

5/21/2013

THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M. May 21, 2013 pursuant to adjournment on May 14, 2013. Commissioners present were: Barth, Beninga, Heiberger, and Kelly. Commissioner Pekas 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 Kelly, to approve the agenda. 4 ayes.

MOTION by Kelly, seconded by Barth, to approve the May 14, 2013 Commission Minutes. 4 ayes.

VOUCHERS TO BE PAID

MOTION by Heiberger, seconded by Barth, to approve the following bills totaling \$877,995.57. 4 ayes.

A & B Business Equip	Jail	475.67	A To Z World Languag	Var. Depts	755.00
A+ Partners Db	Sheriff	98.00	ABN Army Surplus	Sheriff	149.97
Argus Leader Adver	Var. Depts	4,534.17	Atlas License Compan	Hwy Admin	600.00
Automatic Building C	Facilities	2,682.00	Avera Health Informa	Public Def	64.20
Avera McKennan Hospi	Var. Depts	3,260.00	Berreth, Deborah	Sheriff	27.03
Billion's	Sheriff	516.54	Blackburn & Stevens,	Mental Ill	517.36
Boulevard Investment	Human Svcs	600.00	Bourke, John Db	Mus Entpr	800.00
Bourne, Anna	Mental Ill	225.00	Boyd, Michelle	Sheriff	61.00
Boyer Trucks Sioux F	Hwy Constr	222.33	Brevik Law Office Pr	Mental Ill	275.95
Bristol Court Ltd Pt	Human Svcs	600.00	Brosz Engineering In	Hwy Constr	10,597.50
Brown & Saenger	Sheriff	14.98	Brown County (SD)She	Treasurer	43.06
Buechlert, Robert C	Em Mgmt	113.00	Butler Machinery Com	Hwy Constr	174.70
Carlson, Lisa	Courts	13.60	Carper, Nichole A	Courts	984.81
CBM Managed Services	Var. Depts	9,512.07	Century Business Lea	Var. Depts	350.98
Century Business Pro	Var. Depts	552.14	Certified Folder Dis	Mus Ops	1,251.14
Certified Languages	Courts	165.00	Che, Myhanh	Courts	429.36
Clark Engineering Co	Hwy Constr	3,215.00	Cliff Avenue Auto Pa	Hwy Constr	16.28
Climate Systems, Inc	Facilities	1,335.60	CM Information Spec/	Public Def	67.13
Cody, Denise	Var. Depts	75.00	Constellation New En	Pettigrew	631.20
Coey, Carla F	Courts	10.20	Correct Care Solutio	Jail	115,438.46
Counseling Resources	Courts	600.00	Country Meadows Apts	Human Svcs	1,037.00
Culligan Water Condi	Human Svcs	37.50	Dakota Data Shred	Facilities	248.40
Dakota Mobile Auto G	Sheriff	500.00	Dakota Security Syst	JDC	133.93
Daybreak/T & H Conve	Hwy Constr	165.07	Decastro Law Office,	Courts	2,784.51
Diamond Properties L	Human Svcs	550.00	Donovan's Hobby & Sc	Em Mgmt	58.45
Duffy, Ryan	Courts	3,137.97	Dust Tex Service Inc	Mus Maint	22.56
Ekeren, Marvin R.	Mental Ill	60.00	Electric Constructio	Pettigrew	83.67
Emdeon Business Serv	Human Svcs	39.95	Empire Plastics	Mus Entpr	360.00
Engquist, Molly J	Mus Entpr	136.16	Etc/Expo For Her Mag	Mus Ops	350.00
Federal Risk Pool	Human Svcs	2,566.00	Fees, Maurice K	Em Mgmt	142.00
Fiddle Pal Llc	Mus Entpr	300.00	First Dakota Title	Treasurer	1,950.00
First Premier Bank	Sheriff	87.31	Fred The Fixer Inc	Mus Maint	445.00
Freeborn County (MN)	St Atty	65.00	Fremont Industries,	Facilities	7,033.16
Frontier Precision I	Hwy Constr	51,128.88	G & H Distributing I	Hwy Constr	14.56
Goebel Printing, Inc	Var. Depts	695.97	Graham, Robert C	Human Svcs	500.00
Guzman, Sandra V.	Courts	275.00	Haugaard, Steven G	Mental Ill	255.00
Heimdahl, Marie Ann	Courts	3,264.20	Help!Line Center Inc	Commission	25.00
Hobby Lobby Stores I	Mus Entpr	23.90	Holiday Mobile Home	Var. Depts	780.98
Hostier, Shawn M	Em Mgmt	113.00	Hough, Ryan J	Em Mgmt	113.00
Hurtgen, Timothy T/P	Human Svcs	990.00	Hutcheson, Luke	Human Svcs	600.00
Hutchinson County Sh	St Atty	26.34	I State Truck Center	Hwy Constr	178.22
Ingemansen, Jason	Air Guard	333.00	Institutions Service	Facilities	301.25
Interstate Office Pr	Var. Depts	1,209.02	Interstate Power Sys	Em Mgmt	34,488.00
ISI Llc	Courts	80.00	Itin Scale / Scales	Cap Proj	778.10
Jaros, Pete	Mental Ill	166.50	JC Schultz Enterpris	Facilities	570.15
JCL Solutions-Janito	Mus Maint	22.05	Jefferson Partners L	Human Svcs	1,781.00
Johnson, Richard L	Courts	273.00	Kading, Kunstle & Go	Courts	746.20

5/21/2013

King, Michael A	Hwy Admin	766.78	Kingsbury County She	Treasurer	48.06
Kingsport Village Lt	Human Svcs	495.00	Kirschenmann, Jay	Mus Entpr	200.00
Klawiter, Dave	Human Svcs	600.00	Koball, Karl	Human Svcs	475.00
Koletzky, Sherlyn	Mental Ill	282.20	Krueger Excavating,	Facilities	7,303.75
Kuhle, Donald	Human Svcs	350.00	Lassegaard, Samuel C	Human Svcs	500.00
Laughlin, Nicole	Courts	1,542.00	Lewis & Clark Bhs	Mental Ill	7,748.00
Mac's, Inc.	Var. Depts	429.15	Majestic View Apartm	Human Svcs	680.00
Malik, Cirillo	Courts	100.00	Matheson Tri-Gas Inc	Facilities	39.45
Menards - East	Hwy Constr	139.60	Metro Communications	Var. Depts	23,709.58
MidAmerican Energy C	Var. Depts	1,080.33	MidContinent Communi	Mus Ops	55.00
Midwest Boiler Repai	JDC	1,147.50	Midwest Oil Company,	Var. Depts	1,239.38
Midwest Residential	Human Svcs	427.00	Motorola Solutions	Hwy Constr	2,793.75
Multi-Cultural Cente	Courts	783.75	Murray Properties, L	Human Svcs	945.00
Nasser Law Office	Courts	403.50	Nelson, Adam D.	Mus Ops	150.00
Neve's Uniforms	Var. Depts	3,470.98	Nguyen, Lam	Courts	772.67
Nicholson, Tschetter	Courts	281.96	Nolz Construction Co	Hwy Constr	76,276.92
Nolz, Patrick E	Em Mgmt	113.00	Norberg Paints Inc	Mus Maint	25.09
North Ridge Apartmen	Human Svcs	672.00	Northeast Investment	Human Svcs	600.00
Novak Sanitary Servi	Var. Depts	3,818.20	Ocilka, Jason J	Em Mgmt	142.00
Olson, Dale Db	Mus Entpr	20,250.00	Overhead Door Compan	JDC	102.04
Ovrelid & Kolb Ptnrs	Human Svcs	600.00	Palmer, Barbara	Mental Ill	360.00
Passick, Chad R	Em Mgmt	113.00	Petr Ltd, Inc/Ertz,	Courts	715.00
Pheasantland Industr	Jail	426.67	Pine Meadows/Univers	Human Svcs	400.00
Prostrollo, Casey D	Human Svcs	550.00	Quality Efficienc	Human Svcs	475.00
Qualseth, Ryan	Sheriff	66.00	Quest Engineering, I	Hwy Constr	121.77
Rapid City Regional	Mental Ill	317.96	Record Keepers, Inc.	Public Def	239.24
Rods Properties Llc	Human Svcs	500.00	Rubys Ranch Properti	Human Svcs	500.00
Rural Metro Ambulanc	Coroner	150.00	Sanford Health Plan	Human Svcs	523.26
Sanford Hospital	St Atty	731.07	Sanford Hospital Med	Var. Depts	35.50
Santos, Danny	Mus Entpr	300.00	Sartain, Kelsey	Mus Entpr	150.00
Schmuck, Jan	Mental Ill	92.80	Schulte Law Office	Courts	797.05
SD Assn Of County Of	M&P Fund	6,652.00	SD Dept Of Public Sa	Human Svcs	40.00
SD Dept Of Revenue	Var. Depts	133.57	SD One Call	Facilities	6.30
SD Secretary Of Stat	Public Adv	30.00	Shepherd Reporting L	Mental Ill	460.35
Signs Plus Graphics	Sheriff	1,875.00	Sioux Falls City Fin	Var. Depts	258,609.45
Sioux Falls Utilitie	Var. Depts	2,726.16	Sisson Printing, Inc	Commission	160.35
Southeastern Behavio	JDC	425.00	Springfield Vocation	Sheriff	1,861.99
Stan Houston Equipme	Em Mgmt	1,050.00	Streicher's	Sheriff	871.47
Sturdevant's Auto Pa	Mus Maint	52.11	Swingen Const Co Inc	Hwy Constr	127,128.24
Szameit, Alexandra	Courts	345.82	Tammen Oil	Sheriff	163.74
Teitelbaum, Benjamin	Mus Entpr	300.00	Tire Motive Svc Ctr	Jail	502.11
Tires,Tires,Tires In	Sheriff	2,886.06	Titze's Auto Repair	Jail	1,028.90
Tony's Catering	Em Mgmt	807.50	Ultramax	Sheriff	774.00
Vanroekel, Jennifer	Sheriff	108.00	Variety Foods Llc	Safe Home	156.45
Voigt, Debra	Courts	871.20	Wal-Mart Pharmacy	Human Svcs	225.19
Wal-Mart Pharmacy	Human Svcs	295.22	Walmart - Associates	Human Svcs	85.00
Walters, Galeb M	Em Mgmt	142.00	Weber, Judy Prp	Mental Ill	30.00
Weerheim, Tom	Courts	598.60	West Group	Var. Depts	4,156.95
Wheelco Brake & Supp	Hwy Constr	21.64	Winner Police Depart	Jail	68.43
Xcel Energy, Inc.	Var. Depts	8,747.29	Yellow Cab Inc	Human Svcs	27.28
21st Mortgage Corp	Human Svcs	367.85			

REPORTS

The Register of Deeds Official Statement of Revenue Collected During April, 2013, was received and placed on file in the Auditor's Office.

PERSONNEL

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

1. To hire Zachaeus Shaw as temporary, part-time Clerical Worker for the Public Defender's Office at

5/21/2013

\$10.00/hour effective 5/22/13 to 8/9/13.

2. To accept the resignation of Teri Appeldorn as Legal Office Assistant for the Public Defender's Office effective 5/7/13.
3. To hire Anthony Dannen, Kolin Fischer-Giegling, Sulliman, Al-Ostaz, Tanner Wilson, and William Jonescheit as part-time Laborers for the Highway Department at \$10.50/hour effective 5/22/2013.
4. To hire Zac Porter and Kyle Braun as part-time Laborers for the Highway Department at \$10.75/hour effective 5/22/13.
5. To hire Robert McLaughlin as temporary, part-time Laborer for the Highway Department at \$10.75/hour effective 5/28/2013.
6. To correct the memo dated 5/7/13 which should have reflected a pay rate of \$11.00/hour for Taylor Droz, temporary, part-time Laborer for the Highway Department.
7. To promote Eric Schmidt from Corrections System Operator to Correctional Officer in Training (12/1) for the Jail at \$16.052/hour effective 5/25/13.
8. To promote Trevor Schubert from Corrections System Operator to Correctional Officer in Training (12/1) for the Jail at \$16.052/hour effective 5/25/13.
9. To accept the retirement of Debbie Hein as Corporal for the Jail effective 5/23/13.
10. To accept the retirement of Donette Kelley as Correctional Officer for the Jail effective 5/23/13.
11. To accept the retirement of Karen Jelsma as Correctional Officer for the Jail effective 5/28/13.
12. To place Kim Schoenhard, Administrative Secretary (10/10) for the Jail, on leave without pay effective 5/28/13 to 6/12/13.
13. To accept the resignation of Brenda Webb as Safe Home Program Worker for the Safe Home effective 5/8/13.

Step Increases Due

1. Carissa Lathrop – Correctional Officer – Jail – 13/10 to 13/11 – 2/10/13 – \$21.588/hour
2. Seamus Walsh – Corporal – Jail – 16/9 to 16/10 – 5/12/13 – \$24.425/hour
3. Krista Bast – Correctional Officer – Jail – 13/10 to 13/11 – 5/19/13 – \$21.588/hour
4. Adam Nyhaug – Museum Registrar – Museum – 14/5 to 14/6 – 5/27/13 – \$20.046/hour
5. Randy Sample – Senior Deputy State's Attorney – State's Attorney's Office – 22/13 to 22/14 – 5/17/13 – \$3,047.52/bi-weekly

ABATEMENTS

MOTION by Heiberger, seconded by Barth, to approve 2012 property tax abatements representing the elderly assessment freeze for ID #28688, \$514.43; ID #37185, \$933.33; ID #46583, \$478.63; ID #53887, \$746.18; ID

5/21/2013
#59362, \$628.72. 4 ayes.

NOTICES

A notice was received from the SD Department of Environment and Natural Resources of proposal to renew its General Air Quality Permit for construction and /or continuous activities at state facilities in the Rapid City Air Quality Control Zone.

MOTION by Heiberger, seconded by Kelly, to authorize the auditor to publish a notice to bidders for Minnehaha County Highway Project #MC140MS-13, Microsurfacing on County Hwy 140 from 1.25 miles east of Hwy 139. 4 ayes.

MOTION by Kelly, seconded by Heiberger, to authorize the auditor to publish a notice to bidders for Minnehaha County Highway Department 2013 Annual Materials Letting. 4 ayes.

MOTION by Barth, seconded by Heiberger, to authorize the auditor to publish a notice to bidders for Minnehaha County Project SEAL 2013, Asphalt Surface Treatment of 30.9 miles on county roads 114, 120, 121, 124, 130, & 148. 4 ayes.

MOTION by Barth, seconded by Heiberger, to authorize the auditor to publish a notice to bidders for Minnehaha County Highway Project #MC50-150-202-2, Highway 139 Superstructure Replacement (Ellis Bridge). 4 ayes.

LIEN COMPROMISE

Ken McFarland, Commission Administrative Officer, gave a briefing on a request for compromise of lien for DPNO 52212 in the amount of \$9,179.20. The lien is for poor relief and public defender services between 2004 and 2012. The applicant's wife is attempting to purchase a home to provide stable, affordable housing for their children, and the title company requires the lien to be resolved before closing since the applicant will have ownership stake in the property. The couple has a combined income of \$32,000. They list total assets of \$9,180, the majority of which is child support that is owed to them. Their liabilities total \$8,000 consisting of various bills and back child support they owe. The applicant is requesting a compromise and release of the lien in full upon payment of \$800.00. MOTION by Barth, seconded by Heiberger, to approve Resolution MC13-26. 3 ayes. Kelly voted nay.

RESOLUTION MC13-26

WHEREAS, a County Aid Lien in the amount of \$9,179.20 purports to exist in favor of Minnehaha County and against DPNO 52212 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 \$800.
If payment is not made within one year from approval, this agreement is null and void.

Dated at Sioux Falls, South Dakota, this 21st day of May, 2013.

APPROVED BY THE COMMISSION:
Gerald Beninga

5/21/2013
 Chairman
 ATTEST:
 Cynthia Jepsen
 Deputy County Auditor

Ken McFarland, Commission Administrative Officer, gave a briefing on a request for compromise of lien for DPNO 23563 in the amount of \$610.84. The lien is in the name of the applicant and also lists the name of a spouse. The applicant states that he and the woman listed as his spouse were never married. The charges for Human Services Assistance were provided for the woman during the time the applicant was incarcerated. The applicant learned of the lien as he and his current wife were preparing to divorce and she was trying to refinance the home they shared. The lien needs to be satisfied or the applicant removed from the lien in order to close on the refinancing. The applicant stated that he has not spoken to the woman that was listed as his spouse in twenty years and believes she is deceased. He is asking for a release of the lien in full with no payment. Research by county departments found no evidence that the couple were ever married. MOTION by Barth, seconded by Kelly, to approve Resolution MC13-27. 4 ayes

RESOLUTION MC13-27

WHEREAS, a County Aid Lien in the amount of \$610.84 purports to exist in favor of Minnehaha County and against DPNO 23563 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.

Dated at Sioux Falls, South Dakota, this 21st day of May, 2013.

APPROVED BY THE COMMISSION:

Gerald Beninga
 Chairman
 ATTEST:
 Cynthia Jepsen
 Deputy County Auditor

HEARING

A public hearing was held to consider a Special Event On-Sale Wine Retailers License and a Special Event Off-Sale Package Wine Dealer's License for the Siouxland Renaissance Association. The licenses will allow the organization to sell wine to be consumed at the W. H. Lyon Fairgrounds as well as selling bottles of SD Farm Wine during the 2013 Siouxland Renaissance Festival on June 1st and 2nd. Lady Catherine (Valerie Lietz), Treasurer for the Siouxland Renaissance Association, was present to ask for approval of the applications. No one spoke in opposition. MOTION by Barth, seconded by Kelly, to approve the Special Event On-Sale Wine Retailers License and Special Event Off-Sale Package Wine Dealer's License for the Siouxland Renaissance Association. 4 ayes.

HEARING

5/21/2013

Pat Herman, Assistant Planning Director, was present for the second reading and public hearing to consider Rezoning #13-03 from the A-1 Agricultural District to the C Commercial District on property legally described as Tract 2 of Roe's Addition in the NE 1/4, and a portion of Tract 1 Dockendorf's Addition in the NE 1/4; all in Section 26-T101N-Range 48W. The property is located in Rowena at the north end of Douglas Ave. The petitioner, Paul Roe, is requesting a rezoning in order to construct mini-storage units. The project will require a conditional use permit and must be in compliance with the design standards of the Red Rock Corridor. The Planning Commission has given a unanimous recommendation for approval. The petitioner was present. No one spoke in opposition to the rezoning. MOTION by Kelly, seconded by Barth, to approve the rezoning, Ordinance MC16-131-13. 4 ayes. The entire ordinance is on file in the Auditor's Office.

AUTHORIZATION

Carol Muller, Human Services Director, requested approval to use revenue generated by the employee break-room vending machines for on-going supplies and maintenance of the exercise area in the Siouxland Health and Human Services building. The revenue from these machines has been going into a donation account for joint use by Human Services and Falls Community Health along with the revenue from the public vending machines. Ms. Muller requested authorization to use one third of \$2,812.27 in revenue currently in the account, and for funds generated from the employee vending machines going forward, to be made available for the exercise area expenses. MOTION by Heiberger, seconded by Barth, to authorize \$937 of ASN 9556 be used towards purchasing mats, supplies, and maintenance of the employee exercise area at Siouxland Health and Human Services and funds generated from the employee area vending machine going forward be used for on-going exercise area expenses. 4 ayes.

LIAISON REPORT

Commissioner Kelly reported that the Criminal Justice Advisory Committee held its first meeting and plan to have a report for the commission during the budget hearing process.

NEW BUSINESS

Commissioner Barth commented on the possibility of lowering the blood alcohol limit for DUI's and the potential for increased costs to county taxpayers to prosecute and defend the additional people it could bring into the criminal justice system. Mr. Barth stated that he feels the alcohol industry should pay their fair share of the cost associated with alcohol related crimes.

MOTION by Barth, seconded by Heiberger, to adjourn into Executive Session for personnel discussion. 4 ayes.

The Commission adjourned until 9:00 a.m. on Tuesday, May 28, 2013.

APPROVED BY THE COMMISSION:

Gerald Beninga
Chairman

ATTEST:
Cynthia Jepsen
Deputy Auditor