

April 23, 2019  
Regular Meeting

The Deuel County Commissioners met in regular session on Tuesday April 23 at 9:00 a.m. in the Commission Room of the Courthouse with Chairman Rhody presiding. Those present were Commissioners DeJong, Homan, Jaeger, Rhody and Kreutner. Also present was Auditor Mary Korth. The meeting opened with prayer and the pledge of allegiance.

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

#### **APPOINTMENTS**

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

Hintz discussed several highway related issues with the Commissioners. Hintz presented a work order from Banner Associates for consulting services for bridge inspections. Banner was the approved bridge inspection service in a previous meeting. Mark Junker is the inspector and has been inspecting Deuel County bridges for 25 years and is quite knowledgeable. Hintz also presented a proposal from Bituminous Paving for paving in the county near Toronto and Estelline areas. The bid was accepted at a previous meeting. Hintz spoke about damage to the county roads and expects it to be worse as the spring moves along. The flooding and snow from this winter has become costly. County Rd 10 and County Rd 1 have the worst damage and roads have been closed. Work will have to be done after water recedes. He has been asked to blade the Fairgrounds for an upcoming track meet but that is near impossible with the standing water. Most of the Fairgrounds is currently flooded. Spring flooding in Deuel County was discussed and it is damaging and costly. Not many repairs can be done on bridges and roads until water recedes. Hintz also spoke about one of his employees leaving and hiring is now necessary. Highway Department Truck Driver Scott Greene's last day was April 18<sup>th</sup>.

2) DeJong moved, seconded by Rhody to advertise for hiring a full-time Highway Department Truck Driver. All voted yes and motion carried. Hintz also spoke about the flag pole and the Highway Dept will be helping remove the current pole if necessary.

##### **9:15 Emergency Management Director Sheila Monnier**

Monnier met with the Commissioners about the siren on the court house. The siren will need to be replaced as it is no longer repairable or supported for repairs. Cost of a new siren is \$1,464.00. It is expected to be shipped by May 3 and will be installed by Tom Lundberg. She also spoke of severe weather awareness week and the other tornado sirens in the county will be tested. Commissioner DeJong did some research to find that the previous siren is City owned property and discussion was held to keep it that way. She also updated on the disaster declaration. She has heard from most townships on claims. Goodwin Township has the most damage in claims so far at \$35,000. Some townships have declined, others are working on their responses. Letters were mailed to every board member with good response. May 1<sup>st</sup> is her deadline for getting the information in, for a preliminary assessment from the state, this will be an ongoing process. She spoke of her many hours put in for the disaster. She spoke of the LEPC meeting to be April 29, 2019 and invited the Board to join. She said her previous classes were postponed until the end of May and she will attend conferences and classes during that week.

##### **9:30 Gary Legion Post-Request for Funds Softball/Baseball Program Verle Whipple**

Verle Whipple on behalf of the Gary Legion, met with the Commissioners and requested funding for the Gary American Legion and Auxiliary 109 baseball/softball program for 2019. This year about 135 boys and girls will be involved in the program and they are adding coaches. Supplies and equipment costs have gone up as well. He thanked the Commissioners for their past support. The funds are used to help update equipment, transportation costs and ongoing expenses. 3) DeJong moved, seconded by Kreutner to grant to the Gary American Legion \$750 for baseball/softball program. All voted yes and the motion carried.

##### **9:45 Auditor Mary Korth-Hire New Personnel Auditor's Office**

Korth addressed the Commissioners about the need for another deputy in the Auditor's Office to replace Marilyn VanLiere as she is resigning. Korth requested advertising for a full-time deputy in the Auditor's Office. 4) Jaeger moved, seconded by Homan to advertise for a full time Deputy Auditor. All voted yes and motion carried.

**10:00 Glenda Goens 2018 Audit Entrance Conference**

Goens presented the 2018 audit entrance conference. Goens said she is budgeting approximately 200 hrs at a billable rate of \$68.50 per hour. Goens said she will be testing the Director of Equalization, Highway Dept., Planning & Zoning and Extension Offices for this audit cycle. Goens will meet with the Commissioners at the close of the audit and the county should expect a final report. Goens took the time to further explain her focus on fraud possibilities within the county in her audits; and also explained her engagement letter and the management's responsibility for those on the Board that are newer and reviewed her testings and procedures with all the Commissioners. 5) Homan moved, seconded by Kreutner to have Chairman and Auditor sign the engagement letter with Legislative Audit. All voted yes and the motion carried.

**10:15 Custodian Scott Ruby**

Due to time constraints, Ruby's appointment was postponed after Drainage Board. (12:15pm) Ruby met with Commissioners about several issues concerning the Courthouse roof leak. He has been in contact with Rick's Roofing to repair the drain contributing to the leak on the roof this week. He will also have them look at the 3 areas on the Extension Office roof which is leaking as well. Chairman Rhody has been in contact with Mike Johnson to also do some plaster repair in the Courthouse after the roof has been repaired. Ruby also presented ideas and quotes from 3 different companies about replacing the flag pole to be attached to the building or having a shorter pole to hold the flag out front. The Highway Dept would help take down the old pole and set up the new one. A 60' pole is \$6250.00 and a 35' pole is \$1589.00 plus shipping. A decision will be held at a later date.

Ruby also questioned who was in charge of the Courthouse generator. It use to be under the direction of EM but now if it needs attention, there is no one in charge of it. Ruby will take charge of the Courthouse generator with the help of a highway department mechanic to make sure it is getting serviced properly.

**10:30 Discussion on Adoption of Supplemental Budget**

Discussion was held to consider the adoption of the following departmental budget supplement to the 2019 Deuel County budget, in order to carry on the indispensable functions of Deuel County government.

FUND	DEPT	OBJECT	SUPPLEMENT
233 161	432.00	Courthouse Bldg Fund General Gov't Bldgs- Building Purchase	\$240,000.00
MEANS OF FINANCE:			
233	101	Courthouse Bldg Fund Cash	\$240,000.00

NOTICE IS FURTHER GIVEN THAT: Any person or his attorney interested in the adoption or rejection of this supplemental appropriation may appear and be heard. Final adoption of this budget supplementation will be held at the Commissioner's Room at the Deuel County Courthouse on Tuesday, May 7, 2019 at 10AM.

The property of interest is located at 47494 SD Hwy 22, Clear Lake, SD or W156' E364' of Lot 1 Westside Acres Addition in Deuel County 21-115-49. The stability of the roof was discussed as a nearby structure was damaged in the recent storm. The purchase agreement was reviewed and discussed. 6) Jaeger motioned, seconded by DeJong to enter into a purchase

agreement with DN GATES MFG LLC to purchase above described property for the amount of \$240,000 contingent upon all elements of the agreement. All voted yes and motioned carried.

Further discussion was held on the replacement of Courthouse windows and will be decided at future meetings.

**10:45 Drainage Board/ John Roelofsen complaint**

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

John Roelofsen presented information about a drainage complaint on land he rents from Iverne Enestvedt which is the S1/2SW1/4 of 29-113-48. He claims Jesse Christianson has dug a trench on the N1/2SW1/4 of this land owned by Keith Hinderaker. This trench has contributed to severe flooding on the land he rents. He presented photos and information for his complaint. He has spoken to the Township Board with no results. He is looking to the Drainage Board on how to resolve this matter. The photos showed the trench dug contributed to extensive flooding onto the land he rents. It is a natural waterway but the trench has expanded the waterflow considerably. They discussed larger tile lines to move the water away as much as possible with considering protecting the roadway as well. NRCS involvement was suggested. John Knight asked how much land has been affected. Roelofsen said close to 10 acres and the original slough is about 5 acres (Christianson land). The original trench was dug in 2016 and that's when the photos were taken. With 2019 being another wet year, the flooding is a problem again. In somewhat drier years, heavier summer rains cause the same problem. The Drainage Board said further discussion will be held at a later date.

**11:00 Doyle Thompson complaint**

Doyle Thompson met with the Commissioners again about a drainage issue on his own property in Section 21-115-47. He presented printed maps to support his complaint and newer photos to show further flooding due to bales blocking an outlet. His complaint is with his brother Duane Thompson disturbing the natural waterway with bales and with a tile line that should work but has been concreted shut and no longer accessible. This causes flooding on Doyle's property that originally was protected by a natural drainage way years ago that has been destroyed.

Duane also presented his arguments as he said he is protecting his land as it is the lower elevation property between the two. Duane claims that Doyle shaved the dirt berm down on the west side, that is why the bales were put there; to control erosion from winter snow melt. Doyle said the original grass waterway should have been there to control erosion. Duane says that has been gone for 39 years and is no longer an issue and hasn't been an issue until recently. On the East side, Duane stated he put in tile 39 years ago and said he can take the 4" tile out as he is the one who put it in originally. He feels Doyle should not have been using the tile in the first place. Duane presented photos as well supporting his argument. The Board reviewed all the information and both sides of the complaint. Doyle wants to have a natural waterway or he will put in tile to drain onto Duane's land at his own expense. Duane says that would considerably diminish his farmland as they are the lowest ground all the way around and he would lose more land and therefore will not sign off on Doyle's Drainage Permit Application. The Board will review all information and discuss this at a further date.

**11:15 Nuteson Family Trust represented by James Jenson**

James Jenson representing Nuteson Family Trust requested a permit to drain on the W1/2 NW1/4 and E1/2 NW1/4 of 28-116-47. This is to replace existing tile that needs repair. Proposed length of the drain is 600 feet using 5-6" tile. Adjoining landowners had signed off Permission To Drain.

8) Jaeger moved, seconded by Kreutner to approve and issue Drainage Permit #D19-02 to the Nuteson Family Trust on above described property. All voted yes and motion carried.

Jodi Theisen, Drainage Officer asked for drainage complaint protocol. John Knight suggested to have the Drainage Officer present the formal written complaints and then have a hearing at the second meeting for the public, then furthermore wrap up the drainage decisions in a



timely fashion. Going forward the Drainage Board will follow protocol for drainage complaints and issues. 9) Jaeger moved, seconded by Kreutner to adjourn as Drainage Board and reconvene as County Commission. All voted yes and motion carried.

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

Knight met with the Commissioners to discuss several items. Knight will be absent at the May 7<sup>th</sup> meeting. Zoning Officer Jodi Theisen presented the Consolidated Wind Energy System and Special Exception Permit Application for the up to 310.1-MW Deuel Harvest North Wind Farm in Deuel County on behalf of Invenergy for Deuel Harvest Wind Energy LLC. Knight explained Invenergy has appealed the judge's decision that invalidates the votes of certain members on the Board of Adjustment. Knight expects opponents will file a notice of review to appeal any decisions. They will want to know if the County is taking a position in that review and appeal process, which could last several months, or also the County can remain neutral. This is a legal matter that will need to be discussed in a future executive session.

**NEW BUSINESS**

**Warrants, Travel, DOT Spray/Weed Contract**

10) Jaeger moved, seconded by Kreutner to approve warrants paid early. All voted yes and motion carried. SD Dept. of Revenue 82550.17 Funds Due to State, and 22.50 Excise Tax, SDACO 182.00 M&P Funds Due to State, B Nogelmeier 355.00 24/7 Program, Sanford 25.00 & 2.59 & 54.47 Flex, City of Watertown 500.00 Zuercher Contract, ITC 1927.37 & 160.94 utilities, Watertown Police Dept 4085.93 911 Surcharge, Otter Tail 25.25 and 2499.92 utilities, Northwestern Energy 971.97 utilities, Century Link 358.79 911 Trunk Lines, Deuel County Treasurer 40.82 Tax Account, B-D Rural Water 59.60 utilities, H-D Electric 447.26 utilities, Wegner Auto 24179.00 2019 Patrol Car, Taxes: Schools 241121.65, Townships 61091.85, Towns 43110.02, EDWDD 965.53, Rural Fire District 4278.54

11) Kreutner moved, seconded by Rhody to approve travel and lodging expense for May 14<sup>th</sup> and 15<sup>th</sup> Spring Workshop attendees Treasurer Mewherter and Register of Deeds Severson. Also for EM Director Monnier to travel to Pierre and Sioux Falls for classes the week of May 20<sup>th</sup>. All voted yes and motion carried.

12) DeJong moved, seconded by Rhody to approve and sign DOT 967 which is The 2019 SD Dept. of Transportation and Deuel County joint powers agreement for weed spraying services by Deuel County. All voted yes and motion carried.

Public Comments: No public comments at this meeting

There being no further business 13) DeJong moved, seconded by Kreutner to adjourn the meeting.

Chairman  
Deuel County Commission

ATTEST:

Mary Korth, Auditor

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