

7/02/2013

THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M. July 2, 2013 pursuant to adjournment on June 25, 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 Pekas, seconded by Heiberger, to approve the agenda. 5 ayes.

MOTION by Kelly, seconded by Pekas, to approve the June 25, 2013 Commission Minutes. 5 ayes.

#### VOUCHERS TO BE PAID

MOTION by Barth, seconded by Heiberger, to approve the following bills totaling \$1,556,740.45 and June 2013 salaries. 5 ayes.

Albers, Tyrone	Sheriff	252.00	Alsobrook, Danny D	Hwy Constr	150.00
Automatic Building C	Facilities	83.64	Automotive Intl Inc	Hwy Constr	261.38
Avera Health Informa	Public Def	15.30	Avera McKennan Hospi	Var. Depts	5,907.00
Baltic Fire Dept	Rural Fire	17,444.00	Bennett, Thomas L M	Public Def	1,050.00
Benz, Kari	Human Svcs	92.00	Bjerke, Jeremy	Em Mgmt	77.00
Blouin, Beau	Public Def	204.00	Bourne, Anna	Mental Ill	450.00
Braithwaite, Tacey E	Mental Ill	1,547.00	Brandon Fire Dept	Rural Fire	37,666.50
Breidenbach, Pam/Mik	Human Svcs	700.00	Builders Supply Comp	Em Mgmt	268.32
Bureau Of Informatio	Var. Depts	1,380.00	Butler Machinery Com	Hwy Constr	130,216.00
Carroll Institute	Commission	18,014.58	Cartridge World	Var. Depts	511.49
CBM Managed Services	Var. Depts	4,043.70	Century Business Pro	Var. Depts	347.86
Centurylink (Qwest)	Var. Depts	3,741.43	Chamfer Engineering	Hwy Constr	377.59
Chicago Distribution	Mus Store	211.71	Christensen, David D	Hwy Constr	153.76
Cliff Avenue Auto Pa	Hwy Constr	25.90	Cody, Denise	Mental Ill	51.00
Cole, John R	Dir Of Eq	26.00	Colton Fire Dept	Rural Fire	16,570.00
Communication Svcs F	Courts	164.00	Concrete Materials	Var. Depts	26,787.56
Constellation New En	Var. Depts	3,236.64	Construction Product	Hwy Constr	2,576.00
Correct Care Solutio	Sheriff	121,373.27	Counseling Resources	Courts	500.00
Country Meadows Apts	Human Svcs	600.00	Country View Mhc	Human Svcs	292.00
Crooks Fire Dept	Rural Fire	13,475.00	Curtis, David	Em Mgmt	77.00
Dell Rapids Ambulanc	Ambulance	25,000.00	Dell Rapids Fire Dep	Rural Fire	23,026.00
Dialnet/Ahrens Telec	Human Svcs	60.00	Directv	Hwy Admin	66.99
Doerr, Adam	Em Mgmt	82.00	Douglas County(Ne)Cl	Public Def	4.00
Eitreim, Jeremy	Planning	350.00	Galls/Quartermaster	Sheriff	29.98
Garretson Fire Dept	Rural Fire	22,039.00	Gearman, Jason	Sheriff	75.00
Graham, Robert C	Human Svcs	1,000.00	Guzman, Sandra V.	Var. Depts	187.50
Hander, Inc.	JDC	348.56	Harmer, Gerald	Human Svcs	480.00
Hartford Fire & Resc	Rural Fire	29,390.50	Helseth, Kyle	Dir Of Eq	30.00
Herald Journal Publi	Sheriff	600.00	Hewlett-Packard Comp	Var. Depts	773.88
High Point Networks	Info Tech	487.00	Holiday Credit Offic	Hwy Constr	77.90
Holiday Mobile Home	Human Svcs	72.58	Hosmer, David M. Law	Mental Ill	92.22
Humboldt Fire Dept	Rural Fire	15,492.50	Hy-Vee Accounts Rece	Courts	25.47
I State Truck Center	Hwy Constr	225,661.37	Ideal Yardware	Hwy Constr	63.85
Infrastructure Desig	Hwy Constr	14,028.70	Interstate Office Pr	Var. Depts	3,253.90
ISI Llc	Var. Depts	125.00	ISS Facility Svcs-Mi	Facilities	10,735.00
Jaros, Pete	Mental Ill	112.85	Jefferson Partners L	Human Svcs	1,545.75
Johnson, Brett	Human Svcs	89.61	Kennedy, Pier, Knoff	Mental Ill	138.40
Klarenbeek, Pam	Mus Entpr	300.00	Lacroix, Heather	Courts	391.15
Larson, Jeff	Courts	2,867.40	Laughlin, Nicole	Courts	694.00
Lewno, Lucy	Mental Ill	451.38	Luther, Jeff	Ambulance	2,333.33
Lutheran Social Svcs	Var. Depts	5,027.14	Lyons Fire Dept	Rural Fire	5,858.50
Menards - East	Mus Ops	163.03	Metro Communications	Var. Depts	23,709.58
Midamerican Energy C	Var. Depts	2,426.08	Midwest Alarm Compan	Facilities	85.00
Midwest Residential	Human Svcs	610.00	Monick Pipe & Supply	Facilities	2,299.85
Nat'l Finance Center	Human Svcs	1,028.00	Newman, Gary/Jane	Hwy Constr	600.00
Nicholson, Tschetter	Courts	2,461.86	Nolz Construction Co	Hwy Constr	82,533.11
Norm Feldman's Glass	Var. Depts	658.50	Northern Heights Dev	Human Svcs	575.00

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Northern Truck Equip	Hwy Constr	21,570.00	Nyberg's Ace Hardwar	Var. Depts	123.81
OBGYN Specialty Clin	Courts	1,050.00	P & M Steel Company	Hwy Constr	64.21
Pfeifer Implement Co	Hwy Constr	12,357.56	Phillips, Ryan W	Em Mgmt	115.00
Pine Meadows/Univers	Human Svcs	141.00	Podzimek, Dan	Em Mgmt	82.00
Pollard & Larson Llp	Mental Ill	174.00	Qualified Presort Se	Sheriff	119.65
Quill Corp.	JDC	638.71	Redwood Estates Llc	Human Svcs	600.00
Renner Fire Rescue	Rural Fire	12,731.00	Rural Metro Ambulanc	Coroner	450.00
Rypkema, Diane	Dir Of Eq	26.00	Safe Home Ltd Ptnrsh	Var. Depts	7,463.91
Sanford Clinic Finan	Coroner	22,250.00	Sanford Hospital Med	Public Def	12.00
Sanford Laboratories	Coroner	157.81	SD Dept Of Revenue	JDC	17.00
SD Dept Of Transport	Hwy Constr	484.71	SD Secretary Of Stat	Mem Day	10.00
Shipley's Laundry &	Mus Entpr	41.20	Simon, Anthony (OR)	Commission	65.00
Sioux Empire Fair As	Fair	12,500.00	Sioux Falls City Fin	Sheriff	14,862.06
Sioux Falls Two Way	Sheriff	338.93	Sioux Falls Utilitie	Var. Depts	20,868.83
Solarwinds.Net Inc	Info Tech	2,150.00	Solomon, Ghirmay	Courts	125.00
Splitrock Fire Dept	Rural Fire	18,481.50	Stan Houston Equipme	Hwy Constr	104.75
Swanda, Karen	Mental Ill	82.50	Swenson, Troy	Em Mgmt	106.00
Swingen Const Co Inc	Hwy Constr	380,139.12	Telvent Dtn/Schneide	Hwy Constr	441.00
Tenth Street, Inc.	Dir Of Eq	10.95	Thomas, Michelle	Public Def	182.33
Thorin, Deyanira T	Var. Depts	455.83	Thue, Steve/Barb	Human Svcs	300.00
Tieszen, Stacey	Human Svcs	92.00	Timekeeping Systems,	JDC	131.19
Titan Machinery	Hwy Constr	1,800.00	Trana, John	Info Tech	37.00
US Postal Service	Em Mgmt	204.00	Valley Springs Fire	Rural Fire	11,079.50
Variety Foods Llc	Safe Home	234.19	Via Language Resourc	Courts	233.75
Volunteers Of Americ	Pass-Thru	9,404.00	Wal-Mart Pharmacy #1	Human Svcs	29.46
Walgreen Co.	Human Svcs	92.58	Walmart - Associates	Human Svcs	170.00
Waste Management Of	Jail	358.55	Wayne Township	Rural Fire	10,257.00
Weerheim, Tom	Courts	635.40	Weiland & Assoc Inc	Courts	129.23
West Group	Public Def	2,060.88	Xcel Energy, Inc.	Var. Depts	66,197.60
Zabel Steel Co.	Hwy Constr	161.70	Commission	Salaries	28,671.51
Auditor	Salaries	37,163.28	Treasurer	Salaries	63,173.72
Info Tech	Salaries	89,486.25	States Attorney	Salaries	222,615.11
Public Defender	Salaries	131,831.71	Public Advocate	Salaries	36,127.68
Facilities	Salaries	53,708.48	Equalization	Salaries	65,973.17
Register Of Deeds	Salaries	39,488.01	Human Resources	Salaries	15,884.94
Sheriff	Salaries	785,642.12	JDC	Salaries	157,056.26
Highway	Salaries	135,095.20	Human Services	Salaries	96,926.81
Museum	Salaries	57,786.87	Planning	Salaries	48,841.89
Extension	Salaries	3,001.79			

## PERSONNEL

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

1. To hire Lauren Kaufman as Deputy Public Defender (21/1) for the Public Defender's Office at \$2,002.80/bi-weekly effective 7/8/13.
2. To hire Wendy Scholten as Victim Witness Assistant (16/1) for the State's Attorney's Office at \$19.558/hour effective 7/8/13.
3. To transfer Cary Paul from part-time Correctional Officer in Training to full-time Corrections System Operator (9/1) for the Jail at \$13.841/hour effective 6/22/13.
4. To promote Shaun Mitchell from Corrections System Operator to Correctional Officer in Training (12/1) for the Jail at \$16.052/hour effective 6/22/13.
5. To accept the resignation of Demetrius Washington as Correctional Officer in Training for the Jail effective 6/30/13.
6. To place Jessica Sprecher, Correctional Officer in Training for the Jail, on leave without pay effective

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6/28/13 to 7/22/13.

7. To place Jessica Janke, Correctional Officer in Training for the Jail, on Military Leave without pay effective 7/3/13 to 9/23/13.
8. To place Derek Gulbrandson, Deputy Sheriff for the Sheriff's Office, on Military Leave without pay effective 7/3/13 to 9/23/13.
9. To accept the resignation of Dustin Powers as Planner II for Planning effective 7/11/13.

#### Step Increases Due

1. Zachary Reker – Highway Maintenance Worker – Highway – 12/1 to 12/2 – 7/9/13 – \$16.453/hour
2. Rodney Axsom – Deputy Sheriff Lieutenant – Jail – 22/3 to 22/4 – 6/23/13 – \$2,380.72/bi-weekly
3. Adam Vande Kamp – Correctional Officer – Jail – 13/2 to 13/3 – 6/30/13 – \$17.718/hour
4. Matthew Aanenson – Deputy Sheriff Sergeant – Jail – 20/2 to 20/3 – 6/30/13 – \$25.035/hour
5. Heather Richarz – Correctional Officer – Jail – 13/8 to 13/9 – 6/23/13 – \$20.548/hour
6. Paul Parish – Deputy Sheriff – Sheriff's Office – 16/16 to 16/17 – 5/30/13 – \$29.033/hour
7. James Wipf – Deputy Sheriff – Sheriff's Office – 16/15 to 16/16 – 5/2/13 – \$28.325/hour
8. John Norberg – STI Security Officer – STI Security – 13/10 to 13/11 – 6/27/13 – \$21.588/hour
9. Kevin Nilson – Programmer Analyst II – Information Technology – 21/14 to 21/15 – 6/30/13 – \$35.374/hour
10. Dawn Lautwein – Programmer Analyst II – Information Technology – 21/17 to 21/18 – 6/30/13 – \$38.094/hour
11. Deborah O'Donnell – Administrative Clerk – Human Services – 9/6 to 9/7 – 7/6/13 – \$16.052/hour

#### Special Commission Action Requests:

1. To recognize the following significant employee anniversaries for July 2013: 10 Years – Paula Albrecht-Dement.
2. To record volunteers in County Departments for June 2013. The list is on file in Human Resources.

#### PLANNING & ZONING NOTICE

Dustin Powers, Planner II, gave the first reading and requested authorization to publish a notice of hearing to consider a request to rezone property from the A-1 Agricultural District to the RR Rural Residential District. The property is legally described as the N ½ S ½ E330' (Except River Bluffs Addition) S ½ S ½ of Section 29-101-48 Split Rock Township. The property is located on the east side of Sioux Falls on East 41<sup>st</sup> Street and is in the City of Sioux Falls/Minnehaha County joint jurisdiction area. The applicant has requested to rezone the north 1.3 acres of the property to be able to construct a single family home. The rezoning request is being advanced with a recommendation of denial due to a split decision of the Planning Commission. The rezoning requires approval

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from both the City of Sioux Falls and Minnehaha County. MOTION by Barth, seconded by Pekas, to authorize the auditor to publish a notice of hearing on July 23, 2013 at 5:00 p.m. at Carnegie Town Hall. 5 ayes.

#### LIEN COMPROMISE

Commissioner Pekas gave a briefing on a request to reconsider an application for compromise of lien for DPNO 61730 in the amount of \$7,045.91. The applicant was in the process of selling her house and needed to satisfy the lien before the sale could close. The compromise of lien request was considered by the commission on June 18, 2013, which resulted in a denial. Several days prior to June 18<sup>th</sup>, Minnehaha County received a check from Land Title Guaranty in the amount of \$7,045.91 for payment in full of the lien. According to the applicant and Land Title Guarantee, the check was sent to Minnehaha County in error. MOTION by Pekas to return the \$7,045.91 payment to the applicant. The applicant was present and stated that her parents provided \$1,500 toward the closing costs on the sale of her home. She requested that \$1,500 of the money paid by the title company be returned to her so she could pay back her parents. She stated that she would repay the county the \$1,500 by making payments over time. MOTION died for lack of a second. No further action was taken.

Commissioner Pekas gave a briefing on a request for compromise of lien for DPNO 75904 in the amount of \$2,371. The lien is for Public Defender services in April of 2011. The applicant is in the process of refinancing the home she shares with her boyfriend in Sioux Falls, Lincoln County. As part of the refinancing, her name will be added to the new mortgage and the lien needs to be satisfied before closing. Shortly after the lien was filed in 2011, the applicant made a request to the commission to compromise the lien in full with no payment due to the fact that she was found innocent during the subsequent trial. That request was denied. The applicant has an annual income of approximately \$28,000 and lists assets of \$8,505 consisting mostly of her vehicle and back child support payments. She lists liabilities of \$34,000 consisting of \$28,000 in student loans and \$6,000 in credit card debt. She has made one \$10 payment on the account and is asking for a release of the lien in full upon an additional payment of \$700. MOTION by Pekas to compromise the lien upon payment of \$700.00. Motion dies for lack of a second. MOTION by Barth, seconded by Pekas, to approve Resolution MC13-31. 3 ayes. Heiberger and Kelly voted nay. Motion carries.

#### RESOLUTION MC13-31

WHEREAS, a County Aid Lien in the amount of \$2,371 purports to exist in favor of Minnehaha County and against DPNO 75904 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 \$1,185.50.

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

Dated at Sioux Falls, South Dakota, this 2<sup>nd</sup> day of July, 2013.

APPROVED BY THE COMMISSION:

Gerald Beninga

Chairman

ATTEST:

Cynthia Jepsen

Deputy County Auditor

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Commissioner Pekas gave a briefing on a request for compromise of lien for DPNO 65495 in the amount of \$4,380.40. The lien is for Public Advocate services in 2009. The account has been turned over to Hauge Associates for collection; however, they have made no attempt to collect from the applicant. The applicant is in the process of purchasing a home and was under the assumption her 2010 bankruptcy proceedings would have taken care of the county aid lien. The lien needs to be satisfied in order to close on the purchase of her home. She lists an annual income of \$29,598.40, assets in the amount of \$29,221.32, and liabilities in the amount of \$15,062.00. She is requesting a compromise and release of the lien in full upon payment of \$2,500. MOTION by Pekas, seconded by Barth, to approve Resolution MC13-32. 4 ayes. Kelly voted nay.

#### RESOLUTION MC13-32

WHEREAS, a County Aid Lien in the amount of \$4,380.40 purports to exist in favor of Minnehaha County and against DPNO 65495 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 \$2,500.

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

Dated at Sioux Falls, South Dakota, this 2<sup>nd</sup> day of July, 2013.

#### APPROVED BY THE COMMISSION:

Gerald Beninga

Chairman

ATTEST:

Cynthia Jepsen

Deputy County Auditor

Commissioner Pekas gave a briefing on a request for compromise of lien for DPNO 27725 in the amount of \$1,374.80. The lien is for Public Defender services in 2009. The applicant is in the process of refinancing his home and needs to resolve the lien prior to the closing date. The applicant lists an annual income of \$27,357, assets of approximately \$76,000 which include his home, car and household goods, and liabilities in the amount of approximately \$74,000 including the mortgage on his home and personal loans. He is requesting a compromise and release of the lien in full upon payment of \$375. MOTION by Pekas to approve the applicant's request for compromise of lien on payment of \$375. Motion dies for lack of a second. No further action was taken.

#### OPPORTUNITY FOR PUBLIC COMMENT

Bob Kolbe, 636 W. 21<sup>st</sup> Street, Sioux Falls, asked the commission what their position was on moving forward with the construction of a new museum archive facility. Chairman Beninga explained that consideration for that project will take place during the budget hearing for capital improvements on July 17<sup>th</sup>.

#### HIGHWAY

MOTION by Barth, seconded by Kelly, to purchase two hundred eighty (280) 4-foot snow plow blades off a contract competitively bid by the state of South Dakota and awarded to Chemung Supply Corporation, contract

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#16390, at a cost of \$42.21 per foot for a total cost of \$47,275.20. 5 ayes.

#### AGREEMENT

Todd Cheever, Juvenile Detention Center Director, gave a briefing on an agreement for Qualified Mental Health Professional Services with Southeastern Behavioral Healthcare, Inc., for the Juvenile Detention Center (JDC). The JDC will pay \$50.00 per week for on-call services and \$50.00 per hour for on-site counseling and training services provided by a Qualified Mental Health Professional. MOTION by Pekas, seconded by Heiberger, to authorize the Chairman to sign the agreement with Southeastern Behavioral Healthcare, Inc. for a one year term. 5 ayes.

#### DISCUSSION

A discussion was held on Legislative priorities that Minnehaha County would like to have considered during the South Dakota Association of County Commissioners Annual Convention. The following seven priorities were identified: 1) Exemption on road and bridge load limits for emergency vehicles. 2) Clarification on responsibility of county/city for maintenance of roads affected by annexation. 3) Repeal of the tax limitation of 3% or rate of inflation, whichever is lower. 4) Raise the sales tax on alcohol additionally by 10% to be split by state and county. 5) Remove the 20 year limitation on opt outs. 6) Allow adjustment of the mill levy that was locked in when the tax limitation was imposed. 7) In lieu of new legislation to house felons in county jails past 180 days, ask that the state compensate the counties for the additional expense of housing those prisoners. The Commission Office will draft resolutions for the items identified and bring forward for consideration by the Commission later in July.

#### LIAISON REORTS

Commissioner Heiberger gave a report on the Homeless Advisory Board (HAB) voucher system that currently serves 815 households per year. Next year with the sequestration they are expecting a \$10,000,000 decrease in their budget. HAB has reserves that will cover that decrease for about one year. After the reserves are gone, those households will no longer be served. Ms. Heiberger also reported that as a result of the Criminal Justice Initiative, it is expected that there will be approximately 400 parolees in the Sioux Falls area and 100 parolees in the Rapid City area that will be looking for housing.

#### NEW BUSINESS

Scott Wick, Co-Manager, Sioux Empire Fair, reported on their audit that was completed by Eide Bailly. Mr. Wick stated that the auditors were very pleased with the new policies and procedures that have been implemented by the Sioux Empire Fair Board. The audit is on file in the Minnehaha County Auditor's Office.

#### OLD BUSINESS

Commissioner Heiberger reported on a meeting she attended with Emergency Management personnel and members of the Tri-Valley School Board regarding the installation of an emergency siren. School Board members and Emergency Management personnel will meet again after the options they discussed are presented to the school board.

MOTION by Pekas, seconded by Heiberger, to adjourn into Executive Session for personnel, pending litigation, and legal briefing. 5 ayes.

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

APPROVED BY THE COMMISSION:

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Chairman

ATTEST:

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Deputy Auditor