

THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M., July 21, 2009, pursuant to adjournment on July 20, 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 Hajek, seconded by Barth to approve the Agenda. 5 ayes.

MINUTES

MOTION by Twedt, seconded by Hajek to approve the Minutes for July 14, 2009. 5 ayes.

VOUCHERS TO BE PAID

MOTION by Barth, seconded by Kelly to approve the following bills totaling \$469,686.00 for payment. 5 ayes.

A & B Business Equip	Var. Depts	482.85	A to Z World Languag	Var. Depts	250.00
Aamlid, Sandra	Extension	443.30	All About Travel Inc	Public Def	625.70
Allied Oil & Supply	Hwy Constr	68.50	Alsobrook, Danny D	Hwy Constr	100.00
Anacon Leasing Inc	Public Def	329.00	Anderson, Elwood	Human Svcs	500.00
Anesthesiology Assoc	Jail	256.00	Architectural Roofin	Bldg Fund	182.81
Architecture, Inc.	Cap Proj	2,517.93	Arena Motel	Human Svcs	896.59
Ashbury Apts, Ltd Pa	Human Svcs	1,000.00	Associated Consult/E	Facilities	977.50
Austad, Dean B	Human Svcs	700.00	Avera Gutnik & Assoc	Mental Ill	735.72
Avera Health Informa	Var. Depts	150.60	Avera McKennan Hospi	Var. Depts	9,384.19
Awate, Elasha	Public Def	318.00	Bamsey, Irene	Human Svcs	325.00
Barnes & Noble Inc	JDC	285.09	Best Business Produc	Reg Deeds	42.90
Billion's	Hwy Constr	35.08	Boldt, Bradley D	Human Svcs	600.00
Boomgarden, Harm	Human Svcs	500.00	Border States Electr	Facilities	13.45
Boulevard Investment	Human Svcs	475.00	Boyer Trucks Sioux F	Hwy Constr	365.44
Brentwood Apts/Domin	Human Svcs	2,358.00	Brevik Law Office Pr	Mental Ill	417.30
Broughton Intl	Info Tech	8,181.33	Brower, Vance	Human Svcs	150.00
Brown & Saenger	Extension	9.84	Bugg, William	Human Svcs	400.00
Builders Supply Comp	JDC	800.00	Bureau of Informatio	Var. Depts	617.18
Byre, Jonn E	Human Svcs	400.00	CAJ Enterprises, Inc	Human Svcs	1,004.08
Campbell Supply Co I	Facilities	270.78	Carlson, Lisa	Courts	125.80
Cartridge World	Info Tech	491.82	Center for Family Me	Var. Depts	2,547.13
Century Business Pro	St Atty	114.45	Chemco, Inc.	Var. Depts	137.23
Children's Inn	Dom Abuse	18,245.00	Cliff Avenue Auto Pa	Hwy Constr	7.39
CM Information Spec/	St Atty	81.81	Colton Lumber Co Inc	Hwy Constr	212.14
Communication Svcs F	Var. Depts	177.50	Concrete Materials	Hwy Constr	51,537.49
Connecting Point	Info Tech	2,208.00	Constellation New En	Facilities	6,613.05
Control Technology,	Em Mgmt	4,460.00	Cooley, Carla F	Courts	402.80
Country Meadows Apts	Human Svcs	800.00	Creative Svcs of New	Sheriff	245.95
Crescent Electric Su	Mus Maint	64.58	Culligan Water Condi	Info Tech	36.00
Dakota Fluid Power,	Hwy Constr	31.06	Dakota Lettering Etc	JDC	149.08
Dakota Supply Group,	Facilities	125.50	Daves Automotive	Dir of Eq	42.15
Decatur Electronics,	Sheriff	70.00	Dhecjal, Achor	Courts	100.00
Diamond Vogel Paint	Hwy Constr	715.00	Dietrich, Donna K	Mental Ill	275.28
Dobberpuhl, Randy	Human Svcs	111.93	Downtown Sioux Falls	Mus Ops	350.00
Ebert's Properties,	Human Svcs	1,000.00	Ekeren, Marvin R.	Mental Ill	30.00
Emdeon Business Serv	Human Svcs	39.95	Empire Business Syst	Auditor	486.00
Enercon, Inc	Hwy Constr	504.00	Evans, Preston	Sheriff	90.00
Express Copy & Print	Extension	132.11	Fastenal Company	Var. Depts	512.93
First Administrators	Human Svcs	131.17	First Premier Bank	Sheriff	58.30
Fred the Fixer Inc	Sheriff	55.00	Fremont Industries,	Facilities	234.03
Gade, Michael	JDC	40.00	Gaslite Manor	Human Svcs	500.00
George, Aaron	Human Svcs	375.00	Godi, Mustafa	Human Svcs	500.00

Goebel Printing, Inc	Public Adv	71.47	Gold Directories Inc	Human Svcs	69.51
Graham Tire Co. - No	Var. Depts	74.54	Grapevine, Dan	Hwy Constr	28.97
Graybar Electric Com	Hwy Constr	74.76	Great Plains Int'l T	Hwy Constr	284.65
Grimms Pump & Indust	Facilities	286.52	Gunner, Andrea	Courts	106.00
Guzman, Sandra V.	Courts	354.15	Hanson Logowear	JDC	69.98
Hembree, Bill	Human Svcs	198.90	Heritage Place Apts	Human Svcs	400.00
Hewlett-Packard Comp	Info Tech	17,867.00	Highland Heights Par	Human Svcs	265.00
Hillyard, Inc.	Facilities	433.55	Hurtgen, Timothy T.	Human Svcs	956.00
Hy-Vee Accounts Rece	Var. Depts	183.71	Hy-Vee Pharmacy	Human Svcs	4.00
Hy-Vee Pharmacy	Human Svcs	23.99	IBE, Inc.	Reg Deeds	395.00
Interpreter Services	Courts	100.00	Interstate Office Pr	Var. Depts	1,705.93
Iosty, Alysia A	Dir of Eq	37.83	J. Worth Baker Compa	Treasurer	71.07
JCL Solutions-Janito	Parks	7.59	Jefferson Partners L	Human Svcs	324.80
Johnstone Supply	Pettigrew	36.48	JRAP Apts/Jannel Rap	Human Svcs	740.00
Kappenman, Timothy D	Jail	6,409.00	Kauffman, David W. P	Courts	682.00
Kennedy, Renee S	Courts	659.45	Kmart	Em Mgmt	239.40
Kmart Pharmacy	Human Svcs	31.02	Knights Inn	Human Svcs	3,310.00
KO Properties	Human Svcs	800.00	Kooistra, Nelva	Mental Ill	30.00
Kowalke, Michael	JDC	40.00	Kreisers, Inc.	Var. Depts	381.35
Kriens Construction	Pettigrew	1,750.00	Landborg, Richard	Human Svcs	200.00
Langenfeld, Luke W	Human Svcs	425.00	Language Line Servic	Var. Depts	915.42
Lassegaard, Samuel C	Human Svcs	400.00	Lathrop, Timothy A	Human Svcs	600.00
Lawson Products, Inc	Hwy Constr	485.30	LCM Pathologists PC	Coroner	3,528.00
Lewis & Clark BHS	Mental Ill	1,420.00	Lewis Drug Stores	Var. Depts	12,468.83
Lexis-Nexis / Reed E	Var. Depts	296.00	Light and Siren	Em Mgmt	1,604.80
Lindahl, Melissa	JDC	40.00	Live Well Properties	Human Svcs	500.00
Lodermeier Family Pa	Human Svcs	500.00	Lutheran Social Serv	Var. Depts	16,276.25
Majestic View Apartm	Human Svcs	145.00	McFarland, Kenneth	Commission	29.01
Medical X-Ray Center	Var. Depts	929.02	Menards - East	Var. Depts	79.23
Morrow, Danielle L	Human Svcs	400.00	Michels, Jerry	Human Svcs	100.00
Midamerican Energy C	Var. Depts	1,114.10	Midwest Residential	Human Svcs	1,100.00
Miller Funeral Home,	Human Svcs	1,560.60	Miller Sellers Herou	Library	4,350.00
Mineral Miner	Mus Store	231.39	Minnehaha Cnty Pub D	Public Def	91.63
Moore Medical Corp.	Jail	54.84	Museum Petty Cash	Var. Depts	30.26
Myrl & Roy's Paving,	Hwy Constr	39.17	Nat'l Student Housin	Human Svcs	400.00
Newman Signs Inc	Hwy Constr	2,672.80	Nguyen, Lam	Courts	50.00
North Ridge Apartmen	Human Svcs	600.00	Northland Chemical C	JDC	284.76
Nyberg's Ace Hardwar	Var. Depts	223.38	Oak Park Apts	Human Svcs	400.00
Office Depot, Inc.	Var. Depts	67.63	Olson, Craig B	Sheriff	90.00
Oriental Trading Com	Mus Entpr	75.95	Orthopedic Institute	Human Svcs	148.67
Osborn, Roxane R	Courts	774.00	Osmer, Trevor	Sheriff	90.00
Overhead Door Compan	Hwy Constr	16.20	Panasonic Finance So	Extension	203.12
Peterson, Bill	Mus Ops	300.00	Pfeifer Implement Co	Parks	16.99
Phillips, Joshua	Sheriff	90.00	Pioneer Memorial Hos	Em Mgmt	2,589.39
Proval Intl Users Co	Dir of Eq	1,305.00	Qualified Presort Se	Var. Depts	733.85
Quality Efficiencies	Human Svcs	178.00	Quill Corp.	JDC	344.99
Qwest	Var. Depts	5,425.83	RDO Equipment Co.	Hwy Constr	1,513.30
Record Keepers, Inc.	Courts	3,830.65	Redwood Estates LLC	Human Svcs	1,000.00
Richard-Ewing Equipm	Parks	72.07	Risty, Julie	Reg Deeds	1,027.40
River Ridge Apartmen	Human Svcs	385.00	Riverview Park Ltd	Human Svcs	242.00
Sanford Hosp USD Med	Em Mgmt	240.00	Sanford Hospital	St Atty	40.00
Sanford Hospital - R	Human Svcs	300.00	Sanford Laboratories	Human Svcs	17.54
SD Risk Pool	Human Svcs	766.63	SDAAO	Dir of Eq	1,750.00
SDASRO	Sheriff	150.00	SDN Communications	Info Tech	625.26
Security Labs, Ltd	Info Tech	100.00	Servall Towel & Line	Var. Depts	173.30
Shepherd Reporting L	Courts	25.00	Sioux County Sheriff	St Atty	127.75
Sioux Empire FCU/260	Em Mgmt	796.40	Sioux Empire FCU/655	Hwy Constr	690.17
Sioux Falls City Fin	Facilities	504.00	Sioux Falls City Fin	Var. Depts	11,338.25
Sioux Falls Ford, In	Var. Depts	146.39	Sioux Falls Police D	Em Mgmt	335.60
Sioux Falls Primary	Jail	119.04	Sioux Falls Surgical	Human Svcs	322.00
Sioux Falls Transit/	Human Svcs	225.00	Sioux Falls Two Way	Var. Depts	1,143.58
Sioux Falls Utilitie	Var. Depts	887.07	Software House Inter	Var. Depts	6,575.04
Solomon, Ghirmay	Courts	250.00	Sorensen, Robert	Human Svcs	350.00
Southeastern Behavio	Var. Depts	41,467.80	Southview Homes LLC	Human Svcs	235.00
Springbrook II, Ltd	Human Svcs	400.00	Stan Houston Equipme	Facilities	72.80
Stoney Creek Townhom	Human Svcs	500.00	Storhaug, Adrean	Human Svcs	400.00
Sunshine Foods	Human Svcs	583.55	Sycamore Court Apts/	Human Svcs	500.00
Tenth Street Lodging	Human Svcs	400.00	The Ornament Company	Mus Store	1,152.50
The Road Guy Const C	Hwy Constr	106,819.55	Thorin, Deyanira T	Var. Depts	644.15

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Tires,Tires,Tires In	Var. Depts	710.16	Trane Comp	Facilities	1,004.53
Tri County Propane I	Em Mgmt	398.70	Triangle Properties	Human Svcs	400.00
Twedt, Carol	Commission	14.80	US Postmaster	Elections	1,669.64
Vandenbos, Dallas	Human Svcs	400.00	Velvet Uniforms, Inc	Air Guard	30.00
Verizon Wireless	Var. Depts	8,203.00	Vik, Darrell	Mus Ops	600.00
Vision Care Associat	Human Svcs	154.27	Volunteers of Americ	Jail	1,345.22
V2 LLC dba Valley Vi	Human Svcs	375.00	Wal-Mart Pharmacy	Human Svcs	120.62
Wal-Mart Pharmacy	Human Svcs	28.84	Walgreen Co.	Human Svcs	1,398.82
Waterman, Troy	JDC	40.00	West Group	Var. Depts	9,556.70
Westbrooke Apts/Inve	Human Svcs	800.00	Wild Flour Bakery &	Mus Entpr	21.00
Xcel Energy, Inc.	Var. Depts	12,173.34	Yankton County Treas	Mental Ill	1,763.75
321 N Duluth Prop LL	Human Svcs	400.00			

REPORT

The following report was received and placed on file in the County Auditor's Office: Minnehaha County Sheriff's Department Monthly Report for June 2009, Minnehaha County Register of Deeds Official Statement of Recording, Transfer, Marriage, Express Fees, and Overages for June 2009, and the Auditor's Account with the County Treasurer as of 6/30/09.

On Deposit in Banks	
Interest-bearing open accounts	9,162,277.08
CD's and savings	19,000,000.00
Cash	11,742.32
Checks/drafts in Treasurer's possession for more than 3 days	12,737.68
Total Cash on Hand	28,186,757.08
Total AS/400 Cash Balance	28,186,757.08

PERSONNEL

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

1. Steven Ruiter – Juvenile Correctional Officer II – JDC – 14/J to 14/K, 7-15-09, \$22.1248/hour
2. Kim Morstad – Administrative Assistant – JDC – 12/M to 12/N, 7-16-09, \$21.5852/hour
3. Harley Marek – Civil Process Server – Sheriff's Office – 12/G to 12/H, 6-21-09, \$18.6129/hour
4. Ronald Goergen – Custodian – Facilities – 6/D to 6/E, 7-1-09, \$12.8515/hour

Commissioner Barth requested that discussion on paperless commission meeting materials be placed on a future agenda.

NOTICES

MOTION by Hajek, seconded by Barth to authorize the Auditor to publish Notice to Contractors for Highway Project MC 50-338-140, installation of precast box culvert on 258th Street approximately ¼ mile west of the Minnesota State Line. 5 ayes.

Notice of intent to conduct a fund raising raffle on 9/14/09 was received from Dell Rapids Ducks Unlimited.

SURPLUS

Bob Meister, Highway Superintendent, requested authorization to sell a surplus motor grader through IronPlanet, an on-line auction site. He explained that IronPlanet specializes in the sale of large equipment and that advertising on-line will reach a larger number of buyers than through the local auction. There is an inspection fee of \$250 prior to the sale listing and a commission fee ranging from 6.4% to 12% based on final sale price. The date of sale will be determined by IronPlanet and will be noticed to the public. Commissioner Kelly asked that the Commission be updated on the progress of the auction. MOTION by Hajek, seconded by Barth to declare one 1994 Champion Grader with Falls V-plow and Wing as surplus for sale by online public auction, set the minimum bid at \$7,500, and authorize the Auditor to publish Notice of Sale of County Surplus Property by method on online public auction. 5 ayes.

AGREEMENT

Hugh Grogan, Human Services Director, presented a renewal agreement with Southeastern Behavioral HealthCare for the Representative Payee Program. The program provides money management services for clients of SBH and those who are disabled. The two-year agreement, effective 10/1/08 to 6/1/10, provides for payment of up to \$50,000 (\$25,000 per year) to the County for costs associated with the program. MOTION by Twedt, seconded by Hajek to authorize the Chairman to sign the Agreement between Southeastern Behavioral HealthCare and Minnehaha County. 5 ayes.

HEARINGS

Pat Herman, Planner, was present for the scheduled hearing to consider an amendment to the Rural Addressing Ordinance, Map 23, by renaming the southern most portion of Overlund Pass to Dan Ridge. Staff recommended approval to alleviate any confusion that Overlund Pass was a through street. Ms. Herman reported that this section includes 300' of roadway and that there are no residences on this portion of Overlund Pass. No one spoke in opposition. MOTION by Barth, seconded by Kelly to approve Ordinance MC21-12-09. 5 ayes. The ordinance is on file in the County Auditor's office.

Ms. Herman was also present for the scheduled hearing to consider an amendment to the 1990 Revised Zoning Ordinance for Minnehaha County by adding "animal livestock shelter" as a conditional use in the A-1 Agricultural District and defining this term in the Definitions section. The request is from Second Chance Rescue to allow for the sheltering of farm animals. Rosey Quinn with Second Chance Rescue was present in support of the request. The Planning Commission recommended approval. No one spoke in opposition. MOTION by Kelly, seconded by Barth to approve Ordinance MC16-107-09. 5 ayes. The ordinance is on file in the County Auditor's office.

APPEAL

Pat Herman, Planner, was present for an appeal of decision by the Planning Commission, on 6/22/09, to deny a request to transfer four building eligibilities in Section 5 of Grand Meadow Township. The request is to move the eligibilities from land that is being developed as a wetlands mitigation bank to crop land. The PC denied the request based on concerns expressed by neighboring farmers. It was also unknown whether houses could be built on the wetland if the eligibilities were not moved. Matt Bock, attorney representing the applicant, explained wetland mitigation and that the area being used would need to be identified though a restrictive covenant. Once filed, no houses could be built on land dedicated for wetland use. He believed the concerns expressed by the opponents were premature noting that at this time the request is only to move the eligibilities to a single parcel. No houses could be built there without approval of a subdivision plan through a separate process. Jeff Oyen and Paul Heiberger, applicants, detailed the location of the property and explained that the request would move the eligibilities farther away from the existing farm/hog operations. Mr. Heiberger noted that a previous request to move the northern eligibilities further north was approved, and he believed the current request would also be

approved. Tom Issenhuth, attorney for the opponents, believed that the issue of the request is money. He read an excerpt from the County Zoning Ordinance discouraging housing in the A-1 Agriculture District. Mr. Issenhuth explained that if the transfer is allowed, there would be a clustering of homes in an agriculture area. He believed that this would negatively impact any future requests to expand existing farming operations in the area. He presented photos of the site showing standing water and stated that the land that the eligibilities are currently on is not suitable for building. Chris Jones, opponent, lives south of the proposed site and expressed concerns on the impact a subdivision would have on his farming operation. Glen Swier, opponent, stated that he is the former owner of the property and did not believe the eligibilities existed or had value because they are underwater. Gordy Swanson, Deputy State's Attorney, stated that an eligibility exists whether the land is suitable for building or not. Deb Bunde, opponent, explained that this area is not looked at for building, but valued by the farmers as an agricultural production area. She believed the intent of the request is to develop a subdivision with 5 houses and felt that the area was not a transition area suitable for subdivisions, as detailed in the Comprehensive Plan. She commented on past conflicts that resulted from clustering of eligibilities in other agricultural areas. Roger Rolfson and Wade Egger, area residents, also spoke against the transfer. Mr. Oyen stated that the current location of the eligibilities could be made into buildable sites. Commissioner Kelly explained that this is the first step in the development process and once approved the subdivision plan would probably also be approved. He asked commissioners to consider the impact this transfer would have on road conditions at the site and on the intensive agricultural operations. Commissioner Pekas noted that the building eligibilities were not guaranteed when the property was purchased and that new residential development at this agriculture site would change the area. MOTION by Barth, seconded by Kelly to uphold the Planning Commission decision denying Conditional Use Permit 09-42. 5 ayes.

TREASURER

Treasurer Pam Nelson reported that the license renewal process is improving in her office. The State has taken over the mailing of the renewal notices since March, 2009. She explained that the last notices sent out, for September renewals, did not include the postage fee for renewals by mail. Her office has been sending out an explanation to those customers renewing by mail who did not include the fee. This is resulting in a loss of revenues due to the extra postage to mail the notice as well as staff time. Commissioner Twedt commented on the amount of time and money being used to correct this error and asked why the County couldn't just absorb the cost. Commissioner Kelly was in support, but noted that if this is done, the Treasurer's budget would need to be supplemented at a later time. MOTION by Twedt, seconded by Kelly to send out a press release detailing the situation and asking people who are mailing in their renewal to add the \$1 postage fee per renewal, otherwise we accept the State's mistake and are willing to cease and desist collecting the fee to assist the tax payer. 5 ayes.

OLD BUSINESS

Commissioner Barth commented on the sentencing of Kathy Gourley and the next steps for the Sioux Empire Fair Association.

MOTION by Kelly, seconded by Barth to adjourn until 9:00 a.m. on Tuesday, July 28, 2009. 5 ayes.

APPROVED BY THE COMMISSION:

John Pekas, Chairman

ATTEST:

Sandy Kinder, Deputy Auditor

Published once at the total approximate cost of \$_____