

April 6, 2021
Regular Meeting

The Deuel County Commissioners met in regular session on Tuesday, April 6th at 9:00 a.m. in the Commission Room of the Courthouse with Chairman DeJong presiding. Those present were Commissioners DeJong, Jaeger, Rhody, Kreutner and Homan as well as Auditor Korth and several members of the public. The meeting began with prayer and the Pledge of Allegiance.

Approval of Agenda

1) Kreutner moved, seconded by Homan to approve the agenda as presented with the addition from the Chairman to add an executive session per SDCL 1-25-2(3) for the purpose of consulting with legal counsel at 9:30 a.m. All voted yes and the motion carried.

Approval of Minutes:

2) Rhody moved, seconded by Homan to approve the minutes of the regular meetings March 2nd and 16th. All voted yes and the motion carried.

APPOINTMENTS

9:00 Highway Superintendent Jamie Broksieck

Broksieck met with the Commissioners to discuss highway related issues.

Invenergy/Deuel Harvest Wind Energy LLC application for Occupancy Right of Way for County Roads was not discussed as proper notice and specific requirements had not been met under SDCL 31-26-1.

Discussion was held on the post-construction evaluation of haul roads within the Invenergy wind development project. Ueltig had performed the pre-construction evaluation. The County is considering getting a second engineering opinion for the post construction evaluation. Costs per mile were discussed and considered. There were several questions raised before a decision can be made.

Discussion was held on the gravel stock piles within Deuel County. Discussion on which gravel vendors will be putting up their stock in pits throughout the county.

Discussion was held about the need for trucks within the Highway Department. Mechanical repair costs are getting very high to maintain the current trucks. Broksieck reported on state bids for a base truck. He is awaiting on other bids for boxes and additions. This will be discussed further at next meeting.

Interviews have been held for a truck driver for the Deuel County Highway Department. 3) Rhody moved, seconded by Kreutner to hire Austin Anderson as a truck driver with a starting wage of \$17.76. Start date subject to Anderson accepting the position. All voted yes and motion carried. 4) Kreutner moved, seconded by Jaeger to accept the resignation of Justin Bolden at the Highway Department. All voted yes and motion carried. 5) Jaeger moved, seconded by DeJong to advertise for a Heavy Equipment Operator with Mechanic abilities for the Highway Department with a starting wage depending on experience. All voted yes and motion carried.

Discussion was held on load limits in the area of construction being performed on Highway 15 near Grant County. The detour road limits would need to be lifted to accommodate local trucks. This is near Revillo as well as the Strandburg road. 6) Kreutner moved, seconded by Jaeger to lift the load limits on 472nd Ave (Strandburg Road) 6 miles; and County road 290 (or 482nd Ave. Revillo Road) 3 miles to the County line and limit traffic to local traffic only. All voted yes and motion carried.

9:30 Second Reading Zoning Ordinance B2004-01-34A

Executive Session per SDCL 1-25-2(3) for the purpose of consulting with legal counsel

7) Kreutner moved, seconded by Homan to move into executive session per SDCL 1-25-2(3) for the purpose of consulting with legal counsel. All voted yes and motion carried.

8) Rhody moved, seconded by Jaeger to have Chairman DeJong declare the meeting out of executive session at 9:45 a.m. All voted yes and motion carried.

The second reading of Ordinance B2004-01-34A was held. The Ordinance Amendment would reclassify the property described as: Lot 19 Grabow Second Addition in the NE1/4 of 5-114-47 West of the 5th P.M., Norden Township, Deuel County, South Dakota from Agricultural "AG" to Lake Park District "LP". More than 25 letters of testimony were presented to the Board of Commissioners prior to the meeting and reviewed. These letters were received by Auditor Korth and are on file in the Auditor's Office for review. Each letter shared the same sentiment asking the Commissioners to deny the request to reclassify the property to Lake Park District based on the following: This would set a precedent for commercial campgrounds and land development; This campground would strain an already stressed sewer system; This does not add to the beauty of the Lake Park District and provides no benefits; Additional traffic in the area causes huge safety concerns; Additional boat traffic is a concern as well as overfishing and overuse of the Lake; Overall the State Park has adequate camping space and can accommodate additional spots if necessary.

State's Attorney Gass clarified that what is under consideration for today is only reclassifying the property to Lake Park District from Agricultural. Further permits would need to be granted before a campground would be considered. Several members of the public were present with questions as was applicant Will Stone. Stone encouraged dialogue to correct the misinformation. The main concerns expressed were setting a precedent for what could be a long term potential of a commercial operation. There were concerns that more notices need to be sent to interested parties. US Fish and Wildlife as well as GFP have been properly notified and did not respond. Gass clarified notices were sent in accordance to statute. For future consideration it is ultimately the Zoning Board's decision to continue with permits and special exceptions going forward on this property.

9) Rhody moved, seconded by Jaeger to approve, adopt and publish notice of adoption of Ordinance B2004-01-34A, 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. Roll call vote Kreutner aye, Homan aye, Jaeger nay, Rhody aye, DeJong aye. Majority vote. Motion carried.

10:00 Public Auction for Sale of County Property

Two properties taken by tax deed now declared surplus property by Deuel County were up for auction held in the Commission Room, 2nd Floor of the Deuel County Courthouse. State's Attorney Jared Gass was present and began open bidding with no reserve. The first property is located in Toronto described as W1/2 Lot 4 and all Lot 5 Blk 2 Original Plat. Winning bid was Cody Bauman for \$7,700.00.

The second property is located in Astoria described as W1/2 Lot 9 and Lot 10 Blk 7 Original Plat. The Astoria property has delinquent utilities and assessments that would need to be addressed with the Town of Astoria upon transfer to a new owner. No sale of the property in Astoria due to no interest.

11:00 Mayor Gary Eide

Mayor of Clear Lake, Gary Eide declined to meet with the commissioners concerning the Clear Lake airport. Eide had been in contact with some of the Board members with the same response that the City is not interested in pursuing opening the airport. The commissioners were in agreement with this decision.

11:15 Sheriff Cory Borg and Auditor Mary Korth

Sheriff Borg and Auditor Korth met with the Commissioners with concerns from the State 911 Coordinator after the 2020 911 report was filed. Supplies such as all 911 signs and any labor or repairs tied to those signs or to the 911 repeater are to solely come from the General Fund as 911 funds are restricted. This information is from the State 911 Coordinator. This was not done in 2020 and the State has asked that those amounts be refunded. Furthermore, utility bills created by the 911 tower would have to be shared in cost with the General Fund. After much communication with the State, Auditor Korth and the 911 coordinator came up with an operating transfer amount to satisfy the refund the County is due to the 911 fund balance. Commissioner Jaeger strongly disagreed and would prefer to speak with the State Coordinator before approving an operating transfer. Jaeger has experience on the 911 Board and feels that the County is following the administrative rules. Sheriff Borg was concerned going forward any expenses related to 911 that have to

come from the General Fund are charged towards Public Safety. This means his 2021 budget will be strained in upcoming months. Borg investigated the Administrative Rules and feels Deuel County is following what is required.

Commissioner Jaeger brought forth discussion on the State mandated P-25 Project with concerns on improving future radio communications. This is in connection with communication with Grant County's request to meet with the state to find a resolution to improve analog and digital communications for first responders in Grant County as well as northern Deuel and Eastern Codington counties.

Discussion was held on the question to enact a burn ban automatically if the County was in a Red Flag Warning as deemed by the National Weather Service or State Emergency Management. This is in response to the dry conditions that continue to worsen in the county. Emergency Manager Monnier and Sheriff Borg were present for discussion. At meeting time, rain was expected so no burn ban will be enacted at this time. Borg and Monnier had the suggestion to form a resolution to give the Sheriff and EM the authority to enact a burn ban in cases of emergency without waiting for a commission meeting. Borg suggested a Commissioner also be contacted as part of the emergency enactment. At present time the Board felt no decision on burn bans were needed. The Sheriff's Office does ask that the public inform them of a controlled burn in case of calls.

11:30 State's Attorney Jared Gass

Gass met with the Commissioners about the Easement Agreement for the County. (To follow under Old Business).

OLD BUSINESS

Deuel County Complex Quotes on Signage/Easement Agreement

State's Attorney Jared Gass reported that as of meeting date there has been no response from David and Julie Cook concerning the easement agreement proposal.

Signage for the Deuel County Complex was discussed. The Board was waiting on quotes to be secured from Lake Area Technical College through a program in which the students could supply the sign. Lessman reported to the Auditor that she has contacted SDSU for specifications about their sign dimensions and has tried several times. She is still awaiting an answer.

NEW BUSINESS

Approve Cash Balance Sheet

10) Homan moved, seconded by Kreutner to approve the cash balance sheet for the month of March. All voted yes and the motion carried.

DEUEL COUNTY AUDITOR'S ACCOUNT WITH TREASURER

END OF MONTH CASH BALANCE	MAR 2021
CASH TOTAL	\$ 3,013.67
CHECKS TOTAL	\$ 34,760.41
CASH ITEM	\$ 0
CASH CHANGE SHERIFF	\$ 50.00

TOTAL CASH ASSETS ON HAND		\$	37,824.08
CHECKING ACCOUNT BALANCE		\$	612,417.85
MM DNB NATIONAL BANK		\$	4,063.21
PREMIUM MM FIRST BANK & TRUST OF TORONTO			\$4,993,908.54
CREDIT CARDS		\$	190.00
CD'S	\$250,000	DNB	\$ 250,000.00
	\$0	FIRST BANK & TRUST	
REVOLVING LOAN		\$	25,717.26
GRAND TOTAL CASH ASSETS			\$5,924,120.97
GL CASH BALANCE BY FUNDS:			
GENERAL			\$3,662,764.65
SP REVENUE FUNDS			\$1,632,651.70
TRUST & AGENCY FUNDS			\$ 628,704.62
townships	\$92,383.93	cities	\$47,699.98
schools	\$272,456.07	rural fire	\$6,183.60
TOTAL GENERAL LEDGER CASH			\$5,924,120.97

Capital Outlay Amendment for Resolution #21-04

Auditor Korth reported on findings by State Legislative Audit during submission of the County's annual report. A Capital Outlay resolution for accumulating funds within the Road and Bridge Fund was adopted and passed on February 2nd (Resolution #21-04). This did not include designation of funds within the General Fund which is needed for the General Fund Surplus Analysis in accordance with SDCL 7-21-18.1. Discussion was held on appropriations for capital outlay funds. Auditor Korth will have the final amended resolution at the next meeting

EM Fund Operating Transfer; SDDOT Weed Spray Contract and Weed Personnel; Reschedule first regular meeting in May; ITC Public Broadcast; Travel Request

11) Homan moved, seconded by Jaeger to transfer \$135,000 from the General Fund to Emergency Management Fund (226) per Legislative Audit recommendations per 2020 Annual Report and 2021 budget. All voted yes and motion carried.

12) Rhody moved, seconded by DeJong to approve and sign the State of South Dakota Department of Transportation Joint Powers Agreement for Weed Spraying Services by County. All voted yes and motion carried.

13) Jaeger moved, seconded by Kreutner to change the date of the first meeting of the month of May to Monday, May 10th at 9a.m. due to county officials being gone to spring workshop in Pierre. All voted yes and motion carried.

Commissioner Jaeger reported on contacting ITC for public broadcast of the Commission Meetings as requested. The County is still waiting for information from ITC to be sent to the Auditor's Office before a decision made.

14) Jaeger moved, seconded Homan by to approve the travel requests of Extension Secretary Dawn Fritz to Huron for training on Monday, April 12th and for Highway Secretary Lisa Jorvig to attend training in Pierre on May 6th. Also for County Officials to attend the Sioux Valley Commissioner meeting to be tentatively held Wednesday, May 12th in Watertown. All voted yes and motion carried.

Commissioner Kreutner reported on a plan formed by citizens near Lake Alice for maintenance of the Lake at the high water mark. This will be discussed in future meetings.

APPROVAL OF WARRANTS:

15) Kreutner moved, seconded by Rhody to approve all warrants as presented and those paid early to avoid service charge. All voted yes and the motion carried. *Warrants To:* A&B Business Solutions 317.33 Supplies/Rental, A-Ox Welding Supply Company In 49.04 Rental, Appeara 438.19 Rental, At&T Mobility 200.20 Utilities, Bjerke Sanitation 245.00 Utilities, Colleen Boeke 53.36 Pro Service/Travel, Borns Group 1861.62 Pro Service, Brock White Company Llc 7812.00 Supplies, Credit Collections Bureau 69.70 Lein, Clear Lake Building Center 522.56 Repair/Supplies, City Of Clear Lake 167.43 Utilities, Clear Lake Courier 1555.11 Publishing, Clear Lake Veterinary Clinic 28.85 Pro Service, Codington County Auditor 7565.00 Prisoner, John Collins 65.12 Pro Service/Travel, Cowboy Country Stores 17.65 Supplies, Dana Safety Supply, Inc 3954.00 Minor Equip, Deuel County Farmers Union Oil 3461.84 Repair/Supplies/Utilities, Deuel County Motor Supply Inc 255.21 Repair/Supplies, Deuel County Treasurer 50.00 Tax Acct, Deuel Area Development Inc 3750.00 Support, Diesel Machinery Inc 1336.50 Repair, Dnb National Bank 50.00 Rental, Election Systems& Software Inc 94.80 Pro Service, Fidelity National Title Ins Co 2026.46 Over Payment, First Bank & Trust 6606.45 Credit Card, Fritz Chevrolet Inc 863.76 Repair, Dawn Fritz 26.04 Travel, Fromm Property Holdings Llp 2120.66 Over Payment, Orval Guburd 592.12 Repair, Gunderson & Evenson, Llp 1545.10 Pro Service, H-D Electric Coop, Inc 3137.14 Utilities & Repair, Hillyard/Sioux Falls 177.45 Supplies, Houseman Funeral & Cremation 2782.00 Travel/Assist Funeral, Human Service Agency 2864.25 Support, Inter-Lakes Comm Action Inc 1735.75 Support, Itc 2104.10 Utilities, Laura Kahler 35.95 Supplies, Kibble Equipment Llc 730.54 Repair, The Lodge At Deadwood 472.00 Travel/Conf, Steven Maas 60.08 Pro Service/Travel, Blue Tarp Financial, Inc 300.70 Repair, Matthew Bender & Co., Inc. 68.08 Books, Maynards 48.73 Supplies, Mcleod's 89.21 Supplies, Menards 80.95 Supplies, Microfilm Imaging Systems 90.00 Rental, Multi Business Solutions Inc 1500.00 Pro Service, Byron Nogelmeier 60.00 24/7 Due To State, Northwestern Energy 1857.44 Utilities, Olivia Chrysler Center 55.00 Overage For Taxes, Office Peeps Inc 718.14 Supplies/Sm Equip, Ottertail Power Co 95.53 Utilities, Courtney Parker 58.40 Pro Service/Travel, Pests B Dead Llc 175.00 Pro Service, Jessica Phelps 65.96 Pro Service/Travel, Quadient, Inc 672.63 Supplies, Ramkota Hotel&Conference Cente 707.00 Travel/Conf, Rc Technologies 150.00 Utilities, Rob's Locker & Catering 742.50 Supplies, Ron's Saw Shop 24.99 Supplies, Running's Supply Inc 55.52 Supplies, Sanford Health 292.00 Blood Draw, Sanford Clinic 2861.10 Health Nurse, Sd Association Of County Comm 75.00 Conf, Sd Dept Of Transportation 33059.47 Pro Service/Supplies, Sd Dept Of Transportation 2542.71 Supplies, Sdaao Treasurer 150.00 Dues, Sdacc 2818.00 Support,

Sdaco 370.00 Spring Workshop, Sioux Falls Two Way Radi 90.00 Pro Service, Kent Simon 50.00 Pro Service, Sturdevant's Auto Parts 432.44 Repair, Titan Machinery-Watertown 168.07 Repair, Patrick Toft 61.76 Pro Service/ Travel, Tri State Water Inc 17.97 Supplies, Ultra-Connecting Point 602.00 Supplies, Watchguard Video 3514.50 Minor Equip, City Of Watertown 3815.55 911 Surch, Westcentral Communication Inc. 830.50 Repair, Wheelco Truck & Trailer Parts 417.20 Repair. *Payroll:* Commissioners 9401.27, Election 130.29, Auditor Office 14703.40, Treasurer Office 9223.58, State's Atty Office 7640.55, Gen Building 5227.16, Dir of Equal Office 9611.03, Reg of Deeds Office 7704.22, VSO 1289.55, GIS 652.71, Sheriff's Dept 30903.91, County Assist 397.36, 4-H Service Center 237.52, Extension 3065.10, Weed 1739.41, Zoning 4553.49, Hwy Dept 61978.37, Emerg Mngmt 3194.94, DNB National Bank 12.94 Payroll Proc.

Public Comments

None at this meeting.

16) Rhody moved, seconded by Homan to adjourn. All voted yes and motion carried. Meeting adjourned.

Mary J Korth, County Auditor

Gary DeJong, Chairman

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