

THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M., August 9, 2005, pursuant to adjournment on August 2, 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 Zweep to approve the Minutes for August 2, 2005. 5 ayes.

## VOUCHERS TO BE PAID

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

A & B Business Equip	Var. Depts	93.77	Abu-Ghazaleh, Samir	Human Svcs	399.89
Accurint #1007791	Sheriff	18.35	Action Electric Co.	Hiway Cons	509.26
Amplivox Sounds Syst	Cnty Exten	64.19	Anderson, Elwood	Human Svcs	300.00
Anesthesia Physician	Human Svcs	352.00	Anesthesiology Assoc	Human Svcs	992.00
Argus Leader	Var. Depts	1,968.91	Avera Dakota Endocri	Human Svcs	301.26
Avera Home Medical E	Human Svcs	105.00	Avera McKennan Campu	Human Svcs	76.45
Avera McKennan Hospi	Var. Depts	6,814.68	Avera Medical Record	Var. Depts	56.39
Avera Pulmonary Asso	Human Svcs	120.02	Avera University Psy	Pub. D.	2,194.90
Batteries Plus #75	Hiway Cons	79.00	Bauer, Daryl L	Human Svcs	350.00
Beck, Pat/Low Eight,	Human Svcs	96.50	Bierschbach Equipmen	Hiway Cons	318.34
Blackburn & Stevens,	Mental Ill	198.00	Boyer Trucks Sioux F	Hiway Cons	188.30
Braithwaite, Tacey E	Mental Ill	427.50	Brandon True Value H	Hiway Cons	24.00
Brevik Law Office, P	Mental Ill	508.41	Brookings Fire Dept	Emer Mgmt	250.00
Brown & Saenger	Var. Depts	301.58	Builders Supply Comp	Juv Det Cn	186.50
Campbell Supply Co.,	Var. Depts	151.95	CBM Food Service	Var. Depts	14,226.65
Central States Fire	Emer Mgmt	14,975.00	Charlotte Place/Beck	Human Svcs	885.00
Chemco, Inc.	Facilities	1,600.01	City-Wide Taxi, Inc	Human Svcs	124.87
Cliff Avenue Auto Pa	Hiway Cons	114.50	Cobraserve National	Human Svcs	758.38
Communication Servic	Court Sys.	110.00	Concrete Materials	Hiway Cons	64,866.84
Costain, Bonnie	St Atty	15.50	Culligan Water Condi	Var. Depts	152.90
Cumberland Apts. I	Human Svcs	300.00	Dacotah Bank	Pub. D.	262.00
Dakota Data Shred	Juv Det Cn	77.74	Dakota Fluid Power,	Hiway Cons	26.26
Dakota Riggers & Too	Hiway Cons	310.65	Dakota Splash	Hiway Admi	54.15
Dan Nelson Suzuki Vi	Emer Mgmt	93.42	Daniels-Olsen Bldg P	Museum	121.60
Dataline Assoc./Fior	Info Svcs	89.40	Decisionone Corporat	Info Svcs	1,126.56
DeJong, James/Darcy	Human Svcs	450.00	Dialnet/Ahrens Telec	Var. Depts	107.13
Diamond Vogel Paint	Hiway Cons	1,251.67	Dresbach, Steve	Mental Ill	1,067.50
Dressen Custom Trail	Hiway Cons	108.00	Dullerud, Wayne R	Human Svcs	200.00
Eastview Apts./Arnol	Human Svcs	350.00	Eggert, Staci	Sheriff	47.00
Electric Supply Co.,	Sheriff	5,065.70	Evercon Systems, Inc	Correction	7,000.00
Farrell, Lorae J	Court Sys.	241.40	Fastenal Company	Hiway Cons	56.83
Federal Signal Corp.	Metro-911	103.89	Fireguard Inc.	Emer Mgmt	3,437.71
First Premier Bank	Sheriff	74.14	Force America Inc.	Hiway Cons	954.76
Framers Supply Co.	Museum	358.66	Fred Pryor Seminars	Human Svcs	129.00
Fred the Fixer, Inc.	Human Svcs	45.00	G & H Distributing,	Hiway Cons	87.56
Galland Legal Clinic	Court Sys.	288.00	Galls, Inc.	Correction	179.97
Genzlinger, Janeen	Court Sys.	1,184.40	Glock, Inc	Emer Mgmt	93.00
Golden West	Var. Depts	423.45	Graham Tire Co. - Do	Sheriff	64.00
Graham Tire Co. - No	Emer Mgmt	25.44	Graybar Electric Com	Metro-911	746.68
Great Plains Int'l T	Hiway Cons	19.50	Greentree Psychologi	Mental Ill	260.00
Guzman, Sandra V.	Var. Depts	387.50	Hander, Inc.	Hiway Admi	625.55
Harold's Photo Cente	Sheriff	99.95	Helgeson, Jennifer	Metro-911	135.00
Heritage Apartments	Human Svcs	208.00	Hy-Vee Food Store	Juv Det Cn	242.91
Hy-Vee Pharmacy	Human Svcs	85.07	IBE, Inc.	Pub. D.	78.00
Imagenation Graphics	Metro-911	1,106.06	Inland Truck Parts &	Hiway Cons	541.23
Interstate Office Pr	Var. Depts	1,585.72	J.H. Larson Company	Facilities	962.45
Janitor's Closet, Lt	Var. Depts	137.67	Jebro, Inc.	Hiway Cons	1,185.65
Jefferson Partners,	Human Svcs	475.10	Kadi, Mark	Pub. Adv.	366.00
Kennedy, Renee S.	Pub. D.	180.20	Kennedy, Rokahr, Pie	Mental Ill	547.20
Kmart	Human Svcs	35.83	Kmart Pharmacy	Human Svcs	246.47

Knowlton, Jeff	Human Svcs	450.00	Kohl's Department St	Juv Det Cn	54.97
Kooistra, Nelva	Mental Ill	105.00	Kreisers, Inc.	Sheriff	269.00
Lakeport Village	Human Svcs	450.00	Laqua, Travis	Human Svcs	450.00
Lassegaard, Samuel C	Human Svcs	285.00	Lcm Pathologists, P.	Coroner	1,000.00
Lewis Drug Stores	Var. Depts	14,990.70	Lexis-Nexis / Reed E	Sheriff	26.45
Liewer Enterprises	Hiway Cons	21,608.00	Linweld, Inc.	Hiway Cons	33.99
Lutheran Social Serv	Pub. D.	75.00	Malloy Electric Bear	Hiway Cons	31.02
Matchan, Hope	St Atty	172.00	Maxwell Food Equipme	Facilities	128.44
Medical X-Ray Center	Human Svcs	41.64	Menards - East	County Par	17.12
Menards - West	Hiway Cons	61.19	Midamerican Energy C	Var. Depts	1,717.01
Midcontinent Communi	Var. Depts	106.04	Midwest Oil Company	Hiway Cons	717.40
Mikelson, Gary E.	Mental Ill	162.17	Miller Funeral Home,	Human Svcs	2,215.00
Minnehaha Cnty Human	Human Svcs	154.50	Motorola, Inc.	Metro-911	278.00
Muhmel, Kim/Peggy	Human Svcs	525.00	Murray Construction	Human Svcs	700.00
Myrl & Roy's Paving,	Hiway Cons	655,453.58	Nat'l Assn. School R	Sheriff	298.00
Nebraska Dept. of Mo	St Atty	3.00	Nelson, William	Human Svcs	350.00
Nguyen, Lam	Court Sys.	75.00	Norment Security Gro	Correction	644.56
North Central Heart	Human Svcs	2,038.98	Northern Safety Tech	Hiway Cons	376.77
Northern States Supp	Hiway Cons	69.95	Northern Truck Equip	Hiway Cons	278.48
Novak Sanitary Servi	Sheriff	6.96	Nyberg's Ace Hardwar	Juv Det Cn	119.99
Oballa, Ojulu A	Court Sys.	50.00	Office Depot, Inc.	Info Svcs	899.05
Olson's Pest Technic	Correction	78.00	Palisades Oil Compan	Hiway Cons	77.45
Palmer, Barbara	Mental Ill	1,597.50	Peters Distributing,	Emer Mgmt	13,500.00
Pfeifer Implement Co	Hiway Cons	167.91	Pheasantland Industr	Auditor	215.20
Physicians Laborator	Human Svcs	89.70	Pietz, Paul	Court Sys.	111.00
Pomp's Tire Service,	Hiway Cons	88.50	Pontiac Cadillac of	Sheriff	195.06
Prairie Publications	Comm.	1,057.27	Pride Neon, Inc	Hiway Cons	46.80
Pro Pac	Emer Mgmt	738.66	Proval International	Var. Depts	1,675.00
Pulstar Distributing	Metro-911	137.53	Qualified Presort Se	Court Sys.	307.94
Quest Engineering, I	Hiway Cons	496.55	R & L Supply, Ltd	Var. Depts	127.26
RDO Equipment Co	Hiway Cons	12.55	Record Keepers, Inc.	Human Svcs	53.44
Reh fuss, Cathryn A	Mental Ill	135.00	Restful Lodging, Inc	Human Svcs	590.00
Reynolds, Brad	Court Sys.	1,540.80	River Ridge Oral & M	Human Svcs	392.71
River Run Apts / Sio	Human Svcs	525.00	Robson True Value	Emer Mgmt	101.32
Rock County Court Ad	St Atty	10.00	Rohn Airport Adverti	Museum	225.00
Ronning Commercial,	Human Svcs	700.00	Safelite Glass Corp.	Sheriff	221.28
Schoeneman, Inc.	Human Svcs	350.00	Scott, Jerry A	Human Svcs	480.00
SD Dept of Transport	Hiway Cons	1,243.22	SD State Bar	Pub. D.	10.00
SD State Treasurer	*****	432.01	Seagull Software Sys	Info Svcs	1,687.19
Sioux Empire Fair As	Var. Depts	7,005.17	Sioux Falls Ford, In	Hiway Cons	1,179.55
Sioux Falls Two Way	Var. Depts	315.00	Sioux Falls Utilitie	Emer Mgmt	309.48
Sioux Valley Energy	Var. Depts	266.19	Siouxland Oral & Max	Human Svcs	373.93
Slowey, Yvonne C	Mental Ill	658.50	Smythe, Toby D DBA	Human Svcs	450.00
Solomon, Ghirmay	Court Sys.	225.00	Sportsman's Warehous	Emer Mgmt	3,596.83
State Radio Communic	Metro-911	4,224.00	Streicher's	Sheriff	49.90
Sturdevant's Auto Pa	Hiway Cons	62.28	SV Hospital	St Atty	220.00
SV Medical Equipment	Human Svcs	570.72	Talavera, Zoila Judi	Court Sys.	300.00
Tenth Street, Inc.	Var. Depts	156.90	Theophilus Law Offic	Court Sys.	573.00
Thorin, Deyanira T.	Var. Depts	783.31	Timekeeping Systems,	Juv Det Cn	24.06
Tomacelli's Pizza	Court Sys.	47.21	Tooley, Matthew A	Metro-911	135.00
Union Telephone Comp	Metro-911	321.91	University Products,	Museum	591.04
US Postal Service	Court Sys.	625.00	Valley Rental Servic	Human Svcs	249.50
Vander Haag's, Inc.	Hiway Cons	13,816.00	Vantek Communication	Metro-911	116.90
Velvet Uniforms, Inc	Correction	149.05	Verizon Wireless, Be	Emer Mgmt	27.59
Voigt, Debra	Court Sys.	518.78	Wall Lake Sanitary D	Hiway Admi	35.00
Walser, Bob	Mental Ill	90.00	Waste Management of	Facilities	504.69
West Group	Var. Depts	470.00	Wheelco Brake & Supp	Hiway Cons	48.87
Wiederrich, Lisa M	St Atty	122.50	Wilsey & Associates,	Hiway Cons	8,356.75
Wilson, Shirley Ann	Human Svcs	450.00	X-Ray Express	Correction	220.00
Xcel Energy, Inc.	Var. Depts	2,918.54	Yankton County Sheri	Mental Ill	264.00
Yellow Cab, Inc.	Human Svcs	10.10	Zabel Steel Co.	Hiway Cons	298.50

## REPORTS

The following reports were received and placed on file in the County Auditor's Office:  
 Regional Juvenile Detention Center Monthly Statistical Report and the Minnehaha County  
 Human Services Report for July 2005.

## PERSONNEL

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

1. To accept the resignation of Matthew Smith as part-time Juvenile Correctional Worker for the Juvenile Detention Center effective 8-7-05.
2. To accept the resignation of Michelle Pliska as Juvenile Correctional Officer II for the Juvenile Detention Center effective 8-5-05.
3. To hire Kari Willers as Paralegal I (8/1) for the Public Defender's Office at \$13.242 per hour effective 8-15-05.
4. To place Kelli Nyhof, Tax and License Specialist for the Treasurer's Office, on Leave of Absence without pay effective 8-15-05 to 8-22-05.
5. To hire Jackie Olthoff as part-time Correctional Officer I (9/1) for the Sheriff's Office at \$14.088 per hour effective 8-9-05.
6. To hire Melvyn Makinson as part-time Correctional Systems Operator (7/2) for the Sheriff's Office at \$12.893 per hour effective 8-9-05.
7. To accept the resignation of Sheila Dumdei as Communications Operator for Metro Communications effective 8-5-05.

Step increases due:

1. Jeannine Siebrasse - Communication Supervisor - Metro Communications - 13/11 to 13/12, 8-10-05, \$22.587/hr
2. Douglas Blomker - Assistant Director - Emergency Management - 12/3 to 12/4, 8-9-05, \$18.343/hr
3. Steve Punke - Tax and License Specialist - Treasurer - 4/3 to 4/4, 8-4-05, \$10.876/hr
4. Denise Whaler - Tax and License Specialist - Treasurer - 4/2 to 4/3, 7-1-05, \$10.663/hr
5. Marc Empert - Custodian I - Facilities - 3/3 to 3/4, 8-6-05, \$9.942/hr
6. Jennifer Schnabel - Juvenile Correctional Worker - Juvenile Correctional Center - 5/5 to 5/6, 8-1-05, \$12.286/hr

Nora Buckman, Human Resources Director, presented an additional request to accept the MAXIMUS job evaluations for six positions and incorporate them into the grade order list. She explained that acceptance of the evaluations would only recognize the positions on the pay matrix. It would not automatically change the pay grade for those employees currently assuming the responsibilities of those positions. Requests for placement would be scheduled for Executive Session on August 16<sup>th</sup>.

MOTION by Pekas, seconded by Kolbe to receive the MAXIMUS job evaluations for the following positions: Commission Recorder, Grade 8; Communications Training Supervisor, Grade 14; Assistant Sheriff, Grade 26; Warden, Grade 24; Division Commander, Grade 21; Medical Corrections Technician, Grade 9. 5 ayes. Commissioner Zweep confirmed with Ms. Buckman that these

evaluations were requested prior to the budget hearings for 2006. Commissioner Kolbe requested that information be presented on an individual basis prior to determining action. Chairman Twedt requested that additional information be provided regarding the budgetary impact of implementing the recommendations. MOTION by Pekas, seconded by Zweep to defer action on the received changes until 2007. 2 ayes, Twedt, Hajek, and Zweep – nay. Motion fails.

#### ABATEMENTS

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

MOTION by Zweep, seconded by Pekas to approve the following abatement: Thomas Wallner, ID 18755, 2003 Property Taxes - \$747.60. 5 ayes.

MOTION by Kolbe, seconded by Hajek to approve the following abatement: Kenneth Nitsche, ID 20406, 2002 Property Taxes - \$482.52. 5 ayes.

#### PROJECT

Sue Roust, Auditor, reported that the deadline to refer the approved opt-out action for the Human Services/City Health Department Remodeling Project to a public vote has passed. She requested that the Commission authorize the Chairman to sign the Notice to Proceed authorizing TSP to proceed with construction documents for the project pursuant to the terms of the existing contract. Larry Crane, Project Architect, TSP, was present to update the Commission on the project timeline. He reported that since the last meeting, TSP has continued with the design work and that the bid notification should occur at the end of November 2005, with bid opening targeted at the end of December 2005. Construction would commence the third week in January 2006, with completion a year later. Ms. Roust briefed the Commission on the City's plans to finance their portion of the project. MOTION by Zweep, seconded by Hajek to authorize the Chairman to sign the Notice to Proceed. 5 ayes.

#### PLANNING

Scott Anderson, Planning Director, requested approval of a preliminary subdivision plan for McHardy First Addition in the S1/2 of Section 7-T101N-R47W. The Planning Commission recommended approval of the plan. MOTION by Pekas, seconded by Kolbe to approve Resolution MC05-45. 5 ayes.

#### RESOLUTION MC05-45

BE IT RESOLVED by the Board of County Commissioners of Minnehaha County, that the preliminary plan of McHardy First Addition in the S1/2 of Section 7-T101N-R47W, Minnehaha County, is hereby approved and that the County Auditor is hereby directed to endorse on such plan a copy of this resolution and certify the same thereon.

Approved this 9<sup>h</sup> day of August, 2005

#### BOARD OF COUNTY COMMISSIONERS

Carol Twedt, Chairman

#### ATTEST:

Sandy Kinder, Deputy Auditor

#### CEMETERY

Margaret Novak, Abandoned Cemeteries Board Chairman, was present to update the Commission on the status of the 16 abandoned cemeteries in Minnehaha County. Board member Esther Herther was also present. Ms. Novak presented an estimate from Jacobsen Tree Service & Reliable Tree Service, in the amount of \$7,200, for tree removal at Dokken Cemetery in Highland Township. She noted that several headstones were knocked down and barely visible due to undergrowth. She requested County assistance to aid in the clean-up of the site. Commissioner Kolbe reported on his observation of the site. Gordy Swanson, Chief Deputy State's Attorney, explained the statutory responsibilities of county commissions regarding control of abandoned cemeteries. The level of maintenance assistance is at the discretion of the commission. Highway Superintendent Bob Meister has inspected the site and determined that the project would be beyond his department's capabilities. Commissioner Zweep discussed moving the remains to a nearby cemetery that was maintained. Commissioner Kolbe advised that a plot map was not available and there may not be an easement allowing access to the property. He noted that the growth at the site was Buckthorn, which may be considered a noxious plant. As such, the County Weed & Pest Department, under the Highway Department, could aid in the abatement of the trees and shrubs. MOTION by Hajek, seconded by Pekas to authorize the Highway Superintendent to proceed with the project. 4 ayes, Zweep – nay.

#### GRANTS

Lynn DeYoung, Emergency Management Director, reported that the County has been awarded \$63,927.15 as part of the 2005 Office of Domestic Preparedness Grant Program for the training of first responders. This is a 2 year grant that requires no matching funds. MOTION by Hajek, seconded by Zweep to authorize the Chairman to sign the Letter of Intent – ODP 2005 Training Grant to participate in this program. 5 ayes.

Mr. DeYoung, also reported that the County has been awarded \$13,735.40 from the 2005 ODP Grant Program for the enhancement of the current Citizens Corps programs. MOTION by Zweep, seconded by Hajek to authorize the Chairman to sign the Letter of Acceptance to participate in this program. 5 ayes.

#### SUPPLEMENT

MOTION by Zweep, seconded by Kolbe to approve the following supplements from the Emergency Management Fund to the Emergency Management budget: \$15,155.10 (ASN 16925) representing reimbursement from the Home Land Security Equipment Grant, and \$8,155.52 (ASN 16927) representing reimbursement from the Citizen Corps Grant; and to supplement \$6,963.10 from the General Fund to the Sheriff's Department budget (ASN 16577) representing reimbursement from the Law Enforcement Terrorism Prevention Grant. 5 ayes.

#### LIQUOR LICENSE

On August 2<sup>nd</sup>, the Commission approved the transfer of the Retail On-Sale Liquor License for Prairieview Steak House to Matthew & Trisha Ryken/Prairie View Steakhouse & Lounge, Inc. The owners have now requested authorization for Sunday sales. MOTION by Zweep, seconded by Pekas to authorize Sunday sales at Prairie View Steakhouse & Lounge, Inc. 5 ayes.

#### CAGE FIGHTING

On August 2<sup>nd</sup>, the Commission discussed an article in the New York Times about cage/ultimate fighting in the area. The Commission directed Gordy Swanson, Chief Deputy State's Attorney, to draft

a proposed ordinance that would address these events. Commissioner Hajek stated that she has met with proponents of this issue. She explained the sport of Mixed Martial Arts (MMA) which is regulated in 19 states and involves persons that have received training specific to the sport. She suggested banning ultimate or cage fighting and regulating those sports that are sanctioned by an athletic commission. Medical issues were also discussed as the County could be burdened with the expense of treating severely injured participants. Gordy Swanson, Chief Deputy State's Attorney, presented a draft ordinance that would define ultimate fighting and ban the practice. Anyone in violation of the ordinance would be guilty of a Class 2 misdemeanor. Sanctioned and regulated activities would not be included. He also explained that the ordinance should not be considered part of the 1990 Revised Public Nuisance Ordinance, but as a stand alone declaring this practice as a public nuisance. Commissioner Zweep questioned what department would be responsible for the enforcement of such an ordinance. Commissioner Pekas suggested including a provision requiring sponsors/participants to provide insurance coverage, including health, as a way to ensure that medical expenses would not fall under the responsibility of the County. He supported taking an active step to remediate medical expenses by including a health insurance provision into an ordinance similar to that of the City's, rather than supporting a ban on the activity. Chairman Twedt noted that this issue would not have surfaced had it not been for the news article. The ordinance would only apply to those rural areas of Minnehaha County outside of municipalities, which does not allow for many venues to hold the events. Scott Anderson, Planning Director, noted that recreational activity is not defined in the 1990 Revised Zoning Ordinance and could require application of a Temporary Use Permit that would be considered by the Planning Commission. He favors regulation by ordinance as a way to support enforcement efforts. Commissioner Kolbe noted that if an ordinance was adopted, it would not prevent the events from occurring in other counties. He suggested that if proponents felt the dire need to regulate the events that they approach the legislature to have unanimity across the state. Shayna Baszler, MMA proponent, was present to ask that commissioners research MMA prior to making a judgment. MOTION by Pekas, seconded by Zweep to defer banning/regulating ultimate fighting events and any discussion on the topic indefinitely for further review and research. 4 ayes, Hajek – nay.

MOTION by Zweep, seconded by Pekas to adjourn into Executive Session. 5 ayes. Following Executive Session the Commission adjourned until 5:00 p.m. on Monday, August 15, 2005.

**APPROVED BY THE COMMISSION:**

Carol Twedt, Chairman

**ATTEST:**

Sandy Kinder, Deputy Auditor