

**November 9, 2021**

**CALL TO ORDER**

Chairperson Bode called the regular meeting of the Davison County Board of Commissioners to order at 9:00 a.m. Members of the Board present were Claggett, Kiner, Weitala, Bode. Absent Reider. Also present was Auditor Kiepke.

**PLEDGE**

The Pledge of Allegiance was led by Chairperson Bode.

**APPROVE MINUTES**

Motion by Claggett, second by Kiner to approve the minutes of the November 2, 2021, meeting. All members present voted aye. Motion carried.

**RECESS BOARD OF COMMISSIONER/CONVENE BOARD OF ADJUSTMENT**

At 9:12 a.m., motion by Weitala, second by Kiner to recess Board of Commissioners and convene Board of Adjustment. All members present voted aye. Motion carried.

**ADJOURN BOARD OF ADJUSTMENT/RECONVENE BOARD OF COMMISSIONERS**

At 9:31 a.m., motion by Kiner, second by Claggett to adjourn Board of Adjustment and reconvene Board of Commissioners. All members present voted aye. Motion carried.

**APPROVE PLAT**

Motion by Claggett, second by Weitala to approve a Plat of Lot 1-A, a Subdivision of Lot 1 of Circle K Ranch Third Addition in Government Lot 4 in the NW ¼ of Section 6, T 103 N, R 60 W of the 5<sup>th</sup> P.M., Davison County, South Dakota. All members present voted aye. Motion carried.

**APPROVE LIGHT REPLACEMENT**

At the request of Emergency Management Director Bathke, motion by Claggett, second by Weitala to approve the replace of the 4' and 8' fluorescent lights with LED lights at the Emergency Management shed at a cost of \$2,913 provided by Baker Electric. All members present voted aye. Motion carried.

**APPROVE WAGES FOR RECLASSIED EMPLOYEES**

As per the recommendation of HR Director Meaney, motion by Weitala, second by Kiner to approve a wage of \$19.54 per hour with an introductory increase of \$.50 per hour for Trestin Jerke and Kyle Bice, who were reclassified as Deputy Sheriffs last week. All members present voted aye. Motion carried.

**APPROVE INTRODUCTORY WAGE INCREASES**

As per the recommendation of DOE Young, motion by Claggett, second by Kiner to approve an introductory wage increase of \$.50 per hour for Bridgett Nelson, effective November 27, 2021, as she will have completed a successful six-month introductory period. All members present voted aye. Motion carried.

As per the recommendation of Highway Superintendent Weinberg, motion by Kiner, second by Claggett to approve an introductory wage increase of \$.50 per hour for Jack Sorenson, effective November 27, 2021, as he will have completed a successful six-month introductory period. All members present voted aye. Motion carried.

As per the recommendation of Physical Plant Manager Rang, motion by Weitala, second by Claggett to approve an introductory wage increase of \$.50 per hour for Robert Love, effective December 11, 2021, as he will have completed a successful six-month introductory period. All members present voted aye. Motion carried.

## **SET DATE AND TIME FOR SUPPLEMENTAL BUDGET HEARING**

Motion by Kiner, second by Claggett to set November 30, 2021 at 9:15 a.m. in the Commission Chambers located at 1420 North Main Street, Mitchell, SD for a supplemental budget hearing for the Courthouse budget in the amount of \$185,455, the Transfer Out Highway budget in the amount of \$1,228,949 and the Transfer To Highway Fund in the amount of \$1,228,949 and to post the same. All members present voted aye. Motion carried.

## **APPROVE BILLS**

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

## **GENERAL FUND:**

**COMM:** Utilities/Brenda Bode-50.00, John Claggett-50.00, Kim Weitala-50.00; **JUD:** Prof Fees/Daniel P Feldhaus-54.40, Carol Johnson-174.8; **AUD:** Rentals/Microfilm Imaging-147.00, Supplies/McLeod's Printing-341.09, Utilities/Susan Kiepke-50.00, Mainframe Prog/Software Services-462.00; **TREAS:** Utilities/David Beintema-50.00, Tonya Ford-50.00, Rachel Soulek-50.00, Mainframe Prog/Software Services-154.00; **STATES ATTY:** Diversion Service & Fees/Catherine Buschbach-50.00, First Bankcard-371.19; **CRT APPTED ATTY:** Crt Appted Atty/Dailey Law-1,329.90, Tschetter & Adams Law-572.96, Wantoch Law Office-1,120.50, Legal Exp/Zylstra Investigations-3,129.28, Public Def Exp/Alvine Weidenaar-191.22; **PUB SFTY BLDG:** Repairs/Menards-16.45, Garbage/Miedema Sanitation-150.00, Phone/Robert Faas-50.00, Jamie Sloan-50.00; **CRTHOUSE:** Repairs & Maint/Robert Love-17.99, Thune's True Value-15.49, Supplies/Menards-37.39, Garbage/Miedema Sanitation-101.00, Phone/Robert Love-50.00, Joel Rang-50.00; **DOE:** Supplies/Al's Engraving-52.00, Utilities/Blake Biggerstaff-50.00, Karla Love-50.00, Carla Wittstruck-50.00, Software Services/Software Services-1,320.00, Vehicle Repair/Carquest of Mitchell-13.99; **ROD:** Rentals/Microfilm Imaging-465.00, Prog Support/Software Services-110.00; **NORTH OFF:** Repairs/Thune's True Value-7.47, Supplies/Menards-43.05, Garbage/Miedema Sanitation-83.00; **VET:** Supplies/McLeod's Printing-252.67, Utilities/Craig Bennett-50.00, Alexander Kraus-50.00; **COORD:** IT Contract/Tech Solutions-9,834.00, Postage/Qualified Presort-928.44, Postage Meter Fees/Qualified Presort-262.47; **HR:** Trvl & Conf/Tonya Meaney-174.40, Utilities/Tonya Meaney-50.00, Mainframe Prog/Software Services-264.00; **SHERIFF:** Repairs Patrol Car/Iverson Chrysler Center-75.29, Car Wash/Mega Wash-70.00, Office Supplies/McLeod's Printing-12.99, Uniforms/Jack's Uniforms-52.99, Cellular Services/Dawn Grissom-50.00, Minor Equip/B & L Communications-205.19, Danko Emergency Equip Co-6,855.92; **JAIL:** Medicine/Avera Queen of Peace Hosp-848.17, County Fair Food Store-39.96, Fed Inmate Med/Mitchell Clinic-40.00, Equip Repair/Wholesale Electronics-28.25, Office Supplies/Civic Research Institute-179.95, Innovative Office-101.78, Jail Supplies/Bob Barker Co-74.38, Charm-Tex, Inc-74.90, County Fair Food Store-41.03, Jones Supplies/387.12, Laundry Supplies/Jones Supplies/188.83, Kitchen Supplies/Cash-Was Dist/482.42, Jones Supplies/68.80, Uniforms/Recognition Engraving & Awards/115.12, Prisoner Food/Summit Food Service/10,154.35, Contracts/Office Advantage-565.82, Medical Waste Transport/220.55, Minor Equip/Cut-

Rate Batteries/232.75, Inmate Services/Swanson Services-4.70; **WELFARE:** Office Utilities/Northwestern Energy-86.29; **MENTAL HAND:** Handicap/SD Dept of Revenue-3,994.37; **MENTAL ILL:** Committals/Douglas Papendick-198.00, Hearings/Fox & Youngberg-1,618.68; **FAIR:** Repairs & Maint/Tessier's Inc-791.52, Garbage/Miedema Sanitation-101.00; **CO EXTENSION:** Postage/Qualified Presort-75.13, Utilities/Bureau of Administration-18.00, Northwestern Energy-86.28; **WEED:** Repairs/Carquest of Mitchell-75.95, Runnings Supply-39.56, Supplies/Runnings Supply-84.41, Trvl & Conf/Brian Bode-61.70; **P & Z:** Supplies/McLeod's Printing-567.73, Trvl & Conf/Karen Wegleitner-66.00; **HIWAY:** Repairs & Maint/Bailey Metal-470.90, Butler Machinery-2,492.16, Carquest of Mitchell-777.48, Diamond Mowers-532.72, Fastenal Co-8.51, Paulson Sheet Metal-255.10, Scott Supply-358.56, Supplies & Materials/Carquest of Mitchell-249.90, Menards-825.07, Mitchell Iron & Supply-221.18, Runnings Supply-887.90, Utilities/Miedema Sanitation-83.00, Northwestern Energy-21.40, Jack Sorenson-50.00, Clayton Wells-50.00, Minor Equip/Butler Machinery-969.30, Projects/Central Electric-4,598.52, Menning Excavating-86,881.00, Patch Mix/Commercial Asphalt-923.44; **EMG MGMT:** Repairs & Maint/Sturdevant's Auto Parts-218.16, Supplies/McLeod's Printing-59.90, Utilities/Jeff Bathke-50.00, Minor Equip/First Bankcard-427.82, Radio Equip/Two Way Solutions-900.00; **URBAN & ECON DEV:** TID C3 Edgerton Place/Cortrust Bank-52,425.86.

### **SIGN LEASE AGREEMENT**

Motion by Kiner, second by Claggett to sign the State of South Dakota Lease Agreement Lease #: 0900-449 with monthly installments of \$157.37, which is computed at a rate of \$16.28 per square foot. Payments will commence for the space at the North Offices on November 1, 2021. The full lease may be found on file in the Davison County Auditor's office. All members present voted aye. Motion carried.

### **SUPPLEMENT SHERIFF'S BUDGET**

Motion by Kiner, second by Claggett to supplement the Sheriff's budget Overtime line (4111/211) in the amount of \$514.27, Social Security line (4120/211) in the amount of \$39.34 and State Retirement line (4130/211) in the amount of \$41.14 received from the State of South Dakota Highway Safety Overtime Enforcement Grant. All members present voted aye. Motion carried.

### **APPROVE AUDITOR'S ACCOUNT WITH TREASURER**

Motion by Claggett, second by Kiner to approve the October 2021 Auditor's Account with the Treasurer in the amount of \$18,513,328.16. All members present voted aye. Motion carried.

### **ADOPT RESOLUTION FOR CONTINGENCY TRANSFER**

Motion by Claggett, second by Weitala to approve the following resolution for a contingency transfer for the 2021 budget year. A roll call vote was taken as follows Claggett- aye, Kiner - aye, Weitala - aye, Bode – aye, Reider - absent. Motion carried.

#### **Resolution #110921-01 Contingency Transfer**

**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 2021 budget year:

Transfer from the General Fund Contingency Budget 112 in the amount of \$113,000 to the following budgets:

160	Public Safety Building	\$9,000
165	Veteran's Service Office	\$24,000
212	Jail	\$20,000
215	Juvenile Detention	\$60,000

Dated at Mitchell, South Dakota, this 9<sup>th</sup> day of November, 2021.

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Brenda Bode, Chairperson

ATTEST:

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Susan Kiepke, Auditor

### **APPROVE TRAVEL**

At the request of Community Health Nurse Auch, motion by Weitala, second by Kiner to allow clerical personnel from the Community Health office to attend regional meetings on November 18<sup>th</sup> and December 16<sup>th</sup>, 2021, in Sioux Falls. All members present voted aye. Motion carried.

### **ADOPT NORTHWESTERN ENERGY RESOLUTION**

Motion by Claggett, second by Kiner to adopt the following resolution pertaining to Northwestern Energy. A roll call vote was taken as follows. Claggett – aye, Kiner – aye, Weitala – aye, Bode – aye, Reider – absent. Motion carried.

#### **Resolution #110921-02 Northwestern Energy**

#### **I.**

**Whereas, NorthWestern Corporation, a Delaware Corporation, d/b/a NorthWestern Energy (NorthWestern)**, has filed an application with the Davison County Board of Commissioners pursuant to SDCL Section 7-8-23 on November 9, 2021, seeking the right to construct, lay, maintain and operate natural gas pipelines and mains along the county highways located in Davison County, South Dakota.

#### **II.**

**Whereas**, the Davison County Board of Commissioners has the jurisdiction and authority to grant the application of **Northwestern** as set forth in paragraph I above, subject to such conditions as it may desire to impose.

**Therefore, be it resolved** by the Davison County Board of commissioners as follows:

1. That the application of **Northwestern** dated September 3, 2021, for permission to construct, lay, maintain and operate natural gas pipelines and mains on and along Davison County Roads is granted subject to the conditions set forth herein.
2. That this grant is for a period of twenty (20) years from and after November 9, 2021, or as may be extended by the Davison County Board of Commissioners in writing at a subsequent date.
3. That as consideration for this grant, **NorthWestern** agrees to indemnify and hold harmless Davison County, its officers and employees from any and all liability, damages, claims, demands or otherwise, whether the same is based on contract or otherwise in law or inequity associated with the design, construction, installation, laying, operating, inspecting, repairing, maintaining, replacing and removing of pipes, mains, valves and all other devices used in connection with the operation of its natural gas pipeline located pursuant to this grant, except such liability, damages, claims or demands which arise as a result of the negligence of the county, its officers, employees or agents.
4. That as additional consideration for this grant, **NorthWestern** agrees to restore, at its expense, the affected areas in as good condition as before said work was commenced and replace any structures affected, i.e. culverts and signs; and if the county road should be rebuilt or construction and maintenance of the county road requires the removal or relocation of the pipeline, it shall be solely at the expense of **NorthWestern**.
5. That the rights and conditions by this grant shall be binding upon the successors and assigns of **Northwestern**.
6. This grant shall further be subject to all rules and regulations as are prescribed by the State of South Dakota relating to the construction, operation and maintenance of gas pipelines and mains.
7. That this grant shall not be effective until execution of the acceptance of the conditions set forth below by **NorthWestern**.

Dated this 9<sup>th</sup> day of November, 2021.

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Chairman, Board of County Commissioners

ATTEST:

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Susan Kiepke, Auditor

**ADJOURN**

At 10:59 a.m., Chairperson Bode adjourned the meeting and set the next regular Board of Commissioners meeting for November 16<sup>th</sup>, 2021 at 9:00 a.m.

**ATTEST**

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Susan Kiepke, Auditor

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Brenda Bode, Chairperson

Publish Once  
Approximate Cost