

9/02/2014

THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M. September 2, 2014 pursuant to adjournment on August 26, 2014. Commissioners present were: Barth, Beninga, Kelly, and Pekas. Commissioner Heiberger was absent. Also present were Cindy Jepsen, Commission Recorder, and Kersten Kappmeyer, Chief Civil Deputy State's Attorney.

Vice Chairman Pekas called the meeting to order.

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

MOTION by Beninga, seconded by Barth, to approve the August 26, 2014, Commission Minutes and August 26, 2014, Joint City/County Minutes. 4 ayes.

VOUCHERS TO BE PAID

MOTION by Barth, seconded by Beninga, to approve the following bills in the amount of \$1,326,062.42. 4 ayes.

A & B Business Equip	Lease-Rental	229.67	A To Z World Languag	Interpreters	580.00
Affordable Housing S	Welfare Rent	115.00	Airway Service Inc	Gas,Oil,Diese	68.25
Allied Oil & Tire Co	Heavy Eq Rep	10,349.50	Anderson Publication	Publishing Fe	1,042.58
Armor Correctional H	Contr Serv	175,102.34	Arrow Ridge Townhome	Welfare Rent	700.00
At & T	Safety & Resc	40.60	Automatic Building C	Jail Repairs	1,341.30
Avera Health Informa	Clinics - Aux	34.20	Avera Health Informa	Medical Recor	30.00
Avera McKennan Hospi	Blood Withdra	70.00	Avera McKennan Hospi	Contract Serv	3,529.84
Avera McKennan Hospi	Hospitals	18,492.00	Baldwin Supply Co	Electrical Re	190.96
Baldwin Supply Co	Plumbing & We	143.99	Berens, Lisa	Business Trav	87.00
Billion's	Automotive/Sm	51.33	Black Inc	Program Activ	545.00
Boyce, Greenfield,Pa	Other Profess	400.00	Boyer Trucks Sioux F	Truck Repair/	292.59
Butler Machinery Com	Heavy Eq. Rep	586.84	C & J Sayles Inc	Store Invento	404.67
Carroll Institute	IVC Housing	18,555.00	Cartridge World	Data Processi	1,747.52
Cartridge World	Office Suppli	663.96	Cbm Managed Services	Board Of Pris	9,392.04
Center For Family Me	Other Profess	385.00	Century Business Pro	Lease-Rental	202.07
Century Business Pro	Maintenance C	424.51	Centurylink (Qwest)	Detox	25.45
Centurylink (Qwest)	Telephone	621.59	Chemco, Inc.	Child Care It	172.38
Chemco, Inc.	Janitorial/Ch	719.53	Clerk Of District Co	Other Profess	22.00
Climate Systems, Inc	VOA - Dakotas	1,143.13	Cody, Denise	Bd Exp. Fees	135.00
Communication Svcs F	Interpreters	63.00	Concrete Materials	Road Maint &	132,368.83
Construction Product	Bridge Repair	564.00	Crescent Electric Su	Electrical Re	58.48
Dakota Contracting C	Contract Co	04,372.98	Dakota Splash	Water - Sewer	140.00
Denherder Law Office	Attorney Fees	326.54	Devries, Dave	Welfare Rent	600.00
Diesel Machinery Inc	Equip. (Lease	722.00	Ebert's Properties,	Motels	225.00
Ebert's Properties,	Welfare Rent	700.00	EH Hospitality Llc	Motels	1,285.00
Etterman Enterprises	Small Tools,	46.40	Falls Community Heal	Contract Serv	164.95
Fleetpride / Holt, I	Truck Repair/	97.55	Foss Manufactured Ho	Welfare Rent	530.00
Global Connect	Telephone	42.68	Goebel Printing, Inc	Printing/Form	44.64
Graham Tire Co. - Do	Automotive/Sm	243.41	Grainger, Inc.	Building Repa	115.04
Grainger, Inc.	Small Tools,	45.50	Gravett, Jamie	Business Trav	87.00
Guzman, Sandra V.	Interpreters	175.00	Hart 2 Hart Homes Ll	Welfare Rent	470.00
Healthport	Clinics - Aux	102.89	Heartland Paper Comp	Janitorial/Ch	24.96
Hettich, Jerod	Extradition &	47.00	Hoekstra, Denise A.	Court Reporte	88.40
Holiday Credit Offic	Road Maint. &	9.98	Home Federal Savings	Welfare Rent	376.04
Howes Oil Co., Inc.	Gas,Oil,Diese	24,062.66	Hurtgen, Timothy T/P	Welfare Rent	650.00
Hy-Vee Accounts Rece	Pharmacies	31.98	I State Truck Center	Parts Invento	188.93
IBE, Inc.	Maintenance C	289.00	Institutions Service	Jail Repairs	225.93
Interstate All Batte	Data Processi	180.00	Interstate All Batte	Truck Repair/	187.64
Interstate Office Pr	Office Suppli	489.04	Jacobs, Kenny	Business Trav	9.44
Jaros, Pete	Investigators	118.40	JCL Solutions-Janito	Janitorial/Ch	4,031.56
Jebro, Inc.	Road Material	21,187.15	Jefferson Partners L	Transportatio	3,343.15
Jensen, Aaron	County Cemete	85.98	Katterhagen, Mark	Bd Exp. Fees	135.00
Kjelden, Mike	Repair/Renova	2,429.13	Knecht, Andrew J	Attorney Fees	278.40
Kone, Inc.	Correction Ct	326.42	Kone, Inc.	Repair/Renova	8,705.00
Krell, Lynn	Business Trav	87.00	Lewno, Lucy	Bd Exp. Fees	1,247.42

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Luk, Anna - Luk In	Welfare Rent	500.00	Luther, Jeff	Medical Direc	2,500.00
Marberg, Richard	Archive/Prese	706.15	Martin Resource Mgmt	Contr Co	391,561.35
Martinell, Charles	Business Trav	346.24	Menards - East	Park/Recreati	50.70
Menards - East	Road Maint. &	89.95	Menards - East	Small Tools,	5.57
Michaels Purple Petu	Building Repa	95.00	MidAmerican Energy C	Natural Gas	1,182.58
MidAmerican Energy C	Welfare Utili	300.12	Midwestern Mechanica	Plumbing & We	444.00
Minn Cnty Museum Pet	Advertising	14.99	Minn Cnty Museum Pet	Store Invento	20.69
Miske, Criscel	Other Misc. R	150.00	Mobile Electronic Se	Communication	380.00
Murray Properties, L	Welfare Rent	185.00	Neve's Uniforms	Uniform Allow	1,126.34
Newman Signs Inc	Sign Supply/I	1,933.60	Niedringhaus, Paul	HIDTA Grant	64.00
Nielsen Ogdahl, Erin	Attorney Fees	250.00	Office Depot, Inc.	Office Suppli	162.20
Olson's Pest Technic	Other Profess	67.75	Palluck, Ethan	Extradition &	47.00
Palmer, Barbara	Bd Evaluation	427.50	Pennington County Ja	Extradition &	5,069.55
Petr Ltd, Inc/Ertz,	Other Profess	525.00	Pictometry Intl Corp	Maintenance C	1,875.00
Pictometry Intl Corp	Software	1,492.50	Rapid City Regional	Contract Serv	1,830.13
RDO Equipment Co.	Heavy Eq. Rep	942.48	Redwood Court Ltd Pt	Welfare Rent	600.00
Rochester Armored Ca	Armored Car S	379.50	Rosenbauer/Central S	Mass Fatality	49,997.00
Runnels-Murphy, Ange	Business Trav	17.76	Russell, Mark	Education & T	127.00
Sachchidanand Hospit	Motels	876.00	Safe Home Ltd Ptnrsh	Notes Rec (SF	-1,901.23
Safe Home Ltd Ptnrsh	Other Misc. R	-1,692.86	Safe Home Ltd Ptnrsh	Rent Subsidie	10,390.90
Salberg, Aaron	Attorney Fees	187.05	Sam's Club - Members	Child Care Fo	17.32
Sam's Club - Members	Other Profess	1,274.61	Sam's Club - Members	Other Supplie	28.43
Sanford Clinic Finan	Other Miscell	22,806.00	Sanford Laboratories	Lab Costs	42.75
SD Assn Of County Co	Education & T	165.00	SD Attorney General	Amts Held-Dai	5,963.00
SD Corrections Assoc	Education & T	300.00	SD Dept Of Public Sa	Other Miscell	20.00
SD Dept Of Revenue	Expert Witnes	350.00	SD Dept Of Revenue	Lab Costs	210.00
SD Human Services Ce	Clinics - Aux	47.00	SD Human Services Ce	Other Profess	600.00
SDSU SD Ltap	Education & T	85.00	Sentinel Offenders S	Alternatives	3,227.40
Servall Towel & Line	Program Activ	90.04	SF Leased Housing As	Welfare Rent	194.00
SF Leased Hsg Author	Welfare Rent	495.00	Share Corp	Small Tools,	188.52
Sigler Fire Equipmen	Correction Ct	273.50	Sigler Fire Equipmen	Jail Repairs	1,093.00
Sigler Fire Equipmen	Outside Repai	1,053.50	Sioux Empire Fair As	Other Miscell	12,500.00
Sioux Falls City Fin	Blood/Chemica	4,235.00	Sioux Falls City Fin	Trash Removal	175.38
Sioux Falls City Fin	Gas,Oil,Diese	1,257.37	Sioux Falls Housing	Welfare Rent	540.00
Sioux Falls Humane S	Other Miscell	3,848.58	Sioux Falls Utilitie	Water - Sewer	568.50
Sioux Valley Energy	Welfare Utili	129.00	Solberg, Darrell	Welfare Rent	1,195.50
Southeastern Behavio	Other Profess	1,275.00	Stan Houston Equipme	Bridge Repair	1,469.65
State Steel Of SD	Truck Repair/	447.20	Szameit, Alexandra	Interpreters	37.50
Taser International	Other Miscell	1,165.70	Taser International	SCAAP Funds	6,454.78
Taser International	St. Drug Fund	24,000.00	Taser International	2011 JAG Gran	2,316.23
Taser International	2012 JAG Gran	5,185.07	Taylor Place Llc	Welfare Rent	600.00
Thomson Reuters - We	Books	208.37	Thomson Reuters - We	Legal Researc	2,476.10
Thomson Reuters - We	Subscriptions	1,311.60	Tires,Tires,Tires In	Gas,Oil,Diese	57.71
Tri-State Garage Doo	Building Repa	182.55	United Parcel Servic	Postage	18.40
Valley West Apartmen	Welfare Rent	475.00	Variety Foods Llc	Other Profess	301.62
Vogel Motors Llc	Gas,Oil,Diese	26.40	Wal-Mart Pharmacy	Pharmacies	18.00
Waltner, Kolbeck, Sc	Attorney Fees	973.25	Waltner, Kolbeck, Sc	Child Defense	714.30
Weerheim, Tom	Attorney Fees	669.90	Westwick Motel, Inc.	Motels	1,290.00
Wheelco Brake & Supp	Truck Repair/	1,138.62	Wittrock, Craig	Education & T	127.00
Xcel Energy, Inc.	Electricity	71,387.64	Xcel Energy, Inc.	Welfare Utili	2,333.41
Yankton County Sheri	Return Of Ser	175.00	Zimmer, Duncan & Col	Attorney Fees	159.60
112 Inc Dbu Huey Ap	Welfare Rent	462.00	3D Specialties, Inc.	Sign Supply/I	169.00

PERSONNEL

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

1. David Heinold – Planner I – Planning – 16/1 to 16/2 – 9/3/14 – \$20.25/hour
2. Larry Bakken – Appraiser – Equalization – 15/15 to 15/16 – 8/28/14 – \$27.23/hour
3. Mark Kriens – Assistant Director of Facilities – Facilities – 18/13 to 18/14 – 8/16/14 – \$30.06/hour

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4. Carol Muller – Human Services Director – Human Services – 24/12 to 24/13 – 8/30/14 – \$3,658.40/bi-weekly
5. Paul Parish – Deputy Sheriff – Sheriff’s Office – 16/17 to 16/18 – 5/30/14 – \$30.06/hour
6. Alyssia Hanson – Juvenile Correctional Officer I – Juvenile Detention Center – 12/2 to 12/3 – 8/20/14 – \$17.03/hour
7. Joseph Zilla – Juvenile Correctional Officer I – Juvenile Detention Center – 12/1 to 12/2 – 8/26/14 – \$16.62/hour
8. Bonnie Costain – Senior Deputy State’s Attorney – State’s Attorney’s Office – 22/17 to 22/18 – 8/15/14 – \$3,397.60/bi-weekly

Special Personnel Actions

1. To recognize the following significant employee anniversaries for September 2014: 5 years – Jason Aanenson, Robert Bockorny; 15 years Thomas Rabb, Justin Sieler. Aaron McGowan, State’s Attorney, thanked Mona Helseth for her 40 years of service in the State’s Attorney’s Office.
2. To record volunteers in County Departments for August 2014. The list is on file at Human Resources.

NOTICES

A notice was received from the City of Sioux Falls of a public information meeting on September 3, 2014 from 5:00 to 6:00 p.m. at the Sioux Falls Main Library for bridge replacement on 12th Street near Grange Avenue and pavement rehabilitation on 12th Street from Kiwanis Avenue to Western Avenue.

MOTION by Barth, seconded by Beninga, to authorize the Auditor to publish a Notice of Hearing on September 23, 2014, to consider the transfer of the On-Sale Liquor License and On-Off-Sale Malt Beverage License from Swearingen Enterprises, Inc., Breck’s Bar & Grill, to Michael Swearingen, Chasers Food & Spirits. 4 ayes.

LIEN COMPROMISE

Commissioner Pekas gave a briefing on a request for compromise of lien for DPNO 83886. The lien is for Public Defender services provided in 2012. A payment of \$366 was received shortly after the lien was placed. The applicant states he was never told he had to pay for the services of his Public Defender and that his debts and obligations exceed his income. As part of the court’s sentence in the case associated with the lien, the applicant was ordered to pay fines and court costs as a condition of suspending 120 day jail time. Due to an initial failure to pay these fines and costs, a warrant was issued for his arrest. The applicant has dealt with the warrant through the Sheriff’s Office Walk in Warrants program, however the court order to pay the fines and costs remain active. The applicant has moved to Brookings to start a new job and is requesting a compromise and release of the lien in full with no additional payment. He lists assets in the amount of \$1,110 that include a checking account, household goods, and other personal property. His liabilities include debts and auto loans totaling \$12,384 as well as monthly expenses. According to his 2013 tax return he had an adjusted gross income of \$31,760 and received a tax refund of \$924. The applicant was present and asked for leniency stating he would be willing to pay 50% of the lien. MOTION by Beninga, to approve a compromise and release of the lien upon payment of \$867. Motion dies for lack of a second. Vice Chairman Pekas informed the applicant that he could bring a petition back to the Commission possibly when all members are present. Commissioner Barth stated that the Commission looks favorably on people who make consistent partial payments on their liens.

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AGREEMENT

Jamie Gravett, Juvenile Detention Center Director, gave a briefing on an agreement with Volunteers of America – Dakotas (VOA) to provide four additional shelter care beds at a fee of \$110 per day, per bed for the remainder of the calendar year. Currently the VOA provides three beds at no daily cost, and charges \$115 per day, per bed, for any additional beds. There is no guarantee that additional beds will be available. Mr. Gravett stated that they are consistently using more than three beds at the VOA. This agreement guarantees a total of seven beds, and gives the county a reduced rate. MOTION by Beninga, seconded by Kelly, to authorize the Chairman to sign the Guaranteed Bed Contract for Non-Secure Detention between Minnehaha County and Volunteers of Americas – Dakotas for four additional beds at \$110 per bed, per day for the remainder of the 2014 calendar year. 4 ayes.

EMERGENCY DECLARATION

Ken McFarland, Commission Administrative Officer, reported that the Highway Department inspected the culvert approximately 2 ¾ miles west of the I-29 and Baltic exit on County Highway 114 due to a recent noticeable bump in the road. The Highway Department immediately took action to close the road to truck traffic and only allow passenger cars to cross at slow speed in one lane because of the poor condition of the culvert. The Highway Department has a contract with Hancock Concrete Products through the Lincoln County materials letting for concrete pipe. The cost of purchasing an 8' x 8' Reinforced Concrete Box Culvert (RCBC), sloped ends, and appurtenances to install the pipe are \$41,706. The Highway Department received informal quotes to install a new box culvert from H&W Contracting, LLC in the amount of \$44,040 and from Metro Construction, Inc. in the amount of \$67,450. The Highway Department is requesting the Commission declare the culvert repair an emergency, accept the proposal from H&W Contracting, and authorize the agreement with Hancock Concrete Products for the purchase of materials. MOTION by Kelly, seconded by Barth, to declare the repair of the culvert on County Highway 114 an emergency pursuant to SDCL 5-18A-9, to authorize the Highway Department to proceed with the repairs, authorize the Chairman to sign the agreement with Hancock Concrete Products in the amount of \$41,706 for materials, and accept the proposal from H&W Contracting in the amount of \$44,040 for installation of the box culvert. 4 ayes.

HEARING

David Heinold, Planner I, was present for the public hearing and gave a briefing on a petition to vacate a portion of S. Prince of Peace Place beginning at East 52nd Street Lying Adjacent to Block 1 and Lot 12A, Block 2 in Prince of Peace Addition to the City of Sioux Falls, Minnehaha County, South Dakota and Extending to the Edge of Lot 12A, Block 2; all in Section 35-T101N-R49W, Minnehaha County. The petitioner is Avera McKennan and they are the only property owners who have access to this portion of S. Prince of Peace Pl. They are requesting the vacation in order to properly accommodate the construction of a new long term care addition. Staff recommends approval of Private Road Vacation #14-02. Garrett Peters, Director of Facility Development for Avera, was present for the public hearing and spoke in regard to the miss-communication as to whether the City of Sioux Falls or Minnehaha County held the authority to vacate the road. Kersten Kappmeyer, Chief Civil Deputy State's Attorney, stated that Minnehaha County is the authority that handles private road vacations. MOTION by Barth, seconded by Beninga, to approve Resolution MC14-53. 4 ayes.

**RESOLUTION MC14-53
RESOLUTION TO VACATE A PRIVATE ROAD**

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WHEREAS, a public hearing was held on September 2, 2014, pursuant to the provisions of SDCL 31-3-7 and SDCL 31-3-38 to consider a petition to vacate a private road; and

WHEREAS, said hearing was for the purpose of determining whether the public interest will be better served by such proposed vacation; and

WHEREAS, the Board finds that the proposed private road to be vacated does not provide access to public lands.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, by the Minnehaha County Board of Commissioners that the following described private road, is hereby declared vacated:

That the remaining portion of South Prince of Peace Place beginning at East 52nd Street lying adjacent to Block 1 and Lot 12A, Block 2 in Prince of Peace Addition to the City of Sioux Falls, Minnehaha County, South Dakota and extending to the edge of Lot 12A, Block 2; all in Section 35-T101N-R49W Minnehaha County.

AND BE IT FURTHER RESOLVED, that this resolution be placed on file with the Minnehaha County Auditor and recorded with the Minnehaha County Register of Deeds.

Dated this 2nd day of September, 2014.

BOARD OF COUNTY COMMISSIONERS

John Pekas
Vice Chairman
ATTEST:
Cynthia Jepsen
County Auditor

BUDGET HEARING

A public hearing was held for the FY 2015 Minnehaha County Budget. Ken McFarland, Commission Administrative Officer, gave a briefing on the FY 2015 budget which stands at \$72,141,845. The budget is supported by revenues that include a sluggish 2.4% growth in property taxes due to new construction within the county and a 1.4 % CPI adjustment allowed by the property tax limitation statutes in total county property taxes collected. The budget is also supported by modest increases in the bank franchise tax, recording fees, vehicle registration fees, and spending \$1.4 million in accumulated cash in the Highway Fund for road and bridge projects. The Provisional Budget includes one new court records officer position in the jail. The Provisional Budget also reflects the implementation of a modification in the county's pay plan for full and part-time employees along with normal step increases of approximately 2.5% in accordance with the parameters of the county's pay plan. The Provisional Budget keeps county operations on par with the 2014 budget with little to no growth to fund any requests for new positions, equipment, or programs. The Commission conducted one other budget hearing as well as a joint hearing with the City of Sioux Falls for the Museum, Metro Communications, and the Library, to consider some additional budget adjustments. These adjustments will reduce the General Fund Budget by \$10,821. These changes, as well as any last minute changes in payroll budget, and the impact of the final centrally assessed utility values will be incorporated into the final budget which will be presented for consideration and adoption on September 30, 2014. No public input or comments were received.

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AGREEMENTS

Shannon Schultz, Assistant Highway Superintendent, gave a briefing on a Professional Services Agreement with Infrastructure Design Group (IDG) for Project Development on Emergency Repair Projects (FEMA) resulting from the June flooding. IDG has met with FEMA Disaster Managers which initiated the official kick-off of the 60-day period of identifying needs and developing cost estimates. IDG's fees to participate in site inspections and other project development activities are \$8,889.72. 85% of all design, administrative, and construction fees will be reimbursable through FEMA. MOTION by Beninga, seconded by Barth, to authorize the Chairman to sign the agreement with Infrastructure Design Group for Professional Services for Emergency Repair Projects (FEMA) in the amount of \$8,889.72. 4 ayes.

GRANT

Aaron McGowan, State's Attorney, gave a briefing on a three year Highway Safety Grant Application for fulltime dedicated DUI/Vehicular Crimes prosecutors and/or support staff to oversee and track all DUI cases in Minnehaha County. The objective is to reduce the number of DUI offenses that are dismissed or in which the defendant is allowed to plead to a lesser offense, and to enhance prosecutions of vehicular homicide and vehicular battery cases. The grant is funded through the U.S. Department of Transportation/National Highway Traffic Safety Administration. The dollar value requested is not to exceed a fulltime salary equivalent of Grade 22/Step 3. MOTION by Kelly, seconded by Barth, to authorize the State's Attorney's Office to submit the Highway Safety Grant Application. 4 ayes.

RECOMMENDATION

Ken McFarland, Commission Administrative Officer, reported that the South Dakota Board on Geographic Names has an additional opportunity for the Minnehaha County Commission to comment on the naming of an island located in the Big Sioux River by Dell Rapids. The original name suggested was Quarry Island and the board also received a suggested name of Dells Island. The board has deferred a decision on naming the island pending a recommendation from the County Commission. Commissioners declined to make a name recommendation and believe input from the citizens of Dell Rapids is more important than a recommendation from the County. The Commission asked that a letter be sent to the SD Board on Geographic Names reflecting their position.

CONTRACT

Ken McFarland, Commission Administrative Officer, gave a briefing on a contract with the US Probation & Pre-Trial Services Office for Non-Medical Detoxification Services. The current contract rate is \$128.59 based on the contract with the previous detox provider. Since Minnehaha County has a new provider and a revised budget, staff is recommending a contract rate of \$140 per day. MOTION by Kelly, seconded by Beninga, to authorize submission of a response to a solicitation by the US District Court, District Court Probation and Pretrial Services Services for residential detoxification services at a rate of \$140.00 per day. 4 ayes.

NEW BUSINESS

Ken McFarland, Commission Administrative Officer, asked the Commission to consider holding a special meeting during the week of November 10th – 14th. There will be no commission meeting the previous week due to the Commission Meeting Room being used for General Election purposes, and Veterans Day is on the regular meeting day, Tuesday, November 11th.

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Jeff Gromer, Warden, asked to have a 2004 Chevy Tahoe from the Sheriff's Department removed from the surplus property auction and be kept for use by the Jail. MOTION by Barth, seconded by Beninga to remove the 2004 Chevy Tahoe from the surplus property auction. 4 ayes.

Scott Anderson, Planning Director, reported on changes that FEMA is making to the flood plain map for an area primarily in the southwest portion of Sioux Falls. The changes will also affect an area in Minnehaha County west of Ellis Road between 41st Street and 57th Street.

Motion by Beninga, seconded by Barth, to adjourn into executive session for personnel and legal briefing. 4 ayes.

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

APPROVED BY THE COMMISSION:

Chairman

ATTEST:

Deputy Auditor