

THE MINNEHAHA COUNTY COMMISSION CONVENED AT 9:00 A.M., July 7, 2009, pursuant to adjournment on June 30, 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 Hajek, seconded by Kelly to approve the Agenda. 5 ayes.

## MINUTES

MOTION by Barth, seconded by Kelly to approve the Minutes for June 30, 2009. 5 ayes.

## VOUCHERS TO BE PAID

MOTION by Twedt, seconded by Hajek to approve the following bills totaling \$130,659.05 for payment. 5 ayes.

A & B Business Equip	Var. Depts	76.85	Ali. Kedra	Facilities	115.00
Allied Oil & Supply	Hwy Constr	11.50	American Legion Chor	Em Mgmt	32.00
Anacon Leasing Inc	Public Def	262.00	Anderson, Carol	Human Svcs	400.00
Arena Motel	Human Svcs	1,454.00	Argus Leader	St Atty	229.05
Arrow Ridge Townhome	Human Svcs	500.00	Auto Glass Center	Sheriff	39.95
Avera McKennan Hospi	Var. Depts	15,284.75	Awate, Elasse	Public Def	787.50
Axtell Apts Ltd Ptnr	Human Svcs	390.00	Al Svc Inc/Laceys Ch	Hwy Constr	90.00
Billion's	Sheriff	1,800.00	BK Holdings, LLC.	Human Svcs	400.00
Brale, Miranda	St Atty	153.75	Brenden, Michael	Jail	72.00
Brevik Law Office Pr	Mental Ill	166.98	Brown & Saenger	Var. Depts	449.95
C & R Supply, Inc.	Hwy Constr	42.80	Campbell Supply Co I	Hwy Constr	368.91
Cleveland Heights Ap	Human Svcs	990.00	Clinic Pharmacies, I	Human Svcs	131.00
CM Information Spec/	St Atty	125.66	Concrete Materials	Hwy Constr	32,239.68
Conexis Benefit Admi	Human Svcs	294.38	Connelly, Elizabeth	Human Svcs	600.00
Connor, Mike	Mus Entpr	200.00	Constellation New En	Pettigrew	135.81
Country View MHC	Human Svcs	469.00	Cumberland Apts I	Human Svcs	660.00
Dakota Riggers & Too	Hwy Constr	91.24	Dakota Security Syst	Var. Depts	6,066.16
Dakotas Division of	Sheriff	15.00	Dale Animal Hospital	Sheriff	35.86
Deaver, Carey Jo	Expenses	75.31	Delux Motel / Dakota	Human Svcs	125.00
Dialnet/Ahrens Telec	Jail	162.63	Diamond Vogel Paint	Hwy Constr	52.30
Dietrich, Donna K	Mental Ill	273.28	Donahue, David J	Human Svcs	1,380.00
Duchene, Justin R	Jail	55.00	Ebert's Properties,	Human Svcs	1,025.00
Finnegan, Daniel	Hwy Constr	87.99	Fluth, Rodney P	Human Svcs	800.00
Fox, Youngberg & Lew	Mental Ill	193.16	Glazier, Nathan	Mus Entpr	200.00
Gold Directories Inc	Human Svcs	130.72	Golden West	Var. Depts	197.76
Graybar Electric Com	Facilities	69.55	Grogan, Hubert J	Human Svcs	223.59
Gross, Bryan	Human Svcs	406.67	Guzman, Sandra V.	Var. Depts	541.55
H & R Roofing of SD,	JDC	125.00	Haan, Eric	Jail	127.00
Hayloft Property Man	Human Svcs	350.00	Hoekman, James	Sheriff	26.00
Hoekstra, Denise A.	Courts	156.60	Home Federal Savings	Human Svcs	1,000.00
Hurtgen, Timothy T.	Human Svcs	200.00	Hy-Vee & Affiliates	Human Svcs	658.58
Hy-Vee Accounts Rece	JDC	111.42	Hy-Vee Pharmacy	Human Svcs	450.21
Hy-Vee Pharmacy	Human Svcs	127.53	Hy-Vee Pharmacy	Human Svcs	210.98
Interstate Office Pr	Var. Depts	745.99	J & S Hospitality DB	Human Svcs	276.00
Jackson-Hirsh, Inc	Mus Ops	34.75	Jefferson Partners L	Human Svcs	1,268.25
Jensen, Jerrol	Human Svcs	500.00	Jimmy John's	Mus Entpr	159.85
Johnson Feed, Inc.	Hwy Constr	2,582.38	Johnson, Miner, Marlow	Mental Ill	154.95
Kleen Solutions, Inc	Jail	109.90	Knart Pharmacy	Human Svcs	340.73
Koens, Ray	Human Svcs	230.38	Kohrt, Alex	Human Svcs	600.00
Kooistra, Nelva	Mental Ill	30.00	Kuchenreuther, Derek	Sheriff	20.00
Lake County Auditor	Atty Fees	175.00	Lassegaard, Samuel C	Human Svcs	355.00
Laughlin, Nicole	Public Def	230.46	Linear Systems	Jail	3,485.40
Linweld, Inc.	Hwy Constr	308.70	Little Falls Machine	Hwy Constr	2,713.02
Live Well Properties	Human Svcs	695.00	Mac's, Inc.	Hwy Constr	47.47

Marberg, Donald DBA	Reg Deeds	1,865.63	Maxwell Food Equipme	Facilities	85.70
Meile-Rasmussen, Jac	Public Def	86.33	Menards - East	Var. Depts	76.43
Metro Communications	Var. Depts	401.00	Microfilm Imaging Sy	Reg Deeds	191.60
Midamerican Energy C	Var. Depts	1,629.67	Midcontinent Communi	Human Svcs	198.97
Midwest Residential	Human Svcs	800.00	Minnehaha Cnty Highw	Planning	756.60
Minnehaha Cnty Priso	Jail	30.00	Minnehaha Community	Hwy Admin	28.00
Moeller, Gregory	Human Svcs	400.00	Montoya, Shirley/Jos	Human Svcs	800.00
Moore, Rasmussen, Ka	Courts	1,491.68	Murphy, Patrick M	Sheriff	85.36
Neurology Associates	Human Svcs	175.93	Northern Heights Dev	Human Svcs	600.00
Northland Chemical C	Facilities	82.37	Nyberg's Ace Hardwar	Human Svcs	12.20
O'Dea, Steve C	Human Svcs	390.00	Odea, Steven C	Human Svcs	500.00
Paramount Reporting	Human Svcs	77.00	Person, Robert	Human Svcs	400.00
Pfeifer Implement Co	Hwy Constr	41.64	Pharmchem Inc	24/7 Prog	276.00
Pine Meadows/Univers	Human Svcs	600.00	Presto-X-Company	JDC	76.00
PSROC Enterprises LL	Human Svcs	500.00	Quality Efficiencies	Human Svcs	165.00
Quill Corp.	JDC	739.60	Qwest	Jail	102.08
Redwood Estates LLC	Human Svcs	900.00	Rehfuss, Cathy A	Mental Ill	30.00
Repete Properties LL	Human Svcs	400.00	River Lodge/Fivehart	Extension	93.00
Ronning Commercial,	Human Svcs	450.00	Sam's Club Pharmacy	Human Svcs	29.97
Sanford Clinic	Human Svcs	600.23	Sanford Health Plan-	Human Svcs	272.52
Sanford Hosp USD Med	Mental Ill	698.00	Sanford Hospital	Human Svcs	901.11
Schmitz, Greg	Mus Entpr	250.00	Schoeneman Bros. Co.	Hwy Constr	41.84
School Bus Inc	Mus Entpr	97.25	SD Dept of Revenue	Var. Depts	2,466.00
SDSNA (School Nutrit	JDC	305.00	SF VOA Living Center	Human Svcs	498.00
Shopko Pharmacy	Human Svcs	11.89	ShopKo Store	JDC	92.51
Sioux Empire Anesthe	Human Svcs	80.00	Sioux Falls Two Way	Var. Depts	2,064.36
Sioux Falls Utilitie	Var. Depts	372.38	Sioux Valley Energy	Var. Depts	456.81
Siouxland Oral & Max	Human Svcs	792.00	Spectra Associates I	Reg Deeds	102.95
Spiers, Jim	Mus Entpr	250.00	Stefanyuk, Pavel	Human Svcs	400.00
T Dist, Inc / TC Mou	Mus Store	53.78	The Crossroads Hotel	JDC	275.96
Thorin, Deyanira T	Public Def	175.00	Tires,Tires,Tires In	Var. Depts	1,420.82
Toys 'R' Us	Mus Ops	20.97	Trane Comp	Facilities	213.02
Tri State Neighbor	Mus Ops	310.50	Twelve-Step Living C	Human Svcs	400.00
Unitech, Inc/United	Jail	442.33	USD School of Law	Public Def	720.00
Velgersdyk, Dr. Scot	Human Svcs	227.00	Wal-Mart Pharmacy	Human Svcs	20.00
Walgreen Co.	Human Svcs	652.39	Weelborg Bros Inc	Hwy Constr	1,950.00
Weiland Funeral Chap	Human Svcs	2,815.00	Welker, Donald J	Human Svcs	400.00
West Group	Hwy Admin	340.00	Westwick Motel, Inc.	Human Svcs	650.00
Wheelchair Express,	St Atty	30.00	Xcel Energy, Inc.	Var. Depts	3,184.83
Yankton County Sheri	Mental Ill	250.00			

## REPORT

The following report was received and placed on file in the County Auditor's Office: Minnehaha County Human Services Reports for June 2009.

## PERSONNEL

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

1. To accept the resignation of Megan Robertson as Museum Interpreter for the Museum effective 7-10-09.
2. To accept the resignation of Amanda Wilcoxon Kadi as Senior Deputy Public Defender for the Public Defender's Office effective 7-17-09.
3. To hire Douglas Amolins as Tax & License Technician (10/A) for the Treasurer's Office at \$14.1857/hour effective 7-8-09.

## Step Increases Due:

1. Bradley Thomas – Appraiser II – Equalization – 15/E to 15/F, 7-10-09, \$20.5451/hour

2. Joseph Bosman – Deputy Sheriff – Sheriff’s Office – 16/E to 16/F, 6-20-09, \$21.5852/hour
3. Kim Schoenhard – Administrative Secretary – Jail – 10/F to 10/G, 3-20-09, \$16.4511/hour
4. Michael Di Giulio – Correctional Officer – Jail – 13/F to 13/G, 6-27-09, \$19.0782/hour
5. Deborah O’Donnell – Administrative Clerk – Human Services – 9/B to 9/C, 7-6-09, \$14.1857/hour

Special Commission Action Requests:

1. To recognize the following significant employee anniversaries for July: Kim Morstad - 25 years, Roy Van Liere - 20 Years, Deborah O’Donnell, Ryan Qualseth, and Richard Schmitt - 5 Years
2. To record volunteers in County Departments for June 2009. The list is on file in Human Resources.

On 6/30/09, the Commission deferred action on a proposed amendment to the Travel and Meal Expenses policy related to mileage reimbursement to allow input from department heads. The proposed amendment would set the reimbursement rate at .37¢ per mile for all employees to encourage the use of county owned vehicles. Currently the rate is .48.5¢ per mile for employees and .37¢ for elected officials, commissioners, Highway Superintendent, and Director of Equalization. Carey Deaver, Human Resources Director, explained that she received no negative input on the proposed change. Sue Roust, Auditor, reported on reimbursement rates for other entities. Hugh Grogan, Human Services Director, reported that his staff travels daily to serve clients and requested that the rate be set at .48¢ per mile for front line staff. Commissioner Barth did not support the change noting that it was up to management to ensure that employees effectively use county vehicles and that there is a considerable expense in using your personal vehicle. MOTION by Kelly, seconded by Hajek to approve the Travel and Meal Expenses policy change setting the mileage rate at .37¢ per mile for travel beginning 7/8/09. 4 ayes, Barth – nay.

LIEN

On the recommendation of Hauge Associates, Inc., MOTION by Barth, seconded by Hajek to release DPNO 31827 in the amount of \$740.63 in full upon payment of \$500.00 within 30 days. 5 ayes.

AGREEMENTS

Sue Roust, Auditor, reported that the state of South Dakota has received an additional \$500,000 in Help America Vote Act funding for 2009. The funds are divided equally amongst 66 counties and used for improving the election process and complying with HAVA requirements. Each county is required to provide a 5% match in the amount of \$398.73 to receive \$7,575.75 in funds. MOTION by Hajek, seconded by Barth to authorize the County Auditor to sign the Subagreement between the South Dakota Secretary of State and Minnehaha County for 2009 HAVA funding, and to create a Fund Balance Reserve of \$398.73 in the General Fund, for use only for HAVA expenses. 5 ayes.

Warden Tim Devlin presented a continuation of contract agreement to house state work release inmates at the Minnehaha County Corrections Center. The 2010 rate will remain at \$28 per day. Commissioners discussed increasing the rate slightly. Commissioner Twedt noted that the state did not meet estimated usage in 2008. Commissioner Pekas cautioned raising the fee as it may take away from the program. MOTION by Kelly, seconded by Twedt to defer consideration of the agreement for 1 week to allow the Warden time to negotiate a rate increase. 5 ayes.

PROJECT

Slater Barr with the Sioux Falls Development Foundation, Evan Nolte with the Sioux Falls Chamber of Commerce, and Carolyn Winchell with Forward Sioux Falls V presented a request to consider an investment of \$10,000 for a community-wide planning strategy for the Sioux Falls metro area which will involve input from all sectors of the community through a series of interviews and town hall meetings. Mr. Barr explained that the process will focus on social and economic issues and will become a community plan for continued growth. The total cost for this service, from Market Street Services, is estimated at \$185,000. MOTION by Barth, seconded by Hajek to contribute \$10,000 to the Community-Wide Strategic Planning Project. 5 ayes. Forward Sioux Falls, the City of Sioux Falls, and Lincoln County have also pledged to contribute towards the project.

## HEARING

Gordy Swanson, Deputy State's Attorney, was present for the scheduled hearing to reconsider a renewal application for a retail on-off sale malt beverage license for Renner Corner for the 2009-2010 licensing year. The property is legally described as Co. Aud. Tr 2 SE1/4 SE1/4 (Ex N 50' S 284' E 75' & Ex N 100') in section 9-102-49, 25797 475<sup>th</sup> Avenue, Renner. On 6/2/09 the Commission denied their renewal application because the establishment failed 3 of 5 compliance checks since 2004. The applicants filed an appeal with the Second Circuit Court and had provided new information in support of their renewal. Because the new information was not presented at the hearing before the Commission, Mr. Swanson favored re-hearing the request before the Commission rather than the court. Dave Nadolski, Attorney for Renner Corner, introduced Attorney Eric Kerkvliet and Intern Jennifer Ferris, from his office, who were present to assist him. Mr. Nadolski explained that the appeal was filed because there is no procedure to bring the issue before the Commission again. He answered questions on procedures implemented since the last hearing to ensure compliance: 1) a new card reader system to determine age from I.D. provided, and 2) new hiring policy. Commissioner Twedt explained that it was a serious issue to fail 3 of 5 stings in the timeframe. Mr. Nadolski stated that there was no law supporting denial of an alcohol license application because of failed stings. Commissioners acknowledged that the status of the business impacts the Sorum's livelihood, spoke favorably about the changes taken as a preventative action, and stressed the impact of teen alcohol issues and their commitment to take results of compliance checks seriously. MOTION by Barth, seconded by Twedt to approve the retail on-off sale malt beverage renewal application for Renner Corner for the 2009-2010 licensing year. 5 ayes.

## OLD BUSINESS

Pursuant to approval of the 2009 Edward Byrne Justice Assistance Grant joint program, Kristin Trana, Sheriff's Office Administrative Coordinator, presented an agreement with the City of Sioux Falls detailing the terms of the grant award. MOTION by Barth, seconded by Twedt to authorize the Chairman to sign the Interlocal Agreement(s) between the City of Sioux Falls, SD and County of Minnehaha, SD for the 2009 Byrne Justice Assistance Grant Program Award. 5 ayes.

Commissioner Barth stated that he has not received an update on the Friends of the Fair fundraising event. He also commented that things seem to be going well at the Treasurer's office.

## NEW BUSINESS

Commissioner Kelly commented on correspondence from Sally Felix, Siouxland Libraries Library Director, to Bill Hoskins, Museum Director, regarding the City's Capital Improvement Plan and the proposed archive facility. Commissioner Twedt requested that Commissioner Kelly place discussion on this joint project on the next Minnehaha & Lincoln County Commission/Sioux Falls City Council Breakfast meeting agenda. Commissioners noted that discussion on several joint use facilities/projects have ceased and were hopeful that

there would be clarity and vision on those projects in the future.

Hugh Grogan, Human Services Director, briefed the Commission on a request for the County to serve as fiscal agent on a \$1.5 million stimulus grant application as part of a collaborative effort with Lincoln County Human Services, Community Outreach, and Lutheran Social Services to provide housing assistance to those meeting certain criteria. Mr. Grogan explained that he will have a full report and request approval at next week's meeting.

Commissioner Kelly left the meeting.

MOTION by Barth, seconded by Hajek to adjourn into Executive Session to discuss pending litigation. 4 ayes. Following the Executive Session, the Commission adjourned until 9:00 a.m. on Tuesday, July 14, 2009.

APPROVED BY THE COMMISSION:

John Pekas, Chairman

ATTEST:

Sandy Kinder, Deputy Auditor

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