

MAY 25, 2021 – GENERAL MEETING

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

APPROVAL OF AGENDA:

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

SECOND READING AND ADOPTION – REZONE ORDINANCE 191:

Moved by Sutton, seconded by Wiese to adopt ordinance 191: Applicant Scott Kampa requesting to rezone the following property from Chapter 4.06 Agriculture Preservation District (AG-P) to Chapter 4.07 Mini-Ag District (M-AG) Kampa Outlot A of “Kampa Outlot A” in the NW ¼ SW ¼ Section 31-T123N-R61W of the 5<sup>th</sup> P.M., Brown County, South Dakota (13556 400<sup>th</sup> Ave). Roll Call Vote: Commissioner Feickert-aye, Sutton-aye, Wiese-aye, Kippley-aye, Fjeldheim-aye. Ordinance adopted.

SECOND READING AND ADOPTION – REZONE ORDINANCE 192:

Moved by Kippley, seconded by Feickert to adopt ordinance 192: Applicant Scott Rozell requesting to rezone the following property from Chapter 4.06 Agriculture Preservation District (AG-P) to Chapter 4.07 Mini-Ag District (M-AG) Lot 1, “L.B. Addition” in the NE ¼ of Section 1-T121N-R65W of the 5<sup>th</sup> P.M., Brown County, South Dakota (14201 382<sup>nd</sup> Ave). Roll Call Vote: Commissioner Feickert-aye, Sutton-aye, Wiese-aye, Kippley-aye, Fjeldheim-aye. Ordinance adopted.

SECOND READING AND ADOPTION – REZONE ORDINANCE 193:

Moved by Feickert, seconded by Sutton to adopt ordinance 193: Applicant Ed Mensinger requesting to rezone the following property from Chapter 4.06 Agriculture Preservation District (AG-P) to Chapter 4.14 Highway Commercial District (HC) W ½ of the East 32 Rods of the South 20 rods lying next North of the South 50’ of the SW ¼ of Section 15-T123N-R63 W of the 5<sup>th</sup> P.M., Brown County, South Dakota (5405 E Hwy 12). Roll Call Vote: Commissioner Feickert-aye, Sutton-aye, Wiese-aye, Kippley-aye, Fjeldheim-aye. Ordinance adopted.

SECOND READING AND ADOPTION – REZONE ORDINANCE 194:

Moved by Sutton, seconded by Feickert to adopt ordinance 194: Applicant Bill Kirschenmann requesting to rezone the following property from Chapter 4.07 Mini-Ag District (M-AG) to Chapter 4.16 Heavy Industrial District (H-I) Gisi’s Lot A of “Outlot No. 1, Winter’s Outlots” in the NE ½ of Section 22-T123N-R64W, except R.O.W., of the 5<sup>th</sup> P.M., Brown County, South Dakota (627 385<sup>th</sup> Ave S). Roll Call Vote: Commissioner Feickert-aye, Sutton-aye, Wiese-aye, Kippley-aye, Fjeldheim-aye. Ordinance adopted.

SECOND READING AND ADOPTION – REZONE ORDINANCE 195:

Moved by Feickert, seconded by Kippley to adopt ordinance 195: Applicant Kamen Equipment (Jerry Kamen) requesting to rezone the following property from Chapter 4.06 Agriculture Preservation District (AG-P) to Chapter 4.14 Highway Commercial District (HC) Lots 1&2, “Kamen First Subdivision” in the SW ¼ of Section 23-T122N-R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota (13980 & 13998 386<sup>th</sup> Ave). Roll Call Vote: Commissioner Feickert-aye, Sutton-aye, Wiese-aye, Kippley-aye, Fjeldheim-aye. Ordinance adopted.

NEW ANGUS BEEF PLANT RESOLUTION FOR SOLID WASTE PERMIT:

Representatives from New Angus LLC met with the Commission to discuss a resolution for them to be able to establish an irrigation pivot to a county resident's property for the purpose of solid waste management. More information as requested by the County Commissioners' set to be discussed on next meeting. No actions taken.

**MINUTES:**

Moved by Kippley, seconded by Fieckert to approve the general meeting minutes of May 18, 2021. All members present voting aye. Motion carried.

**CLAIMS & PAYROLL:**

Moved by Sutton, seconded by Wiese to approve the following payroll & claims:

Payroll: Commission \$4,327.95; Auditor \$6,968.14; Treasurer \$13,771.93; SA \$23,565.48; SVAWA \$1,730.76; Maintenance \$7,862.07; Assessor \$14,471.52; Register of Deeds \$9,124.95; VSO \$4,617.91; GIS \$2,411.38; IT \$7,551.75; HR \$3,700.83; Sheriff \$39,395.77; Jail \$50,566.90; Court Security \$5,936.02; JDC \$22,468.11; Welfare \$2,982.62; Museum \$8,098.02; Parks/Fairgrounds \$6,176.00; Fair Board \$2,279.16; 4-H \$664.17; Weed \$4,060.94; Planning & Zoning \$3,864.71; Highway \$39,537.45; Dispatch \$26,389.59; Emergency \$4,160.96; Teen Court \$433.90; JDAI \$1,786.92; 24/7 Sobriety \$1,512.69; Landfill \$15,400.40. Claims: Professional Fees: Drew Becker \$200; Cogley Law Office \$7,656.25; Dohrer Law Office \$7,656.25; Christopher Haar \$7,070.31; Kuck Law Office \$7,070.31; Jerald McNeary \$7,070.31; Christy Griffin-Serr Law Office \$7,070.31; Taliaferro Law Firm \$7,656.25; Sara Zahn \$78. Repairs & Maintenance: HF Jacobs & Sons Construction \$5,680; Titan Machinery \$22.30 Supplies: 446-Praxair Distribution Inc \$502.44; HF Jacobs & Sons Construction \$43,877.24; Titan Machinery \$293.23; TrueNorth Steel \$928.05. Utilities: Dependable Sanitation \$165. All members present voting aye. Motion carried.

**FAIR CONTRACTS:**

Moved by Sutton, seconded by Wiese to approve the following fair contracts: Hub City Radio (Ads) @ \$8,410; TAS Inc Todd Armstrong Shows, Inc (Carnival) @ percent of sales. All members present voting aye. Motion Carried.

**SHERIFF'S REPORT:**

Moved by Kippley, seconded by Wiese to approve Brown County Sheriff's Report for the month of April. All members present voting aye. Motion carried.

**LEASES:**

Moved by Sutton, seconded by Wiese to approve the following lease agreement: Sacred Heart Church for the lease of the Richmond Lake Youth Camp using the Lodge on August 1, 2021; Aberdeen Running Club for the lease of the Fairgrounds for the Beer Running Event on May 27, 2021. All members present voting aye. Motion carried.

**PLATS:**

**RESOLUTION 28-21 RILEY ADDITION**

Commissioner Feickert offered the following Resolution:

"Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing "RILEY ADDITION IN THE S ½ OF SECTION 5, TOWNSHIP 123N, RANGE 63W 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

of 1967, Chapter 11-3, and any amendments thereof.” Seconded by Wiese. Roll call vote Commissioner Feickert – aye, Sutton – aye, Wiese- aye, Kippley – aye, Fjeldheim – aye. Resolution adopted.

#### RESOLUTION 29-21 T&J INVESTMENTS SECOND ADDITION

Commissioner Feickert offered the following Resolution:

“Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing “T&J INVESTMENTS SECOND ADDITION IN THE NE ¼ OF SECTION 30, TOWNSHIP 124N, RANGE 63W 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 of 1967, Chapter 11-6, and any amendments thereof.” Seconded by Wiese. Roll call vote Commissioner Feickert – aye, Sutton – aye, Wiese- aye, Kippley – aye, Fjeldheim – aye. Resolution adopted.

#### RESOLUTION 30-21 DEAN LARSON SUBDIVISION

Commissioner Feickert offered the following Resolution:

“Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing “DEAN LARSON SUBDIVISION, IN THE SW ¼ OF SECTION 10, TOWNSHIP 126N, RANGE 60W 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 of 1967, Chapter 11-3, and any amendments thereof.” Seconded by Wiese. Roll call vote Commissioner Feickert – aye, Sutton – aye, Wiese- aye, Kippley – aye, Fjeldheim – aye. Resolution adopted.

#### RESOLUTION 31-21 TODD ROSEBROCK FIRST SUBDIVISION

Commissioner Feickert offered the following Resolution:

“Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing “TODD ROSEBROCK FIRST SUBDIVISION IN THE NW ¼ OF SECTION 9, TOWNSHIP 123N, RANGE 63W 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 of 1967, Chapter 11-2-2, and any amendments thereof.” Seconded by Wiese. Roll call vote Commissioner Feickert – aye, Sutton – aye, Wiese- aye, Kippley – aye, Fjeldheim – aye. Resolution adopted.

SET HEARING DATE AND AUTHORIZE ADVERTIZING REZONE ORDINANCES:

Moved by Sutton, seconded by Kippley to set hearing date and authorize publishing for the following rezone ordinances:

- Application has been made by T&J Investments (Todd Muldoon) to the Brown County Board of Commissioners for the purpose of rezoning the following property from Chapter 4.06 Agriculture Preservation District (AG-P) to Chapter 4.07 Mini-Ag District (M-AG): Lot 1, “T&J Investments Second Addition” in the NE ¼ of Section 30-T124N-R63W of the 5th P.M., Brown County South Dakota (12845 389<sup>th</sup> Ave).
- Application has been made by Tim Reed to the Brown County Board of Commissioners for the purpose of rezoning the following property from Chapter 4.06 Agriculture Preservation District (AG-P) to Chapter 4.07 Mini-Ag District (M-AG): “Reed’s Outlots 1&2” in the SW ¼ of Section 30-T124N-R62W of the 5th P.M., Brown County South Dakota (39408 129<sup>th</sup> St & 12894 394<sup>th</sup> Ave).

First hearing to be held at the Richmond Lake Youth Camp 37925 Youth Camp Rd, Brown County, South Dakota on June 15, 2021 @ 8:46a.m. Second hearing to be held in the Commissioner’s Chambers, Courthouse Annex, Brown County, South Dakota on June 22, 2021 at 8:46 A.M. The public is invited to

attend the hearing and to present comments and testimony regarding the amendment to Second Revision Brown County Ordinances pertaining to rezoning the described property. At the conclusion of the hearing, the Brown County Commission may adopt first reading of Ordinance No. 196 & 197. All member present voting aye. Motion carried

EXECUTIVE

SESSION:

Moved by Kippley, seconded by Wiese to go into executive session to discuss personnel per SDCL 1-25-2(1). All members present voting aye. Motion carried. The chair declared executive session closed with no action taken.

PUBLIC COMMENTS/DISCUSSION\_SOUTH DUMPSITE LOCATION:

Commissioners talked about updates on the contract agreement for the new south dumpsite location. No actions taken.

PUBLIC COMMENTS/DISCUSSION\_MEDICAL MARIJUANA ORDINANCE:

Commissioners discussed about an ordinance regarding the issuance of local medical cannabis establishment permits and/or licenses. Public hearing date will be scheduled. No actions taken.

ADJOURNMENT:

Moved by Feickert, seconded by Sutton to adjourn the Brown County Commission at 9:57 a.m. All members present voting aye. Motion carried.

Jeannette McClain, Brown County Deputy Auditor

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