

JANUARY 8, 2013 -REORGANIZATION MEETING

This being the reorganization meeting of the Brown County Commission for year 2013, said Board convened at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, South Dakota. Present were Commissioners Nancy Hansen, Rachel Kippley, Tom Fischbach, Mike Wiese and Duane Sutton.

Pastor Jennifer Turick, First Presbyterian Church, opened with Prayer and led the Pledge of Allegiance.

Maxine Fischer, Brown County Auditor called for nominations for Brown County Commission Chairman for year 2013, pursuant to SDCL 7-8-15.

Commissioner Hansen nominated Duane Sutton for Chairman. Moved by Wiese, seconded by Fischbach that nominations cease and a unanimous ballot be cast for Duane Sutton, 2013 Chairman. All members present voting aye. Motion carried.

Commissioner Fischbach nominated Nancy Hansen for Vice Chairman. Moved by Wiese, seconded by Fischbach that nominations cease and a unanimous ballot be cast for Nancy Hansen, 2013 Vice Chairman. All members present voting aye. Motion carried.

MINUTES:

Moved by Fischbach, seconded by Wiese to approve the General Meeting minutes of December 26, 2012. All members present voting aye. Motion carried.

CLAIMS:

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

Payroll: Commission \$3,293.66; Auditor \$8,392.26; Treasurer \$11,435.69; Data Processing \$2,742.92; State's Attorney \$12,872.23; SVAWA Grant \$1,269.24; Blood Draws \$400.00; Maintenance \$6,047.97; Assessor \$11,692.83; Register of Deeds \$7,169.43; Veterans Service Office \$3,383.99; GIS \$2,005.23; Sheriff Admin 28,001.44; Jail \$32,534.01; Coroner \$0; JDC \$14,962.68; HD \$4,644.46; Welfare Office \$4,122.30; Museum \$6,057.81; Parks & Fairgrounds \$3,887.33; Fair Board \$2,607.26; 4-H \$1,053.60; Weed \$509.64; Planning and Zoning \$2,680.39; Highway \$38,960.65; Communications \$19,325.08; Emergency Management \$2,973.42; Teen Court \$293.20; 24/7 \$2,037.67; Landfill \$10,610.54

Matching Benefits: FICA \$14,388.09; Medicare \$3,364.90; Life \$577.98; Dental \$6,066.28; Health Insurance \$90,797.62; Retirement \$29,943.85;

Supplies: 446-Praxair \$21.90; Advantage Self Storage \$1656.00; Ameripride Services \$163.10; Crescent Electric Supply \$52.26; Custom Glass & Repair \$247.20; DSS Image Apparel \$352.80; Earthgrains \$378.35; Economy Propane \$1645.75; Ed Roehr Safety Products \$738.00; G & K Services \$43.80; Geffdog Designers \$565.94; GovConnection \$802.40; Great Plains Fire \$8395.00; Howes Oil \$21,930.35; Hub City Radio \$450.00; Kessler's \$292.14; Knight Towing \$110.00; Randy Kutter \$164.00; Leidholt Electric \$2102.53; Marco \$289.80; Midstates Printing \$325.00; Midwest Alarm \$51.50; Mark Milbrandt \$498.03; Moore Medical \$117.55; Nationwide Hotel Guides \$295.00; Neves Uniforms \$432.00; North Central Farmers Elevator \$1370.73; Pheasantland Industries \$166.58; Photo-X-Press \$131.25; Safety Service \$1002.24; SD Law Review \$33.02; Taylor Laundry \$77.00; TruGreen Chemlawn \$510.00; Ultramax \$1130.00; Zastrow's Sales & Service \$173.05.

Repairs & Maintenance: Crawford Trucks & Equipment \$111.41; Graham Tire \$13.25; House of Glass \$6369.47; Marco \$1048.80; Service Signs \$1697.96.

Travel & Conference: Tina Boldt \$9.54; Kathy Fischer \$88.83; IAAO \$525.00; Leo Leshner \$112.33; Gene Loeschke \$103.40; Russell Metz \$76.14; SD Assoc. of Assessing Officer \$330.00; Weed & Pest Conference \$170.00.

Utilities: Aberdeen City Treasurer \$973.88; AT & T Mobility \$2165.53; BDM Rural Water \$30.00; James Valley Telecommunications \$351.33; Midcontinent Communications \$53.86; Northern Valley 1625.95; NW Energy \$1555.94; Richmond Lake Sanitary Dist. \$2700.00; Town of Frederick \$37.51; Tri-State Water \$30.40; Verizon Wireless \$78.62.

Computer Software: Dware Inc. \$1470.00.

Professional Fees: Aberdeen Ambulance Shuttle \$446.00; AdamSoft \$2600.00; Avera Aberdeen Family Physicians \$39.61; Avera St. Luke's \$213.14; Bakken Building Maintenance \$500.00; Bonnie Bitz \$72.00; Br. Co. Treasurer \$5.00; Clark Engineering \$967.33; CNA Surety \$50.00; Jamie Damon \$526.20; Hosmer Law Office \$157.64; Midwest SteepleJacks \$57,809.00; MOCIC \$150.00; National Assoc. of Counties \$772.00; New Deal Tire \$5168.50; Priority Dispatch \$1500.00; Safe Harbor \$961.00; Sanford Clinic \$99.54; Thomas Sannes \$1983.50; SD Assoc. of County Commission \$5614.34; SD Assoc. of County Hwy. Supt \$225.00; SD Assoc. of County Officials \$4846.17; SD Assoc. of County Weed & Pest \$50.00; SD Dept. of Revenue \$3170.37; SD Emergency Mgmt. Assoc. \$60.00; SD State Treasurer \$37.52; SD Teen Court Assoc. \$1687.50; Susie Vetter \$1250.00; Tyler Technologies \$19,041.37.

Care of Poor: Rent: 3 recipients – GPHC, LLC \$280.00; Ron Ottenbacher \$260.00; Zumbaum Property Mgmt \$260.00. Dr. /Hospital: 2 recipients – AMG Radiology \$107.77; Avera St. Luke's \$423.13. Transport: 1 recipient – Jefferson Lines \$60.00. Utilities: 1 recipient – NWPS \$280.00. Burials: 1 recipients – Spitzer Miller Funeral Home \$195.00. All members present voting aye. Motion carried.

PERSONNEL:

Moved by Hansen, seconded by Wiese to approve a 2% salary increase for all employees, except compensation established by grant reimbursement, deputy states attorney's, board per diem and per call professional fee agreements. All members present voting aye. Motion carried.

2013 SALARY SCHEDULE:

Moved by Hansen, seconded by Fischbach approve the following salaries, effective December 23, 2012:

Annually States Attorney Larry Lovrien 72,500; Sheriff Mark Milbrandt 64,597.78 (plus \$500 per pay period to oversee Communications Center); Auditor Maxine Fischer, Treasurer Sheila Enderson, Register of Deeds Carol Sherman 51,694.76; Commissioners (plus county paid portion of optional insurance coverage) Nancy Hansen 17,037.02, Rachel Kippley, Tom Fischbach, Duane Sutton, Mike Wiese 17,577.82; Deputy States Attorney's Chris White 60,000, Karly Winter, Chad Locken 40,000, Jodi Brown 13,784.94 (Victims Assistance) 33,000 (SVAWA Grant); Chief Deputy Sheriff Tom Schmitt 58,137.82; Building Superintendent Mick Palmer 40,161.42; Museum Director Sue Gates 41,931.24; Veterans Service Officer Tom Gohn 43,639.70; EM Director Scott Meints 47,328.06; Fairgrounds Superintendent Kurt Smith 40,310.14; Planning/Zoning/Drainage/E911 Rural Addressing Director Gary Vetter 43,951.96; Welfare Director Charlene Millim 48,609.08; Deputy Sheriff/Communications Director John McQuillen 52,954.46; Highway Superintendent Jan Weismantel 56,908.80; Director of Equalization Mary Worlie 51,279.54; GIS Coordinator Scott Madsen 53,178.58; Landfill Manager Mike Scott 54,117.18; Fair Board Manager Amy Scott 40,310.14; Juvenile Detention Supervisor Amy Lake-Harmon 44,429.32; Jail Nurse Tanya Mitchener 42,330.86; Coroner and Deputies: Michael Carlsen, Kenneth Kusler, Trina Zoners, Taylor Oster \$150.00 per call. Blood Draw: Lyrita Wilkie, Merissa Johnson, Deandra Rose, Mary Jo Rohrbach, Pam Smid \$40.00 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. 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 Mike Rohrbach 15.89. Assistant Landfill Manager Don Fischer 16.00. Senior Appraisers Leo Leshner 20.61, Gene Loeschke 20.61. Chief Office Deputies (Auditor, Treasurer, Register of Deeds) Andrea Sjomeling, Lynn Heupel, Dorene Borchard, Catherine Lindemann 20.61. Highway Shop Foreman Mark Wendt 21.40 per hour; Highway Department Assistants Kendell Titze, Marcus Selzler 20.61 per hour. Appraisers: Barry Kusler 16.69, Russell Metz 17.34, Kathy Fischer 19.49. Computer/Technology Support Specialist: Michael Merkel 18.58. Chief Office Deputies (Sheriff, Welfare, States Attorney, Maintenance, Director of Equalization, EM, Veterans Service) Patti Woods 15.16, Polly Rush 16.99,

Kathy Schlecht 17.89, Janice Moore 18.80, Penny Hart 21.43, Judy Dosch 19.33. States Attorney's Office Secretaries Jessica Rychlik 12.87, Kristina Vetter 14.21, Tracy Madsen 14.58. Office Deputies, Museum Curators, Secretaries/Clerks Julia Grenz, Lisa Wienk, Sonje Oban, Bonnie Ketterling 12.69, Jeanette Kline 12.93, Tracy Engquist, Cindy Woodford 13.18, Tina McLeod 13.43, Andrew Janusz 13.61; Sara Hagman, Pam Sudlow 13.80; Roxanne Hilgenberg, Mariann Malsom, JoAnn Sheffield 13.98; Jackie Ormand 14.15, Carol White 14.57, Lora Schaunaman 14.62, Cindy Meyers 14.67, Sandra Green 14.82, Jolene Forsting 14.87, Patty Van Meter 14.97, Sherri Rawstern 15.12. Clerk, Secretary, Maintenance, Parts Jeremy Eppard 12.68, Craig Gardner 13.17, Cindy Eppard 13.35, Mickey Schulz 14.31, Monte Podoll 14.41. Sheriff Department Clerical & Cooks Teresa Mann 13.49, Sandy Mielke 14.42, Diane Mielke 16.25, Joyce DesCamps 16.65, Carol Wolf 16.60, Kathy Neitzel 16.85. Dispatchers Courtney Tedder, Jessie Guthmiller, Christine Haggerty 13.89, Cortney Erickson 14.18, Ember Currence 14.49, Erin McClain 14.81, Amber Johnson 15.13, Tonya Walth 15.43, Melony Flinn, Sarah Jesz 16.95, Sheila Anderson 17.40, Mary Browning 17.65. Chief Dispatcher James Petrich 15.72. Highway/Fairgrounds (Labor Grade 3) Austin Hoffman, Kurt Pigors 13.50, Curt Erickson, Gerald Lehrkamp, Glen Neumiller, Matt Heupel 13.74, Kevin Ernst, Nicholas Juenger, Charles Gruenstein 13.99, Kathy Thompson, Tim Hettich 14.42, Michael Rohrbach 14.96, Larry Hardy 15.77, John Weig 16.47. Highway/Landfill (Labor Grade 4) Terry Lout 13.63, Dana Breske 14.37, Casey Jensen 14.55, Bryan Owens, Brad Nehlich 14.74, Dennis VanHeerde 15.67, Nyle Jenson 15.82, Carl Wright 16.92. Highway (Labor Grade 5) Justin Salo 14.63, David Bruckner 16.92. Highway Mechanics Labor Grade A (with cdl)/Outside Shop Foreman Daryl Lloyd 15.83, Randy Kutter, Paul Wipf 16.27, Ronald Glugla 17.35. Deputy Sheriff Wes Graff, Casey Smith 17.05, Stanley Schulz 17.36, Ross Erickson 17.98, Ben Smith, Anthony Sorenson, Kyle Crawford, Nathan Smith 18.29, Damian Bahr 19.55, Craig Nelson, Brian Koens 20.19, Terrence Evans 20.24, Scott Kolb 20.84, John Heine 20.89. Home Detention Supervisor/Assistant JDC Supervisor Teri Jondahl 16.26, Brenda Hammrich 17.52. Correctional Officers (Adult and JDC) John Clark, Kristine Bjerke, James Harpel, Christopher Brick, Ermelinda Marcuson, Ryan McClain, Bill Rohrbach 13.60, Samantha Foley, Danica Marshall, Brian Bahr, Brandon Mills, Stacie Wasem 13.91, Adelaide Mouna 14.23, Tamara Knoll, Linn Kamin, Jesse Milbrandt 14.55, Alberto Chagolla, Joseph Embury 14.85, Michael Ernst 15.49; Samiuela Mouna 15.80, Harlan Place 16.12, Russ Ochsner, Kristal Koens 16.83, Cindy Mitchell, Jeffrey Kirnan 16.88. Part time employees – per hour: Kyle Sugelmayer 8.33, Paul Opp, Marla Zastrow 8.37, Doris Adler 9.04, Ron Leighty 9.33, Richard Schooley 9.49, Richard Burns 9.54, Kerry Dawson 10.72, Marianne Marttila-Klipfel 11.06, Julie Hermansen, Cheryl Grant, Robert Baumgartner, Dennis Olson, Maggie Bell, Clay Nelson, Judy Norris, Susan Sumner, Anne Kusler, Katie Tempel, Chase Dykema, Jared Embury, Steven Scherr, Tanae Hart 11.37, Lisa Holcomb, Vaughn Ayala 12.16; Tom Lammon, Jeff Hayes, Steven Ramsdell, Michael Lout, Cameron Jarvis, John Ness, Tina Boldt 12.93, Robert Retzer, Merv Heaton 14.37, Richard Hansen 14.41. Differential Pay: Correctional 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. Highway employees when pulling train \$0.80 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 Farnen, Brock Schiferl, Ken Hostetter, Rod Grismer, Daniel Harvey, Eldon Reich, Kyle Stoddard, Dale Farnen, David Hunter, Tim McCurdy, Jamie Milbrandt, Rane Mergen, Brenda Schmitt, J Arlt, Nicole Leslie. All members present voting aye. Motion carried.

PERSSONEL:

Moved by Wiese, seconded by Kippley to approve the following employee step increases, effective January 6, 2013: Patty VanMeter @ \$15.02 per hour, Mickey Schulz @ \$14.36 per hour, Sonje Oban @ \$12.93 per hour, Kathy Neitzel @ \$16.90 per hour, Jackie Ormand @ \$14.36 per hour. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Hansen to increase per call professional fee for individuals performing blood draws to \$50.00 per call; and further increase guard fees to \$100 per day for each round trip less

than 400 miles and \$125 per day for each round trip over 400 miles, effective January 6, 2013. All members present voting aye. Motion carried.

CORONER:

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

UNION CONTRACT:

Moved by Fischbach, seconded by Hansen to approve and authorize Commission sign agreement between Brown County, a political subdivision of the State of South Dakota and Local 162, Council 59 of the American Federation of State, County and Municipal Employee, AFL-CIO, effective January 1, 2013 through December 31, 2013. All members present voting aye. Motion carried.

COMMISSION COMMITTEE ASSIGNMENTS:

Moved by Fischbach, seconded by Wiese to approve the following Commission Committee assignments for 2013: 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, City Net, SDACC Catastrophic Legal Board, Grow SD (NESDCAP); Nancy Hansen - Union Negotiations, Senior Citizens Board, Liaison to Welfare, NE Mental Health Board, NACO Board of Directors; Mike Wiese - Planning & Zoning Board, SD Public Assurance Alliance Board Member, Airport Board, NECOG, Glacial Lakes, Communications Center Council; Rachel Kippley: Weed & Pest Control 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 Hansen, seconded by Wiese to approve the following Brown County Dive Team Members: Trent Anderson, Rodney Bade, Tom Barstad, Mike Kost, Jodi Martinez, Michael Miller, Brett Tennis, Kevin Vaughn, Stacy Vrchota, Brad Waage. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Wiese to re-appoint Dennis Wiedebush to the Weed & Pest Control Board, effective April 1, 2013 - March 31, 2016. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Wiese to appoint Patrick Keatts and Darwin Bettman to second term (Jan 1, 2013 – Dec 31, 2017) on the Planning & Zoning Board. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Wiese to reappoint the following Citizens Corp Council Members: Becky Burdick, Becky Berreth, Brian Sharp, term effective January 1, 2013 – December 31, 2015 (one additional member to be appointed at a later date). All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Wiese to appoint the following CERT Members: Gary Sharp, Tom Woods, Brianna Woods and Zach Kern; and further remove the following CERT Members: Bill Meink, Dawn Meink and Bob Schatz. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to appoint Heath Johnson and Kathy Sperry to second term and Casey Weismantel and Jan Erickson to first term (2013 – 2015) on the Dacotah Prairie Museum Board. All members present voting aye. Motion carried.

TECHNOLOGY SERVICE AGREEMENT:

Moved by Hansen, seconded by Kippley to acknowledge renewal of the agreement with Sivertsen Technology Inc for the purpose of providing IT Department Management, computer and technology

services, effective January 1, 2013 – December 31, 2013 at \$50.00 per billable hours for technicians time actually worked at the premises, offices, or specific locations of the County. All members present voting aye. Motion carried.

VOLUNTEERS/WORKER COMPENSATION:

Moved by Wiese, seconded by Fischbah to list the following volunteers for work comp purposes (CERT, Citizens Corp, Dive Team, Fair, Museum): John Adams, Marie Adams, Trent Anderson, Sea Atwood, Rodney Bade, Richard Bakeberg, Diana Banker, Tom Barstad, Becky Berreth, Chad Bierman, Sandra Bierman, Evelyn Blum, Jan Bohling, Paul Bohling, Mercedes Buchanan, Amanda Buck, Becky Burdick, Ross Burdick, Conald Burgard, Edythe Clark, Susan Cook, Randy Crawford, Luanne Cunningham, Ryan Cunningham, Val Daschel, Fae Dayton, Cora Dennert, Marvin Dreesen, Janet Elsen, Karen Erdmann, Jan Erickson, Reick Eske, Chris Fischbach, Don Ganje, Allen Gates, Steve Gisi, Randy Grismer, Mary Jane Hansen, Alan Hawkinson, Gerald Helm, Pat Helm, Janet Herman, Trixie Hettich, Carmel Heyd, Bill Hild, Mary Jo Hild, Dave Hintz, Richard Humphries, Randy Imberi, Carole Jansen, Davin Johnson, Heath Johnson, Brian Kellar, Zach Kern, Rich Kezar, Randy Kingery, Lee Koch, Michael Kost, Ron Kost, Brian LaCroix, Nobel LaCroix, Marilyn Lahr, Stacy Levsen, Jodi Martinez, Tim Mattern, Douglas Mayer, Gretchen Mayer, Carla Meints, Trevor Meints, Tara Meints, Michael Miller, Roland Moerke, Gordon Nelson, Evelyn Nikolas, Nancy North, Dorothy O'Keefe, Gayle Opp, Sandy Osterman, Barb Paepke, Tom Paepke, Mike Payne, Jason Pettigrew, Joyce Pfeiffer, Rick Pigors, Cindy Pigors, Lois Pletten, Jean Rahja, Chris Rawstern, Terry Rawstern, Douglas Reiersen, Bonnie Robinson, Freddie Robinson, Mike Russell, Jean Schaffer, Cindy Schick, Janet Schile, Lois Schleder, Jacie Schley, Deb Schlosser, Dan Schlosser, Nancy Schrenk, Bill Schultze, Cindy Schultze, Matt Scott, Gretchen Sharp, Brian Sharp, Donna Sharp, Gary Sharp, Dale Smid, Pam Smid, Kathy Sperry, Becky Stucker, Liz Sutherland, Jesse Swallow, Karen Swank, Chip Swanson, Marian Swanson, Stu Swenson, Brett Tennis, Linda Thurston, Terri Traxinger, Kevin Vaughn, Eric Vetter, Stacy Vrchota, Brad Waage, Pat Waltman, Robert Webb, Kathy Webb, Casey Weismantel, Betty Werth, Cora Wollman, Brianna Woods, Constance Woods, Tom Woods, Matt Zeller. All members present voting aye. Motion carried.

DESIGNATION OF DEPUTIES:

Commissioner Fischbach offered the following Resolution:

RESOLUTION #1-13

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, Kippely-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Resolution adopted.

OFFICIAL NEWSPAPERS:

Moved by Hansen, seconded by Wiese to designate the following as the official Brown County newspapers for year 2013 (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 Fischbach, seconded by Wiese to designate the following as official depositories for Brown County public funds for year 2013 (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 State Bank of Claremont, Claremont Branch, First National Bank of Frederick; Plains Commerce Bank; Home Federal Savings & Loan; Great Western Bank; FIT; Great Plains Bank; CorTrust. All members present voting aye. Motion carried.

INVESTMENT POLICY:

Commissioner Wiese offered the following Resolution:

RESOLUTION #2-13

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, Kippley-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Resolution adopted.

EXPENSE POLICY:

Moved by Hansen, seconded by Wiese to set the following expense rates for Brown County employees for year 2013: 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: 47 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 \$180.00 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 Fischbach, seconded by Wiese 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. 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 Hansen offered the following Resolution:

RESOLUTION #3-13

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 States Attorney Larry Lovrien and States Attorney Office personnel to act as agents to process said tax deeds and notices.

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

FAIRGROUNDS/YOUTH CAMP RENTAL RATES:

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

FAIRGROUNDS RENTAL RATE - EFFECTIVE JANUARY 1, 2013

Storage Space Rental: October 15 to April 1st - Prepaid Lease -No Refunds - \$6.00 per linear foot for entire unit, including trailer hitch and any overhang. All lengths will be rounded up to the next 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: \$15.00 per day for pads with power and water. \$18.00 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, 2013

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.

SURPLUS PROPERTY:

Moved by Hansen, seconded by Wiese to declare scrap metal from Highway Department surplus for purpose of sale in 2013. All members present voting aye. Motion carried.

ABATEMENTS:

Moved by Wiese, seconded by Fischbach to approve and authorize the Chairman sign the following abatements: BNSF RR @ \$51,456.38 (railroad tax credit), Arrow Enterprises @ \$403.39 and \$337.57 (mobile homes moved), HSBC Mtg Services Inc @ \$21.00 (solid waste - bare lot), Brown County @ \$1.25 and \$38.65 (tax exempt), Aberdeen City @ \$21.00 and @ \$21.00 (solid waste - tax exempt), Melva Mestas @ \$2,106.86 (office error), BPOE Elks @ \$4,486.67 (tax exempt), William Schultz @ \$19.15 (mobile home condemned), Richard Palmquist @ \$1,827.06 (destroyed by fire), Engel Music @ \$1,026.83 (historic tax freeze), Tony Daly @ \$5,004.54 (office error), Northeastern Mental Health Center @ \$2,382.50 (tax exempt), Duane Hedge @ \$1,576.33 (destroyed by fire), Clyde Arnold @ \$257.72 (damaged by fire). All members present voting aye. Motion carried.

LOTTERY APPLICATION:

Moved by Wiese, seconded by Kippley to approve application, submitted by Disabled American Veterans Chapter 13 (Chuck Webster) for a raffle to be held on November 1, 2013. All members present voting aye. Motion carried.

AUDITORS REPORT OF ACCOUNT:

Moved by Wiese, seconded by Hansen to approve the December 2012 Auditor's Report of Account with the County Treasurer in total amount of \$13,679,801.55 (total amount of actual cash @ \$3,367.49, Wells Fargo Bank @ \$3,621.29, US Bank @ \$33,190.71, Dacotah Bank @ \$184,724.66, Petty Cash @ \$2,000.00, Fund Investments @ \$13,452,464.89, Outstanding Checks @ \$432.51). All members present voting aye. Motion carried.

LANDFILL CROP LAND LEASE OPTION:

Moved by Fischbach, seconded by Hansen to approve the 2013 renewal option with G & B Farms for cash rent lease of the crop land at the Landfill. All members present voting aye. Motion carried.

CDBG – NEWTEC:

Moved by Wiese, seconded by Hansen to approve and authorize the Chairman sign Relocation, Displacement and Acquisition Plan for the Brown County Workforce Development Program (NewTec), to be partially funded by Community Development Block Grant funds. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Wiese to authorize the Chairman sign Notice of Award Document to Evergreen Supply for furnishing and delivery of welding equipment for the Brown County Workforce Training Program (NewTec), to be funded by Community Development Block Grant funds. All members present voting aye. Motion carried.

CDBG YMCA PAYMENT REQUEST #2 (FINAL):

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman sign Payment Request #2 (final) for CDBG Grant #1112-114 for the YMCA Youth Development Center in amount of \$126,410.91. All members present voting aye. Motion carried.

WAIVE SOLID WASTE FEES:

Moved by Wiese, seconded by Hansen to approve and authorize waiving the following Solid Waste credit slips: Clausen Sanitation @ \$144.99, Jarvis Construction @ \$36.75, Salvation Army @ \$3.23, New Trends @ \$113.46, Martin Construction @ \$11.75, Aberdeen Housing Authority @ \$151.19, Legacy Builders @ \$0.55, RJ Corman Derailment Services @ \$9.88, Aevenia @ \$132.27, Presentation College @ \$4.48, Gil Haugan Construction @ \$22.60, Northwestern Energy @ \$44.51, Dependable Sanitation @ \$1,203.08. All members present voting aye. Motion carried.

DISCUSS TAXES:

Paul Meyers was on the agenda to discuss real estate taxes on new construction, but the issue has been resolved.

UNCOLLECTIBLE TAX LIST:

Moved by Wiese, seconded by Fischbach to acknowledge uncollectible tax list (one parcel remaining), as submitted by Sheila Enderson, Brown County Treasurer. All members present voting aye. Motion carried.

PARTIAL PAYMENTS:

Moved by Hansen, seconded by Kippley to authorize Sheila Enderson, County Treasurer to accept partial payments for taxes (as authorized by SDCL 10-21-7) in amount of \$200.00 per month on the following

property, effective February 4, 2013: Lt 2 Blk 2 Francis Evelo Addition to the City of Aberdeen, Brown County SD (2217 Prospect Ave SE). All members present voting aye. Motion carried.

INTEREST STATEMENT:

Moved by Fischbach, seconded by Wiese to accept for filing the October – December 2012 Interest Statement (\$23,001.64), submitted by County Treasurer Sheila Enderson. All members present voting aye. Motion carried.

DIVE TEAM DONATION:

The Commission acknowledged receipt of a \$5,000.00 Donation from TransCanada for the purpose of training and equipment upgrades for the Brown County Dive Team.

SHERIFF VEHICLE PURCHASE:

Moved by Wiese, seconded by Hansen to approve and authorize the purchase of two 2013 Ford Police Utility Interceptors from Pierson Ford (matched Lamb Motors State Bid Contract #16220) for the Sheriff Department in total amount of \$51,376.00. All members present voting aye. Motion carried.

BID - TOWER CONSTRUCTION CONTRACT:

Moved by Wiese, seconded by Kippley to approve Contract with Midwest Steeplejacks for construction of radio tower at the Landfill, with amended completion date of December 31, 2012 and amended Exhibit B to reflect correct purchase price of \$57,809; and further to authorize the Chairman sign same. All members present voting aye. Motion carried.

HIGHWAY EQUIPMENT PURCHASE:

Moved by Wiese, seconded by Fischbach to approve and authorize the purchase of a 2005 International Semi for the Highway Department, per quote from Crawford Trucks and Equipment in amount of \$24,900.00; rejecting quotes from Truck World and private ad – all did not meet specs. All members present voting aye. Motion carried.

EXECUTIVE SESSION:

Moved by Hansen, seconded by Wiese to go into executive session to discuss personnel with States Attorney Larry Lovrien 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 15, 2013.

Maxine Fischer, Brown County Auditor

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

11

JANUARY 15, 2013 – 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, Kippley and Wiese. Commissioner Fischbach was absent. Chairman Sutton led the Pledge of Allegiance.

MINUTES:

Moved by Wiese, seconded by Hansen to approve the General Meeting minutes of January 8, 2013. All members present voting aye. Motion carried.

CLAIMS:

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

Payroll: Commissioners \$3,359.55; Auditor \$8,986.39; Treasurer \$11,660.27; Data Processing \$2,957.90; State's Attorney \$15,393.11; Blood Draws \$960.00; SVAWA Grant \$1,269.24; Maintenance \$6,222.75; Assessor \$11,925.89; Register of Deeds \$7,312.42; Veterans Service Office \$3,473.52; GIS \$2,045.33; Sheriff Adm \$30,128.85; Jail \$34,209.34; Coroner \$882.00; JDC \$15,906.30; HD \$4,582.82; Welfare Office \$3,428.54; Museum \$6,257.02; Parks & Fairgrounds \$3,967.19; Fair \$2,565.59; 4-H \$1,074.40; Weed \$352; Planning and Zoning \$2,104.22; Highway \$37,682.60; Communications \$22,521.01; Emergency Management \$3,033.11; Teen Court \$313.42; 24/7 Sobriety \$2,217.15; Landfill \$10,597.58; Matching Benefits: FICA \$15,000.12, Medicare \$3,508.09.

Supplies: Ameripride Services \$55.84; Dakota Mailing \$549.45; Diesel Machinery \$1565.91; Heartland Paper \$1860.55; Howes Oil Co. \$23,686.04; Marco \$79.66; Menards \$45.76; Midstates Printing \$362.03; North Central Farmer's Elevator \$17,673.45.

Repairs & Maintenance: Active Data Systems \$17,439.00; Dakota Electronics \$20,785.87; Diesel Machinery \$6709.53; GCR Tire Cent \$197.62; Lien Transportation \$260.00; New World Systems \$18,000.00; Sheehan Mack Sales \$1957.59.

Publishing: Aberdeen American News \$616.99.

Transcriptions: Kristi Brandt \$20.40; Richard Neal \$102.60.

Utilities: Aberdeen City Treasurer \$296.07; CenturyLink \$1441.13; Dependable Sanitation \$21,814.06; Executive Mgmt. Finance Office \$264.15; Northern Electric \$3659.12; Northern Wireless \$149.90; NorthWestern Energy \$4559.34.

Professional Fees: Aberdeen Development Corp. \$20,000.00; Adamsoft \$6,331.57; AMG Psychiatry \$714.02; Area IV Nutrition \$2500.00; Avera Queen of Peace \$54.90; Avera St. Luke's \$3224.80; Jodi Brown \$207.50; Carlsen Funeral Home \$200.00; DevNet \$17,083.50; Dinger Brothers \$4763.20; Lori Ehlers \$277.18; Glas Consulting \$123.75; International Assoc. of Fairs \$750.00; James River Water Development \$668.67; Lincoln County Treasurer \$86.25; Midwest Showmen's Assoc. \$20.00; Midwest SteepleJacks, Inc. \$3213.91; Michael Moore \$2881.44; NECOG \$22,431.64; NESDCAP \$2500.00; PRCA \$950.00; Nancy Schlichenmayer \$60.00; Schneider Corp. \$2265.00; SD Dept. of Revenue \$332,765.74; SD State's Attorney Assoc. \$1746.00; Sivertsen Technology \$6125.00; Kristi Spitzer \$710.00; State Bar of SD \$1285.00; UND Forensics \$4000.00.

Care of Poor:

Rent: 4 recipients – E & T Freedom Properties \$250.00; Jency Agency \$560.00; Sletten Apartments \$140.00. Dr. /Hospital: 4 recipients – Avera McKennan Hospital \$6293.83; Avera St. Luke's \$18,909.50; Orthopedic Surgery Specialists (OSS) \$58.51. All members present voting aye. Motion carried.

PERSONNEL:

Moved by Kippley, seconded by Wiese to approve the following employee step increases, effective January 20, 2013: Craig Gardner @ \$13.35 per hour, Curt Erickson @ \$13.99 per hour. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to acknowledge a position will be open at Welfare office on March 4, 2013. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to acknowledge the resignation of Ember Currence (Communications), effective December 30, 2012 and Amber Johnson (Communications), effective January 17, 2013. All members present voting aye. Motion carried.

HLS PROPERTY TRANSFERS:

Moved by Wiese, seconded by Hansen to approve and authorize the Chairman sign the Homeland Security Transfer to Brown County Sheriff Document. All members present voting aye. Motion carried.

LOTTERY APPLICATION:

Moved by Wiese, seconded by Kippley to approve application, submitted by Presentation Booster Club (Jackie Witlock) for a raffle to be held January 21-February 16, 2013. All members present voting aye. Motion carried.

BCBS EMPLOYEE HEALTH INSURANCE:

Gary Welter, BCBS Representative presented summary reports for the Employee Health Insurance Coverage for the mid plan year and reviewed health care reform updates for 2013.

ASSESSMENT PLAN-2013:

Moved by Hansen, seconded by Wiese to approve the 2013 Assessment Plan as presented by Mary Worlie. Roll call vote: Commissioners Hansen-aye, Kippley-nay, Fischbach-absent, Wiese-aye, Sutton-aye. Motion carried.

STP FUNDING SWAP AGREEMENT:

Moved by Hansen, seconded by Kippley to approve notifying the SD Department of Transportation of the County's desire to exchange the Brown County's STP Funds for federal fiscal year 2013 with state highway funds. All members present voting aye. Motion carried.

BRIDGE 204 ROW EASEMENT:

Moved by Hansen, seconded by Kippley to approve and authorize the Chairman sign right of way easement paperwork for Bridge 204 (Rystrom). All members present voting aye. Motion carried.

HIGHWAY UPDATE:

Jan Weismantel, Highway Superintendent discussed the following: County 19 project costs, update on bridge restrictions and ratings, bridge removal estimate on service road.

MUSEUM:

Sue Gates, Museum Director and Mick Palmer, Building Superintendent discussed potential updates to keep museum elevator operational.

RECESS:

The Chairman declared the Commission recessed until January 22, 2013.

Maxine Fischer, Brown County Auditor

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

JANUARY 22, 2013 – 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, Kippley and Wiese. Commissioner Fischbach was absent. Chairman Sutton led the Pledge of Allegiance.

MINUTES:

Moved by Hansen, seconded by Wiese to approve the General Meeting minutes of January 15, 2013. All members present voting aye. Motion carried.

CLAIMS:

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

Supplies: A & B Business \$72.04; American Health & Safety \$475.66; Best Business Products \$176.80; Cash-Wa \$4,466.75; CMRS-FP \$5,000.00; Dakota Electronics \$15.84; Digital Alley \$45.00; DT Pharmacy \$211.94; Ecolab Pest Elimination \$185.22; L & O Acres Transport \$1,747.60; Lang's \$98.00; Lawson Products \$286.48; Lien Transportation \$580.00; Midstates Printing \$1,525.85; Diane Mielke \$38.20; Moore Medical \$183.66; North Central Farmer's Elevator \$6,026.85; Pizza Ranch \$53.98; Share Corp \$253.00; West Payment Center \$1,772.64; Western Printing \$228.80.

Repairs & Maintenance: 446 Praxair \$225.00; Biegler's \$819.24; Lawson Products \$16.05; Myer's Tire \$4,584.96; Service Signs \$2,316.33.

Service Contracts: Active Data Systems \$400.00; Elections Systems/Software \$7,476.00.

Publishing: Aberdeen American News \$768.46.

Transcriptions: Kristi Brandt \$20.40; Sara Zahn \$27.20.

Travel & Conference: City of Groton \$85.84; Leo Leshner \$295.16; Gene Loeschke \$191.76; New Tec \$150.00; Pennington County Sheriff's Office \$325.00.

Utilities: Aberdeen City Treasurer \$97.36; City of Hecla \$ 210.48; Dependable Sanitation \$451.00; NW Energy \$2,195.45.

Machinery & Equipment: Crawford Trucks \$24,900.00.

Professional Fees: Aberdeen Advanced Care Ambulance \$95.56; Advanced Weighing Systems \$1700.00; Avera St. Luke's \$1506.94; Christopher Dohrer \$7.94; Integrated Tech & Security \$7,488.00; Language Line Services \$927.15; Lewis & Clark BHS \$149.00; Lexis/Nexis Risk Data Mgmt. \$61.80; NE Mental Health Center \$182.00; Gina Rogers \$415.00; SD Dept. of Transportation \$6,343.88; SD Secretary of State \$7.00; SD Sheriff's Assoc. \$1,445.93; Christy Serr \$25.52; SWANA \$279.00; University of ND \$2,000.00.

Other: North Detroit Township \$2,337.48.

Care of Poor: Rent: 3 recipients – Lee Imberi \$320.00; Jency Agency \$280.00; Tim & Barb Swisher \$280.00. All members present voting aye. Motion carried.

PERSONNEL:

Moved by Hansen, seconded by Wiese to approve hiring Teresa Sonnenberg-Gauer as the 24/7 Program Coordinator, effective January 22, 2013 at \$11.37 per hour. All members present voting aye. Motion carried.

Moved by Kippley, seconded by Hansen to acknowledge resignation of Justin Salo (Highway), effective February 1, 2013. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Kippley to acknowledge the following miles driven and amount to be taxed for personal use of County vehicles during the month of December 2012: Marcus Selzler—35 @ \$19.78, Mark Wendt—408 @ \$230.52, Kendell Titze—120 @ \$67.80, Jan Weismantel—81.60 @ \$46.10, Mike Scott—140 @ \$79.10, Gary Vetter—113 @ \$63.85. All members present voting aye. Motion carried.

GROTON CITY COUNCIL:

Groton City Officials and Fire Board members Bob Osterman, Dion Bahr, Harlan Radke Jr., Ed Opp, Tom Mahan, Brett Anderson, Roy Olson, Rick Pigors, Scott Hanlon, Bruce Sippel, and Anita Lowary met before the Commission with Jan Weismantel, Highway Superintendent, to discuss necessary repairs to Highway 12E. After discussion the Commission took no action on the request.

BCCHC REPORT:

DeAnna Kyburz presented the Brown County Community Health Center Report for October – December 2012.

HIGHWAY:

Jan Weismantel, Highway Superintendent, presented plan outlining the roads and bridges to be worked on in 2013 and the associated expenditures.

BRIDGE 204 ROW EASEMENT:

Moved by Wiese, seconded by Hansen to approve and authorize the Chairman sign right of way easement paperwork for Bridge 204 (Dinger). All members present voting aye. Motion carried.

EXECUTIVE SESSION:

Moved by Hansen, seconded by Wiese to go into executive session to discuss personnel with Larry Lovrien 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.

MUSEUM:

Sue Gates, Museum Director and Mick Palmer, Building Superintendent discussed the expense to repair museum elevator. Board concurred and authorized expenditure in amount of \$12,820.00

PLAT:

Commissioner Hansen offered the following Resolution:

RESOLUTION #4-13

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "River View Fourth Addition, in the NE ¼ of Sec 32- T122N-R62W 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 Kippley. Roll call vote: Commissioners Hansen-aye, Kippley-aye, Fischbach-absent, Wiese-aye, Sutton-aye. Resolution adopted.

LEASE AGREEMENT:

Moved by Wiese, seconded by Kippley to approve and authorize Chairman sign agreement with Alyssa Carlson for lease of the Richmond Lake Youth Camp on May 18, 2013. All members present voting aye. Motion carried.

SHERIFF REPORTS:

Moved by Hansen, seconded by Wiese to approve the following December 2012 Sheriff Reports: Incidents and offenses, Prisoner care, JDC, Money deposited with the County Treasurer and Monthly activities. All members present voting aye. Motion carried.

BRIDGE 238 – WORK ORDER:

Moved by Hansen, seconded by Kippley to approve and authorize the Chairman to sign Work Order for Project BRF 6251(06), PCN 034S, Bridge #238 amending the 2009 Plans for bid letting, to be completed by Interstate Engineering by June 30, 2014 with the fixed fee at \$5,091.38 and maximum limiting amount at \$42,482.95. All members present voting aye. Motion carried.

CDBG-NEW TEC PROJECT:

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman to sign Payment Request #1 for the Community Development Block Grant for New Tec in amount of \$83,348.39. All members present voting aye. Motion carried.

RECESS:

The Chairman declared the Commission recessed until January 29, 2013.

Julia Grenz, Brown County Deputy Auditor

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

JANUARY 22, 2013 - JOINT ABERDEEN CITY/BROWN 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, Remily, Slaughter-Hansen, Swanson and Mayor Levens. Council Member Rux was absent. Present from County were Commissioners Hansen, Kippley, and Sutton. Commissioners Wiese and Fischbach were absent.

ORDINANCE #13-01-01/413:

On motion by Mitchell and seconded by Swanson, the City unanimously voted to approve First Reading of Ordinance #13-01-01/413.

Moved by Hansen, seconded by Kippley to approve First Reading of Ordinance #13-01-01/413, 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 Lots 1 and 2, Valley View Acres Subdivision in the NW ¼ of Section 10, T123N, R64W of the 5th P.M., Brown County, SD (2809 24th Ave NW). All members present voting aye. Motion carried.

ORDINANCE #13-01-02/414

On motion by Bunsness and seconded by Agnitsch, the City unanimously voted to approve First Reading of Ordinance #13-01-02/414.

Moved by Hansen, seconded by Kippley to approve First Reading of Ordinance #13-01-02/414, 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, Vetch Second Addition in the NE ¼ of Section 2, T122N, R64W of the 5th P.M., Brown County, SD (38685 Cadillac Drive). All members present voting aye. Motion carried.

ADJOURNMENT:

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

Julia Grenz, Brown County Deputy Auditor

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

JANUARY 28, 2013 - JOINT ABERDEEN CITY/BROWN 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, Mitchell, Remily, Rux, Slaight-Hansen, Swanson and Mayor Levsen. Council Member Campbell was absent. Present from County were Commissioners Fischbach, Sutton, and Wiese. Commissioners Hansen and Kippley were absent.

ORDINANCE #13-01-01/413:

On motion by Mitchell and seconded by Rux, the City unanimously voted to adopt Ordinance #13-01-01/413.

Moved by Fischbach, seconded by Wiese adopt Ordinance #13-01-01/413, 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: Lots 1 and 2, Valley View Acres Subdivision in the NW ¼ of Section 10, T123N, R64W of the 5th P.M., Brown County, SD (2809 24th Ave NW). Roll call vote: Commissioners Fischbach-aye, Wiese-aye, Sutton-aye. Motion carried.

ORDINANCE #13-01-02/414

On motion by Slaight-Hansen and seconded by Bunsness, the City unanimously voted to adopt Ordinance #13-01-02/414.

Moved by Fischbach, seconded by Wiese to adopt Ordinance #13-01-02/414, 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, Vetch Second Addition in the NE ¼ of Section 2, T122N, R64W of the 5th P.M., Brown County, SD (38685 Cadillac Drive). Roll call vote: Commissioners Fischbach-aye, Wiese-aye, Sutton-aye. Motion carried.

ADJOURNMENT:

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

Julia Grenz, Brown County Deputy Auditor

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

JANUARY 29, 2013 – 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, Kippley, Fischbach and Wiese. Chairman Sutton led the Pledge of Allegiance.

MINUTES:

Moved by Wiese, seconded by Hansen to approve the General Meeting minutes and Joint City/County Meeting minutes of January 22, 2013. All members present voting aye. Motion carried.

CLAIMS:

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

Payroll: Commission \$3,359.55; Auditor \$8,420.26; Treasurer \$11,664.27; Data Processing \$3,157.66; State's Attorney \$13,750.47; SVAWA Grant \$1,269.24; Blood Draws \$550.00; Maintenance \$6,122.80; Assessor \$11,925.90; Register of Deeds \$7,312.43; Veterans Service Office \$3,473.53; GIS \$2,045.33; Sheriff Admin \$30,221.49; Jail \$30,474.86; Coroner \$0; JDC \$14,519.50; HD \$4,221.54; Welfare Office \$3,738.36; Museum \$6,726.62; Parks & Fairgrounds \$3,967.19; Fair Board \$2,584.79; 4-H \$1,074.40; Weed \$580.95; Planning and Zoning \$2,091.29; Highway \$39,891.96; Communications \$18,080.26; Emergency Management \$3,033.11; Teen Court \$360.25; 24/7 \$2,109.14; Landfill \$10,754.30
Matching Benefits: FICA \$14,395.63; Medicare \$3,366.73; Life \$577.44; Dental \$6,049.50; Health Insurance \$90,199.11; Retirement \$30,517.35
Supplies: A & B Business \$284.96; Dex Media East \$52.00; Fire Safety First \$54.75; Glacial Lakes & Prairie \$101.00; Glas Consulting \$56.25; Gov Connection Inc \$4,834.94; Interstate Powersystems \$135.00; Lar-Jo's \$479.95; M-R Sign Co Inc \$1,123.85; Marco \$254.11; Medical Waste Transport Inc \$155.21; Midcontinent Communications \$55.00; Midstates Printing \$714.15; Moore Medical LLC \$10.99; Newman Traffic Signs \$1,214.93; North Central Farmers Elevator \$1,639.02; SD Sec of State \$7.00; True North Steel \$11,760.00; Tuffer N Hell Livestock Equipment \$3,744.00; US Bank \$2,406.71;
Repairs & Maintenance: Bramic Creative Business \$156.90; Bureau of Information \$3,250.00; Hoven Auto Repair Inc \$44.24; Larson Blacksmith \$40.00; Steven Lust \$137.53; Overhead Door \$473.98; US Bank \$1,458.45; Vosika Fencing Inc \$661.20;
Service Contracts: Bureau of Information \$2,750.00;
Publishing: Aberdeen American News \$82.71;
Transcriptions: Shepherd Reporting \$27.50;
Travel & Conference: Maxine Fischer \$9.00; Lynn Heupel \$147.18; Andrea Sjomeling \$9.00; US Bank \$650.00;
Utilities: AT&T Mobility \$133.05; Century Link \$2,520.22; Midcontinent Communications \$318.46; Montana Dakota Utilities Co \$26.96; Northwestern Energy \$1,211.42; Verizon Wireless \$40.01;
Professional Fees: AMG Psychiatry \$262.32; AOSNC, LLC \$1,704.59; Avera St. Lukes \$5,693.40; Denise Cody \$15.00; Compass Counseling & Assessment \$130.67; Tammy Erickson \$48.00; Eddie's Northside Phillips 66 \$90.00; Language Line Services Inc \$282.09; Lucy Lewno \$150.45; Lutheran Social Services Inc \$140.00; Michelle Oswald \$1,468.00; SDN Technologies, LLC \$187.50; Sivertsen Technology Inc \$5,550.00; Kristi Spitzer \$449.00; Karen Swanda \$15.00; Uptown Mental Health Center \$850.00; US Bank \$712.66; Patti Woods \$350.00; WPRR Barrel Race \$110.00; Yankton Co Sherri's Office \$50.00; Yankton Co Treasurer \$103.75;
Accounts Payable Year End: US Bank \$4,589.34;
Care of Poor: Dr/Hospital: 1 recipient—Avera St. Lukes \$1,256.75; Medications: 1 recipient—Kmart \$16.00; Rent: 2 recipients--Craig Pfitzer \$260.00, Soltice Holdings LLC \$260.00;
 All members present voting aye. Motion carried.

PERSONNEL:

Moved by Wiese, seconded by Hansen to approve the following employee classification change, effective February 4, 2013: Kerry Dawson from temporary full-time employee at Welfare office to full-time Office Deputy at Welfare office at \$12.69 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to approve the following employee step increases, effective February 3, 2013: Ben Smith @ \$18.60 per hour, Anthony Sorenson @ \$18.60 per hour, Kevin Ernst @ \$14.25. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Fischbach to approve hiring Deputy States Attorney Ryan Vogel @ pro-rated annual salary of \$47,000, effective February 11, 2013. All members present voting aye. Motion carried.

Moved by Kippley, seconded by Hansen to increase pro-rated annual salary of \$40,000 to \$47,000 for Deputy States Attorney Karly Winter, effective February 11, 2013. All members present voting aye. Motion carried.

SD DOT ROAD SWAP:

Jeff Senst and Phil White, SD DOT Representatives proposed transferring approximately 2.75 miles of frontage road adjacent to US 281 S to Brown County in exchange for payment of \$963,000 to cover future maintenance costs. Alternate proposals discussed. No action was taken as a result of the discussion.

BID – BELLY PUP TRAILER:

Moved by Fischbach, seconded by Wiese to authorize advertising public hearing to open, read and consider bids for furnishing and delivery of Belly Pup Trailer for the Highway Department, to be held in the Commissioner's Chambers, Courthouse Annex, Brown County, SD on February 26, 2013 at 8:45 a.m. All members present voting aye. Motion carried.

STRIPING AGREEMENT:

Moved by Fischbach, seconded by Wiese to approve and authorize the Chairman to sign agreement with the SD DOT for the striping of 75 miles of county roads within Brown County. All members present voting aye. Motion carried.

EXECUTIVE SESSION:

Moved by Wiese, seconded by Hansen to go into executive session to discuss personnel with Larry Lovrien and Chris White 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 Fischbach, seconded by Hansen to authorize Sheila Enderson, County Treasurer to reactivate contract (cancelled December 26, 2012) for partial payments for taxes (as authorized by SDCL 10-21-7) upon payment of \$4,500.00 by February 28, 2013 and \$300.00 per month until paid in full on the following parcel: Lot 3A Edwards/Stein Subdivision in the SE ¼ 26-T124N-R64W (12866 Cattail Drive). All members present voting aye. Motion carried.

LEASE AGREEMENT:

Moved by Hansen, seconded by Kippley to approve and authorize Chairman sign agreement with Jessica Mitchell for lease of the Richmond Lake Youth Camp September 20-22, 2013. All members present voting aye. Motion carried.

INVENTORY TRANSFER:

Moved by Wiese, seconded by Fischbach to approve transferring a 1998 Chevy Ventura Decal #701 from Fairgrounds to Fair Board. All members present voting aye. Motion carried.

ABATEMENTS:

Moved by Wiese, seconded by Hansen to approve the following Abatements: Kevin Braun @ \$160.16 (SW assessment error); Terry Doerr @ \$1,915.31 (assessment error); Robert Wuertz @ \$2,106.88 (assessment error). All members present voting aye. Motion carried.

EXECUTIVE SESSION:

Moved by Hansen, seconded by Kippley to go into executive session to discuss personnel with Larry Lovrien and Chris White 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 Hansen, seconded by Fischbach to go into executive session to discuss personnel and litigation with Lisa Marso and Lynn Bren via teleconference. Larry Lovrien and Chris White were 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 5, 2013.

Julia Grenz, Brown County Deputy Auditor

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

FEBRUARY 5, 2013 – 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, Kippely, Fischbach and Wiese. Chairman Sutton led the Pledge of Allegiance.

MINUTES:

Moved by Hansen, seconded by Weise to approve the General Meeting minutes of January 29, 2013 and the Joint City/County Meeting minutes of January 28, 2013. All members present voting aye. Motion carried.

CLAIMS:

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

Supplies: 446-Praxair \$149.00; A & B Business \$49.08; Bakken Building Maint. \$500.00; Butler Machinery \$79.12; Crawford Trucks & Equipment \$6821.50; Dakota Mailing \$264.64; DSS Image Apparel \$66.95; Gall's \$158.76; Sue Gates \$45.27; GovConnection \$78.49; Grafix Shoppe \$778.77; Graham Tire \$50.00; Great Western Tire \$24,295.00; Hanlon Brothers \$348,000.00; Heartland Paper \$223.94; Hecla Implement \$12.05; Howe's Oil \$25,543.98; Kone \$6410.00; Lar-Jo's \$4089.80; Marco \$178.20; McFarland Supply \$820.15; Menards \$173.01; Midstates Printing \$273.78; Midwest Alarm \$124.00; Myer's Tire \$129.14; Nelson Sales & Service \$894.20; Newman Traffic Signs \$822.99; PowerPlan \$832.55; Running's \$39.99; SD Planner's Assoc. \$55.00; SD Secretary of State \$7.00; Titan Access Account \$95.98; West Payment Center \$325.08; Zastrow's Sales & Service \$99.00.

Repairs & Maintenance: Crawford Trucks & Equipment \$2089.94; Farm Power Mfg. \$111.75; Myer's Tire \$27.51; Titan Access Account \$245.88; Zastrow's Sales & Service \$40.00.

Publishing: Aberdeen American News \$240.13; Groton Independent \$626.89.

Travel & Conference: ATSSA \$240.00; Tina Boldt \$3.85; IAFE \$500.00; Ramada Hotel \$158.00.

Utilities: AT & T Mobility \$2236.84; BDM Rural Water \$30.00; Menards \$11.97; Midcontinent Communications \$54.23; NVC \$428.22; NorthWestern Energy \$8787.62; Verizon Wireless \$78.62; Web Water \$63.19.

Professional Fees: Norma Anderson \$22.50; Avera St. Luke's \$6102.18; Clark Engineering \$80,550.00; GovConnection \$5722.42; Leggette, Brashears & Graham \$5424.10; Lucy Lewno \$172.95; Cathy Rehfuß \$22.50; Sanford Clinic \$114.61; Sanford Health \$1582.61; Shreve's Law Office \$218.84; Spot Freight \$1585.00; UND Forensics \$2000.00; Yankton County Sheriff \$25.00.

Care of Poor: Rent: 4 recipients – County Village Park \$300.00; Danne \$250.00; Pat Preston \$260.00; Soltice Holdings \$260.00.

Dr/Hospital: 1 recipient – Avera St. Luke's \$1499.39. Burials: 1 recipient – Aberdeen City Treasurer \$500.00; Spitzer Miller Funeral Home \$1845.00. Transportation: 2 recipients – Jefferson Lines \$160.00.

PERSONNEL:

Moved by Hansen, seconded by Fischbach to approve employee status change for Nicholas Juenger from Labor Grade 3 to Labor Grade 5 (Highway Department), effective February 4, 2013, at a wage of \$14.38 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to approve hiring Cory Erhardt, Mike Fogel, and Grace Norton as full-time Dispatchers (Communications Department), effective February 18, 2013 at \$13.89 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Kippely to acknowledge resignation of Kyle Crawford (Sheriff Department), effective February 11, 2013. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Wiese to approve employee status change for Linn Kamin from Correctional Officer to Deputy Sheriff (Sheriff Department), effective February 11, 2013, at a wage of \$17.05 per hour. All members present voting aye. Motion carried.

ORDINANCE 13-02-01/415:

Moved by Wiese, seconded by Fischbach to set joint public hearing before the Aberdeen City Council and Brown County Commission to consider Ordinance #13-02-01/415, 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, Weiszhaar Second Subdivision in the SE ¼ of Section 34, T124N, R64W of the 5th P.M., Brown County, SD, to be held on February 25, 2013 at 5:30 p.m. in the Aberdeen City Council Chambers, 123 S Lincoln Street, Aberdeen, SD. All members present voting aye. Motion carried.

LOTTERY APPLICATION:

Moved by Fischbach, seconded by Wiese to approve application, submitted by Richmond Lake Fireworks for raffle to be held on April 20, 2013. All members present voting aye. Motion carried.

LEASE AGREEMENTS:

Moved by Wiese, seconded by Hansen to approve and authorize Chairman sign agreement with Aberdeen Home Builders Association for lease of the Holum Expo Building March 9-10, 2013. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Fischbach to approve and authorize Chairman sign agreement with Mosbrucker Rodeo Inc. for lease of the Holum Expo Building April 19-21, 2013. All members present voting aye. Motion carried.

JACKSON HEIGHTS APARTMENTS:

Mike Scott, Landfill Manager, discussed extending the agreement to waive construction scrap fees at the Landfill for the Aberdeen Housing Authority Jackson Heights Apartments housing project. Board concurred that agreement to waive fees from previous year carries over to current year.

BIDS – HIGHWAY SUPPLIES/EQUIPMENT:

Moved by Fischbach, seconded by Wiese to authorize advertising public hearing to open, read and consider bids for the following items: Hot Mix on February 26, 2013 at 9:00 a.m., Gravel Material on February 26, 2013 at 9:10 a.m., and Rental Equipment on March 5, 2013 at 9:00 a.m. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. All members present voting aye. Motion carried.

HIGHWAY AGREEMENTS:

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman sign agreement with Clark Engineering for reconstruction of Brown County 19 from the intersection of 8th Ave NE north for one mile in amount not to exceed \$118,500. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman sign agreement with Clark Engineering for concrete paving of Brown County 14W from west edge of Brown County 10 intersection east to proposed east entrance of Northern Beef Packers plant in amount not to exceed \$100,500. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Hansen to approve and authorize the Chairman sign agreement with Clark Engineering for a grade raise of Brown County 2 (377th Ave) for 1/2 mile in amount not to exceed \$32,500. All members present voting aye. Motion carried.

Moved by Kippley, seconded by Hansen to approve and authorize the Chairman sign agreement with Clark Engineering for shoulder widening and surfacing of Brown County 9 for approximately 2/3 mile between 409th Ave and 410th Ave in amount not to exceed \$27,636.37. All members present voting aye. Motion carried.

LANDFILL:

Mike Scott, Landfill Manager presented a review of Landfill revenue, loads, purchases, and projects of 2012. Closure of Unit 1 waste location, surplus equipment, upcoming cell construction, and equipment purchases also discussed.

LANDFILL SPRING RESIDENTIAL CLEANUP:

Moved by Hansen, seconded by Kippley 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 26 thru May 11, 2013. Tires are limited to car/pickup tires only with a maximum of 10 tires per customer for event period. Fees will apply to commercially generated tires and other tire sizes. No free waste will be accepted from commercial contractors or businesses (including mobile homes). In the event circumstances beyond the control of Brown County (flood, tornado, fire, other) would occur during the FREE Cleanup period the Brown County Commission would reserve the right to end the free cleanup period at such time and implement the regular fee structure. All members present voting aye. Motion carried.

LANDFILL AGREEMENTS:

Moved by Fischbach, seconded by Wiese to approve and authorize the Chairman to sign agreement with Leggette, Brashears and Graham, Inc. for completion of six primary tasks in 2013: 1) East Subtitle D area monitoring, 2) West Subtitle D area monitoring, 3) Closed Landfill monitoring, 4) Leachate monitoring, 5) storm water monitoring, 6) general environmental/hydrogeologic consulting at the Brown County Landfill at estimated cost of \$65,490.00. All members present voting aye. Motion carried.

SD DOT ROAD DONATION:

Moved by Wiese, seconded by Fischbach to approve and authorize the Chairman sign agreement with SD DOT to transfer approximately 2.75 miles of frontage road adjacent to US 281 S to Brown County in exchange for payment of \$1,091,000 to cover removal of bridge and future maintenance costs of road. All members present voting aye. Motion carried.

EXECUTIVE SESSION:

Moved by Hansen, seconded by Wiese to go into executive session to discuss contracts with Larry Lovrien 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 approve and authorize the Chairman sign real estate purchase agreement for the following described properties at a cost of \$100,000 closing on or before April 1, 2013: The South 21.7 feet of Railroad Outlot 2, in the SW ¼ of Section 13, T123N, R64W of the 5th P.M. Brown County, SD and Railroad Outlot 3 in the SW ¼ of Section 13, T123N, R64W of the 5th P.M., Brown County, SD. All members present voting aye. Motion carried.

RECESS:

The Chairman declared the Commission recessed until February 12, 2013.

FEBRUARY 12, 2013 – 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 Kippely, Fischbach and Wiese. Commissioner Hansen was absent. Chairman Sutton led the Pledge of Allegiance.

MINUTES:

Moved by Wiese, seconded by Kippely to approve the General Meeting minutes of February 5, 2013. All members present voting aye. Motion carried.

CLAIMS:

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

Payroll: Commissioners \$3,359.55; Auditor \$8,505.29; Treasurer \$11,664.26; Data Processing \$2,544.44; State's Attorney \$13,750.47; Blood Draws \$550.00; SVAWA Grant \$1,269.24; Maintenance \$6,158.06; Assessor \$11,925.89; Register of Deeds \$7,312.43; Veterans Service Office \$3,473.53; GIS \$2,045.33; Sheriff Adm \$30,211.12; Jail \$31,987.67; Coroner \$0; JDC \$14,843.50; HD \$4,099.64; Welfare Office \$3,515.00; Museum \$6,726.62; Parks & Fairgrounds \$3,987.20; Fair \$2,584.79; 4-H \$879.67; Weed \$466.96; Planning and Zoning \$2,104.22; Highway \$39,323.14; Communications \$19,301.65; Emergency Management \$3,033.11; Teen Court \$0; 24/7 Sobriety \$2,535.53; Landfill \$10,809.50; Matching Benefits: FICA \$14,556.34, Medicare \$3,404.34

Supplies: A & B Business \$636.61; Aberdeen Plumbing & Heating \$111.94; Active Data Systems \$354.76; Ameripride Services \$256.46; Call One \$703.92; Cartney Bearing \$8.54; Cash-Wa \$5,061.69; Cole Papers \$1,634.61; Dakota Oil \$3,107.44; Danko \$3,651.76; Diesel Machinery \$3,006.56; EarthGrains \$348.43; EcoLab Pest Elimination \$127.00; Fastenal Co. \$337.53; Full Circle Ag \$2,089.42; GovConnection \$710.30; Hedahl's \$86.70; Holland Auto Care \$98.62; House of Glass \$88.34; Howes Oil Co. \$17,263.50; Hub City Radio \$300.00; J. Gross Equipment \$172.20; Ken's Alignment \$92.56; Kone Inc. \$123.22; Leidholt Electric \$63.61; Marco \$250.20; Mardian Scrap Recycling \$73.50; Matheson Tri-Gas \$28.44; McLeod's \$138.67; Midstates Printing \$54.73; North Central Farmer's Elevator \$7,890.81; North Star Energy \$21.00; Pheasantland Industries \$91.11; Safety Service \$1709.82; Sewing Shoppe \$115.00; Sheehan Mack Sales \$634.90; Sioux City Foundry \$2,713.60; Sivertsen Technology \$424.00; Specialty Mfg. \$35.29; Taylor Laundry \$125.50; Town & Country Building \$987.48; US Postmaster \$130.00; Wallwork Truck Center \$8.90.

Repairs & Maintenance: Brown County Treasurer \$11.00; Dakota Electronics \$3,368.10; Diesel Machinery \$61.00; Marco \$5.03; Mardian Scrap Recycling \$6.00; Midwest Pump & Tank \$53.43; Pierson-Ford \$509.55; PowerPlan \$606.88; Safety Service \$1179.49; Sewer Duck \$220.00; Sheehan Mack Sales \$326.78.

Publishing: Aberdeen American News \$866.77; Civil Air Patrol \$200.00.

Transcriptions: Shepherd Reporting \$96.25.

Travel & Conference: Leo Leshner \$146.64; Gene Loeschke \$126.90; SD Assoc. of County Hwy. Superintendent \$80.00.

Utilities: Aberdeen City Treasurer \$848.37; Economy Propane \$2,562.63; Town of Frederick \$39.96; City of Hecla \$207.10; Northern Electric \$73.40; NVC \$698.80; Northern Wireless \$149.90; NW Energy \$1,823.28; NW Public Service \$320.00.

Professional Fees: Avera St. Luke's \$120.00; Crime Reports \$2,388.00; Tammy Erickson \$50.00; Glacial Lakes & Prairie Tourism \$750.00; Lien Transportation \$972.50; Lincoln County Treasurer \$18.00; Matheson Tri-Gas \$83,348.39; Virginia Mitchell \$50.00; Police Legal Sciences \$1,920.00; Nancy Schlichenmayer \$60.00; SD Assoc. of County Officials \$1,404.00; SD Dept. of Revenue \$518,462.44; SD Public Assurance Alliance \$1,062.00; Sivertsen Technology \$5,100.00; Worthmore Addiction Services \$20,000.00; Yankton County Sheriff Office \$25.00.

Care of Poor: Rent: 4 recipients – E & T Freedom Properties \$520.00; GPHC \$260.00; Rockford Apartments \$260.00. All members present voting aye. Motion carried.

PERSONNEL:

Moved by Wiese, seconded by Fischbach to approve the following employee step increases, effective February 17, 2013: Mary Browning @ \$17.70/hr, Brian Koens @ \$20.24/hr, Randy Kutter @ \$16.44/hr, Wes Graf @ \$17.36/hr, Brad Nehlich @ \$14.91/hr, and Bryan Owens @ \$14.91/hr. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Fischbach to approve hiring Jennifer White as a full time Correctional Officer (Sheriff Department), effective February 12, 2013 at \$13.60 per hour. All members present voting aye. Motion carried.

BID - WEED CHEMICALS:

Moved by Fischbach, seconded by Kippely 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 5, 2013 at 8:50 a.m. All members present voting aye. Motion carried.

BID - HAY CUTTING:

Moved by Kippely, seconded by Wiese to authorize advertising public hearing to open, read and consider bids for hay cutting on County land, approximately 21 acres at Richmond Youth Camp (Sec 24-T124N-R65W), to be held in the Commissioner's Chambers, Courthouse Annex, Brown County, SD on March 5, 2013 at 8:45 a.m. All members present voting aye. Motion carried.

SURPLUS CASH REPORT:

Moved by Wiese, seconded by Kippely to approve the following General Fund Surplus Analysis Report: December 2012 @ \$2,389,805.96 (15.99%). All members present voting aye. Motion carried.

LEASE AGREEMENTS:

Moved by Fischbach, seconded by Kippely to approve the following lease agreements: Relay for Life for lease of Holum Expo Building May 31, 2013; Child Evangelism Fellowship of the Great Plains for lease of Richmond Lake Youth Camp July 21-26, 2013; Jark/Worlie Auction Service for lease of parking lot south of Grandstand March 1-2, 2013. All members present voting aye. Motion carried.

LOTTERY APPLICATION:

Moved by Kippely, seconded by Wiese to approve application, submitted by Stratford Community Theatre for a raffle to be held on February 22-24, March 1-3, 12 and 15-17, 2013. All members present voting aye. Motion carried.

AUDITORS REPORT OF ACCOUNT:

Moved by Fischbach, seconded by Wiese to approve the January 2013 Auditor's Report of Account with the County Treasurer in total amount of \$14,461,466.83 (total amount of actual cash @ \$3,368.13, Wells Fargo Bank @ \$3,621.29, US Bank @ \$22,232.71, Dacotah Bank @ \$501,815.68, Petty Cash @ \$2,000.00, Fund Investments @ \$13,927,997.15, Outstanding checks \$431.87). All members present voting aye. Motion carried.

HLS PROPERTY TRANSFERS:

Moved by Fischbach, seconded by Kippely to approve and authorize the Chairman to sign equipment transfer document accepting ownership of any projects funded under the 2011 grant, administered by Beadle County. Subsequent transfer documents have been completed between Brown County and sub-recipient entities. All members present voting aye. Motion carried.

PERMIT TO LAND AIRCRAFT DENIED:

Moved by Wiese, seconded by Fischbach to deny request, submitted by Wade Schulte (Wilbur Ellis) to operate, take off, or land an aircraft on any county road in Brown County. All members present voting aye. Motion carried.

HOUSE BILL 1249:

Moved by Kippley, seconded by Fischbach to approve and authorize the Chairman sign a Letter of Support for House Bill 1249. All members present voting aye, motion carried.

BID AWARD – TIRES:

Moved by Fischbach, seconded by Wiese to award tire bid from State Bid Contract #16277 to Goodyear Tire and Rubber Company (Great Western Tire) for the Highway Department, effective April 1, 2012, expires March 31, 2015; rejecting Michelin Tire Company Contract #16278 and Bridgestone Americas Tire Operations Contract #16276. All members present voting aye. Motion carried.

BID AWARD – MOTOR OIL AND GREASE:

Moved by Wiese, seconded by Fischbach to award the following bid for the Highway Department: State of South Dakota Contract #16405 with Dakota Oil for furnishing and delivery of Motor Oil and Grease, effective October 1, 2012 through September 30, 2013. All members present voting aye. Motion carried

BID AWARD - CULVERTS:

Moved by Wiese, seconded by Kippley to award low bid, submitted by TrueNorth Steel Company, Huron for furnishing and delivery of metal culverts and bridge material, as bid by Beadle County on January 7, 2013; rejecting bid submitted by Central Culvert Supply, Pierre. All members present voting aye. Motion carried.

RECESS:

The Chairman declared the Commission recessed until February 19, 2013.

Julia Grenz, Brown County Deputy Auditor

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

FEBRUARY 19, 2013 – 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, Kippley, Fischbach and Wiese. Chairman Sutton led the Pledge of Allegiance.

MINUTES:

Moved by Fischbach, seconded by Wiese to approve the General Meeting minutes of February 12, 2013. All members present voting aye. Motion carried.

CLAIMS:

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

Supplies: A & B Business \$17.36; Best Business Products \$176.80; CarQuest \$1545.12; Danko \$3229.29; Farm Power Mfg. \$144.10; GCR Tire Center \$2575.34; GovConnection \$388.91; Heartland Paper \$813.77; Intoximeters \$2000.00; Kessler's \$158.70; KONE \$6869.19; Lawson Products \$29.83; McLeod's Printing \$157.35; North Central Farmer's Elevator \$6187.60; Share Corp \$120.00; Tri-State Water \$60.80.

Repairs & Maintenance: Br. Co. Treasurer \$4.00; Carahsoft Technology \$478.79; CarQuest \$78.68; Farm Power Mfg. \$7.00; G & K Services \$219.00; GCR Tire Center \$981.34; GIS Workshop \$950.00; Hoven Auto Repair \$50.89; Lawson Products \$11.99; Lien Transportation \$1827.50; Marco \$54.97.

Publishing: Aberdeen American News \$362.14; Groton Independent \$209.08.

Travel & Conference: Crossroads Hotel \$50.00; Jan Weismantel \$45.00.

Utilities: Aberdeen City Treasurer \$300.03; CenturyLink \$1431.23; Dependable Sanitation \$20,430.96; Executive Mgmt. Finance \$258.40; James Valley Telecommunications \$218.70; Northern Electric \$2764.68; NVC \$295.30; Northern Wireless Communication \$44.23; NW Energy \$7402.49; Verizon Wireless \$1.40.

Professional Fees: AMG Psychiatry \$1275.02; Avera St. Luke's \$12,419.18; Br. Co. Treasurer \$10.00; Certified Language International \$26.40; Denise Cody \$37.50; DT Pharmacy \$868.33; Foster Grandparent Program \$1000.00; William Gerdes \$221.40; GovConnection \$5318.56; Language Line Services \$372.19; Lewis & Clark BHS \$298.00; Lucy Lewno \$217.96; Lexis/Nexis Risk Data Mgmt. \$53.00; Midwest Alarm \$204.00; NE Mental Health Center \$572.00; Pollard & Larson, LLP \$237.00; SD Dept. of Transportation \$46.56; Karen Swanda \$37.50; West Payment Center \$130.40; Yankton Co. Sheriff \$25.00.

Machinery & Equipment: RDO Equipment \$595,000.00.

Care of Poor: Rent: 2 recipients – Golden West \$130.00; Zumbaum Property \$260.00. Utilities: 1 recipient – Aberdeen City Treasurer \$131.97; NW Public Service \$134.11. Medications: 2 recipients – Kessler's \$155.99. All members present voting aye. Motion carried.

PERSONNEL:

Moved by Fischbach, seconded by Wiese to approve hiring Britney Lout as a part time JDC Correctional Officer, effective March 1, 2013 at \$11.37 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Kippley to acknowledge the following miles driven and amount to be taxed for personal use of County vehicles during the month of January 2013: Marcus Selzler—105 @ \$59.33, Mark Wendt—432 @ \$244.08, Kendell Titze—108 @ \$61.02, Jan Weismantel—96 @ \$54.24, Mike Scott—200 @ \$113.00, Gary Vetter—146 @ \$82.49. All members present voting aye. Motion carried.

PARTIAL PAYMENTS:

Moved by Fischbach, seconded by Hansen to authorize Sheila Enderson, County Treasurer to accept partial payments for taxes (as authorized by SDCL 10-21-7) in amount of \$350.00 per month on the

following property, effective March 31, 2013: Lt 5 Bk 5 Garden Park Addition to the City of Aberdeen, Brown County SD (710 9th St S). All members present voting aye. Motion carried.

SHERIFF REPORT:

Moved by Kippley, seconded by Hansen to approve the following January 2013 Sheriff Reports: Incidents and offenses, Prisoner care, JDC, and Money deposited with the County Treasurer. Monthly activities report was missing. Roll Call vote: Commissioners Hansen-aye, Kippley-aye, Fischbach-nay, Wiese-aye, Sutton-aye. Motion carried.

SHERIFF FEES WAIVED:

Moved by Wiese, seconded by Kippley to waive the following fees billed by the Sheriff Department in 2012: #13-01 @ \$171.80, #13-02 @ \$42.95, #13-03 @ \$42.95, and #13-04 @ \$1085.00. All members present voting aye. Motion carried.

LEASE AGREEMENTS:

Moved by Hansen, seconded by Wiese to approve and authorize Chairman sign agreement with SD Farmer's Union for lease of Richmond Lake Youth Camp July 7-10, 2013. All members present voting aye. Motion carried.

LOTTERY APPLICATION:

Moved by Wiese, seconded by Fischbach to approve application, submitted by Kids R Us, for a raffle to be held on May 5, 2013. All members present voting aye. Motion carried.

FAIR CONTRACT:

Moved by Wiese, seconded by Kippley to approve and authorize Chairman sign contract with Romeo Entertainment Group to act as Entertainment Director for the 2013 Brown County Fair, with options to renew, in amount of \$13,500.00 per year plus expenses. All members present voting aye. Motion carried.

ABATEMENT:

Moved by Wiese, seconded by Kippley to approve and authorize the Chairman sign the following abatement: Aberdeen City @ \$42,725 (Aberdeen Public Works); further, approved to waive interest and penalties on the special assessment abated in amount of \$19,518.77. All members present voting aye. Motion carried.

STATE'S ATTORNEY:

Larry Lovrien, State's Attorney gave an update on status of impounded horses, discussed options for recovery of emergency rescue costs, and proposed creating a Special Investigator position as member of the State's Attorney's staff. Moved by Wiese to authorize advertising for Special Investigator position. Motion died for lack of second.

EXECUTIVE SESSION:

Moved by Wiese, seconded by Hansen to go into executive session to discuss personnel with Amy Scott and Larry Lovrien 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 Hansen, seconded by Wiese to appoint Tom Carlsen to serve a three year term on the Brown County Fair Board. All members present voting aye. Motion carried.

HIGHWAY:

Jan Weismantel discussed sharing cost of travel to conference with Marshall County Highway Department. Board concurred.

EXECUTIVE SESSION:

Moved by Hansen, seconded by Fischbach to go into executive session to discuss personnel with Larry Lovrien 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 26, 2013.

Julia Grenz, Brown County Deputy Auditor

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

February 25, 2013 - JOINT ABERDEEN CITY/BROWN 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, Remily, Slaughter-Hansen, Swanson and Mayor Levsen. Council Members Mitchell and Rux were absent. Present from County were Commissioners Fischbach, Wiese, and Sutton. Commissioners Hansen and Kippley were absent.

ORDINANCE #13-02-01/415:

On motion by Bunsness and seconded by Swanson, the City unanimously voted to approve First Reading of Ordinance #13-02-01/415.

Moved by Wiese, seconded by Fischbach to approve First Reading of Ordinance #13-02-01/415, 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, Weiszhaar Second Subdivision in the SE ¼ of Sec 34, T124N, R64W of the 5th P.M., Brown County, SD (2326 130th St NW). All members present voting aye. Motion carried.

PLAT:

Commissioner Fischbach offered the following Resolution with the stipulation requiring the owners and/or their assigns to annex Lot 1 into Aberdeen City no later than when the property immediately north of Lot 1 is annexed into the City:

RESOLUTION #5-13

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Seventh Addition to Ashwood Heights Subdivision City of Aberdeen, in the SW ¼ of Sec 8-T123N-R63 W of the 5th P.M., Brown County, SD" having been examined is hereby approved in accordance with the provisions of Chapter 11-3, and any amendments thereof.

Seconded by Commissioner Wiese. Roll call vote: Commissioners Fischbach-aye, Hansen-absent, Kippley-absent, 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.

Julia Grenz, Brown County Deputy Auditor

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

FEBRUARY 26, 2013 – 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, Kippley, Fischbach and Wiese. Chairman Sutton led the Pledge of Allegiance.

MINUTES:

Moved by Hansen, seconded by Wiese to approve the General Meeting minutes of February 19, 2013. All members present voting aye. Motion carried.

CLAIMS:

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

Payroll: Commission \$3,359.55; Auditor \$8,420.28; Treasurer \$11,664.26; Data Processing \$2,520.80; State's Attorney \$14,788.91; SVAWA Grant \$1,269.24; Blood Draws \$200.00; Maintenance \$6,039.49; Assessor \$11,925.90; Register of Deeds \$7,312.42; Veterans Service Office \$3,473.52; GIS \$2,045.33; Sheriff Admin \$3,348.74; Jail \$33,466.82; Coroner \$0; JDC \$13,871.44; HD \$4,328.86; Welfare Office \$3,432.14; Museum \$6,726.62; Parks & Fairgrounds \$3,987.20; Fair Board \$2,633.28; 4-H \$1,020.69; Weed \$0; Planning and Zoning \$2,091.29; Highway \$44,083.23; Communications \$18,374.20; Emergency Management \$3,033.11; Teen Court \$385.47; 24/7 \$2,424.65; Landfill \$9,973.67

Matching Benefits: FICA \$15,032.72; Medicare \$3,515.73; Life \$573.84; Dental \$5,938.50; Health Insurance \$89,354.01; Retirement \$30,582.89

Supplies: A & B Business \$56.48; Ad Dept. \$63.00; Br. Co. Treasurer \$26.32; Center for Education \$254.95; CMRS-FP \$5000.00; Dakota Supply Group \$135.56; DSS Image Apparel \$604.20; GovConnection \$5466.33; Heartland Paper \$194.73; Howes Oil Co. \$27,967.20; Kone \$6410.00; Marco \$137.00; MedTox Diagnostics \$502.50; Midstates Printing \$112.70; North Central Farmer's Elevator \$631.21; Northern Safety \$284.45; Pantorium \$20.23; Pizza Ranch \$84.95; Sanford Health \$55.00; Sivertsen Technology \$814.98; TrueNorth Steel \$5040.00; UltraMax \$318.00; US Bank \$16,998.58.

Repairs & Maintenance: Butler Machinery \$4681.16; Jason's Electric \$131.41; Northern Safety \$65.61; Overhead Door \$720.06; SD Federal Property Agency \$292.25; Service Signs & Sales \$382.65; US Bank \$2076.46.

Publishing: Rapid City Journal \$24.08.

Transcriptions: Tammy Erickson \$45.50.

Travel & Conference: City of Groton \$49.21; Kathy Fischer \$117.03; Teresa Gauer \$105.82; IAFE \$600.00; Russell Metz \$146.17; SD Assoc. of Assessing Officer \$100.00; US Bank \$431.78.

Utilities: CenturyLink \$2485.18; Midwest Alarm \$51.50; Montana Dakota Utilities \$31.79; NW Energy \$1100.82.

Professional Fees: Norma Anderson \$15.00; Avera Queen of Peace \$259.60; Cass County Sheriff's Dept. \$28.50; Clay County Sheriff \$42.17; Christopher Dohrer \$5770.83; Tammy Erickson \$75.00; Foote Creek Stables \$11,324.22; GeniusWeb.com \$99.00; Kristina Blackbird \$20.00; Kuck Law Office \$5520.83; Lucy Lewno \$150.46; Matheson Tri-Gas \$4484.21; Gina Rogers \$5520.83; Safe Harbor \$666.00; Christy Serr \$5770.83; Sivertsen Technology \$6300.00; Karen Swanda \$15.00; Tim's Veterinary Service \$1319.35.

Machinery & Equipment > \$5000: SD Federal Property Agency \$12,500.00.

Care of Poor: Utilities: 1 recipient – NW Public Service \$367.45. Transportation: 1 recipient – Jefferson Lines \$78.52. All members present voting aye. Motion carried.

PERSONNEL:

Moved by Hansen, seconded by Wiese to approve the following employee step increases, effective March 3, 2013: Cindy Mitchell @ \$16.93/hr, JoAnn Sheffield @ \$14.15/hr, and Julia Grenz @ \$12.93/hr. All members present voting aye. Motion carried.

Moved by Kippley, seconded by Wiese to acknowledge resignation of Chad Locken (Deputy State's Attorney), effective March 15, 2013. All members present voting aye. Motion carried.

Motion by Hansen, seconded by Wiese to appoint Chad Locken as Limited Deputy Brown County State's Attorney, without compensation, for prosecution of conflict cases, effective March 15, 2013. All members present voting aye. Motion carried.

PLATS:

Commissioner Fischbach offered the following Resolution:

Resolution #6-13.

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing "Weiszhaar Second Subdivision in the SE ¼ of Sec 34-T124N-R64W of the 5th 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 Wiese. Roll call vote: Commissioners Fischbach-aye, Hansen-aye, Kippley-aye, Wiese-aye, Sutton-aye. Resolution adopted.

Commissioner Fischbach offered the following Resolution:

Resolution #7-13.

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing "Lee Subdivision in the W ½ of the SW ¼ Sec 20-T122N-R63W of 5th 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 Wiese. Roll call vote: Commissioners Fischbach-aye, Hansen-aye, Kippley-aye, Wiese-aye, Sutton-aye. Resolution adopted.

VACATE PLAT – SET HEARING:

Moved by Hansen, seconded by Wiese to set hearing date to consider petition submitted by Aaron Bunke to vacate the following Plat: Krause Outlot 1 in the NW ¼ of Sec 12-T121N-R65W of the 5th 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 March 19, 2013. All members present voting aye. Motion carried.

BID OPEN/AWARD – BELLY DUMP PUP:

Time and place, as advertised to open, read and consider bids for furnishing and delivery of one new 4 Axle Bottom Dump Pup Trailer for the Highway Department. Bids were received from Butler Machinery and Titan Machinery. Moved by Wiese, seconded by Hansen to refer all bids to Jan Weismantel, Highway Superintendent for review and recommendation. All members present voting aye. Motion carried.

Moved by Kippley, seconded by Fischbach to award bid, submitted by Titan Machinery in amount of \$61,200 for a 2014 Precision Belly Dump Pup; rejecting bid submitted by Butler Machinery @ \$70,056. 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 Fischbach, seconded by Wiese to award all of the bids, purchasing various quantities based on availability and location: Aberdeen Asphalt – Hot Mix Class D Type II (1/2 inch) in amount of \$64.80 per ton, Hot Mix Class D Type I (3/4 inch) in amount of \$64.80 per ton, Cold Mix Class D Type II (1/2 inch) in amount of \$98.40 per ton, Cold Mix Class D Type I (3/4 inch) in amount of \$98.40 per ton; Lien Transportation – Hot Mix Class D Type II (1/2 inch) @ \$66.85 per ton and Hot Mix Class D Type II (3/4

inch) @ \$66.85 per ton; Serocki Excavating – Hot Mix Class D Type II (1/2 inch) @ \$67.70 per ton and Hot Mix Class D Type II (3/4 inch) @ \$67.70 per ton. 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.

APPLICATION FOR OCCUPANCY:

Moved by Wiese, seconded by Fischbach to approve and authorize the Chairman to sign application: Web Water for occupancy of Brown County Road 16 Sec 29-T127N-R62W, Brown County, SD to provide a potable water line. Roll call vote: Commissioners Hansen-abstain, Fischbach-aye, Kippley-aye, Wiese-aye, Sutton-aye. Motion carried.

BRIDGE INSPECTIONS:

Moved by Fischbach, seconded by Hansen to approve and authorize the Chairman sign Bridge Reinspection Program Resolution, designating Clark Engineering as the SDDOT Retainer to complete inspection work. All members present voting aye. Motion carried.

UNCOLLECTIBLE TAX:

Moved by Fischbach, seconded by Hansen to declare the taxes uncollectable on the following mobile homes: 1965 Rollohome @ \$4.87, 1974 House of Harmony @ \$29.62 and 1958 Guar @ \$4.87, with all three mobile homes being taxed on the real estate where located: Lt 6 and 7 Blk 18 SE ¼ Sec 18-123-61, as recommended by Sheila Enderson, Brown County Treasurer. All members present voting aye. Motion carried.

HWY 281 S ROAD TRANSFER:

Ron Preszler presented petition to not transfer the frontage road adjacent to US 281 S from SDDOT to Brown County. Future road maintenance, snow removal, right of way agreement, and bridge removal were discussed with no action taken as a result of the discussion.

MUSEUM:

Sue Gates, Museum Director, presented the Dacotah Prairie Museum 2012 Annual Report.

SPECIAL INVESTIGATOR:

Board discussed creating the proposed Special Investigator position with decision to delay action until the 2014 budget process begins.

EXECUTIVE SESSION:

Moved by Hansen, seconded by Wiese to go into executive session to discuss personnel with Larry Lovrien 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 March 5, 2013.

Julia Grenz, Brown County Deputy Auditor

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

MARCH 4, 2013 - JOINT ABERDEEN CITY/BROWN 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, Campbell, Remily, Rux, Slaight-Hansen, Swanson and Mayor Levsen. Council Members Bunsness and Mitchell were absent. Present from County were Commissioners Fischbach, Wiese, and Sutton. Commissioners Hansen and Kippley were absent.

ORDINANCE #13-02-01/415:

On motion by Remily and seconded by Rux, the City unanimously voted to adopt Ordinance #13-02-01/415.

Moved by Fischbach, seconded by Wiese to adopt Ordinance #13-02-01/415, 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, Weiszhaar Second Subdivision in the SE ¼ of Sec 34, T124N, R64W of the 5th P.M., Brown County, SD (2326 130th St NW). Roll call vote: Commissioners Fischbach-aye, Wiese-aye, Sutton-aye. Motion carried.

ADJOURNMENT:

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

Julia Grenz, Brown County Deputy Auditor

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

MARCH 5, 2013 – 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, Kippely, Fischbach and Wiese. Chairman Sutton led the Pledge of Allegiance.

MINUTES:

Moved by Wiese, seconded by Fischbach to approve the Joint City/County Meeting minutes of February 25, 2013 and General Meeting minutes of February 26, 2013. All members present voting aye. Motion carried.

CLAIMS:

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

Supplies: A & B Business \$160.09; Aberdeen Clean-All \$285.00; Bakken Build Maint. \$500.00; Danko \$112.95; Dex Media East \$52.00; EcoLab Pest Elimination \$91.00; Gall's \$251.55; GovConnection \$1071.26; Great Western Tire \$220.00; Lar-Jo's \$258.80; Leidholt Electric \$24.12; Mac's \$1243.44; Marco \$512.47; McFarland Supply \$286.49; Nelson Sales & Service \$242.89; North Central Farmer's Elevator \$5412.96; Sherri Rawstern \$284.82; Sander's Sew 'n' Vac \$134.95; SD Secretary of State \$7.00; Share Corp \$172.00; Sivertsen Technology \$175.00; Ryan Vogel \$95.39; Woodman Refrigeration \$102.66;

Repairs & Maintenance: Butler Machinery Co. \$1765.18; Dakota Electronics \$116.00; Danko \$286.74; Double D Body Shop \$1277.33; ESRI \$15,286.99; Farm Power Mfg. \$84.00; Fastenal Co. \$122.42; Leidholt Electric \$657.03; Palmer Distributing \$236.86.

Publishing: Aberdeen American News \$545.39.

Transcriptions: Kristi Brandt \$262.80; Shephard Reporting \$55.00; Sara Zahn \$37.40.

Travel & Conference: Nyle Jenson \$9.00; Rachel Kippely \$213.25; Jerry Lehrkamp \$9.00; NASASP \$39.00; Jack Ness \$9.00; Mike Rohrbach \$9.00; Mike Scott \$9.00; Andrea Sjomeling \$14.19; Courtney Tedder \$931.48; Travel Leaders \$573.80.

Utilities: AT & T Mobility \$2368.31; BDM Rural Water \$30.00; Midcontinent Communications \$427.69; Midwest Alarm \$51.50; Northern Electric \$1200.00; NVC \$212.21; NWPS \$8227.60; Verizon Wireless \$78.62; Web Water \$104.36.

Professional Fees: Brown County Treasurer \$6.00; Compass Counseling & Assessments \$1750.00; Horn Law Office \$344.00; James River \$6019.62; Leggette, Brashears & Graham \$1109.93; Language Line Services \$567.08; Lucy Lewno \$150.46; Midstates Printing \$2107.93; Pollard & Larson \$174.00; Cathy Rehfuß \$15.00; SD Assoc. of County Commission \$14,087.73; SD Junior Point Show \$400.00; Karen Swanda \$15.00; WIN Interactive \$6950.00; Yankton Co. Sheriff \$25.00; Yankton Co. Treasurer \$393.53.

Machinery & Equipment: Pierson-Ford \$52,462.00.

Care of Poor: Utilities: 1 recipient – NWPS \$197.95. Dr./Hospital: 1 recipient – Dakota Plains Surgical Center \$612.82.

Rent: 4 recipients – Rod Eikamp \$280.00; Soltice Holdings \$440.00; Jeff Weismantel \$320.00.

All members present voting aye. Motion carried.

PERSONNEL:

Moved by Kippely, seconded by Hansen to approve hiring Kerry Dawson as full-time Welfare Director, effective March 4, 2013 at prorated annual salary of \$45,000. All members present voting aye. Motion carried.

AUDITORS REPORT OF ACCOUNT:

Moved by Wiese, seconded by Hansen to approve the February 2013 Auditor's Report of Account with the County Treasurer in total amount of \$12,548,844.72 (total amount of actual cash @ \$3,474.89, US Bank @ \$37,841.44, Dacotah Bank @ \$265,020.02, Petty Cash @ \$2,000.00, Fund Investments @ \$12,240,183.26, Outstanding checks \$325.11). All members present voting aye. Motion carried.

LEASE AGREEMENT:

Moved by Fischbach, seconded by Wiese to approve and authorize Chairman sign agreement with Liebelts RV for lease of Holum Expo Building March 12-24, 2013. All members present voting aye. Motion carried

BID – HAY CUTTING:

Time and place, as advertised to open, read and consider sealed proposals for hay cutting on County land. Moved by Fischbach, seconded by Kippley to award proposal for hay cutting on County land - approximately 21 acres at Richmond Lake Youth Camp (Sec 24-T124N-R65W), submitted by Leslie Frohling in amount of \$32 per acre. 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 2013. Bids were received from Performance Ag, Alligare LLC, Hefty Seed Company, VanDiest Supply Company, and State bid. Moved by Hansen, seconded by Wiese to refer bids to Brown County Weed and Pest Supervisor Mike Rohrbach for tabulation and recommendation. 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 2013. Bids were received from Aberdeen Asphalt; Kevin Bourdon Trucking; Herb Dabbert Trucking; Hanlon Brothers; Hollaway Construction; Howell Trucking; HF Jacobs & Son Construction; B&B Contracting; Lien Transportation; Fred Ludwig Trucking; Odland Construction & Gravel; Jerde-Hjermstad LLC; Lynn & Laura Hanson; Asphalt Recycling Solutions; Kreich Construction; Winburn Trucking; Dahme Construction, Schmidt Construction; Johnson Gravel; Krueger Brothers; and Webster Scale.

Moved by Wiese, seconded by Fischbach 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.

LANDFILL DUMPSTER SITE PENALTIES:

Commissioner Hansen offered the following resolution:

RESOLUTION #8-13

**RESOLUTION REGARDING PENALTIES FOR VIOLATION OF THE
SOLID WASTE MANAGEMENT ORDINANCE**

WHEREAS, the County is charged with the duties of providing a solid waste management program to protect the health and safety of its residents; and

WHEREAS, the County provides solid waste collection sites free of direct charge within the county for the convenience of its residents to assist residents and to reduce the costs of transportation of solid waste to the County's Sanitary Landfill; and

WHEREAS, the County posts rules and regulations for the use of solid waste collection sites; and

WHEREAS, these solid waste collection sites are specifically under the control of the County and are at the following locations in Brown County: Brown County Fairgrounds, Firestation, (South 5th St,

Aberdeen), Warner, Mansfield, Stratford, Ferney, Verdon, Groton, Bath, Columbia, Putney, Claremont, Hecla, Houghton, Elm Lake, Frederick, Barnard, Westport; and

WHEREAS, the County incurs additional costs as the result of the improper use of such solid waste collection sites; and

WHEREAS, it is a financial imposition on all county residents to pay for the additional costs imposed by the conduct of individuals who do not follow the properly posted rules and regulations of said solid waste collection sites;

BE IT THEREFORE RESOLVED:

The County Board of Commissioners authorizes the enforcement of the rules and regulations posted at solid waste collection sites through the use of administrative assessment and/or criminal violations.

Assessment Fee: An Assessment Fee of \$100 shall be imposed each time an offending vehicle comes to a solid waste collection site and someone associated with that vehicle, while at that site, violates one or more of the rules and regulations posted at the site. The maximum assessment for cumulative violations on the same day will be \$500.

Definition of Offending Vehicle: An offending vehicle is one which either:

1. Was used to transport, to or from a solid waste collection site, any person who violated the posted rules and regulations while at that site, or
2. Was used to transport to the site any waste materials which were left at the site in violation of the rules and regulations posted at the site, or
3. Was present at the site when any infraction or violation of the posted rules and regulations was committed by individuals associated with the vehicle.

Liability: The registered owner or lessee of an offending vehicle is liable for the payment of the Assessment Fee established herein.

Notice of Assessment: A Notice of Assessment will be delivered to the registered owner or lessee of an offending vehicle in one of two ways:

1. By certified letter sent by the State's Attorney's Office to this person's last known address, return receipt requested, or
2. By actual service of the Notice of Assessment on this person by the Brown County Sheriff.

Consequences of Non-Payment: If an Assessment Fee is not paid within 10 days of delivery of the Notice of Assessment, the State's Attorney may bring criminal charges, for violation of County Ordinance Chapter 3, against:

1. The registered owner or lessee of the offending vehicle involved in a particular incident, and/or
2. Any other individual who violated one or more of the posted rules and regulations at the site as part of that same incident.

Where Assessments Paid: All assessments will be paid at the Brown County Treasurer's Office. If the deadline for payment of an assessment falls on a Saturday, Sunday or county holiday, the deadline for payment is extended to the next business day the Treasurer's Office is open.

Civil Actions Permitted: This resolution does not prohibit the prosecution of a civil action by the County for actual damages suffered by the County for acts committed by an individual in violation of any Federal, State, or local government laws, ordinances or resolutions.

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

LOAD LIMIT RESOLUTION:

Commissioner Wiese offered the following Resolution:

RESOLUTION #9-13

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

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

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

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

SEASONAL LOAD RESTRICTIONS:

Moved by Wiese, seconded by Sutton to approve the following seasonal load restrictions for 2013: The Brown County Highway Department seasonal load restrictions will go into effect Monday, March 11, 2013, 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 24th 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 24th Ave NE 1 mile to County Road #13;

Road #12W will not be posted from County Road #19 east to US Highway 281 (2 miles);

Road #12WA from US Highway 12 north 2.0 miles;

Road #13 from County Road #14 west 5.0 miles to US Highway 281;

Road #15 from US Highway 281 east 1 mile to County Road #10;

Road #15 from 385th Ave east 0.5 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 (8th Ave NE) north 1.0 mile to County Road #15;

Other Brown County Roads that are not posted are:

Frederick Main Street from US Highway 281 east 0.5 miles to the Frederick City limits;
 Road #7 from US Highway 281 east 1.0 mile to Barnard and County Road #10;
 Road #9 from US 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 US Highway 281;
 Road #11 0.5 miles east of State Highway 37 to Huffton;
 Road #12WB from US Highway 12 north to County Road #12W;
 Road #14 from County Road #11 south 10.0 miles to US Highway 12;
 Road #14 from US Highway 12 south 800';
 Road #16 from the town of Columbia south 0.5 miles to County Road #11;
 Road #20 from County Road #9 south 0.02 miles to the railroad tracks;
 Road #23 from US Highway 281 east 1.0 mile to Warner and County Road #10;
 Road #23 from US Highway 281 west 0.25 miles;
 Road #23B from the Town of Ferney west to State Highway 37;
 Road #27 from US Highway 281 west 2.0 miles to the town of Mansfield.
 All members present voting aye. Motion carried.

MAXIMUM WEIGHT LIMITATION ON BRIDGES:

Commissioner Wiese offered the following Resolution:

RESOLUTION #10-13

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 (closed), BR057, BR268, BR268A and BR269 Warner Twp; BR025 Savo Twp; BR032 Aberdeen Twp; BR045 Gem Twp; BR066, BR068 and BR069 East Rondell Twp; BR073, BR078, BR080 (closed), BR081, BR082 (closed), BR087 and BR259 Garden Prairie Twp; BR091, BR093, BR095, BR098, BR104, BR114 and BR118 East Hanson Twp; BR117, BR123 and BR124 West Hanson Twp; BR132, BR138, BR142 and BR145 Groton Twp; BR425 Westport Twp; BR180 (closed) Franklyn Twp; BR197 Frederick Twp; BR204 Allison Twp; BR211 Osceola Twp; BR151 Ordway Twp; BR171 Westport Twp; BR232 Putney Twp; BR234 Cambria Twp; BR238 Columbia Twp; BR245 North Detroit Twp; BR346 Hecla Twp; BR352 Ravinia Twp.

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

HIGHWAY:

Jan Weismantel, Highway Superintendent and Chad Morgan, Titan Machinery Representative discussed belly pup trailer bid award and verified that the purchased trailer would meet bid specifications.

COUNTY 14W and COUNTY 19:

Moved by Kippley, seconded by Wiese to approve reducing the miles included in road maintenance projects for County 14W and County 19 roads. All members present voting aye. Motion carried.

COURTHOUSE ELEVATOR:

Mick Palmer, Maintenance Supervisor, discussed expenses to repair Courthouse elevator.

PRESENTATION COLLEGE – CONDUIT FINANCING:

Tom Grimmond, Senior Vice President at Dougherty & Company LLC and Kathy Hall, Vice President of Finance at Presentation College discussed the possibility of financing two building projects at Presentation College through County issued bank qualified bonds. No action was taken as a result of the discussion.

TRAFFIC STUDY:

Gary Vetter, Planning and Zoning Director and Mike Scott, Landfill Manager proposed a Traffic Study for US Highway 12 and County Road 12WA (379th Avenue) to determine need for turning lanes.

Moved by Hansen, seconded by Fischbach to approve and authorize Chairman sign agreement with Clark Engineering in amount of \$4,800 to perform and complete Traffic Study by May 1, 2013. All members present voting aye. Motion carried.

LANDFILL UNIT ONE CLOSURE:

Moved by Wiese, seconded by Hansen to approve and authorize Chairman sign agreement with Helms and Associates in amount of \$40,000 for the design, bidding, and construction phases of Landfill Unit One Closure Project with an estimated completion date of September 6, 2013.

PICTOMETRY IMAGERY:

Mary Worlie, Director of Equalization, Scott Madsen, GIS Coordinator, and Gary Vetter, Planning and Zoning Director discussed the possibility of partnering with other entities to share cost of getting oblique aerial pictures of Brown County. No action was taken as a result of the discussion.

RECESS:

The Chairman declared the Commission recessed until March 12, 2013.

Julia Grenz, Brown County Deputy Auditor

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

MARCH 12, 2013 – 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, Kippely, Fischbach and Wiese. Chairman Sutton led the Pledge of Allegiance.

MINUTES:

Moved by Wiese, seconded by Fischbach to approve the Joint City/County Meeting minutes of March 4, 2013 and General Meeting minutes of March 5, 2013. All members present voting aye. Motion carried.

CLAIMS:

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

Payroll: Commission \$3,359.55; Auditor \$8,429.79; Treasurer \$11,664.27; Data Processing \$1,486.40; State's Attorney \$15,519.67; Blood Draws \$400.00; SVAWA Grant \$1,269.24; Maintenance \$6,027.33; Assessor \$11,925.91; Register of Deeds \$7,312.43; Veterans Service Office \$3,473.52; GIS \$2,045.33; Sheriff Admin \$31,991.57; Jail \$30,393.61; Coroner \$1,950.00; JDC \$14,272.85; HD \$4,221.24; Welfare Office \$2,542.59; Museum \$6,726.62; Parks & Fairgrounds \$3,987.19; Fair Board \$2,584.79; 4-H \$1,074.40; Weed \$867.98; Planning and Zoning \$2,097.76; Highway \$38,229.39; Communications \$19,157.66; Emergency Management \$3,033.11; Teen Court \$518.76; 24/7 \$2,495.72; Landfill \$10,708.02

Matching Benefits: FICA \$14,528.33; Medicare \$3,397.72

Supplies: 3D Specialties \$6704.00; 4H Leader's Assoc. \$5350.00; 446 Praxair \$22.63; A & B Business \$67.01; Advanced Weighing Systems \$944.78; Ameripride Services \$56.33; Avera Queen of Peace \$54.90; Cartney Bearing \$28.86; Carus Publishing \$26.91; Cash-Wa Dist. \$3211.25; Dakota Fluid Power \$2235.84; Dakota Mailing \$17.13; Dakota Oil \$105.00; Earthgrains \$334.93; Farnams Genuine Parts \$71.05; Glas Consulting \$315.00; GovConnection \$421.22; Hecla Implement \$99.80; Hedahl's \$36.80; Hiplink Software \$9465.00; House of Glass \$24.37; Hub City Radio \$300.00; Interstate Battery System \$284.79; J & K Painting \$587.85; J Gross Equipment \$358.28; Marco \$208.03; Menards \$72.36; Midstates Printing \$565.98; Myers Tire \$17.48; Newman Signs \$3421.86; North Central Farmer's Elevator \$15,862.83; PowerPlan \$785.41; ProBuild \$104.96; Runnings \$10.66; Sewing Shoppe \$61.00; Sheehan Mack Sales \$24.15; Spillman Technologies \$2490.00; Taylor Laundry \$104.50; TimeKeeping Systems \$605.34; Ultramax \$1150.00; West Payment Center \$1411.90; Zastrow's Sales & Service \$176.00.

Rentals: Chris & Elissa Allen \$800.00; Dakota Electronics \$411.95.

Repairs & Maintenance: Aberdeen Chrysler Center \$161.10; Clark Engineering \$2771.62; Crady's Radiator Shop \$118.50; Dakota Oil \$500.00; Fastenal \$277.34; Leidholt Electric \$1972.54; Menards \$247.75; Myers Tire \$15.15; PowerPlan \$2807.81; Sheehan Mack Sales \$ 2214.30; Steven Lust Automotive \$77.27; Walth Safety Service \$418.38.

Publishing: Aberdeen American News \$154.96.

Transcriptions: Richard Neal \$600.60; Sara Zahn \$51.00.

Travel & Conference: Jerry Lehrkamp \$85.49; National Central Regional Assoc. of Assessing Officers \$1560.00; Mike Rohrbach \$85.49; SD Asphalt Conference \$300.00; SD Assoc. of County Officials \$200.00; SD Public Assurance Alliance \$50.00; SD Solid Waste Mgmt. Assn. \$400.00; SD Teen Court Assn. \$250.00; Mike Wiese \$37.60.

Utilities: Aberdeen City Treasurer \$1157.79; CenturyLink \$44.94; Economy Propane \$2622.36; City of Hecla \$215.86; James Valley Telecommunications \$234.60; Northern Electric Coop. \$2343.80; NVC \$2302.49; Northern Wireless Communication \$191.45; NWPS \$1529.66; Town of Frederick \$41.42.

Professional Fees: Avera St. Luke's \$3725.76; Lincoln Co. Treasurer \$95.25; National Emergency Number Assn. \$130.00; Nancy Schlichenmayer \$120.00; Schneider Corp. \$2265.00; SD Dept. of Revenue \$495,162.69; Sivertsen Technology \$5250.00; Kristi Spitzer \$449.00.

Care of Poor: Utilities: 1 recipient – NWPS \$38.97. Rent: 4 recipients – Falcon Rentals \$250.00; Thomas Perez \$280.00; Rockford Apartments \$260.00; Zumbaum Property Mgmt. \$130.00.

All members present voting aye. Motion carried.

PERSONNEL:

Moved by Fischbach, seconded by Wiese to approve the following employee step increases, effective March 17, 2013: Michael Rohrbach @ \$15.16/hr, Carl Wright @ \$16.97/hr, Joseph Embury @ \$15.17/hr, Jeremy Eppard @ \$12.92/hr, Jessie Guthmiller @ \$14.18/hr, and Dana Breske @ \$14.55. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Kippely to acknowledge resignations of Susan Sumner (24/7 Program), effective March 28, 2013 and Judy Norris (24/7 Program), effective March 30, 2013. All members present voting aye. Motion carried.

EQUALIZATION NOTICES:

Moved by Wiese, seconded by Fischbach 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 Hansen, seconded by Wiese to approve and authorize Amy Scott, Fair Manager to sign the following entertainment contracts for the 2013 Brown County Fair in total amount of \$190,000.00: August 15 and August 16, 2013 entertainment. All members present voting aye. Motion carried.

ABATEMENTS:

Moved by Fischbach, seconded by Wiese to approve and authorize the Chairman sign the following abatements: Nancy Odde @ \$2,186.43 (fire damage), Florence Kumpf @ \$284.53 (office error), George Bakke @ \$1,114.92 (office error), Richard Hundstad @ \$881.55 (office error), Jung Development LLC @ \$84 and \$84 (SW vacant lot), Harry Implement Co @ \$140.07 (building destroyed), Anna Schlosser @ \$77 (SW vacant lot), Jane Herrmann @ \$1396.68 (office error), Clayton Hatle @ \$4.87, \$29.62, and \$4.87 (assessed with land). All members present voting aye. Motion carried.

LEASE AGREEMENT:

Moved by Wiese, seconded by Fischbach to approve and authorize Chairman sign agreement with Freedom Church for lease of the Club House October 11-12, 2013. All members present voting aye. Motion carried.

2012 FINANCIAL REPORTS:

Moved by Hansen, seconded by Wiese to accept the 2012 Financial Reports as presented March 12, 2013. All members present voting aye. Motion carried.

PRESENTATION COLLEGE – CONDUIT FINANCING:

Tom Grimmond, Senior Vice President at Dougherty & Company LLC discussed preliminary resolution and hearing date for Presentation College conduit financing project.

Commissioner Fischbach offered the following Resolution:

Resolution No. 11-13

RESOLUTION GRANTING PRELIMINARY APPROVAL TO A PROJECT OF
PRESENTATION COLLEGE AND THE ISSUANCE OF REVENUE BONDS THEREFOR,
AND TAKING OTHER ACTION WITH RESPECT THERETO, INCLUDING
AUTHORIZING A PUBLIC HEARING

BE IT RESOLVED by the Board of Commissioners (sometimes referred to herein as the "Board" or the "Commission") of Brown County, South Dakota (the "County"), as follows:

Section 1. Recitals.

Representatives of Presentation College, a South Dakota nonprofit corporation (the "College" or the "Borrower"), have advised the Board of a project consisting of the construction and equipping of improvements to the College's existing campus located in the County, with a street address of 1500 North Main Street, Aberdeen South Dakota (the "Project"). The improvements to be included in the Project consist specifically of the following: construction of a new student residence hall, to be approximately 79,000 square feet in size, and expected to house approximately 158 new students; construction of an approximately 8200 square foot addition to the existing student activity center, to be used as an athletic training and wellness center, including academic space; and acquisition and construction of new parking and site improvements, including landscaping and roads. The Project will be owned and operated by the Borrower. The Borrower has requested the County to issue its revenue bonds in the approximate aggregate principal amount of not to exceed \$10,000,000 (the "Bonds"), and to loan the proceeds thereof to the Borrower, to finance a portion of the costs of the Project.

1.1. The County is authorized by South Dakota Codified Laws, Chapter 9-54, as amended (the "Act"), to issue its revenue bonds to finance projects consisting of the purchase, construction, reconstruction, acquisition of sites for, enlargement, improvement, or remodeling of buildings, structures, or equipment, all for the purpose of promoting and advancing industrial, commercial, manufacturing, agricultural, natural resources, postsecondary technical education, limited to bonding for public postsecondary technical institutions in operation on July 1, 1981, research, data collection, health service, housing for the elderly, housing for the handicapped, primary, secondary, and postsecondary education, and recreational development, and the reduction of water and air pollution resulting from such developments. The Project consists of the acquisition, construction, reconstruction, enlargement and improvement of postsecondary education buildings and site improvements and, accordingly, the County is authorized under the Act to issue bonds to provide financing for the Project.

1.2. Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), and regulations promulgated thereunder, require that, as a condition to the exemption from federal income taxation of interest on the Bonds, and prior to granting final approval to the issuance of the Bonds, a public hearing be conducted on behalf of the Board on the proposal to undertake and finance the Project, and to the issue the Bonds therefor.

Section 2. Findings. After due consideration, the Board of Commissioners hereby makes the following preliminary findings, determinations and declarations:

(a) The Project would further the public purposes contemplated and described in the Act, as described above.

(b) The existence of the Project will provide opportunities for employment for residents of the County and surrounding area and will promote and provide postsecondary education in the County for the benefit of the residents thereof.

(c) The Board of Commissioners has been advised by the Borrower that on the basis of its discussions with Dougherty & Company LLC, as exclusive underwriter for the Bonds (the "Underwriter"), the Bonds could be issued and sold upon favorable rates and terms to finance the Project.

(d) The Borrower has agreed and it is hereby determined that any and all costs incurred by the County in connection with the financing of the Project, whether or not the Project is carried to completion, will be paid by Borrower.

Section 3. Public Hearing.

3.1. A public hearing on the proposal to issue the Bonds to finance the Project, as required pursuant to section 147(f) of the Code, and regulations promulgated thereunder, shall be called by any one or more officers or representatives of the County, and held by the Board of Commissioners, as a condition to the issuance of the Bonds.

3.2. In connection with such public hearing, the County Auditor shall cause notice of the public hearing, in substantially the form attached hereto as Exhibit A, to be published in a newspaper of general circulation in the County once, not less than 14 days prior to the date fixed for the public hearing.

Section 4. Approvals and Authorizations.

4.1. The Board of Commissioners hereby gives preliminary approval to the issuance by the County of the Bonds in an amount not to exceed \$10,000,000, subject to the public hearing to be held pursuant Section 3 hereof. Notwithstanding the foregoing, the adoption of this resolution shall not be deemed to establish a legal obligation on the part of the County to issue or to cause the issuance of the Bonds. All details relating to the issuance of the Bonds and the terms and provisions relating to the payment thereof shall be subject to the mutual agreement of the Borrower and the purchaser or purchasers of the Bonds, and shall be subject to final approval by the Board of Commissioners. In all events, it is understood that the Bonds shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property of the County, except the revenues pledged to payment of such Bonds, and each Bond, when, as and if issued, shall recite in substance that the Bond, including interest thereon, is payable solely from the revenues received from the Project pursuant to a loan or other agreement with the Borrower, and any property pledged pursuant thereto to the payment thereof, and shall not constitute a debt of the County within the meaning of any constitutional or statutory limitation. No holder of any Bonds shall ever have the right to compel any exercise of the taxing power of the County to pay the outstanding principal on the Bonds or the interest thereon, or to enforce payment thereof against any property of the County.

4.2. The Borrower, the Underwriter, Bond Counsel, and other parties are hereby authorized to take such actions as may be necessary or desirable in connection with the issuance of the Bonds in order to expeditiously proceed therewith, including preparation of such documents as a Loan Agreement, an Indenture of Trust and a Preliminary Official Statement.

4.3. All costs of the County relating to the issuance of the Bonds, whether or not successfully issued, shall be paid or reimbursed by the Borrower.

Section 5. Qualified Tax-Exempt Obligations. Pursuant to Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), the County hereby designates the Series 2013 Bonds as "qualified tax-exempt obligations," within the meaning of Section 265(b)(3). The Series 2013 Bonds are to be issued on behalf of an organization described in Section 501(c)(3) of the Code and are to be issued as "qualified 501(c)(3) bonds" under Section 145 of the Code. The County, together with all subordinate entities thereof, does not reasonably expect to issue tax-exempt obligations, including the Series 2013 Bonds (other than private activity bonds not constituting "qualified 501(c)(3) bonds") which, when added together with all such obligations heretofore issued by the Issuer in calendar year 2013, will be in an aggregate amount exceeding \$10,000,000 in the current calendar year.

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

CONDUIT FINANCING – PUBLIC HEARING:

Moved by Fischbach, seconded by Wiese to set public hearing on the proposal to issue the Bonds to finance the Presentation College Project consisting of the construction and equipping of improvements to the existing campus located at 1500 N Main Street, Aberdeen SD, to be held in the Commissioner's Chambers, Courthouse Annex, Brown County, South Dakota at 8:45 A.M. on April 9, 2013. All members present voting aye. Motion carried.

BID – CONCRETE BRIDGE DECKING:

Moved by Wiese, seconded by Fischbach to accept bid, submitted by Cretex Concrete Products West, Inc., Rapid City (only bid received) for furnishing and delivery of pre-stressed concrete bridge deck units, as bid by Codington County on February 20, 2013. All members present voting aye. Motion carried.

CONTRACTS:

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

RECESS:

The Chairman declared the Commission recessed until March 19, 2013.

Julia Grenz, Brown County Deputy Auditor

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

MARCH 19, 2013 – 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 and Kippley. Chairman Sutton led the Pledge of Allegiance. Absent were Commissioners Fischbach and Wiese.

MINUTES:

Moved by Hansen, seconded by Kippley to approve the General Meeting minutes of March 12, 2013. All members present voting aye. Motion carried.

CLAIMS:

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

Supplies: A & B Business \$153.91; Aberdeen Downtown Assn. \$250.00; Aberdeen Insurance Agency \$80.00; Ameripride Services \$165.10; Balcon Enterprises \$2994.05; Best Business Products \$176.80; Call One \$231.69; CarQuest Auto Parts \$1797.04; Dakota Supply Group \$25.24; G & K Services \$43.80; Gardner Locksmithing \$45.00; GovConnection \$1377.42; Heartland Paper \$619.17; Howe's Oil \$26,235.60; Kessler's \$123.44; LexisNexis Risk Data Mgmt. \$47.00; Marco \$157.73; Midstates Printing \$992.76; Midwest Rubber Stamp \$29.50; Sherri Rawstern \$118.18; Sander's Sew 'n' Vac \$88.35; Sivertsen Technology \$1123.00; Tri-State Water \$30.40; Walth Safety Service \$399.21.

Repairs & Maintenance: CarQuest Auto Parts \$11.26; Fastenal Co. \$251.74; G & K Services \$128.86; GCR Tire Center \$132.00; Parcel Erickson \$25.00.

Publishing: Aberdeen American News \$526.74; Groton Independent \$627.84.

Travel & Conference: Gary Vetter \$75.00; Gene Loeschke \$20.21; SD Assoc. of County Commissioners \$100.00; Sonje Oban \$20.00; Tom Schmitt \$201.16; Amy Scott \$108.90; Jan Weismantel \$49.00.

Utilities: CenturyLink \$1441.13; Dependable Sanitation \$19,994.40; Executive Mgmt. Finance \$335.96; NWPS \$7208.78; Verizon Wireless \$2547.17.

Professional Fees: AMG Internal Medicine \$157.68; Bonnie Bitz \$72.00; DT Pharmacy \$501.31; Eddie's Northside \$90.00; Foerster Testing Ltd \$135.00; NE Mental Health Center \$936.00; Pennington Co. Sheriff \$104.40; Pollard & Larson, LLP \$165.60; SD Assoc. of County Officials \$1262.00; West Payment Center \$1568.51.

Care of Poor: Rent: 3 recipients – Aberdeen Finance Corp. \$280.00; Aberdeen Mobile Home Park \$280.00; Cleberg Enterprises \$260.00. Dr./Hospital: 6 recipients – Avera St. Luke's \$27,849.92.

Medications: 2 recipients – Jones Drug \$204.61; Kmart \$26.00. Burials: 1 recipient – Schriver's Memorial Mortuary \$1000.00.

All members present voting aye. Motion carried.

PERSONNEL:

Moved by Kippley, seconded by Hansen to acknowledge the following miles driven and amount to be taxed for personal use of County vehicles during the month of February 2013: Marcus Selzler—140 @ \$79.10, Mark Wendt—480 @ \$271.20, Kendell Titze—126 @ \$71.19, Jan Weismantel—67.20 @ \$37.97, Mike Scott—170 @ \$96.05, Gary Vetter—135 @ \$76.28. All members present voting aye. Motion carried.

SHERIFF REPORT:

Moved by Kippley, seconded by Hansen to approve the following February 2013 Sheriff Reports: Incidents and offenses, Prisoner care, JDC, and Money deposited with the County Treasurer. All members present voting aye. Motion carried.

LANDFILL COMPACTOR GRANT REIMBURSEMENT:

Moved by Hansen, seconded by Kippley to approve and authorize the Chairman to sign Payment Request #1 (final) in amount of \$238,000.00 for the Brown County Landfill Solid Waste Management Program Grant for the purchase of a Landfill Compactor. All members present voting aye. Motion carried.

LEASE AGREEMENTS:

Moved by Hansen, seconded by Kippley to approve the following lease agreements: Prairie Fiber Arts Guild for lease of Richmond Lake Youth Camp April 20, 2013; Northeast Area Horse Racing for lease of various facilities at the Fairgrounds from May 1-31, 2013; Aberdeen Area Horsemen's Association for lease of the Open Horse Arena June 2 and 23, July 7 and August 4, 2013. All members present voting aye. Motion carried

HLS EQUIPMENT TRANSFERS:

Moved by Kippley, seconded by Hansen to approve and authorize the Chairman to sign Homeland Security Equipment Transfer document giving ownership of 5 pagers funded under the 2010 grant to Groton Fire Department. All members present voting aye. Motion carried.

FAIR CONTRACT:

Moved by Hansen, seconded by Kippley to approve and authorize Amy Scott, Fair Manager to sign the 2013 Brown County Fair entertainment contract for August 17, 2013 in amount of \$5,000.00. All members present voting aye. Motion carried.

LOTTERY APPLICATION:

Moved by Kippley, seconded by Hansen to approve application, submitted by Disabled American Veterans, for a split pot to be held June 14, July 5-6 and August 14, 2013 at the Brown County Speedway. All members present voting aye. Motion carried.

ABATEMENTS:

Moved by Hansen, seconded by Kippley to approve and authorize the Chairman sign abatement for Joe Gese @ \$161.26 (office error). All members present voting aye. Motion carried.

VACATE PLAT:

Commissioner Hansen offered the following Resolution:

RESOLUTION #12-13

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

Krause Outlot 1 in the NW ¼ of Sec 12-T121N-R65W of the 5th 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:

Krause Outlot 1 in the NW ¼ of Sec 12-T121N-R65W of the 5th P.M., Brown County, SD

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

CHEMICAL BIDS—AWARD:

Moved by Hansen, seconded by Kippley to award the following low bids for furnishing and delivery of Chemicals for the Weed and Pest Department, effective April 1, 2013 – November 30, 2013: Van Diest Supply Company – Bio-Mist 3+15 @ \$70.97/gal, Altosid XR Briquets (150 day) @ \$666.60/case. Performance Ag – 4# 2-4, D Amine @ \$12/gal, Tempo 2 @ \$32.59/btl, Guardian @ \$12.10/gal, Milestone @ \$289/gal, Forefront @ \$42/gal. State Bid – 4# Round-Up @ \$13.45/gal, Clarity-Banvel @ \$32.03/gal, Overdrive @ \$28.89/lbs, Premier 90 @ 7.55/gal, Rodeo-Aquaneat or equivalent @ \$17.59/gal, Sahara DG @ \$7.75/lb, Tourdon or Outpost 22K @ \$42.65/gal. REJECTING THE FOLLOWING: Van Diest Supply Company – 4# Round-Up @ \$15.87/gal, 4# 2-4, D Amine @ \$13.27/gal, Clarity-Diablo @

\$58.16/gal, Embark 2-S IVM @ \$357.49/gal, Escort XP @ \$38.72/8 oz, Overdrive @ \$30.49/lb, Premier 90 @ \$8.19/gal, Rodeo-Aquaneat or equivalent @ \$18.27/gal, Sahara DG @ \$8.15/lb, Tempo 2 @ \$36.98/btl, Tourdon or Outpost 22K @ 45.99/gal, Guardian @ \$17.89/gal, Milestone @ \$299.73/gal, Forefront @ \$63.59/gal. Hefty Seed Company – 4# Round-Up @ \$22.65/gal, 4# 2-4, D Amine @ 15.86/gal, Clarity-Detonate @ \$48.37/gal, Overdrive @ \$48.53/lb, Premier 90 @ \$16.76/gal, Rodeo-Aquaneat or equivalent @ \$17.78/gal, Sahara DG @ \$16.68/lb, Temp 2 @ \$49.08/btl, Tourdon or Outpost 22 K @ \$52.54/5 gal, Guardian @ \$33.20/2.5 gal, Milestone @ \$290.56/2.5 gal, Forefront @ \$55.69/2.5 gal. Alligare, LLC – 4# Round-Up @ \$15.65/gal, 4# 2-4, D Amine @ \$15.25/55 gal, Premier 90 @ \$7.55/5 gal, Rodeo-Aquaneat or equivalent @ \$17.95/5 gal, Tourdon or Outpost 22K @ \$42.65/gal. Performance Ag – 4# Round-Up @ \$13.50/gal, Clarity @ \$55/gal, Escort XP @ \$104/8 oz, Overdrive @ \$49/lb, Premier 90 @ \$13/gal, Rodeo-Aquaneat or equivalent @ \$21.95/gal, Sahara DG @ \$13/lb, Tourdon or Outpost 22K @ \$43.50/gal. State Bid – 4# 2-4, D Amine @ \$12.70/gal, Guardian @ \$31.56/gal, Forefront @ \$57.30/gal. All members present voting aye. Motion carried.

EXECUTIVE SESSION:

Moved by Hansen, seconded by Kippley to go into executive session to discuss contracts with Larry Lovrien and Chris White 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.

AUDIT ENTRANCE CONFERENCE:

Dave Schlosser, SD Department of Legislative Audits met with the Commission for Entrance Conference for the Audit being conducted for fiscal year 2012.

APPLICATION FOR OCCUPANCY:

Moved by Kippley, seconded by Sutton to approve and authorize the Chairman to sign application: Web Water for occupancy of Brown County Road 13 Sec 3-T123N-R64W, Brown County, SD to provide a potable water line. Roll call vote: Commissioners Hansen-abstain, Fischbach-absent, Kippley-aye, Wiese-absent, Sutton-aye. Motion carried.

EXECUTIVE SESSION:

Moved by Hansen, seconded by Kippley to go into executive session to discuss personnel with Larry Lovrien and Gary Vetter in attendance. All members present voting aye. Motion carried.

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

Moved by Kippley, seconded by Hansen to authorize advertising a full-time position for a Planning Technician. All members present voting aye. Motion carried.

Moved by Kippley, seconded by Hansen to approve hiring Gary Vetter as full-time Commission Assistant, effective April 1, 2013 at prorated annual salary of \$50,000. All members present voting aye. Motion carried.

RECESS:

The Chairman declared the Commission recessed until March 26, 2013.

Julia Grenz, Brown County Deputy Auditor

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

MARCH 26, 2013 – 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, Hansen, Kippely and Wiese. Chairman Sutton led the Pledge of Allegiance.

MINUTES:

Moved by Hansen, seconded by Kippely to approve the General Meeting minutes of March 19, 2013. All members present voting aye. Motion carried.

CLAIMS:

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

Payroll: Commission \$3,359.55; Auditor \$8,462.66; Treasurer \$11,677.87; Data Processing \$2,285.18; State's Attorney \$15,211.97; Blood Draws \$850.00; SVAWA Grant \$1,269.24; Maintenance \$6,138.52; Assessor \$11,925.91; Register of Deeds \$7,312.42; Veterans Service Office \$3,473.52; GIS \$2,045.33; Sheriff Admin \$30,917.09; Jail \$29,408.37; Coroner \$0; JDC \$13,831.39; HD \$4,272.58; Welfare Office \$2,849.17; Museum \$6,638.14; Parks & Fairgrounds \$3,987.20; Fair Board \$2,633.28; 4-H \$1,074.40; Weed \$190.68; Planning and Zoning \$2,091.29; Highway \$39,407.25; Communications \$19,593.36; Emergency Management \$3,033.11; Teen Court \$223.36; 24/7 \$2,455.93; Landfill \$10,070.33

Matching Benefits: FICA \$14,413.46; Medicare \$3,370.88; Life \$582.84; Dental \$6,068.00; Health Insurance \$90,795.26; Retirement \$30,241.54

Supplies: A & B Business \$76.98; Double D Body Shop \$236.00; DPM Mercantile \$25.00; G & R Controls \$1540.67; Galls \$296.89; GovConnection \$477.08; Heartland Paper \$1293.60; Lawson Products \$379.11; Leidholt Electric \$147.33; Marco \$1134.11; Matthew Bender & Co. \$71.89; Midstates Printing \$37.33; Newman Signs \$2333.52; North Central Farmer's Elevator \$1539.57; Northern Exposure Advertising \$365.00; Paape Co. \$674.21; Pizza Ranch \$68.96; Sander's Sew 'n' Vac \$25.99; Sanford Health \$90.00; Share Corp. \$178.50; Ultramax \$252.00; US Bank \$10,256.63; Volk Upholstery \$20.00. Repairs & Maintenance: Fastenal Co. \$11.31; Hoven Auto Repair \$1073.03; Industrial Service \$437.30; Lawson Products \$28.15; US Bank \$662.77.

Publishing: Aberdeen American News \$444.65; Argus Leader \$31.82; Capital Journal \$49.61; Rapid City Journal \$25.20.

Transcriptions: Tammy Erickson \$49.00.

Travel & Conference: Assn of SD Museums \$102.00; Stan Beckler \$19.74; Best Western Ramkota \$177.98; Darwin Bettmann \$14.10; Deadwood Mountain Grand \$114.00; Nick Juenger \$30.00; Patrick Keatts \$22.56; Dale Kurth \$107.16; David North \$107.16; Mark Selzler \$30.00; Jerry Streckfuss \$36.66; US Bank \$2506.38; Gary Vetter \$12.00.

Utilities: CenturyLink \$2475.28; Midcontinent Communications \$223.46; Montana Dakota Utilities \$32.56; NW Energy \$1002.63; US Bank \$497.02; WSI Internet Marketing \$300.00.

Professional Fees: Becky Burdick \$1300.00; Compass Counseling & Assessments \$1750.00; Chris Dohrer \$5791.08; Kuck Law Office \$5520.83; Scott Meints \$1300.00; Gina Rogers \$5520.83; Safe Harbor \$509.00; SD DOT \$38,898.42; Christy Serr \$5873.86; Sivertsen Technology \$5675.00; UND-Forensics \$2000.00.

Care of Poor: Rent: 1 recipient – Sylvia Karst \$157.00. Utilities: 1 recipient – NW Public Service \$144.35. Gas: 1 recipient – Brown County Highway/Treasurer \$16.00.

All members present voting aye. Motion carried.

PERSONNEL:

Moved by Fischbach, seconded by Hansen to approve the following employee step increases, effective March 31, 2013: Jo Forsting @ \$14.92/hr, Casey Jensen @ \$14.74/hr, Linn Kamin @ \$14.85/hr, and Stanley Schulz @ \$17.67/hr. All members present voting aye. Motion carried.

SPECIAL MALT BEVERAGE APPROVAL:

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman sign the following Special Malt Beverage License Applications: 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): Grandstand effective May 11 & 12; Clubhouse effective May 11 & 12; Clubhouse effective May 18, 19, 26 & 27; Grandstand effective May 18, 19, 26 & 27, 2013. All members present voting aye. Motion carried.

PLAT:

Commissioner Fischbach offered the following Resolution:

RESOLUTION #13-13

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing Chad and Stacy Oliver Conservation Easement Tract 1 in the NE ¼ and SE ¼ of Sec 24-T123N-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 Wiese. Roll call vote: Commissioners Hansen-aye, Kippley-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Resolution adopted.

FAIR CONTRACT:

Moved by Wiese, seconded by Fischbach to approve and authorize Amy Scott, Fair Manager to sign the 2013 Brown County Fair entertainment contract for August 16, 2013 in amount of \$2,500.00. All members present voting aye. Motion carried.

LOTTERY APPLICATIONS:

Moved by Hansen, seconded by Kippley to approve the following lottery applications: Aberdeen Central Cheer for split pot to be held June 21 and July 19, 2013 at the Brown County Speedway; Aberdeen Exchange BMX for split pot to be held on June 28 and July 26-27, 2013 at the Brown County Speedway. All members present voting aye. Motion carried.

LEASE AGREEMENTS:

Moved by Kippley, seconded by Hansen to approve the following lease agreements: Hub City Radio for lease of Expo Building April 6-7, 2013; First United Methodist Church for lease of Richmond Lake Youth Camp April 6-7, 2013; Jim River Riders for lease of the Open Horse Arena June 9, July 7 and August 11, 2013. All members present voting aye. Motion carried.

SURPLUS PROPERTY:

Moved by Fischbach, seconded by Wiese to declare various obsolete computer components surplus property for disposal at the Brown County Landfill (complete listing on file at the Auditor's Office). All members present voting aye. Motion carried.

ABATEMENT:

Mary Worlie, Director of Equalization, discussed a request for tax abatement. The following action was taken as a result of the discussion.

Moved by Hansen, seconded by Kippley to request State's Attorney Larry Lovrien draft letter to the city of Aberdeen with options to solve problem other than through the abatement process for the Commission Chairman to sign. 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: Northern Valley Communications for occupancy of Brown County Road 23 Sec 30-T122N-R60W, Brown County, SD to provide telecommunication services. All members present voting aye. Motion carried.

HIGHWAY:

Jan Weismantel, Highway Superintendent, discussed replacing a cold mix kettle with new equipment. The Commission requested more research. Also discussed hiring seasonal workers for summer. Board concurred.

EXECUTIVE SESSION:

Moved by Hansen, seconded by Kippley to go into executive session to discuss personnel and contracts with Larry Lovrien, Andrea Sjomeling 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.

ADJOURNMENT:

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

Julia Grenz, Brown County Deputy Auditor

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

APRIL 2, 2013 – GENERAL MEETING

The Brown County Commission convened at 8:45 a.m., April 2, 2013 in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Sutton, Fischbach, Hansen, Kippley and Wiese. Chairman Sutton led the Pledge of Allegiance.

MINUTES:

Moved by Wiese, seconded by Fischbach to approve the General Meeting minutes of March 26, 2013. All members present voting aye. Motion carried.

CLAIMS:

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

Supplies: Aberdeen Plumbing & Heating \$1,608.06; Butler Machinery Co. \$17.28; Danko \$979.01; DSG \$32.56; Dex Media \$52.00; Ecolab Pest Elimination \$101.50; GovConnection \$63.69; Heartland Paper \$932.76; Howe's Oil \$25,431.40; Marco \$160.82; Newman Signs \$601.59; Sivertsen Technology \$1,169.91; SOS Garage Door \$82.15.

Repairs & Maintenance: Butler Machinery Co. \$5,911.23; Olympic Sales \$705.80; Service Signs & Sales \$45.92.

Publishing: Aberdeen American News \$798.14; Groton Independent \$710.81.

Transcriptions: Kristi Brandt \$72.20.

Travel & Conference: Duane Jark \$50.76; Troy Knecht \$73.32; Ramada Plaza & Suites \$481.80; Dennis Wiedeubush \$33.84.

Utilities: AT & T Mobility \$2,365.95; Midcontinent Communications \$130.90; Midwest Alarm \$51.50; NVC \$143.27; NW Energy \$7,705.67; Web Water \$83.32.

Professional Fees: Aberdeen Advanced Care Ambulance \$207.76; AMG Radiology \$83.81; Assn. of SD County Weed & Pest \$150.00; Avera St. Luke's \$3,812.01; Avera St. Luke's Clinic Division \$65.42; Clark Engineering \$1,850.00; Dental Center \$112.68; Kuck Law Office \$44.20; Lewis & Clark BHS \$298.00; Lucy Lewno \$45.50; Sanford Health \$1,739.28; Thomas Sannes \$704.50; SD D.O.T. \$11,921.01; SD Secretary of State \$7.00; Stanton Co. Sheriff \$35.00; Joni Wileman \$120.00.

All members present voting aye. Motion carried.

HLS EQUIPMENT TRANSFERS:

Moved by Kippley, seconded by Fischbach to approve and authorize the Chairman to sign Homeland Security Equipment Transfer document giving ownership of two Midland All-Hazard radios funded under the Equipment Grant Program to Northern State University. All members present voting aye. Motion carried.

CDBG NEWTEC—SET HEARING:

Moved by Fischbach, seconded by Wiese to authorize advertising for public hearing to consider Community Development Block Grant funding application for NewTec Commercial Driver's License Training Project, in amount of approximately \$254,500, to be held in the Commissioner's Chambers, Courthouse Annex, Brown County, South Dakota at 8:45 A.M. on April 23, 2013. All members present voting aye. Motion carried.

LEASE AGREEMENTS:

Moved by Hansen, seconded by Wiese to approve the following lease agreements: Aberdeen Humane Society for lease of Club House April 27, 2013; Dean Elverud for lease of Richmond Lake Youth Camp August 1-4, 2013. All members present voting aye. Motion carried.

SPECIAL MALT BEVERAGE APPROVAL:

Moved by Fischbach, seconded by Wiese to approve and authorize the Chairman sign the Special Malt Beverage License Application, submitted by Boys & Girls Club of Aberdeen Area, 1111 1st Ave SE for Bull Riding event at the Holum Expo Building on April 19 & 20, 2013 (Brown County Fairgrounds SW April 2, 2013 General Meeting

¼ Sec 1-T123N-R64W – map indicating specific building on file with application). All members present voting aye. Motion carried.

BID AWARD GAS/DIESEL:

Moved by Hansen, seconded by Wiese to award from state bid contracts, effective April 1, 2013 through March 31, 2014 inclusive, as follows: Contract #16471 North Central Farmers Elevator for Transport Gasohol and Transport Diesel (all types); North Central Farmers Elevator matching low bid on state bid Contract #16462 for Tankwagon Diesel (all types). All members present voting aye. Motion carried.

SURPLUS PROPERTY AUCTION—SET DATE:

Moved by Hansen, seconded by Wiese to authorize Surplus Property Sale to be held at the Brown County Highway Office, 3133 8th Ave NE, Aberdeen, SD 57401 at 10:00 a.m. on May 17, 2013. All members present voting aye. Motion carried.

BID—ASPHALT HOT MIX DUMP TRAILER:

Moved by Fischbach, seconded by Kippley 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: Asphalt Hot Mix Dump Trailer at 8:45 a.m. on April 30, 2013. All members present voting aye. Motion carried.

COUNTY 9:

Moved by Fischbach, seconded by Kippley to close County Road 9 to trucks going into Claremont and remove the seasonal load limits on County Road 20. All members present voting aye. Motion carried.

COUNTY 14W and 19:

Moved by Wiese, seconded by Hansen to approve and authorize Chairman sign amended agreement with Clark Engineering shortening the length of the construction project for Brown County 14W to approximately 1915 feet and Brown County 19 to approximately 2315 feet. All members present voting aye. Motion carried.

SMOKING POLICY:

Gary Vetter, Commission Assistant, and Sara Hagman, Safety Committee discussed the County's smoking policy for employees. Board concurred that a memo should be sent to Department Heads to ensure employees are following current policy.

EXECUTIVE SESSION:

Moved by Wiese, seconded by Hansen to go into executive session to discuss contracts and personnel with Larry Lovrien 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.

ANNUAL ASSESSOR REVIEW:

Mary Worlie, Director of Equalization came before the Board for annual review, per SDCL 10-3-14, and gave an update on equalization activities.

RECESS:

The Chairman declared the Commission recessed until April 9, 2013.

Julia Grenz, Brown County Deputy Auditor

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

APRIL 9, 2013 – GENERAL MEETING

Meeting called to order by Chairman Sutton at 8:45 a.m., April 9, 2013 in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Kippley, Fischbach and Wiese. Chairman Sutton led the Pledge of Allegiance.

MINUTES:

Moved by Hansen, seconded by Wiese to approve the General Meeting minutes of April 2, 2013. All members present voting aye. Motion carried.

CLAIMS:

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

Payroll: Commission \$3,359.55; Auditor \$8,447.20; Treasurer \$11,677.89; Data Processing \$1,589.84; State's Attorney \$14,288.95; Blood Draws \$600.00; SVAWA Grant \$1,269.24; Maintenance \$6,176.59; Assessor \$11,925.91; Register of Deeds \$7,312.42; Veterans Service Office \$3,473.52; GIS \$2,045.33; Sheriff Admin \$30,827.93; Jail \$32,824.76; Coroner \$0; JDC \$14,917.94; HD \$4,458.59; Welfare Office \$2,849.17; Museum \$6,726.62; Parks & Fairgrounds \$3,987.20; Fair Board \$2,633.28; 4-H \$1,074.40; Weed \$779.03; Planning and Zoning \$2,664.22; Highway \$37,268.41; Communications \$20,406.80; Emergency Management \$3,033.11; Teen Court \$335.03; 24/7 \$2,711.76; Landfill \$10,694.62

Matching Benefits: FICA \$14,627.32; Medicare \$3,420.90

Supplies: A & B Business \$338.24; Aberdeen Catholic School System \$100.00; American Health & Safety \$316.91; Ameripride Services \$220.90; Bakken Building Maint. \$500.00; Cash-Wa \$4,405.80; CMRS-FP \$5,000.00; Crescent Electric Supply \$15.48; Dakota Oil \$1,140.10; Earthgrains \$359.05; Farnam's Genuine Parts \$7.99; Fastenal Co. \$255.73; Full Circle Ag \$2,646.17; Gardner Locksmithing \$10.00; GeniusWeb.com \$455.00; GovConnection \$1,943.29; Graham Tire \$584.86; Grand Slam Computers \$1,497.62; Great Western Tire \$2,459.20; Heartland Paper \$240.00; Hecla Implement \$7.45; House of Glass \$139.02; Hub City Radio \$300.00; Interstate Battery System \$22.00; Kessler's \$309.22; Lang's \$104.00; Lar-Jo's \$426.44; Mac's \$196.39; Matheson Tri-Gas \$408.00; Menards \$299.31; Midstates Printing \$502.14; Mark Milbrandt \$55.77; Moore Medical \$54.31; NCFE – Warner Elevator \$15,137.81; Northern Lights USA \$7,245.50; PowerPlan \$1,076.26; ProBuild \$671.73; Runnings \$85.28; Sewing Shoppe \$14.00; Sheehan Mack Sales \$506.46; Taylor Laundry \$101.00; Walth Safety Service \$418.90; Zastrow's Sales & Service \$179.00.

Repairs & Maintenance: Dakota Electronics \$202.50; EPF Co. \$2,995.00; House of Glass \$119.18; Pierson-Ford \$1,264.49; PowerPlan \$1,021.50; Sheehan Mack Sales \$3,143.56; Steven Lust Automotive \$46.95.

Publishing: Aberdeen American News \$1099.66.

Transcriptions: Michelle Gaikowski \$49.40; Richard Neal \$110.20.

Travel & Conference: Tina Boldt \$2.21; Mark Milbrandt \$572.60; Sonje Oban \$58.00; Amy Scott \$414.94.

Utilities: Aberdeen City Treasurer \$971.25; BDM Rural Water Systems \$30.00; CenturyLink \$44.94; Economy Propane \$611.52; James Valley Telecommunication \$215.50; Midwest Alarm \$239.60; NVC \$1,473.69; NWPS \$1,408.35; Town of Frederick \$34.74; Verizon Wireless \$78.62.

Professional Fees: Aberdeen Appraisal \$100.00; AdamSoft \$3,500.00; Avera St. Luke's \$1,982.88; Clark Engineering \$16,282.50; Tammy Erickson \$100.00; Hagan Insurance Group \$200.00; Infectious Disease Specialist \$130.44; New Deal Tire \$1,512.00; SD Assoc. of County Officials \$1,388.00; SD Dept. of Revenue & Regulation \$569,889.03; Sivertsen Technology \$5,100.00; Joni Wileman \$40.00.

Juror Fees: Nicole Altman \$11.48; Kimberly Anderson \$13.70; Margaret Arlt \$1,664.70; Nathaniel Flannery \$1,462.16; Joan Gilbertson \$1,647.36; Craig Grams \$24.80; Nathan Green \$11.48; Gabriel Guthrie \$926.64; Elizabeth Hill \$1,595.88; Michelle Jones \$38.12; Kayla Kirby \$11.48; JoAnn Krueger \$26.28; Maxine Loidolt \$12.22; Eric Lyke \$11.48; Laci Lynn \$11.48; Ann Marshall \$1,492.92; Brandon Messmer \$926.64; Rick Mettler \$39.60; Bonnie Olson \$38.12; Michael Patton \$24.80; Sherri Profeta \$24.80; Andrew Schmeiser \$102.96; Joseph Schumacher \$823.68; Tracy Steele \$11.48; Erin Zachow \$10.74.

Care of Poor: Burial: 1 recipient: Carlsen Funeral Home \$1000.00. Rent: 6 recipients: E & T Freedom Properties \$320.00; G.P.H.C. \$260.00; Jency Agency \$532.00; Rockford Apartments \$300.00; Maureen Wolf \$280.00. All members present voting aye. Motion carried.

PERSONNEL:

Moved by Fischbach, seconded by Wiese to approve hiring Amanda Hines and Marjorie Embery as part time employees (24/7 Program), effective March 26, 2013 at \$11.37 per hour. All members present voting aye. Motion carried.

Moved by Kippley, seconded by Hansen to approve the following employee step increases, effective April 14, 2013: Jeff Kirnan @ \$16.93/hr, Judy Dosch @ \$19.38/hr, Diane Mielke @ \$16.30/hr, and Samantha Foley @ \$14.23/hr. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Wiese to acknowledge resignation of Casey Smith (Sheriff's Department), effective April 13, 2013. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Wiese to approve a short-term unpaid leave of absence for Courtney Tedder (Dispatch). All members present voting aye. Motion carried.

ABATEMENT REQUEST:

Moved by Wiese, seconded by Hansen to acknowledge withdrawal of Abatement, submitted by First Premier Bank, Trustee (Dornbush Trust) and the City of Aberdeen. All members present voting aye. Motion carried.

CDBG NEWTEC—AMENDMENT #2:

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman to sign a request for amendment for Community Development Block Grant Agreement #1212-307 to change the scope of work due to project savings on equipment bids, with no increase in funding requested from the state (CDBG NewTec Welding Equipment Project). All members present voting aye. Motion carried.

INTEREST STATEMENT:

Moved by Fischbach, seconded by Hansen to accept for filing the January – March 2013 Interest Statement (\$11,058.00), submitted by County Treasurer Sheila Enderson. All members present voting aye. Motion carried.

HIGHWAY SAFETY GRANT:

Moved by Kippley, seconded by Fischbach to approve and authorize the Chairman sign FY 2014 Highway Safety Grant Application in amount of \$40,965 (\$33,972 Federal, \$6,993 Local), effective October 1, 2013 through September 30, 2014. All members present voting aye. Motion carried.

SURPLUS PROPERTIES:

Moved by Hansen, seconded by Wiese to declare the following described properties surplus for sale by auction to be held in the Community Room, Brown County Courthouse Annex, Aberdeen, South Dakota at 10:00 A.M. on May 6, 2013: West 42' of Lot 7, and the West 42' of the South 12.5' of Lot 8, Block 40, Bennett and Thomas Addition to North Aberdeen, Brown County, South Dakota (224 2nd Ave NW); Lot 2 of Replat of Lot 1, Brown County Commissioner's Subdivision in the City of Aberdeen, in the SW ¼ of Sec 18-123N-R63W of the 5th P.M., Brown County, South Dakota (located directly north of 1017 1st Ave SE); Park Addition, Lots 15 & 16, Block 2, Westport City, Brown County, South Dakota; Lot 12, Block 9, Randolph located in the SE ¼ of Sec 31-T121N-R61W of the 5th P.M., Brown County, South Dakota. All members present voting aye. Motion carried.

AUDITOR'S REPORT OF ACCOUNT:

Moved by Hansen, seconded by Wiese to approve the March 2013 Auditor's Report of Account with the County Treasurer in total amount of \$12,943,766.70 (total amount of actual cash @ \$3,694.88, US Bank @ \$68,177.24, Dacotah Bank @ \$404,314.47, Petty Cash @ \$2,000.00, Fund Investments @ \$12,465,474.99, Outstanding checks \$105.12). All members present voting aye. Motion carried.

VETERANS AND MILITARY AFFAIRS COMMITTEE:

Moved by Hansen, seconded by Wiese to appoint Tom Fischbach as the Brown County Commission representative to the SDACC Veterans and Military Affairs Committee. All members present voting aye. Motion carried.

PRESENTATION COLLEGE – CONDUIT FINANCING:

Time and place, as advertised for public hearing, pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended, on a proposal for the undertaking and financing of an economic development project and the issuance of revenue bonds therefor by the County of behalf of Presentation College, a South Dakota nonprofit corporation. Tom Grimmond, Senior Vice President at Dougherty & Company LLC and Kathy Hall, Vice President of Finance at Presentation College were available to answer any questions. The Chairman asked if anyone was present to comment on the project. There being none, the Chairman declared the public hearing closed and the following action ensued.

Commissioner Fischbach offered the following Resolution:

Resolution No. 14-13

RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF ECONOMIC DEVELOPMENT REVENUE BONDS, TO PROVIDE FUNDS TO FINANCE AN ECONOMIC DEVELOPMENT PROJECT ON BEHALF OF PRESENTATION COLLEGE, A SOUTH DAKOTA NONPROFIT CORPORATION

BE IT RESOLVED by the Board of Commissioners (sometimes referred to herein as the "Board" or the "Commission") of Brown County, South Dakota (the "County"), as follows:

1. Legal Authority. The County is, by the Constitution and laws of the State of South Dakota, including South Dakota Codified Laws, Chapter 9-54, as amended, and Chapter 6-8B, as amended (collectively referred to as the "Act"), authorized to issue and sell its revenue bonds for the purpose of financing the cost of economic development projects and to enter into agreements necessary or convenient in the exercise of the powers granted by the Act.

2. Authorization of Project, Documents. Presentation College, a South Dakota nonprofit corporation (the "Borrower"), has proposed to undertake a project consisting of the construction and equipping of improvements to the Borrower's existing campus located in the County, with a street address of 1500 North Main Street, Aberdeen South Dakota (the "Project"). The improvements to be included in the Project consist specifically of the following: construction of a new student residence hall, to be approximately 79,000 square feet in size, and expected to house approximately 158 new students; construction of an approximately 8200 square foot addition to the existing student activity center, to be used as an athletic training and wellness center, including academic space; and acquisition and construction of new parking and site improvements, including landscaping and roads.

The Borrower has further proposed that, in order to provide financing for the Project, the County issue and sell its Economic Development Revenue Bonds (Presentation College Project), Series 2013 (the "Bonds"), and provide the proceeds thereof to the Borrower pursuant to a loan agreement under terms and conditions requiring the Borrower to satisfactorily complete the Project and to make loan repayments at times and in amounts sufficient to provide for payment of the Bonds in full, when due.

The Bonds will be issued in one or more series pursuant to a Trust Indenture (the "Indenture"), between the County and The First National Bank in Sioux Falls, as trustee (the "Trustee"). The proceeds of the Bonds will be loaned by the County to the Borrower pursuant to a Loan Agreement (the "Loan Agreement"), between the County and the Borrower. Under the Loan Agreement the Borrower will agree to make loan payments sufficient to pay the principal of, premium, if any, and interest on the Bonds. By the Indenture, the County will grant a security interest to the Trustee in certain specified funds and accounts established under the Indenture and in the loan repayments to be made by the Borrower under the Loan Agreement. The Bonds are to be purchased by Dougherty & Company LLC (the "Underwriter") pursuant to a Bond Purchase Agreement (the "Bond Purchase Agreement"), by and among the County, the Borrower and the Underwriter. The Indenture and the Loan Agreement are referred to as the "Bond Documents."

Drafts of the following documents relating to the Bonds (all collectively referred to as the "Bond Documents") have been prepared and submitted to the County and are hereby directed to be filed in the office of the County Auditor:

- (i) Loan Agreement;
- (ii) Indenture;
- (iii) Bond Purchase Agreement;
- (iv) Continuing Disclosure Agreement (the "Disclosure Agreement"), by and between the Borrower and the Trustee, designed to comply with the requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission (this document not to be executed by the County); and
- (iv) Preliminary Official Statement (the "Preliminary Official Statement") describing the offering of the Bonds and setting forth information with respect to the terms of the Bonds, the Borrower, the Project and other matters, the form of which, together with the insertion of the final underwriting details with respect to the Bonds, shall constitute the form of the final Official Statement.

3. Findings. It is hereby found, determined and declared that:

- (a) The Project constitutes a project authorized by and described in the Act.
- (b) The issuance of the Bonds will carry out a public purpose and benefit to the citizens of the community and further the purposes of the Act.
- (c) There is no litigation pending or, to the best of its knowledge, threatened against the County relating to the Bonds, the Loan Agreement, the Bond Purchase Agreement or the Indenture or questioning the due organization of the County, or the powers or authority of the County to issue the Bonds and undertake the transactions contemplated hereby.
- (d) The execution, delivery and performance of the County's obligations under the Bonds, the Indenture, the Bond Purchase Agreement and the Loan Agreement do not and will not violate any order of any court or other agency of government or in which the County is a party, or any indenture, agreement or other instrument to which the County is a party or by which it or any of its property is bound, or be in conflict with, result in a breach of, or constitute (with due notice or lapse of time or both) a default under any such indenture, agreement or other instrument.

(e) It is desirable that the Bonds be issued by the County upon the terms set forth in the Indenture, under the provisions of which the County's interest in the Loan Agreement will be pledged to the Trustee as security for the payment of principal of, premium, if any, and interest on the Bonds.

(f) The Loan Agreement provides for payments by the Borrower to the Trustee for the account of the County of such amounts as will be sufficient to pay the principal of, premium, if any, and interest on the Bonds when due. The Loan Agreement obligates the Borrower to pay or cause to be paid all costs of operation and maintenance of the Project Facilities, including adequate insurance, taxes and special assessments.

(g) Under the provisions of the Act, and as provided in the Loan Agreement and Indenture, the Bonds are not to be payable from nor charged upon any funds other than amounts payable pursuant to the Loan Agreement and moneys in the funds and accounts held by the Trustee which are pledged to the payment thereof; no owners of the Bonds shall ever have the right to compel the exercise of the taxing power of the County to pay any of the Bonds or the interest thereon, nor to enforce payment thereof against any property of the County; the Bonds shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property of the County (other than the interest of the County in the Loan Repayments to be made by the Borrower under the Loan Agreement); and each Bond issued under the Indenture shall recite that such Bond is issued pursuant to the Act and that such Bond, including interest thereon, is payable solely from the sources described therein and shall not constitute or give rise to a charge against the general credit or taxing powers of the County.

4. Approval and Execution of Documents. The forms of Bond Documents, referred to in paragraph 2, are approved. The Loan Agreement and Indenture shall be executed in the name and on behalf of the County by the Chair and the County Auditor, or executed by other officers of the County, in substantially the form on file, but with all such changes therein, not inconsistent with the Act or other law, as may be approved by the officers executing the same, which approval shall be conclusively evidenced by the execution thereof, and then shall be delivered to the Trustee. The Bond Purchase Agreement shall be executed by one or more officers of the County, as provided therein.

5. Approval, Execution and Delivery of Bonds. The County shall proceed forthwith to issue the Bonds in an aggregate principal amount of not to exceed \$10,000,000, and to be in the forms and upon the terms set forth in the Indenture, which terms are for this purpose incorporated in this resolution and made a part hereof; provided, however, that the maturities of the Bonds, the interest rates thereon, and any provisions for the optional or mandatory redemption thereof shall all be as set forth in the final form of the Indenture to be approved, executed and delivered by the officers of the County authorized to do so by the provisions of this Resolution, which approval shall be conclusively evidenced by such execution and delivery; but provided further that, in no event, shall any such maturities exceed 30 years or such rates of interest produce a net interest cost in excess of 6.75% per annum. The Underwriter will agree pursuant to the provisions of the Bond Purchase Agreement, and subject to the conditions to be set forth, to purchase the Bonds at the purchase price set forth in the Bond Purchase Agreement. The Chair, County Auditor and other County officers are authorized and directed to prepare and execute the Bonds as prescribed in the Indenture and to deliver them to the Trustee, together with a certified copy of this Resolution and the other documents required by Section 2.08 of the Indenture, for authentication, registration and delivery to the Underwriter. As provided in the Indenture, each Bond shall contain a recital that it is issued pursuant to the Act, and such recital shall, to the full extent permitted by law, be conclusive evidence of the validity and regularity of the issuance thereof.

6. Preliminary Official Statement. The County hereby approves the form of and consents to the circulation by the Underwriter of the Preliminary Official Statement in offering the Bonds for sale; provided, however, that the County has not participated in the preparation of the Preliminary Official

Statement or independently verified the information in the Preliminary Official Statement and takes no responsibility for, and makes no representations or warranties as to, the accuracy or completeness of such information.

7. Certificates, etc. The Chair, County Auditor and other officers of the County are authorized and directed to prepare and furnish to bond counsel and the purchaser of the Bonds, when issued, certified copies of all proceedings and records of the County relating to the Bonds, and such other affidavits and certificates as may be required to show the facts appearing from the books and records in the officers' custody and control or as otherwise known to them; and all such certified copies, certificates and affidavits, including any heretofore furnished, shall constitute representations of the County as to the truth of all statements contained therein.

8. Qualified Tax-Exempt Obligations. The County hereby designates the Bonds as "qualified tax-exempt obligations," within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), and that the Bonds are to be issued on behalf of an organization described in Section 501(c)(3) of the Code, as "qualified 501(c)(3) bonds," within the meaning of Section 145 of the Code.

9. Effective Date; Repeals. This Resolution shall become effective twenty days following publication and all provisions of any existing ordinances, resolutions and other actions and proceedings of the County which are in any way inconsistent with the terms and provisions of this Resolution are repealed, amended and rescinded to the full extent necessary to give full force and effect to the provisions of this Resolution.

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

LEAVE OF ABSENCE POLICY:

Moved by Hansen, seconded by Wiese to approve Brown County Unpaid Leave of Absence Policy as drafted by Gary Vetter and Larry Lovrien. All members present voting aye. Motion carried.

COURTHOUSE ELEVATOR:

Mick Palmer, Maintenance Department Manager, discussed quotes and timeline for maintenance work on the courthouse elevator.

BID MC-3000 ROAD OIL:

Moved by Kippley, seconded by Fischbach to award bid, submitted by Flint Hills Resources, Marshall MN for furnishing and delivery of Road Oil MC-3000 @ \$652.79 per 500 tons, as bid by the City of Aberdeen on March 12, 2013; rejecting Jebro Inc MC-3000 @ \$662.16 per 500 tons. All members present voting aye. Motion carried.

BID AWARD – CRACK SEALANT:

Moved by Wiese, seconded by Hansen to award Asphalt Concrete Crack Sealant Bid from State Bid Contract—Project No. P 0023(35) PCN 03JM to Highway Improvement, Inc. for various county roads in amount not to exceed \$99,208.01 to be completed on or before August 1, 2013. All members present voting aye. Motion carried.

TELEPHONE SYSTEMS:

Gary Vetter, Commission Assistant, and Paul Sivertsen, IT Department discussed quotes and associated costs for new phone systems in the following offices: Sheriff's Department, State's Attorney, and 24/7 Program.

60
Moved by Kippley, seconded by Wiese to approve purchasing new phone system from SDN Communications in amount of \$28, 069.00 to be used in the following offices: Sheriff's Department, State's Attorney, and 24/7 Program; rejecting quote from Marco @ \$31,069.00. All members present voting aye. Motion carried.

EXECUTIVE SESSION:

Moved by Hansen, seconded by Wiese to go into executive session to discuss personnel with Larry Lovrien, Gary Vetter, 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.

CULVERT PROJECT:

Gary Vetter presented a request for Brown County to contribute \$2500 to a culvert replacement project along the James River in Putney Township. The project has received funding in part from Mud Creek Watershed District, James River Water Development District, and Putney Township.

Moved by Kippley, seconded by Wiese to approve a \$2500 inkind contribution to the Putney Township culvert project (Highway Department labor/equipment for culvert installation) . All members present voting aye. Motion carried.

RECESS:

The Chairman declared the Commission recessed until April 16, 2013.

Julia Grenz, Brown County Deputy Auditor

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

61

APRIL 9, 2013 – CONSOLIDATED BOARD OF EQUALIZATION

Members of the Brown County Commission, Aberdeen City Council and Aberdeen School District 6-1 organized themselves as the 2013 Consolidated Board of Equalization, in accordance with SDCL 10-11-66 at 10:00 A.M. on April 9, 2013 in the Commissioner's Chambers, Courthouse Annex, Brown County, South Dakota. Oaths of Office were taken by Tom Fischbach, Rachel Kippley, Duane Sutton, Duane Alm and Mayor Mike Levsen. Director of Equalization Mary E Worlie and Bonnie Ketterling were also in attendance. Auditor Maxine Fischer called the meeting to order and called for nominations for Chairman.

Commissioner Alm nominated Commissioner Sutton as Chairman for the 2013 Consolidated Board of Equalization. Moved by Fischbach, seconded by Levsen that nominations cease and a unanimous ballot be cast for Commissioner Sutton for Chairman of the 2013 Consolidated Board of Equalization. All members present voting aye. Motion carried.

RECESS:

The Chairman declared the Consolidated Board of Equalization recessed until 10:00 a.m. on April 16, 2013.

Maxine Fischer – Brown County Auditor

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

62

APRIL 9, 2013 – BROWN COUNTY BOARD OF EQUALIZATION

This being the second Tuesday, April 9, 2013, the Brown County Commission organized themselves as the Brown County Board of Equalization, in accordance with SDCL 10-22-25, at 10:05 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, South Dakota. Oaths of office were taken by Commissioners Fischbach, Kippley and Sutton. Director of Equalization Mary E. Worlie, Bonnie Ketterling and Treasurer Sheila Enderson were also present. Auditor Maxine Fischer called the meeting to order and called for nominations for Chairman.

Commissioner Fischbach nominated Duane Sutton as Chairman for the 2013 Brown County Board of Equalization. Moved by Kippley, seconded by Fischbach that nominations cease and a unanimous ballot be cast. All members present voting aye. Motion carried.

Moved by Kippley, 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 Fischbach, seconded by Kippley to instruct the Director of Equalization to reduce values on all properties qualifying for Assessment Freeze for the Elderly and Disabled for 2013 (165). All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Kippley to instruct the Director of Equalization to reduce values on all properties qualifying for Paraplegic Veteran Exemption for 2013 (2); Paraplegic Exemption for 2013 (1); and 100% Disabled Veteran Exemption for 2013 (60). All members present voting aye. Motion carried.

Moved by Kippley, seconded by Fischbach to approve the applications submitted per SDCL 10-4-15 for 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 Fischbach, seconded by Kippley to approve partial Tax Exempt Status for the following applications: Aberdeen City #32 ACT 2 INC 63% on #2 Midwest Capitol Project of Lt 10-12 Blk 27 1st Addn; 63% on #3 Midwest Capitol Project of Lt 13-18 Blk 27 1st Addn Ex Mezzanine Hallway Unit 3; 63% Mezzanine Storage Unit 4A #4 Midwest Capitol Project of Lot 13-18 Blk 27 1st Add; **First United Methodist Church** 33% on Lts 12 & 13 Blk 29 Subd of Lts 4 & 5 Blk 29 1st Addn & Lts 12 & 13 Blk 29 2nd Addn; **CC Croal Post #17 VFW** 50% on Lt 18 Plat of Auto Plaza Addn; 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 (requested 100%); **Yelduz Temple** 90% on Lts 1-3 Blk 50 Second Addn; **Avera St Luke's Hospital** 20% on Lt 1 Avera St Lukes Subd (Blk 73 & 82 H&L); 92% on Lt 1 Avera St Lukes Addn (Blk 86, 87, and 96, H&L Etc); 58% on Lt 2 HRS/SAL Subd (Brandner); 40% on Lt 3 Avera Land 'O Lakes 2nd Subd (Blk 72 H&L and OL 2 Lanes); 48% on Lt 4 Hagerty and Lloyds 3rd Subd SE 13-123-64; **Aberdeen Development Corporation** 56% on Lt 1 Abdn Dev Corp 2001-1 Subd NE 16-123-63 (Industrial Pk East); **Fraternal Order of Eagles** 50% on Lts 4-12 Blk 22 First Addn (requested 65%); **Safe Harbor** 75% on Lts 5 & 6 Blk 90 Hagerty & Lloyds Addn (requested 100%). **TDAF/Tom Aman** 36% on Lt 1 Blackstone 2nd Subd (requested 90%). Groton City #33 American Legion Post #39 60% on Lts 22-25 Blk 11 OP Groton; **Groton Community Transit Inc** 63% on Lts 9-12 Blk 10 OP Groton (requested 100%). 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. All members present voting aye. Motion carried.

Moved by Kippley, seconded by Fischbach to remove Tax Exempt status, as requested on the following: Aberdeen City #32 Avera St Lukes Hospital on #8B Physicians Plaza Blk 83 Hagerty & Lloyd Addn

63

(Suite W260); OL 1 NW 11-123-64 Ex Bike Trail Lt1 and Ex Lt A Dakota Midland Hospital (18.48 acres); Lt 1 Avera St Lukes Subd (Blk 73). All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Kippley to approve 100% Tax Exempt status on the following new applications: Aberdeen City #32 **FOHO I, LLC** on Lt 1 Apt Addn (Blk 35 Thomas Addn) and Lot 1 WSA 1st Addn (Lt 7 & 8 Blk 3 Addisons). All members present voting aye. Motion carried.

Moved by Kippley, seconded by Fischbach to approve 100% Tax Exempt status on the following new application: Aberdeen City #32 **Meadowwood Townhomes** on Lt 1 Meadowwood Addn (Lt 1 Inmans 5th B20 Roches). All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Kippley to approve 100% Tax Exempt status on the following new application: Aberdeen City #32 **Sanford Health Network** on Lt 1 Mutual of Omaha 5th Addn (Lt 1 3rd). All members present voting aye. Motion carried.

Moved by Kippley, seconded by Fischbach to deny Tax Exempt status on the following new application: Aberdeen City #32 **First Baptist Church** on Lt 1 Wells-Lawson Interconnect Subd. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Kippley to deny Tax Exempt status on the following new application: Aberdeen City #32 **Trinity Lutheran Church** on Lt 2 Schultz's Replat Blk 23 Coe & Howard Addn. All members present voting aye. Motion carried.

Moved by Kippley, seconded by Fischbach to deny Tax Exempt status on the following new application: Aberdeen City #32 **Journey Church** on Lt 4 & N 35' Lt 5 Blk 28 1st Addn, form submitted after deadline. All members present voting aye. Motion carried.

RECESS:

The Chairman declared the County Board of Equalization recessed until 1:00 p.m. on April 16, 2013.

Maxine Fischer – Brown County Auditor

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

APRIL 16, 2013 – GENERAL MEETING

Meeting called to order by Chairman Sutton at 8:45 a.m., April 16, 2013 in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Kippley, Fischbach and Wiese. Chairman Sutton led the Pledge of Allegiance.

MINUTES:

Moved by Fischbach, seconded by Wiese to approve the General Meeting minutes, Consolidated Board of Equalization Meeting minutes and County Board of Equalization Meeting minutes of April 9, 2013. All members present voting aye. Motion carried.

CLAIMS:

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

Supplies: 446-Praxair Distribution \$257.34; Crawford Trucks & Equipment \$3444.04; Crescent Electric Supply \$223.42; EcoLab Pest Elimination \$191.00; Gall's \$1960.00; Gardner Locksmithing \$110.00; GCR Tire Center \$19.00; GovConnection \$268.74; Green Iron Equipment \$115.73; Intoximeters \$100.15; Keeley's \$1,360.00; Lawson Products \$88.27; Marco \$68.73; Midstates Printing \$56.46; NCFE-Warner Elevator \$26,021.25; Palmer Distributing \$618.25; Lora Schaunaman \$116.90.

Repairs & Maintenance: B & B Contracting \$175.00; G & K Services \$177.89; GCR Tire Center \$103.98; Hagan Insurance \$1,490.00; Hoven Auto Repair \$76.16; Lawson Products \$11.99; Midwest Pump & Tank \$174.16.

Publishing: Aberdeen American News \$346.58.

Transcriptions: Michelle Gaikowski \$23.80; Richard Neal \$45.60.

Travel & Conference: Best Western Ramkota \$180.00; Dana Breske \$23.00; Casey Jensen \$23.00; Leo Leshner \$203.04; Russell Metz \$135.36; SD Assoc. of County Officials \$720.00; Duane Sutton \$315.84.

Utilities: Aberdeen City Treasurer \$295.51; CenturyLink \$1,431.08; City of Hecla \$255.83; Dependable Sanitation \$21,357.56; Executive Mgmt. Finance \$281.32; Northern Electric Coop. \$2,439.14; Northern Wireless Communication \$191.45; NWPS \$6,434.09; Tri-State Water \$30.40.

Professional Fees: AMG Internal Medicine \$81.00; AMG Psychiatry \$1,631.30; Cass County Sheriff \$68.50; Denise Cody \$15.00; DT Pharmacy \$825.81; City of Groton \$98.79; Lucy Lewno \$150.46; LexisNexis Risk Data Mgmt. \$50.00; Lincoln County Treasurer \$18.00; National Academy of Emergency Dispatch \$50.00; Sanford Health \$28.51; SD Dept. of Revenue & Regulation \$4,594.00; Karen Swanda \$15.00; Yankton County Treasurer \$212.50.

Machinery & Equipment: Sanitation Products \$11,680.00.

Care of Poor: Rent: 3 recipients: Danne Inc. \$560.00; Jency Agency \$280.00. Utilities: 1 recipient: NWPS \$155.54.

All members present voting aye. Motion carried.

PERSONNEL:

Moved by Fischbach, seconded by Wiese to approve hiring Aliza Rux as Summer Intern (Dacotah Prairie Museum), effective May 20, 2013 at \$8.33 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Fischbach to acknowledge the following miles driven and amount to be taxed for personal use of County vehicles during the month of March 2013: Marcus Selzler—119 @ \$67.24, Mark Wendt—408 @ \$230.52, Kendell Titze—120 @ \$67.80, Jan Weismantel—86.40 @ \$48.82, Mike Scott—180 @ \$101.70, Gary Vetter—112 @ \$63.28. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Fischbach to approve hiring Myles Matheson as Summer Intern (State's Attorney's Office), effective May 27, 2013 at \$500 per week; and first year law students Jennifer Stoddard and Wanette Lenling as volunteers (State's Attorney's Office), effective May 13, 2013. All members present voting aye. Motion carried.

ABATEMENT:

Moved by Wiese, seconded by Kippely to approve and authorize the Chairman sign abatement for Christina Heinz @ \$1,198.51 (office error). All members present voting aye. Motion carried.

BCBS EMPLOYEE HEALTH INSURANCE:

Gary Welter, BCBS Representative presented new product information and summary reports for the current plan year for Employee Health Insurance Coverage and explained increased costs and fees for plan year July 1, 2013-June 30, 2014. Andrea Sjomeling, Chief Deputy Auditor was also in attendance.

BMX TRACK:

Kyle Oswald discussed internet service at the BMX track and the option of using Brown County Extension Office technology. He also presented repairs that need to be made to the fence at the BMX track and the associated costs of that project.

SURPLUS PROPERTY AUCTION:

Moved by Kippely, seconded by Hansen to accept quote submitted by Buntrock Auction Service for auctioneering services for Surplus Property Sale to be held at 10:00 a.m. on May 17, 2012: rejecting quotes from Jark/Worlie Auction Service and Thorpe Realty & Auction. All members present voting aye. Motion carried.

BRIDGE #218 REPLACEMENT:

Commissioner Fischbach offered the following Resolution:

RESOLUTION # 15-13

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

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

STRUCTURE NUMBER AND LOCATION: Bridge #218 07-257-040 1.8 miles West and 0.3 miles South of Hecla, SD over the James River

LIST OF CURRENT LANDOWNERS ADJACENT TO THE PROJECT: United State of America

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

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

AND WHEREAS, the bridge is in need of replacement for the following reasons: 1) The sufficiency rating is 18.6. 2) The bridge is not located on a County or Township designated Minimum Maintenance Road. 3) The bridge is located on a Federal Aid Route. 4) The load carrying capacity of the existing bridge cannot be improved to carry legal loads by rehabilitation of the existing bridge.

NOW THEREFORE BE IT RESOLVED, that the South Dakota Department of Transportation be and hereby is authorized and requested to program for construction, in accordance with the "Local Roads Road Plan" and the State's "Standard Specifications For Roads and Bridges", the bridge replacement project at the above described location. Items to be handled by State forces with Federal Participation will include hydraulic study review, foundations investigation (if necessary), plan reviews, and construction administration.

Estimated Cost of Project Including Engineering:	\$2,000,000
Federal Share (80%):	\$1,600,000
Local Share (20%):	\$400,000

Proposed Year of Construction: 2023

Dated this 16th day of April 2013.

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

COURTHOUSE ELEVATOR:

Moved by Kippley, seconded by Fischbach to accept quote submitted by KONE Inc. for labor and materials necessary for repairs to the courthouse elevator in amount of \$155,900; rejecting quote from Otis Elevator Company in amount of \$158,200. All members present voting aye. Motion carried.

EXECUTIVE SESSION:

Moved by Hansen, seconded by Wiese to go into executive session to discuss personnel with Larry Lovrien, Gary Vetter and Andrea Sjomeling in attendance. All members present voting aye. Motion carried.

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

HOSPITAL CLAIMS:

Moved by Fischbach, seconded by Wiese to deny payment of the following hospital claims presented by Kerry Dawson, Welfare Director: 50 year old male @ \$14,588.95 and 60 year old male @ \$11,890.56, as the individuals have 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 Larry Lovrien 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.

PUBLIC EVENTS POLICY:

Moved by Wiese, seconded by Kippley to approve Policy Concerning Security and Other Issues at Certain Public Events. All members present voting aye. Motion carried.

RECESS:

The Chairman declared the Commission recessed until April 23, 2013.

Julia Grenz, Brown County Deputy Auditor

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

APRIL 16, 2013 – CONSOLIDATED BOARD OF EQUALIZATION

Meeting called to order by Chairman Sutton at 10:00 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Kippley and Fischbach, School Board Member Alm and Aberdeen City Mayor Levsen. Mary Worlie, Russell Metz, Leo Leshner and Gene Loeschke from the Director of Equalization Office were also in attendance.

APPEALS:

Moved by Levsen, seconded by Fischbach to approve the following recommendations from the Director of Equalization: **#1. Lonnie Bartell**-Lt 11 Blk 44 2nd Addn 134,760 to 116,320. **#2. State Street Commons**-Lt 1 Old Parks and Recreation Addn (Blk 13 Woolverton) 286,250 to 100,000. **#3. Randal Grote**-Lt 6 Blk 6 Gorders Replat 4th Addn 266,980 to 244,280. **#4. Donald Krege**-Lt 18 Blk 2 Homes are Possible 8th Subd 163,830 to 158,260. **#5. Grant Manhart**-Lt 5 Blk 53 2nd Addn 100,970 to 47,391. **#6. Northwestern Energy**-Lot 1 Hoffer's 1st Addn Replat Blk 6 Golden Acres 7th Addn (assessed by state). **#7. 3M**-Lt 1 Brown County Pond 2nd Addn 10,000 to 0. **#8. Dakota Estates**-Blk 1 Dakota Estates 0 to 811,840. **#9. Dornbush Trust**-Lt 1 Brown County Pond Addn 10,000 to 0. **#10. Jordan Park Limited Partnership**-S 300' of OL 4-A Ganje Addn Mel Ros Estates Subd 1,959,470 to 1,849,710. **#11-12. Wagner Holding**-W 42' Lt 5-6 Blk 14 Original Abd 15,625 to 14,094; E 100' Lot 5-6 Blk 14 Original Plat 357,368 to 223,663. **#13. Trinity Lutheran Church**-Lt 2 Schultz's Replat Blk 23 Coe and Howard Addn (remove owner occupied status). **#14. Richard Westra**-W 5' Lt 4, Lt 5 and E 30' Lt 6 Blk 8 Gorders Replat 4th Addn (remove owner occupied status). **#15-19. Blackstone Developers, LLC**-W 72' of Lts 3-5 and Lt 6 Blk 7 Original Plat 280,256 to 227,247; Lt 10-12 Blk 10 Original Plat 277,385 (no change); N 120' Lt 1 Blackstone 4th Subd 1,081,190 (no change); Lt 1 Blackstone 1st Subd 7,653,390 (no change); Balance of Lt 1 Blackstone 4th Subd 267,480 (no change). All members present voting aye. Motion carried.

Moved by Levsen, seconded by Alm to reject the following appeal: **#20. James and Barb Latterell** - Lt 1 Hoggs 1st Subd Melgaard Park Addn, appeal submitted after deadline. All members present voting aye. Motion carried.

ADJOURNMENT:

Moved by Levesen, seconded by Alm to adjourn the 2013 Consolidated Board of Equalization. All members present voting aye. Motion carried.

Julia Grenz – Brown County Deputy Auditor

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

APRIL 16, 2013 – 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 Kippley, Fischbach and Wiese. Mary Worlie, Leo Leshner and Gene Loeschke from the Director of Equalization Office were also in attendance.

APPEALS:

Moved by Wiese, seconded by Fischbach to approve the following recommendation from the Director of Equalization: **#1.Donald Hylton** Lt 1 Richardson Addn NW 11-127-62 102,050 to 100,220. **#2.L.R. Schroeder Est.** NE 23-128-61 32,328 to 50,313. **#3.Shad Albrecht** Kemnitz OL 1 E ½ 1-125-62 133,262 to 98,080. **#4.Kevin Braun** Lt 1 Evelo 2nd Subd S ½ 29-123-63 171,543 to 155,323. **#5.Thomas Cutler** Lt 15-16 Blk 18 1st Addn Groton 101,145 to 113,165. **#6.Doreen Davis** NW 30-125-63 191,297 to 187,132. **#7.Walt Dickson** SW 29-128-65 Ex Lake Inc Smith Plat 77,591 to 56,181. **#8.Michael Elsen** Lt 1 Blk 24 Hecla 21,754 to 23,990. **#9.Lindsey Garrett** BOLS Lt 2 Garrett's Subd Lt 1 Hagemann 1st Subd SE 26-124-63 1980 Liberty 14X70 7,490 to 500. **#10-11.Bertha Jaeschke** NW 2-122-62 296,804 (no change); S ½ Lt A and B Subd NW 3-122-62 64,432 (no change). **#12.Rolf Johnson** Lt 22 Blk 12 Prairiewood 531,240 to 459,000. **#13.Donald Krause** Lt 3-4 Blk 20 Hecla 23,186 to 25,216. **#14.David Krueger** Krueger OL B SW 11-122-60 16,850 to 19,460. **#15.Bernel Lee** SE SW 31-122-62 66,624 to 29,584. **#16.Jerald Locke** N ½ Lt 12 and Lt 13 Blk 4 Groton 0 to 5,330. **#17.Jeannine McMechen** SW 15-125-63 149,206 to 148,816. **#18.Jason Podoll** BOLS SE 8-125-63 Ex W 55 A 1985 Friendship 3472 10,825 to 500. **#19.Northwestern Energy** OL 1 Northwestern-Young OLS W ½ 25-123-64 1160 to 0. **#20.Charles Raap** 1st Addn Blk 34 Lt 7 and S 40' Lt 8 86,380 to 64,240. **#21.Paul Taylor** OL 1 Phillips 327,610 to 283,610. **#22.David Voeltz** S 60 Acres SW 14-125-63 65,608 to 64,621. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Fischbach to approve the following recommendation from the Director of Equalization: **#23.Allen Siefkes** SE 17-128-62 222,967 to 256,947. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Kippley to approve the following recommendations from the Director of Equalization: **#24.Robert Johansen** E 600' SE 33-125-64 36,842 to 46,965. **#25.Craig Sternhagen** Lt 9-12 and S 5' Lt 8 Blk 19 Randall Addn Groton 116,520 to 131,995. **#26.Karen Sieber** SE 14-125-63 145,681 (no change). **#27.Steven Engelhart** SW 14-126-64 108,500 to 162,561. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Wiese to approve the following recommendation from the Director of Equalization: **#28.John Kippley** Lt 3 Kippley Family Subd NW 18-124-63 392,203 to 578,937. Roll call vote: Commissioners Kippley-abstain, Fischbach-aye, Wiese-aye, Sutton-aye. Motion carried.

Moved by Kippley, seconded by Fischbach to approve the following recommendation from the Director of Equalization: **#29-31.Harley Gage** SE 21-125-64 130,436 to 173,339; SW 21-125-64 130,436 to 196,571; NW 21-125-64 130,802 to 200,907. **#32.Dorothy Elsen** NW 7-128-62 71,962 to 118,457. All members present voting aye. Motion carried.

William Edwards presented appeals. Also present were the following Township Officials: Lloyd Buntrock and Glenn Ringgenberg (Garland Township); Audrey Spitzer; Garrett Hartwell and Cameron Wyly (Ravinia Township); Ron Dutenhoffer and Barney Bain (Franklyn Township). After discussion, appeals were withdrawn.

Moved by Fischbach, seconded by Kippley to acknowledge withdrawal of appeals on the following parcels: **#33-41.William Edwards** NE 26-125-63, SE 26-125-63, SW 26-125-63, NE 17-124-65, NW 17-124-65, SE 10-126-65, NW 12-126-65, NE 21-126-64, NW 26-125-63 Ex Land Deeded. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Kippley to rescind denial action in the April 9, 2013 Minutes and approve application submitted per SDCL 10-4-15 for 100% Tax Exempt Status: **#42.First Baptist Church** on Lt 1 Wells-Lawson Interconnect Subd. All members present voting aye. Motion carried.

ADJOURNMENT:

Moved by Fischbach, seconded by Kippley to adjourn the 2013 Brown County Board of Equalization. All members present voting aye. Motion carried.

Julia Grenz – Brown County Deputy Auditor

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

APRIL 23, 2013 – GENERAL MEETING

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

MINUTES:

Moved by Fischbach, seconded by Wiese to approve the General Meeting Minutes, Consolidated Board of Equalization Board Meeting Minutes and Brown County Board of Equalization Meeting of April 16, 2013. All members present voting aye. Motion carried.

CLAIMS:

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

Payroll: Commission \$3,359.55; Commission Assistant \$1,923.08; Auditor \$8,485.83; Treasurer \$11,681.87; Data Processing \$1,681.49; State's Attorney \$14,468.04; Blood Draws \$700.00; SVAWA Grant \$1,269.24; Maintenance \$6,100.95; Assessor \$11,925.90; Register of Deeds \$7,312.42; Veterans Service Office \$3,473.53; GIS \$2,045.33; Sheriff Admin \$31,344.24; Jail \$29,675.82; Coroner \$1,650.00; JDC \$14,168.74; HD \$4,086.36; Welfare Office \$3,022.09; Museum \$6,704.50; Parks & Fairgrounds \$3,987.20; Fair Board \$2,662.37; 4-H \$1,074.40; Weed \$65.55; Planning and Zoning \$407.30; Highway \$51,153.38; Communications \$18,596.29; Emergency Management \$3,033.11; Teen Court \$266.59; 24/7 \$2,646.38; Landfill \$10,612.05

Matching Benefits: FICA \$15,247.63; Medicare \$3,565.97; Life \$577.44; Dental \$6,012.50; Health Insurance \$89,825.53; Retirement \$30,921.23

Supplies: A & B Business \$34.41; Aberdeen Plumbing & Heating \$31.88; Active Data Systems \$2,992.74; Advance Auto Parts \$10.99; American Alliance of Museums \$250.00; Assn of SD Museums \$100.00; Best Business Products \$176.80; CarQuest Auto Parts \$1,551.55; Diesel Machinery \$-695.40; DPM Petty Cash \$58.07; Farm Power Mfg. \$410.00; GovConnection \$268.74; inData Corp. \$139.00; Marco \$194.97; Matthew Bender & Co. \$39.49; McLeod's Printing & Office Supplies \$117.97; Midwest Rubber Stamp \$28.50; New Pig \$153.00; Pizza Ranch \$48.98; SD Continuing Legal Education \$37.10; Service Signs \$198.00; Titan Access Account \$3,424.75; Totally Tubular Mfg. \$29.71; US Bank \$7,613.90.

Repairs & Maintenance: Crady's Radiator Shop \$125.00; Dakota Doors \$86.73; Diesel Machinery \$5700.00; Farm Power Mfg. \$230.28; Industrial Service \$560.00; Lien Transportation \$450.00; New Pig \$21.33; Sewer Duck \$475.00; Sound Decisions \$122.97; Titan Access Account \$1,297.85; Totally Tubular Mfg. \$207.86; US Bank \$298.98; Jeff Vilhauer \$1,224.49.

Publishing: Aberdeen American News \$587.54.

Transcriptions: Judy Weber RPR \$30.00.

Travel & Conference: SD Assoc. of County Officials \$175.00; US Bank \$4,843.46.

Utilities: CenturyLink \$2,485.08; NWPS \$310.40; US Bank \$669.98; Verizon Wireless \$1,222.69.

Professional Fees: Aberdeen Advanced Care Ambulance \$207.70; AMG Psychiatry \$193.91; Avera St. Luke's \$5,588.64; Br. Co. Treasurer \$341.66; Certified Languages International \$146.85; Clark Title Co. \$100,271.22; Jeanette Hahler \$20.00; Language Line Services \$39.16; Nicollet Co. Sheriff \$25.00; Sanford Health \$35.00; Sivertsen Technology \$5,450.00; US Bank \$110.00; West Payment Center \$130.40; Joni Wileman \$120.00; Yankton Co. Sheriff Office \$50.00; Yankton Co. Treasurer \$25.00.

Other: James River WD \$7,346.54.

Care of Poor:

Utilities: 3 recipients: NWPS \$600.62. Dr. /Hospital: 2 recipients: Avera St. Luke's \$10,589.32; Sanford Health \$4,714.26. Transport: 1 recipient: Jefferson Lines \$200.00. All members present voting aye. Motion carried.

PERSONNEL:

71
Moved by Wiese, seconded by Fischbach to approve the following employee step increases, effective April 28, 2013: Monte Podoll @ \$14.46 per hour, Kathy Fischer @ \$19.54 per hour, Terry Lout @ \$13.89 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Kippley to acknowledge resignation of Mick Palmer, Maintenance Director effective May 24, 2013. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Fischbach to approve hiring Keith Enderson, effective April 15, 2013; Geri Sillman and Leah Glover, effective April 22, 2013 for part-time data entry in the Treasurer's Office at \$12.93 per hour. All members present voting aye. Motion carried.

LEASE AGREEMENTS:

Moved by Fischbach, seconded by Wiese to approve and authorize the Chairman sign the following agreements: Aberdeen Police Department for lease of the Expo Building on May 5, 2013; Celtic Faire for lease of the Expo Building and Expo Addition on September 21-22, 2013; and North Plains Baptist Church for lease of the Richmond Youth Camp on June 24-30, 2013. All members present voting aye. Motion carried.

STP FUND SWAP AGREEMENT:

Moved by Wiese, seconded by Kippley to approve and authorize the Chairman to sign agreement with the SD Department of Transportation regarding the County's desire to exchange the Brown County's STP Funds of \$348,602.98 for federal fiscal year 2013 with state highway funds. All members present voting aye. Motion carried.

SHERIFF REPORT:

Moved by Fischbach, seconded by Wiese to approve the following March 2013 Sheriff Reports: Incidents and offenses, Prisoner care, JDC, and Money deposited with the County Treasurer. All members present voting aye. Motion carried.

PLAT:

Commissioner Wiese offered the following Resolution:

RESOLUTION #16-13

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing Henley Conservation Easement Tract 2 in the S ½ NE ¼ and the SE ¼ of Sec 19-T124N-R61W 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, Kippley-aye, Fischbach-aye, Wiese-aye, Sutton-absent. Resolution adopted.

SPECIAL MALT BEVERAGE LICENSE:

Moved by Fischbach, seconded by Wiese to approve and authorize the Chairman to sign the following Special License Application: Kessler's Inc, (RW 19541) 621 6th Ave SE Aberdeen S.D. 57401 – Lot 1 Parkview Nursery Addition NE ¼ Sec 25-T123N-R64W of the 5th P.M, Brown County, SD, for special event to be held June 20, 2013. All members present voting aye. Motion carried.

CDBG NEW TEC CDL WORKFORCE TRAINING:

Time and place, as advertised for public hearing, pursuant to South Dakota Department of Tourism and State Development Community Development Block Grant Application process for funding in amount of \$254,500 to make possible a Commercial Driver's License Training Project. The purpose of the public hearing is to receive comments from members of the community regarding the project. Ted Dickey, NECOG; Brandon Lemer, New Tec; Chris Haar, Aberdeen Development Corp and Julie Johnson, Absolutely Aberdeen were present were available to answer any questions. The Chairman asked if anyone was present to comment on the project. There being none, the Chairman declared the public hearing closed and the following action ensued:

Commissioner Wiese offered the following Resolution:

RESOLUTION #17-13

Authorizing Community Development Block Grant Application To Assist In The Workforce Development Program In Brown County

WHEREAS, Brown County proposes to execute an application for \$254,500 Community Development Block Grant funds to fund the Workforce Training Initiative in Brown County; and

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

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

WHEREAS, Brown County has held the required public hearing on Tuesday, April 23, 2013, for the Community Development Block Grant; and

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

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

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

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

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

Dated this 23rd day of April 2013.

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

APPLICATION FOR OCCUPANCY:

Moved by Fischbach, seconded by Kippley to approve and authorize the Chairman sign application, submitted by Web Water Development for occupancy of County 6, Sec 24-T124N-R65W, Brown County, SD to provide potable water line. Roll call vote: Commissioners Hansen-abstain, Kippley-aye, Fischbach-aye, Wiese-aye, Sutton-absent. Motion carried.

Moved by Fischbach, seconded by Kippley to approve and authorize the Chairman sign application, submitted by Century Link for occupancy of Brown County Highway (135th Street) in Sec 36-T123N-R64W, Brown County, SD to provide communications. All members present voting aye. Motion carried.

EQUIPMENT PURCHASE:

Moved by Fischbach, seconded by Kippley to authorize the Highway Department purchase a used truck from SD Federal Surplus (Box Elder Division) to be used by the Sign Unit of the Highway Department. All members present voting aye. Motion carried.

SET BID DATE – BROWN COUNTY 19 AND BROWN COUNTY 14W PROJECTS:

Moved by Fischbach, seconded by Kippley to authorize advertising public hearing to open, read and consider sealed bids for completion of the two highway projects: #1 Brown County 19 (Molded Fiber), to be held at 8:45 a.m. May 21, 2013 and #2. Brown County 14W (Beef Plant), to be held at 9:00 on May 21, 2013 in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. All members present voting aye. Motion carried.

EMPLOYEE VISION CARE -GUARDIAN:

Moved by Fischbach, seconded by Kippley to approve renewal rates for the Guardian Vision Program available to employees at their expense (monthly): Employee @ \$9.12, Employee/Spouse @ \$15.34, Employee/Child @ \$15.62, Family @ \$24.70 effective July 1, 2013 – June 30, 2014. All members present voting aye. Motion carried.

EMPLOYEE HEALTH INSURANCE:

Moved by Wiese, seconded by Fischbach 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: Base Plan – Single @ \$612.00 per month (\$2000 deductible), Family @ \$1,552.00 (\$6000 deductible), Two-party @ \$1,128.36 per month (\$4000 deductible). Alternate Plan #1 - Single @ \$624.80 per month (\$2500 deductible), Family @ \$1,584.44 (\$7500 deductible), Two-party @ \$1,151.94 per month (5000 deductible). Alternate Plan #2 - Single @ \$636.00 per month (\$1500 deductible), Family @ \$1,612.84 (\$4500 deductible), Two-party @ \$1,172.58 per month (\$3000 deductible), however the employee shall pay the difference between the Base Plan premium and Alternate Plans #1 & #2 premiums. All plans effective July 1, 2013 through June 30, 2014. 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-five 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.

FLEX BENEFIT PLAN:

Moved by Wiese, seconded by Kippley, to discontinue agreement with Eide Bailly for purpose of providing administrative services for the Brown County flexible benefits plan effective June 30, 2013 (end of current contract). All members present voting aye. Motion carried.

Moved by Wiese, seconded by Kippley, to approve and authorize the Chairman to sign agreement with Wellmark Blue Cross and Blue Shield of SD to provide administrative services for the Brown County flexible benefits plan effective July 1, 2013. All members present voting aye. Motion carried.

PROPERTY PURCHASE:

Moved by Wiese, seconded by Fischbach to approve and authorize the Chairman attend the closing meeting at Clark Title and sign all documents required for the purchase of the following property: Parcel #1 The South 21.7 feet of Railroad Outlot 2, in the SW ¼ of Section 13, T123N, R64W of the 5th P.M. Brown County, SD and Parcel #2 Railroad Outlot 3 in the SW ¼ of Section 13, T123N, R64W of the 5th P.M., Brown County, SD; and further authorize the Chairman to sign Agreement to allow removal of personal property and fixtures by 5:00 p.m. on May 24, 2013. All members present voting aye. Motion carried.

EXECUTIVE SESSION:

Moved by Fischbach, seconded by Kippley to go into executive session to discuss personnel with Gary Vetter and Larry Lovrien 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 Kippley, seconded by Wiese to extend unpaid leave of absence for an employee until April 28, 2013. All members present voting aye. Motion carried.

EMPLOYEE INSURANCE:

Gary Welter, Wellmark BCBS, presented additional Health Care Reform Act information in regard to overall deductibles on all types of insurance policies.

RECESS:

The Chairman declared the Commission recessed until April 30, 2013.

Maxine Fischer, Brown County Auditor

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

APRIL 30, 2013 – GENERAL MEETING

Meeting called to order by Chairman Sutton at 8:45 a.m., April 30, 2013 in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Kippley, and Wiese. Absent was Commissioner Fischbach. Chairman Sutton led the Pledge of Allegiance.

MINUTES:

Moved by Kippley, seconded by Hansen to approve the General Meeting minutes of April 23, 2013. All members present voting aye. Motion carried.

CLAIMS:

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

Supplies: Aberdeen Clean-All \$135.00; Aberdeen Plumbing & Heating \$188.68; Dakota Supply Group \$31.75; Finn Corp. \$50.00; Fire Safety First \$1,113.54; GovConnection \$256.38; Heartland Paper \$670.57; KONE Inc. \$321.58; Leidholt Electric \$507.39; Marco \$268.28; Matthew Bender & Co. \$126.81; Moore Medical \$267.48; NCFE – Warner Elevator \$29,730.15; Sander's Sew-n-Vac \$39.58; Schadffer's Mfg. Co. \$409.80; SD DOT \$13,837.74; Sivertsen Technology \$660.00.

Repairs & Maintenance: Custom Micro-Interactive \$3,000.00; Farm Power Mfg. \$337.20; Lien Transportation \$1,250.00.

Publishing: Aberdeen American News \$780.51; Dakota Press \$2,688.59.

Transcriptions: Michelle Gaikowski \$53.20; Richard Neal \$57.00.

Utilities: AT & T Mobility \$1745.10; Midcontinent Communications \$223.46; Montana-Dakota Utilities \$27.28; NWPS \$8,771.38.

Professional Fees: AMG Psychiatry \$167.79; AMG Radiology \$27.28; Avera St. Luke's \$3,413.25; Dental Center \$178.66; Christopher Dohrer \$5,770.83; Kuck Law Office \$5,520.83; LBG \$5,615.75; Pollard & Larson \$174.00; Gina Rogers \$5,520.83; Sanford Health \$1,066.51; Christy Serr \$5,770.83; Kristi Spitzer \$449.00.

Other: David Dinger \$875.00; Eugene Dinger \$875.00; Kathy Hickman \$1,462.16; Treeby Farms Partnership \$1,750.00.

Care of Poor: Utilities: 3 recipients: NWPS \$743.87. Dr. /Hospital: 2 recipients: AMG Anesthesiology \$192.00; Avera St. Luke's \$7,825.34; Dakota Plains Surgical \$1,139.55; Orthopedic Surgery Specialist \$2,073.67. Rent: 1 recipient: Sayler Rentals \$320.00.

Burials: 3 recipients: Aberdeen City Treasurer \$500.00; Geise Funeral Chapel \$1,000.00; Spitzer-Miller Funeral Home \$3,045.00. Medications: 1 recipient: Kmart Pharmacy \$47.97.

All members present voting aye. Motion carried.

PERSONNEL:

Moved by Kippley, seconded by Wiese to approve hiring C. Scott Bader as Planning Technician (Planning and Zoning Department), effective May 13, 2013 at a prorated annual salary of \$36,000. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to approve a status change for Tina Boldt (IT Department) from part time to full time effective May 3, 2013 at \$18.58/hr. All members present voting aye. Motion carried.

RELEASE OF PROPERTY:

Commissioner Wiese offered the following Resolution:

RESOLUTION #18-13

WHEREAS, Brown County has filed a Poor Relief Lien in total amount of \$2,339.01 with a balance of \$2,114.01, and

WHEREAS, Brown County has determined it to be in the best interest of the taxpayers to release certain property from the effect of said lien, upon condition that the lien remain filed against the individual.

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

Lots 15 and 16, Block 11, Hagerty and Lloyd's 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 \$200.00 cash and on condition that \$25.00 per month payments continue per contract with the Welfare Office and that the lien balance remain filed against the individual.

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

RESTRICTED USE SITE PERMIT:

Commissioner Kippley offered the following Resolution:

RESOLUTION #19-13
Authorizing the renewal of a Restricted Use Solid Waste
Disposal Facility Permit for the Town of Claremont

WHEREAS, the Town of Claremont desires to renew permit for a Restricted Use Solid Waste Disposal Facility for continued operation of the rubble site (former town dump closed in 1975); and

WHEREAS, the use of this facility is not in conflict with any established zoning laws or ordinances; and

WHEREAS, the Town will file a Solid Waste application for renewal with the South Dakota Department of Environment and Natural Resources (DENR); 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.

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

Commissioner Hansen offered the following Resolution:

RESOLUTION #20-13
Authorizing the transfer of a Restricted Use Solid Waste

Disposal Facility Permit from New Deal Tire, LLC to Waste Not Recycling, LLC

WHEREAS, New Deal Tire, LLC desires to transfer permit for a Restricted Use Solid Waste Disposal Facility for continued operation of the shredding and disposal of tires to Waste Not Recycling, LLC; and

WHEREAS, the use of this facility is not in conflict with any established zoning laws or ordinances; and

WHEREAS, New Deal Tire, LLC will file a Solid Waste application for transfer with the South Dakota Department of Environment and Natural Resources (DENR); and

WHEREAS, the DENR will review the application for transfer 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 transfer 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 transfer 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 transfer 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 from New Deal Tire, LLC to Waste Not Recycling, LLC.

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

LOTTERY APPLICATION:

Moved by Wiese, seconded by Kippley to a, submitted by Sidekicks, for a split pot to be held May 31, 2013 at the Brown County Speedway. All members present voting aye. Motion carried.

LEPC EQUIPMENT TRANSFER:

Moved by Hansen, seconded by Kippley to acknowledge Brown County LEPC Equipment Transfer. All members present voting aye. Motion carried.

NOXIOUS WEED NOTICE:

Moved by Hansen, seconded by Kippley to authorize advertising the 2013 Noxious Weed Notice. All members present voting aye. Motion carried.

WEED AND PEST GRANT:

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman to sign Weed and Pest Grant Award Letter of Agreement for grant monies not to exceed \$6,300. All members present voting aye. Motion carried.

APPLICATION FOR OCCUPANCY:

Moved by Hansen, seconded by Kippley to approve and authorize the Chairman sign application, submitted by James Valley Telecommunications for occupancy of County 16, Sec 28/29-T125N-R62W, Brown County, SD to provide telecommunications. All members present voting aye. Motion carried.

78

Moved by Wiese, seconded by Hansen to approve and authorize the Chairman sign application, submitted by the Town of Warner for occupancy of Brown County 23 and 10, in Sec 2-T121N-R64W and Sec 35-T122N-R64W, Brown County, SD to provide sanitary sewer line. All members present voting aye. Motion carried.

SEASONAL LOAD LIMIT EXTENSION:

Commissioner Hansen offered the following Resolution:

RESOLUTION #21-13

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 roads listed in Resolution #9-13 until May 31, 2013, or until roads become stable at the discretion of the Highway Superintendent.

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

HIGHWAY:

Jan Weismantel, Highway Superintendent discussed river water levels, traffic study, and bridge closures and removals.

BCCHC REPORT:

DeAnna Kyburz presented the Brown County Community Health Center Report for January – March 2013.

EXECUTIVE SESSION:

Moved by Kippley, seconded by Hansen to go into executive session to discuss personnel with Gary Vetter and Larry Lovrien 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.

GROW SOUTH DAKOTA:

Marcia Erickson and Kelly Weaver presented information on Grow South Dakota's 2012 activities in Brown County and current programs (AKA NESDCAP and NESDEC).

POLICY MANUAL:

Andrea Sjomeling, Chief Deputy Auditor, and Gary Vetter, Commission Assistant, discussed proposed changes to the Brown County Employee Policy Manual. No action taken at this time.

EXECUTIVE SESSION:

Moved by Hansen, seconded by Wiese to go into executive session to discuss personnel with Gary Vetter and Larry Lovrien 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.

RELEASE OF PROPERTY:

Commissioner Wiese offered the following Resolution:

RESOLUTION #22-13

WHEREAS, Brown County has filed a Poor Relief Lien in total amount of \$417.85 with a balance of \$414.00, and

WHEREAS, Brown County has determined it to be in the best interest of the taxpayers to release certain property from the effect of said lien, upon condition that the lien remain filed against the individual.

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

W ½ of Lot 8, all of Lots 9, 10 and 11, Block 14, Milwaukee Land Company's Second Addition to the Town of Hosmer, Edmunds County, South Dakota

is hereby released from the effect and force of said lien, upon condition that the lien balance remain filed against the individual.

Seconded by Commissioner Sutton. Roll call vote: Commissioners Hansen-nay, Kippley-nay, Fischbach-absent, Wiese-aye, Sutton-aye. Resolution failed.

RECESS:

The Chairman declared the Commission recessed until May 7, 2013.

Julia Grenz, Brown County Deputy Auditor

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

MAY 7, 2013 – GENERAL MEETING

Meeting called to order by Chairman Sutton at 8:45 a.m., May 7, 2013 in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Kippley, Fischbach and Wiese. Chairman Sutton led the Pledge of Allegiance.

MINUTES:

Moved by Kippley, seconded by Hansen to approve the General Meeting minutes of April 30, 2013. All members present voting aye. Motion carried.

CLAIMS:

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

Payroll: Commission \$3,359.55; Commission Assistant \$1,923.08; Auditor \$8,439.46; Treasurer \$12,283.13; Data Processing \$1,840.67; State's Attorney \$14,288.93; Blood Draws \$850.00; SVAWA Grant \$1,269.24; Maintenance \$6,055.92; Assessor \$11,925.92; Register of Deeds \$7,312.43; Veterans Service Office \$3,473.53; GIS \$2,045.33; Sheriff Admin \$29,196.41; Jail \$29,042.77; Coroner \$0; JDC \$13,933.59; HD \$4,480.50; Welfare Office \$2,849.17; Museum \$6,726.62; Parks & Fairgrounds \$5,538.31; Fair Board \$2,584.79; 4-H \$1,074.41; Weed \$1,161.96; Planning and Zoning \$407.30; Highway \$49,072.52; Communications \$18,379.11; Emergency Management \$3,033.11; Teen Court \$291.80; 24/7 \$2,225.69; Landfill \$11,005.66

Matching Benefits: FICA \$14,967.20; Medicare \$3,500.38

Supplies: 446-Praxair \$32.37; A & B Business Inc. \$149.06; Ameripride Services \$56.34; Bakken Building Maint. \$500.00; Butler Machinery \$361.91; Center Printing Co. \$270.75; Crawford Trucks & Equip. \$2556.54; Dakota Oil \$3534.69; Dakota Supply Group \$171.69; Farnam's Genuine Parts \$93.46; Fastenal Co. \$459.60; Geffdog Designers \$498.56; GovConnection \$2745.45; Graham Tire \$14.84; Great Western Tire \$1488.07; Hecla Implement \$81.41; Hub City Radio \$300.00; Interstate Battery System \$281.09; J. Gross Equipment \$350.28; Lang's TV & Appliance \$404.99; Lar-Jo's \$540.50; Leidholt Electric \$56.12; Mac's \$63.40; Marco \$130.51; McFarland Supply \$97.60; Menards \$591.53; Midstates Printing \$135.31; Midwest Art Conservation Center \$100.00; NCFE-Warner Elevator \$8797.72; Nelson Sales & Service \$74.12; PowerPlan \$881.64; Sherri Rawstern \$59.99; Running's \$71.00; Sander's Sew-n-Vac \$79.97; SD Federal Property Agency \$150.00; SD State Historical Society \$45.00; Taylor Laundry \$98.00; West Payment Center \$2062.06; Zastrow's Sales & Service \$132.00.

Repairs & Maintenance: Ameripride Services \$352.83; Brown Co. Treasurer \$1.00; Butler Machinery \$70.50; Crawford Trucks & Equip. \$1855.54; Dakota Electronics \$49.55; Fire Safety First \$105.36; Jason's Electric \$1247.03; Leidholt Electric \$129.21; Mac's \$133.20; Marco \$60.00; Harvin Schlosser \$375.00; Sewer Duck \$421.00; Sioux Falls Crane & Hoist \$618.00.

Publishing: Aberdeen American News \$60.32; Groton Independent \$749.09; Rapid City Journal \$25.20.

Transcriptions: Tammy Erickson \$80.50; Michelle Gaikowski \$40.80; Shepherd Reporting \$55.00; Sara Zahn \$171.00.

Travel & Conference: Jodi Brown \$346.00; IA-NE-SD Prima Chapter \$120.00.

Utilities: Aberdeen City Treasurer \$1038.94; AT & T Mobility \$207.67; BDM Rural Water \$30.00; CenturyLink \$44.90; James Valley \$216.70; Midcontinent Communications \$174.23; NVC \$ 427.42; NWPS \$1348.28; Town of Frederick \$32.25; Verizon Wireless \$78.62; Web Water \$64.41.

Professional Fees: Aberdeen Ambulance \$36,917.51; AMG Radiology \$59.44; Avera St. Luke's \$4992.77; Brown Co. Treasurer \$10.00; Clark Engineering \$4821.01; Denise Cody \$15.00; Tammy Erickson \$150.00; Hagan Insurance \$300.00; Lucy Lewno \$150.46; May & Johnson \$478.80; Safe Harbor \$ 796.00; Sanford Health \$48.23; SD Assoc. of County Commissioners \$6361.73; SD Dept. of Revenue \$5269.48; Sivertsen Technology \$8740.00; Kristi Spitzer \$1159.00; Karen Swanda \$15.00; Luke Yellow Robe \$1500.00.

Budget Drawdowns: Alexander Mitchell Library \$15,000.00; Groton Library \$750.00; Hecla Library \$750.00; Emma Burnham Public Library \$750.00; Warner Library \$750.00.

Machinery & Equipment: SD Federal Property Agency \$16,200.00.

Juror Fees: Helen Ahern \$22.96; Crystal Appl \$11.48; Loren Arnesen \$360.36; Eric Borge \$13.70; Luis Brown \$27.40; Gordon Bunke \$18.88; Brenda Carey \$18.88; Tsuruko Costello \$11.48; Sandra Coulter \$165.92; James Coune \$165.92; Diana Daly \$165.92; Deborah Dargatz \$22.96; Christine Dick \$22.96; Roxanne Feiock \$11.48; Debra Folmer \$224.80; Delona Frisco \$27.40; Thomas Fust \$11.48; Helen Gabriel \$22.96; Milo Giesen \$22.96; Michael Glynn \$17.40; Lynda Grote \$11.48; Richard Halder \$11.48; Trevor Hanley \$21.10; Marjorie Herrbach \$22.96; Lynn Hodny \$265.50; Tyler Hofer \$235.52; Karleen Holler \$22.96; Flora Hubbs \$11.48; Keith Jensen \$29.24; Blake Jeschke \$22.96; Michelle Jesz \$22.96; Myndi Kampa \$23.32; Joanne Kessler \$24.44; Peggy Kimball \$360.36; Gary Knapp \$17.40; William Kriesel \$34.80; Roberta Larson \$201.44; Michael Law \$165.92; Jeffrey Lee \$11.48; Alta Leinen \$22.96; Helen Loebs \$360.36; Nadine Lunzman \$89.56; Chad Lyke \$22.96; Gina Malsam \$165.92; Kyle Maple \$205.92; Everett Maynard \$22.96; Brent Meyer \$52.56; Carol Moffenbier \$22.96; Julie Neiber \$217.40; Michael O'Malley \$11.48; Kami Pearson \$11.48; Bobbi Jo Peltier \$165.92; Cindy Pharris \$24.44; Wanda Reszler \$360.36; Douglas Riley \$11.48; Inel Ryckman \$23.32; Lloyd Silvernagel \$22.96; Austin Sitter \$22.96; Anne Smith \$22.96; Jason Stolp \$165.92; Lynn Stucke \$11.48; Staci Terry \$217.40; Wayne Tesky \$22.96; Timothy Theunissen \$11.48; Joelle Thone \$365.54; Deborah Twiss \$11.48; Kevin Vandarwarka \$11.48; Cindy Vigen \$217.40; Jamie Voeller \$67.36; Sheilan Walz \$205.92; Linda Weber \$22.96; Jessica Williams \$205.92; Roberta Yeske \$22.96.

Care of Poor: Utilities: 2 recipients: Aberdeen City Treasurer \$325.08. Dr. /Hospital: 1 recipient: Avera St. Luke's \$1841.13. Rent: 4 recipients: Evan Cummins \$250.00; Soltice Holdings \$260.00; Zumbaum Property Mgmt. \$480.00. Medications: 2 recipients: Kessler's Pharmacy \$42.96; Wal-mart Pharmacy \$346.68. Insurance: 1 recipient: Ken's SuperFair Foods \$430.16.

All members present voting aye. Motion carried.

PERSONNEL:

Moved by Fischbach, seconded by Wiese to approve the following employee step increases, effective May 12, 2013: Larry Hardy @ \$15.82/hr, John Weig @ \$16.52/hr, Janice Moore @ \$18.85/hr, Carol Wolf @ \$16.65/hr, Erin McClain @ \$15.13/hr, and Michael Merkel @ \$18.95/hr. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to approve hiring Dennis Ells as part time Fairgrounds Employee, effective May 13, 2013 at \$9.54/hr. All members present voting aye. Motion carried.

Moved by Kippley, seconded by Fischbach to approve a hiring Katie Vogel as part time 4-H Summer Assistant effective May 28, 2013 at \$8.33/hr. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to approve hiring the following as seasonal Highway Employees: Daniel Carrico effective May 20, 2013 at \$9.88/hr, Ethan Sass effective May 20, 2013 at \$9.88/hr, Tennison Easton effective May 28, 2013 at \$9.88/hr, and Les Schaible effective May 28, 2013 at \$10.73/hr. All members present voting aye. Motion carried.

ORDINANCE 13-05-04/416:

Moved by Wiese, seconded by Fischbach to set joint public hearing before the Aberdeen City Council and Brown County Commission to consider Ordinance #13-05-04/416, 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: Stoecker's Outlot A in the NE ¼ of Section 32, T124N, R64W (12937 384th Ave), Rombs Outlot A in the NE ¼ of Section 32, T124N, R64W (12923 384th Ave) and the North 466' of the 466.67' West of the East 1,088.33' in the NE ¼ of Section 32, T124N, R64W of the 5th P.M. (38373 129th St), Brown County, SD, to be held on May 28, 2013 at 5:30 p.m. in the Aberdeen City Council Chambers, 123 S Lincoln Street, Aberdeen, SD. All members present voting aye. Motion carried.

LEASE AGREEMENTS:

Moved by Kippley, seconded by Hansen to approve the following lease agreements: Aberdeen Roller Derby Team for lease of Expo Building May 11, 2013; Crystal Dwight for lease of Richmond Lake Youth Camp May 25-26, 2013; Native American Church of God for lease of Richmond Lake Youth Camp July 15-19, 2013. All members present voting aye. Motion carried

AUDITOR'S REPORT OF ACCOUNT:

Moved by Fischbach, seconded by Wiese to approve the April 2013 Auditor's Report of Account with the County Treasurer in total amount of \$29,406,597.25 (total amount of actual cash @ \$3,800.00, US Bank @ \$181,206.78, Dacotah Bank @ \$5,068,507.05, Petty Cash @ \$2,000.00, Fund Investments @ \$24,151,083.42). All members present voting aye. Motion carried.

RELEASE OF PROPERTY:

Commissioner Kippley offered the following Resolution:

RESOLUTION #23-13

WHEREAS, Brown County has filed an Indigent Counsel Lien in total amount of \$288.00, 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, 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 property, described as follows:

Lot 6, Block 17, Coe & Howard's 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, on condition that all real estate taxes are paid in full and that the lien balance remain filed against the individual.

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

RESTRICTED USE SITE PERMIT:

Commissioner Fischbach offered the following Resolution:

RESOLUTION #24-13

Authorizing the transfer of a Restricted Use Solid Waste
Disposal Facility Permit from New Deal Tire, Inc. to New Deal Tire, LLC

WHEREAS, New Deal Tire, Inc. desires to transfer permit for a Restricted Use Solid Waste Disposal Facility for continued operation of the shredding and disposal of tires to New Deal Tire, LLC; and

WHEREAS, the use of this facility is not in conflict with any established zoning laws or ordinances; and

WHEREAS, New Deal Tire, Inc. will file a Solid Waste application for transfer with the South Dakota Department of Environment and Natural Resources (DENR); and

WHEREAS, the DENR will review the application for transfer 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 transfer 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 transfer 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 transfer 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 from New Deal Tire, Inc. to New Deal Tire, LLC.

NOW, THEREFORE BE IT FURTHER RESOLVED, that the County Commission of Brown County hereby rescinds Resolution #20-13, dated April 30, 2013, which incorrectly listed the parties involved in the transfer.

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

QUIT CLAIM DEED:

Moved by Fischbach, seconded by Hansen to approve and authorize the Chairman sign Quit Claim Deed for the following properties acquired by tax deed to: Stacy Harty and Derek Bierman—W 42' Lt 7 and W 42' of S 12.5' Lt 8 Blk 40 Bennett and Thomas Addition to North Aberdeen, Brown County, SD; Keith Stange—Lt 12 Bk 9 Randolph SE 31-121-61; Stacy and Sabrina Harty—Lt 15-16 Blk 2 Park Addition, Westport, South Dakota.. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman sign Quit Claim Deed for the following property acquired by tax deed to Steve Stickelmyer: Lt 2 Replat of Lt 1 Brown County Commissioner's Subdivision in the City of Aberdeen, SW ¼ of SE 18-123-63 W of the 5th P.M., Brown County, SD.

SPECIAL MALT BEVERAGE LICENSE:

Moved by Wiese, seconded by Kippley to approve and authorize the Chairman sign the Special Malt Beverage License Applications, submitted by SD Snow Queen Festival, PO Box 1764, Aberdeen for special events at the Holum Expo Building on May 11, 2013 and at Centennial Village on June 22, 2013 (Brown County Fairgrounds SW ¼ Sec 1-T123N-R64W – map indicating specific building on file with applications). All members present voting aye. Motion carried.

ADDENDUM TO LEASE AGREEMENT FOR BROWN COUNTY RACEWAY:

Moved by Fischbach, seconded by Kippley to approve and authorize the Chairman sign Addendum #2 to the lease agreement for Brown County Raceway. All members present voting aye. Motion carried.

SURPLUS PROPERTY DONATION:

Moved by Hansen, seconded by Wiese to approve the donation of three surplus light bars from the Sheriff's Department to Frederick Fire Department. All members present voting aye. Motion carried.

POLICY MANUAL CHANGE:

Moved by Hansen, seconded by Fischbach to approve the proposed Employee Policy Manual change, increasing the maximum sick leave payout from 250 hours to 300 hours in order to comply with the union contract. All members present voting aye. Motion carried.

DRAINAGE ISSUE:

May 7, 2013 General Meeting

Orville Crawford, James Geranen, Taylor Sumption, and Randy Wolter were present to discuss a drainage issue. No action was taken as a result of the discussion.

BID OPEN/AWARD—MOUNTED ASPHALT HOT MIX BOX:

Moved by Hansen, seconded by Kippley to approve bid addendum for Asphalt Hot Mix Box for Highway Department. All members present voting aye. Motion carried.

Time and place, as advertised to open, read and consider bids for furnishing and delivery of one new Trailer Mounted Asphalt Hot Mix Box for Highway Department. Bids were received from Falcon Road Maintenance Equipment, Midstates Equipment & Supply, Northern Truck Equipment, and Spaulding Manufacturing, Inc.

Moved by Fischbach, seconded by Wiese to award bid, submitted by Falcon Road Maintenance Equipment in amount of \$23,482 for a 2013 Falcon P4D1XID Asphalt Hot Mix Box; rejecting bids submitted by Midstates Equipment & Supply @ \$36,809.75, Northern Truck Equipment @ \$29,527 and Spaulding Manufacturing, Inc. @ \$29,170. 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 for occupancy of County 23, Sec 34-T122N-R62W, Brown County, SD to provide potable water line. Roll call vote: Commissioners Hansen-abstain, Kippley-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Motion carried.

BRIDGE #32 CLOSURE:

Moved by Kippley, seconded by Wiese to approve the closing of Bridge #32. All members present voting aye.

HIGHWAY:

Jan Weismantel, Highway Superintendent discussed river water levels and STIP Swap funds.

STAINED GLASS PROJECT:

Judy Dosch, Maintenance Department, discussed repairs needed to Courthouse stained glass windows, projected expenses, and grant opportunities for the project. No action was taken as a result of the discussion.

VETERANS EVENT:

Freddie Robinson, representing the Aberdeen Area Chamber of Commerce Military/Veterans Committee, the Veterans of Foreign Wars (VFW), and the Vietnam Veterans Committee discussed an upcoming event at the Fairgrounds and fee waivers. No action was taken as a result of the discussion.

EXECUTIVE SESSION:

Moved by Kippley, seconded by Wiese to go into executive session to discuss contracts and personnel with Mike Scott, Gary Vetter and Larry Lovrien 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 14, 2013.

Julia Grenz, Brown County Deputy Auditor

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

May 7, 2013 General Meeting

MAY 14, 2013 – GENERAL MEETING

Meeting called to order by Chairman Sutton at 8:45 a.m., May 14, 2013 in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Kippley, Fischbach and Wiese. Chairman Sutton led the Pledge of Allegiance.

MINUTES:

Moved by Fischbach, seconded by Wiese to approve the General Meeting minutes of May 7, 2013. All members present voting aye. Motion carried.

CLAIMS:

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

Supplies: A & B Business \$93.30; Aberdeen Parks & Rec \$75.00; Cash-Wa \$4,447.06; CPI \$268.68; Dakota Electronics \$4,676.02; Dakota Fluid Power \$2,773.98; Dakota Pump & Control \$2,805.00; Dakota Supply Group \$287.22; Christopher Dohrer \$5.60; EarthGrains \$349.23; Ecolab Pest Elimination \$218.00; Economy Propane \$413.24; Full Circle Ag \$12.78; GCR Tires \$619.82; GovConnection \$1,496.65; House of Glass \$15.14; Kessler's \$254.07; Lawson Products \$254.21; Marco \$228.54; Menards \$78.75; Midstates Printing \$89.00; NCFE-Warner Elevator \$37,238.60; RDO Equipment \$2,250.00; Sewing Shoppe \$14.00; Share Corp \$292.00; Sheehan Mack Sales \$1,186.53; Sherwin Williams \$20.48; Sterling Solutions \$700.00; TDS Media Direct \$395.00; Tractor Supply Co. \$44.97; TrueNorth Steel \$30,454.00.

Rentals: Dakota Electronics \$170.85.

Repairs & Maintenance: A-1 Sanitation \$193.00; Brown County Treasurer \$1.00; Cass County Heating \$18.23; Crady's Radiator Shop \$775.00; Dakota Fluid Power \$278.30; Fastenal Co. \$2.39; GCR Tires \$1,293.15; Hoven Auto Repair \$540.38; Leidholt Electric \$99.59; North Central Rental \$37,478.48; Pierson Ford \$51.45; PowerPlan \$3,752.79; Sheehan Mack Sales \$1,866.34; Steven Lust Automotive \$239.11; Walth Safety Service \$126.90.

Publishing: Aberdeen American News \$3,109.35; Dakota Broadcasting \$546.00; Hub City Radio \$750.00.

Travel & Conference: Leo Leshner \$64.86; Gene Loeschke \$60.16; Mark Milbrandt \$576.45.

Utilities: Aberdeen City Treasurer \$308.71; Cass County Heating \$249.00; CenturyLink \$1,431.08; Economy Propane \$2,773.68; Executive Mgmt. Finance \$303.11; Northern Electric \$1,894.12; NVC \$1,137.99; Northern Wireless \$291.45; NWPS \$2,953.98; Tri-State Water \$30.40.

Professional Fees: Norma Andersen \$15.00; Avera St. Luke's \$56.50; Brick's TV & Appliance \$716.25; Brown County Treasurer \$5.00; Denise Cody \$15.00; Cole Papers \$292.16; Dependable Sanitation \$21,606.60; Devnet \$2,125.00; Glas Consulting \$202.50; Harmelink, Fox & Ravensborg Law \$134.00; Helms & Assoc. \$17,100.00; Hosmer Law Office \$161.28; Lucy Lewno \$148.71; Lincoln Co. Treasurer \$131.25; Precision Reporting \$54.55; SD Assoc. of County Officials \$1,484.00; SD Dept. of Revenue & Regulation \$505,647.24.

Budget Drawdowns: Boys & Girls Club \$5000.00.

Care of Poor: Burial: 1 recipient: Spitzer-Miller Funeral Home \$1,845.00. Dr. /Hospital: 3 recipients: Avera McKennan Hospital \$10,589.32; Avera St. Luke's \$4,522.39. Rent: 7 recipients: B & B Rentals \$320.00; Danne \$280.00; Erickson & Assoc. Realtors \$320.00; Jency Agency \$250.00; Pat Preston \$280.00; Jordan Torrence \$160.00; Michael Trumbo \$320.00. Medications: 1 recipient: Kessler's \$22.97.

All members present voting aye. Motion carried.

PERSONNEL:

Moved by Wiese, seconded by Fischbach to approve a status change for Jared Embury (JDC) from part time to regular part time effective May 12, 2013 at \$11.37/hr. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Hansen to acknowledge resignation of Pam Sudlow (Treasurer's Office) effective May 24, 2013. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to approve hiring Paul Swanston as a part time seasonal employee (Fairgrounds), effective May 28, 2013 at \$9.54/hr. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Fischbach to approve hiring Jonathan Waller as full time Dispatcher (Communications), effective May 20, 2013 at \$13.89/hr. All members present voting aye. Motion carried.

SHERIFF REPORT:

Moved by Wiese, seconded by Kippely to approve the following April 2013 Sheriff Reports: Incidents and offenses, Prisoner care, JDC, and Money deposited with the County Treasurer. All members present voting aye. Motion carried.

SDRS ROTH 457 PROGRAM:

Moved by Kippely, seconded by Wiese to approve and authorize Chairman sign letter enrolling Brown County in the SDRS Roth 457 program, effective July 1, 2013, as provided for in SDCL 3-13-57. All members present voting aye. Motion carried.

LEASE AGREEMENT:

Moved by Fischbach, seconded by Wiese to approve and authorize Chairman sign agreement with VRBR Productions for lease of the Open Horse Arena June 7, 2013 and July 12, 2013. All members present voting aye. Motion carried.

SURPLUS PROPERTY:

Moved by Hansen, seconded by Wiese to declare various items from county offices as surplus for purpose of sale at public auction to be held on May 17, 2013. Complete listing 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.

BIT-COUNTY IT ASSESSMENT:

Moved by Fischbach, seconded by Wiese to approve asking the Bureau of Information and Telecommunications (BIT) to perform a free assessment of the Brown County IT Department. All members present voting aye. Motion carried.

WAGEWORKS-WELLMARK:

Moved by Wiese, seconded by Hansen to approve and authorize Chairman sign funding agreement with WageWorks, a benefit program in connection with the services provided for in the contract between Brown County and Wellmark, Inc. All members present voting aye. Motion carried.

BASIN ELECTRIC-WEED AGREEMENT:

Moved by Wiese, seconded by Fischbach to approve and authorize Chairman sign service agreement between Basin Electric Power Cooperative and Brown County Weed and Pest Department to perform on-site noxious weed control. All members present voting aye. Motion carried.

MAGISTRATE COURT ROOM:

Scott Meints, Emergency Management Director, Tom Schmitt, Chief Deputy Sheriff, Larry Lovrien, State's Attorney, and Susan Compaan, Court Administrator discussed possible locations to hold Magistrate Court when renovations for the current courtroom begin in Fall 2013.

BRIDGE 32:

Commissioner Hansen offered the following Resolution:

RESOLUTION #25-13

The Brown County Board of Commissioners is in agreement with the SDDOT that the following structure should be deleted from the National Bridge Inventory System (NBIS) for the following reason:

STRUCTURE ID, LOCATION and REASON FOR DELETION:

07-114-360	3S & 0.4E of Aberdeen	Structure has been closed and permanently barricaded off to public travel with no intentions to replace.
------------	-----------------------	--

The commission is aware of the following stipulations once a structure is deleted from the NBIS Inventory:

1. Federal Bridge funds will not be available for structure replacement or rehabilitation and
2. The structure will only be added to the Inventory following replacement, using County funds.

Upon receipt of this resolution, the above structure will be deleted from inventory.

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

HIGHWAY:

Jan Weismantel, Highway Superintendent, discussed current river water levels. Also discussed were the following upcoming bridge maintenance projects: Bridge 197 (1.8 miles west of Frederick on County 5), Bridge 204 (9 miles west of Frederick on County 5), Bridge 238 (2 miles south of Columbia on County 16), and Bridge 25 (on County 3).

EXECUTIVE SESSION:

Moved by Hansen, seconded by Kippley to go into executive session to discuss contracts and personnel with Carol Sherman, Gary Vetter and Larry Lovrien 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 Hansen, seconded by Wiese to approve updating the internet bandwidth at the County Extension Office to 100mb at a cost of \$205.00/month through Midcontinent Communications. All members present voting aye. Motion carried.

POLICY MANUAL CHANGE:

Moved by Fischbach, seconded by Wiese to approve the proposed Employee Policy Manual change, allowing for new state or federal laws and regulation to overrule the policy manual until formal changes can be made by the County Commission to revise any policies that are inconsistent with new laws. All members present voting aye. Motion carried.

RECESS:

The Chairman declared the Commission recessed until May 21, 2013.

Julia Grenz, Brown County Deputy Auditor

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

MAY 21, 2013 – GENERAL MEETING

Meeting called to order by Chairman Sutton at 8:45 a.m., May 21, 2013 in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Kippley, Fischbach and Wiese. Commissioner Hansen was absent. Chairman Sutton led the Pledge of Allegiance.

MINUTES:

Moved by Fischbach, seconded by Wiese to approve the General Meeting minutes of May 14, 2013. All members present voting aye. Motion carried.

CLAIMS:

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

Payroll: Commission \$3,359.55; Commission Assistant \$1,923.08; Auditor \$8,439.47; Treasurer \$12,700.11; Data Processing \$2,406.11; State's Attorney \$14,288.94; Blood Draws \$550.00; SVAWA Grant \$1,269.24; Maintenance \$6,164.25; Assessor \$11,929.90; Register of Deeds \$7,312.43; Veterans Service Office \$3,473.52; GIS \$2,045.33; Sheriff Admin \$29,543.82; Jail \$30,027.15; Coroner \$0; JDC \$14,262.11; HD \$4,466.85; Welfare Office \$2,849.17; Museum \$6,726.62; Parks & Fairgrounds \$4,750.40; Fair Board \$2,584.79; 4-H \$1,074.41; Weed \$2,139.27; Planning and Zoning \$400.83; Highway \$43,409.64; Communications \$19,095.85; Emergency Management \$3,033.11; Teen Court \$313.42; 24/7 \$2,691.87; Landfill \$11,934.12

Matching Benefits: FICA \$14,925.13; Medicare \$3,490.55

Supplies: A & B Business \$71.38; Aberdeen Plumbing & Heating \$242.33; American Health & Safety \$396.38; Best Business Products \$176.80; Borns Group \$2,420.42; CarQuest Auto \$1,095.97; Creative Product Source \$422.82; Dakota Supply Group \$84.85; DPM Petty Cash \$123.48; Ed Roehr Safety Products \$804.30; Farm Power Mfg. \$290.35; Fire Safety First \$61.35; Geffdog Designers \$357.50; Glas Consulting \$135.00; GovConnection \$974.20; Barry Kusler \$38.48; Liebelt RV \$2,092.50; Menards \$17.02; Midwest Pump & Tank \$14.77; NCFE – Warner Elevator \$8,059.80; SD Assoc. of County Commissioners \$30.00; Swanson Electric \$625.51; UPS \$5.89; US Bank \$8,460.58; Webb Shoe Co. \$200.00.

Repairs & Maintenance: Ace Refrigeration \$321.30; B & B Contracting \$175.00; Butler Machinery \$6,805.49; D & S Service \$1,106.00; Dakota Custom Auto Body & Glass \$232.00; Double D Body Shop \$790.41; Farm Power Mfg. \$60.00; G & K Services \$180.52; Graham Tire \$1,047.80; Hoven Auto Repair \$27.00; Muth Electric \$223.58; US Bank \$414.18; Walth Safety Service \$61.95.

Publishing: Aberdeen American News \$505.34; Capital Journal \$12.60.

Travel & Conference: City of Groton \$54.76; Randy Crawford \$395.95; Julia Grenz \$206.28; Lynn Heupel \$52.00; SD Assoc. of Assessing Officers \$100.00; US Bank \$3,390.81.

Utilities: CarQuest Auto \$6.80; CenturyLink \$2,485.08; City of Hecla \$203.56; Cunningham Electric \$92.49; Dependable Sanitation \$451.00; Northern Electric \$80.09; NWPS \$3,964.08; Verizon Wireless \$1,212.10; US Bank \$549.73.

Professional Fees: Avera Queen of Peace \$314.50; Avera St. Luke's \$2004.29; Cass Co. Sheriff's Dept. \$28.50; Dental Center \$112.68; DT Pharmacy \$1,298.03; Hagan Insurance \$168.00; Jason Koistinen \$451.00; Language Line Services \$21.84; Lewis & Clark BHS \$447.00; Lincoln Co. Treasurer \$360.75; Robert G. Patterson \$875.00; Sanford Health \$1,350.69; Sivertsen Technology \$4,950.00; Stearns Co. Sheriff \$50.00; West Payment Center \$130.40; Yankton Co. Treasurer \$318.75.

Care of Poor: Burial: 1 recipient: Olson Backhoe/Trenching \$550.00. Utilities: 4 recipients: Aberdeen City Treasurer \$94.63; NWPS \$585.63. Rent: 3 recipients: Jordan Park Townhomes \$280.00; Brian Marcuson \$250.00; SD Real Estate \$135.00. Medications: 2 recipients: Kmart Pharmacy \$30.45; Wal-mart Pharmacy \$29.54.

All members present voting aye. Motion carried.

PERSONNEL:

Moved by Wiese, seconded by Fischbach to approve the following employee step increases, effective May 26, 2013: Gerald Lehrkamp @ \$13.99/hr, David Bruckner @ \$16.97/hr, Brenda Hammrich @
May 21, 2013 General Meeting

\$17.83/hr, Tracy Engquist @ \$13.43/hr, Kristine Bjerke @ \$13.91/hr, and James Harpel @ \$13.91/hr. All members present voting aye. Motion carried.

Moved by Kippley, seconded by Fischbach to acknowledge resignation of Joyce DesCamps (Sheriff Department) effective June 21, 2013. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Fischbach to approve hiring Jonathan Lemke as Deputy Sheriff, effective June 3, 2013 at \$17.05/hr. All members present voting aye. Motion carried.

Moved by Kippley, seconded by Wiese to amend start date for 4-H Summer Asisstant, Katie Vogel, from May 28, 2013 to May 24, 2013. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Wiese to approve hiring Shanda Bragg as part time employee (24/7 Program), effective June 5, 2013 at \$11.37/hr.

TOWNSHIP BONDS:

Moved by Fischbach, seconded by Wiese 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 – Dixie Clark; ONEOTA #6 - Karla Engelhart, Neil Schaunaman; BRAINARD #7 - Charles Dennert, Diane Bruns; SHELBY #8 – Michael Knecht, Brent Miller; NORTH DETROIT #9 – Candi Beck, Sandy Dinger; CLAREMONT #10 – Donald Wegleitner, Justin Wegleitner; COLUMBIA #11 – Martin Weismantel, Patricia Daly; WESTPORT #12 - Guyna Dehne, Doug Fjeldheim; CARLISLE #13 – Janet Nelson, Ashlee Bretsch; 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 – William Donaldson, Marguirete Donaldson; MERCIER #21 - Jerry Streckfuss, Randy Bauer; NEW HOPE #22 - Alan Borchard, Milton Haselhorst; WARNER #23 – Bev Graham, Robert Seaton; GEM #24 - Loel Schott, Bob Simon; EAST HANSON #25 – Dennis Pigors, Betty Schinkel; GARDEN PRAIRIE #26 – Craig Dunker, Todd Osterman; EAST RONDELL #27 – Dennis Rossow, Kathy Williams; PALMYRA #28 – Joanne Berheim, Margaret Strand; OSCEOLA #29 – Lonny Mikkkonen, 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, Ronald Kaaz; BATES #44 – Kathy Dobberpuhl, Betty Geist; GARLAND #46 – Lloyd Buntrock, Glenn Ringgenberg; PUTNEY #48 – Bill Schuelke, Mark Thompson; WEST HANSON #49 – Maralyn Hoops, Darlys Kampa; HECLA #50 – Cliff Schroeder, Sharon Schroeder; PRAIRIEWOOD #53 – Darrell Strivens, Robert Jensen; WEST RONDELL #57 – Al Ryckman, Larry Ihde, SOUTH DETROIT #59 - Mark Perkins, Faye Hoines. All members present voting aye. Motion carried.

LOTTERY APPLICATION:

Moved by Wiese, seconded by Kippley to approve the lottery application submitted by SD Snow Queen Festival for split pot to be held June 22, 2013 at Centennial Village. All members present voting aye. Motion carried.

SPECIAL MALT BEVERAGE LICENSE:

Moved by Fischbach, seconded by Wiese to approve and authorize the Chairman sign the Special Malt Beverage License Application submitted by SD Snow Queen Festival, PO Box 1764, Aberdeen for special events at the Holum Expo Building on June 8, 2013 (Brown County Fairgrounds SW ¼ Sec 1-T123N-R64W – map indicating specific building on file with applications). All members present voting aye. Motion carried.

LIFE INSURANCE:

Moved by Fischbach, seconded by Kippley to approve employee life insurance rates through Dearborn National: single \$4.20/month (County pays 100%), family \$5.88/month (County pays \$4.20, employee pays \$1.68). All members present voting aye. Motion carried.

PRESENTATION COLLEGE CONDUIT FINANCING-BOND PURCHASE:

Moved by Kippley, seconded by Wiese to authorize Chairman and Auditor sign Bond Purchase Agreement for Presentation College Conduit Financing. All members present voting aye. Motion carried.

LEASE AGREEMENT:

Moved by Kippley, seconded by Fischbach to approve and authorize Chairman sign agreement with Carol Weaver for lease of Richmond Lake Youth Camp June 3-7, 2013. All members present voting aye. Motion carried.

BID—LANDFILL UNIT 1 CLOSURE PROJECT:

Moved by Wiese, seconded by Kippley to authorize advertising public hearing to open, read and consider the following bids for the Landfill, to be held in the Commissioner's Chambers, Courthouse Annex, Brown County, SD: Unit 1 Subtitle D Landfill Closure project at 8:45 a.m. on June 11, 2013. All members present voting aye. Motion carried.

BID OPEN/AWARD—COUNTY ROAD 19:

Moved by Kippley, seconded by Fischbach to approve bid addendum for the reconstruction of County Road 19 from 8th Ave NE to Molded Fiberglass entrance (IP 012A PCN 03PJ). All members present voting aye. Motion carried.

Time and place, as advertised to open, read and consider bids for reconstruction of County Road 19 from 8th Ave NE to Molded Fiberglass entrance. One bid was received from Lien Transportation.

EXECUTIVE SESSION:

Moved by Wiese, seconded by Fischbach to go into executive session to discuss contracts with Gary Vetter, Chris White, Jan Weismantel, Don Weigel, and John Desens 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 Kippley to award bid, submitted by Lien Transportation in amount of \$458,836.36 for the reconstruction of County Road 19 (IP 012A PCN 03PJ), contingent on SD Department of Transportation concurrence. All members present voting aye. Motion carried.

BID OPEN/AWARD—COUNTY ROAD 14W:

Time and place, as advertised to open, read and consider bids for the Brown County Road 14W PC Concrete Paving Project IA 012A PCN 03PK. One bid was received from Upper Plains Contracting, Inc.

Moved by Kippley, seconded by Fischbach to award bid, submitted by Upper Plains Contracting, Inc. in amount of \$670,324.70 for the Brown County Road 14W PC Concrete Paving Project IA 012A PCN 03PK, contingent on SD Department of Transportation concurrence. All members present voting aye. Motion carried.

APPLICATION FOR OCCUPANCY:

Moved by Fischbach, seconded by Wiese to approve and authorize the Chairman sign the following applications, submitted by James Valley Telecommunications for occupancy to provide

telecommunications: County Roads 12W/12WA/6 Sec 15-18-T123N-R64W and Sec13-18-T123N-R65W, County Road 12WA Sec 14/24-T123N-R65W, and County Road 23 Sec 3-T121N-R64W, Brown County, SD. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Kippley to approve and authorize the Chairman sign application, submitted by Northern Electric REA for occupancy of County Road 6C in Sec 24/25-T122N-R65W, Brown County, SD to provide communications. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Kippley to approve and authorize the Chairman sign application, submitted by Midcontinent Communications for occupancy of County Road 6 Sec 24-T126N-R65W, Brown County, SD to provide communications. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Wiese to approve and authorize the Chairman sign application, submitted by NorthWestern Energy for occupancy of County Road 14, Sec 15/16/22-T123N-R63W, Brown County, SD to provide natural gas pipeline. All members present voting aye. Motion carried.

HIGHWAY:

Jan Weismantel, Highway Superintendent discussed river water levels and sharing cost of travel to conference with Marshall County Highway Department. Board concurred.

EXECUTIVE SESSION:

Moved by Wiese, seconded by Kippley to go into executive session to discuss personnel with Gary Vetter, Chris White, Jan Weismantel and Mark Wendt 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 authorize hiring three additional employees at the Highway Department: two entry-level mechanics (with/without CDL) and one shop assistant. All members present voting aye. Motion carried.

BROWN COUNTY FAIR:

Amy Scott discussed a vacancy on the Brown County Fair Board and the potential candidates.

Moved by Kippley, seconded by Fischbach to appoint Derek Ricci to serve a three year term on the Brown County Fair Board. All members present voting aye. Motion carried.

STAINED GLASS PROJECT:

Judy Dosch presented information on available grants for funding the restoration of the Courthouse stained glass windows.

Moved by Wiese, seconded by Fischbach to authorize Chairman sign agreement with Ciavarella Design for Phase 1 (assist NECOG with grant preparations) @ \$1800, Phase 2 (design documents) @ \$4200 and Phase 3 (bidding and construction services) @ \$90/hr in amount not to exceed \$2000 plus expenses. All members present, voting aye. Motion carried.

UNPAID LEAVE OF ABSENCE:

Moved by Kippley, seconded by Wiese to acknowledge the termination of the unpaid leave of absence for Courtney Tedder (Communications) effective April 26, 2013.

EXECUTIVE SESSION:

Moved by Wiese, seconded by Kippley to go into executive session to discuss personnel with Gary Vetter in attendance. All members present voting aye. Motion carried.

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

Moved by Fischbach, seconded by Wiese to approve employee status change for Patty VanMeter (Treasurer's Office) from Deputy to Chief Deputy effective May 26, 2013 at \$20.61/hr. All members present voting aye. Motion carried.

PROPERTY PURCHASE:

Moved by Kippley, seconded by Fischbach to approve extending the deadline for the removal of personal property and fixtures from 5pm on May 24, 2013 to 8am on May 27, 2013 for the following property purchased by Brown County: Railroad OL 3 and S 21.7' of Railroad OL 2 in SW ¼ Sec 13-T123N-R64W of the 5th P.M, except that portion dedicated for street purposes, according to the plat thereof of record, Brown County, SD. All members present voting aye. Motion carried.

RECESS:

The Chairman declared the Commission recessed until May 28, 2013.

Julia Grenz, Brown County Deputy Auditor

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

MAY 28, 2013 – GENERAL MEETING

Meeting called to order by Chairman Sutton at 8:45 a.m., May 28, 2013 in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Kippley, Fischbach and Wiese. Chairman Sutton led the Pledge of Allegiance.

MINUTES:

Moved by Kippley, seconded by Fischbach to approve the General Meeting minutes of May 21, 2013. All members present voting aye. Motion carried.

CLAIMS:

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

Supplies: 3D Specialties \$155.76; A & B Business \$566.37; Black Book \$98.00; Carlsen Funeral Home \$174.12; Chet's Janitorial Supply \$96.00; Dex Media \$104.78; Diamond Mowers \$753.22; Ecolab Pest Elimination \$101.50; Ferguson Waterworks \$7,993.71; Galls \$214.97; GovConnection \$1,524.14; Marco \$254.11; Matthew Bender & Co. \$39.49; Menards \$79.02; NCFE – Warner Elevator \$19,724.68; Newman Signs \$1,932.94; Outlaw Graphics \$32.00; Palmer Distributing \$60.50; Pro Ag Supply \$202.73; Taser International \$1,399.16; Volk Upholstery \$28.00; Jan Weismantel \$75.20; West Payment Center \$1,710.77.

Repairs & Maintenance: Dakota Electronics \$56.95; Diesel Machinery \$5,700.00; Graham Tire \$291.05; SD Dept. of Transportation \$33.09; Ron Stotz \$100.00; Volk Upholstery \$60.00; Walth Safety Service \$103.90.

Publishing: Aberdeen American News \$285.04.

Travel & Conference: Maxine Fischer \$235.70; Sara Hagman \$38.00; Tanya Mitchener \$193.64; Carol Sherman \$227.26; Andrea Sjomeling \$505.34; Lisa Wienk \$188.40.

Utilities: Midwest Alarm \$51.50; Montana-Dakota Utilities Co. \$19.91; NWPS \$307.14.

Professional Fees: Brick's TV & Appliance \$848.00; Carlsen Funeral Home \$790.00; Christopher Dohrer \$5,770.83; Kuck Law Office \$5,600.53; Language Line Service \$161.04; MedTox Labs \$350.60; Gina Rogers \$5,520.83; SDSU Extension \$16,750.00; Christy Serr \$5,770.83.

Other: James River Water Dist. \$85,197.55; Pizza Ranch \$101.94.

Machinery & Equipment: RDO \$262,500.00.

Care of Poor: Burial: 1 recipient: Wight, Comes & Sign Funeral Chapel \$2,443.90. Utilities: 4 recipients: NWPS \$722.08. Health Insurance: 1 recipient: Ken's SuperFair Foods \$215.08.

Beef Plant TIF Payments: Joop Bollen \$16,260.00; Pyush Patel \$16,260.00; Herman Schumacher \$8,129.00; Mark & Mary Volk \$6,504.00; Plains Commerce Bank \$248,127.60; FDM Revocable Living Trust \$16,260.00; Marlin Nilsson \$13,009.00; David & Jill Lehmann \$16,258.00; Don & Maxine Fischer \$1,951.00; Great Plains Bank \$19,512.00; Robert & Lora Larson \$3,255.00; James Gressett \$16,260.00; Bruce & Lynette Durheim \$6,504.00; Alan & Angela Bernard \$13,009.00; Kendall or Linda Peterson \$6,504.00; Peterson Securities Trust 2009 \$39,024.00; Darwin or Mary Bettmann \$1,951.20; John Kippley \$3,252.00.

All members present voting aye. Motion carried.

PERSONNEL:

Moved by Wiese, seconded by Kippley to acknowledge the following miles driven and amount to be taxed for personal use of County vehicles during the month of April 2013: Markcus Selzler—154 @ \$87.01, Mark Wendt—456 @ \$257.64, Kendell Titze—144 @ \$81.36, Jan Weismantel—81.60 @ \$46.10, Mike Scott—210 @ \$118.65, Gary Vetter—132 @ \$74.58. Roll call vote: Commissioners Hansen-aye, Kippley-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Motion carried.

DESIGNATION OF DEPUTIES:

Commissioner Fischbach offered the following Resolution:

RESOLUTION 26-13

RESOLUTION AMENDING RESOLUTION 1-13

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 - 2 Chief Deputies, 6 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, Kippley-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Resolution adopted.

LEASE AGREEMENT:

Moved by Fischbach, seconded by Kippley to approve and authorize Chairman sign agreement with Aberdeen Christian Fellowship for lease of Richmond Lake Youth Camp June 1, 2013. All members present voting aye. Motion carried.

PLATS:

Commissioner Hansen offered the following Resolution:

RESOLUTION #27-13

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing McNeil Subdivision in the NE ¼ of Sec 3-T121N-R62W 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 Wiese. Roll call vote: Commissioners Hansen-aye, Kippley-aye, Fischbach-aye, Wiese-aye, Sutton-absent. Resolution adopted.

Commissioner Hansen offered the following Resolution:

RESOLUTION #28-13

BE IT RESOLVED by the Board of Commissioners of Brown County, SD, that the plat showing "K and L Dean Homesite Addition in the SW ¼ of Sec 23-T124N-R63W 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 Wiese. Roll call vote: Commissioners Hansen-aye, Kippley-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Resolution adopted.

Commissioner Hansen offered the following Resolution:

RESOLUTION #29-13

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing Luedeke Conservation Easement Tract 6 in the E ½ NW ¼ of Sec 19-T121N-R62W 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 Wiese. Roll call vote: Commissioners Hansen-aye, Kippley-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Resolution adopted.

Commissioner Hansen offered the following Resolution:

RESOLUTION #30-13

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing Kevin Hundstad Second Subdivision in the SE ¼ Sec 7-T122N-R62W 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 Wiese. Roll call vote: Commissioners Hansen-aye, Kippley-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Resolution adopted.

Commissioner Hansen offered the following Resolution:

RESOLUTION #31-13

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Holman Addition to the City of Aberdeen, in the NE ¼ of Sec 14-T123N-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 Wiese. Roll call vote: Commissioners Hansen-aye, Kippley-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Resolution adopted.

ORDINANCE 080:

Moved by Wiese, seconded by Hansen to authorize advertising public hearing to be held at 8:45 a.m. on June 18, 2013 in the Commission Chambers, Courthouse Annex, Brown County, SD for First Reading of Ordinance #080, An Ordinance to rezone the following property from Chapter 4.06 Agricultural Preservation District (AG-P) to Chapter 4.14 Highway Commercial District (HC): Schaunaman's Outlot 1 and 2 in the SE ¼ Sec 24-T124N-R65W, Brown County, SD, subject to easements, reservations and restrictions of record, if any (382008 and 382016 Shore Dr N). All members present voting aye. Motion carried.

ABATEMENT:

Moved by Fischbach, seconded by Kippley to approve and authorize the Chairman sign abatement for Dennis DeGroot @ \$680.70 (office error). All members present voting aye. Motion carried.

FIREWORKS PERMIT:

Moved by Kippley, 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 17, 2013 in the infield of the racetrack at the Fairgrounds. All members present voting aye. Motion carried.

96

ROAD MAINTENANCE:

Commissioner Kippley proposed implementing a cost sharing option between individuals and the county within the 2014 budget to help offset costs of road maintenance. Jan Weismantel, Highway Superintendent, was present to explain projected expenses and current road maintenance procedures. Other ideas were also discussed by the Board with no action take as a result of the discussion.

EXECUTIVE SESSION:

Moved by Hansen, seconded by Kippley to go into executive session to discuss personnel with Gary Vetter and Larry Lovrien in attendance. All members present voting aye. Motion carried.

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

Moved by Wiese, seconded by Hansen to appoint Judy Dosch as interim Maintenance Department Head, effective May 26, 2013 at current salary. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Kippley to authorize advertising for full-time position for a Teen Court Director. All members present voting aye. Motion carried.

ABERDEEN-MOCCASIN CREEK RIGHT BANK:

Moved by Fischbach, seconded by Hansen to authorize Chairman sign letter requesting the Moccasin Creek rehabilitation project be given "active" status while the System Wide Improvement Framework (SWIF) is being developed. All members present voting aye. Motion carried.

RECESS:

The Chairman declared the Commission recessed until June 4, 2013.

Julia Grenz, Brown County Deputy Auditor

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

May 28, 2013 - JOINT ABERDEEN CITY/BROWN 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, Remily, Rux, Slaight-Hansen and Mayor Levsen. Council Members Mitchell and Swanson were absent. Present from County were Commissioners Kippley, Wiese, and Sutton. Commissioners Hansen and Fischbach were absent.

ORDINANCE #13-05-04/416:

On motion by Bunsness and seconded by Agnitsch, the City unanimously voted to approve First Reading of Ordinance #13-05-04/416.

Moved by Wiese, seconded by Kippley to approve First Reading of Ordinance #13-05-04/416, An Ordinance to amend Ordinance No. 1164 to rezone the following described property from its present zoning designation of (A-1) Agricultural District to (M-AG) Mini-Agricultural District: Stoecker's OL A in the NE ¼ of Sec 32-T124N-R64W, Rombs OL A in the NE ¼ of Sec 32-T124N-R64W and the N 466' of the 466.67' West of the East 1,088.33' in the NE ¼ of Sec32-T124N-R64W of the 5th P.M., Brown County, SD (12937 384th Ave, 12923 384th Ave, 38373 129th St). All members present voting aye. Motion carried.

The Brown County Commission thanked Council Members Agnitsch and Mitchell for their years of service to the city of Aberdeen.

ADJOURNMENT:

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

Julia Grenz, Brown County Deputy Auditor

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

June 3, 2013 - JOINT ABERDEEN CITY/BROWN 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, Remily, Rux, Slaughter-Hansen, Swanson and Mayor Levens. Council Member Agnitsch was absent. Present from County were Commissioners Hansen, Fischbach, and Wiese. Commissioners Sutton and Kippley were absent.

ORDINANCE #13-05-04/416:

On motion by Mitchell and seconded by Remily, the City unanimously voted to adopt Ordinance #13-05-04/416.

Moved by Fischbach, seconded by Wiese to adopt Ordinance #13-05-04/416, An Ordinance to amend Ordinance No. 1164 to rezone the following described property from its present zoning designation of (A-1) Agricultural District to (M-AG) Mini-Agricultural District: Stoecker's OL A in the NE ¼ of Sec 32-T124N-R64W, Rombs OL A in the NE ¼ of Sec 32-T124N-R64W and the N 466' of the 466.67' West of the East 1,088.33' in the NE ¼ of Sec 32-T124N-R64W of the 5th P.M., Brown County, SD (12937 384th Ave, 12923 384th Ave, 38373 129th St). Roll call vote: Commissioners Hansen-aye, Fischbach-aye, Wiese-aye. Motion carried.

SET HEARING DATE:

On motion by Rux and seconded by Campbell, the City unanimously voted to set joint public hearing date for Ordinances #13-06-01/417, #13-06-02/418, #13-06-03/419, #13-06-04/420, and #13-06-06/421 to be held June 24, 2013 at 5:30 p.m. in the Aberdeen City Council Chambers, 123 S Lincoln Street, Aberdeen, SD.

Moved by Fischbach, seconded by Wiese to set joint public hearing before the Aberdeen City Council and Brown County Commission to be held on June 24, 2013 at 5:30 p.m. in the Aberdeen City Council Chambers, 123 S Lincoln Street, Aberdeen, SD to consider the following ordinances:

Ordinance #13-06-01/417, An Ordinance to amend Ordinance No. 1164 to rezone the following described property from its present zoning designation of (C-2) Highway Commercial District and (R-2) Medium Density Residential District to (C-2) Highway Commercial District: Lot 1, Raderschadt Addition in the NE ¼ of Sec 22-T123N-R64W of the 5th P.M., Brown County, SD (2301 Hwy 12);

Ordinance #13-06-02/418, An Ordinance to amend Ordinance No. 1164 to rezone the following described property from its present zoning designation of (A-1) Agricultural District to (M-AG) Mini-Agricultural District: Proposed Jett Tract 1 in the NW ¼ of Sec 32-T124N-R64W of the 5th P.M., Brown County, SD (38301 129th St);

Ordinance #13-06-03/419, An Ordinance to amend Ordinance No. 1164 to rezone the following described property from its present zoning designation of (A-1) Agricultural District to (C-2) Highway Commercial District: OL A in the SE ¼ of Sec 15-T123N-R63W of the 5th P.M., Brown County, SD (5485 Hwy 12E);

Ordinance #13-06-04/420, An Ordinance to amend Ordinance No. 1164 to rezone the following described property from its present zoning designation of (A-1) Agricultural District to (M-AG) Mini-Agricultural District: Peck-Feickert OL 2 in the NE ¼ of Sec 16-T123N-R64W of the 5th P.M., Brown County, SD (1/4 mile west of 385th Ave on 132nd St); and

Ordinance #13-06-05/421, An Ordinance to amend Ordinance No. 1164 to rezone the following described property from its present zoning designation of (A-1) Agricultural District to (M-AG) Mini-Agricultural District: L. Habeck Addition to the City of Aberdeen in the NE ¼ of Sec 34-T123N-R64W of the 5th P.M., Brown County, SD (3104 S Hwy 281). All members present voting aye. Motion carried.

ADJOURNMENT:

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

Julia Grenz, Brown County Deputy Auditor

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

JUNE 4, 2013 – GENERAL MEETING

Meeting called to order by Vice Chairwoman Hansen at 8:45 a.m., June 4, 2013 in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Kippley, Fischbach and Wiese. Commissioner Sutton was absent. Vice Chairwoman Hansen led the Pledge of Allegiance.

MINUTES:

Moved by Kippley, seconded by Fischbach to approve the General Meeting minutes and the Joint City/County Meeting minutes of May 28, 2013. All members present voting aye. Motion carried.

CLAIMS:

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

Payroll: Commission \$3,359.55; Commission Assistant \$1,923.08; Auditor \$8,773.92; Treasurer \$15,019.90; Data Processing \$3,030.55; State's Attorney \$14,288.93; Blood Draws \$450.00; SVAWA Grant \$1,269.24; Maintenance \$6,202.17; Assessor \$11,929.89; Register of Deeds \$7,713.25; Veterans Service Office \$3,109.65; GIS \$2,045.33; Sheriff Admin \$29,791.66; Jail \$30,158.44; Coroner \$1,519.00; JDC \$14,018.76; HD \$4,136.72; Welfare Office \$2,849.17; Museum \$6,896.13; Parks & Fairgrounds \$5,517.59; Fair Board \$2,584.79; 4-H \$1,124.38; Weed \$3,329.93; Planning and Zoning \$1,384.80; Highway \$42,025.94; Communications \$19,124.97; Emergency Management \$3,033.11; Teen Court \$244.97; 24/7 \$2,458.76; Landfill \$11,881.74

Matching Benefits: FICA \$16,236.55; Medicare \$3,797.27; Life \$568.44; Dental \$5,920.00; Health Insurance \$88,457.58; Retirement \$46,096.94

Supplies: A & B Business \$985.60; Aberdeen Plumbing & Heating \$196.36; Alligare \$2,070.25; Butler Machinery \$840.63; Crawford Trucks & Equipment \$2,886.29; Ed Roehr Safety Products \$33.02; Eddie's Northside \$195.00; Geffdog \$15.12; GovConnection \$1,183.15; Great Western Tire \$2,100.40; Heartland Paper \$449.44; Lar-Jo's \$386.25; Lawson Products \$36.99; Light & Siren \$54.00; Mac's \$453.94; Marco \$129.52; MFG \$85.35; Midstates Printing \$1,422.55; Nat'l Sheriff Assoc. \$103.00; Nelson Sales & Service \$715.08; Polk Directories \$265.00; Sander's Sew-n-Vac \$32.35; Schwan Welding \$23.50; SD Dept. of Environment \$250.00; SD Emergency Mgmt. Assn. \$80.00; Share Corp \$301.00; Sherwin Williams \$375.08; SD Magazine \$285.00; Titan Access \$19.00; West Payment Center \$26.21.

Repairs & Maintenance: Butler Machinery \$4,284.16; Crawford Trucks & Equipment \$364.02; Dakota Electronics \$210.70; Hase Plumbing & Heating \$638.95; Lang's TV & Appliance \$160.00; Light & Siren \$11.62; North Central Rental/Leasing \$3,920.00; Overhead Door \$122.45; PowerPlan \$27, 504.66.

Publishing: Aberdeen American News \$232.40; Dakota Press \$833.31; Groton Independent \$566.81.

Transcripts: Michelle Gaikowski \$491.80; Richard Neal \$72.60.

Travel & Conference: Jodi Brown \$405.44; Tom Gohn \$9.00; Leo Leshner \$66.00; Larry Lovrien \$379.44; Safe Harbor \$2,693.80; Kathy Schlecht \$156.58; Sioux Empire Fair Assn. \$945.00; Ryan Vogel \$99.00; Chris White \$99.00; Karly Winter \$99.00; Mary Worlie \$218.28.

Utilities: Aberdeen City Treasurer \$197.64; AT & T Mobility \$1,743.74; BDM Rural Water System \$30.00; CenturyLink \$44.90; Midcontinent Communications \$352.62; NVC \$ 143.27; NWPS \$7,159.91; Verizon Wireless \$79.46; Web Water \$67.76.

Professional Fees: Avera St. Luke's \$1,241.92; Clark Engineering \$10,177.50; SD Dept. of Revenue & Regulation \$1,563.00; Sivertsen Technology \$4,700.00; Spot Freight \$1,585.00.

Insurance: SD Public Assurance Alliance \$892.00.

Other: Carmella Foster \$100.00.

Machinery & Equipment: HC Clark Implement \$12,950.00.

Care of Poor: Dr./Hospital: 5 recipients: Avera St. Luke's \$9,991.31; Sanford Clinic \$3,325.29. Burial: 1 recipient: Schriver's Memorial Mortuary \$1,000.00. Utilities: 1 recipient: NWPS \$320.00. Medications: 2 recipients: Kmart Pharmacy \$36.00. Rent: 4 recipients: Jency Agency \$640.00; Jordan Park Townhomes \$320.00; SD Real Estate \$320.00. All members present voting aye. Motion carried.

PERSONNEL:

Moved by Fischbach, seconded by Wiese to approve the following employee step increases, effective June 9, 2013: Cindy Meyers @ \$14.72/hr, Harlan Place @ \$16.73/hr, Damian Bahr @ \$20.19/hr, Polly Rush @ \$17.29/hr, Tim Hettich @ \$14.59/hr, Stacie Wasem @ \$14.23/hr, Cortney Erickson @ \$14.49/hr, Danica Marshall @ \$14.23/hr and Lisa Wienk @ \$12.93/hr. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Fischbach to approve employee status change for Kurt Pigors (Highway Department) from Labor Grade #3 Driver to Mechanic Labor Grade A effective June 10, 2013 at \$15.53/hr. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Kippley to approve employee step increase for Jenny White (Jail) to \$14.55/hr. All members present voting aye. Motion carried.

UNCOLLECTIBLE TAX:

Moved by Fischbach, seconded by Kippley to declare the real estate taxes as uncollectible on 1970 Blairhouse 4778Z 6-805 (MH), as distress warrant issued in 2001 cancelled and mobile home destroyed by fire in 2002. All members present voting aye. Motion carried.

LEASE AGREEMENTS:

Moved by Kippley, seconded by Wiese to approve the following lease agreements: Simon Auction Service for lease of Clubhouse June 1, 2013; Aberdeen Roller Derby Team for lease of Expo Building June 8, 2013; Aberdeen Chamber Livestock Committee for lease of Fairgrounds June 8, 2013; Aberdeen Boys and Girls Club for lease of Richmond Lake Youth Camp June 18, 2013 and July 12, 2013. All members present voting aye. Motion carried.

Moved by Kippley, seconded by Wiese to approve the lease agreement for Garner Hansen for lease of the Club House June 5, 2013. All members present voting aye. Motion carried.

MALT BEVERAGE LICENSE RENEWALS:

Moved by Wiese, seconded by Kippley to approve the following applications for renewal of Malt Beverage Licenses to operate outside of the Municipality: PACKAGE (OFF-SALE) MALT BEVERAGE & SD FARM WINE: PZA Inc DBA Anchors Away Lodge & Resort, (Palmer's Richmond Resort Subd Lt 1 (Subd OL 1 Richmond OL 1 & 2) NW ¼ Sec 30-124-64, Aberdeen). RETAIL (ON-OFF SALE) MALT BEVERAGE: Alan Lanphere DBA Bath Quick Stop (Lot B Weismantels First Subd Lot 1 Ex N 12' Jenkins Subd E ½ SE ¼ Sec 18-123-62, Bath). Dave Shumaker DBA Elm Lake Resort (Lot 1 Elm Lake Resort Subd SE ¼ Sec 8-128-65, Forbes). Marge Frohling DBA The Connection (Lots 10-14 Blk 2, Sec 31-127-61, Houghton). Generation 2 Promotions LLC DBA Brown County Speedway (Brown County Fairgrounds Grandstand SW ¼ Sec 1-123-64, Aberdeen). Richmond Oasis (Lot 4 Schaeffer Richmond Lake 2nd Addn and NE ¼ Sec 25-124-65, Aberdeen). Aberdeen Hockey Association (Brown County Fairgrounds Odde Ice Arena SW ¼ Sec 1-123-64, Aberdeen). All members present voting aye. Motion carried.

PERSONAL PROPERTY LEASE AGREEMENT:

Moved by Fischbach, seconded by Wiese to approve and authorize Chairman sign personal property lease agreement for Aberdeen Airshow LLC for lease of fence posts, VIP tent, 1 spool of yellow rope, and snow fence August 25-26, 2013. All members present voting aye. Motion carried.

MUSEUM SURPLUS:

Moved by Kippley, seconded by Fischbach to declare Dacotah Prairie Museum's book, "Revised Nomenclature for Museum Cataloging" as surplus for donation to Redfield Museum. All members present voting aye. Motion carried.

EXECUTIVE SESSION:

June 4, 2013 General Meeting

Moved by Kippley, seconded by Wiese to go into executive session to discuss legal issues with Gary Vetter, Larry Lovrien, Amy Scott and Sonje Oban in attendance. All members present voting aye. Motion carried.

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

JDC PER DIEM RATES:

Amy Lake-Harmon and Mark Milbrandt discussed Brown County Juvenile Detention Center per diem rates in comparison with other South Dakota counties.

Moved by Kippley, seconded by Fischbach to increase the JDC rate to \$220 per day, effective July 1, 2013, for housing juveniles from other counties and from the SD Department of Corrections. All members present voting aye. Motion carried.

JAIL CELL DOORS:

Judy Dosch and Mark Milbrandt discussed the jail cell doors and future maintenance costs. No action was taken as a result of the discussion.

FIRE CHIEFS ASSOCIATION:

Local Fire Chiefs Derwin Kampa, Dion Bahr, Darell Berreth, Loy Stange, and Corey Mitchell discussed purchasing emergency communications software and possible funding options. John McQuillen, Brown County Communications Director, and Scott Meints, Emergency Management Director were also present. No action was taken as a result of the discussion.

APPLICATION FOR OCCUPANCY:

Moved by Fischbach, seconded by Wiese to approve and authorize the Chairman sign application: Web Water for occupancy of Brown County Road 19 Sec 21-T123N-R64W, Brown County, SD to provide a potable water line. Roll call vote: Commissioners Hansen-abstain, Fischbach-aye, Kippley-aye, Wiese-aye, Sutton-absent. Motion carried.

BRIDGE INSPECTIONS:

Moved by Kippley, seconded by Fischbach to approve and authorize the Chairman sign Bridge Inspection Work Order B1-05-13 by Clark Engineering Corporation (Project BR NBIS (28)) in amount not to exceed \$76,288.30. All members present voting aye. Motion carried.

EXECUTIVE SESSION:

Moved by Kippley, seconded by Wiese to go into executive session to discuss personnel with Gary Vetter and Larry Lovrien in attendance. All members present voting aye. Motion carried.

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

Moved by Fischbach, seconded by Kippley to approve employee policy manual changes regarding computer passwords. All members present voting aye. Motion carried.

RECESS:

The Vice Chairwoman declared the Commission recessed until June 11, 2013.

Julia Grenz, Brown County Deputy Auditor

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

JUNE 11, 2013 – 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, Kippely, 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 of June 3, 2013 and the General Meeting minutes of June 4, 2013. All members present voting aye. Motion carried.

CLAIMS:

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

Supplies: Active Data Systems \$745.53; Bakken Build Maint. \$500.00; Bonnie Bitz \$216.00; Crescent Electric Supply \$64.32; Dakota Electronics \$173.25; Dakota Mailing \$183.42; Dakota Oil \$641.75; Dakota Supply Group \$744.72; Diesel Machinery \$590.21; Earthgrains \$384.87; Farnams Geniune Parts \$79.47; Fastenal Co. \$462.40; Gardner Locksmithing \$130.00; Glas Consulting \$123.75; GovConnection \$85.13; Graham Tire \$3,440.00; Hecla Implement \$16.11; Hedahl's \$14.65; House of Glass \$61.22; Interstate Battery System \$305.80; J. Gross Equipment \$792.18; Ken's SuperFair Foods \$152.26; Kessler's \$108.03; Kuck Law Office \$72.08; Lawson Products \$247.32; Teresa Mann \$57.95; Marco \$794.95; Menards \$264.26; Midstates Printing \$407.77; Myers Tire Supply \$56.36; NCFE – Warner Elevator \$9,413.44; North Star Energy \$84.00; Past Perfect Software \$432.00; Pheasantland Industries \$1,100.04; Pierson-Ford \$388.13; Pizza Ranch \$123.03; PowerPlan \$1,122.07; Sheehan Mack Sales \$2,003.27; Taylor Laundry \$119.00; TrueNorth Steel \$60,535.55; Walth Safety Service \$271.45; Woodman Refrigeration \$1,988.53;

Repairs & Maintenance: Commerical Electronics \$5,481.61; Dakota Electronics \$1,412.31; Dakota Fluid Power \$120.03; Diesel Machinery \$850.00; Graham Tire \$55.33; J. Gross Equipment \$17.00; Karst Car Care \$939.15; Lawson Products \$18.36; Myers Tire Supply \$41.08; Pierson-Ford \$463.23; PowerPlan \$88.30; Sheehan Mack Sales \$4,784.24; Walth Safety Service \$737.60;

Transcriptions: Shepherd Reporting \$27.50.

Publishing: Aberdeen American News \$1,467.54; Dakota Broadcasting \$448.00; Hub City Radio \$500.00; Midstates Printing \$110.00;

Travel & Conference: Best Western Ramkota \$462.00; Tina Boldt \$11.19; Days Inn \$150.00; Don Fischer \$26.00; Sue Gates \$150.35; Nyle Jenson \$26.00; Rachel Kippely \$181.38; Gene Loeschke \$112.33; Terry Lout \$26.00; Tina McLeod \$155.18; Dennis VanHeerde \$26.00; Michael Wiese \$21.62.

Utilities: Aberdeen City Treasurer \$1,143.07; AT&T Mobility \$45.58; James Valley Telecommunications \$221.90; Midcontinent Communications \$55.00; Northern Electric Coop \$88.80; NVC \$1,103.57; Northern Wireless Communications \$291.45; NWPS \$529.31; Town of Frederick \$32.25;

Professional Fees: Denise Cody \$15.00; Marv Ekeren \$15.00; Helms & Assoc. \$900.00; LBG \$2,072.36; Lucy Lewno \$150.46; Midstates Printing \$29.04; MLN Consulting \$1,215.40; SD Dept. of Revenue & Regulations \$626,823.25; Yankton Co. Sheriff Office \$25.00.

Rentals: Dakota Electronics \$144.75.

Recycleables: Spot Freight \$1,585.00.

Care of Poor: Dr./Hospital: 2 recipients: Avera St. Luke's \$16,668.47; Utilities: 4 recipients: NWPS \$1,020.40; Rent: 2 recipients: BeachAir Enterprises \$260.00; Zumbaum Property Mgmt. \$320.00.

All members present voting aye. Motion carried.

PERSONNEL:

Moved by Hansen, seconded by Wiese to approve hiring Clay Nelson as full-time Welfare Director, effective June 17, 2013 at prorated annual salary of \$47,000. All members present voting aye. Motion carried.

LEASE AGREEMENT ADDENDUM:

Moved by Hansen, seconded by Wiese to approve an addendum to the May 4, 2010 lease agreement with Aberdeen Karting Club for one acre of land directly to the east of the horse race track at the Fairgrounds, extending the lease agreement for another three-year period effective April 1, 2013 and terminating October 31, 2015, with option to renew for an additional three-year period. All members present voting aye. Motion carried.

LOTTERY APPLICATION:

Moved by Fischbach, seconded by Kippley to approve application, submitted by the Yelduz Shriners, for a split pot to be held July 12, 2013 at the Brown County Speedway. All members present voting aye. Motion carried.

AUDITOR'S REPORT OF ACCOUNT:

Moved by Wiese, seconded by Hansen to approve the May 2013 Auditor's Report of Account with the County Treasurer in total amount of \$19,943,023.62 (total amount of actual cash @ \$3,800.00, US Bank @ \$20,632.02, Dacotah Bank @ \$214,402.87, Petty Cash @ \$2,000.00, Fund Investments @ \$19,702,188.73). All members present voting aye. Motion carried.

FIREWORKS PERMIT:

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman sign Fireworks Public Display Permit, submitted by Richmond Lake Fireworks for a Class B Fireworks Display to be held on July 3, 2013 at Richmond Lake West Shore Drive. All members present voting aye. Motion carried.

LEASE AGREEMENTS:

Moved by Wiese, seconded by Fischbach to approve the following lease agreements: South Dakota Good Sam Club for lease of 90 Camp Sites and Clubhouse June 17-23, 2013; Linda Urlacher for lease of Richmond Lake Youth Camp June 20-23, 2013; Misty Weideman for lease of Richmond Lake Youth Camp September 6-8, 2013. All members present voting aye. Motion carried.

SURPLUS PROPERTY:

Moved by Fischbach, seconded by Hansen to declare Woods 9204RD Mower, decal 708, from Fairgrounds as surplus property for purpose of trade-in. All members present voting aye. Motion carried.

GRANT AGREEMENT:

Moved by Fischbach, seconded by Wiese to authorize Vice Chairwoman Hansen sign Federal Funding Accountability and Transportation Act Information Request Form and State's Attorney Lovrien sign Stop Violence Grant Agreement in amount of \$52,000 (\$39,000 provided by State and \$13,000 matched by County). All members present voting aye. Motion carried.

BID OPEN/AWARD—LANDFILL UNIT 1 CLOSURE:

Time and place, as advertised to open, read and consider bids for Unit 1 Subtitle D Landfill Closure project for Brown County Landfill. Bids were received from Lien Transportation Company, Inc., H. F. Jacobs & Sons Construction, Inc. and B&B Contracting, Inc.

Moved by Fischbach, seconded by Hansen to award bid, submitted B&B Contracting, Inc. in amount of \$405,642.25 for Unit 1 Subtitle D Landfill Closure Project; rejecting bids submitted by Lien Transportation Company, Inc. @ \$998,201.65 and H.F. Jacobs & Sons Construction, Inc. @ \$728,388.60. All members present voting aye. Motion carried.

LANDFILL TITLE V AIR QUALITY CERTIFICATION:

Moved by Hansen, seconded by Kippley to authorize Chairman sign Annual Compliance Certification Report for Title V air quality operating permit for the Brown County Landfill. All members present voting aye. Motion carried.

GIS PLOTTER:

Scott Madsen, GIS Director, discussed replacing plotter and budgeting options for funding the purchase. No action was taken as a result of the discussion.

EXECUTIVE SESSION:

Moved by Kippley, seconded by Wiese to go into executive session to discuss personnel with Larry Lovrien, Gary Vetter and Sheila Enderson 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.

BROWN COUNTY ROAD 16:

Moved by Hansen, seconded by Wiese to authorize Highway Superintendent to proceed with the bidding process for reconstruction of the south 3 miles of Brown County Road 16 (north portion of road to be addressed at a later date). All members present voting aye. Motion carried.

HIGHWAY:

Jan Weismantel, Highway Superintendent, discussed bridge maintenance, purchasing lights and equipment lease. No action was taken as a result of the discussion.

EXECUTIVE SESSION:

Moved by Wiese, seconded by Hansen to go into executive session to discuss contracts with Larry Lovrien 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.

RECESS:

The Chairman declared the Commission recessed until June 18, 2013.

Julia Grenz, Brown County Deputy Auditor

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

JUNE 18, 2013 – 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, Kippley, Fischbach and Wiese.

Why aren't these vehicles marked with County signs & on doors so Taxpayers can identify them when being used for either County and/or personal use?

to approve the General Meeting minutes of June 11, 2013. All

to approve the following claims:

tion Assistant \$1,923.08; Auditor \$8,950.79; Treasurer
 State's Attorney \$15,288.92; Blood Draws \$250.00; SVAWA
 Assessor \$11,929.90; Register of Deeds \$7,713.25; Veterans
 Sheriff Admin \$30,870.98; Jail \$32,284.77; Coroner \$0; JDC
 e \$2,978.77; Museum \$7,259.74; Parks & Fairgrounds
 \$24.22; Weed \$4,663.14; Planning and Zoning \$1,384.80;
 \$0,887.77; Emergency Management \$3,033.11; Teen Court
 \$3.51.
 dicare \$3,657.81
 Business \$60.57; Aberdeen Clean-All \$425.00; Advance Auto
 one Radio \$6,000.00; CarQuest \$1,373.99; Cash-Wa \$4,547.22;
 uid Power \$893.11; DT Pharmacy \$1,571.03; Farm Power Mfg.
 0; Fire Safety First \$239.75; Gardner Locksmithing \$55.00;
 ners \$1,049.60; GovConnection \$681.25; Hoven Auto Repair
 s \$288.92; Lewis Drug Store \$8.59; Marco \$73.36; Menards
 oore Medical \$138.75; Running's \$79.99; Software Unlimited
 \$40,000.00; Tri-State Water \$30.40; US Bank \$7,147.73.
 Shop \$56.00; Farm Power Mfg. \$4.00; Fire Safety First
 obs & Son \$7,188.91; House of Glass \$7,022.98; Hoven Auto
 \$85.00; Lien Transportation \$225.10; Superior Jetting

\$3,532.46; US Bank \$433.88.

Publishing: Aberdeen American News \$338.89; US Bank \$403.00.

Travel & Conference: Cara Dennert \$211.61; Janet Elsen \$24.00; Mike Hassebrook \$24.00; Sonje Oban \$24.00; Amy Scott \$24.00; Stu Swenson \$211.61; Terri Traxinger \$24.00; US Bank \$7,227.59; Gary Vetter \$36.00.

Utilities: Aberdeen City Treasurer \$338.38; CenturyLink \$1,431.08; City of Hecla \$131.68; Dependable Sanitation \$30,704.28; Exec. Mgmt. Finance Office \$352.52; Northern Electric \$1,146.25; NWPS \$1,816.73; Verizon Wireless \$132.96; US Bank \$564.23.

Professional Fees: Avera St. Luke's \$3,035.32; CPI \$150.00; Horn Law Office \$197.20; Lewis & Clark BHS \$149.00; LexisNexis \$220.95; Lincoln Co. Treasurer \$18.00; Sanford Health/Clinic \$4,265.18; SD Assoc. of County Officials \$1,472.00; Sivertsen Technology \$5,425.00; Kristi Spitzer \$449.00; Thomas Price \$3,240.00; US Bank \$100.00.

Recycleables: Spot Freight \$1,585.00.

Other: Louis Brush \$200.00; Dennis DeGroot \$340.36; James River \$25,493.81.

Care of Poor: Utilities: 6 recipients: NWPS \$1,455.26. Rent: 2 recipients: Richard Jensen \$280.00; Dallas Niederbaumer \$320.00. Medications: 1 recipient: Kessler's \$22.99.

All members present voting aye. Motion carried.

PERSONNEL:

Moved by Hansen, seconded by Wiese to approve the following employee step increases, effective June 23, 2013: Tracy Madsen @ \$14.79/hr, Cindy Eppard @ \$13.54/hr and Barry Kusler @ \$17.02/hr. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Hansen to approve hiring Dala Mandel and Fred Schmidt as Transport Guards (Sheriff Department), effective June 18, 2013. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Wiese to acknowledge the following miles driven and amount to be taxed for personal use of County vehicles during the month of May 2013: Marcus Selzler—119 @ \$67.24, Mark Wendt—348 @ \$196.62, Kendell Titze—72 @ \$40.68, Jan Weismantel—67.20 @ \$37.97, Mike Scott—190 @ \$107.35, Gary Vetter—152 @ \$85.88. Roll call vote: Commissioners Hansen-aye, Kippely-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Motion carried.

Moved by Hansen, seconded by Kippely to acknowledge resignation of Austin Hoffman (Highway Department), effective June 28, 2013. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to approve hiring John McElhone as Labor Grade #3 Driver (Highway Department) at \$13.50/hr and Kyle Kost as Shop Assistant (Highway Department) at \$12.43/hr, effective June 19, 2013. All members present voting aye. Motion carried.

LEASE AGREEMENT:

Moved by Kippely, seconded by Fischbach to approve the agreement with Aberdeen Roller Derby for lease of the Holum Expo Building June 15, 2013. All members present voting aye. Motion carried.

BID DOCUMENTS- BROWN COUNTY 19:

Moved by Wiese, seconded by Kippely to approve and authorize Chairman to sign Agreement and Notice to Proceed with Lien Transportation for reconstruction of Brown County 19 from 8th Ave NE to Molded Fiberglass Entrance. All members present voting aye. Motion carried.

SPECIAL MALT BEVERAGE LICENSE:

Moved by Kippely, seconded by Hansen to approve and authorize Chairman sign the Special Malt Beverage License Application submitted by Boys and Girls Club of Aberdeen Area, 1111-1st Ave SE, Aberdeen for special event at the Holum Expo Building on June 15, 2013 (Brown County Fairgrounds SW ¼ Sec 1-T123N-R64W – map indicating specific building on file with applications). All members present voting aye. Motion carried.

BROWN COUNTY FAIR:

Moved by Kippely, seconded by Wiese to approve list of promotional tickets for the 2013 Brown County Fair, with the removal of Commissioner Hansen from the list per her request. All members present voting aye. Motion carried.

SHERIFF REPORT:

Moved by Wiese, seconded by Kippely to approve the following May 2013 Sheriff Reports: Incidents and offenses, Prisoner care, JDC, and Money deposited with the County Treasurer. All members present voting aye. Motion carried.

NOTICE OF BID AWARD- LANDFILL UNIT 1 CLOSURE:

Moved by Fischbach, seconded by Hansen to approve and authorize Chairman sign Notice of Award for the Unit 1 Subtitle D Landfill Closure project for Brown County Landfill with B&B Contracting, Inc. All members present voting aye. Motion carried.

ORDINANCE 080:

Moved by Hansen, seconded by Wiese to approve First Reading of Ordinance #080, An Ordinance to rezone the following property from Chapter 4.06 Agricultural Preservation District (AG-P) to Chapter 4.14 Highway Commercial District (HC): Schaunaman's OL 1 and 2 in the SE ¼ Sec 24-T124N-R65W, Brown County, SD, subject to easements, reservations and restrictions of record, if any (32008 and 382016 Shore Dr N). All members present voting aye. Motion carried.

NORTHEASTERN MENTAL HEALTH CENTER:

Northeastern Mental Health Center representatives Joe Manuel and Lisa German presented center statistics and related information in regard to the 2014 NEMHC Budget request.

HIGHWAY:

Jan Weismantel, Highway Superintendent, discussed current river water levels and highway shop maintenance projects. Also discussed were ER projects and the status of the following bridge maintenance projects: Bridge 197 (approx. 2 miles west of Frederick on County 5) and Bridge 25 (approx. 2 miles east of Frederick on County 3).

RESEEDING GRAVEL PIT:

Moved by Fischbach, seconded by Hansen to accept quote received from J&N Seeding, LLC in amount of \$4,000 for the reseeded of Gunther Gravel pit; rejecting quote from B&B Contracting, Inc. in amount of \$7,653.08. All members present voting aye. Motion carried.

SURPLUS PROPERTY:

Moved by Kippley, seconded by Wiese to declare 1976 John Deer tractor, decal 1227, as surplus property for the purpose of sale to South Brown Soil Conservation District in amount of \$500. All members present voting aye. Motion carried.

EXECUTIVE SESSION:

Moved by Wiese, seconded by Hansen to go into executive session to discuss personnel with Larry Lovrien, Gary Vetter, 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.

COUNTY VEHICLE DECALS:

Moved by Hansen, seconded by Kippley to approve and authorize Jan Weismantel, Highway Superintendent, to place decals on Highway Department vehicles for the purpose of identifying them as vehicles owned by Brown County. All members present voting aye. Motion carried.

TAX DEED PROPERTY – RE-CONVEYED:

Commissioner Fischbach offered the following Resolution:

RESOLUTION NO. 32-13

WHEREAS, it appearing to the satisfaction of the Commissioners of Brown County that a Tax Deed was taken on the following described real estate: The S 14' of Lot 17 and 8, Block 44, Haggerty and Lloyd

Addition, Aberdeen, Brown County, SD, duly recorded in the Register of Deeds Office in Book 295, Page 306 on June 18, 2013,

NOW THEREFORE BE IT RESOLVED that the Brown County Commission hereby re-convey the above listed property and authorizes the Chairman of the Brown County Commission to execute a Quit Claim Deed transferring the interest of Brown County, South Dakota, back to the record owner of said property, contingent upon payment of taxes, penalties, interest and attorney fees to the Brown County Treasurer.

Dated this 18th day of June 2013.

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

TAX DEED PROPERTIES:

Sheila Enderson, Brown County Treasurer, and Gary Vetter, Commission Assistant, discussed tax deed properties and possible actions regarding the properties and current tenants. No action was taken as a result of the discussion.

STATE'S ATTORNEY:

Larry Lovrien, Brown County State's Attorney, discussed a Limited Deputy State's Attorney appointment and presented a proposal for the 2014 Court Appointed Attorney Contract. Also discussed was designating the Fairgrounds as a Park/Playground during the week of the Brown County Fair.

Motion by Hansen, seconded by Wiese to appoint Vic Fischbach as Limited Deputy Brown County State's Attorney, without compensation, for prosecution of conflict cases, effective June 18, 2013. All members present voting aye. Motion carried.

BUDGET DISCUSSION:

Gary Vetter, Commission Assistant, discussed potential purchases relating to human resources and grant research for the 2014 budget process. No action was taken as a result of the discussion.

RECESS:

The Chairman declared the Commission recessed until June 25, 2013.

Julia Grenz, Brown County Deputy Auditor

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

JUNE 24, 2013 - JOINT ABERDEEN CITY/BROWN 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, Remily, Rux, Slaight-Hansen, Swanson and Mayor Levsen. Present from County were Commissioners Fischbach, Wiese, and Sutton. Commissioners Kippley and Hansen were absent.

ORDINANCE #13-06-01/417:

On motion by Bunsness and seconded by Swanson, the City unanimously voted to approve First Reading of Ordinance #13-06-01/417.

ORDINANCE #13-06-02/418:

On motion by Mitchell and seconded by Agnitsch, the City unanimously voted to approve First Reading of Ordinance #13-06-02/418.

ORDINANCE #13-06-03/419:

On motion by Remily and seconded by Rux, the City unanimously voted to approve First Reading of Ordinance #13-06-03/419.

ORDINANCE #13-06-04/420:

On motion by Mitchell and seconded by Bunsness, the City unanimously voted to approve First Reading of Ordinance #13-06-04/420.

ORDINANCE #13-06-06/421:

On motion by Agnitsch and seconded by Swanson, the City unanimously voted to approve First Reading of Ordinance #13-06-06/421.

ORDINANCES #13-06-01/417—13-06-06/421:

Moved by Wiese, seconded by Fischbach to approve First Reading of the following ordinances:

Ordinance #13-06-01/417, An Ordinance to amend Ordinance No. 1164 to rezone the following described property from its present zoning designation of (C-2) Highway Commercial District and (R-2) Medium Density Residential District to (C-2) Highway Commercial District, said property being described as follows: Lot 1, Raderschadt Addition in the NE ¼ of Sec 22-T123N-R64W of the 5th P.M., Brown County, SD (2301 Hwy 12 W);

Ordinance #13-06-02/418, An Ordinance to amend Ordinance No. 1164 to rezone the following described property from its present zoning designation of (A-1) Agricultural District to (M-AG) Mini-Agricultural District, said property being described as follows: Proposed Jett Tract 1 in the NW ¼ of Sec 32-T124N-R64W of the 5th P.M., Brown County, SD (38301 129th Street);

Ordinance #13-06-03/419, An Ordinance to amend Ordinance No. 1164 to rezone the following described property from its present zoning designation of (A-1) Agricultural District to (C-2) Highway Commercial District, said property being described as follows: Outlot A in the SE ¼ of Sec 15-T123N-R63W of the 5th P.M., Brown County, SD (5484 Hwy 12 E);

Ordinance #13-06-04/420, An Ordinance to amend Ordinance No. 1164 to rezone the following described property from its present zoning designation of (A-1) Agricultural District to (M-AG) Mini-Agricultural District, said property being described as follows: Peck-Feickert Outlot 2 in the NE ¼ of Sec 16-T123N-R64W of the 5th P.M., Brown County, SD (1/4 mile West of 385th Ave on 132nd Street);

Ordinance #13-06-06/421, An Ordinance to amend Ordinance No. 1164 to rezone the following described property from its present zoning designation of (A-1) Agricultural District to (M-AG) Mini-Agricultural District, said property being described as follows: L. Habeck Addition to the City of Aberdeen in the NE

111
¼ of Sec 34-T123N-R64W of the 5th P.M., Brown County, SD (3104 S Hwy 281). All members present voting aye. Motion carried.

ADJOURNMENT:

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

Julia Grenz, Brown County Deputy Auditor

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

JUNE 25, 2013 – 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, Kippley, Fischbach and Wiese. Chairman Sutton led the Pledge of Allegiance.

SDACO SCHOLARSHIP PRESENTATION:

Carol Sherman, on behalf of the South Dakota Association of County Officials (statewide auditors, treasurers and register of deeds) presented Kelsey Woodford, daughter of Cindy Woodford, Deputy Register of Deeds a Scholarship in amount of \$1,000.00. Each year the association conducts an essay competition for all relatives of county employees and the winners receive the scholarships. Congratulations Kelsey!

MINUTES:

Moved by Hansen, seconded by Wiese to approve the General Meeting minutes of June 18, 2013. All members present voting aye. Motion carried.

CLAIMS:

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

Supplies: Aberdeen Plumbing & Heating \$85.51; ACE Refrigeration \$153.00; Alligare LLC \$1,430.50; Best Business Products \$202.80; Dakota Fluid Power \$17.12; Dakota Supply Group \$30.58; Danko Emergency Equipment Co \$203.36; Deluxe Business Forms \$437.56; Dickey County Extension \$30.00; Galls \$382.64; GovConnection Inc \$584.00; HC Clark Implement \$1.26; Holland's Auto Care \$51.70; House of Glass \$86.22; J Gross Equip \$869.58; Kuck Law Office \$31.80; Lorman Education Services \$7.95; Marco Inc \$274.50; Menards \$4,367.11; Midstates Printing \$3,047.25; Minnesota School of Diving Inc \$270.00; NCFE- Warner Elevator \$32,759.40; Newman Signs Inc \$356.27; Pro Ag Supply, Inc \$29.38; Performa \$727.45; Qualification Targets Inc \$86.77; Runnings \$29.47; SD Dept of Environment \$125.00; Sherwin Williams \$2,752.43; Truenorth Steel \$34,221.70; Ultramax \$237.00
Repairs & Maintenance: Cretex Concrete Products \$32,489.00; Diesel Machinery \$5,700.00; Kone Inc \$7,015.50; Specialty MFG Inc \$90.00

Publishing: Aberdeen American News \$133.63

Travel & Conference: Stan Beckler \$19.74; Darwin Bettmann \$14.10; Kathy Fischer \$238.76; Nancy Hansen \$488.75; Duane Jark \$50.76; Patrick Keatts \$33.84; Dale Kurth \$71.44; Barry Kusler \$277.77; Gene Loeschke \$251.45; Russell Metz \$481.75; David North \$107.16; SD Human Services Center \$64.20; Jerome Streckfuss \$24.44; Dennis Wiedebush \$33.84; Mary Worlie \$355.00

Utilities: Century Link \$2,439.31; Midcontinent Communications \$57.54; Montana Dakota Utilities Co \$16.81; Northwestern Energy & Communication \$43.06; Verizon Wireless \$1,198.31

Professional Fees: AMG Radiology \$77.16; Avera St. Lukes \$3,223.16; Christopher Dohrer \$5,770.83; Kuck Law Office \$5,520.83; Language Line Services Inc \$383.68; Gina Rogers \$5,520.83; Sanford Health \$72.87; SDACES \$20.00; Christy Serr \$5,770.83; Kristi Spitzer \$710.00; West Payment Center \$130.40; Yankton County Sheriff Office \$25.00; Yankton County Treasurer \$106.25

Other: Pizza Ranch \$101.94

Care of Poor: Dr./Hospital: 2 recipients: \$16,499.85 Rent: 2 recipients: Thomas Hinz \$280.00 ; Jared Hunstad \$300.00 .

All members present voting aye. Motion carried.

PERSONNEL:

Moved by Hansen, seconded by Kippley to acknowledge the resignation of John McElhone (Highway Department), effective June 19, 2013. All members present voting aye. Motion carried.

PLATS:

Commissioner Wiese offered the following Resolution:

RESOLUTION #33-13

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing Grevlos Conservation Easement Tract 1 in the S ½ of Sec 27-T127N-R61W 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, Kippley-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

RESOLUTION #34-13

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Widstrom Outlot A in the NE ¼ Sec 34-T128N-R62W 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, Kippley-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

RESOLUTION #35-13

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "T & C Reed First Subdivision in the NW ¼ Sec 35-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, Kippley-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

RESOLUTION #36-13

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Sieh's Wildlife Area in the E ½ of Sec 15-T123N-R62W 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, Kippley-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

RESOLUTION #37-13

BE IT RESOLVED by the Board of Commissioners of Brown County, SD, that the plat showing "Justin Downes Addition in the NE ¼ of Sec 26-T127N-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, Kippley-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

RESOLUTION #38-13

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Lots 106-147 of Garden of the Good Shepherd of Sunset Memorial Gardens in the City of Aberdeen, in the SE ¼ of Sec 15-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 Fischbach. Roll call vote: Commissioners Hansen-aye, Kippley-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

RESOLUTION #39-13

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Lots 154-173 of Garden of Gethsemane, Subdivision of Lot 1, First Addition to Sunset Memorial Gardens in the City of Aberdeen, in the SE ¼ of Sec 15-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 Fischbach. Roll call vote: Commissioners Hansen-aye, Kippley-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

RESOLUTION #40-13

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Lots 100-132 of Garden of the Last Supper of Sunset Memorial Gardens in the City of

Aberdeen, in the SE ¼ of Sec 15-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 Fischbach. Roll call vote: Commissioners Hansen-aye, Kippley-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

RESOLUTION #41-13

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Lots 144-149 & 152-158 of Garden of Devotion of Sunset Memorial Gardens in the City of Aberdeen in the SE ¼ of Sec 15-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 Fischbach. Roll call vote: Commissioners Hansen-aye, Kippley-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

RESOLUTION #42-13

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "L. Habeck Addition to the City of Aberdeen, in the NE ¼ of Sec 34-T123N-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, Kippley-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

RESOLUTION #43-13

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Budget Furniture-Schumaker Subdivision in the NW ¼ Sec 22-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 Fischbach. Roll call vote: Commissioners Hansen-aye, Kippley-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

RESOLUTION #44-13

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Foss's First Subdivision in the NE ¼ Sec 33-T124N-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, Kippley-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

RESOLUTION #45-13

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "C & S Lehr First Subdivision in the NE ¼ Sec 32-T124N-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, Kippley-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

RESOLUTION #46-13

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Peck-Feickert Outlots in the NE ¼ of Sec 16-T123N-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, Kippley-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

RESOLUTION #47-13

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Jett Tract 1 in the NW ¼ of Sec 32-T124N-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, Kippley-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Resolution adopted.

BID DOCUMENTS- BROWN COUNTY 14:

Moved by Kippley, seconded by Wiese to approve and authorize Chairman to sign Agreement and Notice to Proceed with Upper Plains Contracting, Inc. for concrete paving of Brown County 14W. All members present voting aye. Motion carried.

VACATE PLAT – SET HEARING:

Moved by Hansen, seconded by Wiese to set hearing date to consider petition submitted by Anthony Hanson to vacate the following Plat: Middleton Outlot A in the S ½ SE ¼ Sec 20-T128N-R62W of the 5th P.M., Brown County, SD, to be held in the Commissioners' Chambers, Courthouse Annex, Brown County, South Dakota at 8:50 A.M. on July 9, 2013. All members present voting aye. Motion carried.

JDC AGREEMENT:

Moved by Fischbach, seconded by Wiese 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, 2013 through June 30, 2014. All members present voting aye. Motion carried.

FIREWORKS PERMIT:

Moved by Wiese, seconded by Fischbach to approve and authorize the Chairman sign Fireworks Public Display Permit, submitted by Bryce Iwerks for a Class B Fireworks Display to be held on July 4, 2013 at 2713 385th Ave, Aberdeen. All members present voting aye. Motion carried.

LANDFILL TITLE V AIR QUALITY PERMIT:

Moved by Wiese, seconded by Hansen to authorize Chairman sign Air Quality Permit Application Form for Title V operating permit for the Brown County Landfill. All members present voting aye. Motion carried.

ORDINANCE 080:

Moved by Fischbach, seconded by Hansen to approve Second Reading and Adoption of Ordinance #080, An Ordinance to amend Title 4 of the Second Revision Brown County Ordinances, as amended, to rezone the following described property from Chapter 4.06 Agricultural Preservation District (AG-P) to Chapter 4.14 Highway Commercial District (HC): Schaunaman's OL 1 and 2 in the SE ¼ Sec 24-T124N-R65W of the 5th P.M, Brown County, SD, subject to easements, reservations and restrictions of record, if any (382008 and 382016 Shore Drive N). Roll call vote: Commissioners Kippley-aye, Hansen-aye, Fischbach-aye, Wiese-aye and Sutton-aye. Ordinance adopted.

WORTHMORE ADDICTION SERVICES:

Worthmore Addiction Services representative Julie Pfeifer presented statistics and related information in regard to the 2014 Worthmore Addiction Services Budget request.

EXECUTIVE SESSION:

Moved by Hansen, seconded by Wiese to go into executive session to discuss contracts with Paul Sivertsen, Larry Lovrien, John McQuillen, Mark Milbrandt 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.

COMMUNICATIONS PURCHASE:

Moved by Wiese, seconded by Kippley to approve purchase to update Recorder for Communications Department in amount of \$13,914. All members present voting aye. Motion carried.

HUMAN RESOURCES:

Gary Vetter, Commission Assistant discussed the distribution of human resources responsibilities with Larry Lovrien, State's Attorney and Andrea Sjomeling, Chief Deputy Auditor in attendance. Vetter also presented status updates on tax deed properties and BMX fence repairs. No action was taken as a result of the discussion.

SPECIAL MALT BEVERAGE LICENSE – SET HEARING DATE:

Jesse Howard and Topper Tastad, representatives of Groton Community Supporters, Inc., were present to discuss security concerns for the Party in the Pasture event.

Moved by Wiese, seconded by Fischbach to set hearing date to consider the following Malt Beverage License Application: Groton Community Supporters, Inc., 104 N Main St, Groton, SD – E ½ E ½ SE ¼ Sec 19-T123N-R60W and W ½ W ½ SW ¼ Sec 20-T123N-R60W of the 5th P.M. Brown County, SD, to be held in the Commissioners' Chambers, Courthouse Annex, Brown County, South Dakota at 8:45 A.M. on July 16, 2013. All members present voting aye. Motion carried.

HIGHWAY:

Jan Weismantel, Highway Superintendent discussed water river levels, bridge maintenance projects, vehicle decals and shop maintenance projects.

BID AWARD – ROAD OIL:

Moved by Fischbach, seconded by Hansen to award low bid, submitted by Jebro Inc., Sioux City, IA for furnishing and delivery of MC-70 road oil, as bid by Edmunds County on March 12, 2013; rejecting bid submitted by Flint Hills Resources LP, Marshall, MN. All members present voting aye. Motion carried.

EXECUTIVE SESSION:

Moved by Hansen, seconded by Wiese to go into executive session to discuss personnel with Larry Lovrien 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.

ADJOURNMENT:

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

Julia Grenz, Brown County Deputy Auditor

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

JULY 2, 2013 - JOINT ABERDEEN CITY/BROWN COUNTY MEETING

The Brown County Commission and the Aberdeen City Council met in joint session at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present from City were Council Members Bunsness, Johnson, Ronayne, Rux, Swanson and Mayor Levsen. Absent were Council Members Campbell, Remily and Slight-Hanson. Present from County were Commissioners Hansen, Kippley, Fischbach, Wiese and Sutton.

ORDINANCE #13-06-01/417:

On motion by Swanson and seconded by Ronayne, the City unanimously voted to adopt Ordinance #13-06-01/417.

ORDINANCE #13-06-02/418:

On motion by Swanson and seconded by Rux, the City unanimously voted to adopt Ordinance #13-06-02/418.

ORDINANCE #13-06-03/419:

On motion by Bunsness and seconded by Johnson, the City unanimously voted to adopt Ordinance #13-06-03/419.

ORDINANCE #13-06-04/420:

On motion by Bunsness and seconded by Johnson, the City unanimously voted to adopt Ordinance #13-06-04/420.

ORDINANCE #13-06-06/421:

On motion by Rux and seconded by Ronayne, the City unanimously voted to adopt Ordinance #13-06-06/421.

ORDINANCES #13-06-01/417—13-06-06/421:

Moved by Hansen, seconded by Kippley to adopt following ordinances: Ordinance #13-06-01/417, An Ordinance to amend Ordinance No. 1164 to rezone the following described property from its present zoning designation of (C-2) Highway Commercial District and (R-2) Medium Density Residential District to (C-2) Highway Commercial District, said property being described as follows: Lot 1, Raderschadt Addition in the NE ¼ of Sec 22-T123N-R64W of the 5th P.M., Brown County, SD (2301 Hwy 12 W);

Ordinance #13-06-02/418, An Ordinance to amend Ordinance No. 1164 to rezone the following described property from its present zoning designation of (A-1) Agricultural District to (M-AG) Mini-Agricultural District, said property being described as follows: Proposed Jett Tract 1 in the NW ¼ of Sec 32-T124N-R64W of the 5th P.M., Brown County, SD (38301 129th Street);

Ordinance #13-06-03/419, An Ordinance to amend Ordinance No. 1164 to rezone the following described property from its present zoning designation of (A-1) Agricultural District to (C-2) Highway Commercial District, said property being described as follows: Outlot A in the SE ¼ of Sec 15-T123N-R63W of the 5th P.M., Brown County, SD (5484 Hwy 12 E);

Ordinance #13-06-04/420, An Ordinance to amend Ordinance No. 1164 to rezone the following described property from its present zoning designation of (A-1) Agricultural District to (M-AG) Mini-Agricultural District, said property being described as follows: Peck-Feickert Outlot 2 in the NE ¼ of Sec 16-T123N-R64W of the 5th P.M., Brown County, SD (1/4 mile West of 385th Ave on 132nd Street);

Ordinance #13-06-06/421, An Ordinance to amend Ordinance No. 1164 to rezone the following described property from its present zoning designation of (A-1) Agricultural District to (M-AG) Mini-Agricultural District, said property being described as follows: L. Habeck Addition to the City of Aberdeen in the NE

¼ of Sec 34-T123N-R64W of the 5th P.M., Brown County, SD (3104 S Hwy 281). All members present voting aye. Motion carried.

SET HEARING DATE:

On motion by Swanson, seconded by Ronayne, the City unanimously voted to set hearing date for Ordinance No. 13-07-03/422 (Commet Rezone), Ordinance No. 13-07-04/423 (Mattern Rezone) and Ordinance No. 13-07-06/424 (Zirbel Rezone).

Moved by Fischbach, seconded by Hansen to set public hearing for Ordinance No. 13-07-03/422, an Ordinance to amend Ordinance No. 1164 to rezone the following described property from its present zoning designation of (A-1) Agricultural District to (M-AG) Mini-Agricultural District: Lot 1, Commet Subdivision in the SW ¼ of Sec 34-T124N-R64W of the 5th P.M., Brown County, SD (2404 130th Street NW); Ordinance No. 13-07-04/423, an Ordinance to amend Ordinance No. 1164 to rezone the following described property from its present zoning designation of (A-1) Agricultural District to (M-AG) Mini-Agricultural District: East 20 Rods of the SE ¼ SE ¼ of Sec 27-T123N-R63W of the 5th P.M., Brown County, SD (2724 392nd Ave); Ordinance No. 13-07-06/424, an Ordinance to amend Ordinance No. 1164 to rezone the following described property from its present zoning designation of (A-1) Agricultural District to (M-AG) Mini-Agricultural District: Sunset Memorial Gardens, Lots A, B, and C, Garden of Honor, Sunset Memorial Gardens, Garden of Gethsemane Subdivision of Lot 1, First Addition to Sunset Memorial Gardens and Lots 1 and 2, Sunset Memorial Irrigation Pond Addition in the SE ¼ of Sec 15-T123N-R63W, Except Hwy of the 5th P.M., Brown County, SD (5839, 5843, and 5851 Hwy 12 E) to be held on July 23, 2013 at 8:45 a.m. in the County Commission Chambers, 25 Market Street, Aberdeen, SD. All members present voting aye. Motion carried.

The City Council adjourned and the County Commission continued in regular session.

Julia Grenz, Brown County Deputy Auditor

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

JULY 2, 2013 – GENERAL MEETING

The Brown County Commission convened at 8:45 a.m., July 2, 2013 in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Sutton, Hansen, Kippley, Fischbach and Wiese. Chairman Sutton led the Pledge of Allegiance.

MINUTES:

Moved by Fischbach, seconded by Wiese to approve the Joint City/County Meeting minutes of June 24, 2013 and General Meeting minutes of June 25, 2013. All members present voting aye. Motion carried.

CLAIMS:

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

Payroll: Commission \$3,359.55; Commission Assistant \$1,923.08; Auditor \$8,491.55; Treasurer \$11,049.08; Data Processing \$3,495.68; State's Attorney \$15,405.56; Blood Draws \$650.00; SVAWA Grant \$1,269.24; Maintenance \$4,664.90; Assessor \$11,953.89; Register of Deeds \$7,713.26; Veterans Service Office \$3,109.65; GIS \$2,045.33; Sheriff Admin \$30,181.00; Jail \$31,584.85; Coroner 0; JDC \$13,906.51; HD \$4,249.12; Welfare Office \$2,022.25; Museum \$7,059.82; Parks & Fairgrounds \$6,101.59; Fair Board \$2,662.37; 4-H \$1,565.88; Weed \$5,529.10; Planning and Zoning \$1,944.80; Highway \$45,850.79; Communications \$19,821.58; Emergency Management \$3,033.11; Teen Court \$504.35; 24/7 \$2,518.46; Landfill \$11,136.37

Matching Benefits: FICA \$15,509.72; Medicare \$3,627.30; Life \$667.80; Dental \$5,957.00; Health Insurance \$100,240.58; Retirement \$31,213.34

Supplies: A & B Business \$146.45; A-1 Locksmithing \$21.00; Aberdeen Clean-All \$355.00; Aberdeen Plumbing & Heating \$40.82; Ameripride Services \$59.28; Behnke Pit \$28,689.21; CMRS-FP \$5,000.00; Crawford Trucks & Equip. \$1,724.48; Crop Production Services \$2,325.00; Dakota Mailing \$229.93; Dakota Oil \$1,117.10; Danko \$15.00; DEX Media \$52.00; DPM \$26.25; Gall's \$281.80; Gardner Locksmithing \$113.00; Geffdog \$135.50; Glas Consulting \$112.50; GovConnection \$6,318.53; Great Western Tire \$7,726.68; Hansmeier & Son \$813.70; Inspired Marks \$457.48; Intoximeters \$2,000.00; Kmart Pharmacy \$13.12; Leidholt Electric \$369.12; Midstates Printing \$708.00; NCFE-Warner Elevator \$3,228.11; Titan Access Acct \$27.64; TrueNorth Steel \$55,111.72; West Payment Center \$1,736.98.

Repairs & Maintenance: Aberdeen Asphalt \$3,017.66; B & B Contracting \$34,608.75; Behnke Pit \$2,400.00; Butler Machinery \$100.13; Clark Engineering \$17,726.22; Consolidated Ready Mix \$559.00; Crawford Trucks & Equip \$748.43; Fire Safety First \$722.10; Jason's Electric \$906.92; Swanston Equip. Corp \$7,000.00.

Publishing: Aberdeen American News \$224.67; Groton Independent \$591.43.

Insurance: Hagan Insurance \$491.00; SDPAA \$116.00.

Travel & Conference: Jefferson Lines \$60.00; Sara Hagman \$172.34; Leo Leshner \$396.41; SDAAO \$1,500.00; Duane Sutton \$148.35.

Utilities: AT & T Mobility \$1,682.48; Midcontinent \$650.08; NorthWestern Energy \$1,440.12; NWPS \$236.60; Verizon Wireless \$78.62; Web Water \$73.86.

Professional Fees: Aberdeen City Treasurer \$250.00; Avera St. Lukes \$1,241.92; Child's Voice \$1,453.20; Denise Cody \$15.00; DSG \$112.68; Jimmy Johns \$82.75; Language Line Services \$437.88; Lucy Lewno \$300.92; Lincoln Co. Treasurer \$45.00; New Deal Tire \$11,665.00; Redwood Toxicology Laboratory \$40.00; Cathy Rehfuß \$15.00; Gina Rogers \$116.50; SD Secretary of State \$30.00; Sivertsen Technology \$4,875.00; Kristi Spitzer \$449.00; Karen Swanda \$30.00; UND Forensics \$5,574.73.

Transcriptions: Judy Weber \$60.00.

All members present voting aye. Motion carried.

PERSONNEL:

Moved by Hansen, seconded by Fischbach to approve the following employee step increases, effective July 7, 2013: Paul Wipf @ \$16.44/hr, Sandy Green @ \$14.87/hr, Tamara Knoll @ \$14.85/hr, Bonnie Ketterling @ \$12.93/hr, John Clark @ \$13.91 and Roxanne Hilgenberg @ \$14.15/hr. All members present voting aye. Motion carried.

SPECIAL MALT BEVERAGE LICENSE:

Moved by Hansen, 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 of Sec 1-T123N-R64W, effective September 21 and 22, 2013. All members present voting aye. Motion carried.

LEASE AGREEMENT:

Moved by Kippley, seconded by Wiese to approve the agreement with Kent Larson for lease of the Richmond Lake Youth Camp Infirmary on July 2-5, 2013. All members present voting aye. Motion carried.

LOTTERY APPLICATION:

Moved by Fischbach, seconded by Wiese to approve application, submitted by the Boys and Girls Club of Aberdeen Area, for a split pot to be held August 2, 2013 at the Brown County Speedway. All members present voting aye. Motion carried.

FIREWORKS PERMIT:

Moved by Wiese, seconded by Hansen to approve and authorize the Chairman sign Fireworks Public Display Permit, submitted by Nick Guthmiller, Brown County Speedway for a Class B Fireworks Display to be held on July 6, 2013 at 400 24th Ave NW, Aberdeen. All members present voting aye. Motion carried.

CDBG-NEW TEC PROJECT:

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman to sign Payment Request #2 for the Community Development Block Grant for New Tec in amount of \$17,243.46. All members present voting aye. Motion carried.

LANDFILL:

Mike Scott, Landfill Manager discussed wood waste grinding quotes, purchase of a pan tilt zoom camera, container site cameras, 2013 free residential cleanup events and landfill tours. He also presented an update on 2013 tipping fee revenues and discussed the 2014 Budget Request.

WOOD WASTE GRINDING:

Moved by Kippley, seconded by Fischbach to accept quote received from Dakota Wood Grinding in amount of \$525/hr and an \$1800 mobilization fee for the grinding of wood waste at the Landfill (same as 2012 bid). All members present voting aye. Motion carried.

LANDFILL FALL RESIDENTIAL CLEANUP:

Moved by Hansen, seconded by Kippley to approve waiving fees on all material types from Residential Users only during the Fall Residential Cleanup at the Brown County Landfill, to be held from August 30 thru September 14, 2013 (open Labor Day). Tires are limited to car/pickup tires only with a maximum of 10 tires per customer for event period. Fees will apply to commercially generated tires and other tire sizes. 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.

TAX DEED PROPERTIES – RE-CONVEYED:

Commissioner Wiese offered the following Resolution:

RESOLUTION NO. 48-13

WHEREAS, it appearing to the satisfaction of the Commissioners of Brown County that a Tax Deed was taken on the following described real estate: The N 55' of Lot 3 Diver's 3rd Rearrangement and Lot 7-9 Block 21 1st Addition, Aberdeen, Brown County, SD, duly recorded in the Register of Deeds Office in Book 295, Page 308 on June 18, 2013,

NOW THEREFORE BE IT RESOLVED that the Brown County Commission hereby re-convey the above listed property and authorizes the Chairman of the Brown County Commission to execute a Quit Claim Deed transferring the interest of Brown County, South Dakota, back to the record owner of said property, contingent upon payment of taxes, penalties, interest and attorney fees to the Brown County Treasurer.

Dated this 2nd day of July 2013.

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

Commissioner Wiese offered the following Resolution:

RESOLUTION NO. 49-13

WHEREAS, it appearing to the satisfaction of the Commissioners of Brown County that a Tax Deed was taken on the following described real estate: Lot 2 Block 4 Garden Park Addition, Aberdeen, Brown County, SD, duly recorded in the Register of Deeds Office in Book 295, Page 310 on June 18, 2013,

NOW THEREFORE BE IT RESOLVED that the Brown County Commission hereby re-convey the above listed property and authorizes the Chairman of the Brown County Commission to execute a Quit Claim Deed transferring the interest of Brown County, South Dakota, back to the record owner of said property, contingent upon payment of taxes, penalties, interest and attorney fees to the Brown County Treasurer.

Dated this 2nd day of July 2013.

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

TAX DEED PROPERTIES:

Sheila Enderson, Treasurer discussed tax deed properties and protocol for handling the personal items remaining within the structures.

EXECUTIVE SESSION:

Moved by Wiese, seconded by Hansen to go into executive session to discuss personnel with Larry Lovrien, State's Attorney and Rick Hanson, Teen Court Director 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:

Jan Weismantel, Highway Superintendent discussed river water levels, GPS in highway equipment, and county vehicle decals.

Moved by Hansen, seconded by Kippley to agree to share the cost of replacing the guard rail along Richmond Dam with the Federal Government. Brown County will pay 10% and the Federal Government will pay 90% of the total cost, estimated at approximately \$250,000-\$300,000. All members present voting aye. Motion carried.

ASSESSOR UPDATE:

Mary Worlie, Director of Equalization explained that ag land values (cropland) still need major increases to be in compliance with state law.

RECESS:

The Chairman declared the Commission recessed until July 9, 2013.

Julia Grenz, Brown County Deputy Auditor

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

JULY 9, 2013 – 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, Kippley, Fischbach and Wiese. Chairman Sutton led the Pledge of Allegiance.

MINUTES:

Moved by Fischbach, seconded by Wiese to approve the General Meeting and Joint City/County Meeting minutes of July 2, 2013. All members present voting aye. Motion carried.

CLAIMS:

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

Rent: E & T Freedom Properties \$260.00; Golden West \$176.00.

Professional Fees: SD Dept. of Revenue & Regulation \$750,526.05; SD Dept. of Transportation \$202.38; Yankton Co. Sheriff Office \$25.00.

Publishing: Aberdeen American News \$495.82.

Repairs & Maintenance: A & B Business \$486.61; Aberdeen Chrysler Center \$499.50; Aberdeen City Treasurer \$9,497.50; B & B Contracting \$27,266.25; Consolidated Ready Mix \$1,259.00; Dakota Electronics \$321.25; Dakota Fluid Power \$560.60; Hecla Implement \$90.00; J. Gross Equipment \$581.37; Lawson Products \$27.22; PowerPlan \$964.18; SD Dept. of Transportation \$167.40; Sheehan Mack Sales \$140.47; TrueNorth Steel \$14,280.00.

Supplies: A & B Business \$1,391.40; Aberdeen Chrysler Center \$138.39; American Health & Safety \$159.34; Ameripride \$172.76; Bakken Building Maint. \$500.00; Brown County Fire Chiefs \$3,100.00; Dakota Electronics \$486.25; Dakota Fluid Power \$ 848.79; Dakota Oil \$686.35; Dakota Supply Group \$188.90; Danko \$153.44; Christopher Dohrer \$74.00; Farnams Genuine Parts \$15.98; Fastenal Co. \$576.77; GovConnection \$3,943.78; Graham Tire \$646.18; Heartland Paper \$910.24; Hecla Implement \$2.40; House of Glass \$188.36; Hub City Radio \$6,000.00; Interstate Battery System \$113.95; J. Gross Equipment \$4,917.60; Jebro \$20,019.90; Keeper of the Stationery \$130.00; Ken's SuperFair Foods \$65.52; KOKK-Huron \$1,200.00; Kustom Signals \$1,689.00; Lawson Products \$366.67; Marco \$211.58; Menards \$1,094.97; Midstates Printing \$463.08; NCFE-Warner Elevator \$37,221.10; Pheasantland Industries \$165.85; PowerPlan \$2,517.94; Sherri Rawstern \$76.10; Runnings \$271.57; S & S Lumber Co. \$185.00; Sheehan Mack Sales \$147.74; Taylor Laundry \$105.50; Van Diest Supply \$13,085.95; Teresa Visser \$195.00; Woodman Refrigeration \$348.98; Zastrow's Sales & Service \$87.00.

Travel & Conference: City of Groton \$84.36.

Utilities: Aberdeen City Treasurer \$3,509.32; BDM Rural Water \$85.50; CenturyLink \$44.90; James Valley Cooperative \$221.10; Menards \$8.00; Midwest Alarm \$51.50; NVC \$1,465.65; NWPS \$7,912.57; Town of Frederick \$32.25.

Other: IHI Wedding Photography \$275.00.

All members present voting aye. Motion carried.

PERSONNEL:

Moved by Hanson, seconded by Wiese to acknowledge the resignation of Rick Hanson, Teen Court Director effective July 31, 2013. All members present voting aye. Motion carried.

Moved by Hanson, seconded by Wiese to acknowledge the resignation of Britney Lout (JDC), effective July 31, 2013 and approve hiring Britney Lout as Teen Court Director at \$14.41/hr effective July 22, 2013. All members present voting aye. Motion carried.

JDC CONTRACT:

Moved by Wiese, seconded by Fischbach to approve and authorize Chairman to sign Brown County Detention and Brown County Jail Rental Agreement with Union County for 2013, at the rates of \$50/day for holding prisoners at the Brown County Jail and \$140/day for housing juveniles at the Brown County Juvenile Detention Center. All members present voting aye. Motion carried.

LANDFILL UNIT 1 CLOSURE CONTRACT:

Moved by Kippley, seconded by Hansen to approve and authorize Chairman sign contract with B&B Contracting, Inc. for the closure of Unit 1 Subtitle D at the Brown County Landfill, work to be completed and ready for final payment on or before November 15, 2013 in amount not to exceed \$405,642.25, effective June 28, 2013. All members present voting aye. Motion carried.

OPERATING TRANSFER:

Moved by Hansen, seconded by Wiese to approve and authorize the following operating transfer in total amount of \$1,975,850.19, as reflected in the 2013 General Fund #101 Budget (101-911-191): Road and Bridge Fund #201-371 @ \$1,500,000.00, E911 Fund #207-371 @ \$356,692.34, EM Fund #226-371 @ \$119,157.85. All members present voting aye. Motion carried.

AUDITOR'S REPORT OF ACCOUNT:

Moved by Fischbach, seconded by Hansen to approve the June 2013 Auditor's Report of Account with the County Treasurer in total amount of \$17,183,554.68 (total amount of actual cash @ \$3,800.00, US Bank @ \$24,684.80, Dacotah Bank @ \$580,279.63, Petty Cash @ \$2,000.00, Fund Investments @ \$16,572,790.25). All members present voting aye. Motion carried.

HOUSING AND REDEVELOPMENT COMMISSION APPOINTMENT:

Moved by Kippley, seconded by Wiese to re-appoint Tom Black to the Housing and Redevelopment commission of Brown County, effective July 9, 2013 – July 9, 2018. All members present voting aye. Motion carried.

ABERDEEN DEVELOPMENT CORPORATION:

Aberdeen Development Corporation representatives Chris Haar, Jim Barringer, Mark Luitjens and Dennis Maloney discussed their 2014 Budget request and presented related information.

VACATE PLAT:

Commissioner Hansen offered the following Resolution:

RESOLUTION #50-13

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

Middleton Outlot A in the S ½ SE ¼ of Sec 20-T128N-R62W of the 5th 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:

Middleton Outlot A in the S ½ SE ¼ of Sec 20-T128N-R62W of the 5th P.M., Brown County, SD is hereby vacated.

Dated this 9th day of July, 2013.

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

HIGHWAY:

Jan Weismantel, Highway Superintendent, discussed current river water levels and gave a status update on county vehicle decals.

APPLICATION FOR OCCUPANCY:

Moved by Hanson, seconded by Wiese to approve and authorize the Chairman sign application, submitted by NorthWestern Energy for occupancy of County Road 14, Sec 35-T123N-R64W, Brown County, SD to provide natural gas pipeline. All members present voting aye. Motion carried.

PARTY IN THE PASTURE:

Tom Schmitt, Brown County Sheriff Department and Justin Cleveland, Groton Police Department discussed security for the upcoming Party in the Pasture event. Also present for the discussion were Groton Community Supporters, Inc. representatives Jeff Howard, Jesse Howard, and Topper Tastad.

SDDOT COMMUNITY ACCESS GRANT APPLICATION:

Ted Dickey discussed the Community Access Grant application for Brown County Road 27 Reconstruction project.

Commissioner Fischbach offered the following Resolution:

RESOLUTION #51-13

**RESOLUTION OF FINANCIAL COMMITMENT, RESPONSIBILITY FOR ROAD MAINTENANCE,
AND SUPPORT FOR PROJECT**

WHEREAS, Brown County is applying for a Community Access Grant through the South Dakota Department of Transportation (SDDOT) for Brown County; and

WHEREAS, the SDDOT requires a 40 percent local match for the construction costs of a project up to a specified amount; and

WHEREAS, the SDDOT required the local government agency to be responsible for the maintenance of improved road; and

WHEREAS, Brown County is in full support of this project and grant application;

THEREFORE, BE IT RESOLVED that Brown County will provide the local 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 CAG application.

Dated this 9th day of July, 2013.

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

Moved by Fischbach, seconded by Wiese to approve and authorize the Chairman sign Community Access Grant Application for the reconstruction of approximately 2,420 feet of Brown County 27 east of Mansfield, in amount of \$643,014 (\$200,000 State, \$443,014 Local). All members present voting aye. Motion carried.

LANDFILL INTERNET AGREEMENT:

Moved by Kippley, seconded by Hansen to approve and authorize the Chairman sign agreement with Northern Valley Communications, LLC to provide telecommunication services for the Brown County Landfill in amount of \$300/month and a \$395 installation fee for a contract term of 60 months. All members present voting aye. Motion carried.

LEASE AGREEMENT:

Moved by Kippley, seconded by Hansen to approve and authorize the Chairman sign agreement with Joie Holzer for lease of 1 acre of Fairgrounds property located in the southeast corner of the Brown County Fairgrounds on July 9-August 1, 2013. All members present voting aye. Motion carried.

RECESS:

The Chairman declared the Commission recessed until July 16, 2013.

Julia Grenz, Brown County Deputy Auditor

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

JULY 16, 2013 – 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, Kippely, Fischbach and Wiese. Chairman Sutton led the Pledge of Allegiance.

MINUTES:

Moved by Fischbach, seconded by Wiese to approve the General Meeting minutes of July 9, 2013. All members present voting aye. Motion carried.

CLAIMS:

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

Payroll: Commission \$3,359.55; Commission Assistant \$1,923.08; Auditor \$8,458.67; Treasurer \$11,049.06; Data Processing \$3,030.84; State's Attorney \$15,305.72; Blood Draws \$650.00; SVAWA Grant \$1,269.24; Maintenance \$4,637.88; Assessor \$11,948.57; Register of Deeds \$7,713.25; Veterans Service Office \$3,235.61; GIS \$2,045.33; Sheriff Admin \$29,738.98; Jail \$31,368; Coroner \$1,350; JDC \$14,895.85; HD \$4,408.45; Welfare Office \$2,926.09; Museum \$7,184.77; Parks & Fairgrounds \$6,116.63; Fair Board \$2,623.58; 4-H \$1,432.59; Weed \$4,583.05; Planning and Zoning \$1,384.80; Highway \$45,409.07; Communications \$20,693.40; Emergency Management \$3,033.11; Teen Court \$212.55; 24/7 \$2,501.42; Landfill \$11,014.37

Matching Benefits: FICA \$15,448.89; Medicare \$3,613.04

Rent: Aberdeen Housing Authority \$215.00; Falcon Rentals \$250.00; P & H Investments \$425.00.

Professional Fees: Avera Queen of Peace \$54.90; Avera St. Luke's \$1,241.92; Bonnie Bitz \$72.00; Clark Engineering \$4,800.00; Denise Cody \$15.00; Dakota Plains Surgical Center \$527.93; Great Plains Psychological Services \$1,231.25; Lucy Lewno \$150.46; LexisNexis \$50.00; Rock Island Co. Sheriff's Office \$95.38; SD Assoc. of County Commissioners \$6,361.73; SD Dept. of Revenue & Regulation \$2808.47; SD Human Services Center \$600.00; Christy Serr \$126.00; Sivertsen Technology \$4,075.00; Karen Swanda \$15.00; Thomas Price \$3,240.00; Mitch Vilhauer \$4,032.90; West Payment Center \$130.40; Yankton Co. Sheriff's Office \$25.00.

Transcriptions: Michelle Gaikowski \$110.20; Sara Zahn \$108.80.

Publishing: Aberdeen American News \$1,133.65.

Repairs & Maintenance: AHR Construction \$3,213.00; B & B Contracting \$21,752.50; Crady's Radiator Shop \$42.00; Dakota Electronics \$220.50; Diamond Mowers \$7.88; Diesel Machinery \$5,700.00; Double 'D' Body Shop \$27.00; Farm Power Mfg. \$50.00; G & K Services \$193.39; GCR Tire Center \$325.00; Generations 2 Promotions \$1,853.50; Hedahl's \$56.00; Holloway Construction \$60,808.32; Hoven Auto Repair \$69.50; Leidholt Electric \$690.35; Muth Electric \$279.57; Pierson-Ford \$336.62; Pro Ag Supply \$519.41; Sheehan Mack Sales \$2,111.01.

Supplies: 446-Praxair \$159.87; A & B Business \$99.28; Ace Refrigeration \$260.10; AD Department \$126.00; American Health & Safety \$31.13; Ameripride Services \$201.51; Baskets Unlimited \$13.45; Beadle Floral & Nursery \$954.41; Brick's Roto-Rooter \$1,894.71; Cash-Wa \$4,239.86; Crady's Radiator Shop \$680.00; Dakota Electronics \$935.10; Dakota Fluid Power \$68.38; Dakota Supply Group \$5.04; Diamond Mowers \$472.53; Diesel Machinery \$102.35; DSS Image Apparel \$161.65; DT Pharmacy \$1,663.54; EarthGrains \$372.12; Ecolab Pest Elimination \$292.50; Economy Propane \$515.13; Exhaust Pros \$12.00; Farm & Home Publishers \$2,352.00; Farm Power Mfg. \$975.13; Fastenal \$167.58; Gall's \$195.16; GCR Tire Center \$15.00; Geffdog Designers \$1,007.00; Glas Consulting \$146.25; GovConnection \$168.24; Grafix Shoppe \$241.00; Hedahl's \$3.60; Hub City Radio \$600.00; Kessler's \$586.12; Lang's \$45.00; Lar-Jo's \$290.00; Mailbox Mony \$1,000.00; Marco \$141.13; McFarland Supply \$710.50; Menards \$1,027.38; Midstates Printing \$41.66; NCFE – Warner Elevator \$18,523.56; Performance Oil & Lubricants \$462.00; SD Sheriff's Assoc. \$80.00; Sewing Shoppe \$50.00; Share Corp. \$84.00; Sherwin Williams \$589.95; Sivertsen Technology \$398.75; Specialty Mfg. \$602.01; Tractor Supply \$5.94; West Payment Center \$197.25; Courtney Wolff \$55.00.

Travel & Conference: Best Western Fargo Doublewood \$1,191.26; City of Groton \$38.11; Pennington Co. Sheriff's Office \$209.25.

Utilities: Aberdeen City Treasurer \$304.24; CenturyLink \$1,389.36; City of Hecla \$92.88; Executive Mgmt. Finance \$313.37; Midwest Alarm \$214.20; Northern Electric Cooperative \$1,125.98; Northern Wireless \$291.45; NWPS \$1,406.12.

Burial: Aberdeen City Treasurer \$500.00.

Other: James River \$1,037.01; Pizza Ranch \$87.95; Safe Harbor \$1,670.00; SD Assoc. of County Officials \$1,286.00.

All members present voting aye. Motion carried.

PERSONNEL:

Moved by Fischbach, seconded by Kippley to approve the following employee step increases, effective July 21, 2013: Russ Ochsner @ \$16.88/hr, Tonya Walth @ \$15.72/hr, Teresa Mann @ \$13.79/hr and Brian Bahr @ \$14.23/hr. All members present voting aye. Motion carried.

HOMELAND SECURITY GRANT:

Moved by Hansen, seconded by Wiese to appoint Scott Meints and Tom Schmitt as the Brown County representatives on the Homeland Security Funding Committee for NE Region #2. All members present voting aye. Motion carried.

UNCOLLECTIBLE TAX:

Moved by Wiese, seconded by Fischbach to acknowledge uncollectible tax list, as submitted by Sheila Enderson, Brown County Treasurer. All members present voting aye. Motion carried.

LEASE AGREEMENT:

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman sign agreement with Stephanie Fix for lease of the Clubhouse on September 13-14, 2013. All members present voting aye. Motion carried.

ABATEMENTS:

Moved by Wiese, seconded by Fischbach to approve and authorize the Chairman sign the following abatements: Charles Myers @ \$125.73 (mobile home and shed gone) and Mark Daniels @ \$66.83 (mobile home taken to landfill). All members present voting aye. Motion carried.

INVENTORY TRANSFER:

Moved by Kippley, seconded by Hansen to transfer printer from GIS Department to Fair Board. All members present voting aye. Motion carried.

BID DOCUMENTS – LANDFILL UNIT 1 CLOSURE:

Moved by Hansen, seconded by Wiese to approve and authorize Chairman to sign Notice to Proceed with B&B Contracting, Inc. for Unit 1 Subtitle D Landfill Closure. All members present voting aye. Motion carried.

SPECIAL MALT BEVERAGE LICENSE:

Moved by Fischbach, seconded by Wiese to approve and authorize the Chairman to sign the following Special Malt Beverage License Application: Groton Community Supporters, Inc, 104 N Main Street, Groton, SD 57445 – W ½ W ½ SW ¼ of Sec 20-T123N-R60W of the 5th P.M, Brown County, SD, for special event to be held June 19-21, 2013. All members present voting aye. Motion carried.

BROWN COUNTY 9:

Ron Dutenhoffer, Adam Dutenhoffer, Lance Burns, Melvin Schanzenbach, George Waldner, Jr., Dale Kurth, Dennis Feickert, Roger Marko, Donnie Hinz and Mike Pence presented concerns regarding deteriorating road conditions and discussed quotes and possible cost sharing options for a Brown County 9 maintenance project. Also present was Jan Weismantel, Highway Superintendent. No action was taken as a result of the discussion.

DACOTAH PRAIRIE MUSEUM AND GRANARY:

Sue Gates, Museum Director, discussed the 2014 Budget request for the Dacotah Prairie Museum and the Granary.

HIGHWAY:

Jan Weismantel, Highway Superintendent, discussed current river water levels and bridges scheduled for closure or removal.

BID AWARD – ROAD OIL:

Moved by Hansen, seconded by Wiese to award low bid, submitted by Jebro Inc., Sioux City, IA at \$327.26 per ton for furnishing and delivery of CSS1H 50/50 road oil, as bid by McPherson County on March 1, 2013; rejecting bid submitted by Flint Hills Resources LP, Marshall, MN at \$480.36 per ton. All members present voting aye. Motion carried.

EXECUTIVE SESSION:

Moved by Hansen, seconded by Wiese to go into executive session to discuss personnel with Larry Lovrien, Gary Vetter, 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.

COMMISSION ASSISTANT:

Gary Vetter, Commission Assistant gave an update on quotes for removing asbestos from county property and cost sharing agreements for repairing fence around BMX track. Also discussed were tax deed properties.

BMX FENCE:

Moved by Wiese, seconded by Hanson to accept quote submitted by Vosika Fencing for labor and materials necessary for repairs to the BMX track fence in amount of \$11,910; rejecting quote from American Fence Company in amount of \$12,827. (County to pay \$5520, BMX to pay \$3760, Marco to pay \$2630.) All members present voting aye. Motion carried.

EXECUTIVE SESSION:

Moved by Hansen, seconded by Kippley to go into executive session to discuss contracts with Larry Lovrien and Gary Vetter in attendance. All members present voting aye. Motion carried.

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

BROWN COUNTY FAIR OPEN BURNING BAN:

Commissioner Kippley offered the following Resolution:

RESOLUTION NO. 52-13

WHEREAS, the Brown County Commission is dedicated in taking steps to protect the health and safety of all citizens taking part in Brown County Fair and all property within the fairgrounds boundaries.

NOW THEREFORE BE IT RESOLVED that the Brown County Commission enact this resolution to restrict open burning and all campfires within the boundaries of the Brown County Fairgrounds, with the exception of commercially purchased cooking grills or barbeque grills in order to protect the public health and safety, as per County Ordinance 18.02; and

RESOLVE that the ban will be in place from 12:01 am CST the 9th day of August thru 11:59 pm CST the 19th day of August 2013; and

FURTHER RESOLVE that criminal and civil penalties per County Ordinance 18.0703 be imposed if found in violation of this Resolution.

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

RECESS:

The Chairman declared the Commission recessed until July 23, 2013.

Julia Grenz, Brown County Deputy Auditor

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

JULY 23, 2013 - JOINT ABERDEEN CITY/BROWN COUNTY MEETING

The Brown County Commission and the Aberdeen City Council met in joint session at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present from City were Council Members Bunsness, Campbell, Johnson, Ronayne, and Mayor Levsen. Absent were Council Members Remily, Rux, Slaughter-Hanson and Swanson. Present from County were Commissioners Kippley, Fischbach, Wiese and Sutton. Commissioner Hansen was absent.

ORDINANCE #13-07-03/422:

On motion by Ronayne and seconded by Bunsness, the City unanimously voted to approve First Reading of Ordinance #13-07-03/422.

ORDINANCE #13-07-04/423:

On motion by Campbell and seconded by Johnson, the City unanimously voted to approve First Reading of Ordinance #13-07-04/423.

ORDINANCE #13-07-06/424:

On motion by Bunsness and seconded by Johnson, the City unanimously voted to approve First Reading of Ordinance #13-07-06/424.

ORDINANCE #13-07-03/422:

Moved by Wiese, seconded by Fischbach to approve First Reading of Ordinance #13-07-03/422, An Ordinance to amend Ordinance No. 1164 to rezone the following described property from its present zoning designation of (A-1) Agricultural District to (M-AG) Mini-Agricultural District: Lot 1, Commet Subdivision in the SW ¼ of Sec 34-T124N-R64W of the 5th P.M., Brown County, SD (2404 130th Street NW). All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Kippley to approve First Reading of Ordinance #13-07-04/423, An Ordinance to amend Ordinance No. 1164 to rezone the following described property from its present zoning designation of (A-1) Agricultural District to (M-AG) Mini-Agricultural District: East 20 Rods of the SE ¼ SE ¼ of Sec 27-T123N-R63W of the 5th P.M., Brown County, SD (2724 392nd Ave). All members present voting aye. Motion carried.

Moved by Wiese, seconded by Kippley to approve First Reading of Ordinance #13-07-06/424, An Ordinance to amend Ordinance No. 1164 to rezone the following described property from its present zoning designation of (A-1) Agricultural District to (M-AG) Mini-Agricultural District: Sunset Memorial Gardens, Lots A, B, and C, Garden of Honor, Sunset Memorial Gardens, Garden of Gethsemane Subdivision of Lot 1, First Addition to Sunset Memorial Gardens and Lots 1 and 2, Sunset Memorial Irrigation Pond Addition in the SE ¼ of Sec 15-T123N-R63W, Except Hwy of the 5th P.M., Brown County, SD (5839, 5843, and 5851 Hwy 12 E). 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 \$_____.

JULY 23, 2013 – 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 Kippley, Fischbach and Wiese. Commissioner Hansen was absent. Chairman Sutton led the Pledge of Allegiance.

MINUTES:

Moved by Wiese, seconded by Fischbach to approve the General Meeting minutes of July 16, 2013. All members present voting aye. Motion carried.

CLAIMS:

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

Insurance: SD Public Assurance Alliance \$153.00.

Professional Fees: Certified Languages \$387.75; Ciavarella Design \$720.00; Thomas Cogley \$1,008.00; Dependable Sanitation \$28,197.28; Gary Snow & Assoc. \$746.50; Horn Law Office \$483.40; Language Line Services \$400.04; Shreves Law Office \$170.84; US Bank \$31.77.

Election Workers: Laura Adema \$195.00; Judy Albrecht \$213.80; Shirley Bender \$209.57; Gladys Braun \$190.00; Maureen Brink \$190.00; Bonnie Clausen \$195.00; Sharon Deilke \$180.00; Maxine Dinger \$190.00; Phyllis Donat \$195.00; Carol Erdmann \$190.00; Charlean Erickson \$198.80; Dolly Evans \$195.00; Joyce Gage \$195.00; Ardys Gosch \$180.00; Marilyn Gramlow \$190.00; Eleanor Haar \$190.00; Darleen Haselhorst \$195.00; Donna Helm \$190.00; Joan Henry \$190.00; Sally Hofer \$195.00; Mavis Hoffman \$195.00; Connie Howard \$204.40; Elaine Huff \$195.00; Shirley Jahraus \$190.00; Yolanda Jahraus \$195.00; Mary Jane Jark \$180.00; Rebecca Jeschke \$195.00; Florence Kraus \$190.00; Lucille Kushman \$190.00; Bonnie Lamont \$195.00; Pam Larson \$200.00; Donna Lout \$200.00; Donna Marmorstein \$195.00; Gail Marshall \$195.00; Linda Miles \$190.00; Evangeline Miller \$190.00; Karen Mogen \$195.00; Shirley Morgan \$190.00; Deb Munger \$215.04; Marlis Nack \$190.00; Loretta Neuhardt \$190.00; Janet Norby \$195.00; Dorothy O'Keefe \$195.00; Deb Pagel \$180.00; Pauline Peterson \$190.00; Joyce Pfeiffer \$190.00; Geri Sillman \$190.00; Evalyn Smith \$195.00; Aleda Tollefson \$180.00; Elanie VanDover \$190.00; Kathryn Vitense \$195.00; Ellen Wiedebush \$190.00; Kathy Williams \$200.00; Diane Zahalka \$195.00.

Transcriptions: Michelle Gaikowski \$106.40.

Publishing: Aberdeen American News \$342.95; Groton Independent \$929.40.

Rent: Beachair Enterprises \$300.00; Danne \$122.00; Jency Agency \$300.00; SD Real Estate \$260.00; Zumbaum Property Mgmt. \$320.00.

Repairs & Maintenance: A -1 Sanitation \$193.00; B & B Contracting \$9,515.00; Fordham Signs \$49.60; GCR Tire Center \$19.00; Lien Transportation \$53,869.07; US Bank \$775.65.

Supplies: A & B Business \$178.26; Academy Trophy & Engraving \$54.00; CarQuest Auto \$1,374.12; Crescent Electric Supply \$502.56; Dakota Supply Group \$28.48; DakotaFire Media \$735.64; Lois Davis \$30.00; Deb Burckhard-Messer \$108.00; Pat Dennert \$30.00; DPM Mercantile \$11.85; Elections Systems & Software \$1,359.34; GovConnection \$384.38; Heartland Paper \$1,225.22; Hoven Auto Repair \$706.24; JCL Solutions \$144.30; Ken's SuperFair Foods \$268.85; Marco \$32.78; Mark Milbrandt \$40.00; NCFE – Warner Elevator \$3,998.17; Nelson Sales & Service \$11.62; Parkview Nursery \$716.41; Pizza Ranch \$609.85; Polk Directories \$800.00; Pro Ag Supply \$33.56; Runnings \$871.99; Janet Schile \$244.90; Sherwin Williams \$230.00; Simplex/Grinnel \$366.00; Sivertsen Technology \$1,104.24; SD Magazine \$285.00; US Bank \$16,401.95; Van Diest Supply \$5,200.20.

Travel & Conference: Julia Grenz \$44.42; Gene Loeschke \$151.34; Mark Milbrandt \$385.00; US Bank \$212.32.

Utilities: Aberdeen City Treasurer \$2,286.35; CenturyLink \$2,495.24; Dependable Sanitation \$458.00; Midwest Alarm \$51.50; NWPS \$3,393.06; US Bank \$635.82. All members present voting aye. Motion carried.

PERSONNEL:

Moved by Wiese, seconded by Fischbach to acknowledge the following miles driven and amount to be taxed for personal use of County vehicles during the month of June 2013: Marcus Selzler—119 @ \$67.24, Mark Wendt—264 @ \$149.16, Kendell Titze—108 @ \$61.02, Jan Weismantel—76.80 @ \$43.39, Mike Scott—150 @ \$84.75, Gary Vetter—109 @ \$61.59. All members present voting aye. Motion carried.

Moved Wiese, seconded by Kippley to approve over-time for 4-H employees Tina McLeod and Katie Vogel during the 2013 Brown County Fair (August 12 – 18, 2013). All members present voting aye. Motion carried.

LEASE AGREEMENT:

Moved by Fischbach, seconded by Wiese to approve and authorize the Chairman sign agreement with Brown County Speedway (Nick Guthmiller) for lease of the Race Track facilities for purpose of conducting a Monster Truck special event on July 27-28, 2013, as authorized by Lease Addendum #1 dated January 3, 2011. All members present voting aye. Motion carried.

INTEREST STATEMENT:

Moved by Wiese, seconded by Fischbach to accept for filing the April – June 2013 Interest Statement (\$6,757.39), submitted by County Treasurer Sheila Enderson. All members present voting aye. Motion carried.

SHERIFF REPORT:

Moved by Kippley, seconded by Wiese to approve the following June 2013 Sheriff Reports: Incidents and offenses, Prisoner care, JDC, and Money deposited with the County Treasurer. All members present voting aye. Motion carried

PLATS:

Commissioner Wiese offered the following Resolution:

RESOLUTION #53-13

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing “Commet Subdivision in the SW ¼ of Sec 34-T124N-R64W 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-absent, Kippley-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

RESOLUTION #54-13

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing “Sunset Memorial Irrigation Pond Addition in the SE ¼ of Sec 15-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 Fischbach. Roll call vote: Commissioners Hansen-absent, Kippley-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

RESOLUTION #55-13

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "South Dakota Wheat Growers Tract 1 in the S ½ SW ¼ of Sec 2-T127N-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-absent, Kippley-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

RESOLUTION #56-13

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Schroeder Tract 1 in the NW ¼ of Sec 23-T128N-R61W 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-absent, Kippley-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Resolution adopted.

LOTTERY APPLICATION:

Moved by Fischbach, seconded by Kippley to approve application, submitted by the Aberdeen Pink Ladies Dart League, for a split pot to be held August 23, 2013 at the Brown County Speedway. All members present voting aye. Motion carried.

DISINTERMENT PERMIT:

Moved by Fischbach, seconded by Wiese to acknowledge and accept Notice of Disinterment Permit (Bendewald) affecting Brown County from the SD Department of Health Vital Records. All members present voting aye. Motion carried.

US 281 SERVICE ROAD - MAINTENANCE AGREEMENT AND JURISDICTION TRANSFER:

Moved by Wiese, seconded by Kippley to approve and authorize the Chairman sign Maintenance Agreement and Jurisdiction Transfer Agreement with the SD Department of Transportation, for purpose of the transfer of certain highway right-of-way, jurisdiction, and operational and maintenance responsibilities from the State to the County for public highway purposes pursuant to SDCL 31-19-63 and 31-19-64. If approved by all parties, the State will transfer to the County by Quit Claim Deeds all of the State's ownership interests in the entire length of US Highway 281 service road on the east side of Sections 34, 27 and 22, starting approximately 0.25 mile north of the intersection of US281 and 136th Street, then north approximately 2.75 miles to 49.5 feet south of the north section line of Sections 22 and 23-Twp 123N-R64W of the 5th P.M. Brown County South Dakota. As part of the consideration for this Agreement, and following full execution of this Agreement, the State will make available to the County's Surface Transportation Program account the amount of \$963,000.00 and upon removal of the bridge over Foote Creek, the final payment of \$128,000.00 will be transferred, with all funds only to be used for highway purposes. All members present voting aye. Motion carried.

Commissioner Wiese offered the following Resolution:

RESOLUTION #57-13

ACCEPTANCE OF US 281 SERVICE ROAD

WHEREAS, Brown County and the South Dakota Department of Transportation have entered into an agreement in regard to transferring highway right-of-way, jurisdiction, and operational and maintenance responsibilities from the State to the County for public road purposes for the US 281 Service Road located on the east side of Sections 34, 27 and 22 starting approximately 0.25 mile north of the intersection of US281 and 136th Street, then north approximately 2.75 miles to 49.5 feet south of the north section line of Sections 22 and 23-Twp 123N-R64W of the 5th P.M. Brown County South Dakota.

NOW, THEREFORE, BE IT RESOLVED that Brown County accepts the jurisdictional transfer, as referenced in the Maintenance Agreement and Jurisdiction Transfer between the State of South Dakota and Brown County, South Dakota executed by the Brown County Commission in regular session of July 23, 2013. .

Dated this 23rd day of July, 2013.

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

GRANARY LEASE AGREEMENT FORM:

Moved by Fischbach, seconded by Wiese to approve final draft of the agreement to be used when the County leases the Granary Cultural Center to individuals or groups. All members present voting aye. Motion carried.

BR171:

Moved by Kippley, seconded by Fischbach to acknowledge quote in approximate amount of \$19,220.00 for repairs on Bridge 171, as recommended by Jan Weismantel, Highway Superintendent. All members present voting aye. Motion carried.

SALARY SCHEDULE ADJUSTMENT:

Moved by Wiese, seconded by Kippley to approve the following adjustments to the 2013 Salary Schedule, effective August 4, 2013:

- a) Create new classifications
 - 1. Labor Grade 3 Highway Only
 - 2. Labor Grade 4 Highway Only
 - 3. Labor Grade 5 Highway Only
 - 4. Labor Grade A (with CDL) Mechanics/Outside Shop Foreman Highway Only
- b) Change name of current classifications
 - 1. Public Works (Labor Grade 3) to Labor Grade 3
 - 2. Public Works (Labor Grade 4) to Labor Grade 4
 - 3. Public Works (Labor Grade 5) to Labor Grade 5
 - 4. Public Works (Mechanics) Labor Grade A (with CDL)/Outside Shop Foreman to Labor Grade A (with CDL) Mechanics/Outside Shop Foreman

c) Move the following Highway employees to the new classifications:

Labor Grade #3 Highway Only

Step 1 @ \$15.50 – vacant
 Step 2 @ \$15.59 – Matt Heupel, Glen Neumiller
 Step 3 @ \$15.68 – Charles Gruenstein, Gerald Lehrkamp
 Step 4 @ \$15.77 – Kevin Ernst
 Step 5 @ \$15.86 – Kathy Thompson
 Step 6 @ \$15.95 – Tim Hettich
 Step 7 @ \$16.04 – vacant
 Step 8 @ \$16.13 – vacant
 Step 9 @ \$16.22 – Mike Rohrbach
 Step 10 @ \$16.32 – Larry Hardy +.50 = 16.82

Labor Grade #4 Highway Only

Step 1 @ \$15.63 – vacant
 Step 2 @ \$15.72 – vacant
 Step 3 @ \$15.81 – vacant
 Step 4 @ \$15.90 – vacant
 Step 5 @ \$15.99 – Dana Breske
 Step 6 @ \$16.08 – Casey Jensen
 Step 7 @ \$16.17 – Brad Nehlich, Bryan Owens
 Step 8 @ \$16.26 – vacant
 Step 9 @ \$16.35 – vacant
 Step 10 @ \$16.47 – vacant

Labor Grade #5 Highway Only

Step 1 @ \$15.90 – vacant
 Step 2 @ \$15.99 – vacant
 Step 3 @ \$16.08 – Nicholas Juenger
 Step 4 @ \$16.17 – vacant
 Step 5 @ \$16.26 – vacant
 Step 6 @ \$16.35 – vacant
 Step 7 @ \$16.44 – vacant
 Step 8 @ \$16.53 – vacant
 Step 9 @ \$16.62 – vacant
 Step 10 @ \$16.72 – David Bruckner +1.25= 17.97

Labor Grade A (with CDL) Mechanics/Outside Shop Foreman Highway Only

Step 1 @ \$17.53 – Kurt Pigors
 Step 2 @ \$17.62 – Daryl Lloyd
 Step 3 @ \$17.71 – vacant
 Step 4 @ \$17.80 – vacant
 Step 5 @ \$17.89 – Randy Kutter, Paul Wipf
 Step 6 @ \$17.98 – vacant
 Step 7 @ \$18.07 – vacant
 Step 8 @ \$18.16 – vacant
 Step 9 @ \$18.25 – vacant
 Step 10 @ \$18.35 – Ronald Glugla

All members present voting aye. Motion carried.

BANKRUPTCY SPECIAL ATTORNEY:

Moved by Kippley, seconded by Wiese to authorize Larry Lovrien, States Attorney hire bankruptcy expert to represent County interest in regard to Northern Beef Packers announcement of filing Bankruptcy. All members present voting aye. Motion carried.

HOSPITAL CLAIMS:

Moved by Fischbach, seconded by Wiese to deny payment of the following hospital claims: 21 year old male @ \$8,399.52, 19 year old male @ \$4,267.67, 28 year old male @ \$24,835.14, as the individuals have not provided sufficient information to determine if indigent. All members present voting aye. Motion carried.

BOYS & GIRLS CLUB BUDGET DISCUSSION:

Mike Herman, Executive Director of the Boys and Girls Club thanked the Commission for previous support of the Club; explained the increase in the 2014 budget request of \$5500.00 is due to a substantial increase in the number of children at the Club on a daily basis; and invited the County to consider being a Corporate Sponsor for the new facility during the 2014 funding campaign.

VETERANS SERVICE OFFICE:

Tom Gohn, Veterans Service Officer informed the Commission that July 19, 2013 was his last day, but he would be willing to enter into a contract with the County during the certification process of the new Veterans Service Officer hired to serve Brown County and area veterans..

BROWN COUNTY 9:

Donnie Hinz, Roger Marko and Mike Pence presented an estimate of \$51,000.00, submitted by Aberdeen Asphalt to upgrade the conditions on approximately 10 miles of Brown County 9 that local residents would be willing to cost share. Jan Weismantel, Highway Superintendent was also in attendance and will research bid laws for cost sharing the project. Official action will be taken 30 days prior to the start of the project with an estimated late October date for completion.

RECESS:

The Chairman declared the Commission recessed until July 30, 2013.

Maxine Fischer, Brown County Auditor

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

JULY 30, 2013 - JOINT ABERDEEN CITY/BROWN COUNTY MEETING

The Brown County Commission and the Aberdeen City Council met in joint session at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present from City were Council Members Bunsness, Johnson, Remily, Ronayne, and Mayor Levsen. Absent were Council Members Campbell, Rux, Slaughter-Hanson and Swanson. Present from County were Commissioners Hansen, Fischbach, Wiese and Sutton. Commissioner Kippley was absent.

ORDINANCE #13-07-03/422:

On motion by Ronayne and seconded by Bunsness, the City unanimously voted to adopt Ordinance #13-07-03/422.

ORDINANCE #13-07-04/423:

On motion by Johnson and seconded by Bunsness, the City unanimously voted to adopt Ordinance #13-07-04/423.

ORDINANCE #13-07-06/424:

On motion by Ronayne and seconded by Johnson, the City unanimously voted to adopt Ordinance #13-07-06/424.

ORDINANCE #13-07-03/422:

Moved by Wiese, seconded by Hansen to adopt Ordinance #13-07-03/422, An Ordinance to amend Ordinance No. 1164 to rezone the following described property from its present zoning designation of (A-1) Agricultural District to (M-AG) Mini-Agricultural District: Lot 1, Commet Subdivision in the SW ¼ of Sec 34-T124N-R64W of the 5th P.M., Brown County, SD (2404 130th Street NW). Roll call vote: Commissioners Hansen-aye, Kippley-absent, Fischbach-aye, Wiese-aye, Sutton-aye. Ordinance adopted.

ORDINANCE #13-07-04/423

Moved by Fischbach, seconded by Wiese to adopt Ordinance #13-07-04/423, An Ordinance to amend Ordinance No. 1164 to rezone the following described property from its present zoning designation of (A-1) Agricultural District to (M-AG) Mini-Agricultural District: East 20 Rods of the SE ¼ SE ¼ of Sec 27-T123N-R63W of the 5th P.M., Brown County, SD (2724 392nd Ave). Roll call vote: Commissioners Hansen-aye, Kippley-absent, Fischbach-aye, Wiese-aye, Sutton-aye. Ordinance adopted.

ORDINANCE #13-07-06/424:

Moved by Wiese, seconded by Fischbach to adopt Ordinance #13-07-06/423, An Ordinance to amend Ordinance No. 1164 to rezone the following described property from its present zoning designation of (A-1) Agricultural District to (M-AG) Mini-Agricultural District: Sunset Memorial Gardens, Lots A, B, and C, Garden of Honor, Sunset Memorial Gardens, Garden of Gethsemane Subdivision of Lot 1, First Addition to Sunset Memorial Gardens and Lots 1 and 2, Sunset Memorial Irrigation Pond Addition in the SE ¼ of Sec 15-T123N-R63W, Except Hwy of the 5th P.M., Brown County, SD (5839, 5843, and 5851 Hwy 12 E). Roll call vote: Commissioners Hansen-aye, Kippley-absent, 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 \$_____.

JULY 30, 2013 – 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 Kippley was absent. Chairman Sutton led the Pledge of Allegiance.

MINUTES:

Moved by Wiese, seconded by Hansen to approve the Joint City/County Meeting minutes and the General Meeting minutes of July 23, 2013. All members present voting aye. Motion carried.

CLAIMS:

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

Payroll: Commission \$3,359.55; Commission Assistant \$1,923.08; Auditor \$8,903.89; Treasurer \$11,060.48; Data Processing \$3,030.28; State's Attorney \$15,305.72; Blood Draws \$650.00; SVAWA Grant \$1,269.24; Maintenance \$4,352.20; Assessor \$11,999.49; Register of Deeds \$7,713.26; Veterans Service Office \$3,473.52; GIS \$2,045.33; Sheriff Admin \$29,805.14; Jail \$31,214.35; Coroner 0; JDC \$13,753.32; HD \$4,344.64; Welfare Office \$2,939.69; Museum \$7,939.02; Parks & Fairgrounds \$6,044.74; Fair Board \$2,701.16; 4-H \$1,574.20; Weed \$5,183.59; Planning and Zoning \$1,384.80; Highway \$46,859.75; Communications \$19,917.99; Emergency Management \$3,033.11; Teen Court \$331.44; 24/7 \$2,515.62; Landfill \$11,072.56

Matching Benefits: FICA \$15,458.87; Medicare \$3,615.28; Life \$676.20; Dental \$6,031.00; Health Insurance \$101,628.58; Retirement \$31,196.02

Professional Fees: AMG Internal Medicine \$745.47; AMG Psychiatry \$421.67; Avera St. Luke's \$7,915.17; Avera St. Luke's Clinic Division \$93.42; Chris Dohrer \$5,770.83; Tammy Erickson \$100.00; Kuck Law Office \$5,520.83; Lewis & Clark BHS \$447.00; Lucy Lewno \$208.96; Lincoln Co. Treasurer \$18.00; Cathryn Rehfuss \$22.50; Gina Rogers \$5,520.83; Sanford Health \$872.41; Christy Serr \$5,770.83; Sivertsen Technology \$5,075.00; Spitzer-Miller Funeral Home \$1,845.00; Spot Freight \$1,585.00; Karen Swanda \$22.50; Yankton Co. Treasurer \$318.75.

Transcriptions: Tammy Erickson \$52.50; Shepherd Reporting \$60.00.

Publishing: Aberdeen American News \$164.60; Groton Independent \$93.28.

Rent: Ron Erdmann \$320.00; Park Village \$260.00.

Repairs & Maintenance: Aberdeen Asphalt \$890.00; B & B Contracting \$8,125.00; Butler Machinery \$115.65; Horn Plastics \$200.00; Myer's Tire Supply \$15.11; John Noltner \$3,320.00; Pro Ag Supply \$58.59; SD Dept. of Transportation \$9,810.93; Service Signs & Sales \$2,316.33; State Radio Communications \$5,280.00; Swanston Equipment Corp. \$7,000.00.

Supplies: A & B Business \$60.57; Aberdeen Asphalt \$77,968.16; Aberdeen Pit Stop \$89.64; Aberdeen Plumbing & Heating \$151.57; Ameripride Services \$61.72; Best Business Products \$176.80; Br. Co. Treasurer \$71.99; Common Sense Mfg. \$1,500.00; Randy Crawford \$38.75; Dex Media East \$52.00; Diamond Pharmacy \$86.25; Fire Safety First \$344.45; Geffdog \$903.00; GovConnection \$3,378.01; Heartland Paper \$1,281.86; Horn Plastics \$2,720.00; Hub City Radio \$400.00; Lien Transportation \$76,831.38; Marco \$271.61; Menards \$121.85; Metro Fire \$225.45; Midstates Printing \$324.00; Myer's Tire Supply \$22.02; Otis Elevator \$871.32; Pauer-Sound & Music \$100.00; Sherwin Williams \$36.59; Sivertsen Technology \$340.00; Titan Access Account \$418.25; TrueNorth Steel \$17,676.28; Ultramax \$906.00; Van Diest Supply \$391.80; West Payment Center \$3,157.20; Western Detention Products \$89.50.

Travel & Conference: Sheila Enderson \$86.60; Mike Hassebroek \$32.49; Sonje Oban \$22.09; Amy Scott \$400.23; Gary Vetter \$90.00.

Utilities: AT & T Mobility \$270.04; Midcontinent Cable \$122.54; Montana-Dakota Utilities \$14.95; NWPS \$9,637.59; Sewer Duck \$504.00; Verizon Wireless \$1,779.18.

Other: Mindy Santema \$100.00. All members present voting aye. Motion carried.

PERSONNEL:

Moved by Wiese, seconded by Hansen to approve the following employee step increases, effective August 4, 2013: Dennis VanHeerde @ \$15.72 per hour, Daryl Lloyd @ \$17.71. All members present voting aye. Motion carried.

Moved Fischbach, seconded by Wiese to approve over-time for Treasurer Office and Auditor Office employees during the 2013 Brown County Fair (August 12 – 18, 2013). All members present voting aye. Motion carried.

FAIR BOARD LIVESTOCK COMMITTEE:

Moved by Hansen, seconded by Wiese to approve and authorize checking account for the Fair Board Livestock Committee with the following guidelines:

Guidelines for Brown County Fair Livestock Committee
Checking Account

The Livestock Committee of the Brown County Fair agrees to abide by following checking account use policy:

1. The Open Class Livestock checking account will use the Federal Tax Identification of Brown County, South Dakota.
2. The account will maintain one sequential numbered set of duplicate checks for this account.
3. Two signatures will be required for each check written. The signors will be the Chairperson and Vice-chairperson of the Livestock Committee.
4. The Brown County Treasurer's name will be placed on the Bank Authorization form to ensure access to the account by Brown County.
5. The checkbook and additional checks will remain in possession of the Chairperson of the Livestock Committee throughout the year.
6. The use of this account will be only for receiving sponsorship revenue and entry fees and paying premiums earned in the Open Class Livestock division of the Brown County Fair. Any other kinds of deposits to or expenditures from this account for any other purpose must get prior approval from the Brown County Commission.
7. Checks will be written after determination has been made which classes have entries and winners.
8. One check will be written to individuals winning in multiple classes and/or divisions.
9. All receipts and expenditures must be adequately documented and any and all restrictions on contributions must be duly noted.
10. Any outstanding checks must be duly noted in the bank reconciliation and shall be subject to South Dakota Unclaimed Property law.
11. A full accounting of all activity on this account must be provided to the Brown County Auditor's office prior to December 31st of each year as per SDCL 7-27-15.
12. This agreement shall be renewed annually.
13. This agreement may be modified at any time by action taken by the Brown County Commission. Notice of any modifications shall be given to the Livestock Committee Chairperson following such action.

All members present voting aye. Motion carried.

HAZARD MITIGATION GRANT PROGRAM (HMGP):

Commissioner Wiese offered the following Resolution:

RESOLUTION #58-13

APPOINTMENT OF APPLICANT AGENT for the

Hazard Mitigation Grant Program (HMGP)

WHEREAS, Brown County intends to submit an application to the Hazard Mitigation Grant program for the purpose of updating the County's Pre-Disaster Mitigation (PDM) Plan; and

WHEREAS, Brown County is an eligible sub-applicant of the State of South Dakota for the Federal Emergency Management Agency Hazard Mitigation Grant Program; and

WHEREAS, Brown County is required to appoint an Applicant Agent for the purpose of signing documents and assuring the completion of all application documents;

NOW THEREFORE BE IT RESOLVED that the Board of Brown County Commissioners appoints Scott Meints, Brown County Emergency Manager as the authorized Applicant Agent. Dated this 30th day of July, 2013.

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

Moved by Fischbach, seconded by Hansen to approve and authorize Scott Meints sign letter of commitment to meet the matching fund requirements for the Disaster Mitigation Program project, in cash and/or in-kind amount up to \$4,675.00 for the PDM plan update. All members present voting aye. Motion carried.

LOTTERY APPLICATION:

Moved by Fischbach, seconded by Wiese to approve application, submitted by the Pink Ladies of Frederick for raffle ticket drawing to be held on August 12 and 13, 2013 during the Brown County Fair. All members present voting aye. Motion carried.

COURT APPOINTED LEGAL COUNSEL CONTRACT:

Larry Lovrien, States Attorney discussed recommendation for substituting the Court Appoint Legal Counsel Contract with a system where the Circuit Judge appoints an attorney from a volunteer pool. Scott Kuck, Attorney presented statewide statistics from the State Judiciary System that indicates Brown County is saving money by using the contract system rather than the pool of attorneys. After discussion the following action ensued: Moved by Fischbach, seconded by Wiese to table discussion until August 13, 2013 to provide time for more research. All members present voting aye. Motion carried.

HIGHWAY UPDATE:

Jan Weismantel, Highway Superintendent discussed the following: river levels; quotes for sewer line at Hecla shop; vehicle decals; County 14W and County 19 project progress; speed bump on County 27 (Mansfield).

RESOLUTION FOR LEGISLATIVE ACTION:

Commissioner Wiese offered the following Resolution to be presented at the James River Valley Commission District Meeting, to be held July 31, 2013:

RESOLUTION #59-13

Road Maintenance Aid

WHEREAS, South Dakota continues to suffer from roadway deterioration due to consecutive years of flooding, and

WHEREAS, said road deterioration is beyond the financial capabilities of the individual counties or the State of South Dakota; and

WHEREAS, previous opt out elections failed, previous legislation failed, a new funding source is required to get our roads back to safe driving conditions in South Dakota;

NOW THEREFORE BE IT RESOLVED, by Brown County that the State of South Dakota exert any and all efforts to restore the vital transportation system that affects all of our citizens on a daily basis through an alternative funding mechanism similar to South Dakota 2013 House Bill 1189 (see attached).

Supporting Criteria

Justification for the resolution: The severe flooding conditions and have caused South Dakota farmers, ranchers and many other citizens' significant financial hardships. The lack of good roads has added many extra miles to their travel, required numerous extra loads to get imports and exports in and out of towns and farms and created less trips to communities that rely on their business. This has had a direct effect on the counties economic stability.

Counties affect by the resolution: Many counties in South Dakota have passed disaster resolutions and have had no way to fund the necessary maintenance needs.

Impact of resolution: By creating a new funding source the Counties will have the ability to get roads back into safe driving and load bearing conditions.

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

EXECUTIVE SESSION:

Moved by Wiese, seconded by Hansen to go into executive session for personnel and contract discussion with Gary Vetter and Larry Lovrien in attendance. All members present voting aye. Motion carried.

The Chairman declared the executive session closed, with the following action taken:

Moved by Wiese, seconded by Fischbach to acknowledge the retirement of Tom Gohn, Veterans Service Officer, effective July 19, 2013. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Hansen to authorize Gary Vetter advertise for position of Veterans Service Officer with salary range of \$43,000 - \$45,000. All members present voting aye. Motion carried.

RECESS:

The Chairman declared the Commission recessed until August 6, 2013.

Maxine Fischer, Brown County Auditor

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

AUGUST 6, 2013 – 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 Kippley and Fischbach. Commissioners Hansen and Wiese were absent. Chairman Sutton led the Pledge of Allegiance.

MINUTES:

Moved by Fischbach, seconded by Kippley to approve the General Meeting minutes of July 30, 2013. All members present voting aye. Motion carried.

CLAIMS:

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

Professional Fees: Aberdeen Advanced Care Ambulance \$3,570.00; Aberdeen Fire & Rescue \$500.00; Aberdeen Karting Club \$500.00; Aberdeen Lion's Club \$700.00; Avera St. Luke's \$126.00; Brick's Roto Rooter \$6,600.00; Brown Co. Treasurer \$5.00; Chancey Williams Entertainment \$2,500.00; CHS Dance Team \$700.00; CMW Cleaning Services \$4,850.00; Cold River Records \$5,000.00; Amy Engelhart \$750.00; Glacial Lakes Regional Chili Cook-off \$150.00; Go-Kart Assoc. \$1,000.00; Good Shepherd Lutheran Church \$2,500.00; Helms & Assoc. \$2,000.00; Hosmer Law Office \$159.94; Korkow Rodeos \$25,000.00; Leggette, Brashears & Graham \$10,951.18; Lew's Fireworks \$4,000.00; Machinist Union Local 862 \$1,000.00; John Michael Montgomery \$15,000.00; NEMHC \$3,328.00; NSU Rugby Team \$3,000.00; NSU Women's Swim Team \$4,000.00; Pauer Sound & Music \$8,500.00; R & R Total Destruction \$7,000.00; Rebel Rooster, Inc. \$50,000.00; Redneck Records \$60,000.00; Rodeo Secretary \$2,800.00; Romeo Entertainment \$138,500.00; SD Dept. of Environment & Natural Resources \$500.00; SD Dept. of Revenue & Regulation \$5,303.06; Theatrical Media Services \$29,200.00; VRBR Productions \$900.00; Yankton Co. Sheriff Office \$25.00.

Transcriptions: Michelle Gaikowski \$123.20; Sara Zahn \$78.20.

Publishing: Aberdeen American News \$698.86.

Rent: AAA Rentals \$200.00; A & D Larson Rentals \$280.00; Fire Safety First \$325.00; Lakeside Estates \$245.00; Connie Newell \$300.00; Prairie Springs LLC \$260.00; Street Smart Rentals \$5,400.00; T & K Rentals \$8,800.00; Vision Communications \$1,942.00; Maureen Wolf \$320.00; Zumbaum Property Mgmt. \$300.00.

Repairs & Maintenance: Butler Machinery \$7,920.17; Clark Engineering \$6,641.20; Climate Control \$160.00; Crawford Trucks & Equipment \$29.70; Cretex Concrete Products \$97,008.00; Cunningham Electric \$2.27; Dakota Electronics \$199.00; Electrical Engineering & Equip. \$390.00; Graham Tire \$16.43; Hollaway Construction \$70,502.40; Lawson Products \$12.68; Leidholt Electric \$56.12; Marco \$72.86; PowerPlan \$1,829.31; Quality Welding \$35.00; State Radio \$2,250.00; Walth Safety Service \$52.45.

Supplies: 446-Praxair \$101.51; 4-H Performing Arts \$200.00; A & B Business \$146.45; Aberdeen Awards \$18.00; Ameripride Services \$277.62; Appeal Entertainment \$2000.00; Avera Health \$200.00; Bakken Building Maintenance \$500.00; Phil Baker \$925.00; Nick Bretz \$900.00; Br. Co. Old Time Tractor \$1,200.00; Br. Co. Treasurer \$1,035.00; Will Brown \$250.00; Butler Machinery \$10,997.20; Chris Perondi/Extreme Canine Stunt Dogs \$8,500.00; Climate Control \$16,755.20; Crawford Trucks & Equipment \$6,725.91; Randy Crawford \$185.58; Custom Glass & Repair \$92.99; Dakota Electronics \$344.00; Dakota Supply Group \$55.13; Violet Dinger \$913.50; Fastenal Co. \$194.55; Flint Hills Resources \$12,181.93; Frederick Inflatable Theater \$300.00; Gillund Enterprises \$365.52; Glas Consulting \$67.50; Gompf Display \$1,755.00; GovConnection \$1,601.95; Hub City Radio \$300.00; Kessler's \$42.76; KSFY \$1,510.00; Lar-Jo's \$64.75; Lawson Products \$288.63; Lien Transportation \$126,204.11; Mac's \$107.55; Marco \$122.54; Scott McFall \$4,200.00; Menards \$501.20; Midcontinent Communications \$205.00; Midstates Printing \$871.88; MN School of Diving \$279.00; NCFE - Warner Elevator \$25,617.60; Nelson Talent Agency \$1,500.00; Pheasantland Industries \$337.70; PowerPlan \$160.98; Quality Welding \$6.00; Sherri Rawstern \$101.05; Red River Pedal Pulls \$485.00; Running's

\$632.59; Steve Russell \$1,800.00; Lora Schaunaman \$109.77; Bill Schott \$1,000.00; SD Nurse's Assoc. \$1,000.00; Christy Serr \$20.00; Sherwin Linton \$2,000.00; Spotslam \$1,674.00; The Shadows \$2,600.00; Theatrical Media Services \$18,000.00; Twin Cities Fantasy Factory \$7,000.00; United Distributing \$251.00; Val Daschel \$300.00; Robby Vee \$2,000.00; VRBR Productions \$1,000.00; Shawn Waterman \$300.00; Western Printing \$688.60; Western Signworks \$2,715.00; Zastrow's Sales & Service \$91.00. Travel & Conference: Executive Mgmt. \$7,299.58; Maxine Fischer \$155.61; Barry Kusler \$94.47; Leo Leshner \$155.10; Gene Loeschke \$104.71; Russell Metz \$378.82; Sonje Oban \$11.00; Amy Scott \$108.21; Andrea Sjomeling \$231.64; Becca Tullar \$190.68; Mary Worlie \$166.28. Utilities: AT & T \$1,424.27; BDM Rural Water \$35.00; CenturyLink \$45.60; Cunningham Electric \$113.59; Midcontinent Communications \$230.08; NVC \$355.60; NWPS \$64.03; Sewer Duck \$807.50; Town of Frederick \$32.25; Verizon Wireless \$78.62; Web Water \$66.24. All members present voting aye. Motion carried.

PERSONNEL:

Moved by Kippley, seconded by Fischbach to approve the following employees to work during the Brown County Fair – August 12-18, 2013: Nick Cochrane, Tim McCurdy, Jordan Sippel, Brady Berg, Amanda Buck, Melissa Pagel, Robert Graham, Tanner Jondahl, Mike Wiese, Brad Jung, Kyle Stoddard, Jeff Carlson, Dar VanDover, Brad Ziegler @ \$18.00 per hour; Julie VanDover, Daniel Gikerson, Wayne Niro, Teddy Nobud, Free Ngirchomlei, Billy Ngirchochit, Perry Choyolmad @ \$9.49 per hour; Nancy Goss, Allan Mivshek, Mike Lynch, Mavis Kempf, Jeanette Hassebroek, Jan Erickson @ \$9.54 per hour. All members present voting aye. Motion carried.

Moved Fischbach, seconded by Kippley to approve hiring Cole Kissner and Derek Belden, effective August 12, 2013 and Rebecca Martell, effective August 26, 2013 as part-time JDC Correctional Officers @ \$11.37 per hour; and further acknowledge resignation of Clayton Nelson, Britney Lout and Anne Kusler. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Kippley to acknowledge resignation of Dispatchers Cortney Erickson Paul, effective August 31, 2013 and Mary Browning, effective August 4, 2013. All members present voting aye. Motion carried.

LOTTERY APPLICATION:

Moved by Fischbach, seconded by Kippley to approve the following applications: Boys & Girls Club for split pot raffle to be held during the Brown County Fair and Plymouth Congregational Church for raffle to be held during the Brown County Fair (August 12 – 18, 2013). All members present voting aye. Motion carried.

SPECIAL MALT BEVERAGE AND TEMPORARY WINE LICENSES:

Moved by Fischbach, seconded by Kippley to approve and authorize the Chairman sign the following Special Malt Beverage License Applications: Centennial Village Inc. – Brown County Fairgrounds (Centennial Village) SW ¼ Sec 1-T123N-R64W, effective August 12 – 18, 2013; Aberdeen Hockey Association – Brown County Fairgrounds (Clubhouse) SW ¼-Sec 1-T123N-R64W, effective August 12-18, 2013; Boys & Girls Club - Brown County Fairgrounds (Grandstand) SW ¼ Sec 1-T123N-R64W, effective August 12–18, 2013; 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 17, 2013; Temporary Off- Sale SD Farm Wine License Application, submitted by White Headed Robin Winery- Brown County Fairgrounds (Special Booth) SW ¼ Sec 1-T123N-R64W, effective August 14-17, 2013 (maps indicating specific area licensed on file with applications). All members present voting aye. Motion carried.

SPECIAL MALT BEVERAGE LICENSE:

Moved by Kippley, seconded by Fischbach to approve and authorize the Chairman sign the following Special Malt Beverage License Application: Yelduz Shrine – Brown County Fairgrounds (Clubhouse) SW ¼-Sec 1-T123N-R64W, effective September 13, 2013 (map indicating specific area licenses on file with application). All members present voting aye. Motion carried.

PROPERTY RELEASE:

Commissioner Fischbach offered the following Resolution:

RESOLUTION #60-13

WHEREAS, Brown County has filed a Poor Relief Lien in total amount of \$2,519.75 with a balance of \$2,415.59, and

WHEREAS, Brown County has determined it to be in the best interest of the taxpayers to release certain property from the effect of said lien, upon condition that the lien remain filed against the individual.

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

Lot 3, Block 2, Homes Are Possible Eighth Subdivision to the City of Aberdeen in the SE ¼ of Sec 23-T123N-R64W of the 5th P.M., 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 \$500.00 cash and on condition that \$50.00 per month payments continue per contract with the Welfare Office and that the lien balance remain filed against the individual.

Dated this 13th day of August 2013.

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

BROWN COUNTY 19 RECONSTRUCTION PROJECT:

Moved by Fischbach, seconded by Kippley to approve and authorize the Chairman sign Change Order # for Brown County 19 Reconstruction Project – Asphalt Concrete Composite “Class E” shall be replace with “Class G”, and the aggregate for the asphalt shall consist of granite particles of gravel and sand at additional cost to project in amount of \$20,450.00 (total project @ \$479,286.36). All members present voting aye. Motion carried.

TRAFFIC CONTROL DEVICES (MUTCD):

Commissioner Kippley offered the following Resolution:

RESOLUTION #61-13

FEDERAL AID SURFACE TRANSPORTATION PROGRAM RESOLUTION FOR COUNTYWIDE SIGNING PROJECTS

WHEREAS, Brown County desires replacement and improvement of regulatory, warning, and guide signs as authorized by MUTCD, state law, and/or local ordinance. and

WHEREAS, Brown County is obligated and hereby agrees to provide proper maintenance of signing as recommended by the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD).

NOW, THEREFORE BE IT RESOLVED:

That the South Dakota Department of Transportation be and hereby is authorized and requested to program for construction, in accordance with the "Local Roads Plan" and State's "Standard Specifications for Roads and Bridges," and the "MUTCD".

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

EXECUTIVE SESSION:

Moved by Kippley, seconded by Fischbach to go into executive session for personnel discussion with Jan Weismantel and Larry Lovrien 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.

SOLID WASTE PERMIT RENEWAL:

Moved by Kippley, seconded by Fischbach to approve and authorize the Chairman sign Solid Waste Permit Renewal for operations at the Brown County Landfill as required by the Department of Environment and Natural Resources. All members present voting aye. Motion carried.

EXECUTIVE SESSION

Moved by Fischbach, seconded by Kippley to go into executive session for personnel discussion with Mike Scott and Larry Lovrien 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 Kippley, seconded by Fischbach to go into executive session for personnel discussion with Mike Rohrbach and Larry Lovrien 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.

CLOSING AUDIT CONFERENCE:

Dave Schlosser, Department of Legislative Audits met with the Commission for closing conference for audit of fiscal year 2012.

PARTY IN THE PASTURE:

Moved by Kippley, seconded by Fischbach to approve and authorize the Chairman sign letter in regard to Party in the Pasture, as recommended by States Attorney Larry Lovrien. All members present voting aye. Motion carried.

RECESS:

The Chairman declared the Commission recessed until August 13, 2013.

Maxine Fischer, Brown County Auditor

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

AUGUST 13, 2013 – 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, Kippley, Fischbach and Wiese. Chairman Sutton led the Pledge of Allegiance.

MINUTES:

Moved by Kippley, seconded by Fischbach to approve the General Meeting minutes of August 6, 2013. All members present voting aye. Motion carried.

CLAIMS:

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

Payroll: Commission \$3,359.55; Commission Assistant \$1,923.08; Auditor \$8,628.71; Treasurer \$11,053.06; Data Processing \$3,087.68; State's Attorney \$15,305.72; Blood Draws \$750.00; SVAWA Grant \$1,269.24; Maintenance \$4,569.94; Assessor \$11,915.45; Register of Deeds \$7,713.27; Veterans Service Office \$1,795.07; GIS \$2,045.33; Sheriff Admin \$28,968.51; Jail \$30,820.31; Coroner \$1,500; JDC \$14,354.68; HD \$4,268.85; Welfare Office \$2,939.69; Museum \$7,376.36; Parks & Fairgrounds \$6,466.63; Fair Board \$2,972.69; 4-H \$1,474.24; Weed \$4,577.06; Planning and Zoning \$1,384.80; Highway \$45,162.81; Communications \$19,541.48; Emergency Management \$3,033.11; Teen Court \$500.75; 24/7 \$2,512.78; Landfill \$11,088.16

Matching Benefits: FICA \$15,320.18; Medicare \$3,582.97

All members present voting aye. Motion carried.

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

Professional Fees: Avera St. Luke's \$6,097.41; Glas Consulting \$78.75; Harmelink, Fox & Ravensborg Law \$134.00; SD Dept. of Revenue & Regulation \$499,700.49; SDN \$264.00; Sivertsen Technology \$5,325.00; Yankton Co. Sheriff \$25.00.

Transcriptions: Shephard Reporting \$75.00.

Publishing: Aberdeen American News \$1,481.38; Dakota Press \$237.50; Groton Independent \$163.00.

Rentals: A & D Larson Rentals \$280.00; Bruce Boschee \$320.00; Briscoe Rentals \$320.00; Dakota Electronics \$125.00; Rod Eikamp \$300.00; Jency Agency \$260.00; Donald Jondahl \$280.00; Monte McNickle \$300.00; Nancy Hansen \$192.00; Prairie Springs \$320.00; Dean Salzseider \$300.00; Greg Webb \$300.00.

Repairs & Maintenance: Dakota Electronics \$356.15; Dakota Fluid Power \$283.29; Farm Power Mfg. \$214.22; Farnams's \$208.63; GCC Ready Mix \$1,436.00; GovConnection \$1,296.92; Graham Tire \$719.35; Pierson Ford \$1,445.03; Sheehan Mack Sales \$4,289.66; Wallwork Truck Center \$33.45; Walth Safety Service \$2,800.00.

Supplies: AASLH \$115.00; Ameripride \$184.43; Cash-Wa \$4,113.03; CMRS-FP \$5,000.00; Dakota Electronics \$44.25; Dakota Fluid Power \$799.78; Dakota Oil \$3,406.46; Danko \$94.00; DPM Mercantile \$12.00; Earthgrains \$326.73; Exhaust Pros \$132.99; Farm Power Mfg. \$134.23; GovConnection \$1,192.76; Hedahl's \$2.39; Highway Improvement \$99,999.36; Interstate Battery \$10.95; Kessler's \$107.27; Lien Transportation \$38,175.36; Marco \$292.17; Matthew Bender & Co. \$246.02; Menards \$17.82; National Seminar's Training \$299.00; NCFE – Warner Elevator \$9,899.75; Performance Ag \$925.20; Romeo Entertainment \$2,910.00; Running's \$81.87; Sander's Sew-n-Vac \$324.58; Schwan Welding \$415.50; Sewing Shoppe \$21.00; Share Corp \$292.00; Sheehan Mack Sales \$883.50; Sivertsen Technology \$395.00; Taylor Laundry \$49.50; Van Diest Supply \$7,370.15; Veteran's Information Service \$50.00; Wallwork Truck Center \$358.47; Walth Safety Service \$2,930.05.

Travel & Conference: Nancy Hansen \$291.48; SD Counties \$1,980.00; SDSWMA Annual Conference \$860.00.

Utilities: Aberdeen City Treasurer \$1,184.98; Helm's & Assoc. \$7,202.70; James Valley Telecommunications \$219.10; Midwest Alarm \$51.00; Northern Electric Coop. \$92.98; NVC \$1,585.15; Northern Wireless \$291.45; NWPS \$1,060.66.

150

Machinery & Equipment: GovConnection \$8,001.10.

Other: Aberdeen City Fire Dept. \$66,002.69; Aberdeen Rural Fire Dept. \$11,618.52; Claremont Fire Dept. \$2,070.75; Columbia Fire Dept. \$5,047.53; Frederick Fire Dept. \$3,780.66; Groton Area Fire Dept. \$9,677.46; Hecla Fire Dept. \$3,080.37; Hutterville Fire Dept. \$358.38; Leola Fire Dept. \$135.18; Stratford Fire Dept. \$3,711.22; Warner Fire Dept. \$4,330.13.

All members present voting aye. Motion carried.

PERSONNEL:

Moved by Kippley, seconded by Wiese to approve the following employee step increases, effective August 18, 2013: Kristi Vetter @ \$14.39 per hour, John Heine @ \$20.94, Scott Kolb @ \$20.89, Sherri Rawstern @ \$15.17, Brandon Mills @ \$14.23 and Tina McLeod @ \$13.61. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Fischbach to approve hiring Courtney Tedder as full time Dispatcher (Communications Department), effective August 13, 2013 at \$13.89/hr. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Fischbach to acknowledge the resignation of Samantha (Foley) Jarvis (Sheriff Dept), effective August 17, 2013 and approve and authorize Chairman sign request to fill vacancy of full time Correctional Officer. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to acknowledge the resignation of Rick Hanson, Teen Court Director, effective August 17, 2013. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to approve hiring Tray Mercer as Labor Grade #3 Driver (Highway Department) at \$15.50/hr, effective August 19, 2013. All members present voting aye. Motion carried.

AUDITOR'S REPORT OF ACCOUNT:

Moved by Fischbach, seconded by Wiese to approve the July 2013 Auditor's Report of Account with the County Treasurer in total amount of \$15,820,280.07 (total amount of actual cash @ \$3,800.00, US Bank @ \$45,906.01, Dacotah Bank @ \$670,348.23, Petty Cash @ \$2,000.00, Fund Investments @ \$15,098,225.83). All members present voting aye. Motion carried.

ASBESTOS QUOTE:

Moved by Hansen, seconded by Wiese to accept quote submitted by Do-All Insulation, Aberdeen, SD for asbestos removal and disposal in amount of \$11,020; rejecting quote from Gary Snow and Associates, Inc., Pierre, SD of \$13,119. All members present voting aye. Motion carried.

MEMORANDUM OF UNDERSTANDING-FISHING PIER:

Moved by Kippley, seconded by Hansen to approve and authorize Chairman sign Memorandum of Understanding between Brown County, Frederick Men's Club, and the SD Department of Game, Fish and Parks for the purchase of an ADA Floating Fishing Pier to be installed at Elm Lake in the SW ¼ Sec 31-T128N-R65W. Total project cost is not to exceed \$25,000 (\$18,750 SD GFP, \$6,250 FMC, \$0 Brown County) and will be completed by June 30, 2014. All members present voting aye. Motion carried.

LOTTERY APPLICATION:

Moved by Fischbach, seconded by Hansen to approve application, submitted by the Brown County Democrats for raffle ticket drawing to be held in September 15, 2013. All members present voting aye. Motion carried.

PROPERTY RELEASE:

Commissioner Fischbach offered the following Resolution amending Resolution 60-23: (Original Document recorded in Register of Deeds Book 136MR, Page 306)

RESOLUTION #62-13

WHEREAS, Brown County has filed a Poor Relief Lien in total amount of \$2,519.75 with a balance of \$2,415.59, and

WHEREAS, Brown County has determined it to be in the best interest of the taxpayers to release certain property from the effect of said lien, upon condition that the lien remain filed against the individual.

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

Lot 3, Block 2, Homes Are Possible Eighth Subdivision to the City of Aberdeen in the SE ¼ of Sec 23-T123N-R64W of the 5th P.M., 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 \$250.00 cash and on condition that \$50.00 per month payments continue per contract with the Welfare Office and that the lien balance remain filed against the individual.

Dated this 13th day of August 2013.

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

DRAINAGE ISSUE:

Orville Crawford discussed a drainage issue. No action was taken as a result of the discussion.

COURT APPOINTED ATTORNEY CONTRACT:

Scott Kuck discussed the current Brown County court appointed attorney contract. No action was taken as a result of the discussion.

HIGHWAY:

Jan Weismantel, Highway Superintendent, discussed water river levels, County 14W and County 19 projects, and signage issues.

GUARD RAIL AGREEMENT-RICHMOND:

Moved by Kippley, seconded by Wiese to approve and authorize Chairman sign Financial and Maintenance Agreement with SD Department of Transportation for SD Federal Aid Construction Project No. PH6525(03)PCN04Q0—a project to update/replace the guardrail and bridge ends along the Richmond Dam, located on 382nd Ave (County 6) from 129th St (County 13) to 125th St in amount of \$209,176 (\$188,258.27 SD DOT, \$20,917.59 Brown County). All members present voting aye. Motion carried.

COUNTY 16 RIGHT OF WAY EASEMENT:

Moved by Fischbach, seconded by Wiese to approve and authorize the Chairman sign right of way easement paperwork for project along County 16 (Elsen). All members present voting aye. Motion carried.

US BANK:

Moved by Hansen, seconded by Fischbach to authorize adding Brown County Treasurer Sheila Enderson's name to Emergency Poor Fund account and authorize adding Brown County's tax ID to account. All members present voting aye. Motion carried.

EXECUTIVE SESSION:

Moved by Hansen, seconded by Kippley to go into executive session to discuss contracts with Paul Sivertsen, Gary Vetter and Larry Lovrien 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.

BROWN COUNTY 9:

The Brown County 9 road maintenance cost sharing project was discussed. Present for the discussion were Brown County 9 residents Ron Dutenhoffer, Melvin Kolb, Betty Kolb, Jan Ellefson, Brad Ellefson, Dennis Feickert, David Nelson, Jeff Schaunaman, Greg Waltman, Jeff Kippley, Roger Marko, Janine Rathert, Lyle Schaunaman, Carol Berger, Donnie Hinz, and Mike Pence. Also present was Jan Weismantel, Highway Superintendent.

Moved by Kippley, seconded by Wiese to accept the quote submitted by Aberdeen Asphalt for the furnishing and delivery of materials and labor for Brown County 9 maintenance project in amount of \$51,600; rejecting quote from Lien Transportation for \$75,731.50. All members present voting aye. Motion carried.

Moved by Kippley, seconded by Fischbach to approve and authorize Chairman sign cost-sharing agreement for Brown County Road 9 maintenance project in amount of \$51,600 (\$25,800 Brown County Road 9 Residents, \$25,800 Brown County). All members present voting aye. Motion carried.

EXECUTIVE SESSION:

Moved by Hansen, seconded by Wiese to go into executive session to discuss legal issue with Larry Lovrien, Gary Vetter 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.

STATE'S ATTORNEY:

Larry Lovrien, State's Attorney discussed the 2014 Budget request for the State's Attorney's Office.

2014 PROVISIONAL BUDGET:

Moved by Fischbach, seconded by Wiese to approve the 2014 Provisional Budget and authorize advertising public hearing to be held in the Commissioner's Chambers, Courthouse Annex, at 9:00 A.M. on September 3, 2013. Roll call vote: Commissioner's Hansen-aye, Kippley-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Motion carried.

RECESS:

The Chairman declared the Commission recessed until August 20, 2013.

Julia Grenz, Brown County Deputy Auditor

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

AUGUST 20, 2013 – 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, Kippley, 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 13, 2013. All members present voting aye. Motion carried.

CLAIMS:

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

Professional Fees: Avera Queen of Peace \$314.50; Avera St. Luke's \$120.00; Carlsen Funeral Home \$200.00; Certified Languages \$89.10; Denise Cody \$15.00; Dependable Sanitation \$24,128.24; Tammy Erickson \$100.00; Great Plains Psychological Services \$1,240.00; LaCroix Law Office \$213.09; Language Line Services \$90.03; Lucy Lewno \$150.46; LexisNexis \$50.00; Moore Medical \$40.76; SD Dept. of Revenue & Regulation \$3,088.73; Spitzer-Miller Funeral Home \$1,200.00; Sunset Memorial Gardens \$1,102.00; Karen Swanda \$15.00; Travel Leader's \$1,211.60; West Payment Center \$130.40; Williams County Sheriff \$48.00.

Transcriptions: Lynnel Bruemmer \$125.80.

Publishing: Aberdeen American News \$952.70.

Rentals: Aberdeen Finance Corp. \$300.00; Falcon Rentals \$260.00; Thomas Hinz \$280.00; Larry Kumpf \$280.00; Zumbaum Property Mgmt. \$280.00.

Repairs & Maintenance: B & B Contracting \$17,435.00; G & K Services \$208.69; GCR Tire Center \$669.72; Myer's Tire Supply \$15.11; Steven Lust Automotive \$545.52; Walth Safety Service \$203.57.

Supplies: Aberdeen Asphalt \$336,030.74; Aberdeen Pit Stop \$200.34; Best Business Products \$176.80; Car Quest \$947.52; Cartney Bearing \$529.35; Dakota Supply Group \$247.33; DT Pharmacy \$1,825.81; Elections Systems & Software \$951.64; Faire Tyme Toys \$25.00; Gardner Locksmithing \$256.85; Sue Gates \$203.37; GCR Tire Center \$1,658.07; GovConnection \$185.49; Integrated Tech & Security \$1,105.00; Kmart Pharmacy \$186.89; Kone \$1,200.00; Leidholt Electric \$56.12; Lien Transportation \$1,949.35; Marco \$58.56; McFarland Supply \$53.43; Midstates Printing \$69.07; Midwest Alarm \$211.86; Millstone Restaurant \$225.00; Moore Medical \$152.31; Myer's Tire Supply \$24.51; Newman Signs \$119.32; Pizza Ranch \$812.50; Pomp's Tire Service \$13.00; Sanford Health \$35.00; Sivertsen Technology \$277.40; Taylor Laundry \$77.00; Ultramax \$260.00; Woodman Refrigeration \$481.02.

Travel & Conference: Tina Boldt \$35.30; City of Groton \$64.75; Leo's Café \$225.00; Sheila Anderson \$69.63.

Utilities: Aberdeen City Treasurer \$412.41; CenturyLink \$3,889.87; City of Hecla \$93.85; Dependable Sanitation \$451.00; Exec. Mgmt. Finance \$282.47; Lenling's \$532.18; Northern Electric \$1,026.42; NWPS \$1,630.46.

Machinery & Equipment: Falcon Road Maint. \$23,482.00. All members present voting aye. Motion carried.

PERSONNEL:

Moved by Wiese, seconded by Kippley to acknowledge resignation of Blood Draw Technician Lyrita Wilke, effective August 31, 2013. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Hansen to approve hiring and authorize the Chairman sign agreements with Janet Huber and Jamie Bretsch to provide blood draw technician services, effective August 20, 2013. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Kippley to approve hiring Brent Koens, as Security Officer during the recent Brown County Fair (August 12 – 18, 2013) at \$18.00 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Fischbach to acknowledge resignation of Julia Grenz, Deputy Auditor Elections, effective October 4, 2013 and authorize advertising to fill the position. All members present voting aye. Motion carried.

INVENTORY TRANSFER:

Moved by Hansen, seconded by Wiese to transfer Decal #3282 1995 Chevy Van from Sheriff Department to Dacotah Prairie Museum. All members present voting aye. Motion carried.

EM STATE & LOCAL AGREEMENT ADDENDUM:

Moved by Wiese, seconded by Kippley to approve and authorize chairman to sign Emergency Management State and Local Agreement Addendum, with SD OEM providing grant funding in amount of \$54,534.18 to be used for salary and administrative costs related to the operation of the Brown County Emergency Management during FFY 2013 (October 1, 2012 through September 30, 2013).. All members present voting aye. Motion carried.

GRANARY ROOF QUOTES:

Moved by Wiese, seconded by Fischbach to accept low quote, submitted by Vilhauer Roofing & Construction @ \$10,330.00 to re-shingle the Granary Gallery and Gazebo; rejecting quotes submitted by LB Construction @ \$11,010.00 and Sieh Construction @ \$11,160.00; and further authorize Mike Scott, Landfill Manager waive tipping fees for this project. All members present voting aye. Motion carried.

SHERIFF 2014 BUDGET:

Sheriff Mark Milbrandt and Janice Moore explained the need for a portion of the salary increase in the 2014 States Attorney's budget be allocated to a researcher for the Sheriff's Office when not investigating for the States Attorney as originally planned; also requested approval to hire a Researcher for the remainder of 2013, as office budget balance is sufficient to fund position.

Moved by Wiese, seconded by Fischbach to authorize advertising a part-time (less than 20 hours per week) Researcher position in the Sheriff's Department, to be funded by the 2013 budget at \$11.37 per hour. All members present voting aye. Motion carried.

BROWN COUNTY 21:

Bret Fliehs, Loren Locken and Doug Stange met to discuss the plan to convert portions of Brown County 21 from asphalt to gravel. Jan Weismantel, Highway Superintendent also in attendance stated the project is scheduled for 2015. The Commission agreed that going from asphalt to gravel seems to be going backwards, but the funding is not available to maintain 464 miles of asphalt. No formal action was taken after the discussion.

HIGHWAY:

Jan Weismantel, Highway Superintendent, discussed water levels, County 14W and County 19 projects, and seasonal employees.

APPLICATIONS FOR OCCUPANCY:

Moved by Hansen, seconded by Kippley to approve and authorize the Chairman sign application, submitted by James Valley Telecommunications for occupancy of Brown County Hwy #23B in Sec 31-T122N-R60W, Brown County, SD, to provide telecommunication services. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Kippley to approve and authorize the Chairman sign application, submitted by Century Link for occupancy of Brown County Hwy 14 in Sec 17-T123N-R63W, Brown County, SD to provide communication services. All members present voting aye. Motion carried.

TREE REMOVAL QUOTES:

Moved by Hansen, seconded by Wiese to accept low quote, submitted by Sand Lake Tree LLC in amount of \$2300.00 for removal of trees in south right/of/way of County Road 9 abutting the north edge of Sec 1-T125N-R64W, Brown County, SD; rejecting quotes submitted by Matt's Tree Service @ \$2850.00 and Dakota Tree Company LLC @ \$3250.00. 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 Chris White 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.

BCCHC REPORT:

DeAnna Kyburz presented the Brown County Community Health Center Report for April - June 2013.

The Commission convened as the Brown County Drainage Board at 10:10 a.m. and reconvened in regular session at 10:30 a.m.

EXECUTIVE SESSION:

Moved by Wiese, seconded by Hansen to go into executive session to discuss personnel with Gary Vetter and Chris White 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.

4-H PROGRAM:

Gary Vetter, Commission Assistant was asked to research alternative options for the county to fund the 4-H Program.

RECESS:

The Chairman declared the Commission recessed until August 27, 2013.

Maxine Fischer, Brown County Auditor

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

AUGUST 27, 2013 – 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, Kippely, 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 20, 2013. All members present voting aye. Motion carried.

CLAIMS:

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

Payroll: Commission \$3,359.55; Commission Assistant \$1,923.08; Auditor \$9,475.54; Treasurer \$11,567.04; Data Processing \$3,002.41; State's Attorney \$14,773.59; Blood Draws \$650.00; SVAWA Grant \$1,269.24; Maintenance \$4,778.88; Assessor \$11,999.49; Register of Deeds \$7,713.27; Veterans Service Office \$1,821.91; GIS \$2,045.33; Sheriff Admin \$29,828.49; Jail \$31,073.00; Coroner 0; JDC \$13,620.10; HD \$4,113.74; Welfare Office \$2,939.69; Museum \$7,393.02; Parks & Fairgrounds \$11,923.31; Fair Board \$21,749.51; 4-H \$2,485.64; Weed \$4,868.57; Planning and Zoning \$1,384.80; Highway \$47,889.40; Communications \$18,400.38; Emergency Management \$3,033.11; Teen Court \$374.67; 24/7 \$2,492.88; Landfill \$11,879.81

Matching Benefits: FICA \$17,007.19; Medicare \$3,582.97; Life \$658.80; Dental \$5,883.00; Health Insurance \$98,852.58; Retirement \$31,853.07

Professional Fees: Aberdeen Advanced Care Ambulance \$210.57; AMG Radiology \$248.58; Avera St. Luke's \$4,030.60; Karin Bartell \$30.00; Marsha Braun \$30.00; Ruth Casanova \$30.00; William Crawford \$30.00; Pat Dennert \$30.00; Dental Center \$310.67; Ric Dias \$30.00; Tracy Dice \$30.00; Dietrich's of Aberdeen \$3,898.00; Christopher Dohrer \$5,770.83; Phyllis Donat \$30.00; Reed Dornbush \$30.00; Tricia Dornbush \$30.00; Amy Engelhart \$30.00; Wayne Fischer \$100.00; Theresa Fjeldheim \$30.00; Justin Fruechle \$150.00; Collin Galbreath \$100.00; Linda Gengerke \$30.00; Susan Gerlach \$30.00; Jeremy Geske \$150.00; Ann Gibbs \$30.00; Carol Green \$30.00; Jane Green \$30.00; Judy Gulleson \$30.00; Gweneth Hansen \$30.00; Mike Hassebrook \$30.00; Carol Hein \$30.00; Ashley Huettl \$30.00; Brooke Jameson \$150.00; Duane Jark \$60.00; DaRae Jones \$30.00; Alex Jung \$100.00; Renita Kainz \$30.00; Janelle Klapperich \$30.00; Catherin Knapp \$30.00; Florence Kraus \$30.00; Holly Jo Kronberg \$30.00; Kuck Law Office \$5,520.83; Lewis & Clark BHS \$160.00; Bonnie Maley \$30.00; Marilyn Maloney \$30.00; Stephanie Mattson \$30.00; Barb Michlitsch \$30.00; William Mueller \$100.00; Deb Munger \$30.00; Todd Nordman \$300.00; Kathy Novstrup \$30.00; Sherry Perrion \$30.00; PRCA \$900.00; Ramada \$4,618.56; Ruby Rezac \$100.00; Gina Rogers \$5,520.83; Sanford Health \$1,866.20; Ellen Schlosser \$30.00; Alicia Schmitz \$30.00; Cindy Schnabel \$30.00; SD Public Assurance Alliance \$1,300.00; SDN \$200.00; Christy Serr \$5,770.83; Sivertsen Technology \$5,225.00; Karen Slunecka \$30.00; Evalyn Smith \$30.00; US Bank \$30.00; Elsie Wells \$30.00; Courtney Wolff \$30.00; Steve Wolff \$250.00; Tayler Wolff \$30.00; Marj Zastrow \$30.00; JoLynn Zeller \$30.00; Christi Albrecht \$27.02; Kathie Allstor \$11.48; Christopher Aman \$12.22; Dion Bahr \$24.80; Brady Berg \$11.48; Harold Berreth \$11.48; Delbert Bertsch \$22.96; Jerald Blair \$112.22; Brian Christensen \$114.44; Gregory Cramer \$21.48; Sarah Dahme \$22.96; Todd Dahme \$11.48; Rosemary DesCamps \$10.74; Brianne Duerre \$22.96; Doug Ehrenberg \$24.80; Burt Elliott \$11.48; Kyle Fadness \$10.74; Jacqueline Fasthorse \$22.96; Natalie Frank \$114.44; Bill Fuhrman \$11.48; Gerald Gab \$27.40; Timothy Gardner \$11.48; Randy Grismer \$116.66; Leland Hammer \$14.44; George Hansen \$24.80; Matthew Harmel \$116.66; Russell Harry \$64.40; Melanie Haselhorst \$61.44; Nancy Heier \$22.96; Terry Helms \$12.22; Brett Hoffmann \$114.44; Cynthia Holler \$21.48; Tim Hosley \$28.88; Rick Jacobson \$24.44; Nicholas Jensen \$11.48; Lloyd Jerde \$25.92; Derrick Johnson \$11.48; Janice Johnson \$114.44; Jason Jung \$143.30; Megan Kienow \$112.22; Matthew Knight \$12.22; Barbara Kopetsky \$11.48; Theresa Kurtenbach \$158.84; Wade Lechner \$21.48; James Levering \$10.74; Kenneth Lillemoe \$11.48; Bryan Locke \$11.48; Dana Locken

\$42.20; Rachelle Locken \$21.10; Melanie Lundquist \$24.44; Tony Madsen \$154.40; Amanda Mahlke \$22.96; Annette Malliot \$49.60; Stanis Malsom \$10.74; Phyllis Marvel \$11.48; Sandra Mayou \$57.00; Val McGannon \$24.80; Mark McGrane \$221.00; Daniel McQuillen \$22.96; Mary Mehaffey \$116.66; Nickalona Meidinger \$11.48; Keith Meyers \$91.04; Corey Mitchell \$24.80; Margaret Mitzel \$21.48; Norma Moerke \$24.44; Garet Mohr \$114.44; Travis Mulvenna \$10.74; Steven Munger \$45.16; Benjamin Nerdig \$112.22; Elizabeth Olson \$49.60; Patrick Omland \$114.44; Jodi Opitz \$21.48; Lisa Opp \$114.44; Gerald Osterman \$291.76; Alicia Peterson \$22.96; David Pigors \$35.90; Colette Quam \$14.44; Jill Rath \$21.48; Lynde Ross \$11.48; Richard Salwei \$10.74; Wayde Schwarting \$37.76; Keith Sharisky \$114.44; Leonard Stern \$25.92; Eric Stevenson \$25.92; Stephan Stewart \$24.44; John Sumption \$64.40; Marjorie Swanson \$11.48; Owen Swanson \$202.96; Steven Taylor \$33.68; Kathryn Traphagen \$202.96; Nicole Tschappat \$17.40; Jacob Unzen \$265.12; Thomas Waage \$114.44; Nona Wade \$10.74; Gregory Welch \$22.96; Allen Wiederich \$39.24; Guy Williams \$11.48; Debra Winburn \$71.80; Amanda Wipf \$11.48; Randy Wipf \$21.48; Cara Wollman \$22.96.

Publishing: Aberdeen American News \$3,272.38.

Rentals: Evan Cummins \$140.00; Jency Agency \$320.00; Dallas Niederbaumer \$320.00.

Repairs & Maintenance: A-1 Sanitation \$193.00; B & B Contracting \$11,742.50; Climate Control \$6,265.00; Cunningham Electric \$82.20; Dakota Pump & Control \$803.57; Dakota Tree Company \$1,590.00; Diamond Mowers \$82.00; GCR Tire Center \$19.00; Jim Kersten Painting \$3,000.00; TrueNorth Steel \$2.00; US Bank \$881.28.

Supplies: A-1 Locksmithing \$24.50; Ameripride Services \$56.34; Avera Queen of Peace \$109.80; Cass Clay Creamery \$394.07; Common Sense Mfg \$26.00; Dakota Radio Group \$1,550.00; Dakota Supply Group \$900.14; Dex Media \$52.00; Diamond Mowers \$804.06; Domino's Pizza \$178.26; Janet Elsen \$297.59; Flint Hills Resources \$102,266.08; Geffdog Designers \$832.72; Glas Consulting \$135.00; Heartland Paper \$61.82; Hub City Radio \$4,000.00; Integrated Tech & Security \$8,015.00; KBMW Radio \$510.00; Kelo-TV \$1,500.00; KOKK Dakota Country \$1,200.00; KSJB \$180.00; Lien Transportation \$9,655.81; Marco \$284.90; Menards \$1,006.74; Midcontinent \$4,999.00; Mobile Electronic Service \$135.00; Myers Tire Supply \$7.05; NCFE-Warner Elevator \$1,074.04; Nelson Sales & Service \$19.50; North Star Energy \$100.80; Palmer Distributing \$9.29; Performance Ag Services \$782.16; Photo-X-Press \$45.16; Radio Media \$510.00; Aliza Rux \$42.30; Lora Schaunaman \$235.94; Share Corp \$256.00; Sherwin Williams \$188.91; Specialty Mfg. \$675.00; StopTech \$40.00; Titan Access \$435.00; TrueNorth Steel \$56.00; US Bank \$13,561.31.

Travel & Conference: Karin Bartell \$30.00; Marsha Braun \$15.00; Conald Burgard \$190.71; Tracy Engquist \$17.00; Wayne Fischer \$55.00; Justin Fruechle \$55.00; Collin Galbreath \$25.00; Jeremy Geske \$110.00; Jane Green \$30.00; Judy Gulleson \$20.00; Gweneth Hansen \$20.00; Lynn Heupel \$17.00; Brooke Jameson \$75.00; DaRae Jones \$20.00; Alex Jung \$10.00; Holly Jo Kronberg \$15.00; Gene Loeschke \$307.85; Bonnie Maley \$25.00; William Mueller \$40.00; Todd Nordman \$145.00; Sonje Oban \$101.99; Sherry Perrion \$10.00; Ruby Rezac \$80.00; Amy Scott \$190.71; SD Solid Waste Mgmt Association \$550.00; Andrea Sjomeling \$183.62; US Bank \$2,000.50; Courtney Wolff \$25.00; Steve Wolff \$25.00; Tayler Wolff \$25.00.

Utilities: CenturyLink \$9.90; Midcontinent \$57.54; Montana Dakota Utilities \$22.35; NWPS \$4,128.08; US Bank \$934.11; Verizon Wireless \$1,512.88.

Other: Pizza Ranch \$101.94., All members present voting aye. Motion carried.

PERSONNEL:

Moved by Hansen, seconded by Wiese to approve the following employee step increases, effective September 1, 2013: Samiuela Mouna @ \$16.12 per hour, Jeanette Kline @ \$13.18 per hour, Ryan McClain @ \$13.91 per hour. All members present voting aye. Motion carried.

Moved by Kippley, seconded by Fischbach to acknowledge resignation of Dennis Ells, effective August 14, 2013. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Wiese to approve hiring of Dean Zumbaum for Labor Gade #3 effective August 28, 2013 @ \$15.50 per hour. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to approve hiring of Kenny Fouts for Labor Gade #3 effective September 9, 2013 @ \$15.50 per hour. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to approve the following Highway employee status changes: effective September 1, 2013 Bryan Owens to Labor Grade #5 @ \$16.26/hr, Matt Heupel to Labor Grade #4 @ @ \$15.72/hr, and effective September 9, 2013 Casey Jensen to Labor Grade #5 @ \$16.17/hr. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Fischbach to acknowledge the following miles driven and amounts to be taxed for personal use of County vehicles during the month of July 2013: Marcus Selzler—105 @ \$59.33, Mark Wendt—432 @ \$244.08, Kendell Titze—120 @ \$67.80, Jan Weismantel—86.40 @ \$48.82, Mike Scott—200 @ \$113.00, Gary Vetter—99 @ \$55.94. All members present voting aye. Motion carried.

LEASE AGREEMENT:

Moved by Hansen, seconded by Wiese to approve application submitted by CEF Great Plains (Aberdeen Christian Fellowship) for lease of the Richmond Lake Youth Camp Lodge on October 31-November 1, 2013. All members present voting aye. Motion carried.

SPECIAL MALT BEVERAGE LICENSE:

Moved by Wiese, seconded by Fischbach to approve and authorize the Chairman sign the following Special Malt Beverage License Application: SD Snow Queen – Brown County Fairgrounds (Expo Building) SW ¼ Sec 1-T123N-R64W, effective September 7, 2013; (map indicating specific area licensed on file with application). All members present voting aye. Motion carried.

PLATS:

Commissioner Hansen offered the following Resolution:

RESOLUTION #63-13

BE IT RESOLVED by the Board of Commissioners of Brown County, SD, that the plat showing "A & B Johnson Addition in the SE ¼ of Sec 22-T124N-R62W 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 Kippley. Roll call vote: Commissioners Hansen-aye, Kippley-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Resolution adopted.

Commissioner Hansen offered the following Resolution:

RESOLUTION #64-13

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing "Diamond Five Conservation Easement Tract 1, located in the W ½ SE ¼ of Sec 33-T127N-R63W 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 Kippley. Roll call vote: Commissioners Hansen-aye, Kippley-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Resolution adopted.

Commissioner Hansen offered the following Resolution:

RESOLUTION #65-13

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing "Bindenagel Third Richmond Lake Subdivision in the NW ¼ of Sec 25-T124N-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 Kippley. Roll call vote: Commissioners Hansen-aye, Kippley-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Resolution adopted.

Commissioner Hansen offered the following Resolution:

RESOLUTION #66-13

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Lechner Outlot A in SE ¼ Sec 11-T124N-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 Kippley. Roll call vote: Commissioners Hansen-aye, Kippley-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Resolution adopted.

Commissioner Hansen offered the following Resolution:

RESOLUTION #67-13

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Haaland Outlots in NE ¼ Sec 35-T124N-R65W 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 Kippley. Roll call vote: Commissioners Hansen-aye, Kippley-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Resolution adopted.

Commissioner Hansen offered the following Resolution:

RESOLUTION #68-13

BE IT RESOLVED by the Board of Commissioners of Brown County, SD, that the plat showing "Bruce Schumacher Addition in the SW ¼ of Sec 28-T124N-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 Kippley. Roll call vote: Commissioners Hansen-aye, Kippley-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Resolution adopted.

Commissioner Hansen offered the following Resolution:

RESOLUTION #69-13

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Rohr Second Subdivision in the SW ¼ of Sec 36-T124N-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 Kippley. Roll call vote: Commissioners Hansen-aye, Kippley-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Resolution adopted.

Commissioner Hansen offered the following Resolution:

RESOLUTION #70-13

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Cedar Rock Subdivision in the SE ¼ of Sec 27-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 Kippley. Roll call vote: Commissioners Hansen-aye, Kippley-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Resolution adopted.

CDBG NEWTEC—AMENDMENT #2:

Moved by Wiese, seconded by Hansen to approve and authorize the Chairman to sign Request for Amendment #2 for Community Development Block Grant Agreement #1212-307 to change the scope of work due to project savings on equipment bids, with no increase in funding requested from the state (CDBG NewTec Welding Equipment Project). All members present voting aye. Motion carried.

ORD 081 - SET HEARING DATE:

Moved by Hansen, seconded by Wiese to set date for joint public meeting of the Brown County Commission and Frederick City Council for 8:50 a.m. on September 24, 2013 in the County Commission Chambers, 25 Market Street for First Reading of the following: Ordinance #188/081, An Ordinance to Amend Title 4, Brown County Ordinances, as amended to rezone the following property from Chapter 4.06 (AG-P) Agricultural Preservation District to Chapter 4.14 (H-C) Highway Commercial District (South Dakota Wheat Growers): South Dakota Wheat Growers Tract 1 in the S ½ of SW ¼ of Sec 2-T127N-R64W of the 5th P.M., Brown County, SD (19684 386th Ave). All members present voting aye. Motion carried.

COUNTY 14W PROJECT:

Moved by Hansen, second by Kippley to approve and authorize the Chairman to sign Payment Request #1 for County 14W Project with Upper Plains Contracting, Inc. in amount of \$267,705.27. All member present voting aye. Motion carried.

COUNTY 19 PROJECT:

Moved by Kippley, second by Wiese to approve and authorize the Chairman to sign Payment Request #1 for County 19 Project with Lien Transportation in amount of \$29,917.35. All member present voting aye. Motion carried.

161
BRIDGE 123 & 259:

Commissioner Hansen offered the following Resolution:

RESOLUTION #71-13

The Brown County Board of Commissioners is in agreement with SDDOT that the following structures should be deleted from the National Bridge Inventory System (NBIS) for the following reason:

STRUCTURE ID, LOCATION and REASON FOR DELETION:

07-280-384	3.6N & 2W of Ferney	Structure has been permanently closed to public travel with no intentions to replace in future.
07-284-450	3N & 1.6W of Verdon	Structure has been permanently closed to public travel with no intentions to replace in future.

The commission is aware of the following stipulations once a structure is deleted from the NBIS Inventory:

1. Federal Bridge funds will not be available for structure replacement or rehabilitation and
2. The structure will only be added to the Inventory following replacement, using County funds.

Upon receipt of this resolution, the above structures will be deleted from inventory.

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

BRIDGE 132:

Commissioner Hansen offered the following Resolution:

RESOLUTION #72-13

The Brown County Board of Commissioners is in agreement with SDDOT that the following structure should be deleted from the National Bridge Inventory System (NBIS) for the following reason:

STRUCTURE ID, LOCATION and REASON FOR DELETION:

07-322-350	2S & 2.2E of Groton	Structure has been permanently closed to public travel with no intentions to replace in future.
------------	---------------------	---

The commission is aware of the following stipulations once a structure is deleted from the NBIS Inventory:

1. Federal Bridge funds will not be available for structure replacement or rehabilitation and
2. The structure will only be added to the Inventory following replacement, using County funds.

Upon receipt of this resolution, the above structure will be deleted from inventory.

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

BRIDGE 180 & 073:

Commissioner Hansen offered the following Resolution:

RESOLUTION #73-13

The Brown County Board of Commissioners is in agreement with SDDOT that the following structures should be deleted from the National Bridge Inventory System (NBIS) for the following reason:

STRUCTURE ID, LOCATION and REASON FOR DELETION:

07-050-160 2S & 6W of Barnard Structure has been permanently closed to public travel with no intentions to replace in future.

07-256-470 1N & 4.4W of Verdon Structure has been permanently closed to public travel with no intentions to replace in future.

The commission is aware of the following stipulations once a structure is deleted from the NBIS Inventory:

1. Federal Bridge funds will not be available for structure replacement or rehabilitation and
2. The structure will only be added to the Inventory following replacement, using County funds.

Upon receipt of this resolution, the above structures will be deleted from inventory.

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

EXECUTIVE SESSION:

Moved by Wiese, seconded by Hansen to go into executive session to discuss personnel with Gary Vetter, Larry Lovrien 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.

PROCLAMATION:

Commissioner Wiese offered the following Resolution:

RESOLUTION #74 - 13

WHEREAS, 2013 is the 40th anniversary of the signing of the Vietnam War Peace Treaty, and

WHEREAS, Fourteen individuals from Brown County lost their lives in this war, and

WHEREAS, Countless others suffered mental and physical injuries, and

WHEREAS, All of the residents of Brown County owe a debt of gratitude to all Veterans.

THEREFORE BE IT RESOLVED, That the Brown County Commission, on behalf of all residents of Brown County issues this Proclamation of Support for the Rededication of the Vietnam War Memorial on the 14th day of September, 2013 at Anderson Park, Aberdeen, Brown County, South Dakota.

Duane Sutton, Chairman of the Brown County Commission does hereby proclaim September 13 and 14, 2013 as Vietnam War Memorial weekend in recognition of all Veterans, including personnel killed, injured and disabled as a result of serving our great nation in the Vietnam War.

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

ASSESSMENT NOTICES:

Moved by Wiese, seconded by Kippley to implement SDCL 10-6-50 to allow receiving assessment notices via e-mail, as recommended by Gary Vetter, Commission Assistant and Mary Worlie, Director of Equalization. All members present voting aye. Motion carried.

COURT APPOINTED ATTORNEY CONTRACT:

Larry Lovrien, States Attorney met to discuss options for Court Appointed Attorneys in 2014 – continue with contract system or appoint by rotation method. After discussion it was suggested that all interested Attorneys be invited to be a part of a Contract at a specified amount. Christy Serr was also in attendance.

EXECUTIVE SESSION:

Moved by Hansen, seconded by Wiese to go into executive session to discuss personnel and contract with Gary Vetter and Larry Lovrien 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 September 3, 2013.

Andrea Sjomeling, Deputy Brown County Auditor

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

SEPTEMBER 3, 2013 – 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, Kippley, 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 27, 2013. All members present voting aye. Motion carried.

CLAIMS:

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

Insurance: SD Public Assurance \$662.00.

Professional Fees: Aberdeen Home Builder's Assoc. \$285.00; Avera St. Luke's \$1,616.12; CMW Cleaning Services \$808.71; Sanford Health \$121.71; SD Human Services \$600.00; Sewer Duck \$422.50; Yankton Co. Treasurer \$127.25.

Transcriptions: Lynnel Bruemmer \$10.00.

Rentals: Shirlee Gutjahr \$300.00; Theodore Huss \$280.00.

Repairs & Maintenance: Butler Machinery \$899.15; Commercial Electronics Corp. \$14,514.00; Graham Tire \$785.86; Hanlon Brothers \$1,227.87; Guy Hanlon \$128.38; Hollaway Construction \$36,483.93; Jim Kersten Painting \$2,610.00; Lawson Products \$24.76; Lien Transportation \$29,917.35; Mac's \$34.20; Midwest Pump & Tank \$146.25; Northern Safety \$29.33; PowerPlan \$1,276.99; Pro Ag Supply \$40.83; SD Dept. of Transportation \$11,691.62; Swanston Equip. Corp. \$7,000.00; TrueNorth Steel \$2,522.40; Upper Plains Contracting \$267,705.27.

Supplies: Aberdeen Pit Stop \$47.86; Aberdeen Plumbing & Heating \$3,684.82; Butler Machinery \$861.88; Randy Crawford \$37.44; Dakota Electronics \$244.80; Dakota Supply Group \$335.52; Ecolab \$218.00; Flint Hills Resources \$168,811.49; Gardner Locksmithing \$43.23; GovConnection \$658.08; Hanlon Brothers \$16,644.28; Guy Hanlon \$1,129.59; Heartland Paper \$1,896.46; Kids Konnection \$195.00; KSFY TV \$975.00; Lang's TV & Appliance \$147.50; Lawson Products \$333.51; Lien Transportation \$2,254.53; Millstone \$120.00; NCFE – Truck & Auto Center \$4,055.81; Northern Safety \$250.80; Running's \$396.92; Towing Plus \$120.00; West Payment Center \$1,736.98.

Travel & Conference: Leo Leshar \$170.14; Kathy Schlecht \$256.86; Michael Wiese \$15.04.

Utilities: AT & T Mobility \$1,684.88; BDM Rural Water \$30.00; Midcontinent \$500.08; NWPS \$21,093.36; Verizon Wireless \$78.62; Web Water \$65.63.

Machinery & Equipment: Titan Machinery – SF \$61,200.00.

Other: James River Water Dist. \$1,667.01; NECOG \$7,500.00; New Tec \$13,368.21; North Star Amusements \$22,395.74. All members present voting aye. Motion carried.

PERSONNEL:

Moved by Wiese, seconded by Hansen to approve the following employee status change effective September 16, 2013: Dennis VanHeerde from Landfill Labor Grade 4 to Highway Labor Grade 3 @ \$15.75 per hour (base pay @ \$15.50 plus retention of additional amount per year earned @ \$0.25). All members present voting aye. Motion carried.

LEASE AGREEMENTS:

Moved by Kippley, seconded by Hansen to approve the following agreements: Veterans Committee for lease of the Club House on September 14 -15, 2013; Aberdeen Humane Society for lease of the Club House on September 28, 2013; Aberdeen Roller Derby Team for lease of the Expo Building on September 6 – 7, 2013. All members present voting aye. Motion carried.

SPECIAL MALT BEVERAGE LICENSE:

Moved by Fischbach, seconded by Hansen to approve and authorize the Chairman sign the following Special Malt Beverage License Application: Disabled American Veterans at Brown County Fairgrounds: Centennial Village, effective September 13, 2013 and Club House, effective September 14, 2013-SW ¼ Sec 1-T123N-R64W (map indicating specific area licensed on file with applications). All members present voting aye. Motion carried.

ORD 425 - SET HEARING DATE:

Moved by Wiese, seconded by Fischbach to set public hearing for Ordinance No. 13-09-01/425, an Ordinance to amend Ordinance No. 1164 to rezone the following described property from its present zoning designation of (A-1) Agricultural District to (M-AG) Mini-Agricultural District: Proposed Lot 1, Rohr Second Subdivision in the SW ¼ of Sec 36-T124N-R64W of the 5th P.M., Brown County, SD (12992 Rohr Drive), to be held in the Brown County Commission Chambers at 8:45 a.m. on September 24, 2013. All members present voting aye. Motion carried.

DISCRETIONARY FORMULA:

Moved by Hansen to deny application, submitted by NorthWestern Corporation for Discretionary Formula on the following Centrally Assessed property: Addition to Siebrecht substation and New regulating station. Died for lack of a second.

Moved by Wiese to approve application, submitted by NorthWestern Corporation for Discretionary Formula on the following Centrally Assessed property: Addition to Siebrecht substation and New regulating station. Died for lack of a second.

Moved by Hansen, seconded by Kippley to deny application, submitted by NorthWestern Corporation for Discretionary Formula on the following Centrally Assessed property: Addition to Siebrecht substation (value of discretionary @ 1,879,644) and New regulating station (value of discretionary @ 33,522). Roll call vote: Commissioners Hansen-aye, Kippley-aye, Fischbach-aye, Wiese-nay, Sutton-aye. Motion carried.

CANADIAN PACIFIC RAILROAD:

Commissioner Fischbach offered the following Resolution:

RESOLUTION #75-13

**RESOLUTION TO THE SURFACE TRANSPORTATION BOARD OF THE PETITION OF THE
STATE OF SOUTH DAKOTA FINANCE DOCKET NO. 35081**

WHEREAS, Brown County is located in the north central region of the State of South Dakota and includes vast agricultural area on its prairies; and

WHEREAS, Brown County includes Aberdeen, the third largest city in South Dakota which is a wholesale, retail and commercial center with business and agricultural needs for rail services upon which it depends; and

WHEREAS, the County has many grain producers, wholesalers and distributors which depend upon rail services to deliver their materials and products and to receive shipments from outside the State of South Dakota; and

WHEREAS, the Canadian Pacific Railroad does currently service our Mansfield area, where both agricultural and commercial businesses depend upon reliable rail transportation to serve their needs; and

166

WHEREAS, the Honorable Dennis Daugaard, Governor of the State of South Dakota, has petitioned the Surface Transportation Board to require CP to demonstrate compliance with the commitments CP made for capital improvements and safety compliance on the Dakota Minnesota and Eastern (DME) railroad at the time of CP's purchase of the DME; and

WHEREAS, when the CP acquired the DME railroad in South Dakota, it made commitments to expend capital sums to improve the railroad lines; and

WHEREAS, such maintenance is vital to the continuation of rail service in numerous counties in South Dakota;

NOW, THEREFORE, the Brown County Commission does hereby adopt, in its entirety, the Petition of the State of South Dakota endorsing the same with the unqualified support to the prayer for relief set forth therein; and

Does direct its administrator to prepare and furnish a certified copy of this Resolution for submission to the Surface Transportation Board of the United States in such proceeding now known as Canadian Pacific Railway Company, et al. – Control – Dakota, Minnesota & Eastern Railroad Corp, et al, Finance Docket No. 35081.

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

BENNETT COUNTY SUPPORT:

Commissioner Wiese offered the following Resolution:

RESOLUTION #76-13

RESOLUTION TO SECURE FEDERAL FUNDING IN LIEU OF PROPERTY TAXES ON INDIAN TRUST LANDS

WHEREAS, Brown County is concerned about the imminent danger of bankruptcy for Bennett County and any other county in South Dakota facing these issues; and

WHEREAS, Monies derived from property taxes are the majority of funds that provide for county services to all residents of the county; and

WHEREAS, All Indian trust lands are held in trust for Individual Native Americans by the federal government; and

WHEREAS, Indian people living on Indian trust land have no personal obligation to pay property taxes on these trust lands; and

WHEREAS, Indian people who live on trust land consume county public services the same as any other county citizen; and

WHEREAS, the property tax loss due to trust lands affects numerous counties in South Dakota;

NOW, THEREFORE, the Brown County Commission does hereby adopt, in its entirety, this resolution to urge that the Congress of the United States provide funding adequate to fund the county

services provided to Indian people living on trust lands, if not in a direct payment of property taxes, then in some form of Impact Aid to the County similar to Impact Aid for Schools; and

Does direct its administrator to prepare and furnish a certified copy of this Resolution for submission to the Governor and South Dakota Congressional delegation.

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

ELM LAKE ACTION COMMITTEE:

Members of the Elm Lake Action Committee met to request that the county allow adequate time for area residents to consider all options in regard to converting 5 miles of County Road 3-A and 7 miles of County Road 6 from asphalt to gravel. Jan Weismantel, Highway Superintendent was also in attendance. No action was taken at this time.

2014 PROVISIONAL BUDGET HEARING:

Time and place, as advertised for public hearing on the 2014 Provisional Budget. Sue Gates, Dacotah Prairie Museum Director asked the Commission to reconsider the original budget request of \$356,251.93 (provisional budget @ \$342,685.00), as completion of Granary projects in 2013 was due to rescheduling Museum projects that could be postponed until 2014. No action will be taken on the Provisional Budget until September 24, 2013.

APPLICATION FOR OCCUPANCY:

Moved by Fischbach, seconded by Wiese to approve and authorize the Chairman sign application, submitted by James Valley Telecommunications for occupancy of Brown County Highway #5 in Sec 2-T127N-R64W, Brown County, SD to provide telecommunications. All members present voting aye. Motion carried.

ASSISTANT REPORT:

Gary Vetter, Commission Assistant presented update on 1st Ave SE fence and N Main building.

RECESS:

The Chairman declared the Commission recessed until September 10, 2013.

Maxine Fischer, Brown County Auditor

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

SEPTEMBER 10, 2013 – 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 Kippely was absent. Chairman Sutton led the Pledge of Allegiance.

CHARLENE MILLIM:

Chairman Sutton requested a moment of silence in honor of former Welfare Director Charlene Millim. Moved by Hansen, seconded by Wiese to close all Brown County Offices able to close to the public from 10 a.m. to 2 p.m. on Friday September 20, 2013 to honor the memory of Charlene Millim, former Welfare Director. All members present voting aye. Motion carried.

MINUTES:

Moved by Wiese, seconded by Hansen to approve the General Meeting minutes of September 3, 2013. All members present voting aye. Motion carried.

CLAIMS:

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

Payroll: Commission \$3,359.55; Commission Assistant \$1,923.08; Auditor \$8,767.82; Treasurer \$11,095.09; Data Processing \$3,002.40; State's Attorney \$14,320.14; Blood Draws \$350.00; SVAWA Grant \$1,269.24; Maintenance \$4,712.50; Assessor \$11,999.49; Register of Deeds \$7,719.72; Veterans Service Office \$1,821.91; GIS \$2,045.33; Sheriff Admin \$29,109.67; Jail \$31,636.19; Coroner \$0; JDC \$15,256.58; HD \$4,091.34; Welfare Office \$2,939.69; Museum \$6,730.62; Parks & Fairgrounds \$5,633.39; Fair Board \$2,778.74; 4-H \$1,341.87; Weed \$4,212.06; Planning and Zoning \$1,384.80; Highway \$49,197.39; Communications \$19,480.92; Emergency Management \$3,033.11; Teen Court \$115.28; 24/7 \$2,457.65; Landfill \$11,150.35

Matching Benefits: FICA \$15,411.16; Medicare \$3,604.15

Insurance: SD Public Assurance Alliance \$76.00.

Professional Fees: Adamsoft \$1,000.00; Best Western Ramkota Hotel \$104.00; Denise Cody \$22.50; Compass Counseling \$1,750.00; Tammy Erickson \$100.00; Lucy Lewno \$172.96; Wayne Pierson \$306.49; SD Department of Revenue \$506,188.33; Sivertsen Technology \$4,775.00; Stepping Stones \$738.00; Karen Swanda \$22.50; Swanson Electric \$10,310.31; Whitney Vogel \$100.00; Yankton Co. Sheriff \$75.00.

Publishing: Aberdeen American News \$2,954.85; Groton Independent \$705.34; Hub City Radio \$750.00.

Transcriptions: Lynnel Bruemmer \$33.60.

Rentals: Ron Erdmann \$200.00; Zumbaum Property Mgmt. \$320.00.

Repairs & Maintenance: Ace Refrigeration \$153.00; B & B Contracting \$7,810.00; Clark Engineering \$29,812.06; Consolidated Ready Mix \$610.00; Crawford's \$48.15; Dakota Fluid Power \$1,550.95; Hollaway Construction \$13,806.72; House of Glass \$102.46; J Gross Equip. \$42.00; Liebelt's RV \$455.24; PowerPlan \$1,106.10; Quality Welding \$42.00; Schwan Welding \$142.00; Sewer Duck \$600.00; Sheehan Mack Sales \$2,338.89; Swanson Electric \$202.89; Swanston Equip. \$2,300.00; Walth Safety Service \$71.84.

Supplies: Achen Swiss Farms \$70.50; Active Data Systems \$879.73; Al-Shar Holsteins \$31.50; Alligare \$1,430.50; Aleigha Allison \$3.00; Ameripride \$172.76; Kaitlyn Anderson \$6.00; Jeremy/Alana Angstman \$63.00; Artz Equipment \$435.84; Bakken Build Maint. \$500.00; Behnke Pit \$5,397.99; Hailey Bruckner \$155.00; Cherrywood Milking Shorthorns \$81.00; Crawford's \$3,595.44; Crescent Electric Supply \$23.52; Dakota Fluid Power \$689.08; Dakota Oil \$1,264.15; DataSpec \$399.00; Drew Dennert \$7.50; Harmony Dorsets \$42.00; Dosch's TMD Katahdins \$67.50; Allison Duerre \$10.50; Brianna Duerre \$10.50; Nathan Duerre \$5.00; Shannon Duxbury \$21.00; Logan Ellingson \$7.50; Brianna Erdmann \$3.00; Farnam's Genuine Parts \$25.30; Flint Hills Resources \$50,010.24; Frey-View Dairy Farm \$121.00; Fritz Bruckner Montadale \$155.00; Full Circle Ag \$1,291.88; Kaitlin Geyer \$31.50; Great

Western Tire \$21,977.07; Jennifer Hanson \$21.00; Layne Hanson \$5.00; Megan Hanson \$7.50; Chance Hassebroek \$70.50; Trinatee Hassebroek \$15.00; Heartland Paper \$459.48; Jan Houghtaling \$138.00; Interstate Battery \$380.85; J Gross Equip. \$295.00; Brenna Johnson \$18.00; Ethan Johnson \$7.50; Porter Johnson \$10.50; Sterling Kappes \$10.50; Ken's \$1,738.08; Jake Krohmer \$10.50; Lar-Jo's \$177.55; Larry's Tool Sales \$252.39; Mac's \$138.58; Marco \$113.17; Menard's \$216.09; Tristan Meyer \$18.00; Midcontinent \$9,928.00; Midstates Printing \$115.50; Hanna Miller \$13.00; NCFE-Warner Elevator \$59,487.95; Newman Signs \$2,724.00; North Star Energy \$196.05; Northern Lites Jerseys \$10.50; Clay Osterday \$7.50; Steven Paulson \$21.00; Kale Pharis \$10.50; Photo-X-Press \$2,738.39; PowerPlan \$2,453.03; Quality Welding \$6.00; Race West Awards \$2,958.63; RCA Valley Angus \$12.50; Rossow Ranch Corriedales \$136.00; Running's \$2,256.64; Annabell Ryan \$7.50; Sauk Valley Holsteins \$28.50; Adrienne Schaunaman \$10.50; Kelcy Schaunaman \$10.50; Daniel Sharp \$27.00; Jessemy Sharp \$3.00; Travis Sharp \$10.50; Sheehan Mack Sales \$878.19; Brooke Skoglund \$7.50; Letitia Smith \$31.50; Brody Sombke \$21.00; Wyatt Sombke \$13.50; Taylor Laundry \$42.50; Thyne Farms \$49.50; Jerry Tollefson \$43.00; TrueNorth Steel \$18,253.00; Van Diest Supply \$4,077.55; Lane VanderWal \$5.00; Mitchell VanderWal \$7.50; Watertown (KDLO) Radio \$5,512.00; Hannah Web \$10.50; Weismantel Rent All \$250.00; Ava Wienk \$10.50; Wolff Suffolk's \$115.00; Taylor Wolff \$54.00; Trey Wright \$13.50; Logan Zimlicka \$10.50; Jordan Zoellner \$22.50; Riley Zoellner \$10.50; Walker Zoellner \$18.00; Zones \$609.69.

Travel & Conference: Jefferson Lines \$231.00; Tina McLeod \$94.30; Mark Milbrandt \$429.00; Whitney Vogel \$55.00.

Utilities: Aberdeen City Treasurer \$3,176.41; CenturyLink \$46.98; NVC \$1,325.03; NWPS \$47.30.

Other: SD Assoc. of County Officials \$1,380.00. All members present voting aye. Motion carried.

PERSONNEL:

Moved by Wiese, seconded by Hansen to approve the following employee step increases, effective September 15, 2013: Sara Hagman @ \$13.98 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to approve hiring Michele Cogley as part time Home Detention Officer, effective September 13, 2013 @ \$12.16/hr and acknowledge resignation of Lisa Holcomb effective August 16, 2013. All members present voting aye. Motion carried

Moved by Fischbach, seconded by Wiese to acknowledge the following miles driven and amounts to be taxed for personal use of County vehicles during the month of August 2013: Marcus Selzler—119 @ \$67.24, Mark Wendt—384 @ \$216.96, Kendell Titze—120 @ \$67.80, Jan Weismantel—76.80 @ \$43.39, Mike Scott—170 @ \$96.05, Gary Vetter—121 @ \$68.37. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Wiese to approve hiring Aaron Walberg as full-time Veterans Service Officer, effective September 16, 2013 at a prorated annual salary of \$43,000. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to authorize advertising for a full-time Landfill Labor Grade 4 position @ \$13.63/hr. All members present voting aye. Motion carried.

SPECIAL MALT BEVERAGE LICENSE:

Moved by Hansen, seconded by Fischbach to approve and authorize the Chairman sign the following Special Malt Beverage License Application: Aberdeen Area Chamber of Commerce – Lot 1 Budget Furniture Schumacker Subdivision NW ¼ Sec 22-T123N-R63W (OL D Schumacker), effective September 12, 2013. All members present voting aye. Motion carried.

AUDITOR'S REPORT OF ACCOUNT:

Moved by Fischbach, seconded by Hansen to approve the August 2013 Auditor's Report of Account with the County Treasurer in total amount of \$14,022,995.03 (total amount of actual cash @ \$3,800.00, US Bank @ \$28,651.71, Dacotah Bank @ \$279,975.86, Petty Cash @ \$2,000.00, Fund Investments @ \$13,708,567.46). All members present voting aye. Motion carried.

SHERIFF REPORT:

Moved by Wiese, seconded by Hansen to approve the following July 2013 Sheriff Report: Incidents and offenses, Prisoner care, JDC, and Money deposited with the County Treasurer. All members present voting aye. Motion carried.

CDBG-NEW TEC PROJECT:

Moved by Hansen, seconded by Fischbach to approve and authorize the Chairman to sign Payment Request #3 for the Community Development Block Grant for New Tec in amount of \$2,387.87. All members present voting aye. Motion carried.

GRANT APPLICATION STAINED GLASS WINDOW:

Moved by Wiese, seconded by Fischbach to approve and authorize chairman sign Deadwood Fund Grant Application for Courthouse Stained Glass Window Project in amount of \$25,000 (total project cost \$51,150). All members present voting aye. Motion carried.

SOLID WASTE SPECIAL ASSESSMENT FEES - 2014

Commissioner Fischbach offered the following Resolution:

RESOLUTION #77-13

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, 2014 through December 31, 2014, 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

- 171
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 10th of September 2013.

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

SOLID WASTE TIPPING FEE SCHEDULE - 2014

Commissioner Wiese offered the following Resolution:

RESOLUTION #78-13

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, 2014:

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		\$250.00per 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

Trees 1	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 10th of September 2013.

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

DISINTERMENT PERMIT:

Moved by Hansen, seconded by Wiese to acknowledge and accept Notice of Disinterment Permit (Kaiser & Owen) affecting Brown County from the SD Department of Health Vital Records. All members present voting aye. Motion carried.

SD WHEAT GROWERS ACCESS FOR HARVEST:

Phil Gilbert, Richard Traphagen and Blake Ronning met to discuss options for access to the SD Wheat Growers Grain Terminal on East Highway 12 during the upcoming harvest – access limited by US Highway 12 road construction and Bridge 238 weight limitations. The option of removing the trucks barred signs on 8th Ave NE when harvest begins and re-routing trucks across township roads was discussed. Jan Weismantel, Highway Superintendent will complete further research and suggested that dust proofing 4 miles of 8th Ave NE be considered on a cost share basis between SD Wheat Growers and Brown County if removal of trucks barred option is approved.

APPLICATION FOR OCCUPANCY:

Moved by Fischbach, seconded by Hansen to approve and authorize the Chairman to sign the following applications, submitted by Northern Electric for occupancy to provide underground power line: County Road 20 in Sec 11-T126N-R60W, County Road 10 in Sec 23-T122N-R64W, Brown County, SD. All members present voting aye. Motion carried.

EXECUTIVE SESSION:

Moved by Wiese, Seconded by Hansen to go into executive session to discuss possible litigation with Gary Vetter and Larry Lovrien in attendance. All members presented 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 September 24, 2013.

Andrea Sjomeling, Deputy Brown County Auditor

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

SEPTEMBER 24, 2013 - JOINT ABERDEEN CITY/BROWN COUNTY MEETING

The Brown County Commission and the Aberdeen City Council met in joint session at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present from City were Council Members Campbell, Johnson, Rux, Swanson and Mayor Levsen. Absent were Council Members Bunsness, Remily, Ronayne and Slaughter-Hanson. Present from County were Commissioners Hansen, Kippley, Fischbach, Wiese and Sutton. .

ORDINANCE #13-09-01/425:

On motion by Rux and seconded by Johnson, the City unanimously voted to approve First Reading of Ordinance #13-09-01/425.

ORDINANCE #13-09-01/425:

Moved by Kippley, seconded by Wiese to approve First Reading of Ordinance #13-09-01/425, An Ordinance to amend Ordinance No. 1164 to rezone the following described property from its present zoning designation of (A-1) Agricultural District to (M-AG) Mini-Agricultural District: Lot 1, Rohr Second Subdivision in the SW ¼ of Sec 36-T124N-R64W of the 5th P.M., Brown County, SD (12992 Rohr Drive). 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 \$_____.

SEPTEMBER 24, 2013 - JOINT FREDERICK CITY/BROWN COUNTY MEETING

The Brown County Commission and the Frederick City Council met in joint session at 8:50 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present from Frederick City were Council Member Scott Campbell and Mayor Dennis Kinslow. Council Member Tom Mayer was absent. Present from County were Commissioners Hansen, Kippely, Fischbach, Wiese and Sutton. .

ORDINANCE #188/081:

On motion by Campbell and seconded by Kinslow, Frederick City unanimously voted to approve First Reading of Ordinance #188/081.

ORDINANCE #188/081:

Moved by Hansen, seconded by Fischbach to approve First Reading of Ordinance #188/081, An Ordinance to amend Title 4, Second Revision Brown County Ordinances to rezone the following described property from its present zoning designation of Chapter 4.06 (AG-P) Agricultural Preservation District to Chapter 4.14 (H-C) Highway Commercial District: South Dakota Wheat Growers Tract 1 in the S ½ SW ¼ of Sec 2-T127N-R64W of the 5th P.M., Brown County, SD (10684 386th Ave). All members present voting aye. Motion carried.

The Frederick City Council adjourned and the County Commission continued in regular session.

Maxine Fischer, Brown County Auditor

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

SEPTEMBER 24, 2013 – 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, Kippely and Wiese. Chairman Sutton led the Pledge of Allegiance.

AWARDS/MEMORIAL:

The Commission presented the following employees with a Certificate of Appreciation for their years of service, 25 years: Mary Browning, John Heine, Sue Gates and Joyce DesCamps, 30 years: Janice More, 35 Years: Dave Bruckner and Kathy Schlecht, 40 years: Carl Wright. Sara Hagman, Deputy Auditor was congratulated upon receiving the 2013 Jim Fjerestad Memorial Leadership Award from SDPAA and SDML WC Fund. A Memorial Service is held at the SD County Convention each year dedicated to the memory of those who have passed away in the last year – Gloria Gooding, Register of Deeds Clerk 1972 - 1986; Elroy Johnson, Sheriff 1969-1983; Helen Reuer, Assessor Clerk 1968-1983.

MINUTES:

Moved by Fischbach, seconded by Wiese to approve the General Meeting minutes of September 10, 2013. All members present voting aye. Motion carried.

CLAIMS:

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

Payroll: Commission \$3,359.55; Commission Assistant \$1,923.08; Auditor \$8,458.67; Treasurer \$11,053.06; Data Processing \$3,101.62; State's Attorney \$14,148.70; Blood Draws \$650.00; SVAWA Grant \$1,269.24; Maintenance \$4,693.10; Assessor \$11,999.50; Register of Deeds \$7,775.14; Veterans Service Office \$1,722.21; GIS \$2,045.33; Sheriff Admin \$30,886.08; Jail \$33,044.75; Coroner 0; JDC \$15,364.81; HD \$4,467.65; Welfare Office \$2,939.69; Museum \$6,730.62; Parks & Fairgrounds \$4,788.80; Fair Board \$2,691.46; 4-H \$1,088.80; Weed \$3,643.93; Planning and Zoning \$1,384.80; Highway \$50,637.75; Communications \$19,718.27; Emergency Management \$3,033.11; Teen Court \$144.10; 24/7 \$2,501.41; Landfill \$11,602.48
Matching Benefits: FICA \$15,661.26; Medicare \$3,662.65; Life \$669.30; Dental \$5,975.50; Health Insurance \$100,218.58; Retirement \$31,847.67

Professional Fees: American Health & Safety \$67.00; Avera Queen of Peace \$129.80; Avera St. Luke's \$5,183.79; Brick TV & Appliance \$2,183.77; Ciaverella Design \$1,080.00; Denise Cody \$90.00; Christopher Dohrer \$5,770.83; Fox & Youngberg \$175.24; Jay Hennessy \$150.00; Kuck Law Office \$5,520.83; Language Line Services \$112.12; Lewis & Clark BHS \$480.00; Lucy Lewno \$870.80; Midstates Printing \$4.05; Gary Mikelson \$105.00; Mark Milbrant \$500.00; NADA Appraisal Guides \$294.00; NE Mental Health Center \$988.00; Dr. Janice Ophoven \$5,400.00; Pollard & Larson \$369.00; Gina Rogers \$5,520.83; Romeo Entertainment \$823.65; Christy Serr \$5,770.83; Shreve's Law Office \$276.45; Sivertsen Technology \$5,100.00; Spitzer-Miller Funeral Home \$1,845.00; Spot Freight \$1,585.00; Karen Swanda \$90.00; US Bank \$50.00; Mitch Vilhauer \$3,540.33; VRBR Productions \$1,002.31; West Payment Center \$130.40; Yankton Co. Sherriff Office \$100.00; Marla Zastrow \$8.46.
Publishing: Aberdeen American News \$1,575.99; Dakota Broadcasting \$462.00.

Transcriptions: Shepherd Reporting \$105.00.

Rentals: Dakota Electronics \$180.35; Dilo LLC \$280.00; Sayler Rentals \$320.00.

Repairs & Maintenance: B & B Contracting \$12,210.00; Climate Control \$1,752.80; Cunningham Electric \$1,014.90; Custom Sheet Metal \$160.00; Dakota Fluid Power \$1,190.41; Diesel Machinery \$14.00; Fay's Refrigeration \$1,877.00; GCR Tire Center \$649.64; Hoven Auto Repair \$37.00; Lien Transportation \$15,406.37; Pheasantland Industries \$43.29; Pierson-Ford \$475.10; Specialty Mfg. \$40.60; Steven Lust Automotive \$52.50; US Bank \$943.09.

Supplies: 446-Praxair \$216.51; A & B Business \$29.15; A-1 Locksmithing \$6.00; Aberdeen Asphalt \$1,436.62; Aberdeen Chrysler Center \$59.95; Aberdeen Plumbing & Heating \$1,750.70; American Health & Safety \$308.20; Ameripride Services \$201.95; Best Business Products \$176.80; Bonnie Bitz \$160.00; Cartney Bearing \$540.98; Cash-Wa \$5,451.02; Dakota Supply Group \$457.75; Dept. of the Army \$1,250.00; Diesel Machinery \$320.84; Do-All Insulation \$11,020.00; Christopher Dohrer \$33.30; DT Pharmacy \$2,143.14; Earthgrains \$473.89; Economy Propane \$104.90; Flint Hills Resources \$78,508.78; Gall's \$681.00; GovConnection \$940.46; Heartland Paper \$1,738.89; House of Glass \$83.76; Intoximeters \$2,000.00; KDLT \$1,990.00; Kessler's \$1,553.91; KSJB/KSJZ \$1,695.00; Leidholt Electric \$372.18; Lewis Drug \$8.94; Lien Transportation \$127,726.96; Marco \$217.81; Matthew Bender \$12.00; McFarland Supply \$302.19; Menards \$1,031.22; Midstates Printing \$41.70; Moore Medical \$50.06; NCFE-Warner Elevator \$29,387.40; Neves Uniforms \$2,715.72; NSU Finance Office \$50.00; Palmer Distributing \$8.50; Pheasantland Industries \$1,571.75; Sanford Health \$35.00; SD Federal Property Agency \$100.00; SD Planner's Assoc. \$55.00; Christy Serr \$364.00; Sewing Shoppe \$35.00; Sherwin Williams \$11.34; SD Magazine \$285.00; Specialty Mfg. \$210.72; Taylor Laundry \$63.00; The New Mix 93.3 \$1,695.00; Brett Toennies \$205.83; Tractor Supply \$13.72; Tri-State Water \$37.75; Tyler Business Forms \$194.24; United Clinic Pharmacy \$25.48; US Bank \$6,565.47; Van Diest Supply \$189.70; Volk Upholstery \$35.00; Vosika Fencing \$11,910.00; Webb Shoe \$189.95; Zones \$683.96.

Travel & Conference: AmericInn \$221.70; Avera St. Luke's \$300.00; Stan Beckler \$19.74; Best Western Ramkota \$1,764.95; Darwin Bettmann \$14.10; City of Groton \$82.51; Executive Mgmt. Finance \$984.18; Don Fischer \$11.00; Kathy Fischer \$270.28; Maxine Fischer \$348.95; Nancy Hansen \$346.19; Jay Hennessy \$115.00; Holiday Inn & Convention Center \$260.97; Nyle Jenson \$11.00; Teri Jondahl \$38.00; Patrick Keatts \$33.84; Dale Kurth \$107.16; Barry Kusler \$380.26; Amy Lake-Harmon \$133.41; Gene Loeschke \$463.45; Scott Meints \$316.44; Mike Merkel \$113.46; Russell Metz \$631.24; David North \$107.16; Pennington Co. Sheriff's Office \$68.10; Mike Scott \$11.00; SD Planners Assoc. \$80.00; SD Solid Waste Mgmt. Assoc. \$200.00; Jerome Streckfuss \$36.66; Super 8 Spearfish \$147.98; Duane Sutton \$439.90; US Bank \$5,235.66; Patti Woods \$104.00; Mary Worlie \$270.28.

Utilities: Aberdeen City Treasurer \$4,728.74; CenturyLink \$1,444.42; City of Groton \$224.34; City of Hecla \$82.69; Dependable Sanitation \$24,450.52; Economy Propane \$168.75; Executive Mgmt. Finance \$1,318.67; James Valley \$217.10; Northern Electric Coop. \$1,126.39; NVC \$573.62; Northern Wireless \$291.45; Montana-Dakota \$194.75; NWPS \$29.72; Town of Frederick \$32.25; US Bank \$999.93; Verizon Wireless \$2,666.55.

Other: James River Water Dist. \$1,295.27; New Tec \$2,387.87; Pizza Ranch \$101.94; Safe Harbor \$1,620.00; SD Assoc. of County Officials \$1,480.00. All members present voting aye. Motion carried.

PERSONNEL:

Moved by Wiese, seconded by Fischbach to approve the following employee step increases, effective September 29, 2013: Ross Erickson @ \$18.29 per hour, Jessica Rychlik @ \$13.13 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Kippley to approve hiring Roy Oberle as full time Correctional Officer in the Jail, effective September 23, 2013 @ \$13.60/hr. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Sutton to approve hiring Allie Ryckman as Deputy Coroner, effective September 20, 2013, at \$150.00 per call. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Fischbach to approve employee status change for Jared Embury (JDC) to part-time, effective September 15, 2013. All members present voting aye. Motion carried.

Moved by Kippley, seconded by Fischbach to approve hiring Nadine Menning as part time 24/7 sobriety, effective September 24, 2013 @ \$11.37/hr. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Wiese to approve hiring Catherina Sauer as full time Deputy Auditor - Elections, effective September 17, 2013 @ \$12.69/hr. All members present voting aye. Motion carried.

FENCE PROJECT COST SHARE:

Moved by Wiese, seconded by Kippely to amend Fence Project cost share in the Minutes dated July 16, 2013, change Marco share @ \$2630 to Steve Stickelmyer share @ \$2630. All members present voting aye. Motion carried.

LEASE AGREEMENT:

Moved by Fischbach, seconded by Wiese to waive Club House rental fee of \$275 for Veterans Event September 13 & 14, 2013; and waive all camping fees for Veterans attending the event. All members present voting aye. Motion carried.

SHERIFF REPORT:

Moved by Hansen, seconded by Wiese to approve the following August 2013 Sheriff Report: Incidents and offenses, Prisoner care, JDC, and Money deposited with the County Treasurer. All members present voting aye. Motion carried.

COLUMBIA-RESTRICTED SW PERMIT:

Commissioner Fischbach offered the following Resolution:

RESOLUTION #79-13

Authorizing the Renewal of a Restricted Use Solid Waste Disposal Facility Permit
for the City of Columbia

WHEREAS, the City of Columbia 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 (DENR); and

WHEREAS, the DENR will review the application for renewal to determine that the facility can be operated within the 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 24th day of September 2013 by the Brown County Commission.

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

PLATS:

Commissioner Wiese offered the following Resolution:

RESOLUTION #80-13

BE IT RESOLVED by the Board of County Commissioners of Brown County, South Dakota, that the plat showing Eckrich Conservation Easement Tract 1, Eckrich Conservation Easement Tract 2 and Eckrich Conservation Easement Tract 3, located in the E ½ NW ¼ and the NW ¼ SW ¼ of Section 24, T126N, R62W, 5th 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, Kippley-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

RESOLUTION #81-13

BE IT RESOLVED by the County Commission of Brown County, South Dakota, that the plat showing "Beaner Addition in SE ¼ NE ¼ Sec. 22-T123N-R64W of the 5th 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, Kippley-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Resolution adopted

Commissioner Wiese offered the following Resolution:

RESOLUTION #82-13

BE IT RESOLVED by the County Commission of Brown County, South Dakota, that the plat showing "Siefken First Subdivision in SE ¼ Sec. 28-T124N-R64W of the 5th 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, Kippley-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Resolution adopted

Commissioner Wiese offered the following Resolution:

RESOLUTION #83-13

BE IT RESOLVED by the County Commission of Brown County, South Dakota, that the plat showing "Eighth Addition to Ashwood Heights Subdivision City of Aberdeen, in the SW ¼ of Sec. 8-T123N-

R63W of the 5th 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, Kippley-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Resolution adopted

Commissioner Wiese offered the following Resolution:

RESOLUTION #84-13

BE IT RESOLVED by the Board of County Commissioners of Brown County, South Dakota, that the plat showing Bill and Bonnie Unser First Addition in the NE ¼ of Sec. 2-T122N-R64W of the 5th 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, Kippley-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Resolution adopted

Commissioner Wiese offered the following Resolution:

RESOLUTION #85-13

BE IT RESOLVED by the County Commission of Brown County, South Dakota, that the plat showing “Northwood First Consolidation Subdivision in Northwood First Subdivision in NE ¼ Sec. 6-T123N-R63W of 5th 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, Kippley-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Resolution adopted

BMX LEASE OPTION RENEWAL ADDENDUM:

Moved by Wiese, seconded by Kippley to approve addendum for first three-year renewal option (January 1, 2013 – December 31, 2013 for lease of county property on 1st Ave SE for purpose of pedal bike activities with Aberdeen Exchange BMX Tract #1075; and include additional parking area directly west of the BMX track in lease. All members present voting aye. Motion carried.

ABATEMENT:

Moved by Wiese, seconded by Hansen to approve and authorize the Chairman sign abatement for Dallas Niederbaumer, lowering valuation from 3,050 to 0 (condemned mobile home). All members present voting aye. Motion carried.

2014 ANNUAL BUDGET:

Commissioner Wiese offered the following Resolution:

ANNUAL BUDGET FOR BROWN COUNTY, SD
For the Year January 1, 2014 to December 31, 2014

RESOLUTION #86-13

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, 2014 and ending December 31, 2014 and the same is hereby approved and adopted by the Board of County Commissioners of Brown County, South Dakota, this 24th day of September, 2013. 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, 2014 through December 31, 2014.

COUNTY TAX LEVIES WITHIN LIMITED LEVY	Dollars	\$'/1,000
*General County Purposes (10-12-9)	\$12,553,122	4.319
TOTAL TAXES LEVIED BY COUNTY	\$12,553,122	4.319

*These amounts include the 25% to be distributed to cities.

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

TEEN COURT JABG APPLICATION:

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman to sign application for Department of Corrections – Juvenile Accountability Block Grant in amount of \$11,640.00 (90% DOC, 10% County), effective October 1, 2013 – September 30, 2014. All members present voting aye. Motion carried.

STATE WATER PLAN APPLICATION:

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman sign SD Department of Environment and Natural Resources State Water Plan Application for Unit 2, Cell 2 Construction at the Landfill. All members present voting aye. Motion carried.

EXECUTIVE SESSION:

Moved by Hansen, Seconded by Wiese to go into executive session to discuss personnel with Mike Scott, Andrea Sjomeling, Maxine Fischer, Gary Vetter and Larry Lovrien 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 Hansen, seconded by Fischbach to approve and authorize the Chairman to sign the following applications, submitted by James Valley Telecommunications for occupancy to provide telecommunications: County Road 27 in Sec 6-T120N-R63W, Sec 1-T120N-R64W and Sec 35/36-T121N-R64W. County Road 20 in Sec 2-T126N-R60W. County Road 23 in Sec 3-T121N-R61W. Day County side of Brown County Road 20 in Sec 25/36-T122N-R60W and Sec 1-T121N-R60W, Brown County, SD. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Kippley to approve and authorize the Chairman to sign the following application, submitted by Northern Electric for occupancy to provide underground power line: County Road 16 in Sec 9-T124N-R62W, Brown County, SD. All members present voting aye. Motion carried.

BR238 BID AWARD:

Moved by Wiese, seconded by Kippley to approve SD DOT Item 3, September 18, 2013 Bid Letting for Bridge 238 BRF 6251 (06), PCN 034S, Structure & Approach Grading (167' 3-Span Prestressed Concrete Girder Bridge from Grangaard Construction in the amount of \$1,030,948.20; rejecting Sioux Falls Construction Company @ \$1,122,410.47, Industrial Builders Inc @ \$1,229,161.35, Swingen Construction Company @ \$1,405,070.90. All members present voting aye. Motion carried.

COUNTY ROAD 19 PAYMENT REQUEST #2:

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman sign Payment Request #2 for Reconstruction of Brown County Hwy 19 from 8th Ave. NE. to molded fiberglass entrance in amount of \$97,226.19. All members present voting aye. Motion carried.

EXECUTIVE SESSION:

Moved by Hansen, seconded by Kippley to go into executive session to discuss personnel with Jan Weismantel, Chris White, Gary Vetter and Larry Lovrien 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.

WEBSITE DISCUSSION:

Paul Sivertsen discussed a unified website for Brown County. No action was taken at this time.

EXECUTIVE SESSION:

Moved by Hansen, seconded by Wiese to go into executive session to discuss contracts with Chris White, Sonje Oban, Gary Vetter and Larry Lovrien 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 personnel with John McQuillen, Jim Petrich, Gary Vetter and Larry Lovrien 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 Kippley to approve re-hiring Cortney Paul, Dispatcher, effective October 1, 2013 @ \$14.49/hr. All members present voting aye. Motion carried.

COURTHOUSE ELEVATOR BID CHANGE ORDER:

Moved by Wiese, seconded by Hansen to approve and authorize the Chairman sign Change Order #1 for the Courthouse Elevator Project by extending completion date from December 31, 2013 to February 28, 2014, with no monetary change in the bid. All members present voting aye. Motion carried.

EXECUTIVE SESSION:

Moved by Wiese, Seconded by Hansen to go into executive session to discuss personnel with Gary Vetter and Larry Lovrien 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.

ADJOURNMENT:

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

Andrea Sjomeling, Deputy Brown County Auditor

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

OCTOBER 1, 2013 - JOINT ABERDEEN CITY/BROWN COUNTY MEETING

The Brown County Commission and the Aberdeen City Council met in joint session at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present from City were Council Members Campbell, Johnson, Ronayne, Swanson and Mayor Levsen. Absent were Council Members Bunsness, Remily, Rux and Slight-Hanson. Present from County were Commissioners Kippley, Fischbach, Wiese and Sutton. Commissioner Hansen was absent.

ORDINANCE #13-09-01/425:

On motion by Campbell and seconded by Ronayne, the City unanimously voted to approve Second Reading and Adoption of Ordinance #13-09-01/425.

ORDINANCE #13-09-01/425:

Moved by Fischbach, seconded by Wiese to approve Second Reading and Adoption of Ordinance #13-09-01/425, An Ordinance to amend Ordinance No. 1164 to rezone the following described property from its present zoning designation of (A-1) Agricultural District to (M-AG) Mini-Agricultural District: Lot 1, Rohr Second Subdivision in the SW ¼ of Sec 36-T124N-R64W of the 5th P.M., Brown County, SD (12992 Rohr Drive). Roll call vote: Commissioners Hansen-absent, Kippley-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 \$_____.

OCTOBER 1, 2013 - JOINT FREDERICK CITY/BROWN COUNTY MEETING

The Brown County Commission and the Frederick City Council met in joint session at 8:50 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present from Frederick City were Council Member Scott Campbell and Mayor Dennis Kinslow. Council Member Tom Meyer was absent. Present from County were Commissioners Kippley, Fischbach, Wiese and Sutton. Commissioner Hansen was absent.

ORDINANCE #188/081:

On motion by Campbell and seconded by Kinslow, Frederick City unanimously voted to approve Second Reading and Adoption of Ordinance #188/081.

ORDINANCE #188/081:

Moved by Fischbach, seconded by Kippley to approve Second Reading and Adoption of Ordinance #188/081, An Ordinance to amend Title 4, Second Revision Brown County Ordinances to rezone the following described property from its present zoning designation of Chapter 4.06 (AG-P) Agricultural Preservation District to Chapter 4.14 (H-C) Highway Commercial District: South Dakota Wheat Growers Tract 1 in the S ½ SW ¼ of Sec 2-T127N-R64W of the 5th P.M., Brown County, SD (10684 386th Ave). Roll call vote: Commissioners Hansen-absent, Kippley-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Ordinance adopted.

The Frederick City Council adjourned and the County Commission continued in regular session.

Maxine Fischer, Brown County Auditor

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

OCTOBER 1, 2013 – GENERAL MEETING

The Brown County Commission convened at 8:45 a.m., October 1, 2013 in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Sutton, Fischbach, Kippley and Wiese. Absent was Commissioner Hansen. Chairman Sutton led the Pledge of Allegiance.

MINUTES:

Moved by Wiese, seconded by Fischbach to approve the General Meeting minutes of September 24, 2013, as amended to include the following motion, inadvertently left out:

2014 PROVISIONAL BUDGET AMENDMENTS:

Moved by Hansen, seconded by Wiese to amend the 2014 Provisional Budget by shifting \$100,000.00 from Weed Budget to Highway; decrease County Nurse Budget by \$8,240.00 to reflect contract amount; increase Commission Assistant Budget by \$17,035.00 for HR position; increase Museum Budget by \$12,000.00, previously cut. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to amend the 2014 Provisional Budget line items, as follows: Commission Assistant from \$155,201.00 to \$172,236.00; County Nurse from \$26,780.00 to \$18,540.00; Museum from \$342,685.00 to \$354,685.00; Weed Program from \$253,640.50 to \$153,640.50; Operating Transfers Road & Bridge from \$4,199,256.64 to \$4,299,256.64; Total Appropriations from \$16,512,792.16 to \$16,533,587.16; Cash balance applied from \$2,260,631 to \$2,212,245.46; Current Property Tax Levy from \$12,482,846.00 (less \$22,171 to cities) to \$13,178,741.26 (less \$22,171 to cities and less \$625,619.26 to TIF increment); Total Means of Finance from \$16,512,793 to \$16,533,587.16. Special Revenue Funds: Road and Bridge from \$8,235,757 to \$8,335,756.64, Total Appropriations from \$8,279,757 to \$8,379,756.64, Other Financing Sources from \$4,215,256.64 to \$4,315,256.64, Total Means of Finance from \$8,279,756.64 to \$8,379,756.64. All other line items remaining as stated in the Provisional Budget. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Fischbach to approve the Joint Aberdeen City Meeting minutes and the Joint Frederick City Meeting minutes of September 24, 2013. All members present voting aye. Motion carried.

CLAIMS:

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

Professional Fees: Aberdeen Advanced Care Ambulance \$101.84; Aberdeen Surgical Assoc. \$697.55; AMG Anesthesiology \$80.00; AMG Ear, Nose & Throat \$114.74; Avera St. Luke's \$9,658.30; Certified Languages \$31.35; Dental Center \$112.33; Tammy Erickson \$100.00; Gypsy Day Committee \$20.00; Harmelink, Fox & Ravensborg Law \$134.00; Language Line Services \$183.25; Leidholt Electric \$135.91; Moore Medical LLC \$45.75; Sanford Health \$85.34; Schneider Corp. \$2,265.00; SD Dept. of Revenue & Regulation \$1,245.00; SDN \$1,211.00; Brad Stolsmark \$150.00; Twin Cities Fantasy Factory \$600.00; Zylstra Investigations \$2,042.33.

Publishing: Aberdeen American News \$78.61.

Transcriptions: Michelle Gaikowski \$1,960.80; Shepherd Reporting \$120.00.

Rentals: Scott Sikkink \$300.00.

Repairs & Maintenance: B & B Contracting \$22,232.50; Clark Engineering \$18,293.21; Farm Power Mfg. \$6.00; G & K Services \$292.06; Lawson Products \$22.55; Lien Transportation \$97,226.19; Sand Lake Tree \$2,300.00; Titan Access \$117.57.

Supplies: A & B Business \$322.00; Aberdeen Pit Stop \$435.28; Alligare \$2,070.25; Butler Machinery \$273.57; Carlsen Funeral Home \$36.08; CarQuest Auto \$840.40; CMRS-FP \$5,000.00; Crescent Electric Supply \$738.30; Danko Emergency Equip. \$289.73; Dex Media \$184.72; Diesel Machinery \$1,785.00; Farm Power Mfg. \$257.74; Fastenal \$442.10; Heartland Paper \$3,909.51; Ken's SuperFair Foods

\$1,462.27; Lang's \$1,244.99; Lawson Products \$303.74; Lien Transportation \$414,883.81; Marco \$308.74; Matthew Bender & Co. \$76.89; Menards \$32.46; Midwest Rubber Stamp \$35.00; Moore Medical LLC \$393.90; NCFE- Warner Elevator \$20,523.08; RDO Equip. \$81.46; Schwan Welding \$303.94; SD Continuing Legal Education \$500.00; SD Secretary of State \$30.00; SD Snow Queen \$500.00; Nick Tesch \$10.50; Titan Access \$79.70; Webb Shoe Co. \$175.95.

Travel & Conference: Sheila Enderson \$361.03; Tom Fischbach \$578.31; Lynn Heupel \$249.45; Jefferson Lines \$246.00; Britney Lout \$329.32; Rachel Kippely \$413.79; Jesse Milbrandt \$72.00; Janice Moore \$97.00; Clay Nelson \$318.44; Rocky Mountain Fairs Assoc. \$350.00; SDSU-SDLTAP \$70.00; Brad Stolsmark \$35.00; Jan Weismantel \$49.00; Mike Wiese \$351.02.

Utilities: Aberdeen City Treasurer \$139.47; AT & T Mobility \$232.55; CenturyLink \$2,447.05; Dependable Sanitation \$165.00; Midcontinent \$557.62; Montana Dakota Utilities \$24.05; NWPS \$1,063.32.

Other: Ride Line \$2,000.00; Silpada Designs \$325.00. All members present voting aye. Motion carried.

PERSONNEL:

Moved by Fischbach, seconded by Kippely to approve the employee status change for Randy Kutter from Highway Mechanic to Landfill Equipment Operator; effective October 21, 2013 @ \$14.55 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Fischbach to approve hiring Amber Johnson as a full-time Dispatcher; effective October 7, 2013 @ \$13.89 per hour. All members present voting aye. Motion carried.

Moved by Kippely, seconded by Fischbach approve hiring Morgan Black for 24/7 Program; effective October 1, 2013 @ \$11.37 per hour and to acknowledge the resignation of Nadine Menning. All members present voting aye. Motion carried.

Moved by Kippely, seconded by Fischbach to acknowledge the resignation of Marckus Selzler from the Highway Department; effective October 9, 2013. All members present voting aye. Motion carried.

MEMORANDUM OF UNDERSTANDING-FISHING PIER:

Moved by Kippely, seconded by Fischbach to approve and authorize Chairman to sign Memorandum of Understanding between Brown County and Frederick Men's Club. In consideration for permission to use Brown County's property located in SE ¼ of Sec 31-T128N-R65W, Brown County, SD, for the ADA Floating Fishing Pier, Frederick Men's Club agrees to indemnify and hold harmless Brown County, its officers, agents and employees, from and against any and all damage, loss, liability, injury, investigatory expenses or costs, or any claim thereof (including attorney's fees and costs), to persons or property which may arise as a result of the use of the above described property. This Memorandum of Understanding does not require Frederick Men's Club to be responsible for or to defend against claims or damages arising solely from acts or omissions of Brown County, its officers, agents and employees. All members present voting aye. Motion carried.

RESTRICTED USE SITE PERMIT:

Commissioner Fischbach offered the following Resolution:

RESOLUTION #87-13

Authorizing the Renewal of a Restricted Use Solid Waste Disposal Facility Permit
for the City of Groton

WHEREAS, the City of Groton desires to renew permit for a Restricted Use Solid Waste

Disposal Facility for continued operation of the rubble and compost site south of Groton; 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 (DENR); and

WHEREAS, the DENR will review the application for renewal to determine that the facility can be operated within the 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 1st day of October 2013 by the Brown County Commission.

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

FLEXIBLE SPENDING ACCOUNT PLAN:
Commissioner Kippley offered the following Resolution:

RESOLUTION #88-13

Amend and Update the Flexible Spending Account Plan Document
for Wage Works

The undersigned authorized individual of Brown County (the "Entity") hereby certifies that the following resolutions were duly adopted by the applicable Committee of the Entity on October 1, 2013, and that such resolutions have not been modified or rescinded as of the date hereof:

RESOLVED, that the Flexible Spending Account Plan (the "Plan") was duly adopted by the Committee July 1, 1990;

RESOLVED, that the Entity wishes to amend and restate the Plan as set forth in the attached Plan Document and Summary Plan Description.

RESOLVED, that the Administrator is authorized to take such actions that are deemed necessary and proper in order to implement the Plan, effective October 1, 2013, and to set up adequate accounting and administrative procedures under the Plan;

RESOLVED, that the proper officers of the Entity shall act as soon as possible to notify the employees of

the Entity of the adoption of the amended and restated Plan by delivering to each employee a copy of the Summary Plan Description of the Plan;

NOW, IT IS THEREFORE RESOLVED that the County Commission of Brown County hereby approves the Brown County Flexible Spending Account Plan Document and Summary Plan Description.

Approved this 1st day of October 2013 by Brown County Commission.

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

DELTA DENTAL RATES:

Moved by Kippley, seconded by Wiese to approve the 2014 Delta Dental Rates for employee dental insurance: \$38.86 – Single, \$73.32 - Two-Party, and \$115.90 - Family. All members present voting aye. Motion carried.

NORTH STAR AMUSEMENTS:

Moved by Kippley, seconded by Wiese to authorize the State's Attorney to send a letter to North Star Amusements. All members present voting aye. Motion carried.

CENTURYLINK BULK RATE AGREEMENT:

Moved by Fischbach, seconded by Kippley to authorize Chairman Sutton to sign the Bulk Rate Agreement with CenturyLink. Brown County is executing this Authorized Purchaser Agreement for the purpose of receiving services from CenturyLink, pursuant to this Authorized Purchaser Agreement at the rates, charges and discounts set forth in the ICB Agreement, including any subsequent additions or modifications to such rates, charges and discounts. All members present voting aye. Motion carried.

APPLICATIONS FOR OCCUPANCY:

Moved by Fischbach, seconded by Kippley to approve and authorize the Chairman to sign applications submitted by East River Electric for occupancy of County Road 13, Sec 22-T124N-R62W, Sec 23-T124N-R62W, Sec 19-T124N-R61W and Sec 20-T124N-R61W, for soil boring testing. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Wiese to approve and authorize the Chairman to sign application submitted by Northern Electric for occupancy of County 16, Sec 8-T124N-R62W, for buried cable. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Wiese to approve and authorize the Chairman to sign application submitted by James Valley Telecommunications for occupancy of County Road 11, Sec 20-T125N-R60W, to provide telecommunications. All members present voting aye. Motion carried.

Moved by Kippley, seconded by Fischbach to approve and authorize the Chairman to sign application submitted by NorthWestern Energy for occupancy of County Road 23, Sec 4-T121N-R63W and Sec 33-T122N-R63W, to provide electricity. All members present voting aye. Motion carried.

BROWN COUNTY 14W PROJECT:

Moved by Wiese, seconded by Kippley to approve and authorize the Chairman to sign Change Order #1(Final) for Br. Co. Hwy. 14W PC Concrete Paving, reducing the cost of project by \$211.50, for a final project cost of \$670,113.20. All members present voting aye. Motion carried.

189

Moved by Fischbach, seconded by Wiese to approve and authorize the Chairman to sign Payment Request #2 (Final) for Br. Co. Hwy. 14W PC Concrete Paving to Upper Plains Contracting in the amount of \$402,407.93. All members present voting aye. Motion carried.

Moved by Kippley, seconded by Sutton to approve and authorize the Chairman to sign the Certificate of Final Completion for Br. Co. Hwy. 14W PC Concrete Paving for Upper Plains Contracting. All members present voting aye. Motion carried.

SNOW REMOVAL:

Gary Vetter, Commission Assistant discussed snow removal for county lots. Commission requested that quotes be obtained.

PREDATORY ANIMAL REPORT:

Commission Assistant, Gary Vetter, shared a report from the South Dakota Game Fish & Parks showing the number of predatory animals in Brown County. Commissioners requested that Gary contact them to come in and talk about this situation further.

BID – DEMOLITION OF BUILDING:

Moved by Wiese, seconded by Kippley to authorize advertising public hearing to open, read and consider bids for the demolition of County owned building at 2 N. Main St., Aberdeen (RR OL 3, SW ¼ of Sec 13-T123N-R64W) to be held in the Commissioner's Chambers, Courthouse Annex, Brown County, SD at 8:45 a.m. on October 22, 2013. All members present voting aye. Motion carried.

EXECUTIVE SESSION:

Moved by Kippley, seconded by Sutton to go into executive session to discuss contracts with Larry Lovrien, Chris White, 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.

EXECUTIVE SESSION:

Moved by Fischbach, seconded by Wiese to go into executive session to discuss personnel with Larry Lovrien, Chris White, 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

LIVESTOCK COMMITTEE:

Moved by Kippley, seconded by Wiese to authorize the Livestock Committee to use Brown County's Tax ID number on a US Bank checking account; for the express purpose of livestock entry fee and sponsorship revenue and expenditures for participant premiums, certificates and recognition awards. All members present voting aye. Motion carried.

RECESS:

The Chairman declared the Commission recessed until October 8, 2013.

Lynn Heupel, Brown County Chief Deputy Auditor

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

OCTOBER 8, 2013 – GENERAL MEETING

Meeting called to order by Chairman Sutton at 8:45 a.m., October 8, 2013 in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Sutton, Kippley and Hansen. Absent were Commissioners Fischbach & Wiese. Chairman Sutton led the Pledge of Allegiance.

MINUTES:

Moved by Kippley, seconded by Hansen to approve the minutes for the Joint Aberdeen City Meeting, Joint Frederick City Meeting and General Meeting of October 1, 2013. All members present voting aye. Motion carried.

CLAIMS:

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

Payroll: Commission \$3,359.55; Commission Assistant \$1,923.08; Auditor \$8,777.62; Treasurer \$11,053.07; Data Processing \$3,002.40; State's Attorney \$14,320.12; Blood Draws \$700.00; SVAWA Grant \$1,269.24; Maintenance \$4,810.60; Assessor \$11,999.49; Register of Deeds \$7,729.01; Veterans Service Office \$3,453.63; GIS \$2,045.33; Sheriff Admin \$30,648.47; Jail \$29,946.13; Coroner \$1,500.00; JDC \$14,124.73; HD \$4,882.19; Welfare Office \$2,939.69; Museum \$6,730.62; Parks & Fairgrounds \$4,720.36; Fair Board \$2,633.28; 4-H \$1,088.80; Weed \$3,909.99; Planning and Zoning \$2,222.52; Highway \$54,109.67; Communications \$16,755.79; Emergency Management \$3,033.11; Teen Court \$572.80; 24/7 \$2,490.05; Landfill \$10,011.44.

Matching Benefits: FICA \$15,578.14; Medicare \$3,643.26.

Professional Fees: AMG Internal Medicine \$276.86; Norma Andersen \$15.00; Avera St. Luke's \$1,380.68; Language Line Services \$326.40; LBG \$410.30; Lucy Lewno \$150.46; Lincoln Co. Treasurer \$108.00; SD Dept. of Legislative Audit \$29,830.00; Sivertsen Technology \$4,950.00; Kristi Spitzer \$449.00; Karen Swanda \$15.00; Patti Woods \$300.00; Yankton Co. Sheriff \$25.00; Yankton Co. Treasurer \$496.40; Zylstra Investigations \$175.00.

Publishing: Aberdeen American News \$1,181.88; Dakota Broadcasting \$532.00.

Rentals: Jency Agency \$300.00; NB Golf \$7,941.00; Sewer Duck \$195.00; Matthew Vogel \$260.00; Maureen Wolf \$260.00.

Repairs & Maintenance: A-1 Sanitation \$193.00; Aberdeen Chrysler Center \$179.50; Dana Breske \$190.74; Butler Machinery \$1,498.83; Clark Engineering \$22,198.30; Crawford Trucks & Equip. \$99.43; Dakota Doors \$157.14; Dakota Electronics \$898.39; Dakota Fluid Power \$21.50; Dakota Supply Group \$4.25; Farm Power Mfg. \$21.65; Farnams Genuine Parts \$24.56; Grabar Voice & Data \$1,353.00; Hedahl's \$56.00; Casey Jensen \$118.47; Olympic Sales \$55.59; PowerPlan \$435.40; Service Signs \$7,558.18; Sheehan Mack Sales \$4,246.66; Upper Plains Contracting \$402,407.93; Western States Fire \$3,248.88.

Supplies: 446 Praxair \$231.06; American Health & Safety \$72.31; Ameripride Services \$172.76; Baker & Taylor \$45.85; Bakken Building Maint. \$500.00; Bonnie Bitz \$192.00; Dana Breske \$9.99; Cartney Bearing \$131.30; Cash-Wa Dist. \$19.35; Crawford Trucks & Equip. \$5,984.86; Dakota Electronics \$3,637.25; Dakota Fluid Power \$1,429.81; Dakota Oil \$3,936.16; Dakota Supply Group \$479.30; Dakota Tree Co. \$200.00; DPM Petty Cash \$66.76; DT Pharmacy \$1,200.00; E-Zee Supply \$1,227.69; Earthgrains \$359.19; Eilers \$310.50; Farnams Genuine Parts \$78.14; Fastenal \$74.44; Fred Pryor Seminars \$199.00; GovConnection \$2,228.37; Grassland Farms \$200.00; Great Western Tire \$425.44; Hecla Implement \$16.25; Hedahl's \$3.50; Interior Design Concepts \$306.75; Interstate Battery \$329.90; Jason's Electric \$488.89; Ken's SuperFair Foods \$453.71; Kuck Law Office \$63.75; Lang's \$50.00; Lien Transportation \$175,859.62; Mac's \$33.98; Marco \$118.15; Matthew Bender & Co. \$37.40; McFarland Supply \$18.46; Menard's \$597.20; Midstates Printing \$374.31; NCFE-Warner Elevator \$13,340.79; Nelson Sales \$22.72; NVC \$70.17; Pheasantland Industries \$222.42; Photo-X-Press \$122.08; PowerPlan \$378.00; Runnings \$378.19; Services Signs \$43.20; Share Corp \$120.00; Sheehan Mack Sales \$289.34;

Sivertsen Technology \$420.00; Specialty Mfg. \$2.30; Tactical Technologies \$266.00; Taylor Laundry \$39.50; United Clinic Pharmacy \$9.25; United Distributing \$176.00; Walth Safety Service \$165.90; WePe Industry \$299.00; West Payment Center \$1,411.90; Woodman Refrigeration \$772.00; Zastrow's \$91.00; Zones \$456.91.

Travel & Conference: Sue Gates \$290.39; Holiday Inn \$695.92; Leo Leshner \$301.27; Sherri Rawstern \$146.64; Carol White \$160.27.

Utilities: Aberdeen City Treasurer \$1,307.77; AT & T Mobility \$1,384.86; BDM Rural Water \$35.00; CenturyLink \$46.98; City of Hecla \$96.53; Economy Propane \$553.50; James Valley \$217.90; Menard's \$8.00; Midwest Alarm \$471.50; NVC \$2,557.81; NWPS \$13,174.70; Town of Frederick \$32.25; Verizon Wireless \$152.86; Web Water \$81.19.

Other: SD Assoc. of County Officials \$1,238.00; SD Dept. of Revenue & Regulation \$3,622.31. All members present voting aye. Motion carried.

PERSONNEL:

Moved by Kippley, seconded by Hansen to approve the following step increases effective October 13, 2013: Nyle Jensen @ 15.87 per hour; Terrence Evans @ 20.29 per hour; Mariann Malsom @ 14.15 per hour; Kathy Thompson @ 15.95 per hour; Albert Chagolia @ 15.17 per hour; Nathan Smith @ 18.60 per hour; Glenn Neumiller @ 15.68 per hour; Christopher Brick @ 13.91 per hour; Ermelinda Marcuson @ 13.91 per hour; Teri Jondahl @ 16.59 per hour and Kristal Koens @ 16.88 per hour. All members present voting aye. Motion carried.

HOLIDAY SCHEDULES:

Moved by Kippley, seconded by Hansen to close Tuesday, December 24th with the following policy: each employee will be compensated for eight hours regular pay for the day, if an employee is required to work a full shift on December 24th 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.

MEMORANDUM OF UNDERSTANDING-FISHING PIER:

Moved by Kippley, seconded by Hansen to amend the legal description contained in the Memorandum of Understanding between Brown County and Frederick Men's Club in the September 24, 2013 minutes (SE ¼ not SW ¼). All members present voting aye. Motion carried.

BROWN COUNTY WEBSITE:

Moved by Kippley, seconded by Hansen to request quotes from website service providers to be reviewed by Commission on Tuesday, October 29, 2013 for revamping the Brown County website. All members present voting aye. Motion carried.

AUDITOR'S REPORT OF ACCOUNT:

Moved by Hansen, seconded by Kippley to approve the September 2013 Auditor's Report of Account with the County Treasurer in total amount of \$13,867,756.18 (total amount of actual cash @ \$3,800.00, US Bank @ \$38,521.26, Dacotah Bank @ \$664,618.16, Petty Cash @ \$2,000.00, Fund Investments @ \$13,158,816.76). All members present voting aye. Motion carried.

QUARTERLY INTEREST STATEMENT:

Moved by Hansen, seconded by Kippley to accept for filing the July – September 2013 Interest statement (\$5,630.22), submitted by County Treasurer Sheila Enderson. All members present voting aye. Motion carried.

SHERIFF'S REPORT:

Moved by Hansen, seconded by Kippely to approve the following September 2013 Sheriff's Report: Incidents and offenses, Prisoner care, JDC and Money deposited with the County Treasurer. All members present voting aye. Motion carried.

GENERAL FUND SURPLUS ANALYSIS:

Moved by Kippely, seconded by Hansen to approve the General Fund Surplus Cash Analysis Report: March 30, 2013 @ 1,958,388.94 (13.10%). All members present voting aye. Motion carried.

INDIGENT DEFENSE PROGRAM

Commissioner Hansen offered the following Resolution; as recommended by State's Attorney, Larry Lovrien

Resolution #89-13

Regarding the Establishment of The Brown County Indigent Defense Program
and to provide a Charter to Govern it's Operation

BE IT RESOLVED:**1. PRELIMINARY MATTERS****1.1 Constitutional Requirements**

1.1.1 In *Gideon v. Wainwright*, 372 U.S. 335 (1963), the United States Supreme Court unanimously ruled that state courts are required under the Fourteenth Amendment to the U.S. Constitution to provide counsel in criminal cases to represent defendants who are unable to afford to pay their own attorneys. The case extended the identical requirement that had been explicitly imposed on federal courts under the Fifth Amendment and Sixth Amendment.

1.1.2 Counsel must provide competent and provide effective assistance to the defendant. The South Dakota Supreme Court has adopted the test for ineffective assistance of counsel set forth in *Strickland v. Washington*, 466 U.S. 668, 687, 104 S. Ct. 2052, 2064, 80 L. Ed. 2d 674 (1984)). Counsel must function as "counsel" and counsel's performance must not prejudice the defendant both at trial and on all pre-trial matters.

1.2 Statutory Authority

1.2.1 SDCL 23A-40-7 requires a board of county commissioners for a county to provide for the representation of indigent persons in that county as defined by SDCL 23A-40-6.

1.2.2 SDCL 23A-40-7 also allows a county to provide this representation in *any or all* of the following ways:

- (a) Establishing and maintaining an office of public defender;
- (b) Arranging with the courts in the county to appoint attorneys on an equitable basis through a systematic, coordinated plan; or
- (c) Contracting with any attorney licensed to practice law in this state.

1.3 Current Contract System

- 1.3.1 At the present time the county is meeting its statutory duty by contracting with four attorneys to provide representation for indigent criminal defendants.
- 1.3.2 This contract comes to an end on December 31, 2013. While the present contract attorneys are required to complete the representation of individuals assigned to them before that date, they have no obligation to represent indigent defendants who first seek representation after that date.
- 1.3.3 Nothing in this Resolution is intended to relieve, release or terminate the obligations these four current contract attorneys have under the present contract to complete the representation of individuals who have been assigned to them on or before December 31, 2013, as provided by the terms of that contract.

1.4 Creation of the Brown County Indigent Defense Program

- 1.4.1 The Brown County Commission, pursuant to its statutory authority and in order to meet its responsibilities under SDCL 23A-40, hereby creates the Brown County Indigent Defense Program.
- 1.4.2 The program will begin operations on January 1, 2014.
- 1.4.3 The Indigent Defense Program will operate under the supervision of an Executive Board.
- 1.4.4 The Executive Board will begin its work as soon as the Indigent Defense Program is authorized by Resolution of the Brown County Commission and its members are appointed as herein provided.
- 1.4.5 The Indigent Defense Program will contract with local attorneys to provide statutorily required legal representation to indigent defendants in Brown County.
- 1.4.6 The Indigent Defense Program will be funded by an annual appropriation of the Brown County Commission.
- 1.4.7 While the Indigent Defense Program Executive Board will administer the program on behalf of Brown County, the Brown County Commission and the Circuit Court will retain ultimate responsibility for the program within their own respective areas of authority.
- 1.4.8 Because the County is authorized by statute to provide for the representation of indigent defendants in any or all of the three ways provided by SDCL 23A-40-7, in adopting this Resolution the county seeks to identify and apply the best elements of each of these three methods to meet the goals identified herein.
- 1.4.9 The Indigent Defense Program as herein provided will be in effect for at least one year and will continue thereafter until altered or ended by the Brown County Commission.

1.5 The County's Goals in Creating the Indigent Defense Program

- 1.5.1 **Goal 1:** To improve the contract system currently used to provide for the representation of indigent defendants.

- 1.5.2 **Goal 2:** To ensure that indigent defendants be provided competent, high quality legal representation at a reasonable cost to the taxpayers.
- 1.5.3 **Goal 3:** To make sure the cost of the Indigent Defense Program stays within the amount of money budgeted by the county for indigent representation.
- 1.5.4 **Goal 4:** To increase the number of local attorneys available to represent indigent defendants in Brown County.
- 1.5.5 **Goal 5:** To provide administrative oversight by establishing an Indigent Defense Program Executive Board with authority:
 - a. To establish general policies, rules and standards to regulate and govern the Indigent Defense Program;
 - b. To oversee the management and administration of Indigent Defense Program;
 - c. To recommend to the county commission the terms of the standard contract to be entered into between the County and each attorney who seeks to represent indigent defendants as an Indigent Defense Program contract attorney.
 - d. To recommend to the Brown County Commission those attorneys to be contracted with to provide representation for indigent defendants;
 - e. To require professional accountability from Indigent Defense Program contract attorneys;
 - f. To take appropriate action in cases where a contract attorney consistently fails to meet his or her professional responsibilities.

2 THE EXECUTIVE BOARD

2.1 The Indigent Defense Program Executive Board will consist of the following members:

- 2.1.1 One member of Brown County Commission, appointed by its Chair.
- 2.1.2 The Presiding Judge of the Fifth Judicial Circuit or another Circuit or Magistrate Judge or retired Circuit Judge from the Fifth Circuit, as designated by the Presiding Judge.
- 2.1.3 A private attorney practicing in Brown County, appointed by the Chair of the Brown County Commission. This attorney cannot be a contract attorney during the time he or she serves on the Executive Board.
- 2.1.4 A citizen of Brown County, appointed by the Brown County Commission, who is:
 - a. Not a licensed attorney;
 - b. Not a relative or employee of a licensed attorney;
 - c. Not an employee of either Brown County or the Unified Judicial System; and

d. Neither a law enforcement officer nor a relative of a law enforcement officer nor an employee of a law enforcement agency.

2.1.5 A contract attorney selected by majority decision of the other contract attorneys. This person will be selected only after the Indigent Defense Program begins its operations. Until that time, a contract attorney under the current contract, selected by a majority of the other current contract attorneys, will serve on the Executive Board.

2.2 Chair of the Executive Board

Each year the Indigent Defense Program Executive Board will elect one of its members as its Chair.

2.3 Terms of Service

Members of the Executive Board will serve for two years with the opportunity to be reappointed for a second two year term for a maximum of four consecutive years. Any vacancies will be promptly filled by the appointing authority identified herein.

2.4 Responsibilities and Authority of the Indigent Defense Program Executive Board

2.4.1 **General Responsibility:** The Indigent Defense Program Executive Board will work to insure that:

- a. Indigent defendants are provided competent representation;
- b. That contract attorneys are treated fairly considering the number of clients assigned, the complexity and time demands of assigned cases and the share of compensation contracted for by the attorney;
- c. That assigned cases are resolved in a timely and professional manner;
- d. That the County's purpose and goals in creating the Indigent Defense Program are accomplished;
- e. That the expectations of the Circuit Court are met; and
- f. That the cost of the Indigent Defense Program stays within the budget set by the Brown County Commission.

2.4.2 **Specific Powers and Authority:** The Brown County Commission hereby delegates to the Indigent Defense Program Executive Board, subject to ultimate review by the Brown County Commission and the Circuit Court, the following powers and authority:

- a. Together with the Judiciary, to establish general policies, rules and standards to regulate and govern the Indigent Defense Program;
- b. To oversee the management and administration of the Indigent Defense Program;
- c. To recommend to the Brown County Commission the terms of the standard contract to be entered into between the County and each attorney who seeks to represent indigent defendants as an Indigent Defense Program contract attorney.
- d. To recommend to the Brown County Commission those attorneys with whom it should contract to provide representation for indigent defendants;

e. To provide professional accountability for Indigent Defense Program contract attorneys;

f. To take appropriate action, after affording due process, in cases where a contract attorney has consistently failed to meet his or her professional responsibilities. Actions or remedies could include, but are not limited to:

1. Immediate reassignment of a contract attorney's case(s) to another contract attorney;
2. A warning to the attorney to correct a particular problem, along with requiring the attorney to present a plan and a timeline to accomplish the correction;
3. The assignment of a mentor to assist the attorney in correcting an ongoing problem;
4. Suspension of Contract: no additional cases are assigned and no further compensation is paid until the problem is corrected;
5. The attorney is reported to the State Bar Disciplinary Committee for further action; and/or
6. Termination of the attorney's Indigent Defense Program contract.

g. To delegate to a contract attorney, or an employee of a contract attorney, or some third person, various administrative duties necessary for the successful operation of the Indigent Defense Program and to authorize the use of a portion of the Indigent Defense Program budget to compensate the attorney, or the employee of the contract attorney, or the third person for the performance of these duties.

h. To exercise any additional authority not specified herein which would be reasonable, necessary and proper in order to meet the program goals as herein established.

2.5 Duties of the Indigent Defense Program Executive Board

2.5.1 Together with the Judiciary, to create overall policies, practices and procedures for the operation of the Indigent Defense Program. These policies should be calculated to meet the overall goals for the Indigent Defense Program established herein.

2.5.2 To set policies and procedures that will ensure a fair distribution of indigent defense work among contract attorneys. Consideration should be given to both the number of cases assigned and the hours needed to resolve each case.

2.5.3 To create a standard contract to be used by contract attorneys that will include among its terms the requirement that both parties to the contract abide by and be governed by the provisions of this Resolution.

2.5.4 To take applications from attorneys interested in serving as an Indigent Defense Program contract attorney and to make contract recommendations to the Brown County Commission.

2.5.5 To ensure legal services are provided to indigent defendants by contract attorneys in a timely and professional manner and that cases are resolved without undue delay.

2.5.6 To hear and resolve complaints concerning contract attorneys.

2.5.7 On an annual basis, to provide the Brown County Commission with recommendations concerning:

- a. Program budget and funding levels;
- b. Ways to improve the program; and
- c. Other matters of concern.

2.5.8 To establish rules specifying required forms and procedures to be used whenever a contract attorney completes a case for the purpose of reporting the time spent and the expenses incurred in that case so the County has the information necessary for it to file its lien for contract services.

2.5.9 To cause appropriate records to be kept concerning the operation of the program.

Dated this 8th day of October, 2013, at Aberdeen, South Dakota.

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

APPLICATION FOR OCCUPANCY:

Moved by Hansen, seconded by Kippley to approve and authorize the Chairman to sign applications submitted by Northern Valley Communications for occupancy of County Road 19, Sec 9-T123N-R63W, to provide telecommunications. All members present voting aye. Motion carried.

BROWN COUNTY ROAD 9 PROJECT:

Moved by Hansen, seconded by Kippley to approve and authorize the Chairman to sign Amendment #1 for Consultant Services with Clark Engineering for Shoulder widening and surfacing – approximately 2/3 mile on County Road 9 – Project Number ER6462 (10) between 409th Ave. and 410th Ave. with completion date of December 31, 2013 in the amount of \$24,459.84 (total amount @ \$52,096.21). All members present voting aye. Motion carried.

Moved by Kippley, seconded by Hansen to approve and authorize the Chairman to sign the SD DOT forms Letting Authorization for Project Number ER6462 (10) PCN 03L6, Right of Way Certificate and Utilities Certificate. All members present voting aye. Motion carried.

RICHMOND LAKE GUARD RAIL:

Moved by Hansen, seconded by Kippley to approve and authorize the Chairman to sign the Work Order for Consultant Services with Clark Engineering to replace the Guard rail at Richmond Lake [382nd Ave. (Co. Rd. 6/Richmond Lake Rd) from 129th St. (Co. Rd. 13) to 125th St.] in amount not to exceed \$24,988.99. All members present voting aye. Motion carried.

SURPLUS PROPERTY:

Moved by Hansen, seconded by Kippley to declare Decal #2130 (conveyor) surplus property to be sold to Aberdeen City for \$600.00. All members present voting aye. Motion carried.

EQUIPMENT PURCHASE:

Moved to Kippley, seconded by Hansen to approve purchase of a1992 snow blower for Hwy. Dept. from Federal Surplus for \$40,000.00, contingent upon mechanics inspection. All members present voting aye. Motion carried.

TRAVEL REQUEST:

Moved by Hansen, seconded by Kippley to allow Erin Nikolas to ride with Cindy Eppard to the Dware conference on October 15-17, 2013 in Deadwood providing a waiver is signed. All members present voting aye. Motion carried.

EXECUTIVE SESSION:

Moved by Kippley, seconded by Hansen to go into executive session to discuss personnel with Amy Scott, Sonje Oban, Mike Hassebrook, Matt Zeller, Larry Lovrien 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.

BROWN COUNTY FAIR RECAP:

Amy Scott, Fairboard Manager, presented a recap of the 2013 Brown County Fair with attendance @ 290,000 and revenue received.

BUILDING PURCHASE:

Commissioners Duane Sutton and Nancy Hansen discussed purchasing the Aberdeen Christian School Building to replace the current 4H Building at the Fairgrounds. With intentions of this being the office for Brown County Fairboard, Fair, 4H and Weed & Pest. Moved by Kippley, seconded by Hansen to authorize Chairman, Sutton contact the realtor and negotiate a reduced purchase price from listing. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Kippley upon purchasing the Aberdeen Christian Building get bids for demolishing the 4H building, and quotes be obtained (monetary or donations) for pouring the foundation, the plumbing and electrical work and for moving the Aberdeen Christian Building from its current location to the Fairgrounds. All members present voting aye. Motion carried.

HUMAN RESOURCE PERSONNEL DISCUSSION:

Dennis Maloney, Attorney, was asked by Commissioner Nancy Hansen to come in and discuss the pros and cons of a Human Resources Director for Brown County. Mr. Maloney cited HIPPA laws and regulations, FMLA, Exempt or Non-Exempt Employees, Americans with Disabilities Act, and Light Duty policies as pros and funding as the con. Mr. Maloney encouraged the Commission to look at a PTO (Paid Time Off) policy as in the past instead of separating sick and vacation time as is done presently. Mr. Maloney offered assistance with Resolution for implementation.

EXECUTIVE SESSION:

Moved by Hansen, seconded by Kippley to go into executive session to discuss personnel with Larry Lovrien, Maxine Fischer, Lynn Heupel, Andrea Sjomeling and Gary Vetter in attendance. All members present voting aye. Motion carried.

The Chairman declared the executive session closed, with the following action taken as a result of the discussion: moved by Hansen, seconded by Kippley to appoint Gary Vetter as Human Resource Director/Commission Assistant for Brown County at a prorated annual salary of \$56,000.00, effective October 8, 2013. All members present voting aye. Motion carried.

RECESS:

The Chairman declared the Commission recessed until October 15, 2013.

Lynn Heupel, Brown County Chief Deputy Auditor
Published once at the total approximate cost of \$_____.

OCTOBER 15, 2013 – GENERAL MEETING

Meeting called to order by Chairman Sutton at 8:45 a.m., October 15, 2013 in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Kippley, Fischbach, and Wiese. Chairman Sutton led the Pledge of Allegiance.

MINUTES:

Moved by Hansen, seconded by Kippley to approve General Meeting minutes of October 8, 2013. All members present voting aye. Motion carried.

CLAIMS:

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

Professional Fees: Aberdeen School District \$145.22; Norma Andersen \$22.50; Avera Queen of Peace \$109.80; Avera St. Luke's \$746.92; Dependable Sanitation \$23,346.62; Helms & Assoc. \$11,581.30; Lucy Lewno \$172.96; LexisNexis \$298.10; Orthopedic Surgery Specialist \$3,906.00; Sanford Clinic \$3,269.52; SD Dept. of Revenue \$598,678.16; Spot Freight \$1,585.00; Karen Swanda \$22.50; Yankton Co. Sheriff \$25.00. Transcriptions: Lynnel Bruemmer \$125.40; Michelle Gaikowski \$102.60; Richard Neal \$182.40. Publishing: Aberdeen American News \$91.34. Improvements Other Than Buildings: B & B Contracting \$122,024.70. Rentals: GPHC \$290.00; Sayler Rentals \$154.00. Repairs & Maintenance: B & B Contracting \$36,617.50; Dakota Fluid Power \$503.66; Diesel Machinery \$18.00; EPG Companies \$2,373.50; Farm Power Mfg. \$2.00; Leidholt Electric \$428.74; Pro Ag Supply \$353.85; Service Signs \$153.06. Supplies: Ameripride Services \$122.52; Carquest Auto Parts \$526.20; Cash-Wa \$4,092.29; Civic Research Institute \$179.95; Detco \$214.95; Diesel Machinery \$2,038.45; E-Zee Supply & Dist. \$576.96; Farm Power Mfg. \$149.60; Glas Consulting \$188.75; GovConnection \$1,199.54; Kessler's \$550.05; Kmart Pharmacy \$104.25; Marco \$301.96; Menards \$83.35; Midstates Printing \$161.00; NorthStar Energy \$46.56; Jacie Schley \$60.00; Sewing Shoppe \$185.00; Software Unlimited \$657.00; Taylor Laundry \$63.00; Tractor Supply \$109.98; Tri-State Water \$15.70. Travel & Conference: City of Groton \$98.05; DWare \$85.00; SD Assoc. of Fairs \$2,750.00. Utilities: Aberdeen City Treasurer \$622.75; CenturyLink \$1,444.60; Exec. Mgmt. Finance \$311.55; Midwest Alarm \$505.10; Northern Electric Coop. \$1,129.88; Northern Wireless \$291.45; NWPS \$1,518.44; WSI \$900.00. Other: James River \$4,282.80. All members present voting aye. Motion carried.

PERSONNEL:

Moved by Wiese, seconded by Fischbach to acknowledge the following miles driven and amount to be taxed for personal use of County vehicles during the month of Sept 2013: Jan Weismantel – 62.40 @ \$35.26, Marcus Selzler – 56 @ \$31.64, Kendell Titze – 108 @ \$61.02, Mark Wendt 384 @ \$216.96, Michael Scott – 140 @ \$79.10, Gary Vetter – 99 @ \$55.94. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Wiese to authorize County Employees obtain a Flu Shot from Brown County Community Health at \$20 per shot, until Oct. 22nd, as initial county supply was not sufficient to cover all interested employees. All members present voting aye. Motion carried.

CITIZEN CORPS AGREEMENT:

Moved by Hansen, seconded by Kippley to approve and authorize the Chairman to sign Citizen Corps – Articles of Agreement (July 1, 2013 – July 31, 2014) with the SD Department of Public Safety (DPS), Office of Emergency Management (SDOEM). All members present voting aye. Motion carried.

HIPPA POLICY:

Commissioner Hansen offered the following Resolution

**RESOLUTION 90-13
REGARDING THE ESTABLISHMENT OF
A BROWN COUNTY HIPPA PRIVACY POLICY**

Brown County, a political subdivision of the State of South Dakota, hereby adopts this policy pursuant to and in accordance with federal law and as part of the HIPPA privacy requirements as enacted by Congress and required by rules of the U.S. Department of Labor and the U.S. Department of Health and Human Services.

Brown County further by this policy does hereby appoint and designate Human Resource Director as its privacy official, this person hereafter referred to as the designated **County Privacy Official**, who will be in charge of the administration and management of this policy as it relates to the County's health insurance, health information, and disclosure as well as training of employees on the uses, abuses and misuses of health information of all of the employees of the County.

It is understood that no employee health information, prior, current or future, shall be accessed, discussed, disclosed to any person, party, partnership or corporation by any employee of Brown County other than the designated **County Privacy Official**. All inquiries, verbal or in writing, from any source at any time or from time to time shall be directed to the designated Privacy Official.

All medical information of employees prior, current or contemplated to be hired shall be maintained in separate files and not contained in the personnel file of such former, current or prospective employee and shall be in a file under the exclusive control with only the access by the designated **County Privacy Official**.

Pursuant to this policy no medical information shall be released to any third person, partnership, corporation or any other entity without the written consent of the employee and with the authorization of the designated **County Privacy Official**.

No uses of protected health information shall be made by any employee of the County or by the designated **County Privacy Official** without the expressed written authorization, consent and permission, duly witnessed, of the affected employee whether former, current or prospective employee.

The designated **County Privacy Official**, on behalf of the County, shall be the sole and exclusive person authorized to deal with the healthcare providers, including insurance company, administrators, managers or medical providers, including healthcare institutions and healthcare providers.

Permitted medical information which may be construed and identified as identifiable shall be disclosed only with the written consent and permission of the affected employee and under the exclusive release and control of the designated **County Privacy Official**.

No employee shall have access to any other employee's medical information, medical record or medical history and similarly no third party shall access the same and the information of any kind that is released or discovered through a mistake, error or oversight shall immediately be disclosed to the designated **County Privacy Official**.

The designated **County Privacy Official** shall conduct from time to time with all employees, including new employees, a training program designed to implement this policy and he or she shall implement safeguards to protect health data and shall similarly establish an internal complaint process for inappropriate or improper release of health information and shall establish a procedure to rectify any information which is inadvertently by mistake or oversight disclosed or released by any person or by the designated **County Privacy Official** incorrectly or not in accordance with law. Any employee willfully accessing, discussing or releasing medical information of any other employee be they former employee, current or prospective, shall be subject to disciplinary action including discharge.

The federal law shall control unless the South Dakota statutes at any time or from time to time are similar or even more restrictive and in which case the state law of South Dakota shall prevail. This policy shall similarly interact with the Gramm-Leach-Bliley Act; the Americans With Disabilities Act; and all other U.S. Constitutional issues.

This policy shall be disclosed to each and all current employees of Brown County and each employee shall acknowledge that they have been informed of the existence of the policy and know its general contents and understand the same.

This policy has been adopted by the Brown County Commission at its regular meeting on this 15th day of October, 2013.

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

BUILDING PURCHASE:

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman sign the purchase agreement in amount of \$45,000.00 for the Aberdeen Christian School classroom building, HVAC and wood ramp temporarily located at 1500 E. Melgaard Rd., Aberdeen, SD 57401, with intent to move building to the Fairgrounds. All members present voting aye. Motion carried.

LANDFILL UNIT 1 CLOSURE:

Moved by Hansen, seconded by Wiese to approve and authorize Chairman to sign Pay Request #1 for Landfill Unit 1 Closure Project to B & B Contracting in amount of \$283,617.55. All members present voting aye. Motion carried.

SNOW REMOVAL QUOTES:

Moved by Fischbach, seconded by Hansen to award snow removal of sidewalks at Courthouse, Museum, and 1st Ave. SE complex quote submitted by Dakota Tree Service, in amount of \$79/hr. for skid loader snow removal & \$34/hr. for snow blower and shovel per man per hour; rejecting Matt's Tree Service @ \$70/hr. no matter what piece of equipment used and Lien's @ \$145/hr. for skidsteer, \$65/hr. for snow blower and \$45/hr. for shoveling. All members present voting aye. Motion carried.

EXECUTIVE SESSION:

Moved by Hansen, seconded by Wiese to go into executive session to discuss personnel per SDCL 1-25-2 (1) with Judy Dosch, Larry Lovrien 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.

SD DEPT. OF AG:

Paul Kostboth and Allison Kiesz with SD Dept of Agriculture and Todd Kays with 1st Dist. Assoc. of Local Governments explained the Dept. of Ag County Site Analysis Program. Eric Senger, Exec. Director NECOG was also in attendance.

Commissioner Kippley offered the following resolution:

**Resolution Number 91-13
Authorizing Resolution
County Site Analysis**

WHEREAS the Brown County Board of County Commissioners is interested in the analysis of rural sites for potential development; and

WHEREAS this research is based upon various infrastructure, road and land use factors; and

WHEREAS the research may identify sites that are suitable for development according to a classification scale, ranging from "good" to "best", and

WHEREAS granting permission for such research is not a public declaration of county support for any specific development activity or project; and

WHEREAS the cost of the research is being addresses by other sources, such as the South Dakota Department of Agriculture; and

WHEREAS the results of the research will be made available to the county commission and general public.

NOW THEREFORE BE IT RESOLVED by the Brown County Commission that it authorizes the South Dakota Department of Agriculture and its Partner Planning and Development Districts to conduct the research on behalf of the county and other interested parties.

BE IT ALSO RESLOVED that Brown County officials will cooperate in providing any readily available data or information that may be needed in conducting the research.

Adopted this 15th day of October, 2013.

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

BROWN COUNTY HWY 19 PROJECT:

Moved by Fischbach, seconded by Wiese to approve and authorize the Chairman to sign Change Order #2 (Final) for Br. Co. Hwy. 19 Reconstruction project (IP 012A PCN 03PJ) with reducing cost of project by \$14,723.27, for a final project cost of \$464,563.09. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Kippley to approve and authorize the Chairman to sign Payment Request #3 (Final) for Br. Co. Hwy. 19 Reconstruction project to Lien Transportation in the amount of \$377,419.55. All members present voting aye. Motion carried.

Moved by Kippley, seconded by Wiese to approve and authorize the Chairman to sign the Certificate of Final Completion for Br. Co. Hwy. 19 Reconstruction project for Lien Transportation. All members present voting aye. Motion carried.

EXECUTIVE SESSION:

Moved by Hansen, seconded by Wiese to go into executive session to discuss personnel per SDCL 1-25-2 (1) with Larry Lovrien and Gary Vetter in attendance. All members present voting aye. Motion carried.

The Chairman declared the executive session closed, with the following action taken as a result of the discussion: moved by Wiese, seconded by Hansen to appoint Judy Dosch as Building Superintendent for Brown County at prorated annual salary of \$42,710.40 effective October 27, 2013. All members present voting aye. Motion carried.

RECESS:

The Chairman declared the Commission recessed until October 22, 2013.

Lynn Heupel, Brown County Chief Deputy Auditor

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

OCTOBER 22, 2013 – GENERAL MEETING

Meeting called to order by Chairman Sutton at 8:45 a.m., October 22, 2013 in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Kippely, and Wiese. Absent was Commissioner Fischbach. Chairman Sutton led the Pledge of Allegiance.

MINUTES:

Moved by Hansen, seconded by Kippely to approve General Meeting minutes of October 15, 2013. All members present voting aye. Motion carried.

CLAIMS:

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

10-18-13 Payroll: Commission \$3,359.55; Commission Assistant \$2,015.38; Auditor \$9,724.67; Treasurer \$11,570.28; Data Processing \$3,354.39; State's Attorney \$14,340.93; Blood Draws \$650.00; SVAWA Grant \$1,269.24; Maintenance \$5,190.07; Assessor \$11,999.49; Register of Deeds \$7,744.46; Veterans Service Office \$3,529.43; GIS \$2,045.33; Sheriff Admin \$28,563.69; Jail \$32,237.40; Coroner \$0; JDC \$14,193.71; HD \$4,416.18; Welfare Office \$2,939.69; Museum \$6,478.74; Parks & Fairgrounds \$4,731.03; Fair Board \$2,701.17; 4-H \$1,150.05; Weed \$4,011.16; Planning and Zoning \$1,384.80; Highway \$64,104.85; Communications \$18,352.39; Emergency Management \$3,033.11; Teen Court \$154.91; 24/7 \$2,663.43; Landfill \$9,993.13. Matching Benefits: FICA \$16,297.46; Medicare \$3,811.50; Life \$679.80; Dental \$6,068.00; Health Insurance \$101,912.58; Retirement \$31,577.05.

Professional Fees: Aberdeen School District \$251.00; Avera St. Luke's \$5465.70; Br Co Treasurer \$14.00; Dakota Plains Surgical Center \$515.04; Merv Ekern \$15.00; GreenTree Psychological Service \$500.00; Language Line Services \$90.00; Leggette, Brashears & Graham \$1492.76; Lewis & Clark BHS \$640.00; Lucy Lewno \$150.46; NE Mental Health \$884.00; Orthopedic Surgery Specialist \$96.75; Cathy Rehfuß \$15.00; SDACC \$6361.73; SD Sec of State \$7.00; Sivertsen Technology \$5700.00; Spitzer Miller Funeral Home \$1000.00; US Bank \$837.95; West Payment Center \$130.40; Yankton Co. Sheriff \$25.00.

Transcriptions: Lynnel Bruemmer \$17.00; Shepherd Reporting \$75.00; Judy Weber \$30.00.

Publishing: Aberdeen American News \$908.34; Groton Independent \$950.22.

Repairs & Maintenance: Aberdeen Plumbing & Heating \$1731.10; C & L Plumbing & Heating \$61.22; Cass County Heating \$17.66; Chris & Don's Tarp \$15.00; G & K Services \$256.66; G & R Controls \$2200.00; GCR Tire Center \$950.90; Hoven Auto Repair \$32.00; Kone \$660.48; Leidholt Electric \$458.25; Lien Transportation \$337,419.55; Midwest Alarm \$728.60; Pro Ag Supply \$1638.01; SD Dept of Public Safety \$103.00; US Bank \$907.27; Volk Upholstery \$40.00; Walth Safety Service \$1235.30.

Supplies: A & B Business \$283.37; Aberdeen Awards \$6.00; Academy Trophy & Engraving \$150.00; Alligare \$1355.00; Ameripride \$56.34; Behnke Pit \$7005.40; Best Business Products \$176.80; Farm Power MFG \$14.84; Farmers Tractor Parts \$10.00; Fire Safety First \$6.80; GCR Tire Center \$6681.32; GovConnection \$1182.49; Heartland Paper \$3368.64; Klein's \$45.88; Matheson Tri-Gas \$103.34; Menards \$3.77; Midstates Printing \$425.94; NCFE – Warner Elevator \$46,188.17; Proforma \$74.16; S & S Lumber \$99.00; TrueNorth Steel \$5822.00; US Bank \$9680.18.

Travel & Conference: Lynn Heupel \$236.63; Gene Loeschke \$293.28; John McQuillen \$75.00; Mark Milbrandt \$188.00; Clay Nelson \$203.76; Pennington Co Sherriff \$698.55; Safety Benefits \$390.00; US Bank \$3046.52; Ryan Vogel \$188.00.

Utilities: CenturyLink \$2446.45; Cass County Heating \$244.00; Dependable Sanitation \$451.00; NWECA \$1732.16; US Bank \$997.86; Verizon Wireless \$314.76.

Other: Pizza Ranch \$101.94.

Juror Fees: Annie Aman \$14.44; Janelle Barondeau \$32.20; Gemma Beusch \$12.22; Michael Bishop \$28.50; Lisa L. Bretsch \$11.48; Lisa Bretsch \$35.90; Douglas Cox \$11.48; Daniel Cutler \$35.16; Brian

Dennert \$205.50; Justin Dewey \$12.96; Geoffrey Durst \$11.48; Gregg Erickson \$24.80; Darlene Evans \$11.48; Kristi Fischer \$12.22; Patrick Fischer \$11.48; Kelly Ford \$12.96; Carolyn Friend \$11.48; Janice Frohling \$47.00; Leroy Fryer \$21.10; William Fuhrman \$21.84; David Gale \$154.44; James Gatzke \$172.20; Erica Grieben \$11.48; Wendy Gugel \$11.48; Diane Hickenbotham \$11.48; Shirley Hinz \$154.44; David Hopper \$12.22; Allan Johnson \$261.00; Christopher Johnson \$10.74; Danny Johnson \$12.22; Kenneth Jones \$11.48; Arnold Juenger \$10.74; Kevin Kendall \$17.40; Susan Klabo \$11.48; Beth Kolb \$154.44; McKensy Konold \$194.40; Sonya Lamont \$11.48; Shelly Lerew \$201.06; Mary Mitzel \$11.48; Eugene Morris \$12.96; Jeffrey Neal \$10.74; Sally Ness \$152.22; Faye Nielsen \$10.74; Nick Nielsen \$16.66; Terry Otterstetter \$11.48; Ronald Rieck \$11.48; Tony Rousseau \$11.48; Linea Ruppert \$22.58; Michael Sudenga \$154.44; Kerry Swingler \$12.22; Drew Vandekamp \$11.48; Julie Vandover \$21.10; Steven Vielweber \$11.48; Thomas Waletich \$12.22; John Walth \$11.48; Kristi Wegener \$154.44; Jonathan Weifenbach \$11.48; Steven Wilson \$194.40; Lavonne Wolf \$154.44; Rebecca Wolf \$11.48; James Zirbel \$11.48. All members present voting aye. Motion carried.

PERSONNEL:

Moved by Hansen, seconded by Wiese to approve the following step increases effective October 27, 2013: Sandra Mielke @ 14.73/hour, Cindy Woodford @ 13.43/hour, Patti Jo Woods @ 15.46/hour and Bill Rohrbach @ 13.91/hour. All members present voting aye. Motion carried.

Moved by Kippley, seconded by Hansen to approve hiring Sandra Woytassek as Civil Process/Research Assistant @ \$11.37/hour effective Oct. 15, 2013. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Kippley to acknowledge the payroll audit #2 for 2013. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Kippley to authorize Gary Vetter to obtain the annual Motor Vehicle Records (MVR's) for all new hires and all employees and volunteers who drive entity-owned or personal vehicles on entity business at least annually in accordance with the SD Public Assurance Alliance/Safety Benefits. All members present voting aye. Motion carried.

SMALL APPLIANCE POLICY:

Commissioners asked Gary to have the Safety Committee review the current policy and make a recommendation to the Commission. In addition, Gary was asked to make an inventory of all non-office equipment items for each office.

ABATEMENTS:

Moved by Kippley, seconded by Hansen to approve and authorize the Chairman sign the following abatements: Lakeside Estates @ 100.27 (mobile home moved) and Mike Lenling @ 71.38 (mobile home condemned). All members present voting aye. Motion carried.

BID OPEN/AWARD—DEMOLITION OF BUILDING:

Time and place, as advertised to open, read and consider bids for Demolition of County owned building. Bids were received from B & B Contracting, Inc., Dahme Construction and Lien Transportation Company, Inc.

Moved by Hansen, seconded by Kippley to award low bid, submitted by Dahme Construction at \$66,580.00 to demolish the County owned building at 2 N. Main St. (Railroad OL 3 SW ¼ Sec 13-T123N-R64W of 5th pm) with completion date of November 20, 2013; rejecting bid submitted by B & B Construction at \$71,500 and Lien Transportation @ \$119,452.00. All members present voting aye. Motion carried.

APPLICATION FOR OCCUPANCY:

Moved by Wiese, seconded by Kippley to approve and authorize the Chairman to sign application submitted by Web Water for occupancy of County Road 13, Sec 25-T124N-R65W, to install potable water line. Roll call vote: Commissioners Hansen-abstained; Kippley-aye, Fischbach-absent, Wiese-aye, Sutton-aye. All members present voting aye. Motion carried.

EXECUTIVE SESSION:

Moved by Hansen, seconded by Wiese to go into executive session to discuss personnel, per SDCL 1-25-2 (1) with Amy Scott, Sonje Oban, Larry Lovrien, and Gary Vetter in attendance. All members present voting aye. Motion carried.

The Chairman declared the executive session closed, with the following action taken as a result of the discussion: moved by Kippley seconded by Hansen to appoint the following to the Brown County Fairboard: Sid Schroeder, Jo Miller, Jayson Tollefson, Marilyn Gibbs, Cody Braun, Sara Schumacher and William Kimball (first 3-year term effective January 1, 2014 – December 31, 2016). All members present voting aye. Motion carried.

PHONE SYSTEM:

Scott Meints, EM Director, was asked to meet with IT to make sure the EOC needs could/would be met with new MITEL Phone Conversion that the County is implementing at a cost savings, although backup EOC system was approved in 2014 budget.

TAX CERTIFICATE:

Brian Hubert asked to buy the Tax Certificate on the S ½, SE ¼ of Sec 9-T127N-R60W of 5th pm Brown County, SD. Also present were Attorneys William Gerdes and Rich Russman and County Treasurer, Sheila Enderson. After discussion, the tax certificate was not sold per SDCL 10-23-28.1 but Commission informed Mr. Hubert they would not move forward on Tax Deed proceedings until after court hearings are complete.

RECESS:

The Chairman declared the Commission recessed until October 29, 2013.

Lynn Heupel, Brown County Chief Deputy Auditor

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

OCTOBER 29, 2013 – GENERAL MEETING

Meeting called to order by Chairman Sutton at 8:45 a.m., October 29, 2013 in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Kippley, Fischbach and Wiese. Chairman Sutton led the Pledge of Allegiance.

MINUTES:

Moved by Hansen, seconded by Wiese to approve General Meeting minutes of October 22, 2013. All members present voting aye. Motion carried.

CLAIMS:

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

Professional Fees: AMG Anesthesiology \$96.00; AMG OBGYN \$1,356.72; Avera St. Luke's \$1,862.88; Certified Languages \$59.40; Christopher Dohrer \$5,770.83; Kuck Law Office \$5,520.83; Language Line Services \$247.32; Gina Rogers \$5,520.83; SD Assoc. of Fairs \$85.00; Christy Serr \$5,770.83; Mitch Vilhauer \$1,764.90; Rebecca Whitlock \$150.00. Transcriptions: Lynnel Bruemmer \$88.40; Michelle Gaikowski \$36.80. Publishing: Aberdeen American News \$901.58. Rentals: Briscoe Rentals \$280.00. Repairs & Maintenance: Danko \$291.73; GCR Tire Center \$538.64; Pro Ag Supply \$181.34; Walth Safety Service \$603.55. Supplies: A & B Business \$279.81; Ad Department \$273.00; Creative Product Source \$211.00; DSG \$357.41; Dex Media \$52.00; Christopher Dohrer \$17.50; DT Pharmacy \$257.06; Gaylord Bros. \$81.94; GovConnection \$1,558.28; Lar-Jo's \$636.60; Terry Lout \$48.58; Marco \$262.11; Midstates Printing \$727.83; Midwest Rubber Stamp \$24.00; Diane Mielke \$22.83; Pro Ag Supply \$555.60; Gina Rogers \$5.00; SD Dept. of Health \$200.00; South Dakotans for the Arts \$175.00; Van Diest Supply Co. \$3,466.80. Travel & Conference: Scott Bader \$348.50; Barry Kusler \$101.99; Leo Leshner \$298.92; Gene Loeschke \$141.94; Terry Lout \$77.00; Kathy Schlecht \$9.00; Aaron Walberg \$151.88; Rebecca Whitlock \$118.00. Utilities: AT & T Mobility \$230.77; Midcontinent Communications \$122.54; NWPS \$549.34; Verizon Wireless \$1,563.86. Unclaimed Property: \$315.10.

PERSONNEL:

Moved by Hansen, seconded by Wiese to acknowledge Cassie McGary working for Register of Deeds through the Project Skills Program. All members present voting aye. Motion carried.

Moved by Kippley, seconded by Wiese to acknowledge the resignation of Craig Gardner effective November 7, 2013 – he is retiring. All members present voting aye. Motion carried.

CONSOLIDATED BOARD OF EQUALIZATION:

Commissioner Wiese offered the following Resolution:

RESOLUTION # 92-13

A RESOLUTION TO ESTABLISH CONSOLIDATED BOARD OF EQUALIZATION
PURSUANT TO SDCL 10-11-66 THROUGH 10-11-77

BE IT RESOLVED 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 1st 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 Kippley. Roll call vote: Commissioners Hansen-aye, Kippley-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Resolution adopted.

WEED & PEST GRANT APPLICATION:

Moved by Kippley, seconded by Wiese to approve and authorize the Chairman to sign the Grant Agreement Letter with the SD Weed & Pest Control Commission for grant funding in amount not to exceed \$5,000 on a 50/50 cost share basis for chemical, promotional items and seasonal labor, effective July 1, 2014 through June 1, 2015. All members present voting aye. Motion carried.

PARTIAL PAYMENT AMENDED:

Moved by Fischbach, seconded by Kippley to authorize Sheila Enderson, County Treasurer to amend the partial payments for taxes (as authorized by SDCL 10-21-7) from \$25.00 to \$300.00 per month on Lt 13 Blk 22 Hagerty & Lloyds Addition to Aberdeen, effective November 30, 2013. All members present voting aye. Motion carried.

ABATEMENTS:

Moved by Wiese, seconded by Hansen to approve and authorize the Chairman sign the following abatements: Erdmann Properties @ \$2395.00 (condemned) and Cygnet Profit Sharing Plan @ \$36.47 (correct error). All members present voting aye. Motion carried.

CONTRACT AGREEMENT:

Moved by Wiese, seconded by Kippley to approve and authorize the Chairman to sign the Contract Agreement with Dahme Construction for demolition of County Owned Building located at 2 N. Main St. (Railroad OL3 SW ¼ Sec 13-T123N-R64W of 5th pm) at sum of \$66,580.00 and to be completed by November 20, 2013. All members present voting aye. Motion carried.

UNCLAIMED PROPERTY:

Moved by Fischbach, seconded by Wiese to send the uncashed checks totaling \$315.10 from General Fund and \$865.50 from Jail Commissary to Unclaimed Property. All members present voting aye. Motion carried.

COURT APPOINTED ATTORNEY EXECUTIVE COMMITTEE:

Moved by Hansen, seconded by Wiese to appoint the following members to the Court Appointed Attorney Executive Committee: Ken Gosch, Eldon Swingler, Commissioner Rachel Kippley, Circuit Court Judge Jack VonWald, and Attorney Chris Dohrer. All members present voting aye. Motion carried.

BUDGET BALANCE FOR 2013:

Moved by Hansen, seconded by Wiese that effective November 1, 2013 any purchases that are 2% of the departments remaining budget need to be approved by Commission prior to purchasing. All members present voting aye. Motion carried.

ADDENDUM #3 TO LEASE AGREEMENT FOR BR. CO. SPEEDWAY

Moved by Wiese, seconded by Hansen to approve and authorize the Chairman to sign Addendum #3 to the lease agreement for Brown County Speedway. All members present voting aye. Motion carried.

WEBSITE RFP:

Time and place, as advertised to open and review proposals for Revamping & Enhancing the Brown County Website. Proposals were received from WSI, QQP/Midstates, McQuillen Creative Group and GovOffice Web Solutions.

Moved by Hansen, seconded by Kippley to refer the proposals to the IT Department for review and recommendation. All members present voting aye. Motion carried.

APPLICATIONS FOR OCCUPANCY:

Moved by Fischbach, seconded by Wiese to approve and authorize the Chairman to sign application submitted by Web Water for occupancy of County Road 21, Sec 18-T122N-R63W, to install potable water line. Roll call vote: Commissioners Hansen-abstain, Kippley-aye, Fischbach-aye, Wiese-aye, Sutton-aye. All members present voting aye. Motion carried.

Moved by Kippley, seconded by Wiese to approve and authorize the Chairman to sign application submitted by Web Water for occupancy of County Road 23, Sec 36-T122N-R64W, to install potable water line. Roll call vote: Commissioners Hansen-abstain, Kippley-aye, Fischbach-aye, Wiese-aye, Sutton-aye. All members present voting aye. Motion carried.

EXECUTIVE SESSION:

Moved by Wiese, seconded by Hansen to go into executive session to discuss personnel, per SDCL 1-25-2 (1) with Larry Lovrien, 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.

BCCHC REPORT:

DeAnna Kyburz presented the Brown County Community Health Center Report for July –September 2013.

FAIR DISCUSSION:

Stu Swenson, Conald Burgard and Mike Russell approached the Commission requesting the Fair Manager salary be raised to \$55,000.00, based on recent revenue and area Fair Managers receiving \$50,000.00 to \$80,000.00. No action was taken at this time.

EXECUTIVE SESSION:

Moved by Kippley, seconded by Wiese to go into executive session to discuss personnel, per SDCL 1-25-2 (1) with 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.

RECESS:

The Chairman declared the Commission recessed until November 5, 2013.

Lynn Heupel, Brown County Chief Deputy Auditor

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

NOVEMBER 5, 2013 – GENERAL MEETING

Meeting called to order by Chairman Sutton at 8:45 a.m., November 5, 2013 in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Kippley, Fischbach and Wiese. Chairman Sutton led the Pledge of Allegiance.

MINUTES:

Moved by Hansen, seconded by Fischbach to approve General Meeting minutes of October 29, 2013. All members present voting aye. Motion carried.

CLAIMS:

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

Payroll: Commission \$3,359.55; Commission Assistant \$2,153.85; Auditor \$8,546.61; Treasurer \$11,499.17; Data Processing \$3,044.22; State's Attorney \$14,340.95; Blood Draws \$700.00; SVAWA Grant \$1,269.24; Maintenance \$5,229.12; Assessor \$11,999.49; Register of Deeds \$7,742.62; Veterans Service Office \$3,556.26; GIS \$2,045.33; Sheriff Admin \$29,728.40; Jail \$32,230.65; Coroner \$0; JDC \$15,710.88; HD \$4,540.44; Welfare Office \$2,939.69; Museum \$6,271.10; Parks & Fairgrounds \$4,776.31; Fair Board \$2,584.79; 4-H \$1,088.81; Weed \$2,446.42; Planning and Zoning \$1,384.80; Highway \$47,704.30; Communications \$20,694.08; Emergency Management \$3,033.11; Teen Court \$133.29; 24/7 \$2,572.49; Landfill \$10,791.08. Matching Benefits: FICA \$15,412.70; Medicare \$3,604.58

Professional Fees: Aberdeen Rural Firefighters \$340.00; Avera McKennan Hosp. \$2,540.83; Avera St. Luke's \$1,214.60; Denise Cody \$15.00; Dakota Wood Grinding \$19,020.00; Dan Dunker \$20.00; Helms & Associates \$8,710.35; Hosmer Law Office \$360.98; Lucy Lewno \$150.46; Lutheran Social Services \$2,200.00; SD Dept. of Revenue & Regulation \$1,128.00; SD Dept. of Transportation \$3,165.39; Sivertsen Technology \$4,350.00; Karen Swanda \$15.00; Thurman Law Office \$184.10; Yankton Co. Sherriff Office \$25.00.

Transcriptions: Lynnel Bruemmer \$21.00; Tammy Erickson \$38.50.

Publishing: Aberdeen American News \$30.16; Groton Independent \$138.40.

Rentals: Lonnie Lyke \$260.00.

Repairs & Maintenance: A-1 Sanitation \$193.00; Aberdeen Asphalt \$29,340.00; Butler Machinery \$1,306.55; Crawford's \$2,321.20; Dakota Tree Company \$636.25; Ecolab Pest Elimination \$292.50; Eilers \$105.00; Leidholt Electric \$744.66; Lien Transportation \$7,914.14; Menards \$59.76; Schwan Welding \$200.00; Sewer Duck \$188.00; SOS Garage Door \$219.85; Jeff Vilhauer \$7,912.84; Volk Upholstery \$60.00; Woodman Refrigeration \$5,583.73.

Supplies: Aberdeen Asphalt \$51,045.30; Active Data Systems \$239.86; Alligare \$1,568.25; Balcon Enterprises \$3,087.25; Century Business Products \$125.49; Crawford's \$6,465.66; Crescent Electric \$133.50; Dakota Electronics \$999.25; Dakota Supply Group \$112.32; Danko \$91.80; GovConnection \$1,500.83; Graham Tire \$967.28; Great Western Tire \$642.20; Heartland Paper \$2,216.84; Lar-Jo's \$240.73; Marco \$105.99; McFarland Supply \$221.54; Menards \$556.68; Photo-X-Press \$390.45; SD Assoc. of Fairs & Celebrations \$200.00; Share Corp \$292.50; Shurmark \$543.70; Sivertsen Technology \$516.80; Titan Access \$198.64; Van Diest Supply \$6,933.60; Volk Upholstery \$45.00.

Travel & Conference: Best Western Ramkota \$163.98; Cindy Eppard \$52.00; SD Assoc. of Fairs & Celebrations \$125.00; Kendell Titze \$26.00; Jan Weismantel \$78.00.

Utilities: Aberdeen City Treasurer \$1,188.84; AT & T Mobility \$1,386.93; BDM Rural Water \$30.00; CenturyLink \$42.19; James Valley Telecommunications \$219.10; Midcontinent Communications \$377.54; Montana Dakota Utilities \$28.29; NVC \$896.84; NWPS \$9,291.09; Verizon Wireless \$78.62; Web Water \$64.72. All members present voting aye. Motion carried.

PERSONNEL:

Moved by Hansen, seconded by Wiese to approve the following step increases effective November 10, 2013: Andrew Janusz @ 13.80/hour, Sheila Anderson @ 17.45/hour, Michael Ernst @ 15.80/hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to approve hiring Brian Carrels, effective November 5, 2013 for purpose of prisoner transport. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Wiese to amend date of Craig Gardner's resignation from November 7 to November 4, 2013. All members present voting aye. Motion carried.

HIPPA DESIGNEE:

Commissioner Hansen offered the following Resolution:

RESOLUTION 93-13 REGARDING THE ESTABLISHMENT OF A BROWN COUNTY HIPAA PRIVACY POLICY

Brown County, a political subdivision of the State of South Dakota, hereby adopts this policy pursuant to and in accordance with federal law and as part of the HIPAA privacy requirements as enacted by Congress and required by rules of the U.S. Department of Labor and the U.S. Department of Health and Human Services.

Brown County further by this policy does hereby appoint and designate **GARY VETTER** as its privacy official, this person hereafter referred to as the designated County Privacy Official, who will be in charge of the administration and management of this policy as it relates to the County's health insurance, health information, and disclosure as well as training of employees on the uses, abuses and misuses of health information of all of the employees of the County.

It is understood that no employee health information, prior, current or future, shall be accessed, discussed, disclosed to any person, party, partnership or corporation by any employee of Brown County other than the designated County Privacy Official. All inquiries, verbal or in writing, from any source at any time or from time to time shall be directed to the designated Privacy Official.

All medical information of employees prior, current or contemplated to be hired shall be maintained in separate files and not contained in the personnel file of such former, current or prospective employee and shall be in a file under the exclusive control with only the access by the designated County Privacy Official.

Pursuant to this policy no medical information shall be released to any third person, partnership, corporation or any other entity without the written consent of the employee and with the authorization of the designated County Privacy Official.

No uses of protected health information shall be made by any employee of the County or by the designated County Privacy Official without the expressed written authorization, consent and permission, duly witnessed, of the affected employee whether former, current or prospective employee.

The designated County Privacy Official, on behalf of the County, shall be the sole and exclusive person authorized to deal with the healthcare providers, including insurance company, administrators, managers or medical providers, including healthcare institutions and healthcare providers.

Permitted medical information which may be construed and identified as identifiable shall be disclosed only with the written consent and permission of the affected employee and under the exclusive release and control of the designated County Privacy Official.

No employee shall have access to any other employee's medical information, medical record or medical history and similarly no third party shall access the same and the information of any kind that is released or discovered through a mistake, error or oversight shall immediately be disclosed to the designated County Privacy Official.

The designated County Privacy Official shall conduct from time to time with all employees, including new employees, a training program designed to implement this policy and he or she shall implement safeguards to protect health data and shall similarly establish an internal complaint process for inappropriate or improper release of health information and shall establish a procedure to rectify any information which is inadvertently by mistake or oversight disclosed or released by any person or by the designated County Privacy Official incorrectly or not in accordance with law. Any employee willfully accessing, discussing or releasing medical information of any other employee be they former employee, current or prospective, shall be subject to disciplinary action including discharge.

The federal law shall control unless the South Dakota statutes at any time or from time to time are similar or even more restrictive and in which case the state law of South Dakota shall prevail. This policy shall similarly interact with the Gramm-Leach-Bliley Act; the Americans With Disabilities Act; and all other U.S. Constitutional issues.

This policy shall be disclosed to each and all current employees of Brown County and each employee shall acknowledge that they have been informed of the existence of the policy and know its general contents and understand the same.

This policy has been adopted by the Brown County Commission at its regular meeting on this 5th day of November, 2013.

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

CDBG-NEW TEC PROJECT:

Moved by Wiese, seconded by Hansen to approve and authorize the Chairman sign Payment Request #4 Community Development Block Grant #1212-307 for New Tec in amount of \$814.91. All members present voting aye. Motion carried.

SURPLUS CASH ANALYSIS:

Moved by Fischbach, seconded by Kippley to approve the General Fund Surplus Cash Analysis Report for September 30, 2013 @ \$683,983.97 (4.14%). All members present voting aye. Motion carried.

OPERATING TRANSFER:

Moved by Hansen, seconded by Wiese to approve and authorize the following operating transfer, as reflected in the 2013 General Fund #101 Budget (101-911-191) to Road and Bridge Fund #201-371 @ \$1,500,000.00. All members present voting aye. Motion carried.

NORTHERN ELECTRIC FRANCHISE:

Moved by Hansen, seconded by Wiese to set public hearing to consider application, submitted by Northern Electric Cooperative, Inc. for a franchise from Brown County for a period of twenty years, granting said company the right and permission to erect and maintain poles and wires for the purpose of

transmitting electricity for lighting, heating and power purposes, in, along, and across the highways in authorization, for both its existing transmission system and any planned and necessary future expansion. Public hearing to be held in the Commissioner's Chambers, Courthouse Annex, Brown County, SD on November 26, 2013 at 8:45 A.M. where application will be heard and considered by the County Commission and any company or person interested may appear and file objections and show cause why said application should not be granted. Application on file with the County Auditor and may be reviewed Monday – Friday 8:00 a.m. to 5:00 p.m. All members present voting aye. Motion carried.

ELM LAKE ROAD DISCUSSION:

Eight residents from the Elm Lake area met to discuss the following points provided by spokesperson Denny Pelkofer: 1) thanked Commission for touring the area; 2) acknowledged work has started and looking for it to continue for completion this fall; 3) the groups immediate concern is that the road will not be ground up; 4) area residents are willing travel to Pierre and testify at Legislative Committee Hearings in support of county proposals; 5) will support efforts by the County in obtaining Grant funding for road projects.

FUNDING DISCUSSION:

Area resident Bill Welk met to suggest: 1) Commodity Based Tax System for producers that would generate money for roads in order to put fee on person using roads, rather than an opt out that taxes everyone; 2) establish a task force to determine main artery to meet the needs of all and change balance of roads to minimum maintenance.

SPEED ZONE AMENDMENT:

Commissioner Hansen offered the following Resolution:

RESOLUTION #94-13

WHEREAS, Chapter 6.03 Speed Zones of the Second Revision of Brown County Ordinances authorizes the Brown County Commission to change the speed limit or the extent of any such limited speed zones, at any time they may deem necessary, and

WHEREAS, all Speed Zones throughout the County were established by Resolution #46-05, as amended by Resolution #66-06, Resolution #39-08, Resolution #72-08, Resolution #101-08, and

WHEREAS, the Highway Superintendent has recommended a speed zone change on County Road 4.

NOW THEREFORE BE IT RESOVLED that Resolution #46-05, as amended by Resolution #66-06, #39-08, #72-08, and #101-08 be amended as follows:

ADD:

County Road #4 (North Dakota Street), beginning at the intersection of 130th Street and County Road 4 (North Dakota Street) between Section 1, Township 123N, Range 64W of the 5th PM and Section 6, Township 123N, Range 63W of the 5th PM, then south on County Road 4 (North Dakota Street) 1.0 mile to the intersection of County Road 4 (North Dakota Street) and Fairgrounds Road (24th Ave NE) between Section 1, Township 123N, Range 64W of the 5th PM and Section 6, Township 123N, Range 63W of the 5th PM, 35 MPH

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

WEB SITE RFP AWARD:

Moved by Hansen, seconded by Kippley to award proposal, submitted by Quality Quick Print for revamping and enhancing the Brown County Website in amount of \$15,000.00 with option of 2 hours per month support and training at \$75.00; rejecting the following: WSI @ \$29,463 with \$500.00 per month maintenance; Avenet Web Solutions-Gov Office @ (a) \$10,850.00 (b) \$9,000.00 with \$1,150 per year maintenance on both options, neither option met specs for a secure FTP; McQuillen Creative Group @ \$20,000 to \$60,000 did not meet specs, was a resume not proposal. All members present voting aye. Motion carried.

EXECUTIVE SESSION:

Moved by Wiese, seconded by Hansen to go into executive session to discuss personnel, per SDCL 1-25-2 (1) with Larry Lovrien 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.

RECESS:

The Chairman declared the Commission recessed until November 12, 2013.

Maxine Fischer, Brown County Auditor

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

NOVEMBER 12, 2013 – GENERAL MEETING

Meeting called to order by Chairman Sutton at 8:45 a.m., November 12, 2013 in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Kippley, Fischbach and Wiese. Chairman Sutton led the Pledge of Allegiance.

MINUTES:

Moved by Wiese, seconded by Fischbach to approve General Meeting minutes of November 5, 2013. All members present voting aye. Motion carried.

CLAIMS:

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

Professional Fees: Aberdeen Advanced Care Ambulance \$212.31; AMG Psychiatry \$127.18; Avera Queen of Peace \$274.50; Avera St. Luke's \$1,863.00; Brick's TV & Appliance \$1,321.25; Dental Center \$112.33; Dependable Sanitation \$31,999.78; Harmelink, Fox & Ravensborg Law \$197.00; LexisNexis \$120.45; Linda Marcuson \$200.00; NE Mental Health Center \$546.00; Northern Plains Oral Surgery \$266.15; Sanford Clinic \$491.34; Sanford Health \$365.53; SD Dept. of Revenue & Regulation \$454,734.37; Yankton Co. Sheriff's Office \$25.00; Yankton Co. Treasurer \$425.00.

Transcriptions: Michelle Gaikowski \$156.40; Shepherd Reporting \$30.00.

Publishing: Aberdeen American News \$894.20; Groton Independent \$287.21.

Rentals: Briscoe Rentals \$225.00; Eisenbeis Mobile Home Court \$620.00; Goehring Apartments \$280.00; SD Real Estate \$300.00; Wolfson Apartments \$280.00.

Repairs & Maintenance: Clark Engineering \$25,105.30; Dakota Fluid Power \$3,206.26; GCR Tire Center \$259.92; Graham Tire \$29.95; Hedahl's \$56.00; House of Glass \$2,468.00; Marco \$72.00; Pheasantland Industries \$28.49; PowerPlan \$3,144.83; Sheehan Mack Sales \$4,897.02.

Supplies: 446-Praxair \$243.24; A & B Business \$23.25; Ameripride \$329.81; Bakken Building Maint. \$500.00; Behnke Pit \$710.52; Bonnie Bitz \$144.00; CarQuest Auto Parts \$110.62; Cash-Wa \$4,218.55; Dakota Electronics \$389.80; Dakota Fluid Power \$542.97; Dakota Oil \$653.65; Dakota Supply Group \$1,611.65; DPM Mercantil \$17.90; Earthgrains \$337.41; Fastenal \$130.82; FedEx \$47.89; Fire Safety First \$263.20; Gellhaus & Gellhaus \$80.00; GovConnection \$821.72; Graham Tire \$74.44; Hedahl's \$3.50; Hub City Radio \$300.00; Interstate Battery System \$327.85; Intoximeters \$96.25; J. Gross Equipment \$285.08; Klein's \$18.85; L & O Acres \$1,788.50; Lang's \$209.00; Mac's \$508.40; Marco \$191.16; Meyer's Tractor Salvage \$300.00; Midstates Printing \$12.12; NCFE – Warner Elevator \$23,591.24; North Star Energy \$37.80; Pheasantland Industries \$799.00; PowerPlan \$338.31; Running's \$200.00; Share Corp \$256.00; Shelley Smith \$3.99; Taylor Laundry \$123.50; Tractor Supply \$1,009.96; West Payment Center \$2,062.06.

Travel & Conference: Lynn Heupel \$224.57; Leo Leshner \$309.26; Gene Loeschke \$248.16; Erin McClain \$104.00; John McQuillen \$104.00; James Petrich \$104.00; Amy Scott \$70.50.

Utilities: Aberdeen City Treasurer \$968.27; James Valley Telecommunications \$282.71; Midcontinent \$57.54; Northern Electric \$1,562.84; NVC \$790.80; Northern Wireless \$291.45; NWPS \$1,706.19; Town of Frederick \$32.25.

Other: Ken's SuperFair Foods \$180.00; Safe Harbor \$3,456.00; SD Assoc. of County Officials \$1,138.00. All members present voting aye. Motion carried.

PERSONNEL:

Moved by Wiese, seconded by Fischbach to acknowledge the following miles driven and amount to be taxed for personal use of County vehicles during the month of October 2013: Jan Weismantel – 57.6 @ \$32.54, Kendell Titze – 126 @ \$71.19, Mark Wendt - 408 @ \$230.52, Michael Scott – 210 @ \$118.65, Gary Vetter - 124 @ \$70.06. All members present voting aye. Motion carried

COMBINED ELECTION AGREEMENT:

Moved by Wiese, seconded by Fischbach to approve and authorize the Chairman sign Agreement between Brown County, Aberdeen School District 6-1 and the City of Aberdeen for the purpose of conducting combined elections as provided under the provisions of SDCL 9-13-37, 13-7-10.3 and 12-2-5, effective for 2013, 2014 and 2015. All members present voting aye. Motion carried.

SET HEARING ORDINANCE NO. 082:

Moved by Wiese, seconded by Kippley to set public hearing for Brown County Ordinance No. 082, An Ordinance amending Second Revision Brown County Ordinances, Title 6, specifically amending Chapter 6.04 Snow Removal, Section 6.401 Removal from Private Property to amend penalty hourly and minimum amounts from \$100 to \$500, when Brown County is required to remove the snow, to be held on December 3, 2013 at 8:45 a.m. in the Commissioners Chambers, Courthouse Annex, Brown County, SD. All members present voting aye. Motion carried.

AUDITOR'S REPORT OF ACCOUNT:

Moved by Fischbach, seconded by Kippley to approve the November 2013 Auditor's Report of Account with the County Treasurer in total amount of \$28,999,588.83 (total amount of actual cash @ \$3,800.00, US Bank @ \$138,359.96, Dacotah Bank @ \$2,446,167.88, Petty Cash @ \$2,000.00, Fund Investments @ \$26,409,260.99). All members present voting aye. Motion carried.

LEASE AGREEMENT:

Moved by Wiese, seconded by Kippley to approve and authorize Chairman sign agreement with Steve Simon for lease of the Club House on November 10, 2013. All members present voting aye. Motion carried.

APPLICATION FOR OCCUPANCY:

Moved by Hansen, seconded by Fischbach to approve and authorize the Chairman sign application, submitted by James Valley Telecommunications for occupancy of Brown County Highway #20/5 in Section 19,18,7,17-T128N-R60W of the 5th P.M., Brown County, SD to provide telecommunication services. All members present voting aye. Motion carried.

SNOW POLICY:

Moved by Hansen, seconded by Wiese to acknowledge and approve the Brown County Highway Department Snow/Ice Removal/ Procedures, as presented by Jan Weismantel, Highway Superintendent. 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, Larry Lovrien 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.

LIEN DISCUSSION:

An individual met with the Commission to discuss individual amounts entered as liens on a property.

Moved by Kippley, seconded by Fischbach to maintain lien on property in total amount of \$37,273.96. Roll call vote: Commissioners Hansen-aye, Kippley-aye, Fischbach-aye, Wiese-nay, Sutton-nay. Motion carried.

EXECUTIVE SESSION:

Moved by Wiese, seconded by Hansen to go into executive session to discuss personnel with Larry Lovrien 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.

RECESS:

The Chairman declared the Commission recessed until November 19, 2013.

Maxine Fischer, Brown County Auditor

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

NOVEMBER 19, 2013 – GENERAL MEETING

Meeting called to order by Chairman Sutton at 8:45 a.m., November 19, 2013 in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Kippely, Fischbach and Wiese. Chairman Sutton led the Pledge of Allegiance.

MINUTES:

Moved by Fischbach, seconded by Wiese to approve General Meeting minutes of November 12, 2013. All members present voting aye. Motion carried.

CLAIMS:

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

Payroll: Commission \$3,359.55; Commission Assistant \$2,153.85; Auditor \$8,453.87; Treasurer \$11,574.06; Data Processing \$3,706.37; State's Attorney \$14,340.93; Blood Draws \$350.00; SVAWA Grant \$1,269.24; Maintenance \$4,651.19; Assessor \$11,999.49; Register of Deeds \$7,762.60; Veterans Service Office \$3,448.93; GIS \$2,045.33; Sheriff Admin \$28,038.49; Jail \$30,318.96; Coroner \$1,500.00; JDC \$14,392.49; HD \$4,382.36; Welfare Office \$2,939.70; Museum \$6,385.98; Parks & Fairgrounds \$4,365.61; Fair Board \$2,642.98; 4-H \$1,088.81; Weed \$1,975.95; Planning and Zoning \$1,384.80; Highway \$47,975.10; Communications \$18,765.83; Emergency Management \$3,057.11; Teen Court \$115.28; 24/7 \$2,512.77; Landfill \$10,923.03; Matching Benefits: FICA \$15,058.95; Medicare \$3,521.90

Professional Fees: AMG Radiology \$24.27; Audra Malcomb Consulting \$89.08; Avera St. Luke's \$3,244.84; Cass Co Sheriff \$46.00; Day Co Sheriff \$65.00; Language Line \$90.24; Richard Judd \$20.00; Sanford Clinic \$882.30; Sivertsen Technology \$5,350.00; Spot Freight \$1,585.00; UND \$2,000.00; West Payment Center \$130.40.

Publishing: Aberdeen American News \$394.22.

Rentals: BLB Investments \$320.00; Ken Dohn \$300.00; Eisenbeis Mobile Home Court \$515.00; Mary Kautz \$130.00; GPHC, LLC \$280.00.

Repairs & Maintenance: CDJ Electric, Plumbing & Heating \$77.90; Clark Engineering \$6,511.34; Farm Power MFG \$398.45; G & K Services \$307.06; GCR Tire Center \$19.00; Sheehan Mack Sales \$163.20; Wright & Sudlow \$819.50.

Supplies: A & B Business \$150.84; Advance Auto Parts \$10.99; Ameripride Services \$56.34; B & N Graphics \$53.40; Best Business Products \$176.80; Carquest Auto Parts \$888.67; Century Link \$16.52; Dakota Supply Group \$25.25; DPM Mercantile \$25.00; DPM Petty Cash \$22.28; DT Pharmacy \$442.37; Executive Mgmt Finance \$2.98; F P Mailing Solutions \$504.00; Farm Power MFG \$176.08; Gaylord Bros \$63.39; GCR Tire Center \$7,257.50; GovConnection \$526.71; Hardin's Photography \$110.00; Heartland Paper \$39.04; Kessler's \$401.62; Kustom Signals \$5,067.00; Marco \$117.47; Midstates Printing \$281.35; NCFE- Warner Elevator \$4,625.48; Northstar Safety \$295.00; Pizza Ranch \$97.19; SD Sec of State \$278.34; Sheehan Mack Sales \$180.27; Tri State Water \$37.75.

Travel & Conference: City of Groton \$96.20; Maxine Fischer \$50.00; Lynn Heupel \$253.04; Jerry Lehrkamp \$15.00; Pennington Co Sheriff \$414.90; Mike Rohrbach \$15.00; Cathy Sauer \$50.00; Lisa Wienk \$50.00.

Utilities: Aberdeen City Treasurer \$298.38; CDJ Electric, Plumbing & Heating \$3,816.55; Century Link \$1,502.80; City of Hecla \$203.83; Dependable Sanitation \$451.00; Executive Mgmt Finance \$283.48; Northern Electric Coop \$80.16; Northwestern Energy \$3,702.17.

Other: B & B Contracting \$102,298.93; James River \$85,191.39. All members present voting aye. Motion carried.

PERSONNEL:

Moved by Wiese, seconded by Hansen to acknowledge resignation of Sheriff Department employee's Stan Schulz, effective November 15, 2013 and Albert Chagolla, effective November 22, 2013. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Hansen to approve employee status change for Chase Dykema from Regular Part-time to Part-time in the Sheriff Department, effective November 10, 2013. All members present voting aye. Motion carried

UNCOLLECTIBLE TAX:

Moved by Hansen, seconded by Fischbach to declare the real estate taxes as uncollectible on Parcel #85003 BOLS Lakeside Estates 204 3rd Curve 1971 Dickman Mobile Home, as submitted by Sheila Enderson, Brown County Treasurer. All members present voting aye. Motion carried.

TEEN COURT JABG AWARD:

Moved by Kippley, seconded by Hansen to approve and authorize the Chairman sign award documents for Department of Corrections – Juvenile Accountability Block Grant in amount of \$6,869.00 (match of \$763.00 required), effective October 1, 2013 – September 30, 2014. All members present voting aye. Motion carried.

FLEXIBLE BENEFITS PLAN DOCUMENTATION:

Moved by Fischbach, seconded by Kippley to approve and authorize the Chairman sign the Master Services Agreement, Addendum B MSA FSA, Health Plan Designation Form and HIPAA Business Associate Agreement for Brown County's Flexible Benefit Plan. All members present voting aye. Motion carried.

USE-OR-LOSE FLEXIBLE SPENDING DOCUMENT:

Moved by Kippley, seconded by Wiese to approve and authorize the Chairman sign "Use-or-Lose" Rule for Health Flexible Spending Account allowing employees to carryover \$500 of any amount remaining unused in a health FSA to the next plan year. All members present voting aye. Motion carried.

SHERIFF REPORTS:

Moved by Wiese, seconded by Fischbach to approve the following October 2013 Sheriff Reports: Incidents and offenses, Prisoner care, JDC and Money deposited with the County Treasurer. All members present voting aye. Motion carried.

BCCHC CONTRACT:

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman sign Contract with the State of South Dakota for providing community health-nursing services in Brown County for fiscal year 2014 in amount of \$18,540.00. All members present voting aye. Motion carried.

LANDFILL UNIT 1 CLOSURE:

Moved by Fischbach, seconded by Kippley to approve and authorize Chairman to sign Pay Request #2 for Landfill Unit 1 Closure Project to B & B Contracting in amount of \$102,298.93. All members present voting aye. Motion carried.

LIEN DISCUSSION:

Moved by Fischbach, seconded by Hansen to amend amount in minutes of November 12, 2013 and maintain lien on property in total amount of \$21,708.96 not \$37,273.96 as stated in previous motion. All members present voting aye. Motion carried.

ABATEMENTS:

Moved by Fischbach seconded by Hansen to approve and authorize the Chairman sign the following abatements: Kendall Goetz 2009 @ \$321.09, 2010 @ \$320.78, 2011 @ \$324.45, 2012 @ \$320.85 (correct error). All members present voting aye. Motion carried.

BRIDGE DELETIONS:

Commissioner Hansen offered the following Resolution:

RESOLUTION # 94-13 RESOLUTION TO DELETE BRIDGES FROM NBIS

The Brown County Board of Commissioners is in agreement with SDDOT that the following structures should be deleted from the National Bridge Inventory System (NBIS) for the following reason:

STRUCTURE ID, LOCATION AND REASON FOR DELETION:

07-003-400 (Bridge #008) 10.7 miles West and 2 miles north of Warner, SD. Structure has been permanently barricaded and closed to public travel with no intention to replace.

07-305-370 (Bridge #104) 4 miles south and 0.5 miles east of Groton, SD. Structure has been permanently barricaded and closed to public travel with no intention to replace.

The Commission is aware of the following stipulations once a structure is deleted from the NBIS Inventory:

1. Federal Bridge funds will not be available for structure replacement or rehabilitation, and
2. The structures will only be added to the Inventory following replacement, using County funds.

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

BROWN COUNTY 2 GRADE RAISE:

Moved by Fischbach, seconded by Wiese to approve and authorize the Chairman sign Amendment to Agreement with Clark Engineering increasing the Engineering costs for the Brown County 2 Grade Raise Project in amount of \$9,522.80. All members present voting aye. Motion carried.

SERVICE ROAD COUNTY 19A:

Moved by Hansen, seconded by Kippley to accept low quote, submitted by Lien Transportation in amount of \$105,500.00 for removal of bridge over Foote Creek on US 281 Service Road – County Road 19A, per agreement with SDDOT; rejecting B&B @ \$111,734.90, Jacobs and Dahme declined to submit quote. The Commission also acknowledged the 404 Permit application has been submitted. All members present voting aye. Motion carried.

WEED & PEST DISCUSSION:

Weed Supervisor Mike Rohrbach and Weed Board Members Mark Hoven, Duane Jark and Dennis Wiedebush met to explain that the wage increase for some department employees within the labor grade classifications will affect the ability to share employees with the Highway Department for the Weed Control Program, explained steps being taken to accommodate the budget cut to the program in 2014, and described the procedure when spraying small private tracks upon request when larger operations declined the work.

EXCUTIVE SESSION:

Moved by Hansen, seconded by Wiese to go into executive session to discuss personnel, per SDCL 1-25-2 (1) with Larry Lovrien and Gary Vetter in attendance. All members present voting aye. Motion carried.

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

Moved by Hansen, seconded by Wiese to authorize advertising a part-time HR position. Roll call vote: Commissioners Hansen-aye, Kippley-nay, Fischbach-nay, Wiese-aye, Sutton-aye. Motion carried.

RECESS:

The Chairman declared the Commission recessed until November 26, 2013.

Maxine Fischer, Brown County Auditor

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

NOVEMBER 26, 2013 – GENERAL MEETING

Meeting called to order by Chairman Sutton at 8:45 a.m., November 26, 2013 in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Kippely, Fischbach and Wiese. Chairman Sutton led the Pledge of Allegiance.

MINUTES:

Moved by Wiese, seconded by Kippely to approve the General Meeting minutes of November 26, 2013. All members present voting aye. Motion carried.

CLAIMS:

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

Professional Fees: Avera St. Luke's \$8,630.03; Danko \$52.22; Dental Center \$88.04; Christopher Dohrer \$5,770.83; Karen Harr \$150.00; Kuck Law \$5,520.83; Rapid City Regional Hospital \$180.00; Gina Rogers \$5,520.83; Schreiber Law Firm \$687.93; Christy Serr \$5,770.83; US Bank \$1,420.22; West Payment Center \$131.00.

Transcripts: Lynnel Bruemmer \$358.00.

Publishing: Aberdeen American News \$112.31.

Rentals: Evan Cummins \$260.00; GPHC \$320.00; Wolfson Apartments \$320.00.

Repairs & Maintenance: Graham Tire \$3,020.06; Hoven Auto Repair \$986.93; LTK Heating & Cooling \$295.92; Overhead Door \$2,275.52; US Bank \$878.33.

Supplies: A & B Business \$14.27; Behnke Pit \$3,473.61; Brick TV & Appliance \$304.01; Dex \$52.00; Fordham Signs \$895.00; Les Frohling \$200.00; H & H Farms \$250.00; Interior Design Concepts \$51.80; Ron Jacobson \$250.00; Kustom Signals \$96.00; Marco \$271.02; Midstates Printing \$912.22; NCFE – Warner Elevator \$28,787.54; Safariland \$390.53; Spillman Technologies \$81,139.00; US Bank \$7,681.59.

Travel & Conference: Maxine Fischer \$48.67; Karen Harr \$35.00; Leo Leshner \$205.39; Gene Loeschke \$167.79; Russell Metz \$470.47; Sonje Oban \$72.00; Amy Scott \$590.02; Andrea Sjomeling \$18.00; US Bank \$3,505.70; Aaron Walberg \$60.23.

Utilities: CenturyLink \$2,456.49; Midcontinent \$65.00; NWPS \$1,234.93; US Bank \$552.93; Verizon Wireless \$1,630.41.

Other: Pizza Ranch \$84.95. All members present voting aye. Motion carried.

PERSONNEL:

Moved by Kippely, seconded by Hansen to acknowledge resignation of Sheriff Department (JDC Assistant) employee Teri Jondahl, effective January 4, 2014. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Kippely to authorize advertising vacant position in Sheriff Department (JDC Assistant) at Step 1 of the classification. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to approve employee status change for Jared Embury from Part-time to Full-time JDC Correctional Officer, effective December 9, 2014 at \$13.60 per hour. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to authorize Gary Vetter, Commission Assistant/HR Director to be designee to review, discuss and sign monthly on the job training and apprenticeship documentation for Veteran Service Officer Aaron Walberg for a designated two year program. All members present voting aye. Motion carried.

LIBRARY AGREEMENT:

Moved by Fischbach, seconded by Kippely 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 2014 in amount of \$15,000.00. All members present voting aye. Motion carried.

SET HEARING ORDINANCE NO. 083:

Moved by Hansen, seconded by Wiese to set public hearing for Brown County Ordinance No. 083, An Ordinance amending Second Revision Brown County Ordinances, Title 4, , specifically amending Chapter 4.13 Commercial District (C), Section 4.1302 Permitted Principal Uses and Structures Paragraph 4 strike - excluding any warehousing and storage services; Section 4.1304 Special Exceptions Paragraph 5 add – General Warehousing and Storage; Section 4.1306 Minimum Yard Requirements add – There shall be a front yard of not less than a depth of ten (10) feet. There shall be a rear yard of not less than ten (10) feet. Each side yard shall not be less than five (5) feet as measured from the outermost edge of structures. All distances are measured from the lot lines; Section 4.1307 Maximum Lot Coverage add – Minimum off-street parking and loading requirements shall also be considered for lot coverage based on use, to be held on December 17, 2013 at 8:45 a.m. in the Commissioners Chambers, Courthouse Annex, Brown County, SD. All members present voting aye. Motion carried.

LEASE AGREEMENT:

Moved by Wiese, seconded by Fischbach to approve and authorize Chairman sign agreement with A-Town Roller Girlz for lease of the Club House for practice sessions at \$10.00 per session plus \$20.00 for utilities during the months of November and December 2013. All members present voting aye. Motion carried.

HOLIDAY CLOSING:

Moved by Kippely, seconded by Wiese to close Friday, November 29th 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 29th 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.

NORTHERN ELECTRIC COOPERATIVE, INC FRANCHISE:

Commissioner Fischbach offered the following Resolution:

RESOLUTION 95-13
AUTHORIZATION TO CONSTRUCT ELECTRIC TRANSMISSION
AND DISTRIBUTION LINES ON THE
PUBLIC HIGHWAYS OF BROWN COUNTY

WHEREAS, Northern Electric Cooperative, Inc., of Bath, South Dakota, on the 4th day of November, 2013, filed with the County Auditor of Brown County, South Dakota, its duly verified Petition for the purpose of obtaining and acquiring one franchise for both its existing transmission lines and system and the planned extension and future expansion thereof, from Brown County, South Dakota, by and through its County Commissioners, for the right to maintain its existing and future system and to erect and maintain poles and wires for the purpose of transmitting and distributing electricity for lighting, heating and power purposes, in, along, and over the public highways of Brown County, South Dakota, for rural electrification throughout said County and State for a period of twenty years;

WHEREAS, said application was heard and considered by the members of the Board of County Commissioners of said County of Brown, in South Dakota, on the 26th day of November, 2013, at the hour of 8:45 o'clock a.m., in the Commissioners' Room, in the Courthouse in the City of Aberdeen, Brown County, South Dakota, due notice of said hearing having been given by mail as provided by law to all persons, firms or corporations owning or operating transmission, telegraph or telephone lines on or along any part of the highways of said County;

WHEREAS, no person, firm or corporation having appeared in opposition to the granting of such application, and it appearing to the satisfaction of the Board of County Commissioners of said County that the request contained in said Petition should be granted;

THEREFORE, BE IT RESOLVED, by the Brown County Board of Commissioners that the right to construct, maintain and operate poles and wires, both for its existing transmission lines and system, and also for its future extension and expansion, for the purpose of transmitting and distributing electricity for lighting, heating and power purposes, over, upon, along and across the public highways within Brown County, South Dakota, for rural electrification, on a county-wide basis, for a period of twenty (20) years from and after the date and passage hereof, be, and it hereby is, granted to said Northern Electric Cooperative, Inc., of Bath, South Dakota, subject to the terms and conditions of Chapter 31-26 of the South Dakota Codified Laws.

Dated this 26th day of November, 2013.

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

PLATS:

Commissioner Wiese offered the following Resolution:

Resolution #96-13

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing "Tuszka Subdivision in the SE ¼ of Sec 2-T121N-R64W 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, Kippley-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

Resolution #97-13

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Adler's First Subdivision in S ½ SE ¼ Sec 35-T123N-R62W 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, Kippley-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Resolution adopted.

Commissioner Wiese offered the following Resolution:

Resolution #98-13

BE IT RESOLVED by the Board of Commissioners of Brown County, SD, that the plat showing "Diamond Ridge Second Addition in the SE ¼ of Sec 34-T124N-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, Kippley-aye, Fischbach-aye, Wiese-aye, Sutton-aye. Resolution adopted.

EXECUTIVE SESSIONS:

Moved by Hansen, seconded by Wiese to go into executive session to discuss personnel, per SDCL 1-25-2 (1) with Larry Lovrien, Gary Vetter, Tom Schmitt, Mark Milbrandt, Scott Kolb, Damian Bahr, Janice Moore and Any Lake Harmon 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 Kippley to go into executive session to discuss personnel, per SDCL 1-25-2 (1) with Larry Lovrien, Gary Vetter and 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.

BRIDGE 204:

Moved by Wiese, seconded by Hansen to approve and authorize the Chairman sign Right-of-Way Certificate for Project Number BRF 6170(01) Bridge #204. All members present voting aye. Motion carried.

COUNTY ROAD 9:

Moved by Fischbach, seconded by Wiese to approve and authorize the Chairman sign Wetland Agreement with the SD Department of Transportation, whereby the County agrees to create and restore 0.38 acres of wetlands in the road ditch of Brown County road 9 in the SE ¼ of Sec 4 and the SW ¼ of Sec 3-T125N-R60W of the 5th P.M., Brown County, SD; and further that County shall pay the cost of construction, monitoring, and maintenance of the mitigation area. All members present voting aye. Motion carried.

CITIZEN CONCERNS:

Duane Riedel, County resident expressed concern about moving the Veterans Service Office and making sure an adequate facility is available for all Veterans; and asked if there is anyway the County can encourage the Beef Plant EB-5 investigation to continue until questions are answered.

EXECUTIVE SESSION:

Moved by Hansen, seconded by Fischbach to go into executive session to discuss personnel, per SDCL 1-25-2 (1) with Larry Lovrien, Gary Vetter and Deb Finnesand 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.

BUILDING DEMO/SITE PREP SPECS:

Moved by Hansen, seconded by Wiese to authorize Gary Vetter obtain quotes for the demolition of the Fairgrounds building known as the 4-H Building; and obtain specifications for all necessary site preparations for moving the Aberdeen Christian School Building to this location. All members present voting aye. Motion carried.

RECESS:

The Chairman declared the Commission recessed until December 3, 2013.

Maxine Fischer, Brown County Auditor

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

November 26, 2013 General Meeting

DECEMBER 3, 2013 – GENERAL MEETING

Meeting called to order by Vice Chair Hansen at 8:45 a.m., December 3, 2013 in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Kippley, Fischbach and Wiese. Commissioner Sutton was absent. Vice Chair Hansen led the Pledge of Allegiance.

MINUTES:

Moved by Kippley, seconded by Wiese to approve the General Meeting minutes of November 26, 2013. All members present voting aye. Motion carried.

CLAIMS:

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

Payroll: Commission \$3,359.55; Commission Assistant \$2,153.85; Auditor \$8,754.65; Treasurer \$11,505.63; Data Processing \$3,214.48; State's Attorney \$14,340.92; Blood Draws \$950.00; SVAWA Grant \$1,269.24; Maintenance \$4,696.63; Assessor \$11,999.49; Register of Deeds \$7,777.80; Veterans Service Office \$3,448.92; GIS \$2,045.33; Sheriff Admin \$31,292.59; Jail \$31,982.46; Coroner \$0; JDC \$18,630.41; HD \$4,685.49; Welfare Office \$2,939.69; Museum \$6,708.50; Parks & Fairgrounds \$3,991.20; Fair Board \$2,584.79; 4-H \$1,088.80; Weed \$413.14; Planning and Zoning \$1,384.80; Highway \$51,391.37; Communications \$20,372.06; Emergency Management \$3,057.11; Teen Court \$180.13; 24/7 \$2,416.15; Landfill \$10,977.08
Matching Benefits: FICA \$16,715.97; Medicare \$3,909.39; Life \$675.60; Dental \$6,031.00; Health Insurance \$101,300.58; Retirement \$47,334.36

Professional Fees: Box Butte County \$4.00; Cass County Sheriff's Dept. \$36.00; Dinger Trucking \$200.00; Hub City Livestock \$40.00; LBG \$3,239.30; Northern Plains Animal Health \$272.52; SD DOT \$3,236.42; Sivertsen Technology \$5,050.00; Kristi Spitzer \$1,159.00; Univ. of WI – Extension \$60.00.

Transcripts: Sara Zahn \$306.80.

Publishing: Aberdeen American News \$434.92; Groton Independent \$173.64.

Rentals: Advantage Self Storage \$1,656.00; Danne \$268.00; Sylvia Karst \$250.00.

Repairs & Maintenance: Aberdeen Plumbing & Heating \$1,885.76; Clark Engineering \$5,896.95; GovConnection \$75.83; Lawson Products \$12.64; Midwest Steeplejacks \$4,470.66; Nelson Sales & Service \$75.90; Pauer Sound \$138.00; Pierson Ford \$64.40; SD DOT \$13,243.35;

Supplies: A & B Business \$916.66; Aberdeen Asphalt \$1,119.10; Brick's Roto-Rooter \$180.00; Br. Co. EM \$400.00; Butler Machinery \$280.37; Ecolab Pest \$218.00; Geffdog \$609.40; GovConnection \$341.22; Grote Roofing \$172.96; Heartland Paper \$290.88; John Heine \$198.91; HF Jacobs & Son Construction \$172,500.00; ITS \$12,846.00; Lawson Products \$149.88; Marco \$166.18; McFarland Supply \$138.83; Michaela Glugla \$150.00; Nationwide Travel Guides \$295.00; Photo-X-Press \$63.02; Titan Access \$355.95; Tractor Supply \$3,029.87; Ultramax \$952.00.

Travel & Conference: Duane Jark \$15.00; Casey Jensen \$18.00; Mark Milbrandt \$550.61; SD Assoc. of Fairs & Celebrations \$270.00; Kathy Thompson \$18.00; Jan Weismantel \$27.00; Dennis Wiedebush \$15.00.

Utilities: AT & T Mobility \$1,572.27; Midcontinent \$492.62; Midwest Alarm \$51.50; Montana Dakota Utilities \$43.53; NWPS \$7,216.07. All members present voting aye. Motion carried.

PERSONNEL:

Moved by Fischbach, seconded by Wiese to approve the following employee step increases, effective December 8, 2013: Russell Metz @ \$17.68 per hour, Lora Schaunaman @ \$14.67 per hour, Carol White @ \$14.62 per hour, Christine Haggerty @ \$14.18 per hour, James Petrich @ \$16.04 per hour. All members present voting aye. Motion carried.

Moved by Kippley, seconded by Wiese to approve employee status change for Kyle Kost from Shop Labor Classification to Labor Grade #3, effective December 23, 2013 at \$15.50 per hour. All members present voting aye. Motion carried.

ALCOHOLIC BEVERAGE LICENSE RENEWAL:

Moved by Kippley, seconded by Wiese 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.

NECOG AGREEMENT:

Moved by Kippley seconded by Wiese to approve and authorize the Chairman sign Joint Cooperative Agreement with NECOG for 2014 in amount of \$22,801.76. All members present voting aye. Motion carried.

RFP BROWN COUNTY FAIR EVENT:

Moved by Fischbach, seconded by Kippley to authorize advertising public hearing to consider Request For Proposals for 2014 Brown County Fair Event at the Grandstand on August 13, 2013, to be held on December 31, 2013 at 9:00 a.m. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. All members present voting aye

ORD 082 FIRST READING:

Moved by Fischbach, seconded by Wiese to approve First Reading of Ordinance No. 082, An Ordinance amending Second Revision Brown County Ordinances, Title 6, specifically amending Chapter 6.04 Snow Removal, Section 6.401 Removal from Private Property to amend penalty hourly and minimum amounts from \$100 to \$500, when Brown County is required to remove the snow. All members present voting aye. Motion carried.

AUDITOR'S REPORT OF ACCOUNT:

Moved by Fischbach, seconded by Wiese to approve the November 2013 Auditor's Report of Account with the County Treasurer in total amount of \$19,067,766.05 (total amount of actual cash @ \$3,800.00, US Bank @ \$73,859.18, Dacotah Bank @ \$727,781.56, Petty Cash @ \$2,000.00, Fund Investments @ \$18,260,325.31). All members present voting aye. Motion carried.

ANIMAL DAMAGE CONTROL FUND:

Jacquie Erman and Tim Ray, SD Department of Game, Fish and Parks, Wildlife Division presented the Wildlife Damage Management Summary for Brown County from July 1, 2012 – June 30, 2013. The 2013 fiscal year County Assessment paid to the Animal Damage Control Fund was \$10,374 with Wildlife match in amount of \$20,750. Other statistics were presented and questions from the Commission were answered.

BRIDGE 204:

Moved by Fischbach, seconded by Wiese to approve and authorize the Chairman sign Utilities Certificate for Project Number BRF 6170(01) Bridge #204. All members present voting aye. Motion carried.

CITIZEN CONCERN:

Duane Riedel, County resident presented signatures and documentation and encouraged the Commission to draft a resolution for continuation of the EB-5 investigation. Gary Vetter, Commission Assistant was instructed to draft a resolution for review.

VETERANS SERVICE OFFICE LOCATION:

Aaron Walberg, Veterans Service Officer expressed the following concerns for the County's approximate 3,000 veterans if the office is re-located to 1st Ave SE: The length of the handicapped ramp plus distance to offices creates an extreme hardship on disabled Veterans (especially in winter), loss of immediate access to the Register of Deeds Office during scheduled appointments with individual veterans or their families, frustration for elderly veterans that may still come to the Courthouse expecting service, decline in amount of money generated for the area. The Commission will take under advisement.

PUTNEY SLOUGH FLOOD GATES:

Ted Dickey, NECOG and Don Weigel, Clark Engineering explained the process to replace the Putney Slough flood gates if application is made for FEMA funding; and further explained the option of preparing funding applications through DENR and JRWDD, without involving FEMA, as FEMA concentrates on areas with homes and business structures and the impacted area is primarily farmland. The estimated cost to replace the flood gates is \$298,000.00.

RECESS:

The Chairman declared the Commission recessed until December 10, 2013.

Maxine Fischer, Brown County Auditor

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

DECEMBER 17, 2013 – GENERAL MEETING

Meeting called to order by Chairman Sutton at 8:45 a.m., December 17, 2013 in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Kippely, Fischbach and Wiese. Chairman Sutton led the Pledge of Allegiance.

MINUTES:

Moved by Wiese, seconded by Hansen to approve the General Meeting minutes of December 10, 2013. All members present voting aye. Motion carried.

CLAIMS:

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

Payroll: Commission \$3,359.55; Commission Assistant \$2,153.85; Auditor \$8,484.79; Treasurer \$11,621.99; Data Processing \$3,141.75; State's Attorney \$14,340.92; Blood Draws \$250.00; SVAWA Grant \$1,269.24; Maintenance \$4,712.67; Assessor \$11,999.50; Register of Deeds \$7,784.39; Veterans Service Office \$3,448.92; GIS \$2,045.33; Sheriff Admin \$28,015.33; Jail \$33,473.19; Coroner \$0; JDC \$13,004.51; HD \$4,980.98; Welfare Office \$2,939.70; Museum \$6,636.61; Parks & Fairgrounds \$3,991.20; Fair Board \$2,584.79; 4-H \$1,088.80; Weed \$0; Planning and Zoning \$1,384.80; Highway \$42,048.47; Communications \$20,184.70; Emergency Management \$3,057.11; Teen Court \$129.69; 24/7 \$2,498.58; Landfill \$10,338.24

Matching Benefits: FICA \$14,687.17; Medicare \$3,343.79.

Professional Fees: AdamSoft \$1,000.00; AMG Internal Medicine \$55.21; AMG Neurosurgical \$92.87; AMG Psychiatry \$63.59; Avera St. Luke's \$10,304.82; Blue Earth Co. S.O. \$65.00; Certified Languages International \$295.35; Denise M. Cody \$30.00; Tammy Erickson \$100.00; Foerster Testing Limited \$765.00; Fox & Youngberg \$175.24; Hosmer Law Office \$276.70; LaCroix Law Office \$868.25; Language Line Services \$373.85; Lewis & Clark BHS \$320.00; Lucy Lewno \$300.92; LexisNexis \$50.00; Rose Mendoza \$921.03; NE Mental Health Center \$910.00; Sanford Clinic \$145.34; Sanford Health \$4,050.84; SD Dept. of Revenue & Regulation \$990.00; SDN \$4,576.00; Shreves Law Office \$190.34; Sivertsen Technology \$5,100.00; Kristi Spitzer \$449.00; Karen Swanda \$30.00; US Bank \$1,465.00; West Payment Center \$130.40; Yankton Co. Sheriff's Office \$25.00; Yankton County Treasurer \$467.00.

Transcripts: Lynnel Bruemmer \$20.40; Michelle Gaikowski \$110.20.

Publishing: Aberdeen American News \$871.14; Dakota Press \$5,311.60; Groton Independent \$811.16.

Rentals: Brenner Builders \$320.00; Zumbaum Property Mgmt. \$320.00.

Repairs & Maintenance: Aberdeen Masonry \$1,800.00; B & B Contracting \$755.10; CarQuest \$7.27; DSG \$645.79; Dakota Tree Co. \$401.50; Farm Power Mfg. \$1,722.06; G & K Services \$479.45; GCR Tire Center \$3,454.90; Geffdog \$1,506.76; Graham Tire \$762.62; Integrated Tech & Security \$4,829.00; Kone \$96,466.50; Leidholt Electric \$2,236.87; McFarland Supply \$208.05; Midwest Pump & Tank \$286.53; Overhead Door \$1,129.49; Pro Ag Supply \$318.19; Proforma \$587.63; US Bank \$403.00.

Supplies: 446-Praxair \$152.93; A & B Business \$106.48; Aberdeen Pit Stop \$2,879.67; Active Data Systems \$294.43; Ameripride \$59.28; Bruce Hoffman Family \$67.50; Cash-Wa \$3,971.30; Cole Papers \$1,236.70; Crescent Electric \$98.10; Custom Glass & Repair \$360.00; Dakota Mailing \$77.32; DPM Petty Cash \$69.36; DT Pharmacy \$610.89; Farm & Home Publishers \$473.50; Farm Power Mfg. \$824.80; Fisher's Cleaning Service \$210.00; Galls \$490.00; Gardner Locksmithing \$86.00; Geffdog \$19.50; GovConnection \$748.24; Heartland Paper \$93.55; Hedahl's \$30.50; J. Gross Equip. \$1,030.78; J R Huebner \$2,195.00; Kessler's \$187.13; Kmart Pharmacy \$192.72; Marco \$243.03; Medical Waste Transport \$117.70; Menards \$147.92; Midstates Printing \$273.51; Moore Medical \$100.39; Northwest Divers \$494.20; Pierson-Ford \$60.26; Pitney Bowes \$2,937.60; Running's \$145.90; SD Redbook Fund \$904.92; SDN \$21,752.73; Sewing Shoppe \$180.50; Sivertsen Technology \$3,896.94; Taser International

\$6,141.48; Taylor Laundry \$63.00; Tri-State Water \$23.05; Tyler Business Forms \$393.29; US Bank \$5,948.81; West Payment Center \$2,035.85; Woodman Refrigeration \$354.86.

Travel & Conference: City of Groton \$71.41; Executive Mgmt. \$1,654.40; Sonje Oban \$181.00; Pennington County Sheriff's Office \$208.20; Amy Scott \$242.66; US Bank \$4,095.11.

Utilities: Aberdeen City Treasurer \$448.99; CenturyLink \$1,819.23; City of Hecla \$209.17; Dependable Sanitation \$451.00; Executive Mgmt. \$335.26; Northern Electric Coop. \$2,127.96; NWPS \$3,053.12; SDN \$2,892.75; US Bank \$553.70; Verizon Wireless \$160.04.

Other: JRWD \$23,145.43.

Machinery & Equipment: Artz Equipment \$14,350.00. All members present voting aye. Motion carried.

PERSONNEL:

Moved by Fischbach, seconded by Wiese to approve the following employee step increases, effective December 22, 2013: Kathy Schlecht @ \$18.19 per hour, Sarah Jesz @ \$17.00 per hour, Craig Nelson @ \$20.24 per hour, Charles Gruenstein @ \$15.77 per hour, Adelaide Mouna @ \$14.55 per hour. All members present voting aye. Motion carried.

Moved by Wiese, seconded by Fischbach to authorize employees be taxed for personal use of County vehicles at \$0.56 per mile, effective January 1, 2014. All members present voting aye. Motion carried.

Moved by Kippley, seconded by Hansen to amend Employee Policy Manual dated April 10, 2012, as follows Section E-3 – Sick Leave: Effective January 1, 2014, all new hires will not receive compensation for unused sick leave upon separation from the County. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to approve expenditure for Amy Scott to participate in the Leadership Aberdeen 2014 Program, sponsored by the Aberdeen Area Chamber of Commerce. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to approve Sheriff Department request to fill vacancy for part-time Correctional Officer. All members present voting aye. Motion carried.

BCBS AFFORDABLE CARE ACT (ACA) FEES:

Moved by Hansen, seconded by Wiese to approve payment of employee health insurance Affordable Care Act (ACA) Fees in amount of \$14.25 per employee per month from county funds, with employee paying the ACA fee of \$14.25 per dependent per month, effective for January 1, 2014 health care coverage. All members present voting aye. Motion carried.

TAX DEED SALE:

Moved by Hansen, seconded by Fischbach to authorize advertising the following described property to be offered for sale by auction in the Community Room, Brown County Courthouse Annex, on January 13, 2014 at 10:00 a.m., and further to declare property surplus for purpose of sale: Aberdeen City: Lot 201 and 202 Morning Heights Subdivision N ½ Sec 19-T123N-R3W (815 S Aldrich Street); Lot 2 Block 21 First Addition to the Highlands (919 N State Street); Frederick City: S 68' of Lot 4 Block 2 Original Plat to Frederick; Lot 5 Block 32 Lot 25 First Addition to Frederick E ½ Sec 11-T127N,R64W, Brown County, SD; and further authorize advertising an open house event for the two Aberdeen City properties. All members present voting aye. Motion carried.

JDC CONTRACTS:

Moved by Kippley, seconded by Fischbach to approve and authorize the Chairman sign Contracts with the following Counties for housing juveniles in the Detention Center at \$220.00 per day: Campbell, Corson, Dewey, Faulk, Grant, Hamlin, Jerauld, Marshall, McPherson, Spink, Sully and Union. All members present voting aye. Motion carried.

SURPLUS PROPERTY:

Moved by Wiese, seconded by Hansen to declare 4 Tasers (SN 021959, 021975, 224168, 267904) surplus property for purpose of donation to Faulk County. All members present voting aye. Motion carried.

STAINED GLASS WINDOW GRANT APPLICATION:

Moved by Fischbach, seconded by Hansen to approve application be submitted to Aberdeen Downtown Association Façade Grant Program for the Courthouse Stained Glass Window Project. All members present voting aye. Motion carried.

SUSPENSION/DEBARMENT PROCEDURE:

Moved by Kippley, seconded by Wiese to adopt the following Brown County Suspension and Debarment Procedures (Revised December 17, 2013): Summary: For projects receiving federal grant funds, the grantee is prohibited by federal regulation from issuing contracts or making purchases from vendors listed on the General Services Administration's List of Parties Excluded from Federal Procurement Programs. Brown County will not knowingly form a new contract, make a new purchase from, or enter into any new business relationship with any individual or business entity that is listed by a federal agency as debarred, suspended, or proposed for debarment. Procedure: Prior to entering into any contract or purchase funded by federal grants expected to equal or exceed \$25,000, a search will be performed by the grant administrator using the Excluded Parties List System (EPLS) website <http://www.sam.gov>. The search will be documented with a print screen of the search results. A copy of this print screen will be attached to any contract or invoice meeting the requirements set forth above. All members present voting aye. Motion carried.

HLS EQUIPMENT TRANSFER:

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman to sign Homeland Security Equipment Transfer document giving ownership of Fingerprint Station to Brown County (transfer from Beadle County EM as regional administrator). All members present voting aye. Motion carried.

CDBG-NEW TEC PROJECT:

Moved by Wiese, seconded by Kippley to approve and authorize the Chairman sign Payment Request #4 Community Development Block Grant #1212-307 for New Tec in amount of \$5,445.88, replacing original request in amount of \$814.91 dated November 1, 2013. All members present voting aye. Motion carried.

REGIONAL AGING COUNCIL (RAC):

Moved by Hansen, seconded by Kippley to appoint Shari Phillips and Cindy Beard as Brown County Representatives on the Northeast South Dakota Regional Aging Council (RAC) for 2014 and 2015. All members present voting aye. Motion carried.

SMALL APPLIANCE POLICY:

Moved by Kippley, seconded by Wiese to approve the Small Appliance Policy and Procedure for all Departments, effective December 17, 2013. All members present voting aye. Motion carried.

ORD 083 FIRST READING:

Moved by Fischbach, seconded by Wiese to approve First Reading of Ordinance No. 083, An Ordinance amending Second Revision Brown County Ordinances, Title 4, specifically amending Chapter 4.13 Commercial District (C), Section 4.1302 Permitted Principal Uses and Structures Paragraph 4 strike - excluding any warehousing and storage services; Section 4.1304 Special Exceptions Paragraph 5 add - General Warehousing and Storage; Section 4.1306 Minimum Yard Requirements add - There shall be a front yard of not less than a depth of ten (10) feet. There shall be a rear yard of not less than ten (10) feet.

Each side yard shall not be less than five (5) feet as measured from the outermost edge of structures. All distances are measured from the lot lines; Section 4.1307 Maximum Lot Coverage add – Minimum off-street parking and loading requirements shall also be considered for lot coverage based on use. All members present voting aye. Motion carried.

ASSESSMENT PLAN 2014:

Moved by Wiese, seconded by Fischbach to acknowledge 2014 assessment plan as presented by Mary Worlie, Director of Equalization. All members present voting aye. Motion carried.

VETERAN DELEGATION:

Veterans Service Officer Aaron Walberg, employees Kathy Schlecht, Ron Leighty and a delegation of twenty-six (26) Veterans met to express opposition to the plan to move the Veterans Service Office from its current location in the Courthouse. The following individuals spoke on behalf of various Veterans Organizations and for themselves in support of the current location: Sean Johnson, VFW Post 17; Bev North; Larry Nupen; Bonnie Ellis; Sam Olson, American Legion; Allan Ochsner and Dale Powers, Disabled American Veterans.

ROAD MAINTENANCE:

Area resident Bill Welk met to suggest that all townships establish one way out policy for road maintenance and a commodity based tax system for producers.

INVENTORY SYSTEM:

Paul Sivertsen discussed a program for inventory control using a scanning device.

LANDFILL EXPANSION PROJECT:

Moved by Fischbach, seconded by Hansen to approve and authorize the Chairman sign Agreement with Helms and Associates to provide engineering services for the Landfill Expansion Project (Unit 2, Cell 2), as follows: Phase 1 Design and Plan Development @ \$98,200.00; Phase 2 Bidding @ \$5,000.00; and Phase 3 Construction in an amount not to exceed \$117,840.00. All members present voting aye. Motion carried.

EXECUTIVE SESSION:

Moved by Hansen, seconded by Wiese to go into executive session to discuss contract, per SDCL 1-25-2 (4) with Chris White 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.

RECESS:

The Chairman declared the Commission recessed until December 23, 2013.

Maxine Fischer, Brown County Auditor

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

DECEMBER 23, 2013 – GENERAL MEETING

Meeting called to order by Chairman Sutton at 8:45 a.m., December 23, 2013 in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Kippely and Fischbach. Commissioner Wiese was absent. Chairman Sutton led the Pledge of Allegiance.

MINUTES:

Moved by Fischbach, seconded by Hansen to approve the General Meeting minutes of December 17, 2013. All members present voting aye. Motion carried.

CLAIMS:

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

Insurance: SD Public Assurance Alliance \$100.00.

Professional Fees: Avera St. Luke's \$607.30; Dependable Sanitation \$30,119.88; Chris Dohrer \$5,770.83; Kuck Law Office \$5,520.83; Lutheran Social Services \$2,200.00; Gina Rogers \$5,520.83; Sanford Health \$69.81; SD Dept. of Revenue & Regulation \$1,025.00; Christy Serr \$5,770.83; West Payment Center \$187.62.

Publishing: Aberdeen Community Theatre \$250.00; AD Dept. \$94.50.

Rentals: GPHC \$320.00.

Repairs & Maintenance: Crawford Trucks & Equip. \$9.52; Dakota Tree Company \$472.50; Farm Power Mfg. \$29.50; Fastenal \$38.22; J Gross Equip. \$189.25; Marco \$1,101.60; Midwest Pump & Tank \$715.08; Pierson-Ford \$105.00; Sheehan Mack Sales \$9.36; TW Construction \$525.00; Walth Safety Service \$63.44.

Supplies: 446-Praxair \$206.00; A & B Business \$1,437.13; Aberdeen Area Radiator \$865.78; Aberdeen Pit Stop \$5,152.40; American Health & Safety \$385.85; Best Business Products \$176.80; Brown Co. Bar Assoc. \$100.00; Br. Co. Treasurer \$13.00; Jodi Brown \$12.50; Butler Machinery \$16.56; CarQuest Auto Parts \$2,273.41; Cartney Bearing \$424.59; Cole Papers \$1,553.01; Crawford Trucks & Equip. \$1,676.50; Dakota Fluid Power \$482.20; Dakota Oil \$799.60; Ecolab Pest \$101.50; Farm Power Mfg. \$419.93; Fastenal \$67.73; Gardner Locksmithing \$67.94; GovConnection \$6,849.21; Heartland Paper \$1,119.18; Hedahl's \$22.88; Holland's Auto Care \$912.74; J Gross Equip. \$124.15; Mac's \$17.48; Menards \$217.06; Midstates Printing \$194.00; NCFE – Warner Elevator \$19,937.27; Newman Signs \$89.75; Northern Lights USA \$7,585.00; Pierson-Ford \$2.88; PowerPlan \$421.51; Runnings \$222.47; Schwan Welding \$265.00; Share Corp \$256.00; Sheehan Mack Sales \$220.76; Sivertsen Technology \$43.96; Steven Lust Automotive \$50.74; Taylor Laundry \$119.00; TW Construction \$75.00; West Payment Center \$206.50.

Travel & Conference: Exec. Mgmt. Finance \$1,689.18; Kathy Fischer \$281.53; Duane Jark \$50.76; Barry Kusler \$94.00; Leo Leshner \$451.20; Gene Loeschke \$118.44; Russell Metz \$120.32; Sherri Rawstern \$101.99; Dennis Wiedebush \$33.84.

Utilities: Aberdeen City Treasurer \$210.29; CenturyLink \$2,498.69; Economy Propane \$1,522.95; Midcontinent \$65.00; Montana Dakota Utilities \$39.29; NWPS \$1,295.38; Verizon Wireless \$1,911.28.

Other: Pizza Ranch \$101.94; Safe Harbor \$486.00. All members present voting aye. Motion carried.

PERSONNEL:

Moved by Fischbach, seconded by Hansen to approve employee status change for Brian Bahr from Correctional Officer in Jail to Assistant Supervisor of the Brown County Juvenile Detention Center, effective January 6, 2014 @ \$15.32 per hour. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Fischbach to approve hiring Marissa Mickelson as part-time JDC Correctional Officer, effective January 12, 2014 @ \$11.37 per hour. All members present voting aye. Motion carried.

Moved by Fischbach, seconded by Hansen to acknowledge resignation of part-time Maintenance Employee Marla Zastrow, effective December 31, 2013; and further approve Maintenance Department request to fill vacancy. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Fischbach to approve hiring Robert Heupel as Part-time Maintenance Employee, effective January 5, 2014 @ \$8.37 per hour. All members present voting aye. Motion carried.

SURPLUS PROPERTY:

Moved by Hansen, seconded by Fischbach to declare scrap metal from Courthouse Elevator Repair Project surplus for purpose of sale. All members present voting aye. Motion carried.

HLS EQUIPMENT TRANSFER:

Moved by Hansen, seconded by Fischbach to approve and authorize the Chairman to sign Homeland Security Equipment Transfer document giving ownership of Thermal imaging camera, Night vision goggles, and Security Systems for five schools to Brown County (transfer from Beadle County EM as regional administrator). All members present voting aye. Motion carried.

LEASE AGREEMENT:

Moved by Fischbach, seconded by Hansen to approve and authorize Chairman sign agreement with A-Town Roller Girlz for lease of the Club House for practice sessions at \$10.00 per session plus \$20.00 for utilities from January through December 2014. All members present voting aye. Motion carried.

SHERIFF VEHICLE PURCHASE:

Moved by Fischbach, seconded by Hansen to approve and authorize the purchase of two 2014 Ford Police Utility Interceptors from Pierson Ford (matched Lamb Motors State Bid Contract #16546 base price of \$26,076) plus available options (\$875) for the Sheriff Department in total amount of \$53,902.00. All members present voting aye. Motion carried.

SHERIFF REPORTS:

Moved by Fischbach, seconded by Hansen to approve the following November 2013 Sheriff Reports: Incidents and offenses, Prisoner care, JDC and Money deposited with the County Treasurer. All members present voting aye. Motion carried.

PLATS:

Commissioner Fischbach offered the following Resolution:

Resolution #99-13

BE IT RESOLVED by the Board of Commissioners of Brown County, SD, that the plat showing "Double S Addition in the NW ¼ of Sec 21-T123N-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 Hansen. Roll call vote: Commissioners Hansen-aye, Kippley-absent, Fischbach-aye, Wiese-absent, Sutton-aye. Resolution adopted.

Commissioner Fischbach offered the following Resolution:

Resolution #100-13

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Replat of Lots 2 & 3, Block 35, to the City of Hecla, in the SE ¼ of Sec 22-T128N-R61W 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 Hansen. Roll call vote: Commissioners Hansen-aye, Kippley-absent, Fischbach-aye, Wiese-absent, Sutton-aye. Resolution adopted.

Commissioner Fischbach offered the following Resolution:

Resolution #101-13

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing "Mandel Subdivision in the SE ¼ of Sec 30-T124N-R64W 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 Hansen. Roll call vote: Commissioners Hansen-aye, Kippley-absent, Fischbach-aye, Wiese-absent, Sutton-aye. Resolution adopted.

Commissioner Fischbach offered the following Resolution:

Resolution #102-13

BE IT RESOLVED by the Board of County Commissioners of Brown County, SD, that the plat showing "Krueger Subdivision of Outlot J to Ferney in the SW ¼ of Sec 31-T122N-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 Hansen. Roll call vote: Commissioners Hansen-aye, Kippley-absent, Fischbach-aye, Wiese-absent, Sutton-aye. Resolution adopted.

Commissioner Fischbach offered the following Resolution:

Resolution #103-13

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "C&C Hanson 1st Subdivision in NW ¼ Sec 30-T124N-R62W 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 Hansen. Roll call vote: Commissioners Hansen-aye, Kippley-absent, Fischbach-aye, Wiese-absent, Sutton-aye. Resolution adopted.

Commissioner Fischbach offered the following Resolution:

Resolution #104-13

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Gearey Outlot 1 in NW ¼ Sec 24-T124N-R62W 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 Hansen. Roll call vote: Commissioners Hansen-aye, Kippley-absent, Fischbach-aye, Wiese-absent, Sutton-aye. Resolution adopted.

Commissioner Fischbach offered the following Resolution:

Resolution #105-13

BE IT RESOLVED by the Board of Commissioners of Brown County, SD, that the plat showing "Schuring-Strom Tract 1 in the NW ¼ of Sec 34-T123N-R60W 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 Hansen. Roll call vote: Commissioners Hansen-aye, Kippley-absent, Fischbach-aye, Wiese-absent, Sutton-aye. Resolution adopted.

Commissioner Fischbach offered the following Resolution:

Resolution #106-13

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "R & V 1st Subdivision in SE ¼ Sec 7-T125N-R65W 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 Hansen. Roll call vote: Commissioners Hansen-aye, Kippley-absent, Fischbach-aye, Wiese-absent, Sutton-aye. Resolution adopted.

Commissioner Fischbach offered the following Resolution:

Resolution #107-13

BE IT RESOLVED by the County Commission of Brown County, SD, that the plat showing "Braun-Heilman Subdivision in SE ¼ Sec 32-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 Hansen. Roll call vote: Commissioners Hansen-aye, Kippley-absent, Fischbach-aye, Wiese-absent, Sutton-aye. Resolution adopted.

ORD 083:

Moved by Hansen, seconded by Fischbach to adopt Ordinance No. 083, An Ordinance amending Second Revision Brown County Ordinances, Title 4, specifically amending Chapter 4.13 Commercial District (C), Section 4.1302 Permitted Principal Uses and Structures Paragraph 4 strike - excluding any warehousing and storage services; Section 4.1304 Special Exceptions Paragraph 5 add - General Warehousing and Storage; Section 4.1306 Minimum Yard Requirements add - There shall be a front yard of not less than a depth of ten (10) feet. There shall be a rear yard of not less than ten (10) feet. Each side yard shall not be less than five (5) feet as measured from the outermost edge of structures. All distances are measured from the lot lines; Section 4.1307 Maximum Lot Coverage add - Minimum off-street parking and loading requirements shall also be considered for lot coverage based on use. Roll call vote:

Commissioners Hansen-aye, Kippley-absent, Fischbach-aye, Wiese-absent, Sutton-aye. Resolution adopted.

Commissioner Kippley arrived at this time.

VOTE CENTERS – PRECINCT BOUNDARIES:

Commissioner Hansen offered the following Resolution:

**RESOLUTION #108-13
A Resolution Authorizing Use of Vote Centers**

WHEREAS, as per SDCL 12-14-17, the Brown County Board of County Commissioners may authorize the use of vote centers in lieu of precinct polling places, providing that the election is conducted in conformance with all applicable election laws and rules, and

WHEREAS, Brown County, in its entirety, will be considered one precinct with the use of vote centers.

WHEREAS, the use of vote centers will make voting more accessible for registered voters in Brown County as they will be able to vote at any one of the vote centers, and

WHEREAS, the cost of purchasing electronic pollbooks, scanners and other equipment required to facilitate vote centers is covered by Help America Vote Act Grant Funds, and

WHEREAS, the use of vote centers will decrease the expense of conducting county elections.

NOW, THEREFORE BE IT RESOLVED that the Brown County Commission declares all of Brown County as one voting precinct and designates the following locations as vote centers:

1. Ramada Convention Center
2. Best Western Ramkota Hotel/Convention Center
3. Courthouse Community Room
4. Columbia Legion Building
5. Westport Town Hall
6. Warner Community Center
7. Stratford Community Center
8. Groton Community Center
9. Claremont Fire Station
10. Hecla Community Center
11. Frederick Community Center

BE IT FURTHER RESOLVED that the Auditor's office will be used as an absentee vote center to process absentee ballots on Election Day.

Dated this 23rd day of December 2013.

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

EXECUTIVE SESSION:

Moved by Kippley, seconded by Hansen to go into executive session to discuss contract, per SDCL 1-25-2 (4) with Gary Vetter and Chris Dohrer 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.

INDIGENT DEFENSE PROGRAM:

Moved by Kippley, seconded by Fischbach to adopt the Brown County Indigent Defense Program Handbook and Performance Guidelines, effective January 1, 2014. All members present voting aye. Motion carried.

Moved by Kippley, seconded by Hansen to appoint the following to provide services to indigent defendants in Brown County, SD, effective January 1, 2014: Scott T. Kuck, Christopher D. Dohrer, Christy Griffin Serr, Gina J. Rogers, Thomas J. Cogley, Joshua K. Finer and Christopher R. Jansen. All members present voting aye. Motion carried.

SALARY 2014:

Moved by Hansen, seconded by Kippley to approve a 5% salary increase for all employees base step amount, except compensation established by grant reimbursement, board per diem and per call professional fee agreements; Mike Rohrbach @ \$18.17 per hour (weed and highway); Gerald Lehrkamp @ \$16.79 per hour (weed and highway); Chris White at pro-rated annual salary of \$62,500; Ryan Vogel and Karly Winter at pro-rated annual salary of \$50,000; approve employee status change for C Scott Bader from Planning Zoning Technician to Planning and Zoning Director at pro-rated annual salary of \$37,800.00; CDL differential for Highway no others. All members present voting aye. Motion carried.

RECESS:

The Chairman declared the Commission recessed until December 31, 2013.

Maxine Fischer, Brown County Auditor

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

DECEMBER 31, 2013 - JOINT ABERDEEN CITY/BROWN COUNTY MEETING

The Brown County Commission and the Aberdeen City Council met in joint session at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present from City were Council Members Campbell, Johnson, Slight-Hanson, Swanson and Mayor Levsen. Absent were Council Members Bunsness, Remily, Ronayne and Rux. Present from County were Commissioners Hansen, Kippley, Wiese and Sutton. Commissioner Fischbach was absent.

ORDINANCE #13-12-03/426:

On motion by Campbell and seconded by Swanson, the City unanimously voted to approve First Reading of Ordinance #13-12-03/426.

ORDINANCE #13-12-03/426:

Moved by Hansen, seconded by Wiese to approve First Reading of Ordinance #13-12-03/426, An Ordinance to amend Ordinance No. 1164 to rezone the following described property from its present zoning designation of (A-1) Agricultural District to (M-AG) Mini-Agricultural District: Dafnis Outlot 1 in the SW ¼ of Sec 34-T124N-R64W of the 5th P.M., Brown County, SD (2514 NW 130th Street). 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 \$_____.

DECEMBER 31, 2013 – GENERAL MEETING

Meeting called to order by Chairman Sutton at 8:45 a.m., December 31, 2013 in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Hansen, Kippley and Wiese. Commissioner Fischbach was absent. Commissioner Sutton led the Pledge of Allegiance.

MINUTES:

Moved by Hansen, seconded by Wiese to approve the General Meeting Minutes of December 23, 2013. All members present voting aye. Motion carried.

CLAIMS:

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

Payroll: Commission \$3,359.55; Commission Assistant \$2,153.85; Auditor \$8,482.42; Treasurer \$11,673.71; Data Processing \$3,225.36; State's Attorney \$14,340.94; Blood Draws \$650.00; SVAWA Grant \$1,269.24; Maintenance \$4,659.81; Assessor \$12,026.71; Register of Deeds \$7,777.82; Veterans Service Office \$3,448.93; GIS \$2,045.33; Sheriff Admin \$27,885.64; Jail \$30,069.48; Coroner \$0; JDC \$14,119.32; HD \$4,469.28; Welfare Office \$2,939.70; Museum \$6,506.36; Parks & Fairgrounds \$3,991.20; Fair Board \$2,584.79; 4-H \$1,088.81; Weed \$442.12; Planning and Zoning \$2,014.80; Highway \$41,225.44; Communications \$18,581.21; Emergency Management \$3,057.11; Teen Court \$169.32; 24/7 \$2,470.14; Landfill \$10,410.28.

Matching Benefits: FICA \$14,687.17; Medicare \$3,434.79; Life \$671.40; Dental \$6,295.32; Health Insurance \$102,817.22; Retirement \$30,184.77.

Insurance: SD Public Assurance Alliance \$27.00.

Professional Fees: Br. Co. Treasurer \$282,667.67; Aberdeen Advanced Care Ambulance \$96.89; Aberdeen City Treasurer \$500.00; Denise Cody \$37.50; Dental Center \$167.49; Digital Alley \$1,605.00; Helms & Assoc. \$5,450.90; Lucy Lewno \$298.71; Mikelson Law Office \$198.80; NE Mental Health Center \$28,734.00; SD D.O.T. \$8,081.24; Sivertsen Technology \$6,200.00; Spitzer Miller Funeral Home \$1,845.00; Spot Freight \$1,585.00; Karen Swanda \$37.50; Univ. of ND \$204.29; Yankton Co. Sheriff \$25.00.

Transcripts: Shepherd Reporting \$60.00.

Publishing: Aberdeen American News \$827.45; Dex Media \$52.00; Groton Independent \$503.69; Rapid City Journal \$25.20.

Rentals: Larson Rentals \$280.00; Wolfson Apartments \$320.00; Zumbaum Property Mgmt. \$260.00.

Repairs & Maintenance: Butler Machinery \$1,335.18; Crawford Trucks & Equip. \$506.77; Cunningham Electric \$22.31; Dakota Electronics \$645.80; Dakota Fluid Power \$714.68; Dakota Pump & Control \$3,460.37; DSG \$792.37; Dakota Tree Co. \$1,351.50; Diesel Machinery \$2,900.00; EPG Co. \$2,760.00; Farm Power Mfg. \$525.90; G & K Services \$272.30; ITS \$24,224.00; Karst Car Care \$38.88; Lien Transportation \$110,775.26; Pro Ag Supply \$395.91; SD D.O.T. \$14,233.07; Service Signs \$7,558.17; Wallwork Truck Center \$7.25; Walth Safety Service \$250.23; Western States Fire Co. \$3,059.21; Woodman Refrigeration \$725.97.

Supplies: 446-Praxair \$22.50; Academy Trophy \$7.00; Bakken Build Maint. \$500.00; Crawford Trucks & Equip. \$2,282.20; Crescent Electric \$165.86; Dakota Electronics \$230.70; DSG \$170.08; DPM Mercantile \$13.90; Farm Power Mfg. \$78.00; Galls \$132.00; GovConnection \$2,788.65; Heartland Paper \$702.00; Hecla Implement \$76.35; HF Jacobs & Son \$97,388.53; Holland's Auto Care \$922.74; Hub City \$3,000.00; Jensen Rock & Sand \$70,855.85; Lang's \$459.99; Lar-Jo's \$38.00; Leidholt Electric \$84.18; Mac's \$36.59; Marco \$374.31; Menards \$38.23; Midstates Printing \$106.62; Midwest Rubber Stamp \$50.00; Mark Milbrandt \$35.06; NCFE-Warner Elevator \$37,849.24; Newman Signs \$1,361.00; North Star Energy \$34.30; PowerPlan \$303.86; Schwan Welding \$2,968.00; SD D.O.T. \$39,789.91; Sheehan Mack Sales \$223.03; Sivertsen Technology \$465.98; Taser International \$62.91; Titan Access \$264.86; Tractor Supply \$36.98; Vigilant Solutions \$38,200.00; Wallwork Truck Center \$159.00; Walth

Safety Service \$135.45; Webb Shoe Co. \$480.90; West Payment Center \$88.50; Woodman Refrigeration \$300.90; Zastrow's Sales & Service \$1,134.47.

Travel & Conference: Stan Beckler \$19.74; Darwin Bettmann \$14.10; Tina Boldt \$49.82; Tom Fischbach \$140.06; Jefferson Lines \$118.00; Patrick Keatts \$33.84; Rachel Kippely \$105.27; Dale Kurth \$107.16; Michael Merkel \$15.33; Mark Milbrandt \$184.00; Clay Nelson \$191.76; David North \$107.16; Jerome Streckfuss \$36.66; Duane Sutton \$109.24; Michael Wiese \$103.40.

Utilities: AT&T Mobility \$1326.26; CenturyLink \$49.06; Cunningham Electric \$1,115.29; Economy Propane \$3,136.50; Midcontinent \$498.89; NWPS \$12,260.04; Web Water \$64.11.

Other: New Tec \$5,445.88.

Ambulance: Aberdeen City Treasurer \$5,072.62. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Kippely to approve the following claims for payment on January 2, 2014: SDPAA \$212,569.09 and SDML \$85,100.00. All members present voting aye. Motion carried.

PERSONNEL:

Moved by Hansen, seconded by Wiese to approve the following employee step increases, effective January 5, 2014: Kathy Neitzel @ \$16.95 per hour, Mickey Schulz @ \$14.41 per hour, Jackie Ormand @ \$14.52 per hour, Sonje Oban @ \$13.18 per hour. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Wiese to approve hiring Christopher Schafer as deputy sheriff, effective January 21, 2014 at \$17.90 per hour. All members present voting aye. Motion carried.

Moved by Hansen, seconded by Kippely to approve hiring Jennifer Kamin as on call nurse, effective January 2, 2014 at \$15.00 per phone call, \$35.00 per one hour or less physical visit, \$25.00 per hour over one hour for physical visit. All members present voting aye. Motion carried.

HLS EQUIPMENT TRANSFER:

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman to sign Homeland Security Equipment Transfer document giving ownership ALPR Equipment to the Aberdeen Police Department. All members present voting aye. Motion carried.

BIT FEDERAL GRANT AWARD:

Moved by Hansen, seconded by Wiese to approve and authorize the Chairman sign Award Agreement, whereas Brown County is a Community Anchor Institution (CAI) sub-grantee in the Technology Planning Program (TPP) administered by the State of South Dakota Bureau of Information and Telecommunications (BIT) for the purpose of purchasing equipment to facilitate broadband services, usage and adoption, in amount of \$9,464.00 (in-kind match @\$2,366.00). All members present voting aye. Motion carried.

INCREASE SPENDING AUTHORITY/ESTIMATED REVENUE:

Moved by Hansen, seconded by Kippely to increase spending authority and estimated revenue in the following funds for unanticipated reimbursement for expenditures: Fund #234-4.331 @ \$2,312.01, #234-5.222.426 @ \$2,312.01 (POD); Fund #101-4.331.21 @ \$1,299.20, #101-4.339 @ \$7,781.49, #101-5-120.422 @ \$9,080.69 (HAVA Grant); Fund #101-4.331.01 @ \$112,050.35, #101-5-712.429 @ \$112,050.35 (NECOG-CDBG New Tec); Fund #101-4.331.97 @ \$39,278.89, #101-5.152.411 @ \$29,514.19, #101-5-152.411.10 @ \$1,762.66, #101-5.152.411.20 @ \$412.16, #101-5.152.413 @ \$1,705.99, #101-5,152.426 @ \$1,600.37, #101-5.152.427 @ \$4,283.52 (SVAWA Grant); Fund #101-4.331.01 @ \$126,410.91, #101-5-712.429 @ \$126,410.91 (NECOG CDBG YMCA Youth Development Center); Fund #101-4.331.90 @ \$22,313.74, #101-5.211.411 @ \$22,313.74 (Highway Safety Grant); Fund #226-4.331.23 @ \$67,710.99, #226-5.228.426.66 @ \$47,784.96, #226-5.228.426.64 @ \$19,926.03;

(Homeland Security); Fund #248-4.334 @ \$13,000.00, #248-5-212.411 @ \$13,000.00 (24/7 Sobriety).. All members present voting aye. Motion carried.

CONTINGENCY TRANSFERS:

Moved by Hansen, seconded by Wiese to approve the following Contingency Transfers: increase spending authority (no cash): Fund #101-5.xxx.422.99: 151 States Attorney @ \$40,000.00, 161 Maintenance @ \$60,000.00, 162 Director of Equalization @ \$14,000.00, 163 Register of Deeds @ \$6,200.00, 165 Veterans Service @ \$1,000.00, 170 GIS @ \$1,200.00, 213 Coroner @ \$8,000.00, 424 Ambulance @ \$16,990.13, 441 Mentally Ill @ \$37,000.00, 442 Developmental Disabled @ \$2,800.00; reduce spending authority (no cash) 101-112-422 @ \$187,190.13. All members present voting aye. Motion carried.

OPERATING TRANSFERS:

Moved by Hansen, seconded by Kippley to transfer interest from General to individual funds as current revenue: #101-4.361 @ \$9,547.89 to #201 @ \$3,352.63, #207 @ \$450.95, #226 @ \$123.48, #401 @ \$265.74, #504 @ \$5,355.09; and further per Commission Policy transfer to #101 General Fund @ \$8,707.72 from #201 Highway @ \$3,352.63 and #504 Solid Waste @ \$5,355.09. All members present voting aye. Motion carried.

ATTORNEY CONTRACTS:

Moved by Wiese, seconded by Kippley to approve and authorize the Chairman sign Contracts with Scott T. Kuck, Christopher D. Dohrer, Christy Griffin Serr, Gina J. Rogers, Thomas J. Cogley, Joshua K. Finer and Christopher R. Jansen to provide legal services to represent an indigent party before the court, effective January 1, 2014. All members present voting aye. Motion carried.

FAIR EVENT REQUEST FOR PROPOSALS:

Time and place, as advertised to open, read and consider Request for Proposals for Brown County Fair Event on August 13, 2014 at the Grandstand. One bid was received from LCI in amount of \$4,002.00. Moved by Wiese, seconded by Hansen to refer proposal to Amy Scott, Fair Manager and the Brown County Fair Board for review and recommendation. All members present voting aye. Motion carried.

LANDFILL EXPANSION PROJECT FUNDING:

Time and place, as advertised for public hearing to discuss the Brown County Landfill Expansion Project for the construction of a new cell at the Landfill at an estimated cost of \$1,732,000.00. No one from the public appeared or submitted written comments. Mike Scott, Landfill Manager, Jay Koch, Helms & Associations and Ted Dickey, NECOG presented the following information: *The need for the project: The project is needed to provide adequate space at the Brown County Landfill for future waste disposal. *All alternatives that were evaluated, including the cost of each; All alternatives were looked at by Brown County and the engineer. *A description of the project; Brown County is proposing to construct a new cell at the landfill to handle future solid waste. *The proposed financing for the project; Brown County is proposing to apply for funding from the South Dakota Department of Environment and Natural Resources for a Clean Water State Revolving Fund. *The amount of SRF loan expected to be borrowed; Up to \$1,732,000. *The revenue source pledged for repayment; Solid Waste Surcharge Revenue Bonds. *The interest rate and term of the loan; The loan will be for up to 2.25% at a term no greater than 100 years. *The effect of the proposed financing on user rates. If the proposed project financing is borrowed at the full amount, rate and term, the Solid Waste Tipping Fees would not need to increase. After discussion the following action ensued:

Commissioner Hansen offered the following Resolution:

RESOLUTION #109-13

Authorizing Financial Assistance Signatory For Brown County

WHEREAS, Brown County is proposing to construct a new cell at the Brown County Landfill; and

WHEREAS, Brown County is applying for up to \$1,732,000 in financial assistance. This assistance may include grant and loan funding and may include forgiveness of all or a portion of principal on the loan; and

WHEREAS, Brown County needs to authorize a signatory for the financial assistance.

NOW THEREFORE, BE IT RESOLVED that Brown County make application to the South Dakota Department of Environment and Natural Resources for financial assistance up to the amount of up to \$1,732,000 at an interest rate of up to 2.25% for a term of 10 years. The security pledged toward repayment for the Solid Waste revenue bond will be user fees from the wastewater system; and

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

Dated this 31st day of December 2013

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

BUDGET SUPPLEMENT:

Moved by Hansen, seconded by Wiese to approve the following Budget Supplement for year 2013: Brown County Fair Sponsorships – Fund #101-5.524.426.80 @ \$54,862.00, to be funded by sponsorships received #101-4.345.50 @ \$54,862.00; Brown County Livestock Committee - Fund #101-5.524.426.74 @ \$12,789.00, to be funded by sponsorships received #101-4.345.53 @ \$12,789.00. All members present voting aye. Motion carried.

EXECUTIVE SESSION:

Moved by Wiese, seconded by Hansen to go into executive session to discuss contract, per SDCL 1-25-2 (4) with Larry Lovrien 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.

TAX DEED PROPERTY:

Moved by Wiese, seconded by Hansen 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 Wiese 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 following parcel: Lot 2 Block 3 Green Meadows Addition to Warner (14 3rd Ave SE, Warner) and proceed with Tax Deed process. All members present voting aye. Motion carried.

HOSPITAL CLAIM:

Moved by Wiese, seconded by Hansen to deny payment of the following hospital claims: 22 year old male @ \$3,410.22 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 contract, per SDCL 1-25-2 (4) with Larry Lovrien 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.

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

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