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THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M. November 19, 2013 pursuant to adjournment on November 12, 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 Barth, to approve the agenda. 5 ayes.

MOTION by Pekas, seconded by Heiberger, to approve the November 12, 2013 Commission Minutes. 5 ayes.

#### VOUCHERS TO BE PAID

MOTION by Barth, seconded by Pekas, to approve the following bills totaling \$628,732.99. 5 ayes.

A & B Business Equip	Lease-Rental	211.02	A+ Partners Db	Other Profess	83.00
Aire Serv Htg & A/C	Building Repa	182.22	Anesthesiology Assoc	Physicians	288.00
Arena Motel	Motels	597.00	Argus Leader - Adver	Advertising	440.00
Aspen Park Apts	Welfare Rent	600.00	Automatic Building C	Coliseum Repa	308.00
Automatic Building C	Contract Serv	672.00	Automatic Building C	HHS Maintenanc	193.00
Automatic Building C	Jail Repairs	1,509.00	Automatic Building C	VOA - Dakotas	435.00
Automatic Door Group	Building Repa	267.00	Avera Health Informa	Medical Recor	67.50
Avera McKennan Hospi	Physicians	6,143.01	Baumgartner's Electr	Building Repa	110.21
Berg, Bob	Welfare Rent	800.00	Billion's	Automotive/Sm	81.12
Boulevard Investment	Welfare Rent	500.00	Boyer Trucks Sioux F	Truck Repair	926.17
Bradfield, Matt Db	Maintenance C	70.00	Bridgewood I Ltd Par	Welfare Rent	500.00
Buus, David Db	Automotive/Sm	112.50	C & R Supply Inc	Automotive/Sm	316.80
Campbell Supply Co I	Program Activ	33.98	Canterbury Apts	Welfare Rent	205.00
Carper, Nichole A	Attorney Fees	182.70	CBM Managed Services	Board Of Pris	9,355.44
CDX Holdings	Welfare Rent	595.00	City Centre Hotel Co	Expert Witnes	50.00
Civil Design Inc	Architects &	3,538.50	Clausen Enterprises	Welfare Rent	600.00
Communications Expre	Furniture & O	3,219.00	Complete Property Ll	Welfare Rent	500.00
Conklin Manor Llc	Welfare Rent	300.00	Construction Product	Bridge Repair	50.00
Correct Care Solutio	Contr Serv	155,367.43	Crittenden, John	Uniform Allow	175.58
Culligan Water Condi	Other Miscell	37.50	Dakota Data Shred	Trash Removal	258.48
Deans Bulk Svc Inc	Parts Invento	687.15	Devaney, Tom	Uniform Allow	40.75
Duffy, Ryan	Child Defense	874.00	Dust Tex Service Inc	Maintenance C	33.84
Ebert's Properties,	Motels	210.00	Ehresmann, Scott	Welfare Rent	600.00
Eirinberg, James A	Child Defense	1,478.00	Emdeon Business Serv	Other Medical	39.95
Empire Plastics	Exhibit Mater	374.00	Engler, Michael Alle	Attorney Fees	75.00
Etc/Expo For Her Mag	Advertising	350.00	Family Service Inc	Expenditures	390.00
Finberg, Warren	Welfare Rent	500.00	First Premier Bank	Investigators	68.90
Folsland, David/Cind	Store Invento	30.00	Force America Inc/Va	Truck Repair	178.43
Grainger, Inc.	Building Repa	71.61	Guzman, Sandra V.	Interpreters	25.00
Hammer, Ralph	Education & T	45.00	Heartland Paper Comp	Building Rep	79.43
Hobby Lobby Stores I	Program Activ	25.90	Howalt-McDowell Insu	Office Suppli	50.00
Howes Oil Co., Inc.	Gas,Oil,Diese	21,313.68	Humboldt Fire & Ambu	Ambulance Ser	25,000.00
Hy-Vee Accounts Rece	Pharmacies	657.97	Identisys Inc	Office Suppli	105.80
Institutions Service	Jail Repairs	495.73	Interstate Office Pr	Office Suppli	722.36
ISI Llc	Interpreters	80.00	J & S Hospitality Db	Motels	359.00
Jaros, Pete	Investigators	135.05	JCL Solutions-Janito	Building Repa	128.60
JCL Solutions-Janito	Janitorial/Ch	412.00	Jefferson Partners L	Transportatio	607.50
Jonas, Darrell	Uniform Allow	217.97	Kappenman, Thomas L	Welfare Rent	425.00
Karl's, Inc.	Furniture & O	1,099.48	Kennedy, Renee S	Court Reporte	220.40
Kirkus, Chris	Welfare Rent	500.00	Koopman & Sons Gas C	Fuel Oil	396.19
Lason Systems Inc	Furniture & O	210.00	Lassegaard, Samuel C	Welfare Rent	410.00
Laughlin, Nicole	Attorney Fees	374.40	Light And Siren	Automotive/Sm	289.00
Lutheran Social Svcs	Interpreters	175.00	Mac's, Inc.	Bldg/Yard Rep	19.99
Madison Square Ptnrs	Welfare Rent	195.00	Malloy Electric Bear	Automotive/Sm	41.53
Martinell, Charles	Business Trav	370.00	Martinell, Charles	Work Mileage	57.35
Matheson Tri-Gas Inc	Plumbing & We	42.00	Metro Communications	Other Miscell	23,499.58
Microfilm Imaging Sy	Contract Serv	1,088.44	MidAmerican Energy C	Natural Gas	2,613.71

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Miller Funeral Home,	Burials	1,000.00	Morphotrak	Lease-Rental	3,167.00
Murray Properties, L	Welfare Rent	600.00	Narem, Inc	Truck Repair	22.40
Norment Security Gro	Jail Repairs	563.40	North Central Farmer	Gas,Oil,Diese	23,583.14
Northern Heights Dev	Welfare Rent	500.00	Novak Sanitary Servi	Trash Removal	40.40
Olson, Waltner & Sch	Attorney Fees	613.20	Olson's Pest Technic	Other Profess	67.75
Overhead Door Compan	Jail Repairs	173.42	Pheasantland Industr	Sign Supply/I	49.21
Quill Corp.	Office Suppli	984.50	Redwood Court Ltd Pt	Welfare Rent	600.00
Rensberger, Ron	Welfare Rent	540.00	Ridgeview Apts Ltd P	Welfare Rent	1,000.00
Roberts, Yvonne	Welfare Rent	400.00	Rolling Hills Townho	Welfare Rent	608.00
Ruben, Doris	Welfare Rent	450.00	Sachchidanand Hospit	Motels	42.00
Sanford Hospital	Hospitals	8,000.93	Sanford Hospital Med	Medical Recor	16.50
Sanford Occupational	Other Profess	283.34	Satisfaction Plus In	Motels	318.00
Schrader, Alvan L Db	Welfare Rent	600.00	SD Dept Of Revenue	Fingerprint/T	162.74
SD Dept Of Revenue	Misc. Auditor	5.60	SD Dept Of Revenue	Misc. Dir. Eq	20.55
SD Dept Of Revenue	Misc. Facilit	-3.00	SD Dept Of Revenue	Misc. Informa	2.83
SD Dept Of Revenue	Misc. Plannin	2.83	SD Dept Of Revenue	Misc. States	-1.64
SD Dept Of Revenue	Misc. Treasur	16.79	SD Dept Of Revenue	Other Misc. R	8.48
SD Dept Of Revenue	Store Sales	115.20	SD One Call	Building Repa	23.10
SD Secretary Of Stat	Notary Exp	30.00	SF Voa Living Center	Welfare Rent	50.00
Sherwin Williams	Building Repa	64.78	Siemens Industry Inc	Education & T	3,990.00
Sign A Rama/South En	Advertising	319.76	Simon, Anthony (OR)	Other Profess	55.00
Sioux Falls City Fin	Contr Serv	241,250.00	Sioux Falls City Fin	2012 HLS Grant	704.88
Sioux Falls City Fin	Gas,Oil,Diese	16,028.18	Sioux Falls City Fin	HIDTA Grant	158.00
Sioux Falls Ford, In	Automotive/Sm	98.95	Sioux Falls Humane S	Other Miscell	3,453.82
Sioux Falls Utilitie	Water - Sewer	2,608.21	Sioux Falls Utilitie	Welfare Utili	683.59
Sioux Valley Energy	Welfare Utili	172.00	Storhaug, Adrean	Welfare Rent	450.00
Sunshine Foods	Other Supplie	34.61	Sunshine Foods	Welfare Food	121.54
The Blue Cell Llc	Mass Fatality	1,500.00	Tires,Tires,Tires In	Automotive/Sm	1,732.74
Tires,Tires,Tires In	Gas,Oil,Diese	105.19	Tomacelli's Pizza	Jury Fees	94.24
Tower Of David, Ltd	Welfare Rent	220.00	Ultramax	Ammunition	1,352.00
Variety Foods Llc	Other Profess	365.37	Venenga, Gene/Wanda	Welfare Rent	580.00
Vesely, Josh	Uniform Allow	199.99	Volunteers Of Americ	Alternatives	16,060.00
Volunteers Of Americ	Program Suppl	1,345.22	Wagner, Daniel	2012 HLS Grant	244.00
Wal-Mart Pharmacy	Pharmacies	109.84	Walter, Carney	Welfare Rent	410.00
Westwick Motel, Inc.	Motels	280.00	White, Ben	Welfare Rent	400.00
Williams, Steve	Uniform Allow	300.50	Willow Partners Llc	Welfare Rent	200.00
Winner Police Depart	Extradition &	68.40	Xcel Energy, Inc.	Electricity	6,785.61
Xcel Energy, Inc.	Road Maint. &	25.70	Xcel Energy, Inc.	Welfare Utili	1,259.02
Yellow Cab Inc	Transportatio	23.36	Yogi Holdings Inc	Motels	48.92
Zee Medical Service	Office Suppli	141.05	21st Mortgage Corp	Welfare Rent	536.00
5-Forty Partnership	Welfare Rent	600.00			

REPORTS

The Register of Deeds Official Revenue Report of Fees Collected in October 2013 and the Auditor's Account with the County Treasurer as of October 31, 2013 were received and placed on file in the Auditor's Office.

On Deposit in Banks	
Interest-bearing open accounts	68,842,300.60
CD's and savings	15,000,000.00
Cash	16,244.15
Checks/drafts in Treasurer's possession for more than 3 days	10,335.82
Total Cash on Hand	83,868,880.60
ACH booth rent payment outstanding to Treasurer	525.00
Total Reconciled AS/400 Cash Balance	83,869,405.60

PERSONNEL

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

1. To promote Daniel Burzlaff and Jacki Waldner from Correction Systems Operator to Correctional Officer

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in Training (12/1) for the Jail at \$16.052/hour effective 11/23/13.

2. To accept the resignation of Damon Griffith as Deputy Sheriff for the Sheriff's Office effective 11/21/13.
3. To end the temporary, part-time employment of Dianne Eggen as Grounds Worker for Facilities effective 11/8/13.

#### Step Increases Due

1. John Shields – Building Facilities Maintenance Technician – Facilities – 14/3 to 14/4 – 11/21/13 – \$19.081/hour
2. Mandi Mowery – Senior Deputy State's Attorney – State's Attorney's Office – 22/6 to 22/7 – 11/6/13 – \$2,563.84/bi-weekly
3. Carla Dirkson – Correctional Officer – 24/7 Program – 13/9 to 13/10 – 11/15/13 – \$21.061/hour
4. Jeffrey Helgeson – Correctional Officer – Jail – 13/4 to 13/5 – 10/15/13 – \$18.615/hour
5. Samuel Hemenway – Air Guard Security Officer II – Air Guard – 13/8 to 13/9 – 11/20/13 - \$20.548/hour

#### NOTICES

MOTION by Pekas, seconded by Kelly, to authorize the Auditor to publish a Notice to Bidders for Project 50-215-010, Replacement of Existing Bridge Structure on the northeast corner of Dell Rapids City Limits. 5 ayes.

A notice was received from the East Dakota Water Development District of their regular Board of Directors meeting on Thursday, November 21, 2013, 9:30 a.m., at the Water Reclamation Plant, 4500 North Sycamore, Sioux Falls, SD.

#### GRANT

Lynn DeYoung, Emergency Management Director, gave a briefing on the 2013 Homeland Security Grant Awards for Minnehaha County in the amount of \$10,000 for equipment for the Mobile Morgue, and \$73,666.80 for portable digital radios that are to be divided between the Sheriff's Office and the Sioux Falls Police Department. MOTION by Barth, seconded by Heiberger, to authorize the Chairman to sign the 2013 State Homeland Security Program Grant Awards. 5 ayes.

#### SURPLUS PROPERTY

Bob Litz, Auditor, reported on the surplus property auction held on September 21, 2013. The County grossed \$41,164.00. After deducting the auctioneer's fee of \$2,457.49 the county realized a profit of \$38,706.51. Included in that amount were Highway Department items totaling \$7,720.00, the remaining \$30,986.51 was collected for General Fund items. MOTION by Heiberger, seconded by Barth, to allocate \$7,720.00 of the surplus property proceeds to the Highway Fund, ASN 13983 and the balance of \$30,986.51 to the General Fund, ASN 13740. Commissioner Kelly stated he would prefer to see all the proceeds allocated to support the needs in the General Fund. Commissioner Heiberger stated she feels it is important to support the Highway Fund with the proceeds realized from the sale of equipment that was originally purchased by the Highway Department. SUBSTITUTE MOTION by Kelly to allocate 100% of the proceeds from the surplus property auction to the General Fund. Motion died for lack of a second. VOTE on main motion, 4 ayes, Kelly voted nay.

#### AGREEMENTS

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Shannon Schultz, Senior Project Engineer, gave a briefing on an agreement for final design services with Infrastructure Design Group, Inc., for structures 50-060-089 and 50-063-090. The scope of the work includes private utility coordination, bridge scour analysis and design, final design of structural and roadway elements, preparation of plans, specifications, and bid documents, and opinion of cost. The fee for the final design phase for both structures is \$63,121.20. MOTION by Kelly, seconded by Heiberger, to authorize the Chairman to sign the agreement with Infrastructure Design Group, Inc. for Final Design services for Project # MC253-460BR-14, Replace Structures 50-060-089 and 50-063-090, at a cost of \$63,121.20. 5 ayes.

Todd Cheever, Juvenile Detention Center (JDC) Director, gave a briefing on an agreement with the Center for Family Medicine to perform physical examinations for juveniles that will be in custody at the JDC for more than one week. The cost for each exam will be \$77. MOTION by Pekas, seconded by Heiberger, to authorize the Chairman to sign the Agreement for Professional Medical Services between Minnehaha County and Center for Family Medicine beginning December 1, 2013 and ending November 30, 2014. 5 ayes.

#### DRAINAGE

Scott Anderson, Planning Director, gave a briefing on Drainage Permit Application #13-64 submitted by Edward Ordal. The request is for routine maintenance to remove sediment and reshape the natural waterways. The proposed drainage project area is legally described as the N ½ NW ¼ and NE ¼ Section 23-T104N- R52W, Buffalo Township. There are five (5) downstream landowners within ½ mile of the proposed project who were sent notices of the hearing held on October 22, 2013. Two (2) downstream property owners would not sign the required waiver, so the hearing is being brought before the Drainage Board. The US Fish and Wildlife Service did not sign a waiver and have obtained an easement from Ed Ordal which precludes any work being conducted between the two wetlands in the project area. They have indicated they are not opposed to the other proposed routine maintenance of the project. Also Don Ordal did not sign a waiver and is opposed to the proposed permit. Don Ordal drove staff to areas he reports have been damaged by drainage coming from the north off of Ed Ordal's property. Staff finds that the proposed drainage work will be in areas that function as natural drainage ways and recommends approval of the permit except for the area between the two wetlands defined by the easement obtained by the USFW. The applicant, Ed Ordal, 24709 459<sup>th</sup> St., Colton, SD, was present and stated the water draining from this project will end up in Clear Lake and is making the request to do clean out his ditches. Natoma Hansen, USFW Project Leader for the Madison Wetland Management District, spoke in opposition of the work proposed to be done between the two wetland basins, as that area is protected by the US Fish and Wildlife Service. Ms. Hansen also stated the USFW is not in objection to the remainder of the proposed work because it does not impact the easement interest on the wetland areas. Jacqueline Green, 45844 247<sup>th</sup> St., Colton also spoke in opposition to drainage work being done in the area between the two wetlands. Don Ordal, 24781 459<sup>th</sup> Ave., Colton, SD, spoke in opposition to the drainage permit stating that it would increase the speed of the flow of water across his property causing flooding. Don Ordal also stated that a culvert under Highway 110 was raised when the highway was reconstructed which has affected the rate at which the water drains off his property. Don Ordal also spoke on other issues with drainage maintenance on property located south of his property. Tom Wilsey, Assistant Highway Superintendent, stated that when Hwy 110 was reconstructed, the pipe under the road was put in 4 inches higher than the previous pipe. Also there was drain tile in the area upstream from the pipe, and the Highway Department was instructed by the Commission to bore an additional drain tile under the road to assist with drainage. DJ Buthe, Highway Superintendent, stated that the Highway Department would look into the issue of maintenance on the pipe installed under Highway 110. MOTION by Heiberger, seconded by Kelly, to approve Drainage Permit # 13-64 except for the area between the two large waterways which is subject to the federal USFW easement; and to direct the Highway Department to look into the drainage issues on the south side of Don Ordal's property. 5 ayes.

#### AGREEMENT

Ken McFarland, Commission Administrative Officer, gave a briefing on an extension to the Detoxification Facility Operation Agreement and Health Care Services Agreement between Minnehaha County and Correct Care

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Solutions (CCS). Minnehaha County has solicited proposals for these services beginning with the 2014 contract period. The proposals are due December 6, 2013. In order to accommodate any potential transition period to a new provider and to allow time to implement new changes associated with the infirmary/sobering center and modified detox program that is being contemplated by the county, CCS has agreed to extend their current contracts to February 28, 2014. The monthly management fee for the extended detox contract will increase from \$6,730 to \$6,925. The monthly management fee for the extended inmate medical contract will increase from \$16,330 to \$16,803. MOTION by Pekas, seconded by Heiberger, to authorize the Chairman to sign the Extension of Detoxification Facility Operation Agreement and Health Care Services Agreement between Minnehaha County and Correct Care Solutions thru February 28, 2014. 5 ayes.

#### LIAISON REPORTS

Commissioner Kelly reported on the quarterly Diversity Committee meeting. They discussed new federal requirements for tracking veteran and disabled employees in the county.

#### NEW BUSINESS

Commissioner Barth commented on the affect of Senate Bill 70 in regard to the people being released from the penitentiary. Mr. Barth stated that the county needs to find ways to not only house these people but find jobs for them where they can make a living. Commissioner Kelly stated that he didn't feel it was the county's obligation or responsibility to find jobs for them, but to have the opportunity available for them to find jobs.

MOTION by Pekas, seconded by Heiberger to go into executive session for personnel, litigation, and contract discussions. 5 ayes.

The Commission adjourned until 9:00 a.m. on Tuesday, November 26, 2013.

APPROVED BY THE COMMISSION:

\_\_\_\_\_  
Chairman

ATTEST:

\_\_\_\_\_  
Deputy Auditor