

BROOKINGS COUNTY COMMISSION MEETING

TUESDAY, SEPTEMBER 5, 2023

The Brookings County Board of County Commissioners met in regular session on Tuesday, September 5, 2023 with the following members present: Ryan Krogman, Larry Jensen, Michael Bartley, Kelly VanderWal and Shawn Hostler.

CALL TO ORDER

Chairperson Krogman called the meeting to order at 8:30 a.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

CITIZEN INVITATION

Brookings County resident Jeanette Gibbons said what concerns her right now is the rumblings of COVID-19.

APPROVAL OF AGENDA

Motion by Bartley, seconded by Hostler to approve the agenda for the September 5, 2023 Commission Meeting. All members voted "aye." Motion carried.

CONSENT AGENDA

Motion by VanderWal, seconded by Bartley to approve the consent agenda. Commissioner Jensen said during the last meeting, the board approved additional funding for the Samara Avenue project. Jensen said Samara Avenue is also known as 464th Avenue and County Road 5.

Roll call vote: VanderWal "aye," Bartley "aye," Jensen "aye," Hostler "aye," Krogman "aye." Motion carried.

The consent agenda consisted of the minutes from the August 22, 2023 Commission Meeting.

Travel Requests: Mandi Cramer & Amy Christensen to attend a 2023 Annual Community Response to Child Abuse Conference on October 5th-6th in Sioux Falls; Lori Schultz, Jennifer Beller, Jenna Byrd and Kim Larson to attend an election workshop on October 17th - 19th in Pierre; Mandi Cramer & Amy Christensen to attend the NESD Family Violence Prevention Conference on October 18th-19th in Aberdeen.

Personnel Action Notices: voluntary resignation- Grace Zencius, effective August 17, 2023; new hire- RuthAnn Holmes, part-time Correctional Officer at \$23.01, effective August 21, 2023; new hire- Amanda Hansen, full-time Correctional Officer at \$23.01, effective August 23, 2023; voluntary resignation- Jared James, effective September 6, 2023; status change- Deputy States Attorney Austin Oxner to \$96,360, effective September 9, 2023; voluntary resignation- Ben Kleinjan, effective September 20, 2023.

Human Services Report: case #23-184 for rent was approved; case #23-185 for prescription was approved.

ROUTINE BUSINESS

Approval of Claims

Motion by Jensen, seconded by Hostler to approve the following claims. Roll call vote: Bartley "aye," Jensen "aye," Hostler "aye," VanderWal "aye," Krogman "aye." Motion carried.

A&B Business Inc, Copier Contract, \$572.30; Agritech Brookings, Wood Shavings For Achvmt Days, \$110.25; Amazon Capital Services, Office Supplies, \$1,099.68; AMP Electric Construction Inc, Repair Parking Lot Lighting, \$1,374.03; Apple Grove Investments, Tax Certificate, \$2,756.28; Aurora Auto Body & Glass, Patrol Vehicle Maint/Repairs, \$820.83; Aurora Fire Department, Commission Projects Part Funding, \$14,750.00; Aurora Quick Stop, Deputy Fuel, \$111.89; B&B Auto Service, Jail Vehicle Maint/Repairs, \$27.16; Banner Associates, Feasibility/H&H Study, \$4,016.00; Brookings County Finance, Title, License, Mailing, \$26.70; Brookings Fire Dept, Commission Projects, \$13,286.00; Brookings Health System, Inmate Lienable Clinical Visit, \$7,059.48; Brookings Powersports, A-Arm Repair On 4-Wheeler, \$557.36; Brookings Register, Publication, \$32.27; Butler Machinery Co, Screw, \$22.49; Capital One, Storage Bags, Donuts, Foam Cups, \$253.91; Century Business Products, Copier Contract, \$545.93; Century Link, Monthly Utilities/Fees, \$173.85; Karlee Chapin, Travel Reimbursement, \$76.50; Thomas Chester, Boot Reimbursement, \$250.00; City Of Brookings, 20th St Interchange Project, \$355,449.99; Connecting Point, Support Contract, \$1,390.00; Dacotah Bank Center, Achievement Days- Facility Equ, \$6,352.34; Dave's Window Cleaning, Wash Courthouse Ext Windows, \$1,950.00; Den-Wil Inc, Sept Comm Health Rent, \$960.00; Eidsness Funeral Home, Coroner Fees, \$1,610.00; Einspahr Auto Plaza, New Patrol Vehicle, \$27,000.00; Executive Mgmt Finance, Microflim Storage, \$11.22; Galls, Deputy Mag Holster, \$58.10; Jennifer Goldammer, Court Appointed Attorney, \$4,990.35; Green, Roby, Oviatt LLP, Court Appointed Attorney, \$1,000.00; Hillyard/Sioux Falls, Jail Janitorial Supplies, \$599.78; Hireclick - Keloland Employment, Job Listings For Kelo Emp, \$259.00; Hy-Vee Food Store, Flowers-Anderson, Refreshments, Jury Meals/Refreshments, Dog Show Refreshments, \$112.76; Interlakes Sports Center, Repairs On '05 Kawasaki, \$232.05; Interstate All Battery, Jail Batteries, \$29.20; ISI, LLC, Mileage/Sign Language Interp, \$213.25; Jackrabbit Tire & Service, Tire Replacement On Trailer, \$440.00; Stacia Jackson, Court Appointed Attorney, \$4,339.30; Kibble Equipment LLC, Drain Plug, Hose Fitting, Plug, \$502.88; L&L Auto & Truck Parts, Deputy Batteries Supplies, \$178.56; Liberty Septic Inc, Grease Trap Pump, Jail Kitchen, \$225.00; Lily Design LLC, Construction Documents For, \$4,927.50; Lincoln County Auditor, Mental Illness Expenses, \$110.00; M&T Fire & Safety Inc, Fire Extinguisher Brackets For, \$165.00; Marshall & Swift/Boeckh, LLC, Cost Manual Renewal, \$2,120.30; Donald McCarty, Court Appointed Attorney, \$3,958.60; Luke Mielke, 24/7 Sobriety Replacement Ck, \$26.00; Moriarty Rentals, COP Rent, \$596.00; National Test Systems, 24/7 Supplies, \$2,425.00; Nancy J Nelson, Court Appointed Attorney, \$2,076.87; Teree A Nesvold, Court Appointed Attorney, \$187.25; North American Banking, Postage Machine Rental, \$360.00; Northwestern Energy, Natural Gas Usage, \$44.62; Nutrien Ag Solutions, Inc, Graslan L & Grazon PD3, \$24,675.00; Office Peeps Inc, Office Supplies: Stamps, Marker, Calc Tape, Toner, Ink, Desk Calendars, Laser Cartridge, Index Tabs, Highlighters, Wall Calendar, Envelopes, Laminating Film, \$1,303.56; Ohm's Appliance, Icemaker Repair, \$201.37; Oneneck IT Solutions LLC, Umbrella Cloud Security, \$2,272.00; Prairie Graphics, Employee Logo Wear, \$417.00; Prochem Dynamics LLC, Jail Janitorial Supplies, \$986.63; Professional Development Academy, Jennifer Leadership Academy, \$1,995.00; RC First Aid, Medical

Supplies-Difference, \$17.00; Ben Rentsch, Boot Reimbursement, \$233.63; Rick Ribstein, Court Appointed Attorney, \$1,267.60; Robby's Auto Shop, Jail/Patrol Vehicle Maint/Repairs, \$1,490.43; Roelofsen Implement, Inc, Canam Outlander Replacement, \$8,400.00; RW Contracting, Courthouse Fence, Gates, \$15,223.85; Safe Harbor, 2 Registrations- Northeast SD, \$200.00; Safe-N-Secure, More ID Badges For Memberships, \$552.00; Safety Benefits Inc, Registration For Safety&Loss, \$375.00; Sanford Health, Inmate Liable Clinical Visit, \$889.79; Schomp's Mechanical Services, Kitchen Freezer Repair, \$1,368.68; Sioux Valley Cleaners Inc, Janitorial For WIC, \$1,840.00; Southpaw Defense, Enhanced Renewal Class, Basic, \$526.50; SS Auto Sales & Detailing, Patrol Vehicle Detailing, \$150.00; Stanwick, Lori, Potted Plant Reimbursement, \$51.81; Stern Custom Gunsmithing, Clean&Replace Trigger Sleeve, \$243.90; TAPCO, Spinning Marking Device, \$678.93; Titan Machinery, Drum, Hose, Tube, Unit, \$4,251.10; Trane Us Inc, Fix Faulty Fan Blade Motor, \$2,195.00; Trinity Services Group, Inc, Inmate Meal Services, \$7,348.96; Steven Ust, Inspections, \$1,800.00; Vandenberg Law, Court Appointed Attorney, \$2,541.25; Verizon Wireless, Monthly Usage/Charges, \$521.68; Wells Fargo, Wells Fargo, \$492.93; Wheelco Truck & Trailer, Slack Adjuster, Diesel Fluid, \$415.12; Brian Zielinski, Court Appointed Attorney, \$3,732.11.

Department Head Reports

Highway Superintendent Brian Gustad updated the board on several projects going on throughout the county.

Sheriff Marty Stanwick said there are 65 inmates in jail. Stanwick said calls for service have increased. He said he's hoping things settle down in September.

County Development Director Robert Hill said September is National Preparedness Month. He said there will be an event taking place later in the month. Hill said he attended a drainage sub-committee meeting via Zoom. He said NRCS was online and said they are reviewing the plans.

Hill said the Public Utilities Commission will have a big decision to make on Wednesday regarding the CO2 Pipeline.

Hill discussed upcoming dates. Hill said COVID-19 test kits are available in his office.

Weed & Pest Supervisor Misty Moser said the rain gutters need to be replaced as well as the steel siding on the weed shed. Moser said the quote is \$3,920.

REGULAR BUSINESS

Motion by Bartley, seconded by VanderWal to approve Abatement #23-16: an abatement application made by RS Properties, LLC for parcel #12320-10950-111-10 in the amount of \$350.27. Background information was provided by Director of Equalization Jacob Brehmer.

All members voted "aye." Motion carried.

Motion by Bartley, seconded by Jensen to approve and authorize Chairperson Krogman to sign Resolution #23-35: a resolution authorizing the purchase of a 2024 John Deere 772G based upon the price established through the State of Minnesota bid process. Background information was provided by Highway Superintendent Brian Gustad.

Roll call vote: Jensen "aye," Hostler "aye," VanderWal "aye," Bartley "aye," Krogman "aye." Motion carried.

RESOLUTION #23-35

A RESOLUTION AUTHORIZING THE PURCHASE OF 2024 JOHN DEERE 772G BASED UPON THE PRICE ESTABLISHED THROUGH STATE OF MINNESOTA BID PROCESS

WHEREAS, the Brookings County Highway Department will need a new 2024 MOTOR GRADER; and WHEREAS, STATE OF MINNESOTA has recently gone through a competitive bidding process for 2024 JOHN DEERE 772G, such bidding process culminating in the bids being opened in September, 2022.

WHEREAS, RDO Equipment Co, was the lowest responsible bidder under such STATE OF MINNESOTA, bid process and, RDO Equipment Co is willing to sell to Brookings County under the same terms and options as available to STATE OF MINNESOTA, a copy of such bid specifications and bid having been filed at the Brookings County Finance Office; and

WHEREAS, pursuant to SDCL 5-18A-22, Brookings County is authorized to purchase supplies or services from any active contract that has been awarded by any governmental entity by competitive sealed bids or competitive sealed proposals or from any contract that was competitively solicited and awarded within the previous twelve months;

NOW THEREFORE BE IT RESOLVED that the Brookings County Highway Department is hereby authorized and directed to contract for 2024 JOHN DEERE 772G, with RDO Equipment Co based upon the bid price, or less, as established through the competitive bidding process of STATE OF MINNESOTA.

Adopted this 5th day of September 2023.

Ryan Krogman
Chairperson, Brookings County
Board of County Commissioners

ATTEST:

Lori Schultz
Brookings County Finance Officer

Motion by VanderWal, seconded by Hostler to approve and authorize Chairperson Krogman to sign Resolution #23-36: a resolution amending the Joint Cooperative Agreement for the management of the Brookings City & County Government Center.

Background information was provided by Commission Department Director Stacy Steffensen.

Roll call vote: Hostler “aye,” VanderWal “aye,” Bartley “aye,” Jensen “aye,” Krogman “aye.” Motion carried.

RESOLUTION NO. 23-36

A RESOLUTION AMENDING THE JOINT COOPERATIVE AGREEMENT FOR THE MANAGEMENT OF THE BROOKINGS CITY & COUNTY GOVERNMENT CENTER

BE IT RESOLVED by the Brookings Board of County Commissioner of Brookings County, South Dakota as follows:

WHEREAS, the City of Brookings and the County of Brookings are parties to a Joint Cooperative Agreement, dated as of February, 2019, and

WHEREAS, the City of Brookings and the County of Brookings desire to amend the above-mentioned Joint Cooperative Agreement to revise the procedure for budgeted operation and maintenance expenditures.

NOW THEREFORE, IT IS HEREBY RESOLVED by the Brookings Board of County Commissioner of Brookings County, South Dakota, as follows:

- A. That Section Eight of the Joint Cooperative Agreement for the Management of the Brookings City & County Government Center is revised as follows:

Section Eight

Portion and Method of Allocating Expenses of Operation and Maintenance

Each party shall pay for all costs of maintenance, repairs, utilities and capital replacement for its separate areas. The costs of maintenance, repairs, utilities and capital replacement of the building exterior, roof, heating and air conditioning systems, grounds, parking lot, audio and video equipment in joint-use spaces and common areas shall be allocated between the Parties based upon the allocation of the County's share at Fifty-two percent (52%) and the City's share at Forty-eight percent (48%). The City Manager and Commission Department Director shall have the administrative authority to approve operation and maintenance expenditures as described in this section which have been budgeted and which are within their respective budget authority.

- B. That the Chairperson for the Brookings County Board of County Commissioners is authorized to sign the Amended and Restated Joint Cooperative Agreement for the Management of the Brookings City & County Government Center to incorporate the revision of Section Eight.

Passed and approved on the 5th day of September, 2023.

BROOKINGS COUNTY

ATTEST:

Ryan Krogman
Chairperson
Brookings County Commission

Lori Schultz
Finance Officer
Brookings County

Motion by Jensen, seconded by Hostler to approve and authorize Chairperson Krogman to sign Agreement #23-48: a State of South Dakota Department of Public Safety Office of Emergency Management 2024 Local Emergency Management Performance Grant. Background information was provided by County Development Director Robert Hill.

Roll call vote: VanderWal "aye," Bartley "aye," Jensen "aye," Hostler "aye," Krogman "aye." Motion carried.

Motion by Jensen, seconded by VanderWal to approve and authorize Chairperson Krogman to sign Agreement #23-49: an application for occupancy of right-of-way of county highways made by

Brookings-Deuel Rural Water System in Argo Township. Background information was provided by Highway Superintendent Brian Gustad.

All members voted “aye.” Motion carried.

Motion by Hostler, seconded by Bartley to approve a Right-of-Way Certificate for project #BRO-B 8006(56), PCN 08MJ. Background information was provided by Highway Superintendent Brian Gustad.

All members voted “aye.” Motion carried.

Motion by Bartley, seconded by VanderWal to approve the low bid to ARS, a Tecta America Company, LLC for the courthouse roof replacement project in the amount of \$387,725. Background information was provided by Commission Department Director Stacy Steffensen.

Roll call vote: Bartley “aye,” Jensen “aye,” Hostler “aye,” VanderWal “aye,” Krogman “aye.” Motion carried.

Motion by Jensen, seconded by VanderWal to automatically supplement for unanticipated expenses incurred and reimbursement made to Brookings County for reimbursement for a 4-wheeler in the Weed & Pest Department in the amount of \$6,800, receipt #00651160, to GL line 101-4-615-4340. Background information was provided by Commission Department Director Stacy Steffensen.

All members voted “aye.” Motion carried.

Motion by Hostler, seconded by Jensen to approve and authorize Chairperson Krogman to sign a Request to Fill Vacancy for a Deputy States Attorney.

All members voted “aye.” Motion carried.

Motion by Bartley, seconded by VanderWal to declare a Shoulder Machine; Mixer (mastic machine); Skid Steer Mounted Broom; 500-gallon fuel tank with pump and hose (x2); Fuel distributor for gas or diesel (pump); 4’ x 8’ Working Platform; Weaver Air Compressor; clam bucket; Variety of loader and motor grader tire chains; 1 ¼ inch brown rope; Powermatic Drill Press with stand - spindle is bent; variety of tires: Caterpillar Motor grader Front Tires - 14.00R24TG v-steel snow wedge; Michelin - 14.00 R24 (x2); Titan - 14.00 R24 (x2); Misc. - 14.00 R24 (x2); 255710 R22.5 Misc. - 11 R22.5 (x2); Alliance - 14.9 R28 (x2); Bridgestone - 17.5 R25 (x12); Firestone - 23.5 R25 (x8); Titan - 17.5 R25 (x8); Goodyear - 17.5 R25 (x8); Goodyear - 21 LR24 (x2); Michelin - 17.5 R25 (x4); Bridgestone - 385165 R22.5 (x5); Michelin - 23.5 R25 (x1); Goodyear - 18.4 R30 w/ Rim (x1) as surplus property to be sold via online auction. Background information was provided by Finance Specialist Jenna Byrd.

All members voted “aye,” Motion carried.

SCHEDULED AGENDA ITEMS

Motion by Jensen, seconded by Hostler to approve a special events license for J & A Diedrich, LLC dba Jay Street Pub for an event at Bennet Barn on Saturday, September 16, 2023.

Chairperson Krogman opened the public hearing and called for proponents. Owner Andrea Diedrich was present for questions.

Chairperson Krogman called for opponents. Hearing none, Chairperson Krogman closed the public hearing.

Sheriff Marty Stanwick said he has no concerns.

Roll call vote: Jensen “aye,” Hostler “aye,” VanderWal “aye,” Bartley “aye,” Krogman “aye.” Motion carried.

Motion by Bartley, seconded by VanderWal to approve and authorize Chairperson Krogman to sign Resolution #23-33: a resolution authorizing the submission of a Community Development Block Grant application.

Chairperson Krogman opened the public hearing and called for proponents. First District Economic Development Officer Mason Weidenbach said they are doing the Community Development Block Grant with the Brookings Ivy Center and it’s to expand their facility. He said they can apply for up to \$2 million dollars.

Brookings Behavioral Health Clinician Robin Erz said they’ve seen a significant increase in staff, clientele, and overall need in the last couple of years. Erz said they’ve went from two case managers to four case managers, and they’ve added eight clinicians. Erz said she believes Brookings Behavioral Health & Wellness is the only entity who responds 24 hours a day.

Owner of ID8 Architecture Angie Boersma said they are working on the design of the proposed project of the new Ivy Center.

Chairperson Krogman called for opponents. Hearing none, Chairperson Krogman closed the public hearing.

Bartley thanked Weidenbach for being here.

Roll call vote: Hostler “aye,” VanderWal “aye,” Bartley “aye,” Jensen “aye,” Krogman “aye.” Motion carried.

RESOLUTION #23-33

A RESOLUTION AUTHORIZING THE SUBMISSION OF A COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION

WHEREAS, Brookings Behavioral Health and Wellness has identified the need to construct an expansion to the Brookings Behavioral Health and Wellness facility in the Brookings area, and

WHEREAS, Brookings County is applying on behalf of the Brookings Behavioral Health and Wellness for funding to assist the Brookings Behavioral Health and Wellness with the construction of the expansion, and

WHEREAS, Brookings County is eligible for Federal assistance for the proposed project, and

WHEREAS, Brookings County has held the required public hearing on Tuesday, September 5, 2023, at 9:00a.m., and

WHEREAS, with the submission of the CDBG application Brookings County/Brookings Behavioral Health and Wellness assures and certifies that all CDBG program requirements will be fulfilled, and

THEREFORE, BE IT RESOLVED that the Brookings County Board of Commissioners duly authorizes the Chairperson to sign and submit the CDBG application requesting up to \$2,000,000 of funds.

This resolution is effective immediately upon passage.

Adopted this 5th Day of September 2023.

Ryan Krogman
Chairperson
Brookings County Board of Commissioners

ATTEST:

Lori Schultz
Brookings County Finance Officer

Motion by Jensen, seconded by Hostler to approve and authorize Chairperson Krogman to sign a letter of support for the Brookings Behavioral Health & Wellness CDBG grant submission. Background information was provided by Commissioner Bartley.
All members voted “aye.” Motion carried.

Motion by Jensen, seconded by VanderWal to approve and authorize Chairperson Krogman to sign Resolution #23-34: adoption of the 2024 Provisional Budget for Brookings County, South Dakota. Chairperson Krogman opened the public hearing and called for proponents and opponents. Hearing none, Chairperson Krogman closed the public hearing. Background information was provided by Commission Department Director Stacy Steffensen. Roll call vote: VanderWal “aye,” Bartley “aye,” Jensen “aye,” Hostler “aye,” Krogman “aye.” Motion carried.

RESOLUTION #23-34
ADOPTION OF THE 2024 PROVISIONAL BUDGET FOR
BROOKINGS COUNTY, SOUTH DAKOTA

WHEREAS, SDCL 7-21-5 through 13 provides that the Board of County Commissioners shall each year prepare a Provisional Budget of all contemplated expenditures and revenues of the County and all its institutions and agencies for such fiscal year, and

WHEREAS, the Board of County Commissioners did prepare a Provisional Budget and cause same to be published by law, and

WHEREAS, due and legal notice has been given to the meeting of the Board of County Commissioners for the consideration of such Provisional Budget and all charges, eliminations and additions have been made thereto.

NOW THEREFORE BE IT RESOLVED, that such provisional budget and all its purposes, schedules, appropriations, amounts, estimates and all matters therein set forth, SHALL BE APPROVED AND ADOPTED AS THE PROVISIONAL BUDGET OF THE APPROPRIATIONS AND EXPENDITURES for Brookings County, South Dakota and all its institutions and agencies for calendar year beginning January 1, 2024 and ending December 31, 2024 and the same is hereby approved and adopted by the Board of County Commissioners of Brookings County, South Dakota, this 5th day of September, 2023. The Provisional Budget so adopted is available for public inspection during normal business hours at the office of the County Finance Officer, Brookings County, South Dakota. The accompanying taxes are proposed to be levied by Brookings County for the year January 1, 2024, through December 31, 2024.

COUNTY LEVIES	DOLLARS	\$1,000
General Fund	\$14,478,517	\$3.745
County Building Fund	\$ 373,902	\$0.097
Jail Expansion	\$ 508,300	\$0.131
TOTAL	\$15,360,719	\$3.973

BOARD OF COUNTY COMMISSIONERS OF BROOKINGS COUNTY, SOUTH DAKOTA

<u>Ryan Krogman</u>	<u>Chairperson</u>
<u>Larry Jensen</u>	<u>Vice-Chairperson</u>
<u>Michael Bartley</u>	<u>Commissioner</u>
<u>Kelly VanderWal</u>	<u>Commissioner</u>
<u>Shawn Hostler</u>	<u>Commissioner</u>

ATTEST:

Lori Schultz
Brookings County Finance Officer

The Commission held the Second Reading and public hearing for Ordinance #23-02. Motion by Hostler, seconded by Jensen to approve Ordinance #23-02: an Ordinance Establishing the Requirements, Fees, and Regulations for the Issuance of Alcoholic Beverage Licenses within Brookings County.

Chairperson Krogman opened the public hearing and called for proponents and opponents. Hearing none, Chairperson Krogman closed the public hearing.

Background information was provided by Commission Department Director Stacy Steffensen.

Roll call vote: Bartley “aye,” Jensen “aye,” Hostler “aye,” VanderWal “aye,” Krogman “aye.” Motion carried.

BROOKINGS COUNTY ORDINANCE #23-02

AN ORDINANCE ESTABLISHING THE REQUIREMENTS, FEES, AND REGULATIONS FOR THE ISSUANCE OF ALCOHOLIC BEVERAGE LICENSES WITHIN BROOKINGS COUNTY.

BE IT ORDAINED BY BROOKINGS COUNTY, SOUTH DAKOTA:

WHEREAS, the Brookings County Board of County Commissioners (hereinafter “Board”) believes that alcoholic beverage licenses are a privilege and not a right, and the County reserves the right to refuse the approval, renewal, or transfer of any license in the event an applicant refuses to comply with the requirements of this Ordinance or other applicable local, state, or federal laws; and

WHEREAS, Brookings County issues multiple types of alcoholic beverage licenses, as those terms are defined by SDCL 35-1-1, and that it would be to the benefit of the County to specify by Ordinance the requirements, fees, and regulations for certain alcoholic beverage licenses; and

THEREFORE, BE IT ORDAINED BY BROOKINGS COUNTY, SOUTH DAKOTA, that the requirements, fees, and regulations for the issuance of certain alcoholic beverage licenses within the County be adopted as follows:

SECTION A. ON-SALE OR OFF-SALE LIQUOR LICENSE.

I. Availability and Notice of New License

1. By February 1 of each year, the Brookings County Finance Office (hereinafter “Finance Office”) shall determine the number of on-sale and off-sale liquor licenses available for the ensuing calendar year and report the same to the Board.
2. The total number of available on-sale and off-sale liquor licenses in Brookings County is determined by SDCL 35-4-11.1.
3. No off-sale liquor license will be issued to any establishment less than 3 miles from an incorporated municipality.

4. The number of on-sale and off-sale liquor licenses available shall be based upon the population of Brookings County as set forth in South Dakota Codified Law.
5. If an additional on-sale or off sale liquor license becomes available in Brookings County, a notice will be published in the legal newspapers of the County for at least two (2) consecutive weeks, stating that the Board will be accepting applications for the new license, and setting a deadline for applications to be submitted.
6. After the deadline has passed, all applications submitted to the Finance Office shall be submitted to the Board for consideration.

II. Application Process

1. The application for an on-sale or off-sale liquor license, or the transfer of an existing license, intending to operate outside the corporate limits of a municipality within Brookings County, shall be submitted to the Board for approval pursuant to SDCL 35-2-1.2.
2. The application shall be accompanied by the required fee.
3. Applicants shall provide appropriate proof, as required by the Board, that the premises to which the license is being issued or transferred has or shall have (within the time period stated below) a sufficient structure in which to conduct the operation of an on-sale or off-sale liquor business.
4. Such proof may include, but is not necessarily limited to, pictures (inside and outside) of any existing structures, and plans and specifications of proposed structures along with proof of ownership or a valid lease of the premises.
5. Under no circumstance will an alcoholic beverage license of any kind be approved or transferred to any premises upon which a zoning ordinance violation has been identified until such time as the premises is brought into full compliance with all applicable provisions of the Brookings County Zoning Ordinance.
6. An on-sale or off-sale liquor license shall not be issued or transferred to any premises or parcel of land where there is not an approved structure located. Conditional approval may be given to an applicant and the license will be held by the County for up to one year to allow for the construction of an approved structure. The license will then be issued to the applicant upon the completion of such structure. Conditional approval may also be granted if the applicant needs additional time to rezone the premises for compliance with county zoning requirements. If the license has not been issued within one year due to the applicant failing to comply with this Ordinance, the county may, upon request of the applicant, extend the conditional approval for up to six (6) additional months if it finds that the delay is not the fault of the applicant. Under no circumstance shall a license be held on conditional approval in excess of eighteen (18) months.
7. An application for the transfer of an existing license to a new location or to another person shall comply with the requirements of SDCL 35-2-7.

III. Approval Process

1. The Board shall fix the time and place for hearing upon all such applications that come before the Board.
2. The Finance Officer shall publish notice once in the legal newspapers of the County after a hearing date has been set. The notice shall be headed "Notice of Hearing Upon Applications for Sale of Alcoholic Beverages." The notice shall state the time and place when and where such applications will be considered by the Board, and shall state that any person interested in the approval or rejection of any such application may appear and be heard. The notice shall be published at least one (1) week before the hearing, pursuant to SDCL 35-2-5.
3. At the time and place stated in the notice, the Board shall consider each application and any objection to the application before making its final decision on the application.
4. The Board may approve or disapprove the application for an on-sale liquor or off-sale license, or the transfer of an existing license, depending on whether the Board deems the applicant a suitable person to hold the license and whether the Board considers the proposed location suitable, pursuant to SDCL 35-2-1.2.

5. License application fees will not be refunded once the license is approved by the Board and issued by the State.
6. If the Board does not approve an application, it shall endorse on the application the reasons for the denial and return the application and fee to the applicant. No further application may be received from the applicant until after the expiration of one (1) year from the date of a denied application. However, if the application was denied based on the suitability of the location for the license, no further application may be received from the applicant until after the expiration of three (3) months from the date of the denied application only if the application is for a different location, pursuant to SDCL 35-2-5.1.

IV. Renewal Process

1. Applicants for the renewal of an on-sale or off-sale liquor license shall follow the same application process as set forth above.
2. An application for the reissuance of an on-sale or off-sale liquor license may be approved by the Board without a hearing unless in the past year the licensee or one or more of the licensee's employees have been subjected to a criminal penalty for violation of the alcoholic beverage control law or the license has been suspended, pursuant to SDCL 35-2-1.2.
3. The Board may not reissue any on-sale or off-sale liquor license issued pursuant to subdivision 35-4-2(4), (6), or (13) to the same licensee or the licensee's transferee if the license has not been actively used by the applicant during the two years preceding the date of the current application, pursuant to SDCL 35-2-5.3.
4. The term, actively used, as defined in SDCL 35-2-5.3, means that the licensed premise was open to the public during regular business hours for the sale and consumption of distilled spirits for at least sixty days during the two preceding years. However, the licensed premise is only required to be open five days per year if it is open to the public during a special event that has at least twenty-five thousand visitors.
5. No license granted under this title may be reissued until all taxes incurred by the licensee as a result of the operation of the licensed premises, including municipal and state sales and use taxes, unemployment insurance tax, or any other state tax, are paid or are not delinquent. No license granted under this title may be reissued until all property taxes which are the liability of the licensee levied on the licensed premises are paid or are not delinquent. No license granted under this title may be reissued to an Indian tribe operating in Indian country controlled by the Indian tribe or to an enrolled tribal member operating in Indian country controlled by the enrolled tribal member's tribe until the Indian tribe or enrolled tribal member remits to the Department of Revenue all use tax incurred by nonmembers as a result of the operation of the licensed premises, and any other state tax has been remitted or is not delinquent.

SECTION B. OTHER ALCOHOLIC BEVERAGE LICENSES.

Applicants for any other alcoholic beverage license, excluding on-sale liquor licenses, issued by the County shall follow the requirements as set forth above, unless otherwise specified by South Dakota Codified Law or the South Dakota Department of Revenue.

SECTION C. PROVISIONS PERTAINING TO ALL LICENSES.

All alcoholic beverage licenses issued by Brookings County shall be subject to the following provisions:

I. Special Event Licenses

1. Applications for special events licenses shall only be received by civic, charitable, educational, fraternal, or veterans organization or any licensee licensed pursuant to subdivision 35-4-2(4), (6), or (16).
2. A one hundred fifty-dollar (\$150.00) fee is required with the application for a special events license.

3. Any license issued pursuant to SDCL 35-4-124 shall be issued for a period of time established within the sole discretion of the Board, not to exceed fifteen (15) consecutive days.
4. No person or organization may be issued a permit pursuant to SDCL 35-4-124 more than six (6) times in any one calendar year.
5. No public hearing is required for the issuance of a license pursuant to this section if the person applying for the license holds an on-sale alcoholic beverage license or a retail malt beverage license in the municipality or county or holds an operating agreement for a municipal on-sale alcoholic beverage license, and the license is to be used in a publicly-owned facility.
6. The licensee must comply with all applicable state laws concerning the consumption of alcoholic beverages as set forth in SDCL Ch. 35-4.
7. Special events licenses may be issued for different alcoholic beverage licenses as specified in SDCL 35-4-124.

II. Time for Selling or Serving

1. No on-sale or off-sale licensee, licensed under SDCL 35-4-2, may sell, serve or allow to be consumed on the premises covered by the license, alcoholic beverages between the hours of two a.m. and seven a.m. or at any time on Christmas Day, pursuant to SDCL 35-4-2.1, except for holders of on/off sale malt beverage licenses and on/off sale wine licenses which shall be permitted to sell, serve and allow consumption on the premises covered by the license on Christmas Day.
2. The sale, service, and consumption of alcoholic beverages shall be permitted on Sundays and Memorial Day, except between the hours of two a.m. and seven a.m., pursuant to SDCL 35-4-81.
3. A violation of this section is a Class 2 misdemeanor, punishable by up to thirty (30) days imprisonment in the county jail or a five hundred dollar (\$500.00) fine, or both.

III. Consumption on County Property

1. The consumption of alcoholic beverages upon property owned, leased or rented by Brookings County shall be prohibited unless authorized by this Ordinance.
2. Persons who wish to dispense alcoholic beverages upon county property must submit an application to the Board, who shall thereafter advise the applicant of the applicable restrictions, locations or activities permitted for the possession, sale or consumption of alcoholic beverages applicable to such location and/or function. The applicant is thereafter required to post written notice of such restriction in a conspicuous manner, at each location where alcoholic beverages are dispensed.
3. Applications to dispense alcoholic beverages in locations under the joint control of the City of Brookings and Brookings County will be reviewed and approved by the Joint Powers Board.
4. A violation of this section is a Class 2 misdemeanor, punishable by up to thirty (30) days imprisonment in the county jail or a five hundred dollar (\$500.00) fine, or both.

SECTION H. MISCELLANEOUS.

This Ordinance shall replace any and all prior ordinances or resolutions adopted by the Brookings County Board of County Commissioners regarding the regulations, requirements, or distribution of alcoholic beverage licenses within the County, except Resolution #15-04 establishing the current number of on-sale liquor licenses available for a calendar year.

Any provision regarding the requirements, fees, regulation, or distribution of alcoholic beverage licenses not addressed within this Ordinance shall be followed pursuant to South Dakota Codified Law.

Adopted this 5th day of September, 2023.

BROOKINGS COUNTY:

ATTEST:

Lori Schultz
Brookings County Finance Officer

Ryan Krogman, Chairperson
Brookings County Commission

First Reading: August 8, 2023
Second Reading: September 5, 2023
Adoption: September 5, 2023
Publication: September 14, 2023
Effective: October 4, 2023

Commission Department Director Stacy Steffensen discussed the Rural Access Infrastructure Funds for township culvert projects. Steffensen said she reached out to the Department of Transportation about the questions the board had about getting townships the funds needed to move forward with their approved projects. Steffensen said she was told how the county distributes the money is up to the board.

Steffensen said for those townships who may not have enough money to cover 100% of the costs for approved culvert projects, she recommends they disperse funds directly to townships as soon as they have invoices. Krogman asked who is keeping track of it. Steffensen said she is keeping track of it.

By consensus, the board agreed to let Steffensen work with the townships on getting the funding distributed.

Commission Department Director Stacy Steffensen presented the Commission Department Director's Report. Steffensen updated the board on the work plan.

Steffensen discussed the proposed SDACC resolutions that will be voted on at Fall Convention. She said the county only gets one vote during the business meeting on Wednesday of convention.

Steffensen discussed upcoming dates.

States Attorney Dan Nelson had nothing to report.

COMMISSIONERS' REPORTS & DISCUSSION ITEMS

Commissioner VanderWal attended the CO2 Pipeline Debate; attended the I-29 Interchange Ribbon Cutting; and attended a brief on the Medary Township Diversion Channel project.

Commissioner Bartley attended the CO2 Pipeline Debate and attended the I-29 Interchange Ribbon Cutting.

Commissioner Jensen attended the CO2 Pipeline Debate; attended the I-29 Interchange Ribbon Cutting; and was briefed on the Medary Township Diversion Channel.

Commissioner Hostler attended the CO2 Pipeline Debate and attended the I-29 Interchange Ribbon Cutting.

Commissioner Krogman attended the CO2 Pipeline Debate; attended the I-29 Interchange Ribbon Cutting; attended the BATA Meeting; and attended a Brookings Health Board Meeting.

EXECUTIVE SESSION

Motion by VanderWal, seconded by Hostler to enter into Executive Session at 9:47 a.m., in accordance with SDCL 1-25-2(1)(6), personnel and security. All members voted “aye.” Motion carried.

Motion by VanderWal, seconded by Hostler to come out of Executive Session at 11:01 a.m. All members voted “aye.” Motion carried. No action was taken.

ADJOURNMENT

Motion by Jensen, seconded by Bartley to adjourn. All members voted “aye.” Motion carried. The next regular scheduled meeting is Tuesday, September 19, 2023 at 8:30 a.m.

It is the policy of Brookings County, South Dakota not to discriminate against the Handicapped of Employment or the Provision of Service. The County of Brookings is responsive to requests for communication aids and the need to provide appropriate access, and will provide alternative formats and accessible locations consistent with the Americans with Disabilities Act.

Jenna Byrd
Finance Specialist
Brookings County

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