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THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M. June 4, 2013 pursuant to adjournment on May 28, 2013. Commissioners present were: Barth, Beninga, Heiberger, Kelly, and Pekas. 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. SUBSTITUTE MOTION by Pekas, seconded by Heiberger to approve the agenda with one amendment to combine Item 15 with Item 7c. 5 ayes.

MOTION by Barth, seconded by Kelly, to approve the May 28, 2013 Commission Minutes and May 28, 2013 Joint City/County Minutes. 5 ayes.

VOUCHERS TO BE PAID

MOTION by Barth, seconded by Heiberger, to approve the following bills totaling \$1,455,654.74 and May Salaries. 5 ayes.

A & B Business Equip	Jail	223.73	Aire Serv Htg & A/C	Em Mgmt	226.42
Allied Oil & Tire Co	Hwy Constr	198.43	At & T	Sheriff	70.98
Avera McKennan Hospi	Var. Depts	12,850.87	Babinski Properties	Human Svcs	374.00
Baldwin Supply Co	Facilities	406.89	Batteries Plus/Onesk	Hwy Constr	69.00
Baumgartner's Electr	JDC	237.19	Bierschbach Equipmen	Hwy Constr	44.94
Billion's	Sheriff	109,270.00	Bolks, Sherwin Db	Courts	54.50
Bourne, Anna	Mental Ill	1,012.50	Boyd, Michelle	Sheriff	575.00
Boyer Trucks Sioux F	Hwy Constr	1,706.70	Bureau Of Informatio	Var. Depts	882.25
Carroll Institute	Commission	18,014.58	CBM Managed Services	Var. Depts	9,696.64
Cedar House Apts Llc	Human Svcs	500.00	Century Business Pro	Var. Depts	656.27
Cliff Avenue Auto Pa	Hwy Constr	55.60	Cody, Denise	Mental Ill	82.50
Cole Papers, Inc.	Facilities	492.35	Collison, Jeanne	Mental Ill	6.00
Com-Tec Security, Ll	Jail	26,010.00	Concrete Materials	Hwy Constr	7,024.20
Constellation New En	Var. Depts	5,658.02	Construction Product	Hwy Constr	573.01
Crescent Electric Su	Facilities	14.73	CU Mortgage Direct L	Human Svcs	825.26
Cummins Central Powe	Facilities	240.47	Dakota Fluid Power,	Hwy Constr	4.92
Deboer Law Office Pc	Courts	148.38	DirecTv	Hwy Admin	66.99
Duffy, Ryan	Courts	1,097.64	Ebert's Properties,	Human Svcs	220.00
Ekeren, Marvin R.	Mental Ill	82.50	Evans Law Pc - Henry	Courts	98.40
Fastenal Company	Hwy Constr	261.00	First Dakota Title	Treasurer	100.00
Fleetpride / Holt, I	Hwy Constr	11.71	Fox, Natalie	Public Def	35.00
Frantzen, Paige	Human Svcs	367.20	Frisbee, Inc.	Parks	254.57
Frontier Precision I	Hwy Constr	1,566.96	G & R Controls Inc	Var. Depts	151.00
Gage Bros Concrete P	Hwy Constr	20,310.70	Gideons Promise	Public Def	175.00
Governors Inn, Inc.	Var. Depts	231.00	Grapevine, Dan	Hwy Constr	149.99
Guarantee Roofing Of	Facilities	209.63	Guzman, Sandra V.	Courts	350.00
Hander, Inc.	Em Mgmt	166.58	Heartland Paper Comp	Jail	59.52
Hemmer, Charles	Hwy Admin	29.81	Hepner, Leanne	Jail	136.50
Heritage Funeral Hom	Human Svcs	2,775.00	Hoekstra, Denise A.	Courts	227.80
Hosmer, David M. Law	Mental Ill	600.54	Hy-Vee Accounts Rece	Human Svcs	154.49
Infrastructure Desig	Hwy Constr	35,106.25	Int'l Personnel Mana	Jail	465.00
Interstate Office Pr	Var. Depts	2,896.90	Intoximeters, Inc.	24/7 Prog	348.00
Jaros, Pete	Mental Ill	114.70	JCL Solutions-Janito	Jail	4,059.38
Johnson Controls, In	Facilities	424.53	Johnson, Kevin	Sheriff	431.84
Krier & Blain, Inc.	JDC	79.50	Lacroix, Heather	Mental Ill	573.94
Larson, Jeff	Courts	707.45	Leaf Inc.	Var. Depts	189.77
Lewno, Lucy	Mental Ill	774.80	Lincoln County Audit	Atty Fees	628.00
Ludens, Inc	Hwy Constr	7,175.00	Luther, Jeff	Ambulance	2,333.33
Mannie, Corey	Human Svcs	595.00	Martinell, Charles	Extension	71.34
Menards - East	Var. Depts	241.56	Michaelson, Shirley	Human Svcs	365.00
Mid-States Asbestos	Bldg Fund	2,700.00	MidAmerican Energy C	Var. Depts	2,287.43
Minn Cnty Planning P	Var. Depts	33.02	Mowery, Mandi	St Atty	51.00
Narem, Inc	Hwy Constr	61.62	Nat'l Assn School Re	Sheriff	40.00
Neve's Uniforms	Jail	685.90	Nicholson, Tschetter	Courts	487.83
Nolz Construction Co	Hwy Constr	52,820.64	Northern Heights Dev	Human Svcs	685.00

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Olson, Waltner & Sch	Courts	2,008.19	Palmer, Barbara	Mental Ill	1,980.00
Peters, Scott N Pc	Mental Ill	21,851.30	Pheasantland Industr	Jail	52.21
Pierre Parkside Deve	Auditor	177.98	Pollard & Larson Llp	Mental Ill	423.00
Price, Thomas L Phd	Public Def	1,680.00	Primary Products Co	JDC	333.00
Qualified Presort Se	Var. Depts	4,059.10	Restaurant Source	Cap Proj	1,908.55
Rochester Armored Ca	Treasurer	379.50	Rock County(MN)Court	Public Def	16.00
Rural Metro Ambulanc	Coroner	150.00	Safe Home Ltd Ptnrsh	Var. Depts	7,151.36
Sam's Club - Members	JDC	32.90	Sanford Clinic Finan	Coroner	22,308.00
Sanford Hospital	Human Svcs	5,316.73	SD Dept Of Public Sa	Human Svcs	20.00
Severtson, Allen	Hwy Admin	36.84	Sheehan Mack Sales &	Hwy Constr	34.68
Shell Fleet Plus	Sheriff	133.67	Shepherd Reporting L	Mental Ill	27.50
Sigler Fire Equipmen	Jail	528.00	Sioux Empire Fair As	Fair	12,500.00
Sioux Falls Two Way	Jail	392.05	Sioux Falls Utilitie	Var. Depts	7,404.91
Solomon, Ghirmay	Courts	50.00	Southeastern Behavio	Mental Ill	39,257.43
Sprint	Jail	9.32	Stenopat Ltd Inc	Human Svcs	32.40
Sturdevant's Auto Pa	Hwy Constr	149.54	Swingen Const Co Inc	Hwy Constr	80,910.00
Szameit, Alexandra	Courts	150.00	The Crackleberry Gro	Public Def	5,400.00
Thorin, Deyanira T	Var. Depts	200.00	Thornton Carpets/Flo	Bldg Fund	1,758.00
Tires,Tires,Tires In	Sheriff	822.28	Titan Machinery	Hwy Constr	22,087.00
Trane	Facilities	1,164.96	Turnkey Corrections	Jail	200.00
Uline	Sheriff	646.68	US Bank-Corporate Tr	Var. Depts	807,671.14
US Postal Service	JDC	414.00	Variety Foods Llc	Safe Home	189.34
Verizon Wireless	Var. Depts	6,370.16	Voigt, Debra	Courts	2,673.20
Walgreen Co.	Human Svcs	843.01	Weerheim, Tom	Courts	420.00
West Group	Public Def	189.00	Xcel Energy, Inc.	Var. Depts	47,612.22
Commission	Salaries	42,965.12	Auditor	Salaries	56,347.44
Treasurer	Salaries	94,872.00	Information Tech	Salaries	92,435.83
States Attorney	Salaries	274,778.53	Public Defender	Salaries	196,235.89
Public Advocate	Salaries	53,111.53	Facilities	Salaries	80,379.73
Equalization	Salaries	98,875.75	Register Of Deeds	Salaries	59,270.43
Human Resources	Salaries	23,594.77	Sheriff	Salaries	1,215,794.60
JDC	Salaries	235,434.93	Highway	Salaries	194,839.53
Human Services	Salaries	145,712.16	Museum	Salaries	85,365.78
Planning	Salaries	58,583.61	Extension	Salaries	4,047.36

PERSONNEL

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

1. To hire Jessica Bangert as part-time Safe Home Program Worker (9/2) for the Safe Home at \$14.188/hour effective 6/5/13.
2. To hire Stacy Wiebersch as temporary, part-time Clerical Worker for the Public Advocate’s Office at \$10.00/hour effective 6/4/13 to 8/15/13.
3. To hire Rhonda Larson as part-time Correctional Officer in Training (12/1) for the 24/7 Program at \$16.052/hour effective 6/5/13.
4. To promote Adam Eggers from Corrections System Operator to Correctional Officer in Training (12/1) for the Jail at \$16.052/hour effective 6/8/13.
5. To accept the resignation of Jonathon Jeitz as Correctional Officer in Training for the Jail effective 5/30/13.
6. To accept the retirement of Wally Oeding as Programmer Analyst I for Information Technology effective 6/5/13.
7. To accept the resignation of Melissa Fiksdal as Senior Deputy Public Defender for the Public Defender’s Office effective 6/7/13.

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8. To accept the resignation of Crystal Madsen as Paralegal for the State's Attorney's Office effective 5/30/13.
9. To accept the retirement of James Iosty as Chief Criminal Deputy State's Attorney for the State's Attorney's Office effective 5/24/13.
10. To promote Tom Hensley from Senior Trial Attorney to Chief Criminal Deputy State's Attorney (25/9) for the State's Attorney's Office at \$3,622.56/bi-weekly effective 5/29/13.
11. To promote Randy Sample from Senior Deputy State's Attorney to Senior Trial Attorney (23/12) for the State's Attorney's Office at \$3,201.76/bi-weekly effective 5/29/13.
12. To hire Matt Levene as temporary, part-time Truck Driver for the Highway at \$14.50/hour effective 6/5/13.
13. To accept the voluntary demotion of John Crittenden from Highway Crew Chief to Senior Highway Maintenance Worker (14/13) for the Highway at \$23.829/hour effective 6/5/13.
14. To promote Russell Drexler from Senior Highway Maintenance Worker to Highway Crew Chief (16/11) for the Highway at \$25.035/hour effective 6/5/13.
15. To rescind the action from the memo dated 5/28/13 for the hire of David Talbert as temporary, part-time Grounds Worker (NOM) for Facilities.

Step Increases Due

1. Karen Wajer – Senior Property Technician – Equalization – 12/8 to 12/9 – 5/24/13 – \$19.558/hour
2. Danny Koska – Juvenile Correctional Officer I– Juvenile Detention Center – 12/15 to 12/16 – 5/25/13 – \$23.248/hour
3. Corey Van Westen – Correctional Officer– Jail – 13/2 to 13/3 – 5/29/13 – \$17.718/hour
4. Eric Smith – Correctional Officer– Jail – 13/10 to 13/11 – 5/19/13 – \$21.588/hour
5. Peggy Thompson – Legal Office Assistant– State's Attorney's Office – 10/6 to 10/7 – 5/22/13 – \$16.864/hour

Special Commission Action Requests:

The following significant employee anniversaries for June 2013 were recognized: 15 years – Julie Ellis-Breu – Doreen Janssen; 20 years – David Oswald; 25 years – Jon Harris; 40 years – Norma Erickson.

Volunteers in County Departments for May 2013 were recognized. The list is on file at Human Resources.

ABATEMENT

MOTION by Heiberger, seconded by Pekas, to approve abatement of 2012 property taxes for United Methodist Church of Dell Rapids, ID#22110, \$703.61 representing tax exempt property. 5 ayes.

NOTICES

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A notice was received from the South Dakota Department of Health of Disinternment/Re-internment Permit Issued for the remains of Elyssa Hawks.

A notice was received from the Sioux Falls Area CASA Program of their intent to conduct a fund raising raffle to support the CASA Program. The drawing will be held at Bakker Crossing Golf Club on July 5, 2013.

A notice was received from the Sioux Falls Jaycees of their intent to conduct a fund raising raffle on July 4, 2013 at the annual fireworks celebration on the W.H. Lyon Fairgrounds.

REQUEST

Travis Arneson, Sioux Falls Jaycee 4th of July Project Manager, thanked Minnehaha County for their financial support for the 2012 Sioux Falls Jaycee's 4th of July fireworks show, and requested financial support for this year's fireworks show. Commissioner Barth stated he hopes the Sioux Falls community will step forward and contribute to funding the event. MOTION by Pekas to approve a \$5,000 contribution from Minnehaha County to the Sioux Falls Jaycees for the 2013 4th of July fireworks show. Motion dies for lack of a second. Commissioner Kelly stated that he thought it was made clear that the funding approved in 2012 would be for one year only, and he would not support funding this year's event. Chairman Beninga thanked Mr. Arneson for being a leader in making the fireworks event possible and stated the Grand Falls Casino has stepped up to support this year's event and hopes other businesses will do the same. Mr. Beninga stated that if the Jaycee's would like to have additional conversations for funding the event in future years, it could be considered during the budget hearing process.

OPPORTUNITY FOR PUBLIC COMMENT

Sandy Dean, Hartford SD, addressed the Commission on the need for construction of a new museum archive facility. Ms. Dean also commented that the "green community" proposed to be built by Hartford, if it comes up again, will be a disaster.

HEARING

Dustin Powers, Planner II, was present for the public hearing and presented a briefing on a petition submitted by Jason Erickson to vacate the public right-of-way described as Edge View Court Lying between Lot 2 Block 5 Sorum's Subdivision, Lot 1 Block 4A Sorum's Subdivision and Tract 4 Sorum's Addition, all in Section 9-T102N-R49W. The vacation of the right-of-way would eliminate an issue of a building constructed within the right-of-way. The replatting of the properties would solve the issue of the Erickson propane tank being on the neighboring property. MOTION by Kelly, seconded by Barth, to approve Resolution MC13-28. 5 ayes.

RESOLUTION MC13-28 RESOLUTION TO VACATE A HIGHWAY

WHEREAS, a public hearing was held on June 4, 2013, pursuant to the provisions of SDCL 31-3-7 and SDCL 31-18-3 to consider a petition to vacate a highway; and

WHEREAS, said hearing was for the purpose of determining whether the public interest will be better served by such proposed vacation; and

WHEREAS, the Board finds that the proposed highway to be vacated does not provide access to public lands.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, by the Minnehaha County Board of Commissioners that the following described highway, is hereby declared vacated:

Edgeview Court lying between Lot 2 Block 5 Sorum's Subdivision, Lot 1 Block 4A Sorum's Subdivision

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and Tract 4 Sorum’s Addition; all in Section 9-T102N-R49W of the 5th PM, Minnehaha County, South Dakota.

BE IT FURTHER RESOLVED, that this resolution be placed on file with the Minnehaha County Auditor and recorded with the Minnehaha County Register of Deeds.

Dated this 4th day of June, 2013.

BOARD OF COUNTY COMMISSIONERS

Gerald Beninga
Chairman

ATTEST:

Cynthia Jepsen
Deputy County Auditor

MALT BEVERAGE/SD FARM WINE RENEWALS

The following 2013-2014 renewal applications for Malt Beverage and SD Farm Wine licenses for establishments within Minnehaha County were received in the Auditor’s Office:

38 Road House	On-Off Sale MB	Ultimate Golf	On-Off Sale MB
Baltic Corner	On-Off Sale MB	Pump N Pak	On-Off Sale MB
Bottom’s Up	On-Off Sale MB	Renner Corner	On-Off Sale MB
Buffalo Trading Post	On-Off Sale MB	State Line Casino	On-Off Sale MB
Chaser’s	On-Off Sale MB	Strawbale Winery	On-Off Sale MB
DJ’s Bar	On-Off Sale MB	Thompson Schjodt Post 307	On-Off Sale MB
Friendly’s Baltic	On-Off Sale MB	Wild Water West	On-Off Sale MB
Hunter’s Point Shooting Club	On-Off Sale MB	Crook’s Gun Club	On-Off Sale/SD Wine
Huset’s Speedway	On-Off Sale MB	Sioux Empire Fair Assoc.	On-Off Sale/SD Wine
I-90 Speedway	On-Off Sale MB	Yogi Bear Camp-Resort	On-Off Sale/SD Wine
Midway Service	On-Off Sale MB	Uncle Ed’s Specialty Meats	Package Off Sale MB
Northern Links Golf Course	On-Off Sale MB	Wall Lake Oil Co	Package Off Sale MB

The applications were reviewed by representatives of the Sheriff’s Department, Planning & Zoning Department, and State’s Attorney’s Office. There were no violations or objections reported. MOTION by Barth, seconded by Pekas to approve the 2013 – 2014 Malt Beverage/SD Farm Wine License renewals. 5 ayes.

PROPOSAL

Warden Jeff Gromer gave a briefing on proposals received April 17, 2013, for Inmate Phone/Video Visitation System in Minnehaha County Jail and Community Corrections Center. Proposals were received from the following companies: Century Link, Legacy, Lattice, Protocall, Ctell, Securus, and IC Solutions. A review team consisting of Warden Jeff Gromer, former Warden Darin Young, Lt. Vicki Hicks, and Lt. Rod Axom, is recommending acceptance of the proposal and entering into a contract with IC Solutions (ICS). The major terms of the contract are for a three year term with an automatic renewal for an additional year unless either party provides a written 90 day notice of intent not to renew, ICS will provide and maintain at their own expense all equipment detailed in Exhibit B of the contract and provide at their own expense the necessary integration with the County’s New World System. Minnehaha County will receive 43% commission on the cost to inmates of \$0.25 per minute for phone calls and 50% commission on the cost to inmates of \$0.35 per minute for video visitations. ICS is guaranteeing commissions during the initial term of the contract based on at least \$400,000 total gross call revenue which calculates to approximately \$170,000 per year. The contract will commence upon the date that inmates begin placing calls from IC Solutions’ equipment which is estimated to be July 15, 2013.

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MOTION by Pekas, seconded by Barth, to award the contract to IC Solutions and authorize the Chairman to sign the Inmate Telephone Services Agreement with IC Solutions. 5 ayes.

BID

DJ Buthe, Highway Superintendent, reported on the May 29, 2013 bid opening for Project MC142CONC-13, County Highway 142 Pavement Restoration & Concrete Joint Repair. The following two bids were received: T&R Contracting Inc., Total Base Bid \$336,133.05, Alt A Bid \$108,220.80; Dakota Contracting Corp., Total Base Bid \$398,812.35, Alt A Bid \$117,284.42. Mr. Buthe recommended the contract be awarded to the low bidder. MOTION by Pekas, seconded by Barth, to award the contract for Project MC142CONC-13 to T&R Contracting Inc., Total Base Bid \$336,133.05, Alt A Bid \$108,220.80, and authorize the Chairman to sign the bid contract. 5 ayes.

ADDENDUM

Keith Wynia, Air Guard Supervisor, requested consideration of an Addendum to the Joint Security Protection Agreement between the State of SD Dept of Military and Veterans Affairs and Minnehaha County for the contract period October 1, 2012 thru September 30, 2013. The original agreement for FY 2013 was for \$934,300. The addendum reconciles the final cost at \$894,300. MOTION by Pekas, seconded by Kelly to approve the addendum reducing the contract amount to \$894,300. 4 ayes.

AGREEMENT

Kersten Kappmeyer, Chief Civil Deputy State's Attorney, presented an agreement between Minnehaha County and the State of South Dakota for the State to provide funding to reimburse the services of Qualified Expert Witnesses for abuse and neglect cases. The Indian Child Welfare Act (ICWA) requires the testimony of a Qualified Expert Witness for abuse and neglect court proceedings in state court involving Indian children. The agreement shall be effective June 1, 2013 thru May 31, 2014. The State will provide four (4) quarterly payments for a total amount of \$98,880 for all cases during the period of the agreement. Mr. Kappmeyer also presented an agreement with Luke Yellow Robe to provide the Qualified Expert Witness service effective June 1, 2013 thru May 31, 2014. Mr. Yellow Robe will be paid the sum of \$98,880 for the one-year term payable in four quarterly installments, with the first payment due upon receipt of funds by the county from the State of South Dakota. MOTION by Pekas, seconded by Heiberger, to authorize the Chairman to sign the agreement with the State of South Dakota Department of Social Services Division of Child Protection and the agreement with Luke Yellow Robe for Qualified Expert Witness service. 5 ayes.

AGREEMENT

Ken McFarland, Commission Administrative Officer, reported that negotiations have concluded with the Minnehaha County Deputies Association. The new contract is for a three year period. The association is guaranteed a minimum of a 1% increase in salary or that approved by the County Commission for non-union employees, whichever is greater for the 2014 contract year. There is no guaranteed increase for 2015 or 2016. Step increases are guaranteed in the 2014 contract only. In addition, the County agrees to complete a wage study by May 1, 2014, and the contract can be reopened for wage discussion for the 2015 and 2016 contract years. The President's Day Holiday was eliminated in favor of adding the Day after Thanksgiving as a recognized holiday. Shift premium pay was increased from \$0.40 per hour to \$0.50 per hour for regular duty hours worked between 6:00 p.m. and 6:00 a.m. Minor provisions were changed to increase the time period for answering grievances. Minor changes to the clothing allowance section to incorporate the new corporal position and a minor adjustment in the clothing/equipment issued for corporal. Other changes in language were made mostly for clarification purposes based on current practices. MOTION by Kelly, seconded by Barth, to authorize the Chairman to sign the Deputies Association Agreement for 1/1/2014 to 12/31/2016. 5 ayes.

CONTRACT

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Ken McFarland, Commission Administrative Officer, reported that during the work being performed on the air handling system for the W.H. Lyon Fairground's Expo Building, two existing unit heaters were identified as needing replacement. A contract price of \$6,400 to replace the heaters has been secured from Baete Forseth. MOTION by Heiberger, seconded by Kelly, to authorize the Chairman to sign the contract with Baete Forseth in the amount of \$6,400 to replace two heaters. 5 ayes.

AMENDMENT

Ken McFarland, Commission Administrative Officer, gave a briefing on an amendment to the Community Development Block Grant (CDBG) for a Work Force Development Project at Southeast Technical Institute. The grant is administered by Southeastern Council of Governments and is for expansion of the commercial driver's license (CDL) certification program. The amendment would provide an additional \$110,850 for 30 more scholarships for individuals to complete the Class A CDL certification program, and extend the grant period for another 6 months. MOTION by Heiberger, seconded by Barth, to authorize the Chairman to sign the amendment. 5 ayes.

NEW BUSINESS

Ken McFarland, Commission Administrative Officer, and Commissioners discussed the schedule and process for the 2014 Budget Hearings that will begin on June 18th.

MOTION by Barth, seconded by Pekas, to adjourn into Executive Session for legal briefing with counsel and personnel discussion. 5 ayes.

The Commission adjourned until 9:00 a.m. on Tuesday, June 11, 2013.

APPROVED BY THE COMMISSION:

Chairman

ATTEST:

Deputy Auditor