

May 23, 2023

CALL TO ORDER

Chairperson Reider 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 Reider.

APPROVE AGENDA AS AMENDED

Motion by Claggett, second by Kiner to approve the agenda, as amended, for the May 23, 2023, meeting. All members voted aye. Motion carried.

APPROVE MINUTES

Motion by Claggett, second by Bhaalid to approve the minutes of the May 9, 2023, meeting. All members voted aye. Motion carried.

PUBLIC INPUT

Jim Hansel, who lives on 252nd Street stated that something needs to be done about the traffic speed on the road. He would like to see a four-way stop sign erected at the corner of 252nd Street and 407th Avenue.

2ND READING OF THE DAVISON COUNTY COMPREHENSIVE PLAN

Motion by Bhaalid, second by Nebelsick to hold the second reading of the Davison County Comprehensive Plan. All members voted aye. Motion carried.

ADOPT DAVISON COUNTY COMPREHENSIVE PLAN

Motion by Kiner, second by Claggett to adopt the Davison County Comprehensive Plan. A roll call vote was taken as follows. Kiner – aye, Claggett – aye, Nebelsick – aye, Bhaalid – aye, Reider – aye. Motion carried.

**Davison County Resolution #052323-01
Davison County
Comprehensive Plan
Resolution of Adoption**

Whereas, the Davison County Commission, through a cooperative effort with the Davison County Planning Commission and the Mitchell Planning Commission, has developed and proposes to adopt a Comprehensive Development Plan; and

Whereas, Davison County is required by South Dakota Codified Law to adopt a Comprehensive Plan prior to amending or adopting a zoning ordinance; and

Whereas, the proposed plan will enable the Planning Commission and the County Commission to guide the future land use within the boundaries of, and extraterritorial areas as allowed by SDCL 11-2, the County and allow for the enforcement and amendment of other land use regulations.

Now, Therefore, Be It Resolved, that the Davison County Commission hereby adopts the Davison County Comprehensive Plan pursuant to SDCL 11-2 and calls for the publication of a summary and notice of adoption pursuant to SDCL 7-18A.

Dated at Mitchell, South Dakota, this 23rd day of May, 2023.

Randy Reider, Chairperson

Susan Kiepke, Auditor

AUTHORIZE CHANGE OF CELL PHONE PLANS FOR SHERIFF'S OFFICE

As per the request of Sheriff Harr, motion by Blaalid, second by Nebelsick to authorize Sheriff Harr to change cell phone plans from Verizon to AT&T First Net for employees in the sheriff and jail departments only. Sheriff Harr will be the designated contact person for AT&T, while Emergency Management Director Bathke and Auditor Kiepke will remain the contact persons for Verizon. All members voted aye. Motion carried.

SIGN SIOUX FALLS HUMANE SOCIETY CONTRACT

As per the request of Sheriff Harr, motion by Blaalid, second by Kiner to authorize chairperson to sign a contract with the Sioux Falls Humane Society, which includes a fee of \$45 per hour for time spent by each Society employee who travels to and from each location to provide requested services, as well as \$0.655 per mile to and from location. All members voted aye. Motion carried.

TIF #4 PRESENTATION

Commissioner Nebelsick recused himself from all discussion due to conflict of interest.

Kyle Peters, A-1 Development explained the project.

Tom Kersting, Soybean Processors reported that this is one of the largest projects in South Dakota. He said that inflation, supply chain issues and labor costs have impacted the plan. He believes not approving the TIF would have a negative impact on the project. He said there are widespread benefits of the project and encouraged the commissioners to partner with them and pass the TIF.

Toby Morris, Collier Securities, stated that the TIF allows a decision to determine whether it promotes economic development. He noted a TIF is not a tax break. He also said the TIF will not exceed \$21,221,000 nor last longer than twenty years. It is an Industrial TIF which holds school districts harmless.

APPROVE TIF #4

Motion by Claggett, second by Kiner to approve TIF #4.

OPEN PUBLIC HEARING REGARDING TIF #4

Chairperson Reider opened the hearing regarding TIF #4 and asked that items not be repeated. He said that if somebody wanted to support prior information to state that.

Geri Beck, MADC/MACC asked for support for TIF #4. She believes the project will greatly benefit the City of Mitchell and Davison County.

David Lambert, Regional Development Director agreed with what Mrs. Beck said. He added that having just passed the Comprehensive Plan, this is a golden opportunity for the commissioners to back that plan.

Mayor Bob Everson agreed with the previous sentiment.

Chet Edinger asked the commissioners to look back at the ethanol plant. He said some were leery about it. He believes it has proven to be a great asset in that it has increased prices for farmers, which is a big deal.

Craig Stehly agreed. He added that we can't keep exporting soybeans to China. We need to keep the soybeans local.

Chairperson Rieder closed public comment and requested commissioner input.

Commissioner Claggett agrees with Mr. Stehly that we need to stay away from China. He told the group that he appreciates the work that has been done on this project.

Commissioner Kiner said that his cousin lives six blocks from the plant in Volga. He has heard no complaints and is in full support of the project.

Commissioner Blaaid asked Mr. Stehly how many pounds of phosphorous there would be on a train load of soybeans. Mr. Stehly couldn't say off the top of his head. Blaaid also believes we should quit shipping and keep the supply local. He feels it's a good tool.

Commissioner Reider said that when the company made their commitment to excellence, it made a difference for him. He believes they committed to being a good neighbor, good corporate citizen and we can co-exist. He believes they will be good to work with and have been and will continue to be straight forward.

A roll call vote was taken as follows. Blaaid – aye, Kiner – aye, Claggett – aye, Nebelsick – abstain, Reider – aye. Motion carried.

Davison County Resolution #052323-02 Resolution Approving and Recommending Of Tax Incremental District Plan Number Four, Davison County

Whereas, the Planning Commission of Davison County, South Dakota, received an application to create a Tax Incremental District and thereafter prepared a Notice of Hearing held on April 4, 2023, advising interested parties that they were being given a reasonable opportunity to express their views on the proposed creation of a Tax Incremental District on real property consisting of the following parcels:

District Legal Description:

- NW1/4 EX LOT A OF JOHNSON'S SUB & EX H1 H2 RY
- SW1/4 EX RY & H2 AND EX SW1/4 OF SW1/4 OF SW1/4 OF SEC 11 LYING WEST OF RR R-O-W & LYING E OF H-2 ALL IN 11-102-60

All Located in Davison County, South Dakota including within and adjacent rights-of-ways.

Whereas, such Notice was published in the official newspapers in City of Mitchell not less than ten (10) nor more than thirty (30) days from the date of the hearing which was held on April 4th, 2023.

Whereas, a copy of the Notice was sent prior to publication by first-class mail to the Chief Executive Officers of the following taxing entities:

Davison County Commission
 James River Water Development District
 Mitchell School District
 Proper Township
 Mitchell Rural Fire District

Whereas, a hearing was held on April 4th, 2023, as provided in such Notice, and all interested parties were allowed a reasonable opportunity to be heard on the proposed Tax Incremental District Four plan;

Now Therefore, Be It Resolved by the County Commission of Davison County, South Dakota:

Authority and declaration of necessity. Pursuant to SDCL §§ 11-9-4 & 11-9-13, Davison County Commission hereby declares the necessity to form a tax incremental district in Davison County.

Now Therefore, It Is Hereby Resolved:

1. **Authority and Declaration of Necessity.** The County Commission declares the necessity for the approval of Tax Incremental District Number Four plan, Davison County, South Dakota (hereinafter sometimes referred to as the "District"), pursuant to SDCL Chapter 11-9, and finds that the improvement of the area within the District are likely to enhance significantly the value of substantially all of the other real property in the District and is necessary for economic development within Davison County.
2. **Findings.** The County Commission makes the following findings with regard to Industrial development:
 - a. The proposed improvements will create new jobs and diversify the overall economic base of Davison County through Industrial Development.
 - b. More than 50% of the property in the District by area will stimulate and develop the general economic welfare and prosperity of the County;
 - c. Not less than twenty-five percent, by area, of the real property within the district is a blighted area as defined under SDCL 11-9-11.
 - d. Improvements to the District will significantly and substantially enhance the value of all property within the District;
 - e. The aggregate assessed value of the District plus the tax incremental base of all other existing Districts in the County does not exceed Ten (10%) percent of the total assessed valuation in the County;
 - f. The South Dakota Department of Revenue has reviewed the TIF Plan and classified the Tax Increment District Four of Davison County to be Industrial.
3. **Boundaries of District.** The Boundaries of the district are determined to be as follows:

- NW1/4 EX LOT A OF JOHNSON'S SUB & EX H1 H2 RY
- SW1/4 EX RY & H2 AND EX SW1/4 OF SW1/4 OF SW1/4 OF SEC 11 LYING WEST OF RR R-O-W & LYING E OF H-2 ALL IN 11-102-60

All Located in Davison County, South Dakota including within and adjacent rights-of-ways.

4. **Findings of Annual Appropriation TID.** Tax Increment District #4 will be designated as an Annual Appropriations TIF to ensure that it does NOT count against constitutional debt.
5. **Creation of Tax Incremental Fund.** There is hereby created, pursuant to SDCL 11-9-31, a Tax Incremental District Number Four Fund, which shall be a segregated asset account. All tax increments collected pursuant to Tax Incremental District Number Four shall be deposited into the Tax Incremental District Number Four Fund. All funds in the Tax Incremental District Number Four Fund shall be used solely for those purposes expressly stated and reasonably inferred in SDCL Chapter 11-9
6. **Approval of Tax Increment Project Plan.** The County Commission of Davison County does hereby approve the Tax Increment Plan Number Four, a copy of which is on file with the County Auditor.
7. **Developer's Agreement.** Authorize the Chairman of Davison County to execute the Agreement.

Dated at Mitchell, South Dakota, this 23rd Day of May 2023.

DAVISON COUNTY, SOUTH DAKOTA

BY: _____
Chairperson

ATTEST:

Auditor

APPROVE LEE'S RED BARN ALCOHOL LICENSE APPLICATIONS

Motion by Kiner, second by Blaalid to approve the Retail (on-off sale) Malt Beverage & SD Farm Wine license application and the Retail (on-off sale) Wine and Cider license application for Lee's Red Barn legally described as Lot A Ex Lots A-1, A-2, A-3 in the SE ¼ of 15-102-60, Prosper Twp, Davison County, South Dakota.

OPEN PUBLIC HEARING

Chairperson Reider opened the public hearing regarding the aforementioned licenses.

Mrs. Lee stated the intent is not to operate a bar or a casino.

Having no other input, Chairperson Reider closed the public hearing.

A roll call vote was taken as follows. Kiner – aye, Claggett – aye, Nebelsick – aye, Blaalid – aye, Reider – aye. Motion carried.

MALT BEVERAL LICENSE RENEWALS

Motion by Claggett, second by Nebelsick to renew Retail (on-off sale) Malt Beverage & SD Farm licenses for Mike's Corner and Kongo Klub as they meet all the requirements for renewal. All members voted aye. Motion carried.

APPROVE EMPLOYEE CHANGES/NEW HIRES

As per the request of VSO Thomas, motion by Blaalid, second by Nebelsick to reclassify VSO Ditter from part-time to full-time effective June 10, 2023. All members voted aye. Motion carried.

As per the request of VSO Thomas, motion by Blaalid, second by Kiner to approve a leave of absence for VSO Assistant Steven Laughlin, effective as soon as a temporary replacement has been found, through September 5th, 2023. All members voted aye. Motion carried. (Please note leave will be effective May 30, 2023)

As per the request of VSO Thomas, motion by Blaalid, second by Nebelsick to advertise and hire a part-time temporary VSO assistant through September 7th, 2023, at a rate of \$18.36. All members voted aye. Motion carried. (Please note that past intern Desirae Kayser has agreed to take the position effective May 31, 2023)

Motion by Blaalid, second by Nebelsick to approve a \$.50 wage increase, effective May 1, 2023, for DOE Database Coordinator April Vennard as she has successfully completed a six-month introductory period. All members voted aye. Motion carried.

Motion by Blaalid, second by Nebelsick to approve the hire of Hanna Peterson as a part-time 4-H administrative assistant, effective May 30th, at a rate of \$18.41, with a \$.50 wage increase after successful completion of a six-month introductory period. All members voted aye. Motion carried.

Motion by Nebelsick, second by Blaalid to accept the resignation of full-time Corrections Officer Cheryl Buenning, effective May 11, 2023. All members voted aye. Motion carried.

Motion by Nebelsick, second by Blaalid to accept the resignation of part-time Corrections Officer Colton Dahlerup, effective May 20, 2023. All members voted aye. Motion carried.

Motion by Claggett, second by Nebelsick to approve a leave of absence for full-time Corrections Officer Bronc Dykstra effective May 12, 2023, until sometime in September 2023. All members voted aye. Motion carried.

Motion by Claggett, second by Nebelsick to approve the promotion of full-time Corrections Officer Marlyn Tollefson to Sergeant with a rate of \$23.25, effective May 27, 2023. All members voted aye. Motion carried.

SIGN CONTRACT FOR EAP SERVICES

Motion by Nebelsick, second by Claggett to sign an agreement with Lutheran Social Services for EAP services at a rate of \$130 per hour, effective June 1, 2023. All members voted aye. Motion carried.

APPROVE SAND PURCHASE

As per the request of Highway Superintendent Weinberg, motion by Claggett, second by Blaalid to purchase 1,000 tons of sand to use on the 409th Avenue project, at a cost of \$6.00 per ton. All members voted aye. Motion carried.

APPROVE TIMESHEETS

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

APPROVE BILLS

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

GENERAL FUND:

INS: Auto Insurance/SD Public Assurance Alliance-1,183.54; **JUD:** Jury Fees/Jurors-310.20; **TREAS:** Supplies/First Dakota Nat'l Bank-10.00; **ROD:** Rentals/Microfilm Imaging Sys-470.00; **SHERIFF:** Ofc Supplies/Dakota Data Shred-66.36; **FAIR:** Repairs & Maint/Santel Comm-125.00, Water & Sewer/Davison Rural Water-89.25; **HIWAY:** Supplies/SD Dept of Revenue-193.42 Davison County Treasurer-27.70.; **EMG MGMT:** Utilities/CenturyLink-13.55.

GENERAL FUND:

ELECT: Supplies/Election System & Software-3,565.44; **JUD:** Prof Fees/Carol Johnson-153.00, Stephanie Moen & Assoc-710.40, Interpreter Fees/Devy Alvizures-250.00, Law Library/West Payment Center-119.37; **AUD:** Supplies/McLeod's Printing & Ofc-669.90, Lien Coll Supplies/McLeod's Printing & Ofc-295.00; **TREAS:** Supplies/McLeod's Printing & Ofc-85.90, Mainframe Support/Bruce Mastel-35.00; **STATES ATTY:** Prof Fees/Cox Communications-100.00, Diversion Service & Fees/Arrowwood Resort-119.72, Lutheran Social Services-5,158.75, Med Prof Fees/SD Public Health Lab-1,040.00, Repairs & Maint/A & B Business Solutions-124.36, Trvl & Conf/Robert O'Keefe-120.00, Alicia Odland-439.26, The Lodge at Deadwood-400.00, Books/West Payment Center-566.73; **CRT APPTED ATTY:** Crt Appted Atty/Morgan Theeler-2,983.00, Wantoch Law Office-937.75; **PUB SFTY BLDG:** Repairs/SAGA Communications-250.00, Water & Sewer/City of Mitchell-1,382.67, Pest Control/Premier Pest Control-80.00; **CRTHOUSE:** Gas & Electric/Northwestern Energy-2,760.26, Pest Control/Premier Pest Control-50.00, Minor Equipment/Montgomery's Furniture-2,270.00; **DOE:** Supplies/First Bankcard-126.27, Innovative Office-54.87; **ROD:** Supplies/First Bankcard-66.05; **N. OFC:** Supplies/Jones Supplies-96.88, Menards-78.01, Gas & Electric/Northwestern Energy-1,106.74, Water & Sewer/City of Mitchell-46.32, Pest Control/Premier Pest Control-50.00, Minor Equipment/Menards-84.38; **VET:** Equipment/GFC Leasing WI-3.20; **CO COORD:** Postage/Qualified Presort-1,179.01, Postage Meter Fees/Qualified Presort-268.26, Copy Machine Maint/Access Systems-128.78, Century Business Products-241.81; **HR:** Trvl & Conf/Tonya Meaney-99.96, SD Govt HR Assoc-50.00; **SHERIFF:** Prof Serv/Deluxe-95.77, Vern Eide GM-212.00, Repairs Patrol Car/Advance Auto Parts-168.83, TMA-35.35, Vern Eide Ford Lincoln-1,582.17, Oil Changes/TMA-66.05, Vern Eide Ford Lincoln-38.82, Tires/TMA-27.09, Car Wash/Mega Wash-195.00, Ofc Supplies/A & B Business Solutions-70.80, Field Supplies/Advance Auto Parts-21.84, Trvl & Conf/Steve Harr-420.04, Tim Reitzel-112.00, The Lodge at Deadwood-644.00, Prisoner Transport/Pennington Co Jail-78.55, Cellular Service/Verizon Wireless-572.67; **JAIL:** Medicine/Avera Medical Group Radiology Mitchell-40.02, Lewis Drug Stores-4294.99, Mitchell Anesthesia-36.78, Mitchell Clinic-857.04, Fed Inmate Med Ex/Lewis Drug Stores-53.78, Ofc Supplies/Innovative Office-105.44, Jail Supplies/Bob Barker Co-116.20, Jones Supplies-78.00, Menards-19.96, Trvl & Conf/The Lodge at Deadwood-564.00, Health Protection/Avera Occupational-807.00, Water Softener/Darrington Water-49.00, Contracts/Office Advantage-42.39, Minor Equipment/Galls Lexington-539.40, Inmate Services/Swanson Services-1.80; **CORONER:** Coroner Fees/Dakota Embalming & Transport-500.00, Sanford Health-10,184.00; **JUV DET:** Medicine/Minnehaha Co Regional-18.18, Detention/Minnehaha

Co Regional-8,342.10; **WELFARE:** Supplies/McLeod's Printing & Offc-126.80; **MENTAL ILL:** Committals/Patrick Kiner-321.00, Douglas Papendick-428.00, Hearings/Daniel Fox-110.75, Kennedy Pier Loftus-160.50, Val Larson-6.00, Lewis & Clark BHS-368.00, Darcy Lockwood-6.00, Yankton Co Treasurer-237.90; **FAIR:** Repairs & Maint/Mitchell Plumbing & Heating-190.69, Pest Control/Premier Pest Control-50.00, Buildings/Life Equipment Rental-344.38, Menards-406.16; **WEED:** Publishing/Mitchell Republic-44.38, Supplies/Agterra Technologies-50.00, Utilities/Verizon Wireless-41.80; **P&Z:** Supplies/McLeod's Printing & Offc-26.98; **HIWAY:** Repairs & Maint/Mack Metal Sales Inc-118.68, Mitchell Iron & Supply-434.64, Upper Midwest Garage Door-457.14, Supplies & Materials/Access Systems-71.80, Aramark-206.32, Fastenal Co-59.26, Utilities/Northwestern Energy-1,289.30, Verizon Wireless-83.60, Projects/Civil Design Inc-7,891.25; **EMG MGMT:** Repairs & Maint/Advance Auto Parts-180.82, Doug's Custom Paint & Body-604.44, Utilities/Northwestern Energy-77.81, Emergency Accuml/Verizon Wireless-147.92; **JAIL 247:** Supplies/McKesson Medical-378.27; **BID DEP:** Fairground Dmg Dep/Erica Melendrez-200.00, Randy Becker-200.00; **M&P:** M&P Due to SDACO/SDACO M&P-454.00.

PAYROLL FOR THE MONTH OF MAY

Commissioner-\$7,501.52, Auditor-\$14,021.96, Treasurer-\$14,101.57, State's Attorney-\$33,222.93, Public Safety Building-\$3,168.25, Gen. Government Building-\$3,508.81, Director of Equalization-\$22,567.03, Register of Deeds-\$14,416.23, North Offices-\$6,051.15, Veterans' Services-\$8,097.26, HR-\$4,618.28, 24/7 Program-\$3,846.74, Sheriff-\$47,973.27, County Jail-\$110,404.16, Emergency Management-\$6,217.36, County Road & Bridge-\$43,834.17, Welfare-\$414.38, Community Health Nurses-\$3,281.60, WIC-\$3,174.40, Fairgrounds-\$3,508.80, Extension-\$512.89, Weed Control-\$2,541.14, Planning/Zoning-\$4,307.20.

ADJOURN

At 10:43 a.m., Chairperson Reider adjourned the meeting and set the next regular Board of Commissioners meeting for May 30, 2023, at 9:00 a.m.

ATTEST

Susan Kiepke, Auditor

Randy Reider, Chairperson

Publish Once
Approximate Cost