

5/17/05

THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M., May 17, 2005, pursuant to adjournment on May 10, 2005. Commissioners present were: Twedt, Pekas, Hajek, Kolbe and Zweep. 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 Hajek, seconded by Pekas to approve the Minutes for May 10, 2005. 5 ayes.

## VOUCHERS TO BE PAID

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

A & B Business Equip	Var. Depts	214.25	Alliance Communicati	Metro-911	664.27
Anacon Leasing, Inc.	Correction	351.80	Anderson Landscaping	Hiway Cons	1,750.00
Anderson, Scott A.	Plan & Zon	600.01	Anesthesiology Assoc	Human Svcs	192.00
Argus Leader	Var. Depts	662.01	Avera McKennan Hospi	Var. Depts	23,418.26
Bakken, Larry	Dir. Eq.	87.00	BDS Laundry Systems	Build Fund	1,415.00
Blue Earth County Sh	St Atty	35.00	Boyer Trucks Sioux F	Hiway Cons	440.89
Brandenburg, Michell	Cnty Exten	172.56	Brentwood Apartments	Human Svcs	450.00
Brookings Inn	Cnty Exten	55.00	Brown & Saenger	Auditor	18.58
Builders Supply Comp	Var. Depts	493.92	Bureau of Informatio	Var. Depts	1,510.28
Bus Systems, Inc.	Correction	19.45	Buskerud Constructio	Hiway Cons	6,637.38
Butler Law Office, P	Court Sys.	1,933.00	C & R Supply, Inc.	Hiway Cons	156.07
Cadwell, Sanford, Deib	Court Sys.	2,561.00	Campbell Supply Co.,	Var. Depts	164.38
Carriage Villa/Beldt	Human Svcs	275.20	Cbm Food Service	Correction	29,762.29
Center for Family Me	Correction	202.03	Century Business Pro	Pub. Adv.	89.00
Charlotte Place/Beck	Human Svcs	450.00	Chemco, Inc.	Facilities	1,879.75
City Glass & Glazing	Facilities	1,896.00	Cole, John R	Dir. Eq.	397.72
Concrete Materials	Var. Depts	210.62	Contech Const Produc	Hiway Cons	12,798.44
Cooley, Carla F	Court Sys.	34.20	Culligan Water Condi	Metro-911	81.80
D & B Tune-Up / Ferd	Juv Det Cn	64.50	Dade Behring, Inc.	Correction	1,746.42
Dakota News, Inc	Museum Sto	1,406.04	Dakota Police & Spor	Emer Mgmt	435.00
Dakota Riggers & Too	Hiway Cons	58.50	Dakota Security Syst	Juv Det Cn	469.39
Dakotaland Autoglass	Hiway Cons	135.00	Davidson, John Q	Mental Ill	88.00
Decisionone Corporat	Info Svcs	1,049.84	Dell Marketing L.P.	Info Svcs	121.00
Devlin, Tim	Correction	277.64	Deyoung, Lynn	Emer Mgmt	85.00
Dialnet / Ahrens Tel	Facilities	988.42	Diamond Vogel Paint	Facilities	179.88
Dietrich, Donna K	Mental Ill	330.19	Dosch, Korey	Dir. Eq.	87.00
DTN Corporation	Cnty Exten	177.00	Eastern Farmers Coop	Facilities	202.20
Ed M. Feld Equipment	Emer Mgmt	60.00	Ekeren, Marvin R	Mental Ill	36.00
Engbrecht, Roger	Human Svcs	125.00	Evercom Systems, Inc	Correction	7,000.00
Exide Technologies	Hiway Cons	144.25	Family Drug	Human Svcs	1,280.35
Family Service, Inc.	Human Res.	60.00	Fastenal Company	Museum	50.54
Federal Express Corp	Var. Depts	73.91	First Premier Bank	Human Svcs	900.00
Fortin, Margaret	Mental Ill	88.00	Frieberg, Zimmer, Dunc	Court Sys.	664.88
Frontier	Metro-911	178.38	Galls, Inc.	Var. Depts	4,819.43
Gaylord Bros.	Museum	477.64	Golden Creek Investo	Human Svcs	300.00
Graybar Electric Com	Facilities	256.28	Green, Jack H	Human Svcs	450.00
Guzman, Sandra V	Court Sys.	125.00	Hander, Inc	Human Svcs	271.16
HDR Engineering, Inc	Hiway Cons	4,252.83	Heart of the Vine	Museum	39.00
Hewlett-Packard Comp	Var. Depts	1,240.00	Hidden Meadows, LLC	Human Svcs	235.00
Hofeman, Dallas	Human Svcs	325.00	Home Federal Savings	Human Svcs	468.65
Hurtgen, Timothy T	Human Svcs	225.00	Hy-Vee Food Store #1	Juv Det Cn	51.46
Hy-Vee Food Store #1	Cnty Exten	15.13	Hy-Vee Food Store #1	Museum	22.78
Hy-Vee Pharmacy #162	Human Svcs	39.17	Interstate Office Pr	Var. Depts	1,174.75
Iosty, Alysia A	Dir. Eq.	87.00	J & K Properties / T	Human Svcs	450.00

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J.C. Penney Company,	Var. Depts	45.98	Jacobsen, Harlan	Human Svcs	340.00
Janitor's Closet, Lt	Var. Depts	1,635.03	Jans Corporation	Build Fund	138,211.00
Jaros, Pete	Mental Ill	40.96	Jefferson Partners,	Correction	124.24
Jim & Ron's Service,	Sheriff	38.00	Johnstone Supply	Facilities	156.24
Kallemeyn, Richard	Dir. Eq.	87.00	Kmart #7318	Human Svcs	21.44
Kooistra, Nelva	Mental Ill	36.00	Kreisers, Inc.	Correction	298.20
Kuehl, Allen	Human Svcs	525.00	L G Everist, Inc.	Hiway Cons	1,234.40
Lakeview Apts / Wiem	Human Svcs	450.00	Landborg, Richard J	Human Svcs	350.00
Language Line Servic	Metro-911	358.60	Lason Systems, Inc.	Reg Deeds	245.40
Lewis Drug Stores	Var. Depts	31,743.19	Lexis-Nexis / Reed E	Var. Depts	1,667.00
Linweld, Inc.	Var. Depts	108.70	Lyon County Sheriffs	St Atty	26.34
Mahaffey, Alyssa	Pub. D.	265.20	Mathison Company	Hiway Admi	25.68
Maxwell Food Equipme	Correction	46.40	McFarland Supply Co.	Facilities	134.61
Medical X-Ray Center	Correction	614.34	Menards - East	Hiway Admi	107.11
Menards - West	Build Fund	339.61	Midamerican Energy C	Var. Depts	3,527.78
Midcontinent Communi	Cnty Exten	29.85	Midwest Alarm Compan	Var. Depts	37,930.23
Mikelson, Gary E.	Mental Ill	817.68	Miller, Michael	Pub. D.	262.00
Minnehaha Cnty Priso	Correction	20.00	Mogul Security Equip	Juv Det Cn	176.95
Monick Pipe & Supply	Facilities	239.86	Mr. Goodcents	Museum Ent	25.90
Municipal Emergency	Emer Mgmt	12,273.26	Murray Construction,	Human Svcs	217.50
Myrl & Roy's Paving,	Hiway Cons	185,513.21	New World Systems	Var. Depts	172.78
Newman, Scott	Human Svcs	450.00	Nguyen, Lam	Court Sys.	25.00
Nites Inn / Smith Ho	Human Svcs	210.00	Norment Security Gro	Facilities	1,585.74
North Central Heart	Human Svcs	1,154.80	North Ridge Apartmen	Human Svcs	525.00
North Sioux Vending	St Atty	77.70	Northern Truck Equip	Hiway Cons	101.70
Novak Sanitary Servi	Var. Depts	185.75	Nyberg's Ace Hardwar	Var. Depts	91.90
Office Depot, Inc.	Info Svcs	2,365.10	Officemax Credit Pla	Var. Depts	314.45
Otter Tail Energy Se	Facilities	16,637.89	Pastime Software Com	Museum	373.60
Patriotic Flag Co.	Culture	989.52	Pfeifer Implement Co	Facilities	22.75
Prairie Publications	Var. Depts	379.25	Priority Dispatch	Metro-911	1,530.00
Purdue University	Cnty Exten	28.50	Qualified Presort Se	Museum	559.93
Qwest	Var. Depts	7,391.20	R & L Supply, Ltd	Facilities	91.89
Radio Shack Corporat	Cnty Exten	69.99	Record Keepers, Inc.	Human Svcs	128.87
Rinehart, Norman R	Human Svcs	525.00	Risty, Maxine J	Pub. D.	265.50
RJ Rental Properties	Human Svcs	750.00	Robson True Value	Var. Depts	134.11
Rypkema, Diane	Dir. Eq.	87.00	S.E.C.O.G.	Emer Mgmt	1,400.00
Sacred Heart Hospita	Human Svcs	572.26	Sanner, Melanie Jo	Dir. Eq.	87.00
Schwebach, Dave	Human Svcs	330.00	SD Sheriffs Assn	Correction	50.00
Seagull Software Sys	Info Svcs	49,640.00	Security Labs, Ltd	Info Svcs	190.00
Servall Towel & Line	Var. Depts	93.30	SF City Finance - Fu	Hiway Cons	350.00
SF Kenworth, Inc	Hiway Cons	38.34	SF Rubber Stamp Work	Correction	38.00
SF Two Way Radio Ser	Var. Depts	1,396.18	Sheehan Mack Sales &	Hiway Cons	26.73
Sheppard, John	Museum Sto	53.50	Sigler Fire Equipmen	Juv Det Cn	217.50
Sioux Empire FCU / V	Var. Depts	3,619.81	Sioux Empire FCU / V	St Atty	785.15
Sioux Empire FCU / V	Emer Mgmt	766.09	Sioux Empire FCU / V	Metro-911	4,648.00
Sioux Equipment Co,	Hiway Cons	142.50	Sioux Falls Ford, In	Sheriff	68.61
Sioux Valley Energy	Human Svcs	277.25	Sioux Valley Hospita	St Atty	60.00
Stan Houston Equipme	Hiway Cons	177.04	State Steel of SD	Facilities	9.00
Sturdevant's Auto Pa	Hiway Cons	55.06	SV Clinic Occupation	Cnty Ins	225.41
Tammen Oil	Sheriff	4.00	Tessco Technologies	Sheriff	10,549.89
Thomas, Bradley	Dir. Eq.	87.00	Thorin, Deyanira T	Court Sys.	300.00
Triangle Properties,	Human Svcs	350.00	TSP Four, Inc	Build Fund	2,513.20
United Parcel Servic	Metro-911	16.88	US Postal Service	Cnty Exten	59.41
Van's Auto Electric	Hiway Cons	88.00	Vantek Communication	Metro-911	231.25
Vavra, Jeff DBA Vavr	Human Svcs	130.00	Velvet Uniforms, Inc	Var. Depts	818.88
Verizon Wireless, Be	Emer Mgmt	27.66	Volunteers of Americ	Juv Det Cn	2,565.00
W.W. Grainger, Inc.	Var. Depts	38.50	Wal-Mart Business /	Metro-911	83.87
Walgreen Co.	Human Svcs	1,249.92	Westmar Properties	Human Svcs	450.00
Wheelchair Express,	Human Svcs	110.00	Whitney, Dennis	Dir. Eq.	87.00
Wilkes, Jeff	Dir. Eq.	87.00	Wilkison, Dorothy	Dir. Eq.	87.00
Wiseman, Margaret A	Human Svcs	350.00	Woods, Fuller, Shultz&	Court Sys.	2,229.54
Xcel Energy, Inc.	Var. Depts	2,793.19	Yankton County Sheri	Mental Ill	82.50

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Yankton County Treas Mental Ill 1,515.30

**REPORTS**

The following reports were received and placed on file in the County Auditor's Office: Register of Deeds Official Statements of Marriage, Recording, Transfer, and Express Fees and the Sheriff's Department Monthly Report for April, 2005.

**PERSONNEL**

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

1. To hire Keith Allenstein as limited Deputy State's Attorney for the State's Attorney's office at \$1538.48 biweekly effective 5-23-05.
2. To hire Crystal Mohrhauser as Intern for the Extension office at \$6.10 per hour effective 5-23-05.
3. To hire Sarah Tapper as Curator of Collections (14/1) for the Museum at \$1465.60 biweekly effective 5-23-05.
4. To hire Annmarie Kowalczyk and Alicia Brown as Interns for the Museum at \$7.00 per hour effective 5-23-05.
5. To promote Timothy Brommer as Juvenile Correctional Officer II (11/4) for the Juvenile Detention Center at \$17.410 per hour effective 5-16-05.
6. To hire the following individuals as temporary Laborers for the Highway Department at \$9.50 per hour effective 5-16-05: Craig Atkins, Matthew Garner, Adam Hegge, Craig Johnson, Jeremy Kropp, Nathan Thorpe, Christopher Vickery, and Dustin Woolam.

Step increases due:

1. Amber Schrag - Museum Interpreter - Museum, 4/1 to 4/2, 5-17-05, \$10.252/hr
2. Mark Jastram - Deputy Sheriff - Sheriff, 12/2 to 12/3, 5-10-05, \$17.984/hr
3. Kimberly Sieve-Fischbach and Christine Slaight - Correctional Systems Operator - Sheriff, 7/1 to 7/2, 4-26-05, \$12.893/hr

**ABATEMENTS**

The following abatements were recommended by Dennis Whitney, Deputy Director of Equalization:

MOTION by Hajek, seconded by Pekas to approve the following 2004 Property Tax abatements: Augustana College Association, ID 33331 - \$753.72, ID 50737 - \$653.72, & ID 50736 - \$287.27; St. Katharine Drexel Parish Inc., ID 76486 - \$607.63; Cumberland Apartments II by Inter-Lakes Community Action, Inc., ID 62386 - \$13,101.83; Presentation Sisters of the Blessed Virgin Mary of Aberdeen, ID 36810 - \$2,330.36; First Lutheran Church of Sioux Falls, ID 32355 - \$4,843.48; Family Connection, Inc., ID 25768 - \$135.18 & ID 25769 - \$1,106.40; and Central Baptist Church, ID 24830 - \$1,294.09. 5 ayes.

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## LIENS

Commissioner Pekas, County Aid Lien Liaison, briefed the Commission on a lien compromise request from DPNO 26680 in the amount of \$5,197.70. On May 3<sup>rd</sup>, the Commission denied a request by the petitioner to split the lien between him 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. The petitioner is again requesting to split the lien and compromise his portion upon payment of \$1,000.00. Commissioner Pekas noted that the petitioner's residence is a substantial asset and that the payment offered is still less than the 50% precedent. MOTION by Pekas, seconded by Zweep to deny the request. 5 ayes.

Commissioner Pekas also briefed the Commission on a lien compromise request from the law firm of Davenport, Evans, Hurwitz & Smith, LLP. The petitioner is requesting that their client's property be released from the lien with no payment from him. Commissioner Pekas explained that the property was sold contract for deed. The purchaser had incurred the lien for services in the amount of \$123.75 which attached to the property. The purchaser then defaulted and had never taken title to the property. MOTION by Pekas, seconded by Zweep to approve Resolution MC05-26. 4 ayes. Commissioner Hajek abstained.

## RESOLUTION MC05-26

WHEREAS, a County Aid Lien in the amount of \$123.75 purports to exist in favor of Minnehaha County and against DPNO 47030 as Lienee, and

WHEREAS, the firm of Davenport, Evans, Hurwitz & Smith, LLP 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 only insofar as the real property with no payment from the petitioner. Legal description of real property: W 50' of Lots 9 & 12 Block 12 Folsom's Addition to the City of Sioux Falls.

Dated at Sioux Falls, South Dakota, this 17th day of May, 2005.

APPROVED BY THE COMMISSION:

Carol Twedt, Chairman

ATTEST:

Sandy Kinder, Deputy Auditor

## AGREEMENT

Pursuant to deferral on May 10<sup>th</sup>, Ken McFarland, Administrative Assistant, presented an Agreement for Services between Minnehaha County and Avera McKennan for providing the protective custody drug and alcohol detoxification program within Minnehaha County. The Commissioners were in receipt of the attachment materials as request at the previous meeting. Under the terms of the agreement, the County will pay monthly installments of \$13,333 to Avera McKennan from the Sheriff's Department budget and

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a one-time start-up cost of \$12,929 due upon signing the agreement. The County will also forward funds paid by the City of Sioux Falls in the amount of \$13,333. The State of South Dakota Department of Human Services Division of Alcohol and Drug Abuse Services Agreement has also been incorporated into the Agreement for Services. Avera McKennan will be required to comply with all the reporting and program requirements of the State and bill them on a monthly basis. Payment will be sent to the County and forwarded to Avera McKennan within 10 working days. Commissioner Pekas commented on the language used in "Exhibit A" ARSD 46:05:18 Clinically-Managed Residential Detoxification Program which details the services provided by a detoxification program. Gordy Swanson, Chief Deputy State's Attorney, stated that his legal opinion would be that the County would not have the authority to hold persons for more than 15 days. The minimal responsibility of the County would be to provide a 72 hour hold with up to an additional 10 day wait period for a court hearing, and detox services cease after the court hearing. MOTION by Pekas, seconded by Hajek to authorize the Chairman to sign the Agreement. 5 ayes.

#### LEASE

Pam Nelson requested that the Commission approve a contract between Minnehaha County and Tri-State, Ltd. to provide an ATM in the County Administration Building. Currently, the County has a separate lease with Sioux Empire Federal Credit Union (SEFCU) to provide an ATM at the Public Safety Building (PSB). Ms. Nelson stated that the ATM would be more convenient for the public who are conducting business at the Administrative Building and would not be considered a revenue source. The Treasurer's office would be responsible for the initial hook-up fee for the machine estimated at \$60 to \$100. Under the terms of the agreement, Tri-State would collect a \$2 transaction fee with \$0.25 per transaction going to the County. Commissioner Hajek questioned the transaction surcharge and noted that the agreement lists the \$2 surcharge as the minimum fee that would be allowed. Commissioner Pekas questioned language in the agreement that would name Tri-State, Ltd. as the exclusive provider of the County's ATM needs. Gordy Swanson, Chief Deputy State's Attorney, gave his legal opinion of the language of the agreement and suggested amending the wording to clarify those areas in question. MOTION by Hajek, seconded by Pekas to keep the SEFCU ATM at the PSB and not allow another service provider. 4 ayes, Kolbe - nay.

#### JAIL

Warden Tim Devlin reported that the Volunteers of America (VOA) have secured a grant in the amount of \$6,000 to pay for a part-time correctional officer to monitor the GED class at the Jail. He requested that the Commission allow a 5 hour per week increase in the Jail budget for this service. The Jail will bill VOA monthly to offset the cost. Chairman Twedt thanked the VOA for funding the program. MOTION by Zweep, seconded by Pekas to approve the request. 5 ayes.

#### SUPPLEMENT

MOTION by Pekas, seconded by Zweep to supplement \$7,354.74 from the FEMA Fund to the FEMA budget and \$150.00 to the General Fund, for administrative costs, representing the first half of the 2005 FEMA allocation. 5 ayes.

#### HEARINGS

Pat Herman, Planner, was present for the scheduled hearing to consider text amendments in three areas of the 1990 Revised Zoning Ordinance for Minnehaha County. The first revision would correct a typographical error in Section 19.11. MOTION by Pekas, seconded by Zweep to approve the

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amendment. 5 ayes. The second revision would remove Section 17.03 which allows application for a conditional use permit to exceed 288 square feet for an off-premise sign. Requests for such signs could still be made through the variance application process. Cody Wittrock, Front Row Outdoor Advertising, spoke in opposition of the revision. MOTION by Hajek, seconded by Zweep to approve the revision to Section 17.03. 5 ayes. The last revision would replace the current definition for a building. Ms. Herman stated that the current description has caused problems with people attempting to avoid getting building permits by placing structures on temporary supports. MOTION by Zweep, seconded by Pekas to approve Ordinance MC16-73-05. 5 ayes.

#### ORDINANCE MC16-73-05

AN ORDINANCE AMENDING THE 1990 REVISED ZONING ORDINANCE FOR MINNEHAHA COUNTY BY REVISING THE TEXT PERTAINING TO THE REVOCATION OF CONDITIONAL USE PERMITS, OFF-PREMISE SIGNS SIZE, AND THE DEFINITION OF A BUILDING.

BE IT ORDAINED BY MINNEHAHA COUNTY, SOUTH DAKOTA:

That Ordinance MC16-73-05, attached hereto is hereby adopted. The entire ordinance is on file in the office of the County Auditor and available for inspection during regular business hours.

Adopted this 17th day of May, 2005.

BOARD OF COUNTY COMMISSIONERS

Carol Twedt, Chairman

ATTEST:

Sandy Kinder, Deputy Auditor

Scott Anderson, Planning Director, was present for the scheduled hearing to consider a request to 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. The petitioner is proposing to develop a 1.1 acre site on Ellis Road for a 6,000 square foot building for his engine and equipment repair shop. The Planning Commission recommended approval of the request. The petitioner, Kevin Severson, was present to answer questions. Barb Himmel-Roberts, county resident, questioned the location of the entrance as an existing building is located on the lot adjacent to the proposed site and on Highway 38. Mr. Severson explained that he has proposed a second entrance set back from the Highway on Ellis Road which would allow shared access to both buildings. MOTION by Zweep, seconded by Pekas to approve Ordinance MC16-74-05. 5 ayes.

#### ORDINANCE MC16-74-05

AN ORDINANCE AMENDING ORDINANCE MC16-90 BY PROVIDING THAT THE WITHIN DESCRIBED PROPERTY BE REZONED:

BE IT ORDAINED BY MINNEHAHA COUNTY, SOUTH DAKOTA:

That Ordinance MC16-90 be amended by changing the zoning classification of property as follows:  
S 210' Tract 4 Crockett's Addition in the NE1/4 Section 23-T102N-R50W from the A-1 Agricultural District to the C Commercial District.

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Approved this 17th day of May, 2005.

BOARD OF COUNTY COMMISSIONERS  
Carol Twedt, Chairman

ATTEST:  
Sandy Kinder, Deputy Auditor

OLD BUSINESS

Sue Roust, Auditor, reviewed the financial condition of the county. She reported on two challenges, debt service for 2005 and the Building Fund cash balance. She explained that due to the refinancing of the Jail Bonds in 2004, there is a shortage in available cash in the Building Fund for the debt service payment. The County's financial advisors, Dougherty and Company, are reviewing the issue and have indicated that it is possible to create the savings needed by December by extending bond terms that will come due at the end of the year. This will use a small portion of the \$11.3 million savings realized by the 2004 refinancing. The second issue is to shift the levy back to the Building Fund. A portion of the levy was switched to the General Fund as part of financing the Jail project. Ms. Roust explained that over the past several years, the focus has been on stabilizing the General Fund which has grown over \$10 million dollars in the past five years to \$31.9 million due to personnel, insurance, and operating costs. Revenues from the new jail have also been reduced due to limited bed rentals. The General Fund levy has increased 57.3% since 2000, and General Fund revenues have increased 36.9%. The Commission directed Ken McFarland, Administrative Assistant, to advise department heads that they should submit no-increase budgets for 2006.

MOTION by Zweep, seconded by Hajek to adjourn until 9:00 a.m. on Tuesday, May 24, 2005. 5 ayes.

APPROVED BY THE COMMISSION:  
Carol Twedt, Chairman

ATTEST:  
Sandy Kinder, Deputy Auditor