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THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M. April 23, 2013 pursuant to adjournment on April 16, 2013. Commissioners present were: Barth, Beninga, Heiberger, Kelly, and Pekas. Also present were Cindy Jepsen, Commission Recorder, and Don Hanson, Deputy State's Attorney. Mr. Hanson introduced Sara Snow, Deputy States Attorney, who will be working with Kersten Kappmeyer, Chief Civil 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 Pekas, seconded by Heiberger, to approve the April 16, 2013 Commission Minutes. 5 ayes.

VOUCHERS TO BE PAID

MOTION by Barth, seconded by Pekas, to approve the following bills totaling \$548,123.86 and April 2013 salaries. 5 ayes.

A & B Business Equip	Var. Depts	791.20	A To Z World Languag	Var. Depts	4,430.00
Advance Auto Parts	Sheriff	193.86	Allied Oil & Tire Co	Hwy Constr	5,613.42
American Alliance Of	Mus Ops	500.00	Anderson Publication	Var. Depts	1,508.55
Anderson, Scott A.	Planning	2,346.16	Argus Leader - Adver	Var. Depts	6,161.46
Around The Clock/Dra	JDC	84.95	Association Of SD Mu	Mus Ops	100.00
Automatic Building C	JDC	446.00	Avera Health Informa	Var. Depts	123.00
Avera Mckennan Hospi	Var. Depts	1,983.00	Billion's	Sheriff	555.35
Binger Law Office	Courts	672.00	Bradfield, Matt Db	JDC	70.00
Bristol Court Ltd Pt	Human Svcs	457.00	Brown & Saenger	Reg Deeds	125.00
Bureau Of Informatio	Var. Depts	844.88	Carlson, Lisa	Courts	10.20
CBM Managed Services	Var. Depts	4,107.57	Century Business Lea	Var. Depts	350.98
Century Business Pro	Var. Depts	1,730.27	Centurylink (Qwest)	Var. Depts	3,371.53
Certified Languages	Courts	14.85	Chemco, Inc.	JDC	616.42
City-Wide Taxi, Inc	Human Svcs	110.00	Cm Information Spec/	Public Def	285.29
Cody, Denise	Mental Ill	97.50	Cole Papers, Inc.	Facilities	52.54
Cole's Petroleum Inc	Hwy Constr	4,867.20	Collins Enterprises	Human Svcs	238.00
Communication Svcs F	Public Def	78.00	Computer Forensic Re	Var. Depts	2,115.00
Cooey, Carla F	Courts	319.20	Correct Care Solutio	Jail	115,438.46
CTK Group	Jag Grants	475.00	Cyntom Property Mana	Human Svcs	300.00
Dakota Splash	Hwy Admin	80.05	Dakotaland Autoglass	Sheriff	39.99
Dan's Drapery Svc	Safe Home	55.00	Deans Bulk Svc Inc	Hwy Constr	83.95
Decastro Law Office,	Courts	3,882.60	Donovan's Hobby & Sc	Em Mgmt	217.42
Douglas County(NE)Cl	Public Def	2.00	Duffy, Ryan	Courts	2,503.15
Dust Tex Service Inc	Mus Maint	22.56	Electric Constructio	Mus Maint	170.41
Erpenbach, John E	Mental Ill	697.50	Etc/Expo For Her Mag	Mus Ops	350.00
Family Service Inc	Expenses	195.00	Federal Express Corp	Sheriff	22.05
First Dakota Nationa	Em Mgmt	2,686.25	First Premier Bank	Sheriff	178.12
Fleetpride / Holt, I	Hwy Constr	44.70	Gearman, Jason	Mental Ill	156.88
George, Aaron	Human Svcs	400.00	Goebel Printing, Inc	Hwy Admin	211.65
Green Lake Co (WI) C	Public Def	6.25	Gunner, Andrea	Courts	66.00
Guzman, Sandra V.	Var. Depts	629.15	Heartland Paper Comp	Em Mgmt	31.31
Historical Folk Toys	Mus Store	275.95	Hobby Lobby Stores I	Var. Depts	73.56
Hoekman, James	Sheriff	92.00	Horizon Agency Inc	Expenses	2,314.00
Howalt-McDowell Insu	Var. Depts	100.00	Huebner, Dave	Mus Entpr	100.00
Institutions Service	Safe Home	66.50	Interstate Office Pr	Var. Depts	1,202.47
ISI Llc	Var. Depts	820.00	Jaros, Pete	Mental Ill	85.10
Jefferson Partners L	Human Svcs	154.00	Johnson, Richard L	Courts	389.50
Kauffman, David W. P	Courts	2,940.00	Koletzky, Sherlyn	Mental Ill	251.60
Kone, Inc.	Var. Depts	9,994.87	Language Line Servic	Courts	65.10
Lason Systems Inc	Reg Deeds	219.31	Lassegaard, Samuel C	Human Svcs	737.00
Lathrop, Timothy A	Human Svcs	260.00	Laughlin, Nicole	Courts	607.00
Lewno, Lucy	Mental Ill	1,024.72	Lickide-Split Car Cl	Sheriff	50.00
Locators & Supplies,	Hwy Constr	1,347.16	Lutheran Social Svcs	Var. Depts	1,412.50
Marco	Var. Depts	430.89	Mathison Company	Mus Store	63.72

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McGovern, Valerie	Courts	50.00	McKinney, Jeff	Mus Entpr	300.00
Media USA Advertisin	Mus Ops	595.00	Meile-Rasmussen, Jac	Public Def	53.65
Menards - East	Facilities	15.58	Metro Communications	Public Def	270.00
Microfilm Imaging Sy	Reg Deeds	1,835.00	MidAmerican Energy C	Var. Depts	1,744.59
MidContinent Communi	Mus Ops	55.00	Miller Funeral Home,	Human Svcs	2,610.00
Mills & Miller Inc	Hwy Constr	24,867.22	Milwaukee County(WI)	Public Def	7.96
Minn Cnty Human Svcs	Human Svcs	99.91	Minn Cnty Museum Pet	Mus Maint	30.00
Minn Cnty So Petty C	Sheriff	112.37	Morse Correctl Healt	Jail	1,200.00
Multi-Cultural Cente	Courts	823.88	Murray Properties, L	Human Svcs	56.00
Myers & Billion Llp	Courts	385.40	NE Dept Of Motor Veh	St Atty	3.00
Neve's Uniforms	Var. Depts	1,289.29	Nguyen, Lam	Courts	75.00
Niedringhaus, Paul	Sheriff	335.56	Nolz Construction Co	Hwy Constr	29,671.20
Novak Sanitary Servi	Em Mgmt	120.54	Omnicare Of South Da	JDC	69.94
Pastperfect Software	Mus Entpr	352.00	Pennington County Ja	Jail	9,473.25
Pheasantland Industr	Sheriff	25.00	Phillips, Joshua	Jag Grants	197.00
Powers, Dustin	Planning	205.00	Provena St Marys's H	Jail	140.00
Psych Assoc Of Yankt	Mental Ill	500.00	Public Agency Traini	Sheriff	275.00
Qualified Presort Se	Sheriff	59.23	R & L Supply, Ltd	Hwy Constr	549.53
Rambow, David C	Mus Entpr	100.00	RDO Equipment Co.	Hwy Constr	270.73
Record Keepers, Inc.	Courts	2,820.84	Redwood Estates Llc	Human Svcs	500.00
Rhomar Industries In	Hwy Constr	1,186.78	Rural Metro Ambulanc	Coroner	750.00
Sanford Health Plan-	Human Svcs	1,046.52	Sanford Hospital	Human Svcs	950.00
Sanford Hospital - R	Human Svcs	500.00	Sanford Hospital Med	St Atty	10.00
Sanford Laboratories	Coroner	1,244.71	SD Assn Of County Of	State M&P	5,768.00
SD Dept Of Public Sa	Human Svcs	30.00	SD Dept Of Revenue	Var. Depts	90.04
SD Dept Of Transport	Hwy Constr	4,880.00	SD Div Of Criminal I	Human Res	43.25
SD Human Services Ce	Public Def	24.20	SDAAO % Chris Lill	Dir Of Eq	1,200.00
Senior Citizens Svcs	Mus Ops	54.00	Servall Towel & Line	Var. Depts	75.48
Shepherd Reporting L	Mental Ill	233.75	Sioux Falls City Fin	Var. Depts	11,345.00
Sioux Falls City Fin	Var. Depts	14,406.19	Sioux Falls Humane S	Humane Soc	3,133.34
Sioux Falls Rubber S	Dir Of Eq	17.75	Sioux Falls Two Way	Var. Depts	1,772.47
Sioux Falls Utilitie	Var. Depts	3,072.94	Solomon, Ghirmay	Courts	393.33
Southeast Technical	Pass-Thru	7,390.00	Stan Houston Equipme	Hwy Constr	1,288.77
Storhaug, Adrean	Human Svcs	650.00	Swanda, Karen	Mental Ill	97.50
Swingen Const Co Inc	Hwy Constr	187,916.71	Szameit, Alexandra	Courts	929.15
Taylor Place Llc	Human Svcs	390.00	Thorin, Deyanira T	Courts	175.00
Tires,Tires,Tires In	Sheriff	900.71	Tyler Buildings Llc	Human Svcs	400.00
United Parcel Servic	Reg Deeds	18.20	US Postal Service	Extension	200.00
Variety Foods Llc	Safe Home	131.83	VOA Dakotas / Pettig	Human Svcs	485.00
Volunteers Of Americ	Var. Depts	4,225.22	Wagner, Bill	Mus Entpr	100.00
Walgreen Co.	Human Svcs	465.37	Weiland & Assoc Inc	Courts	104.50
West Group	Var. Depts	4,407.95	Wilsey, Thomas M	Hwy Admin	28.00
Xcel Energy, Inc.	Var. Depts	2,403.41	Yankton County Sheri	Mental Ill	75.00
Yankton County Treas	Mental Ill	1,550.50	Yellow Cab Inc	Human Svcs	26.84
Commission	Salaries	28,587.20	Auditor	Salaries	37,218.19
Treasurer	Salaries	61,579.78	Info Technology	Salaries	59,630.83
States Attorney	Salaries	179,565.80	Public Defender	Salaries	132,102.01
Public Advocate	Salaries	35,316.96	Facilities	Salaries	52,965.66
Equalization	Salaries	64,174.20	Register Of Deeds	Salaries	39,554.55
Human Resources	Salaries	13,579.83	Sheriff	Salaries	775,357.45
JDC	Salaries	168,187.50	Highway	Salaries	119,250.55
Human Services	Salaries	96,267.58	Museum	Salaries	55,977.45
Planning	Salaries	35,012.37	Extension	Salaries	2,698.24

REPORTS

The following reports were received and placed on file in the County Auditor's Office: Inter-Lakes Community Action Partnership 2012 Annual Report and the Safe Home Limited Partnership 2012 Annual Financial Statement.

PERSONNEL

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

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1. To hire Joseph Zilla as a part-time Juvenile Correctional Worker (9/2) for the Juvenile Detention Center at \$14.188/hour effective 4/24/13.
2. To hire Debra Elofson and Patrick Starr as temporary, part-time Tax and License Technicians (10/1) for the Treasurer's Office at \$14.542/hour effective 4/24/13.
3. To promote Jasmine Atteberry and Danny Thorson from Correctional Officer (13/1) to Corporal (16/1) for the Jail at \$19.558/hour effective 4/21/13.
4. To accept the voluntary demotion of Mark Russell from Corporal for the Jail to Air Guard Security Officer II (13/13) for the Air Guard at \$22.681/hour effective 4/27/13.
5. To accept the resignation of Russel Beck as part-time Safe Home Program Worker for Safe Home effective 4/13/13.
6. To accept the resignation of Denise Hanson as part-time Correctional Officer in Training for the Jail effective 4/17/13.
7. To accept the resignation of Elliot Milk as part-time Correctional Officer for the Jail effective 4/17/13.

Step Increases Due:

1. Kathryn Estergard – Technical Analyst – Information Technology – 19/11 to 19/12 – 4/12/13 – \$29.759/hour
2. Donald Heesch – Correctional Officer – Jail – 13/13 to 13/14 – 4/2/13 – \$23.248/hour
3. Maria Gonzalez – Correctional Officer – Jail – 13/3 to 13/4 – 4/16/13 – \$18.161/hour

Special Commission Action

MOTION by Pekas, seconded by Heiberger, to approve a temporary salary adjustment for Carol Muller, Director of Human Services from \$3, 363.92 bi-weekly to \$3,534.24 bi-weekly for additional responsibilities taken on for the Minnehaha County Detox Center beginning 3/2/13. 5 ayes.

MOTION by Kelly, seconded by Barth, to approve the 2013 Affirmative Action Plan. 5 ayes.

ABATEMENTS

MOTION by Pekas, seconded by Heiberger, to approve abatement of 2012 property tax for Mt. Pleasant Cemetery, ID #79506, \$431.18, representing tax exempt property. 5 ayes.

MOTION by Kelly, seconded by Barth, to approve abatement of 2012 property tax representing the Elderly Assessment Freeze for Joanne Kaskie, ID #42560, \$499.74 and Mardell Ferguson, ID #56040, \$839.27. 5 ayes.

NOTICES

MOTION by Kelly, seconded by Pekas, to authorize the Auditor to publish a Notice of Hearing at 9:00 a.m. on May 14, 2013, to consider an application for a Retail On-Off Sale Malt Beverage & SD Farm Wine License for Yogi Bear Camp-Resort, Brandon, SD. 5 ayes.

A notice was received from the SD Department of Transportation and City of Sioux Falls of a meeting at 5:30

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p.m. on Thursday, May 2, 2013, at the Explorer Elementary School Gymnasium, 2010 West 82nd St., Sioux Falls, to receive input on Project IM 0293(96) 73 PCN 01QS, adding auxiliary lanes to NB & SB I-29 between Tea and North of 57th Street and I-229 between I-29 and Louise Ave., and an 85th Street Crossing of I-29.

LIEN COMPROMISE

Commissioner Pekas gave a briefing on a request for compromise of lien for DPNO 20368 in the amount of \$13,684.89. The applicants are in the process of purchasing the home they are renting, and a title search noted the lien against the husband and his former wife. They are scheduled to close on the property on May 3, 2013. The lien is for Public Defender and Court Appointed Attorney services as well as Human Services assistance provided between April 1986 and February 2001. No payments have been made on the account. The applicants have an annual income of \$35,000 and list assets of \$7,010 and liabilities of \$795. They filed for bankruptcy in 2009 that was approved and finalized March 10, 2010. They are asking for a compromise and release of the lien in full upon payment of \$1,000. MOTION by Pekas, seconded by Heiberger, to remove the lien from the property leaving it in force against the husband and his former wife upon payment of \$1,000. Ken McFarland, Commission Administrative Officer, stated that mortgage companies typically require liens to be released in full. Mr. McFarland also stated that the lien had been turned over to Hauge and Associates for collection and due to the bankruptcy, Hauge and Associates have ceased their collection efforts. The current wife of the applicant was present and asked for the release of the lien so they are able to provide a home for their children. Commissioner Beninga reported that the commission received very positive character reference letters. Commissioner Pekas amended his motion to compromise and release the lien in full upon payment of \$1,000, Heiberger seconded the motion. Commissioner Kelly stated that he would rather see them purchase their house on a contract for deed and begin making payments on their lien account. VOTE to amend the motion, 4 ayes, Kelly voted nay. VOTE on main motion as amended, 4 ayes, Kelly voted nay.

RESOLUTION MC13-19

WHEREAS, a County Aid Lien in the amount of \$13,684.89 purports to exist in favor of Minnehaha County and against DPNO 20368 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 \$1,000.
If payment is not made within one year from approval, this agreement is null and void.

Dated at Sioux Falls, South Dakota, this 23rd day of April, 2013.

APPROVED BY THE COMMISSION:

Gerald Beninga
Chairman

ATTEST:
Cynthia Jepsen
Deputy County Auditor

HEARINGS

Pat Herman, Assistant Planning Director, was present for the public hearing and gave a briefing on a text

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amendment to Section 10.00 of the 1990 Revised Zoning Ordinance for Minnehaha County to allow a 2nd 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. This text amendment is forwarded to the County Commission with a unanimous recommendation of approval from the Planning Commission. The petitioner, Ray Funke, spoke on the need to replace his home by building on more suitable property that is located out of the flood plain. MOTION by Barth, seconded by Heiberger, to uphold the Planning Commission's recommendation of approval and adopt Ordinance #MC 16-129-13. 5 ayes. The entire ordinance is on file in the Auditor's Office.

Ryan Streff, Planner II & Code Enforcement Officer, was present for the public hearing and gave a briefing on Rezoning #13-1 to rezone property from A-1 Agricultural District to RR Rural Residential District. The applicants, Lindsey Baker and Greg Van Zee, are proposing to rezone 1.99 acres 4.5 miles west of Sioux Falls, property legally described as the 1.99 acres in the SE corner of the W 540 (EX Yttreness Addn & EX E67 W 308.71 N126) NW ¼ NW ¼ 7-101-50 Wayne Township, Minnehaha County, South Dakota. The request to rezone is to allow for one (1) single family dwelling. Within a one (1) mile radius of the proposed lot there are forty-two available building eligibilities. All of the land in the immediate area is zoned A-1 Agricultural or RC Recreation Conservation. Staff feels the applicant's proposed use does not conform to the intent of the RR Rural Residential District or the Minnehaha County Zoning Ordinance. The Planning Commission voted 7-0 to deny this request. Petitioner, Greg Van Zee, was present and stated that he and his fiancé would like to build a house on the property and that they are unable to purchase a building eligibility from a neighbor. MOTION by Kelly, seconded by Barth, to uphold the Planning Commission's decision to deny Rezoning #13-001. Commissioner Heiberger stated that this would not be a fair way for someone to obtain a building eligibility which is a commodity. Commissioner Kelly stated that if this rezoning were approved it would be spot zoning. VOTE on motion. 5 ayes.

Dustin Powers, Planner II, was present for the public hearing and gave a briefing on Rezoning #13-02 to rezone property from A-1 Agricultural to I-1 Light Industrial. The property is located on the north side of SD Highway 42 one-third of a mile east of the intersection of SD Highway 11 and SD Highway 42. Land surrounding the property is zoned A-1 Agricultural. The request to rezone is for the purpose of selling the property. The subject property is located within the Red Rock Corridor (RRC) Plan. According to the Red Rock Corridor Future Land Use Map this property is represented by agricultural land uses which the property is currently zoned. The RRC Plan does call for commercial uses near the intersection of the two state highways but it does not call for light industrial uses in this area. The RRC Plan also addresses prohibiting strip development along the corridor. This rezoning request would provide more opportunity for strip development to occur. The Planning Commission is advancing this request with a recommendation of denial. Doug Brockhouse, Bender Commercial Real Estate, Sioux Falls, spoke on behalf of the petitioner and asked to change their request for rezoning the property to C Commercial instead of I-1 Light Industrial. MOTION by Kelly, seconded by Pekas, to approve Rezoning #13-02 from A-1 Agricultural to C Commercial and adopt Ordinance MC16-130-13. 4 ayes. Chairman Beninga abstained. The entire ordinance is on file in the Auditor's Office.

DRAINAGE

Dustin Powers, Planner II, gave a briefing on a drainage permit application from Raymond Funke in order to conduct agricultural drainage on property owned by Gerald & Marie Kuhnert. The proposed drainage project is located in Section 10 of Valley Springs Township and is legally described as Tract 1 Kuhnert & Helgeson's Subdivision SE ¼ of Section 10-T101N-R47W. The proposed tiling will outlet into an intermittent stream that flows northwest and then across land owned by Karen Hildring, who would not sign a downstream waiver. The water will also flow across property owned by Stacy Zomer who has signed a downstream waiver. Staff finds that the proposed tile lines will be placed in traditionally wet areas that function as part of the same watershed and recommends approval of Drainage Permit #13-13. Petitioner, Ray Funke, was present and spoke on the need to install drainage tile to increase yield production and reduce erosion of the property. Ed Baatz, 4512 S. Florence, Sioux Falls, spoke on behalf of Karen Hildring and his wife who are downstream landowners. Mr. Baatz stated

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that they are not opposed to the tiling project and are planning on tiling their adjoining property as soon as they receive a wetland determination. They would like to have both projects done at the same time since their project will be joined to the Funke project. MOTION by Barth, seconded by Pekas, to defer action for two weeks to allow Mr. Baatz time to contact Brian Top to do a wetland determination. 5 ayes.

VEHICLE PURCHASE

Kristin Trana, Administrative Coordinator for the Sheriff’s Office, requested authorization to purchase one Dodge Grand Caravan to be utilized in the Jail Division for Inmate Transports. MOTION by Barth, seconded by Heiberger, to authorize the Sheriff’s Department to purchase one (1) Dodge Grand caravan in the amount of \$21,241 from Billion Auto, Sioux Falls, SD from Contract #16413, competitively Bid and Awarded by the State of South Dakota. 5 ayes.

LEASE

Robert Wilson, Assistant Commission Administrative Officer, gave a briefing on a lease agreement with the SD Department of Transportation for six (6) acres of County owned land located in the southeast quadrant of I-90 Exit #402. The DOT intends to use the land as a stockpile location for approximately 15,000 tons of asphalt millings/gravel base removed during the Cliff Avenue/I-90 Interchange project. The material will be reused in the construction of SD Highway 100, scheduled to begin in 2017. MOTION by Kelly, seconded by Pekas, to authorize the Chairman to sign the Stockpile Lease Agreement with the SD Department of Transportation for a term of five (5) years at a rate of \$1,200 per year. 5 ayes.

OLD BUSINESS

Commissioner Kelly requested that the Commission reconsider the request for abatement of property tax for the Jaycee Camp for Handicapped Children at the April 30, 2013 Commission Meeting.

MOTION by Barth, seconded by Pekas, to adjourn into Executive Session for personnel discussion and litigation. 5 ayes.

The Commission adjourned until 9:00 a.m. on Tuesday, April 30, 2013.

APPROVED BY THE COMMISSION:

Chairman

ATTEST:

Deputy Auditor