

07/17/2001

THE MINNEHAHA COUNTY COMMISSION CONVENE AT 9:00 A.M., July 17, 2001, pursuant to adjournment on July 10, 2001. Commissioners present were: Zweep, Kolbe, O'Connor, Twedt and Pekas. Also present were Jody Hilmo, Deputy Auditor, and Gary Colwill, Deputy State's Attorney.

Chairman Zweep called the meeting to order.

CONDITIONAL USE PERMIT APPEAL

Pat Herman, County Planner, was present for an appeal from petitioner Warren Lingbeck on a decision by the County and City of Dell Rapids Planning Commissions to deny a conditional use permit for an accessory building exceeding 1200 square feet (42'x60') on property legally described as Tract 1 of Hansen's Addition in the N1/2 SE1/4 of Section 8-T104N-R49W. The subject property is located on the west edge of Dell Rapids. Scott Fiegen, Dell Rapids Mayor, called the city council to order and stated that Dell Rapids recommends denial of the conditional use permit. Ms. Herman reviewed the Planning staff report which states accessory buildings larger than 1200' sq ft require a conditional use permit, that there is an existing 60'x42' accessory building on the site, that a second accessory building on this site would not represent the residential nature of the development, and that Planning staff recommended denial. Warren Lingbeck, petitioner, stated that he plans to use the building for storing antique tractors, which he restores. Commissioner Twedt stated that she wouldn't support approval of the conditional use based on the Planning staff's recommendation, the Dell Rapids and Minnehaha County Planning Commissions' decision, and as this would open the door for other property owners to do the same. Dave Sommerfeld, Dell Rapids Council member, voiced agreement with Commissioner Twedt's comments. There was no one else who wished to speak to this item. The Dell Rapids City Council unanimously passed a motion to deny the conditional use permit. MOTION by Twedt, seconded by O'Connor to approve Resolution MC01-37. Commissioner Pekas stated that he maintains his support of approving the conditional use permit, as he doesn't feel this will cause a flood of similar requests. VOTE on the motion: 4 ayes, Pekas nay.

RESOLUTION MC01-37

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Minnehaha County that an appeal was heard on the decision of the Minnehaha County and Dell Rapids Planning Commissions to deny a conditional use permit for an accessory building exceeding 1200 square feet on property legally described as Tract 1 of Hansen's Addition in the N1/2 SE1/4 of Section 8-T104N-R49W. The Board hereby upholds the Planning Commission decision to deny the conditional use permit.

Approved this 17th day of July, 2001.

BOARD OF COUNTY COMMISSIONERS  
James Zweep  
John Pekas  
Michael J. O'Connor  
Carol Twedt  
Robert Kolbe

ATTEST:  
Jody Hilmo  
Deputy Auditor

APPROVE MINUTES

MOTION by Pekas, seconded by O'Connor to approve the Minutes for July 10, 2001. 5 ayes.

VOUCHERS TO BE PAID

MOTION by Kolbe, seconded by Pekas to approve the following bills for payment. 5 ayes.

A & B BUSINESS EQUIP	VAR. DEPTS	145.00	ACE TOWING, INC	SHERIFF	350.76
AIRPORT ADVERTISING,	MUSEUM	220.00	AMERICAN LEGION CHOR	EMER MGMT	25.00
AMOCO OIL COMPANY	SHERIFF	69.90	ANIMAL MEDICAL CLINI	SHERIFF	84.24
ARGUS LEADER	VAR. DEPTS	444.90	ASHBURY APTS, LTD PA	SU OF POOR	300.00
AVERA MCKENNAN HOSPI	VAR. DEPTS	1,833.31	AXTELL APARTMENTS, L	SU OF POOR	308.00
BALFE, ANGELA	SHERIFF	15.01	BARNES & NOBLE BOOKS	MUSEUM	24.95
BATTERIES PLUS	SHERIFF	60.48	BAUER, DARYL L	SU OF POOR	154.00
BOB BARKER COMPANY,	CORRECTION	380.68	BRAITHWAITE, TACEY E	MENTAL ILL	420.00
BRANDON TRUE VALUE H	CNTY PARKS	87.46	BRATTON, CLYDE	MENTAL ILL	80.00
BRIDGEWOOD ESTATES I	SU OF POOR	425.00	BROOKSHIRE APTS / JO	SU OF POOR	395.00
BROWN & SAENGER	VAR. DEPTS	1,900.00	BUILDERS SUPPLY COMP	FACILITIES	20.00
BURNETTE, SARA L	MENTAL ILL	2,037.50	BUS SYSTEMS, INC.	SU OF POOR	636.00
BUTLER LAW OFFICE, P	COURT SYS.	3,895.00	C & R SUPPLY, INC.	WEED CONTR	50.54
CAMPBELL SUPPLY CO.,	MUSEUM	47.96	CARLSON, DON C	MENTAL ILL	90.00
CARROLL INSTITUTE	CONTRACT	225.00	CATERING BY MARLIN'S	CORRECTION	7,119.84
CENTER FOR FAMILY ME	SU OF POOR	1,800.00	CENTURY BUSINESS PRO	CORRECTION	92.32
CHEMCO, INC.	MUSEUM MTC	159.90	CHERRY TREE INVESTME	SU OF POOR	200.00
CHICK, GLENN E (AUT	FACILITIES	290.00	CHIEF SUPPLY CORPORA	METRO-911	380.88
CHRYSLER FINANCIAL	METRO-911	305.85	CLEARVIEW WINDSHIELD	SHERIFF	45.00

CLERK, U.S. DISTRICT	CORRECTION	100.00	CLEVELAND HEIGHTS AP	SU OF POOR	330.00
CLINICAL LABS OF THE	PUB. DEF.	74.94	COMMUNICATION SERVIC	VAR. DEPTS	300.00
CONNECTING POINT	VAR. DEPTS	1,206.40	CONSECO FINANCIAL SE	SU OF POOR	347.35
COUNTRY VIEW MOBILE	SU OF POOR	500.00	CREDIT BUREAU OF SF	SHERIFF	44.50
CUMBERLAND APTS. I	SU OF POOR	395.00	CURRY, TAMMY J	COURT SYS.	206.00
CYNTOM PROPERTY MANA	SU OF POOR	425.00	DAKOTA DENTAL/TIMOTH	CORRECTION	988.00
DAKOTA TPA	AUDITOR	283.25	DAVIDSON, JOHN Q	MENTAL ILL	330.00
DELUX MOTEL / DAKOTA	SU OF POOR	277.00	DEN HERDER, JACK	SU OF POOR	400.00
DIALNET	VAR. DEPTS	60.60	DIETRICH, DONNA K	MENTAL ILL	668.21
DRESBACH, STEVE	MENTAL ILL	211.50	DRIES, SCOTT	CORRECTION	13.15
DUNN, THERESA L	DIR. EQUAL.	125.57	DYKE, CONNIE S	MENTAL ILL	60.00
DYNAMIC GRAPHICS, IN	MUSEUM	24.00	EARSAY	PUB. DEF.	163.25
EAST PARK APTS / SYC	SU OF POOR	330.00	EKEREN, MARVIN R	MENTAL ILL	15.00
ELECTION SYSTEMS & S	ELEC AUDIT	6,437.25	ELIASON-THORESON MAN	SU OF POOR	330.00
ELMWOOD ESTATES / DO	SU OF POOR	1,335.00	ENGELGAU, ELAINE	COURT SYS.	39.00
EREPNBACH, JOHN E	MENTAL ILL	1,660.00	EUGENE BECKMAN & SON	WEED CONTR	35.17
FALK, ALEX	SU OF POOR	270.00	FAMILY DRUG	SU OF POOR	65.31
FAMILY SERVICE, INC.	HUMAN RES.	240.00	FLEET CAPITAL LEASIN	PUB. DEF.	173.45
FLUTH, RODNEY P	SU OF POOR	391.00	FLYNN, LEO T	COURT SYS.	12,164.05
FOX, YOUNGBERG & LEW	MENTAL ILL	329.29	G & H DISTRIBUTING,	FACILITIES	19.04
GARY'S GUN SHOP, INC	SHERIFF	50.00	GLASS PROS, INC	MUSEUM MTC	27.50
GOETZ & KLIMISCH	MENTAL ILL	225.75	GRAHAM TIRE CO. - DO	SHERIFF	500.21
GREAT PLAINS PSYCHOL	COURT SYS.	192.50	GUZMAN, SANDRA V	VAR. DEPTS	575.00
HAROLD'S PHOTO CENTE	EMER MGMT	40.89	HARRIS, MICHAEL J.	CORRECTION	13.00
HAUGAN, DR. DALE J	CORRECTION	160.20	HAUK, BERT	SU OF POOR	330.00
HEGG REALTORS	SU OF POOR	1,000.00	HERITAGE PLACE APTS	SU OF POOR	323.00
HOBBY LOBBY STORES,	MUSEUM	13.72	HOMAN, JOHN D	CORRECTION	67.98
HORTNESS, DOUGLAS B	SU OF POOR	237.00	HURTGEN, TIMOTHY T	SU OF POOR	244.00
HY-VEE FOOD STORES,	SU OF POOR	474.21	INTERSTATE OFFICE PR	VAR. DEPTS	728.86
J & K PROPERTIES / T	SU OF POOR	450.00	JACOBSEN, HARLAN	SU OF POOR	300.00
JERMELS	COURT SYS.	89.65	JIM & RON'S SERVICE,	VAR. DEPTS	232.50
KALLEMEYRN, RICHARD	DIR. EQUAL.	16.57	KENNEDY, RENEE S.	COURT SYS.	35.10
KENNELLY, DR. DANIEL	MENTAL ILL	3,980.00	KETTERING LAW OFFICE	MENTAL ILL	122.05
KITTELSON, JOAN M	MENTAL ILL	30.00	KMART #4041	JUV DET CN	18.39
KMART PHARMACY #7318	SU OF POOR	130.95	KOHL'S DEPARTMENT ST	JUV DET CN	64.98
KOOISTRA, NELVA	MENTAL ILL	45.00	LANDSCAPE GARDEN CEN	VAR. DEPTS	920.00
LAWN PRO, INC.	MUSEUM MTC	120.00	LAWRENCE RAGAN COMMU	MUSEUM	129.00
LCM PATHOLOGISTS, P.	CORONER	7,243.62	LEVERETT, JOHN D	FACILITIES	35.00
LEWIS DRUGS	VAR. DEPTS	16,020.92	LINWELD, INC.	FACILITIES	48.20
LOCKWOOD, RHONDA C	COURT SYS.	4,646.99	LUTHERAN SOCIAL SERV	VAR. DEPTS	100.00
LYLE SIGNS, INC	CNTY PARKS	76.00	MAILWAY PRINTERS	MUSEUM	1,352.10
MALLOY ELECTRIC BEAR	FACILITIES	310.48	MANATRON, INC.	DIR. EQUAL.	1,800.00
MATTHEW BENDER & CO.	SHERIFF	18.66	MAY, JOHNSON, DOYLE	COURT SYS.	1,144.00
MCGRATH, MICHAEL J,	PUB. DEF.	2,170.00	MCKINNEY, DR. KRIS D	SU OF POOR	48.90
MEADOWLAND APTS/SF L	SU OF POOR	357.00	MEDICAL X-RAY CENTER	VAR. DEPTS	378.99
MEHLHAFF, JANET M	FEMA FUND	400.00	MERSCO MEDICAL / EAS	SU OF POOR	1,082.50
METRO TAXI, INC.	SU OF POOR	5.22	MIDAMERICAN ENERGY C	VAR. DEPTS	2,504.52
MIDCONTINENT COMMUNI	CNTY EXTEN	39.10	MIDWEST OIL COMPANY	FACILITIES	59.00
MILSTEAD, MICHAEL W	SHERIFF	142.00	MINNEHAHA CNTY METRO	VAR. DEPTS	678.61
MITCHELL, LORRAINE	ST ATTY	10.00	MOEN, STEPHANIE L	MENTAL ILL	67.50
MYRL & ROY'S PAVING,	BUILD FUND	436,333.21	NACDL	PUB. DEF.	275.00
NAT'L ASSN. SCHOOL R	SHERIFF	425.00	NOVAK SANITARY SERVI	VAR. DEPTS	620.75
NYBERG'S ACE HARDWAR	MUSEUM	97.57	OMOT, OJULLU ALWAL &	CORRECTION	9,000.00
OPTOMETRIC CLINIC	SU OF POOR	194.44	ORTHOPEDIC INSTITUTE	SU OF POOR	200.20
OVERHEAD DOOR COMPAN	FACILITIES	9.60	PALMER, DAVID ALAN,	COURT SYS.	3,347.00
PAM OIL, INC.	EMER MGMT	10.04	PECHENY, HENRY	COURT SYS.	62.50
PETERS, SCOTT N, P.C	MENTAL ILL	2,506.01	PRAIRIE PUBLICATIONS	VAR. DEPTS	166.52
PRODATA COMPUTER SER	DATA PROC.	240.00	QWEST	VAR. DEPTS	6,436.45
QWEST !NTERPRISE NET	DATA PROC.	550.00	RADIO SHACK	EMER MGMT	40.98
RECORD KEEPERS, INC.	VAR. DEPTS	3,066.00	RELM PARTNERS, LLC	SU OF POOR	350.00
RIVER RUN APTS / SIO	SU OF POOR	425.00	ROBSON TRUE VALUE	VAR. DEPTS	18.24
ROLLING HILLS TOWNHO	VAR. DEPTS	778.00	ROOD, RUSSELL	ST ATTY	177.00
RUSS' PEST CONTROL,	EMER MGMT	42.00	SACRED HEART HOSPITA	SU OF POOR	974.38
SATTLER, LARRY A	SU OF POOR	425.00	SATURN OF SIOUX FALL	SHERIFF	108.00
SCHOENEMAN BROS. CO.	MUSEUM MTC	158.97	SD DEPT OF LABOR	CNTY INS	2,912.00
SELECT INN OF SIOUX	SU OF POOR	45.99	SERVALL TOWEL & LINE	MUSEUM MTC	30.50
SERVICEMASTER BUILDI	MUSEUM	2,006.00	SF CITY FINANCE	FACILITIES	869.94
SF CITY FINANCE - FU	VAR. DEPTS	6,764.67	SF DETOXIFICATION CE	SHERIFF	13,152.75
SF HUMANE SOCIETY	ANIMAL CON	3,049.00	SF TWO WAY RADIO SER	VAR. DEPTS	131.50
SHWANI, GHAZI	COURT SYS.	100.00	SIOUX EMPIRE FAIR AS	RECREATION	10,417.50
SIOUX EMPIRE FCU / V	SHERIFF	293.40	SIOUX EMPIRE FCU / V	SHERIFF	59.40

SIoux EMPIRE FCU / V	SHERIFF	575.00	SIoux EMPIRE FCU / V	SHERIFF	313.33
SIoux EMPIRE FCU / V	METRO-911	238.51	SIoux FALLS FORD, IN	SHERIFF	1,099.55
SIoux FALLS UTILITIE	VAR. DEPTS	550.97	SIoux VALLEY HOSPITA	SU OF POOR	8,913.22
SIoux VALLEY SW ELEC	SU OF POOR	138.02	SIoux VOCATIONAL SER	JUV DET CN	3,536.54
SMITH, TRACI M.	PUB. DEF.	45.10	SOMERSET PARTNERSHIP	SU OF POOR	660.00
SOO DELL MOBILE HOME	SU OF POOR	195.00	SPLITROCK TELECOM CO	METRO-911	158.98
STAN HOUSTON EQUIPME	MUSEUM	800.00	STATE STEEL OF SD	FACILITIES	185.65
SUPREME SALES COMPAN	CORRECTION	1,547.93	SURE TEST	VAR. DEPTS	53.00
T.D.S. AUTO REPAIR,	EMER MGMT	357.59	TALAVERA, ZOILA J	COURT SYS.	91.65
TALLY-HO APTS/AMERIC	SU OF POOR	845.00	TAYLOR, ROBERT H	SU OF POOR	330.00
THE LAW CLINIC PROF.	COURT SYS.	1,691.00	THE STOCK HOUSE, INC	DATA PROC.	391.78
THEOPHILUS, MATTHEW	ST ATTY	30.00	THURMAN, CREIGHTON A	MENTAL ILL	431.87
TIMBERLAND VILLAGE A	SU OF POOR	330.00	TOWERY PUBLISHING, I	MUSEUM	359.00
TRIANGLE PROPERTIES,	SU OF POOR	330.00	TRUGREEN-CHEMLAWN	EMER MGMT	31.00
TURNING POINT	JUV DET CN	1,750.00	UNION TELEPHONE COMP	SHERIFF	25.52
VALLEY WEST APARTMEN	SU OF POOR	425.00	VELVET UNIFORMS, INC	VAR. DEPTS	620.63
VENHUIZEN, BRETT D	COURT SYS.	1,172.00	VICK, KIM	JUV DET CN	44.08
WALGREENS PHARMACY #	SU OF POOR	173.34	WHEELCHAIR EXPRESS,	MENTAL ILL	205.00
XCEL ENERGY, INC.	SU OF POOR	3,571.79	YANKTON COUNTY SHERI	MENTAL ILL	115.50
YANKTON MEDICAL CLIN	SU OF POOR	104.20	2001 PHOSPHORUS,MANU	PLAN & ZON	25.00

REPORTS

The following reports were received and placed on file in the County Auditor's Office: Minnehaha County Constables Monthly Report, Melvin Dykstra, June 2001; Juvenile Detention Center Monthly Statistical Report, June 2001; Register of Deeds Official Statements of Marriage, Recording and Transfer Fees collected, all for June 2001; Auditor's Account with the County Treasurer, June 30, 2001.

AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER	
Total on Deposit in Banks, Interest Bearing, Open Accounts	\$ 2,564,306.97
Total on Deposit in Banks, CD and Savings	16,085,000.00
Total Amount of Actual Cash	9,594.94
Total Amount of Checks and Drafts Which Have Been in The Treasurer's Possession Over Three Days	1,205.06
Total	\$18,660,106.97

PERSONNEL

MOTION by O'Connor, seconded by Pekas to approve the following personnel changes. 5 ayes.

1. To accept the resignation of Nichole Oswald as Tax & License Clerk I for the Treasurer's Office effective 7-16-01.
2. To accept the resignation of Steven Redmond as Correctional Officer I for the Sheriff's Office (Jail) effective 7-12-01.
3. To adjust the hourly rate of pay for Richard Lahn, Parks Worker for the Parks Department to \$8.50 per hour effective 7-12-01.
4. To temporarily reassign Lori Walsh to part time Marketing Coordinator (25/1) for the Museum at \$12.3253 per hour effective 7-16-01 through 11-15-01.

Step increases:

1. Carrie Kemp--Communications Operator II--Metro--25/2 to 25/3 7-6-01--\$13.5578 per hour
2. Bernice Arendt--Office Assistant I--Highway--12/1 to 12/2 7-5-01--\$9.3883 per hour
3. Roy VanLiere--Highway Maintenance Worker--Highway--24/4 to 24/5 7-10-01--\$14.3094 per hour
4. James Hawkins--Building Superintendent II--JDC--27/3 to 27/4 7-16-01--\$14.8916 per hour
5. Kim Vick--Legal Office Assistant II--JDC--26/6 to 26/7 7-16-01--\$16.0444 per hour
6. Trini Gonzalez--Deputy Sheriff--Sheriff--34/1 to 34/2 7-8-01--\$16.1620 per hour

MOTION by O'Connor, seconded by Kolbe to implement a 15% increase in county and employee contributions to the group health plan, effective with the first payroll in August. 5 ayes. Human Resources Director Nora Buckman noted that informational meetings on the group health plan will be held this Thursday, July 19th.

NOTICES

The East Dakota Water Development District Board Meeting will be held July 19, 2001, at 10:00 a.m.

LIENS

MOTION by O'Connor, seconded by Twedt to compromise a lien (DPNO 5823) in the amount of \$1,014.19 in full upon payment of \$725.00 within 10 days on the recommendation of Hauge Associates. 5 ayes.

MALT BEVERAGE LICENSE TRANSFER

The scheduled public hearing was held for the transfer of the Retail (On-Off Sale) Malt Beverage License for DJ's Bar & Lounge from Patricia Kraft & Daniel Gruenig to DJ's Bar, Inc. The application has been reviewed by the Sheriff, Planning and State's Attorney's Offices and they had no objections to the approval of the license transfer. No one was present to speak in opposition. MOTION by Twedt, seconded by Kolbe to approve the Malt Beverage License transfer. 5 ayes.

VACATE PLAT

Dave Queal, Planning Director, was present for the scheduled Public Hearing to consider a petition to vacate a plat, and stated that the Planning Office has no objection to the vacation. There was no one present to speak in opposition. MOTION by Kolbe, seconded by Pekas to approve Resolution MC01-38. 5 ayes.

RESOLUTION MC01-38  
Vacation of Plat

Tract 1 of Zimmer's Addition in the NW1/4 NW1/4 of Section 28, Township 103 North, Range 52 West of the 5th Principal Meridian, Minnehaha County, South Dakota

WHEREAS, a petition has been filed by Lois E. Zimmer, the legal owner of Tract 1 of Zimmer's Addition in the NW1/4 NW1/4 of Section 28, Township 103 North, Range 52 West of the 5th Principal Meridian, Minnehaha County, South Dakota to vacate said plat, and

WHEREAS, a public hearing was conducted pursuant to SDCL 11-3-22.1, by the Minnehaha County Board of Commissioners, to consider vacating said plat.

NOW, THEREFORE, BE IT RESOLVED, by the Minnehaha County Board of Commissioners that the above described plat, recorded with the Minnehaha County Register of Deeds in Plat Book 59, Page 238, is hereby declared vacated pursuant to SDCL 11-3-23.1, and the County Auditor is directed to file a certified copy of this resolution in the office of the Register of Deeds.

Approved this 17th day of July, 2001.

BOARD OF COUNTY COMMISSIONERS  
James Zweep  
John Pekas  
Michael J. O'Connor  
Carol Twedt  
Robert Kolbe

ATTEST:  
Jody Hilmoe  
Deputy Auditor

VOTING PRECINCT REVISIONS

MOTION by Pekas, seconded by Kolbe to approve Resolution MC01-39. 5 ayes.

RESOLUTION MC01-39

WHEREAS, it is deemed advisable to make certain precinct boundary changes as part of the redistricting process in the city of Sioux Falls, and

WHEREAS, pursuant to SDCL 12-14-1 and 12-14-2, the County Commission may by resolution establish new voting precincts and make changes in precinct boundaries; now, therefore, be it

RESOLVED by the Minnehaha County Commission that the boundaries of precincts 3-6, 10-2, and 11-4 be adjusted, and that precinct 11-5 be created as follows:

Precinct 3-6 shall be bounded on the south by 57th Street from Cliff Avenue west to Western Avenue; thence north to the Big Sioux River, thence east to Cliff Avenue, thence south to 57th Street.

Precinct 10-2 shall be bounded on the east by Minnesota Avenue from 37th Street south to the Big Sioux River; thence west to Western Avenue, thence north to 37th Street, thence east to Minnesota Avenue.

Precinct 11-4 shall be bounded on the east by Sertoma Avenue, thence north to 32nd Street, thence east to Queens Avenue, thence north to 26th Street, thence west to the corporate limits, thence south to 41st Street, thence east to Sertoma Avenue.

Precinct 11-5 shall be bounded on the south by 26th Street from the corporate limits east to Coughran Court, thence north to Severn Lane, thence north to Skunk Creek; on the north by Skunk Creek thence west and north to 12th Street, thence west to the corporate limits, thence south to 26th Street.

Approved by the Minnehaha County Commission this 17th day of July, 2001.

ATTEST:	James Zweep
Jody Hilmoe	John Pekas
Deputy Auditor	Michael J. O'Connor
	Carol Twedt
	Robert Kolbe

BUDGET SUPPLEMENT

MOTION by O'Connor, seconded by Twedt to supplement the Elections budget \$30,149.76 plus \$407.75, representing reimbursement from the state and the Sioux Falls School District, respectively, for unanticipated expenditures for the April 10, 2001 Special Election, and to transfer \$3,056.30 from the Commissioners' Contingency to the Elections budget to cover the County's share of costs for that election. County Auditor Sue Roust commended Representative Hal Wick on getting legislation passed to allow the combined election on April 10th which saved the County approximately \$30,000. VOTE on the motion: 5 ayes.

ZONING HEARINGS

Dave Queal, Planning Director, was present for the second reading and scheduled public hearing of two amendments to the 1990 Revised Zoning Ordinance for Minnehaha County. The first would rezone from the West Lyons PD Planned Development District to the I-1 Light Industrial District property legally described as S1/2 NW1/4 SW1/4 lying south of West Lyons Addition & west of railroad and Willie's Addition to Lyons in the SW1/4, all in Section 17-T103N-R50W. The property was originally zoned under PD to allow for a combination of light industrial and residential uses, however the residential area was never developed as such and it was used for industrial purposes only. This was recommended for approval by the Planning Commission, and there was no one present to speak to this item. MOTION by O'Connor, seconded by Kolbe to approve Ordinance MC16-56-01. 5 ayes.

ORDINANCE MC16-56-01

AN ORDINANCE AMENDING ORDINANCE MC16-90 BY REZONING CERTAIN PROPERTY.

BE IT ORDAINED BY MINNEHAHA COUNTY, SOUTH DAKOTA:

That Ordinance MC16-90 be amended as follows:

S1/2 NW1/4 SW1/4 lying south of West Lyons Addition & west of railroad and Willie's Addition to Lyons in the SW1/4 of Section 17-T103N-R50W is hereby rezoned from West Lyons PD Planned Development to I-1 Light Industrial and the official zoning map referred to in Article 2.03(A) is amended to include the property in the I-1 Light Industrial District.

Approved this 17th day of July, 2001.

ATTEST:	BOARD OF COUNTY COMMISSIONERS
Jody Hilmoe	James Zweep
Deputy Auditor	John Pekas
	Michael J. O'Connor
	Carol Twedt
	Robert Kolbe

The second amendment would rezone from the A-1 Agricultural District and West Lyons PD Planned Development District to the I-1 Light Industrial District property legally described as S250' N383.5' lying west of railroad in the SW1/4 SW1/4 of Section 17-T103N-R50W to be platted as Lot 1 and Lot 2 of Central States Addition to Lyons. The property, located on the southwest edge of Lyons, is to be used for expansion of the Central States Fire Apparatus facility and relocation of the Lyons volunteer fire department. The Planning Commission recommended approval and there was no one present to speak to this item. MOTION by Pekas, seconded by Kolbe to approve Ordinance MC16-57-01. 5 ayes.

ORDINANCE MC16-57-01

AN ORDINANCE AMENDING ORDINANCE MC16-90 BY REZONING CERTAIN PROPERTY.

BE IT ORDAINED BY MINNEHAHA COUNTY, SOUTH DAKOTA:

That Ordinance MC16-90 be amended as follows:

S250' N383.5' lying west of railroad in the SW1/4 SW1/4 of Section 17-T103N-R50W to be platted as Lot 1 and Lot 2 of Central States Addition to Lyons is hereby rezoned from A-1 Agricultural and West Lyons PD Planned

Development to I-1 Light Industrial and the official zoning map referred to in Article 2.03(A) is amended to include the property in the I-1 Light Industrial District.

Approved this 17th day of July, 2001.

BOARD OF COUNTY COMMISSIONERS

James Zweep  
John Pekas  
Michael J. O'Connor  
Carol Twedt  
Robert Kolbe

ATTEST:

Jody Hilmoe  
Deputy Auditor

CONDITIONAL USE APPEALS

Dave Queal, Planning Director, was present for an appeal from petitioner Alan Amundson on a decision by the Planning Commission to deny a conditional use permit for the transfer of one residential building eligibility from the NW1/4 SE1/4 of Section 33-T104N-R51W to the SE1/4 SE1/4 of Section 33-T104N-R51W. The subject property is located 1.5 miles southwest of Colton, and Mr. Queal noted that Planning staff had originally recommended approval of the conditional use, however they were not aware that the livestock operation located to the east also has a feeding area directly to the south of the subject property. Lee Burggraff spoke on behalf of the petitioner, stating that there is a building eligibility in the 1/4 1/4 section immediately to the west of the site in question, however the proposed site is better suited for a residence. He also stated that people moving to rural residences are made well aware of their proximity to and the downfalls of being located adjacent to livestock operations. Doug Van Duyn, 46316 250th St., owns the livestock operation to the east of the site and spoke in opposition due to the hindrance this would be to the expansion potential of his operation. He noted that the subject property is located in the midst of four ag/livestock operations. He also voiced objection to the County Comprehensive Plan's reference to ag lands as "temporary" uses, just waiting to be developed. MOTION by Twedt, seconded by Kolbe to approve Resolution MC01-40. 5 ayes.

RESOLUTION MC01-40

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Minnehaha County that an appeal was heard on the decision of the Minnehaha County Planning Commission to deny a conditional use permit for the transfer of one residential building eligibility from the NW1/4 SE1/4 of Section 33-T104N-R51W to the SE1/4 SE1/4 of Section 33-T104N-R51W. The Board hereby upholds the Planning Commission decision to deny the conditional use permit.

Approved this 17th day of July, 2001.

BOARD OF COUNTY COMMISSIONERS

James Zweep  
John Pekas  
Michael J. O'Connor  
Carol Twedt  
Robert Kolbe

ATTEST:

Jody Hilmoe  
Deputy Auditor

Pat Herman, County Planner, was present for an appeal from petitioner Mike Grace on a decision by the Planning Commission to approve a conditional use permit to transfer four (4) residential building eligibilities from the E1/2 (Ex Ry & Ex Pt S & W H-1 & Ex Gates Add SE1/4 SE1/4 & Ex Gates Addn NE1/4 NE1/4 & Ex Gates 2nd Addn NE1/4 NE1/4 & Ex Leeschs Addn) of Section 18-T102N-R51W to the S1/2 SW1/4 of Section 17-T102N-R51W. The subject property is located 1 mile west of Hartford. The petitioner's appeal is against the fourth of four conditions placed on the permit, which specifies that no dwellings shall be allowed on the east 600' S1/2 SW1/4 of Section 17-T102N-R51W. Ms. Herman noted that Planning Staff recommended approval of the conditional use. Petitioner Mike Grace stated that he had no objections to the other conditions placed on the permit, but as the actual livestock operation is already approximately 2200' from the subject property, he asked that the additional 600' setback requirement be removed or reduced at least by half. Warren Luke, 46260 265th St., owns the livestock operation to the east of the site, and cited an incident 10-12 years ago by Wall Lake when their long-time ag operation became a nuisance to an influx of new rural residential neighbors, and expressed serious concerns that this number of residences this close to his livestock operation will eventually force him out of business. MOTION by O'Connor, seconded by Twedt to overrule the decision of the Planning Commission and approve Resolution MC01-41. 3 ayes, Pekas and Kolbe nay.

RESOLUTION MC01-41

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Minnehaha County that an appeal was heard on the decision of the Minnehaha County Planning Commission to approve a conditional use permit for the transfer of four (4) residential building eligibilities from the E1/2 (Ex Ry & ex Pt S & W H-1 & ex Gates Add SE1/4 SE1/4 & ex Gates Addn NE1/4 NE1/4 & ex Gates 2nd Addn NE1/4 NE1/4 & ex Leeschs Addn) of Section 18-T102N-R51W to the S1/2 SW1/4 of Section 17-T102N-R51W. The Board hereby overrules the Planning Commission decision and denies the conditional use permit.

Approved this 17th day of July, 2001.

BOARD OF COUNTY COMMISSIONERS

James Zweep  
John Pekas  
Michael J. O'Connor  
Carol Twedt  
Robert Kolbe

ATTEST:  
Jody Hilmoe  
Deputy Auditor

Pat Herman, County Planner, was present for an appeal on a decision by the Planning Commission to approve a conditional use permit for petitioners Dave and Karen Leisinger for a class one major home occupation (till, seed and guardrail business) on Tract 1 Grave Addition in the SW1/4 of the NW1/4 of Section 29-T101N-R51W. The subject property is located 1/2 mile southwest of Wall Lake. The Planning Department received a complaint in April, 2001 that a business was being operated on the subject property. Planning Staff originally suggested the owners apply for a class one major home occupation conditional use permit, but later questioned whether the business qualified for this designation. Staff determined this to be a commercial operation which exceeds the intent and scale of a Class 1 Major Home Occupation and, when the petitioners decided to proceed with this application, Planning staff recommended denial. The Planning Commission approved the permit which was then appealed. Within ten days of approval of the permit, and two visits to the site by Planning staff, it was determined there was a considerable amount of outside storage, and not all of this was farm equipment, which violated the conditions of the permit. Petitioners Dave and Karen Leisinger stated that they weren't aware of a deadline to relocate their outside storage, and that they have now secured a commercial site for storage of this property. They also stated that, when they began their business in 1999, they weren't aware that they needed a conditional use permit. Phil Risnes, 26643 461st Ave., and Harlan Boy, Wall Lake Township Board member, commented on what good neighbors the Leisingers are and supported approval of their permit. Ray and May Schaefer, 26671 461st Ave., spoke in opposition citing safety concerns due to limited site distance on the township road approaching the site. They highlighted the fact that trucks often stop and unload in the roadway, and displayed a picture of this activity, and also noted that the trucks have done damage to the roadway. They stated that this is a commercial business which should be located in a commercial district. They distributed a copy of a letter from bus driver Charlotte Holm, which described the delays and dangers that the truck unloading activity has caused in her bus route. The Commissioners agreed with the safety concerns expressed, and Commissioner Twedt agreed with Planning staff that this business does exceed the scale of a class one major home occupation. MOTION by Pekas, seconded by Kolbe to overrule the Planning Commission and approve Resolution MC01-42. Commissioner Pekas noted that the Planning Commission's approval can be attributed to the fact that no one spoke in opposition at their meeting and they didn't hear the safety issues raised at today's meeting. VOTE on the motion: 5 ayes. Planning Director Dave Queal stated that he will work with the Liesingers regarding discontinuing their business at this location.

RESOLUTION MC01-42

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Minnehaha County that an appeal was heard on the decision of the Minnehaha County Planning Commission to approve a conditional use permit for a class one major home occupation ( till, seed and guardrail business) on property legally described as Tract 1 Grave Addition in the SW1/4 of the NW1/4 of Section 29 -T101N-R51W. The Board hereby overrules the Planning Commission decision and denies the conditional use permit.

Approved this 17th day of July, 2001.

BOARD OF COUNTY COMMISSIONERS

James Zweep  
John Pekas  
Michael J. O'Connor  
Carol Twedt  
Robert Kolbe

ATTEST:  
Jody Hilmoe  
Deputy Auditor

NEW BUSINESS

Commissioner Kolbe introduced his mother who was in attendance at today's meeting.

Commissioner Twedt sought clarification from the other Commissioners regarding a letter sent to Southeastern Behavioral Healthcare dated June 14, 2001, as she was going to speak with them regarding their 2002 budget allocation.

MOTION by Pekas, seconded by O'Connor to adjourn into Executive Session. 5 ayes.

Following the Executive Session, the Commission adjourned until 9:00 a.m. on Tuesday, July 24, 2001.

Jody Hilmoe, Deputy Auditor