

**December 27, 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**

Motion by Nebelsick, second by Claggett to approve the agenda for the December 27, 2023, meeting. All members voted aye. Motion carried.

**APPROVE MINUTES**

Motion by Claggett, second by Nebelsick to approve the minutes of the December 12, 2023, meeting. All members voted aye. Motion carried.

**APPROVE AUTOMATIC SUPPLEMENTS**

Motion by Nebelsick, second by Kiner to approve an automatic supplement to 10100x4350212 in the amount of \$319.98 received from the State of SD JJDP Grant for two file cabinets. All members voted aye. Motion carried.

Motion by Claggett, second by Kiner to supplement the Sheriff's budget Overtime line (4111/211) in the amount of \$3,240.23, Social Security line (4120/211) in the amount of \$247.88 and State Retirement line (4130/211) in the amount of \$259.22 received from the State of South Dakota Highway Safety Overtime Enforcement Grant. All members voted aye. Motion carried.

**ACKNOWLEDGE CHECKS RECEIVED BECAUSE OF MTC PROGRAM**

Motion by Nebelsick, second by Blaaid to acknowledge two checks received from CHS as a result of MTC Ag Program. A check in the amount of \$6,106.88 was received for Yellow Soybean yield and a check in the amount of \$7,357.74 was received for Yellow Corn yield. All members voted aye. Motion carried.

**APPROVE RESOLUTION FOR CONTINGENCY TRANSFERS**

Motion by Claggett, second by Blaaid to approve the following resolution for contingency transfers for the 2023 budget year. A roll call vote was taken as follows. Claggett – aye, Blaaid – aye, Kiner – aye, Nebelsick – aye, Reider – aye. Motion carried.

**Resolution #122723-01  
Contingency Transfers**

**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 2023 budget year: Transfer from the General Fund Contingency Budget 112 in the amount of \$134,791.00 to:

<u>Budget</u>	<u>Name</u>	<u>Amount</u>
113	Insurance	\$ 169.00
151	States Attorney	11,912.00
161	General Gov't Bldg	62,768.00
162	Director of Equalization	11,046.00
163	Register of Deeds	8,284.00
165	Veteran's Service Office	7,582.00
172	Human Resources	4,075.00
213	Coroner	6,638.00
226	Emergency Management	10,346.00
523	Fairgrounds	11,971.00

Dated at Mitchell, South Dakota, this 27<sup>th</sup> day of December, 2023.

\_\_\_\_\_  
Randy Reider, Chairperson

ATTEST:

\_\_\_\_\_  
Susan Kiepke, Auditor

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

Motion by Blaalid, second by Claggett to approve the November 2023 Auditor's Account with the Treasurer in the amount of \$12,543,628.18. All members voted aye. Motion carried.

#### **OPEN PUBLIC HEARING FOR 1<sup>ST</sup> READING TO AMEND THE ZONING ORDINANCE**

At 9:15 a.m., motion by Kiner, second by Claggett to open public hearing for 1<sup>st</sup> reading to amend the Davison County Ordinance. All members voted aye. Motion carried.

Discussion was held regarding the amendment to the Davison County Zoning Ordinance.

P&Z Administrative Assistant Wegleitner stated that on October 3<sup>rd</sup>, 2023, the proposed amendment was denied by the Davison County Planning and Zoning Board. On October 23<sup>rd</sup> it was decided to continue setting the date of the 1<sup>st</sup> reading until October 31<sup>st</sup>. The 1<sup>st</sup> reading was then set for December 27<sup>th</sup>, 2023.

A letter in support of the change to the ordinance was submitted by Michele Rumbolz & Scott Rumbolz.

Jeremy Jensen, owner of Jensen Capital & Development and Jensen Design Build spoke in favor of the amendment as he is the person wanting to develop the area.

Mitch Peterson of Davenport, Evans law firm appeared on behalf of his client, Peggy Kelley. He cited Section 13-05A1 of the Davison County Zoning Ordinance which in part states that special circumstances must exist which require the land to be rezoned. The special circumstances do not result from the applicant. The change in zoning will not confer on the applicant any special privilege.

He also cited Section 13-05A6 which stated that no petition for amendment or change in zone shall be authorized unless the County Commission finds that the condition, situation, or the intended use of the property concerned is unique, required, or necessary as to make reasonably practicable the amendment or change in zone.

Marsha Schulz stated that she lives across the street from the area Mr. Jensen would like to develop and doesn't feel Mr. Jensen has met the requirements to rezone.

Motion by Nebelsick, second by Blaalid to set the second reading to amend the Davison County Zoning Ordinance on January 16, 2024, at 9:15 a.m. A roll call vote was taken as follows. Nebelsick – aye, Claggett – nay, Blaalid – aye, Kiner – aye, Reider – aye. Motion carried.

### **CLOSE PUBLIC HEARING**

At 9:31 a.m., motion by Claggett, second by Blaalid to close the public hearing. All members voted aye. Motion carried.

### **SIGN OUT OF COUNTY JAIL CONTRACTS**

As per the request of Sheriff Harr, motion by Claggett, second by Nebelsick to sign out of county jail contracts with the following counties for the year 2024. Turner, Clay, McCook, Hanson, Aurora, Hutchinson, Jerauld and Douglas. All members voted aye. Motion carried.

### **SIGN BEADLE COUNTY JUVENILE HOUSING CONTRACT**

As per the request of Sheriff Harr, motion by Claggett, second by Blaalid to sign the Beadle County Juvenile Housing contract at a rate of \$325.00 per day for 2024. All members voted aye. Motion carried.

### **SIGN MOU WITH THE CITY OF MITCHELL PD**

Motion by Blaalid, second by Kiner to sign an MOU with the City of Mitchell Police Department for the BYRNE Justice Assistance Grant (JAG) program. All members voted aye. Motion carried.

### **APPROVE VEHICLE PURCHASE**

As the two Explorers that were approved are no longer available, motion by Blaalid, second by Claggett to approve the purchase and set-up of two Ford F150 trucks at a cost of \$49,305 per unit, from Lamb Motors who honors the State bid price. Voting aye Claggett, Kiner, Blaalid, Reider. Voting nay Nebelsick. Motion carried.

### **OPEN SUPPLEMENTAL BUDGET HEARING**

At 9:45 a.m., motion by Blaalid, second by Kiner to open the Supplemental Budget Hearing for Care of Poor, Jail, Indigent Defender and Highway Budgets. All members voted aye. Motion carried.

### **ADOPT RESOLUTION TO SUPPLEMENT BUDGETS FOR 2023**

Motion by Claggett, second by Kiner to adopt the following resolution to supplement the Care of Poor, Jail, Indigent Defender and Highway budgets. A roll call vote was taken as follows. Claggett – aye, Kiner – aye, Nebelsick – aye, Blaalid – aye, Reider – aye. Motion carried.

**Resolution #122723-02  
Supplement Care of Poor,  
Jail, Indigent Defender and  
Highway Budgets**

**Whereas**, the Care of Poor, Jail, Indigent Defender and Highway 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 for 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 the 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 appropriation included in the 2023 budget to pay all Care of Poor, Jail, Indigent Defender and Highway Department expenses.

**Now, therefore be it resolved**, that \$96,762.00 from the General Fund Cash line item 10100A1010000 be supplemented to the County Coordinator budget, various line items, in the amount of \$2,955.00, the Jail budget, various line items, in the amount of \$53,007.00, the 911 budget, various line items in the amount of \$1,705 and the Urban/Rural Development budget, various line items, in the amount of \$39,095.

**Be it further resolved**, that \$232,583.00 from the Highway Fund Cash line item 20100A1010000 be supplemented to the Highway budget, various line items.

Dated at Mitchell, South Dakota this 27<sup>th</sup> day of December, 2023.

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Randy Reider, Chairperson

ATTEST:

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Susan Kiepke, Auditor

**CLOSE SUPPLEMENTAL BUDGET HEARING**

At 9:48 a.m., motion by Claggett, second by Nebelsick to close the Supplemental Budget Hearing. All members voted aye. Motion carried.

## **APPROVE TREE REMOVAL**

As per the recommendation of Highway Superintendent Weinberg, motion by Kiner, second by Claggett to approve the low quote from Dakota Tree and Maintenance for the removal and stumping of six trees on 264<sup>th</sup> Street, between 407<sup>th</sup> and 408<sup>th</sup> Avenues in Davison County, at a total cost of \$6,344. All members voted aye. Motion carried.

## **APPROVE TRAVEL REQUEST**

As per the request of Diversion Coordinator Buschbach, motion by Kiner, second by Nebelsick to approve travel to Las Vegas, NV for the National Assessment Center Symposium, January 28-31, 2024, at an approximate cost of \$1,743.20. All members voted aye. Motion carried.

## **RIFLE RANGE DISCUSSION**

Gary Kingsbury, Firesteel Sportsman's Club appeared before the Board to discuss the club's intent to request to build an indoor rifle range adjacent to the existing indoor pistol range located at the Davison County Fairgrounds.

Mr. Kingsbury presented a general concept of the proposed rifle range to gauge the interest of the Board. The request for a conditional use permit will be brought before the Davison County Planning & Zoning Board on January 3, 2024.

No Action taken.

## **APPROVE WINE & CIDER LICENSE RENEWAL**

Motion by Kiner, second by Blaalid to approve the renewal of a Retail (on-off sale) Wine and Cider license for Lee Ranch Trucking LLC. dba Lee's Red Barn for the year 2024. All members voted aye. Motion carried.

## **SET DATE AND TIME FOR VIEWING OF ISOLATED TRACT**

Motion by Blaalid, second by Claggett to set January 30, 2024 at 1 p.m. for the viewing and damage assessment of an isolated property owned by Scott Suelflow legally described as the SW ¼ of Section 1, T 103, R 60 W. of the 5<sup>th</sup> P.M, Davison County, SD. All members voted aye. Motion carried.

## **APPROVE MOONLIGHTING REQUEST**

Motion by Claggett, second by Nebelsick to approve a request from Physical Plant Director Rang to moonlight as a consultant for AKG. All members voted aye. Motion carried.

## **APPROVE COURTHOUSE LIGHT REPLACEMENT**

Motion by Blaalid, second by Kiner to approve the replacement of a light pole and light at the Davison County Courthouse by Muth Electric at a cost of \$2,495. All members voted aye. Motion carried.

## **APPROVE EMPLOYEE CHANGES**

Motion by Balaalid, second by Kiner to approve the hiring of Merrilee Osterloo as a full-time front desk clerk in the sheriff's office at a wage of \$20.00 per hour, effective January 16, 2024, with a \$.50 wage increase after successful completion of an introductory period. All members voted aye. Motion carried.

Motion by Balaalid, second by Nebelsick to approve the hiring of Courtney Bartscher as Deputy Auditor I at a wage of \$23.00 per hour, effective December 12, 2023, with a \$.50 wage increase after successful completion of an introductory period. All members voted aye. Motion carried.

Motion by Balaalid, second by Kiner to approve the reclassification of Todd Obele to full-time corrections officer as well as an increase of \$.50 per hour as he completed his introductory period, effective January 8, 2024. All members voted aye. Motion carried.

Motion by Balaalid, second by Nebelsick to approve a wage of \$.50 per hour, effective December 28, 2023, for maintenance personnel Warren Clark as he has completed his six-month introductory period. All members voted aye. Motion carried.

Motion by Balaalid, second by Nebelsick to acknowledge the involuntary termination of employee #5840, effective December 18, 2023, and to advertise for the same. All members voted aye. Motion carried.

## **CREATE 4-H PROGRAM ADMINISTRATOR POSISTION AND ADVERTISTISE**

Motion by Nebelsick, second by Balaalid to create a part-time 4-H Program Administrator position independent from the SDSU Extension Office and to advertise for the same at a rate of \$19 to \$21 per hour depending on experience. All members voted aye. Motion carried.

## **APPROVE PROTERTY TAX REFUND**

Motion by Claggett, second by Nebelsick to approve the following refund for tax year payable 2022, located within Davison County, South Dakota. All members voted aye. Motion carried.

Other: Property purchased by exempt entity

Abbott House, Lots 8 & 9, Blk 6 Burrs Addn- NW(22) \$2,655.03

## **APPROVE BILLS**

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

## **GENERAL FUND:**

**COMM:** Prof Fees/Boyce Law Firm LLP-150.00, Greatland-99.00, Audit Services/SD Dept of Legislative Audit-11,946.50; **JUD:** Prof Fees/Terri Lembcke Schildhauer-497.00, Interpreter Fees/Certified Language Internatinal-24.75, Servicios Hispanos LLC-150.00, Jury Fees/Jurors-3,498.74, County Fair Food Store-27.30, Domino's Pizza-76.93; **AUD:** Supplies/McLeod's Printing & Offc-563.55; **TREAS:** Supplies/First Dakota Nat'l Bank-5.00; **ST ATTY:** Prof Fees/Fifth Third Bank Legal-5.00, Med Prof Fees/Avera Queen of Peace Health Services-1,507.00, SD Public Health Laboratory-675.00, Repairs & Maint/Dakota Data Shred-55.06, Supplies/Innovative Office-136.84, Books/West Payment Center-566.73; **PUB SFTY BLDG:** Gas & Fuel/CHS Farmers Alliance-234.43, Water & Sewer/City of Mitchell-1,733.15, Elevator Service/Schumacher Elevator

Co-458.64, Buildings/AVI Systems Inc-2,474.20; **CRTHOUSE:** Supplies/Jones Supplies-196.00, Gas & Fuel/CHS Farmers Alliance-409.99, Gas & Electric/Northwestern Energy-3,111.73; **DOE:** Supplies/McLeod's Printing & Offc-103.96, Gas/CHS Farmers Alliance-282.48; **ROD:** Minor Equip/McLeod's Printing & Offc-369.90; **N. OFC:** Supplies/Jones Supplies/131.83, Menards-65.94, Gas & Electric/Northwestern Energy-1,119.83, Water & Sewer/City of Mitchell-75.25; **CRT APPTED ATTY:** Public Def Contract/Alvine Law Firm LLP-16,229.24 Douglas Papendick-16,229.24; **VET:** Trvl & Conf/CHS Farmers Alliance-76.03; **HR:** Supplies/McLeod's Printing & Offc-62.55; **SHERIFF:** Prof Services/Language Link-6.33, Repairs Patrol Car/Advance Auto Parts-112.55, Iverson Chrysler Center-102.72, Oil Changes/Lube Rangers-84.68, TMA-70.83, Vern Eide Ford Lincoln-82.89, Tires/TMA-27.09, Gas Patrol Car/CHS Farmers Alliance-3,978.22, Uniforms/Jack's Uniforms & Equip-525.07, Field Supplies/Advance Auto Parts-39.01; **JAIL:** Medicine/Lewis Drug Stores-1,227.37, Mitchell Clinic-115.22, Jail Supplies/Bob Barker Co Inc-1,560.46, Laundry Supplies/Aramark-97.68, Kitchen Supplies/Jones Supplies-187.90, Prisoner Food/Trinity Services Group-25,327.86, Contracts/Office Advantage-50.01, Medical Waste Transport-246.29, Mitchell Clinic-10,875.00, Minor Equip/Alcohol Monitoring Systems Inc-1,650.00, First Bankcard-319.98, Vehicle Maint/CHS Farmers Alliance-766.13, Inmate Services/Swanson Services-474.00; **JUV DET:** Detention/Minnehaha Co Regional-556.14; **FAIR:** Water & Sewer/Davison Rural Water-48.35; **WELFARE:** Funerals/Will Funeral Chapel-2,500.00; **MENT ILL:** Committals/Patrick W Kiner-214.00, Hearings/Mark Katterhagen-30.00, Val Larson-30.00, Lucy M Lewno-363.26, Yankton Sheriff's Office-50.00; **WEED:** Publishing/Mitchell Republic Forum Comm-43.23, Utilities/Verizon Wireless-41.92; **DRAIN:** Repairs & Maint/CK Fencing-3,944.91, Board Mileage/Jerry Buchholz-34.68, Gregg Bult-128.52, Chet Edinger-2.04, Denny Kiner Sr-6.12, Mark Klumb-38.76, Jay Larson-4.08, Chris Nebelsick-18.36; **P&Z:** Board Mileage/Dave Anderson-159.12, Lewis Bainbridge-133.11, Michael Blaaid-24.48, Ray Gosmire-24.48, Bruce Haines-73.44, Chris Nebelsick-61.20, Steve Thiesse-33.66; **HIWAY:** Prof Fees/D-Ware Inc-6,070.00, Repairs & Maint/Bierschbach Eqpt & Supply-322.66, Butler Machinery-6,931.22, Graham Tire Co-7,380.00, Supplies & Materials/Access Systems-59.04, CHS Farmers Alliance-16.00, McLeod's Printing & Offc-384.88, Pioneer Designs-120.00, Gas & Fuel/CHS Farmers Alliance-22,587.07, Utilities/Northwestern Energy-1,764.90, Verizon Wireless-83.84, Projects/Civil Design Inc-26,312.50, Prahm Construction Inc-114,623.40; **EMG MGMT:** Fuel/CHS Farmers Alliance-1,212.29, Utilities/CenturyLink-13.65, Northwestern Energy-103.29, Emg Accuml/Verizon Wireless-417.88, Minor Equip/Runnings Supply-579.96; **911:** Communications/City of Mitchell Police Dept-16,973.75; **M&P:** Due to SDACO/SDACO M&P-480.00.

## **APPROVE TIMESHEETS**

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

## **PAYROLL FOR THE MONTH OF DECEMBER**

Commissioner-\$11,252.28, Auditor-\$30,084.87, Treasurer-\$19,288.44, State's Attorney-\$49,544.38, Public Safety Building-\$9,479.04, Gen. Government Building-\$4,602.75, Director of Equalization-\$36,227.68, Register of Deeds-\$24,023.24, North Offices-\$8,996.84, Veterans' Services-\$15,000.01, HR-\$7,221.80, 24/7 Program-\$6,265.04, Sheriff-\$70,687.96, County Jail-\$161,046.93, Coroner-\$3,000.00, , Emergency Management-\$7,330.20, County Road & Bridge-\$69,303.65, Welfare-\$830.50, Community Health Nurses-\$4,922.40, WIC-\$4,682.24, Fairgrounds-\$4,912.33, Extension-\$2,209.20, Weed Control-\$5,175.37, Drainage-\$880.00, Planning/Zoning-\$12,286.04.

**DOE OFFICE DOOR DISCUSSION**

DOE Weber appeared before the board to discuss a replacement for the DOE Office Door. DOE Weber discussed grant possibilities for a bullet resistant door and glass and electronic lock. The Board requested that DOE Weber obtain a quote for a replacement for a standard door as well.

**INTO EXECUTIVE SESSION**

At 11:15 a.m., as per the request of Correction Administrator Lanning, motion by Nebelsick, second by Claggett 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 11:27 a.m., motion by Nebelsick, second by Blaalid to move out of executive session. All members voted aye. Motion carried.

**INTO EXECUTIVE SESSION**

At 11:29 a.m., as per the request of Drainage Administrator Bathke, motion by Nebelsick, second by Blaalid to move into executive session to discuss legal matters pursuant to SDCL 1-25-2. All members voted aye. Motion carried.

**OUT OF EXECUTIVE SESSION**

At 11:41 a.m., motion by Nebelsick, second by Blaalid to move out of executive session. All members voted aye. Motion carried.

**ADJOURN**

At 11:42 a.m., Chairperson Reider adjourned the meeting and set the next regular Board of Commissioners meeting for January 3, 2024, at 9:00 a.m.

**ATTEST**

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Susan Kiepke, Auditor

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Randy Reider, Chairperson

Publish Once  
Approximate Cost