

THE MINNEHAHA COUNTY COMMISSION CONVENE AT 9:00 A.M., October 27, 2009, pursuant to adjournment on October 20, 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 and announced that the hearing to consider the Vern McAreavey drainage permit application, in Clear Lake Township, is deferred until November 3, 2009.

AGENDA

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

MINUTES

MOTION by Kelly, seconded by Hajek to approve the Minutes for October 19 & 20, 2009. 5 ayes.

VOUCHERS TO BE PAID

MOTION by Twedt, seconded by Hajek to approve the following bills totaling \$455,000.28 for payment and October salaries. 5 ayes.

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|----------------------|------------|-----------|----------------------|------------|----------|
| A & B Business Equip | Var. Depts | 532.26 | ABN Army Surplus | Sheriff | 883.05 |
| Advance Auto Parts | Sheriff | 17.09 | American Polygraph A | Sheriff | 150.00 |
| American Red Cross-B | Em Mgmt | 45.00 | Anderson, Scott A. | Planning | 1,820.75 |
| Anesthesiology Assoc | Var. Depts | 312.00 | Argus Leader | Var. Depts | 8,298.83 |
| Automatic Building C | Jail | 90.00 | Avera McKennan Hosp | Jail | 126.75 |
| Avera McKennan Hospi | Var. Depts | 32,576.92 | Avera Women's Specia | Human Svcs | 3,334.46 |
| Awate, Elashe | Public Def | 300.00 | Awka, Tomas | Public Def | 780.13 |
| Billion's | Var. Depts | 1,958.90 | Borgum, Diana | Mus Ops | 200.00 |
| Bosch, Curt | Human Svcs | 475.00 | Brecher, Grant | Human Svcs | 200.00 |
| Brennan Hill Townhou | Human Svcs | 500.00 | Brentwood Apts/Domin | Human Svcs | 1,200.00 |
| Brevik Law Office Pr | Mental Ill | 362.60 | Brown & Saenger | Var. Depts | 40.30 |
| Buffington, Michael | Courts | 3,058.02 | Bureau of Informatio | Var. Depts | 515.24 |
| Burnette, Sara L | Courts | 4,264.00 | Campbell Supply Co I | Var. Depts | 1,022.85 |
| Carlson, Lisa | Courts | 37.40 | Carroll Institute | Courts | 112.00 |
| Cartridge World | Info Tech | 1,648.37 | Catco | Hwy Constr | 37.84 |
| CBM Food Service | Jail | 11,931.52 | Center for Family Me | Var. Depts | 1,325.24 |
| Century Business Pro | Var. Depts | 149.75 | Chemco, Inc. | Jail | 1,596.63 |
| Children's Inn | Dom Abuse | 22,895.00 | Cinrod Property Mana | Human Svcs | 300.00 |
| City Glass & Glazing | Facilities | 329.30 | City of Dell Rapids | Human Svcs | 80.24 |
| Cleveland Heights Ap | Human Svcs | 400.00 | Cliff Avenue Auto Pa | Hwy Constr | 23.38 |
| Communication Svcs F | Var. Depts | 600.75 | Conexis Benefit Admi | Human Svcs | 341.73 |
| Connecting Point | Info Tech | 147.00 | Cooey, Carla F | Courts | 106.40 |
| Country Meadows Apts | Human Svcs | 205.49 | Country View MHC | Human Svcs | 295.00 |
| Culligan Water Condi | Info Tech | 36.55 | Dakota Auto Parts | Facilities | 130.32 |
| Dakota Fluid Power, | Hwy Constr | 168.55 | Dakota Security Syst | JDC | 147.96 |
| Dakota Traffic Svcs | Hwy Constr | 500.00 | Dakotabilities | Dakotabili | 3,103.50 |
| Danko Emergency Equi | Em Mgmt | 372.00 | David Buus/Daves Sma | Hwy Constr | 168.10 |
| deCastro Law Office, | Courts | 328.00 | Decisionone Corporat | Info Tech | 395.47 |
| Dell Rapids Chevrole | Sheriff | 29.16 | Devaney, Tom | Hwy Constr | 159.99 |
| Devlin, Tim | Jail | 104.95 | Dhecjal, Achor | Courts | 133.32 |
| Diesel Machinery, In | Hwy Constr | 1,496.01 | Eastern Farmers Coop | Hwy Constr | 7.50 |
| Eide Bailly LLP | Human Svcs | 227.50 | Emdeon Business Serv | Human Svcs | 39.95 |
| Exide Technologies | Hwy Constr | 226.53 | Fastenal Company | Var. Depts | 89.54 |
| Finnegan, Daniel | Hwy Constr | 86.97 | First Administrators | Human Svcs | 158.93 |
| G & R Controls Inc | Facilities | 2,516.89 | Gillund Enterprises | Hwy Constr | 168.96 |
| Glory House | Flory Hous | 1,350.00 | Goebel Printing, Inc | Human Svcs | 97.20 |
| Graff Enterprises, I | Jail | 85.00 | Graham Tire Co. - No | Parks | 27.30 |
| Grainger, Inc. | Var. Depts | 932.32 | Graybar Electric Com | Facilities | 12.90 |
| Great Plains Int'l T | Hwy Constr | 1,326.60 | Gunner, Andrea | Courts | 287.20 |
| Guzman, Sandra V. | Var. Depts | 658.33 | Hanson Logowear | JDC | 719.64 |
| Harris, Jon | Sheriff | 157.00 | Hartford's Best Pain | Sheriff | 68.60 |

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| Heritage Place Apts | Human Svcs | 225.00 | Hillyard, Inc. | Facilities | 296.64 |
| Hohn, Rodney L | Hwy Constr | 205.07 | Holiday Mobile Home | Human Svcs | 260.00 |
| Home Federal Savings | Human Svcs | 564.53 | Horn, Garrett | Mental Ill | 237.80 |
| Howalt-McDowell Insu | Public Def | 50.00 | Husman, Larry/Vicki | Human Svcs | 400.00 |
| Hy-Vee & Affiliates | Human Svcs | 658.58 | Hy-Vee Accounts Rece | Var. Depts | 2,457.83 |
| Innovation Property | Human Svcs | 500.00 | Interstate Office Pr | Var. Depts | 1,575.50 |
| J & S Hospitality DB | EFSP Fund | 159.00 | Jaqua, Curtis Wayne | Human Svcs | 395.00 |
| JC Self Storage | Human Svcs | 400.00 | JCL Solutions-Janito | Jail | 587.76 |
| Jefferson Partners L | Var. Depts | 1,471.50 | Johnson,Miner,Marlow | Mental Ill | 157.21 |
| Johnstone Supply | Facilities | 6.95 | Kabeiseman & Pollard | Mental Ill | 190.50 |
| Kennedy, Pier & Knof | Mental Ill | 285.80 | Kennedy, Renee S | Courts | 36.80 |
| Kleen Solutions, Inc | Jail | 133.90 | Kmart | Human Svcs | 218.86 |
| Kone, Inc. | Facilities | 312.05 | Kreislers, Inc. | Var. Depts | 988.84 |
| Kunkel, Parker J | Human Svcs | 475.00 | Lassegaard, Samuel C | Human Svcs | 375.00 |
| Last Stop CD Shop | Sheriff | 150.00 | Lawson Products, Inc | Hwy Constr | 43.84 |
| Leaf Inc. | Var. Depts | 189.77 | Lewis & Clark BHS | Mental Ill | 1,988.00 |
| Lewis Drug Stores | Jail | 19,044.81 | Lexis-Nexis / Reed E | Sheriff | 126.00 |
| Lichty, Jessica | St Atty | 374.00 | Lutheran Social Serv | Var. Depts | 3,675.00 |
| Mac's, Inc. | Facilities | 14.00 | Mailway Printers | Mus Ops | 437.00 |
| Mannie, Corey | Human Svcs | 400.00 | Marco NW7128 | Extension | 158.00 |
| Mathison Company | Public Def | 73.19 | Maximum Promotions, | Facilities | 157.00 |
| McLaughlin, David | Human Svcs | 65.00 | Medical Waste Transp | Jail | 438.57 |
| Medical X-Ray Center | Jail | 504.74 | Menards - East | Var. Depts | 80.40 |
| Metro Communications | Public Def | 270.00 | Midamerican Energy C | Human Svcs | 265.96 |
| Midcontinent Communi | Var. Depts | 290.97 | Midwest Alarm Compan | Em Mgmt | 2,789.00 |
| Midwest Residential | Human Svcs | 500.00 | Minnehaha Cnty Priso | Jail | 50.00 |
| Minnehaha Cnty Pub D | Public Def | 71.48 | Minnesota Fruit & Ve | Extension | 25.00 |
| Monick Pipe & Supply | Facilities | 49.76 | Moore, Rasmussen, Ka | Courts | 1,020.60 |
| Murray Const | Human Svcs | 1,767.33 | Myers & Billion LLP | Courts | 1,741.33 |
| Myrl & Roy's Paving, | Hwy Constr | 176,678.15 | NEAFCS-SD / Treasu | Extension | 115.00 |
| Nebraska Transport C | Human Svcs | 167.69 | Newman, Scott G | Human Svcs | 400.00 |
| Novak Sanitary Servi | Human Svcs | 50.00 | Nowak, Kris G | Human Svcs | 400.00 |
| Oballa, Ojulu A | Courts | 50.00 | Odea, Steven C | EFSP Fund | 410.00 |
| Olson's Pest Technic | Jail | 57.75 | Omnitech Inc | Treasurer | 2,812.50 |
| Ophthalmology Ltd | Jail | 130.46 | Orthopedic Institute | Human Svcs | 660.77 |
| Osborn, Roxane R | Courts | 696.00 | Palmer, Barbara | Mental Ill | 3,465.00 |
| PDSI | Var. Depts | 8,987.00 | Pennington County Ja | Jail | 5,794.55 |
| Petco Animal Supplie | Sheriff | 95.98 | Pfeifer Implement Co | Hwy Constr | 74.78 |
| Pheasantland Industr | Jail | 371.95 | Preferred Management | Human Svcs | 412.00 |
| Presto-X-Company | Var. Depts | 240.00 | Provo, Tom | Human Svcs | 500.00 |
| Quality Efficiencies | Human Svcs | 110.00 | Quill Corp. | Public Def | 744.66 |
| Qwest | Jail | 47.01 | Redwood Biotech | Jail | 387.50 |
| Retail Data Systems | Treasurer | 160.00 | Risty, Julie | Reg Deeds | 165.76 |
| Roelofs, Leigh | Human Svcs | 395.00 | RSVP | Mus Entpr | 575.00 |
| Rural Metro Ambulanc | Jail | 437.26 | Sanford Health Plan- | Human Svcs | 671.08 |
| Sanford Hospital | Human Svcs | 1,255.31 | Schonewill, Nathan/V | Mus Entpr | 150.00 |
| SD Dept of Labor | Insurance | 3,300.58 | SD Dept of Public Sa | Human Svcs | 90.00 |
| SD Dept of Revenue | Var. Depts | 26.00 | SD Federal Property | Extension | 82.00 |
| SD Risk Pool | Human Svcs | 547.34 | SDCAA/SD County Ag A | Extension | 180.00 |
| Sheehan Mack Sales & | Hwy Constr | 261.20 | Shi, International C | Info Tech | 1,554.60 |
| Sioux Empire FCU/260 | Em Mgmt | 3,060.84 | Sioux Falls Chamber | Mus Ops | 436.85 |
| Sioux Falls Transit/ | Human Svcs | 75.00 | Sioux Falls Two Way | Sheriff | 1,061.77 |
| Sioux Falls Utilitie | Var. Depts | 4,417.38 | Sioux Valley Energy | Var. Depts | 483.49 |
| Solomon, Ghirmay | Courts | 354.16 | Stellar/VIP Limousin | Var. Depts | 345.00 |
| Sturdevant's Auto Pa | Hwy Constr | 136.97 | Sunshine Foods | Human Svcs | 126.88 |
| Surgical Institute o | Jail | 477.47 | Teslow Twin Apartmen | Human Svcs | 430.00 |
| Thorin, Deyanira T | Courts | 484.16 | Thurman, Creighton A | Mental Ill | 179.86 |
| Tires,Tires In | Var. Depts | 1,520.55 | TWL Supplies Inc | Jail | 199.84 |
| UMR-COBRA | Human Svcs | 429.53 | Unitech, Inc/United | Var. Depts | 94.58 |
| Urology Institute, P | Jail | 385.71 | Velvet Uniforms, Inc | Var. Depts | 1,796.54 |
| Voigt, Debra | Courts | 820.00 | West Group | Jail | 755.23 |
| Westergard, Rod | Hwy Admin | 291.41 | Wheelco Brake & Supp | Hwy Constr | 18.58 |
| Whitcomb, Mike DBA | Human Svcs | 400.00 | Wood, Jan | Human Svcs | 720.00 |
| Xcel Energy, Inc. | Var. Depts | 47,377.36 | Yankton Medical Clin | Human Svcs | 1,550.78 |
| Zep Manufacturing Co | Hwy Admin | 328.66 | Commission | Salaries | 23,063.87 |
| Auditor | Salaries | 35,223.76 | Treasurer | Salaries | 58,311.80 |
| IT | Salaries | 55,625.13 | States Atty | Salaries | 156,139.75 |
| Public Defender | Salaries | 114,917.73 | Public Advocate | Salaries | 27,625.25 |
| Facilities | Salaries | 67,517.70 | Equalization | Salaries | 69,116.07 |

10/27/09

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|--------------|----------|------------|-------------------|----------|------------|
| Reg of Deeds | Salaries | 36,006.80 | Human Resources | Salaries | 14,661.37 |
| Sheriff | Salaries | 798,845.34 | Juvenile Detn Ctr | Salaries | 162,749.90 |
| Highway | Salaries | 109,150.65 | Human Services | Salaries | 77,931.51 |
| Museum | Salaries | 60,488.00 | Planning | Salaries | 39,050.12 |
| Extension | Salaries | 7,883.50 | | | |

PERSONNEL

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

1. To hire Damon Griffith as Deputy Sheriff (16/B) for the Sheriff's Office at \$19.5551/hour effective 10-31-09.
2. To increase the hourly wage of Cornelius Bakker, part-time Custodial Worker for the Museum to \$11.5000/hour effective 10-27-09.
3. To increase the hourly wage of Benjamin Devlin, part-time Museum Aide for the Museum to \$9.0000/hour effective 10-27-09.

Step Increases Due:

1. Michael Tuschen – Highway Maintenance Worker – Highway – 12/J to 12/K, 11-1-09, \$20.0440/hour
2. Rebecca Carpenter – Legal Office Assistant – State's Attorney's Office – 10/D to 10/E, 10-25-09, \$15.6584/hour

PUBLIC COMMENT

Ron Klingenberg, county resident, commented on a recent action approving the purchase of weed control chemicals. He voiced concerns on chemicals in the ditches spreading to hay then to animals and eventually to crops/gardens through fertilization. He presented various documents detailing the use and safety precautions of various weed control chemicals. He asked that the Commission further research the issue and possibly notify the public of their use and hazards. Mr. Klingenberg responded to a question from Commissioner Barth on what alternative products are available. Mr. Klingenberg stated that he uses 2-4-D and ForeFront herbicide on his personal property. Ralph Hammer, Weed Supervisor, responded and explained that products are selected based on a study by SD State University and mowing restriction. Mr. Hammer and the Weed and Pest Board were asked to research this issue and give an update to the Commission at a later time.

BRIEFING

Janet Kittens-Lalley with the Compass Center and Amy Carter with Children's Inn presented a statistical report on domestic violence reports collected by the Minnehaha County Sheriff's Department, Sioux Falls Police, the Compass Center, and Children's Inn.

BID AWARD

Sally Felix, Siouxland Libraries Director, reported that bids for the Crooks Branch Library renovation were opened on 10/21/09 at 2:00 p.m. The following bids were received: Beck & Hofer Construction, Inc. \$102,876, BHI \$128,700, Com-Res Inc. \$104,635, Crown, Inc. \$110,999, Eagle Design Build \$124,425, Fiegen Construction \$130,000, GA Johnson Construction \$116,900, Golden Rule Construction \$99,980, Husman Construction \$107,600, Lloyd Construction \$104,900, Peska Construction \$98,500, Ron Anderson Construction \$109,200, and Sunkota Construction \$136,999. She reported that all the bids came

in below the architect estimate and have been reviewed by Miller Sellers Heroux Architects and they recommend award to the low bidder, Peska Construction. MOTION by Twedt, seconded by Barth to award Bid 11-09, Crooks Branch Library renovation, to Peska Construction in the amount of \$98,500. 5 ayes.

MUSEUM

At the request of Bill Hoskins, Museum Director, MOTION by Kelly, seconded by Barth to authorize the Museum to hold 3 cash drawers in the amount of \$150 each, for a total of \$450, and to hold \$1,000 in the checking account for credit card sales. 5 ayes. (Any amount over \$1,000 will be deposited into the Museum Store Trust Fund.)

NUISANCE

On 9/15/09, the Commission entered into an agreement with Henry Dansman, county resident, allowing him until 10/25/09 to abate a public nuisance on his property, legally described as the W1/2 SW1/4 (Ex Trs 1 & 2 & Ex H-1, H-2, H-3) Section 29-T102N-R51W and the S1/2 SE1/4 Section 30-T102N-R51W, as a public nuisance. The property is located at 46106 261st Street, Hartford. Ryan Streff, Planner, reported that Planning and State's Attorney staff have been working with the owner on cleanup as detailed in the agreement. Much progress has been made and a list of remaining tasks compiled. Mr. Dansman's attorney, Cynthia Ahrendt, requested a deadline extension of 11 days because rain on several of the work days has slowed down the cleanup process. Mr. Streff reported that staff recommends a 22 day extension to ensure enough time is given to clean up the property without further delay. Commissioner Kelly asked the status of an additional lot owned by Mr. Dansman across the road. Ms. Ahrendt reported that some of the items were moved from the primary parcel to this location and can be cleaned up if necessary. MOTION by Kelly, seconded by Barth to extend the deadline to abate the Dansman public nuisance to 11/16/09 and authorize the Chairman to sign the extension. 5 ayes.

EM MGMT

MOTION by Hajek, seconded by Twedt to approve the following supplements from the Emergency Management Fund to the Emergency Management Budget: \$3,917.23 (ASN 16927) 07 Citizen Corp Grant; \$100,718.02 (ASN 16923) 08 Citizen Corp Grant and 08 Homeland Security Region 8 Grant; \$73,589.72 (ASN 16992) 07 PSIC Grant; and \$2,500 (ASN 16959) LifeLight support of Police Reserves. 5 ayes.

Lynn DeYoung, Emergency Management Director, requested approval of an agreement between Minnehaha and Lincoln County Emergency Management to develop a Pre-Disaster Mitigation Plan. The plan will identify potential threats to the community. South Eastern Council of Governments will provide professional services for the completion of the Plan which will be paid for through a FEMA Grant in the amount of \$30,000 plus a \$10,000 soft/cash match from the counties. MOTION by Hajek, seconded by Barth to approve the agreement. 5 ayes.

AGREEMENT

Sheriff Mike Milstead presented an agreement with the SD Public Assurance Alliance which offers a 5% police professional liability loss control credit, starting in 2010, for members who agree to adopt 12 law enforcement related policies. Sheriff Milstead reported that the policies are currently being reviewed and will be submitted for final approval before the 3/30/10 deadline. Sue Roust, Auditor, reported that the savings will be \$5,000. MOTION by Hajek, seconded by Twedt to authorize the Chairman to sign the Law Enforcement Policies and Procedures Agreement with the SD Public Assurance Alliance. 5 ayes.

EQUALIZATION

On 10/20/09, Eli Whitney, Director of Equalization, briefed the Commission on a change in the method for assessing Ag land in the state from a market value approach to an agricultural income value (productivity method). The intent of the change is to provide the "true farmer" relief from the market based system. State law sets a minimum of 20 acres to receive the Ag classification, along with other conditions, and allows county commissions to increase the minimum acreage requirement up to 160 acres. Mr. Whitney believed an increase to a 40 acre minimum was more appropriate for Minnehaha County. Commissioner Hajek supported increasing the minimum size to 160 acres, noting that the true farmer is protected by the other requirements of the statute. Dick Kallemeyn, former Director of Equalization, supported the 40 acre minimum and explained how the minimum was set when legislation was first adopted. The intent was for Minnehaha County to start with the 20 acre minimum and raise it later. Commissioners were in consensus that full market value was most appropriate, but would work within the law. MOTION by Twedt, seconded by Barth to approve the recommended change in the minimum acreage size requirement from 20 to 40 acres for the Ag classification. 5 ayes.

NEW BUSINESS

Kari Benz, Assistant Human Services Director, briefed the Commission on a federal grant opportunity for the Project Safe Home Program through the SD Housing Development Authority on behalf of the Housing for the Homeless State Consortium. If funded, the Safe Home Program would be awarded \$152,000 to be applied to building costs of a new structure. MOTION by Barth, seconded by Twedt to authorize the submission of an application for federal funding for Project Safe Home. 5 ayes.

MOTION by Hajek, seconded by Barth to adjourn until 9:00 a.m. on Tuesday, November 3, 2009. 5 ayes.

APPROVED BY THE COMMISSION:

John Pekas, Chairman

ATTEST:

Sandy Kinder, Deputy Auditor

Published once at the total approximate cost of \$_____