

**April 6, 2021**

**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 of the March 30, 2021 meeting. All members voted aye. Motion carried.

**PUBLIC INPUT**

Chairperson Bode stated that a rural resident was wondering about the procedure to keep people from planting in the right-of-ways.

Highway Superintendent Weinberg responded by saying that the County can only do something about it if it is on a County road. If it is a township road, the township is responsible for the right-of-ways.

**BOARD OF EQUALIZATION INFORMATION**

DOE Love presented information to the Board regarding the upcoming Board of Equalization as well as a couple of other informational items. The items covered were appeal deadlines, board structure, appeal schedule, appeal process, 2021 assessment changes and 2022 assessment plans.

**DOE SOFTWARE UPDATE**

After reviewing information presented by DOE Love regarding Orion Appraisal System software and Vanguard Appraisal, Inc. software, motion by Reider, second by Kiner to authorize Love to move forward with negotiations with Vanguard Appraisals, Inc. regarding new software for the DOE office. All members voted aye. Motion carried.

**ACCEPT NOTICE OF RETIREMENT**

At the request of Highway Superintendent Weinberg, motion by Reider, second by Claggett to accept the notice of retirement for Weed Supervisor Greg Geppert as of June 4, 2021 after 5 ½ years of service to Davison County. All members voted aye. Motion carried.

**AUTHORIZE PURCHASE**

At the request of Highway Superintendent Weinberg, motion by Weitala, second by Kiner to authorize the purchase of five buckets of blades at a cost of \$2,400. All members voted aye. Motion carried.

**PRE-DISASTER MITIGATION PLAN**

Acting Emergency Management Director Jenniges presented an overview of the process for updating the Pre-Disaster Mitigation Plan. He explained that the plan is to be updated every five years. However, the update was delayed a year due to Covid-19. The Pre-Disaster Mitigation team held its first meeting in March and will hold its second meeting in May. There has been great participation from all entities within the County. Each entity is holding discussions as to what they feel is important for mitigation plans in their jurisdiction. These plans will be discussed at our next meeting.

Jenniges gave an update on the current proposed mitigation actions in the plan. He suggested adding a storm siren around the intersection of Bluff Ln and 409<sup>th</sup> Ave. as well as one around the intersection of 256<sup>th</sup> St. and 408<sup>th</sup> Ave. Each siren project would cost approximately \$40,000. He said they will continue to look at making improvements to Kibbee Ditch and Firesteel Creek. Generators or generator switches need to be installed in Ethan and Mt. Vernon for storm shelter purposes.

Highway Superintendent Weinberg suggested that not only County bridges be looked at for installing rip-wrap but also township bridges. The flooding over the past years has taken a toll on our bridges. Commissioner Claggett reiterated the fact that we need to stay in conversation with neighboring counties that have damns, to make sure they are taking care of their infrastructure so it doesn't cause a ripple effect downstream.

The rest of the plan may be found on file in the Emergency Management office.

#### **UPDATE 911 SIGNAGE FEES**

At the request of Acting 911 Administrator Jenniges, motion by Reider, second by Claggett to update the 911 signage fees as follows. All members voted aye. Motion carried.

<b>BUILDING PERMIT</b>	<b>Project</b>	<b>Price/SF</b>	<b>Factor</b>
	One story house/addition with basement (deduct for no basement)	\$50.00	0.004
	Two story house/addition w/basement, per floor (deduct for no basement)	\$40.00	0.004
	Garage	\$15.00	0.004
	Manufactured home	\$25.00	0.004
	Basement	\$12.00	0.004
	Deck/Covered Porch	\$8.00	0.004
	Pole building	\$6.00	0.004
	Frame barn with pit	\$15.00	0.004
	Frame building	\$12.00	0.004
	All steel machine shed	\$12.00	0.004
	Concrete or block building	\$15.00	0.004
	Remodel/Finish Basement/Change of use	\$9.00	0.004
	Pool	\$10.00	0.004
	Grain bin/silo	\$ .68 per bushel	0.004
	Tank	\$ .30 per gallon	0.004
	Sign/Billboard		\$50 Flat Fee
	Grain Leg		\$50 Flat Fee
	Structures Not Listed (\$50 minimum)		\$1 per \$1,000 valuation
	<b>Example</b>		
	1,600 SF home (basement included in fee) x \$50 x .004=	\$320.00	
	1,000 SF Garage x \$ 15 x .004	\$60.00	
	1,000 SF Deck x \$8 x .004	\$32.00	
	<b>Total Permit Fee</b>	<b>\$412.00</b>	
<b>OTHER FEES</b>	<b>Minimum Fee</b>	<b>\$50.00</b>	
	Variance	\$100.00	
	Plat Consideration Fee	\$50.00	
	Conditional Use	\$100.00	
	Special Meetings	\$300.00	
	Re-Zone	\$200.00	
	Driveway Approach (paid at HWY Shop)	\$25.00	
<b>911 ADDRESS SIGNS</b>			
	Sheet Blank (18x6)	\$9.53	
	5 Numbers	\$4.60	
	7' Delineator Post	\$7.53	
	Bolts/Nuts	\$3.00	
	Labor to create sign	\$13.34	
	<b>TOTAL SIGN FEE:</b>	<b>\$38.00</b>	
<b>DRAINAGE</b>	<b>Routine Maintenance Application</b>	<b>\$25.00</b>	
	Administratively Approved Drainage Permit (tile or ditch)	\$100.00	
	Permit Requiring Drainage Commission Hearing	\$100.00	
	Work commenced without permit*	\$500.00	
	*In addition to any required permit fees.		
	Drainage map with tile lines	\$5.00	
	Filing fee for a Record of Drain document w/Reg. of Deeds	\$30.00	
<b>CODING</b>	<b>ITEM</b>	<b>CODE</b>	
	Building Permit Fee	Building	
	Variance Fee	Variance	
	Plat Fee	Plat	
	911 Sign Fee	Signage	
	Conditional Use Fee	COND USE	
	Drainage Permit Fee	Drain Perm	
	Planning and Zoning Miscellaneous	P&Z Misc	
<b>COPIES</b>	<b>8.5x11</b>	<b>\$.25/copy/side</b>	
	11x17	\$.50/copy/side	
	GIS 8.5x11 Black & White	\$1.00/copy	
	GIS 8.5x11 Color	\$2.00/copy	
	Computer printout	\$.50/page	
	Fax	\$1.00/page	
	Mailing 8.5x11 w/postage, 4 pages or less	\$.25/page plus \$2.00 P&H	
	Mailing 8.5x11 w/postage, over 4 pages	\$.25/page plus actual P&H	
	** All fees are non refundable.		

## **ADOPT PETS/SERVICE ANIMALS IN THE WORKPLACE POLICY**

Motion by Weitala, second by Kiner to adopt the following policy regarding pets/service animals in the workplace. A roll call vote was taken as follows. Weitala – aye, Kiner – aye, Reider – aye, Claggett – aye, Bode – aye. Motion carried.

Davison County is responsible for assuring the health and safety of all employees. In keeping with this objective, the County does not permit employees to bring their pets to work. Animals may pose a threat of infection and may cause allergic reactions in other employees. Bringing your pets to work with you creates a health and safety issue and subjects the organization to increased liability. Therefore, no pets are allowed at any workplace in any Davison County buildings.

Service animals are not considered pets. An employee who requires the help of a service animal (defined by 28 CFR 36.104 as “any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability”) for an ADA qualifying disability will be permitted to bring a service animal to the workplace, provided that the employee has first obtained authorization through the job accommodation process, provided the service animal has any required training documents, and provided the service animal’s presence does not create a danger to others and does not impose an undue hardship upon the organization. Under the ADA, emotional support animals are not service animals. Emotional support animals are not permitted in the workplace.

## **ADOPT PETS/SERVICE ANIMALS IN COUNTY BUILDINGS POLICY**

Motion by Claggett, second by Weitala to adopt the following policy regarding pets/service animals in County buildings policy. A roll call vote was taken as follows. Claggett – aye, Weitala – aye, Kiner – aye, Reider – aye, Bode – aye. Motion carried.

Davison County permits in public buildings and grounds only service animals, defined as a dog that is trained to do work or perform tasks for a person with a disability. The dog must be vaccinated. The handler is responsible for caring and supervising of the animal and must ensure that the animal is harnessed, leashed, or tethered while in public places unless these devices interfere with the service animal’s work or the person’s disability prevents use of these devices and in such cases the handler must maintain control of the animal. The animal must not be allowed to bark repeatedly in a place where quiet is needed. If the animal is out of control or creates a public health issue, the County reserves the right to have the animal removed from the public place.

Emotional support, therapy, comfort and companion animals are not permitted in public buildings or grounds, except as to those animals involved in a County provided training program that is permitted on the grounds for purposes of receiving the training and in such cases the animal handler must comply with all program rules.

## **APPROVE BILLS**

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

## **GENERAL FUND:**

**COMM:** Utilities/Brenda Bode-50.00, John Claggett-50.00, Kim Weitala-50.00; **AUD:** Travel & Conf/SDACO-185.00, Utilities/Susan Kiepke-50.00; **TREAS:** Supplies/First Dakota Nat'l Bank-3.00, Travel & Conf/David Beintema-188.52, SDACO-185.00, Utilities/David Beintema-50.00, Tonya Ford-50.00, Rachel Soulek-50.00; **STATES ATTY:** Utilities/Catherine Buschbach-50.00; **CRT APPTED ATTY:** Crt Appted

Atty/Douglas Papendick-681.20; **A & N:** A&N Child/Ashley Anson Prof LLC-4,687.00; **PUB SFTY BLDG:** Repairs/Scott Supply-67.47, Phone/Roger Collins-50.00; **CRTHOUSE:** Repairs & Maint/Thune's True Value-7.99, Phone/Joel Rang-50.00; **DOE:** Utilities/Blake Biggerstaff-50.00, Karla Love-50.00, Carla Wittstruck-50.00; **ROD:** Travel & Conf/SDACO-185.00; **NORTH OFC:** Repairs/Thune's True Value-7.96, Supplies/Menards-26.95, Buildings/Menards-116.00; **VET:** Utilities/Craig Bennett-50.00, Alexander Kraus-50.00; **SHERIFF:** Cellular Service/Dawn Grissom-50.00; **JAIL:** Medicine/Mitchell Clinic-116.70, Jail Supplies/Menards-49.48, Kitchen Supplies/Jones Supplies-178.90, Prisoner Food/Summit Food Service-4,436.05, Contracts/Office Advantage-338.19, Inmate Services/Swanson Services-342.48; **WELFARE:** Office Utilities/Debra Emme-50.00, Northwestern Energy-172.93; **CADC:** Stepping Stones/CADC Stepping Stones-1,500.00; **DAKOTA MENTAL HEALTH:** Dakota Counseling Inst/Dakota Counseling-1,750.00; **MENTAL ILL:** Hearings/Avera Medical Group University Psychology-137.80, Lincoln Co Treasurer-2,065.70; **FAIRGROUNDS:** Gas & Electric/Northwestern Energy-2,485.19; **CO EXTENSION:** Travel & Conf/SDSU Extension-161.20, Utilities/Northwestern Energy-172.93; **HIWAY:** Repairs & Maint/Scott Supply-317.25, Supplies & Materials/SD Dept. of Revenue-193.26, Thune's True Value 16.49, Travel & Conf/Rusty Weinberg-50.40, Utilities/Northwestern Energy-21.83, Projects/First Bankcard-102.50, Prahm Construction-65,521.60.

### **APPROVE TIMESHEETS**

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

### **ADOPT LEASE AGREEMENT WITH VERIZON**

Motion by Claggett, second by Reider to adopt the following resolution for the third amendment to lease agreement with Verizon Wireless. A roll call vote was taken as follows. Claggett – aye, Reider – aye, Kiner – aye, Weitala – aye, Bode – aye. Motion carried.

#### **Davison County Resolution #040621-01 Third Amendment to Lease Agreement With Verizon Wireless**

The Third Amendment to Lease Agreement (Amendment”) is made this 6<sup>th</sup> day of April, 2021 by and between Davison County, South Dakota (“Landlord”) and CommNet Cellular, Inc. d/b/a Verizon Wireless, as successor in interest to Missouri Valley Cellular, Inc., whose principal place of business is One Verizon Way, Mail Stop 4AW100, Basking Ridge, NJ 07920 (“Tenant”). Landlord and Tenant are at times collectively referred to hereinafter as the “Parties.”

**Whereas**, there is now in full force and effect between the Parties a Lease Agreement dated September 2, 1997. As amended (collectively the “Agreement”), pursuant to which Tenant has leased certain space on Landlord’s building and property located at 4<sup>th</sup> Avenue and North Lawler Street, Mitchell, South Dakota; and

**Whereas**, the Parties wish to extend the term of the Agreement and update certain provisions therein.

**Now Therefore**, in consideration of the promises hereinafter made and other good and valuable consideration, the receipt of which is hereby acknowledged, Landlord and Tenant agree as follows:

1. **Term.** Commencing on September 1, 2022 (“New Renewal Term Commencement Date”), the term of the Agreement shall automatically be extended for five (5) additional renewal terms of five (5) years

each (each a “New Renewal Term”), unless Tenant sends written notice of non-renewal to Landlord no later than ninety (90) days prior to the expiration of the then-current term.

2. Rent. Commencing upon the New Renewal Term Commencement Date, the rent due under the Agreement shall be in the annual amount of Thirteen Thousand Four and 00/100 Dollars ((\$13,004.00).
3. Rent Increases. Commencing on the first annual anniversary of the New Renewal Term Commencement Date, and on each annual anniversary of the New Renewal Term Commencement Date thereafter, the annual rental shall increase by an amount equal to 3% of the annual rental due during the immediately preceding lease year.
4. Assignment. Section 17 of the Agreement is hereby deleted in its entirety and replaced with the following:

Without any approval or consent of the other Party, this Agreement may be sold, assigned or transferred by either party to (i) any entity in which the Party directly or indirectly holds an equity or similar interest; (ii) any entity which directly or indirectly holds an equity or similar interest in the Party; or (iii) any entity directly or indirectly under common control with the Party. Tenant may assign this Agreement to any entity which acquires all or substantially all of Tenant’s assets in the market defined by the FCC in which the Property is located by reason of a merger, acquisition or other business reorganization without approval or consent of Landlord. As to other parties, this Agreement may not be sold, assigned or transferred without the written consent of the other Party, which such consent will not be unreasonable withheld, delayed or conditioned. No change of stock ownership, partnership interest or control of Tenant or transfer upon partnership or corporate dissolution of either Party shall constitute an assignment hereunder.

5. Notice Address. Tenant’s notice address shall be updated as follows:  
CommNet Cellular, Inc.  
d/b/a Verizon Wireless  
180 Washington Valley Road  
Bedminster, New Jersey 07921  
Attention: Network Real Estate
6. Other than as specifically amended herein, all other terms and conditions of the Agreement shall remain in full force and effect. Where there is conflict between the terms of the Agreement and this Amendment, the terms of this Amendment shall control. Unless otherwise indicated or introduced in this Amendment, all defined terms referenced in the Amendment shall have the same meaning as those found in the Agreement.

**In Witness Whereof**, the Parties hereto have executed in duplicate this Amendment on the day and year first above written.

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Brenda Bode, Chairperson

ATTEST:

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Susan Kiepke, Auditor

**SIGN BRIDGE IMPROVEMENT GRANT AGREEMENT**

Motion by Claggett, second by Reider to authorize chairperson to sign the Bridge Improvement Grant Agreement for Rehabilitation/Replacement for structure number 18-030-144, project number BRF 6219(00)21-5 PCN 08F6. All members voted aye. Motion carried.

**ACKNOWLEDGE VOLUNTEERS**

Motion by Claggett, second by Reider to acknowledge volunteers for the month of April 2021. The full list may be found on file in the Davison County Auditor’s office. All members voted aye. Motion carried.

**INTO EXECUTIVE SESSION**

At 10:39 a.m., motion by Kiner, second by Weitala to move into executive session to discuss personnel as per SDCL 1-25-2. All members voted aye. Motion carried.

**OUT OF EXECUTIVE SESSION**

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

**ADJOURN**

At 11:38 a.m., Chairperson Bode adjourned the meeting and set the next regular Board of Commissioners meeting for April 13<sup>th</sup> at 9:00 a.m.

**ATTEST**

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Susan Kiepke, Auditor

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Brenda Bode, Chairperson

Publish Once  
Approximate Cost