

4/02/2013

THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M. April 2, 2013 pursuant to adjournment on March 26, 2013. Commissioners present were: Beninga, Heiberger, Kelly, and Pekas. Commissioner Barth was absent. Also present were Cindy Jepsen, Commission Recorder, and Kersten Kappmeyer, Chief Civil Deputy State's Attorney.

Chairman Beninga called the meeting to order.

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

MOTION by Pekas, seconded by Kelly, to approve the March 26, 2013 Commission Minutes and March 26, 2013 Joint City/County Minutes. 4 ayes.

VOUCHERS TO BE PAID

MOTION by Pekas, seconded by Heiberger, to approve the following bills totaling \$306,854.33. 4 ayes.

A & B Business Equip	Planning	87.49	A To Z World Languag	Public Def	80.00
Abn Army Surplus	Em Mgmt	63.00	Ace Towing Inc	Hwy Constr	231.25
Advance Auto Parts	Sheriff	11.94	Alex Air Apparatus I	Em Mgmt	16.17
Anawski, Caroline	Apportmnt	327.22	Appeara / Dudley Lau	Hwy Constr	32.70
Arena Motel	Human Svcs	1,406.25	Argus Leader - Subsc	Planning	28.54
At & T	Sheriff	62.88	Audio Playground Ele	Hwy Constr	132.50
Avera Health Informa	Var. Depts	84.60	Avera McKennan Hosp	Public Def	22.54
Avera McKennan Hospi	St Atty	62.00	Barth, Jeff	Commission	22.00
Baumgartner's Electr	M & P Fund	201.71	Bierschbach Equipmen	Hwy Constr	250.00
Boyer Trucks Sioux F	Hwy Constr	765.00	Brevik Law Office Pr	Mental Ill	400.14
Brown & Saenger	Var. Depts	141.94	Builders Supply Comp	Facilities	941.90
Bureau Of Informatio	Var. Depts	612.00	Buthe, DJ	Hwy Admin	99.00
Carlson, Lisa	Courts	380.80	Carper, Nichole A	Courts	321.00
Carroll Institute	Courts	150.00	Cbm Managed Services	Safe Home	277.10
Century Business Pro	Extension	59.00	Cliff Avenue Auto Pa	Hwy Constr	38.99
CM Information Spec/	Public Def	39.28	Cody, Denise	Mental Ill	52.50
Cole Papers, Inc.	Facilities	337.93	Connecting Point	Info Tech	1,791.70
Cooley, Carla F	Courts	648.60	Country Meadows Apts	Human Svcs	700.00
Dakota Beverage Co I	Mus Entpr	169.00	Dakota Fluid Power,	Hwy Constr	222.77
Deaver, Carey Jo	Human Res	89.96	Devaney, Tom	Hwy Constr	54.00
Directv	Hwy Admin	49.02	Driveline Service In	Hwy Constr	451.42
Duffy, Ryan	Courts	3,905.37	Ebert's Properties,	Human Svcs	130.00
Ekeren, Marvin R.	Mental Ill	30.00	Electric Supply Co.,	Sheriff	781.29
Empire Plastics	Mus Entpr	785.49	Erpenbach, John E	Mental Ill	427.50
Fastenal Company	Hwy Constr	156.30	Fluth, Rodney P	Human Svcs	600.00
Fuller & Williamson,	Courts	3,067.00	G & R Controls Inc	Facilities	1,892.81
Grainger, Inc.	Hwy Constr	48.94	Griesse, Chris	Hwy Admin	107.00
Guzman, Sandra V.	Var. Depts	349.99	Heiberger, Cindy	Commission	17.00
Henke Mfg Corp/Alamo	Hwy Constr	26,240.00	Hewlett-Packard Comp	Var. Depts	18,760.82
Hoekstra, Denise A.	Courts	91.20	Howalt-McDowell Insu	Insurance	1,611.00
Howe Electric, Inc.	Hwy Constr	444.65	Hughes County (SD) S	St Atty	25.00
Hy-Vee Accounts Rece	Human Svcs	62.62	I State Truck Center	Hwy Constr	156.24
Interstate Office Pr	Var. Depts	730.46	ISI Llc	Courts	240.00
Johnson, Richard L	Courts	553.00	Karl's, Inc.	Sheriff	92.95
Kauffman, David W. P	Var. Depts	2,905.60	Kennedy, Pier & Knof	Mental Ill	369.60
Kennedy, Renee S	Courts	324.80	Kittelson, Joan M	Mental Ill	97.50
Lacroix, Heather	Mental Ill	186.52	Lancaster (NE) Count	St Atty	35.00
Larson, Jeff	Courts	2,346.30	Lassegaard, Samuel C	Human Svcs	316.00
Laughlin, Nicole	Courts	1,354.00	Lewno, Lucy	Mental Ill	1,419.89
Light And Siren	Hwy Constr	950.00	Lloyd Companies	Human Svcs	200.00
Locators & Supplies,	Hwy Constr	2,142.68	Luk, Anna - Luk In	Human Svcs	445.00
Lutheran Social Svcs	Var. Depts	1,703.00	Mac's, Inc.	Hwy Constr	21.80
Madrigal, Francisco	Apportmnt	444.91	Malik, Cirillo	Courts	324.99
Mattson, Monica	Courts	4,787.30	Menards - East	Hwy Admin	34.61
Meridian Grain Llc	Hwy Constr	9,451.87	Metro Communications	Public Def	180.00
MidAmerican Energy C	Var. Depts	977.30	Mikelson, Gary E	Mental Ill	372.50

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Minn Cnty Human Svcs	Human Svcs	123.40	Motorola Solutions	Em Mgmt	106,636.25
Multi-Cultural Cente	Courts	343.75	Nat'l Trust For Hist	Mus Ops	15.00
Neve's Uniforms	Air Guard	859.93	Nguyen, Lam	Courts	25.00
Norment Security Gro	Var. Depts	2,708.84	North Central Intl S	Hwy Constr	92.92
Northern Safety Tech	Hwy Constr	587.94	Northern Truck Equip	Hwy Constr	130.17
Nyberg's Ace Hardwar	Facilities	19.97	Olson, Waltner & Sch	Courts	2,037.14
Osborn, Roxane R	St Atty	61.50	Palmer, Barbara	Mental Ill	2,542.50
Pheasantland Industr	Var. Depts	1,191.32	Pollard & Larson Llp	Mental Ill	174.00
Presto-X-Company	Facilities	441.89	Qualified Presort Se	Sheriff	237.54
R & L Supply, Ltd	Facilities	339.08	Rehfuss, Cathy A	Mental Ill	60.00
Rigsby Law Office Pl	Courts	579.60	Rochester Armored Ca	Treasurer	379.50
Rural Metro Ambulanc	Coroner	150.00	Safe Home Ltd Ptnrsh	Var. Depts	8,024.91
Sanford Hospital - R	Human Svcs	500.00	Schoeneman Bros. Co.	Mus Entpr	1,021.10
Schulte Law Office	Courts	504.00	Scotts Bluff (NE) Co	St Atty	35.00
SD Assn Of County Of	Reg Deeds	175.00	SD Assn Of County We	Hwy Admin	255.00
SD Bureau Of Human R	Extension	42.00	SD Dept Of Public Sa	Human Svcs	20.00
SD Dept Of Transport	Hwy Constr	2,219.81	SD Div Of Criminal I	Human Res	43.25
SD Human Services Ce	Public Def	78.40	SD Secretary Of Stat	Public Def	60.00
Sdes (SD Engineering	Hwy Admin	170.00	Servall Towel & Line	Var. Depts	77.45
Shepherd Reporting L	Mental Ill	137.50	Sherwin Williams	Facilities	41.96
Shopko Pharmacy	Human Svcs	499.65	Sigler Fire Equipmen	Sheriff	112.50
Simmons Law Enforcem	Em Mgmt	13,557.50	Simon, Anthony (OR)	Commission	95.00
Sioux Falls City Fin	Em Mgmt	472.27	Sioux Falls Kitchen	JDC	32.00
Sioux Falls Rubber S	Human Res	36.95	Sioux Falls Utilitie	Var. Depts	7,001.76
Sittig, Jacob	Mus Entpr	150.00	Solomon, Ghirmay	Courts	25.00
Stansell, Roger	Hwy Admin	54.00	Sturdevant's Auto Pa	Hwy Constr	83.10
Swanda, Karen	Mental Ill	75.00	Szameit, Alexandra	Courts	75.00
Telvent Dtn	Hwy Constr	441.00	Thorin, Deyanira T	Courts	329.99
Thornton Carpets/Flo	Bldg Fund	1,828.00	Tires,Tires,Tires In	Sheriff	1,464.08
Tuschen, Michael E	Hwy Constr	54.00	Variety Foods Llc	Safe Home	131.76
Verizon Wireless	Var. Depts	5,937.03	Wal-Mart Pharmacy	Human Svcs	754.00
Weerheim, Tom	Courts	467.40	Weiland & Assoc Inc	Courts	108.75
Wheelco Brake & Supp	Hwy Constr	257.84	Williams, Steve	Hwy Constr	54.00
Wilsey, Thomas M	Hwy Admin	53.00	Wilson, Robert	Commission	17.00
Xcel Energy, Inc.	Var. Depts	33,570.29	Yankton County Sheri	Mental Ill	225.00
Zimmer, Duncan & Col	Courts	1,135.20			

PERSONNEL

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

1. To hire Julie Person as Property Technician (10/3) for Equalization at \$15.278/hour effective 4/3/13.
2. To hire the following as Correctional Officers in Training (12/1) for the Jail at \$16.052/hour effective 4/8/13: Jared Dahlen, Ian Graham, Joshua Herman, Jessica Janke, Scott McLaughlin, and Shelly Rausch.
3. To hire the following as Corrections System Operators (9/1) for the Jail at \$13.841/hour effective 4/8/13: Adam Eggers, Shaun Mitchell, Eric Schmidt, Trevor Schubert, Mathias Weinmann, and Austin Zahn.
4. To accept the resignation of Jessica Speckmeier as part-time Correctional Officer in Training for the 24/7 Program effective 4/1/13.

Step Increases Due:

1. Mark Narveson – Highway Maintenance Worker – Highway – 12/5 to 12/6 – 4/7/13 – \$18.161/hour
2. Heather Tjaden – Juvenile Correctional Officer I – Juvenile Detention Center – 12/1 to 12/2 – 4/2/13 – \$16.453/hour
3. Corey Stanley – Deputy Sheriff – Sheriff's Office – 16/10 to 16/11 – 1/15/13 – \$25.035/hour

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4. Erick Doppenberg – Corporal – Jail – 16/9 to 16/10 – 4/5/13 – \$24.425/hour
5. Brad Kruggel – Correctional Officer – Jail – 13/8 to 13/9 – 3/28/13 – \$20.548/hour

Special Commission Action Requests:

1. To recognize the following significant employee anniversaries for April 2013: 5 years – Kathryn Emerson, Lauri McGee, Calvin Kastner, Wallace Wynia; 10 years – Kenneth Headrick; 20 years – Angela Balfe, Michelle Boyd, Jason Gearman; 30 years – Diane Rypkema; 35 years – Lynn Krell.
2. To record volunteers in County Departments for March 2013. The list is on file at Human Resources.

ABATEMENTS

MOTION by Heiberger, seconded by Pekas, to approve 2012 property tax abatements for Edna Steineke, ID #18034, \$518.85 and Leroy Welbig, ID #22377, \$600.26 representing the Elderly Assessment Freeze. 4 ayes.

NOTICE

MOTION by Heiberger, seconded by Pekas, to authorize the Auditor to publish a notice to bidders for beam procurement and delivery for Project MC50-150-202-1, Ellis Bridge Project. 4 ayes.

PLANNING & ZONING NOTICES

Pat Herman, Assistant Planning Director, gave the first reading and requested authorization for the Auditor to publish a Notice of Hearing to consider a Text Amendment to Section 10.00 of the 1990 Revised Zoning Ordinance for Minnehaha County to allow a second single family dwelling in Subarea E of Perry's Planned Development District. The petitioners also own the adjoining land which is in Subarea C of the Perry PD. They have burned down a house that was located in Subarea C and would like to rebuild in Subarea E because this area is out of the flood plain. MOTION by Kelly, seconded by Pekas, to authorize the Auditor to publish a Notice of Hearing at 9:15 a.m. on April 23, 2013 to consider the Text Amendment to Section 10 of the 1990 Revised Zoning Ordinance for Minnehaha County. 4 ayes.

Ryan Streff, Planner/Code Enforcement Officer, gave the first reading and requested authorization for the Auditor to publish a Notice of Hearing to consider a request to rezone from A-1 Agricultural to RR Rural Residential District. The petitioners are proposing to rezone 1.99 acres located 4.5 miles west of Sioux Falls in Section 7 of Wayne Township to allow the construction of a home on the property. MOTION by Kelly, seconded by Pekas, to authorize the Auditor to publish a Notice of Hearing at 9:20 a.m. on April 23, 2013 for Rezoning #13-001. 4 ayes.

Dustin Powers, Planner II, gave the first reading and requested authorization for the Auditor to publish a Notice of Hearing to consider a request to rezone property from the A-1 Agricultural district to the I-1 Light Industrial District. The property is located one-third mile east of the intersection of SD Highway 11 and SD Highway 42. The request to rezone is for the purpose of selling the property. MOTION by Pekas, seconded by Heiberger, to authorize the Auditor to publish a Notice of Hearing at 9:30 a.m. on April 23, 2013 for Rezoning #13-02. 4 ayes.

LIEN COMPROMISE

Commissioner Pekas gave a briefing on a request for compromise of lien for DPNO #38204 in the amount of \$4,425.79. The applicant is in the process of refinancing his home and a title search identified the lien. \$110.00 of the lien is for utility assistance provided to the applicant and the remaining \$4,315.79 is for medical assistance provided for his ex-wife. The applicant lists assets of \$173,339 consisting primarily of the value of the

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home and liabilities in the amount of \$169,806 that include the current home mortgage and four other debts payable to financial institutions and individuals. The applicant is requesting a compromise and release of the lien in full upon payment of \$2,000 and states that he would have made payments on the lien but he never received a bill and he was unaware that the lien existed. Commissioner Kelly stated that it appears the applicant has sufficient assets in order to pay the entire lien amount. Ken McFarland, Commission Administrative Officer, stated that the applicant and his ex-wife were separated at the time she received the medical assistance. MOTION by Pekas, seconded by Heiberger, to approve Resolution MC13-14. 3 ayes. Kelly voted nay.

RESOLUTION MC13-14

WHEREAS, a County Aid Lien in the amount of \$4,425.79 purports to exist in favor of Minnehaha County and against DPNO 38204 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 \$2,212.90.

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

Dated at Sioux Falls, South Dakota, this 2nd day of April, 2013.

APPROVED BY THE COMMISSION:

Gerald Beninga
Chairman

ATTEST:

Cynthia Jepsen
Deputy County Auditor

LICENSE TO BLEND & CONSUME

Lori Kiesow, representing the Wegner Arboretum Society, was present for the public hearing to request authorization to consume/blend alcoholic beverages for a fundraising party to be held on May 21, 2013. MOTION by Kelly, seconded by Heiberger, to approve the request to Consume/Blend Alcoholic Beverages for the Mary Jo Wegner Arboretum, 1900 Perry Place, Sioux Falls, SD, on May 21, 2013. 4 ayes.

HEARING

Pat Herman, Assistant Planning Director, was present for the public hearing to consider adoption of three books of the 2012 International Building Code. MOTION by Pekas, seconded by Heiberger, to approve Ordinance MC43-13 An Ordinance Providing For The adoption Of The 2012 International Building Code and Amendments and Additions Thereto; And For The Repeal Of All Ordinances And Resolutions In Conflict Therewith. 4 ayes. MOTION by Pekas, seconded by Heiberger, to approve Ordinance MC44-13 An Ordinance Providing For The Adoption Of The 2012 International Residential Building Code and Amendments and Additions Thereto; And For The Repeal Of All Ordinances And Resolutions In Conflict Therewith. 4 ayes. MOTION by Heiberger, seconded by Pekas, to approve Ordinance MC45-13 An Ordinance Providing For The Adoption Of The 2012 International Existing Building Code And Amendments And Additions Thereto; And For The Repeal Of All Ordinances And Resolutions In Conflict Therewith. 4 ayes. The entire ordinances are on file in the Minnehaha County Auditor's Office and will be implemented on May 1, 2013.

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APPEAL (deferred from March 26, 2013)

Carol Muller, Human Services Director, reported that Doug Cummings, East River Legal Services, has withdrawn his request for appeal on the denial of financial services by Minnehaha County Human Services for Case #50695. MOTION by Pekas, seconded by Heiberger, to accept the withdrawal of the appeal. 4 ayes.

AGREEMENT

Carol Muller, Human Services Director, gave a briefing on an agreement whereby Minnehaha County Human Services Department will perform the work of the Human Services Department for Lincoln County. The terms of the agreement state that Minnehaha County will bill Lincoln County at a monthly rate of \$5,433.42. The monthly fee is based on Minnehaha County providing services at approximately 24 hours each week, for a total projected cost of \$65,201. MOTION by Pekas, seconded by Kelly, to authorize the Chairman to sign the Human Services Department Agreement between Minnehaha County and Lincoln County for a one year term beginning April 1, 2013 through March 31, 2014. 4 ayes.

RESOLUTION

DJ Buthe, Highway Superintendent, presented a resolution to participate in the SD Department of Transportation (SDDOT) Bridge Inspection/Re-Inspection Program. The US Federal Highway Administration requires inspection of all bridges every two years and culverts every four years. Mr. Buthe recommended Civil Design, Inc., Brookings, SD, for the inspection work. MOTION by Kelly, seconded by Heiberger, to approve Resolution MC13-15. 4 ayes.

RESOLUTION MC13-15
BRIDGE REINSPECTION
PROGRAM RESOLUTION
FOR USE WITH SDDOT RETAINER CONTRACTS

WHEREAS, Title 23, Section 151, *United States Code* and Title 23, Part 650, Subpart C, *Code of Federal Regulations*, requires initial inspection of all bridges and reinspection at intervals not to exceed two years with the exception of reinforced concrete box culverts that meet specific criteria. These culverts are reinspected at intervals not to exceed four years.

THEREFORE, Minnehaha County is desirous of participating in the Bridge Inspection Program using Bridge Replacement funds.

The County requests SDDOT to hire Civil Design, Inc. (Consulting Engineers) for the inspection work. SDDOT will secure federal approvals, make payments to the Consulting Engineer for inspection services rendered, and bill the County for 20% of the cost. The County will be responsible for the required 20% matching funds.

Dated this 2nd day of April 2013, at Sioux Falls, South Dakota.

ATTEST:

Cynthia Jepsen
Deputy County Auditor

Board of County Commissioners
Of Minnehaha County

Gerald Beninga
Chairman of the Board

PURCHASE OFF STATE BID

At the request of Ralph Hammer, Weed Supervisor, MOTION by Pekas, seconded by Heiberger, to

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authorize the purchase of weed control chemicals from the following contracts competitively bid by the State of South Dakota: Alligare, LLC Contract # 16440, \$21,326.00; CPS Contract #16441 5, \$12,700.00; and Van Diest Supply Co. Contract #16443, \$3,518.40. 4 ayes.

TAX DEED

MOTION by Heiberger, seconded by Pekas, to approve Resolution MC13-16, restoring Tax Deed #1704 to the former owner of record. 4 ayes.

RESOLUTION MC13-16

WHEREAS Minnehaha County holds under tax deed proceedings Tax Deed #1704, Record ID #52490 covering property described as L 6 in Block 2 of West Sioux Falls, Minnehaha County, South Dakota

WHEREAS Wayne O. Nilsson, 512 N. Spring Avenue, Sioux Falls, SD 57104, is prior record owner of above described property: and

WHEREAS SDCL 10-25-41 provides for the restoration of title to said record owner upon payment of all taxes, interest, and costs represented in the Tax Deed: and

WHEREAS One Main Financial for Wayne O. Nilsson, 512 N. Spring Avenue, Sioux Falls, SD 57104 has deposited \$11,915.30 with the Minnehaha County Treasurer, this amount representing all the taxes, assessments, interest, and costs owing on said Tax Deed; now therefore, be it

RESOLVED, by Minnehaha County Commission, that the property be restored to Wayne O. Nilsson, and that the Minnehaha County Treasurer is authorized to issue a quit claim deed thereto.

Dated at Sioux Falls, South Dakota on this 2nd day of April 2013.

Approved by the Commission:
Gerald Beninga
Chairman

ATTEST:
Cynthia Jepsen
Deputy Auditor

AMENDMENT

Ken McFarland, Commission Administrative Officer, gave a briefing on an amendment to the 2012 agreement with the SD Department of Social Services for the clinically managed residential detoxification services. The Division of Drug and Alcohol Abuse has notified the County that due to less than anticipated expenditures from Minnehaha County for this contract year, the state is adjusting the current contract from \$126,210 to \$96,210. MOTION by Pekas, seconded by Heiberger, to authorize the Chairman to sign Amendment #1 to the 2012 agreement with the State of South Dakota Department of Social Services Community Behavioral Health Contract #13-085C-319. 4 ayes.

APPOINTMENT

MOTION by Heiberger, seconded by Pekas, to appoint Pat Kroupa, Minnehaha County Veteran Service Officer, to the SD Association of County Commissioners Veterans & Military Affairs Committee. 4 ayes.

POLICY

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Ken McFarland, Commission Administrative Officer, gave a briefing on proposed changes to the provisions for the long range planning process and annual budget process in the Minnehaha County Policy & Procedure Manual. Commissioners discussed the proposed policy where the commission may opt to bring in a newly elected department head at a rate up to 10% below the current established rate, with a 2.5% increase each year of his/her term until reaching the established flat rate. Commissioner Kelly stated that he doesn't think there is a problem with newly elected official's salary being the same as the established rate. Commissioner Pekas stated that the policy sends the wrong message to a newly elected official and it undermines the adoption of the Condrey and Associates classification and compensation study. Commissioner Heiberger stated that she doesn't feel qualified to decide if a newly elected official should receive compensation below the established rate of pay; and the Condrey study allows for the rates to be re-evaluated every four years if it is deemed necessary. MOTION by Kelly, seconded by Pekas, to approve the proposed changes to the provisions for the Long Range Planning Process and Annual Budget Process in the Minnehaha County Policy & Procedure Manual, with the exception of the proposed provision relating to the option of a 10% reduction from the established pay rate for newly elected officials. 4 ayes.

MOTION by Pekas, seconded by Heiberger to adjourn into Executive Session for contract negotiations and legal briefing. 4 ayes.

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

APPROVED BY THE COMMISSION:

Gerald Beninga
Chairman

ATTEST:

Cynthia Jepsen
Deputy Auditor