

6/21/05

THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M., June 21, 2005, pursuant to adjournment on June 14, 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 Pekas, seconded by Zweep to approve the Minutes for June 14, 2005. 5 ayes.

VOUCHERS TO BE PAID

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

A & B Business Equip	Var. Depts	234.53	A to Z Language Inte	Var. Depts	262.50
All about Travel, In	Pub. D.	1,304.78	Alliance Communicati	Metro-911	823.25
Anderson, Elwood	Human Svcs	275.00	Appeara / Dudley Lau	Hiway Cons	28.02
Argus Leader	Var. Depts	524.54	Around the Clock/Dra	Juv Det Cn	97.45
Automatic Building C	Correction	134.64	Avera McKennan Campu	Human Svcs	676.57
Avera McKennan Hospi	Var. Depts	2,209.08	Avera Medical Record	Court Sys.	21.22
Avera Queen of Peace	Hiway Admi	126.00	B & E Apts/Holland,	Human Svcs	285.00
Bechtel, Donald J	Human Svcs	800.00	Best Business Produc	Reg Deeds	47.87
Bierschbach Equipmen	Hiway Cons	51.30	Bob Barker Company,	Correction	1,111.45
Bob's Lock & Key	Correction	25.35	Breit Law Offices, P	Court Sys.	1,725.50
Brentwood Apartments	Human Svcs	439.00	Brown & Saenger	Var. Depts	873.82
Building Sprinkler,	Facilities	111.09	Bureau of Informatio	Var. Depts	236.00
Butler Law Office, P	Court Sys.	380.02	C & R Supply, Inc.	Hiway Cons	19.20
Campbell Supply Co.,	Hiway Cons	26.36	Carper, Nichole A	Court Sys.	964.80
Cass County Treasure	Elec Audit	208.44	CBM Food Service	Correction	10,464.30
Cellular One-Store	Sheriff	58.00	Center for Family Me	Correction	2,034.60
Century Business Pro	Var. Depts	119.16	Charlotte Place/Beck	Human Svcs	812.00
Choudek, Paul M	Human Svcs	300.00	City Centre Hotel Co	Court Sys.	152.66
City-Wide Taxi, Inc	Human Svcs	118.30	Clayton, Thomas W	Court Sys.	606.48
Cobraserve National	Human Svcs	316.88	Cole Papers, Inc.	Hiway Cons	362.81
Communication Servic	Var. Depts	220.00	Concrete Materials	Hiway Cons	7,195.09
Crawford Supply Comp	Juv Det Cn	30.72	Culligan Water Condi	Human Svcs	37.50
Dacotah Paper Co.	Correction	138.60	Dell Rapids Ford, In	Sheriff	21.04
Dialnet/Ahrens Telec	Juv Det Cn	85.00	Diamond Vogel Paint	Hiway Cons	739.05
Disburg, Jennifer M	Metro-911	32.64	Econo Lodge of Sioux	Human Svcs	179.80
Edmunds Brake & Alig	Sheriff	441.21	Ernest, Richard	Pub. Adv.	1,200.00
Family Drug	Human Svcs	1,051.82	Fastenal Company	Facilities	17.77
G & R Controls	Facilities	1,096.46	Galls, Inc.	Emer Mgmt	154.51
Genzlinger, Janeen	Court Sys.	262.20	Geotek Engineering &	Facilities	25.00
Giebink, Jeff G	Court Sys.	785.00	Goebel Printing, Inc	Treasurer	218.09
Graham Tire Co. - Do	Var. Depts	122.08	Graybar Electric Com	Facilities	110.90
Great Plains Int'l T	Hiway Cons	110.48	Greentree Services	Human Svcs	350.00
Guarantee Roofing of	Correction	1,549.00	Gunner, Andrea	Court Sys.	102.00
Guzman, Sandra V.	Var. Depts	370.82	Harold's Photo Cente	Pub. D.	10.08
Healthworks/Eastern	Correction	82.00	Heritage Funeral Hom	Human Svcs	837.00
Highway Improvement,	Hiway Cons	8,263.75	Hills of Rest Memori	Human Svcs	275.00
Hillyard, Inc.	Facilities	49.28	Hofer, Julie A.	Court Sys.	1,389.40
Home Depot Credit Se	Hiway Cons	112.09	Hy-Vee Food Store	Cnty Exten	16.63
Hy-Vee Pharmacy	Human Svcs	972.50	Hy-Vee Pharmacy	Human Svcs	134.52
Insight Public Secto	Var. Depts	2,984.92	Interstate Office Pr	Var. Depts	807.55
Investors Management	Human Svcs	450.00	Janitor's Closet, Lt	Var. Depts	1,330.35
Jebro, Inc.	Hiway Cons	1,294.90	Jefferson Partners,	Correction	109.00
Johnson Estates/Beld	Human Svcs	240.00	Johnson, Roy	Human Svcs	900.00
Kohl's Department St	Juv Det Cn	59.98	Kone, Inc.	Facilities	11,423.52

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Lakeport Village	Human Svcs	450.00	Lakeview Apts / Wiem	Human Svcs	225.00
Language Line Servic	Metro-911	333.00	Lassegaard, Samuel C	Human Svcs	350.00
LCM Pathologists, P.	Coroner	2,940.00	Lewis Drug Stores	Var. Depts	255.57
Lexis-Nexis / Reed E	Sheriff	116.51	Linweld, Inc.	Facilities	10.75
Mac's, Inc.	Var. Depts	12.96	Mathison Company	Reg Deeds	6.00
Medical X-Ray Center	Correction	896.53	Menards - East	Plan & Zon	24.98
Microfilm Imaging Sy	Reg Deeds	1,657.50	Midamerican Energy C	Var. Depts	1,291.11
Midwest Alarm Compan	Correction	393.12	Minnehaha Cnty Juv D	Juv Det Cn	87.57
Motorola, Inc.	Info Svcs	2,049.00	Mt. Pleasant Cemeter	Human Svcs	275.00
Murray Construction,	Human Svcs	785.00	Nat'l Academy of Emd	Metro-911	690.00
Nebraska Dept. of Mo	St Atty	6.00	Neurology Associates	Correction	241.50
New Horizons	Info Svcs	2,895.00	New World Systems	Metro-911	300.00
Newman, Scott G.	Human Svcs	450.00	Nguyen, Lam	Court Sys.	83.33
Norm Feldman's Glass	Hiway Cons	177.30	Novak Sanitary Servi	Var. Depts	370.68
Nyberg's Ace Hardwar	Cnty Exten	34.57	Office Depot, Inc.	Var. Depts	967.82
Officemax Credit Pla	Emer Mgmt	284.50	Pam Oil, Inc.	Sheriff	27.72
Petco Animal Supplie	Sheriff	59.98	Peters Distributing,	Var. Depts	13,500.00
Pheasantland Industr	Correction	104.43	Pine Crest, Inc/Pine	Human Svcs	250.00
Plusco Printing & Co	Human Svcs	55.59	Pontiac Cadillac of	Sheriff	31.01
Prairie Publications	Var. Depts	362.08	Precision Properties	FEMA Fund	300.00
Presto-X-Company	Juv Det Cn	64.00	Priority Dispatch	Metro-911	464.25
Provo, Tom	Human Svcs	350.00	Qualified Presort Se	Var. Depts	1,034.61
Qwest	Var. Depts	15,302.10	Qwest Interprise	Var. Depts	1,494.42
Red Wing Shoe Store	Facilities	109.99	Refinish Supply Cent	Hiway Cons	59.36
Resel, Paul	Human Svcs	525.00	Restful Lodging, Inc	Human Svcs	200.00
Retail Data Systems	Treasurer	93.00	Rokusek, Jerad	Human Svcs	350.00
Ronning Commercial,	Human Svcs	350.00	Rural Metro Ambulanc	Var. Depts	303.52
Scheid, Pamela M.	St Atty	227.80	SD Dept of Human Ser	Pub. D.	44.20
SD Public Assurance	Var. Depts	38,912.05	Security Labs, Ltd	Treasurer	180.00
Shopko Store	Juv Det Cn	49.90	Silver Glen MHC, LLC	Human Svcs	240.00
Sioux Empire FCU / V	Sheriff	652.88	Sioux Empire FCU / V	Correction	168.00
Sioux Empire FCU / V	Var. Depts	392.84	Sioux Falls City Fin	Facilities	34.99
Sioux Falls City Fin	Facilities	164.70	Sioux Falls Ford, in	Var. Depts	374.04
Sioux Falls Two Way	Metro-911	310.00	Sioux Falls Utilitie	Var. Depts	89.64
Sioux Optical	Human Svcs	134.00	Sittig, Deb	Mental Ill	3,187.50
Skogen Company	Human Svcs	201.00	Smart, Richard	Human Svcs	684.18
Smythe, Toby D DBA	Human Svcs	700.00	Sonicwall Services	Info Svcs	345.00
Stoner, Dean E	Human Svcs	450.00	Strunk, Lisa	Court Sys.	79.80
Sunshine Foods	Human Svcs	419.50	SV Clinical Labs	Correction	10.74
SV Home Medical Equi	Human Svcs	406.30	SV Hospital	Var. Depts	1,597.00
Tammen Oil	Sheriff	27.19	Target Pharmacy	Human Svcs	2,499.78
Taylor, Robert H	Human Svcs	350.00	Thomas, Michelle	Pub. D.	272.20
Thorin, Deyanira T.	Var. Depts	212.50	Timekeeping Systems,	Juv Det Cn	95.00
Tinklenberg, Douglas	Human Svcs	350.00	Tower Apartments	Human Svcs	150.00
Unke - Lyons, Inc.	Human Svcs	350.00	US Postal Service	Cnty Exten	59.58
Valley Springs Body	Sheriff	659.20	Velvet Uniforms, Inc	Var. Depts	328.36
VIIA Insurance Ptnrs	Human Svcs	274.09	Voigt, Debra	Court Sys.	944.97
Wal-Mart Business /	Metro-911	102.30	Wal-Mart Pharmacy	Human Svcs	13.97
Walgreen Co.	Human Svcs	913.87	Warwick, Helen	Human Svcs	400.00
West Group	Pub. D.	1,693.24	West Pointe Townhous	Human Svcs	450.00
Xcel Energy, Inc.	Correction	8,231.62			

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 for May, 2005, and the Auditor's Account with the County Treasurer as of May 31, 2005.

AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER

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On Deposit in Banks	
Interest-bearing open accounts	37,346,222.11
CD's and savings	29,000,000.00
Cash	20,241.82
Checks in Treasurer's possession for more than 3 days	4,088.18
Total	\$66,370,552.11

PERSONNEL

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

1. To accept the resignation of Kelly Garnaas as Property Specialist II for Equalization effective 6-17-05.
2. To hire Jorge Vicuna as Juvenile Correctional Officer I (10/1) for the Juvenile Detention Center at \$14.934 per hour effective 6-27-05.
3. To hire Leonie Edwards as part-time Juvenile Correctional Worker (5/1) for the Juvenile Detention Center at \$10.704 per hour effective 6-22-05.
4. To hire Andrea Davis as Juvenile Correctional Worker (5/1) for the Juvenile Detention Center at \$10.704 per hour effective 6-22-05.
5. To hire James Prouty as part-time Juvenile Correctional Worker (5/3) for the Juvenile Detention Center at \$11.577 per hour effective 6-22-05.
6. To accept the resignation of Daniel Kopfmann as Correctional Officer II for the Sheriff's Office effective 6-14-05.
7. To accept the resignation of Shawn Porter as Correctional Officer II for the Sheriff's Office effective 6-17-05.
8. To accept the resignation of Josh Reinfeld as Correctional Officer I for the Sheriff's Office effective 6-7-05.
9. To return from military leave, Wade Hanson as AG Security Officer II for the Sheriff's Office effective 6-25-05.
10. To promote Michael Mattson to Correctional Officer II (10/2) for the Sheriff's Office at \$15.531 per hour effective 6-18-05.

Step increases due:

1. Thomas Peterson - Hwy Equipment Svcs/Parts Manager - Highway - 13/7 to 13/8, 6-19-05, \$21.284/hr.
2. Robbin Ketcham - Senior Records Specialist - Register of Deeds - 6/6 to 6/7, 6-22-05, \$13.522/hr
3. Scott Gavin - Equipment Engineer - Facilities - 13/3 to 13/4, 6-23-05, \$19.276/hr

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4. Michael Mattson - Correctional Officer I - Sheriff - 9/1 to 9/2, 6-14-05, \$14.652/hr
5. Gordon Hanley - Correctional Officer I - Sheriff - 9/1 to 9/2, 6-12-05, \$14.652/hr
6. Harley Marek - Civil Process Server - Sheriff - 9/1 to 9/2, 6-21-05, \$14.652

ABATEMENTS

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

MOTION by Zweep, seconded by Kolbe to approve the following abatement: Sioux Falls Amateur Radio Club/Russ Beard, ID 56249, Property Taxes, 2003 - \$29.77 & 2004 - \$29.43. 5 ayes.

MOTION by Hajek, seconded by Pekas to approve the following abatement: Val & Costel Diaconu, ID 66158/Decal 4389, Property Taxes, 1999 - \$728.72, 2000 - \$644.99 & 2001 - \$682.80. 5 ayes.

MOTION by Hajek, seconded by Zweep to approve the following abatement: 38 A LLC, ID 75394, 2004 Property Taxes - \$18,513.14. 5 ayes.

MOTION by Kolbe, seconded by Hajek to approve the following abatement: Nikolay Shevchuk, ID 67473, Property Taxes, 2001 - \$61.87, 2002 - \$61.90, 2003 - \$59.31 & 2004 - \$57.21. 5 ayes.

LIEN

Commissioner Pekas, County Aid Lien Liaison, briefed the Commission on a request to compromise DPNO 41649 in the amount of \$770.60 by releasing the lien in full against the real property only with no payment from the petitioner. The lien is for attorney services from 1999 to 2003. He explained that the petitioner sold the property to the lienee on a contract for deed in October, 2003. The contract is now in default and the purchaser/lienee has filed for bankruptcy. The owners are attempting to resell the property and would like the lien removed. MOTION by Pekas, seconded by Hajek to approve Resolution MC05-30. 5 ayes.

RESOLUTION MC05-30

WHEREAS, a County Aid Lien in the amount of \$770.60 purports to exist in favor of Minnehaha County and against DPNO 41649 as Lienee, and

WHEREAS, an application has been filed 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 in so far as the real property with no payment from the petitioner.
 Legal Description of real property: E1/2 Lot 11 & All of Lot 12 and S1/2 Vacated Alley Lying Adjacent Block 22 Dell Rapids Original.

Dated at Sioux Falls, South Dakota, this 21st day of June, 2005.

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APPROVED BY THE COMMISSION:

Carol Twedt, Chairman

ATTEST:

Sandy Kinder, Deputy Auditor

RESOLUTION

Ken McFarland, Administrative Assistant, presented a Resolution of Support for Ellsworth Air Force Base. He explained that counties were encouraged to adopt resolutions of support in retaining the Base. The resolutions will be presented at the Base Realignment and Closure Commission hearing today in Rapid City. MOTION by Hajek, seconded by Zweep to approve Resolution MC05-31. 5 ayes.

RESOLUTION MC05-31
RESOLUTION OF SUPPORT

WHEREAS, Ellsworth Air Force Base has served honorably as a vital and valuable part of our country's national defense system for over 60 years; and

WHEREAS, during those years of honorable service, Ellsworth Air Force Base has become a vital part of the economy of Rapid City and the State of South Dakota; and

WHEREAS, because South Dakota is a state with broad expanses and areas of diffuse population, the closure of Ellsworth Air Force Base would have serious and long-lasting local and statewide consequences.

NOW THEREFORE, BE IT RESOLVED by the Minnehaha County Board of Commissioners, that it expresses its strong support for Ellsworth Air Force Base and urges the Base Realignment and Closure Commission, Secretary of Defense Donald Rumsfeld, and President George W. Bush to explore all possible means to retain Ellsworth Air Force Base as a continuing component in our system of national defense; and

BE IT FURTHER RESOLVED, that the Minnehaha County Board of Commissioners stands united with Rapid City and other communities in the western part of our state on this issue of critical importance to all of South Dakota.

Dated this 21st day of June, 2005.

APPROVED BY MINNEHAHA COUNTY
BOARD OF COMMISSIONERS

John Pekas
Carol Twedt
James Zweep
Anne Hajek
Robert Kolbe

ATTEST: Sue Roust, Auditor
Sandy Kinder, Deputy Auditor

APPLICATION

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Chad Kucker, ASLA, TSP, presented an Application for a Final Development Plan to a Planned Development District (PDD) and Application for a Minor Amendment to a PDD for the Human Services/Health Department Rec Center Remodeling Project. The applications will allow for the plans to be reviewed by the City of Sioux Falls Planning Department to ensure that the project meets the requirements of the PDD. The amendments address yard setbacks and parking calculations for the project. MOTION by Hajek, seconded by Pekas to authorize the Chairman to sign the applications. 5 ayes.

BID AWARD

Ralph Hammer, Weed Supervisor, reported that sealed bids were opened on June 15, 2005, at 2:00 p.m. for one All Terrain Amphibious Vehicle (ATV). The vehicle will be used extensively for cooperative mosquito control efforts with the City of Sioux Falls. The County will retain ownership of the vehicle and will share use with the City. Mr. Hammer recommended award to the sole bidder, Liewer Enterprises of Burke, SD, for an ARGO 8x8 Avenger in the amount of \$21,608.00. Mr. Hammer stated that the amount was \$1,608 higher than estimated. MOTION by Zweep, seconded by Hajek to award the bid for an All Terrain Amphibious Vehicle to Liewer Enterprises in the amount of \$21,608.00. 5 ayes.

BONDS

At the request of Sue Roust, Auditor, MOTION by Zweep, seconded by Kolbe to approve the 2005 Township Officer Bonds. 5 ayes.

AGREEMENT

Lynn DeYoung, Emergency Management Director, presented an Agreement for Emergency Response to Weapons of Mass Destruction and Hazardous Materials Incidents between Minnehaha County and the City of Sioux Falls. He reported that the Sioux Falls Fire Department was awarded \$73,396 through the 2005 State Homeland Security Grant program to increase its capability to respond to hazardous material emergencies. In order to receive the funding, Sioux Falls Fire must have an agreement with counties within their response areas or the county must submit a letter declining the agreement. Under the terms of the agreement, Minnehaha County will be responsible for costs incurred during the incident and may pursue reimbursement from the responsible party. Gordy Swanson, Chief Civil Deputy State's Attorney, commented on the broadness of the liability section of the agreement. Mr. DeYoung stated that the agreement language was approved by the state for all counties, any changes in the agreement would result in all 66 counties revising their agreements to read the same. He has discussed the liability concerns with the State Office of Emergency Management and they feel the county would be protected under SDCL 33-15-18.1, which discusses civil immunity during a hazardous materials incident. Mr. Swanson did not feel that this addressed the same issue. MOTION by Zweep, seconded by Hajek to approve the agreement for a five year term and to look at revising Section 7 Liability in the future. 5 ayes.

SUPPLEMENTS

MOTION by Pekas, seconded by Hajek to supplement \$1,200 from the Emergency Management Fund to the Emergency Management budget representing a grant from the State of South Dakota to assist in the update of the Pre-Disaster Mitigation Plan Project. 5 ayes.

MOTION by Hajek, seconded by Pekas to supplement \$4,190 from the Emergency Management Fund to the Emergency Management budget representing a grant from the State of South Dakota for hazardous

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materials training, education, planning, and projects. 5 ayes.

MOTION by Kolbe, seconded by Zweep to supplement \$249.50 from the Museum Grants Fund to the Museum Grants budget (ASN 18984) representing private grants for the Volunteer Program from the Siouxland Heritage Museums Alliance. 5 ayes.

PRESENTATION

Ken McFarland, Administrative Assistant, introduced the new Sioux Falls Humane Society Executive Director, Suzanne Zutter. Ms. Zutter gave a brief background on herself and provided statistical reports and materials on various programs offered through the Humane Society. She also explained that the Humane Society has partnered with Pet Pals for Life to provide foster homes for animals and help raise money and write grants to acquire a mobile van and vet technician to help low-income and rural families spay or neuter their pet. Commissioner Pekas asked if they acquire a vet on staff if they will be providing veterinary care. Ms. Zutter stated that the services would be for shelter animals only and would mainly be providing a spay/neuter service due to the unacceptable number of unwanted animals in the community. Commissioner Twedt asked if she foresees any changes to the existing agreement. Ms. Zutter suggested some potential changes by changing the reimbursement rate for mileage and changing to a monthly rate for services rather than a fee scale that fluctuates. Commissioners thanked Ms. Zutter for the information.

PROPOSAL

Ken McFarland, Administrative Assistant, reported that Rosey Quinn of Second Chance Rescue Center had submitted a letter indicating that she would be opening a facility for animal control services. She has requested authorization to perform and be compensated for those services. He noted that Ms. Quinn has submitted a proposal for consideration. Ms. Quinn introduced herself and announced that she is in the process of building a shelter north of Hartford which is scheduled to open in September. She explained the services that she would like to provide and requested compensation for some services she has already provided. Gordy Swanson, Chief Deputy State's Attorney, detailed the provisions of the current contract with the Sioux Falls Humane Society. He noted that the agreement is not exclusive, but cautioned that there may not be adequate funding if the services are split between both providers. Ms. Quinn is allowed under SDCL 40-2-3 to perform animal enforcement. The County has the discretion to enter into and pay for animal control services. Mr. Swanson stated that it would be a policy decision to make on whether to enter into a second contract, and recommended pursuing RFP's for these services at the end of the year as the most practical way to approach this issue. Ms. Quinn stated that her intent was not to be in competition with the Humane Society. Commissioner Hajek expressed concerns with expecting the County to pay for services provided by an independent provider. She noted that charges for services should be billed to the person requesting the service, and if the provider is not willing to do this or if pay is refused, then they should be referred to the Humane Society. She also noted that only the Humane Society takes calls for the County. Mr. Swanson stated that Ms. Quinn may be responding to calls made by county residents, but not on behalf of the County. Ms. Quinn responded that the calls she had taken were due to the Humane Society not responding to the initial request. Commissioner Hajek reiterated that she is not under contract and needs to inform callers that she does not represent the County and that she is only responding on behalf of herself. Commissioner Pekas complimented Ms. Quinn on her prior service with the Humane Society and encouraged her to pursue a fee for service privately. Commissioner Zweep commented on the call-taking aspect of having a second service provider at this time. Commissioner Twedt noted that it would be difficult to decide which contract to use for calls coming into emergency services if there were two providers. She also noted that soliciting RFP's at the end of the year would allow Ms. Quinn to establish her business and be competitive. Barb Himmel-Roberts, county resident, asked if the contract states what an appropriate response time to calls would be. Mr. Swanson stated that

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the contract does not refer to response time. He also gave suggestions on how to properly handle complaints about inadequate response times. MOTION by Pekas, seconded by Zweep to look at an RFP in the fall. 5 ayes.

MOTION by Zweep, seconded by Pekas to adjourn into Executive Session. Following Executive Session the Commission adjourned until 9:00 a.m. on Tuesday, June 28, 2005. 5 ayes.

APPROVED BY THE COMMISSION:

Chairman

ATTEST:

Deputy Auditor