

**January 16, 2024**

**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 Claggett, second by Blaalid to approve the agenda for the January 16, 2024, meeting. All members voted aye. Motion carried.

**APPROVE MINUTES**

Motion by Nebelsick, second by Claggett to approve the minutes of the January 9, 2024, meeting. All members voted aye. Motion carried.

**OPEN PUBLIC HEARING FOR 2<sup>nd</sup> READING TO AMEND THE ZONING ORDINANCE**

At 9:15 a.m., motion by Nebelsick, second by Kiner to open public hearing for 2<sup>nd</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 held 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 who is the person wanting to develop the area was not present.

Mitch Peterson of Davenport, Evans law firm appeared on behalf of his client, Peggy Kelley. He reiterated what he stated regarding Section 13-05A1 of the Davison County Zoning Ordinance at the first hearing saying there are no special circumstances that exist and the land is already being reasonably used. He further stated the land was bought as ag land and can still continue to be used as ag land.

Commissioner Kiner stated that he had done quite a little research on spot zoning. He feels if this is approved by the Board, it will go to court and the County will lose.

Chairperson Reider stated that he believes this property does meet a lot of the criteria to be rezoned, which differs from Ms. Kelley's attorney's beliefs.

Commissioner Nebelsick stated that it is painful to watch good farm ground turned into housing, but also painful watching bad farm ground being forced to be utilized for farming.

Motion by Nebelsick, second by Claggett to approve the amendment to the Davison County Zoning Ordinance. A roll call vote was taken as follows. Nebelsick – aye, Claggett – nay, Kiner – nay, Blaalid – nay, Reider – aye. Motion failed.

### **CLOSE PUBLIC HEARING**

At 9:26 a.m., motion by Nebelsick, second by Blaalid to close the public hearing. All members voted aye. Motion carried.

### **SIGN JOINT POWERS AGREEMENT**

As per the request of Sheriff Harr, motion by Kiner, second by Nebelsick to authorize chairperson to sign the James Valley Multi-Jurisdictional Drug Task Force Joint Powers of Agreement. All members voted aye. Motion carried.

### **RECESS BOARD OF COMMISSIONERS/CONVENE BOARD OF ADJUSTMENT**

At 9:35 a.m., motion by Blaalid, second by Kiner to recess Board of Commissioners and convene Board of Adjustment. All members voted aye. Motion carried.

### **ADJOURN BOARD OF ADJUSTMENT/RECONVENE BOARD OF COMMISSIONERS**

At 10:18 a.m., motion by Nebelsick, second by Blaalid to adjourn Board of Adjustment and reconvene Board of Commissioners. All members voted aye. Motion carried.

### **APPROVE PLATS**

Motion by Claggett, second by Blaalid to approve a Plat of Tract 1 of Gene’s Addition in the NW ¼ of Section 34, T 104 N, R 61 W of the 5<sup>th</sup> P.M., Davison County, South Dakota. All members voted aye. Motion carried.

Motion by Claggett, second by Blaalid to approve a Plat of Tract 1A of Nedved Addition, in the NE ¼ of the SE ¼ of Section 8, T 102 N, R 60 W of the 5<sup>th</sup> P.M., Davison County, South Dakota. All members voted aye. Motion carried.

Motion by Nebelsick, second by Kiner to approve a Plat of Lots 13 thru 21 and Meadows Court of Iverson’s Addition located in Lot B of the SE ¼ of Section 33, T 103 N, R 60 W of the 5<sup>th</sup> P.M., Davison County, South Dakota. All members voted aye. Motion carried.

### **CHAMBER 4<sup>TH</sup> QUARTER REPORT 2023**

Mike Lauritsen, Geri Beck and David Lambert presented the 2023 4<sup>th</sup> quarter report for the Mitchell Area Chamber, the Mitchell Convention & Visitor Bureau, the Mitchell Area Development Corporation and Dakota Heartland Development Corporation. The key takeaway was that affordable housing is needed in the area. The full report may be found on file in the Davison County Auditor’s office.

### **APPROVE WEED CHEMICAL PURCHASE**

As per the request of Weed Supervisor Page, motion by Nebelsick, second by Claggett to approve the purchase of 400 gallons of Grazon at a cost of \$63.50 per gallon for a total of \$25,400 for spraying 680 miles of County roads. All members voted aye. Motion carried.

## TABLE EQUIPMENT PURCHASE

Motion by Blaalid, second by Claggett to table the purchase of equipment for the Weed department until further information is available. All members voted aye. Motion carried.

## ADVERTISE FOR HIGHWAY SUPPLY, GRAVEL AND PROJECT BIDS

Motion by Nebelsick, second by Claggett to authorize Highway Superintendent Weinberg to advertise for Highway Supply, Gravel and Project bids which will be accepted until 5:00 p.m., February 12, 2024, at the Davison County Auditor's office, opened at 10:00 a.m., February 13, 2024, and awarded after review. All bids must be sealed and no walk-ins will be accepted. Bid specifications may be found at the Davison County Highway Shop, 1224 W. 5<sup>th</sup> Ave., Mitchell, SD 57301, phone (605)995-8625. All members voted aye. Motion carried.

## APPROVE BILLS

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

## GENERAL FUND:

**COMM:** Prof Fees/Tristar benefit Admin-1,070.00, Publishing/Mitchell Republic Forum Comm-610.05; **JUD:** Prof Fees/East River Psychological-1,500.00, Interpreter Fees/Certified Languages International-75.90; **TREAS:** Publishing/Mitchell Republic Forum Comm-323.41; **ST ATTY:** Med Prof Fees/Avera Queen of Peace Health Serv-1,781.00, SD Public Health Lab-1,845.00, Repairs & Maint/Dakota Data Shred-55.06; **CRT APPTED ATTY:** Crt Appted Atty/Wantoch Law Office-2,490.15; **PUB SFTY BLDG:** Contracts/Midwest Fire & Safety-445.49, Repairs/Menards-26.31, Supplies/Runnings Supply-19.56, Elevator Service/Schumacher Elevator-435.00; **CRTHOUSE:** Contracts/Midwest Fire & Safety-90.00, Repairs/SD IAEI-125.00, NAPA Auto Parts-399.98, Gas & Fuel/Warren Clark-26.13, Gas & Electric/Northwestern Energy-3,171.16, Elevator Service/Schumacher Elevator-481.29; **N. OFC:** Contracts/Midwest Fire & Safety-221.50, Gas & Electric/Northwestern Energy-1,360.40; **HR:** Trvl & Conf/SD Govt HR Assoc-25.00; **SHERIFF:** Prof Serv/Language Link-21.95, Oil Changes/TMA-64.03, Vern Eide Ford Lincoln-82.89, Car Wash/Mega Wash-15.00, Office Supplies/Dakota Data Shred-275.73, Uniforms/Jack's Uniforms & Equip-63.94, Minor Equip/Axon Enterprise Inc-51.25; **JAIL:** Jail Supplies/Bob Barker Co Inc-241.98, Jones Supplies-645.10, Laundry Supplies/Jones Supplies-214.93, Kitchen Supplies/Jones Supplies-409.53, GPS Monitoring/Alcohol Monitoring Systems Inc-292.16, Uniforms/Galls-Lexington-268.05, Water Softener/Darrington Water-49.00, Minor Equip/Galls-Lexington-1,020.25, Vehicle Maint/Advance Auto Parts-48.88; **MENT ILL:** Hearings/Lewis & Clark BHS-1,335.00; **FAIR:** Contracts/Midwest Fire & Safety-578.00, Repairs & Maint/Menards-10.75, Schoenfelder Const-143.55, Buildings/Davison Rural Water-56.90; **P&Z:** Publishing/Mitchell Republic Forum Comm-97.28; **IND DEV:** Econ Dev/Mitchell Area Development Corp-2,500.00; **EXTENSION:** Utilities/Northwestern Energy-329.92; **HIWAY:** Repairs & Maint/C & B Operations-14.70, Mitchell Iron & Supply-100.04, Runnings Supply-437.85, Transource-965.56, Supplies & Materials/A-Ox Welding-87.75, Aramark-32.62, Bailey Metal Fabricators-16.96, CHS Farmers Alliance-64.00, Truenorth Steel-1,254.00, Runnings Supply-75.70, Utilities/City of Mt. Vernon-100.00, Projects/Civil Design Inc-34,641.75; **M&P:** M&P Service & Fees/Trimin Systems inc-7,920.00.

**APPROVE PURCHASE**

As per the request of VSO Thomas, motion by Kiner, second by Claggett to approve the purchase of a desk and two chairs, if there aren't any acceptable in surplus, at a cost of approximately \$1,800. All members voted aye. Motion carried.

**APPROVE USE OF THE FAIRGROUNDS FOR VETERAN'S EVENT**

As per the request of VSO Thomas, motion by Nebelsick, second by Kiner to approve the use of the Fairgrounds for Operation Chow Line and Health Benefit Fair on May 9<sup>th</sup>, 2024, with the event to held from 3:00 p.m. to 8:00 p.m. All members voted aye. Motion carried.

**INTO EXECUTIVE SESSION**

At 11:24 a.m., as per the request of Chairperson Reider, 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 11:46 p.m., motion by Nebelsick, second by Blaalid to move out of executive session. All members voted aye. Motion carried.

**ADJOURN**

At 11:47 a.m., Chairperson Reider adjourned the meeting and set the next regular Board of Commissioners meeting for January 23, 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