

12/03/2019

THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M. December 3, 2019, pursuant to adjournment on November 26, 2019. 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 Heiberger, seconded by Barth, to approve the agenda. 5 ayes.

MINUTES APPROVAL

MOTION by Beninga, seconded by Barth, to approve the November 26, 2019, Commission Minutes. 5 ayes.

MOTION by Karsky, seconded by Barth, to approve the November 26, 2019, Joint Minnehaha County/City of Sioux Falls Minutes. 5 ayes.

VOUCHERS TO BE PAID

MOTION by Heiberger, seconded by Barth, to approve the following bills totaling \$296,558.95. 5 ayes.

A&B Business	Data Processing Sup	1,043.62
A&B Business	Lease-Rental Agmt	143.61
A&B Business	Maint Contracts	90.27
Adam Mohrhauser	Bd Exp Fees Minnehaha	290.50
Airgas USA	Gas Oil & Diesel	96.09
Airway Svc	Automotive/Small Equip	22.85
Airway Svc	Gas Oil & Diesel	72.50
Amundson, Shirley	Right Of Way	3,935.93
Anderson, Jennifer	Bd Evals Minnehaha	1,597.50
Andersons Collission	HIDTA Grant	70.00
Angel, Edward P	Attorney Fees	2,999.15
Appeara	Program Activities	35.00
Assoc Of SD Weed	Education & Training	50.55
Avera McKennan	Hospitals	7,321.16
Avera McKennan	Other Medical Svcs	561.25
Avera McKennan	Professional Svcs	750.00
Axis Forensic Toxico	Lab Costs	285.00
Barnett Lewis Funer	Burials	3,000.00
Berg, Scott	Business Travel	28.00
Brandon Heights	Welfare Rent	500.00
Century Business	Lease-Rental Agmt	699.43
Century Business	Maint Contracts	495.65
Chagolla, Albert	Interpreters	119.15
Cluckin Good Chicken	Jury Fees	176.41
Colton City	Welfare Utilities	341.26
Costello Companies	Welfare Rent	1,170.00
Crew & Crew	Child Defense Attorney	1,263.50
Cutler Law	Attorney Fees	5,000.00
Decastro Law	Attorney Fees	1,216.00
Decastro Law	Child Defense Attorney	4,416.80
Deer Hollow	Welfare Rent	778.00
Donahoe Law	Attorney Fees	399.00
Dubbelde, Pete	Welfare Rent	500.00
Duffy, Bonnie	Bd Exp Fees Minnehaha	227.20
Dust Tex Svc	Janitorial Chemical Sup	32.50
EH Hospitality	Motels	525.00
Express Copy & Print	Building Reps & Maint	44.05
First Dakota Nation	Homeland Security	3,764.75
Fox & Youngberg	Attorney Fees	213.20
Frieberg Nelson	Bd Exp Fees Minnehaha	120.00
Ge, Xijin	Welfare Rent	1,400.00
George, Aaron	Welfare Rent	1,000.00

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Gourley Properties	Welfare Rent	765.00
Gromer, Jeff	Uniform Allowance	550.00
Guzman, Sandra V	Interpreters	154.17
Hobby Lobby Stores	Program Activities	19.76
Holiday Credit	Gas Oil & Diesel	76.29
Huey Apts	Welfare Rent	448.00
I State Truck Center	Truck Reps & Maint	600.00
Infrastructure Mgmt	Architects & Engineers	2,248.00
Interstate Office	Office Sup	334.89
Intoximeters	Testing Sup	342.00
ISI	Interpreters	80.00
Jasper, Brian	Welfare Rent	1,950.00
Jaymar Business Form	Printing/Forms	109.75
Jeff Larson Law	Attorney Fees	3,709.35
Jeff Or Carol Breitk	Attorney Fees Repaid	50.00
Johnson, Richard L	Child Defense Attorney	199.50
Katheryn Cranbrook	Professional Svcs	5,750.00
Kats And Swier	Welfare Rent	700.00
Katterhagen, Mark	Bd Exp Fees Yankton	117.00
Kyra Enterprises	Motels	310.00
Lewis & Clark Behav	Bd Evals Yankton	2,492.00
Lewis Drug	Misc Exp	23.00
Lewno Law	Bd Exp Fees Yankton	1,320.50
Lift Pro Equip	Hvy Equip Reps & Maint	288.75
Lockwood, Darcy	Bd Exp Fees Yankton	117.00
Loving, Philip	Bd Evals Minnehaha	3,787.50
Lutheran Social Svcs	Education & Training	825.00
Lutheran Social Svcs	Evening Report Center	5,942.14
Lutheran Social Svcs	Shelter Care/Recpt Cntr	79,541.97
Mac's Hardware	Bldg/Yard Rep & Maint	16.46
Marcille L Wallner	Right Of Way	250.00
Mark Mcgee	Sign Deposits	50.00
Mattson, Mike	Uniform Allowance	140.37
Medstar Paramedic	Transportation	400.00
Menard	Building Reps & Maint	49.35
Menard	Program Activities	55.69
Menard	Road Maint & Material	111.76
Menard	Small Tools & Shop Sup	6.98
Menard	Truck Reps & Maint	54.85
Microfilm Imaging Sy	Office Sup	678.68
Midamerican Energy	Natural Gas	1,063.33
Midcontinent Com	Amounts Held For Others	155.00
Minnehaha County	Other Sup	135.00
Multicultural Center	Interpreters	1,622.50
Napa Auto Parts	Automotive/Small Equip	1.93
National Student	Welfare Rent	300.00
Nebraska Salt & Gr	Road Material Inventory	6,176.56
Newman Signs	Road Maint & Material	69,432.85
Nguyen, Lam	Interpreters	66.66
Ode, Doug	Bd Exp Fees Minnehaha	235.60
One Sky	Small Tools & Shop Sup	56.04
Pioneer Enterprises	Burials	2,000.00
Price Land & Cattle	Welfare Rent	685.00
Prov 16:3	Automotive/Small Equip	194.99
Qualified Presort	Postage	190.75
Quality Efficiencies	Motels	625.00
Ralston, Michael	Bd Exp Fees Minnehaha	281.26
Ramsey Partners	Welfare Rent	444.00
Randall, Rebecca	Bd Exp Fees Minnehaha	370.00
RDO Construction	Hvy Equip Reps & Maint	176.55
RDO Construction	Lease-Rental Agmt	4,017.00
RDO Construction	Parts Inventory	486.94
Ridgeview Apts	Welfare Rent	986.00
Ryan Vandervliet	Bd Exp Fees Minnehaha	402.04
Sanford	Other Medical Svcs	1,032.46

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Sanford Clinic	Clinics Auxiliary Svcs	1.98
Sanford Clinic	Misc Exp	47.50
Schaaf, Kenneth D	Welfare Rent	500.00
Schabauer, Ernest	Welfare Rent	341.00
Scheels All Sports	Uniform Allowance	10.86
SD Assoc County Weed	Memberships	50.00
SD State Bar	Amounts Held For Others	500.00
SD State Bar	Memberships	1,245.00
SD Symphony Orchest	Program Activities	400.00
Sechser, Jenna	Court Reporters	372.40
SF Specialty Hosp	Insurance-Other Costs	200.00
SF Specialty Hosp	Recruitment	854.00
Sioux Falls City	Welfare Utilities	49.96
Sioux Falls Ford	Automotive/Small Equip	14.95
Sioux Falls Ford	Gas Oil & Diesel	30.97
Sioux Falls Lihtc	Welfare Rent	48.00
Sioux Falls Rubber	Office Sup	64.90
Sioux Falls Ymca	Welfare Rent	629.00
Splitrock Fire Dept	Split Rock Fire Dept	21,617.50
State of SD	Amts Held-Daily Scram	2,686.00
State of SD	Amts Held-Remote Breath	807.00
State of SD	Inmate Sup	359.00
State of SD	Telephone	24.00
Stronghold Counsel	Psych Evals	750.00
Summit Food Svc	Inmate Sup	89.99
Sunbelt Rentals	Lease-Rental Agmt	1,371.60
Sunset Villas	Welfare Rent	650.00
Thomson Reuters	Books	52.60
Thomson Reuters	Legal Research	2,408.34
Tomacelli's Too	Jury Fees	112.03
Tschetter & Adams	Attorney Fees	732.40
Tzadik	Welfare Rent	703.00
Tzadik Sioux Falls	Welfare Rent	500.00
US Foods	Professional Svcs	308.57
Van Boening, Shane	Welfare Rent	1,800.00
Vogel Motors	Gas Oil & Diesel	35.00
Voisin, Alexander	Business Travel	52.50
West Pointe	Welfare Rent	700.00
Western Avenue	Welfare Rent	350.00
Whittier Apts	Welfare Rent	63.00
Xcel Energy	Welfare Utilities	263.77
Yankton County	Attorney Fees	1,930.75
Yankton County	Return Of Svc	150.00
Yemam, Nassir	Interpreters	83.33

REPORTS

The October 2019 Juvenile Detention Center Report was received and placed on file in the Auditor's Office.

PERSONNEL

MOTION by Heiberger, seconded by Karsky, to approve the following personnel changes. 5 ayes.

Step Increases

1. Kelli Nyhof, Assistant Treasurer for the Treasurer, at \$30.21/hour (21/2) effective 12/5/19.
2. Mark Joyce, Senior Deputy State's Attorney for the State's Attorney's Office, at \$2,944.80/biweekly (22/6) effective 10/31/19.
3. Tara Palmiotto, Senior Trial Attorney for the State's Attorney's Office, at \$3,768.80/biweekly (23/12) effective 11/2/19.

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4. Mandi Mowery, Senior Deputy State's Attorney for the State's Attorney's Office, at \$3,415.20/biweekly (22/12) effective 11/6/19.
5. Anna Kirchenwitz, Victim Witness Assistant for the State's Attorney's Office, at \$23.60/hour (16/4) effective 11/7/19.
6. Brianna Cutright, Deputy State's Attorney for the State's Attorney's Office, at \$2,667.20/biweekly (22/2) effective 11/21/19.
7. Rebecca Carpenter, Legal Office Assistant for the State's Attorney's Office, at \$23.02/hour (10/15) effective 10/25/19.
8. Neville Smith, Deputy Sheriff for the Sheriff's Office, at \$28.06/hour (17/9) effective 11/13/19.

Other

1. To approve leave without pay over 40 consecutive hours for Dana Hoffman, Paralegal for the Public Defender's Office, through 1/15/20.

Special Personnel Action

To recognize the following significant employee anniversaries for December 2019: 5 years – Jon Hagen; 15 years – Mary Yu; and 20 years – Raymond Koens.

To record volunteers in County Departments for November 2019. This list is on file at Human Resources.

MOTION by Karsky, seconded by Heiberger, to accept the resignation of Aaron McGowan, State's Attorney, effective 12/6/19 and to approve an agreement regarding his resignation. 5 ayes.

ELECTED OFFICIAL SALARY

Carey Deaver, Human Resources Director, gave a briefing on elected official salary history and requested direction from the Commission for future action to be taken before December 14, 2019. A comparison of department head salaries, an elected official market summary, and an assistant department head salary comparison was provided. Commissioners offered recommendations including no increase for the Treasurer, a 2% increase for the Auditor, a 4% increase for the Register of Deeds, and 6% increase for the Sheriff, and setting the State's Attorney position at \$130,000.

ABATEMENTS

Upon the recommendation of Chris Lilla, Director of Equalization, MOTION by Karsky, seconded by Beninga, to approve the following abatements representing the disabled veterans tax exemption under SDCL 10-4-40: Parcel ID 48401, 2016 property taxes, in the amount of \$129.23; Parcel ID 48401, 2017 property taxes, in the amount of \$1,521.18; Parcel ID 48401, 2018 property taxes, in the amount of \$1,508.02; and Parcel ID 58489, 2018 property taxes, in the amount of \$308.16. By roll call vote: 5 ayes.

PLANNING & ZONING NOTICE

David Heinold, Planner, gave the first reading and requested authorization for the Auditor to publish a Notice of Hearing for an amendment to MC16-90, the 1990 Revised Zoning Ordinance for Minnehaha County, to rezone from A-1 Agriculture District to I-1 Light Industrial District on the property legally described as Tract A of Lot 2, & The West 800 Feet of Lot 2 (Ex. H-1, H-3, H-4, & H-5), SE1/4 NW1/4; all in Section 27-T101N-R48W,

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Minnehaha County, South Dakota, located at 48127 SD State Highway 42, approximately 3.5 miles east of Sioux Falls. MOTION by Heiberger, seconded by Karsky, to authorize the Auditor to publish a Notice of Hearing on January 7, 2020, to consider rezoning amendment #19-08, An Ordinance Amending The 1990 Revised Zoning Ordinance For Minnehaha County By Rezoning Certain Property. 5 ayes.

PUBLIC COMMENT

DJ Buthe, Highway Superintendent, gave an update on the winter weather conditions that took place over the holiday weekend. The Highway Department was working on the roads over the weekend and utilized their Facebook page to update the public on the road conditions.

AMBULANCE ORDINANCE HEARING

Jason Gearman, Emergency Management Director, was present for the public hearing and second reading to consider amendments to MC31-5-18, the 2018 Ground Ambulance Licensing Ordinance for Minnehaha County. Commissioners were provided a copy of the Ordinance with proposed amendments. Mr. Gearman gave a briefing on the proposed amendments as follows: Article 2, Section 6 updating language to align with South Dakota law and administrative rule; Article 6 to remove the requirement of consent and a written agreement between two licensees for special events; and Article 14 updating language to align with South Dakota law and administrative rule regarding minimum personnel requirements. Other minor changes were made for the purposes of consistency and formatting. Speaking in favor of the amendments, Dr. Jeff Luther, Rural Ambulance Quality Assurance Director, explained that he believes reducing the requirement from two emergency medical technicians (EMT) to one EMT would not cause a decrease in quality. Tim Haight, 3403 W 93rd Street, Sioux Falls, inquired about the proposed amendment to Article 6. Maggie Gillespie, Senior Deputy State's Attorney, responded to Mr. Haight's question explaining that he would need to contact his own legal counsel if he had legal questions, and that the change to Article 6 only removes the requirement to obtain consent from the existing service area ambulance service for a special event. Jay Masur, 25968 476th Ave, Sioux Falls, Med-Star Paramedic Ambulance President & CEO, spoke in opposition to lowering the number of EMTs. Dr. Luther responded to the concerns brought forward by Mr. Masur explaining that smaller ambulance services struggle to find enough people to serve. Therefore, the requirement of two EMTs made it hard to operate. Additionally, many Minnehaha County Sheriff's Deputies are trained EMTs with impressive response times. Mr. Gearman explained that the ordinance is a minimum standard. Ambulance services may choose to set their standards at any level they want as long as the minimum is met. MOTION by Karsky, seconded by Barth, to approve Ordinance MC31-6-19, the 2019 Ground Ambulance Licensing Ordinance. By roll call vote: 5 ayes. The entire Ordinance is on file and available for inspection at the County Auditor's Office.

LEASES

Bill Hoskins, Museum Director, gave a briefing on the 2020 lease agreements for the Sioux Valley Genealogical Society and the Minnehaha County Historical Society. Under the terms of the agreements, the Genealogical Society will lease approximately 600 square feet of office space on the second floor of the Old Courthouse Museum. The Historical Society will lease approximately 344 square feet of office space on the first floor of the Old Courthouse Museum. Both leases are for 12 month periods. There is no charge for the lease space. The County pays for light, heat, and custodial services. The Societies pay for their own phone and comprehensive general liability insurance. MOTION by Barth, seconded by Heiberger, to authorize the Chair to sign the lease agreement between Minnehaha County and the Sioux Valley Genealogical Society beginning on January 1, 2020, and ending on December 31, 2020; and to authorize the Chair to sign the lease agreement between Minnehaha County and Minnehaha County Historical Society beginning on January 1, 2020, and ending on December 31, 2020. Unanimously voted 5 ayes.

PURCHASE

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Chris Lilla, Director of Equalization, requested approval for the purchase of two (2) 2020 Chevy Equinox from Billion Automotive of Sioux Falls (Billion), at a cost of \$23,229 each. Billion has agreed to sell the two vehicles at the amount established in the South Dakota State Bid Contract #17339. By purchasing locally, the County will not have to pay an additional \$400 delivery charge. One of the vehicles will cover the shortage of one vehicle for the appraisal staff. The other vehicle will replace a 2002 Blazer that is intended to be declared surplus and sold at auction. The purchase of the vehicles are included in the 2020 budget. MOTION by Heiberger, seconded by Karsky, to approve the purchase of two (2) 2020 Chevy Equinox from Billion Automotive of Sioux Falls, 4200 W 12th Street, Building 2, Sioux Falls, at a cost of \$23,229 per vehicle. By roll call vote: 5 ayes.

LIAISON REPORT

Commissioner Beninga apologized to Auditor Bob Litz explaining that while the Commission was discussing Item 5e, the briefing on elected department head salaries for 2020, he got his words mixed around and did not intend to suggest that the Auditor receive no increase.

Commissioner Heiberger reported that she will be attending the South Dakota Association of County Commissioners Meeting in Pierre, SD on December 11-12, 2019.

NEW BUSINESS

Upon the request of Commissioner Beninga, Monte Watembach, Information Technology Director, provided an update on the new property tax payment website going live. The public will be able to pay current year delinquent taxes through the website. Additionally, individuals or entities that own multiple parcels will be able to process their payment in one transaction.

OLD BUSINESS

Commissioner Barth commented that the County has gone through a tough time recently and thanked the State's Attorney's Office employees for moving forward during a stressful time.

Bob Litz, Auditor, reported that he will be visiting ES&S in Omaha on January 3, 2019, along with other County Auditors and representatives from the Secretary of State's Office to discuss the post-election ballot auditing process.

MOTION by Heiberger, seconded by Karsky, to recess the Minnehaha County Commission Meeting at 10:02 a.m. 5 ayes.

MOTION by Barth, seconded by Karsky, to reconvene the Minnehaha County Commission Meeting at 10:16 a.m. 5 ayes.

MOTION by Barth, seconded by Heiberger, to enter into Executive Session pursuant to SDCL 1-25-2 (1), (3) and (4). 5 ayes.

MOTION by Karsky, seconded by Heiberger, to adjourn. 5 ayes.

The Commission adjourned until 9:00 a.m. on Tuesday, December 10, 2019.

APPROVED BY THE COMMISSION:

Jean Bender

Chair

ATTEST:

Olivia Larson

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Deputy Auditor