

THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M., June 19, 2007, pursuant to adjournment on June 18, 2007. Commissioners present were: Hajek, Twedt, Barth, Kolbe, and Pekas. Also present were Sandy Kinder, Deputy Auditor, and Gordy Swanson, Chief Civil Deputy State's Attorney.

Chairman Hajek called the meeting to order.

## AGENDA

MOTION by Pekas, seconded by Barth to move item 11, commendation, as the first item under Regular Business and approve the Agenda . 5 ayes.

## MINUTES

MOTION by Pekas, seconded by Twedt to approve the Minutes for June 12, 2007. 5 ayes.

## VOUCHERS TO BE PAID

MOTION by Kolbe, seconded by Pekas to approve the following bills totaling \$271,367.61. 5 ayes.

A+ Auto Techs Inc	Var. Depts	74.85	A-Ox Welding Supply	Emer Mgmt	549.36
Ace Group, LLC	Hiway Cons	2,202.09	Al-Ostaz, Mohammed	Var. Depts	710.00
Alliance Communicati	Metro-911	953.96	American Stamp & Mar	Reg Deeds	192.06
Apex Property Manage	Human Svcs	732.00	Appera / Dudley Lau	Hiway Cons	51.92
Arena Motel	Human Svcs	805.02	Argus Leader	Var. Depts	4,216.23
Ashbury Apts, Ltd Pa	Human Svcs	575.00	Aspen Park Apts	Human Svcs	480.00
Avera Gastroenterolo	Human Svcs	428.66	Avera Home Medical E	Human Svcs	36.67
Avera McKennan Hospi	Var. Depts	16,262.66	Avera Medical Record	Pub. D.	53.40
Avera Queen of Peace	Hiway Admi	126.00	Beck, Pat Court Repo	Human Svcs	177.45
Belitz, Clarence H /	Human Svcs	680.00	Berg, Danny D.	Facilities	79.75
Berreth, Deborah	Metro-911	22.72	Billion	Sheriff	129.24
Boyer Trucks Sioux F	Hiway Cons	107.61	Bureau of Informatio	Var. Depts	1,463.95
Butler Machinery Com	Hiway Cons	12.80	Campbell Supply Co.,	Var. Depts	324.68
Butfield Business In	St Atty	3,733.33	Carriage Villa/Beldt	Human Svcs	280.14
CBM Food Service	Correction	8,432.06	Center For Family Me	Correction	588.94
Century Business Pro	Var. Depts	98.68	Chapelwood Apartment	Fema Fund	500.00
Charlotte Place/Beck	Human Svcs	1,440.00	Cinrod Property Mana	Human Svcs	480.00
City Centre Hotel Co	Court Sys.	146.45	City-Wide Taxi, Inc	Human Svcs	155.00
Cleveland Heights Ap	Var. Depts	1,015.00	Cliff Avenue Auto Pa	Hiway Cons	42.96
Cody, Denise	Mental Ill	15.00	Cornerstone Energy,	Facilities	10,507.80
Country View MHC	Human Svcs	519.69	Crawford Supply Comp	Juv Det Cn	30.72
Crescent Electric Su	Facilities	186.79	Culligan Water Condi	Var. Depts	144.45
Dakota Fluid Power,	Hiway Cons	461.06	Dakota Lettering Etc	Musm Entrp	154.63
Dakota Riggers & Too	Hiway Cons	129.00	Daniels-Olsen Bldg P	Build Fund	289.52
Degrata Tactical, In	Sheriff	401.10	DeYoung, Lynn	Emer Mgmt	213.45
Diamond Vogel Paint	Hiway Cons	784.50	Dietrich, Donna K	Mental Ill	391.38
Dindot-Klusmann Fune	Human Svcs	2,340.00	Dust Tex Service, In	Var. Depts	15.81
Dzinic, Vernesa	Court Sys.	75.00	East, Paul T DBA	Human Svcs	115.00
Eastern Farmers Coop	Hiway Cons	15.00	Ecowater / Coy Burk	Human Svcs	450.00
Exide Technologies	Hiway Cons	55.39	Falls Terrace Apartm	Human Svcs	575.00
Falls View Apts	Human Svcs	480.00	Family Drug	Human Svcs	529.26
Family Service, Inc.	Human Res.	250.00	Fastenal Company	Hiway Cons	315.78
Federal Express Corp	Museum	28.16	Felton, John Db	Human Svcs	1,539.10
First Dakota Nationa	Human Svcs	163.38	First Premier Bank	Sheriff	92.13
Fluth, Rodney P	Human Svcs	465.00	Fox, Youngberg & Lew	Mental Ill	183.72
Fred the Fixer, Inc.	Var. Depts	130.14	G&W, Inc DBA Gary Co	Human Svcs	332.07
Geospatial Experts	Emer Mgmt	5,608.78	German, Monica	Human Svcs	250.00
Glazier, David Alan	Human Svcs	380.00	Glory House	Social Ser	1,875.00
Goebel Printing, Inc	Human Svcs	61.78	Goede, Daniel J, D.D	Human Svcs	81.65
Golden Creek Investo	Human Svcs	351.00	Graham Tire Co. - Do	Sheriff	15.95
Grainger, Inc.	Hiway Cons	64.92	Great Plains Int'l T	Hiway Cons	197.56
Great Plains Psychol	Court Sys.	1,795.00	Greentree Psychologi	Mental Ill	200.00
Gunner, Andrea	Court Sys.	15.20	Guzman, Sandra V.	Var. Depts	454.15

Haiar, Kevin G	Human Svcs	480.00	Hander, Inc.	Human Svcs	229.59
Harold's Photo Cente	Pub. D.	6.60	Harris, Jon	Emer Mgmt	1,548.00
Heartland Paper Comp	Emer Mgmt	38.52	Hills Telephone Comp	Metro-911	208.38
Hob-Lob Ltd	Musm Entpr	28.48	Holland, Robert M. D	Human Svcs	380.00
Home Federal Savings	Human Svcs	480.00	Howalt-McDowell Insu	Pub. D.	50.00
Huezo, Dax I	Human Svcs	380.00	Huffer, Douglas A	Hiway Cons	59.30
Hurtgen, Timothy T.	Human Svcs	50.00	Hy-Vee Pharmacy	Human Svcs	455.26
Hy-Vee Pharmacy	Human Svcs	22.99	Innvoative Investmen	Human Svcs	575.00
Insight Public Secto	Metro-911	1,067.99	Interstate Office Pr	Var. Depts	1,329.27
J.D.'S House of Trop	Metro-911	98.90	Jamar Technologies,	Hiway Cons	168.78
Jaqua, Curtis Wayne	Human Svcs	375.00	Jefferson Partners,	Human Svcs	552.40
Johnson Controls, In	Var. Depts	4,664.00	Kauffman, David W. P	Court Sys.	1,812.50
Kleen Solutions, Inc	Correction	140.82	Kmart	Human Svcs	440.39
Knowlton, Jeff	Human Svcs	380.00	Koality Construction	Human Svcs	275.00
Kohl's Department St	Juv Det Cn	64.98	Kolbe, Robert	Comm.	24.96
Kone, Inc.	Var. Depts	192.26	Kooistra, Nelva	Mental Ill	30.00
Kpradith, Kyto	Court Sys.	50.00	Kroupa, Patricia	Human Svcs	1,034.89
Lason Systems, Inc.	Reg Deeds	430.50	Lassegaard, Samuel C	Human Svcs	760.00
Lewis & Clark BHS	Mental Ill	1,170.00	Lexis-Nexis / Reed E	Var. Depts	1,851.00
LexisNexis Matthew B	Sheriff	120.00	Linweld, Inc.	Hiway Cons	183.97
Lyle Signs, Inc.	Hiway Cons	181.48	Majestic View Apartm	Var. Depts	1,075.00
McCartney, Bob	Human Svcs	480.00	Medtox Laboratories,	St Atty	176.54
Menards - East	Human Svcs	417.23	Midamerican Energy C	Var. Depts	3,817.37
Midstates, Inc.	Hiway Cons	780.00	Midwest Alarm Compan	Facilities	374.40
Mikelson, Gary E.	Mental Ill	273.82	Minnehaha Cnty Human	Human Svcs	116.00
Minnehaha Cnty Sheri	Sheriff	41.94	Mobile Electronic Se	Sheriff	135.00
Moe, Michael	Facilities	80.00	Mueller, Joel	Correction	29.00
Munce, Ronnie Jr	Human Svcs	674.50	Murray Construction	Human Svcs	104.00
Myrl & Roy's Paving,	Hiway Cons	56,820.10	NACDL	Pub. Adv.	125.00
NASW-SD	Human Svcs	40.00	Nat'l Student Housin	Human Svcs	480.00
New World Systems	Metro-911	24,940.00	Newman, Scott G.	Human Svcs	480.00
Nguyen, Lam	Court Sys.	125.00	North Cleveland Apts	Human Svcs	450.00
Northern Truck Equip	Hiway Cons	257.63	Notary Law Institute	Comm.	79.00
Novak Sanitary Servi	Facilities	780.54	O'Dea, Steve C	Human Svcs	325.00
Oballa, Ojulu A	Court Sys.	25.00	Orthopedic Institute	Correction	212.39
Oscar's Mini-Storage	Museum	35.00	Pfeifer Implement Co	Hiway Cons	6.60
Phase II Interpreter	Court Sys.	370.00	Physicians Laborator	Correction	116.54
Precision Industries	Hiway Cons	101.18	Price, Thomas L PhD	Pub. D.	990.00
Pro-Ed	Dir. Eq.	596.00	Property Records Ind	Reg Deeds	200.00
Provo, Tom	Human Svcs	445.00	Quest Engineering, I	Hiway Cons	52.86
Qwest	Var. Depts	6,936.87	R & L Supply, Ltd	Hiway Cons	101.25
Regionalhelpwanted.C	Facilities	233.00	Rehfuss, Cathy A	Mental Ill	45.00
Retail Data Systems	Treasurer	109.00	Ronning Commercial,	Human Svcs	380.00
Rural Metro Ambulanc	Coroner	200.00	Sanford Hospital	Var. Depts	5,631.03
Schoeneman Bros. Co.	Musm Entpr	29.54	Schooley, Matt	Correction	29.00
SD Network, LLC	Metro-911	7,516.17	SD Newspaper Assn Se	Comm.	51.25
SD Public Assurance	Cnty Ins	15,672.49	SD Secretary of Stat	Pub. D.	25.00
Sears	Facilities	35.99	Security Labs, Ltd	Treasurer	466.00
Sehr, Francis J/Sehr	Human Svcs	420.00	Shiple's Laundry &	Musm Entpr	19.06
Sioux Empire FCU / V	Metro-911	462.22	Sioux Equipment Co.,	Hiway Cons	412.66
Sioux Falls City Fin	Var. Depts	10,924.90	Sioux Falls Ford, In	Sheriff	49.97
Sioux Falls Shopping	Facilities	153.00	Sioux Falls Surgical	Correction	197.77
Sioux Falls Utilitie	Var. Depts	85.01	Sioux Falls Woman, L	Museum	585.00
Sioux Valley Energy	Human Svcs	252.00	Skelly, Marie/Bill	Human Svcs	480.00
Software House Inter	Metro-911	230.79	Streicher's	Sheriff	3,035.99
Strum, Steve A	Human Svcs	325.00	Sturdevant's Auto Pa	Hiway Cons	210.30
SV Home Medical Equi	Human Svcs	167.50	TDS Auto Repair, Inc	Emer Mgmt	97.81
The Mitographers, In	Hiway Cons	1,125.11	Thill, Glenna	Human Svcs	380.00
Thorin, Deyanira T.	Var. Depts	75.00	Thyssenkrupp Elevato	Correction	1,946.81
Timberland Village A	Human Svcs	480.00	Tuschen, Michael E	Hiway Cons	75.52
Unke - Lyons, Inc.	Human Svcs	700.00	Uno Tomato Subs	Musm Entpr	35.42
Urology Specialists	Correction	282.04	USDA National Financ	Human Svcs	335.88
Vander Haag's, Inc.	Hiway Cons	740.68	Volunteers of Americ	Juv Det Cn	2,686.25
Vucurevich, Kent	Human Svcs	363.20	Wal-Mart Pharmacy	Human Svcs	531.44
Wal-Mart Pharmacy	Human Svcs	40.11	Walgreen Co.	Human Svcs	416.73
Waste Management of	Facilities	615.72	Westmed Rehab, Inc	Correction	104.80
Wheelchair Express,	Var. Depts	343.75	Wheelco Brake & Supp	Hiway Cons	374.52
Widlund, John W	Human Svcs	480.00	Woodard, Aaron R	Museum	50.00
Xcel Energy, Inc.	Var. Depts	1,770.40	Yankton County Sheri	Mental Ill	82.50

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Zep Manufacturing Co Hiway Admi 171.65 5-Forty Partnership Human Svcs 480.00

## REPORTS

The following reports were received and placed on file in the County Auditor's Office: Minnehaha County Sheriff's Department Monthly Report and the Register of Deeds Official Statements of Recording, Transfer, Marriage, and Express Fees for May 2007.

## PERSONNEL

MOTION by Pekas, seconded by Barth to approve the following personnel changes. 5 ayes.

1. To accept the resignation of Jerry Lenderts as Correctional Officer II for the Sheriff/Jail effective 6-15-07.
2. To accept the resignation of Elaine Muller as Correctional Officer I for the Sheriff/Jail effective 6-14-07.
3. To hire Elaine Muller as part-time Correctional Officer I (9/2) for the Sheriff/Jail at \$15.545 per hour effective 6-18-07.
4. To discharge Lori Gray as Human Resources Generalist for the Human Resources Office effective 6-14-07.
5. To hire Krysta Miller as part-time, temporary clerk in the Equalization Office at \$8.50 per hour effective 6-18-07 to 10-30-07.
6. To promote Raymond Koens to Caseworker II (12/6) for the Human Services Department at \$20.248 per hour effective 6-4-07.
7. To promote James Phelps to Caseworker III (13/7) for the Human Services Department at \$21.703 per hour effective 6-9-07.
8. To hire Nancy McKeon as part-time Caseworker II (12/8) for the Human Services Department at \$21.065 per hour effective 6-4-07.

### Step Increases Due:

1. Craig Butler – Deputy Sheriff – Sheriff – 12/2 to 12/3, 6-20-07, \$19.080/hr
2. Michael Mattson – Deputy Sheriff – Sheriff/Jail – 12/2 to 12/3, 6-19-07, \$19.08/hr
3. Harley Marek – Civil Process Server – Sheriff – 9/3 to 9/4, 6-21-07, \$16.490/hr
4. Douglas Huffer – Highway Crew Chief – Highway – 10/10 to 10/11, 6-19-07, \$20.079/hr
5. Dennis Schotzko – Highway Maintenance Worker – Highway – 8/2 to 8/3, 6-20-07, \$15.196/hr
6. Thomas Peterson – Highway Equipment/Service/Parts Manager – Highway – 13/9 to 13/10, 6-19-07, \$23.031/hr
7. Kevin Nilson – Programmer Analyst I – Information Services - 20/1 to 20/2, 6-19-07, \$25.815/hr

8. Robbin Ketcham – Senior Records Specialist – Register of Deeds – 6/8 to 6/9, 6-22-07, \$14.926/hr
9. Raymond Koens – Caseworker I – Human Services – 11/5 to 11/6, 5-28-07, \$19.216/hr
10. James Phelps – Caseworker II – Human Services – 12/5 to 12/6, 6-8-07, \$20.248/hr
11. Krista Miersma – Juvenile Correctional Officer I – Juvenile Detention Center – 10/2 to 10/3, 6-21-07, \$17.137/hr
12. Nichole Kuemper – Juvenile Correctional Officer I – Juvenile Detention Center – 10/2 to 10/3, 6-11-07, \$17.137/hr
13. Reece Deters – Juvenile Correctional Officer I – Juvenile Detention Center – 10/2 to 10/3, 6-13-07, \$17.137/hr
14. Julie Hofer – Deputy Public Advocate III – Public Advocate – 21/3 to 21/4, 6-20-07, \$2,269.84/ biweekly
15. Gerald Schwartz – Custodian I – Facilities – 3/3 to 3/4, 6-13-07, \$10.547/hr
16. Brian Woods – Custodian I – Facilities – 3/2 to 3/3, 6-19-07, \$10.340/hr

#### NOTICE

MOTION by Twedt, seconded by Pekas to authorize the Auditor to publish Notice to Bidders for Highway Project MC114BC-07, installation of precast box culverts. 5 ayes.

#### PLANNING

Pat Herman, Planner, gave the 1<sup>st</sup> reading of a proposed ordinance providing for the adoption of the 2006 International Building Code and amendments and additions thereto; the 2006 International Residential Code and amendments and additions thereto; the 2006 International Existing Building Code and amendments and additions thereto; and for the repeal of all ordinances and resolutions in conflict therewith. Ms. Herman noted that the City of Sioux Falls was in the process of adopting the same codes and that the County has been operating on the 1997 Uniform Building Code. An increase in building permit fees was also recommended. Commissioner Twedt asked that more detailed information be provided to commissioners prior to the hearing. MOTION by Kolbe, seconded by Pekas to authorize the Auditor to publish Notice of Hearing on July 10, 2007, to consider adoption of the ordinance. 5 ayes.

#### COMMENDATION

Sheriff Mike Milstead presented Sheriff's Lifesaving Commendation plaques to Ryan Jorgensen and Bob Sagmoe (and grandson Jaren) recognizing their heroism in saving Branden Larson from a sinking boat at Wall Lake on June 11<sup>th</sup>. Family members of Branden were present to thank the men and Mike Begeman with Sanford Children's Hospital, where the teen was hospitalized, presented the men gift certificates.

#### HEARING

Dell Rapids City Council Members Kris Langer, Mark Downs, Dave Sommerfeld, Carrie Testerman, and Todd Wiebenga, and County Planner, Pat Herman, were present for the scheduled hearing to consider an amendment to the 2001 Revised Joint Zoning Ordinance for Minnehaha County and the City of Dell

Rapids to rezone property legally described as the SE1/4 (Ex H-2 & Pliska's Addn. & Ex Tr. 2 Overaag's Addn. & Ex W525' and Ex. Lots 1 -6 Blk 1 & Lots 1-6 Blk 2 Dell Rapids Industrial Park Addn. ) and Tract 1 (Ex E723' S400') Pliska's Addn. W1/2 SE1/4 of Section 12-T104N-R50W from the A-1 Agricultural District to the I-1 Light Industrial District. This property is located at the Dell Rapids exit from Interstate 29. Both comprehensive plans recognize this area for light industrial zoning. No one spoke in opposition to the request. MOTION by Pekas, seconded by Kolbe to approve Ordinance MC28-12-07. 5 ayes. City of Dell Rapids concurred.

#### ORDINANCE MC28-12-07

AN ORDINANCE AMENDING THE 2001 REVISED JOINT ZONING ORDINANCE FOR MINNEHAHA COUNTY AND THE CITY OF DELL RAPIDS BY REZONING CERTAIN PROPERTY.

BE IT ORDAINED BY MINNEHAHA COUNTY, SOUTH DAKOTA:

That Ordinance MC28-01, the 2001 Revised Joint Zoning Ordinance for Minnehaha County and the City of Dell Rapids is hereby amended as follows:

SE1/4 (Ex H-2 & Pliska's Addn. & Ex Tr. 2 Overaag's Addn. & Ex W525' and Ex. Lots 1 -6 Blk 1 & Lots 1-6 Blk 2 Dell Rapids Industrial Park Addn. ) and Tract 1 (Ex E723' S400') Pliska's Addn. W1/2 SE1/4; of Section 12-T104N-R50W is hereby rezoned from A-1 Agricultural District to the I-1 Light Industrial District and the official zoning map referred to in Article 2.03(A) is amended to include the property in the I-1 Light Industrial District.

Adopted this 19th day of June, 2007.

MINNEHAHA COUNTY

Anne Hajek, Chair, Board of County Commissioners

ATTEST:

Sandy Kinder, Deputy Auditor

MILEAGE

Pursuant to deferral on June 5<sup>th</sup>, Sue Roust, Auditor, presented information on the budgetary impact of raising county employee mileage reimbursement rates to the IRS rate of 48.5¢ per mile. The state will raise its rates on July 1, 2007 from 32¢ to 37¢ per mile. Based on what has been paid out in 2006, she estimated that raising the rate to 37¢ would result in about a \$4,000 increase, and going to the IRS rate would cost over \$13,000. Commissioners are to be paid no more than the state rate. MOTION by Barth, seconded by Twedt to amend Section F-2 of the Minnehaha County Employee Handbook to increase the allowable mileage reimbursement rate from 32¢ to 48.5¢ per mile for county employees and to 37¢ per mile for commissioners effective July 1, 2007. 5 ayes.

SUPPLEMENT

MOTION by Twedt, seconded by Pekas to supplement \$7,350.00 from the FEMA Fund to the FEMA budget representing the first half of the FEMA Grant allocation with the \$150.00 administrative fee going to the General Fund. 5 ayes.

TIF

Scott Anderson, Planning Director, read a resolution which gives final approval to Tax Increment District

One, Buffalo Ridge Ethanol Facility, northeast of Sherman, SD. The project plan was approved by the Planning Commission. Commissioners discussed the 20 year timeframe of the TIF, increments, and what would happen if the business was sold during the TIF period. Kathy Showalter with PlanScape Partners presented a slideshow on the project plan and its economic benefits. Randy Pierret, county resident, asked commissioners to turn down the request. He voiced concerns on the impact to county roads due to additional traffic and the loss of tax revenue. Jeff Eckhoff, Executive Director of the MCEA, discussed the multiplier effect of the TIF. Commissioners Barth and Kolbe questioned the 20 year term. Commissioner Pekas urged commissioners to look at the future benefits of this project. MOTION by Twedt, seconded by Pekas to approve Resolution MC07-34. 4 ayes, Kolbe nay.

RESOLUTION MC07-34  
A RESOLUTION APPROVING THE PROJECT PLAN FOR MINNEHAHA COUNTY TAX  
INCREMENT DISTRICT NUMBER ONE

WHEREAS, the County Planning Commission has prepared and adopted a project plan which identifies certain development activities and public improvements to be undertaken by the private developers and paid for, in whole or in part, from the collection of tax increment revenues derived from the district; and

WHEREAS, the County Tax Increment Project Plan is both economically feasible and in conformity with the Minnehaha County Comprehensive Development Plan; and

WHEREAS, it is anticipated that project costs in the plan will be expended prior to January 1, 2012;

NOW, THEREFORE, BE IT RESOLVED by Minnehaha County, South Dakota:

That the Tax Increment Project Plan for Tax Increment District Number One, Buffalo Ridge Ethanol Facility, is hereby approved with a maximum increment payout of \$4,300,000.00 and not to exceed a twenty (20) year time period.

Dated this 19<sup>th</sup> day of June, 2007.

APPROVED BY THE COMMISSION

Anne Hajek, Chairman

ATTEST:

Sandy Kinder, Deputy Auditor

APPEAL

Scott Anderson, Planning Director, was present to consider an appeal of the Planning Commission decision approving a Conditional Use Permit with four conditions for the City of Crooks. The permit allows for the expansion of the current wastewater sewage lagoons on land legally described as the N 935.25' S 1,585.52' E 1490' NE1/4 of Section 9-T102N-R50W, ½ mile west of Crooks. Mr. Anderson explained that the City of Crooks is appealing condition 4) the system shall be aerated lagoons to eliminate odor as much as possible. An appeal was also submitted by Gerald & Shirley Potratz disputing the location, but was received a day late due to a miscommunication between staff and the property owner's attorney. Commissioners discussed information provided by memorandum indicating the filing by the City of Crooks only. Mr. Anderson's opinion was that once an appeal is filed, it covered the whole CUP. Gordy Swanson, Chief Deputy State's Attorney, advised the commission that it was at their discretion to hear the entire CUP even though a separate appeal letter was not timely filed as county ordinance does not have the same requirements for appeals as the courts. Commissioner Twedt did not believe it was fair to either side to hear the appeal without all of the supporting documentation. MOTION by Kolbe, seconded

by Kolbe, seconded by Twedt to defer consideration of the appeal for 1 week to allow for more information on the appeal from the property owner. Duane Anderson, attorney for the Potratzes, explained the reason for delivering his appeal late. Rick Ramstad, Attorney for the City of Crooks, explained that time was of the essence for the project. Both sides were present at the meeting. VOTE on the motion, 1 aye, Twedt, Barth, Pekas, and Hajek nay. Mr. Ramstad explained the history of the improvements to Crooks' sewer lagoons noting that they are at capacity. The City of Crooks pursued condemnation of the land in order to expand the current system. He also discussed the odor emitted from the ponds noting that it is natural and occurs about twice a year. Mr. Ramstad did not believe the location of the ponds would negatively impact the surrounding properties and showed slides of a housing development in Harrisburg abutting their lagoons. He asked that the county give deference and allow the CUP without the condition of aeration. Tim Slowey with East River Engineering explained that aeration is used for varying purposes and documentation varies on its effectiveness in controlling odors. He explained that the requirement of aeration would result in a one-time increase in construction costs and ongoing maintenance and energy increases. Duane Anderson showed slides of the Potratz's property and noted that the expansion would place the lagoons 847' from the residence. Dick Gregerson, county resident, stated that he could smell the ponds each time that he has been at the site. He believed the aeration would help with the odor and would make the area more compatible for living. He also commented on the lack of criteria in the county ordinance on sewer lagoons. Dick Haas, engineer, explained the difference between conventional stabilization ponds vs. aerated ponds noting that aerated ponds use about ½ of the land, but are more expensive. He believed the only way to eliminate odor would be to hook up to the City of Sioux Falls or use aeration. Mr. Swanson believed that the lack of criteria in the ordinance would not void an action by the commission, but would make it a referable one. Mr. Ramstad reported that the City of Crooks did look at regionalization, but the City of Sioux Falls is not developing in that direction making this less feasible. He stated that there is no scientific basis supporting that aeration would reduce odors. He also cited a nearby creek and feedlot as potential contributors. Duane Anderson stated that it was unfair that the Potratzes have to bear the burden for the benefit of people who haven't yet moved to Crooks. Commissioner Kolbe noted that other municipalities' ponds are located within their city limits and this could be the reason they are not addressed by ordinance. Commissioner Twedt asked for clarification that the city was appealing because of the cost to add aeration and that the property owner was appealing to rescind the CUP. Commissioner Hajek expressed concerns over open lagoons and supported utilizing enclosed systems. MOTION by Pekas, seconded by Kolbe to overturn the Planning Commission decision by approving the CUP and omitting condition #4. 2 ayes, Twedt, Barth, and Hajek nay. Motion fails. Commissioner Twedt noted that the cost was not that important when compared to someone's quality of life. MOTION by Twedt, seconded by Kolbe to uphold the Planning Commission decision to approve the CUP with the following conditions: 1) that erosion control measures be implemented during and after construction so that no sedimentation enters Willow Creek; 2) that a landscaping plan be submitted to the Planning Director for review and approval for landscaping along the north boundary of the lagoons; 3) that if one or more acre of area is disturbed during construction the applicant is required to obtain a General Permit from the SD DENR; and 4) the system shall be aerated lagoons to eliminate odor as much as possible. 3 ayes, Pekas and Hajek nay.

## NEW BUSINESS

Commissioners discussed the summer schedule for the Joint City/County/Schools meetings.

2008 budget hearings will begin on Monday, June 25<sup>th</sup>. Commissioners set the time for the Monday meeting as 6:30 p.m. to 9:30 p.m. in the Multi-Purpose room.

MOTION by Pekas, seconded by Barth to adjourn into Executive Session for personnel and litigation discussions. 5 ayes. Following Executive Session, the Commission adjourned until 9:00 a.m. on Tuesday, June 26, 2007.

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APPROVED BY THE COMMISSION:

Anne Hajek, Chairman

ATTEST:

Sandy Kinder, Deputy Auditor