

10/07/2014

THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M. October 7, 2014 pursuant to adjournment on September 30, 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 Beninga, seconded by Barth, to approve the agenda. 4 ayes.

MOTION by Pekas, seconded by Beninga, to approve the September 30, 2014, Commission Minutes. 4 ayes.

VOUCHERS TO BE PAID

MOTION by Barth, seconded by Beninga, to approve the following bills in the amount of \$1,347,340.68. 4 ayes.

A To Z World Language Interpreters	375.00	All American Investm	Motels	809.99
American Red Cross 2012 HLS Grant	960.36	Arena Motel	Motels	700.00
Asphalt Surfacing Co Contr Co	770,579.00	Automatic Building C	Jail Repairs	268.26
Avera Health Informa Clinics - Aux	15.00	Avera McKennan Behav	Professional	2,000.00
Avera McKennan Hospi Blood Withdra	70.00	Avera St Lukes Hospi	Clinics - Aux	819.00
Barnett-Lewis Funera Burials	1,000.00	Beck, Jeffrey R	Attorney Fees	652.96
Bieber, Brian Other Misc. R	300.00	Bureau Of Informatio	Telephone	105.00
Cartridge World Data Processi	1,867.85	Cartridge World	Office Suppli	238.00
Century Business Lea Lease-Rental	359.59	Childrens Home Socie	Other Miscell	21,850.00
Christopherson, Ande Child Defense	1,609.50	Cliff Avenue Auto Pa	Automotive/Sm	11.04
Cphoon, Scott Welfare Rent	575.00	Cole Papers, Inc.	Small Tools,	179.80
Compass Center Fka Other Miscell	2,500.00	Computer Forensic Re	Attorney Fees	600.00
Concrete Materials Repair/Renova	3,601.44	Concrete Materials	Road Maint. &	72,197.18
Counseling Resources Attorney Fees	550.00	Cummins Central Powe	Jail Repairs	1,469.33
Dakota Alignment & F Truck Repair/	2,655.34	Dakota Data Shred	Trash Removal	183.16
Dakota Fluid Power, Automotive/Sm	47.39	Dakota Fluid Power,	Truck Repair/	214.72
Deaver, Carey Jo Business Trav	273.06	Decisionone Corporat	Maintenance C	168.52
Dematteo, Lyndsey Business Trav	60.31	Diesel Machinery Inc	Heavy Eq. Rep	588.23
Ebert's Properties, Motels	70.00	Ebert's Properties,	Welfare Rent	700.00
EH Hospitality Llc Motels	855.00	Fitts, Rod Db a Rod	Welfare Rent	1,490.00
Fleetpride / Holt, I Heavy Eq. Rep	445.72	Fleetpride / Holt, I	Truck Repair/	-73.67
Friedman, Fred Education & T	420.75	G&W, Inc Db a Gary Co	Transportatio	70.59
Gearman, Jason Investigators	224.96	Genzlinger, Janeen	Court Reporte	222.80
Guzman, Sandra V. Interpreters	300.00	HDR Engineering Inc	Architects &	5,785.74
Healthport Clinics - Aux	43.30	Heiman Fire Equipmen	Safety & Resc	5,880.00
Helseth, Kyle Business Trav	172.00	Helseth, Kyle	Education & T	86.30
Hillyard, Inc. Hhs Custodial	936.56	Holiday Mobile Home	Welfare Rent	348.00
Home Federal Savings Welfare Rent	266.88	Hurtgen, Timothy T/P	Welfare Rent	500.00
I & P Inc/Brandon Ap Welfare Rent	350.00	I State Truck Center	Truck Repair/	88.26
Ideal Yardware Automotive/Sm	5.93	Interstate All Batte	Small Tools,	90.95
Interstate Office Pr Business Trav	1.00	Interstate Office Pr	Office Suppli	370.99
Iret Properties Welfare Rent	600.00	Jaros, Pete	Investigators	74.00
Jefferson Partners L Transportatio	297.20	Johnson, Richard L	Child Defense	1,491.00
Johnstone Supply Heat,Vent & A	628.96	Kading, Kunstle & Go	Attorney Fees	1,555.00
Kauffman, Cindy Other Misc. R	375.00	Kennedy, Renee S	Court Reporte	172.80
Khorooosi, Sam Attorney Fees	523.20	Klein, Rose	Welfare Rent	700.00
Kmart Pharmacies	240.62	Knecht, Andrew J	Child Defense	182.70
Knology Inc Db a W Telephone	61.04	Koistra Harrisburg L	Welfare Rent	640.00
Kone, Inc. Repair/Renova	7,691.50	Lutheran Social Svcs	Interpreters	100.00
Mac's, Inc. Sign Supply/I	6.39	Marberg, Richard	Archive/Prese	1,528.59
Marco Office Equipm	127.70	Med-Star Paramedic I	Transportatio	300.00
Medical Legal Analys Other Profess	750.00	Meierhenry Sargent L	Attorney Fees	804.75
Metro Communications Clinics - Aux	180.00	Metro Communications	2012 HLS Grant	816.00
Microfilm Imaging Sy Furniture & O	630.00	Midamerican Energy C	Natural Gas	3,065.59
Miller Funeral Home, Burials	2,250.00	Minn Cnty Museum Pet	Automotive/Sm	10.59
Minn Cnty Museum Pet Program Activ	10.17	Monick Pipe & Supply	Jail Repairs	274.65

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Murray Properties, L	Welfare Rent	1,705.00	Natl American Univer	Education & T	2,443.00
NE Dept Of Motor Veh	Copy Fees	3.00	Neve's Uniforms	Uniform Allow	2,780.18
North American Truck	Automotive/Sm	1,081.08	Northern Hgts Dev II	Welfare Rent	700.00
Nyberg's Ace Hardwar	Grounds & Par	28.94	O'reilly/First Call	Automotive/Sm	15.27
Osborn, Roxane R	Court Reporte	25.50	PCI Roads	Contracted Co	53,897.22
Prahm Construction I	Contr Co	230,338.25	Presto-X-Company	Outside Repai	541.24
Rdo Equipment Co.	Heavy Eq. Rep	226.08	Robsons Inc Db a Rob	Other Supplie	16.47
RTI - Riverside Tech	Maintenance C	759.00	Ruben, Doris	Welfare Rent	600.00
Sachchidanand Hospit	Motels	693.00	Safe Home Ltd Ptnrsh	Notes Rec (SF	-1,910.74
Safe Home Ltd Ptnrsh	Other Misc. R	-1,683.35	Safe Home Ltd Ptnrsh	Rent Subsidie	12,833.00
Salberg, Aaron	Attorney Fees	210.60	Sanford Hospital	Blood Withdra	40.00
Sanford Hospital	Clinics - Aux	999.00	Sanford Hospital - R	Welfare Rent	500.00
Sanford Occupational	Other Profess	147.34	Sanford Occupational	Professional	771.78
SD Attorney General	Amts Held-Dai	6,700.00	SD Continuing Legal	Legal Researc	500.00
SD Dept Of Revenue	Bulletin Boar	141.28	SD Dept Of Revenue	Coroner Fee/T	1.70
SD Dept Of Revenue	Fingerprint/T	166.27	SD Dept Of Revenue	GIS Revenue	5.66
SD Dept Of Revenue	Misc. Auditor	9.62	SD Dept Of Revenue	Misc. Dir. Eq	26.04
SD Dept Of Revenue	Misc. Informa	2.83	SD Dept Of Revenue	Misc. Plannin	2.18
SD Dept Of Revenue	Misc. Treasur	19.58	SD Div Of Criminal I	Professional	86.50
SF Leased Housing As	Welfare Rent	352.00	SF Ministry Housing	Welfare Rent	713.00
Sioux Falls City Fin	Blood/Chemica	6,825.00	Sioux Falls City Fin	Gas,Oil,Diese	491.95
Sioux Falls Utilitie	Welfare Utili	69.32	Sioux Valley Energy	Electricity	266.36
Sioux Valley Energy	Road Maint. &	132.25	Sioux Valley Energy	Tea-Ellis Ran	91.50
Sisson Printing, Inc	Printing/Form	468.20	Smith, Thomas	Welfare Rent	600.00
South Holly Prop Llc	Welfare Rent	510.00	Southeastern Behavio	Crisis Interv	8,005.29
Sr Sodak Properties	Welfare Rent	970.00	Sturdevants-East 10T	Parts Invento	189.01
Sunshine Foods	Other Supplie	31.74	Sunshine Foods	Welfare Food	386.72
Super Fast Auto Glas	Automotive/Sm	50.00	Super Fast Auto Glas	Heavy Eq. Rep	110.00
Super Fast Auto Glas	Truck Repair/	15.00	Superior Seal	Repair/Renova	10,815.06
Swenson, Diane	Welfare Rent	500.00	The Mitographers, In	Small Tools,	836.56
Thorin, Deyanira T	Interpreters	287.50	Timberland Village A	Welfare Rent	625.00
Town Estates Llc	Welfare Rent	500.00	United Parcel Servic	Postage	18.32
Univ Of SF	Welfare Rent	550.00	US Treasury- Interna	Burials	13,250.00
USD-DHSF (Dental Hyg	Dentists	147.80	Vander Haag's, Inc.	Trucks/Tracto	3,091.00
Variety Foods Llc	Other Profess	455.30	Verizon Wireless	Data Processi	1,097.06
Verizon Wireless	HIDTA Grant	93.52	Verizon Wireless	Safety & Resc	123.34
Verizon Wireless	Telephone	4,445.80	Volunteers Of Americ	Alternatives	29,975.84
Wal-Mart Pharmacy #3	Pharmacies	10.00	Walgreen Co.	Pharmacies	186.27
Waltner, Kolbeck, Sc	Attorney Fees	1,104.90	Watembach. Monte	Business Trav	172.00
Weeg's Trailer Park	Welfare Rent	210.00	Weerheim, Tom	Attorney Fees	748.20
Westport Apts/Westpo	Welfare Rent	600.00	Westwick Motel, Inc.	Motels	215.00
Wheelco Brake & Supp	Parts Invento	1,157.37	Wheelco Brake & Supp	Small Tools,	80.00
Wilson, Grant	Program Activ	108.00	Wollman Estates	Welfare Rent	600.00
Xcel Energy, Inc.	Welfare Utili	1,513.91	Zimmer, Duncan & Col	Attorney Fees	437.53
112 Inc Db a Huey Ap	Welfare Rent	393.00	5-Forty Partnership	Welfare Rent	1,100.00

PERSONNEL

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

1. To accept the resignation of Stephanie Severy as temporary, part-time Juvenile Correctional Worker for the Juvenile Detention Center effective 10/14/14.
2. To hire Kaye Henle as temporary, part-time Election Worker for the Auditor's Office at \$10.00/hour effective 10/8/14 to 11/18/14.

Step Increases Due

1. Francis Konechne – Mechanic Team Member – Highway – 14/4 to 14/5 – 10/10/14 – \$19.75/hour
2. Amel Nezirevic – Juvenile Correctional Worker – Juvenile Detention Center – 9/1 to 9/2 – 9/4/14 –

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\$14.33/hour

3. Daniel Beacom – Home Detention Caseworker – Juvenile Detention Center – 17/16 to 17/17 – 9/19/14 – \$30.81/hour
4. Stacy Acker – Safe Home Program Worker – Safe Home – 9/1 to 9/2 – 9/4/14 – \$14.33/hour
5. Robert Olson – Correctional Officer – Jail – 13/9 to 13/10 – 9/12/14 – \$21.27/hour
6. Benjamin Baxa – Correctional Officer – Jail – 13/9 to 13/10 – 9/6/14 – \$21.27/hour

Special Personnel Actions

1. To recognize the following significant employee anniversaries for October 2014: 5 years – Danny Thorson; 10 years – Krista Miersma & Rebecca Carpenter; 30 years – Donald Hanson & William Hoskins.
2. To record volunteers in County Departments for September 2014. The list is on file at Human Resources.

MOTION by Pekas, seconded by Barth, to end the temporary 5% salary increase for Jen Adix and approve a salary adjustment from 16/7 to 16/8, \$23.48 hourly, effective 10/11/14. 4 ayes.

MOTION by Pekas, seconded by Beninga, to authorize an immediate hire of a Community Supervision Monitor which was approved as a reclassification request for the 2015 budget. 4 ayes.

NOTICES

A notice was received from the SD State Historical Society of a nomination to place Concrete Interstate Tipis located at or near Valley Springs on the National Register of Historic Places.

PROCLAMATIONS

Charles Martinell, 4-H Youth Advisor, read a proclamation recognizing October 6-10, 2014 as National 4-H Week in Minnehaha County and declaring October 8, 2014, as Minnehaha County 4-H Day. MOTION by Barth, seconded by Pekas, to authorize the Chairman to sign the proclamation. 4 ayes.

David Heinold, Planner I, read a proclamation declaring the month of October as Community Planning Month in Minnehaha County, and provided an update on the Envision 2035 Comprehensive Plan. A Public Open House to collect citizen input on the plan will be held on Thursday, October 16, 2014, at the Humboldt Community Center, 201 W. Main Street, Humboldt, South Dakota. MOTION by Barth, seconded by Pekas, to authorize the Chairman to sign the proclamation declaring the month of October as Community Planning Month in Minnehaha County and to authorize publishing the notice of the public open house. 4 ayes.

AMENDMENTS

Ken McFarland, Commission Administrative Officer, gave a briefing on a request from the Sioux Empire Fair Association for approval of an Amendment For Ice Debt Service Promissory Note between Minnehaha County and the Sioux Empire Fair Association. The original promissory note dated January 9, 1996, was amended on November 28, 2006, which obligated the Fair Association to make debt service payments on the principal with the County paying the interest on the bonds. The last payment in the amount of \$45,000 is scheduled for November 2014. Since the ice rink is no longer in the Expo Center and the Fair Association has lost the revenue generated from the hockey association, the Fair Association has made a formal request for the County to assume the responsibility of making the final payment. Mr. McFarland stated the County Building Fund has the cash

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capacity to absorb the payment without the expectation of reimbursement from the Fair Association. Scott Wick, President and CEO of the Sioux Empire Fair Association, stated there have been several inquiries into using the former ice rink room in the Expo Center once the renovations are complete, and he is confident the room will be used on a regular basis in the future. MOTION by Pekas, seconded by Beninga, to authorize the Chairman to sign the amendment to the agreement between Minnehaha County and the Sioux Empire Fair Association for Ice Debt Service. 4 ayes.

Robert Litz, Auditor, gave a briefing on an amendment to the agreement between Minnehaha County and the City of Sioux Falls for Election Services. The amendment includes a provision for the City of Sioux Falls to provide Minnehaha County up to \$110,000 for the purchase of a Model DS850 High-Speed Digital Image Scanner for the scanning of election ballots and related services. MOTION by Beninga, seconded by Pekas, to authorize the Chairman to sign the amendment to the agreement between Minnehaha County and the City of Sioux Falls for Election Services. 4 ayes.

RESOLUTION

Sheri Rotert, Attorney with Novellus Law and bond counsel for Augustana College, gave a briefing on a resolution and proposed notice of public hearing regarding a request by Augustana College for Minnehaha County to act as the conduit issuer for tax-exempt revenue bonds in connection with the construction of the Froiland Science Complex. The tax-exempt nature of the bonds would lower the financing cost for the College, which helps the financial feasibility of the project. Under this structure, the bondholder's sole recourse on the bonds is the Project, and Minnehaha County would not be financially responsible for the repayment of the bonds. Motion by Beninga, seconded by Pekas, to approve Resolution MC14-59. 4 ayes. MOTION by Barth, seconded by Pekas to authorize the Auditor to publish a Notice of Hearing on November 12, 2014, on the Proposed Project and the Issuance of Bonds Under SDCL 9-54. 4 ayes.

RESOLUTION NO. MC14-59

RESOLUTION GIVING PRELIMINARY APPROVAL TO A PROJECT WITH THE AUGUSTANA COLLEGE ASSOCIATION AND THE ISSUANCE OF ECONOMIC DEVELOPMENT REVENUE BONDS TO FINANCE SUCH PROJECT AND PERMITTING REIMBURSEMENT OF CERTAIN PROJECT COSTS FROM BOND PROCEEDS.

WHEREAS, the purpose of Chapter 9-54 of the South Dakota Codified Laws (the "Act"), as found and determined by the legislature, is to stimulate and develop the general economic welfare and prosperity of the State of South Dakota (the "State") by authorizing the issuance of revenue bonds to pay outstanding indebtedness and to pay the costs incurred for the remodeling, enlargement and construction of new facilities of a non-profit corporation organized and existing under the laws of the State of South Dakota; and

WHEREAS, the County has received from Augustana College Association, a nonprofit corporation organized and existing under the laws of South Dakota (the "Borrower"), a proposal that the County undertake to finance such a Project (as hereinafter described) through the issuance of up to \$18,000,000.00 in revenue bonds (the "Bonds") pursuant to the Act for use by the Borrower; and

WHEREAS, the County desires to facilitate the development of the County and its environs and help provide the range of postsecondary education and employment opportunities required by its population, and the Project shall assist the County in achieving those objectives; and

WHEREAS, the proceeds from the issuance of the Bonds will be loaned to the Borrower, and used by the Borrower to pay the costs of issuance of the Bonds, and to acquire, remodel, construct, equip and furnish the

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Froiland Science Complex and related facilities to be located at 2001 S. Summit Avenue, Sioux Falls, Minnehaha County, South Dakota (the "Project"), to be operated by the Borrower; and

WHEREAS, the County has been advised by representatives of the Borrower that at the cost of borrowing on a conventional basis the economic feasibility of the Project would be significantly reduced, but that with the aid of the proposed financing, the Project is economically more feasible.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MINNEHAHA COUNTY, SOUTH DAKOTA AS FOLLOWS:

1. The Commission hereby gives preliminary approval, subject to final approval by the Commission, to the proposal of the Borrower that the County undertake to issue the proposed Bonds, in the estimated maximum principal amount of \$18,000,000, the proceeds of which will be loaned to the Borrower for the Project. Such Bonds shall be issued pursuant to the Act and shall be subject to the terms and conditions of an indenture of trust, continuing covenant agreement, loan agreement and such other agreements related thereto which contain provisions for the pledging of revenues sufficient to pay, when due, the principal of and interest on the proposed Bonds. The Commission further acknowledges that the proposed Bonds shall be limited obligations of the County payable solely out of the revenues and payments to be pledged and assigned with respect thereto, and the proposed Bonds shall not constitute an indebtedness of the County within the meaning of any constitutional provision or statutory limitation and shall not constitute or give rise to a pecuniary liability of the County or its officers, agents or employees, or a charge against the County's general credit or taxing power.

2. On the basis of information available to this Commission, it appears and the Commission hereby finds that the Project will be eligible for financing pursuant to SDCL 9-54-2.1; that the availability of the financing under the Act and willingness of the County to furnish such financing shall be a substantial inducement to the Borrower to undertake the Project; and that the Project, if undertaken, shall promote the general welfare of the County and State.

3. The adoption of this resolution does not constitute a guarantee or a firm commitment that the County will issue the Bonds as requested by the Borrower. The County retains the right in its sole discretion to withdraw from participation and, accordingly, not issue the Bonds should the County at any time prior to the issuance thereof determine that it is in the best interest of the County not to issue the Bonds or should the parties to the transaction be unable to reach agreement as to the terms and conditions of any of the documents required for the transaction.

4. Nothing in this resolution or in the documents prepared pursuant hereto shall authorize the expenditure of any County funds on the Project other than the revenues derived from the Project or otherwise granted to the County for this purpose. The holder or holders from time to time of the Bonds shall never have the right to compel any exercise of the taxing power of the County to pay the outstanding principal on the Bonds or the interest thereon or to enforce payment thereof against any property of the County. The proposed Bonds shall recite in substance that such Bonds, including interest thereon, are payable solely from the revenue and proceeds pledged to the payment thereof.

5. In anticipation of the final approval of the Project and the issuance of the Bonds to finance all or a portion of the Project and in order that completion of the Project shall not be unduly delayed when approved, the Borrower may make such expenditures and advances toward payment of that portion of the costs of the Project to be financed from the proceeds of the Bonds as the Borrower considers necessary, including the use of interim, short-term financing, to be reimbursed from the proceeds of the Bonds if and when delivered, but the County shall in no event be liable for payment of, or in any respect with regard to, any such expenditures whether or not the Bonds are issued or whether or not the County gives final approval to the issuance of Bonds, except such costs may be paid from Bond proceeds if and when the Bonds are issued. These resolutions constitute the official intent of the County, within the meaning of Section 1.150-2 of the Treasury Regulations, that the County

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reasonably expects to reimburse the Borrower for the expenditures made for costs of the Project from the proceeds of the Bonds.

6. It is further found and determined that Minnehaha County, South Dakota, has all of the necessary powers granted to a municipality under and pursuant to SDCL 9-54-10.

7. The County shall conduct a public hearing with respect to the issuance of the Bonds, in accordance with the Section 147(f) of the Internal Revenue Code of 1986, as amended, on November 12, 2014 at 9:00 a.m., and the County Auditor is directed to publish a notice of such public hearing and to provide such additional information as members of the public may request with respect to the Bonds and the hearing.

8. The Borrower shall reimburse the County for its costs incurred with the issuance of the Bonds, including the costs of publication, cost of any attorneys' fees incurred by the County and an administrative fee for the time incurred by the County with the review of the documents and ongoing monitoring and reporting requirements in such amount as determined by the County Auditor is reasonable and in the best interests of the County for the transaction of this nature and complexity.

Dated at Sioux Falls, South Dakota this 7th day of October, 2014.

Cindy Heiberger
Chair

ATTEST:

Cynthia Jepsen
Deputy County Auditor

SUPPLEMENT

MOTION by Beninga, seconded by Pekas, to approve a supplement in the amount of \$91,557.64 from the Building Fund to the Building Fund Budget, ASN 19625, Fairgrounds, representing insurance reimbursement from Midwest Family Mutual Insurance Company. 4 ayes.

HIGHWAY

DJ Buthe, Highway Superintendent, gave a briefing on a request from the South Dakota Department of Transportation (SDDOT), for a full release of penalties assessed due to failure of applying for approach permits in two separate locations as part of the SD Highway 19 construction project. The approaches were constructed by the SDDOT and permits were not obtained for the work. Letters were sent to the landowners, in accordance with Minnehaha County Resolution MC12-73, providing notification of the penalty for failure of applying for approach permits. Because the SDDOT relocated the approaches, they are making the request to release each of the property owners from the \$500 penalty. The Highway Department supports this request. Travis Dressen with the SDDOT was present to answer any questions. MOTION by Barth, seconded by Pekas, to release approach permit penalties related to construction on SD Highway 19 by the SD DOT. 4 ayes.

CHANGE ORDER

Jason Reaves, Senior Highway Engineer, gave a briefing on change Order #1 to the contract with Monarch Oil Company for Project MC121-138MS-14, Microsurfacing of Highway 121 from I-90 to Highway 122 and Highway 138 from the Brandon City limits to the state line. The change order is to reconcile final quantity adjustments resulting in a decrease to the contract in the amount of \$8,552.00. MOTION by Barth, seconded by Pekas, to approve Change Order #1 to the contract with Monarch Oil Company for Project MC121-138MS-14 for a final contract amount of \$395,561.35. 4 ayes.

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LIAISON REPORT

DJ Buthe, Highway Superintendent, spoke in regard to comments received about the tall grass in the road ditches. Mr. Buthe stated the Highway Department mows the ditches two to three times per year depending on the rate of growth. This summer has been abnormally difficult for mowing with mowers being broken down several times. Mr. Buthe apologized to the residents for the long grass and stated they are working on ways to improve the mowing process next year. Mr. Buthe also stated the mowing of the east half of the county was just completed and they plan to have the west half of the county mowed within the next two to three weeks.

Motion by Pekas, seconded by Barth, to adjourn into executive session for personnel discussion. 4 ayes.

The Commission adjourned until 9:00 a.m. on Tuesday, October 14, 2014.

APPROVED BY THE COMMISSION:

Cindy Heiberger
Chairman

ATTEST:

Cynthia Jepsen
Deputy Auditor