

THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M., September 15, 2009, pursuant to adjournment on September 14, 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 Twedt to add personnel discussion under Executive Session and approve the Agenda. 5 ayes.

MINUTES

MOTION by Barth, seconded by Hajek to approve the Minutes for September 8, 2009. 5 ayes.

VOUCHERS TO BE PAID

MOTION by Hajek, seconded by Kelly to approve the following bills totaling \$1,426,182.92 for payment. 5 ayes.

A & B Business Equip	Public Def	149.36	A-Ox Welding Supp Co	Sheriff	183.00
Advance Auto Parts	Sheriff	23.64	Allied Oil & Supply	Hwy Constr	101.00
Amer Assoc of Police	Sheriff	125.00	American Planning As	Planning	70.00
American Public Huma	Human Svcs	899.00	American Test Center	Hwy Constr	395.00
Anderson, Carol	Human Svcs	250.00	Anesthesiology Assoc	Var. Depts	512.00
Architectural Roofin	Bldg Fund	114,276.00	Arena Motel	EFSP Fund	735.00
Argus Leader	Var. Depts	228.15	Ashraf, Tofan	Hwy Constr	39.28
Auto Glass Center	Hwy Constr	195.94	Avera Gutnik & Assoc	Mental Ill	233.00
Avera Health Informa	Public Def	83.40	Avera McKennan Hosp	Human Svcs	4.37
Avera McKennan Hospi	Var. Depts	8,022.42	Barth, Jeff	Commission	60.68
Bechtel, Dave	Human Svcs	400.00	Bierschbach Equipmen	Hwy Constr	1,367.80
Binger Law Office	Courts	713.26	Boyer Trucks Sioux F	Hwy Constr	114.77
Braithwaite, Tacey E	Mental Ill	229.50	Brende & Schroeder L	Courts	1,024.50
Brentwood Apts/Domin	Human Svcs	500.00	Brookings County Eme	Em Mgmt	2,773.08
Brown & Saenger	Var. Depts	641.25	Campbell Supply Co I	Var. Depts	126.50
Cartridge World	Info Tech	918.98	CBM Food Service	Var. Depts	15,115.26
Center for Family Me	Var. Depts	304.57	Cinrod Property Mana	Human Svcs	400.00
City-Wide Taxi, Inc	Human Svcs	86.00	Cleveland Heights Ap	Human Svcs	1,350.00
Columbia Dam LLC	Human Svcs	200.00	Com-Tec Security, LL	Jail	255.00
Communication Svcs F	Courts	752.25	Computer Forensic Re	Public Def	1,620.00
Concrete Materials	Hwy Constr	13,072.94	Country Meadows Apts	Human Svcs	500.00
Dakota Data Shred	Public Def	44.80	Dakota News, Inc.	Mus Store	119.08
Dakota Riggers & Too	Hwy Constr	96.00	Dakota Splash	Hwy Admin	90.65
Danko Emergency Equi	Em Mgmt	74.40	Davies, Boone T	Human Svcs	375.00
Delta Dental of SD	Human Svcs	11.25	Dhecjal, Achor	Courts	50.00
Diamond Vogel Paint	Hwy Constr	125.00	Director of Equaliza	Dir of Eq	18.52
Erpenbach, John E	Sheriff	875.00	Estergard, Kathryn L	Info Tech	68.00
Family Service Inc	Human Res	325.00	Fastenal Company	Hwy Constr	164.71
Fretty, Jake	Human Svcs	400.00	Friese, Leroy W.	Courts	107.80
G&W, Inc dba Gary Co	Human Svcs	388.76	Galland Legal Clinic	Courts	1,010.80
George, Aaron	Human Svcs	450.00	Glazier, David Alan	Human Svcs	495.00
Graham Tire Co. - No	Hwy Constr	112.69	Gross, Richard	Human Svcs	325.00
Gunner, Andrea	Courts	1,016.60	Guzman, Sandra V.	Var. Depts	225.00
Harold's Photo Cente	Mus Entpr	12.96	Heritage Funeral Hom	Human Svcs	4,407.00
Hobby Lobby Stores I	Mus Ops	49.97	Hoekstra, Denise A.	Courts	802.20
Holiday Mobile Home	Human Svcs	274.05	Home Federal Savings	Human Svcs	474.22
Hurtgen, Timothy T.	Human Svcs	825.00	Hy-Vee Pharmacy	Human Svcs	160.11
Intek/Interior Techn	Human Svcs	279.00	Interstate Office Pr	Var. Depts	621.60
J & N Tactical LLC	Jag Grants	1,535.00	J.C. Penney Company,	JDC	229.92
JCL Solutions-Janito	Var. Depts	54.06	Kappenman, Timothy D	Jail	7,011.00
Koality Construction	Human Svcs	550.00	Kone, Inc.	Pettigrew	50.00

Kreisers, Inc.	Jail	272.88	Kroesche, Nathan S	JDC	59.97
Kuchenreuther, Derek	Sheriff	20.00	Language Line Servic	Var. Depts	100.14
Lason Systems, Inc.	Reg Deeds	344.40	Lassegaard, Samuel C	Human Svcs	350.00
Leesch Family Partne	Human Svcs	400.00	Lewis Drug Stores	Mus Ops	24.96
Ludoc Enterprises In	Sheriff	666.00	Mcgrath, Michael Ph.	Public Adv	1,225.00
Meadowland Apts/SF L	Human Svcs	227.00	Medical X-Ray Center	Var. Depts	678.38
Menge, Marvin	Human Svcs	400.00	Metal Culverts, Inc	Hwy Constr	11,520.00
Metro Communications	Metro Comm	31,227.00	Microfilm Imaging Sy	Reg Deeds	75.00
Midamerican Energy C	Var. Depts	1,113.22	Midcontinent Communi	Mus Ops	55.00
Midwest Alarm Compan	Extension	167.34	Millenium Recycling,	Info Tech	2,580.71
Miller Sellers Herou	Library	2,115.00	Morris & Lee Inc/Sci	Mus Ops	35.95
Myrl & Roy's Paving,	Hwy Constr	1,118,766.43	Nguyen, Lam	Courts	125.00
North Ridge Apartmen	Human Svcs	500.00	Novak Sanitary Servi	Var. Depts	431.14
Nyberg's Ace Hardwar	Var. Depts	53.69	Oakwood Estates/Inve	Human Svcs	500.00
Oballa, Ojulu A	Courts	50.00	Office Depot	Public Def	148.42
Oriental Trading Com	Mus Ops	140.61	Pacific Ave Comp LLC	Human Svcs	481.00
Physicians Laborator	Jail	619.98	Pine Meadows/Univers	Human Svcs	500.00
Provo, Tom	Human Svcs	425.00	Qualified Presort Se	Var. Depts	721.83
Quality Efficiencies	EFSP Fund	165.00	Quill Corp.	Public Def	150.45
Qwest	Var. Depts	5,202.23	Rabuck, Steve/Nichol	Courts	680.60
Record Keepers, Inc.	Public Def	163.84	Repete Properties LL	Human Svcs	360.00
Ridgeview Apts Ltd P	Human Svcs	450.00	River Ridge Apartmen	Human Svcs	315.00
Rods Properties LLC	Human Svcs	300.00	Ronning Commercial,	Human Svcs	450.00
Salmen, David	Musm Entpr	150.00	Sanford Hospital - R	Human Svcs	500.00
SD Dept of Revenue	Var. Depts	434.01	SD Human Services Ce	Public Def	500.00
SDN Communications	Info Tech	625.26	Security Labs, Ltd	Info Tech	100.00
Shipley's Laundry &	Mus Entpr	41.20	Sig Sauer Inc	Sheriff	1,405.00
Sioux Empire FCU	Var. Depts	247.84	Sioux Empire FCU	Var. Depts	4,987.16
Sioux Empire FCU	Em Mgmt	195.00	Sioux Empire FCU	Dir of Eq	326.40
Sioux Falls Shopping	Mus Entpr	445.00	Sioux Falls Utilitie	Human Svcs	619.86
Sioux River Ltd Ptnr	Human Svcs	400.00	Solomon, Ghirmay	Courts	125.00
Southeastern Behavior	Public Def	28.00	Sunshine Foods	Human Svcs	52.05
Surgical Institute o	Jail	427.77	T Dist, Inc / TC Mou	Mus Entpr	63.24
Tactical Mission Con	Em Mgmt	8,484.00	Taylors Place LLC	Human Svcs	435.00
The Crackleberry Gro	Public Def	4,276.03	Thesenvitz,Mickelson	Courts	2,121.50
Thompson Publishing	Auditor	408.50	Thorin, Deyanira T	Var. Depts	400.00
Tires,Tires,Tires In	Var. Depts	962.00	Town Park I Apts	Human Svcs	529.00
Tschetter, & Adams La	Courts	2,872.25	Ultramax	Var. Depts	3,504.00
Underberg, Phil A	Human Svcs	500.00	US Postmaster	Elections	100.00
Velgersdyk, Dr. Scot	Human Svcs	109.00	Velvet Uniforms, Inc	Sheriff	380.00
Veneziani, Kandas	Atty Fees	20.40	Vision Care Associat	Human Svcs	248.44
Volunteers of Americ	JDC	2,257.50	VP Inc	Hwy Constr	1,470.94
Wal-Mart Pharmacy	Human Svcs	43.68	Wall Lake Sanitary D	Hwy Admin	70.00
Waste Management of	Jail	477.25	West Group	Public Def	1,572.90
Wilch, Gabe/Beth	Musm Entpr	150.00	Wilson, Robert	Commission	60.68
Xcel Energy, Inc.	Var. Depts	3,805.64	Yellow Cab, Inc.	Human Svcs	36.20
2701 Realty LLC	Human Svcs	500.00			

REPORT

The following report was received and placed on file in the County Auditor's Office: Auditor's Account with the County Treasurer as of 8/31/09.

On Deposit in Banks	
Interest-bearing open accounts	5,173,422.11
CD's and savings	19,000,000.00
Cash	20,607.95
Checks/drafts in Treasurer's possession for more than 3 days	3,872.05
Total Cash on Hand	24,197,902.11
Total AS/400 Cash Balance	24,197,902.11

PERSONNEL

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

1. To promote Ricky Larson from Correctional Officer in Training (12/E) to Correctional Officer (13/E) for the Jail at \$18.1589/hour effective 7-14-09.
2. To hire Robert Bockorny as part-time Correctional Officer (13/I) for the Jail at \$20.0440/hour effective 9-19-09.
3. To record the removal of EMT specialty pay for Joseph Bosman, Deputy Sheriff for the Sheriff's Office, effective 8-22-09.
4. To hire Krysta Miller as temporary part-time Clerk for the Equalization Department at \$9.2500 per hour effective 9-15-09 to 12-31-09.
5. To hire Judy Eliason as temporary Clerical Worker for the Public Defender's Office at \$9.5000/hour effective from 9-10-09 to 9-11-09.
6. To accept the resignation of Angie Wixon as part-time Museum Aide for the Museum effective 9-26-09.

Step Increases Due:

1. Heidi Gravett – Juvenile Correctional Officer I – JDC – 12/K to 12/L, 9-8-09, \$20.5451/hour
2. John Cole, Alysia Iosty, & Melanie Sanner – Appraiser II – Equalization – 15/G to 15/H, 9-24-09, \$21.5852/hour
3. Mary Yale – Assistant Register of Deeds – Register of Deeds – 19/D to 19/E, 9-25-09, \$24.4217/hour
4. Cheryl Olson – Administrative Records Specialist – Register of Deeds – 14/D to 14/E, 9-25-09, \$19.0782/hour
5. Ron Christensen – Air Guard Security Officer II – Air Guard – 13/N to 13/O, 3-20-09, \$23.2449/hour
6. Jason Brown – Army Guard Security Officer – Army Guard – 10/H to 10/I, 4-27-09, \$17.2839/hour
7. Marc Wynia – Deputy Sheriff – Sheriff's Office – 16/F to 16/G, 7-5-09, \$22.1248/hour
8. Phillip Leidholt – Deputy Sheriff – Sheriff's Office – 16/E to 16/F, 9-10-09, \$21.5852/hour
9. Steven Breuer – Deputy Sheriff Sergeant – Jail – 20/E to 20/F, 7-17-09, \$26.2995/hour
10. Bradley Harner – Correctional Officer – Jail – 13/D to 13/E, 8-21-09, \$18.1589/hour
11. Benjamin Baxa & Aileen McPherson – Correctional Officer – Jail – 13/D to 13/E, 9-6-09, \$18.1589/hour
12. Robert Olson – Correctional Officer – Jail – 13/D to 13/E – 9-12-09 – \$18.1589/hour
13. Matthew Hanisch, William Hoier, Tim Suurmeyer, & Scott Vander Velde – Correctional Officer – 24/7 Program – 13/D to 13/E, 7-17-09, \$18.1589/hour

14. Dustin DeBoer – Senior Deputy State’s Attorney – State’s Attorney’s Office – 22/H to 22/I, 9-10-09, \$2,627.56/bi-weekly

NOTICES

Notice was received from Julie Risty, Register of Deeds, of a vacation of plat legally describe as Lot 1A in Block 1 of Taggart Addition in the N1/2 of the NW1/4 of the SW1/4 of Section 17-T101N-R48W.

MOTION by Hajek, seconded by Twedt to authorize the Auditor to publish Notice of Public Progress Hearing on 9/29/09 to discuss the Children’s Home Society Loving School addition. 5 ayes.

Notice was received of the East Dakota Water Development District Board Meeting on 9/17/09.

LIEN

Commissioner Barth, County Aid Lien Liaison, briefed the Commission on a request to compromise DPNO 53663 in the amount of \$156.01 by releasing the lien in full with no payment. The applicant is listed as a co-owner of a property that is being refinanced. She reported on her application that she no longer lives at the residence and will be quitclaiming her interest in the property to the other party. The lien, for Human Services Assistance, was filed during the time that the applicant had interest in the property. An additional lien is filed against the other listed owner, but will be paid in full as part of the refinance. The applicant will not receive any funds from the refinance. Commissioner Barth was not confident that the applicant’s information was accurate. MOTION by Barth, seconded by Hajek to deny the request. 5 ayes.

BRIEFING

Lori Kiesow with the Mary Jo Wegner Arboretum Board gave a briefing on Sioux Falls’ first BioBlitz and Ecology Day, which was held August 8th at the Perry Nature Center. BioBlitz is an educational program and scientific survey combined into one day. The objective is for scientists to count all of the species of plants and animals in a given area in a fixed amount of time. The event promotes preservation of urban greenspace. Ms. Kiesow reported that the arboretum campaign has received \$2.4 million so far and has received word that another donor will be coming forward with an additional substantial monetary gift.

AUDIT

Jeff Schaefer with the SD Department of Legislative Audit gave the 2008 audit exit briefing for Minnehaha County.

RESOLUTION

MOTION by Kelly, seconded by Hajek to reconsider a resolution establishing a speed limit on River Bluff Road in Split Rock Township. On July 14th, the Commission adopted Resolution MC09-20, which set the speed limit on River Bluff Road at 30 m.p.h., except where posted as 15 m.p.h. Split Rock Township had initially asked that the speed limit be set at 25 m.p.h. Bonnie Duffy with Split Rock Township was present to support the 25 m.p.h. request. She stated that 25 m.p.h. would be consistent with other developments in Split Rock Township. She also reported that she has contacted Highway Superintendent Bob Meister and that he has no opinion on either speed. MOTION by Kelly, seconded by Twedt to approve Resolution MC09-36. 5 ayes.

SPEED LIMIT CHANGE RIVER BLUFF ROAD IN SPLIT ROCK TOWNSHIP

WHEREAS, The Minnehaha County Board of Commissioners has received a request from the Split Rock Township Board of Supervisors to establish a 25 miles per hour speed limit on River Bluff Road in Split Rock Township, except where posted at 15 miles per hour, and

WHEREAS, SDCL 32-25-9.1 provides the authority for the board of county commissioners to establish speed limits within their respective jurisdictions, and

WHEREAS, a public hearing was conducted on September 15, 2009, to consider the request for a change in speed limit on River Bluff Road, and

WHEREAS, the Minnehaha County Commission believes it to be in the best interest of the traveling public to establish a speed limit as requested, now

THEREFORE BE IT RESOLVED, by the Minnehaha County Board of Commissioners that the speed limit on River Bluff Road in Split Rock Township shall be 25 miles per hour except where posted at 15 miles per hour.

Dated this 15th Day of September, 2009.

APPROVED BY THE COMMISSION

John Pekas, Chairman

ATTEST:

Sandy Kinder, Deputy Auditor

PRELIMINARY PLAN

Scott Anderson, Planning Director, presented Preliminary Subdivision Plan #09-01, for Lake Shore Luxury Estates. The subdivision is located at the southwest shore of Wall Lake and contains 12 lots on 4.8 acres. The Planning Commission approved the preliminary plan with 2 conditions, 1) requirement of an erosion control plan, and 2) that a vicinity map be provided and that the preliminary plan be corrected to include a certificate of approval and name and address of the owner(s). Mr. Anderson reported that those conditions were met and recommended approval. Brian Ross, applicant, was present to answer questions. MOTION by Twedt, seconded by Barth to approve Preliminary Subdivision Plan #09-01 for Lake Shore Luxury Estates. 5 ayes.

BUDGET

Sue Roust, Auditor, presented the final FY 2010 budget for Minnehaha County in the amount of \$64,108,594. This is a slight increase from the provisional budget of \$64,071,112, adopted in July, and an increase of \$1,699,653 over the FY 2009 budget. Changes since the adoption of the provisional budget include the addition of a Deputy State's Attorney position and minor payroll and revenue changes. Two building projects are anticipated for 2010, but are not included in the final budget, the Housing First facility and a generator project. If the projects move forward, the Commission would need to approve a resolution authorizing the financing and calculate the amount of additional taxes needed to cover the cost of debt service. The owner of a \$100,000 property will see an increase of \$5.06 in county taxes in 2010 to cover the budget as it stands. Traci Smith, Public Defender, and Aaron McGowan, State's Attorney, discussed their departments' caseload increases since last year. Ken McFarland, Commission Administrative Officer, gave a presentation on the Housing First program. Two Project Safe Home

participants, Judith and Dave, spoke on how the program has helped them with the challenges that they were facing in life and how they benefited from Project Safe Home. Commissioner Twedt thanked Hugh Grogan, Human Services Director, and his staff for the pilot program, the United Way, and Mayor Munson for recognizing the issue of homelessness in the Sioux Falls area and for appointing a task force to look at ending homelessness. Commissioners believed that the program would be a joint venture with the city of Sioux Falls. Commissioner Twedt expressed disappointment that the city of Sioux Falls elected to not help fund the program in their 2010 budget, and expressed a need to forge ahead without that support. Commissioner Barth commented on the obligations of the County to care for its citizens. Commissioner Hajek explained that those being served by the pilot program are unable to help themselves. Commissioner Kelly lauded department heads for their cooperation in keeping budget increases at a minimum. Commissioner Pekas cautioned challenges that will be faced by the community in the future. Commissioner Twedt reported that an opt-out was not needed this year, but if needed, would be considered next year, to meet statutory requirements. No one spoke in opposition. MOTION by Hajek, seconded by Barth to approve Resolution MC09-37. 5 ayes.

The budget as approved includes the following changes from the Provisional Budget:

Revenues:

Intergovernmental	+	\$21
Charges Goods/Svcs	-	\$7,500
Fines & Forfeits	-	\$1,000
Miscellaneous	+	\$28,954

Expenditures:

	From:	To:		From:	To:
Equalization	1,337,289	1,328,170	Facilities	2,588,015	2,579,314
Information Tech.	1,692,501	1,699,274	Public Defender	2,237,402	2,228,223
Sheriff	5,882,116	5,890,359	Jail	10,647,274	10,601,682
States Attorney	2,761,773	2,833,685	Treasurer	1,221,960	1,225,105
Building	4,439,903	4,459,903			

RESOLUTION MC09-37

ADOPTION OF THE ANNUAL BUDGET FOR MINNEHAHA COUNTY, SOUTH DAKOTA

Whereas, (7-21-5-thru 13), SDCL provides that the Board of County Commissioners shall each year prepare a Provisional Budget of all contemplated expenditures and revenues of the County and all its institutions and agencies for such fiscal year and,

Whereas, the Board of County Commissioners did prepare a Provisional Budget and cause same to be published by law, and Whereas, due and legal notice has been given to the meeting of the Board of County Commissioners for the consideration of such Provisional Budget and all changes, eliminations and additions have been made thereto.

Now therefore be it resolved, That such provisional budget as amended and all its purposes, schedules, appropriations, amounts, estimates and all matters therein set forth, shall be approved and adopted as the Annual Budget of the appropriation and expenditures for Minnehaha County, South Dakota and all its institutions and agencies for calendar year beginning January 1, 2010 and ending December 31, 2010 and the same is hereby approved and adopted by the Board of County Commissioners of Minnehaha County, South Dakota, this 15th day of September, 2009. The Annual Budget so adopted is available for public

inspection during normal business hours at the office of the County Auditor Minnehaha County, South Dakota. The accompanying taxes are levied by Minnehaha County for the year January 1, 2010 through December 31, 2010.

BOARD OF COUNTY COMMISSIONERS OF MINNEHAHA COUNTY, SOUTH DAKOTA

John Pekas, Chairman

Anne Hajek, Commissioner

Jeffrey Barth, Commissioner

Dick Kelly, Commissioner

Carol Twedt, Commissioner

ATTEST

Sandy Kinder, Deputy County Auditor

NUISANCE

Pursuant to deferral on September 8th, Ryan Streff, Planner, was present to consider declaring 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, since September, 1998. There has been little progress. Mr. Streff requested that the Commission declare the property a public nuisance and allow the County to remove the violations from the property and assess the owner's taxes for the cost, or to authorize the Chairman to sign a proposed agreement with the property owner allowing him until 10/27/09 to abate the nuisance on his own. At that time, the Commission may declare the property a public nuisance with no further notice to the property owner. Cynthia Ahrendt, attorney, reported that Mr. Dansman has established a trust account with a law firm for the cost to abate the nuisance and that the County would have oversight on the clean-up. She explained that Mr. Dansman may not have understood the severity of the issue in the past, but assured commissioners that he now understands. She also reported that a contractor has been retained to remove the items and explained the process they will follow. Commissioners requested a final report. Mr. Streff and Gordy Swanson, Deputy State's Attorney recommended entering into the agreement. MOTION by Hajek, seconded by Barth to authorize the Chairman to sign the agreement between Minnehaha County and Henry Dansman. 5 ayes.

NEW BUSINESS

Commissioner Twedt announced that the Sioux Falls Human Relations Commission will hold its 2009 Humanitarian Award Ceremony on 9/22/09 at the Orpheum Theater Center. Hugh Grogan, Human Services Director, is a nominee.

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, September 22, 2009.

APPROVED BY THE COMMISSION:

John Pekas, Chairman

ATTEST:

Sandy Kinder, Deputy Auditor

Published once at the total approximate cost of \$_____