

08/21/2001

THE MINNEHAHA COUNTY COMMISSION CONVENE AT 9:00 A.M., August 21, 2001, pursuant to adjournment on August 14, 2001. Commissioners present were: Zweep, Kolbe, O'Connor, Twedt and Pekas. Also present were Jody Hilmoe, Deputy Auditor, and Gary Colwill, Deputy State's Attorney.

Chairman Zweep called the meeting to order.

#### REZONING HEARING

Pat Herman, County Planner, was present for the second reading and scheduled hearing on an amendment to the 1991 Extraterritorial Zoning Ordinance for Minnehaha County and the City of Dell Rapids which would rezone from the RR-5 Rural Residential District to the RR Residential District property legally described as Tract 4 of Buskerud Addition in Section 16-T104N-R49W. This property is located on the south edge of Dell Rapids, and both the Minnehaha County and Dell Rapids Planning Commissions recommended denial of the rezoning. Elbert "Duke" Testerman, Dell Rapids City Council President, was present along with Council Members Chad Hansen, Paul Gunn, Mike Kroger, David Sommerfeld and Kris Langer. Ms. Herman noted that the current zoning requires a minimum lot size of 5 acres and the requested zoning would require a minimum 1 acre lot size. While the petitioner requested the rezoning to allow one additional dwelling on the property, the rezoning would allow for 3 additional dwellings to be built. Access would be onto Highway 115 and the State does not wish any additional driveways along this stretch of highway. There was no one present who wished to address this item. MOTION by O'Connor, seconded by Kolbe to deny the rezoning request. 5 ayes. City of Dell Rapids concurred.

#### DELL RAPIDS COMPREHENSIVE PLAN

Pat Herman, County Planner, was present for the second reading and scheduled hearing to consider the adoption of the Dell Rapids Comprehensive Plan 2000-2020. As there is an existing extraterritorial zoning jurisdiction in the plan, the plan must be adopted by the City and the County. There was no one present who wished to address this item. MOTION by O'Connor, seconded by Kolbe to approve Resolution MC01-51. 5 ayes. City of Dell Rapids concurred.

#### RESOLUTION MC01-51

WHEREAS, comprehensive planning for the area beyond the City of Dell Rapids extending a distance not exceeding three miles from the municipal corporate limits has and continues to occur on a joint basis between the City and Minnehaha County, and;

WHEREAS, the Minnehaha County and Dell Rapids Planning Commissions are desirous of updating the current comprehensive plan and have recommended adoption of the Dell Rapids Comprehensive Plan 2000-2020 which shows the planning commissions recommendations for the physical development of the joint planning area identified as the extraterritorial jurisdiction on Maps 9 and 10 of the plan. The comprehensive plan includes goals, policies and a future land use map relating to such extraterritorial jurisdiction.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners hereby adopts the Dell Rapids Comprehensive Plan 2000-2020 as the official document to guide decisions on the future development of the extraterritorial jurisdiction.

Adopted this 21st day of August, 2001.

#### BOARD OF COUNTY COMMISSIONERS

James Zweep

Michael J. O'Connor

ATTEST:

Jody Hilmoe

Deputy Auditor

Carol Twedt

John Pekas

Robert Kolbe

#### APPROVE MINUTES

MOTION by Kolbe, seconded by Pekas to approve the Minutes for August 14, 2001. 5 ayes.

#### VOUCHERS TO BE PAID

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

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A & B BUSINESS EQUIP	VAR. DEPTS	80.00	AAMLID, SANDRA	CNTY EXTEN	271.43
AMOCO OIL COMPANY	VAR. DEPTS	284.44	ANACON LEASING, INC.	SHERIFF	351.80
ARDENT LEARNING CENT	DATA PROC.	1,345.50	ARGUS LEADER	VAR. DEPTS	73.20
ARNOLD MURRAY CONSTR	SU OF POOR	605.00	ASPAAS, NILS	COMMISSION	17.15
AVERA MCKENNAN HOSPI	VAR. DEPTS	10,465.94	BAZER, EDGAR J	SU OF POOR	425.00
BEST BUY CO., INC.	HIWAY ADMI	441.97	BRANDON LUMBER CO.,	CNTY PARKS	18.47
BRANDON TRUE VALUE H	CNTY PARKS	13.03	BRASNIC, BELMA	COURT SYS.	66.66
BROWN & SAENGER	VAR. DEPTS	214.57	BUCK'S MUFFLER SHOP	FACILITIES	79.00
BUHL'S TOWEL &/DUDLE	HIWAY CONS	18.37	BUREAU OF ADMINISTRA	VAR. DEPTS	1,009.73
CAMPBELL SUPPLY CO.,	VAR. DEPTS	412.43	CANFIELD BUSINESS IN	DATA PROC.	626.10
CATERING BY MARLIN'S	CORRECTION	6,736.35	CENTURY BUSINESS PRO	METRO-911	40.00
CHERRY TREE INVESTME	SU OF POOR	710.00	CLASSIC CLEANERS	SHERIFF	5.00
CLINICAL LABS OF THE	CORONER	1,206.35	COLTON LUMBER CO., I	HIWAY CONS	408.13
COMPAQ COMPUTER CORP	METRO-911	1,298.00	CONCRETE MATERIALS	HIWAY CONS	21,032.81
CONSTRUCTION PRODUCT	HIWAY CONS	311.48	CORTRUST BANK	VAR. DEPTS	207.80
COUNTRY VIEW MOBILE	SU OF POOR	245.00	D & B TUNE-UP	JUV DET CN	449.00
DAY-TIMERS, INC.	PLAN & ZON	43.97	DECISIONONE CORPORAT	DATA PROC.	1,122.00
DIALNET	VAR. DEPTS	668.47	DIAMOND VOGEL PAINT	HIWAY CONS	139.65
DREW, LEO D	CORRECTION	11.00	DRIES, SCOTT	CORRECTION	11.00
DTN CORPORATION	CNTY EXTEN	168.00	EASTERN FARMERS CO-O	WEED CONTR	5.00
ECONOFOODS PHARMACY	SU OF POOR	203.51	ELIASON-THORESON MAN	SU OF POOR	330.00
ELMWOOD ESTATES / DO	SU OF POOR	330.00	ENGELGAU, ELAINE	COURT SYS.	437.70
ERICKSON, ARTHUR O	COMMISSION	10.48	ESTATE OF CARRIE M.	INHER. TAX	130.56
EXIDE CORPORATION	HIWAY CONS	52.63	FAST CASH PAWN	SHERIFF	40.00
FYLER, BETTY	CNTY EXTEN	5.00	GALLS, INC.	METRO-911	75.00
GENZLINGER, JANEEN	COURT SYS.	975.60	GOBLE, JEFF	SHERIFF	55.00
GOEBEL PRINTING, INC	PUB. DEF.	15.00	GRAHAM TIRE CO. - DO	VAR. DEPTS	242.12
GREATAMERICA LEASING	PUB. ADV.	149.03	GRIMES, SHIRLEY	CNTY EXTEN	19.14
GUARANTEE ROOFING OF	BUILD FUND	3,750.00	GUZMAN, SANDRA V	VAR. DEPTS	145.83
HABITAT FOR HUMANITY	SU OF POOR	250.00	HANSEN, GORDON	SU OF POOR	100.00
HANSON, MICHAEL W	COURT SYS.	1,037.00	HAPPY REST MOTEL	SU OF POOR	100.00
HAROLD'S PHOTO CENTE	PUB. DEF.	4.99	HARRIS, MICHAEL J.	CORRECTION	22.00
HEIMDAL, MARIE ANN	COURT SYS.	144.00	HOBBY LOBBY STORES,	MUSEUM	7.15
HOEKSTRA, DENISE	COURT SYS.	67.50	HUEY APARTMENTS	SU OF POOR	262.00
HY-VEE FOOD STORES,	SU OF POOR	270.95	ICI DULUX PAINT CENT	SU OF POOR	595.80
INTERSTATE OFFICE PR	VAR. DEPTS	8,709.77	J.C. PENNEY COMPANY,	METRO-911	29.99
J.D.'S HOUSE OF TROP	JUV DET CN	128.22	JEBRO, INC	HIWAY CONS	562.44
JEFFERSON PARTNERS,	SU OF POOR	267.00	JOHNSON, JUDITH G	COMMISSION	18.00
JOHNSTONE SUPPLY	HIWAY CONS	206.48	KAPPEN, PHILIP	PLAN & ZON	22.50
LABOR RELATIONS INFO	SHERIFF	97.00	LACEY, NINA J.	SU OF POOR	425.00
LANGUAGE LINE SERVIC	METRO-911	440.00	LARSON, DEANNA	METRO-911	142.00
LEWIS DRUGS	VAR. DEPTS	133.28	LINCOLN COUNTY SHERI	ST ATTY	25.20
LINWELD, INC.	HIWAY CONS	182.73	LOES, DUTCH	COMMISSION	8.00
LUTHERAN SOCIAL SERV	PUB. ADV.	50.00	MALLOY ELECTRIC BEAR	FACILITIES	267.19
MATCO TOOLS	HIWAY CONS	111.05	MATTHEW BENDER & CO.	PUB. DEF.	496.58
MAY, JOHNSON, DOYLE	COURT SYS.	350.00	MCFADDIN-WARD HOUSE	MUSEUM	100.00
MCGRATH, MICHAEL J,	PUB. DEF.	2,295.00	MCLAUGHLIN CONCRETE,	HIWAY CONS	1,317.50
MEADOWLAND APTS/SF L	SU OF POOR	125.00	MEDICAL X-RAY CENTER	SU OF POOR	43.80
MENARDS	HIWAY CONS	629.25	MICHAELSON, SHIRLEY	SU OF POOR	230.00
MIDAMERICAN ENERGY C	VAR. DEPTS	551.77	MIDCONTINENT COMMUNI	CNTY EXTEN	44.00
MINNEHAHA CNTY METRO	SHERIFF	255.02	MINNEHAHA CNTY PUB D	PUB. DEF.	97.52

MINNEHAHA CNTY SHERI	SHERIFF	15.66	MINNEHAHA COUNTY TRE	VAR. DEPTS	10,000.00
MOBILE ELECTRONIC SE	HIWAY CONS	15.00	MOHRHAUSER, ROSEMARY	CNTY EXTEN	5.00
MORRISON, RAYMOND W	SU OF POOR	425.00	MULTI-CULTURAL CENTE	CNTY EXTEN	300.00
MURPHY, PATRICK M	SU OF POOR	35.96	N.A.M.I. OF SD	SU OF POOR	25.00
NATIONAL ACADEMY OF	METRO-911	350.00	NELSON, GARY	HIWAY CONS	201.36
OFFICE DEPOT, INC.	DATA PROC.	22.94	OFFICEMAX	VAR. DEPTS	603.28
OVERHEAD DOOR COMPAN	VAR. DEPTS	259.19	PARKER, BOBBI JO	ST ATTY	220.00
PETCO ANIMAL SUPPLIE	SHERIFF	39.48	PFEIFER IMPLEMENT CO	VAR. DEPTS	179.75
PHYSICIANS LABORATOR	SU OF POOR	20.18	PITNEY BOWES, INC	CNTY EXTEN	222.45
PRAIRIE PUBLICATIONS	COMMISSION	572.62	PRECISION DYNAMICS C	JUV DET CN	391.94
PRODATA COMPUTER SER	DATA PROC.	1,995.00	PROFILE EVALUATIONS,	METRO-911	1,250.00
PROSPECT HEIGHTS APT	SU OF POOR	155.00	QWEST	VAR. DEPTS	4,028.01
R & L SUPPLY, LTD	FACILITIES	35.45	RECORD KEEPERS, INC.	COURT SYS.	2,371.10
RICHARD-EWING EQUIPM	CORRECTION	174.25	RIDGEVIEW APTS., LTD	SU OF POOR	425.00
RINEHART PROPERTIES,	SU OF POOR	480.00	RIVER RIDGE APARTMEN	SU OF POOR	395.00
RIVER RUN APTS / SIO	SU OF POOR	425.00	ROBO STARTING & TOWI	CORRECTION	18.00
ROCKMOUNT RESEARCH &	HIWAY CONS	294.40	RON'S GARAGE, INC.	FACILITIES	236.49
RURAL METRO MEDICAL	CORRECTION	425.59	SANNER, MELANIE JO	DIR. EQUAL.	67.30
SATURN OF SIOUX FALL	SHERIFF	72.00	SCHEID, PAMELA M.	VAR. DEPTS	283.80
SD CONTINUING LEGAL	ST ATTY	500.00	SD COOPERATIVE EXTEN	CNTY EXTEN	9.48
SD NEWSPAPER ASSOCIA	COMMISSION	44.45	SEARS	FACILITIES	129.96
SF CITY FINANCE	VAR. DEPTS	135,241.32	SF CITY FINANCE - FU	VAR. DEPTS	3,146.68
SF DEVELOPMENT FOUND	URBAN DEV	5,000.00	SF HUMANE SOCIETY	ANIMAL CON	3,322.50
SF PAINT & GLASS	HIWAY CONS	317.76	SF TWO WAY RADIO SER	VAR. DEPTS	470.95
SHORT ELLIOTT HENDRI	BUILD FUND	6,738.57	SIGLER FIRE EQUIPMEN	HIWAY CONS	272.25
SIOUX EMPIRE FCU / V	SHERIFF	904.27	SIOUX FALLS FORD, IN	SHERIFF	302.98
SIOUX FALLS SCHOOL D	MUSEUM	4.90	SIOUX VALLEY SW ELEC	SU OF POOR	205.54
SIOUXLAND ORAL & MAX	SU OF POOR	149.86	SOMERSET PARTNERSHIP	SU OF POOR	330.00
SOUTHERN STEEL CO	FACILITIES	288.00	STERN OIL CO., INC.	HIWAY CONS	8,513.10
STINGER, CAROL J.	SU OF POOR	324.00	SUNSET STRIP PAWN, I	SHERIFF	45.00
T&W TIRE & RETREADIN	HIWAY CONS	28.30	TED TUFTY DODGE	HIWAY CONS	110.00
THESENVITZ & MICKELS	COURT SYS.	3,498.45	TILDEN, DENNIS D	SU OF POOR	287.50
TOWN PARK II APTS	SU OF POOR	200.00	TRANSCOM USA	HIWAY CONS	20.80
TRIPLE R INDUSTRIES,	SU OF POOR	350.00	TURNING POINT	JUV DET CN	1,475.00
TYNAN, DANIEL G., MD	SU OF POOR	5,269.81	UNITED PARCEL SERVIC	METRO-911	4.65
VALLEY WEST APARTMEN	SU OF POOR	425.00	VELVET UNIFORMS, INC	SHERIFF	104.80
WALL, KHADIJA M	COURT SYS.	50.00	WATKINS, JENNEIL I	HUMAN RES.	75.00
WEST PUBLISHING CORP	VAR. DEPTS	1,080.00	WEST SIOUX LIGHTING	HIWAY CONS	176.94
WHEELCHAIR EXPRESS,	SU OF POOR	110.00	WOLLACK & ASSOCIATES	CORRECTION	508.30
XCEL ENERGY, INC.	VAR. DEPTS	8,846.90	ZABEL STEEL CO.	HIWAY CONS	263.55

## REPORTS

The following reports were received and placed on file in the County Auditor's Office: Register of Deeds Official Statements of Marriage, Recording and Transfer Fees Collected, all for July 2001; National Institute of Corrections Technical Assistance Report for Minnehaha County Transition Plan for the Opening of a New Jail Facility; Minnehaha County Constables Monthly Report, Melvin Dykstra, July 2001.

## PERSONNEL

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

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1. To accept the resignation of Lisa Wolf as Juvenile Correctional Worker for the Juvenile Detention Center effective 7-30-01.
2. To accept the resignation of Steven Roberts as part time Air Guard Security Officer for the Sheriff's Office (Air Guard) effective 8-16-01.
3. To reinstate Terry Tomes as Deputy Sheriff(34/6) for the Sheriffs Office (Jail) at \$18.9327 per hour effective 8-17-01.
4. To extend the internship of Joshua Anhalt for the Data Processing Department at \$9.86 per hour to 12-31-01.
5. To hire Michelle Hulme as Tax & License Clerk I (12/2) for the Treasurer's Office at \$9.3883 per hour effective 8-27-01.

Step increases:

1. Staci Eggert--PT Deputy Sheriff--Sheriff--34/5 to 34/6 8-18-01--\$18.9327 per hour
2. Bernell Larson--Transport Officer--Sheriff--17/3 to 17/4 9-20-01--\$11.6334 per hour
3. Dale Lokke--PT Court Security Officer--Sheriff--21/3 to 21/4 8-6-01--\$12.8410 per hour
4. Eric Smith--Correctional Officer II--Sheriff (Jail)--25/1 to 25/2 8-5-01--\$12.9416 per hour

NOTICES

Notice was received that the State Historical Society will hold a meeting on September 7, 2001, at 8:30 a.m. at the Cultural Heritage Center in Pierre, SD, to consider the nomination of the following property to the National Register of Historic Places: Berg and Estensen Store, 110 Zeliff Ave, Sherman, SD.

The Commission acknowledged receipt of a notice from Angel Dreams that they will hold a benefit auction on September 15, 2001 at 1:00 p.m. at the Frontier Village Truck Stop.

LIENS

Commissioner O'Connor, County Aid Lien Liaison, explained that the wife of a lienee (DPNO 22487) has requested that the lien be removed from her home so that she may proceed with refinancing. The home was purchased prior to her marriage and her husband's name is not on the deed. Mr. O'Connor stated that debts as well as assets are inherited when a person marries. MOTION by O'Connor, seconded by Kolbe to deny the request. Administrative Assistant Ken McFarland noted that the Commission approved a request from the petitioner, in May 2000, to remove her name from the lien upon payment of \$300, but she was fore warned at that time that the lien may still be noted against her real estate in the future as long as she is still married to the lienee. VOTE on the motion: 5 ayes.

MOTION by O'Connor, seconded by Pekas to release the lien (DPNO 34815) in the amount of \$4,958.14 in full upon payment of \$3,958.12 within 10 days on the recommendation of Hauge Associates. 5 ayes.

SUPPLEMENTAL BUDGET HEARING

Ken McFarland, Administrative Assistant, was present for the scheduled supplemental budget hearing, and noted that the Building Fund supplement will authorize spending of money which has been transferred from the Highway Fund and earmarked for entrance road improvements at the Sioux Empire Fairgrounds. Bill Daugherty, Court Administrator, stated that the bulk of the Courts budget supplement is for indigent defense costs. Commissioner O'Connor questioned whether a defendant's ability to pay their own costs is thoroughly researched. Mr. Daugherty stated that each person receiving these services is required to sign an affidavit as to their inability to pay. Commissioners Kolbe and Twedt expressed concern that supplements to the Courts budget have become an annual event and questioned why the State is not asked for supplemental funding. County Auditor Sue Roust stated that the County's bank balance as of July 31st is the lowest it has been in ten years, however there is sufficient money to cover the supplements requested today. MOTION by Twedt, seconded by O'Connor to approve Resolution MC01-52. 5 ayes.

RESOLUTION MC01-52  
FOR SUPPLEMENTAL BUDGET

A Notice was posted on the bulletin board in the lobby of the Minnehaha County Administration Building declaring it necessary to supplement the 2001

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Annual Budget in order to carry on the indispensable functions of Minnehaha County. The time and place for consideration of the adoption of the Supplemental Budget was duly given by the posting of a copy of said notice, as more fully appears from the affidavit of Sue Roust, County Auditor, filed herein.

WHEREAS, the adoption of said proposed Supplemental Budget was duly considered by the Minnehaha County Commission on the 21st day of August, 2001, at 9:15 a.m., in the Commission Meeting Room;

NOW, THEREFORE, BE IT RESOLVED by the Minnehaha County Commission that the following Supplemental Budget be, and the same is, hereby approved for the purpose of providing budget to conduct the indispensable functions of Government, to-wit:

FROM:	General Fund		\$272,000	
TO:	Courts Budget as follows:			
	ASN	Account		Amount
	15227	Jury Fees	\$ 80,000	
	15228	Attorney Fees	150,000	
	15229	Child Defense	42,000	
FROM:	Building Fund		\$262,448	
TO:	Building Fund Budget ASN 19625 (Fairground Entrance Road)			

APPROVED BY THE COUNTY COMMISSION:

James Zweep

John Pekas

ATTEST:  
Jody Hilmoe  
Deputy Auditor

Michael J. O'Connor  
Carol Twedt  
Robert Kolbe

#### COURTHOUSE ART PROJECT

Supreme Court Justice Richard Sabers spoke on the new art project commissioned by the Second Judicial Circuit Bar Association and asked that the agreement for the project be deferred as the Bar Association has not yet given formal approval to the contract form. Mark Aspaas of Architecture Incorporated commented on the placement of the artwork which will be displayed in front of the Courthouse. Artists John Peters and John Jastram displayed a small scale model of the piece, entitled "Fabric of Law", and commented on its composition, size and meaning. MOTION by Twedt, seconded by Pekas to defer approval of the artwork agreement indefinitely. 5 ayes.

#### TAX DEED PROPERTIES

Sue Roust, County Auditor, reviewed the County tax deeds and stated that there are currently 5 to be declared surplus for the 2001 auction, although some of these may be removed from the list prior to the sale. MOTION by O'Connor, seconded by Pekas to accept the 2001 Surplus Property Appraisal Board Reports and to declare the following properties surplus for auction: RDID#s 12606, 53734, 41065, 58318 and 62594. 5 ayes. MOTION by Kolbe, seconded by Pekas to authorize the Auditor to Publish the Notice of Sale of County Surplus Properties. 5 ayes. MOTION by Twedt, seconded by Pekas to approve Resolution MC01-53. 5 ayes. The Commission thanked Dutch Loes, who was present at the meeting, as well as the other members of the Appraisal Board for their work. The Tax Deed Auction will be held on Wednesday, September 12th, at 10:00 a.m. at the Auditor's Office.

#### RESOLUTION MC01-53

WHEREAS, Minnehaha County holds under Tax Deed proceedings the following property (Tax deed #, RDID #, legal description, 2001 Appraisal Board value):

2408, 23767, S1/2 of Lot I in Mundts Subd of Lot 2 in Blk 3 of South Addn to Hartford, \$500  
2410, 19956, S6' Lot 3 Blk 1 Palmira Park Addn in Crooks, \$10  
2412, 62379, N8' E8' Lot 8 Blk 10 Brookings Addn, \$10

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2414, 63028, Lot 32A Blk 2 Rustic Hills Addn, \$325; and

WHEREAS, it is in the best interest of Minnehaha County taxpayers to return this property to the tax rolls and attach it to an adjacent property; now, therefore, be it

RESOLVED, that the Minnehaha County Commission hereby declares RDID#s 23767, 19956, 62379, and 63028 to be surplus property; and be it further

RESOLVED, that the Minnehaha County Treasurer is authorized to give away the following parcels, issue Quit Claim Deeds thereto, and abate all outstanding taxes, interest, and penalties levied against these properties:

2410 to Wade E. Mulder, 605 Grandeur Dr, Crooks 57020

2412 to Don Decker, 1601 E 61st St, Sioux Falls 57108; and be it further

RESOLVED, that the Minnehaha County Treasurer is authorized to issue Quit Claim Deeds in return for payment of all back taxes, interest, and penalties as follows:

2408 to Kevin G Memenga, 304 S Main Ave, Hartford 57033, \$115.00

2414 to Donald Wayne & Janet E Grebin, 5020 E Havenhill Dr, Sioux Falls 57110, \$204.98

Approved this 21st day of August, 2001.

James Zweep

John Pekas

ATTEST:

Jody Hilmoe

Deputy Auditor

Michael J. O'Connor

Carol Twedt

Robert Kolbe

#### JAIL CONTRACT

Steve Reecy, Jail Administrator, requested approval of an amendment to the contract between Southeastern Behavioral HealthCare and Minnehaha County for inmate mental health services. This will provide for the services of a part-time psychiatrist to provide psychiatric consultation and medication management to jail inmates, working up to 4 hours every other week at a rate of \$175/hour. MOTION by Twedt, seconded by Kolbe to approve the contract amendment. 5 ayes.

#### CONDITIONAL USE APPEAL

Pat Herman, County Planner, was present for an appeal from petitioner Jeff Arlt on a decision by the Planning Commission to deny a conditional use permit to construct a 4000 square foot accessory building on property legally described as Tract 4 (Ex Hy & H-1) of Valley View Acres Addition in Section 36-T102N-R48W. The subject property is located 1 mile east of Brandon. Planning staff recommended denial and the Planning Commission denied the conditional use permit due to the excessive size of the proposed building and the fact that the petitioner already has a 1700 square foot building on the property. Ms. Herman noted that the petitioner applied for the building permit after purchasing and taking delivery of the building materials. The petitioner was not present, nor was there anyone else who wished to speak to this item. MOTION by Twedt, seconded by O'Connor to approve Resolution MC01-54. 5 ayes.

#### RESOLUTION MC01-54

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 accessory building area of 5700 square feet on property legally described as Tract 4 (Ex Hy & H-1) of Valley View Acres Addition in Section 36-T102N-R48W. The Board hereby upholds the Planning Commission decision to deny the conditional use permit.

Approved this 21st day of August, 2001.

BOARD OF COUNTY COMMISSIONERS

James Zweep

John Pekas

08/21/2001

ATTEST:  
Jody Hilmo  
Deputy Auditor

Michael J. O'Connor  
Carol Twedt  
Robert Kolbe

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

Following the Executive Session, the Commission adjourned until 9:00 a.m. on Tuesday, August 28, 2001.

Jody Hilmo, Deputy Auditor