

THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M., October 10, 2006, pursuant to adjournment on October 3, 2006. Commissioners present were: Kolbe, Hajek, Pekas, Twedt, and Zweep. Also present were Sandy Kinder, Deputy Auditor and Gordy Swanson, Chief Civil Deputy State's Attorney.

Chairman Kolbe called the meeting to order.

## AGENDA

MOTION by Pekas, seconded by Twedt to approve the Agenda with the addition of consideration of a drainage permit under New Business. 5 ayes.

## MINUTES

MOTION by Twedt, seconded by Pekas to approve the Minutes for October 3, 2006. 5 ayes.

## VOUCHERS TO BE PAID

MOTION by Zweep, seconded by Hajek to approve the following bills totaling \$637,555.96. 5 ayes.

A & B Business Equip	Var. Depts	272.61	Accurint	Sheriff	30.00
Alltel Communication	Var. Depts	6,587.97	American Correctiona	Juv Det Cn	326.00
Anacon Leasing % Pio	Pub. D.	262.00	Appeara / Dudley Lau	Hiway Cons	38.05
Architctural Models	Ch Art Wor	2,000.00	Architecture, Inc.	Build Fund	2,376.50
Arena Motel	Human Svcs	245.00	Argus Leader	Var. Depts	1,872.11
Arrow Ridge Townhome	Human Svcs	525.00	Aspen Park Apts	Human Svcs	450.00
Atherton, David	Metro-911	116.00	Avera Home Medical E	Correction	191.12
Avera McKennan Hospi	St Atty	126.00	Avera University Psy	Pub. D.	1,100.00
B & E Apts/Holland,	Human Svcs	450.00	Baker, Mary	Pub. D.	132.00
Batiz, Oscar	Human Svcs	450.00	Batteries Plus	Sheriff	47.76
Binger Law Office	Court Sys.	969.00	Bob Barker Company,	Correction	1,717.14
Boyer Trucks Sioux F	Hiway Cons	813.93	Brenden, Jennifer	Juv Det Cn	39.38
Brevik Law Office, P	Mental Ill	168.77	Brown & Saenger	Var. Depts	427.30
Builders Supply Comp	Facilities	216.75	C & R Supply, Inc.	Hiway Cons	81.80
Campbell Supply Co.,	Hiway Cons	80.04	CBM Food Service	Correction	19,878.95
Center for Family Me	Correction	2,250.00	Century Business Pro	Var. Depts	174.50
Cliff Avenue Auto Pa	Hiway Cons	33.36	Cole Papers, Inc.	Correction	501.60
Cole, John R	Dir. Eq.	315.52	Communication Servic	Pub. D.	1,595.00
Country Meadows Apts	Human Svcs	450.00	Dacotah Paper Co.	Correction	254.50
Dakota Auto Parts	Hiway Cons	13.24	Dakota Fluid Power,	Hiway Cons	191.24
Dakota Splash	Hiway Admi	70.40	deCastro Law Office,	Court Sys.	1,702.06
Diamond Mowers, Inc.	Hiway Cons	460.16	Dietrich, Donna K	Mental Ill	1,273.34
Director Of Equaliza	Dir. Eq.	12.04	DLRS Properties, Inc	Human Svcs	525.00
Dresbach, Steve	Mental Ill	2,272.50	Duncan, Kara	Pub. D.	150.00
Dust Tex Service, In	Museum Mtc	12.86	Ekeren, Marvin R.	Mental Ill	114.00
Ellett, Dennis	Info Svcs	368.00	Fremont Industries,	Var. Depts	2,444.59
G & R Controls	Juv Det Cn	143.72	Galland Legal Clinic	Court Sys.	304.00
Gary's Tire Service	Hiway Cons	24.00	Glory House	Social Ser	2,250.00
Goebel Printing, Inc	Var. Depts	100.00	Golden West	Var. Depts	122.43
Gonzalez, Gustavo	Sheriff	25.00	Graham Tire Co. - Do	Var. Depts	781.94
Graham Tire Co. - No	Hiway Cons	108.73	Grainger, Inc.	Facilities	7.43
Graybar Electric Com	Var. Depts	475.59	Guzman, Sandra V.	St Atty	175.00
Hagen Commercial Rea	Human Svcs	450.00	Hammer, Ralph	Hiway Admi	58.05
Hander, Inc.	Var. Depts	15,099.54	Harold's Photo Cente	Musm Entpr	7.99
Haugaard, Steven G.	Mental Ill	75.00	Hauk, Bert	Human Svcs	495.00
Heartland Paper Comp	Correction	3,087.36	Heartstarters LLC	Juv Det Cn	45.00
Hinrichs, John R	Pub. D.	112.00	Hollinger Corporatio	Musm Store	27.04
Hurtgen, Timothy T.	Human Svcs	975.00	Hy-Vee Food Store	Juv Det Cn	67.43
Hy-Vee Food Store	Museum	6.99	Hy-Vee Pharmacy	Human Svcs	95.66
Hy-Vee Pharmacy	Human Svcs	234.99	Institutions Service	Facilities	202.38
Inter-Tel Technologi	Emer Mgmt	3,189.40	Interstate Office Pr	Var. Depts	2,074.55
J.H. Larson Company	Juv Det Cn	68.58	Jaqua, Curtis Wayne	Human Svcs	350.00
Jim Hawk Truck Trail	Hiway Cons	27.40	Johnson, Ronald L	Hiway Admi	35.88

Johnstone Supply	Var. Depts	825.21	Justice Fire & Safet	Var. Depts	96.00
Kabeiseman & Pollard	Mental Ill	156.80	Kettering Law Office	Mental Ill	118.80
Keystone Apts / Kell	Human Svcs	740.00	Klockman, Jon	Metro-911	33.00
Kmart	Human Svcs	42.72	Kmart	St Atty	35.17
Kmart Pharmacy	Human Svcs	49.83	Kone, Inc.	Museum Mtc	133.14
Kooistra, Nelva	Mental Ill	114.00	L.G. Everist, Inc.	Hiway Cons	110.57
Lewis Drug Stores	Var. Depts	13,763.07	Linweld, Inc.	Hiway Cons	82.12
Loiseau Construction	Hiway Cons	36,769.41	Ludoc Enterprises, L	Correction	74.00
Lyle Signs, Inc.	Hiway Cons	160.76	Manaye, Getachew	Human Svcs	595.00
Mcdonald Supply Co.,	Hiway Cons	36.45	Midamerica Motoplex	Emer Mgmt	8,680.63
Midamerican Energy C	Var. Depts	713.01	Midcontinent Communi	Cnty Exten	31.09
Midwest Land Surveyi	Hiway Cons	6,737.37	Midwest Oil Company	Hiway Cons	1,322.29
Mikelson, Gary E.	Mental Ill	645.19	Minnehaha Cnty Jail	Correction	141.60
Mobile Electronic Se	Correction	135.00	Moran, Colleen	St Atty	64.00
Morrison, Raymond W	Human Svcs	400.00	Murray Construction	FEMA Fund	435.00
Myrl & Roy's Paving,	Hiway Cons	106,647.66	Novak Sanitary Servi	Human Svcs	119.25
Olson, Lloyd	Facilities	57.00	Osborn, Roxane R	Court Sys.	406.00
Pheasantland Industr	Correction	2,235.39	Plunkett's Pest Cont	Emer Mgmt	42.00
Pontiac Cadillac of	Sheriff	72.28	Prairie Publications	Comm.	574.88
Qualified Presort Se	Var. Depts	8,182.32	Quest Engineering, I	Hiway Cons	86.71
R & L Supply, Ltd	Facilities	264.36	R & S Sanitation Ser	Hiway Admi	654.00
Randall-Stanley Arch	Build Fund	1,390.00	Record Keepers, Inc.	Var. Depts	264.66
Rehfuss, Cathy A	Mental Ill	150.00	Renner Fire Dept	Emer Mgmt	1,000.00
Retail Data Systems	Treasurer	50.00	River Ridge Apartmen	FEMA Fund	365.00
Roach, Marty J	Hiway Cons	325.00	Safelite Glass Corp.	Sheriff	39.95
Sanitation Products	Hiway Cons	170.71	Schoeneman Bros. Co.	Musm Entpr	36.93
SD Dept of Transport	Hiway Cons	38,882.86	SD Human Services Ce	Mental Ill	200.00
SD Newspaper Assn Se	Comm.	39.00	SD State Treasurer	Sales Tax	77.89
Security Labs, Ltd	Treasurer	443.00	Shiple's Laundry &	Musm Entpr	17.51
Sioux Empire Housing	Comm.	40.00	Sioux Falls City Fin	Var. Depts	170,786.68
Sioux Falls Ford, In	Sheriff	1,988.42	Sioux Falls Music Co	Emer Mgmt	249.95
Sioux Falls Paint &	Hiway Cons	53.61	Sioux Falls School D	Elec Audit	112.00
Sioux Falls Two Way	Var. Depts	145.94	Sioux Valley Energy	Var. Depts	553.68
Sittig, Deb	Mental Ill	1,595.00	Slowey, Yavonne C	Mental Ill	572.50
Solheim, Virginia	Hiway Admi	37.48	Southeastern Behavio	Mental Hlt	37,066.25
Stewart, Crystal	Cnty Exten	31.19	Sturdevant's Auto Pa	Sheriff	540.11
Super 8 Motel	Human Svcs	184.00	SV Hospital	Human Svcs	59,539.72
Tammen Oil	Plan & Zon	10.00	The Eye Doctors, P.C	Correction	1,876.00
Thesenvitz, Mickelson	Court Sys.	319.20	Thorin, Deyanira T.	Pub. D.	137.50
Tieszen, Stacey	Human Svcs	275.20	TK Properties Llc	Human Svcs	297.50
Tri-State Implement,	Hiway Cons	500.00	Unitech, Inc/United	Correction	75.00
Unke - Lyons, Inc.	Human Svcs	350.00	USD Foundation Conti	Emer Mgmt	3,000.00
Valley Rental Servic	Human Svcs	1,250.00	Vander Vliet, Rodney	Hiway Admi	45.48
Verizon Wireless	Emer Mgmt	23.64	Viking Office Produc	Pub. D.	531.45
Volk Investigations,	Pub. D.	844.27	VR Installations Rep	Musm Entpr	6,024.50
Wal-Mart Pharmacy	Human Svcs	59.36	Walgreen Co.	Human Svcs	1,221.63
Walsh, Mike	Sheriff	108.00	Warren's Sharpening	Hiway Cons	36.96
Weelborg Bros., Inc.	Hiway Cons	1,200.00	Western Comfort Apts	Human Svcs	300.00
Widlund, John W	Human Svcs	350.00	Wilkes, Jeff	Dir. Eq.	215.04
Willow Wood Apartmen	Human Svcs	450.00	Wilson, Shirley Ann	Human Svcs	600.00
Wynia, Keith	Air Guard	218.49	Xcel Energy, Inc.	Human Svcs	2,709.77
Yankton County Sheri	Mental Ill	247.50	Zoll Data Systems, I	Emer Mgmt	16,269.18

## REPORTS

The following reports were received and placed on file in the County Auditor's Office: Minnehaha County Audit Report for the Year Ended December 31, 2005, Human Services Monthly Report and the Regional Juvenile Detention Center Report for September, 2006.

## PERSONNEL

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

1. To increase the hourly rate of Roger Buechler, PT Museum Aide for the Museum, to \$8.75 per hour effective 10-10-06.

2. To hire Jenny Warwick and Sonia Jones as Juvenile Correctional Worker (5/1) for the Juvenile Detention Center at \$11.025 per hour effective 10-11-06.

Step increases due:

1. Michael Hanlon – Caseworker II – Human Services – 12/5 to 12/6, 9-29-06, \$19.658/hr
2. Julie VanDenHul – Senior Office Assistant – Sheriff – 7/6 to 7/7, 9-19-06, \$14.948/hr
3. Michael Brenden – Correctional Officer II – Sheriff – 10/2 to 10/3, 9-10-06, \$16.638/hr

SUPPLEMENT

MOTION by Zweep, seconded by Hajek to supplement \$1,973.00 from the General Fund to the Sheriff's budget (ASN 16578) and \$54,330.94 from the Emergency Management Fund to the Emergency Management budget (\$51,330.94 – ASN 16926 & \$3,000.00 – ASN 16984) representing reimbursement from the Homeland Security Grant Program. 5 ayes.

AGREEMENTS

Doug Blomker, Emergency Management Assistant Director, requested approval of the Emergency Management FY2007 State and Local Agreement between the State of South Dakota Office of Emergency Management and Minnehaha County. Under the terms of the agreement, the State would provide funding to the County for Emergency Management services outlined in the agreement. This is a 50% grant and requires the County to provide a 50% match. In the past, the County has received approximately \$150,000 annually from this program. MOTION by Twedt, seconded by Zweep to authorize the Chairman to sign the Emergency Management FY2007 State and Local Agreement. 5 ayes.

Ken McFarland, Administrative Assistant, presented a renewal agreement between Minnehaha County and Emergency Medical Services LLC (Dr. Jeff Luther) to perform the services of Medical Director for the rural ambulance quality assurance program. The agreement will run from August 1, 2006 for a two year period at an annual rate of \$28,750. This is the same rate as the previous 2 year period. The Medical Director will perform quality assurance reviews as required by ordinance, review complaints against ground ambulances, perform inspections of the ambulance services, and review all applications for ground ambulance licenses to determine whether minimum qualifications have been met. MOTION by Zweep, seconded by Pekas to authorize the Chairman to sign the Consulting/Independent Contractor Agreement – Medical Director. 5 ayes.

Gordy Swanson, Chief Deputy State's Attorney, presented an agreement with Lincoln County for blood draw services for Lincoln County prisoners. Under the terms of the agreement, Lincoln County will pay \$25 for each blood specimen drawn and \$50 per hour if medical personnel are required to testify regarding phlebotomy evidence collection. The agreement will be valid from July 1, 2006 through December 31, 2006. MOTION by Zweep, seconded by Twedt to authorize the Chairman to sign the agreement. 5 ayes.

Sheriff Lieutenant Bruce Swan, requested approval of a renewal agreement for security services at the Army National Guard Base with the SD Department of Military and Veterans Affairs. Under the terms of the agreement, the County will receive an amount not to exceed \$158,670 for these services. This is an increase of \$5,562 from last year. The agreement will run from October 1, 2006 through September 30, 2007. MOTION by Hajek, seconded by Zweep to authorize the Chairman to sign the Joint Security Protection Agreement. 5 ayes.

Sheriff Lieutenant Bruce Swan also requested approval of a renewal agreement for security services at the Air National Guard Base with the SD Department of Military and Veterans Affairs. The County will receive \$500,000 to cover the cost of operations for a contract period of October 1, 2006 through September 30, 2007. The 2007 budget for the Air Guard is \$648,442. To cover the difference, the Sheriff may reduce the full time staff by transferring the officers to areas where there are openings, or allowing them to go on active duty status with the Air Guard. MOTION by Twedt, seconded by Hajek to authorize the Chairman to sign the Joint Security Protection Agreement. 5 ayes.

#### CHANGE ORDER

Ken McFarland, Administrative Assistant, presented Change Order #5 in the amount of \$4,351.38 to the general construction contract with Swift Contractors for the Health and Human Services Project. The changes include finishing adjustments to the waiting areas, addition of a new data outlet, relocation of fence, and changing a boiler flue vent pipe. MOTION by Hajek, seconded by Pekas to authorize the Chairman to sign Change Order #5 to the general construction contract with Swift Contractors, Inc. in the amount of \$4,351.38. 5 ayes. This change order will bring the contract sum to \$6,864,210.72.

#### BALLOT ISSUES

Ken McFarland, Administrative Assistant, presented a request from the SD Association of County Commissioners to approve a resolution opposing Constitutional Amendment D, relating to real property assessment for taxation. Mr. McFarland read the Attorney General Explanation and the Pro and Con opinions. The Commission discussed the potential for the proposed amendment to deter property owners from making necessary improvements to their properties because those improvement costs will be factored back into their assessments and raise property taxes. It was also noted that there are tax relief programs available for persons who have income constraints. MOTION by Twedt, seconded by Hajek to approve Resolution MC06-68. 5 ayes.

#### RESOLUTION MC06-68

##### Resolution Opposing Amendment D

WHEREAS, Amendment D places a tax system in the constitution that will shift property taxes so people most recently purchasing property will pay a disproportional amount of taxes; and

WHEREAS, Those most harmed by this tax shift will be seniors, young families, first time home buyers and new businesses; and

WHEREAS, Amendment D results in two similar homes paying significantly dissimilar tax bills which will create inequities within neighborhoods; and

WHEREAS, The state has five programs in place to help the elderly and disabled to pay property taxes; and

WHEREAS, Amendment D will hurt farm families that seek to consolidate farm land and achieve needed economic scales of efficiency by increasing the taxes on the newly purchased land; and

WHEREAS, Amendment D will require a long list of legislative remedies before it can be functional, many of which will require a 2/3rds vote of the legislature and none of which can be guaranteed to pass; and

WHEREAS, Amendment D cost schools an estimated \$15 million by reducing the assessed valuations to 2003 and limiting increases to those valuations; and

WHEREAS, South Dakota voters have rejected every other proposed experimental change in the property tax system, defeating 5 other ill-advised restructuring attempts;

NOW THEREFORE, BE IT RESOLVED by the Minnehaha County Board of Commissioners, that Amendment D is not in the best interests of the citizens of South Dakota and that it should be defeated at the November 7 general election.

Dated this 10th day of October, 2006.

APPROVED BY MINNEHAHA COUNTY  
BOARD OF COMMISSIONERS

Robert Kolbe, Chairman

ATTEST:

Sandy Kinder, Deputy Auditor

Mr. McFarland also discussed Initiated Measure 8, an act to repeal the gross receipts tax on wireless telecommunications providers. He discussed the potential impact on county government if this measure is passed. Minnehaha County would see a loss of \$660,000 in budgeted revenues for 2007. If revenues are lost, the County could choose not to cut the budget and make up the loss through use of reserves. This could result in the need to again opt-out for operating expenses in 2008. Another option would be to identify specific cuts to the 2007 budget to offset the loss, which may still result in a 2008 opt-out.

#### AMBULANCE

On September 26<sup>th</sup>, Commissioner Hajek requested that consideration of a rural ambulance task force take be placed on an upcoming agenda. Ken McFarland, Administrative Assistant, reported on pending issues for county ambulance services including funding solutions, creation of ambulance districts, taxing authority, license renewals, boundary adjustment requests, and emergency responder coordination. Mr. McFarland asked that if a task force is created, that the Commission address the involvement of the County, determination of members, duties, and outcome expected. Commissioners were in consensus to have Commissioner Pekas take the lead in developing the task force and determining membership to ensure involvement from all affected entities. The Commission Office was contacted by a member of the Rural Ambulance Association in regards to today's discussion, indicating that the Association would be ready to participate in the task force and invited commissioners to some upcoming meetings.

#### NEW BUSINESS

Phil Kappen, Assistant Planning Director, presented a drainage permit submitted by Neal Busser to perform agricultural drainage in the NW1/4 of Section 14-T104N-R52W. All involved parties were given notice that this permit would be considered at today's meeting. The proposed drainage would flow under 246<sup>th</sup> Street into an existing wetland on U.S. Fish and Wildlife Service (USFWS) property. The USFWS is opposed to the request due to concerns over the additional water having a negative impact on the waterfowl habitat in the wetland area. They also felt that Buffalo Township is partially responsible for the wet conditions on Mr. Busser's land due to them installing a temporary ditch, without a permit, in 1997 to prevent flooding on 246<sup>th</sup> Street. Staff recommended denial of the permit to keep the County out of the current dispute between the petitioner, USFWS, and Buffalo Township. Mr. Busser was present and reported that the township ditch had been closed to a point authorized by a former USFWS employee.

He is applying for the permit to help make the area more productive for crops. Bryan Schultz with the USFWS reported that the USFWS is fundamentally opposed to wetland drainage because it has a negative effect on waterfowl production resulting in lower production values and impacts hunting. He also believed that the drainage would impact the downstream property owners. Commissioners discussed the question of whether the township did in fact fill in the ditch. MOTION by Zweep, seconded by Twedt to defer consideration of this permit for two months and encouraged Mr. Busser to work with the township and the USFWS to reach a compromise. 5 ayes.

MOTION by Zweep, seconded by Pekas to cancel the November 7<sup>th</sup> Commission Meeting due to the General Election and schedule the canvass for Monday, November 13, 2006, at 10:30 a.m. 5 ayes.

MOTION by Zweep, seconded by Pekas to adjourn into Executive Session. 5 ayes. Following Executive Session, the Commission adjourned until 5:00 p.m. on Monday, October 16, 2006.

APPROVED BY THE COMMISSION:

Robert Kolbe, Chairman

ATTEST:

Sandy Kinder, Deputy Auditor