

THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M., August 4, 2009, pursuant to adjournment on July 28, 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 Barth to approve the Agenda. 5 ayes.

MINUTES

MOTION by Hajek, seconded by Barth to approve the Minutes for July 28, 2009. 5 ayes.

VOUCHERS TO BE PAID

MOTION by Twedt, seconded by Barth to approve the following bills totaling \$721,556.36 for payment. 5 ayes.

A & B Business Equip	Var. Depts	502.02	Allied Oil & Supply	Hwy Constr	23.50
Amberleaf Apts LLC	Human Svcs	1,000.00	American Sports	Parks	80.00
Anacon Leasing Inc	Public Def	262.00	Andersen, Norma	Mental Ill	60.00
Anesthesiology Assoc	Human Svcs	272.00	Arena Motel	Human Svcs	420.00
Argus Leader	St Atty	591.29	ATD-American Co.	Jail	346.80
Avera Health Informa	Courts	17.70	Avera McKennan Hospi	Var. Depts	131,464.37
Avery, Bob	Parks	461.36	Al Svc Inc/Laceys Ch	Hwy Constr	90.00
Barnes & Noble Inc	JDC	149.18	Benson, Charles	Human Svcs	400.00
Benz, Vergil C	Human Svcs	400.00	Bollen, Amy	Human Svcs	325.00
Bosch, Curt	Human Svcs	485.00	Brenden, Michael	Jail	16.00
Brentwood Apts/Domin	Human Svcs	600.00	Breu, Julie	Mus Grants	45.00
Broveleit, Joel	Mus Entpr	200.00	Brown & Saenger	Var. Depts	186.99
BWGC Investments LLC	Human Svcs	400.00	Canfield Business In	Auditor	39.52
Carper, Nichole A	Courts	498.40	Carroll Institute	Courts	85.00
Catco	Hwy Constr	378.28	CBM Food Service	Jail	11,175.50
Center for Family Me	Var. Depts	670.46	Cleveland Heights Ap	Human Svcs	600.00
COBRAserve National	Human Svcs	416.95	Cody, Denise	Mental Ill	45.00
Cole Papers, Inc.	Jail	514.92	Common - A Users Gro	Info Tech	495.00
Concrete Materials	Hwy Constr	27,146.26	Connecting Point	JDC	1,365.00
Constellation New En	Facilities	1,278.28	Cooley, Carla F	Courts	713.40
Crescent Electric Su	Facilities	234.53	Dakota Alignment & F	Hwy Constr	236.38
Dakota Riggers & Too	Hwy Constr	29.83	Danko Emergency Equi	Sheriff	95.98
Decisionone Corporat	Info Tech	395.47	Delux Motel / Dakota	Human Svcs	125.00
Dethlevsay, Sanya	Courts	50.00	Dialnet/Ahrens Telec	Var. Depts	214.23
Dietrich, Donna K	Mental Ill	900.84	Dollar Tree Stores I	Human Svcs	327.80
Donovan's Hobby & Sc	Em Mgmt	113.75	Eastman Kodak Compan	Dir of Eq	1,234.00
Ebert's Properties,	Human Svcs	370.00	Eich Law Office LLC	Courts	774.75
Eide Bailly LLP	Human Svcs	113.75	Elhai, Jonathon D.,	Public Def	1,562.50
Fox, Youngberg & Lew	Mental Ill	193.16	Fueston, Marshall M	Em Mgmt	250.00
G&W, Inc Dba Gary Co	Human Svcs	114.60	Genzlinger, Janeen	Courts	1,070.40
Graham Tire Co. - No	Parks	38.80	Grainger, Inc.	Var. Depts	248.36
Grapevine, Dan	Hwy Constr	34.99	Graybar Electric Com	Facilities	269.22
Great Plains Psychol	Courts	6,440.00	Gunner, Andrea	Courts	72.20
Hander, Inc.	Human Svcs	451.12	Harlans Bike and Tou	Em Mgmt	29.99
Harold's Photo Cente	Public Def	20.88	Heritage Apartments	Human Svcs	50.00
Holiday Credit Offic	Hwy Constr	127.06	Hosmer, David M. Law	Mental Ill	87.32
Hurtgen, Timothy T.	Human Svcs	600.00	Hy-Vee Accounts Rece	JDC	114.57
Hy-Vee Pharmacy	Human Svcs	180.00	Interstate Office Pr	Var. Depts	467.14
J.C. Penney Company,	JDC	50.97	Jaros, Pete	Mental Ill	113.98
JCL Solutions-Janito	Hwy Admin	40.00	Johnson, Miner, Marlow	Mental Ill	154.95
K & H Car Wash	JDC	175.00	Kapp's Fire Services	Em Mgmt	48.50
Kmart Pharmacy	Human Svcs	50.00	Koch, James P	Human Svcs	400.00

Kone, Inc.	Facilities	196.22	Kpradith, Kyto	Courts	25.00
Lakota Foods	Mus Store	18.00	Lewis Drug Stores	Extension	17.97
Linweld, Inc.	Hwy Constr	179.67	Lounsberry, Amber	Extension	268.90
Mac's, Inc.	Jail	36.00	Malloy Electric Bear	Facilities	12.30
Mathison Company	Public Def	12.66	Matties, Doug	Hwy Constr	268.32
Medical X-Ray Center	Jail	1,513.11	Menards - East	Parks	45.00
Merrow, Danielle L	Human Svcs	500.00	Metro Communications	E911 Fund	445,392.37
Meyer, Richard James	Welf Recov	40.00	Midamerican Energy C	Var. Depts	2,921.59
Midcontinent Communi	Commission	72.00	Midwestern Mechanica	Mus Maint	115.36
Minnacor Industries	JDC	165.60	Minnehaha Cnty Human	Human Svcs	154.00
Minnehaha Cnty Priso	Jail	37.00	Minnehaha Cnty Sheri	Sheriff	15.96
Minnehaha Community	Hwy Admin	25.00	Minnesota Bur of Cri	Public Def	15.00
Mkt Equipment	Hwy Constr	79.99	Moe, Michael	Facilities	82.00
Monick Pipe & Supply	Facilities	607.24	Newman Signs Inc	Hwy Constr	1,466.25
Nguyen, Lam	Courts	25.00	Nold, Nancy	Human Svcs	500.00
Norcraft Companies (Human Svcs	39.70	Nowak, Kris G	Human Svcs	400.00
Nyberg's Ace Hardwar	JDC	21.99	Olson, Craig B	Sheriff	12.00
Olson, Valorie Db	Mental Ill	200.00	Olson's Pest Technic	Jail	57.75
Orange County(CA)She	St Atty	45.00	Osmer, Trevor	Sheriff	12.00
P & M Steel Company	Hwy Constr	59.79	Parker, Sharon	Human Svcs	250.00
PC Enterprises	Human Svcs	250.00	Pharmchem Inc	24/7 Prog	428.00
Pheasantland Industr	Var. Depts	432.09	Phillips, Joshua	Sheriff	12.00
Physicians Laborator	Human Svcs	62.94	Prairie Rehabilitati	Human Svcs	107.72
Pratt, Gordy	Mus Entpr	150.00	Prezioso, Rich	Mus Entpr	250.00
Price, Thomas L Phd	Courts	825.00	Quality Efficiencies	Human Svcs	275.00
Quest Engineering, I	Hwy Constr	14.96	Qwest	Var. Depts	142.20
R & L Supply, Ltd	Facilities	230.18	Redlin, Edith Maria	Mus Store	60.00
Rehfuss, Cathy A	Mental Ill	105.00	Roach, Marty J	Hwy Constr	169.99
Rochester Armored Ca	Treasurer	379.50	Ronning Commercial,	Human Svcs	450.00
Ross, Dalvin L	Jail	674.80	Rural Metro Ambulanc	Var. Depts	1,484.44
Sanford Health Plan-	Human Svcs	401.83	Sanford Hospital	St Atty	93.50
Sanford Laboratories	Coroner	1,966.86	SD Dept of Correctio	Bldg Fund	4,524.05
SD Dept of Revenue	Var. Depts	75.00	SD Risk Pool	Human Svcs	547.34
SD Secretary of Stat	Mem Day	10.00	SF Crane & Hoist	Hwy Constr	190.00
SF Insulation Supply	Hwy Admin	875.20	Sherman Park Apts	Human Svcs	400.00
Sign A Rama	Hwy Constr	50.00	Silver Glen MHC, LLC	Human Svcs	520.00
Sioux County Sheriff	St Atty	127.75	Sioux Falls Two Way	Var. Depts	5,754.75
Sioux Falls Utilitie	Var. Depts	14,844.15	Sioux Valley Energy	Human Svcs	181.19
Sittig, Deb	Mental Ill	816.50	Skorzewski, Jena	Courts	401.60
Software House Inter	Var. Depts	699.45	Solomon, Ghirmay	Courts	200.00
Southeastern Behavio	Jail	8,272.75	Steak-Out Sioux Fall	Courts	174.75
Sturdevant's Auto Pa	Hwy Constr	55.51	Surgical Institute O	Public Adv	21.35
The Crackleberry Gro	Public Def	4,310.62	Thoennes, Karl	Courts	295.97
Thurman, Creighton A	Mental Ill	179.86	Timekeeping Systems,	JDC	232.85
Tires,Tires,Tires In	Var. Depts	1,613.27	TJ Reardon Consultin	Var. Depts	2,030.00
Tyler Buildings Llc	Human Svcs	500.00	Urology Institute, P	Human Svcs	130.00
Velgersdyk, Dr. Scot	Human Svcs	133.00	Wal-Mart Pharmacy	Human Svcs	140.72
Wal-Mart Pharmacy	Human Svcs	113.86	Walker, Doc	Mus Entpr	250.00
Wassink, Owen L	Human Svcs	1,320.00	West Group	Var. Depts	116.80
Westwick Motel, Inc.	Human Svcs	650.00	Williamsburg Townhom	Human Svcs	600.00
Winner Police Depart	Jail	66.00	Xcel Energy, Inc.	Var. Depts	2,296.42
Zee Medical Service	Hwy Admin	71.70	Commission	Salaries	34,595.79
Auditor	Salaries	52,265.13	Treasurer	Salaries	88,486.76
IT	Salaries	80,541.71	States Atty	Salaries	231,985.70
Public Defender	Salaries	176,173.50	Public Advocate	Salaries	41,232.45
Facilities	Salaries	96,449.36	Equalization	Salaries	99,225.96
Register of Deeds	Salaries	53,949.81	Human Resources	Salaries	21,639.30
Sheriff	Salaries	1,149,806.13	Juvenile Detn Ctr	Salaries	243,101.03
Highway	Salaries	185,712.65	Human Services	Salaries	116,677.00
Museum	Salaries	92,223.76	Planning	Salaries	58,596.28
Extension	Salaries	15,837.94			

PERSONNEL

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

1. To promote Brett Waltner from Deputy State's Attorney (21/B) to Senior Deputy State's Attorney

(22/A) for the State's Attorney's Office at \$2,156.56/bi-weekly effective 8-1-09.

2. To accept the resignation of Eric Dooyema as Deputy Public Defender for the Public Defender's Office effective 8-7-09.
3. To accept the resignation of Kerri Edberg as Legal Office Assistant for the Public Defender's Office effective 8-7-09.
4. To accept the retirement of Robert Bockorny as Correctional Officer for the Jail effective 8-11-09.
5. To move Samantha Grace, Correctional Officer (13/B) for the Jail, from part-time status to full-time status at \$16.8623/hour effective 8-8-09.
6. To promote Travis Krueger from Corrections System Operator (9/H) to Correctional Officer in Training (12/D) for the Jail at \$16.8623/hour effective 8-8-09.
7. To promote Joshua Kulm from Corrections System Operator (9/E) to Correctional Officer in Training (12/A) for the Jail at \$15.6584/hour effective 8-8-09.
8. To promote Jodie Rydell from Corrections System Operator (9/C) to Correctional Officer in Training (12/A) for the Jail at \$15.6584/hour effective 8-8-09.
9. To promote Kevin Keegan and Melinda Storley from Corrections System Operator (9/F) to Correctional Officer in Training (12/B) for the Jail at \$16.0498/hour effective 8-8-09.
10. To hire Kenneth Schaaf as Correctional Officer in Training (12/C) for the Jail at \$16.4511/hour effective 8-8-09.
11. To hire Stacy Kant, Michael Markstrom, Amanda Palmer, and Michelle Shelton as part-time Correctional Officer in Training (12/A) for the Jail at \$15.6584/hour effective 8-8-09.
12. To hire Shannon Cole, Angie Dragseth, Timothy Gustafson, Corey Heise, and Marcella Wagner as Corrections System Operators (9/A) for the Jail at \$13.5021/hour effective 8-8-09.
13. To hire Patricia Neavill as Appraiser I (14/A) for the Equalization Department at \$17.2839/hour effective 8-10-09.
14. To place Kim Schoenhard, Administrative Secretary for the Jail, on leave without pay effective 8-6-09.

Step Increases Due:

1. Janet Olson – Senior Deputy Public Advocate – Public Advocate – 22/D to 22/E, 8-1-09, \$2,380.44/bi-weekly
2. Kevin Nilson – Programmer Analyst II – IT – 21/J to 21/K, 6-30-09, \$31.2618/hour
3. Richard Schmitt – Civil Process Server – Sheriff's Office – 12/G to 12/H, 7-21-09, \$18.6129/hour
4. Travis Urban – Highway Maintenance Worker – Highway – 12/G to 12/H, 8-5-09, \$18.6129/hour

5. Michelle Pliska – Juvenile Correctional Worker – JDC – 9/B to 9/C, 7-24-09, \$14.1857/hour

Special Commission Action Requests:

1. To recognize the following significant employee anniversaries for August: 5 years - Bryan Hall, Corey Dosch, Doug Blomker, and Heidi Jerke; 10 years - Colleen Moran and Marie Fox; 30 years – Susan Hopkins and Daniel Grapevine; and 35 years - Mona Helseth
2. To record volunteers in County Departments for July 2009. The list is on file in Human Resources.

LIENS

Commissioner Barth, County Aid Lien Liaison, briefed the Commission on a request to compromise DPNO 41225 in the amount of \$934.05. The applicant has made payments totaling \$2,480 to bring the lien to its current balance. He is offering to pay an additional amount to clear up the debt. Commissioner Kelly noted that the applicant's salary is sufficient to pay the lien in full over time. Commissioner Pekas noted that the applicant is supporting two minor children. MOTION by Barth, seconded by Twedt to approve Resolution MC09-30. 3 ayes, Kelly and Hajek – nay.

RESOLUTION MC09-30

WHEREAS, a County Aid Lien in the amount of \$934.05 purports to exist in favor of Minnehaha County and against DPNO 41225 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 \$450.00. If payment is not made within one year from approval, this agreement is null and void.

Dated at Sioux Falls, South Dakota, this 4th day of August, 2009.

APPROVED BY THE COMMISSION:

John Pekas, Chairman

ATTEST:

Sandy Kinder, Deputy Auditor

On the recommendation of Hauge Associates, Inc., MOTION by Barth, seconded by Hajek to release DPNO 45881 in the amount of \$388.60 in full upon payment \$275.00 within 14 days. 5 ayes.

DONATION

Kristin Trana, Sheriff's Office Administrative Coordinator, presented a request from Hand, Hanson, and Lincoln Counties for the donation of surplus UHF radios from the Sheriff's office. Ms. Trana explained that the Sheriff's office no longer uses the UHF radios and had placed them in storage for the surplus sale. Historically, these radios do not generate much revenue at the annual surplus sale and would be of more

value to other public safety entities. Commissioners discussed why some counties are still using the UHF radios. Because of a request from the State to turn over Homeland Security Grant funds to upgrade the State Radio System which uses a digital frequency, it was the belief that all agencies would be using this system. Gordy Swanson, Deputy State's Attorney, explained that the State is still upgrading the system and that not all agencies are able to make the switch. Commissioners asked for an update on which counties have agreed to turn over their grant funds for this upgrade. MOTION by Kelly, seconded by Barth to approve Resolution MC09-31. 5 ayes.

RESOLUTION MC09-31
SURPLUS PROPERTY DECLARATION AND DONATION

WHEREAS, Minnehaha County, pursuant to SDCL 7-18-30, has the authority by resolution to lease, sell, give, or convey any personal property, real property, or money to perform any work or render any service to the state or any public corporation, and

WHEREAS, the Minnehaha County Sheriff's Department has twenty-seven Motorola Spectra Radios in its property inventory that no longer serves the needs of the department, and

WHEREAS, the sheriff's departments located in Hanson, Hand, and Lincoln Counties have formally requested that these radios be donated to their respective departments now

THEREFORE BE IT RESOLVED, by the Minnehaha County Board of Commissioners that the twenty-seven Motorola Spectra Radios, identified by serial numbers on the attachment to this resolution, are hereby declared as surplus property for the purposes of donating, at no charge, sixteen radios to Hand County, five radios to Hanson County, and six radios to Lincoln County.

Dated this 4th day of August, 2009.

APPROVED BY THE COMMISSION:
John Pekas, Chairman, County Commission

ATTEST:
Sandy Kinder, Deputy Auditor

HEARING

Greg Stahl with the Rocky Mountain Elks Foundation Big Sioux Chapter was present for the scheduled hearing to consider an application for a Special Malt Beverage Retailers' License for a fundraising event scheduled for August 22nd at the Crooks Gun Club located at 2808 W 84th Street N, Sioux Falls. Mr. Stahl explained the event and the intent to have an open tent for alcohol sales. MOTION by Hajek, seconded by Barth to approve the application. The motion and second were withdrawn. Terry Steenholdt with the Crooks Gun Club reported that 11 of 16 gun club board members were contacted regarding the application, and all were opposed because the gun club currently holds its own malt beverage license as a way to generate revenue. Mr. Stahl noted that there was no provision in the lease agreement regarding the sale of alcoholic beverages. Mr. Stahl was reminded that the application was for malt beverage only. No sales of other alcoholic beverages are allowed under the special license. Commissioners discussed whether there were any other licensed facilities that allowed non-profit organizations to use the facilities and obtain their own special license to sell malt beverages. The Renaissance Association was granted a special license to sell farm wines at an event held at the W.H. Lyon Fairgrounds. (The Sioux Empire Fair Association holds an active liquor and malt beverage license.) MOTION by Kelly, seconded by Hajek to deny the application. 4 ayes, Barth – nay.

SUPPLEMENT

MOTION by Twedt, seconded by Barth to supplement \$12,395.71 from the EFSP Fund to the EFSP budget (ASN 21137) representing the first half of the 2009 EFSP allocation, including 1st and 2nd quarter interest earned. 5 ayes.

DRAINAGE

Phil Kappen, Assistant Planning Director, was present to consider Drainage Permit Application #09-101, for work in the S1/2 of Section 4-T103N-R51W in Grand Meadow Township. The applicant, Doug Van Duyn, obtained a drainage permit from staff for routine maintenance only. Staff informed Mr. Van Duyn that maintenance was limited to 1-foot of cut. Staff received a complaint from the NCRS office that the work had exceeded the 1-foot limitation, which was later confirmed at an on-site visit. The cut was also deeper than the flow line of the culvert. Mr. Kappen explained that a permit was issued to Mr. Van Duyn in 1987 for drainage work in the same section. At that time a dispute with a downstream landowner over the project resulted in a mediation process. Since that time, siltation has occurred in the ditch. An aerial photo shows that the ditch has been there for quite some time. A topography map also shows a significant drop in elevation in the downstream property. Staff was contacted by the downstream property owner who opposed the drainage because of the additional water that will come across his property, water cutting a gully in the middle of his property, and water spreading over the lower end of his field. Staff initially recommended that the permit application be denied, but because of new information from the applicant and the township, are now recommending approval so that the ditch can be cleaned out and that Mr. Van Duyn be encouraged to obtain the proper permit prior to commencing work for any future projects. Mr. Van Duyn explained why he exceeded the 1-foot limit under the maintenance permit. He did not feel his project was considered a new drainage project because it already existed, and maintenance was the only other option. He explained that if he had applied for a new drainage permit, the required waiver from the downstream property owner would be hard to get. He also reported that the township raised a culvert on the west end of the quarter section at the request of Mr. Midden. This resulted in water pooling on the Van Duyn property. Mr. Van Duyn also explained that Mr. Midden has been filling the fence line with dirt stopping the water flow. He also asked for more clarification on the permit process. Mr. Kappen reported that Mr. Midden was notified that this permit application would be considered at today's meeting, and if he was unable to attend and had opposition, he would need to provide those comments to staff. Nothing was received. MOTION by Twedt, seconded by Barth to approve Drainage Permit Application #09-101. 5 ayes.

OLD BUSINESS

Lynn DeYoung, Emergency Management Director, asked for clarification on what information commissioners wanted regarding the release of Homeland Security Grant funds to the state for the state radio system upgrade. Commissioners asked that the Commission Office send a request to the state asking where they are at in this process.

MOTION by Hajek, seconded by Twedt to adjourn into Executive Session for a litigation briefing and discussion on personnel. 5 ayes. Following the Executive Session, the Commission adjourned until 9:00 a.m. on Tuesday, August 11, 2009.

APPROVED BY THE COMMISSION:

John Pekas, Chairman

ATTEST:

8/4/09

11875

Sandy Kinder, Deputy Auditor

Published once at the total approximate cost of \$_____