

#### JUNE 28, 2022 – GENERAL MEETING

Meeting called to order by Chair Sutton at 8:45 A.M. in the Commission Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Feickert, Fjeldheim, Wiese, and Gage. Commissioner Feickert led the Pledge of Allegiance.

#### APPROVAL OF AGENDA:

Moved by Gage, seconded by Fjeldheim to approve the agenda. All members present voting aye. Motion carried.

#### OPPORTUNITY FOR PUBLIC COMMENT:

Jamie Lickfelt discussed a conditional use permit for his firework tent.

#### CONDITIONAL FIREWORK PERMIT:

Moved by Fjeldheim, seconded by Gage to allow firework stand operated by Jamie Lickfelt to operate during the statutory timeframe in 2022. Lickfelt is required to apply and pay for a conditional use permit through the Brown County Planning and Zoning Office. All members present voting aye. Motion carried.

#### OPENING AUDIT CONFERENCE 2021 (SD DEPARTMENT OF LEGISLATIVE AUDIT):

Christopher Theroux, SD Department of Legislative Audi, met with the Commission to discuss the 2021 audit of Brown County. Moved by Feickert, seconded by Wiese to authorize chair to sign engagement letter for the 2021 Opening Audit Conference. All members present voting aye. Motion carried.

#### COURTHOUSE BOILER:

Judy Dosch (building superintendent) discussed the need for tube replacement and repairs to the courthouse boiler. Commissioners agreed to proceed with tube replacement and repair quotes. Quotes will be presented at the next meeting. No action taken.

#### APPLICATION FOR OCCUPANCY:

Move by Feickert seconded by Wiese to approve the following application for occupancy: Northern Valley Communications for telecommunications in the following locations: County Highway 14, section 16,15,22,27,34,3,4,8,10, township 126/125 range 63; Highway 18, sections 29,20,17,8,5,6,31, township 125,126, range 61; Highway 16, section 20,29,32,5,8,17,20,28,29,32,5,8, township 126,125,125, Range 62; Highway 7A, section 33, township 126, range 62; highway 9, section 9,10,11,8,9,10,11,2, township 125, range 62,61; highway 20, section 35 ,34, 2, 11, 14, 15, 23,22,26,27,35,34,2,3,11,14, 15,22,23,27,26, 34,34,3,2,10,11,15,22,23,27,26, township 137.126.125.124, range 60; Highway 7, section 18,17, 16, 15,14, township 126, range 60; Highway 9, section 6,5,4,2,1, township 125, range 60; highway 11, section 28,27,26,25,30,29,28,19,20,22,23,35,36, township 125, range 62,61,60; Highway 11E section 10, township 124, range 60; Brown County South Dakota. All members present voting aye. Motion carried.

#### CLAREMONT AREA ROADS:

Discussion on Claremont Area Roads including hauling and storing of materials. No action taken.

#### HIGHWAY DEPARTMENT UPDATE:

Highway Superintendent, Dirk Rogers, met to give an update on current and future road and bridge projects.

#### MINUTES:

Moved by Wiese, seconded by Gage to approve the general meeting minutes of June 21, 2022. All members present voting aye. Motion carried.

#### CLAIMS:

Moved by Feickert, seconded by Wiese to approve the following claims: Insurance: FINANCIAL SERVICES OF ABERDEEN, INC. \$436.37. Professional Fees: Adamsoft LLC \$437.50; AVERA ST. LUKE'S \$413.21; CHRISTY GRIFFIN-SERR LAW OFFICE \$8,541.67; COGLEY LAW OFFICE, PROF LLC \$8,541.67; Condrey and Associates, Inc. \$18,750.00; DOHRER LAW OFFICE \$8,541.67; Eric Kobernusz \$300.00; JERALD M. MCNEARY \$8,541.67; KUCK LAW OFFICE \$8,541.67; LUMEN \$218.30; MICHELLE GAIKOWSKI \$17.00; SANFORD HEALTH OCCUPATIONAL MEDICINE ABERDEEN \$177.00; TALIAFERRO LAW FIRM \$8,541.67. Publishing: GateHouse Media South Dakota Holdings, Inc. \$825.04. Repairs & Maintenance: ABERDEEN AUTO CENTER, INC. \$480.00; Boyer Trucks \$12.00; BRENT A FISCHER \$37.00; DAKOTA DOORS INC \$312.20; DIAMOND MOWERS INC \$70.68; GRAHAM TIRE INC \$644.95; HAAR PLUMBING & HEATING INC \$487.04; HDA, LLC \$189.70; HF JACOBS & SON CONSTRUCTION INC \$4,539.37; HUB CITY ROOFING \$420.00; IMEG Corp \$40,207.74; KIRBY KIESZ \$51.00; MIDWEST PUMP & TANK \$410.11; POMPS TIRE SERVICE, INC \$64.99. Supplies: ABERDEEN AUTO CENTER, INC. \$494.20; ADVANCE AUTO PARTS \$739.41; ALCOPRO, INC. \$554.00; APH STORES, INC \$67.77; Boyer Trucks \$565.60; CENTURY BUSINESS PRODUCTS \$214.94; COLE PAPERS \$583.48; DIAMOND MOWERS INC \$822.88; GANNETT HOLDINGS LLC OHIO \$275.60; GOVCONNECTION INC \$224.29; GRAHAM TIRE INC \$565.94; Jacob Bosmoe \$30.00; JEBRO INC. \$15,548.75; JENSEN ROCK & SAND INC \$151,014.76; KAREN SWANK \$16.00; KELSI THILMONY-VINGER \$387.85; KIRBY KIESZ \$2.50; LEIDHOLDT TOOL SALES, LLC \$386.34; LIEN TRANSPORTATION COMPANY \$37,920.00; MENARDS \$137.22; MIDWEST PUMP & TANK \$6,187.99; . PAST PERFECT SOFTWARE INC. \$540.00; PAUER SOUND & MUSIC INC \$364.16; PITNEY BOWES INC. \$126.00; POMPS TIRE SERVICE, INC \$47.45; PREMIER BIOTECH, INC \$163.74; PRO AG SUPPLY, INC \$71.52; QUALITY WELDING \$332.00; ROLAND L. MOERKE \$165.00; RUNNINGS \$17.88; RUSSELL METZ \$10.59; SHERWIN WILLIAMS \$346.33; Swank Motion Pictures, Inc. \$295.00; TITAN MACHINERY - ABERDEEN NH \$15.25; WALTH SAFETY SERVICE INC \$330.00. Travel & Conference: Eric Kobernusz \$125.02; KENT JONES \$149.46; MAVIS COX \$28.20; SDAAO - SD ASSOC OF ASSESSING OFFICERS \$1,450.00. Utilities: DEPENDABLE SANITATION INC \$513.00; KELSI THILMONY-VINGER \$100.00; MONTANA DAKOTA UTILITIES CO \$28.10; NORTHERN VALLEY COMMUNICATION \$269.19; NORTHWESTERN ENERGY & COMMUNICATIONS \$5,705.25. Rentals: ADVANTAGE SELF STORAGE \$3,312.00. All members present voting aye. Motion carried.

#### HR REPORT:

Moved by Fjeldheim seconded by Gage to approve the following Human Resource Report:

- Acknowledge no show, Logan Rohrbach as Brown County Jail Correctional Officer, full-time. Request to fill.
- Acknowledge resignation of Cathy McNickle, Brown County Auditor; effective July 15, 2022.
- Acknowledge transfer of Sgt. Jerry Vega from Brown County Jail Sergeant to Brown County JDC Sergeant; effective June 26, 2022.
- Acknowledge transfer of Rhaecine Sam from Brown County Jail Correctional Officer to Brown County JDC Correctional Officer; effective June 26, 2022.

- Approve hiring of Laurie Richardson as Brown County State’s Attorney, full-time; starting wage \$65,000 year; effective October 17, 2022  
All members present voting aye. Motion carried.

PLATS:

RESOLUTION R26-22 JARK REPLAT

Commissioner Wiese brought the following resolution: “be it resolved by the board of County Commissioners of Brown County, South Dakota, that the plat showing Jark Replat of Block 10 to Stratford in the SW1/4 of section 4-T121N-R62W of the 5<sup>th</sup> P.M., Brown County, South Dakota, having been examined is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof”. Seconded by Commissioner Feickert. Roll call vote: Commissioners Feickert-aye, Fjeldheim-aye, Gage-aye, Wiese-aye, Sutton-aye. Resolution adopted.

RESOLUTION R27-22 BIM AND LORI’S VENTURE ADDITION

Commissioner Wiese brought the following resolution: “be it resolved by the County Commission of Brown County, South Dakota, that the plat showing Bim and Lori’s Venture Addition in the NW1/4 of Section 9, township 123 north, range 63 west of the 5<sup>th</sup> P.M., Brown County, South Dakota, having been examined is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof”. Seconded by Commissioner Feickert. Roll call vote: Commissioners Feickert-aye, Fjeldheim-aye, Gage-aye, Wiese-aye, Sutton-aye. Resolution adopted.

RESOLUTION R28-22 WEISZHAAR THIRD SUBDIVISION

Commissioner Wiese brought the following resolution: “be it resolved by the County Commission of Brown County, South Dakota, that the plat showing Weiszhaar third subdivision in the SE1/4 of section 34, township 124 north, range 64 west of the 5<sup>th</sup> P.M., Brown County, South Dakota, having been examined is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof”. Seconded by Commissioner Feickert. Roll call vote: Commissioners Feickert-aye, Fjeldheim-aye, Gage-aye, Wiese-aye, Sutton-aye. Resolution adopted.

RESOLUTION R29-22 BORG THIRD SUBDIVISION

Commissioner Wiese brought the following resolution: “be it resolved by the County Commission of Brown County, South Dakota, that the plat showing Borg third subdivision in the SE1/4 of section 26-T124N-R64 west of the 5<sup>th</sup> P.M., Brown County, South Dakota, having been examined is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof”. Seconded by Commissioner Feickert. Roll call vote: Commissioners Feickert-aye, Fjeldheim-aye, Gage-aye, Wiese-aye, Sutton-aye. Resolution adopted.

RESOLUTION R30-22 STANGE-BARTZ ADDITION

Commissioner Wiese brought the following resolution: “be it resolved by the County Commission of Brown County, South Dakota, that the plat showing Stange-Bartz addition in the W1/2 of section 14, township 121 North, Range 62 west of the 5<sup>th</sup> P.M., Brown County, South Dakota, having been examined is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof”. Seconded by Commissioner Feickert. Roll call vote: Commissioners Feickert-aye, Fjeldheim-aye, Gage-aye, Wiese-aye, Sutton-aye. Resolution adopted.

RESOLUTION R31-22 BALL FIRST ADDITION

Commissioner Wiese brought the following resolution: “be it resolved by the County Commission of Brown County, South Dakota, that the plat showing Ball first addition in the NE1/4 of Section 18-T121N-

R60 west of the 5<sup>th</sup> P.M., Brown County, South Dakota, having been examined is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof". Seconded by Commissioner Feickert. Roll call vote: Commissioners Feickert-aye, Fjeldheim-aye, Gage-aye, Wiese-aye, Sutton-aye. Resolution adopted.

#### RESOLUTION R32-22 DELIAH WILLIAMS FIRST ADDITION

Commissioner Wiese brought the following resolution: "be it resolved by the County Commission of Brown County, South Dakota, that the plat showing Deliah Williams First Addition, in the SW1/4 of Section 23-T124N-R62 west of the 5<sup>th</sup> P.M., Brown County, South Dakota, having been examined is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof". Seconded by Commissioner Feickert. Roll call vote: Commissioners Feickert-aye, Fjeldheim-aye, Gage-aye, Wiese-aye, Sutton-aye. Resolution adopted.

#### RESOLUTION R33-22 DELIAH WILLIAMS SECOND ADDITION

Commissioner Wiese brought the following resolution: "be it resolved by the County Commission of Brown County, South Dakota, that the plat showing Deliah Williams Second Addition, in the S1/2 NW1/4 of Section 26-T124N-R62 west of the 5<sup>th</sup> P.M., Brown County, South Dakota, having been examined is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof". Seconded by Commissioner Feickert. Roll call vote: Commissioners Feickert-aye, Fjeldheim-aye, Gage-aye, Wiese-aye, Sutton-aye. Resolution adopted.

#### ORDINANCES 219-221- REZONES- SET HEARING DATE:

Moved by Feickert, seconded by Wiese to set a hearing date for July 19<sup>th</sup> at 8:45 a.m. in the Courthouse Commission Chambers and authorize advertising the following rezone ordinances: Proposed Ordinance 219, Applicants Clarence and Lori Habeck requesting to rezone from Chapter 4.06 Agriculture Preservation District (AG-P) to Chapter 4.14 Highway Commercial (H-C): Proposed Lot 1, "Bim and Lori's Venture Addition" in the NW ¼ of Section 9-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota. Proposed Ordinance 220, applicants Done and Christine Brunes requesting to go from Chapter 4.06 Agriculture Preservation District (AG-P) to Chapter 4.07 Mini Ag District (M-AG): "Brunes' Outlot 1" in the SE1/4 of Section 28-T122N-R62W of the 5<sup>th</sup> P.M., Brown County, South Dakota. Proposed ordinance 221, applicants Jeremy and Lindsey Lesnar requesting to rezone from Chapter 4.06 Agriculture Preservation District (AG-P) to Chapter 4.07 Mini Ag District (M-AG): Lot 2, "Hagemann First Subdivision" in the SE1/4 of Section 26-T124N-R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota. All members present voting aye. Motion carried.

OTHER BUSINESS: Commissioner raised questions to the State's Attorney office on the process and qualifications to abstain from a vote.

#### EXECUTIVE SESSION:

Moved by Fjeldheim, seconded by Gage to go into executive session to discuss personnel and legal per SDCL 1-25-2. All members present voting aye. Motion carried. The chair declared the executive session closed with no action taken.

#### ADJOURNMENT:

Moved by Wiese, seconded by Feickert to adjourn the Brown County Commission at 10:35 a.m. All members present voting aye. Motion carried.

Cathy McNickle, Brown County Auditor

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