

December 31, 2019

CALL TO ORDER

Chairperson Bode called the regular meeting of the Davison County Board of Commissioners to order at 10:30 a.m. Members of the Board present were Bode, Weitala, Kiner, Claggett. Absent Reider. Also present was Auditor Kiepke.

PLEDGE

Chairperson Bode opened the meeting with the Pledge of Allegiance.

APPROVE MINUTES

Motion by Kiner, second by Claggett to approve the minutes from the December 17, 2019 meeting. All members present voted aye. Motion carried.

ACKNOWLEDGE COMMISSIONER REIDER

At 10:36 a.m. Commissioner Reider was acknowledged as being present.

OPEN SUPPLEMENTAL BUDGET HEARING

At 10:45 a.m., motion by Kiner, second by Weitala to open the Supplemental Budget Hearing for the Jail department. All members voted aye. Motion carried.

ADOPT RESOLUTION TO SUPPLEMENT JAIL BUDGET

Motion by Claggett, second by Kiner to adopt the following resolution to supplement the Jail budget. A roll call vote was taken as follows. Kiner – aye, Reider – aye, Weitala – aye, Claggett – aye, Bode – aye. Motion carried.

**Resolution #123119-01
Supplement County
Jail Budget**

Whereas, the Jail budget is not sufficiently funded by the adopted 2019 annual budget to pay expenses for the remainder of the year 2019; and

Whereas, SDCL 7-21-22 states that in the event of the passage and enactment of any law during a fiscal year and after the adoption of the annual budget for a following fiscal year, imposing some new obligation or duty upon a county, or in the event of the failure to provide by the final budget a sufficient revenue to enable the county to conduct the indispensable functions of government in any department, or to pay just obligations upon the county for the necessary conduct of the courts, or for the necessary aid and support of the poor or to discharge any duty which it is the lawful duty of the county to discharge, and of which requires the incurring of liabilities or expenditures of funds for a purpose or object for which no provision has been made in the annual budget for such fiscal year, and when such occasion arises the board must make, approve, and adopt a supplemental budget providing therein for an appropriation for such purposes in such amount as

the board may deem necessary, and such budget shall set out in detail each item for which an appropriation is made and the amount to be appropriated for each item, with the time and place when the same will be considered and adopted by the governing board, shall be given in such manner as the board may determine, provided that the time fixed for considering and adopting the same shall not be less than ten days from date when such notice is first given; and

Whereas, there was not sufficient appropriation included in the 2019 budget to pay all Jail Department expenses.

Now, therefore be it resolved, that \$357,882 from the General Fund Cash line item 10100A101000 be supplemented to the Jail Department budget, various line items.

Dated at Mitchell, South Dakota this 31st day of December, 2019.

Brenda Bode, Chairperson

ATTEST:

Susan Kiepke, Auditor

CLOSE HEARING

At 10:55 a.m., motion by Weitala, second by Kiner to close the hearing. A roll call vote was taken as follows. Reider – aye, Kiner – aye, Weitala – aye, Claggett – aye, Bode – aye. Motion carried.

APPROVE RESOLUTION FOR CONTINGENCY TRANSFERS

Motion by Kiner, second by Claggett to approve the following resolution for contingency transfers for the 2019 budget year. A roll call vote was taken as follows. Weitala – aye, Kiner – aye, Claggett – aye, Reider – aye, Bode – aye. Motion carried.

Resolution #123119-02 Contingency Transfers

Whereas, SDCL 7-21-32.2 states that no expenditures shall be charged to the line item authorized for by SDCL 7-21-6.1, but such appropriated amount may be transferred, by resolution of the board, to any other appropriation in which insufficient amounts were provided or for items for which no appropriation was provided. When transfers are made from the contingency budget to other appropriations, whose revenue is provided by other than general fund revenues, a transfer of fund balances may be made from the county general fund to such other fund in the amount of the budget transfer.

Now, therefore, be it resolved that the following contingency transfers be made for the 2019 budget year: Transfer from the General Fund Contingency Budget 112 in the amount of \$159,401 to:

| <u>Budget</u> | <u>Name</u> | <u>Amount</u> |
|---------------|------------------|---------------|
| 130 | Judicial System | \$ 3,802.00 |
| 141 | Auditor's Office | 335.00 |

| | | |
|-----|---------------------------|-----------|
| 151 | State's Attorney's Office | 12,363.00 |
| 154 | Abused & Neglected CD | 13,892.00 |
| 161 | General Gov't Bldg | 59,962.00 |
| 169 | County Coordinator | 27,555.00 |
| 213 | Coroner | 13,182.00 |
| 421 | Community Health Nurse | 16,371.00 |
| 523 | Exhibition Bldg | 556.00 |
| 711 | Planning & Zoning | 11,383.00 |

Dated at Mitchell, South Dakota, this 31st day of December, 2019.

Brenda Bode, Chairperson

ATTEST:

Susan Kiepke, Auditor

APPROVE CONTRACT INCREASE

At the request of States Attorney Miskimins, motion by Claggett, second by Weitala to increase the contract for James Taylor P.C. firm, which is equivalent to one part-time Deputy States Attorney, at the same rate as County employees, which is 1% plus \$.50 per hour, making the contract amount for 2020, \$50,540.45. A roll call vote was taken as follows. Claggett – aye, Reider – aye, Weitala – aye, Kiner – aye, Bode – aye. Motion carried.

APPROVE RESOLUTION TO SET ELECTED OFFICIALS WAGES FOR 2020

Motion by Claggett, second by Reider to adopt the following resolution, which approves a 1.0% plus \$.50 for the elected official's wages for 2020. A roll call voted was taken as follows: Kiner – aye, Reider – aye, Claggett – aye, Weitala - aye, Bode – aye. Motion carried.

**Resolution #123119-03
Set Elected Officials Wages**

WHEREAS, SDCL 7-7-9.1 states that the board of county commissioners shall establish, by resolution, the salary payable to the county treasurer, county auditor, and county register of deeds. The salary payable may not be less than \$35,952 based upon the salary schedule which is based upon the most recent decennial federal census of population for counties; and

WHEREAS, SDCL 7-7-12 states that the board of county commissioners shall establish, by resolution, the salary payable to the state's attorney. The salary payable may not be less than \$71,534 based upon the fact that the commissioners have designated the position of state's attorney as full time; and

WHEREAS, SDCL 7-12-15 states that the board of county commissioners shall establish, by resolution, the salary of the sheriff. The salary payable may not be less than \$46,110 based upon the salary schedule which is based upon the most recent decennial federal census of population for counties. The sheriff will also receive an additional 10% added to the \$46,110 for managing a full-time jail; and

WHEREAS, the Board of county commissioners may not decrease the salary of the county treasurer, county auditor, county register of deeds, county state's attorney or county sheriff during

consecutive terms of office of the county treasurer, county auditor, county register of deeds, county state's attorney or county sheriff;

THEREFORE, BE IT RESOLVED, that elected official's salaries for 2020 shall be set as follows; auditor - \$64,276.56, treasurer - \$52,570.20, register of deeds – \$63,204.75, the state's attorney - \$93,215.71 and the sheriff - \$73,922.95. These salaries are not inclusive of longevity pay that may be due some of these officials.

Dated at Mitchell, South Dakota, this 31st day of December, 2019.

Brenda Bode, Chairperson
Davison County Commission

ATTEST: _____
Susan Kiepke, Auditor

ADOPT RESOLUTION TO SET COUNTY COMMISSIONER WAGES FOR 2020

Motion by Claggett second by Kiner to adopt the following resolution which approves a .50% plus \$.25 wage increase for the Davison County Commissioners for 2020. A roll call vote was taken as follows. Claggett - aye, Kiner – aye, Reider – nay, Weitala - aye, Bode - aye. Motion carried.

**Resolution #123119-04
Set Commissioner Wages**

WHEREAS, SDCL 7-7-3 states that the method of payment, whether per diem or salary, and the amount of per diem or salary shall be determined by the board of county commissioners in each county. If the per diem method is used, the county commissioners shall be allowed the per diem amount for each day they are actually and necessarily employed in the duties and business relating to county affairs and the duties of their office and in attending and returning from sessions of the board. The county commissioners shall be allowed mileage for the distance actually traveled in attending the meetings of the board, or when engaged in other official duties. The per diem shall be paid out of the general county fund. The per diem shall be set by the commission on the first regular meeting date in January of each year; and

WHEREAS, SDCL 7-7-5 states that the board of county commissioners may determine the salary of the commissioners. Such salary may be set by the board of county commissioners at its first regular meeting of each year. If the board of county commissioners fails to determine a salary, then the salary of a county commissioner in any one year is six thousand five hundred sixty-six dollars as per diem or salary in counties of fifteen thousand population and over and not more than thirty thousand population.

THEREFORE, BE IT RESOLVED that the Davison County Commissioners salaries will be set at \$18,107.32 for the year 2020.

Dated at Mitchell, South Dakota, this 31st day of December, 2019.

ATTEST:

Susan Kiepke, Auditor

Brenda Bode, Chairperson

APPROVE DAVISON COUNTY EMPLOYEE WAGES FOR 2020

As per SDCL 6-1-10, motion by Claggett, second by Kiner to approve and publish the following wages for fiscal year 2020, which include a 1% plus \$.50 increase for all employees. A roll call vote was taken as follows. Weitala – aye, Kiner – aye, Reider – aye, Claggett – aye, Bode – aye. Motion carried.

Note

The salary figures do not include longevity that may be due some employees. The salaries of Department Supervisors, Assistant State's Attorney, Deputy Planning & Zoning/Emergency Management Director and Corrections Administrator are prorated per the period worked throughout the fiscal year.

Department Supervisors-Director of Physical Plant Mark Ruml-\$67,313.39; **Director of Equalization** Kathy Goetsch-\$66,265.52; **Highway Superintendent** Russel Weinberg-\$69,452.62; **Planning & Zoning/Emergency Management Director** Jeff Bathke-\$70,066.15

Employees

Auditor's Office – Karen Knadle-\$24.21; Tonya Meaney-\$20.54; James Matthews-\$17.92

Treasurer's Office – Tonya Ford-\$18.07; Rachel Soulek-\$17.57

States Attorney – Bob O'Keefe-\$76,547.90; Alicia Odland-\$65,035.62; Katie Buschbach-\$19.23; Jill Pierce-\$21.19; Angie Larson-\$17.59

Maintenance Department – Doug Neugebauer-\$23.53; Roger Collins-\$20.27; Joel Rang-\$18.04; Leonda Doering-\$17.05

Planning & Zoning/Emergency Management Deputy Director – Mark Jenniges-\$22.92

Director of Equalization - Blake Biggerstaff-\$21.58; Karla Love-\$18.64; Jon Horton-\$17.58; Carla Wittstruck-\$19.20; Tanner Stunes-\$17.58; Alex Hartman-\$15.96

Register of Deeds – Danna Kolbeck-\$19.09; Dawn Roth-\$18.04

Veteran's Service Officer – Craig Bennett-\$19.71

Highway Department – Andrea Horton-\$18.12; John Geidel-\$27.15; Randy Strong-\$24.13; Greg Geppert-\$19.20 Steve Groseth-\$23.75; Rueben Sonne-\$21.72; Kevin Geidel-\$23.28; Clayton Wells-\$19.20; Tyler Decker-\$17.54; Vacant-\$17.54; Gerald Koch-\$15.42; Seasonal-\$14.91

Welfare Intake Administrative Assistant/4-H Youth Advisor Assistant – Debra Emme-\$17.23

County Health Nurse – Angela Seitz-\$16.66; Marcy VanZee-\$16.91

WIC – Danielle Radel-\$16.91

Fairgrounds Maintenance – Lawrence Schmitt-\$19.20

Extension – Seasonal-\$14.91

Sheriff's Office – Steve Harr-\$30.39; Tim Reitzel-\$23.49; Greg Nelson-\$22.42; Jacob Verry -\$20.67; Dawn Grissom-\$21.08; Grace Murphy-\$21.09; Darin Moke-\$21.44 **Part Time** – Linda Aldrich-\$19.20; Paul Paulson-\$17.05; Andy Petersen-\$18.88; Josh Peterson-\$22.42

Jail – Don Radel-\$61,061.11; Jane Kingsbury-\$25.40; Connie Harr-\$24.27; Ginger Faas-\$23.21; Kimberly Beltran-\$20.00; Brian Boddicker-\$20.00; Janelle Phillips-\$22.68; Tim Carson-\$20.00; Justin Tuckerman-\$21.02; Anthony Cervantes-\$20.00; Malcolm LaFortune-\$21.02; Misty Grove-\$18.63; Misty Hicks-McDaniel-\$18.63; Jessica Lopez Rojo-\$18.64; Michael Salathe-\$18.63; Marco Mora-\$18.64; Travis Sedlmeier-\$18.64; Isaac Tirrel-\$19.14; Kylene Herrick-\$18.63; Lesley Jack-\$18.63; Margaret Johnson-\$18.63; Timothy Simmermon-\$18.04 **Part Time** - Jack Aalbers-\$15.88; Morris Beck-\$15.88; Kyle Bice-\$17.54; Jon Bryant-\$15.45; Lance Bryant-\$18.64; Seth Caro-\$14.91; Brett Costello-\$18.63; Becky Handrahan-\$15.96; Melinda Harmelink-\$18.63; Treston Jerke-\$17.54; Judy Keller-\$15.88; James Kropenske-\$15.88; Cydney Porter-\$17.54; Carol Radel-\$18.12; Cory Schoenfelder-\$18.63; Garland Schrank-\$18.12; Lynn Smith-\$18.64; David Suarez-\$18.04; Marcus Urban-\$14.91; Cristal Villalvazo-\$17.54.

DENY WELFARE

As per the recommendation of Welfare Intake Assistant Administrator Emme, motion by Claggett, second by Weitala to deny welfare claim #19-5222 and #19-1203 pursuant to SDCL 28-13-33 prior approval required; claim #19-2418 pursuant to SDCL 28-13 not enough information to determine legitimate claim. Motion carried.

ADOPT RESOLUTION TO AMEND 5 YEAR PLAN

Motion by Kiner, second by Claggett to amend the 5 Year Plan for the Bridge Improvement Grant Program. A roll call vote was taken as follows. Kiner – aye, Weitala – aye, Claggett -aye, Reider – aye, Bode – aye. Motion carried.

**Resolution #123119-05
Authorize 5 Year County Plan Amendment
For the Bridge Improvement Grant Program**

WHEREAS, Davison County wishes to amend their previously approved 5 Year County Plan for the Bridge Improvement Grant Program:

ADDITION/REMOVAL OF STRUCTURE NUMBER AND LOCATION:

Bridge number: 18-070-153 located on 401st Avenue between 259th and 260th Street

NOW THEREFORE BE IT RESOLVED that the South Dakota Department of Transportation be and hereby is requested to accept the Amended 5 Year County Highway and Bridge Improvement Plan, previously approved on 9/10/19.

Dated at Mitchell, South Dakota, this 31st day of December 2019.

Brenda Bode, Chairperson

ATTEST:

Susan Kiepke, Davison County Auditor

ADOPT RESOLUTION AUTHORIZING SUBMISSION OF BRIDGE IMPROVEMENT GRANT PROGRAM APPLICATIONS

Motion by Claggett, second by Kiner to adopt the following resolution to authorized submission of Bridge Improvement Grant applications. A roll call vote was taken as follows. Weitala – aye, Kiner – aye, Claggett – aye, Reider – aye, Bode – aye. Motion carried.

**Resolution #123119-06
Authorize Submission of
Bridge Improvement Program
Grant Applications**

WHEREAS, Davison County wishes to submit application for consideration of award for the Bridge Improvement Grant Program:

Structure 18-050-143

Over Enemy Creek

Located 4.3 miles South & 2.0 miles East of Mount Vernon on 399th Avenue

Structure 18-070-153

Over Enemy Creek
Located 5.3 miles South & 4.0 miles East of Mount Vernon on 401st Avenue

Structure 18-070-198

Over North Branch Twelve Mile Creek
Located 10.0 miles West & 1.2 miles North of Ethan on 401st Avenue

Structure 18-170-053

Over Unnamed Tributary to the James River
Located 4.7 miles North and 2.0 miles East of Mitchell; and

WHEREAS, Davison County certifies that the projects are listed in the county’s Five-Year County Highway and Bridge Improvement Plan; and

WHEREAS, Davison County agrees to pay the 20% match on the Bridge Improvement Grant funds; and

WHEREAS, Davison County hereby authorizes the Bridge Improvement Grant applications and any required funding commitments.

NOW THEREFORE BE IT RESOLVED that the South Dakota Department of Transportation be and hereby is requested to accept the attached Bridge Improvement Grant applications.

Dated at Mitchell, South Dakota this 31st day of December, 2019.

Brenda Bode, Chairperson

ATTEST:

Susan Kiepke, Auditor

APPROVE MIS CONVERSION COSTS

At the request of ROD Young, motion by Claggett, second by Kiner to approve the cost of \$4,135 to be paid out of the M&P Fund, to extract legal description information from Real Estate Tracker to convert to the Trimin Land Record’s Management System, with half the cost being paid now and the remainder paid after completion. All members voted aye. Motion carried.

APPROVE AUTOMATIC SUPPLEMENT

Motion by Weitala, second by Kiner to approve an automatic supplement to Emergency Management 226/229 in the amount of \$11,105.83 received from the State of South Dakota for the SLA Emergency Management 4th Qtr. All members voted aye. Motion carried.

SIGN CONTRACT FOR EAP SERVICES

Motion by Weitala, second by Reider to sign a new contract agreement for EAP services with Lutheran Social Services of South Dakota at a rate of \$75 per hour. All members voted aye. Motion carried.

SEPTIC TANK SYSTEM COMPLAINT

Wanda Kobes appeared before the Board to report her displeasure with, what she feels, is a lack of cooperation regarding the septic tank system next door at the John Jerke residence.

Commissioner Claggett gave her the name Matt Cherney, DENR, who is in charge of improper septic tank systems. Claggett said that he would be the one he would call, as septic systems are a state issue, not a county issue.

Mrs. Kobes responded saying she has been dealing with Dan Gerhard.

Planning & Zoning Director Bathke spoke to States Attorney Miskimins on December 26, 2019. Miskimins said that a sheriff's deputy would have to go inspect the property.

Sheriff Brink sent a report to the state's attorney after inspection prior to this meeting.

Mrs. Kobes repeatedly said that she felt like she was being jerked around by the County.

Jessica Davidson stated that Mrs. Kobes was too upset to continue so she would be talking for her. Following is a brief summary of what I understood Ms. Davidson to say. She said this process started on June 6 when Deputy Moke investigated.

Ms. Davidson said she had pictures, but Bathke said he had the same pictures up on the screen and Ms. Davidson agreed.

Ms. Davidson continued saying that DENR reported there were very dangerous amounts of Ecoli and that Wanda's husband, who is a veteran and has a compromised immune system, had had three bouts of Ecoli.

Ms. Davidson sited several codes regarding EPA violations.

Ms. Davidson said the Attorney General's offices has called Mrs. Kobes and the county commissioners have blown her off.

Ms. Davidson stated there has been precedence set by other counties that have septic tank systems that have had extreme health threat violations.

Ms. Davidson mentioned the 1918 flu outbreak in which she said young and elderly died. She equated the outbreak to the septic tank system seeping into the ground. She questioned whether the County would be responsible.

ADJOURN

At 12:06 p.m., Chairperson Bode adjourned the meeting and set the next regular meeting for Tuesday, January 14, 2020 at 9:00 a.m.

ATTEST

Susan Kiepke, Auditor

Brenda Bode, Chairperson

Publish once
Approximate cost