THE MINNEHAHA COUNTY COMMISSION CONVENED AT 9:00 A.M. January 26, 2016, pursuant to adjournment on January 19, 2016. 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.

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

MINUTES APPROVAL

MOTION by Beninga, seconded by Barth, to approve the January 19, 2016, Commission Minutes. 5 ayes.

VOUCHERS TO BE PAID

MOTION by Barth, seconded by Bender, to approve the following bills totaling \$631,321.24, and January 2016 salaries. 5 ayes.

A & B Business Equip	Maintenance C	71.69	A To Z World Languag	Attorney Fees	100.00
Airway Service Inc	Automotive/Sm		Airway Service Inc	Gas,Oil,Diese	121.78
Aka Properties Llc	Welfare Rent	400.00	All American Towing	Other Profess	87.00
Amazon/Syncb	Office Suppli	60.98	Amazon/Syncb	Safety & Resc	8.99
Amazon/Syncb	Telephone	142.86	American Institute O	Lab Costs	765.00
Anesthesiology Assoc	Physicians	402.00	Apartments On 18Th S	Welfare Rent	1,187.00
Arqus Leader - Subsc	Subscriptions	29.10	Armor Correctional H		21,948.25
At & T	Safety & Resc	40.60	Automatic Building C	Jail Repairs/	93.84
Automatic Security C	Other Profess	900.00	Avera McKennan Hospi	Hospitals	5,724.00
Avera McKennan Hospi	Physicians	5,792.96	Avera Medical Group	Physicians	128.89
Avera Medical Group-	Physicians	265.70	Avera Specialty Clin	Physicians	93.28
Barth, Jeff	Travel - Bart	26.00	Bechtel, Dave	Welfare Rent	1,200.00
Boyer Trucks Sioux F	Truck Repair/	405.40	Brende, Schroeder &	Attorney Fees	1,558.00
Bureau Of Informatio	Data Communic	420.00	Bureau Of Informatio	Telephone	24.00
Carlson, Jim A	Welfare Rent	680.00	Carroll Institute	IVC Housing	9,277.50
Cartridge World	Data Processi	910.88	Century Business Pro	Lease-Rental	284.25
Century Business Pro	Maintenance C	265.55	Certified Languages	Interpreters	64.35
Cheney Lake, Llc Dba	Welfare Rent	1,400.00	Christopherson, Ande	Attorney Fees	2,128.78
Collison, Jeanne	Bd Exp. Fees	37.50	Compass Center FKA	Other Miscell	
Crescent Electric Su	Jail Repairs/	1,145.53	Dakota Fluid Power,	Automotive/Sm	404.65
Dakotaland Autoglass	Automotive/Sm		Dandy Homes Llc	Welfare Rent	700.00
Deans Bulk Svc Inc	Parts Invento	1,764.60	Dell Rapids Ambulanc	Ambulance Ser	25,000.00
Dematteo, Lyndsey	Business Trav	36.12	Duffy, Ryan	Attorney Fees	1,605.00
EH Hospitality Llc	Motels	1,165.00	Election Systems & S	Other Profess	2,368.00
Election Systems & S	Software/Lice	2,042.05	Electric Constructio	Building Repa	483.17
Elgersma, Kim	Recruitment	75.00	EMBE	Education & T	100.00
Etc/Expo For Her Mag	Advertising	4,200.00	Etterman Enterprises	Small Tools,	189.45
Falls Community Heal	Clinics - Aux	149.37	Fleetpride / Holt, I	Small Tools,	23.33
Forward Sioux Falls	Other Miscell	2,000.00	Galtell Properties L	Welfare Rent	500.00
Garretson Community	Ambulance Ser	25,000.00	Gaylord Bros Inc	Program Activ	214.60
Genzlinger, Janeen	Court Reporte	144.40	George, Aaron	Welfare Rent	295.00
Global Connect	Telephone	2.26	Goebel Printing, Inc	Printing/Form	1,852.57
Graham Tire Co Do	Automotive/Sm	118.02	Grainger, Inc.	Automotive/Sm	472.68
Grainger, Inc.	Jail Repairs/	4,590.00	Grainger, Inc.	Small Tools,	690.64
Graybar Electric Com	Electrical Re	3,440.00	Green, Ben	Recruitment	75.00
Guzman, Sandra V.	Interpreters	75.00	Heiberger, Cindy	Travel - Heib	32.00
Helpline Center Inc	Help!Line	4,375.00	Heritage Funeral Hom	Burials	2,250.00
Heritage Place Apts	Welfare Rent	406.00	Horn, Richard	Recruitment	75.00
HP Company - Hewlett	Data Processi	1,364.91	HP Company - Hewlett	Data Processi	316.74
HP Company - Hewlett	Safety & Resc	676.56	Hy-Vee Accounts Rece	Pharmacies	133.98
Hy-Vee Accounts Rece	Program Activ	154.26	Hy-Vee Food Store	Other Miscell	265.00
I State Truck Center	Parts Invento	128.78	Interstate All Batte	Other Supplie	74.80
Interstate Office Pr	Hwy Safety Gr	1,990.50	Interstate Office Pr	Office Suppli	1,053.12
ISI Llc	Interpreters	240.00	Jastram, Mark W	Education & T	60.00
Jaydee Inc/Jaymar	Printing/Form	141.72	Jaymar Business Form	Printing/Form	5,826.22

JE LlcWelfare Rent360.00Jefferson Partners LTransportatio2,Johnson, Richard LAttorney Fees1,350.00Johnson, TrevorRecruitmentJSA Consult EngineerArchitects & 29,703.87Kenwood Manor Apts LWelfare RentKingsport Village LtWelfare Rent600.00Language Line ServicInterpretersLanguage Line ServicTelephone537.77Larson, MattRecruitmentLassegaard, Samuel CWelfare Rent500.00Laughlin, NicoleAttorney FeesLewis & Clark BhsBd Evaluation2,720.00LifescapeOther Miscell5,Lohff, KrystalBd Evaluation480.00Loving, PhilipBd Evaluation1,Manatron, Inc.Other Profess16,018.52Meek, DavidWelfare RentMidwest Alarm CompanData Processi1,593.00Midwest Oil CompanySmall Tools,Midwest ResidentialWelfare Rent500.00Minnehaha ConservatiOther Miscell2,NACOMemberships3,389.00Narem, IncTruck Repair/NACOMemberships3,389.00Narem, IncTruck Repair/Nyberg's Ace HardwarOther Supplie6.99Olive Grove ApartmenWelfare RentOscar's Mini-StorageProgram Activ94.00Paramedics Plus-SiouAmbulancePharmchem IncTesting Suppl575.00Phoenix Supply LlcChild Care It	, 320.06 , 126.70 75.00 450.00 267.02 75.00 90.00 , 000.00 , 965.00 3.93 165.00 500.00 58.15 233.98 , 000.00 , 180.00 6.88 51.44
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Pharmchem Inc Testing Suppl 575.00 Phoenix Supply Llc Child Care It	101.32
	52.04
Phoenix Supply Llc Child Care Un 61.13 Prochem Dynamics Llc Janitorial/Ch	651.70
	,931.55
Quality Efficiencies Motels 985.00 Rasmussen, Eric/Lisa Welfare Rent	625.00
RDO Equipment Co. Heavy Eq. Rep 125.86 RDO Equipment Co. Parts Invento	107.84
	,457.44
Reliance Telephone I Telephone 3.74 Risty, Timothy Welfare Rent	650.00
Roach, Marty J Uniform Allow 69.98 Rockmount Research & Small Tools,	157.15
RTI - Riverside Tech Maintenance C 999.00 Sanford Hospital Hospitals	457.14
Sanford Laboratories Lab Costs 260.92 SD Dept Of Public Sa Other Miscell	142.00
SD Human Services Ce Other Profess 600.00 Sechser, Jenna - Crt Court Reporte 2,	,602.00
	,320.32
SF Leased Hsg Author Welfare Rent 700.00 SF River Run Apts Welfare Rent	600.00
Short Elliott Hendri Architects & 34,645.48 Sioux Empire Fair As Other Miscell 12,	,500.00
Sioux Falls Chamber Business Trav 50.00 Sioux Falls Chamber Travel - Bend	20.00
Sioux Falls Chamber Travel - Beni 25.00 Sioux Falls Chamber Travel - Heib	25.00
Sioux Falls Chamber Travel - Kell 25.00 Sioux Falls City Fin Water - Sewer	20.00
Sioux Falls City Fin Gas, Oil, Diese 9,406.24 Sioux Falls City Fin HIDTA Grant	652.64
	,590.71
Sioux Falls Utilitie Welfare Rent 57.43 Sioux Valley Energy Welfare Utili	230.00
	,194.56
	,750.00
Srstka, ErinBusiness Trav32.00Starlite Estates MobWelfare RentSuper Fast Auto GlasAutomotive/Sm172.68Swanda, KarenBd Exp. Fees	375.00 37.50
	,000.00
Tenth Street, Inc. Automotive/Sm 85.00 Thomson Reuters - We Legal Researc	586.80
Timberland Village A Welfare Rent 500.00 Tires, Tires, Tires In Gas, Oil, Diese	27.90
Tschetter & Adams La Attorney Fees 4,784.49 Turning Leaf Llc Welfare Rent	600.00
Tusken, Regina Recruitment 75.00 United Parcel Servic Postage	29.63
Variety Foods Llc Other Profess 477.36 VB Falls Park Apts Welfare Rent	700.00
Victoria Estates Ltd Welfare Rent 700.00 VOA Dakotas / Pettig Welfare Rent	524.00
Wal-Mart Pharmacy Pharmacies 26.86 Waltner, Kolbeck, Scha Attorney Fees	866.00
	294.34
	,111.55
Xcel Energy, Inc. Road Maint. & 26.90 Xcel Energy, Inc. Welfare Utili 1,	122 02
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Zishka, Adam Education & T 59.00 Commission Salaries 31,	,122.92 ,771.74
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Zishka, AdamEducation & T59.00CommissionSalaries31,AuditorSalaries44,521.27TreasurerSalaries67,Information TechSalaries66,867.50States AttorneySalaries220,Public DefenderSalaries155,910.91Public AdvocateSalaries41,FacilitiesSalaries57,039.54EqualizationSalaries75,Register Of DeedsSalaries44,875.87Human ResourcesSalaries22,SheriffSalaries975,137.93Emergency MgmtSalaries15,	771.74 419.82 631.21 103.23 272.92 825.60
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1/26/2016 PERSONNEL

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

- 1. To transfer Victoria Reker from Senior Deputy Public Defender to Senior Deputy Public Advocate (22/9) for the Public Advocate's Office at \$2,720.80/bi-weekly effective 2/1/16.
- 2. To accept the resignation of Amber Eggert as Senior Deputy Public Defender for the Public Defender's Office effective 1/22/16.
- 3. To promote Austin Vos from Deputy Public Advocate to Senior Deputy Public Advocate (22/5) for the Public Advocate's Office at \$2,464.80/bi-weekly effective 1/27/16.
- 4. To place Kathleen Pett-Haddock, Safe Home Program Assistant for Safe Home, on leave without pay effective 1/12/16 to 2/1/16.
- 5. To hire Rebecca Donaldson as variable hour Safe Home Program Worker for Safe Home at \$15.05/hour effective 1/27/16.
- 6. To accept the retirement of Rodney Axsom as Deputy Sheriff Lieutenant for the Jail effective 1/29/16.

Step Increases

- 1. Megan Glass Legal Office Assistant State's Attorney's Office 10/6 1/16/16 \$16.62/hour
- 2. Ellen Boesel Tax and License Technician Treasurer 10/5 1/21/16 \$16.21/hour
- 3. Cara Sambo Caseworker I Human Services 16/9 1/19/16 \$24.07/hour

Carey Deaver, Human Resources Director, reported the Federal Motor Carrier Safety Administration lowered required random drug testing rates for DOT employees from 50% to 25%. Ms. Deaver recommended changes to the Minnehaha County Drug and Alcohol Procedures to reflect the testing rage change. Ms. Deaver also recommended a change to clarify that all employees involved in serious accidents or incidents should not be allowed to return to work until after the drug and alcohol test results are received. MOTION by Bender, seconded by Beninga, to approve the recommended changes. 5 ayes.

Special Personnel Action

MOTION by Kelly, seconded by Beninga, to approve a salary increase for Carol Muller, Commission Administrative Officer, from 26/10 to 26/11 \$4,243.20 bi-weekly, effective 01/15/16. 5 ayes.

MOTION by Beninga, seconded by Barth, to hire Amber Eggert as a variable hour attorney in the Public Defender's Office at \$35.73 hourly effective 2/1/16 until 2/29/16. 5 ayes.

NOTICES

A notice was received from the South Dakota Department of Environment and Natural Resources (DENR) that they are proposing to renew four General Air Quality Operating Permits for Concrete Plants Operating in South Dakota. Comment must be submitted in writing to the DENR, 523 East Capitol, Pierre, SD 58501 by February 15, 2016.

MOTION by Barth, seconded by Bender, to authorize the Auditor to publish a notice to bidders for Project MC110-118BM-16, 50-192-040 Bridge Deck Overlay & Abutment Repair (Site 1), 50-241-080 Deck Overlay (Site 2). 5 ayes.

MOTION by Barth, seconded by Kelly, to authorize the Auditor to publish a notice to bidders for MC-Chip Seal-2016, Asphalt Surface Treatment on Minnehaha County Highways 114, 118, 122, 126, 143, 150, and 159. 5 ayes.

Carol Muller, Commission Administrative Officer, requested authorization for the Auditor to publish a Request for Proposals for the selection of an enterprise resource planning solution. Motion by Kelly, seconded by Barth, to authorize the Auditor to publish the Request for Proposals for Software and Implementation Services for an Enterprise Resource Planning Software System. 5 ayes.

LIEN COMPROMISE

Robert Wilson, Assistant Commission Administrative Officer, gave a briefing on a request for compromise of lien for DPNO 20881 in the amount of \$1,984.43. The lien is in the name of the applicant's ex-husband, and is for Human Services assistance and Public Defender services in the amount of \$1,549.43 that was incurred prior to their marriage, and Human Services Assistance in the amount of \$435.00 that was incurred after the couple divorced. The applicant is in the process of refinancing her home, and a title company identified the lien. The current mortgage was initiated during the time the couple was married and both the applicant and her husband at that time, cosigned the loan. As a stipulation of the divorce decree, her ex-husband executed a Quit Claim Deed relinquishing his claim to the property. Due to the period of time the applicant and her ex-husband both had ownership interest in the property, the lien is considered an incumbrancer on the property. The applicant is requesting a release of the lien only against her property leaving the lien in full against her ex-husband. Kersten Kappmeyer, Chief Civil Deputy State's Attorney, stated the attachment of the liens that were incurred prior to the marriage is valid since there is statute regarding a duty to support your spouse, and also because there was a binding document executed during the course of the marriage. Mr. Kappmeyer also stated the \$435.00 lien incurred after the couple divorced cannot legally be enforced against the applicant. MOTION by Bender, seconded by Kelly, to approve Resolution MC16-3. 5 ayes.

RESOLUTION MC16-3

WHEREAS, a County Aid Lien in the amount of \$1,984.43, purports to exist in favor of Minnehaha County and against DPNO 20881 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 the amount of \$435.00 only against the real property legally described as Lot 9 in Block 3 of Lewis Addition to the City of Sioux Falls, Minnehaha County, SD, according to the recorded plat thereof, leaving the remaining lien balance of \$1,549.43 against the real property, and the lien in full in the amount of \$1,984.43 against the Lienee with no payment.

Dated at Sioux Falls, South Dakota, this 26th day of January, 2016.

APPROVED BY THE COMMISSION: Cindy Heiberger Chairman

ATTEST: Cynthia Jepsen Deputy County Auditor

Robert Wilson, Assistant Commission Administrative Officer, gave a briefing on a request for compromise of lien for DPNO 87578. The lien is for court appointed attorney services. The applicant has made payments in the amount of \$130.00 bringing the lien to its current balance \$131.00. The applicant states he cannot afford to pay the remaining amount and requests a compromise and release of the lien in full with no additional payments. The applicant lists \$824 in assets including cash on hand, the value of a 2004 Chrysler car, and a checking account balance. He has no liabilities and reports a 2014 income of \$7,859. Commissioner Kelly stated he would like to find out what the Court Appointed Attorney services were for. Kersten Kappmeyer, Chief Civil State's Attorney, recommended deferring this item one week to further research the case involved in the Court Appointed Attorney services. MOTION by Kelly, seconded by Beninga, to defer this item for one week. Commissioner Barth stated the County doesn't charge interest and he doesn't see any reason to give up whatever opportunity there is to recoup this fee. Commissioner Heiberger concurred with Barth. VOTE on motion, 3 ayes. Barth and Heiberger voted nay. Item is deferred to the February 2, 2016 meeting.

PUBLIC COMMENT

DJ Buthe, Highway Superintendent, introduced Melissa Schmidt, the new Engineering Specialist for the Highway Department.

PUBLIC NUISANCE

Kevin Hoekman, Planner 1, gave a briefing on a Public Nuisance Ordinance violation at the property owned by Lonnie Banghart, 26009 482nd Avenue, Corson, SD, legally described as Lot 4, Block 2, Fauskes Addn 102-48, Brandon Township. The Planning and Zoning Department was made aware of the violation on July 9, 2014. After several letters were sent and site visits by the Planning and Zoning Department, the property was improved with a fence in one area and the front yard mostly clear of debris other than an unlicensed vehicle. On January 4, 2016, a notice of the January 26, 2016 public hearing was sent via Certified Mail with Return Receipt. As of January 20, 2016, the notice had not been picked up. On January 22, 2016, staff posted a notice of the public hearing on the door. Mr. Banghart has a history of public nuisance violations on this property. In June 2011, Minnehaha County abated a public nuisance at the expense of Mr. Banghart. Mr. Hoekman showed slides of the public nuisance violations. Due to the lack of response by removing nuisance items, the Planning & Zoning Department and the Office of the State's Attorney believe that the best recourse is to declare the property a Public Nuisance to allow Minnehaha County to remove the violations. Lonnie Banghart was present and stated the County keeps sending mail to Brandon and his address is Corson. Mr. Banghart stated he could move items inside his storage shed and put up a fence around his property. Kevin Hoekman stated County Ordinance allows a 6 foot tall fence in the back and rear yards, and a 4 foot fence in front of the house. Commissioner Barth asked Mr. Banghart if he understood his property needs to be cleaned up, and Mr. Banghart replied yes. MOTION by Kelly, seconded by Barth, to allow Mr. Banghart ninety (90) days to bring his property in compliance with County Ordinance. 5 ayes.

APPOINTMENT

On the request of Bill Hoskins, Museum Director, MOTION by Beninga, seconded by Bender, to appoint Delmar Kroon to a three year term on the Siouxland Heritage Museums Board effective February 4, 2016. 5 ayes.

AGREEMENTS

Monte Watembach, Information Technology Director, gave a briefing on a New World Systems Corporation Standard Software Maintenance Agreement for software maintenance support services. The current agreement will expire on April 1, 2017, and the new one year agreement has an ending date of March 31, 2018. There will be no increase to the annual maintenance cost of \$309,730, which is spread out to Sioux Falls PD, Sioux Falls Fire, Metro Communications and the Minnehaha County Sheriff's Office. MOTION by Beninga, seconded by Barth, to authorize the Chairperson to sign the one year New World Systems Corporation Standard Software Maintenance Agreement beginning April 1, 2017 through March 31, 2018. 5 ayes.

DJ Buthe, Highway Superintendent, gave a briefing on a Professional Services Agreement between Minnehaha County and Dakota Cemetery Management, Inc. to administer burials at the Minnehaha County Cemetery. Dakota Cemetery Management, Inc. will receive \$5,000 annually for their services to be billed on a bi-annual basis. The cost of the services will be paid out of the Human Services Budget. The Human Services Department will send a scanned copy of the Caseworker Determination of Needs to Dakota Cemetery Management. Dakota Cemetery Management will coordinate opening and closing of the grave site with the Minnehaha County Highway Department and serve as administrator of records for the cemetery. The Minnehaha County Highway Department will continue to supervise maintenance of the grounds. MOTION by Kelly, seconded by Barth, to authorize the Chairperson to sign the Professional Services Agreement between Minnehaha County and Dakota Cemetery Management, Inc. in the amount of \$5,000 annually to administer burials at the Minnehaha County Cemetery. 5 ayes

CANCELLATION OF COMMISSION MEETINGS

Robert Litz, Auditor, informed the Commissioners that the Primary Election and General Election will require use of extra public space in the County Administration Building. Mr. Litz requested the Commission Meeting Room and Multi-Purpose Room be reserved for election purposes on June 7, 2016 and November 8, 2016. By doing so the regular commission meetings held on those days would need to be cancelled. MOTION by Beninga, seconded by Barth, to cancel the regular commission meetings on June 7, 2016, and November 8, 2016 to accommodate Election Day activities. 5 ayes.

FUND TRANSFER

Robert Litz, Auditor, reported that in 2015 the Highway Fund received interest income in the amount of \$11,065.66. According to the Minnehaha County Investment Policy, the interest from the Highway Road and Bridge Fund may be transferred to the General Fund. Commissioner Kelly stated that there are greater financial needs in the General Fund. MOTION by Kelly, seconded by Barth, to transfer the accumulated interest in the amount of \$11,065.66 from the Highway Fund to the General Fund. Commissioner Beninga stated that he believes the Highway interest should remain in the Highway Fund. VOTE on motion, 2 ayes. Bender, Beninga, and Heiberger voted nay. 5 ayes. Motion fails.

LEGISLATIVE UPDATE

Robert Wilson, Assistant Commission Administrative Officer, gave an update and status report of the 2016 Legislative Session on bills that impact Minnehaha County.

LIAISON REPORTS

Commissioner Barth reported on a Fire Chief's event he attended. Mr. Barth stated they will have to address ambulance district boundaries prior to renewing licenses this year. Commissioner Heiberger stated she and Commissioner Barth met with Lynn DeYoung, Emergency Manager, and asked him to bring forward proposals.

OLD BUSINESS

Carol Muller, Commission Administrative Officer, responded to a question raised by Commissioner Beninga on whether the loan from Minnehaha County to Safe Home could be refinanced to a lower interest rate. Ms. Muller stated the tax code for Low Income Housing Tax Credits has rules and regulations in place that the interest rate cannot be below market rate, or there could be negative consequences for the tax credits. In communicating with CityHousing, the 6% interest rate is the amount being quoted on current deals, therefore refinancing would not lower the interest rate.

MOTION by Barth, seconded by Bender, to adjourn into executive session for personnel and contract negotiations. 5 ayes.

The Commission adjourned until 9:00 a.m. on Tuesday February 2, 2016.

APPROVED BY THE COMMISSION: Cindy Heiberger Chairperson

ATTEST: Cynthia Jepsen Deputy Auditor