

THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M., October 20, 2009, pursuant to adjournment on October 19, 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 Barth, seconded by Kelly to approve the Agenda. 5 ayes.

## MINUTES

MOTION by Hajek, seconded by Barth to approve the Minutes for October 13, 2009. 5 ayes.

## VOUCHERS TO BE PAID

MOTION by Hajek, seconded by Barth to approve the following bills totaling \$548,401.32 for payment. 5 ayes.

A & B Business Equip	Var. Depts	1,015.84	A to Z World Languag	St Atty	105.00
Allied Oil & Supply	Hwy Constr	18.50	Amberleaf Apts LLC	Human Svcs	300.00
American Institution	JDC	281.46	Anacon Leasing Inc	Public Def	329.00
Anderson, Carol	Human Svcs	550.00	Anderson, Elwood	Human Svcs	550.00
Appeara / Dudley Lau	Hwy Constr	36.03	Arena Motel	Human Svcs	210.00
Argus Leader	Var. Depts	1,513.32	Automatic Building C	Facilities	2,691.00
Avera Health Informa	Public Def	83.70	Avera McKennan Hospi	Var. Depts	7,874.75
Al Svc Inc/Laceys Ch	Hwy Constr	95.00	Ban-Koe Systems, Inc	Facilities	323.30
Batteries Plus/Onesk	Facilities	64.00	Bechtel, Dave	Human Svcs	500.00
Belitz, Larry	Mus Grants	1,130.00	Bentwood Manor Apts,	Human Svcs	500.00
Best Business Produc	St Atty	372.10	Bierschbach Equipmen	Hwy Admin	120.00
Borman, Laura	Extension	40.34	Brende,Schroeder,& M	Courts	2,372.50
Brentwood Apts/Domin	Human Svcs	500.00	Brock White Co LLC	Hwy Constr	96.80
Brown & Saenger	Var. Depts	402.10	Bureau of Informatio	Var. Depts	1,089.50
Burkard, Michael/Inv	Human Svcs	500.00	Butler Machinery Com	Hwy Constr	164.96
Byre, Elton W	Human Svcs	1,000.00	Cambridge Partnershi	Human Svcs	400.00
Campbell Supply Co I	Var. Depts	103.61	Carlson, Lisa	St Atty	139.40
Catco	Hwy Constr	95.20	CBM Food Service	Jail	11,818.22
Center for Family Me	Jail	2,400.00	Century Business Pro	Var. Depts	533.34
Chemco, Inc.	Facilities	188.09	Cinrod Property Mana	Human Svcs	525.00
Clearview Windshield	Sheriff	99.90	Cleveland Heights Ap	Human Svcs	900.00
Communication Svcs F	Public Def	957.00	Constellation New En	Facilities	7,099.57
Country View MHC	Human Svcs	850.00	Crescent Electric Su	Facilities	380.49
Crestview Apts-Luv I	Human Svcs	105.00	Croplan Genetics	Parks	380.00
Culligan Water Condi	Facilities	219.00	Cyntom Property Mana	Human Svcs	400.00
Dakota Data Shred	Var. Depts	116.85	Dallas County Consta	St Atty	70.00
Daves Automotive	Dir of Eq	1,134.21	Doop, Michael	Human Svcs	350.00
Dust Tex Service, In	Var. Depts	17.72	Ebert's Properties,	Human Svcs	1,255.00
Eirinberg, James A	Courts	2,681.00	Electric Innovations	Facilities	225.00
Engelson, Randy	Hwy Constr	350.00	ES Properties	Human Svcs	400.00
Exide Technologies	Hwy Constr	280.80	Family Service Inc	Human Res	325.00
Farland, Lawrence A	Human Svcs	600.00	Fastenal Company	Var. Depts	347.64
First Cash Exchange/	Sheriff	300.00	First Premier Bank	Sheriff	74.83
Fonder, Roger M DBA	Planning	207.49	Genzlinger, Janeen	St Atty	40.80
George Boom Funeral	Human Svcs	2,615.00	Glazier, David Alan	Human Svcs	400.00
Goebel Printing, Inc	Var. Depts	206.70	Gold Directories Inc	Mus Ops	540.00
Graybar Electric Com	Facilities	76.20	Grieme, Jonathan	Air Guard	40.97
Gross, Richard	Human Svcs	140.00	Guzman, Sandra V.	Var. Depts	87.50
Haugan, Raymond C	Human Svcs	500.00	Hofer, Julie A.	Public Adv	68.00
Home Federal Savings	Human Svcs	474.22	Howalt-McDowell Insu	Public Def	50.00
Hurtgen, Timothy T.	Human Svcs	400.00	Hy-Vee Accounts Rece	JDC	62.63
Innovation Property	Human Svcs	500.00	Interstate Office Pr	Var. Depts	582.93
Jaros, Pete	Mental Ill	188.70	JCL Solutions-Janito	Var. Depts	891.99

Jefferson Partners L	Human Svcs	770.44	Johnson Feed, Inc.	Hwy Constr	2,584.94
Johnson, Eklund Law	Public Def	27.98	Johnstone Supply	Facilities	29.72
Kappenman, Thomas L	Human Svcs	400.00	Kmart Pharmacy	Human Svcs	88.58
Koality Construction	Human Svcs	550.00	Kone, Inc.	Var. Depts	6,663.14
Kpradith, Kyto	Public Def	50.00	Kreisers, Inc.	Jail	1,355.12
Kuchenreuther, Derek	Sheriff	142.00	Kulhavy, Joseph B	Courts	54.44
Language Line Servic	Var. Depts	100.20	LCM Pathologists Pc	Pass-Thru	2,100.00
Lewis Drug Stores	Human Svcs	4,823.14	Lexis-Nexis / Reed E	St Atty	170.00
Lincoln County Audit	Welf Recov	10.00	Linweld, Inc.	Hwy Constr	41.78
Lutheran Social Serv	St Atty	512.10	Madison Community Ho	Pass-Thru	4,682.25
Mailway Printers	Mus Ops	560.00	McFarland, Kenneth	Commission	105.24
Meadowland Apts/SF L	Human Svcs	1,363.00	Medical X-Ray Center	Human Svcs	20.56
Menards - East	Var. Depts	44.90	Metro Communications	Var. Depts	31,337.00
Microfilm Imaging Sy	Reg Deeds	75.00	Midamerican Energy C	Var. Depts	1,988.54
Midwest Alarm Compan	Hwy Admin	250.00	Midwest Residential	Human Svcs	1,100.00
Miller Funeral Home,	Human Svcs	6,154.23	Miller, Steve	Courts	1,740.53
Mini Critters	JDC	52.95	Monick Pipe & Supply	Facilities	233.50
Motorola, Inc.	Em Mgmt	341,055.50	Mt. Pleasant Cemeter	Human Svcs	400.00
Murray Const	Human Svcs	975.00	Myers & Billion LLP	Var. Depts	1,033.95
Narveson, Mark	Hwy Constr	87.98	Nat'l Student Housin	Human Svcs	1,100.00
Nicholson & Nicholso	Courts	1,900.36	North Ridge Apartmen	Human Svcs	500.00
Northern Truck Equip	Hwy Constr	166.57	Nyberg's Ace Hardwar	Facilities	22.93
Ode, Gregg	Extension	55.14	Office Depot	Public Def	490.52
Omnicare of South Da	JDC	64.69	Osman, Shamshadin	Facilities	74.97
Panasonic Finance So	Extension	203.12	Peters, Scott N PC	Mental Ill	4,761.00
Pfeifer Implement Co	Hwy Constr	1,382.55	Pheasantland Industr	Sheriff	123.14
Preheim Lawn & Lands	Facilities	994.00	Progressive Property	Human Svcs	380.00
Qualified Presort Se	Var. Depts	4,459.70	Quality Efficiencies	Human Svcs	800.00
Quill Corp.	JDC	244.78	Qwest	Var. Depts	5,079.35
Redwood Estates LLC	Human Svcs	600.00	Ridgeview Apts Ltd P	Human Svcs	400.00
Robson True Value	Facilities	3.60	Ronning Commercial,	Human Svcs	885.00
Safelite Glass Corp.	Planning	59.95	Sanford Hospital - R	Human Svcs	500.00
Sanford Hospital Med	St Atty	11.25	Sanford Hospital - R	Human Svcs	1,060.00
SD Dept of Public Sa	Human Svcs	70.00	SD Human Services Ce	Public Def	57.40
SD Law Enforcement C	Commission	500.00	SD Secretary of Stat	Public Adv	30.00
SDN Communications	Info Tech	625.26	SECOG	Em Mgmt	325.00
Security Labs, Ltd	Info Tech	100.00	Servall Towel & Line	Var. Depts	179.93
Shipley's Laundry &	Mus Entrp	20.60	Signwarehouse.Com	Mus Ops	240.67
Silver Glen MHC, LLC	Human Svcs	300.00	Sioux Empire FCU/190	St Atty	159.39
Sioux Empire FCU/480	Planning	261.00	Sioux Falls Chamber	Sheriff	160.00
Sioux Falls City Fin	Var. Depts	1,289.11	Sioux Falls Two Way	Var. Depts	918.00
Sioux Falls Utilitie	Var. Depts	35.82	Sisson Printing, Inc	Em Mgmt	257.95
Skogen Company	Human Svcs	119.00	Southeast SD Tourism	Mus Ops	2,004.00
Splitrock Ltd Ptnrsh	Human Svcs	400.00	Stoterau, Christophe	Courts	65.92
Sturdevant's Auto Pa	Var. Depts	88.01	Swedeen, John & Holl	Mus Entrp	150.00
Syverson Tile Co., I	Facilities	3,336.21	T & N Enterprises LL	Human Svcs	380.00
Tally Ho Apartments	Human Svcs	495.00	Tenth Street, Inc.	Dir of Eq	29.40
Thorin, Deyanira T	Public Def	87.50	TK Enterprises	Human Svcs	250.00
Tuley, Brian	Human Svcs	500.00	Umstead, Trae	Info Tech	184.00
US Postal Service	Extension	45.14	Van Loh, Jerry L	Human Svcs	300.00
Vandyke, Jennifer L	Courts	58.88	Velvet Uniforms, Inc	Var. Depts	377.57
Verizon Wireless	Var. Depts	6,144.80	Voigt, Debra	Courts	1,000.00
Volunteers of Americ	Var. Depts	3,402.72	Wal-Mart Pharmacy	Human Svcs	12.00
Wal-Mart Pharmacy	Human Svcs	8.00	Walgreen Co.	Human Svcs	119.22
Weeg's Trailer Park	Human Svcs	190.00	West Group	Var. Depts	4,043.66
Wheelco Brake & Supp	Hwy Constr	533.30	Winfield Solutions L	Facilities	384.00
Xcel Energy, Inc.	Human Svcs	9,082.25			

## REPORTS

The following reports were received and placed on file in the County Auditor's Office: Minnehaha County Register of Deeds Official Statement of Revenue for September 2009 and the Auditor's Account with the County Treasurer as of 9/30/09.

On Deposit in Banks  
Interest-bearing open accounts

4,866,235.35

10/20/09

11938

CD's and savings	19,000,000.00
Cash	19,787.02
Checks/drafts in Treasurer's possession for more than 3 days	4,692.98
Total Cash on Hand	23,890,715.35
Total AS/400 Cash Balance	23,890,715.35

## PERSONNEL

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

1. To increase the hourly wage of Diana Hummel, part-time Museum Aide for the Museum to \$9.2500/hour effective 10-20-09.
2. To end the temporary, part-time employment of David Hoefert as Spray Truck Operator for Highway effective 10-8-09.
3. To end the temporary, part-time employment of Bill Shatter as Spray Truck Operator for Highway effective 10-13-09.
4. To hire Daniel Thorson as part-time Correctional Officer in Training (12/A) for the Jail at 15.6584/hour effective 10-17-09.
5. To accept the resignation of William Wasserman as part-time Parking Attendant for the Sheriff's Office effective 10-24-09.
6. To accept the voluntary demotion of Robert Bockorny from part-time Correctional Officer (13/I) to part-time Parking Attendant for the Sheriff's Office at \$10.1800/hour effective 10-22-09.
7. To transfer Christopher Morgan from part-time Correctional Officer in Training for the 24/7 Program to part-time Correctional Officer in Training for the Jail effective 10-17-09.
8. To transfer Richard Rahn from part-time Correctional Officer in Training for the 24/7 Program to part-time Correctional Officer in Training for the Jail effective 10-17-09.

### Step Increases Due:

1. Michael Mayer & Marty Roach – Highway Maintenance Worker – Highway – 12/J to 12/K, 10-23-09, \$20.0440/hour
2. Richard Dodge – Custodian – Museum – 6/G to 6/H, 10-21-09, \$13.8397/hour
3. Julie Van Den Hul – Administrative Secretary – Sheriff's Office – 10/J to 10/K, 9-19-09, \$18.1589/hour
4. Lori Dearborn – Caseworker I – Human Services – 16/C to 16/D, 10-2-09, \$20.5451/hour
5. LeAnne Harries – Paralegal – State's Attorney's Office – 16/D to 16/E, 10-16-09, \$21.0587/hour
6. Mason Braun – Deputy Sheriff – Sheriff's Office – 16/I to 16/J, 10-12-09, \$23.8260/hour
7. Mark Jastram – Deputy Sheriff – Sheriff's Office – 16/F to 16/G, 5-10-09, \$22.1248/hour

Carey Deaver, Human Resources Director, briefed the Commission on various changes to the County Group Health Plan related to language in the Plan Document, health plan design changes, 2010 premiums, and premium collection. MOTION by Hajek, seconded by Kelly to approve the Minnehaha County Group Health Plan Document effective 1/1/10. 5 ayes. MOTION by Hajek, seconded by Kelly to approve the change in method of collecting health plan premiums from paying one month in advance to paying for coverage during the month of coverage. 5 ayes. (This action will result in health and dental premiums not being collected during the month of December). MOTION by Barth, seconded by Hajek to approve the Health Plan Design changes. 5 ayes. The design changes move from a co-insurance deductible based plan to one that includes co-pays, and discontinues the disease management program. MOTION by Twedt, seconded by Hajek to establish the 2010 health and dental premiums based on a 5% increase in dental premiums and 9% increase in health premiums. 5 ayes.

#### ABATEMENT

On the recommendation of Kyle Helseth, Deputy Director of Equalization, MOTION by Twedt, seconded by Hajek to approve the following abatement: JT Investment Properties LLC, ID 79361, 2007 property taxes, \$28,414.79. 4 ayes, Barth nay.

#### LIENS

Commissioner Barth, County Aid Lien Liaison, briefed the Commission on a request to compromise DPNO 41205. The applicants were in the process of refinancing their home when the lien was noted by the title company. The lien is for medical services provided to the applicant during a time when he did not have health insurance. He has also suffered from a reduction in income due to a change in employment. Commissioner Kelly questioned why the applicant chose to be uninsured. Gordy Swanson, Deputy State's Attorney, explained that this medical claim was paid by the County after staff reviewed the couple's assets, at the time of service, and determined that they were not in a position to buy health insurance. MOTION by Barth, seconded by Twedt to approve Resolution MC09-45. 4 ayes, Kelly nay.

#### RESOLUTION MC09-45

WHEREAS, a County Aid Lien in the amount of \$10,673.78 purports to exist in favor of Minnehaha County and against DPNO 41205 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 \$3,500. If payment is not made within one year from approval, this agreement is null and void.

Dated at Sioux Falls, South Dakota, this 20th day of October, 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 Twedt to release DPNO 34735, in the amount of \$999.50, in full upon payment of \$500.00 within 10 days. 5 ayes.

#### HEARING

The Commission held the scheduled hearing to consider an application to transfer an inactive liquor license with Sunday privileges from Triple J, Inc./DJ's Bar to Dale Robb/Red Rock Bar & Casino, located at 48181 Highway 42, Brandon, legally described as Tract 1B McBeth Addn in the NE1/4 and SE1/4 Section 27-101-48. If approved, the license would be placed into active status at the new location. There were no objections to the transfer. MOTION by Kelly, seconded by Barth to approve the transfer application for RL-6163 with Sunday privileges. 5 ayes.

#### DONATION

Porter Williams, county resident, reported that the SD African American History Museum is in the process of creating a traveling museum to provide a cultural history of African American Heritage in South Dakota. Ken McFarland, Commission Administrative Officer, explained that the City of Sioux Falls has a transit bus that they would like to donate for this purpose. However, they are unable to donate the bus directly to the Museum and have asked that the County accept the bus, and donate it to the Multi-Cultural Center for use by the SDAAHM. Storage of the bus, when not in use for public viewing, was discussed. A letter from Carl Teer, SDAAHM President, states that the bus will be stored at a private facility. MOTION by Barth, seconded by Twedt to accept the transfer of 1 transit bus, model #G27E102N2, from the City of Sioux Falls, for purposes of donation to the Sioux Falls Multi-Cultural Center specifically for use by the South Dakota African American History Museum Committee, and that the bus will not be stored on property owned or controlled by Minnehaha County. 5 ayes.

#### BRIEFINGS

Hugh Grogan, Human Services Director, reported that the County, in collaboration with Lincoln County Human Services, Community Outreach, Lutheran Social Services, Volunteers of America, and Southeastern Behavioral Healthcare, has been awarded \$1,149,486 as part of the Homelessness Prevention and Rapid Re-Housing Grant. The original request was for \$1.89 million. The grant will be used for a 2-year program to provide housing assistance to those meeting certain criteria, and provide additional staffing and services for the program. Mr. Grogan explained that because the award differs from what was applied for, the operating budget will need to be revised. He requested authorization of an additional 1.5 FTE staff. The positions will be temporary and subject to grant funding. Commissioner Kelly noted that \$659,000 of the total award will be used towards rent subsidies. MOTION by Hajek, seconded by Twedt to approve 1 FTE Caseworker I position and a .5 FTE Office Assistant position to be funded through this grant award. 4 ayes, Kelly nay.

Eli Whitney, Director of Equalization, briefed the Commission on a change in the method for assessing Ag land in the state. Due to a change in law, effective 11/1/09, Ag land will be assessed based on the agricultural income value of the land (productivity method) rather than market value. He explained the formula used to determine the land value. The intent of the law is to provide the "true farmer" relief from the market based system. The productivity method will create an estimated \$69 million loss in valuation for 2010. The loss in tax revenue may be spread to small non-Ag acreages, residential, and commercial properties. Mr. Whitney explained that present law sets a minimum of 20 acres to receive the Ag classification along with other conditions. He did not believe 20 acres was appropriate for Minnehaha County. State law allows the county commission to increase the minimum acreage requirement up to 160 acres. Mr. Whitney asked that the Commission consider an increase to 40 acres. If such a change is not implemented, these small acreages would see a loss of \$26.6 million in valuation in the conversion to the productivity method of value. Commissioner Twedt asked that a press release be issued explaining the

new method and requested change in acreage size. Commissioner Hajek requested information from the SDACC on the net effect of this change for all SD counties. Commissioners will consider changing the minimum acreage requirement next week.

#### PROPOSAL

Ken McFarland, Commission Administrative Officer, presented a proposal to expand the intercom system in the County Administration Building to other buildings on the county campus. After review by the Building Committee, an additional option was added to allow speaker selection for specific buildings. The total cost of upgrades is \$7,087 and will be paid for through Homeland Security grant funds. MOTION by Kelly, seconded by Barth to authorize the Chairman to sign acceptance of proposal from Dynamic Technical Building Systems in the amount of \$7,087. 5 ayes.

#### SUPPLEMENT

MOTION by Twedt, seconded by Hajek to approve the following supplements: from the General Fund to the Sheriff's Department budget \$4,999.45 (ASN 16578) for US Marshals Equipment reimbursement; \$594.00 (ASN 16579) COPS Meth Grant, \$652.47 (ASN 16580) JTTF, \$9,000 (ASN 16581) 2009 ICAC Stimulus Grant, and \$4,070.12 (ASN 16531) HIDTA; and from the Pass-Thru Fund to the Pass-Thru budget \$5,314.48 (ASN 20354) COPS Meth Grant. 5 ayes.

#### BRIEFING

Kristin Trana, Sheriff's Office Administrative Coordinator, briefed the Commission on the following grant awards: FFY2010 Minnehaha County Highway Safety Grant, 2009 Bulletproof Vest Partnership Grant, and the 2009 Internet Crimes against Children Stimulus Grant.

#### NEW BUSINESS

Bob Meister, Highway Superintendent, reported that a portion of the work on Project MC140 BM-09, asphalt resurfacing on CR 140 (Rice Street), was rejected. The contractor, Black-Top Paving Company, was informed that 7,000 feet of asphalt was out of compliance. The contractor has accepted responsibility and has proposed corrective action to mill and replace the section, which was accepted by Mr. Meister.

On 9/29/09, the Commission approved a Resolution of Sale of various tax deed properties. The terms of the sale require full payment on properties purchased for less than \$5,000, and 10% down with balance due within 30 days for properties sold for over \$5,000. David Edwards, attorney, requested an extension of payment for tax deed #2515. The property was sold to Michael W Hartman for \$9,000, with a \$10 filing fee, and has a balance due of \$8,110 to be paid by 10/26/09. He explained that his client applied for a bank loan to make improvements to the property. The bank has made the loan contingent on quiet title action. Mr. Edwards explained that he has started the QT process and asked that the balance due be extended to 12/28/09. He also requested that his client be allowed access to the property to begin making improvements required by the City of Sioux Falls. Commissioner Hajek cautioned approving the request, and did not want to set a precedent for other bidders to breach their contract. She noted that the buyer was aware of the terms prior to the sale and that his attorney said he could make the payment if the request is denied. MOTION by Kelly, seconded by Barth to extend payment of tax deed #2515, in the amount of \$8,110.00, until 12/28/09 and allow the purchaser access to the property to make improvements. 3 ayes, Hajek and Twedt nay.

MOTION by Barth, seconded by Hajek to adjourn into Executive Session for contract and personnel discussion. 5 ayes. Following the Executive Session, the Commission adjourned until Tuesday, October 27, 2009.

10/20/09

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APPROVED BY THE COMMISSION:

John Pekas, Chairman

ATTEST:

Sandy Kinder, Deputy Auditor