

THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M., November 10, 2009, pursuant to adjournment on November 3, 2009. Commissioners present were: Pekas, Hajek, Barth, Kelly, and Twedt. Also present were Sandy Kinder, Deputy Auditor, and Gordy Swanson, Chief Civil Deputy State's Attorney.

Chairman Pekas called the meeting to order.

AGENDA

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

MINUTES

MOTION by Hajek, seconded by Barth to approve the Minutes for November 3, 2009. 5 ayes.

VOUCHERS TO BE PAID

MOTION by Twedt, seconded by Hajek to approve the following bills totaling \$951,697.51 for payment. 5 ayes.

A & B Business Equip	Var. Depts	523.69	A-Ox Welding Supp Co	Sheriff	180.00
ABN Army Surplus	Sheriff	281.75	Advance Auto Parts	Sheriff	55.52
Allied Oil & Supply	Hwy Constr	1,147.50	Alsobrook, Danny D	Hwy Constr	156.00
Alvine & King LLP	Courts	1,565.54	American Correctiona	Jail	35.00
American Institution	JDC	288.26	Andersen, Norma	Mental Ill	30.00
Anderson's Towing	Jail	49.00	Anesthesiology Assoc	Human Svcs	424.00
Arena Motel	Var. Depts	1,825.00	Argus Leader	St Atty	503.38
Auto Glass Center	Hwy Constr	515.35	Avera Health Informa	St Atty	31.50
Avera McKennan Hospi	Var. Depts	55,974.79	Avera Queen of Peace	Hwy Admin	148.50
Awate, Elashe	Courts	480.84	Al Svc Inc/Laceys Ch	Hwy Constr	45.00
Bechtel, Dave	Human Svcs	440.00	Ben White	Human Svcs	600.00
Billion's	Var. Depts	292.96	Black Inc	Mus Entpr	875.00
Blind Dog Production	Mus Entpr	665.75	Boyer Trucks Sioux F	Hwy Constr	391.18
Brander, Ken	Human Svcs	400.00	Brevik Law Office Pr	Mental Ill	210.10
Bridgewood Estates I	Human Svcs	500.00	Brown & Saenger	Var. Depts	962.76
Buffington, Michael	Courts	1,111.30	Builders Supply Comp	Facilities	27.30
Butler Machinery Com	Hwy Constr	935.49	C & R Supply, Inc.	Hwy Constr	20.22
CADD/Engineering Sup	Mus Ops	1,175.00	Carlson, Lisa	Courts	136.80
Cartridge World	Info Tech	912.02	CBM Food Service	Var. Depts	16,645.46
Center for Family Me	Jail	306.36	Century Business Pro	Var. Depts	158.00
Chemco, Inc.	Facilities	58.90	Childrens Home Socie	Pass-Thru	92,647.00
City of Garretson	Human Svcs	420.00	Cleveland Heights Ap	Human Svcs	480.74
Cliff Avenue Auto Pa	Hwy Constr	20.12	Concrete Materials	Hwy Constr	58,557.42
Conexis Benefit Admi	Human Svcs	168.81	Constellation New En	Pettigrew	23.52
Construction Product	Hwy Constr	159.60	Cooey, Carla F	Courts	30.40
Country View MHC	Human Svcs	300.00	Crescent Electric Su	Facilities	708.80
Dahlin, Curtis	Mus Ops	75.00	Dakota Alignment & F	Hwy Constr	201.27
Dakota Fluid Power,	Hwy Constr	273.12	Dakota Lettering Etc	JDC	855.56
Decastro Law Office,	Courts	977.55	Dell Rapids Ambulanc	Ambulance	45,000.00
Delux Motel / Dakota	Human Svcs	500.00	Deluxe Business Form	Jail	1,116.20
Devlin, Tim	Jail	64.99	Dhecjal, Achor	Courts	4.17
Dietrich, Donna K	Mental Ill	410.67	Dressen Custom Trail	Pass-Thru	25,482.00
Duncan, Kara	Public Def	124.11	E.S.R.I., Inc.	Info Tech	11,400.00
Ebert's Properties,	Human Svcs	1,000.00	El Paso County Sheri	St Atty	38.60
Epsilon Sigma Phi	Extension	60.00	Esser, Tia	Mental Ill	128.00
Estergard, Kathryn L	Info Tech	159.00	Family Orthopedic &	Facilities	20.00
Fonder, Roger M DBA	Planning	33.15	Fox, Youngberg & Lew	Mental Ill	349.42
Fred Pryor Seminars	Auditor	179.00	Fred The Fixer Inc	Var. Depts	62.29
Garretson Ambulance	Ambulance	45,000.00	Genzlinger, Janeen	Var. Depts	437.00
Goebel Printing, Inc	Commission	84.79	Golden West	Var. Depts	194.16
Graff Enterprises, I	Jail	20.00	Graham Tire Co. - No	Hwy Constr	465.29
Grainger, Inc.	Facilities	44.92	Graybar Electric Com	Facilities	677.44
Great Plains Int'l T	Hwy Constr	31.78	Gudeta, Dereje	Courts	25.00

Guzman, Sandra V.	Var. Depts	624.99	Harold's Photo Cente	Mus Entpr	59.99
Heiman Inc	Em Mgmt	154,692.00	Hewlett-Packard Comp	Var. Depts	556.00
Hoekstra, Denise A.	Courts	48.60	Home Federal Savings	Human Svcs	500.00
Howe Electric, Inc.	Hwy Admin	124.75	Hurtgen, Timothy T.	Human Svcs	425.00
Hy-Vee Accounts Rece	Human Svcs	64.11	Hy-Vee Food Store	Commission	92.83
Ideal Yardware	Hwy Constr	123.34	Interstate Office Pr	Var. Depts	839.99
J & S Hospitality DB	EFSP Fund	710.00	J.C. Penney Company,	Facilities	151.95
Jarmans Midwest Clea	Hwy Admin	412.50	Jaros, Pete	Mental Ill	199.80
JCL Solutions-Janito	Var. Depts	101.84	Jefferson Partners L	Human Svcs	1,121.50
Jerke & Sons Const	Hwy Constr	21,253.55	Johnson Feed, Inc.	Hwy Constr	6,504.53
Johnson, Delbert L.	Human Svcs	800.00	Kappenman, Timothy D	Jail	6,383.00
Kauffman, David W. P	Courts	2,605.00	Kelly, Roger	Human Svcs	440.00
Kennedy, Pier & Knof	Mental Ill	484.20	Kittelson, Joan M	Mental Ill	15.00
Kleen Solutions, Inc	Jail	168.85	Knology	Human Svcs	97.94
Kolbeck, Ryan	Public Def	332.06	Kone, Inc.	Facilities	190.91
Kooistra, Nelva	Mental Ill	30.00	Kpradith, Kyto	Courts	50.00
Kreislers, Inc.	Jail	161.16	Krell, Lynn	JDC	14.81
L.G. Everist, Inc.	Hwy Constr	551.92	Larson, Jeff	Public Def	450.00
Lason Systems, Inc.	Reg Deeds	387.45	LCM Pathologists PC	Coroner	28.00
Leesch, Carol	Human Svcs	500.00	Letexier, George M	Sheriff	117.99
Lewis Drug Stores	Human Svcs	2,292.99	Light and Siren	Sheriff	89.95
Linn County IA Sheri	St Atty	32.00	Linweld, Inc.	Hwy Constr	52.70
Lounsberry, Amber	Extension	251.98	Mailway Printers	Mus Ops	1,101.00
Malloy Electric Bear	Facilities	31.49	Maxwell Food Equipme	Mus Entpr	42.19
McGrath, Michael J,	Mental Ill	315.00	Medical X-Ray Center	Var. Depts	302.15
Menards - East	Var. Depts	512.31	Menards - West	Hwy Constr	22.72
Metro Communications	Public Def	360.00	Midamerican Energy C	Var. Depts	825.95
Midcontinent Communi	Mus Ops	55.00	Midwestern Mechanica	Mus Maint	286.51
Mikelson, Gary E	Mental Ill	188.88	Miller, Steve	Courts	464.95
Minnehaha Cnty Priso	Jail	13.00	Minnehaha Community	Hwy Admin	25.00
Moore Medical Corp.	Sheriff	2,313.28	Myers & Billion LLP	Var. Depts	1,013.10
Nelson, William	Human Svcs	575.00	Niedringhaus, Paul	Sheriff	280.00
Norberg Paints, Inc.	Facilities	30.78	Northland Chemical C	JDC	138.06
Novak Sanitary Servi	Facilities	1,653.90	Nyberg's Ace Hardwar	Var. Depts	420.48
Office Depot	Public Def	594.30	Olson, Valorie DBA	Mental Ill	25.00
Orthopaedic Consulta	Jail	142.01	Orthopedic Institute	Human Svcs	2,185.46
Palmer, Barbara	Mental Ill	4,500.00	Pechous, Corey	Hwy Constr	145.65
Peters, Scott N PC	Mental Ill	6,995.54	Portable Computer Sy	Em Mgmt	324.00
Provo, Tom	Human Svcs	1,050.00	Qualified Presort Se	Var. Depts	9,562.24
Quality Efficiencies	Human Svcs	165.00	Quest Engineering, I	Hwy Constr	56.32
Quill Corp.	JDC	94.40	Qwest	Jail	102.32
R & L Supply, Ltd	Var. Depts	75.42	R & S Sanitation Ser	Hwy Admin	500.00
Record Keepers, Inc.	Var. Depts	3,594.90	Redwood Estates LLC	Human Svcs	495.00
Reh fuss, Cathy A	Mental Ill	15.00	Reitz, Robert DDS PC	Human Svcs	107.00
Richard-Ewing Equipm	Facilities	41.52	Robson True Value	Var. Depts	117.73
Rockmount Research &	Hwy Constr	252.17	Sabre Communications	Em Mgmt	21,114.00
Sanford Clinic	Human Svcs	2,290.71	Sanford Hospital	St Atty	454.33
Sanford Laboratories	Coroner	1,605.93	Sanitation Products,	Hwy Constr	150.62
Schoenfelder, Shane	Human Svcs	500.00	Schoppert, R Scott	Human Svcs	400.00
Schrader, Lloyd	Human Svcs	500.00	Scotty's Automotive	Commission	421.26
SD Bd. of Social Wor	Human Svcs	90.00	SD Dept of Public Sa	Human Svcs	45.00
SD Dept of Revenue	Var. Depts	113.18	SD Risk Pool	Human Svcs	2,111.98
SD State Treasurer	Sales Tax	344.37	SDAE4-HE	Extension	170.00
Shepherd Reporting L	Mental Ill	75.00	Sioux Empire FCU/148	Var. Depts	1,309.14
Sioux Empire FCU/097	Var. Depts	3,145.12	Sioux Empire FCU/108	Sheriff	156.49
Sioux Empire FCU/165	Var. Depts	1,758.02	Sioux Empire FCU/190	St Atty	374.39
Sioux Empire FCU/675	24/7 Prog	71.44	Sioux Falls City Fin	Var. Depts	208,905.05
Sioux Falls Humane S	Humane Soc	3,558.70	Sioux Falls Transit/	Human Svcs	12.50
Sioux Falls Utilitie	Human Svcs	118.94	Sioux Valley Energy	Var. Depts	155.29
Siouxland Trailer Sa	Hwy Constr	306.94	Skorczewski, Jena	Courts	1,122.60
Solomon, Ghirmay	Var. Depts	200.00	Southeastern Behavio	Se Behav	37,066.25
Surgical Institute o	Human Svcs	461.51	Taylor's Place LLC	Human Svcs	289.00
The Center for Activ	Mus Ops	54.00	The Printers, Inc.	Mus Entpr	566.87
Thorin, Deyanira T	Var. Depts	379.17	Thornton Flooring In	Bldg Fund	13,163.25
Thurman, Creighton A	Mental Ill	220.78	Tires,Tires,Tires In	Var. Depts	1,591.94
TK Enterprises	Human Svcs	500.00	Tower of David, Ltd	Human Svcs	221.00
Twelve-Step Living C	Human Svcs	400.00	Ultramax	Var. Depts	5,985.00
Unke - Lyons, Inc.	Human Svcs	250.00	Urology Institute, P	Jail	1,274.93
US Auto Force	Facilities	139.80	Van Lier, Harold	Hwy Constr	139.31

11/10/09

11956

Velvet Uniforms, Inc	Var. Depts	1,555.02	Voigt, Debra	Courts	631.40
Volunteers of Americ	JDC	2,817.50	Wal-Mart Pharmacy	Human Svcs	41.71
Wal-Mart Pharmacy	Human Svcs	130.57	Wali, Khadija M.	Courts	25.00
Wall Lake Sanitary D	Hwy Admin	70.00	Walsh, Mike	Sheriff	51.00
Weeda, Alvina	Info Tech	184.00	Weig, Mary	Human Svcs	495.00
Welker, Donald J	Human Svcs	900.00	Westwick Motel, Inc.	Human Svcs	650.00
Wheelco Brake & Supp	Hwy Constr	44.12	Willow Wood Apartmen	Human Svcs	500.00
Xcel Energy, Inc.	Human Svcs	1,346.76	Yankton County Sheri	Mental Ill	300.00
Yellow Cab, Inc.	Human Svcs	41.00	Zee Medical Service	Hwy Admin	122.60
112 Inc DBA Huey Ap	Human Svcs	165.00			

REPORTS

The following reports were received and placed on file in the County Auditor's office: Minnehaha County Human Services Report and Regional Juvenile Detention Center Report for October, 2009, and the General Fund Surplus Analysis as of September 30, 2009 - Undesignated Fund Balance (-\$2,021,217.03, or -4.40% of the 2010 General Fund Budget).

PERSONNEL

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

1. To accept the resignation of Mary Lou Buddi as part-time Administrative Clerk for the Museum effective 11-12-09.
2. To end the temporary part-time employment of Ed Powderly as Park Worker for the Parks Department effective 11-2-09.
3. To hire Darrell Jonas as Highway Maintenance Worker (12/A) for the Highway Department at \$15.6584/hour effective 11-9-09.
4. To end the temporary part-time employment of Morris Gjoraas and Willard Huffman as Laborers for the Highway Department effective 11-2-09.

Step Increases Due:

1. Paul Niedringhaus – Deputy Sheriff Captain – Sheriff's Office – 23/I to 23/J, 10-8-09, \$2,972.84/bi-weekly
2. Wyatt Walton – Correctional Officer – Jail – 13/D to 13/E, 8-21-09, \$18.1589/hour
3. Mandi Mowery – Senior Deputy State's Attorney – State's Attorney's Office – 22/B to 22/C, 11-6-09, \$2,265.73/bi-weekly
4. Lori Smart – Juvenile Correctional Officer II – JDC – 14/H to 14/I, 11-8-09, \$21.0587/hour
5. Deborah Dose – Senior Accounting Technician – Auditor's Office – 12/F to 12/G, 10-31-09, \$18.1589/hour

MOTION by Hajek, seconded by Barth to approve policy updates, as recommended on 11/3/09, to the following sections of the employee handbook: Introduction, Pay Information and Corrections, Retirement, and Drug Free Workplace. 5 ayes.

ABATEMENTS

MOTION by Hajek, seconded by Twedt to approve the following 2008 property tax abatement as part of the Elderly Freeze Program: Delores Moe, ID 22206, \$757.95. 5 ayes.

The following abatement was recommended by Kyle Helseth, Deputy Director of Equalization:

MOTION by Twedt, seconded by Hajek to approve the following property tax abatement as part of the discretionary formula in Dell Rapids: Mark Crisp, ID 78098, 2007 - \$1,617.76, and 2008 - \$1,008.45. 4 ayes, Barth - nay.

LIENS

Commissioner Barth, County Aid Lien Liaison, briefed the Commission on the following lien compromise requests:

DPNO 45312, in the amount of \$159.18. The lien was filed against a property being purchased by the lienee on a contract-for-deed. A request to release the lien from the property only was received from an attorney representing the sellers of the property as they are pursuing foreclosure action. Gordy Swanson, Deputy State's Attorney, explained that if the compromise is denied, the seller will be forced to pursue quiet title action to extinguish the lien. The county aid lien remains a junior lien holder to the seller's interest in the contract. MOTION by Barth, seconded by Twedt to release the property with no payment from the petitioner. 2 ayes, Hajek, Kelly, and Pekas – nay. Motion fails.

DPNO 46846, in the amount of \$837.30. The applicant in this request is the ex-husband of the lienee. He was in the process of selling his home when the lien was noted by a title company. The lien is for services between December 2001 and March 2005. The couple divorced in January 2001, and the property was to be quitclaimed to the applicant. The deed was not filed until 2005. Gordy Swanson, Deputy State's Attorney, explained that it was the applicant's responsibility to follow through with the quitclaim filing. MOTION by Barth, seconded by Twedt to approve Resolution MC09-47. 4 ayes, Kelly – nay.

RESOLUTION MC09-47

WHEREAS, a County Aid Lien in the amount of \$837.30 purports to exist in favor of Minnehaha County and against DPNO 46846 as Lienee, and

WHEREAS, an application has been filed 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 only, with no payment from the petitioner. The lien to remain filed in the name of the lienee. Legal description of real property: West 58 feet of Lot 11 in Block 41 of Dell Rapids Original, Minnehaha County, SD.

Dated at Sioux Falls, South Dakota, this 10th day of November, 2009.

APPROVED BY THE COMMISSION:

John Pekas, Chairman

ATTEST:

Sandy Kinder, Deputy Auditor

DPNO 49105 in the amount of \$2,676.00. The applicant is in the process of pre-qualifying for a mortgage. During that process, the lien for attorney services was noted. The applicant was incarcerated and was released in 2007. Since that time he has found employment and saved for his closing costs. He will have some cash remaining that he is offering to release the lien. Commissioner Kelly noted that there was no prior attempt to repay this lien. MOTION by Barth, seconded by Twedt to approve Resolution MC09-48. 4 ayes, Kelly – nay.

RESOLUTION MC09-48

WHEREAS, a County Aid Lien in the amount of \$2,676.00 purports to exist in favor of Minnehaha County and against DPNO 49105 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:

Compromise and release the lien upon payment of \$1,000. If payment is not made within one year from approval, this agreement is null and void.

Dated at Sioux Falls, South Dakota, this 10th day of November, 2009.

APPROVED BY THE COMMISSION:

John Pekas, Chairman

ATTEST:

Sandy Kinder, Deputy Auditor

PUBLIC COMMENT

Gordy Swanson, Deputy State's Attorney, introduced Intern Sarah Scherr.

CHG ORDER

Bob Meister, Highway Superintendent, presented Change Order 1 to the construction contract with Black-Top Paving Co. in the amount of \$70,621.28. The change order is primarily for an additional 1700 lineal foot of overlay for turning lanes. The turning lanes were to be funded by the city of Brandon, but the city was not able to secure funds. MOTION by Twedt, seconded by Barth to approve Change Order 1 to the contract with Black-Top Paving Co. in the amount of \$70,621.28. 5 ayes. This change order increases the total contract cost to \$704,631.07. 5 ayes.

BRIEFING

Brad Wilson with Insurance Benefits, Inc. presented the 2010 SDML Workers Compensation Fund Overview. He explained the contribution history, claims, credits, billing, and membership.

TIF

On 10/13/09, the Commission received an update on the status of Tax Increment District #1. Dan Heard with Buffalo Ridge Energy LLC reported that due to a change in market conditions, construction of an ethanol plant was no longer feasible. Mr. Heard has submitted a letter indicating that Buffalo Ridge Energy is requesting that the TIF be terminated. MOTION by Hajek, seconded by Barth to approve Resolution MC09-49. 5 ayes.

RESOLUTION MC 09-49

RESOLUTION TO TERMINATE TIF DISTRICT #1 FOR
BUFFALO RIDGE ENERGY, L.L.C.

WHEREAS, the Minnehaha County Board of Commissioners, on November 21, 2006, approved Resolution MC06-77, a Resolution of Notice of Intent to Establish a Tax Increment Finance District for an Ethanol Plant Constructed by Buffalo Ridge Energy L.L.C.; and

WHEREAS, the Minnehaha County Board of Commissioners, on February 6, 2007, approved Resolution MC07-07, a Resolution Creating Tax Increment District Number One; and

WHEREAS, the Minnehaha County Board of Commissioners, on June 19, 2007, approved Resolution MC07-34, a Resolution Approving the Project Plan for Minnehaha County Tax Increment District Number One, for the Buffalo Ridge Energy L.L.C. Ethanol Plant; and

WHEREAS, through the creation of Minnehaha Tax District Number One, property taxes are scheduled to accrue and be distributed to the Tax Increment Financing District; and

WHEREAS, on October 30, 2009, Buffalo Ridge Energy L.L.C. has notified the Minnehaha County Board of Commissioners that there are no viable business plans which would allow for the construction of the Ethanol Facility described in the TIF agreement with Buffalo Ridge Energy, LLC;

NOW, THEREFORE, BE IT RESOLVED, by the Minnehaha County Board of County Commissioners, that all resolutions and agreements relating to the establishment of Minnehaha County Tax Increment District Number One, for the construction of an ethanol plant by Buffalo Ridge Energy L.L.C. are hereby terminated, in accordance with SDCL 11-9-46(2).

BE IT FURTHER RESOLVED, that the Minnehaha County Auditor, is instructed that all tax revenue that has accrued to Tax Increment District Number One be distributed to all the appropriate taxing entities entitled to said tax.

APPROVED this 10th day of November, 2009.

John Pekas, Chairman

ATTEST:

Sandy Kinder, Deputy Auditor

PURCHASE

Kristin Trana, Sheriff's Office Administrative Coordinator, requested authorization for the Sheriff's office to purchase a vehicle off of a state bid award. Initially the request was for a 2010 Chevy Impala. She asked to amend the request and purchase a 2010 Ford Escape instead. She explained that the delivery date for the Impala would have been 60 to 90 days out, whereas the Escape could be delivered before the end of

the budget year. MOTION by Hajek, seconded by Twedt to authorize the purchase of one 2010 Ford Escape with options, in the amount of \$19,998, off of State contract #15771, awarded to Murdo Ford. 5 ayes.

SURPLUS

At the request of Scott Anderson, Planning Director, MOTION by Hajek, seconded by Barth to declare the following John Deere lawn tractors as surplus for use as parts: 1996, Asset #52930 S/N M00345A022287; and 1997, Asset #55340, S/N M00345B027938. 5 ayes.

RFP

Warden Tim Devlin reported that proposals for Comprehensive Institutional Healthcare Services for the Minnehaha County Jail were opened on 11/4/09. Two firms submitted proposals, 1) Correct Care Solutions of Nashville, TN, and 2) Correctional Healthcare Management of Greenwood Village, CO. He recommended that an evaluation team consisting of himself, Gordy Swanson (SAO), Sue Roust (Auditor), Ken McFarland (Commission), and other members appointed by the Sheriff, review the proposals and interview both firms before bringing a recommendation to the Commission. Commissioner Twedt noted that the County has received good service with the current provider.

TAX DEED

Sue Roust, Auditor, reported that the Tax Deed Auction scheduled for 11/5/09 was cancelled due to payment of the back taxes. She presented a resolution to restore the tax deed and reported that a sufficient amount was collected to cover other fees such as advertising. MOTION by Hajek, seconded by Kelly to approve Resolution MC09-50. 5 ayes.

RESOLUTION MC09-50

WHEREAS, Minnehaha County holds under Tax Deed proceedings Deed #2507, RDID# 35721, covering property legally described as:

Lot 2 in Block 2 of Hilltop Heights Addition to the City of Sioux Falls, Minnehaha County, South Dakota, according to the recorded plat thereof; and

WHEREAS, James L Golic, 2805 E 18th Street, Sioux Falls, SD 57103, is the prior record owner of the above described property; and

WHEREAS, SDCL 10-25-41 provides for the restoration of title to said record owner upon payment of all taxes, interest, and cost represented in the Tax Deed; and

WHEREAS, A David Wehde on behalf of James L Golic has deposited \$6,951.19 with the Minnehaha County Treasurer, this amount representing all the taxes, assessments, interest, and costs owing on said Tax Deed; now, therefore, be it

RESOLVED, by the Minnehaha County Commission, that the property be restored to James L Golic, and that the Minnehaha County Treasurer is hereby authorized to issue a quitclaim deed thereto.

Dated at Sioux Falls, South Dakota, this 10th day of November, 2009.

Approved by the Commission:

John Pekas, Chairman

ATTEST:

Sandy Kinder, Deputy Auditor

DRAINAGE

Pursuant to deferral on 11/3/09, Phil Kappen, Assistant Planning Director, was present to consider drainage permit applications 09-149 and 09-150. He explained that the applicant, Vern McAreavey, has applied for permits to keep drain tile that was already installed on his property in Sections 17 and 20 of Clear Lake Township, but in excess of what was permitted. Gordy Swanson, Deputy State's Attorney, explained that the commission action today would be to approve or deny the permits for this work, which exceeds the scope of permits initially granted to this applicant. Other procedures are available for persons who feel they have been wronged through a drainage situation. Mr. Swanson commented that whether the applicant deliberately installed more tile than indicated is debatable. He urged the Commissioners to act on the merits of the applications, and not merely deny them automatically because the scope of the drainage work had exceeded the original permits. He advised them that they do still have the discretion to either approve or deny the applications. Commissioner Barth stated that he has toured the area where the drainage tile was installed and that he was not certain that all the flooding has happened since this tile was put in, noting the wet summer, and past wet seasons. Commissioner Kelly did not believe the work in excess was done intentionally, but acknowledged that there were interpretation gaps and was reluctant to have the applicant pull the tile based on that. Commissioner Barth was reluctant to make a decision based on what is seen on paper and believed the situation should be looked at on the ground. Commissioner Pekas commented on photos shown last week from 1937, during a time of drought showing one of the lakes as totally dry. From that time forward, the lakes began filling as two lakes and have now turned into one due to water draining into it for quite some time. The drainage tile may have accelerated that. Last week, the McAreaveys acknowledged that there was a misunderstanding in the application process, that they gave only general information on the projects, and that the work exceeded the expectations given to the Planning department. MOTION by Twedt, seconded by Hajek to deny drainage permit 09-149 and 09-150 because more tile than staff envisioned was installed thus possibly increasing the scope of the drainage and the speed with which the drainage would occur. 3 ayes, Barth and Kelly – nay.

OLD BUSINESS

Gordy Swanson, Deputy State's Attorney, gave an update on a proposed sidewalk for Fred Assam School. He explained that county staff, along with representatives of the school and Pine Lake Hills subdivision, are working towards a resolution. The school and homeowners will need to work out securing right-of-ways from those property owners that the path will cross.

Commissioner Barth announced that the city of Sioux Falls will place a material on Klein Avenue in Klein Subdivision to improve the road surface and will plow that street during the winter.

MOTION Barth, seconded by Kelly to adjourn into Executive Session for contract negotiation. 5 ayes. Following the Executive Session, the Commission adjourned until 5:00 p.m. on Monday, November 16, 2009.

APPROVED BY THE COMMISSION:

John Pekas, Chairman

ATTEST:

Sandy Kinder, Deputy Auditor