

THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M., February 17, 2009, pursuant to adjournment on February 10, 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 Barth, seconded by Hajek to approve the Agenda. 5 ayes.

MINUTES

MOTION by Twedt, seconded by Hajek to approve the Minutes for February 10, 2009. 5 ayes.

VOUCHERS TO BE PAID

MOTION by Hajek, seconded by Barth to approve the following bills totaling \$917,931.83 for payment. 5 ayes.

A & B Business Equip	Var. Depts	1,269.39	A-Ox Welding Supp Co	Sheriff	186.00
Anderson-Crane Rubbe	Hwy Constr	26.40	Anderson, Scott A.	Planning	189.00
Anesthesiology Assoc	Human Svcs	144.00	Arena Motel	Human Svcs	455.00
Argus Leader	Var. Depts	716.43	ASDM Treasurer	Mus Ops	100.00
Ashbury Apts, Ltd Pa	Human Svcs	500.00	Automatic Building C	Facilities	171.36
Avera Gastroenterolo	Human Svcs	412.93	Avera Home Medical E	Jail	20.00
Avera McKennan Campu	Human Svcs	46.39	Avera McKennan Hospi	Var. Depts	77,674.24
Avera Queen of Peace	Hwy Admin	324.00	Al Svc Inc/Laceys Ch	Hwy Constr	90.00
Babinski Properties	Human Svcs	400.00	Baker, Mary	Public Def	35.26
Bechthold, Scott F	Sheriff	400.00	Best Business Produc	St Atty	118.00
Boomgarden, Harm	Human Svcs	600.00	Boyer Trucks Sioux F	Hwy Constr	490.34
Brennan Hill Townhou	Human Svcs	380.00	Builders Supply Comp	Facilities	28.00
Burkhard, Michael /	Human Svcs	400.00	Burnette, Sara L	Courts	300.00
Byre, Jonn E	Human Svcs	380.00	C & R Supply, Inc.	Hwy Constr	1,850.00
Campbell Supply Co I	Var. Depts	99.77	Carex Health Brands	Human Svcs	134.82
Carlson, Lisa	Courts	634.80	Catco	Hwy Constr	37.13
CBM Food Service	JDC	6,242.84	Center for Family Me	Jail	199.28
Century Business Pro	Public Adv	81.23	Chang, Hyun	Human Svcs	500.00
Chef Amys Cafe 334	Mus Entpr	20.85	Chemco, Inc.	JDC	1,549.70
City Centre Hotel Co	Var. Depts	401.25	City-Wide Taxi, Inc	Human Svcs	103.82
Cliff Avenue Auto Pa	Hwy Constr	17.36	Climate Systems, Inc	Facilities	184.80
Com-Tec Security, LL	Jail	14,638.32	Compass Center FKA	RDAC	6,000.00
Costain, Bonnie	St Atty	239.00	Country Meadows Apts	Human Svcs	500.00
Country View MHC	Human Svcs	200.00	Covell Properties	Human Svcs	400.00
Crisis Prevention In	JDC	422.95	Criterion Prop Mgmt	Human Svcs	800.00
Culligan Water Condi	Human Svcs	36.00	Dakota Data Shred	Public Def	44.80
Dakota Fluid Power,	Hwy Constr	467.49	Danko Emergency Equi	Em Mgmt	650.00
Dialnet/Ahrens Telec	Var. Depts	650.46	Dietrich, Donna K	Mental Ill	1,121.06
Earsay	Public Def	122.96	Ebert's Properties,	Human Svcs	1,420.00
Electric Innovations	Facilities	2,432.50	Elhai, Jonathon D.,	Public Def	1,062.50
Elite Business Syste	Human Svcs	138.40	Family Service Inc	Human Res	325.00
Farm & Home Publishe	Reg Deeds	58.00	Farrell, Lorae J	Courts	139.40
Fastenal Company	Hwy Constr	67.22	Ferrellgas, Inc.	Human Svcs	400.00
First Premier Bank	Sheriff	58.26	Fox, Youngberg & Lew	Mental Ill	168.56
Fred The Fixer, Inc.	Human Svcs	201.00	G & J Properties	Human Svcs	600.00
Gansz, Kevin	Mus Ops	54.81	Garber, Ron L	Human Svcs	750.00
Genzlinger, Janeen	Courts	1,117.80	George Boom Funeral	Human Svcs	2,250.00
George, Aaron	Human Svcs	600.00	Goebel Printing, Inc	Treasurer	2,110.28
Goodhope, Samuel M	Courts	639.00	Graham Tire Co. - No	Hwy Constr	72.01
Grainger, Inc.	Facilities	159.34	Great Plains Int'l T	Hwy Constr	450.84
Great Plains Psychol	Courts	1,935.00	Gustave A. Larson Co	Facilities	208.25
H & R Roofing of SD,	JDC	145.00	HAI Inc DBA	Human Svcs	765.00

Hander, Inc.	Human Svcs	169.38	Harold's Photo Cente	Mus Entpr	89.99
Health Care Svc Corp	Human Svcs	2,698.30	Heger, Darla	Human Svcs	400.00
Henry Carlson Compan	Cap Proj	224,640.00	Hidden Meadows, LLC	Human Svcs	255.00
Hoekstra, Denise A.	Courts	47.60	Hoffmeister-Jones Fu	Human Svcs	3,175.00
Hohn, Rodney L	Hwy Constr	144.93	Holiday Mobile Home	Human Svcs	748.00
Home Depot Credit Se	Hwy Constr	6.80	Hoskins, William J	Mus Ops	53.35
Hosmer, David M. Law	Mental Ill	375.61	Hughes County Sherif	Public Def	25.00
Hurtgen, Timothy T.	Human Svcs	225.00	Hy-Vee Accounts Rece	JDC	116.69
Hy-Vee Pharmacy	Human Svcs	56.98	Hy-Vee Pharmacy	Human Svcs	593.95
Ideker, Julie	Human Svcs	395.00	Interstate Office Pr	Var. Depts	6,120.16
Interstate Power Sys	Var. Depts	25,390.30	Intoximeters, Inc.	Sheriff	6,384.00
J & S Hospitality DB	Human Svcs	1,216.00	J D Evans, Inc.	Hwy Constr	393.34
J.C. Penney Company,	Facilities	104.98	Jaqua, Curtis Wayne	Human Svcs	745.00
Jaros, Pete	Mental Ill	334.65	JCL Solutions-Janito	Hwy Admin	43.80
Jefferson Partners L	Human Svcs	1,182.16	Jim & Ron's Service,	Sheriff	45.00
Johnson Feed, Inc.	Hwy Constr	1,058.56	Kauffman, David W. P	Courts	3,045.00
Kittelson, Joan M	Mental Ill	15.00	Kleen Solutions, Inc	Jail	119.67
Knology	Human Svcs	101.18	Kohl's Department St	JDC	72.97
Kone, Inc.	Pettigrew	50.00	Kooistra, Nelva	Mental Ill	129.00
Kreisers, Inc.	Jail	406.29	Krejci, Lyle	Human Svcs	405.00
Larson, David	Human Svcs	660.00	Larson, Nickolee A	Human Svcs	500.00
Lassegaard, Samuel C	Human Svcs	380.00	Lenco Armored Vehicl	Em Mgmt	261,640.00
Lewis, Alaina	Human Svcs	600.00	Lexis-Nexis / Reed E	St Atty	170.00
Linweld, Inc.	Facilities	14.70	Lutheran Social Serv	Var. Depts	14,043.00
Mac's, Inc.	Hwy Constr	8.99	Malloy Electric Bear	Facilities	107.84
Manatron, Inc.	Dir Of Eq	22,325.00	Mannie, Corey	Human Svcs	700.00
Marberg, Donald DBA	Reg Deeds	525.09	Matchan, Hope	St Atty	14.00
McGrath, Michael J.	Mental Ill	567.00	McLaughlin, David	Human Svcs	325.00
Meadowland Apts/SF L	Human Svcs	142.00	Medical X-Ray Center	Jail	188.32
Medical X-Ray Center	Human Svcs	9.94	Menards - East	Var. Depts	59.74
Metro Communications	Metro Comm	31,227.00	Midamerican Energy C	Human Svcs	1,583.73
Midwest Alarm Compan	Var. Depts	8,924.46	Mikelson, Gary E	Mental Ill	196.92
Minnehaha Cnty Jail	Jail	84.00	Minnehaha Cnty Liquo	Sheriff	150.00
Minnesota Chemical C	Jail	8,260.36	Morrison, Raymond W	Human Svcs	230.00
Murray Const	Human Svcs	400.00	Myers & Billion LLP	Var. Depts	1,947.27
Narem, Inc	Hwy Constr	12.66	Nelson, Amy	Human Svcs	400.00
Nicolai, Tim	Human Svcs	124.96	Norcraft Companies (Human Svcs	1,140.00
North Ridge Apartmen	Human Svcs	660.00	Novak Sanitary Servi	Var. Depts	1,193.03
Nyberg's Ace Hardwar	Facilities	7.99	Oakwood Estates/Inve	Human Svcs	400.00
Office Depot	Public Def	425.48	Ophthalmology Ltd	Jail	85.15
Orthopedic Institute	Var. Depts	289.38	Overhead Door Compan	Facilities	209.28
Palmer, Barbara	Mental Ill	4,252.50	Parham, Roger	Human Svcs	500.00
Parish of Livingston	St Atty	76.40	Pennington County Sh	St Atty	28.01
Peters, Scott N PC	Mental Ill	6,028.70	Pfeifer Implement Co	Hwy Constr	36.54
Pierre Parkside Deve	Var. Depts	1,247.87	Portable Computer Sy	Em Mgmt	2,875.00
Precision Dynamics C	Hwy Constr	151.26	Preserve South Dakot	Mus Ops	50.00
Primary Products Co	Jdc	300.00	Qualified Presort Se	Commission	200.00
Quality Efficiencies	Human Svcs	455.00	Quest Engineering, I	Hwy Constr	46.41
Quill Corp.	Public Def	222.66	Qwest	Var. Depts	3,483.72
R & L Supply, Ltd	Var. Depts	15.68	Randall-Stanley Arch	Bldg Fund	624.00
Raro LLC / Ryon Oine	Human Svcs	230.00	Rehfuss, Cathy A	Mental Ill	54.00
Reynoza, Daniel	Human Svcs	300.00	Robson True Value	Facilities	8.77
Rods Properties LLC	Human Svcs	400.00	Sanford Clinic	Human Svcs	24.05
Sanford Hospital	Human Svcs	1,621.87	Sanford Hospital - R	Human Svcs	475.00
Sanford Hospital Med	Var. Depts	398.50	Sanford Laboratories	Coroner	3,675.98
Schaaf, Susan	Human Svcs	400.00	Scheels All Sports	Expenses	50.00
SD Assn of County Co	JDC	20.00	SD Dept of Health	Sheriff	35.00
SD Dept of Revenue	Mus Store	28.86	SD Human Services Ce	Public Def	94.80
SD Secretary of Stat	Jail	50.00	SDAFCS Annual Confer	Extension	102.00
Servall Towel & Line	Var. Depts	438.84	Shiple's Laundry &	Mus Entpr	82.40
Shopko Store	JDC	86.73	Short Elliott Hendri	Hwy Constr	750.14
Simmons, Mike/Jessic	Human Svcs	200.00	Sioux Empire FCU	Var. Depts	1,349.33
Sioux Empire FCU	Sheriff	918.47	Sioux Empire FCU	Sheriff	606.20
Sioux Empire FCU	Jail	160.45	Sioux Empire FCU	St Atty	489.50
Sioux Empire FCU	Sheriff	83.84	Sioux Empire FCU	Em Mgmt	2,936.23
Sioux Empire FCU	Planning	24.99	Sioux Empire FCU	Hwy Constr	30.69
Sioux Empire FCU	24/7 Prog	3.44	Sioux Empire SHRM	Human Res	125.00
Sioux Falls Chamber	Agri-Bus	2,500.00	Sioux Falls City Fin	Hwy Admin	268.24
Sioux Falls City Fin	JDC	227.66	Sioux Falls Rubber S	Treasurer	93.85

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Sioux Falls Utilitie	Var. Depts	434.26	Sioux Valley Energy	Var. Depts	214.97
Siouxland Oral & Max	Human Svcs	1,885.00	Solomon, Ghirmay	Courts	125.00
Stan Houston Equipme	Em Mgmt	6,030.00	Staples	Treasurer	256.95
Stoney Creek Townhom	Human Svcs	500.00	Sunshine Foods	Human Svcs	667.55
Sunshine Foods	Human Svcs	335.05	Thesenvitz, Mickelson	Courts	1,598.50
Thompson, Terry Comp	Em Mgmt	288.00	Thorin, Deyanira T	Var. Depts	487.50
Tires, Tires, Tires In	Var. Depts	2,444.70	Travelhost of Sioux	Mus Ops	153.00
Triangle Properties	Human Svcs	325.00	Triple R Industries,	Human Svcs	370.00
Unified Judicial Sys	Cap Proj	61,123.00	US Postal Service	Extension	49.61
US Postmaster	Mus Ops	180.00	USD-DHSF (Dental Hyg	Human Svcs	507.00
Valley West Apartmen	Human Svcs	400.00	Vander Haag's, Inc.	Hwy Constr	374.88
VB Falls Park Apts	Human Svcs	630.00	Velvet Uniforms, Inc	Air Guard	295.75
Victoria Estates	Human Svcs	250.00	Vision Care Associat	Human Svcs	122.23
Voigt, Debra	Courts	1,940.79	Wal-Mart Pharmacy	Human Svcs	1,050.76
Wal-Mart Pharmacy	Human Svcs	923.49	Wall Lake Sanitary D	Hwy Admin	70.00
Walser, Bob	Mental Ill	60.00	Waste Management of	Facilities	1,578.59
West Group	Var. Depts	1,787.45	Wheelchair Express,	Human Svcs	201.75
Wiese, Chuck	Human Svcs	380.00	Xcel Energy, Inc.	Var. Depts	2,567.17
Yankton County Treas	Mental Ill	1,651.25	Yellow Cab, Inc.	Human Svcs	15.40
Yong, Voon	Human Svcs	500.00	Zabel Steel Co.	Hwy Constr	59.74
Zep Manufacturing Co	Hwy Constr	112.38			

REPORTS

The following reports were received and placed on file in the County Auditor's Office: Minnehaha County Regional Juvenile Detention Center Report for January 2009, and the Public Advocate Annual Report for 2008.

Commissioner Twedt noted that annual reports of the Public Advocate and Public Defender were previously given in person and requested that Cindy Howard, Public Advocate, be invited to give an oral presentation on her 2008 annual report.

PERSONNEL

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

1. To accept the resignation of Johna Kern as Correctional Officer (13/I) for the Jail effective 2-9-09.
2. To hire Matthew Tooley as a part-time Correctional Officer in Training (12/A) for the 24/7 Program at \$15.6584 per hour effective 2- 21-09.
3. To increase the hourly wage of Dennis Sutter, Facilities Worker for Facilities, to \$16.5000 per hour effective 2-9-09.

Step Increases Due:

1. Janet Harmelink – Senior Custodian – Facilities – 7/G to 7/H, 2-16-09, \$14.5403/hour
2. Teri Appeldorn – Legal Office Assistant – Public Defender's Office – 10/D to 10/E, 2-7-09, \$15.6584/hour

ABATEMENTS

The following abatements were recommended by Kyle Helseth, Deputy Director of Equalization, due to clerical errors:

MOTION by Twedt, seconded by Hajek to approve the following abatement: Henry Bayne, ID 68247,

2008 property taxes, \$192.36. 5 ayes.

MOTION by Hajek, seconded by Kelly to approve the following abatement: Jim Mammenga, ID 33748, 2008 property taxes, \$538.70. 5 ayes.

MOTION by Hajek, seconded by Barth to approve the following abatement: Jessica Peterson, ID 81903, 2008 property taxes, \$2,116.24. 5 ayes.

LIEN

Commissioner Barth, County Aid Lien Liaison, briefed the Commission on a request to compromise DPNO 49952 in the amount of \$3,464.61 with no payment. The applicant was injured in a car accident in 2002, and has been unable to work since that time. She has incurred other medical and legal bills associated with the accident. Mark Welter, attorney, was present on behalf of the lienee and explained that the lienee took her accident case to trial and lost, but has received a settlement payment from the insurance company. After paying attorney fees, \$4,480.38 remains to pay her debts. Mr. Welker explained that the remaining funds will be distributed amongst three remaining debts on a pro-rata basis, one being the county aid lien with an offered payment of \$1,577.56. Commissioner Hajek questioned the reasoning for the compromise request as no real estate transaction is pending. Gordy Swanson, Deputy State's Attorney, explained that the settlement money would be subject to the county aid lien once it was turned over to the lienee. Commissioner Twedt noted that the applicant would most likely continue to require assistance due to her inability to work. MOTION by Barth, seconded by Kelly to approve Resolution MC09-04. 5 ayes.

RESOLUTION MC09-04

WHEREAS, a County Aid Lien in the amount of \$3,464.61 purports to exist in favor of Minnehaha County and against DPNO 49952 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 \$1,577.56. If payment is not made within one year from approval, this agreement is null and void.

Dated at Sioux Falls, South Dakota, this 17th day of February, 2009.

APPROVED BY THE COMMISSION:

John Pekas, Chairman

ATTEST:

Sandy Kinder, Deputy Auditor

GRANT

Pursuant to deferral on February 3rd, Aaron Wimmer with the Family Visitation Center presented a resolution and memorandum of understanding for the County to sponsor a grant application through the US Department of Justice Office of Violence Against Women Grant Program on behalf of FVC. The

County would serve in the same fiscal management capacity as it has done when sponsoring similar grants, with the addition in this case to provide a county employee to participate in the consulting committee meetings and work with FVC to achieve their project goals. Mr. Wimmer explained that the group would meet monthly for the first 12 months and then quarterly. The County will receive a 5% administrative fee. MOTION by Twedt, seconded by Barth to authorize the Chairman to sign the Memorandum of Understanding with the Family Visitation Center and approve Resolution MC09-05. 5 ayes.

Minnehaha County
Resolution MC09-05
FAMILY VISITATION GRANT SPONSORSHIP

WHEREAS, Minnehaha County has agreed to sponsor an application on behalf of the Family Visitation Center, Sioux Falls, South Dakota, for a "Safe Havens Supervised Visitation and Safe Exchange Grant" through the Violence Against Women Grant Program; and

WHEREAS, the purpose of the grant will be to strengthen and expand services, particularly to families in crisis which need supervised visitation opportunities between parents and their children;

NOW THEREFORE BE IT RESOLVED, the Minnehaha County Board of Commission hereby authorizes the filing of the grant application, including all understandings and any assurances as contained in the attached Memorandum of Understanding between Minnehaha County and the Family Visitation Center, Sioux Falls; and hereby authorizes the Commission Chair to act as signatory in connection with the application and grant agreement; and to provide such additional information as may be required; and hereby agrees the County will act as the applicant for the grant, provide fiscal management for a 5% grant administration fee; and will sub-grant any funds received to the Family Visitation Center for the supervised visitation program.

Dated this 17th day of February, 2009

APPROVED BY THE COMMISSION:
John Pekas, Chairman

ATTEST:
Sandy Kinder, Deputy Auditor

CONTRACT

Lloyd Olson, Facilities Director, presented an agreement to purchase natural gas at a contract rate through Cornerstone Energy. Gordy Swanson, Deputy State's Attorney, noted an error in the term dates. Mr. Olson explained that the agreement was a sample only and if approved, current rates would be added to reflect a 1 year term. Commissioners discussed whether the price may change if action is deferred. MOTION by Hajek, seconded by Barth to defer authorization to sign the contract for 1 week to allow for the cost and term to be included. 3 ayes, Hajek and Kelly nay.

HEARINGS

Pat Herman, Planner, was present for the scheduled hearing to consider a proposed amendment to Ordinance MC21-93, the Rural Addressing Ordinance for Minnehaha County, by readopting the official road address maps titled Maps 1-24 and dated January 2009. The maps are updated on an annual basis. There were no objections. MOTION by Kelly, seconded by Barth to approve Ordinance MC21-10-09. 5 ayes. The ordinance and maps are available in the Auditor's office.

Ms. Herman was also present for the scheduled hearing to consider a proposed amendment to the 1990 Revised Zoning Ordinance for Minnehaha County to rezone from the C Commercial District to the I-1 Industrial District, property legally described as McBeth Tr. 1A NE1/4 & SE1/4 of Section 27-T101N-R48W, West of the 5 P.M., Minnehaha County, South Dakota. The property is located at 48185 Hwy 42, ½ mile west of Rowena. Ms. Herman reported that notice was sent to property owners within the notification area and that she received no objections to the rezoning. The Planning Commission recommended approval. Dan Gary, applicant, was present and explained that he is requesting the rezoning in order to use the existing building on the site to house his metal fabrication business. No one spoke in opposition to the request. MOTION by Hajek, seconded by Kelly to uphold the Planning Commission and approve Ordinance MC16-102-09. 5 ayes. The ordinance is on file in the Auditor's office.

Phil Kappen, Assistant Planning Director, was present for the scheduled hearing to consider 2 proposed amendments to the 1990 Revised Zoning Ordinance for Minnehaha County. The first will add a subsection to allow agriculturally related uses in the RC Recreation-Conservation zoning district as a conditional use. Mr. Kappen explained that the majority of the land in the RC zoning area is primarily dedicated to agricultural uses. Commissioner Hajek voiced concerns on whether hazardous materials such as fertilizer could be considered to be ag related as there is no definition. Mr. Kappen explained that ag products are farm products such as livestock or goods that are produced on the farm. Commissioner Hajek strongly urged the addition of ag related to the ordinance definitions. AJ Swanson, attorney, was present on behalf of Jack Cody who requested the proposed change. Mr. Swanson explained that Mr. Cody operates a family owned livestock transportation business in Renner. He also supported the definition of ag/farm related products and added that it would not include anything refined or manufactured. No one spoke in opposition. MOTION by Hajek, seconded by Barth to approve Ordinance MC16-103-09. 5 ayes. The ordinance is on file in the Auditor's office.

The second proposed amendment will rezone from the A-1 Agricultural District to the I-2 Industrial District, property legally described as that portion North and East of the Highway of the W1750' S800' (except the S485' W450' E1750') SE1/4 Section 35, Township 101 North-Range 52 West of the 5 P.M., Minnehaha County, South Dakota. The property is located 3 miles west of Wall Lake. Approval will allow the existing farm size ethanol plant to apply through a conditional use permit to increase its size. The property is located within an area where industrial zoning can be considered according to the Minnehaha County Comprehensive Plan. Notice was sent to neighbors and to the Turner County Auditor. Jud Pins with Genesis Ethanol was present and explained that the rezoning will allow them to pursue production expansion without increasing staff or costs. No one spoke in objection. MOTION by Hajek, seconded by Kelly to approve Ordinance MC16-104-09. 5 ayes. The ordinance is on file in the Auditor's office.

UPDATE

Ken McFarland, Administrative Officer, briefed the Commission on proposed legislation affecting county government. Commissioners discussed the impact of House Bill 1196 which will require the consent of the governing bodies of certain local governments before creating tax increment districts. MOTION by Kelly, seconded by Hajek to oppose HB1196. 5 ayes.

MOTION by Hajek, seconded by Barth to adjourn into Executive Session for litigation and personnel discussion. 5 ayes. Following the Executive Session, the Commission adjourned until 9:00 a.m. on Tuesday, February 24, 2009.

APPROVED BY THE COMMISSION:
John Pekas, Chairman

2/17/09

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ATTEST:
Sandy Kinder, Deputy Auditor