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THE MINNEHAHA COUNTY COMMISSION CONVENE AT 9:00 A.M. March 31, 2020, pursuant to adjournment on March 27, 2020. Commissioners present were: Bender, Heiberger, and Karsky. Commissioner Barth and Beninga joined the meeting via teleconference. Also present were Olivia Larson, Commission Recorder, and Margaret Gillespie, Senior Deputy State's Attorney.

#### COVID-19 UPDATE

Jason Gearman, Emergency Management Director, gave an update on efforts related to COVID-19. Work is being done at the Emergency Operations Center to assist the healthcare systems find modeling. A process is being created to ensure proper notification of law enforcement, fire, and emergency services regarding positive cases. Cases are expected to continue to rise. The public was advised to beware of scams taking place, especially in regard to stimulus checks. Commissioner Bender announced that non-essential County Buildings will remain closed to the public through April 30, 2020. Craig Dewey, Assistant Commission Administrative Officer, reported on the 2020 Legislative Session Veto Day. Senate Bill 191, a bill that would have given counties the authority to declare an emergency and take steps to help mitigate the spread of disease in regard to COVID-19, failed. A separate bill that would have granted the Secretary of Health the authority to declare an emergency and enact certain business closures also failed. Bob Litz, Auditor, reported on the legislature approving a bill that allowed for the postponement of the city and school elections. The preferred date to hold the City of Sioux Falls election is June 2, 2020, the Primary Election date. Absentee voting is taking place for the City Election. Precautions are being taken to allow for social distancing and proper cleaning/sanitization. Voter registration will continue until May 18, 2020, for both the City Election and the Primary Election. Primary Election absentee voting will begin on April 17, 2020. Absentee voting will continue for both elections until June 1, 2020. Absentee voting can be done through the mail and was encouraged. Auditor Litz thanked the Secretary of State's Office and the South Dakota Association of County Officials for their work on the election postponement bill. Commissioner Bender reported an internal committee has been meeting daily to handle administration functions. Regular department head meetings are taking place. It was announced that there will be no Commission Meetings on April 7, 2020, and April 21, 2020, in an effort to limit interaction. Carol Muller, Commission Administrative Officer, reported on utilizing conference calls to problem solve any emerging issues. The Minnehaha County Courthouse remains open. The decision to keep the Courthouse open is made by the Unified Judicial System and is not determined by the County Commission. Auditor Litz reported an agreement may come forward with the City of Sioux Falls regarding the conduct of the coinciding elections.

#### AGENDA APPROVAL

MOTION by Karsky, seconded by Heiberger, to amend agenda Item 6b, Abatements Recommended for Approval, to correct a typographical error where the Parcel Number was listed as #80859 and should be listed as Parcel #81859. By roll call vote: 5 ayes.

MOTION by Heiberger, seconded by Karsky, to approve the agenda as amended. By roll call vote: 5 ayes.

#### MINUTES APPROVAL

MOTION by Karsky, seconded by Heiberger, to approve the March 24, 2020, Commission Minutes. By roll call vote: 5 ayes.

#### VOUCHERS TO BE PAID

MOTION by Heiberger, seconded by Barth, to approve the following bills totaling \$1,957,194.34. By roll call vote: 5 ayes.

A&B Business	Data Processing Sup	131.75
A&B Business	Lease-Rental Agmt	250.62
A&B Business	Maint Contracts	470.20

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Advance Auto Parts	Auto/Small Equip	9.37
Airway Svc	Auto/Small Equip	384.32
Airway Svc	Gas Oil & Diesel	87.60
Anderson, Jennifer	Bd Evals Minnehaha	2,805.00
Anderson, Scott A	Work Mileage	43.68
Angel, Edward P	Attorney Fees	1,088.20
Argus Leader	Subscriptions	459.03
Argus Leader Media	Publishing Fees	2,288.79
Armor Correctional	Contract Svcs	233,381.04
Astrophysics	Lease-Rental Agmt	4,190.00
AT&T	Safety & Rescue Equip	43.23
Avera Mckennan	Hospitals	106,952.42
Avera Mckennan	Professional Svcs	53.00
Axis Forensic Toxicology	Lab Costs	691.00
Banner Associates	Architects & Engineers	2,281.42
Banner Associates	Bridge Repair & Maint	382.00
Bauer Built	Heavy Equip Repairs & Maint	2,700.00
Burns, Jason	Investigators Exps	228.06
Burnside Properties	Welfare Rent	275.00
Cartridge World	Data Processing Sup	139.99
Century Business	Maint Contracts	232.32
Centurylink	Telephone	54.79
Choi, Kon	Welfare Rent	1,025.00
Chris Cam	Janitorial Chemical Sup	140.50
Constellation	Natural Gas	616.94
Cortrust Bank	Welfare Rent	435.00
Counseling Resources	Attorney Fees	700.00
Dakota Law Firm	Attorney Fees	1,499.00
Dakota Traffic Svc	Contracted Construction	892.86
Decastro Law	Attorney Fees	300.70
Dell Marketing	Data Processing Equip	1,737.11
Donahue, Michael	Welfare Rent	500.00
Double H Paving	Snow Removal	3,586.25
EH Hospitality	Motels	525.00
Eich Law	Attorney Fees	1,500.00
Eich Law	Child Defense Attorney	4,166.67
Empire Plastics	Program Activities	144.00
English Law	Attorney Fees	1,500.00
Ergometrics & App	Recruitment	919.81
Fourth Judicial Dist	Copy Fees	56.00
Frieberg Nelson & As	Bd Exp Fees Minnehaha	105.50
George, Aaron	Welfare Rent	1,095.00
Goebel Printing	Printing/Forms	77.10
Grant Square	Welfare Rent	500.00
Haiar, Kevin G	Welfare Rent	1,000.00
Heart Hosp Of SD	Hospitals	23,456.02
Heart Hosp Of SD	Safety & Rescue Equip	4,949.00
Helpline Center	Program Activities	55.00
High Point Networks	Software	833.00
Horizon Agency	Insurance Admin Fee	2,821.00
I State Truck Center	Parts Inventory	183.74
I State Truck Center	Truck Repairs & Maint	1,139.52
Innovative Office	Furniture & Office Equip	2,220.00
Innovative Office	Office Sup	398.14
Interstate Office	Office Sup	471.71
Interstate Power Sys	Maint Contracts	264.00
JCL Solutions	Inmate Sup	274.32
JCL Solutions	Kitchen/Cleaning Sup	4,223.31
JE Dunn Construction	Jail Expansion Construction	1,217,484.00
Jeff Larson Law	Attorney Fees	4,596.85

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Jefferson Partners	Transportation	1,611.50
JLG Architects	Jail Expansion Prof Svcs	26,485.18
Johnson, Richard L	Attorney Fees	209.99
Knecht, Andrew J	Attorney Fees	1,500.00
Kruse Law	Child Defense Attorney	4,166.67
Kyra Enterprises	Motels	530.00
Lacey Rentals	Lease-Rental Agmt	112.00
Lam, Kevin H	Welfare Rent	655.00
Landeen Law	Attorney Fees	1,500.00
Laughlin Law	Attorney Fees	2,657.20
Laughlin Law	Child Defense Attorney	1,084.10
Lewno Law	Bd Exp Fees Yankton	81.50
Lexisnexis Matthew	Subscriptions	515.00
LG Everist	Road Maint & Material	59.99
Loving, Philip	Bd Evals Minnehaha	1,560.00
Luther, Jeff	Medical Director	2,500.00
Lutheran Social Svcs	Diversion Programs	2,435.83
Mac's Hardware	Road Maint & Material	181.90
McLeods Printing	Printing/Forms	1,022.25
Medstar Paramedic	Transportation	400.00
Menard	Bridge Repair & Maint	178.99
Menard	Small Tools & Shop Sup	34.94
Midamerican Energy	Natural Gas	2,789.16
Midland	Heat, Vent & AC Repairs	95.56
Montis, Lori K	Business Travel	172.01
Napa Auto Parts	Auto/Small Equip	15.47
Napa Auto Parts	Truck Repairs & Maint	56.00
Nebraska Salt & Gr	Road Material Inventory	8,380.45
Olivier Miles Holtz	Attorney Fees	173.40
Olson Oil	Auto/Small Equip	500.00
Oreilly Auto Parts	Auto/Small Equip	16.76
Osborn, Roxane R	Court Reporters	1,201.75
PCS Mobile	Homeland Security	6,013.15
Pheasant View Apt	Welfare Rent	800.00
Pioneer Enterprises	Burials	4,000.00
Pioneer Enterprises	Transportation	150.00
Pohlson, Chris	Welfare Rent	800.00
Poppens, Janae Lynn	Bd Exp Fees Minnehaha	14.03
Prahm Construction	Contracted Construction	87,155.51
Ramkota Hotel	Business Travel	208.00
Rebuilding Enter	Welfare Rent	500.00
Resolution Treatment	Psych Evals	1,750.00
Reynolds Law	Child Defense Attorney	4,166.67
Rochester Armored	Armored Car Svc	407.96
Running Supply	JDC Maint	5.27
Sage Projects Cons	MacArthur SJC Grant	1,816.50
Sanford Clinic	Contract Svcs	25,180.73
Signature Properties	Welfare Rent	700.00
Sioux Empire Fair	Misc Exp	12,500.00
Sioux Falls Area Hum	Misc Exp	3,251.20
Sioux Falls City	Electricity	12,207.00
Sioux Falls City	Water Sewer	607.67
Sioux Falls Rubber	Office Sup	10.20
Sisson Printing	Printing/Forms	1,218.10
SJ Terveen	Welfare Rent	427.16
Snoozy, Scott	Welfare Rent	700.00
Spring Hill	Welfare Rent	319.00
State of SD	Amts Held Daily Scram	2,550.00
State of SD	Amts Held Remote Breath	774.00
State of SD	Misc Exp	48.00

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State of SD	Notary Exp	30.00
State of SD	Printing/Forms	145.66
State of SD	Professional Svcs	562.25
Summit Fire Protect	Safety & Rescue Equip	82.00
Summit Food Svc	Inmate Sup	103.06
Sunset Law Enforce	Ammunition	796.25
Tegra Group	Jail Expansion Prof Svcs	18,802.38
Transource Truck	Heavy Equip Repairs & Maint	911.08
Transource Truck	Parts Inventory	441.55
Transource Truck	Truck Repairs & Maint	-941.53
Two Way Solutions	Communication Equip Repair	3,887.65
Tzadik Sioux Falls	Welfare Rent	495.00
Tzadik Sioux Falls P	Welfare Rent	500.00
Tzadik Taylors Place	Welfare Rent	390.00
UJS	MacArthur SJC Grant	3,355.00
UPS	Data Processing Sup	34.58
US Bank	Lease-Rental Agmt	136.72
Valley West Apt	Welfare Rent	1,000.00
Washington County	Return Of Svc	140.00
Wernke, Laurie	Bd Exp Fees Minnehaha	20.05
Xcel Energy	Electricity	48,543.64
Yankton County	Attorney Fees	120.00
Yankton County	Return Of Svc	200.00
Zep Sales & Svc	Janitorial Chemical Sup	261.37

## REPORTS

The February 2020 Minnehaha County Coroner Report was received and placed on file in the Auditor's Office.

## PERSONNEL

MOTION by Karsky, seconded by Heiberger, to approve the following personnel changes. By roll call vote: 5 ayes.

### New Hires

1. Jennifer Hynek, Senior Deputy State's Attorney for the State's Attorney's Office, at \$3,032.80/biweekly (22/6) effective 4/6/20.

### Step Increases

1. Brett Dannen, Senior Tax & License Technician for the Treasurer's Office, at \$23.71/hour (12/11) effective 4/3/20.
2. Karin Brashler, Senior Property Technician for Equalization, at \$18.99/hour (12/2) effective 4/3/20.
3. Steven Millage, Programmer Analyst II for Information Technology, at \$38.86/hour (21/11) effective 3/16/20.
4. Jairo Fajardo, Air Guard Security Officer II for the Air Guard, at \$19.95/hour (13/2) effective 3/9/20.

### Personnel Briefing

Carey Deaver, Human Resources Director, gave a briefing of the Families First Coronavirus Response Act (FFCRA), effective April 1, 2020, through December 31, 2020. The FFCRA requires employers provide eligible employees with expanded family and medical leave for reasons specifically related to COVID-19. The two main provisions included 1) emergency paid sick leave for up to 80 hours for all employees and 2) expanded family and

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medical leave for an additional 10 weeks for individuals employed for at least 30 days who are unable to work due to their child's school or child care provider being closed or unavailable due to COVID-19. These provisions do not apply to emergency responders. Ms. Deaver proposed that the County offer to the following to emergency responder employees: 1) the same emergency paid sick leave provision as provided in FFCRA and 2) 40 hours of paid time off to be used in 2021 for emergency responders employed as of April 1, 2020, or 30 hours for employees hired on June 1<sup>st</sup>, 2020.

#### ABATEMENTS

Upon the recommendation of Chris Lilla, Director of Equalization, the following motions were made:

MOTION by Karsky, seconded by Heiberger, to approve an abatement for Parcel ID 90554, 2019 Property Taxes, in the amount of \$397.55, representing a mobile home that was moved out of Minnehaha County. By roll call vote: 5 ayes.

MOTION by Heiberger, seconded by Karsky, to approve abatements for 2019 Property Taxes representing the Elderly Assessment Freeze: Parcel ID 81859, in the amount of \$550.31, 5415 W Oakcrest Pl. By roll call vote: 5 ayes.

#### LIEN COMPROMISE

Melinda Storley, Commission Assistant, gave a briefing on an application for a compromise of lien for DPNO 46967 in the amount of \$4,571.24. The lien represents Poor Relief, Public Defender, and Public Advocate services provided to the applicant's ex-spouse between January 2002 and April 2019. The applicant is in the process of refinancing her home. The lien is attached to the property and must be settled or removed from the property to move forward. The applicant's ex-spouse transferred the property to the applicant via a quit claim deed recorded in the Register of Deeds Office in February 2010. They divorced in December 2019. The compromise requested was to release the lien in full only as it applies to the property and leave the lien in full against the applicant's ex-spouse. Commissioners expressed concern with approving a compromise of lien due to the following reasons: the lienee and the applicant were married from 2005 to 2019, the timing of the quit claim deed versus the time period of their marriage, no financial information was provided by the applicant, and there were no attempts by the applicant to make a payment on the lien or offer a settlement amount. MOTION by Barth, seconded by Heiberger, to deny the request for a compromise of lien DPNO 46967 and to recommend that the applicant submit a new application with an offer of payment and provide further financial information. By roll call vote: 5 ayes.

#### PRESENTATION

Scott Anderson, Planning Director, presented on the Minnehaha County Planning & Zoning Department highlighting the following: code enforcement, building and septic permits, the sign ordinance, building codes, the building permit fee schedule, staff reports and site visits, the Facebook page, the 2020 Census, aerial photography, mutual building inspections, planning efforts with municipalities, and the precautions being considered in relation to COVID-19 to conduct Planning Commission Meetings.

#### AGREEMENTS

DJ Buthe, Highway Superintendent, presented a Professional Services Agreement between Minnehaha County and Ulteig Engineers, Inc. to conduct engineering design for Highway Project MC20-08, Bridge Guardrail Rehab 2020. Four locations were identified as needing immediate remediation as a result of the annual structure inspection. Guardrails will be upgraded for safety and existing railing will be painted for longevity. The total cost is not to exceed \$31,653.50. The final submission of plans will take place in May with bidding to take place in June. MOTION by Heiberger, seconded by Karsky, to authorize the Chair to

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sign the Professional Services Agreement between Minnehaha County and Ulteig Engineers, Inc. to conduct engineering design for Highway Project MC20-08, Bridge Guardrail Rehab 2020 at a cost not to exceed \$31,653.50. By roll call vote: 5 ayes.

DJ Buthe, Highway Superintendent, presented a Force Account Agreement between Minnehaha County and Minnehaha Community Water Cooperation for utility relocation. Due to Highway Project MC17-01, County Highway 146 Reconstruction, utilities must be relocated. Minnehaha County will be responsible for the costs associated with utilities located within private easements. Minnehaha Community Water will be responsible for the costs associated with the utilities located within the right-of-way. MOTION by Heiberger, seconded by Karsky, to authorize the Chair to sign the Force Account Agreement between Minnehaha County and Minnehaha Community Water Corporation for utility relocation for Highway Project MC17-01, County Highway 146 Reconstruction, at an estimated cost of \$162,681.00. By roll call vote: 5 ayes.

Judy Wehrkamp, Senior Deputy State's Attorney, attended the meeting via teleconference and presented a Settlement Agreement and requested authorization for the State's Attorney or Deputy State's Attorney to sign a Stipulation for Judgement. Due to the County Highway 146 reconstruction, the County needed to purchase rights-of-way and easements from certain landowners for safety purposes. The Settlement Agreement and Stipulation for Judgement resulted from the need to resolve the dispute over the value of the rights-of-way and easements. Per the Settlement Agreement, the County will pay a total of \$51,900.00 for the rights-of-way, temporary, permanent and drainage easements on eight parcels of land. MOTION by Barth, seconded by Heiberger, to authorize the Chair to sign the Settlement Agreement between Minnehaha County and David M. Funke, Nancy R. Funke, Raymond L. Funke, and Carol L. Funke at a total cost of \$51,900.00 and to authorize the State's Attorney or Deputy State's Attorney to sign the Stipulation for Judgement. By roll call vote: 5 ayes.

Carol Muller, Commission Administrative Officer, presented an extension and change to the Listing Agreement between Minnehaha County and NAI Sioux Falls for the sale of the 908 N West Ave building. The current listing agreement with NAI Sioux Falls expires on March 31, 2020. The new agreement would extend the contract for one year. Additionally, the list price of the building will change from \$1,850,000 to \$1,550,000. MOTION by Beninga, seconded by Heiberger, to authorize the Chair to sign the Listing Agreement Extension between Minnehaha County and NAI Sioux Falls ending on March 31, 2021. By roll call vote: 5 ayes.

## CONTRACT

Carol Muller, Commission Administrative Officer, presented a contract for Legal Professional Services between Minnehaha County and Jennifer English, English Law, for drug and alcohol involuntary commitment (IVC) petitioners. The County would pay the Attorney \$72,000 per annum. The contract would be effective for two years beginning on April 1, 2020. MOTION by Heiberger, seconded by Karsky, to authorize the Chair to sign the contract for Legal Professional Services between Minnehaha County and Jennifer English, English Law, for drug and alcohol involuntary commitment petitioners for a term of two years beginning on April 1, 2020. By roll call vote: 5 ayes.

## NEW BUSINESS

Commissioner Barth reported on being contacted by citizens regarding concerns about what people should or should not be doing during this time of social distancing such as kids playing at the playground, people at the courthouse, and a family of four going out to eat.

## OLD BUSINESS

Commissioner Bender reported that there will be no Building Committee Meeting on April 7, 2020. The April 7, 2020, and April 21, 2020, Commission Meetings will also be taken off the calendar.

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MOTION by Heiberger, seconded by Karsky, to adjourn. By roll call vote: 5 ayes.

The Commission adjourned until 9:00 a.m. on Tuesday April 14, 2020.

APPROVED BY THE COMMISSION:

Jean Bender

Chair

ATTEST:

Olivia Larson

Deputy Auditor