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THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M., May 3, 2005, pursuant to adjournment on April 26, 2005. Commissioners present were: Twedt, Pekas, and Zweep. Commissioners Hajek and Kolbe were absent. Also present were Sandy Kinder, Deputy Auditor, and Gordy Swanson, Chief Civil Deputy State's Attorney.

Chairman Twedt called the meeting to order.

#### RECOGNITION

Ralph Hammer, Weed Supervisor, recognized Robert McMahon for his seventeen years of service on the County Weed & Pest Board. Commissioner Twedt presented Mr. McMahon with a plaque in appreciation of his service.

#### ZONING

Scott Anderson, Planning Director, gave the first reading of a proposed amendment to the 1990 Revised Zoning Ordinance for Minnehaha County. The proposed amendment would rezone from the A-1 Agricultural District to the C Commercial District property legally described as the S 210' Tract 4 Crockett's Addition NE1/4 in Section 33-T102N-R50W. Subject property is located 2 ½ miles north of Ellis at the intersection of SD Hwy 38 and Ellis Road. MOTION by Zweep, seconded by Pekas to authorize the Auditor to publish Notice of Hearing on May 17, 2005. 3 ayes.

Mr. Anderson also gave the first reading of three proposed text amendments to the 1990 Revised Zoning Ordinance for Minnehaha County. The first revision would remove a typographical error. The second would no longer allow a person to apply for a Conditional Use Permit for an off-premise sign to exceed 288 square feet. The third revision would replace the current definition of a building. MOTION by Pekas, seconded by Zweep to authorize the Auditor to publish Notice of Hearing on May 17, 2005. 3 ayes.

#### MINUTES

MOTION by Zweep, seconded by Pekas to approve the Minutes for April 26, 2005. 3 ayes.

#### VOUCHERS TO BE PAID

MOTION by Pekas, seconded by Zweep to approve the following bills for payment and April salaries. 3 ayes.

A & B Business Equip	Var. Depts	5,215.60	ABN Army Surplus	Sheriff	50.00
Ace Group, LLC	Hiway Cons	258.06	American Business Fo	Auditor	276.26
Anacon Leasing, Inc.	Var. Depts	740.80	Anderson, Elwood	Human Svcs	350.00
Anderson, Kris	Cnty Exten	26.00	Argus Leader	Var. Depts	548.91
Automatic Building C	Correction	85.00	Avera McKennan Hospi	Var. Depts	6,788.45
Avera McKennan Hospi	Court Sys.	11.64	Baltic Fire Dept	Fire Prot.	11,520.50
Batteries Plus #75	Var. Depts	44.88	Bechtel, Donald J	Human Svcs	400.00
Beck, Pat/Low Eight,	Human Svcs	154.00	Benz, Vergil C	Human Svcs	450.00
Berreau, Cynthia	Court Sys.	1,283.99	Blomker, Douglas	Emer Mgmt	76.80
Border States Electr	Facilities	250.68	Boyd, Michelle	Correction	233.90
Brandon Fire Dept	Fire Prot.	20,868.00	Brennan Hill Townhou	Human Svcs	450.00
Brown & Saenger	Var. Depts	122.00	Bureau of Informatio	Var. Depts	236.00
Bus Systems, Inc.	Human Svcs	102.00	Catco	Hiway Cons	54.96
Cellular One	Var. Depts	2,567.20	Cellular One-Store	Sheriff	103.24
Center for Family Me	Correction	2,474.70	Centerpoint Energy G	Hiway Admi	1,936.31
Century Business Lea	Var. Depts	182.93	Century Business Pro	Var. Depts	358.15

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Chapel Hill Funeral	Human Svcs	1,850.00	Charlotte Place/Beck	Human Svcs	350.00
Chemco, Inc.	Facilities	3,494.32	City Centre Hotel Co	Court Sys.	148.87
Cliff Avenue Auto Pa	Hiway Cons	35.00	Colton Fire Dept	Fire Prot.	11,557.00
Crooks Fire Dept	Fire Prot.	8,987.00	Dakota Riggers & Too	Hiway Cons	28.80
Dakotah Reporting Ag	Human Svcs	195.35	Dayton Marriott Hote	Pub. D.	660.60
Degrata Tactical, In	Emer Mgmt	2,014.25	Dell Rapids Fire Dep	Fire Prot.	15,099.00
Dell Rapids Ford, In	Sheriff	21.04	Dialnet / Ahrens Tel	Var. Depts	65.71
Diamond Headache Cli	Court Sys.	49.89	Diamond Mowers, Inc.	Hiway Cons	396.89
Diamond Vogel Paint	Correction	219.50	Donovan's Hobby & Sc	Emer Mgmt	291.62
Eastern Farmers Coop	Hiway Admi	504.00	Electric Constructio	Museum Mtc	1,682.00
Fastenal Company	Hiway Cons	67.37	Fastsigns	Mus Grant	28.50
Federal Express Corp	Var. Depts	61.88	Fred the Fixer, Inc.	Var. Depts	66.50
Fremont Industries,	Facilities	2,003.10	Friedbauer, Ronald	Hiway Cons	83.95
Garretson Fire Dept	Fire Prot.	13,475.00	George Boom Funeral	Human Svcs	2,235.00
Glory House	Pass-thru	3,149.10	Goebel Printing, Inc	Metro-911	79.46
Graham Tire Co. - Do	Sheriff	271.28	Graybar Electric Com	Facilities	93.04
Great America Leasin	Cnty Exten	220.30	Gregory, Candise	Cnty Exten	11.60
Guzman, Sandra V	Court Sys.	287.50	Harold's Photo Cente	Correction	27.15
Harris, Michael J.	Correction	63.99	Hartford Fire & Resc	Fire Prot.	18,444.00
Healthworks/Eastern	Var. Depts	1,171.00	Heartland Paper Comp	Correction	302.20
Heggen, Leo	Hiway Admi	30.76	Hemmer, Charles	Hiway Admi	28.84
Heritage Place Apts	Human Svcs	350.00	Hicks, Vicki A	Correction	8.99
Hillyard, Inc.	Var. Depts	1,447.90	Hobby Lobby Stores,	Museum	19.80
Hoekstra, Denise A	Court Sys.	92.00	Hofer, Julie A	Court Sys.	547.50
Hoyles, Dennis	Human Svcs	275.00	Humboldt Fire Dept	Fire Prot.	10,553.50
Hy-Vee Pharmacy #162	Human Svcs	4.92	Insight Public Secto	Metro-911	56.70
International Right	Reg Deeds	176.00	Interstate Office Pr	Var. Depts	1,707.27
J & L Harley Davidso	Sheriff	196.68	Janitor's Closet, Lt	Correction	79.83
Jefferson Partners,	Human Svcs	370.00	Johnson Drywall, Inc	Human Svcs	350.00
Johnson, Ronald L	Hiway Admi	32.04	Joint Active Systems	Correction	291.00
Kauffman, David W. P	Court Sys.	1,000.00	Kohl's Department St	Juv Det Cn	99.97
Kreisers, Inc.	Correction	1,895.26	Language Line Servic	Correction	107.50
LCM Pathologists, P.	St Atty	200.00	Lewis Drug Stores	Var. Depts	83.91
Lickide-Split Car Cl	Sheriff	205.00	Linweld, Inc.	Hiway Cons	43.88
Lyons Fire Dept	Fire Prot.	4,454.00	Mac's, Inc.	Hiway Cons	11.57
Mahlander's	Cnty Exten	89.00	Mannie, Corey	Human Svcs	350.00
Master Blaster, Inc.	Hiway Cons	94.50	McGreevy Clinic	Var. Depts	694.26
McIntire, Kent	Metro-911	27.00	Medical X-Ray Center	Mental Ill	448.96
Meister, Bob	Hiway Admi	117.00	Menards - West	Facilities	14.22
Midamerican Energy C	Human Svcs	2,265.29	Midcontinent Communi	Info Svcs	290.00
Midwest Alarm Compan	Sheriff	1,224.00	Midwest Copier Solut	Juv Det Cn	330.00
Midwest Psychiatric	Mental Ill	249.86	Minnehaha Cnty Priso	Correction	89.76
Minnehaha Cnty Sheri	Sheriff	1,930.24	Minnehaha County Hum	Human Svcs	150.00
Motorola, Inc.	Metro-911	692.40	National Academy of	Metro-911	180.00
National Criminal De	Pub. D.	1,750.00	National Pastime	Museum	208.50
NCRAAO	Dir. Eq.	600.00	Nesson Law Office, P	Court Sys.	1,605.95
New World Systems	Metro-911	19,621.76	Nextel Partners, Inc	Sheriff	87.15
Nguyen, Lam	Court Sys.	25.00	Northern Safety Tech	Hiway Cons	490.80
Novak Sanitary Servi	Correction	337.00	Nyberg's Ace Hardwar	Var. Depts	16.47
Office Depot, Inc.	Info Svcs	1,836.08	Olson's Pest Technic	Correction	78.00
Oquirrhberg Kennels	Sheriff	3,000.00	Orthopedic Consultan	Mental Ill	175.48
Orthopedic Institute	Correction	25.80	Pennington County Ja	Correction	2,847.51
Person, Larry D	Human Svcs	450.00	Pheasantland Industr	Sheriff	3.30
Phillips 66 Company	Correction	96.31	Presto-X-Company	Juv Det Cn	64.00
Provo, Tom	Human Svcs	350.00	Pulstar Distributing	Metro-911	364.91
Quail Hollow Townhou	Human Svcs	450.00	Qualified Presort Se	Var. Depts	6,886.33
Quest Engineering, I	Hiway Cons	75.74	Qwest Interprise	Var. Depts	855.47
Renner Fire Dept	Fire Prot.	9,548.50	Richard-Ewing Equipm	Correction	18.20
Rural Metro Ambulanc	Mental Ill	215.20	Sage Control Ordnanc	Law Enf Gr	454.09
SD Bd. of Social Wor	Human Svcs	250.00	SD Secretary of Stat	Pub. D.	25.00
Security Labs, Ltd	Info Svcs	100.00	SF City Finance	Var. Depts	166,067.38
SF Kenworth, Inc	Hiway Cons	30.96	SF Rubber Stamp Work	Var. Depts	26.00

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SF Two Way Radio Ser	Var. Depts	1,320.00	Sheehan Mack Sales	Hiway Cons	349.00
Sherman Fire Dept	Fire Prot.	2,693.50	Simons, Duane	Cnty Exten	16.40
Sioux Council Boy Sc	Pass-thru	16,511.75	Sioux Empire Fair As	Recreation	6,981.17
Sioux Falls Ford, In	Var. Depts	119,115.68	Sioux Falls Utilitie	Var. Depts	4,360.40
Sioux Valley Energy	Metro-911	16.00	Sioux Valley Physici	Human Svcs	142.85
Solomon, Ghirmay	Court Sys.	50.00	Southeastern Behavio	Correction	7,629.25
Southwest Daily Time	St Atty	28.70	Splitrock Fire Dept	Fire Prot.	13,426.50
Stan Houston Equipme	Museum	199.95	Strunk, Lisa	Court Sys.	898.20
Surgical Institute O	Mental Ill	174.00	SV Physician Partner	Mental Ill	151.20
Taylor, Robert H	Human Svcs	400.00	Theophilus Law Offic	Court Sys.	1,146.00
Thorin, Deyanira T	Court Sys.	645.80	Tower Apartments	Human Svcs	356.00
Tri-Tech, Inc.	St Atty	21.64	Turner County Sherif	St Atty	15.00
Turning Point	Pass-thru	8,565.54	Twedt, Carol	Comm.	20.00
United Parcel Servic	Metro-911	10.01	US Postal Service	Court Sys.	750.00
US Postmaster	Var. Depts	51.80	Valley Springs Fire	Fire Prot.	8,075.00
Vargas, Joel J	Human Svcs	450.00	Velgersdyk, Dr. Scot	Human Svcs	1,051.67
Velvet Uniforms, Inc	Var. Depts	3,003.97	Walcro Floor Coverin	Facilities	203.45
Walgreens Pharmacy	Human Svcs	122.04	Walters, Renita	Info Svcs	110.00
Warren's Sharpening	Museum	115.65	Western Trial Advoca	Pub. D.	1,500.00
Windsor Heights Apar	Human Svcs	350.00	Winner Police Depart	Correction	39.00
Woodbury County Sher	St Atty	25.86	Woods, Fuller, Shultz&	Court Sys.	732.60
Wray, Dan	Human Svcs	450.00	Wright, Larry	Cnty Exten	16.40
Xcel Energy, Inc.	Var. Depts	692.67	Zabih, Asif	Human Svcs	350.00
Commission	Salaries	15,663.02	Auditor	Salaries	24,979.40
Treasurer	Salaries	39,003.90	Info Svcs	Salaries	47,715.79
States Atty	Salaries	111,302.71	Public Defenders	Salaries	82,342.26
Public Advocate	Salaries	18,461.43	Facilities	Salaries	41,439.36
Equalization	Salaries	54,704.64	Reg of Deeds	Salaries	30,513.21
Human Resources	Salaries	9,382.18	Sheriff	Salaries	577,421.26
Juvenile Det Ctr	Salaries	128,485.05	Metro Comm	Salaries	129,081.42
Highway	Salaries	88,155.32	Human Services	Salaries	45,827.82
Museum	Salaries	45,368.78	Planning	Salaries	24,612.31
Extension	Salaries	6,040.95			

## REPORT

The following reports were received and placed on file in the County Auditor's Office: Metro Communications 2004 Annual Report, and the Auditor's Account with the County Treasurer as of March 31, 2005.

### AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER

On Deposit in Banks	
Interest-bearing open accounts	4,797,176.37
CD's and savings	14,000,000.00
Cash	19,289.34
Checks in Treasurer's possession for more than 3 days	5,040.66
Total	\$18,821,506.37

## PERSONNEL

MOTION by Zweep, seconded by Pekas to approve the following personnel changes. 3 ayes.

1. To accept the resignation of Michelle Hulme as Accountant for the Treasurer's Office effective 4-29-05.

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2. To hire Patrick Philippi as temporary Tax and License Specialist (4/2) for the Treasurer's Office at \$10.252 per hour effective 5-9-05.
3. To promote Timothy Devlin to Warden (22/8) for the Sheriff's Office at \$2396.88 biweekly effective 5-7-05.
4. To promote Matthew Aanenson to Correctional Officer II (10/2) for the Sheriff's Office at \$15.531 per hour effective 4-23-05.
5. To return from leave without pay Ryan Roethler as Deputy Sheriff Sergeant for the Sheriff's office effective 3-28-05.
6. To place on leave without pay (FMLA) Cindy Nogelmeier, Correctional Officer for the Sheriff's Office effective 4-8-05.
7. To hire Erin Stanley as part time Correctional Officer I (9/3) for the Sheriff's Office (Project 24/7) at \$15.238 per hour effective 5-4-05.
8. To reassign Kent McIntire to Communications Supervisor (13/6) for Metro Communications at \$20.055 per hour effective 5-7-05.
9. To accept the resignation of Michelle Schumacher as Paralegal I for the Public Defender's Office effective 4-25-05.
10. To accept the resignation of Meghan Voracek as Deputy Public Defender I for the Public Defender's office effective 4-29-05.
11. To hire Darren Magee as Deputy Public Defender II (19/3) for the Public Defender's office at \$1951.20 bi-weekly effective 5-9-05.
12. To hire Micah Hansen as temporary Intern for the Extension office at \$6.25 per hour effective 5-10-05 through 8/26/05.

Step increases due:

1. Jaime Irwin - Records Specialist - Register of Deeds - 4/3 to 4/4, 5-5-05, \$10.876/hr
2. William Hoskins - Museum Director - Museum - 22/5 to 22/6, 5-12-05, \$2,303.76 biweekly
3. Paavo Rasmussen - Museum Interpreter - Museum - 4/1 to 4/2, 5-3-05, \$10.252/hr
4. Jason Brown and Ryan Tellberg - Security Officer - Sheriff - 8/1 to 8/2, 4-27-05, \$13.771/hr
5. Maria Buehre - Security Officer - Sheriff - 8/1 to 8/2, 1-20-05, \$13.771/hr
6. Matthew Tooley - Communications Supervisor - Metro Communications - 13/2 to 13/3, 5-2-05, \$18.898/hr

Commissioners congratulated Tim Devlin on his promotion to Warden.

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## NOTICE

Notice of Public Hearing of the City of Brandon Planning and Zoning Commission on the Creation of the Brandon Tax Increment District Number Two on May 5<sup>th</sup>, was received.

## LIENS

Commissioner Pekas, County Aid Lien Liaison, briefed the Commission on a lien compromise request for DPNO 7411, in the amount of \$695.00. He explained that two lien accounts were created for the petitioner due to a difference in spelling of the petitioner's name. One of the accounts was paid in full on April 27, 2005. If approved, \$860.10 will be paid toward the total liens of \$1,255.10 (68%). MOTION by Pekas, seconded by Zweep to approve Resolution MC05-25. 3 ayes.

### RESOLUTION MC05-25

WHEREAS, a County Aid Lien in the amount of \$695.00 purports to exist in favor of Minnehaha County and against DPNO 7411 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 \$300.00.

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

Dated at Sioux Falls, South Dakota, this 3rd day of May, 2005.

APPROVED BY THE COMMISSION:

Carol Twedt, Chairman

ATTEST:

Sandy Kinder, Deputy Auditor

Commissioner Pekas also briefed the Commission on a lien compromise request from DPNO 26680. The petitioner is requesting that the lien be split between he and his ex-wife for services filed before their divorce in October, 1993, (\$1,580.00), and that his half (\$790) plus services that were filed in his name after the divorce (\$3,617.70) be compromised upon payment of \$500.00. Commissioner Pekas explained that the petitioner has now remarried and is in the process of refinancing his home. He noted that it has been the practice of the Commission to deny requests at less than 50% payment. MOTION by Pekas, seconded by Zweep to deny the request. 3 ayes.

## BID AWARD

Bids for 2004 Highway Materials were opened on April 25, 2005, and read by Bob Meister, Highway Superintendent. The following companies submitted bids: Jebro, Inc., Concrete Materials Co., Myrl & Roy's Paving, Inc., Winter, Inc., ACE Ready Mix, L.G. Everist, Inc., CONTECH Construction, Huron

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Culvert & Tank, Hanson Pipe & Products, Cretex Concrete Products, Buskerud Construction, Inc., Z & S Dust Control, United Rental, Ramstad Construction, Ed Nolz Construction, Graham Tire Co., Poms Tire, Johnson Feed, Inc., Mills & Miller, Cargill Incorporated, Construction Signing Co., Highway Improvement, and NORE, Inc. On the recommendation of Bob Meister, Highway Superintendent, MOTION by Pekas, seconded by Zweep to award the bids for 2005 - 2006 Highway Materials as follows. 3 ayes.

ITEM#	BIDDER	ITEM DESCRIPTION
1	Jebro, Inc.	Liquid Asphalt
2	Myrl & Roy's Paving & Concrete Materials	Hot Mix Patching Asphalt
3	Winter, Inc.	Class A Concrete
4	LG Everist, Inc., & Concrete Materials	Class A Rip Rap
5	LG Everist, Inc., Myrl & Roy's Paving, & Concrete Materials	Class B Rip Rap
6	Myrl & Roy's Paving	1/4" & down clean sand
7-18	Contech Construction Products	Metal Culverts
19-25	Hanson Pipe & Products	Reinforced Concrete Culverts
26-29	Hanson Pipe & Products	Concrete Bridge Beams
30	Buskerud Construction	Magnesium Chloride
31	Bid rejected	Various Traffic Signs
32.1	Ramstad Construction	Crawler Tractor & Scraper
32.2	No Bids	Elevating Scraper
32.3	Ed Nolz Construction	14 yd Scraper
32.4	No Bids	24 yd Scraper
32.5	Ed Nolz Construction	Motor Grader
32.6	No Bids	Crawler Dozer
32.7	Ed Nolz Construction	Crawler Dozer
32.8	No Bids	Crawler Dozer
32.9	Ramstad Construction	Backhoe w/ Operator
32.10	Myrl & Roy's Paving	Asphalt Laydown Machine
32.11	Ed Nolz Construction	50 Ton Crane w/ Operator
33	Poms Tire Co.	Tires-Variou Sizes
34	Mills & Miller	Rock Salt
35	Concrete Materials	Salt/Sand Mixture
36	Construction Signing Co	Pavement Marking
37	Buskerud Construction	Cable Guide Rail
38	Nore, Inc.	Asphalt Patching/Sealant Matls.
39	Highway Improvement	Thermoplastic Adhesive Matls.
40	Highway Improvement	PolyPatch Products
41	Hanson Pipe & Products	Precast Concrete Box Culverts
42	No Bids	Sign Posts

#### CHANGE ORDER

Marvin Hasenbank, TSP Contract Administration, presented Change Order 3 to the general contract with Jans Corporation for the Minnehaha County Residential Detoxification Unit Project. The change order, in the amount of \$6,634.00, is for removal of abandoned waste piping, signage revisions, casework

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modifications in the Control Room, dryer vent modifications, and relocation of cameras in two rooms. MOTION by Zweep, seconded by Pekas to authorize the Chairman to sign Change Order 3 in the amount of \$6,634.00 to the general contract with Jans Corporation for the Residential Detoxification Unit Project. 3 ayes. This change order will bring the total contract sum to \$733,266.00.

#### AGREEMENT

Ken McFarland, Administrative Assistant, requested the Commission's approval of a renewal agreement between the City of Sioux Falls and Minnehaha County for maintenance services at the Canary Baseball Stadium. Under the terms of the agreement, the Sheriff's Department will provide jail prisoners to perform maintenance and clean-up at the stadium for each home game, and a correctional officer to supervise the inmates. The payment to the County for the correctional officers who provide supervision will be at an hourly rate that reimburses the actual wages, overtime and benefits of the employees providing the supervision. Assistant Sheriff Michelle Boyd recommended adding a 10% administrative cost to the agreement. MOTION by Pekas, seconded by Zweep to approve the agreement with the revision that a 10% administrative fee be built into the contract. 3 ayes.

#### DESIGNATION

Ken McFarland, explained that in past years, the County has designated Carroll Institute as the Core Service Agency as part of their funding application process to the SD Department of Human Services, Division of Drugs & Alcohol. He updated the Commission on how the designation of a core service agency might impact the new program provider, Avera McKennan. The main issue was whether the Core Service Agency would be the only agency allowed to make involuntary commitments and initial assessments and referrals for detox. After a meeting between Avera McKennan, county personnel, and state officials, it was confirmed that it was not necessary for the Core Service Agency to initiate the involuntary commitments. A separate division of Avera McKennan could do initial assessments and referrals, and be paid through a separate contract with the State. It was also determined that this designation may be eliminated by the State in the near future. Mr. McFarland stated that the County may want to solicit proposals from other agencies if the designation is not eliminated in the future. Staff recommended that the Commission decline to designate a Core Service Agency for Minnehaha County for the fiscal year. Gary Tuschen, Carroll Institute Director, supported the recommendation and stated that if the County designates a Core Service Provider, that provider would be the only agency that would be able to conduct involuntary commitments, initial assessments, and referrals for detox. Without the designation, Carroll Institute would not be affected. MOTION by Zweep, seconded by Pekas to decline to designate a Core Service Agency for Minnehaha County for FY06. 3 ayes.

MOTION by Pekas, seconded by Zweep to recess into Executive Session with the possibility of reconvening. 3 ayes. Following Executive Session the Commission adjourned until 9:00 a.m. on Tuesday, May 10, 2005. 3 ayes.

#### APPROVED BY THE COMMISSION:

Carol Twedt, Chairman

#### ATTEST:

Sandy Kinder, Deputy Auditor