

THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M., June 16, 2009, pursuant to adjournment on June 9, 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 called the meeting to order.

AGENDA

MOTION by Kelly, seconded by Hajek to approve the Agenda. 5 ayes.

MINUTES

MOTION by Barth, seconded by Twedt to approve the Minutes for June 9, 2009. 5 ayes.

VOUCHERS TO BE PAID

MOTION by Hajek, seconded by Barth to approve the following bills totaling \$559,677.78 for payment. 5 ayes.

A & B Business Equip	Var. Depts	792.77	ABN Army Surplus	Em Mgmt	20.00
Advertising Arts Inc	Mus Entpr	139.20	Ahrendt, Brian T.	Courts	2,289.00
All About Travel Inc	Public Def	652.90	Allied Oil & Supply	Hwy Constr	18.50
Anderson, Elwood	Human Svcs	1,050.00	Appera / Dudley Lau	Hwy Constr	42.80
Arena Motel	Human Svcs	238.00	Argus Leader	Var. Depts	4,239.51
Avera Home Medical E	Human Svcs	425.27	Avera McKennan Hospi	Var. Depts	22,588.87
Avera Women's Specia	Human Svcs	322.01	Barth, Jeff	Commission	49.21
Batteries Plus/Onesk	Sheriff	7.77	Bechtel, Dave	Human Svcs	400.00
Beck & Hofer Const I	Em Mgmt	260,000.00	Beck Motor, Inc.	Dir of Eq	16,692.00
Belitz, Clarence H /	Human Svcs	400.00	Bierschbach Equipmen	Hwy Constr	345.00
Binger Law Office	Courts	362.42	Bob Barker Company,	JDC	250.00
Bob's Lock & Key	JDC	24.75	Boldt, Bradley D	Human Svcs	600.00
Border States Electr	Facilities	97.95	Brennan Hill Townhou	Human Svcs	500.00
Brentwood Apts/Domin	Human Svcs	900.00	Brown & Saenger	Var. Depts	197.41
Brown, John/Paula	Human Svcs	500.00	Bureau of Informatio	Var. Depts	1,153.26
Burnell, Joshua M.	Human Svcs	500.00	Burnette, Sara L	Courts	2,480.50
C & R Supply, Inc.	Hwy Constr	207.49	Campbell Supply Co I	Var. Depts	204.24
CBM Food Service	Jail	10,995.60	Center for Family Me	JDC	150.00
Century Business Pro	Dir of Eq	75.06	Chang, Hyun	Human Svcs	500.00
Chau Properties LLC	Human Svcs	435.00	Chef Jeni & Company	Courts	300.00
Clearview Windshield	Sheriff	79.95	Cleveland Heights Ap	Human Svcs	1,350.00
Cliff Avenue Auto Pa	Var. Depts	17.39	Comfort Inn of Pierr	Extension	46.50
Comfort Theater Comp	Mus Entpr	250.00	Concrete Materials	Var. Depts	57,267.37
Connecting Point	Info Tech	81.25	Constellation New En	Facilities	8,671.78
Country Meadows Apts	Human Svcs	500.00	Country View MHC	Human Svcs	830.00
Culligan Water Condi	Human Svcs	36.00	Dakota Data Shred	Facilities	52.36
Dakota Fluid Power,	Hwy Constr	821.79	Dakota Riggers & Too	Hwy Constr	28.24
Dakota State Univ	Em Mgmt	1,125.00	Decisionone Corporat	Info Tech	2,205.59
Delta Dental of SD	Human Svcs	45.00	Delux Motel / Dakota	Human Svcs	736.25
Dialnet/Ahrens Telec	Var. Depts	76.50	Diamond Vogel Paint	Facilities	48.50
Dietrich, Donna K	Mental Ill	1,405.70	Dish Network	Hwy Admin	451.77
Dodds, Steve	Human Svcs	400.00	Donahue, David J	Human Svcs	500.00
DTN Corporation	Extension	147.00	Dust Tex Service, In	Var. Depts	17.32
Eastern Farmers Coop	Facilities	198.25	Ebert's Properties,	Human Svcs	1,685.00
Ekeren, Marvin R.	Mental Ill	30.00	Ergometrics, Inc.	Sheriff	2,194.60
Evans, Henry K	Courts	253.00	Falls View Apts	Human Svcs	400.00
Family Service Inc	Human Res	390.00	First Premier Bank	Sheriff	60.14
G & H Distributing,	Facilities	106.53	Gas Lite Manor Ltd P	Human Svcs	500.00
Genzlinger, Janeen	Courts	585.20	Glasco, Randy	Human Svcs	875.00
Goede, Daniel J, DDS	Human Svcs	465.00	Golden Rule Const Co	Bldg Fund	2,476.22
Golden West Tech & I	Em Mgmt	2,412.68	Grainger, Inc.	Facilities	584.78
Graybar Electric Com	Facilities	223.28	Griffin, Janice	Human Svcs	500.00
Grogan, Hubert J	Human Svcs	225.04	Gunner, Andrea	Courts	182.40

Guzman, Sandra V.	Courts	429.65	Haiar, Kevin G	Human Svcs	500.00
Halcyon Prop	Human Svcs	215.00	Harmelink, Janet	Facilities	15.00
Harold's Photo Cente	Mus Entpr	18.97	Heartland Paper Comp	Facilities	63.25
Helwig, Vicki R	Human Svcs	600.00	Heritage Place Apts	Human Svcs	800.00
Hoeffner, Larry	Planning	149.00	Holiday Mobile Home	Human Svcs	600.00
Home Depot Credit Se	Hwy Constr	308.47	Huezo, Dax I	Human Svcs	1,050.00
Hurley Fire Dept	Em Mgmt	2,154.51	Hurtgen, Timothy T.	Human Svcs	900.00
Hy-Vee Pharmacy	Human Svcs	1,451.57	Hy-Vee Pharmacy	Human Svcs	75.99
Hybertson, Greg	Human Svcs	625.00	Interstate Office Pr	Var. Depts	146.09
Investors Mgmt & Mkt	Human Svcs	400.00	J & S Hospitality DB	Human Svcs	892.00
Jagow, Hildegarde	Human Svcs	400.00	JAM Properties	Human Svcs	600.00
Jaros, Pete	Mental Ill	327.38	Johnson Estates LLC	Human Svcs	594.00
Johnson, Allan R	Human Svcs	545.00	Johnson, Heidepriem,	Courts	524.48
Johnson, Miner, Marlow	Mental Ill	154.95	Kar Parts, Inc.	Em Mgmt	104.32
Kauffman, David W. P	Courts	747.50	Kennedy, Renee S	Courts	170.20
Kings Kourt Apts LLC	Human Svcs	400.00	Kleen Solutions, Inc	Jail	42.95
KMart Pharmacy	Human Svcs	42.08	Kohl's Department St	JDC	83.97
Kone, Inc.	Var. Depts	259.15	Kooistra, Nelva	Mental Ill	120.00
Kreisers, Inc.	Jail	295.22	Kuchenreuther, Derek	Sheriff	217.50
Kuhle, Donald	Human Svcs	1,000.00	Larson, Cliff/Marily	Human Svcs	400.00
Lason Systems, Inc.	Reg Deeds	172.20	Lassegaard, Samuel C	Human Svcs	400.00
LCM Pathologists PC	Coroner	28.00	Lewis & Clark BHS	Mental Ill	2,982.00
Lexis-Nexis / Reed E	Var. Depts	296.00	Linweld, Inc.	Hwy Constr	53.20
Litton Loan Servicin	Human Svcs	600.00	Locators & Supplies,	Hwy Constr	164.26
Lockwood Law Office	Courts	5,153.76	Majestic View Apartm	Human Svcs	400.00
Manatron, Inc.	Dir of Eq	9,521.06	Mattson, Monica	Courts	1,960.00
Maxwell Food Equipme	Facilities	64.21	McLaughlin, David	Human Svcs	1,000.00
Meadowland Apts/SF L	Human Svcs	149.00	Menards - East	Parks	13.95
Metro Communications	Sheriff	20.00	Microfilm Imaging Sy	Reg Deeds	75.00
Midamerican Energy C	Human Svcs	801.96	Midcontinent Communi	Mus Ops	55.00
Midwest Alarm Compan	Var. Depts	237.34	Midwest Oil Company,	Hwy Constr	245.46
Miller Sellers Herou	Library	3,600.00	Mineral Miner	Mus Store	524.00
Mobile Technology, In	Sheriff	2,028.00	Monick Pipe & Supply	Facilities	678.06
Munk, Steven	Extension	84.00	Murray Const	Human Svcs	1,200.00
Myers & Billion LLP	Var. Depts	2,415.94	NACDL	Public Adv	125.00
NAE4-HA Conference	Extension	460.00	Naga Company	Mus Entpr	35.00
Nguyen, Lam	Courts	50.00	NLADA	Public Def	275.00
North Ridge Apartmen	Human Svcs	886.00	Novak Sanitary Servi	Var. Depts	2,196.70
Nyberg's Ace Hardwar	Var. Depts	327.67	O'Dea, Steve C	Human Svcs	785.00
Ochs, Velma	Human Svcs	700.00	Office Depot, Inc.	Info Tech	19.47
Olson, Jan	Public Adv	15.20	P & P Prop	Human Svcs	400.00
Parish of Livingston	St Atty	152.80	PBC Sioux Falls LLC	Human Svcs	342.35
Person, Robert	Human Svcs	600.00	Peshlakai, Michael	Human Svcs	200.00
Peters Distributing,	JDC	286.79	Peters, Scott N PC	Mental Ill	5,981.89
Portable Computer Sy	Em Mgmt	1,545.00	Preferred Management	Human Svcs	733.00
Provo, Tom	Human Svcs	800.00	Quality Efficiencies	Human Svcs	615.00
Qwest	Var. Depts	5,204.10	Ramsey Partners II L	Human Svcs	350.00
Record Keepers, Inc.	Courts	4,788.35	Rehfuss, Cathy A	Mental Ill	150.00
Reitz, Robert DDS PC	Human Svcs	1,442.00	Reynozza, Daniel	Human Svcs	300.00
Richard-Ewing Equipm	JDC	97.34	Richland Prop Mgmt L	Human Svcs	700.00
Riedemann, Gayleen	Human Svcs	400.00	Ritz Carlton-Georget	Public Def	717.91
River Tower Apartmen	Human Svcs	140.00	Rods Properties LLC	Human Svcs	580.00
Ronning Commercial,	Human Svcs	400.00	Sanford Health Plan-	Human Svcs	140.66
Sanford Hospital - R	Human Svcs	1,050.00	Sanford Laboratories	Coroner	2,481.56
SD Public Assurance	Insurance	15,596.74	Security Labs, Ltd	Info Tech	100.00
SF VOA Living Center	Human Svcs	192.00	Sheehan Mack Sales &	Hwy Constr	607.00
Shepherd Reporting L	Courts	137.50	Sioux Empire FCU/097	Var. Depts	3,132.13
Sioux Empire FCU/190	St Atty	1,468.45	Sioux Empire FCU/260	Em Mgmt	18.80
Sioux Empire FCU/655	Hwy Admin	406.23	Sioux Equipment Co I	Hwy Constr	454.78
Sioux Falls City Fin	JDC	339.03	Sioux Falls Ford, In	Hwy Constr	101.94
Sioux Falls Partners	Human Svcs	400.00	Sioux Falls Two Way	Var. Depts	1,899.38
Sioux Falls Utilitie	Human Svcs	585.86	Sioux Valley Energy	Human Svcs	81.00
Skorczewski, Jena	Courts	153.00	Smith, Traci M.	Public Def	128.00
Snoozy, Scott	Human Svcs	100.00	Solomon, Ghirmay	Courts	25.00
Storhaug, Adrean	Human Svcs	400.00	Sturdevant's Auto Pa	Hwy Constr	78.41
Sunshine Foods	Human Svcs	14.99	Sunshine Foods	Human Svcs	159.44
Target Pharmacy	Human Svcs	4.00	Taylor's Place LLC	Human Svcs	700.00
Tedmon, Grace E	Human Svcs	775.00	Thorin, Deyanira T	Courts	275.00
Thyssenkrupp Elevato	Jail	2,177.11	Tieszen, Stacey	Human Svcs	218.25

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Tires,Tires,Tires In	Sheriff	613.81	Trane Comp	Facilities	240.87
Travelhost of Sioux	Mus Ops	153.00	United Parcel Servic	Var. Depts	84.41
US Postal Service	Extension	44.02	USD School of Law	Public Adv	48.00
USD-DHSF (Dental Hyg	Human Svcs	608.00	V & W Repair Inc	Facilities	37.92
Van Batavia, Roger D	Hwy Constr	33.60	Van Liere, Roy	Hwy Constr	94.99
VB Falls Park Apts	Human Svcs	600.00	Velgersdyk, Dr. Scot	Human Svcs	1,442.00
Velvet Uniforms, Inc	Var. Depts	3,307.49	Wal-Mart Pharmacy	Human Svcs	1,270.64
Wal-Mart Pharmacy	Human Svcs	57.72	Wall Lake Sanitary D	Hwy Admin	70.00
Watkins, Larry	Human Svcs	400.00	Weldetensae, Mengste	Human Svcs	540.00
Wellmark Blue Cross	Human Svcs	101.36	West Group	St Atty	1,447.25
West Pointe Townhous	Human Svcs	400.00	West Twelfth Propert	Human Svcs	780.00
Westbrooke Apts/Inve	Human Svcs	600.00	Xcel Energy, Inc.	Human Svcs	3,186.78
Yankton County Sheri	Mental Ill	75.00	Yellow Cab, Inc.	Human Svcs	40.40
Zep Manufacturing Co	Hwy Admin	167.22			

REPORTS

The following reports were received and placed on file in the County Auditor’s Office: Minnehaha County Regional Juvenile Detention Center and Human Services Reports for May, 2009, and the Auditor’s Account with the County Treasurer as of 5/31/09.

On Deposit in Banks	
Interest-bearing open accounts	26,266,002.26
CD’s and savings	29,000,000.00
Cash	12,156.68
Checks/drafts in Treasurer’s possession for more than 3 days	12,323.32
Total Cash on Hand	55,290,482.26
Total AS/400 Cash Balance	55,290,482.26

PERSONNEL

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

1. To move Krista Bast, Correctional Officer for the Jail, from full-time status to part-time status (13/G) at \$19.0782/hour effective 6-12-09.
2. To correct the action on 6-2-09, which should have reflected a start date of 6-15-09, as opposed to 6-16-09, for Julie Person as a Tax & License Technician for the Treasurer’s Office.

Step Increases Due:

1. James Phelps – Caseworker III – Human Services – 18/F to 18/G, 6-9-09, \$24.4217/hour
2. Gerald Schwartz – Custodian – Facilities – 6/B to 6/C, 6-13-09, \$12.2323/hour
3. Robbin Ketcham – Senior Records Technician – Register of Deeds – 12/C to 12/D, 6-22-09, \$16.8623/hour
4. Steven Williams – Highway Senior Maintenance Worker – Highway – 14/K to 14/L, 6-17-09, \$22.6780/hour
5. Douglas Huffer – Lead Mechanic – Highway – 16/F to 16/G, 6-19-09, \$22.1248/hour
6. Craig Butler – Deputy Sheriff – Sheriff – 16/E to 16/F, 6-20-09, \$21.5852/hour
7. Seamus Walsh – Deputy Sheriff – Jail – 16/E to 16/F, 5-12-09, \$21.5852/hour

8. Johnathan Cory – Correctional Officer – Jail – 13/G to 13/H, 6-12-09, \$19.5551/hour
9. Brent Albers – Correctional Officer – Jail – 13/D to 13/E, 6-19-09, \$18.1589/hour
10. Heather Richarz – Correctional Officer – Jail – 13/D to 13/E, 6-23-09, \$18.1589/hour
11. Jennifer Harstad – Correctional Officer – Jail – 13/C to 13/D, 5-8-09, \$17.7160/hour
12. Lucinda Wilson – Juvenile Correctional Officer I – JDC – 12/H to 12/I, 6-9-09, \$19.0782/hour

NOTICES

MOTION by Kelly, seconded by Barth to authorize the Auditor to post Notice of Hearing on 6/23/09 to consider the 2009 Edward Byrne Justice Assistance Grant Joint Spending Plan. 5 ayes.

Notice of Public Hearing on 6/29/09 was received from the Board of Catastrophic County Poor Relief to adopt and amend rules relating to the CCPR Program.

Notice was received that a disinterment and reinterment permit was issued by the SD Department of Health for the remains of Shirley Wheelock, St Georges Catholic Cemetery, Hartford, SD.

Notice was received of the East Dakota Water Development District Board Meeting on 6/18/09.

PLANNING

MOTION by Barth, seconded by Hajek to authorize the Auditor to publish Notice of Hearing on 7/20/09 to consider a petition to vacate a public road right-of-way described as that portion of south Overlund Pass beginning 33 feet north of the platted centerline intersection of Dan Ridge and south Overlund Pass, lying adjacent to Lot 20 & 22A Block 5 Split Rock Heights 2nd Addition and Lots 15-19 & Lots 21 Block 2 Split Rock Heights 3rd Addition, and ending 100 feet south of the north property line of Lot 21 Block 2 Split Rock Heights 3rd Addition and extending 66 feet west to a point abutting Lot 22A Block 5 Split Rock Heights 2nd Addition; all in Section 19-T101N-R50W Minnehaha County. 5 ayes.

Pat Herman, Planner, gave the first reading of a proposed amendment to Ordinance MC21-93, Rural Addressing Ordinance for Minnehaha County, which will amend the Official Rural Address Maps – Map 23, renaming the southern most portion of Overlund Pass to Dan Ridge. MOTION by Twedt, seconded by Barth to authorize the Auditor to publish Notice of Hearing on 7/21/09. 5 ayes.

LIEN

Commissioner Barth, County Aid Lien Liaison, briefed the Commission on a request to compromise DPNO 54756. The lien is for services provided to the applicant's ex-wife prior to their divorce. The couple was separated at the time. The applicant was in the process of purchasing a home through the Community Development program when the lien was noted. MOTION by Barth, seconded by Hajek to compromise the lien upon payment of \$1,100. Commissioner Kelly asked whether the remaining balance will stay with the ex-wife or be written off. MOTION to amend by Barth, seconded by Hajek to keep the balance under the name of the ex-wife and approve Resolution MC09-15. 5 ayes. VOTE on the motion. 5 ayes.

RESOLUTION MC09-15

WHEREAS, a County Aid Lien in the amount of \$2,238.00 purports to exist in favor of Minnehaha County and against DPNO 54756 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:

Release the petitioner's name (ex-husband) only from DPNO 54756 upon payment of \$1,100. The balance of \$1,138 on DPNO 54756 to remain filed in the name of the ex-wife only. If payment is not made within one year from approval, this agreement is null and void.

Dated at Sioux Falls, South Dakota, this 16th day of June, 2009.

APPROVED BY THE COMMISSION:

John Pekas, Chairman

ATTEST:

Sandy Kinder, Deputy Auditor

PUBLIC COMMENT

Nancy Smith, county resident, commented on the Rural Addressing Ordinance. She did not feel that the placement of rural address signs fit her development in Evergreen Acres, and felt the sign posts were unappealing. She reported that because the lots are narrow, the signs are often placed at the property line and create a safety hazard. Scott Anderson, Planning Director, reported that the purpose of the ordinance was standardization and that issues may arise if some are allowed exceptions. Gordy Swanson, Deputy State's Attorney, explained that the ordinance could be amended to allow a variance process for sign placement in subdivisions. Mr. Anderson estimated that there are 20 to 30 subdivisions containing lots sizes of 1 acre or less. He has been working with individual complaints with most cases being resolved. Tom Corey, county resident, explained that their subdivision was similar to a city neighborhood and that he did not believe there was a need for the sign. Mr. Anderson explained that subdivisions outside of the city limits lacked street lighting. Ken McFarland, Commission Administrative Officer, reported that the ordinance was recently amended to solidify the need for the delineator post. Commissioner Kelly noted the sign placement is a public safety issue and that staff has made efforts to remedy complaints. Commissioner Barth noted that the same posts and signage are used in other counties. No action was taken.

SUPPLEMENT

Ken McFarland, Commission Administrative Officer, reported that the Coliseum stained glass restoration was completed by staff from the Siouxland Heritage Museums and came in under estimate. The project is funded through a 50% grant as part of the SD State Historical Society Deadwood Grant. MOTION by Twedt, seconded by Kelly to supplement \$5,410.00 from the Building Fund to the Building Fund budget ASN 19605 representing reimbursement from the 2008 Deadwood Grant. 5 ayes.

HEARINGS

Pat Herman, Planner, was present for the scheduled hearing to consider text amendments to Ordinance

MC16-90, the 1990 Revised Zoning Ordinance for Minnehaha County, to add Agricultural Tourism as a specially permitted use in both the A-1 Agricultural and R/C Recreation Conservation zoning districts and by adding supporting text to the A-1, RC, and definitions articles of the ordinance. Commissioner Kelly felt the permit fee of \$250 was excessive. No one spoke in opposition. MOTION by Twedt, seconded by Kelly to approve Ordinance MC16-105-09. 5 ayes. The permit fee will be added as a discussion item for the next Planning Commission meeting.

Scott Anderson, Planning Director, was present for the scheduled hearing to consider text amendments to Ordinance MC20-92, On-Site Wastewater Treatment Ordinance, to amend the fee section of the ordinance by increasing fees by \$25 per permit and amending the standards for allowed trench liner systems. Mr. Anderson reported that the last fee increase was approximately 5 years ago. Commissioner Kelly did not support the increase for the routine maintenance and repair permit because the increase was 50%. Mr. Anderson explained that increases were not based on an actual percentage and that the fees remained low compared to the actual cost of staff time involved in each process. MOTION by Kelly, seconded by Barth to change the routine maintenance and repair permit fee from the proposed \$75 to \$60 and approve the amendment with the other recommendations. 2 ayes, Hajek, Twedt, and Pekas - nay. Motion fails. MOTION by Barth, seconded by Hajek to approve Ordinance MC20-05-09. 4 ayes, Kelly – nay. The entire ordinance is on file in the County Auditor's office.

NEW BUSINESS

Commissioner Barth reported that next week, Edith Arneson with the Sioux Falls Jaycees will be in to discuss the status of the 4th of July fireworks display at the W.H. Lyon Fairgrounds.

Commissioner Twedt noted that this was the time to start looking at an agenda for legislative resolutions. She discussed 2 suggestions from the public on items related to Treasurer's office functions for possible consideration.

MOTION by Barth, seconded by Hajek to adjourn into Executive Session for contract and personnel discussion. 5 ayes. Following the Executive Session, the Commission adjourned until 9:00 a.m. on Tuesday, June 23, 2009.

APPROVED BY THE COMMISSION:

John Pekas, Chairman

ATTEST:

Sandy Kinder, Deputy Auditor