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THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M., August 2, 2005, pursuant to adjournment on July 26, 2005. Commissioners present were: Twedt, Pekas, Hajek, and Zweep. Commissioner Kolbe was absent. Also present were Sandy Kinder, Deputy Auditor, and Gordy Swanson, Chief Civil Deputy State's Attorney.

Chairman Twedt called the meeting to order and announced that the deadline to submit petitions to refer the opt-out action, approved on July 5, 2005, to a public vote is at the close of business today. Sue Roust, Auditor, stated that her office has received three petitions containing approximately sixty signatures so far. A total of 5% of the registered voters in Minnehaha County is required.

## MINUTES

MOTION by Hajek, seconded by Pekas to approve the Minutes for July 26, 2005. 4 ayes.

## VOUCHERS TO BE PAID

MOTION by Zweep, seconded by Pekas to approve the following bills for payment. 4 ayes.

A & B Business Equip	Var. Depts	1,144.30	Ad-Venture	Museum Sto	135.00
Anacon Leasing, Inc.	Correction	351.80	Anderson, Carol	Human Svcs	350.00
Apex Property Manage	Human Svcs	400.00	Appeara / Dudley Lau	Hiway Cons	19.45
Argus Leader	Var. Depts	1,908.27	Around the Clock/Dra	Juv Det Cn	97.45
ASAP Software Expres	Var. Depts	416.29	Avera Gutnik & Assoc	Var. Depts	1,049.80
Avera Home Medical E	Human Svcs	28.69	Avera McKennan Hospi	Var. Depts	43,291.59
Avera Midwest Psychi	Mental Ill	172.60	Avera University Psy	Mental Ill	2,677.71
Bernardino, Carlos	St Atty	500.00	Bob Barker Company,	Correction	1,886.61
Boldt, Bradley D	Human Svcs	450.00	Brentwood Apartments	Human Svcs	350.00
Brown & Saenger	Metro-911	48.86	Building Sprinkler,	Pettigrew	469.30
Bureau of Informatio	Var. Depts	236.00	Burhenn and Gruenig,	Info Svcs	466.30
Business Printing &	Cnty Exten	139.55	Butler Machinery Com	Hiway Cons	131.20
Campbell Supply Co.,	Var. Depts	162.94	CBM Food Service	Correction	8,574.93
Cellular One	Var. Depts	2,511.08	Centerpoint Energy S	Hiway Admi	5.02
Century Business Lea	Var. Depts	182.93	Children's Inn	Dom Abuse	18,727.50
Claritus	Emer Mgmt	63.00	Cliff Avenue Auto Pa	Hiway Cons	22.75
Colton Water Dept.	Hiway Admi	39.45	Concrete Materials	Hiway Cons	34,007.04
Construction Product	Facilities	14.20	Cumberland Apts. I	Human Svcs	335.00
Dakota Auto Parts	Sheriff	91.90	Dakota Riggers & Too	Hiway Cons	150.00
Daniels-Olsen Bldg P	Museum	44.45	Dave's Automotive /	Dir. Eq.	140.17
Deneui, Brian L.	Human Svcs	350.00	Dialnet/Ahrens Telec	Var. Depts	721.02
Dust Tex Service, In	Museum Mtc	12.48	Eagle Exterminating/	Var. Depts	75.00
Ergometrics, Inc.	Metro-911	3,600.00	Evans, Preston	Mental Ill	159.36
Facilities Petty Cas	Facilities	96.75	Family Service, Inc.	Human Res.	60.00
Fred the Fixer, Inc.	Human Svcs	4.50	Fremont Industries,	Facilities	1,883.06
Frerichs, Franz	Human Svcs	450.00	G & H Distributing,	Hiway Cons	20.85
Global Equipment Com	Juv Det Cn	535.21	Gourley Properties	Reg Deeds	6,000.00
Graham Tire Co. - Do	Var. Depts	403.90	Great America Leasin	Cnty Exten	220.30
Great Plains Int'l T	Hiway Cons	30.05	Greentree Services	Human Svcs	527.26
Guzman, Sandra V.	St Atty	50.00	Hagen, Joanne C.	Human Svcs	700.00
Hamdal, Marie Ann	St Atty	41.60	Hander, Inc.	Human Svcs	160.88
Hansen, Trevor	Human Svcs	450.00	Hauk, Bert	Human Svcs	450.00
Hill View Apts, Ltd	Human Svcs	350.00	Hillyard, Inc.	Facilities	302.44
Holiday Credit Offic	Hiway Cons	128.77	Home Depot Credit Se	Hiway Cons	136.27
Hurtgen, Timothy T.	Human Svcs	350.00	Hy-Vee Pharmacy	Human Svcs	463.97
Interstate Office Pr	Var. Depts	1,499.41	Janitor's Closet, Lt	Hiway Cons	48.30
Johnstone Supply	Facilities	302.09	JR Enterprises	Human Svcs	350.00
Kallemeyn, Richard	Dir. Eq.	72.28	Kauffman, David W. P	Court Sys.	650.00
Kilian Community Col	Auditor	100.00	Kloxin, Frank	Human Svcs	525.00
Kohl's Department St	Juv Det Cn	119.60	Kolbe, Robert	Comm.	35.84

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Law School Foundatio	Pub. Adv.	35.00	Lewis Drug Stores	Var. Depts	33.40
Linweld, Inc.	Hiway Cons	85.80	Lyle Signs, Inc.	Hiway Cons	512.62
Malloy Electric Bear	Facilities	77.01	Master Blaster, Inc.	Hiway Cons	70.00
Mathison Company	Museum Ent	39.25	Maximum Promotions,	Correction	88.00
Maxwell Food Equipme	Cnty Exten	54.80	McGowan, Michael E.	Human Svcs	10.00
Medical X-Ray Center	Human Svcs	2,737.11	Microfilm Imaging Sy	Reg Deeds	5,145.00
Midamerican Energy C	Var. Depts	696.03	Mobile Electronic Se	Sheriff	35.00
Monick Pipe & Supply	Facilities	10.30	Motorola, Inc.	Metro-911	1,837.17
Muth Technology	Sheriff	450.00	Nebraska Dept. Of Mo	St Atty	3.00
New World Systems	Metro-911	76,204.82	North Central Heart	Human Svcs	28.70
North Central Hemato	Human Svcs	31.63	Northern Safety Tech	Hiway Cons	731.82
Nyberg's Ace Hardwar	Pettigrew	5.96	O & P Specialties, I	Correction	324.18
Obgyn Specialty Clin	Correction	68.00	Orthopedic Institute	Human Svcs	412.47
Pennington County Ja	Correction	2,097.29	Petco Animal Supplie	Sheriff	34.99
Peters Distributing,	Sheriff	78,308.20	Pontiac Cadillac of	Sheriff	164.67
Prairie Publications	Comm.	385.56	Pulstar Distributing	Metro-911	217.11
Qwest	Metro-911	3,954.55	R & L Supply, Ltd	Facilities	10.88
River Run Apts / Sio	Human Svcs	450.00	Rural Metro Ambulanc	Mental Ill	111.32
Rypkema, Diane	Dir. Eq.	31.76	Sanitation Products	Hiway Cons	14,357.00
Sax Arts & Crafts	Museum	40.80	Scheels All Sports	Juv Det Cn	448.96
SD Dept of Human Ser	St Atty	27.80	SD Dept of Labor	Cnty Ins	6,309.00
SD State Fire Marsha	Facilities	90.00	Shopko Store	Juv Det Cn	87.51
Sigler Fire Equipmen	Correction	149.75	Sioux Falls City Fin	Plan & Zon	150.00
Sioux Falls Rubber S	Reg Deeds	25.00	Sioux Falls Utilitie	Var. Depts	5,822.04
Sioux Valley Energy	Metro-911	16.00	Sioux Valley Wireles	Hiway Admi	35.95
Siouxland Oral & Max	Correction	636.68	Sittig, Deb	Mental Ill	2,475.00
Smith Publishing Co.	Auditor	737.10	Storhaug, Adrean	Human Svcs	325.00
Streicher's	Sheriff	2,859.47	Sturdevant's Auto Pa	Hiway Cons	85.29
SV Clinical Labs	Correction	114.79	SV Health Plan Cobra	Human Svcs	214.80
System Objects Corpo	Info Svcs	1,363.05	Talavera, Zoila Judi	Court Sys.	50.00
Taylor, Robert H	Human Svcs	450.00	The Trane Company	Facilities	128.00
Theophilus Law Offic	Court Sys.	2,090.00	Thomas, Michelle	Pub. D.	107.00
Thorin, Deyanira T.	Court Sys.	75.00	United Parcel Servic	Metro-911	28.70
University Physician	Human Svcs	181.19	US Postal Service	Cnty Exten	94.80
Velgersdyk, Dr. Scot	Human Svcs	182.25	Velvet Uniforms, Inc	Var. Depts	1,110.50
Vocational Services	Museum Sto	192.84	Volunteers of Americ	Human Svcs	150.00
W.W. Grainger, Inc.	Museum	84.33	Wagner Office Soluti	Juv Det Cn	214.00
Wal-Mart Pharmacy	Human Svcs	257.19	Walgreen Co.	Human Svcs	590.31
Weeks, Malcom	Human Svcs	525.00	Weig, Mary	Human Svcs	450.00
West Central School	Sheriff	4,335.00	West Group	Var. Depts	469.00
Wheelco Brake & Supp	Hiway Cons	41.27	Whitney, Dennis	Dir. Eq.	238.48
Wilkison, Dorothy	Dir. Eq.	36.24	Woodlake Apts Cl LLC	Human Svcs	350.00
Xcel Energy, Inc.	Var. Depts	830.11	Yankton Radiology	Human Svcs	14.34
York International C	Facilities	905.28	Zee Medical Service	Hiway Admi	80.10
Zep Manufacturing Co	Hiway Cons	474.88			

## REPORT

The following report was received and placed on file in the County Auditor's Office: Auditor's Account with the County Treasurer as of June 30, 2005.

## AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER

On Deposit in Banks	
Interest-bearing open accounts	5,751,845.80
CD's and savings	14,000,000.00
Cash	19,363.29
Checks in Treasurer's possession for more than 3 days	4,966.71

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Total

\$19,776,175.80

## PERSONNEL

MOTION by Zweep, seconded by Hajek to approve the following personnel changes. 4 ayes.

1. To accept the resignation of James Daley as Army Guard Security Officer for the Sheriff's Office effective 7-3-05.

Step increases due:

1. John Hinrichs - Deputy Public Defender III - Public Defender - 21/2 to 21/3 - 7-30-05 - \$2097.68 biweekly
2. Bryan Hall - Deputy Public Defender I - Public Defender - 17/1 to 17/2 - 8-2-05 - \$1735.36 biweekly
3. Cassandra McKeown - Deputy Public Defender I - Public Defender - 17/2 to 17/3 - 8-2-05 - \$1804.80 biweekly
4. Joseph Eining - Juvenile Caseworker II - Juvenile Detention Center - 13/8 to 13/9 - 7-6-05 - \$1702.72 biweekly
5. Paula Albrecht-DeMent - Legal Assistant II - Public Advocate - 7/2 to 7/3 - 8-28-05 - \$13.408/hr
6. Ryan Qualseth - Deputy Sheriff - Sheriff - 12/1 to 12/2 - 7-12-05 - \$17.292/hr
7. Travis Urban - Highway Maintenance Worker - Highway - 8/4 to 8/5 - 8-5-05 - \$14.901/hr
8. Kelly Schott - Senior Tax/License Specialist - Treasurer - 5/4 to 5/5 - 8-4-05 - \$12.045/hr

On July 5, 2005, the Commission adopted a Delayed Hiring Plan as a way to recoup personnel costs to offset the shortfall in the 2006 budget. The policy became effective July 15, 2005. Traci Smith, Chief Deputy Public Defender, was present to request authorization to fill a paralegal vacancy in the Public Defender's Office. She explained that the position has been unpaid for 4 months. Commissioner Hajek reviewed the job duties of the position and asked if it could be filled under a lower classification. Nora Buckman, Human Resources Director, explained that the policy was to delay hiring of new employees, not to revise positions. Mary Baker, Paralegal II, explained the duties of the position and the need to keep the status as para-professional requiring a degree. Sue Roust, Auditor, reported that the savings generated from this vacancy will remain in the current Personnel budget and will revert to the General Fund on December 31, 2005. MOTION by Hajek, seconded by Zweep to authorize the Public Defender's Office to fill the vacancy. 4 ayes.

## NOTICES

Notice was received that a disinterment and reinterment permit was issued by the SD Department of Health for the remains of Henry Sporer Jr., Woodlawn Cemetery.

Notice of Public Hearing on August 23, 2005, was received from the Pipestone County Conservation & Zoning Office to consider a proposed draft update of the Pipestone County Zoning Ordinance.

Commissioner Zweep complimented Pipestone County for the courtesy notification and requested that a

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representative from the Planning Department attend the meeting.

MOTION by Zweep, seconded by Pekas to authorize the Auditor to publish Notice of Hearing for Application for New Retail On-Off Sale Malt Beverage License for Michael Raderschadt/Treasures On I-29 on August 23, 2005. 4 ayes.

MOTION by Hajek, seconded by Zweep to authorize the Auditor to publish Advertisement for Bids for the Old Courthouse Museum Exterior Facade Lighting project. 4 ayes. Commissioners credited Mayor Munson and Michael Bender for their work in supporting this project.

#### HEARING

The scheduled hearing was held to consider the transfer of the Retail On-Sale Liquor License from Steve & Kathy McQuade/Prairieview Steak House to Matthew & Trisha Ryken/Prairieview Steak House & Lounge, Inc. The applicants were present at the meeting. No one spoke in opposition to the request. MOTION by Zweep, seconded by Hajek to approve the transfer. 4 ayes.

#### PRESENTATIONS

On July 5, 2005, the Commission approved an agreement for the purchase of artwork with the Second Judicial Circuit Bar Association and Artists, John Jastram and John Henry Peters. The agreement allows for the selected artists to design and construct a bronze statue "The Fabric of Law" to be placed on the County Campus at a cost not to exceed \$42,000. The project will be funded through private donations collected by the Bar Association. The agreement was approved by the County with the understanding that the statue would be placed on the landing in front of the Courthouse. The Bar Association was undecided on the location and issues relating to the location of the existing flag pole. Eric Schulte, Bar Association President, introduced those in attendance who participated in this project, Justice Sabers; Justice Meierhenry; Jim Eirinberg, Attorney; and Mark Aspaas, Architect. He reported that the Bar Association has approved the placement in front of the Courthouse and has made the location part of the agreement. He also noted that a revision was made regarding auto insurance for the artists. Mr. Aspaas discussed placement of the existing flag pole. He presented drawings that would allow for two flag poles, one on each side of the statue, and offered to obtain estimates for the relocation work. The cost of relocating the flag pole will be the responsibility of the County. Commissioners were in consensus to allow Mr. Aspaas to work with Acting Facilities Director Lloyd Olson on placement of the flag pole(s) and preparing a cost estimate.

Cathy Brechtelsbauer of the SD Chapter of Bread for the World gave a presentation detailing her recent attendance at the G-8 Conference in Scotland. She reported on the international conference and noted that anti-poverty leaders from 64 countries were in attendance. She commented on white bands being worn by supporters signifying the global call to action to end poverty. Commissioners thanked Ms. Brechtelsbauer for her presentation.

#### PROPOSAL

Pursuant to deferral on July 26<sup>th</sup>, Ken McFarland, Administrative Assistant, presented a proposal from the U.S. Probation/Pretrial Services Office requesting that the County enter into a contract with them to provide detox services. Representatives from Avera and the U.S. Probation/Pretrial Office have met to discuss the proposal and it was determined that the operation could accommodate the request. Kim Williams and Marcy Siemonsma from the U.S. Probation/Pretrial Office were present to answer questions and affirmed that the services they are seeking are for non-medical detoxification only, and not treatment.

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MOTION by Zweep, seconded by Hajek to authorize the Chairman to sign the Solicitation/Offer/Acceptance between Minnehaha County and the U.S. Probation/Pretrial Services Office. 4 ayes.

#### RESOLUTIONS

At the request of David Atherton, Metro Communications Director, MOTION by Zweep, seconded by Hajek to approve Resolution MC05-43. 4 ayes.

#### RESOLUTION MC 05-43 ESTABLISH 911 TELEPHONE SURCHARGE FOR 2006

WHEREAS, Minnehaha County has established a telephone surcharge of seventy-five cents per line per month pursuant to the provisions of SDCL Chapter 34-45 and County Ordinance 15-1-92, and

WHEREAS, the governing board, prior to September 1<sup>st</sup>, reviews the current charge and establishes a rate of charge for the upcoming year, now

THEREFORE BE IT RESOLVED, by the Minnehaha County Board of Commissioners, that the telephone surcharge of seventy-five cents per line per month is continued and re-established for the 2006 calendar year, effective January 1, 2006.

Dated this 2nd Day of August, 2005.

APPROVED BY THE COMMISSION:  
Carol Twedt, Chairman

ATTEST:  
Sandy Kinder, Deputy Auditor

At the July 26<sup>th</sup> Commission meeting, Commissioner Kolbe requested that a resolution be prepared and considered for submission to the SDACC that would support sending notification to commissioners in adjacent counties to inform them of zoning changes within one mile of the county boarder. Scott Anderson, Planning Director, presented a resolution that addresses this issue. MOTION by Pekas, seconded by Zweep to approve Resolution MC05-44. 4 ayes.

#### RESOLUTION MC 05-44 RESOLUTION FOR LEGISLATIVE ACTION TO AMEND STATUTES RELATING TO NOTIFICATION ON CERTAIN PLANNING AND ZONING ISSUES

WHEREAS, Chapter 11-2 of South Dakota Codified Law requires notification to affected property owners of certain conditional use permit applications or requests for zoning change, and

WHEREAS, this notification process notifies the impacted property owner of potential land use changes requested through petition, and

WHEREAS, present law does not include a provision for notification to impacted property owners located within an adjacent county, now

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THEREFORE BE IT RESOLVED, the Minnehaha County Board of Commissioners requests that the South Dakota Association of County Commissioners support legislation that would amend SDCL Chapter 11-2 which would require that the notice of the planning commission hearing on any conditional use permit request or change of zoning that is within one mile of an adjacent county border be sent to the board of county commissioners in the adjacent county.

Dated this 2<sup>nd</sup> Day of August, 2005.

APPROVED BY THE COMMISSION:  
Carol Twedt, Chairman

ATTEST:  
Sandy Kinder, Deputy Auditor

#### SUPPLEMENT

MOTION by Pekas, seconded by Zweep to supplement \$500 from the General Fund to the Sheriff's Department budget (ASN 16575) representing a Honorarium from the USD School of Medicine for a presentation by Deputy Mike Walsh at the Indian Health Service Wellness Conference in Rapid City. 4 ayes.

The Commission recessed from 10:00 a.m. to 10:10 a.m.

#### DEMONSTRATION

On July 12, 2005, the Commission requested that the Sheriff's Department conduct a demonstration by the county drug dog handler. Sheriff Mike Milstead introduced Deputy Sheriff Lieutenant Jim Hoekman, the county's first dog handler, and Sioux Falls Police Sergeant Dave Huntimer, regional dog handler instructor. He also explained that acquisition of the drug dog and canine vehicle were made possible through the Attorney General's State Drug Fund Program. Deputy Scott Voeltz was present with his drug dog, Arrow, for a brief demonstration involving locating a hidden cache of drugs. Commissioners thanked Deputy Voeltz for his demonstration.

#### OLD BUSINESS

Commissioner Pekas asked for an update on the phone system upgrade that is budgeted for 2005. David Atherton, Metro Communications Director, and Dennis Ellet, Information Services Director, explained that this has been an ongoing project that would consolidate five existing systems into one. They have solicited proposals based on information collected from department heads. Some issues have arisen due to changes in department heads from the time the project was initiated. Those changes have resulted in different departmental needs than what were originally anticipated. The issue of changing technology has also surfaced. Mr. Ellett explained that the current PBX phone system will become obsolete and that the county will need to adjust the system to accommodate future needs. Commissioners directed that the issue be placed on the next Building Committee meeting and that department heads be notified to be in attendance to provide input as it would not be considered at a later time.

#### NEW BUSINESS

Commissioner Hajek commented on recent correspondence received regarding an article in the New York

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Times about cage fighting in the area. She asked if these events could be addressed by ordinance. Gordy Swanson, Chief Deputy State's Attorney, suggested defining "cage fighting" and including it in the Public Nuisance Ordinance as a way to regulate these events. Commissioner Pekas urged caution when defining cage fighting as there are several legitimate martial arts and religious events involving martial arts that should not fall under this definition. Commissioners directed Mr. Swanson to work with Planning Director, Scott Anderson, on drafting a proposed ordinance amendment to address cage fighting.

MOTION by Hajek, seconded by Pekas to adjourn into Executive Session. 4 ayes. Following Executive Session the Commission adjourned until 9:00 a.m. on Tuesday, August 9, 2005. 4 ayes.

APPROVED BY THE COMMISSION:

Carol Twedt, Chairman

ATTEST:

Sandy Kinder, Deputy Auditor