

10/29/2013

THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M. October 29, 2013 pursuant to adjournment on October 22, 2013. Commissioners present were: Barth, Beninga, Heiberger, Kelly, and Pekas. Also present were Cindy Jepsen, Commission Recorder, and Kersten Kappmeyer, Chief Civil Deputy State's Attorney.

Chairman Beninga called the meeting to order.

MOTION by Barth, seconded by Heiberger, to approve the amended agenda. 5 ayes.

MOTION by Heiberger, seconded by Barth, to approve the October 22, 2013 Commission Minutes. 5 ayes.

VOUCHERS TO BE PAID

MOTION by Barth, seconded by Pekas, to approve the following bills totaling \$425,027.76. 5 ayes.

A & B Business Equip	Lease-Rental	238.56	Aire Serv Htg & A/C	Maintenance C	378.00
Alexander, Daniel J	Other Profess	9.00	Allied Oil & Tire Co	Automotive/Sm	38.50
Allied Oil & Tire Co	Heavy Eq. Rep	211.50	Allied Oil & Tire Co	Truck Repair	6,036.35
Appera / Dudley Lau	Lease-Rental	32.64	Arcadia Publishing I	Store Invento	362.83
Arena Motel	Motels	597.00	Asphalt Surfacing Co	Contracted Co	161.00
Avera Health Informa	Clinics - Aux	108.60	Avera Health Informa	Medical Recor	22.80
Avera Mckennan Behav	Attorney Fees	95.40	Avera Mckennan Hospi	Hospitals	1,824.00
Bank Supplies Inc	Printing/Form	101.19	Batteries Plus/Onesk	Truck Repair	410.00
Bear Wallow Books	Store Invento	104.80	Billion's	Automotive/Sm	96.44
Black-Top Paving Inc	Contracted Co	13,206.40	Borgum, Diana	Program Activ	200.00
Bourne, Anna	Bd Evaluation	200.00	Boyer Trucks Sioux F	Heavy Eq. Rep	160.96
Bradfield, Matt Db	Maintenance C	70.00	Brende, Schroeder &	Attorney Fees	574.00
Brende, Schroeder &	Child Defense	1,348.90	Bureau Of Informatio	Data Communic	432.00
Bureau Of Informatio	Telephone	38.00	Burger King Of SD	Welfare Food	1,000.00
Carlson, Lisa	Court Reporte	159.80	Carper, Nichole A	Attorney Fees	232.50
Carper, Nichole A	Child Defense	515.30	Carroll Institute	Other Profess	18,014.58
Cartridge World	Data Processi	676.30	CBM Managed Services	Board Of Pris	9,421.32
Century Business Pro	Lease-Rental	427.07	Century Business Pro	Maintenance C	691.68
Century Business Pro	Office Suppli	221.26	Chemco, Inc.	Child Care Fo	604.88
Chemco, Inc.	Janitorial/Ch	123.32	City Centre Hotel Co	2012 HLS Grant	650.00
Cody, Denise	Bd Exp. Fees	67.50	Cole Papers, Inc.	HHS Custodial	969.67
Cole Papers, Inc.	Janitorial/Ch	938.20	Cole Papers, Inc.	Small Tools,	575.70
Concrete Materials	Repair/Renova	2,594.19	Concrete Materials	Road Maint. &	80,115.34
Constellation New En	Natural Gas	6,275.44	Construction Product	Bridge Repair	190.44
Counseling Resources	Attorney Fees	2,600.00	Crittenden, John	Uniform Allow	174.42
Dakota Fluid Power,	Truck Repair	77.40	Deboer Law Office Pc	Attorney Fees	422.04
Dell Rapids Ambulanc	Ambulance Ser	25,000.00	Devaney, Tom	Uniform Allow	95.99
Discovery Benefits,	Cobra Insuran	992.70	Donovan's Hobby & Sc	Volunteer Per	153.00
Driveline Service In	Truck Repair	237.03	Duffy, Ryan	Attorney Fees	2,082.30
Electric Innovations	Building Repa	1,072.00	Electric Supply Co.,	Communication	223.31
Esdwc Sd Water Reso	Education & T	65.00	Force America Inc/Va	Truck Repair	354.95
Fremont Industries,	Plumbing & We	966.09	Frieberg, Nelson & A	Attorney Fees	36.00
Friendman, Danielle	Other Misc. R	150.00	Fuller & Williamson,	Child Defense	1,318.00
G & H Investments Ll	Welfare Rent	434.00	G & R Controls Inc	Heat,Vent & A	185.80
Garretson Food Cente	Hazmat Commit	437.50	Gaylord Bros Inc	Program Activ	567.40
Gb Global Llc	Business Trav	960.74	Gb Global Llc	Education & T	2,500.00
Gb Global Llc	Other Profess	1,500.00	Ge, Xijin	Welfare Rent	375.00
Grainger, Inc.	Building Repa	78.64	Guzman, Sandra V.	Interpreters	381.17
Harmelink,Fox & Ravn	Attorney Fees	155.00	Harmon, Karla	Bd Evaluation	607.50
Heimdal, Marie Ann	Court Reporte	47.60	Heritage Apartments	Welfare Rent	598.00
Hillyard, Inc.	HHS Custodial	647.65	Hoekstra, Denise A.	Court Reporte	786.80
Holdahl Company, Inc	Exhibit Mater	497.70	Hosmer, David M. Law	Attorney Fees	94.92
Hy-Vee Accounts Rece	Pharmacies	59.99	Institutions Service	Jail Repairs	442.04
Institutions Service	Other Supplie	129.72	Interstate Office Pr	Office Suppli	549.21
Interstate Office Pr	Store Invento	9.04	ISI Llc	Interpreters	180.00
ISS Facility Svcs-Mi	Contract Serv	10,735.00	Jamar Technologies,	Sign Supply/I	155.98
JCL Solutions-Janito	HHS Custodial	838.44	JCL Solutions-Janito	Janitorial/Ch	5,789.97

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Jefferson Partners L	Transportatio	25.50	Johnson, Cathrine	Other Misc. R	300.00
Kallemeyn, Richard	Other Profess	9.00	Kinder, Sandra	Business Trav	351.12
Klinks Plbg & Htg/Ro	Bldg/Yard Rep	329.96	Kmart Pharmacy	Pharmacies	236.87
Kone, Inc.	Building Repa	9,167.70	Kone, Inc.	Correction Ct	460.06
Labor Ready Midwest	Road Maint. &	1,127.99	Lacey Rentals Inc	Lease-Rental	95.00
Larson, Jeff	Attorney Fees	1,104.00	Lason Systems Inc	Archive/Prese	167.40
Lassegaard, Samuel C	Welfare Rent	965.00	Laughlin, Nicole	Attorney Fees	656.40
Lewis & Clark Bhs	Bd Evaluation	3,520.00	Lewno, Lucy	Bd Exp. Fees	622.59
Lewno, Lucy	Dev Disabili	75.84	Lovro, Eric	Education & T	36.00
Luther, Jeff	Medical Direc	2,333.33	Lutheran Social Svcs	Interpreters	125.00
Lutheran Social Svcs	Other Profess	4,032.36	Mair, Bruce	Welfare Rent	450.00
Maricopa County (AZ)	Return Of Ser	200.00	Maximum Promotions I	Building Repa	131.00
Menards - East	Park/Recreati	31.64	Menards - East	Program Activ	69.62
MidAmerican Energy C	Natural Gas	48.69	Midwest Welding Co.	Exhibit Mater	210.50
Miller Funeral Home,	Burials	2,250.00	Miller, Michael	Education & T	36.00
Minn Cnty Human Svcs	Other Supplie	145.00	Minn Cnty Museum Pet	Program Activ	41.80
Monick Pipe & Supply	Jail Repairs	1,065.75	Murray Properties, L	Welfare Rent	62.00
Narveson, Mark	Uniform Allow	69.99	Neve's Uniforms	HIDTA Grant	179.95
Neve's Uniforms	Uniform Allow	484.74	Niedringhaus, Paul	Uniform Allow	245.83
Norment Security Gro	Jail Repairs	854.10	North Ridge Apartmen	Welfare Rent	672.00
Nyberg's Ace Hardwar	Program Activ	26.97	Oakwood Estates/Inve	Welfare Rent	700.00
Odea, Steven C	Welfare Rent	266.66	Olson, Waltner & Sch	Attorney Fees	1,136.80
Olson, Waltner & Sch	Child Defense	5,215.12	Olson's Pest Technic	Other Profess	67.75
Olthoff, Patricia	Business Trav	36.00	Painter, Steven L	Welfare Rent	303.00
Palmer, Barbara	Bd Evaluation	427.50	Pheasantland Industr	Bridge Repair	37.17
Pheasantland Industr	Printing/Form	179.16	Pollard & Larson Llp	Attorney Fees	255.00
Preheim Lawn & Lands	Building Repa	975.00	Presto-X-Company	Outside Repai	188.88
Pride Neon, Inc	Bridge Repair	45.00	Pride Neon, Inc	Repair/Renova	1,120.00
Qualified Presort Se	Postage	109.71	R & L Supply, Ltd	Plumbing & We	251.70
R.E.D. Oak Propertie	Welfare Rent	500.00	RAC Rentals Llc	Welfare Rent	650.00
Retail Data Systems	Office Equipm	375.00	Rochester Armored Ca	Armored Car S	379.50
Rods Properties	Welfare Rent	900.00	Rural Metro Ambulanc	Transportatio	450.00
Sanford Clinic Finan	Other Misc. R	1,123.79	Sanford Clinic Finan	Other Miscell	22,250.00
Sanford Home Medical	Medical Equip	199.36	Sanford Hospital	Blood Withdra	40.00
Sanford Hospital Med	Medical Recor	47.50	Sanford Occupational	Other Profess	128.50
Satisfaction Plus In	Motels	956.00	Scotts Bluff County	Court Reporte	11.52
SD Dept Of Transport	Bridge Repair	266.06	SD Human Services Ce	Clinics - Aux	24.80
SD Human Services Ce	Other Profess	24.40	SD State Treasurer	Business Trav	26.85
SD State Treasurer	Jury Fees	1,431.58	SD State Treasurer	Other Misc. R	2,410.29
SD State Treasurer	Welfare Rent	400.00	SD State Treasurer	Witness Fees	2,283.81
SDN Communications	Data Communic	331.50	SDN Communications	Telephone	688.50
Sentinel Offenders S	Alternatives	2,343.64	Severson, Tessica	Education & T	36.00
SF Leased Housing As	Welfare Rent	149.00	SF Specialty Hospita	Recruitment	74.00
Shepherd Reporting L	Court Reporte	195.00	Shipley's Laundry &	Program Activ	82.40
Sioux Empire Fair As	Other Miscell	12,500.00	Sioux Falls City Fin	Gas,Oil,Diese	13,102.71
Sioux Falls City Fin	HIDTA Grant	133.67	Sioux Falls Construc	Contracted Co	47,929.82
Sioux Falls Utilitie	Water - Sewer	1,362.46	Sioux Valley Energy	Welfare Utili	199.78
Smith, Traci M.	Education & T	36.00	Solarwinds.Net Inc	Maintenance C	198.00
Southeastern Behavio	Crisis Interv	8,316.29	Springbrook II, Ltd	Welfare Rent	500.00
Stan Houston Equipme	Program Activ	35.60	Stenopat Ltd Inc	Depositions	239.15
Strum, Steve A	Welfare Rent	1,200.00	Swanda, Karen	Bd Exp. Fees	67.50
Szameit, Alexandra	Interpreters	423.24	Tandus Flooring Us L	Repair/Renova	4,708.89
TCP Properties, Inc.	Welfare Rent	425.00	Thomson Reuters - We	Legal Researc	2,675.03
Thorin, Deyanira T	Interpreters	376.67	Tires,Tires,Tires In	Automotive/Sm	563.16
Tires,Tires,Tires In	Gas,Oil,Diese	22.99	Trana, John	Business Trav	33.30
Trane	Heat,Vent & A	595.80	Turning Leaf Llc	Welfare Rent	565.00
USD-DHSF (Dental Hyg	Dentists	146.73	Van Loh, Jerry L	Welfare Rent	500.00
Variety Foods Llc	Other Profess	168.28	Vlack, David L Md	Bd Evaluation	810.00
Vogel Motors Llc	Gas,Oil,Diese	46.40	Volunteers Of Americ	VOA Reception	9,151.04
Waldner, Ryan	Store Invento	204.00	Wali, Khadija M.	Interpreters	175.00
Weber, Jamie Db	Child Defense	12,144.34	Weerheim, Tom	Attorney Fees	957.60
Weiland & Assoc Inc	Jury Fees	129.38	Williams, Kristina	Welfare Recov	30.00
Windsor Heights Apar	Welfare Rent	600.00	Xcel Energy, Inc.	Electricity	678.82
Xcel Energy, Inc.	Welfare Utili	1,733.47	Yankton County Sheri	Return Of Ser	100.00
Zahrbock Kool, Tress	Attorney Fees	835.09	Zweep, James E	Other Profess	9.00

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PERSONNEL

MOTION by Pekas, seconded by Kelly, to approve the following personnel changes. 5 ayes.

1. To hire Lonna Heideman as Caseworker I (16/1) for Human Services at \$19.558/hour effective 10/31/13.
2. To change the return from military leave date for Maria Gonzalez, Correctional Officer for the Jail, from 10/6/13 to 11/22/13.
3. To discharge Michael Nelson as Correctional Officer in Training for the Jail effective 10/18/13.
4. To accept the resignation of Drew McCarty as Correction Systems Operator for the Jail effective 11/3/13.
5. To end the temporary, part-time employment of Bill Shatter as Spray Truck Operator for the Highway Department effective 10/22/13.
6. To end the temporary, part-time employment of Shanna VonHoltum as temporary, part-time Clerical Worker for the Highway Department effective 10/23/13.

Step Increases Due

1. Staci Limoges – Museum Events Coordinator – Museum – 14/1 to 14/2 – 10/31/13 – \$18.161/hour
2. Deborah Dose – Senior Accounting Technician – Auditor’s Office – 12/10 to 12/11 – 10/31/13 – \$20.548/hour
3. Brodie Waysman – Correction Systems Operator – Jail – 9/10 to 9/11 – 10/20/13 – \$17.718/hour
4. Vance Siemonsma – Deputy Sheriff – Sheriff’s Office – 16/13 to 16/14 – 10/12/13 – \$26.960/hour
5. James Hoekman – Deputy Sheriff Captain – Sheriff’s Office – 23/11 to 23/12 – 10/8/13 – \$3,201.76/bi-weekly
6. Paul Niedringhaus – Deputy Sheriff Captain – Sheriff’s Office – 23/13 to 23/14 – 10/8/13 – \$3,363.92/bi-weekly
7. Jeffrey Lemair – Juvenile Caseworker – Juvenile Detention Center – 17/16 to 17/17 – 9/26/13 – \$2,440.24/bi-weekly

NOTICE

MOTION by Heiberger, seconded by Barth, to authorize the Auditor to publish a Notice to Bidders for Project MC 121STR-13, Structure Replacements and Grading on County Highway 121. 5 ayes.

LIEN COMPROMISE

Commissioner Pekas gave a briefing on a request for Compromise of Lien from DPNO 81354 in the amount of \$927.40. The lien is for poor relief and public advocate services provided in 2013. The applicant is unemployed and receives \$990 a month in Social Security Disability payment. Due to his limited income, the applicant is requesting a release of the lien in full with no payment. Commissioner Pekas stated that there was a lack of information provided on the application. MOTION by Pekas, seconded by Kelly, to deny the request for

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compromise of lien for DPNO 81354. 5 ayes.

Commissioner Pekas gave a briefing on a request for Compromise of Lien from DPNO 80501 in the amount of \$160.00. The lien is for public defender services provided for the applicant's minor child for an assault charge committed against the applicant. The applicant states she does not have custody of the minor child and pays the father \$568 per month in child support payments. The lien is also filed in the name of the minor child's father. The applicant requests that the minor child be held responsible for the attorney fees and is requesting a release of the lien in full against her with no payment. Commissioner Pekas stated that there is a state statute that makes a mother and father jointly responsible for the cost of raising a minor child. MOTION by Kelly, seconded by Pekas, to deny the request for compromise of lien for DPNO 80501. 5 ayes.

AGREEMENT

Robert Litz, Auditor, gave a briefing on agreements between Minnehaha County and the City of Sioux Falls and between Minnehaha County and the Sioux Falls School District for the purchase of vote tabulation machines and cost sharing of election expenses. Kersten Kappmeyer, Chief Civil Deputy State's Attorney, stated that in section nine of the Memorandum of Understanding (MOU) with the City of Sioux Falls it states that the MOU is intended to establish a framework for the purchase, maintenance, and use of the optical scanner and should be construed only as a nonbinding Memorandum of Understanding. The agreement with the School District does not contain that language. Mr. Kappmeyer recommended amending the agreement with the School District to reflect the same language that is in section nine of the MOU with the City of Sioux Falls. MOTION by Pekas, seconded by Barth, to amend the school district agreement to be consistent with the City agreement in the attempt to make it more of a memorandum of understanding. 5 ayes. Monte Watambach, IT Director, stated that there is a need for replacing the vote tabulation machines. MOTION by Pekas, seconded by Kelly, to defer action until we receive the signed MOU from the City of Sioux Falls and the signed amended agreement from the Sioux Falls School District. 5 ayes.

TAX DEED PROPERTY

Robert Litz, Auditor, gave a briefing on the surplus property appraisal report for Minnehaha County Tax Deed properties. The Surplus Property Appraisal Board inspected four (4) properties and recommends the following actions: 1) RDID 75672 and 75673 be given to the adjacent property owners. 2) RDID 42268 be donated to Community Development for affordable housing. 3) RDID 29189 be sold at public auction. Mr. Litz recommended the following properties for donation to the City of Sioux Falls as they are all in drainage areas and not suitable for development: RDID's 79670, 79671, 79672, 79945, 82191, 66872, 82022, 82091, 82092, 80226, and 80227. Mr. Litz recommended RDID 82484 be given to the adjacent property owner as it is an 8' X 8' parcel of land that is adjacent to their back yard. MOTION by Pekas, seconded by Barth, to accept the Surplus Property Appraisal Board Report. 5 ayes. MOTION by Barth, seconded by Pekas, to declare RDID 29189 as surplus for sale at auction and set the minimum bid at \$15,000. 5 ayes. MOTION by Pekas, seconded by Barth, to approve declare RDID 75672 and 75673 as surplus and authorize the transfer to the City of Brandon. 5 ayes. MOTION by Heiberger, seconded by Pekas to declare RDID 42248 as surplus and authorize the transfer to Sioux Falls Community Development. MOTION by Kelly, seconded by Pekas, to amend the motion to correct the RDID number to 42268. 5 ayes. MOTION by Heiberger, seconded by Kelly to approve the main motion as amended. 5 ayes. MOTION by Kelly, seconded by Barth, to authorize the Auditor to publish a Notice of Tax Deed Sale to be held on Saturday, November 23, 2013 at 10:00 a.m. 5 ayes. MOTION by Pekas, seconded by Heiberger to defer action on RDID's 79670, 79671, 79672, 79945, 82191, 66872, 82022, 82091, 82092, 80226, and 80227 until the Appraisal Board Report is completed. 5 ayes.

AMENDMENT

Shannon Schultz, Senior Project Engineer, gave a briefing on an amendment to the contract with Infrastructure Design Group, Inc., for Administration Services for the replacement of Bridge Structures 50-240-085 and 50-240-095. The amendment covers the additional scope items related to the re-letting of the project and revisions to the

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project manual and plans. The amendment will increase the original contract amount by \$11,125. MOTION by Heiberger, seconded by Barth, to approve the amendment to the Construction Administration Services Contract with Infrastructure Design Group, Inc. for the replacement of Bridge Structures 50-240-085 and 50-240-095, increasing the contract amount to \$85,642. 5 ayes.

POLICY

Todd Cheever, Juvenile Detention Center Director, gave a briefing on a revision to Policy #12.1, Health Assessment of Juveniles, in the Minnehaha County Regional Detention Center (JDC) Policy Manual. The revision would not require a physical if the juvenile has been admitted to the JDC within one year of a prior admission, the juvenile/parents/or guardian have a record of a full health assessment/physical being completed within the past twelve months, or the juvenile has received a full health assessment/physical during the past twelve months as part of their involvement in a school district extra-curricular activity. MOTION by Heiberger, seconded by Pekas, to approve the revision to Policy #12.1, Health Assessment of Juveniles, in the Minnehaha County Regional Juvenile Detention Center Policy Manual. 5 ayes.

CONTRACT

Ken McFarland, Commission Administrative Officer, gave a briefing on the 2014-2016 contract with the Minnehaha County Highway Union, Local 2561 Council 59 of the American Federation of State, County and Municipal Employees (AFSCME). The three year contract is effective December 21, 2013 thru the last payroll period of 2016. The association is guaranteed a minimum of a 1% increase in salary, or that approved by the county commission for non-union employees, whichever is greater, for the 2014 contract year only. In addition, the county agrees to complete a wage study by May 1, 2014. The contract can be reopened for wage discussions only for the 2015 and 2016 contract years. The President's Day Holiday was eliminated in favor of adding the Day after Thanksgiving as a recognized holiday. The clothing allowance was increased to \$400 and the contract also includes changes to job descriptions. MOTION by Barth, seconded by Kelly to authorize the Chairman to sign the three year County Highway Workers Contract between Minnehaha County and Local 2561, Council 59 of the American Federation of State, County and Municipal Employees effective December 21, 2013.

Commissioner Barth stated that he thinks it's very commendable that both sides were able to negotiate and come up with an agreement well ahead of the deadline, and that it shows good faith on both sides. Commissioner Barth thanked Ken McFarland, Carey Deaver, and DJ Buthe for representing the County during the negotiations. Ken McFarland thanked the Highway Union for conducting themselves in a very professional manor and stated that a fair and good contract was negotiated. VOTE on the motion 5 ayes.

LIAISON REPORTS

Commissioner Barth reported that he attended the Glory House 45th anniversary event and stated that their organization is a credit to our community and an asset to the county. Mr. Barth stated that the Glory House is the kind of organization that will help us going forward with Senate Bill 70, and if in the future we do hold a conference on crime in our community, they would be someone we should invite.

NEW BUSINESS

Ken McFarland, Commission Administrative Officer, asked the Commission if it is their desire to hold a commission meeting on Tuesday, December 24th. All Commissioners indicated that they would be available to meet that day.

Ken McFarland, Commission Administrative Officer, informed the Commission that he received a request from the Sioux Falls Area Community Foundation for Minnehaha County to consider a financial contribution of \$5,000 to cover project expenses for Sioux Falls Tomorrow. Commissioner Kelly asked that this request be put on the agenda for the November 5th commission meeting.

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OLD BUSINESS

Chairman Beninga reported that he received a letter from Ryan Thornell stating his intent to terminate the current consulting contract with Minnehaha County for revisions to the Juvenile Detention Center Policy and Procedure Manual as of October 31, 2013. Mr. Thornell will be moving to Augusta, Maine, where he will become the Executive Director of the state's Board of Corrections. Mr. Beninga stated that our city, community, and state are losing very strong leadership in facing public safety issues and wished Mr. Thornell well in his new position.

MOTION by Pekas, seconded by Barth, to adjourn into Executive Session for personnel discussion. 5 ayes.

The Commission adjourned until 9:00 a.m. on Tuesday, November 5, 2013.

APPROVED BY THE COMMISSION:

Gerald Beninga
Chairman

ATTEST:

Cynthia Jepsen
Deputy Auditor