

THE MINNEHAHA COUNTY COMMISSION CONVENED AT 9:00 A.M., July 5, 2005, pursuant to adjournment on June 28, 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

Pat Herman, gave the first reading of a three proposed amendments to the 1990 Revised Zoning Ordinance for Minnehaha County. The first would rezone from the R-1 Residential District to the A-1 Agricultural District property legally described as Lots 1-10 & 22-33 Block 4 & N1/2 vac. 2nd St. & all vac. Alley Lyons Village Addition in Section 17-T103N-R50W. Subject property is located in Lyons. MOTION by Pekas, seconded by Hajek to authorize the Auditor to publish Notice of Hearing on July 19, 2005. 5 ayes.

The second amendment proposes to rezone from the C Commercial District to the R-1 Residential District property legally described as Lots 1-12 Block 3 Lyons Village Addition and that property lying adjacent to Lot 1 Block 3 described as depot grounds on the original plat of Lyons Village Addition in Section 17-T103N-R50W. Subject property is located in Lyons. MOTION by Pekas, seconded by Hajek to authorize the Auditor to publish Notice of Hearing on July 19, 2005. 5 ayes.

The last amendment proposes to rezone from the A-1 Agricultural District to the C Commercial District property legally described as the E800' W1155' N800' of Tract 1 Raven Hills Addition NW1/4 in Section 27-T103N-R49W. Subject property is located ¼ mile east of Midway Corner. MOTION by Hajek, seconded by Pekas to authorize the Auditor to publish Notice of Hearing on July 19, 2005. 5 ayes.

MINUTES

MOTION by Pekas, seconded by Hajek to approve the Minutes for June 28, 2005. 5 ayes.

VOUCHERS TO BE PAID

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

A & B Business Equip	Var. Depts	674.00	All About Travel, In	Pub. D.	385.27
American Institution	Juv Det Cn	149.38	American Legion Chor	Emer Mgmt	30.00
Anacon Leasing, Inc.	Sheriff	389.00	Anderson, Elwood	Human Svcs	325.00
Anesthesia Physician	Human Svcs	304.00	Appera / Dudley Lau	Hiway Cons	25.16
Argus Leader	Var. Depts	1,379.16	Armcom Distributing	Juv Det Cn	50.96
Around the Clock/Dra	Juv Det Cn	144.95	Automatic Building C	Museum Mtc	197.00
Avera Home Medical E	Human Svcs	1,488.93	Avera McKennan Home	Human Svcs	1,519.00
Avera McKennan Hospi	Var. Depts	19,839.82	Belitz, Larry	Museum	69.90
Best Business Produc	Museum	35.00	Brende & Schroeder L	Court Sys.	72.00
Brown & Saenger	Var. Depts	15.63	C & R Supply, Inc.	Hiway Cons	7.81
Campbell Supply Co.,	Hiway Cons	83.71	Carper, Nichole A	Court Sys.	1,058.20
CBM Food Service	Var. Depts	15,781.48	Cellular One	Var. Depts	2,479.03
Cellular One-Store	Facilities	16.99	Century Business Lea	Var. Depts	182.93
Century Business Pro	Metro-911	60.00	Chemco, Inc.	Museum Mtc	151.84
City Centre Hotel Co	Var. Depts	200.40	Classic Cleaners	Correction	130.00
Cliff Avenue Auto Pa	Hiway Cons	139.02	Cobra Administration	Human Svcs	377.82
Coffee King, Inc.	Museum Ent	60.80	Communication Servic	Court Sys.	137.50
Concrete Materials	Hiway Cons	25,652.44	Cortrust Bank	Human Svcs	1,050.00
Credit Bureau of Tol	Correction	8.15	Crescent Electric Su	Museum Mtc	194.16

D & S Rentals, Inc	Human Svcs	425.00	Dacotah Questers	Museum	876.00
Decisionone Corporat	Info Svcs	1,126.56	Dell Rapids Ford, In	Sheriff	21.04
Department of Vetera	Metro-911	1,854.00	Dialnet/Ahrens Telec	Var. Depts	290.00
Dodge County Sheriff	Human Svcs	195.99	Donovan's Hobby & Sc	Emer Mgmt	11.95
Dust Tex Service, In	Museum Mtc	12.12	Edmunds Brake & Alig	Sheriff	124.95
Empire Plastics	Museum Ent	170.00	Energy Alliance, LLC	Hiway Cons	13,414.33
Eugene Beckman & Son	Hiway Cons	599.49	Even, Todd	Human Svcs	502.00
First Premier Bank	Sheriff	105.16	Formatop Co.	Museum Ent	85.50
Frakco Inc.	Facilities	609.00	Framers Supply Co.	Museum Ent	176.49
Fremont Industries,	Facilities	1,670.10	Galland Legal Clinic	Court Sys.	8,532.80
Galls, Inc.	Metro-911	64.98	Genzlinger, Janeen	Court Sys.	79.80
George Boom Funeral	Human Svcs	2,110.00	Giles, Lenora	Metro-911	138.88
Goebel Printing, Inc	Pub. Adv.	60.71	Graham Tire Co. - Do	Var. Depts	81.16
Great America Leasin	Cnty Exten	220.30	Great Plains Eye Cli	Human Svcs	59.90
Greene County Sherif	St Atty	25.00	Guzman, Sandra V.	Var. Depts	479.15
Hagemeyer Na	Emer Mgmt	2,890.95	Hagen, Joanne C.	Human Svcs	350.00
Hamilton Crowne Plaz	Pub. D.	318.32	Hander, Inc.	Juv Det Cn	119.82
Hauff Mid-America Sp	Juv Det Cn	138.25	Heartland Glass Comp	Facilities	2,121.00
Heimdal, Marie Ann	Pub. D.	45.60	Holiday Credit Offic	Hiway Cons	30.42
Hurtgen, Timothy T.	Human Svcs	450.00	Hy-Vee Food Store	Juv Det Cn	142.07
Hy-Vee Food Store	Museum Ent	71.48	IBE, Inc.	St Atty	98.00
Interstate Office Pr	Var. Depts	805.19	J.C. Penney Company,	Juv Det Cn	202.96
Jerke Construction C	Hiway Cons	9,602.00	Jim Hawk Truck Trail	Hiway Cons	97.80
Johnstone Supply	Var. Depts	155.96	Kappen, Philip	Plan & Zon	10.89
KG2 Properties	Human Svcs	450.00	Kohl's Department St	Juv Det Cn	54.98
Kunkel, Parker J	Human Svcs	350.00	L.G. Everist, Inc.	Var. Depts	432.72
Lacey's Chemical Res	Hiway Cons	73.00	Language Line Servic	Pub. D.	105.60
Lassegaard, Samuel C	Human Svcs	295.00	Lawson Products, Inc	Hiway Cons	290.23
Lewis Drug Stores	Var. Depts	9,514.06	Lithia Automotive, I	Var. Depts	482.61
Lockwood Law Office,	Court Sys.	291.40	Luther, Jeff	Metro-911	7,187.49
Lutheran Social Serv	Pub. D.	100.00	Mac's, Inc.	Hiway Cons	17.95
Macdoctors	Pub. D.	900.00	McGowan, Michael E.	Human Svcs	970.53
Menards - East	Museum	108.57	Menards - West	Facilities	47.89
Meteorlogix, LLC	Metro-911	657.00	Michael's Purple Pet	Var. Depts	190.00
Midamerican Energy C	Var. Depts	339.62	Midcontinent Communi	Comm.	97.50
Miller, Steve	Court Sys.	477.92	Minnehaha Cnty Priso	Correction	18.88
Mobile Electronic Se	Sheriff	172.50	Motorola, Inc.	Metro-911	665.12
Murphy, Patrick M	Sheriff	90.88	Murray Construction	Human Svcs	450.00
Nebraska Dept. of Mo	St Atty	3.00	New Day Films	Museum	108.10
North Sioux Vending	St Atty	92.70	Northern Heights Dev	Human Svcs	450.00
Oballa, Ojulu A	Var. Depts	112.50	Olson's Pest Technic	Correction	101.00
Optometric Clinic	Human Svcs	164.26	Orthopedic Institute	Correction	1,328.75
Overhead Door Compan	Facilities	13.90	Pennington County Ja	Correction	2,465.75
Pfeifer Implement Co	Hiway Cons	39.11	Pheasantland Industr	Var. Depts	62.69
Prairie Publications	Comm.	371.56	Property Records Ind	Reg Deeds	200.00
Quail Hollow Townhou	Human Svcs	900.00	R & L Supply, Ltd	Facilities	47.68
Radio Shack Corporat	Museum	26.97	RDO Equipment Co	Hiway Cons	9.02
Rinehart, Norman R	Human Svcs	1,050.00	Robson True Value	Facilities	32.26
Rochester Armored Ca	Treasurer	330.00	Rockhurst College Co	St Atty	278.00
Ronning Commercial,	Human Svcs	350.00	RSM McGladrey, Inc.	Treasurer	56.00
Schoeneman Bros. Co.	Museum Sto	334.80	SDFOTM	Museum Ent	300.00
Seagull Software Sys	Info Svcs	8,062.50	Shepherd Reporting,	Mental Ill	25.00
Shopko Pharmacy	Human Svcs	9.99	Sioux Falls Ford, In	Var. Depts	3,699.81
Sioux Falls School D	Human Svcs	1,005.75	Sioux Falls Surgical	Human Svcs	667.68
Sioux Falls Two Way	Var. Depts	1,947.00	Sioux Falls Utilitie	Var. Depts	2,960.58
Sioux Valley Energy	Var. Depts	126.44	Sioux Valley Wireles	Hiway Admi	35.95
Smythe, Toby D DBA	Human Svcs	825.00	Solomon, Ghirmay	Court Sys.	225.00
Spars Tools Service,	Hiway Cons	66.25	Strunk, Lisa	Court Sys.	1,064.00
Superior Seal	Juv Det Cn	326.40	SV Clinic Ob-Gyn Lim	Human Svcs	1,209.60
SV Home Medical Equi	Human Svcs	578.61	SV Hospital	Human Svcs	6,412.89
Talavera, Zoila Judi	Court Sys.	50.00	Taylor, Robert H	Human Svcs	1,150.00
Thorin, Deyanira T.	Var. Depts	341.65	UAP Timberland, LLC	Hiway Cons	5,212.00

United Parcel Servic	Correction	33.93	University Physician	Human Svcs	842.61
Unke - Lyons, Inc.	Human Svcs	350.00	US Bank-Corporate Tr	Build Fund	1,200.50
Van's Auto Electric	Hiway Cons	60.00	Velgersdyk, Dr. Scot	Mental Ill	59.97
Velvet Uniforms, Inc	Var. Depts	169.03	Volk Investigations,	Pub. Adv.	75.00
W.W. Grainger, Inc.	Var. Depts	108.78	Wagner Office Soluti	Cnty Exten	315.29
Walter, Delmar J.	Court Sys.	591.52	Weldetensae, Mengste	Human Svcs	189.00
Western Trial Advoca	Pub. D.	340.00	Wilkison, Dorothy	Dir. Eq.	271.84
Williamsburg Townhom	Human Svcs	300.00	Xcel Energy, Inc.	Var. Depts	2,167.26
Xtremely Clean Carpe	Juv Det Cn	350.00	Yankton Medical Clin	Human Svcs	199.46
York International C	Facilities	177.01	Zee Medical Service	Hiway Admi	65.40

PERSONNEL

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

1. To discharge Jeremy Kropp as Laborer for the Highway Department effective 6-30-05.
2. To accept the resignation of Amanda Boyd as part-time Juvenile Correctional Worker for the Juvenile Detention Center effective 6-29-05.
3. To hire Scott Jacobson as part-time AG Security Officer I (8/1) for the Sheriff's Office at \$13.242 per hour effective 7-6-05.
4. To hire Gordon Hanley as part-time Correctional Officer I (9/2) for the Sheriff's Office at \$14.652 per hour effective 6-23-05.
5. To accept the resignation of Micki Leesch as part-time Juvenile Correctional Worker for the Juvenile Detention Center effective 7-1-05.

Step increases due:

1. Darrell Nelson - part-time Civil Process Server - Sheriff - 9/1 to 9/2, 7-7-05, \$14.652/hr
2. Mary Zeeb - Accountant - Auditor - 9/1 to 9/2, 6-14-05, \$14.652

POLICY

Pursuant to deferral on June 28th, Nora Buckman, Human Resources Director, presented the Delayed Hiring Plan which will be used for the review of position vacancies for the rest of 2005 and during 2006. Sue Roust, Auditor, explained that the goal of the plan is to achieve payroll savings by delaying the start date of new hires to fill vacancies to help alleviate a \$190,000 gap in the provisional budget for 2006. Chairman Twedt stated that this has been a tough budget year, but the Commission was determined to reward employees with a 3% COLA and the policy was one way to attempt to offset those costs. Commissioner Hajek addressed concerns of Sheriff Mike Milstead related to the hiring of critical law enforcement positions. Ms. Buckman reviewed two changes from the draft policy which will set the effective date as July 15, 2005, and direct that savings realized by delayed hiring will not be available for department use to cover other current or capital expenses. Commissioner Pekas noted that this was the compromise position of the Commission which was more palatable to department heads than other options such as a reduction in force, while still meeting critical safety issues. Chairman Twedt thanked the Sheriff and Todd Cheever, JDC Director, for stepping forward and offering to vacate a position to reduce costs. She also thanked Ken McFarland, Administrative Assistant, Sue Roust and Nora Buckman

for their work in developing the policy. MOTION by Pekas, seconded by Zweep to adopt the policy with the effective date of July 15, 2005, and to not allow the savings realized to be used for current or capital expenses. 5 ayes.

ABATEMENTS

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

MOTION by Zweep, seconded by Hajek to approve the following abatement: Alan Leaders, ID 34403, 2004 Property Taxes - \$4,984.06. 5 ayes.

MOTION by Kolbe, seconded by Pekas to approve the following abatement: Midwest Railcar Repair, Inc., ID 40735, 2004 Property Taxes - \$494.92. 5 ayes.

MOTION by Hajek, seconded by Zweep to approve the following abatement: John Shields, ID 45349, Property Taxes, 2003 - \$129.26 & 2004 - \$130.26. 5 ayes.

NOTICES

The Commission received a notice that the City of Crooks will hold a Public Hearing on Intent of Annexation of contiguous territory on July 11th, 2005, at 7:30 p.m. at the Crooks Finance Office.

Notice was received that a disinterment and reinterment permit was issued by the SD Department of Health for the remains of Janice Kay Hanson, Woodlawn Cemetery.

LIENS

Commissioner Pekas, County Aid Lien Liaison, briefed the Commission on a request to compromise DPNO 1781 by removing the petitioner's name from the account with no payment from her. He explained that the petitioner (ex-wife) was in the process of purchasing real estate when the lien in the amount of \$5,930.96 was discovered during the title search. The lien is for various services dating back to 1982. In 1988 the lien was reduced to a zero balance. The account resumed in 1995, and continues to date. The petitioner's divorce was filed on January 16, 1991. At that time, a zero balance existed on the account. Lien services incurred after that date were for services provided solely to the petitioner's ex-husband. MOTION by Pekas, seconded by Hajek to approve Resolution MC05-33. 5 ayes.

RESOLUTION MC05-33

WHEREAS, a County Aid Lien in the amount of \$5,930.96 purports to exist in favor of Minnehaha County and against DPNO 1781 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:

Remove the petitioner's (ex-wife) name from the lien account and release the lien against the ex-wife with no payment from her, the balance to remain in the name of the ex-husband only.

Dated at Sioux Falls, South Dakota, this 5th day of July, 2005.

APPROVED BY THE COMMISSION:
Carol Twedt, Chairman

ATTEST:
Sandy Kinder, Deputy Auditor

Commissioner Pekas briefed the Commission on a request to compromise DPNO 30878 in full with no payment from the petitioner. The lien account was established in 1993 with a balance of \$4,427.46 for attorney services. Payments totalling \$4,015.96 were made towards the account through May, 1998. The petitioner was under the presumption that the account was paid in full. The lien has come to the attention of the petitioner after he was contacted by a collection agency for the remaining balance of \$411.50. To date the applicant has paid 91% of the balance. MOTION by Pekas, seconded by Kolbe to approve Resolution MC05-34. 5 ayes.

RESOLUTION MC05-34

WHEREAS, a County Aid Lien in the amount of \$411.50 purports to exist in favor of Minnehaha County and against DPNO 30878 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 5th day of July, 2005.

APPROVED BY THE COMMISSION:
Carol Twedt, Chairman

ATTEST:
Sandy Kinder, Deputy Auditor

Commissioner Pekas briefed the Commission on a request to compromise DPNO 36991 in full upon payment of \$205.00 (50%). The lien is for attorney services. The petitioner is disputing the costs for the services because his case was dismissed. MOTION by Pekas, seconded by Zweep to approve Resolution MC05-35. 5 ayes.

RESOLUTION MC05-35

WHEREAS, a County Aid Lien in the amount of \$409.80 purports to exist in favor of Minnehaha County and against DPNO 36991 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 \$205.00.

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

Dated at Sioux Falls, South Dakota, this 5th day of July, 2005.

APPROVED BY THE COMMISSION:

Carol Twedt, Chairman

ATTEST:

Sandy Kinder, Deputy Auditor

AGREEMENTS

Eric Schulte, Second Circuit Bar Association President, presented an Agreement for the Purchase of Original Artwork between John Jastram and John Henry Peters, The Minnehaha County Commission and The Second Judicial Circuit Bar Association. The agreement would allow for the selected artist to design and construct a bronze statue "The Fabric of Law" to be placed on the County Campus. The project cost is not to exceed \$42,000. The project would be funded through private donations and the Bar Association has collected approximately 99% of those funds to date. The projected completion date is Law Day, May 1, 2006. The Bar Association Board is still working through some contractual provisions that will be resolved prior to them signing the agreement. Those provisions will be forwarded to Gordy Swanson, Chief Civil Deputy State's Attorney, for review. Jim Eirinberg, Attorney, gave a brief history of how this project has developed over the past six years. He also noted that upon delivery, the County would be responsible for maintenance of the work. Mr. Swanson recommended approval of the agreement as written. Artists Jastram and Peters answered questions and explained their concept of the sculpture. MOTION by Pekas, seconded by Hajek to authorize the Chairman to sign the agreement. 5 ayes.

Sheriff Mike Milstead requested approval of an agreement with the Federal Government which allows the Sheriff's Department to participate in the Federal Equitable Sharing Program through September 30 2008. The program allows for participants to receive a share of federally forfeited proceeds that may be used for the purchase of equipment and allows for officers to attend training seminars. MOTION by Hajek, seconded by Zweep to authorize the Chairman to sign the Federal Equitable Sharing Agreement. 5 ayes.

Sheriff Mike Milstead also presented a renewal agreement for security services at Southeast Technical Institute. The agreement provides for employee costs plus benefits to provide security services at STI, and includes a 15% administrative fee. The agreement will be valid from July 1, 2005 through June 30, 2006. MOTION by Zweep, seconded by Kolbe to authorize the Chairman sign the Agreement for Furnishing Security Services between Minnehaha County and Southeast Technical Institute. 5 ayes.

Sheriff Lieutenant Bruce Swan requested the Commission's approval of an addendum to the Joint Security Protection Agreement between the SD Department of Military & Veterans Affairs and Minnehaha County for Air Guard Security. The addendum reflects that the National Guard Bureau funding has been increased by \$18,600 to meet the County's budget for the services provided through

September 30, 2005. MOTION by Pekas, seconded by Kolbe to authorize the Chairman to sign the Amendment to Joint Security Protection Agreement between the State of South Dakota Department of Military and Veterans Affairs and Minnehaha County. 5 ayes.

Warden Tim Devlin reported that the South Dakota Department of Corrections has been negotiating a new contract to house inmates at the County Correctional Center. The current contract is for up to 30 inmates at \$28.00 per day. The proposed contract would keep the same rate, but would allow for up to 70 inmates to be housed for a total not to exceed \$715,400 annually. The State will be responsible for providing medical or dental services for state placements. To accommodate the increase in population, 1.5 FTE has been added to the budget for new correctional officers. The contract will be valid through June 30, 2006. Commissioners commented on the Sheriff's efforts to help provide the increase in revenues that this service will provide. MOTION by Hajek, seconded by Pekas to authorize the Chairman to sign the State of South Dakota Consultant Contract/Letter of Agreement for Consultant Services between the Minnehaha County Jail and the SD Department of Corrections. 5 ayes.

SUPPLEMENT

At the request of David Atherton, Metro Communications Director, MOTION by Hajek, seconded by Kolbe to supplement \$1,033.53 from the E-911 Fund to the Metro Communications Citizen's Academy budget (ASN 18480) representing private donations supporting the Citizen's Academy Program. 5 ayes.

LIENS

Sue Roust, County Auditor, requested approval of a resolution to discharge 583 uncollectible county aid liens totalling \$645,652.25, pursuant to Minnehaha County policy. She reported that the liens in question were reviewed by Human Services prior to being sent to collections and they have determined which lienees have no ability to pay the debt. Of those liens reviewed, approximately \$7 million will be referred to the County's collection service. The amount is slightly higher than in the past because it has been two years since these types of liens were presented to the Commission. Hugh Grogan, Human Services Director, explained the process used by his department to make the determination of one's ability to pay. He also commended the Commission on providing leadership to the State on how a county needs to effectively provide for people in the community. MOTION by Pekas, seconded by Hajek to approve Resolution MC05-36. 5 ayes. Chairman Twedt commented on Mr. Grogan's leadership and his department's prudence with tax dollars to ensure that the money is spent wisely.

RESOLUTION MC05-36 A RESOLUTION TO DISCHARGE CERTAIN UNCOLLECTIBLE LIENS

WHEREAS, 583 liens totalling \$645,652.25 have been determined by the Minnehaha County Welfare Office to be uncollectible; now therefore be it

RESOLVED, by the Minnehaha County Board of Commissioners, that the Register of Deeds is hereby directed to discharge these liens, as detailed on reports on file in the Minnehaha County Auditor's office.

Dated this 5th day of July, 2005.

APPROVED BY THE COMMISSION:
Carol Twedt, Chairman

ATTEST:

Sandy Kinder, Deputy Auditor

OPT-OUT

Chairman Twedt thanked the Argus Leader and the television media for publicizing the proposed opt-out measure to better prepare the public on the issue.

Pursuant to deferral on June 28, 2005, Sue Roust, Auditor, presented a resolution that would allow the County to opt-out of the property tax limitation to fund the proposed Joint City/County Rec Center Remodel Project. She reported that the opt out would be for the County's portion of the debt service and operating costs of \$260,000 annually for 20 years. The owner of a \$100,000 home would see an increase of \$2.80 annually. This amount may decrease due to taxbase growth within the community. Ms. Roust compared the proposed opt-out to opt-outs in 2000 and 2001 to fund the Minnehaha County Jail Project. The first opt-out in the amount of \$1.5 million was to fund the project, the following year the inheritance tax was repealed resulting in a \$500,000 loss in revenue. Those funds were calculated into the budget and it was necessary to recoup the loss. The estimated increase in taxes for that project was \$16 per \$100,000 of assessed property. That amount has now decreased to \$12 after only 5 years. Citizens wishing to refer this action to a vote will have 28 days to submit petitions containing signatures of at least 5% of the registered voters in Minnehaha County. Ms. Roust noted that in 1999 the Commission chose not to excessively tax citizens by choosing not to take the maximum amount allowed which would have totaled \$260,000. Commissioner Zweep stated that he did receive one call where the citizen would prefer that the issue go to a public vote. County commissions are not allowed to authorize an election for an opt-out. This can only be done through petition by the public. Ms. Roust estimated the cost of an opt-out election at \$37,000. Commissioner Kolbe noted that the project would aid those people in the community that are truly in need. Commissioner Hajek commented that the \$2.80 increase is far less than the cost of simple luxuries that many people choose to indulge in regularly. Commissioner Pekas spoke in support of the synergy with the City of Sioux Falls on joint ventures to provide essential services to the community. He also congratulated the Commission and the City of Sioux Falls for having the foresight to form a partnership to work towards this project and taking it to the next level. Chairman Twedt stated that this is a fine community project and commented on the difficulties with this year's tight budget and not taxing for more than what is needed for the project. MOTION by Kolbe, seconded by Pekas to approve Resolution MC05-37. 5ayes.

RESOLUTION MC05-37 RESOLUTION FOR OPT-OUT

THE BOARD OF COMMISSIONERS OF MINNEHAHA COUNTY do state that the above said board is unable to operate under the property tax limitation measure currently in statute. Pursuant to SDCL 10-13-36, we therefore OPT OUT of such property tax limitation in the amount of \$260,000 starting with calendar year 2005 taxes payable in calendar year 2006, for the purpose of financing construction and operation of the joint Minnehaha County/City of Sioux Falls Human Services Center. This opt-out will be for 20 years, which will be through taxes payable in the calendar year 2025. This action has been taken by the board and approved by at least a two-thirds vote of the board.

This decision may be referred to a vote of the people upon a petition signed by at least five percent of the registered voters of the County and filed with the County Auditor within twenty days of the first publication of this decision.

Unless this action is referred to a vote of the people and reversed by such vote, this resolution authorizes the County Auditor to spread an excess levy to raise tax dollars in the above stated amount.

Dated this 5th day of July, 2005.

APPROVED BY THE COMMISSION:

Carol Twedt
John Pekas
James Zweep
Anne Hajek
Robert Kolbe

ATTEST:

Sue Roust,
County Auditor

MOTION by Zweep, seconded by Pekas to adjourn into Executive Session. 5 ayes. Following Executive Session the Commission adjourned until 9:00 a.m. on Tuesday, July 12, 2005.

APPROVED BY THE COMMISSION:

Carol Twedt, Chairman

ATTEST:

Sandy Kinder, Deputy Auditor