

11/26/2013

THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M. November 26, 2013 pursuant to adjournment on November 19, 2013. Commissioners present were: Barth, Beninga, Heiberger, Kelly, and Pekas. Also present were Bob Litz, County Auditor and Commission Recorder, and Kersten Kappmeyer, Chief Civil Deputy State's Attorney.

Chairman Beninga called the meeting to order.

MOTION by Barth, seconded by Heiberger, to approve the agenda. 5 ayes.

MOTION by Barth, seconded by Heiberger, to approve the November 19, 2013 Commission Minutes. 5 ayes.

VOUCHERS TO BE PAID

MOTION by Barth, seconded by Pekas, to approve the following bills totaling \$3,178,838.36, with a correction to the vendor name from Brown & Saenger to US Bank Trust Services, ASN 19683 in the amount of \$121,800. 5 ayes.

A To Z World Languag	Interpreters	980.00	A-1 Septic Tank & Ex	Bldg/Yard Rep	172.50
Abdulle, Mohamed	Interpreters	120.83	Allied Oil & Tire Co	Automotive/Sm	2,609.88
Allied Oil & Tire Co	Truck Repair	4,050.78	American Ink Llc	Small Tools,	615.46
Anjelic	Program Activ	300.00	Antelope Valley Hosp	Other Profess	19.00
Appeara / Dudley Lau	Lease-Rental	32.64	Argus Leader - Adver	Publishing Fe	1,547.80
Avera Health Informa	Clinics - Aux	101.19	Avera McKennan Hospi	Hospitals	14,359.27
Banner Associates In	Architects &	4,470.50	Bierschbach Equipmen	Automotive/Sm	395.69
Billion's	Automotive/Sm	88.44	Bob Barker Company,	Kitchen/Clean	5,645.20
Boyer Trucks Sioux F	Heavy Eq. Rep	559.45	Brandhagen, Douglas	Welfare Rent	500.00
US Bank Trust Serv	Financ Cos	121,800.00	Brown & Saenger	Furniture & O	702.52
Brown & Saenger	Printing/Form	344.52	Brown & Saenger	Uniform Allow	55.50
Carper, Nichole A	Attorney Fees	453.50	Carroll Institute	Other Profess	18,014.58
Cartridge World	Data Processi	784.83	Cartridge World	Office Suppli	544.96
CBM Managed Services	Board Of Pris	9,315.72	Cedar Prop Llc Db	Welfare Rent	400.00
Century Business Lea	Lease-Rental	221.03	Century Business Pro	Lease-Rental	272.02
Century Business Pro	Maintenance C	493.34	Centurylink (Qwest)	Detox	140.96
Centurylink (Qwest)	Telephone	3,456.37	Chemco, Inc.	Child Care Fo	257.02
Chemco, Inc.	Child Care It	172.18	Chemco, Inc.	Janitorial/Ch	347.02
City Glass & Glazing	Jail Repairs	304.94	Cliff Avenue Auto Pa	Parts Invento	83.30
Climate Systems, Inc	VOA, Dakotas	2,293.00	Communications Expre	Furniture & O	262.20
Constantini, Lyndsey	Other Misc. R	300.00	Construction Product	Small Tools,	16.60
Correct Care Solutio	Detox	125,078.69	Crysteel Truck Equip	Truck Repair	222.50
Dakota Fluid Power,	Truck Repair	416.90	Dan Grigg Images Inc	Store Invento	63.53
Daybreak/T & H Conve	Gas,Oil,Dies	179.37	Deboer Law Office Pc	Attorney Fees	568.84
Decisionone Corporat	Maintenance C	168.52	Dell Rapids School D	Right Of Way	894.72
Diamond Mowers Inc	Automotive/Sm	813.57	Douglas County(NE) C	Copy Fees	2.00
Duffy, Ryan	Attorney Fees	4,457.10	Duffy, Ryan	Child Defense	3,993.00
E.R.C., Inc.	Safety & Resc	105.00	Engelhart, Kevin R	Other Misc. R	300.00
Erpenbach, John E	Bd Evaluation	427.50	Family Vac	Building Repa	202.00
Farnsworth, Michael	Psych Evals	7,362.50	Fastsigns	Grounds & Par	718.00
Gaylord Bros Inc	Program Activ	969.76	Global Connect	Telephone	46.13
Graham Tire Co. - No	Automotive/Sm	427.50	Graybar Electric Com	Building Repa	167.53
Great Plains Psychol	Psych Evals	1,967.50	Gubbrud,Haugland & G	Attorney Fees	3,231.88
Gunner, Andrea	Court Reporte	1,426.00	Guzman, Sandra V.	Interpreters	158.33
H & R Roofing Of SD,	Building Repa	375.00	Harold's Photo Cente	Other Profess	747.62
Hartford Farmers Ele	Road Maint. &	450.00	HDR Engineering Inc	Architects &	99,318.91
Heartland Paper Comp	Kitchen/Clean	1,639.24	Hewlett-Packard Comp	Data Processi	279.00
High Point Networks	Data Processi	311.46	Hoekman, James	Education & T	38.00
Hoekstra, Denise A.	Court Reporte	54.40	Holiday Mobile Home	Welfare Rent	570.00
Horn, Garrett	Attorney Fees	339.60	Huffer, Douglas A	Uniform Allow	79.98
Hy-Vee Accounts Rece	Other Miscell	125.00	Ihler, Glenda	Other Misc. R	150.00
Interstate Office Pr	Office Suppli	772.34	ISI Llc	Interpreters	80.00
ISS Facility Svcs-Mi	Contract Serv	10,735.00	JCL Solutions-Janito	Janitorial/Ch	252.73
JCL Solutions-Janito	Kitchen/Clean	2,162.79	Johnson, Richard L	Attorney Fees	231.00

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Jonas, Darrell	Uniform Allow	87.00	JSA Consult Engineer	Architects &	12,301.50
Knutson, Kyle	Program Activ	100.00	Kone, Inc.	Other Profess	57.16
Konechne, Francis	Uniform Allow	42.89	Lacey Rentals Inc	Lease-Rental	95.00
Language Line Servic	Interpreters	128.22	Language Line Servic	Other Miscell	56.11
Language Line Servic	Telephone	444.24	Larson, Jeff	Child Defense	3,836.00
Laughlin, Nicole	Attorney Fees	590.00	Lewis Drug Stores	Pharmacies	3,446.92
Lewis Drug Stores	Safety & Resc	185.40	Luther, Jeff	Medical Direc	2,333.33
Lutheran Social Svcs	Interpreters	50.00	Lutheran Social Svcs	Other Profess	3,986.14
Malloy Electric Bear	Truck Repair/	198.05	Marco	Lease-Rental	170.00
Marco	Maintenance C	119.90	McKerin Software Inc	Consultants	3,565.00
McKinley County Sher	Return Of Ser	30.00	Meile-Rasmussen, Jac	Business Trav	36.63
Metro Communications	Clinics - Aux	180.00	Metro Communications	Other Misc	172,552.45
Midwest Alarm Compan	Building Repa	205.02	Midwest Oil Company,	Gas,Oil,Diese	263.50
Midwest Oil Company,	Parts Invento	80.40	Miller Funeral Home,	Burials	1,000.00
Minn Cnty Museum Pet	Building Repa	4.01	Minn Cnty So Petty C	Gas,Oil,Diese	10.01
Minn Cnty So Petty C	Other Supplie	31.06	Minn Cnty So Petty C	Tea-Ellis Ran	2.65
Multi-Cultural Cente	Interpreters	866.25	Murillo, Georgina	Interpreters	154.17
Narem, Inc	Bldg/Yard Rep	79.87	Neve's Uniforms	Other Supplie	1,319.76
Neve's Uniforms	Uniform Allow	1,581.43	Northern Heights Dev	Welfare Rent	1,350.00
Nubury Llc	Welfare Rent	700.00	Nyberg's Ace Hardwar	Automotive/Sm	81.56
Office Depot, Inc.	Data Processi	706.22	Olson, Waltner & Sch	Attorney Fees	268.80
Olson, Waltner & Sch	Child Defense	813.20	Omnitech Inc	Consultants	500.00
Overhead Door Compan	Automotive/Sm	285.71	Parkview, Llc	Welfare Rent	364.00
Pennington County Ja	Extradition &	11,065.65	Peters, Scott N Pc	Bd Exp. Fees	17,963.60
Peters, Scott N Pc	Crisis Interv	459.00	Peters, Scott N Pc	Crisis Interv	486.00
Peters, Scott N Pc	Dev Disabili	72.00	Pharmchem Inc	Testing Suppl	546.00
Pheasantland Industr	Inmate Suppli	497.64	Platinum Properties	Welfare Rent	1,150.00
Pollard & Larson Llp	Attorney Fees	174.00	Presto-X-Company	Outside Repai	187.70
Price, Thomas L Phd	Other Profess	2,880.00	Primary Products Co	Child Care It	348.00
Pyn Llc	Welfare Rent	1,050.00	Qualified Presort Se	Postage	10,534.46
Queen City Wholesale	Program Activ	26.60	Readiness Network	2013 Jag Gran	10,000.00
Record Keepers, Inc.	Other Profess	263.24	Reker, Vicki	Education & T	92.00
Reker, Zach	Uniform Allow	71.97	Roberts, Ben	Automotive/Sm	200.00
Robinson, Eugene R L	Child Defense	1,489.60	Rods Properties	Welfare Rent	1,432.00
Rogers Concrete Inc	Fairgrounds	5,600.00	Rural Metro Ambulanc	Transportatio	300.00
Sanford Clinic Finan	Other Miscell	22,250.00	Sanford Hospital	Blood Withdra	40.00
Sanford Hospital Med	Clinics - Aux	121.25	Sanford Hospital Med	Medical Recor	18.25
Satisfaction Plus In	Motels	675.00	SD Assn Of County Of	Amounts Held	5,648.00
SD Dept Of Revenue	Investigators	20.00	SD Dept Of Transport	Bridge Repair	1,391.92
SD Human Services Ce	Other Profess	600.00	SD Secretary Of Stat	Postage	2,347.02
SDN Communications	Data Communic	331.50	SDN Communications	Telephone	688.50
Sealpros Inc	Repair/Renova	6,081.44	Security Labs, Ltd	Maintenance C	325.00
Sentinel Offenders S	Alternatives	2,598.64	Servall Towel & Line	Janitorial/Ch	77.60
Servall Towel & Line	Program Activ	849.53	Shay, Jilliam	Other Misc. R	150.00
Shiple's Laundry &	Program Activ	61.80	Sig Sauer Inc	Other Supplie	181.00
Sioux Empire Fair As	Other Miscell	12,500.00	Sioux Falls City Fin	Blood/Chemica	2,800.00
Sioux Falls City Fin	Building Repa	150.00	Sioux Falls Rubber S	Office Suppli	38.65
Sioux Falls Rubber S	Other Miscell	17.75	Sioux Falls Utilitie	Water - Sewer	971.85
Smith, M Bruce	Other Profess	250.00	Smith, Thomas	Welfare Rent	600.00
Southeast Technical	Cdbg Grants	26,636.56	Spring Centre Apts L	Welfare Rent	275.00
Springbrook Ii, Ltd	Welfare Rent	500.00	St Francis House	Other Profess	667.85
Steeplechase Apts Lp	Welfare Rent	700.00	Stefanyuk, Pavel	Welfare Rent	450.00
Stockwell Engineers	Program Activ	1,450.00	Sturdevant's Auto Pa	Automotive/Sm	171.43
Sunshine Foods	Welfare Food	51.87	Szameit, Alexandra	Interpreters	158.33
Teel, Clyde	Program Activ	300.00	Thomson Reuters - We	Books	150.00
Thomson Reuters - We	Legal Researc	2,096.07	Thorin, Deyanira T	Interpreters	288.33
Timberland Village A	Welfare Rent	600.00	Tires,Tires,Tires In	Automotive/Sm	769.16
Tires,Tires,Tires In	Gas,Oil,Diese	74.70	Titus, Bartholomew	Expert Witnes	53.00
Tomacelli's Pizza	Jury Fees	95.39	Trane	Heat,Vent & A	2,173.13
Uncle Eds Specialty	Mass Fatality	387.75	US Bank-Corporate Tr	Bond Princ	2,298,826.67
Van Loh, Jerry L	Welfare Rent	500.00	Variety Foods Llc	Other Profess	91.06
Verizon Wireless	Communication	222.48	Verizon Wireless	Data Processi	1,054.08
Verizon Wireless	HIDT Grant	93.50	Verizon Wireless	Safety & Resc	123.18
Verizon Wireless	Telephone	4,539.05	Vision Solutions Inc	Maintenance C	6,133.15
Volunteers Of Americ	Psych Eval	738.00	Volunteers Of Americ	Voa Reception	8,085.63

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Wal-Mart Pharmacy	Pharmacies	111.59	Walgreen Co.	Pharmacies	363.92
Weber, Judy Prp	Court Reporte	30.00	Weeg's Trailer Park	Welfare Rent	210.00
Weerheim, Tom	Attorney Fees	75.60	West Pointe Townhous	Welfare Rent	290.00
West Twelfth Propert	Welfare Rent	300.00	Western Cheney Llc	Welfare Rent	1,200.00
Wheelco Brake & Supp	Parts Invento	633.28	Wheelco Brake & Supp	Truck Repair	417.06
Whited, Libbie	Other Misc. R	150.00	Wilson, Robert	Gas,Oil,Dieese	82.14
Wynia, Keith	Education & T	53.70	Wynia, Marc	Investigators	107.67
Xcel Energy, Inc.	Welfare Utili	719.75	Yahoo! Accts Rec	Investigators	40.00
Yankton County Treas	County 24/7 F	6.00	Zep Manufacturing Co	Janitorial/Ch	191.90
Zornes, Kristyn/Jess	Welfare Rent	355.48	112 Inc Db a Huey Ap	Welfare Rent	426.00

PERSONNEL

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

1. To hire Kari Kohlhoff as Curator of Collections (19/1) for the Museum at \$1,814.48/bi-weekly effective 12/2/13.
2. To hire Elizabeth Callies as Juvenile Correctional Officer I (12/1) for the Juvenile Detention Center at \$16.052/hour effective 12/2/13.
3. To end the temporary, part-time employment of Diane Johnson as Corrections System Operator for the Jail effective 11/14/13.
4. To accept the resignation of David Brown as Correctional Officer in Training for the Jail effective 11/21/13.
5. To end the temporary, part-time employment of John Mork as Park Supervisor for the Parks Department effective 11/15/13.
6. To accept the resignation of Janet Olson as Senior Deputy Public Advocate for the Public Advocate's Office effective 12/2/13.
7. To hire Stacy Wiebersch as temporary, part-time Clerical Worker for the Public Advocate's Office at \$10.00/hour effective 12/2/13 to 12/31/13.
8. To accept the resignation of Jeremy Hartman as Mechanic for the Highway Department effective 11/29/13.

Step Increases Due

1. Molly Engquist – Curator of Exhibits – Museum – 19/3 to 19/4 – 11/29/13 – \$1,954.00/bi-weekly
2. Grant Edgecomb – Custodian – Museum – 6/4 to 6/5 – 11/30/13 – \$13.175/hour
3. Michael Markstrom – Corrections System Operator – Jail – 9/4 to 9/5 – 10/10/13 – \$15.278/hour
4. Rexford Smith Jr. – Corporal – Jail – 16/8 to 16/9 – 10/21/13 – \$23.829/hour
5. Victoria Reker – Senior Deputy Public Defender – Public Defender's Office – 22/3 to 22/4 – 12/1/13 – \$2,380.72/bi-weekly
6. Edward Angel – Senior Deputy State's Attorney – State's Attorney's Office – 22/1 to 22/2 – 11/10/13 – \$2,266.00/bi-weekly

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7. Michael Gade – Juvenile Correctional Officer II – Juvenile Correctional Center – 14/10 to 14/11 – 10/31/13 – \$22.681/hour

At the request of Cindy Howard, Public Advocate Director, MOTION by Barth, seconded by Pekas, to approve special personnel action request to authorize and hire one Deputy Public Advocate position (pay grade 21) in the 2014 Public Advocate Budget and begin recruitment immediately. SUBSTITITUTE MOTION by Kelly to defer action until December 24, 2013. Motion dies for lack of a second. VOTE on main motion, 2 ayes, Heiberger, Kelly and Beninga voted nay. Motion fails.

Carey Deaver, Human Resources Director, gave a briefing on changes to the Holiday and Family Medical Leave Act Policies. The changes add language to expand coverage consistent with the FMLA regulations that were passed earlier this year and a revision to the wording designating the day after Thanksgiving as a recognized holiday. MOTION by Barth, seconded by Heiberger, to approve changes to the Holiday and Family & Medical Leave Act Policies. 5 ayes.

Carey Deaver, Human Resources Director, gave a briefing on proposed changes to the full time, part-time, temporary and seasonal employee policy. The proposed change clarifies the definitions of each type of position and limits the hours seasonal or variable hour employees can work so the county avoids liability for health insurance under the Affordable Care Act. MOTION by Kelly, seconded by Pekas to approve the proposed changes to the full time, part-time, temporary and seasonal employee policy. 5 ayes.

Carey Deaver, Human Resources Director, gave a briefing on a proposed policy for on-call employees in Facilities, Human Services, and Information Technology Departments. A new proposed policy would provide employees who are working on-call in departments which have a rotating phone, with a \$15.00 per day stipend in recognition of the added restrictions placed on staff's personal time while being on call. Motion by Heiberger, seconded by Pekas to approve the on-call pay policy. 5 ayes.

Carey Deaver, Human Resources Director, gave a briefing on updates to the Drug and Alcohol Policy and a Proposed Drug & Alcohol Procedures Manual.

MOTION by Barth, seconded by Pekas, to approve a health premium holiday effective for the December 12, 2013 payroll for the Minnehaha Group Health Plan. 5 ayes.

LIEN COMPROMISE

Commissioner Pekas gave a briefing on a request for compromise of lien submitted by WFG Lender Services for DPNO 64925 in the amount of \$6,957.07. The lien is for court appointed attorney services and burial/funeral expenses between 2007 and 2010. The property located at 1301 E. Bennett Street, Sioux Falls is attached to the lien. The property was sold at auction by the Minnehaha County Sheriff's Office to Deutsche Bank on October 12, 2011. A year later on October 11, 2012, Deutsche Bank re-sold the property to Jerry Van Loh. The lien was discovered when Mr. Van Loh attempted to obtain title insurance on the property. WFG Lender Services is requesting a compromise and release of the lien in full as it applies to the property, leaving the lien only in the name of the decedent. MOTION by Pekas, seconded by Heiberger, to approve Resolution MC13-59. 4 ayes, Barth voted nay.

RESOLUTION MC13-59

WHEREAS, a County Aid Lien in the amount of \$6,957.07 purports to exist in favor of Minnehaha County and against DPNO 64925 as Lienee, and

WHEREAS, said lienee has filed an application with the County Auditor stating such facts as provided for by Law,

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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 with no payment only against the real property legally described as: The west 68 feet of lots 10, 11 & 12 in block 14 Forest Hill Addition to the City of Sioux Falls, Minnehaha County, South Dakota, according to the recorded plat thereof, together with the east half (E1/2) of vacated Sherman Avenue lying adjacent thereto; leaving the lien in force against the individual named on the lien. .

Dated at Sioux Falls, South Dakota, this 26th day of November, 2013.

APPROVED BY THE COMMISSION:

Gerald Beninga
Chairman

ATTEST:
Robert Litz
County Auditor

BID

DJ Buthe, Highway Superintendent, reported on the bid opening on November 20, 2013 for Project MC 121STR-13, Two (2) Bridge Structures on Minnehaha County Highway 121. The following seven bids were received: Prahm Construction, Inc. \$1,055,998.40; Grangaard Construction \$1,154,384.28; Duininck, Inc. \$1,193,242.80; Sioux Falls Construction \$1,219,954.74; Graves Construction Company, Inc.; \$1,346,598.12; Swingen Construction \$1,437,981.90; Industrial Builders, Inc. \$1,646,900.10. Mr. Buthe recommended for the bid to be awarded to the low bidder, Prahm Construction, Inc. MOTION by Pekas, seconded by Barth, to award the bid for Project MC 121STR-13 to Prahm Construction, Inc. in the amount of \$1,055,998.40. 5 ayes.

AGREEMENT

DJ Buthe, Highway Superintendent, gave a briefing on an agreement for Professional Design Engineering Services for the Replacement of Structure #50-082-110 (West Branch of Skunk Creek). MOTION by Barth, seconded by Heiberger, to authorize the chairman to sign the agreement. 5 ayes.

BRIEFING

Ken McFarland, Commission Administrative Officer, gave a presentation of the Minnehaha County Graphic Standards Manual and Letterhead Templates. Approval will be considered at the December 3, 2013 commission meeting.

AGREEMENT

Erin Srstka, Juvenile Detention Alternatives Initiative Coordinator (JDAI), gave a briefing on an agreement between Volunteers of America, Dakotas and Minnehaha County for the operation of the Reception and Evening Report Centers in conjunction with the JDAI project. The total contract is for \$179,855. Payments will be made to VOA in twelve equal monthly installments. MOTION by Heiberger, seconded by Barth, to authorize the Chairman to sign the Agreement for Reception Center and Evening Report Center from January 1, 2014 thru December 31, 2014. 5 ayes.

POLICY

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Ken McFarland, Commission Administrative Officer gave a briefing on a Proposed County Vehicle Maintenance, Replacement, and Transfer Policy. Final action is scheduled for December 3, 2013.

AGREEMENT

Kerstin Kappmeyer, Chief Civil Deputy State’s Attorney, gave a briefing on an agreement with Boyce, Greenfield, Pashby & Weld, LLP, to represent Minnehaha County in a suit brought by Hutchinson Technology, Inc. which claims that Minnehaha County had assessed its property in several prior tax years at a value that exceeded its fair market value. Mr. Kappmeyer stated that because of the time and expense of this litigation, as well as the importance of the legal questions presented, he is recommending that expert outside counsel be retained in order to vigorously contest Hutchinson Technology’s claim. MOTION by Barth, seconded by Pekas, to authorize the Chairman to sign the engagement letter and waiver of potential conflict between Minnehaha County and Boyce, Greenfield, Pashby & Welk LLP for outside legal representation in Hutchinson Technology vs. Minnehaha County. 5 ayes.

LIAISON REPORTS

Commissioner Barth gave reports on the ICAP Heartland House Fundraiser, the Planning and Zoning meeting in which ideas for industrial hog waste were introduced, the DENR on funding for nitrate removal from drainage projects, and the SE District 8 meeting where Union County is meeting with MC Human Services for exploration of cooperation. Mr. Barth also reported that he is unable to attend the SDACC board meeting, but Commissioner Kelly will be attending.

Commissioner Kelly reported that the 2014 Sioux Falls Tomorrow organization is filling task seats in five areas.

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

The Commission adjourned until 5:00 p.m. on Tuesday, November 26, 2013.

APPROVED BY THE COMMISSION:

Chairman

ATTEST:

Deputy Auditor