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THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M. August 20, 2013 pursuant to adjournment on August 13, 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 Barth, seconded by Kelly, to approve the agenda. 5 ayes.

MOTION by Pekas, seconded by Heiberger, to approve the August 13, 2013 Commission Minutes. 5 ayes.

#### VOUCHERS TO BE PAID

MOTION by Barth, seconded by Pekas, to approve the following bills totaling \$1,166,401.01. 5 ayes.

A & B Business Equip	Office Equipm	70.11	A To Z World Languag	Interpreters	480.00
Airway Service Inc	Automotive/Sm	200.97	Alamar Uniforms	Uniform Allow	172.09
Allied Oil & Tire Co	Truck Repair	1,918.82	Anesthesiology Assoc	Physicians	440.00
Appeara / Dudley Lau	Lease-Rental	32.64	Argus Leader - Adver	Publishing Fe	3,084.17
Asphalt Surfacing Co	Contract Co	285,298.16	At & T	Safety & Resc	74.99
Avera Health Informa	Medical Recor	21.30	Avera McKennan Hosp	Physicians	493.58
Avera McKennan Hospi	Blood Withdra	66.00	Avera McKennan Hospi	Hospitals	7,842.78
Avera McKennan Hospi	Physicians	6,149.67	Baete-Forseth Hvac L	Fairgrounds	8,070.00
Bartunek, Russell F	Welfare Rent	395.00	Batteries Plus/Onesk	Automotive/Sm	67.50
Belitz, Clarence H	Welfare Rent	600.00	Bierschbach Equipmen	Bridge Repair	543.20
Billion's	Automobiles	21,241.00	Billion's	Automotive/Sm	1,300.01
Billion's	Gas,Oil,Diese	40.73	Bob Barker Company,	Building Repa	4,316.74
Bob Barker Company,	Inmate Suppli	1,507.30	Bolen Family Dentist	Dentists	72.86
Bristol Court Ltd Pt	Welfare Rent	500.00	Brosz Engineering In	Architects &	5,820.00
Bureau Of Informatio	Detox	6.33	Bureau Of Informatio	Telephone	1,048.88
Butler Machinery Com	Truck Repair	98.60	Carper, Nichole A	Child Defense	996.54
CBM Managed Services	Board Of Pris	9,011.28	Central Salt Llc	Road Material	17,782.99
Century Business Pro	Maintenance C	662.12	Centurylink (Qwest)	Data Communic	1,391.13
Centurylink (Qwest)	Telephone	1,857.35	Chemco, Inc.	Inmate Suppli	702.24
Chemco, Inc.	Kitchen/Clean	241.30	Chemco, Inc.	Other Supplie	803.50
Cole Papers, Inc.	Janitorial/Ch	1,064.16	Colton Lumber Co Inc	Road Maint. &	18.95
Concrete Materials	Road Maint.	17,911.22	Correct Care Solutio	Cont. Serv	142,857.14
Correct Care Solutio	Detox	146,134.63	Counseling Resources	Attorney Fees	2,050.00
Dakota Riggers & Too	Automotive/Sm	106.00	Daybreak/T & H Conve	Gas,Oil,Diese	203.51
Dell Rapids Ambulanc	Ambulance	288.52	Duffy, Ryan	Attorney Fees	1,940.51
Duffy, Ryan	Child Defense	917.02	Dullerud, Sharon	Welfare Rent	225.00
Dust Tex Service Inc	Maintenance C	22.56	Ebert's Properties,	Welfare Rent	450.00
Emdeon Business Serv	Other Medical	39.95	Etek Llc Dba Garfiel	Welfare Rent	660.00
Fastenal Company	Building Repa	416.16	Fleetpride / Holt, I	Truck Repair/	54.84
Fluth, Rodney P	Welfare Rent	600.00	Fred The Fixer Inc	Other Supplie	61.00
G & R Controls Inc	Building Repa	978.17	G & R Controls Inc	Fairgrounds	3,480.00
George Boom Funeral	Burials	1,000.00	Global Connect	Other Medical	4.63
Goebel Printing, Inc	Printing/Form	20.00	Good Samaritan Soc-L	Welfare Rent	600.00
Grant Square Ltd	Welfare Rent	700.00	Gubbrud,Haugland & G	Child Defense	3,127.65
Gunner, Andrea	Court Reporte	380.00	Hava House Llc	Welfare Rent	700.00
Hdr Engineering Inc	Architects	12,667.34	Heartland Paper Comp	Inmate Suppli	170.93
Heartland Paper Comp	Kitchen/Clean	1,223.18	Home Federal Savings	Welfare Rent	376.04
Howes Oil Co., Inc.	Gas,Oil,Diese	24,247.11	Hy-Vee Accounts Rece	Pharmacies	294.97
Ingemansen, Jason	Education & T	108.00	Interstate Office Pr	Furniture & O	142.99
Interstate Office Pr	Inmate Suppli	72.50	Interstate Office Pr	Office Suppli	305.72
Interstate Office Pr	Repair/Renova	13,828.80	Intoximeters, Inc.	Testing Suppl	4,000.00
Jastram, Mark W	Education & T	35.00	JCL Solutions-Janito	Janitorial/Ch	200.72
JCL Solutions-Janito	Kitchen/Clean	803.84	JCL Solutions-Janito	Other Supplie	222.00
JSA Consult Engineer	Architects &	8,185.00	Khoroosi, Sam	Attorney Fees	1,318.00
Kone, Inc.	Other Profess	57.16	Lassegaard, Samuel C	Welfare Rent	800.00
Laughlin, Nicole	Attorney Fees	92.50	Leidholt, Phil	Education & T	35.00
Lutheran Social Svcs	Other Profess	50.00	Lyle Signs Inc	Sign Supply/I	124.20

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Malloy Electric Bear	Electrical Re	180.00	Matheson Tri-Gas Inc	Plumbing & We	40.44
Menards - East	Exhibit Mater	33.61	Metro Communications	Other Miscell	23,499.58
Microfilm Imaging Sy	Contract Serv	2,804.63	MidAmerican Energy C	Natural Gas	1,104.74
Miller, Steve Law Of	Attorney Fees	3,496.05	Narveson, Mark	Uniform Allow	55.98
Neve's Uniforms	Uniform Allow	69.97	Norment Security Gro	Safety & Resc	179.78
North Central Farmer	Gas,Oil,Diese	23,512.02	North Ridge Apartmen	Welfare Rent	672.00
Novak Sanitary Servi	Tea-Ellis Ran	13.80	Novak Sanitary Servi	Trash Removal	2,521.64
Olson, Waltner & Sch	Attorney Fees	798.00	Osborn, Roxane R	Court Reporte	57.75
Pharmchem Inc	Testing Suppl	231.00	Pheasantland Industr	Printing/Form	846.41
Phoenix Supply Llc	Inmate Suppli	1,112.00	Presto-X-Company	Outside Repai	460.12
Print After Print, I	Office Suppli	317.50	Qualified Presort Se	Postage	3,906.17
R&B Properties	Welfare Rent	700.00	Redwood Court Ltd Pt	Welfare Rent	398.00
Reker, Zach	Uniform Allow	135.99	Rural Metro Ambulanc	Transportatio	900.00
Sanford Hospital	Hospitals	4,017.55	Sanford Occupational	Other Profess	63.95
Satisfaction Plus In	Motels	636.00	Schuneman Equip Co	Automotive/Sm	420.00
Scotts Bluff County	Court Reporte	23.50	SD Dept Of Public Sa	Other Miscell	20.00
SD Dept Of Revenue	Blood/Chemica	760.00	SD Dept Of Revenue	Other Miscell	14.00
SD Dept Of Revenue	Store Sales	127.97	SD Dept Of Transport	Contracted Co	1,495.29
SD Emergency Managem	Education & T	30.00	SD Human Services Ce	Clinics - Aux	632.20
SD One Call	Building Repa	38.85	SF Leased Housing As	Welfare Rent	426.00
Sherwin Williams	Building Repa	78.12	Shiple's Laundry &	Program Activ	61.23
Siegel, Barnett, & S	Child Defense	1,429.00	Simon, Anthony	Other Profess	40.00
Sioux Falls City Fin	Contr. Serv	241,250.00	Sioux Falls City Fin	Gas,Oil,Diese	22,030.39
Sioux Falls City Fin	Hidta Grant	418.15	Sioux Falls Humane S	Other Miscell	3,379.68
Sioux Falls Rubber S	Office Suppli	45.50	Sioux Falls Utilitie	Water - Sewer	2,651.97
Sioux Falls Utilitie	Welfare Utili	55.15	Sioux Falls Woman Ll	Advertising	595.00
Sioux Valley Energy	Welfare Utili	132.00	Smith, Traci M.	Education & T	183.50
Stan Houston Equipme	Program Activ	199.95	Taylor Place Llc	Welfare Rent	355.50
Thomson Reuters - We	Legal Researc	3,980.92	Thorin, Deyanira T	Interpreters	225.00
Traffic Data Inc Db	Small Equipme	9,353.00	Triangle Properties	Welfare Rent	350.00
Urology Specialists	Physicians	1,101.47	Van Loh, Jerry L	Welfare Rent	350.00
Variety Foods Llc	Other Profess	345.11	Volunteers Of Americ	Program Suppl	1,665.22
Waste Management Of	Trash Remova	358.55	Weerheim, Tom	Attorney Fees	1,763.20
Western Cheney Llc	Welfare Rent	600.00	Wilson, Chad A	Other Miscell	49.87
Wilson, Shirley Ann	Welfare Rent	300.00	Winner Police Depart	Extradition &	179.60
Wullstein Pharmacy I	Pharmacies	260.47	Xcel Energy, Inc.	Attorney Fees	18.45
Xcel Energy, Inc.	Electricity	11,096.81	Xcel Energy, Inc.	Road Maint. &	25.29
Xcel Energy, Inc.	Welfare Utili	1,825.92	Young, Dan/Barb	Amounts Held	550.00
Young, Dan/Barb	Welfare Rent	550.00			

## REPORTS

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

## PERSONNEL

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

1. To end the temporary, part-time employment of William Jonescheit and Kyle Braun as Laborers for the Highway Department effective 8/8/13.
2. To end the temporary, part-time employment of Timothy Gould as Spray Truck Operator for the Highway Department effective 7/24/13.
3. To end the temporary, part-time employment of Zachary Porter, Tanner Wilson, and Sulliman Al-Ostaz as Laborers for the Highway Department effective 8/15/13.
4. To end the temporary, part-time employment of Robert McLaughlin as Laborer for the Highway Department effective 8/21/13.

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5. To end the temporary, part-time employment of Kolin Fischer-Giegling as Laborer for the Highway Department effective 8/22/13.
6. To promote Stephanie Krueger from Correctional Officer in Training to Correctional Officer (13/1) for the Jail at \$16.864/hour effective 8/4/13.
7. To accept the resignation of Scott McLaughlin as Correctional Officer in Training for the Jail effective 8/25/13.
8. To hire Evan Lund as Technical Analyst (19/1) for Information Technology at \$22.681/hour effective 8/26/13.
9. To transfer Justine Semmler from Administrative Secretary for the Highway Department to Administrative Assistant (12/2) for the Public Advocate's Office at \$16.453/hour effective 8/19/13.
10. To end the temporary, part-time employment of Gloria Davis as Clerical Worker for the Public Advocate's Office effective 8/16/13.
11. To promote Joseph Zilla from part-time Juvenile Correctional Worker to full-time Juvenile Correctional Officer I (12/1) for the Juvenile Detention Center at \$16.052/hour effective 8/26/13.

## Step Increases Due:

1. Heidi Jerke – GIS Coordinator – Planning – 19/9 to 19/10 – 8/23/13 – \$28.325/hour
2. Jennifer Vaernhoej – Correctional Officer – Jail – 13/1 to 13/2 – 6/29/13 – \$17.286/hour
3. Kevin Keegan – Correctional Officer – Jail – 13/4 to 13/5 – 8/8/13 – \$18.615/hour
4. Michael Walsh – Deputy Sheriff Sergeant – Sheriff's Office – 20/11 to 20/12 – 7/21/13 – \$31.265/hour
5. Aaron Walton – Deputy Sheriff – Sheriff's Office – 16/8 to 16/9 – 6/8/13 – \$23.829/hour
6. Travis Krueger – Air Guard Security Officer II – Air Guard – 13/6 to 13/7 – 8/8/13 – \$19.558/hour
7. Kenneth Jacobs – Senior Deputy Public Defender – Public Defender's Office – 22/2 to 22/3 – 8/3/13 – \$2,322.64/bi-weekly
8. Ashley Miles – Deputy Public Defender – Public Defender's Office – 21/1 to 21/2 – 8/6/13 – \$2,052.88/bi-weekly
9. Patricia Neavill – Appraiser – Equalization – 15/3 to 15/4 – 8/10/13 – \$20.046/hour
10. Sarah Tesch – Juvenile Correctional Worker – Juvenile Detention Center – 9/2 to 9/3 – 8/15/13 – \$14.542/hour

## NOTICES

MOTION by Barth, seconded by Pekas, to authorize the Auditor to publish a notice to bidders for Project MC50-300-118-1, 484<sup>th</sup> Ave. Bridge Deck Rehabilitation for the Minnehaha County Highway Department. 5 ayes.

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MOTION by Pekas, seconded by Barth, to authorize the Auditor to publish a notice to bidders for the purchase of a stainless steel conveyor for the Minnehaha County Highway Department. 5 ayes.

MOTION by Pekas, seconded by Barth, to authorize the Auditor to publish a notice to bidders for the purchase of two (2) sport utility vehicles for the Minnehaha County Highway Department. Chairman Beninga stated that he would like to have a formal vehicle replacement policy in place prior to approving this purchase. Vote on motion, 4 ayes. Beninga voted nay.

#### COMPROMISE OF LIEN

Commissioner Pekas gave a briefing on a petition for compromise of lien from DPNO 28710 in the amount of \$15,168.53. The lien is in the name of the applicant and his ex-wife. The lien consists of poor relief services provided between August of 1992 and January of 2006 totaling \$2,783.21, and a hospital bill in the amount of \$12,385.32 that was entered in January of 2007. The applicant was incarcerated at the time the couple married in 1991 and they lived together only 8 months following his release in 1995. The Human Services Department has verified that the poor relief services were on behalf of the applicant's ex-wife. From 1996 on, the applicant did not maintain contact with his wife. The couple divorced on May 26, 2011. The applicant was employed and had medical insurance when his wife incurred the \$12,385.32 medical bill; however she failed to notify the medical service provider or the county that there was a possibility that insurance coverage was available for her. According to the couple's divorce decree, the applicant's wife agreed to be solely responsible for the \$12,385.32 medical services lien. The applicant is requesting that the \$12,385.32 fee for medical services be removed from this lien and attached to a lien that is only in the name of his ex-wife. He agrees that he will be responsible for the remaining balance of \$2,783.21. MOTION by Pekas, seconded by Barth, to approve Resolution MC13-45. 5 ayes.

#### RESOLUTION MC13-45

WHEREAS, a County Aid Lien in the amount of \$15,168.53 purports to exist in favor of Minnehaha County and against DPNO 28710 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:

Remove the \$12,385.32 charge for Poor Relief from DPNO 28710 and attach the charge to DPNO 36720, leaving a balance owing for DPNO 28710 in the amount of \$2,783.21. .

Dated at Sioux Falls, South Dakota, this 20<sup>th</sup> day of August, 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 from DPNO 58812 in the amount of \$1,146.40. The lien is for public defender services in April 2013. The applicant has had prior liens dating back to 2006 totaling \$1,200, which he paid off in May of 2011. The applicant is unemployed due to a disability for

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mental illness and his only source of income is \$730 per month in Social Security disability payments. He is requesting a release of the lien in full with no payment. MOTION by Pekas, seconded by Barth, to approve Resolution MC13-46. 5 ayes.

#### RESOLUTION MC13-46

WHEREAS, a County Aid Lien in the amount of \$1,146.40 purports to exist in favor of Minnehaha County and against DPNO 58812 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 \$573.20.  
If payment is not made within one year from approval, this agreement is null and void.

Dated at Sioux Falls, South Dakota, this 20<sup>th</sup> day of August, 2013.

#### APPROVED BY THE COMMISSION:

Gerald Beninga  
Chairman

#### ATTEST:

Cynthia Jepsen  
Deputy County Auditor

#### HEARING

A public hearing was held to consider an application for a Special Event On-Sale Liquor License for All Occasions by Hy-Vee to sell alcoholic beverages at a wedding reception on September 28, 2013. The event will be held at the Crook's Gun Club, North Country Events Hall. Mary Ann Lux from All Occasions was present to answer questions regarding the event. MOTION by Barth, seconded by Pekas, to approve the Special Event On-Sale Liquor License for All Occasions by Hy-Vee. 5 ayes.

#### AGREEMENT

Shannon Schultz, Senior Project Engineer, gave a briefing on an agreement with Infrastructure Design Group, Inc. for preliminary engineering work for the replacement of two bridge structures located approximately five miles north and three miles east of Humboldt. The work will consist of Hydraulic and Hydrologic Storm Water Modeling and Evaluation and a Type, Size, and Location Study. MOTION by Pekas, seconded by Heiberger, to authorize the chairman to sign the agreement with Infrastructure Design Group, Inc. for preliminary engineering work on Bridge Structures 50-060-089 and 50-063-090 at a total cost not to exceed \$18,818.58. 5 ayes.

#### NOTICE OF INTENT

Scott Anderson, Planning & Zoning Director, reported that the Notice of Intent form required for submission to implement the Small Municipal Separate Storm Sewer Systems (MS4) has been completed. The MS4 program addresses storm sewer runoff and aims at preventing illicit discharges within a two mile radius of the City of Sioux Falls within Minnehaha County. The County has five years to fully implement the plan. Travis Halm, Planning Department Intern, stated that the map defining the MS4 area will change every census year and

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annexation of land into the City of Sioux Falls will affect the area that Minnehaha County is responsible for. Shannon Schultz, Senior Project Engineer, spoke on permit requirements of the MS4 program. MOTION by Barth, seconded by Pekas, to authorize Scott Anderson, Planning & Zoning Director, to sign the MS4 Notice of Intent on behalf of Minnehaha County. 5 ayes.

#### PROPOSALS

Ken McFarland, Commission Administrative Officer, reported on the Request for Proposals received in the Auditor's Office on August 12, 2013, for Financial Advisor Services for the refunding/refinancing of 2004 Certificates of Participation. The following three proposals were received: Dougherty & Company with a proposed fixed fee of \$15,500; The PFM Group with a proposed fee not to exceed \$31,000; and Springstead who did not provide fee information. MOTION by Barth, seconded by Heiberger, to accept the proposal from Dougherty & Company at the proposed fee not to exceed \$15,500. 5 ayes. Ray Woodsend and Tom Grimmond with Dougherty & Company, stated their recommendation for bond counsel is to continue using Lindquist & Vennun. MOTION by Pekas, seconded by Heiberger to verify bond counsel for the refunding/refinancing of 2004 Certificates of Participation will be Lindquist and Vennun. 5 ayes.

#### AGREEMENT

Lloyd Olson, Facilities Director, gave a briefing on a draft proposal from TSP Inc. to provide specifications, plan drawings, photos, bid documents, and construction administration for refurbishing the Public Safety Building elevator. MOTION by Barth, seconded by Pekas, to authorize the Chairman to sign the final agreement with TSP, Inc. if there are no changes made from the draft proposal for services provided at a fee of \$4,650.00 for the refurbishing of the Public Safety Building elevator. If changes have been made to the draft proposal, the agreement is to be brought back to the Commission for further consideration. 5 ayes.

#### LIAISON REPORT

Commissioner Kelly reported that he attended the SDACC Executive Committee meeting where they discussed Senate Bill 70. At that meeting they also decided to hold the annual SDACC convention in either Rapid City or Sioux Falls.

Commissioner Barth commented on an article in the Economist Magazine on the reduction of the population in California state prisons by the early release of some offenders and also sending non-serious offenders to county jails.

#### NEW BUSINESS

Chairman Beninga asked for comments regarding the scheduling of the regular commission meeting the week the SDACC annual convention is held. MOTION by Barth, seconded by Kelly to not schedule a commission meeting for September 17, 2013. 5 ayes.

MOTION by Barth, seconded by Pekas, to adjourn into Executive Session for contract negotiations and personnel. 5 ayes.

The Commission adjourned until 9:00 a.m. on Tuesday, August 27, 2013.

#### APPROVED BY THE COMMISSION:

Gerald Beninga

Chairman

ATTEST:

Cynthia Jepsen

Deputy Auditor