

The Deuel County Commissioners met in special session on February 3rd, 2026, at 9:00 AM in the Commission Room of the Courthouse with Chairman Jay Grabow presiding. Those present were Commissioners Jay Grabow, Steve Rhody, Scott Fieber, Harry Mewherter and Judith Homan. Also present was Auditor Courtney Parker and many members of the public. The meeting began with prayer and the Pledge of Allegiance. 1) Fieber moved, seconded by Rhody to approve the agenda with the addition of Executive Session pursuant to SDCL 1-25-2 (3) Contractual Matters. All voted yes and the motion carried. 2) Fieber moved, seconded by Mewherter to approve January 2026 Minutes with the correction to the minutes from the 20th. All voted yes and the motion carried.

Appointments

Item #1 Highway Superintendent Jamie Broksieck

Broksieck presented a contract for the BIG Inspection Resolution. 3) Homan moved, seconded by Mewherter to approve Resolution #26-03 Bridge Reinspection Program Resolution and to use Banner Associates to reinspect our bridges. All voted yes and the motion carried.

BRIDGE REINSPECTION PROGRAM RESOLUTION FOR USE WITH SDDOT RETAINER CONTRACTS #26-03

WHEREAS, 23 CFR 650 Subpart C, requires initial inspection of all bridges and reinspection at intervals not to exceed two years with the exception of reinforced concrete box culverts that meet specific criteria. These culverts are reinspected at intervals not to exceed four years.

THEREFORE, Deuel County is desirous of participating in the Bridge Inspection Program.

The County requests SDDOT to hire Banner Associates, Inc. (Consulting Engineers) for the inspection work. SDDOT will secure federal approvals, make payments to the Consulting Engineer for inspection services rendered, and bill the County for 20% of the cost. The County will be responsible for the required 20% matching funds.

Dated this 3rd day of February, 2026, at Clear Lake, South Dakota.
(city)

Board of County
Commissioners
Of Deuel County

ATTEST:

County Auditor

Chairman of the Board

Item #2 Highway Secretary Lisa Jorvig

Jorvig presented to the board differences between Ultra and Novo Solutions. Novo Solutions is a lot more detailed and tailored to the Highway Department. Jorvig stated the amount changed from the original amount because they added the Fueling Integration into the system totaling, \$10,403 for the set-up, training and first year annual fee. 4) Homan moved, seconded by Rhody to approve a contract with Novo Solutions in the amount of \$6,945 per year and an additional \$3,458 to implement the new software and training on the software. All voted yes and the motion carried.

Item #3 9:30 Joint Meeting with Zoning Board on Amendment to Ordinance & Moratorium Discussion

The Planning and Zoning Commission, Jay Grabow, Kevin DeBoer, Mike Dahl, Mike Lammers, Dennis Kanengieter, along with the Commissioners, held a public hearing on the adoption of #B2022-01-11, an ordinance amending Ordinance B2022-01, an ordinance establishing zoning regulations for Deuel County, South Dakota, and providing for the administration, enforcement, and amendment thereof.

The proposed ordinance amends Article XII, "General Requirements," Section 1248 Essential Services, as follows:

- Section 1248.01 Applicability: The requirements of these regulations shall apply to overhead electrical transmission lines with a voltage greater than 345 kV.
- Section 1248.02 Federal and State Requirements: Essential Services shall meet or exceed standards and regulations of South Dakota State Statutes and any other agency of federal or state government with authority to regulate Essential Services.
- Section 1248.03 General Provisions: Transmission lines with voltage greater than 345 kV must have a setback of 2,000 feet from any inhabited residence in all zoning districts. This includes, but is not limited to, support structures greater than 100 feet tall or with a base diameter of 25 feet or a wingspan of 30 feet.

The ordinance also amends Article XI, "Zoning Districts," Section 1101 "A" Agricultural District, Section 1101.04 Conditional Uses, to add:

- Essential Services, provided they meet the requirements of Section 1248.

The meeting was opened for public comment. Many members of the public spoke.

The Zoning Board made a motion to amend the ordinance to allow reduced setbacks with landowners permission. The motion carried. The first reading on B2022-01-11 will be held on March 3rd, 2026.

Next, on the agenda was a moratorium discussion. Grabow explained that a public request was made for a moratorium on data centers, transmission lines, and power plants. Grabow explained that no moratorium was pursued for transmission lines since the ordinance process is already underway. Grabow clarified that moratorium are temporary measures (up to 2 years) intended to allow time for ordinance development. Any potential moratorium would only apply to data centers and power infrastructure.

Many members of the public spoke about moratorium. There were parties both in favor and against. Martin Vega with Applied Digital emphasized the importance of community engagement to address local concerns and ensure accurate information is shared, noting that developers favor clear zoning ordinances for predictable development standards. They stated that a moratorium could delay productive discussions and ordinance development. The current proposed site plan includes two buildings totaling approximately 430 MW, with any future expansion requiring additional public review and Commission approval. Vega also noted plans to hire a local community engagement coordinator and to establish a temporary local office. Reasons for approving the moratorium came from many Deuel County Citizens. Those reasons being: concerns about increased industrial development and potential long-term expansion in rural areas, requests for greater public involvement before ordinances and approvals are finalized, quality-of-life impacts, including rural character, noise, traffic, and infrastructure strain, energy and utility impacts, including substations, electric rates, and long-term capacity, calls for a temporary moratorium or phased approach to allow public input and review and questions about economic impacts, tax exemptions, and long-term community benefit.

Public comment was closed, and the board then discussed the moratorium. Grabow stated no ordinances would be finalized until the state's decision on the sales tax exemption is known. If the exemption fails, the ordinance process would not move forward. Dahl and DeBoer stated a baseline ordinance could be drafted for future projects. Lammers gave no comment. Kanengieter supported Dahl and DeBoer. A motion by Grabow was made to establish a six-month moratorium on data centers to allow for the development of local ordinances, seconded by DeBoer. Role Call Vote: Kanengieter-No, Lammers- Yes, DeBoer-No, Grabow-No, Dahl-No. Motion failed.

Lastly, discussion on a moratorium for Power Plants was discussed. Brent Moeller, Project Manager for the Toronto Power Plant spoke on the current process. In August of 2025 a permit was filed. He expressed neutral position on the moratorium but noted concerns about impacts to projects already in progress. Discussion on approving the moratorium was had. Many members of the public gave reasons to support the moratorium. Concerns were the region already has sufficient generation capacity and exports excess power, making additional facilities unnecessary, emphasized impacts on nearby homeowners, citing petitions from residents within close proximity and concerns about noise, air quality, property values, overall quality of life, fuel availability and reliability during peak winter conditions, additional infrastructure given existing nearby plants and substations, cumulative industrial development in the area and urged the Commission to adopt additional regulations, including noise standards, and consider a moratorium to allow time for environmental review, ordinance development, and meaningful public input.

Public comment closed and the board discussed. Kanengieter expressed support for a moratorium. DeBoer agreed and motioned. Grabow wanted to include an environmental and community impact study. The board discussed a one-year moratorium to allow time to assess impacts and ensure informed decision-making. DeBoer moved, seconded by Grabow to establish a one-year moratorium on any public power plant, with an environmental and community impact study to be completed. Role Call Vote: Kanengieter-yes, Lammers-Yes, DeBoer-Yes, Grabow-Yes, and Dahl-Yes. Motion carried.

The Board of Planning and Zoning adjourned.

5) Fieber moved, seconded by Rhody to direct Parker to start the moratorium process. Roll Call Vote: Homan-Nay, Mewherter-Nay, Fieber-Yes, Rhody-Yes, Grabow-yes. Motion carried.

Item #4 Gary Hudiburgh

Hudiburgh discussed the congressional appropriations to help benefit this community. The commissioners explained they would like to see finished work for the City of Gary before they implement anything on the county side.

Item #5 at 12:21 PM Executive Session Pursuant to SDCL 1-25-2(3) Contractual Matters

6) Rhody moved, seconded by Homan to move into Executive Session Pursuant to SDCL 1-25-2(3) for Contractual Matters. All voted yes and the motion carried. Grabow declared the Commissioners out of Executive Session at 12:38 PM. No action was taken.

Old Business

7) Rhody moved, seconded by Fieber to approve that each commissioner read the open meeting laws that were handed out in the January 20th meeting. Role call vote was as followed: Homan- Aye, Mewherter-Aye, Fieber- Aye, Rhody-Aye and Grabow-Aye. All voted yes and the motion carried.

8) Fieber moved, seconded by Homan to approve a county cremation #CB26-01. All voted yes and the motion carried.

9) Rhody moved, seconded by Mewherter to approve a county burial. All voted yes and the motion carried.

Discussion on NDAs continued with Grabow stating that no commissioner should enter an NDA. Grabow asked to have a policy created to ensure no commissioner enters an NDA. More discussion on this will be held at another meeting.

10) Homan moved, seconded by Rhody to approve RAIF applications to approve the applications: Goodwin Township 20-0600-1033 total project amount \$21,000.00, Goodwin Township 20-0600-1102 total project amount \$21,000.00, Havana Township 20-0500-1557 & 20-0500-1558 total project amount \$66,000.00, Havana Township 20-0201-1735, 20-0201-1517 & 20-0500-1518 total project amount \$100,000.00, Antelope Valley Township 20-1905-0601 total project amount \$19,018.00, Blom Township 20-0997-2802 total project amount \$41,820.00, Blom Township 20-0893-2597 total project amount \$77,265.00, Portland Township 20-0710-0020 total project amount \$55,750.00. All voted yes and the motion carried.

New Business

11) Fieber moved, seconded by Rhody to approve March 9th as Student Government Day and have a special meeting. All voted yes and motion carried.

Discussion on a local review board was tabled.

Discussion was had on a new county burial process. Parker stated hopefully to have a procedure for next meeting.

12) Homan moved, seconded by Fieber to approve the new policy book. All voted yes and the motion carried.

Approval of Warrants:

13) Fieber moved, seconded by Mewherter to pay warrants as presented. All voted yes and motion carried.

Paid Early: DC SOIL CONSERVATION 12,000.00 SUPPORT FUNDS, DC TREASURER 28.70 TABS FOR VEHICLE, DC TREASURER 28.70 TABS FOR VEHICLE, BECK MOTORS, INC. 45,904.00 SHERIFF'S DEPARTMENT VEHICLE, IBC 80.00 MERP, IBC 80.00 MERP

Warrants: A&B BUSINESS SOLUTIONS 262.39 SUPPLIES, AT&T MOBILITY 336.32 UTILITIES, AUSTIN LAW OFFICE 1499.20 CAA FEES, AUTO VALUE PARTS STORE 76.78 REPAIR, BUTLER MACHINERY CO 656.78 REPAIR & SUPPLIES, CINTAS CORP 172.62 RUGS, CLEAR LAKE BUILDING CENTER 65.17 SUPPLIES, CITY OF CLEAR LAKE 250.89 UTILITIES, CLEAR LAKE COURIER 842.70 RENEWAL, COLE'S PETROLEUM PRODUCTS, INC 5345.51 SUPPLIES, TWOTREES TECHNOLOGIES 2111.45 PROF. SERVICE, COWBOY COUNTRY STORES 720.02 SUPPLIES, ECOLAB PEST ELIMINATION DIV 62.99 PROF FEES, FLEETPRIDE 32.32 REPAIR, FLORALS AND FINDS 60.00 DC BUCKS, GEOTEK ENGINEERING & TESTING 8400.00 PROF FEES, HELSPER, MCCARTY & RASMUSSEN 1358.40 CAA, HILLYARD/SIOUX FALLS 133.78 SUPPLIES, HOLLOWAY BRIDGE & CULVERT, INC 32163.32 BOX CULVERT PROF SERVICE, ISTATE TRUCK CENTER, INC. 319.85 REPAIRS & SUPPLIES, ITC 1397.16 UTILITIES, JOHN DEERE FINANCIAL 716.76 REPAIR, LENSLOCK 11037.00 5 YEAR SERVICE FOR NEW PICKUP, LUNDY'S BAR & GRILL LLC 120.00 DC BUCKS, BLUE TARP FINANCIAL, INC 193.96 SUPPLIES, MACKSTEEL WAREHOUSE, INC. 56.14 SUPPLIES, MACQUEEN GROUP 270.65 SUPPLIES, MENARDS 68.37 SUPPLIES, MICROFILM IMAGING SYSTEMS 90.00 SCANNER RENT, BYRON NOGELMEIER 215.00 JANUARY SCRAM, NATIONAL SHERIFFS' ASSOCIATION 125.00 DUES, NORTHWESTERN ENERGY 2202.11 UTILITIES, OFFICE PEEPS INC 221.20 SUPPLIES, OTTERTAIL POWER CO 89.69 UTILITIES, POWERPLAN OIB 4055.87 REPAIR, RC TECHNOLOGIES 150.00 911 UTILITIES, RICHARD EIDET 12.00 MEAL REIMBURSEMENT, RICHARDSON, WYLY, WISE, 877.00 PROF. FEES, RUNNING'S SUPPLY INC 91.67 SUPPLIES, SANFORD HEALTH 1344.00 BLOOD DRAWS, SD DEPT OF TRANSPORTATION 774.34 PROF FEES, SOUTH DAKOTA DEPT OF REVENUE 143782.56 EOM FEES, SDAAO 225.00 2026 MEMBER FEES, SDACO 100.00 M&P FEES, SD STATE'S ATTORNEYS ASSN 825.60 2026 MEMBER DUES, STAN HOUSTON EQUIPMENT CO, INC 149.00 SUPPLIES, STEVE FROMM 388.57 OVR PMT PROP TAX, TWO WAY SOLUTIONS, INC. 138.93 SUPPLIES, W.W. TIRE SERVICE INC 35.70 REPAIR,

January Payroll

Commissioners \$10,979.19, Election \$130.63, Auditor's Office \$13,016.35, Treasurer's Office \$12,661.14, State's Attorney's Office \$9,204.08, General Government Building \$6,519.99, Director of Equalization Office \$19,533.33, Register of Deeds Office \$9,982.02, Veteran Service Officer \$1,544.29, GIS \$750.34, Sheriff's Dept. \$47,777.01, County Assist \$392.05, 4-H \$0, Extension Office \$4,794.52, Weed & Pest \$2,011.77, Planning & Zoning \$6,084.67, Road & Bridge \$80,874.94, Civil Defense \$428.61

Public Comment

There was no public comment.

Adjournment:

There being no further business 14) Fieber moved, seconded by Grabow to adjourn. All voted yes and the motion carried.

ATTEST:

Courtney Parker, Auditor

Published one time at the approximate cost of

Jay Grabow, Chairman