

THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M., August 17, 2010, pursuant to adjournment on August 16, 2010. Commissioners present were: Hajek, Twedt, Barth, and Pekas. Commissioner Kelly was absent. Also present were Sue Roust, County Auditor, Cindy Jepsen, Commission Recorder and Gordy Swanson, Chief Civil Deputy State's Attorney.

Chairman Hajek called the meeting to order,

MOTION by Pekas, seconded by Barth to approve the agenda with the removal of item #13. 4 ayes.

MINUTES

MOTION by Pekas, seconded by Twedt to approve the August 10, 2010 Minutes. 4 ayes.

VOUCHERS TO BE PAID

MOTION by Pekas, seconded by Twedt to approve the following bills totaling \$446,978.64 for payment. 4 ayes.

A & B Business Equip	Sheriff	517.50	A To Z World Languag	Courts	2,852.50
A+ Partners DBA	Sheriff	76.00	AAA Refrigeration &	JDC	439.18
Alexander, Daniel	Commission	9.00	Allen, Stephen L	Human Svcs	395.00
American Institution	JDC	270.28	Argus Leader	Var. Depts	1,024.00
Armcom Distributing	JDC	95.38	Avera Health Plans I	Human Svcs	304.42
Avera Mckennan Hosp	Human Svcs	35.77	Avera Mckennan Hospi	Mental Ill	1,755.00
Avera Queen Of Peace	Hwy Admin	127.00	Avera Sacred Heart H	Human Svcs	2,503.55
Al Svc Inc/Laceys Ch	Hwy Constr	95.00	Barnes & Noble Inc	Extension	31.12
Bentwood Manor Apts,	Human Svcs	400.00	Bierschbach Equipmen	Hwy Constr	911.95
Billion, James A	Courts	139.40	Billion's	JDC	308.74
Brennan Hill Townhou	Human Svcs	252.00	Bristol Court Ltd Pt	Human Svcs	1,000.00
Broadmoor Properties	Human Svcs	850.00	Buckmiller, Jesse J	Human Svcs	400.00
Bureau Of Informatio	Var. Depts	1,691.12	Cadwell, Sanford, Deib	Bldg Fund	440.00
Campbell Supply Co I	Parks	117.96	Carlson, Lisa	Courts	676.20
Cartridge World	Info Tech	1,303.01	Cbm Food Service	Var. Depts	12,658.80
Chemco, Inc.	Facilities	207.42	Cobraserve National	Human Svcs	782.60
Colton Lumber Co Inc	Hwy Constr	4.40	Columbia Dam LLC	Human Svcs	500.00
Comfort Inn - Huron	Extension	93.00	Connecting Point	Info Tech	295.00
Construction Product	Em Mgmt	608.50	Country Cousins	Em Mgmt	100.00
Crescent Electric Su	Var. Depts	127.24	Culligan Water Condi	Var. Depts	73.50
Dakota Window Cleani	Facilities	565.00	Daybreak	Hwy Constr	133.76
Dell Rapids Chevrole	Sheriff	35.64	Dialnet/Ahrens Telec	Jail	61.22
Diamond Mowers Inc	Hwy Constr	212.53	Diamond Vogel Paint	Facilities	105.93
Dobberpuhl, Randy	Human Svcs	77.70	Eastman, Scott	Human Svcs	400.00
Eberle, Marcia	Human Svcs	500.00	Ebert's Properties,	Var. Depts	635.00
Eirinberg, James A	Courts	1,910.60	Eliason, Kevin	Human Svcs	400.00
Engbrecht, Roger	Human Svcs	400.00	Federal Express Corp	Sheriff	32.04
Fountain Ridge Inves	Human Svcs	500.00	Fred The Fixer Inc	Sheriff	102.00
Freedon, Lydia	Human Svcs	400.00	Fremont Industries,	Facilities	4,410.92
Gade, Michael	JDC	53.00	Genzlinger, Janeen	Courts	57.00
Great Plains Int'l T	Sheriff	290.63	Great Plains Psychol	Courts	1,785.00
Green, Andrea	Atty Fees	84.00	Gunner, Andrea	Courts	667.60
Guzman, Sandra V.	Courts	58.33	Hanisch, Andrew	Rental Fee Ref	100.00
Haugaard, Steven G	Mental Ill	629.00	High Point Networks	Info Tech	462.88
Hillyard, Inc.	Facilities	370.85	Hobby Lobby Stores I	Mus Entpr	36.95
Hohn, Rodney L	Hwy Constr	114.99	Holiday Inn Express	Dir Of Eq	210.00
Horn & Koletzky Atty	Mental Ill	196.60	Hy-Vee Accounts Rece	Human Svcs	181.59
Infinisource	Human Svcs	114.80	Interstate Office Pr	Var. Depts	346.36
Inventive Designers	Info Tech	4,077.00	J & S Hospitality DB	Efsp Fund	200.00
JCL Solutions-Janito	Hwy Admin	83.30	JE LLC	Human Svcs	636.00
Jim & Ron's Service	Sheriff	289.00	Joel Brick Equipment	Em Mgmt	100.00
Johnson Controls, In	Pettigrew	1,531.87	Johnson, Heidepriem,	Courts	438.80

Kahler, Monte	Human Svcs	400.00	Kallemeyn, Richard	Commission	9.00
Kennedy, Renee S	Courts	334.00	Khorroosi, Sam	Courts	2,082.80
Kjam Am	Em Mgmt	199.00	Kone, Inc.	Pettigrew	50.00
Lacroix, Heather	Mental Ill	307.00	Lake County (SD)Emer	Em Mgmt	400.00
Lason Systems Inc	Reg Deeds	172.20	Lassegaard, Samuel C	Human Svcs	425.00
Lcm Pathologists Pc	Coroner	28.00	Leader Printing Co D	Em Mgmt	141.75
Leaf Inc.	Var. Depts	189.77	Lexis-Nexis / Reed E	Sheriff	132.00
Linweld, Inc.	Facilities	14.75	Lorton Data	Elections	161.88
Lowes Credit Service	Hwy Constr	416.87	Ludoc Enterprises In	Sheriff	74.00
Mannie, Corey	Human Svcs	450.00	Matheson, William	Commission	9.00
Maximum Promotions I	Facilities	92.00	Mcgrath, Michael J,	Mental Ill	225.00
Mellor, Cherith	Courts	91.66	Metro Communications	Metro Comm	33,101.00
Microfilm Imaging Sy	Reg Deeds	75.00	Mid-States Asbestos	Facilities	2,250.00
Midwest Alarm Compan	Var. Depts	3,336.00	Midwest Oil Company,	Hwy Constr	1,366.04
Miller, Steve	Courts	2,149.76	Minnehaha Cnty So Pe	Sheriff	44.32
Moore, Rasmussen, Ka	Courts	4,360.20	Myrl & Roys Paving I	Hwy Constr	42,867.71
Nat'l Crime Preventi	Mus Ops	350.37	Nebraska Law Enforce	Sheriff	18.00
Nguyen, Lam	Courts	60.00	Nichols, Alice	Human Svcs	500.00
Norment Security Gro	Facilities	1,904.24	North Ridge Apartmen	Human Svcs	500.00
Novak Sanitary Servi	Human Svcs	134.16	Office Depot, Inc.	Info Tech	978.69
Olson's Pest Technic	Jail	57.75	Omnitech Inc	Info Tech	1,000.00
Orthopedic Institute	Human Svcs	444.52	Oscar's Mini-Storage	Mus Ops	2,388.00
Ostrander, John	Human Svcs	380.00	P & P Properties	Arra-Hprp	850.00
Paasd(Prof Appraiser	Dir Of Eq	75.00	Palmer, Barbara	Mental Ill	3,915.00
Panphonics Audio Inn	Mus Ops	8,330.00	PBC Sioux Falls LLC	Var. Depts	925.98
Pheasantland Industr	Sheriff	173.56	Physicians Laborator	Human Svcs	75.64
Pirrung, Sheila M	Human Svcs	400.00	Provo, Tom	Human Svcs	400.00
Quail Hollow Townhou	Human Svcs	350.00	Qualified Presort Se	Commission	210.00
Qwest	Var. Depts	5,177.89	Redlin, Jim DBA	Hwy Constr	304.96
Redwood Estates LLC	Human Svcs	400.00	Retail Data Systems	Treasurer	136.00
Richmond Ii Ltd Ptnr	Human Svcs	111.00	River Ridge Apartmen	Human Svcs	300.00
Rods Properties LLC	Human Svcs	400.00	Ronning Commercial,	Human Svcs	300.00
Rural Metro Ambulanc	Human Svcs	219.99	Sanford Laboratories	Coroner	4,141.25
Schelling, Sheldon	Mental Ill	540.00	Schoppert, R Scott	Human Svcs	500.00
SD Dept Of Public Sa	Human Svcs	10.00	SD Federal Property	Extension	592.75
SD Risk Pool	Human Svcs	629.44	SDN Communications	Info Tech	625.26
Servall Towel & Line	Var. Depts	134.66	SF Leased Hsg Assoc	Var. Depts	1,359.00
Shi, International C	Var. Depts	604.54	Shopko Pharmacy #101	Human Svcs	65.69
Simmons, Mike/Jessic	Human Svcs	350.00	Sioux Empire FCU	Planning	9.96
Sioux Empire Fcu/260	Em Mgmt	120.85	Sioux Empire FCU/935	Jail	392.22
Sioux Falls City Fin	Library	221,250.00	Sioux Falls Ford, In	Hwy Constr	100.70
Sioux Falls Rubber S	Var. Depts	165.30	Sioux Falls Two Way	Sheriff	3,112.31
Sioux Falls Utilitie	Var. Depts	2,939.20	Sioux Falls Woman LL	Mus Ops	595.00
Sittig, Deb	Mental Ill	1,153.00	Solomon, Ghirmay	Courts	58.33
Stan Houston Equipme	Var. Depts	246.35	Stoney Creek Townhom	Human Svcs	500.00
Stronghold Counselin	Courts	765.00	Strum, Steve A	Human Svcs	350.00
Sunshine Foods	Human Svcs	208.50	Tally Ho Apartments	ARRA-HPRP	542.90
Taylor Place LLC	Human Svcs	500.00	Taylor, Robert H	Human Svcs	560.00
TCP Properties, Inc.	Human Svcs	400.00	Tendaire Ind Inc	Hwy Constr	583.00
Timberland Village A	Human Svcs	200.00	Tires,Tires,Tires In	Sheriff	1,063.94
Trana, John	Info Tech	9.99	Tripp, Lyle J	Human Svcs	500.00
Tschetter & Adams La	Courts	3,872.00	Ultramax	Em Mgmt	200.00
Valley West Apartmen	Human Svcs	400.00	Vandenbrink, Jean	Human Svcs	600.00
Velgersdyk, Dr. Scot	Human Svcs	35.00	V2 LLC DBA Valley Vi	Human Svcs	281.00
Wal-Mart Pharmacy #1	Human Svcs	15.08	Wal-Mart Pharmacy #3	Human Svcs	466.68
Waste Management Of	Jail	508.58	Whitney, Dennis	Dir Of Eq	83.00
Williamsburg Townhom	Human Svcs	400.00	Xcel Energy, Inc.	Var. Depts	7,024.28
Yankton County Audit	Atty Fees	463.09	Yellow Cab Inc	Human Svcs	54.90
Zandt, James R	Human Svcs	500.00			

REPORTS

The following reports were received and placed on file in the Auditor's office: Minnehaha County

Register of Deeds Official Statement of Revenue Collected for July 2010 and Auditor's Account with the County Treasurer as of July 31, 2010.

On Deposit in Banks	
Interest-bearing open accounts	2,110,600.70
CD's and savings	22,000,000.00
Cash	20,508.47
Checks/drafts in Treasurer's possession for more than 3 days	5,971.53
Total Cash on Hand	24,137,080.70
Total Reconciled AS/400 Cash Balance	24,137,080.70

PERSONNEL

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

1. To promote Pat Herman from Planner III (21/7) to Assistant Planning Director (21/8) for the Planning Department at \$2,364.16/bi-weekly effective 8/10/10.
2. To hire Carol Muller as Human Services Director (24/8) for Human Services at \$3,179.52/bi-weekly effective 8/30/10.
3. To accept the resignation of Courtnee Mulroy as Correctional Officer for the Jail effective 8/12/10.
4. To accept the resignation of Michelle Shelton as Correctional Officer in Training for the Jail effective 8/20/10.
5. To end the temporary, part-time employment of Kevin Calsbeek, Brandy Holter & Zachary Reker as Laborers for the Highway Department effective 8/5/2010.
6. To end the temporary, part-time employment of Seth Hodges as Laborer for the Highway Department effective 8/11/2010.
7. To end the temporary, part-time employment of Jesse Jones and Trevor Mead as Laborers for the Highway Department effective 8/12/2010.
8. To discharge Jason Feiock as Corrections System Operator for the Jail effective 8/6/10.
9. To correct the action last week which should have reflected a start date of 8/11/10, as opposed to 8/9/10, for Robert Draeger, part-time Correctional Officer in Training (12/1) for the 24/7 Program.

Step Increases Due:

1. Paul Bengford – Senior Deputy State's Attorney – State's Attorney's Office – 22/10 to 22/11 – 7/17/10 – \$2,810.24/bi-weekly
2. Brett Waltner – Senior Deputy State's Attorney – State's Attorney's Office – 22/1 to 22/2 – 8/1/10 – \$2,250.24/bi-weekly
3. Heidi Jerke – GIS Coordinator – Planning Department – 19/6 to 19/7 – 8/23/10 – \$26.120/hour
4. Michael Ladd – Correctional Officer – Jail – 13/10 to 13/11 – 7/21/2010 – \$21.438/hour

5. Angie Dragseth – Corrections System Operator – Jail – 9/1 to 9/2 – 8/8/2010 – \$14.089/hour

LIEN

A recommendation was received from Hauge Associates for a compromise of lien DPNO #48693. The lien amount is \$300.00 and the request is for release in full upon payment of \$180.00 (60%) within 10 days. MOTION by Pekas, seconded by Twedt to compromise the lien on the recommendation of Hauge Associates. 4 ayes.

JAIL KITCHEN

Sean Ervin from TSP, Inc. gave an informational briefing on the updated size and equipment needs of the jail kitchen relocation project as confirmed with CBM Managed Services. MOTION by Twedt, seconded by Pekas to authorize TSP to draft an agreement for design services, authorize the Auditor to move forward with funding for the project, and to discuss contract provisions for equipping the kitchen with CBM. 4 ayes.

APPEAL

Scott Anderson, Planning Director, was present for the appeal of the County Planning Commission's 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. Mr. Anderson showed slides of the property submitted by Cindy Swier, and noted that the business has been operating without a permit for 1½ years, though no complaints have been filed by neighbors. The property is zoned agricultural. Tom Clayton, attorney for applicants Cindy Swier and Todd Snyders (RS Sanitation), stated that the property is only ¼ mile from commercial properties at Wall Lake corner, the location is secluded and trucks are not visible from Hwy 42, and the gravel driveway is well maintained. The trucks would be parked inside at night, and Ms. Swier would be employed by RS Sanitation to oversee the condition of the property. Other employees would only be on-site long enough to pick up trucks. Ms. Swier and her husband had sold used farm equipment at this site for more than 20 years before his death, with only one complaint from a competitor. Commissioner Twedt noted that the Commission denied a smaller garbage hauling operation near Garretson, and stated concerns about consistency in zoning decisions. Commissioner Pekas noted that there appear to be no opponents to this permit, the lot is isolated, and it has been used for ag equipment sales for years. MOTION by Pekas, seconded by Barth to defer action until the August 24, 2010 meeting to give Planning staff time to put conditions on the permit before further consideration. Hajek, Pekas & Barth aye, Twedt no. Motion carried.

HEARING

Scott Anderson, Planning Director, was present for the Public Hearing to consider text amendments to the 1990 Revised Zoning Ordinance for Minnehaha County to Create a Definition for Adaptive Reuse and to Make Adaptive Reuse a Conditional Use Within the A-1 Agricultural District, RR Rural Residential District, R-1 Residential District, and RC Recreation/Conservation District. The ordinance would allow property owners to convert a former house into an accessory building after a new house on the property has been built. The ordinance requires property owners to obtain a Conditional Use Permit allowing the reuse. There were no comments from the public. MOTION by Pekas, seconded by Twedt to approve Ordinance MC16-111-10. 4 ayes.

ORDINANCE MC16-111-10

AN ORDINANCE AMENDING THE 1990 REVISED ZONING ORDINANCE FOR MINNEHAHA COUNTY BY REVISING THE A1 AGRICULTURE DISTRICT, RR RURAL RESIDENTIAL DISTRICT, R-1

RESIDENTIAL DISTRICT AND DEFINITIONS.

BE IT ORDAINED BY MINNEHAHA COUNTY, SOUTH DAKOTA:

That Ordinance MC16-90, the 1990 Revised Zoning Ordinance for Minnehaha County is hereby amended as follows:

Section 1: That Article 3.00 is hereby amended adding the following conditions use and shall read:
3.04 CONDITIONAL USES. (EE) Adaptive reuse.

Section 2: That Article 4.00 is hereby amended adding the following conditions use and shall read:
4.04 CONDITIONAL USES. (P) Adaptive reuse.

Section 3: That Article 5.00 is hereby amended adding the following conditions use and shall read:
5.04 CONDITIONAL USES. (K) Adaptive reuse.

Section 4: That Article 9.00 is hereby amended adding the following conditions use and shall read:
9.04 CONDITIONAL USES. (V) Adaptive reuse.

Section 5: That Article 26.00 is hereby amended adding the following definition and shall read:
26.02 DEFINITIONS. 5.A. ADAPTIVE REUSE. The modification of an existing single family dwelling, upon the issuance of a building permit, into an accessory building or use.

Adopted this 17th day of August 2010.

MINNEHAHA COUNTY

Anne Hajek, Chair, Board of County Commissioners

ATTEST:
Cynthia Jepsen, Deputy County Auditor

TAX DEED

Sue Roust, Auditor, presented a Resolution to give Tax Deed 2520, a half-acre drainage lot for the Fox Run development, to the City of Sioux Falls and approve abatement of \$2,713.06 of taxes owing. The developers, Leon Beckman and Steve Hansen, have never paid taxes on the lot contending that the property was originally assessed too high. The City of Sioux Falls is willing to take ownership and responsibility for the property. The City is currently mowing and doing weed control as a courtesy for the county. They will also take responsibility for putting in a sidewalk if ownership is given to them. MOTION by Barth, seconded by Pekas to approve Resolution MC10-35. 4 ayes.

RESOLUTION MC10-35

WHEREAS, Minnehaha County holds under Tax Deed proceedings Deed #2520, RDID# 76890, covering property legally described as:

Lot 4 in Block 2 of Fox Run Addition, an Addition to the City of Sioux Falls, Minnehaha County, South Dakota, according to the recorded plat thereof; together with the benefits and subject to the burdens of a Private Roadway for ingress and egress over and across Fox Run Place as disclosed by the plat filed in Book 66 of Plats on Page 78; and

WHEREAS, this property is not buildable because it includes the storm water detention pond for the Fox Run Development; and

WHEREAS, the City has agreed to accept and maintain this property; now therefore, be it

RESOLVED, by the Minnehaha County Commission, that the above described property is hereby declared surplus for transfer to the city of Sioux Falls; and be it further

RESOLVED, that the County Treasurer is hereby authorized to issue a Quit Claim Deed thereto and the County Auditor is hereby authorized to abate all outstanding taxes, interest, and penalties levied against these properties.

Approved this 17th day of August, 2010.

Anne Hajek, Chairman

ATTEST:

Cynthia Jepsen, Deputy Auditor

AGREEMENT

Gordy Jensen, Air Guard Supervisor, requested consideration of an Amendment to the Joint Security Protection Agreement Between the State of SD Dept of Military and Veterans Affairs and Minnehaha County, dated 1 October 2009, which would decrease the contract amount by \$48,556 due to federal funding shortfalls. Staff hours will be cut back to balance the budget. MOTION by Pekas, seconded by Barth to approve the amendment and reduce the contract amount to \$796,900. 4 ayes.

OLD BUSINESS

Sue Roust, County Auditor, reported that no bids were received at the August 4th bid opening for dumpsters for the Minnehaha County Rural Cleanup Project. Ryan Streff, Planner, is contacting contractors and will come to the Commission with a recommendation.

Commissioner Twedt commented on the article in the Argus Leader about yesterday's joint city/county meeting and stated that she wanted to let the taxpayers know the commission works hard on the budget process and that more meetings were held than were cancelled.

Chairman Hajek commented that the county policy manual does not address the use of county vehicles by Commissioners or the issue of Commissioners overspending travel budgets. Robert Wilson, Assistant Commission Administrative Officer will follow up on these issues.

MOTION by Pekas, seconded by Twedt to adjourn into Executive Session for personnel discussion. 4 ayes. Following the Executive Session, the Commission adjourned until 9:00 a.m. on Tuesday, August 24, 2010.

APPROVED BY THE COMMISSION:

Chairman

8/17/10

12215

ATTEST:

Deputy Auditor