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THE MINNEHAHA COUNTY COMMISSION CONVENE AT 9:00 A.M. August 25, 2020, pursuant to adjournment on August 18, 2020. Commissioners present were: Barth, Bender, Beninga, Heiberger, and Karsky. Also present were Olivia Larson, Commission Recorder, and Maggie Gillespie, Senior Deputy State's Attorney.

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

#### MINUTES APPROVAL

MOTION by Heiberger, seconded by Beninga, to approve the August 18, 2020, Commission Minutes. 5 ayes.

#### VOUCHERS TO BE PAID

MOTION by Barth, seconded by Beninga, to approve the following bills totaling \$783,580.87. 5 ayes.

A&B Business	Lease Rental Agmt	247.24
A&B Business	Office Sup	43.76
Abn Army Surplus	Uniform Allowance	200.00
Accurate Control	Construction Costs	71,560.38
Advanced Pest Solut	Maint Contracts	70.00
Airway Svc	Auto/Small Equip	23.18
Airway Svc	Gas Oil & Diesel	48.75
All Seasons	Parks/Rec Repr & Maint	640.00
Ambush	Uniform Allowance	141.72
Anderson, Jennifer	Bd Evals Minnehaha	1,933.33
Associated Consultin	Architect, Engineers, & PMgt	9,951.50
Avera Heart Hospital	Clinics Auxiliary Svcs	75.00
Avera Heart Hospital	Hospitals	13,365.57
Avera McKennan	Hospitals	41,288.20
Avera McKennan	Physicians	294.87
Avera McKennan	Professional Svcs	4,346.25
Becker Apts	Welfare Rent	500.00
Birmingham & Cwach	Attorney Fees	213.95
Bob Barker Company	Child Care Items	59.24
Bob Barker Company	Child Care Uniforms	429.55
Bob Barker Company	Child Care Uniforms	-429.55
Bob Barker Company	COVID Exps	-87.36
Bob Barker Company	COVID Exps	87.36
Brennan Hills Town	Welfare Rent	698.00
Brooks Townhomes	One Sioux Falls Shelter	728.00
Butler Machinery	Heavy Equip Reprs & Maint	349.76
Butler Machinery	Parts Inventory	257.05
Century Business	Lease Rental Agmt	699.43
Century Business	Maint Contracts	371.72
Centurylink	Telephone	55.43
Centurylink Long Dis	Telephone	86.73
Certified Languages	Interpreters	42.05
Chagolla, Albert	Interpreters	25.00
Chaks Properties	One Sioux Falls Shelter	2,137.00
Cheney Lake	One Sioux Falls Shelter	1,490.00
Cheney Lake	Welfare Rent	500.00
Cleveland Center Apt	One Sioux Falls Shelter	445.00
Concrete Materials	Bldg/Yard Repr & Maint	729.04
Constellation	Natural Gas	2,349.34
Construction Product	Bridge Repr & Maint	410.00
Construction Product	Parks/Rec Repr & Maint	55.22
Construction Product	Road Maint & Material	395.00
Corey Heise	Taxable Meal Allowances	14.00
Correct Rx Pharmacy	Contract Svcs	29.81

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Crescent Electric	Electrical Reprs & Maint	266.24
Crescent Electric	Jail Reprs & Maint	10,624.00
Dakota Fluid Power	Parts Inventory	592.34
Dakota Riggers & Too	Road Maint & Material	1,240.07
Dash Medical Gloves	Kitchen/Cleaning Sup	87.90
Data Spec	Data Processing Equip	449.00
Deans Distributing	Parts Inventory	843.90
Denherder Law	Attorney Fees	124.50
Douglas Street Inves	One Sioux Falls Shelter	525.00
Dubbelde, Pete	Welfare Rent	500.00
Duo Investments	One Sioux Falls Shelter	1,300.00
Dust Tex Svc	Janitorial Chemical Sup	20.30
Dynamic Svcs	One Sioux Falls Shelter	507.50
EH Hospitality	Motels	905.00
Eich Law	Child Defense Attorney	4,166.67
Election Systems	Software/Licensing	28,557.50
English Law	Attorney Fees	6,000.00
Erpenbach, John E	Recruitment	1,175.00
Ethan Palluck	Taxable Meal Allowances	14.00
Etterman Enterprises	Small Tools & Shop Sup	246.40
F&K Assam Family	Welfare Rent	450.00
Fastenal	Small Tools & Shop Sup	21.48
Fleetpride	Heavy Equip Reprs & Maint	111.24
Fleetpride	Truck Reprs & Maint	202.43
G&H Investments	One Sioux Falls Shelter	750.00
G&H Investments	Welfare Rent	250.00
Garfield Apts	Welfare Rent	500.00
Garretson Gazette	Publishing Fees	1,292.95
Gaspar Enterprises	One Sioux Falls Shelter	1,900.00
Global Tel Link	Telephone	6.80
Goebel Printing	Office Sup	44.64
Gourley Properties	One Sioux Falls Shelter	1,330.00
Grainger	Other Sup	108.64
Grant Square	One Sioux Falls Shelter	794.00
Graybar Electric	COVID Exps	823.59
Griese Law	Attorney Fees	197.90
Griesse, Chris	Road Maint & Material	4,896.41
Hartford's Best Pain	Auto/Small Equip	4,435.67
Henry Carlson Const	Fairgrounds	3,099.00
Highpointe Limited	One Sioux Falls Shelter	1,512.00
Holiday Mobile Home	One Sioux Falls Shelter	410.00
Horizon Agency	Insurance Admin Fee	2,808.00
Howe	Jail Reprs & Maint	1,666.50
Hurtgen, Timothy T	Welfare Rent	800.00
HyVee	Jury Fees	39.69
HyVee	Pharmacies	10.00
HyVee	Program Activities	35.57
I State Truck Center	Parts Inventory	31.00
Initiative Invest	Welfare Rent	500.00
Innovative Office	COVID Exps	2,939.37
Innovative Office	Furniture & Office Equip	8,141.12
Innovative Office	Office Sup	241.37
Interstate Office	Office Sup	105.89
ISI	Interpreters	100.00
Jacks Uniforms	Uniform Allowance	379.99
JCL Solutions	Janitorial Chemical Sup	58.77
JCL Solutions	JDC Custodial Sup	456.72
JCL Solutions	Kitchen/Cleaning Sup	508.69
JCL Solutions	Park & Recreation Material	58.50
JE Dunn Construction	Construction Costs	49,114.00

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Jeff Larson Law	Attorney Fees	1,890.35
Jim & Rons Svc	Investigators Exps	395.00
Jimmie L Redlin	Parts Inventory	425.66
Jimmie L Redlin	Truck Reprs & Maint	42.15
JLG Architects	Architect, Engineers, & PM	765.07
Johnson, Erin M	Bd Exp Fees Minnehaha	5,415.00
Johnson, Erin M	Crisis Intervention Program	123.50
Kadehjian, Leo J	Education & Training	400.00
Katterhagen, Mark	Bd Exp Fees Yankton	36.00
Kauffman, David W Ph	Psych Evals	1,750.00
Kennedy, Renee S	Court Reporters	783.20
King, Duane	Taxable Meal Allowances	14.00
Konop, Brett	Welfare Rent	500.00
Kringen, Gregg	Parks/Rec Repr & Maint	100.00
Kruse Law	Child Defense Attorney	4,166.67
Kyle Sexe	Taxable Meal Allowances	14.00
Kyra Enterprises	Motels	1,893.00
Laughlin Law	Attorney Fees	651.90
Lawson Products	Small Tools & Shop Sup	227.96
Lewis Drugs	Pharmacies	1,213.86
Lewno Law	Bd Exp Fees Yankton	443.75
Lilla, Chris	Taxable Meal Allowances	14.00
Lockwood, Darcy	Bd Exp Fees Yankton	36.00
Loving, Philip	Bd Evals Minnehaha	566.66
Luther, Jeff	Medical Director	2,500.00
Lutheran Social Svcs	Diversion Programs	2,033.34
Menard	Parks/Rec Repr & Maint	29.95
Metro Coms	Clinics Auxiliary Svcs	80.00
Metro Coms	Misc Exp	193,464.39
Midamerican Energy	Natural Gas	71.03
Midamerican Energy	One Sioux Falls Shelter	1,482.14
Midwest Alarm	Data Processing Sup	986.00
Nathaniel Ellens	Clinics Auxiliary Svcs	49.72
Nathaniel Ellens	Other Sup	27.36
Nathaniel Ellens	Supplemental Food	86.23
Nies Properties	One Sioux Falls Shelter	525.00
North Central Intl	Truck Reprs & Maint	209.28
Northeast Investment	One Sioux Falls Shelter	1,490.00
Novak	Trash Removal	453.36
Nybergs Ace Hardware	Office Sup	29.92
Nyhaug, Adam	Program Activities	238.28
Pennington County	Contract Svcs	44.51
Phoenix Supply	Child Care Items	268.22
Pine Meadows Com	One Sioux Falls Shelter	1,296.00
Pioneer Enterprises	Burials	4,000.00
Prestox	Outside Repr	492.50
Prestox	Professional Svcs	61.00
Principled Propertie	Welfare Rent	425.00
Quality Efficiencies	Motels	780.00
R&L Supply	Plumbing & Welding	339.14
Rac Rentals	Welfare Rent	1,029.50
RDO Construction	Heavy Equip Reprs & Maint	79.79
Reliance Telephone	Telephone	1.25
Reynolds Law	Child Defense Attorney	4,166.67
Ronald A Nelson	Sign Deposits	50.00
Sanford	Insurance Claims	7,656.99
Sanford Clinic	Contract Svcs	25,180.73
Sanford Clinic	Professional Svcs	184.00
SDACC	Education & Training	185.00
SD Human Svcs Ctr	Clinics Auxiliary Svcs	46.60

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Seventh Wave Invest	One Sioux Falls Shelter	945.00
SF Leased Housing	Welfare Rent	350.00
SF Specialty Hospit	Insurance Other Costs	269.00
SF Specialty Hospit	Professional Svcs	1,691.00
SF Specialty Hospit	Recruitment	1,342.00
Short Elliott Hendr	Architects & Engineers	14,497.95
Shotwell, Joel	Program Activities	300.00
Sioux Empire Fair	Misc Exp	12,500.00
Sioux Falls City	Electricity	18,027.33
Sioux Falls City	Lease Rental Agmt	37,042.68
Sioux Falls City	One Sioux Falls Shelter	477.65
Sioux Falls City	Water Sewer	26,605.67
Sioux Falls Lihtc	Welfare Rent	160.00
Sioux Falls Rubber	Office Sup	116.65
Sioux Valley Energy	Utility Alignment	749.75
St Francis House	Professional Svcs	219.85
Stan Houston Equip	Building Reprs & Maint	46.00
State of SD	Amts Held Daily Scram	1,841.00
State of SD	Amts Held Remote Breath	1,827.00
State of SD	COVID Exps	1,300.00
State of SD	Data Coms	510.00
State of SD	Furniture & Office Equip	108.56
State of SD	Office Sup	93.00
State of SD	Professional Svcs	129.75
State of SD	Telephone	468.00
Strange Farrell John	Attorney Fees	1,093.65
Streichers	Uniform Allowance	822.99
Summit Food Svc	Child Care Food	1,235.40
Summit Food Svc	Inmate Sup	78.09
Summit Food Svc	School Lunch Program	1,805.86
Sure Test	Professional Svcs	1,998.00
Sycamore Village Apt	Welfare Rent	500.00
Tally Ho Apts	One Sioux Falls Shelter	1,050.00
Terrace Heights Apt	Welfare Rent	500.00
Terveen Manufactured	Welfare Rent	260.00
Thomson Reuters	Amounts Held For Others	744.19
Thomson Reuters	Books	108.88
Thomson Reuters	Legal Research	2,432.27
Three Falls	Welfare Rent	1,000.00
Trane	JDC Maint	1,019.20
Triangle Properties	One Sioux Falls Shelter	550.00
Triangle Properties	Welfare Rent	500.00
Trinity Point	Welfare Rent	1,231.00
Tri-State Nursing	Professional Svcs	1,125.69
Trugreen	Professional Svcs	58.06
Turtle Tracks	Uniform Allowance	292.00
Two Way Solutions	Com Equip Repr	217.97
Tzadik Sioux Falls I	One Sioux Falls Shelter	1,389.00
Tzadik Sioux Falls	One Sioux Falls Shelter	3,860.00
Tzadik Sioux Falls	Welfare Rent	4,255.00
Uline	Inmate Sup	59.45
Uline	Office Sup	822.30
Uline	Other Sup	61.46
Ulteig Engineers	Architects & Engineers	1,425.00
US Foods	Other Sup	68.75
US Foods	Professional Svcs	1,701.18
VB Falls Park Apts	One Sioux Falls Shelter	2,147.00
VB Falls Park Apts	Welfare Rent	799.00
VB Falls Terrace	One Sioux Falls Shelter	4,058.00
VB Falls Terrace	Welfare Rent	884.00

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Verizon Wireless	Investigators Exps	640.00
Vogel Motors	Gas Oil & Diesel	39.00
Voisin, Alexander	Business Travel	80.64
Washington Heights	Welfare Rent	487.00
Weerheim Law	Bd Exp Fees Minnehaha	2,973.50
Weerheim Law	Crisis Intervention Program	104.50
Wehde, A David	Welfare Rent	1,350.00
Wellmark Cobra	Cobra Insurance	1,444.70
West Pointe	One Sioux Falls Shelter	1,522.00
Williamsburg	One Sioux Falls Shelter	1,132.00
Williamsburg	Welfare Rent	500.00
Willuweit, Wesley	One Sioux Falls Shelter	560.00
Xcel Energy	Electricity	29,080.48
Xcel Energy	One Sioux Falls Shelter	2,968.12
Xcel Energy	Welfare Utilities	751.05
Yankton County	Return Of Svc	100.00
Yellow Cab	Transportation	18.25

## PERSONNEL

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

## New Hires

1. Gary Armstrong, Selena Duarte Martinez, Ashley Francisco, Robert Kirvin, Asia Macklin, Myles Szabo, and Grey Tracy as Correctional Officers for the Jail, at \$19.47/hour (13/1) effective 8/31/2020.
2. Connie Ideker, Toby Orlando, Merla Severson, and Cecile Wollman as variable hour Election Workers for the Auditor's Office, at \$15.00/hour effective 9/1/2020.
3. Kay Boik, Kristin Breitag, Jayne Fogarty, Lynne Grabowska, Marjorie Koeser, Clayton Olson, Elizabeth Otta, Kathleen Linneweber, Ramona Pesek, Ricky Pesek, Pauline Poletes, Sara Post, Rhiana Sigafos, Janet Slichter, Joe Sysel, Julia Tasuil, and Monica Serling-Swank as variable hour Election Workers for the Auditor's Office, at \$14.50/hour effective 9/1/2020.

## Step Increases

1. Joshua Rapp, Correctional Officer for the Jail, at \$20.46/hour (13/3) effective 8/26/2020.
2. Travis Krueger, Air Guard Security Officer II for the Air Guard, at \$26.83/hour (13/14) effective 8/8/2020.
3. Michael Murer, Senior Deputy State's Attorney for the State's Attorney's Office, at \$2,959.20/biweekly (22/5) effective 7/5/2020.
4. Cody Raterman, Deputy State's Attorney for the State's Attorney's Office, at \$2,747.20/biweekly (22/2) effective 8/5/2020.
5. Wyatt Walton, Correctional Officer for the Jail, at \$28.20/hour (13/16) effective 8/21/2020.

## Other

1. To correct the action listed on 8/4/2020 personnel memo which should have reflected the hiring of Rory Stenberg, variable hour Election Worker for the Auditor's Office, at \$14.50/hour effective 9/1/2020.

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### Special Personnel Action

Upon the request of Carey Deaver, Human Resources Director, and Jamie Gravett, Juvenile Detention Center Director, MOTION by Karsky, seconded by Beninga, to create a new position classification of JDC Training and Compliance Officer at a pay grade 14. 5 ayes.

### NOTICE

A notice was received from Hartford Township of a speed limit change from 55 miles per hour to 40 miles per hour on 466<sup>th</sup> Avenue between 261<sup>st</sup> Street and 262<sup>nd</sup> Street.

### HEARING

Joe Bosman, Deputy Sheriff Captain, was present for the scheduled hearing to consider the 2020 Byrne Justice Assistance Grant (JAG) Joint Spending Plan. The City of Sioux Falls, as the fiscal agent, will be receiving an allocation of \$115,681.00 for the 2020 program. The Sioux Falls Police Department will receive 65% of the allocation (\$75,192.00) to be used for training tourniquets, an instructor suit, gas masks, helmets, cameras, camera lens, crime scene privacy screens, water rescue equipment, thermal monocular, and a breaching ram. The Minnehaha County Sheriff's Office will receive 35% of the allocation (\$40,489.00) to be used for the following: protective equipment and uniforms, gas mask filters and voice boxes, less lethal launchers and munitions, use of force reporting software, and conducted electrical weapons (CEW). No one from the public came forward to speak. MOTION by Beninga, seconded by Heiberger, to approve the 2020 Byrne Justice Assistance Grant (JAG) Joint Spending Plan. By roll call vote: 5 ayes.

### REZONING HEARING

David Heinold, Planner II, was present for the public hearing and gave the second reading of an amendment to Ordinance MC16-90, the 1990 Revised Zoning Ordinance. The amendment, Rezone #20-03, was to rezone from an A-1 Agriculture District to a C Commercial District for the property legally described as Tract 2A Wold Tracts (Ex H-1) in the NW1/4 NW1/4, Section 27-T103N-R49W, Minnehaha County, SD, located south of the intersection of County Highway 122 and South Dakota State Highway 115, 4 miles south of Baltic at 25404 475<sup>th</sup> Ave. The property is approximately 0.45 acres. The petitioner is Ransom LLC. The property owner is Bruce Vollan. The subject property houses a single-family dwelling with the allotted building eligibility. The petitioner intends to expand business operations from an existing repair shop onto the subject property. The property meets the criterion of the Envision 2035 Minnehaha County Comprehensive Plan by allowing commercial uses to be located in existing rural service areas at the intersection of a State and County highway. The rezone was unanimously recommended for approval by the Planning Commission on July 27, 2020. No one spoke in opposition. Todd Ibis, Midway Service Controller, 1600 W Wicklow Ln, Sioux Falls, was present for the hearing. MOTION by Beninga, seconded by Heiberger, to approve Ordinance MC16-167-20, An Ordinance Amending The 1990 Revised Zoning Ordinance For Minnehaha County By Rezoning Certain Property, Rezone #20-03 on property legally described as Tract 2A Wold Tracts (Ex H-1) in the NW1/4 NW1/4, Section 27-T103N-R49W, Minnehaha County, SD. By roll call vote: 5 ayes. The entire ordinance is on file and available at the Minnehaha County Auditor's Office.

### AGREEMENT

Jason Gearman, Emergency Management Director, gave a briefing on the 2021 Local Emergency Management Performance Grant Sub-Recipient Agreement between Minnehaha County and the State of South Dakota. The grant provides 50% reimbursement of eligible salary and benefits for the Emergency Management Director and the Assistant Emergency Management Director. Disaster response planning, training, assessments, and report submissions to the State are requirements of the program. Upon the request of Commissioner Beninga, Mr. Gearman spoke on the need for more volunteers for the police reserves. MOTION by Heiberger, seconded by

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Beninga, to authorize the Chair to sign the 2021 Local Emergency Management Performance Grant Sub-Recipient Agreement with the State of South Dakota, Department of Public Safety, Office of Emergency Management. 5 ayes.

#### ALCOHOL BEVERAGE LICENSING

Olivia Larson, Deputy Auditor, presented an application for a consume and blend alcohol beverage license for a wedding being held at the Izaak Walton League, 5000 N Oakview Place, Sioux Falls, on September 19, 2020. The license would allow Katelyn Haack to provide, but not sell, alcoholic beverages for her wedding beginning at 1600 hours (4:00 p.m.) and ending at 2300 hours (11:00 p.m.). There were no concerns reported by the Sheriff's Department, State's Attorney's Office, or Planning Department. MOTION by Karsky, seconded by Beninga, to approve a Consume & Blend Alcohol Beverage License for the Haack Wedding to take place on September 19, 2020, at the Izaak Walton League, Sioux Falls Chapter, beginning at 1600 hours (4:00 p.m.) and ending at 2300 hours (11:00 p.m.). By roll call vote: 5 ayes.

#### PRESENTATION

Bob Litz, Auditor, introduced Kameron Nelson as the Absentee Ballot Task Force Representative. Mr. Nelson presented the Absentee Ballot Task Force Report. The Absentee Ballot Task Force met three times between July and August 2020 to discuss the absentee ballot process and challenges for the purpose of providing recommendations. Recommendations made in the report focused on the following primary areas: process, security, labor, space, funding, and marketing/communications. Absentee Ballot Task Force Members included: Sue Roust, former Minnehaha County Auditor; Kea Warne, SD Secretary of State's Office; Debra Elofson, Former Election Review Committee Member; Curt Soehl, City of Sioux Falls City Councilor; Carl Zylstra, Consultant for Square Inch Consulting Group; Kent Alberty, formerly served on the Sioux Falls School Board; Kameron Nelson, Lifescape Director of Major Gifts and 2020 Absentee Board Member; and Susie Patrick, Owner of Breadsmith. Auditor Litz was available and responded to questions regarding ballot drop boxes, processes for multiple absentee ballots returned in one envelope, and spoiled ballots.

#### BOND RESOLUTION

Carol Muller, Commission Administrative Officer, requested authorization for the Chair to sign the resolution relating to issuing certificates of participation for the construction and renovation of County facilities. The resolution is for \$25,000,000 to finance the construction and renovation of the Minnehaha County Highway Facility, the Minnehaha County Administration Building, the Minnehaha County Extension Building, and the chiller replacement. The bond does not impact the tax levy. There will be two issuances. The first issuance will be in the amount of \$10,000,000 and will be issued on or near October 27, 2020. The second issuance will be determined once a more definitive amount has been identified for costs associated with the projects. In addition to the resolution, an Underwriter's Agreement is needed to define the terms under which Colliers Securities LLC will provide underwriting services relating to the issuance of Limited Tax General Obligation Certificates, Series 2020. Colliers Securities LLC will be paid by Minnehaha County a fee of \$6.50/\$1,000 of the Certificates. MOTION by Karsky, seconded by Beninga, to authorize the Chair to sign Resolution MC20-59, and authorize the Chair to sign the Underwriter's Agreement between Minnehaha County and Colliers Securities LLC for underwriting services related to the issuance of the Certificates of Participation. By roll call vote: 5 ayes.

RESOLUTION MC20-59  
RESOLUTION RELATING TO ISSUING CERTIFICATES OF  
PARTICIPATION; AUTHORIZING THE EXECUTION AND DELIVERY  
OF ONE OR MORE LEASE-PURCHASE AGREEMENTS AND APPROVING AND  
AUTHORIZING EXECUTION OF RELATED DOCUMENTS

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BE IT RESOLVED by the Board of Commissioners of Minnehaha County, South Dakota (the "County"), as follows:

Section 1 Recitals.

1.1 The County is authorized by South Dakota Codified Laws, Chapter 7-25, inclusive, as amended (the "*Act*"), to enter into lease-purchase agreements for acquisition of real or personal property that the governing body considers necessary or appropriate to carry out its governmental and proprietary functions. The governing body finds that it is necessary and appropriate to issue Certificates of Participation (Limited Tax General Obligation) in one or more series to finance the costs related to the following: (a) the replacement, remodeling, installation, equipping and/or improving of the County's existing chiller system; (b) replacement, remodeling, constructing, equipping and/or improving the County's Highway Shop; (c) remodeling, equipping and improving of the County Administration Building and Extension Building; (d) the acquisition of real property for any of the foregoing or for the purpose of parking or other ancillary uses by the county (herein, "*Additional Land*"), and (e) the making of any site improvements in connection with any of the foregoing (the costs of undertaking the foregoing, together with any other expense or undertaking authorized and financed with proceeds of the transactions authorized hereunder being referred to collectively as the "*Projects*" or individually as a "*Project*").

1.2 The County has agreed with U.S. Bank National Association (the "Trustee") that the Trustee has, pursuant to a Ground Lease Agreement, dated as of September 1, 1992, as amended and supplemented between the County and the Trustee (the "*Ground Lease*"), acquired certain interests in real property (the "*Land*") from the County, and the Trustee has leased its interest in the Land and has leased and agreed to sell the Facilities to be acquired, renovated, constructed and equipped thereon to the County pursuant to a Lease-Purchase Agreement, dated as of September 1, 1992 (the "*Original Lease*"), as amended and supplemented by the First Amendment to Lease-Purchase Agreement, dated as of November 1, 1994 (the "*First Amendment to Lease*"), the Second Amendment to Lease-Purchase Agreement, dated as of April 1, 1997 (the "*Second Amendment to Lease*"), the Third Amendment to Lease-Purchase Agreement, dated as of April 1, 1999 (the "*Third Amendment to Lease*"), the Fourth Amendment to Lease-Purchase Agreement, dated as of December 1, 2000 (the "*Fourth Amendment to Lease*"), the Fifth Amendment to Lease-Purchase Agreement, dated as of September 1, 2004 (the "*Fifth Amendment to Lease*"), the Sixth Amendment to Lease-Purchase Agreement, dated as of October 1, 2005 (the "*Sixth Amendment to Lease*"), the Seventh Amendment to Lease-Purchase Agreement, dated as of October 1, 2005 (the "*Seventh Amendment to Lease*"), the Eighth Amendment to Lease-Purchase Agreement, dated as of October 1, 2006 (the "*Eighth Amendment to Lease*"), the Ninth Amendment to Lease-Purchase Agreement, dated as of August 1, 2007 (the "*Ninth Amendment to Lease*"), the Tenth Amendment to Lease-Purchase Agreement, dated as of October 1, 2007 (the "*Tenth Amendment to Lease*"), the Eleventh Amendment to Lease-Purchase Agreement, dated as of September 1, 2008 (the "*Eleventh Amendment to Lease*"), the Twelfth Amendment to Lease-Purchase Agreement, dated as of November 1, 2010 (the "*Twelfth Amendment to Lease*"), the Thirteenth Amendment to Lease-Purchase Agreement, dated as of September 1, 2011 (the "*Thirteenth Amendment to Lease*"), the Fourteenth Amendment to Lease-Purchase Agreement, dated as of November 1, 2013 (the "*Fourteenth Amendment to Lease*"), the Fifteenth Amendment to Lease-Purchase Agreement, dated as of November 1, 2014 (the "*Fifteenth Amendment to Lease*"), the Sixteenth Amendment to Lease-Purchase Agreement, dated as of October 1, 2016 (the "*Sixteenth Amendment to Lease*") and the Seventeenth Amendment to Lease-Purchase agreement dated as of December 1, 2017 (the "*Seventeenth Amendment to Lease*") between the Trustee and the County (the Original Lease as amended and supplemented by the First Amendment to Lease, the Second Amendment to Lease, the Third Amendment to Lease, the Fourth Amendment to Lease, the Fifth Amendment to Lease, the Sixth Amendment to Lease, the Seventh Amendment to Lease, the Eighth Amendment to Lease, the Ninth Amendment to Lease, the Tenth Amendment to Lease, the Eleventh Amendment to Lease, the Twelfth Amendment to Lease, the Thirteenth Amendment to Lease, the Fourteenth Amendment to Lease, the Fifteenth Amendment to Lease, the Sixteenth Amendment, and the Seventeenth Amendment to Lease, as now or hereafter amended or supplemented is referred to herein as the "*Lease*").

1.3 The Trustee will execute and deliver one or more Supplemental Declaration of Trust (collectively, the "*New Supplemental Trust*"), which will supplement and amend the Declaration of Trust, dated as of September 1, 1992 (the "*Original Trust*"), as amended by the First Supplemental Declaration of Trust, dated as of November 1, 1994 (the "*First Supplemental Trust*"), the Second Supplemental Declaration of Trust, dated as of



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April 1, 1997 (the "*Second Supplemental Trust*"), the Third Supplemental Declaration of Trust, dated as of April 1, 1999 (the "*Third Supplemental Trust*"), the Fourth Supplemental Declaration of Trust, dated as of December 1, 2000 (the "*Fourth Supplemental Trust*"), the Fifth Supplemental Declaration of Trust, dated as of September 1, 2004 (the "*Fifth Supplemental Trust*"), the Sixth Supplemental Declaration of Trust, dated as of October 1, 2005 (the "*Sixth Supplemental Trust*"), the Seventh Supplemental Declaration of Trust, dated as of October 1, 2005 (the "*Seventh Supplemental Trust*"), the Eighth Supplemental Declaration of Trust, dated as of October 1, 2006 (the "*Eighth Supplemental Trust*"), the Ninth Supplemental Declaration of Trust, dated as of August 1, 2007 (the "*Ninth Supplemental Trust*"), the Tenth Supplemental Declaration of Trust, dated as of October 1, 2007 (the "*Tenth Supplemental Trust*"), the Eleventh Supplemental Declaration of Trust, dated as of September 1, 2008 (the "*Eleventh Supplemental Trust*"), the Twelfth Supplemental Declaration of Trust, dated as of November 1, 2010 (the "*Twelfth Supplemental Trust*"), the Thirteenth Supplemental Declaration of Trust, dated as of September 1, 2011 (the "*Thirteenth Supplemental Trust*"), the Fourteenth Supplemental Declaration of Trust, dated as of November 1, 2013 (the "*Fourteenth Supplemental Trust*"), the Fifteenth Supplemental Declaration of Trust, dated as of November 1, 2014 (the "*Fifteenth Supplemental Trust*"), the Sixteenth Supplemental Declaration of Trust, dated as of October 1, 2016 (the "*Sixteenth Supplemental Trust*") and the Seventeenth Supplemental Declaration of Trust dated as of December 1, 2017 (the Original Trust as amended and supplemented by the First Supplemental Trust, the Second Supplemental Trust, the Third Supplemental Trust, the Fourth Supplemental Trust, the Fifth Supplemental Trust, the Sixth Supplemental Trust, the Seventh Supplemental Trust, the Eighth Supplemental Trust, the Ninth Supplemental Trust, the Tenth Supplemental Trust, the Eleventh Supplemental Trust, the Twelfth Supplemental Trust, the Thirteenth Supplemental Trust, the Fourteenth Supplemental Trust, the Fifteenth Supplemental Trust, the Sixteenth Supplemental Trust, the Seventeenth Supplemental Trust, and the New Supplemental Trust are referred to herein as the "*Trust Agreement*"), pursuant to which the Trustee will (i) issue one or more series of Certificates of Participation (collectively, the "*New Certificates*") in the lease payments to be made by the County under the Lease, as amended by one or more Amendments to Lease-Purchase Agreement (the "*New Amendment to Lease*") and (ii) receive, hold and invest the proceeds of the sale of the New Certificates and deposit in the Construction Account such proceeds to pay costs associated with the Projects. In addition, any excess proceeds from the New Certificates, or any other prior series of Certificate of Participation may be used to pay costs of any capital expenditures associated with any Facilities leased pursuant to the Lease. The New Certificates may be divided and issued into more than one series in which case they shall be designated and identified by designation of years and/or letters (e.g. Series 2020A, Series 2020B, Series 2021A, etc.) and each New Amendment to Lease and New Supplemental Trust shall be designated numerically in sequence (e.g. Seventeenth, Eighteenth, etc.). In addition, to the extent permitted under Section 265 of the Code (as defined below), one or more series of New Certificates shall be designated "bank qualified".

1.4 Each series of New Certificates authorized hereunder will be offered pursuant to an Official Statement (the "*Official Statement*") which will be used to offer the New Certificates.

1.5 If any Additional Land is to be acquired with proceeds of the New Certificates or if any Project is not currently located on land which is already subject to the Ground Lease, the Chairman and County Auditor shall execute and deliver a quit claim deed of such Additional Land or site of any such Project to the Trustee for inclusion in the Ground Lease and the Ground Lease, as so amended and supplemented, shall lease such site back to the County pursuant to the Lease.

1.6 Forms of the following documents relating to the Projects are directed to be prepared by Perkins Coie LLP, as Bond Counsel, and submitted to the County and are hereby directed to be filed with and approved by the County Auditor and the Deputy State's Attorney: (a) the New Amendment to Lease, (b) the New Supplemental Trust and (c) the Certificate Purchase Agreement and (d) a Continuing Disclosure Undertaking with respect to the New Certificates (the "*Continuing Disclosure Undertaking*" and, together with the New Amendment to Lease, the New Supplemental Trust, the Certificate Purchase Agreement and any and all related documents, certificates, and other instruments in connection with the New Certificates herein referred to as the "*Documents*").

Section 2 Authorization and Approval of the Documents. The financing described above is found to be in the public interest and favorable to the County and its residents, and is hereby approved. The Chairman and County Auditor are authorized to approve the principal amount of each New Amendment to Lease and related series of New Certificates, in an aggregate amount not to exceed \$25,000,000 for all series of New Certificates

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and New Amendments to Lease authorized hereunder, the term for each series of New Certificates shall not exceed twenty-one (21) years from the date of the related New Amendment to Lease and the interest rate or rates thereon shall not exceed a rate equivalent to a bond yield (calculated consistent with the arbitrage regulations currently applicable to tax exempt bonds pursuant to Section 148 of the Code) of 3.5% per annum. Each series of New Certificates is to be sold to the Underwriter pursuant to a negotiated sale to be evidenced by a Certificate Purchase Agreement (the "*Certificate Purchase Agreement*") between the County and Collier Securities (the "*Underwriter*"), which Certificate Purchase Agreement shall specify a purchase price of not less than 99.35%. The forms of Documents to be prepared are hereby approved if the County Auditor deems them appropriate and the Documents are approved by the Deputy State's Attorney. The Chairman and the County Auditor are directed to execute the Documents if approved by the County Auditor. Copies of all Documents shall be delivered, filed and recorded as provided therein. The Chairman and the County Auditor and the Deputy State's Attorney are also authorized and directed to execute such other instruments as may be required to give effect to the transactions therein contemplated. The County will cooperate in the issuance of the New Certificates and the Chairman, the County Auditor and the Deputy State's Attorney shall execute such other instruments as are necessary to the issuance of the New Certificates.

Section 3 Modification, Absence of Officers. The approval hereby given to the Documents includes an approval of such additional details therein as may be necessary and appropriate and such modifications thereto, deletions therefrom and additions thereto as may be necessary and appropriate and approved by the Deputy State's Attorney prior to the execution of the Documents. The execution of any instrument by the appropriate officer or officers of the County herein authorized shall be conclusive evidence of the approval of such documents in accordance with the terms hereof. In the absence of the Chairman or the County Auditor, any of the Documents authorized by this resolution to be executed may be executed by such officer as, in the opinion of the Deputy State's Attorney, may execute documents in their stead.

Section 4 Payment of Lease Payments. The County will pay to the Trustee promptly when due, all of the Lease Payments (as defined in the Lease) and other amounts required by the Lease. To provide moneys to make such payments the County will include in its annual budget, for each fiscal year during the term of the Lease, moneys sufficient to pay and for the purpose of paying all Lease Payments and other amounts payable under the Lease, and will take all other actions necessary to provide moneys for the payment of the obligations or the County under the Lease from sources of the County lawfully available for this purpose, including the levy of such taxes as may be necessary therefor, including levies under South Dakota Codified Laws Section 10-13-35, subject only to the limitations on such levies imposed by South Dakota law.

The County agrees and covenants to include in its annual budget for each fiscal year during the term of the Lease moneys sufficient to pay and for the purpose of paying the Lease Payments pursuant to the Lease, as amended and supplemented by the New Amendment to Lease, and to levy a tax pursuant to South Dakota Codified Laws Section 7-25-1, and in conformity with the South Dakota Codified Laws Section 10-13-35 and South Dakota Constitution Article XIII Section 5, in an amount which will generate an amount sufficient and for the purpose of paying the Lease Payments pursuant to the New Amendment to Lease, to the extent permitted by law and to take all other actions necessary to provide moneys for the payment of the Lease Payments pursuant to the New Amendment to Lease from sources of the County lawfully available for such purpose.

Section 5 Tax Matters. The County covenants and agrees with the Trustee and the registered owners from time to time of the New Certificates that it will not take or permit to be taken by any of its officers, employees or agents any action which would cause the interest on the New Certificates to become subject to taxation under the Internal Revenue Code of 1986, as amended (the "*Code*"), and applicable Treasury Regulations (the "*Regulations*"), and covenants to take any and all actions within its powers to ensure that the interest on the New Certificates will not become subject to taxation under the Code and the Regulations. The County will cause to be filed with the Secretary of the Treasury an information reporting statement in the form and at the time prescribed by the Code. The County will comply with the provisions of Section 148(f) of the Code, relating to the rebate of arbitrage profits to the United States, if and to the extent that such provisions are applicable to the Lease and the New Certificates.

Section 6 Arbitrage Certification. The Chairman and the County Auditor, being the officers of the County charged with the responsibility for issuing the New Certificates pursuant to this Resolution, are authorized and directed to execute and deliver to the Trustee a certificate in accordance with the provisions of Section 148 of the

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Code and Sections 1.148-1 et al of the Regulations, stating the facts, estimates and circumstances in existence on the date of issue and delivery of the New Certificates which make it reasonable to expect that the proceeds of the New Certificates will not be used in a manner that would cause the Lease or the New Certificates to be arbitrage bonds within the meaning of the Code and Regulations.

Section 7 Official Statement. The County will participate in the preparation of the Preliminary Official Statement and the final Official Statement relating to the New Certificates and hereby authorizes the County Auditor to consent to the distribution of the Official Statement by the purchaser of the New Certificates in connection with the sale of the New Certificates. The Preliminary Official Statement, except for Permitted Omissions, will be deemed final by the County when authorized by the County Auditor as of its date within the meaning of Rule 15c2-12 of the Securities and Exchange Commission under the Securities Exchange Act of 1934. As used herein, "Permitted Omissions" shall mean the offering price(s), interest rate(s), selling compensation, aggregate principal amount, principal amount per maturity, delivery dates, rating, if any, and other terms of the New Certificates depending on such matters.

Section 8 Amendment. This resolution may be amended from time to time, prior to the issuance of the New Certificates, by an administrative resolution adopted by this Board.

Section 9 Date Resolution Becomes Effective. This resolution shall become effective twenty days after publication in accordance with South Dakota Codified Laws Section 7-18A-8.  
Adopted this 25<sup>th</sup> day of August, 2020.

Jean Bender  
Jean Bender  
By: Its Chairman

ATTEST:

Olivia Larson, Deputy Auditor  
Bob Litz  
By: Its County Auditor

#### LIAISON REPORT

Commissioner Bender introduced Jill Franken with the City of Sioux Falls Health Department. Ms. Franken provided a COVID-19 update speaking on topics including the volatility in rates, Minnehaha County trends typically reflecting City of Sioux Falls trends, hospitalizations being at a manageable level, and the availability of the [siouxfalls.org/covid19](http://siouxfalls.org/covid19) website for COVID-19 information.

Commissioner Karsky reported on the August 18, 2020, Minnehaha County and Lincoln County Economic Development Associations Board Meeting. There has been a push to re-name and re-purpose the group to combine it into one organization to better reflect the activities of the group.

Commissioner Heiberger reported on an August 24, 2020, meeting with the Human Services Department. Human Services has given \$70,000 of funds through One Sioux Falls to people in need of assistance. The process is going well.

Commissioner Barth reported on the August 24, 2020, Planning Commission Meeting where there were seventeen (17) agenda items. One of the agenda items included a text change to County ordinance to allow manufactured homes to have less than a full foundation and utilize skirting similar to that used for mobile homes.

Commissioner Beninga reported on attending site tours of highway facilities with Commissioner Karsky and Craig Dewey, Assistant Commission Administrative Officer, to consider advantages and disadvantages of the various needs and designs for the County's new highway facility. Commissioner Karsky noted a comment made by the architect that the County Commission is much more involved in the process than other entities he has worked with on previous projects.

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NEW BUSINESS

Commissioner Barth suggested a needs study on Highway 115 to come up with a plan for future development and include considerations for any necessary infrastructure such as water and sewer.

Commissioner Karsky stated that on August 26, 2020, at 10:45 a.m. an announcement will be made regarding the triage center.

MOTION by Barth, seconded by Beninga, to recess the Minnehaha County Commission Meeting at 10:22 a.m. 5 ayes.

MOTION by Barth, seconded by Beninga, to reconvene the Minnehaha County Commission Meeting at 10:30 a.m. 5 ayes.

MOTION by Barth, seconded by Karsky, to enter into Executive Session pursuant to SDCL 1-25-2 (1), (3) and (4). 5 ayes.

MOTION by Karsky, seconded by Heiberger, to adjourn. 5 ayes.

The Commission adjourned until 5:00 p.m. on Tuesday August 25, 2020.

APPROVED BY THE COMMISSION:

Jean Bender

Chair

ATTEST:

Olivia Larson

Deputy Auditor