

THE MINNEHAHA COUNTY COMMISSION CONVENED AT 9:00 A.M., July 28, 2009, pursuant to adjournment on July 21, 2009. Commissioners present were: Pekas, Hajek, Barth, Kelly, and Twedt. Also present were Sandy Kinder, Deputy Auditor, and Gordy Swanson, Chief Civil Deputy State's Attorney.

Chairman Pekas called the meeting to order.

AGENDA

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

MINUTES

MOTION by Kelly, seconded by Barth to approve the Minutes for July 20 & 21, 2009. 5 ayes.

VOUCHERS TO BE PAID

MOTION by Hajek, seconded by Barth to approve the following bills totaling \$504,116.46 for payment. 5 ayes.

A & B Business Equip	Var. Depts	563.99	Advance Auto Parts	Sheriff	11.38
All About Travel Inc	Public Def	525.71	Allied Oil & Supply	Hwy Constr	983.48
American Ink LLC	Hwy Constr	162.37	American Red Cross	Mus Maint	40.00
Andersen, Norma	Mental Ill	60.00	Anderson, Carol	Human Svcs	250.00
Appeara / Dudley Lau	Hwy Constr	36.12	Arena Motel	Human Svcs	2,368.00
Argus Leader	Var. Depts	5,817.53	Associated Bag Comp	Jail	42.11
Athey, Kristine M D	Public Def	37.40	Austad, Dean B	Human Svcs	693.75
Automatic Building C	Facilities	1,419.48	Avera Health Plans I	Human Svcs	934.32
Avera McKennan Hospi	Var. Depts	64,418.52	Al Svc Inc/Laceys Ch	Hwy Constr	95.00
Bargain Barn Tire Ct	Dir of Eq	12.00	Batteries Plus/Onesk	Facilities	180.00
Bechtel, Donald J	Human Svcs	400.00	Bierschbach Equipmen	Hwy Constr	81.15
Billion, James A.	Courts	606.80	Black Inc	Mus Entpr	480.00
Bob Barker Company,	Jail	2,367.05	Brennan Hill Townhou	Human Svcs	1,000.00
Brevik Law Office Pr	Mental Ill	622.10	Brown & Saenger	Var. Depts	237.42
Butler Machinery Com	Hwy Constr	54.36	Campbell Supply Co I	Jail	31.50
Cass County (ND) She	St Atty	60.00	CBM Food Service	Jail	66,147.71
Century Business Pro	Var. Depts	107.50	Chapel Hill Funeral	Human Svcs	907.20
Chemco, Inc.	Var. Depts	6,362.32	Cleveland Heights Ap	Human Svcs	575.00
CM Information Spec/	St Atty	16.02	Cole Papers, Inc.	Jail	514.92
Communication Svcs F	Courts	59.00	Concrete Materials	Hwy Constr	42,792.59
Conexis Benefit Admi	Human Svcs	510.54	Construction Product	Hwy Constr	295.95
Country Meadows Apts	Human Svcs	600.00	Country View MHC	Human Svcs	570.00
Cyntom Property Mana	Human Svcs	575.66	Dakota Data Shred	Jail	534.69
Dakota Fluid Power,	Hwy Constr	48.98	Dakota Lettering Etc	Sheriff	114.03
Dakotaland Autoglass	Hwy Constr	250.00	Delux Motel / Dakota	Human Svcs	125.00
Dethlevsay, Sanya	Courts	50.00	Dietrich, Donna K	Mental Ill	1,226.87
DLRS Properties, Inc	Human Svcs	365.00	Dodds, Steve	Human Svcs	400.00
Dust Tex Service, In	Var. Depts	17.74	Ebert's Properties,	Human Svcs	1,785.00
Eirinberg, James A	Courts	1,600.00	Ekeren, Marvin R.	Mental Ill	78.00
Engbrecht, Roger	Human Svcs	400.00	Engels Law Office Pc	Courts	408.00
Etc/Expo For Her Mag	Mus Store	425.00	Evans, Preston	Sheriff	12.00
F & K Assam Family L	Hwy Constr	91,012.68	Falls Terrace Apartm	Human Svcs	500.00
Farm & Ranch Living	Extension	10.00	Fastenal Company	Hwy Constr	61.12
First Premier Bank	Human Svcs	500.00	Fiskum, Paul	Mem Day	36.59
Fluth, Rodney P	Human Svcs	1,025.00	Fred The Fixer Inc	Hwy Constr	31.00
Galland Legal Clinic	Courts	1,180.80	Gaylord Bros.	Mus Ops	797.96
George Boom Funeral	Human Svcs	1,439.10	Glasco, Randy	Human Svcs	400.00
Glazier, David Alan	Human Svcs	795.00	Glory House	Glory Hous	1,260.00
Godi, Mustafa	Human Svcs	530.00	Goebel Printing, Inc	Sheriff	20.00
Graff, Richard	Human Svcs	300.00	Great Plains Psychol	Courts	920.00
Gross, Bryan	Human Svcs	400.00	Guzman, Sandra V.	Courts	75.00
Hammer, Ralph	Hwy Admin	37.70	Hancock Fabrics, Inc	Mus Ops	173.79

Hansen, Christine	Human Svcs	500.00	Hanson Brothers, Inc	Human Svcs	500.00
Heartland Paper Comp	Jail	2,653.78	Heger, Darla	Human Svcs	400.00
Heggen, Leo	Hwy Admin	34.99	Heirigs, Mary Ellen	Mental Ill	96.00
Heirloom Creations	Mus Ops	38.98	Hemenway, Shannon	JDC	59.98
Heritage Place Apts	Human Svcs	679.50	Holiday Mobile Home	Human Svcs	450.00
Home Federal Savings	Human Svcs	600.00	Horn, Garrett	Mental Ill	196.60
Huezo, Dax I	Human Svcs	500.00	Hurtgen, Timothy T.	Human Svcs	1,292.00
Hy-Vee & Affiliates	Human Svcs	399.61	Hy-Vee Accounts Rece	Mus Entpr	211.95
Hy-Vee Pharmacy	Human Svcs	215.97	Hybertson, Greg	Human Svcs	625.00
Interstate Office Pr	Var. Depts	1,131.47	J & S Hospitality DB	Human Svcs	392.00
J.C. Penney Company,	Facilities	292.17	JCL Solutions-Janito	Var. Depts	805.20
Jebro, Inc.	Hwy Constr	9,008.82	Jefferson Partners L	Jail	67.50
Jerke, Heidi	Planning	1,923.52	Johnke, Kim	Mus Store	75.00
Johnson Feed, Inc.	Hwy Constr	1,231.45	Johnson, Ronald L	Hwy Admin	37.58
Johnstone Supply	Facilities	831.46	Kar Parts, Inc.	Em Mgmt	52.18
Kennedy, Pier & Knof	Mental Ill	127.00	Kleen Solutions, Inc	Jail	149.90
Kmart	Human Svcs	51.72	Knights Inn	Human Svcs	1,150.00
Kreisers, Inc.	Jail	1,093.75	Kuehl, Allen	Human Svcs	600.00
Langenfeld, Luke W	Human Svcs	425.00	Lassegaard, Samuel C	Human Svcs	985.00
Lathrop, Timothy A	Human Svcs	750.00	Leaf Inc.	Var. Depts	189.77
Lewis Drug Stores	Human Svcs	7,327.40	Linweld, Inc.	Hwy Constr	309.66
Loadrite Midwest	Hwy Constr	350.00	Lodermeier Family Pa	Human Svcs	500.00
Lutheran Social Serv	Courts	1,487.50	Mac's, Inc.	Hwy Constr	8.17
Marco NW7128	Extension	316.16	Marion Manor / Pine	Human Svcs	205.00
Mathison Company	Hwy Constr	148.00	McDonald, Christal K	Mental Ill	203.88
Meadowland Apts/SF L	Human Svcs	275.00	Menards - East	Var. Depts	302.31
Metro Communications	Var. Depts	110.00	Michaelson, Shirley	Human Svcs	400.00
Midamerican Energy C	Human Svcs	538.45	Midcontinent Communi	Human Svcs	198.97
Midwest Oil Company,	Hwy Constr	577.81	Mikelson, Gary E	Mental Ill	345.76
Miller Funeral Home,	Human Svcs	2,739.00	Minnehaha Cnty Sheri	Sheriff	155.89
Mobile Electronic Se	Sheriff	180.00	Monument Mobile Home	Human Svcs	180.00
Mountain-Plains Muse	Mus Ops	250.00	Munk, Steven	Extension	471.83
Murray Const	Human Svcs	850.00	Myers & Billion LLP	Courts	477.06
Nat'l Directory of L	St Atty	144.00	Nelson, William	Human Svcs	500.00
Nguyen, Lam	Courts	25.00	Norment Security Gro	Jail	77.34
Northern Hgts Dev II	Human Svcs	800.00	Northern States Supp	Hwy Constr	82.04
Nyberg's Ace Hardwar	Human Svcs	20.98	Office Depot	Public Def	807.77
Pacific Ave Comp LLC	Human Svcs	400.00	Palmer, Barbara	Mental Ill	4,455.00
Pfeifer Implement Co	Hwy Constr	8.42	Pipstone County She	St Atty	50.00
Portable Computer Sy	Em Mgmt	28,872.00	Preferred Management	Human Svcs	400.00
Presto-X-Company	JDC	76.00	Priority Signs	Em Mgmt	465.00
Qualified Presort Se	Var. Depts	4,482.04	Quality Efficiencies	Human Svcs	195.00
Qwest	Jail	47.07	Rabuck, Steve/Nichol	Courts	979.75
Rap, Jannel	Human Svcs	740.00	RDO Equipment Co.	Hwy Constr	13.90
Redwood Biotech	Jail	852.50	Redwood Estates LLC	Human Svcs	1,295.00
Rehfuss, Cathy A	Mental Ill	138.00	Richland Prop Mgmt L	Human Svcs	350.00
Rick Plbg & Htg Inc	Hwy Admin	8,000.00	River Glen Place Apt	Human Svcs	400.00
Roberts, Yvonne	Human Svcs	340.00	Robson True Value	Jail	35.98
Roelofs, Leigh	Human Svcs	225.00	Rosenberg, Craig	Extension	11.50
Sanford Hospital	St Atty	20.00	Sanford Hospital - R	Human Svcs	550.00
Sanford Hospital Med	St Atty	23.50	Scheid, Pamela M.	Human Svcs	55.50
Schoeneman, Inc.	Human Svcs	525.00	SD Human Services Ce	Public Def	51.00
Shopko Store	JDC	142.04	Signwarehouse.Com	Mus Entpr	365.70
Silchuk, Lyubon (Lub	Courts	125.00	Silver Glen Mhc, Llc	Human Svcs	830.00
Sioux Falls City Fin	JDC	336.18	Sioux Falls Rubber S	Jail	12.95
Sioux Falls Two Way	Var. Depts	1,112.25	Sioux Falls Utilitie	Var. Depts	5,339.05
Sioux Valley Energy	Var. Depts	387.38	Snoozy, Scott	Human Svcs	400.00
Solheim, Virginia	Hwy Admin	39.43	Solomon, Ghirmay	Courts	395.83
Sorensen, Robert	Human Svcs	400.00	Spring Hill Ltd	Human Svcs	155.00
Steak-Out Sioux Fall	Courts	158.13	Stoney Creek Townhom	Human Svcs	72.00
Sturdevant's Auto Pa	Hwy Constr	144.32	Surgical Institute O	Human Svcs	859.41
Target Pharmacy	Human Svcs	66.98	Taylor's Place LLC	Human Svcs	35.00
Thoreson, Jeff	Sheriff	102.00	Thorin, Deyanira T	Courts	75.00
Tires,Tires,Tires In	Var. Depts	717.12	TK Enterprises	Human Svcs	265.00
Tomacelli's Pizza	Courts	85.56	Tower of David, Ltd	Human Svcs	268.00
Triple R Industries,	Human Svcs	200.00	Tschetter & Adams La	Courts	506.59
UMR-COBRA	Human Svcs	409.30	US Postal Service	Extension	42.31
USD-DHSF (Dental Hyg	Human Svcs	606.00	Valley West Apartmen	Human Svcs	475.00
Vanroekel, Jennifer	Sheriff	180.00	Velgersdyk, Dr. Scot	Human Svcs	3,017.00

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Velvet Uniforms, Inc	Army Guard	59.40	Video Service of Ame	Commission	104.53
Vision Care Associat	Human Svcs	31.99	Wal-Mart Pharmacy	Human Svcs	448.76
Wal-Mart Pharmacy	Human Svcs	1,238.10	Wal-Mart Stores-Lega	Public Def	5.00
Walden Carpets, Inc.	Pettigrew	50.00	Walgreen Co.	Human Svcs	1,950.72
Waste Management of	Jail	483.41	Wellmark Blue Cross	Human Svcs	101.36
West Group	Var. Depts	1,818.00	West Pointe Townhous	Human Svcs	966.00
Williams, Bill	Human Svcs	550.00	Williamsburg Townhom	Human Svcs	400.00
Willow Wood Apartmen	Human Svcs	500.00	Woodlake Apts Cl LLC	Human Svcs	323.00
Xcel Energy, Inc.	Var. Depts	55,577.72	Yankton County Sheri	Mental Ill	425.00
Zandt, James R	Human Svcs	500.00	Zdorovtsov, Christin	Extension	38.95

REPORT

The following report was received and placed on file in the County Auditor’s Office: Inter-Lakes Community Action Partnership 2008 Annual Report.

PERSONNEL

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

1. To accept the resignation of David Myers as temporary, part-time Laborer for the Highway Department effective 7-27-09.
2. To hire Willard Huffman as part-time Civil Process Server (12/A) for the Sheriff’s Office at \$15.6584/hour effective 7-27-09.
3. To hire Kenneth Jacobs as Deputy Public Defender (21/A) for the Public Defender’s Office at \$24.4217/hour effective 8-3-09.

Step Increases Due:

1. Bryan Hall – Senior Deputy Public Defender – Public Defender – 22/E to 22/F, 8-2-09, \$2,439.94/bi-weekly
2. Cheri Scharffenberg – Senior Deputy Public Defender – Public Defender – 22/D to 22/E, 8-1-09, \$2,380.44/bi-weekly
3. Paul Bengford – Senior Deputy State’s Attorney – State’s Attorney – 22/I to 22/J, 7-17-09, \$2,693.24/bi-weekly
4. Stacey Tieszen – Homeless Advisory Board Coordinator – Human Services – 18/F to 18/G, 7-9-09, \$1,953.73/bi-weekly
5. Scott Dries – Correctional Officer – Jail – 13/K to 13/L, 7-8-09, \$21.5852/hour

PLANNING

Pat Herman, Planner, gave the first reading of a proposed amendment to the 2002 Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls to amend text in the industrial, agricultural, and definition sections related to junkyards/salvage, recreation, produce sales, and bed & breakfasts. MOTION by Hajek, seconded by Barth to authorize the Auditor to publish Notice of Hearing on 8/17/09. 5 ayes.

LIEN

Commissioner Barth, County Aid Lien Liaison, briefed the Commission on a request to compromise DPNOs 65604 and 24711, which total \$3,456.80. The applicant qualified for a Habitat for Humanity home and needs to satisfy the lien prior to closing. The liens are for attorney services provided to the applicant's husband for crimes committed against the family. MOTION by Hajek, seconded by Twedt to approve Resolution MC09-27. 4 ayes, Barth – nay.

RESOLUTION MC09-27

WHEREAS, County Aid Lien(s) totaling \$3,983.30 purports to exist in favor of Minnehaha County and against DPNO(s) 65604 (\$526.50) & 24711 (\$3,456.80) 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 petitioner (wife) only from DPNO(s) 65604 & 24711 with no payment from her. DPNO(s) 65604 & 24711 to remain filed in the name of the husband only.

Dated at Sioux Falls, South Dakota, this 28th day of July, 2009.

APPROVED BY THE COMMISSION:

John Pekas, Chairman

ATTEST:

Sandy Kinder, Deputy Auditor

GRANT

Kyle Niemann with SECOG requested approval of several policies, resolutions, and certifications related to the Community Development Block Grant for the Children's Home Society. In 2008, the County sponsored the grant for the expansion of the Children's Home Society in the amount of \$515,000. Mr. Niemann explained that he was not aware of the requirement of the proposed documents until after the grant was approved. Gordy Swanson, Deputy State's Attorney, commented that the need to adopt policies that already exist or that are addressed by law was unusual. Ken McFarland, Commission Administrative Officer, noted that some of the documents presented have been part of other grants. Commissioner Twedt stressed the need to work with the State to streamline the grant process. MOTION by Twedt, seconded by Hajek to approve the following as part of the Children's Home Society Community Development Block Grant: a) Code of Conduct Policy, b) Equal Employment Opportunity Policy, c) Excessive Force Policy, d) Fair Housing Resolution MC09-28, e) Certification Regarding Restrictions on Lobbying, and f) Relocation, Displacement, and Acquisition Planning Policy. 5 ayes.

FAIR HOUSING RESOLUTION

Resolution MC09-28

WHEREAS, it is the County of Minnehaha's firm belief that discrimination in housing not only threatens the rights and privileges of citizens but also menaces the institutions and foundations of a free and democratic society; and

WHEREAS, the Minnehaha County Commission desires to give meaning to the guarantees of equal rights contained in the Constitution and laws of this State and the United States and to encourage and bring about mutual self-respect and understanding among all citizens and groups; and

WHEREAS, under the federal fair housing, Title VIII of the Civil Rights Act of 1968, it is illegal to deny housing to any person because of race, color, religion, sex, or national origin;

THEREFORE, BE IT RESOLVED the County of Minnehaha makes a firm commitment to do all within its power to eliminate prejudice, intolerance, disorder and discrimination in housing; and

BE IT ALSO RESOLVED that the Fair Housing and Equal Opportunity logo will be displayed in the County Commission Office; and

BE IT ALSO RESOLVED, the following procedures will be used to accomplish the purpose of the aforementioned resolution:

1. The County shall inform all of its employees of the County's commitment to equal opportunity housing.
2. The County shall direct all employees to forward immediately to the Chairman any reports they receive of housing discrimination.
3. The Chairman shall forward such complaints to the South Dakota Division of Human Rights within 10 days of receipt of said complaint.

Dated this 28th day of July, 2009.

APPROVED BY THE COMMISSION:

John Pekas, Chairman

ATTEST:

Sandy Kinder, Deputy

PROVISIONAL BUDGET

Sue Roust, Auditor, presented the FY2010 Provisional Budget in the amount of \$64,071,112, an increase of \$1,662,191 from FY2009. The increase is supported by new revenues that include 2.83% growth in property taxes due to new construction and a 3% CPI adjustment. It includes 4 new positions, one each for Public Defender and Information Technology and two for Human Services in anticipation of the Housing First Project beginning around 7/1/10. One position was eliminated in the Treasurer's Office due to a shift in on-line duties to the State. The Provisional Budget also includes a 1.8% cost of living increase for county employees. The owner of a \$100,000 property will see an increase of \$5.15 in county taxes in 2010. A public hearing to adopt the final budget will be held on September 1st. Commissioner Kelly did not support the addition of the employee in the Public Defender's Office. He explained that the position was approved at the last budget hearing and did not feel the request was any more compelling than those of other departments that were denied new positions. Commissioner Barth noted that the Provisional Budget could still be changed. MOTION by Hajek, seconded by Barth to approve the FY2010 Provisional Budget. 4 ayes, Kelly – nay. (The Provisional Budget and Adoption Resolution MC09-29 will be published in the County's legal newspapers along with these Commission Meeting Minutes).

DONATION

The Commission office received a request to contribute \$384 for a historical marker recognizing the Hiawatha Asylum for Insane Indians in Canton, SD from Betty Ann Owen. Ms. Owen was not in attendance to present her request and Commissioners noted that the marker would be placed in Lincoln County. Due to the frequency of donation requests, Commissioner Twedt asked that those persons present their request to the Commission under Opportunity for Public Comment. MOTION by Hajek, seconded by Barth to deny the donation request. 5 ayes.

APPOINTMENT

MOTION by Hajek, seconded by Barth to re-appoint Jerry Mundt and Tia Esser (term of 7/1/09 to 6/30/12) to the Joint Minnehaha/Lincoln County Mental Illness Board and to recommend that Presiding Judge Caldwell appoint Brenda Ask as an alternate co-chair. 5 ayes.

BRIEFING

Eli Whitney, Director of Equalization, briefed the Commission on the Discretionary Tax Formula for the City of Sioux Falls and for other municipalities in Minnehaha County who have adopted a formula, as well as a proposal to expand the formula currently in place in Sioux Falls for a two-year period. The formula taxes the valuation of a qualifying property in phases, usually over a five-year term and is only available for new construction projects. The taxing entities do not suffer a loss in property tax revenues. The proposal will be considered by the Sioux Falls City Council and does not require County approval. Mr. Whitney questioned a retroactive reference in the proposal. Clayton Jamison, Steve VanBuskirk, and Todd Anawski with the Home Builders Association presented information in support of the change and explained that it is a way to stimulate the local economy without requiring a bond issue. Mr. Jamison reported that once the infrastructure is in place, residential growth will follow. He also explained that the retroactive reference would not go back any further in time, it would just set the starting date. Slater Barr with the Sioux Falls Development Foundation and Bob O'Connell with the Sioux Falls Chamber of Commerce spoke in support of the proposal.

NEW BUSINESS

Commissioner Barth commented on the smoking ban delay.

Commissioner Twedt left the meeting.

MOTION by Barth, seconded by Hajek to adjourn into Executive Session for discussion on contracts and potential litigation. 4 ayes. Following the Executive Session, the Commission adjourned until 9:00 a.m. on Tuesday, August 4, 2009.

APPROVED BY THE COMMISSION:

John Pekas, Chairman

ATTEST:

Sandy Kinder, Deputy Auditor

Published once at the total approximate cost of \$_____