

The Deuel County Commissioners met in regular session on Tuesday, November 17<sup>th</sup> at 9:00 a.m. in the Commission Room of the Courthouse with Chairman Jaeger presiding. Those present were Commissioners Jaeger, Kreutner, Homan, and DeJong. Commissioner Rhody was present by the Zoom platform. Also present was Auditor Korth. Because of the Zoom platform, Chairman Jaeger requested all motions be made on roll call vote. The meeting began with prayer and the Pledge of Allegiance.

**Approval of Agenda**

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

**APPOINTMENTS**

**9:00 Jamie Broksieck Highway Superintendent**

**Supplemental Budget Hearing**

The scheduled supplemental budget hearing was held with no one attending the hearing. 2) Rhody moved, seconded by DeJong to approve Resolution #20-39 A Resolution Supplementing Appropriations for Deuel County, South Dakota for the Year 2020. Roll call vote, all yes and motion carried.

**RESOLUTION #20-39**

**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
201 311	411.00	Road & Bridge Fund Salaries	\$25,000
201 311	422.00	Road & Bridge Fund Pro Service & Fee	\$75,000
201 311	429.00	Road & Bridge Fund Contract Work	\$800,000

MEANS OF FINANCE:

201	101	Road & Bridge Fund Cash	\$900,000
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NOTICE IS FURTHER GIVEN THAT: Any person or his attorney interested in the adoption or rejection of this supplemental appropriation may appear and be heard.

Dated this 17<sup>th</sup> day of November, 2020.

Attest:

\_\_\_\_\_  
Mary Korth, County Auditor

By: \_\_\_\_\_  
Gary Jaeger, Chairman

Discussion was held concerning the Women's Exhibit Building at the 4-H Fairgrounds which is in a state of disrepair. The Highway Department could dismantle it. The Board thought it best to advertise for bids for anyone looking for lumber to tear down themselves. A notice will be published after review.

3) Rhody moved, seconded by Homan to approve the cell phone stipend of \$50.00 per month for Highway Superintendent Jamie Broksieck and to remove the stipend of \$50.00 amount from Jamie Hintz's cell phone. Roll call vote, all yes and motion carried.

**9:30 Emergency Manager Sheila Monnier**

Monnier met with the Commissioners to give them updates. She reminded the commissioners about the upcoming LEPC meeting. She reported on the mass Covid testing in Watertown that she observed. There was good turn-out from different areas. She reported on some numbers with the nursing home which has zero cases at the moment and the school which is maintaining a low number as well. There will be an upcoming press release on Covid precautions for the community with the upcoming holiday season. She also updated the Board on her upcoming virtual meetings.

**9:45 Northwestern Energy Representative Robert Gehm (postponed to 10:30)**

Gehm met with the commissioners with Application for Permission to Construct, Lay, Maintain and Operate Natural Gas Pipelines and Mains in and Along the Right-of-way of the Public Highways of Deuel County, SD. This franchise agreement lasts 20 years. 4) DeJong moved, seconded by Rhody to approve the application and sign Resolution #20-38 in accordance with the franchise renewal. Roll call vote, all yes and motion carried.

**RESOLUTION AND RECITALS #20-38**

I.

WHEREAS, **NorthWestern Corporation, a Delaware Corporation, d/b/a NorthWestern Energy (NorthWestern)**, has filed an application with the Deuel County Board of Commissioners pursuant to SDCL Section 7-8-23 on \_\_\_\_\_ November 17, 2020, seeking the right to construct, lay, maintain and operate natural gas pipelines and mains along the county highways located in Deuel County, South Dakota.

II.

WHEREAS, the Deuel County Board of Commissioners has the jurisdiction and authority to grant the application of **NorthWestern** as set forth in paragraph I above, subject to such conditions as it may desire to impose.

THEREFORE, BE IT RESOLVED by the Deuel County Board of Commissioners as follows:

1. That the application of **Northwestern** dated October 7, 2020, for permission to construct, lay, maintain and operate natural gas pipelines and mains on and along Deuel County Roads is granted subject to the conditions set forth herein.
2. That this grant is for a period of twenty (20) years from and after November 17, 2020, or as may be extended by the Deuel County Board of Commissioners in writing at a subsequent date.

3. That as consideration for this grant, **NorthWestern** agrees to indemnify and hold harmless Deuel County, its officers and employees from any and all liability, damages, claims, demands or otherwise, whether the same is based on contract or otherwise in law or in equity associated with the design, construction, installation, laying, operating, inspecting, repairing, maintaining, replacing and removing of pipes, mains, valves and all other devices used in connection with the operation of its natural gas pipeline located pursuant to this grant, except such liability, damages, claims or demands which arise as a result of the negligence of the county, its officers, employees or agents.
4. That as additional consideration for this grant, **NorthWestern** agrees to restore, at its expense, the affected areas in as good condition as before said work was commenced and replace any structures affected, i.e. culverts and signs; and if the county road should be rebuilt or construction and maintenance of the county road requires the removal or relocation of the pipeline, it shall be solely at the expense of **NorthWestern**.
5. That the rights and conditions by this grant shall be binding upon the successors and assigns of **NorthWestern**.
6. This grant shall further be subject to all rules and regulations as are prescribed by the State of South Dakota relating to the construction, operation and maintenance of gas pipelines and mains.
7. That this grant shall not be effective until execution of the acceptance of the conditions set forth below by **NorthWestern**.

Dated this 17<sup>th</sup> day of November, 2020.

**DEUEL COUNTY**  
**BOARD OF COMMISSIONERS**

By \_\_\_\_\_  
Chairman, Board of County Commissioners

ATTEST:

\_\_\_\_\_  
Mary Korth, County Auditor

The foregoing resolution was made by Commissioner DeJong and seconded by Commissioner Rhody, and upon a vote being taken thereon:

The following voted yea: DeJong, Rhody, Homan, Kreutner and Jaeger

The following voted nay: None

Whereupon the Chairman declared the resolution adopted.

### **10:15 Sheriff Cory Borg (moved up to 10:00)**

Borg met with the commissioners to discuss several items. He received a grant to purchase a drone for the Sheriff's Office. This would be available for Search & Rescue and fire-fighting purposes. 5) Kreutner moved, seconded by DeJong to approve the purchase of a drone for the Sheriff's Office in the amount of \$4299.00 from TC Energy reimbursable with grant funds. The drone would be used for search and rescue and fire-fighting purposes only. Roll call vote, all yes and motion carried.

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

6) Homan moved, seconded by Kreutner to move into Executive Session pursuant to SDCL 1-25-2(1) for the purpose of a personnel matter. Roll call vote, all yes and motion carried. Chairman Jaeger declared the Commissioners out of Executive Session at 10:33 a.m.

### **10:45 State's Attorney John Knight**

#### **OLD BUSINESS**

Knight met with the Board concerning the easement with DeBoer Construction at the property of the County West Building. Mark Hayes for DeBoer Construction said there was no agreement for this easement. The SDDOT does not allow a total of three approaches that close together. Hayes proposed a plan to eliminate the approach (driveway) in the middle and not have an easement. The County would retain their own driveway (farthest east) and DeBoer Construction would make a new approach location (farthest west). Both driveways are positioned on property lines and both should essentially be corrected. Hayes suggested moving the county's driveway more to the center fully onto the property owned by the County which would improve parking space. DeBoer Construction would perform the work at no cost to the County. Commissioner DeJong wants a drawing on what the final project would look like. Hayes will meet with commissioners on location to describe work. State's Attorney Knight will draw up agreements and look into property lines and title search.

The final draft for the Deuel County Facility and Event Space Rental Agreement was presented for approval. Chairman Jaeger had spoken with Will Kruse of Deuel Shooting Sports and agreed rather than a rental amount, Shooting Sports would make a donation to the County for use of the building. Shooting Sports might not be using the building this year because of the pandemic. Public utilization of the building would vary the rental fee. 7) Homan moved, seconded by DeJong to sign the proposed general rental agreement with Deuel Shooting Sports for use of the County West Building (new Extension Building) facilities. Roll call vote, all yes and motion carried.

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

8) Rhody moved, seconded by DeJong to move into Executive Session pursuant to SDCL 1-25-2(1) for the purpose of a personnel matter. Roll call vote, all yes and motion carried. Chairman Jaeger declared the Commissioners out of Executive Session at 11:45 a.m.

Extensive discussion was held with Department Heads and interested employees about probationary wages not given in the past. Sheriff Borg handed out further information on each employee for the Board and State's Attorney Knight to review. Knight suggests we get an outside opinion to determine the County's legal obligation. Inconsistencies have been proven within raises for all different situations. The Board will make a decision on probationary raises at the December 1<sup>st</sup> meeting.

### **NEW BUSINESS**

#### **Laptops**

9) Rhody moved, seconded by Jaeger to approve the purchase of a new laptop for Zoning Officer Jodi Theisen from Connecting Point in the amount of \$1319.00. This will come from the 2020 IT/Computers budget. Roll call vote, all yes and motion carried.

10) DeJong moved, seconded by Homan to approve the purchase of a laptop for the Extension Secretary in the amount of \$699.99 from Office Peeps Inc. of Watertown. This cancels the previous order for a laptop for Extension from Connecting Point which was at a higher cost. Roll call vote, all yes and motion carried.

### **Tax Abatements**

Three properties were presented to the Board for tax abatement as all three missed the April 1<sup>st</sup> deadline in 2020 but otherwise qualify for the real property tax assessment freeze provided under SDCL 10-6A-4. This is the Elderly Assessment Freeze for 2020 payable 2021 assessment year. Tax statements have not been printed therefore the Board was not comfortable in approving the abatements of the difference. The Treasurer will present the requests after 2021 tax bills have been printed.

The Town of Toronto has three parcels that should be tax exempt due to the Town now owning the property. These are 2019 taxes due and payable 2020. 11) Rhody moved, seconded by Kreutner to abate all taxes and special assessments for the year 2019 payable 2020 on Lots 11-12-13-14 Blk 4, Original Plat, Town of Toronto (record #4810) in the amount of \$872.68; AND S200' N200' S1280' W100' E390' Less RR Row in SE1/4 24-113-49 (Lying West of Blk 4), Original Plat, Town of Toronto (record #5022) in the amount of \$15.09; AND Lot 8 Blk 8, Original Plat, Town of Toronto (record #4836) in the amount of \$102.84 – all due to the current owner's tax exempt status which is The Town of Toronto. Roll call vote, all yes and motion carried.

### **Liquor License Renewal Stateline Bar & Grill 2021**

The 2021 liquor license renewal application of Stateline Bar and Grill was presented. 12) Homan moved, seconded by Kreutner to approve the on-sale liquor license renewal application for 2021 of State Line Bar & Grill Inc located in Cook's Point Addition in the NE4SE4 of 4-114-47 including Sunday sales. Roll call vote, all yes and motion carried.

### **Warrants**

13) DeJong moved, seconded by Homan to approve warrants paid early and approval of regular warrants to be paid. Roll call vote, all yes and motion carried. *Warrants to* B-D Rural Water 56.00 Utilities, Century Link 358.79 Utilities, H-D Electric 303.34 Utilities, ITC 1007.92 Utilities, Byron Nogelmeier 65.00 24/7 Fees, Torrey Kolden 138.33 Overpayment Taxes, Michael Corothers 308.45 Tax Refund, DC Treasurer 824.20 Tax Account, Brandt Senior Citizens 200.00 Support, Clear Lake Senior Citizens 200.00 Support, Goodwin Senior Citizens 200.00 Support, General Election Poll Workers 8324.66 Election/School/Travel, Scottie Hagen 50.00 Resolution Board, Steve Harford 50.00 Resolution Board, Sanford 113.58 Flex Fees, SDDOT 746.23 Pavement Marking, SD DOR 4.35 Excise Tax, SDACO 326.00 M&P, SD DOR 100,636.26 Fees Due to State. *Taxes:* Schools 1,965,153.17, Towns 191,088.24, Townships 149,769.48, EDWDD 7509.12, Rural Fire 34,013.82.

### **Adjournment**

There being no further business 14) Homan moved, seconded by Kreutner to adjourn the meeting. Roll call vote, all yes and motion carried.

Gary Jaeger, Chairman  
Deuel County Commission

ATTEST:

Mary Korth, Auditor

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