

October 16, 2018
Regular Meeting

The Deuel County Commissioners met in regular session on Tuesday October 16 at 9:00 a.m. in the Commission Room of the Courthouse with Chairman DeJong presiding. Those present were Commissioners DeJong, Dumke, Jaeger, Rhody and Pederson. Also present was Auditor Pam Lynde. The meeting opened with prayer and the pledge of allegiance.

Approval of Agenda 1) Rhody moved, seconded by Dumke to approve the agenda as presented. All voted yes and the motion carried.

APPOINTMENTS

9:05 Jamie Broksieck Assistant Highway Superintendent

Broksieck discussed several highway related issues with the Commissioners. The county has been notified that the state had received extra federal funding from the annual August Re-distribution under the current highway act. The state elected to share a portion of this funding with the counties and Class 1 cities in the form of a STP payout check which is allocation plus 9.025% state match. These funds are to be used for road and bridge maintenance, repair and reconstruction. Deuel received 2953.63 in additional funds. Broksieck said they may bid a six mile overlay project in the southern part of the county in early 2019. He stated they presently have two sanders that are functional with the new ones still needing to be brought up to standards. He said the department will remain on four ten hour days until weather changes. Broksieck said they did purchase a Milwaukee compact electromagnetic drill press 5/8 in. 13 amp at a cost of 949.00.

9:25 George Holborn-Wind

Holborn met with the Commissioners to discuss wind energy and the proposed wind farms in the county. Holborn talked about and gave an outline of events that had taken place since 2016 concerning wind energy in the county; Sept 2018 new expert testimony was submitted by Robert Rand and Steven Cooper. Holborn talked about the Oct. 11 SD PUC Wind Energy Prevailing Wind Park LLC evidentiary hearing with testimony of D Hessler Acoustician talked about a 2 mile setback and negative health impact, R James Acoustician talked about dbc average is 50 to 55 and J Punch Audiologist testimony. Holborn stated his issues are: the P & Z Board and the Commissioners give more consideration to Big Wind testimony; we send letters and or present papers and hear nothing more; we may ask a question and it is never answered; WES Ordinance was fashioned after what Big Wind was willing to accept; this board is unwilling or unable to protect the people who must rely on you to act in their behalf, then consider employing independent experts instead of lawyers; R. James stated local officials need to become informed; the key is to get it right the first time. Would urge local government to set limits that are protective.

10:30 Jon Henslin-Public Hearings

Henslin told the Commissioners he was concerned about the public hearings that were held regarding the Special Exception applications for the Deuel Harvest Wind Farms and Crowned Ridge Wind II projects in Deuel County. Henslin said the two projects have a projected cost of about 900 million dollars and have a projected foot print of approximately 85 thousand acres, about 20 percent of the land in Deuel County. The impact of these projects (positive or negative) will affect 100 percent of the county. At

the public hearing for Deuel Harvest Wind Farms, the number of speakers was limited to about 25 with speaking limited to three minutes; at the public hearing for Crowned Ridge Wind II the number of speakers was not limited, but a three minute time limit was used. Because of the time limit many of the speakers were not able to communicate their concerns; some brought printed copies of their presentations to be reviewed by the Board if unable to complete the presentation in three minutes, but in the case of Deuel Harvest Wind Farms, providing printed copies was a waste of time because the Board voted on the Special Exception that evening.

Henslin was concerned about flashing red lights and had suggested at the public hearing that an Aircraft Detection Lighting System be used. Henslin said the Aircraft Detection Lighting System is approved by the FAA, and recommended that any wind energy system developed in the county or expanded in the county should require an Aircraft Detection Lighting System.

Henslin talked about property values and impacts to property owners near wind farms; he would like to see a property value guarantee. Henslin talked about several studies and documentation related to the effects of wind turbines on property values. The SD PUC hired David Lawrence a SD certified general appraiser to determine if the studies and testimony of the applicant reflect the potential impact to the value of properties on two wind farms proposed in SD. Henslin said that Lawrence believes a comprehensive study from the market area of SD will provide the evidence that is needed to determine the potential impacts of a wind project on property values. Henslin said a study needs to be done immediately, with the study taking about 6 months. Henslin felt that any special exception approved prior to the completion of a study needs to include a property value guarantee. In closing Henslin said the Special Exception process for large wind energy systems can be difficult; every i must be dotted and t crossed. Doing it right will take time; the public should be well informed of these issues. Henslin said public hearings should be conducted in a manner that the public feels their input is considered by the Board members and enough time should be provided for the public to present their input.

Public Comments: Miles Schumacher attorney with Lynn Jackson, Schultz & Lebrun, SD local council for Next Era Energy; if application meets the ordinance requirements then process needs to be honored by the Board; Deuel ordinance is consistent with PUC findings; never imposed less than 40 dba; Crowned Ridge One and Two will include 2.1 and 2.4 megawatt towers.

John Homan commented that he spent three days at PUC hearings with persons stating they had to move from their homes because of noise and many other issues with the towers; in his opinion the Zoning Board never looked at testimony submitted to them; testimony was limited to three minutes; why limit the testimony? Why does the Board have to make a decision in four hours that affects people for a lifetime; why grant a permit in a four hour hearing; more time should be given; took him very long time to get grass landing strip; feels there is a conflict of interest on Zoning Board; setbacks need to be increased in his opinion to protect health and wellbeing of property owners; setbacks originated with wind power companies; he urged the Commissioners to check out the PUC hearings.

Dennis Evenson stated he won't have a wind tower on his property; he said Mr. Homan doesn't live here as well as others and they are just making an observation; who is starting lawsuits?

Ruby Holborn said give other people a choice; further setbacks with a waiver.

11:00 Drainage Board-Stuart & Steve Almos

2) Pederson moved, seconded by Dumke to adjourn as County Commission and reconvene as the Drainage Board. All voted yes and the motion carried. Stuart and Steve Almos presented several applications for drainage. 1. The first application was to drain on the SE1/4 of 19-115-47 with the water flowing south and the outlet on their land and then flows into Cobb Creek. The creek enters Charles Peterson's land a short distance to the east. The proposed length of the drain will be 7,000 feet using four to six inch tile. They had the wetland determination and sign off of adjoining property owner. 3) Jaeger moved, seconded by Pederson to approve and issue Drainage Permit #D18-26 to Stuart and Steve Almos on above described property. All voted yes and motion carried. 2. Their second application was to drain on the SE1/4 of 19-115-47 with the water flowing to the east and outlet is on their own land and then into Cobb Creek. The creek enters Charles Peterson's land about 1300 feet to the east. The length of the drain will be approximately 17,766 feet using four to eight inch tile. They had the sign off of adjoining landowner and also had the wetland determination on the property. 4) Rhody moved, seconded by Dumke to approve and issue Drainage Permit #D18-27 on the SE1/4 of 19-115-47 to Stuart and Steve Almos. All voted yes and the motion carried. 3&4. The next application was to drain on the E1/2 SW1/4 of 19-115-47 with the water flowing to the east; there are two outlets, both drain onto their own land; north outlet is bordered by land owned by Doyle Thompson; east outlet goes towards Cobb Creek. The approximate length of the drain would be 8500 feet using four and six inch tile. They had the wetland determination and the sign off of the adjoining landowner. 5) Dumke moved, seconded by Jaeger to approve and issue Drainage Permit #D18-28 on the E2SW4 of 19-115-47 to Stuart and Steve Almos. All voted yes and motion carried. 5. The final application was to drain on the NW1/4 of 30-115-47 with the water flowing to the south; outlet is on their own land and goes into Cobb Creek. The creek enters Marvin Kunde property a short distance to the east. The proposed length of the drain will be 4200 feet using four to six inch tile. They had secured the wetland determination and the sign off of adjoining landowner on the property. 6) Rhody moved, seconded by DeJong to approve and issue Drainage Permit #D18-29 on the NW1/4 of 30-115-47 to Stuart and Steve Almos. All voted yes and motion carried.

11:15 Drainage Board-Kaleb Steele

Kaleb Steele on behalf of landowner Gary Gabrielson presented an application to drain on the SW1/4SW1/4 of 27-115-47-48 W with the water flowing to the northeast into a ditch and then into Cobb Creek. The approximate length of the drain will be 6750 feet using four to eight inch tile. He had the wetland determination on the property and had the sign off of the adjoining landowner. Since the outlet is outside the right of way the SD DOT approved the drainage. 7) Pederson moved, seconded by Rhody to approve and issue Drainage Permit #D18-25 on the above described property to Kaleb Steele/Gary Gabrielson. All voted yes and the motion carried. 8) Jaeger moved, seconded by Dumke to adjourn as the Drainage Board and reconvene as County Commission. All voted yes and motion carried.

NEW BUSINESS

Warrants

9) Jaeger moved, seconded by Pederson to approve warrants paid early and additional warrants as presented for payment. All voted yes and the motion carried. SD Dept. of Revenue 92372.17 Funds Due to State, SDACO 200.00 M&P Due to State, BD Rural Water 86.00 Utility Hwy, H-D Electric 246.44 Utility Hwy, SD Dept. of Revenue 1022.01 Excise Tax ACH, RC Technologies 150.00 911 Signal, Tri State Water 31.00 Supplies, Ottetail Power 1260.63 Utility, US Postmaster 2000.00 Postage for Machine, First Bank & Trust 224.62 Credit Card Payment, Century Link 373.14 911 Trunk Lines.

Travel

10) Dumke moved, seconded by DeJong to approve travel for Emergency Manager to attend meeting in Pierre November 11-12. All voted yes and motion carried.

Plats

11) Jaeger moved, seconded by Dumke to approve Plat of City Park Addition to City of Clear Lake in SE4 15-115-49 and Resolution #18-21. All voted yes and motion carried.

RESOLUTION #18-21

BE IT RESOLVED, by the Board of County Commissioners of Deuel County, South Dakota, that the plat entitled:

City Park Addition to the City of Clear Lake Located in the Southeast Quarter of Section 15, Township 115 Range 49 West of the 5th P.M., Deuel County, South Dakota

which has been submitted for examination pursuant to law, has been duly examined, and approved and accepted by the Deuel County Planning Commission, and it appearing that all taxes and special assessments have been paid and that such Plat and the survey thereof have been made and executed according to law, the Plat is hereby approved, and the County Auditor is hereby authorized and directed to endorse on such plat a copy of this Resolution and certify the same.

Dated at Clear Lake, South Dakota, this 16th day of October, 2018.

Gary DeJong
Chairman
Deuel County, South Dakota
Board of County Commissioners

STATE OF SOUTH DAKOTA)

SS

COUNTY OF DEUEL)

I, Pam Lynde, do hereby certify that I am the duly elected qualified and acting County Auditor in and for Deuel County, South Dakota, and that the above and foregoing is a true, correct and complete copy of the Resolution adopted by the Board of County Commissioners of Deuel County, South Dakota, at a regular meeting on October 16th, 2018, approving the above named plat by a vote of said commission and the whole thereof.

WITNESS my hand and the seal of Deuel County, South Dakota this 16th day of October, 2018.

ATTEST:
Sam Lynde (SEAL)
County Auditor
Deuel County, South Dakota

12) Rhody moved, seconded by DeJong to approve Plat of Lot 1 of Joseph and Clarice Uckert Addition Located in the NE1/4 8-115-49 and Resolution #18-22. All voted yes and motion carried.

COUNTY COMMISSIONERS #18-22

I hereby certify that the plat of LOT 1 OF JOSEPH AND CLARICE UCKERT ADDITION LOCATED IN THE NE1/4 OF SECTION 8, TOWNSHIP 115 NORTH RANGE 49 WEST OF THE 5TH 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 16th day of October, 2018.

ATTEST: _____
Chairman, Board of Commissioners
Deuel County, South Dakota

13) Rhody moved, seconded by Jaeger to approve Plat of Adam and Taylor Krause Addition in the S1/2S1/2 18-115-49 and Resolution #18-23. All voted yes and motion carried.

COUNTY COMMISSION RESOLUTION
#18-23

Be it resolved by the Board of County Commissioners of Deuel County, South Dakota, that the plat entitled: "**ADAM AND TAYLOR KRAUSE ADDITION IN THE COUNTY OF DEUEL, SOUTH DAKOTA, Located in the South Half of the South Half (S1/2S1/2) of Section 18, T115N, R49W of the 5th P.M., Deuel County, South Dakota**" which has been submitted for examination pursuant to law, and it appearing that all taxes and special assessments have been paid and that such plat and the survey thereof have been made and executed according to law, the plat is hereby approved, and the County Auditor is hereby authorized and directed to endorse on such plat a copy of this Resolution and certify the same.

Dated this 16th day of October, 2018.

Chairman, Board of County Commissioners
Deuel County, South Dakota

ATTEST:
Sam Lynde
County Auditor,
Deuel County, South Dakota

14) Dumke moved, seconded by Rhody to approve the plat of Mroe Pasture Addition in the SW1/4 32-117-49 and Resolution #18-24. All voted yes and the motion carried.

RESOLUTION
#18-24

BE IT RESOLVED by the Board of County Commissioners of Deuel County, South Dakota, that the plat entitled: **MROE PASTURE ADDITION, Located in the Southwest Quarter of Section 32, Township 117 North, Range 49 West of the 5th P.M., Deuel County, South Dakota**, which has been submitted for examination pursuant to law, and it appearing that all taxes and special assessments have been paid and that such plat and the survey thereof have been made and executed according to law, the plat is hereby approved, and the County Auditor is hereby authorized and directed to endorse on such plat a copy of this Resolution and certify the same.
Dated this 16th day of October, 2018.

Chairman, Board of County Commissioners
Deuel County, South Dakota

ATTEST: *Pam Lynde*
County Auditor
Deuel County, South Dakota

Adjournment

There being no further business Pederson moved, seconded by Dumke to adjourn the meeting.

ATTEST: *Pam Lynde*
Pam L. Lynde, Auditor
Published one time at the approximate cost of _____.

Chairman
Deuel County Commission