

9/29/2015

THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M. September 29, 2015, pursuant to adjournment on September 22, 2015. Commissioners present were: Barth, Beninga, Bender, and Kelly. Commissioner Heiberger was absent. Also present were Cindy Jepsen, Commission Recorder, and Kersten Kappmeyer, Chief Civil Deputy State's Attorney.

Vice Chair Beninga called the meeting to order.

A moment of silence was observed for Minnehaha County Employees who passed away this year; Michael Harris, Mary Lipelt, James Zweep, and Kim Schoenhard.

Vice Chair Beninga reported that the following employees were recognized for their years of service at the SDACC Annual Convention: 25 Years – Rebecca McChesney, Paul Niedringhaus, Melanie Sanner, Karen Wajer, Gary Murra. 30 Years – Bill Hoskins, Larry Bakken, Don Hanson. 35 Years – Deborah Dose, Susan Hopkins, Daniel Grapevine. 40 Years – Ramona Helseth.

Vice Chair Beninga reported that Minnehaha County was awarded the Gold Level Loss Control/Safety Achievement Award by Safety Benefits, Inc. on behalf of the SDML WC Fund and SDPAA in recognition of outstanding loss control ratios in Workers Comp and various liability insurance plans. Mr. Beninga presented the award to Doug Blomker, Chair of the Minnehaha County Safety Committee.

MOTION by Bender, seconded by Kelly, to approve the agenda. 4 ayes.

MOTION by Barth, seconded by Kelly, to approve the September 22, 2015 Commission minutes. 4 ayes.

VOUCHERS TO BE PAID

MOTION by Barth, seconded by Bender, to approve the following bills totaling \$1,055,507.87. 4 ayes.

A & B Business Equip	Lease-Rental	232.74	A & B Business Equip	Maintenance C	1,083.68
Ab Propane Inc	Automotive/Sm	157.52	Adamson, Kim	Education & T	199.80
Advance Auto Parts	Other Supplie	62.97	Airway Service Inc	Automotive/Sm	383.68
Airway Service Inc	Gas,Oil,Diese	286.52	All American Investm	Motels	420.00
Allied Oil & Tire Co	Automotive/Sm	281.40	Arena Motel	Motels	135.00
Argus Leader - Adver	Publishing Fe	1,470.00	Asphalt Surfacing Co	Contracted Col69,	096.11
At & T	Safety & Resc	39.99	Avera Health Informa	Medical Recor	15.00
Avera McKennan Hospi	Attorney Fees	1,875.00	Avera McKennan Hospi	Blood Withdra	74.00
Avera McKennan Hospi	Welfare Rent	490.00	Avera Occupat'l Medi	Professional	78.02
Barney, Tara	Store Invento	144.00	Barth, Jeff	Travel - Bart	125.05
Batteries Plus/Onesk	Other Supplie	12.00	Beck, Jeffrey R	Attorney Fees	103.98
Bender, Jean	Travel - Bend	109.08	BI Inc	Program Suppl	8,509.60
Billion's	Automobiles	2,550.00	Binger Law Office	Attorney Fees	1,934.40
Bob's Lock & Key/Haw	Safety & Resc	125.35	Bridgewood I Ltd Par	Welfare Rent	500.00
Brookings County She	Extradition &	195.00	Brown & Saenger	Expenditures	839.61
Brown & Saenger	Office Suppli	4.49	Buck's Muffler Shop	Automotive/Sm	40.00
Bureau Of Informatio	Telephone	24.00	Butler Machinery Com	Parts Invento	89.52
Butler, Craig	Education & T	111.00	C & H Properties LLC	Welfare Rent	700.00
Carper, Nichole A	Attorney Fees	367.50	Carroll Institute	IVC Housing	18,555.00
Cartridge World	Data Processi	1,165.87	Cartridge World	Printing/Form	1,161.92
CBM Managed Services	Board Of Pris	32,408.94	CBM Managed Services	Inmate Suppli	90.69
Century Business Lea	Lease-Rental	148.91	Century Business Pro	Lease-Rental	114.37
Centurylink (Qwest)	Contract Serv	16.42	Centurylink (Qwest)	Telephone	703.65
Certified Languages	Interpreters	16.50	Christopherson, Ande	Attorney Fees	4,305.65
Cliff Avenue Auto Pa	Automotive/Sm	22.21	Construction Product	Road Maint. &	32.50
Dakota Data Shred	Other Profess	235.75	Dakota Riggers & Too	Road Maint. &	461.00
Davison Co(SD)Sherif	Extradition &	90.00	Deer Hollow Ltd Ptnr	Welfare Rent	578.00
Diocese Of Sioux Fal	Amounts Held	3,795.25	Disburg, Julia	Business Trav	63.20
Eekhoff Law Prof LLC	Attorney Fees	430.86	Election Systems & S	Election &	109,387.50
Emdeon Business Serv	Data Processi	49.00	Eurographics Inc	Store Invento	169.44

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Falls Community Heal	Hospital Prep	2,223.28	Family Memorials By	County Cemete	2,300.00
Family Service Inc	Expenditures	65.00	Family Visitation Ct	Other Profess	60.00
Fremont Industries,	Heat,Vent & A	4,687.88	Frontier Precision I	Software	1,062.00
G & H Investments Ll	Welfare Rent	500.00	Garretson Community	Ambulance Ser	25,000.00
Gaylord Bros Inc	Program Activ	221.54	George, Aaron	Welfare Rent	500.00
Geotek Engineering &	Outside Repai	557.35	Guzman, Sandra V.	Interpreters	220.83
Haber, John Dba Hab	Welfare Rent	400.00	Harms Oil Company	Gas,Oil,Diese	40,457.50
Hartford Fire & Resc	Education & T	230.00	Haugaard Law Office	Attorney Fees	9,189.00
HDR Engineering Inc	Architects &	17,707.28	Heartland Paper Comp	Building Repa	43.28
Heartland Paper Comp	Inmate Suppli	1,617.83	Heartland Paper Comp	Kitchen/Clean	1,917.26
Heiberger, Cindy	Travel - Heib	79.00	Heidepriem, Purtell	Attorney Fees	225.94
Heidepriem, Purtell	Child Defense	903.98	Hillyard, Inc.	Janitorial/Ch	90.76
Horizon Agency Inc	Expenditures	2,424.50	Indenticard Systems	Program Suppl	672.40
Institutions Service	Jail Repairs/	653.75	Interstate Office Pr	Furniture & O	1,735.00
Interstate Office Pr	Office Suppli	1,756.65	ISI LLC	Interpreters	160.00
James River Equipmen	Heavy Eq. Rep	330.04	JCL Solutions-Janito	Inmate Suppli	2,759.37
JCL Solutions-Janito	Janitorial/Ch	8,319.08	Jefferson Partners L	Transportatio	679.70
Johnson Controls, In	Heat,Vent & A	478.38	Johnson Controls, In	Outside Repai	269.48
Johnson, Reed C	Welfare Rent	600.00	Kading, Kunstle & Go	Attorney Fees	1,215.00
Kahler, Monte	Welfare Rent	425.00	Kauffman, David W. P	Psych Evals	3,564.00
Kelly, Dick	Travel - Kell	100.00	Khoroosi, Sam	Attorney Fees	10,369.80
Koopman & Sons Gas C	Fuel Oil	158.40	Lacey Rentals Inc	Lease-Rental	105.00
Lacrosse Forage & Tu	Bridge Repair	430.00	Larson, Jeff	Attorney Fees	217.50
Laughlin, Nicole	Attorney Fees	837.00	Laughlin, Nicole	Child Defense	420.00
Lewis Drug Stores	Pharmacies	4,835.94	Lexisnexis Matthew B	Books	90.08
Lietz, Rich	Education & T	15.00	Lindquist, Cliff	Return Of Ser	35.00
Luther, Jeff	Medical Direc	2,500.00	Lutheran Social Svcs	Interpreters	62.50
Madison Square Ptnrs	Welfare Rent	400.00	Majestic View Apartm	Welfare Rent	700.00
McGowan, Aaron F	Business Trav	189.00	Menards - East	Electrical Re	29.98
Menards - East	Park/Recreati	94.89	Menards - West	Exhibit Mater	294.17
Metro Communications	Clinics - Aux	150.00	Metro Communications	Other Misc	171,604.53
Metro Communications	Other Supplie	369.15	Midwest Alarm Compan	Communication	1,840.85
Midwest Alarm Compan	Maintenance C	4,050.00	Midwest Oil Company	Parts Invento	307.00
Midwest Residential	Welfare Rent	600.00	Minnehaha Cnty Fire	Education & T	3,800.00
Muller, Carol	Business Trav	100.00	Multi-Cultural Cente	Interpreters	110.00
Murray Properties, L	Welfare Rent	500.00	Nolz Construction Co	Contr Const	103,053.85
Northern Heights Dev	Welfare Rent	1,400.00	Nyberg's Ace Hardwar	Jail Repairs	33.94
Nyberg's Ace Hardwar	Small Tools,	40.44	O'Reilly/First Call	Education & T	284.85
Osborn, Roxane R	Court Reporte	284.00	P & G Townhomes LLC	Welfare Rent	700.00
Pennington County Ja	Extradition &	5,231.90	Perspective Inc	Fairgrounds	500.00
Pfeifer Implement Co	Parks/Recreat	1,228.42	Pheasantland Industr	Inmate Suppli	1,650.00
Pheasantland Industr	Printing/Form	363.90	Presto-X-Company	Outside Repai	198.60
Public Agency Traini	Education & T	550.00	Qualified Presort Se	Postage	158.12
Rac Rentals LLC	Welfare Rent	1,400.00	Record Keepers, Inc.	Records Stora	2,479.46
Redwood Estates LLC	Welfare Rent	500.00	Richard-Ewing Equipm	Jail Repairs/	10.92
Richmond II Ltd Ptnr	Welfare Rent	700.00	Sanford Clinic - Fi	Other Miscell	23,262.50
Sapphire LLC	Welfare Rent	500.00	Schrader, Alvan L Db	Welfare Rent	292.00
SD Dept Of Revenue	Automobiles	14.00	SD Human Services Ce	Other Profess	1,200.00
SD One Call	Building Repa	9.45	SD State Fire Marsha	VOA - Dakotas	60.00
Sechser, Jenna - Crt	Court Reporte	1,005.90	SF Leased Housing As	Welfare Rent	500.00
Sherwin Williams	Building Repa	422.98	Shipley's Laundry &	Program Activ	20.60
Sigler Fire Equipmen	Automotive/Sm	77.00	Sioux Empire Fair As	Other Miscell	12,500.00
Sioux Falls Chamber	Education & T	8.00	Sioux Falls City Fin	Gas,Oil,Diese	491.04
Sioux Falls City Fin	Gas,Oil,Diese	12,000.35	Sioux Falls City Fin	HIDTA Grant	217.99
Sioux Falls Humane S	Other Miscell	3,727.23	Sioux Falls Utilitie	Electricity	11,445.75
Sioux Falls Utilitie	Water - Sewer	11,405.83	Sioux Falls Utilitie	Welfare Utili	43.87
Southeastern Electri	Welfare Utili	662.75	Srstka, Erin	Business Trav	47.00
Stan Houston Equipme	Sign Supply/I	60.00	Stan's Northview Cam	Automotive/Sm	28.95
Sturdevant's Auto Pa	Automotive/Sm	105.13	Suretest Inc	Other Profess	88.40
Suretest Inc	Professional	580.00	Szameit, Alexandra	Interpreters	125.00
Taylor Place LLC	Welfare Rent	500.00	Tenth Street, Inc.	Automotive/Sm	10.95
The Hon Company LLC	Furniture & O	1,175.12	The Hon Company LLC	2014 Jag Gran	5,876.00
Thomson Reuters - We	Legal Researc	586.80	Thyssenkrupp Elevato	Bldg. & Outsi	2,809.74
Tires,Tires,Tires In	Automotive/Sm	682.90	Tires,Tires,Tires In	Gas,Oil,Diese	26.40
True North Steel	Pipe & Culver	12,365.40	Uline	Program Activ	64.01

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Ultramax	Ammunition	372.00	United Parcel Servic	Postage	11.34
US Bank-Corporate Tr	Trust-Adminis	138.00	US Pack Logistics Ll	Cobra Insuran	3,152.35
V & S Inc	Other Supplie	80.00	V & S Inc	Uniform Allow	532.35
Variety Foods LLC	Other Profess	362.38	Wal-Mart Pharmacy	Pharmacies	4.00
Walgreen Co.	Pharmacies	1,510.39	Waltner, Kolbeck, Sc	Attorney Fees	2,536.96
Waste Management Of	Trash Removal	402.73	Weerheim, Tom	Attorney Fees	1,512.00
Weiland & Assoc Inc	Jury Fees	288.77	West Twelfth Propert	Welfare Rent	500.00
Westbrooke Apts/Inve	Welfare Rent	500.00	Wheelco Brake & Supp	Automotive/Sm	59.44
White Mountain Puzzl	Store Invento	129.69	Williams, Beverlee	Welfare Rent	700.00
Wilson, Robert	Business Trav	68.00	Winner Police Depart	Extradition &	67.60
Xcel Energy, Inc.	Electricity	68,967.63	Xcel Energy, Inc.	Welfare Utili	4,020.79
Yankton County Audit	Attorney Fees	25.00	Yellow Robe, Luke	ICWA Professi	26,174.00
Zabel Steel Co.	Small Tools,	122.60	3D Specialties, Inc.	Sign Supply/I	8,715.92
406 22nd LLC/East Pa	Welfare Rent	300.00			

PERSONNEL

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

1. To accept the resignation of Austin Feenstra as Correctional Officer for the Jail effective 9/30/15.
2. To hire Ashley Trankle as Senior Deputy State’s Attorney (22/4) for the State’s Attorney’s Office at \$2,404.80/bi-weekly effective 9/30/15.

Step Increases

1. Joshua Hellman – GIS Analyst – Planning – 17/7 to 17/8 – 10/3/15 – \$24.67/hour
2. Colleen Albrecht – Legal Office Assistant – State’s Attorney’s Office – 10/11 to 10/12 – 9/23/15 – \$19.27/hour
3. Ryan Sage – Senior Deputy State’s Attorney – State’s Attorney’s Office – 22/10 to 22/11 – 9/25/15 – \$2,858.40/bi-weekly
4. Alysia Iosty, Melanie Sanner, and John Cole – Appraisers – Equalization – 15/14 to 15/15 – 9/24/15 – \$26.57/hour

LIEN COMPROMISE

Commissioner Barth gave a briefing on a request for compromise of lien for DPNO 77143. The lien is for medical expenses provided in 2011. The original lien amount was \$7,106.01. The applicant has made consistent payments over the years bringing the lien to its current balance of \$5,426.01. The applicant is in the process of purchasing a home with her fiancé and needs to have the lien resolved prior to the closing scheduled for October 16, 2015. The purchase price of the house is \$303,000. The applicant lists assets of \$3,767.20 in checking and savings and a leased 2015 Subaru Forester. She reports no liabilities. The applicant reports a 2014 gross income of \$35,536 and received a tax refund of \$4,635. She is requesting a compromise and release of the lien in full upon payment of \$1,000. MOTION by Barth, seconded by Kelly, to approve Resolution MC15-65. 4 ayes.

RESOLUTION MC15-65

WHEREAS, a County Aid Lien in the amount of \$5,426.01 purports to exist in favor of Minnehaha County and against DPNO 77143 as Lienee, and

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

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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 including the real property legally described as Lot 17A, Block 7, Kingswood Estates 5th Addition to the City of Sioux Falls, upon payment of \$1,873.00.

If payment is not made within one year from approval, this agreement is null and void.

Dated at Sioux Falls, South Dakota, this 29th day of September, 2015.

APPROVED BY THE COMMISSION:

Gerald Beninga
Vice Chairman

ATTEST:

Cynthia Jepsen
Deputy County Auditor

Commissioner Barth gave a briefing on a request for a compromise and release of lien for DPNO 12415 in the amount of \$900. The lien is for services provided to the applicant's ex-husband after the couple divorced. The applicant is asking for her name to be removed from the lien leaving the lien in full only in the name of her ex-husband. MOTION by Barth, seconded by Kelly, to approve Resolution MC15-66. 4 ayes.

RESOLUTION MC15-66

WHEREAS, a County Aid Lien in the amount of \$900.00 purports to exist in favor of Minnehaha County and against DPNO 12415 as Lienee, 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 against the applicant, leaving the lien balance in full only in the name of the applicant's ex-husband, with no payment.

Dated at Sioux Falls, South Dakota, this 29th day of September, 2015.

APPROVED BY THE COMMISSION:

Gerald Beninga
Vice Chair

ATTEST:

Cynthia Jepsen
Deputy County Auditor

PUBLIC COMMENT

Dr. David Bean, 1609 N. Six Mile Road, Sioux Falls, SD, commented about the excessive speeding on Six Mile Road which is creating a dangerous situation for entering/exiting his driveway and accessing his mailbox. Dr.

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Bean suggested the speed limit be reduced from 45 mph to 35 mph from Maple Street going south to Madison Street. DJ Buthe, Highway Superintendent, commented on a traffic study that was done in January 2014 on this section of road, and on traffic calming methods that could be implemented. Michelle Boyd, Chief Deputy Sheriff, reported on steps the Sheriff's Department has taken to slow down traffic in this area. Preston Evans, Deputy Sheriff Sergeant, reported on patrol efforts and stated that this is a high priority area. Commissioner Beninga asked if Commissioner Barth would work with Dr. Bean, the Sheriff's Department, and Highway Department on possible solutions that they could bring back to the Commission.

PROCLAMATION

Amy Carter from the Children's Inn, presented a proclamation recognizing October as Domestic Violence Awareness Month. Ms. Carter gave information about the Take Back the Night Rally scheduled for Thursday October 8, 2015 at the Old Courthouse Museum. Everyone is invited to attend. The event is held annually and is sponsored by the Minnehaha County Family Violence Council to raise awareness and honor victims of domestic violence. MOTION by Kelly, seconded by Barth, to approve the Proclamation recognizing October as Domestic Violence Awareness Month in Minnehaha County. 4 ayes.

AGREEMENT

DJ Buthe, Highway Superintendent, gave a briefing on an agreement with Civil Design, Inc. for Type, Size & Location design of county structure 50-130-231. The Structure is located off 41st Street (County Highway 148) between the Sioux Falls city limits and SD Highway 17. The cost of these services is not to exceed \$15,000. MOTION by Bender, seconded by Barth, to authorize the Chairperson to sign the Professional Services Agreement between Minnehaha County and Civil Design, Inc. at a cost not to exceed \$15,000. 4 ayes.

CHANGE ORDER

DJ Buthe, Highway Superintendent, gave a briefing on Change Order #1 to the contract with Prahm Construction for Project #MC251BR-14. The change order is for addition and subtraction of quantities to complete the final pay application for the project, resulting in a decrease of \$43,994.40. MOTION by Barth, seconded by Bender, to authorize the Chairperson to sign Change Order #1 to the contract with Prahm Construction for Project MC251BR-14 for a new contract amount of \$283,837.18. 4 ayes.

HEARINGS

Scott Anderson, Planning & Zoning Director, was present for the public hearing and gave a briefing on a proposed ordinance to repeal Ordinance MC38-10, the 2010 Revised Drainage Ordinance, the Minnehaha County Drainage Plan, and dissolve the Minnehaha County Drainage Board. Mr. Anderson stated drainage work that comes before the Drainage Board whether approved or denied can be appealed to Circuit Court. The County has the burden to defend the action taken by the Drainage Board which can be costly. With the dissolution of the Drainage Board, private landowners would need to resolve drainage issues by themselves through either mediation or in court. The South Dakota Legislature recently passed statutes providing for mediation of drainage disputes. Jay Gilbertson, Manager/Treasurer of the East Dakota Water Development District, spoke in favor of the proposed ordinance, and on the South Dakota Department of Agriculture's mediation process. Opponents who spoke against the proposed ordinance were: Mike Cypher, 26443 461st Ave, Hartford, SD; Mark DeSchepper, western Minnehaha County resident; and Jeff Hofer (no address given). Kersten Kappmeyer, Chief Civil Deputy State's Attorney, stated that the South Dakota Department of Agriculture has received certification for their mediation program, and as far as he knows they are taking drainage disputes on a voluntary basis. Mr. Gilbertson commented on the nitrate study being done on the Big Sioux River. The study indicates that in 2015 nitrates in the Big Sioux River are not a problem. MOTION by Barth, seconded by Kelly, to not repeal the 2010 Revised Drainage Ordinance. 4 ayes.

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Scott Anderson, Planning & Zoning Director, was present for the public hearing on proposed Ordinance MC48-15, an Ordinance to Provide Notice to Downstream Landowners of Drainage Projects and to Provide For Reporting of Drainage Projects in Minnehaha County. The proposed ordinance would replace Ordinance 38-10 the 2010 Revised Drainage Ordinance. Mr. Anderson recommended that the proposed ordinance be denied as Ordinance 38-10 has not been repealed and does not need to be replaced. No other comments were made. MOTION by Barth, seconded by Kelly, to deny Ordinance MC48-15. 4 ayes.

REPORT

Jeff Schaefer, Department of Legislative Audit, gave a briefing on the Management Letter that summarizes the findings of the fiscal and compliance audit for Minnehaha County 2014 year end.

CONTRACTS

Jeff Gromer, Warden, gave a briefing on the per diem contracts with 14 counties to house inmates in the Minnehaha County correctional facilities. Under the terms of the contract, the daily rate for housing inmates in other than work-release setting is \$92.27. This is an increase from the current rate of \$81.20. For inmates in a work-release setting, the daily rate is \$35.00, the same as the current rate. For inmates authorized to participate in the Electronic Monitoring Work Release program the rate is \$15.00 per day. Individual counties would be responsible for any medical expenses the inmate would require. The new contract with Lincoln County does not include a guarantee of jail beds as their previous contract did, and it sets the rate for their prisoners the same as the other contracting counties. MOTION by Kelly, seconded by Barth, to authorize the Chairperson to sign the Minnehaha County Jail Bed Per Diem Contracts with the counties of Aurora, Brookings, Deuel, Gregory, Hanson, Hutchinson, Hyde, Kingsbury, Lake, Lincoln, McCook, Moody, Sanborn, and Turner effective November 1, 2015 through October 31, 2016. 4 ayes.

Kersten Kappmeyer, Chief Civil Deputy State's Attorney, left the meeting and Sara Show, Senior Deputy State's Attorney, joined the meeting.

OLD BUSINESS

Carol Muller, Commission Administrative Officer, reminded the Commission that they are in the Request For Proposal process with Berry Dunn for the selection of an Enterprise Resource Planning System. Ms. Muller reported on the September 26, 2015 tax deed and surplus property auctions. Ms. Muller and Commissioner Beninga thanked staff for their work on the auctions.

MOTION by Barth, seconded by Bender, to adjourn. 4 ayes.

The Commission adjourned until 9:00 a.m. on Tuesday October 6, 2015.

APPROVED BY THE COMMISSION:

Gerald Beninga
Vice Chairperson

ATTEST:

Cynthia Jepsen
Deputy Auditor