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THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M. July 9, 2013 pursuant to adjournment on July 2, 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 Barth, to approve the agenda. 5 ayes.

MOTION by Pekas, seconded by Barth, to approve the July 2, 2013 Commission Minutes. 5 ayes.

VOUCHERS TO BE PAID

MOTION by Barth, seconded by Heiberger, to approve the following bills totaling \$353,560.51. 5 ayes.

A & B Business Equip	Var. Depts	327.21	A-Ox Welding Supp Co	Hwy Constr	269.60
Airway Service Inc	Jail	798.88	Alcohol Monitoring S	JDC	211.20
All American Investm	Human Svcs	800.00	Allied Oil & Tire Co	Hwy Constr	25.00
Alsobrook, Danny D	Hwy Constr	125.00	Anesthesiology Assoc	Human Svcs	144.00
Anoka (MN)County She	St Atty	70.00	Appeara / Dudley Lau	Hwy Constr	32.64
Arena Motel	Human Svcs	1,192.14	Ashbury Apts, Ltd Pa	Human Svcs	400.00
Avera Mckennan Hospi	Expenses	397.50	Baker, Mary	Public Def	144.00
Berg, Bob	Human Svcs	400.00	Bierschbach Equipmen	Hwy Constr	102.20
Boussetta, Mohamed	Courts	758.33	Boyer Trucks Sioux F	Hwy Constr	293.80
Bridgewood SD Inv II	Human Svcs	600.00	Brooks Townhomes Lp	Human Svcs	1,200.00
Bureau Of Informatio	Jail	42.00	Campbell, Vicki	Human Svcs	600.00
Carpenter, Donovan	Hwy Admin	31.66	Carper, Nichole A	Courts	153.00
Cbcinnovis Inc	Sheriff	95.15	CBM Managed Services	Var. Depts	18,679.92
Cedar House Apts Llc	Human Svcs	500.00	Center For Family Me	Jdc	150.00
Century Business Pro	Extension	136.10	Centurylink (Qwest)	Info Tech	1,404.00
Childrens Home Socie	Dom Abuse	16,004.00	Cliff Avenue Auto Pa	Hwy Constr	33.00
Cole Papers, Inc.	Hwy Constr	23.10	Cole's Petroleum Inc	Hwy Constr	4,533.45
Compass Center Fka	Dom Abuse	2,500.00	Concrete Materials	Hwy Constr	80,972.87
Construction Product	Hwy Constr	190.00	Counseling Resources	Courts	200.00
Crew & Crew	Courts	3,084.00	Crisis Prevention In	JDC	150.00
Dakota Data Shred	Var. Depts	332.99	Danko Emergency Equi	Em Mgmt	950.00
Deans Bulk Svc Inc	Hwy Constr	335.80	Des Moines Area Comm	Hwy Admin	315.00
Diamond Mowers Inc	Hwy Constr	373.86	Douglas County(NE)Cl	Jail	8.65
Duffy, Ryan	Courts	893.67	Engbrecht, Roger	Human Svcs	475.00
Fastenal Company	Hwy Constr	84.74	First Dakota Nationa	Em Mgmt	2,686.25
G & H Repair	Hwy Constr	85.00	G&W, Inc Dba Gary Co	Human Svcs	113.56
Genzlinger, Janeen	Courts	76.00	Geotek Engineering &	Hwy Constr	16,136.09
Golden West	Var. Depts	165.15	Grainger, Inc.	Hwy Constr	85.28
Guzman, Sandra V.	Courts	105.00	HDR Engineering Inc	Hwy Constr	107,144.56
Hemmer, Charles	Hwy Admin	29.81	High Point Networks	Info Tech	1,444.00
Home Federal Savings	Human Svcs	1,058.08	I State Truck Center	Hwy Constr	105.16
Interstate Office Pr	Var. Depts	183.56	Intoximeters, Inc.	24/7 Prog	4,248.50
JCL Solutions-Janito	Var. Depts	174.16	Johnson, Richard L	Courts	630.00
Kappmeyer, Kersten	Dir Of Eq	26.00	Kauffman, David W. P	Courts	4,665.00
Kingsport Village Lt	Human Svcs	500.00	Knology	Human Svcs	57.39
Lacey Rentals Inc	Hwy Constr	95.00	Larson, Jeff	Courts	1,114.20
Lason Systems Inc	Reg Deeds	315.00	Lassegaard, Samuel C	Human Svcs	385.00
Laughlin, Nicole	Courts	1,295.50	Law Enforcement Targ	Em Mgmt	126.33
Leaf Inc.	Var. Depts	189.77	Lincoln County Audit	Atty Fees	145.95
Malik, Cirillo	Courts	749.98	Meile-Rasmussen, Jac	Public Def	47.73
Menards - East	Courts	436.30	MidAmerican Energy C	Var. Depts	661.37
Miller, Steve	Courts	917.00	Minn Cnty Human Svcs	Human Svcs	135.00
Moore Medical Corp.	JDC	26.00	Murray Properties, L	Human Svcs	445.00
Nelson, Judie	Human Svcs	500.00	Neve's Uniforms	Var. Depts	612.05
Nguyen, Lam	Courts	50.00	Nicholson, Tschetter	Courts	336.38
Novak Sanitary Servi	Facilities	2,175.06	Nyberg's Ace Hardwar	Facilities	10.47
O'Reilly/First Call	Sheriff	3.14	Olson's Pest Technic	Jail	67.75
Pccs Inc	Jail	3,382.00	Pride Neon, Inc	Hwy Constr	92.00

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Pwc-Prof Wireless Co	Jail	374.00	Qualified Presort Se	Var. Depts	7,489.75
Record Keepers, Inc.	Courts	2,800.69	Redwood Estates Llc	Donations	350.00
Reker, Zach	Hwy Constr	185.95	Rensberger, Ron	Human Svcs	700.00
River Tower Apartmen	Human Svcs	400.00	Rochester Armored Ca	Treasurer	379.50
Rural Metro Ambulanc	Coroner	300.00	Sam's Club - Members	Var. Depts	367.32
Sanford Hospital	Human Svcs	5,867.06	Sanitation Products,	Hwy Constr	299.80
Satisfaction Plus In	Human Svcs	318.00	SD Dept Of Public Sa	Human Svcs	30.00
SD Dept Of Revenue	Sheriff	14.00	Shi, International C	Var. Depts	3,000.37
Simon, Anthony (OR)	Commission	75.00	Sioux Falls Utilitie	Human Svcs	59.78
Sioux Valley Energy	Var. Depts	163.97	Solarwinds.Net Inc	Info Tech	1,199.00
Solheim, Virginia	Hwy Admin	37.58	Solomon, Ghirmay	Courts	50.00
Sorenson, Randal G	Human Svcs	500.00	Southeast SD Tourism	Mus Ops	215.00
Southeastern Electri	Human Svcs	420.00	St Francis House	Safe Home	98.75
Stoney Creek Townhom	Human Svcs	450.00	Street Smart Rental	Hwy Constr	3,500.00
Szameit, Alexandra	Courts	141.66	Thorin, Deyanira T	Courts	260.82
Thornell, Ryan F	JDC	1,656.25	Tires,Tires,Tires In	Jail	24.40
Titze's Auto Repair	Jail	325.19	Tractor Supply Co.	Human Svcs	683.82
Tri-Tech Inc	Jail	66.28	True North Steel	Hwy Constr	8,325.00
Valley West Apartmen	Human Svcs	450.00	Vandervliet, Rodney	Hwy Admin	47.20
Variety Foods Llc	Safe Home	355.98	Verizon Wireless	Var. Depts	6,355.21
Wal-Mart Pharmacy	Human Svcs	20.62	Wali, Khadija M.	Courts	125.00
Wall Lake Sanitary D	Parks	70.00	Washington Pavilion	Mus Ops	145.00
Waste Management Of	Jail	358.55	Weber, Jamie Db	Courts	2,947.20
Weerheim, Tom	Courts	1,293.60	Westbrooke Apts/Inve	Human Svcs	340.00
Western Cheney Llc	Human Svcs	600.00	Wollman Estates	Human Svcs	1,000.00
Xcel Energy, Inc.	Human Svcs	2,747.22			

REPORTS

The Minnehaha County Human Services Report and Sheriff's Department Report for June 2013 were received and placed on file in the Auditor's Office.

PERSONNEL

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

1. To transfer Kimberly Colwill from Victim Witness Assistant to Paralegal (16/11) for the State's Attorney's Office at \$25.035/hour effective 7/8/13.
2. To accept the resignation of Becky Femrite as Legal Office Assistant for the Public Defender's Office effective 7/3/13.

Step Increases Due

1. Joseph Bosman & Craig Butler – Deputy Sheriff – Sheriff's Office – 16/9 to 16/10 – 6/20/13 – \$24.425/hour
2. Christian Griesse – Bridge & Sign Supervisor – Highway – 18/4 to 18/5 – 6/11/13 – \$23.829/hour
3. Justine Semmler – Administrative Secretary – Highway – 10/3 to 10/4 – 7/9/13 – \$15.660/hour
4. James Phelps – Caseworker III – Human Services – 18/10 to 18/11 – 6/9/13 – \$27.634/hour
5. Douglas Amolins – Tax and License Technician – Treasurer – 10/4 to 10/5 – 7/8/13 – \$16.052/hour

NOTICE

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MOTION by Heiberger, seconded by Barth, to authorize the County Auditor to publish a notice of hearing to solicit comments on the proposed joint spending plan between the City of Sioux Falls and Minnehaha County for the 2013 Byrne Justice Assistance Grant. 5 ayes.

LIEN COMPROMISE

Commissioner Pekas gave a briefing on a request for a compromise of lien for DPNO 41248 in the amount of \$6,863.85. The lien is for medical bill assistance in 2008 and 2009. The lienee passed away on April 26, 2013. The applicant is attempting to refinance the home that she and the lienee jointly owned and the title company identified the lien against the property. The lien needs to be resolved prior to closing on the refinancing. The applicant is requesting a compromise and release of the lien in full with no payment. MOTION by Pekas, seconded by Barth, to approve Resolution MC13-33. 5 ayes.

RESOLUTION MC13-33

WHEREAS, a County Aid Lien in the amount of \$6,863.85 purports to exist in favor of Minnehaha County and against DPNO 41248 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 with no payment only as it applies to the real property legally described as Lot 19 Block 16 Ascot Park Addition to the City of Sioux Falls leaving the lien in force against the Lienee.

Dated at Sioux Falls, South Dakota, this 9th day of July, 2013.

APPROVED BY THE COMMISSION:

Gerald Beninga
Chairman

ATTEST:

Cynthia Jepsen
Deputy County Auditor

HIGHWAY

DJ Buthe, Highway Superintendent, requested approval to purchase square post sections off a contract competitively bid by the State of South Dakota and awarded to 3-D Specialties, Inc. This item was included as part of Minnehaha County's annual materials letting and no bids were received. The price awarded is for the Mitchell Region and is as follows: 1¼" x 24', 12 gauge \$55.03 each; 1½" x 24', 12 gauge \$50.41 each; 1¾" x 24', 12 gauge \$59.17 each; 2" x 24', 12 gauge \$64.41 each; 2 3/16" x 24', 10 gauge \$99.96 each; 2¼" x 24', 12 gauge \$69.61 each; 2½" x 24', 12 gauge \$77.07 each; 2½" x 24' gauge \$112.32 each. MOTION by Heiberger, seconded by Barth, to approve the purchase of square post sections off the SD State bid contract with 3-D Specialties Inc. 5 ayes.

AGREEMENTS

DJ Buthe, Highway Superintendent, gave a briefing on a document whereby Minnehaha County agrees to the

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work order between the South Dakota Department of Transportation and Ulteig Engineers for State Project Number PH 8050(66), PCN 044D. The project will replace all signing and delineation and will be 100% state funded through a federal safety program. The signs will meet the new retro-reflectivity standards in the year 2015. The installation shall be completed by December 1, 2015. MOTION by Heiberger, seconded by Pekas, to authorize the Chairman to sign the SD Department of Transportation work order for the County Wide Sign Replacement Project with Ulteig Engineers, Agreement #410529. 5 ayes.

DJ Buthe, Highway Superintendent, gave a briefing on land transfer agreements associated with the replacement of structure #50-240-085 and #50-240-095 on Highway 121, Project MC121STR-13. MOTION by Kelly, seconded by Barth, to authorize the Chairman to sign Right-of-Way Agreements with Richard Albers at a cost of \$280.00, Peter Bendorf at no cost, and William & Laurie Cornell at a cost of \$510, for Project MC121STR. 5 ayes.

LIAISON REORTS

Chairman Beninga, Commissioner Kelly and Commissioner Pekas spoke on the impact that Senate Bill 70 will have on Minnehaha County's prison population and the estimated cost of \$3.15 million to house approximately 90 additional inmates. Chairman Beninga stated that Craig Anderson, who is leading the group studying plans for the Community Corrections Center, will be asked to speak to the commission before the final budget hearing in August to present his comments.

HEARING

Dustin Powers, Planner II, gave a briefing on Drainage Permit Application #13-38 from Dwayne Roemen in order to conduct agricultural drainage on his property. The property is located in Section 11 of Split Rock Township and is legally described as the DeVitt Addition SE ¼ of Section 11-T101N-R48W. Mr. Roemen is requesting approval to install drainage tile to increase yield production and reduce erosion of the property. The proposed tiling would be installed in Section 11 of Split Rock Township and will flow into a ditch which connects to Beaver Creek. The water will flow across land owned by Jacob & Sheila Janssen who have signed a downstream permission waiver for the drainage. The water then continues to flow south in the ditch until it crosses property owned by Mark & Jennifer Schmidtbauer who would not sign a downstream waiver. The water then flows into Beaver Creek on the Northwest side of the Schmidtbauer property. According to the certified wetland determination there are no wetlands subject to NRCS setbacks in the proposed areas. Planning Staff made a site visit on June 18, 2013 and walked the areas proposed for tiling. Each of the tile lines are being placed in areas which function as part of the same watershed. Planning staff recommends the approval of Drainage Permit #13-38. The applicant, Dwayne Roemen, was present and stated that he is hoping to gain 12 to 15 acres of good production land by installing the drain tile. Proponent Brian Top with Top Soil Consulting stated that the tiling project will outlet into a pretty major ditch, and in his opinion there was an oversight by the GIS people in not identifying it as an intermittent stream. Mr. Top also stated that Mr. Roemen is doing the best he can to manage nutrients by using variable rate technology. Mr. Powers explained that the USGS Quad maps do not identify the ditch as an intermittent stream. Opponent Jennifer Schmidtbauer, 723 E. 21st Street, Sioux Falls, SD, gave a presentation on concerns about chemical run-off and the increased amount of water out letting into the stream as a result of this tiling project. Ms. Schmidtbauer stated that she is motivated to protect her downstream property investment and she is opposed to the project. Opponent Erica Beck, 4601 E. Alpine Circle, Sioux Falls, SD, stated her concerns over tiling in general and the expansion of tiling into an area where future land use calls for a buffer of rural residential and park land between urban development and agriculture. Ms. Beck also requested deferring this project and to potentially suspend all drain tiling projects until best management practices can be put in place that address drain tiling throughout the county. Joshua Loseke, 2701 Thomas Circle, SD submitted a letter and spoke on his concern about tile drainage affecting water quality and land erosion in Beaver Creek State Park during times of high water levels. Mr. Loseke hopes these same issues are taken into consideration in relation to the Schmidtbauer property. MOTION by Heiberger, seconded by Barth, to approve Drainage Permit #13-38. Commissioner Kelly stated that this area will be part of the Sioux Falls metro area in the future and he has concerns with artificial means of water drainage in this area. Commissioner Pekas stated that after listening to

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presentations from Ms. Schmidtbauer, Ms. Beck, and Mr. Loseke, he considered all the factors under Section 2.02 of the Minnehaha County Drainage Ordinance, and he is going to support the motion to allow the tiling project. Mr. Pekas asked that the letter from Mr. Loseke be made part of the permanent record and also the power point presentations from Ms. Schmidtbauer. Chairman Beninga stated that based on the information presented, the criteria according to state law for this drainage project has been met, and he will support the project. VOTE ON MOTION, 4 ayes. Kelly voted nay.

NEW BUSINESS

Traci Smith, Public Defender Director, presented a briefing on the Community Defender and Advocacy Project. The project would offer legal representation, social work support, and advocacy to high-risk individuals by providing crisis management intervention, and assist clients in the development of strategies for reducing recidivism and strengthening community support for those who have the resolve and capability to improve their lives. Ms. Smith requested authorization to submit an application for a Bush Foundation Grant to support one part-time social worker position for the Public Defender's Office over a two year period. MOTION by Pekas, seconded by Heiberger to approve the submission of the application for the Bush Foundation Grant. Commissioner Kelly stated he would like more time to consider the grant application and he sees it as a big expansion of the Public Defender's Office. Mr. Kelly stated he would like to have the grant considered in December when there is another opportunity to study the program and apply for the grant. VOTE ON MOTION 4 ayes. Kelly voted nay.

Commissioner Barth spoke on the idea of working with other communities in the county to develop a comprehensive park plan.

OLD BUSINESS

Chairman Beninga reminded everyone of the budget hearings beginning at 9 a.m. tomorrow July 10, 2013.

Chairman Beninga stated that the county needs to respond to incorrect information that the Argus Leader provided about the county having 2.3 million dollars to spend.

Commissioner Barth commented on an editorial in the Argus Leader from Linda Johnson that contained incorrect information about the county raising taxes.

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

The Commission adjourned until 9:00 a.m. on Tuesday, July 16, 2013.

APPROVED BY THE COMMISSION:

Chairman

ATTEST:

Deputy Auditor