

BROOKINGS COUNTY COMMISSION MEETING

TUESDAY, JULY 6, 2021

The Brookings County Board of County Commissioners met in regular session on Tuesday, July 6, 2021 with the following members present: Larry Jensen, Angela Boersma, Lee Ann Pierce, Ryan Krogman and Michael Bartley.

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

APPROVAL OF AGENDA

Motion by Pierce, seconded by Krogman to approve the agenda for the July 6, 2021 Commission Meeting. All members voted "aye." Motion carried.

CONSENT AGENDA

Motion by Bartley, seconded by Krogman to approve the consent agenda. Roll call vote: Pierce "aye," Bartley "aye," Krogman "aye," Boersma "aye," Jensen "aye." Motion carried.

Travel Requests: Dan Nelson to attend a Habeas Hearing on June 25th in Sioux Falls; Jean Stoebner to attend a Clerk Training Session on July 13th in Yankton; Jacob Brehmer, Rusty Brandsrud, Anita Harrison, & Ken Gabel to attend a SDAAO Assessors School on September 19th-24th in Pierre.

Personnel Action Notices: annual review- Maggie Harkness to \$19.65, effective May 1, 2021; annual review- James Gay to \$19.65; annual review- Angi Strohfus to \$19.27, effective May 1, 2021; annual review- Jack Peterson to \$19.27, effective June 1, 2021; annual review- Rae Lynn Maher to \$23.95, effective June 1, 2021; annual review- Mandi Cramer to \$22.71, effective June 1, 2021; new hire- part-time Correctional Officer Jason Vander Windt at \$18.89, effective June 16, 2021; resignation- Anita Klitzke, effective June 18, 2021; resignation- Connor Thompson, effective July 1, 2021; status change- full-time Correctional Officer Samantha Kruger at \$19.27, effective July 3, 2021; resignation- Jack Peterson, effective July 5, 2021; annual review- Terry Heidemann to \$17.34, effective August 1, 2021.

Cellular Authorizations: Ken Gabel- Basic Usage at \$30/month.

Human Services Report: case #21-072 for utilities was approved; case #21-073 for rent was approved; case #21-074 for a funeral was approved; case #21-075 for a funeral was approved; case #21-076 for utilities was approved.

ROUTINE BUSINESS

Approval of Claims

Motion by Krogman, seconded by Boersma to approve the following claims: Roll call vote: Bartley “aye,” Krogman “aye,” Boersma “aye,” Pierce “aye,” Jensen “aye.” Motion carried.

A&B Business Inc, Copier Contract, \$680.36; Adair Asset Management LLC, Tax Certificates, \$8,864.37; Allegra Print & Imaging, Window Envelopes, \$239.29; Allegra Print & Imaging, Letterhead, Yard Signs, \$211.25; Allstate Peterbilt Of Far, Repair, \$683.47; AT&T Mobility, Nighthawk Mifi Mobile Wifi, \$120.12; Aurora Auto Body & Glass, Patrol Vehicle Windshield Replacement, \$375.00; Avera Heart Hospital Of S, Reissue Of Check#130794, \$4,912.04; Avera Medical Group, Inmate Clinical Costs, \$341.66; Jordyn Bangasser, Court Appointed Attorney, \$2,033.10; Banner Associates, Professional Services, \$3,425.20; Banner Associates, Design/General Engineering 5yr, \$16,883.45; Boarman Kroos Vogel Group, Det Center Exp Prof Services, \$9,280.00; Jeffery Bolish, 24/7 Sobriety Refund, \$91.00; Brookings City Utilities, COP Utilities/CH/Comm Health/1921/Irrigation, \$1,380.07; Brookings Health System, Inmate Costs, \$6,259.40; Brookings Register, Publications, \$1,674.99; Canine Country Club, K9 Boarding Fees, \$270.30; Capital One, 3DR File/Cookies/Water/Multipal, \$75.39; Carquest Auto, Safety Lights On Ford Truck, \$30.42; Central Properties / Union Bank, Tax Certificates, \$4,690.84; Century Business Products, Copier Contract, \$139.50; Century Link, Recurring Charges, \$158.02; City Of Brookings Landfill, Ticket #215362, \$5.11; City Of Brookings, 20th St Interchange, Government Center Shared Costs, \$62,322.58; Civil Air Patrol Magazine, Civil Air Patrol Ads, \$145.00; Courtesy Plumbing Inc, Jail Supplies, \$428.40; Darnall Rentals, COP Rent, \$650.00; De Castro Law Office PLLC, Court Appointed Attorney, \$2,988.00; Den-Wil Inc, Community Health Rent, \$960.00; Department Of Motor Vehicle, Title, License, Mailing, \$21.20; Diamond Surfacing Inc, Concrete Rehab, \$150,827.61; Spencar Diedrich, Zoning Meeting Mileage, \$74.10; Digital Dolphin Supplies, Printer Ink, \$83.96; DVL Fire And Safety, 2020/2021 Fire Extinguisher Maint, \$572.75; Eidsness Funeral Home, County Burial, \$484.00; Empire Investments 5 LLC, Tax Certificates, \$2,120.39; Empire Investments LLC, Tax Certificates, \$3,450.75; Erickson, Roger, Zoning Meeting Mileage, \$80.00; Executive Mgmt Finance Office, BIT For May 2021, \$112.75; Farmer's Imp & Irrig, Reissue Check#9493, \$316.67; First Bank & Trust, AED Equipment, \$969.67; Fite, Pierce & Ronning Law, Court Appointed Attorney, \$688.70; Foerster Distributing, Items For Courthouse, Janitorial Supplies, \$917.03; Chad Ford, Zoning Meeting Mileage, \$119.98; Forrest Holdings Inc, Tax Certificates, \$3,949.89; Forterra Pipe And Precast, Cut Off Wall/Supplies, \$11,157.45; Gass Law, Pc, Court Appointed Attorney, \$852.05; Brian Gatzke, Zoning Meeting Mileage, \$42.36; Geotek Engineering Inc, Testing, \$9,535.00; Jennifer Goldammer, Court Appointed Attorney, \$683.10; Graybar Electric Co Inc, Jail Repairs, \$78.40; Patricia J Hartsel, Transcripts, \$72.20; Konard O Hauffe DDS Pc, Inmate Dental, \$241.00; Hill, Robert, Full Scale Exercise Reimbursement, \$38.48; Hillyard/Sioux Falls, Custodial Supplies, \$535.87; Hometown Service & Tire, Patrol Vehicle Maintenance, \$163.58; Hungerford Chiropractic Pc, Instant Drug Testing, \$82.00; Hy-Vee Food Store, Refreshments, Inmate Rations, \$17,964.60; IAEM, Annual Conference Reg Fees, \$645.00; IMEG Corporation, Concrete Repair, \$23,447.16; Indeed Inc, May Job Listings, \$359.88; Interstate All Battery, Stealth Radar Batteries, \$122.40; Interstate Power Systems, Repair Parts, \$885.52; Jensen, Jimmy III, Gravel, \$9,125.00; Jensen, Randy J., Zoning Meeting Mileage, \$55.45; Johnson Controls, Service Agreement, \$14,975.13; Kennedy Pier Knoff Loftus, CAA Inv MI Hearing, \$247.50; Kibble Equipment LLC, Canopy/Repair Kit, \$305.09; Kleinjan, Darrel, Zoning Meeting Mileage, \$81.36; L.G. Everist Inc, Quartzite, \$17,491.67; Lewis Drug Store, Inmate Prescription Costs, \$1,307.24; Lincoln County Auditor, Mental Illness

Expenses, \$1,551.02; Lowe's, Hand Cart, \$71.24; M&T Fire & Safety Inc, LED Mini Bar Safety Light, \$436.90; Maher, Rae Lynn, Meals For EM From Subway, \$48.48; Reed T Mahlke, Court Appointed Attorney, \$11,996.90; Martin Oil Company, Generator Diesel, \$312.58; Donald McCarty, Court Appointed Attorney, \$1,394.60; Mckeever's Vending, Jail Commissary Stock, \$415.00; Midwest Glass, Replace Guts In Handicap Door, \$138.01; Minnehaha County Auditor, Inv MI Cost Reimbursement, \$415.50; Minnehaha County Jdc, JDC Costs, \$732.00; Abbi Murray, 24/7 Sobriety Refund, \$37.00; Dan C Nelson, NDAA Summer Summit Reg/Flight, \$1,287.40; Teree A Nesvold, Court Appointed Attorney, \$1,184.75; Northwestern Energy, Truck/Highway Shop, CH/BCOAC Natural Gas Usage, Monthly Energy Bill, Heat For Truck Shed, \$619.17; Office Peeps Inc, Door Chime, Paper, Pens, Tape, Table, Christine's Chair, Drawer Organizers, Jail Supplies, \$1,126.77; Outlaw Graphics, K9 Unit Patrol Vehicle Decals, \$217.50; Pharmchem Inc, Drug Patch Analysis, \$171.30; Lee Ann Pierce, Reissue Check#129613, \$75.00; Bronson Pond, 24/7 Sobriety Refund, \$25.00; Precision Kiosk Technology, 24/7 Kiosk Usage Fees, \$8,100.00; Prochem Dynamics LLC, Foaming Hand Sanitizer For CH, \$235.34; Razors Edge Grounds Keeping, May CH Grounds Maintenance, \$1,065.00; RC First Aid, Small Ice Pack/Med Supplies, \$66.00; Rick Ribstein, Court Appointed Attorney, \$2,951.50; Rowe, Joe, Honorarium-Horse Show Judge, \$248.72; Rude's Funeral Home Inc, County Burial, \$3,000.00; Running's Supply Inc, Items For Courthouse, Jail Air Filters, K9 Dog Food, \$340.97; Ryde Investment Group LLC, Tax Certificates, \$6,606.13; Safe-N-Secure, Strikers/Exterior Camera, \$1,735.05; Sanford Health, Autopsy Fees, \$2,100.00; Satellite Tracking Of People, GPS Charges For May, \$988.00; SD Attorney General's Office, 24/7 Participation Fee Payment, \$3,514.00; SD Dept Of Transportation, Progress Billing, \$8,831.19; SD Network Against Family, Agency Membership, \$200.00; SDAAO, School Registration, \$1,540.00; Sioux Falls Rubber Stamp, Notary Stamp, \$23.45; Southpaw Defense, Enhanced Conceal Carry, \$450.00; Dale Storhaug, Zoning Meeting Mileage, \$44.34; Jessica Stori, 24/7 Sobriety Refund, \$55.00; Swiftel Center, Meals For POD Volunteers, \$618.55; Anthony Teesdale, Court Appointed Attorney, \$4,605.07; Thomson Reuters - West, Zoning Bulletin Subscription, \$636.00; Town & Country Shopper, Ag Day, Achievement Day, .22 Night Advertising, Shopper Ads, \$626.00; Town Of Sinai, Sewer & Garbage, \$64.00; Neal Trooien, Zoning Meeting Mileage, \$79.96; Truenorth Steel, Culvert/Steel, \$17,654.10; Two Way Solutions Inc, Patrol Vehicle Equipment, \$162.93; Steven Ust, Inspections, \$800.00; Van Diest Supply Company, June Amine/Tordon/Graslan, \$14,080.00; Vandenberg Law, Court Appointed Attorney, \$2,692.50; Kyle Vanderwal, Zoning Meeting Mileage, \$63.20; Vaske, Jon, 24/7 Sobriety Refund, \$54.00; Verizon Wireless, Hwy Dept Tablet, \$40.01; Wells Fargo, Wells Fargo, \$1,751.51; Terry D Wiczorek Pc, Court Appointed Attorney, \$1,800.08; Wiemer Enterprises LLC DB, Meal For RSO Volunteers, \$435.50; Gregory Witte, 24/7 Sobriety Refund, \$35.00.

Department Head Reports

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

County Development Robert Hill said the FEMA training was cancelled by FEMA. Hill said he had a meeting with Banner Associates and the Corps of Engineers to discuss the Big Sioux River Diversion Structure Project. He said they are waiting on information from the Natural Resource Conservation Service.

Hill said South Dakota Office of Emergency Management Director Tina Titze did an office visit.

Hill discussed upcoming dates with the board.

BCOAC Director Dustin Huber updated the board on attendance and events held at the facility.

Recognition of Employees' Anniversaries

The Brookings County Board of County Commissioners recognized Reid Squires for 5 years of service to Brookings County in the Equalization Office.

Department Head Reports Continued

Weed & Pest Supervisor Misty Moser said they've completed spraying on all county and township roads. Moser said there will be a container recycling collection at the landfill on July 29th.

Jail Administrator Bart Sweebe said they responded to two grass fires, both started by fireworks. Sweebe said there are 30 inmates in jail. He said the new detention center is moving along on schedule.

REGULAR BUSINESS

Motion by Krogman, seconded by Boersma to approve and authorize Chairperson Jensen to sign Resolution #21-27: a resolution authorizing the purchase of bridge construction labor based upon the price established through the Yankton County, South Dakota bid process.

Roll call vote: Krogman "aye," Boersma "aye," Pierce "aye," Bartley "aye," Jensen "aye." Motion carried.

RESOLUTION #21-27

A RESOLUTION AUTHORIZING THE PURCHASE OF BRIDGE CONSTRUCTION LABOR BASED UPON THE PRICE ESTABLISHED THROUGH THE YANKTON COUNTY, SOUTH DAKOTA BID PROCESS

WHEREAS, the Brookings County Highway Department will need one BRIDGE CONTRACTOR; and

WHEREAS, the COUNTY OF YANKTON, has recently gone through a competitive bidding process for bridge contractor, such bidding process culminating in the bids being opened on February 10, 2021;

WHEREAS, HOLLAWAY BRIDGE AND CULVERT, INC, was the lowest responsible bidder under such COUNTY OF YANKTON, SOUTH DAKOTA, bid process and HOLLAWAY BRIDGE AND CULVERT, INC is willing to provide services to BROOKINGS COUNTY under the same terms and options as available to the COUNTY OF YANKTON, 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 day labor with HOLLAWAY BRIDGE AND CULVERT, INC. based upon the price, or less, as established through the competitive bidding process of the COUNTY OF YANKTON, SOUTH DAKOTA, with the unit and specifications as follows:

Adopted this 6th day of July, 2021

Larry Jensen
Brookings County Board of County Commissioners

ATTEST:

Lori Schultz
Brookings County Finance Officer

Motion by Krogman, seconded by Bartley to approve and authorize Chairperson Jensen to sign Agreement #21-84: an amendment to Agreement #18-84: the East Central Regional Communication Council Joint Powers Agreement.

Commission Department Director Stacy Steffensen said in the original agreement the two county positions read the chairperson and vice-chairperson. She said now it reads the chairperson and the Sheriff's Office liaison, or an authorized representative. Pierce asked why they went away from chairperson and vice-chairperson. Boersma said the updated language provides more flexibility. Pierce said she likes having the vice-chairperson be part of the E-911 board so that when they become chairperson the following year he/she has a better idea of what is going on with that board. Boersma said she prefers having more open language than it being mandated.

Motion by Pierce, seconded by Boersma to amend part VI #3 to read the vice-chairperson of the Brookings County Board of County Commissioners, or their authorized representative.

Roll call vote on amendment: Boersma "aye," Pierce "aye," Bartley "aye," Krogman "aye," Jensen "aye." Motion carried.

Roll call vote on main motion as amended: Pierce "aye," Bartley "aye," Krogman "aye," Boersma "aye," Jensen "aye." Motion carried.

SCHEDULED AGENDA ITEM

The board held the Second Reading and public hearing on Ordinance #21-04: an ordinance establishing the requirements, fees and regulations for the issuance of alcoholic beverage licenses within Brookings County.

Motion by Boersma, seconded by Krogman to approve the Ordinance #21-04: an ordinance establishing the requirements, fees and regulations for the issuance of alcoholic beverage licenses within Brookings County.

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

Roll call vote: Bartley "aye," Krogman "aye," Boersma "aye," Pierce "aye," Jensen "aye." Motion carried.

BROOKINGS COUNTY ORDINANCE #21-04

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. No 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 three 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 6th day of June, 2021.

BROOKINGS COUNTY:

ATTEST:

Lori Schutz
Brookings County Finance Officer

Larry Jensen
Chairperson
Brookings County Commission

First Reading: June 1, 2021
Second Reading: July 6, 2021
Adoption: July 6, 2021
Publication: July 15, 2021
Effective: August 4, 2021

REGULAR BUSINESS

Motion by Boersma, seconded by Bartley to remove Agreement #21-81: a One Chart Link partner agreement between Brookings County and Sanford from the table.

All members voted "aye." Motion carried.

States Attorney Dan Nelson said he's still discussing the Agreement with Sanford.

Motion by Bartley, seconded by Boersma to table Agreement #21-81: a One Chart Link partner agreement between Brookings County and Sanford until the August 3rd Commission Meeting.

All members voted "aye." Motion carried.

Motion by Bartley, seconded by Boersma to approve Change Order #005 for the Brookings County Detention Center Expansion & Remodel project in the amount of \$20,388.00. Background information was provided by Commission Department Director Stacy Steffensen.

Roll call vote: Krogman "aye," Boersma "aye," Pierce "aye," Bartley "aye," Jensen "aye." Motion carried.

Motion by Krogman, seconded by Boersma to approve a request to purchase a 2022 Chevrolet Silverado 2500HD pickup for the Highway Department. Background information was provided by Highway Superintendent Brian Gustad.

Roll call vote: Boersma “aye,” Pierce “aye,” Bartley “aye,” Krogman “aye,” Jensen “aye.” Motion carried.

Motion by Boersma, seconded by Bartley to approve the closure of 6th Avenue between 3rd Street and 4th Street from 5:30 p.m. to 9:00 p.m. on Tuesday, July 20th for the Brookings Public Library pet parade. Background information was provided by Commission Department Director Stacy Steffensen.

All members voted “aye.” Motion carried.

Motion by Krogman, seconded by Pierce to approve and authorize Chairperson Jensen to sign a request to fill vacancy for a full-time female Correctional Officer- internal positing only.

All members voted “aye.” Motion carried.

Motion by Pierce, seconded by Boersma to approve a request to fill vacancy for three full-time Correctional Officers.

All members voted “aye.” Motion carried.

Motion by Krogman, seconded by Bartley to approve the following items as surplus property to be sold via online auction: 2 filing cabinets 8 green filing cabinets, Green Metal Desk, Sony Trinitron Color TV Model #KV-32542, 2- Black Filing Cabinets, 2- Black/Gray Chairs- Office Master Model 7878-381, #79043- 2004 Chevrolet Venture- 1GNDV03E94D232337, #79034- 2004 Chevrolet ½ Ton 4 x 4 (1GCEK19T242692170), 8- chairs, Boom Arm, 4-Honda GX160, Box of Metal Fittings, 3- Raven High Volume Injection Pumps, Hand Sprayer/Water Tank, Briggs & Stratton 5 HP Motor with Water Pump, 2- Rolling Chair Racks, Briggs & Stratton 5.5 HP with Water Pump, Briggs & Stratton 8 HP, Office desk with drawers, 2- grey office chairs, 3- blue office chairs, 2- decorative chairs, Black office chair, #024- 2000 CAT Backhoe 0612 Model #416C (4ZN23043), Miscellaneous Tires, #0921- 2013 140 MC AWD CAT Motorgrader (R9G00221)- Trade-In, #79034- 2004 Chevrolet ½ Ton 4 x 4- 1GCEK19T24269217; to be destroyed: #10-001- Motorola Computer- 3433JC5160, #10-002- Motorola Computer- 3433HY5779, #10-004- Motorola Computer- 3433JC5404, #10-005- Motorola Computer- 3433JC5298, #10-006- Motorola Computer- 3433HY5792, Panasonic Toughbook, 10 rolling chairs, Dell Latitude E5530 Laptop- 5K61XY1, ML300 Brother Typewriter E0K412587, 2-chairs, 2-vacuums, 4- Artificial trees, Wicker Glass Table, 2- African European mounts, 6-deer European mounts, Pink chair- Office Master Model Pt78-007, 2-HP Scanjet Pro 3000 scanners- Both are model L2723-64001; items to be transferred: #79002- 2005 Sterling Truck 0594 (2ZHAZDE55AN90818)- transferred from Highway Department to Weed Department, 3- Decorative Vases- transferred from BCAOC to Finance Office, 1- artificial tree- transferred from BCOAC to Finance Office.

All members voted “aye.” Motion carried.

Motion by Boersma, seconded by Krogman to approve the publication of a supplemental budget notice.

All members voted “aye.” Motion carried.

SCHEDULED AGENDA ITEM

Aurora Events Committee Chairperson Pat Tingle asked for permission to approve the closure of County Road 23 through Aurora for Gala Days, August 7, 2021, at 7:00 a.m. to August 8, 2021 at 2:00 a.m.

Motion by Krogman, seconded by Boersma to approve the closure of County Road 23 through Aurora for Gala Days, August 7, 2021, at 7:00 a.m. to August 8, 2021 at 2:00 a.m.

All members voted “aye.” Motion carried.

REGULAR BUSINESS

Commission Department Director Stacy Steffensen presented the Commission Department Director Report. Steffensen presented the June Executive Summary for the jail project, along with the updated jail project financials.

Steffensen asked the board when it worked to do the Conservation District. By consensus, the board agreed to schedule the Conservation District tour on Tuesday, August 31st.

Steffensen said the invitation to the Medary Monument Rededication ceremony was included in the packet. She said they would like board members to RSVP.

Steffensen discussed upcoming dates with the board.

States Attorney Dan Nelson updated the board on the transition of the welfare department. He said the transition has been going well.

COMMISSIONERS' REPORTS & DISCUSSION

Commissioner Pierce attended Mike Holzhauser's Retirement Reception and attended budget hearings.

Commissioner Bartley attended a Jail Expansion Meeting and attended the BCOAC Volunteer Dinner.

Commissioner Krogman attended Mike Holzhauser's Retirement Reception; attended a BATA Meeting; attended the BCOAC Volunteer Dinner; attended budgeting hearings; attended a BCOAC Advisory Board Meeting; and attended a Brookings Health Board Meeting.

Commissioner Boersma attended an E-911 Board Meeting; attended a BEDC Meeting; attended the Samara Avenue discussion with the City of Volga; attended a Brookings Behavioral Health & Wellness Meeting; attended budget hearings; and attended a BEDC Board Retreat Task Force Meeting.

Commissioner Jensen attended an E-911 Board Meeting; attended a Jail Expansion Meeting; attended Mike Holzhauser's Retirement Reception; attended the BCOAC Volunteer Dinner; attended the 4-H Horse Show; attended budget hearings; attended the BCOAC Advisory Board Meeting; and attended a Jail Expansion Meeting.

Jensen said he talked with three township supervisors about the culvert grant program. Jensen suggested they have a meeting with all of the township supervisors and First District Association to discuss the state's program for the townships. The directed Steffensen to find a date that will work to hold the meeting.

EXECUTIVE SESSION

Motion by Boersma, seconded by Krogman to enter into Executive Session at 9:50 a.m., in accordance with SDCL 1-25-2(1)(4), personnel and contract negotiations. All members voted “aye.” Motion carried.

Motion by Krogman, seconded by Bartley to come out of Executive Session at 10:27 a.m. All members voted “aye.” Motion carried. No action was taken.

ADJOURNMENT

Motion by Boersma, seconded by Krogman to adjourn. All members voted “aye.” Motion carried. The next regular scheduled meeting is Tuesday, July 20, 2021 at 8:30 a.m.

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Jenna Byrd
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Brookings County

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