

THE MINNEHAHA COUNTY COMMISSION CONVENED AT 9:00 A.M., March 9, 2010, pursuant to adjournment on March 2, 2010. Commissioners present were: Hajek, Twedt, and, Kelly. Commissioner Pekas arrived at 9:03 a.m. Commissioner Barth was absent. Also present were Sandy Kinder, Deputy Auditor, and Dustin DeBoer, Senior Deputy State's Attorney.

Chairman Hajek called the meeting to order.

## AGENDA

MOTION by Kelly, seconded by Twedt to approve the Agenda. 3 ayes.

## MINUTES

MOTION by Twedt, seconded by Kelly to approve the Minutes for March 2, 2010. 3 ayes.

## VOUCHERS TO BE PAID

MOTION by Kelly, seconded by Twedt to approve the following bills totaling \$477,841.50 for payment. 3 ayes.

A & B Business Equip	Var. Depts	690.82	ABN Army Surplus	Air Guard	113.00
Ali, Kedra	Facilities	74.00	All About Travel Inc	Public Def	1,241.00
Allied Oil & Supply	Hwy Constr	1,116.50	American Institution	JDC	312.01
Anderson, Elwood	Arra-Hprp	1,650.00	Anesthesiology Assoc	Human Svcs	304.00
Appeara / Dudley Lau	Hwy Constr	32.75	Arena Motel	Human Svcs	375.00
Argus Leader	Var. Depts	229.03	Armstrong Medical In	Jail	216.05
Avera Gastroenterolo	Human Svcs	406.42	Avera McKennan Hosp	Human Svcs	204.54
Avera McKennan Hospi	Jail	98.82	B&F Fastener Supply	Hwy Constr	7.10
Bahr, Kristofor	Courts	50.74	Baldwin Supply Co	Facilities	69.32
Ballantyne, Marvin	Courts	22.22	Baumgartner's Electr	Facilities	145.09
Beck, Pat Court Repo	Human Svcs	193.20	Berndt, Bradley	Courts	114.80
Biong, Biong	Courts	21.48	Brennan Hill Townhou	ARRA-HPRP	970.00
Bridgewood Estates I	ARRA-HPRP	400.00	Brooks, Lori	Courts	161.10
Brown & Saenger	Var. Depts	1,738.88	Bruce, Laurie	Courts	110.36
Bugg, William	Human Svcs	385.00	Butler, Derrick	Courts	23.70
Canfield Business In	Auditor	55.00	Carlson, Sarah Jean	Courts	20.00
Carroll, Nikki	Courts	20.74	Cartridge World	Info Tech	494.29
Catco	Hwy Constr	1,287.01	CBM Food Service	Jail	11,811.01
Center for Family Me	JDC	150.00	Children's Inn	Sheriff	144,067.00
City Glass & Glazing	Facilities	1,496.00	Cole Papers, Inc.	Facilities	74.12
Columbia Dam LLC	Human Svcs	500.00	Constellation New En	Pettigrew	1,819.14
Construction Product	Facilities	5.24	Cook, Kristin M	Courts	52.96
Country Meadows Apts	Var. Depts	1,300.00	Crescent Electric Su	Facilities	279.10
Cyberchannel Inc	Jag Grants	2,129.75	Dacotah Paper Co.	Mus Entpr	89.79
Daily, Rafaela	Courts	51.48	Dakota Data Shred	Var. Depts	849.91
Dakota Riggers & Too	Hwy Constr	59.04	Danko Emergency Equi	Em Mgmt	650.00
Datasystems Intl	Arra-Hprp	540.00	Debates, Kyle	Courts	137.00
Dell Rapids Chevrole	Sheriff	46.26	Delux Motel / Dakota	Human Svcs	500.00
Dennis Supply Co. -	Facilities	67.16	Deroo, Jane	Courts	51.48
Destiny Family Medic	Human Svcs	75.92	Diedrich, Cory	Courts	108.88
Dollar Tree Stores I	Human Svcs	354.87	Donahue, David J	ARRA-HPRP	960.00
Drake, Norman	Courts	57.40	Dust Tex Service, In	Mus Maint	9.83
Ebert's Properties,	Human Svcs	500.00	Ekern, Susan	Courts	52.22
Eng, Yvonne	Courts	158.88	Erickson, Ralph	Courts	66.28
Fisk, Rhonda	Courts	107.40	Formatop Co.	Mus Ops	38.00
Foster, Janet	Courts	105.92	Fred the Fixer Inc	Mus Maint	45.00
G & H Distributing,	Jail	63.98	Goebel Printing, Inc	Var. Depts	100.00
Governors Inn, Inc.	Commission	280.00	Grainger, Inc.	Var. Depts	693.78
Grant, Teresa	Courts	105.92	Great Plains Int'l T	Hwy Constr	101,023.51
Grieme, Jonathan	Air Guard	49.56	Guzman, Sandra V.	Public Adv	37.50
Hanson, Wade	Air Guard	169.99	Harbert, Jeremy	Courts	24.44
Harold's Photo Cente	Mus Entpr	5.98	Haugaard, Steven G	Mental Ill	144.50

Hawley, Angela	Courts	38.50	Healy, Larry	Courts	21.85
Heartland Paper Comp	Jail	839.49	Heesch, Brian	Courts	104.44
Heggen, Joni	Courts	60.36	Heldenbrand, Sharon	Courts	111.84
Herding, Barbara	Courts	105.92	Heritage Apartments	Human Svcs	175.00
Heritage Place Apts	ARRA-HPRP	1,027.00	Hillyard, Inc.	Facilities	1,154.89
Hilton Lexington	Public Def	336.86	Hoekman, James	Sheriff	311.80
Hoekstra, Denise A.	Courts	467.40	Hofer, Julie A.	Public Adv	223.88
Hollinger Corporatio	Mus Ops	262.43	Hotchkiss, Barbara	Courts	55.92
Hovdestad, Richard	Courts	52.22	Howalt-McDowell Insu	Auditor	50.00
Hunters Gate Townhom	ARRA-HPRP	530.00	Hurtgen, Timothy T.	ARRA-HPRP	825.00
Hy-Vee Accounts Rece	JDC	173.98	Interstate Office Pr	Var. Depts	2,045.70
J.C. Penney Company,	JDC	69.00	James Publishing, In	Public Def	59.99
Jarman Properties	Human Svcs	500.00	JCL Solutions-Janito	Var. Depts	682.43
Johnson Feed, Inc.	Hwy Constr	11,114.83	Johnston, Helen	Human Svcs	600.00
Kabeiseman & Pollard	Mental Ill	510.00	Kappenman, Timothy D	Jail	123.00
Kearse, Randy	JDC	18.00	Knoff, Austin J	Courts	22.96
Kone, Inc.	Facilities	285.86	Kuehn, Steven	Courts	105.92
Langston, Sarah	Courts	170.20	Lassegaard, Samuel C	Human Svcs	725.00
Leesch, Jerald K Mar	Human Svcs	447.00	Lewis Drug Stores	Jail	1,109.56
LexisNexis Matthew B	Commission	33.47	Lien, Tom	Courts	22.22
Linweld, Inc.	Hwy Constr	64.40	Lounsberry, Amber	Extension	214.38
Louwagie, Shane	ARRA-HPRP	800.00	Lynde, Kelly	Courts	21.48
Mailway Printers	Mus Ops	1,708.00	Manuel, Karla	Courts	102.96
Maxwell Food Equipme	JDC	90.72	Mckillip, Linda	Courts	61.10
Mead, Miriam	Courts	113.32	Meader Graber, Gail	Courts	107.40
Medical Legal Analys	Public Def	750.00	Medical X-Ray Center	Var. Depts	850.96
Meints, Donald	Courts	51.48	Menards - East	Var. Depts	250.23
Menge, Marvin	ARRA-HPRP	750.00	Metropolitan Informa	Info Tech	500.00
Midamerican Energy C	Var. Depts	6,577.72	Midcontinent Communi	Law Lib	95.00
Midwest Regional Ima	Human Svcs	408.04	Midwest Residential	Human Svcs	850.00
Midwestern Electric	Facilities	1,981.12	Miller, Michael	Public Def	191.00
Minnehaha Cnty Treas	Adv Tax	6,318.06	Minnehaha Community	Hwy Admin	31.00
Mitchell Regional Am	Jail	99.39	MKT Equipment	Em Mgmt	129.00
Mobile Electronic Se	Commission	669.00	Moduform	Jail	580.68
Moore, Suzanne	Courts	21.48	Mosser, Kenneth	Courts	107.40
Nat'l 4-H Council-Su	Extension	89.61	National Academies P	Public Def	40.95
Ndayizeyi, Come	Courts	158.88	NEAFCS-SD / Treasu	Extension	40.00
Neustrom, Amie	Courts	28.14	Newman, Scott G	Human Svcs	400.00
North Cleveland Apts	Human Svcs	738.78	Novak Sanitary Servi	Var. Depts	1,937.26
Nyberg's Ace Hardwar	Mus Maint	17.97	Ode, Gregg	Extension	21.10
Office Depot	Public Def	312.95	Office Depot, Inc.	Info Tech	985.26
Oleson, Matt	ARRA-HPRP	1,200.00	Olson, Brittany	Courts	107.40
Ortman Brockmueller,	Courts	167.76	Overbee, Starla	Courts	50.74
Palmer, Barbara	Mental Ill	3,240.00	Parham, Roger	Human Svcs	500.00
Pearson, William	Courts	187.74	Petco Animal Supplie	Sheriff	95.98
Peterka, Dianne	Courts	52.22	Peters Distributing,	Em Mgmt	10,387.12
Petersen, Brittany	Courts	22.96	Petr Ltd, Inc/Ertz,	Public Def	325.00
Pfeifer, Scott	Jail	28.00	Pierson, Linda	Courts	51.48
Primary Products Co	JDC	300.00	Qualified Presort Se	Var. Depts	4,887.08
Quill Corp.	JDC	56.33	Qwest	Jail	103.85
R & L Supply, Ltd	Facilities	55.29	Ramkota Inn	Hwy Admin	389.94
Record Keepers, Inc.	Public Def	165.84	Redwood Estates LLC	Human Svcs	495.00
Reiners, Dale	Courts	104.44	Reitz, Robert DDS PC	Human Svcs	305.00
Richard-Ewing Equipm	Facilities	25.89	Richardson, Anna	Courts	21.48
Richland Prop Mgmt L	Human Svcs	355.00	Risty, Julie	Reg Deeds	331.52
Robson True Value	Em Mgmt	4.79	Rockwell, Carol	Courts	108.88
Rosin, Herb	Courts	23.70	Rural Metro Ambulanc	Coroner	1,000.00
Rush, Karen	Courts	54.44	Sanford Health Plan-	Human Svcs	141.90
Sanford Hospital	Jail	147.92	Schavee, Debra	Courts	110.36
Schneider, Dan	Em Mgmt	188.36	Schoeneman Bros. Co.	Mus Ops	533.90
Schoeneman, Inc.	Human Svcs	400.00	Schotzko, Dennis	Hwy Constr	140.59
SD Assn of County Co	Var. Depts	86,586.00	SD Dept of Public Sa	Human Svcs	50.00
SD Dept of Revenue	Var. Depts	6,815.48	SD State Treasurer	Sales Tax	353.08
Seiner, Tracy	Courts	104.44	Senk, Chrliie	Courts	24.44
Simon, Anthony	Commission	60.00	Sioux Empire FCU	Var. Depts	205.74
Sioux Empire FCU	Var. Depts	4,227.43	Sioux Falls Chamber	Commission	40.00
Sioux Falls Rubber S	Var. Depts	33.95	Sioux Falls Utilitie	Var. Depts	1,179.86

3/9/10

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Sioux River Ltd Ptnr	ARRA-HPRP	1,950.00	Sioux Valley Energy	Var. Depts	148.30
Smith, Norman	Courts	174.42	Songstad, Melinda	Courts	223.60
St. Francis House	Human Svcs	250.00	Sterrett, Troy	Courts	126.64
Story County(IA) She	St Atty	22.00	Strizhius, Denis	Courts	21.48
Sudenga, Mary	Human Svcs	400.00	Taylor Place LLC	Var. Depts	1,049.00
Teslaa, Lori	Courts	158.88	Thomas, Thadeus	Air Guard	143.99
Tires,Tires,Tires In	Var. Depts	1,355.79	Toay, Ron	ARRA-HPRP	500.00
Twelve-Step Living C	Human Svcs	450.00	Uher, Gene	Courts	53.70
Unitech, Inc/United	Var. Depts	1,985.00	United Parcel Servic	Hwy Admin	30.51
Univ of Nevada Board	Extension	40.00	US Postmaster	Mus Ops	2,500.00
Velvet Uniforms, Inc	Var. Depts	931.50	Verizon Wireless	Em Mgmt	810.22
Vision Care Associat	Human Svcs	314.22	Volunteers of Americ	JDC	2,336.25
Vostad, Abby	Courts	125.16	Wal-Mart Pharmacy	Human Svcs	59.68
Walgreen Co.	Human Svcs	689.94	Wendel, Nancy	Courts	108.88
West Group	Law Lib	368.50	West Pointe Townhous	Human Svcs	380.00
Westergard, Rod	Hwy Admin	222.02	Westwick Motel, Inc.	Human Svcs	650.00
Xcel Energy, Inc.	Var. Depts	2,552.03	Yankton County Sheri	Mental Ill	152.00
Yankton County Treas	Mental Ill	1,763.75			

## REPORTS

The following reports were received and placed on file in the County Auditor's Office: Minnehaha County Human Services Report, Regional Juvenile Detention Center Report, and Sheriff's Department Report, for February 2010.

## PERSONNEL

MOTION by Kelly, seconded by Twedt to approve the following personnel changes. 3 ayes.

1. To promote Matthew Tooley from part-time Correctional Officer in Training (12/1) to part-time Correctional Officer (13/1) for the Jail at \$16.747/hour effective 2-21-10.
2. To accept the resignation of Jennifer Stanley as a Correctional Officer for the Jail effective 3-18-10.
3. To accept the resignation of Melvyn Makinson as part-time Correctional Officer in Training for the 24/7 Program effective 2-10-10.
4. To hire Dean Hodgen, Jr. as a Caseworker I (16/1) for Human Services at \$19.422/hour effective 3-17-10.
5. To hire David Hoefert as temporary, part-time Spray Truck Operator for the Highway Department at \$10.700 per hour effective 3-15-10.
6. To hire Kathleen Behrend as temporary, part-time Election Worker for the Auditor's Office at \$10.250/hour effective from 3-15-10 to 11-30-10.
7. To correct the action to transfer Michael Brenden from Correctional Officer for the Jail to Certified Civil Process Server for the Sheriff's Office effective 10-3-09 which should have reflected a pay grade 13, step 8.

### Step Increases Due:

1. Dennis Whitney – Equalization Director – Equalization – 24/4 to 24/5, 12-27-09, \$2,952.56/bi-weekly
2. Elliott Crayne – Deputy Sheriff – Sheriff's Office – 16/7 to 16/8, 1-27-10, \$23.086/hour
3. Michael Brenden – Correctional Officer – Jail – 13/7 to 13/8, 9-10-09, \$19.5551/hour

Commissioner Pekas joined the meeting.

Pursuant to deferral on 2/9/10, MOTION by Pekas, seconded by Kelly to approve the proposed changes to the Minnehaha County Employee Handbook. 4 ayes.

#### ABATEMENTS

The following 2009 Property Tax Abatements were recommend by Pam Nelson, Treasurer, as part of the Elderly Freeze Program:

MOTION by Pekas, seconded by Twedt to approve the following abatement: Marguerite Sylvis, ID 52897, \$794.61 (corrected amount, previously approved on 1/26/10); Donald K Thulin, ID 24215, \$476.14; and Mary Ellen Gatrell, ID 23161, \$183.49. 4 ayes.

#### NOTICES

MOTION by Pekas, seconded by Kelly to authorize the Auditor to publish Notice to Bidders for two 2010 4X4 Sport Utility Vehicles and four 2010 4-door sedans with trade-in. 4 ayes.

MOTION by Pekas, seconded by Twedt to authorize the Auditor to publish Notice of Hearing on 3/30/10 to consider an application for a new Retail On-Sale Liquor License with Sunday Sales for Dean A and Michele L Kommes/Red Rock Bar & Grille, LLC, located at 24654 475<sup>th</sup> Avenue, Dell Rapids. 4 ayes.

#### LIEN

Commissioner Pekas, County Aid Lien Liaison, briefed the Commission on a request to compromise DPNO 45347, in the amount of \$1,061.56. The applicant was in the process of securing a mortgage when the lien was noted. Hugh Grogan, Human Services Director, explained that the lien is for medical services provided to the applicant's family member during a time when they were waiting to be eligible for Medicaid. He encouraged homeownership, but expressed concern that there would be 3 adults in the home who are unemployed. He also explained that there was a language barrier and that the applicant may not have fully understood that they would have to repay the cost for services. MOTION by Pekas, seconded by Twedt to approve Resolution MC10-10. 4 ayes.

#### RESOLUTION MC10-10

WHEREAS, a County Aid Lien in the amount of \$1,061.56 purports to exist in favor of Minnehaha County and against DPNO 45347 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:

Release the lien in full with no payment.

Dated at Sioux Falls, South Dakota, this 9th day of March, 2010.

APPROVED BY THE COMMISSION:  
Anne Hajek, Chairman

ATTEST:  
Sandy Kinder, Deputy Auditor

BUDGET

MOTION by Pekas, seconded by Kelly to authorize interfund transfers from the General Fund to the Emergency Management Fund (\$191,238) and the Building Fund (\$250,000) in accordance with the 2010 budget, and to transfer the remaining fund balance in the Museum Grants Fund to the Museum Enterprise Fund. 4 ayes.

HEARING

Sue Roust, Auditor, was present for the scheduled hearing to consider 2010 carryover supplements to various departmental budgets. The carryovers are for items or services received in 2009, but not billed until 2010, and various grant balances. She noted that the supplement Resolution includes an action to transfer \$1.1 million to the Human Services budget for the Homeless Prevention and Rapid Re-housing Program. This amount represents grant funds awarded as part of this program. However, the County has not received reimbursements from the state yet. Ms. Roust explained that the federal requirements have changed and staff will continue re-submitting reimbursement requests. Commissioner Kelly asked that Commissioners be given a weekly e-mail update on the status of the HPRP progress. No one spoke in opposition to the supplement requests. MOTION by Pekas, seconded by Twedt to approve Resolution MC10-11. 4 ayes.

RESOLUTION MC10-11  
FOR SUPPLEMENTAL BUDGET

WHEREAS it is necessary to supplement the 2010 Annual Budget in order to carry on the indispensable functions of Minnehaha County; and

WHEREAS, the adoption of a proposed Supplemental Budget was duly considered by the Minnehaha County Commission on March 9, 2010, at 9:15 a.m., in the Commission Meeting Room, pursuant to due notice; now, therefore, be it

RESOLVED by the Minnehaha County Commission that the following Supplemental Budget is hereby approved:

From fund:	To budget:	Amount
<u>2009 carryovers</u>		
General	Facilities	47,782.55
	Sheriff	22,915.90
	Mental Illness	75,472.19
	Parks	26,304.93
	Extension	6,865.82
	County Cemeteries	572.91
	Museum Operations	392.40
	Jail	71,546.31
	Human Services	<u>1,106,486.72</u>
		\$1,358,339.73

\$1,358,339.73

Highway	Highway	925,104.06
Building	Building Fund	180,450.14
Pass Thru Grants	Pass Thru Grants	307,455.30
Emergency Management	Emergency Management	14,748.06
Museum Enterprise	Museum Enterprise	20,793.63
JAG Grants	JAG Grants	197,489.02

Dated this 9th day of March, 2010.

**APPROVED BY THE COMMISSION:**

Sandy Kinder, Chairman

**ATTEST:**

Sandy Kinder, Deputy Auditor

**SURPLUS**

Pursuant to deferral on 2/16/2010, Kristin Trana, Sheriff’s Office Administrative Coordinator, presented a request from the Brandon Valley Volunteer Fire Department for the donation of 6 Panasonic Toughbook Mobile Data Computers. The request was previously deferred because it required the unanimous approval of the full Commission and one member was absent. After that time, several questions on the support and use of the units were raised. Ms. Trana recommended denial of the request until more information is provided from the fire department. MOTION Pekas, seconded by Twedt to deny the donation request. 4 ayes.

Kristin Trana, Sheriff’s Office Administrative Coordinator, reported that bids for the sale of a surplus Dodge Durango were opened on 3/3/10. The following bids were received: Chicago Motors, Inc., \$2,207; Nordstrom’s Automotive, Inc., \$3,680; and Oakleaf Auto Inc., \$3,750. She recommended approval of the sale to the highest bidder. MOTION by Pekas, seconded by Kelly to award the bid for the sale of one 2008 Dodge Durango VIN 1D8HB38N68F148341 to Oakleaf Auto Inc. in the amount of \$3,750, to deposit the proceeds into the General Fund, and to supplement the amount of sale less costs to the Sheriff’s department budget for automobiles (ASN 15696). 4 ayes.

**HEARING**

Phil Kappen, Planner, was present for the scheduled hearing to consider several text amendments to Ordinance MC27-01, 2001 Revised Drainage Ordinance for Minnehaha County. The proposed amendments would change permit fees, definitions, terms, exemptions, and required notification distances, remove a list of named streams, and clarify what is required to connect to an existing system. Mr. Kappen explained that in 2008, the Commission authorized staff to look at possible changes to the ordinance. Input was solicited from a variety of sources including conservation experts, engineers, rural property owners, and drainage contractors. Staff also looked at practices of other counties, both with and without ordinances that address drainage. After review, staff is recommending a tiered notification system based on the size of the project. Commissioners Twedt and Pekas were reluctant to support a change allowing an exemption from drainage permits for townships or highway departments and they felt that the penalty for doing work without a permit should be increased. Bill Even, SD Secretary of Agriculture, spoke on the importance of agriculture in the state and local economy and stressed the need for county zoning to embrace agriculture and the agriculture economy. He reported that there have been many improvements to drainage technology over the years and that drainage is viewed as a socially acceptable way to improve properties. He has been asked by legislators to look at this issue on a statewide level and

County's drainage laws are more restrictive than those in Minnesota and Iowa where there is more rainfall. He explained how tiling can benefit roads. He also felt the tiered notification system was unreasonable because it could potentially require farmers to obtain waivers from landowners up to 15 miles downstream and that the maintenance conditions are too restrictive, making it the responsibility of the landowner to manage his upstream neighbors in order to keep his channels clear. He preferred the blue line outlet method with a half-mile notification distance. Pat Geraets, Minnehaha County landowner, reported that Moody County uses the blue line method which he feels has worked well. Ron Stofferahn, County resident, reported that the drainage installed in the early 1900's through drainage districts was in need of repair. He asked for help in reestablishing those drainage districts that were abolished in the 1950's. MOTION by Kelly, seconded by Twedt to defer action on the proposed ordinance amendment indefinitely and to send the issue back to Planning staff for task force recommendation. Commissioner Hajek encouraged staff to meet with the task force in a place where the public may attend as many people will want to be involved. Commissioners directed staff to decide who should participate in the task force. VOTE on the motion. 4 ayes.

#### UPDATE

Ken McFarland, Commission Administrative Officer, and Robert Wilson, Assistant Commission Administrative Officer, briefed the Commission on proposed legislation affecting county government.

#### OLD BUSINESS

Commissioners discussed a news story on the Fairgrounds ice rink.

#### NEW BUSINESS

Commissioners were extended an invitation to the Sioux Valley Commissioners Association quarterly meeting on 3/15/10.

Commissioner Hajek announced the Minnehaha/Lincoln County & city of Sioux Falls breakfast meeting tomorrow.

MOTION by Kelly, seconded by Pekas to adjourn into Executive Session for a legal briefing and contract negotiations. 4 ayes. Following the Executive Session, the Commission adjourned until 5:00 p.m. on Monday, March 15, 2010.

#### APPROVED BY THE COMMISSION:

Anne Hajek, Chairman

#### ATTEST:

Sandy Kinder, Deputy Auditor

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