

THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M., September 8, 2009, pursuant to adjournment on September 1, 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 Twedt, seconded by Kelly to approve the Minutes for September 1, 2009. 5 ayes.

VOUCHERS TO BE PAID

MOTION by Twedt, seconded by Barth to approve the following bills totaling \$319,196.81 for payment. 5 ayes.

A & B Business Equip	Var. Depts	784.30	A Bar K Inc	Facilities	247.68
A-Ox Welding Supp Co	Sheriff	19.64	Anacon Leasing Inc	Public Def	262.00
Andersen, Norma	Mental Ill	90.00	Appeara / Dudley Lau	Hwy Constr	36.12
Arena Motel	Var. Depts	1,715.00	Arends, Ruth E. Vp-1	Elections	120.00
Argus Leader	Var. Depts	441.60	Armcom Distributing	JDC	68.65
Automatic Security C	Facilities	225.00	Avera McKennan Hospi	Var. Depts	69,792.44
Batteries Plus/Onesk	JDC	24.79	Baumgartner's Electr	JDC	80.61
Bechtel, Dave	Human Svcs	500.00	Bierschbach Equipmen	Hwy Admin	168.00
Blomker, Douglas	Em Mgmt	36.00	Bob Barker Company,	Jail	1,183.52
Boyd, Michelle	Sheriff	81.00	Boyer Trucks Sioux F	Hwy Constr	49.50
Bradfeldt, Becky	Human Svcs	54.76	Braley, Miranda	Mental Ill	229.50
Brentwood Apts/Domin	Human Svcs	1,000.00	Brevik Law Office Pr	Mental Ill	610.41
Brown & Saenger	Var. Depts	370.83	Brule County Sheriff	Mental Ill	125.00
Builders Supply Comp	Facilities	542.99	Bureau of Informatio	Var. Depts	460.17
Campbell Supply Co I	Facilities	115.07	Canfield Business In	Auditor	4,353.50
Carlson, Lisa	Courts	57.60	CBM Food Service	Jail	21,808.19
Center for Family Me	Jail	2,700.00	Centers for Equality	Human Svcs	75.00
Century Business Pro	Dir of Eq	80.00	Chemco, Inc.	Facilities	204.30
Childrens Home Socie	Pass-Thru	19,000.00	Cleveland Heights Ap	Human Svcs	500.00
Concrete Materials	Hwy Constr	30,156.06	Constellation New En	Pettigrew	23.52
Construction Product	Hwy Constr	46.20	Cooley, Carla F	Courts	238.00
Country View MHC	Human Svcs	280.00	Crescent Electric Su	Facilities	260.58
Crisp, James	Hwy Constr	74.85	Crosby, Brian	Sheriff	495.00
Cyntom Property Mana	Human Svcs	500.00	Dakotaland Autoglass	Hwy Constr	19.99
Datamaxx Applied Tec	Em Mgmt	1,266.00	Decisionone Corporat	Info Tech	395.47
Delux Motel / Dakota	Human Svcs	250.00	Dex Media East	Mus Ops	787.20
Dhecjal, Achor	Courts	25.00	Dialnet/Ahrens Telec	Jail	31.50
Dicks Vacuum East	Human Svcs	304.24	Dietrich, Donna K	Mental Ill	2,373.39
Dust Tex Service, In	Var. Depts	17.73	Eastern Farmers Coop	Hwy Constr	7.50
Ebert's Properties,	EFSP Fund	370.00	Electric Supply Co.,	St Atty	112.83
Erickson, Dorothy	Human Svcs	500.00	Esplin, Philip W PC	Public Def	2,450.00
Esser, Tia	Mental Ill	128.00	Fred the Fixer Inc	Facilities	3.00
Glasco, Randy	Human Svcs	310.00	Glory House	Glory Hous	1,635.00
Goldammer, Shawna	Courts	51.48	Golden West	Var. Depts	199.18
Graybar Electric Com	Facilities	159.60	Great Plains Int'l T	Hwy Constr	1,441.20
Guest Services	Em Mgmt	96.75	Gunn, John P	JDC	1,152.00
Guzman, Sandra V.	Var. Depts	530.83	Hansen, Arthur L	Mus Maint	650.00
Heartland Paper Comp	Jail	1,328.58	Hillyard, Inc.	Facilities	106.11
Holiday Mobile Home	Human Svcs	424.00	Hosmer, David M. Law	Mental Ill	457.95
Hurtgen, Timothy T.	Human Svcs	500.00	Hy-Vee Pharmacy	Human Svcs	634.14
Hybertson, Greg	Human Svcs	625.00	Intek/Interior Techn	Human Svcs	275.00
Interstate Office Pr	Var. Depts	360.67	J & S Hospitality DB	EFSP Fund	192.00

JCL Solutions-Janito	Jail	348.80	Jensen, Jerrol	Human Svcs	400.00
Johnson,Miner,Marlow	Mental Ill	154.95	Kabeiseman & Pollard	Mental Ill	486.50
Kappenman, Timothy D	Jail	5,618.00	Kappes Fence	Parks	2,274.50
KCI USA Inc	Human Svcs	1,638.00	Kennedy, Pier & Knof	Mental Ill	557.00
Kittelson, Joan M	Mental Ill	138.00	Kleen Solutions, Inc	Jail	238.80
Kmart	Facilities	47.97	Knology	Human Svcs	97.41
Kohl's Department St	JDC	82.97	Kone, Inc.	Mus Maint	217.79
Kreisera, Inc.	Jail	24.67	LaRons II Power Equi	Pettigrew	275.00
Lassegaard, Samuel C	Human Svcs	250.00	LCM Pathologists PC	Coroner	28.00
Lewis & Clark BHS	Mental Ill	2,698.00	LexisNexis Matthew B	Commission	57.47
Linweld, Inc.	Hwy Constr	52.70	Mac's, Inc.	Hwy Constr	36.00
Mahlstedt, Steven	Jail	45.00	Mailway Printers	Mus Ops	1,131.00
Mathison Company	Var. Depts	141.08	Maximum Promotions,	Facilities	272.00
Mayer, Michael P	Hwy Constr	102.58	Medical X-Ray Center	Jail	12.82
Menards - East	Facilities	36.33	Midamerican Energy C	Var. Depts	1,473.42
Midwest Alarm Compan	Var. Depts	2,065.00	Mike Kroger Masonry,	Mus Maint	1,224.00
Mikelson, Gary E	Mental Ill	229.74	Minn Cnty Planning P	Planning	44.81
Minnehaha Cnty Juv D	JDC	97.18	Minnehaha Cnty Sheri	Sheriff	51.51
Minnehaha Community	Hwy Admin	25.00	Moore Medical Corp.	Jail	386.64
Murray Const	Human Svcs	505.00	Museum Petty Cash	Mus Entpr	200.00
Nelson, William	Human Svcs	300.00	Netmotion Wireless I	JAG Grants	41,875.00
Nordstrom's Auto Rec	Hwy Constr	35.00	North Ridge Apartmen	Human Svcs	500.00
Northland Chemical C	Hwy Admin	71.70	Novak Sanitary Servi	Facilities	1,219.17
Nyberg's Ace Hardwar	Var. Depts	96.06	Oballa, Ojulu A	Courts	25.00
Office Depot, Inc.	Info Tech	70.03	Olson, Monica L	Courts	156.66
Olson, Valorie DBA	Mental Ill	25.00	Olson's Pest Technic	Jail	57.75
Omnitech Inc	Treasurer	2,000.00	Ophthalmology Ltd	Jail	181.29
Orthopedic Institute	Human Svcs	2,069.90	Palmer, Barbara	Mental Ill	3,105.00
PBC Sioux Falls LLC	Efsp Fund	509.30	Pfeifer Implement Co	Facilities	493.13
Pharmchem Inc	24/7 Prog	1,609.00	Pheasantland Industr	Jail	356.05
Prairie Rehabilitati	Human Svcs	183.33	Presto-X-Company	Facilities	164.00
Pro Action Uniforms	Em Mgmt	2,024.39	Property Records Ind	Reg Deeds	200.00
Qualified Presort Se	Var. Depts	4,071.85	Quality Efficiencies	EFSP Fund	175.00
Redstone Technologie	Info Tech	1,250.00	Rehfluss, Cathy A	Mental Ill	258.00
Reurink Prop LLC	Human Svcs	500.00	Richard-Ewing Equipm	JDC	19.28
Sanford Clinic	Human Svcs	31.38	Sanford Hospital	St Atty	60.00
Sanfor0 Hospital - R	Human Svcs	600.00	Sayre Associates, In	Hwy Constr	6,079.50
Schmitz, Kalda & Ass	Bldg Fund	4,340.00	Schoeneman Bros. Co.	Hwy Constr	199.40
SD Bd. of Social Wor	Bldg Fund	329.29	SD Continuing Legal	Var. Depts	1,500.00
SD Dept of Revenue	Parks	52.00	SD Safety Council	Human Res	195.00
SD State Historical	Mus Ops	45.00	SD State Treasurer	Sales Tax	422.47
Sears	Facilities	104.98	Shald-Hudelson, Bren	Var. Depts	398.96
Sherwin Williams	Jail	167.00	Sierra Plains LLC	Human Svcs	750.00
Sigler Fire Equipmen	Facilities	2,146.50	Sioux Empire Fair As	Extension	2,000.00
Sioux Falls Humane S	Humane Soc	3,484.15	Sioux Falls Rubber S	Reg Deeds	10.50
Sioux Falls Two Way	Em Mgmt	230.00	Sioux Falls Utilitie	Var. Depts	860.09
Sioux Valley Energy	Var. Depts	176.50	Skorczewski, Jena	Courts	216.60
Slowey, Yavonne C	Mental Ill	519.50	Society for Human Re	Human Res	160.00
Solomon, Ghirmay	Courts	250.00	Southeastern Behavior	Jail	5,593.50
Surgical Institute o	Jail	75.92	Sycamore Court Apts/	Human Svcs	325.00
System I Developer	Info Tech	1,190.00	Thorin, Deyanira T	Var. Depts	487.50
Thyssenkrupp Elevato	Jail	2,177.11	Timekeeping Systems,	Jail	95.00
Tires,Tires In	Var. Depts	371.35	ULine	Jail	240.24
Ultramax	Em Mgmt	57.60	Velgersdyk, Dr. Scot	Human Svcs	1,442.00
Velvet Uniforms, Inc	Var. Depts	2,475.51	Verizon Wireless	Em Mgmt	810.18
Wal-Mart Pharmacy	Human Svcs	27.78	Wal-Mart Pharmacy	Human Svcs	39.62
Wali, Khadija M.	Courts	25.00	Wellesley Informatio	Info Tech	3,398.00
Xcel Energy, Inc.	Var. Depts	4,903.23	Yankton County Sheri	Mental Ill	175.00
Yankton County Treas	Mental Ill	2,053.25	Zee Medical Service	Hwy Admin	79.95

REPORTS

The following reports were received and placed on file in the County Auditor's Office: Minnehaha County Human Services Report, Sheriff's Department Report, and Regional Juvenile Detention Center Report for August 2009.

PERSONNEL

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

1. To hire Patricia Blake as Legal Office Assistant (10/B) for the Public Defender's Office at \$14.5403 per hour effective 9-14-09.
2. To hire Andrea Bruce as Museum Interpreter (9/A) for the Museum at \$13.5021 per hour effective 9-13-09.
3. To hire Clarissa Thompson as part-time Museum Aide for the Museum at \$9.0000/hour effective 9-9-09.
4. To correct the action on 9-1-09 for Jason Aanenson, which should have reflected a hire as Deputy Sheriff (16/B) for the Sheriff's Office at \$19.5551/hour effective 9-4-09.

Step Increases Due:

1. Mary Lou Buddi – Administrative Clerk – Museum – 9/J to 9/K, 9-11-09, \$17.2839

NOTICES

Notice was received from the U.S. Army Corps of Engineers of a permit pending from an application by the city of Sioux Falls for proposed riprap and bioengineered bank stabilization on the Big Sioux River between Baltic and Sioux Falls.

Warden Tim Devlin presented a Request for Proposals for Comprehensive Institutional Healthcare Services for the Minnehaha County Jail. He reported that proposals will be solicited in an effort to find more cost-effective healthcare for inmates. He explained that the Jail currently uses several service providers. The RFP streamlines the process utilizing a single point of contact. The current providers have been given notice that proposals will be solicited. MOTION by Twedt, seconded by Hajek to authorize the Auditor to publish Request for Proposals. 5 ayes.

PLANNING

Scott Anderson, Planning Director, gave the first reading of a proposed amendment to the 2002 Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls to rezone from the A-1 Agriculture District to Planned Development District property legally described as W1/2 SW1/4 (Ex Lot H1 NW1/4 SW1/4, Ex Lot H1 SW1/4 SW1/4 & Ex Lot H2 W1/2 SW1/4 & Ex Co Aud Tr 1 SW1/4) of Section 26-T102N-R50W. The property is located approximately ½ mile west of Sioux Falls at the intersection of LaMesa Drive and S.D. Highway 38. MOTION by Kelly, seconded by Hajek to authorize the Auditor to publish Notice of Hearing on October 19th. 5 ayes.

LIEN

Commissioner Barth, County Aid Lien Liaison, briefed the Commission on a request to compromise DPNO 48529, in the amount of \$281.40, by releasing the lien against the real property only with no payment from the petitioner. The petitioner recently sold her home. During the process, the title company noted the lien for attorney services against a party who once had interest in the property. The title company is holding the lien amount in escrow. The property was quitclaimed to the applicant after the lien was filed. The petitioner contends that she was not aware of the lien, that she has no responsibility for the party that received the assistance, and that the lienee no longer has any interest in the property. Gordy

Swanson, Deputy State's Attorney, reported that the deed was transferred back and forth several times between the lienee and the applicant with no money exchanged. Initially, the property was transferred through a warranty deed with the last being quitclaimed. He also noted that the application for assistance states that a lien will be placed both real and personal property. Commissioner Twedt explained that the services had nothing to do with the seller and that she did not incur the lien. MOTION by Barth, seconded by Hajek to deny the request. 4 ayes, Twedt – nay.

BID AWARD

Lynn DeYoung, Emergency Management Director, reported that bids for up to 4 enclosed utility trailers, as part of the Region III Hospital Preparedness Grant, were opened at 2:00 p.m. on September 2nd. The following bids were received (bidder, model, cost per unit): Dressen Custom Trailers, Inc., Cargo Mate, \$8,494; and Verde, Inc., Forest River Cargo Mate Qualifier, \$9,495. The trailers will be used for emergency shelter and medical surge supplies and will be housed at Red Cross facilities in the southeast region. Mr. DeYoung recommended award to the low bidder for 3 units under this grant. A 4th unit will be purchased with Homeland Security funds. MOTION by Hajek, seconded by Kelly to award Bid 8-09 to Dressen Custom Trailers, Inc. in the amount of \$8,494 per unit for a total cost of \$25,482 for three. 5 ayes.

AGREEMENT

Trae Umstead, IT Director, presented a renewal agreement for maintenance and software support for New World Systems public safety system software program. The renewal will be effective 4/1/10 to 3/31/2013 at a 5% cost increase from the last contract. MOTION by Hajek, seconded by Kelly to authorize the Chairman to sign the Standard Software Maintenance Agreement with New World Systems Corporation. 5 ayes.

SHERIFF

At the request of Kristin Trana, Sheriff's Office Administrative Coordinator, MOTION by Twedt, seconded by Hajek to authorize the Sheriff's Office to purchase one 2009 Chevy Impala off of contract #15538, awarded by the State of South Dakota to Lamb Chevrolet, in the amount of \$16,639. 5 ayes.

Commissioners commended staff from the Sheriff's and Planning offices for their work with the LifeLight Festival.

SUPPLEMENTS

MOTION by Kelly, seconded by Barth to supplement the following, representing reimbursements for unanticipated expenditures: from the Building Fund to the Building Fund budget ASN 19675, \$121,000 (Energy Efficiency & Conservation Block Grant); from the Pass-Through Grants Fund to the Pass-Through Grants budget ASN 20351, \$515,000 (Children's Home Society CDBG), ASN 20353, \$153,380 (Region III Hospital Preparedness Planning Grant), ASN 20352, \$146,519.33 (OJJDP Strengthening Youth Mentoring thru Community Partnerships – LSS). 5 ayes. Commissioner Twedt noted the need to look at adding a grant writer position in the 2011 budget.

SURPLUS

The Commission considered various lists of surplus property items provided by department heads for the annual surplus property auction to be held September 26th. The lists include items as general surplus, donation requests, and disposal. Commissioner Pekas reported that the Highway Department had listed 70

radios as surplus for disposal as scrap, but have now received donation requests for the radios from other county highway departments. MOTION by Hajek, seconded by Twedt to add 70 surplus radios from the Highway Department to the donations list. 5 ayes. MOTION by Twedt, seconded by Hajek to approve the general surplus list, exhibit A, as surplus for disposal at public auction. 5 ayes. MOTION by Hajek, seconded by Barth to approve Resolution MC09-35, authorizing the donation of 1 chair, 6 Compaq computers with no hard drives, 1 gun locker, and 1 Minolta camera to the city of Valley Springs, and 70 two-way radios to various county highway departments. 5 ayes. MOTION by Twedt, seconded by Hajek to approve the following donations of surplus property: 3 chairs, 1 Sony Handycam, and 2 bookcases to the Compass Center; 1 box of miscellaneous jewelry, 3 computers with no hard drives, 2 vacuums, 1 drill, and 1 Sony digital camera to the Sioux Falls Area Humane Society; and 2 microphone stands, 1 barcode reader/printer, 1 loveseat, 2 tables, and 1 Craftsman generator (asset #R-068) to the Sioux Empire Fair Association. 5 ayes.

RESOLUTION MC09-35
SURPLUS PROPERTY DECLARATION AND DONATION TO CITY OF VALLEY SPRINGS
AND VARIOUS COUNTY HIGHWAY DEPARTMENTS

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 has offered various items of surplus property that no longer serves the needs of the county to the municipalities of the county, and

WHEREAS; the City of Valley Springs, located in Minnehaha County, has formally requested that the list of surplus property attached to this resolution be donated to the city, and

WHEREAS; Highway Departments in various counties in South Dakota have formally requested certain radios in the Minnehaha County Highway Department inventory, that are included in the surplus property list of Minnehaha County, now

THEREFORE BE IT RESOLVED, by the Minnehaha County Board of Commissioners that the property items identified by serial numbers and/or department location on the attachment to this resolution are hereby declared as surplus property for the purposes of donating, at no charge, to the City of Valley Springs, South Dakota; and

BE IT FURTHER RESOLVED, by the Minnehaha County Board of Commissioners, that the Minnehaha County Highway Department radios identified on the attachment to this resolution are hereby declared as surplus property for the purposes of donating, at no charge, to the Highway Departments in the counties identified on the attachment.

Dated this 8th day of September 2009.

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

ATTEST:
Sandy Kinder, Deputy Auditor

NUISANCE

Ryan Streff, Planner, requested deferral of a request to declare property legally described as the W1/2 SW1/4 (Ex Trs 1 & 2 & Ex H-1, H-2, H-3) Section 29-T102N-R51W and the S1/2 SE1/4 Section 30-T102N-R51W, as a public nuisance. The property is located at 46106 261st Street, Hartford. Staff has been working with the property owner, Henry Dansman, and his attorney on cleaning up the site. Staff was initially called to the site in September, 1998. Since that time, little progress has been made. Gordy Swanson, Deputy State's Attorney, reported that the deferral was requested because \$5,000 was placed by Mr. Dansman in an attorney trust account. Mr. Swanson noted that the escrowed account provides some assurance for a contractor to be retained to clean up the property under the County's supervision. Commissioner Kelly noted that he has visited the site and that \$5,000 will not be sufficient to cover the cost of clean-up. Commissioners questioned why no one was present on behalf of the property owner and discussed whether to defer action or continue with the presentation. Scott Anderson, Planning Director, reported that if the property is not declared a public nuisance, he would be unable to recoup staff time costs as part of the abatement process. Commissioner Pekas noted that the money in the attorney trust account could also be used for attorney fees to prolong the case. MOTION by Barth, seconded by Kelly to defer consideration for 1 week. 3 ayes, Hajek and Twedt – nay.

NEW BUSINESS

Commissioner Barth reported on a discussion from the Southeast District meeting on how counties could work together on services in an effort to save money. The discussion will be continued at the next Southeast District meeting.

Commissioner Kelly reported that he will ask to reconsider a request to reduce the speed limit on River Bluff Road at next week's meeting.

MOTION by Hajek, seconded by Barth to adjourn into Executive Session for contract discussion. 5 ayes. Following the Executive Session, the Commission adjourned until 5:00 p.m. on Monday, September 14, 2009.

APPROVED BY THE COMMISSION:

John Pekas, Chairman

ATTEST:

Sandy Kinder, Deputy Auditor

Published once at the total approximate cost of \$_____