

October 22, 2019  
Regular Meeting

The Deuel County Commissioners met in regular session on Tuesday, October 22<sup>nd</sup> at 9:00 a.m. in the Commission Room of the Courthouse with Chairman Rhody presiding. Those present were Commissioners Rhody, Kreutner, Homan and Jaeger. Absent was Commissioner DeJong. Also present was Auditor Mary Korth and members of the public. The meeting began with prayer and the Pledge of Allegiance.

**Approval of Agenda** 1) Jaeger moved, seconded by Homan to approve the agenda as presented. All voted yes and the motion carried.

### **APPOINTMENTS**

#### **9:00 Jamie Hintz Highway Superintendent**

Hintz presented a Road Use Agreement with Deuel Harvest Wind Energy LLC. Present for Deuel Harvest Wind Energy LLC was Michael Svedeman. This agreement is a combination of the County's standard agreement and the agreement proposed by Deuel Harvest Wind Energy LLC. Hintz also presented a map of what roads he recommends for use. Townships affected are Glenwood, Lowe, Herrick, Altamont, and Portland. Discussion was held between Hintz and Svedeman on which are the best routes. The map presented will likely have changes in the future. Hintz expressed concerns if the route is deviated accidentally. Svedeman stated the agreement will be followed and repairs will be at Deuel Harvest Wind Energy LLC expense. Hintz was pleased with the agreement as long as the roads are restored to original condition following evaluation. Hintz will provide the final evaluation as what is in the agreement shows a baseline. Deuel Harvest Wind Energy LLC will restore the roads to original condition or better after use. It outlines responsibilities of all parties. The structures and culverts affected will also be covered for damages per the agreement. Hintz was concerned about the repairs being done with the "labor wage rate". Svedeman stated they will have a contractor in place for repairs, equipment, labor and material. Commissioner Kreutner was concerned about a particular bridge that is on the route. Svedeman has evaluated the current condition of the structure and has determined full replacement may or may not be necessary. Hintz said that particular bridge is scheduled to be replaced next summer. A new map may be devised because of any concerns after future discussion. Township Officer Calvin Musch was present for the meeting and had concerns about future construction on Hwy. 15 and how this will affect detours and this haul road agreement. Commissioner Jaeger was concerned about moisture and soft spots on the roads with this agreement. Hintz said fabric or granite will be a solution for this problem. Jaeger questioned what the load limits are. Svedeman stated there will be damage to roads no matter what the limits are even if it is axled out. The agreement is clear that Deuel Harvest Wind Energy LLC is responsible for repairs. Svedeman said construction should start early November on access roads for turning radiuses and initial plans. There will be downtime during winter and construction will resume in the spring. This particular agreement does not cover Township roads which would fall under a separate agreement. Svedeman explained there are agreements being worked on with the townships. Further discussion was held about the Haul Road Agreement. Musch stated his concerns about township roads. Musch had concerns about the weight on the roads and is also looking at hiring an engineer at Deuel Harvest Wind Energy LLC's expense to evaluate the roads. These concerns follow the damage and the extension of the Hwy 212 project. 2) Jaeger moved, seconded by Homan to approve and sign the Haul Road Agreement with Deuel Harvest

Wind Energy LLC as presented for a proposed route with any future changes to the map provided and any future updates with concern to the County and Townships and weather elements. All voted yes and motion carried.

Musch has a Township meeting upcoming and is requesting County presence at the meeting. He is hoping for Commissioners to attend as this is a joint issue with the roads. They have seen the impact on County and Township roads with the Hwy 212 construction project and the time it is taking to complete the project as it has taken a severe toll on the roads. Musch would like to see a joint effort between County and Townships to be proactive with the Deuel Harvest Wind Energy LLC construction project to avoid the same problems and to be more informed. Svedeman agreed and thought it was best that the County and Townships are doing what is in their best interest.

Also present was Eric Munz, a public liaison officer hired by Deuel Harvest Wind Energy LLC. He is independent and is not employed with Deuel Harvest Wind Energy LLC and reports to the PUC. He acts as a mediator between all parties. He stated the PUC requires a third party hired for the project and that is his capacity. He is a go between for the PUC and those involved with the project. He will be involved if there is conflict. He will always recommend any misunderstandings be worked out within both parties first. He is available to landowners, the County and Townships.

Hintz presented information from John Deere on a loader for purchase that was previously budgeted. John Deere representative Chad Kesteloot was present and gave quotes and information on K-Series Loaders. He presented a quote with equipment breakdown for County needs on a 2020 Loader/Blower in the amount of \$248,268.82. This includes warranty/service calls and training on operation. A presentation was given on all the specifications. A decision will be made at a later date prior to winter.

#### **9:45 Sheriff Cory Borg**

Borg met with the Commissioners to discuss several issues. He presented the completed police contract with the City of Clear Lake for a monthly fee of \$5338.00 (64,056.00 annual) 3) Homan moved, seconded by Kreutner to approve and sign the police contract for the City of Clear Lake. All voted yes and motion carried.

Discussion was held on needing bullet proof vests for the Sheriff's Department. Many of the current vests are expired. Their lifetime and expiration is 5 years. Five vests are needed for a total of \$5100 which includes vest, carrier and trauma plate from Streicher's out of the Minneapolis area. 4) Jaeger moved, seconded by Kreutner to purchase five vests from Streicher's for the Sheriff's Department in the amount of \$5100.00 total. All voted yes and motion carried.

#### **10:15 Executive Session Pursuant to SDCL 1-25-2(1) Personnel Matter**

5) Jaeger moved, seconded by Homan 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 Rhody declared the Commissioners out of Executive Session at 11:00 a.m. 6) Jaeger moved, seconded by Homan to accept the resignation of Zachariah Hulderson in the Sheriff's Department and advertise for a new Sheriff's Deputy immediately. All voted yes and motion carried.

Discussion was held on the need for another vehicle in the Sheriff's Department. Borg is looking at a savings by purchasing off of Federal Surplus Property. He looked at two 2012 Tahoes with very low miles for \$23,000 or \$23,200. With the amount saved from normally purchasing new vehicles as what was budgeted for 2020, Borg would be able to purchase a K-9 replacement. K-9s normally cost \$5000 and \$10,000. This would all affect the 2020 budget and be billed and paid accordingly. 7) Kreutner moved, seconded by Rhody to move forward and begin the process to find a K-9 for Deuel County and approve the purchase for the Sheriff's Department using 2020 budget. All voted yes and motion carried. 8) Jaeger moved, seconded by Homan to purchase a 2012 Chevy Tahoe from Federal Surplus Property in the amount of \$23,200 or less to affect 2020 budget to replace the 2015 Dodge Ram which will then be available for immediate use by Deuel County Emergency Management. All voted yes and motion carried.

**10:00 Executive Session Pursuant to SDCL 1-25-2(1) Personnel Matter Register of Deeds Casey Severson**

This appointment was canceled by Register of Deeds Casey Severson.

**10:15 Sheila Monnier EM Director (11:00 am)**

Monnier met with Commissioners about several issues. Discussion was held on Cybersecurity and having good protection in place and proof of it for Homeland Security Grants. She has been in contact with Connecting Point in Watertown to get her a formal document on Cybersecurity for County Software and Internet. There is sensitive information within courthouse record that needs to have the upmost protection. She will be scheduling a review with NCSR (Nationwide Cybersecurity Review) at no cost. This cyber analysis is performed through the State.

Discussion was held on a Conflict of Interest Policy. Recent legislation has required counties to have a Conflict of Interest Policy on record in order to receive state funds and grants. Many counties follow the State of SD Policy and some have adopted their own. Deuel County will be looking into an official conflict of interest policy. At present time Deuel County follows state law. This will be discussed and addressed at future meetings.

FEMA meetings have been going as planned. Site inspection for the County will be October 23<sup>rd</sup> and County and Township Officials meeting with FEMA will be October 31<sup>st</sup> at 3pm. Discussion was held on reimbursement information from FEMA. Discussion was held about the basement courthouse floor.

First District has been in contact with Monnier for grant funding and applications.

**10:30 Drainage Board/Steve Tekrony (11:15)**

9) Jaeger moved, seconded by Homan to adjourn as County Commission and reconvene as Drainage Board. All voted yes and motion carried.

Steve Tekrony requested a permit to drain on the SE1/4 32-115-50. Proposed length of the drain is 3200 feet using 4" tile. Area affected for drainage will be 20 acres. Adjoining landowners had signed Permission To Drain. 10) Kreutner moved, seconded by Homan to approve and issue Drainage Permit #D19-30 to Steve Tekrony to drain on above described property. All voted yes and motion carried.

Steve Tekrony also requested a permit to drain on the NE1/4 10-114-50. Proposed length of the drain is 3000 feet using 4" tile. Area affected for drainage will be 32 acres. Adjoining landowners had signed Permission To Drain. 11) Jaeger moved, seconded by Kreutner to approve and issue Drainage Permit #D19-29 to Steve Tekrony to drain on above described property. All voted yes and motion carried.