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THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M. January 27, 2015, pursuant to adjournment on January 20, 2015. Commissioners present were: Barth, Bender, Beninga, Heiberger, and Kelly. Also present were Cindy Jepsen, Commission Recorder, and Kersten Kappmeyer, Chief Civil Deputy State's Attorney.

Chairperson Heiberger called the meeting to order.

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

MOTION by Kelly, seconded by Beninga, to approve the January 20, 2015, Commission Minutes. 5 ayes.

VOUCHERS TO BE PAID

MOTION by Barth, seconded by Beninga, to approve the following bills totaling \$527,723.20, and January 2015 salaries. 5 ayes.

A & B Business Equip	Maintenance C	94.38	A+ Rentals Inc	Welfare Rent	385.00
Advance Auto Parts	Automotive/Sm	25.99	Advertising Arts Inc	Printing/Form	584.33
Airway Service Inc	Gas,Oil,Diese	37.60	Allied Oil & Tire Co	Truck Repair/	2,118.78
American Ink Llc	Bridge Repair	64.50	American Ink Llc	Sign Supply/I	64.50
American Institute O	Lab Costs	1,440.00	Anderson Publication	Publishing Fe	3,698.94
Apartments On 18th S	H.S. Donation	374.20	Argus Leader - Adver	Publishing Fe	901.62
Argus Leader - Subsc	Subscriptions	29.10	Armor Correctional H	Contract Serv	27,973.63
At & T	Safety & Resc	41.02	Avera Health Informa	Medical Recor	15.30
Avera Health Plans	Expenditures	1,888.85	Avera McKennan Hospi	Clinics - Aux	344.00
Avera McKennan Hospi	Hospitals	626.00	Baldwin Supply Co	Plumbing & We	115.54
Banner Associates In	Architects &	4,340.85	Banner Associates In	Bridge Repair	7,747.00
Bay County (FL) Sher	Return Of Ser	40.00	Binger Law Office	Attorney Fees	2,658.70
Boutch, Dawn	Other Misc. R	375.00	Brandon Heights	Welfare Rent	600.00
Bureau Of Informatio	Detox	1.48	Bureau Of Informatio	Telephone	201.77
Burgard, Robin A	Welfare Rent	280.00	Buthe, DJ	Business Trav	81.00
Campbell Supply Co I	Building Repa	21.96	Carlson, Lisa	Court Reporte	19.60
Carper, Nichole A	Attorney Fees	424.75	Carroll Institute	IVC Housing	18,555.00
Century Business Lea	Lease-Rental	148.91	Century Business Pro	Lease-Rental	50.00
Century Business Pro	Maintenance C	221.86	Centurylink (Qwest)	Detox	14.76
Centurylink (Qwest)	Telephone	567.93	Christopherson, Ande	Attorney Fees	3,426.46
Climate Systems, Inc	Heat,Vent & A	181.09	Cole Papers, Inc.	HHS Custodial	1,675.98
Cole Papers, Inc.	Janitorial/Ch	231.68	Constellation New En	Natural Gas	8,573.44
Counseling Resources	Attorney Fees	525.00	Dakota Alignment & F	Truck Repair/	132.50
Dakota Fluid Power,	Small Tools,	9.38	Danko Emergency Equi	Volunteer Per	3,772.00
Davidson County (TN)	Return Of Ser	25.00	Deans Bulk Svc Inc	Parts Invento	665.70
Decisionone Corporat	Maintenance C	168.52	Dedula, Carla F	Court Reporte	83.60
Dekkenga, Gordon	Hospital Prep	1,190.90	Donovan's Hobby & Sc	Volunteer Per	150.57
Duffy, Ryan	Attorney Fees	2,630.80	Eckert, Susan	Program Activ	90.00
Eekhoff, Casey	Attorney Fees	415.50	EH Hospitality Llc	Motels	650.00
Empire Business Syst	Printing/Form	493.50	Engels Law Office Pc	Attorney Fees	2,450.00
Fitts, Rod DbA Rod	Welfare Rent	500.00	Fleetpride / Holt, I	Parts Invento	53.88
Fleetpride / Holt, I	Truck Repair/	21.22	Fremont Industries,	Heat,Vent & A	1,286.67
G & H Repair	Truck Repair/	300.00	Genzlinger, Janeen	Court Reporte	432.60
George, Aaron	Welfare Rent	495.00	Goebel Printing, Inc	Office Suppli	117.05
Governmentjobs.Com I	Software/Lice	5,000.00	Graff, Richard	Welfare Rent	350.00
Graham, Robert C	Welfare Rent	500.00	Grainger, Inc.	Truck Repair/	25.76
Gunner, Andrea	Court Reporte	30.60	Guzman, Sandra V.	Interpreters	157.50
Haj Inc DbA	Motels	225.00	Harr Development Co	Welfare Rent	500.00
Heartstarters Llc	Education & T	126.00	Heimdal, Marie Ann	Court Reporte	247.00
Highland Heights Par	Welfare Rent	265.00	Hillyard, Inc.	HHS Custodial	1,342.11
HMN Hardware Inc	Road Maint. &	171.96	Hoekstra, Denise A.	Court Reporte	247.00
Horizon Agency Inc	Expenditures	2,437.50	Hov Services Inc	Microfilming	219.80
Hy-Vee Accounts Rece	Pharmacies	198.96	Hy-Vee Accounts Rece	Program Activ	15.96
I State Truck Center	Parts Invento	491.10	Infrastructure Desig	Architects &	37,939.72
Interstate All Batte	Automotive/Sm	89.95	Interstate Office Pr	Office Suppli	704.76

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Intoximeters, Inc.	Vehicle Equip	6,900.00	ISI Llc	Interpreters	160.00
ISS Facility Svcs-Mi	Contract Serv	11,058.00	JCL Solutions-Janito	Grounds & Par	449.00
JCL Solutions-Janito	Janitorial/Ch	1,711.68	Jim Bork Enterprises	Printing/Form	560.00
Jin, Suming	Interpreters	58.37	Johnson, Richard L	Attorney Fees	826.50
Kahler, Monte	Welfare Rent	600.00	KGB Partners Llc	Welfare Rent	1,400.00
Kmart	Office Suppli	17.96	Kmart Pharmacy	Pharmacies	50.68
Krueger Excavating,	Snow Removal	8,614.80	Krueger, Nathan	Extradition &	47.62
Kuchenreuther, Derek	Other Supplie	80.73	Lamar Companies	Advertising	4,030.00
Lewis Drug Stores	Pharmacies	2,006.44	Madison Square Ptnrs	Welfare Rent	300.00
Malloy Electric Bear	Truck Repair/	17.98	Marco	Lease-Rental	170.00
Marco	Maintenance C	137.93	Matheson Tri-Gas Inc	Small Tools,	6.50
McGowan, Aaron F	Business Trav	166.50	McGrath, Michael J,	Other Profess	1,750.00
Menards - East	Automotive/Sm	4.98	Menards - East	Bldg/Yard Rep	13.06
Metro Communications	Clinics - Aux	60.00	Metro Communications	Other Misc	176,215.40
Microfilm Imaging Sy	Contract Serv	2,379.38	Microfilm Imaging Sy	Furniture & O	630.00
Microfilm Imaging Sy	Software	4,500.00	Mid-States Asbestos	Plumbing & We	1,000.00
MidAmerican Energy C	Natural Gas	2,036.43	MidAmerican Energy C	Welfare Utili	397.61
MidContinent Communi	Telephone	55.00	Minn Cnty Human Svcs	Other Supplie	120.00
Motel 6	Motels	159.56	Motorola Solutions	Communication	4,876.60
Multi-Cultural Cente	Interpreters	110.00	Neve's Uniforms	Uniform Allow	148.85
Nielsen Ogdahl, Erin	Attorney Fees	1,125.00	North American Truck	Truck Repair/	100.00
Northeast Investment	Welfare Rent	645.00	Northern Hgts Dev II	Welfare Rent	710.00
Novak Sanitary Servi	Tea-Ellis Ran	17.00	Office Depot, Inc.	Data Processi	1,016.29
Perspective Inc	Juvenile Dete	4,675.00	Peterson, Thomas W	Program Activ	100.00
Phoenix Supply Llc	Child Care It	1,689.90	Prahm Construction I	Contracted Co	14,528.50
Push-Pedal-Pull	Exercise Acco	70.00	Qualified Presort Se	Postage	401.18
R & L Supply, Ltd	Plumbing & We	40.43	RAC Rentals Llc	Welfare Rent	1,200.00
RDN Investment Trust	Welfare Rent	700.00	RDO Equipment Co.	Heavy Eq. Rep	1,201.04
Rebuilding Enterpris	Welfare Rent	650.00	Redi Towing Inc	Automotive/Sm	137.50
Sanford Health Plan	Expenditures	2,596.00	Sanford Hospital	Blood Withdra	20.00
Sanford Hospital Med	Medical Recor	59.00	Sanford Laboratories	Lab Costs	165.20
SD Attorney General	Amounts Held	5,077.00	SD Dept Of Revenue	Lab Costs	300.50
SD Safety Council	Other Miscell	1,350.00	SD Secretary Of Stat	Professional	60.00
SD Sheriff's Assn.	Memberships	5,434.04	SD Soc Of Prof Land	Memberships	50.00
SECOG	Other Miscell	24,033.00	Senior Citizens Svcs	Advertising	54.00
Servall Towel & Line	Janitorial/Ch	8.75	Servall Towel & Line	Program Activ	22.33
Shipley's Laundry &	Program Activ	82.40	Shopko Store	Pharmacies	45.59
Sign Design & Labeli	Automotive/Sm	370.00	Simon, Anthony (OR)	Other Profess	160.00
Sioux Falls City Fin	Gas,Oil,Diese	659.63	Sioux Falls Humane S	Other Miscell	3,524.09
Sioux Falls Rubber S	Office Suppli	36.95	Sioux Falls Two Way	Communication	84.99
Sioux Falls Utilitie	Electricity	10,448.48	Sioux Falls Utilitie	Water - Sewer	10,346.37
Sisson Printing, Inc	Printing/Form	189.50	Sodaktac.Com	Uniform Allow	214.50
Spring Centre Apts L	Welfare Rent	621.00	St Francis House	Other Profess	471.33
Stenopat Ltd Inc	Depositions	30.00	Sturdevant's Auto Pa	Parts Invento	354.80
Sturdevant's Auto Pa	Small Tools,	5.08	Sungard Public Secto	Maintenance C	7,359.34
Swier Law Firm Prof	Attorney Fees	513.30	Tammen Oil	Automotive/Sm	641.88
Tammen Oil	Gas,Oil,Diese	24.97	Thomson Reuters - We	Books	630.00
Thomson Reuters - We	Legal Researc	1,927.40	Thomson Reuters - We	Subscriptions	225.00
Tires,Tires,Tires In	Gas,Oil,Diese	107.29	Tomacelli's Pizza	Jury Fees	103.43
Tuschen, Michael E	Uniform Allow	38.98	United Rentals, Inc	Small Tools,	850.00
Variety Foods Llc	Other Profess	148.02	Verizon Wireless	Telephone	427.17
Villesvik, Edward	Welfare Rent	600.00	Vitito, Dale Db	Other Supplie	34.95
VOA Dakotas / Pettig	Welfare Rent	265.00	Waltner, Kolbeck, Sc	Attorney Fees	3,580.78
Waltner, Kolbeck, Sc	Child Defense	532.19	Weerheim, Tom	Attorney Fees	2,168.60
Weiland & Assoc Inc	Jury Fees	163.47	Wilson, Dean M.	Welfare Rent	450.00
Xcel Energy, Inc.	Electricity	9.56	Xcel Energy, Inc.	Welfare Utili	1,440.37
Xigent Solutions	Maintenance C	15,495.00	Zamora, Julian	Welfare Rent	600.00
112 Inc Db	Welfare Rent	470.00	Commission	Salaries	29,000.81
Auditor	Salaries	42,040.51	Treasurer	Salaries	68,804.26
Info Technology	Salaries	63,426.44	States Attorney	Salaries	245,934.59
Public Defender	Salaries	145,936.06	Public Advocate	Salaries	74,074.45
Facilities	Salaries	58,455.71	Equalization	Salaries	71,314.07
Register Of Deeds	Salaries	42,662.55	Human Resources	Salaries	20,492.82
Sheriff	Salaries	958,376.25	Emergency Mgmt	Salaries	14,758.40
Juvenile Detention	Salaries	161,113.88	Highway	Salaries	123,327.38

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Human Services	Salaries	110,929.22	Museum	Salaries	57,678.90
Planning	Salaries	29,960.00	Extension	Salaries	2,864.00

## PERSONNEL

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

1. To promote Timothy Herschberger from Deputy Public Defender to Senior Deputy Public Defender (22/2) for the Public Defender's Office at \$2,288.80/bi-weekly effective 1/14/15.
2. To hire Gail Eiesland as temporary, grant funded, Senior Deputy State's Attorney (22/2) for the State's Attorney's Office at \$2,288.80/bi-weekly effective 1/28/15 to 12/31/17.
3. To hire Cyndi Jensen as temporary, grant funded, Legal Office Assistant (10/2) for the State's Attorney's Office at \$15.06/hour effective 2/2/15 to 12/31/17.
4. To promote Janet Eden from Legal Office Assistant to Office Manager (14/6) for the State's Attorney's Office at \$20.25/hour effective 1/21/15.

## Step Increases Due

1. William Wilson – Custodial Supervisor – Facilities – 12/4 to 12/5 – 12/27/14 – \$17.90/hour
2. Kedra Ali – Custodian – Facilities – 6/7 to 6/8 – 1/12/15 – \$14.33/hour
3. Roger Stansell – Highway Maintenance Supervisor – Highway – 19/11 to 19/12 – 1/17/15 – \$30.06/hour
4. Michael Tuschen – Road Maintenance Team Leader – Highway – 16/11 to 16/12 – 2/1/15 – \$25.92/hour
5. Meghan Werdel – Juvenile Correctional Worker – Juvenile Detention Center – 9/2 to 9/3 – 1/23/15 – \$14.69/hour
6. Neville Smith – Air Guard Security Officer II – Air Guard – 13/10 to 13/11 – 1/30/15 – \$21.80/hour
7. Patricia Hughes – Corrections System Operator – Jail – 9/15 to 9/16 – 1/12/15 – \$20.25/hour

## Special Personnel Actions

MOTION by Beninga, seconded by Bender, to approve reclassification of one Deputy State's Attorney Position to a Senior Trial Attorney Position and to hire Richard Casey as Senior Trial Attorney 23/17 for the State's Attorney Office at \$3,658.40 bi-weekly effective 1/29/15. 5 ayes.

MOTION by Beninga, seconded by Bender, to hire Kim Adamson as Finance and Budget Officer 23/9 for the Auditor's Office at \$3,003.20 bi-weekly effective 2/9/15. 5 ayes.

MOTION by Beninga, seconded by Kelly, to approve a 10% temporary additional duty pay for Darlene Johnson, Assistant County Auditor, at 21/12, \$33.18 hourly, for six months beginning 2/9/15. 5 ayes.

## NOTICE

Deferred from January 20, 2015.

DJ Buthe, Highway Superintendent, requested authorization for the Auditor to publish a notice to bidders for Project MC255BR-14, Bridge Structure Replacement (50-082-110). The structure is located on 255<sup>th</sup> Street

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between 462<sup>nd</sup> and 463<sup>rd</sup> Avenue approximately 4 miles north of Hartford. The daily average traffic count on the bridge is five (5) vehicles per day. The estimated cost of the project is \$472,000. Mr. Buthe stated this project is a high priority because the structure is very narrow and in poor condition. Dave Kasowski, Chairman for Grand Meadow Township, spoke in support of the project and stated his concerns regarding safety of the existing bridge. Brian McMahon, 46050 255<sup>th</sup> Street, stated there are holes in the deck of this bridge and spoke on his concern in regard to driving farm equipment on the highway to get crops to town in order to avoid load limits posted on alternate routes. MOTION by Barth, seconded by Bender, to authorize the Auditor to publish a notice to bidders for Project MC255BR-14, Bridge Structure Replacement (50-082-110). Commissioner Kelly stated that there are other bridges with higher traffic counts that need to be considered. Commissioner Beninga stated he feels the limited Highway Fund dollars should be used for projects that impact the most people. VOTE on motion, 3 ayes. Beninga and Kelly voted nay. Motion carries.

#### LIEN COMPROMISE

Deferred from January 20, 2015.

Commissioner Barth gave a briefing on a request for compromise of lien for DPNO 25594. The applicant is in the process of purchasing a home with another individual. During a title search there were two liens noted against the other individual and one lien noted against the applicant. On January 20, 2015, the Commission approved a compromise and release of the two of the liens associated with the other individual. DPNO 25594 is for public defender services in the amount of \$3,011.15. Three payments were received on the lien totaling \$99.55. The last payment was received on August 18, 2010. The applicant has an annual salary of \$21,060 according to his 2013 tax return. He lists assets of \$500 and liabilities of over \$13,000, mostly for back child support payments in South Dakota and Minnesota. The applicant is requesting a release of the lien in full with no payment due to the burden of his child support payments. The applicant was present and spoke in regard to his back child support payments. MOTION by Barth to approve a compromise and release of the lien in full with no payment. Motion dies for lack of a second. MOTION by Kelly, seconded by Beninga, to approve Resolution MC15-05. 5 ayes.

#### RESOLUTION MC15-05

WHEREAS, a County Aid Lien in the amount of \$3,011.15 purports to exist in favor of Minnehaha County and against DPNO 25594 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:

Compromise and release the lien in full upon payment of \$1,505.58.

If payment is not made within one year from approval, this agreement is null and void.

Dated at Sioux Falls, South Dakota, this 27<sup>th</sup> day of January, 2015.

APPROVED BY THE COMMISSION:

Cindy Heiberger  
Chairman

ATTEST:

Cynthia Jepsen  
Deputy County Auditor

PUBLIC COMMENT

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Connie Mogen, 916 S. Grandview Ave., Sioux Falls, stated the parking lot was full on January 20<sup>th</sup> when she was attempting to park her car and attend the county commission meeting. Ms. Mogen encouraged the commission to keep this parking issue in their long range plans.

#### POLICY

James Gravett, Juvenile Detention Center Director, gave a briefing on Community Supervision policy changes within the Juvenile Detention Center Policy. The changes result from the judiciary wanting to be given additional authority by the County such as “ordering” rather than “authorizing” the participation of a juvenile in the program, defining the criteria applied and procedure followed when a juvenile might violate the rules of the program, and determining when a juvenile might be removed from the program. MOTION by Beninga, seconded by Barth, to approve the Community Supervision policy changes within the Juvenile Detention Center Policy. 5 ayes.

#### INTEREST EARNINGS

Bob Litz, Auditor, reported that in 2014 the Highway Road and Bridge Fund received interest income in the amount of \$9,871.40. According to the Minnehaha County Investment Policy, the interest from the Highway Road and Bridge Fund may be transferred to the General Fund. MOTION by Kelly, seconded by Barth, to transfer the accumulated interest in the amount of \$9,871.40 from the Highway Fund to the General Fund. Beninga stated he feels the Highway Department needs the revenue for projects they are working on and he will not support the motion. VOTE on motion, 1 aye, Barth, Bender, Beninga, and Heiberger voted nay. Motion fails.

#### HIGHWAY EQUIPMENT

DJ Buthe, Highway Superintendent, gave a briefing on a rental/lease agreement whereby James River Equipment LLC from Madison, SD would provide five John Deere tractors to the Minnehaha County Highway Department at a cost of \$1.00. Kersten Kappmeyer, Chief Civil Deputy State’s Attorney, stated a dealer may want enter into such an agreement to get limited depreciation on some of their units at a nominal cost. MOTION by Barth, seconded by Beninga, to authorize the Highway Department to enter into a rental/lease agreement with James River Equipment LLC for five John Deer tractors (Models 6120R and 6125M) to be used up to 15 hours each and not exceeding 800 total hours for the cost of \$1.00. 5 ayes. Mr. Buthe requested authorization to purchase a new hitch and mower utilizing contracts competitively bid and awarded by the State of Minnesota. MOTION by Kelly, seconded by Barth, to authorize the purchase of one (1) Tiger Offset Hitch (TOH-1510C) at a cost of \$17,441.40 from a contract competitively bid and awarded to Tiger Corporation by the State of Minnesota. 5 ayes. MOTION by Barth, seconded by Bender, to authorize the purchase of one (1) Tiger TrailKat Mower (TFR-HDR120C) at a cost of \$24,071.10 from a contract competitively bid and awarded to Tiger Corporation by the State of Minnesota. 5 ayes.

#### SURPLUS PROPERTY

DJ Buthe, Highway Superintendent, requested one (1) John Deere 7210 Tractor with Tiger Mower be declared as surplus and sold by auction, anticipating that the proceeds from the sale may be used to offset the un-budgeted expense for new mowing equipment. MOTION by Barth, seconded by Bender, to declare as surplus one (1) John Deere 7210 Tractor with Tiger Mower, Vehicle #1111, Tag #59150 for the purpose of sale by auction. 5 ayes.

#### LEGISLATIVE UPDATE

Robert Wilson, Assistant Commission Administrative Officer, gave an update and status report of the 90<sup>th</sup> Legislative Session on bills that impact Minnehaha County.

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Ken McFarland, Commission Administrative Officer, spoke on Senate Bill 73 and information he presented during the legislative session. Mr. McFarland stated that the officials he spoke to at the state level have indicated that SB 73 is not intended to have a detrimental impact on counties, and should that occur, there are reimbursement mechanisms in the bill. Mr. McFarland shared data collected from the Minnehaha County Juvenile Detention Center (JDC) reflecting the impact the implementation of the Juvenile Detention Alternative Initiative has had on reducing the number of children held at the JDC. The data will be useful in measuring any future or unintended impact SB73 may have on utilization of secure beds at the JDC.

#### LIAISON REPORT

Commissioner Barth and Scott Anderson, Planning & Zoning Director, spoke in regard to the Planning Commission seeking a new member.

#### NEW BUSINESS

Scott Anderson Planning & Zoning Director stated that on January 29, 2015 there will be an Envision 2035 Task Force meeting at 3:30 in the Commission Meeting Room. The draft chapters of the Envision 2035 proposed plan are available to the public on the county website at [minnehahacounty.org](http://minnehahacounty.org). The public is welcome to attend the Envision 2035 meetings.

MOTION by Barth, seconded by Beninga, to adjourn into executive session for litigation and personnel discussions. 5 ayes.

The Commission adjourned until 9:00 a.m. on Tuesday February 3, 2015.

#### APPROVED BY THE COMMISSION:

Cindy Heiberger  
Chairperson

#### ATTEST:

Cynthia Jepsen  
Deputy Auditor