

THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M., December 13, 2005, pursuant to adjournment on December 6, 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.

AGENDA

MOTION by Zweep, seconded by Pekas to approve the Agenda. 5 ayes.

MINUTES

MOTION by Pekas, seconded by Zweep to approve the Minutes for December 6, 2005. 5 ayes.

VOUCHERS TO BE PAID

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

| | | | | | |
|----------------------|------------|-----------|----------------------|------------|-----------|
| A & B Business Equip | Var. Depts | 456.05 | Accurint | Sheriff | 30.55 |
| Al-Ostaz, Mohammed | St Atty | 50.00 | Alfax Wholesale Furn | Musm Entpr | 497.99 |
| American Institution | Juv Det Cn | 986.12 | American Planning As | Plan & Zon | 576.00 |
| Andersen, Norma | Mental Ill | 30.00 | Anesthesiology Assoc | Human Svcs | 176.00 |
| Arena Motel | Human Svcs | 239.96 | Argus Leader | Var. Depts | 552.92 |
| Asfora, Wilson T, MD | Human Svcs | 120.20 | Athey, Kristine M D | Pub. D. | 21.00 |
| Avera Gutnik & Assoc | Correction | 49.28 | Avera Home Medical E | Correction | 370.83 |
| Avera McKennan Campu | Human Svcs | 419.80 | Avera McKennan Hospi | Var. Depts | 11,491.63 |
| Avera Medical Record | Court Sys. | 23.86 | Barnes & Noble, Inc. | Cnty Exten | 52.72 |
| Batteries Plus | Museum Mtc | 30.03 | Binger Law Office | Court Sys. | 5,022.00 |
| Border States Electr | Facilities | 39.00 | Braithwaite, Tacey E | Mental Ill | 90.00 |
| Breit Law Offices, P | Court Sys. | 309.44 | Brennan Hill Townhou | Human Svcs | 800.00 |
| Briese, Lonnie | Hiway Cons | 130.92 | Brown & Saenger | Var. Depts | 723.29 |
| Builders Supply Comp | Juv Det Cn | 187.42 | Bumblebee-Gibson, In | Facilities | 554.40 |
| Campbell Supply Co., | Var. Depts | 337.17 | Carper, Nichole A | Court Sys. | 4,109.30 |
| Catco | Hiway Cons | 19.44 | CBM Food Service | Correction | 30,385.81 |
| Center for Family Me | Correction | 2,108.23 | Charlotte Place/Beck | Human Svcs | 700.00 |
| Chemco, Inc. | Facilities | 3,647.24 | City Centre Hotel Co | Court Sys. | 149.90 |
| City Of Colton | Emer Mgmt | 8,134.37 | Cliff Avenue Auto Pa | Var. Depts | 189.04 |
| Climate Systems, Inc | Facilities | 100.98 | Communication Servic | Var. Depts | 165.00 |
| Complete Equity Mark | Pub. D. | 4,827.75 | Conklin, Gary W. Att | Court Sys. | 5,387.00 |
| CSPI / Nutrition Act | Cnty Exten | 20.00 | Culligan Water Condi | Human Svcs | 50.00 |
| Cumberland Apts. I | Human Svcs | 735.00 | Dacotah Bank | Pub. D. | 262.00 |
| Dakota Riggers & Too | Hiway Cons | 967.18 | Dakota Splash | Hiway Admi | 16.80 |
| Daniels-Olsen Bldg P | Museum | 1,581.13 | Davidson, John Q. | Mental Ill | 360.00 |
| deCastro Law Office, | Court Sys. | 1,056.06 | Denver Pulic Library | Museum | 40.00 |
| Devlin, Tim | Correction | 25.65 | Dialnet/Ahrens Telec | Build Fund | 200.75 |
| Diamond Vogel Paint | Correction | 586.23 | Dietrich, Donna K | Mental Ill | 533.33 |
| Drake Equipment, Inc | Var. Depts | 13,734.00 | Dresbach, Steve | Mental Ill | 2,182.50 |
| Drexler, Russell | Hiway Cons | 325.00 | Dullerud, Sharon | Human Svcs | 350.00 |
| Dust Tex Service, In | Museum Mtc | 12.48 | Eastern Farmers Coop | Hiway Cons | 15.81 |
| Eirinberg, James A | Court Sys. | 1,385.00 | Ekeren, Marvin R. | Mental Ill | 45.00 |
| Election Systems & S | Elec Audit | 28.27 | Empire Business Syst | Auditor | 523.50 |
| Esser, Tia | Mental Ill | 184.00 | Evans, Preston | Mental Ill | 153.60 |
| Evercom Systems, Inc | Correction | 7,000.00 | Family Service, Inc. | Human Res. | 180.00 |
| Farrell, Lora J | Court Sys. | 53.20 | Fastenal Company | Hiway Cons | 164.82 |
| First Premier Bank | Sheriff | 58.26 | Fortin, Margaret | Mental Ill | 360.00 |
| Framers Supply Co. | Museum | 146.56 | Fred The Fixer, Inc. | Sheriff | 45.00 |
| G & H Distributing, | Emer Mgmt | 2.53 | G & R Controls | Hiway Admi | 239.08 |
| G&W, Inc DBA Gary Co | Human Svcs | 151.89 | Galland Legal Clinic | Court Sys. | 1,316.15 |
| Garretson Ambulance | Comm. | 5,000.00 | Genzlinger, Janeen | Court Sys. | 30.40 |
| Golden West | Var. Depts | 109.54 | Graham Tire Co. - Do | Var. Depts | 698.23 |
| Great Plains Int'l T | Hiway Cons | 325.82 | Guzman, Sandra V. | Var. Depts | 491.66 |
| Harold's Photo Cente | Musm Entpr | 29.95 | Harris, John W. | Human Svcs | 325.00 |

| | | | | | |
|----------------------|------------|-----------|----------------------|------------|------------|
| Heartland Paper Comp | Facilities | 371.82 | Hegge, Kathleen J DB | Court Sys. | 273.80 |
| Hermson, Brian D | Human Svcs | 525.00 | Hillyard, Inc. | Facilities | 136.40 |
| Hobby Lobby Stores, | Musm Store | 77.90 | Howalt-McDowell Insu | Pub. D. | 50.00 |
| Hy-Vee Food Store | Cnty Exten | 33.32 | Hy-Vee Food Store | Museum | 26.68 |
| Hy-Vee Pharmacy | Human Svcs | 22.49 | Hy-Vee Pharmacy | Human Svcs | 263.33 |
| Hy-Vee Pharmacy | Human Svcs | 603.96 | Int'l Code Council, | Plan & Zon | 35.00 |
| Interstate Office Pr | Var. Depts | 1,506.07 | J.C. Penney Company, | Juv Det Cn | 59.98 |
| Janitor's Closet, Lt | Var. Depts | 33.39 | Jaros, Pete | Mental Ill | 71.68 |
| Jefferson Partners, | Human Svcs | 819.70 | Jim & Ron's Service, | Emer Mgmt | 97.00 |
| Jim Hawk Truck Trail | Hiway Cons | 70.50 | Johnson Appliance, I | Juv Det Cn | 74.99 |
| Johnson Estates/Beld | Human Svcs | 235.00 | Johnson, Heidepriem, | Comm. | 1,410.00 |
| Johnstone Supply | Facilities | 63.40 | Kabeiseman & Pollard | Mental Ill | 152.80 |
| Kittelson, Joan M | Mental Ill | 30.00 | Kone, Inc. | Var. Depts | 171.98 |
| Kooistra, Nelva | Mental Ill | 45.00 | Koopman & Sons Gas C | Hiway Admi | 378.51 |
| Kreisers, Inc. | Correction | 81.88 | Language Line Servic | Pub. D. | 13.00 |
| LCM Pathologists, P. | Coroner | 7,767.89 | Lewis Drug Stores | Correction | 88.97 |
| Lien, Theresa | Facilities | 28.00 | Linweld, Inc. | Hiway Cons | 98.20 |
| Lockwood Law Office, | Court Sys. | 3,798.21 | Mac's, Inc. | Var. Depts | 51.52 |
| Malloy Electric Bear | Facilities | 70.88 | Management Service P | Human Svcs | 50.00 |
| Maxwell Food Equipme | Correction | 10,590.00 | May & Johnson, P.C. | Court Sys. | 191.79 |
| Medical X-Ray Center | Var. Depts | 716.63 | Menards - West | Emer Mgmt | 197.30 |
| Microfilm Imaging Sy | Reg Deeds | 158.10 | Midamerica Motoplex | Emer Mgmt | 279.90 |
| Midamerican Energy C | Var. Depts | 2,921.68 | Midwest Alarm Compan | Cnty Exten | 167.34 |
| Midwest Land Surveyi | Hiway Cons | 556.88 | Midwest Oil Company | Hiway Cons | 821.66 |
| Mike Kroger Masonry, | Build Fund | 28,004.00 | Miller Funeral Home, | Human Svcs | 1,850.00 |
| Minnehaha Cnty Pub D | Pub. D. | 156.01 | Munk, Steven | Cnty Exten | 2,136.00 |
| NACDL | Pub. D. | 1,310.00 | NEAFCS-SD Treasurer | Cnty Exten | 105.00 |
| Nebraska Dept. of Mo | St Atty | 3.00 | Nies Properties, LLC | Human Svcs | 350.00 |
| NLADA Regional Train | Pub. D. | 50.00 | North American Bapti | Human Svcs | 450.00 |
| Nyberg's Ace Hardwar | Correction | 9.56 | Obstetrics & Gynecol | Human Svcs | 3.50 |
| Officemax | Cnty Exten | 26.46 | Otter Tail Energy Se | Facilities | 29,010.97 |
| Pennington County Ja | Correction | 1,303.47 | Peters Distributing | Juv Det Cn | 492.80 |
| Peters, Scott N, P.C | Mental Ill | 3,505.89 | Pheasantland Industr | Correction | 988.68 |
| Physicians Laborator | Human Svcs | 10.64 | Pipestone County Mus | Musm Store | 1,559.25 |
| Pontiac Cadillac of | Sheriff | 178.05 | Prairie Publications | Var. Depts | 823.74 |
| Precision Mounting T | Sheriff | 743.34 | Qualified Presort Se | Var. Depts | 6,052.00 |
| Quam, Jerry | Hiway Cons | 221.02 | R & L Supply, Ltd | Facilities | 40.31 |
| Record Keepers, Inc. | Var. Depts | 3,077.80 | Retail Data Systems | Treasurer | 101.00 |
| Richard-Ewing Equipm | Facilities | 225.15 | Richmond Apartments, | Human Svcs | 400.00 |
| Ries, Rachel | Musm Entpr | 100.00 | Robson True Value | Emer Mgmt | 134.83 |
| Rochester Armored Ca | Treasurer | 330.00 | Rohn Airport Adverti | Museum | 225.00 |
| Ronning Commercial, | Human Svcs | 750.00 | Rosenberg, Craig | Cnty Exten | 292.84 |
| Roust, Sue | Elec Audit | 171.20 | RSM McGladrey, Inc. | Treasurer | 42.00 |
| Rural Metro Ambulanc | Correction | 241.42 | Schoeneman Bros. Co. | Facilities | 7.00 |
| SD Dept of Human Ser | Pub. D. | 49.40 | SD Family & Youth/4- | Cnty Exten | 162.50 |
| SD State Court Admin | Pub. Adv. | 25.00 | SD State Treasurer | Sales Tax | 458.40 |
| SD State's Attorneys | St Atty | 925.00 | SDAAO | Dir. Eq. | 715.00 |
| Servall Towel & Line | Var. Depts | 125.23 | Shipley's Laundry & | Musm Entpr | 35.00 |
| Sioux Empire FCU / V | St Atty | 234.51 | Sioux Empire FCU / V | Sheriff | 79.20 |
| Sioux Empire FCU / V | Emer Mgmt | 316.52 | Sioux Falls City Fin | Emer Mgmt | 65,705.45 |
| Sioux Falls City Fin | Emer Mgmt | 1,355.41 | Sioux Falls Ford, In | Var. Depts | 302.45 |
| Sioux Falls Two Way | Var. Depts | 888.00 | Sioux Falls Utilitie | Emer Mgmt | 189.83 |
| Sioux Valley Energy | Var. Depts | 105.59 | Solomon, Ghirmay | Court Sys. | 100.00 |
| Spars Tools Service, | Hiway Cons | 43.95 | Steak-Out Sioux Fall | Court Sys. | 267.50 |
| Strunk, Lisa | Court Sys. | 23.80 | Sturdevant's Auto Pa | Hiway Cons | 109.65 |
| Surgical Institute o | Correction | 99.43 | SV Hospital | Var. Depts | 120,169.61 |
| SV Hospital Medical | Pub. D. | 11.50 | Swank Motion Picture | Correction | 1,218.75 |
| Tammen Oil | Sheriff | 10.78 | TDS Auto Repair, Inc | Emer Mgmt | 282.78 |
| Theophilus, Matt DB | Court Sys. | 4,323.00 | Thorin, Deyanira T. | Var. Depts | 316.66 |
| Thurman, Creighton A | Mental Ill | 282.42 | Thyssenkrupp Elevato | Correction | 1,710.00 |
| TR Designs & Indoor | Museum | 225.00 | Tschetter, Kenneth M | Court Sys. | 6,156.23 |
| Ulteig Engineers | Musm Entpr | 150.00 | Urban Indian Health | Human Svcs | 10.00 |
| US Bank-Corporate Tr | Build Fund | 1,250.96 | Vander Haag's, Inc. | Hiway Cons | 140.80 |
| Velvet Uniforms, Inc | Var. Depts | 514.95 | Verizon Wireless, Be | Emer Mgmt | 30.63 |
| Vision Developers | Human Svcs | 450.00 | Visiting Nurses Asso | Human Svcs | 77.28 |
| Voigt, Debra | Court Sys. | 2,641.92 | W.W. Grainger, Inc. | Emer Mgmt | 154.90 |
| Wall Lake Sanitary D | Hiway Admi | 35.00 | West Group | Var. Depts | 242.00 |
| Westergard, Rod | Hiway Admi | 74.25 | Wheelco Brake & Supp | Hiway Cons | 488.64 |
| Wilkes, Jeff | Dir. Eq. | 288.96 | Willard, James A. | Cnty Exten | 26.00 |

12/13/05

10555

| | | | | | |
|----------------------|------------|--------|----------------------|------------|--------|
| Xcel Energy, Inc. | Human Svcs | 358.00 | Yankton County Treas | Mental Ill | 598.30 |
| Yankton Medical Clin | Human Svcs | 29.24 | Yellow Cab, Inc. | Human Svcs | 30.80 |
| Zep Manufacturing Co | Hiway Admi | 74.25 | | | |

REPORTS

The following reports were received and placed on file in the County Auditor's Office: Regional Juvenile Detention Center Monthly Statistical Report for November 2005 and the General Fund Surplus Analysis as of September 30, 2005 - Undesignated Fund Balance -\$1,109,931.64 (-3.30% of the 2006 General Fund Budget).

PERSONNEL

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

1. To hire Jeffrey VanGerpen, Jr. as Juvenile Correctional Officer I for the Juvenile Detention Center at \$14.934 per hour effective 12-19-05.
2. To accept the resignation of Eric Trygstad as part-time Museum Aide for the Museum effective 8-14-05.
3. To accept the resignation of Jackie Olthoff as Correctional Officer I for the Sheriff's Office effective 12-7-05.
4. To accept the resignation of Lena Schaaf as Correctional Officer I for the Sheriff's Office effective 11-22-05.
5. To hire Lena Schaaf as part-time Correctional Officer I (9/3) for the Sheriff's Office at \$15.238 effective 11-23-05.
6. To rescind the resignation of Misty VanVoorst as Correctional Officer II (10/3) for the Sheriff's Office effective 12-5-05.

Step increases due:

1. Earl Erpelding – Correctional System Operator – Sheriff – 7/2 to 7/3 – 11-17-05 - \$13.408/hr

MOTION by Zweep, seconded by Pekas to authorize three overhire Communications Operator positions effective January 23, 2006. 5 ayes.

NOTICES

MOTION by Zweep, seconded by Kolbe to authorize the Auditor to post Notice of Hearing for Consideration of a Proposed Supplemental Budget on December 27, 2005. 5 ayes.

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

LIENS

Commissioner Pekas, County Aid Lien Liaison, briefed the Commission on a request to compromise DPNO 32378 in the amount of \$8,140.32 in full upon payment of \$4,000 (49%). The petitioner was in

the process of refinancing his home when the lien for medical services was noted by the title company. The petitioner had previously incurred a lien for attorney services, but had paid that balance in full. He noted that he would have made payments towards the lien if he had known there was a balance for the medical services. MOTION by Pekas, seconded by Kolbe to approve Resolution MC05-68. 5 ayes.

RESOLUTION MC05-68

WHEREAS, a County Aid Lien in the amount of \$8,140.32 purports to exist in favor of Minnehaha County and against DPNO 32378 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 \$4,000.00.

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

Dated at Sioux Falls, South Dakota, this 13th day of December, 2005.

APPROVED BY THE COMMISSION:

Carol Twedt, Chairman

ATTEST:

Sandy Kinder, Deputy Auditor

Commissioner Pekas also briefed the Commission on a lien compromise request from DPNO 7658. The petitioner is requesting that her name and property be released from the account as the services were provided to her ex-husband who she has been separated from since 1974. The petitioner is making estate arrangements and did not want to burden her grandchildren with this expense. The lien is for attorney services provided to the petitioner's ex-husband. The petitioner's divorce was not final until July, 1993, due to the unknown whereabouts of the ex-husband. The property was purchased by the petitioner and her daughter, the ex-husband was not listed on the deed. A title search was not performed at the time of the purchase. MOTION by Pekas, seconded by Kolbe to approve Resolution MC05-69. 5 ayes.

RESOLUTION MC05-69

WHEREAS, a County Aid Lien in the amount of \$271.01 purports to exist in favor of Minnehaha County and against DPNO 7658 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 against the real property with no payment from the petitioner and remove the petitioner's name from the account. Legal description of real property: Lot 2 Block 6 Covell's 1st

Addition to the City of Sioux Falls. The balance of the lien to remain in the name of the ex-husband only.

Dated at Sioux Falls, South Dakota, this 13th day of December, 2005.

APPROVED BY THE COMMISSION:

Carol Twedt, Chairman

ATTEST:

Sandy Kinder, Deputy Auditor

PURCHASE

At the request of Bob Meister, Highway Superintendent, MOTION by Hajek, seconded by Pekas to authorize the purchase of two new Sterling Model LT9511 truck chassis from Boyer Trucks of Sioux Falls in the amount of \$147,882.00 (\$73,941 each) and two 15 foot Crysteel dump bodies with hydraulic systems from Northern Truck Equipment Corporation in the amount of \$57,696.00 (\$28,848 each) off of bids awarded by the State of South Dakota. 5 ayes. The new units will be replacements for older models that will be sold at the annual surplus auction in 2006.

SUPPLEMENT

MOTION by Zweep, seconded by Kolbe to supplement \$1,224.91 from the General Fund to the Sheriff's budget (ASN 16565) representing funding received through the 2004 Terrorism Training Grant and to rescind the action of November 29th to supplement \$1,224.91 from the Emergency Management Fund to the Emergency Management Budget ASN 16925. 5 ayes.

AGREEMENTS

Todd Cheever, Juvenile Detention Center Director, requested approval of the year 2006 per diem agreements between Minnehaha County, Volunteers of America Dakotas, and counties in the 14 County Regional Detention Consortium. The agreement sets the rate at \$120 per day for secure and non-secure detention at the JDC. The rate for non-secure beds increased from \$90 per day in 2005. Volunteers of America, Dakotas, will continue to charge \$90 per day for both secure and non-secure beds. The per diem rates are based on a recommendation by the Regional Advisory Board. Mr. Cheever noted that the counties belonging to the consortium are receiving a discounted rate. The actual cost per day was calculated at \$173.21 two years ago. MOTION by Zweep, seconded by Kolbe to authorize the Chairman to sign the 2006 Per Diem Contracts between Minnehaha County, Volunteers of America, Dakotas, and the counties of Bon Homme, Brookings, Charles Mix, Clay, Hanson, Hutchinson, Lake, Lincoln, McCook, Miner, Moody, Turner and Yankton for secure and non-secure juvenile detention services. 5 ayes.

HEARING

Phil Kappen, Assistant Planning Director, was present for the scheduled hearing to consider proposed amendments to Ordinance MC20-92, On-Site Wastewater Treatment Systems. The proposed amendments are based on recommendations by the Ground Water Study Group. The proposed amendments include an increase in the fees for permits, a prohibition on wastewater from a garage floor drain going into a septic system with a drain field, and a requirement for a tracer wire system to be included in septic system installation. No one spoke in opposition to the request. MOTION by Hajek, seconded by Zweep to approve Ordinance MC20-3-05. 5 ayes.

Ordinance MC20-3-05

An Ordinance to Amend Ordinance MC20-92
On-Site Wastewater Treatment Systems

- (1) Amend the fee portion of Section 2.01 to read as follows:

| | |
|-------------------------------------|----------|
| Routine maintenance and repair | \$ 50.00 |
| Installation of a holding tank only | \$ 75.00 |
| Extension of existing drainfield | \$125.00 |
| New or replacement system | \$125.00 |
| Engineered system | \$150.00 |

- (2) Add a new section 2.18A (following Section 2.18) to read as follows:

Section 2.18A. Drainage From a Garage Floor Drain Not to Enter Wastewater Absorption Area: Any drainage from a floor drain in a garage or an accessory building shall not be discharged into any wastewater treatment system that leads to an absorption field or seepage pit. All such floor drains must either be approved and connected to a central sewer system, or drained into a holding tank and the contents pumped for proper disposal at a wastewater treatment plant.

Any floor drain that discharges into a central sewer system or a holding tank shall also be connected to a plumbing vent. The vent stack pipe shall be a minimum diameter of 1.25 inches and shall extend through the roof flashing and terminate vertically not less than 6 inches above the roof nor less than one foot from any vertical surface. Further, each vent pipe shall terminate not less than ten feet from, or at least three feet above, any openable window, door, opening, air intake, or vent shaft.

- (3) Add a new section 7.10 (following Section 7.09) to read as follows:

Section 7.10. Tracer Wire System Required: In order to aid in the location of below ground wastewater system components, all new or replacement septic systems shall have a tracer wire system installed. All tracer wire shall be No. 12 solid single strand type TW or THHN, or approved equivalent. The tracer wire shall be accessible at the tank clean out and shall extend along the sewer line from the house to the tank, around the septic tank access hole, and from the tank through all system trenches or around the perimeter of any infiltration bed. The tracer wire in all trenches shall be placed above the pipe(s).

In order to prevent corrosion all buried ends of tracer wires and all wire splices shall be sealed with an approved direct bury splice kit.

All tracer wire installation, including all splices, shall be inspected by the county prior to backfilling. The contractor is responsible for ensuring that the tracer wire system has conductivity.

Approved this 13th day of December, 2005

BOARD OF COUNTY COMMISSIONERS
Carol Twedt, Chairman

ATTEST:
Sandy Kinder, County Auditor

PRESENTATION

Phil Kappen, Assistant Planning Director, gave a presentation on a new wastewater treatment link on the County's webpage at minnehahacounty.org. He gave a brief demonstration of navigating the site and named the members of the Ground Water Study Committee. Commissioners thanked Mr. Kappen, Kristi Osterloo, IS Webmaster, and the members of the Ground Water Study Committee for compiling the information.

HEARING

Phil Kappen, Assistant Planning Director, was present for the scheduled hearing to consider declaring a public nuisance on property legally described as the NW1/4 SW1/4 Section 23-T102N-R49W. The property is adjacent to the Andy's Acres Subdivision northeast of Sioux Falls. The property owner was previously found guilty of a public nuisance by the court. SDCL 21-10-6 authorizes counties to abate public nuisances and tax the cost by special assessment against the property where the nuisance occurred. Due to the weather, Mr. Kappen asked that the Commission give a future deadline and allow the owner one more chance to clean up the property on his own. He reported that his office has been investigating the property since July 2000. Previous notices to the property owner have resulted in some cleanup, but no follow through. The property owner, Gene Welsch, was present to answer questions and stated that he was unable to clean up the property due to medical problems. Gordy Swanson, Chief Deputy State's Attorney, noted that he has met with the owner and supports the request to abate the property as no progress has been made. He felt that staff has not been insensitive to the property owner's medical condition, and that ample time has been given to accommodate the request to clean up the site. MOTION by Hajek, seconded by Pekas to approve Resolution MC05-70 and to direct the Planning Office to work with the property owner on cleaning up the site through the spring of 2006. 5 ayes. Commissioner Kolbe asked that Mr. Kappen report back near June 1, 2006, on the outcome.

RESOLUTION MC05-70

WHEREAS, The Minnehaha County Planning Department and the Office of the State's Attorney have been working to abate a public nuisance on property legally described as Tract 11 of Nelson's Tracts in the NW1/4 SW1/4 Section 23-T102N-R49W over a period of years; and

WHEREAS, the public nuisance consists of unlicensed, inoperable or partially dismantled vehicles, scrap, automotive parts, metal, and miscellaneous junk stored outside of a permanent building and that such materials can serve as a breeding place for vermin and devalue surrounding properties; and

WHEREAS, the Minnehaha County Planning Department and the Office of the State's Attorney have given the property owner numerous opportunities, including deadline extensions, to abate the public nuisance violations on the property himself; and

WHEREAS, the property owner, under prosecution by the Office of State's Attorney, has been found guilty by the Court of maintaining a public nuisance; and

WHEREAS, the forgoing actions have not resulted in the abatement of the public nuisance by the property owner; and

WHEREAS, the property owner of the site was notified via certified mail of the December 13, 2005 public hearing regarding the condition of the aforementioned property.

NOW, THEREFORE, BE IT RESOLVED that the subject property is hereby declared a public nuisance and that the Minnehaha County Planning Department shall arrange for a suitable contractor or company to abate the nuisance and that the cost of the abatement will be paid for by County funds and that the cost of abatement will be reported to the County Auditor so that it can be specially assessed and collected in

the same manner as the current year's taxes.

Approved this 13th day of December, 2005.

MINNEHAHA COUNTY

Carol Twedt, Chairman, Board of County Commissioners

ATTEST:

Sandy Kinder, Deputy Auditor

OLD BUSINESS

Commissioner Hajek commented on items from the Planning Commission meeting on December 12th related to the approval of animal shelters under conditional uses section of the Minnehaha County Zoning Ordinance that will be brought to the Commission in the future and issues related to the overturning of a decision on property adjacent to Interstate 29.

NEW BUSINESS

Commissioner Kolbe reported on a movement to require that any water coming out of the Great Lakes be replenished by an equal amount. This would protect water sources impacted by larger cities' use.

MOTION by Pekas, seconded by Zweep, to adjourn until 5:00 p.m. on December 19, 2005. 5 ayes.

APPROVED BY THE COMMISSION:

Chairman

ATTEST:

Deputy Auditor