

November 15, 2022  
Regular Meeting

The Deuel County Commissioners met in regular session on Tuesday, November 15 at 9:00 a.m. in the Commission Room of the Courthouse with Chairman Homan presiding. Those present were Commissioners Gary DeJong, Steve Rhody, Roger Kreutner, Gary Jaeger and Judith Homan. Also present was Auditor Pam Lynde. The meeting began with prayer and the Pledge of Allegiance and was then called to order.

**Approval of Agenda**

1)DeJong moved, seconded by Kreutner to approve the agenda as presented. 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. 2) Rhody moved, seconded by Kreutner to approve change order for Duininck Inc project Deuel County Highway 312 and Goodwin Chicago Ave asphalt concrete overlay original contract price of \$1,264,370 to \$1,172,611.25. All voted yes and motion carried. 3) Jaeger moved, seconded by Rhody to approve and issue right of way occupancy permit to Sioux Rural Water for easement between county roads #313 and #298 in sections 32 & 34 township 115-50. All voted yes and motion carried. Trees are cleaned up out of right of ways on county roads; FEMA getting wrapped up; Milling is done on two miles of county road damaged by wind project. He talked about the possibility of purchasing a tree grinder; mulches grinds trees and stumps; may also need to purchase another truck off the state bid list.

**9:15 Recess to Attend Visitation for Patti Ruby wife of Employee Scott Ruby**

**9:55 Reconvene**

**10:00 Public Hearing and Second Reading of Ordinance B2022-01 with Amendment**

The Commission Chair stated that a Planning Commission amendment made at the September 28, 2022 joint public hearing to the proposed Ordinance B2022-01, An Ordinance Amending Ordinance B2004-01, 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 will be heard. Homan then opened the public hearing and asked for a motion and second to approve Ordinance #B2022-01, as amended by the Commissioners. 4) Rhody moved, seconded by Jaeger to adopt Ordinance #B2022-01 as amended.

Several members of the public attended the hearing.

Todd Kayes of First District Association of Local Governments provided parliamentarian and staff support to the County Commissioners. Kayes said the Planning Commission started in Sept. of 2020 having meetings to look over and propose updates to the zoning ordinance; Sept. 28 a joint meeting with Planning Commission and Commissioners was held to discuss changes; The Planning Commission recommended to the Commissioners approval of Ordinance B2022-01 with amendment to eliminate private camp grounds in the Lake Park District at Lake Cochrane; The commissioners then held the first reading of Ordinance #B2022-01 by title with notice to hold a public hearing and second reading on the amendment to original motion Nov. 15, 2022; comments only on the amendment can be made; only Lake Park; Commissioners may add

additional amendments; may add consideration; will need to have another public hearing if additional amendments are made; two issues brought up; adding cultivation of medical cannabis to ordinance and inadvertent errors in ordinance; public hearings on these issues have been advertised and scheduled for November 28 at 10:00 a.m. and 10:15 a.m.; if Ordinance #B2022-01 is adopted as proposed then will become effective 20<sup>th</sup> of December.

Public Hearing on amendment;

Dan Litchfield – representing Invenergy asked to speak on the inadvertent errors in the ordinance but because the hearing was on the amendment could not be heard;

Matt Holden who lives at Lake Cochrane Dr W was representing Lake Cochrane Association and asked the Commissioners to approve Ordinance as amended, not allowing private campgrounds at Lake Cochrane.

As there were no other comments Chair Homan closed the public hearing. The Commissioners then discussed the Ordinance as amended and felt that Ordinance #B2022-01 should be adopted with amendment. Chair Homan then asked Todd Kayes to restate the motion with amendment-second reading was held. Homan then called the roll; Rhody – yes; Jaeger – yes; DeJong – yes; Kreutner – yes; Homan – yes. Motion carried.

Resolution #22-37

ORDINANCE #B2022-01 AN ORDINANCE AMENDING ORDINANCE B2004-01, 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 THEREWITH.

WHEREAS, the Deuel County, South Dakota, Board of County Commissioners, hereinafter referred to as the Board of County Commissioners, deems it necessary, for the purpose of promoting the health, safety, and the general welfare of the County, to enact a zoning regulation and to provide for its administration, and

WHEREAS, the Board of County Commissioners have appointed a County Planning Commission, hereinafter referred to as the Planning Commission, to recommend the district boundaries and to recommend appropriate regulations to be enforced therein, and

WHEREAS, the Planning Commission has divided Deuel County into districts, and has established by reference to maps the boundaries of said districts for administration and interpretation; has provided for definitions and for amendments to this regulation; has provided for the enforcement; prescribed penalties for violation of provisions; has provided for building permits within the districts; has provided for invalidity of a part and for repeal of regulation in conflict herewith; and has prepared regulations pertaining to such districts in accordance with the county comprehensive plan and with the purpose to protect the tax base, to guide the physical development of the county, to encourage the distribution of population or mode of land utilization that will facilitate the economical and adequate provisions of transportation, roads, water supply, drainage, sanitation, education, recreation, or other public requirements, to conserve and develop natural resources, and

WHEREAS, the Planning Commission has given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, and

WHEREAS, the Planning Commission has given due public notice to a hearing and has held such public hearing and has made a preliminary report and submitted it to the Board of County Commissioners, and

WHEREAS, the Board of County Commissioners has given due public notice to a hearing relating to zoning districts, regulations, and restrictions, and has held such public hearings, and

WHEREAS, all requirements of SDCL 11-2, 1967, with regard to the preparation of this ordinance and subsequent action of the Board of County Commissioners, has been met, and

WHEREAS, copies of said zoning ordinance and zoning map have been filed with the Deuel County Auditor for public inspection and review during regular business hours, and

WHEREAS, all ordinances or parts of ordinances in conflict herewith are hereby expressly repealed;

THEREFORE BE IT RESOLVED that the Deuel County Zoning Ordinance is hereby adopted by the Board of County Commissioners, Deuel County, South Dakota.  
Adopted this 15<sup>th</sup> Day of November, 2022

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Chair, Deuel County Board of County Commissioners  
ATTEST:

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Deuel County Auditor

**10:30 Al Schoenfeld-4-H Leaders Association**

Schoenfeld, representing the 4-H Leaders Association, met with the Commissioners to discuss the livestock pens at the fairgrounds. He had secured quotes to purchase new swine pens; portable pens \$14,000 project and would be on far west and middle two rows of livestock area at fairgrounds; 5x8 pens; they have raised over \$8,000 towards the project and parents and 4-H members are willing to take out and put in new pens. He requested funding from the County in the amount of \$5,000 towards this project. He said they should have the panels by May. 5) DeJong moved, seconded by Kreutner to approve granting 4-H Leaders Association \$5,000 towards the livestock pens at the fairgrounds which would come out of the 2023 budget. All voted yes and motion carried.

**11:00 Sheriff Cory Borg**

Borg met with the Commissioners to discuss several items. He received several quotes to refurbish the 2009 Tahoe. Fritz Chevy \$23,000; Grease Monkey Trucks \$15,700; Dyna Tune Watertown \$17,900. 6) DeJong moved, seconded by Kreutner to accept quote of Dyna Tune in the amount of \$17,900 to refurbish the Tahoe. Those voting in favor of were Jaeger, Rhody, DeJong and Kreutner. Homan voted no. Motion carried.

7) Rhody moved, seconded by Kreutner to approve the police contract with the town of Toronto beginning Jan. 1 of 2023 to Dec. 31, 2023. All voted yes and motion carried.

**11:25 Executive Session Pursuant to SDCL 1-25-2(1) Personnel Matter**

8) Jaeger moved, seconded by DeJong to move into Executive Session to discuss personnel issue. All voted yes and motion carried. Chair Homan declared the Commission out of Executive Session at 11:25.

9) DeJong moved, seconded by Homan to hire Matt Nueter as deputy sheriff at step four grade two at 20.70 hr. as of Nov. 28. All voted yes and motion carried. Cory Kellen will be coming back to work the end of November.

**11:30 Codi Krause-Clear Lake Area Development Fundraiser**

Krause and Sarah Salzer met with the Commissioners to discuss a fundraiser for Clear Lake Area Development. Krause said they have been discussing how to raise money for future growth of the County and community projects. They will be raising funds with a chase the Ace project that will be located at local businesses with weekly drawings starting Dec. 5 with 40% of pool going to the winner if draws the ace and 40% going to Deuel County Community projects. They discussed the possibility of building an indoor insulated arena at 4-H grounds; possible uses for the arena would be trade shows; Deuel County 4-H County Fair Achievement days; indoor riding arena; 4-H facility building; shooting sports; proposed building would be 120x300; Krause said the estimated cost would be around a million. Project is in the early discussion stage.

**NEW BUSINESS**

**Surplus Computer, MOU with SDSU Extension, Transfer from Contingency, Health Insurance 2023, County Burial**

10) Rhody moved, seconded by DeJong to surplus Compaq Computer SNMXV82911HV from Extension Office no value. All voted yes and motion carried. A laptop computer will be purchased to replace the Compaq.

11) DeJong moved, seconded by Jaeger to approve and sign Memorandum of Understanding between SDSU Extension and Deuel County for 2023 which includes partial salary support of the 4-H Advisor in the amount of \$10,884.79 which reflects the 4-H Youth Program Advisor's .47 FTE appointment in Deuel County. All voted yes and motion carried.

12) Kreutner moved, seconded by Rhody to transfer from contingency to following accounts: Economic Development 101-712-429 \$62.00; Revolving Loan Int. 240-712-441 \$75.00. All voted yes and motion carried.

The County will renew health insurance with Sanford Health Plan, Simplicity Gold \$1500 deductible. Discussion was held on reimbursing deductible and paying a portion of the family. 13) Kreutner moved, seconded by Jaeger to reimburse employee \$750 for deductible if used, through the Auditor's Office and pay single plus 25% of remainder for Family, EE plus child or EE plus 1. All voted yes and motion carried.

14) Rhody moved, seconded by Jaeger to approve County Assistance #22-02 County Burial. All voted yes and motion carried.

**Apply for LATCF Funds, Contract with First District for Hazardous Materials Plan, Travel**

The County has been notified they are eligible to apply for the Local Assistance and Tribal Consistency Funds for eligible revenue sharing counties. The American Rescue Plan appropriated \$2 billion to US Treasury to provide payments to revenue sharing counties and Tribal governments for use on any governmental purpose. Deuel County is eligible for \$50,000.

15) Jaeger moved, seconded by Rhody to apply for LATCF funds for 22 and 23. All voted yes and motion carried.

16) Kreutner moved, seconded by DeJong to approve and sign the contract between Deuel County and First District Association of Local Governments for the development of the Hazardous Materials Plan for \$5000 with HMGP grant funds covering \$4000 and addition \$1000 paid with a portion of Deuel County's 2023 annual dues to the First District. All voted yes and motion carried.

17) Rhody moved, seconded by Kreutner to approve the travel request of Emergency Manager to attend training January 9-12 for IMAT training. All voted yes and motion carried.

**Plats and Resolutions**

18) Rhody moved, seconded by Jaeger to approve Plat and Resolution of Jongeling Addition in the S1/2 of SE1/4 of 28-113-49. All voted yes and motion carried.

**RESOLUTION**

**#22-38**

BE IT RESOLVED by the Board of County Commissioners of Deuel County, South Dakota, that the plat entitled: "**Jongeling Addition located in the South Half of the Southeast Quarter of Section 28, Township 113 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 15th day of November, 2022

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Chairman, Board of County Commissioners  
Deuel County, South Dakota

ATTEST:

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County Auditor,  
Deuel County, South Dakota

19) Kreutner moved, seconded by DeJong to approve Plat and Resolution of Streich Addition in the NW1/4 of 26-115-50. All voted yes and motion carried.

**RESOLUTION**

**#22-39**

BE IT RESOLVED by the Board of County Commissioners of Deuel County, South Dakota, that the plat entitled: "**Streich Addition located in the Northwest Quarter of Section 26, 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 15th day of November, 2022

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Chairman, Board of County Commissioners  
Deuel County, South Dakota

ATTEST:

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County Auditor,  
Deuel County, South Dakota

20) Jaeger moved, seconded by Rhody to approve Plat and Resolution of Hanten Addition in the SW1/4 of 5-116-50. All voted yes and motion carried.

**RESOLUTION**

**#22-40**

BE IT RESOLVED by the Board of County Commissioners of Deuel County, South Dakota, that the plat entitled: **“Hanten Addition located in the Southwest Quarter of Section 5, Township 116 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 15th day of November, 2022

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Chairman, Board of County Commissioners  
Deuel County, South Dakota

ATTEST:

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County Auditor,  
Deuel County, South Dakota

21) DeJong moved, seconded by Jaeger to approve Plat and Resolution of Weisel Addition in the S1/2 of 2-117-49. All voted yes and motion carried.

**RESOLUTION**

**#22-41**

BE IT RESOLVED by the Board of County Commissioners of Deuel County, South Dakota, that the plat entitled: **“Weisel Addition located in the South Half of Section 2, Township 117 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 15th day of November, 2022

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Deuel County, South Dakota

ATTEST:

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County Auditor,  
Deuel County, South Dakota

**Public Comments**

There were no other public comments.

**Warrants**

22) DeJong moved, seconded by Rhody to approve warrants paid early and those presented. All voted yes and motion carried. Paid early: AT&T 240.24 Utilities, FedEx 16.35, Green, Roby, Oviatt 110.00 CAA Fees, Health Equity 10.00 Flex, SD Dept of Revenue 24.24 Excise Tax, Health Equity 25.00 Flex Run; Taxes: Schools 1.630,985.92, Towns 219,339.60, Townships 136,806.36, EDWD 6.588.81, Rural Fire 31,495.63, Upper Deer 11.65, SDACO 122.00 M&P Due to State SD Dept of Revenue 97,436.57, Brookings Deuel Rural Water 129.80 Utilities, Century Link 358.79 Utilities, City Of Clear Lake 164.72 Utilities, Codington County Auditor 3158.92 Prisoner Care, Cowboy Country Stores 40.80 Supplies, Duininck, Inc 63708.88 Overlay, First Bank & Trust 2450.39 Credit Card for Equip/Supplies/Services/Repair, Fritz Chevrolet 666.22 Repairs/Maint, H-D Electric Coop 628.14 Utilities, ITC 2130.30 Phones/Internet, Northwestern Energy 11.60 Utilities, Ottetail Power Co 1166.10 Utilities, Pheasantland Industries 194.00 Supplies, RC Technologies 150.00 Utilities, Sanford Clinic 6211.10 Nurse Contract for Two Months, Tri State Water Inc 28.74 Water Hwy Shop.

There being no further business DeJong moved, seconded by Rhody to adjourn. All voted in favor of.

Pam Lynde, County Auditor

Judith Homan, Chairman

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