

5/27/2014

THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M. May 27, 2014 pursuant to adjournment on May 20, 2014. Commissioners present were: Barth, Beninga, Heiberger, Kelly, and Pekas. Also present were Robert Litz, Auditor, and Kersten Kappmeyer, Chief Civil Deputy State’s Attorney.

Chairman Heiberger called the meeting to order.

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

MOTION by Pekas, seconded by Barth, to approve the May 20, 2014 Commission Minutes with a correction to Resolution MC14-27 as follows. 5 ayes.

RESOLUTION MC14-27

WHEREAS, a County Aid Lien in the amount of \$4,010.93 purports to exist in favor of Minnehaha County and against DPNO 56895 as Lienee, and a County Aid Lien in the amount of \$1,027.43 purports to exist in favor of Minnehaha County and against DPNO 62884, and

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

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 against the real property legally described as Lot 9A in Block 1 of Evergreen Acres Addition in the Southwest Quarter (SW ¼) of Section 22, Township 102 North, Range 49 West of the 5th P.M., Minnehaha County, South Dakota, according to the recorded plat thereof, together with the right of ingress over and across East Old Hickory Street, formerly known as East Old Hickory Place, a private roadway, as disclosed by that certain plat recorded in Book 61 on Page 6, leaving the lien in force against the applicant’s ex-wife.

Dated at Sioux Falls, South Dakota, this 20th day of May, 2014.

APPROVED BY THE COMMISSION:

Cindy Heiberger
Chairman

ATTEST:
Cynthia Jepsen
Deputy County Auditor

VOUCHERS TO BE PAID

MOTION by Barth, seconded by Beninga, to approve the following bills in the amount of \$462,585.57. 5 ayes.

Airway Service Inc	Automotive/Sm	223.47	Airway Service Inc	Other Repairs	68.86
Allied Oil & Tire Co	Automotive/Sm	104.50	Alsobrook, Danny D	Truck Repair/	150.00
Andersen, Norma	Bd Exp. Fees	15.00	Anderson Funeral Hom	Burials	2,250.00
Anderson, Scott A.	Business Trav	67.00	Arena Motel	Co. Welfare -	199.00
Argus Leader - Adver	Publishing Fe	1,470.00	Ash, Margaret Randal	Program Activ	6,900.00
Automatic Building C	Hhs Maintenanc	201.00	Automatic Building C	Jail Repairs	2,083.00
Automatic Building C	Outside Repai	271.00	Automatic Building C	VOA - Dakotas	435.00
Avera Health Informa	Clinics - Aux	46.20	Avera Health Plans I	Cobra Insuran	275.78
Avera McKennan Hospi	Blood Withdra	132.00	Avera McKennan Hospi	Clinics - Aux	1,560.00
Avera McKennan Hospi	Hospitals	4,256.00	Avera McKennan Hospi	Other Profess	687.50
Avera McKennan Hospi	Welfare Rent	350.00	Baldwin Supply Co	Electrical Re	206.30

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Billion's	Automotive/Sm	130.90	Billion's	Gas,Oil,Diese	44.09
Boeckholt, Angie	Education & T	56.00	Bourne, Anna	Bd Evaluation	1,360.00
Boyce, Greenfield,Pa	Other Profess	394.73	Boyer Trucks Sioux F	Automotive/Sm	67.77
Brown & Saenger	Office Suppli	322.90	Builders Supply Comp	Building Repa	496.01
Bureau Of Informatio	Data Communic	420.00	Bureau Of Informatio	Detox	7.33
Bureau Of Informatio	Telephone	419.27	C & R Supply Inc	Automotive/Sm	13.80
C & R Supply Inc	Chemicals	44.96	Campbell, Vicki	Welfare Rent	525.00
Carper, Nichole A	Attorney Fees	181.75	Carper, Nichole A	Child Defense	1,437.00
CBM Managed Services	Board Of Pris	9,448.92	Century Business Pro	Maintenance C	86.02
Century Business Pro	Office Suppli	264.54	Century Business Pro	Printing/Form	14.90
Christensen, David D	Heavy Eq. Rep	53.82	Christensen, David D	Parts Invento	64.26
Christensen, David D	Small Tools,	65.25	Civil Design Inc	Architects &	11,137.50
Cole Papers, Inc.	Bridge Repair	50.00	Cole Papers, Inc.	HHS Custodial	1,112.91
Cole Papers, Inc.	Janitorial/Ch	254.06	Cole, John R	Education & T	56.00
Columbia Dam Llc	Welfare Rent	298.00	Computer Forensic Re	Other Profess	3,432.50
Construction Product	Automotive/Sm	521.00	Construction Product	Heavy Eq. Rep	215.76
Counseling Resources	Attorney Fees	925.00	Country View MHC	Welfare Rent	297.00
Crescent Electric Su	Electrical Re	11.97	Dahmen, Ruth	Welfare Rent	500.00
Dairy Queen	School Resour	119.60	Dakota Data Shred	Lease-Rental	55.43
Dakota Riggers & Too	Sign Supply/I	51.93	Davis Equipment Corp	Program Activ	57.22
Decastro Law Office,	Attorney Fees	892.50	Decisionone Corporat	Maintenance C	168.52
Denherder Law Office	Attorney Fees	221.19	Duffy, Ryan	Attorney Fees	6,688.00
EH Hospitality Llc	Co. Welfare -	185.00	Ekeren, Marvin R.	Bd Exp. Fees	30.00
Evans, Jerald L	Welfare Rent	750.00	Fastenal Company	Bridge Repair	72.61
Fastenal Company	Sign Supply/I	16.50	Fremont Industries,	Heat,Vent & A	258.80
G & R Controls Inc	Heat,Vent & A	1,133.32	Gaylord Bros Inc	Collections S	296.01
Genzlinger, Janeen	Witness Fees/	35.60	Getty Abstract	Right Of Way	450.00
Global Connect	Telephone	37.68	Graham, Robert C	Welfare Rent	450.00
Grainger, Inc.	Building Repa	66.34	Grainger, Inc.	Small Tools,	11.00
Granite Country View	Welfare Rent	203.00	Guzman, Sandra V.	Interpreters	100.00
Halverson, Eileen	Program Activ	150.00	Hanson, Allen	Welfare Rent	450.00
Hanson, Russ	Education & T	82.00	Harmon, Karla	Bd Evaluation	1,260.00
HDR Engineering Inc	Architects &	1,521.68	Heartland Paper Comp	Kitchen/Clean	1,038.84
Helseth, Kyle	Education & T	56.00	Hepner, Leanne	Other Supplie	66.20
Hewlett-Packard Comp	Office Suppli	438.42	High Point Networks	Maintenance C	1,444.00
Home Federal Savings	Welfare Rent	343.02	Hughes County (SD) S	Other Profess	14.00
Hurtgen, Timothy T/P	Welfare Rent	500.00	I State Truck Center	Parts Invento	138.41
Infrastructure Desig	Architects &	1,542.50	Inland Truck Parts &	Truck Repair/	79.57
Institutions Service	Jail Repairs	2,949.24	Interstate Office Pr	Office Suppli	1,536.33
Intoximeters, Inc.	Testing Suppl	4,000.00	Iosty, Alysia A	Education & T	56.00
ISS Facility Svcs-Mi	Contract Serv	11,058.00	Johnson, Richard L	Attorney Fees	174.00
Keller, Thomas M	Child Defense	721.50	Kmart	Pharmacies	397.60
Kone, Inc.	Correction Ct	1,719.10	Kutscher, Eric Pharm	Other Profess	3,375.00
Language Line Servic	Interpreters	31.50	Larson, Jeff	Attorney Fees	1,405.50
Laughlin, Nicole	Attorney Fees	751.66	Lewno, Lucy	Bd Exp. Fees	300.98
Light And Siren	Automotive/Sm	708.00	Light And Siren	Vehicle Equip	4,743.00
Lutheran Social Svcs	Interpreters	175.00	Mailway Printers	Publishing Fe	80.00
Maples, Bruce	Other Misc. R	300.00	Matheson Tri-Gas Inc	Plumbing & We	31.77
Mcnamara, Greg	Data Processi	729.00	Menards - East	Janitorial/Ch	34.95
Menards - East	Park/Recreati	108.66	Metro Communications	Other Misc	176,194.59
MidAmerican Energy C	Natural Gas	1,242.57	MidAmerican Energy C	Welfare Utili	246.23
Midwest Alarm Compan	Building Repa	85.00	Midwest Alarm Compan	VOA - Dakotas	105.00
Midwestern Mechanica	Maintenance C	200.00	Mikelson, Gary E	Attorney Fees	690.33
Miller Funeral Home,	Burials	2,250.00	Murray Properties, L	Welfare Rent	890.00
Nguyen, Lam	Interpreters	50.00	Nicholson, Tschetter	Attorney Fees	592.81
Norm Feldman's Glass	Heavy Eq. Rep	162.50	Northeast Investment	Welfare Rent	700.00
Nyhaug, Adam	Other Misc. R	300.00	Ophthalmology Ltd	Optometric Se	15.00
Osborn, Roxane R	Court Reporte	945.50	Palmer, Barbara	Bd Evaluation	2,767.50
PCS MBL/Portable Com	Other Profess	6,600.00	Phoenix Supply Llc	Inmate Suppli	1,544.00
Pizza Ranch/L & H Pr	School Resour	150.00	Pollard & Larson Llp	Attorney Fees	152.25
Presto-X-Company	Outside Repai	194.00	Qualified Presort Se	Kitchen/Clean	9.24
Qualified Presort Se	Postage	4,162.25	Quality Efficiencies	Motels	465.00
Rapid City Regional	Physicians	91.36	Record Keepers, Inc.	Other Profess	263.24
Redwood Estates Llc	Welfare Rent	550.00	Reliance Telephone I	Telephone	4.85
River Tower Apartmen	Welfare Rent	363.00	Ronke & Feist Law Fi	Attorney Fees	139.20

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Ronke & Feist Law Fi	Child Defense	513.30	Runnels-Murphy, Ange	Business Trav	56.24
Rural Metro Ambulanc	Transportatio	1,500.00	Rypkema, Diane	Education & T	56.00
Safety Benefits, Inc	Safety Commit	114.40	Sanford Hospital	Hospitals	9,452.12
Sanner, Melanie	Education & T	56.00	Schultz, Shannon	Business Trav	151.25
SD Dept Of Public Sa	Other Miscell	10.00	SD Div Of Criminal I	Professional	86.50
SD Human Services Ce	Clinics - Aux	32.20	SD One Call	Building Repa	19.95
SD Secretary Of Stat	Notary Exp	30.00	Servall Towel & Line	Program Activ	114.72
SF Leased Housing As	Welfare Rent	657.00	Sheehan Mack Sales &	Heavy Eq. Rep	194.69
Sherwin Williams	Building Repa	29.95	Shipley's Laundry &	Program Activ	20.60
Short Elliott Hendri	Architects &	3,572.21	Shreves, Brian	Attorney Fees	262.05
Sigler Fire Equipmen	Maintenance C	133.62	Sioux Falls City Fin	Blood/Chemica	6,720.00
Sioux Falls City Fin	Gas,Oil,Diese	355.71	Sioux Falls School D	Clinics - Aux	18.75
Sioux Falls Utilitie	Building Repa	196.38	Sioux Falls Utilitie	Electricity	9,319.26
Sioux Falls Utilitie	Water - Sewer	13,107.55	Sioux Falls Utilitie	Welfare Utili	777.39
Sioux Valley Energy	Welfare Utili	99.00	Sjovold, Shelly	Other Misc. R	150.00
Solarwinds.Net Inc	Maintenance C	1,199.00	Solomon, Ghirmay	Interpreters	75.00
Southeastern Behavio	Crisis Interv	8,845.91	Southeastern Electri	Welfare Utili	193.74
St Francis House	Other Profess	350.51	Stangeland, Lori	Education & T	56.00
Stoney Creek Townhom	Welfare Rent	1,555.00	Swanda, Karen	Bd Exp. Fees	15.00
Szameit, Alexandra	Interpreters	50.00	Tally Ho Apartments	Welfare Rent	520.00
Test Point Paramedic	Blood Withdra	720.00	Thomson Reuters - We	Books	198.45
Thomson Reuters - We	Legal Researc	3,671.50	Thorin, Deyanira T	Interpreters	50.00
Thornton Carpets/Flo	Repair/Renova	8,012.32	Trane	Heat,Vent & A	2,734.96
Turning Leaf Llc	Welfare Rent	600.00	United Parcel Servic	Postage	18.40
UR Properties Llc	Welfare Rent	500.00	Vander Haag's, Inc.	Automotive/Sm	88.45
Variety Foods Llc	Other Profess	239.57	Volunteers Of Americ	DMC-JJDPA Gra	3,899.28
Wal-Mart Pharmacy #1	Pharmacies	121.44	Waltner, Kolbeck, Sc	Attorney Fees	160.95
Weerheim, Tom	Attorney Fees	1,061.40	Westport Apts/Westpo	Welfare Rent	600.00
Wheelco Brake & Supp	Automotive/Sm	190.58	Wilka & Welter Llp	Attorney Fees	134.52
Wilson, Ann L	Other Profess	2,100.00	Xcel Energy, Inc.	Electricity	53,415.85
Xcel Energy, Inc.	Welfare Utili	2,575.02	Yankton County Sheri	Return Of Ser	150.00
Zahrbock Kool, Tress	Child Defense	5,006.25			

PERSONNEL

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

1. To promote Jason Reaves from Project Engineer (19/11) to Senior Project Engineer (21/10) for the Highway at \$2,526.40/bi-weekly effective 5/21/14.
2. To hire Matthew Livingston as temporary, part-time Programmer Intern for Information Technology at \$14.00/hour effective 5/28/14.
3. To hire Tyler Hurley as temporary, part-time Shop Technician for the Highway at \$12.00/hour effective 5/27/14.
4. To hire Dan Smit as temporary, part-time Laborer for the Highway at \$11.00/hour effective 5/28/14.
5. To rescind the action from the memo dated 4/29/14 to hire Barbara Slater and Richard Engel as temporary, part-time Election Workers for the Auditor.

Step Increases Due

1. Kamal Yusuf – Custodian – Facilities – 6/5 to 6/6 – 6/1/14 – \$13.64/hour
2. Sidney Dunn – Correctional Officer – Jail – 13/13 to 13/14 – 3/20/14 – \$23.48/hour
3. Seamus Walsh – Corporal – Jail – 16/10 to 16/11 – 5/12/14 – \$25.29/hour

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4. Kristin Trana – Administrative Coordinator – Sheriff’s Office – 18/6 to 18/7 – 5/4/14 – \$25.29/hour
5. Daniel Grapevine – Bridge Maintenance Team Leader – Highway – 16/12 to 16/13 – 5/21/14 – \$26.57/hour

ABATEMENTS

MOTION by Barth, seconded by Pekas, to approve abatement of 2013 property taxes representing Veterans Exemptions for RDID 15320, \$1,053.30; RDID 14198, \$1,460.76; RDID 15978, \$1,365.71; RDID 73683, \$334.95. 5 ayes.

NOTICES

Mike Milstead, Sheriff, reported that a review committee has recommended the use of conducted electrical weapons for law enforcement as a less lethal option. Sheriff Milstead stated that grants are available for funding the purchase of the weapons. MOTION by Kelly, seconded by Barth, to authorize the Auditor to publish notice to bidders for the purchase of conducted electrical weapons for the Sheriff’s Department. 5 ayes.

Michelle Boyd, Chief Deputy Sheriff, reported that the City of Sioux Falls and Minnehaha County will receive \$70,599 through the 2014 Edward Byrne Justice Assistance Grant. Under a joint spending plan proposal the City of Sioux Falls will receive \$45,889 and the County will receive \$24,710. The County funds are proposed to be used for training, equipment, ammunition, and office furniture. Ms. Boyd requested authorization to post notice of a public hearing on June 10, 2014, to consider the spending plan. MOTION by Barth, seconded by Pekas to authorize the Auditor to post Notice of Hearing on June 10, 2014 to consider the 2014 Edward Byrne Justice Assistance Grant Joint Spending Plan. 5 ayes.

PLANNING & ZONING NOTICES

Scott Anderson, Planning & Zoning Director, requested authorization for the Auditor to publish a notice of hearing for text amendments to the 2002 Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls. The amendments to be considered are for revisions regarding solar energy conversion systems. MOTION by Kelly, seconded by Beninga, to authorize the Auditor to publish a notice of hearing to consider text amendments to the 2002 Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls on June 24, 2014 at 5:00 p.m. at a Joint Meeting of the Minnehaha County Commission and the Sioux Falls City Council. 5 ayes.

LIEN COMPROMISE

Commissioner Pekas gave a briefing on a request for compromise of lien for DPNO 58675 in the amount of \$1,701.10. The Commission considered this request on May 20, 2014, with four Commissioners present. The motion made for compromising DPNO 58675 resulted in a split vote that deferred further consideration until a full Commission was present. The lien is in the name of the applicant and his ex-wife, and is for attorney services provided for their minor children. The applicant is in the process of refinancing his home and the title company identified the lien. He is asking for a compromise and release of the lien in full as it applies to himself and his property upon payment of \$638, leaving the balance of the lien only in the name of his ex-wife. The applicant made a similar request in February, 2013, during a previous attempt to refinance his home. At that time the Commission approved a full compromise as it applied to the applicant and his property upon payment of \$638.00. The refinancing was not successful and the applicant has made no payment on the lien. The full amount of the lien was reinstated after one year from the approval date of the compromise. MOTION by Pekas, seconded by Barth, to deny the request for compromise of lien for DPNO 58675. Commissioner Pekas stated that the applicant made no payments on the previous lien compromise and doesn’t believe that the offer should be extended for a

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second time. Vote on motion, 5 ayes.

PUBLIC COMMENT

Ron Weber, 46631 Prairie Drive, Sioux Falls, and David Newell, 46642 Prairie Drive, Sioux Falls, spoke on issues of concern regarding their neighbor.

HEARING

Scott Anderson, Planning & Zoning Director, was present for the Public Hearing and gave the second reading of Ordinance MC 16-134-14 to amend the 1990 Revised Zoning Ordinance. The ordinance is to rezone approximately .29 acres from A-1 Agriculture District to C Commercial District at the corner of SD Highway 115 and County Highway 122 for future development. The Planning Commission unanimously recommended approval of re-zoning request #14-04 at their April 28th meeting. The applicant is requesting the re-zoning with the intent to develop a small repair shop on the property. No one spoke for or against the re-zoning request. MOTION by Barth, seconded by Pekas, to approve Ordinance MC16-134-14. 5 ayes. The entire ordinance is on file in the Auditor's Office.

AGREEMENTS

Jason Reaves, Project Engineer, gave a briefing on land acquisition for replacement of Structures 50-142-120 and 50-143-120. Mr. Reaves stated that it is desired to have 50' of right-of-way (each side of the section line) on all county highways. In addition, it is standard to acquire right-of-way in the immediate location of a structure reconstruction or renovation on county highways to allow county crews full access to the structure for maintenance. The Highway Department requested the following three land purchases: #1) Monte Oyen in the amount of \$1.00 for 0.08 acres for structure right-of-way; #2) Lorraine Pearson in the amount of \$1.00 for 0.08 acres for structure right-of-way; and #3) Lorraine Pearson in the amount of \$3,238.00 for 0.39 acres of road right-of-way. MOTION by Barth, seconded by Pekas, to authorize the Chairman to sign the right-of-way agreements for all three three land purchases. Chairman Heiberger and Commissioner Beninga stated that they feel purchasing 0.39 acres of road right-of-way for \$3,238.00 would set a precedent for future right-of-way acquisitions. MOTION by Kelly, seconded by Barth, to amend the original motion by eliminating purchase #3, the purchase of 0.39 acres for \$3,238.00. 5 ayes. VOTE on original motion as amended, 5 ayes.

NEW BUSINESS

Ken McFarland, Commission Administrative Officer, stated that there will be a commission meeting next week on Primary Election Day, June 3, 2014, but it will be kept very short.

OLD BUSINESS

Bob Litz, Auditor, stated that for the Primary Election on June 3, 2014, we will be using precincts as opposed to voting centers. Mr. Litz further stated that the City of Sioux Falls and Sioux Falls School Districts, have chosen to use voting centers for their elections; however for Primary and General Elections the county will continue to use precincts at this time.

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, June 3, 2014.

APPROVED BY THE COMMISSION:

Cindy Heiberger
Chairman

5/27/2014
ATTEST:
Cynthia Jepsen
Deputy Auditor