

September 6, 2011  
Regular Meeting

The Deuel County Commissioners met in regular session on Tuesday Sept. 6 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 Minutes:**

1) Boone moved, seconded by Pederson to approve the minutes of the regular meetings of August 2 and 16 and special meeting of August 25. All voted yes and the motion carried.

**Approval of Agenda**

2) Anderson moved, seconded by Jaeger to approve the agenda as presented. All voted yes and the motion carried.

**OLD BUSINESS**

There was no old business

**APPOINTMENTS**

**9:05 Highway Superintendent Jamie Hintz**

Hintz discussed several highway related issues with the Commissioners. Hintz presented a right-of-way application from Dale Mack for drainage on county road #4 section 30-116-50 with intended usage drain tile. 3) Jaeger moved, seconded by Boone to approve the application for occupancy right-of-way for Dale Mack on county road #4. All voted yes and the motion carried. Hintz said they have been graveling county roads with the supply of gravel being very low. He also said FEMA has been out assessing damages to roads due to excessive moisture this spring and early summer. 4) Boone moved, seconded by Pederson to increase wage of Kirk Berge to 11.75 per hour 6 month pay increase as of 9/7/11. All voted yes and the motion carried.

**9:30 Drainage Board**

5) Anderson moved, seconded by Jaeger to adjourn as County Commission and reconvene as Drainage Board. All voted yes and the motion carried.

Randy Stroschein presented an application to place drainage tile on the NE1/4 of 20-114-49 with the water flowing to the east to Hidewood Creek and back onto his own pasture land. He had the wetland determination from the NRCS. 6) Pederson moved, seconded by Anderson to approve and grant permit #D11-41 to Randy Stroschein on the above described property. All voted yes and the motion carried.

**9:45 Drainage**

Jamie Bauman on behalf of landowner Gordon Ommen presented an application to place drainage tile on the SE1/4 30-115-47 with the water flowing to the northwest to a natural waterway. He had the signoff of adjoining landowner and the wetland determination from the NRCS. Roughly 8000 feet of tile will be installed. 7) Anderson moved, seconded by Pederson to approve and issue drainage permit #D11-48 to Jamie Bauman/Gordon Ommen on the above described property. All voted yes and the motion carried. The Commissioners recessed as a Drainage Board until the 10:45 appointment and continued with regular business.

### **10:00 Budget Hearing for 2012 Provisional Budget**

The scheduled public hearing for the 2012 budget was held with no one from the public attending the hearing. The 2011 certified utility values for Deuel County are \$22,999,773 with the total county valuation then being \$544,219,346. Tax levies along with growth factors are being figured and the proposed 2012 budget will be adopted at the September 27 meeting.

### **10:30 Public Hearing Ordinance #2011-11**

The scheduled public hearing on proposed Ordinance 2011-11 an Ordinance regulating and restricting permits for special alcoholic beverage licenses issued in conjunction with special events in Deuel County was held. No one appeared at the hearing. The Commissioners then held the first reading of Ordinance 2011-11. The second reading and adoption will be held at the Sept. 27 meeting.

### **10:45 Drainage**

The Commissioners reconvened as the Drainage Board. Marlyn Johnson presented an application to place drainage tile on the W1/2SW1/4 of 36-117-50 with the water flowing to the east and will drain into a natural run that drains through the field. He had the sign off of the adjoining landowner and had the wetland determination from NRCS. 8) Jaeger moved, seconded by Boone to approve and issue permit #D11-42 on the above described property to Marlyn Johnson. All voted yes and the motion carried.

### **11:00 Drainage**

Don Nielsen presented an application to drain on the N1/2SW1/4 9-114-48 with the water flowing to the east to pasture eventually to Cobb Creek. He had the sign off of adjoining landowner and the wetland determination from the NRCS. 9) Anderson moved, seconded by Boone to approve and issue drainage permit #D11-43 on the above described property to Don Nielsen. All voted yes and the motion carried.

### **11:15 Drainage**

Grant Street presented an application to place drainage tile on the S1/2SE1/4 18-117-47 with the water flowing to the north and east. He had the signoff of adjoining landowners and the wetland determination from the NRCS. 10) Jaeger moved, seconded by Pederson to approve and issue drainage permit #D11-32 to Grant Street on the above described property. All voted yes and the motion carried.

### **11:30 Drainage**

Craig Magedanz presented an application to place drainage tile on section 15 in NE1/4 of 117-48 with the water flowing to the north and east. The next adjoining landowner is Magedanz. He had secured the wetland determination from the NRCS. 11) Boone moved, seconded by Jaeger to approve and issue drainage permit #D11-38 to Craig Magedanz on the above described property. All voted yes and the motion carried. Magedanz also had an application to drain on the NW1/4 14-117-48 with the water flowing east to the creek. He had the signoff of the downstream landowner and the wetland determination. 12) Anderson moved, seconded by Jaeger to approve and issue to Magedanz drainage permit #D11-39 on the NW1/4 of 14-117-48. All voted yes and the motion carried.

### **11:45 Drainage**

Greg Gibson presented an application to place drainage tile on the SW1/4 of 7-117-50 with the water flowing to the north and east and south and east to a man made dam on his own land. He had the wetland determination from the NRCS. The

application was tabled until the next meeting when downstream landowner approval is secured.

### **12:00 Drainage**

Clark Rogness presented an application to place drainage tile on the SE1/4 of 20-113-47 with the water flowing to the south and east with a portion of the tile having water that will flow north and east and outlet near the township road and they will bore through the township road. He had the approval of the downstream landowners and the township and also the wetland determination from the NRCS. 13) Anderson moved, seconded by Jaeger to approve and issue drainage permit #D11-45 to Clark Rogness on the above described property. All voted yes and the motion carried.

He also presented an application on behalf of Jessie Christianson to replace drainage tile on the SE1/4 of 30-113-47. He had the sign off of the downstream landowner/renter and the wetland determination. 14) Anderson moved, seconded by Jaeger to approve and issue drainage permit #D11-52 on the SE1/4 of 30-113-47 to Jessie Christianson/Clark Rogness. All voted yes and the motion carried.

### **12:15 Drainage**

Dale Mack on behalf of landowner David Krause, presented an application to place drainage tile on the NW1/4 of 30-116-50 with the water flowing to the southeast to a pasture owned by Mack. He had the written permission of the downstream landowner. Final approval on the application was tabled until all paperwork is complete. Mack also presented an application to drain on the S1/2 of 30-116-50 with the water flowing south and then west to a pasture owned by Mack with another run flowing to the east. He had the wetland determination from the NRCS and approval of the downstream landowner. 15) Jaeger moved, seconded by Anderson to approve and issue drainage permit #D11-47 to Dale Mack on the property in the S1/2 of 30-116-50. All voted yes and the motion carried.

### **12:30 Drainage**

Gary Bandemer presented an application to drain on the NW1/4 of 22-113-48 with the water flowing east and northeast; east to a natural waterway and north drains into creek. He had the wetland determination from the NRCS and had secured the sign off of adjoining landowner. Water runs into ditch near township road and then under bridge; approval was tabled until the next meeting upon approval from the township.

### **12:45 Drainage**

Todd Nielsen presented an application to drain on the N1/2SE1/4 of 25-114-49 with the water flowing to the north into a natural waterway. He had the wetland determination from the NRCS and had secured the sign off of adjoining landowner. 16) Boone moved, seconded by Anderson to approve and issue drainage permit #D11-50 on the above described property to Todd Nielsen. All voted yes and the motion carried.

### **1:00 Drainage**

Brandt Farms presented an application to drain on the NE1/4NW1/4 of 17-115-49 with the water flowing to the north into a natural waterway which eventually flows to culvert on county road. He had the wetland determination from the NRCS and had secured the sign off of adjoining landowner. 17) Boone moved, seconded by Anderson to approve right of way occupancy application of Brandt for county road #515 to bore under/through road because it is an FSA county tar road. 18) Jaeger moved, seconded by

Anderson to approve and issue drainage permit #D11-51 on the above described property to Brandt Farms. All voted yes and the motion carried.

An application on behalf of John Anderson was presented for an extension on drainage permit #D10-24 which was issued in Sept. of 2010. The property to be drained is located in the NE1/4 5-113-47. No changes have been made to the existing plan for drainage. He had the wetland determination and the downstream landowner sign off. Commissioners Anderson did not vote on the application. 19) Pederson moved, seconded by Boone to approve and issue renewal permit #D10-24-11 to John Anderson on the above described property. All voted yes and the motion carried.

**NEW BUSINESS**

**Approve Cash Balance Sheet**

20) Jaeger moved, seconded by Anderson to approve the cash balance sheet for the month of August. All voted yes and the motion carried.

**DEUEL COUNTY AUDITOR'S ACCOUNT  
WITH TREASURER**

<b>END OF MONTH CASH BALANCE</b>	<b>August-11</b>
CASH TOTAL	\$ 1,475.28
CHECKS TOTAL	\$ 10,762.92
CASH ITEM	\$
CASH CHANGE SHERIFF	\$ 50.00
TOTAL CASH ASSETS ON HAND	\$ 12,288.20
CHECKING ACCOUNT BALANCE	\$ 132,342.89
MM DNB NATIONAL BANK	\$ 4,045.28
PREMIUM MM FIRST BANK & TRUST OF TORONTO	\$1,831,164.89
CD'S	\$ 750,000.00
\$350,000 DNB	
\$400,000 FIRST BANK & TRUST	
REVOLVING LOAN	\$ 49,432.50
US FISH & WILDLIFE	\$ -

<b>GRAND TOTAL CASH ASSETS</b>				<b>\$ 2,779,273.76</b>
GL CASH BALANCE BY FUNDS:				
GENERAL				\$ 1,390,538.97
SP REVENUE FUNDS				\$ 1,137,380.01
TRUST & AGENCY FUNDS				\$ 251,354.78
townships	\$29,022.93	Cities	\$11,231.04	
schools	\$115,022.73	rural fire	\$ 608.24	

**TOTAL GENERAL LEDGER CASH** **\$ 2,779,273.76**  
**Tax Abatement**

21) Boone moved, seconded by Pederson to approve tax deed of Outlot One (1) Section 20, Township 114 North, Range 48 West of the 5<sup>th</sup> P.M., within the corporate limits of the town of Brandt, Deuel County South Dakota Except the North 124 said Outlot One (1) and abate taxes county total being \$579.48. All voted yes and the motion carried.

**Auto Supplement of Grant Funds**

22) Pederson moved, seconded by Jaeger to auto supplement back in to the Sheriff’s budget unanticipated Homeland Security Grant Funds 09 in the amount of \$1531.45. All voted yes and the motion carried.

**County Assistance**

23) Jaeger moved, seconded by Anderson to deny request of County Assistance #11-04 for payment of hospital bills in the amount of \$1724.96 to Milbank Area Hosp. All voted yes and the motion carried.

**Resolution #11-23**

24) Boone moved, seconded by Pederson to approve Resolution #11-23 National Moment of Remembrance of Sept. 11. All voted yes and the motion carried.

**RESOLUTION #11-23**

**Deuel County Joining the National Moment of Remembrance of the 10<sup>th</sup> Anniversary of September 11<sup>th</sup>**

**WHEREAS**, the governing body of Deuel County expresses their support of the United State’s Senate regarding coming together as a Nation and ceasing all work or other activity for a moment of remembrance beginning at 1:00 p.m. Eastern Daylight Time on September 11, 2011, in honor of the 10<sup>th</sup> anniversary of the terrorist attacks committed against the United States on September 11, 2011; and

**WHEREAS**, nearly 3,000 innocent civilians were killed in the heinous attacks of September 11, 2001; and

**WHEREAS**, 10 years later, the people of the United States and people around the world continue to mourn the tremendous loss of innocent life on that fateful day; and

**WHEREAS**, 10 years later, thousands of men and women in the United States Armed Forces remain in harm’s way defending the United States against those who seek to threaten the United State; and

**WHEREAS**, on the 10<sup>th</sup> anniversary of this tragic day, the thoughts of the people of the United States are with all of the victims of the events of September 11, 2001 and their families; and

**WHEREAS**, the lives of Americans were changed forever on September 11, 2001, when events threatened the American way of life; and

**WHEREAS**, in 2009, Congress and the President joined together to designate September 11 as a national Day of Service and Remembrance under the Serve America Act (Public law 111-13; 123 Stat. 1460); and

**WHEREAS**, September 11 will never, and should never, be just another day in the hearts and minds of all people of the United States;

**NOW, THEREFORE BE IT RESOLVED** that the governing body of Deuel County recognizes September 11, 2011 as a day of solemn commemoration of the events of September 11, 2011, and a day to come together as a Nation; and

**BE IT FURTHER RESOLVED** that the governing body of Deuel County encourages the observance of the moment of remembrance to last for 1 minutes beginning at 1:00 p.m. Eastern Daylight Time by, to the maximum extent practicable ceasing all work or other activity; and marking the moment in an appropriate manner, including by ringing bells, blowing whistles, or sounding sirens.

Dated at Clear Lake South Dakota this 6<sup>th</sup> day of September, 2011.

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Chairman Donald Hanson, Deuel County

ATTEST:

Pam L. Lynde, Deuel County Auditor

**APPROVAL OF WARRANTS:**

25) Boone moved, seconded by Pederson to approve all warrants as presented plus those paid early to avoid service charge. All voted yes and the motion carried. A-Ox Welding 42.30 Repairs, SD Achieve 120.00 Client Support, Ardy's Bakery 42.50 Supplies, AT&T 152.16 Cell Phone, Bituminous Paving 4800.21 Supplies, Bjerke Sanitation 209.00 Utilities, Harlan Bohn 85.90 Judge Fee/Mileage, Brookings Deuel Rural Water 88.40 Utilities, Brown & Saenger 28.00 Election Supplies, Cartney Bearing & Supply 69.81 Repairs, CL Building Center 44.00 Repairs, Clear Lake Building Center 6571.01 Roof Fairgrounds/Supplies, City Of Clear Lake 192.97 Utilities, Clear Lake Courier 1178.62 Supplies/Publication, Codington-Clark Equipment 177.91 Repairs, Codington County Auditor 3410.00 Prisoner Care, D-A Lubricant Co. 2637.80 Supplies, Dakota Embalming & Transport 295.05 Prof Serv, Deuel County Cenex 1810.40 Chemical, Deuel County Cenex 8158.01 Supplies/Gas/Diesel, Deuel County Motor Supply 246.82 Repairs/Supplies, Deuel County Pharmacy 11.28 Supplies, DCN Ins. 74.00 Liability Ins, Detco 216.64 Supplies, Diesel Machinery Inc 87.40 Supplies, DNB National Bank 30.00 Stop Payment, Dust-Tex 217.48 Mat Rental, F.J. McLaughlin 20151.08 Hot Mix, Justin Fruechte 74.43 Judge Fee/Mileage, Galls 199.97 Siren Speaker, Gates Htg & Air Conditioning 67.98 Repairs, GCR Tire Centers 1566.42 Repairs, Get-Kleen Chemical 59.95 Supplies, Eric Gjerde 153.30 Judge Fee/Mileage, Mike Grann 83.48 Judge Fee/Mileage, Green, Roby, Oviatt, Cummings 779.00 CAA Fees, H-D Electric 2195.81 911 Upgrade Sheriff's Office, Harry's Septic & Sewer 205.80 Repairs, Hedahls Inc 67.87 Repairs, Toni Hible 443.36 Prof Svc/Travel, ITC 2810.59 Utilities, Jebro Inc 243,193.17 Asphalt, Jurgens Printing 145.00 Supplies, Pam L. Lynde 126.91 Travel, Macksteel 0.80 Repairs, Maynards 144.87 Supplies, Microfilm Imaging Systems 130.00 Scan Equip Rental, MTI Corporate Education 143.84 Training/Supplies, Quinton Myers 90.00 Judge Fee, Nelson Law Office 278.80 CAA Fees, Nielsen's 291.37 Repairs, Northwestern Energy 129.42 Utilities, Olson Biochemistry Labs 189.00 Prof Serv, Office Peeps 1112.10 Supplies, Ottertail Power Co

50.68 Utilities, Portland Twp 24.00 Gopher Bounty, Steve Rhody Services 5.00 Wash Windows Ext., Ron's Saw Shop 100.98 Repairs/Supplies, Steven P Mogard 165.00 Rental, Running's Supply 189.99 Supplies, Sanford Health Plan 60.00 Flex Fees, Sanford 2325.16 Health Nurse Contract, Rebecca Schafer 6.66 Travel, SD DOT 2317.36 Fuel, SD Federal Property Agency 20.00 Supplies, SDEMA 40.00 Travel, Sheehan Cycle 364.05 Repairs, Sheehan Mack Sales 1895.27 Repairs, Swenson Ford Sales 16.58 Repairs, West Payment Center 499.00 Law Books, Mel's Trustworthy 136.67 Supplies, Ultra-Connecting Point 11223.21 Support Contracts, Western Industrial 577.90 Supplies, Wheelco Truck & Trailer Parts 23.88 Repairs, Xerox Corporation 708.00 Repairs, CL Building Center 6530.76 Supplies/4-H Building Repair, CL Courier 905.33 Publication/Supplies, DC Cenex 40.90 Supplies, Portland Township 22.00 Gopher Bounty, State Flag Acct. 105.81 Flags, Amy Tvedt 25.00 Web Page, SD Dept. of Revenue 94.81 Excise Tax, Sanford Health 75.00 Flex Run, DC Treasurer 336.08 Tax Acct., SD Dept of Rev. 52186.39 Funds Due to State, Astoria Fire Dept. 1071.26 Ins. Prem., Brandt Fire Dept. 1732.76 Ins. Prem., Townships 1263.42 Taxes, Cities 4539.47 Taxes, Schools 25217.14 Taxes, Clear Lake Fire Dept. 6077.49 Fire Ins. Prem., EDWDD 68.13 Taxes, Estelline Fire Dept. 892.01 Fire Ins. Prem., Gary Fire Dept 2413.98 Fire Ins. Prem., Goodwin Fire Dept. 1452.20 Fire Ins. Prem., Lake Cochrane Sanitary Dist. 110.18 Sewer Assessment, Marietta Fire Dept. 100.74 Fire Ins. Prem., Revillo Fire Dept. 268.75 Fire Ins. Prem., Rural Fire Dist. 341.54 Taxes, Toronto Fire Dept. 1531.56 Fire Ins. Prem., Ottertail Power 1342.36 Utility, DC Treasurer 25.00 Title/lic. Fee, Administaff 495.22 County Assist., SD State Fair 37.00 Parking/Reg., Verizon 131.10 Sheriff Cell Phone, DNB Nat'l Bank 12.73 Payroll Process Fee, DC Treasurer 1728.95 Tax Acct., DC Treasurer 939.05 Tax Acct., Sanford Health 750.00 Flex Run; Payroll: Commissioners 6116.70, Elections 131.46, Auditor's Office 7948.85, Treasurer's Office 7406.37, State's Attorney Office 5547.62, Gen. Gov't Building 3543.07, Director of Equalization Office 5788.28, Register of Deeds Office 6020.12, Veteran Serv. Officer 852.23, Sheriff's Office 19193.50, Coroner 345.90, County Assistance 402.43, 4-H Serv. Center 195.55, Extension Office 3169.56, Weed & Pest 1794.67, Planning & Zoning 2188.74, Road & Bridge 48100.60, 911 Fund 11244.78, Emergency Management 1297.37.

**Adjournment**

Anderson moved, seconded by Jaeger to adjourn until the Sept. 27 meeting.

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Donald Hanson, Chairman

ATTEST:

Pam L. Lynde, Auditor

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