

May 19, 2020  
Regular Meeting

The Deuel County Commissioners met in regular session on Tuesday, May 19 at 9:00 a.m. with Chairman Jaeger presiding through Zoom, an online meeting platform. This platform is used for Commission meetings due to the coronavirus and to slow the spread of COVID-19. Those present through video were Commissioners DeJong, Rhody, Jaeger, Kreutner and Homan. Also present was Auditor Mary Korth. The meeting was recorded through the Zoom platform. The meeting began with prayer and virtual Pledge of Allegiance. Commissioner Jaeger announced that because the meeting was held on a virtual platform, any and all votes will be approved by roll call only.

**Approval of Agenda** 1) DeJong moved, seconded by Kreutner to approve the agenda as presented. Roll call vote, all yea and the motion carried.

### **APPOINTMENTS**

#### **9:00 Highway Superintendent Jamie Hintz**

Hintz met with the Commissioners to discuss highway related issues.

Hintz presented the previously discussed Federal Bridge Replacement Program. The program is for any single bridge (2) chosen by the County. Hintz spoke with Engineer Mark Junker to get input on a number of bridges in the County. Reimbursement is near 18%. This is separate from the BIG program. Junker from Banner has investigated the matter and supplied applications and resolutions for the bridge replacement. Hintz presented their choices and recommended the two bridges as follows per resolutions. He asked for opinions from the Board. Hintz had presented photos and information of several bridges that would need replacing but recommends the bridges as presented.

2) Kreutner moved, seconded by Homan to approve and sign the Bridge application and Resolution #20-12 for structure number #20-140-006. Roll call vote, all yea and the motion carried.

### **RESOLUTION #20-12 FEDERAL AID BRIDGE REPLACEMENT PROGRAM RESOLUTION FOR COUNTY AND URBAN PROJECTS**

WHEREAS, \_\_\_\_\_ Deuel County \_\_\_\_\_ desires the replacement of the bridge hereinafter described:

STRUCTURE NUMBER AND LOCATION: 20-140-006  
0.6 mi south of intersection 166 St. & 480 Ave.

LIST OF CURRENT LANDOWNERS ADJACENT TO THE PROJECT (NAMES & ADDRESSES): Craig & Terry Brandenburg Trust, Revillo, SD 57259  
Terry Brandenburg Trust, Revillo, SD 57259

AND WHEREAS, \_\_\_\_\_ Deuel County \_\_\_\_\_ is obligated and hereby agrees to provide proper maintenance as required by the Federal Highway Act as amended and supplemented thereto for project after construction is completed and to regulate or cause to be regulated the installation of utility facilities within the limits of the right-of-way of the proposed project in accordance with State and Federal requirements.

AND WHEREAS, Deuel County is obligated and hereby agrees to reimburse the State for all costs not reimbursable with Bridge Replacement Funds.

AND WHEREAS, the bridge is in need of replacement for the following reasons:

1. The condition rating is 3 (serious).
2. The bridge is not located on a County or Township designated No Maintenance or Minimum Maintenance Road.
3. The bridge is located on a Federal Aid Route     , a school bus route X, a mail route X, a field to farm to market route X, a lake or recreation access route     , or other (please specify)     .
4. The load carrying capacity of the existing bridge can      or cannot X be improved to carry legal loads by rehabilitation of the existing bridge.

NOW THEREFORE BE IT RESOLVED:

That the South Dakota Department of Transportation be and hereby is authorized and requested to program for construction, in accordance with the "Local Roads Plan" and the State's "Standard Specifications for Roads and Bridges," the bridge replacement project at the above described location. Items to be handled by State forces with Federal Participation will include hydraulic study review, foundations investigation (if necessary), plan reviews, and construction administration.

Estimated Cost of Project Including Engineering:	\$	<u>600,000</u>
Federal Share (81.95%):	\$	<u>491,700</u>
Local Share (18.05%):	\$	<u>108,300</u>

Vote of Commissioners/Council: Yes      No     

Dated at                     , SD, this      day of                     ,     .

ATTEST:

\_\_\_\_\_  
County Auditor/City Finance Officer

\_\_\_\_\_  
Chairman/Mayor

3) DeJong moved, seconded by Rhody to approve and sign the Bridge application and Resolution #20-13 for structure number #20-200-163. Roll call vote, all ye and the motion carried.

**RESOLUTION #20-13  
FEDERAL AID BRIDGE REPLACEMENT PROGRAM RESOLUTION  
FOR COUNTY AND URBAN PROJECTS**

WHEREAS, Deuel County desires the replacement of the bridge hereinafter described:

STRUCTURE NUMBER AND LOCATION: 20-200-163  
0.3 mi south of intersection SD 22 & 486 Ave.

LIST OF CURRENT LANDOWNERS ADJACENT TO THE PROJECT (NAMES & ADDRESSES): Monte & Rosemary Winrow, 18224 486 Ave., Gary, SD 57237

AND WHEREAS, Deuel County is obligated and hereby agrees to provide proper maintenance as required by the Federal Highway Act as amended and supplemented thereto for project after construction is completed and to regulate or cause to be regulated the installation of utility facilities within the limits of the right-of-way of the proposed project in accordance with State and Federal requirements.

AND WHEREAS, Deuel County is obligated and hereby agrees to reimburse the State for all costs not reimbursable with Bridge Replacement Funds.

AND WHEREAS, the bridge is in need of replacement for the following reasons:

1. The condition rating is 4 (poor).
2. The bridge is not located on a County or Township designated No Maintenance or Minimum Maintenance Road.
3. The bridge is located on a Federal Aid Route X, a school bus route X, a mail route X, a field to farm to market route X, a lake or recreation access route X, or other (please specify)     .
4. The load carrying capacity of the existing bridge can      or cannot X be improved to carry legal loads by rehabilitation of the existing bridge.

NOW THEREFORE BE IT RESOLVED:

That the South Dakota Department of Transportation be and hereby is authorized and requested to program for construction, in accordance with the "Local Roads Plan" and the State's "Standard Specifications for Roads and Bridges," the bridge replacement project at the above described location. Items to be handled by State forces with Federal Participation will include hydraulic study review, foundations investigation (if necessary), plan reviews, and construction administration.

Estimated Cost of Project Including Engineering:	\$ <u>780,000</u>
Federal Share (81.95%):	\$ <u>639,210</u>
Local Share (18.05%):	\$ <u>140,790</u>

Vote of Commissioners/Council: Yes            No           

Dated at                     , SD, this            day of                     ,           .

ATTEST:

\_\_\_\_\_  
County Auditor/City Finance Officer

\_\_\_\_\_  
Chairman/Mayor

Damage to roads in the northern part of the county by Invenergy for Deuel Harvest has become an issue. Discussion was held on the haul roads and how they are impassable. Hintz had met with several very concerned locals. Hintz spoke with the head managers in Chicago and they agreed to do concrete stabilization in some areas of northern Deuel. Hintz will monitor closely roads that are not part of the haul road to see if they need to be included because they are being used. Road conditions in northern Deuel are so severely deteriorated that it takes most of the county's time.

Discussion was held on the Crowned Ridge project as well and their use of deteriorating roads. The Avangrid/Tatanka project was also discussed. With three wind tower projects in the county currently, road use and deterioration are of utmost concern.

Hintz has been working with the Army Corps of Engineers and with FEMA to get a 404 permit for road erosion near Clear Lake (lake) and other areas eligible for mitigation due to the FEMA projects started in 2019. Paperless permits through FEMA have proven to be complicated and time consuming. Discussion was held on rip rap and other efforts to control erosion. Chairman Jaeger questioned Emergency Manager Sheila Monnier about FEMA projects near Round Lake. Further discussion ensued.

Discussion was held concerning the ash trees surrounding the Courthouse Block and the possibility of the Emerald Ash Borer coming to Deuel County. Hintz has been filling in as groundskeeper and has concerns about the trees and suggested taking down some of the trees and replanting something new. Discussion was held on removing approximately four trees especially any that are diseased.

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

4) Kreutner moved, seconded by Rhody to move into Executive Session pursuant to SDCL 1-25-2(1) for the purpose of a personnel matter. Roll call vote, all yea and the motion carried. Chairman Jaeger declared the Commissioners out of Executive Session at 10:00 a.m.

#### **9:45 Emergency Management Sheila Monnier**

Monnier met with the Commissioners to discuss several issues and give updates. She presented the Codington County's example to their back to normal plan to phase in government openings. This was discussed later in the meeting.

Discussion was held on the 211 project. Funding for it was passed and there will be a database started so it can be implemented here in the County in July. This program has been used heavily during Covid in other counties and it will be a good program for Deuel. Monnier updated on her monitoring of Covid. Extension and 4-H have been meeting and likely there will not be any programs this summer except for the possibility of virtual projects. Monnier explained three risk levels that the State and 4-H are following. Currently the county is at the first level and even at the third level it would involve a lot of protection and work.

#### **10:00 Malt Beverage Hearing CANCELED**

The Malt Beverage application and hearing for Crystal Springs Rodeo was canceled due to the rodeo being postponed until 2021.

#### **10:15 Drainage Board/James Peterson**

5) Rhody moved, seconded by DeJong to adjourn as County Commission and reconvene as Drainage Board. Roll call vote, all yea and the motion carried.

James Peterson requested a permit to drain on the NE1/4 of 22-114-48. Proposed length of the drain is 4000 feet using 5-6" tile, Area affected for drainage will be 25 acres. Adjoining landowners had signed Permission To Drain. 6) Homan moved, seconded by Kreutner to

approve and issue Drainage Permit #D20-16 to James Peterson to drain on above described property. Roll call vote, all yea and the motion carried.

**10:30 Drainage Board/Roger Monson**

Roger Monson requested a permit to drain on the SW1/4 of 6-114-47. Proposed length of the drain is 22,600 feet using 4-8" tile, Area affected for drainage will be 126 acres. Adjoining landowners had signed Permission To Drain. 7) Kreutner moved, seconded by DeJong to approve and issue Drainage Permit #D20-17 to Roger Monson to drain on above described property. Roll call vote, all yea and the motion carried.

**10:45 Drainage Board/Gary Jaeger**

Gary Jaeger requested a permit to drain on the NW1/4 of 27-117-50. Proposed length of the drain is repairing 10-50 feet using 8" tile, Area affected for drainage will be 1-2 acres. This affects no adjoining landowners, it is located on Jaeger's property only. 8) Kreutner moved, seconded by Homan to approve and issue Drainage Permit #D20-18 to Gary Jaeger to drain on above described property. Roll call vote by vice Chairman Rhody, all yea (less Jaeger as he had excused himself) and the motion carried.

9) DeJong moved, seconded by Rhody to adjourn as Drainage Board and reconvene as County Commission. Roll call vote, all yea and the motion carried.

**11:15 Director of Equalization Donna Rhody**

Director Rhody reported on the effects that COVID-19 is having on counties and DOE offices throughout the state doing reappraisals this summer. She spoke with Department of Revenue and no counties are doing residential appraisals unless they are only staying outside. Commercial would be done only if they are open. Director Rhody finished up commercial last year but will be gathering more information this year. Her office is still working on several building permits as well as working on school lots, abandoned lots and further working on GIS. Residential appraisals will be postponed this year due to the pandemic. Further discussion was held on the work in her office. March of 2022 will begin the new Table 1 which affects ag soils.

**11:30 State's Attorney John Knight**

State's Attorney John Knight met with the Commissioners to discuss several issues.

Discussion was held on whether or not to continue closure of the courthouse to the public.

The commissioners received a letter from a concerned citizen, Mary Nosbush, Gary, SD that the courthouse should be open and access to public records can no longer be denied. Discussion was held on the contents of the letter. Nosbush had contacted each of the commissioners prior to the meeting as well as courthouse personnel. Nosbush was present through the Zoom platform. She feels the Covid statistics do not merit further closing of the courthouse. Emergency Manager Monnier was present for discussion and spoke of what area courthouses are doing. She said we have to remember there is limited staff in the courthouse to cover if anyone were to become ill. Many courthouses are cautious because they are critical infrastructure with limited employees especially prior to election. She sympathized with frustration but many counties are being very careful and she feels Deuel is no different. Monnier feels that if we open up PPE should be in place like other courthouses including masks, plexiglass and sanitation practices. Deuel does not have active cases in the county but Monnier feels it is because of measures in place. Further discussion was held on the hospital, the nursing home and other closures. Sheriff Borg was present for discussion and said it is common sense that numbers will go up and if cases start in Deuel County, a knee jerk reaction to close things

down again would not be necessary. Hospital cases, beds and staff availability should be the main concern.

Chairman Jaeger feels that we need to open and begin a new normal especially as more people are outside in summer. Borg reported that the Gary 4<sup>th</sup> of July celebration will still be happening as well as the Gary Rodeo as of present time.

Knight stated that if guidelines are not followed, liability claims could come forward if someone became ill. Knight said if there is a known risk and because the business or County had failed to take proper measures there could be a lawsuit even though the risk is small. General health for public and employees would be more of a concern. Protective measures need to be taken. Knight suggested plexiglass as well as temperature taking and masks provided. Limited hours and appointment making would not necessarily work in all offices. Commissioner DeJong and EM Monnier felt if we were closed until June 1<sup>st</sup> it would give time to install plexiglass and get some practices in place for when the courthouse does open. Commissioner Kreutner commented that there should be a soft opening asap with protective measures in place. Commissioner Homan commented that disinfectant practices in each office would have to be closely monitored. Commissioner Rhody still wants the public to make appointments, DeJong concurred. Plexiglass needs to be installed as well. Social distancing and keeping customers separated at a 6 foot distance needs to be implemented. A protected drop box was also discussed. Nosbush stated she feels that social distancing and plexiglass are extremely important and feels the courthouse should be open by May 26<sup>th</sup>. Chairman Jaeger wants plexiglass in place as soon as possible to open as quickly as possible. Department Heads need to be sanitizing their offices diligently. Much discussion was held. Commissioner DeJong contacted the Clear Lake Lumberyard during the meeting and plexiglass will be installed in each office by Friday, May 22 tentatively on availability of plexiglass. Measurements will be taken today.

10) Kreutner moved, seconded by Rhody to continue the closure of the Deuel County Courthouse and Highway (office only) to the general public to contain the spread of COVID-19 until Wednesday, May 27, 2020. Business through phone, email or curbside will continue until that date. Plexi glass **will be** in the offices by that date. On May 27<sup>th</sup>, 8am the courthouse doors will be open upon the following conditions: Appointments will be encouraged to keep foot traffic as low as possible. Curbside business will still be available to those who are uncomfortable not entering the building or if they do not have a mask. Masks would be **required** to come into the building. The public will be asked to bring their own pens or take the pens upon leaving the office. Social distancing according to CDC guidelines **will be** followed by using markings on the floor. Each department would be responsible for sanitation practices. Extension and 4-H offices will follow state guidelines and those offices will remain closed at least until their move is completed to the West Hwy 22 building. Roll call vote, all yea and the motion carried.

### **Public Comments**

Comments from the public were welcome through obtaining a Zoom meeting code through the Auditor's Office or by call in. Mary Nosbush from Gary, SD was present through Zoom for the meeting and made her comments about the courthouse opening during that portion of the meeting.

## **UNFINISHED BUSINESS**

### **Courthouse Basement**

Discussion was held on the condition of the courthouse basement floor especially in the Emergency Manager's Office. Discussion was held with Monnier present. Commissioner DeJong received the final report from Intek and they have recently since removed their machines and there is no mold present in the basement. Commissioner DeJong suggested a very thin carpet on the area in question in the EM Office. This would be a temporary measure along with trying to control humidity levels before any permanent flooring is discussed. The carpet would be temporary to improve the floor for the summer so Monnier can move back into her office. Discussion was held replacing the ceiling tiles as well. Extensive finishing on the entire basement floor is not currently in the budget but different bids will be reviewed for the 2021 budget.

### **Courthouse Windows**

Discussion was held on replacing the windows in the courthouse as other bidders have come forward. Commissioner Rhody spoke with Rick Solem from Windows Plus in Watertown. He had concerns about the framework and sills of the windows and their condition. He wanted to tear out the window on the main floor men's bathroom to see what the window would be like and that it would be indicative of all the windows in the courthouse. The work would happen within the week and Rhody will get bids after seeing the condition of that window. Discussion was also held on stationary non-opening windows with possible only a vent window to open. Those windows would be less expensive and more efficient. Day County courthouse has these kind of windows as well as Dacotah Bank in Watertown. Once the window work on the first floor is completed and more bids come through a decision can be made.

### **West Highway 22 Building**

The County owned building on west Highway 22 has been remodeled and the Extension Office employees are getting ready to move from downtown to the building. Areas of concern were discussed such as security of the building as the locks on the doors have not been changed and have not been addressed. Auditor Korth had talked to 4-H Leader Deb Lessman as well as Extension Officer Dawn Fritz about concerns with the building. Auditor Korth is intending on holding election school very soon in the building after it is cleaned up and county owned tables are available for use. Lessman and Fritz had concerns about all the doors to the building and clean up as well. Fritz further expressed concerns for a drop box for Extension after the department moves to the building. Discussion was also held about intended use of the building after the Shooting Sports season and what formal agreements are in place. With Covid there likely will be no public use of the building this summer but it was agreed that Shooting Sports will have to vacate their area. Jamie Hintz will be cleaning the building this week to prepare for election school and Commission DeJong reported the doors will have locks replaced within the week.

## **NEW BUSINESS**

### **Plats**

11) Kreutner moved, seconded by DeJong to approve the Plat of Block 1, Monighan Creek Second Subdivision located in NE1/4 of 32-116-47 and Resolution #20-14. Roll call vote, all yea and the motion carried.

**RESOLUTION**

**#20-14**

BE IT RESOLVED by the Board of County Commissioners of Deuel County, South Dakota, that the herein: **“PLAT OF BLOCK 1, MONIGHAN CREEK SECOND SUBDIVISION”** in the NE 1/4 of Section 32, T116N, R47W of the 5<sup>th</sup> P.M., Deuel County, South Dakota, prepared by Brian D. Ernst, Registered Land Surveyor of the State of South Dakota be and the same is hereby approved.

I, Mary Korth, County Auditor for Deuel County, South Dakota, do certify that the foregoing resolution was passed by the Board of County Commissioners, Deuel County, South Dakota, at the regular meeting on the 19<sup>th</sup> day of May, 2020

---

Chairman, Board of County Commissioners  
Deuel County, South Dakota

ATTEST:

---

County Auditor,  
Deuel County, South Dakota

12) DeJong moved, seconded by Homan to approve the Plat of Lot 1 & 2 Substation Addition located in SW1/4 SW1/4 of 12-116-28 and Resolution #20-15. Roll call vote, all yea and the motion carried.

**RESOLUTION**

**#20-15**

A resolution approving the plat of **“LOT 1 & 2 SUBSTATION ADDITION”** located in the Southwest Quarter of the Southwest Quarter of Section 12, Township 116 N., Range 48 W., of the 5<sup>th</sup> P.M., Deuel County, South Dakota.

Whereas, the plat of the above described property has been executed according to statute, now therefore:

Be it resolved that the County Commission, in and for Deuel County, does hereby approve the said plat of a resolution approving the plat LOT 1 & 2 SUBSTATION ADDITION, located in the Southwest Quarter of the Southwest Quarter of Section 12, Township 116 N., Range 48 W., of the 5<sup>th</sup> P.M., Deuel County, South Dakota.

Approved by the Deuel County Commission on this 19<sup>th</sup> day of May, 2020.

---

Chairman, Board of County Commissioners  
Deuel County, South Dakota



ATTEST:

I, Auditor of Deuel County, do hereby certify that at an official meeting on May 19, 2020, the County commissioners did by resolution approve the plat of LOT 1 & 2 SUBSTATION ADDITION, located in the Southwest Quarter of the Southwest Quarter of Section 12, Township 116 N., Range 48 W., of the 5<sup>th</sup> P.M., Deuel County, South Dakota.

Approved by the Deuel County Auditor on this 19<sup>th</sup> day of May, 2020.

---

County Auditor,  
Deuel County, South Dakota

13) Kreutner moved, seconded by Rhody to approve the Plat of Lot O&M Addition located in NW1/4 of 13-116-48 and Resolution #20-16. Roll call vote, all yea and the motion carried.

**RESOLUTION**  
**#20-16**

BE IT RESOLVED by the Board of County Commissioners of Deuel County, South Dakota, that the plat entitled: **“O & M ADDITION LOCATED IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 116 NORTH, RANGE 48 WEST OF THE 5<sup>TH</sup> 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 19<sup>th</sup> day of May, 2020

---

Chairman, Board of County Commissioners  
Deuel County, South Dakota

ATTEST:

---

County Auditor,  
Deuel County, South Dakota

**Warrants**

14) Homan moved, seconded by DeJong to approve warrants paid early and approval of regular warrants to be paid. Roll call vote, all yea and the motion carried. *Warrants to Deuel County Treasurer 7897.59 Tax Acct; Overpayment of Taxes Refunds To: First Bank & Trust 3757.88, DNB National Bank 290.65, Lereta LLc 79.17, Corelogic Inc. 477.20, Larry Kjenstad 13.15, Marilyn Lobbins 100.00, Tammie Bublitz 15.01, Edward Brandenburger 100.00, Steve Berndt 28.61. City of Watn 3920.39 911 Fees, First Bank & Trust 428.39 Credit Card, H-D Electric 684.72 Utilities, B-D Rural Water 102.20 Utilities, Century Link 358.79 Utilities, Otter Tail 1190.37 Utilities, Equip Blades 530.40 Repairs, Tri-State Water 17.97 Supplies, Sanford 23.72 Flex Fees, Dept of Rev 77,704.81 Fees Due to State, SDACO 258.00 M&P. Taxes: Schools 1,802,427.30, Towns 213,794.25, Townships 155,355.30, EDWDD 6802.57, Rural Fire 30,086.50*

**Adjournment**

There being no further business 15) Rhody moved, seconded by DeJong to adjourn the meeting.

Gary Jaeger, Chairman  
Deuel County Commission

ATTEST:

Mary Korth, Auditor

Published one time at the approximate cost of \_\_\_\_\_.