

THE MINNEHAHA COUNTY COMMISSION CONVENED IN JOINT SESSION WITH THE SIOUX FALLS CITY COUNCIL AT 5:00 P.M., August 18, 2008, pursuant to adjournment on August 12, 2008. Commissioners present were: Twedt, Kolbe, Barth, Hajek, and Pekas. Sandy Kinder, Deputy Auditor, was also present.

City Council Members present: Anderson, Beninga, Brown, Costello, Jamison, Knudson, Litz, Staggers, and Mayor Munson.

Chairman Twedt called the meeting to order.

MOTION by Hajek, seconded by Barth to approve the agenda. 5 ayes.

Jerry Nachtigal with Citibank presented a check in the amount of \$10,000 as a donation to the Coliseum Exterior Restoration Fund. Ken McFarland, Administrative Assistant, gave the history of the Coliseum restoration project and future goals, and recognized Coliseum Committee members, Architect Chris Schiltz, and Citibank for their contributions.

Pat Herman, Planner, was present for the scheduled hearing to consider a proposed amendment to the 2002 Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls. The proposed amendment will change the separation distance, amend definitions, and add a section regulating hours related to adult oriented businesses to be consistent with new state legislation that became effective July 1, 2008. Both Planning Commissions recommended approval. Chris Hupke with the SD Family Policy Council distributed information in support of the recent legislation and spoke in support of the amendment. There was some discussion on changing definitions to "other visual media" rather than specific formats to keep up with changing format options. No one spoke in opposition to the request. MOTION by Pekas, seconded by Hajek to approve Ordinance MC30-20-08. 5 ayes. City concurred. The ordinance is on file at the County Auditor's office.

Ms. Herman was also present for the scheduled hearing to consider a request to vacate a public right-of-way described as that portion of S Overlund Pass beginning 33 feet north of the platted centerline intersection of Dan Ridge and S Overlund Pass, lying adjacent to Lot 20 Block 5 Split Rock Heights 2nd Addition and Lots 16-19 Block 2 Split Rock Heights 3rd Addition, and ending at the north property lines of Lot 20 Block 5 Split Rock Heights 2nd Addition and Lot 16 Block 2 Split Rock Heights 3rd Addition; all in Section 19-T101N-R50W of the 5th PM Minnehaha County. Ms. Herman explained that the petitioner requested the vacation in order to start an association to preserve the existing Shafer's Pond and dam. She also has concerns with the right-of-way being used as a conduit for pumping water out of the pond. The original plat of Overlund Pass was filed in 1977 and dedicated for public use. Ms. Herman noted that 3 letters in opposition were submitted which cited use of the right-of-way to access the pond for recreational purposes. A request was submitted to defer consideration for 1 month. She also noted that one letter in support of the vacation was submitted late and not included in the materials. State law grants the Commission the right to vacate a public right-of-way if the public interest would be better served. Ms. Herman stated that she has discussed the request with city engineers and neither opposed vacating the right-of-way. Chad Huwe, City Engineer, noted that the city would have no need to finish the roadway, but may need access to the pond to accommodate future development. Julie Benz, petitioner, reported that she is requesting the vacation due to the reduction in water level and to retain the viability of the pond. Marv Coulter, area resident, spoke in opposition to the request and gave the history on the area noting that the pond's water level has remained the same. He also noted that a large area drains into the pond and questioned who owns the water. Commissioner Pekas noted that closing the south access would impact residents on the north as the only remaining public access. City Attorney Robert A. Amundson addressed a question on ownership of the pond noting there was not a clear answer, but that if a state water right document was issued, it would have to have been for a public water source. Motion by Pekas, seconded by Hajek to call the question. 4 ayes, Twedt – nay. City concurred.

MOTION by Barth, seconded by Kolbe to defer action until September 15th. 2 ayes, Hajek, Pekas, and Twedt – nay. Motion fails. MOTION by Hajek, seconded by Pekas to deny the request to vacate. 5 ayes. Gordy Swanson, Chief Deputy State’s Attorney, reported that only approval of the vacation would require the consent of the City Council.

MOTION by Pekas, seconded by Barth to re-appoint the following members to the Homeless Advisory Board: Vernon Brown, 9/08 to 8/11; Carol Twedt, 9/08 to 8/10; Hugh Grogan, 9/08 to 8/11; Tam Baker, 9/08 to 8/11; Judy Buseman, 9/08 to 8/10; Randy Bartunek, 9/08 to 8/09; and Shirley Halleen, 9/08 to 8/11. 5 ayes. City concurred.

Bill Hoskins, Museum Director, presented the Siouxland Heritage Museums 2009 budget. The requested Operations budget is \$1,113,032. The City and County will split \$547,154 each with the remainder to be funded by the Special Enterprise Fund. The proposed budget also includes the Museum Special Enterprise Fund at \$85,025 and the Museum Store Fund at \$30,528. MOTION by Hajek, seconded by Barth to approve the 2009 Museum Operations, Museum Enterprise Fund, and Museum Store Fund budgets. 5 ayes. City concurred.

Sally Felix, Library Director, presented the Siouxland Libraries 2009 budget of \$6,390,183. The County’s share for 2009 is \$835,000. MOTION by Barth, seconded by Hajek to approve the 2009 Siouxland Libraries budget. 5 ayes. City concurred.

Corkey Miles, Interim Director Metro Communications, presented the Metro Communications Agency budget of \$3,837,321, an increase of \$160,351 from 2008. The requested amount was amended by Metro Management Council at their meeting on August 18th, by reducing a request for additional staff from 3 to 1, resulting in a reduction of \$90,088. Sue Roust, Auditor, noted that the total Metro budget has changed since the provisional budget was approved, but the County share is the same at \$374,731. MOTION by Hajek, seconded by Kolbe to approve the 2009 Metro Communications Agency budget. 5 ayes. City concurred.

OLD BUSINESS

Commissioner Kolbe expressed his opposition to the City’s placement of the Siouxland Heritage Museum’s budget within the Siouxland Library budget.

NEW BUSINESS

Commissioner Pekas asked for support from City law enforcement regarding persons with expired license tags due to the recent problems with the licensing program.

MOTION by Hajek, seconded by Barth to adjourn until 9:00 a.m. on Tuesday, August 19, 2008. 5 ayes. City concurred.

APPROVED BY THE COMMISSION:

Robert Kolbe, Vice-Chairman

ATTEST:

Sandy Kinder, Deputy Auditor