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THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M. August 29, 2017, pursuant to adjournment on August 22, 2017. Commissioners present were: Barth, Bender, Beninga, Heiberger, and Karsky. Also present were Olivia Larson, Commission Recorder, and Margaret Gillespie, Senior Deputy State's Attorney.

MOTION by Barth, seconded by Bender, to approve the agenda. 5 ayes.

#### MINUTES APPROVAL

MOTION by Heiberger, seconded by Barth, to approve the August 22, 2017, Commission Minutes. 5 ayes.

MOTION by Bender, seconded by Karsky, to approve the August 22, 2017, Joint Minnehaha County/City of Sioux Falls Minutes. 5 ayes.

#### VOUCHERS TO BE PAID

MOTION by Barth, seconded by Heiberger, to approve the following bills totaling \$261,496.14. 5 ayes.

|                          |                 |          |                                    |                        |
|--------------------------|-----------------|----------|------------------------------------|------------------------|
| A&B Business             | Maintenance     | 12.00    | A To Z World Language Interpreters | 4,985.00               |
| A-1 Septic               | Tea-Ellis Range | 150.00   | Advanced Interviewing Education    | 140.00                 |
| Advantage Property       | Welfare Rent    | 250.00   | Affordable Housing                 | Welfare Rent 474.00    |
| Airway Service           | Automotive      | 1,907.54 | Airway Service                     | Gas,Oil,Diesel 41.13   |
| Allied Oil & Tire        | Automotive      | 44.50    | Allied Oil & Tire                  | Truck Repair 24.50     |
| Alpine Property          | Welfare Rent    | 500.00   | Arcadia Publishing                 | Store Inv 398.60       |
| AT&T                     | Safety & Res    | 40.75    | Avera Health                       | Medical Record 9.44    |
| Avera McKennan           | Blood Withdraw  | 330.00   | Avera McKennan                     | Hospitals 268.15       |
| Axis Forensic Toxicology | Lab Costs       | 1,685.00 | Bachmeier, Rhonda F                | Welfare Rent 900.00    |
| Batteries Plus Blubs     | Electrical      | 1,737.40 | Beadle County SD                   | Return Of Svc 22.00    |
| Belitz, Clarence H       | Welfare Rent    | 75.00    | Binger Law                         | Attorney Fees 4,309.52 |
| Boyer Trucks             | Truck Repair    | 331.45   | Brock White                        | Road Material 5,415.53 |
| Brookings Health         | Hospital Prep   | 1,246.91 | Bruxvoort, Jordan                  | Interpreters 275.00    |
| Budget Auto Repair       | Automotive      | 48.55    | Bureau Of Information              | Data Com 113.00        |
| C&R Supply               | Truck Repair    | 435.76   | Campbell Supply                    | Automotive 348.00      |
| Capellupo, Lisa          | Education       | 59.00    | Century Business                   | Lease-Rental 275.51    |
| Century Business         | Maintenance     | 1,051.02 | Centurylink                        | Telephone 66.25        |
| Change Healthcare        | Data Process    | 49.00    | Chasing Willows II                 | Welfare Rent 400.00    |
| Climate Systems          | Heat,Vent       | 154.00   | Cole Papers                        | Small Tools 994.30     |
| Dakota Embalming         | Transportation  | 1,065.00 | Dakota Fluid Power                 | Truck Repair 2,405.34  |
| Dakota News              | Store Inv       | 100.01   | Dakota Psychological               | Psych Evals 3,523.50   |
| Dan Grigg Images         | Store Inv       | 15.95    | Decisionone                        | Maintenance 168.52     |
| Deer Hollow              | Welfare Rent    | 400.00   | Duffy, Ryan                        | Attorney Fees 1,044.00 |
| EH Hospitality           | Motels          | 500.00   | Eric Willadsen                     | Sign Deposits 50.00    |
| Evans, Jerald L          | Welfare Rent    | 800.00   | Fastenal                           | Small Tools 27.73      |
| Fastenal                 | Truck Repair    | 8.13     | Filly Flair                        | Sign Deposits 50.00    |
| Frison, Sara             | Education       | 59.00    | Galls Quartermaster                | Uniform Allow 364.47   |
| Gearman, Jason           | Uniform Allow   | 232.95   | Goebel Printing                    | Printing/Form 44.64    |
| Goering, James           | Small Tools     | 230.80   | Goosmann Law Firm                  | Child Defense 2,214.68 |
| Great Plains Psych       | Psych Evals     | 850.00   | Guzman, Sandra V                   | Interpreters 1,108.30  |
| Haensel, Janell          | Sign Deposits   | 50.00    | Hayes, Albert                      | Education 90.00        |
| Heimdahl, Marie Ann      | Court Reporter  | 44.20    | Hidden Hills Apt                   | Welfare Rent 400.00    |
| HP                       | Data Process    | 7,756.11 | HyVee                              | Pharmacies 61.89       |
| HyVee                    | Program Act     | 139.91   | I State Truck Center               | Truck Repair 143.22    |
| Interstate All           | Heavy Eq Rep    | 114.95   | Interstate Office                  | Office Supplies 605.22 |
| ISI                      | Interpreters    | 340.00   | Jarman Properties                  | Welfare Rent 600.00    |
| JD Property Solution     | Welfare Rent    | 600.00   | Jeff Larson Law                    | Attorney Fees 770.90   |
| Jeff Larson Law          | Child Defense   | 1,628.60 | Jim & Rons Service                 | Other Prof 50.00       |
| Johnson, Richard L       | Attorney Fees   | 79.90    | KCH Law                            | Attorney Fees 232.74   |
| Kehn, Tyler              | Sign Deposits   | 50.00    | Kennedy, Renee S                   | Court Reporter 671.20  |
| Klein Steven J           | Welfare Rent    | 300.00   | Lacey Rentals                      | Lease-Rental 108.00    |
| Lassegaard, Samuel C     | Welfare Rent    | 350.00   | Laughlin Law                       | Attorney Fees 2,940.60 |
| Leddige, Jonathan        | Education       | 59.00    | Lewis & Clark BHS                  | Bd Evaluation 2,560.00 |
| Macs                     | Building Repair | 6.99     | Macs                               | Heavy Eq Rep 2.32      |

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|                       |                |           |                       |                |           |
|-----------------------|----------------|-----------|-----------------------|----------------|-----------|
| Martinell, Charles    | Business Trav  | 91.56     | Meadowland Apts       | Welfare Rent   | 990.00    |
| Medstar Paramedic     | Transportation | 1,000.00  | Menards               | Bldg/Yard Rep  | 9.94      |
| Menards               | Bridge Repair  | 119.90    | Menards               | Park/Rec       | 15.57     |
| Midamerican Energy    | Natural Gas    | 961.95    | Mikelson, Gary E      | Attorney Fees  | 1,260.90  |
| MPI Technologies      | Data Process   | 2,390.00  | Multicultural Center  | Interpreters   | 220.00    |
| Murray Properties     | Welfare Rent   | 823.00    | Nguyen, Lam           | Interpreters   | 50.00     |
| Nobles County MN      | Return Of Svc  | 65.00     | North Ridge           | Welfare Rent   | 654.00    |
| Nyberg's Ace Hardware | Small Tools    | 44.98     | O'Dea, Steve C        | Welfare Rent   | 550.00    |
| Oscars Mini-Storage   | Program Act    | 104.00    | Pechous, Corey        | Education      | 86.50     |
| Peska Construction    | Fairgrounds    | 7,686.00  | Peterson, Myles       | Education      | 58.00     |
| Pheasant View Apt     | Welfare Rent   | 840.00    | Pheasantland          | Sign Supply    | 480.90    |
| Quail, Eric Lee       | Store Inv      | 151.20    | Qualified Presort     | Postage        | 56.07     |
| Quality Efficiencies  | Motels         | 100.00    | Rock Mills            | Welfare Rent   | 600.00    |
| Rural Metro Medical   | Transportation | 300.00    | RX Outreach           | Pharmacies     | 171.00    |
| Sanford Hospital      | Blood Withdraw | 80.00     | Sanford Hospital      | Hospitals      | 944.31    |
| Sanford Hospital      | Medical Record | 12.00     | Sanford Laboratories  | Lab Costs      | 368.67    |
| SD Dept Of Rev        | Lab Costs      | 480.00    | SD Human Services     | Attorney Fees  | 34.80     |
| Sentinel Offender     | Electronic Mon | 1,931.29  | Servall Towel & Line  | Program Act    | 52.75     |
| Shaykett Appraisal    | Other Prof     | 3,500.00  | Sheehan Mack Sales    | Heavy Eq Rep   | 474.67    |
| Shi International     | Maintenance    | 8,905.50  | Shi International     | Software       | 4,655.28  |
| Sioux Falls Utilities | Electricity    | 14,751.45 | Sioux Falls Utilities | Water Sewer    | 11,680.80 |
| Sioux Falls Utilities | Welfare Utilit | 415.12    | Smith, Traci M        | Education      | 167.86    |
| Super Fast Auto       | Heavy Eq Rep   | 120.00    | Tegra Group           | Jail Expan     | 25,645.45 |
| The Mitographers      | Small Tools    | 125.29    | Tires Tires Tires     | Gas,Oil,Diesel | 41.41     |
| Tower Campground      | Welfare Rent   | 475.00    | Triangle Properties   | Welfare Rent   | 500.00    |
| Tschetter & Adams     | Attorney Fees  | 828.91    | Turning Leaf Apt      | Welfare Rent   | 1,000.00  |
| Tyler Technologies    | Software       | 4,751.94  | US Bank Equipment     | Lease-Rental   | 136.72    |
| Variety Foods         | Other Prof     | 389.15    | Variety Foods         | Other Supplies | 78.28     |
| Verizon Wireless      | HIDTA Grant    | 100.00    | Walmart               | Pharmacies     | 65.79     |
| Walton, Marcus        | Attorney Fees  | 2,634.80  | Weerheim Law          | Attorney Fees  | 883.60    |
| Weiger, Mona G        | Court Reporter | 33.60     | West Pointe           | Welfare Rent   | 1,650.00  |
| Western Detention     | JDC Maint      | 3,813.30  | Wilka & Welter        | Attorney Fees  | 318.74    |
| Woods Fuller Shultz   | Jail Expansion | 2,765.00  | Xcel Energy           | Electricity    | 73,080.09 |
| Xcel Energy           | Welfare Utilit | 3,823.02  | Xigent Solutions      | Consultants    | 800.00    |
| Yankton County        | Return Of Svc  | 300.00    | Yankton County        | Attorney Fees  | 1,876.50  |
| 121 Benefits          | Cobra Ins      | 1,338.00  |                       |                |           |

PERSONNEL

MOTION by Karsky, seconded by Bender, to approve the following personnel changes. 5 ayes.

1. To promote the Joshua Rapp and Sebastian Acuna Acosta from Corrections System Operators (9/3) to Correctional Officers in Training (12/3) for the Jail at \$17.37/hour effective 8/26/17.
2. To promote Kevin Kellum from Correctional Officer in Training (12/3) to Correctional Officer (13/3) for the Jail at \$18.26/hour effective 6/6/17.
3. To accept the resignation of Tamara Sigdestad as Correctional Officer in Training for the Jail effective 8/21/17.
4. To hire Stacy Veen as variable hour Safe Home Program Worker for Safe Home at \$14.80/hour effective 8/29/17.

Step Increases

1. Travis Krueger – Air Guard Security Officer II – Air Guard – 13/13 – 8/8/17 - \$23.37/hour
2. Jorge Vicuna – Juvenile Correctional Officer II – Juvenile Detention Center – 14/17 – 8/18/17 - \$27.10/hour

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3. David Heinold – Planner I – Planning – 16/7 – 9/3/17 - \$23.37/hour
4. James Phelps – Quality Assurance and Improvement Manager – Human Services – 18/17 – 6/9/17 - \$33.02/hour

#### Agreement

Carey Deaver, Human Resources Director, gave a briefing on a one year renewable contract between Minnehaha County and Lincoln County for Human Resources Services. Under the terms of the contract, Minnehaha County Human Resources staff will provide support in person in Lincoln County for one day a week and by phone throughout the week during normal business hours. Lincoln County will reimburse Minnehaha County at the rate of \$6,247 per month. MOTION by Barth, seconded by Heiberger, to authorize the Chair to sign a one year renewable contract beginning January 1, 2018, through December 31, 2018, between Minnehaha County and Lincoln County for Human Resources Services at a total projected amount of \$74,964. 5 ayes.

#### NOTICES

MOTION by Heiberger, seconded by Bender, to authorize a notice of hearing to consider the 2017 Annual Byrne/JAG Joint Spending Plan for Minnehaha County and the City of Sioux Falls on September 12, 2017. 5 ayes.

Notice received from Benton Township of the following new speed limit change: 257<sup>th</sup> Street from the end of 4<sup>th</sup> Street, Crooks, SD going west 2,403.3 feet is now set at 35 miles per hour.

#### LIEN COMPROMISE

Melinda Storley, Commission Assistant, gave a briefing on an application for a compromise of lien for DPNO 74303 in the amount of \$3,096.09. Public Defender, Public Advocate, and Poor Relief services were provided to the applicant's ex-spouse between October 2010 and August 2016. The applicant and her ex-spouse were married in March 2012 and divorced in August 2017. Their divorce decree does stipulate that the applicant's ex-spouse is responsible for his own debts incurred for services provided to him, even if her name is listed. The applicant has requested a compromise and release of the lien in full as it applies to her, leaving the lien in full against her ex-spouse. Margaret Gillespie, Senior Deputy State's Attorney, spoke on the divorce decree and the division of marital property. MOTION by Bender, seconded by Heiberger, to approve Resolution MC17-39. 5 ayes.

#### RESOLUTION MC17-39

WHEREAS, a County Aid Lien in the amount of \$3,096.09, purports to exist in favor of Minnehaha County and against DPNO 74303 as Lienee, and

WHEREAS, said lienee has filed an application with the County Auditor stating such facts as provided for by Law,

NOW, THEREFORE, BE IT RESOLVED that after due consideration of the circumstances the Board of County Commissioners finds it advisable and proper to authorize the Chairman of the County Board and the County Auditor to execute the following:

Remove the applicant from the lien, leaving the lien in full against the applicant's ex-spouse.

Dated at Sioux Falls, South Dakota, this 29<sup>th</sup> day of August, 2017.

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**APPROVED BY THE COMMISSION:**

Gerald Beninga  
Chairman

**ATTEST:**

Olivia Larson  
Deputy County Auditor

**PUBLIC COMMENT**

David Zokaites, 2215 E Mulberry St, Sioux Falls, presented the third part of his three part presentation regarding drug prohibition.

**SPECIAL EVENT LICENSES**

A public hearing was held for a Special Event On-Sale Liquor License Application submitted by Prairie Pasta Inc. dba Johnny Carino's. The license would allow the sale and consumption of liquor at a wedding to be held on September 16, 2017, at the Blue Haven Barn. The licensed property is legally described as Track 3 (Ex #1) Krell's Addition SE ¼ 36-101-51 Wall Lake Township, located at 46594 268<sup>th</sup> St. No one spoke in opposition. MOTION by Barth, seconded by Karsky, to approve a Special Event On-Sale Liquor License for Prairie Pasta Inc. dba Johnny Carino's for a wedding on September 16, 2017, at Blue Haven Barn. 5 ayes.

A public hearing was held for Special Event Malt Beverage and On-Sale Wine Retailer's License Applications submitted by Full Circle Sandwich Kitchen LLC. The license would allow the sale and consumption of malt beverage and wine at a harvest dinner to be held on September 9<sup>th</sup>, 2017, at the property of Jerry Ward, 47376 256<sup>th</sup> Street, Renner. The property is legally described as the W1/2 of the SE1/4 of S23-T103N-R49W of the 5<sup>th</sup> P.M., Minnehaha County, South Dakota. Mr. Ward has a conditional use permit for Agricultural Tourism that allows for four special events a year. No one spoke in opposition. MOTION by Bender, seconded by Barth, to approve a Special Event Malt Beverage License and a Special Event On-Sale Wine Retailer's License for Full Circle Sandwich Kitchen LLC for a harvest dinner on September 9<sup>th</sup>, 2017, at 47376 256<sup>th</sup> Street, Renner. 5 ayes.

**PUBLIC NUISANCE**

Kevin Hoekman, Planner I, gave a briefing on a Public Nuisance Ordinance violation at the property owned by Kim and Victoria Halverson. The property is legally described as the S1/2 S1/2 NE1/4 (Ex W 990') S9-T101-R51 Wall Lake Township. The first inspection of the site was on March 14, 2017. Staff found a large collection of air-conditioning units and several unlicensed vehicles were visible from the right-of-way. The owners were sent a letter on March 16, 2017, to make them aware of the violations. Two more letters were sent to the owners on April 20, 2017, and June 6, 2017. Due to receiving no response from the property owners and the lack of cleaning of the air-conditioning units and unlicensed vehicles, the Planning and Zoning Department believe that the only recourse is to declare the property a public nuisance to allow Minnehaha County to remove the violations from the property. A final site visit was made on July 7, 2017, and the violations still remained. On August 15, 2017, a notice of a public hearing on August 29, 2017 was sent to the property owners via certified mail with a return receipt. Due to the status of the certified letter, a copy of the letter with a cover letter was sent on August 22, 2017. The property owners were not present at the public hearing. David Zokaites, 2215 E Mulberry St, suggested placing a large sign on the property to inform the property owner of the nuisance. Ercell Fortney, 46230 262<sup>nd</sup> St, Hartford; Orrin Geide, 46134 263<sup>rd</sup> Street, Hartford; and Don Reichert, 26373 463<sup>rd</sup> Ave, Hartford, spoke in favor of declaring the subject property as a nuisance. Topics discussed included the length of time the property has been in its current condition, how the issue grew over time, the unsightly nature of the property, how the condition of the property affects property values, concerns regarding the cattle on the property getting out, and communication with the property owner. Commissioners voiced concerns regarding notification of the property owner about the

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public nuisance complaints and the hearing. Margaret Gillespie, Senior Deputy State's Attorney, stated the mail has not been returned to the County and the post office allowed a certified letter to be sent to the address of the property. Whether or not the mail is checked by the owner is unknown. MOTION by Barth, seconded by Karsky, to declare the property a public nuisance and enact SDCL 21-10-6 to authorize the Planning & Zoning Department to abate the nuisance by removing the violations from the property; and to direct the Planning & Zoning Department to further their attempts to contact the property owner. 5 ayes.

#### BRIEFING

Dustin Powers, City of Sioux Falls Economic Development Coordinator, and Erica Beck, Lloyd Companies Vice President of Development, gave a briefing on an application for a Tax Incremental Financing District (TIF). Lloyd Companies has requested the creation of the TIF to help finance the development of a large mixed-use development in Sioux Falls. A public hearing on the matter will take place during the September 6, 2017, Planning Commission Meeting. Daren Ketcham, City of Sioux Falls Director of Community Development, spoke on the threshold for investment in the project and thanked the Commissioners for their comments.

#### GRANT AGREEMENT

Lynn DeYoung, Emergency Management Director, reported the Regional Hospital Coalition has been awarded \$125,000 from the State of South Dakota to assist in the planning, training, exercising, and equipment needs of the members. Minnehaha County will act as the fiduciary agent for the grant and has budgeted 10% for the cost of that responsibility. Mr. DeYoung requested authorization to enter into the agreement and authorize the execution of the required documentation including an independent consulting agreement for this grant. MOTION by Heiberger, seconded by Barth, to authorize the Chair to sign the State of South Dakota Sub-Grant Agreement between Minnehaha County dba Minnehaha County Emergency Management and the South Dakota Department of Health, Office of Public Health Preparedness in the amount of \$125,000, and for Minnehaha County to act as fiduciary agent for the grant. 5 ayes. MOTION by Karsky, seconded by Bender, to authorize Lynn DeYoung, Emergency Management Director, to sign the consulting agreement with Clites Consulting to provide professional services to Region 3 SD Hospital Preparedness Response Partners. 5 ayes.

#### AGREEMENT

Lynn DeYoung, Emergency Management Director, gave a briefing on the FFY 2018 Emergency Management State and Local Agreement between Minnehaha County and the State of South Dakota. This is a 50% reimbursement grant and requires a 50% match from the county. When the federal fiscal budget is passed, the actual amount of the grant will be determined. The grant funds will be used to support salary and administrative expenses within the Minnehaha County Emergency Management Office. MOTION by Barth, seconded by Bender, to authorize the Chair and the Emergency Management Director to sign the 2018 Emergency Management State and Local Agreement with the State of South Dakota. 5 ayes.

#### PURCHASE

Bob Litz, Auditor, requested authorization to purchase 100 Express Vote machines from ES&S at a total cost of \$328,000. These Express Vote machines would replace the Auto Marks currently being used for elections, modernize the early voting process, and allow for the use of the most updated election software. The County currently has \$465,000 of Help America Vote Act funds available, which are federal funds designated for the upgrade of election equipment. MOTION by Barth, seconded by Heiberger, to authorize the Auditor's Office to purchase 100 Express Vote machines from ES&S for a total cost of \$328,000. 5 ayes.

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#### APPOINTMENT

On the recommendation of Robert Litz, Auditor, MOTION by Bender, seconded by Heiberger, to appoint Ken McFarland, Kyle Helseth, and Dick Kallemeyn to the Minnehaha County Appraisal Board for the purpose of assessing tax deed properties. 5 ayes.

#### VOTING PRECINCTS

Bob Litz, Auditor, requested approval of voting precinct name changes for Minnehaha County. On August 15, 2017, the City of Sioux Falls revised the boundaries for their voting precincts. Therefore, the Minnehaha County records need to be updated to reflect these changes. This would only change the numbering system being used to identify the precincts for the County. MOTION by Karsky, seconded by Barth, to approve the voting precinct name changes. 5 ayes.

#### LIAISON REPORT

Commissioner Barth reported on the August 28, 2017, Planning Commission Meeting where out building limits were discussed with Dell Rapids and Sioux Falls.

#### OLD BUSINESS

Commissioner Barth spoke on the recent murder in Sioux Falls and stated he is in favor of approving an additional attorney for the State's Attorney's Office for FY18.

MOTION by Bender, seconded by Karsky, to adjourn. 5 ayes.

The Commission adjourned until 9:00 a.m. on Tuesday September 5, 2017.

#### APPROVED BY THE COMMISSION:

Gerald Beninga

Chair

ATTEST:

Olivia Larson

Deputy Auditor