

5/06/2014

THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M. May 6, 2014 pursuant to adjournment on April 29, 2014. 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 Heiberger called the meeting to order.

MOTION by Beninga, seconded by Pekas, to amend the agenda by removing Item #11. 5 ayes.

MOTION by Beninga, seconded by Pekas, to approve the agenda as amended. 5 ayes.

MOTION by Beninga, seconded by Barth, to approve the April 29, 2014 Commission Minutes. 5 ayes.

MOTION by Beninga, seconded by Barth, to approve a correction to the March 11, 2014 minutes approving the purchase of two(2) Ford F150 Pickup Trucks from Sioux Falls Ford in accordance with SDCL 5-18C-8 off of contract #16546 competitively bid and awarded by the State of South Dakota to Lamb Motors for a total cost of \$48,162. 5 ayes.

#### VOUCHERS TO BE PAID

MOTION by Barth, seconded by Beninga, to approve the following bills in the amount of \$339,493.25. 5 ayes.

A & B Business Equip	Lease-Rental	227.28	A-1 Septic Tank & Ex	Water Sewer	172.50
Adhikari, Bhim	Interpreters	75.00	Airway Service Inc	Gas,Oil,Diese	64.40
All American Towing	Other Profess	107.50	Allied Oil & Tire Co	Truck Repair	106.00
Amiotte Law Pc	Attorney Fees	1,162.16	Andersen, Norma	Bd Exp. Fees	127.50
Anderson-Crane Rubbe	Heavy Eq. Rep	275.40	Automatic Building C	Security Alar	236.64
Avera Health Informa	Clinics - Aux	124.20	Avera Home Medical E	Medical Equip	66.23
Avera McKennan Hospi	Attorney Fees	10,200.11	Avera McKennan Hospi	Blood Withdra	132.00
Avera McKennan Hospi	Clinics - Aux	2,511.00	Avera McKennan Hospi	Hospitals	18,292.61
Avera Medical Group-	Physicians	1,000.80	Bahnsen Court Llc	Welfare Rent	600.00
Berg, Scott	Uniform Allow	82.86	Billion's	Automotive/Sm	38.24
Bourne, Anna	Bd Evaluation	600.00	Brevik Law Office Pr	Attorney Fees	174.33
Brown & Saenger	Printing/Form	2,425.00	Bureau Of Informatio	Data Communic	420.00
Butler Machinery Com	Heavy Eq. Rep	128.74	C & R Supply Inc	Automotive/Sm	183.20
Campbell Supply Co I	Bridge Repair	13.53	Campbell Supply Co I	Sign Supply/I	13.52
Carlson, Lisa	Court Reporte	855.40	Carpenter, Donovan	Business Trav	31.66
Cartridge World	Data Processi	1,671.26	Cartridge World	Other Miscell	391.48
CBM Managed Services	Board Of Pris	18,808.42	Christiansen, Dan	HIDTA Grant	108.00
Christopherson, Ande	Attorney Fees	1,288.50	Cody, Denise	Bd Exp. Fees	180.00
Cole Papers, Inc.	Janitorial/Ch	1,160.23	Concrete Materials	Road Maint. &	2,544.81
Connecting Point	Contract Serv	1,258.00	Connecting Point	Data Processi	170.00
Constellation New En	Natural Gas	15,307.27	Construction Product	Plumbing & We	159.65
Country View MHC	Welfare Rent	292.00	Dakota Fluid Power,	Automotive/Sm	42.54
Davies, Boone T	Welfare Rent	600.00	Deans Bulk Svc Inc	Gas,Oil,Diese	167.90
Dement, Cherie	Welfare Rent	700.00	Denherder Law Office	Attorney Fees	496.86
Design Research Engi	Other Profess	9,269.62	Duffy, Ryan	Attorney Fees	2,093.70
EH Hospitality Llc	Motels	280.00	Eirinberg, James A	Attorney Fees	765.60
Election Systems & S	Printing/Form	1,012.46	Farnsworth, Michael	Other Profess	7,600.00
Fleetpride / Holt, I	Truck Repair	63.16	G & H Distributing I	Small Tools,	74.04
Gearman, Jason	Investigators	152.07	Genzlinger, Janeen	Court Reporte	201.40
Greentree Psychologi	Bd Evaluation	382.50	Guzman, Sandra V.	Interpreters	250.00
Harmelink,Fox & Ravn	Attorney Fees	182.00	Harmon, Karla	Bd Evaluation	67.50
Heartstarters Llc	Education & T	31.50	Hemmer, Charles	Business Trav	29.81
Hewlett-Packard Comp	Data Processi	160.00	Hmn Hardware Inc	Automotive/Sm	29.98
HMN Hardware Inc	Small Equipme	449.95	Hoekstra, Denise A.	Court Reporte	84.00
Hohn, Rodney L	Uniform Allow	104.00	Holiday Credit Offic	Gas,Oil,Diese	16.58
Hollinger, Cheryl	Other Misc. R	150.00	Home Federal Savings	Welfare Rent	451.95
Howe Electric, Inc.	Bldg/Yard Rep	149.76	I State Truck Center	Parts Invento	142.56
I State Truck Center	Truck Repair/	126.73	Infrastructure Desig	Architects &	14,224.24

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Interstate Office Pr	Furniture & O	266.00	Interstate Office Pr	Office Suppli	806.70
ISI Llc	Interpreters	100.00	James, Carole	Business Trav	284.90
Jaydee Inc/Jaymar	Printing/Form	776.40	Johnson, Richard L	Attorney Fees	174.00
Kauffman, David W. P	Psych Evals	3,335.00	Khoroosi, Sam	Attorney Fees	268.80
Koppen, Richard J	Other Misc. R	300.00	Kreislers, Inc.	Medical Equip	85.50
Lacroix, Heather	Attorney Fees	1,259.82	Laughlin, Nicole	Attorney Fees	1,066.30
Lewis & Clark Bhs	Bd Evaluation	1,600.00	Lewno, Lucy	Bd Exp. Fees	2,508.85
Lindblom, Timothy	Business Trav	256.04	Lutheran Social Svcs	Other Profess	4,058.30
Mailway Printers	Museum Report	983.00	Marco	Office Equipm	165.00
Metro Communications	Clinics - Aux	120.00	Michaels Purple Petu	Building Repa	95.00
MidAmerican Energy C	Natural Gas	5,819.63	MidAmerican Energy C	Welfare Utili	409.08
Midwest Family Mutua	Hazard Insura	2,209.40	Mikelson, Gary E	Attorney Fees	426.86
MOMCC	Memberships	50.00	Multi-Cultural Cente	Interpreters	880.00
Nielsen Ogdahl, Erin	Attorney Fees	425.00	Northern Heights Dev	Welfare Rent	1,200.00
Okall, Langu	Interpreters	180.00	Palmer, Barbara	Bd Evaluation	6,232.50
Palmer, Barbara	Bd Evaluation	135.00	Peters Distributing	Safety & Resc	734.47
Pheasantland Industr	Printing/Form	92.73	Pheasantland Industr	Sign Supply/I	230.40
Pirrung, Sheila M	Welfare Rent	500.00	Platinum Properties	Welfare Rent	300.00
Pollard & Larson Llp	Attorney Fees	549.75	Prahm Construction I	Contracted Co	99,029.25
Prairie Wind Trailer	Trucks/Tracto	5,100.00	Public Safety Equipm	Communication	698.00
Qualified Presort Se	Kitchen/Clean	3.73	Qualified Presort Se	Postage	4,177.09
Rods Properties	Welfare Rent	400.00	RSVP	Program Activ	600.00
Rural Metro Ambulanc	Transportatio	450.00	Safe Home Ltd Ptnrsh	Rent Subsidie	7,166.91
Sam's Club - Members	Memberships	-45.00	Sam's Club - Members	Other Profess	1,258.71
Sanford Hospital	Clinics - Aux	1,452.68	Sanford Hospital Med	Medical Recor	192.75
Sanford Occupational	Other Profess	263.50	Sanford Occupational	Professional	449.55
Schreurs, John	Welfare Rent	500.00	SD Bureau Of Human R	Education & T	225.00
Svertson, Allen	Business Trav	36.84	Shepherd Reporting L	Court Reporte	150.00
SHI, International C	Software	5,797.44	Shreves, Brian	Attorney Fees	501.00
Simon, Anthony (OR)	Other Profess	65.00	Sioux Falls Rubber S	Advertising	13.75
Sioux Falls Rubber S	Office Suppli	59.85	Sioux Falls Utilitie	Welfare Utili	100.76
Sioux Valley Energy	Electricity	254.47	Sioux Valley Energy	Road Maint. &	135.74
Sioux Valley Energy	Tea-Ellis Ran	217.62	Skorczewski, Jena	Court Reporte	258.40
Solheim, Virginia	Business Trav	37.58	Solomon, Ghirmay	Interpreters	141.66
Southeastern Electri	Welfare Rent	367.87	St Francis House	Other Profess	397.52
Stenopat Ltd Inc	Depositions	56.70	Streicher's	Volunteer Per	434.97
Swanda, Karen	Bd Exp. Fees	232.50	Szameit, Alexandra	Interpreters	223.55
T Dist, Inc / Tc Mou	Program Activ	332.39	T-Rentals Llc	Welfare Rent	450.00
Thomson Reuters - We	Books	198.45	Thorin, Deyanira T	Interpreters	259.99
Tires,Tires,Tires In	Automotive/Sm	848.15	Tires,Tires,Tires In	Gas,Oil,Diese	185.72
Titan Machinery	Automotive/Sm	95.69	Tomacelli's Pizza	Jury Fees	105.72
Tractor Supply Co.	Automotive/Sm	35.96	Traffic Data Inc Db	Engineering S	2,608.94
True North Steel	Pipe & Culver	7,006.56	UR Properties Llc	Welfare Rent	700.00
Valley West Apartmen	Welfare Rent	900.00	Vandervliet, Rodney	Business Trav	47.20
Variety Foods Llc	Other Profess	194.02	Verizon Wireless	Data Processi	2,107.89
Verizon Wireless	Hidta Grant	187.11	Verizon Wireless	Safety & Resc	247.08
Verizon Wireless	Telephone	10,039.82	VOA Dakotas / Pettig	Welfare Rent	151.00
Volunteers Of Americ	DMC-JJDPA Gra	3,157.65	Volunteers Of Americ	Other Profess	4,723.00
Walgreen Co.	Pharmacies	47.93	Waltner, Kolbeck, Sc	Attorney Fees	1,803.56
Waltner, Kolbeck, Sc	Child Defense	495.90	Weber, Judy Prp	Court Reporte	75.00
Weerheim, Tom	Attorney Fees	852.60	Wheelco Brake & Supp	Truck Repair/	370.31
Williamsburg Townhom	Welfare Rent	600.00	Xcel Energy, Inc.	Welfare Utili	3,400.80
Yankton County Sheri	Return Of Ser	425.00	Yankton County Treas	Attorney Fees	1,230.50
3D Specialties, Inc.	Sign Supply/I	979.65			

## REPORTS

The Inter-Lakes Community Action Partnership 2013 Audited Financial Statements were received and placed on file in the Auditor's Office.

Traci Smith, Public Defender Director, presented the 2013 Annual Report for the Minnehaha County Public Defender's Office. The report is on file in the Auditor's Office.

5/06/2014  
PERSONNEL

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

1. To accept the resignation of Lauren Kaufman as Deputy Public Defender for the Public Defender's Office effective 5/9/14.
2. To accept the resignation of Stephen Juba as Senior Building Facilities Maintenance Technician for Facilities effective 5/9/14.
3. To hire Shane Granum, Tanner Wilson, and Christopher Woessner temporary, part-time Highway Laborers for the Highway at \$11.00/hour effective 5/12/14.
4. To hire the Daniel Kistler as Chief Building Inspector (19/1) for Planning at \$22.91/hour effective 5/12/14.
5. To hire the Bill Warren as temporary, part-time Park Worker for Planning at \$11.15/hour effective 5/6/14 to 10/15/14.
6. To hire the Gregg Kringen as temporary, part-time Park Worker for Planning at \$11.75/hour effective 5/6/14 to 11/1/14.

#### Step Increases Due

1. Erin Srstka – JDAI Coordinator – Commission – 17/3 to 17/4 – 4/25/14 – \$22.35/hour
2. Sandra Kinder – Accountant – Highway – 16/3 to 16/4 – 4/25/14 – \$21.27/hour
3. David Wesselink – Maintenance Worker – Juvenile Detention Center – 9/4 to 9/5 – 5/1/14 – \$15.43/hour

#### Special Personnel Actions

1. To recognize the following significant employee anniversaries for May 2014: 5 years – Kristin Trana; 10 years – Michael Brenden, Michael Miller; 15 years – Traci Smith, Randy Sample
2. To record volunteers in County Departments for April 2014. The list is on file at Human Resources.

Jen Adix, Human Resource Generalist, presented the 2014 Affirmative Action Plan for Commission approval. MOTION by Pekas, seconded by Beninga, to approve the 2014 Affirmative Action Plan. 5 ayes.

#### NOTICES

A notice was received from the SD Department of Health of Disinterment/Re-Interment Permit issued for the remains of Christopher Rippentrop.

MOTION by Barth, seconded by Pekas, to authorize the Auditor to publish a Notice of Hearing on June 3, 2014, for 2014-2015 Malt Beverage License Renewal Applications for The Renner Corner, Breck's Bar & Grill, Friendly's, and Midway Service. 5 ayes.

#### PLANNING & ZONING NOTICES

5/06/2014

Scott Anderson, Planning and Zoning Director, was present for the first reading and requested authorization for the Auditor to publish a Notice of Hearing to consider request #14-04 to rezone from A-1 Agricultural District to C Commercial District at the corner of SD Highway 115 and County Highway 122. The property is legally described as the east 120 feet of Tract 2 of Wold Tract in the NW ¼ NW ¼ of Section 17, T103N, R49W of the 5<sup>th</sup> P.M., Minnehaha County, SD. MOTION by Kelly, seconded by Barth, to authorize the Auditor to publish a Notice of Hearing on May 27, 2014 to consider rezoning request #14-04. 5 ayes.

Scott Anderson, Planning and Zoning Director, gave a briefing on a request submitted by Steve Van Buskirk to vacate a portion of Rudolph Avenue. The vacation request is for that portion of the road lying adjacent to the property owned by JTRT Property LLC. MOTION by Kelly, seconded by Beninga, to authorize the Auditor to publish a Notice of Hearing on June 3, 2014, to vacate property legally described as that portion of Rudolph Avenue beginning at the southeast edge of Ashton Street and extending south to its end at the east edge of Melissa Street; and lying adjacent to Lot 6 Block 2 Benson's 2<sup>nd</sup> Addition NE ¼, and Lot 6 Block 3 Benson's 2<sup>nd</sup> Addition NE ¼; all in Section 13T102N-R50W Minnehaha County. 5 ayes.

#### HEARING

Scott Anderson, Planning Director, gave a briefing on Drainage Permit Application #14-13. Tom Opitz submitted the application in order to conduct agricultural drainage on property legally described as Tract 1 Kalb's Subdivision, NW ¼ Section 19-T101N-R51W. The project consists of 8,000 feet of 5" tile lines consisting of 10 runs. The water will flow into a well defined drainage way on the Opitz property, then cross onto land owned by John and Linda Boll, and eventually through two culverts under 461<sup>st</sup> Avenue. John and Linda Boll are the only downstream landowners with ½ mile of the outlet of the proposed drainage project, and they have not signed a downstream waiver. Staff made a site visit on April 11, 2014 and viewed the areas proposed for tiling. Staff finds the proposed tile lines will be placed in traditionally wet areas that function as part of the same watershed and recommend approval of permit #14-13. Commissioner Kelly recused himself. The petitioner, Tom Opitz was present and stated that he is requesting to install drainage tile to increase yield production of the property. Opponents John Boll and Jason Boll spoke against the tiling project due to the increase in water flowing onto their property. Commissioner Barth asked Mr. Opitz and John Boll if they would be willing to work together to come to an agreement that would be beneficial to both parties. Both parties indicated they would be willing to do that. MOTION by Barth, seconded by Beninga, to defer action on this item for one week. 3 ayes. Pekas voted nay.

#### LIENS

Bob Litz, Auditor, presented the following annual lien clean-up actions. MOTION by Beninga, seconded by Pekas, to approve Resolution MC14-21. 5 ayes.

#### **RESOLUTION MC14-21 TO COMPROMISE COUNTY AID LIENS TO A \$30,000 CAP**

**WHEREAS**, the Minnehaha County Commission has determined that it is in the County's best interest to annually reduce all county aid liens to a \$30,000 cap, and

**WHEREAS**, as of March 11, 2014, there are three existing liens with a balance greater than \$30,000 as listed on a computer printout on file in the Minnehaha County Auditor's Office; now

**THEREFORE BE IT RESOLVED**, by the Minnehaha County Board of Commissioners, that the Register of Deeds is hereby directed to compromise this liens to a balance of \$30,000 per account. Total amount compromised is \$5,136.03.

Dated this 6th day of May 2014.

5/06/2014

APPROVED BY THE COMMISSION:

Cindy Heiberger  
Chairman

ATTEST:

Cynthia Jepsen  
Deputy Auditor

MOTION by Pekas, seconded by Barth, to approve Resolution MC14-22. 5 ayes.

**RESOLUTION MC14-22  
TO DISCHARGE COUNTY AID LIENS OF DECEASED PERSONS**

**WHEREAS**, the Minnehaha County Commission has determined that it is in the County's best interest to discharge county aid liens against deceased persons which have been deemed uncollectible; and

**WHEREAS**, as of March 11, 2014, there are 41 such liens totaling \$153,291.92 for deceased persons, as listed on reports on file in the Minnehaha County Auditor's Office; now

**THEREFORE BE IT RESOLVED**, by the Minnehaha County Board of Commissioners, that the Register of Deeds is hereby directed to discharge these liens.

Dated this 6th day of May 2014.

APPROVED BY THE COMMISSION:

Cindy Heiberger  
Chairman

ATTEST:

Cynthia Jepsen  
Deputy Auditor

MOTION by Pekas, seconded by Beninga, to approve Resolution MC14-23. 5 ayes.

**RESOLUTION MC14-23  
TO DISCHARGE COUNTY AID LIENS WITH NO ACTIVITY FOR 30 YEARS**

**WHEREAS**, the Minnehaha County Commission has determined that it is in the County's best interest to annually discharge those county aid liens with no activity for 30 years, and

**WHEREAS**, as of March 11, 2014, there are 286 such liens totaling \$468,463.98, as listed on a computer printout on file in the Minnehaha County Auditor's Office; now

**THEREFORE BE IT RESOLVED**, by the Minnehaha County Board of Commissioners, that the Register of Deeds is hereby directed to discharge these liens with no activity for 30 years.

Dated this 6th day of May 2014.

APPROVED BY THE COMMISSION:

Cindy Heiberger  
Chairman

ATTEST:

Cynthia Jepsen  
Deputy Auditor

5/06/2014

MOTION by Pekas, seconded by Beninga, to approve Resolution MC14-24. 5 ayes.

**RESOLUTION MC14-24**

**TO DISCHARGE COUNTY AID LIENS WITH LESS THAN \$250 BALANCE  
AND NO ACTIVITY FOR 10 YEARS**

**WHEREAS**, the Minnehaha County Commission has determined that it is in the County's best interest to annually discharge those county aid liens with less than \$250 balance and no activity for 10 years, and

**WHEREAS**, as of March 11, 2014, there are 516 such liens totaling \$62,483.97, as listed on a computer printout on file in the Minnehaha County Auditor's Office; now

**THEREFORE BE IT RESOLVED**, by the Minnehaha County Board of Commissioners, that the Register of Deeds is hereby directed to discharge these liens with less than \$250 balance and no activity for 10 years.

Dated this 6th day of May 2014.

**APPROVED BY THE COMMISSION:**

Cindy Heiberger

Chairman

**ATTEST:**

Cynthia Jepsen

Deputy Auditor

**BRIEFING**

Bob Litz, Auditor, gave a briefing on proposed procedural changes in accordance with SDCL 12-19-43 that are under consideration for organizing and tabulating absentee ballots. The purpose for the proposed changes is to facilitate a more timely method for the absentee ballots to be tabulated. Kersten Kappmeyer, Chief Civil Deputy State's Attorney, stated the need to be very mindful of what statute 12-19-43 allows and also what the statute specifically prohibits.

**LIAISON REPORT**

Commissioner Barth reported that at the recent Homeless Advisory Board meeting Redemption Technology gave a presentation on the business they are starting that will work with homeless people to provide training on how to get jobs and hold jobs. Barth also reported that a couple non-governmental organizations have been approached by the State in regard to offering support for 9 to 18 parolees for a few months after they are released from prison. The funding and contracts haven't been worked out yet.

Commissioner Beninga reported on the Public Defender's Advisory Board Meeting last week that he and Commissioner Heiberger attended. One board member has resigned and applications for appointment to the board will be brought to the Commission for consideration of appointment in the near future. Beninga also reported on management training that Traci Smith, Public Defender Director, has received from Sumption and Wyland.

Commissioner Heiberger reported that she traveled to New Jersey with the JDAI Statewide Steering Committee for training under New Jersey's JDAI for how to expand the program state wide.

Mark Lee, Public Affairs & Communications Director for the Sioux Falls Chamber of Commerce, reported that 26 business leaders and county officials from Billings, Montana are visiting the City of Sioux Falls to learn what we have done right to propel Sioux Falls forward in such a wonderful way.

5/06/2014

NEW BUSINESS

Commissioners Kelly and Pekas spoke on the proposed future development in the northwest region of Sioux Falls that was presented by the City of Sioux Falls Planning Department during the May 6, 2014, building committee meeting .

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

The Commission adjourned until 9:00 a.m. on Tuesday, May 13, 2014.

APPROVED BY THE COMMISSION:

Cindy Heiberger  
Chairman

ATTEST:

Cynthia Jepsen  
Deputy Auditor