

12/03/2013

THE MINNEHAHA COUNTY COMMISSION CONVENED AT 9:00 A.M. December 3, 2013 pursuant to adjournment on November 26, 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 Heiberger, to approve the agenda. 5 ayes.

MOTION by Pekas, seconded by Heiberger, to approve the November 26, 2013 Commission Minutes and November 26, 2013 Joint City/County Minutes. 5 ayes.

VOUCHERS TO BE PAID

MOTION by Barth, seconded by Heiberger, to approve the following bills totaling \$215,310.11 and November 2013 salaries. 5 ayes.

A & B Business Equip	Lease-Rental	227.28	A To Z World Languag	Interpreters	3,800.00
Affordable Housing S	Welfare Rent	315.00	Airway Service Inc	Automotive/Sm	695.96
Allied Oil & Tire Co	Automotive/Sm	45.70	Allied Oil & Tire Co	Heavy Eq. Rep	123.50
Arcadia Publishing I	Store Invento	290.27	Arena Motel	Motels	398.00
Avera Healthworks	Expenditures	5,604.00	Avera McKennan Hospi	Hospitals	2,102.07
Batteries Plus/Onesk	Automotive/Sm	211.00	Batteries Plus/Onesk	Heavy Eq. Rep	191.00
Belitz, Clarence H	Welfare Rent	500.00	Binger Law Office	Child Defense	1,268.40
Boulevard Investment	Welfare Rent	511.78	Brandner, Bud (Clare	Welfare Rent	585.00
Brown County Auditor	Attorney Fees	148.00	Bureau Of Informatio	Telephone	38.00
Cadd/Engineering Sup	Data Processi	920.00	Campbell Supply Co I	Bridge Repair	41.97
Campbell Supply Co I	Sign Supply/I	41.97	CDX Holdings	Welfare Rent	575.00
Cody, Denise	Bd Exp. Fees	15.00	Complete Property Ll	Welfare Rent	450.00
Constellation New En	Natural Gas	12,907.50	Cooey, Carla F	Court Reporte	101.20
Cortrust Bank	Welfare Rent	800.00	Counseling Resources	Attorney Fees	175.00
Crescent Electric Su	Electrical Re	141.59	Cypher, Michael J	Bd Exp. Fees	272.68
Deaver, Carey Jo	Business Trav	54.76	Diamond Mowers Inc	Automotive/Sm	217.62
Duffy, Bonnie	Bd Exp. Fees	219.20	Duffy, Ryan	Attorney Fees	1,466.62
Ebert's Properties,	Motels	205.00	Electric Constructio	Building Repa	408.16
G & R Controls Inc	Building Repa	462.03	Glory House	Cops Meth Gra	1,104.36
Great Plains Eye Cli	Optometric Se	114.23	Guzman, Sandra V.	Interpreters	100.00
Haugaard, Steven G	Attorney Fees	352.80	Heritage Place Apts	Welfare Rent	509.00
Heugh Edmondson Cons	Program Activ	3,715.00	Holiday Credit Offic	Gas,Oil,Diese	20.78
Hy-Vee Accounts Rece	Jury Fees	68.67	Jaros, Pete	Investigators	101.75
JCL Solutions-Janito	Building Repa	222.18	Jefferson Partners L	Transportatio	1,231.65
Johnson, Richard L	Attorney Fees	189.00	Lacrosse Forage & Tu	Road Maint. &	729.00
Larson, Jeff	Attorney Fees	798.00	Laughlin, Nicole	Attorney Fees	211.80
Lewno, Lucy	Bd Exp. Fees	186.46	Lickide-Split Car Cl	Communication	520.00
Luk, Anna - Luk In	Welfare Rent	670.00	Menards - East	Exhibit Mater	28.30
Menards - East	Program Activ	211.24	Morrow, Danielle	Welfare Rent	300.00
MidAmerican Energy C	Natural Gas	2,836.15	MidAmerican Energy C	Welfare Utili	218.00
Mike Durfee State Pr	Other Miscell	379.87	Mike Kroger Masonry,	Building Repa	4,560.00
Miller Funeral Home,	Burials	2,550.00	Minn Cnty Museum Pet	Building Repa	4.23
Minnehaha Master Gar	Education & T	75.00	Multi-Cultural Cente	Interpreters	247.50
Murillo, Georgina	Interpreters	50.00	Norm Feldman's Glass	Automotive/Sm	272.68
Norm Feldman's Glass	Heavy Eq. Rep	354.26	O'Hara, Susan J	Bd Exp. Fees	389.40
Olive Grove Apartmen	Welfare Rent	209.00	Oscar's Mini-Storage	Lease-Rental	301.00
Palmer, Barbara	Bd Evaluation	4,275.00	Pheasantland Industr	Printing/Form	25.00
Pine Knoll Inc Db	Welfare Rent	235.00	Qualified Presort Se	Postage	99.61
Randall, Rebecca	Bd Exp. Fees	244.50	Rinehart, Jacob	Welfare Rent	700.00
Risty, Julie	Business Trav	68.08	Robinson, Eugene R L	Attorney Fees	1,518.74
Rogen, Mark	Bd Exp. Fees	364.78	Roosevelt Estates Of	Welfare Rent	600.00
Safe Home Ltd Ptnrsh	Notes Rec (Sf	-1,668.52	Safe Home Ltd Ptnrsh	Other Misc. R	-1,925.57
Safe Home Ltd Ptnrsh	Rent Subsidie	11,905.00	Sam's Club - Members	Office Suppli	84.94
Sam's Club - Members	Other Miscell	182.64	Sam's Club - Members	Other Profess	579.03

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Sam's Club - Members	Other Supplie	229.67	Sam's Club - Members	Safe Home Don	104.71
Schultz, Shannon	Business Trav	45.00	SD Art Museum	Advertising	424.76
SD Dept Of Transport	Road Maint.	61,572.36	SD Magazine Llc	Store Invento	395.00
SDES (SD Engineering	Publishing Fe	45.00	Shepherd Reporting L	Court Reporte	30.00
Sioux Falls Partners	Welfare Rent	700.00	Sioux Falls Utilitie	Electricity	7,649.40
Sioux Falls Utilitie	Water - Sewer	9,157.97	Sioux Falls Utilitie	Welfare Utili	80.66
Southeastern Behavio	Alternatives	1,200.00	Southeastern Behavio	Crisis Interv	5,957.98
Spring Centre Apts L	Welfare Rent	300.00	Steinhauer, Wayne H	Bd Exp. Fees	153.28
Street Smart Rental	Equip. (Lease	123.05	Swanda, Karen	Bd Exp. Fees	15.00
Szameit, Alexandra	Interpreters	99.99	Target Pharmacy	Pharmacies	9.67
Thomson Reuters - We	Legal Researc	16.00	Thorin, Deyanira T	Interpreters	138.32
Turning Leaf Llc	Welfare Rent	200.00	Ultramax	Ammunition	468.00
Vandyk, Jessica	Other Misc. R	300.00	Variety Foods Llc	Other Profess	302.07
Vik, Darrell	Program Activ	600.00	Westwick Motel, Inc.	Motels	460.00
Wilsey, Thomas M	Business Trav	106.00	Windsor Heights Apar	Welfare Rent	400.00
Xcel Energy, Inc.	Electricity	42,169.07	Xcel Energy, Inc.	Welfare Utili	965.68
Yankton County Sheri	Return Of Ser	25.00	Zimmer, Bernie	Welfare Rent	950.00
Zimmerman, Philip G	Lease-Rental	2,266.67	Commission	Salaries	28,671.52
Auditor	Salaries	37,959.75	Treasurer	Salaries	61,670.65
Info Technology	Salaries	57,663.15	States Attorney	Salaries	183,725.75
Public Defender	Salaries	134,313.42	Public Advocate	Salaries	35,461.89
Facilities	Salaries	55,051.37	Equalization	Salaries	67,291.22
Register Of Deeds	Salaries	39,918.87	Human Resources	Salaries	19,475.09
Sheriff	Salaries	786,426.37	Juvenile Detention	Salaries	151,195.17
Highway	Salaries	122,133.80	Human Services	Salaries	100,751.53
Museum	Salaries	52,925.21	Planning	Salaries	26,357.02
Extension	Salaries	2,698.24			

PERSONNEL

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

1. To demote Corey Van Westen from Correctional Officer to Corrections System Operator (9/8) for the Jail at \$16.453/hour effective 12/7/13.
2. To accept the resignation of Danial Muller as Corrections System Operator for the Jail effective 12/4/13.
3. To hire Allen Robbennolt as temporary, part-time Protective Services Worker for the Sheriff's Office at \$11.78/hour effective 12/3/13.
4. To end the temporary, part-time employment of Annie Nance as Museum Aide for the Museum effective 12/3/13.

Step Increases Due

1. Jennifer Hynek – Senior Deputy State’s Attorney – State’s Attorney’s Office – 22/2 to 22/3 – 11/16/13 – \$2,322.64/bi-weekly

Special Commission Action Requests

1. To recognize the following significant employee anniversaries for December 2013: 20 Years – Roger Stansell, John Crittenden; 15 Years – Barbara Jansa; 5 Years – Victoria Reker
2. To record volunteers in County Departments for November 2013. The list is on file in Human Resources.

PUBLIC COMMENT

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Mark Lee, Director of Public Affairs and Communications for the Sioux Falls Area Chamber of Commerce, introduced Mike Lynch who is a new member of the Chamber of Commerce Public Affairs team. Mr. Lynch gave a briefing on his background.

LIQUOR LICENSE RENEWALS

Cindy Jepsen, Deputy Auditor, presented the liquor license renewal applications for the 2014 licensing year. The applications were reviewed by the State's Attorney, Sheriff, and Planning offices and there were no violations, objections or concerns reported. MOTION by Heiberger, seconded by Barth to approve the following 2014 liquor license applications. 5 ayes.

<u>APPLICANT/BUSINESS NAME</u>	<u>LEGAL DESCRIPTION</u>	<u>TYPE OF LICENSE</u>
Baltic Corner, Inc. Baltic Corner	N440' E198' NE1/4 NE1/4 4-103-49 25001 475 th St, Dell Rapids	Retail (On-Sale) Liquor and Sunday Sales
Troy A Novak Bottom's Up	S 25' Lot 1 & All Lot 2 Blk 1 Corson Fauskes Addn 22-102-48 25991 482 nd Ave, Corson	Retail (On-Sale) Liquor and Sunday Sales
Swearingen Enterprises Inc. Breck's Bar & Grill	Wittrock TR 1 & TR 2 NW1/4 NW1/4 Section 22-101-50 8405 W 12 th St, Sioux Falls	Retail (On-Sale) Liquor and Sunday Sales
DRG, Inc. Dells Rocky Run Golf Course	TR 2 Madsen TRS of Outlot A (EX E400) NW1/4 SE1/4 8-104-49 47364 Golf View Dr, Dell Rapids	Retail (On-Sale) Liquor and Sunday Sales
Triple J Inc The Alibi	Lot A of Lots 1, 2, & 3 (EX H-2) Blk 3 Pleasant View Acres N1/2 SE1/4 & S1/2 NE1/4 19-101-48 7605 E Hwy 42, Sioux Falls	Retail (On-Sale) Liquor and Sunday Sales
Monarch Steak House, Inc. Monarch Lounge AND Monarch Package Store	E 12' N 120' Lot 9 & All Lot 10 Mapleton TWP G L Renner Addn 47409 258th, Renner	Retail (On-Sale) Liquor and Sunday Sales AND Package (Off-Sale) Liquor
Garretson Area Golf Assn., Inc. River Ridge Golf Club	NW1/4 (EX S9.64 AC & EX Part Lying E of RY & Ex Part Lying W of H-1 & Ex River Ridge Golf Club Addn TR 1 & Ex River Ridge Addn) 29-103-47 Palisades Park Rd, Garretson	Retail (On-Sale) Liquor and Sunday Sales
Dale Robb Red Rock Bar & Casino	Tract 1B McBeth Addn in the NE ¼ and SE ½ 27-101-48, 48181 Hwy 42, Brandon	Retail (On-Sale) Liquor and Sunday Sales
Sioux Empire Fair Assn., Inc. Sioux Empire Fair	W. H. Lyon Fairgrounds, Tracts 1, 2, & 3, WH Lyon Addition to the City of Sioux Falls; 4000 W 12 th St,	Retail (On-Sale) Liquor and Sunday Sales

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Safari Bar & Grill, Inc Safari Bar & Grill	The N 100' of County Auditor's Tract 2 SE ¼ SE ¼ Section 9 T102N-R49W of the 5 th PM Minnehaha County	Retail (On-Off sale) Liquor and Sunday Sales
Wild Water West Waterpark LTD Wild Water West Waterpark	E1/2 NW 1/4 SE 1/4 & NE 1/4 SE 1/4 (Ex H-1 & Ex Tr 1 Alvine's Addn) 36-101-51 26767 466 th Ave. Sioux Falls	Retail (On-Off sale) Wine and Sunday Sales
Red Rock Bar & Grille Inc. Old 77 Bar & Grille	4A in the NE Cor N ½ Lot 11 (Ex S 160' W 6' N 460' E 378.6') 16-104-49 Dell Rapids Township	Retail (On-Off sale) Liquor and Sunday Sales
MAS LLC The Riviera By Roccas	Lot 2 of Tract 1 Jeanne's Addition NE ¼ and SE ¼ of Section 28- T101N-R48W	Retail (On-Off sale) Wine and Sunday Sales

SUPPLEMENT

MOTION by Barth, seconded by Pekas, to supplement \$2,019.14 from the General Fund to the Planning Budget, ASN 18264 Education and Training, representing reimbursement from the SD Building Officials' Association to attend the National ICC Conference. 5 ayes.

RESOLUTION

Robert Litz, Auditor, gave a briefing on the annual tax deed sale that was held on November 23, 2013. Tax Deed #2556, RDID #29189 was the only property auctioned. Wilson Smith Properties had the high bid of \$37,000. MOTION by Barth, seconded by Pekas, to approve Resolution MC13-60, and authorize the County Treasurer to issue a Quit Claim Deed. 5 ayes.

RESOLUTION OF SALE
MC13-60

WHEREAS, The County Auditor offered for sale on November 23, 2013, at public auction, the following described Tax Deed Property pursuant to SDCL 6-13:

Tax Deed #2556, RDID #29189, The West 49.5 feet of the East 96 feet of Lots 10 and 11 in Block 29 of Covell's Second Addition to the City of Sioux Falls, Minnehaha County, South Dakota, according to the recorded plat thereof. Sold to Wilson Smith Properties, 720 N. Sycamore, Sioux Falls, SD 57110 for \$37,000.

NOW, THEREFORE, BE IT RESOLVED by the Minnehaha County Commission that this sale be approved as set forth above and that the Minnehaha County Treasurer is hereby authorized to issue Quit Claim Deeds thereto.

Dated at Sioux Falls, South Dakota, this 3rd day of December, 2013.

APPROVED BY THE COMMISSION:
Gerald Beninga
Chairman

ATTEST:
Cynthia Jepsen
Deputy Auditor

BRIEFING

12/03/2013

DJ Buthe, Highway Superintendent, gave a briefing on a Snow and Ice Removal Policy. The items addressed within the policy are operation hours, operations in adverse conditions, route priorities, levels of service, rural mailboxes, obstructions, private roads, and snow placed on roadway. The policy will be considered for adoption on December 10, 2013.

HEARING

Scott Anderson, Planning & Zoning Director, gave a briefing on an application for Drainage Permit #13-71 submitted by Greg & Karen Schultz. The property is owned by Steve Becker and is legally described as the S ½ NW ¼ Section 15-T102N-R52W, Humboldt Township. The applicants are requesting approval to install drainage tile to increase yield production of the property. The water will flow under a driveway and onto property owned by Steve Lias and then across land owned by the United States Fish & Wildlife Service (US FWS) and into Beaver Lake. A notice of the December 3, 2013 Public Hearing was sent on November 15, 2013 to the three downstream landowners within ½ mile from the outlet of the proposed drainage project. The USFWS has declined to sign a downstream waiver for the project; therefore the request has been forwarded to the Drainage Board. The other two landowners have sign waivers. Mr. Anderson stated that the USFWS submitted a letter to the Planning & Zoning Office stating they would not be attending the hearing on December 3, 2013. Staff made a site visit on November 20, 2013 and walked the areas proposed for tiling. The tile lines will be placed in traditionally wet areas that function as part of the same watershed, and staff recommends approval of Drainage Permit #13-71. Steve Becker, 45809 Highway 38, Humboldt, SD was present and stated that this project will replace and improve the old tile lines that already exist in this area. No one spoke in objection to the project. MOTION by Barth, seconded by Heiberger, to approve Drainage Permit #13-71. 5 ayes.

RESOLUTION

DJ Buthe, Highway Superintendent, requested the load limits to be formally removed by resolution for structures 50-150-202, 50-240-069, and 50-240-073. The three structures were reconstructed during the 2013 construction season. Commissioners Kelly and Beninga complimented the Highway Department on the bridge work they have accomplished this past year and on Mr. Buthe's management of the long range plan to get the bridges back to reasonable condition. MOTION by Kelly, seconded by Barth, to approve Resolution MC13-61. 5 ayes.

RESOLUTION MC13-61 RESTORE LEGAL LOAD LIMITS ON CERTAIN BRIDGES WITHIN MINNEHAHA COUNTY

WHEREAS, the Minnehaha County Highway Superintendent has identified three bridges in Minnehaha County that he is recommending that legal load weight limits be restored for said bridges, and

WHEREAS, **SDCL 32-22-47** gives the county commission the authority to establish and identify through the proper signage the maximum weight of any vehicle, laden or un-laden, which may enter upon or cross over the bridge, now

THEREFORE, BE IT RESOLVED by the Minnehaha County Board of Commissioners that the following ton gross vehicle weight limitations are imposed on the following bridges within Minnehaha County:

Restore Legal Load Limit (previously posted bridges):

Bridge #50-150-202 (0.7 mile south of Ellis on County Highway 138)

Bridge #50-240-069 (4 miles east and 0.9 miles south of Baltic on County Highway 121)

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Bridge #50-240-073 (4 miles east and 1.2 miles south of Baltic on County Highway 121)

BE IT FURTHER RESOLVED, that the Minnehaha County Highway Superintendent is hereby directed to erect and post the appropriate signage in accordance with SDCL 32-22-47, and

Dated this 3rd day of December, 2013

APPROVED BY THE COMMISSION:

Gerald Beninga, Commission Chairman

ATTEST

Cynthia Jepsen, Deputy Auditor

BRAND MANUAL

Carol Muller, Human Services Director, reported that the Graphic Standards Manual and electronic letterhead templates are ready for implementation. MOTION by Kelly, seconded by Pekas, to adopt the Minnehaha County Graphic Standards Manual and Letterhead Templates. 5 ayes.

LEASE

Lynn DeYoung, Emergency Management Director, requested authorization for the Chairman to sign a five-year lease agreement for the Fusion Center with First Dakota National Bank for approximately 1,837 square feet of office space, two garage parking spaces at \$200 per month, two lower ramp parking spaces at \$160 per month and one upper level parking space at \$67.50 per month. The lease rate for the first and second year is \$3,136.25 per month including parking. The rate for the third and fourth year is \$3,286.25 per month including parking. The fifth year rate is \$3,436.25 per month including parking. The term of the lease will commence on November 1, 2013 with an option to renew the lease for a five-year period with rent at the then-current market rate. MOTION by Kelly, seconded by Heiberger to authorize the Chairman to sign the five-year Lease Agreement with First Dakota National Bank for the Fusion Center commencing on November 1, 2013 to October 31, 2018. 5 ayes.

FUND TRANSFER

MOTION by Pekas, seconded by Kelly, to transfer \$5,000 from the Commissioner's Contingency Fund to the Commission Budget, ASN 15094 Community Support, to be used to sponsor the Sioux Falls Tomorrow III Planning Project. 4 ayes. Barth voted nay.

VEHICLE POLICY

Robert Wilson, Assistant Commission Administrative Officer, gave a briefing on the proposed Vehicle Maintenance, Replacement, and Transfer Policy. The main provisions are as follows: 1) Recommends departments consider replacement of sedans, light vans, light trucks, and SUV's at 8 years or 150,000 miles. 2) Contemplates a form that is to be prepared and submitted by departments during budget preparations if they wish to purchase a county vehicle. 3) Details process by which vehicles may be transferred between departments. MOTION by Kelly, seconded by Barth, to approve the Minnehaha County Vehicle Maintenance, Replacement and Transfer Policy effective January 1, 2014. 5 ayes.

LIAISON REPORTS

Commissioner Barth reported that there are vacancies on the Museum Board and he has reviewed some of the applicants and will be bringing recommendations to the commission.

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

12/03/2013

The Commission adjourned until 9:00 a.m. on Tuesday, December 10, 2013.

APPROVED BY THE COMMISSION:

Gerald Beninga
Chairman

ATTEST:

Cynthia Jepsen
Deputy Auditor