

March 21, 2023

CALL TO ORDER

Chairperson Reider 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, Nebelsick, Reider. Absent Blaalid. Also present was Auditor Kiepke.

PLEDGE

The Pledge of Allegiance was led by Chairperson Reider.

APPROVE AGENDA

Motion by Claggett, second by Nebelsick to approve the agenda, as amended, for the March 21, 2023, meeting. All members present voted aye. Motion carried.

APPROVE MINUTES

Motion by Claggett, second by Kiner to approve the minutes of the March 14, 2023, meeting. All members present voted aye. Motion carried.

BOARD REPORTS

As there was nobody present for public input, the Master Transportation Plan was discussed amongst the commissioners before the regular meeting began.

RECESS BOARD OF COMMISSIONER/CONVENE BOARD OF ADJUSTMENT

At 9:15 a.m., motion by Nebelsick, 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 9:21 a.m., motion by Nebelsick, second by Claggett to adjourn Board of Adjustment and reconvene Board of Commissioners. All members present voted aye. Motion carried.

APPROVE PLATS

Motion by Claggett, second by Nebelsick to approve a Plat of Lot 1 of Albrecht's Addition in the NE ¼ of Section 18, T 103 N, R 60 W of the 5th P.M., Davison County, South Dakota. All members present voted aye. Motion carried.

Motion by Nebelsick, second by Claggett to approve a Plat of Tract 1 of Patrick's Addition in the S ½ of the SW ¼ of Section 17, T 102 N, R 61 W of the 5th P.M., Davison County, South Dakota. All members present voted aye. Motion carried.

ACCEPT FUEL QUOTE

Motion by Kiner, second by Nebelsick to accept the low fuel quote from Brooks Oil for 3,000 gallons of premium unleaded at a cost of \$2.974 per gallon and 7,000 gallons of #2 diesel at a cost of \$2.864 per gallon. All members present voted aye. Motion carried.

APPROVE TIMESHEETS

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

OPEN HIGHWAY BIDS

At 9:30 a.m., motion by Claggett, second by Kiner to open highway bids. All members present voted aye. Motion carried.

TABLE HIGHWAY BIDS

Motion by Claggett, second by Kiner to table highway bids so that Highway Superintendent Weinberg may review them. All members present voted aye. Motion carried.

ADOPT RESOLUTION TO VACATE ALLEY

Motion by Nebelsick, second by Kiner to adopt the following resolution to vacate the described alley. A roll call vote was taken as follows. Nebelsick – aye, Kiner – aye, Claggett – aye, Reider – aye, Blaalid – absent. Motion carried.

Resolution #032123-01 Vacation of Alley

Whereas, there was previously presented to the Board of Commissioners of Davison County, South Dakota, the Petition of TKKlingaman LLC, a South Dakota limited liability company, and Jeffrey R. DelFavero and Denise DelFavero, husband and wife, to vacate a certain alley way described as follows:

Lots One through Twelve (1-12) inclusive, Block Four (4), Original Plat of Home Park in the Northeast Quarter (NE ¼) of Section Twenty (20), Township One Hundred Three (103) North, Range Sixty (60), West of the 5th P.M., Davison County, South Dakota, which is owned by Petitioners TKKlingaman LLC.

Petitioner TKKlingaman LLC requests that the dedicated alley platted running east and west through the center of Petitioner's real property be vacated. Petitioner TKKlingaman LLC owns all of the real property adjacent to the portion of the public alley sought to be vacated; and

Whereas, the Petition was also presented to the City of Mitchell, Davison County, South Dakota, as the subject property is within one (1) mile of the corporate boundaries of the City of Mitchell; and

Whereas, SDCL 31-3-44 grants primary authority for vacation of streets, roads, alley, and highways located within the extraterritorial jurisdiction of a municipality to such municipality; and

Whereas, the aforesaid alley is within the extraterritorial jurisdiction of the City of Mitchell; and

Whereas, the Petition for vacation of the aforesaid alley was granted by the City Council of the City of Mitchell on March 20, 2023; and

Whereas, SDCL 9-45-13.1 grants secondary authority to the board of county commissioners of the county within which such street, road, alley, or highway is located and is subject to the aforesaid extraterritorial jurisdiction of a municipality, such roadway sought to be vacated being located in Davison County, South Dakota; and

Whereas, the Board of Commissioners of Davison County has not previously been requested to act on the aforesaid petition for vacation of the aforesaid alley; and

Whereas, the Board of Commissioners of Davison County now finds, as did the City Council of the City of Mitchell, that maintaining the above-described alley is not necessary for public need and is no longer required and a vacation of the alley will have no effect on the public whatsoever; and

Whereas, the aforesaid Petition also requested the vacation of a certain road right of way, particularly a portion of what is identified as Du Pre Street immediately south of West Eighth Avenue, and the City Council of the City of Mitchell declined to vacate such right of way but did vacate the alley right of way referred to herein; and

Whereas, the Board of Commissioners of Davison County finds, among other things, that due notice of the hearing of said Petition by the City Council of the City of Mitchell was given by the City Finance Officer by publication of a Notice thereof in the form as provided by law in the *Mitchell Republic*, a newspaper of general circulation in Davison County, South Dakota, for two (2) successive weeks, to wit: March 1 and March 8, 2023; that the Petition was duly heard and considered by the City Council of the City of Mitchell and both the Petitioner's request was heard and an opportunity was available for any objections; no objections were presented by anyone, either in writing or otherwise; the Petition was noted in the public agenda for the meeting of the Board of Commissioners of Davison County, South Dakota, to be held on March 21, 2023; the Petition was duly heard and considered by the Board of Commissioners of Davison County; no objections were presented by anyone, either in writing or otherwise; the Board of Commissioners further finding that the alley has never been improved or utilized by the petitioners or any other party; now, therefore, upon a majority vote of all members of the Board of Commissioners of Davison County, it is

Resolved by the Board of Commissioners of Davison County that the Petition for Vacation of the alley described as

Lots One through Twelve (1-12) inclusive, Block Four (4), Original Plat of Home Park in the Northeast Quarter (NE ¼) of Section Twenty (20), Township One Hundred Three (103) North, Range Sixty (60), West of the 5th P.M., Davison County, South Dakota, which is owned by Petitioners TTKlingaman LLC.

Is hereby unanimously approved and granted and that said Board of Commissioners approves the vacation of and declares the above-described alley vacated; the said road right of way identified as a portion of Du Pre Street having not been approved by the City Council of the City of Mitchell the said Board of Commissioners takes no action relative to the road right of way; and it is further directed that notice of this Resolution shall be made as required by the laws of the State of South Dakota.

Dated this 21st day of March, 2023.

Randy Reider, Chairperson

ATTEST:

Susan Kiepke, Auditor

TABLE ROAD VACATION REQUEST

Motion by Nebelsick, second by Claggett to table the request by TKKlingaman LLC and Jeffrey R. DelFavero and Denise DelFavero to vacate the dedicated road running North and South platted between Blocks Four (4) and Five (5) in Lots One through Twelve (12) inclusive, Block Five (5), Home Park First Addition in the Northeast Quarter (NE ¼) of Section Twenty (20), Township One Hundred Three (103) North, Range Sixty (60), West of the 5th P.M., Davison County, and identified as a portion of Du Pre Street, until such time, if ever, as further action on the requested vacation is completely by the City Council of the City of Mitchell. All members present voted aye. Motion carried.

TABLE MALT BEVERAGE & CIDER APPLICATION

Motion by Claggett, second by Kiner to table the Wine and Cider and Malt Beverage & SD Farm Wine licenses for Lee's Red Barn until it has been established if a CUP needs to be applied for first. All members present voted aye. Motion carried.

PURR N RUFF RESCUE UPDATE

Gail Hahne, CEO Purr n Ruff Rescue, reported that she had announced in October she would be closing the rescue. She said she received numerous messages from the public asking her to remain open. So, as of January 1st, 2023, Purr n Ruff Rescue has reopened. However, it no longer accepts animals from outside Davison County or surrenders. She says she has a very good working relationship with the Davison County sheriff's office.

APPROVE BILLS

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

GENERAL FUND:

ELECT: Supplies/Mcleod's Printing-74.90; **JUD:** Jury Fees/Jurors-417.34, Prof Fees/East River Psychological-2,500.00, Law Library/West Payment Center-119.37; **STATES ATTY:** Prof Fees/Clerk of Circuit Court Polk Co WI-7.50, Med Prof Fees/SD Public Health Laboratory-885.00, Repairs & Maint/Dakota Data Shred-58.06, Books/West Payment Center-566.73; **PUB SFTY BLDG:** Repairs/Direct Digital Control-375.45, Water & Sewer/City of Mitchell-1,503.47, Pest Control/Premier Pest Control-80.00, Buildings/Menards-116.94; **CRTHOUSE:** Supplies/Menards-76.93, Gas & Electric/Northwestern Energy-4,095.24, Pest Control/Premier Pest Control-50.00; **DOE:** Asses Notices/Qualified Presort-961.23, Postage/Qualified Presort-3,408.07; **N. OFC:** Repairs/Iverson Chrysler Center-101.50, Gas & Electric/Northwestern Energy-1,889.51, Water & Sewer/City of Mitchell-46.32, Pest Control/Premier Pest

Control-50.00, Buildings/Golden West-1,939.00; **VET:** Supplies/Lube Rangers-72.63, Computer Serv/Tyler Technologies-1,347.00; **CO COORD:** Postage/Qualified Presort-1,506.04, Postage Meter Fees/Qualified Presort-304.53, Copy Mach Maint/Access Systems-260.05; **SHERIFF:** Repairs Patrol Car/Big E Auto Service-341.91, Oil Changes/Lube Rangers-67.63, Ofc Supplies/A & B Business Solutions-61.45, Uniforms/Jack's Uniforms & Equip-238.49, Field Supplies/Advance Auto Parts-40.84, Jack's Uniforms & Equip-164.85, Prisoner Transport/City of Winner-151.40, Pennington County Jail-120.45, Cellular Service-Verizon Wireless-614.71; **JAIL:** Medicine/Lewis Drug Stores-2,481.14, Ofc Supplies/Mcleod's Printing-58.99, Jail Supplies/Lewis Drug Stores-316.93, Laundry Supplies/Jones Supplies-194.97, Uniforms/Jack's Uniforms & Equip-339.69, Inmate Services/Swanson Services-412.00; **WELFARE:** Supplies/Qualified Presort-9.53; **MENTAL ILL:** Committals/Douglas Papendick-428.00, Hearings/Avera McKennan Hosp-3,160.00, Youngberg Law-214.00; **FAIR:** Supplies/Menards-13.00, Fairboard Mileage/Robert Faas-9.18, Tonya Ford-2.55, Mary Froning-8.16, Pest Control/Premier Pest Control-50.00; **CO EXTENSION:** Postage/Qualified Presort-12.97; **WEED:** Utilities/Verizon Wireless-524.31; **P&Z:** Supplies/Mcleod's Printing-7.99; **HIWAY:** Supplies & Materials/Access Systems-53.61, Fastenal Co-122.27, Hohbach Electric-78.36, Mitchell Iron & Supply-62.58, Utilities/Northwestern Energy-4,357.98, Verizon Wireless-83.66, Building Repairs/Big Dog Concrete-13,350.00, Equipment/I-State Truck Center-108,898.00; **EMG MGMT:** Utilities/CenturyLink-13.61, Northwestern Energy-104.64, Emg Accuml/Verizon Wireless-147.90; **M&P:** M&P Due to SDACO/SDACO M&P-268.00.

PAYROLL FOR THE MONTH OF MARCH

Commissioner-\$7,501.52, Auditor-\$14,561.23, Treasurer-\$13,180.20, State's Attorney-\$32,982.39, Public Safety Building-\$5,592.44, Gen. Government Building-\$3,508.80, Director of Equalization-\$21,726.37, Register of Deeds-\$13,945.38, North Offices-\$5,981.26, Veterans' Services-\$13,867.17, HR-\$4,693.67, 24/7 Program-\$2,417.76, Sheriff-\$44,311.53, County Jail-\$126,659.22, Emergency Management-\$6,242.79, County Road & Bridge-\$49,999.58, Welfare-\$1,284.10, Community Health Nurses-\$3,281.60, WIC-\$2,954.19, Fairgrounds-\$3,685.26, Extension-\$1,840.71, Weed Control-\$1,250.01, Planning/Zoning-\$4,043.37.

ADJOURN

At 10:26 a.m., Chairperson Reider adjourned the meeting and set the next regular Board of Commissioners meeting for March 28, 2023, at 9:00 a.m.

ATTEST

Susan Kiepke, Auditor

Randy Reider, Chairperson

Publish Once
Approximate Cost