March 3rd, 2026
Regular Meeting

The Deuel County Commissioners met in regular session on March 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 Mewherter to approve the agenda with addition of Executive Session for Contractual Matters. All voted yes and the motion carried. 2) Rhody moved, seconded by Homan to approve the February Minutes. All voted yes and the motion carried.

Appointments

Item #1 Highway Superintendent Jamie Broksieck

Broksieck presented a quote for half a semi load of crack sealant in the amount of roughly $15,000. 3) Rhody moved, seconded by Fieber to approve the quote of $15,000 for crack sealant. All voted yes and the motion carried. Broksieck presented an expense for pea rock roughly around $91,000 for 32 miles of chip sealing. The county did 40 miles of chip sealing the year prior. The pea rock can come from a variety of places including Brookings, Fischers or Ortonville. 4) Mewherter moved, seconded by Homan to approve the purchase of pea rock in the amount of $91,000. All voted yes and the motion carried.

Broksieck stated he received the opinion for probable cause for 309 stabilization. Banner Associates projected the cost to be $264,762 with the majority of the cost in subbase material and gravel surfacing. We have the gravel and subbase material so that can come off of the quote. Broksieck stated we will bid the project and do the hauling.

Broksieck presented information on the BIG program. There was $75.6 million asked for and only $14 million available. Deuel County had one bridge that received funding out of the two applications submitted. Broksieck stated the lowest point bridget that received funding was 56.4. There was a total of 57 applications submitted and they approved 10. Deuel County received funding for structure 20-008-220 which is in the Hidewood for $1,122,400. Deuel County will submit applications for three bridges this fall. The application that was not approved scored 51.5. It is the steel pony trust bridge 20-153-210. Grabow stated we will have to start considering bid ready plans to increase our points to be approved.

Lake Cochrane Associate suggested speed bumps to be installed around the lake. The association stated they want them up before Memorial Day and down after Labor Day. Broksieck and Borg stated if they want to speed they will. They will just slow down for the bumps and speed up after. Borg stated they do patrol that. Grabow stated if they can put up the flashing speed limit signs that read speed.

Broksieck asked if we are providing dust control for the Crystal Springs Rodeo so he knows how much product to order. Grabow stated from the last meeting with the Rodeo Association they were going to discuss what they wanted done and what they would like us to do and a plan. Grabow asked Parker to reach out and have them on the next meeting.

5) Rhody moved, seconded by Fieber to advertise for bid letting on the week of March 16th and March 23rd. Bids will be opened after 10:00 am on April 7th, 2026. All voted yes and the motion carried.

Item #2 9:30 Joint Meeting with Zoning and Planning Commission- Moratorium

The Zoning and Planning Commission met with the Commission for the Moratorium on Public Power Plants. Zoning Officer Jodi Theisen stated she a rezoning application and a Conditional Use Permit (CUP) application from Missouri River Energy Services on February 19, 2026, for a public and private utilities facility. A joint hearing with the Deuel County

Board of Commissioners is scheduled for March 17, 2026. These applications are not subject to the moratorium, as they were submitted prior to its effective date.

The proposed moratorium would establish a temporary county-wide suspension on new Public Power Plant Facility applications, excluding wind energy conversion systems and solar energy facilities, while the County reviews and develops zoning regulations for such uses. If approved, the moratorium will take effect following the required publication period later this month. She also offered the State's Attorney to answer any questions regarding the effective date and the new application process. The zoning board recommended to the Deuel County Board of Commissioners a one-year moratorium on Public Power Plant Facilities, with an environmental and community impact study to be completed during that time.

The zoning board opened the meeting up for public comment. Frank James supported the one-year moratorium, emphasizing updated zoning ordinances, independent environmental and community studies, and transparency. Criticized the Local Review Committee process for poor public involvement. Sheila Monnier supported the moratorium and submitted signatures from residents. Emphasized that residents have been asking for updated ordinances since January to protect land, water, air quality, and property values. Advocated for independent environmental review and updated ordinances before any new projects are approved. Highlighted confusion among southern county residents due to multiple overlapping energy projects and stressed long-term planning and public involvement. Tony Quail requested denial of MRES's project to allow time for social and environmental studies before construction. Michelle Oftedahl stated that residents are already experiencing impacts from existing energy facilities, particularly noise concerns. She expressed that adding another generator before resolving current issues would worsen cumulative impacts. She supported the moratorium to allow time for independent study, updated ordinances, and stronger enforcement measures. Erik Oftedahl encouraged the board to take time to listen to citizens and implement ordinances before approving new projects. Terry Wolf (Vice President & COO Missouri River Energy) addressed the board regarding prior meetings with MRES, stressing community concerns, proper review, and ongoing engagement. Acknowledged MRES's public outreach and studies emphasized the importance of taking citizen feedback seriously. Wolf explained MRES is community-owned, not-for-profit, and committed to community engagement. Described units as smaller, enclosed, and engineered to reduce noise, with relevant studies publicly available. Affirmed ongoing engagement regardless of moratorium outcome. Chris Monnier questioned the reliability of the sound study and the Local Review Committee process, noting equipment issues and data concerns. He urged the board to update ordinances proactively and consider allowing time for proper regulations before additional energy projects proceed. Kim Harriinga shared that she collected names and signatures from residents across multiple areas, emphasizing community concern and the importance of reviewing the list of supporters. Jo Anne Ovall is worried about industrialization, loss of wide-open spaces, and decreased quality of life. Concerned that pursuit of financial gain is damaging the community. Kris Christianson expressed frustration with Missouri River Energy Services, stating that residents have raised concerns since January and feel their input has not been adequately addressed. Marlin Bjerke called for transparency on economic and environmental impacts, including tax revenue, CO2 emissions, and environmental studies. Emphasized publishing data for community awareness. Sam Froehlke provided technical commentary on sound measurement, emphasizing the complexity of decibels, frequency, and distance in evaluating noise impacts from

generators. Stressed that sound levels depend on many variables and cannot be measured solely by source output. DeBoer closed public comment. The Zoning Board adjourned.

Grabow asked if there's any discussion on the moratorium. 6) Fieber moved, seconded by Rhody, to approve Resolution 26-07 A One-Year Moratorium on Public Power Plant Facilities, with an environmental and community impact study to be completed during that time. Grabow asked if there was a discussion. Mewherter asked if this applies to the Missouri River Energy Services power plant and Grabow replied no. Grabow called for a roll call vote: Homan-nay, Mewherter-nay, Fieber-yay, Rhody-yay, and Grabow-yay.

RESOLUTION NO. [26-07]
A RESOLUTION ESTABLISHING A TEMPORARY COUNTY-WIDE MORATORIUM ON PUBLIC POWER PLANT FACILITIES (EXCLUDING WIND AND SOLAR)

BE IT RESOLVED by the Deuel County Board of Commissioners:

Section 1. Authority and Purpose

- The Board acts under its county zoning powers to protect public health, safety, and welfare.
- The County's zoning ordinance does not currently define or comprehensively regulate public power plant facilities as a distinct use.
- Without clear standards, such facilities may be proposed in multiple districts without guidance on location, scale, infrastructure, or compatibility with surrounding uses.
- These facilities may require substantial supporting infrastructure (including transmission, fuel delivery, water usage, cooling, and related systems) with potential impacts on roads, utilities, natural resources, and neighboring properties.
- The County has received, or anticipates receiving, inquiries or applications for such facilities.
- Additional time is needed to study the use and consider zoning amendments.

Section 2. Definitions

- "Public Power Plant Facilities" means facilities for the generation of electricity for public distribution, including but not limited to coal-fired, natural gas-fired, nuclear, biomass, waste-to-energy, hydroelectric, or other thermal or non-renewable generating stations, together with their on-site appurtenant facilities.
- This definition expressly excludes wind energy conversion systems and solar energy facilities, which are COVERED IN Sections 1215 and 1241 of this ordinance.

Section 3. Moratorium; Scope

- A temporary, county-wide moratorium is imposed on the acceptance, processing, and approval of any new applications, permits, rezonings, conditional uses, variances, plats, building permits, or other approvals that would authorize the

siting, construction, or expansion of Public Power Plant Facilities in any zoning district or non-zoned area of Deuel County.

- This moratorium applies only to applications first submitted on or after the effective date in Section 9.

Section 4. Exemptions
This moratorium does not apply to:

1. Applications that were determined complete by the County prior to the effective date in Section 9;
2. Existing, lawfully established Public Power Plant Facilities; and
3. Routine maintenance, repair, or like-kind replacement of existing facilities that do not expand use, intensity, generating capacity, hours, or physical footprint.

Section 5. Work Plan During Moratorium
During the moratorium, County staff and the Planning Commission will:

- Study the land use, infrastructure, environmental and community impacts of Public Power Plant Facilities;
- Draft zoning text to define and classify the use and to establish development standards (including siting, setbacks, buffering, noise, emissions, water usage, traffic, and transmission infrastructure) and application/review procedures; and
- Present recommended ordinance amendments to the Board.

Section 6. Public Hearings and Notice

- The Planning Commission shall hold at least one public hearing on proposed ordinance amendments, after publishing notice of the time and place at least ten (10) days in advance in a legal newspaper of the County.
- After receiving the Planning Commission's recommendation, the Board shall hold its own public hearing on the proposed ordinance amendments, after publishing notice of the time and place at least ten (10) days in advance in a legal newspaper of the County.

Section 7. Duration; Renewal

- The moratorium remains in effect for one (1) year from its effective date.
- The Board may renew the moratorium once, for up to one (1) additional year, only by following the same notice and hearing procedures set out in this Resolution.

Section 8. No Vested Rights
Nothing in this Resolution creates any vested right or entitlement to approval of any application subject to this moratorium.
Section 9. Effective Date and Publication

- Following adoption, the County Auditor shall publish notice of this Resolution once in a legal newspaper of the County.
- This Resolution takes effect on the twentieth (20th) day after publication.

ADOPTED by the Deuel County Board of Commissioners this 3rd day of March, 2026.
ATTEST:

Chair, Deuel County Board of Commissioners

Deuel County Auditor

Item #3 9:45 Joint Meeting with Zoning and Planning Commission- Amendment

Theisen read the 1st Reading of B2022-01-11 as amended.

ORDINANCE NO. B2022-01-11

#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, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTERS 11-2, 1967 SDCL, AND AMENDMENTS THEREOF, AND FOR THE REPEAL OF ALL RESOLUTIONS AND ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED by the Board of County Commissioners of Deuel County, South Dakota: that Article XII, "General Requirements," adopted by Ordinance B2022-01, as amended, of the Zoning Ordinance of Deuel County be amended by adding language in bold and underline and removing strikeout language:

Section 1248. Essential Services;

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 the South Dakota State Statutes and any other agency of federal or state government with the authority to regulate Essential Services;

Section 1248.03. General Provisions.

1. Setback Requirements

a. 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 the base diameter of 25 feet or wing spang of 30 feet.

b. Exception: The Board of Adjustment may allow a reduction or waiver of this setback when the applicant obtains the written consent of the owner(s) of the inhabited residence(s) located within the required setback distance.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Deuel County, South Dakota: that Article XI, "Zoning Districts," Section 1101 "A" Agricultural District, Section 1101.04 Conditional Uses, adopted by Ordinance B2022-01, as amended, of the Zoning Ordinance of Deuel County be amended by by adding language in bold and underline language:

12. Essential service~~;~~ **provided they meet the requirements of Section 1248;**

This ordinance shall become effective upon the date of publication of this notice in the official newspaper, thereby repealing all ordinances or parts thereof in conflict herewith unless a referendum in timely involved prior thereto.

1st Reading: March 3, 2026
2nd Reading: March 17, 2026
Adopted: March 17, 2026
Published: March 25, 2026
Effective: April 14, 2026

Suggestions were given to the board via email from Lisa Agrimonti, on Xcel Energy and Otter Tail Power Company. Some concerns being: 1- Didn't define where it was measured from, 2- what is the cut off for inhabited residence, and 3- safety concerns of the waiver landowners. Rhody gave input on the waiver setback of 125% of the tower, 2000 will measure from house to base, inhabited residence means a dwelling that is occupied prior to the developer's submission of a facility permit to the SDPUC or developers submission of a CUP application to the county. 7) Fieber moved, seconded by Rhody to approve adding in the ordinance of B2022-01-11, 1- 125% setback for 2000-foot setback waiver landowners, 2- inhabited residence definition and 3- where the 2000-foot set back measurement is from. The first reading of B2022-01-11 as amended will be on April 7th at 9:45 AM. All voted yes.

Item #4 Sheriff Cory Borg

Borg presented an add-on with Lens Lock and Code 4 to the camera software that we currently have to help in report writing. This add-on would save 70% of time writing reports, which in turn would put our deputies back on the road faster. Deputies would still go through the report to ensure accuracy. Two deputies have been testing the program and like the software so far. The software add on is $3,600 a year for all six full-time employees. This software transcribes everything from the video and puts it into writing. 8) Homan moved, seconded by Rhody to approve the add-on software in the amount of $3,600. All voted yes and the motion carried.

Borg gave a brief description on a Homeland Security Grant he applied for which is usually a 100% grant. The grant is worth $20,000 for two clear units that would be attached to patrol cars. This would be attached to a spotlight on the car where they can move it around where necessary, while the screen would be in the patrol car. This can be used in fires, missing suspects, etc.

Item #5 9:21 AM Executive Session pursuant to SDCL 1-25-2(3) Contractual Matters

9) Fieber moved, seconded by Rhody 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 9:23 AM. No action was taken.

Approval of Warrants:

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

Paid Early: IBC 120.00 MERP Employee Claims, IBC 120.00 MERP Employee Claims, IBC 750.00 MERP Employee Claims, US Postmaster 3,500.00 Add Funds to Machine, IBC 244.29 MERP Employee Claims, IBC 40.00 MERP Employee Claims

Warrants: A&B BUSINESS SOLUTIONS 554.33 SUPPLIES, AMERICAN SOLUTION FOR BUSINESS 560.93 SUPPLIES, AT&T MOBILITY 683.74 UTILITIES, BJERKE SANITATION 240.00 GARBAGE, BRIAN HAUGER 42.50 OVR PAYMENT TITLE REG, CHARLES VLAMINCK 40.83 OP REGISTRATION FEES, CINTAS CORP 172.62 RUGS, CITY OF CLEAR LAKE 307.21 UTILITIES, CLEAR LAKE COURIER 2296.83 PUBLICATIONS/SUPPLIES, DEUBROOK COMMUNITY LIBRARY 1000.00 ANNUAL SUPPORT FUNDS, FASTENAL COMPANY 2.60 SUPPLIES, GOODWIN SENIOR CITIZEN CENTER 200.00 ANNUAL SUPPORT FUNDS, HEIMAN INC 356.00 FIRE EXTINGUISHERS, HELSPER, MCCARTY & RASMUSSEN 504.30 CAA, J WIEBER CONSTRUCTION 33.17 OVR PMT TITLE & REG, CRAIG MAGEDANZ 777.70 CONFERENCE REIMB, MENARDS 45.94 SUPPLIES, MICROFILM IMAGING SYSTEMS 90.00 SCANNER, BYRON NOGELMEIER 280.00 FEB SCRAM, NOVO SOLUTIONS, INC. 10402.00 SOFTWARE ANNUAL FEE, NORTHWESTERN ENERGY 2050.84 UTILITIES, OTTERTAIL POWER CO 82.92 UTILITES, PIZZA & BURGER SHACK 20.00 DC BUCKS REIMB, POWERPLAN OIB 111.27 REPAIR, RC TECHNOLOGIES 150.00 911 UTILITIES, RICHARDSON, WYLY, WISE, 1560.50 CAA PROF SERVICE, SCANDINAVIA TOWNSHIP 22474.00 RAIF REIMB., SD DEPT OF TRANSPORTATION 2963.59 FUEL SUPPLIES, SOUTH DAKOTA DEPT OF REVENUE 116423.34 EOM FEES, SDACC 2597.00 CLERP 1ST QTR FUNDS, SDACO 430.65 DUES, SD PUBLIC ASSURANCE ALLIANCE 745.76 PICKUP LIAB INS., STREICHER'S 469.99 CLOTHING, TRAFFIC & PARKING CONTROL CO 412.38 STOP SIGN REPAIR, TRANSOURCE TRUCK & EQUIP INC 76783.62 REPAIR,

Public Comment

Chris Monnier asked what if the powerline itself goes over homes. Rogers stated they are still developing the volume and engineering where to put the towers. Monnier asked why can't it be from a shop or shed on your property? Rhody stated it was a good point. Grabow stated he doesn't know how we can control every shed.

Adjournment:

There being no further business 11) Mewherter moved, seconded by Homan to adjourn. All voted yes and the motion carried.

ATTEST:

_____ _____

Courtney Parker, Auditor Jay Grabow, Chairman

Published one time at the approximate cost of