

THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M., June 2, 2009, pursuant to adjournment on May 26, 2009. Commissioners present were: Pekas, Hajek, Barth, Kelly, and Twedt. 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 Twedt to approve the Agenda. 5 ayes.

## MINUTES

MOTION by Hajek, seconded by Kelly to approve the Minutes for May 26, 2009. 5 ayes.

## VOUCHERS TO BE PAID

MOTION by Twedt, seconded by Hajek to approve the following bills totaling \$1,292,184.49 for payment. 5 ayes.

A & B Business Equip	Var. Depts	806.35	Advertising Arts Inc	Pettigrew	18.00
American Correctiona	JDC	35.00	American Institution	JDC	156.25
Americinn (Ft Pierre	Var. Depts	300.00	Anacon Leasing Inc	Public Def	262.00
Anesthesiology Assoc	Var. Depts	608.00	Appeara / Dudley Lau	Hwy Constr	36.12
Arena Motel	Human Svcs	420.00	Augustana College	Mus Ops	925.00
Auto Body Specialtie	Hwy Constr	89.50	Avera McKennan Hospi	Var. Depts	15,780.58
Avera Women's Specia	Jail	48.71	Al Svc Inc/Laceys Ch	Hwy Constr	95.00
Batteries Plus/Onesk	Hwy Constr	18.00	Bechtel, Don DBA	Human Svcs	750.00
Bechtel, Donald J	Human Svcs	400.00	Billion's	Var. Depts	575.31
Boulevard Investment	Human Svcs	850.00	Brentwood Apts/Domin	Human Svcs	400.00
Bureau of Informatio	Var. Depts	402.00	Center for Family Me	Var. Depts	6,451.31
Chang, Hyun	Human Svcs	630.32	City Glass & Glazing	Facilities	71.51
City of Garretson	Human Svcs	420.00	City-Wide Taxi, Inc	Human Svcs	13.00
Clausen Enterprises	Human Svcs	400.00	Cobraserve National	Human Svcs	1,308.25
Cole, John R	Dir of Eq	101.85	Concrete Materials	Hwy Constr	31,377.14
Connecting Point	Var. Depts	2,778.00	Country View MHC	Human Svcs	1,246.26
Culligan Water Condi	Info Tech	36.00	Cumberland Apts I	Human Svcs	600.00
Cummins Central Powe	Facilities	590.80	Dakota Fluid Power,	Hwy Constr	8.97
Dakota Forensic Cons	Coroner	6,000.00	Dakota News, Inc.	Mus Store	252.40
Dakota Splash	Hwy Admin	70.85	Davis, Nancy	Mus Entpr	150.00
Dell Rapids Chevrole	Sheriff	31.76	Delux Motel / Dakota	Human Svcs	176.25
Dement, Paula	Public Adv	52.64	Dialnet/Ahrens Telec	Mus Ops	89.00
Diamond Vogel Paint	Hwy Constr	22.95	Dietrich, Donna K	Mental Ill	273.28
Dollar Tree Stores I	Human Svcs	327.80	Donahue, David J	Human Svcs	500.00
Dust Tex Service, In	Var. Depts	17.32	Dynamite Enterprises	Human Svcs	500.00
Ebert's Properties,	Human Svcs	1,720.00	EJW Llc	Human Svcs	600.00
Farrell, Lorae J	Courts	234.60	Fastenal Company	Var. Depts	632.47
Fireguard, Inc.	Em Mgmt	27,890.00	First United Methodi	Human Svcs	375.00
Fred the Fixer, Inc.	Facilities	16.20	G & H Distributing,	Facilities	77.44
Glasco, Randy	Human Svcs	260.00	Glass Pros, Inc.	Mus Maint	230.32
Glory House	Pass-Thru	7,932.60	Graham Tire Co. - Do	Facilities	237.50
Graham Tire Co. - No	Hwy Constr	15.95	Grainger, Inc.	Var. Depts	86.23
Graybar Electric Com	Facilities	221.65	Greentree Psychologi	Mental Ill	337.50
Guzman, Sandra V.	Public Def	75.00	HAJ Inc DBA	Human Svcs	681.00
Hander, Inc.	Human Svcs	69.39	Haugo, Roger	Human Svcs	300.00
Heartstarters Llc	Sheriff	12.00	Hesse, Scott	Mus Entpr	300.00
Hewlett-Packard Comp	Var. Depts	1,017.00	Hillyard, Inc.	Facilities	687.26
Hoekstra, Denise A.	Courts	1,117.80	Holiday Credit Offic	Hwy Constr	21.00
Holiday Inn Express	Mental Ill	26.78	Holiday Mobile Home	Human Svcs	300.00
Home Federal Savings	Human Svcs	500.00	Horn, Garrett	Mental Ill	192.00
Howalt-McDowell Insu	Public Def	50.00	Huezo, Dax I	Human Svcs	800.00
Hurtgen, Timothy T.	Human Svcs	700.00	Interstate Office Pr	Var. Depts	301.33

J & S Hospitality DB	Human Svcs	792.00	Johnson Controls, In	Mus Maint	2,656.47
Johnson, Kelsi	Info Tech	55.00	Karl's, Inc.	JDC	39.96
Kennedy, Renee S	Courts	527.00	Kjelden, Mike	Facilities	3,867.84
Kleen Solutions, Inc	Jail	74.95	Kleinjan, Pete	Human Svcs	500.00
Knights Inn	Human Svcs	1,766.00	Kooistra, Nelva	Mental Ill	30.00
Kracht, Everett/Grac	Human Svcs	350.00	Kreislers, Inc.	Jail	46.15
Krogstad, Glen	Extension	10.00	Krueger Excavating,	Facilities	870.00
Lakota Foods	Mus Store	75.12	Language Line Servic	Var. Depts	224.04
Laqua, Steve	Human Svcs	900.00	Lassegaard, Samuel C	Human Svcs	325.00
Lathrop, Timothy A	Human Svcs	280.00	Lipetzky's Irrigatio	Facilities	45.32
Locators & Supplies,	Hwy Constr	139.02	Ludoc Enterprises In	Ambulance	2,395.83
Mac's, Inc.	Hwy Constr	19.47	Malloy Electric Bear	Facilities	7.58
Maxwell Food Equipme	JDC	60.00	McGrath, Michael Ph.	Public Adv	1,015.00
Medical X-Ray Center	Var. Depts	541.04	Menards - East	Facilities	21.43
Merrow, Danielle L	Human Svcs	495.00	Metro Communications	Var. Depts	74,654.99
Microfilm Imaging Sy	Reg Deeds	775.00	Midamerican Energy C	Human Svcs	1,376.73
Miersma, Jason	Mus Entpr	150.00	Miller, Brian	Mus Entpr	250.00
Miller, Steve	Courts	4,509.69	Mitchell Ford Linc M	Sheriff	132,254.00
Monick Pipe & Supply	Facilities	26.94	Murray Const	Human Svcs	465.00
Museum Petty Cash	Var. Depts	32.31	Myers & Billion Llp	Courts	1,641.88
Nat'l Student Housin	Human Svcs	400.00	Nelson, William	Human Svcs	275.00
New World Systems	Em Mgmt	2,900.00	Nowak, Kris G	Human Svcs	400.00
Nyberg's Ace Hardwar	Facilities	4.80	Oakwood Estates/Inve	Human Svcs	500.00
Orthopedic Institute	Human Svcs	95.60	P & P Prop	Human Svcs	300.00
PBC Sioux Falls Llc	Human Svcs	399.90	Peters Distributing,	Em Mgmt	6,711.38
Physicians Laborator	Jail	153.16	Plastic Surgery Asso	Jail	773.78
Prairie Rehabilitati	Human Svcs	109.19	Presto-X-Company	Facilities	424.00
Psroc Enterprises Ll	Human Svcs	700.00	Quality Efficiencies	Human Svcs	595.00
R & L Supply, Ltd	Facilities	100.55	Red Door Creations	Mus Store	30.00
Refinish Supply Cent	Hwy Constr	619.37	Rehfuss, Cathy A	Mental Ill	30.00
Reitz, Robert DDS PC	Human Svcs	109.00	Richard-Ewing Equipm	Facilities	1,036.95
Robson True Value	Facilities	14.47	Rochester Armored Ca	Treasurer	379.50
Rohrer, Larry	Mus Entpr	200.00	Ronning Commercial,	Human Svcs	400.00
Salberg, Aaron	Public Def	119.00	Schempp Properties	Human Svcs	400.00
Schoeneman Bros. Co.	Hwy Constr	84.00	SD Assn of County Co	Human Svcs	110.00
SD Dept of Revenue	Parks	13.00	SD Dept of Transport	Hwy Constr	2,226.70
SD Paralegal Assn In	Public Def	260.00	SD Secretary of Stat	Public Def	25.00
SD Supreme Court	Public Def	300.00	Shald-Hudelson, Bren	Var. Depts	602.87
Sioux Council Boy Sc	Pass-Thru	10,404.43	Sioux Equipment Co I	Hwy Constr	694.40
Sioux Falls Partners	Human Svcs	600.00	Sioux Falls Rubber S	Public Def	15.95
Sioux Falls School D	Pass-Thru	2,320.20	Sioux Falls Two Way	Var. Depts	3,968.58
Sioux Falls Utilitie	Var. Depts	9,497.49	Sioux Valley Energy	Human Svcs	104.00
Siouxland Forklift L	Facilities	838.88	Skiles, Evelyn	Human Svcs	500.00
Slowey, Yavonne C	Mental Ill	537.50	Sprint	Sheriff	30.00
SSE Technologies	Treasurer	4,093.23	Stan Houston Equipme	Hwy Constr	217.45
State Steel of SD	Facilities	42.39	Stefanyuk, Pavel	Human Svcs	400.00
Sturdevant's Auto Pa	Hwy Constr	64.40	Sunshine Foods	Human Svcs	35.00
Surgical Institute O	Jail	1,303.42	Target Pharmacy	Human Svcs	412.45
Tendaire Ind Inc	Hwy Constr	299.02	Triple R Industries,	Human Svcs	400.00
Twelve-Step Living C	Human Svcs	350.00	Unitech, Inc/United	Sheriff	45.00
US Bank-Corporate Tr	Var. Depts	848,893.19	US Postal Service	Extension	36.77
USD-DHSF (Dental Hyg	Human Svcs	45.00	Velgersdyk, Dr. Scot	Human Svcs	189.00
Velvet Uniforms, Inc	Sheriff	75.00	Vision Care Associat	Human Svcs	227.01
Volunteers of Americ	Pass-Thru	17,614.80	Wal-Mart Pharmacy	Human Svcs	728.86
White, Ben	Human Svcs	220.00	Wiebenga, Steve	Human Svcs	400.00
Woodlawn Cemetery As	Human Svcs	250.00	Xcel Energy, Inc.	Var. Depts	3,353.82
Yankton County Treas	Mental Ill	933.75	Yaroch, Larry	Human Svcs	300.00
Zdorovtsov, Christin	Extension	127.07	Zee Medical Service	Hwy Admin	56.95

## PERSONNEL

MOTION by Hajek, seconded by Barth to approve the following personnel changes. 5 ayes.

1. To promote Nicole Laughlin from Deputy Public Defender (21/C) to Senior Deputy Public Defender (22/A) for the Public Defender's Office at \$2,156.56/bi-weekly effective 6-4-09.

2. To hire Daniel Finnegan as Highway Maintenance Worker (12/A) for the Highway Department at \$15.6584/hour effective 6-3-09.
3. To hire Julie Person as Tax & License Technician (10/A) for the Treasurer's Office at \$14.1857/hour effective 6-16-09.
4. To place Matthew Aanenson, Correctional Officer for the Jail, on Military Leave without pay effective 6-6-09 to 6-20-09.
5. To hire Seth Johnson-Larson as a part-time Correctional Officer in Training (12/A) for the Jail at \$15.6584 per hour effective 5-26-09.
6. To hire Andrea Kelly as a part-time Correctional Officer in Training (12/A) for the 24/7 Program at \$15.6584 per hour effective 5-30-09.
7. To promote Craig Boetel from Correctional Officer in Training (12/E) to Correctional Officer (13/E) for the 24/7 Program at \$18.1589/hour effective 5-27-09.
8. To promote Thomas Lien from Correctional Officer in Training (12/E) to Correctional Officer (13/E) for the 24/7 Program at \$18.1589/hour effective 5-28-09.
9. To place Deona Gustaf, Caseworker I for Human Services, on leave without pay effective 6-3-09 to 7-24-09.
10. To hire Cynthia Chase as temporary, part-time Caseworker I (16/A) for Human Services at \$19.0782/hour effective from 6-3-09 to 7-24-09.

Step Increases Due:

1. Raymond Koens – Caseworker II – Human Services – 17/E to 17/F, 6-4-09, \$22.6780/hour
2. Cleota Rae Burnette – Caseworker I – Human Services – 16/D to 16/E, 3-22-09, \$21.0587/hour
3. Tara Widmer – Senior Deputy State's Attorney – State's Attorney's Office – 22/D to 22/E, 6-5-09, \$2,380.44/bi-weekly
4. Darin Van De Berg – GIS Technician – Planning – 16/C to 16/D, 6-4-09, \$20.5451/hour
5. Thomas DeVaney – Highway Senior Maintenance Worker – Highway – 14/H to 14/I, 6-4-09, \$21.0587/hour
6. Nathan Kroesche – Juvenile Correctional Officer II – JDC – 14/I to 14/J, 5-24-09, \$21.5852/hour
7. Thomas Anawski – Juvenile Correctional Worker – JDC – 9/C to 9/D, 5-29-09, \$14.5403/hour
8. Sandra Kinder – Commission Recorder – Auditor's Office – 14/B to 14/C, 5-27-09, \$18.1589/hour
9. Paul Parish – Deputy Sheriff – Sheriff's Office – 16/L to 16/M, 5-30-09, \$25.6580/hour
10. Alison Pratt – Correctional Officer – Jail – 13/B to 13/C, 5-12-09, \$17.2839/hour

Special Commission Action Requests:

1. To recognize the following significant employee anniversaries for June: 5 years - Michael Mattson, John Norberg, Mary Zeeb, and Harley Marek; 10 years - Melissa Gunderson, and Tricia McKee; 15 years - Linda Lambeth, Richard Hinzman, and Lloyd Olson; and 25 years - Kent Vettrus.
2. To record volunteers in County Departments for May 2009. The list is on file in Human Resources.

Jenny Adix, Human Resources Generalist and Diversity Committee Member, presented the Diversity Committee Annual Report. She reviewed the objectives of the Committee and membership. Wes Garcia, Committee Member, gave an update on the activities of the Diversity Committee from the past year. Commissioners thanked the group for their service.

**ABATEMENTS**

The following abatements were recommended by Eli Whitney, Director of Equalization:

MOTION by Twedt, seconded by Kelly to approve the following 2008 property tax abatements pursuant to SDCL 10-4-40: Brian Ward, ID 77611, \$1,233.34; Roland Jensen, ID 65524, \$1,414.58; Stephen Chaffins, ID 29544, \$1,414.58; and John Oskar, ID 28311, \$1,414.58. 5 ayes.

MOTION by Hajek, seconded by Kelly to approve the following 2008 property tax abatement: Salvation Army, ID 38437 - \$1,280.40, ID 38439 - \$1,325.66, ID 38440 - \$909.63, ID 38451 - \$857.64, and ID 42656 - \$716.00. 5 ayes.

MOTIN by Kelly, seconded by Hajek to approve the following 2008 property tax abatement: St Katherine Drexel Catholic Church, ID 82025, \$24,908.16. 5 ayes.

MOTION by Hajek, seconded by Barth to approve the following 2008 property tax abatement: First Christian Reformed Church, ID 54150 - \$2,838.88, ID 38301 - \$2,824.91, and ID 38302 - \$513.84. 5 ayes.

**PLANNING**

Phil Kappen, Assistant Planning Director, gave the first reading of a proposed text amendment to the 1990 Revised Zoning Ordinance for Minnehaha County which would add agriculturally related uses in the RC Recreation-Conservation zoning district as a conditional use. MOTION by Hajek, seconded by Barth to authorize the Auditor to publish Notice of Hearing on 6/23/09. 5 ayes.

Mr. Kappen also gave the first reading on a proposed amendment to the On-site Wastewater Treatment Systems Ordinance related to permit fees and system liner standards. MOTION by Hajek, seconded by Kelly to authorize the Auditor to publish Notice of Hearing on 6/16/09. 5 ayes.

**HEARING**

The Commission held the scheduled public hearing to consider the 2009-2010 renewal applications for malt beverage licenses for establishments within Minnehaha County. The applications were reviewed by representatives of the Sheriff's, Planning, and State's Attorney's offices. Commissioners were informed that Renner Corner had failed a compliance check on 6/9/08. Sheriff Sgt. Jeff Gromer was present to discuss the compliance check. He also reported that a complaint was sent to the SD Department of Revenue regarding an after hours complaint at DJ's Bar. Dean and Sandy Sorum with Renner Corner

were present to answer questions. Commissioner Hajek noted that the Renner Corner failed compliance checks 3 times in the past 5 years. Dean Sorum explained the incident and reported that the clerk, who was also a minor, was let go following the incident. MOTION by Hajek, seconded by Twedt to approve the malt beverage renewal applications for 20 establishments listed on the notice of hearing and deny the application for Renner Corner. Commissioner Kelly favored deferring consideration for the Renner Corner and having them provide written information on what changes they will implement to ensure future compliance. Commissioner Pekas noted the impact the loss of the license will have on the Sorums' business. MOTION to amend by Kelly, seconded by Barth to defer action on Renner Corner for 2 weeks to allow a written explanation. 2 ayes, Hajek, Twedt, and Pekas - nay. Amendment fails. VOTE on the motion. 3 ayes, Kelly and Pekas – nay. The following applications were approved:

38 Road House	Retail (On-Off Sale)
Baltic Corner	Retail (On-Off Sale)
Bottom's Up	Retail (On-Off Sale)
Buffalo Trading Post	Retail (On-Off Sale)
Chasers	Retail (On-Off Sale)
Crooks Gun Club	Retail (On-Off Sale)
DJ's Bar	Retail (On-Off Sale)
Huset's Speedway	Retail (On-Off Sale)
I-90 Speedway	Retail (On-Off Sale)
Midway Service	Retail (On-Off Sale)
Northern Links Golf Course	Retail (On-Off Sale)
P&G Golf, Inc/Ultimate Golf	Retail (On-Off Sale)
Pump N Pak	Retail (On-Off Sale)
Red Rock Bar/Casino	Retail (On-Off Sale)
Sioux Empire Fair Assn	Retail (On-Off Sale)
Sioux Empire Fair Assn	Off-Sale Package MB & SD Farm Wine
State Line Casino	Retail (On-Off Sale)
Thompson Schjodt American Legion Post 307	Retail (On-Off Sale)
Uncle Ed's Specialty Meats	Package (Off Sale)
Wall Lake Oil	Package (Off Sale)
Wild Water West Waterpark	Retail (On-Off Sale)

## AGREEMENT

Ken McFarland, Commission Administrative Officer, presented an agreement with the SD Unified Judicial System for reimbursement of costs associated with the installation of the CourtSmart system as part of the Minnehaha County Courthouse expansion. The UJS has agreed to provide a cost share at an amount not to exceed \$18,000 for the work. The actual cost is \$17,123. MOTION by Kelly, seconded by Hajek to authorize the Chairman to sign the Contract/Letter of Agreement for Contractual Services between Minnehaha County and the SD UJS. 5 ayes.

## LETTER

Ken McFarland, Commission Administrative Officer, read a draft of a victim impact letter for consideration in the sentencing of Kathleen Gourley, who pleaded guilty to embezzling from the Sioux Empire Fair Association. The letter recognizes the Association as the victim, but also the county commission and taxpayers. Commissioner Pekas was not supportive of some of the language used in the letter. He and Commissioner Barth stated that they would be submitting individual letters. Commissioners supported additional language suggested by Commissioner Kelly. The draft letter will be amended and submitted to the judge by July 10<sup>th</sup>.

## OLD BUSINESS

Commissioner Hajek commented on correspondence she received from a party regarding his experience with the line at the Treasurer's office. Commissioners asked that Treasurer Pam Nelson be present before continuing with discussion.

#### NEW BUSINESS

At the request of Commissioner Twedt, Sue Roust, Auditor, updated the commission on the results of a telecommunications audit performed by Brenda Shald-Hudelson/Expense Reduction Services. While an annual savings of \$5,000 was discovered, it was also found that some telephone services were being undercharged. This resulted in an increase of roughly 41% for each of those lines.

#### OLD BUSINESS

Treasurer Pam Nelson was present to answer questions on an e-mail from a citizen regarding the number of windows open and some comments that were made. Ms. Nelson explained that her office has been short staffed due to vacations, illness, and vacancies. She gave some options that may alleviate the line, which commissioners suggested be brought up during budget hearings. Commissioner Hajek discussed ways to keep more windows open.

MOTION by Barth, seconded by Hajek to adjourn into Executive Session for contract discussion and a legal briefing. 5 ayes. Following the Executive Session, the Commission adjourned until 9:00 a.m. on Tuesday, June 9, 2009.

#### APPROVED BY THE COMMISSION:

John Pekas, Chairman

#### ATTEST:

Sandy Kinder, Deputy Auditor