

NOTE: Minutes are considered "DRAFT" until approved or amended at the next scheduled meeting.

MINUTES

Monday, February 13, 2012

\* 5:55 PM

Public Services Committee Carnegie Town Hall

235 West 10th Street

Members Present: Council Member Sue Aguilar, Council Member Kenny Anderson Jr., Council Member Vernon Brown, and Council Member Michelle Erpenbach

Members Absent: None

Staff Present: Sue Roust, Interim City Clerk and Tamara Jorgensen, CMC, Assistant City Clerk

Guests: Cheryl Rath, Jeanne Gerken, Dean Karsky, Dr. Susan M. Randall, Jill Franken, LuAnn Ford, Alicia Collura, Greg Jamison, Rex Roling, and Paul Bengford

1. Call To Order

Committee Chair Anderson Jr. called the meeting to order at 5:55 p.m.

2. Review and approval of minutes dated Monday, January 9, 2012

A motion was made by Council Member Sue Aguilar and seconded by Council Member Michelle Erpenbach to approve the minutes. Anderson Jr. called for a voice vote and all members present voted yes. Motion Passed.

3. Review and approval of minutes dated Tuesday, January 17, 2012

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Sue Aguilar to approve the minutes. Anderson Jr. called for a voice vote and all members present voted yes. Motion Passed.

4. Family Day care Ordinance Revisions by Jill Franken, Public Health Director

Franken gave a brief history of the family day care enhancements that occurred in 2010-2011. Some of the enhancements include: revised inspection procedures; implemented complaint processing and tracking; review and monitor day cares that have compliance issues; updates to the violation; suspension and revocation decision-making and documentation; and increased public notification of citations, revocations and suspensions.

Alicia Collura, Assistant Public Health Director, reviewed the ordinance revision process they have worked on for the last few months. She stated the Health Department has been working closely with the City Attorney's Office and the Department of Social Services drafting language for the proposed ordinance changes.

Collura stated that a meeting was held with day care providers on January 31, 2012, with 27 day care providers in attendance. Additional feedback was received from day care providers by email.

Collura reviewed the "Reporting of Incidents Sec. 19-128.4". She stated that the language has been extended to include notifying parents. Collura stated there was no feedback received on this item at the day care meeting.

Collura reviewed "Inspections Sec. 19-132": "Day care homes open to inspections during normal business hours, including by the day care parents." She stated this update generated the most conversation. The providers thought this made sense and consider it part of their practice. However, there was concern about the disruptions this could cause during the day if people could visit at any time. There was also concern expressed about the non-day care portions of the house and if they were also going to be included as part of the inspection.

Collura reviewed "Liability Sec. 19-123" stating this was a new section to the ordinance: "Provider shall furnish proof of liability insurance in the minimum amount of \$1,000,000; estimated cost \$400-\$1,100 per year; cost example: 8 children with a \$600 premium; \$1.44 per child per week. Erpenbach asked if the insurance is related to their home owners insurance or if they can put a rider on their homeowners insurance. Discussion was held regarding why the minimum amount was set at \$1,000,000. Paul Bengford, Assistant City Attorney, spoke and cited other city ordinances that require this amount as the minimum for liability insurance. He also stated that he did not know if there was a significant difference in the cost/amount of coverage between having \$500,000.00 or \$250,000.00 insurance.

Collura reviewed "Reapplication After Revocation Sec. 19-133.1": One year before application will be accepted; provider must provide documentation to the Board of Health as to the steps to remedy the issue causing the revocation; the Board may request additional documentation, training, or other as necessary to insure the safety of children if the application is approved; and reasonable conditions may be placed on approved applications. The providers told Collura that they appreciated having a timeline put on the revocation. One provider asked about the process if their license was revoked. Bengford explained to the providers their right to appeal and their right to due process.

Collura reviewed "Unregistered substitute provider authorized in limited circumstances Sec.19.128.2." Initially, there were not going to be any changes to this section but the Health Department received a lot of inquiries. She stated that this proposed change would allow unregistered providers to step in as a substitute when the registered provider needs to leave unexpectedly. This does not apply to planned medical or vacation time off.

Franken spoke regarding the revised fee structure for licenses. It will be a tiered fee based on whether or not the day care provider is already registered with the State. The City of Sioux Falls currently has 420 registered day care providers and a little over 210 are also registered with the State. Franken stated that their internal statistics indicated that 75% of day care complaints are about the day cares that are not registered with the State.

Franken stated that registering with the city is an annual fee of \$15.00. This fee has been in place since 2004 and has never been increased.

Franken stated she would like to increase the fee but only for those providers who are not registered with the State. Franken stated that it costs the city \$240.00/year per day care. The expenses incurred include costs for registrations, inspections and enforcement regarding family day cares. Franken stated that the city has a \$45,000.00 contract with Sanford Childcare Services. Providers can receive education and training from Sanford Childcare Services, which will cover their license requirements per city ordinance.

Franken stated that some providers have expressed concern regarding raising the fees. She said that they do not wish to create difficulty for the providers; their main focus is for the safety of the children and not in being profitable with the registration fees. This fee has yet to be determined but will be included in future presentations to the Council.

Franken would like to bring the proposed ordinance revisions and the proposed fee structure changes to either the next Public Services Committee meeting or to a City Council Informational meeting in April.

Discussion was held regarding how much it costs to register with the State. Franken stated there are no costs for registering or renewing with the State. Erpenbach asked what the incentives would be to register with the city or the State. Franken responded that it is a requirement by city ordinance for day care providers to be registered with the city.

LuAnn Ford, Public Health Manager, stated that registering with the State gives a provider an opportunity to receive assistance with the cost of food for the day care. One of the requirements is to serve nutritious meals. If a child is getting state assistance, that child needs to go to a state registered facility. There is a level of professionalism associated with being registered with the State.

Brown and Franken discussed the benefits of being registered with the city. Franken stated that there are certain educational requirements for being licensed. The city provides free training to the day care providers in the following areas: taking care of children, safety, and health information. Another requirement is that the provider has to take a tuberculosis test which is also free of charge.

Erpenbach noted that you can find registered day care sites on the city's website. Ford stated that she does not believe that the State lists their registered day care providers. A listing can be found at the 211 Help!Line Center in Sioux Falls.

Dr. Susan Randall, South Dakota Voices for Children, spoke regarding the Childcare Safety and Quality initiative meetings that started in September, 2011. She commended the Health Department for their due diligence and for connecting with day care providers regarding the proposed changes.

Franken provided the following information for anyone who has additional questions: Telephone number: 605-367-8760 (Health Department) or send an email to Alicia Collura at: [acollura@siouxfalls.org](mailto:acollura@siouxfalls.org).

## 5. Open Discussion

Aguilar stated that she would like to see this item move forward to an Informational Meeting.

Erpenbach requested that this item either be added to the Informational Meeting that is scheduled the same day as the 1st Reading, or at the Informational Meeting the week before. Erpenbach also stated that she has heard from day care providers expressing their concern about their ability to speak to the Council. Erpenbach asked that the day care providers pay close attention to the City Council agendas and watch for the date of the 2nd Reading, where they will be able to address the Council.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Sue Aguilar to move this item forward to an Informational Meeting. Anderson Jr. called for a voice vote and all members present voted yes. Motion Passed.

## 6. Adjournment

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Vernon Brown to adjourn the meeting at 6:45 p.m. Anderson Jr. called for a voice vote and all members present voted yes. Motion Passed.

Tamara Jorgensen, CMC

Assistant City  
Clerk