

BROOKINGS COUNTY COMMISSION MEETING

THURSDAY, JUNE 9, 2016

The Brookings County Board of County Commissioners met in regular session on Thursday, June 9, 2016 with the following members present: Ryan Krogman, Larry Jensen, Stephne Miller, Lee Ann Pierce, and Tom Yseth.

CALL TO ORDER

Chairperson Krogman called the meeting to order.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

APPROVAL OF AGENDA

The agenda for the June 9, 2016 Commission Meeting was approved without objection. The board added an Executive Session to the agenda in accordance with SDCL 1-25-2(4), contract negotiations.

CONSENT AGENDA

Motion by Jensen, seconded by Yseth to approve the consent agenda. Motion carried. The consent agenda consisted of the minutes from the May 17, 2016 Commission Meeting and the minutes from the May 31, 2016 Special Commission Meeting.

Travel Requests: Shiann Hauptert to attend the training Drug Use & Trends: A New Culture on June 2nd in Ralston, NE; Darren DeJong to attend a SWAT Training on June 13-17th in Watertown; Chris Lilla, Jean Stoechner, Melissa Walsh, & Reid Squires to attend SD DOR Sales Ratio Workshop on June 16th in Mitchell; Chris Lilla & Larry Klingbile to attend a retirement party for Kyle Helseth on June 17th in Sioux Falls; Dick Birk to attend a retirement party for Raymond Roggow on June 30th in Elk Point, SD; Chris Lilla & Jim Sampson to attend the Schneider Users Annual Conference on July 26-28th in Ankeny, IA.

Personnel Action Notices: routine step increase- Richard Haugen to \$23.14, effective May 1, 2016; voluntary resignation- Maria Aguirre, effective May 8, 2016; new hire- Full-time Appraiser Reid Squires at \$18.26, effective May 23, 2016; voluntary resignation- Craig Williams, effective May 31, 2016; voluntary resignation- Robert Olson, effective June 10, 2016.

Human Services Report: case #16-098 for rent was approved; case #16-103 for rent was approved; case #16-104 for rent was approved; case #16-106 for rent was approved; case #16-107 for rent was approved; case #16-062 for Brookings Hospital was denied; case #16-063 for Brookings Hospital was denied; case #16-064 for Brookings Hospital was denied; case #16-067 for Brookings Hospital was denied; case #16-068 for Brookings Hospital was denied; case #16-077 for Avera McKennan was denied; case #16-079 for Avera McKennan was denied; case #16-061 for Brookings

Hospital was denied; case #16-080 for Avera McKennan was denied; case #16-083 for Brookings Hospital was denied; case #16-086 for Brookings Hospital was denied; case #16-100 for Avera McKennan was denied.

ROUTINE BUSINESS

Approval of Claims

Motion by Miller, seconded by Yseth to approve the following claims. Motion carried.

A&B Business Inc, Copier Maintenance Contract, \$25.00; Adair Asset Management LLC, Tax Certificate, \$8,765.00; Allegra Print & Imaging, Leave Request Forms, \$43.54; AMP Electric Construction, 6A2, 6A9 Ballast Repair, \$106.82; Anderson, Jeffrey G, Cell Phone Reimbursement, \$75.00; Aragon, Antonio, Translation Services, \$100.00, Translation Services, \$112.50; Auto Pro, Tint Envoy Windows, \$100.00; Avera Queen of Peace, Drug Testing, \$56.90; Bauer, Tim, Mileage 5/10 Board Mtg, \$9.24; Birk, Richard, Cell Phone Reimbursement, \$105.00; Biteler, David, Cell Phone Reimbursement, \$30.00; Bratland Law, CAA, \$1,996.40; Brevik Law Office, CAA Inv MI Hearings, \$240.01; Brian's Tint, Remove, Replace Window Film, \$138.61; Brookings County Finance, Advance Tax, \$392.41; Brookings Engraving, Zoning Board Name Plate, \$10.00; Brookings Health System, ER Sexual Assault Investigation, \$459.00, ER Sexual Assault Investigation, \$459.00; Buhls of Brookings Cleaner, Mops, Rugs, \$58.60, Monthly Rug Rentals, \$35.80; Buseth, Vicki, Cell Phone Reimbursement, \$105.00, Gas, Per Diem, \$68.24; Central Business Supply, Office Supplies, \$24.44, Label Tape & Badge Reels, \$144.17, Office Supplies, \$542.46; Century Business Products, Copier Maintenance Contract, \$99.00; Century Link, Long Distance Phone, \$257.64; Chapman, Beverly, Cell Phone Reimbursement, \$105.00, Meal Reimbursement Spring Workshop, \$42.00; City of Brookings Landfill, Ticket #81106, \$10.56; City of Brookings, Joint Building Expenses, \$2,919.01; Clean Slate, #10 Regular Envelopes, \$275.00; Cobra Administrator, Administrative Services, \$250.00; Cody, Denise, Inv MI Hearings, \$30.00, Inv MI Hearings, \$33.00; Compass Counseling & Assessment, Psychosexual Assessment, \$1,800.00, Psychosexual Assessment, \$1,800.00; Concrete Contractors Inc, Fill Material, \$2,037.00; Dakota Manor, COP Rent, \$350.00; Dejong, Darren J, Cell Phone Reimbursement, \$60.00; Liam Delaney, Per Diem, \$15.00; Dell Marketing LP, Fan, \$39.98; Department of Motor Vehicles, Weed Pickup Title, Registration, \$16.20, Weed Trailer Title & Registration, \$16.20; Doremus, Sean, Cell Phone Reimbursement, \$30.00; DVL Fire And Safety, Fire Extinguisher Maintenance, \$163.50, Fire Extinguisher Inspections, \$1,185.00; Ecolab Pest Elimination, Pest Elimination, \$82.03; Ecowater Systems of Brookings, Repair Softener, \$738.76; Ekeren, Marv, Inv MI Hearings, \$15.00; Electronic Security Equipment, Repair Camera in Shop, \$168.30, Magnetic Lock, Camera Laundry, \$1,280.10, Jail Repair, Volga Office Lock, \$938.40; Equipment Blades Inc, Shark Bits, \$300.80; Executive Mgmt Finance Office, April 2016 Tech Access Fee, \$53.00; Fite, Pierce & Ronning Law, CAA, \$1,292.40; Fix It Shop Locksmith, Keys, \$15.00; Foerster Office & Supply, Cups, Toilet Tissue, Liners, \$240.40, Courthouse Supplies, \$181.05; Forrest Holdings Inc, Tax Certificate, \$1,053.75; Friedrich, Cliff, Cell Phone Reimbursement, \$45.00; G&K Services, Laundry Services, \$363.35; Gass Law, PC, CAA, \$995.75, CAA, \$549.40; Gengler, Michael, Cell Phone Reimbursement, \$30.00; Giegling, Mike, Cell Phone Reimbursement, \$30.00; Jennifer Goldammer, CAA, \$390.08, CAA, \$639.40, CAA, \$515.20; Great Plains Financing Office, COP Rent, \$650.00; Gross, Linda, Cell Phone Reimbursement, \$30.00; Haider, Darin, Cell Phone Reimbursement, \$60.00; Patricia J Hartsel, Transcripts, \$74.80, Transcripts, \$40.80, Transcripts, \$30.60, Transcripts, \$27.20, Transcripts, \$68.00, Transcripts, \$133.80, Transcripts, \$8.40, Transcripts, \$6.00, Transcripts, \$159.60; Richard Haugen, Cell Phone Reimbursement,

\$45.00, Meal Reimbursement Pierre, \$64.00; Heartland Veterinary Clinic, Animal Incident, \$1,063.00; Hieb, Richard, Cell Phone Reimbursement, \$30.00; Hill, Robert, Cell Phone Reimbursement, \$105.00; Hoekman, Devan, Cell Phone Reimbursement, \$30.00; Tim Hogan, CAA, \$1,754.89, CAA, \$493.56; Holzhauser, Michael, Cell Phone Reimbursement, \$105.00; Howard, Abigail A, Cell Phone Reimbursement, \$105.00; Hungerford Chiropractic PC, Drug Testing 4/6-5/5, \$60.00; Hy-Vee Food Store, Zoning Mtg Refreshments 5/3, \$12.07, 4H Leader Mtg Supplies, \$42.40, Jury Meals, \$22.59; David Hynes, Per Diem, \$15.00; I State Truck Center, Freightliner Truck, \$110,114.00; Inmate Services Corporation, Prisoner Transport, \$732.00; Jackrabbit Tire & Service, Transfer Case, Gas Tank & Pump, \$1,161.97; Jensen, Larry, Cell Phone Reimbursement, \$75.00; Keltek, Mic Clip Bracket, Charger, \$25.21; Kingbrook Rural Water, Water Invoice, \$33.00; Benjamin L. Kleinjan, CAA, \$522.00; Anita Klitzke, Transport to SDWP, \$18.00; Kriese, Jeremy, Cell Phone Reimbursement, \$30.00; Krogman, Ryan, Cell Phone Reimbursement, \$75.00; Lacroix, Heather, CAA Inv MI Hearings, \$464.86; Lake County Sheriff, Service of Subpoena, \$25.00; Langstraat, Manual, Cell Phone Reimbursement, \$30.00; Lewis Drug Store, COP Medical, \$142.23; Lewno, Lucy, Inv MI Hearings, \$300.98, Inv MI Hearings, \$309.92; L. G. Everist, Inc, Pea Rock, \$142.48; Christopher Lilla, Cell Phone Reimbursement, \$105.00, Fuel Reimbursement SDAAO, \$21.50; Lincoln County Auditor, Mental Illness Expenses, \$180.00; Littlecott, Laura, Cell Phone Reimbursement, \$45.00; Locators & Supplies, Survey Lathe, Safety Wear, \$273.09; M&T Fire & Safety Inc, Recharge Fire Extinguisher, \$32.50; Reed T Mahlke, CAA, \$506.00, CAA, \$736.00; Manatron Inc, Proval Plus Support/Maintenance, \$9,532.38; Marshall & Swift/Boeckh, LLC, Handbook Renewal, \$699.90; Martin's Inc, Gas for Jumping Jacks, Diesel, \$12,449.05; McCrea, Don, Cell Phone Reimbursement, \$15.00; McGrath North Mullin & Kratz PC, Confer with Teamsters Rep, \$58.00; MCI, Long Distance April, May, \$31.91; McKeever's Vending, Inmate Commissary, \$557.52; Medary Acres Greenhouse, Marigolds & Soil for Courthouse, \$82.06; Mediacom LLC, Law Library Internet, June, \$75.90; Midwest Alarm Company, Fire Alarm Monitoring, \$282.96; Midwest Glass, Install Door Closer 24/7 Hut, \$190.68; Midwest Management/BMO Harris, Tax Certificate, \$9,107.40; Miller, Stephne, Cell Phone Reimbursement, \$75.00; Minnehaha County JDC, JDC Costs, \$26,652.80; Molengraaf, John, Cell Phone Reimbursement, \$30.00; Moser, Misty, Cell Phone Reimbursement, \$75.00, Per Diem, \$15.00; Nancy J Nelson, CAA, \$395.60, CAA, \$195.96, CAA, \$501.40, CAA, \$487.60, CAA, \$1,410.36, CAA, \$593.40, CAA, \$987.16, CAA, \$918.16; Nesvold, Teree, Cell Phone Reimbursement, \$105.00; Newegg Business Inc, IT Products, Supplies, \$1,551.12; Nielsen's, Relay for Charger, \$9.52; Northwestern Energy, Natrual Gas, \$166.91; Office Peeps Inc, Office Supplies, \$354.73, Markers and Tape, \$48.81; Olson, Steve, Weed Board Mtg Mileage 5/10, \$16.80; Outdoor Adventure Center, Rental April 2016, \$435.00; Outlaw Graphics, Charger Graphics, \$285.00; Owen Auction Service, Conveyor, \$135.00; Pheasantland Industries, Safety Clothing, \$684.48; Pierce, Irene, Cell Phone Reimbursement, \$45.00; Lee Ann Pierce, Cell Phone Reimbursement, \$75.00, Mileage Reimbursement, \$146.16; Pike, Jon, Cell Phone Reimbursement, \$60.00; Plowman, Shawn, Cell Phone Reimbursement, \$90.00; Productivity Plus Account, Troubleshoot Codes, Thermostat, \$1,119.59; Prussman Contracting Co., Culvert Replacement, \$4,834.80; Qualified Presort Service, Work from 5/1-5/15, \$29.57; Ramkota Inn, Spring Workshop Hotel, \$189.98, Spring Workshop Hotel, \$379.96; Ramsdell's F&M Ltd, Weed Spray, \$2,909.70; RFD Newspapers Inc, Minutes, Tax Notice, \$664.74; Ribstein, Randy, Nylon Air Brake, \$5.99; Rick Ribstein, CAA, \$249.65, CAA, \$575.21, CAA, \$1,633.14; Jackie Rippert, Per Diem, Mileage Pierre, \$175.44; Running's Supply Inc, Items for Courthouse, \$37.57; Scheer, Aaron, Cell Phone Reimbursement, \$30.00; Scott, Michael, Cell Phone Reimbursement, \$45.00; SD Dept of Revenue, Ethyl Alcohol Tests, \$70.00; Sebring, Scott, Cell Phone Reimbursement, \$105.00; Sioux Valley Cleaners Inc, WIC Janitorial, May 2016, \$460.00; Sonshine Inn, COP Rent, \$350.00; Stanwick, Martin, Cell Phone Reimbursement, \$105.00;

Steffensen, Stacy, Cell Phone Reimbursement, \$105.00; Stoltenburg, Michael, Cell Phone Reimbursement, \$15.00; Swanda, Karen, Inv MI Hearings, \$30.00, Inv MI Hearing, \$18.00; Sweebe, Bart, Cell Phone Reimbursement, \$105.00; Thomson Reuters - West, West Information Charges, \$1,533.47; Thomson Reuters, SD Court Rules, \$152.00; Tomas Toucedo, Meal Reimbursement, \$15.00; Tyler Technologies, Install & Configure System, \$600.00; Ultramax, 12 Ga Tactical Slugs, \$149.00; Umberger, Charles, Cell Phone Reimbursement, \$45.00; Steven Ust, Building Inspections, \$400.00; Vandenberg Law, CAA, \$897.00, CAA, \$575.00, CAA, \$414.00, CAA, \$368.00; Vantek Communications Inc, North Repeater June Fee, \$100.00; Verizon Wireless, Election Hot Spots, \$496.32, Tablet Wireless, \$40.01, Mobile Data, \$280.07; Walburg, Duane, 4/30-5/13 Animal Control Mileage, \$160.40; Walmart Community, Office Supplies, Batteries, \$72.29, Printer Ink, Camera, Supplies, \$289.70, Office Supplies, Programming, \$294.30, Office Supplies, \$54.90; Wells Fargo, Wells Fargo CC Charges, \$4,631.42; Westside Apartments, COP Rent, \$246.00; Terry D Wiczorek PC, CAA, \$880.50, CAA, \$111.47; Witchey, Kristen, Cell Phone Reimbursement, \$75.00, Per Diem, Pierre, \$42.00; Yankton County Sheriff, Service of Process, \$50.00; Yankton County Treasurer, MI Hearings, \$321.15; Yseth, Tom, Cell Phone Reimbursement, \$75.00; First Bank & Trust, Bond Payment, \$60,823.51.

Department Head Reports

County Development Director Robert Hill said he attended the Sanford Health Emergency Management Conference; attended the Essentials of Community Cyber Security Training; attended the Rapid Tag Training; and attended the Department of Transportation's Gas Pipeline Advisory Committee meeting in Washington, D.C.

Hill discussed upcoming dates.

Hill discussed a nuisance issue in Northgrove Estates. Hill said he's already cut the grass, and asked the board for permission to keep cutting the grass.

By consensus, the board agreed to allow Hill to keep cutting the grass.

Finance Officer Vicki Buseth said the sale for the property in Sinai is June 15th at 10:00 a.m.

Buseth said the Primary Election went very well. She thanked the Weed Department, Highway Department, and Commission Department Director Stacy Steffensen for their help during the election.

Sheriff Martin Stanwick said there will be retirement party for Correctional Officer Robert Olson on June 10th at the courthouse.

Stanwick said he met the new Volga City Administrator Jameson Berreth.

Stanwick said he had a request from Dollar General in Volga to conduct a traffic count, however, the state said Highway 14 is not busy enough at certain intervals to stop traffic for pedestrians there. Stanwick said the corner of Caspian Avenue and Highway 14 will be getting traffic lights.

Jail Administrator Bart Sweebe said they had three people graduate from a new program being offered at the jail. Sweebe said he has heard nothing but great reviews with the new program. He also discussed the use of portable breathalyzers. Because their use is pilot program, the state would have to go through the legislature to make the use of these official.

Highway Superintendent Richard Birk said the mill and overlay project is completed, and Bowes Construction will be coming back to fix Highway 19 and Highway 21.

Birk said the bids for the shop in Sinai will be opened June 15th.

Birk asked for the board's approval to purchase a new motor grader, which has been budgeted for. By consensus, the board agreed to allow Birk to purchase a new motor grader for the highway department.

Birk discussed the ongoing problem with the gas pump at the highway department. He said they may need to purchase a new one.

Birk said ditch mowing has been started. Yseth said a citizen complained that there was a stretch of county road where the nesting cover was destroyed while ditch mowing. Pierce asked Birk if he trains employees on ditch mowing. Birk said the state has a mower safety seminar they can attend.

SCHEDULED AGENDA ITEM

Brookings Fire Chief Darrell Hartman requested money out of their long-term fund to purchase a tender truck.

Motion by Yseth, seconded by Jensen to approve spending \$110,012.42 from the Brookings Fire Association's long-term fund to purchase a tender truck for the Brookings Fire Department.

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

Department Head Reports Continued

Weed Supervisor Misty Moser said she's received the new pickup. Moser said she would like to buy a sprayer system for the new pickup, which can be discussed during budget hearings.

Moser said half of the county roads have been sprayed.

Moser also noted that she has applied for a mosquito grant.

Director of Equalization Chris Lilla introduced Appraiser Reid Squires to the board. Lilla said they are wrapping up the city review from what they did not get done last year.

Lilla said he was elected as President of SDAAO, and Brookings will host the next conference. Lilla discussed upcoming dates.

REGULAR BUSINESS

The board held the First Reading of Ordinance #2016-01: an Ordinance Licensing and Regulating Peddlers Operating Outside the Boundaries of Incorporated Municipalities within Brookings County and within the Incorporated Municipalities of Sinai, Bruce, Bushnell and Elkton.

The Public Hearing and Second Reading will be held June 21, 2016.

BROOKINGS COUNTY ORDINANCE 2016-01

AN ORDINANCE LICENSING AND REGULATING PEDDLERS OPERATING OUTSIDE THE BOUNDARIES OF INCORPORATED MUNICIPALITIES WITHIN BROOKINGS COUNTY AND WITHIN THE INCORPORATED MUNICIPALITIES OF SINAI, BRUCE, BUSHNELL AND ELKTON.

BE IT ORDAINED BY BROOKINGS COUNTY, SOUTH DAKOTA:

WHEREAS, SDCL 9-34-18 provides for the local regulation of peddling and soliciting by a county or municipality;

WHEREAS, the citizens of the incorporated municipalities of Sinai, Bruce, Bushnell, and Elkton do not have such a regulation and have requested that Brookings County Ordinance 2016-01 apply to said municipalities within Brookings County; and

WHEREAS, the Brookings County Commission finds it is appropriate and in the best interests of the citizens of Brookings County to regulate the temporary business of peddlers operating outside the boundaries of incorporated municipalities within Brookings County and within the incorporated municipalities of Sinai, Bruce, Bushnell and Elkton.

NOW, THEREFORE, BE IT ORDAINED BY BROOKINGS COUNTY:

SECTION I. DEFINITIONS.

For the purposes of this Ordinance, the term Peddler includes the following:

“Peddler” includes any person traveling by foot, vehicle, or any other type of conveyance, from place to place, carrying or transporting goods, wares and merchandise; offering and exposing the goods, wares and merchandise for sale or making sales and delivering articles purchased; or who, without traveling from place to place, shall sell or offer the goods, wares or merchandise for sale from his or her person or from any vehicle or conveyance.

SECTION II. EXCEPTIONS.

The provisions of this Ordinance shall not apply to the following:

- A. Charitable, religious, or nonprofit organizations or corporations which have a tax exempt status under IRC paragraph 501(c)(3), 26 USCA.
- B. Civic, educational, or veteran’s organizations.
- C. Traveling salespersons doing business exclusively with retail merchants, manufacturers, jobbers or public officials.
- D. Persons selling or delivering personal property to regular customers on established routes.
- E. Persons selling jams, jellies, vegetables, fruits, or flowers grown or produced by them and not purchased by them for resale.
- F. Garage, rummage, yard, or moving sales, or auctions, that are held in compliance with any municipal or county zoning ordinance relating to the same.
- G. Persons soliciting newspaper subscriptions, or magazine, book, or periodical subscriptions sponsored by any nonprofit organization.
- H. Persons soliciting orders for any agricultural product produced or processed within the State of South Dakota, stock foods, veterinary medicines and biologicals, or such petroleum products as are subject to state inspection under SDCL Chapter 37-2.

SECTION III. REGULATIONS.

- A. No Peddler shall do business in Brookings County without first obtaining a Peddler’s License, which shall be prominently displayed at the location where the Peddler is conducting business, including carrying the same on his or her person if the solicitations involve traveling on foot.
- B. No Peddler may make false or fraudulent statements concerning the quality or the nature of the goods, wares, merchandise or services for the purpose of inducing another to purchase the same.
- C. No Peddler may engage in the business of peddling between the hours of 9:00 p.m. and 9:00 a.m., except by specific appointment with, or invitation from, a prospective customer.
- D. No holder of a license issued under this Ordinance shall authorize or permit any person or business not identified on the license to utilize a duly issued license.

SECTION IV. PEDDLER’S LICENSE.

- A. A Peddler's License shall be valid for a period of thirty (30) days from the date of issuance, unless an earlier expiration date is noted on the license.
- B. The applicant for a Peddler's License shall file with the Brookings County Finance Officer, a sworn application in writing, on a form furnished by the Brookings County Finance Office, giving the following information:
 - a. The name of the business;
 - b. The name of the applicant;
 - c. The permanent home address of the applicant;
 - d. A phone number and email address for the applicant;
 - e. The start and end date of the requested solicitation;
 - f. Location where the applicant intends to conduct business in Brookings County;
 - g. If a vehicle is to be used, the make, model and license plate number of vehicle;
 - h. A brief description of the nature of the business and the goods to be sold;
 - i. South Dakota Sales Tax ID number;
 - j. Any felony or misdemeanor convictions within the past five (5) years; and
 - k. Any judgment or conviction for fraud, deceit, or misrepresentation within the past five (5) years.
- C. The fee for a Peddler's License shall be \$100.00 and shall be paid at the time of application. The County Commission shall have the authority, on request of the applicant made to the Commission at a regular meeting, to waive or reduce any fee hereunder.
- D. Upon payment of the appropriate fee and completion of the application, an applicant shall be issued a Peddler's License.
- E. No Peddler may give any false or misleading information in connection with their application for a license.
- F. No license shall be issued by the Brookings County Finance Office until the applicant has complied with the requirements of this Ordinance.
- G. No license shall be issued to any person who does not have a valid South Dakota sales tax permit.

SECTION V. DENIAL OF LICENSES.

Upon the Brookings County Finance Officer's review of the application, the Finance Officer may refuse to issue a Peddler's License to the applicant under this Ordinance for any of the following reasons:

- (1) The location and time of the activity would endanger the safety and welfare of the Peddler, their customers, or the public;
- (2) An investigation reveals that the applicant falsified information on the application;
- (3) Any individual listed on the application that has been convicted of a felony or misdemeanor violation involving a sex offense, trafficking in controlled substances, or any violent acts against persons or property, such conviction being entered within the five (5) years preceding the date of application;
- (4) Any individual listed on the application is a person against whom a judgment based upon, or conviction for, fraud, deceit or misrepresentation has been entered within the five (5) years immediately preceding the date of application;
- (5) There is no proof as to the authority of the applicant to serve as an agent to the principal; or
- (6) The applicant has been denied a license under this Ordinance within the preceding 365 days, unless the applicant can and does show to the satisfaction of the Brookings County Finance Officer that the reasons for such earlier denial no longer exist.

The Brookings County Finance Officer's disapproval and the reasons for disapproval must be noted on the application, and the applicant will be notified the application is disapproved and that no permit will be issued. Notice will be mailed to the applicant at the address shown on the application form.

SECTION VI. PRIVATE PREMISES.

It shall be unlawful for any Peddler to enter upon premises owned, leased or rented by another and refuse to leave such premises after having been notified by the owner or possessor of such premises, or its agent, to leave the premises.

It shall be unlawful for any Peddler to enter upon any private premises when the premises is posted with a sign prohibiting peddling, soliciting, or business of a similar nature which prohibits door to door sales at such premises.

SECTION VII. ENFORCEMENT.

It shall be the duty of any law enforcement officer of the County to require any person seen peddling, soliciting, or canvassing, and who is not known by such officer to be duly licensed, to produce his or her Peddler's License, and to enforce the provisions of this Ordinance against any person found to be violating the same.

SECTION VIII. PENALTIES.

- A. A violation of this Ordinance is a Class 2 Misdemeanor and shall be punishable by a fine of up to \$500.00 and/or thirty (30) days imprisonment in the county jail.
- B. In addition to any criminal enforcement, Brookings County or any individual may pursue any available civil remedies deemed appropriate and necessary.
- C. Any Peddler found to be operating in violation of this Ordinance or without a Peddler's License shall be prohibited from obtaining a Peddler's License for a period of 365 days.

SECTION IX. LICENSE REVOCATION.

Any license issued under this Ordinance may be revoked or suspended, by the Brookings County Finance Officer, after notice and hearing, for any of the following reasons:

- (1) Fraud, misrepresentation or false statement contained in the license application;
- (2) Fraud, misrepresentation or false statement made by the Peddler in the course of conducting solicitation or peddling activities;
- (3) Conducting peddling or solicitation activities contrary to the provisions contained in the license or within this Ordinance; or
- (4) Conducting peddling or solicitation activities in such a manner as to create a public nuisance, constitute a breach of the peace or endanger the health, safety or general welfare of the public.

SECTION X. NOTICE AND HEARING.

Notice of a hearing for revocation of a license issued under this Ordinance shall be provided in writing and will set forth specifically the grounds for the proposed revocation and the time and place of the hearing. Notice will be mailed, postage prepaid, to the Peddler at the address shown on the license application or at the last known address of the Peddler.

SECTION XI. APPEALS.

Any person aggrieved by the action or decision of the Brookings County Finance Officer to deny, suspend or revoke a license applied for under the provisions of this Ordinance will have the right to appeal such action or decision to the Brookings County Board of Commissioners within fifteen (15) days after the notice of the action or decision has been mailed to the person's address as shown on the permit application form, or to his or her last known address.

- (1) An appeal will be taken by filing with the County Finance Officer a written statement setting forth the grounds for the appeal;

- (2) The County Finance Officer will transmit the written statement to the Brookings County Board of Commissioners within ten (10) days of its receipt and the County Commission will set a time and place for a hearing on the appeal.
- (3) A hearing will be set not later than twenty (20) days from the date of receipt of the appellant's written statement;
- (4) Notice of the time and place of the hearing will be given to the appellant in the same manner as provided for the mailing notice of action or decision; and
- (5) The decision of the County Commission on the appeal will be final and binding on all parties concerned.

SECTION XII. SEVERABILITY.

This Ordinance and each section and provision hereunder are hereby declared to be independent divisions and subdivisions and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provisions of said Ordinance, or the application thereof to any person or circumstance is held to be invalid, the remaining sections or provisions and the application of such sections and provisions to any person or circumstance other than those to which it is held invalid, shall not be affected thereby, and it is hereby declared that such sections and provisions would have been passed independently of such section or provisions so known to be invalid.

Adopted this _____ day of June, 2016.

BROOKINGS COUNTY:

ATTEST:

Ryan Krogman, Chairperson
Brookings County Commission

Vicki Buseth
Brookings County Finance Officer

First Reading: June 9, 2016

Second Reading: June 21, 2016

Adopted: June 21, 2016

Publications: June 30, 2016

Effective Date: July 20, 2016

Motion by Pierce, seconded by Yseth to approve and authorize Chairperson Krogman to sign Agreement #16-40: a partner agreement for per diem to house youth in both the secure and non-secure sections of the Minnehaha County Regional Juvenile Detention Center (JDC) as well as the shelter care being operated by Lutheran Social Services. Background information was provided by Commissioner Pierce.

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

Motion by Yseth, seconded by Miller to approve and authorize Chairperson Krogman to sign Agreement #16-41: a State of South Dakota Sub-Recipient Contract for Sub-Recipient Services between Brookings County and the South Dakota Department of Health, Division of Family &

Community Health for FY2017. Background information was provided by Commission Department Director Stacy Steffensen.

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

Motion by Miller, seconded by Pierce to approve and authorize Chairperson Krogman to sign Agreement #16-42: an agreement for voluntary right-of-way donation between Brookings County and Shane Johnson. Background information was provided by Highway Superintendent Richard Birk.

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

Motion by Pierce, seconded by Jensen to approve and authorize Chairperson Krogman to sign Agreement #16-43: an agreement for voluntary right-of-way donation between Brookings County and Margaret L. Odegaard.

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

Motion by Miller, seconded by Jensen to approve and authorize Chairperson Krogman to sign Agreement #16-44: an agreement for voluntary right-of-way donation between Brookings County and Margaret L. Odegaard.

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

Motion by Yseth, seconded by Miller to approve and authorize Chairperson Krogman to sign Agreement #16-45: an agreement for voluntary right-of-way donation between Brookings County and James A. and Shirley M. Cooper.

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

Motion by Pierce, seconded by Miller to approve and authorize Chairperson Krogman to sign Agreement #16-46: an application for occupancy of right-of-way of county highways made by Darrell Nelson.

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

Motion by Yseth, seconded by Jensen to approve and authorize Chairperson Krogman to sign Agreement #16-47: an application for occupancy of right-of-way of county highways made by Sioux Valley Energy.

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

Motion by Miller, seconded by Yseth to approve a fireworks display as part of the Old Timer’s Day celebration at Meadow Creek Golf Course on Friday, June 10, 2016.

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

Motion by Miller, seconded by Jensen to approve a \$500 donation to the special Days Committee in Elkton for their 4th of July fireworks display.

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

Motion by Miller, seconded by Pierce to approve a \$1,500 donation to the Uncle Sam Jam.

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

SCHEDULED AGENDA ITEM

Motion by Jensen, seconded by Miller to remove approving the renewal of the retail on/off sale malt beverage license for the Corner Gas & Goodies for the 2016-2017 licensing period from the table. Motion carried.

Motion by Yseth, seconded by Miller to approve and authorize Chairperson Krogman to sign the renewal of the retail on/off sale malt beverage license to the Corner Gas & Goodies for the 2016-2017 licensing period.

Owner of Corner Gas & Goodies, Kristina Lewno introduced herself to the board.

Pierce said she has concerns because this is the second violation within a two year period of time, and in Lewno’s documents it states that it is not possible for the staff to complete the state’s online training program. Pierce said she understands Lewno is busy, but the business is based on this; it is important.

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

REGULAR BUSINESS

The board discussed the Emergency Management vehicle.

County Development Director Robert Hill said Billion Automotive withdrew their original state bid after the truck was ordered. Hill said he budgeted \$27,000 for this vehicle, but now the new bid from Jerry’s Automotive is an approximately \$3,000 over budget. Hill asked the board for direction.

Yseth asked if you have to purchase a vehicle through the state. Hill said he checked with the local vendors and the state bid is still \$20,000 lower.

Motion by Jensen, seconded by Pierce to approve the state bid from Jerry’s Automotive.

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

The board canvassed the June 7, 2016 Primary Election.

Deputy Finance Officer Kristen Witchey said they had about a 20% turnout; 3,619 voters.

Finance Officer Vicki Buseth thanked Witchey for all of her hard work during the election.

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

Steffensen said they have received correspondence from the DOT regarding the STP Payout and a correspondence regarding the highway rail grade crossing signals.

Steffensen discussed upcoming dates.

Steffensen updated the board on the mailbox at the courthouse. Steffensen said the state offices use that mailbox every day, and asked the board what they would like to do about the cement slab. Miller asked if pouring a small cement slab would be adequate.

The board directed Steffensen to touch base with the post office and ask if a cement slab would be adequate.

IT Specialist Shawn Plowman discussed replacing the Alchemy program with the board.

COMMISSIONERS' REPORTS & DISCUSSION

Commissioner Pierce attended the USDA Information Session; attended the Lake Park District Sub-committee Meeting for Planning & Zoning; attended the Women & Leadership Meeting; attended the Crisis & Leadership Meeting; attended the tree tour; attended the Master Comprehensive Advisory Group meeting for the city; attended the Cyber Security Training; attended the Chamber Governmental Affairs Meeting; attended the Hospital Donor Thank-You Celebration, attended the Got-Milk Gala; attended the SV Energy Annual Meeting; attended and discussed the Joint Powers Board Meeting; and attended the Planning & Zoning Meeting.

Commissioner Jensen attended the 8-County Meeting; attended the Crisis & Leadership Meeting; attended the Local Management meeting; and attended the Active Shooter Training.

Commissioner Miller attended the 8-County meeting; attended the tree tour; attended the Active Shooter Training; attended the Hospital Donor Thank-You celebration; attended the Got-Milk Gala; and discussed the Joint Powers Board Meeting.

Commissioner Yseth attended the USDA Information Session; attended the Growth Partnership Meeting; attended the Hospital Board Meeting; and attended the ICAP Meeting. Yseth discussed board appointments.

Commissioner Krogman attended and discussed the USDA Information Session; attended the groundbreaking ceremony for Aquaponics; and attended the SV Energy Annual Meeting.

EXECUTIVE SESSION

Motion by Miller, seconded by Yseth to enter into Executive Session at 10:50 a.m., in accordance with SDCL 1-25-2(4), contract negotiations. Motion carried. The board came out of Executive Session at 11:03 a.m. No action was taken.

SCHEDULED AGENDA ITEM

As scheduled, the board held a public hearing on the Highway Department's 2017 5-Year Highway & Bridge Improvement Plan.

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

Motion by Miller, seconded by Jensen to approve the Brookings County Highway Department's 2017 5-Year Highway & Bridge Improvement Plan. Background information was provided by Highway Superintendent Richard Birk. Miller said the 5-year plan is a living, breathing document that is subject to change.

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

ADJOURNMENT

Motion by Yseth, seconded by Pierce to adjourn. Motion carried. The next regular scheduled meeting is Tuesday, June 21, 2016 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 Peterson
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Brookings County

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