

May 17, 2011
Regular Meeting

The Deuel County Commissioners met in regular session on Tuesday May 17 at 9:00 a.m. in the Commission Room of the Courthouse with Chairman Hanson presiding. Those present were Commissioners Anderson, Hanson, Jaeger, Boone and Pederson. Also present was Auditor Pam Lynde.

Approval of Agenda 1) Pederson moved, seconded by Anderson to approve the agenda as presented. All voted yes and the motion carried.

APPOINTMENTS

9:05 Dennis Norton Assistant Highway Superintendent

Norton discussed several highway related issues with the Commissioners. Norton presented a right of way permit request from Brian Siegfried for County Highway #3 along section 16 in Goodwin Township. 2) Jaeger moved, seconded by Boone to approve application for occupancy right-of-way on County Highway 3 for Brian Siegfried. All voted yes and the motion carried. Norton said that Highway Superintendent Hintz stated that a hydraulics study needs to be done on the bridge 7 E and .5 south of intersection of highways 22 and 15 with the cost being approximately \$2000. 3) Anderson moved, seconded by Pederson to do hydraulics study on above described bridge. All voted yes and the motion carried.

9:15 Drainage Board

4) Anderson moved, seconded by Jaeger to adjourn as County Commission and reconvene as Drainage Board. All voted yes and the motion carried. Brian Siegfried presented an application on behalf of Evelyn Thiewes to drain on the S1/2 16-116-50 with the water flowing to the south. He will need to bore through/under the county road because it is an FSA road. USF Wildlife service has an easement on this and Brain has talked to them and they indicated this tiling is not affecting their easement and had verbal approval from the USF Wildlife. He had secured a right of way permit and had the wetland determination on the property and the downstream landowner approval with the water flowing south into a natural waterway. 5) Jaeger moved, seconded by Pederson to approve and issue drainage permit #D11-10 on the above described property. All voted yes and the motion carried. 6) Boone moved, seconded by Pederson to adjourn as Drainage Board and reconvene as County Commission. All voted yes and the motion carried.

9:30 Conference Call With Grant County Commission

The scheduled conference call with the Grant County Commissioners was held. Discussion was held on sharing a 4-H Educator. The county will need to fund \$8375 to share with one other county. Jaeger stated that a meeting was held with the Extension Board and discussed sharing with Grant County or Hamlin County for an Educator. Clayton Tucholke Commissioner from Grant County stated they had visited with their Extension Board and they requested that the county hire a full time 4-H Educator with county money. Tucholke and Commissioner Dave Forrette said they are open to all discussion at this point and felt that sharing an Educator with Deuel County would make sense and Commissioner Jaeger indicated the same from Deuel County. Deuel County has 110 children in 4-H and Grant has 155. Office staff and office hours were also

briefly discussed. Commissioner representatives from Grant and Deuel will meet to discuss the matter further before the next regular meeting which is June 7.

10:00 Tammy Baer/Allison Nelson –Health Nurse Contract

Baer and Nelson met with the Commissioners and requested county funding for the 2011-2012 fiscal year health nurse contract with Sanford, the state and Deuel County. Last year the funding request from the county was \$27,902. Baer stated the new contract is not ready yet but will be affective June 1. Nelson discussed the program revenue and for 2012 budget estimated it to be about the same amount as previous year. They requested funding at last year's level or with an increase of 2.1% which is the CPI. She also went over estimated expenditures for the proposed 2012 budget with total direct and indirect expenses projecting a loss of about \$20,273. She stated it is getting more difficult to increase revenue sources. She stated community health tries to keep people in their homes as long as possible. Nelson said the big increase in the IRS mileage rate could also affect the expense for travel.

10:15 Sheriff David Solem

Solem presented a letter of resignation he received from Deputy Frank Hoss who has resigned as of May 31st. 7) Anderson moved, seconded by Boone to advertise for full time deputy position. All voted yes and the motion carried.

10:30 Briana Hoffman Deuel Area Development

Hoffman along with Rollie Nevins and Jim Caanan met with the Commissioners to give them an overview of the activities of Deuel Area Development. Hoffman stated that she will be leaving her position as Coordinator and they are now taking interviews to fill her position. She also requested funding for the 2012 budget year in the amount of \$15000 plus office space. Hoffman thanked the Commissioners for their support over the years and stated Deuel Area Development has done a lot of good things with the investment. She said the main priority is business development. Since 2009 she has assisted approximately 70 entrepreneurs and existing businesses in Deuel County. She stated they have an area volunteer resource team which includes a marketing person, tech person and an engineer to help the business get on the road to success. She stated that Deuel Area Development has offered a large amount of business workshops; helped get a recycling program in Gary with those funds going to activities that Gary Community club is putting on; country dance lessons; working on walking trail grant; working on city of Clear Lake financial analysis; city beautification projects; coordinated the DOT Safety grant for speed signs. Deuel Area Development was recognized at the annual SD economic conference recently. Hoffman stated she is in the process of applying for a \$99000 rural development grant that will help create office incubators that provide low cost office space for businesses that can't start up on their own but would be able to rent office space until they are on their feet and then move out and new move in. She stated that grant funds require local support for match which resulted in a fund raising campaign last year which resulted in getting 29 businesses to give dollars or in kind support and will be conducting another fund raising campaign again this year to use as matching funds for grants this year. She said they must be marketing all the time and building the base for economic development.

11:00 Combined Hearing to Rezone

A combined public hearing of the Zoning Board and the County Commissioners was held upon the request of Travis & Jodie Young to rezone beginning at a point 665' N

and 796' E of the SW Corner of Section 8, thence N25°50'56"W 300' thence N58°59'40"E 450' thence S36°09'43"E 300' thence S58°59'40"W 504' to the point of beginning all in Government Lot 5, Section 8, Township One Hundred Sixteen (116) North, Range Forty-eight (48) West of the 5th P.M., in Deuel County, South Dakota to Lake Park District from AG Agricultural. Those present for the Zoning Board meeting were Paul Brandt, Dennis Kanengieter (via phone), Gary Jaeger and Mike Dahl. Gisalsen was absent. Kanengieter called the Zoning Board meeting to order. Travis Young stated that the usage will be for building of homes on the lots with the average size of the lots being 1.25 acres. Discussion was held on septic and sewer system. Zoning Board member Paul Brandt moved, seconded by Dahl to rezone the above described property from AG Agricultural to LP Lake Park District. Upon a roll call vote all Zoning Board members voted yes and the motion carried. The Planning & Zoning Board then recommended to the Commissioners that the above described property be rezoned to "LP" Lake Park District. Upon the recommendation of the Zoning Board, the Commissioners then held the first reading of Ordinance B2004-01-15A An Ordinance Entitled, An Ordinance to Amend Article III Section 302 Adopted by Ordinance B2004-01, July 6th, 2004, as amended, of the Zoning Ordinance of Deuel County. The second reading will be held on the 7th day of June at 10:30 a.m. in the Commission room of the Courthouse.

11:30 Drainage Board

8) Jaeger moved, seconded by Boone to adjourn as County Commission and reconvene as Drainage Board. All voted yes and the motion carried. Brandt Township met with the Commissioners to discuss a drainage issue that involves Ron Tvedt placing drain tile in the NW ¼ of section 12 of Brandt Township without a county permit. Brandt Township officers said there is still damage to the roadbed. Tvedt had indicated to Leibel, Attorney for the Township, that he would remove the barrel and tile laid in the vicinity of Section 12 114-49 (Brandt Twp.). Those had been placed without an application to drain or a permit. Discussions on a possible agreement had been held with the Township, Tvedt and adjacent landowners (A. Krause, D. Hoftiezer) with no agreement being reached.

Deputy State's Attorney Knight addressed the group; He said the complaint was that Ron had installed tile and didn't have a drainage permit from the county; Affected landowner Arnie Krause looked at site and said a permit should have been made for type of drainage that was done; Knight said it became clear that drainage tile had been put in and Tvedt requested the parties come to some sort of agreement; township is concerned drainage undermining road and needs to be repaired; Krause, Hoftiezer and Tvedt weren't able to come to an agreement and are now at a stalemate. Reed Mahlke Attorney for Ron Tvedt spoke and asked for a 30 day window on an agreement between all parties; He suggested that a professional would install the drainage tile;

Neal Ruhd Norden Township representative said there is a county ordinance that states Tvedt needs to have a county permit in order to install drainage tile and Knight stated a judge would have to decide if the ordinance has been violated and a civil penalty issued.

Attorney Knight stated that if all parties can't come to an agreement within the 30 day extension the tile will have to come out in 30 days after potential agreement date of June 16 (30 days).

12:00 Drainage Application

9) Jaeger moved, seconded by Anderson to adjourn as County Commission and reconvene as Drainage Board. Motion carried. Don Kinker, on behalf of Jerald Goens presented an application to drain on the NW14 of 24-116-50 Goodwin Twp. He is the adjoining landowner and the water is flowing onto his own land. He had a tile installation agreement (using nonperforated tile) with the NRCS. 10) Jaeger moved, seconded by Boone to approve and issue Drainage Permit #D11-11 to Jerald Goens on the above described property. All voted yes and the motion carried. 11) Boone moved, seconded by Jaeger to adjourn as Drainage Board and reconvene as County Commission. All voted yes and the motion carried.

OLD BUSINESS

NEW BUSINESS

Warrants

12) Boone moved, seconded by Jaeger to approve warrants paid early. All voted yes and the motion carried. Ottetail Power 1014.19 Utility; SDACC 1912.52 CLERP Payment; Qwest 405.52 911 Trunk Lines.

Plats

13) Anderson moved, seconded by Pederson to approve the Plat of Theisen Addition and Resolution #11-07. All voted yes and the motion carried.

COUNTY COMMISSIONERS

RESOLUTION #11-07

Be it resolved by the Board of County Commissioners, Deuel County, South Dakota, that the herein PLAT OF BLOCK 1, THEISEN ADDITION, in the SW1/4, Section 32, T117N, R47W of the 5th P.M., Deuel County, South Dakota, prepared by Wayne R. Haug, Registered Land Surveyor of the State of South Dakota be and the same is hereby approved.

I, Pam L Lynde, County Auditor for Deuel County, South Dakota, do certify that the foregoing resolution was passed by the Board of County Commissioners, Deuel County, South Dakota, at the regular meeting on the 17th day of May, 2011.

Pam L. Lynde
Deuel County Auditor

14) Anderson moved, seconded Boone by to approve Plat of Monson Addition and Resolution #11-08. All voted yes and the motion carried.

RESOLUTION

#11-08

BE IT RESOLVED by the Board of County Commissioners of Deuel County, South Dakota, that the plat entitled: **“Monson Addition in Outlot 1 Deuel County Addition in Gov’t Lot 1 in the Southeast Quarter of Section 32, T115N, R47W of the 5th P.M., in the County of Deuel, South Dakota.”** which has been submitted for examination pursuant to law, and it appearing that all taxes and special assessments have been paid and that such plat and the survey thereof have been made and executed according to law, the plat is hereby approved, and the County Auditor is hereby

authorized and directed to endorse on such plat a copy of this Resolution and certify the same.

Dated at Clear Lake, South Dakota, this 17th day of May, 2011.

Chairman, Board of County Commissioners
Deuel County, South Dakota

ATTEST:

County Auditor, Deuel County, South Dakota

Travel, Abatement of Portion of Tax, Surplus

15) Anderson moved, seconded by Boone to approve travel of Deputy Auditor and Treasurer to attend deputy workshop training in Pierre June 22-23. (SDACO \$150 Registration) All voted yes and the motion carried.

An application for abatement of tax was received from Warren & Mary Ann Wiesner. The reason for the request was an error in entering the valuation of the following property by the Director's Office: W500' of S1/2 SW1/4SE1/4 34-115-49 with the abatement amount of tax being \$370.48. 16) Boone moved, seconded by Pederson to approve partial abatement of tax on bill #5136 for the year 2010 payable 2011 on the above described property in the amount of \$370.48. All voted yes and the motion carried.

17) Jaeger moved, seconded by Pederson to surplus portable microphone Model S110, S120 at the Extension Office, no value. All voted yes and the motion carried.

Adjournment

There being no further business Anderson moved, seconded by Jaeger to adjourn until the June 7 regular meeting.

Chairman Donald Hanson
Deuel County Commission

ATTEST:

Pam L. Lynde, Auditor

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