

THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M., September 1, 2009, pursuant to adjournment on August 25, 2009. Commissioners present were: Pekas, Hajek, Barth, Kelly, and Twedt. Also present were Sandy Kinder, Deputy Auditor, and Dustin DeBoer, Senior Deputy State's Attorney.

Chairman Pekas called the meeting to order.

AGENDA

MOTION by Hajek, seconded by Twedt to approve the Agenda. 5 ayes.

MINUTES

MOTION by Kelly, seconded by Barth to approve the Minutes for August 25, 2009. 5 ayes.

VOUCHERS TO BE PAID

MOTION by Hajek, seconded by Twedt to approve the following bills totaling \$432,190.47 for payment and August salaries. 5 ayes.

A & B Business Equip	Var. Depts	560.40	ABN Army Surplus	Jail	72.95
Advertising Arts Inc	Mus Ops	468.00	Allen, Patricia	Facilities	47.97
Anderson, Elwood	Human Svcs	400.00	Argus Leader	St Atty	42.83
ATD-American Co.	Jail	566.90	Avera Health Informa	St Atty	19.80
Avera Health Plans I	Human Svcs	467.16	Avera McKennan Hospi	Var. Depts	21,476.67
Al Svc Inc/Laceys Ch	Hwy Constr	90.00	Bakken, Larry	Dir of Eq	130.00
Batteries Plus/Onesk	Mus Maint	80.97	Bechtel, Dave	Human Svcs	300.00
Berens, Lisa	JDC	40.00	Bob's Lock & Key	Jail	169.19
Boeckholt, Angie	Dir of Eq	130.00	Boyer Trucks Sioux F	Var. Depts	239.05
Brightguy, Inc	Sheriff	400.00	Broesder, Jered	Jail	235.00
Brown & Saenger	Var. Depts	226.47	Buffington, Michael	Courts	5,219.38
Bureau of Informatio	Reg Deeds	45.00	Carlson, Lisa	Courts	275.40
Center for Family Me	Jail	721.64	Century Business Pro	JDC	181.61
Chapel Hill Funeral	Human Svcs	2,234.00	Chemco, Inc.	Var. Depts	1,573.45
Childrens Home Socie	Pass-Thru	50,480.00	Christofferson, Holl	Facilities	76.00
Claritus	Em Mgmt	339.00	Claveau, Julie	Human Svcs	139.89
Cole, John R	Dir of Eq	130.00	Commercial Audio & V	Jail	335.71
Communication Svcs F	Human Svcs	202.50	Concrete Materials	Hwy Constr	33,488.29
Conexis Benefit Admi	Human Svcs	341.73	Constellation New En	Facilities	1,405.84
Construction Product	Facilities	90.24	Cooey, Carla F	Courts	95.20
Country View MHC	Human Svcs	982.00	Crescent Electric Su	Facilities	35.81
Culligan Water Condi	Info Tech	36.00	Cyberchannel Inc	JAG Grants	47,500.00
Dakota Forensic Cons	Coroner	6,000.00	Dakota Security Syst	Var. Depts	279.34
Daniels-Olsen Bldg P	Pettigrew	172.50	Delta Dental of SD	Human Svcs	22.50
Dey Distributing Inc	Facilities	6.14	Dialnet/Ahrens Telec	Mus Maint	602.55
Dollar Tree Stores I	Human Svcs	327.80	Erpenbach, John E	Jail	1,150.00
Even, Todd/Empire Pr	Human Svcs	500.00	Express Copy & Print	Jail	285.97
Fluth, Rodney P	Human Svcs	500.00	Fremont Industries,	Facilities	2,639.07
Galls, Inc.	Sheriff	7,615.00	Glory House	Glory Hous	1,320.00
Goebel Printing, Inc	Var. Depts	288.37	Goergen, Ronald	Facilities	76.52
Graham Tire Co. - No	Hwy Constr	5,739.60	Grainger, Inc.	Facilities	272.60
Graybar Electric Com	Facilities	83.92	Guzman, Sandra V.	Var. Depts	387.50
Handy Man, Inc.	Facilities	35.96	Hansen, Christine	Human Svcs	500.00
Harkness, Paul	Facilities	28.00	Heartland Paper Comp	Var. Depts	230.28
Helseth, Kyle	Dir of Eq	116.00	Heritage Funeral Hom	Human Svcs	999.00
Hillyard, Inc.	Facilities	651.85	Hoekstra, Denise A.	Courts	85.00
Holiday Credit Offic	Hwy Constr	166.74	Howalt-McDowell Insu	Public Def	100.00
Hy-Vee & Affiliates	Human Svcs	658.58	Hy-Vee Accounts Rece	JDC	44.90
Hy-Vee Pharmacy	Human Svcs	37.88	Hy-Vee Pharmacy	Human Svcs	23.98
Hy-Vee Pharmacy	Human Svcs	30.00	Interstate Office Pr	Var. Depts	1,149.42
Iosty, Alysia A	Dir of Eq	130.00	J & S Hospitality DB	EFSP Fund	392.00
J.C. Penney Company,	JDC	187.94	Jaqua, Curtis Wayne	Human Svcs	350.00

JC Self Storage	Human Svcs	450.00	JCL Solutions-Janito	Jail	136.36
Jim Bork Enterprises	Reg Deeds	525.00	Johnstone Supply	Facilities	131.57
Kmart	Human Svcs	39.15	Kpradith, Kyto	Courts	25.00
Krell, Lynn	JDC	40.00	Krier & Blain, Inc.	Facilities	966.25
Learning Zone Expres	Extension	27.96	Ludoc Enterprises In	Ambulance	2,395.83
Malloy Electric Bear	Facilities	887.15	Marco NW7128	Extension	181.23
McGowan, Aaron F	St Atty	323.20	Meadowland Apts/SF L	Human Svcs	550.00
Medical X-Ray Center	Var. Depts	787.86	Metro Communications	Var. Depts	48,572.50
Midamerican Energy C	Var. Depts	1,111.24	Midwest Alarm Compan	Info Tech	3,256.00
Midwest Residential	Human Svcs	500.00	Miller Funeral Home,	Human Svcs	5,620.00
Miller, Steve	Courts	1,070.17	Minnehaha Cnty Human	Human Svcs	191.75
Minnehaha Master Gar	Extension	60.00	Mobile Electronic Se	Sheriff	125.00
Monick Pipe & Supply	Facilities	193.64	Munk, Steven	Extension	35.15
Murray Const	Human Svcs	500.00	Murunga, Eric	Human Svcs	500.00
Neavill, Patricia	Dir of Eq	130.00	Nelson, Gene	Dir of Eq	130.00
New World Systems	Info Tech	4,966.38	Nguyen, Lam	Courts	62.50
Nichols, Alice	Human Svcs	500.00	Nicholson Law Office	Courts	892.93
Norcraft Companies (Human Svcs	138.95	Norment Security Gro	Jail	59.51
Northern Safety Tech	Hwy Constr	296.80	Northland Chemical C	JDC	79.17
Nyberg's Ace Hardwar	Human Svcs	46.44	Office Depot	Public Def	516.69
Office Depot, Inc.	Info Tech	523.72	Ophthalmology Ltd	Jail	62.45
Orthopedic Institute	Human Svcs	46.11	Overhead Door Compan	Var. Depts	230.56
Petco Animal Supplie	Sheriff	95.98	Pheasantland Industr	Jail	7.20
Physicians Laborator	Jail	37.01	Play It Again Sports	Sheriff	50.00
Presto-X-Company	JDC	76.00	Prochniak, Roger	Human Svcs	300.00
Quill Corp.	Var. Depts	472.93	Qwest	Var. Depts	810.61
R & L Supply, Ltd	Facilities	284.91	Ramkota Hotel	JDC	186.00
Redwood Biotech	Jail	387.50	Richard-Ewing Equipm	Facilities	694.85
Rick Plbg & Htg Inc	Hwy Admin	2,400.00	Rochester Armored Ca	Treasurer	379.50
Ron's Garage, Inc.	Facilities	291.46	Rural Metro Ambulanc	Var. Depts	818.63
Sanford Clinic	Courts	190.00	Sanford Health Plan-	Human Svcs	910.12
Sanford Hospital	Human Svcs	655.98	Sanford Hospital Med	Public Def	380.25
SD Assn of County Co	Var. Depts	1,600.00	SD Corrections Assoc	JDC	120.00
SD Dept of Revenue	St Atty	6,594.00	SD Dept of Transport	Hwy Constr	75,903.94
SD Human Services Ce	Public Def	70.40	SD Risk Pool	Human Svcs	2,750.72
SD Secretary of Stat	Public Def	60.00	SD Unified Judicial	Public Def	15.00
SDAAO	Dir of Eq	600.00	SECOG	Pass-Thru	15,000.00
Shields, Karen	Human Svcs	600.00	Shopko Store	JDC	63.92
Sioux Falls City Fin	Hwy Admin	81.53	Sioux Falls City Fin	Var. Depts	7,785.52
Sioux Falls Rubber S	Public Def	31.90	Sioux Falls Utilitie	Var. Depts	14,150.39
Sioux Falls Woman LL	Mus Ops	595.00	Sioux Valley Energy	Var. Depts	360.10
Skogen Company	Human Svcs	164.00	Skorczewski, Jena	Courts	186.20
Smithsonian Institut	Mus Ops	75.00	Solarwinds.Net, Inc.	Info Tech	395.00
Solomon, Ghirmay	Courts	162.50	Sunshine Foods	Human Svcs	14.39
Surgical Institute o	Human Svcs	61.90	Tenth Street Lodging	Human Svcs	200.00
The Ornament Company	Mus Store	1,166.20	Thorin, Deyanira T	Var. Depts	237.50
Tires, Tires, Tires In	Sheriff	774.99	Trane Comp	Facilities	199.36
Twelve-Step Living C	Human Svcs	400.00	Ultramax	Em Mgmt	830.40
UMR-COBRA	Human Svcs	432.00	US Postal Service	JDC	396.00
Velgersdyk, Dr. Scot	Human Svcs	235.00	Velvet Uniforms, Inc	Jail	235.45
Wal-Mart Pharmacy	Human Svcs	72.36	Walgreen Co.	Human Svcs	2,769.17
Watkins, Larry	Human Svcs	400.00	Wellmark Blue Cross	Human Svcs	101.36
Whitney, Dennis	Dir of Eq	366.90	Wynia, Marc	Mental Ill	129.34
Xcel Energy, Inc.	Facilities	2,210.92	Commission	Salaries	23,063.88
Auditor	Salaries	35,112.18	Treasurer	Salaries	58,128.76
IT	Salaries	54,365.32	States Atty	Salaries	155,449.74
Public Defender	Salaries	116,297.71	Public Advocate	Salaries	27,596.21
Facilities	Salaries	65,292.74	Equalization	Salaries	68,386.03
Register of Deeds	Salaries	35,762.32	Human Resources	Salaries	14,462.88
Sheriff	Salaries	774,081.43	JDC	Salaries	163,314.74
Highway	Salaries	119,643.34	Human Services	Salaries	78,450.09
Museum	Salaries	60,240.30	Planning	Salaries	39,176.92
Extension	Salaries	10,379.93			

PERSONNEL

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

1. To hire Ryan Jenness as part-time Juvenile Correctional Worker (9/A) for the Juvenile Detention Center at \$13.5021/hour effective 9-1-09.
2. To hire Jason Aanenson as Deputy Sheriff (16/A) for the Sheriff's Office at \$19.0782/hour effective 9-4-09.
3. To promote Calvin Kastner from Corrections System Operator to Correctional Officer in Training (12/A) for the Jail at \$15.6584/hour effective 9-5-09.
4. To end the temporary part-time employment of Kevin Calsbeek as Laborer for the Highway Department effective 8-13-09.
5. To end the temporary part-time employment of Elliot Aanenson as Laborer for the Highway Department effective 8-20-09.
6. To end the temporary part-time employment of Seth Tripp as Laborer for the Highway Department effective 8-24-09.
7. To end the temporary part-time employment of Isaac Aanenson as Laborer for the Highway Department effective 8-27-09.
8. To place Michelle Thomas, Senior Deputy Public Defender for the Public Defender's Office, on leave without pay effective 9-1-09 to 9-25-09.

Special Commission Action Requests:

1. To recognize the following significant employee anniversaries for September: Thomas Rabb and Justin Sieler – 10 years.
2. To record volunteers in County Departments for August 2009. The list is on file in Human Resources.

Carey Deaver, Human Resources Director, briefed the Commission on several proposed employee policy updates related to liability insurance, parking, employee use of county vehicles and driving record verification, and staff development and training. The revisions were reviewed by Gordy Swanson, Deputy State's Attorney, and were presented to department heads. MOTION by Hajek, seconded by Twedt to approve the policy changes. 5 ayes.

NOTICES

MOTION by Barth, seconded by Twedt to authorize the Auditor to publish Notice of Sale of County Surplus Property at public auction on 9/26/09. 5 ayes.

Last week, Sue Roust, Auditor, briefed the Commission on the 2009 tax deed properties. Today she requested approval of a notice authorizing the annual sale on 9/24/09, and setting the minimum bid for each property. There are 9 properties to sell. Six of the properties are listed with a minimum bid to cover all taxes, interest, costs, and assessments. Ms. Roust recommended setting the minimum bid for Tax Deed #s 2505 and 2516 at \$1. The Appraisal Board suggested donating Tax Deed #2512 to Habitat for Humanity because the lot is in an area where there are other Habitat homes. If the property were to go to sale, a \$5,000 minimum bid was recommended. MOTION by Kelly, seconded by Barth to authorize the Auditor to publish Notice of Sale of County Property (tax deed sale) at 6:00 p.m. on Thursday, September

24th, which includes the list of properties and minimum bids. 5 ayes. MOTION by Barth, seconded by Hajek to set the minimum bid at \$1 for Tax Deed #2505. 5 ayes. MOTION by Twedt, seconded by Kelly to offer Tax Deed #2512 (appraised at \$499) to Habitat for Humanity of Greater Sioux Falls and if rejected, set the minimum bid at \$5,000, and authorize the sale of the property at auction. 4 ayes, Barth – nay. MOTION by Hajek, seconded by Barth to set the minimum bid for Tax Deed #2516 at \$1. 5 ayes. MOTION by Hajek, seconded by Barth to declare the 2009 tax deed properties as surplus. 5 ayes.

MOTION by Barth, seconded by Kelly to authorize the Auditor to publish Notice to Contractors for County Highway Project MC 140 BM – 09, asphalt resurfacing on Minnehaha County Highway 140. 5 ayes.

LIEN

Pursuant to deferral on 8/25/09, Commissioner Barth briefed the Commission on a request to refund an \$837.50 lien payment for DPNO 51298. The applicant explained that the lien was for attorney services provided to her minor child without her consent. Dustin DeBoer, Deputy State's Attorney, explained that by law, the child can request an attorney without parental consent. The cost for that attorney is placed as a lien on the parent. Commissioner Hajek noted that the parent is responsible for their minor child. Commissioner Kelly questioned whether a child in need of supervision (CHINS) was ever reported and if so, is the child then the responsibility of the courts. The applicant stated that she did file a CHINS report and believed that she was not responsible for the child after that filing. When she inquired on the report, no record was found. Mr. DeBoer explained that the commission, under SDCL 23-8-14, can compromise or dispose of a lien, but questioned if a lien still exists once it is satisfied. MOTION by Hajek, seconded by Barth to deny the request. 4 ayes, Kelly – nay.

HEARING

Sue Roust, Auditor, was present for the scheduled public hearing on the FY 2010 Minnehaha County Budget. The provisional budget stands at \$64,071,112, an increase of \$1,662,171 over the FY 2009 budget. The increase is supported by new revenues that include a 2.78% growth in property taxes from new construction, a 3% CPI adjustment in total property taxes collected, and growth in non-property tax revenues. The provisional budget includes a 1.8% general cost of living increase and 4 new positions, 1 each in Public Defender and IT, and 2 in Human Services in anticipation of the Housing First Project beginning in July, 2010. The owner of a \$100,000 property will see an increase of \$5.15 in county taxes in 2010. No one spoke in opposition. Two additional hearings have been scheduled to discuss building projects (Housing First, archive facility, jail kitchen move, and a new generator) not included in the budget and a request for an additional attorney in the State's Attorney's office. The final budget will be adopted at the September 29th meeting.

BRIEFING

Bob Meister, Highway Superintendent, gave an update on the sale of a 1994 Champion Motor Grader with v-plow and wing on the internet auction site [Iron Planet](#). The unit was sold on 8/20/09 for a final bid of \$36,000. After fees and commissions, the County will receive \$32,335 from the sale. The unit was purchased by a bidder in Montreal, Canada. Mr. Meister reported that locally, the unit would have brought in between \$15 and \$20 thousand. He recommended using this method of sale for large equipment in the future. Sue Roust, Auditor, reported that the Commission determines if the sale revenue shall be credited to the General Fund or to the fund in which the property was inventoried. Mr. Meister had no objection to returning the proceeds to the General Fund. MOTION by Twedt, seconded by Hajek to allocate 100% (\$32,335) of the proceeds to the General Fund. 5 ayes.

PROCLAMATION

Commissioners read a proclamation recognizing the 2009 German Fest which will be held on 9/12/09. MOTION by Hajek, seconded by Twedt to adopt the Proclamation. 5 ayes.

TAX DEEDS

On the recommendation of Sue Roust, Auditor, MOTION by Hajek, seconded by Barth to approve Resolution MC09-33. 5 ayes.

RESOLUTION MC09-33

WHEREAS, Minnehaha County holds under Tax Deed proceedings Deed # 2506, RDID# 20846, covering property legally described as:

Lot 6 in Block 11 of Brandon Terraces in the West Half of the Southeast Quarter (W1/2 SE1/4) of Section 34-T102N-R48W; and

WHEREAS, Amaryllis Dunger, as Trustee of the Amaryllis Dunger Revocable Trust, 320 S 7th, Brandon, SD 57005, is the prior record owner of the above described property; and

WHEREAS, SDCL 10-25-41 provides for the restoration of title to said record owner upon payment of all taxes, interest, and cost represented in the Tax Deed; and

WHEREAS, Amaryllis Dunger has deposited \$9,424.66 with the Minnehaha County Treasurer, this amount representing all the taxes, assessments, interest, and costs owing on said Tax Deed; now, therefore, be it

RESOLVED, by the Minnehaha County Commission, that the property be restored to Amaryllis Dunger, as Trustee of the Amaryllis Dunger Revocable Trust, and that the Minnehaha County Treasurer is hereby authorized to issue a quitclaim deed thereto.

Dated at Sioux Falls, South Dakota, this 1st day of September, 2009.

Approved by the Commission:
John Pekas, Chairman

ATTEST:
Sandy Kinder, Deputy Auditor

On 8/25/09, the Commission authorized the Auditor to offer tax deeds 2508, 2516, 2517, and 2518 to adjacent property owners. The properties were valued under \$500 and the Appraisal Board recommended giving them away. Sue Roust, Auditor, reported that three of the four properties were accepted by adjacent property owners. MOTION by Hajek, seconded by Barth to approve Resolution MC09-34. 5 ayes.

RESOLUTION MC09-34

WHEREAS, Minnehaha County currently owns the following properties (Tax Deed #, RDID #, legal description, 2009 Appraisal Board value):

2508, 10447, Parcel of Land 66' in width Located E of Tr 8 & N of Lot 13 Blk 2 S.R. Hght 2nd Addn & S of

Hwy 42 NE1/4 NW 1/4 Split Rock Township Section 19-101-48, \$499

2517, 55345, Lot 3 Schilling's Subdivision of Block 6 and Pt of Blk 7 Forest Hill Addn to City of Sioux Falls together with the S 23' of Vac Mulberry St Lying Adjacent Thereto, \$498; and

2518, 31788, Lot 4 of Schilling's Subdivision of Block 6 and a Pt of Blk 7 Forest Hill Addn to City of Sioux Falls together with the S 23' of Vac Mulberry St Lying Adjacent Thereto, \$498; and

WHEREAS, it is in the best interest of Minnehaha County taxpayers to return these properties to the tax rolls and attach them to adjacent properties; now, therefore, be it

RESOLVED, that the Minnehaha County Commission hereby declares RDID#s 10447, 55345, and 31788 to be surplus property; and be it further

RESOLVED, that the Minnehaha County Treasurer is authorized to issue Quit Claim Deeds as follows, and abate all outstanding taxes, interest, and penalties levied against these properties:

RDID# 10447 to Marcella M. Shafer Revocable Trust, 600 S Powder House Road, Sioux Falls, SD 57110

RDID#s 55345 & 31788 to Corey L and Kimberly D Taylor, 1400 E Russell Street, Sioux Falls, SD 57104

Approved this 1st day of September, 2009.
John Pekas, Commission Chairman

ATTEST:
Sandy Kinder, Deputy Auditor

HEARING

The Commission held the scheduled hearing to consider an application for a Special On-Sale Malt Beverage and Wine Retailers' License and Special Off-Sale Package Wine Dealers' License for West Quest/Spirit of the West Festival to be held September 18th – 20th, at 6200 N Kiwanis Avenue, Sioux Falls. The organization promotes western history and supports cancer awareness and research. Jeanne Pattison with West Quest was present to answer questions. No one spoke in opposition to the request. MOTION by Kelly, seconded by Barth to approve the temporary license application. 5 ayes.

DETOX

Ken McFarland, Commission Administrative Officer, presented a request for proposals for residential detoxification services from the U.S. District Court Probation and Pretrial Services office for FY2010. The U.S. Probation office currently contracts with the County for detox services at a rate of \$110 per day. MOTION by Twedt, seconded by Barth to set the FY2010 detox service rate at \$110 per day and authorize the Chairman to sign the Response to Request for Proposals for Non-Medical Detoxification Services for the U.S. District Court, District of South Dakota, Probation & Pretrial Services Office. 5 ayes.

SUPPLEMENT

MOTION by Twedt, seconded by Hajek to supplement \$1,104.25 from the Museum Grants Fund to the Museum Grants Budget (ASN 18952) representing a disbursement from the Doc & Florence Brown

Endowment, administered by the Sioux Falls Area Community Foundation. 5 ayes. The funds will be used to expand the Siouxland Heritage Museums' educational programs.

DRAINAGE

Phil Kappen, Assistant Planning Director, was present for consideration of drainage permit application #09-117, to install drainage tile in the SW1/4 of Section 11-T101N-R52W in Wellington Township. The project would outlet along 458th Avenue and flow north across two properties. The applicant, Nick Grace, obtained a waiver from one of the downstream property owners. The second owner, James Barnett, did not sign a waiver and expressed concerns that the water will drain into an area of his property that is already wet and could negatively affect the value of his land. Mr. Kappen reported that the culvert under 458th Avenue is in need of repair. Mr. Grace explained that he has contacted the township board about fixing the culvert. Jim Swanson, downstream property owner, reported that the bulk of the water will flow onto his property and expressed concern that he will be unable to access a portion of his land because of water if the adjacent property owner, Mr. Barnett, refuses access through his property. He estimated that since the 1960s, half of the time he was required to enter the southern portion of his property via access from the neighboring land. Mr. Swanson stated that he did sign a waiver, but is now opposed. Commissioner Hajek discussed a comprehensive project that would tile all three parcels. Mr. Swanson acknowledged that it would make the land better, but was concerned on the cost. Staff recommended approval only if an agreement could be reached between Mr. Grace, Wellington Township, Mr. Barnett, and Mr. Swanson. The Commission concurred. MOTION by Twedt, seconded by Barth to deny drainage permit application #09-117. 5 ayes.

MOTION by Barth, seconded by Kelly to adjourn into Executive Session for a legal briefing and contract negotiation. 5 ayes. Following the Executive Session, the Commission adjourned until 9:00 a.m. on Tuesday, September 8, 2009.

APPROVED BY THE COMMISSION:

John Pekas, Chairman

ATTEST:

Sandy Kinder, Deputy Auditor

Published once at the total approximate cost of \$_____