

THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M., October 4, 2005, pursuant to adjournment on September 27, 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

Scott Anderson, Planning Director, was present for the first reading of several proposed amendments to county ordinances related to fees and rezonings. Commissioner Hajek stated that the fee changes were not all supported by the Planning Commissions, but noted that the County Commission and City Councils affected could choose to revise those fees at the hearings.

First reading was given for the following ordinance amendments:

MOTION by Hajek, seconded by Pekas to authorize the Auditor to publish Notice of Hearing on October 17, 2005, to consider an amendment to the 2002 Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls by rezoning from the A-1 Agricultural District to the RR Rural Residential District property legally described as the S1/2 E330' (Ex. River Bluffs Addn.) S1/2 S1/2 in Section 29-T101N-R48W. Subject property is located in the northwest corner of the intersection of E. 41<sup>st</sup> St and S. River Bluff Road. 5 ayes.

MOTION by Pekas, seconded by Zweep to authorize the Auditor to publish Notice of Hearing on October 17, 2005, to consider zoning text amendments related to temporary uses and fees in the 2002 Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls. 5 ayes.

MOTION by Pekas, seconded by Hajek to authorize the Auditor to publish Notice of Hearing on October 18, 2005, to consider text amendments related to filing fees in the 1993 Subdivision Ordinance for Minnehaha County. 5 ayes.

MOTION by Zweep, seconded by Kolbe to authorize the Auditor to publish Notice of Hearing on October 18, 2005, to consider zoning text amendments related to temporary uses and fees in the 1990 Revised Zoning Ordinance for Minnehaha County. 5 ayes.

MOTION by Hajek, seconded by Kolbe to authorize the Auditor to publish Notice of Hearing on October 18, 2005, to consider an amendment to the 1990 Revised Zoning Ordinance for Minnehaha County by rezoning from the A-1 Agricultural District to the I-1 Light Industrial District property legally described as the S 1220' of that portion of the NE1/4 of Section 12-T102N-R50W lying west of the I-29 ROW. Subject property is located one mile east of Crooks. 5 ayes.

MOTION by Zweep, seconded by Kolbe to authorize the Auditor to publish Notice of Hearing on October 25, 2005, to consider zoning text amendments related to temporary uses and fees in the 2001 Revised Zoning Ordinance for Minnehaha County and the City of Dell Rapids. 5 ayes.

## MINUTES

MOTION by Pekas, seconded by Zweep to approve the Minutes for September 27, 2005. 5 ayes.

## VOUCHERS TO BE PAID

MOTION by Kolbe, seconded by Pekas to approve the following bills for payment and September

## salaries. 5 ayes.

A & B Business Equip	Var. Depts	21.00	A to Z Language Inte	Court Sys.	540.00
Adapco, Inc.	Var. Depts	16,033.68	AGS Publishling	Museum	273.00
American Institution	Juv Det Cn	210.92	American Red Cross	Emer Mgmt	150.00
American Solutions F	Treasurer	4,834.55	Aramsco	Emer Mgmt	63,630.00
Argus Leader	Var. Depts	462.37	Ashbury Apts, Ltd Pa	Human Svcs	525.00
Avera McKennan Hospi	St Atty	296.00	Avera McKennan Hospi	Pub. D.	113.95
Batteries Plus	Facilities	33.98	Best Business Produc	Var. Depts	210.13
Bexar County Forensi	St Atty	693.00	Bill's Small Repairs	Human Svcs	935.00
Bob's Lock & Key	Emer Mgmt	80.50	Boyd, Michelle	Correction	144.40
Boyer Trucks Sioux F	Hiway Cons	1,173.03	BP Products North Am	Var. Depts	165.64
Brandon Valley Schoo	Comm.	51.25	Brende & Schroeder L	Court Sys.	1,127.50
Brown & Saenger	Var. Depts	547.68	Campbell Supply Co.,	Juv Det Cn	13.84
CBM Food Service	Correction	17,946.72	Center for Family Me	Correction	40.06
Century Business Pro	Var. Depts	262.97	Checkrite of Sioux F	Treasurer	175.00
Chemco, Inc.	Facilities	2,230.49	City Centre Hotel Co	Court Sys.	151.92
Cobra Administration	Human Svcs	317.58	Cole's Petroleum Inc	Hiway Cons	12,855.21
Colonial Court Apart	Human Svcs	300.00	Communication Servic	Var. Depts	302.50
Concrete Materials	Hiway Cons	53.32	Cumberland Apts. I	Human Svcs	1,050.00
Cyntom Property Mana	Human Svcs	450.00	Dakota Riggers & Too	Hiway Cons	245.10
Dakota Splash	Hiway Admi	117.05	Dialnet / Ahrens Tel	Var. Depts	775.77
Diamond Mowers, Inc.	Hiway Cons	950.17	Diamond Vogel Paint	Facilities	61.11
Donahue, David J	Human Svcs	450.00	DTN Corporation	Cnty Exten	177.00
Eastman Appliance	Human Svcs	175.00	Fireguard Inc.	Emer Mgmt	10,060.00
First Baptist Church	Human Svcs	450.00	Fleetpride / Holt, I	Hiway Cons	53.28
Fremont Industries,	Facilities	1,428.92	G & R Controls	Facilities	1,970.00
G & S Auto	Human Svcs	105.93	Galland Legal Clinic	Court Sys.	769.80
Gateway Rewards Admi	Human Svcs	288.10	Geotek Engineering &	Hiway Cons	204.00
Graham Tire Co. - Do	Var. Depts	1,012.09	Graybar Electric Com	Hiway Cons	88.13
Greentree Services	Human Svcs	284.24	Guzman, Sandra V	Var. Depts	162.50
H & H Properties,LLC	Human Svcs	350.00	Hansen, Betsy	Human Svcs	450.00
Harold's Photo Cente	Var. Depts	36.65	Hauk, Bert	Human Svcs	325.00
Heartland Paper Comp	Emer Mgmt	51.29	Hillyard, Inc.	Facilities	149.74
Hoekstra, Denise A	Court Sys.	851.00	Hofer, Ryan	Human Svcs	230.00
Horsted, Burton	Human Svcs	175.00	Hughes County Sherif	Pub. Adv.	10.50
Hy-Vee Pharmacy	Human Svcs	35.09	Interstate Office Pr	Var. Depts	1,375.35
Investors Management	Human Svcs	350.00	J.H. Larson Company	Var. Depts	629.78
Jefferson County She	St Atty	71.17	Jefferson Partners,	Human Svcs	2,298.03
Jim Bork Enterprises	Reg Deeds	125.01	Kappenman, Thomas L	Human Svcs	490.00
Kaubisch, Ardell	Human Svcs	450.00	Kennedy, Ryan	Human Svcs	350.00
Kmart	Juv Det Cn	178.66	Kmart	Museum Ent	55.23
Koopman & Sons Gas C	Hiway Cons	52.00	Lafleur, Sidney J.	Human Svcs	350.00
Landborg, Richard J	Human Svcs	450.00	Language Line Servic	Metro-911	314.90
Lassegard, Samuel C.	Human Svcs	270.00	Lewis Drugs	Var. Depts	21,454.36
Lindstrom, Allen	Human Svcs	300.00	Linweld, Inc.	Hiway Cons	298.59
Lomheim, Darlene	Museum Sto	60.00	Los Angeles County S	St Atty	40.00
Malloy Electric Bear	Hiway Cons	113.43	Marion Manor / Pine	Human Svcs	225.00
Maxwell Food Equipme	Juv Det Cn	78.69	May & Johnson, P.C.	Court Sys.	116.00
Maybee, Rick L	Human Svcs	450.00	McGrath, Michael Ph.	Human Svcs	391.20
Medical X-Ray Center	Correction	203.00	Microfilm Imaging Sy	Reg Deeds	690.00
Midamerican Energy C	Human Svcs	412.83	Midcontinent Communi	Cnty Exten	59.70
Midwest Copier Solut	Juv Det Cn	131.00	Munk, Steven	Cnty Exten	30.00
Murray Construction,	Human Svcs	450.00	Myrl & Roy's Paving,	Hiway Cons	62,554.72
Nat'l Partnership/Ju	Juv Det Cn	25.00	Nationwide Advantage	Human Svcs	450.00
New World Systems	Metro-911	23,146.33	Newman, Scott	FEMA Fund	500.00
Nextel Partners, Inc	Sheriff	70.61	North Sioux Vending	St Atty	78.00
Northrup Arms Apts/V	Human Svcs	450.00	Office Interiors	Build Fund	3,295.00
Ophthalmology, Ltd	Correction	59.90	Peters, Bryan	FEMA Fund	500.00
Phillips 66 Company	Var. Depts	136.55	Plusco Printing & Co	Sheriff	2.00
Pontiac Cadillac of	Var. Depts	130.05	Prairie Publications	Comm.	628.32
Qualified Presort Se	Var. Depts	9,952.27	Qwest	Var. Depts	18,974.30
R & S Sanitation Ser	Hiway Admi	396.00	Rambow, David C	Museum	1,500.00
Randall-Stanley Arch	Build Fund	1,448.00	Refinish Supply Cent	Hiway Cons	655.60
Rinehart, Norman R	Human Svcs	450.00	River Run Apts / Sio	Human Svcs	450.00
River Tower Apartmen	Human Svcs	246.00	Rosenberg, Craig	Cnty Exten	22.94
Roto-Rooter Sewer &	Hiway Cons	67.00	Sand, Raymond & Gene	Hiway Cons	95,077.11
Sanner, Melanie Jo	Dir. Eq.	48.08	SC Clinic Podiatry	Correction	129.96
SD Dept of Human Ser	Var. Depts	55.00	SD Dept of Revenue	St Atty	13.00

SD Federal Property	Hiway Cons	54.00	SD Newspaper Assn Se	Comm.	48.75
SD Secretary of Stat	Culture	15.00	SD State Historical	Museum	45.00
Security Labs, Ltd	Treasurer	166.00	Servall Towel & Line	Var. Depts	80.21
SF Area Humane Socie	Animal Con	2,762.50	SF City Finance - Fu	Var. Depts	7,271.24
SF Two Way Radio Ser	Var. Depts	2,604.00	Shopko Store	Juv Det Cn	62.88
Sioux Empire FCU / V	Metro-911	431.25	Sioux Equipment Co,	Hiway Admi	352.50
Sioux Falls Ford, In	Sheriff	648.83	Sioux Falls Mariachi	Museum Ent	400.00
Sioux Falls Utilitie	Var. Depts	462.75	Sioux Valley Hospita	Var. Depts	186.88
Skulls Unlimited Int	Museum	185.95	Sourcecorp	Pub. D.	35.37
St. Michael Cemetery	Human Svcs	148.50	Stern Oil Co., Inc.	Hiway Cons	9,355.68
Stoney Creek Townhou	Human Svcs	900.00	Superior Fence 'N De	Juv Det Cn	1,997.63
TCP Properties, Inc.	Human Svcs	980.00	Thorin, Deyanira T	Var. Depts	275.00
Tomacelli's Pizza	Court Sys.	82.29	Total Security Conce	Pub. D.	2,369.66
TSP Four, Inc	Build Fund	1,202.14	US Postal Service	Court Sys.	625.00
US Postal Service	Cnty Exten	62.93	US Postmaster	Juv Det Cn	370.00
Van's Auto Electric	Hiway Cons	393.00	Vantek Communication	Metro-911	32.50
Vanzanten, Ron J	Human Svcs	595.00	Velvet Uniforms, Inc	Metro-911	47.46
Volunteers of Americ	Juv Det Cn	3,197.50	Wal-Mart Business	Metro-911	32.80
Wal-Mart Pharmacy	Human Svcs	117.93	Walgreens Pharmacy	Human Svcs	702.56
Walgreens Pharmacy	Human Svcs	120.09	Walgreens Pharmacy	Human Svcs	111.98
Washington Pavilion	Comm.	51.15	West Group	Var. Depts	4,377.60
Whitney, Dennis	Dir. Eq.	7.94	Windsor Heights Apar	Human Svcs	450.00
Xcel Energy, Inc.	Var. Depts	8,045.14	Yellow Book USA/McLe	Museum	711.00
Commission	Salaries	23,494.53	Auditor	Salaries	39,082.58
Treasurer	Salaries	57,002.85	Information Svcs	Salaries	64,429.23
State's Atty	Salaries	175,225.19	Public Defender	Salaries	125,802.26
Public Advocate	Salaries	31,337.22	Facilities	Salaries	63,839.23
Equalization	Salaries	77,489.47	Reg of Deeds	Salaries	43,501.33
Human Resources	Salaries	14,687.76	Sheriff	Salaries	913,588.97
Juv Det Center	Salaries	186,303.03	Metro Comm	Salaries	185,551.86
Highway	Salaries	142,503.68	Human Services	Salaries	61,846.28
Museum	Salaries	74,824.07	Planning	Salaries	34,671.04
Extension	Salaries	9,546.66			

## REPORT

The following report was received and placed on file in the County Auditor's Office: 2005 State and Local Government Information Report (EEO-4).

## PERSONNEL

The following personnel changes were presented by Nora Buckman, Human Resources Director:

1. To place on Family and Medical Leave (FMLA) Jeff Watkins, Correctional Officer II for the Sheriff's Office, effective 9-14-05 to 10-17-05.

### Step increases due:

1. Michael Hanson – Communications Operator – Metro Communications – 9/3 to 9/4, 10-1-05, \$15.544

### Additional action requested:

To consider request to fill vacancy for Tax and License Specialist for the Treasurer's Office.

Commissioners discussed the additional action to authorize the County Treasurer to fill a vacancy for a Tax and License Specialist. Pam Nelson, Treasurer, requested Commission approval to convert a permanent part-time employee to full-time and advertise for a part-time vacancy. She explained that her request to not delay the hire was due to the increased volume in her office at this time of year for property tax payments. Commissioner Pekas agreed that the delay may result in less than adequate

service in that department and interrupt the timely processing of payments. Gordy Swanson, Chief Civil Deputy State's Attorney, commented on a prior incident involving real estate taxes that were received but not processed in time resulting in the taxes being listed in error as delinquent. He noted that it would become costly if those taxpayers brought lawsuits against county, even if the lawsuit was frivolous. Commissioner Twedt commented that exceptions to the Delayed Hiring Plan should be used to fill positions determined to be critical. MOTION by Zweep, seconded by Pekas to approve the routine personnel changes and authorize the additional request. 3 ayes, Twedt and Hajek, nay. Motion passes.

## LIENS

Commissioner Pekas, County Aid Lien Liaison, briefed the Commission on a lien compromise request from DPNO 26139. He reported that the petitioner in this request is the adult child of the lienee. The petitioner was in the process of securing a home improvement loan when a title company noted the lien against the property. The lienee had transferred interest in the property prior to his death in 1999 to the petitioner and his brother, who quitclaimed his interest to the petitioner. The lien was for medical services totaling \$46,264.27, and was reduced to \$20,000 during previous annual lien action. The petitioner indicated that he had obtained a home improvement loan for the property in October 1999, and the lien was not noted by the title company at that time. Gordy Swanson, Chief Deputy State's Attorney, reported that the lien is enforceable, but if full title insurance was purchased at the time of the first loan then recourse would be against the title company. Ken McFarland, Administrative Assistant, commented on a similar incident where the title company paid the lien. The petitioner was present to answer questions. MOTION by Kolbe, seconded by Zweep to defer consideration of this request until October 11<sup>th</sup>, for further research. 5 ayes.

Commissioner Pekas also briefed the Commission on a lien compromise request from DPNO 32302. He explained that the petitioners were in the process of purchasing a home when the lien in the amount of \$2,061.76 was noted during the title search. The petitioners have made prior payments of \$1,287.50. The petitioners filed for bankruptcy in 2004, however, liens are not discharged. They indicated on their application that they would like to purchase the home in an attempt to provide a safer environment for their children as their current living conditions are not adequate. The petitioner was present to answer questions. MOTION by Pekas, seconded by Zweep to compromise the lien upon payment of \$1,030.88 (50% of the balance). Chairman Twedt relinquished the Chair to Commissioner Pekas. SUBSTITUTE MOTION by Hajek, seconded by Twedt to approve Resolution MC05-52. 3 ayes, Kolbe and Zweep nay. VOTE on the MOTION. 5 ayes.

## RESOLUTION MC05-52

WHEREAS, a County Aid Lien in the amount of \$2,061.76 purports to exist in favor of Minnehaha County and against DPNO 32302 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 4th day of October, 2005

APPROVED BY THE COMMISSION:  
John Pekas, Vice-Chairman

ATTEST:  
Sandy Kinder, Deputy Auditor

Commissioner Twedt resumed the Chair.

#### BRIEFING

Sheriff Mike Milstead announced that the Sheriff's Department deployed two five person teams to Louisiana in response to Hurricane Katrina. He thanked the Commissioners, Lynn DeYoung, Emergency Management Director, Kristi Turman, State Emergency Management Director, and the Governor for agreeing to send resources to the area. He read the names of the members of the deployment teams. Sheriff Lieutenant Paul Niedringhaus showed slides of the area and talked about his experiences and living conditions there. Sheriff Milstead explained how the county would be reimbursed through FEMA for expenses incurred as part of this deployment. He also read a letter of commendation from Jefferson Parish Sheriff Lee praising the efforts of the team members. Commissioner Pekas thanked the team members and their families.

#### PROCLAMATION

Karen Hattervig of the Minnehaha County Family Violence Council, read a Proclamation recognizing the month of October as Domestic Violence Awareness Month. She introduced other members of the Council who were present at the meeting. Commissioner Pekas commented on abuse towards men and failure to protect children in abusive situations. Chairman Twedt asked for a future presentation on how domestic violence has increased and impacted the community. MOTION by Zweep, seconded by Hajek to approve the Proclamation. 5 ayes.

#### SUBDIVISION

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 previously approved the transfers of residential building eligibilities to allow the proposed subdivision. MOTION by Zweep, seconded by Pekas to approve Resolution MC05-53. 5 ayes.

#### RESOLUTION MC05-53

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Minnehaha County, that the preliminary subdivision plan of McHardy First Addition in the S1/2 of Section 7-T101N-R47W, Minnehaha County, is hereby approved and that the Chairman is hereby directed to sign the preliminary plan.

Adopted this 4th day of October, 2005.

MINNEHAHA COUNTY  
Carol Twedt, Chairman, Board of County Commissioners

ATTEST:  
Sandy Kinder, Deputy Auditor

#### PRESENTATION

On August 30<sup>th</sup>, Erica Beck, City of Sioux Falls Urban Planner, presented information on a proposed Tax Increment Finance (TIF) District located downtown with boundaries of 6<sup>th</sup> Street, 8<sup>th</sup> Street, the Big Sioux River, and the Railroad Right-of-Way. Today, Ms. Beck updated the Commission on the project plan for the proposed district.

#### HIGHWAY

Tom Wilsey, Assistant Highway Superintendent, reported that a 1971 Oshkosh Snow Plow Truck did not sell at the annual auction because no bids met the minimum value. The Highway Department has received an offer from Turner County to purchase the truck for the estimated value of \$5,000. Mr. Wilsey requested authorization to accept the offer. MOTION by Zweep, seconded by Kolbe to authorize the sale of the 1971 Oshkosh Snow Plow Truck, Highway Asset #47150 to Turner County for \$5,000. 5 ayes.

Mr. Wilsey also requested approval of an agreement with the SD Department of Transportation for the installation of a rail crossing signal north of Lyons. The total estimated project cost is \$169,000. Under the terms of the agreement, the County would be responsible to provide a 10% match (\$16,900.00). MOTION by Zweep, seconded by Pekas to authorize the Chairman to sign the Agreement for Project Number PP 8050(24). 5 ayes.

#### APPOINTMENT

At the request of Ralph Hammer, Weed and Pest Supervisor, MOTION by Pekas, seconded by Zweep to appoint Rodney VanderVleit and Virginia Solheim to the Minnehaha County Weed and Pest Board for a two year term. 5 ayes.

MOTION by Hajek, seconded by Pekas to adjourn into Executive Session. 5 ayes. Following Executive Session the Commission adjourned until 9:00 a.m. on October 11, 2005.

#### APPROVED BY THE COMMISSION:

Carol Twedt, Chairman

#### ATTEST:

Sandy Kinder, Deputy Auditor