

THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M., September 6, 2005, pursuant to adjournment on August 30, 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 August 30, 2005. 5 ayes.

VOUCHERS TO BE PAID

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

A & B Business Equip	Var. Depts	2,371.47	Ace Towing, Inc.	Hiway Cons	218.75
Advertising Arts, In	Museum	681.07	Amsterdam Printing &	St Atty	118.50
Argus Leader	Var. Depts	717.59	ASAP Software Expres	Info Svcs	6,103.35
Auto Body Specialtie	Hiway Cons	55.94	Avera Mckennan Hospi	Sheriff	39,999.99
Avera McKennan Regio	Correction	1,722.25	Avera Medical Record	Pub. D.	339.90
Avera Midwest Psychi	Pub. D.	3.00	Avera University Psy	Pub. D.	2,939.57
Babinski Properties	Human Svcs	350.00	Beckman Investments	Human Svcs	300.00
Berreau, Cynthia	Court Sys.	1,116.17	Breen, Cassandra	Sheriff	119.96
Breit Law Offices, P	Court Sys.	1,219.10	Bright Horizons Fami	Human Svcs	569.02
Brown & Saenger	Juv Det Cn	2,606.01	Burnette, Sara L.	Court Sys.	647.50
C & R Supply, Inc.	Hiway Cons	384.30	Campbell Supply Co.,	Var. Depts	664.05
Carper, Nichole A	Court Sys.	1,231.70	CBM Food Service	Var. Depts	22,307.30
Century Business Lea	Var. Depts	182.93	Charlotte Place/Beck	Human Svcs	1,050.00
Chemco, Inc.	Facilities	448.96	Chiesman Foundation	Treasurer	79.00
City Centre Hotel Co	Court Sys.	148.01	Cliff Avenue Auto Pa	Hiway Cons	302.87
Communication Servic	Court Sys.	82.50	Cooey, Carla F	Pub. D.	15.20
Country View Mobile	Human Svcs	265.00	Crescent Electric Su	Museum Mtc	56.51
Dakota Fluid Power,	Hiway Cons	125.87	Dakota Lettering Etc	Var. Depts	118.56
Dakota Police & Spor	Emer Mgmt	7.50	Dakota Riggers & Too	Hiway Cons	44.20
Dakota Splash	Hiway Admi	43.65	Dell Rapids Ford, In	Sheriff	42.97
Dialnet/Ahrens Telec	Correction	30.00	Diamond Mowers, Inc.	Hiway Cons	194.39
DLRS Properties, Inc	Human Svcs	525.00	Dust Tex Service, In	Museum Mtc	12.48
Electric Supply Co.,	Sheriff	8,001.00	Elite Business Syste	Human Svcs	71.50
Exide Technologies	Hiway Cons	224.17	Farm & Home Publishe	Reg Deeds	140.00
Farrell, Lora J	Pub. Adv.	47.60	Fastenal Company	Hiway Cons	29.64
Federal Express Corp	Musm Entpr	17.66	Fensel's Flower Shop	County Par	110.00
Fields, Andre	Museum	150.00	First Premier Bank	Sheriff	58.26
Fremont Industries,	Facilities	849.64	Goebel Printing, Inc	Treasurer	30.00
Graham Tire Co. - Do	Var. Depts	215.38	Great Plains Int'l T	Hiway Cons	603.58
Guarantee Roofing of	Facilities	170.00	Gunner, Andrea	Var. Depts	536.40
Guzman, Sandra V.	Var. Depts	325.00	Hander, Inc.	Museum Mtc	102.04
Harold's Photo Cente	Var. Depts	54.14	Heartland Paper Comp	Facilities	302.20
Heritage Apartments	Human Svcs	146.00	Hewlett-Packard Comp	Info Svcs	2,497.00
Hobby Lobby Stores,	Museum	44.71	Hoskins, William J	Mus Grant	592.80
Hurley, Dennis	Correction	28.42	Hy-Vee Food Store	Juv Det Cn	14.04
Instant Technologies	Correction	514.76	Int'l Assn of Assess	Dir. Eq.	175.00
Interstate Office Pr	Var. Depts	228.16	Jaros, Pete	Mental Ill	65.92
Jaymar Business Form	Correction	511.50	Jefferson Partners,	Human Svcs	198.00
JKR Rentals, LLC	Human Svcs	350.00	John Deere Credit	Hiway Cons	61,576.74
Johnstone Supply	Museum Mtc	74.16	Kappenman, Thomas L	Human Svcs	390.00
Keefe Supply Company	Juv Det Cn	236.20	Kirton, Steve	Correction	8.00
Kone, Inc.	Facilities	431.68	Kreislers, Inc.	Museum	29.20
Larson, Nickolee A.	Human Svcs	450.00	Lewis Drug Stores	Var. Depts	39,293.28
Linweld, Inc.	Hiway Cons	5.70	Little Falls Machine	Hiway Cons	426.92
Lutheran Social Serv	Court Sys.	475.00	M&T Fire and Safety,	Emer Mgmt	1,100.00
Mailway Printers	Museum	1,222.55	Master Blaster, Inc.	Hiway Cons	275.00
Mathison Company	Museum	513.82	May & Johnson, P.C.	Court Sys.	3,793.14
Meinders, Ray	Human Svcs	350.00	Menards - West	Var. Depts	72.17
Microfilm Imaging Sy	Reg Deeds	178.25	Midamerican Energy C	Var. Depts	1,551.88

Minnehaha Cnty Priso	Correction	59.80	Minnehaha Cnty Treas	Build Fund	1,662.20
Mobile Electronic Se	Sheriff	50.00	Myrl & Roy's Paving,	Hiway Cons	14,630.36
Nebraska Dept. of Mo	St Atty	6.00	North Sioux Vending	St Atty	108.00
Northern Safety Tech	Hiway Cons	516.07	Office Depot, Inc.	Info Svcs	632.82
Officemax	Correction	69.99	Officemax Credit Pla	Museum	20.00
Olson's Pest Technic	Correction	78.00	Osmer, Trevor	Sheriff	140.00
Pacific Exange Group	Hiway Cons	14,999.00	Pfeifer Implement Co	Hiway Cons	23.49
Pfeifer, Scott	Correction	108.00	Pheasantland Industr	Sheriff	104.38
Phillips 66 Company	Var. Depts	251.59	Plymouth County Sher	St Atty	16.50
Pomp's Tire Service,	Hiway Cons	477.40	Pontiac Cadillac of	Sheriff	93.03
Prairie Publications	Comm.	271.48	Quest Engineering, I	Hiway Cons	101.63
Radio Shack Corporat	Museum	49.98	River Tower Apartmen	Human Svcs	411.00
Roberts, Yvonne	Human Svcs	480.00	Rochester Armored Ca	Treasurer	330.00
Schoeneman Bros. Co.	Museum	77.70	SD Corrections Assoc	Juv Det Cn	20.00
SD Dept of Health	Pub. Adv.	24.00	SD Dept of Human Ser	Var. Depts	46.00
SD Dept of Legislati	Comm.	33,620.32	SD Dept of Revenue	Correction	45.00
SD Voices for Childr	St Atty	75.00	Servall Towel & Line	Var. Depts	97.68
Shopko Store	Juv Det Cn	337.48	Sigler Fire Equipmen	Facilities	1,507.35
Sioux Empire Fair As	Recreation	6,981.17	Sioux Falls Ford, In	Var. Depts	240.41
Sioux Falls Kenworth	Hiway Cons	44.49	Sioux Falls Rubber S	Var. Depts	57.00
Sioux Falls Two Way	Emer Mgmt	28.00	Sioux Falls Utilitie	Emer Mgmt	331.32
Sioux Valley Energy	Var. Depts	510.27	Siouxland Heritage M	Museum	540.15
Smart, Richard	Human Svcs	342.09	Smith Publishing Co.	Elec Audit	307.00
Solomon, Ghirmay	Court Sys.	50.00	Stangeland, Lori	Dir. Eq.	200.00
Steak-Out Sioux Fall	Court Sys.	167.66	Stoney Creek Townhom	Human Svcs	525.00
Strunk, Lisa	Court Sys.	47.60	Sturdevant's Auto Pa	Hiway Cons	441.37
Sudenga, Mary	Human Svcs	450.00	SV Hospital	St Atty	20.00
SV Hospital Medical	St Atty	11.25	Talavera, Zoila Judi	Court Sys.	100.00
The Eye Doctors, P.C	Correction	1,642.00	Theophilus Law Offic	Court Sys.	2,144.00
Thorin, Deyanira T.	Var. Depts	187.50	Thyssenkrupp Elevato	Correction	1,710.00
Timekeeping Systems,	Correction	45.00	Total Security Conce	Pub. Adv.	160.00
TR Designs & Indoor	Museum	610.00	United Parcel Servic	Correction	25.60
University Products,	Museum	180.30	US Postal Service	Cnty Exten	95.19
US Postmaster	Juv Det Cn	444.00	Velgersdyk, Dr. Scot	Human Svcs	264.00
Velvet Uniforms, Inc	Correction	379.50	Video Service of Ame	Comm.	234.06
Vision Care Associat	Human Svcs	164.26	Voigt, Debra	Court Sys.	546.54
W.W. Grainger, Inc.	Hiway Cons	76.44	Wal-Mart Pharmacy	Human Svcs	114.46
Walgreen Co.	Human Svcs	1,012.38	West Sioux Exhaust &	Juv Det Cn	22.00
Wholesale Electronic	Court Sys.	22.67	Xcel Energy, Inc.	Var. Depts	3,730.19
York International C	Facilities	4,381.70	Zee Medical Service	Hiway Admi	46.40
Zep Manufacturing Co	Hiway Cons	137.61			

REPORTS

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

PERSONNEL

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

1. To accept the resignation of Nicholas VanWyhe and Christopher Vickery as Laborers for the Highway Department effective 8-24-05.
2. To accept the resignation of Susan Campbell as Caseworker I for Human Services effective 8-22-05.
3. To accept the resignation of Rachel Haan as Correctional Officer II for the Sheriff's Office effective 9-9-05.
4. To hire Rachel Haan as part-time Correctional Officer II (10/3) for the Sheriff's Office at \$16.153 per hour effective 9-9-05.

5. To promote Michael Brenden to Correctional Officer II (10/2) for the Sheriff's Office at \$15.531 per hour effective 9-10-05.
6. To reassign Keith Allenstein to Deputy State's Attorney II (19/1) for the State's Attorney's Office at \$1804.08 biweekly effective 8-29-05.
7. To place Deb Critser, Tax and License Specialist for the Treasurer's Office, on leave without pay effective 8-30-05 to 10-3-05.

Step increases due:

1. Lori Smart – Juvenile Correctional Officer I – Juvenile Detention Center – 10/2 to 10/3, 9-8-05, \$16.153/hr
2. Heidi Gravett - Juvenile Correctional Officer I – Juvenile Detention Center – 10/3 to 10/4, 9-8-05, \$16.477/hr
3. Adam Bunger – Communications Operator – Metro Communications – 9/2 to 9/3, 9-8-05, \$15.238/hr
4. Phillip Jankowski – Communications Operator – Metro Communications – 9/2 to 9/3, 9-8-05, \$15.238/hr
5. Phillip Leidholt – Correctional Officer I – Sheriff – 9/1 to 9/2, 9-4-05, \$14.652/hr
6. Dustin DeBoer – Deputy State's Attorney II – State's Attorney – 19/2 to 19/3, 9-2-05, \$1951.20/biweekly

Additional Action Requested:

To record volunteers in County Departments for September 2005. The list is on file in the Human Resources Department.

MOTION by Pekas, seconded by Hajek to authorize a request to fill ten Correctional Officer vacancies in the Sheriff's Office. 5 ayes.

On August 9, 2005, the Commission voted 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. These reevaluations have been included in the 2006 budget. Nora Buckman, Human Resources Director, requested that the Commission establish an effective date for five of those positions. Commissioner Hajek noted that past practice has been immediate implementation of MAXIMUS recommendations. She also suggested implementing a policy for future reevaluations during the budget cycle. MOTION by Hajek to implement the reevaluations immediately. Motion dies for lack of a second. MOTION by Zweep, seconded by Kolbe to set the effective date of the reevaluations as January 1, 2006. Commissioner Pekas stated that he supported the process and suggested that the Human Resources Director have some say in what positions should be reevaluated. MOTION by Kolbe to close debate. 2 ayes, Hajek, Pekas, and Twedt nay. Motion fails, discussion continues. VOTE on the MOTION, 2 ayes, Hajek, Pekas, and Twedt nay. Motion fails. Commissioner Zweep noted that while these reevaluations result in a small increase to the budget, he cautioned that the increase could be much larger if the practice continues and an entire department were to be reevaluated.

Commissioner Hajek commented on the fairness of changing the practice at this time by deferring implementation to 2006. MOTION by Hajek, seconded by Pekas to implement the five reevaluations effective September 6, 2005, and that future reevaluations not be placed in the current year budget, but be placed into the next year's budget. 3 ayes, Kolbe and Zweep nay.

ABATEMENTS

At the request of Pam Nelson, Treasurer, MOTION by Hajek, seconded by Pekas to abate interest only on the following parcels due to a computer error: ID 17404, Robert & Stacy Hoffman, \$60.55; ID 42008, Dennis Yungwirth, \$414.40; ID 58137, Merle VanLiere, \$143.52; ID 64647, Darin & David Harr, \$248.73; and ID 62797, Randall Zwart, \$119.20. 5 ayes.

MOTION by Hajek, seconded by Pekas to authorize the Treasurer to establish a \$400 per month payment schedule with Brian Sundermann beginning September 1st for outstanding property taxes (2001 – 2004) for ID #23401, in the amount of \$8,974.85. 5 ayes.

LIENS

Commissioner Pekas, County Aid Lien Liaison, briefed the Commission on a request to compromise DPNO 31338 in the amount of \$642.28. He explained that the lienee was purchasing a duplex from the petitioner on a contract for deed. During the contract term, the petitioner incurred a lien for attorney services for a criminal case. The lien attached to the properties that he was purchasing. In November, 2003 the lienee quit claimed the properties back to the petitioner. The petitioner would now like to donate the properties to Sioux Falls Community Development and is requesting that the properties be released with no payment from her to complete the transaction. MOTION by Pekas, seconded by Kolbe to approve Resolution MC05-48. 5 ayes.

RESOLUTION MC05-48

WHEREAS, a County Aid Lien in the amount of \$642.28 purports to exist in favor of Minnehaha County and against DPNO 31338 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 insofar as the real property with no payment from the petitioner. Legal description of real property: Lot 19 & S 23' of Lot 20; and N 10' of Lot 20 and All of Lots 19-21 Block 28 Folsoms 2nd Addition to Sioux Falls.

Dated at Sioux Falls, South Dakota, this 6th day of September, 2005.

APPROVED BY THE COMMISSION:
Carol Twedt, Chairman

ATTEST:
Sandy Kinder, Deputy Auditor

The following lien compromise requests were recommended by Hauge Associates:

MOTION by Pekas, seconded by Hajek to deny compromising DPNO 51564 in the amount of \$2,600 in full upon payment of \$1000.00 within 10 days. 2 ayes, Kolbe, Zweep, and Twedt nay. Motion fails.

Commissioner Kolbe noted that the licensee resided in another county. Commissioners Twedt and Zweep noted that Hauge Associates has done a good job with negotiating to get the best payoff offer available. MOTION by Zweep, seconded by Kolbe to release DPNO 51564 in full upon payment of \$1,000. 5 ayes.

MOTION by Pekas, seconded by Koble to release DPNO 33143 in the amount of \$400 in full upon payment of \$400 within 30 days. 5 ayes.

MOTION by Pekas, seconded by Kolbe to release DPNO 22928 in the amount of \$7,222.68 in full upon payment of \$3,000 within 10 days. 5 ayes.

MOTION by Pekas, seconded by Zweep to release DPNO 43155 in the amount of \$279.50 in full upon payment of \$100 within 10 days. 5 ayes.

HEARINGS

The public hearing was held to consider an application for a Special Malt Beverage Retailers' and Special On-Sale Wine Dealers' License for West Quest/Bill Pattison for the Spirit of the West event to be held September 16 – 18, 2005, on property legally described as Tract 1 Siemonsma's Addition in the W1/2 SE1/4 of Section 19-102-49. The special event will promote Western history and cancer awareness and research. The applicant, Bill Pattison, was present to answer questions. No one spoke in opposition. MOTION by Hajek, seconded by Zweep to approve license number SMBW-05-002. 5 ayes.

The Commission held the scheduled public hearing on the 2006 County Budget. Sue Roust, Auditor, reported on changes to the budget since the Provisional Budget adoption. Major changes include a rural ambulance donation (\$135,000), Facilities budget increase for utilities (\$90,000), maintenance contracts added to Metro Communications (\$88,226), and changes in personnel (\$51,424) which include converting two $\frac{3}{4}$ FTE clerical positions in the Public Defender and Public Advocate offices to full time, continuation of funding an Internet Crimes Against Children position after grant funds are depleted, and the approval of the five re-grades. She also reported that quotes received for next year's health insurance appear to be lower than anticipated. She recommended that the current 15% increase budgeted be reduced to 10% for each department, but that the savings (\$64,000) be placed in the contingency budget to cover any shortfalls that may arise in premiums. Commissioners discussed the increasing fuel costs and the impact that inflation will have in the coming years, while the county is subject to the current property tax limitations. There was no one else present who wished to speak. The final adoption of the 2006 County Budget will take place on September 27, 2005.

FINANCING

On August 30, 2005, the Commission accepted an offer from Citibank/CitiMortgage, Inc. ("CitiCapital") to borrow up to \$2.9 million to finance the county's share of the Human Services Center project. Sue Roust, Auditor, presented a resolution that would allow the county to move forward with the financing. At the previous meeting, there was discussion on whether there was a need to establish a separate trust account for this financing. Ms. Roust reported that after further review, a trust account will be set up with US Bank serving as the Trustee. This will result in a separate origination and annual fee, which may eliminate some of the savings previously calculated. MOTION by Pekas, seconded by Hajek to approve Resolution MC05-49. 5 ayes.

RESOLUTION MC 05-49

RESOLUTION RELATING TO LEASE-PURCHASE OF VARIOUS COUNTY FACILITIES AND TO FINANCE THE HUMAN SERVICES CENTER; AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE-PURCHASE AGREEMENT AND APPROVING AND AUTHORIZING EXECUTION OF RELATED DOCUMENTS

BE IT RESOLVED by the Board of Commissioners of Minnehaha County, South Dakota (the "County"), as follows:

Section 1. Recitals.

1.01. The County is authorized by South Dakota Codified Laws, Chapter 7-25, inclusive, as amended (the "Act"), to enter into lease-purchase agreements for acquisition of real or personal property that the governing body considers necessary or appropriate to carry out its governmental and proprietary functions. The governing body finds that it is necessary and appropriate to issue Certificates of Participation (Limited Tax General Obligation), Series 2005C (the "2005C Certificates") in one or more series to pay all or a portion of the costs of a human services center.

1.02. The County has agreed with U.S. Bank National Association, formerly First Bank of South Dakota National Association (the "Trustee") that the Trustee has, pursuant to a Ground Lease Agreement, dated as of September 1, 1992, as amended and supplemented between the County and the Trustee (the "Ground Lease"), acquired certain interests in real property (the "Land") from the County, and the Trustee has leased its interest in the Land and has leased and agreed to sell the Facilities to be acquired, renovated, constructed and equipped thereon to the County pursuant to a Lease-Purchase Agreement, dated as of September 1, 1992 (the "Original Lease"), as amended and supplemented by the First Amendment to Lease-Purchase Agreement, dated as of November 1, 1994 (the "First Amendment to Lease"), the Second Amendment to Lease-Purchase Agreement, dated as of April 1, 1997 (the "Second Amendment to Lease"), the Third Amendment to Lease-Purchase Agreement, dated as of April 1, 1999 (the "Third Amendment to Lease"), the Fourth Amendment to Lease-Purchase Agreement, dated as of December 1, 2000 (the "Fourth Amendment to Lease"), the Fifth Amendment to Lease-Purchase Agreement, dated as of September 1, 2004 (the "Fifth Amendment to Lease") and the Sixth Amendment to Lease-Purchase Agreement, dated as of September 1, 2005 (the "Sixth Amendment to Lease"), between the Trustee and the County (the Original Lease as amended and supplemented by the First Amendment to Lease, the Second Amendment to Lease, the Third Amendment to Lease, the Fourth Amendment to Lease, the Fifth Amendment to Lease and the Sixth Amendment to Lease is referred to herein as the "Lease").

1.03. The Trustee will execute and deliver a Seventh Supplemental Declaration of Trust (the "Seventh Supplemental Trust"), which will supplement and amend the Declaration of Trust, dated September 1, 1992 (the "Original Trust"), as amended by the First Supplemental Declaration of Trust, dated November 1, 1994 (the "First Supplemental Trust"), the Second Supplemental Declaration of Trust, dated as of April 1, 1997 (the "Second Supplemental Trust"), the Third Supplemental Declaration of Trust, dated as of April 1, 1999 (the "Third Supplemental Trust"), the Fourth Supplemental Declaration of Trust, dated as of December 1, 2000 (the "Fourth Supplemental Trust"), the Fifth Supplemental Declaration of Trust, dated as of September 1, 2004 (the "Fifth Supplemental Trust") and the Sixth Supplemental Declaration of Trust, dated September 1, 2005 (the "Sixth Supplemental Trust") (the Original Trust as amended and supplemented by the First Supplemental Trust, the Second Supplemental Trust, the Third Supplemental Trust, the Fourth Supplemental Trust, the Fifth Supplemental Trust, the Sixth Supplemental Trust and the Seventh Supplemental Trust are referred to herein as the "Trust Agreement"), pursuant to which the Trustee will (i) issue Certificates of Participation, Series 2005C (the "2005C Certificates") in the lease payments to be made by the County under the Lease and (ii)

finance a portion of the cost of the Human Services Center.

1.04. The 2005C Certificates will be purchased by Citimortgage, Inc. (the “Original Purchaser”) pursuant to a Certificate Purchase Agreement between the County and the Original Purchaser (the “Certificate Purchase Agreement”).

1.05. Forms of the following documents relating to the Facilities (the “Documents”) are directed to be prepared by Lindquist & Vennum P.L.L.P. as Bond Counsel, and submitted to the County and are hereby directed to be filed with and approved by the County Auditor and the Deputy State’s Attorney: (a) the Seventh Amendment to Lease; (b) the Seventh Supplemental Trust; (c) the Certificate Purchase Agreement; and (d) the Second Amendment to Ground Lease Agreement (the “Second Amendment to Ground Lease”) between the County and the Trustee.

Section 2. Authorization and Approval of the Documents. The financing described above is found to be favorable and is hereby approved. The Chairman and County Auditor are authorized to approve the principal amount of the Seventh Amendment to Lease, the 2005C Certificates, not exceeding \$2,900,000, the term thereof not exceeding 20 years, the interest rate or rates thereon not exceeding an average yield of 5% per annum and the price, not less than 100% of par and at which the 2005C Certificates are to be sold to the Original Purchaser, and are directed to enter into a Certificate Purchase Agreement with the Original Purchaser and their execution of the Certificate Purchase Agreement shall be conclusive evidence of their approval of the principal amount, purchase price, interest rates and other terms set forth therein. The forms of Documents to be prepared are hereby approved if the County Auditor deems them appropriate and the Documents are approved by the Deputy State’s Attorney. The Chairman and the County Auditor are directed to execute the Documents if approved by the County Auditor. Copies of all Documents shall be delivered, filed and recorded as provided therein. The Chairman and the County Auditor and the Deputy State’s Attorney are also authorized and directed to execute such other instruments as may be required to give effect to the transactions therein contemplated. The County will cooperate in the issuance of the 2005C Certificates and the Chairman, the County Auditor and the Deputy State’s Attorney shall execute such other instruments as are necessary to the issuance of the 2005C Certificates.

Section 3. Modification, Absence of Officers. The approval hereby given to the Documents includes an approval of such additional details therein as may be necessary and appropriate and such modifications thereto, deletions therefrom and additions thereto as may be necessary and appropriate and approved by the Deputy State’s Attorney prior to the execution of the Documents. The execution of any instrument by the appropriate officer or officers of the County herein authorized shall be conclusive evidence of the approval of such documents in accordance with the terms hereof. In the absence of the Chairman or the County Auditor, any of the Documents authorized by this resolution to be executed may be executed by such officer as, in the opinion of the Deputy State’s Attorney, may execute documents in their stead.

Section 4. Payment of Lease Payments. The County will pay to the Trustee promptly when due, all of the Lease Payments (as defined in the Lease) and other amounts required by the Lease. To provide moneys to make such payments, the County will include in its annual budget, for each fiscal year during the term of the Lease, moneys sufficient to pay and for the purpose of paying all Lease Payments and other amounts payable under the Lease, and will take all other actions necessary to provide moneys for the payment of the obligations of the County under the Lease from sources of the County lawfully available for this purpose, including the levy of such taxes as may be necessary therefor, subject only to the limitations on such levies imposed by South Dakota law.

The County agrees and covenants to include in its annual budget for each fiscal year during the term of the Lease moneys sufficient to pay and for the purpose of paying the Lease Payments, and to levy a tax

pursuant to (1) SDCL Section 7-25-1, (2) SDCL Section 10-13-36 the amount authorized by the resolution adopted by the County on July 11, 2000 (\$1,150,000 beginning with the calendar year 2000 taxes payable in the calendar year 2001 and thereafter), (3) SDCL Section 10-13-36 the amount authorized by the County on July 10, 2001 (\$500,000 beginning with the calendar year 2001 taxes payable in the calendar year 2002 and thereafter) and (4) SDCL Section 10-13-36 the amount authorized by the County on July 5, 2005 (\$260,000 beginning with the calendar year 2005 taxes payable in the calendar year 2006 through calendar year 2024 taxes payable in calendar year 2025) in an amount sufficient and for the purpose of paying such Lease Payments and, to the extent permitted by law, to determine the percentage of true and full value to be used as taxable valuation such that the tax levied pursuant to (1) SDCL Section 7-25-1 and (2) SDCL Section 10-13-36 will generate sufficient revenues for the purpose of paying such Lease Payments, and to take all other actions necessary to provide moneys for the payment of the Lease Payments under the Lease, from sources of the County lawfully available for such purpose.

Section 5. Tax Matters. The County covenants and agrees with the Trustee and the registered owners from time to time of the 2005C Certificates that it will not take or permit to be taken by any of its officers, employees or agents any action which would cause the interest on the 2005C Certificates to become subject to taxation under the Internal Revenue Code of 1986, as amended (the "Code"), and applicable Treasury Regulations (the "Regulations"), and covenants to take any and all actions within its powers to ensure that the interest on the 2005C Certificates will not become subject to taxation under the Code and the Regulations. The County will cause to be filed with the Secretary of the Treasury an information reporting statement in the form and at the time prescribed by the Code. The County will comply with the provisions of Section 148(f) of the Code, relating to the rebate of arbitrage profits to the United States, if and to the extent that such provisions are applicable to the Lease and the 2005C Certificates.

Section 6. Arbitrage Certification. The Chairman and the County Auditor, being the officers of the County charged with the responsibility for issuing the 2005C Certificates pursuant to this Resolution, are authorized and directed to execute and deliver to the Trustee a certificate in accordance with the provisions of Section 148 of the Code and Sections 1.148-1 et al of the Regulations, stating the facts, estimates and circumstances in existence on the date of issue and delivery of the 2005C Certificates which make it reasonable to expect that the proceeds of the 2005C Certificates will not be used in a manner that would cause the Lease or the 2005C Certificates to be arbitrage bonds within the meaning of the Code and Regulations.

Section 7. Bank Qualification. In order to qualify the Series 2005C Certificates as a "qualified tax-exempt obligation" within the meaning of Section 265(b)(3) of the Code, the County hereby makes the following representations:

A. The County hereby designates the Series 2005C Certificates as a "qualified tax-exempt obligation" for purposes of Section 265(b)(3)(C) of the Code;

B. The reasonably anticipated amount of tax-exempt obligation (other than obligations described in clause (ii) of Section 265(b)(3)(C) of the Code" which will be issued by the County (and all subordinate entities whose obligations will be aggregated with those of the County) during this calendar year 2005 will not exceed \$10,000,000; and

C. Not more than \$10,000,000 of tax-exempt obligations issued by the County during this calendar year 2005 have been designated as qualified tax-exempt obligations for purposes of Section 265(b)(3) of the Code.

Section 8. Amendment. This resolution may be amended from time to time, prior to the issuance

of the 2005C Certificates, by an administrative resolution adopted by this Board.

Adopted this 6th day of September, 2005.

By Carol Twedt, Its Chairman

ATTEST:

By Sue Roust, Its County Auditor

SURPLUS

The Commission reviewed two lists of items to be considered as surplus for disposal and/or donation. MOTION by Zweep, seconded by Pekas to declare the items in "Appendix A" of the 2005 Minnehaha County Surplus Property List as surplus for donation to the Sioux Falls Humane Society (items include: 14 shelving units, a utility cart, and folding table). 5 ayes. MOTION by Zweep, seconded by Pekas to declare the items listed on "Appendix B" as surplus for sale at public auction on September 17th. 5 ayes. The complete list of surplus items is on file in the County Auditor's Office.

AGREEMENTS

David Atherton, Metro Communications Director, requested authorization to enter into a 60 month lease purchase agreement with Fleetwood Financial for the purchase of a CML 9-1-1 telephone system from SDN Communications at a cost of \$487,954.80 which includes maintenance and interest. The lease will be payable in five annual payments with the first two years funded through the Homeland Security Grant. Mr. Atherton explained that the current system, purchased in 1999, has been discontinued and the vendor, Motorola, offered no updates. Several proposals were received and reviewed by a selection team which recommended the CML. Gordy Swanson, Chief Deputy State's Attorney, commented on a provision in the lease that allows for early termination if funds are not appropriated and would prohibit the lessee from purchasing similar equipment for 360 days if this occurs, which he deemed unenforceable. MOTION by Pekas, seconded by Zweep to authorize Metro Communications to enter into the lease purchase agreement. 5 ayes.

Bill Hoskins, Museum Director, presented a contract with RISE Structural Engineers to conduct a structural review of the stairs and bell support members for the Clock Tower at the Old Courthouse Museum. Fees for the study will be paid out of the Museum Special Enterprise Fund. MOTION by Hajek, seconded by Kolbe to authorize the Chairman to sign the contract. 5 ayes.

SUPPLEMENTS

MOTION by Zweep, seconded by Hajek to approve the following supplements from the E-911 Fund to the Communications E-911 budget (ASN 18498): \$5,142.40 representing a grant from CDBG funds and \$275,765.46 representing a grant from the COPS Technology Grant. 5 ayes. The funds will be used to cover expenditures for operation of State Radio.

MOTION by Pekas, seconded by Hajek to supplement \$1,665 from the General Fund to the Extension budget (ASN 18054) representing a grant from SD 4-H Foundation for programming support for Character Counts, and to rescind the action of February 3rd to supplement \$1,650 to ASN 18054 which was a duplicate action. 5 ayes.

OLD BUSINESS

Commissioner Kolbe reported that a volunteer has contacted the Abandoned Cemetery Board about the

clean up issues at Dokken Cemetery.

NEW BUSINESS

Ken McFarland, Administrative Assistant, announced that there would be a Special Joint City/County Commission Meeting at 1:30 p.m. for a briefing on the status of the community preparations to receive evacuees from the Hurricane Katrina disaster if called upon.

MOTION by Hajek, seconded by Pekas to adjourn until 1:30 p.m. 5 ayes.

APPROVED BY THE COMMISSION:

Carol Twedt, Chairman

ATTEST:

Sandy Kinder, Deputy Auditor