

October 24, 2023

CALL TO ORDER

Vice Chairperson Claggett 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, Blaalid, Nebelsick. Absent Reider. Also present was Deputy Auditor Matthews.

PLEDGE

The Pledge of Allegiance was led by Commissioner Blaalid.

APPROVE AMENDED AGENDA

Motion by Nebelsick, second by Kiner to approve the agenda, as amended, for the October 24, 2023, meeting. All members present voted aye. Motion carried.

APPROVE MINUTES

Motion by Blaalid, second by Nebelsick to approve the minutes of the October 10, 2023, meeting. All members present voted aye. Motion carried.

CHAIRPERSON TAKES OVER MEETING

At 9:05 A.M. Chairperson Reider joined the meeting and took over the meeting as chairperson.

APPROVE AMENDED AGENDA

Motion by Blaalid, second by Nebelsick to approve the agenda as amended for the October 24, 2023, meeting. All members voted aye. Motion carried.

OPEN PUBLIC HEARING RE-ZONE APPLICATION

Motion by Kiner, second by Nebelsick to open the public hearing to consider a Re-Zone Application from applicant Jensen Capital & Development, LLC. to re-zone a parcel from Agricultural to a Rural Residential District for a housing development. The parcel is located in Lot D of Kotrba Subdivision in the SE 1/4 of Section 15, T 103 N, R 61, W of the 5th P.M., Davison County, South Dakota.

Below is a synopsis of those that spoke regarding the application.

Deputy Planning and Zoning Administrator Wegleitner gave an explanation of the re-zone application and what was discussed during the Planning and Zoning meeting held on October 3, 2023, and that the motion to approve was denied on a vote of 4-2-1 (absent).

Jeremy Jensen of Jensen Capital & Development presented the re-zone request. Mr. Jensen stated if a re-zone was approved, the plan with the property would be to create twenty 2-acre lots to construct homes upon. Mr. Jensen stated the need for rural development in Davison County. Mr. Jensen cited other agricultural uses for the land, such as a cattle feed lot, hog confinement, or a turkey barn stating that a housing development would be less intrusive. Mr. Jensen spoke about other rural housing in the area. Mr. Jensen addressed some of the

concerns that were brought up in the planning and zoning meeting including driveway location, water access, power infrastructure, drainage, and road maintenance.

Mitch Peterson, Attorney from the firm Davenport Evans of Sioux Falls representing Peggy Kelley adjacent landowner spoke in opposition to re-zone application. Mr. Peterson stated that the question before the board is one of spot zoning. Mr. Peterson outlined the requirements of the Board prescribed by the Davison County Zoning Ordinance Section 13:05(A) to re-zone a property. Mr. Peterson stated that according to the section the Board cannot approve the re-zoning request unless all requirements of 13:05(A) are met. Mr. Peterson also stated that the request is not consistent with the ordinance or with the Davison County Comprehensive Plan and that Mr. Jensen has not met his burden outlined in multiple subsections of 13:05(A).

David Lambert, Director of Regional Development at the Mitchell Area Chamber of Commerce spoke in favor of the re-zone request. Mr. Lambert presented the Board with a Housing Needs Assessment report from August, 2022 prepared by the Augustana Research Institute, which may be found on file in the Davison County Auditor's Office.

Collin Schulz, an adjacent resident spoke in opposition to the re-zone application. Mr. Schulz stated he is opposed to the location of the proposed housing development. Mr. Schulz cited concerns with truck traffic on 403rd Ave. Mr. Schulz also stated concerns regarding water access being on the end of the Davison Rural Water line.

Marsha Schulz, an adjacent landowner, spoke in opposition to the re-zone application. Ms. Schulz spoke about concerns with the available uses of her land if a housing development would be built nearby. Ms. Schulz also shared concerns regarding fire risks, citing the location is six miles outside of Mitchell.

Todd Dikoff, a nearby landowner, spoke in opposition to the re-zone application. Mr. Dikoff spoke about the semi-truck traffic on 403rd Ave. stating you wouldn't believe the number of trucks on the road, also stating that the road is narrow and that there is not much of a shoulder. Mr. Dikoff also stated he was previously denied his request to divide his 25-acre lot due to all issues that have been brought up.

Michele Rumbolz, an adjacent landowner, spoke in support of the re-zone application. Ms. Rumbolz stated the quarter section was divided into 4 40-acre lots, and she intends to keep her property in agriculture production. She also stated she would feel comfortable with twenty neighbors living nearby.

Scott Rumbolz, an adjacent landowner, spoke in support of the re-zone application. Mr. Rumbolz stated that zoning was not an issue with him as before zoning landowners were allowed to use their land in any way they could to survive. Mr. Rumbolz also stated that speed is an issue, and that the speed limit should be reduced from Highway 16 to Cemetery Rd.

Mr. Jensen appeared before the board to answer questions that arose. Planning and Zoning Administrator Bathke asked Mr. Jensen to respond to the traffic safety concerns. Mr. Jensen stated that there would be one driveway approach onto 403rd Ave. on the centerline of the property. Bathke asked about the water access concerns. Mr. Jensen stated that there has been a hydrological study done, and that a new 3" line would be brought down. Commissioner Kiner asked what the cost per home would be. Mr. Jensen stated that they would be in the \$700,000 to \$800,000 range including the land and approximately 1600 sq. ft three-bedroom homes and the development would have HOA requirements. Bathke asked Mr. Jensen to address fire issues. Mr. Jensen stated that much similar to the other developments such as Sunrise Ridge on 407th Ave. Mr. Bathke asked Mr. Jensen how does this re-zone request comply with the Davison County Zoning Ordinance 13:05(A). Mr. Jensen responded they will request 25' setbacks instead of 50', homeowners will ideally take care of their

own properties plant trees to create shelter belts, have HOA requirements, and that Davison County is near dead last in housing and development in the state.

Deputy States Attorney Taylor advised the Board to look at the specific requirements of the Davison County Zoning Ordinance 13:05(A) to approve a re-zone request.

Commissioner Kiner stated that he believed this re-zone request would still be considered spot zoning and asked how that could be overcome. Chairperson Reider stated because it is needed.

Mr. Taylor stated that the purpose of this hearing is not a first reading and that the decision that will need to be made by the Board is whether the request complies with the requirements of 13:05(A) to proceed to a first reading to amend the Davison County Zoning Ordinance.

CLOSE PUBLIC HEARING & CONTINUE CONSIDERATION TO NEXT MEETING

Motion by Nebelsick, second by Kiner to close the public hearing and continue consideration of the re-zone application at the next Davison County Commission meeting to be held October 31, 2023. A roll call vote was taken as follows. Claggett-aye, Kiner-aye, Nebelsick-aye, Blaaidid-aye, Reider-aye. Motion carried.

OPEN SUPPLEMENTAL BUDGET HEARING

At 10:25 a.m. motion by Blaaidid, second by Nebelsick to open the Supplemental Budget Hearing for the Highway and Fairgrounds departments. All members voted aye. Motion carried.

ADOPT RESOLUTION TO SUPPLEMENT HIGHWAY AND FAIRGROUNDS BUDGETS

Motion by Claggett, second by Nebelsick to adopt the following resolution to supplement the Highway and Fairgrounds budgets. A roll call vote was taken as follows. Kiner-aye, Nebelsick-aye, Blaaidid-aye, Claggett-aye, Reider-aye. Motion carried.

Resolution #102423-01 Supplement County Highway and Fairgrounds Budgets

Whereas, the Highway and Fairgrounds budgets are not sufficiently funded by the adopted 2023 annual budget to pay expenses for the remainder of the year 2023; and

Whereas, SDCL 7-21-22 states that in the event of the passage and enactment of any law during a fiscal year and after the adoption of the annual budget for a following fiscal year, imposing some new obligation or duty upon a county, or in the event of the failure to provide by the final budget a sufficient revenue to enable the county to conduct the indispensable functions of government in any department, or to pay just obligations upon the county for the necessary conduct of the courts, or for the necessary aid and support of the poor or to discharge any duty which it is the lawful duty of the county to discharge, and of which requires the incurring of liabilities or expenditures of funds for a purpose or object for which no provision has been made in the annual budget for such fiscal year, and when such occasion arises the board must make, approve, and adopt a supplemental budget providing therein for an appropriation for such purposes in such amount as the board may deem necessary, and such budget shall set out in detail each item for which an appropriation is made and the amount to be appropriated for each item, with the time and place when the same will be considered and adopted by the governing board, shall be given in such manner as the board may determine, provided that the time fixed

for considering and adopting the same shall not be less than ten days from date when such notice is first given; and

Whereas, there was not sufficient appropriations included in the 2023 budget to pay all Highway and Fairgrounds Department expenses.

Now, therefore be it resolved, that \$279,300 from the General Fund Cash line item 10100A1010000 be supplemented to Fairgrounds budget, various line items and \$700,000 from the Highway Fund Cash line item 20100A1010000 be supplemented to the Highway Department budget, various line items.

Dated at Mitchell, South Dakota this 24th day of October, 2023.

ATTEST:

James Matthews, Deputy Auditor

Randy Reider, Chairperson

CLOSE SUPPLEMENTAL BUDGET HEARING

At 10:30 a.m. motion by Claggett, second by Nebelsick to close the supplemental budget hearing. All members voted aye. Motion carried.

INTO EXECUTIVE SESSION

At 10:30 a.m., as per the request of ROD Young, motion by Nebelsick, second by Blaalid to move into executive session to discuss personnel pursuant to SDCL 1-25-2. All members voted aye. Motion carried.

OUT OF EXECUTIVE SESSION

At 10:44 a.m., motion by Nebelsick, second by Kiner to move out of executive session. All members voted aye. Motion carried.

ADVERTISE FOR REGISTER OF DEEDS DEPUTY II

As per the request of ROD Young, motion by Blaalid, second by Nebelsick to advertise for the position of Register of Deeds Deputy II. All members voted aye. Motion carried.

ACKNOWLEDGE RETIREMENT

Motion by Kiner, second by Nebelsick to acknowledge the retirement of Register of Deeds Young, effective February 29, 2024. All members voted aye. Motion carried.

MACC/MADC/MCVB QUARTERLY REPORT

Michael Lauritsen, Director of Workforce and Housing of Mitchell Area Chamber of Commerce, Geri Beck CEO OF MACC and MADC and David Lambert, Regional Development Director appeared before the Board to present the 3rd quarterly report for 2023. The full report may be found on file in the Davison County Auditor's office.

APPROVE PURCHASE OF WEED CHEMICALS

At the request of Weed Supervisor Page, motion by Claggett, second by Kiner to approve the purchase of 1,080 gallons of 2,4-D Ester from VanDiest Supply at a cost of \$15.40/ gal with a total cost of \$16,632. All members voted aye. Motion carried.

ADVERTISE FOR WEED CHEMICAL BIDS

Motion by Nebelsick, second by Claggett to advertised for Highway Weed Chemical bids which will be accepted until 5:00 p.m., November 13, 2023, at the Davison County Auditor's office, opened at 10:00 a.m., November 14, 2023, in the Davison County Commission Chambers, 1420 N. Main St., Mitchell, SD. All bids must be sealed, and no walk-ins will be accepted. Bid specifications may be found at the Davison County Highway Shop- Weed Department, 1224 W. 5th Ave., Mitchell, SD 57301, phone (605)995-8625. All members voted aye. Motion carried.

UPDATE DOE DATA POLICY

At the request of DOE Weber, motion by Blaalid, second by Nebelsick to amend the Department of Equalizations Data policy to add an option for delivery as a PDF or Excel Document at the cost of \$20.00 plus applicable tax. All members voted aye. Motion carried.

APPROVE BULLETPROOF VEST GRANT APPLICATION

At the request of Sheriff Harr, motion by Blaalid, second by Nebelsick to allow the application for the Patrick Leahy Bulletproof Vest Partnership Grant funds in the amount of \$1,500. The federal portion of the costs for body armor vests purchased under the BVP Program may not exceed 50 percent. All members voted aye. Motion carried.

VEHICLE PURCHASE

Sheriff Harr discussed with the Board options for the vehicle to be purchased in the 2024 budget year. No action taken.

INTO EXECUTIVE SESSION

At 10:50 a.m., as per the request of Sheriff Harr, motion by Nebelsick, second by Blaalid to move into executive session to discuss personnel pursuant to SDCL 1-25-2. All members voted aye. Motion carried.

OUT OF EXECUTIVE SESSION

At 11:25 a.m., motion by Nebelsick, second by Blaalid to move out of executive session. All members voted aye. Motion carried.

ACCEPT BAT MITIGATION QUOTE FOR HIGHWAY BUILDING

Motion by Nebelsick, second by Kiner to accept the low bid from Olson's Pest Technicians to perform pest control bat work and clean out at the Davison County Highway building at a cost of \$9,985, which was the low quote received. All members voted aye. Motion carried.

INTO EXECUTIVE SESSION

At 11:35 a.m., motion by Nebelsick, second by Blaalid to move into executive session as requested by Lisa Marso to discuss personnel pursuant to SDCL 1-25-2. All members voted aye. Motion carried.

OUT OF EXECUTIVE SESSION

At 12:00 p.m., motion by Nebelsick, second by Kiner to move out of executive session. All members voted aye. Motion carried.

APPROVE INTRODUCTORY WAGE INCREASES

At the request of Corrections Administrator Lanning, motion by Blaalid, second by Kiner to approve \$.50 wage increases for the following full-time Corrections Officers after having successfully completed their introductory periods, effective November 11, 2023. Clay Loneman, Brad Pfeifle, and Curtis Talley. All members voted aye. Motion carried.

APPROVE INVOLUNTARY TERMINATION

At the request of Correction Administrator Lanning, motion by Nebelsick, second by Claggett to approve the involuntary termination of employee #7625 effective October 16, 2023, and to advertise to replace. All members voted aye. Motion carried.

ACCEPT RESIGNATIONS

Motion by Nebelsick, second by Kiner to accept the resignation of part-time Corrections Officer Riley Kearin effective October 10, 2023, and to advertise to replace. All members voted aye. Motion carried.

Motion by Kiner, second by Nebelsick to accept the resignation of full-time Corrections Sergeant Lynn Smith effective November 1, 2023. All members voted aye. Motion carried.

RECLASSIFY EMPLOYEE

At the request of Corrections Administrator Lanning, motion by Claggett, second by Nebelsick to reclassify Corrections Officer Abby Perez from part-time to full-time effective October 28, 2023, with no change to her wage, and to advertise to replace. All members voted aye. Motion carried.

APPROVE FMLA REQUESTS

Motion by Claggett, second by Blaalid to approve FMLA leave for employee #2503 from November 16, 2023, for two to four weeks. All members voted aye. Motion carried.

Motion by Blaalid, second by Claggett to approve FMLA leave for employee #7893 from October 2, 2023 through December 25, 2023. All members voted aye. Motion carried.

2024 INSURANCE UPDATE

HR Director Meaney updated the Commission on Employee Health Insurance coverages for 2024. Meaney noted there will not be an increased cost for 2024.

APPROVE INSURANCE COMMITTEE RECOMMENDATIONS FOR PLAN YEAR 2024

At the request of the insurance committee, motion by Nebelsick, second by Claggett to approve renewal of the Wellmark Bluecross/Blueshield health insurance for County employees for 2024, to renew the current life insurance plan for 2024, to renew the current dental insurance plan for 2024 with an increase of \$1.50 for single coverage and \$3.80 for family coverage per month, and to increase the HRA funds by 5% for all full-time employees for 2024. The details of the rates may be found on file in the Davison County Auditor's office. All members voted aye. Motion carried.

APPROVE BILLS

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

GENERAL FUND:

JUD: Jury Fees/Jurors-476.52; **AUD:** Mainframe Prog/Software Services-2,728.00; **TREAS:** Supplies/First Dakota Nat'l Bank-5.00, Mainframe Support/Software Services-22.00; **STATES ATTY:** Med Prof Fees/Avera QoP Health Services-1,918.00, Repairs & Maint/Dakota Data Shred-55.06; **DOE:** Software Services/Software Services-616.00; **VET:** Supplies/GFC Leasing WI-28.93; **SHERIFF:** Ofc Supplies/Dakota Data Shred-538.02; **JAIL:** Laundry Supplies/Aramark-460.20; **NURSE:** State Payment/Office of Child & Family Services-15,379.54; **FAIR:** Water & Sewer/Davison Rural Water-150.30; **HIWAY:** Supplies & Materials/SD Dept of Revenue-197.00; **BID DEP:** Fairground Dmg Dep Ret/Vern Eide Ford Lincoln-250.00, Thomas Prickett-250.00; **911:** Communications/City of Mitchell Police Dept-16,854.59.; **M&P:** M&P Due to SDACO/SDACO M&P-482.00.

GENERAL FUND:

COMM: Publishing/Mitchell Republic Forum Comm-1,092.01, Supplies/TPK Consulting-3,500.00, Servicemen's Cemetery/Servicemen's Cemetery-1,000.00; **ELECT:** Supplies/Susan Kiepeke-285.53, Karla Love-80.00, James Matthews-80.00; **JUD:** Prof Fees/Carol Johnson-191.25, Interpreter Fees/Certified Languages Intl-69.30, Law Library/West Payment Center-119.37; **AUD:** Supplies/McLeod's Printing-117.92; **TREAS:** Repairs & Maint/Independent Viking Glass-3,364.73, Supplies/First Dakota Nat'l Bank-15.00, Access Systems-48.80, State MV Supplies/Access Systems-48.80, Mainframe Support/Bruce Mastel-35.00; **STATES ATTY:** Prof Fees/Charter Comm-50.00, Mitchell Republic Forum Comm-23.10, Div Service & Fees/Glory House-230.50, Med Prof Fees/SD Public Health Laboratory-880.00, Repairs & Maint/A & B Business Solutions-116.08, Books/West Payment Center-566.73; **CRT APPTED ATTY:** Public Def Exp/Computer Forensic Resources-2,250.00, Catastrophic Legal/SDACC CLERP-2,970.00; **PUB SFTY BLDG:** Repairs/Direct Digital Control-2,435.85, Tab Systems Inc-500.00, Supplies/Menards-33.18, Runnings Supply-25.84, Water & Sewer/City of Mitchell-1,864.45, Pest Control/Premier Pest Control-80.00, Elevator Service/Schumacher Elevator Co-435.00, Buildings/Menards-469.90; **CRTHOUSE:** Supplies/Jones Supplies/118.00, Gas & Electric/Northwestern Energy-2,598.77, Pest Control/Premier Pest Control-50.00, Elevator Service/Schumacher Elevator Co-481.29; **DOE:** Insurance/Nationwide-301.00, Supplies/McLeod's Printing-1,640.25; **N. OFC:** Supplies/Menards-95.02, Gas & Electric/Northwestern Energy-1,132.76, Water & Sewer/City of Mitchell-85.35, Pest Control/Premier Pest Control-50.00; **VET:** Supplies/McLeod's Printing-39.90; **CO COORD:** IT Contract/Datatech Computer Services-3,751.40, Postage/Qualified Presort-789.24, Postage Meter Fees/Qualified Presort-200.49, Paper/Jones Supplies/1,676.00, Copy Mach Maint/Access Systems-91.17, Century Business Products-165.13; **HR:** Rentals/GFC Leasing WI-131.12, Supplies/Hireclick Keloland Employment-1,188.00; **SHERIFF:** Prof Services/Al's Engraving-24.45, Davison Co Sheriff's Ofc-

276.15, The Glow Store Inc-156.57, Radio & Equip Repair/Two Way Solutions-713.70, Tires/TMA-633.73, Ofc Supplies/A & B Business Solutions-66.23, Uniforms/Jack's Uniforms & Equip-487.58; **JAIL:** Medicine/Avera Queen of Peace Hosp-8,023.61, Lawrence Co Sheriff's Ofc-172.08, Mitchell Clinic-127.53, Bldg Maint/American Garage Door-107.14, Ofc Supplies/Davison Co Jail-88.54, Swanson Services Corp-115.00, Jail Supplies/Jones Supplies/405.29, McKesson Medical-120.84, Laundry Supplies/Jones Supplies/357.12, Kitchen Supplies/Jones Supplies/265.72, Uniforms/Jack's Uniforms & Equip-211.79, Water Softener/Darrington Water-49.00, Contracts/FNIC-80.00, Office Advantage-42.80, Vehicle Maint/Big E Auto Service-102.11; **JUV DET:** Medicine/Minnehaha Co Regional-33.31, Detention/Minnehaha Co Regional-13,069.29; **WELFARE:** Hosp QoP/Avera Queen of Peace Hosp-2,864.76; **MENTAL HAND:** Handicapped Dakotabilities/Dakotabilities-360.00; **MENTAL ILL:** Committals/Patrick W Kiner-214.00, Douglas Papendick-963.00, Hearings/Kennedy Pier Loftus-214.00, Lewis & Clark BHS-639.00, Yankton Co Treasurer-405.00; **FAIR:** Repairs & Maint/Menards-75.94, Pest Control/Premier Pest Control-50.00, Buildings/Menards-171.18, Dennis Timmerman-1,500.00, Zach Scott Construction-4,300.00; **CO EXTENSION:** Supplies/Caroline Hansen-142.85, Trvl & Conf/Caroline Hansen-555.84; **WEED:** Supplies/Heartland Ag Systems-196.88, Utilities/Verizon Wireless-41.92; **P&Z:** Publishing/Mitchell Republic Forum Comm-32.52; **HIWAY:** Prof Fees.Avera Occupational-275.00, Publishing/Mitchell Republic Forum Comm-4.86, Supplies & Materials/Access Systems-53.61, Detco-499.96, Diamond Mowers-1,109.94, CHS Farmers Alliance-2.00, Utilities/Northwestern Energy-588.25, Verizon Wireless-83.84; **EMG MGMT:** Supplies/MTech Inc-2,795.00, Trvl & Conf/Jeff Bathke-100.00, Utilities/Centurylink-13.65, City of Mitchell-42.05, Northwestern Energy-70.62, Emg Accuml/Corn Palace-1,218.00, Verizon Wireless-147.88, Jenna Auch-110.80, Vehicle Purchase/Mettler Implement-36,800.00.

PAYROLL FOR THE MONTH OF OCTOBER

Commissioner-\$7,501.52, Auditor-\$15,872.28, Treasurer-\$13,285.45, State's Attorney-\$33,018.77, Public Safety Building-\$6,348.07, Gen. Government Building-\$3,111.25, Director of Equalization-\$23,710.22, Register of Deeds-\$14,022.78, North Offices-\$6,026.19, Veterans' Services-\$9,480.00, HR-\$5,174.73, 24/7 Program-\$4,096.40, Sheriff-\$46,923.07, County Jail-\$101,774.97, Emergency Management-\$4,469.32, County Road & Bridge-\$50,589.65, Welfare-\$333.72, Community Health Nurses-\$3,281.61, WIC-\$2,926.40, Fairgrounds-\$3,747.80, Extension-\$920.50, Weed Control-\$2,168.34, Planning/Zoning-\$6,217.36.

APPROVE TIMESHEETS

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

APPROVE USE OF SPACE

Motion by Kiner, second by Claggett to approve the rental of office space at the North County Building to the SD Dept. of Health. Which had been previously approved telephonically to allow the State to proceed with specifications regarding the space. All members voted aye. Motion carried.

ADJOURN

At 12:15 p.m., Chairperson Reider adjourned the meeting and set the next regular Board of Commissioners meeting for October 31, 2023, at 9:00 a.m.

ATTEST

James Matthews, Deputy Auditor

Randy Reider, Chairperson

Publish Once
Approximate Cost