

July 19, 2022
Regular Meeting

The Deuel County Commissioners met in regular session on Tuesday, July 19 at 9:00 a.m. in the Commission Room of the Courthouse with Chairman Homan presiding. Those present were Commissioners Gary DeJong, Gary Jaeger, Steve Rhody, Roger Kreutner and Judith Homan. Also present was Auditor Pam Lynde and Commissioners elect Jay Grabow and Scott Fieber. The meeting began with prayer and the Pledge of Allegiance and was then called to order.

Approval of Agenda

1) DeJong moved, seconded by Rhody to approve the agenda as presented with addition of Local Federal Bridge Replacement Fund Grant. All voted yes and the motion carried.

APPOINTMENTS

9:00 Highway Superintendent Jamie Broksieck

Broksieck met with the Commissioners and presented several highway department updates. Broksieck recommended making application for the Local Federal Bridge Replacement grant with the SD DOT for Bridge 20-153-210 located at 187th St, .3 miles east of 481 Ave. The grant would be a 100% with no match needed by the county. 2) Kreutner moved, seconded by Jaeger to apply and adopt Resolution #22-28. All voted yes and motion carried.

**BRIDGE IMPROVEMENT GRANT/LOCAL FEDERAL BRIDGE PROGRAMS
RESOLUTION AUTHORIZING SUBMISSION OF APPLICATIONS
#22-28**

WHEREAS, Deuel County wishes to submit an application for consideration of award for the Bridge Improvement Grant and/or Local Federal Bridge Programs:

STRUCTURE NUMBER AND LOCATION: 20-153-210

187 Street, .3 miles east of 481 Avenue

And WHEREAS, Deuel County agrees to pay the NA% match on the Bridge Improvement Grant funds and /or 0.0% match on the Local Federal Bridge funds;

And WHEREAS, Deuel County hereby authorizes the Bridge Improvement Grant and Local Federal Bridge application and any required funding commitments.

NOW THEREFORE BE IT RESOLVED:

That the South Dakota Department of Transportation be and hereby is requested to accept the attached Bridge Improvement Grant and/or Local Federal Bridge application.

Vote of Commissioners: Yes 5 No 0

Dated at Clear Lake, SD this 19th day of July, 2022.

County Auditor

Chairman

3) Rhody moved, seconded by DeJong to hire Jim Perkins on part time basis at 20.50 hr. as of July 6, 2022. All voted yes and motion carried.

The Distribution of FY 2023 Rural Access Infrastructure Appropriation to Counties notice from SD Dept. of Transportation was received. The notice stated that before August 1, 2022 the Dept. of Revenue is to distribute \$11,333,333 dollars to the counties, in proportion to their respective percentages of the statewide number of small structures on township and county secondary roads. Numbers of eligible small structures are to be determined from the inventory initiated in 2021. The funds shall be distributed to the counties by August 1, 2022. The revenue

will be distributed in three equal amounts in fiscal years 2023, 2024 and 2025. The estimated amount to be distributed to Deuel County in August is \$421,577.40. Eligible townships will be able to make application to the County beginning in 2023 for grants to cover some of the project costs of inventory and replacing or repairing structures. Information on how the process will work has not yet been received by the County. Broksieck said that chip sealing should be wrapped up this week. Broksieck received an email from Invenergy stating they are willing to settle on damage to county roads done during the construction and placing of wind towers. Further discussion will follow after the State's Attorney reviews the proposal.

9:45 Connie Johnson – Cannabis Cultivation

Johnson met with the Commissioners and asked about the possibility of amending the Zoning Ordinance to include cannabis cultivation. She stated that she is a veteran, lives in Brandt and currently is working at SDSU and started Freedom Makers.sd.com. She said that the current Ordinance allows for one dispensary, but no cannabis cultivation. She asked the Commissioners to revise the Ordinance to add cultivation; growing medical marijuana indoors; location would be at 47912 187th St. She said there are presently 12 licensed cultivators in the state. She said they would hope to be up and growing within a year after license is approved; greenhouses are where the crude marijuana would be grown; they would sell to a dispensary; asking to amend the ordinance to include cannabis cultivation; would be applying for the waiver. Commissioners said they will take it under consideration and consult with the Zoning Board also.

10:15 Tammy Baer – Community Health Nurse Report

Tammi Baer met with the Commissioners and gave them a quarterly update of the Community Health Nurse Office activities. She gave an overview of the immunizations and client contacts for the quarter. Baer said the immunizations rates remain good. She said that Maternal Health caseload remain small but average; performing more development screenings as WIC clients transitioning back to in-person; WIC January through June food packages issued were 177. The back to school fair is August 11 at Deuel School. She said the Health Nurse Contract between the County, Sanford and the State for 2023 should be arriving soon. She also talked about the Cribs for Kids program and depression screening for pregnant women. 3647 doses of covid vaccines have been given out since the program started.

10:45 Deuel County Conservation District

The Deuel County Soil Conservation District met with the Commissioners and requested funding in the amount of \$16,000 for 2023. Currently there is no manager for the District so the Grant County Manager and Phyllis Niemann Conservation District Supervisor made the request and reported on the District happenings and will get a financial statement of current year to the Auditor's Office.

11:00 Public Hearing Proposed Flood Plain Ordinance B2004-01-40B

The scheduled joint public hearing on the proposed Flood Plain Ordinance was held with Zoning Board members Paul Brandt, Kevin DeBoer, Dennis Kanengieter, Mike Dahl and Judith Homan present along with the Commissioners, and other members of the public. Also present were Marc Macy, CFM with the SD Office of Emergency Management and Blaire Jonas with the SD Office of Emergency Management.. Also present through Zoom was Marijo Brady Flood plain Engineer with FEMA Region 8. Kanengieter called the Zoning Board meeting to order. DeBoer moved, seconded by Dahl to convene with the Commissioners for the purpose of holding a public hearing on the proposed Flood Plain Ordinance B2004-01-40B. All voted yes

and motion carried. Marc Macy stated that Deuel County has been mapped for flood risk for the very first time this year. He said the county needs to adopt the maps and Ordinance in order to be eligible for federal funds. Macy stated that federal flood insurance could be required in the flood plain areas. He said 59 counties participate in the program; Sept 1 flood maps will go into effect for Deuel County even if the Ordinance isn't adopted. The flood plain maps will be pulled into the GIS System. Brandt had questions about the rates of flood insurance. Brady from FEMA said adopting the ordinance will not hang up a home sale; insurance policy can be transferred when or if property is sold; owner insurance rating is more of a waterfall approach; property near outside of the flood plain may be at higher risk; different factors of insurance involved in graduated scale; also depends on a mortgage. The proposed ordinance is just rural areas of Deuel County. Brandt had questions on how drainage or placing drain tile would affect the regulations of the Ordinance; He asked about section 1107.05 Permit Procedures and how that would affect needing a permit when draining in an affected area. Brady said it shouldn't apply to field based tile and later sent an email to Zoning Officer Theisen stating that floodplain permits are only required for proposed activities that are wholly or partially in the Special Flood Hazard Areas on the FEMA Flood Insurance Rate Maps. Floodplain development permits are issued by the Floodplain Administrator, which would be Zoning Officer in Deuel County. She also stated the purpose of the floodplain permit is to ensure the "picture" in the property owners mind is the same as the Floodplain Administrator for proposed activity in the Special Hazard Area; not that a project can't be done in the SFHA but that there may be some additional conditions required. Commissioner DeJong left the meeting at 12:10 p.m. Theisen stated the ordinance can be amended after adoption. Kanengieter then called for a vote of the Zoning Board to recommend to county commission for adoption; Dahl moved, seconded by Homan to recommend passage of Ordinance # B2004-01-40B to the Commissioners; Homan-yes; Dahl-yes; Brandt-no; DeBoer-no; Kanengieter-yes; motion carried. First reading of Ordinance #B2004-01-40B was then held. The second reading is scheduled to be held at the August 2 Commission meeting at 11:00 a.m.

12:30 Sheriff Cory Borg

Borg talked about the Courtroom Security Grant and making application for the grant. Borg said he had the application filled out for the courtroom security and has estimates with the project costs falling under \$10,000. It is a 75%-25% grant; adding wall by breaker box; add film over windows; add keyless entries to several doors. 4) Rhody moved, seconded by Kreutner to make application for the Courtroom Security Grant. Jaeger abstained as he sits on state board for Courtroom Security. All others voted yes and motion carried. Borg also discussed the law enforcement contracts for cities in the county for 2023. Hourly rates will be increased. He said the contracts will not include code enforcement. 5) Jaeger moved, seconded by Kreutner to increase hourly rate for police contract in 2023 to 38.25 hr. All voted yes and motion carried.

12:45 Executive Session Pursuant to SDCL 1-25-(1)

6) Kreutner moved, seconded by Rhody to move into Executive Session to discuss personnel issue pursuant to SDCL 1-25-(1). All voted yes and motion carried. Chair Homan declared the Commission out of Executive Session at 1:00 p.m. 7) Jaeger moved, seconded by Kreutner to advertise for full or part time deputy in Auditor's Office. All voted yes and motion carried.

NEW BUSINESS

Warrants, Discretionary Formula Resolution #22-27, Approve Plats

Approval Of Warrants:

8) Kreutner moved, seconded by Jaeger to approve current warrants and those paid early. All voted yes and motion carried. Century Link 358.79 911 Utilities, H-D Electric 722.17 Utilities, ITC 2,310.23 Phone/Internet, Nogelmeier, Byron 55.00 24/7 Program, Otter Tail 1,140.49 Utilities, SDACO 216.00 M&P & Registration fees, SD Dept of Revenue 154,623.41 Fees to State, Tri-State Water 19.02 Supplies, City of Watertown 3,939.26 911 Surcharge. Taxes: Schools 179,975.00, Towns 23,123.27, Townships 78,277.07, EDWDD 184.99, Rural Fire 903.44, SD Dept. of Labor and Regulation 3,423.81 Reemployment Assistant Benefit

Plats:

9)Rhody moved, seconded by Jaeger to approve Plat of DJ Sonnenburg Addition and Resolution #22-23. All voted yes and motion carried.

COUNTY COMMISSION RESOLUTION

#22-23

Be it resolved by the Board of County Commissioners, Deuel County, South Dakota, that the plat entitled: **DJ SONNENBURG ADDITION IN THE COUNTY OF DEUEL, SOUTH DAKOTA, Located in the Southeast Quarter(SE1/4) of Section 23, T114N, R50W 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 approve, and the County Auditor is hereby authorized and directed to endorse on such plat a copy of the Resolution and certify the same.

Dated this 19th day of July, 2022.

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

Attest:

County Auditor,
Deuel County, South Dakota

10) Kreutner moved, seconded by Rhody to approve Plat of King Addition and Resolution #22-24. All voted yes and motion carried.

RESOLUTION

#22-24

BE IT RESOLVED by the Board of County Commissioners of Deuel County, South Dakota, that the plat entitled: **“King Addition Located in the Northwest Quarter and the West Half of the Northeast Quarter of Section 14, Township 113 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 19th day of July, 2022

Chairman, Board of County Commissioners
Deuel County, South Dakota

ATTEST:

County Auditor, Deuel County South Dakota

11) Rhody moved, seconded by Kreutner to approve Plat of Bindert Home Addition and Resolution #22-25. All voted yes and motion carried.

COUNTY COMMISSION RESOLUTION
#22-25

Be it resolved by the Board of County Commissioners, Deuel County, South Dakota, that the plat entitled: **BINDERT HOME ADDITION IN THE COUNTY OF DEUEL, SOUTH DAKOTA, Located in the Southeast Quarter(SE1/4) of Section 11, T116N, R48W 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 approve, and the County Auditor is hereby authorized and directed to endorse on such plat a copy of the Resolution and certify the same.

Dated this 19th day of July, 2022.

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

Attest:

County Auditor,
Deuel County, South Dakota

12) Jaeger moved, seconded by Rhody to approve Plat of Blocks 1 & 2 Roberts Addition and Resolution #22-26. All voted yes and motion carried.

COUNTY COMMISSIONERS #22-26

Be it resolved by the Board of County Commissioners, Deuel County, South Dakota, that the herein PLAT OF BLOCKS 1 & 2, ROBERTS ADDITION, in the NE ¼ of Section 25, T115N, R49W of the 5th 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, Pam Lynde, County Auditor of 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 19th day of July, 2022.

Deuel County Auditor

13) DeJong moved, seconded by Rhody to approve Discretionary Formula Resolution #22-27. All voted yes and motion carried.

County Resolution No. 22-27
Discretionary Formula SDCL 10-6-137

WHEREAS, the County of Deuel, State of South Dakota has deemed it in the best interest of the County to adopt a Resolution implementing a Discretionary Formula for the reduced taxation of new structures and additions and partially constructed structures pursuant to SDCL 10-6-137.

NOW, THEREFORE, BE IT RESOLVED, that the following properties shall be, and hereby are, specifically classified for the purpose of taxation pursuant to SDCL § 10-6-137(5), (6), and (7):

Any new commercial residential structure, or addition to an existing structure, containing four or more units, if the new structure or addition has a full and true value of thirty thousand dollars or more (SDCL § 10-6-137(5));

FURTHER RESOLVED, that any structure classified pursuant to this Resolution shall, following construction, initially be valued for taxation purposes in the usual manner, and that value shall be referred to in this Resolution as the “Pre-Adjustment Value”; and be it

FURTHER RESOLVED, that the assessed value to be used for tax purposes of any structure classified pursuant to 10-6-137(5), (6), and (7) be calculated at a no more than twenty-five percent in the first or second year, no more than fifty percent in the third or fourth year, no more than seventy-five percent in the fifth or sixth year, and one hundred percent in the seventh year; and be it

FURTHER RESOLVED, that the assessed value to be used for tax purposes of any structure classified pursuant to this Resolution shall, following construction, be calculated as follows:

For the first tax year following construction, 25% of the Pre-Adjustment Value;

For the second tax year the following construction, 25% of the Pre-Adjustment Value;

For the third tax year following construction, 50% of the Pre-Adjustment Value;

For the fourth tax year following construction, 50% of the Pre-Adjustment Value;

For the fifth tax year following construction, 75% of the Pre-Adjustment Value;

For the sixth tax year following construction, 75% of the Pre-Adjustment Value;

For the seventh tax year following construction, 100% of the Pre-Adjustment Value;

and be it

FURTHER RESOLVED, that the Board of County Commissioners may, if requested by the owner of any of the above-described property, not apply the above formula, in which case the full assessment shall be made without application of the formula. In waiving this formula for the structure of one owner, the Board of County Commissioners is not prohibited from applying the formula for subsequent new structures by that owner; and be it

FURTHER RESOLVED, that for purpose of this Resolution, the assessed valuation during any of the seven years may not be less than the assessed valuation of the property year preceding the first year of the tax years following construction; and be it

FURTHER RESOLVED, that any structure that is partially constructed on the assessment date may be valued for tax purposes pursuant to this Resolution and the valuation may not be less than the assessed valuation of the property in the year preceding the beginning of construction; and be it

FURTHER RESOLVED, that following the seven-year period under this section, the property shall be assessed at the same percentage as is all other property for tax purposes.

Approved this 19th day of July, 2022

Deuel County Commission

By: _____
Chairman

Attest:

County Auditor, (Seal)

Public Comments: No public comments.

There being no further business Kreutner moved, seconded by Rhody to adjourn. All voted yes and motion carried.

Pam Lynde, County Auditor
Chairman

Judith Homan,

Published One Time at the Approximate Cost of _____.