

July 9, 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 Blaalid, second by Claggett to approve the agenda, as amended, for the July 9, 2024, meeting. All members voted aye. Motion carried.

APPROVE MINUTES

Motion by Nebelsick, second by Claggett to approve the minutes of the July 2, 2024, meeting. All members voted aye. Motion carried.

ACCEPT FUEL QUOTES

As per the request of Highway Superintendent Weinberg, motion by Claggett, second by Kiner to approve the low quotes for fuel as follows: 7,000 gallons diesel #2 at a cost of \$2.704 per gallon from Brooks Oil; 3,000 gallons of unleaded at a cost of \$3.09 per gallon from Vollan Oil. All members voted aye July 8, 2024, telephonically. Motion carried.

APPROVE OPERATING TRANSFER

As there is not enough cash in the 24/7 Fund and it is allowable to do an operating transfer of Cash from General Fund to other funds, motion by Claggett, second by Nebelsick to transfer \$43,474 from General Fund Cash 10100A1010000 to 24/7 Sobriety Fund Cash 24800A1010000. All members voted aye. Motion carried.

APPROVE AUDITOR'S ACCOUNT WITH TREASURER

Motion by Claggett, second by Kiner to approve the June 2024 Auditor's Account with the Treasurer in the amount of \$12,105,183.79. All members voted aye. Motion carried.

RECESS BOARD OF COMMISSIONERS/CONVENE BOARD OF ADJUSTMENT

At 9:15 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 9:17 a.m., motion by Kiner second by Nebelsick to adjourn Board of Adjustment and reconvene Board of Commissioners. All members voted aye. Motion carried.

OPEN PUBLIC HEARING ON THE ISSUANCE OF A TEMPORARY MALT BEVERAGE LICENSE

At 9:18 a.m., motion by Kiner, second by Nebelsick to open the public hearing regarding a temporary malt beverage license for the Exchange Club of Mitchell during DakotaFest to be held August 20, 21 and 22, 2024.

GRANT TEMPORARY MALT BEVERAGE LICENSE

Motion by Kiner, second by Claggett to adopt the following resolution granting a temporary malt beverage license to Exchange Club of Mitchell for DakotaFest to be held August 20, 21 and 22, 2024. A roll call vote was taken as follows. Blaaid – aye, Nebelsick – aye, Kiner – aye, Claggett – aye, Reider – aye. Motion carried.

**Davison County Resolution #070924-01
Grant Temporary Malt Beverage License to
Exchange Club of Mitchell, SD**

Whereas, SDCL 35-4-124 states, in part, that any municipality or county may issue:

- (1) A special malt beverage retailers license in conjunction with a special event within the municipality or county to any civic, charitable, educational, fraternal, or veterans organization or licensee licensed pursuant to 35-1-111 or subdivision 35-4-2(4), (6) or (16) in addition to any other licenses held by the special events license applicant;
- (2) A special on-sale license in conjunction with a special event within the municipality or county to any civic, charitable, educational, fraternal, or veterans organization or any licensee licensed pursuant to 35-4-111 or subdivision 35-4-2(4) or (6) in addition to any other licenses held by the special events license applicant; and

Whereas, a public hearing is required for the issuance of a license pursuant to this section if the person/organization applying for the license doesn't hold an on-sale alcoholic beverage license or a retail malt beverage license in the municipality or county; and

Whereas, no persons appeared at the hearing held June 27, 2023, in objection to the issuance of the malt beverage license applied for and no concerns were otherwise expressed, it being noted the location and particulars of the temporarily licensed premises were appropriate for the sale of malt beverages.

Whereas, the fee had previously been set at \$200.00.

Now, therefore, be it resolved, that a temporary on-sale malt beverage license be issued to Exchange Club of Mitchell, SD, for a fee of \$200 for the days of August 20, 21 and 22, 2024, for DakotaFest, which is held in the SE ¼ Inc, Lot A of Moneke's Sub Ex H2 & Ex Schlaffman Tract 1 and the SW ¼, Ex H2 & Ex Lot A of Mitchell Landfill, 1st Addn & Lot 7 N of H-3 SE ¼, Mitchell, Township, Davison County, South Dakota.

Dated at Mitchell, SD this 9th day of July, 2024.

Randy Reider, Chairperson

ATTEST:

Susan Kiepke, Auditor

INTO EXECUTIVE SESSION

At 9:20 a.m. as per the request of Chairperson Reider, motion by Blaalid, second by Kiner to move into executive session to discuss contract negotiations as per SDCL 1-25-2. All members voted aye. Motion carried.

OUT OF EXECUTIVE SESSION

At 9:42 a.m., motion by Blaalid, second by Claggett to move out of executive session. All members voted aye. Motion carried.

EXTEND INDIGENT DEFENDER CONTRACTS

Motion by Blaalid, second by Claggett to extend the Indigent Defender Contracts with Alvine Weidenaar LLP and Stiles, Papendick & Kiner for the period of January 1, 2025 through December 31, 2027 at an annual rate of \$240,000. A roll call vote was taken as follows. Blaalid – aye, Claggett – aye, Kiner – aye, Nebelsick – aye, Reider – aye. Motion carried.

MEDICAL PROVIDER DISCUSSION

Sheriff Harr discussed with the commissioners the letter received from Mitchell Clinic, Ltd., regarding the fact they will no longer provide health care for the jail after December 31, 2024.

CONTINUE 2025 BUDGET REVIEW

Commissioners continued reviewing the 2025 budget.

THIESSE DRAINAGE ISSUE

Steve Thiesse appeared before the Board to discuss a drainage issue he has because he has talked to the City of Mitchell and County officials and hasn't been able to get a resolve. He stated his problems began when the City placed a pipeline in his ditch. The water hasn't drained correctly since.

Highway Superintendent Weinberg said they have cleaned the ditch and the water will drain, it just takes a while.

The commissioners determined there needs to be a discussion between the City, Weinberg and Bathke to determine a resolution for Mr. Thiesse.

SMITH WEED DISCUSSION

Jay Smith received a bill in the mail from the Davison County Weed Department for weed eradication. He stated he was in the process of getting rid of the weeds and didn't feel the timeframe allowed was fair.

He posed several questions to the Board. He asked which of the commissioners served on the Weed Board and if they were entitled to be part of the destruction of his property.

Chairperson Reider responded stating that if the Weed Department aren't able to get things done in a timely manner, they may hire custom help.

Deputy States Attorney Taylor said that if weeds are not taken care of in a timely manner, as per SDCL 28-22 the County, giving timely notice, can come in, take care of them and bill for the service.

Weed Supervisor Page stated that he treats every landowner the same. They get five days to take care of weed infestation.

Mr. Smith wanted to know if Facebook is a legal way to post meetings of the Weed Board.

Chairperson Reider responded saying that posting on Facebook is in addition to the required notice.

He asked about minutes of the Weed Board meetings and was told they are all kept at the Weed Department.

Mr. Smith asked again if there was a conflict with a commissioner being involved.

Commissioner Nebelsick responded saying that he should be thanking him for getting rid of his weeds as his neighbors were going to sue him.

Mr. Smith mentioned a dam just south of the corner of 256th St. and 402nd Ave. and asked if it was legal to place it there. Highway Superintendent Weinberg will take a look at it.

APPROVE TIME SHEETS

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

APPROVE BILLS

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

GENERAL FUND:

; COMM: Publishing/Column Software PBC-114.22, Supplies/Mcleod's Printing-23.94, Utilities/Mitchell Telecom-22.80, Santel Comm-104.95; **ELECT:** Supplies/Dakota Data Shred-96.93; **JUD:** Interpreter Fees/Certified languages Intl-42.90; **AUD:** Rentals/Microfilm Imaging Sys Inc-147.00, Utilities/Mitchell Telecom-22.79, Santel Comm-46.01, Mainframe Prof/Software Services Inc-1,975.00; **TREAS:** Utilities/Mitchell Telecom-53.99, Santel Comm-71.95, Mainframe Support/Software Services Inc-100.00; **ST ATTY:** Prof Fees/James D Taylor PC-4,879.34, Utilities/Mitchell Telecom-64.61, Santel Comm-97.91; **CRT APPTED ATTY:** Crt Appted Atty/Morgan Theeler LLP-2,962.53, Wantoch Law Office PLLC-2,842.50; **PUB SFTY BLDG:** Repairs/Automatic Building Controls-382.65, Supplies/Menards-23.92, Garbage/Miedema Sanitation-215.00; **CRTHOUSE:** Garbage/Miedema Sanitation-101.00; **DOE:** Utilities/Mitchell Telecom-21.03, Santel Comm-87.84, Software Services/Software Services Inc-200.00; **ROD:** Rentals/SD Burau of Administration-46.75, Microfilm Imaging Sys Inc-450.00, Microfilm Supplies/SD Burau of Administration-100.22, Utilities/Mitchell Telecom-57.85, Santel Comm-77.22, Prof Support/Software Services Inc-50.00; **N. OFC:** Repairs/Thune's True Value-4.98, Garbage/Miedema Sanitation-83.00, Phones/Mitchell Telecom-42.45, Santel Comm-28.80; **VSO:** Supplies/GFC Leasing WI-35.06, Utilities/Mitchell Telecom-42.45, Santel Comm-65.49; **CO COORD:** IT Contract/Tech Solutions-12,916.59, Postage/Qualified Presort-1,069.05, Postage Meter Fees/Qualified Presort-252.82, Supplies/Mitchell Telecom-7.25, Santel Comm-10.04; **GIS:** Pictometry/Pictometry Intl-15,081.46; **HR:** Utilities/Mitchell Telecom-21.03, Santel Comm-39.14; **SHERIFF:** Tires/TMA-752.22, Ofc Supplies/Mcleod's Printing-49.90, Utilities/Mitchell Telecom-511.78, Santel Comm-587.40, Cellular Service/AT&T Mobility-707.84; **JAIL:** Jail Supplies/Bob Barker Co-324.20, Jones Supplies-

335.79, Cable TV/Mitchell Telecom-111.40, Contracts/Fastcase Inc-550.00, Ofc Advantage-312.67; **WELFARE:** Transients/Mitchell Inn-180.00, Ofc Utilities/Mitchell Telecom-33.31, Santel Comm-23.39; **MENT HAND:** Handicapped/SD Department of Revenue-738.92; **MENT ILL:** Committals/Douglas Papendick-230.00, Hearings/Mark Katterhagen-12.00, Val Larson-12.00, Lucy M Lewno-156.64, Dean Schaefer-234.00, Yankton Sheriff's Ofc-50.00; **FAIR:** Repairs & Maint/Menards-3.44, Runnings Supply-59.99, Supplies/Jones Supplies-30.00, Menards-10.47, Garbage/Miedema Sanitation-218.00, Buildings/Menards-56.93; **EXTENSION:** Supplies/Mcleod's Printing-54.99, Utilities/Mitchell Telecom-106.81, Santel Comm-86.92; **WEED:** Repairs/Fleetpride-28.58, Utilities/Mitchell Telecom-58.36, Santel Comm-25.90; **HIWAY:** Repairs & Maint/A & G Diesel Inc-532.80, Butler Machinery-3,352.35, Carquest of Mitchell-378.27, Dockendorf Equip-407.00, Elfstrand's Ace Hardware-25.99, Fleetpride-1,247.99, Runnings Supply-139.45, Vern Eide Ford Lincoln-1,292.30, Supplies & Materials/Bailey Metal-41.20, Carquest of Mitchell-621.11, Elfstrand's Ace Hardware-277.81, Jones Supplies-56.96, Runnings Supply-92.67, Sturdevant's Auto Parts-67.98, Utilities/Miedema Sanitation-83.00, Mitchell Telecom-169.76, Santel Comm-26.42, Minor Equip/Tech Solutions-149.00, Signage & Materials/Bailey Metal-317.38, Bridge Repair/Bailey Metal-148.10, Commercial Asphalt-34,685.70, Elfstrand's Ace Hardware-92.11; **EMG MGMT:** Utilities/Mitchell Telecom-21.03, Santel Comm-97.94; **247 JAIL:** Drug Patches/Pharmchem Inc-587.70.

CONTINUE 2025 BUDGET REVIEW

Commissioners continued reviewing the 2025 budget.

INTO EXECUTIVE SESSION

At 11:40 a.m. as per the request of Commissioner Blaalid, motion by Blaalid, second by Nebelsick to move into executive session to discuss personnel as per SDCL 1-25-2. All members voted aye. Motion carried.

OUT OF EXECUTIVE SESSION

At 11:45 a.m., motion by Blaalid, second by Nebelsick to move out of executive session. All members voted aye. Motion carried.

ADJOURN

At 11:46 a.m., Chairperson Reider adjourned the meeting and set the next regular Board of Commissioners meeting for July 23, 2024, at 9:00 a.m.

ATTEST

Susan Kiepke, Auditor

Randy Reider, Chairperson

Publish Once
Approximate Cost