

THE MINNEHAHA COUNTY COMMISSION CONVENED AT 9:00 A.M., July 20, 2010, pursuant to adjournment on July 19, 2010. Commissioners present were: Hajek, Twedt, Barth, Pekas, and Kelly. Also present were Sue Roust, County Auditor, and Gordy Swanson, Chief Civil Deputy State's Attorney.

Chairman Hajek called the meeting to order.

MOTION by Pekas, seconded by Twedt to approve the agenda. 5 ayes.

MINUTES

MOTION by Pekas, seconded by Barth to approve the July 13, 2010 Minutes. 5 ayes.

VOUCHERS TO BE PAID

MOTION by Pekas, seconded by Barth to approve the following bills totaling \$265,940.44 for payment. 5 ayes.

A & B Business Equip	Var. Depts	1,329.49	Adler, Judy	Human Svcs	100.00
Advance Auto Parts	Sheriff	45.27	Albers, Tyrone	Sheriff	87.00
All About Travel Inc	Public Def	25.00	Allied Oil & Supply	Hwy Constr	37.00
American Planning As	Planning	70.00	Anderson, Elwood	Human Svcs	400.00
Anderson, Scott A.	Planning	31.08	Architectural Roofin	Bldg Fund	350.00
Arena Motel	EFSP Fund	185.00	Argus Leader	Var. Depts	991.75
Auto Glass Center	Sheriff	64.95	Automatic Building C	Facilities	2,266.10
Avera Health Informa	Courts	35.40	Avera McKennan Hospi	St Atty	55.00
Avera Medical Oncolo	Human Svcs	94.80	Avera Queen Of Peace	Hwy Admin	49.50
Al Svc Inc/Laceys Ch	Hwy Constr	95.00	Bendorf Law Firm Pro	Courts	65.60
Berg, Scott	Hwy Constr	33.98	Best Business Produc	Reg Deeds	47.62
Brock White Co LLC	Hwy Constr	271.17	Brown & Saenger	Var. Depts	481.16
Building Sprinkler,	Mus Maint	2,312.25	Burnette, Sara L	Courts	1,394.00
Butler Machinery Com	Hwy Constr	61.38	C & R Supply Inc	Hwy Constr	264.71
Cadwell, Sanford, Deib	Bldg Fund	1,499.09	Carlson, Lisa	Courts	91.20
Carroll Institute	Courts	112.00	Center For Family Me	Courts	626.00
Century Business Pro	Public Adv	50.00	Chemco, Inc.	Facilities	1,131.65
City Centre Hotel Co	Courts	149.39	Cliff Avenue Auto Pa	Em Mgmt	125.09
Cole Papers, Inc.	Facilities	147.00	Condrey & Associates	Human Res	168.75
Connecting Point	Info Tech	847.86	Constellation New En	Facilities	6,302.94
Cooley, Carla F	Courts	1,071.60	Culligan Water Condi	Info Tech	36.50
Dakota Auto Parts	Sheriff	121.44	Dakota Data Shred	Facilities	99.00
Dakota Fluid Power,	Hwy Constr	869.13	Dakota Lettering Etc	JDC	18.78
Dakota Riggers & Too	Hwy Constr	134.00	Dakota Security Syst	JDC	65.05
Dataline Assoc./Fior	Info Tech	499.26	Daybreak	Hwy Constr	64.00
Decisionone Corporat	Info Tech	395.47	Dialnet/Ahrens Telec	Jail	86.73
Diamond Vogel Paint	Hwy Constr	896.50	Diesel Machinery Inc	Hwy Constr	107.24
Dietrich, Donna K	Mental Ill	96.31	Ebert's Properties,	EFSP Fund	585.00
Eide Bailly LLP	Human Svcs	105.54	Electric Supply Co.,	Var. Depts	1,185.64
Evans, Preston	Sheriff	57.00	Exide Technologies	Hwy Constr	56.50
Family Service Inc	Human Res	130.00	Fastenal Company	Hwy Constr	12.32
Federal Signal Corp.	Em Mgmt	24,714.00	First Premier Bank	Sheriff	58.30
Fisher, Kendall	Human Svcs	600.00	Galland Legal Clinic	Courts	1,016.80
Galls, Inc.	Sheriff	1,914.07	Genzlinger, Janeen	Courts	386.40
Goebel Printing, Inc	Var. Depts	961.64	Gourley Properties	Reg Deeds	6,900.00
Grainger, Inc.	Mus Maint	12.06	Great Plains Psychol	Courts	3,575.00
Gudeta, Dereje	Courts	25.00	Gunner, Andrea	Courts	44.20
Guzman, Sandra V.	Var. Depts	550.00	Hanson Logowear	JDC	657.29
High Point Networks	Extension	461.65	Hillyard, Inc.	Facilities	88.26
Hobart	JDC	55.00	Hofer, Ryan K	Human Svcs	400.00
Holcomb Freightliner	Hwy Constr	123.95	Horn & Koletzky Atty	Mental Ill	196.60
Howe Electric, Inc.	Hwy Constr	327.00	Howes Oil Co., Inc.	Hwy Constr	19,735.65
Hungrys Inc	Colis Rest	168.75	Hurtgen, Timothy T.	Human Svcs	600.00

Interstate Office Pr	Var. Depts	440.99	Iowa Information Inc	Mus Ops	199.95
J.C. Penney Company,	JDC	94.96	JCL Solutions-Janito	Facilities	194.87
Johnson, Coleen	Human Svcs	400.00	Johnson, Neal	Hwy Constr	17,518.00
Johnstone Supply	Facilities	101.21	Kabeiseman & Pollard	Mental Ill	252.00
Kapp's Fire Services	Em Mgmt	66.50	Kauffman, David W. P	Courts	2,667.50
Keystone Treatment C	Courts	50.00	KGA Properties	Human Svcs	400.00
Kmart #7318	Em Mgmt	43.08	Kone, Inc.	Var. Depts	8,748.56
Language Line Servic	Var. Depts	422.95	LCM Pathologists Pc	Coroner	1,828.00
Lexis-Nexis / Reed E	Var. Depts	317.00	Linweld, Inc.	Var. Depts	70.97
Lutheran Social Svce	Var. Depts	531.25	Lyndale Partners	Human Svcs	400.00
Majestic View Apartm	Human Svcs	900.00	Mccook County Sherif	Public Def	14.30
Menards - East	Parks	33.76	Metro Communications	Public Def	180.00
Microfilm Imaging Sy	Reg Deeds	1,428.60	Midamerican Energy C	Human Svcs	1,016.30
Midwestern Mechanica	Mus Maint	192.67	Mikelson, Gary E	Mental Ill	41.00
Miller Funeral Home,	Human Svcs	2,775.00	Miller, Steve	Courts	1,560.45
Minnehaha Cnty Human	Human Svcs	184.25	Minnehaha Community	Human Svcs	95.00
Monument Mobile Home	Human Svcs	200.00	Moore, Rasmussen, Ka	Courts	3,094.00
Murray Properties, L	Var. Depts	525.00	Myers & Billion Llp	Var. Depts	7,973.52
Myrl & Roys Paving I	Hwy Constr	11,489.25	Nguyen, Lam	Courts	50.00
Norm Feldman's Glass	Hwy Admin	47.01	North Ridge Apartmen	Human Svcs	500.00
Northern Heights Dev	Human Svcs	400.00	Northern Safety Tech	Hwy Constr	62.81
Oakstone Publ Llc	Expenses	34.95	Office Depot	Public Def	385.88
Office Depot, Inc.	Em Mgmt	10.99	Panasonic Finance So	Extension	203.12
Pecaut, Jon DbA Pec	Human Svcs	500.00	Peters, Scott N Pc	Mental Ill	5,327.30
Peterson, Bill	Mus Ops	300.00	Phillips, Joshua	Sheriff	57.00
Pride Neon, Inc	Hwy Constr	93.20	Quest Engineering, I	Hwy Constr	381.89
Quill Corp.	Public Def	350.10	Qwest	Var. Depts	5,239.29
Rdo Equipment Co.	Hwy Constr	199.52	Rehfuss, Cathy A	Mental Ill	15.00
River Greenway Apts	Human Svcs	400.00	Rocal Inc	Hwy Constr	8,068.06
Ronning Commercial,	Human Svcs	400.00	Rural Metro Ambulanc	Coroner	800.00
Sanford Laboratories	Coroner	4,544.88	Schoppert, R Scott	Human Svcs	500.00
Scotty's Automotive	Commission	34.75	SD Dept Of Public Sa	Human Svcs	20.00
SD Dept Of Revenue	Sheriff	14.00	SD Federal Property	JDC	79.00
SD Human Services Ce	Public Def	22.20	SDN Communications	Info Tech	625.26
Security Labs, Ltd	Info Tech	370.00	Senior Citizens Svcs	Mus Ops	54.00
Servall Towel & Line	Var. Depts	194.12	SF Leased Hsg Assoc	Human Svcs	400.00
Sheehan Mack Sales &	Hwy Constr	426.00	Shepherd Reporting L	Mental Ill	112.50
SHI, International C	Mus Ops	130.00	Sioux Falls City Fin	Var. Depts	2,036.89
Sioux Falls Two Way	Sheriff	2,388.34	Sioux Falls Utilitie	Var. Depts	3,237.29
Solomon, Ghirmay	Courts	25.00	Southeastern Behavio	Se Behav	37,066.25
St. Francis House	Human Svcs	250.50	Staples Credit Plan	Courts	685.46
Sturdevant's Auto Pa	Hwy Constr	34.11	Superior Seal	JDC	953.70
Swanda, Karen	Mental Ill	15.00	Taylor Place Llc	Var. Depts	825.00
Thorin, Deyanira T	Var. Depts	745.32	Timekeeping Systems,	JDC	295.00
Tires,Tires,Tires In	Var. Depts	489.86	Tschetter & Adams La	Courts	2,262.09
Velvet Uniforms, Inc	Var. Depts	1,136.53	Verizon Wireless	Var. Depts	6,570.97
Vik, Darrell	Mus Ops	600.00	Voigt, Debra	Courts	609.60
Wal-Mart Pharmacy #3	Human Svcs	107.88	Wells Fargo Bank	Refund	35.00
West Group	Var. Depts	1,743.21	Wheelco Brake & Supp	Hwy Constr	122.26
Wilson, Dean M.	Human Svcs	400.00	Wynia, Marc	Sheriff	394.00
Xcel Energy, Inc.	Var. Depts	12,261.27	Yankton County Sheri	Mental Ill	25.00
Zabel Steel Co.	Hwy Constr	61.38			

REPORTS

The following reports were received and placed on file in the County Auditor's office: Minnehaha County Regional Juvenile Detention Center Report and Register of Deeds Official Statement of Revenue Collected for June, 2010.

PERSONNEL

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

1. To hire Cynthia Stoick as Commission Recorder (14/3) for the Auditor's Office at \$18.486/ hour effective 8/2/10.
2. To hire Julie Amdahl as temporary, part-time Administrative Clerk (9/1) for Human Services at \$13.745/hour effective 7/21/10.
3. To accept the resignation of Josef Jenkins as Building Facilities Maintenance Technician for Facilities effective 7/23/10.
4. To place Maria Gonzalez, Army Guard Security Officer for the Army Guard, on Military Leave without pay effective 7/12/10 to 7/16/10.

Step Increases Due:

1. Steven Ruiter – Juvenile Correctional Officer II – Juvenile Detention Center – 14/11 to 14/12 – 7/15/10 – \$23.086/hour
2. Michelle Pliska – Juvenile Correctional Worker – Juvenile Detention Center – 9/3 to 9/4 – 7/24/10 – \$14.802/hour
3. Craig Butler – Deputy Sheriff – Sheriff's Office – 16/6 to 16/7 – 6/20/10 – \$22.523/hour
4. Harley Marek – Civil Process Server – Sheriff's Office – 12/8 to 12/9 – 6/21/10 – \$19.422/hour

Carey Deaver, Human Resources Director, was present to request that the Commission authorize a health/dental insurance premium holiday for one pay period in September. Health claims in the first six months of 2010 were \$220,000 lower than for the same time period in 2009, and the balance in the Health Insurance Fund has increased by \$590,000 from January 1 to June 30, 2010. If premiums are not collected for one pay period, employees will save about \$50,000 and the county will save \$116,000. This would reduce the balance in the Health Insurance Fund by \$166,000. MOTION by Pekas, seconded by Twedt to authorize one health/dental insurance premium holiday in September. 5 ayes.

LIEN

Pursuant to deferral on July 13th, Commissioners again considered a request from Dean Wilson to compromise DPNO 8703 in the amount of \$1,279.82. Mr. Wilson is trying to clear the title on Lot 1 in Block 7 of Sherman, which he bought through a tax certificate, and \$372.40 of the lien was incurred by a former owner of that property. He contends that an earlier title search did not reveal the lien, so he was unaware of its existence when he bought the property. Gordy Swanson, Chief Civil Deputy State's Attorney, advised Commissioners that the fault in this situation lies with the title company, and that when a person buys a property through a tax certificate, they are responsible for researching any claims or liens on the property. MOTION by Kelly, seconded by Barth, to deny the compromise request. 5 ayes.

AGREEMENT

MOTION by Twedt, seconded by Pekas, to authorize the Chairman to sign the HIPAA Business Associate Agreement between Minnehaha County and the SD Dept of Human Services, Division of Alcohol & Drug Abuse. 5 ayes. The agreement was requested because the state provides partial funding for the Detox program.

POLICY

Sue Roust, County Auditor, requested approval of revisions to the county Purchasing Card Policy, which would decrease the department head transaction approval deadline to two days after the billing cycle closes, and add wording to the cardholder agreements acknowledging that computer hardware and software purchases cannot be made without prior approval by the IT Director. MOTION by Barth, seconded by Twedt to approve the revised Minnehaha County Purchasing Card Policy. 5 ayes.

PLANNING

This was the scheduled time for the Commission to consider an appeal of a Planning Commission decision to deny Conditional Use Permit #10-28 to allow a Class 1 Major Home Occupation of a Garbage Hauling Business, Truck Repair, and Truck and Dumpster Storage at Hofer Tracts 1 & 2 (Ex H-1) SW ¼ Section 15-T101N-R51W, 46350 265th Street. Tom Clayton, attorney for applicants Cindy Swier and R&S Sanitation, Inc., requested deferral to August 17th, when both he and his clients can be present. No one else wished to speak on this item. MOTION by Pekas, seconded by Twedt to defer consideration of the appeal on denial of CUP #10-28 to August 17, 2010. 5 ayes.

Scott Anderson, Planning Director, was present for consideration of an appeal of the Planning Commission decision to approve Conditional Use Permit #10-37, with eight conditions, to allow a 400 head (Class C) Concentrated Animal Feeding Operation (CAFO) at S½NW¼ & NE¼SW¼ & NW¼SE¼ of Section 27-T103N-R50W. Mr. Anderson reported that Karin Renner, an adjacent property owner, has appealed the decision to approve CUP #10-37. In February 2007, the County Commission approved CUP #06-65 for a 999 animal unit CAFO on this property. The applicant did not construct the proposed feeding operation and CUP #06-65 expired. The current application is for a 400 head dairy heifer feeding operation. There would be no building and the heifers would be on a concrete slab with cornstalk bedding.

Lynn Boadwine spoke on behalf of the applicant, Scott Swanson. The heifers to be fed belong to Mr. Boadwine. He stated that this operation fits well into the county comprehensive plan, would be in full compliance with county ordinances, is in the middle of a section with no homes in the setback area except Mr. Swanson's, and is similar in size to many comparable operations within the county.

Karin Renner spoke in opposition to CUP #10-37. She expressed concerns about threats to air and water quality and stated that Lyons Township already has more CAFOs than any other township in the county. She requested that condition #2 be changed to allow zero release of waste, and that condition #8 be changed to require that semi-solid and solid waste be incorporated within 24 hours. She also asked that the setback requirement be increased.

Mr. Boadwine stated that this is a medium sized CAFO and is not subject to the Dept of Natural Resources non-discharge requirement which applies to large CAFOs. Kris Swanson, wife of the applicant, stated that their children want to be farmers and keep the property in agricultural production. She noted that no one protested a nearby hog CAFO.

Mary Brendtro, whose family farm is near the proposed CAFO, spoke as an opponent and stated that if she had been notified of the nearby hog CAFO, she would have opposed it as well.

MOTION by Twedt, seconded by Barth, to uphold the Planning Commission decision to approve Conditional Use Permit #10-37, with eight conditions. AMENDMENT by Kelly, seconded by Pekas, to add to condition 8 "Semi-solid and solid waste shall be incorporated within 24 hours. Surface application of solid and frozen waste shall be allowed as specified by the South Dakota General Permit." AMENDMENT TO THE AMENDMENT by Kelly, seconded by Pekas, to change condition 2 to say "allow zero release of waste" instead of "minimize release of waste". Kelly and Pekas yes; Barth, Twedt, and Hajek no; amendment to the amendment fails. VOTE on the

amendment to condition 8: Kelly and Pekas yes; Barth, Twedt, and Hajek no; amendment fails. VOTE on original motion: Barth, Twedt, and Hajek yes; Kelly and Pekas no; motion carries. The decision to approve CUP #10-37 is upheld with the following conditions:

- 1) The facility shall be limited to a 400 animal unit concentrated animal feeding operation for dairy heifers.
- 2) The facility shall be designed to minimize release of waste into the drainage channel that flows southwest of the proposed site.
- 3) The operator shall maintain inspection and maintenance records on animal waste facilities, and records on compliance with the waste and nutrient management plan and odor and pest control plan. Copies shall be filed annually with the County.
- 4) The petitioner shall prepare a nutrient management plan and shall keep the plan up-to-date, and shall manage all waste from the facility in conformance with that plan. The petitioner shall prepare an executive summary of the nutrient management plan and file that summary with the Minnehaha County Planning Office. A new summary shall be prepared for the Planning Office each time that the plan is up-dated. A copy of the complete nutrient management plan as approved by the State shall be provided to the Planning Office upon request.
- 5) Dead animals shall be promptly removed from the site according to South Dakota regulations.
- 6) A registered professional engineer shall inspect the facility during construction and certify to the County that the newly constructed facility conforms with the approved plans and to South Dakota Department of Environment and Natural Resources designs standards.
- 7) Trees shall be planted on the north and west sides of the facility. A complete planting plan shall be prepared for approval by the county planning staff. All trees shall be planted and maintained according to the Minnehaha Conservation District standards. Any trees that die shall be replaced within one growing season.
- 8) All application of liquid waste shall be injected into the ground. Surface application of liquid waste may be allowed only in extraordinary circumstances upon approval of the Planning Director after the petitioner has requested approval for such application in writing including the location on which the waste will be incorporated, the date of the proposed application and the amounts of waste to be applied. The petitioner will meet all setback requirements for waste application as specified in the county zoning ordinance.

OLD BUSINESS

Commissioner Barth noted that the Drainage Task Force will meet at 7 pm this Wednesday.

Commissioner Hajek reported that she and Ken McFarland, Commission Administrative Officer, met with Coroner Brad Randall recently to discuss continuation of coroner services after Dr. Randall's retirement.

Commissioners Hajek and Twedt reported on a meeting with Citibank officials last Friday to further discuss the proposed tax credit financing for the Safe Home project. Ken McFarland, Gordy Swanson, and Sue Roust also attended. Mr. McFarland stated that he received an inquiry from Lloyd Companies yesterday asking whether the Commission wants them to follow up on the option to have a non-profit agency participate in the Safe Home project. Based on past Commission discussions, he told the Lloyd Companies that there was little interest in this option.

MOTION by Pekas, seconded by Barth to adjourn into Executive Session for personnel discussion. 5 ayes. Following the Executive Session, the Commission adjourned until 9:00 a.m. on Tuesday, July 27, 2010.

APPROVED BY THE COMMISSION:

7/20/10

12190

Anne Hajek, Chairman

ATTEST: Sue Roust, County Auditor