

3/19/2013

THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M. March 19, 2013 pursuant to adjournment on March 12, 2013. Commissioners present were: Barth, Beninga, Heiberger, Kelly, and Pekas. Also present were Cindy Jepsen, Commission Recorder, and Kersten Kappmeyer, Chief Civil Deputy State's Attorney.

Chairman Beninga called the meeting to order.

MOTION by Pekas, seconded by Kelly, to approve the agenda. 5 ayes.

MOTION by Heiberger, seconded by Pekas, to approve the March 12, 2013 Commission Minutes. 5 ayes.

VOUCHERS TO BE PAID

MOTION by Barth, seconded by Pekas, to approve the following bills totaling \$507,061.43. 5 ayes.

A & B Business Equip	Var. Depts	755.68	A To Z World Languag	Var. Depts	3,120.00
All Tune & Lube	Hwy Constr	770.00	Alsobrook, Danny D	Hwy Constr	175.00
Appeara / Dudley Lau	Hwy Constr	32.70	Argus Leader	Human Res	1,470.00
Associated Consult/E	Facilities	254.00	Avera Health Informa	Var. Depts	64.48
Avera Health Plans	Expenses	1,710.52	Avera Heart Hosp Of	Human Svcs	13,785.98
Avera Home Medical E	Human Svcs	22.72	Avera McKennan Hospi	Var. Depts	8,019.31
Al Svc Inc/Laceys Ch	Hwy Constr	95.00	Baha Investments Llc	Human Svcs	280.00
Batteries Plus/Onesk	Hwy Constr	58.50	Baumgartner's Electr	Var. Depts	1,866.00
Benco Equipment Co	Hwy Constr	610.00	Best Buy Advantage A	Courts	153.75
Bierschbach Equipmen	Hwy Constr	182.50	Billion's	Sheriff	97.50
Bourne, Anna	Mental Ill	787.50	Boyer Trucks Sioux F	Hwy Constr	54,229.54
Bradfield, Matt Db	JDC	70.00	Brown & Saenger	Extension	14.98
Builders Supply Comp	Facilities	1,092.05	Bureau Of Informatio	Var. Depts	1,495.05
Buthe, DJ	Hwy Admin	34.00	Butler, Craig	Sheriff	72.00
C & R Supply Inc	Hwy Constr	4.98	Cambridge Partnershi	Human Svcs	700.00
Campbell Supply Co I	Hwy Constr	39.98	Carlson, Lisa	Courts	64.60
Cartridge World	Info Tech	857.20	CBM Managed Services	Var. Depts	12,628.77
Century Business Lea	Sheriff	148.91	Century Business Pro	Var. Depts	426.35
Centurylink (Qwest)	Var. Depts	3,507.71	City Of Garretson	Human Svcs	420.00
Cole Papers, Inc.	Var. Depts	244.16	Columbia Dam Llc	Human Svcs	481.00
Communication Svcs F	Jail	176.00	Connecting Point	Info Tech	169.00
Counseling Resources	Courts	225.00	Country View Mhc	Human Svcs	285.00
Culligan Water Condi	Human Svcs	37.50	Dakota Catering Inc	Mus Entpr	656.50
Dakota Data Shred	Facilities	142.02	Dakota Riggers & Too	Hwy Constr	86.00
Daniels-Olsen Bldg P	Mus Entpr	392.99	Daybreak/T & H Conve	Hwy Constr	155.59
Deaver, Carey Jo	Human Res	31.82	Decisionone Corporat	Info Tech	168.52
Ekeren, Marvin R.	Mental Ill	105.00	Electric Supply Co.,	Sheriff	92.21
Emdeon Business Serv	Human Svcs	39.95	Emergency Medical Ph	Human Svcs	170.20
Etek Llc Db	Human Svcs	200.00	Family Service Inc	Expenses	455.00
Federal Risk Pool	Human Svcs	1,898.00	Fm Acoustical Tile I	Bldg Fund	1,050.00
Fremont Industries,	Facilities	1,758.00	Friest, Eileen	Human Svcs	375.00
G & R Controls Inc	Facilities	284.50	Genzlinger, Janeen	Courts	1,458.20
George, Aaron	Human Svcs	398.32	Goebel Printing, Inc	Public Adv	89.82
Great Plains Psychol	Courts	5,606.25	Griesse, Chris	Hwy Admin	34.00
Guzman, Sandra V.	Public Def	25.00	Harmelink,Fox & Ravn	Mental Ill	268.00
HDR Engineering Inc	Hwy Constr	54,081.03	Hewlett-Packard Comp	Var. Depts	95,413.22
High Plains Technolo	Info Tech	752.00	High Point Networks	Info Tech	92,002.00
Hillyard, Inc.	Facilities	43.83	Hobby Lobby Stores I	Mus Entpr	12.90
Hoekman, James	Sheriff	24.00	Horn, Garrett	Mental Ill	423.60
Hurtgen, Timothy T/P	Human Svcs	500.00	Institutions Service	Facilities	954.28
Inter-Lakes Communit	ICAP	2,000.00	Interstate All Batte	Hwy Constr	6.00
Interstate Office Pr	Var. Depts	586.96	ISI Llc	Courts	440.00
Jefferson Partners L	Human Svcs	438.00	Johnson Controls, In	Facilities	1,107.71
Kmart Pharmacy	Human Svcs	80.36	Koletzky, Sherlyn	Mental Ill	293.20
Kone, Inc.	Pettigrew	55.47	Krumm, Jerome	Hwy Constr	93.99
Lamb Motor Company I	Dir Of Eq	17,879.00	Language Line Servic	Var. Depts	100.28
Lason Systems Inc	Reg Deeds	272.10	Lassegaard, Samuel C	Human Svcs	700.00

3/19/2013

Lewis Drug Stores	Human Svcs	3,480.93	Lewno, Lucy	Mental Ill	946.01
Marco	Reg Deeds	270.20	Matheson Tri-Gas Inc	Facilities	37.47
Med-Star Paramedic I	Coroner	300.00	Mesa County (CO) She	St Atty	35.00
Metro Communications	Courts	30.00	Microfilm Imaging Sy	Reg Deeds	332.26
MidAmerican Energy C	JDC	1,839.09	Midwest Alarm Compan	Var. Depts	1,336.32
Midwest Endrocrinolo	Human Svcs	208.07	Miles, Ashley	Public Def	13.17
Miller Funeral Home,	Human Svcs	2,250.00	Mills & Miller Inc	Hwy Constr	7,636.60
Minn Cnty Museum Pet	Var. Depts	17.34	Minn Cnty So Petty C	Sheriff	42.21
Moen, Stephanie L	Public Adv	21.00	Mohr, Bryan	Sheriff	350.03
Motorola Solutions	Jag Grants	2,105.85	Multi-Cultural Cente	Courts	220.00
Murray Properties, L	Human Svcs	410.00	Nartec, Inc.	Sheriff	2,170.00
Nat'l Defender Train	Public Def	4,750.00	Nat'l Public Safety	Sheriff	149.00
Neve's Uniforms	Var. Depts	1,959.40	Nicholson, Tschetter	Courts	536.16
North Gateway Llc	Human Svcs	400.00	Northern Truck Equip	Hwy Constr	44.60
Northland Chemical C	JDC	260.43	Novak Sanitary Servi	Sheriff	13.80
Office Depot, Inc.	Info Tech	639.29	Olson's Pest Technic	Jail	67.75
Palmer, Barbara	Mental Ill	1,192.50	Pennington County Ja	Jail	6,559.35
Peters Distributing	Jail	1,068.37	Peterson, Tom	Hwy Admin	148.75
Pheasantland Industr	Sheriff	140.76	Qualified Presort Se	Var. Depts	255.34
R & L Supply, Ltd	Hwy Constr	76.72	RDO Equipment Co.	Hwy Constr	510.98
Record Keepers, Inc.	Courts	2,785.10	Red Oak Senior Apts	Human Svcs	500.00
Redstone Technologie	Info Tech	143.75	Safelite Glass Corp.	Jail	99.90
Salem, Calvin L	Human Svcs	187.00	Sanford Hospital	St Atty	20.00
Sanford Laboratories	Coroner	925.37	SD Assn Of County Of	M&P Fund	5,302.00
SD Dept Of Public Sa	Human Svcs	110.00	SD Dept Of Revenue	Var. Depts	221.82
SD Div Of Criminal I	Human Res	43.25	SD Secretary Of Stat	St Atty	30.00
SD Sheriff's Assn.	Sheriff	130.00	SDACHS	Hwy Admin	80.00
SDN Communications	Var. Depts	1,020.00	Senior Citizens Svcs	Mus Entpr	54.00
Shepherd Reporting L	Mental Ill	302.50	Shi, International C	Hwy Admin	303.16
Simon, Anthony (OR)	Commission	55.00	Sioux Falls City Fin	Var. Depts	5,691.56
Sioux Falls City Fin	JDC	368.35	Sioux Falls Conventi	Mus Ops	200.00
Sioux Falls Ford, In	Sheriff	1,263.37	Sioux Falls Rubber S	Human Res	35.50
Sioux Falls Two Way	Sheriff	2,136.33	Sioux Falls Utilitie	Human Svcs	656.87
Sioux Valley Energy	Human Svcs	80.00	Sisson Printing, Inc	Var. Depts	802.50
SMG Sioux Falls	Hwy Admin	850.00	Southeastern Behavio	JDC	975.00
Streicher's	Sheriff	179.64	Sturdevant's Auto Pa	Hwy Constr	45.36
Swanda, Karen	Mental Ill	105.00	Think Tourism USA Ll	Mus Ops	1,695.00
Thurman, Creighton A	Mental Ill	184.10	Tires,Tires,Tires In	Var. Depts	3,723.13
Trana, John	Info Tech	42.92	Triangle Properties	Human Svcs	350.00
United Parcel Servic	Reg Deeds	18.12	Variety Foods Llc	Safe Home	47.14
Volunteers Of Americ	Var. Depts	9,278.22	Wagner, Daniel	Em Mgmt	227.00
Wal-Mart Pharmacy	Human Svcs	48.45	Wal-Mart Pharmacy	Human Svcs	108.48
Weiland & Assoc Inc	Courts	115.00	West Group	Var. Depts	2,096.07
Xcel Energy, Inc.	Human Svcs	289.98	Yankton County Sheri	Mental Ill	375.00
Yellow Robe, Luke	Pass-Thru	24,000.00			

REPORTS

The Register of Deeds Official Statement of Revenue Collected during February 2013 was received and placed on file in the Auditor's Office.

PERSONNEL

MOTION by Kelly, seconded by Heiberger, to approve the following personnel changes. 5 ayes.

1. To hire Andrew Nielson as Engineering Specialist (17/4) for the Highway Department at \$22.128/hour effective 3/22/13.
2. To hire Lonna Heideman as part-time Safe Home Program Worker (9/2) for Safe Home at \$14.188/hour effective 3/25/13.

3/19/2013

3. To promote Bethany Jost from Legal Office Assistant to Paralegal (16/1) for the Public Defender's Office at \$19.558/hour effective 3/19/13.

Step Increases Due:

1. Russell Beck – Safe Home Program Worker – Safe Home – 9/2 to 9/3 – 1/14/13 – \$14.542/hour

ABATEMENT

MOTION by Heiberger, seconded by Pekas, to approve abatement of 2012 property taxes for Sioux Valley Telephone Co. ID #18974, \$853.36 representing centrally assessed property for 2012. 5 ayes.

NOTICE

Notice was received from the North American Elk Breeders Association of intent to conduct a fund raising raffle to raise funds for the American Cervid Alliance on August 1-3, 2013 at the Best Western Plus Ramkota, Sioux Falls, SD.

Notice was received from the East Dakota Water Development District of the regular Board of Director's Meeting at 9:00 a.m., Thursday, March 21st, at the EDWDD Office, 123B Airport Avenue, Brookings, SD.

BID AWARD

Tom Wilsey, Assistant Highway Superintendent, reported on the bid opening on March 13, 2013 for Project MC50-194-059-2, Baltic Bridge Construction. The following four bids were received: Swingen Construction Company \$1,259,398.80; Sioux Falls Construction Company, Inc., \$1,279,544.78; Industrial Builders, Inc., \$1,850,800.55; Graves Construction Company, Inc., \$1,909,031.37. Mr. Buthe recommended the bid award to the low bidder. MOTION by Barth, seconded by Pekas, to award the bid to Swingen Construction Company in the amount of \$1,259,398.80 and authorize the Chairman to sign the contract for construction. 5 ayes. Mr. Wilsey stated that there will be a public meeting to discuss the project this evening, March 19th, at 6:00 p.m. at the Baltic School and everyone is invited to attend.

AGREEMENT

Ken McFarland, Commission Administrative Officer, gave a briefing on an agreement with Perspective Inc. to perform programming, conceptual design, and budget estimates for the Juvenile Detention Center (JDC) building project based on Juvenile Detention Alternatives Initiative (JDAI) parameters. The architect services are to be completed in time for consideration and review during the FY 2014 budget hearing process so the project can be placed on the Building Fund construction schedule. MOTION by Heiberger, seconded by Barth, to authorize the Chairman to sign the agreement with Perspective Inc., for architect services for the Juvenile Detention Center building project for a base fee of \$34,000 and projected reimbursable expenses of \$5,525. 5 ayes.

LIAISON REPORT

Commissioner Barth reported that he will appear before the SD Association of County Commissioners Board and he will report any concerns the commission would like to relay to him.

Commissioner Beninga reported that Craig Anderson will lead the committee to study plans for the Community Corrections Facility.

Commissioner Beninga reported that Erin Srstka will chair the committee to study issues that pertain to petition gathering at the Minnehaha County Administration Building. Ms. Srstka stated they are planning to schedule their first meeting on April 8th.

3/19/2013

HEARING

Dustin Powers, Planner II, was present for the 9:15 a.m. public hearing and gave a briefing on Preliminary Plan #13-01, the Silver Creek Estates Addition, Lots 1-5, N ½ NE ¼ in Section 9-T102N-R49W. The proposed subdivision is located one (1) mile north of the Renner Corner on the west side of SD Highway 115. The subject property has five (5) lots ranging in size from 2.5 acres to 3.5 acres. Access to the development will be off 257th Street via the proposed cul-de-sac named Silver Creek Circle. The Planning Commission is recommending approval of the preliminary plan with the following two (2) conditions: 1) The applicant is responsible for the cost of street signs and poles for the roadways and will be assessed the cost when the final plat is submitted. 2) Roadways shall be constructed to the standards of the 1993 Revised Subdivision Ordinance Article 8, Minimum Road Improvements and Design Standards. Petitioner, Eric Willadsen requested approval of the plan in hopes to move forward with the project as early as possible this spring. No one spoke in opposition to the plan. MOTION by Barth, seconded by Kelly, to approve Preliminary Plan #13-01 Silver Creek Estates Addition with the two conditions. 5 ayes.

Pat Herman, Assistant Planning Director, was present for the 9:20 a.m. public hearing to consider text amendments to the 1990 Revised Zoning Ordinance for Minnehaha County to allow agricultural workforce housing in Section 3.00 A1Agricultural District and to Add Definitions for Agricultural Workforce Housing and Agricultural Worker to Section 26.00 Definition. The ordinance would require the following conditions be met: 1) The dwelling structure shall be one residential building eligibility. 2) The agricultural employer must own the residential building eligibility. 3) The dwelling structure shall only be occupied by the agricultural labor force. 4) The dwelling structure shall house no more than 20 persons. 5) When not occupied by the labor force, agricultural workforce housing may be used for any uses accessory to a primary agricultural use. 6) The dwelling structure shall be removed or renovated into a single family dwelling when the agricultural operations cease. Mark Rogen, 48194 252nd St., Garretson, SD, representing Boadwine Farms, stated that the ordinance is necessary in order to meet federal housing requirements for their workers. MOTION by Barth, seconded by Pekas, to approve Ordinance MC16-127-13. The entire ordinance is on file in the Auditor's Office.

NEW BUSINESS

Commissioner Kelly reported that the South Dakota Association of County Commissioner's committee study regarding tax exempt status for parsonages, determined that there is not a problem on a state wide level.

OLD BUSINESS

Commissioner Pekas stated he spoke with Lincoln County Commissioner Jim Schmidt, who reasserted that it would be in the best interest of Lincoln County and Minnehaha County to hold some joint meetings. Chairman Beninga stated he will contact the Chairperson of Lincoln County and schedule a meeting time.

HEARING

Pat Herman, Assistant Planning Director, was present for the 9:30 a.m. public hearing and gave a briefing on an amendment to the 1990 Revised Zoning Ordinance for Minnehaha County to rezone property legally described as Tract 1 of the Meadows NE ¼ Section 16-T102N-R51W from the A-1 Agricultural District to The Meadows PD Planned Development District. The proposed site is in Section 16 of Hartford Township and is bound on the north by County Highway 130 and on the east by County Highway 151. The Meadows development is a collection of twin homes and town homes designed to be integrated into the landscape. There will be a club house, walk/bike path, and boulevard streets. Envision 2035, the new comprehensive plan under development by the county, depicts this area as transitional from agriculture to an urban setting. The City of Hartford's Comprehensive Plan adopted in 2006 and updated in 2011 depicts the subject property as residential. The Planning Commission heard this item at the February 25th meeting and is unanimously recommending denial of the rezoning. The owner of the subject property, Mary Kidwiler, 1001 Parkway Blvd., Brookings, SD,

3/19/2013

introduced Mark Cline, The Meadows Development project manager. Mr. Cline gave a power point presentation that included the research and design elements of The Meadows Development. Mr. Cline stated that the City of Hartford has no date scheduled to bring water and sewer service to this development, and asked that they not be required to double install septic and sanitary hookups as this will cause a financial burden on The Meadows Development. Sean Ervin, 3709 S. Mesquite Ave., Sioux Falls, SD, representing TSP, Inc., spoke on behalf of Todd Schultz, civil engineer for the project, in regard to the design for water retention. Mark Luke, 26555 465th Ave., spoke in support of the green design of the project. Alan Amdahl, Amdahl Construction, stated support of the narrow street design that will slow traffic and increase safety. As a home builder, Mr. Amdahl stated this type of housing is needed. Paul Carlson, Carlson General Carpentry, Inc., 4516 W. Graceland Place, Sioux Falls, SD, spoke on the need for affordable housing in smaller towns. Larry Luetke, 1100 S. Phillips Ave., Sioux Falls, SD, realtor with Keller Williams Realty, spoke on the need for this type of housing. Teresa Sidel, Hartford City Administrator, stated that the City of Hartford has no problem with the re-zoning for this project. The City does have concerns regarding the design standards and engineering standards, as they do not conform to the City of Hartford's minimum regulations. A minimum of 18 variances would have to be obtained for the project, and it was determined that The Meadow's Development did not meet the requirements to apply for a variance. Ms. Sidel stated concerns regarding only one access point to the development, access to the retention pond for fire protection, no sidewalks, narrow 16 foot street width, septic system, general maintenance of roads and snow removal. Ms. Sidel asked that these concerns be addressed if the project moves forward as this area will be annexed into the City of Hartford at some point in the future. Eric Bartmann, 401 Erin Circle, Hartford, SD, expressed concern over the precedent this would set for other development in Minnehaha County just outside city limits. Cheryl Prunty, 25750 462nd Ave., Hartford, SD, spoke on behalf of other landowners in the area stating concern over the proposed sewer system and runoff from the drain fields. Another major concern is in regard to a precedent being set for building eligibilities. Mike Cypher, 26443 461st Ave., Hartford, SD, Minnehaha County Planning Commission, stated this project is about density zoning and this project is allowing the landowner an additional 150 building eligibilities. Mr. Cypher stated concern regarding the precedent it would set for other development in Minnehaha County adjacent to municipalities that do not have joint zoning areas. Paul Zimmer, 601 Ironwood Drive, Hartford, SD, Mayor of Hartford, stated that the Planning and Zoning Board of Hartford and Minnehaha County Planning Commission both voted against the rezoning request. Brian Shoemaker, 906 N. Western, Hartford, SD, Assistant Fire Chief for the Hartford Area Fire and Rescue, stated concerns regarding only one entrance to the development, access for emergency vehicles, and water supply for firefighting activities. MOTION by Kelly, seconded by Barth to overturn the Planning Commission's recommendation of denial for Rezoning #12-09 and approve Ordinance MC16-128-13. Commissioner Barth feels that we have to work more closely with the City of Hartford on this issue and favors taking no action to allow the parties to work out their differences. Commissioner Heiberger stated that the City of Hartford needs to have a significant say in this development because eventually it will be part of the city and is concerned about the narrow width of the street. Commissioner Kelly stated he thinks the plan is well thought out and it is logical that city sewer service will be available in this area reasonably soon. Commissioner Pekas stated that there is a need for affordable housing and thinks this is a responsible approach. Mary Kidwiler stated she assumed that water and sewer was available at the time her property was annexed in to the City of Hartford. Ms. Kidwiler stated that she was willing to work with the City of Hartford and asked them to put a planned development into their ordinances, which they declined to do. Chairman Beninga stated that this is a practical location for this type of development and encourages the applicant, City of Hartford, and Minnehaha County to work together on the next steps, should the rezoning be approved. VOTE on motion, 3 ayes. Barth and Heiberger voted nay. Motion carries. The entire ordinance is on file in the Auditor's Office.

MOTION by Kelly, seconded by Heiberger to adjourn into Executive Session for legal briefing and contract negotiations. 5 ayes.

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

APPROVED BY THE COMMISSION:

Gerald Beninga

3/19/2013
Chairman

ATTEST:

Cynthia Jepsen
Deputy Auditor