

JULY 19, 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 Wiese led the pledge of allegiance.

APPROVAL OF AGENDA:

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

OPPORTUNITY FOR PUBLIC COMMENT:

Commission was informed of the Republican Party meeting being held in Bristol South Dakota.

PIPELINE MORATORIUM:

Dan Lederman, Summit Carbon Solutions, spoke against signing the Moratorium. Concerns were heard from landowners supporting signing the moratorium.

PIPELINE MORATORIUM:

Commissioner Feickert offered the following Resolution:

RESOLUTION #33-22

A RESOLUTION ESTABLISHING A TEMPORARY MORATORIUM ON THE ISSUANCE OF CONDITIONAL USE PERMITS AND BUILDING PERMITS ON HAZARDOUS WASTE PIPELINES IN BROWN COUNTY, SOUTH DAKOTA.

WHEREAS, to promote the health, safety, and general welfare of the County, the Board of Commissioners for Brown County adopted Title 4 Brown County Zoning Ordinances for the purpose of establishing zoning regulations upon all land within the unincorporated areas of Brown County, South Dakota; and

WHEREAS, Title 4 otherwise known as the Brown County Zoning Ordinance, categorizes all land within the unincorporated areas of Brown County into Districts with each District having its own unique set of permitted uses, conditional uses, and prohibited uses; and

WHEREAS, Title 4.0102 of the Brown County Zoning Ordinance defines a conditional use as a use that would not be appropriate generally or without restriction throughout the zoning division or district, but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare, and such uses may be permitted in a zoning district as conditional uses, as specific provisions for such exception are made Brown County zoning regulations, and conditional uses are subject to evaluation and approval by the Board of Adjustment and are administrative in nature. (Ord. 2004-1); and

WHEREAS, Title 4.0102 of the Brown County Zoning Ordinance states a transmission pipeline may mean a pipeline that transports hazardous liquid or gas within a storage field or

transports hazardous liquid or gas user or operates at a hoop stress of twenty percent or more of the specified minimum yield strength and that a “water service main” or a natural gas service main are meant as smaller mains, service lines and utility lines for servicing buildings or individual parcels and would not qualify as a transmission pipeline; and

WHEREAS, Transmission Pipelines, particularly those requiring the approval of the South Dakota Public Utilities Commission, can impact the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare of a large portion of Brown County's population: and

WHEREAS, Brown County has enacted an ordinance establishing siting, or performance standards necessary for the granting of transmission pipeline conditional use permit, but said ordinance may need to be revised to ensure it is consistent with South Dakota and Federal law The Brown County Zoning Board of Adjustment requires time to begin the process of studying, reviewing South Dakota and Federal law, and the siting and performance standards that it believes are necessary to safeguard the health ,safety, and general welfare of the public prior to the issuance of a transmission pipeline conditional use permit.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Brown County Commissioners does hereby impose a temporary moratorium on the issuance of any and all permits, licenses, or approvals for the construction, installation, or use of any transmission pipeline requiring the approval of the South Dakota Public Utilities Commission, traversing those lands contained within the unincorporated areas of Brown County, South Dakota, including the construction of any transmission pipeline related infrastructure, with said moratorium running for such a length of time that will give the Planning and Zoning Commission an opportunity to complete their review process or one year from the date of this Resolution is enacted.

Dated this 19th Day of July 2022.

Seconded by Commissioner Gage. Roll call vote: Commissioners Fjeldheim-aye; Gage-aye; Wiese-aye; Sutton-aye. Resolution Adopted.

RICHMOND LAKE ROADS:

Dirk Rogers, Highway Superintendent, gave an update on Richmond Lake Roads and options for improving roads. No action taken.

HIGHWAY DEPARTMENT UPDATE:

Dirk Rogers, Highway Superintendent, gave updates on Bridge Inspection Resolution and Highway Department.

MINUTES:

Moved by Fjeldheim, seconded by Wiese to approve the general meeting minutes of July 12, 2022. All members present voting aye. Motion carried.

ORDINANCES 219- REZONE- FIRST READING:

Moved by Fjeldheim, seconded by Feickert to approve first reading of 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 5th P.M., Brown County, South Dakota. All members present voting aye. Motion carried.

ORDINANCE 220 – REZONE – FIRST READING:

Moved by Gage, seconded by Wiese to approve first reading of Proposed Ordinance 220, applicants Done and Christine Bruner requesting to go from Chapter 4.06 Agriculture Preservation District (AG-P) to Chapter 4.07 Mini Ag District (M-AG): “Bruner’s Outlot 1” in the SE1/4 of Section 28-T122N-R62W of the 5th P.M., Brown County, South Dakota. All members present voting aye. Motion Carried.

ORDINANCE 221 – REZONE – FIRST READING

Moved by Feickert, seconded by Fjeldheim to approve first reading of 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 5th P.M., Brown County, South Dakota. All members present voting aye. Motion carried.

CLAIMS:

Professional Fees: ACE REFRIGERATION LLC \$418.20; CERTIFIED LANGUAGES INTERNATIONAL LLC \$744.15; Child's Voice Route #6361 \$435.48; DEAN SCHAEFER COURT REPORTING \$354.00; FIRE SAFETY FIRST, LLC \$183.00; KRISTI BRANDT \$80.00; MICHELLE GAIKOWSKI \$121.80; NE MENTAL HEALTH CENTER \$2,262.00; Saber Shred Solutions, Inc. \$12,524.15; SANFORD HEALTH \$2,100.00; SANFORD HEALTH OCCUPATIONAL MEDICINE ABERDEEN \$378.00; SD DEPT OF HEALTH \$620.00; SD DEPT OF REVENUE & REGULATIONS \$1,016.76; SD NETWORK AGAINST FAMILY VIOLENCE & SEXUAL ASSAULT \$200.00; SHI INTERNATIONAL CORP \$1,067.80; TYLER TECHNOLOGIES INC \$260.00; WEST PUBLISHING CORP. \$1,417.08; WEST PUBLISHING CORP. \$1,142.03; WEX HEALTH INC. \$170.70 Publishing: GateHouse Media South Dakota Holdings, Inc. \$1,137.59; HUB CITY RADIO \$5,910.00; LEE ENTERPRISES \$19.42; NORTHWEST BLADE \$54.75 Repairs & Maintenance: CENTURY BUSINESS PRODUCTS \$16.01; DOUBLE D BODY SHOP INC \$18,751.31; HOUSE OF GLASS \$180.57; IMEG Corp \$20,249.75; POMPS TIRE SERVICE, INC \$1,107.00; SEWER DUCK INC \$65.00; SHOWTIME INVESTMENTS, INC \$2,560.36; TITAN MACHINERY - ABERDEEN NH \$993.82 Supplies: ADVANCE AUTO PARTS \$717.57; AGTEGRA COOPERATIVE \$11,052.87; ASHLEY FARRAND DUNHAM \$40.00; Avera LTC Pharmacy Aberdeen \$21.80; CENTURY BUSINESS PRODUCTS \$2,121.18; CHARM-TEX \$136.02; CREATIVE PRODUCT SOURCING, INC. \$1,094.88; EARTHGRAINS BAKING CO. INC. \$948.76; ELECTION SYSTEMS & SOFTWARE LLC \$127.00; Ellie Weinmeister \$42.17; FIRE SAFETY FIRST, LLC \$451.00; JENSEN ROCK & SAND INC \$18,458.56; KESSLERS \$145.52; LIEN TRANSPORTATION COMPANY \$98,572.99; Linde Gas & Equipment Inc. \$334.71; MAC'S INC \$509.82; MENARDS \$182.99; MIDWEST ALARM \$279.26; NORTHERN VALLEY COMMUNICATION \$26.76; PHARMCHEM \$103.00; PIERSON-FORD-LINCOLN -MERCURY \$166.98; PLUMBING & HEATING WHOLESALE, INC. \$92.23; POMPS TIRE SERVICE, INC \$1,022.35; PRO AG SUPPLY, INC \$115.83; RIXSTINE TROPHY COMPANY \$1,956.60; RUNNINGS \$139.96; SCHWAN WELDING \$1,429.10; SHARE CORP \$303.00; STAN HOUSTON EQUIPMENT CO. \$222.95; Talent Buyers Network \$1,000.00; TITAN MACHINERY - ABERDEEN NH \$79.46; TRI STATE WATER \$35.00; WEST PUBLISHING CORP. \$2,397.11 Travel & Conference: REGENCY MIDWEST VENTURES LIMITED PARTNERSHIP \$390.64; SDSU EXTENSION \$64.68 Utilities: DEPENDABLE SANITATION INC \$348.00; JAMES VALLEY TELECOMMUNICATIONS \$218.30; MIDCONTINENT COMMUNICATIONS \$127.52;

NORTHERN ELECTRIC COOP, INC \$495.73; NORTHERN VALLEY COMMUNICATION \$5,275.28; NORTHWESTERN ENERGY & COMMUNICATIONS \$90.27; QWEST CORPORATION \$1,207.81; STATE OF SOUTH DAKOTA \$140.61; VERIZON WIRELESS SERVICES LLC \$40.03; WEB WATER DEVELOPMENT ASSOC. INC. \$85.53 Rentals: Linde Gas & Equipment Inc. \$47.62; PANTORIUM CLEANERS INC. \$207.36
All members present voting aye. Motion carried.

DESIGNATE AUDITOR SIGNATURE:

Moved by Wiese, seconded by Gage to appoint Chief Deputy Auditor Brock Hoyle as signatory for documents requiring Auditors Signature until an interim County Auditor is sworn in. All members present voting aye. Motion carried.

TEMPORARY SPECIAL EVENT MALT BEVERAGE PERMIT:

Moved by Wiese, seconded by Gage to approve temporary Malt Beverage permit for Boys & Girls Club of Aberdeen Area during the Brown County Fair Grandstand Concessions August 15 – 21st, 2022 . All members present voting aye. Motion carried.

HR REPORT:

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

- Acknowledge Resignation of Nicole Phillips, Brown County Jail Correctional Officer, Full Time; effective July 7, 2022. Request to fill.
- Approve Hiring of Heather Kulwicki as Brown County Jail Correctional Officer, Full Time; effective July 26, 2022, starting wage \$19.58/hr.
- Approve Hiring of Dawn Owens as Brown County Jail Correctional Officer, Full Time, Starting Wage \$18.87/hr, effective July 26, 2022.
- Approve Hiring of Cody Richards as Brown County Jail Correctional Officer, Full Time, Starting Wage \$18.87/hr, effective July 26, 2022.
- Increase the wage of Kelsi Vinger with the Brown County State’s Attorney Office to \$52,000/year plus \$7,000/year for the new grant, for a total of \$59,000/year, effective July 1, 2022. For 2023, the COLA increase will be calculated from \$52,000. The new grant is scheduled to end on 6-30-23, at that time the \$7,000 will be subtracted from the annual wage.
- Acknowledge the following personal miles driven for April, May & June while using county owned vehicle to be taxed at \$.585 per mile: Kendell Titze 294miles @ \$171.99; John Florey 342 miles @ \$200.07; Dirk Rogers 1,995 miles @ \$1,167.08; Mike Scott 590 miles @ \$345.15

LEMPG QUARTER 3 REPORT:

Moved by Feickert, seconded by Fjeldheim to Approve LEMP Quarter 3 Report. All members present voting aye. Motion carried.

OTHER BUSINESS:

Chair Sutton, presented the promo list for carnival tickets for approval. Moved by Feickert, Seconded by Fjeldheim to approve. All members present voting aye. Motion Carried.

OUT OF STATE TRAVEL REQUEST:

Moved by Fjeldheim, seconded by Wiese to approve out of state travel request for Scott Madsen, GIS Coordinator to attend ND Geospatial Summit September 14-15, 2022. All members present voting aye. Motion Carried.

EXECUTIVE SESSION:

Moved by Fjeldheim, seconded by Wiese to go into executive session to discuss personnel, legal and contracts 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 Feickert, seconded by Gage to adjourn the Brown County Commission at 11:00 a.m. All members present voting aye. Motion carried.

Brown County Auditor

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