

August 1st, 2023
Regular Meeting

The Deuel County Commissioners met in regular session on Tuesday, August 1st at 9:00 A.M. in the Commission Room of the Courthouse with Chairperson Homan presiding. Those present were Commissioners Steve Rhody, Scott Fieber, Judith Homan, Jay Grabow and Harry Mewherter. Also present was Deputy Auditor Pam Lynde. The meeting opened with prayer and the pledge of allegiance. 1) Fieber moved, seconded by Grabow to approve the agenda as presented. All voted yes and the motion carried. 2) Grabow moved, seconded by Rhody to approve the regular meeting minutes of July 6 and 18 and special meeting of July 25. All voted yes and the motion carried.

APPOINTMENTS

9:00 Highway Superintendent Jamie Broksieck

Broksieck presented an application for Right of Way Occupancy from Sioux Valley Energy along Highway 313 in section 25, 35, 36 113N 50 W project WO #33350 overhead electric distribution that is one mile south of Hwy 28 and eventually will end up in Brookings County. 3) Rhody moved, seconded by Mewherter to approve and sign the Right of Way Occupancy application of Sioux Valley Energy. All voted yes and the motion carried. Broksieck said chip sealing has been done; junk pile cleaned up and crushed what they could. Waylon Blasius engineer with Banner was present and presented pay application #3 for the Haul Road Restoration Project. He stated that he had still retained the asphalt removal and 1200 tons of the asphalt placed to account for those areas on the project. Blasius said that the total project retainage had been reduced from 5% to 1.5% since the road is open for use and that \$77,00 plus the retained asphalt and asphalt removal still adds up to approximately \$200,000. Blasius said he had met with project manager to go through punch list; some asphalt areas need to be addressed; the shoulders were addressed and they will be working on that; box culvert still needs to be completed. 4) Grabow moved, seconded by Fieber to approve pay application #3 to Duinick Inc in the amount of \$1,793,496.97 as submitted. All voted yes and the motion carried. Broksieck said they will be starting on bridge replacement on highway 375 next week which is a BIG grant project.

9:30 Executive Session Pursuant to SDCL 1-25-2-(1) Personnel Matter

5) Grabow moved, seconded by Fieber to move into Executive Session pursuant to SDCL 1-25-2(1) to discuss a personnel matter. All voted yes and the motion carried. Chairperson Homan declared the Commissioners out of Executive Session at 9:55 a.m.

10:00 Veteran Service Officer Dennis Evenson

Evenson presented the invoice for renewal of the VetraSpect Program in the amount of 449.00; This program is used to help veterans and their families. He also requested payment of travel expenses for the annual training in Pierre at end of August that is required for Veteran Service Officers. 6) Mewherter moved, seconded by Grabow to approve the payment of VetraSpect program and travel expense to attend the workshop in Pierre. All voted yes and motion carried.

10:15 Public Hearing and Joint Meeting with Zoning Board

The Zoning Board and County Commissioners held a public hearing on revisions to the Deuel County Zoning Ordinance. Zoning Board members present were Dennis Kanengieter, Mike Dahl, Kevin DeBoer, Paul Brandt and Jay Grabow. The Boards met

jointly to hold a public hearing on several updates and corrections to the current zoning ordinance.

Ordinance #B2022-01-04, An Ordinance to amend Article XI, "Zoning Districts," Section 1103 "LP" Lake Park, Section 1103.04.

19. Private storage facilities provided they meet the requirements of Section 1245; Conditional Uses, Article XI, "Zoning Districts," Section 1103 "LP" Lake Park District, Section 1103.07. Shoreline Stabilization, Filling, Grading, Lagooning and Dredging,

- i. Approval from adjoining lake-front property owners

Article XII, "GENERAL REGULATIONS" Section 1236.02 Modular Homes,

b. Modular homes will include ~~all~~ **prefab** off-site constructed homes, which may be transported to the site in ~~one or more sections.~~ **multiple sections called modules and put together on site by your builder.**

Article XI, "Zoning Districts" Section 1101. "A" Agricultural District, Section 1101.02 Permitted Uses,

3. Site-built single-family residences; and moved in single-family residences provided that they meet the requirements of Section 1205

Section 1103. "LP" Lake-park District, Section 1103.03 Permitted Uses, Section 1106.

1. Site-built single-family residences usage; and moved in single-family residences provided that they meet the requirements of Section 1205

"TD" Town District, Section 1106.02 Permitted Uses, Section 1101 "A" Agriculture District, Section 1101.05

1. Single-family residential usage, including Type A and Type B Manufactured Homes, provided that provisions of Section 1236 are met. Also including moved in single-family residences provided that they meet the requirements of Section 1205

Article XII, "GENERAL REGULATIONS" Section 1238 Accessory Buildings Table 1238-1

1.c. Unattached garages shall be limited to maximum sidewalls of fourteen (14) feet; and a ~~maximum~~ **minimum** of 4/12 roof pitch or to conform to the design of the house.

2. Buildings or structures for customary residential storage purposes not over ten (10) feet in height and not exceeding ~~one hundred fifty (150)~~ **two hundred forty (240)** square feet in gross floor area **with a door opening no wider than seven (7) feet.**

Article XI, "Zoning Districts," Section 1101 "A" Agriculture District, Section 1101.05 Area Regulations

1. Lot Size: All residential lots shall be a minimum of three (3) acres, except as provided in item ~~7~~ **6** below. All other permitted uses and conditional use permits shall have a minimum area and setback regulations as determined by the Board of Adjustment.

Article XIII, “Concentrated Animal Feeding Operations Regulations,” Section 1303. Concentrated Animal Feeding Operation Permit Requirements

8. Notwithstanding ~~1103.4~~**1303.4** (above) a change in ownership of a Class A or Class B concentrated animal feeding operation which does not have a previously issued county-permit.

Article XIII, “Concentrated Animal Feeding Operations Regulations,” Section 1304. Concentrated Animal Feeding Operation Control Requirements

New Class A, B, C, and D (with more than five hundred (500) animal units) Concentrated Animal Feeding Operations shall dispose of dead animals, manure and wastewater in such a manner as to control odors or flies. A management plan is required for submission of a permit. The Zoning Officer and/or Board of Adjustment will review the need for control measures on a site-specific basis, The following procedures to control flies and odors shall be considered in a management control plan:

~~New Class A, B, C, and D Concentrated Animal Feeding Operations shall dispose of dead animals, manure and wastewater in such a manner as to control odors or flies. A management plan is required for submission of a permit. The Zoning Officer and/or Board of Adjustment will review the need for control measures on a site-specific basis. The following procedures to control flies and odors shall be considered in a management control plan:~~

Article XII, “GENERAL REGULATIONS” Section 1208 Shelterbelt Setback Requirements,

7. Shade trees, ornamental trees or shrubs generally used for landscaping and windbreak are allowed in a controlled area. The controlled area is defined as the area within one hundred (100) feet of homes or farm buildings, but not closer to the right-of-way than fifty (50) feet. Except for the following, plantings within the controlled area are exempt from this regulation. ~~Four~~**Six** or more trees in a row are not allowed with the controlled area. Deciduous trees which are spotted or staggered within the controlled area can be no closer than twenty (20) feet. Conifer trees which are spotted or staggered within the controlled area can be no closer than twenty-five (25) feet. The distance between trees shall be determined by measuring distance between tree trunks. See Figure 1208.3.

Kanengieter chaired the public hearing and began by asking Theisen to provide an overview of the proposed ordinance. Theisen stated that the Planning Commission had been working on the comprehensive review of the zoning ordinance for a couple of years, with public hearings on September 28 and November 15 of 2022. There were some oversights and cleanup with some advertent mistakes that were found which were provided to each board member. Theisen also stated there were some scrivener’s errors. Kanengieter and Homan each closed the public hearing for their respective boards. Kanengieter asked for a motion and a second to recommend approval of Ordinance #B2022-01-04 to the Board of County Commissioners. Motion by Dahl, Seconded by Kanengieter and the motion passed unanimously.

The County Commission then held the first reading of ordinance #B2022-01-04, as amended by the Planning Commission, by title. Homan asked Theisen to conduct first reading.

7) Grabow moved, seconded by Rhody to hold the second reading of the proposed ordinance on August 15, 2023 at 10:15 a.m. All voted yes, Motion carried.

11:00 Zoning Officer Jodi Theisen

Theisen presented one plat to the board. 8) Rhody moved, seconded by Grabow to approve plat of “Peterson Addition Located in the Southwest Quarter Section 32, Township 114 North, Range 48 West of the 5th P.M., Deuel County, South Dakota” and Resolution 23-26. All voted yes and motion carried.

RESOLUTION

#23-26

BE IT RESOLVED by the Board of County Commissioners of Deuel County, South Dakota, that the plat entitled: “**Peterson Addition Located in the Southwest Quarter Section 32, Township 114 North, Range 48 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 1st day of August, 2023.

Chairman, Board of County Commissioners
Deuel County, South Dakota

ATTEST:

County Auditor, Deuel County, South Dakota

NEW BUSINESS

Cleaning Mops, Rugs Courthouse; Travel Request; State’s Attorney Insurance

Discussion was held on the need for a washing machine in the basement of the Courthouse in order to wash mop head, rugs, etc. as the washing machine that is there is not useable. The possibility of purchasing a used machine was discussed.

9) Rhody moved, seconded by Grabow to approve the travel request for commissioners to attend the Sioux Valley Meeting in Flandreau, August 9th. All voted yes and the motion carried.

State’s Attorney Evenson requested payment of his health insurance premium. The item was tabled until the next meeting in order to look into what the current policy states.

WARRANTS

10) Rhody moved, seconded by Mewherter to approve warrants presented and those paid early. All voted yes and the motion carried.

Warrants Paid Early: HealthEquity- \$10.00- Flex Fees; New York Life Insurance- \$261.17- Life Insurance; Reliance Standard- \$146.24- Insurance; Sanford Health- \$24,688.93- Health Insurance; Fieber, second Grabow

Current Warrants:

A&B Business Solutions 102.35 Supplies, A-Ox Welding Supply Company 51.83 Rental, Appera 422.05 Rug Rental, Auto Value Parts Store 324.37 Parts/Repairs, Banner Associates Inc 52698.90 Prof Services, Bituminous Paving Inc 1492358.90 Road Overlay, Bjerke Sanitation 385.00 Garbage, Boyer Trucks 460.55 Supplies, Butler Machinery Co 6666.42 Repairs, C&R Supply, Inc. 81.76 Relief Valve, Calumet County Sheriff's Office 75.00 Srvc For Summons, Cartney Bearing & Supply 45.44 Repairs, Credit Collections Bureau 1.70 Poor Lien, Codington Co. Sheriff's Office 855.00 Prisoner Care, Foell, PC 80.00 DOT Health Exam Certification, Clear Lake Building Center 658.50 Supplies, City Of Clear Lake 225.00 Com. Center Rental, Clear Lake Courier 686.71 Publications, Cole's Petroleum Products, Inc 4639.10 Fuel, Cowboy Country Stores 88.48 Gas, Dakota Portable Toilets, Inc 225.00 Rental, Dakota Traffic Services 13530.64 Rumble Strips on Hwy, Deuel County Conservation Dist 3000.00 Third Quarter Funds, Deuel County Farmers Union Oil 1086.65 Supplies, Deuel County Motor Supply Inc 792.62 Supplies/Repairs, Dean Schaefer Court Reporting 66.00 Prof. Services, Debra Gruener 58.16 Juror Fees & Mileage, Diane Anderson 91.82 Special Foods Judge, Duininck, Inc 1793496.97 Haul Road Repairs Invenergy, Elizabeth DeBoer 50.00 Juror Fees, Farm & Home Publishers, Ltd 625.00 Plat Books, First Dist. Assoc Local Gov't 1700.00 Maps, Fisher Sand & Gravel Co 2874.36 Supplies, Fritz Chevrolet Inc 1114.40 Service/ Maintenance, Gary Fire Department 10000.00 Ambulance Support, Guy Jeremiason 313.66 Refund Over pay Tax, Hillyard 246.33 Supplies, Inter-Lakes Comm Action Inc 1278.33 July Service Worker, Jodi Loehrer 65.30 Fashion Revue Judge, Josie Koopmans 172.44 Interpreter Service, Kathryn Haas 58.16 Juror Fees & Mileage, Kibble Equipment 506.66 Parts, L G Everist Inc 4821.24 Supplies, Deb Lessman 169.09 Travel & Supplies, Lincoln County Auditor 247.50 Mental Health Eval, Lonnie Vick 70.40 Juror Fees & Mileage, Lyle Signs 130.50 Repair & Maintenance, M&T Fire And Safety 14670.00 Bunker Gear-Astoria, Blue Tarp Financial, Inc 377.41 Supplies, Macksteel Warehouse, Inc. 969.03 Repairs, Mathew Pulford 147.05 Overpayment - Tax/License, Maynards 154.47 Supplies, Mcleod's 216.00 Supplies, Menards 22.18 Supplies, Mid States Audio Inc 1340.96 Repairs, Miller Farm Service 2393.99 Repairs, Motorola Solutions, Inc 8297.18 Emg Mgmt. Grant, New York Life 290.75 Life Ins, Northern Con-Agg 4432.35 Supplies, Northwestern Energy 42.27 Utilities, Office Peeps Inc 771.36 Supplies, Ottertail Power Co 59.85 Utilities, Pam Luecke 50.00 4-H Judge, Pests B Dead 195.00 Prof Services, Pomp's Tire Service, Inc 267.50 Alignment, Powerplan OIB 176.84 Maintenance, Prairie Lakes Healthcare Sys 85.00 Blood Draw, RC Technologies 150.00 911 Lines, Robert Shearer 67.34 Juror Fees & Mileage, Roelofsen Implement Inc 168.09 Repair & Maintenance, Ron's Saw Shop 196.98 Supplies, Running's Supply Inc 483.92 Supplies/Repairs, Sanford Health 332.00 Blood Draw, Sanford Clinic 3105.55 Health Nurse, So Dak Department Of Health 80.00 Blood Work, SD DOT 433.32 Fuel, SDAAO 750.00 Assessor School Fees, SD Public Assurance Alliance 98494.39 Liability/Property/Auto Ins., Sodak Gardens 180.00 Supplies, Sonia Mack 101.00 Fashion Revue Judge, Stan Houston Equipment Co, Inc 2700.00 Rental, Susan Karels 90.80 Special Foods Judge, Taylor Bublitz 56.12 Juror Fees & Mileage, Titan Machinery 96.64 Repairs, Todd Ball 65.30 Juror Fees & Mileage, Transource Truck & Equip Inc 2680.59 Repair, Tri State Water Inc 27.55 Supplies, Two Way Solutions, Inc 465.93 Radio Batteries, Tyler Technologies 449.00 Software Renewal VSO, Ultra-Connecting Point 2446.10 Computer/Prof Services, W.W. Tire

Service Inc 631.83 Tires, Warne Chemical & Equipment Co 2287.40 Supplies, West Central Communication Inc 28243.35 Upgrade Radios, Westmor 661.23 Repair, Wheelco Truck & Trailer Parts 112.95 Repairs, William Taylor 50.00 Juror Fees
July Payroll: Commissioners 9730.10; Auditor's Office 13097.21, Treasurer's Office 10102.77, State's Attorney's Office 7461.30, General Gov't Building 4804.55, Director of Equalization Office 15976.07, Register of Deeds Office 8444.09, Veteran Service Officer 1374.33, GIS 725.10, 4-H 408.63, Extension Office 5107.77, Weed & Pest 6377.20, Planning & Zoning 4963.23, Road & Bridge 70162.58.

Public Comment

There was no public comment.

Adjournment

There being no further business Fieber moved, seconded by Mewherter to adjourn the Commission meeting.

Chairperson Judith Homan
Deuel County Commission

Attest:

Pam Lynde, Deputy Auditor

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