

# **BROOKINGS COUNTY COMMISSION MEETING**

## **TUESDAY, JUNE 1, 2021**

The Brookings County Board of County Commissioners met in regular session on Tuesday, June 1, 2021 with the following members present: Larry Jensen, Angela Boersma, Lee Ann Pierce, Michael Bartley and Ryan Krogman.

### **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 Boersma, seconded by Krogman to approve the agenda for the June 1, 2021 Commission Meeting. All members voted "aye." Motion carried.

### **CONSENT AGENDA**

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

Personnel Action Notices: position change - Lisa Brutty to full-time BCOAC Assistant at \$17.57, effective May 22, 2021; voluntary resignation- Nick Glass, effective May 23 2021; new hire-part-time male Correctional Officer Travis Terwey at \$18.89, effective May 26, 2021; new hire-full-time Equipment Operator Randy Miller at \$18.89, effective May 27, 2021; annual review- Dave Bublitz to \$23.93, effective June 1, 2021; annual review- Mike Giegling to \$31.99, effective June 1, 2021; annual review- Chris Mulhair to \$23.79, effective June 1, 2021; voluntary resignation- Riley Schott, effective June 6, 2021.

Cellular Authorizations: Dennis Carmichael- High Usage at \$45/month.

Human Services Report: Case #21-067 for burial was approved; case #21-068 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," Bartley "aye." Motion carried. A&B Business Inc, Copier Contract, \$512.32; Airgas USA LLC, Safety Glasses, \$131.16; Allegra Print & Imaging, 2000 Window Envelopes, Business Cards, \$334.48; AmericInn, Code Enforcement

Training, \$77.00; Jordyn Bangasser, Court Appointed Attorney, \$915.75; Banner Associates, Construction Phase/Design&Bidd, \$2,207.07; Jennifer Beller, 10 County Meeting, \$48.72; Boarman Kroos Vogel Group, Det Center Expansion Prof Serv, \$20,180.00; Brookings City Utilities, COP Utilities, \$137.79; Brookings Register, Publications, \$1,255.92; C&R Supply Inc, Digital Wind Meter, \$450.08; Capital One, Capital One, \$343.19; Samuel Carlson, Sobriety Program Refund, \$15.00; Century Business Products, Copier Contract, \$147.54; Century Link, Monthly-Sheriffs Office, \$18.62; Compass Counseling & Assessment, Psychosexual Assessment, \$2,500.00; Dale's Alignment, Vehicle Maintenance, \$251.90; Den-Wil Inc, Community Health Rent, \$960.00; Department Of Health, Expert Testimony, \$400.00; Department Of Motor Vehicle, Title, License, Mailing, \$42.40; Department Of Revenue, May Dept Of Revenue, \$663,484.86; Digital Dolphin Supplies, Jail/Front Office Ink Toner, \$554.99; Einspahr Auto Plaza, Vehicle Parts & Labor, \$69.45; Ekern Plumbing Heating &, Water Heater Installed, \$910.65; Empire Investments 3 LLC, Tax Certificates, \$2,707.67; Kelly Engen, Sobriety Program Refund, \$52.00; Executive Mgmt Finance Of, Bit April Access Fee, \$112.75; Fastenal Company, New Bolts For Gun Range, \$14.49; First Bank & Trust, First Bank & Trust-Old HVAC, Jail Expansion Bond, \$130,792.40; Foerster Distributing, Toilet Tissue, Janitor Bags, \$299.80; Foerster Testing Limited, Detention Center Work, \$3,270.00; Forrest Holdings Inc, Tax Certificates, \$2,059.01; Fox & Youngberg Pc, CAA Inv MI Hearings, \$196.11; Gass Law, Pc, Court Appointed Attorney, \$574.75; John Guerra, Sobriety Program Refund, \$21.00; Richard Haugen, Code Enforcement Training, \$74.00; Helpline Center Inc, Helpline Center Inc, \$1,000.00; Henry Carlson Company, Jail Expansion&Remodel Project, \$1,794,208.00; Hill, Robert, Virtual Apa Conference, \$325.00; Hy-Vee Food Store, Jury Meals/Refreshments, Inmate Meals, \$20,636.14; I29 Truck Shop, Valve, Hubcap, Air Dryer, \$321.77; IMEG, Microsurface, \$9,503.08; J&L Machine And Welding I, Pup Repair, \$240.00; Kelby Hawkins, Sobriety Program Refund, \$26.00; Benjamin Kleinjan, Conference, \$114.00; L.G. Everist Inc, Crushed Rock\Erosion Stone, \$4,728.92; Lewis & Clark Behavioral, BMI Intake, \$184.00; Lyle Signs Inc, Warning Signs, \$585.50; Marshall & Swift/Boeckh, M&S Residential Cost Handbook, \$743.90; Mackenzie Mattern, Sobriety Program Refund, \$88.00; Donald Mccarty, Court Appointed Attorney, \$8,868.95; Mckeever's Vending, Inmate Commisary, \$402.08; Mcleod's Printing & Office, Check Stock For Laser Printer, \$348.86; Midwest Management/Union, Tax Certificates, \$4,676.84; Minnehaha County JDC, JDC Costs, \$2,440.00; Moser, Misty, ATV Safety Training, \$116.76; National Test Systems, Drugsure Panel Cup, \$2,596.25; Isamar Negron-Melendez, Sobriety Program Refund, \$42.00; Dan C Nelson, Conference, \$473.52; Nancy J Nelson, Court Appointed Attorney, \$2,265.12; Northwestern Energy, Heat For Truck Shed, Natural Gas Usage, Truck/Highway Shop, \$354.41; Office Peeps Inc, Rubber Bands, Staples, Paper, Batteries, Toner, Sorters, Paper, Stamp Ink, Front Office Stamps, Printer Paper, \$544.68; Outlaw Graphics, Door Graphics, \$106.00; Quinn Petersen, Sobriety Program Refund, \$20.00; Pheasantland Industries, Clothing, \$302.25; Prairie Graphics, Appraiser Jacket, PA Silk Touch Polo, Appraiser Polos, \$177.00; Prussman Contracting Co., Excavator Work, \$2,766.75; RFD Newspapers Inc, Publications, \$46.64; Rick Ribstein, Court Appointed Attorney, \$1,690.60; RNC Service Center, #569300, \$98.46; Rude's Funeral Home Inc, County Burial, \$3,000.00; Sanitation Products Inc, One Way And Wing, \$2,460.35; Schultz, Lori, 10 County Meeting, \$12.00; SD Attorney General's Off, Sobriety Program, \$3,913.00; SD Dept Of Transportation, Preliminary/Construction Engin, \$4,702.46; Sdvsoa, Annual Dues, \$100.00; Sexauer Discount Farm Ser, All Purpose Mix-Seed, \$130.00; Sioux Valley Cleaners Inc, Janitorial For Wic, \$460.00; Brandon Smith, Sobriety Program Refund, \$30.00; Southpaw Defense, Enhanced Renewal Class, \$135.00; Special Days Committee, Elkton Fireworks Display, \$500.00; Austin Stanley, Sobriety Program Refund, \$50.00; Sweebe, Bart, Deadwood Conference, \$90.00; Tapco, Twirling Signs, \$604.80; Team Laboratory Chemical,, Road Patch, \$1,545.50; Anthony Teesdale, Court Appointed Attorney, \$3,842.18; Thomson Reuters -

West, 4/1-4/30 Charges, \$1,115.71; Town Of Sinai, Sewer & Garbage, \$64.00; Trane US Inc, HVAC Unit, \$19,735.85; Truenorth Steel, Culvert, \$9,182.50; Two Way Solutions Inc, Labor/Programming/Radio, \$82.50; Ulteig, Professional Services, \$1,018.80; Steven Ust, Inspections, \$1,000.00; Vandenberg Law, Court Appointed Attorney, \$915.75; Verizon Wireless, Monthly Highway Line, \$40.01; Walburg, Duane, Animal Control Mileage, \$68.46; Lloyd Warren, Sobriety Program Refund, \$10.00; Bernard Welch, Sobriety Program Refund, \$29.00; Wells Fargo, Wells Fargo, \$4,891.40; Terry D Wiczorek Pc, Court Appointed Attorney, \$1,420.47; Aric Williams, Sobriety Program Refund, \$149.00; Kristin A Woodall, Transcripts, \$39.20; Yankton County Sheriff, Service Of Process, \$50.00; Yankton County Treasurer, Mental Illness Charges, \$313.10.

### ***Department Head Reports***

Highway Superintendent Brian Gustad said his crew worked on 32<sup>nd</sup> Street South between 22<sup>nd</sup> Avenue South and Main Avenue South.

Gustad updated the board on the Bruce bridge. He said the deck pour was completed on May 25<sup>th</sup> and now it needs to cure for 28 days.

Gustad said he met with Civil Design, Inc. to discuss County Road 5 south of Volga and the intersection of County Road 77 and County Road 20 where the two BIG bridges were recently finished. Gustad said he was contacted by the State of South Dakota Highway Safety Engineer in regards to the intersection on County Road 5 and the number of fatalities in recent history and was told that location would be eligible for Federal Safety Funds of 90% and Brookings County funds of 10% in order to improve the safety of that intersection.

Gustad said he asked CDI to offer a quote for services in order to provide more convenient truck traffic movement, especially south bound turning east, at the intersection of County Road 77 and County Road 20.

Gustad updated the board on the Brookings County 23 Concrete Rehabilitation Project. He said the profile grinding outside city limits of Aurora was completed on May 26<sup>th</sup>.

Gustad said County Road 5 south of Volga will be closed for replacement of a small structure for approximately two weeks.

Finance Officer Lori Schultz said the county made its first payment on the jail bond.

Schultz said the county received approximately \$3 million dollars from the American Rescue Plan Act of 2021.

Schultz said she received a visit from a collection agency to go over the process of collecting county liens.

County Development Director Robert Hill said the final Points of Dispensing clinic will be Wednesday, June 9<sup>th</sup> from 4:00 p.m. to 9:00 p.m.

Hill said the LEPC meeting was conducted virtually and he attended a Tri-State Emergency Management meeting.

Hill said the Big Sioux River Diversion Structure Project-Coordination meeting was conducted. Hill said they are requesting \$6,000 additional dollars to spend on the project for engineering and environmental services. He said the board will see that request as an action item during their next meeting.

Hill discussed upcoming dates.

Veterans & Human Services Director Michael Holzhauser thanked the commissioners for allowing him to work for the county for over eleven years.

## **BE IT NOTED ITEMS**

Be it noted, the Register of Deeds Statement of Fees collected for the month of April 2021 in the amount of \$41,312.00 was presented to the County Commission.

Be it noted, the following is a BCOAC RSO to be added to our volunteer list for work comp purposes: Dale Storhaug.

## **SCHEDULED AGENDA ITEM**

As scheduled at 9:00 a.m., Chad Nelson, Project Manager for Henry Carlson Construction, gave a jail progress update.

## **REGULAR BUSINESS**

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

The Second Reading of Ordinance #21-04 will be Tuesday, July 6, 2021 at 9:00 a.m.

## **SCHEDULED AGENDA ITEM**

As scheduled at 9:15 a.m., the board held a public hearing on a retail on/off sale malt beverage and SD farm wine license to Skyview Junction, LLC.

Motion by Krogman, seconded by Boersma to approve and authorize Chairperson Jensen to sign a retail on/off sale malt beverage and SD farm wine license for Skyview Junction, LLC.

Chairperson Jensen opened the public hearing and called for proponents.

Chairperson Jensen called for opponents. Hearing none, Chairperson Jensen closed the public hearing. Owner of Skyview Junction, LLC James Stuefen was present for questions.

Pierce asked Stuefen if he has completed the training that is required by the State of South Dakota as relates to alcohol checks. Stuefen said most people don't go to that training. Pierce said they do if they want to have a license; it's required by law. Commission Department Director Stacy Steffensen said this is the first violation that she is aware of during her time with the county. Attorney Rick Ribstein, representing Stuefen, said he will work with him to make sure the training is complete.

Roll call vote: Krogman "aye," Boersma "aye," Pierce "no," Bartley "aye," Jensen "aye."  
Motion carried.

## **REGULAR BUSINESS**

Motion by Krogman, seconded by Bartley to approve and authorize Chairperson Jensen to sign Agreement #21-77: a State of South Dakota Department of Health Division of Family and Community Health Sub-Recipient Agreement. Background information was provided by Commission Department Director Stacy Steffensen.

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

Motion by Bartley, seconded by Boersma to approve and authorize Chairperson Jensen to sign Agreement #21-78: Amendment Number 1 to State Agreement #716655/Agreement #18-63: a State of South Dakota Department of Transportation Bridge Improvement Grant Agreement for Rehabilitation/Replacement. Background information was provided by Highway Superintendent Brian Gustad.

All members voted “aye.” Motion carried.

### **SCHEDULED AGENDA ITEM**

As scheduled at 9:30 a.m., the board held the Second Reading on Ordinance #21-02: an ordinance authorizing rezoning of “NE ¼ NE 1/4, except Lot H-1 and except that part lying East and North of Lot H-1 in section 14, T109N, R50W (Medary Township)”.

Motion by Boersma, seconded by Krogman to approve and authorize Chairperson Jensen to sign Ordinance #21-02: an ordinance authorizing rezoning of “N E ¼ NE 1/4, except Lot H-1 and except that part lying East and North of Lot H-1 in section 14, T109N, R50W (Medary Township)”.

Chairperson Jensen opened the public hearing and called for proponents.

Chairperson Jensen called for opponents. Hearing none, Chairperson Jensen closed the public hearing. Background information was provided by Deputy County Development Director Richard Haugen.

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

### **Ordinance #21-02**

#### **AN ORDINANCE AUTHORIZING REZONING OF “NE ¼ NE ¼, EXCEPT LOT H-1 AND EXCEPT THAT PART LYING EAST AND NORTH OF LOT H-1 IN SECTION 14, T109N, R50W (MEDARY TOWNSHIP)**

WHEREAS, COD Investments LLC by David Kneip made an application to the Brookings County Zoning Board to rezone property from Joint Jurisdiction Agriculture and R-1B (Agriculture and Residence: Single-Family) Districts to Joint Jurisdiction B-3 (Heavy Business) District

WHEREAS, the Brookings County Planning Commission recommended approval to rezone the property on April 6, 2021;

WHEREAS, SDCL 11-2-30 requires the Brookings County Commission to adopt or reject the change;

THEREFORE BE IT ORDAINED BY BROOKINGS COUNTY, SOUTH DAKOTA, in accordance with Section 800 of Article VIII of Appendix C-Joint Jurisdiction Area Zoning Ordinance, of the City of Brookings and County of Brookings, South Dakota, that the following property be rezoned from Joint Jurisdiction Agriculture and R-1B (Agriculture and Residence: Single-Family) District to Joint Jurisdiction B-3 (Heavy Business) District.

“NE ¼ NE 1/4 , Except Lot H-1 and Except that part lying East and North of Lot H-1 in Section 14, T109N, R50W (Medary Township)”.

Passed and approved this 1<sup>st</sup> day of June, 2021.

Larry Jensen  
Chairperson  
Brooking County Commission

ATTEST:

Lori Schultz

Finance Officer

Brookings County

## **REGULAR BUSINESS**

Motion by Krogman, seconded by Boersma to approve and authorize Chairperson Jensen to sign Agreement #21-79: a purchase agreement between Brookings County and Bowes Construction, Inc. for the bituminous overlay project.

All members voted “aye.” Motion carried.

Motion by Krogman, seconded by Boersma to approve and authorize Chairperson Jensen to sign Agreement #21-80: an application for occupancy of right of way of county highways made by Riley Waldner in Argo Township. Background information was provided by Highway Superintendent Brian Gustad.

All members voted “aye.” Motion carried.

Motion by Bartley, seconded by Boersma to approve and authorize Chairperson Jensen to sign Agreement #21-81: a One Chart Link partner agreement between Brookings County and Sanford.

Background information was provided by Commission Department Director Stacy Steffensen. Pierce asked if the agreement is between Brookings County and Sanford or the Brookings County Coroner and Sanford. Steffensen said the two entities are Brookings County and Sanford. Pierce asked if the agreement could be tabled until they’ve checked with the insurance company to ensure they are compliant.

Motion by Pierce, seconded by Krogman to table Agreement #21-81 until the June 15, 2021 Commission Meeting. All members voted “aye.” Motion carried.

## **SCHEDULED AGENDA ITEM**

As scheduled at 9:45 a.m., the board held the Second Reading on Ordinance #21-03: a temporary ordinance regarding the issuance of local medical cannabis establishment permits and/or licenses.

Motion by Bartley, seconded by Boersma to approve and authorize Chairperson Jensen to sign Ordinance #21-03: a temporary ordinance regarding the issuance of local medical cannabis establishment permits and/or licenses

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

### **ORDINANCE #21-03**

#### **A TEMPORARY ORDINANCE REGARDING THE ISSUANCE OF LOCAL MEDICAL CANNABIS ESTABLISHMENT PERMITS AND/OR LICENSES**

WHEREAS, a local government may enact an ordinance not in conflict with SDCL Chapter 34-20G, governing the time, place, manner, and number of medical cannabis establishments in the locality. A local government may establish civil penalties for violation of an ordinance governing the time, place, and manner of a medical cannabis establishment that may operate in the locality. A local government may require a

medical cannabis establishment to obtain a local license, zoning permit, or registration to operate, and may charge a reasonable fee for the local license, zoning permit, or registration.

WHEREAS, Brookings County, SD (“County”), makes a preliminary finding that the County’s current regulations and controls may not adequately address the unique needs and impacts of medical cannabis establishments as defined in SDCL 34-20G-1;

WHEREAS, medical cannabis state laws under SDCL 34-20G are effective July 1, 2021. The South Dakota Department of Health shall promulgate rules pursuant to chapter 1-26 not later than October 29, 2021, as defined by SDCL 34-20G-72. During the time between July 1, 2021 and potentially as late as October 29, 2021, local units of government will not yet know standards for medical cannabis and will not be able to adequately assess the local zoning and licensing requirements necessary to approve local permits and to better ensure applicants have a more predictable permitting process and avoid stranded investments.

WHEREAS, the County makes a preliminary finding that the County needs further study of the relationship of medical cannabis establishments to the County Comprehensive Plan and Zoning Ordinance. The public interest requires that the County study, analyze, and evaluate the impacts of medical cannabis establishments and to fully explore the impacts of any proposed regulations regarding medical cannabis establishments;

WHEREAS, the County makes a preliminary finding that it would be inappropriate for the County to issue a local permit or license to a medical cannabis establishment prior to the South Dakota Department of Health’s promulgation of regulations governing the same;

WHEREAS, the County hereby exercises its authority under SDCL 11-2-10 and SDCL 7-18A-8, to establish a temporary ordinance regarding the issuance of any local permits/licenses for medical cannabis establishments within the County;

WHEREAS, a temporary ordinance will ensure that more comprehensive zoning ordinance and building permit changes, licensing permits, and any proposed amendments to the County’s Comprehensive Plan can be completely examined with adequate public input from citizens, business interests, and medical cannabis industry representatives;

WHEREAS, the County finds that a temporary ordinance is reasonable to preserve the status quo and prevent significant investment pending the outcome of the above study and any proposed regulations emanating therefrom;

WHEREAS, the County finds that the following ordinance is necessary to protect and immediately preserve the public health, safety, welfare, peace and support of the county government and its existing public institutions;

NOW, THEREFORE, BE IT ORDAINED BY Brookings County, SD:

*Section 1. Temporary Ordinance - Application for Local Permit/License*

A medical cannabis establishment desiring to operate in the County shall be required to apply for a permit and/or license from the County. Applications for a local permit and/or license to operate a medical cannabis establishment, as defined by SDCL 34-20G-1, shall not be accepted until the South Dakota Department of Health has promulgated regulations as required by SDCL 34-20G-72. Any application received prior to such regulations being promulgated shall be denied.

*Section 2. Immediate Effect.*

This ordinance is necessary to protect and immediately preserve the public health, safety, welfare, peace, and support of the county government and its existing public institutions pursuant to SDCL 11-2-10 and SDCL 7-18A-8.

Dated this 1<sup>st</sup> day of June, 2021.

Larry Jensen  
Chairperson  
Brookings County Commission

ATTEST:

Lori Schultz  
Finance Officer  
Brookings County

### **REGULAR BUSINESS**

Motion by Pierce, seconded by Krogman to approve and authorize Chairperson Jensen to sign the following Retail On/Off Sale Malt Beverage & SD Farm Wine licenses, effective July 1, 2021 through June 30, 2022: Brookings Country Club, Inc., Cuzins, LLC (The Boathouse), Danceland Campground, Good Roots Farm & Gardens, SVK Properties (Midway Camp), The Corner Gas & Goodies, Wagon Wheel Resort, LLC.

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 Veteran Service Officer.

All members voted "aye." Motion carried.

### **SCHEDULED AGENDA ITEM**

As scheduled at 10:00 a.m., Firefighters Association President David Jacobsen requested monies from their long term fund and current 2021 funding. Jacobson said they are requesting \$23,472.80 for a purchase of a new 2011 Ford F350 XL Stakebed.

Motion by Boersma, seconded by Krogman to approve the request in the amount of \$23,472.80. Roll call vote: Krogman "aye," Boersma "aye," Pierce "aye," Bartley "aye," Jensen "aye." Motion carried.

### **REGULAR BUSINESS**

Commission Department Director Stacy Steffensen presented the Commission Department Director's Report. Steffensen discussed upcoming dates.

States Attorney Dan Nelson had nothing to report.

### **COMMISSIONERS' REPORTS & DISCUSSION**

Commissioner Pierce attended the Joint Meeting of the Brookings County Planning & Zoning Commission and the Brookings County Board of County Commissioners. Pierce said she met with SDSU Horticulturist Tanner Aiken to look at the courthouse green. She said he was going to put together a bid to fix some of the issues they are having with the trees.



Commissioner Bartley attended the Joint Meeting of the Brookings County Planning & Zoning Commission and the Brookings County Board of County Commissioners.

Commissioner Krogman attended the BCOAC Advisory Board Meeting and attended the Joint Meeting of the Brookings County Planning & Zoning Commission and the Brookings County Board of County Commissioners.

Commissioner Boersma attended an ICAP Board Meeting; attended a BEDC Board Meeting; and attended the Joint Meeting of the Brookings County Planning & Zoning Commission and the Brookings County Board of County Commissioners.

Commissioner Jensen volunteered at the POD clinic; attended the BCOAC Advisory Board Meeting; and attended the Joint Meeting of the Brookings County Planning & Zoning Commission and the Brookings County Board of County Commissioners.

### **EXECUTIVE SESSION**

Motion by Krogman, seconded by Boersma to enter into Executive Session at 10:06 a.m., in accordance with SDCL 1-25-2(1)(4), personnel and contract negotiations. All members voted “aye.” Motion carried.

Motion by Boersma, seconded by Krogman to come out of Executive Session at 11:02 a.m. All members voted “aye.” Motion carried. No action was taken.

### **ADJOURNMENT**

Motion by Bartley, seconded by Krogman to adjourn. All members voted “aye.” Motion carried. The next regular scheduled meeting is Tuesday, June 15, 2021 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 Byrd  
Senior Finance Assistant  
Brookings County

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