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THE MINNEHAHA COUNTY COMMISSION CONVENED AT 9:00 A.M. February 18, 2014 pursuant to adjournment on February 11, 2014. Commissioners present were: Barth, Beninga, Heiberger, and Pekas. Commissioner Kelly was absent. Also present were Cindy Jepsen, Commission Recorder, and Kersten Kappmeyer, Chief Civil Deputy State's Attorney.

Chairman Heiberger called the meeting to order.

MOTION by Pekas, seconded by Beninga, to approve the agenda. 4 ayes.

MOTION by Pekas, seconded by Barth, to approve the February 11, 2014 Commission Minutes. 4 ayes.

VOUCHERS TO BE PAID

MOTION by Barth, seconded by Pekas, to approve the following bills totaling \$668,756.33. 4 ayes.

A & B Business Equip	Lease-Rental	275.12	Agape Properties	Welfare Rent	595.00
Alcohol Monitoring S	Alternatives	220.00	Anesthesiology Assoc	Physicians	112.00
Appera / Dudley Lau	Lease-Rental	32.64	Applied Concepts Inc	Vehicle Equip	12,337.50
Argus Leader - Adver	Advertising	880.00	Argus Leader - Adver	Program Activ	690.00
ATSSA, Inc.	Education & T	600.00	Automatic Building C	Coliseum Repa	321.00
Automatic Building C	Contract Serv	724.00	Automatic Building C	Hhs Maintenanc	201.00
Automatic Building C	Jail Repairs	2,205.54	Automatic Building C	VOA - Dakotas	435.00
Avera Health Plans	Expenditures	3,492.52	Avera McKennan Hospi	Blood Withdra	66.00
Avera McKennan Hospi	Expenditures	250.00	Avera McKennan Hospi	Physicians	123.17
Axson, Rodney	Uniform Allow	99.99	Barth, Jeff	Gas,Oil,Diese	53.75
Barth, Jeff	Travel - Bart	30.00	Beck, Sarah	Architects &	8,223.50
Bennett, Thomas L M	Other Profess	500.00	Boldt, Bradley D	Welfare Rent	700.00
Boyce, Greenfield,Pa	Other Profess	2,300.00	Boyer Trucks Sioux F	Truck Repair	59.05
Braithwaite, Tacey E	Bd Exp. Fees	1,530.00	Brende, Schroeder &	Child Defense	1,681.00
Brown & Saenger	Office Suppli	18.00	Bsc Holding Inc	Road Material	1,555.42
Campbell Supply Co I	Automotive/Sm	36.73	Campbell Supply Co I	Bridge Repair	16.24
Campbell Supply Co I	Janitorial/Ch	39.38	Canfield Business In	Furniture & O	725.58
Carper, Nichole A	Attorney Fees	491.00	CBM Managed Services	Board Of Pris	18,653.16
CBM Managed Services	Child Care Fo	4,487.98	Center For Family Me	Clinics - Aux	77.00
Century Business Pro	Maintenance C	53.13	Chemco, Inc.	Child Care It	181.96
Christopherson, Ande	Attorney Fees	797.25	Cliff Avenue Auto Pa	Bldg/Yard Rep	14.49
Cody, Denise	Bd Exp. Fees	105.00	Cole Papers, Inc.	Janitorial/Ch	728.96
Columbia Dam Llc	Welfare Rent	400.00	Connecting Point	Data Processi	1,689.00
Counseling Assoc Of	Child Defense	41.00	Counseling Resources	Attorney Fees	675.00
Country View MHC	Welfare Rent	337.00	Crescent Electric Su	Electrical Re	28.12
Crescent Electric Su	Small Tools,	48.33	Culligan Water Condi	Other Miscell	37.50
Cummins Central Powe	Electrical Re	2,321.18	Dakota Data Shred	Lease-Rental	71.89
Dakota Data Shred	Trash Removal	106.78	Dakota Fluid Power,	Truck Repair/	169.17
Dakota Riggers & Too	Small Tools,	261.00	Decastro Law Office,	Attorney Fees	276.60
Devaney, Tom	Uniform Allow	9.00	Duffy, Ryan	Attorney Fees	6,695.16
Dust Tex Service Inc	Maintenance C	22.56	Earthbend	Maintenance C	5,566.00
Eirinberg, James A	Attorney Fees	1,511.41	Eirinberg, James A	Child Defense	5,485.00
Emdeon Business Serv	Other Medical	49.00	Erpenbach, John E	Bd Evaluation	900.00
Ewoldt, Brian	Other Misc. R	150.00	Family Service Inc	Expenditures	455.00
Fastenal Company	Small Tools,	216.81	Fastenal Company	Truck Repair/	5.39
Fox, Youngberg & Lew	Attorney Fees	362.48	G & R Controls Inc	Building Repa	316.88
Gaylord Bros Inc	Program Activ	868.15	Global Connect	Other Medical	6.23
Goebel Printing, Inc	Printing/Form	253.56	Grainger, Inc.	Electrical Re	90.63
Grant Square Ltd	Welfare Rent	600.00	Grote, Adam	Welfare Rent	560.00
Gunner, Andrea	Court Reporte	171.90	Guzman, Sandra V.	Interpreters	37.50
Hammer, Ralph	Business Trav	40.70	Harold's Photo Cente	Program Activ	2.34
Heartland Funeral Ho	Burials	1,000.00	Heartland Paper Comp	Elec. Motor,M	6,037.32
Heartland Paper Comp	Kitchen/Clean	3,358.81	Heiberger, Cindy	Travel - Heib	30.00
Heritage Apartments	Welfare Rent	190.00	Hewlett-Packard Comp	Data Processi	72,037.88
Hewlett-Packard Comp	Election & Of	1,111.00	Hillyard, Inc.	HHS Custodial	1,438.25
Himler, Thomas C Phd	Attorney Fees	1,674.25	Howard, Cynthia A	Business Trav	120.62
Hoy Trial Lawyers Pr	Attorney Fees	1,482.00	Hurtgen, Timothy T/P	Welfare Rent	471.00

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Hy-Vee Accounts Rece	Pharmacies	98.20	Inter-Lakes Communit	Other Miscell	2,000.00
Interstate Office Pr	Furniture & O	811.10	Interstate Office Pr	Office Suppli	1,240.24
Interstate Office Pr	Program Activ	33.99	Interstate Power Sys	Parts Invento	700.92
Interstate Power Sys	Truck Repair/	104.56	Intoximeters, Inc.	Testing Suppl	265.65
JC Self Storage	Welfare Rent	500.00	JCL Solutions-Janito	Kitchen/Clean	376.11
Jefferson Partners L	Transportatio	809.00	Johnson, Donald E	Automotive/Sm	50.00
Johnson, Richard L	Attorney Fees	261.00	Kahler Funeral Home	Burials	2,250.00
Kelly, Dick	Travel - Kell	30.00	Khoroosi, Sam	Attorney Fees	361.20
Kmart Pharmacy	Pharmacies	77.83	Kone, Inc.	Other Profess	57.16
Krueger Excavating,	Correction Ct	450.00	Krueger Excavating,	HHS Maintenanc	280.00
Krueger Excavating,	Snow Removal	850.00	Lacey Rentals Inc	Lease-Rental	100.00
Language Line Servic	Other Miscell	488.80	Language Line Servic	Telephone	155.38
Laughlin, Nicole	Attorney Fees	2,515.70	Lewis & Clark BHS	Bd Evaluation	2,240.00
Lewno, Lucy	Bd Exp. Fees	2,215.86	Light And Siren	Automotive/Sm	125.00
Marco	Lease-Rental	170.00	Marco	Maintenance C	119.90
Matheson Tri-Gas Inc	Plumbing & We	42.03	Mattson, Monica	Child Defense	1,104.00
McFarland, Kenneth	Business Trav	30.00	Menards - East	Exhibit Mater	28.41
Menards - East	Small Tools,	39.57	Metro Communications	Attorney Fees	30.00
Metro Communications	Clinics - Aux	840.00	Metro Communications	Other Miscell	24,204.59
Michaels Purple Petu	Building Repa	110.00	Microfilm Imaging Sy	Contract Serv	2,364.19
Microfilm Imaging Sy	Furniture & O	765.00	MidAmerica Motoplex,	Automotive/Sm	205.99
MidAmerican Energy C	Natural Gas	6,118.85	Midwest Alarm Compan	Electrical Re	233.50
Midwest Oil Company,	Fuel Oil	1,225.29	Midwest Oil Company,	Small Tools,	54.25
Midwest Oil Company,	Truck Repair	195.91	Mikelson, Gary E	Attorney Fees	450.12
Miller Funeral Home,	Burials	2,850.00	Murray Properties, L	Welfare Rent	767.50
Narem, Inc	Truck Repair	41.47	Nelson, Adam D.	Program Activ	193.80
Nelson, Pam	Office Suppli	24.78	Neve's Uniforms	Uniform Allow	731.95
New Pig Corp	Small Tools,	90.11	Nicholson, Tschetter	Attorney Fees	1,209.55
Nielsen Ogdahl, Erin	Attorney Fees	1,275.00	Nold, Nancy	Welfare Rent	900.00
Nolz Construction Co	Contracted Co	77,531.22	Oconnor Company	HHS Maintenanc	1,321.88
Okall, Langu	Interpreters	1,350.00	Olson, Waltner & Sch	Attorney Fees	217.06
Olson, Waltner & Sch	Child Defense	303.16	Olson's Pest Technic	Other Profess	67.75
Palmer, Barbara	Bd Evaluation	4,275.00	Peterson, Bill	Program Activ	500.00
Pharmchem Inc	Testing Suppl	420.00	Phillips, Joshua	Gas,Oil,Diese	46.00
Physicians Laborator	Other Medical	14.13	Pollard & Larson Llp	Attorney Fees	175.50
Presto-X-Company	Outside Repai	187.64	Pusch, Karla J	Welfare Rent	700.00
Push-Pedal-Pull	Exercise Acco	80.00	Qualified Presort Se	Postage	28.79
R & R Mobility	Automotive/Sm	366.07	Record Keepers, Inc.	Other Profess	263.24
Rehfuss, Cathy A	Bd Exp. Fees	142.50	Richard-Ewing Equipm	Jail Repairs	75.00
Runnels-Murphy, Ange	Business Trav	44.40	Rural Metro Ambulanc	Transportatio	450.00
Sage Control Ordnanc	Other Supplie	325.00	Sanford Clinic Finan	Other Miscell	58.00
Sanford Hospital	Blood Withdra	20.00	Sanford Hospital	Clinics - Aux	2,473.89
Sanford Hospital	Hospitals	2,638.32	Sanford Hospital	Welfare Rent	600.00
Sanford Occupational	Other Profess	100.75	SD Dept Of Public Sa	Other Miscell	200.00
SD Dept Of Revenue	Bulletin Boar	96.28	SD Dept Of Revenue	Coroner Fee/T	2.83
SD Dept Of Revenue	Fingerprint/T	102.59	SD Dept Of Revenue	GIS Revenue	38.49
SD Dept Of Revenue	Misc. Plannin	0.11	SD Dept Of Revenue	Misc. Treasur	6.97
SD Federal Property	Automotive/Sm	125.00	SD Planners Associat	Memberships	25.00
SD Planners Associat	Subscriptions	30.00	SD Screen Printers	Printing/Form	15.00
SD Soc Of Prof Land	Memberships	65.00	SDAO	Education & T	770.00
SDN Communications	Data Communic	331.50	SDN Communications	Telephone	688.50
Security Labs, Ltd	Maintenance C	325.00	Servall Towel & Line	Janitorial/Ch	16.45
Servall Towel & Line	Program Activ	62.04	Sherwin Williams	Building Repa	52.84
Shipley's Laundry &	Program Activ	20.60	Simon, Anthony	Other Profess	75.00
Sioux Falls Chamber	Memberships	50.00	Sioux Falls City Fin	Cont Service	248,000.00
Sioux Falls City Fin	Reconciliatio	23,943.90	Sioux Falls Partners	Welfare Rent	500.00
Sioux Falls Rubber S	Office Suppli	111.15	Sioux Falls School D	Program Activ	81.95
Sioux Falls Two Way	Communication	193.49	Sioux Falls Utilitie	Water - Sewer	2,276.18
Sioux Falls Utilitie	Welfare Utili	420.00	Sisson Printing, Inc	Office Suppli	332.10
Smith, Traci M.	Education & T	55.00	Southeast Technical	CDBG Grants	20,082.97
Springbrook II, Ltd	Welfare Rent	700.00	St Francis House	Other Profess	570.66
Stenopat Ltd Inc	Depositions	18.90	Sturdevant's Auto Pa	Automotive/Sm	66.69
Sunshine Foods	Welfare Food	42.98	Swanda, Karen	Bd Exp. Fees	247.50
Test Point Paramedic	Clinics - Aux	62.50	The Mitographers, In	Automotive/Sm	255.55
The Mitographers, In	Heavy Eq. Rep	255.56	The Mitographers, In	Truck Repair/	255.56

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Thorin, Deyanira T	Interpreters	125.00	Thurman, Creighton A	Attorney Fees	190.40
Timberland Village A	Welfare Rent	500.00	Timmer, Reed/Kelli	Welfare Rent	495.00
Tires,Tires,Tires In	Automotive/Sm	19.99	Tires,Tires,Tires In	Gas,Oil,Diese	26.40
Titan Machinery	Small Equipme	1,004.00	US Postal Service	Postage	2,000.00
Vandenberg, Steven	Welfare Rent	700.00	Vander Haag's, Inc.	Truck Repair/	1,259.29
Variety Foods Llc	Other Profess	531.21	Volunteers Of Americ	Alternatives	7,590.00
Volunteers Of Americ	Other Profess	970.00	Weerheim, Tom	Attorney Fees	2,349.90
Winner Police Depart	Extradition &	67.20	Xcel Energy, Inc.	Electricity	869.43
Xcel Energy, Inc.	Road Maint. &	25.66	Xcel Energy, Inc.	Welfare Utili	820.00
Yankton County Sheri	Return Of Ser	325.00	Yellow Cab Inc	Transportatio	30.70
Zabel Steel Co.	Automotive/Sm	16.84	Zee Medical Service	Office Suppli	121.25

REPORTS

The South Dakota Department of Veterans Affairs 2013 Annual Report was received and placed on file in the Auditor's Office.

The Register of Deeds Official Statement of Fees Collected During January, 2014 and the Auditor's Account with the County Treasurer as of January 31, 2014 were received and placed on file in the Auditor's Office.

On Deposit in Banks	
Interest-bearing open accounts	20,225,546.63
CD's and savings	15,000,000.00
Cash	20,696.51
Checks/drafts in Treasurer's possession for more than 3 days	5,883.49
Total Cash on Hand	35,252,126.63
Payroll EFT outstanding, will clear in February	(206.92)
Total Reconciled AS/400 Cash Balance	35,251,919.71

PERSONNEL

MOTION by Pekas, seconded by Barth, to approve the following personnel changes. 4 ayes.

1. To hire Rachel Mattson as STI Security Officer (13/2) for STI Security at \$17.46/hour effective 2/24/14.
2. To accept the resignation of Kellyn Neth as Juvenile Correctional Officer I for the Juvenile Detention Center effective 2/23/14.
3. To hire Candice Storley as temporary, part-time Clerical Worker for the Jail at \$10.00/hour effective 2/19/14.
4. To accept the resignation of Jamie Lambertz as Legal Office Assistant for the Public Defender's Office effective 2/7/14.
5. To hire Carolyn Johnson as temporary, part-time Museum Aide for the Museum at \$9.00/hour effective 2/20/14.
6. To discharge Joshua Zambrano as Deputy Sheriff for the Sheriff's Office effective 2/13/14.

Step Increases Due

1. Chad Zink – Records Technician – Register of Deeds – 10/3 to 10/4 – 2/20/14 – \$15.82/hour
2. Jorrie Hart – Air Guard Security Officer I – Air Guard – 12/1 to 12/2 – 2/20/14 – \$16.62/hour

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3. Paul Clarke – Chief Building Inspector – Planning – 19/4 to 19/5 – 2/23/14 – \$25.29/hour
4. Michael Mayer – Senior Road Maintenance Team Member – Highway – 14/12 to 14/13 – 2/15/14 – \$24.07/hour
5. Michaela Gasca and Rebecca Fiegen – Safe Home Program Worker – Safe Home – 9/3 to 9/4 – 1/14/14 – \$15.06/hour
6. Wade McIntyre – Safe Home Program Worker – Safe Home – 9/5 to 9/6 – 1/14/14 – \$15.82/hour
7. Scott Hacking – Correctional Officer – Jail – 13/16 to 13/17 – 1/8/14 – \$25.29/hour
8. Tracie Lohrman – Correctional Officer – Jail – 13/9 to 13/10 – 1/12/14 – \$21.27/hour
9. Julie Tighe – Correctional Officer – Jail – 13/14 to 13/15 – 1/3/14 – \$24.07/hour
10. Dennis Clauson – Correctional Officer – Jail – 13/6 to 13/7 – 1/7/14 – \$19.75/hour
11. Justin Duchene – Correctional Officer – Jail – 13/13 to 13/14 – 1/27/14 – \$23.48/hour
12. Dalvin Ross – Corporal – Jail – 16/13 to 16/14 – 1/8/14 – \$27.23/hour

NOTICES and REQUESTS

MOTION by Pekas, seconded by Beninga, to authorize the Auditor to publish a Notice of Hearing to consider an application to transfer the Retail On-sale Liquor License held by DRG, Inc., Dell Rocky Run Golf Course, to Debbie Brobjorg, Norbys, Inc., Legal Description: Tract 2 Madsen Tracts of Outlot A (Ex E400) NW ¼ SE ¼ Section 8-T104N-R49W, 47364 Golf View Drive, Dell Rapids, SD. 4 ayes.

MOTION by Beninga, seconded by Barth, to authorize the Auditor to publish a Notice to Bidders for one (1) Sign Crane Truck Body, with trade-in, for the Minnehaha County Highway Department. 4 ayes.

MOTION by Beninga, seconded by Barth, to authorize the Auditor to publish a Notice to Bidders for Micro-Surfacing Projects on 6.5 miles of Minnehaha County Highway 121 and 4.23 miles on Minnehaha County Highway 138. 4 ayes.

A notice was received from East Dakota Water Development District of their regular Board of Director's meeting at 9:00 a.m., Thursday, February 20, 2014, at the EDWDD Office, 132B Airport Avenue, Brookings, SD.

LIEN COMPROMISE

Commissioner Pekas gave a briefing on an application for a compromise of lien for DPNO 20803 in the amount of \$2,750.64. The lien is in the name of the applicant and his ex-wife. Services were provided between 1986 and 2002 and include poor relief, Public Defender, Public Advocate, and Court Appointed Attorney. The applicant has made partial payments totaling \$1,013.01 bringing the lien to its current balance. The applicant and his current wife have a combined income of approximately \$40,000/yr. He lists assets of approximately \$9,700, consisting primarily of a vehicle and household goods, and liabilities in the amount of \$3,500. He is asking that the lien balance be split equally between his ex-wife and himself and he is also asking that his half be compromised in the amount of \$675.32 upon payment of \$700, which will bring his balance owing to zero

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with the remaining \$1,375.32 remaining only in the name of his ex-wife. Pekas stated that the Divorce Decree from 1999 incorporates the Stipulation and Agreement where both parties agree to assume the debts that they acquired during their marriage. Pekas stated that he would not make a motion for a compromise until there is a more accurate statement and request with the consideration of the Stipulation and Agreement. Kersten Kappmeyer, Chief Civil Deputy State's Attorney, stated that the Stipulation and Agreement back dates single responsibility of debts to the date of separation, which was five years prior to the date of the divorce. During this time period there were significant additional costs incurred by the applicant. Commissioner Barth stated that he hopes the applicant continues to make payments on this account. MOTION by Pekas, seconded by Beninga, to deny the request for compromise of lien for DPNO 20803. 4 ayes.

REALTOR SERVICES (deferred from February 11, 2014)

Bill Hoskins, Museum Director, gave a briefing on the proposals received from Nelson Property Consultants and Bender Commercial Real Estate Services for Realtor Services to sell 19.9 acres of land that was given to Minnehaha County specifically to raise funds for the construction of a storage facility for the museum collections. The Museum Board's Facilities Committee and the Museum Board recommended that Minnehaha County contract with Nelson Property Consultants. The proposals were considered by the Minnehaha County Commission on February 11, 2014. Chairman Heiberger stated that due to a tie vote the final motion on February 11, 2014, to accept the proposal from Bender Commercial Real Estate Services is on the table. SUBSTITUTE MOTION by Beninga, seconded by Pekas, to send the proposals back to the Museum Board and have the following questions answered by both proposers; 1) Recent sales in the same area as the county property that they participated in. 2) Their relationship with the current property owners in the area, and if they had any sales to those owners. 3) Their suggested listing price of the county property. 4) A report on listing price vs. sale price for properties that were listed with their firms. Commissioner Barth stated that he believes both proposals met all the criteria that was requested and favors making a decision today. Kersten Kappmeyer, Chief Civil Deputy State's Attorney, stated that he feels the questions that Commissioner Beninga brought forward are within the bounds of the Request for Proposals. Rex Roling, Sioux Falls City Councilman, asked for clarification on terms of the City/County agreement for financing the construction of the Museum Archive Facility. Bill Hoskins explained that the money realized from the land sale would be applied first toward the cost of the structure, with the remaining cost to be split between the city and the county with the city's portion not to exceed 1.3 million. VOTE to substitute the motion. 3 ayes, Barth voted nay. VOTE on the motion as substituted. 3 ayes, Barth voted nay. The proposals will be sent back to the Museum Board for reconsideration.

FUND TRANSFER

MOTION by Beninga, seconded by Barth, to authorize the transfer \$196,179 from the General Fund to the Emergency Management Fund in accordance with the 2014 budget. 4 ayes.

AGREEMENT

Bob Litz, Auditor, gave a briefing on an agreement between Minnehaha County and the City of Sioux Falls for Election Services. The agreement defines the election costs that the City will reimburse the County for. It also defines the responsibilities of each entity. Lorie Hogstad, Sioux Falls City Clerk, spoke in regard to Section 6 of the agreement where the County will be reimbursed by the City for the hours worked by the Auditor's Office staff on City Election Days, as they are unable to perform the County's duties during that time. MOTION by Beninga, seconded by Barth, to authorize the Chairman to sign the Election Agreement between Minnehaha County and the City of Sioux Falls. 4 ayes.

BRIEFING

Charles Martinell, 4-H Youth Advisor, gave a briefing on Minnehaha County 4-H program activities and outreach efforts planned for 2014. Mr. Martinell projected a 20% growth in youth membership this year and reported that over 2000 additional youth in the county have been impacted through the 4-H outreach program. Mr. Martinell

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thanked the Commission for their continued support.

Commissioner Barth left the meeting.

LEGISLATIVE UPDATE

Robert Wilson, Assistant Commission Administrative Officer, gave an update and status report of the 89th Legislative Session on bills that impact Minnehaha County.

NEW BUSINESS

Commissioner Pekas reported that there is a late breaking litigation issue that will need to be discussed in Executive Session.

MOTION by Pekas, seconded by Beninga, to recess into executive session to discuss pending litigation reserving the right to come out of executive session for the purpose of taking official action. 3 ayes.

The Commission came out of executive session.

Kersten Kappmeyer, Chief Civil Deputy State's Attorney, reported that Minnehaha County has been presented with a mediation agreement for the Karr vs. Correct Care Solutions litigation matter that is pending in federal court where Minnehaha County is a named party. Outside counsel for Minnehaha County is recommending the County's signature on the agreement. The agreement sets the ground rules for the conduct of mediation in the federal case and binds Minnehaha County to participate in the mediation. Mr. Kappmeyer recommended the County sign the agreement. MOTION by Pekas, seconded by Beninga to authorize the Chairman to sign the mediation agreement. 3 ayes.

MOTION by Beninga, seconded by Pekas to adjourn. 3 ayes.

The Commission adjourned until 9:00 a.m. on Tuesday, February 25, 2014.

APPROVED BY THE COMMISSION:

Cindy Heiberger
Chairman

ATTEST:

Cynthia Jepsen
Deputy Auditor