

December 6, 2022

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 AGENDA

Motion by Claggett, second by Blaalid to approve the agenda for the December 6, 2022, meeting. All members voted aye. Motion carried.

APPROVE MINUTES

Motion by Blaalid, second by Kiner to approve the minutes of the November 22, 2022, meeting. All members voted aye. Motion carried.

PUBLIC INPUT

Steve Sibson, who stated he had been a poll watcher for the 2022 General election, talked about some things he feels need to be changed regarding the election process.

INTO EXECUTIVE SESSION

At 9:15 a.m., motion by Kiner, second by Claggett to move into executive session to discuss legal matters, as requested by Deputy States Attorney Taylor, pursuant to SDCL 1-25-2. All members voted aye. Motion carried.

OUT OF EXECUTIVE SESSION

At 9:53 a.m., motion by Claggett, second by Kiner to move out of executive session. All members voted aye. Motion carried.

ADOPT RESOLUTION TO APPROVE PROPOSED AMENDMENT TO SETTLEMENT AGREEMENT

Motion by Claggett, second by Bhaalid to adopt the following resolution to approve the proposed amendment to a settlement agreement. A roll call vote was taken as follows. Claggett – aye, Kiner – aye, Reider – aye, Bhaalid – aye, Bode – aye. Motion carried.

**Davison County Resolution 120622-01
Resolution to Approve the
Proposed Amendment to
Settlement Agreement**

Whereas, a settlement agreement relating to the resolution and dismissal of Davison County civil action 17CIV13000276 was recorded with the Davison County Register of Deeds on August 29, 2017, in Book MR77 at Page 378, thereof; and

Whereas, additional litigation subsequent to, but related to, Davison County civil action 17CIV13000276 was commenced in 2022 as Davison County civil action 17CIV22000136; and

Whereas, a proposed additional settlement agreement amending the aforesaid agreement in civil action 17CIV13000276 has been negotiated in order to settle the issues brought before the Court in civil action 17CIV22000136; and

Whereas, the aforesaid amendment to the settlement agreement intended to settle the issues brought before the Court in civil action 17CIV22000136 was agreed upon by the Davison County Commissioners on December 6, 2022.

Now, therefore be it resolved that Davison County, South Dakota, acting through its Board of Commissioners, does hereby approve and adopt the aforesaid amended settlement agreement as related to the resolution of both Davison County civil action 17CIV12000276 and Davison County civil action 22000136, and the Chair of the Board of Commissioners of Davison County, South Dakota, is hereby authorized to execute such amended settlement agreement.

Dated at Mitchell, South Dakota, this 6th day of December 2022.

Brenda Bode, Chairperson

ATTEST:

Susan Kiepke, Auditor

REVIEW TIF GUIDELINES

Planning & Zoning Administrator Bathke reviewed the TIF guideline updates he is proposing. The commissioners will take them under consideration and make a decision at the next meeting.

DISCUSSION TO ADD COUNTY TO VSO CONTRACT

VSO Bennett discussed the possibility of adding Buffalo County to the VSO contract. There are several options to be considered. He will have further information once he meets with the Buffalo County Commissioners.

REPLACE ELECTION VOTING BOOTHS

At the request of Auditor Kiepke, motion by Claggett, second by Blaalid to replace forty voting booths at a cost of \$5,097.43, due to the fact they were not replaced when others were. All members voted aye. Motion carried.

JDC DISCUSSION

As requested by Minnehaha County, the commissioners discussed the idea of signing a statement in support of building and helping to fund a new Juvenile Detention Center in Minnehaha County. Although the Davison County commissioners support the idea, they feel it is too soon to commit and more conversations need to take place before signing anything.

INTO EXECUTIVE SESSION

At 10:45 a.m., motion by Reider, second by Kiner to move into executive session to discuss personnel, as requested by Sheriff Harr, pursuant to SDCL 1-25-2. All members voted aye. Motion carried.

OUT OF EXECUTIVE SESSION

At 11:10 a.m., motion by Reider, second by Blaalid to move out of executive session. All members voted aye. Motion carried.

ACCEPT RETIREMENT NOTICE

Motion by Claggett, second by Kiner to accept the retirement notice of Corrections Administrator Radel, effective March 19, 2023, and advertise for replacement. All members voted aye. Motion carried.

APPROVE WEBSITE UPDATE/PROVIDER

Motion by Claggett, second by Reider to approve Web Site Initiative, which is made available through SDACO, as the new provider for the Davison County website, which will provide for faster updates and easier access to the Davison County web page. The cost will be \$1,550 for set-up and \$950 annually. All members voted aye. Motion carried.

APPROVE EMPLOYEE CHANGES

Motion by Blaalid, second by Kiner to approve an introductory wage adjustment of \$.50 for Corrections Sergeant Melinda Harmelink, effective November 26, 2022. All members voted aye. Motion carried.

Motion by Reider, second by Blaalid to approve an introductory wage adjustment of \$.50 for CVSO Courtney Ditter, effective December 7, 2022. All members voted aye. Motion carried.

Motion by Reider, second by Blaalid to approve the resignation of full-time Corrections Officer Nate Newton, effective December 22, 2022, and to advertise for the same. All members voted aye. Motion carried.

APPROVE BILLS

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

GENERAL FUND:

COMM: Prof Fees/SD Retirement System-45.00, Tristar Benefit Admin-432.00, Publishing/Daily Republic Forum Comm-126.68, Utilities/Brenda Bode-50.00, John Claggett-50.00; **ELECT:** Supplies/DS Solutions Inc-192.50, Elections Systems & Software-3,076.66, First Bankcard-81.40, McLeod's Printing & Offc-47.97; **JUD:** Jury Fees/Jurors-1343.84, Prof Fees/Terri Lembcke Schildhauer-448.25; **AUD:** AHC PMT/Cortrust Bank-15.00, Rentals/Microfilm Imaging Sys Inc-147.00, Supplies/First Bankcard-927.55, McLeod's Printing & Offc-223.79, Trvl & Conf/First Bankcard-487.20, Utilities/Susan Kiepke-50.00, Time Clock Plus/Time Clock Plus-4,082.00; **TREAS:** Passport Postage/First Bankcard-118.80, Supplies/First Dakota Nat'l Bank-8.00, McLeod's Printing & Offc-54.95, State MV Supplies/McLeod's Printing & Offc-54.95, Utilities/David Beintema-50.00, Tonya Ford-50.00; **STATES ATTY:** Prof Fees/First National Bank of Omaha-67.40, Diversion Service & Fees/Catherine Buschbach-50.00, Repairs & Maint/A & B Business Solutions-67.35, Menards-36.81, Dues/SD States Attorneys Assoc-1,264.00, Books/West Payment Center-638.91; **CRT APPTED ATTY:** Public Def Contract/Alvine Law Firm-16,229.16, Douglas Papendick-16,229.16, Public Def Expense/Alvine Law Firm-6.75, Crt Appted Atty/Douglas Papendick-15,220.70; **PUB SFTY BLDG:** Repairs/First Bankcard-270.26, Menards-74.98, Gasoline/Brooks Oil Co. Inc-89.01, Phone/Robert Faas-50.00, Scott Gaulke-50.00, Rick Hornaman-50.00; **CRTHOUSE:** Repairs & Maint/Golden West-75.00, Menards-57.96, Supplies/Menards-59.94, Gas & Fuel/Brooks Oil Co. Inc-151.58, Water & Sewer/City of Mitchell-108.38, Phone/Robert Love-50.00, Joel Rang-50.00; **DOE:** Supplies/First Bankcard-289.46, Gas/Brooks Oil Co. Inc-178.34, Utilities/Karla Love-50.00, Jared Olsen-50.00, Carla Wittstruck-50.00; **ROD:** Supplies/First Bankcard-89.73; **N. OFC:** Repairs/Upper Midwest Garage Door-154.08, Supplies/Thune's True Value-16.98; **VET:** Utilities/Craig Bennett-50.00, Courtney Ditter-50.00, TJ Thomas-50.00, Trvl & Conf/Brooks Oil Co. Inc-51.92; **CO COORD:** Postage/Qualified Presort-1,071.37, Postage Meter Fees/Qualified Presort-294.84, Copy Mach Maint/A & B Business Solutions-33.52, Access Systems-129.00; **HR:** Supplies/First Bankcard-100.00, GFC Leasing-50.75, Utilities/Tonya Meaney-50.00; **SHERIFF:** Prof Services/First Bankcard-100.00, Repairs Patrol Car/TMA-25.75, Gas Patrol Car/Brooks Oil Co. Inc-7,214.33, Kyle Bice-42.32, First Bankcard-162.91, Uniforms/Axon Enterprise-60.70, Cellular Service/Dawn Grissom-50.00, Grace Murphy-50.00; **JAIL:** Medicine/Lewis Drug Stores-2,279.62, Fed Inmate Med Ex/Lewis Drug Stores-27.79, Equip Repair/L L Harder Inc-1,267.97, Ofc Supplies/Ginger Faas-50.00, Innovative Office Solutions-351.49, Jail Supplies/Lewis Drug Stores-9.98, Laundry Supplies/Aramark-326.80, Uniforms/Aramark-1,513.29, Prisoner Food/Summit Food Service-14,746.83, Health Protection/Avera Occupational-269.00, Contracts/Office Advantage-83.44, Minor Equip/B & L Communications-451.45, First Bankcard-149.95, Vehicle Maint/Brooks Oil Co. Inc-530.19, Lube Rangers-56.81, Inmate Services/Swanson Services-10.68; **WELFARE:** Supplies/Qualified Presort-7.85, Transients/First Bankcard-88.74, Travel/Christine Norwick-17.85, Ofc Utilities/Northwestern Energy-135.39, Christine Norwick-50.00, Funerals/Fredericksen Enterprise-2,500.00; **MENTAL HAND:** Ment Hand/SD Dept of Revenue-2451.90; **MENTAL ILL:** Committals/Douglas Papendick-606.00, Hearings/Avera McKennan Hosp-790.00, Lincoln Co Treasurer-1,563.47, Lucy M Lewno-93.25; **FAIR:** Repairs & Maint/Menards-101.92, Gas & Electric/Northwestern Energy-2,243.14; **CO EXTENSION:** Postage/Qualified Presort-7.85, Trvl & Conf/Christine Norwick-17.85, Utilities/Northwestern Energy-135.39; **WEED:** Trvl & Conf/First Bankcard-40.80, SD Assoc of Weed & Pest-75.00, Weed & Pest Conf-305.00, Board Mileage/Brenda Bode-15.17, Brian Bode-34.68, Terry Nutter-3.06, Kevin Deinert-13.26, James Miiller-18.36, Utilities/City of Mitchell-345.36; **DRAINAGE:** Publishing/Daily Republic Forum Comm-56.64; **HIWAY:** Prof Fees/D-Ware Inc-5,850.00, Sioux Falls Crane & Hoist-373.66, Repairs & Maint/Graham Tire Co-2,085.85, Supplies & Materials/Access Systems-50.57, SD Dept of Revenue-21.30, Thune's True Value-5.43, Trail King Ind-763.93, Gas &

Fuel/Brooks Oil Co. Inc-31,122.35, First Bankcard-41.59, Trvl & Conf/Country Inn & Suites-262.82, Utilities/City of Mitchell-38.77, Northwestern Energy-52.38, Jack Sorenson-50.00, Clayton Wells-50.00, Equipment/Butler Machinery-40,672.18; **EMG MGMT:** Supplies/First Bankcard-120.70, Fuel/Brooks Oil Co. Inc-142.22, First Bankcard-94.23, Utilities/Northwestern Energy-61.50, Jeff Bathke-50.00, City of Mitchell-31.22, Karen Wegleitner-50.00, Emg Accuml/First Bankcard-47.12; **JAIL 247:** Drug Patches/First Bankcard-87.88; **BID DEP:** Fair Dmg Dep/Marlene Gillam-200.00.

APPROVE TIMESHEETS

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

ACKNOWLEDGE VOLUNTEERS

Motion by Claggett, second by Reider to acknowledge volunteers for the month of December 2022, with the full list on file in the Davison County Auditor's office. All members voted aye. Motion carried.

APPROVE RAFFLE REQUEST

As requested by Steve Thuringer, motion by Reider, second by Blaalid to approve a raffle request for Mitchell Friends of NRA to benefit South Dakota shooting sports activities. All members voted aye. Motion carried.

SIGN LEASE AGREEMENT

Motion by Reider, second by Blaalid to authorize chairperson to sign a lease agreement with the State of South Dakota for approximately 349 square feet within the building located at 1420 N. Main St, Mitchell, Davison County, SD, commencing January 1, 2023, and ending December 31, 2027. Payments will be \$16.28 per square foot. The lease may be found on file at the Davison County Auditor's office. All members voted aye. Motion carried.

SET DATE AND TIME FOR SUPPLEMENTAL BUDGET HEARING

Motion by Claggett, second by Kiner to set December 27, 2022, at 9:15 a.m. in the Commission Chambers located at 1420 North Main Street, Mitchell, SD for a supplemental budget hearing for the Sheriff's Office budget in the amount of \$100,000. All members voted aye. Motion carried.

APPROVE AUDITOR'S ACCOUNT WITH TREASURER

Motion by Claggett, second by Kiner to approve the November 2022 Auditor's Account with the Treasurer in the amount of \$14,419,182.22. All members voted aye. Motion carried.

GRANT ADDITIONAL HOLIDAY

Motion by Kiner, second by Blaalid to grant December 23, 2022, as a holiday for Davison County employees as the Governor has declared it a holiday for the State of South Dakota. A roll call vote was taken as follows. Kiner - aye, Blaalid - aye, Claggett - nay, Reider - nay, Bode - nay. Motion failed.

INTO EXECUTIVE SESSION

At 11:41 a.m., motion by Blaalid, second by Kiner to move into executive session to discuss union negotiations, as requested by HR Director Meaney, pursuant to SDCL 1-25-2. All members voted aye. Motion carried.

OUT OF EXECUTIVE SESSION

At 12:30 p.m., motion by Claggett, second by Kiner to move out of executive session. All members voted aye. Motion carried.

ADJOURN

At 12:31 p.m., Chairperson Bode adjourned the meeting and set the next regular Board of Commissioners meeting for December 13, 2022, at 9:00 a.m.

ATTEST

Susan Kiepke, Auditor

Brenda Bode, Chairperson

Publish Once
Approximate Cost