

March 17, 2020
Regular Meeting

The Deuel County Commissioners met in regular session on Tuesday, March 17 at 9:00 a.m. in the Commission Room of the Courthouse with Chairman Jaeger presiding. Those present were Commissioners Jaeger, DeJong, Homan, Rhody, and Kreutner. Also present was Auditor Mary Korth and several members of the public. The meeting began with prayer and the Pledge of Allegiance. **Approval of Agenda** Commissioner Kreutner asked to amend the agenda to add Executive Session Pursuant to SDCL 1-25-2(3) for the Purpose Of Consulting with Legal Counsel during State's Attorney John Knights appointment. 1) Homan moved, seconded by DeJong to approve the agenda as presented with the amendment of adding the proposed Executive Session. All voted yes and the motion carried.

APPOINTMENTS

9:00 Jamie Hintz Highway Superintendent

Hintz met with the Commissioners to discuss highway related issues. He presented recommendations by Safety Benefits for improvements in the highway department for insurance purposes. Many of the recommendations are practices Hintz feels are already in place with the Highway Safety Manual with the exception of a pre-employment post offer physical. Hintz stated that is an invasive request and would have to be approved by the commissioners. At this time, Deuel County will not be offering the physical. Further recommendations with Safety Benefits were discussed later in the meeting.

Hintz has been waiting for a Haul Road Agreement with Avangrid Wind Development on the Tatanka project. Banner Associates will be contracting services for a Haul Road Evaluation with Avangrid but it is on hold as of date. The County is waiting on Avangrid to sign the haul road agreement.

Hintz presented three Right of Way Occupancy Agreements with Otter Tail Power Company for project number 106419 on county road 518 in section 9 and section 5-113-50; county road 5 in 5-113-50 and 32-114-50, and county road 313 in sections 13 and 14-113-50. He gave the specs on the agreements. The Commissioners reviewed the occupancy agreements. 2) Kreutner moved, seconded by Rhody to approve and sign the Right of Way Occupancy Agreements with Otter Tail Power Company. All voted yes and motion carried.

Discussion was held on heaving roads and possible problems with culverts. Discussion was also held on load limits on the county roads.

DEUEL COUNTY BID LETTING MARCH 17, 2020
SEE FOLLOWING CHART

TIME	ITEM	BIDDER	#1	#2	#3
9:20	Hot & Cold Mix Asphalt		Bituminous Paving Inc	Duininck Inc	Bowes Const. Inc.
3)	Rhody moved, second by DeJong	Hot Mix	\$62 ton Odessa Pit FOB	\$ 67.50 ton	\$65.00 Class E Type 1
	to award the bid of Hot Mix and Cold Mix	Hot Mix	\$66 ton fine hot mix Odessa	\$70.25 RAP	\$55.00 E/1 with RAP
	to Bituminous Paving Inc. as they had	Cold Mix	\$135 ton cold mix Odessa	\$150 ton cold mix	\$64.00 Class E Type 2
	lowest bid		and \$2.50/gal tack oil		\$57.50 E/2 with RAP
					\$69.00 Class G Type 1
					\$58.50 G/1 with RAP
	All voted yes and motion carried				\$70.50 Class G Type 2
					\$59.50 G/2 with RAP
9:25	Bituminous Road Oil		Flint Hills Resources	Jebro Inc	
4)	Homan moved, second by Kreutner	MC 3000	\$597.88 Ton delivered	\$548.14 Ton delivered	
	to accept bid of Jebro Inc. for				
	MC 3000 road oil as they gave the lowest				
	bid.				
	All voted yes and the motion carried.				
9:30	Fuel #1 Diesel, Ruby Fieldmaster		DC Farmers Union		
5)	Rhody moved, second by Kreutner		Ruby Fieldmaster \$1.66 gal	\$.02 over delivered cost on day of	
	to accept bid of DCFU for #1		Tank Wagon Delivery \$1.76 gal	\$.10 over delivered cost on day of	
	Diesel Fuel & Ruby Fieldmaster.		No. 1 Fuel \$1.86 gal	delivery for tank wagon	
	At locked in price RF \$1.66 and		Tank Wagon Delivery \$1.96 gal	(Above is alternate bids)	
	#1 Diesel \$1.86 for April 1, 2020-March				
	31, 2020				
	All voted yes and motion carried.				
9:35	Unleaded Gas & Gasohol		DC Farmers Union		
6)	DeJong moved, second by Homan to			\$.10 over delivered cost on day of	
	accept bid of DC Farmers Union for			Delivery (alternate bid)	
	Ethanol at \$1.79/gal. All voted yes and		E10, 87 Octane \$1.79 gal		
	motion carried.				
9:40	Gravel Crushing		NO BIDDERS		
7)	Kreutner moved, seconded by Jaeger to				
	advertise within 30 days for gravel bids				
	and approach known past bidders for				
	prices. All voted yes and motion carried.				
9:40	Weed Chemicals		DC Farmers Union	Helena Chemical	
8)	DeJong moved, seconded by Rhody	Amine #4	\$11.53 gal	2-4D \$11.36 gal	
	to accept low bids on chemicals for	LV6	\$19.15 gal	VL6 Ester \$17.50 gal	
	each bidder. Amine #4 to Helena; LV6	Freelex	\$22.22 gal	Corteva or Unison \$19.50 gal	
	to Helena; Freelex to Helena; Tordon	Tordon 22k	\$56.50 gal	NO BID on Tordon	
	to DC Farmers Union; Chaparral to	Chaparral	\$75.44/pound	(Opsight) Corteva \$78.00/pound	
	DC Farmers Union. All voted yes and		All per gal. in 2.5 containers	All per gal. in 2.5 containers	
	motion carried.		Unless noted. Delivered.	Unless noted. Delivered.	

10:00 Chairman Jaeger and Highway Superintendent Hintz

Jaeger requested discussion about the West Hwy. 22 County building. Hintz has been doing cleaning and reported on outside maintenance and the ongoing construction in the

building. Shooting Sports, in line with 4-H has postponed their activities due to coronavirus concerns. Equipment storage for the county and working with Shooting Sports has been discussed. Auditor Korth presented a bill from Stee Electric for the work they did to rewire the building for moving offices. 9) Rhody moved, seconded by DeJong to pay Stee Electric from Gary, SD \$4331.98 for electrical work done in the West Hwy 22 building. All voted yes and motion carried.

10:15 Emergency Management Director Sheila Monnier

Monnier met with the Commissioners to give updates on her Department. She gave updates on coronavirus, the flu still being very prevalent does have vaccines still available. She presented an email from Tyler Steen from State EM concerning how COVID-19 is a disaster and reimbursement to employees for 75% wages is something the state is looking at for the future. Entities can request assistance if we incur extra costs that should be tracked. She stated some cases that could be eligible for reimbursement. There are different government entities involved that can help with extra costs and how it falls under those departments.

Monnier also spoke of the 211 project and there are funds to help with this project. The 211 project is an information source helpline implemented by other counties that isn't necessarily emergency related like a 911 call or Sheriff's call. The county would have some cost in implementing this line. ICAP and Emergency Management recommend it as a resource. She's also working on a "Code Red" project that people can sign up for and they would receive notifications on floods, road closures, and local items. The NWS would also give notifications at a cost. Monnier is waiting to see how many people sign up. Monnier has been working with 4-H Director Deb Lessman and they would like to see an AED supplied at the 4-H Service Center, the West Hwy. 22 building, and the courthouse. Refurbished AEDs cost \$850.00, brand new ones are \$1400-1500. She is researching grants to help with costs on these. 10) Homan moved, seconded by Rhody to purchase two AED's, refurbished at a cost of \$850.00 each for the 4-H buildings depending on if grants can reimburse the cost. All voted yes and motion carried. She also thought public CPR classes at no charge would be beneficial for the county that she would coordinate with public health nurse Tammy Baer.

Discussion was held on the east end of the basement and that some of the items on that side should also be removed. Monnier also questioned when her office would be cleaned and some of the items in there would also be scrapped.

10:30 Cody Krause and Chris Uckert for Crystal Springs Rodeo

Krause and Uckert, members of the Crystal Springs Rodeo Committee met with the Commissioners to talk about rodeo June 24 – 27. This is the 75th anniversary of the CSR. They also requested securing a special event alcoholic beverage license for the rodeo. A public hearing will be scheduled for securing the license. Dustin Evans will be playing in concert on the rodeo grounds Friday and Saturday nights of rodeo. They expect a good crowd and are hopeful everything will go well. Law enforcement and reserves will be increased during that time.

10:45 Gary Legion Post - Verle Whipple

Verle Whipple on behalf of the Gary Legion, met with the Commissioners and requested funding for the Gary American Legion and Auxiliary 109 baseball/softball program for 2020. This year about 130 boys and girls will be involved in the program. He thanked the Commissioners for their past support. The funds are used to help update equipment, transportation costs and ongoing expenses. 11) Homan moved, seconded by Kreutner to grant to the Gary American Legion \$750 for baseball/softball program. All voted yes and the motion carried.

11:00 Drainage Board/Kevin Foster

12) Kreutner moved, seconded by Rhody to adjourn as County Commission and reconvene as Drainage Board. All voted yes and motion carried.

Kevin Foster requested a permit to drain on the S1/2 SW1/4 28-114-50. Proposed length of the drain is 5955 & 734 feet using 4" and 6" tile, Area affected for drainage will be approximately 20 acres. Adjoining landowners had signed Permission To Drain. Highway Superintendent Jamie Hintz was present for discussion and concerned about water flow in the ditch that affects a county culvert. The culvert might have to be replaced. 13) Rhody moved, seconded by DeJong to approve and issue Drainage Permit #D20-05 to Kevin Foster to drain on above described property contingent upon updates and consideration of the road and the culvert in place. All voted yes and motion carried. 14) Kreutner moved, seconded by Homan to approve a right of way occupancy to allow for updates on the project.

Drainage Officer Jodi Theisen had questions on other drainage issues with bordering counties and drainage going into another county. Courtesy notification will be given to the property owner and the other county in question. She also wanted to know about expired drainage permits and if the applicant needs to be present for renewing or extending the permits. The Drainage Board felt it would be best if the applicant was present.

15) Homan moved, seconded by Kreutner to adjourn as Drainage Board and reconvene as County Commission. All voted yes and motion carried.

11:15 Jim Dailey, Calvin Musch, Casey Magedanz, Chad Limberg, Brodie Dailey, Jerome DeBoer, David Sinning

For social distancing purposes, the commission meeting at this time was moved to the courtroom. Several concerned citizens from the Lake Alice area, Altamont Township and surrounding townships met with the Commissioners for discussion.

State's Attorney John Knight was present for the meeting and stated he spoke with the Corps of Engineers and found out there was no violation in response to a complaint that was filed concerning the area. The problem at hand is the high water on Lake Alice and the solution is to lower the levels of the lake. The Corps regulates material. A culvert placed at the outlet would require a permit, but that is very routine. SD Game, Fish and Parks (GFP) is not in favor of a culvert but rather the natural outlet is a better solution. Knight stated clearer information on downstream impacts and the watershed is also what is needed.

Commissioner Jaeger opened the floor up for comments. Clark Toben is in favor of installing a culvert to lower the levels. He presented pictures of wash out and continued damage. He also had concerns about the county road.

Jim Dailey has time concerns. This affects everyone around the Lake. The township is working with FEMA to raise roads currently. He feels the best and easiest solution is to install a culvert on the public (GFP) property. As is, the shoreline is being destroyed and therefore the lake is being destroyed. If a culvert were to be installed on his property he would have concerns of litter collecting in the culvert.

Highway Superintendent Jamie Hintz was present and stated there is 35-40% more intake on the lake than there is output. A 30" culvert installed would be beneficial. Discussion was held between Hintz and Dailey on culvert location. Hintz stated hopefully this could all be done without a costly hydraulic study. Knight stated according to the Corps, no study needs to be done.

Bill Moe stated concerns for safety reasons around the lake and on the county roads.

Dave Sinning questioned outlet elevations. Knight stated the level is established at the bottom of the culvert or the ordinary high water mark and cannot change.

Jerome DeBoer questioned if the Corps would allow for opening the shore of the lake where they would want to? Knight stated the Corps will give a permit to install the culvert but not a concrete structure. GFP is highly against a concrete structure. Jim Dailey stated that shoreline modification is an annual process that would likely be allowed, but will GFP allow use of their land? Knight stated this is an issue of cost, who will cover it and also if GFP will allow this on their land. Dailey's suggested to apply for the 404 permit and meet with GFP officials to see if they can come to some sort of agreement to use their land for the outlet. This would be most beneficial to save the road and the land in the area.

Discussion was held on a study that was held in 2002. Further discussion was held between Dailey and Casey Magedanz. Magedanz had photos and pointed out differences between 2012 and 2017 and the affects construction changes had on the lake.

Calvin Musch from Portland Township would like to see landowners sign off for liability purposes. He also stated time frame concerns and responsibilities of townships and the issues that could arise in the future and what controls would be in place downstream.

Todd Rahlf of Deuel County Lakes and Streams was present. He had reviewed all the history and documents concerning the situation. He stated he agrees something should be done but done properly for all concerned.

Further discussion was held and the Commissioners were asked to make a motion. 16) Homan moved, seconded by Kreutner that Deuel County will apply for the 404 permit to move forward and also to contact officials at SD Game, Fish and Parks to come to an agreement for the location of the culvert. Roll Call Vote: All Voted Aye and motion carried. Jamie Hintz will apply for the 404 permit that day.

Chairman Jaeger ended this portion of the meeting and the Board gathered back into the Commission Room.

11:30 State's Attorney John Knight

Knight met with the Commissioners to discuss several items. Knight, along with Auditor Korth discussed a letter sent to all 66 counties in South Dakota from the US Dept. of Justice reviewing the ADA Polling Place Accesses within the County. The US DOJ is authorized to determine the County's compliance with Title II of the ADA and implementing regulations to resolve matters. The basis of the letter is to make sure all election polling places are compliant and to aid the county and all other counties in the state for compliancy. The first step is to have a designated ADA Coordinator. Auditor Mary Korth will be designated as ADA Coordinator for the County's voting program pursuant to 28 C.F.R. 35.107. Korth along with Knight will review the letter and compliancy requirements of Deuel County's polling places for the US DOJ review.

Auditor Korth also presented the improvement recommendations for insurance purposes from Safety Benefits as it pertains to Courthouse employees. Some of the recommendations have been completed in the past and will be reviewed by State's Attorney John Knight to see if they are feasible for Deuel County.

NEW BUSINESS

Surplus Items for Sale/Scrap or Recycle

An inventory of items left in the blue room of the Courthouse basement from various offices was performed and listed for sale or scrap. 17) Rhody moved, seconded by DeJong to surplus the

following items for a county surplus sale to be held in the future as these items have been deemed to have value: *HP Office Jet 7310 Printer SN:C1459003N102L, Brother MFC 240C Printer SN:U61568F6F141531, HP Scanner SN:CN2UA61MX, Brother Printer/Fax (auditor), Swintec 2600 Typewriter W/stand (Sheriff), XD 4900 Typewriter, 2 Dell Keyboards, 1 compaq keyboards, 1 gateway keyboard (auditor), 3 HP keyboards, Logitech keyboard, Box of Mice and Speakers for a computer?, 1sm 1 med 1 large Green Desks, 2 small tan and brown Tables/Desks, 1 large brown desk/counter, 3, 4drawer filing cabinets (DOE), Small tan 2drawer file cabinets, 3 Polaroid Cameras w/bags (Sheriff), Cannon Digital Camera (in box), Old green ash tray, 3 Brown and Green Chairs, Counter top in box, Old map holders (DOE), Wall mount Shelves. All voted yes and motion carried. 18) Kreutner moved, seconded by Homan to surplus the following items at no value: *Dyson vacuum, Oreck vacuum, 2 brown chairs with vinyl back, one tan and brown desk, bulletin boards, light banisters*; and to surplus the following electronic items for Ultra/Connecting Point of Watertown recycle for use: *HP Elite 8300 SN: MXL21812C7, HP Elite 8300 SN: 2UA32927BG, HP Elite 8300 SN:2UA3421C0Z, HP Elite 8300 SN:MXL361KTY, HP Compaq doc 5700 MT SN: MXL9530BH, HP COMPAQ 600 pro SN:2UA70102F3 (Shirley), HP ProLiant ML 350 SN:USE801N567, 52X32X52X (ULTRA said it was an old server?), 4 Black APC battery backups (EM), 2 White APC battery backups (EM), APC battery for a battery backup (EM). All voted yes and motion carried.**

Courthouse Plumbing Fixtures; Courthouse Server and Computer Systems

A quote and information for the courthouse plumbing fixtures was not yet available for this meeting.

Discussion was held on the aging computer systems in several County Offices within the Courthouse. Replacement and upgrades of systems in the Auditor's Office, Register of Deeds Office, State's Attorney's Office and Zoning Office have begun. 19) Kreutner moved, seconded by Homan to replace or upgrade computer systems for the various mentioned offices within the Courthouse with Connecting Point of Watertown, SD for a total cost of \$10519.00. This was approved already for the 2020 budget. All voted yes and motion carried. Furthermore, the Courthouse computer system server with Connecting Point is near full capacity and is outdated. The server hasn't been replaced in six years. This was reviewed last year and was allowed for the 2020 budget. 20) DeJong moved, seconded by Rhody to replace the current server for the Courthouse from Connecting Point in Watertown for the quoted amount of \$9599.00 as allowed in budget. All voted yes and motion carried.

Warrants

21) Homan moved, seconded by Jaeger to approve warrants paid early and approval of regular warrants to be paid. All voted yes and motion carried. *Warrants to B-D Rural Water 119.20 utilities, Century Link 358.79 utilities, COD County Auditor 108.00 SV Comm meeting, DNB National Bank 77.96 supplies, Estelline Comm. Oil 1300.00 supplies, H-D Electric 933.01 utilities, ITC 155.48 utilities, Lance Floren 1085.28 reimb. for cattle sale, Moyer 901.05 care for cattle, NW Energy 824.26 utilities, Ottertail 1,178.89 utilities, Sanford Flex 348.27 flex fees, SD Public Assurance Alliance 79,783.03 insurance, Dept of Rev 113.65 Excise Tax and 107,402.61 Fees Due to State, SDACO 152.00 M&P. Taxes: Schools 196,004.32, Towns 17,999.28, Townships 16,160.79, EDWDD 800.23, Rural Fire 3638.39*

Public Comments

Adjournment

There being no further business 22) Homan moved, seconded by Rhody to adjourn.

Gary Jaeger, Chairman
Deuel County Commissioners

ATTEST:

Mary Korth, Auditor
Published one time at the approximate cost of _____.