

THE MINNEHAHA COUNTY COMMISSION CONVENED AT 9:00 AM on October 4, 2022, pursuant to adjournment on September 27, 2022. COMMISSIONERS PRESENT WERE: Barth, Beninga, Heiberger, and Karsky. Also present were Kym Christiansen, Commission Recorder, and Eric Bogue, Chief Civil Deputy State's Attorney.

MOTION by Barth, seconded by Karsky, 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 September 27, 2022

Bills to be Paid \$1,586,393.68

1 POINT CAPITAL LLC Welfare Rent \$3135, 3D SPECIALTIES INC Sign Supply Inventory \$299.95, 5POINT CAPITAL LLC Welfare Rent \$3965, 605 COMPANIES Contracted Construction \$183934.79, A&B BUSINESS SOLUT Lease-Rental Agreement \$170.52, A&B BUSINESS SOLUT Maintenance Contracts \$108.26, AARON GEORGE PROPERT Welfare Rent \$8681, AIRWAY SERVICE INC Automotive/Small Equipment \$3020.19, AIRWAY SERVICE INC Gas Oil & Diesel \$376.69, ALFREDO RODRIGUEZ Business Travel \$200, ALL NATIONS INTERPRE Interpreters \$5536.35, AMBER WHITTINGTON Business Travel \$74, ANDERSON, SCOTT A. Business Travel \$180.66, ANGEL, EDWARD P Attorney Fees \$1219.1, APPEARA Program Activities \$53.83, ARGUS LEADER MEDIA Publishing Fees \$1126.51, ASHBURY Welfare Rent \$3896.59, ASMERA Welfare Rent \$6400, ASPHALT SURFACE TECH Contracted Construction \$518925, AXIS FORENSIC TOXICO Lab Costs \$1196, BIERSCHBACH EQUIPMEN Road Maint & Material \$382.5, BOBCAT COMPANY Heavy Equipment \$67116.56, BP PRODUCTS NORTH AM Road Maint & Material \$132.76, BRENNAN HILLS TOWNHO Welfare Rent \$2666, BRISTOL COURT LTD PA Welfare Rent \$2874, CANFIELD BUSINESS IN Furniture & Office Equipment \$1139.94, CEDAR PROPERTIES LLC Welfare Rent \$500, CEMCAST PIPE & PRECA Road Maint & Material \$15868, CENTURY BUSINESS PRO Lease-Rental Agreement \$82.58, CENTURY BUSINESS PRO Maintenance Contracts \$1592.38, CHAGOLLA, ALBERT Interpreters \$175, CIOX HEALTH LLC Clinics - Auxiliary Services \$20.81, CIVICPLUS LLC Subscriptions \$8589, CORRECTIONAL MEDICAL Contract Services \$350671.57, COUNTRY MEADOWS SF L Welfare Rent \$1830, DAKOTALAND AUTOGLASS Automotive/Small Equipment \$349.83, DAKOTALAND AUTOGLASS Heavy Equip Repairs & Maint \$100, DAKOTALAND AUTOGLASS Truck Repairs & Maintenance \$169.97, DARIN GONSOR Business Travel \$200, DAYS INN AIRPORT Motels \$273, DERAAD WELDING & MAC Automotive/Small Equipment \$222, DOUBLE H PAVING INC Contracted Construction \$17722.3, DUANE KING Business Travel \$200, DULUTH Welfare Rent \$3320, DUST TEX SERVICE INC Janitorial Chemical Supplies \$23.16, EICH LAW OFFICE LLC Child Defense Attorney \$6598.5, FARM & HOME PUBLISHE Books \$125, FASTENAL COMPANY Construction Safety \$-24.92, FASTENAL COMPANY Road Maint & Material \$55.04, FASTENAL COMPANY Small Tools & Shop Supplies \$84.24, FOSTER, GLENN Volunteer Pers Items \$91, G & H INVESTMENTS LL Welfare Rent \$1114, G & R CONTROLS INC Jail Repairs & Maintenance \$177.6, GAIL FOERSTER Business Travel \$200, GEOTEK ENGINEERING & JDC Building Project 2022 \$2225.2, GLOBAL EQUIPMENT COM Parts Inventory \$668, GLOBAL TEL LINK (GT Telephone \$2.58, GRAHAM TIRE CO NORTH Automotive/Small Equipment \$1284.96, GUNNER, ANDREA Court Reporters \$2525, GUZMAN, SANDRA V Interpreters \$175, HACHETTE BOOK GROUP Store Inventory \$2025, HARR Welfare Rent \$3200, HEARTLAND FUNERAL HO Burials \$4500, HEIDPRIEM PURTELL Child Defense Attorney \$1082.05, HYVEE ACCOUNTS RECEI Program Activities \$185.09, INGRAM BOOK GROUP LL Store Inventory \$369.39, INTERSTATE OFFICE PR Office Supplies \$1472.96, ISI LLC Interpreters \$160, JAIRO FAJARDO Business Travel \$280, JCL SOLUTIONS Janitorial Chemical Supplies \$78.66, JEFF HERONIMUS Business Travel \$200, JEFFERSON VILLAGE AP Welfare Rent \$3168, JL PROPERTY MANAGEME Welfare Rent \$1620, JOSH MARBACH Business Travel \$200, KADING KUNSTLE & Child Defense Attorney \$4767.2, KAUFFMAN, DAVID W PH Psych Evals \$2500, KNECHT, ANDREW J Child Defense Attorney \$545.4, KNIFE RIVER Road Maint & Material \$1402.3, KOALTY Welfare Rent \$1600, KODA Welfare Rent \$6000, KOLBECK LAW OFFICE L Attorney Fees \$3294.1, KYLE BRUSCHER Misc Revenue \$300, KYLE SEXE Business Travel \$200, LACEY VILLAGE TOWNHO Welfare Rent \$4100, LAKEPORT OPERATING L Welfare Rent \$1750, LAUGHLIN LAW LLC Child Defense Attorney \$2007.9, LEGACY VILLAGE Welfare Rent \$2631.3, LG EVERIST INC Road Maint & Material \$1273.85, LILLA, CHRIS Business Travel \$200, LOGHIN WELCH Misc Revenue \$150, MARK RICHARDS Business Travel \$200, MARSH & MCLENNAN LLC Notary Exp \$200, MATTHEW SATTER Business

Travel \$200, MAXIMUM PROPERTIES Welfare Rent \$6380, MEADOWS AT GRAYSTONE Welfare Rent \$6354.45, MEDSTAR PARAMEDIC IN Transportation \$2400, MENARD INC Program Activities \$23.61, MIDAMERICAN ENERGY C Natural Gas \$1291.13, MIDAMERICAN ENERGY C Welfare Utilities \$906.1, MIDCONTINENT COMMUNI Amounts Held For Others \$257.78, MIDLAND INC Heat, Vent & AC Repairs \$230.14, MIDWEST WELLNESS Professional Services \$8422.5, MITCHELL REPAIR INFO Professional Services \$4445.97, MONITOR SYSTEMS Automotive/Small Equipment \$175, MOTOROLA SOLUTIONS I Homeland Security \$66978.96, MURRAY PROPERTIES LL Welfare Rent \$2595, MYRL & ROYS PAVING I Road Maint & Material \$2585.41, NAPA AUTO PARTS Small Tools & Shop Supplies \$185.4, NATIONAL STUDENT HOU Welfare Rent \$2600, NORTH RIDGE APARTMEN Welfare Rent \$4052, NORTHEAST INVESTMENT Welfare Rent \$2310, NYBERGS ACE HARDWARE Building Repairs & Maintenance \$53.17, OLIVIERI, ENRIQUE Interpreters \$60.83, P & G TOWNHOMES LLC Welfare Rent \$6031.35, P & K PEST CONTROL Building Repairs & Maintenance \$225, PANTHER GRAPHICS LLC Publishing Fees \$2533, PARAGON HEALTH & WEL Blood Withdrawal \$4560, PARKWAY APARTMENTS L Welfare Rent \$2660, PARSONS TRANSPORTATI Truck Repairs & Maintenance \$2494.8, PEOPLEFACTS Recruitment \$64.89, PIONEER ENTERPRISES Burials \$2500, PRAIRIE STATES Parks/Rec Repair & Maintenance \$250, PREMIER REAL ESTATE Welfare Rent \$2992, PRICE, THOMAS L Attorney Fees \$1500, PURPLE COMMUNICATION Interpreters \$400, QE LLC Welfare Rent \$3265, REALTY GROWTH Welfare Rent \$2971, REEVES, MEGAN Court Reporters \$999.6, RESOLUTE LAW FIRM IN Attorney Fees \$2200.1, RESOLUTE LAW FIRM IN Child Defense Attorney \$7716.7, REYNOLDS CONSTRUCTIO Conditional Use \$250, REYNOLDS CONSTRUCTIO Sign Deposits \$50, ROCHESTER ARMORED CA Armored Car Service \$916.78, ROEMEN'S AUTOMOTIVE Gas Oil & Diesel \$77.51, RONS, NORM Welfare Rent \$3900, ROSELAND HEIGHTS Welfare Rent \$2004, RYAN GEVENS Business Travel \$200, SAMS CLUB - MEMBERSH Other Supplies \$51.96, SAMS CLUB - MEMBERSH Professional Services \$132.55, SCHEELS ALL SPORTS Medical Equipment \$244.94, SD STATE BAR Subscriptions \$500, SGA Motels \$1254, SGA Welfare Rent \$553, SIOUX FALLS AREA HUM Miscellaneous Expense \$3538.34, SIOUX FALLS CITY Welfare Utilities \$379.31, SIOUX FALLS SCHOOL D Juvenile Diversion Restitution \$134.98, SIOUX VALLEY ENERGY Electricity \$338.2, SIOUX VALLEY ENERGY Tea-Ellis Range \$95.73, SMITH STRAIN Business Travel \$200, SNOOZY, SCOTT Welfare Rent \$2820, SOUTHEASTERN ELECTRI Welfare Utilities \$185.41, STATE OF SOUTH DAKOT Amts Held-Daily Scram \$4374, STATE OF SOUTH DAKOT Amts Held-Remote Breath \$469, STATE OF SOUTH DAKOT Blood/Chemical Analysis \$14385, STATE OF SOUTH DAKOT Extension Background Checks \$150, STATE OF SOUTH DAKOT Notary Exp \$30, STATE OF SOUTH DAKOT Telephone \$543.75, SUNSET VILLAS 2 LLC Welfare Rent \$3075, SWANEY, DAWN County Cemetery \$150, TIM HARSH Business Travel \$200, TOMACELLI'S TOO Jury Fees \$148.82, TRANSOURCE TRUCK & E Truck Repairs & Maintenance \$209.38, TRC 41ST Welfare Rent \$1220, TSCHETTER & ADAMS LA Child Defense Attorney \$1249.59, TWO WAY SOLUTIONS IN Communication Equipment Repair \$59.97, TZADIK HIDDEN HILLS Welfare Rent \$3650, TZADIK SIOUX FALLS I Welfare Rent \$11469.35, TZADIK SIOUX FALLS P Welfare Rent \$9986, TZADIK TAYLORS PLACE Welfare Rent \$2331, ULTEIG ENGINEERS INC Architects & Engineers \$35303, UNITED PARCEL SERVIC Postage \$30.31, VANDERRIGHT Welfare Rent \$3047.44, VITAL RECORDS Records Storage \$2867.58, VOGEL MOTORS LLC Gas Oil & Diesel \$52, VUONG LAW Attorney Fees \$1787.7, WASHINGTON HEIGHTS A Welfare Rent \$4915.91, WEIR, KATHLEEN M. Welfare Rent \$5300, WEST 11TH PROPERTIES Welfare Rent \$2375, WEST BRIAR COMMONS I Welfare Rent \$4429.59, WYNIA, WALLACE Business Travel \$280, XCEL ENERGY INC Welfare Utilities \$11996.49, ZARA PROPERTIES LLC Welfare Rent \$925.

Personnel Actions

Routine Personnel Actions

New Hires

1. John Mork, seasonal Election Worker for the Auditor's Office, at \$15.00/hour effective 9/26/2022.
2. Eugene Hoffmann, seasonal Election Worker for the Auditor's Office, at \$15.00/hour effective 9/30/2022.
3. Riley Cowles and Tyler Schmidt, Correctional Officers for the Jail, at \$23.01/hour (14/1) effective 10/3/2022.
4. Kiana Banta, Jdedy Kato, and Ashton Smiley, Juvenile Correctional Workers with the Juvenile Detention Center, at \$21.00/hour effective 10/11/2022.

5. Sabrina Garcia and Tarlue Zulu, Juvenile Correctional Officer I's with the Juvenile Detention Center a \$21.89/hour (13/1) effective 10/11/2022.

6. Loranda Kenyon, Deputy Public Defender for the Public Defender's Office, at \$3,326.40/biweekly (22/3) effective 10/17/2022.

Step Increases

1. Tyler Bassett, Air Guard Security Officer I for the Air Guard, at \$23.56/hour (12/4) effective 10/7/2022.

2. Jason Koistinen, Senior Deputy Public Defender for the Public Defender's Office, at \$3,672.00/biweekly (22/7) effective 10/1/2022.

Other Salary Changes

1. To record the action taken on 9/27/22 to convert the part-time, benefits eligible Airport Deputy Sheriff Supervisor position to full-time at a pay grade 17.

To record significant employee anniversaries for October 2022: 5 year-Steven Vant Hul; 10 year-Jason Koistinen and Staci Peters.

To record volunteers in County Departments for September, 2022. This list is on file at Human Resources.

Abatement Applications for Approval

Parcel-11894, City of Sioux Falls, 2021 year Property Taxes, \$1.72

Parcel-11895, City of Sioux Falls, 2021 year Property Taxes, \$1.72

Parcel-25919, Bader, Terry, 2020 year Property Taxes, \$78.55

Parcel-25919, Bader, Terry, 2021 year Property Taxes, \$75.63

Parcel-62551, City of Sioux Falls, 2021 year Property Taxes, \$21.29

Parcel-64598, City of Sioux Falls, 2021 year Property Taxes, \$22.51

Parcel-76532, City of Sioux Falls, 2021 year Property Taxes, \$21.29

Parcel-80965, Veteran Exempt PT10-4-40, 2020 year Property Taxes, \$1,696.42

Parcel-80965, Veteran Exempt PT10-4-40, 2021 year Property Taxes, \$2,223.31

Notices and Requests

Authorize the Auditor to publish a Notice of Hearing on November 1, 2022 for a Retail On-Sale Liquor License Application for Monarch Lounge

Authorize the Auditor to publish a Notice of Hearing on November 1, 2022 for a Retail On-Sale Liquor License Application for Safari Bar & Grill, LLC.

BRIEFING

Nathan Skadsen, 4-H Youth Program Advisor, gave a briefing on the Minnehaha County 4-H Program highlighting the purpose of the 4-H program and the scope of programming provided to Minnehaha County youth this past summer as the planned programming for the fall of 2022. The programming provided during the summer of 2022 included 4-H summer camps, youth in action contests, and the Sioux Empire Fair. An update on the staff for the 4-H program was provided. The programming for the fall of 2022 will include 4-H afterschool programming and a recognition event and BBQ. Mr. Skadsen also thanked all of the volunteers that make the 4-H program a success.

AGREEMENT

Kari Benz, Human Services Director, presented a conditional gift agreement with the City of Sioux Falls for Safe Home Cameras. Safe Home, Minnehaha County's Housing First program, just celebrated it's 10-year anniversary. As with any facility, time creates the challenge of needed equipment updates, with the most pressing update needed being the security cameras and digital recording equipment. Security cameras are imperative to monitor all areas, both inside and outside the facility, as maintaining visuals optimizes safety measures. A quote was received from ITS to update the storage capabilities in addition to the update and increase the number of our cameras in the amount of \$26,108.00. The City of Sioux Falls purchased the security camera and digital recording system when Safe Home initially opened and the City of Sioux Falls has agreed to cover the \$26,108.00 in full to update and expand the security cameras and digital recording equipment. MOTION by Karsky, seconded by Barth, to approve and authorize the Chair to sign a conditional gift agreement with the City of Sioux Falls for Safe Home cameras. By roll call vote: 4 ayes.

Steve Groen, Highway Superintendent, presented the Minnehaha County 2023-2027 County Highway and Bridge Improvement Plan. Highway staff hosted a public hearing at the Crooks Community Center on Tuesday, October 4th, 2022. Over one hundred fifteen (115) invitations have been sent to the township officials and a notice was published in the Minnehaha County legal papers. In addition to the five-year transportation plan, the presentation also included information on the Rural Access Infrastructure Funding. The projects in the approved five-year plan match our budget previously submitted as updated with recent numbers and projections. MOTION by Barth, seconded by Beninga, to approve the 2023-2027 County Highway and Bridge Improvement Plan and authorize the Chair to sign the 2023-2037 County Highway and Bridge Improvement Plan. 4 ayes.

RESOLUTION

Steve Groen, Highway Superintendent, presented the Rural Access Infrastructure Funding (RAIF) Award Criteria. In 2021, the South Dakota Legislature passed House Bill 1259: "An Act to make an appropriation for rural access infrastructure improvement and to declare an emergency". The overall intent of the act was to provide funding enabling counties and townships to inventory their small structures, identify needs and plan improvements, and fund construction, rehabilitation, and maintenance of small structures on township and county secondary roads. In order to receive the funding, the townships must submit applications for the board of County Commissioners to rank and award. In an effort to keep the process transparent and unbiased, we have developed a scoring system similar to the SDDOT's BIG Fund. By having the knowledge of the potential scores of the culverts will help the townships identify those culverts most likely to receive funding. MOTION by Beninga, seconded by Karsky, to adopt Resolution MC 22-34 for Rural Access Infrastructure Funding (RAIF) Award Criteria. By roll call vote: 4 ayes.

RESOLUTION MC22-34

TO ESTABLISH CRITERIA TO AWARD RURAL ACTION INFRASTRUCTURE FUNDING

WHEREAS, in 2021, SDCL § 31-34 (Rural Action Infrastructure) was enacted to provide funding for counties and townships to inventory their small structures, identify needs and plan improvements and to fund construction, rehabilitation, and maintenance of small structures on township and county secondary highways;

WHEREAS, in 2021, Minnehaha County received its share of funds from the State of South Dakota and, as required, inventoried its small structures, identified needs, and planned improvements of certain small structures;

WHEREAS, in 2022, Minnehaha County received its share of the \$3 million additional funds to award rural access infrastructure grants to local public agencies, including townships;

WHEREAS, as statutorily required, Minnehaha County created a Rural Access Infrastructure Fund ("RAIF") in which to deposit moneys it received under SDCL § 31-34;

WHEREAS, SDCL § 31-34-4 creates a process for townships to apply for RAIF grants;

WHEREAS, SDCL § 31-34-5 requires county commissions to consider certain criteria in awarding RAIF funds; now it is hereby

RESOLVED that Minnehaha County hereby establishes the criteria to be considered in awarding Rural Access Infrastructure grants as follows:

Minnehaha County RAIF Funding Award Criteria

Pursuant to SDCL § 31-34-5, the Minnehaha County Board of County Commissioners shall, at a minimum, consider the following criteria in awarding rural access infrastructure grants:

(1) Traffic use of the highway;

- Use SDDOT Bridge Improvement Grant (“BIG”) formula as follows
 - User Impact (20 points maximum) - User Impact will be a variable that measures impact on users of the culvert and will be calculated by multiplying the Average Daily Traffic (“ADT”) for the bridge by the Detour Length. The points will be assigned based on the following formulas with the maximum value for user impact capped at 20 points: User Impact $\text{User Impact} = \text{ADT} \times \text{Detour Length (miles)} / 100$

(2) Public Safety;

- Structure to be in poor condition to qualify, points given based on condition:
 - Structure Condition

Good	0
Fair	0
Poor	5
Critical	10
 - Posted Structure

No Posting	0
Posting	10

(3) Residential, commercial, recreational, and other uses of the highway, points given based on use:

- Residential 1
- Commercial 2
- Recreational 2

(4) Cost of the Project;

- Follow BIG formula
 - For any Local Public Agency (“LPA”) cost share beyond the required 20%, additional points will be awarded as shown in the Table as follows:

County Share (%)	LPA Share (%)	Points
80	20	0.00
79	21	0.33
78	22	0.67
77	23	1.00
76	24	1.33
75	25	1.67
74	26	2.00
73	27	2.33
72	28	2.67
71	29	3.00
70	30	3.33

<i>County Share (%)</i>	<i>LPA Share (%)</i>	<i>Points</i>
69	31	3.67

68	32	4.00
67	33	4.33
66	34	4.67
65	35	5.00
64	36	5.33
63	37	5.67
62	38	6.00
61	39	6.33
60	40	6.67
59	41	7.00
58	42	7.33
57	43	7.67
56	44	8.00
55	45	8.33
54	46	8.67
53	47	9.00
52	48	9.33
51	49	9.67
50 or less	50 or more	10.00

- (5) Length of detour if the project is not completed;
- Same as criteria #1
- (6) Number of residences, farms, and ranches served by the project
- Same as criteria #1
- (7) Contribution from township or others to the project and ability of township to fund the project without utilizing the rural access infrastructure fund;
- Township's annual operating budget plus cost of structure; Pass/Fail
- (8) Confirmation the project is not located on a no-maintenance or minimum-maintenance road;
- Pass/Fail
- (9) Hydrological impact;
- Replace in kind or an approved Type Size and Location Study has been provided; Pass/Fail
- (10) If the highway does not terminate into a field entrance, driveway, single residence, farm, or ranch;
- Pass/Fail
- (11) The application, or group of applications, that best serves the citizens of this state; and
- Pass/Fail
- (12) Any other matters deemed applicable by the Board of County Commissioners, including but not limited to an application failure in the previous year at same location, 5 points granted.

Dated this 4th day of October, 2022.

APPROVED BY THE COMMISSION:

Cindy Heiberger
Chairman

ATTEST:
Kym Christiansen
Deputy Auditor

AGREEMENT

Upon request of Steve Groen, Highway Superintendent, MOTION by Barth, seconded by Karsky, to authorize the Chair to sign an agreement between Minnehaha County and Tyler Technologies for new software, installation and training. 4 ayes.

Carol Muller, Commission Administrative Officer, presented a South Dakota Opioid Settlement Memorandum of Agreement. This memorandum would allow Minnehaha County to be a participant in the National Settlement Agreement that can through investigation, litigation, and settlement discussions seeking to hold Pharmaceutical Supply Chain Participants accountable for the damage that was caused in South Dakota. The state of South Dakota participated in the national lawsuit against several pharmaceutical companies in their role in creating the opioid crisis. A settlement agreement has been reached with South Dakota's overall share being approximately \$54M which will be received over 18 years. Pursuant to House Bill 1038 which was enacted during the 2022 Legislative Session, 30% of the settlement will be allocated directly to participating local government subdivisions and Minnehaha County will receive \$63,074.98 in the first year of an anticipated 18 year payout. MOTION by Barth, seconded by Beninga, to authorize the Chairperson to sign the South Dakota Opioid Settlement Memorandum of Agreement. By roll call vote: 4 ayes.

LIAISON REPORTS

Commissioner Heiberger spoke about the Safety and Justice Conference and an update on the JDC project.

NON-ACTION COMMISSION DISCUSSION

Commissioner Barth spoke about writing a letter to the City of Sioux Falls regarding 4-H funding, the potential for a solar panels at the museum resource center, and election concerns.

Carol Muller, Commission Administrative Officer, gave an update on the construction projects being completed at the building and the set-up for in-person voting on the third floor.

MOTION by Barth, seconded by Karsky, to recess from 9:46 a.m. to 9:56 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 Karsky, seconded by Beninga, to adjourn. 4 ayes.

The Commission adjourned until 9:00 a.m. on Tuesday, October 18, 2022.

APPROVED BY THE COMMISSION:

Cindy Heiberger
Chair

ATTEST:

Kym Christiansen
Commission Recorder