

2/26/2013

THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M. February 26, 2013 pursuant to adjournment on February 19, 2013. Commissioners present were: Barth, Heiberger, Kelly, and Pekas. Commissioner Beninga was absent. Also present were Cindy Jepsen, Commission Recorder, and Kersten Kappmeyer, Deputy State's Attorney.

Vice Chairperson Heiberger called the meeting to order.

MOTION by Kelly, seconded by Pekas, to approve the agenda. 4 ayes.

MOTION by Pekas, seconded by Barth, to approve the February 19, 2013 Commission Minutes. 4 ayes.

#### VOUCHERS TO BE PAID

MOTION by Barth, seconded by Pekas, to approve the following bills totaling \$419,460.72 . 4 ayes.

A To Z World Language	Courts	1,910.00	A+ Partners Db	Sheriff	105.00
Allied Oil & Tire Co	Hwy Constr	4,638.78	Anderson, Carol	Human Svcs	400.00
APWA	Hwy Admin	169.00	Arcadia Publishing I	Mus Store	674.46
Arena Motel	Human Svcs	1,300.00	Argus Leader	Var. Depts	1,868.24
Arrow Ridge Townhome	Human Svcs	600.00	Auto Body Specialtie	Hwy Constr	8.28
Avera Health Informa	Courts	20.40	Avera McKennan Hospi	Var. Depts	5,815.00
Avera Medical Group	Facilities	150.00	Beadle County (SD) S	St Atty	26.72
Belitz, Clarence H	Human Svcs	600.00	Benco Products Inc	Hwy Constr	24,810.00
Billion's	Hwy Constr	10.01	Bob Barker Company,	Jail	6,807.16
Boyer Trucks Sioux F	Hwy Constr	170.57	Broesder, Jered	Var. Depts	52.00
Brown & Saenger	Var. Depts	3,574.49	Butler Machinery Com	Hwy Constr	143.04
C & R Supply Inc	Hwy Constr	13.44	Canton Home & Farm S	Hwy Constr	499.00
Carper, Nichole A	Courts	404.00	Cartridge World	Info Tech	518.23
CBM Managed Services	Var. Depts	9,821.56	CDX Holdings	Human Svcs	450.00
Century Business Pro	Var. Depts	285.59	Certified Languages	Courts	87.45
Cole Papers, Inc.	Facilities	207.00	Cole's Petroleum Inc	Hwy Constr	3,565.70
Commercial Interior	Facilities	63.00	Computer Forensic Re	Courts	225.00
Concrete Materials	Hwy Constr	707.24	Conexis Benefit Admi	Human Svcs	301.68
Constellation New En	Facilities	18,767.61	Cooley, Carla F	Courts	363.80
Counseling Resources	Courts	475.00	Cummins Central Powe	Facilities	1,650.99
Dakota Fluid Power,	Hwy Constr	46.67	Dakota Riggers & Too	Hwy Constr	84.60
Dataline Assoc./Fior	Info Tech	252.00	Daybreak/T & H Conve	Hwy Constr	110.50
Deans Bulk Svc Inc	Hwy Constr	335.80	Dematteo, Lyndsey	Public Adv	55.06
Denevan, James	Human Svcs	250.00	Donahue, Mike	Human Svcs	500.00
Doop, Michael	Human Svcs	900.00	Duffy, Ryan	Courts	944.83
Ebert's Properties,	Human Svcs	600.00	Engels Law Office Pc	Courts	11,000.00
Fleetpride / Holt, I	Hwy Constr	117.13	Force America Inc/Va	Hwy Constr	222.32
Frantzen, Paige	Human Svcs	62.10	G & H Repair	Hwy Constr	1,800.00
George, Aaron	Human Svcs	600.00	Government Finance O	Auditor	840.00
Graham, Robert C	Human Svcs	350.00	Grainger, Inc.	Hwy Constr	256.60
Guzman, Sandra V.	Var. Depts	553.33	HDR Engineering Inc	Hwy Constr	49,367.96
Heimdal, Marie Ann	Courts	110.40	Hewlett-Packard Comp	Var. Depts	27,211.12
High Point Networks	Info Tech	1,324.00	Hoekstra, Denise A.	Courts	178.40
Howe Heating & Plumb	Facilities	3,993.56	Huron Culvert & Tank	Hwy Constr	5,126.74
Hurtgen, Timothy T/P	Human Svcs	300.00	Hy-Vee Accounts Rece	Mus Entpr	63.22
I State Truck Center	Hwy Constr	774.56	IBE, Inc.	Reg Deeds	264.00
Int'l Code Council,	Planning	100.00	Interstate Office Pr	Var. Depts	2,006.19
Iret Properties	Human Svcs	600.00	ISI Llc	Courts	520.00
ISS Facility Svcs-Mi	Facilities	10,735.00	Jamar Technologies,	Hwy Constr	1,307.49
Jaros, Pete	Mental Ill	118.40	Jcl Solutions-Janito	Jail	332.70
Jim Bork Enterprises	Reg Deeds	361.08	Johnson, Clara	Mental Ill	107.14
Kahler, Monte	Human Svcs	300.00	Khorooosi, Sam	Courts	1,590.80
Kmart Pharmacy	Human Svcs	52.51	Koistra Harrisburg L	Human Svcs	315.00
L.G. Everist Inc	Hwy Constr	6,058.39	La Police Gear Inc	Var. Depts	6,065.00
Language Line Servic	Var. Depts	834.62	Larson, Jeff	Courts	1,148.65
Lason Systems Inc	Reg Deeds	558.90	Laughlin, Nicole	Courts	616.50
Lincoln County(SD) S	Treasurer	45.64	Lutheran Social Svcs	Var. Depts	2,018.75

2/26/2013

Matheson Tri-Gas Inc	Facilities	40.44	McLoughlin & Eardley	Jag Grants	3,048.20
Mills & Miller Inc	Hwy Constr	6,223.24	Minn Cnty Museum Pet	Mus Entpr	400.00
Mitel Technologies I	Info Tech	5,677.08	Morales, Edwin Db	Sheriff	160.00
MPI Technologies Inc	Reg Deeds	806.25	Multi-Cultural Cente	Courts	1,237.50
NAMI South Dakota	JDC	480.00	NDL - National Direc	Mus Maint	1,285.00
NE Dept Of Motor Veh	St Atty	3.00	Neuropsychology Cons	Human Svcs	415.94
Neve's Uniforms	Jag Grants	1,149.50	Nguyen, Lam	Courts	25.00
Nicholson, Tschetter	Courts	2,020.13	North Central Farmer	Hwy Constr	25,621.32
North Gateway Llc	Human Svcs	385.00	Northern Truck Equip	Hwy Constr	373.23
Nyberg's Ace Hardwar	Var. Depts	184.49	Osborn, Roxane R	St Atty	54.00
Our Saviors Lutheran	Human Svcs	500.00	Pennington County Ja	Jail	7,869.15
Peters Distributing	Jail	533.51	Presto-X-Company	Facilities	181.26
Primary Products Co	JDC	333.00	Qualified Presort Se	Var. Depts	4,142.49
Quality Efficiencies	Human Svcs	235.00	Record Keepers, Inc.	Courts	2,777.18
Redwood Court Ltd Pt	Human Svcs	1,386.00	Richard-Ewing Equipm	Facilities	1,300.60
Russell, Mark	Jag Grants	52.00	Safariland Llc	Jag Grants	600.50
Sands Drywall Inc	Bldg Fund	3,680.00	Sanford Hospital	Human Svcs	6,840.10
Sanford Occupational	Hwy Admin	163.50	SD Assn Of County Of	M&P Fund	6,514.00
SD Dept Of Public Sa	Human Svcs	85.00	SD Dept Of Transport	Hwy Constr	2,686.35
SD Div Of Criminal I	Human Res	43.25	SD Municipal League	Planning	5.00
SD One Call	Facilities	12.60	Sentinel Offenders S	Jdc	1,873.96
Servall Towel & Line	Var. Depts	66.94	Shepherd Reporting L	Mental Ill	316.25
Sherwin Williams	Jail	65.60	Shi, International C	Var. Depts	39,224.25
Sioux Falls City Fin	Var. Depts	14,268.79	Sioux Falls Humane S	Humane Soc	3,067.85
Sioux Falls Utilitie	Var. Depts	1,041.45	Sioux Valley Energy	Human Svcs	115.00
Solarwinds.Net Inc	Info Tech	535.00	Solomon, Ghirmay	Courts	229.16
Szameit, Alexandra	Courts	400.00	Thorin, Deyanira T	Courts	647.48
Thornton Carpets/Flo	Bldg Fund	1,901.00	Tigerdirect Inc	Jail	4,538.55
Tires,Tires,Tires In	Var. Depts	557.53	Tomacelli's Pizza	Courts	167.74
Uline	Mus Entpr	61.71	United Parcel Servic	Reg Deeds	17.96
Vb Falls Terrace Apt	Human Svcs	933.00	Verizon Wireless	Var. Depts	6,030.83
Volunteers Of Americ	Bldg Fund	4,438.00	Walter, Carney	Human Svcs	410.00
Weber, Jamie Db	Courts	228.47	Weerheim, Tom	Courts	229.60
Weiland & Assoc Inc	Courts	107.70	West Group	Var. Depts	3,716.48
Winne, Steve	Human Svcs	425.00	Xcel Energy, Inc.	Var. Depts	7,268.51
Zimmer, Bernie	Human Svcs	400.00			

## REPORTS

The Auditor's Account with the County Treasurer as of January 31, 2013 was received and placed on file in the Auditor's Office.

On Deposit in Banks	
Interest-bearing open accounts	15,193,174.40
CD's and savings	13,000,000.00
Cash	19,065.97
Checks/drafts in Treasurer's possession for more than 3 days	7,514.03
Total Cash on Hand	28,219,754.40
EFT Tax Deposit outstanding	(76.22)
Total Reconciled AS/400 Cash Balance	28,219,678.18

## PERSONNEL

MOTION by Pekas, seconded by Barth, to approve the following personnel changes. 4 ayes.

1. To hire Jamie Lambertz as Legal Office Assistant (10/3) for the Public Defender's Office at \$15.278/hour effective 2/28/13.
2. To hire Haley Gleich as Safe Home Program Worker (9/2) for Safe Home at \$14.188/hour effective 2/27/13.

2/26/2013

3. To promote Kersten Kappmeyer from Deputy State's Attorney to Senior Deputy State's Attorney (22/1) for the State's Attorney's Office at \$2,210.72/bi-weekly effective 2/23/13.
4. To promote Kersten Kappmeyer from Senior Deputy State's Attorney to Chief Civil Deputy State's Attorney (25/1) for the State's Attorney's Office at \$2,973.20/bi-weekly effective 3/4/13.
5. To promote Thomas Hensley from Senior Deputy State's Attorney to Senior Trial Attorney (23/15) for the State's Attorney's Office at \$3,448.00/bi-weekly effective 2/20/13.
6. To promote Bojan Salihagic from Correctional Officer in Training for the Jail to Deputy Sheriff (16/1) for the Sheriff's Office at \$19.558/hour effective 2/28/13.
7. To accept the retirement of Bonnie Wenzlaff as Property Technician for Equalization effective 2/20/13.
8. To accept the retirement of Margaret Kuipers as Correctional Officer for the Jail effective 2/18/13.
9. To accept the resignation of Gordon Swanson as Chief Civil Deputy State's Attorney for the State's Attorney's Office effective 3/1/13.
10. To accept the resignation of Elly Swartz as Human Resources Technician for Human Resources effective 2/27/13.
11. To accept the resignation of Arnie Miller as Correctional Officer for the Jail effective 3/5/13.
12. To correct the memo dated 2/12/13 which should have reflected a start date of 2/18/13 as opposed to 2/16/13 for Jarod Hettich, part-time Correctional Officer for the Jail.

#### Step Increases Due:

1. Debra Knudsen – Administrative Assistant – Extension – 12/2 to 12/3 – 3/1/13 – \$16.864/hour
2. Timothy Gustafson – Corporal – Jail – 16/1 to 16/2 – 2/18/13 – \$20.046/hour

#### ABATEMENTS

MOTION by Pekas, seconded by Kelly, to approve 2012 property tax abatement for David & Constance Langner, ID #46027, \$495.21, representing board value removed in error. 4 ayes.

MOTION by Pekas, seconded by Barth, to approve 2012 property tax abatement for the South Dakota Department of Transportation, ID #'s 15126, 15127, 15138, 15139, 40792, \$2,100.25, representing tax exempt properties purchased. 4 ayes.

#### NOTICES

Notice was received from the City of Dell Rapids of a Public Hearing at 7:00 p.m., March 12, 2013, Dell Rapid City Hall Council Chambers, 302 E. 4<sup>th</sup> Street, Dell Rapids in regard to the creation of a Tax Increment Finance District.

MOTION by Pekas, seconded by Kelly, to authorize the Auditor to post a Notice of Hearing to consider 2012 Carry-Over Supplements to Various FY 2013 Budgets. 4 ayes.

#### PLANNING & ZONING NOTICES

2/26/2013

Pat Herman, Assistant Planning Director, gave the first reading and requested authorization for the Auditor to publish a notice of hearing on March 19, 2013 to consider an amendment to the 1990 Revised Zoning Ordinance of Minnehaha County to rezone property legally described as Tract 1 of Meadows NE ¼ Section 16-T102N-R51W from the A-1 Agricultural District to the Meadows PD Planned Development District. The property is adjacent to the City of Hartford at the north end of 463<sup>rd</sup> Avenue/Western Avenue. This item is being forwarded by the Planning Commission with a recommendation of denial. MOTION by Pekas, seconded by Kelly, to authorize the Auditor to publish a Notice of Public Hearing on March 19, 2013 at 9:25 a.m. at the County Administration Building, 415 N. Dakota Ave., Sioux Falls, to amend MC16-90 the Revised Zoning Ordinance for Minnehaha County. 3 ayes. Barth voted nay.

#### LIEN COMPROMISE

Commissioner Pekas gave a briefing on a request for compromise of lien for DPNO 58675 & 56895. The applicant is in the process of refinancing his home and a title search noted the two county aid liens against the property. DPNO 58675 is in the name of the applicant and his ex-wife in the amount of \$1,701.10. The lien is for attorney's services on behalf of the couple's minor children. DPNO 56895 is in the amount of \$4,010.93 and is solely in the name of the applicant's ex-wife and was incurred after the couple divorced in 2005. This lien is attached to the property the applicant is refinancing by virtue of a title interest his ex-wife had to the property. His ex-wife relinquished her interest in the property in 2010. The applicant lists an annual income of \$29,515, assets in the amount of \$170,785, and liabilities in the amount of \$108,800. He is requesting a release of DPNO 58675 against the real estate and his name upon payment of \$638.00, leaving the balance of the lien in the name of his ex-wife only, and a release of DPNO 56895 in full against the real estate only with no payment, leaving the lien in the name of his ex-wife only. MOTION by Pekas, seconded by Barth, to approve Resolution MC13-08 . 4 ayes.

#### RESOLUTION MC13-08

WHEREAS, a County Aid Lien in the amount of \$1,701.10 purports to exist in favor of Minnehaha County and against DPNO 58675 as Lienee, and a County Aid Lien in the amount of \$4,010.93 purports to exist in favor of Minnehaha County and against DPNO 56895 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:

DPNO 58675: Release the lien against the real estate legally described as Lot 9A Block 1 Evergreen Acres Addition SW ¼ 22-102-49 and the petitioner upon payment of \$638.00, leaving the balance of the lien, \$1,063.10, in the name of petitioner's ex-wife only.

DPNO 56895: Release the lien in full against the real estate legally described as Lot 9A Block 1 Evergreen Acres Addition SW ¼ 22-102-49, with no payment, leaving the lien in full in the name of petitioner's 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 26th day of February, 2013.

APPROVED BY THE COMMISSION:  
Cindy Heiberger

2/26/2013  
Vice Chairperson

ATTEST:  
Cynthia Jepsen  
Deputy County Auditor

Commissioner Pekas gave a briefing on a second request for compromise of lien for DPNO 149 in the amount of \$834.17. The lien is for poor relief provided between July 2011 and January 2013. The applicants are asking for a compromise in full upon payment of \$417.00 in anticipation of closing on a home mortgage refinance. The applicants have a history of county aid liens dating back to 1981, and have paid off lien balances twice in the last seven years. In 2001 the Commission approved a compromise in the amount of \$14,913.30 in accumulated liens. Their monthly income consists of SSI payments in the amount of \$1,086. They indicate that their current mortgage and utility payments are more than their monthly income, and by refinancing their home at a lower interest rate, they will be able to afford their mortgage payment and utilities without needing county assistance. MOTION by Pekas, seconded by Barth, to approve Resolution MC13-09. 3 ayes. Kelly voted nay.

#### RESOLUTION MC13-09

WHEREAS, a County Aid Lien in the amount of \$834.17 purports to exist in favor of Minnehaha County and against DPNO 149 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 \$417.00.

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

Dated at Sioux Falls, South Dakota, this 26<sup>th</sup> day of February, 2013.

APPROVED BY THE COMMISSION:  
Cindy Heiberger  
Vice Chairperson

ATTEST:  
Cynthia Jepsen  
Deputy County Auditor

#### AGREEMENT

Shannon Schultz, Highway Senior Project Engineer, gave a briefing on a financial and maintenance agreement for the Roadway Safety Improvement Project to replace all signing and delineation. The project will be 100% state funded through a federal safety program. MOTION by Pekas, seconded by Barth, to authorize the Chairman to sign the Financial and Maintenance Agreement between the South Dakota Department of Transportation and Minnehaha County for the Roadway Safety Improvement Project Number PH 8050(66) PCN 044D . 4 ayes.

#### AMENDMENT

Shannon Schultz, Highway Senior Project Engineer, reported that the preliminary design study has been

2/26/2013

completed by Infrastructure Design Group, Inc. for Structures #50-240-095 and #50-240-085. The Highway Department is requesting to extend the existing agreement to take the project into the final design phase. MOTION by Pekas, seconded by Barth, to authorize the Chairman to sign the agreement with Infrastructure Design Group for final design and construction drawings and bid specifications for bridge structures #50-240-085 & #50-240-095 (Highway 121 Over Slip Up Creek) in the amount of \$75,985.25. 4 ayes.

RESOLUTION

Shannon Schultz, Highway Senior Project Engineer, gave a briefing on a resolution that would replace Resolution MC12-72 which established fees for overweight/oversize permits. The Highway Department has met with a representative from the Sioux Falls Contractors' Association to review the newly adopted fee permits. Information gathered from that meeting was used to formulate a new fee structure for single trip permits, multiple trip permits, and annual permits. MOTION by Barth, seconded by Kelly, to approve Resolution MC13-10. 4 ayes.

MC13-10  
RESOLUTION ESTABLISHING NEW FEES FOR  
HIGHWAY OVERWEIGHT/OVERSIZE PERMITS and  
ADDING AN ANNUAL PERMIT OPTION

WHEREAS, the Minnehaha County Highway Department currently administers Highway Overweight/Oversize Permits to the public at specified fees according to Resolution MC12-72; and

WHEREAS Resolution MC12-72 does not include an Annual Permit option; and

WHEREAS this resolution supersedes MC12-72 in all respects to the petitioner; and

WHEREAS, said applications require the staff of the Minnehaha County Highway Department to spend considerable time evaluating each site and permit request; and

WHEREAS, the Minnehaha County Board of Commissioners finds it necessary to establish a fee for these services which are to include an Annual Permit option;

NOW THEREFORE BE IT RESOLVED by the Minnehaha County Board of Commissioners that the Minnehaha County Highway Department is hereby authorized to charge the following fees:

- Single Trip Permit..... \$20 + \$0.40 per ton overweight / mile
- Multiple Trip Permit ..... \$20 + \$8 per ton overweight / month
- Annual Trip Permit ..... \$20 + \$32 per ton overweight

All fees collected shall be deposited into the County Highway Fund.

Approved this 26th day of February, 2013.

APPROVED BY THE COMMISSION:  
Cindy Heiberger  
Vice Chairperson

ATTEST: Bob Litz, Auditor  
Cynthia Jepsen  
Deputy Auditor

AGREEMENT

2/26/2013

Michele Boyd, Chief Deputy Sheriff, requested approval of the second renewal of the health care services agreement with Correct Care Solutions for inmate medical care in the amount of \$1,385,262. The current contract that expired on December 31<sup>st</sup>, 2012, grants the county two (2), one year renewal options. The agreement recognizes that there may be quarterly adjustments to reflect actual costs. MOTION by Pekas, seconded by Barth, to authorize the Chairman to sign the Second Renewal of the Health Care Services Agreement between Correct Care Solutions, LLC and Minnehaha County. SUBSTITUTE MOTION by Kelly, seconded by Barth to defer action for one week. 2 ayes. Barth and Heiberger voted nay. Item is deferred.

#### LEASE

Ken McFarland, Commission Administrative Officer, reported that the SD Department of Public Safety will not be able to take possession of their new space on Kiwanis and Russell Avenue for a Driver's License Renewal/Exam Station until April 1, 2013. The State has requested that the lease for the Driver's License Renewal Station in the County Administration Building be extended until the end of April to help facilitate moving equipment from both the Administration Building site and the Westport site to the new location. MOTION by Pekas, seconded by Barth, to authorize the Vice Chairperson to sign addendum #3 to the current lease thereby extending the lease for the Driver's License Renewal Station until April 30, 2013 under the same terms and conditions of the present lease. 3 ayes. Kelly voted nay.

#### DISCUSSION

Carol Muller, Human Services Director, gave a briefing on the potential impact of the expansion of Medicaid in South Dakota to the cost of providing indigent medical services for Minnehaha County. The Commissioners discussed a request they received for Minnehaha County Commissioners to endorse the expansion of Medicaid. MOTION by Barth to endorse the expansion of Medicaid in South Dakota. Motion died for lack of a second. MOTION by Pekas, seconded by Kelly to not endorse the expansion of Medicaid in South Dakota. 2 ayes. Barth and Heiberger voted nay.

#### LEGISLATIVE UPDATE

Robert Wilson, Assistant Commission Administrative Officer, gave a briefing on proposed legislation affecting county government.

#### NEW BUSINESS

Commissioner Heiberger presented Gordy Swanson with a plaque for his dedicated service to Minnehaha County as Chief Civil Deputy State's Attorney. Mr. Swanson stated that he has been honored to work with the County Commission and is grateful for being given the opportunity to serve. Mr. Swanson will be sworn in as Magistrate Judge in the 1st Judicial Circuit on March 11, 2013.

MOTION by Pekas, seconded by Barth, to adjourn into Executive Session for contract and personnel discussions. 4 ayes.

The Commission adjourned until 9:00 a.m. on Tuesday, March 5, 2013.

#### APPROVED BY THE COMMISSION:

Gerald Beninga  
Chairman

ATTEST:

2/26/2013  
Cynthia Jepsen  
Deputy Auditor