

# **BROOKINGS COUNTY COMMISSION MEETING**

**Tuesday, December 9, 2008**

The Brookings County Board of County Commissioners met in regular session on Tuesday, December 9, 2008 with the following members present: Deanna Santema, Don Larson, Mary Negstad, Emil Klavetter and Dennis Falken.

## **CALL TO ORDER**

Chairperson Santema called the meeting to order.

## **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

## **CONSENT AGENDA**

Chairperson Santema declared the Consent Agenda approved with no objection from the board. The Consent Agenda consisted of the agenda for the December 9, 2008 Commission meeting, and the minutes from the December 2, 2008 Commission meeting.

Welfare Matters: case #08-080 for rent was approved; case #08-081 for Brookings Utilities was approved; case #08-082 for Brookings Utilities was approved; case #08-083 for rent was approved; case #08-084 for Brookings Utilities was approved; case #08-061 for Avera McKennan Hospital was denied.

The following travel and education requests were approved: Steve Tietjen to attend Pressure Point Control Tactics School in Pierre, SD, February 23-27, 2009; Joyce Caugherty to attend a Regional Staff meeting in Watertown, SD, December 18, 2008; Brenda Conn to attend the flu clinic at Sioux Valley Schools in Volga, SD, November 24-25, 2008; and Brenda Conn to attend a Regional Staff Meeting in Watertown, SD, December 18, 2008.

The board approved the following personnel action notices: routine step increase for Heather Kulwicki from \$13.44 to \$13.70; routine step increase for Mitch Vilhauer from \$13.44 to \$13.70; routine step increase for Susan VanderWal from \$15.39 to \$15.66; routine step increase for Angela Patterson from \$13.44 to \$13.70; and new hire Amber Morlock at \$10.00.

## **DEPARTMENT HEAD REPORTS**

Planning and Zoning Director, Robert Hill, reported on the November 25, 2008 PUC meeting in Pierre and the upcoming January 5, 2008 PUC meeting in Brookings at the Swiftel Center. Hill also reported on the November 17, 2008 census meeting in Sioux Falls and a drainage board matter that he will be placing on an upcoming agenda.

Sheriff, Marty Stanwick, reported on the road conditions. Stanwick also noted the discussion on the board's agenda on declaring the county's property to the east of the detention center as surplus. He urged the board not to sell the property and noted how much the detention center staff uses the space for overflow parking.

Highway Superintendent, Larry Jensen, reported on the wind tower project and having John Ball from SDSU host a chain saw safety program. Jensen also requested that the board allow him to purchase a waste oil furnace in the amount of \$9,810.00 to help supplement the heating costs at the highway shop. By consensus, the board agreed to allow Jensen to purchase the furnace. Jensen also reported on the road conditions after the previous day's snowfall.

Finance Officer, Vicki Buseth, informed the board that the office will be running delinquent tax notices in the papers this week. She said the dollar amount is up approximately \$7,000.00 from last year, but the number of parcels is about the same. Buseth also says the office is creating its own tax notices this year, which will be sent out the first week of January 2009. She says approximately 14,500 will be sent out and doing it ourselves will save some money. She also noted that she is currently working on special assessments and utilities. Commissioner Klavetter questioned the amount of interest revenue the county is getting from its CDs. Buseth said that interest is down this year with both the CDs and the money markets.

### **ROUTINE BUSINESS**

Motion by Klavetter, seconded by Negstad, to approve for recording purposes and authorize Chairperson Santema to sign Resolution #08-42, a plat of Lot 1, Syngenta Addition in the NW ¼ of Section 27, Township 110 North, Range 49 West of the 5<sup>th</sup> P.M. Brookings County, South Dakota. Roll call vote: Larson "aye," Negstad "aye," Klavetter "aye," Falken "aye," Santema "aye." Motion carried.

Motion by Negstad, seconded by Falken, to approve for recording purposes and authorize Chairperson Santema to sign Resolution #08-43, a plat of Lot 2, Peter & Sandra Torino Addition in Gov't Lot 5 of SE ¼ of S32-T109N-R50W of the 5<sup>th</sup> PM Brookings County, SD. Roll call vote: Negstad "aye," Klavetter "aye," Falken "aye," Larson "aye," Santema "aye." Motion carried.

Motion by Falken, seconded by Negstad, to approve for recording purposes and authorize Chairperson Santema to sign Resolution #08-43, a plat of Lot 1, Bishman Addition, in Government Lot 3 of NW ¼ of Section 28-T109N-R50W of the 5<sup>th</sup> P.M., Brookings County, South Dakota. Roll call vote: Klavetter "aye," Falken "aye," Larson "aye," Negstad "aye," Santema "aye." Motion carried.

### **REGULAR BUSINESS**

Motion by Klavetter, seconded by Falken, to approve and authorize Chairperson Santema to sign Agreement #08-67, a State of South Dakota Consultant Contract/Letter of Agreement for Provision of Community Health Services between Brookings County and the South Dakota Department of Health. Roll call vote: Falken "aye," Larson "aye," Negstad "aye," Klavetter "aye," Santema "aye." Motion carried.

### **SCHEDULED AGENDA ITEMS**

As scheduled, the board held a public hearing and first reading of Ordinance #08-10, an Ordinance providing for the Amendment of the 1980 Revised Joint Jurisdiction Area Zoning Ordinance. Chairperson Santema read the ordinance and stated that the second reading will be held on Tuesday, December 16, 2008 and closed the public hearing.

**ORDINANCE # 2008-10**

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF THE 1980 REVISED JOINT JURISDICTION AREA ZONING ORDINANCE.

WHEREAS, BROOKINGS COUNTY has previously adopted the 1980 Joint Jurisdiction Area 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 1980 Joint Jurisdiction Area Zoning Ordinance.

THEREFORE, BE IT ORDAINED BY BROOKINGS COUNTY, SOUTH DAKOTA, that the 1980 Joint Jurisdiction Area Zoning Ordinance be amended as follows:

SECTION A. Article II. Definitions: be changed by adding the following:

Section 200. Word definitions

*Ag Research Facility:* A building where experimentation is undertaken for the collection of information associated with agronomy (Field crop production and soil management). This term does not include any animal research.

SECTION B. Article IV. Agricultural, Residential, Floodplain and Aquifer Districts,

Section 404 Aquifer District

Section 404.2a.1e. Ag Research Facility

SECTION C. Article IV. Agricultural, Residential, Floodplain and Aquifer Districts

Section 405 Agricultural District A

Section 407 Permitted uses

Section 407.7 Ag Research Facility

SECTION C. In all respects the 1980 Joint Jurisdiction Area Zoning Ordinance shall remain unchanged and is hereby re-ordained.

FIRST READING: December 9, 2008

SECOND READING:

---

Chairperson, Brookings County  
Board of County Commissioners

ATTEST:

---

Brookings County Auditor

**REGULAR BUSINESS**

Motion by Negstad, seconded by Falken, to remove the motion regarding the funding of the SDSU Innovation Campus from the October 28, 2008 commission meeting from the table. Roll call vote: Larson "aye," Negstad "aye," Klavetter "aye," Falken "aye," Santema "aye." Motion carried.

Jay Bender, a Growth Partnership board member, told the commissioners that the county's financial support has been used for operations and has made it possible to hire the people needed to move this project forward and has made the Innovation Campus possible. He encouraged the board to approve the additional \$25,000 that was initially requested.

Commissioner Klavetter stated that the original motion was tabled because the board needed to know if it was appropriate to use contingency for a non-mandated entity. And he feels it's not appropriate. He says they are in support of the research park, but within the constraints of funding the mandated entities. Klavetter also said that the county's revenue is going down, so everyone has to tighten their belts, therefore he finds it hard to support this funding.

Commission Assistant, Stephanie Vogel, presented the board with year-to-date budgets and gave an overview of the county's contingency.

Commissioner Larson said that he rises in support of the research park, and that if the board got creative with their financing they could support the project that has the chance of giving great returns. He felt that if the county abandoned the project now, they wouldn't be able to stand with pride in the future next to the other entities that have made this project happen.

Commissioner Santema said that she didn't feel the county was abandoning the project—they have given \$50,000 this year and another \$25,000 is in the budget for 2009. She says she fully supports the Innovation Campus, but she also has to think of everything else the county is responsible for funding.

Commissioner Falken thought that if the board was creative, they could find the \$25,000 in the 2008 budget, but send the message that in 2009, the county probably wouldn't have the additional funds available.

Roll call vote on the original motion made on October 28, 2008 to approve the funding request made by the SDSU Innovation Campus in the amount of \$25,000 for FY2008: Negstad "no," Klavetter "no," Falken "aye," Larson "aye," Santema "no." Motion failed.

Chairperson Santema opened the subcommittee reports and discussion on administrative space needs by saying there has been a lot of finger-pointing about the mystery property. She explained that the reason for the secrecy was at the request of the current owner whose personnel were in jeopardy. She says this is an on-going business and he didn't want his employees to worry that they would be out of a job if the county wasn't seriously interested in the property. Commissioner Santema continued by saying that the undisclosed property is the Gas-N-Mor property on 6<sup>th</sup> Street. The property is 150'x190' feet and the county would purchase it as a bare lot.

Commission Assistant Stephanie Vogel informed the board on the appraisal process, which will take approximately 5 weeks.

Commissioner Falken said that they had hoped to have the appraisal and purchase price settled by the end of the year, but he doesn't want to rush through this. He did say that legally the board could negotiate an offer prior to receiving the appraisal and asked the other members if they should do that or wait for an appraisal.

Commissioner Negstad thought the board could go ahead with an offer because the property fits the county's needs. She added that the county will get a building that is up to date, they could build "green," and the facility will serve the county's purposes as well as give good office space to county employees.

Commissioners Santema, Klavetter and Falken thought it would be prudent to do the appraisal first.

By consensus, the board agreed to move forward with the appraisal process.

In other space needs discussion, Commissioner Larson wanted the rest of the board to reaffirm their commitment to the property to the east of the detention center, which he felt they had. He then stated that when you get into a business deal, most of the time you have an exit strategy, or a "plan B." For purposes of discussion, Commissioner Larson suggested the board give thought to purchasing all of the residential property to the southwest of the courthouse. He said that this is an opportunity to renovate a "blighted" area. Larson also said that the space would allow for the potential for a joint use facility with the city in the future. He noted that a historical property is located in that block and could possibly be relocated. Larson encouraged the board to work with a local appraiser to get an estimate on this property.

Commissioner Negstad said that she is extremely frustrated that Commissioner Larson waited until today to bring this up. She said that the board has revealed the owner of the mystery property and is moving forward and now he brings a totally new suggestion to the table.

Commissioner Larson said that he knows he sounds crazy, but he doesn't want to isolate the county. He's afraid that they will have "buyer's remorse" because they've locked themselves into a deal with the Gas-N-Mor property. He says he considers this option as an exit strategy.

Commissioner Santema said that it sounds doable and it's close to the courthouse, however she wished that Commissioner Larson had brought up this possibility a long time ago. She then asked if he had investigated this property.

Commissioner Larson said that about 90% of the property owners are open to explore this possibility. Larson stated that often times he is not on the same page as the rest of the board because he is visionary...that he suggests things that maybe look too far into the future. He knows that he has been controversial and in the minority on the Gas-N-Mor property. However, Larson added that he is not sure that the board could have fully absorbed the concept of the property southwest of the courthouse, that's why he hasn't brought it up in the past.

Commissioner Klavetter says that he's opposed to looking at that property at this time because the county doesn't have the funding. He doesn't want to put off our current space needs any longer.

Commissioner Falken said that if this had been in our planning stage, it would have been a creative solution to our space needs. He said that they've all been looking for possibilities and he would have been in support of looking into this. However, Falken said that Commissioner Larson has thrown this option out today, it has never been discussed and that he now expects the rest of the board to make a decision to consider this property. Falken added that this could be an option if the Gas-N-Mor property falls through, and he noted that the bank building is still an option as well.

Commissioner Larson said that he doesn't disagree with Commissioner Falken, but sees this as an exit strategy. He says that if the majority of the board discovers that the Gas-N-Mor option won't work for whatever reason, he wants something to come back too. Larson also said that he doesn't see the overall creativity of this board to get involved in a project like this.

The board held discussion on a compromise and settlement of a county lien. Deputy States Attorney, Mark Kratochvil, informed the board that this is a county poor lien for medical services for \$6,620.51 and that the board has to set the amount if they are going to compromise on the settlement. He also told the board that if the lienee agrees to the amount, they would complete an application which would come back to the commission to approve.

The consensus of the board was to offer to settle the lien for \$2,000.

Commission Assistant and Human Resources Director, Stephanie Vogel, presented the Commission Assistant/Human Resources Report.

Vogel discussed correspondence regarding the Buffalo Ridge II Wind Farm project and Planning and Zoning Director, Robert Hill's, request to have a commissioner speak in favor of the project at the January 5, 2009 PUC meeting in Brookings. Vogel also informed the board of the final transportation report on the 34<sup>th</sup>/473<sup>rd</sup> Avenues Improvement Project on Tuesday, December 16, 2008 at 6:00 p.m.; a correction to the claims approval sheet signed at the December 2, 2008 meeting; a copy of the minutes from the intergovernmental conference held on Monday, December 8, 2008 at the Swiftel Center hosted by the Chamber's Governmental Affairs Committee; the January WILL luncheon; a thank you from the Festival of Lights committee; and Vogel gave the board members copies of last year's department head reviews and has scheduled an executive session next week to get comments for annual reviews for this year.

Deputy States Attorney, Mark Kratochvil, discussed the Verasun bonds and the county's liability due to Verasun's recent bankruptcy.

### **COMMISSIONER'S REPORTS AND DISCUSSION**

Commissioner Klavetter reported on the Planning and Zoning meeting and the joint meeting with the city.

Commissioner Falken reported on the chamber luncheon and round table discussion.

Commissioner Negstad had no report.

Commissioner Larson had no report.

Commissioner Santema reported on the Mayor's Christmas party; the chamber luncheon and discussion; and the 8-county meeting in Sioux Falls. She also reminded the board of the upcoming Extension Legislative Update on Monday, December 15, 2008, the county potluck on Tuesday, December 16, 2008, and the city's road report meeting on Tuesday, December 16, 2008.

### **ADJOURNMENT**

There being no further business, Chairperson Santema declared the meeting adjourned until 8:30 a.m. Tuesday, December 16, 2008.

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.

---

Stacy Steffensen  
Deputy Finance Officer  
Brookings County Finance Office