

THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M., September 11, 2001, pursuant to adjournment on September 4, 2001. Commissioners present were: Zweep, Kolbe, O'Connor, and Pekas. Commissioner Twedt absent. Also present were Jody Hilmoe, Deputy Auditor, and Gary Colwill, Deputy State's Attorney.

Chairman Zweep called the meeting to order, and noted the breaking news that planes have crashed into the two World Trade Center Buildings in New York and the Pentagon, expressing concern for the victims and their families.

#### APPROVE MINUTES

MOTION by Pekas, seconded by Kolbe to approve the Minutes for September 4, 2001. 4 ayes.

#### VOUCHERS TO BE PAID

MOTION by Pekas, seconded by Kolbe to approve the following bills for payment. 4 ayes.

ACCURINT	VAR. DEPTS	14.50	AIRPORT ADVERTISING,	MUSEUM	220.00
ANESTHESIOLOGY ASSOC	SU OF POOR	416.00	ARGUS LEADER	VAR. DEPTS	1,520.90
AT YOUR SERVICE LAWN	EMER MGMT	60.00	ATHERTON, DAVID	METRO-911	51.62
AVERA MCKENNAN HOSPI	VAR. DEPTS	3,440.63	BALTIC TELECOM COOPE	METRO-911	657.60
BARNES & NOBLE BOOKS	CNTY EXTEN	9.31	BATTERIES PLUS	CNTY PARKS	34.99
BEST BUSINESS PRODUC	REG DEEDS	2,850.00	BLAZEVIC, APRIL	MUSEUM	60.56
BREIT LAW OFFICES, P	COURT SYS.	1,159.00	BRENDE & SCHROEDER L	COURT SYS.	192.50
BROWN & SAENGER	MUSEUM	1,497.25	BUS SYSTEMS, INC.	SU OF POOR	934.00
C & R SUPPLY, INC.	WEED CONTR	168.28	CAMPBELL SUPPLY CO.,	VAR. DEPTS	322.52
CATERING BY MARLIN'S	CORRECTION	6,350.59	CELLULAR ONE STORE	SHERIFF	45.00
CENTER FOR FAMILY ME	CORRECTION	218.97	CHEMCO, INC.	VAR. DEPTS	312.84
CHICK, GLENN E (AUT	FACILITIES	290.00	CITY OF HARTFORD	REIMB SECURITY	101.56
CLAIMS ASSOCIATES, I	CNTY INS	3,985.63	CLASSIC CLEANERS	CORRECTION	20.00
CLEVELAND HEIGHTS AP	SU OF POOR	400.00	COUNTRY VIEW MOBILE	SU OF POOR	245.00
DAKOTA SURGICAL, LTD	SU OF POOR	2,175.95	DAKOTA TPA	AUDITOR	283.25
DIALNET	SHERIFF	30.00	ECONO LODGE, LLC	SU OF POOR	346.97
EDMUNDS BRAKE & ALIG	VAR. DEPTS	260.31	ENGELGAU, ELAINE	COURT SYS.	1,602.00
EQUITY ONE SERVICING	SU OF POOR	500.00	EVANS, PRESTON	SHERIFF	30.00
FARM & HOME PUBLISHE	SHERIFF	815.75	FRED THE FIXER, INC	SU OF POOR	36.00
FREMONT INDUSTRIES,	FACILITIES	356.12	FRISBEE, INC.	JUV DET CN	14.00
FROEHLICH, FLOYD	SU OF POOR	425.00	FUN EXPRESS	MUSEUM	52.80
GALLAND LEGAL CLINIC	COURT SYS.	1,308.85	GARRETSON WEEKLY	COMMISSION	1,112.63
GOEDE, DANIEL J, D.D	SU OF POOR	81.58	GRAYBAR ELECTRIC CO.	FACILITIES	46.65
GREENPOINT CREDIT	SU OF POOR	319.55	GUZMAN, SANDRA V	COURT SYS.	50.00
HANDY MAN, INC.	FACILITIES	11.57	HAROLD'S PHOTO CENTE	VAR. DEPTS	58.10
HOWARD, CYNTHIA A	PUB. ADV.	17.97	HY-VEE FOOD STORE #1	VAR. DEPTS	10.04
HY-VEE FOOD STORE #1	MUSEUM	3.48	HY-VEE FOOD STORES,	SU OF POOR	447.32
INTERSTATE OFFICE PR	VAR. DEPTS	215.23	IRISH, DIANA M	SU OF POOR	525.00
JANITOR'S CLOSET	MUSEUM MTC	19.40	JAROS, PETE	SHERIFF	10.00
JOHNSTONE SUPPLY	FACILITIES	25.03	KMART #4041	VAR. DEPTS	965.68
KOHL'S DEPARTMENT ST	JUV DET CN	31.99	LARSON, JEFF	PUB. DEF.	166.66
MAMBO, JACQUES	SU OF POOR	44.08	MAY, JOHNSON, DOYLE	COURT SYS.	901.00
MCKENNAN CAMPUS PHAR	SU OF POOR	605.72	MEDICAL X-RAY CENTER	VAR. DEPTS	174.86
MICROFILM IMAGING SY	REG DEEDS	101.10	MIDAMERICAN ENERGY C	VAR. DEPTS	546.09
MIDCONTINENT COMMUNI	COMMISSION	80.00	MIDWEST OFFICE EQUIP	MUSEUM	90.00
MIDWEST SHOWS, INC.	WEED CONTR	375.00	MIDWESTERN MECHANICA	JUV DET CN	290.00

MONICK PIPE & SUPPLY	FACILITIES	191.52	MYRL & ROY'S PAVING,	BUILD FUND	41,916.30
NACDL	PUB. ADV.	92.00	NIES PROPERTIES, LLC	SU OF POOR	330.00
NORBERG PAINTS, INC.	MUSEUM MTC	105.00	NOVAK SANITARY SERVI	VAR. DEPTS	92.25
OAKWOOD ESTATES/INVE	SU OF POOR	277.50	OTTER TAIL ENERGY SE	FACILITIES	6,272.53
PANKRATZ & ASSOC./LO	PUB. DEF.	250.00	PEARSON, PAMELA	SU OF POOR	350.00
PETERS, SCOTT N, P.C	MENTAL ILL	2,433.52	PFEIFER IMPLEMENT CO	FACILITIES	89.96
PHYSICIANS LABORATOR	SU OF POOR	143.95	PITNEY BOWES, INC	SU OF POOR	99.90
PLUSCO PRINTING & CO	SU OF POOR	55.00	RAMSEY COUNTY SHERIF	ST ATTY	30.40
RED WING SHOE STORE	FACILITIES	117.30	RINEHART PROPERTIES,	SU OF POOR	500.00
RINEHART, NORMAN R	SU OF POOR	200.00	ROBSON TRUE VALUE	EMER MGMT	130.15
SATURN OF SIOUX FALL	SHERIFF	42.15	SCOTTS PHARMACY II/S	SU OF POOR	1,154.29
SECOND HARVEST FOOD	FEMA FUND	123.58	SELECT INN OF SIOUX	SU OF POOR	41.39
SF TWO WAY RADIO SER	METRO-911	269.28	SIOUX EMPIRE FAIR AS	RECREATION	10,417.50
SIOUX VALLEY HOSPITA	CORRECTION	558.71	SIOUX VALLEY PHYSICI	SU OF POOR	777.60
SIOUX VALLEY SW ELEC	CNTY PARKS	27.00	SIOUX VALLEY TELEPHO	METRO-911	520.95
SMITH, CRAIG	ST ATTY	96.28	SMITH, HEATHER	ST ATTY	20.00
SOO DELL MOBILE HOME	SU OF POOR	195.00	SPLITROCK TELECOM CO	METRO-911	158.98
SPOKE 'N' SPORT	EMER MGMT	176.92	STATE STEEL OF SD	FACILITIES	34.41
SUBURBAN MOTEL	SU OF POOR	190.00	SWAN, BRUCE	SHERIFF	10.00
THURMAN, CREIGHTON A	MENTAL ILL	87.79	TILBERG, MICHELLE	COMMISSION	15.00
TIMBERLAND VILLAGE A	SU OF POOR	330.00	TSCHETTER, KENNETH M	PUB. DEF.	30.86
TWEDT, CAROL	COMMISSION	46.40	UNION TELEPHONE COMP	VAR. DEPTS	415.36
UNIVERSITY PHYSICIAN	MENTAL ILL	75.60	US POSTAL SERVICE	ELEC AUDIT	100.00
VELVET UNIFORMS, INC	SHERIFF	232.26	WHEELCHAIR EXPRESS,	SU OF POOR	125.00
WURTZ, JOE & DIANE	SU OF POOR	330.00	XCEL ENERGY, INC.	SU OF POOR	522.32
ZWEEP, JAMES E	COMMISSION	46.40			

## REPORTS

The following reports were received and placed on file in the County Auditor's Office: Minnehaha County Welfare Monthly Report, August 2001; Minnehaha County Juvenile Detention Center Monthly Statistical Report, August 2001.

## PERSONNEL

MOTION by O'Connor, seconded by Pekas to approve the following personnel changes. 4 ayes.

1. To accept the resignation of Benjamin Steventon as Juvenile Correctional Worker for the Juvenile Detention Center effective 9-5-01.
2. To accept the resignation of Kristine Carl as Property Clerk I for the Equalization Office effective 9-5-01.
3. To accept the resignation of Tami Ripperda as Correctional Officer II for the Sheriff's Office (Jail) effective 9-5-01.
4. To grant medical leave without pay to Myrna Vosburg, Office Assistant I for the Welfare Office effective 4-30-01 through 9-7-01.
5. To hire Adam Nelson as Marketing Coordinator (25/1) for the Museums at \$12.3253 per hour effective 9-17-01.

## Step increases:

1. Lula Henley--Comm Training Officer--Metro Communications--27/2 to 27/3 9-15-01--\$14.2441 per hour
2. Judi Eliason--Tax & License Clerk III--Treasurer--14/6 to 14/7 9-6-01--\$11.9301 per hour

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3. Rebecca McChesney--Tax & License Clerk III--Treasurer--14/3 to 14/4 9-6-01--\$10.8029 per hour
4. Joann Hilmoe--Office Assistant III--Auditor--17/3 to 17/4 9-11-01--\$11.6334 per hour
5. Linda Lambeth--Property Clerk II--Equalization--12/4 to 12/5 9-21-01--\$10.6400 per hour

## LIENS

Commissioner O'Connor, County Aid Lien Liaison, explained that a lienee (DPNO 12101) has requested that his lien be compromised by the Commission due to bankruptcy in 1999. Deputy State's Attorney Gary Colwill stated that the bankruptcy papers were served on the Welfare Office, no one from the County appeared at the hearing to dispute release of the debt, and the bankruptcy judge signed the order to release the lien. He also noted that county aid liens are not dischargeable through bankruptcy, and that notice was not served properly as it was not received by the Auditor or State's Attorney. A motion would have to be filed through the bankruptcy court to contest the discharge of the lien, and Commissioner O'Connor stated that he can't see spending the time and money to pursue a case that probably cannot be won. MOTION by O'Connor, seconded by Pekas to approve Resolution MC01-56. 4 ayes.

### RESOLUTION MC01-56

WHEREAS, a County Aid Lien in the amount of \$15,360.17 purports to exist in favor of Minnehaha County and against DPNO 12101 as Lienee, and

WHEREAS, said lienee has filed an application with the County Auditor stating such facts as provided for by Law,

NOW, THEREFORE, BE IT RESOLVED that after due consideration of the circumstances the Board of County Commissioners finds it advisable and proper to authorize the Chairman of the County Board and the County Auditor to execute the following: Release the lien in full with no payment.

Dated at Sioux Falls, South Dakota, this 11th day of September, 2001.

APPROVED:  
BOARD OF COUNTY COMMISSIONERS:

James Zweep

John Pekas

Michael J. O'Connor

Robert Kolbe

ATTEST:

Jody Hilmoe

Deputy Auditor

Commissioner O'Connor explained that a lienee (DPNO 35087) has requested that a lien account recorded under his and his wife's names be divided as they are separated and getting a divorce. The applicant stated that he and his wife have been separated since 1997, are divorcing, and that he should only be responsible for half of their joint debt. Commissioner O'Connor stated that, as the applicant is not prepared to pay the lien off in full at this time, he should wait until after his divorce is final to request that the lien be divided. MOTION by O'Connor, seconded by Kolbe to deny the request. 4 ayes.

Commissioner Twedt joined the meeting.

## HAUGE ASSOCIATES ANNUAL REPORT

Arnie Hauge, President of Hauge Associates, stated that they have collected as much on lien accounts this year through August as they did all of last year. Jim Tripp, Hauge Associates Vice President, reviewed the annual lien collection report. Commissioner O'Connor noted that a proposal has been received to work accounts of \$250 and less, noting that Hauge Associates only works these accounts if an address is available. Mr. Hauge stated that, now that they have established their lien collection procedures, he is will to take another look at their policy on these accounts. Vema Yarnall of FJM Collections presented her proposal to work accounts of \$250 or less at a 30% collection fee or \$500 or less at a 25% fee. She stated that she does not wish to take over any accounts that are being worked by Hauge, only those that are not. The Commissioners expressed interest in her proposal, however wanted a clearer picture as to exactly which accounts are being worked by Hauge and how their agreement with the County is worded. MOTION by O'Connor, seconded by Kolbe to defer consideration of Ms. Yarnall's proposal for 30 days. County Auditor Sue Roust urged the Commissioners not to accept the proposal for the following reasons: liens under \$250 do not always remain at that level and it would cause extra work for the Auditor's office to track which agency is working which accounts. VOTE on the motion: 5 ayes

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## BID AWARD

On September 6, 2001, at 9:00 a.m. bids were received and opened by Highway Superintendent Bob Meister for the purchase of one (1) new current production model skid-steer loader for the Highway Department. He noted that, although twelve bid packets were sent out, only the following bid was received: Pfeifer Implement Co., Bobcat Model T200, \$33,061.15. He stated that the bid is approximately \$3,000 under his estimate and recommended award of the bid to Pfeifer. MOTION by O'Connor, seconded by Pekas to award the bid for one (1) new current production model skid-steer loader to Pfeifer Implement Co. for \$33,061.15. 5 ayes.

## 911 PROCLAMATION

Metro Communication Director David Atherton asked that the 911 Proclamation scheduled for approval today be withdrawn in light of today's apparent terrorist attacks on the U.S.

## COLISEUM STABILIZATION PROJECT

Ken McFarland, Administrative Assistant, requested the Commission's approval of an agreement with Short Elliott Hendrickson Inc. for architectural services for restoration and stabilization of the exterior of the Coliseum. The total project cost is \$291,000 with \$30,000 of this going towards these architectural services. Mr. McFarland requested that the wording in paragraph two under "Scope of Work" be changed from "...excluding..." to "...including ordinary reimbursable expenses." MOTION by O'Connor, seconded by Kolbe to approve the agreement as amended. 5 ayes.

Commissioner Kolbe left the meeting.

## ZONING ITEMS

Phil Kappen, Assistant Planning Director, was present for the second reading and scheduled hearing of an amendment to the 1990 Revised Zoning Ordinance for Minnehaha County to rezone from the A-1 Agricultural District to the C Commercial District property legally described as the S500' N1000' W500' (ex. Blks 15 & 16 Rowena Original Addn & ex. road ROW) NW1/4 SE1/4 of Section 26-T101N-R48W, located in Rowena. He noted that the Planning Commission recommended approval of the rezoning. Petitioner Doug Smook stated that he plans to build two mini-storage unit buildings and access will be from Highway 42. No one else was present to speak to this item. MOTION by Twedt, seconded by O'Connor to approve Ordinance MC16-58-01. 4 ayes.

## ORDINANCE MC16-58-01

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:

S500' N1000' W500' (ex. Blks 15 & 16 Rowena Original Addn & ex. road ROW) NW1/4 SE1/4 of Section 26-T101N-R48W is hereby rezoned from A-1 Agricultural to C Commercial and the official zoning map referred to in Article 2.03(A) is amended to include the property in the C Commercial District.

Approved this 11th day of September, 2001.

BOARD OF COUNTY COMMISSIONERS

John Pekas

ATTEST:

Jody Hilmoe

Deputy Auditor

Michael J. O'Connor

Carol Twedt

Robert Kolbe

Commissioner Kolbe rejoined the meeting, Chairman Zweep left the meeting and relinquished the chair to Vice-Chairman Kolbe.

Phil Kappen, Assistant Planning Director, explained that petitioner Robert Binstock has requested a major amendment to Subarea B in High Prairie Ranch Planned Development District, which is legally described as Lot 13 High Prairie Ranch (Ex S57' E64') in Section 8-T102N-R49W, located 2 miles east of Crooks. The PD was created as an equestrian subdivision, with the subject property as the horseback riding and stable area. The petitioner wishes to amend the PD to allow a residence in Subarea B, and staff recommends denial of the request

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as this is contrary to the original reasons the PD was created. Mr. Binstock stated that he owns Subarea B, runs the stables located there and wishes to construct a home next to the stables. He built the first residence in the PD for himself in lot 7 which is two residential lots away from Subarea B on the east edge of Subarea A. Following discussion, the Commissioners agreed that allowing a residence in Subarea B, the riding and stable area, would be contrary to the purpose of the PD as originally established. MOTION by Twedt to deny the request. Vice-Chairman Kolbe relinquished the chair to Commissioner O'Connor and seconded the motion. 4 ayes.

O'Connor relinquished the chair back to Kolbe

MOTION by Pekas, seconded by O'Connor to adjourn into Executive Session. 4 ayes.

MOTION by Pekas, seconded by Twedt to return to Regular Session. 3 ayes. Commissioners present were Kolbe, Pekas and Twedt.

Commissioner O'Connor joined the meeting.

Phil Kappen, Assistant Planning Director, was present for the second reading and scheduled hearing of an amendment to the 1990 Revised Zoning Ordinance for Minnehaha County to rezone from the A-1 Agricultural to the RR Rural Residential District property legally described as Tr 2 Valley View Acres Addition SE1/4 of Section 36-T102N-R48W, located 1/2 mile east of Brandon; The Planning Commission recommended denial of the rezoning. The petitioner wishes to subdivide his lot into two parcels. Dale Hecht, petitioner, showed pictures of lots across the road from his property which he says are smaller than the proposed size of his lots. Commissioners noted that the lots pictured are in a different subdivision. MOTION by Twedt, seconded by Pekas to uphold the decision of the Planning Commission and deny the request. 4 ayes.

Dave Queal, Planning Director, was present for the second reading and scheduled hearing of an amendment to the 1990 Revised Zoning Ordinance for Minnehaha County to rezone from the A-1 Agricultural District to the I-1 Light Industrial District property legally described as the SW1/4 NE1/4, that portion of the S1/2 NW1/4 lying east of the BNSF Railroad ROW, that portion of the NW1/4 NW1/4 lying east of the BNSF Railroad ROW and south of Split Rock Creek, and that portion of Jones Tract 1 lying south of Split Rock Creek, all in Section 23-T102N-R48W, located 1/2 mile north of Corson. The Planning Commission recommended approval of the rezoning. The petitioner, Sweetman Construction Co., requested the rezoning to allow further improvements to their sand extraction operations. There was no one present who wished to speak to this item. MOTION by O'Connor, seconded by Twedt to approve Ordinance MC16-59-01. 4 ayes.

#### ORDINANCE MC16-59-01

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:

SW1/4 NE1/4, that portion of the S1/2 NW1/4 lying east of the BNSF Railroad ROW, that portion of the NW1/4 NW1/4 lying east of the BNSF Railroad ROW and south of Split Rock Creek, and that portion of Jones Tract 1 lying south of Split Rock Creek, all in Section 23-T102N-R48W are hereby rezoned from A-1 Agricultural 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 11th day of September, 2001.

BOARD OF COUNTY COMMISSIONERS

John Pekas

Michael J. O'Connor

Carol Twedt

Robert Kolbe

ATTEST:

Jody Hilmoe

Deputy Auditor

#### DRAINAGE PERMIT

Phil Kappen, Assistant Planning Director, presented a drainage permit application from H. Gerald Bly for property legally described as the E1/2 SW1/4 section 9-102-47 north of Valley Springs in Red Rock Township. The applicant has done previous drainage on which he was able to obtain consent of downstream landowners, however the downstream landowners weren't willing to sign waivers for this drainage, therefore it has to come before the Commission. Mr. Kappen noted that staff recommended approval of the permit, and also that both

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downstream landowners were notified that this would be on today's agenda but they are not present. MOTION by Twedt, seconded by Pekas to approve Drainage Permit# 01-37 for H. Gerald Bly. 4 ayes.

#### WELFARE APPEAL

Hugh Grogan, Welfare Director, stated that an appeal was filed regarding a decision made by the Welfare Fair Hearing Panel, however this matter was resolved prior to the meeting.

MOTION by O'Connor, seconded by Pekas to adjourn into Executive Session. 4 ayes.

Following the Executive Session, the Commission adjourned until the Joint City/County Meeting at 5:00 p.m. on Monday, September 24, 2001.

Jody Hilmoie, Deputy Auditor