

June 16, 2020  
Regular Meeting

The Deuel County Commissioners met in regular session on Tuesday, June 16, at 9:00 a.m. in the Commission Room of the Courthouse with Chairman Jaeger presiding. Those present were Commissioners Rhody, Jaeger, DeJong and Homan. Commissioner Kreutner was present through Zoom platform. Also present was Auditor Mary Korth and several members of the public. The meeting began with prayer and the Pledge of Allegiance. Commissioner Jaeger announced that because one commissioner was only present through virtual platform, any and all votes will be approved by roll call only.

#### **Approval of Agenda**

1) Homan moved, seconded by DeJong to approve the agenda as presented. Roll call vote, all yea and the motion carried.

### **APPOINTMENTS**

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

Hintz met with the Commissioners to discuss several highway related issues. Bridge replacement going as scheduled. Discussion was held on the two bridges being replaced in the Hidewood. The channel is being dug and bypasses are being used. Weather has been cooperating and water levels are lower. Basin is a subcontractor doing the work. A bridge being constructed northeast of Tunerville is also scheduled for this summer. No serious complaints from landowners except for the inconvenience.

Discussion was held on the wind power project. A recent meeting was held and there are many issues with dust control. Closer water sources are being investigated which would alleviate the problem. Concrete stabilization and repairs are being done to help with the roads. County road 175, the tar road east of Altamont is deteriorating. Hintz reminded the wind tower company that the haul road agreement makes it their responsibility for repair and the safety of those roads. He hopes to see that happen soon. Hintz has high expectations for that road to be completely new after they do repairs. He felt the meeting he had with the wind tower company and township officials went well; a lot of discussion and good comments. Another meeting is being scheduled for the future. Communication is key.

Discussion was held on the southern wind tower project with Avangrid. They are planning a lot of dust control and Hintz has positive feelings about that project.

Hintz and his department have been very busy with road work and questions from the public and others.

#### **9:30 Sheriff Cory Borg**

Borg met with the Commissioners to discuss several items concerning the Sheriff's Office. An insurance claim was filed on the 2016 Explorer which was vandalized in Rapid City while the K9 deputy was on training. The Explorer also received hail damage while it was in that area. The vehicle has been determined a total loss with just hail damage alone. Borg stated there is 102k miles on the vehicle but several more on the engine because it holds the dog and is constantly idling. He feels it should be replaced as it would be up for replacement within a year. He found a vehicle on Federal Surplus, a 2012 Tahoe for \$23,275 with 25k miles on it. Borg felt it was a good deal. His recommendation is to sell the Explorer back to insurance, tear down

the equipment in the Explorer – lights, cage, etc. and purchase the 2012 Tahoe and install that equipment. Budget concerns were discussed. 2) Rhody moved, seconded by DeJong to approve the purchase of the 2012 Tahoe for \$23,275 from Federal Surplus Property. Roll call vote, all yea and the motion carried.

Discussion was held on the Clear Lake 911 repeater. There have been problems with the repeater and he has had it looked at. A tower crew is scheduled to come out when it is less windy and replace the antenna and the connectors. The backup pager will also then be installed back on the water tower which has a much larger range than the current location on top of the courthouse.

Borg reported there was a saturation patrol for move over violations on June 10<sup>th</sup>. The focus was on the Interstate, Highway 22 and Highway 212. It proved to be very productive. Alcohol and drug arrests were made as well. Commissioner Rhody asked several questions about drugs in the County and more discussion was held.

Borg has received several traffic complaints with the wind tower companies and their activity in their locations.

**10:00 Public Hearing/First Reading on Request of Jeremy Wipf to Rezone from Agricultural District to Commercial District for the NE1/4NW1/4NE1/4 & W268' N661.47 NE1/4Ne1/4 in 28-113-47**

A joint public hearing with the Zoning Board was held upon the request/petition of Jeremy Wipf to issue a change in zoning classification for property that is described above in 28-113-47 Scandinavia Township from Agricultural to Commercial. Wipf will use the property for an auto dealership and foam insulation business. There will also be a single family residence on the property. The Deuel County Zoning Board stated the property meets all the requirements of the ordinance. The Planning Commission will vote to recommend approval of this ordinance to the County Commissioners. Roll call vote: Kanengieter-yes; DeBoer-yes; Dahl-yes; Homan-yes; motion carried. The Planning and Zoning board conducted motions to hear two plats before the Board prior to adjourning. The Planning and Zoning Commission adjourned.

The Commissioners then held the first reading of Ordinance B2004-01-28A. The second reading will be held at the July 7<sup>th</sup> meeting at 10:30 a.m.

**10:30 Dakota Trailblazers Marty Grabow**

Grabow met with the Commissioners to close 1<sup>st</sup> Avenue or County Road 310 in Gary, SD for the July 3<sup>rd</sup> street dance. 3) Homan moved, seconded by Kreutner to close County Road 310 beginning at 5pm (for water fights) until 2am (for street dance) on July 3, 2020. Roll call vote, all yea and the motion carried.

**10:45 Drainage Board/Bryan Sonnenburg**

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

Bryan Sonnenburg requested a permit to drain on the SW1/4 of 19-114-49 and NW1/4 of 30-114-49. Proposed length of the drain is 12,900 feet using 4-6" tile. Area affected for drainage will be 60 acres. Adjoining landowners had signed Permission To Drain. 5) Homan moved, seconded by DeJong to approve and issue Drainage Permit #D20-22 renewal to Bryan Sonnenburg to drain on above described property. Roll call vote, all yea and the motion carried.

6) Kreutner moved, seconded by DeJong to adjourn as Drainage Board and reconvene as County Commission. Roll call vote, all ye and the motion carried.

**11:00 Emergency Manager Sheila Monnier**

Monnier met with the Commissioners to discuss several issues and give updates. Monnier presented updates from 4-H on Achievement Days. 4-H Leader Deb Lessman was present by speaker phone and wanted to inform the commissioners on the most recent meeting. There will be a modified Achievement Days for the kids on August 4<sup>th</sup> and 5<sup>th</sup> ; Livestock will be August 4<sup>th</sup> and static exhibits on the 5<sup>th</sup>. Static exhibits will be judged prior with no 4-H members present; essential personnel only. There is to be less than 50 people per event; one species per event. Social distancing and cleaning protocols will follow SDSU guidelines. She was asking Commissioners for permission to use the Fairgrounds as long as the SDSU guidelines are followed to protect from Covid-19. Lessman feels this can safely happen for the kids. The commissioners were in agreement that the Deuel County Fairgrounds could be used for this reduced exposure modified Achievement Days in August.

Monnier met with local health officials on the Covid-19 pandemic. Sanford will likely be in charge of a vaccine pod or point of distribution in the event there would be a need to administer a vaccine to a large group of people. Testing continues in the county but not as much as in past months. Discussion was held on the evolving situation concerning the virus.

Monnier gave information about the Code Red program for weather and other emergency notifications for Deuel County residents. This is a “managed data” service which means it is supplied, geocoded and updated quarterly by an in house GIS team through ONSOLVE. She went on to explain that weather warnings, etc. will only be received if the community goes into an enrollment link and opt-in to do so. Different types of weather warnings can be selected and the mode of notification (voice, text, email, etc.) can be selected as well. Furthermore, only residents located within an affected radius of the warning will receive the alerts. The prior systems used by Deuel County was set up for manual alerts only. Monnier feels this is an excellent upgrade and choice for the safety of Deuel County residents.. Monnier is setting up an “all call” to contact the residents in the system to make them aware of Code Red and educate them on the use.

Discussion was held on future EM training and travel during the pandemic. Monnier is being cautious on farther distances and will refrain from travel to Pierre at this time. Discussion was held on SDACO convention to be tentatively held in September in Sioux Falls.

**11:15 State’s Attorney John Knight**

Knight met with the Commissioners to discuss several items.

Knight drafted a new resolution for the County concerning discretionary formula. HB1259 passed by the South Dakota Legislature takes effect July 1, 2020 and requires new language which amends SDCL 10-6-35.2. This is information from the Department of Revenue; the new law goes into effect July 1, 2020. Director of Equalization Donna Rhody was present for discussion. She and State’s Attorney John Knight discussed additions and amendments to the Resolution drafted. This would replace or amend the prior Discretionary Tax Formula Resolution 15-28 passed December 1, 2015. The presented resolution is much broader than the prior resolution to apply it to more structures and give more specifics. Knight suggested the Commissioners review the proposed Discretionary Formula presented before adopting the resolution. Adoption will likely happen at the next commission meeting.

Floodplain Administrator Jodi Theisen was available to discuss the National Flood Insurance Program and if Deuel County should participate in the program by adopting a FEMA flood map. State's Attorney Knight stated that if there was a flood map adopted, it would require residents to purchase flood insurance in those areas. Discussion was held on if Deuel County needs to hire an engineer to review the models of preliminary maps sent by FEMA which the commissioners did not think was necessary. Discussion was held on the flood areas for Deuel County on the FEMA map and pros and cons of adopting the flood map. FEMA sent a "Sanctioned Communities" information sheet to highlight what they thought were adverse consequences. The flood plains are more prevalent in the City of Clear Lake, and the City of Gary; the cities are getting their own letters and would have to adopt their own resolutions. Knight said there is no liability to the county except the possibility of reduced assistance in the event of a future disaster.

Discussion was held on the pay policy if an employee was absent because they had to be tested for Covid-19. Should an employee use sick pay during the processing of test results or would it fall under Covid admin pay. Deuel County has decided to follow the State policy and Knight will research that policy and draw up an official resolution for Deuel County.

#### **12:00 p.m. Executive Session**

7) Rhody moved, seconded by DeJong to move into Executive Session pursuant to SDCL 1-25-2(3) for the purpose of consulting with legal counsel. Roll call vote, all yea and the motion carried. Chairman Jaeger declared the meeting out of executive session at 12:20 p.m.

#### **OLD BUSINESS**

None discussed.

#### **NEW BUSINESS**

##### **Plats**

8) DeJong moved, seconded by Homan to approve the Plat of Parcel A located in W1/2NW1/4 of 22-113-48 and Resolution #20-17. Roll call vote, all yea and the motion carried.

#### **RESOLUTION**

##### **#20-17**

A resolution approving the plat of **PARCEL A**, located in the West Half of the Northwest Quarter of Section 22, Township 113N, Range 48W, 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 of **PARCEL A**, located in the West Half of the Northwest Quarter of Section 22, Township 113N, Range 48W, of the 5<sup>th</sup> P.M. Deuel County, South Dakota.

Approved by the Deuel County Commission

Dated this 16<sup>th</sup> day of June, 2020

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

I, \_\_\_\_\_ County Auditor of Deuel County, South Dakota, do hereby certify that an official meeting on \_\_\_\_\_, 2020 the County commissioners did by resolution approve the plat of PARCEL A, located in the West Half of the Northwest Quarter of Section 22, Township 113N, Range 48W, of the 5<sup>th</sup> P.M. Deuel County, South Dakota.

APPROVED:

\_\_\_\_\_  
County Auditor,  
Deuel County, South Dakota

Dated this 16<sup>th</sup> day of June, 2020

9) Rhody moved, seconded by Homan to approve the Plat of Aho Second Addition located in SW1/4 of 22-115-50 and Resolution #20-18. Roll call vote, all yea and the motion carried.

**RESOLUTION**  
**#20-18**

BE IT RESOLVED by the Board of County Commissioners of Deuel County, South Dakota, that the plat entitled: **“AHO SECOND ADDITION, IN THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 115 NORTH, RANGE 50 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 16<sup>th</sup> day of June, 2020

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

ATTEST:

\_\_\_\_\_  
County Auditor,  
Deuel County, South Dakota

10) Homan moved, seconded by Kreutner to approve the Plat of Hansen Addition located in Government Lots 1 and 2 in 28-116-49 and Resolution #20-19. Roll call vote, all yea and the motion carried.

**RESOLUTION**

**#20-19**

BE IT RESOLVED by the Board of County Commissioners of Deuel County, South Dakota, that the plat entitled: **“HANSEN ADDITION, IN GOVERNMENT LOTS 1 AND 2 IN SECTION 28, TOWNSHIP 116 NORTH, RANGE 49 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 16<sup>th</sup> day of June, 2020

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Chairman, Board of County Commissioners  
Deuel County, South Dakota

ATTEST:

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County Auditor,  
Deuel County, South Dakota

**Sale of Downtown Extension Building/Extension Move to West Hwy 22 Building**

Discussion was held on the downtown Extension building located on Main Street (3<sup>rd</sup> Avenue) Clear Lake. The building housed the Extension Secretary, the Deuel County 4-H Director and the Weed Supervisor. In June, these offices have made the move to the West Hwy 22 building owned by the County. The building downtown now is empty. There has been public interest in purchase of the building. State’s Attorney John Knight was present and said a public sale is necessary and can be sold on sealed bids. An appraisal of the building was discussed. 8) Rhody moved, seconded by DeJong to sell the Extension building downtown located at 419 3<sup>rd</sup> Avenue S, Clear Lake, SD, legal description Lot 9, Block 9, Original Plat City of Clear Lake, parcel #3796 on sealed bids and to advertise for those bids for two weeks June 24<sup>th</sup> and July 1<sup>st</sup> to be opened July 7<sup>th</sup>. Roll call vote, all yea and the motion carried.

Further discussion ensued about the move of the offices and records. Auditor Korth brought concerns from Extension Secretary Dawn Fritz and 4-H Leader Deb Lessman. Fritz and Lessman were still very concerned that even though the main door lock had been changed, the others were all still accessible with the old keys. There is no telling how many individuals have

keys to the building. They highly suggested all the doors locks be changed. Auditor Korth stated keys are to be kept track of by the Auditor's Office and requested that this policy be enforced with this building. Commissioner DeJong will be investigating and making sure the other locks get changed and make sure keys are kept safe and not duplicated. Lessman was especially concerned with other issues that have come up with the building that showed lack of control and information. Lessman is responsible for the schedule of the building and still thinks there needs to be a contract in place for use of the building – even if it is similar to that of the 4-H Service Center. Misunderstandings have arrived about summer use of the building, some of the public has inquired about family gatherings if they follow CDC guidelines because of the pandemic. Deuel County Shooting Sports still has all of their equipment at the building and Lessman and Fritz did not think they would be occupying the building year round. It was suggested a contract with Shooting Sports be implemented asap. Chairman Jaeger will be contacting Shooting Sports about the miscommunication. State's Attorney Knight will be drafting a use agreement with Shooting Sports for review by the Commissioners with hopes to be implemented as soon as possible. The agreement in place for the 4-H Service Center at the Fairgrounds remains in place with caution due to Covid-19; each rental event will be reviewed on a case by case basis.

### **Public Comments**

There were no public comments at this meeting.

### **Warrants**

11) DeJong moved, seconded by Homan to approve warrants paid early and approval of regular warrants to be paid. Roll call vote, all yea and the motion carried.. *Warrants to* B-D Rural Water 119.20 Utilities, Century Link 358.79 Utilities, H-D Electric 547.04 Utilities, Byron Nogelmeier 35.00 24/7 Fees, Otter Tail 1427.97 Utilities, Election 2253.04 Workers and Resolution Board, Sanford 23.85 Flex Fees, Dept of Rev 119603.54 Fees Due to State, SDACO 220.00 M&P. Taxes: Schools 719,983.45, Towns 61,381.18, Townships 44,095.86, EDWDD 2669.77, Rural Fire 12,068.56

### **Adjournment**

There being no further business 12) Kreutner moved, seconded by Homan to adjourn the meeting.

Gary Jaeger, Chairman  
Deuel County Commission

ATTEST:

Mary Korth, Auditor

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