

THE MINNEHAHA COUNTY COMMISSION CONVENED AT 9:00 AM on June 6, 2023, pursuant to adjournment on May 23, 2023. COMMISSIONERS PRESENT WERE: Bender, Beninga, Bleyenberg, Karksy, and Kippley. Also present were Kym Christiansen, Commission Recorder, and Eric Bogue, Chief Civil Deputy State's Attorney.

MOTION by Bleyenberg, seconded by Kippley, to approve the agenda. 5 ayes

#### CONSENT AGENDA

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

#### Commission Meeting Minutes for May 23, 2023

Bills to be Paid \$ 1,900,074.16

3200 RUSSELL LLC Motels \$815, 3D SPECIALTIES INC Sign Supply Inventory \$2257.52, 9TH STREET DESIGNS Store Inventory \$1108.52, A&B BUSINESS SOLUT Lease-Rental Agreement \$381.72, A&B BUSINESS SOLUT Maintenance Contracts \$395.01, AARON GEORGE PROPERT Welfare Rent \$2490, ACTIVE DATA SYSTEMS Professional Services \$1250, AHLERS Welfare Rent \$1800, AIRGAS USA LLC Gas Oil & Diesel \$466.3, AIRGAS USA LLC Small Tools & Shop Supplies \$35.6, AIRWAY SERVICE INC Automotive/Small Equipment \$541.74, AIRWAY SERVICE INC Gas Oil & Diesel \$47.67, AIRWAY SERVICE INC Truck Repairs & Maintenance \$3754.89, ALCOHOL MONITORING S Program Supplies \$123.26, ALL NATIONS INTERPRE Interpreters \$5634.05, ALTERATIONS BY LEE Volunteer Pers Items \$52, AMDAHL, JULIE Notary Exp \$30, AMERICAN INK LLC Uniform Allowance \$240.61, ANDERSON, JENNIFER Bd Evaluations (Minnehaha) \$1640.8, ANDERSON, LEAH Business Travel \$277.02, ANDERSONS COLLISION Professional Services \$185, ANDREW BERG Taxable Meal Allowances \$42, APPEARA Program Activities \$142.77, ARCHITECTURE INC Architect, Engineers, and PMgt \$300750, ARGUS LEADER - SUBSC Books \$224.54, AUTOMATIC BUILDING C Contract Services \$624, AUTOMATIC BUILDING C Jail Repairs & Maintenance \$212.25, AVERA HEART HOSPITAL Clinics - Auxiliary Services \$99, AVERA MCKENNAN Clinics - Auxiliary Services \$28.84, AVERA MCKENNAN Hospitals \$20530.6, AVERA MCKENNAN Professional Services \$4000, AVERA MCKENNAN Welfare Rent \$1512, AXIS FORENSIC TOXICO Lab Costs \$822, BAUER BUILT INC Truck Repairs & Maintenance \$91.95, BAYCOM INC Automotive/Small Equipment \$202, BEN BAXA Taxable Meal Allowances \$28, BLACKBURN & STEVENS Attorney Fees \$160.5, BLOMKER, DOUGLAS Uniform Allowance \$69.99, BOB BARKER COMPANY I Inmate Supplies \$2876, BOB'S LOCK & KEY Safety & Rescue Equipment \$168.2, BOSMAN, JOSEPH Uniform Allowance \$137.73, BOYER FORD TRUCKS IN Truck Repairs & Maintenance \$780.09, BRAUN, MASON Investigators Expenses \$288.66, BUDGET AUTO REPAIR Automotive/Small Equipment \$38, BULLIS, MATTHEW Investigators Expenses \$17.34, BURNS, JASON Investigators Expenses \$277.44, CAMILLE REYNEN Misc Revenue \$150, CDW GOVERNMENT Data Processing Equipment \$310.38, CENTURY BUSINESS PRO Maintenance Contracts \$490.25, CENTURYLINK LONG DIS Telephone \$4.6, CHAGOLLA, ALBERT Interpreters \$154.17, CHASING WILLOWS II L Welfare Rent \$700, CINTAS CORPORATION Janitorial Chemical Supplies \$88.8, CINTAS CORPORATION Uniform Allowance \$31.3, CODY RATERMAN Education & Training \$391.68, COMPUTER FORENSIC RE Professional Services \$270, CONSTELLATION Natural Gas \$5194.26, CONSTRUCTION PRODUCT Building Repairs & Maintenance \$214.75, CONSTRUCTION PRODUCT Engineering Supplies \$135.6, CONSTRUCTION PRODUCT Road Maint & Material \$135.6, COREMR LC Maintenance Contracts \$652.5, CORRECTIONAL MEDICAL Contract Services \$379546.01, DAKOTA AUTO PARTS Motor/Machine/Equipment Repair \$1.68, DAKOTA FLUID POWER I Truck Repairs & Maintenance \$5.16, DALSIN INC Building Repairs & Maintenance \$366.5, DANA SAFETY SUPPLY Safety & Rescue Equipment \$671.07, DECASTRO LAW OFFICE Attorney Fees \$2428.9, DECASTRO LAW OFFICE Child Defense Attorney \$8699.1, DENHERDER LAW OFFICE Attorney Fees \$182.78, DIESEL MACHINERY INC Heavy Equip Repairs & Maint \$2399.81, DIVE RESCUE INTL INC Safety & Rescue Equipment \$3082.28, DUCKS UNLIMITED INC Architects & Engineers \$282480, DULUTH Welfare Rent \$2103.34, DUST TEX SERVICE INC Janitorial Chemical Supplies \$23.16, EMBE Education & Training \$125, ERIN M JOHNSON PLLC Bd Exp Fees (Minnehaha) \$8827.5, FAMILY SERVICE INC Insurance-Other Costs \$210, FASTENAL COMPANY Small Tools & Shop Supplies \$71.22, FASTSIGNS Program Activities \$158.76, FIRST PREMIER BANK Investigators Expenses \$200.42, FOX, DANIEL Bd Exp Fees (Yankton) \$397.8, G & R CONTROLS INC Heat, Vent & AC Repairs \$525, G & R CONTROLS INC Outside Repair \$3301, GALLS QUARTERMASTER Safety & Rescue Equipment \$339.39, GALLS QUARTERMASTER Uniform Allowance \$118.58, GAYLORD BROS INC Program Activities \$383.28, GIRTON ADAMS

Heat, Vent & AC Repairs \$2970, GOLDEN WEST Telephone \$69.95, GRAINGER Heat, Vent & AC Repairs \$235.82, GUARDIAN Other Supplies \$285, GUNDERSON, GEOFF Program Activities \$150, GUZMAN, SANDRA V Interpreters \$510, HARTFORD'S BEST PAIN Automotive/Small Equipment \$14230.81, HIGH PLAINS TECHNOLO Maintenance Contracts \$928.4, HIGH POINT NETWORKS Maintenance Contracts \$1927, HOHN, RODNEY L Uniform Allowance \$63.98, HOLMES MURPHY & ASSO Notary Exp \$50, HOV SERVICES INC Archive/Preservation Supplies \$192.73, HYVEE ACCOUNTS RECEI Jury Fees \$77.51, I STATE TRUCK CENTER Truck Repairs & Maintenance \$143.81, INTEGRATED TECHNOLOG Outside Repair \$8289.9, INTERSTATE ALL BATTE Automotive/Small Equipment \$150.95, INTERSTATE ALL BATTE Heavy Equip Repairs & Maint \$155.95, INTERSTATE OFFICE PR Office Supplies \$999.08, ISI LLC Interpreters \$80, JASMINE PINA Misc Revenue \$300, JAYMAR Printing/Forms \$135.9, JCL SOLUTIONS Inmate Supplies \$6747.33, JCL SOLUTIONS Janitorial Chemical Supplies \$130.82, JCL SOLUTIONS Kitchen/Cleaning Supplies \$1189.17, JD'S HOUSE OF TROPHI Miscellaneous Expense \$34, JEFFERSON PARTNERS L Transportation \$1032.22, JESSICA ACKLEY OR WA Abatement Interest \$64.36, JOSHUA PATTERSON Business Travel \$234, JUSTIN MURPHY Sign Deposits \$50, KARL'S TV Maintenance Contracts \$439.98, KATTERHAGEN, MARK Bd Exp Fees (Yankton) \$15, KERKVLIT, SARAH Business Travel \$235.07, KNECHT, ANDREW J Attorney Fees \$1298.2, LACEY RENTALS INC Lease-Rental Agreement \$130, LACROSSE SEED LLC Road Maint & Material \$2723.88, LARSON, VALERIE Bd Exp Fees (Yankton) \$93, LAUCK, DAVE M Attorney Fees \$25250, LEWNO LAW OFFICE Bd Exp Fees (Yankton) \$599.05, LOCATORS & SUPPLIES Truck Repairs & Maintenance \$23.8, LOCKWOOD, DARCY Bd Exp Fees (Yankton) \$78, LONNY BOEHRNS Abatement Interest \$118.68, LOPEZ, REBECA Interpreters \$292.5, LOVING, PHILIP Bd Evaluations (Minnehaha) \$3630.06, LUTHERAN SOCIAL SVCS Evening Report Center \$6449.55, LUTHERAN SOCIAL SVCS Shelter Care/Reception Center \$88515, MAC'S HARDWARE Building Repairs & Maintenance \$37.06, MAC'S HARDWARE Grounds & Parking Repair \$0, MALLOY ELECTRIC Truck Repairs & Maintenance \$48.24, MARSH & MCLENNAN LLC Notary Exp \$50, MEDSTAR PARAMEDIC IN Transportation \$7600, MENARD INC Program Activities \$317.98, METASTONE PROPERTIES Welfare Rent \$1400, MFR-XIX GABLES Welfare Rent \$3579.15, MIDAMERICAN ENERGY C Natural Gas \$2216.05, MIDAMERICAN ENERGY C Welfare Utilities \$263.96, MIDCONTINENT COMMUNI Amounts Held For Others \$257.78, MIDCONTINENT COMMUNI Data Communications \$389.5, MIDWAY SERVICE INC Gas Oil & Diesel \$41461.98, MIDWEST CONTRACTING Contracted Construction \$235794.6, MIDWEST PETROLEUM EQ Automotive/Small Equipment \$121.34, MINNEHAHA COMMUNITY Water - Sewer \$50, MONICA BAILEY MacArthur SJC Grant \$70, MYRL & ROYS PAVING I Road Maint & Material \$232.74, NAPA AUTO PARTS Automotive/Small Equipment \$27.49, NAPA AUTO PARTS Parts Inventory \$135.78, NICK AND SALLY GOETZ Abatement Interest \$172.52, NORTH CENTRAL INTL S Truck Repairs & Maintenance \$752.85, NORTH RIDGE APARTMEN Welfare Rent \$898, NYBERGS ACE HARDWARE Small Tools & Shop Supplies \$72, OFFICE DEPOT INC Office Supplies \$243.09, OREILLY AUTOMOTIVE S Automotive/Small Equipment \$214.13, ORRIN GEIDE Sign Deposits \$50, OSBORN, ROXANE R Court Reporters \$4079.85, PATTI LYON Misc Revenue \$150, PCS MOBILE Professional Services \$49971.24, PETTIGREW HEIGHTS AP Welfare Rent \$400, PHARMCHEM INC Testing Supplies \$255, PIONEER ENTERPRISES Burials \$2864.5, POMPS TIRE SERVICE I Automotive/Small Equipment \$396.78, PRIDE NEON, INC Small Tools & Shop Supplies \$250, PRINCIPLED PROPERTIE Welfare Rent \$1450, PROFESSIONAL DEVELOP Education & Training \$1995, QUALIFIED PRESORT SE Postage \$88.45, RAC RENTALS, LLC Welfare Rent \$3460.65, REEVES, MEGAN Court Reporters \$157.5, RELIANCE TELEPHONE I Telephone \$11.31, RESOLUTE LAW FIRM IN Attorney Fees \$10392.73, RINGING SHIELD,NICHO Bd Evaluations (Minnehaha) \$962.5, RISK ANALYSIS & MANA Insurance Admin Fee \$2964, RIVERVIEW PARK LTD Welfare Rent \$290, RUSSELL, MARK Business Travel \$158, SAFE HOME LTD PTNRSH Rent Subsidies \$10661, SAFETY GLASSES USA I Special Projects \$63.29, SAFETY GLASSES USA I Uniform Allowance \$290.98, SAMS CLUB - MEMBERSH Other Supplies \$99.92, SAMS CLUB - MEMBERSH Professional Services \$130.04, SAMS CLUB - MEMBERSH Safe Home Donations \$49.97, SANFORD Clinics - Auxiliary Services \$59.26, SARAH SOWARD Misc Revenue \$150, SCHEELS ALL SPORTS Juvenile Diversion Restitution \$160, SCHRIEVER, KAITLIN Contract Services \$660, SCOTT MCGAHA Uniform Allowance \$347.08, SD SHERIFFS ASSOC Professional Services \$880, SD STATE BAR Amounts Held For Others \$500, SECURITY LABS LLC Maintenance Contracts \$75, SF SPECIALTY HOSPITA Insurance-Other Costs \$95, SHAY FAMILY Welfare Rent \$700, SHOTWELL, JOEL Program Activities \$300, SIOUX FALLS CITY Electricity \$12154.93, SIOUX FALLS CITY Water - Sewer \$15201.1, SIOUX FALLS CITY Welfare Utilities \$130.91, SIOUX VALLEY ENERGY Electricity \$360.05, SIOUX VALLEY ENERGY Tea-Ellis Range \$132.67, SOUTHEASTERN BEHAVIO Drug Court \$5000, STATE OF SOUTH DAKOT Amts Held-Daily Scram \$7628, STATE OF SOUTH DAKOT Amts Held-Remote Breath \$1341, STATE OF SOUTH DAKOT Architects & Engineers \$95.89, STATE OF SOUTH DAKOT Education & Training \$525, STATE OF SOUTH DAKOT Notary Exp \$30, STATE OF SOUTH DAKOT Other Supplies \$15.16, STATE OF SOUTH DAKOT Printing/Forms \$37, STATE OF SOUTH DAKOT Professional Services \$389.25, STATE OF SOUTH DAKOT Sign Supply Inventory \$113.78, STEWART TITLE COMPAN Professional Services \$1500, STOCKWELL ENGINEERS Parking \$6300, STREICHES INC Uniform Allowance \$483, STREICHES INC Volunteer Pers Items \$110, SUMMIT FOOD SERVICE Board Of Prisoners-Meals \$109630.37,

SUMMIT FOOD SERVICE Child Care Food \$423.55, SUMMIT FOOD SERVICE Inmate Supplies \$542.81, SUMMIT FOOD SERVICE School Lunch Program \$964.18, TAFOLLA, MIRANDA RAE Court Reporters \$117.6, TANEY COUNTY SHERIFF Return Of Service \$49, THE LODGE AT DEADWOOD Business Travel \$282, THOMSON REUTERS - WE Books \$65, TOM COOL Misc Revenue \$300, TOMACELLI'S TOO Jury Fees \$148.81, TRACTOR SUPPLY COMPA Road Maint & Material \$1735.92, TRI-STATE NURSING Professional Services \$4877.75, TRINITY POINT Welfare Rent \$480, TRUGREEN LIMITED PAR Professional Services \$64.92, TURNING LEAF TAX CRE Welfare Rent \$478, TWO WAY SOLUTIONS IN Communication Equipment \$3600, TWO WAY SOLUTIONS IN Communication Equipment Repair \$5351.73, TZADIK HIDDEN HILLS Welfare Rent \$1400, TZADIK SIOUX FALLS I Welfare Rent \$2440, TZADIK SIOUX FALLS P Welfare Rent \$3739, ULINE Inmate Supplies \$476.51, ULINE Other Supplies \$118.11, US FOODS INC Other Supplies \$71.89, US FOODS INC Professional Services \$1696.66, VOGEL MOTORS LLC Gas Oil & Diesel \$57, WALL LAKE SANITARY D Water - Sewer \$90, WALTON, MARCUS Attorney Fees \$4647, WHEELCO Small Tools & Shop Supplies \$59.28, WHEELCO Truck Repairs & Maintenance \$186.53, WHITE CAP, LP Road Material Inventory \$4992, WHITTIER APARTMENTS Welfare Rent \$1253, WYNIA, KEITH Business Travel \$158, XCEL ENERGY Electricity \$67247.92, XCEL ENERGY INC Welfare Utilities \$3286.49, YANKTON COUNTY Return Of Service \$100, YOUNGBERG Attorney Fees \$877.4.

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

Public Defender 2022 Annual Report

May 2023 Building Permit Report

#### Routine Personnel Actions

##### New Hires

1. Chevelyn McCandless, seasonal Grounds Worker for the Facilities Department, at \$17.50/hour effective 6/1/2023.
2. Seth Altwine, seasonal Laborer for the Highway Department, at \$17.50/hour effective 5/30/2023.
3. Isabell Ford, Juvenile Correctional Officer I for the Juvenile Detention Center, at \$22.98/hour (13/1) effective 5/27/2023.

##### Promotions

1. To promote Sabrina Garcia, Juvenile Correctional Officer I to Juvenile Correctional Officer II for the Juvenile Detention Center, at \$26.65/hour (16/1) effective 5/27/2023.

##### Step Increases

1. Anna Schreurs, Senior Accounting Technician for the Auditor's Office, at \$24.74/hour (12/4) effective 6/12/2023.
2. Susan Beaman, Finance and Budget Officer for the Auditor's Office, at \$4,362.20/biweekly (23/8) effective 6/7/2023.
3. Joshua Marbach, Appraiser for the Equalization Office, at \$27.98/hour (15/3) effective 5/31/2023.
4. Holly Schleuter, Caseworker for Human Services Department, at \$31.67/hour (16/6) effective 5/31/2023.
5. Michael Baker, Security Administrator for the Information Technology Department, at \$3,012.80/biweekly (21/2) effective 6/1/2023.
6. Alexis Drake, Correctional Officer for the Jail, at \$25.37/hour (14/2) effective 5/9/2023.

7. Demetrice Corbett, Correctional Officer for the Jail, at \$25.37/hour (14/2) effective 6/13/2023.
8. Daniel Donovan, Correctional Officer for the Jail, at \$25.37/hour (14/2) effective 6/13/2023.
9. Devin Hagestrom, Correctional Officer for the Jail, at \$25.37/hour (14/2) effective 6/13/2023.
10. Dalton Johnson, Correctional Officer for the Jail, at \$25.37/hour (14/2) effective 6/13/2023.
11. Mason Steffen, Planner I for the Planning Department, at \$29.41/hour (16/3) effective 6/1/2023.
12. Alexander Braun, Deputy Public Defender for the Public Defender's Office, at \$3,492.80/biweekly (22/3) effective 6/10/2023.
13. Lance Mattson, Certified Civil Process Server for the Sheriff's Office, at \$30.15/hour (14/8) effective 6/16/2023.

To record significant employee anniversaries for June, 2023: 5 years-Joanna Glover; 25 years-Doreen Janssen.

To record volunteers in County Departments for May, 2023. This list is on file at Human Resources.

#### Notices and Requests

Authorize Auditor to Publish Notice to Bidders for Meal Services at the Juvenile Detention Center

#### Items within Policy Guidelines

Motion to Approve Special Event Consumer & Blend Beverage License Number C&B 23-01 for an Event on July 22, 2023

### TEXT AMENDMENT PUBLIC HEARING

Scott Anderson, Planning Director, was present for the continued second reading and public hearing regarding the consideration of text amendment #23-02 to the 1990 Revised Zoning Ordinance for Minnehaha County which was continued from May 23, 2023. 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.

The Commissioners continue the discussion the following amendment marked as JK -02B that had been offered by Commissioner Kippley on May 23, 2023, which resulted in a tie vote.

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.

| <b>TABLE 1: TRANSMISSION PIPELINE MINIMUM SEPARATION CRITERIA</b> |                       |
|-------------------------------------------------------------------|-----------------------|
| Dwellings, Churches, and Businesses                               | <del>330</del> 750 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) |

#### Amendment Proponents

There was no one in attendance to speak in favor of the proposed amendment.

#### Amendment Opponents

Rick Bonander, Valley Springs, SD, spoke about the need for intelligent land use and economic development and the ordinance has written would help with achieve both intelligent land use and economic development.

Kay Burkhart, Valley Springs, SD, spoke in agreement with the previous speaker and that there are still options for the pipeline within the country.

Joy Hohn, Hartford, SD, spoke about the idea that the setbacks are providing an opportunity to have some local control along with intelligent land use.

Linda Nichols, Hartford, SD, spoke about the effects the closer setbacks would have on the landowners.

Rep. Karla Lems, Canton, SD, spoke about the effects a closer setback would have on economic development and individual landowner.

Gary Meyer, Hartford, SD, spoke about the effects the closer setback would have on emergency response personnel.

MOTION to adopt amendment JK-02B as presented, deferred from May 23, 2023, pursuant to SDCL 7-8-18. By roll call vote: 3 ayes, 2 nays- Beninga, Bleyenbergs

Commissioner Kippley offered the amendment SAO-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 notice of such application letter-of-intent to the Office of Planning and Zoning 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 written notice set forth in Article 12.19 (A) (1) 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.
  - (9). Should Applicant's application to the PUC for a permit to construct, maintain, and operate a new Transmission Pipeline along, over, or across land in the jurisdiction of Minnehaha County. If the PUC be denied such permit, Applicant's ~~this county~~ application pursuant to this Article will be denied as moot.

MOTION by Kippley, to move the amendment SAO-01 as presented, seconded by Beninga.

Eric Bogue, State's Attorney's Office, explained the amendment which is related to cleaning up language from the previous amendments.

MOTION to adopt amendment SAO-01 as presented. By roll call vote: 5 ayes.

MOTION by Kippley, seconded by Karsky, to approve Ordinance MC 16-179-23, an amendment to Ordinance MC 16-90, the Revised Zoning Ordinance for Minnehaha County by 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 as amended. By roll call vote: 4 ayes, 1 nay-Beninga.

The entire ordinance is available and on file at the Auditor's Office.

PLANNING & ZONING NOTICES

Scott Anderson, Planning Director, gave the first reading and requested authorization for the Auditor to publish a Notice of Hearing to consider revision to the Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls related to a public utility facility in the RC Recreation/Conservation District. MOTION by Karsky, seconded by Kippely, to authorize the Auditor to publish a notice of public hearing on an amendment to the Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls to be held on June 27, 2023, at or after 5:00 p.m. at a joint meeting of the Minnehaha County Commission and Sioux Falls City Council. 5 ayes.

Chair Bender excused herself from the meeting at 9:49 a.m.

Kevin Hoekman, Planner, presented the for first reading for rezoning #23-03, an amendment to the revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls to rezone from A-1 Agricultural district to the Mapleton Golf Planned Development District, property legally described as the S1/2 SE 1/4 (Ex. Laurel Ridge Addition & H-1) of Section 23-T102N-R49W & the N1/2 NE 1/2 (Ex. A Triangle Section Beginning in the SW Corner Extending 680' N & 680'E) of Section 26-T102N-R49W & the SE 1/4 NE1/4 of Section 26-T102N-R49W & the SW 1/4 NW1/4 of Section 25-T102N-R49W all in Mapleton Township. MOTION by Beninga, seconded by Kippely, to authorize the Auditor to publish a notice of public hearing to consider rezoning #23-03 to rezone property from the A-1 Agricultural District to the Mapleton Golf Planned Development District to be held on June 27, 2023, at or after 5:00 p.m. at a joint meeting of Minnehaha County Commission and Sioux Falls City Council. 4 ayes.

Chair Bender returned to the meeting at 9:52 a.m.

#### AGREEMENT

Mike Mattson, Warden, presented an agreement between the Department of Social Services and the Minnehaha County Jail for Restoration to Competency Program Services. The need for this agreement arises from the need for timely restoration to competency program services to dependents found mentally incompetent under SDCL 23A-10A-4 who are assessed as not needing inpatient psychiatric care to be restored to competency and as a result of high demand and limited hospital beds for treatment of dependents who are found mentally incompetent, DSS has sought to partner with the Minnehaha County Jail to offer jail-based restoration to competency program services in an effort to best serve defendants and the judicial process. MOTION by Karsky, seconded by Bleyenbergh, to approve and authorize the Chair to sign the 2024 sub-recipient agreement with DSS for In Jail Competency Restoration Services. 5 ayes.

#### VEHICLE PURCHASE

Upon the request of Mike Mattson, Warden, MOTION by Beninga, seconded by Bleyenbergh, to authorize the jail to purchase a Dodge Charger AWD V6 through State Bid Contract #17620 in the amount of \$34,552.00 from Wegner Auto in Pierre, SD. 5 ayes.

#### AGREEMENT

Upon the request of Traci Smith, Public Defender, MOTION by Kippely, seconded by Beninga, to approve and authorize the Public Defender to sign a renewal contract for Indigent Defense Services between Minnehaha County and UJS for FY 2024. By roll call vote: 5 ayes.

#### RIGHT-OF-WAY AGREEMENTS

Steve Groen, Highway Superintendent, presented a right-of-way purchase agreement for the property owned by Loren & Phyllis Thompson and the property owned by John E & Debra K. Schulte. Minnehaha County and the City of Sioux Falls are completing a joint project to improve the intersection of County Highway 130 and Marion

Rd. The proposed improvements include drainage upgrades and the widening of County Highway 130 to include left turn lanes in both directions. The widening of the road required the purchase of additional right-of-way from the property owner. MOTION by Beninga, seconded by Karsky, to approve and authorize the Chair to execute two right-of-way purchase agreements for land owned by John E & Debra Schulte for the amount of \$350.00, and legally described as Tract 1 Warner Addition in the NE1/4 of Section 14-T102N-R50W of the 5th P.M., Minnehaha County, South Dakota, a total of 0.01 acres and for land owned by Loren Gene & Phyllis E. Thompson for the amount of \$900.00, and legally described as Tract 1 Walkers Addition in the N1/2 of the NW 1/4 in Section 13-T102N-R50W of the 5th P.M., Minnehaha County, South Dakota, a total of 0.01 acres. By roll call: 5 ayes.

#### **SURPLUS DECLARATION**

Upon the request of Mark Kriens, Director of Facilities and Construction, MOTION by Karsky, seconded by Bleyenbergh, to declare a 1994 Chevrolet 2500 Truck as Surplus for Disposal through Public Auction. By roll call: 5 ayes.

#### **VEHICLE PURCHASE**

Upon the request of Mark Kriens, MOTION by Beninga, seconded by Kippely, to authorize the Facilities Department to purchase a 2022 Dodge Ram 2500 Truck for \$51,821.00 from Billion Chrysler Jeep Dodge Ram Fiat. 5 ayes.

#### **RESOLUTION**

Tyler Klatt, Assistant Commission Administrative Officer, presented a resolution for the upcoming 2024 session of the South Dakota Legislature. The resolution is to recommend that the state create and host a single software solution to administer the collection and apportionment of property taxes. MOTION by Karsky, seconded by Kippely, to adopt Resolution MC 23-17 to be submitted to the South Dakota Association of County Commissioners (SDACC) for addition to the SDACC platform. By roll call vote: 5 ayes.

#### **RESOLUTION MC 23-17**

#### **TO ESTABLISH A STATE-OPERATED PROPERTY TAX SOFTWARE**

WHEREAS, the State of South Dakota has 66 counties, each of which is responsible for collecting and apportioning property taxes; and

WHEREAS, pursuant to South Dakota Codified Law 10-21-1, the State of South Dakota mandates that the county treasurer collect all property taxes; and

WHEREAS, each county must figure out how to calculate taxes, distribute tax notices, collect taxes, and apportion taxes back to each taxing district; and

WHEREAS, the complexity of the process necessitates counties purchasing software solutions or developing internal software solutions at their own expense to perform these duties; and

WHEREAS, as a result there are 66 different approaches being used in South Dakota to collect and apportion property taxes; and

WHEREAS, precedent for the State of South Dakota to collect and apportion property taxes has been established through the centrally assessed tax process; and,

WHEREAS, a state-operated property tax software system would improve efficiency in the property tax

collection and apportionment process; and

WHEREAS, a state-operated property tax software system would benefit from the cyber security infrastructure the State currently has in place; and

WHEREAS, when key personnel at the county level turnover, the State would be able to serve as the subject matter expert and assist in educating county staff; and

WHEREAS, a state-operated property tax software system would reduce cost for counties;

NOW THEREFORE BE IT RESOLVED, the Minnehaha County Board of Commissioners requests that the South Dakota Association of County Commissioners pursue legislation to develop a standard state-operated property tax software system to be hosted by the State and provided to counties to create a uniform, efficient process for the collection and distribution of property taxes in South Dakota.

Dated this 6th Day of June, 2023

APPROVED BY  
MINNEHAHA COUNTY COMMISSION

Jean Bender

Chair

ATTEST: Leah Anderson, Auditor

Kym Christiansen

Deputy Auditor

#### PUBLIC COMMENT

Steve Groen, Highway Superintendent, invited the Commissioners to a stakeholders meeting regarding SD-38 on June 8, 2023.

Theresa Stehly, Sioux Falls, spoke about concerns about the petition gathering policy.

#### COMMISSIONER LIAISON REPORTS

Commissioner Bender spoke about the recent meeting regarding the Juvenile Justice Center project.

MOTION by Kippley, seconded by Beninga, to adjourn. 5 ayes.

The Commission adjourned until 9:00 a.m. on Tuesday, June 20th, 2023.

APPROVED BY THE COMMISSION:

Jean Bender

Chair

ATTEST:

Kym Christiansen

Commission Recorder