

THE MINNEHAHA COUNTY COMMISSION CONVENED AT 9:00 A.M., November 4, 2003, pursuant to adjournment on October 28, 2003. Commissioners present were: Pekas, Hajek, Kolbe, Twedt, and Zweep. Also present were Sandy Kinder, Deputy Auditor, and Gordy Swanson, Chief Civil Deputy State's Attorney.

Chairman Pekas called the meeting to order.

ZONING

Dave Queal, Planning Director, was present for the first reading of two proposed amendments to the 1990 Revised Zoning Ordinance for Minnehaha County. The first would rezone from the A-1 Agricultural District to the RR Rural Residential District property to be platted as Lot A of Tract 8 of Voigt's Subdivision SW1/4 in Section 21-T101N-R51W. Subject property is located at Wall Lake. The second would rezone from the A-1 Agricultural District to the C Commercial District property legally described as the W 900' S1600' (Ex H-1) NW1/4 in Section 28-T102N-R47W. Subject property is located at the I-90/ Valley Springs interchange. MOTION by Zweep, seconded by Hajek to authorize the Auditor to publish notice of hearing on November 18, 2003. 5 ayes.

MINUTES

MOTION by Kolbe, seconded by Twedt to approve the Minutes for October 28, 2003. 5 ayes.

VOUCHERS TO BE PAID

MOTION by Hajek, seconded by Zweep to approve the following bills for payment and October salaries. 5 ayes.

A & B Business Equip	Var. Depts	50.28	Albers, Tyrone	Sheriff	12.00
American Sports	Law Enf Gr	500.00	Anacon Leasing, Inc.	Var. Depts	777.65
Anoka Cnty Sheriff	Metro-911	100.00	Appeara / Dudley Lau	Hiway Cons	65.85
Argus Leader	Var. Depts	597.72	Around the Clock/Dra	Juv Det Cn	140.00
Auto Body Specialtie	Facilities	14.54	Auto Glass Center	Hiway Cons	209.51
Avera McKennan Hospi	Var. Depts	25,630.06	Avera McKennan Hospi	Sheriff	12.70
B & E Apts / Holland	Human Svcs	365.00	Baltic Fire Dept	Fire Prot.	10,306.00
Batteries Plus #75	Var. Depts	176.67	Beckman Investments	Human Svcs	450.00
Begay, Barbara	Museum Sto	229.00	Best Buy Co., Inc.	Law Enf Gr	955.96
Bierschbach Equipmen	Hiway Admi	308.75	Bloomington Security	Juv Det Cn	115.00
Bob's Lock & Key	Sheriff	30.00	BP Products North Am	Human Svcs	61.29
Brandon Fire Dept	Fire Prot.	17,891.00	Breu, Julie	Museum	1,472.00
Brevik & Thurman, LL	Mental Ill	154.04	Brookings Inn	Cnty Exten	261.00
Brown & Saenger	Var. Depts	567.60	Bureau of Informatio	Var. Depts	155.50
Burnette, Sara L	Court Sys.	576.00	Campbell Supply Co.,	Var. Depts	89.08
Centerpoint Energy M	Hiway Admi	24.24	Century Business Lea	Var. Depts	182.93
Cliff Avenue Exhaust	Hiway Cons	94.45	Climate Systems, Inc	Facilities	998.02
Clint's Electric, In	Hiway Cons	375.00	Colton Fire Dept	Fire Prot.	10,358.00
Colton Lumber Co., I	Hiway Cons	45.58	Comfort Theater Comp	Museum Ent	250.00
Costain, Bonnie	St Atty	91.00	Crescent Electric Su	Var. Depts	124.27
Crooks Fire Dept	Fire Prot.	8,086.50	Dakota Lettering, In	Juv Det Cn	688.95
Dakota Riggers & Too	Hiway Cons	456.42	Daniels-Olsen Bldg P	Museum	687.84
Dell Rapids Fire Dep	Fire Prot.	13,341.00	Dell Rapids Utilitie	Human Svcs	68.16
Dialnet / Ahrens Tel	Var. Depts	457.76	Diamond Vogel Paint	Facilities	27.25
Drexler, Russell	Hiway Cons	45.52	Dunn, Eddie	Museum Ent	250.00
E.F. Johnson Company	Metro-911	191.54	Edmunds Brake & Alig	Sheriff	357.80
Eirinberg, James A	Court Sys.	830.93	Elert & Associates	Metro-911	2,607.55
Evans, Preston	Sheriff	46.40	Farrell, Lorae J	Court Sys.	593.20
Federal Express Corp	Var. Depts	52.33	Fisher, Clay	Human Svcs	450.00
Fleetpride / Holt, I	Hiway Cons	890.79	Fountain Ridge Inves	Human Svcs	450.00
G & D Viking Glass,	Museum	208.00	Garretson Fire Dept	Fire Prot.	11,938.00
Graham Tire Co. - Do	Sheriff	1,581.21	Grapevine, Dan	Hiway Cons	45.00

Graybar Electric Com	Facilities	100.63	Great America Leasin	Cnty Exten	220.30
Great Plains Int'l T	Hiway Cons	1,121.14	Guzman, Sandra V	Var. Depts	520.83
Hanson Concrete Prod	Hiway Cons	3,437.50	Harold's Photo Cente	Museum Ent	342.65
Hartford Fire & Resc	Fire Prot.	16,236.00	Heartland Paper Comp	Correction	2,068.64
Heartland Restaurant	Correction	113.33	Heartstarters LLC	Dir. Eq.	315.00
Hobby Lobby Stores,	Museum	9.90	Hoekstra, Denise a	Court Sys.	132.60
Hofer, Julie A	Court Sys.	205.90	Holiday Inn City Cen	Human Svcs	258.84
Home Federal Savings	Human Svcs	525.00	Humboldt Fire & Ambu	Fire Prot.	9,476.50
Hy-Vee Food Store #1	Juv Det Cn	219.95	Hy-Vee Pharmacy #162	Human Svcs	283.98
Hy-Vee Pharmacy #163	Human Svcs	132.98	Hy-Vee Pharmacy #163	Human Svcs	172.95
Hy-Vee Pharmacy #163	Human Svcs	9.29	Interstate Office Pr	Var. Depts	1,394.18
J & A Handy Crafts,	Museum	150.76	J.C. Penney Company,	Facilities	86.33
Janitor's Closet, LT	Correction	39.60	Johnson, Chad	Human Svcs	155.00
Kallemeyn, Richard	Dir. Eq.	40.06	Kmart #7318	Correction	147.89
Kohl's Department St	Juv Det Cn	64.98	Koopman & Sons Gas C	Hiway Cons	277.10
L G Everist, Inc.	Hiway Cons	235.32	La Ron's II Power Eq	Museum Mtc	59.82
Larson, Barbara	Sheriff	112.00	Leshovsky, Chris M	Correction	11.00
Lewis Drugs	Var. Depts	884.61	Lietz, Rich	Auditor	25.00
Linweld, Inc.	Hiway Cons	23.78	Lockwood Law Office,	Court Sys.	220.00
Lutheran Social Serv	Var. Depts	1,425.00	Lyons Fire Dept	Fire Prot.	4,185.50
Malloy Electric Bear	Hiway Cons	60.56	Maximum Promotions,	Museum	39.95
McDonald Supply Co.,	Hiway Cons	4.88	McFarland Supply Co.	Facilities	71.90
Medical X-Ray Center	Human Svcs	152.04	Menards	Hiway Cons	90.54
MFVGA	Cnty Exten	25.00	Midamerican Energy C	Human Svcs	700.69
Midwest Copier Solut	Museum	105.00	Midwest Welding Co.	Museum	500.00
Minnehaha Cnty Metro	Var. Depts	409.70	Minnehaha Cnty Sheri	Sheriff	24.74
Mobile Electronic Se	Correction	50.00	Montgomery, Jason	Correction	11.00
Motorola, Inc.	Var. Depts	3,061.30	Myrl & Roy's Paving,	Hiway Cons	679.28
NEAFCS-SD Treasurer	Cnty Exten	90.00	Nesson Law Office, P	Court Sys.	1,236.80
Nextel Partners	Sheriff	39.69	Northern States Supp	Hiway Cons	141.89
Nurabayeva, Ainash	Court Sys.	75.00	O'Dea, Steve C	Human Svcs	275.00
Oasis Inn	Cnty Exten	68.00	Olson's Pest Technic	Correction	150.00
Orion Industries Inc	Emer Mgmt	767.00	Overhead Door Compan	Hiway Cons	85.30
Palluck, Ethan	Correction	11.00	Pam Oil, Inc.	Sheriff	71.00
Pecheny, Henry	St Atty	50.00	Pennington County Ja	Correction	2,103.41
Peterson & Stuart	Court Sys.	653.20	Pfeifer Implement Co	Hiway Cons	155.58
Phelps, Jamie	Human Svcs	29.99	Phoummany, Sou	Court Sys.	50.00
Pontiac Cadillac of	Sheriff	214.37	Popp, Richard L.	Hist Pres.	1,227.61
Portable Computer Sy	Emer Mgmt	5,904.00	Prairie Publications	Comm.	385.50
Precision Industries	Hiway Cons	37.82	Pulstar Distributing	Metro-911	157.54
Purchase Power	Cnty Exten	35.00	Quest Engineering, I	Hiway Cons	79.70
Radio Shack Corporat	Law Enf Gr	99.97	Record Keepers, Inc.	Human Svcs	56.28
Red Wing Shoe Store	Facilities	178.39	Renner Fire Dept	Fire Prot.	8,669.50
Rice Lake Properties	Human Svcs	350.00	Richard-Ewing Equipm	Correction	26.00
Robbenolt Law Firm.	Court Sys.	1,260.25	Rockmount Research &	Hiway Cons	132.87
Rupert, Bradley a	Plan & Zon	103.20	Safelite Glass Corp.	Sheriff	218.26
Saia, Tony	Museum Ent	100.00	Scheels All Sports	Correction	343.85
Schoeneman Bros. Co.	Museum	144.98	Schooley, Matt	Correction	65.00
Schumacher, Michelle	Pub. D.	247.95	SD Assn of Extension	Cnty Exten	182.00
SD Dept of Revenue	Correction	45.00	SDCAA/SD Cnty Agents	Cnty Exten	180.00
Sears	Facilities	121.94	SF Area Chamber of C	Sheriff	143.00
SF City Finance	Emer Mgmt	19,521.87	SF City Finance - Fu	Var. Depts	5,607.75
SF Detoxification Ce	Sheriff	25,033.32	SF Two Way Radio Ser	Var. Depts	4,448.00
Sherman Fire Dept	Fire Prot.	2,668.50	Shipley's Laundry &	Museum Ent	30.50
Sioux County Sheriff	St Atty	33.98	Sioux Empire FCU / V	Sheriff	3,053.43
Sioux Empire FCU / V	Var. Depts	1,397.03	Sioux Empire Homeles	Human Svcs	20,000.00
Sioux Equipment Co,	Hiway Cons	6,860.00	Sioux Falls Ford, In	Sheriff	97.24
Sioux Falls Tomorrow	Comm.	2,000.00	Sioux Falls Utilitie	Var. Depts	3,752.29
Sioux Valley Energy	Var. Depts	938.14	Sioux Valley Health	Human Svcs	590.10
Sioux Valley Hospita	St Atty	20.00	Sioux Valley Wireles	Hiway Cons	34.95
Smith Publishing Co.	Auditor	97.00	Splitrock Fire Dept	Fire Prot.	12,132.00
Stan Houston Equipme	Hiway Cons	4.95	Stern Oil Co., Inc.	Hiway Cons	8,737.40
Streicher's	Law Enf Gr	334.95	Strunk, Lisa	Court Sys.	295.80
Tammen Oil	Sheriff	10.00	Thorin, Deyanira T	Court Sys.	175.00
Timekeeping Systems,	Juv Det Cn	95.00	Tursam, Mark	Correction	11.00
United Parcel Servic	Reg Deeds	17.76	US Postmaster	Human Res.	46.00
Valley Springs Fire	Fire Prot.	7,343.50	Van Loh, Margaret	Auditor	25.00
Vandenhul, Julie	Sheriff	112.00	VanRoekel, Jennifer	Sheriff	20.00
Vantek Communication	Metro-911	35.00	Velvet Uniforms, Inc	Sheriff	698.10

Watkins, Jeff	Correction	15.00	Wayne Twp Fire Dept	Fire Prot.	6,758.00
Westland Mfg, Inc	Human Svcs	765.00	Xcel Energy, Inc.	Var. Depts	1,239.62
Zomer Truck & Traile	Hiway Cons	3,152.58	Zwak, Kathryn	Sheriff	112.00
Extension	Salaries	8,417.75	Planning	Salaries	30,191.32
Commission	Salaries	20,546.64	Auditor	Salaries	34,768.16
Treasurer	Salaries	53,396.51	Informatio	Salaries	60,569.34
States Att	Salaries	148,011.50	Public Def	Salaries	95,906.59
Public Adv	Salaries	19,368.25	Facilities	Salaries	57,402.98
Equalizati	Salaries	70,495.56	Register O	Salaries	45,740.94
Veterans S	Salaries	3,949.68	Human Reso	Salaries	13,198.11
Sheriff	Salaries	734,529.77	Juvenile D	Salaries	168,763.80
Metro Comm	Salaries	160,048.41	Highway	Salaries	123,797.00
Human Serv	Salaries	51,762.93	Museum	Salaries	69,472.60

PERSONNEL

MOTION by Twedt, seconded by Hajek to approve the following personnel changes. 5 ayes.

1. To accept the resignation of Leah Bultsma-Kress as Correctional Systems Operator for the Sheriff's Office (Jail) effective 11-6-03.
2. To accept the resignation of David Mikeworth as Correctional Systems Operator for the Sheriff's Office (Jail) effective 10-27-03.
3. To promote Krista Epperson to Correctional Officer I (9/1) for the Sheriff's Office (Jail) at \$13.280 per hour effective 11-17-03.
4. To hire Jason Kull as part time Correctional Officer (9/1) for the Sheriff's Office (Jail) at \$13.280 per hour effective 11-17-03.
5. To hire Lindsey Johnson as part time Correctional Systems Operator (7/1) for the Sheriff's Office (Jail) at \$11.685 per hour effective 11-17-03.

Step increases due:

1. David Molengraaf–Deputy Sheriff–Sheriff's Office– 12/11 to 12/12, 4-1-03–\$20.259 per hour.

Additional action:

To request authorization to convert one Deputy Public Defender III position to Chief Deputy Public Defender.

NOTICES

MOTION by Hajek, seconded by Kolbe to acknowledge receipt of notice to conduct a raffle to benefit Anne Patch. 5 ayes.

LIENS

Commissioner Kolbe, County Aid Lien Liaison, briefed the Commission on a lien compromise request from DPNO 38902, in the amount of \$1,261.89. The petitioner is in the process of purchasing a home and the lien was noted by the title company. Jim Billion, Attorney, was present with the petitioner to answer questions. MOTION by Kolbe, seconded by Twedt to approve Resolution MC03-66. 5 ayes.

RESOLUTION MC03-66

WHEREAS, a County Aid Lien in the amount of \$1,261.89 purports to exist in favor of Minnehaha County and against DPNO 38902 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:

A compromise and release of the lien in full upon payment of \$25.00 for administrative fees.

If payment is not made within one year from approval, this agreement is null and void.

Dated at Sioux Falls, South Dakota, this 4th day of November, 2003.

APPROVED BY THE COMMISSION:

John Pekas, Chairman

ATTEST:

Sandy Kinder, Deputy Auditor

Mr. Kolbe also briefed the Commission on a lien compromise request from Credit Collections Bureau for DPNO 33957, in the amount of \$3,186.15. MOTION by Kolbe, seconded by Zweep to compromise the lien in full upon payment of \$500. Upon further discussion, substitute MOTION by Kolbe, seconded by Hajek to defer this item for two weeks in order to collect additional information from the applicant and Credit Collections Bureau. 4 ayes, Twedt nay.

PUBLIC HEARING

On February 25, 2003, a public hearing was held to consider a request from Hans and Maxine Kjergaard to vacate that portion of Greystone Avenue which is 80 feet wide and lies between Lot 3 Block 16 and Lot 1 Block 15 of Rowena Original Addition SE 1/4 Section 26-T101N-R48W. This petition request was denied. On October 14, 2003, the County Commission approved a request by Bob Jones, Attorney for the petitioners, to reconsider the denial. Today, Dave Queal, Planning Director, was present for the scheduled public hearing to reconsider vacating the right-of-way. Bob Jones and Hans Kjergaard were present to answer questions. Tim Nicolai, Supervisor of Splitrock Township, was also present and recommended denial of the request as none of the required improvements for the conditional use permit had been made to Ledgerock Avenue on the west edge of the development, and the Township still has issues with Highway 42 being the only access to the lots in question if Greystone were vacated. MOTION by Zweep, seconded by Kolbe to approve Resolution MC03-67. 3 ayes, Twedt and Hajek, nay.

RESOLUTION MC03-67
RESOLUTION TO VACATE PUBLIC RIGHT-OF-WAY

WHEREAS, a public hearing was held on November 4, 2003, pursuant to the provisions of SDCL 3 1-3-7 to consider a petition to vacate a platted public right-of-way; and

WHEREAS, said hearing was for the purpose of determining whether the public interest will be better

served by such proposed vacation.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, by the Minnehaha County Board of Commissioners that the following described public right-of-way, recorded in Book 1 Page 48 of Plats, is hereby declared vacated:

That portion of Greystone Avenue lying between Lot 3 Block 16 and Lot 1 Block 15 of Rowena Original Addition in the SE1/4 of Section 26, Township 101 North, Range 48 West of the 5th P.M., Minnehaha County, South Dakota.

BE IT FURTHER RESOLVED, that this resolution be placed on file with the Minnehaha County Auditor and recorded with the Minnehaha County Register of Deeds.

Dated the 4th day of November, 2003.

APPROVED BY THE COMMISSION
John Pekas, Chairman

ATTEST:
Sandy Kinder, Deputy Auditor

COMMITTEE REPORT

MOTION by Twedt, seconded by Zweep to defer the final report and recommendations of the Court Appointed Attorney Contract Committee until November 18, 2003. 5 ayes.

TAX DEEDS

MOTION by Zweep, seconded by Hajek to approve Resolution MC03-68. 5 ayes.

RESOLUTION OF SALE MC03-68

WHEREAS, The County Auditor offered for sale on November 3, 2003, at public auction, the following described Tax Deed Properties pursuant to SDCL 6-13:

Tax Deed #2427, Lot 3 Blk 13 Summit Addn, ID# 48179, sold to James A. or Molly Breyfogle, 1319 N. Dakota Ave., Sioux Falls, SD 57104, for \$5,600.

Tax Deed #2428, N 1/2 W 1/2 Vac Pine St & Lots 9 & 10 Blk 4 Riverside Addn, ID #44499, sold to Jeff Melow, 2105 E. Walnut St., Sioux Falls, SD 57103, for \$425.

NOW, THEREFORE, BE IT RESOLVED by the Minnehaha County Commission that this sale be approved as set forth above and that the Minnehaha County Treasurer is hereby authorized to issue a Quit Claim Deed thereto and to abate all outstanding taxes, interest, and penalties levied against these properties.

Dated at Sioux Falls, South Dakota, this 4th day of November, 2003.

APPROVED BY THE COMMISSION:
John Pekas, Chairman

ATTEST:
Sandy Kinder, Deputy Auditor

SURPLUS

On the recommendation of Sheriff Mike Milstead, MOTION by Hajek, seconded by Zweep to declare 75 digital portable radios as surplus for donation to volunteer fire departments and ambulance services. 5 ayes.

ENDOWMENT

Bill Hoskins, Museum Director, reported that the Siouland Heritage Museums has been named as a beneficiary of the estate of Juanita Warner and requested the Commission authorize the deposit of the \$8,140 bequest from Juanita Warner into the Siouland Heritage Museums Endowment Fund. MOTION by Kolbe, seconded by Zweep to approve the request. 5 ayes. Commissioners and Mr. Hoskins expressed their appreciation for the bequest.

NEW BUSINESS

Commissioner Kolbe asked if it would be possible to post a notice on the doors of the Commission Meeting Room requesting that cell phones be turned off upon entering.

MOTION by Hajek, seconded by Twedt to recess into the Building Committee meeting, prior to Executive Session. 5 ayes. Following the Building Committee meeting, the Commission met in Executive Session. Following Executive Session, the Commission adjourned until 5:00 p.m. on Monday, November 17, 2003.

APPROVED BY THE COMMISSION:

Chairman

ATTEST:

Deputy Auditor