

September 7, 2022  
Regular Meeting

The Deuel County Commissioners met in regular session on Wednesday September 7 at 9:00 a.m. in the Commission Room of the Courthouse with Chairperson Homan presiding. Those present were Commissioners Gary DeJong, Gary Jaeger, Steve Rhody, and Judith Homan. Roger Kreutner was absent. Also present was Auditor Pam Lynde and State's Attorney Teree Nesvold. The meeting began with prayer and the Pledge of Allegiance. Chairman Homan called the meeting to order.

**Approval of Agenda**

- 1) Jaeger moved, seconded by DeJong to approve the agenda as presented with addition of Agreement with Invenergy. All voted yes and the motion carried.

**Approval of Minutes**

- 2) Rhody moved, seconded by Jaeger to approve the minutes of the regular meetings of August 2 and 16. All voted yes and the motion carried.

**APPOINTMENTS**

**9:05 Highway Superintendent Jamie Broksieck**

Broksieck met with the Commissioners and presented several items for discussion. He talked about the small structure rural access infrastructure grant received by the county for the purpose of planning and completing an inventory of small structures. In order to be eligible for the funds a township must have opted out or be levying .50 for additional road levy. Broksieck told the Commissioners they need to start thinking about making guidelines for application of these funds, if a township qualifies. Grants will be awarded in January 2023. He requested the purchase of two computers for the highway office. 3) DeJong moved, seconded by Rhody to purchase computers for Highway Dept. All voted yes and motion carried. He said he has been looking at a used road widener, that would be used on road shoulders and be mounted on front of a skid steer. 4) Rhody moved, seconded by Jaeger to purchase used road widener/ shoulder patcher at cost of \$42,080 from Cedar Rapids Iowa. All voted yes and motion carried.

He requested travel costs to attend the Road Conference in Rapid City Oct 18-20 and for Lisa Jorvig software training in Pierre Oct. 21 5) Jaeger moved, seconded by DeJong to approve the travel request. All voted yes and motion carried.

State's Attorney Nesvold and Broksieck presented a contract agreement from Invenergy (Deuel Harvest Wind Energy LLC) concerning restoration of haul road agreement dated Oct. 19, 2019. Broksieck said the county is looking at seven miles of repairs to county roads with the biggest concern County road 1 with an estimated repair cost of 3.5 million. 6) Jaeger moved, seconded by Rhody to approve and sign Acceptance, Receipt and Release Agreement between Deuel County and Deuel Harvest Wind Energy LLC. All voted yes and motion carried.

**Acceptance, Receipt, and Release Agreement**

This Acceptance, Receipt, and Release Agreement (this "Agreement"), is entered into effective as of \_\_\_\_\_, 2022, by and between the Board of County Commissioners on behalf of Deuel County, South Dakota (the "County"), and Deuel Harvest Wind Energy LLC (the "Wind Operator"). The County and Wind Operator are referred to herein as the "Parties", and each a "Party" and hereby agree as follows:

WHEREAS, the Agreement for Use and Restoration of Contractor's Haul Road, dated October 19, 2019, by and between the Deuel County Highway Department and Wind Operator (the "RUA") provides that the Wind Operator shall perform certain repairs at its own costs to Deuel County Roads (as defined in the RUA) (the "Roads").

WHEREAS, the County has agreed to accept a lump sum payment rather than performance of repairs in full satisfaction of all of the Wind Operator's obligations under the RUA, and Wind Operator desires to make such payment in exchange for the County's acceptance of the Roads and full release of Wind Operator's obligations under the RUA.

NOW THEREFORE, in consideration of the forgoing premises, the mutual covenants made herein, and other good and valuable consideration, the Parties agree as follows:

The County hereby acknowledges receipt of \$6,000,000 from the Wind Operator, and hereby accepts such payment in full satisfaction of the Wind Operator's obligations under the RUA, and the County does hereby release and forever discharge the Wind Operator, its affiliates and its and their agents, employees, contractors, directors, officers, parents, subsidiaries, successors and assigns (collectively, "Releasees") of and from any and all existing or possible actions, including but not limited to those relating to causes of action, claims, cross-claims, demands, damages, and expenses of any kind whatsoever in law or equity, on account of, or in any way arising from the RUA and the Roads.

This Agreement contains all the promises, agreements, conditions, inducements and understanding between the Parties hereto relative to the subject matter hereof, and there are no promises, agreements, conditions, understandings, inducements, warranties or representations, oral or written, express or implied, between them other than as set forth in this Agreement. No subsequent agreement, or any amendment of this Agreement, shall be binding upon a Party hereto unless it is contained in a written document executed by properly authorized representatives of such Party.

Each of the undersigned hereby represents and warrants that he/she has the necessary power and authority to execute this Agreement on behalf of the Party for which he/she has signed this letter agreement and that such action has been duly authorized by all necessary action of such Parties.

[Signature Page Follows]

**COUNTY**

Board of County Commissioners, Deuel County, South Dakota  
[signature block]

**WIND OPERATOR**

Deuel Harvest Wind Energy LLC

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**9:30 State's Attorney Terry Nesvold-Executive Session SDCL 1-25-2(3) Contract Negotiations**

7) Rhody moved, seconded by Jaeger to enter into Executive Session to discuss contract negotiations. All voted yes and motion carried. Commission Chair Homan declared the Commissioners out of Executive Session at 9:45 a.m.

### **10:00 Budget hearing 2023 Provision Budget**

The scheduled public hearing for the 2023 budget was held. The 2023 certified utility values for Deuel County were received from the state Dept. of Revenue and are \$91,621,043 less discretionary values of \$34,490,442 due to Ottertail Power and NorthWestern Corp qualifying for the formula under SDCL 10-6-37 and County Resolution #20-20, bringing the valuation for utilities down to \$57,130,601 with the total county valuation being \$993,707,230 down from the previous year. Several modifications to the budget were heard and discussed. Tax levies along with growth factors are being figured and the proposed 2023 budget will be adopted at the September 20 meeting.

### **11:00 Emergency Manager Sheila Monnier**

Monnier talked about the activities she has taken part in since the last meeting. She worked at the state fair last week; IMAT team observed their procedures; helped fair board to make improvements. She said she had a LEPC meeting scheduled for Sept. 27. Monnier said she will be applying for the Brick grant in the near future. She and Highway Superintendent will be meeting with FEMA again concerning the May 12 storm.

### **11:15 Zoning Officer Jodi Theisen**

Theisen presented the plat of Lot 2 in Lot 1 of Pheasant Ridge Addition in the N1/2 of Section 12-116-49. 8) Rhody moved, seconded by DeJong to approve the above described plat and Resolution #22-30. All voted yes and motion carried.

#### Resolution 22-30

I hereby certify that the plat of **LOT 2 IN LOT 1 OF PHEASANT RIDGE ADDITION IN THE N1/2 OF SECTION 12, TOWNSHIP 116 NORTH, RANGE 49 WEST OF THE 5<sup>TH</sup> P.M., DEUEL COUNTY, SOUTH DAKOTA** was duly submitted to the Deuel County Board of County Commissioners, and that after due consideration the Board approved said plat at its meeting held on the 7<sup>th</sup> day of September, 2022.

ATTEST: \_\_\_\_\_

Chairman, Board of Commissioners  
Deuel County, South Dakota

Theisen also said a joint hearing with the Zoning Board and County Commission has been scheduled for Sept. 28 at 7:00 p.m. at the 4-H Service Center on the proposed revisions to the Deuel County Zoning Ordinance.

### **11:30 Sheriff Cory Borg**

Sheriff Borg spoke to the Commissioners about several items.

City Police Contracts: He presented the signed contracts from Cities of Clear Lake and Goodwin. 9) DeJong moved, seconded by Rhody to approve the 2023 police contracts with Clear Lake and Goodwin. All voted yes and motion carried.

Fire Dept's Funds Request: He proposed using a portion of the funds from transferred ARPA money to replace bunker gear. NFPA standard is bunker gear be replaced 10 years after manufacture date or when burn holes in the bunker gear. Estimated cost for M&T safety gear is \$3800 per fire fighter. Four sets of bunker gear per fire Dept. would be approximately \$91,200. This would have to be added to the 2023 budget under Fire & Rescue Protection 101-221-429.

Courtroom Security Grant: 10) DeJong moved, seconded by Homan to proceed with Courtroom Security Grant in the amount of \$5,670.78; 75%-25% grant. Those voting in favor of were Rhody, DeJong and Homan with Jaeger abstaining. Motion carried.

Homeland Security Grant: 11) Rhody moved, seconded by Homan to apply for Homeland Security Grant for following: to West Central for communications radio extenders \$8850.00; 2-Way Solutions to replace backup radio in 911 Center in Watertown \$9224.50; Alpha Train and Tactics \$3399.00 SWAT gear. All voted yes and motion carried.

### **Public Comment**

There was no public input at the meeting.



13) Jaeger moved, seconded by DeJong to approve warrants presented and those paid early. All voted yes and motion carried.

Approve warrants paid early – NY Life 294.94 Ins., NY Life 233.54 Life Ins., SD Dept. of Revenue 259.90 Excise Tax, SDACC 585.00 Reg. For Convention, CL Area Development 4500.00 Quarterly Payment, Health Equity 691.34 Flex Claims, US Postmaster 2000.00 Postage for Machine, Astoria Fire Dept 1869.83, Brandt Fire Dept 4300.26, Clear Lake Fire Dept 11040.33, Revillo Fire Dept 710.56, Gary Fire Dept 4010.13, Goodwin Fire Dept 2836.27, Toronto Fire Dept 3039.73, Estelline Fire Dept 1591.50, Hendricks Fire Dept 270.01 All State Fire Ins. Premium. Health Equity 30.00 Flex Claims, City of Watertown Fin. Office 3931.04 911 Surcharge, Health Equity 10.00 Flex Fees; Warrants:

A&B Business Solutions 3364.00 Supplies/Equipment, A-Ox Welding Supply Co 50.35 Cylinder Rental, ABC Embroidery 16.50 Services, American Solution For Business 344.98 Supplies, Appera 507.20 Rugs, Jaime Araiza Villa 16120.00 Gravel Hauling, AT&T Mobility 240.24 Utilities, Auto Value Parts Store 233.58 Repair, Banner Associates Inc 2726.50 Prof. Services, Brookings Deuel Rural Water 42.60 Utility, Bjerke Sanitation 310.00 Garbage, Bobcat Of Brookings 277.72 Repair, Bratland Law 4928.00 CAA, Cartney Bearing & Supply Co 74.73 Repairs, Credit Collections Bureau 1.70 Poor Lien, Certified Languages Int., LLC 14.85 Interpreter, Foell, PC 240.00 Prof. Fees, Clear Lake Building Center 2187.22 Repairs, City Of Clear Lake 244.31 Utility, Clear Lake Courier 2071.81 Publication/Supplies, Clear Lake Veterinary Clinic 75.08 Supplies, Codington County Auditor 5130.00 Prisoner Care, Cole's Petroleum Products, Inc 6169.75 Fuel, Cowboy Country Stores 205.87 Gas, Waste Connections Inc 57.35 Shredding Services, Dakota Portable Toilets, Inc 450.00 Rental, Deuel County Farmers Union Oil 551.84 Repairs/Supplies, Deuel County Motor Supply Inc 623.44 Repairs/Supplies, Detco 1988.60 Supplies, Duinick, Inc 191321.69 Overlay 312/Goodwin, John Eilertson 208.80 Sheep/Goat Judge, Election Systems& Software Inc 76.96 Ballots, First Bank & Trust 1488.42 Credit Card/Supplies, Galls 287.99 Supplies, Avery Gilchrist 105.24 Rabbit Judge, Green Roby Oviatt LLP 640.30 CAA, Gunderson & Evenson, LLP 1162.48 CAA/Veteran Service Travel, H-D Electric Coop, Inc 711.05 Services/Supplies, Hillyard/Sioux Falls 258.00 Changing Station 4-H Serv. Center, ICAP 2527.00 August/Sept Support, Joshua Johnson 90.00 Poultry Judge, Kibble Equipment 1523.59 Repair/Supplies, Anita Knutson 65.96 Photography Judge, Josefina Koopmans 168.48 Services/Travel, Jolene Krause 50.00 Clothing Judge, L G Everist Inc 210.43 Sand, Deb Lessman 280.89 Supplies/Travel, Blue Tarp Financial, Inc 402.89 Supplies, Macksteel Warehouse, Inc. 172.29 Supplies, Maynards 62.04 Supplies, Mcleod's 486.88 Election Supplies, Menards 131.48 Supplies, Jennifer Mewherter 500.00 Deductible Reimbursement, Microfilm Imaging Systems 1260.00 Rentals, Minnehaha Juvenile Det. Center 2320.50 Juvenile Care, Multi Business Solutions Inc 1500.00 Prof Services, New York Life 294.94 August Term Life Ins, Jerry Nolz 75.20 Ag Judge, Todd Nordmann 244.50 Beef & Swine Judge, Mary Nosbush 62.60 Foods & Nutrition Judge, Dennis Nosbush 912.25 Repairs, Northwestern Energy 51.36 Utility, Mary Odland 163.20 Dairy/Dairy Goat Judge, Office Peeps Inc 1218.97 Supplies, Ottertail Power Co 49.51 Utility, Ottertail Power Co 450.00 Refund Overpay Taxes, Peterson Farms 98.60 Refund Tax Acct, Rachel Pfaffendorf 50.00 VA/Posters Judge, Pheasantland Industries 1080.70 Safety Shirts, Postmaster 120.00 Stamps, Powerplan OIB 13763.34 Supplies/Maint/Grapple Fork, Prairie Lakes Healthcare Sys 85.00 Prof Services, Cindy Anderson 32.00 Supplies, RC Technologies 150.00 911 Utility, James Roelofs 2076.75 Refund Tax Acct, Scott Ruby 500.00 Deductible Reimbursement, Running's Supply Inc 321.50 Supplies/Repair, Sanford Health 566.00 Blood Alcohol, Rochelle Schmidt 108.80 4-H Judge, SDOT 935.59 Fuel, SD Dept Of Public Safety 2730.00 Teletype Services, State Of SD 280.00 Prof Services, SD Public Assurance Alliance 1099.37 Insurance, SD Sheriffs'

Association 115.00 Conference, Sodak Gardens 52.45 Supplies, State Line Tree Services, Inc 400.00 Grind Stump, Titan Machinery-Watertown 126.87 Repair, Truenorth Steel Inc 459.82 Culverts, Ultra-Connecting Point 1313.10 Prof Services, W.W. Tire Service Inc 288.95 Repairs, Western States Sheriffs Assn 100.00 Membership, Wheelco Truck & Trailer Parts 85.57 Repair, Payroll: Commissioners 9407.69, Auditor's Office 9245.68, Treasurer's Office 9442.24, State's Attorney's Office 7737.23, General Gov't Building 5938.96, Director of Equalization Office 14718.97, Register of Deeds Office 8720.80, Veteran Service Officer 1308.90, GIS 705.60, Sheriff's Dept. 29294.12, 4-H Service Center 1612.71, Extension Office 3567.71, Planning & Zoning 4651.68, Road & Bridge Fund 70604.79, Emergency Management 3258.46.

14) Rhody moved, seconded by Homan to amend mileage rate to .51 mile effective 9-12-22 same as state rate. All voted yes and motion carried.

15) DeJong moved, seconded by Rhody to approve and sign the Public Health Nurse Contract between the State of SD Dept. of Health, the County and Sanford Health for FY 2023 in the amount of \$36266.63. Those voting in favor were Rhody, DeJong and Homan. Jaeger voted no. Motion carried.

16) DeJong moved, seconded by Jaeger to approve the list of Deuel County Ambulance Members for Work Comp Ins. Purposes. All voted yes and motion carried. Cindy Bohlen, Tyler Bratsch, Patsy Cassels, Deidra Clausen, Jann Christie, Brandon Collins, Laura Crooks, Julie Donahue, Denise Eversman, Erik Eversman, Chantelle Fieber, Kari Fieber, Blaine Franken, Kelli Franken, Billie Gauger, Joey Gislason, Joni Kanable, Robert Kleen, Melissa Kloos, William Landmark, Mark Law, Kari Lovre, Lisa Lundberg, Scott Moeller, Jacob Monnier, Sheila Monnier, Brooke Nelson, Lisa Pederson, Sheila Pitts, Brenda Schake, Morgan Schmidt, Robert Schmidt, Dawn Timmons.

17) Rhody moved, seconded by Homan to approve the 911 Contract between the City of Watertown and Deuel County for 2023 with no changes. All voted yes and motion carried.

18) Rhody moved, seconded by Homan to adjourn. Motion carried.

Pam Lynde, County Auditor

Judith Homan Chairperson

Published One Time at the Approximate Cost of \_\_\_\_\_.