

THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M., February 24, 2009, pursuant to adjournment on February 17, 2009. Commissioners present were: Pekas, Barth, Kelly, and Twedt. Commissioner Hajek was absent. Also present were Sandy Kinder, Deputy Auditor, and Gordy Swanson, Chief Civil Deputy State's Attorney.

Chairman Pekas called the meeting to order.

AGENDA

MOTION by Barth, seconded by Kelly to approve the Agenda. 4 ayes.

MINUTES

MOTION by Twedt, seconded by Barth to approve the Minutes for February 17, 2009. 4 ayes.

VOUCHERS TO BE PAID

MOTION by Barth, seconded by Twedt to approve the following bills totaling \$521,930.64 for payment. 4 ayes.

A & B Business Equip	Var. Depts	179.95	Alexander Technologi	Var. Depts	3,450.86
All About Travel Inc	Public Def	912.80	American Solutions F	Auditor	456.88
Anacon Leasing Inc	Public Def	329.00	Anderson Publication	Extension	53.78
Anesthesiology Assoc	Human Svcs	416.00	Appeara / Dudley Lau	Hwy Constr	49.48
Arena Motel	Human Svcs	880.00	Argus Leader	Var. Depts	968.65
Around the Clock/Dra	JDC	73.95	Automatic Building C	Jail	428.40
Avera Gutnik & Assoc	Jail	117.28	Avera McKennan Hospi	Var. Depts	4,705.81
Avera Medical Record	St Atty	20.10	Batteries Plus	Hwy Constr	87.70
Bechtel, Dave	Human Svcs	500.00	Best Business Produc	Reg Deeds	42.90
Bob Barker Company,	Jail	840.47	Boomgarden, Harm	Human Svcs	411.00
Bosch, Curt	Human Svcs	495.00	Brentwood Apartments	Human Svcs	1,000.00
Brown & Saenger	Dir of Eq	122.85	Bureau of Informatio	Var. Depts	1,470.69
Butler Machinery Com	Hwy Constr	186.72	Campbell Supply Co I	Hwy Constr	34.99
Canfield Business In	Var. Depts	6,949.55	Carriage Villa/Beldt	Human Svcs	285.00
CBM Food Service	Jail	10,095.96	Center for Family Me	Jail	240.66
Century Business Pro	Var. Depts	185.16	Chemco, Inc.	Jail	1,349.96
Christensen, David D	Hwy Constr	120.48	Classic Cleaners	Jail	40.00
Cleveland Heights Ap	Human Svcs	1,285.00	Cliff Avenue Auto Pa	Hwy Constr	84.32
Cloyd, Robert R DDS	Human Svcs	93.00	Coffee King, Inc.	Mus Entpr	92.25
Communication Svcs F	Var. Depts	1,758.25	Concrete Materials	Hwy Constr	120.75
Constellation New En	Facilities	44,054.68	Country View MHC	Human Svcs	400.00
Culligan Water Condi	Info Tech	36.00	Dakota Fluid Power,	Hwy Constr	407.59
Dakota Riggers & Too	Hwy Constr	123.06	Dell Rapids Chevrole	Sheriff	28.18
Dethlevsay, Sanya	Courts	50.00	Dietrich, Donna K	Mental Ill	830.17
Duncan, Lincoln A	Human Svcs	400.00	Dust Tex Service, In	Var. Depts	17.32
Eastman, Scott	Human Svcs	400.00	Ebert's Properties,	Human Svcs	575.00
Eirinberg, James A	Courts	2,472.00	Emdeon Business Serv	Human Svcs	39.95
Exide Technologies	Hwy Constr	75.51	Falls View Apts	Human Svcs	300.00
Family Drug	Human Svcs	644.10	Farm & Home Publishe	Hwy Admin	404.00
Fayette County(IA) S	St Atty	25.50	Finke, Dennis G	Human Svcs	480.00
Fluth, Rodney P	Human Svcs	500.00	Fountain Ridge Inves	Human Svcs	490.00
Galland Legal Clinic	Courts	1,907.20	Gaylord Bros.	Var. Depts	532.43
Glory House	Glory Hous	2,100.00	Goede, Daniel J, D.D	Human Svcs	69.00
Grimms Pump & Indust	Facilities	286.77	Guzman, Sandra V.	Courts	195.81
HAI Inc DBA	Human Svcs	1,216.00	Harris Properties, L	Human Svcs	400.00
Harris, John W.	Human Svcs	350.00	Heartland Paper Comp	Jail	1,232.32
Heirigs, Mary Ellen	Mental Ill	96.00	Heritage Place Apts	Human Svcs	403.00
Hewlett-Packard Comp	Var. Depts	2,198.72	Hollinger Corporatio	Mus Store	517.54
Horton, Dennis L.	Human Svcs	660.00	Hosmer, David M. Law	Mental Ill	111.63
Howalt-McDowell Insu	Jail	100.00	Hubbell Apt Living	Human Svcs	1,100.00
Huffer, Douglas A	Hwy Constr	29.00	Hy-Vee Accounts Rece	Mus Ops	50.20
Hy-Vee Pharmacy	EFSP Fund	300.00	Hy-Vee Pharmacy	Human Svcs	678.98

Instant Technologies	Jail	387.50	Inter-Tel Technologi	Info Tech	5,440.00
Interstate Office Pr	Var. Depts	1,459.16	Intoximeters, Inc.	24/7 Prog	102.50
Investors Management	Human Svcs	400.00	J & S Hospitality DB	Human Svcs	1,065.00
J&S Travel Assoc	Mus Ops	540.90	Jefferson Partners L	Human Svcs	1,032.96
Jensen, Jerrol	Human Svcs	500.00	Jim Hawk Truck Trail	Hwy Constr	76.50
Johnson, Miner, Marlow	Mental Ill	157.35	Johnston, Roger	Human Svcs	350.00
Johnstone Supply	Facilities	13.83	Kirkus, Chris	Human Svcs	450.00
Kittelson, Joan M	Mental Ill	30.00	Kleen Solutions, Inc	Jail	176.85
Kmart	Human Svcs	55.92	Kooistra, Nelva	Mental Ill	75.00
Koopman & Sons Gas C	Hwy Admin	300.00	Land Title Guaranty	Bldg Fund	253,020.24
Language Line Servic	Var. Depts	511.57	Lassegaard, Samuel C	Human Svcs	950.00
Lathrop, Timothy A	Human Svcs	400.00	Lawn Pro, Inc.	Pettigrew	390.01
LCM Pathologists Pc	Coroner	4,104.36	Leaf Inc.	Var. Depts	189.77
Learning Zone Expres	Extension	63.88	Lewis & Clark BHS	Mental Ill	2,130.00
Lewis Drug Stores	Human Svcs	6,657.89	Lexis-Nexis / Reed E	Sheriff	120.00
Linweld, Inc.	Hwy Constr	16.02	Little Falls Machine	Hwy Constr	2,125.76
Lutheran Social Serv	Var. Depts	22,717.62	Maximum Promotions,	Mus Maint	234.00
Meadowland Apts/SF L	Human Svcs	130.00	Medical X-Ray Center	Var. Depts	503.32
Menards - East	Facilities	1,048.70	Morrow, Danielle L	Human Svcs	1,185.00
Metro Communications	Var. Depts	160.00	Microfilm Imaging Sy	Reg Deeds	75.00
Midamerican Energy C	Var. Depts	4,802.44	Midcontinent Communi	Commission	104.00
Minnehaha Cnty Human	Human Svcs	153.30	Minnehaha Cnty Jail	Jail	100.00
Murray Const	Human Svcs	877.50	Myers & Billion LLP	Courts	740.00
Nat'l Pawn Co. of SD	Sheriff	75.00	Nat'l 4H Council-Sup	Extension	227.00
NCDC	Public Def	25.00	Nelsen, Russ	Human Svcs	350.00
Nextel Partners, Inc	Sheriff	39.82	Norment Security Gro	Jail	60.08
Northern Safety Tech	Hwy Constr	143.84	Northern Truck Equip	Hwy Constr	33.98
Nyberg's Ace Hardwar	Human Svcs	38.97	Office Depot, Inc.	Info Tech	530.98
Officemax	JDC	299.99	Orthopedic Institute	Human Svcs	1,252.06
Palmer, Barbara	Mental Ill	4,297.50	Panasonic Finance So	Extension	203.12
PBC Sioux Falls LLC	Human Svcs	59.90	Pharmchem Inc	24/7 Prog	168.00
Pheasantland Industr	Jail	450.80	Pike County(MO) Sher	St Atty	30.00
Presto-X-Company	JDC	76.00	Prospect Heights Apt	Human Svcs	155.00
Quail Hollow Townhou	Human Svcs	359.00	Qualified Presort Se	Var. Depts	46,817.07
Quality Efficiencies	Human Svcs	265.00	Qwest	Var. Depts	1,331.10
R & L Supply, Ltd	Facilities	54.49	Record Keepers, Inc.	Courts	3,590.50
Redwood Biotech	24/7 Prog	310.00	Rehfuss, Cathy A	Mental Ill	45.00
River Run Apts / Sio	Human Svcs	600.00	River Tower Apartmen	Human Svcs	191.00
Rods Properties LLC	Human Svcs	285.00	Rose Crest Townhouse	Human Svcs	300.00
Roust, Sue	Auditor	171.98	Rural Metro Ambulanc	Human Svcs	219.31
Sandy Creek Apts / M	Human Svcs	400.00	Sanford Hospital	St Atty	611.00
Scheels All Sports	Facilities	34.99	Schelling, Sheldon	Mental Ill	247.50
SD Dept of Correctio	Bldg Fund	50.29	SD Dept of Health	Public Adv	39.75
SD Human Services Ce	Var. Depts	521.40	SDN Communications	Info Tech	625.26
Security Labs, Ltd	Info Tech	100.00	SF Seminary	Human Svcs	400.00
Sheehan Mack Sales &	Hwy Constr	132.86	Sioux Falls City Fin	Facilities	172.48
Sioux Falls Primary	Human Svcs	335.99	Sioux Valley Energy	Hwy Constr	105.48
Software House Inter	Var. Depts	466.30	Solomon, Ghirmay	Courts	225.00
Stan Houston Equipme	Hwy Constr	136.00	Thorin, Deyanira T	Var. Depts	614.99
Thurman, Creighton A	Mental Ill	179.78	Timberland Village A	Human Svcs	400.00
Tires, Tires, Tires In	Var. Depts	1,063.71	Town Park II Apts	Human Svcs	540.00
Tschetter & Adams La	Courts	4,677.98	Ulmer, Thomas O	Human Svcs	350.00
Unitech, Inc/United	Var. Depts	429.00	USD-DHSF (Dental Hyg	Human Svcs	118.00
Velgersdyk, Dr. Scot	Human Svcs	263.00	Verizon Wireless	Var. Depts	5,232.43
Vision Care Associat	Human Svcs	154.27	Volunteers of Americ	Jail	1,345.22
VR Custom Trim & Rem	Var. Depts	1,659.69	Wal-Mart Pharmacy	Human Svcs	177.62
Walgreen Co.	Human Svcs	1,102.44	Walgreens Pharmacy	Human Svcs	10.00
Washington County Sh	Jail	165.00	Waste Management of	Jail	488.11
Wellmark Blue Cross	Human Svcs	251.07	West Group	St Atty	1,447.25
West Twelfth Propert	Human Svcs	280.00	Wheelco Brake & Supp	Hwy Constr	512.73
Williams, Michael G	Human Svcs	450.00	Xcel Energy, Inc.	Var. Depts	7,711.50
Yankton County Sheri	Mental Ill	275.00	Zandbroz Variety	Human Svcs	23.95

REPORTS

The following reports were received and placed on file in the County Auditor's Office: Minnehaha County Register of Deeds Official Statement of Recording, Transfer, Marriage and Express Fees, and

Overages January, 2009.

PERSONNEL

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

1. To accept the resignation of Marc Empert as Custodian for the Museum effective 2-27-09.
2. To promote Dennis Clauson from Correctional Officer in Training (12/B) to Correctional Officer (13/B) for Jail at \$16.8623/hour effective 1-7-09.

Step Increases Due:

1. JoLynn Harris – Correctional Officer – Jail – 13/I to 13/J, 2-11-09, \$20.5451/hour
2. Justin Duchene – Correctional Officer – Jail – 13/H to 13/I, 1-27-09, \$20.0440/hour
3. Matthew Schooley – Correctional Officer – Jail – 13/F to 13/G, 1-13-09, \$19.0782/hour
4. Joel Mueller – Correctional Officer – Jail – 13/E to 13/F, 1-10-09, \$18.6129/hour
5. Kristoffer Thoreson – Corrections System Operator – Jail – 9/I to 9/J, 2-3-09, \$16.8623/hour
6. Tyrell Bose – Army Security Supervisor – Army Guard – 12/I to 12/J, 1-12-09, \$19.5551/hour
7. Maria Buehre – Army Security Officer – Army Guard – 10/H to 10/I, 1-20-09, \$17.2839/hour
8. Jason Gearman – Deputy Sheriff Sergeant – Sheriff's Office – 20/J to 20/K, 2-12-09, \$2,380.44/bi-weekly
9. Elliott Crayne – Deputy Sheriff – Sheriff's Office – 16/F to 16/G, 1-27-09, \$22.1248/hour

ABATEMENTS

The following abatements were recommended by Kyle Helseth, Deputy Director of Equalization:

MOTION by Twedt, seconded by Barth to approve the following abatement: Kristi Star Broer, ID 66192, 2008 property taxes, \$130.92. 4 ayes.

MOTION by Kelly, seconded by Barth to approve the following abatement: Hope Podgornik, ID 50389, 2008 property taxes, \$449.58. 4 ayes.

MOTION by Kelly, seconded by Barth to approve the following abatement: Kristin Harkema, ID 36167, 2008 property taxes, \$861.44. 4 ayes.

NOTICE

MOTION by Kelly, seconded by Barth to authorize the Auditor to publish Notice to Bidders for Homeland Security Region VIII generators. 4 ayes.

Notice of Hearing on March 5, 2009, on the Creation of City of Brandon Tax Increment District Number Three was received from the City of Brandon Planning Commission. Dennis Olson, Brandon City

Administrator, explained that the property is within Brandon city limits in the Corson Industrial Park and Brandon Development Park north of Interstate 90. He also noted that if the TIF is approved it will likely be for a short term due to improvements already being made to the area.

AGREEMENTS

Bob Meister, Highway Superintendent, presented the 2009 County Striping Program agreement with the SD Department of Transportation. The agreement provides for pavement markings on 327 miles of Minnehaha County highways at an estimated cost of \$189,801.20. The County will be responsible for \$128,744.69. MOTION by Twedt, seconded by Barth to authorize the Chairman to sign the Agreement to Provide for the Striping and Continuing Maintenance of County Roads Within Minnehaha County with the SD DOT. 4 ayes.

Pursuant to deferral on February 17th, Lloyd Olson, Facilities Director, presented an updated agreement to purchase natural gas at a contract rate through Cornerstone Energy. Consideration was deferred to allow for an update in terms to reflect the current rate and a 1-year term. Mr. Olson explained that the rate was down 55¢ from last week to \$5.97 per decatherm, as of the close of the NYMEX yesterday. The contract has been updated and reviewed by Gordy Swanson, Deputy State's Attorney. If approved, the contract rate will be set at the close of business today and added to the agreement. MOTION by Twedt, seconded by Kelly to re-let the contract rate as of today and authorize the Chairman to sign the 1-year Energy Service Agreement with Cornerstone Energy, LLC dba Constellation NewEnergy – Gas Division CEI, LLC. 4 ayes.

UPDATE

Ken McFarland, Administrative Officer, briefed the Commission on proposed legislation affecting county government. Commissioners discussed the impact of House Bill 1007 which raises the fee for registering noncommercial vehicles for each weight class by \$10 and repeals the age reduction for vehicle older than 5 years. The measure narrowly failed in the House of Representatives. The SDACC and Township Association have asked commissioners to contact their local legislative delegates and urge them to reconsider this bill. Calculations indicate that if passed, Minnehaha County could receive an additional \$2.7 million in highway funding. Commissioners discussed the federal stimulus bill and how South Dakota will utilize its allotment. Bob Meister, Highway Superintendent, explained the requirements for projects to receive funding and noted that most road projects would not meet the timelines due to required permits, obtaining right-of-ways, and project design. MOTION by Barth, seconded by Kelly to authorize an e-mail to local legislators urging their support to bring back HB 1007. 4 ayes.

HEARING

Commissioners held the scheduled hearing to consider proposed amendments to Ordinance MC31-02, An Ordinance for Licensing Surface Ambulance Service In Minnehaha County. Some of the proposed changes were recommended by the Rural Ambulance Task Force and some by Gordy Swanson, Deputy State's Attorney. Ken McFarland, Commission Administrative Officer, explained that copies of the proposed amendments were sent to local EMS providers. Five providers submitted feedback, both for and against the proposed changes. Commissioners reviewed the proposed amendments by section. Proposed changes in Section 1-1, License Required, clarifies the exemption from licensure criteria and codifies the existing PSA (response zones) map. There were no proposed changes to the licensing districts. Jay Masur with Medstar Paramedic Ambulance spoke in opposition to districting and asked that re-districting be considered. He suggested equipping the ambulances with GPS devices and allowing the closest ambulance to be sent to calls. Brett Karber, Brandon City Councilor, supported redistricting by using the service home base as the central point and allowing them to respond to calls within a certain mile radius.

Roger Brooks, Brandon City Councilor, also supported dispatching by proximity not districts. In Section 1-5, Quality Assurance Required, proposed amendments would add 2 additional situations for ambulance run reviews, bloodborne pathogen and haz-mat exposures, and change the title of Medical Director to Quality Assurance Director. Dr. Jeff Luther, County Medical Director, spoke on the title change and explained his duties noting the importance of ensuring quality and compliance regardless of the title. Proposed amendments to Section 1-6, Requirements for County Licensure of Ground Ambulance Services, include ambulance accounting at Metro Communications, secondary response procedures, staffing, required use of the State Digital Radio System, eliminating the direct medical control requirement, and required NICS training and participation in disaster training drills. Daren Ketcham, Metro Communications Agency Director, supported the language changes, but believed the status of the ambulance agency should be accounted for, not the status of each ambulance. He also supported the use of the State Digital Radio System for interoperability. Lynn DeYoung recommended the addition of wording to limit the training requirement to 1 disaster exercise per year. Faron Wahl with Rural Metro Ambulance spoke in opposition to the status requirement. He stated that RMA has many calls for service that do not go through Metro Communications and noted the complications of having to report all their units. He also discussed equipment issues with the State Radio System, and opposed removal of the direct medical control requirement. Proposed amendments to Section 1-8, License Application, correct a grammatical error and remove reference to direct medical control. No one spoke to this change. Proposed amendments to Section 1-9, Initial and Subsequent Application Process, remove language that is no longer necessary, clarify the application deadline, and state that the license application decision may be appealed. Jay Masur commented that there was no provision for new applications outside of the renewal year and requested an open renewal period if the ordinance is amended. Changes in Section 1-10, Geographical Boundaries, add an additional condition, disaster, for a licensed ambulance to respond outside of its licensed area and make a grammatical change related to appeals. Commissioners discussed the legal interpretation of who would be considered exempt from the ordinance and the ability of the Emergency Management Director to declare a disaster and bring in whatever resources he sees fit. The final proposed amendment is a grammatical change in Section 1-16, Procedures for Suspension and Revocation of License for Ground Ambulance Services; Notice, Hearing and Appeal. No one commented. Commissioners discussed how to proceed noting that they do not want a negative result from the ordinance, only the best possible system. Commissioner Kelly expressed concerns with codifying the boundaries and noted that growth may require change. Commissioner Twedt noted that the recommended changes are not new and that the process has been ongoing. Commissioners will review the materials and welcome additional comments. MOTION by Barth, seconded by Twedt to defer action until Tuesday, March 17, 2009. 4 ayes.

NEW BUSINESS

Sheriff Mike Milstead reported on two stimulus funding opportunities that have become available as part of the Byrne JAG and COPS grant programs. The funding would allow for the hire of additional officers. Sheriff Milstead reported that his long range plans included a request to provide 2 new patrol officers. He has also received a request from the schools for additional school resource officers. The COPS grant would provide 100% funding for the new officers for 3 years, if approved. The County would be responsible for the cost after the 3 year term. He requested authorization to proceed with the preparation of the grant application materials subject to final approval from the Commission. Commissioners were in consensus to allow the preparation of the grant application materials.

Commissioner Kelly requested that discussion on night meetings be placed on the March 24th agenda.

MOTION by Barth, seconded by Twedt to adjourn into Executive Session for pending litigation and personnel discussion. 4 ayes. Following the Executive Session, the Commission adjourned until 9:00 a.m. on Tuesday, March 3, 2009.

2/24/09

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APPROVED BY THE COMMISSION:
Anne Hajek, Vice-Chairman

ATTEST:
Sandy Kinder, Deputy Auditor