

12/08/2020

THE MINNEHAHA COUNTY COMMISSION CONVENE AT 9:00 A.M. December 8, 2020, pursuant to adjournment on December 1, 2020. Commissioners present were: Beninga, Heiberger, and Karsky. Commissioners Bender and Barth were present via Zoom Videoconference. Also present were Olivia Larson, Commission Recorder, and Drew DeGroot, Chief Civil Deputy State's Attorney.

Due to Chair Commissioner Bender attending the meeting via Zoom, Vice Chair Commissioner Karsky ran the meeting.

MOTION by Heiberger, seconded by Beninga, to approve the agenda. By roll call vote: 5 ayes.

MINUTES APPROVAL

MOTION by Barth, seconded by Beninga, to approve the December 1, 2020, Commission Minutes. By roll call vote: 5 ayes.

VOUCHERS TO BE PAID

MOTION by Heiberger, seconded by Beninga, to approve the following bills totaling \$954,188.35. By roll call vote: 5 ayes.

A&B Business	Data Processing Sup	387.00
A&B Business	Lease Rental Agmt	171.39
A&B Business	Maint Contracts	310.66
Affordable Housing	Welfare Rent	680.00
Airgas USA	Lease-Rental Agmt	70.96
Airway Svc	Automotive/Small Equip	130.08
Airway Svc	Gas Oil & Diesel	113.40
Alcohol Monitoring	Electronic Monitoring	295.50
All Nations Interp	Interpreters	8,658.10
Als Properties Silv	One Sioux Falls-Shelter	621.00
Amazon Capital Svc	Amounts Held For Others	404.28
American Planning	Memberships	388.00
American Polygraph A	Memberships	150.00
Anderson, Jennifer	Bd Evals Minnehaha	3,516.66
Angel, Edward P	Attorney Fees	1,252.55
Appera	Program Activities	188.77
Associated Consultin	Coliseum	226.50
Avera McKennan	Blood Withdrawal	306.00
Avera McKennan	Hospitals	28,048.89
Avera McKennan	Physicians	1,852.32
Avera McKennan	Professional Svcs	3,750.00
Axon Enterprise	Safety & Rescue Equip	817.50
Barnett Lewis Funer	Burials	1,300.00
Beck, Jeffrey R	Child Defense Attorney	286.15
Bierschbach Equip	Motor/Machine/Equip Repair	110.60
Black Events & Adver	Program Activities	300.00
Bob Barker Company	Inmate Sup	1,574.66
Boyer Ford Trucks	Automotive/Small Equip	52.08
Boyer Ford Trucks	Truck Repairs & Maint	55.88
Brandon Valley Journ	Publishing Fees	947.64
Braun, Mason	Investigators Exp	117.60
Bristol Court	Welfare Rent	700.00
Brooks Townhomes	Welfare Rent	400.00
Burns, Jason	Investigators Exp	64.26
Buthe, DJ	Business Travel	325.50
Candian County Sheriff	Return Of Svc	50.00
Century Business	Maint Contracts	804.10

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Century Business	Office Sup	443.10
Chasing Willows	Welfare Rent	700.00
Civil Design	Architects & Engineers	575.00
Com-Tec	Jail Repairs & Maint	5,546.71
Constellation	Natural Gas	96.02
CPI/Guardian	Inmate Sup	6,097.40
Crosbyjaeger Funeral	Burials	2,000.00
Culligan Water	Maint Contracts	35.00
Cyntom Property Man	Welfare Rent	500.00
Dakota Law Firm Prof	Attorney Fees	465.60
Dakota Supply Group	JDC Maint	1,692.00
Dakotaland Homes	Welfare Rent	500.00
Dalsin	Repair/Renos	2,244.00
Decastro Law	Child Defense Attorney	892.40
Deer Hollow	Welfare Rent	644.00
Dell Marketing	Data Processing Equip	898.00
Dell Marketing	Office Sup	447.00
Dematteo Law	Child Defense Attorney	436.50
Donahoe Law	Attorney Fees	601.40
Dust Tex Svc	Janitorial Chemical Sup	12.20
Edwards, Carrie	Professional Svcs	1,000.00
EH Hospitality	Motels	625.00
Ekeren, Marvin R	Bd Exp Fees Yankton	6.00
Electric Supply	Furniture & Office Equip	188.90
Eurographics Inc	Store Inventory	110.22
Exhaust Pros	Truck Repairs & Maint	1,348.55
Fastenal	Jail Repairs & Maint	171.30
Fastenal	Small Tools & Shop Sup	132.63
First Dakota Title	Professional Svcs	750.00
G&R Controls	Heat, Vent & AC Repairs	135.00
Galls Quartermaster	Uniform Allowance	4,037.01
Gaylord Bros	Program Activities	369.64
Ge, Xijin	Welfare Rent	1,580.00
George, Aaron	One Sioux Falls-Shelter	752.00
Geotek Engineering	Architects & Engineers	16,520.00
Golden West	Telephone	40.58
Graybar Electric	Electrical Repairs & Maint	157.10
Guzman, Sandra V	Interpreters	525.00
HDR Engineering	Architects & Engineers	1,285.00
Heidepriem Purtell	Attorney Fees	40.00
Helpline Center	Misc Exp	4,000.00
Hospitality Apt	One Sioux Falls-Shelter	650.00
Hurtgen, Timothy T	Welfare Rent	660.00
HyVee	Pharmacies	16.23
Innovative	Building Repairs & Maint	8,274.67
Innovative	Office Sup	75.10
Institutions Svc	Jail Repairs & Maint	1,575.59
Intek	Misc Exp	300.00
Interlakes Community	Misc Exp	2,000.00
Interstate Commerc	Jail Repairs & Maint	226.90
Interstate Office	Office Sup	888.60
Jacks Uniforms And	Uniform Allowance	109.95
JCL Solutions	COVID Exp	6,250.00
JCL Solutions	Inmate Sup	1,028.70
JCL Solutions	Kitchen/Cleaning Sup	1,087.81
JD Property Solution	Welfare Rent	700.00
Jeff Larson Law	Attorney Fees	2,160.70
John Boylan	Misc Revenue	300.00
Justin Lammer	Business Travel	196.00
Katterhagen, Mark	Bd Exp Fees Yankton	72.00

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Kauffman, David W Ph	Psych Evals	3,500.00
Kennedy Pier & Loftu	Attorney Fees	1,241.60
Lacey Rentals	Lease-Rental Agmt	112.00
Lamp	Interpreters	67.50
Language Testing Int	Professional Svcs	119.00
Larry Kuhnert	Sign Deposits	50.00
Laughlin Law	Attorney Fees	1,595.00
Ledd Properties	Emergency Shelter Grant	265.00
Lewis & Clark Behav	Bd Evals Yankton	2,208.00
Lewno Law	Bd Exp Fees Yankton	887.50
Lexisnexis Matthew B	Subscriptions	515.00
Lockwood, Darcy	Bd Exp Fees Yankton	66.00
Loving, Philip	Bd Evals Minnehaha	2,599.94
Majestic View Apt	Welfare Rent	500.00
Marsh & McLennan	Notary Exp	50.00
Menard	Program Activities	74.99
Metro Comms	Clinics Auxiliary Svcs	1,610.00
Metro Comms	Misc Exp	192,849.29
Michels Comm	Advertising	250.00
Midamerican Energy	Natural Gas	858.37
Midway Svc	Gas Oil & Diesel	1,489.10
Midwest Alarm	Security Alarm	593.58
Minnehaha Community	Tea-Ellis Range	35.00
Minnehaha Community	Water Sewer	30.00
Mr Cooper Group	One Sioux Falls-Shelter	1,337.82
Murray Properties	Welfare Rent	500.00
MZR Enterprises	One Sioux Falls-Shelter	1,150.00
Napa Auto Parts	Parts Inventory	93.28
NASPPG Insurance Ser	Property & Liability	7,776.00
New Century Press	Publishing Fees	4,549.45
Nichole Carper	Child Defense Attorney	931.20
Norberg Paints	Program Activities	27.56
Northern Truck Equip	Motor/Machine/Equip Repair	92.77
Novak	Lease-Rental Agmt	135.14
Nybergs Ace Hardware	Other Sup	35.12
Nybergs Ace Hardware	Small Tools & Shop Sup	472.12
Office Depot	Data Processing Sup	57.09
Olivier Miles Holtz	Attorney Fees	1,670.05
Olson Law	Attorney Fees	1,729.00
Olson, Dawn	Court Reporters	50.00
One Sky	Heavy Equip Repairs & Maint	311.85
Penbrooke Place Apt	One Sioux Falls-Shelter	787.00
Pioneer Enterprises	Burials	1,673.47
Prahm Construction	Contracted Construction	102,102.53
Qualified Presort	Postage	6,089.61
Quality Efficiencies	Motels	625.00
Reede Construction	Contracted Construction	226,383.60
Risty, Maxine J	Court Reporters	1,789.80
River Glen Place	Welfare Rent	500.00
Riverview Park	Welfare Rent	456.00
Safe Home	Misc Revenue	-415.34
Safe Home	Notes Rec Safe Home	-3,178.75
Safe Home	Rent Subsidies	11,234.00
Sams Club	Other Sup	63.92
Sams Club	Professional Svcs	-62.52
Sams Club	Safe Home Donations	200.33
Sanford Clinic	Blood Withdrawal	20.00
Sanford Clinic	Lab Costs	336.00
Sanford Clinic	Misc Exp	47.30
Sanford Clinic	Other Medical Svcs	985.92

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SD Human Svcs	Clinics Auxiliary Svcs	50.80
SD State Bar	Memberships	12,695.00
SD State's Attorneys	Memberships	2,250.00
SDN Comms	Data Comms	627.48
SDN Comms	Telephone	1,468.80
Sioux Equip	Gas Oil & Diesel	687.43
Sioux Falls City	Misc Exp	883.00
Sioux Falls City	Professional Svcs	85,702.00
Sioux Falls City	Welfare Utilities	618.05
Sioux Falls Rubber	Office Sup	100.50
Sioux Valley Energy	Electricity	376.48
Sioux Valley Energy	Tea-Ellis Range	165.19
Southeastern Behav	Drug Court	5,000.00
St Francis House	Professional Svcs	8.64
Stan Houston Equip	Sign Supply Inventory	312.99
Staples	COVID Exp	532.87
State of SD	Amts Held Daily Scram	2,834.00
State of SD	Amts Held Remote Breath	770.00
State of SD	Bulletin Board Svc	175.84
State of SD	Fingerprint/Tax	278.46
State of SD	Memberships	75.00
State of SD	Misc Revenue	156.39
State of SD	Misc Exp	87.00
State of SD	Mug Shots	0.98
State of SD	Notary Exp	30.00
State of SD	Other Sup	270.00
State of SD	Store Sales	153.45
State of SD	Telephone	29.25
Steven W Bott	Sign Deposits	50.00
Strange Farrell John	Attorney Fees	3,515.94
Streichers	Uniform Allowance	1,338.54
Summit Fire Protect	Safety & Rescue Equip	89.10
Summit Food Svc	Board Of Prisoners Meals	68,769.66
Summit Food Svc	Child Care Food	690.77
Summit Food Svc	Inmate Sup	207.88
Summit Food Svc	School Lunch Program	1,122.99
Sumption & Wyland	Education & Training	350.00
Swingen Construction	Contracted Construction	14,479.93
Taylor, Randy	Welfare Rent	500.00
TCN	Telephone	2.41
Terveen Manufactured	Welfare Rent	230.00
The Mighty Bowtones	Program Activities	380.00
Thomson Reuters	Subscriptions	255.98
Three In One	Professional Svcs	3,120.00
Total Till & Seed	Road Maint & Material	800.00
Tri State Nursing	Professional Svcs	2,698.94
Tschetter & Adams	Attorney Fees	1,938.14
Two Way Solutions	Comm Equip Repair	503.48
Tzadik Sioux Falls P	One Sioux Falls Shelter	1,820.77
US Foods	Other Sup	22.88
US Foods	Professional Svcs	504.56
USPS	Postage	500.00
VB Falls Park Apts	Welfare Rent	700.00
Ver Beek, Kelsey	Attorney Fees	175.11
Wall Lake Sanitary D	Water - Sewer	90.00
Weinstein, Daniel B	Attorney Fees	630.50
Wheelco	Truck Repairs & Maint	20.49
Williamsburg	One Sioux Falls Shelter	1,390.00
Windsor Heights Apt	One Sioux Falls Shelter	645.00
Xcel Energy	Electricity	2,878.45

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Xcel Energy	One Sioux Falls-Shelter	390.50
Xcel Energy	Welfare Utilities	213.00
Yankton County	Return Of Svc	100.00

REPORTS

The December 2020 Highway Department Construction Project Monthly Report, the Minnehaha County Auditor's Account with the County Treasurer as of August 31, 2020, and the Minnehaha County Auditor's Account with the County Treasurer as of September 30, 2020, were received and placed on file in the Auditor's Office.

Auditor's Account with the County Treasurer as of August 31, 2020:

Total on deposit in banks, in interest bearing, open accounts:

1st National Bank	\$25,148,520.81
US Bank (Cash with Trustee)	\$2,559,853.74
Total C.D. and Money Market Savings	\$13,000,000.00
Total Actual Cash	\$28,080.00
TOTAL CASH ON HAND	\$40,736,454.55
TOTAL MUNIS CASH BALANCE	\$40,736,238.71
unreconciled difference	\$215.84
Total of Checks and Drafts which have been in the Treasurer's possession over 3 days	\$31,013.45

Auditor's Account with the County Treasurer as of September 30, 2020:

Total on deposit in banks, in interest bearing, open accounts:

1st National Bank	\$25,405,338.04
US Bank (Cash with Trustee)	\$2,416,691.65
Total C.D. and Money Market Savings	\$13,000,000.00
Total Actual Cash	\$28,080.00
TOTAL CASH ON HAND	\$40,850,109.69
TOTAL MUNIS CASH BALANCE	\$40,849,816.69
unreconciled difference	\$293.00
Total of Checks and Drafts which have been in the Treasurer's possession over 3 days	\$29,744.45

PERSONNEL

MOTION by Beninga, seconded by Heiberger, to approve the following personnel changes. By roll call vote: 5 ayes.

New Hires

1. Paige Harkema, variable hour Juvenile Correctional Worker for the Juvenile Detention Center, at \$15.25/hour effective 12/2/2020.

Step Increases

1. Seth Hodges, Sergeant for the Sheriff's Office, at \$30.36/hour (20/5) effective 12/14/2020.
2. Kyle Neu, Deputy Sheriff for the Sheriff's Office, at \$24.31/hour (17/2) effective 11/9/2020.
3. Michael Walsh, Captain for the Sheriff's Office, at \$3,788.00/bi-weekly (23/11) effective 11/14/2020.
4. Michael Brenden, Certified Civil Process Server for the Sheriff's Office, at \$29.61/hour (14/16) effective 12/14/2020.

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5. Justin Lammer, Deputy Sheriff for the Sheriff's Office, at \$25.54/hour (17/4) effective 11/13/2020.
6. Ellen Boesel, Accountant for the Treasurer's Office, at \$23.71/hour (16/3) effective 12/14/2020.
7. Henry Trumble, Operations Manager for the Highway Department, at \$2,681.60/bi-weekly (20/9) effective 12/3/2020.
8. Victoria Reker, Senior Deputy Public Advocate for the Public Advocate's Office, at \$3,348.00/Biweekly (22/10) effective 12/1/2020.
9. Grant Edgecomb, Custodian for the Museum, at \$18.07/hour (6/12) effective 11/30/2020.
10. Tamara Holl, Office Manager for the State's Attorney's Office, at \$23.14/hour (14/6) effective 4/23/2020.
11. Brooke Goodale, Senior Deputy State's Attorney for the State's Attorney's Office, at \$2,887.20/Biweekly (22/4) effective 10/9/2020.
12. Wade Hanson, Corporal for the Jail, at \$34.34/hour (17/16) effective 12/6/2020.
13. Shayla Abbas, Nhan Tu, Alec Szczawinski, and Andrew Moat Correctional Officer for the Jail, at \$19.95/hour (13/2) effective 12/14/2020.
14. Kasara Goldhorn, Jesus Chagolla, Austin Pickering, and Kimberly Berry Correctional Officer for the Jail, at \$20.46/hour (13/3) effective 12/14/2020.
15. Joseph Schatz, Sergeant for the Jail, at \$34.34/hour (20/10) effective 11/26/2020.
16. Scott Hacking, Corporal for the Jail, at \$31.12/hour (17/12) effective 9/21/2020.
17. Regina Tusken, Correctional Systems Operator for the Jail, at \$18.07/hour (10/4) effective 8/24/2020.
18. CareyJo Deaver, Human Resources Director for Human Resources, at \$4,615.20/biweekly (24/15) effective 9/15/2020.

Other

1. To correct the hire date of Najib Mohamud, variable hour Correctional Officer for the Jail, from 11/30/2020 to 12/1/2020.
2. To rescind the action of hiring Matthew Johnson as a variable hour Correctional Officer for the Jail on 11/30/2020.

Special Personnel Action

Upon the request of Carey Deaver, Human Resources Director, MOTION by Beninga, seconded by Heiberger, to approve a temporary additional duty salary adjustment for Kim Adamson, Finance and Budget Officer, for the Auditor's Office, effective 11/30/2020 through 12/31/2020, resulting in an initial hourly rate of \$52.27/hour. By roll call vote: 5 ayes.

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ELECTED OFFICIAL SALARY

Carey Deaver, Human Resources Director, gave a briefing on elected official salary history and requested direction from the Commission for future action on December 15, 2020. An elected official salary history, a comparison of department head salaries, and an elected official market summary and assistant department head salary comparison were provided. Commissioners offered recommendations including the following: a 5% increase for both the Register of Deeds and the Sheriff, an increase for the State's Attorney position to \$137,000, start the newly elected Treasurer at the base salary, and set the newly appointed Auditor at \$114,400. Adjustments will need to be made to ensure the salaries are evenly divisible by the number of pay periods.

PUBLIC COMMENT

Terry Denniston, 47573 255th Street, Renner, brought forward nuisance concerns regarding the location of a horse manure pile on his neighbor's property and the handling of the nuisance by the Planning & Zoning Department.

VEHICLE REPLACEMENT

Chris Lilla, Director of Equalization, requested approval for the use of surplus funds from the 2020 budget to replace a 2003 Chevy truck. The truck was acquired from the Highway Department in September 2014 and was used until October 2020. There are mechanical and safety concerns regarding the truck such as a hole in the driver's side floor board under the mat, the overheating of the engine, and the need for new tires. A replacement vehicle would be purchased through the State bid process if approved. MOTION by Beninga, seconded by Barth, to approve the use of surplus funds from the Equalization Department's 2020 Budget to replace a 2003 Chevy truck. By roll call vote: 5 ayes.

AGREEMENTS

DJ Buthe, Highway Superintendent, via Zoom Teleconference, presented two Bridge Replacement Funding Agreements between Minnehaha County and the South Dakota Department of Transportation. One agreement for Structure 50-290-131 and the other for Structure 50-208-130. The County was awarded Federal funding for the replacement of the structures. The estimated cost for design and construction according to the State is \$445,000.00 for each structure. The Federal funding covers 81.95% of eligible costs with the County being responsible for 18.05% in addition to ineligible items. Ineligible items include, but are not limited to, right-of-way costs, utility relocations, roadway surfacing, fencing, offsite mitigation, and monitoring costs. State funds will be utilized by the State for 18.05% of preliminary design costs.

MOTION by Heiberger, seconded by Barth, to authorize the Vice Chair to sign the Bridge Replacement Funding Agreement between Minnehaha County and the State of South Dakota Department of Transportation for the replacement of Structure 50-290-131, County Highway Project Number MC21-03, State Project Number BRO 8050(83) PCN 085L. By roll call vote: 5 ayes.

MOTION by Barth, seconded by Heiberger, to authorize the Vice Chair to sign the Bridge Replacement Funding Agreement between Minnehaha County and the State of South Dakota Department of Transportation for the replacement of Structure 50-208-130, County Highway Project Number MC21-04, State Project Number BRO 8050(82) PCN 085K. By roll call vote: 5 ayes.

RESOLUTIONS

DJ Buthe, Highway Superintendent, via Zoom Teleconference, presented a resolution to revise Resolution MC12-73 and to establish new fees for Highway Access Permits. The fees for temporary access, farm field approach, and residential access would each increase by \$5.00. The fee for commercial/industrial access would increase by \$25.00. The number of access permits processed has increased from 14 in 2012 to 23 in 2020. MOTION by

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Heiberger, seconded by Beninga, to approve Resolution MC20-74, a resolution revising MC12-73 and establishing new fees for Highway Access Permits. By roll call vote: 5 ayes.

MC20-74
RESOLUTION REVISING MC12-73
ESTABLISHING NEW FEES FOR
HIGHWAY ACCESS PERMITS

WHEREAS, the Minnehaha County Highway Department currently administers Highway Access Permits to the public at specified fees according to Resolution MC12-73; and

WHEREAS Resolution MC12-73 established fees for Temporary, Farm Field, Residential, and Commercial and Industrial accesses and approaches as administered through the Minnehaha County Highway Department; and

WHEREAS, the Minnehaha County Board of Commissioners finds it necessary to periodically adjust fees to keep pace with rising costs for these services;

NOW THEREFORE BE IT RESOLVED by the Minnehaha County Board of Commissioners that the Minnehaha County Highway Department is hereby authorized to charge the following fees:

Temporary Access Permit	\$ 25.00 per access
Farm Field Access Permit	\$ 55.00 per access
Residential Access Permit	\$ 80.00 per access
Commercial/Industrial Access Permit	\$175.00 per access
Improve Existing Access Permit	\$ 25.00 per access

All fees collected shall be deposited into the County Highway and Bridge Fund.

Approved this 8th day of December, 2020.

APPROVED BY THE COMMISSION:
Dean Karsky
Vice Chairman

ATTEST: Bob Litz, Auditor
Olivia Larson
Deputy Auditor

DJ Buthe, Highway Superintendent, via Zoom Teleconference, presented a resolution to revise MC15-49 and to revise the promulgation of criteria, rules, and forms for permitting utilities within the jurisdiction of Minnehaha County. Ordinance MC47-15, the Minnehaha County Highway Utility Crossing Ordinance, authorizes the issuance of permits for utilities crossing highways under the jurisdiction of the County. Resolution MC15-49 set the fee schedule through the implementation of the “Accommodation of Utilities on County Highways Right-Of-Way” guidebook. The proposed resolution would implement a revised guidebook. Two areas of note that have been updated include the fee schedule and the language regarding non-compliance. MOTION by Bender, seconded by Heiberger, to approve Resolution MC20-75, a resolution revising MC15-49 and Revising the Promulgation of Criteria, Rules, and Forms for Permitting Utilities within Minnehaha County Jurisdiction. By roll call vote: 5 ayes.

MC20-75
RESOLUTION REVISING MC#15-49
Revising the Promulgation of Criteria, Rules, and Forms for Permitting Utilities within Minnehaha County
Jurisdiction

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WHEREAS, it is in the best interest of the County to develop and preserve safe highway operations and roadsides by assuring that standard guidelines and permitting processes for utility facility crossings of Minnehaha County highways be put in place; and,

WHEREAS, Minnehaha County Ordinance MC#47-15, permits the Minnehaha County Highway Superintendent to promulgate criteria, rules, forms, and the ability to assess fees for the permitting of utility facilities crossing highways under his jurisdiction within Minnehaha County; and,

WHEREAS, said criteria, rules, forms, and fees are established by Resolution MC#15-49, which incorporates an attached document, "ACCOMODATION OF UTILITIES ON COUNTY HIGHWAY RIGHT-OF-WAY" and its appendices; and,

WHEREAS, said document needs to be updated from time to time to keep pace with industry standards and other evolving needs, including amending the fee structure, now,

THEREFORE BE IT RESOLVED, by the Minnehaha County Board of Commissioners, that the revised and reissued attached document, "ACCOMODATION OF UTILITIES ON COUNTY HIGHWAY RIGHT-OF-WAY", dated January 2021, including its appendices, be adopted as the enforceable criteria, rules, forms, and fee structure for highway utility crossings pursuant to Minnehaha County Ordinance MC#14-15, Section 2, and such provisions not inconsistent with the provisions of the Ordinance shall have the same force and effect of the provisions of the Ordinance.

All fees collected shall be deposited into the County Highway and Bridge Fund.

Approved this 8th day of December, 2020.

APPROVED BY THE COMMISSION:
Dean Karsky
Dean Karsky, Vice Chairman

ATTEST: Bob Litz, Auditor
Olivia Larson
Deputy Auditor

Olivia Larson, Deputy Auditor, presented two resolutions regarding special event alcohol beverage licensing. The first resolution is new and would address the issuance of consume and blend special event licenses. The consume and blend license allows for the consumption, but not the sale, of alcoholic beverages. The proposed resolution should reduce confusion brought forward by the public and provide a written document expressing the requirements associated with the application and issuance of a license. MOTION by Beninga, seconded by Heiberger, to approve Resolution MC20-76, A Resolution Establishing The Rules For Regulating And Restricting The Issuance Of Consume And Blend Alcohol Beverage Licenses Pursuant To SDCL § 35-1-5.5. By roll call vote: 5 ayes.

RESOLUTION MC20-76
A RESOLUTION ESTABLISHING THE RULES FOR REGULATING AND RESTRICTING THE ISSUANCE OF CONSUME AND BLEND ALCOHOL BEVERAGE LICENSES PURSUANT TO SDCL § 35-1-5.5

WHEREAS, SDCL 35-1-5.5 provides that the County Board of Commissioners may permit the consumption, but not the sale, of any alcoholic beverage on property owned by the public or by a nonprofit corporation within the unincorporated portions of the County;

NOW, THEREFORE, BE IT RESOLVED, by the Minnehaha County Board of Commissioners as follows:

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1. Consume & Blend Licenses may be issued by the Minnehaha County Board of Commissioners through a majority vote at a regularly scheduled Commission Meeting;
2. Any person interested in a Consume & Blend License must submit an application to the Minnehaha County Auditor's Office as the facilitator of alcohol beverage licenses for the County;
3. Any license issued pursuant to this resolution shall be issued for no longer than twenty-four (24) hours. Additionally, the hours authorized for consumption may not exceed those permitted for on-sale licenses.
4. Any license issued pursuant to this resolution shall be issued only to the specific person and for the specific location contained within the application.
5. Any license issued pursuant to this resolution is limited to property owned by the public or by a nonprofit corporation.

EFFECTIVE DATE: 01/01/2021

Passed, adopted, and approved by the Minnehaha County Board of Commissioners on this 8th day of December, 2020.

BY:

Dean Karsky
Commission Vice Chair

ATTEST:

Olivia Larson, Deputy
County Auditor

The second resolution would replace Resolution MC17-16 and apply to special event alcohol beverage licenses that allow for the sale of alcoholic beverages. The proposed resolution addresses the following: references to applicable State statute, concerns regarding the ability to rescind an issued license, concerns regarding the effect of a cancelled event on a licensee's total number of allowable licenses in a calendar year, and the issuance of a license for qualifying entities that have received donations of alcoholic beverages for the purpose of fundraising. Commissioner Beninga directed staff to require proof of IRS non-profit status on applications where the applicant is applying under sections (5)-(7) of the resolution. MOTION by Beninga, seconded by Heiberger, to approve Resolution MC20-77, a Resolution Amending The Rules For Regulating And Restricting The Issuance Of Special Event Alcohol Beverage Licenses Pursuant To SDCL § 35-4-124/35-4-125. By roll call vote: 5 ayes.

RESOLUTION MC20-77

A RESOLUTION AMENDING THE RULES FOR REGULATING AND RESTRICTING THE ISSUANCE OF SPECIAL EVENT ALCOHOL BEVERAGE LICENSES PURSUANT TO SDCL § 35- 4-124/35-4-125

WHEREAS, pursuant to SDCL § 35-4-124, the Minnehaha County Board of Commissioners, shall establish rules for regulating and restricting the issuance of special licenses for temporary malt beverage, temporary wine, and temporary liquor licenses;

WHEREAS, Minnehaha County Resolution MC17-16, A Resolution Establishing License Limits And Costs For Temporary Malt Beverage License And Temporary Liquor Licenses SDCL § 35-4-124/35-4-125 became effective on June 7, 2017, and;

NOW, THEREFORE, BE IT RESOLVED by the Minnehaha County Board of Commissioners that MC17-16 be repealed and that the following take its place to regulate and restrict the sale of alcoholic

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beverages at special events held within Minnehaha County:

- (1) A temporary special malt beverage retailers license may be issued in conjunction with a special event within the County to any civic, charitable, educational, fraternal, or veterans organization or any licensee licensed pursuant to SDCL § 35-4-111 or § 35-4-2(4), (6), or (16) in addition to any other licenses held by the special events license applicant;
- (2) A temporary special on-sale wine retailers license may be issued in conjunction with a special event within the County to any civic, charitable, educational, fraternal, or veterans organization or any licensee licensed pursuant to SDCL § 35-4-111 or § 35-4-2(4), (6), or (12) or any farm winery licensee in addition to any other licenses held by the special events license applicant;
- (3) A temporary special on-sale license may be issued in conjunction with a special event within the County to any civic, charitable, educational, fraternal, or veterans organization or any licensee licensed pursuant to SDCL § 35-4-111 or § 35-4-2(4) or (6) in addition to any other licenses held by the special events license applicant;
- (4) A temporary special off-sale package wine dealers license may be issued in conjunction with a special event within the County to any civic, charitable, educational, fraternal, or veterans organization or any licensee licensed pursuant to SDCL § 35-4-2(3), (5), or (12) or any farm winery licensee in addition to any other licenses held by the special events license applicant. A special off-sale package wine dealers licensee may only sell wine manufactured by a farm winery licensee;
- (5) A temporary special off-sale package wine dealers license may be issued in conjunction with a special event, conducted pursuant to SDCL § 35-4-124.1, within the County to any civic, charitable, educational, fraternal, or veterans organization;
- (6) A temporary special off-sale package malt beverage dealers license may be issued in conjunction with a special event, conducted pursuant to SDCL § 35-4-124.1, within the County to any civic, charitable, educational, fraternal, or veterans organization; or
- (7) A temporary special off-sale package dealers license may be issued in conjunction with a special event, conducted pursuant to SDCL § 35-4-124.1, within the County to any civic, charitable, educational, fraternal, or veterans organization.
- (8) Any license issued pursuant to this Resolution may be issued for no longer than fifteen (15) consecutive days.
- (9) The maximum number of licenses that may be issued pursuant to this Resolution to any person, organization, or entity within any calendar year is fifteen (15).
- (10) If an event is cancelled, rendering the issued license unnecessary, the licensee shall provide written verification of cancellation to the County Auditor's Office, from the event host, in order to ensure the cancelled event does not count against the entity's maximum number of licenses that may be issued within that calendar year.
- (11) Any license issued pursuant to this resolution shall be issued only to the specific person, organization, or entity and for the specific location specified on the application.
- (12) The fees for licenses issued pursuant to this Resolution shall be as follows:
 - A temporary special malt beverage retailer's license \$25.00 per day.
 - A temporary special on-sale wine retailer's license \$25.00 per day.

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A temporary special on-sale license may be issued \$50.00 per day
A temporary special off-sale package wine dealers license \$25.00 per day.

(13) A \$50.00 publishing fee for each application shall be required.

(14) Any application brought pursuant to this Resolution shall be accompanied by the license fee and publishing fee at the time of submission to the County Auditor’s Office. The fees for licenses issued pursuant to this Resolution shall be placed in the County’s general fund.

(15) Temporary licenses issued pursuant to this Resolution may allow the sale of alcoholic beverages on public property or property owned by a nonprofit corporation during a special event.

(16) Any license issued pursuant to this Resolution may be rescinded by official Commission action should the licensee, or any employees or agents acting on behalf of the licensee, violate any County ordinance or State law related to the sale or furnishing of alcoholic beverages found within Title 35.

EFFECTIVE DATE: 01/01/2021

Passed, adopted, and approved by the Minnehaha County Board of Commissioners on this 8th day of December, 2020.

BY:

Dean Karsky
Commission Vice Chair

ATTEST:

Olivia Larson, Deputy
County Auditor

Carol Muller, Commission Administrative Officer, presented a resolution to insert covenant language into the gravel pit warranty deed. The County Gravel Pit was previously declared as surplus for the purposes of sale by auction. County owned property adjacent to the gravel pit is used as the law enforcement shooting range. To ensure the sale of the gravel pit does not hinder the operation of the shooting range, the State’s Attorney’s Office drafted language to be inserted into the warranty deed as a covenant. MOTION by Heiberger, seconded by Beninga, to approve Resolution MC20-78, a resolution Conveying County-Owned Property Subject to a Covenant in the Warranty Deed. By roll call vote: 5 ayes.

RESOLUTION MC20-78
Conveying County-Owned Property Subject to a Covenant in the Warranty Deed

WHEREAS, on November 17, 2020, the Minnehaha County Commission declared the Minnehaha County Gravel Pit, Record No. 93053, located at 46686 – 263rd St., Ellis, South Dakota, as surplus and approved the sale of said real property at auction; and

WHEREAS, Minnehaha County intends to sell the above-referenced parcel; and,

WHEREAS, Minnehaha County will retain ownership of land adjacent to the surplus parcel, upon which adjacent land the Sheriff operates a gun-shooting range for law enforcement training purposes; and,

WHEREAS, Minnehaha County has in interest in continuing gun-shooting range operations at that site for law enforcement training; and,

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WHEREAS, the County Commission has determined that to maintain uninterrupted gun-shooting range operations after the sale of the County Gravel Pit parcel, No. 93053, said parcel should be conveyed subject to a certain covenant, exceptions, reservations, restrictions, or limitations; and

NOW THEREFORE BE IT RESOLVED, that the following covenant be inserted into the Warranty Deed for County-owned property commonly referred to as the unmined County gravel pit with the legal description of TRACT 1 SIERRA ADDITION SE1/4 SE1/4 06 101 50 WAYNE TOWNSHIP 101-50 WEST of the 5th P.M., MINNEHAHA COUNTY, SOUTH DAKOTA, ACCORDING TO THE RECORDED PLAT THEREOF:

Provided always that this grant is made subject to the covenant, exceptions, reservations, restrictions, or limitations herein specified, to-wit:

Grantor owns adjacent property legally described as the E1/2 SE1/4 (EX TR 1 SIERRA ADDN) & NW1/4 SE1/4, 6-101-50, including CNW-RR-ROW located in the NW 1/4 SE 1/4, 6-101-50, Minnehaha County, SD;

Grantor uses a portion of said property for the purpose of a gun shooting range and will maintain said use;

Grantee, its heirs, successors, agents and assigns are hereby notified that the property being conveyed to Grantee is near a functional gun shooting range. Grantee, its heirs, successors, agents, and assigns may be subject to inconvenience or discomfort. Discomforts and inconveniences may include, but are not limited to: noise, smoke, vibrations, and/or operation of machinery (including aircraft) during any twenty-four hour period. Grantee, its heirs, successors, agents, and assigns shall be prepared to accept such inconveniences or discomforts as a normal and necessary aspect of operating or living in the area;

Grantee, its heirs, successors, agents and assigns shall make no claim against the Grantor that the above described use of Grantor’s adjacent property interferes with the quiet use and enjoyment of Grantee, its heirs, successors, agents and assigns;

In the event of a breach of this Deed, the Grantor, its agents, successors or assigns shall be entitled to institute proceedings at law or in equity for relief from the consequences of said breach including but not limited to seeking injunctive relief. The prevailing party in any such action shall be awarded its costs and expenses, including reasonable attorneys’ fees, which shall be deemed to have accrued on the commencement of such action and shall be awarded whether or not such action is prosecuted to judgment.

Dated this 8th day of December, 2020.

APPROVED BY THE COMMISSION:
Dean Karsky
Vice Chairman

ATTEST:
Olivia Larson
Deputy Auditor

LIAISON REPORT

Commissioner Bender reported on an Administration & Extension Building Remodel meeting held with the architects and discussed office standards.

Commissioner Barth reported on last week’s Museum Board Meeting where the following topics were discussed: the decrease in visitation at the Museum, the re-scheduling of a conference from 2020 to 2021, and the possible reduction of board meetings.

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Commissioner Heiberger reported on plans to attend a South Dakota Association of County Commissioners Board of Directors Meeting on December 9, 2020, where the year will be finalized and plans will begin for the next annual convention. Commissioner Karsky will also be in attendance.

Commissioner Karsky reported on last week's Board Meeting for Link (aka the Triage Center) where a contract was approved with Avera for the management of Link and a fifth board member was approved. Additionally, Smithfield has granted \$400,000 to Link.

MOTION by Beninga, seconded by Barth, to recess the Minnehaha County Commission Meeting at 10:01 a.m. By roll call vote: 5 ayes.

MOTION by Heiberger, seconded by Beninga, to reconvene the Minnehaha County Commission Meeting at 10:11 a.m. By roll call vote: 5 ayes.

MOTION by Heiberger, seconded by Beninga, to enter into Executive Session pursuant to SDCL 1-25-2 (1), (3) and (4). By roll call vote: 5 ayes.

MOTION by Heiberger, seconded by Beninga, to adjourn. By roll call vote: 5 ayes.

The Commission adjourned until 9:00 a.m. on Tuesday December 15, 2020.

APPROVED BY THE COMMISSION:

Dean Karsky

Vice Chair

ATTEST:

Olivia Larson

Deputy Auditor