

September 8, 2020

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 Deputy Auditor Matthews.

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 1, 2020 meeting. All members voted aye. Motion carried.

RECESS BOARD OF COMMISSIONERS/CONVENE BOARD OF ADJUSTMENT

At 9:15 a.m., motion by Kiner, second by Claggett 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 9:25 a.m., motion by Reider, second by Claggett to adjourn Board of Adjustment and reconvene Board of Commissioners. All members voted aye. Motion carried.

APPROVE PLATS

Motion by Claggett, second by Kiner to approve a Plat of Lot 1 of Brett's Addition, in Gov. Lots 1 and 2 of the NW ¼ of Section 19, T 103 N, R 61 W of the 5th P.M., Davison County, SD. All members voted aye. Motion carried.

Motion by Kiner, second by Reider to approve a Plat of Lot B of L.V. Frey's First Addition, in the E ½ of Section 19, T 103 N, R 61 W of the 5th P.M., Davison County, SD. All members voted aye. Motion carried.

Motion by Kiner, second by Reider to approve a Plat of Lot 1 of Starr's Addition, in Gov. Lot 2 of the NE ¼ of Section 2, T 103 N, R 62 W of the 5th P.M., Davison County, SD. All members voted aye. Motion carried.

Motion by Reider, second by Claggett to approve a Plat of Lot 1 of Debra Kaye's First Addition in the NE ¼ of Section 9, T 101 N, R 62 W of the 5th P.M., Davison County, SD. All members voted aye. Motion carried.

Motion by Claggett, second by Kiner to approve a Plat of Tracts 1, 2 and 3 of BarNone63 Addition in the SE ¼ of Section 1, T 104 N, R 60 W of the 5th P.M., Davison County, SD. All members voted aye. Motion carried.

Motion by Reider, second by Kiner to approve a Plat of Tract 1 of Wendelboe First Addition in the NE ¼ of Section 15, T 102 N, R 60 W of the 5th P.M., Davison County, SD. All members voted aye. Motion carried.

APPROVE BILLS

Motion by Weitala, second by Kiner to approve the following bills for payment. All members voted aye. Motion carried.

GENERAL FUND:

COMM: Publishing/Daily Republic Forum Comm-2,184.94, Supplies/Prof Development Academy-1,017.00; **JUD:** Prof Fees/Stephanie Moen & Assoc-306.60; **AUD:** ACH Pmt/Cortrust Bank-15.00, Rentals/Microfilm Imaging-147.00, Supplies/Prof Development Academy-1,017.00, Mainframe Prog/Software Services-460.00; **TREAS:** Mainframe Support/Software Services-200.00; **STATES ATTY:** Prof Fees/James R Davies-4,185.00; **PUB SFTY BLDG:** Repairs/Brian Winter-445.00, Gas & Electric/Northwestern Energy-8,469.32, Garbage/Miedema Sanitation-150.00; **CRTHOUSE:** Repairs & Maint/Santel Communications-45.00, Brian Winter-55.00, Garbage/Miedema Sanitation-101.00, Minor Equip/Menards-50.46; **DOE:** Software Services/Software Services-160.00; **ROD:** Rentals/Microfilm Imaging-485.00, Prog Support/Software Services-500.00; **NORTH OFF:** Repairs/American Garage Door-392.35, Supplies/Menards-42.45, Garbage/Miedema Sanitation-83.00; **VET:** Equipment/American Solutions For Business-954.51; **COORD:** IT Contract/Tech Solutions-9,480.00, Postage/Qualified Presort-589.26, Postage Meter Fees/Qualified Presort-158.48, Supplies/Software Services-120.00; **SHERIFF:** Training/Prof Development Academy-1,017.00; **JAIL:** Office Supplies/Prof Development Academy-2,034.00, Jail Supplies/Jones Supplies-126.22, Laundry Supplies/Ameripride Services-223.16, Kitchen Supplies/Jones Supplies-109.50, Prisoner Food/Summit Food Service-4,333.40, Buildings/Superior Janitorial-4,280.00, Inmate Services/Swanson Services Corp-1.81; **WELFARE:** Supplies/Qualified Presort-11.06, Office Utilities/Northwestern Energy-182.66, Equipment/A & B Business Solutions-38.97; **MENT HAND:** Ment Hand/SD Dept of Revenue-1,567.58; **MENTAL ILL:** Committals/Douglas Papendick-194.00, Hearings/Yankton Co Treasurer-122.50, Yankton Sheriff's Ofc-50.00; **FAIR:** Repairs & Maint/Runnings Supply-19.96, Gas & Electric/Northwestern Energy-2,642.99, Garbage/Miedema Sanitation-252.00; **CO EXTENSION:** Postage/Qualified Presort-11.06, Supplies/McLeod's Printing-65.38, Utilities/Northwestern Energy-182.66, Minor Equip/A & B Business Solutions-38.98; **HIWAY:** Repairs & Maint/Interstate Tire & Auto-800.00, North Central Int'l-90.00, Scott Supply Co-985.35, Thune's True Value-7.87, Supplies & Materials/Meyers Oil Co-515.9, Thune's True Value-24.87, Gas & Fuel/Meyers Oil Co-10,044.31, Utilities/Miedema Sanitation-83.00, Santel Communications-41.73, Bridge Repair/Mueller Lumber Co-122.50, Projects/Precision Grading-11,060.00; **EM:** Repairs & Maint/TMA-51.22.

APPROVE AUTOMATIC SUPPLEMENT

Motion by Reider, second by Claggett to approve an automatic supplement of \$22,723.90 to the Courthouse Buildings budget line 10100X4320161 received from the State of South Dakota, FEMA grant for the 2019 flood damage. All members voted aye. Motion carried.

DENY WELFARE CLAIMS

As per the recommendation of Welfare Administrative Assistant Emme, motion by Weitala, second by Claggett to deny welfare claim numbers 20-4166 and 20-4228 pursuant to SDCL 28-13-3, residency required for assistance. All members voted aye. Motion carried.

NATIONAL GUARD ROAD DISCUSSION

City of Mitchell Street and Sanitation Superintendent Kevin Roth, and Engineering Project Supervisor Terry Johnson appeared before the board to request funds from the county held Road & Bridge Landfill Fund for a road project on National Guard Road. It was determined by the board, that by previous resolution the funds held in that account are dedicated for road projects on the arterial roads of the Mitchell Sanitary Landfill. No action taken.

INTO EXECUTIVE SESSION

At 10:30 a.m., motion by Weitala, second by Kiner to move into executive session as per SDCL 1-25-2, to discuss litigation. All members voted aye. Motion carried.

OUT OF EXECUTIVE SESSION

At 11:30 a.m., motion by Kiner, second by Reider to move out of executive session. All members voted aye. Motion carried.

ADOPT RESOLUTION TO APPOINT OUTSIDE COUNSEL

Motion by Reider, second by Kiner to adopt the following resolution to appoint James R. Davies as outside counsel to represent Davison County. A roll call vote was taken as follows. Claggett – aye, Kiner – aye, Reider – aye, Weitala – aye, Bode – aye. Motion carried.

Davison County Resolution #090820-1 Appoint Outside Counsel

Motion by Reider, second by Kiner to adopt the following resolution to appoint James R. Davies as independent counsel to represent Davison County. A roll call vote was taken as follows. Claggett – aye, Kiner – aye, Reider – aye, Weitala – aye, Bode – aye. Motion carried.

Whereas, Davison County civil case 17CIV20-000087, Kenneth R. Hostler vs. Davison County Drainage Commission, John Milan, et. al., has been appealed to the South Dakota Supreme Court by defendant John Milan; and

Whereas, it was previously determined the Davison County States Attorney and all employed and contracted Deputy State’s Attorneys are correspondingly conflicted out of the matter; and

Whereas, an outside, independent attorney to represent the Davison County Drainage Commission in such appeal is warranted.

Now, therefore, be it resolved, that James R. Davies be, and hereby is, appointed to represent the Davison County Drainage Commission in the appeal of Davison County case 17CIV20-000087, Kenneth R. Hostler vs. Davison County Drainage Commission, John Milan, et. al., to the South Dakota Supreme Court.

Dated this 8th day of September, 2020 at Mitchell, SD.

Brenda Bode, Chairperson

ATTEST:

James Matthews, Deputy Auditor

ADOPT RESOLUTION TO APPOINT OUTSIDE COUNSEL

Motion by Reider, second by Claggett to adopt the following resolution to appoint James R. Davies as outside counsel to represent Davison County. A roll call vote was taken as follows. Claggett – aye, Kiner – aye, Reider – aye, Weitala – aye, Bode – aye. Motion carried.

**Davison County Resolution #090820-2
Appoint Outside Counsel**

Whereas, on or about September 4, 2020 a lawsuit has been filed against the Davison County Drainage Commission by Kenneth R. Hostler; and

Whereas, it has been determined the Davison County States Attorney and all employed and contracted Deputy State’s Attorneys are correspondingly conflicted out of the matter; and

Whereas, an outside, independent attorney to defend the Davison County Drainage Commission is warranted.

Now, therefore, be it resolved, that James R. Davies be, and hereby is, appointed to defend the Davison County Drainage Commission in the matter of Kenneth R. Hostler vs. Davison County Drainage Commission.

Dated this 8th day of September, 2020 at Mitchell, SD.

Brenda Bode, Chairperson

ATTEST:

James Matthews, Deputy Auditor

APPROVE AUDITOR'S ACCOUNT WITH TREASURER

Motion by Claggett, second by Reider to approve the August 2020 Auditor's Account with the Treasurer in the amount of \$6,428,164.94. All members voted aye. Motion carried.

APPROVE TIME SHEETS

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

ADJOURN

At 11:50 a.m., Chairperson Bode adjourned the meeting and set the next regular Board of Commissioners meeting for September 22nd at 9:00 a.m.

ATTEST

James Matthews, Deputy Auditor

Brenda Bode, Chairperson

Publish Once
Approximate Cost