

THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M., June 12, 2007, pursuant to adjournment on June 5, 2007. Commissioners present were: Hajek, Barth, Kolbe, and Pekas. Commissioner Twedt was absent. Also present were Sandy Kinder, Deputy Auditor, and Gordy Swanson, Chief Civil Deputy State's Attorney.

Chairman Hajek called the meeting to order.

AGENDA

MOTION by Kolbe, seconded by Barth to approve the Agenda. 4 ayes.

MINUTES

MOTION by Pekas, seconded by Barth to approve the Minutes for June 5, 2007. 4 ayes.

VOUCHERS TO BE PAID

MOTION by Kolbe, seconded by Pekas to approve the following bills totaling \$300,551.27. 4 ayes.

A & B Business Equip	Var. Depts	1,399.27	Accurint	Sheriff	30.00
Ad Enterprises	Emer Mgmt	250.00	Anacon Leasing % Pio	Pub. D.	262.00
Anesthesiology Assoc	Human Svcs	2,019.46	Arena Motel	Human Svcs	46.00
Argus Leader	St Atty	114.77	Aspen Park Apts	Human Svcs	380.00
Atherton, David	Metro-911	164.48	Avera Dermatology &	Human Svcs	71.38
Avera Gastroenterolo	Human Svcs	606.42	Avera Gutnik & Assoc	Human Svcs	34.24
Avera Health Plans,	Human Svcs	483.34	Avera Heart Hospital	Human Svcs	18,705.59
Avera McGreevy Clini	Human Svcs	410.01	Avera McKennan Campu	Human Svcs	1,081.85
Avera McKennan Hospi	Var. Depts	10,081.99	Avera Medical Oncolo	Human Svcs	567.22
Avera North Central	Human Svcs	155.34	Al Svc Inc/Laceys Ch	Hiway Cons	80.00
Bamsey, Irene	Human Svcs	325.00	Barth, Jeff	Comm.	12.80
Beuckens, Molly	Pub. D.	72.96	Billion	Sheriff	52.88
Bob Barker Company,	Correction	330.60	Brevik Law Office, P	Mental Ill	165.17
Briese, Lonnie	Hiway Cons	89.94	Brown & Saenger	Var. Depts	168.53
Builders Supply Comp	Facilities	27.75	C & J Sayles, Inc.	Musm Store	801.34
C & R Supply, Inc.	Hiway Cons	46.32	Campbell Supply Co.,	Hiway Cons	22.24
Carlson, Lisa	Court Sys.	15.20	Cbm Food Service	Juv Det Cn	6,573.88
Center for Family Me	Var. Depts	2,550.00	Certified Folder Dis	Museum	382.38
Charlotte Place/Beck	Human Svcs	200.00	Chemco, Inc.	Correction	724.63
Clerk of District Co	St Atty	4.50	Cleveland Heights Ap	Human Svcs	2,230.00
Cole Papers, Inc.	Correction	563.80	Colton Lumber Co., I	County Par	67.70
Communication Servic	Court Sys.	305.00	Connelly, Jill DBA	Human Svcs	49.50
Construction Product	County Par	75.36	Cornerstone Energy,	Pettigrew	376.06
Country View MHC	Human Svcs	270.00	Cummins Central Powe	Correction	1,717.47
Dakota Data Shred	Pub. D.	32.40	Dakotabilities	St Atty	101.00
Degrata Tactical, In	Sheriff	2,728.25	Dell Rapids Ford, In	Sheriff	98.12
Dialnet/Ahrens Telec	Correction	30.00	Dietrich, Donna K	Mental Ill	602.58
Director of Equaliza	Dir. Eq.	13.00	Ebert's Properties,	Human Svcs	575.00
Eirinberg, James A	Court Sys.	5,920.87	Falls Terrace Apartm	Human Svcs	575.00
Farm Show Magazine	Cnty Exten	18.95	Farrell, Lorae J	Court Sys.	136.80
Flansberg, Pat	Human Svcs	380.00	Fred Pryor Seminars	Sheriff	128.00
Fred the Fixer, Inc.	Human Svcs	74.00	Galland Legal Clinic	Court Sys.	201.60
Gearman, Jason	Mental Ill	165.44	Glasco, Randy	Human Svcs	900.00
Glazier, David Alan	Human Svcs	1,510.00	Goebel Printing, Inc	Sheriff	20.00
Golden West	Var. Depts	598.17	Graff, Richard	Human Svcs	300.00
Graham Tire Co. - Do	Var. Depts	1,006.88	Graham Tire Co. - No	Hiway Cons	168.70
Graybar Electric Com	Facilities	168.26	Great Plains Int'l T	Hiway Cons	151.77
Gunner, Andrea	Court Sys.	117.80	Guzman, Sandra V.	Court Sys.	270.82
Habeck, Gayle/Gloria	Human Svcs	480.00	Hagen Commercial Rea	Human Svcs	500.00
HAI Inc DBA	Human Svcs	215.00	Hander, Inc.	Human Svcs	188.26
Hanson Logowear	Juv Det Cn	973.57	Harlans Bike and Tou	Facilities	90.99
Haugaard, Steven G.	Mental Ill	217.50	Heartland Paper Comp	Correction	421.56
Heaton, Eric	Human Svcs	325.00	Heirigs, Mary Ellen	Mental Ill	152.00
High Point Networks,	Info Svcs	3,039.44	Hill View Apts, Ltd	Human Svcs	241.00

Hoekstra, Denise A.	Court Sys.	25.20	Hoffman, Douglas E	Court Sys.	1,155.96
Holcomb Freightliner	Hiway Cons	86.86	Holland, Robert M. D	Human Svcs	562.50
Horn, Garrett	Mental Ill	184.20	Hospitality Apts Ltd	Human Svcs	380.00
Howie's Car Service	Hiway Cons	65.00	Hurtgen, Timothy T.	Human Svcs	800.00
Hy-Vee Food Store	Juv Det Cn	184.03	Hy-Vee Food Store	Museum	24.51
Hy-Vee Pharmacy	Human Svcs	133.99	Infectious Disease S	Human Svcs	912.78
Instant Technologies	Correction	639.65	Institute for Parale	Pub. Adv.	279.00
Interstate Office Pr	Var. Depts	1,622.50	J & S Hospitality DB	Human Svcs	320.00
J.C. Penney Company,	Juv Det Cn	139.95	Jefferson Partners,	Var. Depts	414.45
John Morrell - Cobr	Human Svcs	327.30	Johnson Estates/Beld	Human Svcs	245.00
Johnson, Rick	Correction	133.78	Kabeiseman & Pollard	Mental Ill	160.80
Kennedy, Rokahr, Pie	Mental Ill	432.60	Key Partnership	Human Svcs	325.00
Kleen Solutions, Inc	Correction	111.90	Kmart	Musm Entpr	38.72
Kooistra, Nelva	Mental Ill	60.00	Kooistra, Stacy F	Mental Ill	534.75
Kpradith, Kyto	Court Sys.	79.16	Kreislers, Inc.	Emer Mgmt	81.39
Lassegaard, Samuel C	Human Svcs	550.00	Lcm Pathologists, P.	Coroner	28.00
Lipetsky's Irrigatio	Pettigrew	68.03	Majestic View Apartm	Human Svcs	575.00
Malloy Electric Bear	Hiway Cons	45.16	McGowan-Hensley Law	Court Sys.	4,033.37
Medical X-Ray Center	Human Svcs	4,187.38	Menards - East	Human Svcs	501.46
Michaelson, Shirley	Human Svcs	200.00	Midamerican Energy C	Var. Depts	1,563.83
Midcontinent Communi	Info Svcs	55.00	Midwest Alarm Compan	Cnty Exten	167.34
Midwest Oil Company,	Hiway Cons	138.89	Miller Funeral Home,	Human Svcs	2,100.00
Miller, Allan	Emer Mgmt	3,000.00	Minnehaha Cnty Pub D	Pub. D.	81.49
Minnehaha Cnty Sheri	Sheriff	46.61	Monick Pipe & Supply	Facilities	209.79
Moore Medical Corp.	Emer Mgmt	7,214.93	Motz DDS PC DBA	Human Svcs	599.30
Murray Construction	Human Svcs	1,635.00	Myrl & Roy's Paving,	Hiway Cons	15,247.36
NASW-SD	Human Svcs	40.00	Nat'l Academy of Emd	Metro-911	90.00
Nebraska State Histo	Mus Grant	6,625.00	Nelson, Pam	Treasurer	58.13
New World Systems	Metro-911	51,200.00	Nguyen, Lam	Court Sys.	58.33
North American Bapti	Human Svcs	1,030.00	North Central Heart	Human Svcs	4,367.17
Northern Truck Equip	Hiway Cons	69.46	Novak Sanitary Servi	Var. Depts	478.45
Nyberg's Ace Hardwar	Musm Entpr	2.40	O'Dea, Steve C	Human Svcs	385.00
Office Depot, Inc.	Info Svcs	1,101.45	Orthopaedic Consulta	Human Svcs	4,332.96
Orthopedic Institute	Human Svcs	1,306.37	Palmer, Barbara	Mental Ill	2,092.50
Petco Animal Supplie	Sheriff	27.99	Peters Distributing,	Emer Mgmt	27,000.00
Peters, Scott N, P.C	Mental Ill	6,316.91	Pheasantland Industr	Sheriff	98.57
Physicians Laborator	Human Svcs	313.32	Plastic Surgery Asso	Human Svcs	1,017.33
Plunkett's Pest Cont	Emer Mgmt	50.00	Prairiewave Communic	Human Svcs	77.50
Prime Magazine	Museum	175.00	Qualified Presort Se	Var. Depts	8,230.98
Randall-Stanley Arch	Build Fund	1,875.00	Record Keepers, Inc.	Var. Depts	267.88
Refinish Supply Cent	Hiway Cons	167.99	Rehfuss, Cathy A	Mental Ill	60.00
Robinson Textiles	Correction	490.30	Robson True Value	Emer Mgmt	64.26
Ron's Garage, Inc.	Emer Mgmt	157.54	Ronning Commercial,	Human Svcs	920.00
Runyan, Lurlene J	Human Svcs	745.00	Rural Metro Ambulanc	Coroner	200.00
Sage Software/Best S	Auditor	1,250.00	Salem, Calvin L	Human Svcs	380.00
Sanford Hospital	Var. Depts	1,613.00	Schoenfelder, Shane	Human Svcs	480.00
SD Building Official	Plan & Zon	50.00	SD Dept of Revenue	Sales Tax	82.42
SD State Treasurer	Sales Tax	476.06	SE Technical Institu	Emer Mgmt	5,462.50
Servall Towel & Line	Var. Depts	262.59	Shevchuk, Nikolay V	Human Svcs	380.00
Sigarms, Inc.	Sheriff	3,990.00	Silchuk, Lyubov	Court Sys.	50.00
Sioux Empire FCU / V	Info Svcs	13.88	Sioux Empire FCU / V	Var. Depts	541.75
Sioux Empire FCU / V	St Atty	208.38	Sioux Empire FCU / V	Sheriff	114.91
Sioux Empire Fcu / V	Correction	2,299.72	Sioux Empire FCU / V	Sheriff	56.84
Sioux Empire FCU / V	Emer Mgmt	785.70	Sioux Empire FCU / V	Dir. Eq.	1,583.94
Sioux Empire FCU / V	Plan & Zon	77.50	Sioux Falls Chamber	Comm.	50.00
Sioux Falls Ford, In	Sheriff	942.18	Sioux Falls Kenworth	Hiway Cons	34.94
Sioux Falls Two Way	Var. Depts	7,767.50	Sioux Falls Utilitie	Human Svcs	30.25
Sioux Valley Energy	Var. Depts	179.95	Smith, Richard/Judit	Human Svcs	575.00
Solomon, Ghirmay	Court Sys.	50.00	Sportsman's Warehous	Var. Depts	881.86
Stan Houston Equipme	Hiway Cons	35.43	Staples	Court Sys.	479.92
Sterling Properties	Human Svcs	165.00	Stoney Hill Investor	Human Svcs	380.00
Sturdevant's Auto Pa	Hiway Cons	145.14	Surgical Institute o	Human Svcs	79.40
SV Clinical Labs	Coroner	1,707.63	SV Home Medical Equi	Human Svcs	285.00
Swanson, Mark/Kathry	Human Svcs	380.00	T & A Service & Supp	Hiway Cons	36.09
Taste of Home Books	Cnty Exten	3.99	Teach-A-Bodies	St Atty	385.10
Tenth Street, Inc.	Dir. Eq.	12.45	The Eye Doctors, P.C	Correction	2,185.00
Thorin, Deyanira T.	Var. Depts	450.00	Thurman, Creighton A	Mental Ill	170.29
Travelhost of Sioux	Museum	153.00	Union Telephone Comp	Metro-911	321.91
United Rentals, Inc	Juv Det Cn	57.00	US Bank-Corporate Tr	Build Fund	750.00

6/12/07

11139

Valley Rental Servic	Human Svcs	565.00	Valley West Apartmen	Human Svcs	760.00
Vandenbos, Leroy	Human Svcs	380.00	Vantek Communication	Metro-911	144.45
Velvet Uniforms, Inc	Var. Depts	1,723.51	Voigt, Debra	Court Sys.	386.52
Wal-Mart Pharmacy	Human Svcs	171.80	Wali, Khadija M.	Court Sys.	50.00
Will Funeral Chapel	Human Svcs	487.00	Winne, Steve	Human Svcs	480.00
Winter, Inc.	Hiway Cons	675.00	Xcel Energy, Inc.	Var. Depts	1,575.66
Yankton County Sheri	Mental Ill	82.50	Yankton County Treas	Mental Ill	1,012.80

REPORT

The following report was received and placed on file in the County Auditor's Office: Minnehaha County Human Services Report for May, 2007.

PERSONNEL

MOTION by Pekas, seconded by Kolbe to approve the following personnel changes. 4 ayes.

1. To promote Craig Rolfs to Advanced Operator/Training Officer (10/3) for Metro Communications at \$17.137 per hour effective 6-16-07.
2. To place Jeremy Hartman, Highway Maintenance Worker for the Highway Department, on military leave effective 6-9-07 to 7-2-07.
3. To accept the retirement of Nancy McKeon as Caseworker II for the Human Services Department effective 6-1-07.
4. To promote Sarah Nyhus-Wear to Deputy State's Attorney III (21/1) for the State's Attorney's Office at \$2,057.52 biweekly effective 6-1-07.
5. To promote Tara Widmer to Deputy State's Attorney III (21/1) for the State's Attorney's Office at \$2057.52 biweekly effective 6-5-07.
6. To end the part-time employment of Erin Srstka, Mike Bakeberg and Jesse Lange as Juvenile Correctional Workers for the Juvenile Detention Center effective 6-6-07.
7. To transfer Orlando Nelson from Correctional Officer II (10/5) for the Jail/Sheriff to Air Guard Security Officer II (10/5) for the Air Guard/Sheriff at \$17.828 per hour effective 5-19-07.

Step Increases Due:

1. Jonathan Cory – Correctional Officer I – Sheriff/Jail – 9/3 to 9/4, 6-12-07, \$16.490/hr
2. Matthew Tarbox – Correctional Officer I – Sheriff/Jail – 9/1 to 9/2, 5-8-07, \$15.545/hr
3. Michael Diguilio – Correctional Officer I – Sheriff/Jail – 9/1 to 9/2, 5-8-07, \$15.545/hr
4. Patrick Philippi – Tax/License Specialist – Treasurer – 4/3 to 4/4, 6-8-07, \$11.538/hr
5. Peggy Thompson – Legal Office Assistant I – State's Attorney – 6/2 to 6/3, 5-22-07, \$13.253/hr
6. Tracy Seiner – Accountant – Museum – 9/1 to 9/2, 6-12-07, \$15.545/hr

ABATEMENTS

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

MOTION by Pekas, seconded by Kolbe to approve the following abatement: Marvin McKnelly ETAL, ID 12176, 2006 property taxes, \$342.97. 4 ayes.

MOTION by Kolbe, seconded by Pekas to approve the following abatement: Oanh Thi and Xuong Thi Thach, ID 29091, property taxes, 2005 - \$804.67 & 2006 - \$822.94. 4 ayes.

MOTION by Kolbe, seconded by Pekas to approve the following abatement: Salvation Army, 2006 property taxes, ID 38442 - \$1,159.52, ID 38453 - \$966.94, & ID 38452 - \$367.85. 4 ayes.

MOTION by Pekas, seconded by Kolbe to approve the following abatement: Augustana College Assn., 2006 property taxes, ID 47430 - \$2,106.01, ID 47429 - \$2,036.93, & ID 50639 - \$542.71. 4 ayes.

NOTICE

MOTION by Barth, seconded by Kolbe to authorize the Auditor to publish Notice to Bidders for the Minnehaha County Annex Remodel. 4 ayes.

LIEN

Commissioner Pekas, County Aid Lien Liaison, briefed the Commission on a request to compromise DPNO 49719 in the amount of \$2,174.60. The applicant has paid \$550 towards the lien to date. The applicant has recently completed a treatment program and is looking for a new start. MOTION by Pekas, seconded by Kolbe to approve Resolution MC07-32. 4 ayes.

RESOLUTION MC07-32

WHEREAS, County Aid Lien in the amount of \$2,174.60 purports to exist in favor of Minnehaha County and against DPNO 49719 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 \$1,200.00.

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

Dated at Sioux Falls, South Dakota, this 12th day of June, 2007.

APPROVED BY THE COMMISSION:

Anne Hajek, Chairman

ATTEST:

Sandy Kinder, Deputy Auditor

Commissioner Pekas also briefed the Commission on a request to compromise DPNO 44635 in the amount of \$414.00. The applicant is on Social Security Disability and struggling to make monthly living

expenses. He has made regular payments totaling \$676.00. MOTION by Pekas, seconded by Kolbe to approve Resolution MC07-33. 4 ayes.

RESOLUTION MC07-33

WHEREAS, County Aid Lien in the amount of \$414.00 purports to exist in favor of Minnehaha County and against DPNO 44635 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.

Dated at Sioux Falls, South Dakota, this 12th day of June, 2007.

APPROVED BY THE COMMISSION:

Anne Hajek, Chairman

ATTEST:

Sandy Kinder, Deputy Auditor

PRESENTATION

Celia Benson, Minnehaha County Rural School Project Coordinator, gave a presentation on the Minnehaha County Rural School Project sponsored by the Minnehaha County Historical Society. She noted that the purpose of the project was to gather, document, and preserve the hundred year history of the 144 rural schools of Minnehaha County. She stressed the importance of having county records available for this project. The group has researched commission minutes dating from 1871 to 1911 for school information. Public information sessions will be held later in June.

HEARING

The Commission held the scheduled public hearing to consider the 2007-2008 renewal applications for malt beverage licenses for establishments within Minnehaha County. The applications were reviewed by representatives of the Sheriff's, Planning, and State's Attorney's offices. Three establishments were called in for the hearing, 38 Road House, Pump N Pak West, and Renner Corner. MOTION by Pekas, seconded by Kolbe to approve the remaining malt beverage license applications for the following establishments. 4 ayes.

Baltic Corner	Retail (On-Off Sale)	Quarry Bar & Grill	Retail (On-Off Sale)
Bottom's Up	Retail (On-Off Sale)	River Ridge Golf Club	Retail (On-Off Sale)
Buffalo Trading Post	Retail (On-Off Sale)	Ten-Pin Alley, LLC	Retail (On-Off Sale)
Chasers	Retail (On-Off Sale)	Thompson Schjodt American	Retail (On-Off Sale)
Crooks Gun Club	Retail (On-Off Sale)	Legion Post 307	
DJ's Bar	Retail (On-Off Sale)	Treasures on I-29	Retail (On-Off Sale)
Huset's Speedway	Retail (On-Off Sale)	Uncle Ed's Specialty Meats	Package (Off Sale)
I-90 Speedway	Retail (On-Off Sale)	Wall Lake Oil	Package (Off Sale)
Midway Service	Retail (On-Off Sale)	W. H. Lyon Fairgrounds	Retail (On-Off Sale)
Northern Links Golf Course	Retail (On-Off Sale)	Wild Water West Waterpark	Retail (On-Off Sale)

Attorney Scott Carlson was present for Dan Winklepleck/38 Road House to verify that Mr. Winklepleck is in fact operating the business and not the previous operator whose license was recommended for revocation. Mr. Carlson assured the Commission that Mr. Winklepleck is the owner of the bar, and that the prior owner, Ronald Nesheim, is employed there as the bar manager. Commissioner Hajek cautioned the applicant on the actions of his employees. MOTION by Pekas, seconded by Barth to approve the Retail On-Off Sale Malt Beverage License application for 38 Road House. 4 ayes.

Attorney Tim Dougherty and Curt Matzen, owner, were present for Pump N Pak/DEMATZ Partnership, LLP to answer questions regarding failed alcohol compliance checks conducted by the Minnehaha County Sheriff's department on 5/10/06 and 9/6/06. Mr. Dougherty explained that the owners have installed a VeriFone system in an effort to aid employees in determining if someone is of legal age to purchase alcohol and noted that they did pass the compliance check conducted in April, 2007. They also stressed the importance of the license for the business and have terminated both employees who sold to minors. Sheriff Mike Milstead and Captain Paul Niedringhaus were present to answer questions about the violations. Commissioners discussed keeping a list of clerks convicted of selling alcohol to minors for business owners to check. Sheriff Milstead noted that most convenience stores do not do criminal background checks on their employees, and in some cases, it may be a juvenile employee selling to minors and those records would not be accessible. The Commission was in consensus to have the Sheriff's department report to them if there is another violation at this establishment, or at any other establishments in the county, so that the Commission can determine if they will initiate revocation action. MOTION by Pekas, seconded by Kolbe to approve the Retail On-Off Sale Malt Beverage License application for Pump N Pak. 4 ayes.

The third establishment called in for the hearing was Renner Corner which failed alcohol compliance checks on 12/15/04 and 4/24/07. Sandy Sorum, owner, was present to discuss the most recent incident noting that employees are TAM trained and that they cannot be monitored 24 hours a day. Commissioner Hajek expressed concerns over Renner Corner's decision to continue to employ the clerk who sold to the minor. Commissioner Pekas noted that the Commission has spent \$5,000 to assist Prairie View Prevention Services in distributing a DVD to graduating seniors on underage drinking and the impact it has on their families and the community. Commissioner Barth noted that it is the Commission's job to strictly enforce the rules. MOTION by Pekas, seconded by Barth to approve the Retail On-Off Sale Malt Beverage License application for Renner Corner. 4 ayes.

BID AWARD

Doug Blomker, Assistant Emergency Management Director, reported that bids for a Mobile Command Post were received and opened on May 29th. He explained that the command center would be used by first responder agencies in the region. The Sheriff's department will be identified as the owner and use requests will be addressed through a Memorandum of Understanding with various entities. A separate MOU will be used to address yearly maintenance costs and other financial issues related to the command center. The following bids were received (bidder/chassis 1 price/chassis 2 price): LDV, Inc./\$399,990.00/\$445,020.00; Nomad Technologies/\$387,296.59/\$400,161.36; and Rescue Vehicles of Iowa/no bid/\$399,028. This purchase will be funded through the Regional Homeland Security Grant. The bid called for alternate chassis types, a) Freightliner MT-55 step van style chassis and b) International 4400 cab and chassis. The specs and bids were reviewed by a committee comprised of both City of Sioux Falls and County representatives. Both chassis designs offered advantages over the other, however the committee determined that Chassis b was superior in design, offered more advantages, and would best fit the needs of the county. Mr. Blomker recommended award to the low bidder for chassis b, Rescue Vehicles of Iowa. MOTION by Kolbe, seconded by Pekas to select alternate chassis 2 (chassis b) and award Rescue Vehicles of Iowa in the amount of \$399,028.00. 4 ayes.

MILEAGE

Sheriff Captain Paul Niedringhaus reported that effective 7/1/07, the state mileage reimbursement rate will increase to 37¢. By law, the civil process mileage allowance shall be from 3-6¢ above the state rate. Due to increased fuel costs, he recommended the rate be set at the maximum allowed. MOTION by Barth to set the rate for civil process mileage at 6¢ over the state rate. Motion dies for lack of a second. MOTION by Pekas, seconded by Barth to raise the rate for civil process to 43¢ per mile effective 7/1/07. 4 ayes.

Commissioner Barth left the meeting.

SUPPLEMENT

MOTION by Kolbe, seconded by Pekas to approve the following supplements as part of the Homeland Security Grant Program: from the Emergency Management Fund to the Emergency Management Budget \$839.01 (ASN 16926 – 2005 ODP Training/Exercise Grant); \$1,894.00 (ASN 16927 – 2005 ODP Citizen Corp Reallocation Grant); \$150.00 (ASN 16927 – 2006 ODP Citizen Corp Grant/International Assn of Chiefs of Police); \$161,350.71 (ASN 16929 – 2006 Homeland Security Regional Grant); and from the General Fund to the Sheriff's budget \$1,836.90 (ASN 16578 – 2005 ODP Law Enforcement Terrorism Prevention Grant). 3 ayes.

Commissioner Barth returned.

AGREEMENT

Ken McFarland, Administrative Assistant, reported that the county applied for and was awarded \$45,208 for 2007 for mosquito control efforts through a joint grant application with the City of Sioux Falls. He requested approval of the 2007 Joint Cooperative Agreement for Mosquito Control with the City. The proposed budget for 2007 is \$168,048. The agreement addresses the various levels of control including education efforts, Sioux Falls area activities, and other county incorporated & unincorporated areas. MOTION by Pekas, seconded by Barth to authorize the Chairman to sign the agreement. 4 ayes.

OLD BUSINESS

Commissioner Barth noted that the requested listing of 2006 and 2007 bills for IVC services by attorney was provided to commissioners for review. Commissioner Hajek reported that she did discuss the information with two judges who have requested a copy of the report. Commissioners will continue to monitor these costs and will revisit this item if and when needed.

State's Attorney Dave Nelson reported that his office has received a petition from 15 county taxpayers challenging the Commission action on May 15th to approve Ordinance MC16-92-07 which rezoned Tract 9 Voigt's Subdivision SW1/4 in Section 21-T101N-R51W from A-1 Agricultural to PD Planned Development District Lake Shore Estates and amended the official zoning map referred to in Article 2.03(A) to include the property in the PD Planned Development District Lake Shore Estates. State law allows the State's Attorney to determine whether actions of the commission on zoning issues are contrary to the interests of the county or whether it is in the interest of the county for the State's Attorney to proceed with an appeal when presented with a taxpayer petition. The SA concluded that it was in the interests of the county to pursue an appeal in that the action may have been in contravention to the county's Comprehensive Zoning Plan (CP). Gordy Swanson, Chief Deputy State's Attorney explained the process used by his office to evaluate this action. He explained that zoning ordinances are adopted to implement a CP and need to be in accordance with the plan. He did not believe the CP gives authority to the commission to create the Lake Shore Estates Planned Development District because the Wall Lake area is not considered a transition area as defined by the CP (areas where this growth is appropriate

usually outside of incorporated municipalities). He gave various alternatives for the commission to consider which included repealing the zoning ordinance approved on May 15th, amending the CP to include Wall Lake as a transition area which would allow this and other developments, look at the area as a planned development district by looking at a group of parcels with inconsistent zoning areas and not as one isolated tract, or to take no action. Bret Merkle, attorney, was present for the applicant CRC Property Group LLC and presented case law referring to a PD as a special exception not in substantial compliance with a general plan and giving county commissions and planning commissions the power to approve a PD. He read an excerpt from the PD District, Article 10, Section 10.01 of the county zoning ordinance which supports the commission action. John Gridley, county resident, did not support the position of the State's Attorney and recommended that the commission consult independent counsel. Mr. Swanson explained that PD is a tool for development and does not look at one isolated tract, but an entire area. Mr. Anderson noted that it would take 6 months to a year to revise the CP. Commissioners discussed their options and chose no action at this time. The SA stated his intent to file the appeal by the end of the business day.

MOTION by Kolbe, seconded by Pekas to adjourn until 5:00 p.m. on Tuesday, June 18, 2007.

APPROVED BY THE COMMISSION:

Anne Hajek, Chairman

ATTEST:

Sandy Kinder, Deputy Auditor