

September 24, 2019

CALL TO ORDER

Chairperson Bode called the regular meeting of the Davison County Board of Commissioners to order at 9:00 a.m. All members of the Board were present. Also present was Auditor Kiepke.

PLEDGE

The Pledge of Allegiance was led by Chairperson Bode.

APPROVE MINUTES

Motion by Kiner, second by Claggett to approve the minutes from the September 10, 2019 meeting. All members voted aye. Motion carried.

PUBLIC INPUT

Chairperson Bode reported that she felt the Fall Convention went very well. She was pleased with the vendor turnout, also.

Commissioner Kiner said that he enjoyed the highway presentations.

Auditor Kiepke reported that she is now the President of SDACO and is very excited to serve in the upcoming year.

Commissioner Kiner said the Veteran's fair that took place last Saturday, went very well. He felt there was good participation.

I.J. Carey said that he lives on 256th Street and is having terrible problems with the water. He stated that he owns 58 acres of land and at least ½ of it is covered with water from the City. He said both Kibbee ditch and Kibbee Creek are flooded and feels there is something that can be done about it. He said he is concerned about health problems resulting from all the water and is asking for help.

Wanda Kobes appeared before the Board and stated that she had talked to the Board in the past about her neighbor, John Jerke, pumping his septic tank into the yard.

Commissioner Bode asked Mrs. Kobes what her attorney had told her to do. Mrs. Kobes said she didn't want to involve attorneys as that would just be added expense for Mr. Jerke. She said she's not wanting money, she wants everybody to be able to be healthy.

Planning & Zoning Director Bathke said that DENR give him until October 11, 2019 to stop pumping. Bathke said if he doesn't stop, it's a violation of State law.

Mrs. Kobes alleged that Pierre has told her to call her Sheriff. She feels like she is getting the run around.

Bathke reiterated that DENR has taken action and will continue the investigation.

ADOPT 2020 ANNUAL BUDGET

Motion by Claggett, second by Weitala to adopt the 2020 Annual Budget. A roll call vote was taken as follows. Claggett – aye, Weitala – aye, Reider – aye, Kiner – aye, Bode – aye. Motion carried.

Tax Levy in COUNTY TAX LEVIES	Dollars	\$'s/1,000
WITHIN LIMITED LEVY:		
* General County Purposes (10-12-9)	6,969,642.00	4.003
Library		
LIMITED LEVY (10-12-21) - SUB TOTAL		
OUTSIDE LIMITED LEVY:		
County Snow Removal Fund (34-5-2)		
* Highway and Bridge Reserve (10-12-13)		
Courthouse, Jail, etc., Bldg. (7-25-1)		
Bond Interest Sinking (7-24-18)		
Ag Building (7-27-1)		
UNLIMITED LEVY - SUB TOTAL		
LIMITED AND UNLIMITED LEVY - SUB-TOTAL		
OTHER SPECIAL LEVIES		
Secondary Road (Unorg. PT-76) (31-12-27)		
Fire Protection (34-31-3)		
TOTAL TAXES LEVIED BY COUNTY	6,969,642.00	4.003

RESOLUTION

ADOPTION OF ANNUAL BUDGET FOR DAVISON
County, South Dakota

Whereas, (7-21-5 thru 13), SDCL provides that the Board of County Commissioners shall each year prepare a Provisional Budget of all contemplated expenditures and revenues of the County and all its institutions and agencies for such fiscal year and,
Whereas, the Board of County Commissioners did prepare a Provisional Budget and cause same to be published by law, and
Whereas, due and legal notice has been given to the meeting of the Board of County Commissioners for the consideration of such Provisional Budget and all changes, elimination's and additions have been made thereto.

NOW THEREFORE BE IT RESOLVED, That such provisional budget as amended and all its purposes, schedules, appropriations, amounts, estimates and all matters therein set forth, SHALL BE APPROVED AND ADOPTED AS THE ANNUAL BUDGET OF THE APPROPRIATION AND EXPENDITURES FOR DAVISON County, South Dakota and all its institutions and agencies for calendar year beginning January 1, 2020 and ending December 31, 2020 and the same is hereby approved and adopted by the Board of County Commissioners of DAVISON County, South Dakota, this 24th day of SEPTEMBER, 2019. The Annual Budget so adopted is available for public inspection during normal business hours at the office of the county auditor DAVISON, County, South Dakota. The accompanying taxes are levied by DAVISON County for the year January 1, 2020 through December 31, 2020.

BOARD OF COUNTY
COMMISSIONERS OF
_____ County, South Dakota

_____ Chairman

_____ Commissioner

_____ Commissioner

_____ Commissioner

_____ Commissioner

ATTEST _____ County Auditor

As of SEPTEMBER 24, 2019 these levies are NOT approved by the Department of Revenue.

RECESS BOARD OF COMMISSIONERS/CONVENE BOARD OF ADJUSTMENT

At 9:23 a.m., motion by Weitala, second by Reider to recess Board of Commissioners and convene Board of Adjustment. All members voted aye. Motion carried.

ADJOURN BOARD OF ADJUSTMENT/RECONVENE BOARD OF COMMISSIONERS

At 9:42 a.m., motion by Kiner, second by Weitala to adjourn Board of Adjustment and convene Board of Commissioners. All members voted aye. Motion carried.

APPROVE PLATS

Motion by Claggett, second by Kiner to approve a Plat of Kelley Tract 1, a Subdivision of the SW ¼ of the SE ¼ of Section 36, T 104 N, R 61 W of the 5th P.M., Davison County, South Dakota. All members voted aye. Motion carried.

Motion by Reider, second by Weitala to approve a Plat of Lot 1 of Mayer's Addition in the NW ¼ of Section 26, T 103 N, R 61 W of the 5th P.M., Davison County, South Dakota. All members voted aye. Motion carried.

Motion by Claggett, second by Reider to approve a Plat of Lot 5 of D. and B. Carlson's First Addition, a Subdivision of a portion of the NE ¼ of Section 31, T 104 N, R 60 W of the 5th P.M., Davison County, South Dakota. All members vote aye. Motion carried.

Motion by Claggett, second by Weitala to approve a Plat of Tract A of Mutziger's Addition in the SE ¼ of the NE ¼ of Section 35, T 102 N, R 60 W of the 5th P.M., Davison County, South Dakota. All members voted aye. Motion carried.

HIGHWAY EMPLOYEE PLAN DISCUSSION

Highway Superintendent Weinberg presented a review of duties for the highway department. He stated that almost all employees are cross trained in operating all equipment.

Commissioner Bode asked him to think about if he would be better served hiring one full-time employee or two part-time employees. Weinberg is to come back to the table after he has given this some thought.

APPROVE PURCHASE

At the request of Highway Superintendent Weinberg, motion by Kiner, second by Claggett to approve the purchase of a used 2013 Caterpillar 308E CR TR Excavator for \$83,495 less rental and AMD fees paid of \$24,296 for a net cost of \$59,199 and a used 2018 bucket for \$3,000 less rental and AMD fees paid of \$1,115 for a net cost of \$1,885 from North Central Rental & Leasing LLC through Sourcewell Contract #032119-Cat, which is an approved purchasing source for counties and doesn't require bid letting. All members voted aye. Motion carried.

It was noted that a surplus blade was sold for \$48,000.

ADVERTISE FOR HIGHWAY SHOP BID LETTING

As per the request of Highway Superintendent Weinberg, motion by Claggett, second by Kiner to advertise for Highway Shop bid letting. Bids will be accepted until 5:00 p.m., October 21, 2019 at the Davison County Auditor's office, to be opened at 9:15 a.m., October 22, 2019, during the regular commissioner meeting held in the Davison County Commission Chambers, 1420 N. Main St., Mitchell, SD and awarded once all bids have been reviewed. All bids must be sealed and no walk-ins will be accepted. Bid specifications may be found at the Davison County Highway shop, 1224 W. 5th Ave., Mitchell, SD 57301, phone (605)995-8625 or on the web site at davsioncounty.org. All members voted aye. Motion carried.

AUTHORIZE REPAIR

At the request of Highway Superintendent Weinberg, motion by Claggett, second by Kiner to authorize the repair of a garage door at the highway shop, by Palace Builders, Inc., in the amount of \$2,997.57. All members voted aye. Motion carried.

DAVISON COUNTY ROAD AND FLOOD DAMAGE REVIEW

The following road and bridge damage due to the recent flooding was presented by Highway Superintendent Weinberg and Emergency Management Director Bathke.

The bridge on 259th between 395th & 396th Aves., located in Union Twp, is a total loss.

The bridge/road on 260th St. between 395th & 396th Aves. has been repaired.

The bridge on 396th Ave. between 258th & 259th Sts. has been repaired.

The bridge on 397th Ave. between 258th & 259th Sts. has been repaired.

The bridge/road on 399th Ave. between 258th & 259th Sts. will be repaired.

The bridge on 401st Ave. between 259th & 260th Sts. will most likely have to be replaced.

The road on 406th Ave. between 258th & 259th Sts. will be repaired.

The bridge on 406th Ave. between 259th & 260th Sts. will have to be replaced.

The bridge on 411th Ave. between 258th and 259th Sts. will have to be replaced.

At Hwy 42 and 408th Ave. a bale got stuck in a culvert and had it totally blocked. The 72' culvert will need to be taken completely out.

Residentially, there were several full basement collapses as well as several partial basement collapses.

Loma Linda trailer court was heavily affected by the flooding. Water does drain, but it is very slow.

There were several businesses that had extensive flood damage.

There were four water rescue events during the flooding.

Bathke reported the Red Cross had knocked on every door in Mt. Vernon on Saturday to see if people were in need.

Bathke commended the Salvation Army and the Red Cross for the amazing job they did during the flooding event.

INFORMATION FROM LOOMIS RESIDENTS

Vonda Alexander of Loomis appeared before the Board to discuss drainage in Loomis. She said that in 1989 the County built a drainage system through Loomis and attached to old drain tile. She feels there needs to be a pipe to the north to take water to the creek. She further stated she has to run three sump pumps and there is no where for the water to go.

Drainage Coordinator Bathke stated the water is very deep north of Loomis. He said you can't tell if the water is coming out of ditches or tile because of the flooding. He further stated that, by design, drain tile takes a long time to drain. He said one option would be to smoke it.

Mike Duffy showed a map of old vs new. He said somebody had cut a line along 247th St. Three years ago Santel ran another line through the same area and Mr. Duffy feels they broke the line again.

Mrs. Alexander said she had to start pumping in February. She said it has to be the tile that is messed up. She further stated there needs to be a direct line from Loomis into the creek. She said when the drain was put in in 1909 they had no idea there would be such heavy equipment going over it.

Paul Berg stated that he dug out the tile earlier this Spring so it was free flowing and was flowing good. He said the ditch could be dug deeper. He said he would gladly dig and make it deeper, but he doesn't want to get in trouble with the Drainage Board.

Chairperson Bode said that, yes, it would need to go through the Drainage Board. She further stated there would be nothing resolved today as there is still too much water to make any determinations.

Mrs. Alexander said she has another issue in that there is a deserted house in Loomis next door to hers that belongs to Renee Rodriguez. She says it should be condemned. She said she is tired of spraying the thistles.

Don Bradwisch said the shingles fell off the second story and they are piled right in front of the front door. He said that's what he gets to look out when he walks out his front door.

Planning & Zoning Administrator Bathke stated that she still pays property taxes. So there isn't much that can be done other than file a nuisance complaint.

Chairperson Bode said the County tried to implement a nuisance policy several years ago but it was met by so much backlash from the rural community that they didn't follow through with it.

APPROVE NEW HIRE

At the request of Corrections Administrator Radel, motion by Reider, second by Kiner to approve the hire of Cristal Villalvazo at a rate of \$16.87 per hour with a \$.50 introductory wage increase after successful completion of 1,040 hours. All members voted aye. Motion carried.

INTO EXECUTIVE SESSION

At 11:24 a.m., as per the request of States Attorney Miskimins, motion by Weitala, second by Kiner to move into executive session to discuss personnel pursuant to SDCL 1-25-2. All members voted aye. Motion carried.

OUT OF EXECUTIVE SESSION

At 11:50 a.m., motion by Weitala, second by Kiner to move out of executive session. All members voted aye. Motion carried.

AUTHORIZE NEW HIRE

At the request of States Attorney Miskimins, motion by Reider, second by Claggett to authorize Miskimins to offer the new position of Youth Diversion Coordinator to Katie Buschbach, who agreed to accept the position at a rate of \$19.23 per hour, with no increased compensation in 2020. All members voted aye. Motion carried.

ADOPT RESOLUTION FOR DECLARATION OF EMERGENCY/DISASTER

Motion by Claggett, second by Kiner to adopt the following declaration to declare an emergency/disaster in Davison County. A roll call vote was taken as follows. Claggett – aye, Kiner – aye, Reider – aye, Weitala – aye, Bode – aye. Motion carried.

Resolution #092419-01 Resolution for Declaration of Emergency/Disaster

Whereas, Davison County, South Dakota, has suffered severe damage, brought on by the flooding of September 2019; and

Whereas, Davison County has committed all available resources and taken all possible actions within the jurisdictional boundaries to combat and to alleviate the emergency/disaster, local resources are not adequate to cope with the situation.

Now, therefore, be it resolved by the Davison County Commissioners at a regular meeting held on September 24, 2019, it is hereby requested that the Governor declare an emergency disaster to exist for Davison County, South Dakota.

Dated at Davison County, South Dakota, this 24th day of September 2019 at 11:55 a.m.

Brenda Bode, Chairperson

ATTEST:

Susan Kiepke, Auditor

APPROVE REPAIRS

As requested by Physical Plant Manager Ruml, motion by Weitala, second by Claggett to approve the following repairs to the applicable buildings with lowest quote noted. All members voted aye. Motion carried.

Extension Office- Replace sidewalks and create handicap entry - \$3,596.52 – Top Grade

Fairgrounds – Replace/Repair gutters - \$10,916 – Area Steel

Public Safety Bldg South entry – Replace curb & sidewalk to improve handicap access - \$1,714.33 - Top Grade

Public Safety Bldg East sidewalk – Repair sidewalk along Miller St. - \$2,218.50 – Top Grade
Public Safety Bldg NW entry – Repair sections of sidewalk - \$2,400.30 – Top Grade
Courthouse East sidewalk – Repair sidewalk along Kimball St. - \$4,207.50 – Top Grade
Courthouse Driveway to North parking – Repair driveway - \$1,560.60 – Top Grade
Courthouse South door entry – Remove pads from each side of steps

COURTHOUSE BASEMENT FLOOD REPORT

Physical Plant Manager Ruml reported that approximately 60% of the courthouse basement is flooded. He said that paneling and carpeting have been removed in some areas. The tile flooring in the basement continues to be wet as surface water seeps through. Work will continue in tearing up carpet and other items that need to be tended to.

APPROVE TIMESHEETS

Motion by Reider, second by Kiner to authorize chairperson to sign department head timesheets. All members voted aye. Motion carried.

APPROVE BILLS

Motion by Reider, second by Kiner to approve the following bills for payment with the exception of #67 - South Dakota Department of Revenue. All members voted aye. Motion carried.

GENERAL FUND:

ELECTIONS: Supplies/Bureau of Administration-12.00; **STATES ATTY:** Repairs & Maint/Dakota Data Shred-48.00; **ROD:** Rentals/Bureau of Administration-70.14, Microfilm Supplies/Bureau of Administration-10.40; **SHERIFF:** Office Supplies/Dakota Data Shred-48.00; **JAIL:** Water Softener/Darrington Water-45.00; **FAIR:** Repairs & Maint/Santel Communications-40.00, Water & Sewer/Davison Rural Water-69.75; **HIWAY:** Supplies & Materials/Dept of Revenue-260.43.

GENERAL FUND:

COMM: Prof Fees/Tristar Benefit Admin-438.00, Publishing/Daily Republic-1,322.41, Travel & Conf/Denny Kiner-126.00, Quality Inn Pierre-231.00, Servicemen's Cemetery/Servicemen's Cemetery-1,000.00; **JUD:** Mileage & Jury Fees/Jurors-471.84, Law Library/West Payment Center-89.37; **AUD:** Travel & Conf/Susan Kiepke-213.56; **TREAS:** Supplies/First Dakota Nat'l Bank 10.00, Travel & Conf/David Beintema-190.20, Quality Inn Pierre-77.00, Mainframe Support/Bruce Mastel-35.00; **STATES ATTY:** Medical Prof Fees/Avera Queen of Peace-1,665.00, Repairs & Maint/A & B Business Solutions-47.36; **IND DEF:** Public Defender Contract/Alvine Weidenaar LLP-15,833.34, Douglas Papendick-15,833.34; **CRT APPTED ATTY:** Crt Appted Atty/Morgan Theeler-1,489.65; **A & N:** Abused & Neglected Child/Ashley Anson Prof LLC-199.50, Maule Law Ofc-1,707.30; **PUB SFTY BLDG:** Repairs/Campbell Supply-1.25, Supplies/Jones Supplies-203.02, Water & Sewer/City of Mitchell-1,026.50, Pest Control/Premier Pest Control-70.00, Phone/Verizon Wireless-44.56, Elevator Service/Schumacher Elevator-388.83, Buildings/Menards-159.34; **CRTHOUSE:** Repairs & Maint/Menards-23.94, Gas & Electric/Northwestern Energy-3,120.70, Pest Control/Premier Pest Control-40.00, Minor Equipment/Menards-547.48; **DOE:** Utilities/Verizon Wireless-84.74, Software Services/Bruce Mastel-17.50; **ROD:** Travel & Conf/Quality Inn Pierre-77.00, Deb Young-170.20; **NORTH OFF:** Repairs/Campbell Supply-145.90, Lawler Automotive-94.16, Gas & Electric/Northwestern Energy-1,282.88, Water & Sewer/City of Mitchell-36.30, Pest Control/Premier Pest Control-50.00, Buildings/Menards-71.88; **VET:** Utilities/Golden West-62.50; **COORD:** Postage/Qualified Presort-408.58, Postage Meter Fees/Qualified Presort-138.99,

Paper/McLeod's Printing-49.90, Copy Mach Maint/A & B Business Solutions-43.05; **SHERIFF:** Prof Services/Davison Co Sheriff's Ofc-32.00, The Glow Store-142.98, Repairs Patrol Car/Paul's Towing-75.00, Vern Eide of Mitchell-141.95, Oil Changes/Lube Rangers-102.98, Tires/Graham Tire-284.90, Office Supplies/Hard Drive Outlet-84.39, Innovative Office-320.88, Prisoner Transport/Pennington County Jail-193.75, Cellular Service/Verizon Wireless-632.00; **JAIL:** Medicine/Avera Medical Group-103.64, Avera Queen of Peace-779.49, Lewis Drug Stores-3,342.29, Mitchell Regional Ambulance-1,045.00, Office Supplies/Davison Co Jail-28.50, Innovative Office-124.59, Jail Supplies/Bob Barker Co-273.65, Jones Supplies-282.73, McKesson Medical-53.18, Laundry Supplies/Jones Supplies-69.37, Kitchen Supplies/CWD-Aberdeen-200.90, Jones Supplies-125.00, Uniforms/Sungold Trophies-20.89, Prisoner Food/Summit Food Service-9,054.95, Contracts/Hard Drive Outlet-172.96, Inmate Services/Reliance Telephone Inc-1,000.00, Swanson Services-2.84; **JUV DET:** Medicine/Minnehaha Co Regional-58.26, Detention/Minnehaha Co Regional-11,500.00; **WELFARE:** Hospital QoP/Avera Queen of Peace-4,559.32, Hospital/Avera Heart Hosp-4,931.89, Supplies/Qualified Presort-10.66, Travel/Debra Emme-212.93, Quality Inn Pierre-154.00, Office Utilities/Midcontinent-75.00; **CO NURSE:** Expenditures/Jenna Auch-89.33; **CADC:** Stepping Stones/CADC Stepping Stones-1,500.00; **DAKOTA MENT HEALTH:** Dakota Counseling/Dakota Counseling Inst-1,750.00; **MENTAL ILL:** Committals/Patrick Kiner-95.00, Douglas Papendick-190.00, Hearings/Avera Queen of Peace-1,873.74, Kerri Cook-Huber-60.00, Mark Katterhagen-18.00, Lewis & Clark BHS-890.00, Darcy Lockwood-18.00, Lucy M Lewno-116.50, Minnehaha Co Auditor-148.20, Yankton Co Treasurer-503.75; **FAIR:** Repairs & Maint/Campbell Supply-23.36, Menards-23.75, Scott Supply Co-117.27, Pest Control/Premier Pest Control-40.00, Phones/Verizon Wireless-44.56; **CO EXTENSION:** Postage/Qualified Presort-10.65, Supplies/McLeod's Printing-39.49, Travel & Conf/Debra Emme-15.96, Caroline Hansen-290.60, Utilities/CenturyLink-26.98, Midcontinent-75.00; **WEED:** Supplies/Menards-83.97, Utilities/City of Mitchell-51.80, Verizon Wireless-44.56; **P & Z:** Publishing/Daily Republic-164.56; **HIWAY:** Repairs & Maint/Advance Auto Parts-92.57, Butler Machinery-497.72, Transource-2,624.58, Wheelco Truck & Trailer-1,078.73, Supplies & Materials/Ameripride Services-61.45, Campbell Supply-14.99, Jones Supplies-214.47, Menards-993.47, Utilities/City of Mitchell-43.15, Northwestern Energy-711.92, Verizon Wireless-115.81, Machinery/North Central Rental-5,100.00, Bridge Repair/Mitchell Concrete Products-835.00, Projects/Spencer Quarries-6,292.49; **EM:** Repairs & Maint/Golden West-344.60, Travel & Conf/Jeff Bathke-78.00, Ramkota Hotel-308.00, Mark Jenniges-78.00, Utilities/CenturyLink-13.49, City of Mitchell-50.0, Northwestern Energy-234.87, Verizon Wireless-104.79, EM Accuml/Verizon Wireless-104.80; **24/7 JAIL:** Supplies/McKesson Medical-142.39; **BID DEP:** Fairground Dep/Mitchell School Dist-200.00.

PAYROLL FOR THE MONTH OF SEPTEMBER

Commissioner-\$6,730.70, Auditor-\$14,240.51, Treasurer-\$9,668.58, State's Attorney-\$23,955.83, Public Safety Building-\$8,795.48, Gen. Government Building-\$3,033.24, Director of Equalization-\$22,083.71, Register of Deeds-\$11,391.76, North Offices-\$3,822.45, Veterans' Services-\$3,043.20, County Coordinator-\$469.60, 24/7 Program-\$3,678.33, Sheriff-\$45,219.54, County Jail-\$88,342.18, Coroner-\$875.00, Juvenile Detention-\$499.52, Emergency Management-\$3,552.00, County Road & Bridge-\$41,090.29, Welfare-\$1,690.44, Community Health Nurses-\$3,595.94, WIC-\$2,520.00, Fairgrounds-\$2,975.45, Extension-\$1,015.05, Weed Control-\$2,390.11, Planning/Zoning-\$18,093.29.

SUPPLEMENT EMERGENCY MANAGEMENT BUDGET

Motion by Claggett, second by Reider to supplement the Emergency Management Emergency Accumulations line (4291/226) in the amount of \$27,257.62 received from the State of South Dakota Local Discretionary SD HLS. All members voted aye. Motion carried.

DENY WELFARE CLAIM

As per the recommendation of Welfare Intake Administrative Assistant Emme, motion by Claggett, second by Reider to deny welfare claim #19-3152, claim #19-4835, claim #19-1418 pursuant to SDCL 28-13-33 prior approval required; claim #19-9178 pursuant to SDCL 28-13-27(6)(b) failed to purchase insurance through employer; claim #19-8625 and claim #19-6478 pursuant to SDCL 28-13 lack of information to determine legitimate claim; claim #19-7223 pursuant to SDCL 28-13-32.9 pursuant to SDCL 28-13-32.9 client has the ability to pay. All members voted aye. Motion carried.

ADJOURN

At 12:45 p.m., Chairperson Bode adjourned the meeting and set the next regular Board of Commissioners meeting for October 8th, at 9:00 a.m.

ATTEST

Susan Kiepke, Auditor

Brenda Bode, Chairperson

Publish Once
Approximate Cost