

March 12, 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 AS AMENDED

Motion by Claggett, second by Nebelsick to approve the agenda, as amended, for the March 12, 2024, meeting. All members voted aye. Motion carried.

APPROVE MINUTES

Motion by Claggett, second by Nebelsick to approve the minutes of the March 5, 2024, meeting. All members voted aye. Motion carried.

PUBLIC INPUT

Cameron Paul, who lives on 259th Street, would like the speed limit lowered on 259th Street between 409th and 410th Avenues as there are many children and dogs in the area. The speed limit is currently 55 mph. He would like to see it set at 25 or 35 mph.

RECESS BOARD OF COMMISSIONERS/CONVENE BOARD OF ADJUSTMENT

At 9:16 a.m., motion by Nebelsick, 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 9:30 a.m., motion by Blaalid, second by Claggett to adjourn Board of Adjustment and reconvene Board of Commissioners. All members voted aye. Motion carried.

APPROVE PLATS

Motion by Blaalid, second by Nebelsick to approve a Plat of Tract 1 of Tupper's Addition, in the NE ¼ of the NE ¼ of Section 8, T 102 N, R 60 W of the 5th P.M., Davison County, South Dakota. All members voted aye. Motion carried.

Motion by Nebelsick, second by Claggett to approve a Plat of Olsen Tract 1, a Subdivision of the NE ¼ of Section 4, T 102 N, R 61 W of the 5th P.M., Davison County, South Dakota. All members voted aye. Motion carried.

Motion by Blaalid, second by Claggett to approve a Plat of Tract 1 and Tract 2 of Hank's Addition in the SE ¼ of the SE ¼ of Section 19, T 102 N, R 60 W of the 5th P.M., Davison County, South Dakota. All members voted aye. Motion carried.

SIGN AGREEMENT TO PROVIDE PAVEMENT MARKING

Motion by Kiner, second by Claggett to sign the State of South Dakota Department of Transportation Joint Powers Agreement to Provide for the Pavement Marking of County Roads within Davison County in the amount of \$11,754.74. All members voted aye. Motion carried.

APPROVE BIG PROJECT AGREEMENT

As per the request of Highway Superintendent Weinberg, motion by Claggett, second by Nebelsick to approve the Short Form Agreement for Professional Services between Davison County and Civil Design Inc. for BIG Project, Structure #18-070-198. All members voted aye. Motion carried.

APPROVE DESIGN WORK AND SIGNATURE FOR BIG GRANTS

As per the request of Highway Superintendent Weinberg, motion by Claggett, second by Nebelsick to approve the following structures to be “shelf ready”, meaning the design work will be done by Civil Design, Inc. before they go to bid, and to authorize chairperson to sign agreements. A roll call vote was taken as follows. Claggett – aye, Nebelsick – aye, Kiner – aye, Blaaid – aye, Reider – aye. Motion carried.

Structure 18-130-183 located on 407th Ave. between 262nd and 263rd Sts. with a cost of \$60,879.37.
Structure 18-170-053 located on 411th Ave. between 249th and 250th Sts. with a cost of \$66,214.62.

APPROVE GARAGE DOOR REPLACEMENT

As per the request of Highway Superintendent Weinberg, motion by Claggett, second by Nebelsick to approve the replacement of two garage doors and a side door for a total cost of \$26,867.40 to Upper Midwest Garage Door LLC with additional costs for materials with remaining work to be done by highway department personnel. All members voted aye. Motion carried.

OPEN GRAVEL BIDS

At 10:06 a.m., motion by Kiner, second by Nebelsick to open gravel bids. All members voted aye. Motion carried.

ACCEPT GRAVEL BIDS

Motion by Nebelsick, second by Kiner to accept both bids with Dixie Veurink Trucking, one for the Faber Pit at a cost of \$5.75 per ton for 35,000 tons More or Less and one for the Johnson Pit with a cost of \$5.75 per ton for \$30,000 tons More or Less. Davison County will sign a two-year contract which will include both pits at a cost of \$186,875 per year. All members voted aye. Motion carried.

CLOSE GRAVEL BIDS

At 10:11 a.m., motion by Nebelsick, second by Claggett to close bids. All members voted aye. Motion carried.

EMPLOYEE CHANGES

Motion by Blaaid, second by Kiner to approve rescinding the offer of the position of part-time Corrections Officer to Megan Forrest, effective March 12, 2024. All members voted aye. Motion carried.

Motion by Nebelsick, second by Blaalid to approve the reclassification to Deputy ROD 1 and a wage of \$24.00 per hour for Bridgett Nelson, effective March 5, 2024. All members voted aye. Motion carried.

Motion by Blaalid, second by Nebelsick to approve a wage of \$60,500 for ROD Kolbeck, effective March 5, 2024. All members voted aye. Motion carried.

APPROVE BILLS

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

GENERAL FUND:

COMM: Publishing/Mitchell Republic Forum Comm-21.28, Utilities/Mitchell Telecom-23.34, Santel Comm-106.35; **ELECTION:** Maintenance Contract/Election Systems & Software Inc-11,287.50, Supplies/Ramkota Hotel-342.00; **JUD:** Prof Fees/East River Psychological-6,250.00, Terri Lembcke Schildhauer-305.00, Interpreter Fees/Certified Languages Intl-28.05, Law Library/West Payment Center-130.11; **AUD:** Utilities/Mitchell Telecom-23.34, Santel Comm-50.71; **TREAS:** Utilities/Mitchell Telecom-63.58, Santel Comm-72.42; **ST ATTY:** Diversion Service & Fees/Jodi Reiners-200.00, Med Prof Fees/Avera Queen of Peace Health Services-1,052.00, Repairs & Maint/Dakota Data Shred-58.36, Utilities/Mitchell Telecom-66.16, Santel Comm-97.16; **PUB SFTY BLDG:** Repairs/Carquest of Mitchell-119.98, Interior Technicians Inc-535.72, Supplies/Menards-23.23, Pest Control/Premier Pest Control PPC-80.00, Garbage/Miedema Sanitation Inc-215.00, Buildings/Menards-455.90; **CRTHOUSE:** Supplies/Jones Supplies-195.44, Water & Sewer/City of Mitchell-284.61, Pest Control/Premier Pest Control PPC-50.00, Garbage/Miedema Sanitation Inc-101.00; **DOE:** Repairs & Maint/Carquest of Mitchell-62.02, Postage/Qualified Presort-5,301.12, Utilities/Mitchell Telecom-21.25, Santel Comm-89.07, Minor Equip/Tech Solutions-69.00; **ROD:** Rentals/Microfilm Imaging Sys Inc-1,410.00, Utilities/Mitchell Telecom-59.41, Santel Comm-72.50; **N. OFC:** Repairs/Bender's Sewer & Drain-305.00, Carquest of Mitchell-119.98, Supplies/Menards-53.30, Pest Control/Premier Pest Control PPC-50.00, Garbage/Miedema Sanitation Inc-117.00, Phones/Mitchell Telecom-42.66, Santel Comm-28.05; **VET:** Utilities/Mitchell Telecom-42.66, Santel Comm-126.60; **CO COORD:** IT Contract/Tech Solutions-13,577.70, Supplies/Mitchell Telecom-26.55, Santel Comm-10.00, Copy Mach Maint/Century Business Products-159.98; **HR:** Utilities/Mitchell Telecom-21.25, Santel Comm-38.22; **SHERIFF:** Utilities/Mitchell Telecom-515.19, Santel Comm-572.43; **JAIL:** Jail Supplies/Bob Barker Co Inc-456.90, County Fair Food Store-14.49, Laundry Supplies/Aramark-195.36, Inmate Testing/McKesson Medical-238.83, Prisoner Food/Trinity Services Group-24,804.54, Cable TV/Mitchell Telecom-114.96, Water Softener/Darrington Water-49.00, Contracts/Office Advantage-372.34, Medical Waste Transport-313.85; **WELFARE:** Ofc Utilities/Mitchell Telecom-33.97, Santel Comm-23.01; **MENT HAND:** Ment Handicapped/SD Dept of Revenue-3,320.02; **MENT ILL:** Committals/Patrick W Kiner-345.00, Hearings/Lewis & Clark BHS-426.00; **FAIR:** Pest Control/Premier Pest Control PPC-50.00, Garbage/Miedema Sanitation Inc-197.00, Buildings/Menards-343.80; **EXTENSION:** Supplies/Mcleod's Printing-87.88, Utilities/Mitchell Telecom-107.43, Santel Comm-85.96; **WEED:** Supplies/Assn of SD W&P Bds-214.00, Warne Chemical & Equip-260.15, Utilities/Mitchell Telecom-59.48, Santel Comm-25.53; **HIWAY:** Prof Fees/Midwest Petroleum-97.50, Repairs & Maint/Bailey Metal-339.90, Butler Machinery-2,370.10, C&S Truck Sales & Salvage-100.00, Carquest of Mitchell-1,975.69, Dakota Fluid Power-6,615.14, Dockendorf Equipment Co-1,400.00, Driveline Service Inc-429.53, Elfstrand's Ace Hardware-68.49, Graham Tire Co-2,176.00, Independent Viking Glass-239.14, Transource-1,241.92, Supplies & Materials/A & G Diesel Inc-59.25, A-Ox Welding Supply-286.25, Advance Auto Parts-48.99, Aramark-32.62, Auto Body Specialties-12.16, Bailey Metal-305.12, Carquest of Mitchell-566.87, SD Dept of Revenue-7.51, Elfstrand's Ace Hardware-201.98, Lawson Products Inc-47.27, Runnings Supply Inc-162.61, Sturdevant's Auto Parts-305.22, Utilities/City of Mt. Vernon-109.00, Miedema Sanitation Inc-83.00, Mitchell Telecom-174.44, Northwestern Energy-24.21, Santel Comm-68.21, Bridge Repair/Civil Design Inc-6,922.50; **URBAN RURAL**

DEV: TID C2 M/First Dakota National Bnk-15,365.16; **EMG MGMT:** Utilities/Mitchell Telecom-21.25, Santel Comm-95.76; **JAIL 24/7:** Contracts/PKT-1,350.00; **BID DEP:** Fair Dmg Dept Ret-C&B Mitchell-750.00.

APPROVE AUDITOR'S ACCOUNT WITH TREASURER

Motion by Claggett, second by Nebelsick to approve the February 2024, Auditor's Account with the Treasurer in the amount of \$10,108,683.62. All members voted aye. Motion carried.

RECESS BOARD OF COMMISSIONERS

At 10:35 a.m., motion by Claggett, second by Nebelsick to recess Board of Commissioners and to reconvene at 1:00 p.m. All members voted aye. Motion carried.

RECONVENE BOARD OF COMMISSIONERS

At 1:00 p.m., Chairperson Reider reconvened the Davison County Board of Commissioners at the SE corner of the SW ¼ of Section 1, T 103 R 60 W of the 5th P.M., Davison County, SD. All members of the Board were present. Also present were Auditor Kiepke, Deputy States Attorney Taylor, Scott Suelflow and his attorney Doug Papendick, Brenda and Dennis Ellwein and their attorney Mike Fink, as well as several others.

The commissioners reviewed the SW ¼ of Section 1, T 103 R 60 W of the 5th P.M., Davison County, SD in order to lay out one right-of-way across surrounding land and assess appropriate damages, therefore, due to the fact that SDCL 31-22-2 states that if the owner of such an isolated tract is unable to agree with the owner of surrounding lands for purchase of a right-of-way from such isolated tract of land to a public highway, he may apply to the board of county commissioners for relief, making his application in writing and describing the isolated tract and the surrounding land over which a right-of-way is desired. The county commissioners shall thereupon cause to be served upon the owner or owners of such surrounding land a notice in writing of a time when such board will visit such land and lay out one right-of-way across such surrounding land, and assess the damages therefor, which notice shall be served at least five days prior to the date set for such visit and appraisal.

Attorney Papendick stated that Mr. Suelflow's access to his land is wet approximately eight out ten years, which leaves no access. He stated the only way to get to the property is with a top easement.

Mrs. Ellwein stated there is drainage tile up top that they have been working twelve years on. She said they have allowed Mr. Suelflow to access his property through the bottom.

Deputy States Attorney Taylor reminded the Board they are there to get the layout of the land and gather information.

Attorney Fink stated there are not ten acres of isolated land, which is required by code.

Attorney Papendick stated Suelflow needs access to all his lower land in order to access winter wheat and to build a cabin.

Attorney Fink responded by saying, if he can spray and plant, he should have access.

Suelflow stated that he uses the bottom land to farm and the top land to hunt. He would also like to build a cabin.

Chairperson Reider set April 2, 2024, at 1:00 p.m. to determine one right-of-way for the SW ¼ of Section 1, T 103 T 60 W of the 5th P.M., Davison County, SD, in the Davison County Commission Chambers located at 1420 N. Main St., Mitchell, SD.

ADJOURN

At 2:10 p.m., Chairperson Reider adjourned the meeting and set the next regular Board of Commissioners meeting for March 19, 2024, at 9:00 a.m.

ATTEST

Susan Kiepke, Auditor

Randy Reider, Chairperson

Publish Once
Approximate Cost