

JANUARY 9, 2024 – 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 Dennert, Fjeldheim, Gage, Sutton, and Wiese. Commissioner Fjeldheim led the Pledge of Allegiance.

APPROVAL OF AGENDA:

Commissioner Wiese moved to approve the agenda, seconded by Gage. All members present voting aye. Motion carried.

OPPORTUNITY FOR PUBLIC COMMENT: None

BID – RICHMOND YOUTH CAMP HOUSE:

Time and place, as advertised to open, read and consider sealed for bid auction to purchase the real property of 2 Bedroom, 1 Bath House to be moved from 37909 Youth Camp Road. No bids were received. Rachel Kippley shared they did have 7 people attend the Open Houses. Since no bids were received, the county can negotiate a contract for the property, at the most advantageous price, if the specifications of the original bid are met. (SDCL 5-18A-5 (9))

EXPO ROOF FUNDING:

Auditor Heupel provided the Commission with different options of potential funds to cover the additional costs of the Expo Roof. Commissioner Wiese commented that he appreciated Lynn putting that together, so they know their options. Auditor Heupel informed the Commission we did not receive the Performance Bond or the Proposal Guaranty; the Contract Agreement was not approved at this time.

FAIRBOARD:

Randy & Stephanie Mages met with the Commission to discuss a letter that they received asking them to resign from the Fairboard. They had not been contacted by the Commission or the Board for an opportunity of a hearing, so they were taken back by the letter they received. Randy asked the Commission to rescind Stephanie's resignation because she has nothing to do with the By-Law Committee. Randy informed the Commission that he was Secretary of the Board for 2022 & 2023. In October, he was assigned to the By-Law Committee by the Fairboard President. Randy had met with Rachel Kippley, Fair Manager and Suzanne Moen, Fairboard member twice to go over the by-laws and he enjoyed their collaboration and how well they worked together. Randy shared that Rachel made the changes on her computer during their meeting, which has the draft and then the changes were e-mailed to the Fairboard from the Fair Office not from him, he commented that it has been honest and transparent. The full Fair Board would need to approve any changes, which then goes to the Commission to be approved. Randy contacted Suzanne Moen to see if she was also asked to step down because of her involvement with the by-laws and she has not; Randy is unsure if anything has been done with Manager Kippley for her involvement with the by-laws and he asked the Commission to consider absolving Stephanie Mages from this issue and rescinding this request and investigate, educate Suzanne, Rachel and himself on how the Commission prefers the by-laws to be handled. Chairman Sutton restated that Randy was asking to rescind the resignation of Stephanie and Randy stated it made no sense why she should resign because she was not part of the by-law committee. Chairman Sutton shared that By-Laws was only part of it, dealing with personnel and staff was another part, it was various items. Chairman Sutton then asked if they remove asking Stephanie to step-down that would resolve the issue. Randy asked if he thought it was fair that he was being asked to step down because of his involvement, he was put on that Committee by his peers. Chairman Sutton said it goes beyond his involvement on the by-law committee, Commissioner Dennert and himself met with the Executive Committee of the Fairboard and that is what led to the sending of the letter. Stephanie asked for him to share that with them, Chairman Sutton said he would be willing to meet with them and further explain the concerns. Randy stated they wanted a hearing to talk about this. Chairman Sutton shared that its more complicated than just your presence on the by-law committee; reference was made that you feel that changes in general need to be made whether it be the governance, the oversight, etc. Randy commented that no profound changes were made but he did share that he would like the Fairboard to have more autonomy and be able to control and regulate some things, and he'd like the President to know its their job to do certain things and the office to know it their job to do certain things. Randy was looking at if a new manager would come in and new Fairboard members how they are going to interact with one another based on the by-laws. Chairman Sutton shared the Commission will discuss this matter and get back to Randy & Stephanie.

CERTIFICATES OF DEPOSIT:

Chairman Sutton shared that Patty VanMeter, Treasurer is checking with another bank to see how much money they are willing to accept of public funds because the 1.25% of interest doesn't seem right and they understand that public funds are handled differently than private but hoping for better than 1.25% for interest rate.

Commissioner Dennert asked what the automatic renewal date was, and Auditor Heupel shared it was today.

Commissioner Fjeldheim stated that he didn't feel we should even consider the renewal, he suggested to draw it out, take a week to see if other banks will take it, even if we need to split the money between 3 different banks if it is the amount that is causing the problems but don't want have them automatically renew it at 1.25% when we could be getting 4.5% somewhere else. Commissioner Fjeldheim made a motion to cash in the CD and let the Treasurer VanMeter decide what is necessary and appropriate for the funds, seconded by Dennert and review the options next week. All members present voting aye. Motion carried.

FEES FOR PT-55 REPORT:

Mariann Malsom, Register of Deeds informed the Commission that every month they have a PT-55 report that all Register of Deeds offices create and must send to the Department of Revenue. The report is a short version of all the sales for that month; the Assessor's office receives this report as well. Over time there have been individuals such as appraisers, real estate agents, mortgage banks that are requesting this report as well. At Convention Mariann learned that other County Register of Deeds charge for this information, all Register of Deeds work together and try to stay consistent, so she is asking to start charging for the PT-55 Report; her suggestion is \$100 flat fee for a year. After further discussion the following resolution was

Commissioner Wiese offered the following Resolution:

RESOLUTION #05-24 RESOLUTION TO SET FEES FOR PT-55 REPORTS

WHEREAS, the Board of Brown County Commissioners may implement, alter, or amend fees and/or charges for the Register of Deeds, and

WHEREAS, it has been determined that an annual fee be set for the PT-55 monthly report; and

NOW, THEREFORE BE IT RESOLVED that an annual fee of \$100 per requester is hereby approved.

Dated this 9th day of January 2024.

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

PLANNING & ZONING APPLICATION FEE SCHEDULE:

Commissioner Gage offered the following Resolution:

RESOLUTION #06-24

WHEREAS, Second Revision Brown County Ordinances, the Board of Brown County Commissioners may alter or amend the schedule of fees, charges, expenses and a collection procedure for building permits, zoning permits, certificates of zoning compliance, appeals, and

WHEREAS, it has been determined that the Application Fee Schedule established by Resolution #40-19 and #52-21 be amended; and

WHEREAS, it has been determined that application fees will be shown in:

PLANNING & ZONING "TABLE 2024 – APPLICATION FEE SCHEDULE"

NOW, THEREFORE BE IT RESOLVED by authority of Chapter 4.26 Second Revision Brown County Ordinances, the following APPLICATION FEE SCHEDULE in the Planning/Zoning Department is hereby approved and adopted to be effective January 9, 2024 as shown on:

PLANNING & ZONING
“TABLE 2024 – APPLICATION FEE SCHEDULE”

- APPEAL ZONING ADMINISTRATOR - \$300.00 (to the Zoning BOA)
- APPEAL ZONING BOARD OF ADJUSTMENT DECISION - \$300.00 (to Circuit Court – paperwork prep)
- APPEAL BOARD OF COMMISSIONERS DECISION - \$300.00 (to Circuit Court – paperwork prep)
- REZONE PARCEL APPLICATION - \$350.00
- PRELIMINARY PLAT APPLICATION - \$25.00
- VACATION OF AN EXISTING PLAT APPLICATION - \$100.00
- PRELIMINARY & FINAL PLAT APPLICATION (Combined) - \$150.00
- VARIANCE GENERAL APPLICATION - \$125.00
- VARIANCE TO STRUCTURE SETBACKS APPLICATION - \$125.00
- VARIANCE TO SHELTERBELT SETBACKS APPLICATION - \$125.00
- VARIANCE TO APPROACH SEPERATION DISTANCE APPLICATION - \$125.00
- CONCENTRATED ANIMAL FEEDING OPERATION (CAFO) - \$325.00
- CONDITIONAL USE PETITION – STANDARD APPLICATION - \$225.00
- CONDITIONAL USE PETITION – WIND ENERGY APPLICATION - \$500.00
- CONDITIONAL USE PETITION – SOLAR ENERGY FARM APPLICATION - \$500.00
- CONDITIONAL USE PETITION – DISTRICT OPTIONS APPLICATION - \$225.00
- CONDITIONAL USE PETITION – CANNABUS REGULATIONS APPLICATION - \$500.00
- CONDITIONAL USE PETITION – NEW COMMUNICATION TOWERS APPLICATION - \$225.00
- CONDITIONAL USE PETITION – NEW SIGN AND/OR SIGN STRUCTURE APPLICATION - \$225.00
- CONDITIONAL USE PETITION – ANY PIPELINE OR ELECTRICAL TRANSMISSION LINE APPLICATION - \$500.00

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

PLANNING & ZONING APPLICATION FEE SCHEDULE:

Commissioner Gage offered the following Resolution:

RESOLUTION #07-24

WHEREAS, by authority of Chapter 4.26 Second Revision Brown County Ordinances, the Board of Brown County Commissioners may alter or amend the fee schedule, charges, expenses and a collection procedure for Building, Zoning, or Construction Permits, and

WHEREAS, it has been determined that the fee schedule established by Resolution #47-07 and #22-08 be amended; and

WHEREAS, is has been determined that fees will be based upon the valuation of the project as shown in Table 2024 “Permit Fee Schedule”; and

WHEREAS, it has been determined that a minimum fee be set; and

WHEREAS, it has been determined that an “Administrative Fee” be applied when any construction has commenced prior to application and/or prior to receiving a Permit; and

WHEREAS, it has been determined that a “Surcharge” be applied when any construction has commenced prior to an application being submitted or prior to obtaining a building or zoning permit.

NOW, THEREFORE BE IT RESOLVED by authority of Chapter 4.26 Second Revision Brown County Ordinances, the following fee schedule for Building, Zoning, or Construction Permits is hereby approved and adopted to be effective January 9, 2024 as shown on Table 2024 “PERMIT FEE SCHEDULE”:

PERMITS: as in Table 2024 “Permit Fee Schedule”

- Moving Permit - \$10.00
- Demolition Permit - \$10.00
- Sign: Face Replacement - \$20.00
- Sign: New Construction Set - \$100.00
- Fence Permit (for inside community, not rural) - \$10.00
- Flood Plain Development Permit (FPDP) –
 - \$20.00 alone
 - \$10.00 with permit

CONSTRUCTION: as in Table 2024 “Permit Fee Schedule”

- Permit: \$25.00 minimum fee for any construction from \$0.00 to \$10,000.00
- Permit: \$3.00 per \$1,000.00 of valuation of project construction after \$10,000.00
- Penalty – Administrative Fee: Failing to obtain a PERMIT prior to construction - \$50.00
- Penalty – Surcharge: Construction has commenced prior to an Approved Permit application. Penalty fee is equal to 1/2% times total project valuation: Ex. $0.50\% \times \$400,000.00 = \$2,000.00$.

Seconded by Commissioner Wiese. Roll call vote: Dennert-aye; Fjeldheim-aye; Gage-aye; Sutton-aye, Wiese-aye. Resolution adopted.

ADOPT THE ZONING MAP:

Scott Bader, Planning & Zoning Director presented a new Zoning Map to the Brown County Commission to be adopted as January 9, 2024. Moved by Commissioner Wiese, seconded by Dennert to adopt the new Zoning Map. All members present voting aye. Motion carried.

EDWARDS PRESERVE NATURE AREA BOARD:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the Edward Preserve Nature Area Board which consists of Nathan Edwards, Edwards Family; Duane Sutton, Brown County Commission; Alex Little, Richmond Lake Association; Bruce Johnson, Richmond Lake Association; Brandon Sigaty, Richmond Sewer District and Chris Allen, Richmond Lake Resident. All members present voting aye. Motion carried.

CONTRACT AGREEMENT FOR TUCKPOINTING PROJECT:

Moved by Commissioner Dennert, seconded by Wiese to approve and authorize Chairman Sutton to sign the Contract Agreement with Building Restoration Corp. for the Tuckpointing Project. All members present voting aye. Motion carried.

APPOINT BOARD MEMBER FOR ODDE & HOLUM COMPLEX:

Moved by Commissioner Fjeldheim, seconded by Wiese to appoint Commissioner Gage to the ODDE & HOLUM Complex Board. All members present voting aye. Motion carried.

HOUSING & REDEVELOPMENT COMMISSION: Nothing received at this time.

REGIONAL RAILROAD AUTHORITY COMMISSION:

Moved by Commissioner Gage, seconded by Wiese to approve the Regional Railroad Authority Commission for 2024 which is as follows: City of Aberdeen - Rob Ronayne; Alternate – Josh Rife; Beadle County - Doug Ramsell; Alternate – Dennis Meyer; Brown County – Doug Fjeldheim; Alternate – Mike Wiese; Edmunds County – Morris Grosz; Alternate – Micheal Geditz; Spink County – Suzanne Smith; Alternate – Kevin Siebrecht. All members present voting aye. Motion carried.

MINUTES:

Moved by Commissioner Wiese, seconded by Gage to approve the January 2, 2024 Reorganization Meeting Minutes. All members present voting aye. Motion carried.

CLAIMS:

Moved by Commissioner Wiese, seconded by Dennert to approve the following claims: Unemployment Insurance: SD Dept of Labor and Regulation \$1,230.98. Professional Fees: Active Data Systems \$17,570.00; Avera St. Luke's Hospital \$251.26; Cogley Law Office, Prof LLC \$4,274.29; Fox Law Firm, PLLC \$680.00; Helms & Associates \$714.80; IMEG Corp \$12,000.00; Language Line Services, Inc \$536.36; Lincoln County Auditor \$919.35; Mark Katterhagen \$72.00; Marla Zastrow \$34.26; Northern Plains Animal Health \$413.98; Sanford Health Occupational Medicine \$1,015.00; Satellite Tracking of People, LLC \$737.75; Schneider Geospatial, LLC \$2,916.00; SD Assoc of County Commissioners \$6,976.00; SD Assoc of County Officials \$3,244.73; SD Assoc of Weed & Pest Supervisors \$75.00; SD Dept of Revenue & Regulations \$1,774.26; SD Sheriff's Association \$1,595.93; SDAAO-SD Assoc of Assessing Officers \$525.00; SDACHS \$350.00; SDAE4-HP \$120.00; Taliaferro Law Firm, PC \$101.50; Valerie Larson \$72.00; Yankton County Sheriff's Office \$50.00. Publishing: Groton Daily Independent \$540.35. Repairs & Maintenance: A-1 Locksmithing \$150.00; Crawford Trucks & Equipment \$21.34; Day County Treasurer \$1,570.65; Geffdog Designs \$85.00; Graham Tire Inc \$19.16; J & K Painting \$905.52; Lien Transportation Company \$1,802.50; Meister Mowing LLC \$1,850.00; Midstates Group \$1,140.00; Olson's Pest Technicians \$250.00; Pantorium Cleaners Inc \$281.20; Precision Kiosk Technologies \$2,700.00; RDO Equipment Co \$25,996.04; Safety Service \$806.25; State of South Dakota PMB 0112 \$81.62; Totally Tubular Mfg. Inc. \$100.00; Transource Truck & Equipment, Inc \$1,091.05; TruGreen, Aberdeen \$605.28; Whitmore Inc \$700.00. Supplies: Agtegra Cooperative \$47,589.51; Amazon Capital Services, Inc \$154.79; Arts South Dakota \$350.00; Auto Value Aberdeen \$316.35; Bakken Building Maintenance \$500.00; Butler Machinery Company \$824.63; Cole Paper Inc \$639.30; Crawford Trucks & Equipment \$1,715.07; Dakota Electronics \$12,594.50; Dakota Fluid Power, Inc \$711.18; Dive Rescue International \$225.00; Farm Power Mfg. \$340.60; Fire Safety First LLC \$122.40; Fox Law Firm, PLLC \$11.52; Interstate Battery System of South Dakota \$58.50; Jason Vilhauer \$406.86; Karen Swank \$40.50; Leidholt Tool Sales, LLC \$55.46; Mac's Inc-Capital One Trade Credit \$241.95; Mariann Malsom \$187.99; Menards \$344.53; Midstates Group \$669.75; Napa Central \$728.34; Pantorium Cleaners Inc \$32.00; Performance Oil \$37.26; Prevention Magazine \$255.00; RDO Equipment Co \$260.50; Ross Collins \$100.00; Runnings \$65.94; SDEMA \$60.00; Share Corporation \$781.80; Sherwin Williams \$196.76; South Dakota Magazine \$70.00; Stan Houston Equipment Company, Inc \$589.00; Transource Truck & Equipment, Inc \$144.78; US Foods \$8,578.86; Whitmore Inc \$25,063.10. Travel & Conference: Arrowwood Resort & Conference Center at Cedar Shore \$119.72. Utilities: AT&T Mobility \$43.23; Midcontinent Communications \$163.80; Northwestern Energy \$16,457.80; Richmond Lake Sanitary District \$2,400.00; Town of Frederick \$77.00; WEB Water Development Association, Inc \$106.92. Others: NECOG \$26,856.06; SD Assoc of County Officials \$712.00; SD Dept of Agriculture & Natural Resources \$4,027.42; SD Dept of Revenue & Regulations \$683,991.31. Jurors: \$3,114.40. All members present voting aye. Motion carried.

HR REPORT:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the following Human Resource Report submitted by Human Resources Specialist, Jessica Johnson:

- Resignation for Logan Flack, Brown County 911 Communications Officer, FT; effective January 22, 2024. Request to fill.
- Approve hiring Sophia Powell as Brown County 911 Communications Officer, FT; starting wage \$22.37/hr.; effective January 22, 2024.
- Amendment on the Thanksgiving and Day After Thanksgiving Holiday from the fourth Thursday and Friday in November to the fifth Thursday and Friday in November 2024.
- Approve personal miles driven for October 2023 at 0.62 per mile as follows: Matt Heupel 60 miles at \$37.20; John Florey 108 miles at \$66.96; Mike Scott 180 miles at \$111.60.
- Approve personal miles driven for November 2023 at 0.62 per mile as follows: Matt Heupel 95 miles at \$58.90; John Florey 96 miles at \$59.52; Mike Scott 130 miles at \$80.60.
- Approve personal miles driven for December 2023 at 0.62 per mile as follows: Joshua Matthews 248 miles at \$153.76; Matt Heupel 85 miles at \$52.70; John Florey 114 miles at \$70.68; Mike Scott 150 miles at \$93.00.

All members present voting aye. Motion carried.

QUARTERLY INTEREST STATEMENT:

Moved by Commissioner Dennert, seconded by Gage to accept for filing the Oct-Dec 2023 Interest statement (\$129,187.58), submitted by County Treasurer, Patty VanMeter. All members present voting aye. Motion carried.

LEASE AGREEMENT:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve and authorize the Chairman to sign the following lease agreement: Layne Lux for lease of the Club House on June 29, 2024 for a Wedding. All members present voting aye. Motion carried.

ABATEMENTS:

Moved by Commissioner Gage, seconded by Wiese to approve the following abatements: Parcel #22061 for tax year 2024 - \$997.26; Parcel #16128 for tax year 2024 - \$2,102.76; Parcel #1211 for tax year 2024 - \$13.15; Parcel #1215 for tax year 2024 - \$15.72; Parcel #6150 for tax year 2024 - \$66.29; Parcel #8786 for tax year 2024 - \$2,388.36. All members present voting aye. Motion carried.

TRAVEL REQUESTS:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the following Travel Requests: Wes Graff, Sheriff's Office to attend Mexican Cartels & Culture Training in Andover, MN on February 21-23, 2024; Candace Rohrbach, Communications to attend Be the Difference Conference in Knoxville, TN on January 27 – February 3, 2024. All members present voting aye. Motion carried.

LANDFILL TONNAGE REPORT:

Moved by Commissioner Wiese, seconded by Gage to acknowledge the Landfill Tonnage Report for December 2023. All members present voting aye. Motion carried.

OTHER BUSINESS:

Auditor, Lynn Heupel shared with the Commission the Judy Dosch, Building Superintendent would like to have the remainder of her 2023 Budget reserved for her to use in 2024 due to upcoming expenses she will have. Moved by Commission Fjeldheim, seconded by Wiese to reserve the budget balance for Maintenance in the amount of \$218,547.46 for 2024. All members present voting aye. Motion carried.

EXECUTIVE SESSION:

Moved by Commissioner Wiese, seconded by Dennert 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.

Moved by Commissioner Wiese, seconded by Dennert to split the additional funds for the Odde and Holum Complex Improvement Fund between Commission and Fair budgets. For 2023, the amount will be a total of \$10,102.50. All members present voting aye. Motion carried.

ADJOURNMENT:

Moved by Commissioner Dennert, seconded by Wiese to adjourn the Brown County Commission at 11:48 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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