

2/19/2013

THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M. February 19, 2013 pursuant to adjournment on February 12, 2013. Commissioners present were: Barth, Beninga, Kelly, and Pekas. Commissioner Heiberger was absent. Also present were Cindy Jepsen, Deputy Auditor, and Kersten Kappmeyer, Deputy State's Attorney.

Chairman Beninga called the meeting to order.

MOTION by Barth, seconded by Pekas, to approve the agenda with an amendment to the order of items by moving item #12 after the Opportunity for Public Comment and item #18 after item # 11. 4 ayes.

MOTION by Pekas, seconded by Barth, to approve the February 12, 2013 Commission Minutes. 4 ayes.

VOUCHERS TO BE PAID

MOTION by Barth, seconded by Pekas, to approve the following bills totaling \$633,602.51. 4 ayes.

A & B Business Equip	Var. Depts	1,361.04	A To Z World Languag	Public Def	840.00
Ace Towing Inc	Hwy Constr	625.00	Advance Auto Parts	Sheriff	20.94
All American Investm	Human Svcs	800.00	Alsobrook, Danny D	Hwy Constr	325.00
Amiotte Law Pc	Courts	3,154.25	Anderson, Peg	Mus Entpr	300.00
Anderson, Scott A.	Planning	26.00	Appeara / Dudley Lau	Hwy Constr	31.48
Arena Motel	Human Svcs	625.00	Argus Leader	Var. Depts	4,406.79
Ausland, Jade	Mus Entpr	300.00	Automatic Building C	Jail	90.00
Avera McKennan Hospi	St Atty	815.00	Al Svc Inc/Laceys Ch	Hwy Constr	95.00
Bargain Bytes Inc	Jail	713.25	Billion's	Hwy Constr	16.45
Boyer Trucks Sioux F	Hwy Constr	1,125.40	Brevik Law Office Pr	Mental Ill	207.57
Bristol Court Ltd Pt	Human Svcs	452.00	Brock White Co Llc	Hwy Constr	980.26
Brown & Saenger	St Atty	467.80	Builders Supply Comp	Var. Depts	2,438.00
Bureau Of Informatio	Var. Depts	776.47	Call, Nick/Hannah	Mus Entpr	150.00
Carlson, Jim A	Human Svcs	555.00	Carlson, Scott B Att	Courts	1,653.68
Cartridge World	Info Tech	1,456.11	CBI Business Service	Hwy Admin	50.00
Cbm Managed Services	Var. Depts	13,880.78	Century Business Lea	Sheriff	148.91
Century Business Pro	Var. Depts	896.53	Centurylink	Var. Depts	3,490.49
Cherry County (NE) S	St Atty	18.50	Christensen, Ron	Air Guard	169.95
Civil Design Inc	Hwy Constr	1,355.25	Cole Papers, Inc.	Facilities	275.78
Communication Svcs F	Public Def	234.00	Concrete Materials	Hwy Constr	2,926.35
Constellation New En	Pettigrew	614.92	Counseling Resources	Courts	1,600.00
Culligan Water Condi	Human Svcs	37.50	Cummins Central Powe	Facilities	1,083.69
Dahl, Ramie	Mus Entpr	150.00	Dakota Data Shred	Var. Depts	204.03
Decisionone Corporat	Info Tech	168.52	Driveline Service In	Hwy Constr	68.04
Duffy, Ryan	Courts	3,214.66	Dust Tex Service Inc	Mus Maint	21.06
Emdeon Business Serv	Human Svcs	39.95	Empire Baptist Templ	Mus Entpr	150.00
Etc/Expo For Her Mag	Mus Ops	350.00	Etek Llc DbA Garfiel	Human Svcs	500.00
Family Service Inc	Expenses	390.00	Fanning, Quentin	Mus Entpr	300.00
First Dakota Nationa	Em Mgmt	2,686.25	First Dakota Title	Treasurer	700.00
First Premier Bank	Sheriff	203.70	Fleetpride / Holt, I	Hwy Constr	10.86
Gath, Leah	Mus Entpr	300.00	Gearman, Jason	Mental Ill	145.04
Genzlinger, Janeen	Courts	83.60	Gibson, Dan/Nicole	Human Svcs	400.00
Glawe, Ronald	Human Svcs	440.00	Glory House	Pass-Thru	616.21
Graybar Electric Com	Facilities	16.08	Haj Inc DbA	Human Svcs	275.00
Hamilton County (OH)	St Atty	36.00	Heartland Paper Comp	Jail	2,738.17
Heartstarters Llc	Em Mgmt	49.50	Heimdahl, Marie Ann	Courts	49.40
Herr, Jim	Insurance	143.10	Hewlett-Packard Comp	Var. Depts	883.60
Hobby Lobby Stores I	Mus Entpr	17.97	Horizon Agency Inc	Expenses	2,275.00
Horn, Garrett	Mental Ill	201.20	Hosmer, David M. Law	Mental Ill	477.79
Howalt-Mcdowell Insu	Hwy Constr	72.00	Hustel, Kristin	Mus Entpr	300.00
Interstate Office Pr	Var. Depts	329.96	Intoximeters, Inc.	24/7 Prog	107.00
Isch, Anita	Mus Entpr	150.00	James E Aiken & Asso	Public Def	5,775.00
JCL Solutions-Janito	Jail	2,391.84	JE Llc	Human Svcs	330.00
Johnson Controls, In	Facilities	263.93	Johnson, Josh	Human Svcs	500.00
Johnson, Richard L	Courts	553.50	Kings Inn Hotel And	St Atty	100.00
Kone, Inc.	Pettigrew	55.47	Krueger Excavating,	Facilities	1,010.00

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Lassegaard, Samuel C	Human Svcs	167.00	Leaf Inc.	Var. Depts	189.77
Lewno, Lucy	Mental Ill	624.34	Lloyd Companies	Human Svcs	1,224.00
Lutheran High School	Mus Entpr	150.00	Lutheran Social Svcs	Public Def	150.00
Luxury Automall Of S	Sheriff	400.62	Malloy Electric Bear	Hwy Constr	87.85
Mcdaniel, Kaycee	Extension	260.48	Meile-Rasmussen, Jac	Public Def	59.57
Metro Communications	Var. Depts	171,636.64	Michaels Fence & Sup	Bldg Fund	1,360.00
MidAmerican Energy C	Var. Depts	5,494.20	Midwest Alarm Compan	Reg Deeds	498.00
Midwest Oil Company,	Hwy Constr	283.00	Midwestern Mechanica	Pettigrew	79.96
Mikelson, Gary E	Mental Ill	210.50	Mills & Miller Inc	Hwy Constr	9,269.34
Minn Cnty Human Svcs	Human Svcs	150.00	Narem, Inc	Hwy Constr	159.00
NE Dept Of Motor Veh	St Atty	6.00	Neve's Uniforms	Jail	15.20
Nguyen, Lam	Courts	62.50	Nicholson, Tschetter	Courts	21,369.17
Niedringhaus, Paul	Sheriff	114.97	Norberg Paints Inc	Facilities	138.63
Norment Security Gro	Jail	352.50	North Gateway Llc	Human Svcs	240.00
Northern Hgts Dev Ii	Human Svcs	600.00	Office Depot, Inc.	Info Tech	547.38
Olson, Waltner & Sch	Courts	4,938.28	Olson's Pest Technic	Jail	67.75
Oxbow Estates	Human Svcs	600.00	Palmer, Barbara	Mental Ill	270.00
Peterson, Stuart, Ru	Courts	937.00	Pharmchem Inc	24/7 Prog	142.00
Pheasantland Industr	Jail	1,813.80	Phoenix Supply Llc	Jail	1,112.00
Print After Print, I	Jail	165.00	Quest Engineering, I	Hwy Constr	193.46
Randall-Stanley Arch	Bldg Fund	945.00	Redwood Toxicology L	Var. Depts	2,385.75
Rehfuss, Cathy A	Mental Ill	67.50	Rhymer, Ashley	Mus Entpr	150.00
Rima, Mindy	Mus Entpr	300.00	Riverview Park Ltd	Human Svcs	383.32
Robinson, Ryan	Mus Entpr	300.00	Rods Properties Llc	Human Svcs	500.00
Rural Metro Ambulanc	Coroner	300.00	Sammons Financial Gr	Mus Entpr	300.00
San Bernardino Count	St Atty	70.00	Sanford Clinic	Coroner	58.00
Sanford Hospital	St Atty	40.00	Sanford Hospital Med	St Atty	33.75
Sanford Laboratories	Coroner	1,006.00	Satisfaction Plus In	Human Svcs	159.00
Scheid, Pamela M.	Human Svcs	51.15	Schetnan, Thad S	Human Svcs	385.00
SD Dept Of Public Sa	Human Svcs	20.00	SD Dept Of Transport	Sheriff	50.00
SD Div Of Criminal I	Human Res	43.25	SD Human Services Ce	Public Def	622.60
SDN Communications	Var. Depts	1,020.00	Security Labs, Ltd	Info Tech	325.00
Sehr Rentals Llc	Human Svcs	410.00	Sehr, Francis J/Sehr	Human Svcs	500.00
Senior Citizens Svcs	Mus Entpr	54.00	SF Leased Housing As	Human Svcs	216.00
SF Leased Hsg Author	Var. Depts	680.00	SF Specialty Hospita	Sheriff	74.00
Sherwin Williams	Facilities	332.17	Simon, Anthony (OR)	Commission	60.00
Sioux Equipment Co I	Hwy Constr	8.40	Sioux Falls City Fin	Var. Depts	251,156.42
Sioux Falls City Fin	Var. Depts	970.33	Sioux Falls Rubber S	Var. Depts	69.01
Sioux Falls Two Way	Var. Depts	185.00	Sioux Falls Utilitie	Var. Depts	2,625.30
Sioux River Ltd Ptnr	Human Svcs	600.00	Skorczewski, Jena	Courts	40.80
Solomon, Ghirmay	Public Def	50.00	Splitrock Ltd Ptnrsh	Human Svcs	600.00
Stellinga, Sherwin	Human Svcs	700.00	Still, Sarah Or Diet	Mus Entpr	450.00
Strum, Samara	Mus Entpr	300.00	Swanda, Karen	Mental Ill	67.50
Terrace Hills Apts	Human Svcs	600.00	Thelen, Amy Llc	Courts	4,181.60
Thompson, Britni	Mus Entpr	650.00	Thurman, Creighton A	Mental Ill	325.95
Tires,Tires,Tires In	Var. Depts	145.12	Titze's Auto Repair	Jail	367.69
Tractor Supply Co.	Facilities	1,899.99	Turnkey Corrections	Jail	727.26
Tuschen, Michael E	Hwy Constr	110.05	Unitech, Inc/United	Info Tech	85.00
US Postal Service	Var. Depts	240.50	Vander Haag's, Inc.	Hwy Constr	10,987.00
Variety Foods Llc	Safe Home	217.80	Volunteers Of Americ	Var. Depts	26,345.22
Wal-Mart Pharmacy	Human Svcs	35.32	Walgreen Co.	Human Svcs	243.26
Weerheim, Tom	Courts	352.00	West Group	St Atty	1,721.59
Whentowork Inc	Safe Home	200.00	Winner Police Depart	Jail	67.20
Woods,Fuller,Shultz	Mus Entpr	300.00	Xcel Energy, Inc.	Var. Depts	2,748.69
Yankton County Sheri	Mental Ill	275.00	Zahrbock Kool, Tress	Courts	1,975.84
Zee Medical Service	Hwy Admin	62.70	Zomer, Clarence	Human Svcs	600.00
5-Forty Partnership	Human Svcs	500.00			

REPORTS

The Minnehaha County Regional Juvenile Detention Center Report and the Register of Deeds Official Statement of Revenue Collected for January 2013 were received and placed on file in the Auditor's office.

PERSONNEL

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MOTION by Barth, seconded by Kelly, to approve the following personnel changes. 4 ayes.

1. To promote Chelsea Kouf from a part-time Correctional Officer in Training to a part-time Correctional Officer (13/1) for the 24/7 Program at \$16.864/hour effective 1/23/13.
2. To promote Dustin Huisman and Andrea Schmeling from Correctional Officer in Training to Correctional Officer (13/1) for the Jail at \$16.864/hour effective 1/23/13.
3. To hire Chad Zink as Records Technician (10/3) for the Register of Deeds at \$15.278/hour effective 2/20/13.
4. To hire Brett Johnson as Caseworker I (16/4) for Human Services at \$21.061/hour effective 2/25/13.
5. To hire Joshua Zambrano as a Deputy Sheriff (16/1) for the Sheriff's Office at \$19.558/hour effective 2/25/13.
6. To transfer Joy West from a part-time Safe Home Program Worker for Safe Home to a full-time Caseworker I (16/3) for Human Services at \$20.548/hour effective 2/28/13.
7. To place Kayla Oelkers, Community Supervision Monitor for the Juvenile Detention Center, on leave without pay effective 2/25/13 to 3/24/13.

Step Increases Due:

1. Paul Clarke – Chief Building Inspector – Planning – 19/3 to 19/4 – 2/23/13 - \$24.425/hour
2. Molly Lemke & Wade McIntyre – Safe Home Program Worker – Safe Home – 9/4 to 9/5 – 1/14/13 - \$15.278/hour
3. Alyssa Powell – Safe Home Program Worker – Safe Home – 9/2 to 9/3 – 1/21/13 - \$14.542/hour
4. Michaela Gasca – Safe Home Program Worker – Safe Home – 9/2 to 9/3 – 1/14/13 - \$14.542/hour
5. Gwendolyn Mortinsen – Safe Home Program Worker – Safe Home – 9/1 to 9/2 – 1/27/13 - \$14.188/hour
6. Krista Leidholt – Deputy Sheriff Sergeant – Jail – 20/5 to 20/6 – 1/9/13 - \$26.960/hour
7. Angela Balfe – Deputy Sheriff – Jail – 16/17 to 16/18 – 1/27/13 - \$29.759/hour
8. Dalvin Ross – Deputy Sheriff – Jail – 16/12 to 16/13 – 1/8/13 - \$26.303/hour
9. Patricia Albrecht – Correctional Officer – Jail – 13/14 to 13/15 – 12/27/12 - \$23.829/hour
10. Tracie Lohrman – Correctional Officer – Jail – 13/8 to 13/9 – 1/12/13 - \$20.548/hour
11. Kurt Schaunaman – Correctional Officer – Jail – 13/6 to 13/7 – 1/13/13 - \$19.558/hour
12. Dennis Clauson – Correctional Officer – Jail – 13/5 to 13/6 – 1/7/13 - \$19.081/hour
13. Kathryn Zwak – Correctional Officer – 24/7 Program – 13/8 to 13/9 – 2/26/13 - \$20.548/hour
14. Matthew Tooley – Correctional Officer – 24/7 Program – 13/3 to 13/4 – 2/21/13 - \$18.161/hour

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ABATEMENTS

MOTION by Kelly, seconded by Barth, to approve 2012 property tax abatement for Samuel C. Lassengard, ID #25983, \$558.95, representing 2012 board value. 4 ayes.

MOTION by Pekas, seconded by Barth, to approve 2012 property tax abatement for Paulette M. Larson, ID #56961, \$2,934.59, representing the removal of a house and garage. 4 ayes.

MOTION by Kelly, seconded by Pekas, to approve 2012 property tax abatement for Richard Tuley, ID #64648, \$987.97 and Pat Stapleton, ID #80021, \$1,680.68, representing owner occupied status. 4 ayes.

MOTION by Barth, seconded by Pekas, to approve 2012 property tax abatement for the City of Sioux Falls, ID #'s 27517, 78328, 78329, 79409, 83241, 83281, 10645, 32365, 32366, 32367, 32368, 53342, 56975, 85060, 54550, \$2,896.14, representing tax exempt properties purchased. 4 ayes.

MOTION by Barth, seconded by Kelly, to deny 2012 property tax abatement for Ronald Barber, ID #55889, 2012 property taxes, \$277.13, due to missing the filing deadline for the elderly assessment freeze. 4 ayes.

MOTION by Pekas, seconded by Barth, to approve the following 2012 property tax abatements representing the elderly assessment freeze: Louis Determan, ID #27093, \$1,000.91; Madonna Hicks, ID #27480, \$359.84; John Dekam, ID #29733, \$418.21; Mary DeYoung, ID #32871, \$195.82; Elizabeth Jorn, ID #32932, \$178.84; Luella Mengenhause, ID #38570, \$800.81; Viola Nelson, ID #40606, \$384.81; Donald Reiners, ID #43580, \$739.61; Beatrice Scott, ID #67940, \$88.25; Larry Thomas, ID #11199, 453.49. 4 ayes.

NOTICES

A notice was received from the South Dakota Department of Transportation of a Public Meeting on February 26, 2013, 5:30 p.m. at the Fraternal Order of Police Lodge, 9700 E. Highway 42, Sioux Falls, SD 57110, to receive input on Project PH 0011 (74)74 PCN 03B0, SD11 from the east junction with SD42 to just south of Madison Street South of Brandon Right-of-Way, Shoulder Widening, and AC Surfacing.

A notice was received from the South Dakota State Historical Society of placement of Sid's Crown Liquor, 330 S. 1st Avenue, Sioux Falls, and Texaco Super Service Station, Sioux Falls, on the National Register of Historic Places.

A notice was received from East Dakota Water Development District of the Regular Board of Director's Meeting at 9:00 a.m. on Thursday, February 21st at the EDWDD Office, 132B Airport Avenue, Brookings, SD.

MOTION by Pekas, seconded by Kelly, to authorize the Auditor to publish a Notice to Bidders for Minnehaha County Project MC50-194-059-2 (Baltic Bridge) Construction Project. 4 ayes.

A notice was received from Cowboy Way Church of intent to conduct a fundraising raffle March 15-17, 2013 at the W.H. Lyon Fairgrounds.

A notice was received from Double HP's intent to conduct a fundraising raffle during the South Dakota Horse Fair March 15-17, 2013 at the W.H. Lyon Fairgrounds.

LIEN COMPROMISE

Commissioner Pekas gave a briefing on a request for compromise of lien for DPNO 149 in the amount of \$834.17. The lien is for poor relief provided between July 2011 and January 2013. The applicants are asking for a compromise in full with no payment in anticipation of closing on a home mortgage refinance. The applicants

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have a history of county aid liens dating back to 1981, and have paid off lien balances twice in the last seven years. In 2001 the Commission approved a compromise in the amount of \$14,913.30 in accumulated liens. Their monthly income consists of SSI payments in the amount of \$1,086. They indicate that their current mortgage and utility payments are more than their monthly income, and by refinancing their home at a lower interest rate, they will be able to afford their mortgage payment and utilities without needing county assistance. MOTION by Pekas, seconded by Barth, to approve the request for compromise of lien. Vote on motion; 0 ayes, 4 nays. Motion fails.

REPORT

Dr. Kenneth Snell, Coroner, presented the 2012 Minnehaha County Coroner's Annual Report. There were a total of 482 Minnehaha County cases handled by the Coroner's Office, with 101 exams performed. Dr. Snell reported that the morgue remodel project was completed and that the 2nd annual forensic course was held with over 75 attendants. The course is for training law enforcement and coroners in surrounding counties.

HEARINGS

Pat Herman, Assistant Planning Director, gave the second reading and was present for the public hearing to consider Zoning Text Amendment #13-01 to Article 19.00 Conditional Use Permits of the Minnehaha County Revised Zoning Ordinance. The amendment would allow the Planning Commission the discretion to review a conditional permit and to amend, revise, and or delete conditions. The amendment has been reviewed by the Planning Commission and is being forwarded to the County Commission with a unanimous recommendation of approval. No one spoke in opposition to the amendment. MOTION by Barth, seconded by Pekas, to approve Ordinance MC16-125-13 Amending the 1990 Revised Zoning Ordinance for Minnehaha County by Amending Article 19.00 Conditional Use Permits. 4 ayes. The entire ordinance is on file in the Auditor's office.

Pat Herman, Assistant Planning Director, gave the second reading and was present for the public hearing to consider Zoning Text Amendment #13-02 to Article 12.03 Home Occupations and Article 27.00 Land Use Codes of Ordinance MC16-90 the Revised Zoning Ordinance of Minnehaha County. The amendments offer a cleaner definition of what may be allowed in the home occupation and which uses should be located in a commercially or industrially zoned area. In addition, the allowed size area for a home occupation within and accessory building has been increased based on the acreage of the property. Article 27.00 Land Use Codes would be added to the ordinance as the codes are referenced in the home occupation section of the ordinance. The amendments have been reviewed by the Planning Commission and are being forwarded to the County Commission with a unanimous recommendation of approval. No one spoke in opposition to the amendment. MOTION by Barth, seconded by Pekas, to approve Ordinance MC16-126-13 Amending the 1990 Revised Zoning Ordinance for Minnehaha County by Amending Article 12.00 Home Occupations and Adding Article 27.00 Land Uses. 4 ayes. The entire ordinance is on file in the Auditor's office.

APPEAL

Scott Anderson, Planning & Zoning Director, gave a briefing on Conditional Use Permit (CUP) #13-08 allowing an agriculturally related operation (agronomy plant) with storage and distribution of anhydrous ammonia. The legal description of the site is the NE ¼ & N ½ SE ¼ of Section 10-T104N-R51 W located 2.75 miles north of Colton at 46389 245th St. The applicant for the permit is Eastern Farmer's Cooperative, a division of CHS, Inc., and is a farmer owned cooperative. The CUP was unanimously approved by the Planning Commission on January 28, 2013 with the following ten (10) conditions: 1) A minimum of 14 off-street parking spaces shall be provided. 2) All exterior lighting shall be shoe box style that directs the lighting downward. 3) All signage installed by the applicant on County Highways 104 and 149 shall meet or exceed the requirements of the 2009 edition of the "Manual of Uniform Traffic Control Devices". 4) That two (2) off-street parking spaces for each three (3) employees on the maximum shift, plus space to accommodate all trucks and other vehicles used in connection with the use be provided. 5) That the applicant follow the minimum improvement and maintenance standards for driveways, parking lots and load/unloading areas as outlined in Article 15.04 of the Minnehaha

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County Zoning Ordinance. 6) The applicant shall obtain an Approach Permit from County Highway Department for the approach onto County Highway 104. 7) That prior to construction, the applicant submit a grading, drainage and utility plan to the County Highway Engineer for review and approval. Runoff from the entire parcel should not exceed existing 5 year and 100 year flow rates. 8) All pipes used in the County right-of-way shall be sized to handle the flows in the ditch and shall be sized by the applicant or applicant's engineer. The pipe shall be concrete pipe (RCP) with flared ends and tie bolts. The applicant size, type, and location within the right-of-way shall be reviewed and approved by the County Highway Department prior to installation. 9) That a security fence be installed around the perimeter of the site. The fence shall be a minimum of 6 feet tall and the applicant may also use barbwire on top of the fencing. 10) Two (2) 4' by 8' on-premise business signs, which may be lighted, shall be allowed with the issuance of a sign permit. Bob Vanderlinde and Rick Ramstad, attorney for Doug and Louise Hanson, have appealed the Planning Commission's decision to approve the permit. Proponent, Tony Van Overschelde, Agronomy Manager for Eastern Farmers Coop, 7309 S. Russell St. Sioux Falls, spoke on the criteria used in choosing a location for constructing a new facility and presented information on the plans for the proposed facility north of Colton. This type of facility needs rail access, to be outside the Sioux Falls growth area, have flat land with limited residences nearby, and there has to be an owner willing to sell the land. Mr. Van Overschelde presented surveys of nearby neighbors to their facilities in Magnolia, MN and Worthing, SD that addressed issues of concern expressed by opponents of the project and also reported on the safety staff of CHS. John Billion, attorney for Eastern Farmer's Cooperative, 6805 S. Minnesota Avenue Sioux Falls, addressed concerns expressed by opponents of the facility that included chemical risks, heavy equipment loading and unloading, and traffic and travel flows. Mr. Billion also spoke in regard to the facility being a fit for A-1 Agricultural Zoning under 3.04 (X) for farm products as the products are used in farm operations, and 3.04 (BB) for the storage and distribution of anhydrous ammonia. Mr. Billion referred to a letter from the SD Dept. of Agriculture in regard to the regulations and inspections for bulk fertilizer and pesticide storage facilities and also anhydrous ammonia facilities. Chuck Miller, General Manager for Eastern Farmers Coop, 104 W. 1st Street, Brandon, stated the value of the project is approximately 10 million dollars and they will employ approximately 10 to 15 people with additional staff in the spring and fall. Commissioner Pekas stated on record that he and Tony Van Overschelde are married into the same family but he doesn't consider it a conflict. He also stated that he has known John Billion and Rick Ramstad for thirty years and Norm Kopecky for almost 40 years. Area residents who spoke in opposition to the proposed facility were: Robert Vanderlinde, 46408 246th St., Colton, SD; Judith Schreck, 46166 245th St. Colton, SD; Merlin Tebbe, 24519 463rd Ave., Colton, SD; Louise Hanson, 46392 245th St., Colton, SD; Susan Ross, 46335 246th St. Colton, SD; and Robert Sando, 46330 246th St., Colton, SD. The following concerns were stated regarding the proposed facility; dangers of an anhydrous ammonia discharge, traffic and road issues, access to the facility, loss of property value, light and noise issues, dust, water runoff, hours of operation, how security will be provided for the facility, and quality and enjoyment of life being affected by the proposed facility. Louise Hanson asked if the commission does decide to uphold the approval of the CUP that they reconsider the position of the facility so it is not located in direct line with their property and that they will reconsider the placement of the access point so it is not at the end of their driveway due to the safety risk. It was also stated that they feel this facility should be located in an industrial zoned area. Rick Ramstad, attorney representing Doug and Louise Hanson, 141 N. Main Ave., Sioux Falls, SD, stated that there are no criteria delineated under the code for approving a site location for an anhydrous ammonia facility and it lends itself to a decision that is in the nature of arbitrary and capricious. Mr. Ramstad spoke on the hazards of an accidental anhydrous ammonia discharge, specifically as it would impact the Hanson family living only a couple hundred feet north of the proposed site location. Mr. Ramstad stated that there should be a traffic study done to determine if the roads are sufficient and sustainable. Mr. Ramstad also stated that there is a daycare located north of the Hanson property that should also be taken into consideration. Randy Welbig with Colton Farmer's Elevator, 46515 250th St., Colton, SD, stated he believes the existing fertilizer facilities in this territory are able to service the area and a new facility being built will be a detriment to his business. MOTION by Kelly, seconded by Barth to uphold the Planning Commission's approval of Conditional Use Permit #13-08 with the 10 conditions. Commissioner Pekas stated for the record that zoning regulations, subdivision BB, does cover this use and wanted to make that point clear in relation to the allegation of arbitrary and capricious. Chairman Beninga stated that if the approval of the CUP is upheld that the applicant will take into consideration the request to alter the access point and location of the facility on the site. VOTE on the motion. 4 ayes.

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The Commission recessed for five minutes.

Commissioner Pekas left the meeting

VEHICLE PURCHASE

MOTION by Barth, seconded by Kelly, to approve the purchase of one Chevrolet Impala for the Minnehaha County Juvenile Detention Center from Lamb Chevrolet, Onida, SD from Contract #16415, competitively bid and awarded by the State of South Dakota, in the amount of \$17,879. 3 ayes.

BID AWARD

DJ Buthe, Highway Superintendent, reported on the February 13, 2013 bid opening for the purchase of two (2) tandem axle trucks. The following bids were received: I State Truck Center, \$112,811 per unit; Boyer Ford Truck Sioux Falls, \$113,134 per unit; Dakota Volvo, \$112,412.46 per unit; Dakota Volvo, \$116,319.72 per unit; North Central International, \$117,772 per unit; Sheehan Mack Sales & Equipment, \$120,488 per unit; and Sheehan Mack Sales & Equipment, \$122,894 per unit. Mr. Buthe reported that the low bid received from Dakota Volvo did not meet bid specifications and recommended the bid be awarded to the next low bidder, I State Truck Center. MOTION by Barth, seconded by Kelly, to award the bid for the purchase of two (2) tandem axle trucks to I State Truck Center at a cost of \$112,811 per unit. 3 ayes.

BID AWARD

DJ Buthe, Highway Superintendent, reported on the February 13, 2013 bid opening for the purchase of two (2) tandem axle hydraulics & dump bodies. The following bids were received: Northern Truck Equipment Corp., \$74,365; and Custom Truck Equipment, \$75,624. Mr. Buthe recommended the bid be awarded to the low bidder. MOTION by Barth, seconded by Kelly, to award the bid for the purchase of two (2) tandem axle hydraulics & dump bodies to Northern Truck Equipment Corp. in the amount of \$74,365 per unit. 3 ayes.

AGREEMENT

DJ Buthe, Highway Superintendent, gave a briefing on an agreement with Clark Engineering of Sioux Falls, Inc. for the design and preparation of plans for the rehabilitation of Structure #50-284-170 located on Redwood Boulevard at the NE edge of Brandon, SD. The design agreement includes all items to produce a set of plans for installation of approach guardrail, replacement of bridge deck expansion joints, retrofitting steel girders and painting of beams as necessary. MOTION by Barth, seconded by Kelly, to authorize the Chairman to sign the design and preparation of plans agreement with Clark Engineering of Sioux Falls, Inc. for Structure #50-284-170 at a cost not to exceed \$24,206. 3 ayes.

AMENDMENT

DJ Buthe, Highway Superintendent, gave a briefing on contract amendment #1 in the amount of \$108,827 to the contract with HDR Engineering, Inc. for Structure 50-150-202 (Hwy 139, 0.5 miles south of Ellis). The final design agreement includes submittal of plans for the pre-stressed concrete beams and submittal of plans for the reconstruction of the superstructure of the bridge. MOTION by Barth, seconded by Kelly, to authorize the Chairman to sign Amendment #1 to the contract with HDR Engineering, Inc., for Structure 50-150-202, in the amount of \$108,827. 3 ayes.

LEGISLATIVE UPDATE

Robert Wilson, Assistant Commission Administrative Officer, gave a briefing on proposed legislation affecting county government. Mr. Wilson reported that a request was received for the Commission to take a position on the expansion of Medicaid as part of the Affordable Care Act. Ken McFarland, Commission Administrative Officer,

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presented information on costs that the county bears in regard to indigent medical care. Mr. McFarland stated he will forward the information to the South Dakota Association of County Commissioners to use as part of the legislative committee discussion on the expansion of Medicaid. Commissioner Barth made a motion for the Minnehaha County Commission to support the expansion of Medicaid. Motion died for lack of a second. Chairman Beninga asked that the issue be addressed next week when all commissioners are present.

LIAISON REPORTS

Commissioner Barth commented on the museum collections meeting that he and Commissioner Kelly attended. Commissioner Kelly stated that they asked the City of Sioux Falls for indication on whether they were going to support the construction of a new archive facility.

NEW BUSINESS

Chairman Beninga reported on a letter he received from Justin Weiland, Dell Rapids City Administrator, in regard to a public hearing on March 12, 2013 at 7:00 p.m. in the Dell Rapids City Hall Council Chambers, 302 East Fourth Street, Dell Rapids, SD, with regard to the establishment of a Tax Increment District.

MOTION by Kelly, seconded by Barth, to adjourn into Executive Session for personnel discussion. 3 ayes.

The Commission adjourned until 9:00 a.m. on Tuesday, February 26th, 2013.

APPROVED BY THE COMMISSION:

Chairman

ATTEST:

Deputy Auditor