

## SEPTEMBER 21, 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, Wiese and Kippley. Commissioner Sutton was absent. Commissioner Fjeldheim led the Pledge of Allegiance.

### APPROVAL OF AGENDA:

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

### FIRST READING – ORDINANCE 202:

Moved by Kippley, seconded by Feickert to approve first reading of proposed ordinance 202. Applicants Tom Barber and Seth Anderson request rezoning the following property from Chapter 4.06 Agriculture Preservation District (AG-P) to Chapter 4.07 Mini-Ag District (M-AG): Lots 1 & 2, “Barber’s Subdivision of Lot 2 in Barber’s Second Subdivision” and Lot 1, “Barber’s Second Subdivision” in the SW ¼ of Section 31-T124N-R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota (38216 130<sup>th</sup> St., 38220 130<sup>th</sup> St. & 38232 130<sup>th</sup> St.). All members present voting aye. Motion carried.

### IRRIGATION PIVOT:

Dan Dehann with Demkota Ranch Beef received a one time emergency provision from SD DENR to expand the use of their irrigation pivot. Moved by Wiese, seconded by Kippley to acknowledge the emergency provision and expanded use of the irrigation pivot. All members present voting aye. Motion carried.

### HIGHWAY 5 YEAR PLAN:

Moved by Kippley, Seconded by Wiese to approve the Highways 5 year plan presented by Highway Superintendent, Dirk Rogers on September 21, 2021. All members present voting aye. Motion carried.

### PROVISIONAL BUDGET 2022 – PUBLIC HEARING:

Public hearing held as advertised for 2022 provisional budget. Opportunity for public comment was given. The following two motion were made:

- Moved by Kippley, Seconded by Feickert to rescind the motion form 8/17/21 and reduce approved raises for County Sheriff, Treasurer, Register of Deeds and Auditor from \$10,000 to \$5,000 for 2022. All members present voting aye. Motion carried.
- Moved by Feickert, seconded by Wiese to give the Brown County Commission Chair a raise of \$100 per month for 2022. All members present voting aye. Motion carried.

### EXCHANGE OF SERVICE AGREEMENT:

Vice Chair Kippley gave an update on an agreement with the Aberdeen Area Humane Society to exchange fairgrounds rental fees for sheriff animal care expenses. Contract is being written. No action taken.

### LEGISLATIVE REDISTRICTING:

Vice Chair Kippley presented a resolution in support of two legislative districts in Brown County. State Representative Drew Dennert (District 3) gave an update on the redistricting process and presented multiple district boundary options.

Commissioner Kippley proposed the following resolution:

RESOLUTION #R 47-21

**RESOLUTION FOR SUPPORT OF REDISTRICTING EFFORT**

**WHEREAS**, Brown County has grown to a population of 38,301 and is the fourth most populous county in South Dakota according to the 2020 census numbers; and

**WHEREAS**, since 2011 Brown County has been divided into three separate legislative districts and has had between three and five legislators who reside within our county during this time, and

**WHEREAS**, for many years prior to 2011, Brown County had portions of two legislative districts and had six legislative members who resided in the county, and

**WHEREAS**, it is critical that both Brown County's rural and municipal populations receive representation in the state legislature; and

**WHEREAS**, only one Brown County district is not mathematically possible, while three Brown County districts would significantly water down representation, and

**WHEREAS**, Brown County would be best represented by two legislative districts, with each district including a portion of Brown County unincorporated and a portion of Aberdeen City.

**THEREFORE, BE IT RESOLVED THAT THE BROWN COUNTY BOARD OF COMMISSIONERS**, do hereby urge the current House and Senate committees of the South Dakota Legislature, entrusted with the duty of recommending new legislative boundaries, to establish no more than two districts within the boundaries of Brown County and to split the unincorporated areas of Brown County and Aberdeen City, so both may be adequately represented by those two districts. Dated this 21<sup>st</sup> day of September, 2021. Seconded by Wiese. Roll call vote: Commissioner Feickert – aye, Sutton – absent, Wiese – aye, Kippley – aye, Fjeldheim- aye. Resolution adopted.

**APPLICATION FOR OCCUPANCY:**

Moved by Feickert, seconded by Wiese to approve application by WEB Water Development for occupancy of Brown County Highway 14, in section 9, township 122, range 63, Brown County, SD for potable water line. All members present voting aye. Motion carried.

**APPLICATION FOR OCCUPANCY:**

Moved by Wiese seconded by Feickert to approve application by Northern Electric Coop for occupancy of Brown County Highway 23, in section 5, township 121N, range 64W, Brown County, SD for electric service. All members present voting aye. Motion carried.

**MINUTES:**

Moved by Kippley, seconded by Wiese to approve the general meeting minutes of September 7, 2021. All members present voting aye. Motion carried.

**CLAIMS/PAYROLL:**

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

Payroll: Commission \$4,327.95; Auditor \$9,096.96; Treasurer \$14,590.97; SA \$22,609.46; SVAWA \$1,575.00; Maintenance \$7,650.23; Assessor \$14,938.10; Register of Deeds \$9,272.00; VSO \$4,108.66; GIS \$2,411.38; IT \$7,498.18; HR \$3,639.08; Sheriff \$39,300.21; Jail \$51,507.46; Court Security \$6,470.49; JDC \$21,940.64; Welfare \$2,982.62; Museum \$7,160.61; Parks/Fairgrounds \$4,966.78; Fair Board \$6,754.71; 4-H \$850.75; Weed \$4,330.90; Planning & Zoning \$5,332.71; Highway \$40,985.66; Dispatch \$30,884.05; Emergency \$4,160.96; Teen Court \$699.55; JDAI \$1,846.15; 24/7 Sobriety \$1,272.80; Landfill \$17,562.98; MATCHING BENEFITS: FICA \$20,792.40, Medicare \$4,862.77, Discovery\_HSA \$915.84, Wellmark BCBC \$117,371.88, Delta Dental \$8,044.16, Dearborn Life Insurance \$1,067.94. CLAIMS: Professional Fees: BIRMINGHAM & CWACH LAW OFFICE \$447.15; Boyce Law Firm \$995.78; BRICK'S TV & APPLIANCE \$4,695.08; CGI \$1,434.16; CHRISTOPHER A. HAAR \$24.60; COUNTY OF EDMUNDS \$3,375.00; DAY COUNTY \$910.00; FAULK COUNTY SHERIFFS OFFICE \$6,030.00; GREAT PLAINS PSYCHOLOGICAL SERVICES \$4,891.53; HELMS & ASSOCIATES INC \$2,489.50; HORN LAW OFFICE PROF LLC \$649.50; HOUSTON ENGINEERING, INC. \$2,105.00; KRISTI SPITZER \$200.00; LEXISNEXIS RISK DATA MGMT INC. \$150.00; LTR INTERMEDIATE HOLDINGS, INC \$13,826.44; MATTHEW BENDER & CO INC \$132.43; MICHELLE GAIKOWSKI \$133.60; REGENCY MIDWEST VENTURES LIMITED PARTNERSHIP PROPE \$14,902.38; SARA ZAHN \$622.00; SD DEPT OF HEALTH \$2,695.00; Tazewell County Sheriff's Office - Civil Process Division \$20.50; WEST PUBLISHING CORP. \$275.05; ROLAND L. MOERKE \$444.10 Publishing: DAKOTA BROADCASTING, LLC \$1,400.00; Blade Empire Publishing Co., Inc. \$44.75; DAKOTA RADIO GROUP - JAMES RIVER BROADCASTING INC. \$1,568.00; GateHouse Media South Dakota Holdings, Inc. \$194.60; HUB CITY RADIO \$1,000.00; MIDCONTINENT COMMUNICATIONS \$6,620.00 Repairs & Maintenance: ABERDEEN AREA RADIATOR LLC \$15.00; ABERDEEN AUTO CENTER, INC. \$47.85; ARTZ EQUIPMENT \$52.10; B & B CONTRACTING INC \$14,933.71; BUTLER MACHINERY CO \$835.70; COMMTECH INC. \$569.00; CRAWFORD M S & F INC \$662.67; CUSTOM SHEET METAL \$90.00; DAKOTA PUMP INC. \$8,508.69; DIESEL MACHINERY \$17,500.00; EPG COMPANIES, INC. \$622.35; HANTEN'S REPAIR \$29.24; HF JACOBS & SON CONSTRUCTION INC \$9,882.51; HOVEN AUTO REPAIR INC \$863.75; PANTORIUM CLEANERS INC. \$412.22; R.D. OFFUTT COMPANY \$25,016.05; SCHWAN WELDING \$3,368.10; SEWER DUCK INC \$2,577.50; STEVEN LUST AUTOMOTIVE \$118.93; TIMOTHY C. GARDNER \$91.00; TITAN MACHINERY - ABERDEEN NH \$1,728.53; TRANSOURCE TRUCK & EQUIPMENT, INC. \$12,389.04 Supplies: 446-PRAXAIR DISTRIBUTION, INC \$1,164.48; ABERDEEN AREA RADIATOR LLC \$195.00; ABERDEEN AUTO CENTER, INC. \$91.00; ABERDEEN PIT STOP \$5.19; ADVANCE AUTO PARTS \$1,345.09; AGTEGRA COOPERATIVE \$32,604.10; ARTZ EQUIPMENT \$687.38; Big State Industrial Supply Inc. \$238.80; CASH-WA DISTRIBUTING (KEARNEY) \$27.56; CENTURY BUSINESS PRODUCTS \$135.35; CHARM-TEX \$1,001.00; CITY OF GROTON \$231.12; COLE PAPERS \$6,532.03; CRAWFORD M S & F INC \$534.32; CRESCENT ELECTRIC SUPPLY CO \$17.65; DAKOTA OIL \$3,770.28; DAKOTA SUPPLY GROUP \$975.00; DETCO \$247.11; DIESEL MACHINERY \$925.00; FARNAMS GENUINE PARTS INC \$1,290.19; FASTENAL CO \$315.07; GOVCONNECTION INC \$2,443.95; HANTEN'S REPAIR \$182.83; KESSLERS \$165.31; MAC'S INC \$16.91; MENARDS \$279.64; NORTHERN VALLEY COMMUNICATION \$27.02; PANTORIUM CLEANERS INC. \$84.00; PERFORMANCE OIL & LUBRICANTS \$75.66; PHARMCHEM \$599.55; PITNEY BOWES INC. \$126.00; PLUMBING & HEATING WHOLESALE, INC. \$3,154.64; PRECISION KIOSK TECHNOLOGIES \$2,700.00; RUNNINGS \$1,094.49; TITAN MACHINERY - ABERDEEN NH \$2,505.82; TRANSOURCE TRUCK & EQUIPMENT, INC. \$2,916.64; TRI STATE WATER \$55.50; US FOODS \$8,724.65; WEST PUBLISHING CORP. \$1,785.86 Travel & Conference: CATHY MCNICKLE \$582.12; ROBERTA NICHOLS \$415.94; Rick Pigors \$97.29; C. SCOTT BADER \$1,023.30 Utilities: CITY OF ABERDEEN \$3,913.63; CITY OF HECLA \$103.14; DEPENDABLE SANITATION INC \$348.00; NORTHERN ELECTRIC COOP, INC \$376.36; NORTHERN VALLEY COMMUNICATION \$2,300.81; NORTHWESTERN ENERGY & COMMUNICATIONS \$1,300.44; QWEST CORPORATION \$9.90 Rentals: ARAMARK UNIFORM & CAREER APPAREL GROUP, INC \$1,009.00; TRANSOURCE TRUCK & EQUIPMENT, INC. \$941.39; 446-PRAXAIR DISTRIBUTION, INC \$91.75

Others: SD DEPT OF ENVIROMENT & NATURAL RESOURCES \$10,137.31; SD DEPT OF REVENUE & REGULATIONS \$1,038.46. All members present voting aye. Motion carried.

**HR REPORT:**

Moved by Kippley, seconded by Wiese to amend the presented HR report as approved below. Moved by Kippley, seconded by Feickert to approve the amended HR report listed.

Acknowledge:

- Resignation of Madelyn Sumption, Brown County 4-H intern; effective August 23, 2021.
- Resignation of Nico Jung, Brown County Fair Inter; effective August 21, 2021.
- Resignation of Andrew Coughlin, Brown County Fair Intern; effective August 23, 2021.
- Resignation of John Noyes, Brown County States Attorney Intern; effective August 6, 2021.
- Resignation of Jaydon Gross, Brown County Jail Correctional Officer, full-time; effective September 1, 2021. Request to fill.
- Resignation of Brittany O'Day, Brown County States Attorney Victim Specialist; effective November 8, 2021.
- Resignation of Sonje Oban, Brown County Fair Office, full-time; effective September 24, 2021. Request to fill.

Approve:

- Request to replace 1 part-time JDC correctional officers with 1 full-time JDC correctional officers.
- Jennifer Kolb, Brown County JDC Correctional Officer, full-time; wage correction \$17.51/hour; back date to August 23, 2021.
- Reclassify Fadia Champlain from Brown County JDC Assistant Supervisor to Brown County JDC Sergeant; effective July 27, 2021.
- Promotion of Elise Westfall from Brown County JDC CO to Brown County JDC Sergeant; starting wage \$20.83/hour; effective July 27, 2021.

All members present voting aye. Motion carried.

**LEASES:**

Moved by Kippley, seconded by Wiese to approve the following lease agreements: Tiffany Langer, LLC-DBA for 1 stage September 9, 2021; Roncalli School for lease of Richmond Lake Youth Camp Lodge September 26<sup>th</sup>, and October 3<sup>rd</sup>, 2021. All members present voting aye. Motion carried.

**FAIR BOARD RESIGNATION:**

Moved by Feickert, seconded by Kippley to acknowledge resignation of Kristen Gonsoir from the Brown County Fair Board. All members present voting aye. Motion carried.

**DISCRETIONARY FORMULA RESOLUTION MODIFICATION:**

Moved by Kippley, seconded by Wiese to approve modification to resolution R71-2001, R35-20, R37-20, R12-21 for clerical modification. SDCL reference numbers have changed. Resolution function does not change, only SDCL references. SDCL 10-6-66 referred to SDCL 10-6-143, SDCL 10-6-67 referred o SDCL 10-6-144, SDCL 10-6-35.2 referred to SCL 10-6-137. Roll call vote: Commissioner Feickert – nay, Sutton – absent, Wiese – aye, Kippley – aye, Fjeldheim- aye. Motion carried.

**CLAIM ASSIGNMENTS:**

Moved by Kippley, seconded by Wiese to authorize Auditor to sign documentation to assign claim against an individual for Credit Collection Bureau for the purpose of collection liens. All members present voting aye. Motion carried.

EXECUTIVE SESSION:

Moved by Wiese, seconded by Kippley 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.

ADJOURNMENT:

Moved by Feickert, seconded by Kippley to adjourn the Brown County Commission at 10:43 a.m. All members present voting aye. Motion carried.

Cathy McNickle, Brown County Auditor

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