

December 1, 2020
Regular Meeting

The Deuel County Commissioners met in regular session on Tuesday, December 1st at 9:00 a.m. in the Commission Room of the Courthouse with Chairman Jaeger presiding. Those present were Commissioners Jaeger, DeJong, Rhody, Kreutner and Homan. Also present was Auditor Mary Korth. The meeting began with prayer and the Pledge of Allegiance.

Approval of Agenda

1) DeJong moved, seconded by Kreutner to approve the agenda as presented. All voted yes and the motion carried.

Approval of Minutes:

2) Homan moved, seconded by Rhody to approve the minutes of the regular meetings November 6th and Nov. 17th. All voted yes and the motion carried.

APPOINTMENTS

9:00 Highway Superintendent Jamie Broksieck

Broksieck met with the Commissioners to discuss highway related issues. With the lack of snow, the Department has been working on culverts.

3) DeJong moved, seconded by Rhody to surplus scrap iron for the Highway Department. All voted yes and motion carried.

An Access Permit was presented from the SDDOT concerning the approach/driveway at the County West Building. The County will remove the westernmost County approach/driveway and increase the width the of easternmost approach/driveway by 12 feet. 4) DeJong moved, seconded by Kreutner to approve the application for the Highway Access Permit for DeBoer Construction to construct the approaches (driveways) in accordance with the conditions of the application according to SDDOT. This includes a verbal agreement that the County may use the west driveway of DeBoer Construction's property. All voted yes and motion carried.

Broksieck also presented a Right-of-Way Occupancy for Gary Gabrielson submitted by Kaleb Steele for boring under County Road 375 in Herrick Township for drainage. 5) Rhody moved, seconded by Kreutner to approve and sign the Right-of-Way Access Permit for Kaleb Steele to bore under County Road 375 for a drainage project in Herrick Township for Gary Gabrielson. All voted yes and motion carried.

9:30 Attorney Todd Boyd

Boyd met with the Commissioners to clarify a Drainage Permit for Hanten's (Todd) located in NE1/4 20-116-50 granted Nov. 1, 2016. As the former Drainage Board, he asked the Commissioners why the permit was given because even though the application states "stays on our land", the map clearly shows that he (Todd Hanten) is draining on land owned by Laretta Kranz. There are 5-6 acres of tillable land she cannot use. He also presented a map in which there is a draw that is that is flooded more than usual given by nature, but rather it is flooded due to Hanten's drain tile. Because the draw is flooded, it blocks an easier access to her other tillable land. Boyd stated that true, as long as the tile stays on your own land, you do not need approval from adjoining landowners. However, the way it was installed, it is flooding Kranz's

land. The water clearly does not stay on the Hanten's land. Boyd stated his client, Kranz, is in a bind and would like suggestions from the former Drainage Board. His feeling is the application submitted by Hanten's was not honest.

Boyd also stated he felt it was unfortunate that the Drainage Ordinance was repealed. Lawsuits could be avoided if disagreements were handled at a Drainage Board level first. He stated the increasing amount of disagreements leads to arguments and hard feelings and sometimes even more. He does understand that the County's drainage ordinance had problems and inconsistencies; but if a new ordinance was implemented in proper order, it would be a benefit to the County and the residents. Commissioner Homan felt it was not the job of the commissioners to settle drainage disputes. There are many laws in place already and adding to it would not solve drainage issues. She went on to say many disputes are long standing and have deeper issues that often have essentially nothing to do with drainage. Much discussion was held on the current drainage dispute between Boyd/Kranz and Hanten's. Commissioner Rhody stated that if the parties cannot talk and solve this amongst themselves, then he suggests a letter from our State's Attorney would be in order. There were disagreements from other board members to that suggestion.

9:45 Emergency Manager Sheila Monnier

Monnier met with the Commissioner to discuss grant updates. Monnier presented a spreadsheet of which projects were submitted by townships for the previous (blizzard 2019) disasters. It also shows reimbursement amounts from FEMA for townships, cities and the County. County road reimbursement totaled \$74,838.81. Reimbursement payments to the townships collectively was over \$450,000. All paid projects have been completed.

She is still waiting to hear on the grant to update the EOC. She is working with First District on the pre-mitigation disaster plan for 2021. Her initial meeting is December 14th.

10:00 Sheriff Cory Borg

Supplemental Budget Hearing

The scheduled supplemental budget hearing was held with no one attending the hearing. 6) Homan moved, seconded by Rhody to approve Resolution #20-40 A Resolution Supplementing Appropriations for Deuel County, South Dakota for the Year 2020. All voted yes and motion carried.

RESOLUTION #20-40

**A RESOLUTION SUPPLEMENTING
APPROPRIATIONS FOR DEUEL COUNTY, SOUTH
DAKOTA FOR THE YEAR 2020**

BE IT RESOLVED BY THE DEUEL COUNTY COMMISSION, DEUEL COUNTY, SOUTH DAKOTA:

Section 1. Whereas Budget Resolution No. 19-20 for Deuel County, South Dakota, for the fiscal year 2020 failed to provide sufficient revenue to enable Deuel County to conduct the indispensable functions of government in that it failed to provide sufficient funds to operate the Departments which it is necessary to maintain.

Section 2. There is appropriated for the fiscal year 2020 an additional amount as follows:

Supplementary Appropriation:

FUND	DEPT	OBJECT	SUPPLEMENT
101	211	426.30	
		Sheriff Department	\$30,000.00
		Minor Equipment	
MEANS OF FINANCE:			
101	101	General Fund Cash	\$30,000.00

Dated this 1st day of December, 2020.

Attest:

Mary Korth, County Auditor

By: _____
Gary Jaeger, Chairman

10:15 FEMA Flood Plan Administrator Jodi Theisen

Theisen gave updates on the recent Zoom meeting with FEMA officials on implementation of flood maps for Deuel County. She gave examples of a letter that will be inserted with the 2021 tax statements to all property owners about the FEMA maps and flood insurance. Citizens can review the maps and give public comments before the maps go into effect. Public comment and appeal period are expected to begin in the spring of 2021. There also will be a press release concerning flood insurance to be coming out in the paper in the near future. The county does have a FEMA Flood Plain Ordinance but it needs updating. Discussion was held on the maps that were developed and what areas would be of flood concern.

10:30 DADi (Deuel Area Development Inc.) Director Joan Sacrison

Sacrison was unable to meet with the commissioners. Auditor Korth passed on information concerning Clear Lake's "1st Impressions 2020". Sacrison compiled information from observers giving their first impressions of Clear Lake on areas of town entrance, main street, industrial park, school, tourism, housing, professional buildings, beautification and parks and rec. Many positive comments were received and the community would be recommended by others' first impressions. There were some criticisms but overall Clear Lake is a community that shows pride and has many options.

10:45 States Attorney John Knight

Discussion was held on the Women's Building at the Fairgrounds. Deuel School is interested in the building and the Board will be working with the school in the near future to transfer ownership under the guidance of Knight. Currently all the property at the Fairgrounds is owned by the County and is in one parcel.

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

7) DeJong moved, seconded by Rhody to move into Executive Session pursuant to SDCL 1-25-2(1) for the purpose of a personnel matter. All voted yes and motion carried. Chairman Jaeger declared the Commissioners out of Executive Session at 12:07 p.m.

Knight and the commissioners met with several employees and department heads to discuss the probationary raise situation that has been researched and if any employees are entitled to back pay. On the advice from the Department of Labor's attorney from Sioux Falls, 8) Rhody moved, seconded by DeJong that on the subject of probationary raises not given in the past A) Any employee who was given ANY amount of probationary raise in the past is ineligible. B) Any employee who was hired above the base salary is ineligible. C) Any employees that ARE eligible would be considered on a case by case basis and appointments would need to be made with the Board. All voted yes and motion carried.

Discussion was held on a poor relief claim. 9) Rhody moved, seconded by Homan to authorize State's Attorney John Knight to communicate with Avangrid Inc. on negotiations for a repayment plan concerning a poor relief claim. All voted yes and motion carried.

NEW BUSINESS

HR Contract/County Assistance #20-03/Amend Resolution #20-30/End of Year Meeting

Auditor Korth presented the contract from Multi Business Solutions and Natalie Remond to contract for Human Resource services from Jan. 1, 2021 through Dec. 31, 2021. 10) Kreutner moved, seconded by Jaeger to approve and sign the contract with Multi Business Solutions Inc. for Human Resource Services from Natalie Remond in the amount of \$1500.00 monthly on an as needed basis. All voted yes and motion carried.

11) Rhody moved, seconded by DeJong to approve County Assistance #20-03, county burial. All voted yes and motion carried.

12) Homan moved, seconded by Rhody to amend Resolution #20-30 "Annual Budget for Deuel County, SD for the year January 1, 2021-December 31, 2021 Adoption of Annual Budget for Deuel County, South Dakota." Amending TOTAL Tax levied by County from 3.037 to 3.062. This adds General and Courthouse Building levies together whereas prior it wasn't added together, though the levied dollars and taxes stay the same. All voted yes and motion carried.

13) Rhody moved, seconded by DeJong to schedule the final 2020 Special Commission meeting for Wednesday, December 30th, 2020 at 9am in the Commission Room of the Courthouse to address end of year business and pay end of year bills. All bills that need to be paid by December 31, 2020 should be at the Auditor's Office no later than Tuesday, December 29th at noon. All voted yes and motion carried.

APPROVAL OF WARRANTS:

14) Kreutner moved, seconded by DeJong to approve all warrants as presented and those paid early to avoid service charge. All voted yes and the motion carried. *Warrants To:* A-Ox Welding Supply Company In 46.75 Rental, Appera 318.23 Rental, Astoria Legion 50.00 Rental Elec Space, Avera Occupational Medicine-Mi 73.55 Pro Service, Banner Associates Inc 1474.00 Pro Service, Bjerke Sanitation 205.00 Utilities, Butler Machinery Co 880.44 Repair/Supplies, Cartney Bearing & Supply Co 84.48 Repair, Certified Language Line 8.25 Pro Service, Clear Lake Building Center 5270.80 Repair/Supplies/Pro Service, Clear Lake Courier 711.30 Publishing/Supplies, Codington County Auditor 1785.00 Prisoner Care, Deuel County Farmers Union Oil 20717.91 Repair/Supplies/Utilities, Deuel County Motor Supply Inc 1210.56 Supplies/Repair, Deuel Area Development Inc 3750.00 Support, Diamond Mowers Inc 329.58 Repairs, Dk Diesel Injection Inc 1691.56 Repair, Dream Chaser Trucking, Llc 3588.00 Supplies, Equipment Blades Inc 159.75 Repair, Election Systems& Software Inc 2443.20 Pro Service/Travel, Fmj Arms 3099.15 Minor Equip, Force America 2237.10 Supplies, Galls, Llc 448.61 Supplies, Gworks 945.00 Gis Support, Hillyard/Sioux Falls 279.50 Supplies, Inter-Lakes Comm Action Inc 1666.75 Support, Innovative Office Solutions 280.00 Checks, Jebro Inc 42491.81 Supplies, Kibble Equipment Llc 381.68 Repair, Deb Lessman 131.76 Travel, Lyle Signs Inc 398.37 Supplies, Blue Tarp Financial, Inc 112.11 Repair/Supplies, Maynards 71.94 Supplies, Mcleod's 27.40 Supplies, Byron Nogelmeier 70.00 24/7 Due To State, Northern Con-Agg, Inc. 631.14 Supplies, Northwestern Energy 518.26 Utilities, Office Peeps Inc 1926.55 Supplies/Minor Equip, Ottertail Power Co 83.50 Utilities, Overhead Door Co Of Wtn Inc 114.00 Repair, Pheasantland Industries 413.32 Supplies, Postmaster 24.45 Gen Election Postage Due, Powerplan Oib 2465.92 Repair, Public Safety Equipment Co Llc 880.98 Supplies, Ron's Saw Shop 362.31 Repair, Running's Supply Inc 26.57 Supplies, Sanford Health 146.00 Pro Service, Sanford Health Plan 405.75 Flex, Sanford Clinic 2861.10 Health Nurse, Sd Dept Of Transportation 1681.19 Fuel, Sdacc 1985.48 Membership Dues, Sd Sheriffs' Association 695.52 Uniform Allowance, Streicher's 210.00 Supplies, Sturdevant's Auto Parts 1010.70 Repair/Supplies, Swenson Sales And Service, Inc 36.37 Repair, Toronto Community Center 50.00 Gen Elec Rental Space, Transource Truck & Equip Inc 95.18 Repair, Truenorth Steel Inc 9098.25 Supplies, Two Way Solutions, Inc 13.99 Supplies, Ultra-Connecting Point 8959.32 Minor Equip/Pro Service, City Of Watertown 3954.02 911 Surch To Wpd, Wheelco Truck & Trailer Parts 373.40 Repair/Supplies, Kristin A. Woodall,Rpr,Crr,Crc 167.20 Pro Service. *Payroll:* Commissioners 8547.44, Election 3114.07, Auditor Office 12026.76, Treasurer Office 8514.70, State's Atty Office 7953.15, Gen Building 4713.02, Dir of Equal Office 13896.48, Reg of Deeds Office 7113.33, VSO 1216.56, GIS 659.45, Sheriff's Dept 28548.83, County Assist 398.74, 4-H Service Center 217.57, Extension 2727.92, Weed 1863.03, Zoning 3899.67, Hwy Dept 68848.39, Emerg Mngmt 3636.97, DNB National Bank 12.87 Payroll Proc.

Discussion continued on the probationary raises. Sheriff Borg made a request to give probationary raises to employees in his department that qualify for eligibility under the above motion (8). Discussion was held if statute of limitations would apply. 15) Rhody moved, seconded by Homan to grant Deputy Kory Kellen back pay of \$2340.00 because he never received a probationary raise but he is eligible. This will be reflected on his next paycheck. All voted yes and motion carried. 16) Homan moved, seconded by DeJong to grant Deputy Derek Hoefert back pay of \$606.50 because he never received a probationary raise but he is eligible. This will be reflected on his next paycheck. All voted yes and motion carried. 17) Homan moved, seconded by Rhody to grant Mindi Dailey back pay of \$5893.00 because she never received a probationary raise but she is eligible. This will be reflected on her next paycheck. All voted yes and motion carried. 18) Homan moved, seconded by DeJong to grant Sheriff Cory Borg back pay up to the day he took office as Sheriff in the amount of \$3899.92 because he never received a probationary raise but he is eligible. This will be reflected on his next paycheck. All voted yes and motion carried.

Highway Superintendent Broksieck made a request for his employee Highway Secretary Lisa Jorvig. 19) Rhody moved, seconded by Kreutner to grant Lisa Jorvig back pay of \$3293.50 because she never received a probationary raise but she is eligible. This will be reflected on her next paycheck. All voted yes and motion carried.

Register of Deeds Severson made a request for her deputy. 20) Homan moved, seconded by Rhody to grant ROD Deputy Renae Engelkes backpay of \$1827.00 because she never received a probationary raise but she is eligible. This will be reflected on her next paycheck. All voted yes and motion carried.

Emergency Manager Sheila Monnier requested a probationary raise for herself. 1008.50 21) Homan moved, seconded by DeJong to grant Emergency Manger Sheila Monnier backpay of \$1008.50 because she never received a probationary raise but she is eligible. This will be reflected on her next paycheck. All voted yes and motion carried.

Deputy Auditor Shirley Quail made the comment when she was hired, she did receive the probationary raise, but did not get the annual raise for her first calendar year January 2003. She feels according to policy manual she should have received the annual raise like others have. Further discussion was held about going back, but the Board felt they could not grant any back pay to Quail at this time and made apology to Quail.

The amounts of the backpay given to the eligible employees were researched in accordance with hours worked at a rate of .50 per hour since the employee would have been with the County at 6 months of employment and goes through December 2020. Sheriff Borg is the exception because his hourly wage ended when he became Sheriff in 2019.

21) Rhody moved, seconded by Homan Kreutner to adjourn. All voted yes and motion carried. Meeting adjourned.

Mary J Korth, County Auditor

Gary Jaeger, Chairman

Published One Time at the Approximate Cost of _____.