

10/28/2014

THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M. October 28, 2014 pursuant to adjournment on October 21, 2014. Commissioners present were: Barth, Beninga, Heiberger, Kelly, and Pekas. Also present were Cindy Jepsen, Commission Recorder, and Kersten Kappmeyer, Chief Civil Deputy State's Attorney.

Chairman Heiberger called the meeting to order.

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

MOTION by Kelly, seconded by Pekas, to approve the October 21, 2014, Commission Minutes. 5 ayes.

#### VOUCHERS TO BE PAID

MOTION by Barth, seconded by Pekas, to approve the following bills in the amount of \$895,190.57. 5 ayes.

A & B Business Equip	Maintenance C	917.64	A To Z World Languag	Interpreters	137.50
A+ Partners Db	Other Profess	50.00	Advertising Arts Inc	Office Suppli	53.60
Airway Service Inc	Gas,Oil,Die	50.57	All American Investm	Motels	989.85
Allied Oil & Tire Co	Truck Repair/	1,553.78	Alsobrook, Danny D	Truck Repair/	125.00
American Institute O	Lab Costs	1,050.00	Anderson, Carol	Welfare Rent	450.00
Arena Motel	Motels	700.00	Argus Leader - Adver	Publishing Fe	543.56
Asphalt Surfacing Co	Contr Co	313,724.00	Automatic Building C	Building Repa	172.38
Avera Mckennan Hosp	Physicians	5,229.81	Avera Mckennan Hospi	Blood Withdra	70.00
Avera Mckennan Hospi	Clinics - Aux	1,183.00	Avera Mckennan Hospi	Hospitals	7,996.31
Baker, Mary/Lannie	Welfare Rent	380.00	Beynon, Silvie	Welfare Rent	580.00
Binger Law Office	Attorney Fees	1,117.90	Blackburn & Stevens,	Attorney Fees	442.27
Blake, Mildred M	Precinct Offi	232.94	Blt Property Mgmt Ll	Welfare Rent	600.00
Boyce, Greenfield,Pa	Other Profess	3,696.27	Boyer Trucks Sioux F	Truck Repair/	74.98
Bristol Court Ltd Pt	Welfare Rent	600.00	Brown & Saenger	Office Suppli	142.15
Builders Supply Comp	Building Repa	351.75	Bureau Of Informatio	Data Communic	420.00
Buthe, Dj	Business Trav	331.60	Butler Machinery Com	Automotive/Sm	70.04
Campbell Supply Co I	Bridge Repair	81.75	Carper, Nichole A	Attorney Fees	651.00
Cartridge World	Data Processi	167.98	Center For Family Me	Other Profess	308.00
Century Business Pro	Lease-Rental	380.14	Century Business Pro	Maintenance C	224.73
Christopherson, Ande	Child Defense	1,203.75	Cody, Denise	Bd Exp. Fees	81.00
Cole Papers, Inc.	Small Tools,	89.90	Concrete Materials	Road Maint. &	190.19
Constellation New En	Natural Gas	3,247.79	Cyntom Property Mana	Welfare Rent	250.00
Dakota Alignment & F	Automotive/Sm	965.49	Dakota Auto Parts	Automotive/Sm	111.24
Dakota Fluid Power,	Heavy Eq. Rep	20.71	Danko Emergency Equi	Other Repairs	355.42
Decastro Law Office,	Attorney Fees	1,191.90	Denherder Law Office	Attorney Fees	120.09
Ebert's Properties,	Motels	650.00	Eh Hospitality Llc	Motels	2,815.00
Engbrecht, Roger	Welfare Rent	300.00	Fastenal Company	Small Tools,	160.48
Frantzen, Paige	Depositions	318.25	Frerichs, Franz	Welfare Rent	750.00
Fretty, Jake	Welfare Rent	265.00	Fuller & Williamson,	Child Defense	1,783.00
Genzlinger, Janeen	Court Reporte	30.40	Goraj, Anne Marie	Other Misc. R	300.00
Hanson, Michael W.	Attorney Fees	948.30	Harmelink,Fox & Ravn	Attorney Fees	787.50
Heartland Paper Comp	Building Repa	109.83	Heimdal, Marie Ann	Court Reporte	186.20
Herc-U-Lift	Building Repa	1,059.05	Highpointe Townhomes	Welfare Rent	600.00
Hoffman, Katelynn	Attorney Fees	981.00	Hruska, Edward Jr	Office Suppli	31.79
Humboldt Fire & Ambu	Education & T	250.00	Hy-Vee Accounts Rece	Pharmacies	20.99
I State Truck Center	Truck Repair/	918.59	Infrastructure Desig	Architects &	26,033.34
Inner Depth Llc	Education & T	883.70	Interstate Office Pr	Office Suppli	593.19
Jcl Solutions-Janito	Grounds & Par	898.00	Jefferson Partners L	Transportatio	1,019.70
Johnson, Richard L	Attorney Fees	348.00	Justice Inc	Maintenance C	378.00
Kennedy, Renee S	Court Reporte	3,390.00	Koletzky, Sherlyn	Attorney Fees	645.00
Kraayenhof, Nancy	Welfare Rent	160.00	Lacey Rentals Inc	Lease-Rental	100.00
Laughlin, Nicole	Child Defense	457.80	Law Enfor. Standards	Memberships	75.00
Leaf Inc.	Office Suppli	129.69	Leaf Inc.	Printing/Form	0.11
Lewno, Lucy	Bd Exp. Fees	768.95	May, Jacqueline J	Precinct Offi	97.94
May, Karen C 1-2	Precinct Offi	187.76	Menards - East	Office Suppli	5.79
Metro Communications	Attorney Fees	30.00	Metro Communications	Other Misc	202,061.24

10/28/2014

Midamerican Energy C	Natural Gas	52.52	Midwest Alarm Compan	Other Misc	1,060.00
Midwest Oil Company,	Parts Invento	307.00	Midwest Oil Company,	Small Tools,	116.30
Millborn Seeds Inc	Road Maint. &	3,952.00	Murray Properties, L	Welfare Rent	399.04
Myers & Billion Llp	Attorney Fees	714.36	Nicholson, Tschetter	Attorney Fees	345.95
Nielsen Ogdahl, Erin	Attorney Fees	300.00	O'reilly/First Call	Automotive/Sm	420.27
Office Depot, Inc.	Data Processi	258.97	Office Depot, Inc.	Domestic Viol	22.24
Palmer, Barbara	Bd Evaluation	2,160.00	Pietruszkiewicz, Les	Welfare Rent	375.00
Prahn Construction I	Contrac Co	109,596.09	Qualified Presort Se	Kitchen/Clean	10.83
Qualified Presort Se	Postage	3,893.35	Qualified Presort Se	Workers Compe	2.76
Raak Properties Llc	Welfare Rent	1,050.00	Red Rock Inn	Motels	350.00
Redwood Court Ltd Pt	Welfare Rent	600.00	Relm Partners, Llc	Welfare Rent	600.00
Richard-Ewing Equipm	Jail Repairs	15.00	Robsons Inc Db Rob	Correction Ct	49.90
Rods Properties	Welfare Rent	600.00	Safariland Llc	Other Supplie	120.00
Safe Home Ltd Ptnrsh	Notes Rec (Sf	-1,920.29	Safe Home Ltd Ptnrsh	Other Misc. R	-1,673.80
Safe Home Ltd Ptnrsh	Rent Subsidie	10,946.00	Sam's Club - Members	Child Care Fo	18.72
Sam's Club - Members	Kitchen/Clean	61.92	Sam's Club - Members	Office Suppli	87.19
Sam's Club - Members	Other Profess	929.69	Sam's Club - Members	Supplemental	49.36
Sanford Clinic Finan	Other Misc. R	1,807.82	Sanford Hospital	Blood Withdra	60.00
Sanford Hospital	Clinics - Aux	1,485.00	Schaefer, Dean	Court Reporte	1,086.00
Schultz, Shannon	Business Trav	48.84	Schuneman Equip Co	Automotive/Sm	103.03
Sd Attorney General	Amts Held-Dai	3,831.00	Sd Dept Of Public Sa	Other Miscell	10.00
Sd Dept Of Revenue	Blood/Chemica	1,210.00	Sd Dept Of Revenue	Lab Costs	135.00
Sd Div Of Criminal I	Professional	129.75	Sentinel Offenders S	Alternatives	2,786.68
Sf Ministry Housing	Welfare Rent	600.00	Sf Surgical Physicia	Welfare Rent	450.00
Sherwin Williams	Building Repa	27.35	Sherwin Williams	Voa - Dakotas	69.58
Shreves, Brian	Attorney Fees	750.45	Sigler Fire Equipmen	Coliseum Repa	221.50
Sigler Fire Equipmen	Hhs Maintenanc	128.00	Simon, Anthony (Or)	Other Profess	95.00
Sioux Falls City Fin	Gas,Oil,Diese	2,504.98	Sioux Falls Utilitie	Electricity	10,028.70
Sioux Falls Utilitie	Water - Sewer	11,706.57	Snoozy, Scott	Welfare Rent	355.00
Southeastern Behavio	Other Miscell	38,617.00	Southeastern Behavio	Other Profess	575.00
Sturdevant's Auto Pa	Parts Invento	93.78	Sturdevant's Auto Pa	Small Tools,	280.34
Super Fast Auto Glas	Truck Repair/	251.60	Swanda, Karen	Bd Exp. Fees	81.00
Swaney, Dawn	County Cemete	50.00	Sweets, John	Welfare Rent	340.00
Swier, Curt	Welfare Rent	725.00	Szameit, Alexandra	Interpreters	25.00
Tally Ho Apartments	Welfare Rent	538.00	Tenth Street, Inc.	Automotive/Sm	21.95
Test Point Paramedic	Blood Withdra	4,440.00	Thomson Reuters - We	Legal Researc	1,553.40
Tri-State Garage Doo	Building Repa	75.60	United Parcel Servic	Postage	17.93
Variety Foods Llc	Other Profess	470.43	Walgreen Co.	Pharmacies	397.95
West Twelfth Propert	Welfare Rent	450.00	Westwick Motel, Inc.	Motels	215.00
Wynia, Marc	Investigators	199.06	Xcel Energy, Inc.	Electricity	61,513.65
Xcel Energy, Inc.	Welfare Utili	332.60	Yankton County Sheri	Return Of Ser	375.00
Yankton County Treas	Attorney Fees	2,732.65	Yellow Cab Inc	Detox	111.44

## PERSONNEL

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

1. To hire Caleb Kaas, Brandon Greiner, Kristyn VanAusdle, Nicholas Shedd, James Tjeerdsma, Amber Peters, Jonathan Scholten, Nicholas Coolidge, Linc Mitchell as Correctional Officer in Training (12/1) for the Jail at \$16.21/hour effective 10/27/14.
2. To hire Kelly Hubbard and Jarrett Klinger as Correction Systems Operator (9/1) for the Jail at \$13.98/hour effective 10/27/14.
3. To transfer Kristopher Dearie from temporary, part-time Correctional Officer in Training for the 24/7 Program to Correctional Officer in Training (12/1) for the Jail at \$16.21/hour effective 11/3/14.
4. To hire Jessica Hill as temporary, part-time Correctional Officer for the Jail (13/8) at \$20.25/hour effective 10/28/14.
5. To hire Melissa Buffalo as Community Supervision Monitor for the Juvenile Detention Center (12/3) at

10/28/2014

\$17.03/hour effective 10/29/14.

6. To hire Christine Tuttle as Community Supervision Monitor (12/3) for the Juvenile Detention Center at \$17.03/hour effective 11/10/14.
7. To hire Jessica Walker as Juvenile Correctional Officer I for the Juvenile Detention Center (12/1) at \$16.21/hour effective 11/10/14.
8. To end the temporary, part-time employment of Greg Kringen as Park Worker for Parks effective 10/29/14.

#### Step Increases Due

1. Staci Peters – Museum Events Coordinator – Museum – 14/2 to 14/3 – 10/31/14 – \$18.80/hour
2. Heather Buss – Administrative Secretary – Highway – 10/3 to 10/4 – 10/28/14 – \$15.82/hour
3. Angela Runnels-Murphy – Senior Deputy Public Defender – Public Defender’s Office – 22/4 to 22/5 – 11/3/14 – \$2,464.80/bi-weekly

#### AGREEMENTS

Maggie Garry, Human Resources Generalist, gave a briefing on an Administrative Services Agreement with Avera Health Plans, Inc. who is one of the care systems for the Minnehaha County’s self-insured health plan. The current agreement with Avera provides for a 4% annual increase in the “per employee per month” administrative fees for network, repricing, customer service, utilization management, and case management. The new contract continues the 4% annual increase for these fees. The ad hoc report fee is slightly less for 2015, but then will increase by 5% to 7% the following two years. MOTION by Beninga, seconded by Pekas, to authorize the Chairman to sign the 2015 Administrative Services Agreement between Minnehaha County and Avera Health Plans, Inc. 5 ayes.

Maggie Garry, Human Resources Generalist, gave a briefing on changes to Minnehaha County Group Health Plan Flexible Compensation Plan Document. The changes are required by Health Care Reform and are as follows: 1) Update definition of “dependent” to reflect new Health Care Reform definitions that allow children to stay on the plan until the end of the month in which they turn 26 as opposed to the actual date they turn 26; 2) Update the definition of “regular full-time employee” to those individuals who customarily work 30 hours a week versus 40 hours a week; 3) Add language to allow mid-year plan elections due to an employee enrolling in the Health Insurance Marketplace. The recommended changes would also allow employees to revoke medical group coverage, even if still eligible, in order to enroll in the Marketplace or other employer-provided coverage after a reduction to fewer than 30 hours per week. MOTION by Beninga, seconded by Pekas, to approve the changes to the Minnehaha County Group Health Plan Flexible Compensation Plan Document. 5 ayes.

#### LIEN COMPROMISE

Commissioner Pekas gave a briefing on a petition for compromise of lien for DPNO 26622 in the amount of \$10,576.92. The lien is in the name of the applicant and her ex-husband. The lien was identified when the applicant and her current husband were preparing to sell their home located at 620 4<sup>th</sup> Street, Garretson and purchase a new home. All but \$129.56 of the lien is for assistance that was provided to the applicant’s ex-husband after they were divorced. \$129.56 is for fuel and utility assistance provided at the time the applicant and her ex-husband were married. The applicant is asking for her name and the property to be removed from the lien leaving the lien in place only against her ex-husband. MOTION by Pekas, seconded by Barth, to compromise the lien in full against the applicant and the property leaving the lien in place only in the

10/28/2014

name of the applicant's ex-husband. Chairman Heiberger stated that she feels it is not right to place the \$129.56 for fuel and utility assistance only in the name of the applicant's ex-husband since they were married at the time the assistance was provided. Commissioner Pekas withdrew his motion. MOTION by Barth, seconded by Pekas to approve Resolution MC14-68. 5 ayes.

RESOLUTION MC14-68

WHEREAS, a County Aid Lien in the amount of \$10,576.92 purports to exist in favor of Minnehaha County and against DPNO 26622 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 only against the person listed as the spouse and the real property legally described as The East 52 feet of the South 140 feet of Lot 14 in Block 5 of Garretson, Minnehaha County, South Dakota, according to the recorded plat thereof, upon payment of \$129.56, leaving the balance of \$10,447.36 only in the name of the Lienee.

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

Dated at Sioux Falls, South Dakota, this 28<sup>th</sup> day of October, 2014.

APPROVED BY THE COMMISSION:

Cindy Heiberger

Chairman

ATTEST:

Cynthia Jepsen

Deputy County Auditor

LIEN COLLECTION SERVICES

Ken McFarland, Commission Administrative Officer, gave a briefing on proposals received on Thursday, September 25, 2014 for County Aid Lien Notification and Collection Services. The following two proposals were received: Hauge Associates, Proposed Rate Non Legal 30%, Legal 30%, Notification letter with address \$0.00, Notification letter without address \$0.00 for Skip Tracing Service; and Credit Collections Bureau, Proposed Rate Non Legal 27%, Legal 37%, Notification letter with address \$0.00 Standard CCB letter \$1.50 per letter/Customized Direct Pay County, Notification letter without address \$4.50 per letter for Skip Tracing Service. A committee consisting of representatives from the Commission Office, Auditor's Office, and Human Services reviewed the proposals and contacted each firm for follow up questions. Based on the information contained in the bid tabulation and the follow-up phone calls, the committee is recommending that the current provider, Hauge Associates, be retained for the new contract period. MOTION by Beninga, seconded by Pekas, to retain Hauge Associates for County Aid Lien Notification and Collection Services for the new contract period beginning January 1, 2015 and ending December 31, 2016. 5 ayes. Mr. McFarland informed the commission that a formal contract will be brought forward in a few weeks.

SUPPLEMENT

10/28/2014

MOTION by Kelly, seconded by Barth, to approve a supplement from the General Fund to the Parks budget, ASN 17902, Part Time Salaries, \$1,779.05, representing reimbursement from the Premier Event Management and Golden West. 5 ayes.

#### REFUNDING

Robert Litz, Auditor, reported that Betsey Aby, Bond Counsel for Minnehaha County, responded to a request from the commission for a written explanation as to the effect an advance refunding of Limited Tax General Obligation Certificates of Participation, Series 2007A, would have on the tax levy. Ms. Aby explained the 2014 Certificates of Participation (COP's) are an advance crossover refunding and the funds from the 2014 COP's will pay principal and interest on the 2014 COP's until June 1, 2018. The County will continue to pay principal and interest on the 2007 COP's until December 1, 2017. The same levy for the 2007 COP's will be required to pay principal and interest on the 2007 COP's. The same levy will be required for the 2007 COP's in 2015, 2016, or 2017 due to the issuance of the 2014 COP's. Mr. Litz requested approval of a resolution relating to refunding outstanding certificates of participation; authorizing the execution and delivery of a lease-purchase agreement and approving the execution of related documents. Tom Grimmond with Dougherty & Company was also present to answer questions about the refunding. MOTION by Pekas, seconded by Beninga, to authorize the Chairman to sign Resolution MC14-69. Chairman Heiberger stated that the refunding will save the county just over \$446,000 over a ten year period. VOTE on motion, 5 ayes.

#### RESOLUTION MC 14-69

#### RESOLUTION RELATING TO REFUNDING OUTSTANDING CERTIFICATES OF PARTICIPATION; AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE-PURCHASE AGREEMENT AND APPROVING AND AUTHORIZING EXECUTION OF RELATED DOCUMENTS

BE IT RESOLVED by the Board of Commissioners of Minnehaha County, South Dakota (the "County"), as follows:

##### Section 1. Recitals.

1.01. The County is authorized by South Dakota Codified Laws, Chapter 7-25, inclusive, as amended (the "Act"), to enter into lease-purchase agreements for acquisition of real or personal property that the governing body considers necessary or appropriate to carry out its governmental and proprietary functions. The governing body finds that it is necessary and appropriate to issue Certificates of Participation (Limited Tax General Obligation), Series 2014A in one or more series to refund all or a portion of principal and interest on the Certificates of Participation (Limited Tax Obligation) Series 2007 (the "Series 2007 Certificates") that mature on or after December 1, 2018 which were issued to finance the acquisition, renovation, construction and equipping of an addition to the courthouse and the renovation of the parking lot adjacent to the county administration building.

1.02. The County has agreed with U.S. Bank National Association (the "Trustee") that the Trustee has, pursuant to a Ground Lease Agreement, dated as of September 1, 1992, as amended and supplemented between the County and the Trustee (the "Ground Lease"), acquired certain interests in real property (the "Land") from the County, and the Trustee has leased its interest in the Land and has leased and agreed to sell the Facilities to be acquired, renovated, constructed and equipped thereon to the County pursuant to a Lease-Purchase Agreement, dated as of September 1, 1992 (the "Original Lease"), as amended and supplemented by the First Amendment to Lease-Purchase Agreement, dated as of November 1, 1994 (the "First Amendment to Lease"), the Second Amendment to Lease-Purchase Agreement, dated as of April 1, 1997 (the "Second Amendment to Lease"), the Third Amendment to Lease-Purchase Agreement, dated as of April 1, 1999 (the "Third Amendment to Lease"), the Fourth Amendment to Lease-Purchase Agreement, dated as of December 1, 2000 (the "Fourth Amendment to Lease"), the Fifth Amendment to Lease-Purchase Agreement, dated as of September 1, 2004 (the "Fifth

10/28/2014

Amendment to Lease”), the Sixth Amendment to Lease-Purchase Agreement, dated as of October 1, 2005 (the “Sixth Amendment to Lease”), the Seventh Amendment to Lease-Purchase Agreement, dated as of October 1, 2005 (the “Seventh Amendment to Lease”), the Eighth Amendment to Lease-Purchase Agreement, dated as of October 1, 2006 (the “Eighth Amendment to Lease”), the Ninth Amendment to Lease-Purchase Agreement, dated as of August 1, 2007 (the “Ninth Amendment to Lease”), the Tenth Amendment to Lease-Purchase Agreement, dated as of October 1, 2007 (the “Tenth Amendment to Lease”), the Eleventh Amendment to Lease-Purchase Agreement, dated as of September 1, 2008 (the “Eleventh Amendment to Lease”), the Twelfth Amendment to Lease-Purchase Agreement, dated as of November 1, 2010 (the “Twelfth Amendment to Lease”), the Thirteenth Amendment to Lease-Purchase Agreement, dated as of September 1, 2011 (the “Thirteenth Amendment to Lease”) and the Fourteenth Amendment to Lease-Purchase Agreement, dated as of November 1, 2013 (the “Fourteenth Amendment to Lease”) between the Trustee and the County (the Original Lease as amended and supplemented by the First Amendment to Lease, the Second Amendment to Lease, the Third Amendment to Lease, the Fourth Amendment to Lease, the Fifth Amendment to Lease, the Sixth Amendment to Lease, the Seventh Amendment to Lease, the Eighth Amendment to Lease, the Ninth Amendment to Lease, the Tenth Amendment to Lease, the Eleventh Amendment to Lease, the Twelfth Amendment to Lease, the Thirteenth Amendment to Lease and the Fourteenth Amendment to Lease are referred to herein as the (“Lease”).

1.03. The Trustee will execute and deliver a Fifteenth Supplemental Declaration of Trust (the “Fifteenth Supplemental Trust”), which will supplement and amend the Declaration of Trust, dated as of September 1, 1992 (the “Original Trust”), as amended by the First Supplemental Declaration of Trust, dated as of November 1, 1994 (the “First Supplemental Trust”), the Second Supplemental Declaration of Trust, dated as of April 1, 1997 (the “Second Supplemental Trust”), the Third Supplemental Declaration of Trust, dated as of April 1, 1999 (the “Third Supplemental Trust”), the Fourth Supplemental Declaration of Trust, dated as of December 1, 2000 (the “Fourth Supplemental Trust”), the Fifth Supplemental Declaration of Trust, dated as of September 1, 2004 (the “Fifth Supplemental Trust”), the Sixth Supplemental Declaration of Trust, dated as of October 1, 2005 (the “Sixth Supplemental Trust”), the Seventh Supplemental Declaration of Trust, dated as of October 1, 2005 (the “Seventh Supplemental Trust”), the Eighth Supplemental Declaration of Trust, dated as of October 1, 2006 (the “Eighth Supplemental Trust”), the Ninth Supplemental Declaration of Trust, dated as of August 1, 2007 (the Ninth Supplemental Trust”), the Tenth Supplemental Declaration of Trust, dated as of October 1, 2007 (the “Tenth Supplemental Trust”), the Eleventh Supplemental Declaration of Trust, dated as of September 1, 2008 (the Eleventh Supplemental Trust), the Twelfth Supplemental Declaration of Trust, dated as of November 1, 2010 (the “Twelfth Supplemental Trust”), the Thirteenth Supplemental Declaration of Trust, dated as of September 1, 2011 (the Thirteenth Supplemental Trust) and the Fourteenth Supplemental Declaration of Trust, dated as of November 1, 2013 (the “Fourteenth Supplemental Trust”) (the Original Trust as amended and supplemented by the First Supplemental Trust, the Second Supplemental Trust, the Third Supplemental Trust, the Fourth Supplemental Trust, the Fifth Supplemental Trust, the Sixth Supplemental Trust, the Seventh Supplemental Trust, the Eighth Supplemental Trust, the Ninth Supplemental Trust, the Tenth Supplemental Trust, the Eleventh Supplemental Trust, the Twelfth Supplemental Trust, the Thirteenth Supplemental Trust and the Fourteenth Supplemental Trust are referred to herein as the “Trust Agreement”), pursuant to which the Trustee will (i) issue Certificates of Participation, Series 2014A (the “2014A Certificates”) in the lease payments to be made by the County under the Lease, as amended by the Fifteenth Amendment to Lease-Purchase Agreement (the “Fifteenth Amendment to Lease”) and (ii) receive, hold and invest the proceeds of the sale of the 2014A Certificates and deposit in escrow such proceeds to refund the 2007 Certificates maturing on and after December 1, 2018.

1.04. The 2014A Certificates will be offered pursuant to an Official Statement (the “Official Statement”). Dougherty & Company LLC will act as the underwriter to the County and will prepare the Official Statement.

1.05. Forms of the following documents relating to the Facilities are directed to be prepared by Lindquist & Vennum LLP, as Bond Counsel, and submitted to the County and are hereby directed to be filed with and approved by the County Auditor and the Deputy State’s Attorney: (a) the Fifteenth Amendment to Lease, (b) the Fifteenth Supplemental Trust and (c) the Certificate Purchase Agreement (collectively, the Fifteenth Amendment

10/28/2014

to Lease, the Fifteenth Supplemental Trust and the Certificate Purchase Agreement are herein referred to as the "Documents").

Section 2. Authorization and Approval of the Documents. The financing described above is found to be favorable and is hereby approved. The Chairman and County Auditor are authorized to approve the principal amount of the Fifteenth Amendment to Lease, the 2014A Certificates, not exceeding \$8,000,000, the term thereof not exceeding fourteen (14) years, the interest rate or rates thereon not exceeding an average bond yield of 4.00% per annum and the price (exclusive of original issue discount) not less than 99% of par and at an original issue discount of not more than 2% and at which the 2014A Certificates are to be sold to the Purchaser. The forms of Documents to be prepared are hereby approved if the County Auditor deems them appropriate and the Documents are approved by the Deputy State's Attorney. The Chairman and the County Auditor are directed to execute the Documents if approved by the County Auditor. Copies of all Documents shall be delivered, filed and recorded as provided therein. The Chairman and the County Auditor and the Deputy State's Attorney are also authorized and directed to execute such other instruments as may be required to give effect to the transactions therein contemplated. The County will cooperate in the issuance of the 2014A Certificates and the Chairman, the County Auditor and the Deputy State's Attorney shall execute such other instruments as are necessary to the issuance of the 2014A Certificates.

Section 3. Modification. Absence of Officers. The approval hereby given to the Documents includes an approval of such additional details therein as may be necessary and appropriate and such modifications thereto, deletions therefrom and additions thereto as may be necessary and appropriate and approved by the Deputy State's Attorney prior to the execution of the Documents. The execution of any instrument by the appropriate officer or officers of the County herein authorized shall be conclusive evidence of the approval of such documents in accordance with the terms hereof. In the absence of the Chairman or the County Auditor, any of the Documents authorized by this resolution to be executed may be executed by such officer as, in the opinion of the Deputy State's Attorney, may execute documents in their stead.

Section 4. Payment of Lease Payments. The County will pay to the Trustee promptly when due, all of the Lease Payments (as defined in the Lease) and other amounts required by the Lease. To provide moneys to make such payments, the County will include in its annual budget, for each fiscal year during the term of the Lease, moneys sufficient to pay and for the purpose of paying all Lease Payments and other amounts payable under the Lease, and will take all other actions necessary to provide moneys for the payment of the obligations of the County under the Lease from sources of the County lawfully available for this purpose, including the levy of such taxes as may be necessary therefor, including levies under South Dakota Codified Laws Section 10-13-35, subject only to the limitations on such levies imposed by South Dakota law.

The County agrees and covenants to include in its annual budget for each fiscal year during the term of the Lease moneys sufficient to pay and for the purpose of paying the Lease Payments pursuant to the Fifteenth Amendment to Lease, and to levy a tax pursuant to South Dakota Codified Laws Section 7-25-1, and in conformity with the South Dakota Codified Laws Section 10-13-35 and South Dakota Constitution Article XIII Section 5, in an amount which will generate an amount sufficient and for the purpose of paying the Lease Payments pursuant to the Fifteenth Amendment to Lease, to the extent permitted by law and to take all other actions necessary to provide moneys for the payment of the Lease Payments pursuant to the Fifteenth Amendment to Lease from sources of the County lawfully available for such purpose.

Section 5. Tax Matters. The County covenants and agrees with the Trustee and the registered owners from time to time of the 2014A Certificates that it will not take or permit to be taken by any of its officers, employees or agents any action which would cause the interest on the 2014A Certificates to become subject to taxation under the Internal Revenue Code of 1986, as amended (the "Code"), and applicable Treasury Regulations (the "Regulations"), and covenants to take any and all actions within its powers to ensure that the interest on the 2014A Certificates will not become subject to taxation under the Code and the Regulations. The County will cause to be filed with the Secretary of the Treasury an information reporting statement in the form and at the time

10/28/2014

prescribed by the Code. The County will comply with the provisions of Section. 148(f) of the Code, relating to the rebate of arbitrage profits to the United States, if and to the extent that such provisions are applicable to the Lease and the 2014A Certificates.

Section 6. Arbitrage Certification. The Chairman and the County Auditor, being the officers of the County charged with the responsibility for issuing the 2014A Certificates pursuant to this Resolution, are authorized and directed to execute and deliver to the Trustee a certificate in accordance with the provisions of Section 148 of the Code and Sections 1.148-1 et al of the Regulations, stating the facts, estimates and circumstances in existence on the date of issue and delivery of the 2014A Certificates which make it reasonable to expect that the proceeds of the 2014A Certificates will not be used in a manner that would cause the Lease or the 2014A Certificates to be arbitrage bonds within the meaning of the Code and Regulations.

Section 7. Official Statement. The County will participate in the preparation of the Preliminary Official Statement and the final Official Statement relating to the 2014A Certificates and hereby authorizes the County Auditor to consent to the distribution of the Official Statement by the Purchaser in connection with the sale of the 2014A Certificates. The Preliminary Official Statement, except for Permitted Omissions, will be deemed final by the County when authorized by the County Auditor as of its date within the meaning of Rule 15c2-12 of the Securities and Exchange Commission under the Securities Exchange Act of 1934. As used herein, "Permitted Omissions" shall mean the offering price(s), interest rate(s), selling compensation, aggregate principal amount, principal amount per maturity, delivery dates, rating, if any, and other terms of the 2014A Certificates depending on such matters.

Section 8. Amendment. This resolution may be amended from time to time, prior to the issuance of the 2014A Certificates, by an administrative resolution adopted by this Board.

Section 9. Date Resolution Becomes Effective. This resolution shall become effective twenty days after publication in accordance with South Dakota Codified Laws Section 7-18A-8.

Adopted this 28<sup>th</sup> day of October, 2014.

Cindy Heiberger  
By: Its Chairman

ATTEST:  
Cynthia Jepsen, Deputy Auditor  
By: Its County Auditor

#### AGREEMENTS

Monte Watembach, Information Technology Director, presented an agreement between Minnehaha County and Berry Dunn McNeil & Parker to do consulting work to develop cost estimates, software recommendations, and timelines associated with replacing the county's accounting packages. On October 14, 2014, the Commission accepted a proposal submitted by Berry Dunn to do the consulting work for a total fee of \$55,521. MOTION by Pekas, seconded by Beninga, to authorize the Chairman to sign the agreement between Minnehaha County and Berry Dunn McNeil & Parker for an ERP (Accounting) System Selection Services in the amount of \$55,521. 5 ayes. Commissioner Beninga asked Mr. Watembach how long the project will take. Mr. Watembach stated he would report back to the Commission with that information.

DJ Buthe, Highway Superintendent, gave a briefing on an agreement with Infrastructure Design Group, Inc. to prepare final plans for bidding and provide construction administration services for projects considered Permanent Repairs or Category C within the FEMA program that are intended to restore infrastructure to pre-disaster conditions. The total fee for providing these services is \$44,340.50. Category C work with FEMA is

10/28/2014

reimbursed at 75% Federal, 10% State, with 15% (\$6,651.08) County cost. MOTION by Beninga, seconded by Pekas, to authorize the Chairman to sign an agreement between Minnehaha County and Infrastructure Design Group, Inc. for final plans, bid documents, and construction administration services for FEMA Category C Repairs. 5 ayes.

DJ Buthe, Highway Superintendent, reported on repair work needed for a flood damaged road and Highway structure #50-228-156 located 1.2 miles north of I-90 and 1.1 miles east of Highway 125 on Slip Up Creek Road. The damage is a result of the heavy June rains. During field reviews FEMA personnel determined that the county would be responsible for the bridge and roadway repairs. R&R Concrete of Hartford, SD, has submitted a quote of \$21,800 to complete the work. Since this is a FEMA project it will be reimbursed at 75% Federal, 10% State, with 15% County cost. Mr. Schultz requested the commission's approval of the contract with R&R Concrete. MOTION by Beninga, seconded by Barth, to authorize the Highway Superintendent or designee to enter into a contract with R&R Construction to repair flood damage to Slip Up Creek Road in Mapleton Township and Highway Structure #50-228-156. 5 ayes.

Mr. Buthe reported on the status of bridge structure projects and on the implementation of a new design for bridge approaches.

#### POLICY

James Gravett, Juvenile Detention Center Director, gave a briefing on a new policy regarding how the Juvenile Detention Center will meet the requirements of the Prison Rape Elimination Act and a revision of an existing policy that would enable the use of the Reception Center for a Conditional Release as appropriate. Both policies have been reviewed by the State's Attorney's Office. MOTION by Pekas, seconded by Beninga, to approve the policies. 5 ayes.

#### LIAISON REPORT

Commissioners Heiberger and Beninga reported on reading to elementary students last Tuesday as part of reading day sponsored by the Siouxland Libraries.

#### NEW BUSINESS

Commissioner Pekas stated that people need to know to go to their precincts to vote in the General Election on November 4, 2014.

#### OLD BUSINESS

Ken McFarland, Commission Administrative Officer, stated there will be no commission meeting next Tuesday, November 4, 2014, because of the General Election. The next commission meeting will be the day after Veteran's Day on Wednesday, November 12, 2014.

Motion by Pekas, seconded by Barth, to adjourn into executive session for legal briefing and personnel. 5 ayes.

The Commission adjourned until 5:00 p.m. on Tuesday October 28, 2014.

#### APPROVED BY THE COMMISSION:

Cindy Heiberger  
Chairman

ATTEST:

10/28/2014

Cynthia Jepsen  
Deputy Auditor