

THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M., August 24, 2010, pursuant to adjournment on August 17, 2010. Commissioners present were: Hajek, Twedt, Barth, and Pekas. Commissioner Kelly was absent. Also present were 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. 4 ayes.

MINUTES

MOTION by Twedt, seconded by Pekas to approve the August 16 and August 17, 2010 Minutes. 4 ayes.

VOUCHERS TO BE PAID

MOTION by Pekas, seconded by Twedt to approve the following bills totaling \$365,947.49 for payment. 4 ayes.

A & B Business Equip	Var. Depts	555.89	A To Z World Languag	Var. Depts	100.00
Aamlid, Sandra	Extension	183.77	Ahrendt, Brian T	Courts	4,702.05
Ahrens, Iris	Human Svcs	400.00	Anacon Leasing Inc	Public Def	329.00
Anesthesiology Assoc	Human Svcs	272.00	Appeara / Dudley Lau	Hwy Constr	32.75
Arbor Care Inc	Facilities	133.00	Arena Motel	Var. Depts	1,820.00
Argus Leader	Human Res	817.00	Avera Gutnik & Assoc	Mental Ill	99.86
Avera Home Medical E	Human Svcs	401.44	Avera McKennan Hosp	Var. Depts	666.80
Avera McKennan Hospi	Var. Depts	5,200.83	Avera McKennan Hospi	Human Svcs	400.00
Axtell Apts Ltd Ptnr	Human Svcs	400.00	B&F Fastener Supply	Hwy Constr	32.00
Barnes & Noble Inc	Extension	14.36	Beck, Pat Court Repo	Human Svcs	153.60
Bentwood Manor Apts,	Human Svcs	250.00	Best Business Produc	Reg Deeds	47.62
Bierschbach Equipmen	Hwy Constr	2,475.00	Boulevard Investment	Human Svcs	400.00
Brandhagen, Douglas	Human Svcs	365.00	Brookings County She	Jail	130.00
Byre, Elton W	ARRA-HPRP	1,425.00	Campbell Supply Co I	Hwy Constr	35.99
Carlson, Lisa	Courts	23.80	Carol Butzman Consul	Mental Ill	178.16
CBM Food Service	Jail	8,104.10	Center For Family Me	Var. Depts	401.83
Century Business Pro	Var. Depts	119.22	Chapelwood III LLC	Human Svcs	500.00
Chemco, Inc.	Human Svcs	86.88	Citigroup Global Mar	Cap Proj	15,000.00
Cody, Denise	Mental Ill	195.00	Communication Svcs F	Public Def	156.00
Cooley, Carla F	Courts	45.60	Correct Care Solutio	Sheriff	57,320.00
Cottingim, Jennifer	Deposit Refund	150.00	Country Meadows Apts	Human Svcs	900.00
Country View MHC	Human Svcs	330.00	Dakota Data Shred	Facilities	80.74
Dakota Fluid Power,	Hwy Constr	237.47	Dakota Riggers & Too	Hwy Constr	46.79
Daniels-Olsen Bldg P	Mus Entpr	188.70	Decastro Law Office,	Courts	382.48
Diesel Machinery Inc	Parks	250.00	Dietrich, Donna K	Mental Ill	1,603.73
Dollar Tree Stores I	Human Svcs	417.60	Dust Tex Service Inc	Mus Maint	10.12
Ebert's Properties,	Efsp Fund	370.00	Emdeon Business Serv	Human Svcs	39.95
Express Copy & Print	Sheriff	155.00	Family Service Inc	Human Res	390.00
Fastenal Company	Hwy Constr	47.64	First Administrators	Human Svcs	454.08
First Premier Bank	Sheriff	58.30	Garden Gate Master G	Extension	60.00
Genzlinger, Janeen	Courts	167.20	George Boom Funeral	Human Svcs	2,250.00
Goebel Printing, Inc	Var. Depts	102.78	Graham, Robert C	Human Svcs	350.00
Grapevine, Dan	Hwy Constr	55.52	Great Plains Int'l T	Hwy Constr	12.48
Great Plains Psychol	Courts	4,135.00	Gunner, Andrea	Courts	59.80
Guzman, Sandra V.	Var. Depts	250.00	Harmer, Gerald	Human Svcs	400.00
Harms Oil Company	Hwy Constr	17,411.73	Harold's Photo Cente	Public Adv	3.55
Healthport	Public Def	41.91	Hoekstra, Denise A.	Courts	64.40
Hohn, Rodney L	Hwy Constr	73.95	Howe Heating & Plumb	Facilities	267.50
Huffer, Douglas A	Hwy Constr	143.21	Hurtgen, Timothy T.	Human Svcs	600.00
Hy-Vee Accounts Rece	Var. Depts	262.83	Interstate Office Pr	Var. Depts	1,498.56
JE LLC	Human Svcs	303.00	Jefferson Partners L	Human Svcs	3,880.20
JH Larson Company	JDC	153.97	Jim Bork Enterprises	Reg Deeds	569.00

Johnson Controls, In	Mus Maint	621.09	Johnson, Coleen	Human Svcs	400.00
Johnson, Merle	Human Svcs	350.00	Johnson, Ron P	Human Svcs	400.00
Johnson,Miner,Marlow	Mental Ill	336.76	Kennedy, Pier & Knof	Mental Ill	137.20
Kennedy, Renee S	Courts	869.40	Keystone Treatment C	Courts	180.00
Khorroosi, Sam	Courts	1,505.00	Kleen Solutions, Inc	Jail	159.90
Kmart #7318	Human Svcs	57.91	Koch Hazard Architec	Bldg Fund	1,583.39
Kone, Inc.	Facilities	534.21	Koopman & Sons Gas C	Hwy Constr	60.00
Language Line Servic	Info Tech	101.48	LCM Pathologists PC	Coroner	10,800.00
Lewis & Clark Bhs	Mental Ill	1,562.00	Lewis Drug Stores	Var. Depts	7,183.28
Lickide-Split Car Cl	Sheriff	720.00	Lutheran Social Svce	Var. Depts	6,679.76
Mac's, Inc.	Hwy Constr	59.99	Maciejewski, Steven	Sheriff	72.39
Mallard Cove Apts /	Human Svcs	400.00	Marco	Extension	233.13
Mcgrath, Michael J,	Mental Ill	369.00	Medical X-Ray Center	Human Svcs	144.44
Menards - East	Parks	82.39	Metro Communications	Public Def	300.00
Midamerican Energy C	Var. Depts	691.14	Midcontinent Communi	Human Svcs	145.79
Midcontinent Media I	Human Svcs	163.67	Mikelson, Gary E	Mental Ill	188.60
Minn Cnty Planning P	Var. Depts	38.63	Minnehaha Cnty Juv D	JDC	94.62
Minnehaha Cnty So Pe	Sheriff	163.70	Myers & Billion Llp	Mental Ill	770.10
Myrl & Roys Paving I	Hwy Constr	54,440.10	NACDL	Public Adv	125.00
Nat'l Sheriffs' Asso	Sheriff	150.00	Neuro Restorative	Public Def	66.00
Nguyen, Lam	Courts	50.00	Nies Properties Llc	Human Svcs	400.00
North Ridge Apartmen	Human Svcs	500.00	Northwest Shuttle	Sheriff	350.00
Nyberg's Ace Hardwar	Extension	9.98	Office Depot, Inc.	Info Tech	276.36
Palmer, Barbara	Mental Ill	2,115.00	Panasonic Finance So	Extension	203.12
PBC Sioux Falls LLC	Var. Depts	869.99	Pennington County Ja	Jail	6,171.25
Petco Animal Supplie	Sheriff	49.99	Peters, Scott N Pc	Mental Ill	4,642.20
Pfeifer Implement Co	Var. Depts	166.48	Prairie Star Indian	Mus Ops	60.00
Presto-X-Company	Var. Depts	252.00	Primary Products Co	JDC	300.00
Prince Of Peace Retm	Human Svcs	2,774.31	Property Records Ind	Reg Deeds	200.00
Provo, Tom	Human Svcs	350.00	Qualified Presort Se	Var. Depts	3,632.21
Quality Efficiencies	Human Svcs	400.00	Quill Corp.	JDC	586.42
Qwest	Var. Depts	87.87	Refinish Supply Cent	Hwy Constr	18.79
Rehfuss, Cathy A	Mental Ill	195.00	Rensberger, Ron	Human Svcs	400.00
Richmond Ii Ltd Ptnr	Human Svcs	500.00	Rods Properties Llc	Human Svcs	400.00
Rural Metro Ambulanc	Mental Ill	111.55	Salem, Calvin L	Human Svcs	400.00
Sanders Printing Co	Reg Deeds	90.00	Sanford Health Plan-	Human Svcs	471.47
Sanford Home Medical	Human Svcs	28.57	Sanford Hospital - R	Human Svcs	200.00
Schelling, Sheldon	Mental Ill	1,485.00	School Specialty	Mus Ops	23.52
SD Dept Of Health	Public Def	39.50	SD Dept Of Public Sa	Human Svcs	50.00
SD Dept Of Revenue	Sheriff	14.00	SD Div Of Criminal I	Human Res	43.25
SD Drug Control Fund	24/7 Prog	45.00	SF Leased Hsg Assoc	ARRA-HPRP	473.00
Shald-Hudelson, Bren	Var. Depts	431.55	Shepherd Reporting L	Mental Ill	25.00
Sherwin Williams	Facilities	52.57	Shipley's Laundry &	Mus Entpr	20.60
Shippernet	Human Svcs	195.70	Shriver, Tim/Greg	Human Svcs	500.00
Sign A Rama	Mus Ops	400.00	Simon, Anthony	Commission	65.00
Sioux Falls City Fin	Var. Depts	1,205.59	Sioux Falls Humane S	Humane Soc	3,663.64
Sioux Falls Utilitie	Var. Depts	6,031.72	Sioux Valley Energy	Hwy Constr	132.73
Slowey, Yavonne C	Mental Ill	612.25	Somali-Bantu Comm De	Human Svcs	135.00
Songstad, Melinda	Courts	15.20	Stoney Creek Townhom	Human Svcs	1,200.00
Tally Ho Apartments	ARRA-HPRP	445.00	Thorin, Deyanira T	Var. Depts	512.50
Tires,Tires In	Sheriff	1,066.25	Tomacelli's Pizza	Courts	84.00
Tool Depot	Hwy Constr	54.85	Traf-O-Teria System	Sheriff	229.84
Tri-State Implement,	Hwy Constr	6.38	Twedt, Carol	Commission	25.00
UMR-Cobra	Human Svcs	334.45	Vandenbos, Dallas	Human Svcs	1,000.00
Vanroekel, Jennifer	Sheriff	188.00	VB Falls Terrace Apt	Human Svcs	400.00
Volunteers Of Americ	Var. Depts	4,238.50	Wal-Mart Pharmacy #1	Human Svcs	404.62
Walmart Co.	Human Svcs	1,838.58	Wellmark Blue Cross	Human Svcs	645.20
West Group	Var. Depts	2,502.57	Winner Police Depart	Jail	66.80
Xcel Energy, Inc.	Var. Depts	69,303.02	Yankton County Sheri	Mental Ill	175.00
Yankton County Treas	Mental Ill	2,116.00	Zabel Steel Co.	Parks	45.74

PERSONNEL

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

1. To end the temporary, part-time employment of York Thomas as Highway Laborer effective 8/17/2010.
2. To end the temporary, part-time employment of David Herbener as Highway Laborer effective 8/19/2010.
3. To hire Alyssia Hanson as part-time Juvenile Correctional Worker (9/1) for the Juvenile Detention Center at \$13.745/hour effective 8/24/10.
4. To correct the action last week which should have reflected an end date of 8/8/10, as opposed to 8/6/10, for Jason Feiock, Corrections Systems Operator (9/1) for the Jail.
5. To end the temporary salary adjustment for Kari Benz, Assistant Director of Human Services (21/3), for serving as Acting Director of Human Services effective 8/27/10.

Step Increases Due:

1. Trae Umstead – IT Director – IT – 24/7 to 24/8 – 7/30/10 – \$3,179.52/bi-weekly
2. Colleen Moran – Senior Deputy State’s Attorney – State’s Attorney’s Office – 22/10 to 22/11 – 8/9/10 – \$2,810.24/bi-weekly
3. Jacqueline Rasmussen – Senior Deputy Public Defender – Public Defender’s Office – 22/8 to 22/9 – 8/18/10 – \$2,674.88/bi-weekly
4. Kyle Helseth – Deputy Director of Equalization – Equalization – 21/9 to 21/10 – 8/28/10 – \$2,483.84/bi-weekly
5. Larry Bakken – Appraiser III – Equalization – 18/5 to 18/6 – 8/28/10 – \$24.255/hour
6. Kulani Moti – Deputy Public Defender – Public Defender’s Office – 21/1 to 21/2 – 8/17/10 – \$2,038.64/bi-weekly
7. Rodney Hohn – Highway Maintenance Worker – Highway – 12/8 to 12/9 – 8/28/10 – \$19.422/hour
8. Holly Christofferson – Custodial Supervisor – Facilities – 12/4 to 12/5 – 8/17/10 – \$17.595/hour
9. Steven Oberle – Army Guard Security Officer – Army Guard – 10/8 to 10/9 – 8/1/2010 – \$17.595/hour
10. Kurt Woodard – Army Guard Security Officer – Army Guard – 10/8 to 10/9 – 8/1/2010 – \$17.595/hour

MOTION by Pekas, seconded by Barth to reclassify the vacant Planner III position from a pay grade 21 to a pay grade 19. 4 ayes.

NOTICES

MOTION by Twedt, seconded by Pekas, to authorize the Auditor to publish notice of the annual auction of county surplus property on September 11, 2010. 4 ayes.

Notice was received from the SD Dept of Transportation of an Aug. 25th meeting to solicit public comment on the Statewide Long Range Transportation Plan.

BID

Bob Meister, Highway Superintendent, reported that bids were opened for the Highway Re-roof project on August 11th at 10:30 am. One bid was received: Guarantee Roofing & Sheet Metal, \$51,889.00 plus \$1.25 per board foot for replacement of wet insulation. MOTION by Pekas, seconded by Barth to accept the bid from Guarantee Roofing & Sheet Metal. 4 ayes.

SURPLUS

MOTION by Pekas, seconded by Twedt to declare property on the list identified as Exhibit A as surplus for disposal at the Sept. 11th public auction. 4 ayes. The complete list is available at the Auditor's office or the county website.

MOTION by Pekas, seconded by Barth to declare the following items surplus for donation to other governmental agencies: 4 cubicle overhead compartments, Sheriff/Jail, to Brandon Volunteer Fire Dept; 2 hose reels, value \$50, Highway, and 10 folding chairs, Museum, to Colton Fire Dept. 4 ayes.

SUPPLEMENT

MOTION by Pekas, seconded by Barth to supplement \$12,320.39 from the EFSP Fund to the EFSP budget (ASN 21137) representing the second half of the 2010 EFSP allocation plus interest. 4 ayes.

TAX DEED

At the request of Sue Roust, County Auditor, MOTION by Barth, seconded by Pekas to approve Resolution MC10-36. 4 ayes.

RESOLUTION MC10-36

WHEREAS, Minnehaha County currently owns the following property (Tax Deed #, RDID #, legal description, 2008 Appraisal Board value):

2493, 50044, Lot 12B Block 13 of The Park in Tuthill Highlands Addn to City of Sioux Falls, \$0.00; and

WHEREAS, it is in the best interest of Minnehaha County taxpayers to return this property to the tax roll and attach it to an adjacent property; now, therefore, be it

RESOLVED, that the Minnehaha County Commission hereby declares RDID# 50044 to be surplus property; and be it further

RESOLVED, that the Minnehaha County Treasurer is authorized to issue a Quit Claim Deed as follows, and abate all outstanding taxes, interest, and penalties levied against this property:

RDID# 50044 to Thomas & Patsy Noordsy, 2513 E. Harriet Lea, Sioux Falls, SD 57103

Approved this 24th day of August, 2010.

Anne Hajek, Commission Chairman

ATTEST:

Cynthia Jepsen, Deputy Auditor

APPEAL

Pursuant to deferral on August 17th, the Commission again considered 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. Scott Anderson, Planning Director, reported that the 1990 Minnehaha County Zoning Ordinance describes the Home Occupation regulations as allowing limited commercial type activities associated with a residence only to the extent that the activity is clearly subordinate to the residential or agricultural use of the property. The Planning Commission voted 6-0 to deny this CUP, saying it is not in conformance with the Comprehensive Plan, would constitute spot zoning, exceeds the criteria of a home occupation, and is not an allowed use in the A-1 Agriculture zoning district.

Mr. Anderson was directed last week to prepare a set of conditions under which he could recommend approval. He presented 16 conditions, the first 11 of which were taken directly from Article 12.0302 of the Zoning Ordinance, and the last 5 of which addressed storage of garbage containers, SD sales tax license, hard surfacing the driveway, off-street parking, and hours of operation.

Tom Clayton, attorney for applicants Cindy Swier and Todd Snyders (RS Sanitation), requested adjustments to the conditions on hard surfacing the driveway and hours of operation, and requested that condition 17, "Landowner has an ownership interest in R&S Sanitation, Inc." be added. Jerry Noonan, former county commissioner, reminded the commissioners that he participated in drafting the home occupation provisions, and he urged the Commission to find ways to encourage small business development in rural areas. Gordy Swanson, Chief Civil Deputy State's Attorney, recommended the addition of condition 18, "Permit conditional upon Ms. Swier's ownership and occupancy of the property."

MOTION by Twedt to uphold the decision of the Planning Commission and deny Conditional Use Permit #10-28. Motion dies for lack of a second. MOTION by Pekas, seconded by Barth to approve CUP #10-28 with the following conditions:

1. The occupation shall be conducted entirely within a dwelling or accessory building and clearly incidental to the use of the structure for residential purposes.
2. The occupation shall be operated by a member of the family residing in the dwelling.
3. Employees of the occupation shall be limited to residents of the dwelling and up to two (2) non-resident employees, not to exceed four (4) employees on site.
4. In addition to the dwelling, up to 750 square feet of accessory building space may be used for the occupation.
5. The occupation shall not create noise which, when measured off the property, exceeds 60 decibels between the hours of 8:00 a.m. and 6:00 p.m. The occupation shall not create noise which is detectable to the normal sensory perception off the property between the hours of 6:00 p.m. and 8:00 a.m. These off the property noise standards shall not apply to public and railroad rights-of-way.
6. The occupation shall not create vibration, glare, fumes, odor, or electrical interference detectable to the normal senses off the property.
7. No outside storage, display of goods or merchandise, or external evidence of the occupation shall occur except as outlined in this section.
8. A non-illuminated nameplate not exceeding two square feet in area may be placed on the dwelling or accessory building. Additionally, one non-illuminated sign not exceeding four square feet in area may be located along the driveway for the occupation. No off premise signs shall be used.
9. The occupation shall not generate more than 10 visits per day from clients or customers averaged over a period of seven (7) consecutive days.
10. There shall be only limited and incidental sale of products conducted on the premise.

11. The number of deliveries generated by the occupation shall not significantly affect the character of the area. Delivery vehicles shall be limited to auto, pick up, or typical delivery service truck.
12. Any garbage containers used or stored on the property shall be kept clean of debris or liquid so as not to attract flies or create odors.
13. The applicant shall obtain a South Dakota Sales Tax License.
14. That the applicant shall hard surface the first 16 feet of private driveway extending north off of S.D. Highway 42 and that the balance of the driveway and employee parking area be treated with a dust control substance so that no dust is created from use.
15. That the applicant provides two off-street parking spaces for guests and customers and 1 additional parking space for each employee/driver. Each parking space shall be at least 9 feet by 18 feet in area.
16. The hours of operation shall be Monday to Friday from 5:30 a.m. to 6 p.m. and Saturdays from 9 a.m. to 1 p.m.
17. Landowner has an ownership interest in R&S Sanitation, Inc.
18. Permit conditional upon Ms. Swier's ownership and occupancy of the property.

VOTE on the motion: Barth and Pekas aye, Hajek and Twedt nay. Due to the tie vote, this item will carry over to the next Commission meeting for consideration by the full Commission.

OLD BUSINESS

Chairman Hajek reported on the recent SD Assn of County Commissioners Executive Board meeting which she attended.

Commissioner Pekas noted the number of new businesses discussed at last night's Planning Commission meeting, and the involvement of the Minnehaha County Economic Development Association in encouraging new businesses.

MOTION by Pekas, seconded by Barth 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 31, 2010.