

## AUGUST 13, 2024 – GENERAL MEETING

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

### APPROVAL OF AGENDA:

Commissioner Sutton shared we had an addition to the agenda: Updated Promo List for the Brown County Fair. Moved by Commissioner Wiese to approve the agenda with the addition of the updated Promo List for the Brown County Fair, seconded by Gage. All members present voting aye. Motion carried.

### OPPORTUNITY FOR PUBLIC COMMENT: None

### PUBLIC HEARING – ALCOHOLIC BEVERAGE TEMPORARY PERMIT FOR SPECIAL EVENT:

Moved by Commissioner Wiese, seconded by Fjeldheim to approve the following Alcoholic Beverage Temporary Permit in conjunction with a Special Event for Malt Beverage License to SPURS Therapeutic Riding Center, Aberdeen, SD – SPURS 2<sup>nd</sup> Addition – NW ¼ of Sec 6-T123N-R63W, Brown County, SD; effective September 14, 2024. All members present voting aye. Motion carried.

### PUBLIC HEARING FOR MALT BEVERAGE LICENSE TRANSFERS:

Mariah Bloom, Attorney for Doeden Investment Group and Bill Ochs addressed the Brown County Commission regarding the transferring of the Malt Beverage Licenses from Stacy Gossman to County Line Developers. They have some concerns about the location of these licenses and the vicinity to the city of Aberdeen and the businesses located within the city. They feel by allowing this the County Commission is discrediting those that have a license from the City of Aberdeen and feels there should be a radius around the city of Aberdeen that County Licenses are not allowed. Maria Bloom also mentioned the land is undeveloped and feels there are safety and traffic concerns regarding the access points to this property and feels it is appropriate. Chairman Sutton shared that the County cannot dictate what the City of Aberdeen has for rules, County follows the SD Codified Laws and there is not limit on Malt Beverage Licenses within the County. Commissioner Wiese also reiterated that the rules when it comes to liquor licenses within city limits and outside city limits are established by the State; for Malt Beverage there is no limit by State Law and each Malt Beverage license can have up to 10 Video Lottery machines. Commissioner Wiese added the denial of a liquor license is at the original application or renewal based on ownership and management not properly following State Laws. Stacy Gossman commented that the County Commission is not at fault for anything; no one was here to object when I applied for the licenses and if you want to blame anyone blame the City Council – the county and city have to meet somewhere, and it just happens to be on my property. Nate Kessler, who was in attendance on behalf of Lamont Companies, they did reach out to Stacy to see what his plans were, Lamont Companies have 6-7 liquor licenses so concerned that theirs will depreciate in value and concerns where the line is drawn between the city and county and don't feel it's the right thing to do but they are reading the law and doing what is best for them but would like to see the County do something so this doesn't happen again. Chairman Sutton shared that the City of Aberdeen did reach out and asked the County to limit their Malt Beverage and Video Lottery licenses within a certain radius of Aberdeen, but they haven't had a discussion on it because it is revenue for the County but after today, we will take this into consideration. Commissioner Wiese commented that without Home Rule Charter – local entities (Cities, Counties) are only allowed to do what State Law says they can do. Chad Lyke with Doeden Investment Group shared that it was offered to them to purchase the licenses, but they declined because of what would happen with the city licenses because we have numerous ones as well. Chairman Sutton stated that we understand there is opposition to this, but we are merely doing today is transferring the ownership of these licenses from one entity to another entity; they were approved and issued late last year with no opposition and now it is just a matter of transferring – what they city does as far as annexation is up to the City Council and believes that the City of Aberdeen is already over in the number of licenses they can legally have based on population so that may enter into their decision but can't speak for them. Commissioner Dennert mentioned that maybe this needs to be done later since the property to the West of Town is zoned as Mini-Ag not Commercial, so feels that should go through the Zoning process first, so I will not support those being transferred to that location until it goes through the Zoning Board first. After further discussion, transferring ownership only at this time at the current location and not approving updating locations since it is not zoned as Highway Commercial at this time.

Moved by Commissioner Gage, seconded by Wiese to approve transfer of Ownership Only for Retail (On-Off Sale) Malt Beverage & SD Farm Wine license from Stacy Gossman DBA: Bergzy to County Line Developers, LLC DBA: County Line Club located at 2520 8<sup>th</sup> Ave. NE - Lt 1 Ronnie's Way Addition, Ste. E, NW ¼ of Sec 17-T123-R63 of 5th P.M. Brown County, SD. All members present voting aye. Motion carried.

Moved by Commissioner Fjeldheim, seconded by Gage to approve transfer of Ownership Only for Retail (On-Off Sale) Malt Beverage & SD Farm Wine license from Stacy Gossman DBA: Tinkaz to County Line Developers, LLC DBA: County Line Club located at 2520 8<sup>th</sup> Ave. NE - Lt 1 Ronnie's Way Addition, Ste. H, NW ¼ of Sec 17-T123-R63 of 5th P.M. Brown County, SD. All members present voting aye. Motion carried.

Moved by Commissioner Gage, seconded by Wiese to approve transfer of Ownership Only for Retail (On-Off Sale) Malt Beverage & SD Farm Wine license from Stacy Gossman DBA: Caponez to County Line Developers, LLC DBA: County Line Club located at 2520 8<sup>th</sup> Ave. NE - Lt 1 Ronnie's Way Addition, Ste. D, NW ¼ of Sec 17-T123-R63 of 5th P.M. Brown County, SD. All members present voting aye. Motion carried.

Moved by Commissioner Gage, seconded by Wiese to approve transfer of Ownership Only for Retail (On-Off Sale) Malt Beverage & SD Farm Wine license from Stacy Gossman DBA: BigZ to County Line Developers, LLC DBA: County Line Club located at 2520 8<sup>th</sup> Ave. NE - Lt 1 Ronnie's Way Addition, Ste. E, NW ¼ of Sec 17-T123-R63 of 5th P.M. Brown County, SD. All members present voting aye. Motion carried.

Moved by Commissioner Wiese, seconded by Fjeldheim to approve transfer of Ownership Only for Retail (On-Off Sale) Malt Beverage & SD Farm Wine license from Stacy Gossman DBA: Annie's to County Line Developers, LLC DBA: County Line Club located at 2520 8<sup>th</sup> Ave. NE - Lt 1 Ronnie's Way Addition, Ste. C, NW ¼ of Sec 17-T123-R63 of 5th P.M. Brown County, SD. All members present voting aye. Motion carried.

Moved by Commissioner Fjeldheim, seconded by Wiese to approve transfer of Ownership Only for Retail (On-Off Sale) Malt Beverage & SD Farm Wine license from Stacy Gossman DBA: Ollie's to County Line Developers, LLC DBA: County Line Club located at 2520 8<sup>th</sup> Ave. NE - Lt 1 Ronnie's Way Addition, Ste. B, NW ¼ of Sec 17-T123-R63 of 5th P.M. Brown County, SD. All members present voting aye. Motion carried.

#### **PUBLIC HEARING FOR SALE OF ALCOHOLIC BEVERAGES:**

Moved by Commissioner Wiese, seconded by Dennert to deny the application for Package (Off-Sale) Liquor at 2035 8<sup>th</sup> NW, Ste. 4 – Lt. 1-2, NE ¼ of Sec 15-T123-R64 of 5th P.M., Brown County, SD due to not being zoned for Commercial at this time. All members present voting aye. Motion carried.

Moved by Commissioner Fjeldheim, seconded by Gage to approve the application for Package (Off-Sale) Liquor at 2520 8<sup>th</sup> Ave. NE, Ste. 4 – Lt. 1 Ronnie's Way Addition, NW ¼ of Sec 17-T123-R63 of 5th P.M., Brown County, SD. All members present voting aye. Motion carried.

#### **ORDINANCE #275 - FIRST READING:**

Moved by Commissioner Wiese, seconded by Fjeldheim to approve the First Reading of Proposed Ordinance #275. Applicant Nicole Kempf to rezone from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its future use: Proposed Lot 1, "Palmyra Farmhouse Second Addition" in the SW1/4 of Section 18-T128N-R65W of the 5<sup>th</sup> P.M., Brown County, South Dakota (10260 373<sup>rd</sup> Avenue, Palmyra Twp.). All members present voting aye. Motion carried.

#### **BROWN COUNTY FAIR PROMO LIST UPDATED:**

Moved by Commissioner Dennert, seconded by Wiese to approve the updated Brown County Fair Promo List. All members present voting aye. Motion carried. (Full list is on file at the Brown County Fair Office)

#### **MINUTES:**

Moved by Commissioner Wiese, seconded by Gage to approve the General Meeting Minutes of August 6, 2024. All members present voting aye. Motion carried.

#### **CLAIMS/PAYROLL:**

Moved by Commissioner Fjeldheim, seconded by Dennert to approve the following claims/payroll:

Claims: Professional Fees: Angerhofer Slab Jacking \$204.08; Birmingham & Cwach Law Offices \$299.00; Boyce Law Firm \$390.00; Brown County Treasurer \$26.70; Certified Languages International LLC \$1,188.00; Language Line Services \$453.67; LexisNexis Risk Data Mgt \$200.00; Lincoln Co. Auditor \$36.67; Northeastern Mental Health Center \$884.00; Sanford Health \$2,369.00; Satellite Tracking of People \$1,742.00; SD Department of Revenue \$2,527.06; Professional Rodeo Cowboys Association \$1,200.00; TMS Production Integration \$39,940.00; Christy Griffin-Serr Law Office \$23,042.50; Yankton County Treasurer \$156.50; Zylstra Investigations \$1,570.00. Publishing: Groton Daily Independent \$219.16. Rentals: Dakota Electronics \$75.00. Repairs & Maintenance: Aberdeen Chrysler Center \$1,223.74; ASTECH Corp \$1,768,046.80; Dakota Electronics \$115.00; Diesel Machinery Inc \$22.00; Ecolab Pest Elimination Division \$118.47; Graham Tire Inc \$43.66; HG Jacobs & Son Const. Inc \$3.88; Hoven Auto Repair \$12.00; K&S Plumbing \$204.48; Lawson Products \$14.49; Pantorium Cleaners \$189.32; Pierson Ford Lincoln Inc \$757.40; Premier Auto \$387.49; RDO Equipment \$30,502.73; Safety Service \$459.93; Scott Demery \$812.09; Steven Lust Automotive \$223.69; Transource Truck & Equipment \$11,254.13. Supplies: Aberdeen Chrysler Center \$448.75; Agtegra \$68,596.86; Amazon Capital Services Inc \$1,242.51; Angerhofer Slab Jacking \$153.06; Artz Equipment Inc \$25.72; Auto Value Aberdeen \$95.89; Avera LTC Pharmacy \$32.94; Birmingham & Cwach Law Offices \$6.46; Butler Machinery \$1,668.23; Cartney Bearing \$74.65; Century Business Products \$415.20; Convergint Technologies LLC \$1,192.19; Dakota Electronics \$207.00; Dakota Fluid Power Inc \$2,565.37; Dakota Oil \$1,399.10; Dakota Supply Group \$49.16; Diesel Machinery Inc \$766.38; Farm Power MFG \$302.23; Fastenal Company \$334.30; FedEx \$54.66; Geffdog Designs \$152.92; HG Jacobs & Son Const. Inc \$2,243.83; Hoven Auto Repair \$42.00; Interstate Battery System of South Dakota \$434.85; Jensen Rock & Sand Inc \$127,031.15; JGE Inc \$160.87; Ken's SuperFair Foods \$103.25; Kessler's \$208.45; Lawson Products \$153.22; Leidholdt Tool Sales \$47.19; Lien Transportation \$202,117.25; Linde Gas & Equipment \$223.95; M&T Fire & Safety \$1,268.89; Mac's Inc \$298.14; Menards \$84.43; Midstates Group \$182.29; Napa Central \$271.51; Nelson Sales & Service \$58.56; Pantorium Cleaners \$32.00; PharChem Inc \$720.90; Pierson Ford Lincoln Inc \$36.00; Pro Ag Supply \$416.16; Quality Welding Inc \$266.56; RDO Equipment \$511.29; Runnings \$1,251.54; Sander's Sew N Vac \$59.98; Steven Lust Automotive \$44.95; Transource Truck & Equipment \$10,736.50. Travel & Conference: SD Assoc of Assessing Offices \$100.00. Utilities: AT&T Mobility \$43.23; City of Aberdeen \$2,087.48; Economy Propane \$171.57; Northern Electric \$93.50; Northwestern Energy \$298.07; Town of Frederick \$77.00; Verizon Wireless \$40.07. Other: Brown County Clerk of Courts \$845.05; Brown County Treasurer \$3,940.21; SD Assoc. of County Officials \$962.00; SD Department of Revenue \$865,643.89; SD State Treasurer-UPC \$5,270.14; Wex Health \$4,000.00. Payroll: Commission \$4,753.89; Elections \$1,834.40; Auditor \$9,850.83; Treasurer \$17,265.65; SA \$33,308.52; Maintenance \$11,607.07; Assessor \$15,370.27; Register of Deeds \$10,406.83; VSO \$4,491.55; GIS \$2,790.90; IT \$9,172.67; HR \$4,960.63; Sheriff \$51,563.03; Jail \$62,863.60; Coroner \$1,255.57; Court Security \$8,533.98; JDC \$34,766.25; Welfare \$2,466.75; Museum \$15,556.26; Parks/Fairgrounds \$7,961.91; Fair Board \$6,841.28; 4-H \$1,927.63; Weed \$5,780.80; Planning & Zoning \$7,635.85; Highway \$58,869.73; Dispatch \$34,199.17; Emergency \$5,208.67; 24/7 Sobriety \$3,079.55; Landfill \$17,402.61; Meal Benefits \$14.00; FICA \$26,789.40; Medicare \$6,265.27; Discovery-HSA \$2,369.15. All members present voting aye. Motion carried.

#### HR REPORT:

Moved by Commissioner Gage, seconded by Wiese to acknowledge and approve the following Human Resource Report submitted by Human Resources Director, Allison Tunheim:

- Hiring of Orin Fischer as Brown County Jail Cook, FT; starting wage \$17.47/hr. – effective August 6, 2024.
- Hiring of Jacob Kump as Brown County Jail Detention Officer; FT; starting wage \$21.29/hr. – effective August 12, 2024.
- Hiring of Milton David Gonzalez and Joshua Eddy as Brown County Jail Detention Officer; FT; starting wage \$21.29/hr. – effective August 19, 2024.
- Hiring of Trajan LaRocque as Brown County 911 Communications Officer, FT; starting wage \$22.37/hr. – effective August 19, 2024.
- Transfer of Keith Baker from Brown County Sheriff Department Sergeant to Brown County Jail Administrator – moving from hourly to salary; \$2,790.89/pay period – effective August 19, 2024.
- Hiring of Janel Hettich as Auditor Consultant on an as needed basis for training purposes for an agreed upon rate of \$20.00/hr. – effective August 13, 2024.
- Temporary 2024 Brown County Fair Workers August 12 – 18, 2024:
  - Gatekeepers
    - Kevin Price at \$12.25/hr.

All members present voting aye. Motion carried.

**TRAVEL REQUESTS:**

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the following Travel Requests: Dirk Rogers, Highway Superintendent to attend LTAP Advisory Board & Highway Superintendent Certification on August 13-14, 2024 in Pierre, SD; Lynn Zacher with Brown County Sheriff's Office to attend NICS (SD Agency conducting Firearm Permit) on September 6, 2024 in Sioux Falls, SD. All members present voting aye. Motion carried.

**LEASE AGREEMENTS:**

Moved by Commissioner Wiese, seconded by Gage to approve and authorize Chairman Sutton to sign the following Lease Agreements: Watertown Human Service Agency to lease the Richmond Lake Lodge & Dorms on August 21-23, 2024; Denise Dutenhoffer to lease the Akkerman Open Horse Arena on September 7, 2024 for 9<sup>th</sup> Annual Spotted Pride Appaloosa Horse Show. All members present voting aye. Motion carried.

**CLAIM ASSIGNMENTS:**

Moved by Commissioner Fjeldheim, seconded by Wiese to approve and authorize Auditor Heupel to sign the Claim Assignments against individuals to Credit Collections Bureau for the purpose of collecting liens. All members present voting aye. Motion carried.

**EXECUTIVE SESSION:**

Moved by Commissioner Wiese, seconded by Dennert to go into Executive Session for Contracts per SDCL 1-25-2. All members present voting aye. Motion carried. The chair declared the executive session closed with no action taken.

**OTHER BUSINESS:**

Judy Dosch, Building Superintendent shared that we she needs a structural engineer to come in regarding some scaffolding they need to use but need to see if the flat portion of our roof can hold all the weight so they need to come in and scan it which will cost roughly \$4,300.00 and then contacted IMEG with structural engineering for limitations and that will cost roughly \$7,800.00. Commissioner Wiese shared that the structure is fine but around the dome we just need to know that it can hold the weight to do the work; good to be cautious. We will put it on the agenda next week for official approval.

Commissioner Wiese shared that it is Brown County Fair Week and invited people to come out and enjoy.

**ADJOURNMENT:**

Moved by Commissioner Wiese, seconded by Fjeldheim to adjourn the Brown County Commission at 10:00 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

Published August 21-22, 2024, at the total approximate cost of \$\_\_\_\_\_ and may be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com).