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THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M., April 26, 2005, pursuant to adjournment on April 19, 2005. Commissioners present were: Twedt, Pekas, Kolbe, and Zweep. Commissioner Hajek was absent. Also present were Sandy Kinder, Deputy Auditor, and Gordy Swanson, Chief Civil Deputy State's Attorney.

Chairman Twedt called the meeting to order.

#### MINUTES

MOTION by Pekas, seconded by Zweep to approve the Minutes for April 19, 2005. 4 ayes.

#### VOUCHERS TO BE PAID

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

A & B Business Equip	Var. Depts	6,995.00	A to Z Language Inte	St Atty	125.00
Able Auto Glass	Correction	1,036.00	Ace Group, LLC	Hiway Cons	834.69
Adams, Jason	Pub. D.	46.64	Air Technology	Build Fund	4,540.00
Anderson-Crane Rubbe	Hiway Cons	594.38	Anderson, Scott A.	County Par	92.28
Anesthesiology Assoc	Correction	237.20	Appeara / Dudley Lau	Hiway Admi	22.30
Argus Leader	Var. Depts	822.66	Avera McKennan Hospi	St Atty	570.00
Avera McKennan Hospi	Pub. D.	113.82	Beck, Pat/Low Eight,	Human Svcs	26.50
Berreau, Cynthia	Court Sys.	540.00	Best Business Produc	Reg Deeds	27.74
Boston Park Plaza Ho	Museum	580.00	Bothel, Todd	Museum	52.00
BP Products North Am	Var. Depts	173.47	Brown & Saenger	Var. Depts	2,717.00
Builders Supply Comp	Facilities	2,361.75	Building Sprinkler,	Facilities	2,456.16
Bureau of Informatio	Reg Deeds	36.00	Campbell Supply Co.,	Var. Depts	488.13
CBM Food Service	Correction	9,882.18	Center for Family Me	Correction	2,000.00
Century Business Pro	Var. Depts	213.36	Charlotte Place/Beck	Human Svcs	450.00
Chemco, Inc.	Var. Depts	2,515.83	Chick, Glenn E	Facilities	39.98
Children's Inn	Dom Abuse	10,692.50	Children's Theatre C	Museum	700.00
City Centre Hotel Co	Var. Depts	637.00	Cliff Avenue Auto Pa	Hiway Cons	50.28
Cobraserve National	Human Svcs	316.88	Colton Farmers Eleva	Hiway Cons	15.00
Colton Water Dept	Hiway Admi	39.45	Construction Product	Hiway Cons	50.63
Contech Const Produc	Hiway Cons	8,552.16	Crooks Municipal Gas	Human Svcs	222.10
Dacotah Bank	Var. Depts	300.00	Dakota Dental/Timoth	Correction	3,793.00
Dakota Fluid Power,	Hiway Cons	146.02	Dakota Security Syst	Juv Det Cn	74.49
Daniels-Olsen Bldg P	Museum	400.86	Dell Rapids Ford, In	Sheriff	328.67
Dialnet / Ahrens Tel	Var. Depts	238.41	Donovan's Hobby & Sc	Emer Mgmt	158.85
Dust Tex Service, In	Museum Mtc	12.12	Dynamic Graphics Mag	Museum	33.00
East Pointe Townhous	Human Svcs	350.00	Eastview Apts./Arnol	Human Svcs	267.00
Econo Lodge of Sioux	Human Svcs	320.00	Election Systems & S	Elec Audit	5,946.00
Electric Constructio	Museum Mtc	152.08	Electric Innovations	Facilities	400.00
Emedco Innovative Si	Museum Mtc	75.98	Empire Plastics	Museum	974.60
Evans, Preston	Mental Ill	199.68	Express Copy & Print	Cnty Exten	67.56
Farm & Home Publishe	Var. Depts	185.00	Farrell, Lorae J	Court Sys.	400.20
Fastenal Company	Var. Depts	353.12	FJM Collections, Inc	Auditor	1,762.12
Frisbee, Inc.	Juv Det Cn	88.76	Frontier	Metro-911	178.35
Gagnon, Gary DBA Gar	Hiway Cons	78.00	Galland Legal Clinic	Court Sys.	590.40
Galls, Inc.	Metro-911	89.98	George Boom Funeral	Human Svcs	2,510.00
Giegling, John	Human Svcs	275.00	Goebel Printing, Inc	Pub. D.	195.41
Graham, Robert C.	Human Svcs	350.00	Great Big Stuff	Museum	194.00
Green, Rachelle	Museum	26.00	Guzman, Sandra V	Var. Depts	250.00
Hander, Inc	Human Svcs	86.73	Hauk, Bert	Human Svcs	445.00
Hill View Apts, Ltd	Human Svcs	298.00	Hoekstra, Denise A	Court Sys.	697.20
Howalt-McDowell Insu	Var. Depts	100.00	Howard, Cynthia A	Pub. Adv.	246.72
Hy-Vee Food Store #1	Cnty Exten	35.67	Hy-Vee Pharmacy #162	Human Svcs	70.97
Hy-Vee Pharmacy #163	Human Svcs	274.94	Hy-Vee Pharmacy #163	Human Svcs	190.48
Int'l Assn of Chiefs	Metro-911	300.00	Interstate Office Pr	Var. Depts	1,488.51

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Janitor's Closet, Lt	Hiway Cons	107.96	Jaros, Pete	Mental Ill	53.44
Jim Hawk Truck Trail	Hiway Cons	69.24	Johnson Estates/Beld	Human Svcs	240.00
Johnstone Supply	Facilities	467.56	Kemler, Nathan	Museum	47.00
Kennedy, Renee S.	Court Sys.	263.00	King County Sheriff	St Atty	12.05
Kmart #7318	St Atty	69.00	Kohl's Department St	Juv Det Cn	156.97
Krueger Excavating,	Facilities	1,825.00	L G Everist, Inc.	Hiway Cons	420.08
Language Line Servic	Var. Depts	252.85	LCM Pathologists, P.	Coroner	15,265.80
Lemonds, Hollie	Museum Sto	30.00	Lewis Drugs	Var. Depts	48,771.72
Linweld, Inc.	Var. Depts	128.88	Lodermeier Family Pa	Human Svcs	450.00
Lutheran Social Serv	Var. Depts	1,050.00	Lyle Signs, Inc	Hiway Cons	96.53
Malloy Electric Bear	Facilities	88.84	Medical X-Ray Center	Correction	34.88
Menards - East	Museum	2.52	Menards - West	Facilities	80.06
Microfilm Imaging Sy	Reg Deeds	1,480.00	Midamerican Energy C	Human Svcs	1,235.38
Midwest Copier Solut	Var. Depts	277.00	Midwest Oil Company	Facilities	87.69
Midwestern Mechanica	Juv Det Cn	200.00	Murray Construction,	Human Svcs	450.00
Muth Electric, Inc.	Human Svcs	339.46	Nebraska Dept. of Mo	St Atty	6.00
Neeves, Carol	Museum	100.00	Nesseim, Mickey J	Museum	100.00
Norman, Theresa	Museum	319.80	North Star Travel	Museum	483.79
Northern Truck Equip	Hiway Cons	48.88	Nyberg's Ace Hardwar	Var. Depts	30.64
Ocwen Federal Bank F	Human Svcs	236.48	Officemax	Auditor	19.99
Pennington County Sh	St Atty	20.02	Pomp's Tire Service,	Hiway Cons	98.78
Pontiac Cadillac of	Sheriff	58.02	Pottratz, Jackie	Museum	100.00
Prairie Publications	Comm.	293.16	Quest Engineering, I	Hiway Cons	234.58
Qwest	Var. Depts	15,623.71	R & L Supply, Ltd	Hiway Cons	26.43
Radio Shack Corporat	Metro-911	65.65	Reynolds, Brad	Court Sys.	1,188.00
Rise, Inc %Doug Pede	Museum	295.00	River Tower Apartmen	Human Svcs	123.00
SD Assn of County of	Var. Depts	350.00	SD Continuing Legal	Pub. Adv.	15.00
SD Dept of Labor	Cnty Ins	5,742.83	SD Dept of Revenue	Hiway Cons	14.00
SD Newspaper Assn Se	Comm.	46.02	SD Secretary of Stat	Auditor	25.00
Seed Solutions	Hiway Cons	55.00	SF Area Chamber of C	Comm.	24.00
SF City Finance	Facilities	28.70	SF City Finance - Fu	Facilities	244.12
SF Rubber Stamp Work	Hiway Admi	37.35	SF Two Way Radio Ser	Metro-911	285.00
Sheehan Mack Sales &	Hiway Cons	349.00	Sioux Equipment Co,	Hiway Cons	41.70
Sioux Falls Ford, In	Var. Depts	132.63	Sioux Falls School D	Pass-thru	406,132.44
Sioux Falls Utilitie	Var. Depts	379.66	Sioux Valley Hospita	Var. Depts	27,390.33
Solomon, Ghirmay	Court Sys.	100.00	Southeastern Behavior	Correction	4,133.75
Stevenson Services,	Museum Mtc	2,402.00	Sturdevant's Auto Pa	Hiway Cons	146.14
Sunshine Foods	Human Svcs	259.77	SV Home Medical Equi	Human Svcs	1,006.17
Sweatman, Dan	Human Svcs	450.00	Sycamore Court Apts/	Human Svcs	450.00
Tabbert, Mark	Museum	47.00	Tapper, Sarah	Museum	47.00
Taylor, Robert H	Human Svcs	350.00	The Eye Doctors, P.C	Correction	1,910.00
Theophilus Law Offic	Court Sys.	665.00	Thorin, Deyanira T	Var. Depts	637.48
Turner County Sherif	St Atty	30.30	Twedt, Carol	Comm.	12.00
United Parcel Servic	Metro-911	15.13	Urology Specialists	Correction	108.20
US Postal Service	Cnty Exten	59.03	Velvet Uniforms, Inc	Metro-911	267.51
Viia Insurance Ptnrs	Human Svcs	274.09	Voigt, Debra	Court Sys.	1,087.58
W.W. Grainger, Inc.	Hiway Cons	33.44	Waste Management of	Facilities	481.78
West Group	Var. Depts	2,159.24	Westwick Motel, Inc.	Human Svcs	42.50
Whitney, Dennis	Dir. Eq.	13.58	Wilka & Ramstad	Court Sys.	1,275.80
Woodside, April	Museum	59.00	Xcel Energy, Inc.	Var. Depts	31,483.14
Zabel Steel Co.	Hiway Cons	107.10	Zep Manufacturing Co	Hiway Admi	142.06

## REPORT

The following report was received and placed on file in the County Auditor's Office: Minnehaha County Sheriff's Department Monthly Report for March, 2005.

## PERSONNEL

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MOTION by Zweep, seconded by Pekas to approve the following personnel changes. 4 ayes.

1. To return from military leave Joseph Eining as Juvenile Caseworker II for the Juvenile Detention Center effective 4-26-05.
2. To accept the resignation of Corey Dvorak as Correctional Officer I for the Sheriff's Office effective 4-20-05.
3. To accept the resignation of Lori Johnson as Correctional Officer II for the Sheriff's Office effective 4-22-05.
4. To accept the resignation of Jodi Driscoll as Deputy Sheriff for the Sheriff's Office effective 4-22-05.
5. To hire Kurt Woodard as Custodian I (3/2) for the Facilities Department at \$9.372 per hour effective 4-25-05.
6. To hire Ron Gjorass and Charles Horner as Laborer for the Highway Department at \$9.50 per hour effective 4-25-05.
7. To promote Amy West as Accountant (9/1) for the Treasurer's Office at \$14.088 per hour effective 5-2-05.

Step increases due:

1. Todd Cheever- Juvenile Detention Center Director - Juvenile Detention Center - 24/10 to 24/11, 4-24-05, \$2,715.20 biweekly.
2. Karla Nagel - Office Assistant I - Sheriff - 4/2 to 4/3, 4-22-05, \$10.663 per hour
3. Ralph Hammer - Weed Supervisor - Highway - 9/2 to 9/3, 4-5-05, \$15.238 per hour
4. Danny Berg - Equipment Engineer - Facilities - 13/5 to 13/6, 4-22-05, \$20.055 per hour

ABATEMENTS

On the recommendation of Dennis Whitney, Deputy Director of Equalization, MOTION by Zweep, seconded by Pekas to approve the following abatement: City of Brandon, ID 76292, 2004 Taxes - \$235.90. 4 ayes. Commissioners thanked Mr. Whitney and his staff for their work in organizing the 2005 Equalization Board hearings.

REQUEST

MOTION by Pekas, seconded by Zweep to approve a request to consume/blend alcoholic beverages at the Fraternal Order of Police Lodge at 9700 Highway 42 for a wedding reception on May 7, 2005, Arne Erickson, applicant. 4 ayes.

BID AWARD

Lynn DeYoung, Emergency Management Director, reported that sealed bids were opened on April 18, 2005, at 2:00 p.m. for a Chemical, Biological, Radiological, Nuclear, or Explosion (CBRNE)/Weapons of

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Mass Destruction (WMD)/Hazmat Rapid Intervention Unit. He recommended award to the sole bidder, Foreman Sales and Service, in the amount of \$192,913. Funding from the 2004 WMD Grant will be used to cover the cost of the purchase. Commissioner Zweep questioned the amount of funding for the purchase and asked if the item was over budget. Mr. DeYoung explained that in July, 2004, the grant award allotted \$150,000 for the purchase. Since that time, Rick Larsen, Sioux Falls Fire and Rescue Division Chief, has reviewed the grant funding and has determined that there would be \$180,000 to \$190,000 available for the purchase, and that the shortfall would be covered by adjusting funding for other grant projects. MOTION by Zweep, seconded by Kolbe to defer award until Donn Hill, SF Fire Chief, could be available to provide a more detailed explanation. 4 ayes.

#### SUPPLEMENT

MOTION by Zweep, seconded by Kolbe to supplement \$21,215.64 from the Emergency Management Fund to the Emergency Management budget (ASN 16925), representing reimbursement from the State of SD as part of the 2004 Office of Domestic Preparedness Grant Program. 4 ayes. The funding was used for the purchase of mobile data terminals for the Garretson Police Department and additional security items for the County Administration Building.

#### BID AWARD

On April 25, 2005, at 9:00 a.m., bids were opened and read by Highway Superintendent Bob Meister for Project Seal 2005, Asphalt Surface Treatment, for the Highway Department. The following bids were received: McLaughlin & Schulz, Inc. - \$597,814.60; MoorSeal, Inc. - \$600,378.08; Asphalt Surfacing Co. - \$633,320.15; and Astech Corp. - \$669,821.60. Mr. Meister noted that at the time the bids were opened, MoorSeal, Inc. came in as the low bidder. After review of the bid tabulation, a mathematical error was found on the bid submitted by MoorSeal, Inc. which increased their proposal to \$600,378.08. Mr. Meister recommended award to the low bidder, McLaughlin & Schulz, Inc. MOTION by Zweep, seconded by Pekas to award the bid for Project Seal 2005, to McLaughlin & Schulz, Inc. for \$597,814.60. 4 ayes.

#### EQUALIZATION

On March 15<sup>th</sup>, the Commission denied a request from a property owner asking for owner-occupied (o/o) status on property occupied by his parents that was deeded to him for estate purposes. The applicant was receiving o/o status on his primary residence and wanted o/o on the deeded property as well. The request was denied on the recommendation of the State's Attorney's Office. On April 13, 2005, the Commission convened as the Board of Equalization and asked Gordy Swanson, Chief Deputy State's Attorney, to draft an explanation of the o/o status under South Dakota State Law. Mr. Swanson reviewed SDCL 10-13-39 through 10-13-44 and noted that there were a number of requirements for a person to obtain o/o status. He stated that one limitation is that a person may only have one dwelling with this classification. The SD Department of Revenue has enacted ARSD 64:04:01:13.3 "Definition of Owner". This regulation states that if a dwelling is occupied by a parent of the owner, the parent is considered the owner and occupant of the dwelling. It is the opinion of Mr. Swanson, that the regulation is not valid based on the legislative restriction in SDCL 10-13-39. He noted that SDCL 10-10-6 allows the Department of Revenue to make rules for classifications of real property, but not the authority to define "owner". Mr. Swanson recommended that the Commission disallow owner-occupied status on future applications or requests for abatement where a child owns a dwelling that is occupied by his or her parents, but not the child. MOTION by Pekas, seconded by Zweep to follow SDCL 10-13-39 and the plain language therein and adopt it for further and future Board of Equalization actions. 4 ayes.

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## RESOLUTION

At the request of Sue Roust, Auditor, MOTION by Pekas, seconded by Zweep to approve Resolution MC05-24. 4 ayes.

### RESOLUTION MC05-24

Whereas, Minnehaha County refinanced its 2000/2001 Certificates of Participation in late 2004, realizing significant debt service savings; and

Whereas, these savings allowed the County to lower the 2005 Building Fund levy and raise the 2005 General Fund levy by \$470,000, resulting in a balanced budget; and

Whereas, the 2005 budget adopted by the Minnehaha County Commission included this levy transfer, but the mill rates calculated by the County Auditor did not reflect the transfer, leaving a \$470,000 shortfall in the General Fund; now therefore, be it

Resolved, that the County Commission authorizes the County Auditor to transfer \$470,000 from the Building Fund to the General Fund, half in May and half in November, to correct the error.

Dated this 26<sup>th</sup> day of April, 2005.

APPROVED BY THE COMMISSION:

Carol Twedt, Chairman

ATTEST:

Sandy Kinder, Deputy Auditor

## DETOX

Sue Roust, Auditor, briefed the Commission on recommended budget adjustments to pay for the Detox remodel project and final Jail project expenses. She reported that initially \$85,000 had been budgeted for the Detox project to be constructed as a holding facility. During the course of the planning stages, due to state regulations, the project changed to a medically modeled facility to provide better service to the public. This change also increased the overall cost to \$789,462. In addition to the Detox cost, the remaining Jail costs of \$85,000 will need to be paid out of the Building Fund. Ms. Roust recommended re-prioritizing future improvements, reducing the 2005 allowance for Coliseum exterior repairs from \$100,000 to \$25,000, and removing some items from the 2005 budget (land acquisition - \$100,000 & additional parking - \$125,000) to cover the cost. She also noted that the 2004 Building Fund budget was underspent by \$298,470 and that \$225,000 could be added by eliminating the replacement of building panels allotted for 2006. The total saved based on Ms. Roust's recommendations would be \$823,470. MOTION by Pekas, seconded by Zweep to reallocate \$823,470 budgeted in the Building Fund to cover the costs of the Detox Center and remaining Jail project. 4 ayes. Commissioners thanked Ms. Roust for presenting the information in an articulate manner.

## PROPOSALS

Sue Roust, Auditor, reported that on April 21, 2005, at 2:00 p.m., proposals were received and opened for Lien Notification and Collection Services. The following firms submitted proposals: Xact! Resources, Inc. - Burnsville, MN; Noll Collection Service - Sioux City, IA; FJM Collections, Inc. - Sioux Falls; Credit Collections Bureau - Sioux Falls & Rapid City, SD; Hauge Associates, Inc. - Sioux Falls; MARS,

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Inc. - Tulsa, OK; Enterprise Recovery Systems, Inc. - Westchester, IL; and ConServe Accounts Receivable Management - Fairport, NY. Ms. Roust reported on the past objectives of the Lien Committee and recommended that the proposals be reviewed by the members of that committee who are more involved in the collections process. The Commission requested that the committee make an award recommendation in four weeks.

#### APPOINTMENT

Ralph Hammer, Weed Supervisor, reported that due to a resignation, there is an opening on the County Weed & Pest Board. He stated that the City of Brandon needs to have a member on the Board due to their population growing to over 5,000 residents. The City of Brandon has recommended Donovan Carpenter, Brandon Park Department, to fill the vacancy. MOTION by Zweep, seconded by Kolbe to appoint Donovan Carpenter to the County Weed & Pest Board. 4 ayes. He also asked to increase the number of members to balance the Board between urban and rural dwellers. MOTION by Pekas, seconded by Kolbe to allow a seventh member to the County Weed & Pest Board. 4 ayes. Mr. Hammer reported on current operations and stated that the spray rates will be raised to make the service self-supporting. Commissioners thanked Mr. Hammer for his report and requested a post-season update.

#### APPEAL

Scott Anderson, Planning Director, was present for the public hearing to consider an appeal of the Planning Commission decision to deny conditional use permits 05-25 and 05-26 for two 672 square foot off-premise signs located on property legally described as the SW1/4 (ex. H-1 & H-2 & Muchow Tr. & ex. Brower Addn. & ex. Brower's 2<sup>nd</sup> Addn.) in section 27-T102N-R51W on the south edge of Hartford. The Zoning Ordinance indicates that a Conditional Use Permit is required for signs exceeding 288sf to a maximum of 672sf. Mr. Anderson explained the intent of the sizing limits in the ordinance. He also noted that the proposed signs were not typical within the general vicinity under Minnehaha County's jurisdiction. The Petitioner, Cody Wittrock, Front Row Outdoor Advertising, cited visibility issues and ability to attract advertisers as the need for the larger signs. He presented photos of other signs in the area and explained that his company is opposed to unkept signs and would keep positive messages on vacant signs as well as provide lighting. Barb Himmel-Roberts, area resident, spoke in opposition to the request citing concerns over the size and cluttering of the ditches. Gordy Swanson, Chief Deputy State's Attorney, cautioned the Commission on granting the request noting that if approved, the Commission would need justification for similar requests that may be denied in the future. MOTION by Kolbe to defer action for 1 month. Motion dies for lack of a second. MOTION by Pekas, seconded by Zweep to overturn the Planning Commission decision and approve Conditional Use Permits 05-25 and 05-26. 3 ayes, Kolbe - nay. Motion passes.

MOTION by Zweep, seconded Pekas by to adjourn into Executive Session. 4 ayes. Following Executive Session the Commission adjourned until 9:00 a.m. on Tuesday, May 3, 2005. 4 ayes.

#### APPROVED BY THE COMMISSION:

Carol Twedt, Chairman

#### ATTEST:

Sandy Kinder, Deputy Auditor