

## OCTOBER 25, 2022 – GENERAL MEETING

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

### APPROVAL OF AGENDA:

Commissioner Fjeldheim moved to approve the agenda with addition of amending and approving September 20<sup>th</sup> minutes, seconded by Feickert. All members present voting aye. Motion carried.

OPPORTUNITY FOR PUBLIC COMMENT: Dave Meyer with Summit Carbon Solutions commented that he was here if anyone had any questions.

### INDIGENT COUNSEL PROPOSAL:

Ernest Thompson, State's Attorney shared there are 8 attorneys that sent in a proposal for a 2-year period; January 1, 2023 to December 31, 2024. Annual payment of \$750,000.00 for calendar year 2023/equal installments of \$7,812.50 and \$800,000.00 for calendar year 2024/ equal installments of \$8,333.33. This being the only bid Ernest recommended to accept the bid and can start contract negotiations. Moved by Fjeldheim, seconded by Gage to accept the proposal then move forward with Contract Negotiations. All members present voting aye. Motion carried.

### JAIL PROJECT:

Dave Lunzman, Sheriff Chief Deputy and Ernest Thompson, State's Attorney met with the Commission to discuss the Jail Project and heighten the awareness and importance of this need. The current jail is 56 years old, no longer meets expectations, needs upgrades, too small. Current capacity is 48 beds – estimate new jail could hold around 200 beds. They stressed to the Commission that we need to either build a new facility or we will be spending money to transfer prisoners to other states because this is a problem across the state. If they end up having to transport prisoners than our expenses will go up. Federal prisoners can be brought in to help cover some of the costs. Commissioner Sutton shared that Commissioner Wiese and himself have been contacting other counties to see if they are interested in the Regional Jail – Aberdeen being a good location due to having 2 hospitals, NE Mental Health Center and staffing. Representative Perry shared they have a Regional Jail meeting in Pierre on November 1<sup>st</sup>; there is a possibility of some funding coming from the State to help with this project, also. Was discussed that they want to have rehabilitation programs, which would be another benefit but don't have the ability to do that right now. Deputy Lunzman shared that they don't have any Trustees in jail right now, they are violent criminals that can't be trusted so need to be incarcerated. State's Attorney Thompson shared the issue is not going away it is getting worse.

### TOWNSHIP RURAL ACCESS INFRASTRUCTURE FUNDING (RAIF):

Dirk Rogers, Highway Superintendent presented plans from 3 Townships for 5 culverts. Greenfield Township 1 application for \$10,500/ 5 yr. plan; Groton Township 2 applications for \$12,500 ea./5 yr. plan; Liberty Township 2 applications for \$18,500 ea./5 yr. plan. Moved by Feickert to award the grants per Dirks recommendation, seconded by Wiese. All members present voting aye. Motion carried.

### GROTON AG PARTNERS:

Scott Bader, Planning & Zoning Director along with Carl Schwab and June Thompson from Groton Ag met with the Commission to discuss "Green Energy" Tax Credits. Sharing information with the Commission to make them aware and to ask them to find ways to Harvest "Green Energy" Tax Credits to retain some of the money within the county and/or local government.

### ELECTION UPDATE:

Lynn Heupel, Auditor gave an update on the General Election. As of October 24<sup>th</sup>, we had 2098 absentee voters. 119 New Voter Registrations were processed on October 24<sup>th</sup>, which was the last day to register for this election. Held one Mock Election and will be doing another one this Thursday, October 27<sup>th</sup>. Public testing of the Tabulator will be held on Tuesday, November 1<sup>st</sup> at 11am. Discussion is happening about doing Post-Election Audits but that will be discussed with Legislators in the future.

**TRANSFER BAND RADIO:**

Moved by Wiese, seconded by Fjeldheim to transfer Communications Band Radio and to the Landfill. All members present voting aye. Motion carried.

**MINUTES:**

Moved by Wiese, seconded by Feickert to approve the October 18, 2022 General Meeting Minutes. All members present voting aye. Motion carried.

Moved by Feickert, seconded by Wiese to amend and approve the September 30, 2022 minutes for Ordinances 225 & 227. All members present voting aye. Motion carried.

**PAYROLL/CLAIMS:**

Moved by Gage, seconded by Wiese to approve the following payroll and claims:

**PAYROLL:**

Commission \$4,503.96; Elections \$2,610.00; Auditor \$9,666.46; Treasurer \$14,250.23; SA \$27,444.01; Maintenance \$10,259.73; Assessor \$15,103.01; ROD \$9,544.00; VSO \$4,143.28; GIS \$2,483.72; IT \$5,586.59; HR \$4,061.37; Sheriff \$45,568.31; Jail \$64,236.11; Court Security \$7,372.19; JDC/HD \$29,917.90; Welfare \$2,161.43; Museum \$8,036.98; Parks/Fairgrounds \$4,133.80; Fair \$4,790.80; 4-H \$638.80; W&P \$4,248.63; P&Z \$5,681.44; Hwy. \$42,526.79; Dispatch \$40,869.36; EM \$4,285.81; 24/7 \$1,524.73; Landfill \$14,585.83; Meal Benefits \$182.00. **MATCHING BENEFITS:** FICA \$23,192.72; Medicare \$5,424.08; Discovery/HSA \$1,421.17; Retirement/SDRS \$47,966.97.

**CLAIMS:**

Professional Fees: Avera St. Luke's \$369.78; Century Business Products \$54.23; Christy Griffin-Serr Law Office \$8,541.67; Cogley Law Office, Prof LLC \$8,541.67; Dana J. Larson \$140.00; Darcy Lockwood \$30.00; Dave Lunzman \$200.00; Dohrer Law Office \$8,541.67; Harmelink & Fox Law Office \$169.67; James Kramp \$12,640.45; Jerald M. McNeary \$8,541.67; Kuck Law Office \$8,541.67; Lucy Lewno \$220.00; Lumen \$165.46; Marco Inc \$400.00; Nicole Embury \$1,407.09; Sd Dept Of Health \$40.00; Taliaferro Law Firm \$8,541.67; Valerie J. Larson \$30.00.

Publishing: GateHouse Media South Dakota Holdings, Inc. \$2,046.31; Groton Independent \$746.22.

Repairs & Maintenance: Century Business Products \$44.70; Climate Control \$119.35; Ecolab Pest Elimination \$113.54; House of Glass \$146.69; Kone Inc \$4,239.72; McGaugh Family Inc \$25.33; Midwest Pump & Tank \$330.89; Northwestern Energy & Communications \$491.88; Timothy C. Gardner \$70.00; Woodman Refrigeration, Inc \$849.92.

Supplies: Agtegra Cooperative \$1,542.62; Arts South Dakota \$350.00; Avera LTC Pharmacy Aberdeen \$472.91; Cartney Bearing \$92.94; Century Business Products \$945.51; Charm-Tex \$2,647.44; Cole Papers \$3,668.27; Crescent Electric Supply Co \$31.75; Daniel J. Heinz \$450.00; Election Systems & Software LLC \$9,150.99; Karen Swank \$9.00; Kessler's \$54.43; Lucy Lewno \$13.14; Marco Inc \$41.38; Meister Mowing LLC \$465.00; Menards \$363.86; Plumbing & Heating Wholesale, Inc. \$171.14; Premier Biotech, Inc \$616.98; Roland L. Moerke \$1,137.26; Shi International Corp \$216.54; Tri State Water \$37.75; Web Water Bottling Company \$98.25.

Travel & Conference: Heartland Assoc of Fairs, Festivals & Events \$1,395.00; Kelsi Thilmony-Vinger \$215.28; Rachel Wilson \$30.00.

Utilities: City of Aberdeen \$406.81; Dependable Sanitation Inc \$348.00; Northwestern Energy & Communications \$8,109.61; Verizon Wireless Services LLC \$124.21.

Rentals: H & H Farms \$250.00; Les Frohling \$200.00; Ron Jacobson \$250.00.

All members present voting aye. Motion carried

**HR REPORT:**

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

- Acknowledge the resignation of Jordon Sutton, Brown County Landfill Equipment Operator, full-time; effective November 4, 2022. Request to fill.
- Approve request to hire Brown County IT intern, part-time; wage of \$12.50/hour.

All members present voting aye. Motion carried

PLATS:

Resolution #52-22

Commissioner Gage brought the following resolution: “Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing “DeMaray Addition to the City of Columbia, in the NW ¼ of Section 28, Township 125 North, Range 62 West 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 Wiese. All members present voting aye. Resolution adopted.

Resolution #53-22

Commissioner Gage brought the following resolution: “Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing “Jangula Subdivision in the NE ¼ of Section 24-T123N-R65W 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. All members present voting aye. Resolution adopted.

Resolution #54-22

Commissioner Gage brought the following resolution: “Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing “Ole Crow Addition in the NW ¼ of Section 17, Township 123 North, Range 63 West 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 Wiese. All members present voting aye. Resolution adopted.

Resolution #55-22

Commissioner Gage brought the following resolution: “Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing “Bormann First Addition in the W ½ SW ¼ of Section 30-T128N-R61W 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. All members present voting aye. Resolution adopted.

Resolution #56-22

Commissioner Gage brought the following resolution: “Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing “S L A Addition in the SW ¼ of Section 25, Township 124 North, Range 64 West 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 Wiese. All members present voting aye. Resolution adopted.

ZONING ORDINANCES - SET HEARING DATE/AUTHORIZE ADVERTISING:

Moved by Feickert, seconded by Wiese to set hearing date and authorize advertising for first reading of the following zoning ordinances to be held November 15, 2022 in the Commissioner’s Chambers, Courthouse Annex, Brown County, SD at 8:45 a.m.: Proposed ordinance 231, applicant Todd Ochsner/Ochsner Real Estate, LP requesting to move from Chapter 4.06 Agriculture Preservation District (AG-P) to Chapter 4.15 Light Industrial District (L-I): The S ½ of Section 19-T123N-R64W lying South of Railroad R.O.W. of the 5<sup>TH</sup> P.M., Brown County, South Dakota; Proposed ordinance 232, applicant Jerrad Jangula requesting to move from Chapter 4.06 Agriculture Preservation District (AG-P) to Chapter 4.07 Mini Ag District (M-AG): “Proposed Lot 1, “Jangula Subdivision” in the NE ¼ pf Section 24-T123N-R65W of the 5TH P.M., Brown County, South Dakota; Proposed ordinance 233 applicant John Daily requesting to move from Chapter 4.06 Agriculture Preservation District (AG-P) to Chapter 4.07 Mini Ag District (M-AG): Lot 1, “First Subdivision of Bieber’s Outlot 1” in the N ½ of Section 21-T126N-R64W of the 5TH P.M., Brown County, South Dakota; Proposed ordinance 234, applicant Stacy Gossman requesting to move from Chapter 4.08 Residential District (R-1) to Chapter 4.13 Commercial District (C); Proposed Lot 1 “Ole Crow Addition” in the NW ¼ of Section 17-T123N-R63W of the 5TH P.M., Brown County, South Dakota. The proposed ordinances will be made available for public inspection at the Brown County Auditor’s Office or Brown County Planning and Zoning Office during regular business hours. All members present voting aye. Motion carried.

OTHER BUSINESS: None

EXECUTIVE SESSION:

Moved by Gage, seconded by Wiese to go into executive session to discuss Personnel & 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 Gage to adjourn the Brown County Commission at 11:10 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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