

THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M., November 15, 2005, pursuant to adjournment on November 8, 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 Pekas to approve the Minutes for November 8, 2005. 5 ayes.

## VOUCHERS TO BE PAID

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

Absolute Productions	Var. Depts	175.00	Accurint #1007791	Sheriff	42.60
Alliance Communicati	Metro-911	1,031.63	Anesthesia Physician	Human Svcs	176.00
Arena Motel	Human Svcs	350.91	Argus Leader	Var. Depts	2,279.76
Athey, Kristine M D	Mental Ill	93.80	Avera McKennan Hospi	Var. Depts	29,631.32
Berggren, Amy	St Atty	100.00	Berreth, Deborah	Metro-911	48.69
Boyd, Michelle	Sheriff	23.00	Brevik Law Office, P	Mental Ill	324.14
Bureau of Informatio	Var. Depts	1,344.87	Butler Machinery Com	Hiway Cons	25.75
C & R Supply, Inc.	Hiway Cons	16.80	Campbell Supply Co.,	Var. Depts	420.61
Cbcinnovis, Inc.	Sheriff	8.15	Charlotte Place/Beck	Human Svcs	785.00
City-Wide Taxi, Inc	Human Svcs	117.00	Cleveland Heights Ap	Human Svcs	706.00
Cliff Avenue Auto Pa	Emer Mgmt	208.81	Cody, Denise	Mental Ill	30.00
Concrete Materials	Var. Depts	8,895.16	Cooley, Carla F	Court Sys.	128.60
Crittenden, John	Hiway Cons	310.90	Culligan Water Condi	Var. Depts	157.70
Dacotah Bank	Pub. D.	262.00	Dakota Acoustical Ti	Build Fund	9,286.00
Dakota Earthworks, I	Sheriff	15.00	Devaney, Tom	Hiway Cons	105.04
Diamondback Tactical	Sheriff	7,625.14	Dietrich, Donna K	Mental Ill	919.69
Dresbach, Steve	Mental Ill	2,632.50	DTN Corporation	Cnty Exten	147.00
Eastview Apts./Arnol	Human Svcs	220.00	Ekeren, Marvin R.	Mental Ill	30.00
Evans, Preston	Mental Ill	140.16	Exide Technologies	Hiway Cons	53.77
Farrell, Lorae J	Court Sys.	106.40	Fastenal Company	Facilities	16.23
Faulk County Sheriff	Correction	135.00	Federal Express Corp	Correction	9.47
Felton, John DBA	Human Svcs	971.51	Framers Supply Co.	Musm Store	59.81
Fred The Fixer, Inc.	Human Svcs	74.50	G&W, Inc Dba Gary Co	Human Svcs	202.43
Garrigan, Vickie / J	Human Svcs	450.00	Genzlinger, Janeen	Court Sys.	585.20
George Boom Funeral	Human Svcs	1,850.00	Goebel Printing, Inc	Pub. Adv.	15.00
Governing	Var. Depts	28.00	Graham Tire Co. - Do	Sheriff	360.84
Green, Elizabeth	Sheriff	78.00	Guzman, Sandra V.	Court Sys.	341.66
Hander, Inc.	Human Svcs	1,499.13	Hanson Pipe & Produc	Hiway Cons	174.48
Harer, Leslie	St Atty	100.00	Harold's Photo Cente	Pub. D.	5.49
Home Federal Savings	Human Svcs	450.00	Hosmer, David M. Law	Mental Ill	78.26
Hurtgen, Timothy T.	Human Svcs	450.00	Hy-Vee Food Store	Cnty Exten	11.14
Hy-Vee Pharmacy	Human Svcs	918.81	Iancici	Juv Det Cn	75.00
Insight Public Secto	Metro-911	125.07	Interstate Office Pr	Var. Depts	299.04
Investors Management	Human Svcs	350.00	J.C. Penney Company,	Var. Depts	144.97
Jackson-Hirsh, Inc	Museum	299.00	Jaros, Pete	Mental Ill	39.36
Jefferson Partners,	Var. Depts	1,203.03	Jim & Ron's Service,	Sheriff	32.50
Kettering Law Office	Mental Ill	533.70	Key Partnership	Human Svcs	325.00
Kittelson, Joan M	Mental Ill	30.00	Kmart	St Atty	36.95
Kohl's Department St	Juv Det Cn	61.98	Kooistra, Nelva	Mental Ill	54.00
LCM Pathologists, P.	Human Svcs	59.42	Lewis Drug Stores	Var. Depts	118.34
LexisNexis Matthew B	Var. Depts	197.10	Linweld, Inc.	Hiway Cons	137.73
Lithia Automotive, I	Hiway Cons	22.93	Mac's, Inc.	Hiway Cons	89.44
Management Service P	Sheriff	50.00	Mannie, Corey	Human Svcs	350.00
Maxwell Food Equipme	Juv Det Cn	35.49	Mayer, Michael P	Hiway Cons	99.94
Mcdonnell, Ike (Dwig	Human Svcs	375.00	Medical X-Ray Center	Human Svcs	190.61
Menards - East	Var. Depts	57.66	Metropolitan Council	Human Svcs	542.46
Midamerican Energy C	Var. Depts	2,929.50	Midcontinent Communi	Cnty Exten	31.09
Mills & Miller, Inc.	Hiway Cons	2,264.40	Milstead, Michael W	Sheriff	32.00
Motorola, Inc.	Metro-911	816.00	Mr. Goodcents	Musm Entpr	22.67

Murray Construction	Human Svcs	525.00	Myrl & Roy's Paving,	Musm Entpr	328.54
NACDL	Pub. Adv.	125.00	Nguyen, Lam	Court Sys.	62.50
NLADA Regional Train	Pub. Adv.	725.00	Northern Safety Tech	Hiway Cons	307.64
Novak Sanitary Servi	Var. Depts	377.67	Officemax Credit Pla	Museum	19.98
Orange Hay LLC	Human Svcs	525.00	Orthopedic Institute	Correction	49.00
Otter Tail Energy Se	Facilities	18,261.46	Palluck, Ethan	Correction	64.00
Peters, Scott N, P.C	Mental Ill	3,926.99	Peterson, HC DDS	Pub. D.	200.00
Pheasantland Industr	Juv Det Cn	25.03	Plusco Printing & Co	Human Svcs	76.39
Qualified Presort Se	Museum	545.60	Qwest	Var. Depts	12,428.07
Radio Shack Corporat	Var. Depts	25.98	Ramada Inn Fsd - Sio	St Atty	43.00
Record Keepers, Inc.	Var. Depts	3,190.20	Rehfuss, Cathryn A	Mental Ill	84.00
Restful Lodging, Inc	Human Svcs	970.00	Richmond Ii Ltd Ptrn	Human Svcs	300.00
River Ridge Oral & M	Human Svcs	713.65	RJ Rental Properties	Human Svcs	525.00
Rocky Mount Intrumen	Pub. D.	110.00	Ronning Commercial,	Human Svcs	450.00
Rypkema, Diane	Dir. Eq.	80.32	Sayre Associates, In	Build Fund	883.24
SD Assn of Extension	Cnty Exten	167.50	SD Dept Of Revenue	Hiway Cons	13.00
SD Magazine / Hunhof	Musm Store	217.00	SDCAA/SD Cnty Agents	Cnty Exten	90.00
Security Mortgage Co	Human Svcs	350.00	Servall Towel & Line	Var. Depts	37.71
Sioux Empire FCU / V	Var. Depts	473.48	Sioux Empire FCU / V	Sheriff	453.90
Sioux Empire FCU / V	Emer Mgmt	48.04	Sioux Empire FCU / V	Metro-911	155.62
Sioux Empire FCU / V	Var. Depts	3,229.22	Sioux Falls City Fin	Var. Depts	850.00
Sioux Falls City Fin	Var. Depts	1,161.72	Sioux Falls School D	Pass-Thru	143,537.36
Sioux Falls Two Way	Metro-911	4,711.69	Sioux Falls Utilitie	Human Svcs	221.96
Sioux Valley Energy	Metro-911	32.28	Skogen Company	Human Svcs	350.00
Skorjanec, Joseph	Human Svcs	300.00	Slowey, Yvonne C	Mental Ill	1,082.50
Solar Gardens, LLC	Human Svcs	880.36	Solomon, Ghirmay	Court Sys.	50.00
Sportsman's Warehous	Emer Mgmt	169.50	Stan Houston Equipme	Museum	118.56
Stronghold Counselin	Court Sys.	420.00	Stroschein, Nathan	Plan & Zon	50.00
Sturdevant's Auto Pa	Hiway Cons	104.84	Sunshine Foods	Human Svcs	245.65
SV Hospital	Human Svcs	4,716.23	Tenth Street, Inc.	Dir. Eq.	12.95
The Winkels Group, I	Build Fund	400.00	Thorin, Deyanira T.	Var. Depts	479.15
Triangle Properties,	Human Svcs	450.00	TSP Four, Inc.	Build Fund	70,351.93
Tyler, Ernest	Plan & Zon	50.00	Union Telephone Comp	Metro-911	321.91
United Parcel Servic	Metro-911	13.98	Urban, Travis	Hiway Cons	79.99
US Bank-Corporate Tr	Build Fund	2,008.50	US Calvary	Sheriff	4,237.96
US Identification Ma	Metro-911	82.50	Vantek Communication	Metro-911	187.50
Velvet Uniforms, Inc	Sheriff	285.00	Verizon Wireless, Be	Emer Mgmt	24.19
Victorian Greetings	Musm Store	113.34	Viking Office Produc	Pub. D.	399.04
Volk Investigations,	Pub. D.	379.37	Volunteers of Americ	Juv Det Cn	2,415.00
Vugate, Inc.	Correction	1,211.02	Wal-Mart Pharmacy	Human Svcs	123.36
West Group	Law Librar	641.25	Woodside, April	Musm Store	89.25
Xcel Energy, Inc.	Var. Depts	5,996.13	Yankton County Sheri	Mental Ill	66.00
Yankton County Treas	Mental Ill	1,832.95	Yellow Cab, Inc.	Human Svcs	54.00
Young, Bill Sheriff	St Atty	100.00			

## PERSONNEL

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

1. To increase the hourly rate of Jessie Nesseim, part-time Museum Aide for the Museum, to \$8.75 per hour effective 11-15-05.
2. To accept the resignation of Charles Capon as Correctional Officer I for the Sheriff's Office effective 11-8-05.
3. To promote Eric Smith to Correctional Officer II (10/2) for the Sheriff's Office at \$15.531 per hour effective 11-19-05.
4. To hire Kelly Wise and Thaddeus Thomas as Correctional Officer I (9/1) for the Sheriff's Office at \$14.088 per hour effective 11-15-05.
5. To hire Carla Dirkson as part-time Correctional Officer I (9/2) for the Sheriff's Office at \$14.652 per hour effective 11-15-05.

Step increases due:

1. Carol Shenberger – Tax and License Specialist – Treasurer – 4/2 to 4/3, 11-15-05, \$10.663/hr

## NOTICES

MOTION by Hajek, seconded by Zweep to authorize the Auditor to publish Invitation to Bid for the Minnehaha County Human Services/Sioux Falls Health Department Building Project. 5 ayes.

MOTION by Zweep, seconded by Kolbe to authorize the Auditor to publish Notice to Bidders for Project Seal 2006 – 45 Miles of Asphalt Surface Treatment. 5 ayes.

MOTION by Kolbe, seconded by Zweep to authorize the Auditor to publish Notice of Hearing on December 6, 2005, to consider the reapplications for liquor licenses for 2006. 5 ayes.

Notice was received of the East Dakota Water Development District Regular Board Meeting on November 15, 2005.

## LIENS

Commissioner Pekas, County Aid Lien Liaison, briefed the Commission on a request to compromise DPNO 39570. The petitioner was in the process of purchasing a home when a title company noted the lien for attorney services in the amount of \$881.90. The petitioner thought the lien was settled after his last court appearance when the judge waived the attorney fees as part of the sentencing. Commissioner Pekas explained that when fees are waived at sentencing they are not made part of the judgment, but the civil amount is still due and owing. The petitioner has made prior payments towards the lien to bring it to the current value. MOTION by Pekas, seconded by Kolbe to approve Resolution MC05-62. 5 ayes.

## RESOLUTION MC05-62

WHEREAS, a County Aid Lien in the amount of \$881.90 purports to exist in favor of Minnehaha County and against DPNO 39570 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 \$450.00.

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

Dated at Sioux Falls, South Dakota, this 15th day of November, 2005.

APPROVED BY THE COMMISSION:  
Carol Twedt, Chairman

ATTEST:  
Sandy Kinder, Deputy Auditor

Commissioner Pekas also briefed the Commission on a request to refund a check issued by Land Title Guaranty in the amount of \$642.28 for a lien payment on DPNO 31338. On September 6, 2005, the Commission approved Resolution MC05-48 releasing the lien from property legally described as the North 10' of Lot 20 and all of Lots 19-21 in Block 28 of Folsom's Second Addition to Sioux Falls. The lien was for services provided to a party who was purchasing this property on a contract for deed. He quit claimed his interest in November 2003 to the petitioner. The petitioner then requested the compromise to release the property so she could donate it to Sioux Falls Community Development. The lien was to remain against the lienee. During the closing, Land Title Guaranty issued a payoff check for the lien in error. The lienee did not receive any funds for the real estate transfer. MOTION by Pekas, seconded by Hajek to remit \$642.28 back to Land Title Guaranty for DPNO 31338. 5 ayes. MOTION by Pekas, seconded by Hajek to reinstate DPNO 31338 in the amount of \$642.28 against the original lienee. 5 ayes.

#### DONATION

Ken McFarland, Administrative Assistant, reported that a request for surplus equipment from the Rec Center was received from Messiah New Hope Lutheran Church. The building user committee and project architect for the Minnehaha County Human Services/Sioux Falls Health Department Project had received the request and recommended the disposal of the property prior to construction. The church is currently expanding its facilities to include a large multi-use space. Gordy Swanson, Chief Civil Deputy State's Attorney, noted that SDCL 6-5-2 allows commissioners to donate by unanimous vote surplus property to non-profit entities for public use. The church indicated in their request that the intent was to use the fixtures in their new facility for its own members as well as the surrounding community. MOTION by Hajek, seconded by Pekas to declare the following items as surplus for donation to Messiah New Hope Lutheran Church: 4 volleyball sets and the accompanying plates; 2 divider curtains and the accompanying rails; and 1 basketball set consisting of 2 hoops, 2 backboards, 2 support systems, and 2 motors. 5 ayes.

#### PRESENTATION

Michelle Boyd, Assistant Sheriff, reported that the 2005 United Way campaign was a success. The final report shows an increase in total contributions from \$35,627.74 in 2004 to \$39,049.53 this year, an increase of 9.6%. Commissioners commended Ms. Boyd, and Hugh Grogan, Human Services Director, on their efforts in making this campaign a success.

#### AGREEMENT

Ken McFarland, Administrative Assistant, presented a request from the SD Heritage Foundation for monetary donations to help support the cost of a vintage aircraft flyover at the Vietnam War Memorial dedication ceremony on September 15-16, 2006. The suggested donation level for Minnehaha County is \$2,500 based on population. Event organizers have requested that counties respond by November 30<sup>th</sup>, on whether they will participate. Payment would need to be forwarded by March 31, 2006. This funding was not approved as part of the 2006 budget. Chairman Twedt commented on the materials presented and the use of the donations. Commissioner Hajek noted that the 2006 budget had cut assistance to non-profit agencies, and she felt that this issue should be reviewed further. MOTION by Hajek, seconded by Pekas to defer action on this request indefinitely. 5 ayes.

#### REPORT

Matt Adamski, Sioux Empire Fair General Manager, reported on the 66<sup>th</sup> Annual Sioux Empire Fair and introduced Associate Board Member, Bill Kullander. A new attendance record was set at 283,071. 4-H involvement also increased. He also reported on a new Latino event that attracted about 500 visitors.

New projects for 2006 include a 4<sup>th</sup> of July celebration and a request to host the Capitol for the Day on August 9<sup>th</sup>. Commissioners thanked Mr. Adamski on his efforts in keeping the Sioux Empire Fair a success.

#### OLD BUSINESS

Ken McFarland, Administrative Assistant, gave an update on the progress of transitioning the Coffee Shop. Manned operations should commence on November 21<sup>st</sup>, and the shop will be open from 7:30 a.m. to 3:30 p.m.

#### NEW BUSINESS

Chairman Twedt requested that Ken McFarland, Administrative Assistant, prepare a draft agenda for commissioners to review that would include approval of the agenda, and allow a time for public comments.

Ken McFarland, Administrative Assistant, announced that there would be a Building Committee meeting on November 21<sup>st</sup>, to discuss space needs at the Court House. Commissioners asked that Lincoln County officials be invited to attend.

MOTION by Zweep, seconded by Hajek to adjourn into Executive Session. 5 ayes. Following Executive Session the Commission adjourned until 9:00 a.m. on November 22, 2005.

#### APPROVED BY THE COMMISSION:

Carol Twedt, Chairman

#### ATTEST:

Sandy Kinder, Deputy Auditor