

MAY 28, 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 Fjeldheim, Gage, Sutton, and Wiese. Commissioner Dennert was absent. Commissioner Fjeldheim led the Pledge of Allegiance.

APPROVAL OF AGENDA:

Commissioner Wiese moved to approve the agenda, with the addition of adding approve and authorize Chairman to sign MOU with LSS under Kelsi Vinger. Commissioner Gage seconded the motion. All members present voting aye. Motion carried.

OPPORTUNITY FOR PUBLIC COMMENT: None

ORDINANCE #268 – SECOND READING/ADOPTION:

Moved by Commissioner Wiese, seconded by Fjeldheim to adopt Ordinance #268. Applicant Pernell Graf, P.O.A. for Janet Graf to rezone from Agriculture Preservation District (AG) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use: Proposed Lot 1, “Graf First Addition” in the SW1/4 of Section 19-T127N-R60W of the 5th P.M., Brown County, South Dakota (10952 406th Avenue, North Detroit Twp.). All members present voting aye. Motion carried.

ORDINANCE #269 – SECOND READING/ADOPTION:

Moved by Commissioner Fjeldheim, seconded by Wiese to adopt Ordinance #269. Applicants Daniel & Michelle Smith to rezone from Agriculture Preservation District (AG) to Mini-Agriculture District (M-AG) to bring these parcels into compliance for their current use: Lot 1 & Lot 2, “Bendewald Farm Subdivision” in the SE1/4 of Section 12-T122N-R65W of the 5th P.M., Brown County, South Dakota (13761 & 13767 382nd Avenue, Highland Twp.). All members present voting aye. Motion carried.

ORDINANCE #270 – SECOND READING/ADOPTION:

Moved by Commissioner Gage, seconded by Wiese to adopt Ordinance #270. Applicants Bill Kirschenmann to rezone from Agriculture Preservation District (AG) to Mini-Agriculture District (M-AG) to bring these parcels into compliance for their current use: Proposed Lot A & Lot B, “Leibel First Addition” in the NE1/4 of Section 11-T123N-R63W of the 5th P.M., Brown County, South Dakota (13115 393rd Avenue, Bath Twp.). All members present voting aye. Motion carried.

COURT RESOURCE HOME GRANT APPLICATION:

Kelsie Vinger, State’s Attorney met with the Commission to ask for approval to apply for the Court Resource Home Grant in the amount of \$30,000.00. This would be the third year for the program. They are still looking for families wanting to participate. Moved by Commissioner Wiese, seconded by Gage to approve and authorize Chairman Sutton to sign the Court Resource Home Grant Application in the amount of \$30,000.00. All members present voting aye. Motion carried.

RACIAL & ETHNIC GRANT APPLICATION:

Kelsie Vinger, State’s Attorney met with the Commission to ask for approval to apply for the Racial & Ethnic Grant in the amount of \$32,405.00. This would be the second year for the program and will continue to partner with NSU and having Court Diversional Opportunities. Moved by Commissioner Fjeldheim, seconded by Wiese to approve and authorize Chairman Sutton to sign the Racial & Ethnic Grant Application in the amount of \$32,405.00. All members present voting aye. Motion carried.

LUTHERAN SOCIAL SERVICES & COURT RESOURCE HOMES MEMORANDUM OF UNDERSTANDING:

Kelsi Vinger, State’s Attorney presented a Memorandum of Understanding (MOU) between Lutheran Social Services (LSS) and Court Resource Homes Grant. LSS will be the licensing agency and will hold licensing responsibilities for families that become Court Resource Homes. Moved by Commissioner Wiese, seconded by Gage to approve and authorize Chairman Sutton to sign the Memorandum of Understanding between Lutheran Social Services & Court Resource Homes Grant. All members present voting aye. Motion carried.

APPLICATION FOR OCCUPANCY:

Moved by Commissioner Wiese, seconded by Gage to approve the following application submitted by WEB Water Development for occupancy of Brown County Highway Right of Ways for potable water line: Highway #5 in Section 6-T127-R63 of the 5th P.M. of Brown County, SD. All members present voting aye. Motion carried.

HIGHWAY DEPARTMENT UPDATE:

Dirk Rogers, Highway Superintendent gave the Commissioner's a Department Update. Dirk shared there will be some significant changes to the paving schedule: they can't keep doing it the way they've been doing it so will be doing more jobs that are closer to the Hot Mix Plants. Weather permitting will be chip sealing at Richmond tomorrow (Wednesday, May 29th). They are also mowing and patching.

MINUTES:

Moved by Commissioner Fjeldheim, seconded by Gage to approve the May 21, 2024 General Meeting Minutes. All members present voting aye. Motion carried.

CLAIMS:

Moved by Commissioner Gage, seconded by Wiese to approve the following claims: Insurance: Insurance Plus \$675.00. Professional Fees: Amazon Capital Services, Inc; \$122.24; Avera St. Luke's Hospital \$12,973.53; Healthstream, Inc \$1,928.50; IMEG Corp \$3,680.00; Northeastern Mental Health Center \$338.00; Sara Zahn \$64.65; Schneider Geospatial, LLC \$2,916.00; US Bank Visa \$65.00. Publishing: Midstates Group \$3,289.00; US Bank Visa \$733.80. Rentals: Advantage Self Storage \$276.00. Repairs & Maintenance: EcoLab Pest Elimination Division \$112.83; Fire Safety First LLC \$1,745.32; K&S Plumbing, Inc \$264.30; Loiseau Construction, Inc \$119,174.08; Otis Elevator Company \$3,033.36; Pomp's Tire Service, Inc \$148.00; Quality Welding, Inc \$26.10; Thee Glass Doktor, LLC \$112.50; US Bank Visa \$4,035.86; Woodman Refrigeration, Inc \$1,931.04. Supplies: Amazon Capital Services, Inc \$24.65; Century Business Products \$178.76; Cole Paper Inc \$2,746.59; Dakota Electronics \$55.00; Geffdog Designs \$142.00; HF Jacobs & Son Const. Inc \$62,468.50; Jensen Rock & Sand Inc \$14,380.15; Jordanne DuCheny \$57.04; LabSource, Inc \$430.05; Marco Technologies, LLC \$19.59; Menards \$467.41; PharmChem, Inc \$1,151.34; Pomp's Tire Service, Inc \$830.32; Quality Welding, Inc \$13.00; Thee Glass Doktor, LLC \$160.00; US Bank Visa \$16,320.04. Travel & Conference: US Bank Visa \$3,935.57. Utilities: Montana-Dakota Utilities Co \$48.80; Northwestern Energy \$51.43; US Bank Visa \$3,701.08. Machinery & Equipment: RDO Equipment Co \$76,000.00. Others: Alan P. or Angela P. Bernard \$13,003.40; Amber L Scriver Subtrust Created Under the Peterson Land Trust 2022 \$19,505.60; Amber Scriver \$3,251.10; Angela Bernard Subtrust Created Under the Peterson Land Trust 2022 \$19,505.60; Angela Peterson Bernard \$3,251.10; Darwin H. or Mary J. Bettmann \$1,950.56; David and Jill Lehmann Living Trust \$16,254.00; Donald D. or Maxine E. Fischer \$1,950.65; FDM Revocable Living Trust \$16,253.95; Great Plains Bank \$19,505.60; Herman Schumacher \$8,127.00; James D. Gressett \$16,253.95; John Kippley \$3,250.93; Joop Antonius Hubertus Bollen \$16,253.95; Lynette Durham \$6,502.20; Mark & Mary Volk \$6,502.20; Marlin Nilsson \$13,003.40; Pizza Ranch \$99.95; Plains Commerce Bank-Aberdeen \$248,040.50; Pyush Ramanlal Patel \$16,253.95; Robert M. or Lora M. Larson \$3,250.55. 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 Director, Allison Tunheim:

- Resignation of Adelaide Mounga, Brown County State's Attorney Victim's Witness Specialist; FT – effective May 31, 2024. Request to fill.
- Resignation of Blaze Mills, Brown County Jail Detention Officer, PT – effective May 23, 2024. Request to fill.
- Hiring of Sheila Haugen as Brown County Sheriff's Office Records Technician, FT; starting wage \$19.29/hr. – effective June 18, 2024.
- Transfer of Tina Jacobs from FT Brown County Jail Detention Officer to PT Brown County Jail Detention Officer – effective June 9, 2024.

All members present voting aye. Motion carried.

FIREWORKS DISPLAY PERMIT:

Moved by Commissioner Wiese, seconded by Gage to approve and authorize Chairman Sutton to sign the Fireworks Display Permit for Lew's Fireworks at the Brown County Fair. All members present voting aye. Motion carried.

TRAVEL REQUESTS:

Moved by Commissioner Wiese, seconded by Fjeldheim to approve the following Travel Requests: Scott Meints and Patti Woods, Emergency Management to attend SD EM Conference on September 8-12, 2024 in Chamberlain, SD. All members present voting aye. Motion carried.

ZONING ORDINANCES – SET HEARING DATE/AUTHORIZE ADVERTISING:

Moved by Commissioner Gage, seconded by Wiese to set hearing date and authorize publication for the first reading of the following zoning ordinances to be held on June 18, 2024 in the Commissioner’s Chambers, Courthouse Annex, Brown County, SD. Proposed Ordinance #271, applicant Morgan & Jackie Beving for the purpose of rezoning the following property from Agriculture Preservation District (AG) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use: Proposed Lot 1, “Beving Addition” in the W1/2 of the NE1/4 of Section 35-T123N-R65W of the 5th P.M., Brown County, South Dakota (37865 135th Street; Mercier Twp.). Proposed Ordinance #272, applicant Julie Lillis for the purpose of rezoning the following property from Agriculture Preservation District (AG) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use: Proposed Lot 2A, “Jackson and Karlen’s Third Subdivision” in the NW1/4 & the N1/2 of the SW1/4 of Section 33-T125N-R62W of the 5th P.M., Brown County, South Dakota (12342 396th Avenue; Columbia Twp.). All members present voting aye. Motion carried.

PRELIMINARY PLAT:

Moved by Commissioner Gage, seconded by Wiese to approve the Preliminary Plat for Troy & Rebecca Woehl which includes a new road named Howling Woods Lane: “Howling Woods Subdivision” in the SW ¼ of Section 22-T123N-R64W of the 5th P.M., Brown County, SD (approximate address is 1493 S. 385th Ave.; Aberdeen Township). Title 5 Subdivision Ordinances Require Preliminary Plat review with a new dedicated road and road name. All members present voting aye. Motion carried.

PLATS:

RESOLUTION #25-24

Commissioner Gage brought the following resolution “Be it resolved by the Board of County Commissioners of Brown County, South Dakota, that the plat showing Kevin & Jean Nelson First Addition to the City of Columbia, in the NE ¼ of Section 29-T125N-R62W 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 Wiese. All members present voting aye. Resolution adopted.

RESOLUTION #26-24

Commissioner Gage brought the following resolution “Be it resolved by the Board of County Commissioners of Brown County, South Dakota, that the plat showing Jackson & Karlen’s Third Subdivision, in the NW ¼ and N ½ SW ¼ of Section 33-T125N-R62W 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 Wiese. All members present voting aye. Resolution adopted.

RESOLUTION #27-24

Commissioner Gage brought the following resolution “Be it resolved by the Board of County Commissioners of Brown County, South Dakota, that the plat showing Beving Addition, in the W ½ of the NE ¼ of Section 35-T123N-R65W 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 Wiese. All members present voting aye. Resolution adopted.

RESOLUTION #28-24

Commissioner Gage brought the following resolution “Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing Jones-Wright Addition, in the E ½ of Section 7-T123N-R62W 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 Wiese. All members present voting aye. Resolution adopted.

RESOLUTION #29-24

Commissioner Gage brought the following resolution “Be it resolved by the Board of County Commissioners of Brown County, South Dakota, that the plat showing Doeden First Addition, in the SE 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 Wiese. All members present voting aye. Resolution adopted.

LOTTERY PERMIT:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve and authorize Chairman Sutton to sign the application submitted by Richmond Lake Association for a lottery to be held on July 20, 2024 at the Richmond Pavilion to raise funds for Lake Projects. All members present voting aye. Motion carried.

OTHER BUSINESS:

Commissioner Gage shared that his children’s class did a Tour of the Landfill, they had a great time and Mike Scott, Landfill Manager did a great job with the class.

EXECUTIVE SESSION:

Moved by Commissioner Wiese, seconded by Fjeldheim to go into Executive Session for 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 Commissioner Fjeldheim, seconded by Wiese to adjourn the Brown County Commission at 10:05 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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