

BROOKINGS COUNTY COMMISSION MEETING

Tuesday, September 26, 2006

The Brookings County Board of County Commissioners met in regular session on Tuesday, September 26, 2006, with the following members present: Dennis Falken, Emil Klavetter, Donald Larson, Mary Negstad, and Deanna Santema.

CALL TO ORDER

Chairperson Falken called the meeting to order.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

CONSENT AGENDA

Chairperson Falken declared the Consent Agenda approved with no objection from the board. The Consent Agenda consisted of the agenda for the September 26, 2006 Commission Meeting, and the minutes from the September 12, 2006 Commission Meeting.

Welfare Matters: Case # 06-004 HSC for an admit fee was approved; Case # 06-129 for rent was denied; Case # 06-115 for Brookings Hospital was denied; Case # 06-112 for Brookings Hospital was denied.

Travel/Education: Stephanie Vogel to attend the South Dakota Safety & Health Conference on October 24, 2006; Kristin Trana to attend the South Dakota Safety & Health Conference on October 24, 2006; Rose Marie Stee to attend Program Planning for Youth Development on September 20, 2006; Steve Tietjen to attend Internet Crimes Against Children training September 18 - September 22, 2006; Mark Anawski to attend a Veteran Refresher Course in Pierre on October 16-October 20, 2006; Lionel Torgrude to attend the Legislative Research Council agency review in Hot Springs September 25 - September 26, 2006; Michael Stoltenburg to attend the Child's Voice Seminar in Sioux Falls October 10 - October 13, 2006.

ROUTINE BUSINESS

Motion by Negstad, seconded by Klavetter, to approve the following claims. Roll Call Vote: Larson "Aye," Negstad "Aye," Santema "Aye," Klavetter "Aye," Falken "Aye." Motion Carried.

A&B BUSINESS, MAINTENANCE & REPAIRS \$58.32; ALLIED OIL & SUPPLY, SUPPLIES & MATERIALS \$11842.18; ALLTEL, UTILITIES \$125.45; AMERICAN JAIL ASSOC., PROFESSIONAL SERV. & FEES \$36.00; ANDERSEN, SHANE, TRAVEL & CONFERENCE \$10.24; BOB BARKER COMPANY, SUPPLIES & MATERIALS \$287.90; BORMANN, CLARK, AM'T HELD FOR SHERIFF TRU \$416.66; BP, TRAVEL \$104.91; BOWES CONSTRUCTION, NEW BRIDGES/GASB-34 \$317.94; BP OF BROOKINGS INC., GASOLINE/VEHICLE MAINT. \$273.43; BROOKINGS AUTO MALL INC, GASOLINE/VEHICLE MAINT. \$22.72; BRKGS. CITY UTILITIES, SUPPLIES & MATERIALS \$406.00; BROOKINGS UTILITIES, UTILITIES \$81.21; BRKGS DAILY REGISTER, PUBLISHING \$1412.41; BUHL'S CLEANERS, REPAIRS AND MAINTENANCE \$123.60; BURGHARDT AMATEUR CENTER, SUPPLIES & MATERIALS \$514.72; BUTLER MACHINERY CO., SUPPLIES & MATERIALS \$84.94; CAREER LEARNING CENTER, REPAIRS AND MAINTENANCE \$195.00; CARQUEST AUTO, SUPPLIES & MATERIALS \$64.54; CENTRAL BUSINESS SUPPLY, OFFICE SUPPLIES \$1939.41; CLITES, JAN, RENT \$300.00; COOK'S RECYCLING, REPAIRS & MAINT. \$75.25; COURTESY PLUMBING, REPAIRS AND MAINTENANCE \$19.00; CBCINNOVIS, TELEPHONE \$12.00; DALE'S ALIGNMENT, SUPPLIES & MATERIALS \$39.90; DIETRICH, DONNA K., PROFESSIONAL SERV. & FEES \$126.49; ELECTION SYS & SOFTWARE, SCANNER PROGRAMMING \$3363.42; ELITE BUSINESS SYSTEM INC, REPAIRS AND MAINTENANCE \$68.00; FARMER'S COOP COMPANY, SUPPLIES & MATERIALS \$4364.50; FIRST BANK & TRUST, TRANSPORT PRISONER \$66.53; FITE, ROBERT G, ADULT DEFENSE \$2231.70; FOERSTER WHOLESALE SUPPLY, SUPPLIES & MATERIALS \$249.45; GLOVER, ALAN, ADULT DEFENSE \$273.60; GOVCONNECTION, INC, SUPPLIES & MATERIALS \$105.00; GRAYBAR ELECTRIC CO INC, REPAIRS & MAINT. \$24.76; GRAYSON, MIKE, RENT \$375.00; GREAT PLAINS

PHYC SERVICE, ADULT DEFENSE \$2085.00; HAROLD'S PRINTING, SUPPLIES & MATERIALS \$756.95; HAROLD'S PHOTO CENTERS, SUPPLIES & MATERIALS \$35.62; HAUFF MID-AMERICA SPORTS, PERSONAL SERVICES \$81.85; HENDRICKS PIONEER, PUBLISHING \$8.20; HEWLETT-PACKARD COMPANY, DATE PROCESSING/SOFTWARE \$258.00; HOLMES, JOANIE, CORONER FEES \$1500.00; IBM CORPORATION, DATA PROCESSING/SOFTWARE \$237.16; INTEGRATED BUSINESS SOL, DATA PROCESSING/SOFTWARE \$683.90; INTER-LAKES COMM. ACTION, COMMUNITY WORKER \$750.00; JAEGER, JILLIAN, WORK STUDY \$75.00; JENSEN, RANDY J., TRAVEL & CONFERENCE \$8.96; KIDWILER, MARY, TRAVEL & CONFERENCE \$8.00; KLEINJAN, DARREL, TRAVEL & CONFERENCE \$12.16; KOOISTRA, NELVA, PROFESSIONAL SERV. & FEES \$15.00; LEADERSHIP BROOKINGS, PROFESSIONAL SERV. & FEES \$400.00; LEWIS & CLARK MENTAL, PROFESSIONAL SERV. & FEES \$260.00; LEXISNEXIS, SUPPLIES & MATERIALS \$150.00; LINWELD, SUPPLIES & MATERIALS \$137.10; MCCARTY, DONALD, ADULT DEFENSE \$1232.74; MCKEEVER'S VENDING, SUPPLIES & MATERIALS \$308.00; MCI, TELEPHONE \$148.03; M&M WELDING & REPAIR, REPAIRS AND MAINTENANCE \$100.00; M&T FIRE & SAFETY INC., SUPPLIES & MATERIALS \$594.50; MANS, BOB, TRAVEL & CONFERENCE \$5.12; MARKHURD, TRAVEL & CONFERENCE \$17000.00; MARTIN'S INC., SUPPLIES & MATERIALS \$14899.30; MASTERCARD, SUPPLIES & MATERIALS \$550.05; MIDWEST GLASS, REPAIRS & MAINT. \$159.42; MILLS PROPERTY MANAGEMENT, REPAIRS AND MAINTENANCE \$4314.59; NELSON, DARREL E., TRAVEL & CONFERENCE \$6.08; NELSON, NANCY J., ADULT DEFENSE \$140.60; NORTHWESTERN ENERGY, UTILITIES \$184.56; O'BRIEN, SEAN M., ADULT DEFENSE \$226.37; OFFICE SYSTEMS INC, SUPPLIES & MATERIALS \$588.92; OLSON, VALORIE, TRANSCRIPTS (NON) \$25.00; PARTY DEPOT, SUPPLIES & MATERIALS \$39.83; PATHOLOGY MEDICAL SERVICE, PROFESSIONAL SERV. & FEES \$1895.11; PENNINGTON COUNTY JAIL, TRANSPORT PRISONER \$242.70; PHYSICIANS LABORATORY, PROFESSIONAL SERV. & FEES \$35.19; PITNEY-BOWES INC., RENTALS \$186.00; QWEST, DATABASE SERVICE-US WEST \$182.45; RAZOR'S EDGE LAWNCARE, REPAIRS AND MAINTENANCE \$450.00; RFD, PUBLISHING \$73.06; REHFUSS, CATHY, PROFESSIONAL SERV. & FEES \$15.00; RIBSTEIN, RICK, ADULT DEFENSE \$1852.24; ROBBINS, JEFF, TRAVEL & CONFERENCE \$17.28; ROCHEL, ROBERT, TRAVEL & CONFERENCE \$21.12; SAATHOFF, LAYNE, TRAVEL & CONFERENCE \$14.72; SANTEMA, DEANNA, TRAVEL & CONFERENCE \$193.96; SHEPHARDSON HARDWARE HANK, REPAIRS AND MAINTENANCE \$117.65; SINAI COOP. ELEVATOR, SUPPLIES & MATERIALS \$1578.25; SIOUX VALLEY ENERGY, UTILITIES \$36.00; SIOUX VALLEY HOSPITAL, TRAVEL & CONFERENCE \$40.00; SKOGEN, SANDRA, AM'T HELD FOR SHERIFF TRU \$589.46; SMITH, STEVE, TRAVEL & CONFERENCE \$16.00; SONSHINE INN, RENT \$38.50; STATE OF SOUTH DAKOTA, TELEPHONE \$16.00; STERLING SOLUTIONS INC, DATA PROCESSING/SOFTWARE \$700.00; STURDEVANT'S AUTO, REPAIRS AND MAINTENANCE \$178.94; SWIFTEL CENTER, MULTI-PLEX UPKEEP \$2500.00; THURMAN LAW OFFICE, CRT APPORT. ATTY/M.I. \$166.01; VERIZON WIRELESS, UTILITIES \$211.91; VLASMAN, BARRY L., ADULT DEFENSE \$798.02; VOGEL, STEPHANIE, TRAVEL & CONFERENCE \$139.84; VOLUNTEERS OF AMERICA, TURNING POINT (POST) \$900.00; WAGNER REAL ESTATE, INSPECTION FEES \$2500.00; WALMART COMMUNITY, SUPPLIES & MATERIALS \$323.50; WEST GROUP, AM'T HELD FOR LAW LIBRARY \$943.65; WIECZOREK, TERRY, ADULT DEFENSE \$319.20; NORGAARD, DONALD, JURY & WITNESS \$20.00; NORGAARD, AMANDA, JURY & WITNESS \$20.00; NORGAARD, ALICIA, JURY & WITNESS \$20.00.

Highway Superintendent, Ted Eggebraaten met with the board to discuss a culvert project on a township road located near Aurora in Brookings County.

Brookings County Treasurer, Vicki Buseth, met with the board to present the total taxes collected for the month of August, 2006; and updated the board members on license plates changes expected in 2008.

Emergency Management Director, Todd Struwe met with the board to discuss the Emergency Management Fall Conference held in Sioux Falls, and presented the board with a copy of the 2007 Elected Officials Briefing.

Zoning and Drainage Director, Robert Hill met with the board to discuss the wind farm meeting in White, approval for the wind farm is expected in February 2007, he updated the board members on a drainage issue on South Lake Hendricks Drive.

Sheriff, Martin Stanwick, met with the board to discuss the jail occupancy, and the 24/7 Sobriety program.

Brookings County Auditor, Janet Willmott, presented the board with the 2007 Annual Budget.

Deputy Auditor, Krista Spence presented the board with the Auditor's Report.

Be it noted, the Highway transfers for the month of August 2006, \$6,596.68 was transferred for the expenditures to increase the Highway budget due to work performed and supplies furnished for various non-highway departments.

Be it noted, Register of Deeds' statement of fees collected during the month of August 2006 was filed in the County Auditor's Office in the amount of \$31,729.00.

Motion by Larson, seconded by Negstad to approve the Emergency Management FFY2007 State and Local Agreement (SLA) between the State of South Dakota and Brookings County. Roll Call Vote: Negstad "Aye", Santema "Aye", Klavetter "Aye", Larson "Aye", Falken "Aye." Motion Carried.

Public Hearing

As scheduled, a public hearing was held at 9:00am to approve the changes to the 2007 Provisional Budget and to approve Resolution #06-48: Adopting the 2007 Annual Budget. Chairperson Falken called for comments from both proponents and opponents. Chairperson Falken closed the public hearing.

Motion by Santema, seconded by Negstad to approve changes to the Brookings County 2007 Provisional Budget. Roll Call Vote: Santema "Aye", Klavetter "Aye", Larson "Aye", Negstad "Aye", Falken "Aye." Motion Carried.

2007 Provisional Budget Changes

Department	Budget Line	Description	Provisional	New	Difference
Commission	10100x4210111	Other Insurance liability	\$ 2,550	\$ 5,000	\$ 2,450
Contingency	10100x4290112	Contingency contingency	\$ 384242	\$ 385,539	\$ 1,297
Elections	10100x4250120	Repairs & Maintenance maint. contract	\$ 1,000	\$ 6,600	\$ 5,600
Auditor	10100x4270141	Travel/Education conference	\$ 1,000	\$ 4,000	\$ 3,000
Sheriff	10100x4210211	Other Insurance liability	\$ 12,000	\$ 15,000	\$ 3,000
Jail	10100x4210212	Other Insurance liability	\$ 12,000	\$ 14,000	\$ 2,000
Weed	10100x4210615	Other Insurance liability	\$ 4,500	\$ 6,500	\$ 2,000
Zoning	10100x4350711	Furniture & Minor Equipment truck		\$ 22,900	\$ 22,900
EmMngmt	22600x4210222	Other Insurance liability	\$ 1,500	\$ 2,500	\$ 1,000
Building Fund	30100x4293161	Highway Shops bathroom	\$ -	\$ 5,000	\$ 5,000
					\$ 31,947.00

Motion by Negstad, seconded by Klavetter to approve Resolution #06-48, a resolution to adopt the 2007 Annual Budget. Roll Call Vote: Klavetter "Aye", Larson "Aye", Negstad "Aye", Santema "Aye", Falken "Aye." Motion Carried.

RESOLUTION # 06-48

ADOPTION OF THE 2007 ANNUAL BUDGET FOR BROOKINGS COUNTY, SOUTH DAKOTA

WHEREAS, (7-21-5 thru 13), SDCL 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 changes, 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 APPROPRIATION AND EXPENDITURES FOR BROOKINGS County, South Dakota and all its institutions and agencies for calendar year beginning January 1, 2007 and ending December 31, 2007 and the same is hereby approved and adopted by the Board of County Commissioners of Brookings County, South Dakota, this 26th day of September, 2006. The Annual Budget so adopted is available for public inspection during normal business hours at the office of the County Auditor, Brookings County, South Dakota. The accompanying taxes are levied by Brookings County for the year January 1, 2007 through December 31, 2007.

County Levies	<u>Dollars</u>	<u>\$/1,000</u>
General	6,803,918	4.79
County Building	<u>174,458</u>	<u>.12</u>
Total	6,978,376	4.91

BOARD OF COUNTY COMMISSIONERS OF BROOKINGS COUNTY, SOUTH DAKOTA

_____ Dennis Falken, Chairperson
_____ Emil Klavetter, Vice-Chairperson
_____ Donald Larson, Commissioner
_____ Deanna Santema, Commissioner
_____ Mary Negstad, Commissioner

ATTEST:

Janet K. Willmott
Brookings County Auditor

A second reading on Ordinance #2006-03: An ordinance providing for the amendment of the 1997 revised zoning ordinance was held at 9:15am. Zoning and Drainage Director, Robert Hill discussed the changes to the ordinance in detail with the board members.

Motion by Klavetter, seconded by Negstad to approve and authorize Chairperson Falken to sign Ordinance #2006-03. Roll Call Vote: Larson "Aye", Negstad "Aye" Santema "Aye", Klavetter "Aye", Falken "Aye." Motion Carried.

ORDINANCE # 2006-03

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF THE 1997 REVISED ZONING ORDINANCE

WHEREAS, BROOKINGS COUNTY has previously adopted the 1997 Revised Zoning Ordinance; and

WHEREAS, the Brookings County, South Dakota, Board of County Commissioners deems it necessary, for the purpose of promoting the health, safety, and the general welfare of the County, to amend the 1997 Revised Zoning Ordinance.

THEREFORE, BE IT ORDAINED BY BROOKINGS COUNTY, SOUTH DAKOTA, THAT the 1997 Revised Zoning Ordinance of Brookings County be amended as follows:

SECTION A. That Article XI, Section 1101. "A" Agricultural District be amended by adding thereto the following paragraph:

Covenants/Waivers

1. A RIGHT TO FARM Covenant shall be filed with Register of Deeds on all property to be used as a site for a newly constructed residence (farm and non-farm) or church prior to issuance of a building permit and to all new subdividing of property by platting. Such Right To Farm covenant shall be in the form as set forth in Addendum 1 to this Ordinance

SECTION B. That Article XII be amended as follows:

1. That Section 1211, Concentrated Animal Feeding Operation Requirements, Subsection 6, Required Setbacks and Separation Distance for New Concentrated Feeding Operations and those Expanding by 500 or More Animal Units after May 13, 1997 be amended as follows:

6. Required Setbacks and Separation Distance for New Concentrated Feeding Operations and those Expanding by 500 or More Animal Units after May 13, 1997.

MINIMUMS

CLASS A CLASS B CLASS C CLASS D & E

Established residences 2,640 feet 1,760 feet 1,320 feet 1,320 feet

Adjoining property lines 200 feet 200 feet 200 feet 200 feet

Churches, Businesses and 2,640 feet 2,640 feet 1,320 feet 1,320 feet

Commercially Zoned Areas

Municipal Areas and Incorporated 5,280 feet 5,280 feet 2,640 feet 1,320 feet

Municipal boundary limits

Lake Park District boundary limits 5,280 feet 5,280 feet 2,640 feet 1,320 feet

Private Wells 2,640 feet 1,760 feet 1,320 feet 1,320 feet

other than the operator

Lakes and Streams 500 feet 500 feet 200 feet 200 feet

classified as Fisheries as

identified by the state

Federal, State & County Road ROW 300 feet 300 feet 200 feet 200 feet

Confinement

Federal, State & County Road ROW 50 feet 50 feet 50 feet 50 feet

Open lot

Township Road ROW 150 feet 150 feet 150 feet 150 feet

Confinement

Township Road ROW 50 feet 50 feet 50 feet 50 feet

Open lot

The County Zoning Commission shall have the power where exceptional topographic conditions or other extraordinary and exceptional situations or conditions exist to require setbacks in excess of the above minimum for proposals for new concentrated animal feeding operations. (Ord. 2006-02, 3-28-06)

2. That Section 1207, Minimum Mobile Home/Manufactured Home Requirements be amended as follows:

4. Must have been constructed after June 15, 1976.

SECTION C. In all other respects the 1997 Revised Zoning Ordinance shall remain unchanged and is hereby re-ordained.

FIRST READING: September 12, 2006

SECOND READING: September 26, 2006

Chairperson, Brookings County

Board of County Commissioners

ATTEST

Brookings County Auditor

RIGHT TO FARM NOTICE COVENANT

You are hereby notified that the property upon which you are constructing a new residence, whether stick-built, modular or manufactured, or upon which you are modifying an existing residence, described in the Legal Description below, is in or near agricultural land, agricultural operations or agricultural processing facilities or operations. You may be subject to inconvenience or discomfort from lawful agricultural or agricultural processing facility operations. Agricultural operations may include, but are not limited to, the following: the cultivation, harvesting, transport, and storage of crops; livestock production; ground or aerial application of herbicides and other pesticides; the application of fertilizer, including animal waste; the operation of machinery; the application of irrigation water; and other accepted and customary agricultural activities conducted in accordance with Federal, State, and County laws. Discomforts and inconveniences may include, but are not limited to: noise, odors, fumes, dust, smoke, burning, vibrations, insects, rodents, and/or the operation of machinery (including aircraft) during any 24-hour period. If you live in or near an agricultural area, you should be prepared to accept such inconveniences or discomforts as a normal and necessary aspect of living in an area with a strong rural character and an active agricultural sector. You are also notified that there is the potential for agricultural or agricultural processing operations to expand. This notification shall extend to all landowners, their heirs and successors or assigns.

Legal Description: _____

IN WITNESS WHEREOF, the Grantors have executed this covenant on _____, 20____.

Signature, Grantor Signature, Grantor
STATE OF SOUTH DAKOTA
SS:

COUNTY OF BROOKINGS

This instrument was acknowledged before me on _____, 2006 by _____ (Grantors).

Notary Public

My Commission Expires: _____

ADDENDUM 1, Brookings County Zoning Ordinance

Highway Superintendent, Ted Eggebraaten met with the board to discuss a Right of Way obstruction on 196th Street. Mr. Larry Miller, one owner of the property was present and spoke on his behalf. The board advised Mr. Miller to remove the retaining wall timbers from the Right of Way. No other action was taken.

Highway Superintendent, Ted Eggebraaten met with the board to discuss and application for occupancy of county right of way located on 210th Street by Hill Top Dairy, LLP. Chairperson Falken called for comments from both proponents and opponents, as follows: Skip Webster, Wilfred Reuvekamp, Mike Guggisberg.

Motion by Larson, seconded by Klavetter, to approve an Amended Temporary Easement for Use of County Road Right-Of-Way issued to Hill Top Dairy, LLP that will expire on December 31, 2006. Roll Call Vote: Negstad "Aye", Santema "Aye", Klavetter "Aye", Larson "Aye", Falken "Aye." Motion Carried.

Commission Assistant/Human Resource Director, Stephanie Vogel, met with the board to discuss the Property Tax Freeze for Agricultural Property of Beginning Farmer. Director of Equalization, Joyce Dragseth, met with the board to discuss the

Property Tax Freeze for Agricultural Property of Beginning Farmer. Chairperson Falken requested that further discussion on the tax freeze be placed on the October 3, 2006 Commission Meeting Agenda.

Commission Assistant/Human Resource Director, Stephanie Vogel, met with the board to discuss personnel matters, two letters of commendation, contingency update, Regional Odor Modeling Workshop, Rapid Watershed Assessment meeting, the NDEAM Awards Luncheon, 2006 Housing Conference, and updated the board on the Harvest Church.

Be it noted, the Board approved the following Personnel Action Notices:
Annual reviews: Don Swartos from \$12.81 to \$13.06, Richard Larsen from \$15.43 to \$15.70.

Deputy State's Attorney, Wm. Mark Kratochvil, met with the board to discuss an admission of service - denial of poor relief.

Commissioner's Open Discussion

Commissioner Larson reported on the Research Park board meeting, Fall Convention.

Commissioner Negstad reported on the FAA meeting, RSVP Banquet, Aurora Fireman's Feed, Fall Convention.

Commissioner Santema reported on the RSVP meeting, Legislative Conference at SDSU, PPN/Xcel Energy ground-breaking, 24/7 Sobriety Conference, ECMH meeting, Aurora Fireman's Feed, Fall Convention.

Commissioner Klavetter reported on the Zoning Meeting, SDSU president interviews, Fall Convention, PPN/Xcel Energy ground-breaking.

Commissioner Falken reported on the Research Park ground-breaking, Fall Convention, Aurora Fireman's Feed.

ADJOURNMENT

There being no further business, Chairperson Falken declared the meeting adjourned until 8:30am Tuesday, October 3, 2006.

It is the policy of Brookings County, South Dakota, not to discriminate against the Handicapped in 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.

Krista Spence
Deputy Auditor
Brookings County Auditor's Office