

7/30/2013

THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M. July 30, 2013 pursuant to adjournment on July 23, 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 Kelly, seconded by Barth, to approve the agenda. 5 ayes.

MOTION by Pekas, seconded by Heiberger, to approve the July 23, 2013 Commission Minutes and July 23, 2013 Joint City/County Minutes. 5 ayes.

VOUCHERS TO BE PAID

MOTION by Barth, seconded by Pekas, to approve the following bills totaling \$616,983.59 and the July 2013 salaries. 5 ayes.

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|----------------------|------------|------------|----------------------|------------|-----------|
| Abdulle, Mohamed | Courts | 50.00 | Allied Oil & Tire Co | Hwy Constr | 4,359.82 |
| Alsobrook, Danny D | Hwy Constr | 125.00 | Arena Motel | Human Svcs | 1,048.00 |
| Argus Leader - Adver | Human Res | 2,640.00 | Automatic Security C | Pettigrew | 91.00 |
| Avera Endocrinology | Human Svcs | 295.61 | Avera Health Plans | Expenses | 1,700.92 |
| Avera McKennan Hospi | Var. Depts | 8,667.45 | Avera Medical Group- | Human Svcs | 368.66 |
| Avera Radiology | Human Svcs | 98.61 | Bamsey, Irene | Human Svcs | 500.00 |
| Barnett, Donald J | Human Svcs | 400.00 | Bendorf Law Firm Pro | Courts | 252.00 |
| Billion's | Var. Depts | 13,484.93 | Blankers, Vance/Pugl | Mus Entpr | 300.00 |
| Boyd, Michelle | Sheriff | 161.00 | Boyer Trucks Sioux F | Hwy Constr | 393.48 |
| Bristol Court Ltd Pt | Human Svcs | 510.00 | Carper, Nichole A | Courts | 1,130.64 |
| Carroll Institute | Commission | 18,014.58 | CBM Managed Services | Var. Depts | 18,553.61 |
| Central Salt Llc | Hwy Constr | 19,015.94 | Century Business Pro | Var. Depts | 118.20 |
| Chemco, Inc. | Jail | 301.98 | Cliff Avenue Auto Pa | Hwy Constr | 38.34 |
| Cody, Denise | Mental Ill | 6.00 | Concrete Materials | Hwy Constr | 70,596.11 |
| Constellation New En | Facilities | 6,244.88 | Construction Product | Hwy Constr | 650.00 |
| Country Meadows Apts | Human Svcs | 700.00 | Crisp, Mark | Human Svcs | 300.00 |
| Deaver, Carey Jo | Human Res | 59.20 | Decastro Law Office, | Courts | 4,542.80 |
| Directv | Hwy Admin | 66.99 | Doop, Michael | Human Svcs | 350.00 |
| Duffy, Ryan | Courts | 8,170.01 | Ebert's Properties, | Human Svcs | 600.00 |
| Erpenbach, John E | Jail | 150.00 | Express Copy & Print | Mus Ops | 378.00 |
| First Rate Excavate | JDC | 1,374.70 | Fleetpride / Holt, I | Hwy Constr | 250.84 |
| Fonder, Roger M Db | Planning | 586.98 | G & H Repair | Hwy Constr | 65.00 |
| Gage Bros Concrete P | Hwy Constr | 102,831.30 | Garnos, Graham Db | Human Svcs | 600.00 |
| Garretson Food Cente | Em Mgmt | 1,163.62 | Gearman, Jason | Mental Ill | 188.70 |
| George Boom Funeral | Human Svcs | 2,250.00 | Geotek Engineering & | Hwy Constr | 1,100.00 |
| Getty Abstract | Hwy Admin | 165.10 | Gourley Properties I | Reg Deeds | 6,900.00 |
| Graham, Robert C | Human Svcs | 409.82 | Grider Properties | Human Svcs | 500.00 |
| Haber, John Db | Human Svcs | 600.00 | Half Moon Over Iowa | Human Svcs | 420.00 |
| Heartland Paper Comp | Jail | 1,618.71 | Hewlett-Packard Comp | Var. Depts | 957.73 |
| Hobart | JDC | 544.76 | Holiday Credit Offic | Hwy Constr | 13.28 |
| Horn, Garrett | Mental Ill | 591.60 | Hosmer, David M. Law | Mental Ill | 158.82 |
| Hoy Trial Lawyers Pr | Courts | 1,229.20 | Hurtgen, Timothy T/P | Human Svcs | 1,850.00 |
| Hy-Vee Accounts Rece | Human Svcs | 49.15 | Interstate Office Pr | Var. Depts | 2,000.63 |
| ISI Llc | Courts | 80.00 | Jaros, Pete | Mental Ill | 116.55 |
| JCL Solutions-Janito | Var. Depts | 2,620.16 | Jebro, Inc. | Hwy Constr | 20,136.80 |
| Jensen, Kristin | Mus Entpr | 150.00 | Jim Bork Enterprises | Reg Deeds | 525.00 |
| JSA Consult Engineer | Hwy Constr | 24,771.50 | Kappenman, Thomas L | Human Svcs | 475.00 |
| Kauffman, David W. P | Courts | 4,220.00 | Kennedy, Pier, Knoff | Mental Ill | 428.00 |
| Koopman & Sons Gas C | Parks | 31.20 | Krumm, Jerome | Hwy Constr | 71.25 |
| Lacey Rentals Inc | Em Mgmt | 85.00 | Lewno, Lucy | Mental Ill | 854.55 |
| Luther, Jeff | Ambulance | 2,333.33 | Lutheran Social Svcs | Var. Depts | 5,235.19 |
| Lyman County 24/7 Pr | 24/7 Fees | 30.00 | Mac's, Inc. | Hwy Constr | 5.25 |
| Mehlhoff, Janet M | Human Svcs | 590.00 | Microfilm Imaging Sy | M & P Fund | 248.17 |
| MidAmerican Energy C | Var. Depts | 1,159.31 | Midwest Alarm Compan | Info Tech | 9,679.00 |
| Midwest Residential | Human Svcs | 500.00 | Miller, Steve | Courts | 486.59 |
| Minn Cnty Prisoner A | Jail | 175.00 | Monsees, Lyle R | Hwy Constr | 100.00 |

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| Multi-Cultural Cente | Courts | 123.75 | Murray Properties, L | Human Svcs | 495.00 |
| Myers & Billion Llp | Courts | 2,000.00 | Neuroth, Victor | Welf Recov | 5.00 |
| Neve's Uniforms | Var. Depts | 916.67 | Nicholson, Tschetter | Courts | 1,227.81 |
| Nolz Construction Co | Hwy Constr | 30,161.87 | Northern Heights Dev | Human Svcs | 1,200.00 |
| Northland Chemical C | JDC | 429.89 | Northland Systems, I | Info Tech | 185.00 |
| Office Depot, Inc. | Info Tech | 1,448.11 | Osborn, Roxane R | St Atty | 39.00 |
| PCS MBL/Portable Com | Sheriff | 330.00 | Pheasantland Industr | Safe Home | 433.64 |
| Pierre Parkside Deve | Reg Deeds | 177.98 | Porter Funeral Home | Human Svcs | 1,000.00 |
| Rehfuss, Cathy A | Mental Ill | 75.00 | Reistroffer, Christo | Human Svcs | 600.00 |
| Risty, Julie | Var. Depts | 1,810.70 | Rochester Armored Ca | Treasurer | 379.50 |
| Sam's Club - Members | Safe Home | 409.34 | Sanford Clinic Finan | Coroner | 22,250.00 |
| SD Dept Of Public Sa | Human Svcs | 20.00 | SD Dept Of Revenue | Hwy Constr | 56.00 |
| SD Dept Of Transport | Hwy Constr | 672.22 | SD Div Of Criminal I | Human Res | 43.25 |
| Sentinel Offenders S | JDC | 2,086.92 | Servall Towel & Line | Var. Depts | 16.80 |
| Shi, International C | Human Res | 241.56 | Shiple's Laundry & | Mus Entpr | 41.20 |
| Sioux Empire Fair As | Fair | 12,500.00 | Sioux Falls City Fin | Var. Depts | 3,720.05 |
| Sioux Falls Construc | Hwy Constr | 15,978.60 | Sioux Falls Police D | Sheriff | 50.00 |
| Sioux Falls Utilitie | Var. Depts | 11,354.59 | Sorensen, Robert | Human Svcs | 400.00 |
| Stanton, Nathan | JDC | 40.00 | Swanda, Karen | Mental Ill | 81.00 |
| Swingen Const Co Inc | Hwy Constr | 72,936.34 | Szameit, Alexandra | Courts | 300.00 |
| Thomson Reuters - We | Var. Depts | 5,973.77 | Thorin, Deyanira T | Courts | 150.00 |
| Tires,Tires,Tires In | Var. Depts | 462.83 | Traffic Data Inc Db | Hwy Constr | 563.36 |
| Turning Leaf Llc | Human Svcs | 937.00 | USD-DHSF (Dental Hyg | Human Svcs | 1,118.26 |
| Variety Foods Llc | Safe Home | 260.20 | Vb Falls Terrace Apt | Human Svcs | 505.00 |
| VOA Dakotas / Pettig | Human Svcs | 369.00 | Voigt, Debra | Courts | 508.40 |
| Volunteers Of Americ | Pass-Thru | 17,653.81 | Wal-Mart Pharmacy | Human Svcs | 53.00 |
| Weber, Judy Prp | Mental Ill | 45.00 | Weerheim, Tom | Courts | 1,033.20 |
| Xcel Energy, Inc. | Var. Depts | 11,978.42 | Yankton County Sheri | Mental Ill | 175.00 |

PERSONNEL

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

1. To convert Thomas Anez from a full-time Juvenile Correctional Officer I to a part-time Juvenile Correctional Worker (9/6) for the Juvenile Detention Center at \$15.660/hour effective 8/5/13.
2. To hire Maria Lopez as Legal Office Assistant (10/1) for the Public Defender's Office at \$14.542/hour effective 8/5/13.
3. To hire McKenzie Sweet-Allen as Legal Office Assistant (10/1) for the Public Defender's Office at \$14.542/hour effective 8/5/13.
4. To record SWAT specialty pay for Zachary Cegelske, Deputy Sheriff for the Sheriff's Office, effective 7/20/2013.

Step Increases Due

1. Sarah Kerkvliet – Paralegal – Public Defender's Office – 16/1 to 16/2 – 7/16/13 – \$20.046/hour
2. Tessica Severson – Administrative Assistant – Public Defender's Office – 12/3 to 12/4 – 7/25/13 – \$17.286/hour
3. Michelle Pliska – Juvenile Correctional Worker – Juvenile Detention Center – 9/6 to 9/7 – 7/24/13 – \$16.052/hour
4. Justin Hofer – Safe Home Program Worker – Safe Home – 9/2 to 9/3 – 6/17/13 – \$14.542/hour

Special Commission Action

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Scott Anderson, Planning Director gave a briefing on staffing needs and units of services provided by the Planning & Zoning Department. MOTION by Barth to make no change to the number of Planner I positions in the Planning & Zoning Department. Motion dies for lack of a second. MOTION by Kelly, seconded by Pekas to remove one Planner I position from the Planning & Zoning Department. 4 ayes. Barth voted nay.

NOTICES

A notice was received from the U.S. Board of Geographic Names on an opportunity for comment on a proposal to make official the new commemorative name, Manning Creek, for a stream in Minnehaha County, located in Red Rock Township.

LIEN COMPROMISE

Commissioner Pekas gave a briefing on a request for compromise of lien for DPNO 39150 in the amount of \$12,084.09. The lien is for Human Services assistance, Public Defender, and Court Appointed Attorney fees from 1998 to 2013. A total of \$240 has been paid on the lien. The lien was turned over to Hauge Associates in 2010; however they have made no contact with the applicant. The applicant states that she is living on Social Security disability payments of \$880 per month. She lists liabilities of \$1,330.55 in outstanding medical bills. Due to her limited income she is requesting a compromise and release of the lien in full with no payment. MOTION by Pekas to compromise the lien in full with no payment. Motion dies for lack of a second. Motion by Pekas, seconded by Heiberger to take no action. 5 ayes.

PUBLIC COMMENT

Scott Wick, Co-Manager of the Sioux Empire Fairgrounds, thanked the commission for their continued support and presented them with Sioux Empire Fair coffee mugs, water bottles and tickets to the fair. Mr. Wick gave a briefing on events at the 2013 Sioux Empire Fair that runs from August 2nd thru August 11th. Chairman Beninga thanked Joe Beal and Scott Wick for all their hard work.

AGREEMENT

Pam Nelson, Treasurer, gave a briefing on an agreement with Data Systems, Inc. for hardware and software associated with the replacement of the cash registers in the Treasurer's Office. The total amount of the contract is \$27,100 that is to be paid in yearly installments of \$4,933.33 for a period of 6 years. Data Systems, Inc. will provide the necessary hardware, software, installation, programming, and training to install the new system. MOTION by Barth, seconded by Heiberger, to authorize the Treasurer to enter into the agreement with Data Systems, Inc. 5 ayes.

CHANGE ORDER

Ken McFarland, Commission Administrative Officer, gave a briefing on Change Order #1 to the contract with Asphalt Surface Technologies for Project MC 140MS-13 Micro Surfacing on County Highway 140. The purpose of the change order is to reconcile installed quantities versus plan quantities which resulted in a deduction of \$2,334.20 to the contract amount. MOTION by Pekas, seconded by Barth, to approve Change Order #1 to the contract with Asphalt Surface Technologies reducing the contract amount to \$146,447.70. 5 ayes.

BUDGET

Ken McFarland, Commission Administrative Officer, presented the FY2014 Provisional Budget in the amount of \$68,671,401. This is an increase of \$2,679,998 over the FY2013 budget as adopted last year. The provisional budget is supported by revenues that include a sluggish 1.92% growth in property taxes due to new construction within the county and a 2.1% CPI adjustment allowed by the property tax limitation statutes in total county

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property taxes collected. The budget is also supported by modest increases in the bank franchise tax, recording fees, board of prisoner fees, and an increase in vehicle registration fees. The Provisional Budget includes three grant or temporary positions currently on staff in 2013 that are being authorized as permanent full time positions. They include a Deputy State's Attorney, a Deputy Public Defender, and the Coordinator for the Juvenile Detention Alternative Initiative. There are also two new positions which include a Human Services Caseworker and an Engineer in the Highway Department. The Provisional Budget also includes five proposed Correction Officers and one proposed Deputy Sheriff Sergeant in the jail that are associated with on-going conversations about implementing a sobering center concept. A final determination on these positions will be made prior to the adoption of the final budget. The Provisional Budget also includes a 1% increase in the county's pay plan for full and part-time employees along with normal step increases of approximately 2.5% in accordance with the parameters of the county's pay plan. A public hearing on the proposed budget will be held during the Minnehaha County Commission meeting at 9:15 a.m., Tuesday, September 3, 2013. MOTION by Kelly, seconded by Barth, to approve the FY2014 Provisional Budget. 5 ayes. (The Provisional Budget and Adoption Resolution MC13-36 will be published in the County's legal newspapers with these minutes).

RESOLUTIONS

Ken McFarland, Commission Administrative Officer, gave a briefing on Legislative priorities identified by the Commission to be forwarded to the South Dakota Association of County Commissioners Resolutions Committee prior to the state convention in September. MOTION by Barth, seconded by Kelly, to approve Resolution MC13-37. 5 ayes.

RESOLUTION MC13-37

TO REPEAL THE PROPERTY TAX LIMITATION OF 3 PERCENT OR THE CONSUMER PRICE INDEX (CPI) RESTRICTING COUNTIES ABILITIES TO INCREASE REVENUES YEAR TO YEAR

WHEREAS, SDCL 10-13-35 limits South Dakota counties ability to raise property taxes year to year to 3 percent or the rate of the Consumer Price Index (CPI), whichever is less, and

WHEREAS, no limit exists on the increased expenses South Dakota counties face from one year to the next, and

WHEREAS, expenses for many counties, particularly in the area of law enforcement, often grow by more than three percent every year, now

THEREFORE BE IT RESOLVED, by the Minnehaha County Board of Commissioners that the South Dakota Association of County Commissioners be urged to support legislation that eliminates the statutory property tax limitations placed on counties.

Dated this 30th Day of July, 2013

APPROVED BY
MINNEHAHA COUNTY COMMISSION
Gerald Beninga
Chairman

ATTEST: Bob Litz, Auditor
Cynthia Jepsen
Deputy Auditor

SUPPORTING CRITERIA:

Justification for the resolution: Counties have extremely limited abilities to increase revenues to meet existing demands beyond the yearly 3% or CPI adjustment. No limit exists on the increase in expenses counties may face from one year to the next.

Counties affected by the resolution: All counties.

Impact of resolution: Counties would have a greater ability to adjust tax revenues to match expenses.

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MOTION by Barth, seconded by Heiberger, to approve Resolution MC13-38. 5 ayes. Dave Johnson, Director of the Glory House, spoke on the need for funding organizations that help those affected by alcohol abuse.

RESOLUTION MC13-38

TO PROVIDE FOR A TEN PERCENT INCREASE IN THE SALES TAX ON ALCOHOLIC BEVERAGES WITH A DISTRIBUTION OF THE INCREASE SPLIT BETWEEN THE STATE AND COUNTIES

WHEREAS, county government, by statute must provide law enforcement, prosecution and defense, courts, jails, detoxification programs and other related services, and

WHEREAS, surveys conducted by Sheriffs throughout the state of South Dakota indicate that up to 80% of the inmates in jails and in the court system are there because of alcohol and drug related abuse problems, and

WHEREAS, under the current distribution formula for liquor taxes, the counties receive no revenue from the taxing of liquor but bear an un-proportionate share of the expenses associated with the abuse of alcohol, now

THEREFORE BE IT RESOLVED, by the Minnehaha County Board of Commissioners that the South Dakota Association of County Commissioners be urged to support legislation that would increase the sales tax on the sale of alcoholic beverages by ten percent, to be collected at the local level, with said increase split between the state and counties. The county portion of the increase will be allocated based on valuation and population, to provide added funding for county law enforcement needs.

Dated this 30th Day of July, 2013

APPROVED BY
MINNEHAHA COUNTY COMMISSION
Gerald Beninga
Chairman

ATTEST: Bob Litz, Auditor
Cynthia Jepsen
Deputy Auditor

SUPPORTING CRITERIA:

Justification for the resolution: Counties bear significant costs for the prosecution, defense and incarceration of persons with alcohol related offences.

Counties affected by the resolution: All counties would be affected by the proposed change in statute.

Impact of resolution: Provide counties additional revenue to help fund law enforcement and other costs incurred that are related to the use and abuse of alcohol.

MOTION by Heiberger, seconded by Pekas, to approve Resolution MC13-39. 5 ayes

RESOLUTION MC13-39

TO ASSIGN RESPONSIBILITY FOR MAINTENANCE OF ROADWAYS ADJACENT TO PROPERTY ANNEXED BY MUNICIPALITY TO SAID MUNICIPALITY

WHEREAS, existing state statute recognizes assignments of responsibility to townships, municipalities, counties and the state to maintain highways and roadways within the State of South Dakota, and

WHEREAS, existing state statute further recognizes assignments of responsibility on boundary line highways and roads in SDCL 31-17, and

WHEREAS, existing state statute is unclear regarding the assignment of responsibility for maintenance of county highways adjacent to property annexed by a municipality, now

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THEREFORE BE IT RESOLVED, by the Minnehaha County Board of Commissioners that the South Dakota Association of County Commissioners be urged to support legislation that clarifies maintenance responsibilities of roadways and highways adjacent to property annexed by a municipality.

Dated this 30th Day of July, 2013

APPROVED BY
MINNEHAHA COUNTY COMMISSION
Gerald Beninga
Chairman

ATTEST: Bob Litz, Auditor
Cynthia Jepsen
Deputy Auditor

SUPPORTING CRITERIA:

Justification for the resolution: This issue currently represents an area of state statute that is unclear, making it difficult to determine who has maintenance responsibilities on these sections of roadway.
Counties affected by the resolution: This could affect all counties in which a municipality is located.
Impact of resolution: Passage of this resolution would remove uncertainty that exists in South Dakota Codified Law.

MOTION by Pekas, seconded by Barth, to approve Resolution MC13-40. 4 ayes. Kelly voted nay.

RESOLUTION MC13-40

TO ALLOW A ONE-TIME ADJUSTMENT OF MILL LEVIES THAT WERE LOCKED AT THE TIME THE PROPERTY TAX LIMITATION STATUTES WERE ENACTED

WHEREAS, South Dakota Codified Law set county mill levy rates at existing levels when the property tax limitation statutes were enacted in 1997, and

WHEREAS, boards of county commissioners have few options other than an opt-out resolution to raise tax revenues above the yearly prescribed increases of 3 percent or CPI, whichever is less, and

WHEREAS, expenses for many counties, particularly in the area of law enforcement, routinely grow by three percent or more every year, now

THEREFORE BE IT RESOLVED, by the Minnehaha County Board of Commissioners that the South Dakota Association of County Commissioners be urged to support legislation that grants counties the ability to make a one-time adjustment in mill levy rates.

Dated this 30th Day of July, 2013

APPROVED BY
MINNEHAHA COUNTY COMMISSION
Gerald Beninga
Chairman

ATTEST: Bob Litz, Auditor
Cynthia Jepsen
Deputy Auditor

SUPPORTING CRITERIA:

Justification for the resolution: Counties have limited abilities to increase revenues to meet existing demands beyond the yearly 3% or CPI adjustment. This one-time adjustment would allow counties to make an adjustment in the mill rate for the first time since 1987.
Counties affected by the resolution: All Counties
Impact of resolution: One-time opportunity for counties to reset mill rates providing an increase in revenue collections.

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MOTION by Pekas, seconded by Barth, to approve Resolution MC13-41. 3 ayes. Kelly and Beninga voted nay.

RESOLUTION MC13-41
TO PROVIDE FOR A REIMBURSEMENT TO COUNTIES FOR COSTS INCURRED

WHEREAS, one of the intents of Senate Bill 70, passed by the 2013 South Dakota Legislature, was to reduce prison populations and expenses within the SD Department of Corrections (DOC), and

WHEREAS, one way that Senate Bill 70 intends to reduce prison populations and DOC expenses is through an expanded use of sentencing alternatives, and

WHEREAS, a number of the sentencing alternatives specified in Senate Bill 70 call for increases in penalties that include serving time in county jails instead of DOC facilities, and

WHEREAS, after the first year of implementation there is no mechanism in Senate Bill 70 to reimburse counties for on-going increased jail expenses, now

THEREFORE BE IT RESOLVED, by the Minnehaha County Board of Commissioners that the South Dakota Association of County Commissioners be urged to support legislation that provides for a reimbursement to counties for new on-going expenses incurred as a result of the implementation of Senate Bill 70.

Dated this 30th Day of July, 2013

APPROVED BY
MINNEHAHA COUNTY COMMISSION
Gerald Beninga
Chairman

ATTEST: Bob Litz, Auditor
Cynthia Jepsen
Deputy Auditor

SUPPORTING CRITERIA:

Justification for the resolution: Counties will bear significant on-going costs as a direct result of this legislation, with no corresponding increase in revenue beyond the first year.

Counties affected by the resolution: All Counties that operate a jail facility.

Impact of resolution: This will help counties defer expenses resulting from SB 70

NEW BUSINESS

Commissioner Barth asked if there will be a representative from Minnehaha County attending the SDACC Resolution Committee meeting. Ken McFarland, Commission Administrative Officer, stated that he would have someone attend the meeting.

MOTION by Pekas, seconded by Barth, to adjourn into Executive Session for legal briefing, pending litigation, and contract negotiations. 5 ayes.

The Commission adjourned until 9:00 a.m. on Tuesday, August 6, 2013.

APPROVED BY THE COMMISSION:

Gerald Beninga
Chairman

ATTEST:

Cynthia Jepsen
Deputy Auditor