

1/22/2013

THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M. January 22, 2013 pursuant to adjournment on January 15, 2013. Commissioners present were: Barth, Beninga, Heiberger, Kelly, and Pekas. Also present were Cindy Jepsen, Deputy Auditor, and Kersten Kappmeyer, Deputy State's Attorney.

Chairman Beninga called the meeting to order.

MOTION by Heiberger, seconded by Barth, to approve the agenda. 5 ayes.

MOTION by Kelly, seconded by Barth, to approve the January 15, 2013 Commission Minutes with a correction regarding the motion on the Minnehaha County Policy as it relates to petition gatherers. The correction will reflect the following: "MOTION by Kelly, seconded by Barth, to ban all petition gathering inside the County Administration Building. Motion by Barth, seconded by Kelly to defer this issue for one week. 4 ayes." Vote on motion to approve the minutes with the correction. 5 ayes.

VOUCHERS TO BE PAID

MOTION by Barth, seconded by Pekas, to approve the following bills totaling \$493,619.33. 5 ayes.

A & B Business Equip	Jail	699.55	A To Z World Languag	Courts	1,355.00
A+ Partners Db	Sheriff	131.00	All Tune & Lube	Hwy Constr	770.00
Allied Oil & Tire Co	Hwy Constr	295.00	Amiotte Law Pc	Courts	1,728.08
Anesthesia Physician	Human Svcs	128.00	Appeara / Dudley Lau	Hwy Constr	31.48
Atssa, Inc.	Var. Depts	600.00	Avera Health Informa	Public Def	56.48
Avera Health Plans	Expenses	1,671.00	Avera McKennan Hospi	Var. Depts	2,203.32
Bamsey, Irene	Human Svcs	500.00	Beckman Investments	Human Svcs	500.00
Belitz, Clarence H /	Human Svcs	900.00	Benson, Charles	Human Svcs	490.00
Berg, Bob	Human Svcs	500.00	Billion's	Hwy Constr	2,764.53
Bk Holdings, Llc.	Human Svcs	550.00	Black Inc	Mus Entpr	545.00
Blackburn & Stevens,	Mental Ill	757.60	Boyer Trucks Sioux F	Hwy Constr	601.16
Bradfield, Matt Db	JDC	70.00	Broadmoor Properties	Human Svcs	450.00
Brown & Saenger	Var. Depts	815.54	Bultje, Erwin	Human Svcs	600.00
Bureau Of Informatio	Var. Depts	1,492.25	Carper, Nichole A	Courts	243.67
Cbm Managed Services	Var. Depts	9,345.63	Center For Family Me	Human Svcs	3,300.00
Century Business Lea	Sheriff	148.91	Century Business Pro	Var. Depts	381.45
Certified Languages	Courts	29.70	Cliff Avenue Auto Pa	Hwy Constr	133.76
Cody, Denise	Mental Ill	30.00	Coffee King, Inc.	Mus Entpr	67.50
Cole Papers, Inc.	Var. Depts	1,149.46	Columbia Dam Llc	Human Svcs	320.00
Com-Tec Security, Ll	Jail	6,473.00	Constellation New En	Facilities	9,695.99
Counseling Resources	Courts	900.00	Country Meadows Apts	Human Svcs	974.00
Country View Mhc	Human Svcs	320.00	Crisp, Mark	Human Svcs	500.00
Criterion Prop Mgmt	Human Svcs	425.00	Dacotah Paper Co.	Mus Entpr	51.63
Dale Carnegie Traini	Hwy Admin	1,595.00	Decastro Law Office,	Courts	2,222.20
Dell Rapids Ambulanc	Coroner	201.60	DJM Properties & Inv	Human Svcs	600.00
Dobberpuhl, Randy	Safe Home	45.51	Downtown Sioux Falls	Mus Entpr	215.52
Dubuque County(IA)Cl	Public Def	22.00	Dynamite Enterprises	Human Svcs	500.00
Ebert's Properties,	Human Svcs	515.00	Eggert, Amber	Public Def	23.60
Electric Constructio	Mus Maint	139.79	Electric Innovations	Facilities	1,340.00
Elite Business Syste	Human Svcs	3,478.47	Emdeon Business Serv	Human Svcs	39.95
Empire Plastics	Mus Entpr	141.50	Erpenbach, John E	Mental Ill	180.00
Etc/Expo For Her Mag	Mus Ops	350.00	Family Service Inc	Expenses	260.00
Feinstein, Sheryl G	Courts	400.00	First Premier Bank	Sheriff	100.70
Frantzen, Paige	Human Svcs	64.80	George, Aaron	Human Svcs	400.00
Grainger, Inc.	Hwy Constr	26.61	Great Plains Psychol	Courts	1,455.00
Guzman, Sandra V.	Var. Depts	400.00	Haiar, Kevin G	Human Svcs	400.00
Harper Point Llc	Human Svcs	500.00	Hava House Llc	Human Svcs	700.00
Heimdahl, Marie Ann	Courts	288.80	Heritage Apartments	Human Svcs	102.00
Hewlett-Packard Comp	Hwy Admin	953.00	High Point Networks	Jail	365.75
Hoekstra, Denise A.	Courts	353.60	Holiday Mobile Home	Human Svcs	329.09
Home Federal Savings	Human Svcs	453.30	Howalt-McDowell Insu	Var. Depts	100.00
Howe Heating & Plumb	Var. Depts	1,974.50	Hunt, Jamie	Mus Entpr	150.00
Hy-Vee Accounts Rece	Human Svcs	521.90	Interstate All Batte	Sheriff	164.50

1/22/2013

Interstate Arms Corp	Jag Grants	5,121.00	Interstate Office Pr	Var. Depts	3,607.38
Iret Properties	Human Svcs	200.00	ISI Llc	Courts	160.00
JCL Solutions-Janito	Hwy Admin	178.00	Je Llc	Human Svcs	326.00
Jefferson Partners L	Human Svcs	2,451.00	JGR Partnership	Human Svcs	500.00
Johnson, Donald E	Sheriff	1,260.00	Kalenze, Jolene	Mus Store	90.00
Karl's, Inc.	Safe Home	771.00	Kilpatrick, A Teresa	Public Adv	53.25
Koistinen, Jason	Mental Ill	2,451.80	Kone, Inc.	Var. Depts	9,993.18
Krueger Excavating,	Facilities	2,327.50	Kunkel, Parker J	Human Svcs	200.00
Lamar Companies	Mus Entpr	3,965.00	Language Line Servic	Public Def	143.11
Larson, Jeff	Courts	637.65	Lassegaard, Samuel C	Human Svcs	700.00
Leaf Inc.	Var. Depts	208.75	Lewno, Lucy	Mental Ill	300.90
Malloy Electric Bear	Hwy Constr	65.81	McGowan, Aaron F	St Atty	680.80
Med-Star Paramedic I	Coroner	300.00	Mehlhaff, Jon W	Human Svcs	600.00
Menards - East	Var. Depts	122.16	Metro Communications	Var. Depts	6,911.68
MidAmerican Energy C	JDC	2,140.25	Mikelson, Gary E	Mental Ill	202.10
Miller Funeral Home,	Human Svcs	2,250.00	Mills & Miller Inc	Hwy Constr	7,957.18
Monick Pipe & Supply	Facilities	1,032.72	Multi-Cultural Cente	Courts	481.25
Murray Properties, L	Human Svcs	460.00	National Direct Ligh	Mus Maint	840.00
New World Systems	Var. Depts	2,222.18	Newcomb, Mary - Wood	Human Svcs	510.00
Nguyen, Lam	Courts	100.00	Nguyen, Quang D	Human Svcs	400.00
Northern Safety Tech	Hwy Constr	184.59	Northern Truck Equip	Hwy Constr	6,230.00
Nyberg's Ace Hardwar	Courts	9.28	Painter, Steven L	Human Svcs	300.00
Palmer, Barbara	Mental Ill	3,577.50	Pennington County Ja	Jail	5,496.35
Peters, Scott N Pc	Mental Ill	14,565.00	Petersen, Miranda	St Atty	67.34
Pheasantland Industr	Sheriff	25.00	Pine Knoll, Inc.	Human Svcs	235.00
Pine Meadows/Univers	Human Svcs	488.20	Pollard & Larson Llp	Mental Ill	246.00
Prostrollo, Casey D	Human Svcs	400.00	Quail Hollow Townhou	Human Svcs	450.00
Qualified Presort Se	Mus Ops	480.50	Quality Efficiencies	Human Svcs	415.00
Queen City Wholesale	Mus Entpr	42.89	Rac Rentals Llc	Human Svcs	800.00
Rdo Equipment Co.	Hwy Constr	100.37	Record Keepers, Inc.	Courts	2,715.36
Risty, Maxine J	Courts	160.06	Rosenbauer/Central S	Em Mgmt	26.84
Sanford Health Plan-	Expenses	2,254.63	Sanford Hospital	Var. Depts	5,476.05
Sanford Hospital - R	Human Svcs	315.00	Sanford Occupational	Hwy Admin	73.00
Schrader, Alvan L Db	Human Svcs	550.00	Schulte Law Office	Courts	1,366.20
SD Dept Of Public Sa	Human Svcs	70.00	SD Div Of Criminal I	Human Res	43.25
SD Human Services Ce	Courts	600.00	SD One Call	Facilities	8.40
SD State Bar	Public Def	290.00	SD State Election Co	Facilities	40.00
SDN Communications	Var. Depts	1,020.00	Security Labs, Ltd	Info Tech	325.00
SF Family Vision	Human Svcs	114.97	Shepherd Reporting L	Mental Ill	151.25
Sherwin Williams	Facilities	73.92	SHI, International C	Var. Depts	1,567.04
Shipley's Laundry &	Mus Entpr	82.40	Simon, Anthony	Commission	70.00
Sioux Falls City Fin	Var. Depts	15,548.93	Sioux Falls Humane S	Humane Soc	3,741.92
Sioux Falls Two Way	Hwy Constr	139.96	Sioux Falls Utilitie	Var. Depts	2,680.17
Sioux Valley Energy	Hwy Constr	128.99	Solomon, Ghirmay	Courts	100.00
Sorenson, Timothy G	Human Svcs	500.00	Southeastern Behavio	Mental Ill	19,187.28
Splitrock Ltd Ptnrsh	Human Svcs	500.00	Strum, Steve A	Human Svcs	500.00
Sungard Public Secto	Info Tech	6,965.58	Surgical Institute	Human Svcs	771.50
Swanda, Karen	Mental Ill	30.00	Szameit, Alexandra	Courts	75.00
Thorin, Deyanira T	Courts	292.50	Thurman, Creighton A	Mental Ill	367.95
Tires,Tires,Tires In	Var. Depts	62.96	Titze's Auto Repair	Jail	77.50
Tri-State Battery Co	Hwy Constr	61.88	Ulteig	Hwy Constr	300.00
United Rentals, Inc	Hwy Constr	250.00	US Postal Service	Mus Store	250.00
Variety Foods Llc	Safe Home	321.23	Vash Properties	Human Svcs	498.00
Voigt, Debra	Courts	344.40	Volunteers Of Americ	Var. Depts	6,066.22
Wal-Mart Pharmacy	Human Svcs	522.70	Wali, Khadija M.	Courts	95.82
Weerheim, Tom	Courts	1,418.60	West Group	Public Def	2,060.88
Westport Apts/Westpo	Human Svcs	500.00	Wheelco Brake & Supp	Hwy Constr	699.16
Xcel Energy, Inc.	Var. Depts	6,325.10	Yellow Cab Inc	Human Svcs	38.68

REPORTS

The Register of Deeds Official Statement of Revenue Collected during December 2012 and the Minnehaha County Regional Juvenile Detention Center report for December 2012 were received and placed on file in the Auditor's office.

1/22/2013

PERSONNEL

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

1. To hire Megan Glass as Legal Office Assistant (10/1) for the State's Attorney's Office at \$14.542/hour effective 1/16/13.
2. To hire Adam Gonnerman as Deputy Sheriff (16/2) for the Sheriff's Office at \$20.046/hour effective 1/22/13.
3. To hire Jerome Krumm as Highway Maintenance Worker (12/2) for the Highway at \$16.453/hour effective 1/22/13.
4. To hire Greg Schmit as part-time Correctional Officer in Training (12/1) for the 24/7 Program at \$16.052/hour effective 1/17/13.
5. To hire Marcella Seaman as part-time Corrections System Operator (9/3) for the Jail at \$14.542/hour effective 1/26/13.
6. To promote Daniel Hagggar from Deputy Public Defender to Senior Deputy Public Defender (22/1) for the Public Defender's Office at \$2,210.72/bi-weekly effective 1/19/13.
7. To promote Scott Hildebrand and Lorna McDermott from Correctional Officer in Training to Correctional Officer (13/1) for the Jail at \$16.864/hour effective 1/23/13.
8. To begin EMT specialty pay for Steven Lutter, Deputy Sheriff for the Sheriff's Office, effective 1/19/13.

Step Increases Due:

1. Roger Stansell – Highway Maintenance Supervisor – Highway – 19/8 to 19/9 – 1/17/13 – \$27.634/hour
2. Cara Sambo – Caseworker I – Human Services – 16/3 to 16/4 – 1/19/13 – \$21.061/hour
3. Mark Kadi – Senior Deputy Public Advocate – Public Advocate's Office – 22/12 to 22/13 – 1/20/13 – \$2,973.20/bi-weekly
4. Sara Jean Baptiste – Senior Deputy Public Defender – Public Defender's Office – 22/3 to 22/4 – 1/22/13 – \$2,380.72/bi-weekly
5. Michael Miller – Chief Deputy Public Defender – Public Defender's Office – 25/1 to 25/2 – 1/17/13 – \$3,047.52/bi-weekly
6. Aaron Salberg – Senior Deputy Public Defender – Public Defender's Office – 22/4 to 22/5 – 1/28/13 – \$2,440.24/bi-weekly
7. Janet Eden – Legal Office Assistant – State's Attorney's Office – 10/8 to 10/9 – 1/20/13 – \$17.718/hour
8. Donette Kelley – Correctional Officer – Jail – 13/15 to 13/16 – 12/21/12 - \$24.255/hour
9. Scott Hacking – Correctional Officer – Jail – 13/15 to 13/16 – 1/8/13 - \$24.425/hour
10. Julie Tighe – Correctional Officer – Jail – 13/13 to 13/14 – 1/3/13 - \$23.248/hour

1/22/2013

11. Terra Selle – Correctional Officer – Jail – 13/10 to 13/11 – 12/30/12 - \$21.588/hour
12. Joel Mueller – Correctional Officer – Jail – 13/9 to 13/10 – 1/10/13 - \$21.061/hour
13. Debra Hendrix – Corrections System Operator – Jail – 9/12 to 9/13 – 12/27/12 - \$18.615/hour
14. Patricia Hughes – Corrections System Operator – Jail – 9/12 to 9/13 – 1/12/13 - \$18.615/hour
15. Diane Johnson – Corrections System Operator – Air Guard – 9/16 to 9/17 – 12/27/12 - \$20.548/hour
16. Elliott Crayne – Deputy Sheriff – 24/7 Program – 16/10 to 16/11 – 1/27/13 - \$25.035/hour

ABATEMENTS

MOTION by Barth, seconded by Pekas, to approve a 2012 property tax abatement for the City of Hartford, ID #'s 83029 & 83030, \$330.00, representing tax exempt property. 5 ayes.

MOTION by Barth, seconded by Heiberger, to approve a 2012 property tax abatement for the State of South Dakota Game Fish & Parks, ID # 14063, \$183.85, representing tax exempt property. 5 ayes.

MOTION by Heiberger, seconded by Barth, to approve a 2012 property tax abatement for the City of Sioux Falls, ID #'s 11469, 12363, 12364, 12365, 12366, & 12367, \$2,081.26, representing tax exempt property. 5 ayes.

MOTION by Pekas, seconded by Heiberger, to deny a 2012 property tax abatement for Coletta Bly, ID # 13165, \$647.02, due to a failure to file for the Elderly Assessment Freeze by the April 1st filing deadline, after she was made aware of that deadline by the Treasurer's Office. 5 ayes.

MOTION by Barth, seconded by Heiberger, to approve 2012 property tax abatements for Milton Lathrop, ID # 17093, \$1,057.99; Sharon Bahr, ID #59199, \$1,357.81; Donald Branson, ID #21173, \$955.82; Eunice Lowe, ID #74793, \$822.83, representing Elderly Assessment Freeze. 5 ayes.

NOTICES

Notice was received from Big Sioux Ducks Unlimited of their intent to conduct fund raising raffles during their fundraising event on February 23, 2013, Crooks Community Center, Crooks, SD.

Notice was received from the City of Sioux Falls of a public meeting for Downtown Sioux Falls Rail Yard Redevelopment Project at 5:30 p.m., Thursday, January 31, 2013, Sioux Falls Convention Center Exhibit Hall 2, 1101 N. West Avenue, Sioux Falls, SD. Chairman Beninga stated that he would be attending the meeting.

MOTION by Barth, seconded by Pekas, to authorize the Auditor to publish a Notice of Public Progress Hearing for Minnehaha County Workforce Training Expansion Project on behalf of SE Technical Institute's CDL Training Program at 9:15 a.m., Tuesday, February 5, 2013. 5 ayes.

LIEN COMPROMISE

Commissioner Pekas gave a briefing on a request for compromise of lien for DPNO 11186 in the amount of \$3,403.25. The lien is for Public Defender and Court Appointed Attorney charges which began in 1982 when he was a juvenile, to 1996. The applicant was incarcerated between 1989 and 2010 and said he was not aware of the money he owed the County. The applicant is currently employed and lists assets of approximately \$18,000 and liabilities of \$7,342. He is requesting a compromise of the lien in full upon payment of \$1,714. He wishes to clear his debt and have a fresh start in the community. MOTION by Pekas, seconded by Heiberger, to approve

1/22/2013

Resolution MC13-04. 4 ayes. Kelly voted nay.

RESOLUTION MC13-04

WHEREAS, a County Aid Lien in the amount of \$3,403.25 purports to exist in favor of Minnehaha County and against DPNO 11186 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 in full upon payment of \$1,714.

If payment is not made within one year from approval, this agreement is null and void.

Dated at Sioux Falls, South Dakota, this 22nd day of January, 2013.

APPROVED BY THE COMMISSION:

Gerald Beninga
Chairman

ATTEST:

Cynthia Jepsen
Deputy County Auditor

Commissioner Pekas gave a briefing on a request for compromise of lien for DPNO 29039 in the amount of \$2,343.87. The lien is for rent assistance, medications, poor relief, Public Defender and Court Appointed Attorney charges between 1992 and 2011. The applicant has been raising her sister's three children since 2000 to keep them from being separated and placed in foster care due to their mother's incarceration. A portion of the lien, in the amount of \$1,070, is for a court appointed attorney services provided for her niece. The applicant has made payments in the amount of \$840.40 and is asking for a compromise and release of the lien in full with no further payments. MOTION by Pekas, seconded by Barth, to approve Resolution MC13-05. 5 ayes.

RESOLUTION MC13-05

WHEREAS, a County Aid Lien in the amount of \$2,343.87 purports to exist in favor of Minnehaha County and against DPNO 29039 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 in full with no payment.

1/22/2013

Dated at Sioux Falls, South Dakota, this 22nd day of January, 2013.

APPROVED BY THE COMMISSION:

Gerald Beninga
Chairman

ATTEST:

Cynthia Jepsen
Deputy County Auditor

PUBLIC COMMENT

Scott Ehrisman, Sioux Falls, SD, commented that the agenda for today's meeting was not posted on the county website and that the website contains an incorrect start time for commission meetings of 8:30 a.m. Ken McFarland, Commission Administrative Officer, reported that the commission meeting start time has been corrected to read 9:00 a.m. and that the agenda is typically posted on the doors of the Administration Building on Friday afternoon, as well as on the county website. He said he was not aware that this week's agenda was not posted on the website.

PRESENTATION

Bob Sutton, former President of the SD Community Foundation, presented the South Dakota Community Foundation's Wealth Transfer Report. The report is an analysis on the transfer of wealth from one generation to another over a ten and fifty year period. Mr. Sutton spoke on the importance of developing a strategy to retain the transfer of wealth within the state.

BID AWARD

DJ Buthe, Highway Superintendent, reported on the bid opening on January 16, 2013 for the Baltic Bridge Beam Procurement. Two bids were received from Cretex Concrete Products in the amount of \$239,933 and from Gage Brothers in the amount of \$203,107.04. On the recommendation of Mr. Buthe, MOTION by Barth, seconded by Pekas to award the bid for Project No. MC50-194-059-1, Baltic Bridge Beam Procurement to Gage Brothers in the amount of \$203,107.04. 5 ayes.

BRIEFING

Pat Herman, Assistant Planning Director, gave a briefing on the establishment of a Joint Platting Jurisdictional Area by the City of Hartford with Minnehaha County. The joint area will allow the City of Hartford to ensure that land being subdivided and platted will conform to their future growth plans. The resolution establishing the area was approved by the City of Hartford on Tuesday, January 15, 2013 and will become effective February 13, 2013.

POLICY REVIEW

Pam Nelson, Treasurer, gave a briefing on the 2012 Minnehaha County's Investment Yield vs 4 Week T-Bill Benchmark Report, and on Minnehaha County's Investment Policy. Ken McFarland, Commission Administrative Officer, spoke on the distribution of the Bank Franchise Tax to Counties and Schools. Ms. Nelson reported that the County has a practice of using traditional banks for its deposits. Mr. Beninga stated he would like to have a policy stating that the County will only invest in traditional banks. Mr. Beninga asked Pam Nelson, Bob Litz, and Ken McFarland to review the investment policy and present any recommended revisions to the commission. The Commission concurred.

1/22/2013

AGREEMENT

Carol Muller, Human Services Director, gave a briefing on a proposal from Caliber Creative to establish a graphic identity for Minnehaha County. The proposal contains the estimated fees for six core elements for creating a new brand. Should the County choose to proceed with all six elements of the proposal, it is anticipated the county will spend approximately \$10,300. MOTION by Heiberger, seconded by Kelly to authorize the Chairman to sign the proposal from Caliber Creative for development of Minnehaha County Branding and Graphic Standards. 5 ayes.

GRANT

Ken McFarland, Commission Administrative Officer, reported that Minnehaha County has received notification of an additional financial allocation from the Council of Juvenile Services (CJS) to assist in the support of the local Juvenile Detention Alternative Initiative (JDAI) expansion to partner counties. The total amount of \$25,000 will be used to promote collaboration, provide education, offer training, and assist in funding a pilot home detention project for Lincoln County. The recommended funding allocation for the grant is \$20,000 for the Readiness and Planning Activities and \$5,000 for the Lincoln County Home Detention Pilot Project. MOTION by Pekas, seconded by Heiberger to approve the grant application to the SD Council of Juvenile Services to expand the Juvenile Detention Alternative Initiative to Partner Counties. 5 ayes.

AGREEMENT

Ken McFarland, Commission Administrative Officer, gave a briefing on a contract with W. Haywood Burns Institute to conduct a community readiness assessment regarding addressing the disproportionate contact of minority youth with the juvenile justice system. This assessment is in conjunction with a grant from the Council of Juvenile Services to assist in the support of the local JDAI Disproportionate Minority Contact work plan implementation. MOTION by Pekas, seconded by Barth, to authorize the Chairman to sign the agreement between Minnehaha County and W. Haywood Burns Institute for an amount not to exceed \$39,600. 5 ayes.

POLICY CHANGE (deferred from the January 15, 2013 meeting)

Ken McFarland, Commission Administrative Officer, gave a briefing on the current Minnehaha County Policy Regarding Petition Gatherers at Minnehaha County Facilities. The policy states that persons wishing to gather signatures for a ballot question on Minnehaha County property will abide by the following three guidelines: 1) Remain outside of county buildings and not obstruct individuals as they enter and exit the building. 2) Conduct themselves in a polite, courteous and professional manner. 3) In the case of severe weather, the Commission Administrative Officer may allow individuals collecting signatures to stand inside the Administration Building entry-way if they do not impede those entering and leaving the building. Mr. McFarland presented two proposed amendments based on the Commission's discussion during the January 15th commission meeting. The first proposed amendment contains a revision to guideline #1 by adding that the petition gatherers are to remain to the left or right of the doorway so as to not restrict/block the pathway in and out of the doorway, and it eliminates guideline #3. The second proposed amendment includes the revision to guideline #1 as in the first proposed amendment, but leaves guideline #3 in place. Mr. McFarland reported on the comments and suggestions he has received since this issue has been made public. The following people spoke in favor of leaving the policy as it is: Teresa Stehly, 1621 S. Van Eps Ave., Sioux Falls; Scott Ehrisman, 806 S. 10th Ave., Sioux Falls; Liz Muilenburg, 1209 S. Jefferson Ave., Sioux Falls; Judy Lampert, 2016 W. 22nd St., Sioux Falls; and Pat Anawski, 1813 S. Willow, Sioux Falls, SD. Bob Litz, Auditor, suggested the construction of an outside area for use by petition gatherers and during inclement weather, allow them to use a designated area in the lobby of the Administration Building. Pam Nelson, Treasurer, stated that she has received complaints about access to the building when petition gatherers are

1/22/2013

located in the entryway. Ms. Nelson suggested asking the Fire Marshall for his opinion on the use of the entryway by petition gatherers. Ms. Nelson also stated that she supports the initiative and referendum process and supports petitioners gathering signatures outside the building. MOTION by Heiberger, seconded by Pekas to leave the policy regarding petition gatherers as it is. Commissioner Kelly stated that there is a motion on the table that was deferred from the January 15th commission meeting. The motion was made by Kelly, seconded by Barth, to ban all petition gathering inside the County Administration Building. Commissioner Kelly made a substitute motion, seconded by Barth, to authorize the Chairman to appoint a committee to study the issues related to petition gatherers and report back to the commission in 90 days. 4 ayes. Heiberger voted nay. VOTE on the main motion to leave the policy regarding petition gatherers as it is. 5 ayes.

LEGISLATIVE UPDATE

Ken McFarland, Commission Administrative Officer, briefed the Commission on proposed legislation affecting county government.

OLD BUSINESS

Commissioner Kelly stated that he believes deferred items should be the first items scheduled under regular business. Chairman Beninga stated that commissioners can amend the agenda at the beginning of the meeting if they have an issue with the agenda order.

NEW BUSINESS

Chairman Beninga commented on the Sioux Falls day at the Legislature on February 12th and asked if there is any interest from commissioners to attend.

Commissioner Pekas commented on Senate Bill 70 and expressed concern regarding the portion of the bill that would extend the time felons could be sentenced to imprisonment within a county jail from 180 days to 365 days and the cost this will have to Minnehaha County.

MOTION by Kelly, seconded by Barth, to adjourn into Executive Session for contract negotiation and legal briefing. 5 ayes.

The Commission adjourned until 9:00 a.m. on Tuesday, January 29th, 2013.

APPROVED BY THE COMMISSION:

Gerald Beninga
Chairman

ATTEST:

Cynthia Jepsen
Deputy Auditor