

THE MINNEHAHA COUNTY COMMISSION CONVENED AT 9:00 AM on May 23, 2023, pursuant to adjournment on May 16, 2023. COMMISSIONERS PRESENT WERE: Beninga, Bleyenberg, Karsky, and Kippley. Also present were Kym Christiansen, Commission Recorder, and Eric Bogue, Chief Civil Deputy State's Attorney.

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

CONSENT AGENDA

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

Commission Meeting Minutes for May 16, 2023

Bills to be Paid \$1,556,717.28

3200 RUSSELL LLC Motels \$435, 5POINT CAPITAL LLC Welfare Rent \$3555, A&B BUSINESS SOLUT Maintenance Contracts \$282.05, AARON GEORGE PROPERT Welfare Rent \$500, ADVANCED PEST SOLUTI Maintenance Contracts \$70, AGRAT2 LLC Inmate Supplies \$225, AIRWAY SERVICE INC Automotive/Small Equipment \$3048.24, AIRWAY SERVICE INC Gas Oil & Diesel \$166.53, AIRWAY SERVICE INC HIDTA Grant \$52.32, ALCOHOL MONITORING S Electronic Monitoring \$2012.8, ANDERSON, JENNIFER Bd Evaluations (Minnehaha) \$5884.88, ANGEL, EDWARD P Attorney Fees \$1710.71, APPEARA Program Activities \$100.76, ARGUS LEADER MEDIA Publishing Fees \$2723.42, ARROW RIDGE TOWNHOME Welfare Rent \$771, AUTUMNVIEW I APARTME Welfare Rent \$95, AVERA MCKENNAN Clinics - Auxiliary Services \$252.43, AVERA MCKENNAN Hospitals \$7900, AVERA MCKENNAN Other Medical Services \$188.83, AVERA MCKENNAN Professional Services \$1000, BALOUN LAW PC Child Defense Attorney \$180.83, BAUER BUILT INC Truck Repairs & Maintenance \$83.95, BELITZ, CLARENCE H Welfare Rent \$1000, BIRHE, SARA TELAHUN MacArthur SJC Grant \$108, BULLIS, MATTHEW Business Travel \$234, CADD ENGINEERING SUP Program Activities \$405, CENTURY BUSINESS PRO Lease Interest \$249.65, CENTURY BUSINESS PRO Lease Principal \$423.43, CENTURY BUSINESS PRO Maintenance Contracts \$657.23, CERTIFIED FOLDER DIS Advertising \$1425, CERTIFIED LANGUAGES Interpreters \$81.2, CINTAS CORPORATION Janitorial Chemical Supplies \$295.02, CINTAS CORPORATION Uniform Allowance \$57.76, CLARK, CHAD MacArthur SJC Grant \$107, CONSTELLATION Natural Gas \$18744.31, CONSTRUCTION PRODUCT Bridge Repair & Maintenance \$630, CONSTRUCTION SUPPLY Road Maint & Material \$842.34, DAKOTA RIGGERS & TOO Sign Supply Inventory \$216.5, DANIELS OLSEN Program Activities \$366.98, DENHERDER LAW OFFICE Attorney Fees \$673.1, DERAAD WELDING & MAC Truck Repairs & Maintenance \$5153.75, DRUE MILLER Misc Revenue \$150, DUST TEX SERVICE INC Janitorial Chemical Supplies \$23.16, ELECTRIC CONSTRUCTIO Building Repairs & Maintenance \$2109.25, ELITE PROPERTIES LLC Welfare Rent \$500, ENGLISH LAW Attorney Fees \$6300, ETTERMAN ENTERPRISES Small Tools & Shop Supplies \$457.75, FAMILY SERVICE INC Insurance-Other Costs \$560, FAMILY SERVICE INC Professional Services \$2590, FASTENAL COMPANY Jail Repairs & Maintenance \$39.78, FASTENAL COMPANY Sign Supply Inventory \$23.26, FASTENAL COMPANY Small Tools & Shop Supplies \$29.15, FIRST DAKOTA NATIONA Lease Interest \$1194.71, FIRST DAKOTA NATIONA Lease Principal \$2548.73, G & R CONTROLS INC Heat, Vent & AC Repairs \$244.92, G & R CONTROLS INC HHS \$711, GAYLORD BROS INC Program Activities \$401.75, GET N GO Juvenile Diversion Restitution \$5.07, GETTY ABSTRACT & TIT Professional Services \$2181.25, GOLDEN WEST Telephone \$75.95, GRAHAM TIRE CO NORTH Automotive/Small Equipment \$80, GRAINGER Electrical Repairs & Maint \$58.82, GRAINGER Plumbing & Welding \$159.14, GREATER SIOUX FALLS Advertising \$50, GRIESE LAW FIRM Child Defense Attorney \$3984.6, GUZMAN, SANDRA V Interpreters \$240, HALL, VIEN V Attorney Fees \$65, HANSON, MICHAEL W Attorney Fees \$2445.6, HARTFORD'S BEST PAIN Automotive/Small Equipment \$2758.36, HELSETH, RAMONA G. Bd Exp Fees (Minnehaha) \$152, HOBART SALES & SERVI JDC Maintenance \$577.68, I STATE TRUCK CENTER Truck Repairs & Maintenance \$1371.43, INNOVATIVE OFFICE SO HHS Custodial Supplies \$1085.4, INTEK Contract Services \$1975, INTERSTATE ALL BATTE Truck Repairs & Maintenance \$479.85, INTERSTATE OFFICE PR Office Supplies \$1411.73, ISI LLC Interpreters \$240, JESSICA TAYLOR Program Activities \$300, KAUFFMAN, DAVID W PH Psych Evals \$2500, KENNEDY PIER & LOFTU Attorney Fees \$406.6, KING'S KOURT APARTME Welfare Rent \$489.93, KNECHT, ANDREW J Attorney Fees \$1587.3, KNIFE RIVER Parks/Rec Repair & Maintenance \$721.58, KOLETZKY LAW OFFICE Attorney Fees \$198.6, KONE INC HHS Maintenance \$269.88, KRINGEN, GREGG Parks/Rec Repair & Maintenance \$350, KRUSE LAW OFFICE Attorney Fees \$2900, LARSON, VALERIE Bd Exp Fees (Yankton) \$15, LAUGHLIN LAW LLC Attorney Fees \$2538, LEACH, JASON DUANE

MacArthur SJC Grant \$178.25, LEWNO LAW OFFICE Bd Exp Fees (Yankton) \$258.85, LOCKWOOD, DARCY Bd Exp Fees (Yankton) \$15, LOPEZ, REBECA Interpreters \$50, LOVING, PHILIP Bd Evaluations (Minnehaha) \$3822.53, LUTHER, JEFF Medical Director \$2750, LUTHERAN SOCIAL SVCS Evening Report Center \$4416.81, LUTHERAN SOCIAL SVCS Interpreters \$211.25, LUTHERAN SOCIAL SVCS Shelter Care/Reception Center \$65315.53, Mark London Misc Revenue \$150, MARSH & MCLENNAN LLC Notary Exp \$50, MELSIOR, TIFFANY K Interpreters \$25, MENARD INC Building Repairs & Maintenance \$67.88, MENARD INC Program Activities \$417.19, METRO COMMUNICATIONS Miscellaneous Expense \$209372.47, MIDAMERICAN ENERGY C Welfare Utilities \$213.75, MIDCONTINENT COMMUNI Telephone \$115.39, MIDLAND INC Heat, Vent & AC Repairs \$40.77, MIDLAND INC Jail Repairs & Maintenance \$20.14, MIKE MUNSON Program Activities \$250, MINNEHAHA CNTY TREAS Miscellaneous Expense \$26.7, MINNEHAHA PETTY CASH Books \$10, MINNEHAHA PETTY CASH Child Care Items \$60, MINNEHAHA PETTY CASH Other Supplies \$3, NAPA AUTO PARTS Parts Inventory \$61.8, NAPA AUTO PARTS Small Tools & Shop Supplies \$96.96, NGUYEN, LAM Interpreters \$25, NICHOLSON LAW Child Defense Attorney \$310.3, NOVAK Trash Removal \$561.12, OLD ORCHARD CAFE MacArthur SJC Grant \$279.4, OLSON, ROBERT Taxable Meal Allowances \$18, OMAHA HARDWOOD LUMBE Program Activities \$4987.63, P & M STEEL COMPANY Bridge Repair & Maintenance \$365.64, PALLUCK, ETHAN Taxable Meal Allowances \$18, PARAGON HEALTH & WEL Blood Withdrawal \$3600, PENNINGTON COUNTY Extradition & Evidence \$3062.77, PENNYBANDZ LLC Store Inventory \$350, PIEDMONT PLASTICS Program Activities \$2915, QUALIFIED PRESORT SE Publishing Fees \$664.36, R&L SUPPLY LTD Heat, Vent & AC Repairs \$155.38, R&L SUPPLY LTD Jail Repairs & Maintenance \$363.09, R&L SUPPLY LTD Plumbing & Welding \$20.87, RAA CERTIFICATION SE Education & Training \$150, REEVES, MEGAN Court Reporters \$406.7, RENTOKIL NORTH AMERI Contract Services \$763.19, RENTOKIL NORTH AMERI Professional Services \$68.93, RINGING SHIELD,NICHO Bd Evaluations (Minnehaha) \$550, RKRK LLC Welfare Rent \$2682.3, SALEM, KARLA R Bd Evaluations (Minnehaha) \$1870, SANFORD Other Medical Services \$7092.82, SANFORD CLINIC Contract Services \$27777.66, SANFORD VERMILLION Other Medical Services \$598.55, SANITATION PRODUCTS Truck Repairs & Maintenance \$470.66, SCHULTE AUTOMOTIVE I Automotive/Small Equipment \$295, SD LINING SOLUTIONS Outside Repair \$3520.41, SHERWIN WILLIAMS Building Repairs & Maintenance \$84.36, SIOUX EMPIRE FAIR AS Miscellaneous Expense \$12500, SIOUX FALLS CITY Water - Sewer \$3446.73, SIOUX FALLS CITY Welfare Utilities \$53.97, SMITH, TRACI M. MacArthur SJC Grant \$194.29, SOUTHEAST SD TOURISM Advertising \$250, SOUTHEASTERN BEHAVIO Professional Services \$3593.75, SRF CONSULTING GROUP Architects & Engineers \$479.4, SRSTKA, ERIN MacArthur SJC Grant \$615.4, STATE OF SOUTH DAKOT Amts Held-Daily Scram \$3903, STATE OF SOUTH DAKOT Amts Held-Remote Breath \$634, STATE OF SOUTH DAKOT Blood/Chemical Analysis \$6945, STATE OF SOUTH DAKOT Notary Exp \$30, STATE OF SOUTH DAKOT Sign Supply Inventory \$385, STATE OF SOUTH DAKOT Witness Fees/Expenses \$400, STREICHES INC Safety & Rescue Equipment \$2730, STREICHES INC Uniform Allowance \$229.99, STREICHES INC Volunteer Pers Items \$129.89, SUMMIT FIRE PROTECTI Safety & Rescue Equipment \$307, SUMMIT FOOD SERVICE Child Care Food \$1010.6, SUMMIT FOOD SERVICE School Lunch Program \$2319.02, SZAMEIT, ALEXANDRA Interpreters \$50, TAFOLLA, MIRANDA RAE Court Reporters \$83.3, THE COUNSELING CAFE Psych Evals \$1517.16, THE LODGE AT DEADWOO Education & Training \$5136, THE MIGHTY BOWTONES Program Activities \$460, THOMSON REUTERS - WE Legal Research \$2284.07, THOMSON REUTERS - WE Subscriptions \$279.72, THUM, JONATHAN H MacArthur SJC Grant \$80, TRANSOURCE TRUCK & E Truck Repairs & Maintenance \$429.62, TRI-STATE NURSING Professional Services \$5012, TRISTATE GARAGE DOOR Outside Repair \$221, TWO WAY SOLUTIONS IN Communication Equipment Repair \$24.99, TYLER TECHNOLOGIES I Software \$4000, TZADIK SIOUX FALLS I Welfare Rent \$1400, TZADIK SIOUX FALLS P Welfare Rent \$1585.65, TZADIK TAYLORS PLACE Welfare Rent \$1696, ULINE Program Activities \$613.65, US BANK-CORPORATE TR Bond Interest \$998835.63, US BANK-CORPORATE TR Cash w/ Trustee 2017 \$-236.46, US BANK-CORPORATE TR Cash w/Trustee 2020A \$-45.11, US BANK-CORPORATE TR Cash With Trustee \$-94.11, US FOODS INC Other Supplies \$100.52, US FOODS INC Professional Services \$976.64, VB FALLS TERRACE Welfare Rent \$2104, VILLAS AT CANYON CRE Welfare Rent \$500, VITAL RECORDS Records Storage \$3311.01, WALTON, MARCUS Attorney Fees \$865.7, WASHINGTON HEIGHTS A Welfare Rent \$2076.24, WASTE MANAGEMENT OF Trash Removal \$3550.92, WEBSTER COUNTY CLERK Copy Fees \$63, WEERHEIM LAW OFFICE Bd Exp Fees (Minnehaha) \$8720.5, WEERHEIM LAW OFFICE Crisis Intervention Program \$299.6, WHEELCO Truck Repairs & Maintenance \$57.73, XCEL ENERGY Electricity \$2827.62, XCEL ENERGY Road Maint & Material \$46.17, XCEL ENERGY INC Welfare Utilities \$2616.22, YANKTON COUNTY Attorney Fees \$518.6, YANKTON COUNTY Return Of Service \$100.

May 2023 Commission Salaries

COMMISSION	Salaries	\$38,462.41
AUDITOR	Salaries	\$57,089.04
TREASURER	Salaries	\$98,747.96

INFORMATION TECHNOLOGY	Salaries	\$92,120.02
STATES ATTORNEY	Salaries	\$444,311.19
PUBLIC DEFENDER	Salaries	\$267,271.08
PUBLIC ADVOCATE	Salaries	\$82,053.61
FACILITIES	Salaries	\$61,122.83
EQUALIZATION	Salaries	\$112,944.74
REGISTER OF DEEDS	Salaries	\$60,360.53
HUMAN RESOURCES	Salaries	\$37,371.27
SHERIFF	Salaries	\$1,337,444.27
JUVENILE DETENTION CENTER	Salaries	\$198,973.93
HIGHWAY	Salaries	\$165,251.52
HUMAN SERVICES	Salaries	\$160,720.14
MUSEUM	Salaries	\$90,481.29
PLANNING	Salaries	\$50,261.73
EXTENSION	Salaries	\$3,329.60

The following reports were received and placed on file in the Auditor's Office:

Auditor's Account with the County Treasurer-April 2023

Juvenile Detention Center - 2022 Year Report

Juvenile Detention Center - 2023 1st Quarter Report

Juvenile Detention Center - March, 2023 Report

Routine Personnel Actions

New Hires

1. Carson Reese, seasonal Grounds Worker for the Facilities Department, at \$17.75/hour effective 5/23/2023.
2. Heather Myers, seasonal Laborer for the Highway Department, at \$17.50/hour effective 5/30/2023.
3. Grace Tolliver, variable hour Juvenile Correctional Worker for the Juvenile Detention Center, at \$21.00/hour effective 5/30/2023.
4. Ella Branham, seasonal Intern for the Public Defender's Office, at \$15.00/hour effective 5/22/2023.
5. Rebekah Miles, Legal Office Assistant for the Public Defender's Office, at \$19.81/hour (10/1) effective 5/30/2023.
6. Deanna Christensen, Records Technician for the Register of Deeds, at \$19.81/hour (10/1) effective 5/30/2023.
7. Denise Riffey, variable hour Safe Home Program Worker for Safe Home, at \$18.25/hour effective 5/17/2023.

Step Increases

1. Melinda Storley, Commission Assistant for the Commission Office, at \$34.11/hour (14/13) effective 5/23/2023.
2. Elizabeth Schley, Administrative Secretary for the Extension Office, at \$21.86/hour (10/3) effective 5/3/2023.
3. Adam Nyhaug, Museum Registrar for the Museum, at \$34.95/hour (14/14) effective 5/27/2023.
4. Lisa Capellupo, Senior Deputy Defender for the Public Defender's Office, at \$3,761.60/biweekly (22/6) effective 6/3/2023.

5. John O'Malley, Senior Deputy Defender for the Public Defender's Office, at \$3,761.60/biweekly (22/6) effective 6/3/2023.

6. Karen Weeldreyer, Tax and License Supervisor for the Treasurer's Office, at \$33.27/hour (16/8) effective 5/9/2023.

BID RESULTS

Steve Groen, Highway Superintendent, reported on the bid opening for Highway 149 Wetland Mitigation credits. The wetland credits are needed when a project will impact existing wetlands during construction. The following bids were received: Ducks Unlimited, Inc with a bid of \$282,480.00; Goeden Properties, LLC with a bid of \$343,600.00; Tetonka, LLP with a bid of \$415,900.00. MOTION by Beninga, seconded by Kippley, to approve the bid results for MC17-10 – Hwy 149 Wetland Mitigation and authorize the Chair to sign an agreement with Ducks Unlimited, Inc. By roll call vote: 4 ayes.

TEXT AMENDMENT PUBLIC HEARING

Scott Anderson, Planning Director, was present for the second reading and public hearing to consider text amendment #23-02 to the 1990 Revised Zoning Ordinance for Minnehaha County. The proposed text amendment identifies the districts in which a transmission pipeline could be located, develops criteria, and definitions. The use would be a permitted special use and if the criteria is met, the transmission pipeline could be installed. If the proposed transmission pipeline does not meet the criteria, then a conditional use permit would need to be obtained. The text amendment would be amending Article 3.00, A-1 Agricultural District, Article 4.00, RR Rural Residential District, Article 5.00, R-1 Residential District, Article 6.00, C Commercial District, Article 7.00, I-1 Light Industrial District, Article 8.00, I-2 General Industrial District, Article 9.00, RC Recreation/Conservation District, Article 12.00, Additional Use Regulations, Article 24.00, Fees; and Article 26.00, Definitions. The Planning Commission recommends approval of the zoning text amendment #23-02.

Vice-Chair Karsky asked for the proponents and opponents to speak on the text amendment to the 1990 Revised Zoning Ordinance.

Proponents

Glenn Scott, Valley Springs, SD, presented a resolution that was signed by various townships within Minnehaha County in support of the proposed ordinance.

Orrin Geide, Harford, SD, spoke in support of the ordinance but would like to have a larger set back near affected property.

Chase Jensen, Brookings, SD, spoke that the group understands the role of the County Commissioners and does support the ordinance.

Rep. John Sjaarda, Valley Springs, SD, spoke in support of the ordinance and the protection that landowners will have.

Gary Meyer, Hartford, SD, spoke in support of the ordinance and does have some concerns about the setbacks.

Rep. Karla Lems, Canton, SD, spoke on the benefit the ordinance will have for the county residents affected by the proposed pipelines.

Bev Nelson, Valley Springs, SD, spoke in support of the ordinance as it is defensible.

Rep. Bethany Soye, Sioux Falls, SD, spoke in support of the ordinance and how it will benefit the growth of the county.

Rep. Sue Peterson, Sioux Falls, SD, spoke in agreement with the previous speakers.

Opponents

Todd Brown, Dell Rapids, SD, spoke against the ordinance as it will impact the ethanol industry and asked what the current setback is.

Walter Wendland, Onieda, SD, spoke against the ordinance as the pipelines will help the ethanol industry to grow and for the state to continue to be business friendly.

John Godfrey, Dublin, SD, spoke against the ordinance and explained various applicable federal regulations that are used in the design of the pipelines as well the routing.

Aaron Eldridge, Ames, IA, spoke against the ordinance as it does nothing to address concerns about safety and highlighted all of the federal regulations that pipelines need to follow as well as the number of pipelines within the county, as well as various safety statistics.

Monica Howard, Houston, TX, spoke against the ordinance due to concerns about the permitting activities and that ordinance may be preemptive.

Charlie Klundt, Viborg, SD, spoke as a neutral the ordinance but did speak about the various safety concerns for emergency management personnel as well as highlighted the various signs that would be visible and the safety of using pipelines for transport on hazardous materials.

Trevor Jones yielded his time to John Godfrey, who returned to the podium to explain further the various safety aspects of the pipelines.

Proponent Rebuttal

Rick Bonander, Valley Springs, SD, spoke in support of the ordinance and the impact the pipelines have on various items that affect the various aspects of everyday life.

Chase Jensen, Brookings, SD, spoke in rebuttal regarding land use development, appropriate setbacks as well as the various aspects related to safety.

Michael Stangeland, Sioux Falls, SD, spoke in support of the ordinance and the landowners.

Bruce Burkhart, Dell Rapids, SD, spoke in favor of the setbacks.

Dennis Anderson, Valley Spring, SD, spoke about the welding of the pipelines

Rep. John Sjaarda, Valley Springs, SD, spoke about the lack of evidence that would prevent an issue with the pipeline.

The Commission recessed from 10:42 a.m. to 10:52 a.m.

Commission discussion included the acknowledgment of the work on the proposed ordinance completed by the State Attorney's Office, Planning Department, and Planning Commission; acknowledgment of the role of the County Commission; public awareness of the issue; and complexity of the issue as well as looking towards the

future for growth and development of the County as well as making responsible choices regarding land use.

Commissioner Kippley offered an amendment marked as JK-01 as follows:

Amend §8 of proposed Ordinance Amendment #23-02 as follows:

12.18 TRANSMISSION PIPELINES. Transmission Pipelines in accordance with the following:

- (A). Application Required.
 - (1). Any person who has filed an application (“Applicant”) with the South Dakota Public Utilities Commission (PUC) for a permit to construct, maintain, and operate a new Transmission Pipeline along, over, or across land in the jurisdiction of Minnehaha County shall apply to the Office of Planning and Zoning to permit the Planning Director to verify Applicant’s conformance with the conditions prescribed in this Article. The Applicant shall submit a written letter of intent to the Office within thirty (30) days of filing the petition with the PUC, unless the application was filed with the PUC prior to the effective date of this Article in which case the Applicant shall submit a written letter of intent under this Article within thirty (30) days of the effective date of this Article.
 - (2). Upon receiving a letter of intent, the Planning Director shall review and request sufficient documentation to evaluate the project according to requirements set forth in this Article 12.18.
- (B). Application Requirements for Pipeline Companies. Every Transmission Pipeline application pursuant to this Article shall submit the following documents and information to the Office of Planning and Zoning at the request of the Planning Director.
 - (1). All required forms prescribed by the Planning Director, in addition to all proposed surveyed route information prepared by a professional land surveyor licensed in South Dakota clearly indicating the center line of the Transmission Pipeline.
 - (2). A complete copy of the application for a permit filed with the PUC pursuant to or within applicable statutory provisions, and as the application for the PUC permit is amended or changed, the Applicant shall simultaneously provide updated information and documents to the County.
 - (3). A map identifying each entry into the County’s right-of-way, and each proposed crossing of a County road or other County property.
 - (4). A map and a list containing the names and addresses of all Affected Property Owners in the County.
 - (5). A set of plans and specifications showing the dimensions and locations of the Transmission Pipeline, including plans and specifications for all related facilities, and above-ground structures, including without limitation: pumps, valve sites and shutoff valves.
 - (6). A copy of Applicant’s emergency response and hazard mitigation plan as may be required pursuant regulations adopted by PHMSA emergency preparedness, emergency response, and hazard mitigation.
 - (7). A statement identifying any confidential information in the application and a request, if any, to withhold such information from public examination or disclosure. Any request to withhold such information from public examination or disclosure shall include the statutory basis for such claimed exemption. A failure to identify confidential information in the application may result in the County treating such information as a public record.
 - (8). Applicant will be notified of a determination of its project as a special permitted use or the need to apply for a conditional use permit as soon as practicable but in no event more than 30 days after receiving approval of its permit by the PUC. If the PUC denies such permit, this county application will be denied as moot.

Vice Chair Karsky permitted questions and comments from the Commission on the proposed amendment.

MOTION by Kippley, to move amendment JK-01 as presented and amended to delete the words “at the request of the Planning Director” at the end of §12.18(B), seconded by Beninga.

Amendment Proponents

Linda Nichols, Hartford, SD, spoke in favor the amendment but asked if the letter of intent would provide enough information.

Dennis Jones, Sioux Falls, SD, spoke in favor amendment and stated that the submission of map and location maybe difficult to obtain.

Amendment Opponents

Monica Howard, Houston, TX, spoke in opposition to the amendment and regarding the requirements for submission of the application under South Dakota Codified Law.

MOTION to adopt amendment JK-01, as amended. By roll call vote: 4 ayes.

Commissioner Kippley then offered an amended marked as JK-02 as follows:

Amend §8 of proposed Ordinance Amendment #23-02 as follows:

- (C). Separation Criteria. The minimum separation criteria in Table 1 shall be used in the routing and siting of a Transmission Pipeline. For the purposes of Article 12.18, a “dwelling” shall include any structure that includes residential living quarters within it.

TABLE 1: TRANSMISSION PIPELINE MINIMUM SEPARATION CRITERIA	
Dwellings, Churches, and Businesses	<u>330</u> ft
Public Parks and Schools	1,000 ft
Municipal Boundaries By the Following Municipal Classifications as of the most recent Census Data	
First Class (Population of 5,000 and over)	5,280 ft (1 mile)
Second Class (Population between 500 and 5,000)	3,960 ft (3/4 mile)
Third Class (Population of less than 500)	2,640 ft (1/2 mile)

- (D). Measurement of separation. The separation distance set forth in Table 1 is to be measured from the center line of the proposed pipeline to the closest parcel boundary of a use or municipal boundary set forth in Table 1 except for dwellings, churches, and businesses which are measured to nearest point of the physical structure.

Vice Chair Karsky permitted questions and comments from the Commission on the proposed amendment.

MOTION by Kippley, to move the portion of amendment JK-02 amending 12.18(D) as presented as amendment JK-02A. Motion dies for a lack of second.

MOTION by Kippley, to move the portion of amendment JK-02 amending 12.18(C) as presented as amendment JK-02B, seconded by Beninga.

Amendment Proponents

Kay Burkhart, Valley Springs, SD, spoke in favor of the ordinance and about an upcoming meeting regarding changes to the federal regulations.

Joy Hohn, Hartford, SD, spoke in favor of the ordinance and that setbacks are a result of careful work.

Scott Montgomery, Fairview, SD, spoke about need for setback requirements.

Chase Jensen, Brookings, SD, spoke about the potential waiver if a business or person would like a pipeline closer than the proposed setbacks.

Michael Stangeland, Sioux Falls, SD, spoke about the federal regulations.

Gary Meyer, Hartford, SD, spoke the setbacks and the effects changes could have on the surrounding landowners.

Amendment Opponent

Aaron Eldridge, Ames, IA, spoke in opposition to the proposed ordinance as well as any additional amendments.

Vice Chair Karsky closed public comment to Commission questions and comments on the proposed amendment.

MOTION to adopt amendment JK-02B. By roll call vote: 2 ayes, 2-Beninga, Bleyenber.

MOTION by Bleyenber, to amend the §12.18(C) of §8 of the ordinance to reduce the setback from 750 feet to 600 feet for dwellings, churches, and businesses. Following discussion by the Commission, Commissioner Bleyenber withdrew the Motion.

Commissioner Kippley offered an amendment marked as JK-03 as follows:

Amend §9 of proposed Ordinance Amendment #23-02 as follows:

24.05 CONDITIONAL USE.

- (A). Except as required in Section 24.05(b) below, Aa fee of \$250.00 shall be charged for filing an application for a conditional use permit in any district.
- (B). Transmission Pipeline:
 - (1). A fee of \$25,000.00 shall be charged for filing an application for a conditional use permit for a Transmission Pipeline.
- (C). If any use, for which a conditional use permit is required, is commenced prior to the application for a conditional use permit, the application fee shall be double the regular fee.

Vice Chair Karsky permitted questions and comments from the Commission on the proposed amendment.

MOTION to adopt amendment JK-03. Motion dies for lack of second.

Vice Chair Karsky stated that the discussion on the setback amendment and potential final action on the ordinance will occur at the June 6 Commission meeting along any future amendments to the ordinance.

LIEN COMPROMISE

Melinda Storley, Commission Assistant, gave a briefing on the application on the compromise of lien DPNO-84758 in the amount of \$1,303.20. The petitioner's husband has qualified for a FHA home loan and the petitioner needs to have the lien resolved before closing because they are married. The lien represents attorney fees. The petitioner is offering payment of \$651.60, which is 50 % of the lien, in order to have the lien compromised in full.

MOTION by Kippley, seconded by Beninga, to release and compromise the lien in full with payment of \$651.60 and approve Resolution MC 23-16. Following discussion by the Commission, Commissioner Kippley with consent of the second, withdrew the Motion.

MOTION by Kippley, seconded by Beninga, to release and compromise the lien in full with payment of \$1,000.00 and approve Resolution MC 23-16. By roll call vote: 4 ayes.

RESOLUTION MC23-16

WHEREAS, a County Aid Lien in the amount of \$1,303.20, purports to exist in favor of Minnehaha County and against DPNO-84758 as Liencee, and

WHEREAS, said liencee 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 Chair of the County Board and the County Auditor to execute the following:

Compromise and release the lien in full upon payment of \$1,000.00.

This Resolution will take effect upon attached proof of payment for the accepted offer amount. RECEIPT #_____. If payment is not made within one year of approval, Resolution MC23-16 will be invalid.

Dated at Sioux Falls, South Dakota, this 23rd day of May, 2023.

APPROVED BY THE COMMISSION:

Dean Karsky

Vice-Chair

ATTEST:

Kym Christiansen

Deputy Auditor

OPPORTUNITY FOR PUBLIC COMMENT

Jessica Pollema, Tea, SD, spoke about election concerns and asked the commission for a joint special session with Lincoln County, which Lincoln County has agreed to.

Frank Kloucek, Scotland, SD, spoke about pipeline concerns.

Scott Montgomery, Fairview, SD, spoke about pipeline concerns.

COMMISSIONER LIAISON REPORTS

Commissioner Karsky reported on the recent meeting of the Sioux Metro Growth Alliance.

Commissioner Bleyenbergh reported on the recent meeting of the Siouxland Library Board Meeting.

Commissioner Kippley reported on the recent meeting of the Public Defender's Advisory Committee as well as the recent Planning Commission meeting.

05/23/2023

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Commissioner Beninga reported on the upcoming meeting of the Metro Management Committee.

NON-ACTION COMMISSION DISCUSSION

Commissioner Karsky will be bringing forward a resolution regarding property taxes software.

MOTION by Kippley, seconded by Bleyenbergh, to adjourn. 4 ayes.

The Commission adjourned until 9:00 a.m. on Tuesday, June 6th, 2023.

APPROVED BY THE COMMISSION:

Jean Bender
Chair

ATTEST:

Kym Christiansen
Commission Recorder