

09/04/2018

THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M. September 4, 2018, pursuant to adjournment on August 28, 2018. Commissioners present were: Barth, Bender, Beninga, Heiberger, and Karsky. Also present were Olivia Larson, Commission Recorder, and Margaret Gillespie, Senior Deputy State's Attorney.

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

#### MINUTES APPROVAL

MOTION by Beninga, seconded by Barth, to approve the August 28, 2018, Commission Minutes. 5 ayes.

#### VOUCHERS TO BE PAID

MOTION by Barth, seconded by Karsky, to approve the following bills totaling \$1,003,324.15. 5 ayes.

A To Z World Language	Interpreters	9,895.00
A&B Business	Lease-Rental Agreement	236.88
A&B Business	Maint Contracts	208.82
Action Systems	Bldg/Yard Repair & Maint	807.16
AGP Studios	Motels	970.00
Airway Svc	Automotive/Small Equip	64.45
Airway Svc	Gas Oil & Diesel	75.80
Alpine Property Mgmt	Welfare Rent	1,500.00
Amazon.Com	Inmate Supplies	66.96
Amazon.Com	Kitchen/Cleaning Supplies	84.43
Amazon.Com	Office Supplies	149.81
Amazon.Com	Safety & Rescue Equip	204.59
Anderson, Tyson	Education & Training	55.00
Argus Leader Media	Publishing Fees	1,535.66
Armor Correctional	Contract Svcs	256,425.71
Automatic Building	Outside Repair	435.71
Bankers Equip	Maint Contracts	929.00
Barnable, Jeff	Gas Oil & Diesel	33.04
Barth, Jeff	Business Travel	15.54
Billion Empire Motor	Gas Oil & Diesel	38.00
Brandon City	Welfare Utilities	92.12
Brandon Heights	Welfare Rent	500.00
Braun, Mason	Investigators Expenses	155.40
Bridgewood	Welfare Rent	500.00
Bruxvoort, Jordan	Interpreters	25.00
Bultje, Erwin	Welfare Rent	930.00
Campbell Supply	Bldg/Yard Repair & Maint	6.91
Campbell Supply	Building Repairs & Maint	6.92
Campbell Supply	Engineering Supplies	120.91
Campbell Supply	Small Tools & Shop Supplies	293.97
Carl V Carlson	Museum Collections Storage	2,961.18
Carpenter, Donovan	Business Travel	32.56
CBM Managed Svcs	Board Of Prisoners	44,489.34
CBM Managed Svcs	Inmate Supplies	291.61
Century Business Pro	Maint Contracts	337.30
Centurylink Long	Contract Svcs	51.27
Centurylink Long	Telephone	700.29
Certified Languages	Interpreters	130.35
Chagolla, Albert	Interpreters	225.00
Chasing Willows	Welfare Rent	700.00
Cheney Lake	Welfare Rent	500.00
Clark Engineering	Architects & Engineers	1,266.01
Cleveland Heights	Welfare Rent	700.00
Concrete Materials	Road Maint & Material	118.48
Construction Product	Automotive/Small Equip	4.60
Country Pride	Gas Oil & Diesel	31,228.14
Cutler Law Firm	Child Defense Attorney	1,870.60

09/04/2018

Dalsin	Building Repairs & Maint	335.25
Dalsin	JDC Maint	706.25
David P. Weiland	Right Of Way	88.00
Dedula, Carla F	Court Reporters	30.40
Dejene, Elias	Welfare Rent	600.00
Derany, Feras	Welfare Rent	500.00
Derek Keen Or Natali	Misc Revenue	300.00
Dewey, Craig	Business Travel	166.25
Diamond Field Common	Welfare Rent	500.00
Dover, Sena S	Bd Eval (Minnehaha)	742.50
Eh Hospitality	Motels	1,330.00
Electric Construct	Electrical Repairs & Maint	121.43
Electric Construct	Fairgrounds	15,133.00
Family Connection	Welfare Rent	300.00
Fastenal Company	Small Tools & Shop Supplies	507.52
First Dakota National	Homeland Security	3,764.75
First Dakota Title	Professional Svcs	4,500.00
Fleetpride	Truck Repairs & Maint	123.53
Fred Pryor Seminars	Education & Training	199.00
Galls Quartermaster	Uniform Allowance	526.23
Gaslite Manor	Welfare Rent	600.00
George, Aaron	Welfare Rent	1,100.00
Gonnerman, Adam	Investigators Expenses	53.34
Graham Tire	Program Activities	46.40
Graham, Brian	Welfare Rent	500.00
Great Western Bank	Welfare Rent	291.29
Hall, Vien V	Interpreters	25.00
Haugaard Law	Bd Exp Fees (Minnehaha)	6,016.00
Horizon Apts	Welfare Rent	1,000.00
Horn Law	Attorney Fees	202.40
Huitt, Vicki	Business Travel	42.00
Hurtgen, Timothy T/P	Welfare Rent	666.00
Infrastructure Design	Architects & Engineers	1,226.04
Institutions Svc	Other Supplies	32.26
Interstate Office	Misc Expense	67.98
Interstate Office	Office Supplies	2,041.44
Iosty, James	Bd Exp Fees (Minnehaha)	8,234.40
Iosty, James	Crisis Intervention Program	235.00
Iret Properties	Welfare Rent	466.00
ISI	Interpreters	260.00
Jacks Uniforms	Uniform Allowance	381.99
Jason Bruns Construct	Fairgrounds	6,879.90
JCL Solutions	Inmate Supplies	1,612.00
JCL Solutions	Kitchen/Cleaning Supplies	6,104.72
Jeff Larson Law	Attorney Fees	2,390.70
Jeff Larson Law	Child Defense Attorney	2,697.20
Jodi Sudweeks	Court Reporters	85.00
John Koch Investment	Welfare Rent	500.00
Johnson, Richard L	Child Defense Attorney	880.78
Josh Payer	Sign Deposits	50.00
Journey Group	Contracted Construction	64,278.67
Katterhagen, Mark	Bd Exp Fees (Yankton)	60.00
Kauffman, David W Ph	Psych Evals	3,291.00
Kevin E. And Renee	Special Projects	3,365.00
Kolbeck Law	Attorney Fees	1,745.26
Kolbeck Law	Child Defense Attorney	972.90
Konda, Yousif	Interpreters	50.00
Krause Law	Attorney Fees	1,353.60
Kyra Enterprises	Motels	60.00
Lacroix Law	Attorney Fees	153.95
Laughlin Law	Attorney Fees	6,439.50
Laughlin Law	Child Defense Attorney	1,047.80
Lewno Law	Bd Exp Fees (Yankton)	665.88
Lexisnexis Matthew	Subscriptions	500.00
Lincoln County Sd	Bd Eval (Minnehaha)	90.00

09/04/2018

Llary A Mangold	Right Of Way	475.00
Lockwood, Darcy	Bd Exp Fees (Yankton)	60.00
Luverne Supermarket	Welfare Food	49.99
Macs	Road Maint & Material	27.97
Madison Square	Welfare Rent	1,200.00
Marsh & McLennan	Notary Exp	50.00
Mcdonald, Ronald	Welfare Rent	1,000.00
Menard	Bldg/Yard Repair & Maint	54.83
Menard	Building Repairs & Maint	29.50
Menard	Janitorial Chemical Supplies	23.98
Menard	Park & Recreation Material	38.39
Metro Communications	Attorney Fees	120.00
Metro Communications Agency	Misc Expense	187,091.44
Microfilm Imaging	Office Supplies	667.15
Midcontinent Com	Amounts Held For Others	190.00
Midwest Alarm	Outside Repair	80.00
Midwest Alarm	Security Equip	340.00
Midwest Lift Works	Automotive/Small Equip	540.77
Midwest Wellness	Expert Witness Fees & Expenses	1,650.00
Minnehaha County	Other Supplies	105.00
Multicultural Center	Interpreters	1,815.00
Murray Properties	Welfare Rent	500.00
Napa Auto Parts	Automotive/Small Equip	78.53
Napa Auto Parts	Parts Inventory	1,338.06
Napa Auto Parts	Small Tools & Shop Supplies	81.80
Napa Auto Parts	Truck Repairs & Maint	9.83
Nguyen, Lam	Interpreters	50.00
Norix Furniture	Child Care Items	966.30
Northeast Investment	Welfare Rent	2,400.00
Northpointe	Education & Training	298.00
Oreilly Automotive	Heavy Equip Repairs & Maint	18.99
Oreilly Automotive	Truck Repairs & Maint	19.99
Perezrruz, Ileana	Interpreters	70.83
Pfeifer Implement	Parks/Rec Repair & Maint	72.28
Phoenix Supply	Child Care Items	63.50
Pioneer Enterprises	Burials	2,000.00
Prahm Construction	Contracted Construction	68,491.05
Prairie Avenue Apt	Welfare Rent	400.00
Prestox	Outside Repair	529.99
Qualified Presort	Postage	200.00
Quality Efficiencies	Motels	255.00
R&G Construction	Contracted Construction	41,657.25
Rac Rentals	Welfare Rent	460.00
Rochester Armored	Armored Car Svc	407.96
Rolling Hills	Welfare Rent	339.00
Ronald Dean Bruns	Right Of Way	528.00
Ryan Duffy Law	Attorney Fees	4,605.50
Sanford Clinic	Blood Withdrawal	140.00
Schaunaman, Kurt	Education & Training	55.00
Schoffelman, Galen A	Welfare Rent	625.00
SDACC	Misc Expense	185.00
SD Emergency Mgmt	Misc Expense	800.00
SDES Attn:Joshua	Publishing Fees	75.00
SF Leased Housing	Welfare Rent	25.00
SF Specialty Hospital	Recruitment	1,181.00
Sigler Company	Correction Ctr Repairs & Maint	58.95
Sigler Company	Outside Repair	1,872.45
Sigler Company	Professional Svcs	105.50
Sioux Falls Area	Misc Expense	125.00
Sioux Falls Area Hum	Misc Expense	3,286.41
Sioux Falls City	Water Sewer	61.12
Sioux Falls River	Welfare Rent	618.00
Sioux Falls Two Way	Communication Equip Repair	2,315.59
Sioux Falls Ymca	Welfare Rent	500.00
Sioux Valley Energy	Welfare Utilities	412.16

09/04/2018

Sisson Printing	Printing/Forms	278.45
Solheim, Virginia	Business Travel	39.28
Soukup Construction	Parking	101,392.30
Southeastern Electric	Welfare Utilities	247.02
Stan Houston Equip	Road Maint & Material	35.95
State of SD	Amts Held-Daily Scram	3,412.00
State of SD	Bridge Repair & Maint	932.35
State of SD	Building Repairs & Maint	123.90
State of SD	Parking	184.38
State of SD	Sign Supply Inventory	172.80
State of SD	Voa Dakotas	60.00
Stockwell Engineers	Architects & Engineers	12,402.55
Strange Farrell John	Attorney Fees	122.20
Testpoint Medical	Blood Withdrawal	4,200.00
Traf-O-Teria System	Printing/Forms	226.74
True Care Family	Pharmacies	40.00
Trugreen	Professional Svcs	56.37
Tschetter & Adams	Attorney Fees	1,898.83
Ulteig Engineers	Architects & Engineers	14,156.32
Ultramax Ammunition	Ammunition	1,072.50
US Bank	Lease-Rental Agreement	136.72
Valley Springs City	Welfare Utilities	219.60
Vandervliet, Rodney	Business Travel	50.20
Variety Foods	Professional Svcs	1,050.97
VB Falls Terrace	Welfare Rent	1,000.00
VB Tower	Welfare Rent	500.00
Vern Eide Motorcars	Hidta Grant	271.50
VOA	Welfare Rent	600.00
Vos, Austin	Business Travel	40.00
Walmart Stores	Pharmacies	22.97
Willow Partners	Welfare Rent	500.00
Xcel Energy	Welfare Utilities	2,726.10
Zabel Steel	Automotive/Small Equip	30.20
Zabel Steel	Road Maint & Material	24.86

**PERSONNEL**

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

1. To hire Cecille Wollman, Merla Severson, and Connie Idecker as seasonal Election Workers for Elections at \$12.50/hour effective 9/17/18 to 11/30/18.
2. To hire Leroy Mathieu as seasonal Election Worker for Elections at \$14.00/hour effective 9/17/18 to 11/30/18.
3. To end the variable hour employment of Rebecca Donaldson as Safe Home Program Worker for Safe Home effective 8/26/18.
4. To accept the resignation of Justin Cohen as Correctional Officer in Training for the Jail effective 9/9/18.
5. To accept the retirement of Rick Lohnes as Correctional Officer for the Jail effective 9/13/18.
6. To amend the resignation date of Presley Helm, Correctional Officer for the Jail, to 8/23/18.

**Step Increases**

1. Corey Metter – Air Guard Security Officer II – Air Guard – 13/6 – 9/13/18 - \$19.95/hour
2. Jered Broesder – Correctional Officer – Jail – 13/16 – 8/20/18 - \$25.54/hour

09/04/2018

3. Jorge Vicuna – Juvenile Correctional Officer II – Juvenile Detention Center – 14/18 – 8/18/18 - \$28.19/hour
4. Joseph Zilla – Juvenile Correctional Officer I – Juvenile Detention Center – 12/8 – 8/26/18 - \$19.95/hour
5. Jacqueline Rasmussen – Senior Deputy Public Defender – Public Defender’s Office – 22/18 – 8/18/18 - \$3,695.20/bi-weekly
6. Jennifer Voelker – Tax and License Technician – Treasurer – 10/4 – 8/28/18 - \$16.38/hour

#### Special Personnel Action

To recognize the following significant employee anniversaries for September 2018: 5 years – Stacy Acker and David Heinold; 10 years – James Sondgeroth and Colleen Albrecht; and 20 years – Daniel Friedbauer.

To record volunteers in County Departments for August 2018. This list is on file at Human Resources.

#### PLANNING & ZONING NOTICE

Scott Anderson, Planning Director, gave the first reading and requested authorization for the Auditor to publish a Notice of Hearing for Rezoning #18-07, an amendment to the 2002 Revised Zoning Ordinance for Minnehaha County and the City of Sioux Falls to rezone from the A-1 Agricultural District to the Emerald Pines Planned Development District legally described as the W 350 Feet of the S 400 Feet of the N 1,378 Feet of the E 560 Feet, Lot 1, Olson’s Addition, W1/2 NE1/4, Section 10-T101N-R50W., Wayne Township, Minnehaha County, South Dakota; located approximately 1 mile west of Sioux Falls. Due to the cancellation of the August 28, 2018, Joint City of Sioux Falls/Minnehaha County Commission Meeting, this rezoning hearing was rescheduled and must be noticed again. MOTION by Beninga, seconded by Barth, to authorize the Auditor to publish a Notice of Hearing on September 25, 2018, to consider the rezoning amendment, Rezoning #18-07. 4 ayes. Commissioner Karsky recused himself from this item.

#### SPECIAL EVENT LICENSE

Olivia Larson, Deputy Auditor, was present for a public hearing on a Special Event On-Sale Liquor License Application submitted by Prairie Pasta Inc. dba Johnny Carino’s. The license would allow the sale and consumption of liquor at a wedding to be held on September 8, 2018, taking place at the Riviera Event Hall. The licensed property is legally described as Lot 1&2 of Tract 1 Jeanne's Addition NE 1/4 and SE 1/4 of Section 28-T101N-R48W, located at 26665 481<sup>st</sup> Ave, Brandon. No one spoke in opposition. MOTION by Bender, seconded by Karsky, to approve the Special Event On-Sale Liquor License for Prairie Pasta Inc. dba Johnny Carino’s for a wedding to be held on September 8, 2018, at the Riviera Event Hall. By roll call vote: 5 ayes.

#### PUBLIC NUISANCE

Deferred from July 24, 2018:

Kevin Hoekman, Planner I, gave a briefing on a Public Nuisance Ordinance violation at the property owned by Ronald and Joan Hegge. The property is legally described as the E245' S210' SE1/4 SE1/4 (EX H1, H2 & H3), 10-104-50, Burk Township. A site visit took place on August 29, 2018, where many unlicensed and expired license vehicles remain. It is still unknown what is behind the fence. Ronald Hegge, 46998 246<sup>th</sup> Street, Dell Rapids, indicated that much of the property was cleaned up after the August 29, 2018, site visit and was available to answer questions from the Commission. Josh Anhalt, 46999 246<sup>th</sup> Street, Dell Rapids, nearby property owner, was available to answer Commissioner questions, spoke on the condition of the property, and took a neutral

09/04/2018

position in regard to the property being a public nuisance. Upon the request of Commissioner Barth, Mr. Hoekman spoke on the process should the property be declared a public nuisance, and noted the property owner would have approximately one month before the process is finalized to clean-up the property. Commissioners raised concerns regarding enforcing County ordinances while still trying to maintain the rights of property owners. Commissioner Karsky stated being opposed to taking action on the property due to most of the neighbors, who have come forward, not having an issue with the property. Commissioner Karsky also stated that, if the property continues to be an issue, then it will most likely come before the Commission again. MOTION by Barth, seconded by Bender, to declare only the property outside the fence on the property legally described as the E245' S210' SE1/4 SE1/4 (EX H1, H2 & H3), 10-104-50, Burk Township a public nuisance and enact SDCL 21-10-6. Commissioner Bender stated being in favor of declaring the property a public nuisance due to the acknowledgement by Mr. Hegge that one unlicensed vehicle remains while having had one month to get the vehicles licensed, a passerby having seen vehicles on the property contrary to what Mr. Hegge has reported, and the time allowed to Mr. Hegge to get the property cleaned-up on his own. Vote on the motion by roll call vote: 4 ayes. Karsky voted nay.

#### TAX DEED

Bob Litz, Auditor, presented items related to the disposition of tax deed properties. On August 30, 2018, the Minnehaha County Surplus Appraisal Board visited and reviewed two properties, RDID 63172 and RDID 63567. The Appraisal Board Values for RDID 63172 and RDID 63567 are \$150,000 and \$100.00 respectively. MOTION by Karsky, seconded by Barth, to accept the findings of the Minnehaha County Surplus Property Appraisal Board Report. 5 ayes.

Mr. Litz, requested RDID 63172 be declared surplus for sale at a public auction. MOTION by Karsky, seconded by Barth, to declare tax deed property RDID 63172 as surplus for sale at public auction. Upon the request of Commissioner Heiberger, Olivia Larson, Deputy Auditor, spoke on the order of the requests for action on RDID 63172 and RDID 63567. Vote on the motion by roll call vote: 4 ayes. Commissioner Beninga voted nay.

As recommended by the Minnehaha County Surplus Appraisal Board, MOTION by Beninga, seconded by Barth, to authorize the Auditor to begin negotiations for the transfer of RDID 63567 to the adjacent land owner. By roll call vote: 5 ayes.

Mr. Litz requested the approval of the recommended minimum bid amount for RDID 63172. Ms. Larson stated the recommended minimum bid for RDID 63172 includes the back taxes owed and a \$200 administrative fee for the County. Margaret Gillespie, Senior Deputy State's Attorney, spoke on the statutory time frame allowed for an expedited eviction process, and the reason for a minimum bid. MOTION by Karsky, seconded by Barth, to approve the recommended minimum bid amount of \$15,065.77 for RDID 63172. Commissioner Beninga spoke on concerns with the eviction of the former property owners, who still live on the property, and noted there may be mental or physical health issues. Mr. Litz spoke on contact with the former property owners. Based on questions from the Commission, Mr. Litz spoke on building eligibilities on the property and how the proceeds are distributed after the sale. Vote on the motion by roll call vote: 4 ayes. Beninga voted nay.

Mr. Litz requested authorization to publish a Notice of Public Auction to be held on Saturday, September 29, 2018. In response to Commission Heiberger's question, Mr. Litz stated the sale date could be changed from what is being requested. Ms. Larson noted the last Saturday in September is usually chosen due to the timing of property assessments in the County. Commissioner Heiberger asked, for the purposes of discussion, if the sale should be held off for one year. Mr. Litz spoke on the options the former property owner has to get the back taxes paid before the sale. MOTION by Barth to authorize the Auditor to publish a Notice of Public Auction to be held on Saturday, September 29, 2018, at 10:00 a.m. Motion died for lack of a second. MOTION by Beninga, seconded by Karsky, to authorize the Auditor to publish a Notice of Public Auction to be held on Saturday, September 28, 2019, at 10:00 a.m. Commissioner Karsky noted that waiting for one year would

09/04/2018

provide the former property owners time to prove some type of hardship or to make a payment. Mr. Litz spoke on the notification provided to the former property owners and the steps needed to keep their property. The former property owner did contact the State's Attorney's Office after receiving the eviction notice with the intent to pay by the end of August. Ms. Gillespie spoke on the Commission's involvement in the eviction process if the motion passes. SUBSTITUTE MOTION by Karsky, seconded by Barth, to authorize the Auditor to publish a Notice of Public Auction to be held on Saturday, September 29, 2018, at 10:00 a.m. 2 ayes. Commissioner Bender, Beninga, and Heiberger voted nay. John Cunningham, 4904 S Oxbow Apt 312, Sioux Falls, posed questions regarding the minimum bid and the reimbursement of the County for the appraisals conducted. Roll call vote on original motion made by Commissioner Beninga, seconded by Karsky, to authorize the Auditor to publish a Notice of Public Auction to be held on Saturday, September 28, 2019, at 10:00 a.m. 4 ayes. Commissioner Barth voted nay. In response to Commissioner Karsky's question, Joe Bosman, Deputy Sheriff Lieutenant, explained the eviction process and timeline needed to meet the 2019 sale date. In response to a question posed by Commissioner Heiberger, Ms. Gillespie spoke on the Commission's ability to authorize litigation as part of the eviction process at a later time.

#### SHERIFF

Joe Bosman, Deputy Sheriff Lieutenant, requested the early hire of two Deputy Sheriff positions approved in the 2019 payroll budget. The additional costs are expected to be absorbed in the current 2018 Sheriff's Office budget. The anticipated start date for the two positions is November 12, 2018. MOTION by Bender, seconded by Barth, to authorize the early hire of two Deputy Sheriff positions included in the 2019 payroll budget. 5 ayes.

#### BUDGET HEARING

A public hearing was held for the FY2019 Minnehaha County Budget. Carol Muller, Commission Administrative Officer, gave a briefing on the FY2019 budget which stands at \$86,873,328. Adjustments to the provisional budget include a decrease in the anticipated centrally assessed utilities, a reduction in the Air Guard contract due to personnel changes, and an updated payroll projection. The changes to the provisional budget result in an increase to the general fund cash applied from \$4,543,362 to \$4,587,613. The proposed FY19 budget would use an additional \$600,000 from the 2015 opt-out. The Provisional Budget includes seven (7) new positions and the addition of one post for the jail representing six (6) correctional officers. The budget is supported by revenues that include a 2.934% growth in property taxes due to new construction within the county, a 2.1% CPI adjustment allowed by the property tax limitation statutes, and modest growth in non-property tax revenue such as recording fees, vehicle registration fees, and alcohol tax distribution. The Provisional Budget also includes the implementation of a 2.0% matrix adjustment, along with step increases earned by employees in accordance with the structure of the Minnehaha County pay plan. The 2019 budgets for Metro Communications, Siouxland Libraries, and Siouxland Heritage Museums will be heard at a joint meeting with the City of Sioux Falls on September 5, 2018. No one spoke in opposition.

#### LIAISON REPORTS

Commissioner Heiberger reported on speaking at last week's Rotary Club meeting where she received questions on topics such as the County's financial situation and liquor licenses.

Commissioner Beninga reported on being contacted by the City of Sioux Falls Mayor to be involved in the Metro Communications Management discussions regarding either a back-up facility or new facility.

MOTION by Bender, seconded by Barth, to recess the Minnehaha County Commission Meeting. 5 ayes.

MOTION by Barth, seconded by Bender, to reconvene the Minnehaha County Commission Meeting at 10:31 a.m. 5 ayes.

09/04/2018

MOTION by Barth, seconded by Bender, to enter into Executive Session for the purpose of SDCL 1-25-2 (1) and (3). 5 ayes.

MOTION by Bender, seconded by Karsky, to adjourn at 11:04 a.m. 5 ayes.

The Commission adjourned until 3:00 p.m. on Wednesday, September 5, 2018.

APPROVED BY THE COMMISSION:

Cindy Heiberger

Chair

ATTEST:

Olivia Larson

Deputy Auditor