BROOKINGS COUNTY COMMISSION MEETING
TUESDAY, APRIL 4, 2017

The Brookings County Board of County Commissioners met in regular session on Tuesday, April 4, 2017 with the following members present: Larry Jensen, Lee Ann Pierce, Stephne Miller, Ryan Krogman and Mike Bartley.

CALL TO ORDER

Chairperson Jensen called the meeting to order.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

APPROVAL OF AGENDA

The agenda for the April 4, 2017 Commission Meeting was approved without objection.

CONSENT AGENDA

The consent agenda was approved without objection from the board. The consent agenda consisted of the minutes from the March 21, 2017 Commission Meeting.

Travel Requests: Susan Rennich to attend the 2016 Child Sexual Abuse Conference on August 18th-19th in Sioux Falls; Reid Squires to take final appraiser test on March 30th in Sioux Falls; Michael Holzhauser to attend the SDVSOA meeting on March 31st in Pierre; Richard Haugen & Rae Lynn Maher to attend Emergency Management 101 on April 6th in Sioux Falls; Misty Moser to attend Vandiest Supply Workshop on April 27th in Mitchell.

Human Services Report: case #17-013 for rent was denied; case #17-023A for rent was denied; case #17-017 for Avera McKennan was denied; case #17-036 for Avera McKennan was denied; case #17-037 for Avera McKennan was denied; case #17-040 for Avera McKennan was denied.

ROUTINE BUSINESS

Approval of Claims

Motion by Miller, seconded by Krogman to approve the following claims. Motion carried.
A&B Business Inc, Copier Contracts, Ricoh Copier, $7,049.19; Action Process Serving, Service of Summons, $38.40; Allegra Print & Imaging, Map Binding, Foamboard, $23.12; AMP Electric Construction, Repair Light in Courthouse, $180.47; Anthony Teesdale, Court Appt Attorney, $2,200.20; Applied Concepts Inc, Radar Repair, $55.00; Aragon, Martha, Translation Services, $37.50; Avera Occupational Medicine, Drug Testing, $170.70; Benjamin L. Kleinjan, Court Appt Attorney, $1,363.00; Boarman Kroos Vogel Group, Detention Center Consulation, $4,056.27; Bobcat

of Brookings, 40" Planner, $20,689.60; Bremmon, Carmen, Court Translation Services, $725.00; Brenda K Colombe, March Contract, $1,000.00; Brookings Domestic Abuse Shelter, 1st Qtr Payment, $2,325.00; Bruna Electric, Truck Shed, New Lights Bruce, $2,902.35; Business Collection Agency, Collection, $2,344.98; Central Business Supply, Office Supplies, $494.96; Century Business Products, Copier Maintenance Contract, $72.59; Century Link, Long Distance Phone Service, $281.23; CF Promo Sports, Microfleece Jacket, $40.00; Child's Voice, Expert Witness Fees, $150.00; City of Brookings, Joint Bldg Expenses, 911 Interest, $4,581.62; Codington County Search & Rescue, Fuel Reimbursement, Mutual Aid, $77.81; Department of Motor Vehicle, Title, Plate, Hwy Truck, $21.20; Derek Trooien, Collection, $3,537.67; Donald McCarty, Court Appt Attorney, $821.00; Ekeren, Marv, Mental Illness Hearings, $37.50; Elkton Fire Dept, Water Tender, $36,500.00; Executive Mgmt Finance Office, Feb Tech Access Fee, $59.00; Fastenal Company, Shop Supplies, $106.44; Fite, Pierce & Ronning Law, Court Appt Attorney, $5,268.20; Gass Law, PC, Court Appt Attorney, $3,744.76; Hamlin Co Auditor, 8 Cnty Mtg Registration, $88.00; Hendricks Tractor Parts, Weight Suitcase, $381.60; Howard, Abigail A, Domestic Violence Inst Registration, $53.49; Hy-Vee Food Store, Meeting/Event Supplies, $17,102.31; Ina Group Llc, Tax Certificate, $2,146.33; Jennifer Goldammer, Court Appt Attorney, $7,770.80; Jensen, Larry, Per Diem Brks Day, SDACC, $51.00; Jodi K Hoffman, Court Appt Investigation, $1,439.16; Johnson Feed Inc, Road Salt, $1,814.12; Katterhagen, Mark, Mental Illness Hearings, $52.50; Keltek, Radio/Laptop Mounts, $379.48; Kingbrook Rural Water, Water Utilities, $33.00; Kristen McCrea, Transport Fuel Reimbursement, $10.00; Lewno, Lucy, Mental Illness Hearings, $536.06; Lincoln County Auditor, Mental Illness Brd Expenses, $211.30; MCI, Long Distance Feb/Mar 2017, $25.84; McKeever's Vending, Inmate Commissary, $852.16; Miller, Stephne, Per Diem, $30.00; Nancy J Nelson, Court Appt Attorney, $1,283.10; Nesvold, Teree, Domestic Violence Registration, $53.49; Nielsen's, Alternator Core & Pulley, $151.07; Office Peeps Inc, Ink, Labels, $707.17; Patricia J Hartsel, Transcripts, $6.00; Pharmchem Inc, Patch Kits, $608.00; Pitney Bowes, Mail Meter Rental, $165.00; Qualified Presort Service, Mail Service, $16.80; Reed T Mahlke, Court Appt Attorney, $365.00; RFD Newspapers Inc, Publications, $775.39; Rick Ribstein, Court Appt Attorney, $3,181.67; River City Supply Llc, 4H Decals, Bags, $270.43; Rudes Auto Detailing, Vehicle Detailing, $120.00; Schneider Corporation HFH, Beacon Hosting 4/1-6/30, $2,565.00; Scott, Michael, Boot Allowance 2017-2019, $212.95; SD Public Assurance Alliance, 2017 Mack Truck, $498.97; SDACES, SDACES 2017 Dues, $60.00; SDPA, SDPA Conference Registration, $295.00; Sioux Valley Cleaners Inc, March WIC Janitorial, $460.00; Steffensen, Stacy, Per Diem Spring Workshop, $190.44; Steven Ust, Building Inspections, $2,000.00; Susan Rennich, Domestic Violence Registration, $53.49; Swanda, Karen, Mental Illness Hearing, $15.00; Taser International, Taser Standard Evidence License, $1,800.00; Terry D Wieczorek PC, Court Appt Attorney, $521.45; Tim Hogan, Court Appt Attorney, $9,203.06; Valley Motorsports, Repair And Service, $729.92; Vandenberg Law, Court Appt Attorney, $2,314.50; Vantek Communications Inc, North Repeater Fee-February, $100.00; Verizon Wireless, Wireless Fees, $40.01; Walburg, Duane, Animal Control Mileage, $27.30; Wallaroo Properties, Tax Certificate, $1,626.43; Walmart Community, Shop Supplies, TV, Office Supplies, $659.53; Wellmark Blue Cross, Annual Cobra Admin Fee, $250.00; Wells Fargo, Wells Fargo CC Charges, $3,843.40; Yankton County Sheriff, Service of Process, $50.00; Young Door Service Inc, Service & Inspect Truck Shed, $541.11; Bartley, Michael, $75.00; Brittany Mcknight, $105.00; Anderson, Jeffrey G, $75.00; Birk, Richard, $105.00; Biteler, David, $30.00; Suzanne Bjordal, $30.00; Buseth, Vicki, $105.00; Chapman, Beverly, $105.00; Dejong, Darren, $60.00; Doremus, Sean, $30.00; Friedrich, Cliff, $45.00; Gengler, Michael, $30.00; Giegling, Mike, $30.00; Gross, Linda, $30.00; Haider, Darin, $60.00; Richard Haugen, $45.00; Hieb, Richard, $30.00; Hill, Robert, $105.00; Holzhauser, Michael, $105.00; Howard, Abigail A, $105.00; Jensen, Larry, $75.00; Kriese, Jeremy, $30.00; Krogman,

Ryan, $75.00; Langstraat, Manual, $30.00; Christopher Lilla, $105.00; Littlecott, Laura, $45.00; Mccrea, Don, $15.00; Miller, Stephne, $75.00; Molengraaf, John, $30.00; Moser, Misty, $75.00; Nesvold, Teree, $105.00; Zach Page, $30.00; Pierce, Irene, $45.00; Lee Ann Pierce, $75.00; Jon Pike, $60.00; Plowman, Shawn, $90.00; Scheer, Aaron, $30.00; Scott, Michael, $45.00; Sebring, Scott, $105.00; Stanwick, Martin, $105.00; Steffensen, Stacy, $105.00; Stoltenburg, Michael, $15.00; Sweebe, Bart, $105.00; Umberger, Charles, $45.00; Witchey, Kristen, $75.00.

Department Head Report

4-H Youth Advisor Sonia Mack discussed upcoming dates with the board. Commissioner Jensen asked if they've discussed how the Alan Jackson concert at the Swiftel Center will affect clean-up of Achievement Days this year. Mack said they are working with the Swiftel Center and are trying to be proactive in finding solutions since the concert is scheduled for the day after Achievement Days.

Weed Supervisor Misty Moser said she is not going to apply for the Mosquito Grant this year because they still have money left over from last year. Moser said she has 18 townships lined up for the 2017 spray season.

Pierce asked if the Weed Department is looking at the pollinator issues. Moser said they have to spray the ditches unless the general public or landowner informs her that there are pollinator plots in the area.

Moser also said they are doing interviews for the Weed Enforcement Officer and a truck driver positions soon.

County Development Director Robert Hill said there will be Brush Lake Recovery After-Action Review on Thursday, April 6th. Hill attended the Wind Tower Development Meeting; attended a Pipeline Safety Training; attended a meeting on the Civil Disturbances Annex; and met with County Development Deputy Director Richard Haugen and Chief Deputy States Attorney Teree Nesvold to work on ordinances.

Hill discussed upcoming dates with the board.

Veterans & Human Services Director Michael Holzhauser said he attended a Veterans Advisory Committee Meeting and a Brookings Chamber Military Veterans Affairs Meeting.

Holzhauser said he has been working with the state on collecting liens. He said liens are issued at the time the attorneys are paid. Holzhauser said if it is ordered by the courts for the Clerk of Courts to collect, the Welfare Office doesn't collect that money. Pierce said there is a functionality problem; the county should be sending out letters to people who have liens against them as soon as the liens are placed. Pierce said the county knows how much money is owed and to whom it is owed. She said the county needs to be more proactive on sending out letters to people who owe the county money.

SCHEDULED AGENDA ITEM

As scheduled at 9:00 a.m., Brookings County citizen Marvin Skovlund discussed an easement Sioux Valley Energy has on his land to put electric poles up.

Commissioner Miller said, unfortunately, the board has very little influence on what Sioux Valley Energy does because they have an easement. Miller said she is unsure there is anything the board can do.

Department Head Reports Continued

Veterans & Human Services Director Michael Holzhauser continued with his report. Holzhauser asked if the board wants his office to issue lien letters quicker. Pierce said an informational letter should be sent to the person right away, and then again a few months down the road. Bartley asked if people know there is a lien placed against them. Pierce said at the time of sentencing, yes, but they do not know the amount. Pierce said it is the defendant's responsibility to check and see how much their bill was. Bartley said it makes sense to send an informational letter to the defendant when the lien is placed.

SCHEDULED AGENDA ITEM

As scheduled at 9:15 a.m., Board President Steve Helling and At-Large Board Member Kirsten Gjesdal with Brookings Farmer Market asked the board for permission to add benches and bike racks to the courthouse grounds.

Commissioner Miller said those benches and bike racks will be in the way of those who are responsible for lawn care and snow removal; she would like to talk with the staff first. Pierce said she really likes the concept and the bike racks could be used for not only the farmers market, but for others who go in and out of the courthouse. Jensen asked if there are garbage receptacles. Gjesdal said yes, there are. Krogman expressed his concerns of excess trash being on the ground. He said he hopes both parties will work together to ensure there is no garbage on the courthouse lawn or bicycles that are left in the bike racks. Commission Department Director Stacy Steffensen said she doesn't believe snow removal will be an issue, but did raise the question of who would be responsible for ongoing maintenance of the benches. Bartley suggested that Gjesdal and Helling come back to the next meeting so the board can get answers to those questions. Miller asked that Gjesdal and Helling put together a Memorandum of Understanding, and the board will take action at the next regular scheduled meeting.

Motion by Pierce, seconded by Krogman to table action until the next regular scheduled meeting on April 18, 2017.

SCHEDULED AGENDA ITEM

As scheduled at 9:30 a.m., Jeff Schaefer with Legislative Audit discussed the Brookings County FY2015 audit with the board.

Department Head Reports Continued

Veterans & Human Services Director Michael Holzhauser continued with his report. Commission Department Director Stacy Steffensen suggested getting the key players to hold a meeting with Commissioner Pierce and go over what is needed.

Holzhauser updated the board on the number of phone calls the office has made and received, and the number of in-person meetings.

Finance Officer Vicki Buseth said the office is fully staffed again and going really well. Buseth said the Elderly Tax Freeze applications were due April 1st. She said they are in the process of collecting distress warrants. Buseth said they are at the beginning stages of the 2018 budget.

Sheriff Martin Stanwick said he attended the Lions Club meeting to talk about the Jail Expansion Project. Stanwick said there was an incident over the weekend where several people set a bridge on fire. Stanwick said he doesn't believe it was done intentionally, but does want to put "no trespassing" signs on those gated areas.

Stanwick asked the board for permission to apply for a $30,000 Federal Grant for overtime hours, which would cover the K9 Deputy's overtime hours and gas. By consensus, the board gave their approval on applying for the grant.

Highway Superintendent Richard Birk attended and discussed the Highway Superintendent Short Course Meeting. Birk said he did some research for Jack Otta with Lake Sinai Association on the right-of-way concerns on Highway 11 by Lake Sinai; he did not find any evidence of additional county right-of-way. Miller said she spoke with Weed Supervisor Misty Moser about spraying five feet on the inlet and outlet sides of the culvert. The board said they are not interested in obtaining more right-of-way. Jensen said the county should do what they can in the 100-foot right-of-way.

Birk said the bid opening for the Bridge Rehabilitation Project is April 19th.

SCHEDULED AGENDA ITEM

Motion by Bartley, seconded by Miller to approve and authorize Chairperson Jensen to sign Resolution #17-12: a resolution to move forward with the renovation and improvement project to the current Brookings County Detention Center.

Commissioner Bartley thanked the Jail Expansion Committee and Sheriff Martin Stanwick for putting everything together; it is time to move forward. Commissioner Miller said she was pleasantly surprised that there wasn't any opposition on the second public meeting; she said she feels that Brookings County is ready to proceed with the project. Commissioner Jensen said the board is responsible to provide adequate space for the inmates and for the safety of all staff members and inmates. Jensen said it is a lot of money but construction costs will keep going up. Commissioner Krogman said at first he was hesitant about the expansion, but it would be foolish not to get the necessary space and room to help rehabilitate inmates with mental health issues and have ministerial rooms for them. Krogman said he is not a fan of raising property taxes, but because the rates are low, now is the time to do it. Miller said the board is certainly mindful of the roads and bridges that also need the county's attention, but they cannot bond for that work. Jensen thanked Stanwick and his staff and the Jail Expansion Committee.

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

RESOLUTION #17-12

A RESOLUTION TO MOVE FORWARD WITH THE RENOVATION AND IMPROVEMENT PROJECT TO THE CURRENT BROOKINGS COUNTY DETENTION CENTER

WHEREAS, the Brookings County Commission has been discussing the need for an expansion of the Brookings County Detention Center since 1999; and

WHEREAS, there exists a need for additional county jail bed space based on ongoing reports from the Brookings County Sheriff's Department; and

WHEREAS, analysis of the pre-design phase of the proposed project has further demonstrated the necessity of the project and the financial feasibility to move forward with the project; and

WHEREAS, the Brookings County Board of County Commissioners has determined that it is necessary that the County remodel and expand the current Brookings County Detention Center; and

WHEREAS, there is a general financial plan in place to fund the construction with the issuance of bonds and the expected creation of a capital projects fund for the specific purpose of constructing and remodeling the current jail facility, as well as an expansion to the current facility, whereby the capital projects fund will receive a transfer of funds from the General Fund and the Building Fund to initiate the project.

NOW, THEREFORE BE IT RESOLVED by the Brookings County Board of County Commissioners to move forward with the proposed Brookings County Detention Center Renovation and Improvement Project.

Dated this 4th day of April, 2017.

Larry Jensen
Chairperson, Brookings County Commission

ATTEST:

Vicki Buseth
Finance Officer, Brookings County

Motion by Miller, seconded by Krogman to approve and authorize Chairperson Jensen to sign Resolution #17-13: a resolution relating to lease-purchase of the county jail renovation and improvement project; authorizing the execution and delivery of a ground lease agreement and a lease purchase agreement and approving and authorizing execution of related documents and levy of taxes for the payment thereof.

Tom Grimmond, Senior Vice President with Dougherty & Company, LLC, said there was a question about transferring of title. He said there is no transfer of title. He said the bank "Trustee" will be the technical owner. Brookings County agrees to a "Ground Lease" and will be an agent for the trustee.

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

RESOLUTION #17-13

RESOLUTION RELATING TO LEASE-PURCHASE OF COUNTY JAIL RENOVATION AND IMPROVEMENT PROJECT; AUTHORIZING THE EXECUTION AND DELIVERY OF A GROUND LEASE AGREEMENT AND A LEASE-PURCHASE AGREEMENT AND APPROVING AND AUTHORIZING EXECUTION OF RELATED DOCUMENTS AND LEVY OF TAXES FOR THE PAYMENT THEREOF.

BE IT RESOLVED by the Board of Commissioners of Brookings County, South Dakota (the "County'), as follows:

Section 1. Recitals and Findings.

1.01. Declaration of Necessity. The County is authorized by South Dakota Codified Laws, Chapter 7-25 and Chapter 6-8B, inclusive, as amended (collectively "Act"), to enter into lease-purchase agreements for acquisition of real or personal property that the governing body considers necessary or appropriate to carry

out its governmental and proprietary functions. The governing body finds and declares that it is necessary and appropriate to complete the acquisition, remodeling, expansion, construction or equipping of the county Jail Renovation and Improvement Project (collectively, the "Jail Renovation and Improvement Project"), the cost of a portion of such Jail Renovation and Improvement Project shall be financed by the issuance and delivery of not to exceed $7,400,000, plus costs of issuance, Limited Tax General Obligation Certificates of Participation, Series 2017 (the "2017 Certificates").

1.02. The Lease Financing. The County shall have The First National Bank in Sioux Falls (the "Trustee") act as Trustee and that pursuant to a ground lease agreement between the County and the Trustee (the "Ground Lease"), acquire certain interests in real property (the "Land") from the County, and the Trustee lease its interest in the Land and lease and agree to sell the Jail Renovation and Improvement Project to be acquired, renovated, constructed and equipped thereon to the County pursuant to a lease-purchase agreement (the "Lease-Purchase Agreement"), which shall be dated in 2017 between the Trustee and the County (collectively the "Lease").

1.03. The Trust Agreement. The Trustee shall execute and deliver a Declaration of Trust, (the "Trust Agreement"), pursuant to which the Trustee will (i) issue Limited Tax General Obligation Certificates of Participation, Series 2017 in the lease payments to be made by the County under the Lease and (ii) receive, hold and invest the proceeds of the sale of the 2017 Certificates and disburse such proceeds for payment of Construction Costs and Costs of Issuance (as defined in the Lease).

1.04. Binding Obligation. The County Commission finds that the Lease-Purchase Agreement constitutes a bond pursuant to the Act and SDCL § 10-13-35, and that the levy in Section 5 is in addition to any current levies for said purposes subject to the limit as to amount set forth in SDCL § 7-25-1.

Section 2. Authorization of Lease Financing and Approval of the Documents

2.01. Approval of Lease Financing. The lease financing described above is found to be favorable and is hereby approved. The Chairperson and County Finance Officer are authorized to approve the principal amount of the Lease and the Limited Tax General Obligation Certificates of Participation, Series 2017 not exceeding $7,400,000, plus costs of issuance, the term thereof not exceeding 21 years, the interest rate or rates thereon not exceeding an average yield of 5.5% per annum and the price, not less than 98% of par, plus Original Issue Discount of not to exceed 2.00% at which the Certificates are to be sold to Dougherty & Company LLC (the "Original Purchaser"), and are directed to enter into a Certificate Purchase Agreement with the Original Purchaser and their execution of the Certificate Purchase Agreement shall be conclusive evidence of their approval of the principal amount, purchase price, interest rates and other terms set forth therein.

2.02 Forms of Documents. Forms of the following documents relating to the Jail Renovation and Improvement Project (the "Documents") shall be prepared and submitted to the County and are hereby directed to be filed with the County Finance Officer: (a) the Lease-Purchase Agreement (the "Lease"); (b) the Trust Agreement (the "Trust Agreement"); (c) the Ground Lease, and (d) the Official Statement. The forms of Documents are approved, subject to such modifications as are deemed appropriate and approved by the State's Attorney or Deputy State's Attorney. The Chairperson and County Finance Officer are directed to execute the Lease, the Ground Lease and the Trust Agreement. Copies of all Documents shall be delivered, filed and recorded as provided therein. The Chairperson, County Finance Officer, State's Attorney and Deputy State's Attorney are also authorized and directed to execute such other instruments as may be required to give effect to the transactions therein contemplated. The County will cooperate in the issuance of the Limited Tax General Obligation Certificates of Participation, Series 2017 and the Chairperson, County Finance Officer and such other officers or officials of the County shall execute such other instruments as are necessary to the issuance of the Limited Tax General Obligation Certificates of Participation, Series 2017.

Section 3. Designation of Trustee, Underwriter and Bond Counsel.

3.01. Approval of Trust and Trustee. The County requests The First National Bank in Sioux Falls (the "Trustee") to act as Trustee and that pursuant to a Ground Lease Agreement between the County and the Trustee (the "Ground Lease"), acquire certain interests in real property (the "Land") from the County, and the Trustee lease its interest in the Land and lease and agree to sell the Jail Renovation and Improvement Project to be acquired, renovated, constructed and equipped thereon to the County pursuant to a Lease-Purchase Agreement, which shall be dated in 2017 between the Trustee and the County (collectively the "Lease"). The Ground Lease is authorized by this Resolution pursuant to the Act without notice. The final

form of the Ground Lease and Lease-Purchase Agreement shall be filed with the County Finance Officer, be attached and become a part of this resolution as if stated in full.

3.02. Designation of Underwriter. Dougherty & Company LLC is hereby designated as the underwriter for the Lease and Limited Tax General Obligation Certificates of Participation, Series 2017. The Limited Tax General Obligation Certificates of Participation, Series 2017 will be purchased by Dougherty and offered for sale to the public by an Official Statement or similar offering document.

3.03. Designation of Bond Counsel. Meierhenry Sargent LLP is hereby designated as Bond Counsel for the Lease Financing.

Section 4. Modifications, Absence of Officers. The approval hereby given to the Documents includes an approval of such additional details therein as may be necessary and appropriate and such modifications thereto, deletions therefrom and additions thereto as may be necessary and appropriate and approved by the State's Attorney or Deputy State's Attorney prior to the execution of the documents. The execution of any documents by the appropriate officer or officers of the County herein authorized shall be conclusive evidence of the approval of such documents in accordance with the terms hereof. In the absence of the Chairperson or the County Finance Officer, any of the Documents authorized by this resolution to be executed may be executed by such officer as, in the opinion of the Deputy State's Attorney, may execute documents in their stead.

Section 5. Payment of Lease Payments. The County will pay to the Trustee promptly when due, all of the Lease Payments (as defined in the Lease) and other amounts required by the Lease. To provide moneys to make such payments, the County will include in its annual budget, for each fiscal year during the term of the Lease, moneys sufficient to pay and for the purpose of paying all Lease Payments and other amounts payable under the Lease, and will take all other actions necessary to provide moneys for the payment of the obligations of the County under the Lease from sources of the County lawfully available for this purpose, including the levy of such taxes as may be necessary therefore, subject only to the limitations on such levies imposed by South Dakota law.

The County agrees and covenants to include in its annual budget for each fiscal year during the term of the Lease moneys sufficient to pay and for the purpose of paying the Lease Payments, and to levy a tax pursuant to SDCL Section 7-25-1 and Article XIII Section 5 in an amount sufficient and for the purpose of paying such Lease Payments when due and, to the extent permitted by law, to determine the percentage of true and full value to be used as taxable valuation such that the tax levied pursuant to SDCL Section 7-25-1, taking into consideration the percentage of collection, will generate sufficient revenues for the purpose of paying such Lease Payments, and to take all other actions necessary to provide moneys for the payment of the Lease Payments under the Lease as amended or supplemented, from sources of the County lawfully available for such purposes. The County shall file with the County Finance Officer a schedule of the principal and interest components of the Lease for each fiscal year.

Section 6. Tax Matters. The County covenants and agrees with the Trustee and the registered owners from time to time of the Limited Tax General Obligation Certificates of Participation, Series 2017 that it will not take or permit to be taken by any of its officers, employees or agents any action which would cause the interest on the Limited Tax General Obligation Certificates of Participation, Series 2017 to become subject to taxation under the Internal Revenue Code of 1986, as amended (the "Code"), and applicable Treasury Regulations (the "Regulations"), and covenants to take any and all actions within its powers to ensure that the interest on the Limited Tax General Obligation Certificates of Participation, Series 2017 will not become subject to taxation under the Code and the Regulations. The County will cause to be filed with the Secretary of the Treasury an information reporting statement in the form and at the time prescribed by the Code. The County will comply with the provisions of Section 148(f) of the Code, relating to the rebate of arbitrage profits to the United States, if and to the extent that such provisions are applicable to the Lease and the Certificates of Participation, Series 2017.

Section 7. Arbitrage Certification. The Chairperson and the County Finance Officer, being the officers of the County charged with the responsibility for issuing the Limited Tax General Obligation Certificates of Participation, Series 2017 pursuant to this Resolution, are authorized and directed to execute and deliver to the Trustee a certificate in accordance with the provisions of Section 148 of the Code, and Sections 1.148-1 et al of the Regulations, stating the facts, estimates and circumstances in existence on the date of issue and delivery of the Limited Tax General Obligation Certificates of Participation, Series 2017 which make it

reasonable to expect that the proceeds of the Limited Tax General Obligation Certificates of Participation, Series 2017 will not be used in a manner that would cause the Lease or the Limited Tax General Obligation Certificates of Participation, Series 2017 to be arbitrage bonds within the meaning of the Code and Regulations.

Section 8. Qualified Tax-Exempt Obligations. The Board hereby designates the Lease as a "qualified tax-exempt obligation" for purposes of Section 265(b)(3) of the Code relating to the disallowance of interest expense for financial institutions, and hereby finds that the reasonably anticipated amount of qualified tax-exempt obligations (within the meaning of Section 265(b)(3) of the Code) which will be issued by the County and all subordinate entities during calendar year 2017 does not exceed $10,000,000.

Section 9. Preliminary Official Statement and Official Statement. The Chairperson, County Finance Officer, and the Underwriter are hereby authorized and directed to provide for the preparation and distribution of a Preliminary Official Statement describing the 2017 Certificates (the "Preliminary Official Statement"). After the 2017 Certificates have been sold, the Chairperson and County Finance Officer shall make such completions, omissions, insertions and changes in the Preliminary Official Statement not inconsistent with this resolution as are necessary or desirable to complete it as a final Official Statement for purposes of Rule 15c2-12(e)(3) of the Securities and Exchange Commission. The Chairperson and County Finance Officer shall arrange for the delivery to the Underwriter on the 2017 Certificates of a reasonable number of copies of the Official Statement within seven business days after the 2017 Certificates have been sold for delivery by the Underwriter to each potential investor requesting a copy of the Official Statement.

The Chairperson and County Finance Officer are authorized, on behalf of the County, to deem the Preliminary Official Statement and the Official Statement in final form, each to be final as of its date within the meaning of Rule 15c2-12(b)(1), except for the omission in the Preliminary Official Statement of certain pricing and other information allowed to be omitted pursuant to such Rule 15c2-12(b)(1). The distribution of the Preliminary Official Statement and the Official Statement in final form shall be conclusive evidence that each has been deemed in final form as of its date by the County except for the omission in the Preliminary Official Statement of such pricing and other information.

Section 10. Continuing Disclosure. The County hereby covenants and agrees that it will provide financial information and material event notices as required by Rule 15c2-12 of the Securities Exchange Commission for the 2017 Certificates. The Chairperson is authorized to execute at the closing of the sale of the 2017 Certificates, an agreement for the benefit of and enforceable by the owners of the 2017 Certificates specifying the details of the financial information and material event notices to be provided and its obligations relating thereto. Failure of the County to comply with the undertaking herein described and to be detailed in said closing agreement, shall not be a default hereunder, but any such failure shall entitle the owner or owners of any of the 2017 Certificates to take such actions and to initiate such proceedings as shall be necessary and appropriate to cause the County to comply with its undertaking as set forth herein and in said agreement, including the remedies of mandamus and specific performance.

Section 11. Post Issuance Compliance. The County does hereby adopt Meierhenry Sargent Post-Issuance Compliance Policy and Tax-Advantaged Obligations and Continuing Disclosure with regard to the Lease and 2017 Certificates attached hereto, a copy of which is on file and open to public inspection at regular business hours. The County appoints the Finance Officer as its chief post issuance compliance officer.

Section 12. Date Resolution Becomes Effective. This resolution shall become effective twenty days after publication in accordance with SDCL § 7-18A-8.

Said motion was seconded by Commissioner Krogman and upon vote being taken the following voted AYE: Krogman, Bartley, Pierce, Miller, and Jensen

and the following voted NAY: NA

Passed this 4th day of April, 2017.

Larry Jensen
ATTEST: Chairperson

Vicki Buseth
County Finance Officer

Department Head Reports Continued

Highway Superintendent Richard Birk continued with his report. Birk said he received a settlement check for the fire at the Quonset.

Birk said City Administrator of Volga Jameson Berreth called and asked if the County is interested in participating financially in the Samara Avenue Project. Jensen said the County should be involved with it because it is a county road. Pierce asked at what level.

By consensus, the board agreed to be involved in the Samara Avenue Project, but they are uncertain at what level yet.

Birk said the department has started working their 4-10 hour days this this week and they will also be taking down the seasonal load limit signs this week.

Birk discussed upcoming dates with the board.

Chairperson Jensen declared a 5 minute recess.

REGULAR BUSINESS

Motion by Pierce, seconded by Bartley to approve and authorize Chairperson Jensen to sign Resolution #17-14: a resolution authorizing Brookings County's participation in the County Site Analysis Program Phase 11. Background information was provided by County Development Director Robert Hill and Commissioner Miller.

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

RESOLUTION #17-14

A RESOLUTION AUTHORIZING BROOKINGS COUNTY'S PARTICIPATION
IN THE COUNTY SITE ANALYSIS PROGRAM PHASE II

WHEREAS, the Brookings County Board of County Commissioners has participated with the South Dakota Department of Agriculture in the County Site Analysis Program (CSAP), and has received a copy of the initial report; and

WHEREAS, this research was based upon various infrastructure, road and local land-use factors; and

WHEREAS, the research identified sites that may be suitable for development according to a classification scale ranging from "good" to "best"; and

WHEREAS, the County recognizes the State's efforts to develop a "Phase II" of the CSAP aimed at further exploring identified sites with landowners interested in pursuing potential opportunities; and

WHEREAS, the County supported the original CSAP and continues to support ongoing efforts to proactively plan for responsible development opportunities; and

WHEREAS, the County acknowledges the State's interest in establishing a locally led process by which sites can be properly identified and preserved for potential development if pursued by the landowner and supports any outreach efforts to keep the public and the local communities informed about potential development opportunities within the County; and

WHEREAS, the County acknowledges the State's desire to move forward in working with landowners on site exploration, with the understanding that any potential development opportunities, including site preservation, would be subject to the County's zoning ordinance and also subject to evaluation and recommendation by the Brookings County Planning & Zoning Commission; and

WHEREAS, the Brookings County Planning & Zoning Commission has the power and authority to consider conditional use requests at a regular public hearing and to grant said requests if presented with sufficient and acceptable information proving the suitability for development on the site; and

WHEREAS, the County has not publicly declared support for any specific development activity or project and further states that the County and the Planning & Zoning Commission fully reserve their right to utilize their regulatory authority in the approval of potential development opportunities; and

WHEREAS, the County will not be responsible for any costs associated with site evaluations conducted by landowners or the State to further determine suitability for potential development opportunities.

NOW, THEREFORE BE IT RESOLVED by the Brookings County Board of County Commissioners that it supports the State's efforts to develop a "Phase II" of the South Dakota Department of Agriculture's County Site Analysis Program and suggests any landowners, who may be interested in participating in a "Phase II" of the CSAP and exploring potential development opportunities, apply for a Conditional Use Permit to be considered by the Brookings County Planning & Zoning Commission at a regular public hearing.

Adopted this 4th day of April, 2017.

Larry Jensen
Chairperson, Brookings County Commission

ATTEST:

Vicki Buseth
Finance Officer, Brookings County

Motion by Miller, seconded by Krogman to approve and authorize Chairperson Jensen to sign Resolution #17-15: a resolution authorizing the purchase of concrete pipe based upon the price established through the Codington County, South Dakota, bid process.

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

RESOLUTION #17-15

A RESOLUTION AUTHORIZING THE PURCHASE OF CONCRETE PIPE
BASED UPON THE PRICE ESTABLISHED THROUGH THE
CODINGTON COUNTY, SOUTH DAKOTA, BID PROCESS

WHEREAS, the Brookings County Highway Department will need new Concrete Pipe in 2017; and

WHEREAS, Codington County has recently gone through a competitive bidding process for reinforced concrete culverts, concrete box culverts, precast concrete bridge deck units and bridge beams, such bidding process culminating in the bids being opened on February 7th, 2017; and

WHEREAS, Forterra Pipe & Precast, was the lowest responsible bidder under such Codington County, South Dakota, bid process and, Forterra Pipe & Precast is willing to sell to Brookings County under the same terms and options as available to Codington County, 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 reinforced concrete culverts, concrete box culverts, and precast concrete bridge deck units and bridge beams, with Forterra Pipe & Precast based upon the bid price, or less, as established through the competitive bidding process of Codington County, South Dakota.

Adopted this 4th day of April, 2017.

Larry Jensen
Chairperson, Brookings County
Board of County Commissioners

ATTEST

Vicki Buseth
Brookings County Finance Officer

Motion by Miller, seconded by Krogman to approve and authorize Chairperson Jensen to sign Resolution #17-16: a resolution authorizing the purchase of bridge construction labor based upon the price established through the County of Spink, South Dakota, bid process.

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

RESOLUTION #17-16

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

WHEREAS, the Brookings County Highway Department will need one Bridge Contractor; and

WHEREAS, the County of Spink has recently gone through a competitive bidding process for a bridge contractor, such bidding process culminating in the bids being opened on March 7, 2017;

WHEREAS, Hollaway Bridge and Culvert, Inc., was the lowest responsible bidder under such County of Spink, South Dakota, bid process and Hollaway Bridge and Culvert, Inc., willing to provide services to Brookings County under the same terms and options as available to the County of Spink, 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 bid price, or less, as established through the competitive bidding process of the County of Spink, South Dakota, with the unit and specifications as follows:

Adopted this 4th day of April, 2017.

Larry Jensen
Chairperson, Brookings County
Board of County Commissioners

ATTEST:

Vicki Buseth
Brookings County Finance Officer

Motion by Bartley, seconded by Krogman to approve and authorize Chairperson Jensen to sign Resolution #17-17: a resolution authorizing the purchase of one 2017 or newer tractor based upon the price established through the Brookings County Highway bid process.

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

RESOLUTION #17- 17

A RESOLUTION AUTHORIZING THE PURCHASE OF ONE
2017 OR NEWER TRACTOR BASED UPON THE PRICE ESTABLISHED
THROUGH BROOKINGS COUNTY HIGHWAY BID PROCESS

WHEREAS, the Brookings County Highway Department will need one (1) 2017 or newer Tractor; and

WHERAS, the Brookings County Highway Department, has recently gone through a competitive bidding process for a 2017 or newer tractor, such bidding process culminating in the bids being opened on March 27, 2017; and

WHEREAS, pursuant to SDCL 5-18A-5, Brookings County is authorized to purchase equipment from the lowest responsible bidder.

NOW, THEREFORE BE IT RESOLVED that the Brookings County Highway Department is hereby authorized and directed to purchase one (1) new current model 2017 or newer Tractor from RDO Equipment, Webster, SD 57274, based upon the bid price as established through the competitive bidding process.

$85,583.96

F.O.B. – Brookings County

BE IT FURTHER RESOLVED that such purchase shall be for delivery on or before 10 – 120 days.

Adopted this 4th day of April, 2017

Larry Jensen
Chairperson
Brookings County
Board of County Commissioners

ATTEST:

Vicki Buseth
County Finance Officer

Motion by Pierce, seconded by Miller to approve and authorize Chairperson Jensen to sign Agreement #17-20: an application for occupancy of right-of-way of county highways made by Sioux Valley Energy.
Roll call vote: Bartley "aye," Pierce "aye," Miller "aye," Krogman "aye," Jensen "aye." Motion carried.

Motion by Miller, seconded by Krogman to approve and authorize Chairperson Jensen to sign Agreement #17-21: an application for occupancy of right-of-way of county highways made by Sioux Valley Energy.
Roll call vote: Pierce "aye," Miller "aye," Krogman "aye," Bartley "aye," Jensen "aye." Motion carried.

Motion by Krogman, seconded by Pierce to approve and authorize Chairperson Jensen to sign Agreement #17-22: an application for occupancy of right-of-way of county highways made by Sioux Valley Energy.
Roll call vote: Miller "aye," Krogman "aye," Bartley "aye," Pierce "aye," Jensen "aye." Motion carried.

Motion by Bartley, seconded by Miller to approve and authorize Chairperson Jensen to sign Agreement #17-23: a State of South Dakota Department of Transportation Joint Powers Agreement for Weed Spraying Services by County. Background information was provided by Weed Supervisor Misty Moser.
Roll call vote: Krogman "aye," Bartley "aye," Pierce "aye," Miller "aye," Jensen "aye." Motion carried.

Motion by Miller, seconded by Bartley to approve and authorize Chairperson Jensen to sign Agreement #17-24: a State of South Dakota Department of Transportation Joint Powers Agreement for Pocket Gopher Baiting Services.
Roll call vote: Bartley "aye," Pierce "aye," Miller "aye," Krogman "aye," Jensen "aye." Motion carried.

Motion by Miller, seconded by Bartley to approve the updated Brookings County Employee Policies & Procedures manual. Pierce said she had concerns with several areas in the manual.

Motion by Pierce, seconded by Krogman to table action until the next regular scheduled meeting. Roll call vote: Pierce "aye," Miller "aye," Krogman "aye," Bartley "aye," Jensen "aye." Motion carried.

Commission Department Director Stacy Steffensen presented the Commission Department Director's Report.

Steffensen said the 8-County Meeting is in Lake Norden on Wednesday, April 5th. Steffensen discussed the General Fund Surplus Cash yearly comparison with the board.

Steffensen said Stephen Chappell has submitted a letter of resignation from the Brookings County Housing and Redevelopment Commission; the advertising process for that position has been started.

Steffensen said the board received a letter from the South Dakota State Historical Society stating that The Mortimer Cabin, located at Oakwood Lakes State Park, will be considered by the Society's Board of Trustees for nomination to the National Register of Historic Places.

Steffensen discussed upcoming dates with the board.

Chief Deputy States Attorney Teree Nesvold said the office continues to stay busy; continues to work on ordinances; and they continue to work on the paperless system.

COMMISSIONERS' REPORTS & DISCUSSION

Commissioner Pierce attended the Wind Tower Energy Meeting; finished the review of the Lake-Park District portion of the zoning ordinance; attended the Swiftel Advisory Board Meeting, and attended the Public Hearing on the Detention Center Expansion Project.

Commissioner Bartley attended the ICAP Meeting; attended the First District Meeting; and attended the Public Hearing on the Detention Center Expansion Project.

Commissioner Krogman attended the BATA Meeting; toured the BATA Facility; attended the Brookings Health System Meeting; and attended the Public Hearing on the Detention Center Expansion Project.

Commissioner Miller attended the Wind Tower Energy Meeting; attended the Weed Board Meeting; attended the First District Meeting; and attended the Public Hearing on the Detention Center Expansion Project.

Commissioner Jensen looked at Lake Sinai's drainage; attended the Wind Tower Energy Meeting; attended the Veterans Feed; attended the meeting on the Civil Disturbance Annex; and attended the Public Hearing on the Detention Center Expansion Project.

ADJOURNMENT

Motion by Bartley, seconded by Krogman to adjourn. Motion carried. The next regular scheduled meeting is Tuesday, April 18, 2017 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.

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Jenna Peterson
Finance Assistant II
Brookings County