent Electric \$564.63, Cartney Bearing, A&B Business \$7.96, Bonnie Bitz \$192.00, Dakota Electronics \$965.25, Hoven Auto \$53.60, Lexis Nexis \$51.50, Earthgrains \$759.36, Cash Wa \$6442.60, DT Pharmacy \$2313.36, Marco \$266.12, Exhaust Pros \$26.83, Ameripride \$324.56, Herb Dabbert \$2351.25, Dahme Construction \$574.00, Dakota Fluid Power \$344.70, Dakota Oil \$3846.21, Diamond Mowers \$1018.84, Diesel Machinery \$6200.00, Economy Propane \$1212.75, GCR Tire Center \$538.57, Graham Tire \$824.91, J Gross Equipment \$4143.86, Hanlon Brothers \$83595.52, Hedahl's \$66.91, Howes Oil Company \$8845.50, HF Jacob's & Son \$65257.45, Menards \$265.06, New Pit \$172.36, North Central Famers Elevator \$25012.54, Pierson Ford \$2028.82, Pro Ag Supply \$1488.00, Safety Service \$495.97, Share Corp \$640.75, Sheehan Mack Sales \$3787.19, Sioux Falls Crane & Hoist \$280.00, SD Magazine \$285.00, Hub City Radio \$300.00, Klein's \$9.93, Dover Publications \$73.49, Sherri Rawstern \$114.95, Marianne Marttila-Klipfel \$26.08, Clark Engineering \$1500.00, Carson Ellwein, Dakota Unltd \$260.00, KELO Aberdeen \$1500.00, Randall Johnson \$4.25, Terry Anderson \$114.00, Heidi Sylte \$40.00, Phyllis Donat \$30.00, Ric Dias \$30.00, Rick Pesek \$30.00, John Oster \$30.00, Florence Kraus \$30.00, Judy Gulleson \$50.00, DaRae Dinger \$50.00, Martha Mehlhaff \$30.00, Joy Braun \$40.00, Ruth Casanova \$30.00, Cindy Schnabel \$30.00, Renita Kainz \$30.00, Ramona Hurin \$30.00, Kathy Novstrup \$30.00, Duane Jark \$30.00, Jolynn Zeller \$30.00, Susan Gerlach \$30.00, Mark Sperry \$30.00, Dianne Steinheuser \$50.00, Theresa Fjeldheim \$30.00, Grabar Voice and Data \$1317.00;

Publications: American News \$1491.53, Ad Department \$57.90, Groton Indep \$36.30;

Utilities: Northwestern Energy \$914.05, City Treasurer \$25.04, Northern Valley Communications \$912.10, James Valley Coop. \$140.66;

Care of Poor: Rent (12 recipients) Emergency Poor Fund \$352.00, Hangun Properties \$260.00, Raymond Sauerwein \$260.00, Getty Rentals \$300.00, White House Inn \$1371.11, Pat Preston \$260.00, Foxridge Apartments \$210.00; Dr/Medical (4 recipients) Dohman Eye Care \$99.00, Avera St. Lukes \$9665.97;

Utilities: (3 recipients) City of Aberdeen \$100.21, Northwestern Energy \$510.31; Transportation: (1 recipient) Brown County Highway Dept. \$50.62. All members present voting aye. Motion carried.

## PERSONNEL:

Moved by Elliott, seconded by Hansen to approve the following employee step increases, effective September 18, 2011: Jennifer Stoddard @ \$15.11 per hour, Christine Haggerty @ \$14.24 per hour, Sara

Hagman @ \$13.08 per hour, Nicholas Juenger @ \$13.21 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Fischbach to acknowledge resignation of Rochele Moser, effective September 23, 2011. All members present voting aye. Motion carried.

Moved by Elliott, seconded by Wiese to approve hiring Brandon Black as part-time Landfill employee, effective September 14, 2011 at \$12.43 per hour. All members present voting aye. Motion carried.

#### AUDITORS REPORT OF ACCOUNT:

Moved by Hansen, seconded by Wiese to approve the August 2011 Auditor's Report of Account with the County Treasurer in total amount of \$10,510,656.67 (total amount of actual cash @ \$2,812.30, Wells Fargo Bank @ \$3,621.29, US Bank @ \$27,321.40, Dacotah Bank @ \$21,354.26, Petty Cash @ \$7,509.88, Fund Investments @ \$10,447,049.84, Outstanding Checks @ \$987.70). All members present voting aye. Motion carried.

#### DISCRETIONARY FORMULA:

Moved by Fischbach, 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.

#### TOWNSHIP BOND:

Moved by Elliott, seconded by Wiese to approve the following Township Bond: Lincoln #39 (clerk) Ronald Kaaz. All members present voting aye. Motion carried.

#### SHERIFF REPORTS:

Moved by Hansen, seconded by Wiese to approve the following August 2011 Sheriff Reports: Incidents and offenses; Prisoner care, JDC, Money deposited with the County Treasurer and Monthly activities. All members present voting aye. Motion carried.

#### CDBG APPLICANT:

Moved by Hansen, seconded by Wiese to give preliminary approval for the County to apply for a Community Development Block Grant on behalf of The YMCA Youth Development Center. All members present voting aye. Motion carried.

#### 2011 BROWN COUNTY FAIR RECAP:

Amy Scott, Interim Fair Manager presented attendance estimates and the current revenue from the 2011 Brown County Fair.

#### APPLICATION FOR OCCUPANCY:

Moved by Fischbach, seconded by Wiese to approve and authorize the Chairman to sign application, submitted by Northern Electric for occupancy of Brown County Highway #17 in the NW ¼ of Sec 15-T123N-R63W and ending in the SW ¼ of Sec 10-T123N-R63W, Brown County, SD to provide electric service. All members present voting aye. Motion carried.

#### BRIDGE 172 CHANGE ORDER #4:

Moved by Elliott, seconded by Hansen to approve and authorize the Chairman sign Change Order #4 for BRO 8007(31), PCN 6085, Bridge #172, decreasing the contract by \$1,279.20. All members present voting aye. Motion carried.

1105

BRIDGE 278 CHANGE ORDER #1:

Moved by Hansen, seconded by Fischbach to approve and authorize the Chairman sign Change Order #1 for BRO 8007(37), PCN H051, Bridge #278 by adding 3 months to the contract completion date. All members present voting aye. Motion carried.

ROAD VACATION REQUEST:

Jason Lien requested the County vacate a portion of 133<sup>rd</sup> Street. The request was referred to Gary Vetter, Planning/Zoning Administrator for review and recommendation.

CITIZEN GROUP:

A group of area residents and professionals met with the Commission to voice their opinions in regard to the resent dismissal of an employee.

EXECUTIVE SESSION:

Moved by Hansen, seconded by Wiese to go into executive session to discuss personnel with Kim Dorsett in attendance; and further to discuss personnel with John McQuillen and Kim Dorsett 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 Elliott, seconded by Hansen to approve hiring Karly Winter as Deputy Brown County States Attorney, effective September 12, 2011 at a pro-rated annual salary of \$37,000.00. Roll call vote: Commissioners Hansen-aye, Elliott-aye, Fischbach-aye, Wiese-aye, Sutton-nay. Motion carried.

RECESS:

The Chairman declared the Commission recessed until September 27, 2011.

Maxine Fischer, Brown County Auditor

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## SEPTEMBER 27, 2011 – GENERAL MEETING

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

### MINUTES:

Moved by Wiese, seconded by Elliott to approve the General Meeting minutes of September 13, 2011. All members present voting aye. Motion carried.

### CLAIMS:

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

Payroll: Commissioners \$3,229.05; Auditor \$8,979.37; Treasurer \$11,148.64; Data Processing \$2,261.21; State's Attorney \$13,648.59; SVAWA Grant \$1,269.24; Blood Draws \$480.00; Maintenance \$5,875.40; Assessor \$10,967.03; Register of Deeds \$6,922.24; Veterans Service Office \$3,294.30; GIS \$1,965.93; Sheriff Adm \$30,245.35; Jail \$30,379.30; Coroner \$600.00; JDC \$13,746.07; HD \$4,431.25; Welfare Office \$3,240.20; Museum \$6,423.66; Parks & Fairgrounds \$4,596.03; Fairboard \$1,749.37; Extension \$2,181.60; Weed \$3,785.36; Planning and Zoning \$1,960.31; Highway \$39,208.91; Communications \$22,768.87; Emergency Management \$3,008.83; Teen Court \$450.13; 24/7 \$1,901.84; Landfill \$10,139.35; Matching Benefits: FICA \$14,748.63, Medicare \$3,449.31, Life \$557.34, Dental \$5,424.06, Health Ins \$83,950.64, Retirement \$29,519.11:

Supplies: Shafer & Feld Printers \$367.50, Dakota Electronics \$3300.00, Bonn Express \$84.95, Mike Hassebroek \$60.00, Steve Ulmer \$125.00, Bob Husby \$55.76, Specialty Mfg \$525.38, Menards \$402.56, RaceWest \$1018.00, CMW Cleaning Service \$644.86, Midstates \$585.21, Al-Shar Holsteins \$52.50, Kaitlin Anderson \$7.50, Bruce Hoffman Family \$94.50, Hailey Bruckner \$12.00, Chad Burns \$174.00, Dosch Katahdins \$21.00, Brianna Erdman \$8.00, Frey-View Dairy Farm \$116.00, Friesz Family \$153.50, Fritz Bruckner Montadales \$67.00, Victory Farms \$10.50, Logan Hanson \$10.50, Chance Hassebroek \$35.50, Tristin Johnson \$15.00, Jones Family \$86.00, Sterling Kappes \$21.00, Jake Krohmer \$101.50, Jordan Miller \$10.50, Dylan Nohner \$156.00, Troy & Heather Opdahl \$42.00, Osterman Shorthorns \$21.00, Steven Paulson \$21.00, Podoll Family \$18.00, William Poppen \$145.00, Kaitlyn Ringgenberg \$10.50, Shari Rossow Family \$58.00, Justine Sanderson \$10.50, Adrienne Schaanaman \$10.50, Schaanaman Family \$21.00, Sharp Family \$42.00, Sombke Family \$59.00, Souza Family \$10.50, Alex Thyen \$21.00, Tollefson's Wollie Acres \$64.50, Turner Webb \$10.50, Andy Weber \$10.50, Wolff's Suffolks \$87.00, Wolkow Dorsets \$231.00, Wright Family \$18.00, Trey Wright \$7.50, Veterans Info Service \$50.00, Lar-Jo's \$137.50, West Payment \$1492.98, Language Line \$374.85, McFarland Supply \$321.78, Aberdeen Plumbing \$148.34, Heartland Paper \$3136.00, Interior Design Concepts \$51.19, AdamSoft \$1500.00, Exhaust Pros \$26.83, CNA Surety \$50.00, Dakota Security Systems \$1306.92, A&B Business \$272.84, Carver County Sheriff \$43.88, Steven Lust \$101.42, Academy \$12.00, Wallwork Truck Center \$225.98, TSC \$16.47, Swanston Equipment \$21000.00, Schmidt Contruction \$7271.37, Pomp's Tire Service \$115.35, Fred Ludwig Trucking \$2226.00, Lien Trans \$64276.71, L&O Acres \$1757.03, Randy Kutter \$9.53, Kriech Construction \$24465.00, Casey Jensen \$136.44, Huron Culvert & Tank \$6597.96, Howes Oil \$25905.80, Holland's Auto Care \$16.00, Ferguson Waterworks \$12840.15, Farm Power Mfg \$68.40, Cartney Bearing \$73.00, Carquest Automotive \$1484.90, Brick's Propane \$180.00, Parkview Nursery \$21.58, GCR Tire \$31.00, Town & Country \$2338.08, Century Link \$9.90, Dakota Doors \$2035.70, GLAS Consulting \$67.50, Sherwin Williams \$19.85, DPM Mercantile \$120.00, Aries Graphics \$99.63, Ken's Superfair Foods \$23.05, Bonnie Bitz \$860.00, Marco \$530.69, DSS Image Apparel \$112.80, Vosika Fencing \$805.00, Industrial Service \$2288.43, Best Business \$176.80, Gaylord White \$96.00, Sherri Rawstern \$329.70, Photo-X-Press \$94.23, Lawson Products \$241.67, Pierson Ford \$89.00, NADA \$98.00, Tom Schmitt \$14.36, John Heine \$170.91, Sandie Mielke \$9.54, US Bank \$14,923.31, Fire Safety First \$22.00, Claritus \$295.00, South Dakotans for the Arts \$125.00, Ameripride

\$53.16, Dex Media East \$187.00, Vosika Fencing \$216.62, Frey's Electronics \$240.38, Mallory Headsets \$294.95:

Publications: American News \$785.05, Groton Independent \$483.94:

Transcriptions: Tammy Erickson \$247.35, Michelle Gaikowski \$190.40:

Travel: Rick Pigors \$237.70, Thomas Gohn \$321.58, Kathy Schlecht \$232.68, Marjorie Zastrow \$289.61, Darwin Bettmann \$11.10, Dale Kurth \$84.36, David North \$84.36, Stanley Beckler \$15.54, Patrick Keatts \$17.76, Jerome Streckfuss \$19.24, Scott Meints \$288.18, Charlene Millim \$334.00, Ramkota \$470.00, Gene Loeschke \$372.72, Russell Metz \$502.59, Barry Kusler \$252.10, Kathy Fischer \$272.45, Leo Leshner \$278.00, Mary Worlie \$252.84, Mike Wiese \$298.64, Carol Sherman \$697.82:

Professional Fees: Swanson Electric \$11882.42, NEMH \$988.00, Avera Queen of Peace \$549.00, SD Supplemental Retirement System \$4221.66, Donna Dietrich \$105.89, Norma Andersen \$15.00, Jeanne Collision \$15.00, Jerry Pollard \$45.00, Lewis & Clark BHS \$149.00, Romeo Entertainment \$462.68, Richard & Oliver \$85.48, Gardner Locksmithing \$45.00, State Remittance Center \$6695.00:

Court Appointed Attorney: Gina Rogers \$5906.83, Kuck Law Office \$5520.83, Christopher Dohrer \$5770.83, Christy Serr \$5770.83:

Utilities: Aberdeen City Treasurer \$4255.07, Northern Electric \$1545.87, Dependable Sanitation \$24317.82, Qwest \$3365.59, Northwestern Energy \$1534.57, City of Hecla \$85.57, Town of Claremont \$123.00, Bureau of Administration \$411.11, AT&T \$2034.47, Midcontinent \$165.13, CenturyLink \$2376.65:

Care of Poor: Rent (7 recipients) Theodore Huss \$260.00, Lakeside Estates \$460.00, SD State Real Estate \$225.00, Falcon Rentals & Properties \$260.00, Steve Gauer \$85.00, Erdmann Properties \$65.00, Tom Hinz \$210.00; Dr/Medical (4 recipients) Kmart Pharmacy \$34.63, Lori's Pharmacy \$61.52, North Central Heart Institute \$448.01, Aberdeen Advanced Care Ambulance \$100.19, AMG Obstetrics & Gynecology \$289.40; Utilities (6 recipients) City of Aberdeen \$101.97, Northern Electric \$320.00, Northwestern Energy \$1097.85; Burials (2 recipients) Spitzer Funeral Home \$10000, Carlsen Funeral Home \$1000.00; Insurance (1 recipient) Allied Benefits \$ 288.00. All members present voting aye. Motion carried.

#### PERSONNEL:

Moved by Wiese, seconded by Elliott to approve the following employee step increases, effective October 2, 2011: Kathy Thompson @ \$13.70 per hour, Albert Chagolla @ \$13.98 per hour. All members present voting aye. Motion carried.

Moved by Elliott, seconded by Wiese to approve hiring Anne Kusler, as part-time JDC Correctional Officer, effective September 26, 2011 @ \$10.93 per hour. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Elliott to approve hiring Amy Scott as full-time Fair Manager, effective October 3, 2011 at prorated annual salary of \$38,000.00. All members present voting aye. Motion carried.

#### HOLIDAY CLOSING:

Moved by Wiese, seconded by Elliott to close Friday, November 25<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 25<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.

#### OPERATING TRANSFER:

Moved by Fischbach, seconded by Wiese to approve and authorize the following operating transfer, as authorized in the 2011 Budget from the General Fund #101 Budget (101-911-191) to the Road and Bridge Fund #201-371 in amount of \$1,000,000.00. All members present voting aye. Motion carried.

**BID LANDFILL COMPACTOR:**

Moved by Fischbach, seconded by Elliott to approve the specifications and authorize advertising public hearing to open, read and consider bids for a 2011 or current model Landfill Compactor for the Brown County Landfill, to be held in the Commissioner's Chambers, Courthouse Annex, Brown County, SD at 9:15 a.m. on October 18, 2011. Roll call vote: Commissioners Hansen-aye, Elliott-aye, Fischbach-aye, Wiese-nay, Sutton-aye. All members present voting aye. Motion carried.

**LEASE AGREEMENT:**

Moved by Hansen, seconded by Wiese to approve the following agreement: Aberdeen Humane Society for lease of the Club House on October 1 and 2, 2011. All members present voting aye. Motion carried.

**RACE TRACK OPTION:**

Moved by Wiese, seconded by Elliott to approve request, submitted by Nick Guthmiller, Generation 2 Promotions for one-year option to lease Brown County facilities at the Fairgrounds for the 2012 Car Racing season, per lease dated December 8, 2009. All members present voting aye. Motion carried.

**ORDINANCE 072:**

Moved by Fischbach, seconded by Hansen to authorize advertising public hearing to be held at 9:00 a.m. on October 18, 2011 in the Commission Chambers, Courthouse Annex, Brown County, SD for First Reading of Ordinance #072, An Ordinance amending Second Revision Brown County Ordinances by rezoning the following property from Chapter 4.06 Agricultural Preservation District (AG-P) to Chapter 4.15 Light Industrial District (L-1), described as follows: The NW ¼ of Sec 24-T123N-R65W of the 5<sup>th</sup> P.M., except Froehlich Outlot 1 thereof and except Lot H-1 thereof, Brown County, SD and the SW ¼ of Sec 24-T123N-R65W of the 5<sup>th</sup> P.M., except railroad right-of-way, except Lot H-1 thereof, and except Lots 1 and 2, MDU-NBPL Subdivision thereof, Brown County, SD (E. side of Brown County 12WA/379<sup>th</sup> Ave, N side of State Highway 12). All members present voting aye. Motion carried.

**ORDINANCE 073:**

Moved by Wiese, seconded by Hansen to authorize advertising public hearing to be held at 9:05 a.m. on October 18, 2011 in the Commission Chambers, Courthouse Annex, Brown County, SD for First Reading of the following: Ordinance #073, An Ordinance amending Second Revision Brown County Ordinances, Title 9 Drainage Permit, Chapter 9.06 Filing Application authorizing the drainage permit fee be set by resolution. All members present voting aye. Motion carried.

**SDRS SUPPLEMENTAL RETIREMENT PLAN:**

The Commission declined the opportunity to choose to add automatic enrollment provisions for employees to the SDRS Supplemental Retirement Plan, as authorized by SDCL 3-13-56.

**SPECIAL MALT BEVERAGE LICENSE:**

Moved by Elliott, seconded by Fischbach to approve and authorize the Chairman sign the following Special Malt Beverage License Application: Aberdeen Hockey Association – Brown County Fairgrounds (secure roped area north of Odde Building entrance) SW ¼-Sec 1-T123N-R64W, effective September 30, 2011. All members present voting aye. Motion carried.

**HIGHWAY SAFETY PROJECT GRANT AGREEMENT:**

Moved by Wiese, seconded by Fischbach to approve and authorize the Chairman sign FY 2012 Highway Safety Project Grant Agreement in amount of \$32,000.00. All members present voting aye. Motion carried.

**CITIZENS CORP (HLS) GRANT AGREEMENT:**

Moved by Wiese, seconded by Fischbach to approve and authorize the Chairman sign grant award for FY2010 Citizens Corps Funding (HLS) in amount of \$3,830.00 for purchase of equipment. All members present voting aye. Motion carried.

PLATS:

Commissioner Wiese offered the following Resolution:

RESOLUTION #76-11

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Kirchgesler Subdivision in NW ¼ Sec 13-T124N-R65W of the 5<sup>th</sup> P.M., Brown County, SD", having been examined, is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof.

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

Commissioner Wiese offered the following Resolution:

RESOLUTION #77-11

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing "Thunderhead Lodge Second Conservation Easement Tract 1 in the SW ¼ and Tract 2 in the SE ¼ all in Sec 35-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 11-3, and any amendments thereof.

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

Commissioner Wiese offered the following Resolution:

RESOLUTION #78-11

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Hazel Eilers Subdivision in SE ¼ Sec 18-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 Elliott. Roll call vote: Commissioners Hansen-aye, Elliott-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

RESOLUTION #79-11

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Kippley Family Subdivision in NW ¼ Sec 18-T124N-R63W of 5<sup>th</sup> P.M., Brown County, SD", having been examined, is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof.

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

#### BOYS & GIRLS CLUB PROJECT COST SHARE:

Moved by Hansen, seconded by Fischbach to deny request from the Boys & Girls Club for the County to cost share an environmental study at the property located on 1<sup>st</sup> Ave SE. Moved by Wiese, seconded by Elliott for substitute motion for the County to cost share an environmental study at the property located on 1<sup>st</sup> Ave SE in amount of \$571.98. Roll call vote: Commissioners Hansen-nay, Elliott-aye, Fischbach-nay, Wiese-aye, Sutton-aye. Substitute motion carried.

#### EXECUTIVE SESSION:

Moved by Hansen, seconded by Wiese to go into executive session to discuss possible litigation 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.

#### APPLICATION FOR OCCUPANCIES:

Moved by Wiese, seconded by Fischbach to approve application, submitted by James Valley Telecommunications for occupancy of Brown County Highway #18 in Sec 18/13-T123N-R61/62W of 5<sup>th</sup> P.M., Brown County, SD to provide telecommunications. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Elliott to approve application, submitted by Northern Electric for occupancy of Brown County Highway #20 in Sec 34-T126N-R60W of 5<sup>th</sup> P.M., Brown County, SD to provide electric power. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Fischbach to approve application, submitted by James Valley Telecommunications for occupancy of Brown County Highway #23 in Sec 3-T121N-R64W of 5<sup>th</sup> P.M., Brown County, SD; and for occupancy to Brown County Highway #23 on Sec 3/2-T121N-R64W of 5<sup>th</sup> P.M., Brown County, SD to provide telecommunications. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Fischbach to approve application, submitted by WEB Water Development for occupancy of Brown County Highway #23 in Sec 2-T121N-R64W of 5<sup>th</sup> P.M., Brown County, SD to provide potable water line. Roll call vote: Commissioners Hansen-abstain, Elliott-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Motion carried.

Moved by Fischbach, seconded by Wiese to approve application, submitted by Northern Electric for occupancy of Brown County Highway #23 in Sec 35-T122N-R61W of 5<sup>th</sup> P.M. and ending in Sec 2-T121N-R61W of 5<sup>th</sup> P.M., Brown County, SD to install primary VRD. All members present voting aye. Motion carried.

#### SIB APPLICATION:

Moved by Fischbach, seconded by Wiese to approve and authorize the Chairman to sign State Infrastructure Bank (SIB) Initial Project Application for County 23 (142<sup>nd</sup> Street) 2 ½ miles east of Edmunds County Line between 376<sup>th</sup> and 377<sup>th</sup> Ave (FAS Route 6176) in total amount of \$456,333.00 (SIB Loan amount @ \$373,965.00, County match amount @ \$82,368.00). All members present voting aye. Motion carried.

#### SIB RESOLUTION:

Commissioner Fischbach offered the following Resolution:

## RESOLUTION #80-11

## FEDERAL AID STATE INFRASTRUTURE BANK RESOLUTION FOR FLOODING PROJECTS

WHEREAS, Brown County desires the construction and improvement of the road hereinafter described in the SIB Project Application (County 23 (142<sup>nd</sup> Street) 2 ½ miles east of Edmunds County Line between 376<sup>th</sup> and 377<sup>th</sup> Ave), and

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

WHEREAS, Brown County will be required to hire a consultant, currently on the SDDOT retainer list, for preliminary engineering design and will be responsible for all associated costs for this work. These costs may be reimbursable if/when ER funds become available.

NOW, THEREFORE BE IT RESOLVED: that the South Dakota Department of Transportation 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.

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

## EXECUTIVE SESSION:

Moved by Hansen, seconded by Wiese to go into executive session to discuss personnel with Kim Dorsett and Maxine Fischer 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.

## 2012 PROVISIONAL BUDGET AMENDMENTS:

Moved by Wiese, seconded by Elliott to amend the 2012 Provisional Budget line items, as follows: Contingency from 308,661.00 to 250,000.00; Auditor from 329,789.64 to 347,147.00; Treasurer from 446,818.25 to 470,335.00; Data Processing from 357,452.45 to 361,215.11; States Attorney from 524,741.79 to 530,265.39; Court Appointed Legal Council from 301,150.00 to 304,320.00; Maintenance from 634,590.50 to 641,270.40; Director of Equalization from 457,820.86 to 462,640.02; Register of Deeds from 259,419.21 to 267,149.94; Veterans Service from 119,414.97 to 120,671.97; GIS from 85,215.00 to 86,112.00; Sheriff from 1,275,924.10 to 1,289,354.88; Jail from 1,372,700.60 to 1,387,150.08; JDC from 751,253.35 to 759,161.28; Welfare from 656,062.37 to 680,000.00; Museum from 288,933.83 to 291,975.24; Parks from 92,763.97 to 93,740.43; Fairgrounds from 271,739.14 to 286,141.20; Fair from 710,192.34 to 756,662.80; Extension from 70,996.08 to 71,996.08; Weed from 216,942.22 to 219,225.82; Planning & Zoning from 93,352.70 to 94,335.36; Operating Out EM from 92,813.62 to 140,813.62; Emergency Management from 187,813.62 to 235,813.62; all other line items remaining as stated in the Provisional Budget. All members present voting aye. Motion carried.

## 2012 ANNUAL BUDGET:

Commissioner Wiese offered the following Resolution:

ANNUAL BUDGET FOR BROWN COUNTY, SD  
For the Year January 1, 2012 to December 31, 2012

## RESOLUTION #81-11

## 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, 2012 and ending December 31, 2012 and the same is hereby approved and adopted by the Board of County Commissioners of Brown County, South Dakota, this 27<sup>th</sup> day of September, 2011. 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, 2012 through December 31, 2012.

COUNTY TAX LEVIES WITHIN LIMITED LEVY	Dollars	\$'S/1,000
*General County Purposes (10-12-9)	\$11,250,167	4.459
TOTAL TAXES LEVIED BY COUNTY	\$11,250,167	4.459

\*These amounts include the 25% to be distributed to cities.

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

## ADJOURNMENT:

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

Maxine Fischer, Brown County Auditor

Published once at the total approximate cost of \$\_\_\_\_\_.

## OCTOBER 4, 2011 – GENERAL MEETING ✓

The Brown County Commission convened at 8:45 a.m., October 4, 2011 in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Elliott, Fischbach and Sutton. Commissioner Wiese was absent. Chairman Sutton led the Pledge of Allegiance.

## MINUTES:

Moved by Elliott, seconded by Fischbach to approve the General Meeting minutes of September 27, 2011. All members present voting aye. Motion carried.

## YEARS OF SERVICE AWARD:

The Commission presented Markcus Selzler a Certificate of Appreciation for Thirty Years of Service to the County with congratulations and thanks for his service to the County.

## CLAIMS:

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

Supplies: A&B Business \$332.95, Best Business \$133.32, Brown County \$104.65, RE Carlson \$121.09, Cunningham Elec \$2333.85, Dahme Const \$20,025.00, Dakota Fluid Power \$34.19, Ex Mgmt \$541.88, Ferguson Waterworks \$2492.31, Frey Elec \$352.27, Galls \$291.88, Graham Tire \$130.78, Grote Body Shop \$1967.44, GovConnection \$1718.04, Heartland Paper \$2769.65, Herc-U-Lift \$85.47, Hoven Auto \$283.90, Howes Oil \$18,213.00, HSBC \$111.64, Intoximeter \$2000.00, HF Jacobs \$55,368.81, Kleins \$74.74, Ken's \$1741.52, Lar-Jos \$180.00, Lien Trans \$97,699.50, Lewis Drug \$144.19, Macs \$306.35, Marco \$16.98, Meyer Truck Salvage \$400.00, N Central Farmers Elev \$3136.08, MOCIC \$100.00, Parcel Erickson \$39.79, Pioneer Ford \$47,386.00, RDO \$338.62, Runnings \$1539.20, Schwan Elec \$434.15, Share Corp \$170.00, SD Planners Assoc \$80.00, SDACO \$30.00, SD Public Assurance \$150.00, SDLTAP \$70.00, SDDOT \$161.36, Truenorth Steel \$179.20, Town & Country \$379.26, Ultramax \$992.00, Walmart \$94.40, Boys & Girls Club \$571.98, Butler Cat \$2586.69, LBG \$880.00, Safety Kleen \$798.87:

Publications: American News \$42.65, Groton Indep \$71.14:

Travel: Cindy Eppard \$43.00, City of Groton \$51.80, Duane Jark \$26.64, Ramkota \$2150.00, Dennis Wiedebush \$17.76, Rick Pigors \$274.84:

Professional Fees: Avera St Lukes \$5203.48, Dakota Imaging \$335.18, Dental Center \$87.00, Donna Dietrich \$298.88, Janklow Law Fire \$2276.30, Sanford Clinic \$205.98, Sivertsen Tech \$12,890.65:

Utilities: AT&T \$92.00, Century Link \$41.66, Midcontinent \$375.60, Montana Dakota \$22.93, Northwestern Energy \$10,365.60, Verizon \$79.62, WEB \$74.52:

Care of Poor: Rent (1 recipient) Norman Fjelstad \$280.00; Dr/Medical (5 recipients) Anesthesia Care \$256.00, Avera St Lukes \$7547.11; Utilities (2 recipients) NW Energy \$289.44; Medication (6 recipients) Shopko Pharm \$28.72, United Clinic Pharm \$949.26, Walmart Pharm \$239.69. All members present voting aye. Motion carried.

## PERSONNEL:

Moved by Elliott, seconded by Fischbach to approve hiring Glenn Neumiller, effective October 5, 2011 and Matt Heupel, effective October 17, 2011 as Highway Labor Grade #3 employees at \$12.98 per hour. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Elliott to acknowledge the resignation of Kellie Jones, effective September 27, 2011 and Lisa Samson, effective October 14, 2011. All members present voting aye. Motion carried.

## LEASE AGREEMENTS:



Moved by Hansen, seconded by Fischbach to approve the following agreements: First United Methodist Church for lease of the Richmond Youth Camp Lodge on October 9-10, 2011; Ashley Webb for lease of the Richmond Lake Youth Camp Lodge on November 11-12, 2011. All members present voting aye. Motion carried.

**DISASTER DECLARATION:**

Commissioner Fischbach offered the following Resolution:

**RESOLUTION #82-11  
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 with in 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.

Adopted this 4<sup>th</sup> day of October 2011.

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

**PLAT:**

Commissioner Fischbach offered the following Resolution:

**RESOLUTION #83-11**

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD that the plat showing "Vogel Subdivision in the NW ¼ Sec 23-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD", having been examined, is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof.

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

**RESTRICTED USE SITE PERMIT:**

Commissioner Elliott offered the following Resolution:

**RESOLUTION #84-11  
Authorizing the renewal of a Restricted Use Solid Waste  
Disposal Facility Permit for the City of Frederick**

WHEREAS, the City of Frederick desires to renew permit for a Restricted Use Solid Waste Disposal Facility for the purpose of Solid Waste Management; and

WHEREAS, the use of this facility is not in conflict with any established zoning laws or ordinances; and

WHEREAS, the City will file a Solid Waste application for renewal with the South Dakota Department of Environment and Natural Resources (DEMNR); and

WHEREAS, the DENR will review the application for renewal to determine that the facility can be operated within South Dakota laws and regulations; and

WHEREAS, the DENR may recommend the approval of the permit renewal with conditions adequate to safeguard the environment; and

WHEREAS, the Board of Minerals and Environment will review, modify, approve or deny the permit if the tentative recommendations and/or conditions of the permit are contested by any interested party; and

WHEREAS, the County Commission of Brown County is required to acknowledge application for renewal of a solid waste facility permit prior to the issuance of a solid waste permit.

NOW, IT IS THEREFORE RESOLVED, that the County Commission of Brown County hereby approves application for renewal of the facility permit to be operated under the terms of a solid waste permit to be issued by the Board of Minerals and Environment.

Approved this 4<sup>th</sup> day of October 2011.

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

#### BID AWARD – SURFACE REPAIR (COLD) MIX:

Moved by Fischbach, seconded by Hansen to award bid, submitted by Aberdeen Asphalt for furnishing and delivery of Bituminous Repair (cold) Mix @ \$114.00 per ton (FOB Contractor's Mixing Plant), as bid by Aberdeen City on March 15, 2011; rejecting bid submitted by Lien Transportation @ \$200.00 per ton. All members present voting aye. Motion carried.

#### QUOTE AWARD – OVERHEAD CRANE/HOIST:

Moved by Hansen, seconded by Fischbach to award low quote, submitted by Sioux Falls Crane and Hoist for an Overhead Crane/Hoist in amount of \$15,631.43; rejecting quotes submitted by SCC @ \$19,065.00 and Dakota Riggers & Toll Supply @ \$17,975.00. All members present voting aye. Motion carried.

#### SURPLUS PROPERTY:

Moved by Fischbach, seconded by Elliott to declare Decal #1631, T-22 1965 OshKosh Model M41700 Snowblower (SN8637) surplus and approve selling the unit to Walworth County for \$10,000.00. All members present voting aye. Motion carried.

#### LETTER OF CONCERN REGARDING REDISTRICTING PLAN:

Moved by Commissioner Burt Elliott, seconded by Commissioner Tom Fischbach that the Brown County Commission expresses its concern with the recent Legislative Redistricting plan presented for the state of South Dakota. The plan chosen would split Brown County into three (3) Legislative Districts. All members present voting aye. Motion carried.

#### INCREASE SPENDING AUTHORITY/ESTIMATED REVENUE:

Moved by Hansen, seconded by Elliott to increase spending authority and estimated revenue in the following fund for unanticipated reimbursement for expenditures: Fund #226.5.222.434 @ \$1,844.50,

#226.4.331.02 @ \$1,627.50, #226.4.334.04 @ \$217.00 (FEMA). All members present voting aye.  
Motion carried.

**RICHMOND ROAD APPROACH DISCUSSED:**

Marvin Bitz, area resident presented photos and information about the installation of large rocks beside an approach on Richmond Road. The Highway Superintendent will send the resident a letter requiring the rocks be removed within thirty days.

**RECESS:**

The Chairman declared the Commission recessed until October 11, 2011.

Maxine Fischer, Brown County Auditor

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## OCTOBER 11, 2011 – GENERAL MEETING

Meeting called to order by Chairman Sutton at 8:45 a.m. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Fischbach, Wiese and Sutton. Commissioner Elliott was absent. Chairman Sutton led the Pledge of Allegiance.

## MINUTES:

Moved by Hansen, seconded by Wiese to approve the General Meeting minutes of October 4, 2011. All members present voting aye. Motion carried.

## CLAIMS:

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

Payroll: Commissioners \$3,229.05; Auditor \$8,297.54; Treasurer \$11,148.65; Data Processing \$2,191.32; State's Attorney \$13,434.57; Blood Draws \$880.00; SVAWA Grant \$1,269.24; Maintenance \$5,932.92; Assessor \$11,162.23; Register of Deeds \$6,922.24; Veterans Service Office \$3,294.30; GIS \$1,965.93; Sheriff Adm \$28,490.71; Jail \$29,131.37; JDC \$12,547.94; HD \$4,093.97; Welfare Office \$3,240.20; Museum \$6,423.66; Parks & Fairgrounds \$4,524.79; Fairboard \$1,614.00; Extension \$1,120.80; Weed \$5,447.48; Planning and Zoning \$2,563.01; Highway \$38,376.13; Communications \$21,230.36; Emergency Management \$5,861.70; 24/7 Sobriety \$1,825.31; Landfill \$10,430.65; Matching Benefits: FICA \$14,508.59; Medicare \$3,393.17;

Supplies: A&B Business \$270.63, Ameripride \$303.74, Brick Propane \$63.00, Cash-Wa \$6523.83, Civic Research \$179.95, Cunningham Elec \$838.75, DT Pharm \$1200.00, Dakota Electronics 132.50, Dakota Oil \$565.78, Dept of Rev \$5883.03, Earthgrains \$782.96, GovConnections \$109.14, Heartland Paper \$617.17, Hub City Radio \$375.00, Lar-Jos \$429.00, Lexis/Nexis \$68.71, Marco \$287.60, Midwest Alarm \$432.00, North Central Farmers Elev \$15,124.55, Pierson Ford \$1540.07, Pizza Ranch \$167.66, Pro Ag \$146.34, Powerplan \$2747.25, QQP \$5.47, Runnings \$12.98, Sewing Shoppe \$2.50, SDACC \$11,747.20, Safety Service \$205.33, Sheehan Mack Sales \$4634.38, Sherwin Williams \$181.96, Taylor Laundry \$88.50, Tri State Water \$59.05, Western Printing \$1669.51:

Transcriptions: Tammy Erickson \$179.70:

Publications: American News \$2265.44:

Travel: Kimberly Dorsett \$148.00, Extension Service \$329.97, City of Groton \$41.81, Sara Jese \$158.00, Troy Knecht \$28.86, John McQuillen \$158.00:

Professional Fees: Aberdeen Advanced Care \$320.58, Avera St Lukes \$3765.06, Michael Brown \$183.75, Compass Counseling \$2500.00, Douglas County Sheriff \$46.00, LSS \$117.84, Orthopedic Surgery Spec \$104.71, witness fees \$2619.59, Sanford Health \$401.00, Sanford Clinic \$65.09,;

Utilities: AT&T \$273.58, NVC \$863.84, Northern Wireless Comm \$149.90, NW Energy \$317.73, WSI \$300.00:

Jury: Stephanie Akins \$10.74, Jeffrey Amdahl \$22.96, Lila Antonides \$22.96, Claudia Bain \$151.80, Dale Bain \$24.80, Paula Beckler \$12.22, Jeremy Bitz \$11.48, Tina Blair \$22.96, Thomas Borge \$52.56, Lawrence Braun \$18.88, Kyle Brinkman \$11.48, Nicholas Buechler \$11.48, Michelle Bunke \$22.96, Ross Burdick \$22.96, Krista Charlton \$11.48, Dennis Dayton \$102.96, Glendora Dick \$10.74, Holly Ehnes \$22.96, Burton Elliott \$53.70, Ross Erickson \$11.48, Gary Famias \$11.48, Kathy Fischbach \$49.60, Diane Francis \$34.80, Douglas Frohling \$86.60, Nickolas Gehrts \$11.48, Timothy Geist \$71.80, Lee Goetz \$54.44, Sandra Grebner \$22.96, Frances Habeck \$13.70, Stacie Hallenbeck \$73.32, Roderic Hanson \$144.40, Sharry Hoffman \$113.32, Erin Hofland \$62.96, Barb Hopper \$11.48, Terry Hull \$107.40, Jayne Hynes \$11.48, Kay Donneley \$18.88, Timothy Kearns \$62.96, Mabel Keefe \$12.22, Christine Keller \$104.44, Paula Keller \$114.80, Brian Koens \$23.32, Jeremy Krueger \$40.72, Irene Kuckelburg \$22.96, Brian Lacroix \$11.48, Mark Lane \$119.24, Heather Laplant \$102.96, Elizabeth Larrington \$22.96, Kurtis Larson \$43.30, Teresa Mack \$11.48, Linda Malsom \$22.96, Joel Mann \$104.44, Nicholas Maynard \$11.48, Chad Mielke \$11.48, Terry Nelson \$62.96, Steven Nemmers \$22.96,

Virgil Netzer \$24.44, Tyler Newman \$22.96, Samantha Oeltjen \$51.48, Curtis Pagel \$22.96, Kathy Pfaff \$57.00, Joshua Phillips \$62.96, Adam Piehl \$102.96, Wendy Plummer \$22.96, Ronald Reff \$102.96, Daniel Remily \$22.96, Randy Rieck \$22.96, Brenda Rozell \$22.96, Virginia Russell \$36.28, Taryn Ryckman \$79.24, Tamara Sahli \$37.76, Michael Salwei \$22.96, Robert Sayler \$62.96, Nancy Schnorr-Upton \$27.40, Nancy Schuring \$11.48, Rebecca Sjerven \$62.96, Donna Small \$104.44, Julie Ann Storly \$30.36, Robert Strom \$51.48, Duane Sundberg \$22.96, Rocky Tuscherer \$22.96, Nancy Vanderhoek \$11.48, Teresa Vearrier \$22.96, Michele White \$22.96, June Whites \$62.96, Aimee Wiedebush \$17.40, Julie Willett \$11.48, Lee Wilson \$11.48, Heidi Zeller-Crawford \$34.80, Cynthia Zoellner \$39.60: Care of Poor: Rent (5 recipients) Black Acre \$300.00, Foxridge Apts \$210.00, WSA \$300.00, Tim Wall \$300.00, White House Inn \$120.00; Dr/Medical (1 recipient) Dakota Plains Surgical \$764.10; Utilities (2 recipients) NW Energy \$405.27; Transportation (1 recipient) Brown County Hwy \$16.48. All members present voting aye. Motion carried.

#### PERSONNEL:

Moved by Hansen, seconded by Fischbach to approve the following employee step increases, effective October 17, 2011: Nyle Jensen @ \$15.17 per hour, Nathan Smith @ \$17.28 per hour, Kristal Koens @ \$16.13 per hour, Teri Jondahl @ \$15.33 per hour, Mariann Malsom @ \$13.26 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Fischbach to approve hiring Patti Jo Woods as Assistant Director in the Brown County Emergency Management Office, effective October 24, 2011 at \$14.27 per hour. All members present voting aye. Motion carried.

#### SHERIFF REPORTS:

Moved by Wiese, seconded by Fischbach to approve the following September 2011 Sheriff Reports: Incidents and offenses; Prisoner care, JDC, Money deposited with the County Treasurer and Monthly activities. All members present voting aye. Motion carried.

#### AUDITORS REPORT OF ACCOUNT:

Moved by Hansen, seconded by Fischbach to approve the September 2011 Auditor's Report of Account with the County Treasurer in total amount of \$11,033,378.68 (total amount of actual cash @ \$2,935.00, Wells Fargo Bank @ \$3,621.29, US Bank @ \$41,622.08, Dacotah Bank @ \$603,818.21, Petty Cash @ \$7,509.88, Fund Investments @ \$10,373,007.22, Outstanding Checks @ \$865.00). All members present voting aye. Motion carried.

#### BUILDING DONATION:

Moved by Fischbach, seconded by Wiese to accept donation of the Mugs Coffee House structure valued at \$20,000.00 to be placed at the Fairgrounds and authorize the Chairman to sign letter of appreciation. All members present voting aye. Motion carried.

#### SET HEARING DATE:

Moved by Wiese, seconded by Hansen to set public hearing for Ordinance No. 11-10-03/401, An Ordinance to amend Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 714 (M-AG) Mini-Agricultural District: Lot 1, Rohr First Subdivision in the S ½ of Sec 36-T124N-R64W of the 5<sup>th</sup> P.M., Brown County, SD, to be held on November 1, 2011 at 8:45 a.m. in the County Commission Chambers, 25 Market Street, Aberdeen, SD. All members present voting aye. Motion carried.

#### OPEN BURNING BAN

Commissioner Wiese offered the following Resolution:

## RESOLUTION # 85-11

WHEREAS, Brown County is experiencing abnormally dry conditions, along with very heavy fuel load from previous wet conditions, and

WHEREAS, the Brown County Commission is dedicated in taking steps to protect the health and safety of all residents of the County and all property within the County, and

WHEREAS, the Brown County Commission has consulted with local fire officials and law enforcement officials in regard to the severity of this issue.

NOW, THEREFORE BE IT RESOLVED that the Brown County Commission enact this resolution on an emergency basis and impose a ban to prohibit or restrict open burning with the exception of campfires in campfire rings or pits, burning barrels 55 gallon or less equipped with a screen, or barbeque grills in order to protect the public health and safety, as per SDCL 7-8-20.18; and

RESOLVE that the ban will be in place until further notice with review every Tuesday; and

FURTHER RESOLVE that criminal and civil penalties per County Ordinance 18.0703 be imposed if found in violation of this Resolution.

Dated this 11<sup>th</sup> day of October 2011.

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

EXECUTIVE SESSION:

Moved by Fischbach, seconded by Hansen to go into executive session for personnel discussion with Scott Meints 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.

APPLICATION FOR OCCUPANCY:

Moved by Fischbach, seconded by Wiese to approve application, submitted by NorthWestern Energy for occupancy of Brown County Highway #14W in Sec 36-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD for installation of a water main. All members present voting aye. Motion carried.

BRIDGE 051 – CHANGE ORDER #5:

Moved by Fischbach, seconded by Hansen to approve and authorize the Chairman to sign Change Order #5 for Bridge #051 adjusting quantities of Class B Riprap and Class M6 Concrete @ \$1,104.00 for total increase of all change orders at \$30,287.00 (County share 20%). All members present voting aye. Motion carried.

ROAD DISCUSSION:

Susan Hoffman, Richmond Lake property owner returned for follow-up discussion about the use of Coyne Road. The States Attorney's Office will review the request.

EXECUTIVE SESSION:

Moved by Hansen, 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.

RECESS:

The Chairman declared the Commission recessed until October 18, 2011.

Maxine Fischer, Brown County Auditor

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# OCTOBER 18, 2011 GENERAL MEETING

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

## MINUTES:

Moved by Wiese, seconded by Hansen to approve the General Meeting minutes of October 11, 2011. All members present voting aye. Motion carried.

## CLAIMS:

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

Supplies: A&B Business \$49.31, Aberdeen Chrysler \$75.00, Active Data \$133.99, Ameripride \$781.22, Ramona Anderson \$222.43, Artz Equip \$5503.15, Bakken Bldg Maint \$500.00, Behnke Pit \$10,362.00, Ramkota \$183.98, Carquest \$929.76, Cartney Bearing \$16.10, CMRS \$5000.00, Dakota Mailing \$155.98, Crawford Trucks \$3613.02, CTIC Service \$4.00, Custom Glass \$100.00, Dakota Electronics \$241.20, Dakota Oil \$865.10, Diamond Mowers \$607.24, Diesel Machinery \$5945.01, Dacotah Prairie Merchantile \$25.00, GCR Tire \$1949.80, Great Western Tire \$1477.17, J Gross \$3855.16, Hantens Repair \$814.27, Harry's Impl \$279.74, House of Glass \$84.69, Howes Oil \$22,958.25, Kone \$2131.44, Lar-Jos \$160.00, Lien Trans \$33,389.08, Marco \$131.51, Menards \$230.06, Meyers Tractor Salvage \$325.00, Midwest Alarm \$612.00, Midwest Art \$50.00, Motorola \$1398.69, NB Golf \$163.20, Greg Pederson \$96.00, Performance Oil \$169.00, Pierson Ford \$7.43, Powerplan \$21,837.21, Praxair \$110.52, Midstates Printing \$105.00, RB Upholstery \$143.02, Runnings \$49.35, SD Continuing Legal Ed \$135.00, Sheehan Mack Sales \$522.70, Sherwin Williams \$536.00, Sioux Falls Crane \$1510.00, Sivertsen Tech \$6399.00, Spec Mfg \$46.86, Willard Sumption \$1698.02, Taylor Laundry \$135.00, TSC \$28.67, TrueNorth \$22,421.16, Titan \$264.01, Van Diest \$8793.10, West Payment \$2051.95, Woodman Refrigeration \$558.72, Brian Zimprich \$190.00:

Publications: American News \$1110.22:

Travel: Randy Crawford \$34.19, Courtney Hilgeman \$425.40, Ken Kusler \$240.00, Leo Leshner \$245.68, Gene Loeschke \$140.23, Mary Worlie \$131.84:

Professional Fees: Carlsen Funeral Home \$449.60, Denise Cody \$30.00, Language Lines \$173.72, Cathy Rehfuß \$15.00, Karen Swanda \$15.00, Yankton County Sheriff \$50.00, Kristi Spitzer \$425.00, Rock County Clerk of Courts \$14.00:

Court Appointed Attorney: Yankton County \$518.75:

Utilities: City of Aberdeen \$1849.09, Century Link \$50.36, Dependable Sanitation \$25,922.52, Town of Frederick \$32.25, James Valley \$344.45, Northern Elec \$1444.93, Northern Valley \$282.64, NW Energy \$2117.75:

Care of Poor: Rent (7 recipients) BMI \$300.00, Danne \$31.00, Steve Darling \$280.00, GPHC \$160.00, Ray Sauerwein \$260.00, Zumbaum Prop \$320.00, Lee Imberi \$320.00; Dr/Medical (3 recipients) Avera St Lukes \$546.26, Dental Center \$92.00, Orthopedic Surgery Spec \$2419.55, Medication (2 recipients) Lori's Pharm \$205.61, Shopko Pharm \$5.97; Utilities: (3 recipients) NW Energy \$803.49; Transportation (9 recipients) Emergency Poor Fund \$120.00, Jefferson Lines \$539.00. All members present voting aye. Motion carried.

## PERSONNEL:

Moved by Elliott, seconded by Fischbach to acknowledge the resignation of Austin Wellman, effective September 25, 2011. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Wiese to approve hiring Kim Jahraus as Deputy Auditor, effective October 17, 2011 at \$12.20 per hour. All members present voting aye. Motion carried.



#### HOSPITAL CLAIMS:

Moved by Wiese, seconded by Fischbach to deny payment of the following hospital claims: 24 year old female @ \$4,188.00; 26 year old male @ \$17,879.81; 51 year old male @ \$52,133.86, as the individuals have not provided sufficient information to determine if indigent. All members present voting aye. Motion carried.

#### ORDINANCE #072 - FIRST READING:

Time and place, as advertised for First Reading of Ordinance No. 072. No one appeared with testimony (written and/or oral), comments and/or questions for discussion. Moved by Hansen, seconded by Wiese to approve First Reading of Ordinance #072, An Ordinance amending Second Revision Brown County Ordinances to rezone the following described property from its present zoning designation of Chapter 4.06 Agricultural Preservation District (AG-P) to Chapter 4.15 Light Industrial District (L-1): The NW ¼ of Sec 24-T123N-R65W of the 5<sup>th</sup> P.M., except Froehlich Outlot 1 thereof and except Lot H-1 thereof, Brown County, SD and the SW ¼ of Sec 24-T123N-R65W of the 5<sup>th</sup> P.M., except railroad right-of-way, except Lot H-1 thereof, and except Lots 1 and 2, MDU-NBPL Subdivision thereof, Brown County, SD (E. side of Brown County 12WA/379<sup>th</sup> Ave, N side of State Highway 12). All members present voting aye. Motion carried.

#### EXECUTIVE SESSION:

Moved by Wiese, seconded by Fischbach to go into executive session to discuss possible litigation with Kim Dorsett and Gary Vetter 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 #073 - FIRST READING:

Time and place, as advertised for First Reading of Ordinance No. 073. No one appeared with testimony (written and/or oral), comments and/or questions for discussion. Moved by Elliott, seconded by Fischbach to table Ordinance #072. All members present voting aye. Motion carried.

#### BID -- LANDFILL COMPACTOR:

Time and place, as advertised to open, read and consider bids for the purchase and delivery of a new 2011 or current model, four (4) wheel drive steel wheeled Landfill Compactor. Bids were received from Aljon Equipment and Sheehan Equipment. Moved by Fischbach, seconded by Wiese to refer all bids to Mike Scott, Landfill Manager for review and recommendation. All members present voting aye. Motion carried.

#### GRANARY MEMORIAL GALLERY:

John Sieh and Kathy Johnson offered to gift all Granary Memorial Gallery assets (land, structures, existing art exhibits and sculptures) to Brown County. Museum Director Sue Gates, Lora Schaunaman and Board Member Randy Grismer explained various ways the property could be used to expand and enhance Museum activities. The Commission will make the decision to accept or decline the offer at a later date.

#### APPLICATION FOR OCCUPANCY:

Moved by Wiese, seconded by Fischbach to approve and authorize the Chairman sign agreement, submitted by Northwestern Energy for occupancy of 137<sup>th</sup> Street and 389<sup>th</sup> Ave in Sections 1,6,8,17 & 20-Twp 122N, R63 & 64W, Brown County, SD to provide natural gas service to Northern Beef Plant. All members present voting aye. Motion carried.

#### SPILLMAN PURCHASE AGREEMENT:

Moved by Wiese, seconded by Elliott to approve and authorize the Chairman sign Sales Quote/Purchase Agreement with Spillman Technologies, Inc. for purchase and delivery of Spillman Software, Spillman Professional Services and 3<sup>rd</sup> Party Products and Services for a complete CAD System for Brown County and the City of Aberdeen, in total amount of \$484,556 (50/50 cost share between the County and the City). All members present voting aye. Motion carried.

**FAIR BOARD BUDGET DISCUSSION:**

Amy Scott, Fair Manager requested permission to expend approximately \$9800.00 of the remaining 2011 Fair Budget to have a concrete pad and side walk installed behind the Grandstand Stage. Board concurred.

**EXECUTIVE SESSION:**

Moved by Hansen, seconded by Elliott to go into executive session to discuss personnel with Amy Scott 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 25, 2011.

Maxine Fischer, Brown County Auditor

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## OCTOBER 25, 2011 – GENERAL MEETING

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

## MINUTES:

Moved by Hansen, seconded by Wiese to approve the General Meeting minutes of October 18, 2011. All members present voting aye. Motion carried.

## CLAIMS:

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

Payroll: Commissioners \$3,229.05; Auditor \$8,245.90; Treasurer \$11,148.64; Data Processing \$2,321.58; State's Attorney \$13,588.77; Blood Draws \$720.00; SVAWA Grant \$1,269.24; Maintenance \$6,042.40; Assessor \$11,162.24; Register of Deeds \$6,961.90; Veterans Service Office \$3,294.30; GIS \$1,965.93; Sheriff Adm \$27,685.63; Coroner \$1,050.00; Jail \$29,028.87; JDC \$13,306.21; HD \$4,173.60; Welfare Office \$3,240.20; Museum \$6,423.66; Parks & Fairgrounds \$4,670.94; Fairboard \$2,641.47; Extension \$1,204.86; Weed \$5,593.97; Planning and Zoning \$1,954.21; Highway \$39,272.39; Communications \$19,979.15; Emergency Management \$1,749.62; Teen Court \$689.04; 24/7 Sobriety \$1,890.91; Landfill \$11,621.71; Matching Benefits: FICA \$14,452.91, Medicare \$3,380.11.17, Life \$558.90, Dental \$5,291.52, Health Ins \$84,223.86, Retirement \$ 28,728.19:

Supplies: North Central Steel \$17143.04, Midwest Alarm \$51.50, Kleins \$11.27, Ameripride \$53.16, Crady's Radiator \$36.50, Custom Glass \$431.63, Farm Power \$118.03, Fastenal \$133.24, Ferguson Waterworks \$2541.97, Graham Tire \$644.20, Hanlon Bros \$39,333.88, Horn Plastics \$3498.00, L&O Acres \$1689.10, Meyers Tractor Salvage \$450.00, N Central Farmers Elev \$2993.06, Palmer Dist \$72.80, Share Corp \$113.00, Truenorth Steel \$19,722.52, Winburn Const \$6402.50, Cartney Bearing \$115.20, Pro Ag \$1812.22, NADA \$240.00, Matthew Bender \$34.24, Software Unltd \$657.00, GovConnection \$1569.59, Dakota Electronics \$3117.15, Leidholt Elec \$362.88, SD Dept of Safety \$103.00, Tire Dist \$2459.69, Brick TV \$4373.26, Farmers Alliance \$5102.14, Walter Const \$313.27, Midstates Printing \$25.00, Overhead Door \$224.44, Fire Safety First \$129.00, Dakota Wood Grinding \$24,975.40, Lippincott Williams & Wilkins \$47.90, A&B Business \$50.00, Burnett County Sheriff \$171.66, Heartland Paper \$118.35, Ed Roehr Safety Products \$437.20, DT Pharm \$2871.38, Kesslers \$443.79, Steven Lust \$359.96, LexisNexis \$64.35, Matthew Bender \$75.41, Great North American Co \$380.35, Best Business \$330.12, Gardner Locksmith \$10.50, West Payment Center \$118.28, Pizza Ranch \$63.95, Marco \$34.78, Aberdeen Plumbing \$185.94, Ecolab \$275.50, Grote Roofing \$257.45, AFSCME \$171.34, Gary Clocksene \$129.00, SD Attorney Gen \$1690.00, US Bank \$10,371.62:

Transcriptions: Paramount Reporting \$295.25, Michelle Gaikowski \$132.60:

Publications: American News \$410.73:

Travel: Duane Sutton \$384.42, Mike Scott \$31.00, Don Fischer \$31.00, Tom Schmitt \$241.98, Scott Madsen \$224.15, Gary Vetter \$83.00, Mark Milbrandt \$775.01, Richard Hansen \$163.40:

Professional Fees: Sheriff of Yankton County \$25.00, Lewis & Clark BHS \$447.00, Debra Many-Carson \$300.00, Compass Counseling \$1250.00, Randall Alexander \$1350.00, Sanford Health \$209.17, Weill Cornell Physicians \$62.94, Avera St Lukes \$698.00, NE Mental Health Center \$1664.00, Community Counseling \$1472.61:

Court Appointed Attorney: Kabeiseman & Pollard \$170.00, Wm Gerdes \$1338.00, Gina Rogers \$5855.83, Chris Dohrer \$5770.83, Christy Serr \$5770.83, Kuck Law Office \$5601.83:

Utilities: City of Hecla \$99.78, Montana Dakota \$22.81, NW Energy \$360.92, Century Link \$2376.65, Midcontinent \$165.13, Verizon \$79.69, City of Aberdeen \$3965.17, Northern Elec \$300.00, Bureau of Admin \$405.56, Qwest \$1721.27:

Care of Poor: Rent (3 recipients) Allen Meitner \$260.00, A&S Services \$130.00, Zumbaum Prop Mgmt \$320.00; Dr/Medical (3 recipients) Dental Center \$33.00, Avera St Lukes \$10,069.04; Burials (1 recipient) Carlsen Funeral Home \$1000.00. All members present voting aye. Motion carried.

PERSONNEL:

Moved by Wiese, seconded by Elliott to approve the following employee step increases, effective October 30, 2011: Mavis Kempf @ \$18.09 per hour, Sandra Mielke @ \$13.54 per hour, Heidi Fischer @ \$13.98 per hour, Cindy Woodford @ \$12.43 per hour. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to acknowledge resignation of Christopher White as Special Deputy States Attorney, effective November 4, 2011. All members present voting aye. Motion carried.

Moved by Elliott, seconded by Fischbach to rescind motion to expand the Chief Office Deputies classification in the Salary Schedule to include Elections Deputy, effective July 25, 2011, returning the Elections Deputy position to the Office Deputies classification in the Salary Schedule, effective October 25, 2011. All members present voting aye. Motion carried.

PLATS:

Commissioner Wiese offered the following Resolution:

RESOLUTION #86-11

BE IT RESOLVED by the Board of Commissioners of Brown County, SD, that the plat showing "Reece Treeby Addition in the NW ¼ of Sec 15-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 of 1967, Chapter 11-3, and any amendments thereof.

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

Commissioner Wiese offered the following Resolution:

RESOLUTION #87-11

BE IT RESOLVED by the Board of Commissioners of Brown County, SD, that the plat showing "Browning First Addition in the NW ¼ of Sec 22-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD," having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof.

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

Commissioner Wiese offered the following Resolution:

RESOLUTION #88-11

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Rohr First Subdivision in S ½ Sec 36-T124N-R64W of the 5<sup>th</sup> P.M., Brown County, SD," having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof.

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

Commissioner Wiese offered the following Resolution:

#### RESOLUTION #89-11

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Latt-Northwestern-Young Addition to the City of Aberdeen, in the NW ¼ of Sec 25-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD," having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof.

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

Commissioner Wiese offered the following Resolution:

#### RESOLUTION #90-11

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Northwestern-Young Outlots in the City of Aberdeen, in the W ½ of Sec 25-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD," having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof.

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

#### ABATEMENTS:

Moved by Wiese, seconded by Elliott to approve the following Abatements: Aberdeen Development Corporation @ \$5,315.95 (office error), James Teusink @ \$43.17 (condemned MH); Laurel Lundeen @ \$64.77 (condemned MH); Billy Jo Brockel @ \$58.07 and \$63.32 (condemned MH); Kirk Zastoupil @ \$75.76 (condemned MH). All members present voting aye. Motion carried.

#### BROWN COUNTY TRANSPORTATION PLAN STUDY:

Steven Gramm and Jeff Brosz, SDDOT; Bob Shannon and Thomas McMurtry, Kadrmas Lee & Jackson met to introduce the Brown County Transportation Plan study to the Commission. Gary Vetter and Jan Weismantel were also in attendance. Public meetings will be held today (October 25, 2011) and in March 2012.

#### ORDINANCE 072:

Moved by Fischbach, seconded by Wiese to approve Second Reading and Adoption of Ordinance #072, An Ordinance to rezone the following property from Chapter 4.06 Agricultural Preservation District (AG-P) to Chapter 4.15 Light Industrial District (L-I): The NW ¼ of Sec 24-T123N-R65W of the 5<sup>th</sup> P.M., except Froehlich Outlot 1 thereof and except Lot H-1 thereof, Brown County, SD and the SW ¼ of Sec 24-T123N-R65W of the 5<sup>th</sup> P.M., except railroad right-of-way, except Lot H-1 thereof, and except Lots 1 and 2, MDU-NBPL Subdivision thereof, Brown County, SD (E. side of Brown County 12WA/379<sup>th</sup> Ave, N side of State Highway 12). Roll call vote: Commissioners Hansen-aye, Elliott-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Ordinance adopted.

#### BID AWARD – LANDFILL COMPACTOR:

Moved by Fischbach, seconded by Hansen to award low bid, submitted by Sheehan Mack Sales & Equipment for one 2012 Bomag 772RB-2 Landfill Compactor in amount of \$494,500.00; rejecting bid submitted by Al-Jon Manufacturing LLC for one 2011 Advantage 500 Landfill Compactor in amount of \$616,427.00. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman sign Contract Agreement with Sheehan Mack Sales & Equipment for purchase and delivery of one Landfill Compactor. All members present voting aye. Motion carried.

#### APPLICATIONS FOR OCCUPANCY:

Moved by Wiese, seconded by Elliott to approve and authorize the Chairman to sign application, submitted by WEB Water Development for occupancy of County 27 in Sec 31-T121N-R63W of the 5<sup>th</sup> P.M., Brown County, SD to provide potable water line. Roll call vote: Commissioners Hansen-abstain, Elliott-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Motion carried.

Moved by Wiese, seconded by Hansen to approve and authorize the Chairman to sign application, submitted by East River Electric Power Coop, Inc for occupancy of Brown County Highway #14N in Sec 15&16-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD to provide electric power over hang only – no poles in r/o/w. All members present voting aye. Motion carried.

#### SIB LOAN ENGINEERS AGREEMENT:

Moved by Wiese, seconded by Fischbach to approve and authorize the Chairman to sign proposal agreement, submitted by Clark Engineering Corp in amount of \$20,223.32 to complete engineering for County #23 grade raise (SIB loan with SDDOT). All members present voting aye. Motion carried.

#### BCCHC REPORT:

DeAnna Kyburz presented the Brown County Community Health Center Report for July – September 2011.

#### EXECUTIVE SESSION:

Moved by Hansen, seconded by Wiese to go into executive session to discuss potential litigation with John McQuillen 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.

#### REMOVE BURN BAN:

Commissioner Fischbach offered the following Resolution:

#### RESOLUTION #91-11

WHEREAS, Resolution #85-11, A Resolution by the Brown County Board of Commissioners declaring a fire danger emergency and prohibiting open burning within the County, was adopted on October 11, 2011, and

WHEREAS, Resolution #85-11 authorizes the Brown County Board of Commissioners to rescind the "Fire Danger Emergency".

NOW THEREFORE, BE IT RESOLVED that the Brown County Board of Commissioners rescinds Resolution #85-11, removing the open burn ban, effective October 11, 2011, with the stipulation that the Brown County Communications Center be notified prior to an open burn.

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

RECESS:

The Chairman declared the Commission recessed until November 1, 2011.

Maxine Fischer, Brown County Auditor

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# NOVEMBER 1, 2011 – GENERAL MEETING

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

## MINUTES:

Moved by Elliott, seconded by Wiese to approve the General Meeting minutes of October 25, 2011. All members present voting aye. Motion carried.

## CLAIMS:

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

Supplies: Aberdeen Clean All \$2629.00, Aberdeen Fire & Rescue \$1110.00, Barb Crawford \$10.00, Cunningham Elec \$176.98, Dakota Ink & Toner \$1019.90, Dakota Supply Group \$308.27, Danko \$3661.20, Dex Media East \$48.00, Exec Mgmt \$1755.60, Farm Power \$31.04, Fastenal \$6.30, Fay's Refrigeration \$104.56, Gov Connect \$235.20, Graham Tire \$185.32, Heartland Paper \$1078.11, HF Jacobs \$3387.49, HSBC Bus Solutions \$111.64, Jessica Mitzel \$15.00, Ken's Superfair Foods \$19.54, Kleins \$20.24, LBG \$3161.75, Letitia Smith \$10.00, Menards \$3.98, Monica Porter \$10.00, NADA \$98.00, Nicole Fey \$5.00, Parcel Erickson \$28.95, Pat Daschle \$10.00, Photo Express \$203.00, Priority Dispatch \$2790.00, Runnings \$59.03, Safety Benefits \$260.00, SD Assoc of Fairs \$85.00, SD Sec of State \$30.00, Service Signs \$2750.00, Sivertsen Tech \$5400.00, Terri Traxinger \$73.92, Town & Country \$29.28, U of ND \$283.65, Western States Fire \$658.01:

Publications: American News \$170.41, Groton Indep \$522.08:

Travel: Tom Gohn \$9.00, Nyle Jensen \$31.00, Leo Leshner \$252.34, Gene Loeschke \$128.02, Kathy Schlecht \$122.59, Sherry Theobald \$19.31:

Professional Fees: Denise Cody \$15.00, Karen Swanda \$15.00:

Court Appointed Attorney: David Hosmer \$156.40:

Utilities: AT&T \$2389.42, Century Link \$54.60, Midcontinent Cable \$215.26, Northwestern Energy \$9399.14, WEB \$75.50:

Care of Poor: Rent (1 recipient) Wolfson Apts \$75.00; Medications (2 recipients) Walmart Pharm \$773.27; Dr/Medical (6 recipients) AMG Ob/Gyn \$132.69, Avera St Lukes \$6854.13, Dakota Plains Surg Center \$3862.06, Dental Center \$261.00; Utilities (1 recipient) City of Aberdeen \$76.51; Insurance (1 recipient) Allied Benefits \$278.00. All members present voting aye. Motion carried.

## PERSONNEL:

Moved by Wiese, seconded by Elliott to approve hiring Anne Harris as Deputy Auditor for Elections, effective November 14, 2011 at \$12.20 per hour. All members present voting aye. Motion carried.

## WEED & PEST GRANT APPLICATION:

Moved by Elliott, seconded by Wiese to approve and authorize the Chairman sign FY2013 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, 2012 to June 1, 2013. All members present voting aye. Motion carried.

## SURPLUS PROPERTY:

Moved by Elliott, seconded by Fischbach to declare the following property surplus for sale to the Boys & Girls Club, a non-profit corporation in amount of \$100,000.00: Lot 2, Brown County Commissioner's First Subdivision to the City of Aberdeen in the SW ¼ of Sec 18-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD. All members present voting aye. Motion carried.

## REAL ESTATE PURCHASE AGREEMENT:



Moved by Wiese, seconded by Fischbach to approve and authorize the Chairman to sign Real Estate Purchase Agreement between the Boys and Girls Club of Aberdeen Area (buyer) and Brown County (seller) in amount of \$100,000.00 on the following property: Lot 2, Brown County Commissioner's First Subdivision to the City of Aberdeen in the SW ¼ of Sec 18-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD. All members present voting aye. Motion carried.

#### APPLICATION FOR OCCUPANCY:

Moved by Fischbach, seconded by Wiese to approve and authorize the Chairman to sign application, submitted by Midcontinent Communications for occupancy of Brown County Highway #14 in Sec 23-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD to install fiber. All members present voting aye. Motion carried.

#### GIRL SCOUT REQUEST:

A request was submitted to the Brown County Commission from the Girl Scouts asking that the Commission sell County owned land at Richmond Lake (across the lake from the Youth Camp) and donate all proceeds to the Girl Scouts. There was no action taken as a result of the discussion.

#### FAIRGROUNDS ANNEXATION:

City Council Member Clint Rux and area residents discussed the pros and cons of annexing the Fairgrounds into the City of Aberdeen. There was no action taken as a result of the discussion.

#### EXECUTIVE SESSION:

Moved by Wiese, seconded by Elliott 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 November 8, 2011.

Maxine Fischer, Brown County Auditor

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## NOVEMBER 1, 2011 - 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, Mitchell, Swanson and Mayor Levsen. Council Members Bunsness, Kraft, Rux and Slaight-Hansen were absent. Present from County were Commissioners Hansen, Elliott, Fischbach, Wiese and Sutton.

## ORDINANCE NO. 11-10-03/401:

On motion by Campbell and seconded by Mitchell, the City unanimously voted to approve First Reading of Ordinance No. 11-10-03/401.

Moved by Fischbach, seconded by Wiese to approve First Reading of Ordinance No. 11-10-03/401, 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, Rohr First Subdivision in the S ½ of Sec 36-T124N-R64W of the 5<sup>th</sup> P.M., Brown County, SD. All members present voting aye. Motion carried.

The City Council adjourned and the County Commission continued in regular session.

Maxine Fischer - Brown County Auditor

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# NOVEMBER 8, 2011 – GENERAL MEETING

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

High School Students from area schools participated in County Government Day sponsored by the American Legion. The students toured County Departments, the Jail, JDC, Dacotah Prairie Museum and Circuit Court Offices.

## MINUTES:

Moved by Wiese, seconded by Fischbach to approve the Joint City/County Meeting minutes and the General Meeting minutes of November 1, 2011. All members present voting aye. Motion carried.

## CLAIMS:

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

Payroll: Commissioners \$3,229.05; Auditor \$7,536.98; Treasurer \$11,148.66; Data Processing \$2,003.30; State's Attorney \$13,465.68; Blood Draws \$440.00; SVAWA Grant \$1,269.24; Maintenance \$5,979.21; Assessor \$11,162.24; Register of Deeds \$6,936.64; Veterans Service Office \$3,294.30; GIS \$1,965.93; Sheriff Adm \$27,501.36; Jail \$28,371.70; JDC \$12,828.27; HD \$4,208.24; Welfare Office \$3,240.20; Museum \$6,423.66; Parks & Fairgrounds \$4,524.79; Fairboard \$2,274.74; Extension \$2,181.60; Weed \$1,844.64; Planning and Zoning \$2,003.01; Highway \$41,800.53; Communications \$18,342.31; Emergency Management \$2,320.42; Teen Court \$429.35; 24/7 Sobriety \$1,836.24; Landfill \$9,552.27; Matching Benefits: FICA \$13,933.07; Medicare \$3,258.53:

Supplies: A&B Business \$319.13, Aberdeen Asphalt \$35,993.22, Bakken Bldg Maint \$500.00, Brown County \$26.00, Butler \$5870.66, Center Printing \$191.91, Crawford Trucks \$416.78, Crescent Elec \$84.60, Cunningham Elec \$2024.29, Dakota Electronics \$1082.85, Dakota Fluid Power \$215.98, Dakota Oil \$3782.80, Dataspec \$649.00, DPMS Firearms \$9.26, Ecolab \$119.50, Eilers \$97.00, Glas Consulting \$143.75, GovConnect \$1969.62, Great Western Tire \$177.00, Hedahls \$3.87, House of Glass \$83.67, Howes Oil \$31,266.94, Hub City Radio \$300.00, Industrial Service \$97.52, J Gross Equip \$2727.40, Jason's Elec \$1471.81, Kesslers \$2.44, Kriech Const \$13,405.00, Lar-Jos \$427.65, Larson Blacksmith \$50.00, Lien Trans \$47,705.73, Lincoln County \$177.50, Louie's Service \$142.85, Macs \$251.60, Marco \$80.09, Menards \$124.53, Midstates Printing \$805.88, Midwest Alarm \$51.50, Play It Again Sports \$1372.00, Moore Med \$998.09, North Central Farmers Elev \$7716.45, Northern Tool \$118.34, Overhead Door \$1030.51, Pierson Ford \$446.22, Powerplan \$1088.60, Richards & Oliver \$110.92, Runnings \$696.14, SD Dept of Rev \$5634.28, SDDOT \$2163.44, SD Public Assurance Alliance \$150.00, SD Sheriff Assn \$1445.93, Sheehan Sales \$4409.57, Andrea Sjomeling \$174.08, Spotfreight \$1585.00, Taylor Laundry \$112.50, Titan Machinery \$249.27, Ty Hanson \$130.26, Tyler Tech \$18,181.50, UPS Store \$24.94, VanderWerff Impl \$4930.95, Walmart \$90.56, Webster Scale \$401.70, Western Printing \$122.10, Woodman Refrig \$749.35, Z&S Dust Control \$4561.52:

Transcriptions: Kristi Brandt \$159.60, Tammy Erickson \$90.00, Richard Neal \$201.40:

Publications: American News \$355.57, Groton Indep \$123.65:

Travel: Maxine Fischer \$180.00, Russell Metz \$337.07, Jan Weismantel \$61.00:

Professional Fees: Avera Psychiatric Assoc \$47.55, Avera St Lukes \$1364.21, Dental Center \$124.00, Donna Dietrich \$84.94, Sanford Clinic \$199.62, Sheriff of Cass County \$62.00, Sheriff of Cherry County \$6.00, Sheriff of Isanti County \$48.16, Kristi Spitzer \$1098.00:

Utilities: City of Aberdeen \$1263.56, James Valley Co-op \$310.69, Northern Valley \$432.50, NW Energy \$648.13, Town of Frederick \$32.25, WEB \$63.73:

Care of Poor: Rent (7 recipients) BMI \$113.00, Bruce Boschee \$260.00, Foxridge Apts \$210.00, Hair Designs \$280.00, SD Real Estate \$70.00, Justin Shultis \$320.00; Utilities (3 recipients) City of Aberdeen \$56.68, NWPS \$487.60. All members present voting aye. Motion carried.

**PERSONNEL:**

Moved by Wiese, seconded by Elliott to approve the following employee step increases, effective November 13, 2011: Andrew Janusz @ \$12.91 per hour, Michael Ernst @ \$14.58 per hour, Sheila Anderson @ \$16.69 per hour, Dana Breske @ \$13.45 per hour, Ember Currence @ \$13.63 per hour. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to approve hiring Lynn Heupel as part-time Deputy Auditor, effective November 14, 2011 at \$12.20 per hour. All members present voting aye. Motion carried.

**SURPLUS PROPERTY:**

Moved by Elliott, seconded by Hansen to declare the following surplus for purpose of donating the units to the City of Aberdeen: three Maruyama Back-pack Foggers SN 80321301, SN80321304 and SN80321306 valued at \$600.00 each. 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 \$14,445.00 (90% DOC, 10% County), effective October 1, 2011 – September 30, 2012. All members present voting aye. Motion carried.

**SHERIFF REPORTS:**

Moved by Hansen, seconded by Wiese to approve the following October 2011 Sheriff Reports: Incidents and offenses; Prisoner care, JDC, Money deposited with the County Treasurer and Monthly activities. All members present voting aye. Motion carried.

**AUDITORS REPORT OF ACCOUNT:**

Moved by Wiese, seconded by Fischbach to approve the October 2011 Auditor's Report of Account with the County Treasurer in total amount of \$24,903,469.87 (total amount of actual cash @ \$2,940.00, Wells Fargo Bank @ \$3,621.29, US Bank @ \$153,245.71, Dacotah Bank @ \$1,435,530.10, Petty Cash @ \$7,509.88, Fund Investments @ \$23,299,762.89, Outstanding Checks @ \$860.00). All members present voting aye. Motion carried.

**DRAIN TILE STUDY:**

Moved by Wiese, seconded by Hansen to approve expenditure by the Highway Department for an engineering study at an estimated cost of \$5,400.00, to provide cost estimates for placing drain tile along County Road 23. All member present voting aye. Motion carried.

**BID MOTOR GRADER 2012 AWARD:**

Moved by Wiese, seconded by Hansen to award bid to RDO Equipment for a 2011 model or newer diesel powered, articulated motor grader at base bid of \$229,400.00 plus options of \$25,400.00, less machine with hours discount of \$17,000.00 for a total purchase price of \$237,800.00, for 2012 delivery, as bid and awarded by Aurora County on June 21, 2011. All members present voting aye. Motion carried.

**TRUCKS BARRED SIGN:**

Moved by Fischbach, seconded by Hansen to authorize the Highway Department remove the trucks barred signs in the Claremont area only. Roll call vote: Commissioners Hansen-aye, Elliott-aye, Fischbach-aye, Wiese-nay, Sutton-aye. Motion carried.

**NEW TEC:**

Rich Vincent, Executive Director for New Tec, Inc. presented information about the Center (formerly Aberdeen Area Career Planning) and explained that the Center offers employee training to regional employers.

RECESS:

The Chairman declared the Commission recessed until November 15, 2011.

Maxine Fischer, Brown County Auditor

Published once at the total approximate cost of \$\_\_\_\_\_.

NOVEMBER 8, 2011 - 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, Swanson and Mayor Levsen. Council Members Kraft, Mitchell, Rux and Slaughter-Hansen were absent. Present from County were Commissioners Hansen, Elliott, Fischbach, Wiese and Sutton.

ORDINANCE #11-10-03/401:

On motion by Bunsness and seconded by Agnitsch, the City unanimously voted to adopt Ordinance No. 11-10-03/401.

Moved by Wiese, seconded by Fischbach to adopt Ordinance No. 11-10-03/401, 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, Rohr First Subdivision in the S ½ of Sec 36-T124N-R64W of the 5<sup>th</sup> P.M., Brown County, SD. Roll call vote: Commissioners Hansen-aye, Elliott-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Ordinance adopted.

The City Council adjourned and the County Commission continued in regular session.

Maxine Fischer - Brown County Auditor

Published once at the total approximate cost of \$\_\_\_\_\_.

# November 15, 2011 – GENERAL MEETING

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

## MINUTES:

Moved by Hansen, seconded by Elliott to approve the Joint City/County Meeting minutes and General Meeting minutes of November 8, 2011. All members present voting aye. Motion carried.

## YEARS OF SERVICE AWARD:

The Commission presented John McQuillen a Certificate of Appreciation for Thirty Years of Service to the County with congratulations and thanks for his service to the County.

## CLAIMS:

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

Supplies: Chamber of Commerce \$275.00, Aberdeen Rural Firefighters \$125.00, Ad Dept \$117.80, Ameripride \$487.86, AOSNC \$2432.19, Artz Equip \$1452.19, Avera Queen of Peace \$54.90, Ramkota \$154.00, Bonnie Bitz \$220.00, Carquest \$30.75, Cash-Wa \$4779.86, Civil Research Inst \$179.95, Cooks \$71.94, Custom Glass \$140.08, Dakota Fluid Power \$676.47, Violet Dinger \$4231.42, DT Pharm \$2677.83, Earthgrains \$651.58, Ecolab \$85.50, Economy Oil \$2160.60, Exhaust Pros \$26.83, GCR Tires \$1318.46, GovConnect \$615.95, Graham Tire \$9854.19, Nancy Hansen \$139.00, Heartland Paper \$987.15, Hedahls \$158.87, Honeywell \$4004.00, Howes Oil \$13,679.13, IAAO \$525.00, Inventory Trading \$42.00, Jason's Electric \$179.28, Ken's Superfair Foods \$50.03, Kesslers \$446.95, Kleins \$16.19, Krueger Bros \$619.65, Lexis/Nexis \$50.00, Lien Trans \$6363.28, Marco \$259.51, Menards \$590.89, Midwest Pump & Tank \$271.46, Midwest Rubber Stamp \$57.60, Motorola Comm \$1398.69, Praxair \$101.86, Probuild \$8.97, Sherwin Williams \$33.69, Spot Freight \$1585.00, Tire Dist \$3090.00, TSC \$11.97, Tri-State Water \$29.15, TrueNorth \$352.92, Vosika Fencing \$4942.00:

Publications: American News \$141.92, Dakota Press \$1508.84, Groton Indep \$56.12:

Travel: Gene Loeschke \$151.33, Sherri Rawstern \$67.04, Amy Scott \$564.29:

Professional Fees: Avera St Lukes \$723.02, Sheriff of Lincoln County \$21.25, Dakota Imaging \$9.93, Language Lines \$219.15, NE Mental Health \$364.00, Sanford Clinic \$102.16, Sivertsen Tech \$6717.11:

Utilities: City of Aberdeen \$272.03, Century Link \$60.26, Midcontinent Comm \$165.13, Northern Valley \$3842.04, Northern Wireless \$149.90, Northern Elec \$1492.96, NW Energy \$1386.42:

Care of Poor: Rent (12 recipients) Amanda Collins \$320.00, Dakota Unltd \$320.00, E&T Freedom \$260.00, Gerharter Realtors \$260.00, Hunstad Rentals \$520.00, Aberdeen Mobile Home Park \$230.00, White House Inn \$280.00, Wolfsong Apts \$130.00; Utilities (1 recipient) City of Aberdeen \$182.53; Dr/Hospital (2 recipients) Avera St Lukes \$3326.14; Medication (4 recipients) Lori's Pharm \$10.19, Shopko \$28.72, United Clinic Pharm \$1000.23; Burial (2 recipients) Spitzer Funeral Home \$2000.00. All members present voting aye. Motion carried.

## PERSONNEL:

Moved by Fischbach, seconded by Wiese to acknowledge the resignation of Bobbie Bierman, effective November 25, 2011. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Wiese to appoint Mike Moore as temporary Special Deputy States Attorney for purpose of prosecuting a conflict case at \$82.00 per hour plus \$0.37 per mile travel expense, effective November 7, 2011 until case complete. All members present voting aye. Motion carried.

## CONSOLIDATED BOARD OF EQUALIZATION:

Commissioner Fischbach offered the following Resolution:

RESOLUTION #92-11  
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 Wiese. Roll call vote: Commissioners Hansen-aye, Elliott-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Resolution adopted.

SUBORDINATION AGREEMENT:

Moved by Elliott, seconded by Wiese to approve and authorize the Chairman sign Subordination Agreement for a Poor Relief Lien with the USDA Rural Development, Grow SD and NESDCAP on Lot 3 Benfit's Replat of Lots 6, 7 and 8, Block 28, Hagerty & Lloyd's Addition to Aberdeen, according to the plat thereof of record, Brown County, South Dakota. All members present voting aye. Motion carried.

LIBRARY AGREEMENT:

Moved by Elliott, seconded by Wiese 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 2012 in amount of \$15,000.00. All members present voting aye. Motion carried.

ER PROJECT ADDENDUM:

Moved by Elliott, seconded by Hansen to approve and authorize the Chairman sign 2010 ER Project 613588 Addendum #1, which increases the amount of ER funds available to Brown County for 2010 Flood Event A by \$10,643.38. All members present voting aye. Motion carried.

DELTA DENTAL RATES:

Moved by Fischbach, seconded by Hansen to approve the 2012 Delta Dental Rates for employee dental insurance: \$35.28 Single, \$66.56 Two-Party and \$105.22 Three or more. All members present voting aye. Motion carried.

TAX DEED SALE:



Moved by Wiese, seconded by Elliott to authorize advertising the following described property to be offered for sale by auction in the Community Room, Brown County Courthouse Annex, on December 5, 2011 at 10:00 a.m., and further to declare property surplus for purpose of sale: Aberdeen City: W ½ Lot 7, Block 49, Hagerty & Lloyds Addition, Brown County, SD; W 42' Lt 7 and W 42' of S 12.5' Lt 8, Block 40, Bennett & Thomas Addition, Brown County, SD; Frederick City: Lot 25, Block 44, First Addition to Frederick, Brown County, SD; Warner Township (Mansfield): Lot 5 Remde's Addition to Mansfield, Brown County, SD. All members present voting aye. Motion carried.

#### HIGHWAY UPDATE:

Jan Weismantel, Highway Superintendent presented a department update on water levels, bridges and personnel.

#### HOSPITAL CLAIM:

Moved by Wiese, seconded by Fischbach to deny payment of the following hospital claim: 61 year old male @ \$3,790.63, as the individual has not provided sufficient information to determine if indigent. All members present voting aye. Motion carried.

#### EXECUTIVE SESSION:

Moved by Hansen, seconded by Elliott to go into executive session to discuss personnel 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.

#### SUNSET MEMORIAL PERMIT:

States Attorney Kim Dorsett and Attorney Bill Bowen met to discuss wording and amend the Permit for a holding pond, submitted by Sunset Memorial Gardens. Gary Vetter, Planning/Zoning was also in attendance.

#### RECESS:

The Chairman declared the Commission recessed until November 22, 2011.

Maxine Fischer, Brown County Auditor

Published once at the total approximate cost of \$\_\_\_\_\_.

NOVEMBER 22, 2011 – GENERAL MEETING

Meeting called to order by Chairman Sutton at 8:45 a.m. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Fischbach and Wiese. Commissioner Elliott was absent. Chairman Sutton led the Pledge of Allegiance.

MINUTES:

Moved by Wiese, seconded by Hansen to approve the General Meeting minutes of November 15, 2011. All members present voting aye. Motion carried.

CLAIMS:

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

Payroll: Commissioners \$3,229.05; Auditor \$7,406.93; Treasurer \$11,148.65; Data Processing \$2,290.08; State's Attorney \$13,096.79; Blood Draws \$760.00; SVAWA Grant \$1,269.24; Maintenance \$6,055.38; Assessor \$11,162.24; Register of Deeds \$6,955.04; Veterans Service Office \$3,419.10; GIS \$1,965.93; Sheriff Adm \$29,199.90; Jail \$29,757.44; JDC \$13,596.18; HD \$4,385.22; Welfare Office \$3,244.20; Museum \$6,423.66; Parks & Fairgrounds \$4,339.35; Fairboard \$2,290.68; Extension \$2,181.60; Weed \$219.51; Planning and Zoning \$2,003.01; Highway \$43,776.94; Communications \$19,792.15; Emergency Management \$2,662.90; Teen Court \$550.54; 24/7 Sobriety \$1,903.48; Landfill \$10,001.72; Matching Benefits: FICA \$14,365.28, Medicare \$3,359.65, Life \$571.50, Dental \$5,374.72, Health Ins \$86,320.97, Retirement \$28,861.00:

Supplies: Ameripride \$62.40, Ramona Anderson \$397.90, Arbor Pro \$50.00, Best Business \$176.80, Carquest \$321.34, Cartney Bearing \$64.59, Crawford Trucks 159.66, Dakota Prairie Mercantile \$54.38, Dakota Oil \$557.70, Dependable Sanitation \$34140.70, Farm Power \$197.96, Gear Networking \$1839.95, Godfathers \$47.11, GovConnect \$1242.26, Graham Tire \$630.26, Heartland Paper \$1409.57, Heppers \$4205.00, HF Jacobs & Son \$3550.51, Honeywell \$17726.00, Hoven Auto \$38.00, Howes Oil \$17781.98, Interstate Powersystems \$2110.00, James River \$44373.78, Clint Kadera \$500.00, Kens Superfair Foods \$297.73, Leidholt Electric \$61.16, Lien Transportation \$12802.37, Marco \$46.33, Menards \$261.81, Midstates Printing \$396.62, Moore Medical \$603.89, North Central Farmers Elev \$7500.00, Pizza Ranch \$36.00, Pumps Tire \$82.95, Sheri Rawstern \$100.93, Safe Harbor \$3605.00, Safety Service \$52.45, Schwan Welding \$715.12, SDPAA-Hagan Ins \$396.00, Sherwin Williams \$16.58, Steven Lust Chevrolet \$50.80:

Publications: American News \$455.16, Groton Ind \$89.85:

Travel: Tina Boldt \$8.88, Burt Elliott \$426.24, Kathy Fischer \$196.10, City of Groton \$75.85, Sara Hagman \$18.00, Anne Harris \$52.00, Lynn Heupel \$52.00, Barry Kusler \$68.82, Leo Leshner \$183.89:

Professional Fees: Avera Clinic \$80.27, Avera St Lukes \$1517.76, Denise Cody \$15.00, Donna Dietrich \$151.44, Karen Swanda \$15.00, West Payment Center \$118.28:

Court Appointed Attorney: Thurman Law Office \$179.86:

Utilities: Bureau of Admin \$341.98, Century Link \$2852.03, City of Hecla \$113.77, North Central Farmers Elev \$5884.70, Northern Electric \$27.00, Northwestern Energy \$2741.59:

Care of Poor: Rent (4 recipients) Brenner Builders \$165.00, Prairie Springs II LLC \$260.00, SD Real Estate LLC \$391.00; Utilities (1 recipient) City of Aberdeen \$104.56; Dr/Hospital (2 recipients) Avera St Lukes \$7795.86; Travel (2 recipients) Jefferson Lines \$102.50. All members present voting aye. Motion carried.

PERSONNEL:

Moved by Wiese, seconded by Fischbach to approve the following employee step increases, effective November 27, 2011: Kyle Crawford @ \$17.28 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Fischbach to acknowledge resignation of Mike Osborne, effective December 2, 2011. All members present voting aye. Motion carried.

PLATS:

Commissioner Hansen offered the following Resolution:

RESOLUTION #93-11

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing "Nash Second 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-aye, Elliott-absent, Fischbach-aye, Wiese-aye, Sutton-aye. Resolution adopted.

Commissioner Hansen offered the following Resolution:

RESOLUTION #94-11

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Flihs Family Subdivision in E ½ Sec 24-T124N-R61W of the 5<sup>th</sup> P.M., Brown County, SD", having been examined, is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof.

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

Commissioner Hansen offered the following Resolution:

RESOLUTION #95-11

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Jarrett Jones 1<sup>st</sup> Subdivision in NW ¼ Sec 5-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 Wiese. Roll call vote: Commissioners Hansen-aye, Elliott-absent, Fischbach-aye, Wiese-aye, Sutton-aye. Resolution adopted.

Commissioner Hansen offered the following Resolution:

RESOLUTION #96-11

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "N. Berbos' Richmond Lake Subdivision in SW ¼ Sec 19-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-absent, Fischbach-aye, Wiese-aye, Sutton-aye. Resolution adopted.

Commissioner Hansen offered the following Resolution:

RESOLUTION #97-11

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "K & M Hoffman Subdivision in SE ¼ Sec 12-T122N-R63W of the 5<sup>th</sup> P.M., Brown County, SD", having been examined, is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof.

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

Commissioner Hansen offered the following Resolution:

RESOLUTION #98-11

BE IT RESOLVED by the Board of Commissioners of Brown County, SD, that the plat showing "Harry Pharis Addition in the SW ¼ of Sec 4-T124N-R61W of the 5<sup>th</sup> P.M., Brown County, SD", having been examined, is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof.

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

Commissioner Hansen offered the following Resolution:

RESOLUTION #99-11

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Bruckner's 2<sup>nd</sup> Subdivision in Bath, South Dakota", 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-absent, Fischbach-aye, Wiese-aye, Sutton-aye. Resolution adopted.

VACATE PLATS – SET HEARING:

Moved by Fischbach, seconded by Hansen to set hearing date to consider petition to vacate the following plats: 1) Michael Elsen Conservation Easement Tract 1 and Tract 2 in the SE ¼ of Sec 5-T128N-R62W of the 5<sup>th</sup> P.M., Brown County, SD; 2) Elsen Farm Conservation Easement Tract 1, Tract 2 and Tract 3 in the N ½ of the SE ¼ of Sec 16-T128N-R62W of the 5<sup>th</sup> P.M., Brown County, SD; 3) Elsen Homestead Farm Conservation Easement Tract 1 and Tract 2 in the SW ¼ of Sec 9-T128N-R62W of the 5<sup>th</sup> P.M., Brown County, SD, ), to be held in the Commissioner's Chambers, Courthouse Annex, Brown County, South Dakota at 8:45 A.M. on December 6, 2011. All members present voting aye. Motion carried.

EXECUTIVE SESSION:

Moved by Wiese, seconded by Fischbach to go into executive session to discuss contract 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.

**DIVE TEAM GRANT:**

Moved by Wiese, seconded by Fischbach to accept \$3,000.00 in Grant funding from TransCanada for training and equipment for the Dive Team. All members present voting aye. Motion carried.

**APPLICATIONS FOR OCCUPANCY:**

Moved by Wiese, seconded by Hansen to approve and authorize the Chairman sign application, submitted by Northern Valley Communications for occupancy of Brown County Highway #16/17 in Sec 7/18-T123N-R62W of the 5<sup>th</sup> P.M., Brown County, SD to provide telecommunication services. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Wiese to approve and authorize the Chairman sign application, submitted by Northern Valley Communications for occupancy of Brown County Highway #12W in Sec 21/16-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD to provide telecommunication services. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman sign application, submitted by James Valley Telecommunications for occupancy of Brown County Highway #23 in Sec 35/2-T122/121N-R60W of the 5<sup>th</sup> P.M., Brown County, SD to provide telecommunication services. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Wiese to approve and authorize the Chairman sign application, submitted by Northern Electric for occupancy of Brown County Highway #16 in the NE ¼ of Sec 6-T123N-R63W and ending in the NW ¼ of Sec 5-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD to provide electric service. All members present voting aye. Motion carried.

**LANDFILL UPDATE:**

Mike Scott, Landfill Manager discussed options in regard to the Landfill Dozer, which needs repairs. The 1995 Dozer is scheduled to be placed in 2012, but the new machine would not be available until mid to late 2012 depending upon grant application process and bid process. The Commission instructed the repairs be completed, which should help the trade-in or selling price; apply for grant funding and proceed with the bid process in 2012. Leachate disposal was also discussed.

**LANDFILL WOOD CHIPS - SURPLUS:**

Moved by Wiese, seconded by Hansen to declare approximately 1,600 tons of wood chips surplus for sale; and further authorized the Chairman to sign agreement with FibroMinn for purchase of wood chips. All members present voting aye. Motion carried.

**RESOLUTION #100-11:**

Commissioner Wiese offered the following Resolution:

**RESOLUTION #100-11****RESOLUTION MODIFYING TAX INCREMENT DISTRICT NUMBER ONE PROJECT PLAN:**

WHEREAS, the County Planning Commission has recommended the amendment to the Project Plan for Tax Increment District Number One (the "Project Plan"); and

WHEREAS, the County finds and declares it necessary to amend the Project Plan.

NOW, THEREFORE, BE IT RESOLVED by the County Commission of Brown County as follows:

1. The Planning Commission Amendment of the Project Plan is hereby approved.

The motion for adoption of the foregoing resolution was duly seconded by Commissioner Hansen, and upon vote being taken thereof, the following voted YEA: Commissioners Hansen, Fischbach, Wiese and Sutton. Commissioner Elliott was not present. Whereupon said resolution was declared duly passed and adopted.

RESOLUTION #101-11

Commissioner Wiese offered the following Resolution:

RESOLUTION #101-11

RESOLUTION AMENDING RESOLUTION NO 75-11 AUTHORIZING AN AMOUNT NOT TO EXCEED \$9,565,000.

NOW, THEREFORE, BE IT RESOLVED by the County Commission of Brown County as follows:

1. Resolution No. 75-11 shall be amended by replacing all reference to \$8,995,000 with \$9,565,000.

The motion for adoption of the foregoing resolution was duly seconded by Commissioner Fischbach, and upon vote being taken thereof, the following voted YEA: Hansen, Fischbach, Wiese and Sutton. Commissioner Elliott was not present. Whereupon said resolution was declared duly passed and adopted.

EXECUTIVE SESSION:

Moved by Wiese, seconded by Hansen to go into executive session to discuss personnel with Kim Dorsett and Paul Sivertsen 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 November 29, 2011.

Maxine Fischer, Brown County Auditor

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204

NOVEMBER 29, 2011 – GENERAL MEETING ✓

Meeting called to order by Chairman Sutton at 8:45 a.m. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Elliott and Wiese. Commissioners Hansen and Fischbach were absent. Chairman Sutton led the Pledge of Allegiance.

MINUTES:

Moved by Wiese, seconded by Elliott to approve the General Meeting minutes of November 22, 2011. All members present voting aye. Motion carried.

CLAIMS:

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

Supplies: A&B Business \$2468.73, Best Business \$133.32, Custom Glass \$1250.00, Dex Media \$48.00, DSS Image Apparel \$161.75, Ag Conference \$289.62, ESRI \$6250.00, Exhaust Pros \$80.49, Les Frohling \$200.00, Graham Tire \$56.25, Dorothy Hedges \$250.00, Home Fed Bank \$50.00, Hoven Auto \$44.25, Ron Jacobson \$250.00, Lar-Jos \$74.20, Lien Transport \$69,772.50, Main St Photo Works \$46.27, Menards \$64.10, Pheasantland Ind \$255.56, Richards & Oliver \$85.48, Schneider Corp \$1875.00, SDDOT \$39,597.29, West Payment \$110.00:

Transcriptions: Tammy Erickson \$126.30:

Publications: American News \$101.85:

Travel: Justin Salo \$18.00, Mark Wendt \$18.00, Patti Woods \$158.40:

Professional Fees: Carlsen Funeral Home \$25.00, Denise Cody \$15.00, Donna Dietrich \$66.19, Charles Hyman \$4875.00, Sheriff of Big Stone County \$51.00, Sheriff of Cass County \$31.00, Karen Swanda \$15.00, U of ND \$2000.00:

Court Appointed Attorney: Chris Dohrer \$5920.15, Wm Gerdes \$1447.60, Kuck Law Office \$5520.83, Gina Rogers \$3520.83, Christy Serr \$5770.83:

Utilities: NW Energy \$38.18, Verizon \$79.69:

Care of Poor: Insurance (1 recipient) Allied Benefits \$278.00. All members present voting aye. Motion carried.

PERSONNEL:

Moved by Wiese, seconded by Elliott to acknowledge the resignation of Charlie Tveit, effective December 5, 2011. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Elliott to approve hiring Marty MacConnell as Labor Grade #3 at the Highway, effective November 30, 2011 at 12.98 per hour. All members present voting aye. Motion carried.

BRIDGE #278:

Moved by Wiese, seconded by Elliott to approve and authorize the Chairman to sign Work Order #LGA-51-11 for Clark Engineering Corporation to complete Plan Revisions on Bridge #278 in amount not to exceed \$17,112.50. All members present voting aye. Motion carried.

RECESS:

The Chairman declared the Commission recessed until December 6, 2011.

Maxine Fischer, Brown County Auditor

Published once at the total approximate cost of \$\_\_\_\_\_.

# DECEMBER 6, 2011 – GENERAL MEETING

Meeting called to order by Chairman Sutton at 8:45 a.m. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Fischbach and Wiese. Commissioner Elliott was absent. Chairman Sutton led the Pledge of Allegiance.

## MINUTES:

Moved by Wiese, seconded by Sutton to approve the General Meeting minutes of November 29, 2011. All members present voting aye. Motion carried.

## CLAIMS:

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

Payroll: Commissioners \$3,229.05; Auditor \$9,848.20; Treasurer \$11,148.64; Data Processing \$1,941.90; State's Attorney \$12,634.57; Blood Draws \$760.00; SVAWA Grant \$1,269.24; Maintenance \$6,092.24; Assessor \$11,162.23; Register of Deeds \$6,974.24; Veterans Service Office \$3,294.30; GIS \$1,965.93; Sheriff Adm \$28,435.71; Jail \$29,122.18; Coroner \$900.00; JDC \$13,526.38; HD \$4,660.00; Welfare Office \$3,244.20; Museum \$6,423.66; Parks & Fairgrounds \$4,218.40; Fairboard \$1,977.10; Extension \$2,181.61; Weed \$122.16; Planning and Zoning \$1,960.31; Highway \$41,187.29; Communications \$19,056.77; Emergency Management \$2,805.60; Teen Court \$418.96; 24/7 Sobriety \$1,901.83; Landfill \$9,259.48; Matching Benefits: FICA \$14,159.71; Medicare \$3,311.58:

Supplies: A&B Business \$298.87, Aberdeen Community Theatre \$375.00, Aspire Inc \$1000.00, Auto Glass Solutions Inc \$263.66, Bakken Building Maint \$500.00, Brick Propane \$84.00, Butler Machinery \$2679.80, Chapter CY-PEO \$30.00, CMRS-FP \$5000.00, Connecting Point \$375.00, Crawford Trucks \$995.15, Crescent Electric Supply \$154.80, Dakota Mailing & Shipping \$245.00, Dakota Supply Group \$75.48, Dependable Sanitation \$3813.50, DPM Mercantile \$25.00, Farm Power Mfg \$56.00, Foster Grandparent Program \$1000.00, Freys Electronics \$1185.30, Galls \$14.18, Geffdog Designers \$60.00, GovConnection Inc \$187.73, Graham Tire \$135.21, Grassland Farms \$24929.57, Great Western Tire Inc \$393.08, Green Iron Equipment \$73.85, Heartland Paper \$4633.70, House of Glass \$3015.13, Howes Oil \$24576.30, Jasons Electric \$1000.00, Kesslers \$265.16, Kleins \$7.98, Langs Audio \$789.99, Light & Siren \$889.80, Macs \$326.85, Menards \$77.76, Midcontinent Communications \$210.26, Midstates Printing \$188.18, Moore Medical \$272.27, New Deal Tire \$12149.55, North Central Farmers Elev \$4215.67, Northstar Safety Inc \$327.15, Northwest Divers \$4014.30, Otis Elevator \$221.52, Overhead Door \$102.04, Parcel Erickson \$38.03, Photo Xpress \$17.27, Powerplan \$19757.44, Praxair Distributing \$128.75, Pro Ag Supply \$7.43, Sherri Rawstern \$23.36, Runnings \$136.94, Schaeffers Mfg \$456.16, Revi Schaible \$50.00, Schmidt Construction \$1185.00, SD Dept of Revenue \$3550.88, Sewing Shoppe \$8.00, Share Corp \$84.00, Sheehan Mack Sales \$5781.26, Sivertsen Technology \$6963.96, Spot Freight \$3170.00, Duane Sutton \$122.95, US Bank \$8878.76, Walmart \$58.20, West Payment Center \$4019.95, Woodman Refridgeration \$1415.22:

Transcriptions: Richard Neal \$114.00:

Publications: American News \$412.52, Groton Independent \$216.46:

Travel: Cedar Shore Resort \$327.80, City of Groton \$41.81, Days Inn \$279.00, Executive Mgmt Finance Office \$1003.38, Extension Service \$228.92, Maxine Fischer \$161.40, Dale Kurth \$276.29, Pennington Co Jail \$75.80, Rushmore Plaza Holiday Inn \$2357.52:

Professional Fees: Clark Engineering \$3573.52, Denise Cody \$15.00, Jeanne Collison \$15.00, Donna Dietrich \$150.44, David Hosmer \$89.81, Leggette, Brashears & Graham \$409.78, Miller Consulting \$3054.59, SD Assoc of Commissioners \$2349.44, Sheriff of Yankton Co \$50.00, Slowey Reporting Service \$220.00:

Utilities: City of Aberdeen \$850.53, AT&T \$2291.48, Century Link \$43.80, James Valley Cooperative \$349.58, MDU \$31.24, Northern Valley Communications \$1560.04, Northwestern Energy \$7747.41, Town of Frederick \$32.25, Web Water \$123.87:



Care of Poor: Rent (3 recipients) Eisenbeisz Mobile Home Court \$195.00, Rockford Apts \$320.00, Vern-Pat Properties \$320.00; Utilities (3 recipients) City of Aberdeen \$132.85, BMI Inc \$97.00; Dr/Hospital (7 recipients) Aberdeen Surgical Associates \$1105.52, Avera St Lukes \$24.83, Dental Center \$185.00, DND Inc Aberdeen Ambulance \$653.99, Orthopedic Surgery Specialist \$65.76, Sanford Clinic \$68.50; Transportation (2 recipients) Brown County \$40.08, Jefferson Lines \$63.00; Medication (12 recipients) Kmart \$43.98, Shopko, 126.72, United Clinic \$412.08, Walmart \$239.77. All members present voting aye. Motion carried.

#### PERSONNEL:

Moved by Wiese, seconded by Hansen to approve the following employee step increases, effective December 11, 2011: Russell Metz @ \$16.36 per hour, Lora Schaunaman @ \$14.01 per hour. All members present voting aye. Motion carried.

#### AGRI-BUSINESS ACCESS GRANT:

Moved by Wiese, seconded by Fischbach to acknowledge award of Agri-Business Access Grant funding in amount of \$250,000 to assist in the improvement of Brown County 14W serving Northern Beef Packers. All members present voting aye. Motion carried.

#### INDUSTRIAL ACCESS GRANT:

Moved by Wiese, seconded by Fischbach to acknowledge award of Industrial Access Grant funding in amount of \$250,000 to assist in the improvement of Brown County 19 serving the Molded Fiber Glass Company. All members present voting aye. Motion carried.

#### BCCHC CONTRACT:

Moved by Fischbach, seconded by Hansen 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 2012 in amount of \$26,780.00. All members present voting aye. Motion carried.

#### TAX DEED SALE:

Moved by Wiese, seconded by Hansen to approve and authorize the Chairman sign Quit Claim Deed to the successful bidder for the following Tax Deed property sold at public auction on December 5, 2011: Warner Township (Mansfield): Lt 5 Remde's Addition Mansfield, Brown County, SD. All members present voting aye. Motion carried.

#### VACATE PLATS:

Commissioner Fischbach offered the following Resolution:

#### RESOLUTION #102-11

WHEREAS, Michael Elsen, pursuant to SDCL 11-3-20.1, presented an Application for Vacation of Plat legally identified as:

Michael Elsen Conservation Easement Tract 1 and Tract 2 in the SE ¼ of Sec 5-T128N-R62W of the 5<sup>th</sup> P.M., Brown County, SD

WHEREAS, the granting of the request will not authorize the closing or obstruction of any public highway according to law, and all property taxes on such plat are paid.

NOW, THEREFORE, BE IT RESOLVED, that the plat legally identified as:

Michael Elsen Conservation Easement Tract 1 and Tract 2 in the SE ¼ of Sec 5-T128N-R62W of the 5<sup>th</sup> P.M., Brown County, SD is hereby vacated.

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

Commissioner Fischbach offered the following Resolution:

RESOLUTION #103-11

WHEREAS, Michael Elsen, pursuant to SDCL 11-3-20.1, presented an Application for Vacation of Plat legally identified as:

Elsen Farm Conservation Easement Tract 1, Tract 2 and Tract 3 in the N ½ of the SE ¼ of Sec 16-T128N-R62W of the 5<sup>th</sup> P.M., Brown County, SD

WHEREAS, the granting of the request will not authorize the closing or obstruction of any public highway according to law, and all property taxes on such plat are paid.

NOW, THEREFORE, BE IT RESOLVED, that the plat legally identified as:

Elsen Farm Conservation Easement Tract 1, Tract 2 and Tract 3 in the N ½ of the SE ¼ of Sec 16-T128N-R62W of the 5<sup>th</sup> P.M., Brown County, SD is hereby vacated.

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

Commissioner Fischbach offered the following Resolution:

RESOLUTION #104-11

WHEREAS, Michael Elsen, pursuant to SDCL 11-3-20.1, presented an Application for Vacation of Plat legally identified as:

Elsen Homestead Farm Conservation Easement Tract 1 and Tract 2 in the SW ¼ of Sec 9-T128N-R62W of the 5<sup>th</sup> P.M., Brown County, SD

WHEREAS, the granting of the request will not authorize the closing or obstruction of any public highway according to law, and all property taxes on such plat are paid.

NOW, THEREFORE, BE IT RESOLVED, that the plat legally identified as:

Elsen Homestead Farm Conservation Easement Tract 1 and Tract 2 in the SW ¼ of Sec 9-T128N-R62W of the 5<sup>th</sup> P.M., Brown County, SD is hereby vacated.

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

EXECUTIVE SESSION:

Moved by Hansen, seconded by Wiese to go into executive session to discuss contract 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.

APPLICATIONS FOR OCCUPANCY:

Moved by Wiese, seconded by Fischbach to approve and authorize the Chairman to sign the following applications, submitted by East River Electric Power Coop for occupancy of the following locations on Brown County 23: Sec 31/6-T122/121-R61; Sec 33-T122-R62; Sec 32/5-T122/121-R62; Sec 6-T121-R62; Sec 36/6-T122/121-R63/62; Sec 36-T122-R63; Sec 35-T121-R63; Sec 35/2-T122/121-R61; Sec 3-

T121-R61 and Brown County 16 in Sec 5/6-T121-R62 to install overhead 69kV power line. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Fischbach to approve and authorize the Chairman to sign the following application, submitted by James Valley Telecommunications for occupancy of Brown County 5 in Sec 2/11-T127-R64, Brown County, SD to provide telecommunication services. All members present voting aye. Motion carried.

#### 24/7SOBRIETY PROGRAM:

Sheriff Mark Milbrandt and Deputy Tom Schmitt discussed moving the 24/7 Sobriety Program from the Jail Office to the County Office Building at 1019 1<sup>st</sup> Ave SE (formerly known as the Extension Building). Board concurred.

#### EXECUTIVE SESSION:

Moved by Wiese, seconded by Fischbach to go into executive session to discuss personnel with Kim Dorsett, Mark Milbrandt and Tom Schmitt 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.

#### ROAD DISCUSSIONS:

Paul Meyers met to discuss County Road 14. After discussion all parties will continue to gather information in regard to guard rails, silt fence, etc., with more discussion at a later date.

William Edwards met to discuss ditch on 129<sup>th</sup> Street between 391<sup>st</sup> and 392<sup>nd</sup> Ave. No action was taken.

Michael Elsen met to discuss ditches on 102<sup>nd</sup> Street and 397<sup>th</sup> Ave. After discussion, Mr. Elsen was referred to Liberty Township Officials.

#### 4-H YOUTH PROGRAM:

Becca Wolff, 4-H Youth Program Advisor explained that several County related activities will remain at the County Office Building at 1019 1<sup>st</sup> Ave SE, rather than being transferred to the Regional SDSU Cooperative Extension Office.

#### RECESS:

The Chairman declared the Commission recessed until December 13, 2011.

Maxine Fischer, Brown County Auditor

Published once at the total approximate cost of \$\_\_\_\_\_.

# DECEMBER 13, 2011 – GENERAL MEETING

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

## MINUTES:

Moved by Hansen, seconded by Wiese to approve the General Meeting minutes of December 6, 2011, with amendments (ord numbering, step increase). All members present voting aye. Motion carried.

## CLAIMS:

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

Supplies: A & B Business \$597.07, Aberdeen American News \$141.92, Aberdeen School District \$51941.00, Academy Trophy & Engraving \$130.00, Active Data Systems \$400.00, Ad Dept \$154.40, Ameripride Services \$320.74, Artz Equipment \$35.90, Brick TV & Appliance \$70.00, Brown County \$250.00, Cartney Bearing \$122.42, Cash Wa Distributing \$5424.99, Clark Engineering \$2800.00, Cradys Radiator Shop \$150.00, Dakota Electronics \$1353.20, Dakota Fluid Power \$81.48, Dakota Oil \$81.50, Diesel Machinery \$95.46, DT Pharmacy \$3709.19, Earthgrains Co \$614.48, Farnams Genuine Parts Inc \$94.49, Fire & Safety First \$180.00, Freys Electronics \$162.27, Gardner Locksmithing \$114.00, Grote Roofing Co Inc \$700.00, Heartland Paper \$108.52, Hedahls Inc \$189.42, Hoven Auto Repair Inc \$226.93, Hub City Radio \$450.00, Interstate Battery System \$193.90, J Gross Equipment \$346.22, JC Penney \$17.30, Marco Inc \$1204.14, Menards \$1821.05, Midstates Printing \$25.35, Mark Milbrandt \$227.43, North Central Farmers Elevator \$26655.61, Nelson Sales & Service Inc \$9000.00, New Deal Tire \$506.73, Powerplan \$465.40, Cierra Proudfoot \$20.00, Romeo Entertainment Group Inc \$816.45, Runnings \$401.80, SD Dept of Revenue/Regulation \$1402.00, SD Drug Control Fund \$45.00, Sioux Fall Crane & Hoist \$16890.96, SOS Garage Door \$76.00, Steven Lust Chevrolet \$39.19, Taylor Laundry \$122.00, Telserv Communications \$150.00, Timekeeping Systems Inc \$95.00, Tire Distribution Systems Inc \$57.00, Titan Machinery \$5077.99, Tri State Water \$29.15, Western Printing \$405.60:

Transcriptions: Tammy Erickson \$41.40, Langs Audio \$784.99, Lar-Jos \$350.30:

Publications: American News \$433.57:

Travel: Dietrich of Aberdeen Inc \$2900.00, Kimberly Dorsett \$104.00, Duane Jark \$14.00, Leo Leshar \$195.36, Gene Loeschke \$148.74, Sherri Rawstern \$186.96, Mike Rohrbach \$14.00, SDAAO \$330.00:

Professional Fees: Jeffrey Banks \$155.41, Kristi Brandt \$270.00, Clark Engineering \$2700.00, Denise Cody \$30.00, Donna Dietrich \$300.88, Michelle Gaikowski \$2846.00, KOS Concrete Inc \$12041.10, Lewis & Clark \$596.00, SD States Attorney Assoc \$1596.00, Sivertsen Technology \$5400.00, State Bar of SD \$995.00, Karen Swanda \$30.00, University of ND \$2000.00:

Utilities: City of Aberdeen \$24.90, Economy Propane \$1818.30, Northern Valley Communications \$206.51, Northern Wireless Communications \$149.90, Northwestern Energy \$4138.85:

Care of Poor: Rent (6 recipients) Builders Mgmt & Investment \$260.00, Barb Kumpf \$320.00, Park Village Community \$285.20, White House Inn \$80.00, Zumbaum Property Mgmt \$260.00; Utilities (1 recipient) City of Aberdeen \$143.03; Dr/Hospital (2 recipient) Avera St Lukes \$3116.55. All members present voting aye. Motion carried.

## PERSONNEL:

Moved by Hansen, seconded by Wiese to approve hiring Mirissa Johnson for Blood Draw services, effective December 1, 2011 at \$40.00 per draw. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Wiese to acknowledge resignation of Dawn Wipf, effective December 16, 2011. All members present voting aye. Motion carried.

## REGIONAL AGING COUNCIL (RAC):

Moved by Hansen, seconded by Wiese to appoint Gloriane Yost and Shari Phillips as Brown County Representatives on the Northeast South Dakota Regional Aging Council (RAC) for 2012 and 2013. All members present voting aye. Motion carried.

#### DPM BOARD APPOINTMENTS:

Moved by Wiese, seconded by Elliott to appoint the following to the Dacotah Prairie Museum Board: Brian Kellar, First Term, effective January 1, 2012 – December 31, 2014; Alan Hawkinson, First Term, effective January 1, 2012 – December 31, 2014, Eric Vetter, Second Term, effective January 1, 2012 – December 31, 2014. All members present voting aye. Motion carried.

#### NECOG AGREEMENT:

Moved by Wiese, seconded by Elliott to approve NECOG Agreement @ \$22,067.53; Fischbach offered a substitute motion, seconded by Hansen to approve and authorize the Chairman sign Joint Cooperative Agreement with NECOG for 2012 in amount of \$20,964.15. Roll call vote: Hansen-aye, Elliott-nay, Fischbach-aye, Wiese-nay, Sutton-aye. Substitute motion approved.

#### BUILDING NAME:

Maxine Fischer, Brown County Auditor questioned as to how the office building at 1019 1<sup>st</sup> Ave SE should be referenced (currently referred to as the Extension Building). After discussion the Commission instructed the building be referred to as the First Ave County Office Building.

#### AUDITORS REPORT OF ACCOUNT:

Moved by Hansen, seconded by Elliott to approve the November 2011 Auditor's Report of Account with the County Treasurer in total amount of \$17,453,085.87 (total amount of actual cash @ \$2,950.00, Wells Fargo Bank @ \$3,621.29, US Bank @ \$66,987.87, Dacotah Bank @ \$394,014.36, Petty Cash @ \$7,509.88, Fund Investments @ \$16,977,152.47, Outstanding Checks @ \$850.00). All members present voting aye. Motion carried.

#### SHERIFF REPORTS:

Moved by Fischbach, seconded by Wiese to approve the following November 2011 Sheriff Reports: Incidents and offenses; Prisoner care, JDC, Money deposited with the County Treasurer and Monthly activities. All members present voting aye. Motion carried.

#### SURPLUS PROPERTY:

Moved by Hansen, seconded by Wiese to declare the following surplus for purpose of donating Past Perfect 3 Collection Software to another Museum; transferring a Sylvania TV 86008198 and Quasar TV MB72230057 to the Fairgrounds; and transferring a Panasonic A8AA30510 TV-VCR Combo to the museum collection. All members present voting aye. Motion carried.

#### 2012 ASSESSMENT PLAN:

Moved by Wiese, seconded by Hansen to accept the 2012 Assessment Plan from Mary Worlie, Director of Equalization. All members present voting aye. Motion carried.

#### TAX DEED PROPERTY:

Moved by Wiese, seconded by Elliott 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 Wiese, seconded by Fischbach to authorize Sheila Enderson, County Treasurer to cancel contract for partial payments for taxes (as authorized by SDCL 10-21-7) due to non-payment on the 65.5

rods N and S by 39.5 rods E and W SE corner SE 19-128-64 (38298 104<sup>th</sup> Street) and proceed with Tax Deed process. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to authorize Sheila Enderson, County Treasurer to accept partial payments for taxes (as authorized by SDCL 10-21-7) in amount of \$150.00 per month on OL A NW SW 21-122-61 1983 Friendship (13954 402<sup>nd</sup> Ave), effective January 30, 2012. All members present voting aye. Motion carried.

#### BULLETIN BOARD LOCATIONS:

Commissioner Wiese offered the following Resolution:

#### RESOLUTION #105-11 BULLETIN BOARD LOCATIONS

WHEREAS, SDCL 17-3-1 states the county commissioners of each county shall provide a bulletin board which is adequate for the posting of legal notices, and the exact location where the bulletin board is to be maintained shall be designated and established by resolution of the board of county commissioners; and

WHEREAS, SDCL 17-3-6 states if a notice was posted on a bulletin board in or at a public building maintained in whole or in part by the county or utilized by the courts, and the building was commonly used by the public, then despite the absence of the designation of the bulletin board by the county commissioners, such posting is hereby validated and legalized and is of the same force and effect as though it had been posted on a bulletin board designated in the manner specified by SDCL 17-3-1, and

WHEREAS, this resolution has been offered to ensure all residents of Brown County are aware of the location of the bulletin boards adequate for the posting of legal notices.

NOW, THEREFORE BE IT RESOLVED by the Brown County Commission to designate the glass case bulletin board located in the Courthouse Annex on the north side of the hallway inside the west annex doorway across from the counter of the Register of Deeds Office, and further designate the bulletin board located inside the south entrance of the Courthouse on Lincoln Street, which are maintained for the posting of legal notices.

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

#### EXECUTIVE SESSION:

Moved by Wiese, seconded by Hansen to go into executive session for personnel discussion with Maxine Fischer and Kim Dorsett 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 Fischbach, seconded by Wiese to approve changing the part-time position in the Auditor's Office to full-time. All members present voting aye. Motion carried.

**AMBULANCE AGREEMENT:**

Aberdeen City Representatives Adam Altman, Lynn Landers and Sue Lehr met to discuss options to update the 1992 Ambulance Agreement between Brown County and the City of Aberdeen. Kim Dorsett was also in attendance. There was no action taken at this time.

**EXECUTIVE SESSION:**

Moved by Wiese, seconded by Fischbach to go into executive session for personnel discussion with Mary Worlie 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.

**OPEN DITCH DISCUSSION:**

Diane Worrall, Executive Director for the Association of Towns and Townships and several Township Officials met to discuss the repercussions of unauthorized ditching and trenching in Township Right of Ways and the liability exposure for the landowner and the township. Area residents from the various townships were in attendance. Kim Dorsett, Gary Vetter and Jan Weismantel were also in attendance.

**APPLICATION FOR OCCUPANCY:**

Moved by Fischbach, seconded by Wiese to approve and authorize the Chairman to sign application, submitted by Industrial Builders Inc for occupancy of Highway 23 in Sec 6-T121N-R62W, Brown County, SD to allow temporary construction work pads. All members present voting aye. Motion carried.

**WEB SITE DEMO:**

John McQuillen arranged a telephonic demonstration by Civic Plus explaining their Web Site Product at an estimated cost of \$27,000.00 plus an annual maintenance fee.

**EXECUTIVE SESSION:**

Moved by Wiese, seconded by Elliott to go into executive session to discuss a contract with Kim Dorsett 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:

**DEVELOPMENT AGREEMENT – NORTHERN BEEF PACKERS:**

Moved by Wiese, seconded by Fischbach to approve signing the Development Agreement between Brown County and Northern Beef Packers, LP concerning Brown County Tax Increment District #1, as authorized by Resolution 75-11 passed and approved on August 20, 2011. All members present voting aye. Motion carried.

**RECESS:**

The Chairman declared the Commission recessed until December 20, 2011.

Maxine Fischer, Brown County Auditor

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# DECEMBER 20, 2011 – GENERAL MEETING

Meeting called to order by Chairman Sutton at 8:45 a.m. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Elliott and Fischbach. Commissioner Wiese was absent. Chairman Sutton led the Pledge of Allegiance.

## MINUTES:

Moved by Hansen, seconded by Fischbach to approve the General Meeting minutes of December 13, 2011. All members present voting aye. Motion carried.

## CLAIMS:

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

Payroll: Commissioners \$3,229.05; Auditor \$8,777.05; Treasurer \$11,148.64; Data Processing \$2,110.02; State's Attorney \$12,634.59; Blood Draws \$720.00; SVAWA Grant \$1,269.24; Maintenance \$5,985.98; Assessor \$11,162.23; Register of Deeds \$6,974.24; Veterans Service Office \$3,294.30; GIS \$1,965.93; Sheriff Adm \$27,002.54; Coroner \$0; Jail \$29,185.54; JDC \$13,521.48; HD \$4,235.65; Welfare Office \$3,244.20; Museum \$6,378.48; Parks & Fairgrounds \$3,937.53; Fairboard \$2,327.89; Extension \$2,181.61; Weed \$0; Planning and Zoning \$1,777.31; Highway \$36,274.07; Communications \$17,591.84; Emergency Management \$2,891.22; Teen Court \$512.45; 24/7 Sobriety \$1,836.24; Landfill \$10,004.94; Matching Benefits: FICA \$13,587.40, Medicare \$3,177.76, Life \$566.10; Dental \$5,662.44, Health Ins \$85,763.06, Retirement \$ 28,417.49:

Supplies: Titan Access \$138.03, A&B Business \$55.89, Aberdeen Fire & Rescue \$64,126.30, Aberdeen Plumbing & Heating \$141.64, Aberdeen Rural Firefighters \$125.00, Active Data \$119.84, Adv Auto \$16.14, Ameripride \$53.16, Auto Glass \$40.00, Best Business \$176.80, Brick TV \$70.00, Brown County Bar Assn \$60.00, Carquest \$650.11, CMRS \$5000.00, Crescent Elec \$444.72, Dacotah Prairie Museum \$132.67, Dakota Mailing \$495.00, Danko \$2041.20, Danne \$260.00, Kristi Erickson \$82.27, Fastenal \$1634.96, GCR Tires \$2420.51, Geffdog \$460.54, GovConnection \$1542.63, Great North Am Co \$470.22, Great Plains Fire \$1950.00, Heartland Paper \$383.27, HF Jacobs \$34,105.47, Hoven Auto \$170.95, Howes Oil \$27,040.81, Interior Design Concept \$652.02, Interstate Power \$474.18, Intocimeters \$256.50, J&K Painting \$1755.52, Jason's Elec \$91.84, Ken's Superfair Foods \$17.23, Lewis Drug \$21.74, Marco \$419.07, Midstates Printing \$87.00, Midwest Alarms \$51.50, Moore Medical \$28.27, Motorola \$1398.69, New Deal Tire \$1174.39, Northwest Divers \$425.00, Owen Ormand \$45.00, Parcel Erickson \$10.00, Pennington County \$506.70, Pheasantland Ind \$285.06, Photo Xpress \$91.34, Sherri Rawstern \$28.96, Richards & Oliver \$85.48, Runnings \$158.86, Schwaab \$65.00, SD Assoc of County Weed Boards \$50.00, SD Dept of Rev \$3774.07, SD Drug Control Fund \$45.00, Sivertsen Tech \$10,185.00, Tru Green Chemlawn \$451.20, Volk Upholstery \$535.00, West Payment Center \$442.04, WSI Internet Market \$300.00, Northern Beef Packers \$880,855.40:

Transcriptions: Tammy Erickson \$24.15, Michelle Gaikowski \$146.60:

Publications: American News \$945.09, Groton Indep \$795.49:

Travel: Conald Burgard \$214.32, Mark Milbrandt \$303.21:

Professional Fees: Avera Queen of Peace \$330.40, Avera St Lukes \$6919.24, Language Lines \$90.00, LSS \$55.92, NEMHC \$1040.00, Sanford Clinic \$35.37, Uptown mental Health Center \$600.00, Yankton County \$311.25:

Court Appointed Attorney: Chris Dohrer \$5770.83, Kuck Law Office \$5520.83, Gina Rogers \$5520.83, Christy Serr \$5770.83:

Utilities: A-1 Sanitation \$965.00, City of Aberdeen \$10,490.55, Bureau of Admin \$376.42, Century Link \$2550.13, City of Hecla \$155.59, Dependable \$26,336.18, Northern Elec \$2175.13, NW Energy \$1891.34, Town of Claremont \$123.00, Verizon \$79.69:

Care of Poor: Medication (6 recipients) Emergency Poor Fund \$35.00, Jones Drug \$64.23, Lori's Pharm \$285.97, Walmart Pharm \$66.41; Transportation (2 recipients) Brown County \$65.68; Rent (4 recipients)



Jerry Hunstad \$260.00, Larson Rentals \$140.00, Harlan Pease \$200.00, Zumbaum Property \$250.00; Burial (2 recipients) Schrivers Mem Mortuary \$1250.00

Jury: Sylvia Aadland \$11.48, Lois Armstrong \$57.40, Steven Ballinger \$51.48, Raymond Barton \$72.20, Jacqueline Bauer \$17.40, Nicholas Bierman \$24.80, Lynn Brewer \$11.48, William Brown \$11.48, Mark Calkins \$11.48, Michael Claymore \$11.48, Virginia Coley \$11.48, Sharon Comes Flying \$11.48, Nancy Dahme \$13.70, Cindy Daschle \$11.48, Janice Dehne \$43.30, Connie Dennert \$29.98, Sean Duffy \$11.48, Dara Eaglestaff \$11.48, David Flenaugh \$11.48, Alan Frazier \$11.48, Thomas Fritz \$51.48, Bradley Geyer \$11.48, Rlee Ginsbach \$13.70, Rebecca Graves \$51.48, Eric Gray \$51.48, Joyce Grismer \$13.70, Dwight Guthmiller \$57.40, Lynn Hanson \$21.84, Rodney Heinrich \$47.00, Debra Janish \$11.48, Jaela Johnson \$11.48, Melvin Kaseman \$15.92, Patrick Keatts \$58.88, James Kennedy \$11.48, Ashley Korpall \$11.48, Floyd Leader Charge \$11.48, Teresa Lewis \$11.48, Ronald Lindner \$11.48, Chadd Lundquist \$11.48, Rebecca Malsam \$11.48, Paul McDonald \$11.48, Arnold Mehlhoff \$11.48, Nancy Mitchell \$24.80, Michael Moran \$11.48, Amanda Naasz \$11.48, Anna Nagel \$11.48, Evert Nelson \$11.48, Brent Norberg \$51.48, Tyler Oliver \$11.48, Michael Olsen \$11.48, Mark Papstein \$11.48, Layton Pederson \$12.22, Mary Peterson \$11.48, Neil Reiss \$11.48, Jonathan Ristau \$11.48, Jennifer Sanchez \$11.48, Faith Schaeffer \$12.22, William Schanzenbach \$56.66, Ruby Schipke \$11.48, Stacey Schmidt \$11.48, Andrea Schoenfeld \$11.48, Doren Serfling \$11.48, Dena Sievers \$14.44, Gerald Skramstad \$18.88, Alyssa Smidt \$11.48, Ronda Smith \$12.96, Andrew Sprinkel \$12.22, Eva Steen \$51.48, Maria Strom \$28.50, Dale Urlacher \$11.48, Stephanie Weideman \$12.96, Evonne Wietgreffe \$11.48, Timothy William \$51.48, Janet Wilson \$13.70, Landon Wolf \$51.48, Kim Zerr \$24.80. All members present voting aye. Motion carried.

#### PERSONNEL:

Moved by Hansen, seconded by Elliott to approve the following employee step increases, effective December 25, 2011: Jan Erickson @ \$15.01 per hour, Craig Nelson @ \$19.40 per hour, Brad Nehlich @ \$13.86 per hour, Kathy Schlecht @ \$16.95 per hour, Nancy Radke @ \$18.43 per hour, Sara Jesz @ \$16.29 per hour, James Petrich @ \$14.24 per hour, Charles Gruenstein \$ 13.21 per hour, Adelaide Mouna @ \$13.37 per hour. All members present voting aye. Motion carried.

Moved by Elliott, seconded by Fischbach to approve hiring Dawn Wipf as on-call Nurse, effective December 16, 2011 thru December 31, 2011. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Fischbach to approve hiring Deardra Rose for Blood Draw services, effective December 16, 2011 at \$40.00 per draw. All members present voting aye. Motion carried.

#### TAX DEED SALE:

Moved by Hansen, seconded by Elliott to approve and authorize the Chairman sign Quit Claim Deed for the following Tax Deed property offered for sale on December 5, 2011: Frederick City: Lot 25 Block 44 First Addition to Frederick, Brown County, SD. All members present voting aye. Motion carried.

#### LEASE AGREEMENT:

Moved by Fischbach, seconded by Hansen to approve the following agreement: Brown County 4H for lease of the Club House for 4H Archery Classes from January 1, 2012 thru March 31, 2012. All members present voting aye. Motion carried.

#### FAIR CONTRACT:

Moved by Elliott, seconded by Fischbach to acknowledge a 2012 Brown County Fair entertainment contract for Thursday, August 16, 2012 in amount of \$50,000.00 (Travis Tritt). All members present voting aye. Motion carried.

#### EXECUTIVE SESSION:

Moved by Hansen, seconded by Elliott to go into executive session to discuss personnel with Amy Scott 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.

#### PERSONNEL:

Moved by Hansen, seconded by Fischbach to approve employee status change for Sonje Oban from seasonal to full-time Fair employee, effective December 25, 2011 at \$12.20 per hour. All members present voting aye. Motion carried.

#### FAIR BOARD APPOINTMENTS:

Moved by Hansen, seconded by Elliott to appoint Gordon Nelson, Davin Johnson, Chris Fischbach, Becky Stucker and Linda Thurston to First Term on the Brown County Fair Board, effective January 1, 2012 – December 31, 2014. All members present voting aye. Motion carried.

#### EQUIPMENT PURCHASE:

Moved by Elliott, seconded by Fischbach to approve purchase of tent and fence panels, as requested by Fair Manager Amy Scott and the Fair Board. All members present voting aye. Motion carried.

#### ALCOHOLIC BEVERAGE LICENSE RENEWAL:

Moved by Fischbach, seconded by Hansen 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 Addn S ½ of 15-123-63). Dennis O Jones DBA Dakota River Ranch/Tacoma Park Place (5 acres in NE corner of NW ¼ of 23-124N-62W). P'ZA Inc DBA Anchors Away Lodge & Resort (Palmer's Richmond Resort Subd Lt 1, Subd OL 1 Richmond OL 1 & 2). All members present voting aye. Motion carried.

#### STORM READY:

Dave Hintz and Jim Scarlett, National Weather Service presented Brown County with a Storm Ready Sign and Certificate, recognizing Scott Meints, Emergency Management Director for his individual efforts in weather preparedness training and action.

#### BID AWARD – EM VEHICLE:

Moved by Elliott, seconded by Fischbach to award the following bid for the Emergency Management Department: State Contract #16216 with Beck Motors Inc for one 2012 Chevrolet Suburban in total amount of \$37,809.00. All members present voting aye. Motion carried.

#### HB1003:

Paul Dennert, District 2 State Senator discussed HB 1003 and encouraged the Commission to pass a resolution of support to present in the 2012 Legislative Session. Mary Worlie, Director of Equalization was also in attendance.

#### FAIR HEARING:

2  
An individual appeared before the Commission for a review hearing to appeal a determination of the County Welfare Office. When testimony complete, the following action ensued: Moved by Elliott, seconded by Sutton to uphold decision of County Welfare Office in the denial of assistance. All members present voting aye. Motion carried.

**TAXATION DISCUSSED:**

Area resident Glenn Wells met to discuss the taxation of his farm land, which is not farmable due to wet conditions. The Commission suggested Mr. Wells visit with the Director of Equalization Office to see if his property qualifies for the flooded farm land adjustment allowed by State law.

**FAIRGROUNDS AWARD:**

Sharon Stroschein, Chairman Chamber Ag Committee and Nikki Walter, Chamber of Commerce presented Kurt Smith, Fairgrounds Manager and employees John Weig and Curt Erickson a Certificate and Plaque in recognition of their service and dedication in keeping the Fairgrounds an excellent facility for area events.

**NECOG AGREEMENT AMENDED:**

Moved by Elliott, seconded by Fischbach to amend the 2012 Agreement with NECOG, increasing the allocation from \$20,964.15 to \$22,067.53. All members present voting aye. Motion carried.

**RECESS:**

The Chairman declared the Commission recessed until December 27, 2011.

Maxine Fischer, Brown County Auditor

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## DECEMBER 27, 2011 – GENERAL MEETING

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

## MINUTES:

Moved by Hansen, seconded by Elliott to approve the General Meeting minutes of December 20, 2011. All members present voting aye. Motion carried.

## CLAIMS:

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

Supplies: A&B Business \$311.98, Aberdeen Plumbing/Heating \$243.33, Active Data \$300.28, Ameripride \$195.41, B&B Contracting \$4387.76, Sheriff of Barron County \$50.00, Best Business \$133.32, Butler Machinery \$661.71, Carquest \$1324.94, Cartney Bearing \$8.80, City of Groton \$73.63, Common Sense Mfg \$2680.00, Crawford Trucking \$2825.19, Custom Glass \$50.00, Dakota Electronics \$1169.05, Dakota Fluid Power \$823.39, Dakota Oil \$3266.18, DSG \$895.07, Dex Media \$48.00, Economy Propane \$997.00, Farm Power \$94.99, Fastenal \$25.31, Frey's Electronics \$352.27, Full Circle Ag \$2393.43, GCR Tire Center \$691.40, Glas Consulting \$146.25, Great Western Tire \$4256.39, GovConnection \$58.17, H J Industries \$1611.70, Holland Auto \$39.86, Interior Design \$132.80, J Gross \$177.31, Jason's Electric \$1000.00, Kesslers \$56.77, Kleins \$60.96, Lar-Jos \$1366.78, Leidholt Elec \$123.61, Mac's \$182.98, Menards \$121.99, Metro Fire \$430.03, Midstates Printing \$329.70, Midwest Alarm \$676.65, Diane Mielke \$84.21, Nelson Sales \$10.00, North Central Farmers Elev \$2639.37, Performance Oil \$143.00, Pizza Ranch \$60.00, Pumps Tire \$41.50, Powerplan \$39.99, Pro Ag Supply \$381.44, Quality Welding \$166.00, Race West \$1837.75, Riverside Twp \$464.80, Runnings \$138.45, SD Dept of Rev \$1472.00, SDDOT \$6154.91, SD Unified Judicial System \$10.00, Sewing Shoppe \$27.00, Sheehan Mack Sales \$874.23, Sivertsen Tech \$14,537.00, TruNorth Steel \$5720.00, Tyler Tech \$10,161.18, West Payment Cntr \$2127.95, US Bank \$10,172.05, Ehresmann Engineering \$1250.00, Intoximeters \$2000.00, Langs \$45.00, Bonnie Bitz \$24.00, CMRS \$5000.00:

Transcriptions: Kristi Brandt \$251.80, Tammy Erickson \$159.00, Slowey Court Reporting \$110.00:

Publications: American News \$455.17, Dakota Press \$1061.84, Groton Ind \$204.01:

Travel: Stan Beckler \$15.54, Darwin Bettmann \$11.10, Burt Elliott \$138.91, Tom Fischbach \$299.70, Kathy Fischer \$105.82, Duane Jark \$39.96, Patrick Keatts \$17.76, Troy Knecht \$28.86, Dale Kurth \$28.12, Barry Kusler \$27.75, Leo Leshner \$183.15, Gene Loeschke \$48.47, Russell Metz \$277.87, David North \$84.36, Jerry Streckfuss \$28.86, Duane Sutton \$186.11, Sherry Theobald \$14.43, Dennis Wiedeubush \$26.64, Michael Wiese \$87.44:

Professional Fees: Avera St Lukes \$4197.67, NE Mental Health Center \$27,655.99, Pennington County Jail \$309.60, Mark Reedstrom \$1715.80, Kristi Spitzer \$425.00, Karen Swanda \$15.00, Donna Dietrich \$148.94, Denise Cody \$15.00, Weill Cornell Physicians \$137.06, Dakota Imaging \$425.09, Aberdeen Adv Care \$100.19:

Utilities: A-1 Sanitation \$668.20, Midcontinent Cable \$210.26, Montana Dakota \$31.67, Northwestern Energy \$1173.73, AT&T \$2087.08, WEB \$68.91, Century Link \$43.80:

Care of Poor: Dr/Hospital(3 recipients) Avera St Lukes \$18591.46, Northern Plains OMS \$65.00, Orthopedic Surgery Spec \$57.03; Transportation (1 recipient) Brown County \$38.32; Rent (5 recipients) Eisenbeis Mobile Home Court \$160.00, Gerharter Realtors \$320.00, Keith Gerving \$200.00, Hunstad Rentals \$260.00, Park Village \$268.10; Utilities (1 recipient) NWPS \$300.00. All members present voting aye. Motion carried.

## PERSONNEL:

Moved by Fischbach, seconded by Wiese to acknowledge the following miles driven and amount to be taxed for personal use of County vehicles during the months of May, June, July, August, September,

October and November 2011: Jan Weismantel – 518.4 @ \$264.38, Marcus Selzler – 854 @ \$435.54, Kendell Titze – 786 @ \$400.86, Mark Wendt 2208 @ \$1126.08, Michael Scott – 1120 @ \$571.20. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Elliott to approve employee status change for Lynn Heupel from part-time to full-time Deputy Auditor, effective December 25, 2011 at \$12.20 per hour. All members present voting aye. Motion carried.

PLATS:

Commissioner Fischbach offered the following Resolution:

RESOLUTION #106-11

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing “Lance Hanson Conservation Easement Tract 1 in the S ½ SE ¼ Sec 20-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 Wiese. Roll call vote: Commissioners Hansen-aye, Elliott-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Resolution adopted.

Commissioner Fischbach offered the following Resolution:

RESOLUTION #107-11

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing “L & J Homesite Subdivision in SW 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, Fischbach-aye, Wiese-aye, Sutton-aye. Resolution adopted.

Commissioner Fischbach offered the following Resolution:

RESOLUTION #108-11

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing “Walter’s Second Subdivision in the SE ¼ of Sec 13-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 Wiese. Roll call vote: Commissioners Hansen-aye, Elliott-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Resolution adopted.

VACATE PLAT – SET HEARING:

Moved by Elliott, seconded by Wiese to set hearing date to consider petition to vacate the following plat: Kendall Stoddard Conservation Easement Tract 1 in the NE ¼ and NW ¼ of Sec 15-T127N-R64W of the 5<sup>th</sup> P.M., Brown County, SD (108<sup>th</sup> Street), to be held in the Commissioner's Chambers, Courthouse Annex, Brown County, South Dakota at 8:45 A.M. on January 17, 2012. All members present voting aye. Motion carried.

SET HEARING DATE:

Moved by Wiese, seconded by Elliott to set joint public hearing before the Aberdeen City Council and Brown County Commission to consider Ordinance #12-01-02/402, An Ordinance to amend Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 704 (R-2) Medium Density Residential District to Section 714 (M-AG) Mini-Agricultural District: Lots 13A, 18, 19A, 20 and 22, DOK-B Subdivision in the SE ¼ of Sec 22-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, SD, to be held on January 23, 2012 at 5:30 p.m. in the Aberdeen City Council Chambers, 123 S Lincoln Street, Aberdeen, SD, at which time each board may adopt first reading of Ordinance #12-01-02/402. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Elliott to set joint public hearing before the Aberdeen City Council and Brown County Commission regarding a petition filed by Stephen L Bieckler, Daniel Brenner, Cindy Moser and Scott Brunmaier for the vacation of the public right-of-way described as follows: The entire portion of East Drive Public Right-Of-Way extending from the East property line of Lot 1A, Premack Replat of Lot 1 of Premacks Third Subdivision extending East to Lot 3, Premacks Second Subdivision, all located in the NW ¼ of Sec 14-T123N-R64W, Brown County, SD, to be held on January 23, 2012 at 5:30 p.m. in the Aberdeen City Council Chambers, 123 S Lincoln Street, Aberdeen, SD, at which time each board may approve a resolution granting the petition to vacate the public right-of-way. All members present voting aye. Motion carried.

AGREEMENT:

Moved by Wiese, seconded by Fischbach to approve and authorize the Chairman sign Service Agreement to provide Cafeteria Plan outsourcing with Eide Bailly Employee benefits effective January 1, 2012. All members present voting aye. Motion carried.

GRANT AGREEMENT LANDFILL:

Moved by Wiese, seconded by Fischbach to approve and authorize the Chairman sign SD Regional Landfill Appropriation Funding Agreement in amount of \$427,500 (total @ \$855,000) with the Department of Environment and Natural Resources (DENR) for purchase of a dozer for the Brown County Landfill. All members present voting aye. Motion carried.

WEB SITE:

John McQuillen and Paul Sivertsen discussed requesting quotes for servicing the County Web Site, to be reviewed on February 7, 2012.

HIGHWAY UPDATE:

Jan Weismantel, Highway Superintendent discussed weight limits on county roads.

EXECUTIVE SESSION:

Moved by Wiese, seconded by Hansen to go into executive session to discuss contract with Kim Dorsett and Paul Sivertsen 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.

INCREASE SPENDING AUTHORITY/ESTIMATED REVENUE:

Moved by Wiese, seconded by Elliott to increase spending authority and estimated revenue in the following funds for unanticipated reimbursement for expenditures: Fund #101-5.523.426.52 @ \$13,244.58, #101-4.373 @ \$13,244.58 (Insurance reimbursement); #101-5.523.426 @ \$24,000.00, #101-4.365 @ \$24,000.00 (Donation); #101-5.211.411 @ \$21,395.77, #101-5.412.10 @ \$1,326.55, #101-5.211.412.20 @ \$310.25, #101-5.211.413 @ \$1,711.65, #101-4.331.90 @ \$24,744.22 (Highway Safety

220

Grant); #234-5.615.429 @ \$62.50, #234-4.334.03 @ \$62.50 (Weed & Pest Grant); #207-5.225.426 @ \$31,810.00, #207-4.339 @ \$31,810.00 (E911 Enhancement); #226-5.222.426 @ \$9,549.00, #226-5.222.422 @ \$146,220.85, #226-4.331.01 @ \$104,207.35, #226-4.339 @ \$51,562.50 (SLA); #226-5.228.426 @ \$156,788.38, #226-5.228.426.22 @ \$2,385.00, #226-5.228.427.05 @ \$13,148.55, #226-5.228.434 @ \$12,765.14, #226-4.331 @ \$185,087.07 (Homeland Security); #201-5.311.425 @ \$855,158.88, #201-4.331.02 @ \$340,648.36, #201-4.334 @ \$45,419.78 (FEMA), #201-4.331.20 @ \$469,090.74 (ER). All members present voting aye. Motion carried.

#### CONTINGENCY TRANSFERS:

Moved by Wiese, seconded by Elliott to approve the following Contingency Transfers: increase spending authority (no cash): Fund #101: 130 Courts @ \$6,200.00, 141 Auditor @ \$85,167.03, 143 Data Processing @ \$97,750.00, 153 Court Appointed Legal @ \$19,900.74, 213 Coroner @ \$3,457.46, 441 Mentally Ill @ \$13,484.10, 522 Parks @ \$5,900.00, 523 Fairgrounds @ \$9,240.67, Fund #207: 225 Communications @ \$8,900.00; reduce spending authority (no cash) 101-112-422.99 @ \$250,000.00. All members present voting aye. Motion carried.

#### BUDGET SUPPLEMENT:

Moved by Wiese, seconded by Elliott to approve the following Budget Supplements for year 2011: Fund #101-5.524.426 @ \$79,000.00 (Odde Building payment budgeted in Commission); Fund #101-5.523.426 @ \$170,900.00 (Insurance proceeds not received), to be funded by current revenue in Fund #101. All members present voting aye. Motion carried.

#### OPERATING TRANSFER:

Moved by Wiese, seconded by Elliott to approve and authorize the following operating transfer in total amount of \$1,000,000.00, as reflected in the 2011 General Fund #101 Budget (101-911-191) 1,000,000.00 to Highway Fund #201-371. All members present voting aye. Motion carried.

#### ADJOURN:

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

Maxine Fischer, Brown County Auditor

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221

DECEMBER 30, 2011 SPECIAL MEETING

The Brown County Commission convened at 4:00 p.m. on December 30, 2011 to approve year-end claims. Commissioners Hansen, Elliott, Fischbach, Wiese and Sutton were present.

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

Supplies: Ecolab \$95.50, Exhaust Pros \$26.83, Kone Inc \$164.13, Marco Inc \$16.07, Midstates Printing \$266.86, Sanders Sew-N-Vac \$119.95, Sivertsen Tech \$2210.00, Taylor Laundry \$100.50, Walmart \$152.70, DMI \$330.10, Farm Power \$1974.76, Pierson Ford \$51.45, Pumps Tire \$117.70, Power Plan \$3368.80, Ed Roehr Safety \$415.00, Runnings \$725.57, Howes Oil \$25,495.00, Interstate Battery \$101.95, HF Jacobs \$8529.54, Bakken Maintenance \$500.00, Butler Machinery \$2432.34, Crawford Trucks \$1395.19, Cunningham Electric \$772.49, Dakota Oil \$4239.00, DSG \$1389.92, Ameripride \$129.00, Titan Machinery \$10386.91, Freddie Robinson \$500.00:

Travel: Executive Management \$624.96, MOCIC \$100.00:

Professional Fees: Adamsoft Inc \$7500.00, Witness Fee \$20.00, Denise Cody \$15.00, Jeanne Collision \$15.00, Donna Dietrich \$149.44, Fox, Youngbert & Lewno \$130.16, Harmelink & Fox \$348.00, Yankton Co Sheriff \$50.00, Sivertsen Tech \$8100.00, UND \$2,000.00, Helms & Assc \$847.05, LBG \$10482.98, Clark Engineering \$9278.49:

Utilities: Northwestern Energy \$8935.37, WEB Water \$74.78, AT&T \$163.74, Town of Frederick \$33.75:

Care of Poor: Rent (2 recipients) Raymond Sauerwein \$260.00, Dilo LLC \$250.00; Utilities (2 recipients) Aberdeen City \$158.54; Dr/Hospital (2 recipients) Avera St Lukes \$4325.09, (2) Orthopedic Surgery \$41.58; Transportation (1 recipient) Brown County \$41.01; Medication (3 recipients) Jones Drug \$7.99, Kmart \$13.06, Walmart Pharmacy \$145.32. All members present voting aye. Motion carried.

EXECUTIVE SESSION:

Moved by Wiese, seconded by Fischbach to go into executive session to discuss personnel with Kim Dorsett and Paul Sivertsen 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.

ADJOURN:

Moved by Fischbach, seconded by Wiese to adjourn the Special Meeting of the Brown County Commission. All members present voting aye. Motion carried.

Maxine Fischer, Brown County Auditor

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# "A"

Date	Description	Page
1/4/11	Abatements - approve BNSF, DM&E RR, C Erickson, W Antonides, Brown County, Groton City, C Currie, V Olson, Sec of Vet Affairs, R Sumption, K Erdmann, R Baker	3
1/4/11	Alcoholic Beverage Transfer Hearing - Jarrett O Jones & Dennis O Jones to Dennis O Jones	3
1/11/11	Auditor's Report of Account - approve Dec 2010	10
1/11/11	Abatements - approve K Kramer, E Hormann, E Vetter, R Stange	11
1/11/11	Amend Minutes - add LIDAR Resolution from minutes of Jan.4 2011	11
1/11/11	Annual Productivity Assessment Plan - Mary Worlie discussed assessments	12
1/15/11	Abatements - Roman Catholic Church, M Arment, Sewer Duck, S Goldade, C Jerome	14
1/18/11	Annual Productivity Assessment Plan - Al Waltman discussed assessment process for crop-grassland	15
1/18/11	Annual Productivity Assessment Plan - approve Dept of Revenue guidelines for 2011 assessments	15
1/25/11	Abatement - J Barke	17
2/1/11	Application for Occupancy - East River Electic (Soil Technologies) Hwy 23	23
2/1/11	Assessment Discussion - Mary Worlie discussed proposed adjustments for Dept Rev, need in writing	24
2/8/11	Alcoholic Beverage License Hearing - set hearing 3/1/11 8:45 am - RDA, LLC (Ron Wagner) DBA Water Hole #2	26
2/8/11	Abatements - C Currie, A Schulz, Prairies Edge, T Aman, C Schroeder	26
2/22/11	Abatements - AT&T, SD Network	32
3/1/11	Accounting/Payroll Software - Sheila Enderson, John McQuillen, Maxine Fischer - presented info	38
3/8/11	Auditor's Report of Account - approve February 2011	41
3/15/11	Abatements - M Schriver	45
3/15/11	Application for Occupancy - WEB Water, Co Road 16	46
3/22/11	Accounting/Payroll Software - approve and authorize contract with Tyler Technologies	51
3/22/11	Abatements- Brown Marshall Conservation District, J Sanderson, J Rott	51
3/22/11	Applications for Occupancy-James Valley Telecommunications - Brown County Highway #5, #14, #20	51
3/29/11	Abatements - C Nelson, J Bretsch	54
4/5/11	Audit Entrance Conference - Kay Fredrick SD Dept Legislative Audit	58
4/12/11	Auditors Report of Account - approve March 2011	60
4/12/11	Abatements - Ab Mobile Home Park, T Murray	60
5/3/11	Abatements - approve H Lier, C Pekelder, Abdn MH Park	81
5/10/11	Alcohol License Hearing (temp) - authorize advertising P'ZA Inc Anchors Away, North Plains Hospice	84
5/10/11	Auditors Report of Account - approve April 2011	84
5/17/11	Abatements - S Ackerman, J Gilbertson, J Trefz	88
5/24/11	Abatement- J Erickson	95
5/24/11	Abatement- recind approval for J Gilbertson	95
5/31/11	Alcohol License - temp - approve P'ZA Inc Anchors Away, North Plains Hospice,	97
5/31/11	Abatement - T Hidalgo	98
6/7/11	Auditors Report of Account - approve May 2011	102
6/7/11	AFLAC Presentation - Ashley Twiss-Bennett request to visit depts-enroll options	103
6/14/11	Audit Conference - Kay Fredrick, Dept Leg Audit - met with commission for closing conference for 2010 audit	105
6/21/11	Application for Occupancy - WEB Water, Co Road 14	109
7/12/11	Auditors Report of Account - approve June 2011	121
7/19/11	Alcohol License Hearing (temp) - approve app: P'ZA Inc. DBA Anchors Away Lodge eff 7/30/11	125
7/19/11	Abatement- B Le	126
7/26/11	Application for Occupancy- Northwestern Energy, Co Road 14	129
8/2/11	Abatements- deny request for abatement amount of \$2158.20 upon recommendation of the Dir. Of Equalization	131
8/2/11	Abatements- B. Moser, L. Holguin, T. Wilson, C. Johnson, G. Lindboe, G. Ackerman, C. Hagan, L. Olson L. Dingman, T. Williams, B. Rath, M. Green, N. Wendt, D. Hasvold	131
8/2/11	Application for Occupancy- WEB Water Development, North Shore Drive	132
8/9/11	Auditors Report of Account - approve July 2011	136
8/16/11	Agreement Amendum: approve Chairman to sign 2011 Emergancy Mgmt State & Local Agreement Amd.	140
8/30/11	Alcoholic Beverage License (temp) approve application for P'ZA Inc. DBA Anchor's Away eff 9/10/11	153

9/13/11	Auditors Report of Account - approve August 2011	164
9/13/11	Application for Occupancy- Northern Electric, BC Highway #17	164
9/27/11	Application for Occupancy - James Valley Telecommunications BC Hwy 18	170
9/27/11	Application for Occupancy - Northern Electric BC Hwy 20	170
9/27/11	Application for Occupancy - WEB Water Development BC Hwy 23	170
9/27/11	Application for Occupancy - Northern Electric, BC Hwy 23	170
10/11/11	Auditors Report of Account - approve Sept 2011	178
10/11/11	Application for Occupancy - Northwestern Energy, BC Hwy 14N	179
10/18/11	Application for Occupancy- Northwestern Energy, 137th St & 389th Ave	182
10/25/11	Abatements- Abdn Development Corp, James Teusink, Laurel Lundeen, Billy Jo Brockel, Kirk Zastoupil	186
10/25/11	Application for Occupancy- WEB Water Development, County 27	187
10/25/11	Application for Occupancy- East River Electric Power Coop, BC Hwy 14N	187
11/1/11	Application for Occupancy-Midcontinent Communications, BC Hwy 14	190
11/8/11	Auditors Report of Account- approve October 2011	193
11/22/11	Application for Occupancy - Northern Valley Communications, BC Hwy 16 & 17	202
11/22/11	Application for Occupancy-Northern Valley Communications, BC Hwy 12W	202
11/22/11	Application for Occupancy-James Valley Communications, BC Hwy 23	202
11/22/11	Application for Occupancy-Northern Electric, BC 16	202
12/6/11	Application for Occupancy-East River Electric Power Cooperative, various sections and BC Hwy 16	207-208
12/6/11	Application for Occupancy-James Valley Communications, BC Hwy 5	208
12/13/11	Appointment - Gloriane Yost & Shari Phillips as Brown County Reps on the NE SD Regional Aging Council (RAC) for 2012 & 2013	210
12/13/11	Auditors Report of Account- approve November 2011	210
12/13/11	2012 Assessment Plan- accepted from Mary Worlie DOE	210
12/13/11	Ambulance Agreement- Abdn City Representatives met to discuss options to update 1992 Ambulance Agreement between Br Co & City of Abdn. No action taken	212
12/13/11	Application for Occupancy - Industrial Builders Inc, Hwy 23 in Sec 6-T121N-R62W	
12/20/11	Alcohol Beverage License Renewals- approved to operate outside Municipality: PACKAGE (OFF SALE) Liquor: Venus & Kit Donley DBA Mansfield Bar & Grill, Marge Frohling DBA The Connection, Roderic L Hanson DBA Ferney Farmers Bar. RETAIL (ON SALE) AND SUNDAY LIQUOR: Venus & Kit Donley DBA Mansfield Bar & Grill, Roderic L Hanson DBA Ferney Farmers Bar, Moccasin Creek Country Club Inc, Dave Schumacher DBA Elm Lake Resort, Stacy Gossman DBA Big Fella's, Dennis O Jones DBA Dakota River Ranch/Tacoma Park Place, P'ZA Inc DBA Anchors Away Lodge & Resort	215
12/27/11	Agreement - approve/authsigning Service Agreement to provide Cafeteria Plan with Eide Bailley eff 01/01/12	219

**"B"**

<b>Date</b>	<b>Description</b>	<b>Page</b>
4/11	Board Appointments - appoint CERT, Citizens Corp, DPM, Extension, Planning & Zoning, Dive Team, F Board	7
1/11/11	Bridge 229 Change Order #3 - approve for materials on Co 13 at Tacoma Park	12
1/18/11	Board Appointments - appoint Extension - Colin Dutenhoffer, Jamie Milbrandt 1st term 2011-2013	14
1/18/11	Bid - set hearing dates for gravel & hot mix - 2/22/11 8:45 am, rental of equipment - 3/8/11 8:45 am	15
1/25/11	Bid - award from state contract #16031 to Murdo Ford - W&P Dept - 2011 Ford F350 Pickup	21
1/25/11	BCBS Emp Health Insurance - Gary Welter Jeanette Nietert discussed summary reports and reviewed health care updates	21
2/1/11	Bid -Culverts - award to Huron Culvert & Tank off Beadle County Bid 1/5/11 9:00 am	23
2/8/11	Bid - Belly Dump Trailer - authorize adv 3/29/11 8:45 am	27
2/15/11	Bid - Weed Chemicals - authorize adv 3/8/11 9:15 am	29
2/15/11	Bid - award from state bid #16030 (2) Ford F250 Pickups, purchase from Pioneer Ford	29
2/15/11	Bridge 180 - participate with GFP to repair bridge, Chris Goldade, Dan Nelson in attendance	29
2/22/11	Bid - Solid & Yard Waste Collection Service - LF Container Sites - authorize hearing - 3/15/11 8:45 am	32
2/22/11	Bid - Asphalt Concrete Plant Mix - award bids -all bid accepted - tabulation sheet on file in auditor's office	32
2/22/11	Bid - Gravel Material - award all bids - tabulation sheet on file in auditor's office	32
2/22/11	Bridge 278 - sign Letting Authorization, Right-of-Way Certificate, Utilities Certificate for Bridge 278	35
2/22/11	<b>Blood Draw Compensation - increase compensation from \$35 to \$40 per draw eff 2/22/11</b>	35
2/22/11	Brown, Jodi - PT to Reg PT eff 2/20/11	35
3/1/11	Boldt, Tina - hire intern Date Processing eff 2/24/11	37
3/8/11	Burzlaff, Daniel FT Jail eff 4/4/11	40
3/8/11	Bid - Rental of Equipment - award based on availability, tabulation sheet on file in Auditor's Office	41
3/8/11	Bid - Chemical for 2001 Weed & Pest Dept - refer to weed dept for recommendation	42
3/15/11	Bid- Solid & Yard Waste Collection Service- Open & Award to Dependable Sanitation	46
3/15/11	Bid - Chemical Bid awarded to VanDiest Supply Company	47
3/29/11	Bid - Belly Dump Trailer - refer bids to Jan W. Hwy Dept for review	54
9/11	Bid - Belly Dump Trailer - award to Diesel Machinery	54
4/5/11	Bid - Tires - off state bid -award to Goodyear Tire & Rubber (Great Western Tire) for Hwy Dept eff through 2/28/12	57
4/5/11	Bid - Fuel - off state bid - eff 4/1/11 through 3/31/12 - award to Howes Oil, L&T, LLC	57
4/5/11	Bid - Jail Roof/Stair Tower - authorize adver 4/26/11 8:50 am	58
4/5/11	<b>Boys &amp; Girls Club County Property Sale - discuss sale of Lot 4 BC Comm Subd to Boys &amp; Girls Club \$100,000</b>	<b>57</b>
	<b>Kyle Oswald, Cory Geffre BMX reps questioned affect of sale - no action</b>	
4/12/11	Bid- Road Oil - off Spink Co Bid - award to Flint Hills Resources / Magnesium Chloride - award to Z&S Dust Control	61
4/19/11	Burns, Richard- Seasonal Fairgrounds-eff April 20, 2011	66
4/19/11	<b>Boys &amp; Girls Club Land Purchase- Suggested to be replated; BMX Reps. Also present</b>	69
4/26/11	Bid- Waste Tire Cleanup- authorize adver 5/17/11 9:00am	75
4/26/11	Bid- Jail Roof/Stair Tower- award to Grote Roofing Inc.	76
4/26/11	<b>Boys &amp; Girls Club Land Purchase- defined adequate parking for BMX, replat 40' and attach to Lot 3 leased to BMX</b>	77
5/3/11	<b>Boys &amp; Girls Club Land Purchase - discuss paragraph #9 - SA will review in draft purchase agreement prior to sale</b>	82
5/10/11	Bid- Road Oil- rescind bid submitted by Flint Hills Resources, as vendor will not honor price from Spink County	85
5/10/11	Bid- Road Oil- MC-3000- awarded to Flint Hills Resources off of City of Aberdeen	85
5/10/11	Bid- Road Oil- MC-70- awarded to Flint Hills Resources off of Edmunds County	85
5/10/11	Bid- Fuel Bid- amended- North Central Farmer's Elevator, L&T LLC; not able to deliver quantities needed	85
5/17/11	Brown, Jodi - Salary Adjustment to SVAW Grant up to \$33,500	87
5/17/11	Bid - Waste Tire Cleanup - award to New Deal Tire, Groton, SD	89
5/17/11	Bid - Bridge #278 - award contract to Swingen Construction Co as bid by SDDOT 5/11/11	92
5/24/11	Bowser, Michael- Resignation eff 5/20/11	94
5/24/11	Bjerke, Kristen- hire as PT JDC Corr. Officer eff- 6/13/11	94
5/24/11	Boys & Girls Club Land Purchase- Discuss enviromental issues	95
6/7/11	Bjerke, Kristen- resign eff 5/24/11	101
6/14/11	<b>Brown, Jodi - amend pro-rated salary from \$30,500 to \$30,000</b>	104
4/11	Breck, Betty - discuss complaint previously filed for open meeting violation against Ab City & Ab Planning	106

	Comm- raised issue of bringing mandamus action against county if complainst were not addressed	
1/11	Bid Award - Crack Sealant - award bid to Highway Improvement Inc off state bid, to be completed by Oct 14, 2011	109
2/28/11	Bahr, Brian - hire FT Jail eff 7/11/11	110
7/19/11	Bid- Crushed Gravel- awarded to HF Jacobs & Sons Const. off of Aberdeen City bid on 3/21/11	126
7/26/11	Bridge Inspection Work Order - Clark Engineering Co to complete bridge inspections	129
8/2/11	Beef Plant Plan: Todd Meierhenery in attendance to disucss TIFs	132
8/9/11	Budget Presentation: Cindy Gehring in attendance from Volunteers of America, in discussion for 2012 budget requests for Volunteers of America, RSVP and Foster Grandparent Program	137
8/16/11	Budget- 2012 Provisional Budget auth adv hearing at 9:00am on 9/6/11	144
8/23/11	Bridge #238: approve & auth sign Letting Authorization, Utilities Certificate and Right-Of-Way Cert.	149
8/23/11	Bridge #278: approve & auth sign grant request from Swingen Construction	149
8/30/11	Baloun, Tyann: hire as PT JDC Corr. Officer eff. 9/7/11	153
9/6/11	Budget - 2012 Provisional - approve and authorize advertising for public hearing - 9/27/11	162
9/13/11	Black, Brandon- hire as PT Landfill emp eff. 9/14/11	164
9/13/11	Brown County Fair Recap- Amy Scott in attendance estimates and the current rev. from the 2011 Fair	164
9/13/11	Bridge 172 Change Order #4- auth to sign Change Order #4 for BRO 8007(31), PCN 6085, Bridge #172	164
9/13/11	Bridge 278 Change Order #1- auth to sign Change Order #1 for BRO 8007(37), PCN H051, Bridge #278	165
9/27/11	Bid-Landfill Compactor auth advertising to open/consider bids on 10/18/11	168
9/27/11	Boys & Girls Club Project Cost Share Environmental study denied	170
9/27/11	Budget-2012 Provisional Budget amendments	171
9/27/11	Budget-2012 Annual Budget Resolution 81-11 adoption	172
10/4/11	Bid Award-Surface Repair (Cold) Mix award to Aberdeen Asphalt	175
10/4/11	Bid Quote Award- to Sioux Falls Crane & Hoist for overhead crane/hoist	175
10/11/11	Building Donation - accept Mugs Coffee House structure to be placed at Fairgrounds	178
1/11	Bridge 051 Change Order #5- auth to sign Change Order #5 to adjust Riprap & Concrete quantities	179
10/18/11	Bid-Landfill Compactor - refer all bids to Mike Scott to review and make recommendation	182
10/25/11	Brown County Transportation Plan Study presented by SDDOT & Kadrmass Lee & Jackson	186
10/25/11	Bid Award-Landfill Compactor- awarded to Sheehan Mack Sales & Service	186-187
10/25/11	BCCHC (Br County Community Health Center Report July-Sep presented	187
11/8/11	Bid-Motor Grader 2012 Award: to RDO Equip for 2011 model or newer diesel grader	193
11/15/11	Bierman, Bobbie - ack resign eff 11/25/11	196
11/29/11	Bridge 278 auth to sign/approve WO #LGA-51-11 - Clark Engr to complete Plan Revisions not to exceed \$17112.50	204
12/6/11	BCCHC Contract- approve auth to sign contract with State of SD for providing community health-nursing services in Brown County for 2012 in amount of \$26780.00	206
12/13/11	Building Name: Office Bldg @ 1019 1st Ave SE (former Extension Bldg) Commission instructs that this bldg be referred to as the First Ave County Office Bldg.	210
12/20/11	Bid Award- EM Vehicle awarded to 'Beck Motors Inc for 2012 Chevy Suburban for \$37809.00, State Contract #16216	215
12/27/11	Budget Supplement- for Odde Bldg paymt budgeted in Commission and Insurance proceeds not received	219

**"C"**

<b>Date</b>	<b>Description</b>	<b>Page</b>
1/4/11	Commission Appointments - approve 2011 commission committee appointments	6
1/4/11	Coroner - set salary for Coroner and Deputy Coroner \$150 per call	8
2/1/11	Culvert Discussion - Rick Mettler, Bill James, Gary Vetter - Co Hwy 18 plugged culvert	23
2/8/11	Change Order Bridge #051 - sign adjust quantities of concrete	26
3/1/11	Contracts - Hwy Depts - material, supplies, rental of equipment	38
3/1/11	Crow Creek Gate Structure - Gary Vetter, Jan Weismantel, Scott Meints - update presented	38
3/15/11	Contract Agreement - sign with Dependable Sanitation for Solid & Yard Waste collection	46
3/15/11	Computer Software- Sheila Enderson, Maxine Fischer, info, SA to review contract from Tyler Industries	47
3/22/11	Computer Software - sign contract with Tyler Technologies for Auditor, Treasurer	51
3/29/11	Contract - Chemical Bid - sign with Van Diest Supply Co	54
4/5/11	Contract - sign agreement w SDDOT for noxious weeds eff 5/1/11 to 10/15/11	56
4/5/11	<b>County Property Sale - discuss sale of Lot 4 BC Comm Subd to Boys &amp; Girls Club \$100,000</b>	<b>57</b>
	<b>Kyle Oswald, Cory Geffre BMX reps questioned affect of sale - no action</b>	
4/5/11	Grant - Citizens Corp HLS Agreement - sign application for FY2008 Citizens Corp Funding	57
4/12/11	Centennial Village Annual Report - Don Gisi presented 2010 annual report	60
5/10/11	Contract- Road Oil Bid- sign with Flint Hills Resources	85
5/17/11	Contract - sign with New Deal Tire	89
5/17/11	Contract - Road Oil - Flint Hills Resources	92
6/14/11	Citizen Request - Betty Breck - discuss complaint previously filed for open meeting violation against Ab City & Ab Planning Commission - raised issue of bringing mandamus action against county	106
6/21/11	<b>Citizen Request - Betty Breck - appeared with additional comments in regard to open meeting violation procedures</b>	<b>109</b>
6/28/11	Citizen Request - for commission to inspect BC 29, and requested one load of gravel - no action	114
7/12/11	Citizen Request- Al Waltman- discussion of BC 6 and concerns of milling roads instead of resurfacing them	121
8/23/11	County Road 23 Grade Raise: auth Hwy Dept to grade raise BC Rd #23	150
9/13/11	CDBG Applicant- preliminary approval to apply for Community Development Block Grant on behalf of the YMCA	164
9/13/11	Citizen Group- residents and professionals met to discuss a dismissal of an employee	165
12/20/11	County Welfare Office: individual appeared for review hearing to appeal determination. Commission upheld welfare office decision in denial of assistance	216
12/27/11	Contingency Transfers approved for various funds	220

**"D"**

<b>Date</b>	<b>Description</b>	<b>Page</b>
1/4/211	Depositories - approve official depositories for 2011	4
1/11/11	Dive Team Donation - accept equipment from private individual	11
2/8/11	DOT Planning & Research Program - approve & authorize Jan Weismantel to sign application	26
3/8/11	DOT Sign & Delineation Project Agreement - sign agreement	42
3/22/11	Drainage Discussion- Dr. Chris Hayes, SDSU presented informal discussion on drainage	52
4/26/11	Discussion: Paul Dennert discussed drain tile, disaster, road conditions, housing ext at old econo foods bldg	77
6/7/11	DOC Contract - sign, eff June 1 2011 to May 31, 2012, housing juveniles	102
6/28/11	Data Processing Equip - authorize John McQuillen to purchase equip to support software used by departments	113
8/2/11	Detox Bills- Charlene Milliam, Jeff Steele, Juile Pfeiffer, Micki Huettl in attendance for discussion	132
8/23/11	DOC Contract - sign, eff June 1 2011 to May 31, 2012, housing juveniles	149
9/13/11	Discretionary Formula - approve for Basin Electric Power Coop, NorthWestern Corp	164
11/8/11	Drain Title Study - approve Highway Dept expenditure for engineering study & get estimates for Co Rd 23	193
11/15/11	Delta Dental Rates: approve 2012 Delta Dental Rates for employee dental insurance	197
12/13/11	DPM Board appointments: Brian Kellar (1st term) 1/1/12-12/31/14, Alan Hawkinson (1st term) 1/1/12-12/31/14, Eric Vetter (2nd term) 1/1/12-12/31/14	210
12/13/11	Development Agreement - Northern Beef Packers- approve signing agreement concerning Brown Co Tax Increment District #1 as authorized by Resolution 75-11 passed and approved on 08/20/11	212

"E"

Date	Description	Page
1/4/11	Erickson, Curt - PT to FT, Labor Grade 3 eff 1/10/11	3
1/4/11	Expense Policy - approve 2011 expense rates for county employee travel	4
1/4/11	Expense Policy - approve 2011 expense policy for election officials	5
1/4/11	Expense Policy - approve 2011 expense policy for county boards	5
1/4/11	Executive Session - discuss contract	9
1/4/11	Employee Weather Related Pay - Jeanette Nietert discussed policy to reimburse employees during inclement weather	9
1/11/11	EM State & Local Agreement - approve 1st Qtr activity report	10
1/11/11	Equipment Purchase - approve snow blower from Fed Surplus for Hwy Dept	12
1/11/11	Executive Session - discuss personnel with Kim Dorsett - no action	12
1/11/11	Executive Session - discuss personnel with Kim Dorsett & Jeanette Nietert - no action	12
1/18/11	EM Citizen Corps Agreement - sign Agreement - Oct 2010-Sept 2012) St of SD EM Office	14
1/18/11	Extension Board Appointments - Colin Dutenhoffer, Jamie Milbrandt 1st term 2011-2013	15
1/18/11	Employee Policy Manual - Kim Dorsett, Maxine Fischer, Jeanette Nietert - discuss policy revisions	15
1/18/11	Executive Session - Kim Dorsett, Maxine Fischer, Jeanette Nietert - personnel - no action	15
1/18/11	Executive Session - Larry Gerlach, personnel - no action	15
1/25/11	Executive Session - discuss personnel - no action	21
2/1/11	Executive Session - personnel discussion with Larry Gerlach and Amy Scott - following action - approve Cara Dennert and Sandy Osterman to Fair Board	24
2/8/11	EM Update - Scott Meints - BC awarded Homeland Security Funds - requests from public for sandbags	27
2/8/11	<b>Executive Session - Amy Scott, Rick Pigors, Kurt Smith, Maxine Fischer - discuss personnel - following action: eff 2/7/11 - appoint Amy Scott Interim Fair Manager with compensation \$175 per pay period</b>	27
2/8/11	Executive Session - Kim Dorsett via telephone - personnel - no action taken	27
2/15/11	Executive Session - Kim Dorsett, Mark Milbrandt - personnel - no action taken	30
2/22/11	Executive Session - Jan Weismantel, Kim Dorsett - personnel - action - authorize adv for Mechanic Labor Gr B	32
2/22/11	Executive Session - Kim Dorsett - personnel - action - emp status chg for Jodi Brown PT to Reg PT eff 2/20/11	35
3/1/11	Executive Session - Jan Weismantel - discuss contract - no action	38
3/1/11	Executive Session - Duane Jark, Weed & Pest Board, discuss personnel - no action	38
3/1/11	Expo Building Fee waived - Leslie Repp, Williams Syndrome Assoc - May 8, 2011	39
3/1/11	Executive Session - discuss personnel - no action	39
3/8/11	Eppard, Jeremy - Hwy seasonal to Hwy Maintenance eff 3/7/11	41
3/8/11	Executive Session - discuss contract - no action	43
3/15/11	Equalization Notices - authorize publishing notices for County Board and Consolidated Board	45
3/15/11	Executive Session- Kim Dorsett- discuss contract and personnel- no action	46
3/15/11	Executive Session- Mark Milbrandt and Craig Nelson- discuss contract-no action	47
3/15/11	Executive Session- Discuss Personnel-no action	47
3/22/11	Equipment - Approve and waive fee for use of co personal property Aberdeen Downtown Assoc. for 2011 Pig Out	52
3/22/11	Executive Session- to discuss contract- no action	52
3/22/11	EM Update- Scott Meints presented update on flooding and sand bags.	52
3/29/11	Executive Session - Kim Dorsett - discuss litigation, personnel - no action	54
3/29/11	Equipment Purchase - Hwy - approve Welder from Praxair	54
4/12/11	Executive Session - discuss contract - Kim Dorsett - no action	61
4/12/11	Equalization, BC Board of - veteran exemptions, twp review board minutes, Elderly Tax Freeze, Paraplegic Veteran Exemption, Tax exempt status	62
4/12/11	Equalization - Consolidated Board of, 2011 appeals	64
4/19/11	Ells, Dennis-Seasonal Fairgrounds-eff May 2, 2011	66
4/19/11	Eisenbeisz, Curt-Seasonal Fairgrounds-eff May 2, 2011	66
4/19/11	Executive Session - discuss contract - Kim Dorsett - no action	67
4/19/11	Employee Vision Care- accepted monthly renewal rates	68
4/19/11	Executive Session - discuss personnel- Kim Dorsett - no action	68
	Equaliztion- Brown County Board- Appeals 1-125	71-72
4/26/11	Executive Session- discuss contract- Kim Dorsett, Kurt Smith and Jan Beckler- no action	77
4/26/11	Executive Session- discuss personnel- Kim Dorsett- no action	77
4/26/11	Equalization- Consolidated Board of, 2011 appeals	78

5/3/11	EM Update - Scott Meints - River Gauge stats, water levels, FEMA assessments, Corp of E water flows	81
5/3/11	<b>Executive Session - Kim Dorsett, Amy Scott - action - auth re-advertising Seasonal Fair Secretary @ 10.63 (orig 8.97)</b>	81
5/10/11	Employee Vision Care- amend renewal rates	84
5/10/11	Employee Health Insurance- approve premium costs for renewal	84
5/17/11	Executive Session - Kim Dorsett - discuss contract - no action	91
5/24/11	Executive Session- Jan Weismantel- discuss personnel- no action	95
5/31/11	Executive Session - Jan Weismantel - dicuss personnel - no action	98
5/31/11	Executive Session - Kim Dorsett - discuss possible litigation - no action	99
6/7/11	Executive Session- Amy Scott- discuss personnel- no action	102
6/7/11	Executive Session- Kim Dorsett- discuss personnel- action taken after discussion	103
6/14/11	EIN Number - clarify guidelines	105
6/21/11	Extension Budget/4-H Youth Advisor Position - Ext Agent Marj Zastrow, Rosie Nold SDSU, Kathy Vitense, Mike Frey discussed BC 2012 Extension Budget in regard to BC funding one-half salary for the 4-H Youth Advisor Position-no action	109
6/21/11	Executive Session - discuss personnel with Maxine Fischer - no action	109
6/21/11	Executive Sessison - discuss personnel - no action	
6/28/11	Elections - amend salary schedule to expand Chief Office Deputies to include Elections Deputy eff 7/25/11	110
6/28/11	Executive Session - Mark Milbrandt - personnel - no action	113
6/28/11	Equipment - Data Processing - authorize John McQuillen to purchase equip to support software used by departments	113
6/28/11	Executive Session - John McQuillen, Paul Sivertsen, Mark Milbrandt - discuss personnel - no action	113
7/5/11	Executive Session- Jan Weismantel- discuss personnel- no action	117
7/5/11	Easement- James Cremer, Atty, Robert Hornstra, James Valley Tele discussed easement from 2006 which was never recorded at Reg Deeds. Authorize commission sign easement w/James Valley Wireless, LLC, to construct tower by LF	118
7/12/11	Easement Addendun- approve & auth Addendum to Easement with James Valley Wireless	121
7/12/11	Executive Session- Kim Dorsett- discuss personnel/contract - no action	121
7/26/11	Executive Session- Mary Worlie- discuss contract/personnel - no action	129
7/26/11	Executive Session- Kim Dorsett- discuss personnel/contract - no action	129
8/2/11	Executive Session- Kim Dorsett, Jan Weismantel, Gary Vetter- discuss potential litigation-no action	132
8/2/11	Executive Session- Kim Dorsett and Charlene Milliam- discuss potential litigation-no action	132
8/16/11	Executive Session- Mary Worlie and Kim Dorsett- to discuss litigation-no action; Kim Dorsett to discuss personnel -no action	140
9/6/11	Executive Session- Paul Sivertsen and John McQuillen in attendance to discuss personnel- acknowledge the resg. Of Christ Stucke eff. 9/30/11	162
9/13/11	Executive Session- Kim Dorsett- discuss personnel; Kim Dorsett and John McQuillen- discuss personnel approve hiring Karly Winter as BC Dep. SA eff 9/12/11	165
9/27/11	Executive Session- Kim Dorsett, Jan Weismantel-discuss possible litigation	170
10/11/11	Executive Session- Scott Meints-discuss personnel	179
10/18/11	Executive Session- Amy Scott- discuss personnel	183
10/25/11	Executive Session- John Mcquillen- discuss possible litigation	187
11/1/11	Executive Session- personnel discussion	190
11/15/11	ER Project Addendum- approve/sign 2010 ER Project 613588 Addend#1 increase funds available to BR CO	197
11/15/11	Executive Session- Kim Dorsett - discuss personnel	198
11/22/11	Executive Session- Kim Dorsett- discuss contract	201
12/6/11	Executive Session- Kim Dorsett- discuss contract	207
12/13/11	Executive Session- Maxine Fischer, Kim Dorsett- discuss personnel	211
12/20/11	Executive Session-Amy Scott- discuss personnel	215
12/20/11	Equipment- approve purchase of tent and fence panels as requested by Amy Scott	215
12/27/11	Executive Session- Kim Dorsett, Paul Sivertsen- discuss contract	219
12/30/11	Executive Session- Kim Dorsett, Paul Sivertsen- discuss personnel	221



**"F"**

<b>Date</b>	<b>Description</b>	<b>Page</b>
1/4/11	Fairgrounds/Youth Camp Rental Rates - establish 2011 rates	6
1/18/11	Fairgrounds Campground - Larry Gerlach, Bob Husby discussed 20 additional pads, donations	15
2/1/11	Fair Board - appoint Cara Dennert and Sandy Osterman 1st term	24
3/1/11	Fair Board - resignation Mike (Shane) Smith, appoint Mike Russell first term	37
3/15/11	Fair Contracts - approve 2011 contracts for fair	45
3/22/11	Fair Contracts - approve 2011 contract for fair	51
3/22/11	Fair Discussion-approve Hire a part-time temp. assistant for intern fair manager Amy Scott @8.97	51
3/29/11	Financial Reports - 2010- accept, authorize auditor not to prepare M,D & A report as supplement	54
4/5/11	Fairgrounds Update - Kurt Smith - winter damage, plans for repair	57
4/12/11	Foley, Samantha - hire FT jail, eff 4/12/11	60
4/19/11	Free Cleanup Tire Limit Removed; NO limit on tires (Residential not commercial use)	68
4/26/11	Feist, Beth- hire SA summer intern- eff 5/16/11	74
5/10/11	Frohling, Terry: met to discuss water and road conditions affecting his property	86
5/17/11	Fair Contract - approve Frankie Ballard Aug 19	88
5/17/11	Fairgrounds Grandstand Discussion - Sea Atwood, Deb Schollosser - discuss naming grandstand in honor of Larry Gerlach	91
5/24/11	Fair, David resignation eff 5/27/11	94
5/24/11	Fireworks Permit: BC Fair - 8/20/11	94
5/31/11	Fireworks Permit: Nick Guthmiller - Generation 2 Promotions, LLC July 1 ,2011(amended to 7/8/11 in min of 7/5/11)	98
5/31/11	Fair - Amy Scott, Rick Pigors requested commission input for salary expense for 2012 budget	99
6/21/11	Fix, Jeffrey - hire as Labor Grade 3 Hwy eff 6/22/11	108
6/21/11	Fireworks Permit - Kent Larson, Richmond Lake Assoc - 7/3/11	108
6/21/11	Fema Update - Scott Meints informed commission two FEMA inspectors are working in the county	109
7/5/11	Fireworks Permit- AMEND the date previously approved for Nick Guthmiller to July 8, 11 (rain out)	117
7/12/11	Fireworks Permit- AMEND the date previously approved for Nick Guthmiller to July 15, 11 (rain out)	121
8/9/11	Flex Benefit Plan- autho. Sign of agreement w/ Eide Bailly for BC Flex benefits	136
8/23/11	Fritz, Marcy- ack resign of eff. 8/8/11; approve as on-call nurse as blood draw tech eff 8/9/11	145
10/18/11	Fair Board Budget Discussion- approve spending remaining budget (approx \$9800) for concrete pad, side walk - Grandstand	183
11/1/11	Fairgrounds Annexation: Discussion with City Council Member Clint Rux and area residents. No action taken	190
12/6/11	4-H Youth Program- Becca Wolff explained several County related activities will remain at County Office Bldg at 1019 1st Ave SE instead of transferring to Regional SDSU Cooperative Extension Office	208
12/20/11	Fair Contract- ack 2012 BC Fair County Fair entertainment contract for 08/16/11 for \$50000.00 for Travis Tritt	214
12/20/11	Fair Board Appointments- Gordon Nelson, Davin Johnson,Chris Fischbach, Becky Stucker and Linda Thurston to First Term eff 01/01/12 - 12/31/14	215
12/20/11	Fairgrounds Award- Abdn Chamber of Commerce reps presented Kurt Smith, John Weig and Curt Erickson a Certificate & Plaque in recognition of their service/dedication in keeping Fairgrounds an excellent facility for area events.	216

**"G"**

<b>Date</b>	<b>Description</b>	<b>Page</b>
2/1/11	Geffre, Karlene - hire blood draw eff 2/1/11	23
2/1/11	Grant - SVAWA - Sign Memorandum of Commitment for Coordinated Response Team	23
3/15/11	Grant App- Sign app for Solid Waste Grant Program offered by SD Dept of Envir. & Natural Res.	46
3/22/10	Grant - W&P Agreement - authorize Chair sign grant w SD W&P Control Commission eff 7/1/11-6/1/12	51
4/5/11	Grant - Citizens Corp HLS Agreement - sign application for FY2008 Citizens Corp Funding	57
4/19/11	Grant Award: Tire Disposal; Sign subgrant agreement for collection and disposal of tires at landfill	68
6/14/11	Grant - Highway Safety Grant - approve FY 2012 Grant \$32,000	105
7/5/11	Geffre, Karlene - hire on-call nurse eff 7/5/11	116
7/12/11	Grant - Industrial Park Access Grant - for BC Hwy 19- sign application - acknowledge approval of grant	120
7/19/11	Grant - Agri-Business Access Grant - for BC 14W - sign application	126
7/19/11	Grant- SD Regional Landfill Appropriation Funding Agreement w/ DENR for purchase of compactor	126
8/23/11	Grant- - auth sign of Payment #1 for BC Landfill Solid Waste Mgmt Prog. Grant for Tire Disposal	149
9/27/11	Grant - Highway Safety Grant Agreement - approved/signed FY 2012 Grant \$32,000	168
9/27/11	Grant - Citizens Corp HLS Agreement - approved/authorized Citizens Corp Funding \$3830.00	168-169
10/18/11	Granary Memorial Gallery - John Sieh & Kathy Johnson offer to gift these assets to Brown County	182
11/1/11	Grant- Weed & Pest: authorize/approve FY 2013 Grant Application w/SD Weed & Pest Control Comm	189
11/1/11	Girl Scout Request: County to sell county land at Richmond Lake, donate proceeds to Girl Scouts. No action taken	190
11/22/11	Grant - Dive Team - accept \$3000 grant funding from TransCanada for training & equipment	202
12/6/11	Grant - Agri-Business Access Grant ack award of \$250k grant to assist improvement of BC14W serving Northern Beef Packers	206
12/6/11	Grant - Industrial Access Grant ack award of \$250k grant to assist improvement of BC 19 serving Molded Fiber Glass Co.	206
12/27/11	Grant Agreement Landfill- approve/auth signing SD Regional Landfill Appropriation Funding Agreement for \$427,000(total @\$855,000) with Dept of Environment & Natural Resources for purchase of dozer for BC Landfill	219

<b>"H"</b>		
<b>Date</b>	<b>Description</b>	<b>Page</b>
1/11/11	Hwy Equipment Purchase - approve snow blower from Fed Surplus for Hwy Dept	13
1/18/11	Highway Update - Jan Weismantel - info on Bridge 51, scrap materials	15
1/25/11	Hearing -Vacate Plat - set hearing date - Gengerke Outlot 1 - 8:45 am 2/15/11	18
1/25/11	Highway Update - Jan Weismantel - info on Bridge 51, 14W drainage, equipment, 2011 exp, Mark Wendt, BC Hwy Foreman, Don Weigel- Clark Engineering discussed options for construction	21
2/8/11	Hearing - set hearing -Alcoholic Beverage License - 3/1/11 8:45 am - RDA, LLC (Ron Wagner) DBA Water Hole #2	26
2/8/11	Highway Update - Jan Weismantel discussed Bridge 180, <b>county will not assist in removal of stranded vehicles</b>	26
2/15/11	Highway Update - Jan Weismantel discussed twp disaster sites not repaired info request from State EM	29
2/15/11	Highway Update - Bridge 180 - participate with GFP to repair bridge, Chris Goldade, Dan Nelson in attendance	29
2/22/11	Hearing - set hearing - vacate plat - Lots 1-11 Keatt's Fifth Subd - 9:20 am 3/8/11	32
3/1/11	Heidenreich, John - resign	37
3/1/11	Highway Update - Jan Weismantel discussed truck speed limits, barring trucks on Co Rd 12, mailbox damage	38
3/15/11	Haggerty, Christi- Resignation eff. 3/5/11	<b>45</b>
	Harr, Betty- Resignation eff. 3/5/11	45
3/15/11	Highway- Hecla Shop Door- awarded to Dave Kampa Construction	47
3/15/11	Highway- approve purchase 40mph truck signs	47
3/22/11	Haggerty, Christi- hire as Dispatcher eff 3/21/11	48
3/29/11	Hwy Equipment purchase - approve Welder from Praxair	54
4/5/11	Hearing - set hearing Ordinance No. 11-04-01/395 amend Ordinance No. 1164 rezone 4/25/11 5:30 pm Ab City	56
4/19/11	Highway Road Discussion - Don Windstrom to discuss County and Township Roads near proptery	68
4/26/11	<b>Hwy/Weed&amp;Pest- FT pos. btwn Hwy &amp; Weed&amp;Pest will predominately Hwy. Board Concurred.</b>	77
4/26/11	Hearing - set hearing - vacate plat - S 1220' of Outlot A SW 1/4 14-124-63 - 9:05am 5/17/11	75
4/26/11	Hwy - County Road 18: Local access to the road only. (Chad Pray, Jan Weismantel, and Gary Vetter in attendance)	77
5/24/11	Hospital Claim - deny claim for 38 yr old male	95
5/24/11	Hearing - set hearing - vacate plat - Olson OL 1 - 8:50 am 6/7/11	95
5/31/11	Highway Update - Jan Weismantel - discuss ER reimb, load limits, hazard mitigation grant funding for Co road 23	98
6/7/11	Hilgemann, Cortney hire eff 6/6/11	101
6/14/11	Highway Safety Grant App - sign FY 2012 Grant \$32,000	105
6/21/11	Hearing - set hearing Ordinance No 069 - 7/12/11 8:45 am	108
7/5/11	Housing & Redevelopment Board - appoint Duane Sutton -2nd 5 year term ending 7/9/2016	116
7/5/11	Highway Annual Report -Jan Weismantel presented 2010 annual report of the Brown County Highway Dept.	117
8/2/11	Hearing- set hearing Ord. No. -11-08-03/397 to AMEND Ord. 1164; Ord. No. 11-08-04/398 to AMEND Ord. 1164; Ord. No. 11-08-05/399 to AMEND Municipal Code	131
8/23/11	Hagman, Sara- emp trans from DOE to Auditor eff 8/23/11	145
8/30/11	Hallenback, Stacie- hire as FT emp in DOE eff. 9/7/11	153
9/6/11	Highway Update: Jan Weismantel in attendance to present highway dept. update	162
9/27/11	Holiday Closing (thanksgiving) Friday 11/25/11	167
9/27/11	Highway Safety Grant Agreement - approved/signed FY 2012 Grant \$32,000	168
10/4/11	Heupel, Matt-hire as FT Highway 'Dept emp eff 10/17/11	173
10/11/11	Hearing - set hearing Ordinance No. 11-10-03/401	178
11/1/11	Harris, Anne- hire as Deputy Auditor for Elections eff 11/14/11	189
11/8/11	Heupel, Lynn- hire as PT Deputy Auditor eff 11/14/11	193
11/15/11	Highway Update- Jan Weismantel gave update on water levels, bridges & personnel	198
11/15/11	Hospital Claim - deny claim for 61 yr old male	198
12/20/11	House Bill 1003- Paul Dennert Dist 2 State Senator discussed this and encouraged Commission to pass a resolution of support to present in the 2012 Legislative Session. Mary Worlie was also in attendance.	215
12/27/11	Heupel, Lynn approve status chg from pt to ft Deputy Auditor eff 12/25/11	218
12/27/11	Hearing - set date joint public hearing Abdn City Council & BC Commission to consider Ordinance 12-01-02/402 on 01/23/12 5:30pm Abdn City Chambers	
12/27/11	Hearing - set joint public hearing Abdn City Council & BC Commission to consider petition for vacation of public right-of-way of property in NW 1/4 14/123N/64W for 01/23/12 5:30pm Abdn City Chambers	218
12/27/11	Highway Update- Jan Weismantel discussed weight limits on county roads.l	219

Date	Description	Page
01/18/11	Interest Statement - Oct-Dec 2010	14
1/25/11	Ins - Health Emp - BCBS Emp Health Insurance - Gary Welter Jeanette Nietert discussed summary reports and reviewed health care updates	21
4/12/11	Interest Statement - Jan-March 2011	60
05/03/11	Ins - Health Emp - BCBS Emp Health Ins - Gary Welter, Jeanette Nietert, info 2011-2012 approve renewal	81
05/10/11	Ins - Vision - Guardian Vision Program - amend renewal rates -	84
5/10/11	Ins - Employee Health Insurance- approve premium costs for renewal	84
05/31/11	Inventory Transfer - '94 Chev Pickup - from weed to highway dept	98
6/21/11	Inventory Transfer -'93 Chev Pickup Decal #448 Weed to Hwy Dept.	108

**"J"**

<b>Date</b>	<b>Description</b>	<b>Page</b>
1/25/11	Johnson, Roger - resign eff 4/1/11 Chg resig date 3/22/11	17
2/1/11	Jung, Bradley - PT to Reg PT JDC Officer eff 2/6/11	23
2/1/11	Jondahl, Tricia - resignation eff 2/5/11	23
2/22/11	Jones, Kellie - deputy auditor eff 3/7/11	31
3/22/11	Johnson, Roger - resign eff 3/15/11	48
5/17/11	Jail Equipment - discuss need to upgrade camera system in jail and JDC	92
6/14/11	JDC Agreement with Aberdeen School District for educational program for youth in JDC	105
6/21/11	JRWDD Project Assistance - Darrel Raschke, JR Mgr discussed amt previously agreed upon for the Water Mgmt Program, as Aberdeen City agreed to match BC share, thus cutting amt JR is willing to pay	109
7/12/11	Johnson, Tim- hire as Seasonal Hwy-eff. 7/18/11 @\$9.76/hr	120
8/23/11	Joint City/County Meeting	151
10/4/11	Jones, Kellie - resign eff 9/27/11	173
10/18/11	Jahraus, Kim- hire as Deputy Auditor eff 10/17/11	181
12/13/11	Johnson, Mirissa-hire for Blood Draw services eff 12/01/11 @ \$40.00 per draw	209

**"K"**

<b>Date</b>	<b>Description</b>	<b>Page</b>
5/24/11	Kusler, Barry- Hire as as Appraiser DOE eff. 6/9/11	94
8/1/11	Kline, Jeanette- emp status change from PT to Reg. PT eff 8/22/11	145
9/27/11	Kusler, Anne-PT JDC eff 9/26/11	167

"L"

Date	Description	Page
1/18/11	LIDAR Application - Gary Vetter, Scott Madsen discussed application, sign app for funding with JRWDD	15
1/25/11	LF Agreement - Leggette, Brashears & Graham, Inc for monitoring etc	18
1/25/11	Lottery Application - Stratford Community Club	18
1/25/11	Lease Agreements - Amer Cancer Society, 4H Youth Camp,	18
1/25/11	Liquor License Fee - discussed, no chg in fee of \$25,000	21
2/1/11	LF Fees waived for Meadowwood Town Homes housing project - Ab Housing Authority	24
2/8/11	<b>Larry Gerlach - close BC Offices for funeral of Fair Manager 2/10/11</b>	26
2/8/11	Landfill Update - Mike Scott discussed container site hauling service agreement - equipment, Unit 2	27
2/15/11	Lease Agreements - Liebelts RV	29
2/22/11	Lease Agreement - Ab Area Horsemen's Assoc	32
2/22/11	<b>Load Restrictions - Seasonal - approve for 2011</b>	33
3/1/11	Lease Agreements - Ab Home Builders Assoc, Don Bonn	37
3/1/11	Liquor License Hearing - RDA LLC DBA Waterhole #2, Wagner Holdings Second Addn	38
3/8/11	Leslie, Nicole FT Jail eff 3/12/11	40
3/8/11	Lease Agreements - NBHA Rachel Fliehs, Humane Society, Prairie Arts Guild	41
3/15/11	Lease Agreements- Melgaard Baptist Church for the lease of Richmond Lake Youth Camp	45
3/15/11	LF Spring Residential Cleanup - waive fees April 29 through May 14, 2011	46
3/15/11	<b>Load Limits- Chg Effective date from March 1, 2011 to March 15, 2011 ( Minutes from 2/22/11) Amend 4/5/11</b>	46
3/22/11	Lease Agreements- Farmer's Union Camp to lease Richmond Lake Youth Camp	49
3/29/11	Lottery Application - Disabled American Veterans June 10, July 1, Aug 17, Sept 2, Oct 27, 2011	54
4/5/11	Lease Agreements - Hub City Radio, Williams Syndrome, Native American Ministries, CEF Great Plains Hub City Radio	56
4/5/11	<b>Load Limits - Amend from March 15, 11 - Road #9 from Hwy 37 to Claremont-6 ton per axel, 40 MPH March/April bar trucks on County Road 20 from Claremont north to State Hwy 10 during March/April spring thaw</b>	57
4/12/11	Lottery Applications - approve American Legion Post 24, Richmond Lake Association	60
4/19/11	Locken, Chad- PT Deputy SA- eff May 10, 2011	66
4/19/11	Law Enforcement Agreements- Prison Housing for Faulk (\$55/day) and Edmunds (\$50/day)	67
4/26/11	Liquor License -set hearing - P'ZA Inc. DBA Anchors Away Lodge&Resort- Richmond Resort May 31, 2011	76
5/3/11	Lehrkamp, Gerald (Jerry ) hire FT hwy/weed eff 5/16/11	80
5/10/11	Lease Agreements: Sandy Quenzer - Richmond Lake Youth Camp Lodge; Jim River Riders-Open Horse Arena Northeast Area Horse Racing, Inc. - Various facilities at Farigrounds	84
5/10/11	Lidar Update- Scott Madsen presented update on the LIDAR Project	86
5/17/11	Lease Agreements - Abdn Police Dept, Linda Urlacher	88
5/17/11	Lottery Application - Ipswich School raffle at BC Speedway	89
5/24/11	Lease Agreements- Craig Harrison (Exterra), Deb Backous, Aberdeen Rural Fire Dept.	94
6/7/11	Lease Agreements- Aberdeen Area Chamber of Commerce (Ag Committee), First United Methodist Church	102
6/7/11	Lottery Application- Bath Bulldog Baseball 6/17/11- BC Speedway (date amended in minutes of 6/21/11 to 6/24/11)	102
6/14/11	Lease Agreement - RV Home Owners Assoc, SD Good Sam's, Custom Cruisers	105
6/21/11	Lottery Applications - Yelduz shrine 6/17, 7/16-2011 BC Speedway, amend date min 6/7/11 for Bath Bulldog Baseball raffle to be held on 6/24, not June 17, 2011.	108
6/28/11	<b>Letter of Intent - chair sign letter to provide 50% salary payment of \$16,750 to SDSU, for 2012 4-H Youth Adviso</b>	110
6/28/11	Lottery Application - approve Langford High School Prom, 7/29/11 (BC Speedway)	112
7/5/11	Lease Agreements- Russ Stezler- Richmond Lake Youth Camp, Butler Machinery, RYC	116
7/5/11	Lottery Application- Ipswich Langford High School FBLA raffle 7/8/11 & 7/15/11- BC Speedway	117
7/5/11	Lottery Application- Relay for Life raffle 8/26/11- BC Speedway	117
7/12/11	Lease Agreements- The Juvenile Foresters- Richmond Lake Youthcamp, Floyd Schweigert-Club House	120
7/12/11	Lottery Application- Groton Golf Association raffle 7/22/11- BC Speedway	121
7/19/11	Lottery Application- Aberdeen Rural Firefighters raffle- 09/10/11- BC Speedway	124
7/26/11	Lloyd, Daryl: emp status change eff 7/25/11 to Hwy Outside Shop Foreman @14.93/hr	127
7/26/11	Lease Agreements- Lindley Harrington/Craig Howard- Richmond Lake Youthcamp Sept 8-11, 2011	129

8/2/11	Lease Agreement- Primrose Retirement Communities- Fairgrounds 7/30/11	131
8/9/11	Lease Agreement- NESD Celtic Faire & Games- Expo Buidling 9/17-9/18	136
8/9/11	Lottery Application- Aberdeen Area Child Protection Team raffle 9/2/11 BC Speedway	136
8/23/11	Lidar Supplemental Agreement: auth sign agreement btwn USACE and BC	149
8/23/11	Landfill Tire Disposal Grant Reimbursement- auth sign of Payment #1 for BC Landfill Solid Waste Mgmt Prog. For Tire Dispos.	149
9/27/11	Lease Agreement-Abdn Humane Society - Club House 10/1 & 10/2/11	168
10/4/11	Lease Agreement-First United Methodist Church-Richmond Youth Camp 10/9 & 10/10	174
10/4/11	Lease Agreement-Ashley Webb-Richmond Lake Youth Camp 11/11 & 11/12	174
10/4/11	Letter of Concern regarding Legislative Resistricting Plan	175
11/15/11	Library Agreement- auth/sign agreement with City of Aberdeen to have unified library service	197
11/22/11	Landfill Update - Mike Scott discussed Landfill Dozer options which needs repairs. Comm ok'd repairs	202
12/20/11	Lease Agreement- Brown County 4H, Club House 01/01/12 thru 03/31/12	214



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"M"

Date	Description	Page
2/1/11	Meadowwood Town Homes - Jody Zueger, Bryan Samson, Ab Housing Authority discussed new construction of housing project - request LF fees be waived	24
2/22/11	Museum Annual Report - Sue Gates presented 2010 Annual Report	35
3/1/11	Merkel, Michael - hire intern Date Processing eff 2/24/11	37
4/5/11	Malt Beverage Hearing - authorize adver 4/26/11, 8:45 am NE Area Horse Racing	56
4/12/11	Mayou, Teresa - resign 4/17/11 jail	60
4/12/11	Malt Beverage Hearing - authorize adver 5/3/11, 8:45 am, Pink Ladies - Relay For Life	60
4/26/11	Malt Beverage - Special Malt- approve app for 2011 Northeast Area Horse Racing Season	76
5/3/11	Malt Beverage - Special Malt- approve app for Pink Ladies, Relay for Life, Frederick, SD-Richmond Resort OL 2 eff 5/5/11	81
5/24/11	Moinichen, Kelly resign eff. 5/29/11	94
6/7/11	Musch, Shawna resign eff 5/31/11	101
6/7/11	Marshall, Danica hire eff 6/8/11	101
6/7/11	Malt Beverage- Special Malt- auth adv 6/28/11 8:45am- Ferney 125th Event	101
6/7/11	Malt Beverage- Special Malt- auth adv 6/14/11 8:45am - Aberdeen Area Chamber of Commerce	101
	Malt Beverage Annual Licence Renewal Hearing - approve applications	101
6/14/11	Malt Beverage Hearing -approve Ab Area Chamber of Commerce - June 17, 2011	105
6/28/11	Malt Beverage Hearing - approve Ferney 125th July 2, 3, 2011	112
6/28/11	Malt Beverage Hearing - approve annual licenses - Connection, Bath Quick Stop, BC Speedway, Elm Lake Resort	112
	Richmond Oasis LLC, Ab Hockey Assoc, Anchors Away	113
7/19/11	Malt Beverage- Special Malt Beverage- approve Groton Chamber of Commerce eff 7/22/11-7/24/11	125
7/26/11	Mills, Brandon hire eff 8/8/11	127
8/9/11	Mivshek, Allan hird as Temp. fairgrounds 8/15-8/21	136
8/9/11	Special Malt: Abrdn Hockey Assoc.- BC Clubhouse eff. 8/15-21; Centenial Village Inc.- BC Centennial Village eff. 8/15-21; Boys & Girls Club- BC Grandstand eff. 8/15-21	136
8/23/11	2012 Museum Budget- Sue Gates discussed 2012 budget	149
9/6/11	Malt Beverage- Special Malt- approve and auth. NESD Celtic Faire Games- Fairgrounds eff. 9/17-18/11	162
9/13/11	Moser, Rochelle- ack. Resign eff 9/23/11	164
9/27/11	Malt Beverage-Special Malt- approve/authorize Abdn Hockey Assoc.	168
11/15/11	Moore, Mike- hire as Temp Special Deputy States Attorney eff 11/7/11	196
11/29/11	MacConnell, Marty hire as Labor Grade #3 Hwy eff 11/30/11	204

**"N"**

<b>Date</b>	<b>Description</b>	<b>Page</b>
1/11/11	NACE Conference - approve travel expense (motel) for Jan W. April 17-21, 2011	12
5/17/11	NESDCAP - Lori Moen presented 2010 annual report	89
5/24/11	Neal, Jeff- resignation eff. 6/10/11	94
6/21/11	Nietert, Jeanette - resignation eff 7/8/11	108
6/28/11	NACO Credentials - authorize Nancy Hansen to vote on behalf of BC at NACO convention	111
6/28/11	NEMHC - Joe Manual, Laura Boone, Lisa German discussed 2012 budget	113
7/5/11	NECOG-Ted Dickey discussed application for SDDOT Industrial Grant funding Brown County 19 (Molded Fiberglass) Also discussed DENR grant funding for purchase of compactor at LF, STP regional mts 5 yr plan	117
7/12/11	NADRIC - Julie Pfiefer - budget request 2012	121
8/2/11	Nelson, Dwayne hired as PT Landfill eff 8-1-11	131
8/9/11	Neaveill, Wayne hired as Temp. fairgrounds 8/15-8/21	136
10/4/11	Neumiller, Glenn hired Hiway Empl eff 10/5/11	173
11/8/11	New Tec Inc - Rich Vincent Ex Dir presented info about the Center, offering employee training	194
12/13/11	NECOG Agreement approve/auth to sign Joint Cooperative Agreement with NECOG for 2012 in amount of \$20964.15 This was a substitute motion.	210
12/20/11	NECOG Agreement Amended- 2012 Agreement amended by increasing the allocation from \$20964.15 to \$22067.53	

	B		D
	Date	Description	Page
3	1/3/11	Ordinance 10-12-02/391 - 2nd reading & adoption	1
4	1/3/11	Ordinance 10-12-03/392 - 2nd reading & adoption	1
5	1/3/11	Ordinance 10-12-04/393 - 2nd reading & adoption	1
6	1/3/11	Ordinance 11-01-01/394 - set hearing date 1/24/11 5:30 pm City Hall - Sharp rezone	1
7	1/4/11	Official Newspapers - designate for 2011	4
8	1/18/11	Ordinance 068 - First Reading - Rezone - Weismantel First Addn	14
9	1/25/11	Ordinance 068 - 2nd reading & adoption	20
10	3/8/11	Ottenbacher, Drew - resign eff 5/1/11	40
11	4/5/11	Osborne, Michael - Hwy Dept, eff 4/11/11	56
12	4/5/11	Ordinance 11-04-01/395 - set hearing 4/25/11 5:30 pm Ab City Council Chambers	56
13	4/25/11	Ordinance 11-04-01/395 - 1st reading Hinz rezone	73
14	4/26/11	Operating Transfers - transfer from 233 Courthouse Jail Improv to 101 General per GASB 54 ruling	76
15	5/2/11	Ordinance 11-04-01/395 - 2nd reading & adoption	79
16	5/2/11	Ordinance 11-05-03/396 - set hearing date 5/23/11 5:30 pm Ab City Council Chambers -rezone	79
17	5/23/11	Ordinance 11/05/03/396 - 1st reading Beadle Subd	96
18	5/31/11	Ordinance 11-05-03/396 - 2nd reading & adoption	97
19	6/21/11	Operating Transfer - \$1,901,572.58 fund 101 to funds E911 207, EM 226, Hwy 201	108
20	6/21/11	Ordinance 069 - set hearing 7/12/11 8:45 am - to amend times on-and off-sale alcoholic beverages services prohibited	108
21	7/12/11	Ordinance 069- approve First Reading of Ord 069- amend times on-and off-sale alcoholic beverages services prohibited	121
22	7/19/11	Ordinance 069- approve Second Reading of Ord 069- amend times on-and off-sale alcoholic beverages services prohibited	126
23	7/26/11	Ordinance 070- set hearing date 8/16/11 8:45am	128
24	7/26/11	Ordinance 071- set hearing date 8/16/11 8:50am	128
25	8/16/11	Ordinance 070- First Reading	140
26	8/16/11	Ordinance 071- First Reading	140
27	8/23/11	Ordinance 070- Second Reading & Adoption	149
28	8/23/11	Ordinance 071- Second Reading & Adoption	149
29	9/27/11	Operating Transfer Hwy 201 \$1MM	167
30	9/27/11	Ordinance 072 & 073 - First Readings	168
31	10/18/11	Ordinance 072- approve First Reading	182
32	10/18/11	Ordinance 073-First Reading tabled	182
33	10/25/11	Ordinance 072- Second Reading & Adoption	186
34	11/1/11	Ordinance 11-10-03/401- approve First Reading	191
35	11/8/11	Ordinance 11-10-03/401- Adoption	195
36	11/22/11	Osborne, Mike resign eff 12/2/11	200
37	12/13/11	Open Ditch Discussion- Diane Worrall Ex Dir for Assoc of Towns & Townships and several Township	212
38		officials met to discuss repercussions of unauthorized ditching and trenching in Township Right of	
39		Ways and liability exposure for landowner and township	
40	12/20/11	Oban, Sonje - approve status from seasonal to full time eff 12/25/11 @ \$12.20 per hour	215
41	12/27/11	Operation Transfer- \$1MM from Gen Fund #101 budget to Highway Fund #201-371	220

"P"

Date	Description	Page
4/11	Personnel: List of volunteers for work comp purposes, CERT, Citizens Corp, Dive Team, Fair, Museum	2
	Emp step inc eff 1/9/11	3
	Emp status chg Curt Erickson - PT to FT Labor grade 3 eff 1/10/11	3
1/4/11	Partial Payments - authorize Sheila Enderson - to accept partial payments (3) parcels	9
1/11/11	Productivity Assessment Plan - Mary Worlie discussed annual assessments	13
1/18/11	Personnel: emp step increases eff 1/23/11	13
1/25/11	Personnel: resignation Roger Johnson eff 4/1/11,(Amended to 3/15/11 March/22/11) authorize adv for Weed Supervisor/Hwy Employee, authorize Maxine Fischer to hire FT deputy	17
2/1/11	Personnel: emp step inc eff 2/6/11	23
	Amend 2011 Salary Schedule to reflect corrected salary for Larry Gerlach and Jodi Brown	23
	Approve status chg for Bradley Jung PT to Reg PT JDC Officer eff 2/6/11	23
2/1/11	Resignation Tricia Jondahl eff 2/5/11	23
	Resignation Scott Weitbrecht eff 2/1/11, hire Karlene Geffre blood draw tech eff 2/1/11	23
2/8/11	Personnel: hire Trina Zomers Dep. Coroner - eff 2/8/11	26
2/15/11	Personnel: emp step increases eff 2/20/11	28
2/15/11	Partial Payments - authorize Sheila Enderson - to accept partial payments - Green Meadows, Warner	30
2/22/11	Personnel: Hire Kellie Jones - dep auditor eff 3/7/11	31
	Acknowledge miles driven county emp - Nov, Dec, 2010, January 2011	31
3/1/11	Personnel: emp step increases eff 3/6/11, Hire Christopher White temp Dep SA eff 2/21/11	37
	Resignation John Heidenreich, Hwy, auth adv to fill position	37
	Hire Tina Boldt and Michael Merkel eff 2/24/11 - interns in Date Processing Dept	37
3/1/11	Personnel Discussion - Maxine Fischer - new hire info	38
3/1/11	Load Limits/Road & Bridge Restrictions - Effective Date Change - amend Resol 18-11/19-11, strike eff date	38
3/8/11	Personnel: Hire Nicole Leslie FT Jail eff 3/12/11, Hire Daniel Burzlaff FT Jail eff 4/4/11, Resignation Drew Ottenbacher eff 5/1/11, status change Justin Salo Labor Grade 4 to Labor Grade 5 eff 3/7/11	40
	Status change Jeremy Eppard from Highway Seasonal to Highway Maintenance eff 3/7/11, Status change Michael Rohrbach from Weed & Pest/Highway to Weed & Pest Supervisor/Highway Employee eff 3/8/11 (\$15.27 and \$14.02 as Labor Grade 3 Hwy)	41
3/15/11	Personnel:emp step inc eff 3/20/11, Hire Emily Sperry Summer Assistant eff 5/31/11, Resig-Christi Haggerty eff 3/5/11, resignation Betty Harr eff 3/5/11	45
	Authorize hwy advertise for five seasonal employee postions	45
	Authorize advertising shared FT position between Weed & Hwy	45
3/22/11	Personnel: Resig Roger Johnson eff 3/15/11 instead of 4/1/11, Hire Christi Haggerty - dispatch eff 3/21/11	48
	Seasonal hours for Hwy Dept eff April 4, 2011	48
3/22/11	Permit to Land Aircraft - deny request from Dakota Air Spray (Wilbur Ellis) to land on county roads	51
3/29/11	Personnel: emp step inc eff 4/3/11	53
4/5/11	Personnel: hire Michael Osborne - hwy -eff 4/11/11	56
4/12/11	Personnel: emp step inc eff 4/17/11, resignation Teresa Mayou eff 4/17/11, hire Samantha Foley FT jail eff 4/12/11	60
4/19/11	Personnel: hire: Dennis Ells-seasonal fairgrounds-eff May 2, 2011	66
4/19/11	Personnel: hire Richard Burns- seasonal fairgrounds- eff April 20, 2011	66
4/19/11	Personnel: hire: Curt Eisenbeisz- seasonal fairgrounds- eff May 2, 2011	66
4/19/11	Personnel: hire: Chad Locken-PT Deputy SA- eff May 10, 2011	67
4/26/11	Personnel: emp step inc eff 5/1/11	74
4/26/11	Personnel: hire Beth Feist- SA summer intern- eff 5/16/11	75
4/26/11	Partial Payments: Sheila Enderson to accept partial payments for taxes- eff. 5/30/11	77
4/26/11	Personnel : discuss hours worked by FT emp position Highway/Weed - hours predominately highway hours	77
5/3/11	Personnel: hire Gerald (Jerry) Lehrkamp FT highway/weed eff 5/16/11	80
5/3/11	Putney Slough/Castle Dike - Roger Schuller, Harry Pharis, area residents discussed history & conditions in Day Co	82
5/10/11	Personnel: Emp. Step inc eff 5/15/11	84
5/17/11	Personnel: Jodi Brown - adjust salary Dep SA for admin of SVAW Act Grant to prorated salary \$33,500	87
	Hire seasonal emp at Hwy Dept - Curtis Stiegelmeier eff 5/23/11, Nathan Wood eff 6/1/11, Les Schaible eff 6/1/11, Dick Schlieble eff 6/1/11	88
5/24/11	Personnel: emp step inc eff 5/29/11	94
5/24/11	Personnel: resignation Michael Bowser eff 5/20/11	94
5/24/11	Personnel: Emp status change Stacie Wasem PT to FTHome Detention eff. 5/30/11	94
5/24/11	Personnel: David Fair resign eff. 5/27/11; Kelly Moinichen resign eff. 5/29/11	94
5/24/11	Personnel: hire Barry Kusler- Appraiser DOE eff 6/9/11	94
5/24/11	Personnel: resignation Jeff Neal eff. 6/10/11	94
5/24/11	Personnel: hire Kristen Bjerke- PT JDC Corr. Officer eff- 6/13/11	94
5/24/11	Personnel: hire Susan Sumner- PT 24/7 Eff- 5/24/11	94
5/24/11	Personnel: authorize advertising for a FT position for Hwy Dept.	94
5/24/11	Peddler's License - approve Robert Steelman DBA Coast 2 Coast Equipment	95

6/7/11	Personnel: emp step increases eff 6/12/11	101
6/7/11	Personnel: resignation of Shawna Musch eff 5/31/11	101
6/7/11	Personnel: hire Cortney Hilgemann eff 6/6/11/	101
6/7/11	Personnel: resignation of Kristin Bjerke eff 5/24/11	101
6/7/11	Personnel: hire Danica Marshall eff 6/8/11	101
6/7/11	Personnel: hire Leilani Tupou eff 6/8/11	101
6/7/11	Personnel: hire Sonje Twaddle eff 6/7/11	101
6/7/11	Personal Miles Driven: Jan Weismantel 249.6 @\$127.30, Markus Selzer 378 @ \$192.78, Kendell Titz 318@ 162.18, Mark Wendt 1176 @599.76	101
6/14/11	Personnel: Amend miles driven by Mike Scott, correct salary of Dick Schaible & SVAWA Grant pro-rated salary for Jodi Brown from \$30,500 to \$30,000.	104
6/21/11	Personnel: emp step increases eff 6/26/11, Resignation - Jeanette Nietert eff 7/8/11, hire Jeffrey Fix - Hwy Labor Grade 3 eff 6/22/11	108
6/28/11	Personnel: hire Brian Bahr FT Jail eff 7/11/11	110
	Personnel: Salary Schedule Amendment - expand Chief Office Deputies classification to include Elections Deputy eff 7/25/11	110
7/5/11	Personnel: emp step increases eff 7/10/1, hire Karlene Geffre on call nurse eff 7/5/11	116
7/12/11	Personnel: hire Tim Johnson as Seasonal Hwy-eff. 7/18/11 @\$9.76/hr	120
7/19/11	Personnel: emp step increases eff 7/24/11; status changes: Ross Erickson from Chief Jailer to Sheriff Invest. Dep and Stanley Schultz from Corr. Officer to Sheriff Field Dep.	124
7/19/11	Personnel: ack. Resign of Jan Beckler eff 7/22/11, auth. OT for Hwy blade operators to work Saturdays hire: Mark Reedstorm as temp. Dept. SA eff 7/19/11	124
7/26/11	Personnel: app. staue change eff 7/25/11: Lisa Samson to Elections Dep. & Daryl Lloyd Hwy Outside Shop Foreman; hire Brandon Mills as FT Corr. Officer in Jail eff 8/8/11	127
8/2/11	Personnel: emp step increases eff 8/7/11	131
8/2/11	Personnel: hiring: Andrea Sjomeling eff 8/15/11; Dwayne Nelson eff 8/1/11; Jaci Schley & Winnie Kelly eff. 8/15-22	131
8/2/11	Project Amendment #2: Approve & Auth. To sign Project Amendment #2	132
8/9/11	Personnel: hire Wayne Neaveill & Allan Mivshek as TMP fairground emp. Eff 8/15-8/21	136
8/16/11	Personnel: emp step increases eff 8/21/11	139
8/16/11	Personnel: hire Temporary PT Employees for the BC Fair 8/15-21	139
8/16/11	Personnel: allow sick & vacation leave as time worked for Hwy Labor Grade, 3,4,5 emp. Eff 8/14-20/11 only	140
8/23/11	Personnel: approve emp transfer of Sara Hagman from DOE to Auditor eff. 8/23/11	145
8/23/11	Personnel: emp status change Jeanette Kline from PT to Reg. PT eff 8/22/11	145
8/23/11	Personnel: ack resign of Marcy Fritz eff. 8/8/11; approve as on-call nurse as blood draw tech eff 8/9/11	145
8/23/11	Personnel: hire Dawn Wipf as Jail/JDC Nurse eff 9/6/11	145
8/23/11	Purchase Approved: approve BC Landfill to purchase promotional water bottles for Northern Prairie Water Fest	150
8/30/11	Personnel: emp step increases eff 9/4/11	153
8/30/11	Personnel: hire Tyann Baloun as PT JDC Corr. Officer eff. 9/7/11	153
8/30/11	Personnel: hire Stacie Hallenback as FT emp in DOE eff. 9/7/11	153
8/30/11	Personnel: authorize Jan Weismantel to advertise for open position.	153
9/6/11	Personnel: ack. Resign of Chris Stucke eff. 9/30/11	162
9/13/11	Personnel: emp step increases eff 9/18/11	163
9/13/11	Personnel: ack. Resign of Rochele Moser eff 9/23/11	164
9/13/11	Personnel: hire Brandon Black as PT Landfill emp. Eff 9/14/11	164
9/27/11	Personnel: emp step increases eff 10/2/11; approve hiring Ann Kusler & Amy Scott	167
10/4/11	Personnel: hire Glenn Neumiller eff 10/5/11 & Matt Heupel eff 10/17/11 Highway employees	173
10/4/11	Personnel: ack resignation of Kellie Jones eff 9/27/11 & Lisa Samson eff 10/14/11	173
10/11/11	Personnel: emp step increases eff 10/17/11	178
10/11/11	Personnel: hire Patti Jo Woods eff 10/24/11 Asst Dir BC Emergency Mgmt	178
10/18/11	Personnel: ack resignation Austin Wellman eff 9/25/11	181
10/18/11	Personnel: hire Kim Jahraus as Deputy Auditor eff 10/17/11	181
10/25/11	Personnel: emp step increases eff 10/30/11	185
10/25/11	Personnel: ack resignation Christopher White eff 11/4/11	185
10/25/11	Personnel: resind motion to expand Chief Office Deputies salary classification to include Elections Deputy eff 10/25/11	185

11/1/11	Personnel: hire Anne Harris as Deputy Auditor for Elections eff 11/14/11	189
11/8/11	Personnel: emp step increases eff 11/13/11	193
11/8/11	Personnel: hire Lynn Heupel PT Deputy Auditor eff 11/14/11	193
11/15/11	Personnel: ack resign Bobbie Bierman eff 11/25/11	196
11/15/11	Personnel: appoint Mike Moore as Temp Special Deputy States Attorney eff 11/7/11	196
11/22/11	Personnel: emp step increases eff 11/27/11	199
11/22/11	Personnel: ack resignation Mike Osborne eff 12/2/11	200
11/29/11	Personnel: ack resignation Charles Tveit eff 12/5/11	204
11/29/11	Personnel: hire Marty MacConnell as Labor Grade #3 Hwy eff 11/30/11	204
12/6/11	Personnel: emp step increases eff 12/11/11	206
12/13/11	Personnel: hire Mirissa Johnson for Blood Draw services eff 12/01/11 at \$40.00 per draw	209
12/13/11	Personnel: ack resignation Dawn Wipf eff 12/16/11	209
12/13/11	Partial Payments- authorize Shelia Enderson Co Treas to cancel contract for partial payment for taxes due to non-payment on the 65.5 rods N & S by 39.5 rods E & W SE corner SE 19-128-64 (38298 104th St) and proceed with Tax Deed Process. Also authorize her to accept partial payments for taxes of \$150/mo on OL A NW SW 21-122-61 1983 Friendship (13954 402nd Ave eff 01/30/12	210-211
12/13/11	Personnel: approve changing part-time position in Auditor's Office to full time	211
12/20/11	Personnel: emp step increases eff 12/25/11	214
12/20/11	Personnel: hire Dawn Wipf as on-call Nurse eff 12/16/11 thru 12/31/11	214
12/20/11	Personnel: hire Deardra Rose for Blood Draw services eff 12/16/11 @ \$40.00 per draw	214
12/20/11	Personnel: approve status of Sonje Oban from seasonal to full time eff 12/25/11 @ \$12.20 per hour	215
12/27/11	Personnel: ack mileage to be taxed for personal use of County vehicles May-Dec for certain employees	218
12/27/11	Personnel: Heupel, Lynn approve status chg from pt to ft Deputy Auditor eff 12/25/11	218

ate	"R" Description	Page
1/4/11	Resolution 1-11 - Designation of Deputies	3
1/4/11	Resolution 2-11 - Investment Policy approved for 2011, direct county treasurer	4
1/4/11	Resolution 3-11 - authorize Co Treasurer, SA Personnel to act as agent to process tax deeds and notices	5
1/4/11	Richmond Youth Camp Rental Rates - approve 2011 rates	7
1/11/11	Race Track Lease Addendum #1 - set fee for future events other than racing	11
1/11/11	Resolution 4-11 - LIDAR Resolution approved - water mgmt plan	11
1/18/11	Resolution 5-11 - Vacate Plat - Bradke	14
1/18/11	Real Estate Assessment - Arlowene Hitchcock - discussed increase in taxes	15
1/25/11	Resolution 6-11 - Plat - Kuske First Conservation Easement Tract 1& Tract 2	18
1/25/11	Resolution 7-11 - Plat - Kuske 2nd Cons Easem Tract 1& 2	18
1/25/11	Resolution 8-11 - Plat - Kuske 3rd Cons Easem Tract 1	19
1/25/11	Resolution 9-11 - Plat - Kuske 4th Cons Easem Tract 1	19
1/25/11	Resolution 10-11 - Plat - Kuske 5th Cons Easem Tract 1	19
1/25/11	Resolution 11-11 - Plat - Mitchell Family Conser Easem Tract 1	19
1/25/11	Resolution 12-11 - Plat - Lindsey Conser Ease Tract 3	20
1/25/11	Resolution 13-11 - Plat - Lindsey Conser Ease Tract 2	20
1/25/11	Resolution 14-11 - Plat - Laurel Sharp Addn	20
1/25/11	Resolution 15-11 - Plat - Manning Addn	20
2/15/11	Resolution 16-11 - Vacate Plat - Gengerke Outlot 1	29
2/22/11	Resolution 17-11 - Plat - Halvorson First Addn	31
2/22/11	<b>Resolution 18-11 - Plat - Load Limit Resolution</b>	33
2/22/11	<b>Resolution 19-11 - Weight Limitation on Bridges 2011</b>	34
3/1/11	Russell, Mike - appoint to Fair Board 1st term 2011	37
3/1/11	Resolution 20-11 - Rangeland Fire Protection with SD Wildlife Coordinator	37
3/1/11	<b>Resolutions 18-11, 19-11 - amend - strike effective date March 1 to date to be determined by weather conditions</b>	<b>38</b>
3/8/11	<b>Rohrbach, Michael - emp status change from W&amp;Pest Sprayer Operator/Hwy Emp to W&amp;Pest Supervisor/ Highway Emp eff 3/8/11, \$15.27 W&amp;Pest Supervisor, \$14.02 Hwy Labor Grade 3</b>	<b>41</b>
3/8/11	Resolution 21-11 - Bridge Reinspection for Use with SDDOT Retainer Contracts	41
3/8/11	Resolution 22-11 - Vacate Plat - Keatt's Fifth Subd	42
3/22/11	Resolution 23-11- Plat- S & E Heintzman Subdivision	49
3/22/11	Resolution 24-11- Plat- A. Swenson Sub.	49
3/22/11	Resolution 25-11- Plat- Rose First Conservation Easement Tract 1	49
3/22/11	Resolution 26-11- Plat- Stanley First Conservation Easement Tract 1	49
3/22/11	Resolution 27-11- Plat- Stanley Second Conservation Easement Tact 1	50
3/22/11	Resolution 28-11- Plat- Stanley Third Conservation Easement Tact 1	50
3/22/11	Resolution 29-11- Plat- Stanley Fourth Conservation Easement Tact 1	50
3/22/11	Resolution 30-11- Plat- Stanley Fifth Conservation Easement Tact 1	50
3/22/11	<b>Resolution 31-11- Seasonal Speed Limit 40 mph On County Gravel Roads- eff Feb 15 - April 30 every year</b>	<b>51</b>
4/5/11	Resolution 32-11 - Release property w/pmt of \$750, lien remain filed against individual	58
4/19/11	<b>Resolution 33-11 - Disaster Declaration for Brown County due to flooding</b>	<b>67</b>
4/19/11	Resolution 34-11- Full Time Brown County States Attorney	68
4/26/11	Resolution 35-11- Authorizing SWMP Signatory For Brown County - purchase LF compactor	75
4/26/11	Resolution 36-11- Plat- Schumaker Second Subdivision	75
4/26/11	Resolution 37-11- Plat- Hinz Subdivision	76
5/10/11	Resolution 38-11- Seasonal Load Limit Extension	85
5/17/11	Resolution 39-11 - Establish SA checking account for confidential expenditures for obtaining convictions	88
5/17/11	Resolution 40-11 - Vacate Plat -S 1220' OL A SW 1/4 14-124-63	89
5/17/11	Resolution 41-11 - Postal Service Consolidation Plan sending mail to Huron Processing Center	90
5/17/11	Resolution 42-11 - Emergency Procurement for LIDAR Project	90
5/17/11	Resolution 43-11- Vacate Plat- SW 1/4 of Sec 21-T125N-R60W	102

6/28/11	Resolution 44-11 - Plat - Tom Munger Addn	111
6/28/11	Resolution 45-11 - Plat - Thorpes Fifth Elm Lake Subd	111
6/28/11	Resolution 46-11- Plat - Flying T Elm Lake Subd	111
6/28/11	Resolution 47-11 - Plat -Christenson First Subd	111
6/28/11	Resolution 48-11 - Plat - Hanley 1st Subd Long's OL 2	112
6/28/11	Resolution 49-11 - Establish rules for Temporary Malt Beverage & Liquor Licenses eff 7/1/11	113
7/5/11	Resolution 50-11- Plat- Performance Rentals	116
7/5/11	Resolution 51-11- Plat- Beadle First Subdivision	116
7/5/11	Resolution 52-11- Plat- Barr 1st Consolication Subdivision	116
7/5/11	Resolution 53-11- Plat- Artz Equipment Subd	117
7/12/11	Resolution 54-11- Financial commitment, responsibility for road maintenance, and support for project	120
7/12/11	Road Discussion- Mike Scott in attendance & officials from Mercier & Abrd twps, discussed landfill customers traveling on 8th Ave. NW, rather than SD HWY12	121
7/19/11	Resolution 55-11 - Fairgrounds Grandstand Dedication	125
7/26/11	Resolution 56-11- Plat- Ellwein's Outlot 3	128
7/26/11	Resolution 57-11- Plat- Roger Arlt Addition	128
8/2/11	Road Discussion- Larry Krause, Jennifer Gustafson, Al Waltman in attendance to discuss roads	132
8/9/11	Resolution 58-11- Plat- Chicago & Northwestern Railway right of Way	137
8/9/11	Resolution 59-11- Plat- Outlot 5 in the E 1/2 of Sec. 10( N. side of 138th St. W. side of 386th)	137
8/16/11	Road Discussion- Ted Dickey, NECOG and Jan Weismantel in attendance	140
8/16/11	Resolution 60-11- Alcohol Beverage License- Number & Fee	140
8/16/11	Resolution 61-11: Alcohol Beverage License- New License Procedure	140
8/23/11	Resolution 62-11: Establishing license cost for temp. malt beverage license	143
8/23/11	Resolution 63-11: Plat- Heilman Tract 1	146
8/23/11	Resolution 64-11: Plat- Homestad First Subdivision	146
8/23/11	Resolution 65-11: Plat- Prunty Tract 1	146
8/23/11	Resolution 66-11: Plat- Dayle Luedeke Second Conservation Easement Tract 1	146
8/23/11	Resolution 67-11: Plat- Dobberpuhl Second Conservation Easement Tract 2	147
8/23/11	Resolution 68-11: Plat- Caspers First Addition	147
8/23/11	Resolution 69-11: Plat- T&T Guthmiller Outlot A	147
8/23/11	Resolution 70-11: Plat- Greg's Addition	147
8/23/11	Resolution 71-11: Plat- Sunset Memorial Gardens	148
8/23/11	Resolution 72-11: E911 Emergency Telephone Enhanced Surcharge	148
8/23/11	Road Discussion: Al Waltman discussed the condition of BC Road #9, Jan Weismantel in attendance	150
8/30/11	Resolution 73-11: Solid Waste Tipping Fee Schedule 2012	153
8/30/11	Resolution 74-11: Solid Waste Special Assesment Fees 2012	154
8/30/11	Resolution 75-11: BCT1- Beef Plant	155
9/6/11	Road Discussion: Susan Hoffman, Richmond Lake property owner inquired Coyne Rd. Gary Vetter in attendance	162
9/13/11	Road Vacation Request- Gary Vetter and Jason Lien in attendance to request County vacate a portion of 133rd St. Referred to Gary Vetter for review	165
9/27/11	Race Track Option for 1 year lease Br Co Fairgrounds facilities	168
9/27/11	Resolution 76-11: Plat- Kirchgessler Subd	169
9/27/11	Resolution 77-11: Plat- Thunderhead Lodge 2nd Conservation Easement Tract 1	169
9/27/11	Resolution 78-11: Plat- Hazel Eilers Subd	169
9/27/11	Resolution 79-11: Plat- Kippley Family Subd	169
9/27/11	Resolution 80-11: SIB (state infrastructure bank for flooding projects)	170-171
9/27/11	Resolution 81-11: 2012 Annual Budget adoption	172
10/4/11	Resolution 82-11: Declaration of Emergency/Disaster	174
10/4/11	Resolution 83-11: Plat- Vogel Subdivision	174
10/4/11	Resolution 84-11: City of Frederick Restricted Use Solid Waste Disposal Facility Permit	174
10/4/11	Richmond Road Approach Discussed - large rocks issue	176
10/11/11	Resolution 85-11: Open Burning Ban	179



10/11/11 Road Discussion- Susan Hoffman follow up discussion on use of Coyne Road	179
10/25/11 Resolution 86-11: Plat- Reece Treeby Addition	185
10/25/11 Resolution 87-11: Plat- Browning First Addition	185
10/25/11 Resolution 88-11: Plat- Rohr First Subdivision	185-186
10/25/11 Resolution 89-11: Plat- Latt-Northwestern-Young Addition	186
10/25/11 Resolution 90-11: Plat- Northwestern-Young Outlots	186
10/25/11 Resolution 91-11: Rescind Resolution 85-11 Open Burn Ban/Fire Danger Emergency	187-188
11/1/11 Real Estate Purchase Agreement: approve/auth signing for sale to Boys & Girls Club- Lot 2 BCC 1st Subd	189-190
11/15/11 Resolution 92-11: Establish Consolidated Board of Equalization	197
11/22/11 Resolution 93-11: Plat- Nash Second Subd	200
11/22/11 Resolution 94-11: Plat- Fliehs Family Subd	200
11/22/11 Resolution 95-11: Plat- Jarrett Jones 1st Subd	200
11/22/11 Resolution 96-11: Plat- N. Berbos Richmond Lake Subd	200
11/22/11 Resolution 97-11: Plat- K & M Hoffman Subd	201
11/22/11 Resolution 98-11: Plat- Harry Pharis Addition	201
11/22/11 Resolution 99-11: Plat- Bruckner's 2nd Subd in Bath, SD	201
11/22/11 Resolution 100-11: Modity Tax Increment District Number One Project Plan	202
11/22/11 Resolution 101-11: Resolution Amending Resolution 75-11 Authorizing An Amount Not To Exceed \$9565.00	203
12/6/11 Resolution 102-11 Vacate Plat- Michael Elsen Conservation Easement Tract 1 and Tract 2	206
12/6/11 Resolution 103-11 Vacate Plat- Elsen Farm Conservation Easement Tract 1, 2 and 3	207
12/6/11 Resolution 104-11 Vacate Plat- Elsen Homestead Farm Conservation Easement Tract 1 & 2	207
12/6/11 Road Discussions- Paul Meyers discussed Hwy 14	208
12/6/11 Road Discussion- William Edwards discussed ditch on 129th St between 391st & 392nd Ave	208
12/6/11 Road Discussion- Michael Elsen discussed ditches on 102nd St and 397th Ave.	208
12/13/11 Resolution 105-11: Bulletin Board Locations	211
12/20/11 Rose, Deardra - hire for Blood Draw services eff 12/16/11 @ \$40.00 per draw	214
12/27/11 Resolution 106-11: Plat- Lance Hanson Conservation Easement Tract1	218
12/27/11 Resolution 107-11: Plat- L & J Homesite Subd	218
12/27/11 Resolution 108-11: Plat- Walter's Second Subdivision	218

Date	"S" Description	Page
1/4/11	Salary Schedule - set 2011 schedule	8
1/4/11	Software Updates - John McQuillen, Chris Stucke discussed software updates	10
1/18/11	Surplus Property - declare scrap metal surplus for purpose of sale	15
1/25/11	Sheriff Report - December 2010	18
2/1/11	SVAWA Grant- Sign Memorandum of Commitment for Coordinated Response Team	23
2/1/11	Striping Agreement SD DOT - sign agreement	23
2/8/11	Sheriff Report - January 2011	26
2/8/11	<b>Scott, Amy - appointed Interim Fair Manager eff 2/7/11</b>	<b>27</b>
3/1/11	Smith, Mike (Shane) - resign Fair Board	37
3/8/11	Salo, Justin - Labor Grade #4 to #5 Hwy eff 3/7/11	41
3/15/11	Sperry, Emily- Summer Asst. eff 5/31/11	45
3/15/11	Surplus Cash Report December 31, 2010	45
3/15/11	Sheriff Report- approve February 2011 reports	45
3/15/11	Sign Purchase- 40 mph MAX. for truck signs for HWY.	47
3/22/11	Surplus Property/Equip -surplus 2011 Ford Truck box for trade in; purchase replacement flat bed for unit	48
4/5/11	Sivertsen Technology - authorize Kim Dorsett review contract with Sivertsen Technology for IT services	57
4/5/11	SDDOT Planning Study - sign agreement for transportation planning study 20% county match	57
4/12/11	<b>Soil Survey Review - request SD Dept Revenue review current BC soil survey being utilized by Director of Equalization, authorize Chairman sign letter of request</b>	<b>61</b>
4/19/11	Sheriff Report- approve March 2011 reports	67
4/26/11	SD Archive- Authorize Chairman not to participate in donation to SD Archive	76
5/3/11	Surplus Cash Report March 2011	80
5/17/11	Stiegelmeier, Curtis - hire seasonal hwy eff 5/23/11	88
5/17/11	Schaible, Les - hire seasonal hwy eff 6/1/11	88
5/17/11	Schaible, Dick - hire seasonal hwy eff 6/1/11	88
5/17/11	STP Funding Swap Agreement - sign agreement with SD DOT (amt amended 5/24/11)	92
5/24/11	Sumner, Susan- hire as PT 24/7 Program eff 5/24/11	94
5/24/11	Sheriff Report- approve April 2011 reports	94
5/24/11	STP Funding Swap Agreement Amend from 5/17/11, with change of amount	95
6/7/11	Surplus Property- donated a 1981 Century Graphic Camera with multiple lenses to the Dacotah Prairie Museum	102
6/7/11	SVAWA Grant- auth. Reimbursement to Jodi Brown in accordance with contract in about of \$3147.00	103
6/14/11	Schaible, Dick - amend salary from 10.32 to 10.31 ph	104
6/14/11	SA Payment Authorization - authorize Auditor's Office to issue prior to commission approval for time sensitive material	105
6/14/11	Sheriff Reports - approve May 2011	105
6/21/11	Surplus Property - declare obsolete computer batteries surplus for sale to Mardian, declare misc computer components surplus for disposal to LF	108
6/28/11	<b>Salary Schedule Amendment - expand Chief Office Deputies classification to include Elections Deputy eff 7/25/11</b>	<b>110</b>
7/5/11	Salary Schedule Amendment- expand the Labor Grade A Highway classification to include Outside Shop foreman eff 7/25/11	117
7/19/11	Sheriff Reports - approve June 2011	124
7/26/11	Samson, Lisa: emp status change eff 7/25/11 to Elections Deputy @ \$14.27/hr	127
8/2/11	Sjomeling, Adrea hired as Chief Deputy Auditor eff 8/15/11; Schley, Jaci Fair Office eff. 8/15-22/11	131
8/2/11	Special Meeting: Beef Plant Discussion	134
8/9/11	Sheriff Reports-approve July 2011	136
9/6/11	Stucke, Chris- ack resign eff 9/30/11	162
9/13/11	Sheriff Reports- approve August 2011	164
9/27/11	Scott, Amy - appointed Fair Manager eff 10/3/11	167
9/27/11	SDRS Supplemental Retirement Plan - declined adding automatic enrollment provisions for employees	168
9/27/11	SIB Application - (state infrastructure Bank) approve/authorize signing application for County 23	170
9/27/11	SIB Resolution - 80-11	170-171
10/4/11	Samson, Lisa:- ack resign eff 10/14/11	173
10/4/11	Surplus Property- declared 65 OshKosh Snowblower as surplus and approve selling to Walworth County	175
10/4/11	Spending Authority & Estimate Revenue increases three #226 funds	175
10/11/11	Sheriff Reports - approve Sept 2011	178
10/18/11	Spillman Technologies Inc Purchase Agreement- approve/auth to sign	182-183
10/25/11	SIB Loan Engineers Agreement - re County #23 grade raise	187
11/1/11	Surplus Property- declared Lot 2 BC 1st Subd to City of Abdn as surplus,approve selling to Boys & Girls Club	189

11/8/11	Surplus Property- donated three Maruyama Back-pack foggers to City of Aberdeen	193
11/8/11	Sheriff Reports- approve October 2011	193
11/15/11	Subordination Agreement- approve/auth signing Poor Relief Lien w/ USDA Rural Dev, Grow SD & NESDCAP on Lot 3 Benfit's Replat of Lots6, 7 and 8, Blk 28, Hagerty & Lloyds Addition to Abdn	197
11/15/11	Sunset Memorial Permit- SA Kim Dorsett & Attny Bill Bowen discussed wording and amend holding pond permit	198
11/22/11	Surplus Property- Landfill Wood Chips declared surplus, auth sale to FibroMinn	202
12/13/11	Sheriff Reports-approve Nov 2011 reports	210
12/13/11	Surplus Property- declared donating Past Perfect 3 Collection software to another museum, transfer Sylvania TV and Quasar TV to Fairgrounds, transfer Panasonic TV-VCR combo to museum collection	210
12/20/11	Storm Ready- National Weather Service presented Br Co with Storm Ready sign & certificate & recognized Scottt Meints Emergency Mgmt Director for his individual efforts in weather preparedness, training & action	215
12/27/11	Spending Authority & Estimate Revenue increases for various funds	219

**"T"**

<b>Date</b>	<b>Description</b>	<b>Page</b>
1/4/11	Tax Deed Property - authorize Sheila Enderson to submit parcels to SA	9
2/8/11	Travel Approved - Stewart Swenson, Amy Scott - attend Fair Conference in Indianapolis	27
3/8/11	Tyler Technologies - Ron Pieracci - info on accounting software for Treas/Auditor's Office Sheila Enderson, Maxine Fischer, Jeanette Nietert in attendance	43
4/26/11	<b>Technology Service Agreement: Sivertsen Technologies</b>	77
5/3/11	Townships Bonds - approve 2011 bonds	80
6/7/11	Tupou, Leilani hire eff 6/8/11	101
6/7/11	Twaddle, Sonje hire eff 6/7/11	101
6/28/11	Townships Bonds - approve West Hanson bonds	112
7/26/11	Travel Approved - Jan Weismantel- attend the MINK Conference	129
8/23/11	Township Culverts- auth Hwy Superintendent to send letter to amend township officials requesting to notify BC before installing culverts uner 16 sq ft	150
9/6/11	Teen Court JABG Application - sign app for Dept of Corrections eff 101/1/11 to 9/30/12	162
	Township Bonds - approve - Lincoln #39 (clerk)	164
11/8/11	Teen Court JABG Application - sign app for Dept of Corrections eff 101/1/11 to 9/30/12	193
11/8/11	Truck Barred Sign- auth Highway Dept to remove these signs in Claremont area only	193
11/15/11	Tax Deed Sale - auth advertising property for sale by auction 12/5/11 and declare property surplus for sale: Aberdeen City: W1/2 Lot 7, Blk 49, Hagerty & Lloyds Addn, W42' Lt 7 and W 42' of S 12.5' Lot 8, Blk 40, Bennett & Thomas Addn. Frederick City: Lot 25, Blk 44, First Addition Warner Township (Mansfield): Lot 5 Remde's Addition to Mansfield	197-198
11/29/11	Tveit, Charles ack resignation eff 12/5/11	204
12/6/11	Tax Deed Sale - approve/auth signing Quit Claim Deed to successful bidder of Tax Deed Property sold at public auction 12/5/11: Warner Township (Mansfield) Lt 5 Remde's Addn Mansfield,	206
12/6/11	24/7 Sobriety Program- approve Sheriff moving it from Jail Office to County Office Bldg fka Extension Bldg at 1019 1st Ave SE	208
12/13/11	Tax Deed Property - authorize Sheila Enderson to submit all qualiying parcels to SA for completion of tax deed process	210
12/20/11	Tax Deed Sale- approve/auth to sign Quit Claim Deed for tax deed property offered for sale 12/5/11: Frederick City: Lot 25 Blk 44 1st Addition to Frederick	214
12/20/11	Taxation Discussed- Glenn Wells met to discuss taxation on his farm land which is not farmable due to wet conditions. He will visit with Dir of Equalization Office to see if his property qualifies for flooded farm land adjustment by State Law	216

**"v"**

<b>Date</b>	<b>Description</b>	<b>Page</b>
1/18/11	Vacate Plat -Lot 1 Bradke Subd - Resolution 5-11	14
1/25/11	Vacate Plat - set hearing date - Gengerke Outlot 1 - 8:45 am 2/15/11	18
2/15/11	Vacate Plat - Gengerke Outlot 1 - Resolution 16-11	29
2/22/11	Vacate Plat - set hearing date - Lots 1-11 Keatt's Fifth Subd - 8:45 am 2/15/11	32
03/01/11	Veterans Service Office - Tom Gohn, VA Officer discussed state funding for mandatory training, evaluation, request compensation for office assistant when on sick leave	38
3/8/11	Vacate Plat - Keatt's Fifth Subd - Resolution 22-11	42
4/26/11	Vacate Plat- set hearing date- S 1220' of Outlot A SW 1/4 14-124-63 - 9:05am 5/17/11	75
5/17/11	Vacate Plat - S 1220' Outlot A SW 1/4 14-124-63 - Resolution 40-11	89
5/24/11	Vacate Plat- set hearing date- Olson Outlot 1 SW 1/4 of Sec 21-T125N-R60W; 8:50am 6/7/11	95
6/7/11	Vacate Plat- Olson Outlot 1 SW 1/4 of Sec 21-T125N-R60W- Resolution 43-11	102
7/26/11	Vacate Plat- set hearing- Lot 1, 2, and 3 and Chicago & Northwestern Railway Right of Way, Outlot 5 ub tge E 1/2 of Sec 10-T122N-R64W- 9:00am 8/9/11	128
11/22/11	Vacate Plats- set hearing date- 1)Michael Elsen Conservation Easement Tract 1 & 2 in SE 1/4 Sec 5-T128N-R62W, 2)Elsen Farm Conservation Easement Tract 1, 2 & 3 in N 1/2 of SE 1/4 Sec 16-T128N-R62W, 3)Elsen Homestead Farm Conservation Easement Tract 1 & 2 in SW 1/4 Sec 9-T128N-R62W, 8:45am 12/6/11	201
12/27/11	Vacate Plat - set hearing date - Kendall Stoddard Conservation Easement Tract 1 in NE 1/4 & NW 1/4 15/127/64 8:45am 01/17/12	218

**"W"**

<b>Date</b>	<b>Description</b>	<b>Page</b>
1/4/11	Water Mgmt Plan Recommendation - Wenck/Clark Engineering to the JRWDD Board	3
1/11/11	Weight Limits - County 14 - exempt Co 14 from limits, from US 12 North 10 miles to Co Rd 11	12
1/25/11	Wetland Drainage - Erling "Punch" Podoll - discussed repercussions of draining wetlands	21
2/1/11	Weitbrecht, Scott - resignation eff 2/1/11	23
2/1/11	Weight Limits discussion - Jan Weismantel - place 40 MPH on all county roads - no action	23
2/15/11	Waive Interest - authorize Sheila Enderson - waive penalty & int due to assessor error in ownership recor	30
3/1/11	White, Christopher - hire as temp dep SA eff 2/21/11	37
3/1/11	Waive Interest - authorize Sheila Enderson - waive P&I due 2007 Air flight Tax MN Airlines, LLC, bankrupt	37
3/29/11	Weed & Pest Chemical Bid contract - sign - Van Diest Supply Co	54
4/5/11	Weed Control Contract SDDOT - sign agreement eff 5/1/11	56
4/12/11	Weed - Noxious Weed Notice - authorize advertising 2011	60
4/19/11	Waterfowl Production Area Acquisition: signed letter; Harley Hall	67
5/17/11	Wood, Nathan - hire seasonal hwy eff 6/1/11	88
5/17/11	Waive fee - camping, facility rental fee at frgds for EM for CERT training on July 29, 30 - 2011	88
5/24/11	Wasem, Stacie- emp status change PT to FT Home D eff 5/30/11	94
5/31/11	Welfare Dept - Charlene Millim - accept annual report 2010	98
6/14/11	Water Mgmt Plan- Scott Madsen, Gary Vetter - explain need for an engineering firm to assist with LiDar Data acquisition	105
6/21/11	Water Mgmt Plan - JRWDD Project Assistance - Darrel Raschke, JR Mgr discussed amt previously agreed upon as Aberdeen City agreed to match BC share, thus cutting amt JRW is willing to pay	109
8/9/11	Wine Licenses: Kessler's Inc- BC Fairgrounds eff 8/20; Valiant Vineyards Inc & Schade Vineyard Inc BC Fairgrounds eff 8/18-20	136
8/23/11	Wipf, Dawn- hire as Jail/JDC nurse eff. 9/6/11	145
8/23/11	Waive Fees- approved waiving fees during the Fall Res. Cleanup; Landfill ONLY	150
10/11/11	Woods, Patti Jo - hire eff 10/24/11 Asst Dir BC Emergency Mgmt	178
10/18/11	Wellman, Austin- ack resignation eff 9/25/11	181
12/13/11	Wipf, Dawn ack resignation eff 12/16/11	209
12/13/11	Web Site Demo- John McQuillen arranged telephonic demo by Civic Plus, est cost \$27000 plus annual maint fee	212
12/20/11	Wipf, Dawn - hire as on call Nurse eff 12/16/11 thru 12/31/11	214
12/27/11	Web Site - John McQuillen & Paul Sivertsen discussed requesting quotes for servicing County Web Site, will be reviewed 02/07/2012	

"X,Y,Z"

Date

Description

Page

2/8/11

Zomers, Trina - hire as Dep. Coroner - eff 2/8/11

26

JANUARY 3, 2011 - 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 Council Chambers, 123 S Lincoln Street, Aberdeen, South Dakota. Present from City were Council Members Agnitsch, Bunsness, Campbell, Mitchell, Kraft, Rux, Slaughter-Hansen, Swanson and Mayor Levensen. Present from County were Commissioners Sutton, Wiese, Hansen and Fischbach. Commissioner Elliott was absent.

ORDINANCE NO. 10-12-02/391:

On motion by Bunsness and seconded by Agnitsch, the City unanimously voted to approve Second Reading and Adoption of Ordinance No. 10-12-02/391.

Moved by Sutton, seconded by Hansen to approve Second Reading and Adoption of Ordinance No. 10-12-02/391, 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 710 (I-2) Unrestricted Industrial District: Lot 1, Siebrecht Substation Addition in the NW ¼ of Sec 36-T123N-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.

ORDINANCE NO. 10-12-03/392:

On motion by Rux and seconded by Mitchell, the City unanimously voted to approve Second Reading and Adoption of Ordinance No. 10-12-03/392.

Moved by Hansen, seconded by Sutton to approve Second Reading and Adoption of Ordinance No. 10-12-03/392, 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 710 (I-2) Unrestricted Industrial District: Proposed Lien Outlot C in the NW ¼ of Sec 22-T123N-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.

ORDINANCE NO. 10-12-04/393:

On motion by Mitchell and seconded by Kraft, the City unanimously voted to approve Second Reading of Ordinance No. 10-10-04/393.

Moved by Sutton, seconded by Hansen to approve Second Reading and Adoption of Ordinance No. 10-10-04/393, An Ordinance amending Section 708. (C-3) Central Business District, Section 708.2 (Permitted Uses) of Ordinance No. 1164 related to out-door displays of merchandise. Roll call vote: Commissioners Hansen-aye, Elliott-absent, Sutton-aye, Wiese-aye, Fischbach-aye. Ordinance adopted.

SET HEARING DATE:

On motion by Mitchell, seconded by Rux, the City unanimously voted to set hearing date for Ordinance No. 11-01-01/394 (Sharp Rezone).

Moved by Sutton, seconded by Hansen to set public hearing for Ordinance No. 11-01-01/394, An Ordinance to amend Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 714 (M-Ag) Mini-Agricultural District: Proposed Lot 1, Laurel Sharp Addition in the NE ¼ of Sec 22-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, SD; to be held on January 24, 2011 at 5:30 p.m. in the City Council Chambers, 123 S Lincoln Street, Aberdeen, SD. All members present voting aye. Motion carried.

ADJOURN:

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

Jan Beckler - Deputy Brown County Auditor Published once at the total approximate cost of \$\_\_\_\_\_.