

Charles Mix County
Board of Commissioners
Regular Session – February 18th, 2021

The Charles Mix County Board of Commissioners met in regular session on the 18th of February 2021 at 10:00 am. Chairman – Nick Stotz opened the meeting with the Pledge of Allegiance and called the meeting to order with Vice-Chairman – Keith Mushitz, Commissioner – Colin Soukup, and Auditor – Danielle Davenport present.

Executive Session:

A motion was made by Mushitz and seconded by Soukup to enter into executive session at 10:00 am to discuss personnel with Auditor-Davenport present. All in favor, motion carried. An end was declared to executive session at 10:02 am with no action taken.

Agenda:

A motion was made by Soukup seconded by Mushitz to approve the Agenda as presented. All in favor, motion carried.

Minutes:

A motion was made by Mushitz and seconded by Soukup to approve the minutes from the February 12th, 2021 regular session. All in favor, motion carried.

Bills:

A motion was made by Soukup and seconded by Mushitz to approve the bills for 2/18/2021. All in favor, motion carried.

County Health Nurse:

Auditor-Davenport provided the Commission with a copy of the Bi-Annual Commissioner Report for August 2020-January 2021 from the County Health Nurse department. The report provided data regarding caseloads, program guidance and providing services through the COVID-19 Pandemic. Telephonic services will continue into mid-May and may be extended depending on the pandemic. No action taken.

Demo Bid:

Sealed bids were opened by Mushitz for Project 21-1 Demolition of County Owned Property - Geddes Hotel. The bids were as follows:

Wagner Building Supply	Project Total - \$48,000
Randal Brumbaugh	Project Total - \$29,688
Berens Excavating	Project Total - \$27,750

A motion was made by Mushitz and seconded by Soukup to accept the bid from Berens Excavating for Project 21-1 Demolition of County Owned Property – Geddes Hotel. All in favor, motion carried.

Weight Limit Resolution/Ordinance:

A motion was made by Mushitz and seconded by Soukup to approve the second reading of Resolution/Ordinance 2021-02. All in favor, motion carried.

Resolution/Ordinance No. 2021-02

An ordinance regulating weight limit enforcement over certain roads in Charles Mix County and further providing for penalties of violation of the terms of the ordinance and repealing all prior ordinances in conflict with the provision of this ordinance.

Whereas, seasonal climatic changes can be detrimental to our highways, and State Law SDCL 32-14-6 gives the county the authority to prohibit the operation of vehicles or restrict the weight of vehicles upon any highway under its jurisdiction, by reason of deterioration of physical condition, rain, snow, or other climatic conditions will seriously damage or destroy unless the use of vehicles on the highway is prohibited or the permissible weights of the vehicles are reduced; and

Whereas, by state law SDCL 32-22-24, Spring Load limits may be put on as early as February 15 and may stay on through April 30. Time of Implementation and removal is dependent on weather and road conditions. Limits become effective when the signs are installed, displayed and are no longer enforceable when the signs are removed; and

Whereas, the taxpayers bear the burden of the costs of road repair; and

Whereas, the Board of Charles Mix County Commissioners, desires the enforcement of weight limitation of Charles Mix County Roads as set forth and posted by the Charles Mix County Highway Superintendent.

NOW THEREFORE, BE IT RESOLVED BY THE CHARLES MIX COUNTY COMMISSION: The weight limits on Charles Mix County Highways shall be set at seven (7) tons per axle on roads which will be designated by the posting of signs

during the spring thaw period. Further, the South Dakota Highway Patrol is hereby authorized to enforce weight limitations on Charles Mix County roads, and Charles Mix County requests that the Highway Patrol assist in enforcing said weight limitations.

1. Purpose: To protect the health, safety and general welfare of the residents of Charles Mix County by enforcing vehicle weight limits on vulnerable County roads.

2. Unlawful Acts: It shall be unlawful to operate any "overweight vehicle," as hereinafter defined, on any "designated road," as hereinafter defined, within Charles Mix County, except as otherwise provided herein.

3. Definitions:

A. Overweight vehicle: Any motor vehicle having a total weight, which amounts to more than seven (7) tons per axle.

B. Designated Road: A road the County Highway Superintendent has placed weight limits on by the posting of signage.

4. Exceptions to overweight vehicle Traffic: overweight vehicles may be permitted on designated roads as follows:

A. For the operation of authorized emergency vehicles.

B. For an emergency so declared by public officials or public act.

5. Posting of Restrictions: Signs shall be posted in order to identify the roads that weight limitations are being enforced on. Signs shall be posted at locations determined by the County Highway Superintendent and approved by the Charles Mix County Commissioners.

6. Penalty: Any person violating any provision of this ordinance shall be guilty of a misdemeanor, punishable upon conviction by a fine not to exceed five hundred (\$500.00) dollars, plus costs and/or imprisonment in the county jail for a period not to exceed thirty (30) days.

7. Severability: This ordinance and the various parts, sections, paragraphs, and subsections, sentences, phrases, and clauses thereof are hereby declared to be severable. If any part, section, paragraph, subsection, sentence, phrase, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

Signed by: Nick Stotz, Chairman Charles Mix County Commission

Attested by: Danielle Davenport, County Auditor

Passed and adopted by the Charles Mix County Commissioners, Charles Mix County, South Dakota on the first reading on the 12th day of February, 2021 by the following vote:

Ayes: 3

Nays: 0

Absent: 0

Passed and adopted by the Charles Mix County Commissioners, Charles Mix County, South Dakota on the first reading on the 18th day of February 2021 by the following vote:

Ayes: 3

Nays: 0

Absent: 0

Date: 2/18/2021

Signed: Nick Stotz

Attested: Danielle Davenport

Highway:

Highway Superintendent – Doug Cimpr met with the Commission and discussion was held regarding annual haul permits, weight limit posting date and the renaming of SD Hwy 50. No action taken at this time, further discussion to be held at the 3/9/2021 meeting.

Wildland Fire:

States Attorney – Steve Cotton was present to discuss drafting a resolution appointing a commission designee for the SD Department of Agriculture Wildland Fire Division. Draft to be presented at the 3/9/2021 meeting. No action taken.

Executive Session:

A motion was made by Soukup and seconded by Mushitz to enter into executive session at 10:30 am to discuss personnel with States Attorney-Cotton and Auditor-Davenport present. All in favor, motion carried. An end was declared to executive session at 10:53 am with no action taken.

March Meetings:

The March meetings have been set for the 9th & 18th.

Tax Freeze:

Director of Equalization – Denise Weber presented a resolution to the Commission regarding Tyler Krcil’s tax freeze request. A motion was made by Soukup and seconded by Mushitz to approve Resolution 2021-03. All in favor, motion carried.

Resolution 2021-03

Declaration of beginning farmer designation for parcel 16.05.2000 owned by TYLER JAMES & MCKAYLA MORGAN KRCIL.

WHEREAS, TYLER JAMES & MCKAYLA MORGAN KRCIL are the owners of parcel 16.05.2000 legal description LOTS 2-3-4, S ½ - NW ¼ EX L-H, 3.03A EX L-H-1, 6.77A EX HALL TRACT 1 OF LOT 2 THEREOF (parcel number assigned by Charles Mix County Equalization Office) located in Charles Mix County, South Dakota, meet the criteria of SDCL 10-6-31.5 to qualify as a beginning farmer; and

WHEREAS, by virtue of meeting the criteria set forth in SDCL 10-6-31.4, such parcel may be granted a tax freeze for five (5) years in accordance with the provisions of SDCL 10-6-31.5; and

WHEREAS, the granting of such designation is discretionary with the Charles Mix County Board of Commissioners; and

WHEREAS, The Charles Mix County Board of Commissioners is willing to grant such designation upon the terms and conditions hereinafter set forth.

NOW THEREFORE BE IT RESOLVED, that the Charles Mix County Board of Commissioners grants beginning farmer status to TYLER JAMES & MCKAYLA MORGAN KRCIL as the owners of parcel 16.05.2000 as designated by the Charles Mix County Equalization Office; and

BE IT FURTHER RESOLVED, that the granting of the beginning farmer status be for a period of five years from the assessment year 2021 taxes payable 2022 with the taxes upon such property be frozen at 1366.58 for the period of time from 2021 ending 2025, except that the tax freeze so granted shall not apply to any new buildings or structures which may be constructed upon such property during the period of the tax freeze.

Dated this 18th day of February, 2021

Adopted this 18th day of February, 2021

Signed by: Nick Stotz, Chairman

Attested: Danielle Davenport, Auditor

Abatements:

Director of Equalization – Denise Weber met with the Commission and presented an abatement request for Damian Gravatt parcel 29.75.002 due to the 2019 flooding. A motion was made by Mushitz and seconded by Soukup to approve the abatement as presented. All in favor motion carried.

Public Comments:

No public comments were heard. No action taken.

Adjourn:

A motion was made by Mushitz and seconded by Soukup to adjourn until the next regular session on March 9th, 2021. All in favor, motion carried.

BILLS 2/18/2021

COURTS: 9 JURORS, JURY FEES, 600.36, **TOTAL: \$600.36**

AUDITOR: DOLLAR GENERAL, SUPPLIES, 6.66, **TOTAL: \$6.66**

STATES ATTORNEY: DOLLAR GENERAL, SUPPLIES, 8.00, CRAIG PARKHURST, POSTAGE REIMBURSEMENT, 8.30, THOMSON REUTERS, BOOKS/SOFTWARE, 176.84, **TOTAL: \$193.14**

COURT APPOINTED ATTY: JOHNSON POCHOP LAW, COURT APPOINTED, 902.60, STEKLY LAW, COURT APPOINTED, 2053.36, HEIN LAW, COURT APPOINTED, 1419.10, SWIER LAW, COURT APPOINTED, 1044.60, KEITH GOEHRING, COURT APPOINTED, 2973.99, **TOTAL: \$8,393.65**

ABUSED/NEG CHILD DEFENSE: HEIN LAW, COURT APPOINTED, 1874.90, SWIER LAW, COURT APPOINTED, 1468.30, **TOTAL: \$3,343.20**

GOVERNMENT GLDGS: L.A. COOP, PROPANE, 1439.41, **TOTAL: \$1,439.41**

SHERIFF: GRAHAM TIRE MITCHELL, REPAIRS/MAINTENANCE, 584.00, ULTIMATE SHINE CAR WASH, MAINTENANCE, 24.00, AT & T MOBILITY, UTILITIES, 469.46, GALLS, EQUIPMENT SHERIFF, 1946.11, SIRCHIE ACQUISITION, EQUIPMENT, 611.71, BOMGAARS, EQUIPMENT, 37.99, COMMERCIAL STATE BANK, K-9 PROGRAM/FEES, 952.65, L.A. COOP, SUPPLIES, 472.36, OFFICE PRODUCTS, SUPPLIES, 507.40, PUMPRNIKS, FUEL, 334.19, DAVE’S SERVICE, REPAIR/MAINTENANCE, 186.50, VERNON’S REPAIR, REPAIR/MAINTENANCE, 414.62, **TOTAL: \$6,540.99**

JAIL: DOLLAR GENERAL, PRISONER CARE, 24.25, CAHOY'S, GROCERIES, 124.00, BRECKE PEST CONTROL, MAINTENANCE, 100.00, WAGNER FAMILY DENTAL, PRISONER CARE, 190.00, CHARM-TEX, SUPPLIES, 758.22, JAMES DRUG, PRISONER CARE, 43.82, CASH-WAY DISTRIBUTING, GROCERIES, 2729.69, CHAMBERLAIN WHOLESALE, GROCERIES, 728.75, L.A. COOP, SUPPLIES/PROPANE, 304.98, OFFICE PRODUCTS, SUPPLIES, 289.47, VERNON'S REPAIR, REPAIR/MAINTENANCE, 65.00, **TOTAL: \$5,358.18**

CORONER: SANFORD HEALTH, AUTOPSY, 1050.00, **TOTAL: \$1,050.00**

NURSE: WAGNER EARLY CHILDHOOD, RENT, 682.10, PLATTE HEALTH CENTER, RENT, 383.00, **TOTAL: \$1,065.10**

WIC: WAGNER EARLY CHILDHOOD, RENT, 330.00, **TOTAL: \$330.00**

MENTALLY ILL: LUCY LEWNO, SERVICES, 190.00, MARK KATTERHAGEN, SERVICES, 22.50, DARCY LOCKWOOD, SERVICES, 22.50, MINNEHAHA COUNTY AUDITORS, SERVICES, 124.95, YANKTON COUNTY SHERIFF, SERVICES, 50.00, **TOTAL: \$409.95**

COUNTY FAIR: L.A. COOP, SUPPLIES, 25.30, **TOTAL: \$25.30**

HIGHWAY: L.A. COOP, SUPPLIES/FUEL, 2584.06, SDACHS, 2021 SHORT COURSE REGISTRATION, 400.00, **TOTAL: \$2,984.06**

COMMUNICATIONS CENTER: POWERPHONE, FEES/SERVICES, 387.00, TRITECH SOFTWARE, PSAP MAPPING, 18938.00, GALLS, SUPPLIES, 73.43, DSS CORPORATIONS, FEES/SERVICES, 5760.00, **TOTAL: \$25,158.43**

24/7 PROGRAM: INTOXIMETERS, SUPPLIES, 980.00, OFFICE PRODUCTS, SUPPLIES, 251.96, **TOTAL: \$1,231.96**

NON-DEPARTMENTAL: MV REFUND, REFUND, 72.20, **TOTAL: \$72.20**

GRAND TOTAL: \$58,202.59

Nick Stotz, Chairman

Danielle Davenport, Auditor