

10/06/2015

THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M. October 6, 2015, pursuant to adjournment on September 29, 2015. Commissioners present were: Barth, Bender, Beninga, Heiberger, and Kelly. Also present were Cindy Jepsen, Commission Recorder, and Kersten Kappmeyer, Chief Civil Deputy State's Attorney.

Chairperson Heiberger called the meeting to order.

MOTION by Beninga, seconded by Barth, to approve the agenda. 5 ayes.

MOTION by Bender, seconded by Barth, to approve the September 29, 2015 Commission minutes. 5 ayes.

VOUCHERS TO BE PAID

MOTION by Barth, seconded by Bender, to approve the following bills totaling \$242,256.96. 5 ayes.

Airway Service Inc	Automotive/Sm	20.95	Airway Service Inc	Gas,Oil,Diese	79.53
AL Dept Of Public Sa	Copy Fees	5.75	American Institute O	Lab Costs	1,610.00
Arcadia Publishing I	Store Invento	164.83	Arena Motel	Motels	259.00
Arma Forensics LLC	Other Profess	1,000.00	Avera Health Informa	Clinics - Aux	140.70
Avera Health Informa	Medical Recor	19.50	Avera McKennan Hospi	Blood Withdra	296.00
Avera McKennan Hospi	Hospitals	17,429.63	Avera McKennan Hospi	Other Profess	1,756.00
Avera McKennan Hospi	Psych Evals	750.00	Avera Queen Of Peace	Hospitals	408.57
Benchmark Foam Inc	Exhibit Mater	225.00	Bendorf Law Firm Pro	Attorney Fees	135.00
Bon Homme Cnty Sheri	Return Of Ser	20.32	Brevik Law Office Pr	Attorney Fees	436.56
Brock White Co LLC	Road Maint &	24,622.80	Brock White Co LLC	Small Equipme	57,774.00
Brown & Saenger	Office Suppli	2,151.07	Campbell Supply Co I	Bridge Repair	24.99
CBM Managed Services	Board Of Pris	10,652.40	Century Business Lea	Lease-Rental	359.59
Century Business Lea	Maintenance C	320.38	Century Business Pro	Maintenance C	295.98
Centurylink (Qwest)	Telephone	51.60	Christopherson, Ande	Attorney Fees	2,304.15
City Glass & Glazing	Building Repa	628.30	Cody, Denise	Bd Exp. Fees	78.00
Comfort Inn Of Pierr	Business Trav	364.00	Comfort Inn Of Pierr	Travel - Bend	52.00
Comfort Inn Of Pierr	Travel - Heib	104.00	Constellation New En	Natural Gas	2,178.00
Cook Huber, Kerri	Attorney Fees	175.07	Country Meadows Apts	Welfare Rent	600.00
Dakota Embalming & T	Transportatio	150.00	Dakota Fluid Power,	Automotive/Sm	33.30
Dakota Fluid Power,	Heavy Eq. Rep	2.70	Dakota Fluid Power,	Truck Repair/	1,715.71
Decisionone Corporat	Maintenance C	168.52	Dekkers, Joel Db a Pa	Welfare Rent	465.00
Deyoung, Lynn	Business Trav	32.00	Duffy, Ryan	Attorney Fees	1,497.00
Duffy, Ryan	Child Defense	798.00	Electric Constructio	Building Repa	66.33
Engbrecht, Roger	Welfare Rent	475.00	Evans, Preston	Investigators	273.00
Fastenal Company	Small Tools,	139.85	First Dakota Nationa	2014 HLS Grant	3,464.75
Fleetpride / Holt, I	Truck Repair/	18.44	Fonder, Roger M Db a	Automotive/Sm	142.67
Fox, Youngberg & Lew	Attorney Fees	2,730.48	Froehlich, Floyd	Welfare Rent	800.00
Garry, Maggie	Expenditures	10.84	George, Aaron	Welfare Rent	295.50
Graham Tire Co. - No	Automotive/Sm	785.24	Great Plains Psychol	Psych Evals	3,453.75
Guzman, Sandra V.	Interpreters	150.00	Harmelink,Fox & Ravn	Attorney Fees	127.70
Heartland Glass Comp	Other Repairs	3,386.00	Hewlett-Packard Comp	Data Processi	3,071.31
Holiday Credit Offic	Automotive/Sm	8.99	Holiday Credit Offic	Gas,Oil,Diese	59.83
Holiday Credit Offic	Road Maint. &	4.99	Hy-Vee Accounts Rece	Pharmacies	63.72
I State Truck Center	Truck Repair/	571.23	Interstate All Batte	Automotive/Sm	224.90
Interstate All Batte	Heavy Eq. Rep	268.71	Interstate Office Pr	Office Suppli	146.66
Intoximeters, Inc.	Testing Suppl	4,000.00	James Law Pc	Attorney Fees	497.25
JCL Solutions-Janito	Janitorial/Ch	725.32	JD's House Of Trophi	Office Suppli	15.00
Jefferson Partners L	Transportatio	108.00	Johnson Controls, In	Building Repa	217.46
Johnson Controls, In	Heat,Vent & A	605.97	Kmart Pharmacy	Pharmacies	20.27
Kmart Pharmacy	Pharmacies	17.50	Lassegaard, Samuel C	Welfare Rent	465.00
Laughlin, Nicole	Attorney Fees	3,520.60	Lewno, Lucy	Bd Exp. Fees	532.96
Litz, Bob	Business Trav	235.16	Lohff, Krystal	Attorney Fees	915.00
Loving, Philip	Bd Evaluation	930.00	Medical Waste Transp	Other Profess	172.99
Menards - East	Bldg/Yard Rep	44.45	Menards - East	Plumbing & We	290.41
Menards - West	Exhibit Mater	573.06	Midamerican Energy C	Natural Gas	1,313.42
MidAmerican Energy C	Welfare Utili	340.56	Midwest Alarm Compan	Electrical Re	144.91

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Minnehaha Community	Park/Recreati	30.00	Mobile Electronic Se	Automotive/Sm	105.00
Mobile Electronic Se	Communication	75.00	Murray Properties, L	Welfare Rent	200.00
Myers Billion Llp	Attorney Fees	1,878.71	Nguyen, Lam	Interpreters	25.00
Nold, Nancy	Welfare Rent	450.00	Norm Feldman's Glass	Truck Repair/	392.86
Northern Heights Dev	Welfare Rent	1,680.00	Nyberg's Ace Hardwar	Parks/Recreat	6.79
Oconnor Company	Jail Repairs/	530.03	Oehlke, Karl	Bd Evaluation	4,747.50
Office Depot, Inc.	Data Processi	331.59	Olson's Pest Technic	Other Profess	67.75
Paramedics Plus-Siou	Transportatio	600.00	Pfeifer Implement Co	Heavy Eq. Rep	6.16
Pharmchem Inc	Testing Suppl	783.00	Pierre Parkside Deve	Business Trav	371.96
Pierre Parkside Deve	Travel - Bart	371.96	Pierre Parkside Deve	Travel - Kell	371.96
Pollard Law Pc	Attorney Fees	121.50	Presto-X-Company	Outside Repai	540.80
Ray Oherron Co Inc	Uniform Allow	7,600.00	Redlin, Jim Db	Parts Invento	87.36
River Terrace Apts L	Welfare Rent	232.50	Roxanne Resources	Professional	500.00
Safe Home Ltd Ptnrsh	Notes Rec (SF	-2,185.47	Safe Home Ltd Ptnrsh	Other Misc. R	-1,408.62
Safe Home Ltd Ptnrsh	Rent Subsidie	11,858.00	Sam's Club - Members	Office Suppli	9.88
Sam's Club - Members	Other Profess	687.80	Sam's Club - Members	Supplemental	61.19
Sanford Hospital	Blood Withdra	20.00	Sanford Hospital	Lab Costs	2,765.00
Sanford Laboratories	Lab Costs	767.62	Schaaf, Susan	Welfare Rent	500.00
Schoeneman Bros. Co.	Exhibit Mater	695.22	SD Dept Of Revenue	Lab Costs	140.00
SD Safety Council	Professional	2,080.00	SD Supreme Court	Memberships	10.00
SDES (SD Engineering	Education & T	170.00	Sechser, Jenna - Crt	Court Reporte	2,071.00
Servall Towel & Line	Program Activ	32.81	SF Leased Hsg Author	Welfare Rent	1,020.00
Sigler Fire Equipmen	Automotive/Sm	73.00	Sigler Fire Equipmen	Bldg/Yard Rep	546.00
Sigler Fire Equipmen	Truck Repair/	146.00	Sioux Falls Chamber	Travel - Bend	160.00
Sioux Falls Chamber	Travel - Beni	160.00	Sioux Valley Energy	Welfare Utili	393.13
Sisson Printing, Inc	Printing/Form	69.45	Solomon, Ghirmay	Interpreters	79.16
Southeast SD Tourism	Advertising	2,514.00	Southeastern Behavio	Crisis Interv	6,896.03
Sprint	Telephone	6.67	Srstka, Erin	Business Trav	30.00
Sturdevant's Auto Pa	Parts Invento	136.92	Super Fast Auto Glas	Automotive/Sm	142.75
Super 8 Motel-Pierre	Business Trav	61.99	Swanda, Karen	Bd Exp. Fees	78.00
Szameit, Alexandra	Interpreters	534.15	Taylor Place LLC	Welfare Rent	500.00
Thomson Reuters - We	Books	229.24	Thomson Reuters - We	Legal Researc	2,293.72
Thoron, Deyanira T	Interpreters	25.00	Tractor Supply Co.	Sign Supply/I	3,920.00
Trane	Jail Repairs/	755.00	Tri-State Garage Doo	Jail Repairs/	369.00
Tschetter & Adams La	Attorney Fees	1,284.93	TTT Investments LLC	Welfare Rent	700.00
United Parcel Servic	Postage	18.42	USD-DHSF (Dental Hyg	Dentists	165.40
V & S Inc	Education & T	1,526.88	Variety Foods LLC	Other Profess	296.10
Wal-Mart Pharmacy	Pharmacies	503.44	Walsh, Mike	Education & T	111.00
Waltner, Kolbeck, Scha	Attorney Fees	1,225.50	Weerheim, Tom	Attorney Fees	720.00
Willow Partners LLC	Welfare Rent	500.00	Xcel Energy, Inc.	Electricity	568.07
Xcel Energy, Inc.	Welfare Utili	1,935.92	Xp Software Inc (Xp	Software	186.70
Yankton County Sheri	Return Of Ser	150.00	Yankton County Treas	Attorney Fees	1,541.75
Zabel Steel Co.	Small Tools,	20.70	406 22nd LLC/East Pa	Welfare Rent	500.00

PERSONNEL

MOTION by Beninga, seconded by Barth, to approve the following personnel changes. 5 ayes.

1. To transfer Wallace Wynia, STI Security Officer for STI Security to Air Guard Security Officer II (13/9) for the Air Guard at \$20.75/hour effective 10/10/15.
2. To transfer Krista Bast, Correctional Officer for the 24/7 Program to Correctional Officer (13/13) for the Jail at \$22.91/hour effective 9/23/15.
3. To accept the resignation of Cole Schuelke as Correctional Officer in Training for the Jail effective 10/1/15.
4. To accept the resignation of Scott Hildebrand as Correctional Officer for the Jail effective 10/1/15.

Step Increases

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1. Linda Race – Records Technician – Register of Deeds – 10/8 to 10/9 – 10/7/15 – \$17.90/hour
2. Francis Konechne – Mechanic Team Member – Highway – 14/9 to 14/10 – 10/10/15 – \$22.35/hour
3. Tony Andress – Corrections System Operator – Jail – 9/4 to 9/5 – 9/24/15 – \$15.43/hour
4. Heather Richarz – Correctional Officer – Jail – 13/11 to 13/12 – 6/23/15 – \$22.35/hour
5. Andrew Berg – Correctional Officer – Jail – 13/3 to 13/4 – 7/21/15 – \$18.34/hour
6. Phillip Leidholt – Deputy Sheriff – Sheriff's Office – 16/12 to 16/13 – 9/10/15 – \$26.57/hour

Special Personnel Actions

1. To recognize the following significant employee anniversaries for October 2015: 5 years – Linda Race; 15 years – Steven VanWyhe – Michael Mayer – Marty Roach; 20 years – Julie Meyer.
2. To record volunteers in County Departments for September 2015. The list is on file at Human Resources.

PLANNING & ZONING NOTICES

David Heinold, Planner I, was present for the first reading and requested authorization for the Auditor to publish a notice of hearing for a proposed ordinance amending the 1990 Revised Zoning Ordinance for Minnehaha County. The ordinance would amend Article 12.00 Additional Use Regulations, and would allow breweries and distilleries as a permitted special use, and add a recall & review and revocation section. The wineries section would be revised for clarification and the residential requirement would be revised from the operator must live on site to the operator must live within one mile of the site. MOTION by Barth, seconded by Beninga, to authorize the Auditor to publish a notice of hearing on October 27, 2015 for the proposed text amendment ordinance. 5 ayes.

PUBLIC COMMENT

Shireen Ranschau, Executive Director of Sioux Falls Housing and Redevelopment Commission, spoke on Fair Market Rent values established by the U.S. Department of Housing and Urban Development, and the impact it has on people getting affordable housing.

Brett Johnson, Caseworker for Minnehaha County Human Services and Board Chair for the Sioux Empire Homeless Coalition, reported they are hosting Project Connect in the Health & Human Services building today, October 6, 2015. Over 40 exhibitors will provide information about their services to individuals that are either homeless or are experiencing some level of poverty.

MOTION by Beninga, seconded by Kelly to adjourn as the Minnehaha County Commission and convene in joint meeting with the Dell Rapids City Council, with the intent to reconvene as the Minnehaha County Commission alone for the rest of its regular agenda after adjournment of the joint meeting. 5 ayes.

The Minnehaha County Commission reconvened.

HEARING

Scott Anderson, Planning & Zoning Director, was present for the public hearing and second reading of a proposed ordinance to rezone approximately 10 acres from A-1 Agriculture District to the Waterway Meadows Planned Development District to allow for 1 residential building site at 25723 Haystack Place. The property is located approximately 3 miles north of Sioux Falls and is legally described as Tract 1 of Priebe's Addition, S ½

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NE ¼, Section 7-T102N-R49W, Minnehaha County. The petitioners and property owners are Tim and Pam Homan. On August 24, 2015, the County Planning Commission voted 4-1 to deny the rezoning request. Proponent Pam Homan, stated they purchased the property in 2012 with the barn on it. At that time a title search did not reveal any issues with the property. In 2015 they were informed via interested buyers that Minnehaha County indicated the barn was non-conforming, and if it was destroyed it could not be rebuilt. Ms. Homan stated their desired outcome is that the County acknowledge the building permit and document that the barn is legitimate and can be rebuilt if destroyed. Rezoning the property from A-1 Agriculture District to the Planned Development District was one manner of which to legitimize the property with the barn on it, and add a building eligibility for a single house. Opponent, Mike Cypher, Minnehaha County Planning Commission Member, spoke against the rezoning stating stables are a conforming use in the Ag district, and they could obtain a conditional use permit if the current barn is destroyed and they need to rebuild. Mr. Cypher is concerned that this rezoning is generating a housing eligibility, and sets a precedence for other landowners to do the same. Mr. Cypher also stated that it would devalue building eligibilities. Scott Anderson, stated that the definition of stables as a conditional use is defined as a place where you board/train horses in exchange for money, and the Homans are boarding their own horses and not charging anyone. Mr. Cypher stated you can have a conditional use permit for a stable and you don't necessarily have to board any horses. Mr. Anderson stated the applicant may apply for a conditional use permit for the stable, and go through the process for having that considered. Mr. Anderson also stated that the Commission could approve the rezoning with amending the conditions of the Waterway Meadows Planned Development District to allow only the barn as a permitted use on the property. Kersten Kappmeyer, Chief Civil Deputy State's Attorney, stated it is in the power of the Commission to amend the definition of "stable" if they think the current definition of stable is inadequate to encompass this type of operations. In addition, the Commission may amend the ordinance regarding the destruction of a non-conforming building which states it cannot be rebuilt if 60% of the value has been destroyed. Mr. Kappmeyer encouraged the Commission to review Ordinance 10.01 when considering putting forward a planned development district with only a barn as a permitted use. Mr. Kappmeyer asked Mr. Anderson to clarify the record if the original building permit in 2005 was for a large enough parcel that this was a conforming use. Mr. Anderson answered yes. Mr. Kappmeyer asked Mr. Anderson if the prior owner split this smaller parcel off rendering it non-conforming. Mr. Anderson answered yes. Ms. Homan stated that she has the plat approval of the property from February 15, 2005, and the former owners did not own more than the 10 acres. Two months after the plat was approved the former property owner received the building permit for the barn. MOTION by Beninga, seconded by Bender, to approve the rezoning and change Waterways Meadows to a planned development with the condition of allowing only a barn or stable. SUBSTITUTE MOTION by Kelly, seconded by Barth, to remand this item back to the Planning Commission for further consideration of the Planned Development District proposal. Chair Heiberger asked the Commissioners to state for the record if they spoke to the Homans prior to this public hearing. Heiberger and Beninga stated they had spoken with the Homans on the phone regarding this issue. Commissioner Bender stated she spoke to them on the phone and told them she couldn't discuss the issue. Commissioner Barth stated he got a voice mail. VOTE to substitute, 3 ayes. Bender and Beninga voted nay. Motion Carries. VOTE on main motion as substituted, 3 ayes. Bender and Beninga voted nay. Motion Carries.

CHANGE ORDER

DJ Buthe, Highway Superintendent, gave a briefing on Change Order #1 to the contract with SFC Civil Constructors for Project MC Bridge Bearing 2015, repair of deteriorating bearings on three Minnehaha County structures. Structure 50-189-140 on Highway 130 east of the Renberg School was found to have a hole in one of the beams that needs to be repaired. A price of \$988.00 was proposed by the contractors for the repair. MOTION by Barth, seconded by Bender, to authorize the Chairperson to sign Change Order #1 to the contract with SFC Civil Constructors for Project MC Bridge Bearing 2015 for a new contract amount of \$77,607.45. 5 ayes.

PROPERTY AUCTION

10/06/2015

Robert Litz, Auditor, reported on the September 26, 2015 Tax Deed Property and Surplus Property Auction. The following tax deed properties were sold: RDID #24029, TD #2575, \$3,000; RDID #29128, TD #2539, \$11,000; RDID #53766, TD #2593, \$150. The following surplus properties in Corson were sold: RDID #14086, \$53,000 and RDID #14088, \$29,500. Mr. Litz requested the commission’s approval of the sales and resolutions authorizing the Treasurer to issue quit claim deeds and the Auditor to abate outstanding taxes, interest, penalties and special assessments for the two properties that full payment was received. The successful bidders for the remaining three properties have 30 days from the sale date to remit payment in full. MOTION by Barth, seconded by Bender, to approve the sale of the tax deed properties and surplus properties that were auctioned on September 26, 2015 and approve resolutions MC15-67 and MC15-68. 5 ayes.

RESOLUTION OF SALE
MC15-67

WHEREAS, The County Auditor offered for sale on September 26, 2015, at public auction, the following described Tax Deed Property pursuant to SDCL 6-13:

Tax Deed # 2575, RDID # 24029, Lots 5 & 6, Block 1, Morningside Addition to the City of Humboldt, (S of E. 2nd Ave & E of Grant St) for \$3,000, sold to Jay L. Salonen & Jamie L. Salonen & Bret Songstad & Janelle Songstad, 1700 S. Kinderhook Ave., Sioux Falls, SD 57106.

NOW, THEREFORE, BE IT RESOLVED by the Minnehaha County Commission that this sale be approved as set forth above and that the Minnehaha County Treasurer is hereby authorized to issue Quit Claim Deeds thereto and the Minnehaha County Auditor is authorized to abate all outstanding taxes, interest, penalties, and municipal nuisance special assessments levied against this property.

Dated at Sioux Falls, South Dakota, this 6th day of October, 2015.

APPROVED BY THE COMMISSION:	ATTEST:
Cindy Heiberger	Cynthia Jepsen
Chairman	Deputy Auditor

RESOLUTION OF SALE
MC15-68

WHEREAS, The County Auditor offered for sale on September 26, 2015, at public auction, the following described Tax Deed Property pursuant to SDCL 6-13:

Tax Deed #2593, RDID 53766, Lot 19, except the West 150 feet thereof, of the County Auditors Subdivision of a part of Tract 1 of the County Auditor’s Subdivision of the Northeast Quarter (NE1/4) of Section 15, Township 101 North, Range 49, Minnehaha County, South Dakota, for \$150, sold to Kenneth Dean Berreth, 1902 E. 3rd Street, Sioux Falls, SD 57103.

NOW, THEREFORE, BE IT RESOLVED by the Minnehaha County Commission that this sale be approved as set forth above and that the Minnehaha County Treasurer is hereby authorized to issue Quit Claim Deeds thereto and the Minnehaha County Auditor is authorized to abate all outstanding taxes, interest, penalties, and municipal nuisance special assessments levied against this property.

Dated at Sioux Falls, South Dakota, this 6th day of October, 2015.

APPROVED BY THE COMMISSION:	ATTEST:
Cindy Heiberger	Cynthia Jepsen

10/06/2015

Chairman

Deputy Auditor

AGREEMENT

Mark Kriens, Assistant Facilities Director, gave a briefing on a new elevator service contract with Kone, Inc., to provide full service to all thirteen (13) Kone elevators at Minnehaha County. The new contract would fall under the U.S. Communities Government Purchasing Alliance and will reduce annual cost for this service from \$37,123.20 to \$36,000.00 annually. MOTION by Kelly, seconded by Barth, to cancel the current contracts and authorize the Chairperson to sign the Acceptance of a proposal from Kone, Inc. to supply elevator service, repair, or modernization under the U.S. Communities program utilizing the terms and conditions of the City and County of Denver Master Contract Reference GENRL-201414653-00 dated April 1, 2014. 5 ayes.

LIAISON REPORTS

Commissioner Heiberger reported on the Juvenile Detention Alternative Initiative Conference in Phoenix that she attended.

MOTION by Barth, seconded by Bender, to adjourn. 5 ayes.

The Commission adjourned until 9:00 a.m. on Tuesday, October 13, 2015.

APPROVED BY THE COMMISSION:

Cindy Heiberger
Chairperson

ATTEST:

Cynthia Jepsen
Deputy Auditor