

7/26/05

THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M., July 26, 2005, pursuant to adjournment on July 19, 2005. Commissioners present were: Twedt, Pekas, Hajek, Kolbe, and Zweep. Also present were Sandy Kinder, Deputy Auditor, and Gordy Swanson, Chief Civil Deputy State's Attorney.

Chairman Twedt called the meeting to order.

MINUTES

MOTION by Hajek, seconded by Pekas to approve the Minutes for July 18 & 19, 2005. 5 ayes.

VOUCHERS TO BE PAID

MOTION by Zweep, seconded by Pekas to approve the following bills for payment and July salaries. 5 ayes.

A & B Business Equip	Var. Depts	139.51	A to Z Language Inte	Var. Depts	1,465.00
Alcopro	Sheriff	112.00	Alliance Communicati	Metro-911	982.23
American Institution	Juv Det Cn	578.58	Anacon Leasing, Inc.	Sheriff	389.00
Anesthesia Physician	Human Svcs	192.00	Argus Leader	Var. Depts	521.06
Around the Clock/Dra	Juv Det Cn	97.45	Aschmeller, Dan	Human Svcs	185.00
Ashbury Apts, Ltd Pa	Human Svcs	450.00	Automatic Security C	Metro-911	14.62
Avera Gutnik & Assoc	Human Svcs	64.99	Avera Health Plans,	Human Svcs	372.30
Avera McKennan Hospi	Var. Depts	6,813.93	Avera McKennan Rehab	Correction	89.40
Avera University Psy	Var. Depts	5,092.50	Backhaus Constructio	Emer Mgmt	2,448.07
Best Business Produc	Reg Deeds	50.22	Best Buy Co., Inc.	Correction	40.97
Bexar County Forensi	St Atty	2,000.00	Bike Masters	Emer Mgmt	94.97
Blackburn & Stevens,	Mental Ill	172.60	Bob Barker Company,	Correction	3,890.44
BP Products North Am	Var. Depts	171.22	Brentwood Apartments	Human Svcs	439.00
Brown & Saenger	Var. Depts	89.51	Business Printing &	Cnty Exten	38.50
Campbell Supply Co.,	Var. Depts	518.67	Canfield Business In	Treasurer	387.63
CBM Food Service	Correction	8,484.96	Century Business Pro	Var. Depts	318.84
Chemco, Inc.	Var. Depts	6,125.07	Children's Theatre C	Museum	100.00
City of Dell Rapids	Sheriff	2,813.87	Cliff Avenue Auto Pa	Hiway Cons	72.58
Cole Papers, Inc.	Correction	26.73	Commercial Interior	Build Fund	2,376.00
Communication Servic	Court Sys.	220.00	Concrete Materials	Hiway Cons	19,782.91
Conexis Benefit Admi	Human Svcs	826.46	Construction Signing	Hiway Cons	369.60
Cutler & Donahoe, LL	Court Sys.	943.50	Dacotah Bank	Var. Depts	300.00
Dakota Lettering Etc	Juv Det Cn	504.64	Dakota Security Syst	Emer Mgmt	1,500.00
Denherder, Rosalie	Human Svcs	450.00	Dialnet/Ahrens Telec	Var. Depts	107.86
Diamond Mowers, Inc.	Hiway Cons	621.12	Dietrich, Donna K	Mental Ill	955.66
Dresbach, Steve	Mental Ill	3,622.50	Engbrecht, Roger	Human Svcs	350.00
Eugene Beckman & Son	Hiway Cons	21.06	Farrell, Lorae J	Pub. D.	55.20
Fastenal Company	Hiway Cons	165.11	Fluth, Rodney P	Human Svcs	495.00
Fountain Ridge Inves	Human Svcs	350.00	Fox, Youngberg & Lew	Mental Ill	349.40
Frieberg, Zimmer, Dunc	Court Sys.	53.00	Goebel Printing, Inc	Var. Depts	833.96
Graham Tire Co. - Do	Var. Depts	199.33	Graybar Electric Com	Var. Depts	794.09
Great Plains Int'l T	Hiway Cons	231.99	Gunner, Andrea	Pub. D.	1,155.20
Guzman, Sandra V.	Var. Depts	500.00	Harold's Photo Cente	Pub. D.	12.51
Haugaard, Steven G.	Mental Ill	75.00	Healthworks/Eastern	Var. Depts	164.00
Heartland Paper Comp	Facilities	302.20	Heritage Funeral Hom	Human Svcs	2,250.00
Hope Prison Ministry	Human Svcs	560.00	Hurtgen, Timothy T.	Human Svcs	650.00
Hy-Vee Food Store	Juv Det Cn	165.85	Hy-Vee Food Store	Cnty Exten	10.98
Interstate Office Pr	Var. Depts	1,130.10	J & S Properties	Human Svcs	250.00
J.C. Penney Company,	Juv Det Cn	119.96	Jamar Technologies,	Hiway Cons	20.00
Janitor's Closet, Lt	Hiway Cons	106.09	Jaros, Pete	Mental Ill	63.36
Jefferson Partners,	Var. Depts	615.50	Jim & Ron's Service,	Sheriff	30.00
Jim Hawk Truck Trail	Hiway Cons	30.40	Johnson Drywall, Inc	Human Svcs	350.00
Johnstone Supply	Facilities	1,818.75	Kalb, Wilbur	County Par	475.00

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Kennedy, Rokahr, Pie	Mental Ill	37.00	Kettering Law Office	Mental Ill	114.20
Kmart Pharmacy	Human Svcs	348.64	Koch Hazard Architec	Var. Depts	1,362.50
Kooistra, Nelva	Mental Ill	120.00	Kreislers, Inc.	Correction	100.61
Kriens Construction	Pettigrew	775.17	Lacey's Chemical Res	Hiway Cons	73.00
Lakeview Apts / Wiem	Human Svcs	225.00	Landborg, Richard J.	Human Svcs	350.00
Language Line Servic	Var. Depts	152.85	Law School Foundatio	Pub. D.	595.00
LCM Pathologists, P.	Var. Depts	4,446.33	Lewis & Clark BHS	Mental Ill	2,860.00
Lewis Drug Stores	Var. Depts	820.35	Lexis-Nexis / Reed E	Sheriff	116.51
Lincoln County Audit	Revenues	704.92	Linweld, Inc.	Var. Depts	30.95
Lipetsky's Irrigatio	Pettigrew	56.75	Lutheran Social Serv	Court Sys.	443.75
Mac's, Inc.	Hiway Cons	10.22	Macdoctors	Pub. D.	76.26
Mambo, Jacques	Human Svcs	46.40	Matos, Eugenio M.D.	Human Svcs	208.16
Maxwell Food Equipme	Juv Det Cn	18.95	McLaughlin & Schulz,	Hiway Cons	295,571.30
Medical X-Ray Center	Human Svcs	1,178.92	Menards - East	Var. Depts	99.03
Michaelson, Shirley	Human Svcs	350.00	Microfilm Imaging Sy	Reg Deeds	75.00
Midamerican Energy C	Human Svcs	764.09	Midwest Alarm Compan	Museum Mtc	183.72
Midwestern Dermatolo	Correction	43.10	Miller & Swier	Mental Ill	148.00
Miller, Steve	Court Sys.	810.22	Monarch Sales	Sheriff	172.43
Moore Medical Corp.	Juv Det Cn	221.16	Murray Construction	Human Svcs	1,030.00
Myrl & Roy's Paving,	Hiway Cons	22,754.44	Nancy Stofferahn	Pub. D.	57.00
Neurology Associates	Correction	109.00	Nextel Partners, Inc	Sheriff	55.97
Norm Feldman's Glass	Hiway Cons	167.94	North Central Heart	Correction	150.81
Northern Truck Equip	Hiway Cons	557.30	Oakwood Estates/Inve	Human Svcs	450.00
Orthopedic Institute	Correction	136.80	Pfeifer Implement Co	Var. Depts	293.91
Phillips 66 Company	Sheriff	30.30	Physical Medicine Re	Correction	44.70
Physicians Laborator	Var. Depts	54.33	Pierre Police Depart	Metro-911	30.00
Pomp's Tire Service,	Var. Depts	284.60	Pontiac Cadillac of	Sheriff	31.01
Prairie Publications	Comm.	654.88	Precision Dynamics C	Correction	489.42
Presto-X-Company	Juv Det Cn	64.00	Provo, Tom	Human Svcs	425.00
Quail Hollow Townhou	Human Svcs	805.00	Qualified Presort Se	Var. Depts	6,633.85
Qwest	Var. Depts	162.87	Reh fuss, Cathryn A	Mental Ill	120.00
Rinehart, Norman R	Human Svcs	400.00	River Tower Apartmen	Human Svcs	300.00
Roberts, Yvonne	Human Svcs	820.00	Rural Metro Ambulanc	Coroner	600.00
S.H. Bartlett Compan	Juv Det Cn	42.31	Sacred Heart Hospita	Human Svcs	1,309.32
Sanitation Products	Hiway Cons	176,304.18	SD Assn of County Co	Auditor	170.00
SD Dept of Revenue	Var. Depts	83.00	SDAAO	Dir. Eq.	2,400.00
Shipley's Laundry &	Museum Ent	17.50	Siemonsma, Vance	Sheriff	75.00
Sioux Falls City Fin	Var. Depts	9,227.03	Sioux Falls Ford, In	Hiway Cons	38.19
Sioux Falls Humane S	Animal Con	2,271.57	Sioux Falls Rubber S	Reg Deeds	39.90
Sioux Falls Two Way	Metro-911	268.00	Sioux Falls Utilitie	Var. Depts	340.62
Sioux Valley Energy	Human Svcs	40.00	Solomon, Ghirmay	Court Sys.	121.66
Springbrook Estates	Human Svcs	975.00	Stan Houston Equipme	Museum	149.95
State Steel of SD	Hiway Cons	270.15	Strunk, Lisa	Pub. D.	1,058.60
SV Clinic Family Pra	Human Svcs	1,008.23	SV Clinical Labs	Coroner	636.35
SV Heart Partners	Human Svcs	3,507.24	SV Hospital	Var. Depts	8,861.11
Sv Hospital Medical	St Atty	14.50	SV Phys Ptnr Sioux V	Var. Depts	3,829.46
Talavera, Zoila Judi	Court Sys.	233.33	Tally-Ho Apts/Americ	Human Svcs	450.00
Thorin, Deyanira T.	Var. Depts	700.00	Thurman, Creighton A	Mental Ill	236.64
Tressa Zahrbrock	Pub. D.	216.00	Tschetter, Kenneth M	Court Sys.	4,602.89
United Medical Resou	Human Svcs	284.61	Urban Indian Health	Human Svcs	8.00
Urology Specialists	Correction	28.70	US Postal Service	Cnty Exten	59.58
Valley West Apartmen	Human Svcs	350.00	Velvet Uniforms, Inc	Metro-911	302.45
Voigt, Debra	Court Sys.	1,036.27	Wagner Office Soluti	Cnty Exten	328.05
Wal-Mart Pharmacy	Human Svcs	140.52	Walsh, Mike	Sheriff	243.00
West Group	Var. Depts	2,888.24	Wilkes, Jeff	Dir. Eq.	274.56
Winair	Facilities	31.27	Winter, Gerald	Sheriff	64.00
Woodside, April	Museum	106.88	Xcel Energy, Inc.	Var. Depts	53,935.23
Yankton County Sheri	Var. Depts	91.50	Yankton County Treas	Mental Ill	2,016.35
Commission	Salaries	15,663.03	Auditor	Salaries	26,301.41
Treasurer	Salaries	37,509.91	Information Svcs	Salaries	55,599.03
States Atty	Salaries	114,454.97	Public Defender	Salaries	77,276.40
Public Advocate	Salaries	21,375.88	Facilities	Salaries	43,355.61

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Equalization	Salaries	51,179.08	Register of Deeds	Salaries	31,127.55
Human Resources	Salaries	9,791.85	Sheriff	Salaries	579,210.18
Juvenile Detn Ctr	Salaries	124,764.82	Metro Comm	Salaries	127,525.31
Highway	Salaries	105,453.81	Human Services	Salaries	45,967.19
Museum	Salaries	53,883.35	Planning	Salaries	27,459.31
Extension	Salaries	8,195.45			

PERSONNEL

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

1. To hire Joan Hall as part-time Legal Office Assistant I (4/3) for the Sheriff's Office at \$10.663 per hour effective 7-5-05.
2. To amend the promotion for Michael McGovern as Correctional Officer II to 10/3 for the Sheriff's Office at \$16.153 per hour effective 5-7-05.
3. To place Heidi Jerke, GIS Coordinator for the Planning Office, on Family and Medical Leave effective 7-8-05 to 9-6-05.

Step increases due:

1. Karen Wajer - Senior Property Specialist - Equalization - 7/4 to 7/5 - 5-24-05 - \$13.949/hr
2. Steven Breuer - Deputy Sheriff Sergeant - Sheriff - 16/1 to 16/2 - 7-17-05 - \$20.812/hr

NOTICE

The Commission acknowledged receipt of notice that the Dell Rapids Chapter of Ducks Unlimited will conduct a raffle on September 19, 2005.

LIENS

Commissioner Pekas, County Aid Lien Liaison, briefed the Commission on a request to compromise DPNO 36235 in full upon payment of \$3,000 (65%). The petitioner was in the process of purchasing a home when the lien for hospital services, in the amount of \$4,632.96, was noted by the title company. MOTION by Pekas, seconded by Zweep to approve Resolution MC05-38. 5 ayes.

RESOLUTION MC05-38

WHEREAS, a County Aid Lien in the amount of \$4,632.96 purports to exist in favor of Minnehaha County and against DPNO 36235 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:

A compromise and release of the lien in full upon payment of \$3,000.00.

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If payment is not made within one year from approval, this agreement is null and void.

Dated at Sioux Falls, South Dakota, this 26th day of July, 2005.

APPROVED BY THE COMMISSION:

Carol Twedt, Chairman

ATTEST:

Sandy Kinder, Deputy Auditor

Commissioner Pekas also briefed the Commission on a request to compromise DPNO 52882 in full upon payment of \$2,000 (59%). He explained that the petitioners were in the process of refinancing their home when the lien was noted by the title company. The lien, in the amount of \$3,398.20, was for services provided through the Human Services department. The applicants are both receiving social security disability as their only income. Commissioner Pekas noted that social security benefits are not attachable or subject to levy or garnishment. MOTION by Pekas, seconded by Kolbe to approve Resolution MC05-39. 5 ayes.

RESOLUTION MC05-39

WHEREAS, a County Aid Lien in the amount of \$3,398.20 purports to exist in favor of Minnehaha County and against DPNO 52882 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:

A compromise and release of the lien in full upon payment of \$2,000.00.

If payment is not made within one year from approval, this agreement is null and void.

Dated at Sioux Falls, South Dakota, this 26th day of July, 2005.

APPROVED BY THE COMMISSION:

Carol Twedt, Chairman

ATTEST:

Sandy Kinder, Deputy Auditor

PROPOSAL

MOTION by Pekas, seconded by Hajek to defer consideration of a proposal from the U.S. Probation/Pretrial Services Office for detox services until later in the meeting. 5 ayes.

AGREEMENT

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Todd Cheever, Juvenile Detention Center Director, was present to request approval of an agreement with the South Dakota Department of Corrections to house juveniles at the JDC. Under the terms of the agreement, the DOC will pay the County \$173.21 per day for adjudicated juveniles housed at the center beyond the seven day obligation of the County. The agreement will be effective July 1, 2005 through June 30, 2006. Gordy Swanson, Chief Deputy State's Attorney, detailed minor changes in the language of the agreement dealing with indemnification and reporting. MOTION by Hajek, seconded by Pekas to authorize the Chairman to sign the Contract/Letter of Agreement for Services between Minnehaha County Regional Detention Center and the Department of Corrections. 5 ayes.

SUPPLEMENT

MOTION by Zweep, seconded by Pekas to approve the following supplements from the Emergency Management Fund: \$228,998.38 to the Sheriff's Department budget (ASN 16577) representing reimbursement from the 2004 Law Enforcement Terrorism Prevention Grant; and the following to the Emergency Management budget: \$11,076.55 (ASN 16927) representing reimbursement from the 2004 Citizens Corps Grant, \$15,000 (ASN 16924) representing reimbursement from the 2003 Part 1 Reallocation Equipment Grant, and \$16,611 (ASN 16925) representing reimbursement from the 2004 Equipment Grant. 5 ayes.

RESOLUTIONS

Ken McFarland, Administrative Assistant, presented two resolutions for the Commissioners' approval to be presented at the South Dakota Association of County Commissioners (SDACC) Convention in September. MOTION by Zweep, seconded by Hajek to approve Resolution MC05-40. 5 ayes.

RESOLUTION MC 05-40 REQUEST FOR LEGISLATIVE ACTION TO RAISE SHERIFF'S FEES FOR SERVICE

WHEREAS, counties derive a portion of their revenues from fees for specific services authorized by state statute, and

WHEREAS, the restrictions imposed by the property tax limitation require counties to periodically examine fee structures to ensure that these fees are based on the cost of providing the service, and

WHEREAS, the expenses of the Sheriff Department in carrying out the duties enumerated in Chapter 7 - 12 are greater than the fees for service allowed pursuant to SDCL 7-12-18, and

WHEREAS, many of the fees for service enumerated in SDCL 7-12-18 have not been examined or raised for a number of years, now

THEREFORE BE IT RESOLVED, that the Minnehaha County Board of Commissioners requests that the South Dakota Association of County Commissioners work in conjunction with the South Dakota Sheriff Association to determine appropriate fees for service and support legislation that would raise the fees charged by the Sheriff to a level consistent with the cost of providing the service.

Dated this 26th Day of July, 2005.

APPROVED BY THE COMMISSION
Carol Twedt, Chairman

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Attest:
Sandy Kinder, Deputy Auditor

MOTION by Pekas, seconded by Zweep to approve Resolution MC05-41. 5 ayes.

RESOLUTION MC 05-41
REQUEST FOR LEGISLATIVE ACTION TO
AMEND CERTAIN STATUTES PERTAINING TO E911 SERVICES

WHEREAS, counties derive a portion of their revenues from the imposition of a monthly telephone surcharge in order to fund 911 services to its citizens, and

WHEREAS, the present surcharge of \$.75 per line per month is not sufficient to meet the costs associated with providing 911 service, and

WHEREAS, the present statutes do not address "prepaid telephone calling services" and the applicability of the monthly surcharge for such service, now

THEREFORE BE IT RESOLVED, that the Minnehaha County Board of Commissioners requests that the South Dakota Association of County Commissioners support the following legislation that would clarify the status of "prepaid telephone calling service" and increase the monthly surcharge to \$1.50 per line per month.

Section one. Amend SDCL 34-45-1 by adding thereto a new paragraph to read:

"Prepaid telephone calling service" means the purchase of telecommunications services that are paid for in advance, that enable the origination of calls using an access number, authorization code, or both, whether manually or electronically dialed, and the remaining number of units of service that have been prepaid is known by the provider of the prepaid service on a continuous basis.

Section two. Amend SDCL 34-45-1 (7) to read:

(7) "911 emergency surcharge," any charge set by the governing body and assessed on each local exchange access line which physically terminates within the governing body's designated 911 service area. For a mobile telecommunications service, the term, 911 emergency surcharge, means any charge set by the governing body and assessed per cellular telephone identified within the governing body's designated 911 service area as determined by the customer's place of primary use as defined in 4 U.S.C. § 124 as in effect on July 28, 2000. Notwithstanding any other provision of this chapter and for purposes of the surcharge imposed by this chapter, the surcharge imposed upon mobile telecommunication services shall be administered in accordance with 4 U.S.C. § § 116-126 as in effect on July 28, 2000. For prepaid telephone calling services the term, 911 emergency surcharge, means any charge set by the governing body and assessed per month of service purchased within the governing body's designated 911 service area;

Section three. Add SDCL 45-5.1 to read:

34-45-5.1 Prepaid Telephone Calling Services – Prepaid telephone calling service providers shall remit the surcharge amount on each account for which service has been paid and not yet used, based the place at which the customer paid for the unused telecommunications service, to the governing body each quarter, per SDCL 34-45-8. Providers may deduct units of

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usage equivalent to the amount of the surcharge from the unused telecommunication service, if the provider has so notified the purchaser at or before the time of purchase.

Section four. That SDCL 34-45-4 be amended to read as follows:

Monthly uniform charge -- Use of proceeds. Upon compliance with § 34-45-2, the governing body may impose a monthly uniform charge in an amount not to exceed ~~seventy-five cents~~ one dollar and fifty cents per line on each local exchange access line and prepaid telephone calling service sold in ~~of~~ the governing body's jurisdiction for which the 911 system will be provided. The proceeds of this charge shall be utilized to pay for nonrecurring and recurring costs of the 911 related services. No such charge may be imposed upon more than one hundred local exchange access lines or equivalent service, per customer account billed, per month.

Dated this 26th Day of July, 2005.

APPROVED BY THE COMMISSION

Carol Twedt, Chairman

ATTEST:

Sandy Kinder, Deputy Auditor

PROVISIONAL BUDGET

Ken McFarland, Administrative Assistant, gave an update on the FY2006 Minnehaha County Provisional Budget. The \$49,221,432 budget is an increase of \$1,406,001 from 2005, and does include the \$260,000 opt-out for the joint City/County Human Services Center. Significant increases in the 2006 budget include a 3% COLA for employees, 2.5 new positions added during 2005, 15% health insurance increase, elections, jail medical aides, and natural changes in payroll costs. The Provisional Budget is \$150,000 short of being balanced. The Delayed Hiring Plan will generate some savings to offset the shortfall. Action on the joint Metro Communications budget was deferred until August 15, 2005. The Provisional Budget does not include the increase to the Metro Communications budget as recommended by the Metro Council. A public hearing on the proposed budget will be held on September 6, 2005. The final budget must be adopted by September 27, 2005. MOTION by Hajek, seconded by Zweep to adopt the Minnehaha County FY2006 Provisional Budget. 5 ayes. (The Provisional Budget and Adoption Resolution MC05-42 will be published in the County's legal newspapers along with these Commission Meeting Minutes).

PROPOSAL

MOTION by Hajek, seconded by Pekas to defer consideration of the proposal from the U.S. Probation/Pretrial Services Office for detox services until a representative from that office can be present to discuss the proposal. 5 ayes. Commissioner Pekas discussed the terms of the current agreement with Avera McKennan for detox services, and noted that the County must be careful not to exceed the daily limit terms of the agreement.

NEW BUSINESS

At the request of Gordy Swanson, Chief Deputy State's Attorney, MOTION by Pekas, seconded by Zweep to authorize the filing of a small claims action against Midwest Copier Solutions, Inc. in the amount of \$330. 5 ayes.

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MOTION by Pekas, seconded by Zweep to adjourn until 9:00 a.m. on Tuesday, August 2, 2005.
5 ayes.

APPROVED BY THE COMMISSION:

Carol Twedt, Chairman

ATTEST:

Sandy Kinder, Deputy Auditor