

THE MINNEHAHA COUNTY COMMISSION CONVENED AT 9:00 AM on June 28, 2022, pursuant to adjournment on June 21, 2022. COMMISSIONERS PRESENT WERE: Barth, Bender, Beninga, and Karsky. Also present were Kym Christiansen, Commission Recorder, and Eric Bogue, Chief Civil Deputy State's Attorney.

MOTION by Karsky, seconded by Beninga, to approve the agenda. 4 ayes

CONSENT AGENDA

MOTION by Beninga, seconded by Barth, to approve the consent agenda. By roll call vote: 4 ayes. The consent agenda includes the following items.

Commission Meeting Minutes for June 21, 2022

Bills to be Paid \$591,326.24

4 FAT GUYS LLC Lease-Rental Agreement \$5800, A&B BUSINESS SOLUT Lease-Rental Agreement \$343.21, A&B BUSINESS SOLUT Maintenance Contracts \$101.33, AB PROPANE INC Gas Oil & Diesel \$64.74, AIRWAY SERVICE INC Automotive/Small Equipment \$113.44, AIRWAY SERVICE INC Gas Oil & Diesel \$108.63, ANGEL, EDWARD P Attorney Fees \$1758.7, ARGUS LEADER - SUBSC Subscriptions \$312.58, ARGUS LEADER MEDIA Publishing Fees \$1579.27, AUTOMATIC BUILDING C Jail Repairs & Maintenance \$901.02, AVERA MCKENNAN Clinics - Auxiliary Services \$104.22, AVERA MCKENNAN Hospitals \$17814, AVERA MCKENNAN Psych Evals \$1750, AXIS FORENSIC TOXICO Lab Costs \$762, BARKER PLACE Welfare Rent \$3950, BAUER BUILT INC Heavy Equip Repairs & Maint \$1465.15, BECK, JEFFREY R Attorney Fees \$393.9, BOB'S LOCK & KEY Bldg/Yard Repair & Maintenance \$13.75, BRANDON CITY Welfare Utilities \$95.95, BRANDON HEIGHTS LTD Welfare Rent \$1560, BRISTOL COURT LTD PA Welfare Rent \$3243.16, C & R SUPPLY INC Bldg/Yard Repair & Maintenance \$10.47, C & R SUPPLY INC Truck Repairs & Maintenance \$31.44, CENTURY BUSINESS PRO Maintenance Contracts \$893.65, CENTURYLINK Telephone \$57.43, CERTIFIED LANGUAGES Interpreters \$66.7, CITY OF SIOUX FALLS Juvenile Diversion Restitution \$186.5, COLTON REDIMIX INC Bridge Repair & Maintenance \$332.5, CONSTELLATION Natural Gas \$2686.71, CONSTRUCTION PRODUCT Bridge Repair & Maintenance \$402, CONSTRUCTION PRODUCT Road Maint & Material \$35.5, DAKOTA FLUID POWER I Bldg/Yard Repair & Maintenance \$93.7, DAKOTA LETTERING ETC Uniform Allowance \$240, DALSIN INC JDC Maintenance \$1536, DATAGAIN INC Maintenance Contracts \$14800, DIAMOND MOWERS INC Truck Repairs & Maintenance \$1067.17, DOUGLAS STREET INVE Welfare Rent \$5140, EICH LAW OFFICE LLC Child Defense Attorney \$917.8, ENGLISH LAW Attorney Fees \$6300, G & R CONTROLS INC Heat, Vent & AC Repairs \$398, G & R CONTROLS INC Jail Repairs & Maintenance \$135, G & R CONTROLS INC JDC Maintenance \$135, GRAHAM TIRE CO NORTH Automotive/Small Equipment \$642.48, GRAINGER Jail Repairs & Maintenance \$3.25, GREAT PLAINS PSYCHOL Psych Evals \$1835, GRIESE LAW FIRM Child Defense Attorney \$5159.1, GUZMAN, SANDRA V Interpreters \$104.17, HALL, VIEN V Interpreters \$50, HAYDEN POINTE ASSOCI Welfare Rent \$6800.75, HEADQUARTERS LLC Welfare Rent \$1800, HIGH POINT NETWORKS Memberships \$268, HIGH POINT NETWORKS Subscriptions \$52, HIGH RISE OF SIOUX Outside Repair \$4250, HORIZON AGENCY INC Insurance Admin Fee \$2730, HRUSKA, KATHLEEN Interpreters \$37.5, INNOVATIVE OFFICE SO JDC Custodial Supplies \$16.2, INTEK Contract Services \$490, INTERSTATE ALL BATTE Motor/Machine/Equipment Repair \$125.95, INTERSTATE OFFICE PR Office Supplies \$846.96, JD PROPERTY SOLUTION Welfare Rent \$2725.29, JERRY'S AUTOMOTIVE Automobiles \$27949, JOHN KOCH INVESTMENT Welfare Rent \$2753, KNECHT, ANDREW J Child Defense Attorney \$1080.7, KOCH HAZARD ARCHITEC HHS \$1418.82, KOCH HAZARD ARCHITEC Repair/Renovations \$591.32, KRUSE LAW OFFICE Attorney Fees \$2666, KURITA AMERICA HOLDI Heat, Vent & AC Repairs \$350, LACEY RENTALS INC Lease-Rental Agreement \$125, LEDD PROPERTIES LLC Motels \$790, LISA CARLSON REPORTI Court Reporters \$213.4, LUTHER, JEFF Medical Director \$2500, LYNN, JACKSON, SHULT Attorney Fees \$353.5, MARION COMMUNITY MHP Welfare Rent \$903.38, MEADOWLAND APARTMENT Welfare Rent \$488, MEDSTAR PARAMEDIC IN Transportation \$1600, MENARD INC Bldg/Yard Repair & Maintenance \$63.48, MESA APARTMENTS Welfare Rent \$4654.18, METRO COMMUNICATIONS Miscellaneous Expense \$199921.51, MIDAMERICAN ENERGY C Welfare Utilities \$886.81, MIDLAND INC Heat, Vent & AC Repairs \$8.9, MIDLAND INC Jail Repairs & Maintenance \$135.56, MINNEHAHA CNTY TREAS Truck Repairs & Maintenance \$15, MORGAN COFFMAN Taxable Meal Allowances \$18, MYRL & ROYS PAVING I Road Maint & Material \$3387.04, OLIVIERI, ENRIQUE Interpreters \$75, OLSON, DAWN Court Reporters \$20.25, OLSON, ROBERT Taxable Meal Allowances \$18, ORCHID HOMES Welfare Rent \$2677, OREILLY AUTO PARTS Small Equipment Purchases \$4879, PENBROOKE PLACE APAR Welfare Rent

\$782, PEPD LLC Welfare Rent \$3630, PLATINUM VALLEY Welfare Rent \$514, PRESTOX Outside Repair \$360.9, PRICE LAND & CATTLE Welfare Rent \$2140, PRIDE NEON, INC Grounds & Parking Repair \$200, QUALIFIED PRESORT SE Postage \$106.64, R&L SUPPLY LTD Plumbing & Welding \$132.15, RAA CERTIFICATION SE Education & Training \$150, ROCHESTER ARMORED CA Armored Car Service \$432.44, RR BRINK LOCKING SYS Safety & Rescue Equipment \$417, SANFORD CLINIC Contract Services \$26454.91, SCHUMACHER ELEVATOR Jail Repairs & Maintenance \$3355.44, SF SPECIALTY HOSPITA Insurance-Other Costs \$182, SF SPECIALTY HOSPITA Professional Services \$587, SF SPECIALTY HOSPITA Recruitment \$1272, SIOUX EMPIRE FAIR AS Miscellaneous Expense \$12500, SIOUX FALLS CITY Electricity \$13868.25, SIOUX FALLS CITY Water - Sewer \$15331.89, SIOUX VALLEY ENERGY Welfare Utilities \$114.73, STATE OF SOUTH DAKOT Amts Held-Daily Scram \$3771, STATE OF SOUTH DAKOT Amts Held-Remote Breath \$728, STATE OF SOUTH DAKOT Blood/Chemical Analysis \$365, STATE OF SOUTH DAKOT Education & Training \$5550, STATE OF SOUTH DAKOT Miscellaneous Expense \$8, STATE OF SOUTH DAKOT Outside Repair \$16.8, STATE OF SOUTH DAKOT Professional Services \$778.5, STATE OF SOUTH DAKOT Telephone \$435, STREICHERS INC Other Supplies \$209.89, STURDEVANTS AUTO PAR Small Tools & Shop Supplies \$146.05, SUMMIT FOOD SERVICE Child Care Food \$1165.89, SUMMIT FOOD SERVICE School Lunch Program \$1723.97, TESSMAN SEED COMP Grounds & Parking Repair \$990.4, THE COMMONS LLC Welfare Rent \$479, THE SALVATION ARMY Welfare Rent \$1200, THOMSON REUTERS - WE Legal Research \$258.7, THOMSON REUTERS - WE Subscriptions \$258.26, TRAFFIC AND PARKING Sign Supply Inventory \$166, TRINITY POINT Welfare Rent \$1419, TWO WAY SOLUTIONS IN Communication Equipment Repair \$1679.76, TZADIK SIOUX FALLS P Welfare Rent \$4716.58, US FOODS INC Professional Services \$644.13, VANDIEST SUPPLY Chemicals \$8964, XCEL ENERGY Electricity \$73653.66, XCEL ENERGY INC Welfare Utilities \$4166.18, YELLOW ROBE CONSULTI ICWA Professional Services \$29122.

The following reports that were received and placed on file in the Auditor's office include:

Auditor's Account with the County Treasurer-March 2022

Auditor's Account with the County Treasurer-April 2022

Personnel Action

Routine Personnel Actions

Step Increases

1. Seamus Walsh, Corporal for the Jail, at \$38.61/hour (17/14) effective 5/12/2022.
2. Jeffrey Gromer, Chief Deputy Sheriff for the Sheriff's Office, at \$5,586.40/biweekly (25/12) effective 6/17/2022.
3. Carrie Mees-Burt, Senior Trial Attorney for the State's Attorney's Office, at \$4,817.60/biweekly (23/14) effective 6/14/2022.

Items within Policy Guidelines

Approve Special Event Consume & Blend Beverage License Number C&B22-06 for an Event on July 1, 2022

Declare Inventory item surplus property

REZONING PUBLIC HEARING

Mason Steffen, Planner, was presented for the public hearing and gave the second reading of an amendment to Ordinance MC 16-90, the 1990 Revised Zoning Ordinance, the amendment, Ordinance Rezone #22-05, is to rezone from an A-1 Agricultural District to the RR Rural Residential District for the property legally described as SE 1/4 NW 1/4 (Ex. H-1 & H-2) Section 1-T103N-R50W Lyons Township, Minnehaha County, located directly west of Interstate 29 at the Baltic exit. This item was deferred from the June 21, 2022 Minnehaha County Commission Meeting. The property is a parcel of land that is approximately 35 acres. The petitioner and property owner are Northeast Investments LLC. The rezone will allow for an expansion of the existing Coachman's Manor mobile home park. The Coachman's Manor mobile home park has existed since before the current zoning

regulations were adopted for Minnehaha County. In 1985, the northern portion of the property was rezoned from the now non-existent MHR Mobile Home Residential Zoning District to the RR Rural Residential Zoning District to allow the current mobile homes at the time to remain. In addition, the south portion of the property was rezoned from the same MHR Zoning District to the A-1 Agricultural Zoning District. Finally, there are two additional properties that use the same access off the highway as the subject property, and the use of these properties are a single-family dwelling and a commercial manufacturing operation. A mobile home park is a conditional use in the Rural Residential Zoning District, and if the rezone request is approved, the petitioner would also need to apply for a conditional use permit. During this process, questions about access, wastewater management, and drainage management would need to be addressed by the petitioner. The south side of the property is located within the Water Source Protection Area, which restricts some land use in order to preserve ground water quality. The future land use plan within the 2035 Envision Comprehensive Plan designates the Baltic exit as a Commercial/Industrial growth area. Much of the exit remains undeveloped agricultural land with relatively few commercial uses and by allowing an expansion of the existing mobile home park onto land that would be difficult to use for Commercial/Industrial uses, should not interfere with any future development at the Baltic exit. The Minnehaha County Planning Commission voted three to two to deny the request at the May 23, 2022 meeting.

Vice-Chair Bender asked for proponents and opponents to speak on the topic.

Proponents

Glenn Boomsa, representing Northeast Investment, addressed the Commission about the plans for the property if the rezoning request is approved. The site is located near an interstate exchange and would help fulfill the need for affordable housing in Minnehaha County. The petitioners do realize the importance of making sure the water source protection area is known and that the proposed sewage treatment pond is built away from the area. Mr. Boomsa stated that property owners are in the process of creating a feasible plan that will make the best use of the property in the future. The property owners have been proactive in making improvements to the property in the last few years. Mr. Boomsa stated that the property owners know that this is not the Conditional Use Permit application plan and that the potential project will need to work through that process before any work can begin. A memo regarding the potential lagoon design considerations and site plan were submitted for Commission review. Discussion from the Commission included concerns about the access to the property, location of the sewage pond in relationship to the proposed mobile homes, fencing around the lagoon, if the proposed project will actually happen, and the current need for the rezone at the present time.

Nick Johannsen, engineer with Ehrhart Griffin & Associates, presented a detailed overview of the lagoon system for the proposed development. The proposed lagoon would have to meet standards that are set by the State of South Dakota. There was consideration for different locations on the property. Discussion items included the possibility of connecting to a municipal system, the potential size of the lagoon in relationship to the number of proposed units and if the fencing around the lagoon can be added as a conditional during the conditional use permit application phase.

No one spoke in opposition to the proposed rezoning.

MOTION by Karsky, seconded by Beninga, to amend the 1990 Revised Zoning Ordinance for Minnehaha County for rezoning the property legally described as SE 1/4 NW 1/4 (Ex. H-1 & H-2) Section 1-T103N-R50W Lyons Township from A-1 Agricultural District to RR Rural Residential District. By roll call vote: 3 ayes 1 nay-Bender.

PUBLIC HEARING

Kevin Hoekman, Planner, was present for the scheduled public hearing to consider a declaration of the property legally described as E1/4 NE 1/4 (Ex. Coverts Addn.) Section 11-T102N-R52W, Humboldt Township, a public nuisance and enact SDCL 21-10-6. Last fall, this property was brought to the Commission for consideration as a public nuisance for vehicles, junk and a dilapidated grain bin. After several hearings, the junk and vehicles were removed or licensed, and the grain bin was loaded onto a trailer for eminent removal from the property. The

Minnehaha County Commissioners did not take any action because of the work that was done and the readiness for removal of the grain bin. The Planning and Zoning department was notified that the grain bin was no longer loaded onto the trailer and was still located on the property. The previous concerns about the property, such as unlicensed vehicles and junk, appeared to be in compliance with the ordinance.

Vice-Chair Bender asked for proponents and opponents to speak on the public nuisance complaint.

Keith Demet, property owner, was present and stated that he would be able to clean up the property but does not have a timeline. Mr. Demet stated that he would be able to get the equipment in to help clean the property, but it will likely be a couple weeks out due to the schedule of the contractor. Mr. Demet went on to state that he is working with his insurance company to clean up the damage from the recent storms. Commissioner Barth stated that he would like to see the property cleaned up but was not sure about the timeline for the cleanup.

Commissioner Karsky asked staff to review what is considered a public nuisance per ordinance and what exactly the proposed nuisance is for the property. Mr. Hoekman stated that a public nuisance is whatever is dangerous to human health, whatever renders the ground, the water, the air, or food a hazard or an injury to human health. Mr. Hoekman went on to state that abandoned property is any deteriorated, wrecked, dismantled, derelict, or inoperable property in unusable condition in its present state.

MOTION by Karsky, seconded by Barth, to defer action until August 2nd for a progress report from the Planning and Zoning Department and for the property owner to remove the dilapidated grain bin. By roll call vote: 4 ayes.

BRIEFING

Kevin Hoekman, Planner, presented a briefing on the proposed building permit valuation and fee schedule increase. Due to the recent adoption of the 2021 International Building Codes, building permit fee increases are needed to support the cost of the implementation of the codes. Minnehaha County previously established a fee schedule for building permits based on the estimated construction value per square foot of new residential and agricultural structures. The fee schedule is periodically updated to both better reflect the cost of construction and reflect the increase in administration costs related to new construction. The last fee schedule update was approved in 2020. A building permit fee is calculated first by obtaining the value of the project. The minimum permit fee for a residential project would be \$60.00, while the minimum permit fee for an agricultural project would be \$30.00. Commercial and industrial construction requires a construction bid valuation and the permit fee is 1% of the bid value. The proposed valuation/fee schedule will not change the percentage used for determining the building permit fees. The Planning Department is recommending a flat 5% increase in building permit valuations for all categories of building construction which will result in an estimated increase in revenue of between \$7,560 to \$7,885 annually based on the past two years of building activity. Staff is recommending a hearing on July 19th, 2022 to adopt the resolution highlighting the changes in the building permit valuation and fee schedule with an effective date of October 1, 2022.

LIAISON REPORTS

Commissioner Barth reported on the Planning Commission meeting held on June 27, 2022.

MOTION by Barth, seconded by Karsky, to recess from 10:00 a.m. to 10:05 a.m. 4 ayes.

MOTION by Barth, seconded by Beninga, to enter into Executive Session pursuant to SDCL 1-25-2 (1), (3), and (4). 4 ayes.

MOTION by Beninga, seconded by Karsky, to adjourn. 4 ayes.

The Commission adjourned until 5:00 p.m. on Tuesday, June 28, 2022.

06/28/2022

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APPROVED BY THE COMMISSION:

Cindy Heiberger
Chair

ATTEST:

Kym Christiansen
Commission Recorder