

THE MINNEHAHA COUNTY COMMISSION CONVENED AT 9:00 AM on October 3, 2023, pursuant to adjournment on September 26, 2023. COMMISSIONERS PRESENT WERE: Bender, Bleyenbergh, and Kippley. Commissioners Beninga and Karsky were absent. Also present were Kym Christiansen, Commission Recorder, and Eric Bogue, Chief Civil Deputy State's Attorney.

Chair Bender called the meeting to order.

MOTION by Kippley, seconded by Bleyenbergh, to approve the agenda. 3 ayes.

MOTION by Kippley, seconded by Bleyenbergh, to amend the agenda to remove the approval of the September 26, 2023 meeting minutes from the consent agenda to the regular agenda following Consider a Motion to Adopt a Resolution Restoring Tax Deed Property RDID-035737 to the Former Owner of Title. 3 ayes.

CONSENT AGENDA

MOTION by Kippley, seconded by Bleyenbergh, to approve the consent agenda. By roll call vote: 3 ayes. The consent agenda included the following items.

Bills to be Paid \$1,006,421.86

3200 RUSSELL LLC Motels \$405, A&B BUSINESS SOLUT Lease-Rental Agreement \$292.47, A&B BUSINESS SOLUT Maintenance Contracts \$102.08, ABBY SITZMAN Business Travel \$56, ADVANCE AUTO PARTS Automotive/Small Equipment \$30.8, AIRWAY SERVICE INC Automotive/Small Equipment \$86.37, AIRWAY SERVICE INC Gas Oil & Diesel \$307.76, ALFREDO RODRIGUEZ Business Travel \$200, ALL ABOUT TRAVEL INC MacArthur SJC Grant \$518.81, ALL NATIONS INTERPRE Interprters \$3506.4, ANDERSON, JENNIFER Bd Evaluations (Minnehaha) \$4913.26, ANGEL, EDWARD P Attorney Fees \$1770.38, AVERA MCKENNAN Hospitals \$4980, AVERA MCKENNAN Professional Services \$121.77, AVERA MCKENNAN Psych Evals \$1400, AXIS FORENSIC TOXICO Lab Costs \$468, BABINSKI PROPERTIES Welfare Rent \$700, BACCHUS APARTMENTS Welfare Rent \$500, BAUER BUILT INC Automotive/Small Equipment \$166.38, BENTWOOD MANOR APTS Welfare Rent \$500, BIRSCHBACH EQUIPMEN Bridge Repair & Maintenance \$540, BILLION EMPIRE MOTOR Automotive/Small Equipment \$180, BRAUN, MASON Investigators Expenses \$317.22, BRENDEN & MEADORS LLP Attorney Fees \$5211.7, BULLIS, MATTHEW Investigators Expenses \$40.8, BURNS, JASON Investigators Expenses \$150.45, CANFIELD BUSINESS IN Furniture & Office Equipment \$2314.28, CENTER FOR FAMILY ME Clinics - Auxiliary Services \$18, CENTURY BUSINESS PRO Maintenance Contracts \$352.03, CHAGOLLA, ALBERT Interpreters \$418.26, CLAIR HATTERVIG Uniform Allowance \$43.38, COMPUTER FORENSIC RE Professional Services \$5070, CONTROL INSTALLATION HHS Maintenance \$3316.33, CORE & MAIN LP Bldg/Yard Repair & Maintenance \$1202.4, CORE & MAIN LP Road Material Inventory \$4180, CORRECTIONAL MEDICAL Contract Services \$356996.05, DAKOTA LAW FIRM PROF Child Defense Attorney \$738.3, DAKOTA SUPPLY GROUP Jail Repairs & Maintenance \$225.33, DAKOTA SUPPLY GROUP JDC Maintenance \$63.13, DAKOTALAND AUTOGLASS Automotive/Small Equipment \$790, DECASTRO LAW OFFICE Attorney Fees \$875.5, DEE, CLOVIA A Court Reporters \$195.5, DESIGN RESEARCH ENGI Professional Services \$1711, DONEGAL Welfare Rent \$1960, ELECTION SYSTEMS & S Software/Licensing \$31368.1, FOX, DANIEL Bd Exp Fees (Yankton) \$498.64, G & R CONTROLS INC Outside Repair \$150, GAIL FOERSTER Business Travel \$200, GALT Welfare Rent \$2700, GATES, LAURIE A Bd Exp Fees (Minnehaha) \$112, GIRTON ADAMS Road Maint & Material \$37.5, GOEBEL PRINTING INC Office Supplies \$337.89, GRAINGER HHS Maintenance \$13.77, GRAINGER Jail Repairs & Maintenance \$18.27, GRAINGER Small Tools & Shop Supplies \$41.31, GUZMAN, SANDRA V Interpreters \$390, HARTFORD'S BEST PAIN Automotive/Small Equipment \$5869.1, HERITAGE FUNERAL HOM Burials \$3500, HIGHPOINTE LIMITED P Welfare Rent \$2505, HUMBOLDT FIRE & AMBU Transportation \$900, INNOVATIVE OFFICE SO Janitorial Chemical Supplies \$6991.46, INNOVATIVE OFFICE SO JDC Custodial Supplies \$18, INTERSTATE OFFICE PR Office Supplies \$398.18, ISI LLC Interpreters \$660, JACKS UNIFORMS AND E Uniform Allowance \$103.94, JOHNSON, RICHARD L Attorney Fees \$570.59, JOHNSON, RICHARD L Child Defense Attorney \$2296.21, JOSH MARBACH Business Travel \$200, JSIX Welfare Rent \$1600, KAMRATH, LYNDEE Business Travel \$212, KATTERHAGEN, MARK Bd Exp Fees (Yankton) \$85.5, KB SPRINKLERS Bldg/Yard Repair & Maintenance \$85, KDR INVESTMENTS Welfare Rent \$1188, KENNETH MIELKE Sign Deposits \$50, KING, DUANE Business Travel \$200, KNECHT, ANDREW J Attorney Fees \$3212.8, KNECHT, ANDREW J Child Defense Attorney \$1512.1, LACROIX LAW PLLC Attorney Fees \$199.48, LAMB MOTOR COMPANY Automobiles \$99138, LANGUAGE TESTING INT

Recruitment \$187, LARSON, VALERIE Bd Exp Fees (Yankton) \$85.5, LEWNO LAW OFFICE Bd Exp Fees (Yankton) \$388.26, LOCKWOOD & ZAHRBOCK Child Defense Attorney \$2805.7, LOVING, PHILIP Bd Evaluations (Minnehaha) \$3529.24, MAC'S HARDWARE Jail Repairs & Maintenance \$19.82, MARAS, JACOB Business Travel \$56, MARK RICHARDS Business Travel \$200, MATTHEW SATTER Business Travel \$200, MEDSTAR PARAMEDIC IN Transportation \$2000, METRO COMMUNICATIONS Clinics - Auxiliary Services \$530, MICHAEL GATLUAK Gas Oil & Diesel \$50, MICROFILM IMAGING SY Contract Services \$1343.9, MIDAMERICAN ENERGY C Natural Gas \$1330.47, MIDCONTINENT COMMUNI Amounts Held For Others \$140.39, MIDWESTERN MECHANICA Outside Repair \$240.5, MORGAN COFFMAN Taxable Meal Allowances \$14, MOTOROLA SOLUTIONS I Communication Equipment \$166728.52, MYERS & BILLION LLP Attorney Fees \$7296.97, NAPA AUTO PARTS Automotive/Small Equipment \$27.68, NORTHERN PLAINS APPR Education & Training \$156, NYBERGS ACE HARDWARE Park & Recreation Material \$5.08, OLD ORCHARD CAFE MacArthur SJC Grant \$309.4, PALLUCK, ETHAN Taxable Meal Allowances \$14, PENNINGTON COUNTY Extradition & Evidence \$4519.34, PETTIGREW HEIGHTS LT Welfare Rent \$500, PHOENIX SUPPLY LLC Child Care Uniforms \$354.77, PIONEER ENTERPRISES Burials \$4500, POMPS TIRE SERVICE I Truck Repairs & Maintenance \$1692.32, PRAHM CONSTRUCTION I Contracted Construction \$64441.6, QUALIFIED PRESORT SE Postage \$219.54, R SAWVELL INC Welfare Rent \$800, REEVES, MEGAN Court Reporters \$63.7, RELIANCE TELEPHONE I Telephone \$3.25, RESOLUTE LAW FIRM IN Attorney Fees \$9204.9, RINGING SHIELD, NICHOLAS Bd Evaluations (Minnehaha) \$1072.5, RIVERVIEW PARK LTD Welfare Rent \$228, ROBERTS, YVONNE Welfare Rent \$500, RONNING COMMERCIAL Welfare Rent \$575, ROY HERUM Education & Training \$100, RYAN GEVENS Business Travel \$200, SAFE HOME LTD PTNRSH Rent Subsidies \$10999, SAMS CLUB - MEMBERSH Clinics - Auxiliary Services \$45.44, SAMS CLUB - MEMBERSH Other Supplies \$73.44, SAMS CLUB - MEMBERSH Professional Services \$108.6, SAMS CLUB - MEMBERSH Supplemental Food \$14.98, SD ASSOC OF COUNTY C Education & Training \$40, SD HUMAN SERVICES CE Clinics - Auxiliary Services \$42, SIOUX FALLS RUBBER S Office Supplies \$59.45, SIOUX VALLEY ENERGY Welfare Utilities \$113, SMITH STRAIN Business Travel \$200, STATE OF SOUTH DAKOT Amts Held-Daily Scram \$3719, STATE OF SOUTH DAKOT Amts Held-Remote Breath \$784, STATE OF SOUTH DAKOT Bridge Repair & Maintenance \$3922.7, STATE OF SOUTH DAKOT Education & Training \$350, STATE OF SOUTH DAKOT Miscellaneous Expense \$99, STATE OF SOUTH DAKOT Notary Exp \$30, STATE OF SOUTH DAKOT Telephone \$604.5, STRANGE FARRELL JOHN Child Defense Attorney \$2539.94, SUMMIT FOOD SERVICE Child Care Food \$638.11, SUMMIT FOOD SERVICE School Lunch Program \$1473.45, SURF TAXI Transportation \$32.4, TAFOLLA, MIRANDA RAE Court Reporters \$205.8, TARKETT USA INC Repair/Renovations \$2794.55, TERRONES, JARED Investigators Expenses \$42.84, THOMPSON, PAIGE Bd Evaluations (Minnehaha) \$600, THOMSON REUTERS - WE Legal Research \$1002.78, TIM GUSTAFSON Business Travel \$34, TINDALL, PLLC BRENNAN Professional Services \$900, TOMACELLI'S TOO Jury Fees \$159.16, TRI-STATE NURSING Professional Services \$2595.5, TRISTATE GARAGE DOOR Outside Repair \$381.9, TSCHETTER & ADAMS LA Attorney Fees \$10290.4, TWO WAY SOLUTIONS IN Communication Equipment Repair \$4265.87, TYREL ELLSWORTH Sign Deposits \$50, TZADIK SIOUX FALLS I Welfare Rent \$2113, TZADIK SIOUX FALLS P Welfare Rent \$3706.32, TZADIK TAYLORS PLACE Welfare Rent \$310, US FOODS INC Other Supplies \$75.03, US FOODS INC Professional Services \$600.63, VER BEEK, KELSEY Child Defense Attorney \$1679.09, WEIR, KATHLEEN M. Welfare Rent \$1050, WHITTIER APARTMENTS Welfare Rent \$483, XCEL ENERGY Electricity \$89822.47, XCEL ENERGY Road Maint & Material \$50.05, XCEL ENERGY INC Welfare Utilities \$4484.13, YANKTON COUNTY Return Of Service \$250, YMCA Welfare Rent \$655.

Routine Personnel Actions

1. Irakoze Francine, Allison Oldenkamp, and Madison Ziebarth, variable hour Juvenile Correctional Workers for the Juvenile Detention Center, at \$21.00/hour effective 9/28/2023.
2. Jordon Campbell, Christopher Southard, and Ryan Vanloh, Correctional Officers for the Jail, at \$24.16/hour (14/1) effective 10/10/2023.

Promotions

1. Dequan Harvin, Correctional Officer to Corporal for the Jail, at \$27.98/hour (17/1) effective 9/30/2023.

Step Increases

1. Shanya Burt, Paralegal for the State's Attorney's Office, at \$29.41/hour (16/3) effective 9/7/2023.

2. Thomas Nelson, Senior Deputy State's Attorney for the State's Attorney's Office, at \$4,581.60/biweekly (22/14) effective 9/14/2023.

Other Salary Changes

1. To begin Interpreter specialty pay for Nataliia Hudzii, Correctional Officer for the Jail, resulting in a rate of \$24.66/hour effective 9/16/2023.

Special Personnel Actions

1. To change the effective date for Ashley Lopez's voluntary demotion at the Juvenile Detention Center from 8/19/2023 to 10/14/2023.

2. To approve a temporary pay adjustment for Kayla Liebl from \$25.37/hour to \$26.65/hour effective 10/14/2023 until the end of a temporary assignment as a supervisor at the Juvenile Detention Center.

To record significant employee anniversaries for October, 2023: 10 years-Francis Konechne; 20 years-Leanne Harries.

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

MEDICAL CANNABIS DISPENSARY APPLICATION

Leah Anderson, Auditor, provided a briefing on the Medical Cannabis Dispensary Application Issuance Timeline. A notice will be posted on the county website, published in the official newspaper, and a press release announcing the application period and the application process. Minnehaha County will begin accepting applications on October 10, 2023, and the application deadline will be November 13, 2023, at 5:00 p.m. The applicant can be found on the notices section of the Minnehaha County website or a copy can be obtained from the Auditor's Office during regular business hours. Applications can only be submitted in person at the Minnehaha County Auditor's Office located at 415 N Dakota Ave in Sioux Falls. The random selection of the license will be held on November 17, 2023, and the randomly selected application will be submitted for Commission approval on January 24, 2024. Public comment was received from T.J Cameron and Peter Dikun.

SD VOTER REGISTRATION AND RESIDENCY LAW CHANGES

Leah Anderson, Auditor, provided a briefing regarding changes to the South Dakota Voter Registration and Residency Laws. During the 2022 Legislative Session, SB 139 was passed and updated the Voter Registration Residency requirement from 24 hours to 30 days, which was effective on July 1, 2023. The Voter Registration form officially changed on August 7, 2023, and the Auditor's Office continues to see the old forms come to the office. Starting on October 3, the Auditor's Office will no longer accept prior voter registration forms and will require that the current form be used. The Auditor's Office also received voter registration forms that were pushed through by the Department of Public Safety Driver's License Division. A person can obtain a Driver's License if they have been in the state for 24 hours and the Department of Public Safety does not verify residency for voter registration. The Auditor's Office has been busy processing these registration requests that may not meet the residency requirements prescribed in South Dakota Codified Law. This requires extra staff time to send out the required notices to those individuals who wish to register to vote without meeting the South Dakota residency requirements.

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 Vacation Home Rental/Short Term Rental as a conditional special use in seven (7) zoning districts in the Joint City/County Zoning Ordinance and adds a definition for Vacation Home Rental/Short Term Rental to the Zoning Ordinance. MOTION by Kippley, seconded by Bleyenber, to authorize the Auditor to publish a notice of hearing on an amendment to the Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls to be held on October 24, 2023, at or after 5:00 p.m. at a joint meeting of the Minnehaha County Commission and Sioux Falls City Council. 3 ayes.

Kevin Hoekman, Planner, gave the first reading and requested authorization for the Auditor to publish a Notice of Hearing to consider revision to the 1990 Revised Zoning Ordinance for Minnehaha County related to a rezone of six lot subdivisions approximately 34.22 acres in size from A-1 Agriculture District to RR-Rural Residential District. The property is legally described as Prairie View Estates Addition in W1/2 NW 1/4 Section-T101N-R51W in Wall Lake Township and the subdivision is located approximately 3 miles west of Sioux Falls. MOTION by Kippley, seconded by Bleyenber, to authorize the Auditor to publish notice of hearing on an amendment to the 1990 Revised Zoning Ordinance for Minnehaha County to be held on October 24, 2023, at or after 9:00 a.m. at a meeting of the Minnehaha County Commission. 3 ayes.

VEHICLE PURCHASE

Upon the request of Mike Mattson, Jail Warden, MOTION by Bleyenber, seconded by Kippley, to authorize the purchase of a replacement jail transport vehicle in the amount of \$41,499.00 from Billion Chrysler Jeep Dodge Ram Fiat. 3 ayes.

FIVE-YEAR TRANSPORTATION PLAN

Steve Groen, Highway Superintendent, presented the Minnehaha County 2024-2028 Transportation Plan for Commission consideration. The purpose of the request is to comply with the South Dakota Department of Transportation (SDDOT) Bridge Improve Grant (BIG) Fund requirements and related Administrative Rules as well as the SDDOT's Five-Year County Highway and Bridge Improvement Plan Guide. The Highway Department staff hosted a public hearing at the Highway Department on October 3rd, 2023. Invitations were sent to all township officials and a notice was published in the Minnehaha County legal papers. In addition to the five-year transportation plan, the presented also included information on the Rural Access Infrastructure Funding. MOTION by Bleyenber, seconded by Kippley, to approve and authorize the Chair to sign a certification form for the five-year transportation plan in accordance with BIG Fund Requirements. 3 ayes.

TAX DEED RESOLUTION

Kris Swanson, Treasurer, requested approval of a tax deed restoration resolution for Tax Certificate #17-0455, RDID-035737. On September 5th, 2022, the Board of Commissioners authorized the property be placed on the 2023 Tax Deed sale. Payment was received by the Minnehaha County Treasurer on September 20th, 2023, in the amount of \$13,282.09, on behalf of the former owner of record. MOTION by Kippley, seconded by Bleyenber, to approve Resolution MC 23-29, Restoring Title of Tax Certificate #17-0455 to Former Owner of Record According to SDCL 10-25-41 and 10-25-42 and to authorize the County Treasurer to issue a Quit Claim Deed. By roll call vote: 3 ayes.

RESOLUTION MC23-29

WHEREAS, Minnehaha County obtained title to the following described real property pursuant to a Treasurer's Tax Deed recorded in the Office of the Minnehaha County on the 28th day of August, 2023, at 8:05 o'clock a.m., in Book 621 of Deeds, Page 145, such property identified as Record ID #35737, located at 3001 E 18th St, Sioux Falls, South Dakota, and legally described as set forth in the Treasurer's Tax Deed; and

WHEREAS, Justin R Crooks is the prior record owner of the above described property; and

WHEREAS, SDCL Ch. 10-25 authorizes the restoration of title to said former record owner upon payment of not less than the total principal, interest and costs represented in the Treasurer's Tax Deed and any other taxes and interest which are unpaid on the real property; and

WHEREAS, the former owner, Justin R Crooks, has paid \$13,282.09 to the Minnehaha County Treasurer representing all the principal, interest and costs represented in the Treasurer's Tax Deed; and

WHEREAS, pursuant to SDCL & 10-25-41 and 10-25-42, the Board of Commissioners is satisfied with the amount paid by the former owner; now, therefore, be it

RESOLVED, by the Minnehaha County Board of Commissioners, that the above-described real property be restored to Justin R Crooks, and that the Minnehaha County Treasurer is hereby authorized to issue a Quit Claim Deed transferring the county's interest in the property back to Justin R. Crooks upon payment by him of the applicable recording fee.

Dated at Sioux Falls, South Dakota on the 28th day of September, 2023.

Approved by the Minnehaha County Commission:

Jean Bender

Commission Chair

ATTEST:

Kym Christiansen

Deputy Auditor

MEETING MINUTES

Chet Ellsworth, Rapid City, SD, discussed the minutes from September 26, 2023, regarding the placement of the invoice from Election Systems & Software, LLC on the agenda and the revision made to the Minnehaha County Rules of Procedure. MOTION by Kippley, seconded by Bleyenbergs, to approve the Commission Meeting Minutes for September 26, 2023 as written. 3 ayes.

OPPORTUNITY FOR PUBLIC COMMENT

Dennis Anderson, Valley Springs, SD, spoke in appreciation of the work done regarding the ordinance regulating pipelines.

COMMISSIONER LIAISON REPORTS

Commissioner Bleyenbergs spoke about the recent Pre-trial services lunch and learn event.

Commissioner Kippley spoke about the Highway Department public meeting for the five-year plan.

Commissioner Bender spoke about the recent planning meetings for the Juvenile Justice Center.

MOTION by Bleyenbergs, seconded by Kippley, to adjourn at 9:35 a.m. 3 ayes.

The Commission adjourned until 9:00 a.m. on Tuesday, October 17th, 2023.

APPROVED BY THE COMMISSION:

10/03/2023

17245

Jean Bender
Chair

ATTEST:

Kym Christiansen
Commission Recorder