

THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M., April 28, 2009, pursuant to adjournment on April 21, 2009. Commissioners present were: Pekas, Hajek, Barth, Kelly, and Twedt. Also present were Sandy Kinder, Deputy Auditor, and Dustin DeBoer, Senior Deputy State's Attorney.

Chairman Pekas called the meeting to order.

AGENDA

MOTION by Barth, seconded by Twedt to approve the Agenda. 5 ayes.

MINUTES

MOTION by Hajek, seconded by Kelly to approve the Minutes for April 21, 2009. 5 ayes.

VOUCHERS TO BE PAID

MOTION by Hajek, seconded by Kelly to approve the following bills totaling \$375,885.74 and April salaries for payment. 5 ayes.

Accessible Space Inc	Var. Depts	251.00	Allied Oil & Supply	Hwy Constr	28.50
Andersen, Norma	Mental Ill	45.00	Anderson's Collision	Var. Depts	98.00
Arena Motel	Human Svcs	2,035.00	Argus Leader	St Atty	88.60
Audio Playground Ele	Sheriff	75.00	Avera McKennan Hospi	Var. Depts	3,393.20
Avera Medical Record	Public Def	34.50	Bargain Barn Tire Ct	Dir of Eq	34.75
Barnes & Noble Inc	Extension	15.16	Batteries Plus/Onesk	Hwy Constr	36.00
Beck, Pat Court Repo	Human Svcs	360.80	Best Business Produc	Reg Deeds	42.90
Bierschbach Equipmen	Var. Depts	572.33	Blackhawk Industries	Sheriff	295.35
Boyer Trucks Sioux F	Hwy Constr	129.11	Brandon Seamless Rai	Parks	297.84
Brentwood Apts/Domin	Human Svcs	400.00	Brevik Law Office Pr	Mental Ill	187.96
Brown & Saenger	Human Res	15.19	Brownlee, Rena	Jail	79.99
Bultena, Ronald	Human Svcs	300.00	Bureau of Informatio	Reg Deeds	42.00
Campbell Supply Co I	Var. Depts	136.98	Campbell, Vicki	Human Svcs	300.00
CBM Food Service	Jail	10,917.20	Cedar Shore	Human Svcs	81.95
Center for Family Me	Jail	2,400.00	Century Business Pro	Var. Depts	192.04
Charm-Tex Inc	JDC	332.60	Children's Inn	Dom Abuse	10,600.00
Cinrod Property Mana	Human Svcs	475.00	Clausen Enterprises	Human Svcs	390.00
Cliff Avenue Auto Pa	Hwy Constr	9.28	Country Meadows Apts	Human Svcs	500.00
Country View MHC	Human Svcs	853.00	Dakota Forensic Cons	Coroner	6,000.00
Dakota Riggers & Too	Hwy Constr	43.60	Dearborn, Lori	Human Svcs	167.09
Dell Rapids Ambulanc	Ambulance	45,000.00	Denherder, Jack	Human Svcs	500.00
Dietrich, Donna K	Mental Ill	825.22	Donovan's Hobby & Sc	Em Mgmt	17,950.56
Eastgate Towing	Sheriff	45.00	Ebert's Properties,	Human Svcs	585.00
Etek LLC DBA Garfiel	Human Svcs	1,100.00	Fastenal Company	Hwy Constr	494.99
Fayette County(IA) S	St Atty	31.00	Federal Express Corp	Sheriff	8.07
Finberg, Warren DBA	Human Svcs	400.00	First Premier Bank	Sheriff	80.84
Fiskum, Paul	Mem Day	130.65	Fred Pryor Seminars	Public Def	199.00
Fred the Fixer, Inc.	Facilities	7.50	G & H Distributing,	Hwy Constr	11.22
Garretson Ambulance	Ambulance	45,000.00	Gaylord Bros.	Mus Ops	466.60
Genzlinger, Janeen	Courts	72.20	GJP Inc	Human Svcs	1,400.00
Glazier, David Alan	Human Svcs	200.00	Glory House	Glory Hous	765.00
Goebel Printing, Inc	Hwy Admin	191.56	Graham Tire Co. - Do	Facilities	21.99
Graham Tire Co. - No	Hwy Constr	15.95	Great Plains Int'l T	Hwy Constr	19.35
Guzman, Sandra V.	Courts	75.00	Hammer, Ralph	Hwy Admin	42.00
Hembree, Bill	Human Svcs	158.10	Hoekman, James	Sheriff	117.00
Hollinger Corporatio	Reg Deeds	264.38	Home Federal Savings	Human Svcs	400.00
Humboldt Fire & Ambu	Ambulance	45,000.00	Hurtgen, Timothy T.	Human Svcs	800.00
Hy-Vee Accounts Rece	JDC	111.47	Hy-Vee Pharmacy	Human Svcs	37.61
I & P Inc/Brandon Ap	Human Svcs	121.00	Interpreter Services	Public Def	80.00
Interstate Office Pr	Var. Depts	751.74	Irathane Systems Inc	Hwy Constr	316.51
J.C. Penney Company,	Var. Depts	13.74	JCL Solutions-Janito	Var. Depts	79.03
Johnson Feed, Inc.	Hwy Constr	1,087.84	Kleen Solutions, Inc	Jail	147.85
Kmart	Human Svcs	63.64	Kooistra, Nelva	Mental Ill	90.00

Kreislers, Inc.	Jail	1,085.69	Krueger Excavating,	Facilities	305.00
Kuchenreuther, Derek	Sheriff	216.00	Kunkel, Parker J	Human Svcs	325.00
L.G. Everist, Inc.	Hwy Constr	8,238.05	Lake Co (SD) Clerk o	Public Adv	21.00
Lassegaard, Samuel C	Human Svcs	200.00	Lathrop, Timothy A	Human Svcs	500.00
Leaf Inc.	Var. Depts	189.77	Letexier, George M	Sheriff	68.00
Lewis Drug Stores	Human Svcs	7,119.27	Light and Siren	Var. Depts	1,254.85
Ludoc Enterprises In	Ambulance	2,395.83	Lutheran Social Serv	Var. Depts	33,221.92
Lyle Signs, Inc.	Hwy Constr	390.00	Lyndale Partners	Human Svcs	500.00
Mac's, Inc.	Hwy Constr	33.52	Menards - East	Var. Depts	198.05
Metro Communications	Var. Depts	1,378.08	Michael's Purple Pet	Facilities	140.00
Microfilm Imaging Sy	Reg Deeds	2,103.25	Midamerican Energy C	Human Svcs	1,004.68
Midcontinent Communi	Human Svcs	198.97	Midwestern Mechanica	Facilities	565.31
Mikelson, Gary E	Mental Ill	172.42	Mills, Donald	Jail	123.97
Moe, Michael	Facilities	129.20	Mountain States Tact	Sheriff	450.00
Murray Const	Human Svcs	420.00	Myers & Billion LLP	Var. Depts	7,259.73
Narem, Inc	Hwy Constr	304.35	Neurology Associates	Human Svcs	365.59
Newman, Scott G	Human Svcs	225.00	Nguyen, Lam	Courts	100.00
Nobles County Sherif	St Atty	135.00	North Ridge Apartmen	Human Svcs	400.00
Northern Hgts Dev II	Human Svcs	300.00	Northland Chemical C	JDC	281.53
Nyberg's Ace Hardwar	Var. Depts	16.56	O'Reilly Auto Parts	Hwy Constr	77.94
Office Depot	Public Def	331.93	Oliver Excavating In	Facilities	480.00
Olson, Rhonda	Facilities	56.26	Palmer, Barbara	Mental Ill	3,172.50
Peters, Scott N PC	Mental Ill	3,974.80	Pfeifer Implement Co	Hwy Constr	91.02
Pierre Parkside Deve	Hwy Admin	73.99	Prayer Breakfast Tic	Commission	15.00
Pride Neon, Inc	Hwy Constr	72.60	Qualified Presort Se	Var. Depts	4,564.21
Quest Engineering, I	Hwy Constr	46.50	Qwest	Jail	46.90
RDO Equipment Co.	Hwy Constr	1,228.00	Rehfuss, Cathy A	Mental Ill	45.00
River Run Apts / Sio	Human Svcs	681.58	Riverview Park Ltd	Human Svcs	114.00
Roberts, Yvonne	Human Svcs	440.00	Ronning Commercial,	Human Svcs	450.00
Sanford Health Plan-	Human Svcs	401.83	Sanford Hospital	Var. Depts	1,029.48
Sanford Hospital Med	Var. Depts	371.00	SD Corrections Assoc	JDC	105.00
SDAE4-HE	Extension	45.00	Shopko Store	JDC	144.90
Silver Glen MHC, LLC	Human Svcs	270.00	Sioux Building Produ	Facilities	8.50
Sioux Falls Humane S	Humane Soc	4,243.07	Sioux Falls Rubber S	Reg Deeds	31.90
Sioux Falls Two Way	Var. Depts	2,306.24	Sioux Falls Utilitie	Var. Depts	7,319.22
Sioux Valley Energy	Var. Depts	256.49	Solomon, Ghirmay	Courts	100.00
Staples	Var. Depts	142.73	State Steel of SD	Facilities	149.79
Stoner's Landing	Human Svcs	400.00	Stronghold Counselin	Courts	405.00
Sturdevant's Auto Pa	Hwy Constr	313.29	Thomas, Thadeus	Air Guard	640.20
Thorin, Deyanira T	Courts	175.00	Thurman, Creighton A	Mental Ill	179.78
Tires,Tires,Tires In	Sheriff	501.86	Town Park II Apts	Human Svcs	1,006.00
Tractor Supply Co.	Hwy Constr	69.99	Tri-State Implement,	Hwy Constr	36.39
Twelve-Step Living C	Human Svcs	870.00	United Parcel Servic	Hwy Admin	28.04
US Explosive Storage	Sheriff	2,615.00	US Postal Service	Extension	37.88
Vander Haag's, Inc.	Hwy Constr	8,841.77	Velgersdyk, Dr. Scot	Human Svcs	182.00
Video Service of Ame	Commission	104.27	Wal-Mart Pharmacy	Human Svcs	13.33
Wal-Mart Pharmacy	Human Svcs	134.20	Walgreen Co.	Human Svcs	955.66
Welker, Donald J	Human Svcs	500.00	Wheelco Brake & Supp	Hwy Constr	798.92
Xcel Energy, Inc.	Var. Depts	42,373.79	Yankton County Sheri	Mental Ill	100.00
Yankton County Treas	Mental Ill	1,286.00	Youth Communication	JDC	313.50
Zabel Steel Co.	Hwy Constr	18.00	3D Specialties, Inc.	Hwy Constr	227.37
Commission	Salaries	23,063.86	Auditor	Salaries	31,813.44
Treasurer	Salaries	58,460.09	IT	Salaries	53,809.50
States Atty	Salaries	154,669.23	Public Defender	Salaries	117,807.54
Public Advocate	Salaries	27,323.92	Facilities	Salaries	67,026.62
Equalization	Salaries	69,021.01	Register of Deeds	Salaries	35,667.56
Human Resources	Salaries	14,426.21	Sheriff	Salaries	725,297.08
Juvenile Detn Ctr	Salaries	163,330.45	Highway	Salaries	111,315.35
Human Services	Salaries	76,838.40	Museum	Salaries	58,492.42
Planning	Salaries	33,979.21	Extension	Salaries	7,745.18

PERSONNEL

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

1. To place Ronnette Locke, Tax/License Specialist for the Treasurer's Office, on leave without pay effective 4-8-09 to 4-24-09.

2. To place Wade Hanson, Air Guard Security Officer II for the Air Guard, on Military Leave without pay effective 4-18-09 to 5-1-09.
3. To place Elizabeth Hanisch, Correctional Officer for the Jail, on leave without pay effective 4-22-09 to 7-7-09.
4. To place Scott Dries, Correctional Officer for the Jail, on leave without pay effective 4-20-09.
5. To hire Kristin Trana as Administrative Coordinator (18/B) for the Sheriff's Office at \$21.5852/hour effective 5-4-09.

Step Increases Due:

1. Danny Berg – Building Facilities Maintenance Technician – Facilities – 14/O to 14/P, 4-22-09, \$25.0322/hour
2. Winfred Kumlien – Custodian – Facilities – 6/D to 6/E, 4-29-09, \$12.8515/hour
3. Ralph Hammer – Weed & Pest Supervisor – Highway Department – 14/D to 14/E, 4-5-09, \$19.0782/hour

MOTION by Hajek, seconded by Twedt to approve the 2009 Affirmative Action Plan and updates to the Equal Opportunity and Affirmative Action policy. 5 ayes.

ABATEMENTS

The following abatements were recommended by Kyle Helseth, Deputy Director of Equalization:

MOTION by Hajek, seconded by Barth to approve the following abatement: Colony House Estates Condominium Association, ID 77519, penalty & interest on drainage fees, \$67.26. 5 ayes.

MOTION by Kelly, seconded by Barth to approve the following abatement: Jayme Circle Development LLC, ID 61739, property taxes, 2007 - \$110.92, and 2008 - \$110.97. 5 ayes.

Mr. Helseth presented an application for abatement or refund of taxes from Sydney Youngsma. Mr. Youngsma is requesting a refund of taxes totaling \$1,881.49 for the years 2005 through 2008 due to an incorrect square footage recorded for his property. The refund amount requested is for the excess square footage assessed. The home is currently listed for sale at a price above the assessed value. Commissioner Barth noted that even though there was an error in size, according to the listing price, the home is being under-assessed. Mr. Helseth recommended denial of the request because the process to resolve this issue is through an appeal to the Board of Equalization. MOTION by Hajek, seconded by Twedt to deny the request for ID 62977. 4 ayes, Kelly – nay.

On the recommendation of Pam Nelson, Treasurer, MOTION by Barth, seconded by Hajek to approve the following 2008 property tax abatements as part of the Elderly Freeze Program: Emma Vasek, ID 18570, \$540.18 and Barbara Putzier, ID 21547, \$828.13. 5 ayes.

NOTICE

Notice of intent to conduct a casino night on 5/15/09 at the Sioux Falls Convention Center was received from the Mitchell Exchange Club and the SD Dental Association. Dustin DeBoer, Deputy State's

Attorney, will follow up on what charitable organization this will benefit.

PUBLIC COMMENT

Tim Michaels and John Abraham with Gunn Productions requested a chance to submit a proposal to the Sioux Empire Fair Association to provide talent buying services and promotions. He stated that prior attempts to discuss the proposal with Fair Board members and management have been unsuccessful. Commissioners explained that the county owns the property and contracts with the Fair Board to run an annual fair. Commissioner Barth, Fair Board Liaison, explained that the Fair Board is under contract with another company for these services at present and urged patience.

HEARING

Assistant Sheriff Michelle Boyd and Sioux Falls Police Chief Doug Barthel were present for the scheduled hearing to review the joint spending plan for the 2009 Byrne Justice Assistance Grant. Ms. Boyd explained that the county and city are eligible to receive \$819,482 through the Byrne JAG and that the City will receive \$532,663 and the County \$286,819. The spending plan includes the following: Minnehaha County - \$41,875 for a mobile VPN for secure wireless traffic, \$120,000 for case management software (to be used by the offices of the State's Attorney, Public Defender, and Public Advocate), \$10,000 for video conferencing technology, \$51,000 for 2 vehicles in anticipation of new hires through the COPS grant, \$13,000 for rifles/ammo, \$15,000 for training/travel/OT, \$10,000 for PT/OT special event security, \$10,444 for office furniture, and \$15,500 for uniforms and equipment; and SF PD - \$192,000 for vehicles & equipment, \$35,000 cameras and mobile computers, \$170,000 for an automated ticketing system, \$75,000 for 3 additional years of CADmine, and \$60,663 for training. No one spoke in opposition. Ms. Boyd explained that if additional staff is not approved through the COPS Grant program that the spending plan could be modified. MOTION by Hajek, seconded by Barth to approve the joint spending plan for the 2009 Byrne Justice Assistance Grant. 5 ayes.

LSS

Rebecca Kiesow-Knudsen with Lutheran Social Services was present to request a modification to the budget for the LSS Strengthening Youth Mentoring through Community Partnerships Grant. In June 2008, the County agreed to sponsor a grant which would provide \$295,598 per year for three years to expand the youth mentoring program. Ms. Kiesow-Knudsen explained that she has been notified that this amount was to be extended over the three years. A modified budget was presented to accommodate the correction in funding. MOTION by Twedt, seconded by Hajek to approve the modifications to the budget. 5 ayes.

AGREEMENT

Deputy Sheriff Lieutenant Vicki Hicks requested approval of the 2009-2010 Army National Guard Security Agreement. The contract is in the amount of \$186,338.28 and will run from 10/1/09 to 9/30/10. The amount will cover all expenses and administrative costs to the county for this service. MOTION by Hajek, seconded by Twedt to authorize the Chairman to sign the Joint Security Protection Agreement with the SD Department of Military and Veterans Affairs. 5 ayes.

PROPOSAL

Pursuant to deferral on 4/14/09, the Commission considered a request from the City of Sioux Falls Health Department to (1) participate in a limited mosquito control program with the City at a cost up to \$22,740 or (2) authorize the release of the remaining chemical inventory for use by other agencies. The

Commission deferred action to allow for a third option from the County Weed Supervisor which would utilize current part-time workers to apply the existing chemicals in more highly populated areas of the county at an estimated cost of \$4,800. Commissioner Barth read an article from the "The Economist" related to the effects of using chemical treatments. Commissioner Twedt noted that option 2 was the only option not requiring unbudgeted money. MOTION by Twedt, seconded by Hajek to proceed with option 2, authorizing the City of Sioux Falls Health Department to release the mosquito control chemicals for use by other agencies. The City will administer dissemination of the product. Commissioner Kelly stated that there was no assurance that the product will get used. VOTE on the motion, 4 ayes, Kelly – nay.

CONTRACT

Ken McFarland, Commission Administrative Officer, presented a contract with Architectural Roofing & Sheetmetal, Inc. as part of the Coliseum Exterior Restoration Project. As part of the east gable restoration, several historic decorative metal pieces will be restored. ARS is a sole source provider capable of fabricating the historic metal work. The contract is in the amount of \$548,795 and includes the installation of a plywood walkway in the Coliseum attic. The Coliseum Exterior Remodeling Committee recommended approval of the contract. Bill Hoskins, Museums Director, displayed an original piece of metalwork from the Coliseum. MOTION by Twedt, seconded by Hajek to approve the agreement with ARS as sole source for the historic restoration of the Coliseum east gable. This is a negotiated agreement with ARS that covers price and delivery, to obtain the most advantageous price possible; and the commission affirms that ARS is the sole source for this fabrication and installation work. 5 ayes.

TREASURER

Treasurer Pam Nelson requested authorization to fill a vacancy in her office that is currently in her 2009 budget. She reported that although some functions were removed from her office when the State implemented a new licensing software system in July 2008, other functions were taken on. Commissioners discussed the wait time, line, number of windows open for service, and loss of Saturday hours. Commissioner Twedt noted that staff was added to the office out of the budget cycle last year to accommodate the state change and noted that the workload has changed and that now is not the time to fill the position. Commissioner Pekas supported filling the position and revisiting the issue during budget hearings. MOTION by Barth to authorize the replacement until the 2010 budget cycle. Motion dies for lack of a second. Ms. Nelson did not support filling the vacancy if there is the potential to lose the position later. Commissioner Barth asked that all departments be looked at. MOTION by Kelly, seconded by Twedt not to fill the vacancy. 3 ayes, Barth and Pekas – nay.

NEW BUSINESS

Commissioner Kelly asked that the Commission look at adopting Robert's Rules of Order. The other commissioners described their meeting style as more of an informal approach to Robert's Rules and stated they were satisfied with the results.

MOTION by Barth, seconded by Twedt to adjourn into Executive Session for contract negotiations. 5 ayes. Following the Executive Session, the Commission adjourned until 9:00 a.m. on Tuesday, May 5, 2009.

APPROVED BY THE COMMISSION:

John Pekas, Chairman

ATTEST:

Sandy Kinder, Deputy Auditor