

THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M., August 15, 2006, pursuant to adjournment on August 8, 2006. Commissioners present were: Kolbe, Hajek, Pekas, Twedt, and Zweep. Also present were Sandy Kinder, Deputy Auditor, and Dave Nelson, State's Attorney.

Chairman Kolbe called the meeting to order.

AGENDA

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

MINUTES

MOTION by Pekas, seconded by Zweep to approve the Minutes for August 8, 2006. 5 ayes.

VOUCHERS TO BE PAID

MOTION by Zweep, seconded by Hajek to approve the following bills totaling \$427,478.59. 5 ayes.

Arena Motel	Var. Depts	281.94	Argus Leader	Var. Depts	1,922.91
Avera Gastroenterolo	Human Svcs	470.70	Avera McKennan Campu	Human Svcs	91.34
Avera McKennan Hospi	Var. Depts	22,164.72	Avera Medical Record	Var. Depts	108.97
Avera North Central	Human Svcs	209.10	Avera Pulmonary Asso	Human Svcs	12.70
Avera University Psy	Mental Ill	4,297.50	B & E Apts/Holland,	Human Svcs	350.00
Beck, Pat/Low Eight,	Human Svcs	57.00	Best Business Produc	Reg Deeds	39.00
Boyer Trucks Sioux F	Hiway Cons	32.03	Brentwood Apartments	Human Svcs	450.00
Brown & Saenger	Var. Depts	116.31	Bureau of Informatio	Info Svcs	200.00
Buskerud Constructio	Hiway Cons	360.00	Butler Law Office, P	Court Sys.	503.38
Campbell Supply Co.,	Var. Depts	471.77	Carlson, Jim A	Human Svcs	415.00
CBM Food Service	Correction	28,605.85	Center For Family Me	Correction	2,480.06
City Centre Hotel Co	Court Sys.	18.30	City-Wide Taxi, Inc	Human Svcs	384.44
Cleveland Heights Ap	Human Svcs	525.00	Cliff Avenue Auto Pa	Var. Depts	136.15
Com-Tec Security, LL	Correction	250.96	Communication Servic	Pub. D.	55.00
Concrete Materials	Hiway Cons	30.13	Cooley, Carla F	Court Sys.	46.00
CRC Properties LLC/S	Human Svcs	350.00	Crescent Electric Su	Facilities	174.95
Culligan Water Condi	Human Svcs	62.55	Cumberland Apts. I	Human Svcs	525.00
Dahmen, Ruth	Human Svcs	200.00	Dakota Fluid Power,	Hiway Cons	137.78
Decastro Law Office,	Court Sys.	320.28	Dejong, James/Darcy	Human Svcs	450.00
Dell Rapids Ford, In	Sheriff	380.24	Dennis Supply Co. -	Facilities	529.33
Dialnet/Ahrens Telec	Correction	105.00	Diamond Mowers, Inc.	Hiway Cons	906.49
Diesel Machinery, In	Hiway Cons	116.05	Dietrich, Donna K	Mental Ill	381.22
Dresbach, Steve	Mental Ill	2,767.50	Drexler, Russell	Hiway Cons	130.96
Dust Tex Service, In	Museum Mtc	12.86	Eastern Farmers Coop	Hiway Cons	6.60
Ekeren, Marvin R.	Mental Ill	15.00	Election Systems & S	Elec Audit	849.20
Electric Constructio	Museum Mtc	133.13	Engels Law Office PC	Court Sys.	181.80
Express Copy & Print	Cnty Exten	72.27	Family Drug	Human Svcs	866.10
Family Service, Inc.	Human Res.	300.00	First Dakota Nationa	Human Svcs	550.00
First Premier Bank	Sheriff	78.26	Fox, Youngberg & Lew	Mental Ill	179.54
Galland Legal Clinic	Court Sys.	220.40	Galls, Inc.	Correction	107.22
Gaylord Bros.	Museum	288.65	Genzlinger, Janeen	Court Sys.	741.00
Georgetown Univ Law	St Atty	55.00	Geotek Engineering &	Var. Depts	1,001.20
Golden West	Sheriff	73.16	Graham Tire Co. - Do	Sheriff	493.10
Great America Leasin	Cnty Exten	278.00	Great Plains Psychol	Court Sys.	2,005.00
Guzman, Sandra V.	Var. Depts	350.00	Hander, Inc.	Var. Depts	1,525.63
Hanson, Allan	Human Svcs	450.00	Harold's Photo Cente	Musm Entpr	7.99
Hegge, Kathleen J DB	Court Sys.	342.00	Help!Line Center, In	Human Svcs	250.00
Heritage Apartments	Human Svcs	450.00	Hewlett-Packard Comp	St Atty	1,661.00
Hollingshead, Don	Hiway Cons	23.77	Home Depot Credit Se	Hiway Cons	542.37
Hughes County Sherif	St Atty	11.30	Hurtgen, Timothy T.	Human Svcs	500.00
Hy-Vee Food Store	Var. Depts	121.37	Instant Technologies	Correction	381.13
Interstate Office Pr	Var. Depts	1,273.08	Jaqua, Lee	Human Svcs	525.00
Jefferson Partners,	Var. Depts	1,585.97	Jolly, Julie	FEMA Fund	500.00
Kabeiseman & Pollard	Mental Ill	175.80	Keefe Supply Company	Juv Det Cn	223.46
Kennedy, Renee S.	Court Sys.	292.40	Kooistra, Nelva	Mental Ill	30.00

Kreisers, Inc.	Human Svcs	10.80	Lason Systems, Inc.	Reg Deeds	215.25
LCM Pathologists, P.	Coroner	28.00	Lee, Tamara D	Mental Ill	310.43
Lewis Drug Stores	Cnty Exten	42.41	Lexis-Nexis / Reed E	Var. Depts	1,750.00
Lexisnexis Matthew B	Sheriff	120.00	Linweld, Inc.	Var. Depts	190.10
Lockwood Law Office,	Court Sys.	1,907.25	Malloy Electric Bear	Hiway Cons	7.35
Mathison Company	Hiway Cons	112.75	Maxwell Food Equipme	Juv Det Cn	128.92
McGowan Law Office	Court Sys.	246.50	Medical X-Ray Center	Var. Depts	1,665.69
Mehlhaff, Janet M	Human Svcs	450.00	Menards - East	Facilities	28.30
Menards - West	Hiway Cons	43.74	Metro Fire	Emer Mgmt	2,249.50
Michaels Fence & Sup	Facilities	4.77	Microfilm Imaging Sy	Reg Deeds	322.00
Midamerican Energy C	Var. Depts	1,158.14	Midcontinent Communi	Info Svcs	150.00
Midwest Alarm Compan	Emer Mgmt	4,818.90	Miller, Steve	Court Sys.	1,522.90
Mobile Electronic Se	Sheriff	623.24	Mr. Goodcents	Musm Entpr	19.42
Murray Construction	Human Svcs	350.00	NACDL	Pub. Adv.	125.00
Nelson, Barb	Human Svcs	400.00	North Ridge Apartmen	Human Svcs	350.00
Northern Heights Dev	Human Svcs	525.00	Novak Sanitary Servi	Var. Depts	872.25
Nuaire, Inc.	Emer Mgmt	4,058.00	Office Depot, Inc.	Info Svcs	1,471.48
Omnicare of South Da	Juv Det Cn	156.49	Ophthalmology, Ltd	Correction	46.30
Orthopedic Institute	Correction	903.68	Osborn, Roxane R	Court Sys.	438.00
Oscar's Mini-Storage	Museum	225.00	PBC Sioux Falls, LLC	Human Svcs	354.75
Peterson, Tom	Hiway Cons	55.98	Physicians Laborator	Correction	68.20
Pirrung, Sheila M	Human Svcs	450.00	Pontiac Cadillac of	Sheriff	137.55
Prairie Publications	Comm.	600.47	Prairie States Surgi	Human Svcs	238.06
Qualified Presort Se	Var. Depts	8,260.49	Qwest	Var. Depts	2,932.62
R & L Supply, Ltd	Hiway Cons	38.82	RDO Equipment Co.	Hiway Cons	192.43
Refinish Supply Cent	Hiway Cons	689.44	Rehfuss, Cathy A	Mental Ill	45.00
Robbennolt Law Firm.	Court Sys.	380.00	Robson True Value	Emer Mgmt	34.97
Roemen's Auto Supply	Hiway Cons	45.53	Ron's Sta-Sharp	County Par	24.75
RS Halstead Corp	Hiway Cons	133,332.39	Rural Metro Ambulanc	Var. Depts	303.52
Safelite Glass Corp.	Sheriff	217.88	SD Continuing Legal	Var. Depts	1,000.00
SD Dept of Revenue A	Dir. Eq.	440.00	SD State Treasurer	Sales Tax	515.91
Security Labs, Ltd	Treasurer	350.00	Servall Towel & Line	Var. Depts	129.36
Shopko Pharmacy	Human Svcs	246.79	Sigler Fire Equipmen	Sheriff	118.50
Sioux Empire FCU / V	Sheriff	52.97	Sioux Empire FCU / V	St Atty	1,301.57
Sioux Empire FCU / V	Sheriff	591.34	Sioux Empire FCU / V	Correction	547.81
Sioux Empire FCU / V	Plan & Zon	89.00	Sioux Falls City Fin	Var. Depts	2,181.95
Sioux Falls Ford, In	Sheriff	606.98	Sioux Falls Rubber S	Treasurer	13.50
Sioux Falls Two Way	Emer Mgmt	25.00	Smith, Tucker	Musm Entpr	400.00
Smithsonian Institut	Museum	75.00	Solomon, Ghirmay	Court Sys.	50.00
Springbrook Estates	Human Svcs	450.00	Stan Houston Equipme	Var. Depts	265.61
State Historical Soc	Musm Entpr	126.00	Sunshine Foods	Human Svcs	243.02
Sutton, Thomas	Human Svcs	900.00	SV Hospital	Human Svcs	2,855.51
SV Hospital Medical	Pub. D.	10.00	Swift Contractors, I	Build Fund	117,954.13
Tammen Oil	Sheriff	14.48	Tenth Street, Inc.	Hiway Cons	146.00
Teslow Twin Apartmen	Human Svcs	350.00	Thesenvitz, Mickelson	Court Sys.	1,509.00
Thorin, Deyanira T.	Var. Depts	225.00	Timekeeping Systems,	Juv Det Cn	95.00
Travelhost of Sioux	Museum	153.00	Tri-Tech, Inc.	St Atty	3,568.56
Triangle Properties,	Human Svcs	450.00	TSP Four, Inc.	Build Fund	7,967.38
Turner County Sherif	St Atty	21.18	University Products,	Museum	546.82
Urban Indian Health	Human Svcs	10.00	Van's Auto Electric	Hiway Cons	125.00
Velgersdyk, Dr. Scot	Human Svcs	90.78	Velvet Uniforms, Inc	Var. Depts	722.60
Viking Office Produc	Pub. D.	151.70	Voigt, Debra	Court Sys.	298.59
Wal-Mart Pharmacy	Human Svcs	70.68	Walgreen Co.	Human Svcs	606.02
Warren's Sharpening	Museum	72.15	Wassink, Owen L.	Human Svcs	900.00
Waste Management of	Facilities	535.76	West Group	Var. Depts	3,187.62
Wheelco Brake & Supp	Hiway Cons	41.18	Willow Wood Apartmen	Human Svcs	300.00
Wilson, Shirley Ann	Human Svcs	350.00	Wisconsin Dept of Tr	St Atty	10.00
Woodside, April	Museum	494.11	Xcel Energy, Inc.	Var. Depts	2,444.05
Yankton County Sheri	Mental Ill	99.00	Yankton County Treas	Mental Ill	1,056.55
Yankton Medical Clin	Human Svcs	172.65	Zandt, James R	Human Svcs	350.00

PERSONNEL

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

1. To discharge Theresa Lien as Custodian I for the Facilities Department effective 8-9-06.

2. To accept the resignation of Ken Schafer as Building Inspector for the Planning Department effective 8-11-06.
3. To accept the resignation of Matthew Larsen as temporary Laborer for the Highway Department effective 8-10-06.

Step increases due:

1. Michael Ladd – Correctional Officer II – Sheriff – 10/4 to 10/5, 7-21-06, \$17.309/hr
2. Kari Eschenbaum – Paralegal I – Public Defender – 8/1 to 8/2, 8-15-06, \$14.184/hr
3. Jennifer Schnabel – Juvenile Correctional Worker – Juvenile Detention Center – 5/6 to 5/7, 8-1-06, \$12.907/hr

ABATEMENTS

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

MOTION by Hajek, seconded by Zweep to approve the following abatement: Sioux Falls Development Foundation, ID 62552, 2005 Taxes - \$1,676.55. 5 ayes.

MOTION by Zweep, seconded by Hajek to approve the following abatement: St. John American Lutheran Church, 2005 Taxes, ID 43853 - \$274.55 & ID 43852 - \$184.77. 5 ayes.

MOTION by Twedt, seconded by Pekas to approve the following abatement: Iseman Homes, ID 67800, 2005 Taxes - \$575.89. 5 ayes.

MOTION by Zweep, seconded by Pekas to approve the following abatement: Arlene Krabbenhoft, ID 71629, 2005 Taxes - \$400.42. 5 ayes.

APPEAL

Scott Anderson, Planning Director, was present for the scheduled hearing to consider an appeal of the Planning Commission (PC) decision to deny Conditional Use Permit amendment #06-44 to allow an enlarged, non-conforming sign to remain on property legally described as Tracts A-B & C Leesch's Addn E1/2 in Section 18-T102N-R51W. The subject property is located 2 miles west of Hartford and is the location of I-90 Speedway. He explained that a previous owner of the property enlarged the sign without approval. Holders of malt beverage licenses were checked for zoning compliance during the last license renewal process when the size of the sign was found to be in violation of county ordinance. The current owners applied for a Conditional Use Permit to allow them to keep the larger sign and were denied by the Planning and Zoning Commission, but were given until October, 2007 to replace the existing sign with a smaller non-conforming sign not to exceed 96 sq. ft. that was grandfathered in. While the PC understood that it was not the current owner who placed the sign, they felt that allowing the sign would set the wrong precedent. Traffic safety was one of the issues cited as the reason the sign should be allowed. Mr. Anderson reported that an engineer with the SD Department of Transportation has indicated that a person traveling at 65 mph requires 3 to 5 seconds to read a sign, comprehend it, and take action. A vehicle travels 95 feet per second at 65 mph. Based on these figures, a minimum of 400 feet is needed to begin slowing for the approach for the speedway. After a site visit, it was determined that the placement of the current sign on Highway 38 allows westbound travelers 1320 feet to make the turn. Pam Hoefert, realtor, and Lyle Howey, owner, were present to answer questions. Ms. Hoefert explained that the sign has been in place since 1997, sits on a hill at a curve in the road, and is needed to give drivers adequate time to

slow down and turn into the driveway. The sign is also used for advertising that is currently under contract. She stated that the engineer's opinion was not based on actual road conditions at the site. She also noted that other businesses in the county that draw similar sized crowds have better access visibility. Mr. Howey stated that he would like the sign to be comparable to those allowed at commercial businesses. Mr. Anderson noted that if the property were zoned as commercial rather than agriculture, the sign would still be 30% larger than allowed under ordinance. Commissioner Pekas asked about leasing space from farmers in the area to set a series of signs alerting drivers that the business entrance was approaching. Mr. Anderson responded that the signs would only be allowed in certain zoning areas. He also noted that similar sign series were erected prior to the zoning ordinance and have been grandfathered in. Commissioners viewed photos of the current sign compared to the previous one and determined the height to be about the same. It was also determined that reducing the size back to the 96 sq. ft. size would basically result in the loss of advertising capabilities. Mr. Anderson stated that allowing the sign would give the wrong message to other businesses in the county who are in compliance. Commissioner Twedt sympathized with the owner and encouraged him to work with Planning staff to find a better placement of the sign. MOTION by Twedt, seconded by Pekas to uphold the Planning Commission decision to deny the CUP amendment and allow the petitioner until October 1, 2007 to bring the sign into compliance. 5 ayes.

SUPPLEMENT

At the request of Sue Roust, Auditor, MOTION by Pekas, seconded by Hajek to supplement \$3,788.04 to the Auditor Elections budget, representing reimbursement for unanticipated absentee voting and AutoMARK expenses (City of Sioux Falls - \$2,325.71, SF School District - \$829.53, SD Secretary of State - \$632.80). 5 ayes.

TAX DEEDS

Sue Roust, Auditor, reported that the Treasurer has taken six properties in the city of Sioux Falls as tax deeds. Three of the parcels are part of the Big Sioux River bike trail just north and south of 41st Street, and the other three are drainage ways in various parts of the city. The City of Sioux Falls has agreed to accept these parcels. Accumulated taxes and interest on the properties totals about \$35,000. There is little chance that this amount would be recovered if the properties were sold at auction. MOTION by Hajek, seconded by Twedt to approve Resolution MC06-59. 5 ayes. Ms. Roust also reported that there are 2 additional tax deed properties that will be offered to adjacent land owners, leaving 2 for sale at auction. She asked for direction on whether to obtain a clear title on the properties that will be sold and hire an auctioneer for the sale, or if she should hold the sale herself as a tax deed sale. Commissioners were in consensus that if it was determined that no substantial increase in value would be recognized by selling the property with a warranty deed, then she should proceed with the tax deed sale. Ms. Roust stated that the next action would be to have an appraisal board set a value on the properties that will be sold.

RESOLUTION MC06-59

WHEREAS, Minnehaha County has acquired the following six properties by tax deed:

Tax Deed 2450, RDID# 67481 Lot E-2 CAS NW¼ 31-101-49
Tax Deed 2451, RDID# 59840 Drainage Lot A, Tract 1, NW¼ SW¼ 17-101-49
Tax Deed 2452, RDID# 67478 All that part of the SW¼ SW¼ 30-101-49 lying S and W of Cottam's Lot C-4 in Lot E-2, except Cty Aud Lot H-1 of the SW¼ SW¼ thereof
Tax Deed 2453, RDID# 67482 Lot E-3 CAS NW¼ 31-101-49
Tax Deed 2454, RDID# 65583 Tract 4 Roosevelt Valley
Tax Deed 2456, RDID# 69430 Tract 2 Emerald Pines Addn; and

WHEREAS, these properties consist of portions of the city bike path and various drainageways which should properly be maintained by the City of Sioux Falls; and

WHEREAS, the City has agreed to accept said properties; now therefore, be it

RESOLVED, by the Minnehaha County Commission, that the above described properties are hereby declared surplus for transfer to the city of Sioux Falls; and be it further

RESOLVED, that the County Treasurer is hereby authorized to issue Quit Claim Deeds thereto and the County Auditor is hereby authorized to abate all outstanding taxes, interest, and penalties levied against these properties.

Approved this 15th day of August, 2006.

Robert Kolbe, Chairman

ATTEST:

Sandy Kinder, Deputy Auditor

PROPOSAL

Warden Tim Devlin, explained that due to recent funding cuts, the Volunteers of America will no longer be able to provide services for the GED program at the jail. He is proposing to install pop machines in various locations at the jail and County Corrections Center and use revenues from the sales to help cover the costs of the program, estimated at \$17,000. The machines would be provided through CBM. Minnehaha County will receive \$.25 for each beverage sold. CBM will be responsible for filling the machines and reimbursing the County each month. The GED program is an opportunity for inmates to take a positive step towards self-improvement during their incarceration. Pam Bollinger, Brian Riedel, and Joan Neugebauer with Volunteers of America were present to answer questions and explained the benefits of the program. MOTION by Pekas, seconded by Zweep to approve the installation of pop machines by CBM in the jail and at the CCC, and continuation of the GED program at county expense. 5 ayes.

HHS PROJECT

Pursuant to deferral on August 8th, the Commission again considered approval of various agreements for furniture and signage for the Human Services/Heath Department Project. On June 27th, the following bid packages were awarded for signage and furniture at the new Human Services building: General Business Interiors (Pkg 1), Brown & Saenger (Pkg 2 & 3), and Ford Signs (Pkg 4). Darla Jacobson, Interior Designer with TSP, was present to explain how the packages were grouped. Larry Crane, TSP Project Manager, discussed usage of the planned atrium area in the new building and placement of artwork. Sue Roust, Auditor, noted that \$267,000 was budgeted for equipment for the project and furniture and signage bids came in at \$108,000. The recommended bid packages total \$389,981.65. The City and County are responsible for their own contracts. The County's portion of the contracts are \$98,511.03 to General Business Interiors (Bid Pkg 1), \$7,426.54 to Brown & Saenger (Bid Pkg 2), and \$1,843.06 for Ford Signs (Bid Pkg 4). The City of Sioux Falls will pay all of the costs for Bid Package 3. MOTION by Hajek, seconded by Pekas to authorize the Chairman to sign the furniture and signage agreements. 5 ayes.

At the request of Larry Crane, TSP Project Manager, MOTION by Pekas, seconded by Zweep to further defer consideration of change orders 2 (architect) and 4 (contractor) for the Human Services/Health Department Project indefinitely due to a discrepancy in an amount. 5 ayes.

OLD BUSINESS

MOTION by Pekas, seconded by Zweep to rescind the action taken on August 8th to donate one 48" metal overhead desk cabinet and one 60" metal overhead desk cabinet, asset #70280 to the City of Baltic. 5 ayes.

MOTION by Hajek, seconded by Pekas to adjourn into Executive Session. 5 ayes. Following Executive Session, the Commission adjourned until 5:00 p.m. on Monday, August 21, 2006.

APPROVED BY THE COMMISSION:

Robert Kolbe, Chairman

ATTEST:

Sandy Kinder, Deputy Auditor