

# **BROOKINGS COUNTY COMMISSION MEETING**

**Tuesday, June 23, 2009**

The Brookings County Board of County Commissioners met in regular session on Tuesday, June 23, 2009 with the following members present: Donald Larson, Alan Gregg, Mary Negstad, Deanna Santema and Dennis Falken.

## **CALL TO ORDER**

Chairperson Larson called the meeting to order.

## **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

## **APPROVAL OF AGENDA**

The agenda for the June 23, 2009 commission meeting was approved without objection.

## **CONSENT AGENDA**

The consent agenda was approved without objection from the board.

The consent agenda consisted of the minutes from the June 16, 2009 commission meeting.

Welfare Matters: case #09-072 for Avera McKennan Hospital was denied; case #09-088 for Avera McKennan Hospital was denied; case #09-089 for Sonshine Inn was approved; case #09-091 for City of Volga-utilities was approved; case #09-005 HSC for admission fee and Wheelchair Express was approved.

Travel/Education Requests: Brenda Conn to attend training in Watertown, SD June 26, 2009; Charles Umberger to attend instructor training for radar and laser devices in Brookings, SD November 3-5, 2009.

## **ROUTINE BUSINESS**

Motion by Negstad, seconded by Gregg to approve the following claims. Roll call vote: Gregg "aye," Negstad "aye," Santema "aye," Falken "aye," Larson "aye." Motion carried.

A&B Business, Copier Maintenance, \$40.57, Copier Maintenance, \$35.28; Ag First Farmers Coop, LP/Dust Masks, \$2,908.90; Alan Glover, CAA 08-0707, \$618.60, CAA 09-0026, \$82.00; Allegra Print & Imaging, Lamination, \$35.90; Alltel, Cell Phone, \$115.98; Anderson Oil, White Diesel, \$995.10; AT&T, Monthly Statement, \$57.42, Monthly Long Distance, \$115.70, Long Distance, \$56.52; Avera McKennan Hospital, Cop Medical, \$2,167.86; Avera University Psychiatric, Mental Health Hold, \$208.73; Bremmon, Carmen, Paper Work/Interpretation, \$538.18, Court Interpreter Services, \$1,143.48; Brkgs City Utilities, Water/Sewer/Elec/Phone, \$535.52, Water, \$49.46, Phone & Internet Service, \$71.57, E911 Utilities May 2009, \$162.00, E911 Database, \$3,191.02, Phone Charges, \$239.38, E911, \$400.00, Phone & Fax, \$74.49, Monthly Service Charge, \$49.76, Monthly Statement, \$70.23, Monthly Service, \$296.14, Phone Charges, \$70.92, Phone Service, \$244.75, 10 Mb Fiber & DSL Access/Phone, \$1,737.14, Utilities, \$2,427.31; City Of Brkgs, Silt Fence, \$5.11; Brock White Company, Rental For Router, \$1,135.00; Brookings Equipment Inc, Repairs/Labor, \$112.95; Brookings Health System, Pmd, \$308.31, Pmd, \$187.59; Brookings Register, Summer Hours Publishing, \$240.00, Publishing, \$735.26, Legal Publishing, \$99.24, Severe Weather Ads, \$80.00, Severe Weather Ad, \$100.00; Butler Machinery Co, Stock Filters, \$1,007.34; Central Business

Supply, Ink Cartridge, \$30.96, Office Supplies, \$484.34, Copier Maintenance, \$6.90, Copier Maintenance, \$36.58, Office Supplies, \$96.14, Filing Cabinet Rails, \$23.29, Ink Cartridges & Ribbons, \$186.39, Copy Paper/Envelopes/Folders, \$85.88, Copier Maintenance, \$30.00, Office Jail Supplies, \$101.44; Cook's Recycling, Commercial Service, \$87.52, Cook's Contract, \$177.51, Regular & White Shop Pick Up, \$98.36, June Sanitation Bill, \$133.12; Courtesy Plumbing, Inc, Electric Sewer Cleaning/Jail, \$230.00; Dakota Riggers & Tool Inc, Tie Down Straps/Winch Strap, \$100.45; Dakota Security, Maintenance On Safe, \$238.78; Daws, Robert, Witness Fees & Mileage, \$20.00; Den-Wil Inc, Rent June-December (\$835/Mo), \$5,845.00; Diamond Mowers Inc, Parts, \$1,989.22; Dragseth, Joyce, NCRAAO Meals, \$121.00; Egeberg, Gary, May Mileage, \$71.04; Einspahr Auto Plaza, Switch/Gasket/Thermostat, \$245.16; Executive Management Financial, Technology Access Fees, \$14.00, Technology Access Fee, \$19.00; First Bank & Trust, May Visa Bill, \$343.60; Foerster Wholesale Supply, Misc Janitor Supplies, \$49.60, 10 Cases White Paper, \$330.00, Office/Jail Supplies, \$410.60, Towels/Paper Products/Cust, \$485.85; Foster, Bonnie, Honorarium Special Foods Judge, \$50.00; G&K Services, Laundry Service, \$250.66; GP Auto, Repairs Parts/Labor, \$385.36; Harold's Printing, Letterheads, \$102.70, Achievement Day Posters, \$135.15; Hauff Mid-America Sports, Replace Zipper, \$12.00; Hostler, Shawn, Meals Basic Spanish Classes, \$45.00; Hougland, Daniel G., Diesel For New Truck, \$34.03; Huron Culvert & Tank, Stock Culvert/Ring Shank Nails, \$5,418.81; Hy-Vee Food Store, Inmate Meals, \$11,419.57, Jury Meals, \$32.56; Hy-Vee Pharmacy, Inmate Meds, \$1,492.09; I 29 Truck Shop, Clevis Kit, \$117.00; Integrated Business Solutions, Computer Support, \$1,260.00; Inter-Lakes Comm. Action, Community Service Worker Funds, \$750.00; JCL Solutions, Supplies, \$77.22; Jensen, Randy J., Zoning Mtg Mileage, \$10.73; Jeromy J Pankratz, CAA Juv 09-0020, \$965.00; Jurgens Printing Inc, State Fair 4-H Books, \$276.00; KELO-TV, Correctional Sgt/Deputy Sheriff Postings, \$218.00; Kerry's Sprinklers Inc, Sprinkler System Maintenance, \$109.80; Kidwiler, Mary, Zoning Mtg Mileage, \$2.22; Kingsbury Co Sheriff, Service Of Subpoena, \$28.06; Kleinjan, Darrel, Zoning Mtg Mileage, \$14.80; Klingbile, Larry, Meals For USPAP Workshop, \$35.00; Knutson, Duane, Zoning Mtg Mileage, \$3.33; L&L Parts, Parts, \$178.54, Parts, \$474.74; Lar-Jo's, Important Doc Envelopes, \$326.26; Lewis & Clark Mental Health, BMI Hearing, \$142.00; Locators & Supplies, Rain Gear, \$545.26; Loomis, Robb, Zoning Mtg Mileage, \$16.28; Lowe's, Supplies, \$171.45; Lukonen, Doug, Soap, \$18.95; M&T Fire & Safety Inc., Pipe Mount, \$139.14, 1st Aid Kit Refill, \$62.00; M.E. McCann, CAA 09m-0490, \$459.72, CAA Juv 08-105, \$1,456.94; Macksteel, Plow Hitch/Mower Deck, \$490.05; Manatron Inc., M&S Cama Rate Tables, \$1,867.27, Proval System Support, \$7,349.83; Martin's Inc., Gas/Bulk Oil, \$17,017.34; Mastercard, Credit Card Charges, \$1,383.00; MCI, Long Distance, \$117.57; McKeever's Vending, Jail Supplies, \$419.40; McLeod's Printing & Office, Warning Tickets, \$186.02; Medtox Laboratories, Inc, Autopsy Drug Screen, \$60.00; Mills Property Management, May 2009 Janitorial, \$165.35, 1921 Building Rental July-Dec, \$27,191.96; Minnehaha Co. Juvenile, Foster Care, \$3,510.00; Nancy J Nelson, CAA Crim, \$539.56, CAA Crim 08-357, \$842.96, CAA Crim 09-199, \$919.22; Nelson, Darrell, Zoning Mtg Mileage, \$6.66; Northwestern Energy, Natural Gas/Shop & Office, \$47.32, Extension/Courthouse Nat Gas, \$67.81, Monthly Gas Bill, \$114.78; Office Systems Inc, Rural Review Postcards, \$100.00, Jail Copier, \$42.03, Labels/Pocket Envelopes, \$96.03; Pitney-Bowes Inc., Quarterly Charge, \$186.00; Postmaster, Postage Stamps, \$44.00; Prairie Graphics, Safety Shirts, \$106.00; Pro Action Uniforms, Shirt/Patches 6a5, \$143.74; Qwest, E911 Database, \$438.19; Raeder, Pam, Honorarium/Mileage, \$85.52; Razor's Edge Lawn Care, May Services, \$984.21; RFD, Summer Hours Advertising, \$44.00, Legal Publishing, \$92.40; Rick Ribstein, CAA Cri09-108, \$995.04; Robbins, Jeff, Zoning Mtg Mileage, \$26.27; Robert G Fite, CAA 08-0750/09m-0327, \$959.40, CAA Cr09-0096, \$328.00, CAA 09-0121,09-0174, \$483.80; Rochel, Robert, Zoning Mtg Mileage, \$14.43; Running's Supply Inc, Supplies, \$425.47, Flag/Wire Staff, \$23.99, Oil Line/Fittings/Water Hose, \$54.72; Sanitation Products Inc, Falls Plow Wing, \$11,063.00; SD Continuing Legal, Dakota Disc Qtly Subscription, \$125.00; SD Dept Of Transportation, Const Contracts & Prelims, \$552.56; SD Rehab Action, Leadership & Diversity Training, \$80.00; SDAAO, Annual Assessor School Regs, \$1,250.00; SDACES, Dues to SDACES, \$40.00; Sheehan Mack Sales, Seal Kit For Hydraulic Pump, \$98.90; Sinai City, Water & Sewer, \$35.00; Sinai Coop. Elevator, Gas/Diesel, \$1,072.19; Sioux Falls Two Way Radio, Cable Kit/High Gain Antenna, \$496.00, Repair Zetron Computer, \$800.00, 6a7 Vehicle Radio Repairs, \$382.50; Sioux Valley Energy, Electricity, \$119.00; Smith Supplies, Misc Signing Material,

\$83.12; Software Services Inc., Computer Support, \$80.00; Speedy Cleaners, Rug Rental Services, \$29.80; Sturdevant's Auto, Parts, \$405.82, Parts, \$95.40; Susan Brugger, CAA Cr 09-273, \$176.91; Swiftel Center, Multiplex Upkeep -June, \$2,500.00; Umberger, Charles, Meals Basic Spanish Classes, \$45.00; Union County Sheriff, Service Of Subpoena, \$37.00; Vander Haag's Inc, Axle/Auxiliary Tank, \$2,624.16; Verizon Wireless, Monthly Charges, \$99.14, Monthly Services, \$57.52, Cell Phone Services, \$89.98, Monthly Charges W/Blackberry, \$96.73, Cell Phone Charges, \$131.32; Volga City, Cop Utilities, \$125.28; Wagner Re Appraisal & Bldg, Inspections, \$1,200.00; Walmart Community, Office Supplies - Finance, \$49.28; West Payment Center, Info Charges May 2009, \$948.57, NW Reporter, \$355.00, Zoning Bulletin Subscription, \$168.00; WheelCo Trucks & Trailer, Hydraulic Filter, \$68.75; White City, Water/Sewer/Electric, \$54.38; White Fire Department, Annual Truck Payment, \$5,000.00; Wiederrich Court Reporting, Transcript, \$66.20; Willmott Gravel, Rock For 2b Shoulders, \$265.60; WW Tire Service Inc, Tires, \$261.00; Yankton County Treasurer, Mi Hearing, \$103.75.

Deputy Finance Officer Stacy Steffensen presented the Finance Officer's Report.

Be it noted, the expenditure corrections for the month of May 2009 were presented. \$4191.06 was transferred for expenditures to increase the highway budget due to work performed and supplies furnished for various non-highway departments. \$640.08 was transferred for postage expenditures to increase the finance office budget due to postage furnished for various non-finance office departments.

### **REGULAR BUSINESS**

Motion by Santema, seconded by Negstad to approve and authorize Chairperson Larson to sign Agreement #09-40: a Delinquent Tax Payment Agreement in the amount of \$2218.56. Finance Officer Vicki Buseth provided background information and recommended approval. Roll call vote: Negstad "aye," Santema "aye," Falken "aye," Gregg "aye," Larson "aye." Motion carried.

Executive Director of the Glacial Lakes & Prairies Tourism Association of Northeastern South Dakota Rosie Smith updated the board on tourism in our region of the state, as well as programs, projects, and marketing that the association carries out each year.

The board discussed their continuing participation on the Administrative Facility Task Force. Commissioner Negstad questioned why they need this task force and why it's not more inclusive. She said that the board received correspondence from Brookings Economic Development Corporation Executive Director Al Heuton explaining the purpose of the task force. Negstad also said that there has been a lot of public criticism regarding the inclusion and exclusion of individuals to the task force. She asked for feedback on whether the county should continue its participation on the task force.

Commissioner Santema said the information from Heuton answers a lot of questions and she read the correspondence titled "A Message to the Brookings County Public from the Administrative Facility (Central Business District) Task Force." Santema said that the information in that message provided a lot of answers and some things were a direct opposite of what her previous thoughts were. She said that if the message accurately reflects the task force's role, she believes it is a good thing for the area.

Negstad said that the message does answer a lot of questions that she didn't feel she was privy to beforehand and she hopes this information clears up some concerns that citizens have.

### **PUBLIC HEARING**

As scheduled, a public hearing was held at 9:00 a.m. for the consideration of a proposed supplemental budget resolution. Chairperson Larson opened the public hearing. Commission Assistant Stephanie Vogel provided background information. Chairperson Larson called for proponents and opponents. Chairperson Larson closed the public hearing.

Motion by Gregg, seconded by Negstad to approve Resolution #09-23: a Supplemental Budget Resolution. Roll call vote: Santema "aye," Falken "aye," Gregg "aye," Negstad "aye," Larson "aye." Motion carried.

#### RESOLUTION #09-23

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

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

WHEREAS the adoption of said proposed supplemental budget was duly considered by the Board of County Commissioners on the 23<sup>rd</sup> day of June, 2009 at 9:00 a.m. in the County Commission Chambers in a regularly scheduled meeting and any objections having been made before said Board to the adoption of such supplemental budget.

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

FROM: 2008 General Fund \$207,000 of Unreserved Fund Balance  
TO: 101-4-111-4221, Commission \$47,000 for software implementation and website design (unspent expense from 2008)  
101-4-911-4294 Transfers Out-Highway, \$160,000 for projects started but not completed in 2008.

FROM: 2008 Domestic Abuse Fund \$7,715 of Unreserved Fund Balance  
TO: 229-4-434-4290, Domestic Abuse \$7,715 for unexpended 2008 budget.

FROM: 2008 Highway Fund \$160,000 of Unreserved Fund Balance  
TO: 201-4-311-4220, Highway \$25,000 for railroad crossing repairs started but not completed in 2008.  
201-4-311-4220, Highway \$135,000 for bridge construction project started but not completed in 2008.

Dated this 23<sup>rd</sup> day of June, 2009.

---

Chairperson Donald Larson

---

Vice Chairperson Dennis Falken

---

Alan Gregg

---

Mary Negstad

---

Deanna Santema

#### **REGULAR BUSINESS**

Ginger Thomson with Home Federal Bank and John Schramm with Mid-America Leasing discussed leasing options the county may be interested in through Mid-America Leasing.

#### **PUBLIC HEARING**

As scheduled, a public hearing was held at 9:15 a.m. for the consideration of a proposed supplemental budget resolution. Chairperson Larson opened the public hearing. Commission

Assistant Stephanie Vogel provided background information. Chairperson Larson called for proponents. Chairperson Larson called for opponents.

Nancy Flynn asked for additional clarification on what the adoption of the supplemental budget means. Deputy State's Attorney Mark Kratochvil said that this is not action to purchase those properties, but gives the authority to purchase. Commissioner Santema said that it's like putting \$260,000 in the checkbook but not writing the check.

Nick Wendell said that this is a two-fold issue. The first is the purchase of the properties to create a parking lot. The second is that in getting feedback from residents signing the petitions, there is legitimate concern about the process in making a decision to purchase the properties.

Mary Bibby had questions on where the money is coming from, how much is in reserves and how that money is accumulated. She also questioned the cost of demolition and putting in a parking lot. Commission Assistant Stephanie Vogel explained where the money is coming from and how reserves are created. Vogel noted that the costs of demolition and a new parking lot would be budgeted for in 2010.

Gloria Kloster noted the people that signed the petitions to refer this action and that they are speaking in opposition to this resolution by signing the petitions.

Chairperson Larson closed the public hearing.

Motion by Gregg, seconded by Santema to approve Resolution #09-24: a Supplemental Budget Resolution.

Commissioner Gregg said that as they move forward, they will need to get estimates on what it will cost to make a parking lot and he would like to have a lay out done on how the potential parking lot would look. He thought that information would be beneficial to citizens.

Referring to the motion, Commissioner Falken said that this action is really just a procedural thing. It's not to purchase the property, but gives the board the authority to spend the money to purchase the property. He said that the board has made a commitment to purchase those properties, so they still have to prepare and go through this process despite the election.

Deputy State's Attorney Mark Kratochvil said that even though this action gives the board the authority to spend the money, it doesn't mean they are going to do that. He said this public hearing was scheduled before the petitions were filed, so the board can approve this action and have the spending authority in place, or not do it now and if the election is in favor of buying the properties, then they will need to go through this process again.

Commissioner Negstad said that she is disappointed that people don't trust the board to put in a parking lot that would be attractive and better than what is already there. She said that if they don't have the parking lot, people may be parking in front of homes in the neighborhood.

Commissioner Santema said that this action puts the money in the checkbook but it doesn't write the check. She noted the expense that has already occurred in publishing notices.

Roll call vote: Falken "aye," Gregg "aye," Negstad "aye," Santema "aye," Larson "aye."  
Motion carried.

#### RESOLUTION #09-24

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

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

WHEREAS the adoption of said proposed supplemental budget was duly considered by the Board of County Commissioners on the 23<sup>rd</sup> day of June, 2009 at 9:15 a.m. in the County Commission Chambers in a regularly scheduled meeting and any objections having been made before said Board to the adoption of such supplemental budget.

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

FROM: 2009 Building Fund \$260,000 of Unreserved Fund Balance  
TO: 301-4-111-4295, Courthouse Building, for the purchase of real property

Dated this 23<sup>rd</sup> day of June, 2009.

---

Chairperson Donald Larson

---

Vice Chairperson Dennis Falken

---

Alan Gregg

---

Mary Negstad

---

Deanna Santema

The board discussed setting a date for a special election due to petitions received requesting a referral of the decision to purchase real property located at 702 and 704 4<sup>th</sup> Street, Brookings, SD.

Deputy State's Attorney Mark Kratochvil provided a written opinion to the board and said that under South Dakota laws, he believes that the issue is referable. He said that the petitions are in proper order with sufficient signatures and directed the board to accept the petitions and schedule the special election.

Deputy Finance Officer Stacy Steffensen commented on scheduling the election for the last Tuesday, August 11<sup>th</sup>, that falls within the 60 day window from the time the petitions were turned in.

Motion by Gregg, seconded by Santema to accept the petitions and set the special election for August 11, 2009. Roll call vote: Gregg "aye," Negstad "aye," Santema "aye," Falken "aye," Larson "aye." Motion carried.

The board discussed the elections budget.

Planning and Zoning Director Robert Hill and Jay Gilbertson with East Dakota Water Development District discussed correspondence from the South Dakota Department of Environment and Natural Resources regarding a request to make a change to the permit for the usage of the flood control gates on Lake Poinsett.

Hill and Gilbertson also discussed a potential project to put a cattail buffer near Lake Hendricks in an effort to help clean up the lake.

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

Vogel discussed the \$400,000 USDA easement payment. Jay Gilbertson with East Dakota Water Development District told the board that it is was a conservation easement payment to a single landowner.

Vogel updated the board on the gopher bounty program, correspondence from the South Dakota PUC regarding the pipeline ordinance, JDC statistics, inspections of the 4<sup>th</sup> Street properties, information for the executive session, and the county picnic. She also informed the board that she would be out of the office for part of the week.

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

Commissioner Falken reported on the 911 budget meeting.

Commissioner Negstad had no report.

Commissioner Gregg reported on the Weed and Pest Board meeting and the Health Board meeting. He also informed the board that the Swiftel Center's possible expansion would be a topic of discussion at the city's work session that evening.

Commissioner Santema reported on the Transportation Board meeting, her participation in the BEDC's long-term care task force interview and the BATA meeting.

Commissioner Larson updated the board on the Clean Water Act.

### **RECESS**

The board recessed until 10:30 a.m.

### **EXECUTIVE SESSION**

Motion by Falken, seconded by Negstad to enter into Executive Session at 10:30 a.m. for personnel reasons. Roll call vote: Negstad "aye," Santema "aye," Falken "aye," Gregg "aye," Larson "aye." Motion carried.

The board came out of Executive Session at 11:10 a.m. No action was taken.

### **ADJOURNMENT**

There being no further business, Chairperson Larson declared the meeting adjourned until 8:15 a.m. Friday, June 26, 2009.

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

Published once at the total approximate cost of \_\_\_\_\_.