

THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M., December 11, 2007, pursuant to adjournment on December 4, 2007. Commissioners present were: Hajek, Twedt, Barth, Kolbe, and Pekas. Also present were Sandy Kinder, Deputy Auditor, and Gordy Swanson, Chief Civil Deputy State's Attorney.

Chairman Hajek called the meeting to order.

## AGENDA

Commissioner Twedt reported that agenda item 17, to consider a request to revise a preliminary plan for Bruns Addition by changing driveway requirements, has been resolved and could be removed from the Agenda. MOTION by Pekas, seconded by Barth to approve the Agenda as revised. 5 ayes.

## MINUTES

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

## VOUCHERS TO BE PAID

MOTION by Twedt, seconded by Pekas to approve the following bills totaling \$494,013.49. 5 ayes.

A & B Business Equip	Var. Depts	553.95	A-Ox Welding Supply	Sheriff	60.76
A-1 Septic Tank & Ex	Hiway Cons	190.00	Aamlid, Sandra	Cnty Exten	942.85
Accurint	Sheriff	25.66	Active Data Systems,	Dir. Eq.	687.50
Alexander Technologi	Metro-911	1,694.08	Amicho, Julius	Court Sys.	50.00
Anacon Leasing % Pio	Pub. D.	262.00	Arena Motel	Var. Depts	662.50
Argus Leader	Var. Depts	270.87	ASP	Emer Mgmt	495.16
Avera Gutnik & Assoc	Correction	20.55	Avera McKennan Campu	Human Svcs	37.02
Avera McKennan Hospi	Var. Depts	114,951.95	Avera Medical Record	Court Sys.	26.10
Barnes & Noble, Inc.	Juv Det Cn	194.09	Bauer, Daryl L	Human Svcs	480.00
Bechtel, Dave	Human Svcs	380.00	Benjamin, Melissa	Human Svcs	465.00
Berreth, Deborah	Metro-911	31.48	Best Business Produc	St Atty	348.00
Billion	Correction	21.95	Bob Barker Company,	Correction	4,588.81
Boyer Trucks Sioux F	Hiway Cons	928.16	Braithwaite, Tacey E	Mental Ill	262.50
Brennan Hill Townhou	Human Svcs	930.00	Brentwood Apartments	Human Svcs	480.00
Brevik Law Office, P	Mental Ill	344.28	Brown & Saenger	Var. Depts	1,416.96
Budget Auto Repair	Plan & Zon	74.40	Bumblebee-Gibson, In	Facilities	672.00
Burnette, Cleota Rae	Human Svcs	406.43	Buskerud Constructio	Facilities	285.00
C & R Supply, Inc.	Hiway Cons	98.63	Campbell Supply Co I	Facilities	332.85
Cbcinnovis, Inc.	Correction	140.25	Center for Family Me	Correction	319.94
Chemco, Inc.	Correction	9,446.15	Classic Cleaners	Correction	67.50
Clearwater Hat Compa	Mus Grant	290.00	Cleveland Heights Ap	Human Svcs	780.00
Cliff Avenue Auto Pa	Hiway Cons	68.07	Climate Systems, Inc	Var. Depts	20,790.92
Cloyd, Robert R, D.D	Human Svcs	411.24	Constellation New En	Pettigrew	8.00
Construction Product	Hiway Cons	167.00	Copymed, Inc.	Pub. D.	10.58
Country View MHC	Human Svcs	275.00	Craig,Wade & Melanie	Human Svcs	860.00
Crescent Electric Su	Facilities	799.31	Dakota Acoustical Ti	Metro-911	204.08
Dakota Fluid Power,	Hiway Cons	20.14	Dakota Supply Group,	Hiway Cons	21.09
Danko Emergency Equi	Emer Mgmt	2,249.17	Degrata Tactical, In	Army Guard	482.65
Dialnet/Ahrens Telec	Facilities	45.92	Dietrich, Donna K	Mental Ill	625.76
Donahue, David J	Human Svcs	480.00	Drake Equipment, Inc	Emer Mgmt	4,536.00
Dullerud, Sharon	Human Svcs	400.00	Ebert's Properties,	Human Svcs	380.00
Electronic Engineeri	Emer Mgmt	1,440.00	Falls Terrace Apartm	Human Svcs	575.00
Family Service, Inc.	Human Res.	300.00	Family Vac	Emer Mgmt	45.00
Fox, Youngberg & Lew	Mental Ill	340.14	Frameworxz	Museum	243.80
Fred the Fixer, Inc.	Var. Depts	21.75	Fremont Industries,	Facilities	1,147.70
Frerichs, Franz	Human Svcs	480.00	Fritza, Jan	Pub. Adv.	75.18
G & R Controls	Facilities	63.80	Geotek Engineering &	Cap Proj	2,270.45
Goebel Printing, Inc	Var. Depts	723.08	Golden West	Var. Depts	678.22
Governors Inn, Inc.	Human Svcs	150.00	Graham Tire Co. - Do	Correction	596.74
Graham Tire Co. - No	Hiway Cons	150.00	Grainger, Inc.	Facilities	286.84
Great Plains Int'l T	Hiway Cons	2,550.85	Greentree Services	Human Svcs	285.00
Grijalva, Melissa Sa	Revenues	81.00	Guzman, Sandra V.	Var. Depts	345.82
Hamlet Apts/Hubbell	Human Svcs	575.00	Hammer, Ralph	Var. Depts	82.90

Haugan, Raymond C	Human Svcs	480.00	Heartland Paper Comp	Correction	303.39
Herrboldt, Gregory E	Human Svcs	480.00	Highway Improvement,	Hiway Cons	90,250.00
Holland, Robert M. D	Human Svcs	707.00	Horn, Garrett	Mental Ill	156.00
Horton, Dennis L.	Human Svcs	1,260.00	Hurtgen, Timothy T.	Human Svcs	480.00
Hy-Vee Food Store	Var. Depts	741.34	Hy-Vee Food Store	Var. Depts	82.92
Insight Public Secto	Emer Mgmt	4,130.00	Instant Technologies	Correction	643.06
Int'l Assn of Assess	Dir. Eq.	175.00	Interstate Office Pr	Var. Depts	2,690.53
Janitor's Closet, Lt	Facilities	146.93	JJT Ventures, LLC	Human Svcs	550.00
John Morrell - COBR	Human Svcs	327.30	Johnson, Eric	Human Svcs	960.00
Johnson, Michael	Human Svcs	480.00	Johnstone Supply	Facilities	283.23
Kennedy, Renee S.	Court Sys.	27.60	Kennedy, Rokahr, Pie	Mental Ill	156.00
Kleen Solutions, Inc	Correction	111.90	Kmart	St Atty	35.36
Konken, Victoria R	Correction	540.17	Kooistra, Nelva	Mental Ill	90.00
Kreislers, Inc.	Correction	671.90	KTTW-Fox-TV	Musm Store	120.00
Lamar Companies	Museum	3,780.00	Lamb's Chevrolet & I	Emer Mgmt	31,573.00
LCM Pathologists, P.	Coroner	5,833.00	Lewis Drug Stores	Cnty Exten	22.95
Linweld, Inc.	Var. Depts	195.08	Luther, Jeff	Ambulance	2,395.83
Majestic View Apartm	Human Svcs	780.00	Marberg, Donald DBA	Reg Deeds	383.81
Maricopa County Sher	St Atty	172.80	Mathison Company	Plan & Zon	291.83
Maximum Promotions,	Facilities	72.00	Medical X-Ray Center	Var. Depts	573.18
Menards - East	Var. Depts	496.05	Menards - West	Hiway Cons	19.98
Midamerica Motoplex,	Emer Mgmt	10.65	Midamerican Energy C	Var. Depts	1,356.07
Midcontinent Communi	Info Tech	55.00	Midwest Alarm Compan	Var. Depts	647.34
Miller Funeral Home,	Human Svcs	2,590.00	Minnehaha Cnty Human	Human Svcs	160.88
Minnehaha Cnty Plann	Var. Depts	27.48	Minnehaha Cnty Treas	Build Fund	2,029.99
Minnehaha Funeral Ho	Human Svcs	2,590.00	Mobile Electronic Se	Sheriff	64.99
Motorola, Inc.	Emer Mgmt	6,137.60	Murray Construction	Human Svcs	25.00
Myers & Billion LLP	Court Sys.	789.39	NACDL	Pub. D.	1,750.00
Nat'l Assn School Re	Sheriff	495.00	Nat'l Student Housin	Human Svcs	575.00
Nelson, Pam	Treasurer	100.00	Newman, Scott G.	Human Svcs	375.00
Nguyen, Lam	Court Sys.	25.00	Northern Safety Tech	Hiway Cons	86.38
Northern States Supp	Hiway Cons	171.01	Nyberg's Ace Hardwar	Var. Depts	32.75
Oakland County Sheri	St Atty	38.00	Obygyn Specialty Clin	Correction	176.96
Officemax	Plan & Zon	289.20	Olson's Pest Technic	Correction	55.00
Ophthalmology, Ltd	Correction	120.28	Palmer, Barbara	Mental Ill	2,917.50
PBC Sioux Falls, LLC	Human Svcs	279.80	Pfeifer Implement Co	County Par	513.37
Pfeifer, Scott	Correction	61.03	Pine Meadows/Univers	Human Svcs	480.00
Plunkett's Pest Cont	Emer Mgmt	50.00	Prairiewave Communic	Human Svcs	82.55
Precision Dynamics C	Correction	1,053.26	Pro Pac	Emer Mgmt	2,486.00
Qualified Presort Se	Var. Depts	4,466.30	Quest Engineering, I	Hiway Cons	278.83
Quill Corp.	Var. Depts	746.12	Radio Shack Corporat	Museum	54.98
Randall-Stanley Arch	Build Fund	3,300.00	RDO Equipment Co.	Hiway Cons	93.60
Record Keepers, Inc.	Var. Depts	241.43	Rehfuss, Cathy A	Mental Ill	90.00
Richmond II Ltd Ptnr	Human Svcs	903.00	Risty, Julie	Reg Deeds	76.96
River Ridge Oral & M	Correction	28.57	Robson True Value	Emer Mgmt	26.06
Sands, Kris	Cnty Exten	43.46	Sandy Creek Apts / M	Human Svcs	480.00
Sanford Clinic	Correction	187.63	Sanford Laboratories	Var. Depts	3,475.11
Schoeneman, Inc.	Human Svcs	700.00	SD Bd. of Social Wor	Human Svcs	390.00
SD Dept of Revenue	Sales Tax	112.15	SD Dept of Transport	Hiway Cons	49,039.81
SD Human Services Ce	Pub. D.	31.60	SD Law Enforcement C	Comm.	500.00
SD Network Against F	Human Svcs	50.00	SD State Bar	Var. Depts	13,770.00
SD State Treasurer	Sales Tax	481.43	SD State's Attorneys	St Atty	975.00
SDAAO	Dir. Eq.	715.00	SDACHS	Hiway Admi	390.00
Security Labs, Ltd	Treasurer	437.00	Shopko Pharmacy	Human Svcs	146.28
Shopko Pharmacy	Human Svcs	518.68	Siemonsma, Sue	Cnty Exten	26.97
Silchuk, Lyubon	Court Sys.	25.00	Sioux Building Produ	Facilities	28.80
Sioux Empire FCU / V	Sheriff	132.89	Sioux Empire FCU / V	Var. Depts	1,036.16
Sioux Empire FCU / V	Emer Mgmt	217.58	Sioux Falls Ford, In	Correction	363.03
Sioux Falls Humane S	Animal Con	3,170.22	Sioux Falls Rubber S	Auditor	22.00
Sioux Falls Two Way	Var. Depts	162.50	Sioux Falls Utilitie	Human Svcs	65.23
Sioux Valley Energy	Var. Depts	227.52	Siouxland Oral & Max	Human Svcs	121.00
Solomon, Ghirmay	Court Sys.	50.00	Southeastern Behavio	Correction	7,822.75
Stan Houston Equipme	Hiway Cons	594.85	Sterling Properties	Human Svcs	410.00
Sudenga, Mary	Human Svcs	380.00	SV Home Medical Equi	Human Svcs	715.00
T Dist, Inc / TC Mou	Museum	243.96	TDS Auto Repair, Inc	Emer Mgmt	376.41
Tenth Street, Inc.	Var. Depts	30.40	The Winkels Group, I	Build Fund	9,000.00
Thoreen, Matt	St Atty	162.80	Thorin, Deyanira T.	Var. Depts	179.16
Thurman, Creighton A	Mental Ill	550.67	Thyssenkrupp Elevato	Correction	1,946.81
Timothy's House of H	Human Svcs	441.00	Tires,Tires,Tires	Sheriff	1,505.44
TK Properties LLC	Human Svcs	375.00	Todd County Tribune	St Atty	19.44
Travelhost of Sioux	Museum	153.00	Tyler Properties LLC	Human Svcs	380.00

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Unitech, Inc/United	Build Fund	546.42	United Parcel Servic	Metro-911	10.66
US Energy Corp	Human Svcs	398.29	Van Batavia, Roger D	Hiway Cons	16.80
Velvet Uniforms, Inc	Var. Depts	166.97	Volunteers of Americ	Juv Det Cn	1,968.75
Wal-Mart Pharmacy	Human Svcs	26.72	Wall Lake Sanitary D	Hiway Admi	35.00
Weig, Mary	Human Svcs	737.50	West Group	Var. Depts	205.50
Wild Flour Bakery &	Musm Entpr	34.50	Willard, James A.	Cnty Exten	44.43
Williamsburg Townhom	Human Svcs	268.00	Wipf, Ray	Human Svcs	680.00
X-Ray Express	Correction	350.00	Xcel Energy, Inc.	Var. Depts	1,214.21
Yankton County Sheri	Mental Ill	150.00	Yellowstone County S	St Atty	50.00

## REPORTS

The following reports were received and placed on file in the County Auditor's Office: Human Services, Regional Juvenile Detention Center, and Sheriff's Department Monthly Reports for November 2007.

## PERSONNEL

MOTION by Pekas, seconded by Barth to approve the following personnel changes. 5 ayes.

1. To promote Maritta Husman to Senior Tax/License Specialist (5/11) for Treasurer at \$14.391 per hour effective 11-12-07.
2. To accept the retirement of Judi Eliason as Senior Tax/License Specialist (5/13) for Treasurer effective 12-7-07.
3. To hire Toby Orlando as Tax/License Specialist (4/1) for Treasurer at \$10.459 per hour effective 12-10-07.
4. To place Wade Hanson, Air Guard Security Officer (10/7) for the Sheriff/Air Guard, on military leave without pay effective 12-4-07 to 1-3-08.

### Step Increases Due:

1. Ronnette Locke – Tax/License Specialist – Treasurer – 4/2 to 4/3, 12-6-07, \$11.312/hr
2. Earl Erpelding – Correctional Systems Operator – Sheriff/Jail – 7/4 to 7/5, 11-17-07, \$14.798/hr
3. Julie Ladwig & Elizabeth Hanisch – Correctional Officer II – Sheriff/Jail – 10/2 to 10/3, 11-18-07, \$17.137/hr
4. Rebecca Martell – Correctional Officer I – Sheriff/Jail – 9/4 to 9/5, 11-17-07, \$16.820/hr
5. Derek Kuchenreuther – Deputy Sheriff – Sheriff/Sheriff – 12/4 to 12/5, 11-3-07, \$19.849/hr

### Additional Action:

To record volunteers in County Departments for November 2007. The list is on file in Human Resources.

## ABATEMENTS

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

MOTION by Barth, seconded by Pekas to approve the following abatement: Tracie Barnhart, ID 38894, Property Taxes, 2004 - \$526.44, 2005 - \$518.93, & 2006 - \$499.81. 5 ayes.

MOTION by Twedt, seconded by Barth to approve the following abatement: Kenneth Vielmette, ID

42876, 2006 Property Taxes, \$747.88. 5 ayes.

MOTION by Pekas, seconded by Barth to approve the following abatement: YMCA/Sioux Valley LLC, ID 77106, interest accrued on abatement approved 11/13/07, \$1,370.84. 5 ayes. Commissioner Pekas requested that the YMCA/Sioux Valley LLC be called in during Equalization Boards.

#### NOTICE

Notice was received from the SD State Historical Society that the L & A Baking Company Building at 910 North Main Avenue, Sioux Falls, has been listed on the National Register of Historic Places.

#### PUBLIC COMMENTS

Commissioners wished Ken McFarland, Administrative Assistant, a speedy recovery following surgery.

#### POLICY

On October 16<sup>th</sup>, the Commission appointed a committee to review the County's investment policy in response to a recommendation from the SD Department of Legislative Audit. Sue Roust, Auditor, reported that the Committee met three times to review the current policy. She explained the review process and highlighted the revisions to the policy. The group researched the SDFIT and City of Sioux Falls' investment policies, and drafted a revised copy which they are recommending for approval. The policy's objective is to safeguard public funds in conformance with state law. She thanked Tammy Otten with the SD Investment Council for her participation. Ms. Otten recommended that the policy be reviewed annually following the state audit. Commissioner Twedt thanked the committee members (Commissioners Barth & Pekas; Sue Roust; Pam Nelson, Treasurer; Norma Erickson, Asst. Treasurer; Gordy Swanson, Chief Deputy State's Attorney; Tammy Otten; Bill Baker, First National Bank; and Dennis Holzwarth, US Bank) for their quick response to this request. MOTION by Barth, seconded by Pekas to adopt the Minnehaha County SD Investment Policy. 5 ayes.

#### DONATION

Paul Gausman, Superintendent, West Central School District, introduced Board Member Steve Dick, Business Manager Susan Kurtz, and Librarian Jeanette Nielson, and reported that West Central's construction project is complete and at budget limit. He presented a request for a donation for a project that would reutilize shelving in the library at a cost of \$17,850. The cost of the shelving, if included in the construction, would exceed the bond issue. Commissioner Twedt introduced Sally Felix and Jodi Fick with the Siouxland Public Libraries and recognized the invaluable partnership between the County, City of Hartford, West Central School District, and the Siouxland Libraries. Ms. Felix reported that West Central has accommodated a request from the Siouxland Libraries to include an outside entrance, parking, and a book drop for public use and supported the project. Sue Roust, Auditor, noted that adequate funds were available in the Library Fund due to a one-time bank franchise windfall. MOTION by Twedt, seconded by Barth, to approve the funding donation of \$17,850. 5 ayes. A public hearing will be held on December 31<sup>st</sup> to supplement this amount as final action.

#### APPOINTMENT

MOTION by Kolbe, seconded by Barth to appoint Tim Schendel and Julie Risty to the Siouxland Heritage Museum Board for a term January 1, 2008 to December 31, 2010. 5 ayes.

#### AGREEMENTS

Sheriff Lieutenant Bruce Swan presented the Air Guard Joint Security Protection Agreement with the SD

Department of Military and Veterans Affairs. The 2008 Air Guard Budget is \$761,081.45. The amount approved for 2008 under the agreement is \$502,400.00, a shortfall of \$258,681.45. This amount should be made up through an amendment early in 2008, which has been the practice for the last 3 to 4 years. MOTION by Kolbe, seconded by Pekas to authorize the Chairman to sign the Agreement. 5 ayes.

Gordy Swanson, Chief Deputy State's Attorney, reported that negotiations had concluded with the Minnehaha County Deputies Association and presented the 2008 – 2010 contract. He highlighted major points of the new contract regarding holidays, personnel files, COLA, insurance, and a change in wording on who is included in the bargaining unit. Sheriff Sergeant Jon Harris was present on behalf of the Association and reported that the Deputies Association voted in favor of the new contract. MOTION by Kolbe, seconded by Pekas to authorize the Chairman to sign the Deputies Association Agreement for 1/1/2008 to 12/31/2010. 5 ayes.

#### SUPPLEMENT

MOTION by Twedt, seconded by Pekas to supplement \$1,154.33 from the General Fund to the Extension budget (ASN 18058) representing a grant from SD State University for programming support for the Aging Conference. 5 ayes.

#### PERMIT

Phil Kappen, Assistant Planning Director, presented a renewal application for the Sioux Falls Regional Landfill's solid waste permit. The permit was approved last year and set to expire in 2011, however, the City has requested to renew again this year so the expiration date will correspond with their state solid waste permit. MOTION by Twedt, seconded by Kolbe to approve the Solid Waste Permit for the Sioux Falls Regional Landfill with the following conditions: 1) a berming and landscaping plan shall be submitted to Planning staff for approval; 2) a financial surety shall be required; 3) a copy of the final design, including the means employed to minimize potential impact to surface or groundwater shall be submitted to staff; 4) a copy of the site closure and post-closure plans shall be filed with the Planning Department; 5) a copy of the storm water management plan shall be filed with the Planning Department; 6) the operator of the landfill shall be responsible for picking up trash along the West 41<sup>st</sup> Street/267<sup>th</sup> Street r-o-w from the Sioux Falls city limits to 464<sup>th</sup> Avenue at least 3 times per year; and 7) the permit may not be transferred to another party. 5 ayes.

#### NUISANCE

Phil Kappen, Assistant Planning Director, requested that the Commission declare two properties, owned by Agape Tire Brokers, Inc. and Bauer Land and Trust, Inc. as public nuisances and authorize staff to abate the nuisances and assess the cost on the owner's property taxes. The properties are legally described as the E314.5' N969.44' W674' (Except H-1, H-2, and except E181.5' N240' W674') all in the NE1/4 Section 25-T101N-R48W and the N240' E181.5' W674' NE1/4 Section 25-T101N-R48W. Both properties list the registered agent as Roland Bauer. Mr. Kappen explained that there have been multiple violations at these sites dating back to 1989. Mr. Bauer was found guilty of a public nuisance in January, 2006 and given a fine, court costs, and jail time for the violation. The properties were still not cleaned up and the Planning Department was authorized to abate the nuisance in August, 2006. The owner then cleaned the property on his own and the case was closed. Staff has again received complaints in November, 2007, of garbage accumulating on the property. Upon investigation, staff found piles of garbage and unlicensed vehicles on the property. Notice sent to the taxpayer notifying him of this meeting was returned as undeliverable. Commissioners expressed concern of the notice issue. Gordy Swanson, Chief Deputy State's Attorney, reported that publication of notice would fulfill the due process requirement, and Sheriff Milstead noted that he could have an investigator look into locating the owner. MOTION by Twedt, seconded by Barth to defer further consideration of the nuisances indefinitely until Planning brings the issue back. 5 ayes.

**OLD BUSINESS**

Chairman Hajek acknowledged correspondence requesting that revisions be made to the county zoning ordinance. The issue will be referred to Ken McFarland, Administrative Assistant, upon his return to allow the party to make their request to the Commission. She also noted that the public has the opportunity to make these types of requests at every Commission Meeting under Public Comment.

Commissioners asked what could be discussed in Executive Session and who would represent those involved in the complaint filed by the State's Attorney regarding an alleged open meetings violation. Gordy Swanson, Chief Deputy State's Attorney, referred the question to Dave Nelson, State's Attorney, for an answer. Dave Nelson, State's Attorney, addressed commissioner's questions and reported that the open meetings complaint was brought against those commissioners as individuals and that if they wish to retain private counsel, they may do so, and that taxpayer money could not be used for their representation. Commissioner Pekas noted that there have been some instances when representation could be covered by insurance. Mr. Nelson advised that when commissioners meet unnoticed as more than a quorum, business needs to be discussed to be considered a violation.

Sue Roust, Auditor, clarified who is eligible to vote in the January 9, 2008 election to decide if the Minnehaha County Rural Ambulance District will be formed. She noted that the County's website has a link with a map and information on the election.

MOTION by Barth, seconded by Kolbe to adjourn into Executive Session for a legal briefing. 5 ayes. Following Executive Session, the Commission adjourned until 5:00 p.m. on Monday, December 17, 2007.

**APPROVED BY THE COMMISSION:**

Anne Hajek, Chairman

**ATTEST:**

Sandy Kinder, Deputy Auditor