

BROOKINGS COUNTY COMMISSION MEETING

TUESDAY, SEPTEMBER 21, 2021

The Brookings County Board of County Commissioners met in regular session on Tuesday, September 21, 2021 with the following members present: Larry Jensen, Angela Boersma, Lee Ann Pierce, Ryan Krogman and Michael Bartley.

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

APPROVAL OF AGENDA

Motion by Boersma, seconded by Pierce to approve the agenda for the September 21, 2021 Commission Meeting as amended.

Be it noted, an Executive Session in accordance with SDCL 1-25-2(1)(4), personnel and contract negotiations was added to the agenda.

All members voted "aye." Motion carried.

CONSENT AGENDA

Motion by Boersma, seconded by Krogman to approve the consent agenda. Roll call vote: Pierce "aye," Bartley "aye," Krogman "aye," Boersma "aye," Jensen "aye." Motion carried. The consent agenda consisted of the minutes from the September 7, 2021 Commission Meeting.

Travel Requests: Mandi Cramer to attend the 21st Annual Community Response to Child Abuse Conference virtually on September 29th-30th.

Personnel Action Notices- new hire- PT BCOAC Membership Assistant Rebecca Biteler at \$16.34, effective September 8, 2021; new hire- PT Female Correctional Officer Alycia Kortan at \$18.89, effective September 9, 2021; new hire- PT Female Correctional Officer Vanessa VanSurksum at \$18.89, effective September 9, 2021; new hire- PT Deputy Sheriff Darren DeJong at \$25.22, effective September 21, 2021; voluntary resignation- Bryan Schreur, effective September 23, 2021; new hire- FT Correctional Officer Anna Sells at \$19.27, effective October 1, 2021.

Human Services Report: case #21-078 for medical was denied; case #21-089 for rent was denied; case #21-097 for utilities was denied.

ROUTINE BUSINESS

Approval of Claims

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

A&B Business Inc, Copier Contract, \$446.13; AAA Collections, Inc, Execution, \$1,719.59; Access Health-Brookings, Inmate Clinical Visits, \$1,250.29; Agfirst Farmers Coop, Propane For The Forklift, \$20.66; AT&T Mobility, Nighthawk Mifi Mobile Wifi, \$40.04; Aurora Auto Body & Glass, Deputy Fuel Charges, Patrol Vehicle Repairs, \$136.60; Avera Medical Group, Inmate Clinical Visits, \$939.04; Avera Occupational Medical, TPA Services, \$60.55; Jordyn Bangasser, Court Appointed Attorney, \$1,386.91; Bauer, Tim, Weed Board Meeting, \$9.24; Bobcat Of Brookings, Mower Rental/Pivot Kit, \$1,033.20; Brookings Area Chamber, Lunch With A Legislator, \$75.00; Brookings City Utilities, Water For Truck Shed, Telephone & Internet Services, CH/CH Lawn Irrigation/Comm Health, Phone Service, Monthly Charges, \$13,831.73; Brookings Credit, \$2,455.43; Brookings Engraving, Veterans/Human Services Signage, \$591.00; Brookings Health System, September Blood Alcohol Testing, Inmate Clinical, \$4,376.38; Brookings Register, Publications, \$2,508.16; Brookings-Deuel Rws, Bruce Shop Water, \$20.00; Buhls Of Brookings Cleaning, 3 Rugs, Jail Cleaning Supplies, \$180.60; Capital One, Office Supplies, Refill Tape Mechanic, \$191.99; Carquest Auto Parts Store, Stabilizer/Battery Clips/Blow, Battery/Oil Filter/Hub Bearing, \$1,876.71; Century Business Products, Copier Contract, \$2,556.40; CHS, Diesel, \$36,377.02; Cintas Corporation, Uniforms, \$186.05; City Of Brookings Landfill, Ticket #224168, Tires, \$21.76; Cook's Wastepaper & Rec, Single Stream Service, CH/BCOAC Service, Monthly Fees, \$667.78; Dave's Collision Repair, Driver's Window Replacement, \$245.60; Debeer Small Engine, Oil & Spark Plugs, \$62.07; Den-Wil Inc, Community Health Rent, \$960.00; Department Of Health, September Blood Testing, \$3,165.00; Deubrook Community Library, 2021 Budget Allocation, \$3,000.00; Diamond Vogel, Paint, \$21,286.25; Fastenal Company, Nylok, \$25.05; First Bank & Trust, Travel & Supplies, \$946.49; Foerster Distributing, Roll Towels For Gov Center, Jail Supplies, \$362.00; Forrest Holdings Inc, Tax Certificates, \$1,165.82; Geotek Engineering Inc, Bridge Project, \$540.00; Graham Tire North, Tires, \$3,450.00; Graybar Electric Co Inc, New Bulbs For Classroom, \$175.68; Konard O Hauffe Dds Pc, Inmate Dental, \$438.00; Henry Carlson Company, Jail Expansion&Remodel Project, \$1,234,766.00; Hungerford Chiropractic, Instant Drug Testing, \$60.00; I State Truck Center, Supplies/Tank, \$827.96; Indeed Inc, August Job Listings, \$631.22; Info Cubic LLC, Employment Screenings, \$185.50; Interstate Telecom. Coop, BCOAC Phones, Domain, Advertisements, \$399.99; Kingbrook Rural Water, Water Sinai, \$36.00; L&L Auto & Truck Parts, Bearing Kit/Stemco/Shop, \$404.52; Lewis Drug Store, Prescriptions, \$2,085.62; Lincoln County Auditor, Mental Illness Expenses, \$293.33; Lowe's, Target Supplies, Cable Ties/4-Pin, Hinge/Tax Refund, \$167.54; Martin Oil Company, Oil/Mobil Cmp, \$2,967.25; Matheson Tri-Gas Inc, Welding Supplies, \$37.65; Mcleod's Printing & Office, Election Envelopes, \$1,889.90; Mike's Professional Car, Cleaned Carpets In Building, \$988.25; Minnehaha County JDC, JDC Costs, \$2,196.00; Moser, Misty, Weed Board Meal, \$126.28; Nancy J Nelson, Court Appointed Attorney, \$849.42; Newegg Business Inc, Items For IT, \$318.37; Northwestern Energy, Heat For Truck Shed, Truck/Highway Shop, Monthly Utilities, Natural Gas Usage, \$215.77; Office Peeps Inc, Appt Book, Paper, Pens, Post Its, Office Supplies, Paper, Folders, Calendar, Batteries, Safety Pins, Correction Tape, \$502.21; Olson, Steve, Weed Board Meeting, \$16.80; Pennington County Jail, Inmate Shuttle Transports, \$375.05; Pitney Bowes Global Fin, Sendpro Rental Charge, \$303.18; Precision Kiosk Technology, Monthly Fees, \$1,350.00; Qualified Presort Service, Postage, \$36.38; Razors Edge Grounds Keeping, August CH Grounds Maintenance, \$920.00; RDO Equipment Co, Inventory Oil & Def/Accelerator, \$3,355.93; RFD Newspapers Inc, Publications, \$3,867.02; RS & DD Investments, LLC, Execution, \$8,363.78; Running's Supply Inc, Tire Plug Kit/Weed Eater Blade, \$118.94; Running's Supply Inc, Items For Gov Center, Dehumidifier, Light Bulbs, Target, WD40, Allen Set, Ammo, Bulk Bins, Pipe, \$690.74; Safe-N-Secure, Ink & Cards, \$723.84; Sanford Health, Inmate Clinical Visits, \$835.29; Schneider Geospatial, LLC, Quarterly Billing, \$2,910.00; SD Attorney General's Office, 24/7 Sobriety Program, \$3,817.00; SD Newspaper Service, Job Listings, \$1,180.04; SDACO, ROD Modernization&Preservation, \$1,202.00; Sioux Falls Kenworth In, Valve/Hydraulic Service Part, \$336.33; Sioux Valley Energy, Electric, \$269.00; Smith & Strenge, LTD, Execution, \$1,022.00; Southpaw Defense, Enhanced Concealed Carry, \$450.00; Street Smart, Traffic Counters, \$5,950.00; Sturdevant's Auto Parts, Hub Oil/Blue Econo/Snife Switch, \$447.44; Thomson Reuters - West, West Information Charges, 8/1-8/31 Information Charges, \$1,487.03; Town & Country Shopper, Ads For New Hours/Shooting Spo, \$325.00; Town Of Sinai, Water & Sewer, \$64.00; Truenorth Steel, Culvert, \$5,802.10; UPS Store, Mail The Miles Counter, \$36.78; US Records Midwest, Plat Cabinet, \$3,231.00;

Steven Ust, Inspections, \$800.00; Walburg, Duane, Animal Control Mileage, \$61.32; Water Works LLC, Softener Salt, \$119.76; Wheelco Truck & Trailer, Repair Parts/Inventory/Shell, \$1,086.32; Kristin A Woodall, Transcripts, \$382.20; WW Tire Service Inc, Truck Tire Repair, \$147.56; Yankton County Treasure, Mental Illness Charges, \$250.00.

Department Head Reports

BCOAC Director Dustin Huber updated the board on attendance and events being held at the facility. Huber asked the board if he can hire part-timers without having to submit vacancy requests for board approval. Commission Department Director Stacy Steffensen said they have a similar standing open request to fill vacancy for part-time correctional officers at the jail. She said these positions come and go quite frequently. By consensus, the board agreed to let Huber hire part-timers as soon as someone resigns.

Huber said all of the carpets have been cleaned. Huber said Trane came and did some routine HVAC maintenance.

County Development Director Robert Hill asked the board if he and BCOAC Director Dustin Huber can attend the International Archery Shoot down in Yankton County on Friday, September 24, 2021. Hill said he would like to look at their emergency operations center for that event. By consensus, the board agreed to the travel request.

Hill discussed upcoming dates.

Sheriff Marty Stanwick said there are 25 inmates in jail and 70 individuals participating in the 24/7 program. Stanwick said he's had a lot of complaints of drivers speeding on gravel roads and neighbor disputes.

Highway Superintendent Brian Gustad said the Sinai bridge is completely demolished. Gustad said they've started work on the structure north of Volga.

Gustad said next week they will begin fog coating where they did chip sealing this season.

Finance Officer Lori Schultz said she attended the SDACC Annual Conference and thought it was a really good conference. Schultz said the FY2020 audit is under way.

Finance Officer's Report

Finance Officer Lori Schultz presented the Finance Officer's Report for the month of August.

August 2021

Total amount of deposits in bank.....	\$31,329,488.49
Total amount of actual cash: Currency.....	\$3,537.00
Coins.....	\$4.55
Total amount of checks/drafts in Treasurer possession not exceeding 3 days....	\$50,930.98
Itemized list of all other items.....	\$200,810.10
TOTAL.....	\$31,584,771.12

Commissioner/HR: \$30,755.11; Finance Office: \$29,097.02; States Attorney: \$42,238.06; Equalization: \$24,571.56; Register of Deeds: \$13,259.72; Sheriff's Office: \$148,094.89; Coroner: \$683.86; Community Health: \$1,603.84; Extension: \$3,006.12; Weed: \$9,310.87; Planning/Zoning:

\$9,372.50; Highway: \$72,424.66; Emergency Management: \$6,114.92; BCOAC: \$10,662.97; Technology: \$13,273.80.

AFLAC: \$3,764.86; Avesis: \$1,344.72; Office of Child Support: \$965.00; Delta Dental: \$6,175.48; Flex One: \$1,708.70; Principal Life Insurance: \$1,536.27; Local Teamsters: \$877.00; SDRS: \$47,802.50; SDRS Supplemental: \$2,835.00; EFTPS: \$92,108.20; Wellmark: \$97,214.36; AFLAC Group/CAIC Primary: \$215.54.

Be it noted, the expenditure adjustments for the month of August 2021 were presented to the board. \$5,840.85 was transferred to allocate highway department expenditures to other county departments for work performed and supplies furnished by the highway department.

Be it noted, the Register of Deeds Statement of Fees collected for the month of August 2021 in the amount of \$45,935.50 was presented to the board.

SCHEDULED AGENDA ITEM

Motion by Pierce, seconded by Boersma to authorize Chairperson Jensen to sign the engagement letter with the Department of Legislative audit for the FY2020 audit.

Auditor-in-Charge David Weidler with Legislative Audit was present for questions.

All members voted "aye." Motion carried.

REGULAR BUSINESS

Motion by Bartley, seconded by Boersma to approve for recording purposes and authorize Chairperson Jensen to sign Resolution #21-41: a plat of Blocks 1A & 1B, Intermill-Misar Addition in the Southwest $\frac{1}{4}$ of Section 12, T110N, R51W of the 5th P.M., Brookings County, South Dakota.

Background information was provided by County Development Director Robert Hill.

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

Motion by Krogman, seconded by Bartley to approve for recording purposes and authorize Chairperson Jensen to sign Resolution #21-42: a plat of lot 2A of Block 1 in Country Club Estates in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 28, T109N, R50W of the 5th P.M., Brookings County, South Dakota.

Background information was provided by County Development Director Robert Hill.

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

Motion by Boersma, seconded by Krogman to approve for recording purposes and authorize Chairperson Jensen to sign Resolution #21-43: a plat of Lot 1 of Sanderson Addition in the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 14, T110N, R49W of the 5th P.M., Brookings County, South Dakota.

Background information was provided by County Development Director Robert Hill.

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

Motion by Boersma, seconded by Krogman to approve and authorize Chairperson Jensen to sign Resolution #21-44: a resolution to continue support for the First District Association of Local Governments during fiscal year 2022 (October 1, 2021-September 30, 2022).

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

RESOLUTION #21-44
A RESOLUTION TO CONTINUE SUPPORT FOR THE
FIRST DISTRICT ASSOCIATION OF LOCAL GOVERNMENTS
DURING FISCAL YEAR 2022

The Brookings County Board of County Commissioners, having adopted and signed a Joint Cooperative Agreement on the 6th day of April, 1972, creating the First Planning and Development District, Model Rural Development Program, do hereby agree to renew their participation in the Joint Cooperative Agreement for Fiscal Year 2022 (October 1, 2021 - September 30, 2022). To support the Joint Cooperative Agreement and the activities of the District staff, the Brookings County Board of County Commissioners will provide \$48,276.61 to the First District Association of Local Governments during the aforementioned Fiscal Year 2022 period.

ADOPTION:

Adopted this 21st day of September, 2021

Larry Jensen

Chair

Brookings County Commission

ATTEST:

Lori Schultz

Brookings County Finance Officer

Todd Kays

First District Association of Local Governments

Motion by Bartley, seconded by Krogman to approve and authorize Chairperson Jensen to sign Agreement #21-109: a State of South Dakota Department of Transportation Bridge Improvement Grant agreement for preliminary engineering- state administration, structure #06-190-041, project #BRO 8006(00)22-1, PCN 08T4.

Background information was provided by Highway Superintendent Brian Gustad.

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

Motion by Krogman, seconded by Boersma to approve and authorize Chairperson Jensen to sign Agreement #21-110: a State of South Dakota Department of Transportation Bridge Improvement Grant agreement for preliminary engineering- state administration, structure #06-210-198, project #BRO 8006(00)22-2, PCN 08T5.

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

Motion by Krogman, seconded by Boersma to approve and authorize Chairperson Jensen to sign Agreement #21-111: a State of South Dakota Department of Transportation Bridge

Improvement Grant agreement for preliminary engineering- state administration, structure #06-248-040, project #BRO 8006(00)22-3, PCN 08T6.

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

Motion by Boersma, seconded by Krogman to approve and authorize Chairperson Jensen to sign Agreement #21-112: a State of South Dakota Department of Transportation Bridge Improvement Grant agreement for preliminary engineering- state administration, structure #06-280-139, project #BRO 8006(00)22-4, PCN 08T7.

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

SCHEDULED AGENDA ITEM

As scheduled at 9:00 a.m., the board held a public hearing and action on the Highway Road & Bridge 5-Year Improvement Plan.

Motion by Bartley, seconded by Boersma to approve the Brookings County Highway Department’s Highway & Bridge 2022 5-Year Improvement Plan.

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

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

REGULAR BUSINESS

Motion by Boersma, seconded by Bartley to approve and authorize Chairperson Jensen to sign Agreement #21-113: an application for occupancy of right-of-way of county highway made by Sioux Valley Energy in Brookings Township.

All members voted “aye.” Motion carried.

Motion by Krogman, seconded by Boersma to approve and authorize Chairperson Jensen to sign Agreement #21-114: an application for occupancy of right-of-way of county highway made by Sioux Valley Energy in Brookings Township.

All members voted “aye.” Motion carried.

Motion by Krogman, seconded by Boersma to approve and authorize Chairperson Jensen to sign Agreement #21-115: an application for occupancy of right-of-way of county highway made by Sioux Valley Energy in Brookings Township.

All members voted “aye.” Motion carried.

Motion by Bartley, seconded by Boersma to approve and authorize Chairperson Jensen to sign Agreement #21-116: an application for occupancy of right-of-way of county highway made by Sioux Valley Energy in Brookings Township.

All members voted “aye.” Motion carried.

Motion by Boersma, seconded by Krogman to approve and authorize Chairperson Jensen to sign Agreement #21-117: an application for occupancy of right-of-way of county highway made by Sioux Valley Energy in Brookings Township.

All members voted “aye.” Motion carried.

Motion by Boersma, seconded by Bartley to approve and authorize Chairperson Jensen to sign Agreement #21-118: a State of South Dakota Joint Powers Financial and Maintenance Agreement between the Department of Transportation and Brookings County.

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

Motion by Boersma, seconded by Bartley to approve and authorize Chairperson Jensen to sign Agreement #21-119: application for payment #1, Brookings County Microsurfacing 2021, for a deduction of \$32,889.15. Background information was provided by Highway Superintendent Brian Gustad.

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

Motion by Bartley, seconded by Boersma to approve and authorize Chairperson Jensen to sign Agreement #21-120: a Mutual Aid Agreement for the Intercounty sharing of resources during emergencies for disasters within South Dakota Office of Emergency Management’s Region 6.

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

Motion by Krogman, seconded by Boersma to approve and authorize Chairperson Jensen to sign Agreement #21-121: Amendment 1 to Agreement #21-77: a State of South Dakota Department of Health Division of Family and Community Health Sub-Recipient Agreement.

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

Motion by Boersma, seconded by Bartley to approve SDDOT Construction Change Order No. 8F for project BRF 6319(00)17-4 in the amount of \$9,306.25.

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

Motion by Krogman, seconded by Boersma to approve the migration to Office 365 countywide.

IT Specialist Shawn Plowman said the cost to finish out the 2021 year would be \$4,805.95 and in 2022 it would cost \$20,252.15. Krogman asked if they can finish out the year with the current version and then upgrade next year. Plowman said they probably could make it through, but they could end up dealing with issues in the meantime.

Commission Department Director Stacy Steffensen said she thinks this expense could be covered under the American Rescue Plan funds because it relates to cybersecurity.

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

Motion by Bartley, seconded by Boersma to approve payment to FireEye to be reimbursed through a cybersecurity grant. Background information was provided by IT Specialist Shawn Plowman.

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

Motion by Pierce, seconded by Krogman to approve and authorize Chairperson Jensen to sign a Request to Fill Vacancy for a full-time Deputy Sheriff.
All members voted “aye.” Motion carried.

Motion by Boersma, seconded by Pierce to approve and authorize Chairperson Jensen to sign a Request to Fill Vacancy for a part-time Deputy Sheriff.
All members voted “aye.” Motion carried.

Chairperson Jensen declared a three minute recess.

SCHEDULED AGENDA ITEM

As scheduled, the board held the Second Reading and Public Hearing on Ordinance #21-06: an ordinance creating licensing provisions for medical cannabis dispensaries.

Motion by Boersma, seconded by Bartley to approve and authorize Chairperson Jensen to sign Ordinance #21-06: an ordinance creating licensing provisions for medical cannabis dispensaries.

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

Commissioner Pierce said the applicant does not need to submit a receipt of a copy of an approved State license from the Department. She said that line needs to be deleted.

Motion by Pierce, seconded by Boersma to amend the ordinance under “License Application,” delete (b) subpart six “Receipt of a copy of an approved State license from the Department”. All members voted “aye.” Amendment carried.

Roll call vote on main motion as amended: Krogman “aye,” Boersma “aye,” Pierce “aye,” Bartley “aye,” Jensen “aye.” Main motion as amended carried.

ORDINANCE 2021-06 AN ORDINANCE CREATING LICENSING PROVISIONS FOR MEDICAL CANNABIS DISPENSARIES

BE IT ORDAINED by the Board of County Commissioners of Brookings County as follows:

PURPOSE AND INTENT

The Board of County Commissioners of Brookings County enacts the following licensing ordinance in order to ensure that medical cannabis dispensaries located within the unincorporated areas of the County operate in a manner which complies with state laws and regulations, protects the health, safety, and welfare of the general public, prevents potential conflicts and issues arising from ownership and employees, recognizes certain safety and security considerations, and minimizes risk of unauthorized use or access of cannabis by the general public.

DEFINITIONS

This ordinance adopts the following definitions for cannabis-related terms which are defined by SDCL 34-20G-1:

Cannabis (or Marijuana)

Cannabis Cultivation Facility

Cannabis Product Manufacturing Facility

Cannabis Products

Cannabis Testing Facility

Department

Medical Cannabis Dispensary

Medical Cannabis Establishment

LICENSE REQUIRED

- (a) No medical cannabis dispensary may be located or operate in the unincorporated area of the County without an appropriate valid and current medical cannabis dispensary license issued by the County pursuant to this ordinance. A violation of this provision is subject to the general penalty provision herein. Each day of the violation constitutes a separate offense.
- (b) No medical cannabis dispensary may be located or operate in the unincorporated area of the County without an appropriate valid and current medical cannabis dispensary registration certificate issued by the Department pursuant to rules promulgated under SDCL 34-20G. A violation of this provision is subject to the general penalty provision herein. Each day of the violation constitutes a separate offense.
- (c) No other medical cannabis establishment, other than a medical cannabis dispensary, may be licensed within the unincorporated areas of Brookings County.

LICENSE APPLICATION

- (a) An application for a medical cannabis dispensary license must be made on a form provided by the County. No other application form will be considered.
- (b) The applicant must submit the following:
 - 1. Application fee of \$5,000.
 - 2. A completed application including, but not limited to, the following:
 - i. The legal name of the prospective medical cannabis dispensary.
 - ii. The physical address of the prospective medical cannabis dispensary that meets the zoning requirements of the Brookings County Zoning Ordinance, as well as any location requirements pursuant to SDCL 34-20G and the administrative rules promulgated thereunder.
 - iii. The name, address, and birth date of each principal officer, owner, and board member of the proposed medical cannabis dispensary.
 - iv. A sworn statement that no principal officer, owner, or board member has been convicted of a violent felony offense in the previous ten (10) years in any jurisdiction.

- v. Any additional information requested by the County.
- vi. Receipt of a copy of an approved conditional use permit from the Brookings County Planning & Zoning Commission.

ISSUANCE OF LICENSE

(a) The County will issue a medical cannabis dispensary license, if available, unless:

1. The applicant has made a false statement on the application or submits false records or documentation; or
2. Any owners, principal officer, or board member of the applicant is under the age of twenty-one (21) years; or
3. Any owner, principal officer, or board member of the applicant has been convicted of a violent felony offense in the previous ten (10) years in any jurisdiction; or
4. The proposed location does not meet the applicable zoning requirements under the Brookings County Zoning Ordinance; or
5. The proposed location does not meet all location requirements under SDCL 34-20G and the administrative rules promulgated thereunder; or
6. The license is to be used for a business prohibited by state or local law, statute, rule, ordinance, or regulation; or
7. Any owner, principal officer, or board member of the applicant has had a cannabis establishment license revoked by the County or a registration certificate revoked by the State; or
8. An applicant, owner, principal officer, or board member thereof, is overdue in payment to the County or the State of taxes, fees, fines, or penalties assessed against or imposed upon the applicant in relation to any cannabis establishment.

(b) In the case of an application for a medical cannabis dispensary license, the County will reject the application if the limit on the number of medical cannabis dispensaries in the County has been reached.

(c) If granted, the license must be posted in a conspicuous place at or near the entrance to the medical cannabis dispensary so that it may be easily read at any time.

COUNTY NEUTRALITY AS TO APPLICANTS

(a) Upon request from the Department as to the County's preference of applicants, the County will neither support nor oppose any registration certificate application under consideration by the Department. Likewise, if inquiry is made by the Department, the County will abstain from endorsing any application as beneficial to the County.

NUMBER OF CANNABIS DISPENSARIES

(a) No more than five medical cannabis dispensaries shall be allowed to operate in the unincorporated area of the County at any one time.

EXPIRATION OF LICENSE AND RENEWAL

- (a) Each license shall expire one year from the date of issuance and may be renewed only by making application as provided herein. Application for renewal must be submitted at least thirty (30) days before the expiration date. The license holder must continue to meet the license requirements to be eligible for a renewal.
- (b) The renewal fee is \$5,000.
- (c) Failure to renew a license in accordance with this section may result in additional fees. Upon expiration of the license, the County may order closure of the medical cannabis dispensary.
- (d) If a license holder has not operated a medical cannabis dispensary for which it holds a license in the preceding twelve (12) months, the license will not be renewed.

SUSPENSION

- (a) A license may be suspended if the license holder or an employee or agent of the license holder:
 - 1. Violates or is otherwise not in compliance with any section of this ordinance.
 - 2. Consumes or smokes or allows any person to consume or smoke cannabis on the premises of the medical cannabis dispensary.
 - 3. Knowingly dispenses or provides cannabis or cannabis products to an individual or business to whom it is unlawful to provide cannabis or cannabis products.
- (b) A license shall be suspended if the license holder has its Department-issued registration certificate suspended, revoked, or not renewed by the Department or if the registration certificate is expired.
- (c) A license may be suspended if the license holder creates or allows to be created a public nuisance at the medical cannabis dispensary.

REVOCACTION

- (a) A license may be revoked if the license is suspended as provided herein and the cause for the suspension is not remedied.
- (b) A license may be revoked if the license is subject to suspension as provided herein because of a violation outlined in that section and the license has been previously suspended in the preceding 24 months.
- (c) A license is subject to revocation if a license holder or employee of a license holder:
 - 1. Gave false or misleading information in the material submitted during the application process;
 - 2. Knowingly allowed possession, use, or sale of non-cannabis controlled substances on the premises;
 - 3. Operated the medical cannabis dispensary or the business of the medical cannabis dispensary for which a license is required under this ordinance while the license was suspended;
 - 4. Repeated violations of this ordinance;
 - 5. Operated a function of a cannabis establishment for which the license holder was not licensed (e.g., a licensed cannabis cultivation facility conducting cannabis testing functions without a cannabis testing establishment license);
 - 6. A license holder, or an owner, principal officer, or board member thereof, is delinquent in payment to

the County or State for any taxes or fees related to the medical cannabis dispensary;

7. A license holder, or an owner, principal officers, or board member thereof, has been convicted of, or continues to employ an employee who has been convicted of, a disqualifying felony offense as defined by SDCL 34-20G; or
8. The license holder has its Department-issued registration certificate suspended, revoked, or not renewed or the registration certificate is expired.
9. The license holder allows a public nuisance to continue after notice from the County.

SUSPENSION AND REVOCATION PROCESS

- (a) The license holder will receive a notice of intent to suspend or notice of intent to revoke informing the license holder of the violation and the County's intention to suspend or revoke the license. The notice will be hand delivered to the license holder or an employee or agent of the license holder or sent by certified mail, return receipt requested to the physical address of the medical cannabis dispensary.
- (b) If the license holder disputes the suspension or revocation, the license holder has ten (10) days from the postmark date on the notice or the date the notice was hand delivered to request a hearing before a hearing panel, which will consist of the County Commission Chairperson, Finance Officer, and Sheriff.
- (c) A suspension will be for thirty (30) days and begins ten (10) days after the postmark date on the notice or the date the notice is hand delivered unless the license holder exercises its rights to process and appeal, in which case the suspension takes effect upon the final determination of suspension.
- (d) A revocation will be for one (1) year and begins ten (10) days after the postmark date on the notice or the date the notice is hand delivered unless the license holder appeals the revocation, in which case the revocation takes effect upon the final determination of revocation.
- (e) The license holder who has had the license revoked may not be issued any cannabis establishment license for one year from the date the revocation became effective.

APPEAL

An applicant or license holder who has been denied a license or renewal of a license or who has had a license suspended or revoked under this ordinance may appeal to the Board of County Commissioners by submitting a written appeal within ten (10) days of the postmark on the notice of denial, nonrenewal, suspension, or revocation. The written appeal must be submitted to the Board of County Commissioners. The appeal will be considered by the Board of County Commissioners at a regularly scheduled meeting within one month of the receipt of the appeal.

LICENSES NOT TRANSFERRABLE

No medical cannabis dispensary license holder may transfer the license to any other person or entity either with or without consideration, nor may a license holder operate a medical cannabis dispensary at any place other than the address designated in the application.

HOURS OF OPERATION FOR DISPENSARIES

Medical cannabis dispensaries are allowed to be open between the hours of 8:00 AM and 8:00 PM on Monday - Saturday and the hours of 12:00 PM and 5:00 PM on Sunday.

PENALTIES

Any person who operates or causes to be operated a cannabis establishment without a valid license or in violation of this ordinance is subject to a suit for injunction as well as prosecution for ordinance violations. Such violations may be enforced through a fine not to exceed the fine established by SDCL 22-6-2(2) for each violation or by imprisonment for a period not to exceed thirty days for each violation, or by both the fine and imprisonment. Each day a cannabis establishment so operates is a separate offense or violation.

Severability. The provisions of this ordinance are severable. If any provision of this ordinance or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application.

Adopted this 21st day of September 2021.
Effective: October 20, 2021

BROOKINGS COUNTY
BOARD OF COUNTY COMMISSIONERS

Larry Jensen
Chairperson
Board of County Commissioners

ATTEST:

Lori Schultz
Finance Officer
Brookings County

First Reading: August 17, 2021
Second Reading: September 21, 2021
Adopted: September 21, 2021
Effective Date: October 20, 2021

SCHEDULED AGENDA ITEM

As scheduled at 9:45 a.m., the board held the Second Reading and Public Hearing on Ordinance #21-07: an ordinance prohibiting the smoking of cannabis in public places.

Motion by Boersma, seconded by Bartley to approve and authorize Chairperson Jensen to sign Ordinance #21-07: an ordinance prohibiting the smoking of cannabis in public places.

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

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

ORDINANCE 2021-07 AN ORDINANCE PROHIBITING THE SMOKING OF CANNABIS IN PUBLIC PLACES

BE IT ORDAINED BY BROOKINGS COUNTY:

Section 1: Authority

This Ordinance is enacted under the authority of SDCL 7-8-33 and SDCL Chapter 34-20G. The Brookings County Board of County Commissioners hereby finds that smoking cannabis in any public place or

in any place open to the public is a public nuisance in that such smoking annoys, injures, and endangers the comfort, repose, health, or safety of others.

Section 2: Purpose

It is the purpose of this Ordinance to prohibit the smoking of cannabis in any public place or in any place open to the public in Brookings County outside of an incorporated municipality.

Section 3: Definitions and Interpretation

For purposes of this Ordinance the terms “public place” and “place open to the public,” shall be defined to include:

- a. any area to which the public is invited,
- b. any area in which the public is permitted,
- c. any place of employment, and
- d. any area in, on, or around any public place including without limitation: parking lots, elevators, lobbies, hallways, corridors, parks and areas open to the public within any place of business, place of employment, or multifamily residential buildings.

The definition of other terms shall correspond to the definitions set forth in SDCL 34-20G-1. Any interpretation of terms under that statute shall apply to the same term in this Ordinance.

Section 4: Unauthorized Acts

It is unlawful for any person to smoke cannabis, including medical cannabis, in any public place, whether or not the cannabis, including medical cannabis, is prescribed by a practitioner of the medical arts. Consuming medical cannabis products, not including smoking, is permitted.

Section 5: Criminal Penalty

Violation of the terms of this Ordinance may be enforced through a fine not to exceed the fine established by SDCL 22-6-2(2) for each violation or by imprisonment for a period not to exceed thirty days for each violation, or by both the fine and imprisonment.

Section 6: Severability and Separability

Should any Article, Section, subsection or part of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional, invalid or otherwise affected by law, such determination shall not affect the validity or constitutionality of the Ordinance as a whole or any part thereof other than the part so determined.

Section 7: Effective Date

This Ordinance is necessary to protect and immediately preserve the public peace, health, or safety and is therefore immediately effective following second reading pursuant to SDCL 7-18A-8.

Adopted this 21st day of September 2021.
Effective: September 21, 2021

BROOKINGS COUNTY
BOARD OF COUNTY COMMISSIONERS

Larry Jensen
Chairperson

ATTEST:

Lori Schultz
Finance Officer
Brookings County

First Reading: August 17, 2021
Second Reading: September 21, 2021
Adopted: September 21, 2021
Effective Date: September 21, 2021

Chairperson Jensen declared a five minute recess.

SCHEDULED AGENDA ITEM

As scheduled at 10:00 a.m., the board held the Second Reading of Ordinance #21-08: an ordinance entitled, an ordinance to amend Article IV Chapter 4.02 “Commercial/Industrial Districts” Section 4.02.02 adopted by Ordinance 2018-03. An ordinance to amend Article III, by adding Section 3.03.02 “Prohibited Uses.” An ordinance to add Article V, “General Requirements.” An ordinance to amend Article II, by adding Section 2.96 “Definitions.”

Motion by Bartley, seconded by Boersma to approve and authorize Chairperson Jensen to sign Ordinance #21-08: an ordinance entitled, an ordinance to amend Article IV Chapter 4.02 “Commercial/Industrial Districts” Section 4.02.02 adopted by Ordinance 2018-03. An ordinance to amend Article III, by adding Section 3.03.02 “Prohibited Uses.” An ordinance to add Article V, “General Requirements.” An ordinance to amend Article II, by adding Section 2.96 “Definitions.”

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

ORDINANCE NO. 2021-08

AN ORDINANCE ENTITLED, AN ORDINANCE TO AMEND ARTICLE IV CHAPTER 4.02
“COMMERCIAL / INDUSTRIAL DISTRICTS” SECTION 4.02.02 ADOPTED BY ORDINANCE 2018-03.
AN ORDINANCE TO AMEND ARTICLE III, BY ADDING SECTION 3.03.02 “PROHIBITED USES.”
AN ORDINANCE TO ADD ARTICLE V, “GENERAL REQUIREMENTS.”
AN ORDINANCE TO AMEND ARTICLE II, BY ADDING SECTION 2.96 “DEFINITIONS.”

BE IT ORDAINED by the Board of County Commissioners of Brookings County, South Dakota: that CHAPTER 3.03.02 “APPLICATION OF DISTRICT REGULATIONS,” of the Zoning Ordinance of Brookings County be amended by adding the following Section: 3.03.02. Prohibited Uses:

“All uses and structures not specifically listed as a permitted use or as a conditional use in a particular zoning district shall be prohibited in said district.”

BE IT ORDAINED by the Board of County Commissioners of Brookings County, South Dakota: that Section 4.02.02, “CI - COMMERCIAL / INDUSTRIAL DISTRICTS, Conditional Uses” of the Zoning Ordinance of Brookings County be adopted by adding language: 21. Medical Cannabis Dispensary (subject to Chapter 5.17) and reserving Chapter Sections 5.1-5.16

BE IT FURTHER ORDAINED by the Board of County Commissioners of Brookings County, South Dakota: that Article V, "GENERAL REQUIREMENTS" of the Zoning Ordinance of Brookings County be adopted by adding the following Chapter: 5 Section 17.

Reserved Chapter sections 5.1-5.16.

CHAPTER 5.17 MEDICAL CANNABIS DISPENSARIES.

1. Maximum Number of Medical Cannabis Dispensaries.

- a. In the development and execution of these regulations, it is recognized that there are some uses which because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a potential deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area.
- b. The County shall allow up to five conditional use permits for medical cannabis dispensaries provided the time, place, and manner of said dispensaries comply with this ordinance.

2. Required Separation Distances

- a. A medical cannabis dispensary shall be located not less than 1,000 feet from a public or private school existing before the date of the cannabis dispensary application;
- b. Prescribed separation/setback distances from certain existing uses are to be measured from the lot line of the property where the dispensary is proposed.

3. Other Locational Requirements

- a. Permanent or temporary medical cannabis dispensaries are prohibited in all other zoning districts, other than the commercial district, and are not eligible for a home occupation use.
- b. It shall be unlawful to operate a medical cannabis dispensary in a building which contains a residence or a mixed-use building with commercial and residential uses.

4. Controlled Access - No medical cannabis establishment shall share premises with or permit access directly from another medical cannabis establishment, a business that sells alcohol or tobacco, or, if allowed by law, another cannabis establishment.

5. Hours of operation:

- a. Medical cannabis dispensaries are allowed to be open between the hours of 8:00 AM and 8:00 PM on Monday - Saturday and the hours of 12:00 PM and 5:00 PM on Sunday.

6. Documentation of State Licensure.

- a. No medical cannabis dispensary shall acquire, possess, store, deliver, transfer, transport, supply or dispense cannabis, cannabis products, or paraphernalia without providing documentation of licensure from the State of South Dakota.

7. No medical cannabis dispensaries shall be established within Brookings County without first obtaining a conditional use permit.

8. Applications for conditional use permits for medical cannabis dispensaries shall contain the following:
- a. Any information required for an applicable building permit.
 - b. Ingress and egress plan
 - c. Parking plan
 - d. Lighting plan (including security lighting)
 - e. Screening/security fencing plan. All entrances to the facility shall be secure and have appropriate security measures to deter and prevent theft of any medical marijuana.
 - f. Refuse plan. Waste and marijuana remnants and byproducts shall be located in a secure container located within a secure area in the facility, and disposed of in a manner which is compliant with Department of Health regulations and permits.
 - g. Hours of Operation
 - h. Documentation of ability to meet setback/separation requirements.
 - i. Documentation of State Licensure
 - j. Any other information as lawfully may be required by the Zoning official to determine compliance with this ordinance.
9. No other medical cannabis establishment, other than a medical cannabis dispensary, is allowed under the Brookings County zoning ordinances.
10. All medical cannabis dispensaries are required to be constructed in conformance with the 2021 Edition of the International Building Code.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Brookings County, South Dakota: that Article II, "DEFINITIONS" of the Zoning Ordinance of Brookings County be amended by adding Section 2.96 Definitions:

This ordinance adopts the following definitions for cannabis-related terms which are defined by SDCL 34-20G-1:

Cannabis (or Marijuana)

Cannabis Cultivation Facility

Cannabis Product Manufacturing Facility

Cannabis Products

Cannabis Testing Facility

Department

Medical Cannabis Dispensary

Medical Cannabis Establishment

Adopted this 21st day of September 2021.
Effective: October 20, 2021

BROOKINGS COUNTY
BOARD OF COUNTY COMMISSIONERS

Larry Jensen
Chairperson
Board of County Commissioners

ATTEST:

Lori Schultz
Finance Officer
Brookings County

First Reading: September 7, 2021
Second Reading: September 21, 2021
Adopted: September 21, 2021
Effective Date: October 20, 2021

REGULAR BUSINESS

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

Steffensen discussed upcoming dates.

COMMISSIONERS' REPORTS & DISCUSSION

Commissioner Pierce attended a Joint Jurisdiction Meeting; attended a JDAI Meeting; attended a ribbon cutting for the Raven Precision Agriculture Center; and attended the SDACC Annual Conference.

Commissioner Bartley attended a Joint Jurisdiction Meeting; attended the County Planning & Zoning Meeting; attended the SDACC Annual Conference; and attended a First District Meeting.

Commissioner Krogman attended a joint meeting with the Brookings School District and BATA.

Commissioner Boersma attended the BEDC Meeting; attended the SDACC Annual Conference, attended a BEDC Board Meeting; taught a YES lecture up on campus; and attended a Brookings Behavioral Health & Wellness Meeting.

SCHEDULED AGENDA ITEM

Motion by Krogman, seconded by Pierce to approve the amendments to the FY2022 Provisional Budget.

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

Background information was provided by Commission Department Director Stacy Steffensen.

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

Motion carried.

FY2022 Provisional Budget Changes						
Budget Line Item	Description	Department	From	To	Revenues	Expenses
Current Property Tax Levy	Tax Amount Change - Utilities & Growth	101-311	13,286,697	\$ 13,284,235	\$ (2,462)	
Misc Revenue - Interest	Tax Amount Change - Utilities & Growth	101-361	\$ 80,000	\$ 77,538		\$ (2,462)
			General Fund	Total Changes	\$ (2,462)	\$ (2,462)
				Net Change	\$ -	
Current Property Tax Levy	Tax Amount Change - Utilities & Growth	301-311	\$ 338,687	\$ 340,621	\$ 1,934	
Misc Revenue - Interest	Tax Amount Change - Utilities & Growth	301-361	\$ 35,000	\$ 36,934		\$ 1,934
			Building Fund	Total Changes	\$ 1,934	\$ 1,934
				Net Change	\$ -	
Less 5% - General Fund		101				\$ -
Less 5% - General Fund		301				\$ -
Levy Change	Description		From	To	Change	
General Fund Levy	Change in levy due to utilities		\$ 4.203	\$ 3.951	\$ (0.252)	
County Building Fund Levy	Change in levy due to utilities		\$ 0.107	\$ 0.102	\$ (0.005)	
Jail Expansion Levy	Change in levy due to utilities		\$ 0.158	\$ 0.149	\$ (0.009)	
Total Levy Change	Overall change to levy		\$ 4.468	\$ 4.202	\$ (0.266)	

Motion by Boersma, seconded by Krogman to approve and authorize Chairperson Jensen to sign Resolution #21-40: Adoption of the FY2022 Annual Budget for Brookings County, South Dakota.

Background information was provided by Commission Department Director Stacy Steffensen.

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

Motion carried.

RESOLUTION #21-40
ADOPTION OF THE 2022 ANNUAL BUDGET FOR
BROOKINGS COUNTY, SOUTH DAKOTA

WHEREAS, SDCL 7-21-5 through 13 provides that the Board of County Commissioners shall each year prepare a Provisional Budget of all contemplated expenditures and revenues of the County and all its institutions and agencies for such fiscal year, and

WHEREAS, the Board of County Commissioners did prepare a Provisional Budget and cause same to be published by law, and

WHEREAS, due and legal notice has been given to the meeting of the Board of County Commissioners for the consideration of such Provisional Budget and all charges, eliminations and additions have been made thereto.

NOW THEREFORE BE IT RESOLVED, that such Provisional Budget as amended and all its purposes, schedules, appropriations, amounts, estimates and all matters therein set forth, SHALL BE APPROVED AND ADOPTED AS THE ANNUAL BUDGET OF THE APPROPRIATIONS AND EXPENDITURES for Brookings County, South Dakota and all its institutions and agencies for calendar year beginning January 1, 2022 and ending December 31, 2022 and the same was hereby approved and adopted by the Board of County Commissioners of Brookings County,

South Dakota, on the 21st day of September, 2021. The Annual Budget so adopted is available for public inspection during normal business hours at the office of the County Finance Officer, Brookings County, South Dakota. The accompanying taxes are levied by Brookings County for the year January 1, 2022 through December 31, 2022.

<u>COUNTY LEVIES</u>	<u>DOLLARS</u>	<u>\$1,000</u>
General Fund	\$13,284,235	\$3.951
County Building Fund	\$ 340,621	\$0.102
Jail Expansion	\$ 500,000	\$0.149
TOTAL	\$14,124,856	\$4.202

BOARD OF COUNTY COMMISSIONERS OF BROOKINGS COUNTY, SOUTH DAKOTA

Larry Jensen	Chairperson
Angela Boersma	Vice-Chairperson
Lee Ann Pierce	Commissioner
Ryan Krogman	Commissioner
Michael Bartley	Commissioner

ATTEST:

Lori Schultz
Brookings County Finance Officer

COMMISSIONERS' REPORTS & DISCUSSION

Commissioner Jensen attended a Jail Expansion Meeting; attended a PPCC Meeting; attended a Weed Tour with the Weed Board; and attended the SDACC Annual Conference.

EXECUTIVE SESSION

Motion by Boersma, seconded by Krogman to enter into Executive Session in accordance with SDCL 1-25-2(1)(4), personnel and contract negotiations. All members voted "aye." Motion carried.

Motion by Krogman, seconded by Bartley to come out of Executive Session at 11:36 a.m. All members voted "aye." Motion carried. No action was taken.

ADJOURNMENT

Motion by Krogman, seconded by Pierce to adjourn. All members voted "aye." Motion carried. The next regular scheduled meeting is Tuesday, October 5, 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.

Jenna Byrd
Senior Finance Assistant
Brookings County