

July 2, 2019
Regular Meeting

The Deuel County Commissioners met in regular session on Tuesday, July 2 at 9:00 a.m. in the Commission Room of the Courthouse with Chairman Rhody presiding. Those present were Commissioners DeJong, Rhody, Homan, Jaeger and Kreutner. Also present was Auditor Mary Korth. The meeting began with prayer and the Pledge of Allegiance.

Approval of Agenda

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

Approval of Minutes:

2) Kreutner moved, seconded by DeJong to approve the minutes of the regular meetings of June 4th and June 18th, 2019. All voted yes and the motion carried.

APPOINTMENTS

9:00 Highway Superintendent Jamie Hintz

Hintz met with the commissioners to discuss several matters. Hintz presented the funding agreements for the 2019 Bridge Improvement Grants. There are two grants, one for Structure Number 20-065-196 for \$197600 and for Structure Number 20-065-189 for \$208100. 3) Homan moved, seconded by DeJong to sign the State DOT Bridge Improvement Agreements for grant funding to rehabilitate or replace the above stated structures. All voted yes and motion carried. Discussion was held on various bridges in the county concerning replacements or repairs.

Hintz also presented photos where utility companies are damaging culverts and discussion was held on damage to roads. Rains over June 30 weekend caused more problems on roads especially with water over roads at Fox Lake. At the upcoming FEMA meeting those roads will be addressed including if a grade raise can be given on the road near Fox Lake. Gravel shortages are a problem in Deuel County. Some gravel pits are flooded so Hintz is looking into alternatives. International truck repair is \$18,000, Hintz thinks it is best if the International trucks are replaced rather than spending so much on repair. Discussion was held on a field owned by Norm Bindert causing culvert problems and silt issues on the road. Tiling is expected and hopefully some of the road problems will be solved. Hintz said road damage often doesn't appear right away.

Hintz said rodeo went well, but one culvert collapsed on the rodeo road but it was flagged and there were no issues. Hintz talked about hiring issues yet, he has some other applications and hopes to hire soon. Commissioner Jaeger discussed the maintenance of a road and structure joining Grant and Deuel counties. Hintz will inspect and bring his thoughts and possible alternatives to next meeting. Discussion was held on grants for the Safe Routes to School Program. Hintz said grant applications are slow in getting approval because of the flood conditions. Discussion was held on county mowing of road ditches and much of that work will be done soon.

9:30 Treasurer Jen Mewherter

Treasurer Mewherter approached the board to discuss the computers in her office. The systems are very outdated and will not be supported come the end of the 2019 and it is crucial they are updated soon as the State Motor Vehicle system is also updating. She presented a quote from Ultra Connecting Point for the replacement of all the computers. 4) DeJong moved, seconded by Kreutner to approve the replacement of all the computer systems in the Treasurer's Office at the quoted price of \$5827.00 from Ultra Connecting Point. All voted yes and motion carried.

9:45 Ron Stangeland President Gary Historical Association

Stangeland was not available for the meeting. He had sent a letter to the Board previously about the only historic log cabin in Gary that needs a new roof. His request affects the current budget

year as the roof replacement cannot wait until 2020. The Commissioners cannot make any decisions on this request without more information.

10:00 Maria Broksieck Deuel County Conservation District

Broksieck met with the Commissioners to give an overview of the Conservation District activities and the proposed budget for 2020. Acres are down and CRP is very little. There are not many trees except riparian buffers. Expenses were higher in 2018. A lot of the expenses and delays were directly due to extreme moisture. Broksieck requested funding for the 2020 budget in the amount of \$9000. She spoke of activities and future plans, including trees given to kids at school field day, the threat of the emerald ash borer and what suggested recommendations were given. She thanked the County for the support in years past.

10:15 Community Health Nurse Tammy Baer Quarterly Report

Baer met with the Commissioners and gave them a quarterly update of the Community Health Nurse Office activities. Contacts and immunizations consistent, flu shot season is over. ASQ Developmental Screenings are available. New "Social/Emotional" screenings target early interventions in autism and emotional problems. Responses coming in for shots before school. August 5th is the Back To School Fair at Deuel School. They do vision and hearing screenings with very high turnout. Baer goes to training next week in Pierre and is presenting information on the first annual Bike Rodeo that was held on June 7th in Clear Lake which offers obstacle courses, bike inspection and helmet safety along with drawings for prizes. The Deuel County Sheriff's Office partnered in the safety education of bicycles during the Bike Rodeo. She presented that information to the Board as well. Discussion was held on the MMR vaccine, which is highly effective and is required for school attendance with few exceptions. Each state has different regulations.

10:30 Drainage Board/Steve Johnson Trust-Neal Ruhd

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

Joe Lakness/Neal Ruhd (landowner Steve Johnson trust) requested a permit to drain on the NW1/4 of 9-114-48. Proposed length of the drain is 3800 feet using 8" tile. Area affected for drainage will be 22 acres. Adjoining landowners had signed Permission To Drain. 6) Jaeger moved, seconded by Kreutner to approve and issue Drainage Permit #D19-12 to Neal Ruhd/Steve Johnson Trust to drain on above described property. All voted yes and motion carried.

10:45 Drainage/MoDak Land, LLC

MoDak Land, LLC requested a permit to drain on the SW1/4 of 32-116-49. Proposed length of the drain is 4119 feet using 8-6-4" tile. Area affected for drainage will be 50 acres. Adjoining landowners had signed Permission To Drain including owners where non-perforated tile will be installed. 7) DeJong moved, seconded by Kreutner to approve and issue Drainage Permit #D19-09 to MoDak Land, LLC to drain on above described property as well as Hanten Bros. #D19-09A to use existing tile and use larger tile alongside. All voted yes and motion carried.

11:00 Drainage/Kremer Farms

Dave Kremer of Kremer Farms requested a permit to drain on the SW1/4 of 21-113-47. Proposed length of the drain is 3000 feet using 5" tile. Area affected for drainage will be 54 acres. Adjoining landowners had signed Permission To Drain. 8) Jaeger moved, seconded by Homan to approve and issue Drainage Permit #D19-10 to Kremer Farms to drain on above described property. All voted yes and motion carried.

11:15 Drainage/Jesse Christianson

Jesse Christianson/Caleb Steele requested a permit to drain on the N1/2NE1/4 of 25-113-48. Proposed length of the drain is 20,720 feet using 4-5-6" tile. Area affected for drainage will be 80 acres. Adjoining landowners had signed Permission To Drain except for Matt Brey who feels the drainage does not concern the SDDOT. 9) Kreutner moved, seconded by Homan to approve and

issue Drainage Permit #D19-11 to Jesse Christianson to drain on above described property. All voted yes and motion carried.

Jesse Christianson also requested a permit to drain on the N1/2SW1/4 of 29-113-47. Proposed length of the drain is 35,000 feet using 8-6-4" tile. Area affected for drainage will be 70 acres. Adjoining landowners had signed Permission To Drain including owners where non-perforated tile will be installed. 10) Jaeger moved, seconded by Rhody to approve and issue Drainage Permit #D19-13 to Jesse Christianson to drain on above described property. All voted yes and motion carried.

Jesse Christianson also requested a permit to drain on the S1/2SW1/4 of 30-113-47 and the S1/2SW1/4 of 29-113-47. Proposed length of the drain is 72,000 feet using 15-12-10-8-6-5-4" tile. Area affected for drainage will be 150 acres. Adjoining landowners had signed Permission To Drain including owners where non-perforated tile will be installed. 11) Kreutner moved, seconded by Jaeger to approve and issue Drainage Permit #D19-14 to Jesse Christianson to drain on above described property. All voted yes and motion carried.

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

11:30 State's Attorney John Knight

State's Attorney John Knight met with the commissioners to discuss several issues. He had been doing research on conflicts of interest. When the Board of Commissioners are acting to amend a zoning ordinance, this is a legislative act and not a quasi-judicial function. This is a decision of policy and not specific interest, therefore bias is not an issue on this decision. In this type of decision it is fine to have favor towards one side much like a political campaign. However when a financial interest is concerned, policy makers, or decision makers who have a direct financial interest would be disqualified. The standard applies to the Planning Commission as well as the Board of Commissioners.

There is communication between the Richardson Law Firm and SDPAA on the second appeal and lawsuit. Knight also suggested mediation in this matter to the attorneys of Invenergy.

11:35 Executive Session pursuant to SDCL 1-25-2(3)

13) Kreutner motioned, seconded by Homan to move into Executive Session pursuant to SDCL 1-25-2(3) for the purpose of consulting with legal counsel. All voted yes and motion carried. Chairman Rhody declared the Commissioners out of Executive Session at 11:56 a.m.

NEW BUSINESS

Approve Cash Balance Sheet

14) Jaeger moved, seconded by Homan to approve the cash balance sheet for the month of June. Roll call vote, all voted yes. Motion carried.

DEUEL COUNTY AUDITOR'S ACCOUNT WITH TREASURER

**END OF MONTH CASH
BALANCE**

June-2019

CASH TOTAL \$ 2,034.56

CHECKS TOTAL \$ 21,338.57

CASH ITEM \$ 0

CASH CHANGE SHERIFF	\$	50.00
TOTAL CASH ASSETS ON HAND	\$	23,423.13
CHECKING ACCOUNT BALANCE	\$	623,639.87
MM DNB NATIONAL BANK	\$	4,061.34
PREMIUM MM FIRST BANK & TRUST OF TORONTO		\$4,762,066.46
CREDIT CARDS	\$	689.63
CD'S \$250,000 DNB	\$	250,000.00
FIRST BANK & \$0 TRUST		
REVOLVING LOAN	\$	117,408.72
GRAND TOTAL CASH ASSETS		\$5,784,289.15
GL CASH BALANCE BY FUNDS:		
GENERAL		\$2,577,258.02
SP REVENUE FUNDS		\$2,771,455.36
TRUST & AGENCY FUNDS		\$ 435,575.77
townships \$89,481.93 cities \$19,151.84		
schools \$167,262.05 rural fire \$481.89		
TOTAL GENERAL LEDGER CASH		\$5,784,289.15

**Special Meeting, Resolution of Support First District, County Assistance, Sioux Valley
Commission Meeting, Property Insurance Requirements**

15) DeJong moved, seconded by Jaeger to schedule a special meeting on Monday, July 29th at 9:00 a.m. to work on the 2020 budget. All voted yes and motion carried.

16) Jaeger moved, seconded by DeJong to approve Resolution #19-14 Resolution to Continue Support for the First District Association of Local Governments Fiscal year 2020. All voted yes and motion carried.

RESOLUTION TO CONTINUE SUPPORT FOR THE

**FIRST DISTRICT ASSOCIATION OF LOCAL GOVERNMENTS
DURING FISCAL YEAR 2020
RESOLUTION #19-14**

The Deuel County Board of County Commissioners, having adopted and signed a Joint Cooperative Agreement on the 11th day of April, 1972, creating the First Planning and Development District, Model Rural Development Program, do hereby agree to renew their participation in the Joint Cooperative Agreement for Fiscal Year 2020 (October 1, 2019 – September 30, 2020). To support the Joint Cooperative Agreement and the activities of the District staff, the Deuel County Board of County Commissioners will provide \$11,068.86 to the First District Association of Local Governments during the aforementioned Fiscal Year 2020 period.



ATTEST:
Mary Korth
Deuel County Auditor

ADOPTION:
Adopted this 2nd day of July, 2019
Steven Rhody, Chairman
Deuel County Commission

17) Homan moved, seconded by Jaeger to approve County Assistance #19-02 county burial. All voted yes and motion carried.

Deuel County will be hosting the Sioux Valley Commissioner meeting which will be held in Clear Lake on August 21st at St Paul's Lutheran Church beginning at 12:00 p.m.

Discussion was held on the property insurance requirements of the newly purchased county building and its purpose for storage, Extension, Weed, and 4-H departments.

Gary DeJong reported on his work into looking into different health insurance for county employees. DeJong also reported the carpet in the Courthouse basement will be torn out soon, as requested by Emergency Management Director. The FEMA meeting is scheduled at July 11th at 9 AM at the 4-H Service Center and the Commissioners are planning on attending.

Gary Jaeger reported on the First District Association of Local Governments annual picnic will be held on Wednesday, July 17th at the Codington County Memorial Park at Lake Kampeska.

APPROVAL OF WARRANTS:

18) DeJong moved, seconded by Jaeger to approve all warrants as presented and those paid early to avoid service charge. All voted yes and the motion carried. A&B Business Solutions 100.29 Contract Printer, A-Ox Welding Supply Company In 142.97 Rental/Supplies, At&T Mobility 383.04 Phones, Brookings Deuel Rural Water 35.00 Transfer Utilities, Benco Products, Inc 2058.43 Sprayer For Kubota, Bjerke Sanitation 218.00 Utilities, Boyer Trucks 73.68 Repair, Brian's Glass & Door Inc 300.00 Repair, Carol Kockx 529.20 Dispatch For Rodeo, Credit Collections Bureau 232.05 Funds Due, Chief Supply Corporation 439.45 Supplies/Evid, Clear Lake Building Center 108.45 Repair/Supplies, Clear Lake Courier 487.75 Publications, Codington County Auditor 4780.00 Prisoner Care, Cowboy Country Stores 53.82 Gas, Dakota Fluid Power 3162.82 Repairs, Deuel County Conservation Dist 2250.00 Funding, Deuel County Farmers Union Oil 3528.14 Chemical Supplies/Supplies, Deuel County Motor