

THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M., August 18, 2009, pursuant to adjournment on August 17, 2009. Commissioners present were: Pekas, Barth, Kelly, and Twedt. Commissioner Hajek was absent. 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 Kelly, seconded by Barth to approve the Agenda. 4 ayes.

MINUTES

MOTION by Twedt, seconded by Barth to approve the Minutes for August 11, 2009. 4 ayes.

VOUCHERS TO BE PAID

MOTION by Barth, seconded by Kelly to approve the following bills totaling \$364,475.48 for payment. 4 ayes.

A & B Business Equip	Var. Depts	499.35	A to Z World Languag	St Atty	150.00
ABN Army Surplus	Air Guard	59.00	Allied Oil & Supply	Hwy Constr	123.00
American Institution	JDC	1,114.21	Argus Leader	Var. Depts	2,482.14
Around The Clock/Dra	JDC	72.95	Arrow Ridge Townhome	Human Svcs	365.00
Avera Health Informa	Public Def	63.30	Avera Heart Hosp Of	Human Svcs	5,387.75
Avera McKennan Hospi	St Atty	220.00	Avera Queen of Peace	Hwy Admin	49.50
Benz, Vergil C	Human Svcs	400.00	Best Business Produc	Reg Deeds	42.90
Billion's	Sheriff	35.88	Bosch, Curt	Human Svcs	485.00
Boulevard Investment	Human Svcs	300.00	Boyd, Michelle	Sheriff	550.00
Brooks Const Svcs In	Hwy Constr	24,900.00	Builders Supply Comp	Var. Depts	1,490.81
C & J Sayles, Inc.	Mus Store	128.67	Campbell Supply Co I	Var. Depts	197.59
Catco	Hwy Constr	15.56	CBM Food Service	JDC	5,558.64
Century Business Pro	Var. Depts	604.16	Chang, Hyun	Human Svcs	500.00
Cleveland Heights Ap	Human Svcs	337.50	Concrete Materials	Hwy Constr	57,403.05
Constellation New En	Facilities	5,736.63	Country View MHC	Human Svcs	791.84
Culligan Water Condi	Human Svcs	36.00	Dakota Data Shred	Facilities	96.47
Dakota Intl Trading	Em Mgmt	1,291.00	Dakota Security Syst	Facilities	114.80
Danko Emergency Equi	Em Mgmt	836.01	Davis, Kory	Human Svcs	500.00
Decastro Law Office,	Courts	405.90	Delux Motel / Dakota	Human Svcs	250.00
Dennis Supply Co. -	Facilities	243.24	Diamond Vogel Paint	Hwy Constr	14.65
Dooyema, Eric J	Public Def	55.76	Ebert's Properties,	Human Svcs	1,485.00
Elite Business Syste	Human Svcs	95.00	Emdeon Business Serv	Human Svcs	39.95
Family Service Inc	Human Res	260.00	Family Vac	Mus Maint	15.95
Fastenal Company	Hwy Constr	92.25	First Administrators	Human Svcs	131.17
First Premier Bank	Sheriff	58.30	Fluth, Rodney P	Human Svcs	500.00
Galland Legal Clinic	Courts	897.90	Gearman, Jason	Mental Ill	209.64
Geotek Engineering &	Hwy Constr	530.50	Glazier, David Alan	Human Svcs	400.00
Glory House	Pass-Thru	5,314.48	Grainger, Inc.	Facilities	241.40
Graybar Electric Com	Facilities	537.55	Hamilton, Jeff	Human Svcs	450.00
Hammer, Ralph	Hwy Admin	39.60	Harold's Photo Cente	Mus Entpr	153.87
Help Line Center, In	Human Svcs	400.00	Historical Folk Toys	Mus Store	172.05
Hobby Lobby Stores I	Var. Depts	93.62	Hoekstra, Denise A.	Courts	38.00
Holiday Mobile Home	Human Svcs	1,007.38	Hughes County Sherif	St Atty	14.30
Hurtgen, Timothy T.	Human Svcs	300.00	Hy-Vee Accounts Rece	Jdc	57.53
Inland Truck Parts &	Hwy Constr	39.50	Interstate Office Pr	Var. Depts	640.79
Interstate Power Sys	Em Mgmt	18,218.38	J & S Hospitality db	Human Svcs	196.00
J.C. Penney Company,	Facilities	129.97	Jaros, Pete	Mental Ill	256.45
JCL Solutions-Janito	Facilities	120.24	Jefferson Partners L	Human Svcs	4,155.65
Jim & Ron's Service,	Sheriff	70.00	Johnstone Supply	Facilities	25.43
Keller, Thomas M	Courts	591.18	Klein, Rose	Human Svcs	500.00
Kleinjan, Pete	Human Svcs	475.00	Kohl's Department St	JDC	29.99
Kone, Inc.	Var. Depts	179.39	Koopman & Sons Gas C	Hwy Constr	60.00

KTTW-FOX-TV/Independ	Mus Ops	300.00	Lason Systems, Inc.	Reg Deeds	258.30
Lassegaard, Samuel C	Human Svcs	450.00	Lawson Products, Inc	Hwy Constr	137.56
Lewis Drug Stores	Extension	8.78	Lexis-Nexis / Reed E	Var. Depts	296.00
Liebl, Shawn	Human Svcs	325.00	Linweld, Inc.	Var. Depts	62.51
Ludoc Enterprises In	Jail	592.00	Lutheran Social Serv	Var. Depts	775.00
Malloy Electric Bear	Facilities	80.42	Maxwell Food Equipme	JDC	101.00
McLaughlin, David	Human Svcs	325.00	Meierhenry Sargent L	Courts	1,074.20
Menards - East	Parks	48.79	Menards - West	Hwy Constr	74.46
Microfilm Imaging Sy	Reg Deeds	214.20	Midamerican Energy C	Var. Depts	1,394.60
Midwest Alarm Compan	Extension	80.00	Minnehaha Cnty Human	Human Svcs	141.60
Minnehaha Cnty Priso	Jail	42.37	Minnesota Bur of Cri	Mus Ops	15.00
Moore Medical Corp.	JDC	60.95	Motorola, Inc.	Var. Depts	109,801.00
Murray Const	Human Svcs	458.00	Myers & Billion LLP	Courts	1,332.60
Nebraska Transport C	Human Svcs	167.69	Norberg Paints, Inc.	Pettigrew	110.48
Northern Safety Tech	Hwy Constr	60.33	Novak Sanitary Servi	Var. Depts	497.94
Nyberg's Ace Hardwar	Var. Depts	47.56	O'Dea, Steve C	Human Svcs	390.00
O'Reilly Auto Parts	Hwy Constr	279.99	Oakwood Estates/Inve	Human Svcs	800.00
Ode, Gregg	Extension	21.10	Office Depot	Public Def	162.02
Overhead Door Compan	Facilities	102.04	P & M Steel Company	Hwy Constr	2,152.04
Presto-X-Company	Facilities	424.00	Pride Neon, Inc	Hwy Constr	114.80
Quill Corp.	Public Def	443.43	Qwest	Var. Depts	3,983.64
R & S Sanitation Ser	Hwy Admin	275.00	Redwood Estates LLC	Human Svcs	400.00
Retail Data Systems	Treasurer	50.00	Russell, Mark	Air Guard	74.41
Sadat, Sayd Abdul Qa	Human Svcs	500.00	Sanford Hospital - R	Human Svcs	800.00
Schaefer, Dean	Public Adv	71.40	Schrader, Lloyd	Human Svcs	450.00
Schuneman Equip Co	Hwy Constr	284.21	SD Dept of Revenue	St Atty	7,717.00
SD Dept of Revenue A	Dir of Eq	440.00	SD Risk Pool	Human Svcs	635.03
SD Secretary of Stat	Public Def	30.00	Siemonsma, Sue	Extension	13.70
Sioux Empire FCU 148	Var. Depts	167.09	Sioux Empire FCU/097	Sheriff	2,470.21
Sioux Empire FCU/108	Sheriff	96.22	Sioux Empire FCU/109	Jail	1,511.83
Sioux Empire FCU/190	St Atty	388.68	Sioux Empire FCU/215	Sheriff	201.29
Sioux Empire FCU/260	Em Mgmt	147.03	Sioux Falls Transit/	Human Svcs	25.00
Sioux Falls Utilitie	Var. Depts	220.87	Sioux River Ltd Ptnr	Human Svcs	500.00
Sioux Valley Energy	Human Svcs	138.00	Siouxland Trailer Sa	Hwy Constr	41,600.00
Smith Publishing Co.	Reg Deeds	318.95	Studts, Lisa	Mus Entpr	55.87
Sturdevant's Auto Pa	Hwy Constr	104.37	Sunshine Foods	Human Svcs	88.04
SV Home Medical Equi	Human Svcs	66.00	Target Pharmacy	Human Svcs	1,363.94
Thorin, Deyanira T	Public Def	87.50	Town Park II Apts	Human Svcs	500.00
Travelhost of Sioux	Mus Ops	153.00	Triangle Properties	Human Svcs	300.00
Tronson, Patricia A	Human Svcs	500.00	Tyler Buildings LLC	Human Svcs	400.00
United Parcel Servic	Mus Store	13.04	Urology Institute, P	Human Svcs	1,707.60
Vavra, Jeff dba Vavr	Human Svcs	500.00	Velgersdyk, Dr. Scot	Human Svcs	756.00
Velvet Uniforms, Inc	Var. Depts	488.07	Verizon Wireless	Var. Depts	6,474.60
Volunteers of Americ	Jail	1,345.22	Wal-Mart Pharmacy	Human Svcs	369.80
Wal-Mart Pharmacy	Human Svcs	8.00	Walgreens Pharmacy	Human Svcs	30.00
Walter, Delmar J	Courts	1,119.00	West Group	Var. Depts	1,736.70
Wheelco Brake & Supp	Hwy Constr	40.08	Wiebesiek, Stacy L	Human Svcs	54.00
Witttrock, Craig	Air Guard	562.80	Wynia, Keith	Air Guard	205.20
Xcel Energy, Inc.	Human Svcs	4,582.66			

REPORTS

The following reports were received and placed on file in the County Auditor's Office: Minnehaha County Sheriff's Department Monthly Report; Minnehaha County Regional Juvenile Detention Center Monthly Report, and the Minnehaha County Register of Deeds Official Statement of Recording, Transfer, Marriage, Express Fees, and Overages all for July, 2009.

PERSONNEL

MOTION by Kelly, seconded by Barth to approve the following personnel changes. 4 ayes.

1. To accept the resignation of Scott Dries as Correctional Officer for the Jail effective 8-10-09.
2. To hire Michael Walker as Deputy Sheriff (16/B) for the Sheriff's Office at \$19.5551/hour effective

8-21-09.

Step Increases Due:

1. Heidi Jerke – GIS Coordinator – Planning – 19/E to 19/F, 8-23-09, \$25.0322/hour
2. Ryan Baker – Correctional Officer – Jail – 13/D to 13/E, 8-18-09, \$18.1589/hour
3. Jered Broesder – Correctional Officer – Jail – 13/D to 13/E, 8-20-09, \$18.1589/hour

Carey Deaver, Human Resources Director, requested authorization to enter into an agreement with SilverStone Group, Inc. to perform a review of the health benefits program at an estimated cost of \$2,000. Ms. Deaver reported that changes are needed to the current health benefits program making this a good time for the review. After the review, recommendations will be presented to the Commission. MOTION by Barth, seconded by Twedt to authorize the Human Resources Director to sign the Consulting Services Agreement. 4 ayes.

NOTICE

Notice was received of the East Dakota Water Development District Board Meeting on 7/20/09.

LIENS

The following lien compromises were recommended by Hauge Associates, Inc.:

MOTION by Barth, seconded by Twedt to release DPNO 46188 in the amount of \$743.76 in full upon payment of \$300.00 within 10 days. 4 ayes.

MOTION by Barth, seconded by Kelly to release DPNO 62885 in the amount of \$943.07 in full upon payment of \$565.80 within 14 days. 4 ayes.

AGREEMENT

Trae Umstead, IT Director, presented an agreement to purchase a case management software program to be used by the offices of the State's Attorney, Public Defender, and Public Advocate. It will be integrated with the New World System and will be purchased with funds from the Edward Byrne Justice Assistance Grant program at a cost of \$108,000, plus \$16,800 for custom interface fees. The annual maintenance fee is estimated at \$12,000 and will be paid for by the IT department because the program will be utilized by multiple departments. Commissioner Twedt thanked Assistant Sheriff Michelle Boyd and the Sheriff's department for finding funding to support this program. MOTION by Twedt, seconded by Barth to authorize the Chairman to sign the Agreement for Proprietary Software with Cyberchannel, Inc., dba LegalEdge Software. 4 ayes.

BRIEFING

Lloyd Olson, Facilities Director, briefed the Commission on two power outages that affected the County Campus last week. The first incident was corrected by Xcel Energy and power was restored quickly. The second outage resulted in an interruption of power to the buildings which caused equipment failures and damage. Some department heads elected to dismiss employees due to smoke and odor in the Administration Building. Commissioners discussed whether a generator was needed for the Administration Building and if Homeland Security Grant funds could be used for the purchase.

Commissioner Kelly suggested a tabletop exercise to better prepare for future outages.

APPEAL

Phil Kappen, Assistant Planning Director, was present for an appeal of the Planning Commission decision denying a Conditional Use Permit to allow for a rubble dump facility on property legally described as the W1000.89' of Lots B & C of Tract 1, & the W250' S206' E340' of Tract 4, All in Waitt Tracts 1, 2, 3, 4, & 5 inclusive, in the NE1/4 of Section 35-T101N-R51W. The property is located at 46451 267th Street. Mr. Kappen explained that when considering the permit, the county looks at land use and density issues while the state looks at environmental issues. The applicant intends to operate a construction and demolition debris disposal site on the property. The facility would be open from 7 a.m. to 5:30 p.m. Monday through Friday, and has an approximate life span of 10 years. The site is located across from a housing development with 77 lots. Residents in the area already have litter from the existing Sioux Falls Landfill just west of the proposed site. The highway had a daily traffic count in 2008 of 3,528 vehicles per day to the east, and 1,743 to the west. The proposed use would create traffic flow problems on the highway. The impact to wetlands shown in the area was also discussed. Commissioner Pekas announced that the attorney representing the applicant was unable to attend today's hearing due to illness. The Commission will hear from both sides today and defer action until next week. Don Runge, applicant, explained the difference between a disposal facility and solid waste dump. He reported that he conducted a noise test on acceleration and deceleration in the area and found that the increase would be around 1.5 decibels higher than normal traffic. He also reported that he meets the 1000 foot setback requirement of the state. He estimated that the facility would have 10 to 12 trucks entering the driveway per day and he is willing to install a turn lane off the highway. Jack Leininger, opponent, spoke on behalf of several property owners in the area and expressed concerns on the increase in truck traffic, safety, increased access in front of the development, lost revenue for the Sioux Falls Regional Landfill, dust, litter, decrease in property values, and loss of wetlands. He believed the additional traffic would increase congestion in the area and did not feel that turning lanes would alleviate any safety issues. He also believed the city landfill accepted the same materials that would be disposed of at the proposed rubble site and allowing a second site would not be cost productive to the users. He asked who would enforce the conditions if the permit is granted. Jim Larson, Country Villa Road District, reported that at the time of the Planning Commission hearing, signatures were collected from area residents in opposition to the CUP. Those residents were again contacted by Mr. Larson and were still in opposition. Grant Edgecomb, opponent, voiced concerns on bus routes in the area. Tammy Mielke, opponent, discussed the continuing problems with people dumping furniture and other items on nearby roads. Glenn Fuerstenberg, opponent, reported that the entrance of the proposed site was moved to intersect with Valdez Road. He explained that Valdez Road is an access road to the subdivision. Aligning the driveway would not make it an intersection. He thought that businesses were to be located at an intersection. Commissioner Kelly clarified that the decibel readings near the landfill were taken along the landfill access road rather than along the highway. Commissioner Twedt asked for additional information at the next meeting on the number of bus routes in the area and a current traffic count, if possible. Each side will be allowed 10 minutes for final comments. Today's information was taken under advisement.

OLD BUSINESS

Commissioner Barth reported that he believes the 2009 Sioux Empire Fair was a success.

Commissioner Barth expressed regret that the Housing First Project was not discussed at the Joint City/County meeting.

MOTION by Twedt, seconded by Barth to correct the range number in Resolution MC09-26, adopted on July 20, 2009. 4 ayes. The range was incorrectly listed at 50W and should have shown 48W.

Last week, the Commission directed the Assistant Commission Administrative Officer to send a letter to the state requesting information on the status of the return of the 2009 Homeland Security Grant funds to the state for state radio updates. Sheriff Mike Milstead asked that the Commission hold off on the update as it is anticipated that the state will respond within the week.

MOTION by Kelly, seconded by Barth to adjourn until 9:00 a.m. on Tuesday, August 25, 2009. 4 ayes.

APPROVED BY THE COMMISSION:

John Pekas, Chairman

ATTEST:

Sandy Kinder, Deputy Auditor