

THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M., June 30, 2009, pursuant to adjournment on June 23, 2009. Commissioners present were: Hajek, Barth, Kelly, and Twedt. Commissioner Pekas arrived at 9:01 a.m. Also present were Sandy Kinder, Deputy Auditor, and Dustin DeBoer, Senior Deputy State's Attorney.

Vice-Chairman Hajek called the meeting to order.

AGENDA

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

MINUTES

MOTION by Twedt, seconded by Barth to approve the Minutes for June 23, 2009. 4 ayes.

VOUCHERS TO BE PAID

MOTION by Kelly, seconded by Barth to approve the following bills totaling \$1,072,218.98 for payment. 4 ayes.

A & B Business Equip	Var. Depts	539.96	Action Electric Co.	Hwy Constr	186.74
Advance Auto Parts	Sheriff	29.70	Anesthesiology Assoc	Human Svcs	128.00
Appeara / Dudley Lau	Hwy Constr	110.57	Arena Motel	Human Svcs	1,270.00
Argus Leader	Var. Depts	149.33	Austad, Dean B	Human Svcs	475.00
Automatic Building C	Var. Depts	1,194.00	Avera Health Informa	Courts	15.70
Avera McKennan Hosp	St Atty	45.00	Al Svc Inc/Laceys Ch	Hwy Constr	95.00
Baker, Mary	Public Def	120.31	Barnett-Lewis Funera	Human Svcs	1,388.20
Bechtel, Dave	Human Svcs	500.00	Better Electric Co.,	Var. Depts	871.14
Bierschbach Equipmen	Hwy Constr	487.20	Boulevard Investment	Human Svcs	400.00
Boyer Trucks Sioux F	Em Mgmt	18.98	Brennan Hill Townhou	Human Svcs	300.00
Brentwood Apts/Domin	Human Svcs	475.00	Builders Supply Comp	Facilities	218.41
Bunkers, Gerald A	Human Svcs	320.00	Burnette, Sara L	Courts	1,650.00
Butler Machinery Com	Hwy Constr	108.62	C & R Supply, Inc.	Hwy Constr	7.30
Campbell Supply Co I	Var. Depts	671.16	Carlson, Lisa	Courts	115.60
Carper, Nichole A	Courts	900.00	CBM Food Service	JDC	6,459.95
Century Business Pro	Dir of Eq	40.00	Chang, Hyun	Human Svcs	200.00
Cheever, Todd	JDC	29.98	Chemco, Inc.	Facilities	314.49
CJ's Landscape & Har	Parks	200.00	Cliff Avenue Auto Pa	Hwy Constr	27.52
Concrete Materials	Hwy Constr	36,889.11	Constellation New En	Facilities	1,156.00
Cortrust Bank	Human Svcs	400.00	Country View MHC	Human Svcs	635.11
CRC Prop /Syc Oak/Ba	Human Svcs	700.00	Crescent Electric Su	Facilities	81.54
Crooks Municipal Gas	Human Svcs	277.64	Dakota Fluid Power,	Hwy Constr	21.34
Dakota Forensic Cons	Coroner	6,000.00	Dakota Riggers & Too	Parks	71.85
Dakota State Univ	Em Mgmt	1,100.00	Danko Emergency Equi	Em Mgmt	3,985.00
Delux Motel / Dakota	Human Svcs	275.00	Destiny Family Medic	Public Def	10.00
Diamond Mowers, Inc.	Hwy Constr	250.00	Dietrich, Donna K	Mental Ill	559.77
DTN Corporation	Hwy Constr	384.00	Dust Tex Service, In	Var. Depts	17.36
Ebert's Properties,	Human Svcs	1,180.00	Exide Technologies	Hwy Constr	75.51
Facilities Petty Cas	Facilities	89.35	Farrell, Lorae J	Courts	78.20
Fastenal Company	Hwy Constr	150.42	Fonder, Roger M DBA	Planning	41.15
Frisbee, Inc.	Parks	213.66	Galland Legal Clinic	Courts	451.00
Gjoraas, Ronald M	Var. Depts	352.00	Glasco, Randy	Human Svcs	500.00
Glory House	Glory Hous	270.00	Goebel Printing, Inc	Planning	20.00
Goede, Daniel J, DDS	Human Svcs	49.00	Graham Tire Co. - No	Hwy Constr	15.95
Graybar Electric Com	Facilities	71.41	Great Plains Int'l T	Hwy Constr	69.75
Great Plains Psychol	Courts	2,780.00	Guzman, Sandra V.	Var. Depts	554.05
Hall, Claude	Human Svcs	350.00	Hander, Inc.	JDC	2,560.60
Handy Man, Inc.	Facilities	30.25	Hansen Locksmithing	Em Mgmt	5,634.00
Heartland Paper Comp	Facilities	77.90	Heirigs, Mary Ellen	Mental Ill	32.00
Heritage Funeral Hom	Human Svcs	2,615.00	Heritage Place Apts	Human Svcs	500.00
Hillyard, Inc.	Facilities	932.72	Hoffman, Lois	Human Svcs	500.00
Holiday Credit Offic	Hwy Constr	114.58	Hollaway Const Inc	Hwy Constr	33,220.30

Home Federal Savings	Human Svcs	660.00	Human Service Agency	Courts	406.00
Hurley Custom Woodwo	Pettigrew	929.50	Hurtgen, Timothy T.	Human Svcs	500.00
Hy-Vee Accounts Rece	Var. Depts	21.08	Hy-Vee Pharmacy	Human Svcs	15.99
Interstate Office Pr	Var. Depts	1,010.11	J & S Hospitality DB	Human Svcs	179.00
J D Evans, Inc.	Hwy Constr	67,173.40	JCL Solutions-Janito	Var. Depts	374.04
Johnson Estates LLC	Human Svcs	310.00	Johnson Feed, Inc.	Hwy Constr	20,537.43
Johnson, Ron P	Human Svcs	800.00	Johnston, Roger	Human Svcs	350.00
Kalb, Wilbur	Parks	300.00	Kauffman, David W. P	Courts	5,837.80
Kennedy, Pier & Knof	Mental Ill	463.00	KGA Properties	Human Svcs	400.00
Kohl's Department St	JDC	129.96	Kone, Inc.	Facilities	258.04
Kooistra, Nelva	Mental Ill	45.00	Lamb's Chevrolet & I	Sheriff	16,639.00
Lassegaard, Samuel C	Human Svcs	375.00	Lazy Rrse Buffalo Ra	Mus Store	24.49
Leaf Inc.	Var. Depts	189.77	Leesch, Jerald K Est	Human Svcs	400.00
Leshner, Gary	Human Svcs	600.00	Ludoc Enterprises In	Ambulance	2,395.83
Lutheran Social Serv	Courts	1,775.00	Mac's, Inc.	Hwy Constr	87.26
Malloy Electric Bear	Facilities	40.24	Menards - East	Facilities	19.99
Menards - West	Hwy Admin	269.96	Merrow, Danielle L	Human Svcs	495.00
Metro Communications	Var. Depts	10,245.20	Midamerican Energy C	Human Svcs	1,098.69
Midwest Alarm Compan	Mus Maint	367.50	Midwest Oil Company,	Hwy Constr	258.99
Midwest Residential	Human Svcs	2,400.00	Mikelson, Gary E	Mental Ill	365.38
Miller Funeral Home,	Human Svcs	2,617.50	Monick Pipe & Supply	Facilities	193.44
Murray Const	Human Svcs	750.00	Museum Products	Mus Store	220.00
Myers & Billion LLP	Courts	496.60	Nguyen, Lam	Courts	25.00
Northern Heights Dev	Human Svcs	400.00	Olson, Jan	Public Adv	17.75
Olson's Pest Technic	Jail	57.75	Orthopaedic Consulta	Var. Depts	2,473.46
Painted Buffalo Inn	Public Def	125.40	Palmer, Barbara	Mental Ill	3,960.00
PBC Sioux Falls LLC	Human Svcs	199.95	Pesi LLC	Human Svcs	184.00
Pfeifer Implement Co	Hwy Constr	98.45	Pheasantland Industr	Hwy Constr	60.00
Pine Meadows/Univers	Human Svcs	487.38	Plastic Surgery Asso	St Atty	30.00
Pomp's Tire Service,	Hwy Constr	356.14	Preferred Management	Human Svcs	600.00
Presto-X-Company	Facilities	164.00	PSROC Enterprises LL	Human Svcs	800.00
Quail Hollow Townhou	Human Svcs	500.00	Quality Efficiencies	Human Svcs	360.00
RDO Equipment Co.	Hwy Constr	116.58	Redwood Estates LLC	Human Svcs	2,574.00
Reh fuss, Cathy A	Mental Ill	45.00	Reitz, Robert DDS PC	Human Svcs	583.00
Retail Data Systems	Treasurer	109.00	River Ridge Apartmen	Human Svcs	500.00
Roberts, Yvonne	Human Svcs	450.00	Robinson, Tom DBA	Var. Depts	495.00
Robson True Value	Jail	49.56	Rock County Sheriffs	St Atty	40.00
Rons, Norm	Human Svcs	500.00	Sanford Hospital	Human Svcs	64,073.62
Sanford Hospital - R	Human Svcs	400.00	Sanford Laboratories	Human Svcs	17.54
Schoeneman Bros. Co.	Hwy Constr	58.84	Schrader, Lloyd	Human Svcs	1,000.00
Scotting, Gregory G	Human Svcs	450.00	SD Dept of Revenue	Sheriff	78.00
SD Vet. Service Offi	Human Svcs	50.00	SF Seminary	Human Svcs	400.00
Shipley's Laundry &	Mus Entpr	20.60	Shriver, Tim/Greg	Human Svcs	220.00
Silver Glen MHC, LLC	Human Svcs	270.00	Sioux Falls City Fin	Mus Ops	50.00
Sioux Falls City Fin	Var. Depts	10,570.55	Sioux Falls Kenworth	Hwy Constr	5.40
Sioux Falls Rubber S	Reg Deeds	15.00	Sioux Falls Two Way	Em Mgmt	5,223.10
Sioux Falls Utilitie	Var. Depts	15,976.10	Sioux Valley Energy	Var. Depts	247.05
Siouxland Oral & Max	Human Svcs	69.00	Sisson Printing, Inc	Commission	260.00
Skogen Company	Human Svcs	339.00	Smith Publishing Co.	Reg Deeds	205.45
Solomon, Ghirmay	Courts	350.00	Sorensen, Robert	Human Svcs	400.00
Stauffacher, Travis	Sheriff	16.89	Storhaug, Adrean	Human Svcs	1,200.00
Surgical Institute O	St Atty	21.50	Swier, Curt	Human Svcs	575.00
Taylor, Robert H	Human Svcs	315.00	Tenth Street Lodging	Human Svcs	400.00
The Road Guy Const C	Hwy Constr	622,681.77	Thesenvitz,Mickelson	Courts	819.40
Thorin, Deyanira T	Courts	279.15	Thurman, Creighton A	Mental Ill	816.46
Timberland Village A	Human Svcs	400.00	Tipton, John	Human Svcs	350.00
Tires,Tires,Tires In	Var. Depts	561.17	University Products,	Reg Deeds	430.19
USD-DHSF (Dental Hyg	Human Svcs	880.00	Velvet Uniforms, Inc	Var. Depts	411.95
Vision Care Associat	Human Svcs	248.44	Wadelee Properties	Human Svcs	800.00
Wal-Mart Pharmacy	Human Svcs	248.20	Wal-Mart Pharmacy	Human Svcs	110.42
West Pointe Townhou	Human Svcs	400.00	Westergard, Rod	Hwy Admin	95.28
Wiblemo, Gene E	Human Svcs	400.00	Williams, Bill	Human Svcs	400.00
Williamsburg Townhom	Human Svcs	300.00	Xcel Energy, Inc.	Var. Depts	43,961.12
Yankton County Sheri	Mental Ill	25.00	Yankton County Treas	Mental Ill	2,116.00
Zee Medical Service	Hwy Admin	54.80	21st Mortgage Corp	Human Svcs	400.00
3D Specialties, Inc.	Hwy Constr	5,960.00			

PERSONNEL

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

1. To promote Eric Johnson from Deputy State's Attorney (21/C) to Senior Deputy State's Attorney (22/A) for the State's Attorney's Office at \$2,156.56/bi-weekly effective 7-2-09.
2. To place Hope Matchan, Senior Deputy State's Attorney for the State's Attorney's Office, on leave without pay effective 6-19-09 to 6-26-09.
3. To extend Military Leave without pay for Jeremy Hartman, Mechanic for Highway, to 9-30-09.
4. To rescind the action dated 6-9-09 appointing Richard Linsmeier as Custodial Supervisor for Facilities.

Step Increases Due:

1. Reece Deters – Juvenile Correctional Officer II – JDC – 14/G to 14/H, 6-21-09, \$20.5451/hour
2. Maureen Buller – Administrative Assistant – Extension – 12/E to 12/F, 6-29-09, \$17.7160/hour
3. Shirley Grimes – Senior Extension Assistant – Extension – 12/E to 12/F, 6-29-09, \$17.7160/hour

Vice-Chairman Hajek relinquished the Chair to Chairman Pekas.

On 6/23/09, Carey Deaver, Human Resources Director, briefed the Commission on proposed policy changes related to jury duty, overtime, hours of work, holidays, standards of conduct, and travel. Commissioners discussed each change and supported bringing back the change under Travel and Meal Expenses related to mileage reimbursement next week for further comments and advisement from Sue Roust, Auditor. MOTION by Hajek, seconded by Barth to approve the policy changes effective 7/1/09 and defer consideration of an amendment under mileage reimbursement to 7/7/09. 5 ayes.

ABATEMENTS

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

MOTION by Barth, seconded by Kelly to approve the following abatement: Barbara Forbes, ID 78008, 2008 property taxes, \$2,365.12. 5 ayes.

MOTION by Hajek, seconded by Twedt to approve the following abatement: Michele Van Uden, ID 81866, 2008 property taxes, \$1,393.36. 5 ayes.

MOTION by Hajek, seconded by Barth to approve the following abatement: Keith Goodman, ID 54768, 2008 property taxes, \$500.65. 5 ayes.

PLANNING

Pat Herman, Planner, gave the first reading of a proposed text amendment to Ordinance MC16-90, the 1990 Revised Zoning Ordinance for Minnehaha County, adding “animal livestock shelter” as a conditional use under the Agricultural District section and defining this term in the definitions. MOTION by Barth, seconded by Twedt to authorize the Auditor to publish Notice of Hearing on 7/21/09. 5 ayes.

LIEN

Commissioner Barth, County Aid Lien Liaison, briefed the Commission on a request to compromise DPNO 54447 in the amount of \$4,753.93. The applicant has made payments of \$1,739.33 to bring the account to its current balance and has reported that she is no longer able to continue making payments towards the lien due to a reduction in hours and pay at her current place of employment. MOTION by Barth, seconded by Kelly to approve Resolution MC09-16. 5 ayes.

RESOLUTION MC09-16

WHEREAS, a County Aid Lien in the amount of \$4,753.93 purports to exist in favor of Minnehaha County and against DPNO 54447 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 upon payment of \$1,500.00. If payment is not made within one year from approval, this agreement is null and void.

Dated at Sioux Falls, South Dakota, this 30th day of June, 2009.

APPROVED BY THE COMMISSION:

John Pekas, Chairman

ATTEST:

Sandy Kinder, Deputy Auditor

HEARING

The Commission held the scheduled hearing to consider a new application for a retail on-off sale wine license for Wild Water West Waterpark Ltd. on property legally described as the E1/2 NW1/4 SE1/4 & NE1/4 SE1/4 (Ex. H-1 & Ex. Tr 1 Alvine's Addn) in Section 36-101-51, 26767 466th Avenue, Sioux Falls. The applicant currently holds an on-off sale malt beverage license and would like to add wine based products. The application was reviewed by Planning, Sheriff's, and State's Attorney staff and there were no objections. The existing Conditional Use Permit was amended to allow this new use. No one spoke in opposition to the request. The Commission deferred consideration until the end of the meeting as the applicant was not present at the scheduled time, but intended to be available.

LICENSE

Michael Raderschadt with Treasure's on I-29 was present to request Sunday sales privileges on his retail on-sale liquor license effective 7/1/09. Because of a change in law, the Sunday sales restrictions have been removed. The privilege only requires the approval of the governing board. The request was reviewed by Planning, Sheriff, and State's Attorney staff. There were no objections to granting the request. MOTION by Barth, seconded by Hajek to authorize Sunday sales at Treasurers on I-29. 5 ayes.

EM MGMT

Lynn DeYoung, Emergency Management Director, reported that the County has been asked to act as fiduciary agent for a grant awarded to the Region III Hospital Preparedness Planning Committee in the amount of \$161,452 as part of the Hospital Preparedness Program. As fiduciary agent, the County will be responsible for utilizing grant funds to purchase and distribute equipment listed in the grant agreement and will receive a 5% administrative fee for services. Due to the increasing number of grants that the County has been asked to provide financial oversight on, Commissioners discussed policy issues to address such requests and questioned what the actual cost (to the County) is to provide these services. MOTION by Barth, seconded by Hajek to authorize the Chairman to sign the State of SD Grant Agreement with the SD Department of Health Office of Pubic Health Preparedness. 5 ayes.

MOTION by Hajek, seconded by Barth to approve the following supplements from the Emergency Management Fund to the Emergency Management budget as part of the Homeland Security and Public Safety Interoperable Communications Grant Programs: ASN 16922 - \$388.40 (07' Region 8 LETPP), ASN 16923 - \$238,878.20 (08' Region 8). 5 ayes.

RESOLUTIONS

Robert Wilson, Assistant Commission Administrative Officer, presented 3 resolutions to consider for submission to the SD Association of County Commissioners for inclusion in the association's legislative agenda. MOTION by Barth, seconded by Twedt to approve Resolution MC09-17. 5 ayes.

RESOLUTION MC09-17

RESOLUTION TO ALLOW FOR TWO YEAR REGISTRATION OPTION FOR MOTOR VEHICLES

WHEREAS, motor vehicle registrations in the state of South Dakota are conducted on annual basis with fees collected on the same annual basis; and

WHEREAS, there is precedence, as in the registration for boats, for registering certain motorized vehicles for more than a one year renewal period, and

WHEREAS, the Minnehaha County Board of Commissioners feels there may be merit and convenience to the public to allow the taxpayer the option for registering motor vehicles for a two year renewal period, now

THEREFORE BE IT RESOLVED, by the Minnehaha County Board of Commissioners that the South Dakota Association of County Commissioners be urged to draft and support legislation that would provide for an option for taxpayers to renew their vehicle registrations for a two year period.

Dated this 30th Day of June, 2009.

APPROVED BY THE
MINNEHAHA COUNTY COMMISSION:
John Pekas, Chairman

ATTEST:
Sandy Kinder, Deputy Auditor

Commissioners discussed a resolution to increase county fees, that are determined by state statute,

annually. Julie Risty, Register of Deeds, explained how percentage increases would affect her office and preferred using a flat rate on a graduated scale. MOTION by Kelly, seconded by Twedt to approve Resolution MC09-18. 5 ayes.

RESOLUTION MC09-18

RESOLUTION TO ALLOW FOR AN INCREASE IN COUNTY FEES DETERMINED BY STATE STATUTE ACCORDING TO THE CONSUMER PRICE INDEX

WHEREAS, county government collects a wide variety of fees that are determined and set by state statute, including but not limited to motor vehicle registration fees, sheriff fees for service, register of deeds recording and document fees, 911 service monthly service fees, and others, and;

WHEREAS, it may be several years before said fees are reviewed or considered for an increase, and as a result if an increase in the fee is approved, quite often the increase is dramatic because it has not been increased for many years; and

WHEREAS, the Minnehaha County Commission feels it is more appropriate to have gradual increases in fees rather than large increases, now

THEREFORE BE IT RESOLVED, by the Minnehaha County Board of Commissioners that the South Dakota Association of County Commissioners be urged to draft and support legislation that would provide for a yearly increase in all state controlled fees that are charged at the county level, based on the consumer price index or 3%, whichever is less, except for the Register of Deeds' document recording fees, which shall be supported to be increased according to recommendations made by the South Dakota Association of County Officials.

Dated this 30th Day of June, 2009.

APPROVED BY THE
MINNEHAHA COUNTY COMMISSION:
John Pekas, Chairman

ATTEST:
Sandy Kinder, Deputy Auditor

MOTION by Hajek, seconded by Barth to approve Resolution MC09-19. 5 ayes.

RESOLUTION MC09-19

RESOLUTION TO ALLOW FOR FEDERAL CRIMINAL BACKGROUND CHECKS ON APPLICANTS FOR COUNTY EMPLOYMENT

WHEREAS, county government, conducts criminal background checks on candidates for certain positions with the county, both full-time and temporary, through the South Dakota Division of Criminal Investigation; and

WHEREAS, this record search reveals criminal records for crimes committed in the state of South Dakota but no information regarding criminal activity in any other state; and

WHEREAS, municipalities in South Dakota are authorized by state statute to conduct federal criminal background checks on applicants for municipal employment, now

THEREFORE BE IT RESOLVED, by the Minnehaha County Board of Commissioners that the South Dakota Association of County Commissioners be urged to seek the preliminary approval from the US Department of Justice for language granting counties the authority to conduct federal criminal background checks on applicants for county employment and to seek approval of legislation consistent with the following language that was adopted for municipalities by the 2009 South Dakota Legislature:

“Each person over eighteen years of age seeking employment with a county shall submit, subject to the discretion of the county, to a state and federal criminal background investigation by means of fingerprint checks by the South Dakota Division of Criminal Investigation and the Federal Bureau of Investigation. The county may submit completed fingerprint cards to the Division of Criminal Investigation before the prospective new employee enters into service. Upon completion of the state and federal criminal background check, the Division of Criminal Investigation shall forward to the county all information obtained as a result of the check. Failure to submit or cooperate with the criminal background investigation is grounds for denial of an application.”

Dated this 30th Day of June, 2009.

APPROVED BY THE
MINNEHAHA COUNTY COMMISSION:
John Pekas, Chairman

ATTEST:
Sandy Kinder, Deputy Auditor

OLD BUSINESS

Commissioner Barth gave an update on the Sioux Falls Jaycees fundraising efforts to support the annual 4th of July celebration at the W.H. Lyon Fairgrounds. He reported that Dave Billion and the Dollar Loan Center have stepped forward to ensure that this event will go on as planned for the next 2 years. Commissioner Twedt asked for a report on the Friends of the Fair fundraiser. Commissioner Barth intends to present that information next week.

Pursuant to deferral earlier in the meeting, MOTION by Hajek, seconded by Barth to approve the Retail On-Off Sale Wine License for Wild Water West Waterpark Ltd. 5 ayes.

MOTION by Hajek, seconded by Barth to adjourn into Executive Session for personnel discussion. 5 ayes. Following the Executive Session, the Commission adjourned until 9:00 a.m. on Tuesday, July 7, 2009.

APPROVED BY THE COMMISSION:
John Pekas, Chairman

ATTEST:
Sandy Kinder, Deputy Auditor

Published once at the total approximate cost of \$_____.