

BROOKINGS COUNTY COMMISSION MEETING

TUESDAY, NOVEMBER 6, 2018

The Brookings County Board of County Commissioners met in regular session on Tuesday, November 6, 2018 with the following members present: Lee Ann Pierce, Michael Bartley, Stephne Miller, Ryan Krogman and Larry Jensen.

CALL TO ORDER

Chairperson Pierce called the meeting to order.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

APPROVAL OF AGENDA

Motion by Bartley, seconded by Krogman to approve the agenda for the November 6, 2018 Commission Meeting as amended. All members voted "aye." Motion carried.

Be it noted, SDCL 1-25-2(3), consulting with legal counsel was added to the Executive Session.

CONSENT AGENDA

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

The consent agenda consisted of the minutes from the October 16, 2018 Commission Meeting and the minutes from the October 30, 2018 Commission Meeting.

Travel Requests: Laura Littlecott to attend a Bacon and Business Workshop on November 1st in Brookings; Shawn Plowman to meet with Axon representative and hear from Chief Meyer and Sheriff Walburg regarding their Axon in-car camera deployments on November 2, 2018 in Madison, SD; Misty Moser to attend a District Meeting on November 5, 2018 in Stratford, SD; Manny Langstraat to attend K9 Certification Training on October 29th-December 7th in Sioux Falls; Robert Hill to attend a Gas Pipeline Advisory Committee Field Trip on November 14th-16th in Canonsburg, PA; Kevin Murfield to attend Law Enforcement Certification on November 25th-March 1st in Pierre; Robert Hill to attend a Gas Pipeline Advisory Committee Meeting on January 7th-10th in Washington D.C.; Robert Hill to attend NACo's 2019 Legislative Conference on March 2nd-6th in Washington D.C.

Personnel Action Notices: new hire- Part-time/Temporary Maintenance Worker John Molengraaf at \$19.25, effective October 17, 2018; routine step increase- Jere Hieb to \$22.53, effective November 1, 2018.

Human Services Report: case #18-117 for rent was approved; case #18-123 for rent was approved; case #18-124 for rent was approved; case #18-132 for rent was approved; case #18-133 for rent was approved; case #18-135 for BMU was approved; case #18-136 for Avera was approved;

case #18-119 for BMU was denied; case #18-120 for rent was denied; case #18-137 for rent was denied; case #18-134 for Utilities was approved.

ROUTINE BUSINESS

Approval of Claims

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

605 Custom Design Llc, New Employee Apparel, \$199.00; A&B Business Inc, Copier Contract, \$594.04; Allegra Print & Imaging, Print Voter List, \$164.65; Alphamedia USA Llc, Operation Snowstorm Ad Package, \$1,600.00; Anderson Oil, Diesel at White, \$958.92; Anthony Teesdale, Court Appt Attorney, \$6,438.36; Aragon, Antonio, Translation Services, \$37.50; Avera Mckennan Hospital, Mental Health Hold, \$1,408.35; Avera Medical Group, Inmate Medical, \$147.24; Avera Occupational Medicine, Drug Testing, \$59.00; Banner Associates, Engineering Services, \$1,344.00; BEDC, Interchange Justification Rpt, \$5,000.00; Benjamin L. Kleinjan, Court Appt Attorney, \$1,798.20; Bowes Construction, Gravel & Asphalt, \$8,906.50; Bozied Oil Co Inc, Car Washes June-Sept, \$904.00; Brookings City Utilities, COP Utilities, \$339.54; Brookings Domestic Abuse, June Through October, \$5,571.00; Brookings Health System, Blood Alcohol Testing, Coroner, Inmate Medical, \$4,509.89; Brookings Register, United Way Ad, \$219.00; Brookings-Deuel RWS, Water Bruce Shop, \$18.00; Brothers Pharmacy, Inmate Medical, \$314.86; Bruna Electric, Troubleshoot Gas Pump, \$223.47; Butler Machinery Co, Control & Harness Return, \$479.38; BX Civil & Construction, Stored Material, \$1,754.27; C&R Supply Inc, Engine & Water Pump Rebuild, \$814.98; C&R Supply Inc, RSA Bearings, \$47.58; Central Business Supply, Office Supplies, \$752.39; Century Business Product, Copier Contract, \$135.66; Century Link, Land Line Phones, \$139.41; Cintas Corporation, Laundry Services, \$285.06; City of Brookings, 911 Funds & Interest, \$75,242.53; City of Hendricks, 2010 Intl 8600 Water Tender, \$22,000.00; City of White, White Shop Utilities, \$81.12; Courtesy Plumbing Inc, Plumbing Supplies, \$123.30; Darcy Lockwood, Inv Mental Illness Hearing, \$36.00; Department of Motor Vehicles, Mack Truck Title & Mailing, \$15.00; Ecolab Pest Elimination, Fumigation at Jail, \$87.87; Econo Lodge Inn & Suites, 3 Nights Lodging, \$120.45; Einspahr Auto Plaza, Maintenance, \$64.09; Election Systems & Software, Ballots, Coding, Cards, \$6,496.75; ESEind, Inc, Lobby Door Power Supply, \$221.34; ESRI, ArcGIS Online Service Credits, \$200.00; Executive Mgmt Finance Office, Tech Access Fee Sept 2018, \$54.50; Express Services Inc, Admin Assistant Temp, \$555.45; Fastenal Company, Furnace Filters, T-Rod, \$273.29; Foerster Office & Supply, Janitor Supplies, \$737.85; Foresight Land Surveyors, Topo Survey-Detention Center, \$3,200.00; Gass Law, Pc, Court Appt Attorney, \$2,941.18; Green Briar, COP Rent, \$650.00; High Caliber Labradors, K9 Shock Collar - Dog Training, \$200.00; Hill, Robert, IAEM Conf Reimbursement, \$607.80; Hillyard/Sioux Falls, Paper Towels, \$40.42; Hometown Service & Tire, Vehicle Repairs, Tires, \$769.50; Hungerford Chiropractic, Instant Drug Testing, \$30.00; Hy-Vee Food Store, Refreshments, Inmate Meals, \$14,353.66; Ina Group Llc, Tax Certificate, \$1,581.79; Inmate Services Corporation, Transport of Prisoner, \$712.00; Interstate Telecom. Coop, Phone Service, \$388.81; Intoximeters Inc, PBT Supplies, \$975.00; J&T's Exhaust World, Exhaust Pipe, \$60.00; Jackrabbit Tire & Service, Fuel Pump Assy, \$765.61; JCL Solutions, Orange Tough, \$649.60; Jennifer Goldammer, Court Appt Attorney, \$1,536.90; Katterhagen, Mark, Inv Mental Illness Hearings, \$36.00; Kdlt-TV, Sept/Oct TV Advertising, \$990.00; Kibble Equipment Llc, Hose Fitting, HY Gard, \$564.67; Kingsbury County, 10 County Mtg Registration, \$66.00; Kirkvold Oil Company, Tires, Tire Repair, \$1,976.00; Konard O Hauffe Dds Pc, Inmate Medical, \$253.54; Kristin A Woodall,

Transcripts, \$524.60; Kristin Heismeyer, GFP Mtg Pierre - Mileage, \$160.44; L&L Auto & Truck Parts, Shop Supplies, \$629.83; Lewis & Clark Behavioral, BMI Intakes, \$330.00; Lewno, Lucy, Inv Mental Illness Hearing, \$349.72; Lincoln County Auditor, Mental Illness Hearings, \$503.64; Lowe's, Nozzle for Shop, \$22.74; M&T Fire & Safety Inc, First Aid Kit Refills, \$113.50; Martin's Inc, Diesel, Dyed Diesel, \$20,344.47; McKeever's Vending, Inmate Commissary, \$772.32; McLeod's Printing & Office, Notices, Poll Books, Envelopes, \$905.30; Mediacom Llc, Law Library Internet November, \$116.90; Meredith Meyer, COP Rent, \$650.00; Minnehaha County JDC, Minnehaha County JDC, \$7,405.20; Mr. V's Professional Bod, 2004 Chevy Venture Rock Chip, \$50.00; Nancy J Nelson, Court Appt Attorney, \$3,753.42; Newegg Business Inc, Laptop, PC, \$2,369.79; Northwestern Energy, Natural Gas Utilities, \$293.32; Office Depot Inc, Office Supplies, \$71.82; Office Peeps Inc, Office Supplies, \$247.52; One Office Solution, Paper, \$337.89; Outlaw Graphics, Remove/Replace K9 Name on Car, \$55.00; P&M Steel, Bridge Shores, \$670.00; Patricia J Hartsel, Transcripts, \$31.40; Performance Excellence Network, Baldrige 101 Workshop Registration, \$1,650.00; Pharmchem Inc, Sweat Patch Analysis, \$342.60; Plowman, Shawn, Mileage Reimbursement, \$48.72; Prochem Dynamics Llc, Vacuum, Soap Dispenser, \$536.32; Reed T Mahlke, Court Appt Attorney, \$1,734.30; RFD Newspapers Inc, Minutes, Notice of Hearings, \$836.86; Rick Ribstein, Court Appt Attorney, \$869.50; Risty, Carol, COP Rent, \$600.00; Running's Supply Inc, K9 Food, Shop Supplies, \$310.09; Satellite Tracking of People, GPS- August, \$318.50; SD Dept of Transportation, Bridge Inspections, \$22,367.75; Sinai Coop Elevator, Blended Diesel, \$1,432.50; Sioux Equipment, Troubleshoot Gas Pump, \$131.75; Sioux Valley Cleaners Inc, WIC Janitorial - Oct, \$478.00; Sterzinger Construction, Gravel on Various County Roads, \$32,204.16; Steven Britzman, Reimbursements, \$142.73; Steven Ust, Building Inspections, \$3,600.00; Streicher's, Jackets, Stocking Hats, \$259.94; Terry D Wiczorek Pc, Court Appt Attorney, \$1,666.64; Thomson Reuters - West, West Information Charges, \$1,640.88; Tim Hogan, Court Appt Attorney, \$3,661.43; Town of Sinai, Utilities, \$64.00; Trane US Inc, Filters & Transformer, Service Agreement, \$9,921.90; Truenorth Steel, Supplies, \$7,122.15; Vandenberg Law, Court Appt Attorney, \$3,008.00; Verizon Wireless, Wireless Service, \$429.43; Walburg, Duane, Animal Control Mileage, \$167.58; Walmart Community, Supplies, TV, \$532.27; Wells Fargo, Wells Fargo CC Charges, \$1,104.51; Winsor Township, Culvert Replacement Agreement, \$11,182.88; Yankton County Treasurer, Mental Illness Charges, \$209.30; SD Dept of Revenue, Oct Remittance, \$433,789.60.

Cell Phone Reimbursements: Bartley, Michael, \$75.00; Eileen Aberle, \$90.00; Anderson, Jeffrey G, \$75.00; Birk, Richard, \$105.00; Biteler, David, \$30.00; Suzanne Bjordal, \$30.00; Brehmer, Jacob, \$30.00; Buseth, Vicki, \$105.00; Chapman, Beverly, \$105.00; DeJong, Darren J., \$60.00; Doremus, Sean, \$30.00; Friedrich, Cliff, \$45.00; Giegling, Mike, \$30.00; Gross, Linda, \$30.00; Haider, Darin, \$60.00; Richard Haugen, \$45.00; Heidemann, Terrance, \$30.00; Kristin Heismeyer, \$75.00; Hieb, Jere, \$30.00; Hieb, Richard, \$30.00; Hill, Robert, \$105.00; Holzhauser, Michael, \$105.00; Jensen, Larry, \$75.00; Larry Klingbille, \$30.00; Kriese, Jeremy, \$30.00; Krogman, Ryan, \$75.00; Langstraat, Manual, \$30.00; Dane Larsen, \$30.00; Christopher Lilla, \$105.00; Littlecott, Laura, \$45.00; McCrea, Don, \$15.00; Miller, Stephne, \$75.00; Moser, Misty, \$75.00; Kevin Murfield, \$30.00; Nesvold, Teree, \$105.00; Zach Page, \$30.00; Brianna Palomaki, \$105.00; Lee Ann Pierce, \$75.00; Jon Pike, \$60.00; Plowman, Shawn, \$90.00; Sebring, Scott, \$105.00; Reid Squires, \$30.00; Stanwick, Martin, \$105.00; Steffensen, Stacy, \$105.00; Sweebe, Bart, \$105.00; Michael Taylor, \$105.00; Umberger, Charles, \$45.00; Witchey, Kristen, \$75.00.

Department Head Reports

Register of Deeds Beverly Chapman said her administrative assistant submitted her resignation and asked the board for their permission to start advertising for that position. The board agreed to start advertising for that position immediately.

Veterans & Human Services Director Michael Holzhauser said he attended a Military & Veterans Affairs Meeting. Holzhauser said he talked with the Welfare Board and volunteered himself to be the northeast corner trainer.

Holzhauser said a Purple Heart Ceremony will be held up on campus at the Veterans Resource Center.

Holzhauser said he invited RAM Enterprises to come to a commission meeting to discuss their process.

County Development Deputy Director Richard Haugen said he gave a presentation to the SDSU Equine Class. Haugen said he attended a Zoning Ordinance update meeting with Commissioner Pierce, States Attorney Teree Nesvold and First District's Senior Planner Luke Muller.

BCOAC Director Kristin Heismeyer said the State National Archery and Schools 3-D Tournament will be held at the BCOAC in March 2019. Heismeyer said the National Guard will be hosting their State 22 Tournament in January 2019.

Heismeyer said the BCOAC will be hosting a Pumpkin Chucking event on November 18th. She said they will combine that day with a free open day. Steffensen said County Day will also be held on November 18th.

Weed & Pest Supervisor Misty Moser said she attended the District Meeting in Stratford, SD. She said the next District Meeting will be held at the Brookings County Outdoor Adventure Center.

Sheriff Martin Stanwick said the detention center and the 24/7 program continues to stay busy. Stanwick said he and three of his deputies went to Basin Electric's Annual Safety Meeting.

Stanwick said the drug dog has been certified in narcotics and will go back to training to be certified as a search dog.

Stanwick said it's his understanding that Brookings County pays East Central Behavioral Health (ECBH) more than our share to utilize their services. Stanwick said situations do happen where an inmate may need to see one of their psychiatrists or have their medication adjusted, which is an extra cost to ECBH because they pay for it. He said ECBH will be billing the county for that cost.

Pierce said before they make that decision, someone needs to come before the board and provide projected costs for budget purposes.

SCHEDULED AGENDA ITEM

As scheduled at 9:00 a.m., the board held a public hearing on Resolution #18-43: a Resolution for Consideration of Supplemental Budget.

Motion by Bartley, seconded by Jensen to approve and authorize Chairperson Pierce to sign Resolution #18-43: a Resolution for Consideration of Supplemental Budget.

Commission Department Director Stacy Steffensen said last year the county received courthouse security grant dollars that didn't get expended in 2017. She said they are currently

doing some projects over at the courthouse so this resolution would allow the county to pull those dollars out to pay for the projects.

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

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

RESOLUTION #18-43

WHEREAS, the Brookings County Board of County Commissioners did authorize the County Finance Officer to publish a notice of hearing for the consideration of a proposed supplemental budget, and

WHEREAS, the time and place for consideration of such supplemental budget was given, and

WHEREAS, the adoption of said proposed supplemental budget was duly considered by the Board of County Commissioners on the 6th day of November, 2018, at 9:00 AM in the County Commission Chambers in a regularly scheduled meeting and any objections having been made before said Board to the adoption of such supplemental budget.

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners within and for the County of Brookings, State of South Dakota, that the following supplemental budget be, and the same is, hereby approved for the purposed of providing budget to conduct the indispensable functions of government.

FROM: 101-2-277-0000: 2018 General Fund Unassigned Fund Balance for \$3,500
TO: 101-4-161-4250: Courthouse Security Expenses for \$3,500

Dated this 6th day of November, 2018

Chairperson: Lee Ann Pierce
Vice Chairperson: Michael Bartley
Commissioner: Stephne Miller
Commissioner: Ryan Krogman
Commissioner: Larry Jensen

Department Head Reports Continued

Highway Superintendent Richard Birk said the anticipated start date for the bridges on south Highway 77 will be March 2019. Birk said they’ve been getting ready for the snow fall.

Commission Department Director Stacy Steffensen said 4,089 people voted absentee.

Be it noted, a trophy case from the 4-H department was declared surplus on July 3, 2018, but has been repurposed for the office; therefore it is no longer considered surplus property.

Steffensen said the 1:00 p.m. scheduled Highway Superintendent candidate came down with the flu. She asked the board if they would be willing to reschedule to Thursday. By consensus, the board agreed to move the appointment to Thursday, November 8th at 9:00 a.m.

REGULAR BUSINESS

Motion by Miller, seconded by Bartley to approve and authorize Chairperson Pierce to sign Resolution #18-44: the Brookings County Commission's written determination concerning the current Detention Center Expansion Project, pursuant to SDCL 1-19A-11.1(1).

Commissioner Pierce said the county previously passed a resolution to remodel the current detention center. She said they also passed a bond issue to help finance the project and they've been saving money for that process. She said the county formed a committee to come up with recommendations and they held three open houses and one public hearing to allow the public time to comment. Pierce said they submitted the plans to the Local Historic Preservation Committee and the State Historical Preservation Office (SHPO). Pierce said the board has to look at what is feasible and what is prudent. She said the board determined that the jail should be remodeled in its current location.

Commissioner Bartley said the Local Historic Preservation submitted their report to the State Historical Preservation Office. He said SHPO concurred with the Local Historic Preservation Committee but recognized that the county did look at alternative sites.

Commissioner Pierce said it's important to understand that neither the Historic Preservation Commission, nor the State Historical Preservation Office makes the decision. Pierce said they only make recommendations.

Brookings resident Doug Carruthers said according to SHPO's report, the City of Brookings makes the decision. Commissioner Pierce said there's been conversation back and forth regarding that issue. Pierce said under South Dakota law, County Commissions in South Dakota are required by statute to establish and maintain county jails; and when a county is doing a necessary or essential governmental function, the county is not subject to municipal zoning ordinances and the county makes the decision. Carruthers asked why the County made the decision to go in front of the Local Historic Preservation knowing that the County Commission has the final decision. Pierce said the county always gives the City of Brookings information as a courtesy. She said the same goes for Historic Preservation.

Carruthers said he believes it is reasonable, prudent, and feasible to have a jail off-site that includes a court space. He said those things can be done. Carruthers said he believes the commission has taken a short-sighted view in the choice here.

Volga resident Mary Negstad said she feels like the commission has chosen to take the easy way out. Negstad suggested building the jail in the Auditorium-Armory building located on Main Avenue.

Brookings resident Deb Dominiak asked the board to re-consider the location of the proposed detention center for the sake of the entire community.

Brookings resident Brian Rex said the firm that the county contracted with seemed like a difficult client relationship. Rex said he doesn't think that the county has been served well for whatever reason.

Commissioner Jensen said a lot of work has gone into this resolution and feels this is in the best interest of the tax payers, and he supports it. Commissioner Miller said one of the main reasons the board went away from this community to have an architect was their expertise in jails. Commissioner Krogman said they have to weigh all aspects and figure out what is prudent. He said in his opinion, the jail needs to expand in its current location. Commissioner Bartley said the jail and how it operates is changing. He said the current jail is outdated and doesn't meet code. Bartley also said safety is a big concern for everyone involved in the detention center. Commissioner Pierce said she would like to address two misconceptions that she's heard. She said the issue of having a joint city/county law enforcement center. She said she would have supported that, but the city said no and the county has to move forward with the project. She said the other

misconception is that Brookings County will outgrow the current courthouse. She said, in her opinion, it is not going to be an issue. Pierce said she sits on both the County and City Comprehensive Master Planning Committee and those two boards look at population studies for the City of Brookings and the County of Brookings. She said there is nothing in any projections that are forthcoming that would look like we would outgrow the courthouse.

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

RESOLUTION #18-44
BROOKINGS COUNTY COMMISSION’S WRITTEN DETERMINATION CONCERNING THE CURRENT
DETENTION CENTER EXPANSION PROJECT PURSUANT TO SDCL §1-19A-11.1(1)

WHEREAS, Brookings County needs to expand its current detention center; and

WHEREAS, Brookings County has extensively considered the proposed location of the expanded detention center and alternatives to locating the detention center near the current courthouse; and

WHEREAS, Brookings County held one public hearing and three open houses soliciting public input to the proposed project; and

WHEREAS, Brookings County is acting pursuant to its governmental authority and statutory duty to provide for a County jail under SDCL §7-25-3 and SDCL §24-11-2; and

WHEREAS, Brookings County residents are best served with a detention facility adjoining the current courthouse; and

WHEREAS, Brookings County, in compliance with SDCL §1-19A-11.1, has reviewed and considered the comments of the South Dakota State Historical Society in its August 29, 2018, letter; and

WHEREAS, Brookings County is the political subdivision undertaking this project and has considered other alternatives to the project and concludes there are no feasible and prudent alternatives to the current proposal remodeling the detention center in its current location adjacent to the courthouse, and all possible planning to minimize harm to any historic property has been made in the current proposal for expansion of the detention center;

THEREFORE BE IT RESOLVED, the Brookings County Commission now enters the following written determination of factors it considered in determining there are no feasible and prudent alternatives to retaining the detention center at its current site:

1. The jail is currently located 3.5 blocks from East Central Mental Health Center. Mental health issues for defendants are a growing area of concern in communities statewide. With the current location, East Central is able to provide mental health services quickly and efficiently in that a counselor comes to the detention center on a scheduled basis to meet with inmates and someone is nearby for emergencies. In addition, inmates at the jail often do not have a valid driver’s license and, if eligible for work release, or pursuant to a court ordered furlough, may walk to East Central from the jail to participate in alcohol treatment, anger control programs and so forth.

2. The jail is located 3 blocks from the City of Brookings Police Department. Brookings County has an approximate population of 35,000. About 25,000 of these people live within the City of Brookings. A large percentage of the arrests made in Brookings County are made by City of Brookings police officers who then transport the defendants to the jail. The Brookings police officers are frequently back and forth between the jail and the police station.

3. The jail is located 15 blocks from the Brookings Hospital. In 2017, Brookings County had 53 involuntary mental health commitments. Most of the involuntary mental health commitments take place after regular business hours, on weekends or on holidays. After hours, a citizen goes to the jail, meets with an officer, and completes the necessary paperwork to start the commitment process. After the paperwork is completed, the person being committed is taken to the Brookings Hospital emergency room and is held pending a determination by a qualified mental health professional whether that person should be transported to a mental health center for further proceedings. An officer from the Sheriff's office travels back and forth from the jail during this process, providing security at the hospital and transportation as needed. Placing the jail outside of town would be an issue for citizens who have to locate the detention center during emergencies at night for the purpose of processing emergency mental health commitments.

4. The jail is located diagonally across the street from the Brookings City & County Government Building which houses the Brookings County State's Attorney's office. Deputies make regular trips to the State's Attorney's office for the purpose of delivering documents, evidence, and preparing for court as well as testifying at grand jury proceedings which are held in the City & County Government Building.

5. The jail is located next to the Brookings County Courthouse which provides offices for two circuit court judges, one magistrate court judge, and the court service officers. The courthouse contains three courtrooms, two of which are equipped to handle jury trials.

6. Remodeling the jail would not require any changes or additions to the Brookings County Courthouse. The original Brookings County Courthouse was a wooden structure built in 1883. The current courthouse was built in 1912. The current detention center was built in 1975 and replaced a jail which was built in 1904. As a point of historical fact, the Brookings County jail and the courthouse have always been located in their current locations.

7. Remodeling the jail would not result in a significant loss of parking spaces. The County would eliminate nine on street parking spaces and put up signage showing the availability of 79 additional parking spaces in a lot owned by the County which is one-half block from the courthouse. In anticipation of the remodel, the County has already passed an ordinance limiting the amount of time people can park in the lot to 48 hours and has installed security cameras.

8. There are safety issues involved in transporting inmates which the County Commission has considered. Transporting inmates from a remote facility exposes law enforcement to safety concerns that is alleviated by having the jail on site. Additionally, there is an increase in the risk for public safety when inmates have to be transported from an off-site location to the courthouse for appearances, hearings and trials. There are numerous recent examples both nationally and regionally where transport deputies have been attacked and even killed while transporting inmates from detention centers to a courthouse for proceedings. Safety will always be the highest concern of the County Commission and our law enforcement personnel.

9. The sheriff's office provides security for the Brookings County judicial system. When an emergency occurs staff notify the sheriff's office with the push of a button and law enforcement officers are immediately deployed to the courthouse.

10. While cost is not the main factor to be considered in determining where the jail should be located, it is permissible for it to be one of the factors. The last budget estimate completed for the proposed project was based on 2018 construction values. The estimate, including soft costs was \$10,839,599. Of that, the construction cost estimate was \$9,032,999. The inflation impact for jail construction has been 6% per year or higher on average. In addition, soft costs would need to be inflated. As stated, the cost estimate for building on the current jail site was \$10,839,599. The cost estimate for building off site was \$14,163,582. Additionally, operational costs for remaining on site are estimated to be \$1,047,787 annually. If the jail were to be moved off site while keeping the 24/7 Program at the current location, annual operational costs would be \$1,503,081, which estimate includes the expense of additional staff required to operate the new detention center, the current sheriff's office and provide security at the courthouse. Operational costs only increase over time and the County would be placing an unneeded, additional financial burden on future generations.

11. At one of the open houses a question was raised about building underground to reduce the height of the building. Due to the cost and complexity of doing that, it was determined not to be a feasible option. Issues to be considered with regards to building underground are as follows:

- The vehicle sally port for moving individuals in and out of the jail needs to be at grade. This would require an elevator and staircase for moving inmates to a lower level option.
- Areas required for the 24/7 Program would need to be accommodated above grade, unless an additional public elevator and staircase is provided.
- The kitchen requires delivery of goods to the jail and would require an elevator from some access point at grade.
- The size and height required to make the jail work on the current footprint would require excavating down to roughly the same height as the proposed building height. This requires special construction and excavation.
- Due to existing foundations and stability, it is difficult to build close to existing buildings. This may reduce the available area for construction.
- Depending on the final layout, multiple elevators and staircases may be needed for staff and inmate movement.
- The American Correction Association has standards for daylight and fresh air to inmate areas. These issues would need to be accounted for in this scenario.
- The kitchen, mechanical and other exhaust systems would need to be accommodated for at grade.
- Moving inmates throughout a detention center on stairs and elevators creates additional safety issues for law enforcement staff.

12. The property is and will continue to be used for its historic purpose. It has always been the site for a jail, even before the courthouse was built on the same site. This is not a new use. There are no changes to the courthouse building or its defining characteristics. The current site has room for the expansion primarily utilizing the area currently occupied by surface parking dedicated to law enforcement and a razor wire enclosed jail recreation yard currently facing a church to the north. Neither of these eliminated areas are historic in nature, nor are these features historically defining characteristics of the courthouse building or site. The addition to the jail will reduce the landscaped area of the courthouse square by approximately 2,319 square feet, but also add 1,950 square feet of landscaped area. Currently, the overall landscaped area on the block is 78,890 square feet. After the addition, the overall landscaped area will be 78,521 square feet which is a net reduction of 369 square feet. This is less than .5% of the overall landscaped area. Minimal removal of trees is needed for the addition. And with new trees added as part of the addition project, it is anticipated that there would be no net change to the quantity of trees on the block. The current plans include adding a boulevard that would allow for additional landscaping. The sidewalk would be off the street to enhance aesthetics, as well as pedestrian safety.

13. Nothing historic in character will be removed from the property. The only items that will be removed were mentioned above: a razor wire enclosure, a cement parking lot dedicated to law enforcement and a nominal amount of green space, as well as two wooden storage sheds used to store maintenance equipment.

14. Scaling and sizing were presented to the Brookings Historic Preservation Commission by the County's architects, BKV Group. That presentation showed that the sizing and massing were not inconsistent with surrounding properties, including a church directly to the north, the Children's Museum to the northwest, and the former middle school building to the northwest. The new addition to the current jail facility is two stories tall compared to the courthouse, which has three stories and a prominent cupola that extends to more than twice the height of the proposed new addition.

This is not a new addition to the courthouse building. This is an addition to the jail and law enforcement center that does not touch the historic courthouse, but merely shares the site. The addition is set back 16'-8" from the north side of the courthouse building, and 7'-2 3/8" from the west face of the courthouse so as not to distract from the prominent west façade of the courthouse building. In keeping with the Secretary of the Interior standards, the proposed designs are purposefully detailed and scaled to echo

materiality and quality of the adjacent historic courthouse in a modern and contemporary manner without directly copying the elements or details or competing in prominence with the courthouse. For example, while similar cladding materials (limestone, granite, bronze metals) are being proposed and the stepped rhythm of the facade is echoed, there is no attempt to literally replicate the courthouse or make the addition appear to be of a historic nature. Rather, the existing law enforcement center is proposed to be modified so that the building (which will remain on site whether or not the addition is built) exterior blends more cohesively with the addition.

15. The judicial system, court services, the Clerk of Courts, the State's Attorney and law enforcement are all being served in a co-located configuration and this serves them well. Safety of the public and law enforcement personnel, as well as efficiencies in the present system are the primary decision points of both the Jail Expansion Committee and the County Commission. Court services, located in the current courthouse, can deliver timely resolutions to inmates and law enforcement issues. There are minimal wait times to bring inmates to court appearances. Weather and traffic concerns are not issues with the jail located next to the courthouse.

16. If the jail were to be relocated, the County would need approximately five acres of land. The Commission does not believe the jail can be located in a different residential area in the City of Brookings due to zoning restrictions and the availability of a parcel of land that size. The City of Brookings has a shortage of buildable land contained in City limits due to geographical constraints. The City is surrounded by floodplain areas and by areas in which building is restricted because of our aquifers. There were nine alternative sites discussed, with five sites researched by the architect BKV Group and four sites researched by Brookings County Sheriff Martin Stanwick. Of the four sites researched by the architect, three sites were outside of the Brookings city limits. These five sites had issues with zoning and the possibility of acquisition of the land was questionable. Sheriff Stanwick contacted two real estate agents in Brookings and two local land developers. The real estate agents reported no property available within the Brookings city limits to meet the criteria needed for the jail construction. The land developers reported there were properties, but only outside of Brookings city limits and those sites had no utility infrastructure available.

17. The Brookings Area Transportation Authority (BATA) is partially funded by Brookings County and a County Commission member sits as a liaison on that board. BATA is currently housed on land which is part of the Brookings County Highway Department and has outgrown that space. For more than four years the BATA board has actively and unsuccessfully searched for a new location consisting of five to ten acres upon which it could build a new facility. BATA has been unable to locate such a parcel of land. The Brookings School District has also been actively looking for a parcel of land, again in the five to ten acre size, to build a new bus barn and has been unsuccessful in those efforts.

18. Research into other South Dakota counties who have built remote jails showed staff at those counties reported significant operational issues and regret the decision to not co-locate with their court facility.

19. The Brookings County Commission is tasked with finding real world solutions to pressing problems related to our essential judicial system. And while maintaining the character of our historic courthouse square and adjacent sites is extremely important to the Commission, it also must weigh these ideals against the safety, security and operational needs of the County and state employees that run our judicial system. The Commission concludes that the design as presented provides a thoughtful response to the challenging situation faced by Brookings County in a manner that is not damaging to the historic courthouse in any way and which eliminates some unsightly site character while replacing it with an attractive, appropriately scaled and sited jail addition so as not to compete in prominence with the historic courthouse.

20. The Brookings County Commission, based upon the consideration of all relevant factors, has determined there are no feasible and prudent alternatives to the proposed project.

21. The Brookings County Commission has determined that the proposed project includes all possible planning to minimize harm to the historic property resulting from such project.

22. In compliance with SDCL §1-19A-11.1(2), the Brookings County Commission directs the Brookings County Commission Director to immediately forward this determination and factors to the South Dakota State Historical Society by certified mail.

Dated this 6th day of November, 2018

Lee Ann Pierce
Chairperson,
Brookings County Commission

ATTEST:

Vicki Buseth
Finance Officer
Brookings County

Motion by Krogman, seconded by Miller to approve and authorize Chairperson Pierce to sign Agreement #18-97: a delinquent tax payment agreement in the amount of \$4,639.72.

All members voted “aye.” Motion carried.

Motion by Jensen, seconded by Krogman to approve and authorize Chairperson Pierce to sign Agreement #18-98: an application for occupancy of right-of-way of county highways made by Sioux Valley Energy.

All members voted “aye.” Motion carried.

Motion by Miller, seconded by Bartley to approve and authorize Chairperson Pierce to sign Agreement #18-99: an application for occupancy of right-of-way of county highways made by Sioux Valley Energy.

All members voted “aye.” Motion carried.

Motion by Krogman, seconded by Bartley to approve and authorize Chairperson Pierce to sign Agreement #18-100: an application for occupancy of right-of-way of county highways made by Thielen Farms. Background information was provided by Highway Superintendent Richard Birk.

All members voted “aye.” Motion carried.

Motion by Krogman, seconded by Miller to approve and authorize Chairperson Pierce to sign the following liquor license renewals for 2019: Beach Bums, Inc., Brookings Country Club, Inc., Cuzbins LLC, Meadow Creek Golf Course, Skyview Junction LLC, Smokin’s Pub N Grub LLC, Wagon Wheel Resort LLC.

All members voted “aye.” Motion carried.

Motion by Miller, seconded by Jensen to approve \$500 for the Christmas, Kids & Cops program.

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

Motion by Miller, seconded by Krogman to approve and authorize Chairperson Pierce to sign a Request to Fill vacancy for a 4-H Support Staff person. Background information was provided by Commission Department Director Stacy Steffensen.

All members voted “aye.” Motion carried.

Motion by Bartley, seconded by Krogman to appoint Darrel Kleinjan to the Planning & Zoning Commission representing District 1 and Terrell Spence representing District 3 for 4-year terms to begin January 1, 2019.

All members voted “aye.” Motion carried.

Motion by Jensen, seconded by Krogman to appoint Ellie Vandenberg to the Housing and Redevelopment Commission for a 3-year term to begin January 1, 2019.

All members voted “aye.” Motion carried.

Motion by Bartley, seconded by Miller to appoint James Morgan to the Brookings Health System Board for a 3-year term to begin January 1, 2019. Background information was provided by Commissioner Krogman. The board thanked Bonny Specker for applying and encouraged her to apply again in the future.

All members voted “aye.” Motion carried.

Motion by Miller, seconded by Bartley to appoint Debra Ford and Joel Foster to the 4-H Promotion & Expansion Committee for 2-year terms to begin January 1, 2019.

All members voted “aye.” Motion carried.

Motion by Miller, seconded by Krogman to appoint Andy Dupraz, Debra Ford, Ronny Parmely, Jennifer Pickard, Ronda Stewart-Houtman, and Richard Waldner to the Extension Board for 1-year terms to begin January 1, 2019.

All members voted “aye.” Motion carried.

Steffensen asked to re-advertise for the Weed & Pest Board position and the First District Planning Board position. She said they did not have any applicants by the deadline. By consensus, the board agreed to re-advertise for those two positions.

Motion by Krogman, seconded by Bartley to declare the following items as surplus property and to be transferred to another department or disposed of: 2 table/chair racks, 7- rolling office chairs, 2-blue sitting chairs, 2 bay sink and counter tops, 2-Kodak Easy Share cameras, Kodak Schneider-Krueznach Variogon camera, Cannon Sure Shot Telemax camera, Polaroid camera-600 film, 2 lb. electronic scale, and a hog system scale.

All members voted “aye.” Motion carried.

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

Steffensen discussed the proposed 2019 County Commission calendar with the board.

Steffensen discussed the 2019 work plan with the board.

Steffensen discussed upcoming dates with the board.

States Attorney Teree Nesvold said she continues to work on ordinances. Nesvold said she participated and spoke at the Take Back the Night rally. Nesvold said they’ve started Crisis Intervention Training.

COMMISSIONERS’ REPORTS & DISCUSSION

Commissioner Jensen attended the E-911 Meeting and conducted department head reviews.

Commissioner Miller attended the Business Expo and conducted department head reviews.

Commissioner Krogman attended a Brookings Health Meeting and conducted department head reviews.

Commissioner Bartley attended the Focus One event; attended the Hobo Day Parade; and conducted department head reviews.

Commissioner Pierce attended a BEDC Meeting; attended the E-911 Meeting; attended the Business Expo; worked on ordinances; attended the Focus One event; and conducted department head reviews.

EXECUTIVE SESSION

Motion by Krogman, seconded by Bartley to enter into Executive Session at 10:57 a.m., in accordance with SDCL 1-25-2(1)(3), personnel and consulting with legal counsel. All members voted “aye.” Motion carried.

Motion by Krogman, seconded by Jensen to come out of Executive Session at 11:57 a.m. All members voted “aye.” Motion carried. No action was taken.

ADJOURNMENT

Motion by Krogman, seconded by Jensen to adjourn. All members voted “aye.” Motion carried. The next regular scheduled meeting is Tuesday, November 20, 2018.

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

Jenna Byrd
Finance Assistant II
Brookings County