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THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M., May 31, 2005, pursuant to adjournment on May 24, 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.

## ZONING

Scott Anderson, Planning Director, gave the first reading of a proposed text amendment to the 1990 Revised Zoning Ordinance for Minnehaha County. The revision would amend text related to the expansion of existing concentrated animal feeding operations in the A-1 Agricultural District. MOTION by Pekas, seconded by Kolbe to authorize the Auditor to publish Notice of Hearing on June 28, 2005. 5 ayes.

Mr. Anderson also gave the first reading of three proposed amendments to the 2001 Revised Joint Zoning Ordinance for Minnehaha County and the City of Dell Rapids. The revisions would amend the text related to the expansion of existing concentrated feeding operations, remove the option of applying for a conditional use permit to exceed 288 square feet for an off premise sign, and replace the definition of a building. MOTION by Kolbe, seconded by Zweep to authorize the Auditor to publish Notice of Hearing on June 28, 2005. 5 ayes.

## MINUTES

MOTION by Hajek, seconded by Pekas to approve the Minutes for May 24, 2005. 5 ayes.

## VOUCHERS TO BE PAID

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

A & B Business Equip	Var. Depts	610.05	ABN Army Surplus	Law Enf Gr	215.00
Ahrendt, Brian T.	Court Sys.	1,980.00	All About Travel, In	Pub. D.	1,062.57
American Institution	Juv Det Cn	38.85	Anacon Leasing, Inc.	Sheriff	389.00
Argus Leader	Comm.	487.85	Avera McKennan Hospi	St Atty	38.00
Avera Queen of Peace	Metro-911	148.50	Bishop, Kristin	Pub. D.	12.50
Border States Electr	Hiway Cons	64.12	Boyer Trucks Sioux F	Hiway Cons	440.89
BP Products North Am	Var. Depts	177.36	Brown & Saenger	Var. Depts	120.66
Burma, James J.	Human Svcs	350.00	Burnette, Sara L.	Court Sys.	1,854.00
Butler Machinery Com	Hiway Cons	402.08	C & R Supply, Inc.	Hiway Cons	14,305.87
Cade, Ronelle	Human Svcs	450.00	Cambridge Partnershi	Human Svcs	450.00
Campbell Supply Co.,	Hiway Cons	541.38	Carstens, Dale	Human Svcs	375.00
Cellular One	Var. Depts	2,530.90	Cellular One-Store	Var. Depts	307.13
Classic Cleaners	Sheriff	21.25	Cliff Avenue Auto Pa	Hiway Cons	47.30
Colton Water Dept.	Hiway Admi	39.45	Communication Servic	Var. Depts	165.00
Comtech Group USA,	Sheriff	195,416.00	Concrete Materials	Hiway Cons	78.57
Construction Product	Hiway Cons	228.65	Continental Research	Metro-911	138.14
Crago, Michael K.	Human Svcs	300.00	Credit Bureau of Tol	Correction	48.90
Crestview Apts/Harve	Human Svcs	450.00	Custom Cage	Law Enf Gr	500.00
Dakota Fluid Power,	Hiway Cons	1,300.00	DeNeui, Brian L.	Human Svcs	350.00
Dialnet/Ahrens Telec	Var. Depts	583.22	Dindot-Klusmann Fune	Human Svcs	2,285.00
East Pointe Townhous	Var. Depts	1,005.00	Electric Constructio	Museum Mtc	216.21
Elhai, Jonathon D.,	Pub. D.	1,750.00	Enterprise Book Co.	Museum Sto	115.20
Family Flooring & Fu	Juv Det Cn	1,713.27	First Premier Bank	Sheriff	78.21
Fods, Randy	Hiway Cons	217.99	Fountain Ridge Inves	Human Svcs	450.00
Galland Legal Clinic	Court Sys.	252.00	Galls, Inc.	Emer Mgmt	109.98

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George Boom Funeral	Human Svcs	2,235.00	Goebel Printing, Inc	Sheriff	15.00
Graham Tire Co. - Do	Var. Depts	1,063.67	Graybar Electric Com	Metro-911	648.72
Great America Leasin	Cnty Exten	220.30	Gregory, Candise	Cnty Exten	11.60
Gunner, Andrea	Court Sys.	45.60	Guzman, Sandra V.	Var. Depts	694.66
Hall, Bryan	Pub. D.	80.00	Hansen, Trevor	Human Svcs	450.00
Harold's Photo Cente	Var. Depts	22.20	HBD, Inc.	Juv Det Cn	134.40
Holiday Inn Express	Var. Depts	149.00	Holmes Group	Museum	38.00
Howalt-McDowell Insu	Pub. Def	50.00	Hurtgen, Timothy T.	Human Svcs	350.00
Hy-Vee Food Store #1	Juv Det Cn	325.94	Hy-Vee Pharmacy #162	Human Svcs	39.99
IBE, Inc.	St Atty	98.00	Insight Public Secto	Metro-911	202.24
Interstate Office Pr	Var. Depts	3,104.85	Investors Management	Human Svcs	450.00
J D Evans, Inc.	Hiway Cons	50.00	Jabs, Dr Corrine Med	Pub. D.	50.00
Jans Corporation	Build Fund	79,297.00	Jerke Construction C	Hiway Cons	44,378.57
Jim Hawk Truck Trail	Hiway Cons	624.68	John's Shoe Repair,	Sheriff	40.00
Kennedy, Renee S.	Court Sys.	121.60	Landborg, Richard J.	FEMA Fund	400.00
Law Enforcement Targ	Emer Mgmt	214.04	Lewis Drug Stores	Museum	15.54
Linweld, Inc.	Hiway Cons	69.50	Lutheran Social Serv	Var. Depts	1,050.00
Lyle Signs, Inc.	Hiway Cons	488.14	Mac's, Inc.	Hiway Cons	37.07
Madison County Sheri	St Atty	22.40	Martell, Monte R.	Human Svcs	350.00
Maxwell Food Equipme	Museum Mtc	210.00	McKinney, Dr. Kris D	Human Svcs	116.33
Medical X-Ray Center	Coroner	256.50	Menards - East	Hiway Cons	3.90
Michaelson, Shirley	Human Svcs	450.00	Midamerican Energy C	Var. Depts	930.21
Munk, Steven	Cnty Exten	32.00	Myrl & Roy's Paving,	Hiway Cons	93,164.71
NACDL	Pub. Def	295.00	Nebraska Dept. of Mo	St Atty	3.00
New World Systems	Var. Depts	1,210.30	Norberg Paints, Inc.	Var. Depts	89.80
Norm Feldman's Glass	Hiway Cons	157.10	Novak Sanitary Servi	Sheriff	41.00
Officemax Credit Pla	Museum	39.96	Old-House Journal	Museum	27.00
Park, John	Human Svcs	450.00	Pennington County Tr	Juv Det Cn	173.21
Pfeifer Implement Co	Hiway Cons	151.33	Pietz, Paul	Court Sys.	772.10
Pine Crest, Inc/Pine	Human Svcs	350.00	Plusco Printing & Co	Pub. Adv.	15.00
Pontiac Cadillac of	Sheriff	120.04	Prairie Publications	Comm.	439.04
Presto-X-Company	Juv Det Cn	64.00	Qualified Presort Se	Var. Depts	5,224.47
Qwest	Metro-911	311.60	Riviere Apartments/L	FEMA Fund	400.00
RJ Rental Properties	Human Svcs	800.00	Roberts, Yvonne	Human Svcs	350.00
Rochester Armored Ca	Treasurer	330.00	Rural Metro Ambulanc	Human Svcs	800.00
SD Secretary of Stat	Pub. D.	25.00	Servall Towel & Line	Var. Depts	95.36
Servicemaster of Sio	Build Fund	1,780.37	SF Area Humane Socie	Animal Con	2,703.94
SF Rubber Stamp Work	St Atty	22.50	SF Two Way Radio Ser	Metro-911	5,921.80
Sheehan Mack Sales &	Hiway Cons	2,649.20	Shipley's Laundry &	Museum Ent	17.50
Shopko Store #076	Juv Det Cn	46.04	Sign-A-Rama	Museum	616.56
Sioux Falls Ford, In	Var. Depts	1,140.68	Sioux Falls Utilitie	Var. Depts	4,958.57
Sioux Valley Hospita	St Atty	120.00	Sioux Valley Wireles	Hiway Cons	35.95
Smythe, Toby D DBA	Human Svcs	350.00	Solomon, Ghirmay	Court Sys.	100.00
Southwest Daily Time	St Atty	30.10	Span Publishing, Inc	Metro-911	116.10
Springbrook Estates	Human Svcs	209.00	Stan's Northview Cam	Hiway Cons	469.95
Sturdevant's Auto Pa	Hiway Cons	554.45	Sycamore Court Apts/	FEMA Fund	102.00
Szameit Custom Woodw	Law Enf Gr	878.96	The Printers, Inc.	Museum Ent	469.10
Theophilus Law Offic	Court Sys.	592.00	Thorin, Deyanira T.	Var. Depts	316.66
Tinklenberg, Douglas	FEMA Fund	450.00	Turner County Sherif	St Atty	14.50
Ultimate Electronics	Museum	1,072.70	United Medical Resou	Human Svcs	806.40
University Physician	Human Svcs	181.19	US Postmaster	Museum	1,500.00
Valley View Apts	Human Svcs	350.00	Valley West Apartmen	Human Svcs	350.00
Velvet Uniforms, Inc	Var. Depts	442.46	Wagner Office Soluti	Cnty Exten	146.00
West Group	Pub. D.	1,693.24	Wieczorek, Julie	Cnty Exten	18.96
Willard, James A.	Cnty Exten	26.00	Wilsey & Associates,	Hiway Cons	12,642.25
Wright, Larry	Cnty Exten	16.40	Xcel Energy, Inc.	Var. Depts	358.41
Xubex Pharmaceutical	Human Svcs	80.00	Commission	Salaries	15,663.02
Auditor	Salaries	25,881.08	Treasurer	Salaries	44,590.46
Information Svcs	Salaries	47,073.01	States Atty	Salaries	110,032.54
Public Defender	Salaries	82,169.39	Public Advocate	Salaries	18,484.76
Facilities	Salaries	43,099.00	Equalization	Salaries	53,088.77
Reg of Deeds	Salaries	30,413.82	Human Resources	Salaries	9,811.02

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Sheriff	Salaries	588,100.01	Juvenile Det Cntr	Salaries	126,710.39
Metro Communications	Salaries	123,679.79	Highway	Salaries	106,775.13
Human Services	Salaries	45,827.84	Museum	Salaries	46,409.62
Planning	Salaries	25,231.56	Extension	Salaries	6,434.71

## PERSONNEL

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

1. To promote Suwa Otten to Legal Office Assistant II (7/2) for the Sheriff's Office at \$12.893 per hour effective 6-6-05.
2. To accept the retirement of Joan Hall as Senior Legal Office Assistant for the Sheriff's Office effective 6-3-05.
3. To place on family and medical leave (FMLA) Allison Lockwood, Paralegal II for the Public Defender's office effective 5-12-05.
4. To reassign Lloyd Olson as Acting Facilities Director for Facilities at \$2,155.46 biweekly effective 5-10-05.
5. To amend the hire date of Rosie Arnold as Custodian I (3/2) for Facilities to 6-2-05.

### Step increases due:

1. Tanya Lenz - Correctional Systems Operator - Sheriff - 7/2 to 7/3, 4-14-05, \$13.408/hr
2. Michael Brenden - Correctional Officer I - Sheriff - 9/1 to 9/2, 5-31-05, \$14.652/hr
3. Aimee Chase - Communications Asst. Supervisor - Metro Communications - 11/2 to 11/3, 6-5-05, \$17.069/hr
4. Robin Pappas - Communications Asst. Supervisor - Metro Communications - 11/6 to 11/7, 6-5-05, \$18.475/hr
5. Thomas Anawski - Juvenile Correctional Worker - Juvenile Detention Center - 5/3 to 5/4, 5-29-05, \$11.809/hr
6. Paul Niedringhaus - Deputy Sheriff Lieutenant - Sheriff - 20/6 to 20/7, 5-3-05, \$2,191.36 biweekly
7. Raymond Koens - Caseworker I - Human Services - 11/3 to 11/4, 5-28-05, \$17.410/hr
8. James Phelps - Caseworker II - Human Services - 12/3 to 12/4, 6-8-05, \$18.343/hr

## ABATEMENTS

The following abatements were recommended by Dick Kallemeyn, Director of Equalization:

MOTION by Zweep, seconded by Kolbe to approve the following abatement: Michael Randall, ID 18586, Property Taxes: 2002 - \$434.53, 2003 - \$357.83, & 2004 - \$335.04. 5 ayes.

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MOTION by Kolbe, seconded by Pekas to approve the following abatement: Lester Schaffer, ID 15522, 2004 Property Taxes - \$178.01. 5 ayes.

#### NOTICES

Notice of Surface Water Discharge Application and Recommendation was received from the SD Department of Environment and Natural Resources for the renewal of a Surface Water Discharge Permit for the Corson Village Sanitary District.

#### LIENS

Commissioner Pekas, County Aid Lien Liaison, briefed the Commission on a request to compromise DPNO 33039 in the amount of \$6,636.23 in full upon payment of \$1,500.00. He explained that the petitioner was in the process of purchasing a home when a title company noted the lien. The petitioner thought that the lien for health services was discharged during a bankruptcy proceeding in 2003. Gordy Swanson, Chief Deputy State's Attorney, stated that he has had contact with the mortgage lender and they have agreed to assist the petitioner in obtaining funds to satisfy the debt if the compromise amount is accepted. MOTION by Pekas, seconded by Zweep to approve Resolution MC05-28. 5 ayes.

#### RESOLUTION MC05-28

WHEREAS, a County Aid Lien in the amount of \$6,636.23 purports to exist in favor of Minnehaha County and against DPNO 33039 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 \$1,500.00.

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

Dated at Sioux Falls, South Dakota, this 31st day of May, 2005.

APPROVED BY THE COMMISSION:

Carol Twedt, Chairman

ATTEST:

Sandy Kinder, Deputy Auditor

Commissioner Pekas also briefed the Commission on a request to compromise DPNO 38143 in full with no payment from the petitioner. He explained that the petitioner is unemployed and on Social Security disability. Medicaid has reimbursed \$936.80 to the County reducing the lien balance to \$1,744.53. Due to the petitioner's limited income, it is unlikely that the lien would attach to future real estate. MOTION by Pekas, seconded by Hajek to approve Resolution MC05-29. 5 ayes.

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## RESOLUTION MC05-29

WHEREAS, a County Aid Lien in the amount of \$1,744.53 purports to exist in favor of Minnehaha County and against DPNO 38143 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 from the petitioner.

Dated at Sioux Falls, South Dakota, this 31st day of May, 2005.

APPROVED BY THE COMMISSION:

Carol Twedt, Chairman

ATTEST:

Sandy Kinder, Deputy Auditor

## HEARING

The scheduled hearing was held to consider the application for a Special On-Sale Wine Dealers' License for the Siouxland Renaissance Association Siouxland Renaissance Festival to be held on June 4 & 5, 2005, on property legally described as E1/2 NW1/4 SE1/4 & NE1/4 SE1/4 (Ex H-1 & Ex Tr 1 Alvine's Addn) Section 36-101-51. Melissa Sutton, Executive Chair of the Siouxland Renaissance Association was present to answer questions. No one spoke in opposition. MOTION by Pekas, seconded by Zweep to approve license number SMBW-05-001. 5 ayes.

## POLICY

Nora Buckman, Human Resources Director, requested that the Commission consider a change to the policy on reimbursement of meals in the County Employee Handbook by adding language to Section F.1. She explained that the current practice is not consistent between departments. The change would not allow for reimbursement of meals for employees during normal workdays if they do not have an overnight stay. Sue Roust, Auditor, discussed recent issues with the IRS considering meal reimbursement not connected with overnight travel to be ordinary income, subject to social security, medicare, and income tax withholding. Commissioner Zweep discussed reimbursing meals for employees traveling outside of Minnehaha County and the potential for creating extra expenses if the change is approved. Lynn DeYoung, Emergency Management Director, spoke in opposition to the request stating that he travels to Pierre regularly without an overnight stay and feels that the county should reimburse for meals when employees are working outside of their home area on county business. MOTION by Pekas, seconded by Hajek to approve the policy change. 3 ayes, Zweep and Kolbe - nay.

## PROGRAMS

Ken McFarland, Administrative Assistant, briefed the Commission on a request from South Dakota State University (SDSU) to use the Detox Center/Jail as one of their clinical experiences for nursing students. Janet Lord, PhD, RN, explained that as part of the psychiatric/mental health nursing unit, the students

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would follow nurses to interact with persons receiving detox services to learn about nursing interventions designed to assist in the challenges of substance abuse. Students would attend ½ to 1 day visits approximately four times per semester. SDSU currently contracts with Avera McKennan to conduct clinical experiences for their nursing students in various hospital departments. Avera McKennan is the provider of county detox services and would be covered under the same agreement. Since the facility is County owned, SDSU is notifying the Commission in case of objections. Amy Schrier, Avera McKennan Corporate Health Care Services Director, answered questions on the agreement. Commissioners discussed liability and confidentiality issues that may arise. Ms. Lord stated that students would rely on the healthcare provider to obtain patient consent and that students were required to carry insurance. Gordy Swanson, Chief Deputy State's Attorney, stated that any issues with consent liability would be the responsibility of Avera McKennan. Commissioners had no objection to the request.

Gary Tuschen, Carroll Institute Executive Director, presented a request to allow Carroll Institute to re-start the substance abuse treatment program at the Jail. He stated that the program began in January 2004 and continued through March 2005 and was discontinued due to the loss of the counselor. He reported that Carroll Institute has recruited a replacement counselor and would like to re-start the program. The program is currently funded through a State contract with Carroll Institute and would not require funding from the County. Office space would be provided to the counselor assigned to the program. Amy Hartman, Carroll Institute Clinical Services Director, explained the program and answered questions. Warden Tim Devlin spoke in support of the request. Commissioner Kolbe questioned the reporting requirements of the program. Mr. Tuschen stated that they are required by the state to provide periodic reports. MOTION by Hajek, seconded by Pekas to authorize the re-start of the program. 5 ayes.

#### OLD BUSINESS

Commissioner Zweep discussed issues with departments having kitchen areas with appliances in their offices deterring them from using the Coffee Shop thus reducing the income potential for the current operator. Sue Roust, Auditor, noted that the County does not provide appliances to departments and that the issue of areas being set aside as kitchens should be discussed due to the County's current space needs. Commissioner Hajek noted that the operator had previously indicated that he would solicit input on product interest in an attempt to make sales more profitable. Chairman Twedt encouraged the Commission to proceed with addressing the issues with the Coffee Shop operator in the near future.

#### NEW BUSINESS

Gordy Swanson, Chief Civil Deputy State's Attorney, announced that he has been working on a response to a request to form an employee bargaining unit.

Commissioner Pekas questioned Gordy Swanson, Chief Deputy State's Attorney, on jurisdiction at the W.H. Lyon Fairgrounds due to a recent newspaper article. Mr. Swanson noted that even though the Fairgrounds lies within city limits of Sioux Falls, the County holds jurisdiction by agreement with the City of Sioux Falls.

MOTION by Pekas, seconded by Kolbe to adjourn into Executive Session. Following Executive Session the Commission adjourned until 5:00 p.m. on Monday, June 6, 2005. 5 ayes.

APPROVED BY THE COMMISSION:  
Carol Twedt, Chairman

ATTEST:  
Sandy Kinder, Deputy Auditor