

August 6, 2019
Regular Meeting

The Deuel County Commissioners met in regular session on Tuesday, August 6 at 9:00 a.m. in the Commission Room of the Courthouse with Chairman Rhody presiding. Those present were Commissioners DeJong, Rhody, Homan, Jaeger and Kreutner. Also present was Auditor Mary Korth and several 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.

Approval of Minutes:

2) DeJong moved, seconded by Kreutner to approve the minutes of the regular meetings of July 2nd and July 16, 2019 as well as Special Meeting July 29th, 2019. All voted yes and the motion carried.

APPOINTMENTS

9:00 Highway Superintendent Jamie Hintz

Hintz met with the commissioners to discuss several matters. He informed the Commissioners of a turbine hauling company Barnhart Crane & Rigging which will be hauling a transformer for Otter Tail Power Co. on county roads with a weight of close to a million pounds. Charges for an overweight permit were discussed. This is traveling through the southwest part of the County likely in early fall. Concerns for the roads and structures were discussed.

Hintz asked the commissioners to authorize the approval for Banner of Brookings, SD to contract the Engineering Services for two box culvert projects located in southwest Deuel County. Furthermore that Banner Associates will be requesting bids for the construction of the Deuel County Box Culvert Projects. This project is all part of the BIG programs. 3) Jaeger moved, seconded by Kreutner to approve Banners for contract of Engineering Services for the Box Culvert Project. All voted yes and the motion carried. 4) Homan moved, seconded by DeJong to approve Banner Associates to request bids for the construction of Deuel County Box Culvert Projects 20-065-189 and 20-065-196. All voted yes and motion carried.

Hintz presented a quote from John Deere for a payloaders to be considered for the 2020 budget. Jaeger asked the age of the current payloaders which are 1981 and 2007. The older one was overhauled but still poses problems. The new one presented is needed to carry the blower.

Hintz discussed bridge 20-139-040 that needs replacement in the northern part of the County and presented a quote from Holloway Bridge & Culvert for \$189,875. No bidding necessary as the steel comes from True North Steel. He will bring more information and specs to the next meeting. The replacement will not happen until the summer of 2020.

Culvert deterioration and wash-out was discussed and the concerns for that as well and that they are priority. Hintz also spoke of gravel bids, he spoke to Brownlee Construction and will be receiving gravel soon and it should be an adequate amount.

The Courthouse grounds/maintenance position was discussed with Hintz. The highway department will be helping with grounds keeping, mowing, and any other necessary duties until further notice about the position.

9:30 Weed Supervisor Keith Goens

Goens approached the board to discuss bids on a trailer to haul the Kubota. He explored bids and wanted to get a trailer that the highway department could use as well. Car trailers are

\$5,969 for one quote, which are very versatile or \$4550 for a slightly smaller one. A single axle to only haul the Kubota is \$3500. Goens wants to wait on the decision to see which is a better option for both Weed and Highway departments. The current trailer was only custom made to carry a lighter load like a 4-wheeler and not a larger Kubota with a full water tank. Concerns for keeping within budget as well as buying local was mentioned. He updated the commissioners on the hold off of spraying ditches because of the wetness but hopes to be working on all of that in the fall.

9:45 Director of Equalization Donna Rhody

Rhody approached the board to discuss computer quotes from Ultra Connecting Point. She presented upgrades to Windows 10 and one new computer for \$2522.99. She will see if the installation can coincide with other offices to save costs. 5) Jaeger moved, seconded by Chairman Rhody to approve the installation and new computer systems for the DOE office from Ultra Connecting Point in the amount of \$2522.99 for the 2019 budget year. All voted yes and motion carried.

10:00 Second Reading Ordinance B2004-01-28A

Commissioner Rhody announced this portion of the meeting will be recorded. The second reading of Ordinance B2004-01-27A was held. The Ordinance Amendment would adopt the change to include *an amendment to a Zoning Ordinance in Section 1215.03.2.d – Wind Energy System setbacks. Distance from the Lake Park District located at Lake Cochrane 3 miles, Lake Alice 2 miles and 1 mile from the Lake Park District at Bullhead Lake. To read: Distance from the Lake Park District located at Lake Cochrane: 3 miles; Distance from the Lake Park District located at Lake Alice: 2 miles; And distance from the Lake Park District at Bullhead Lake: 1 mile.* Letters were sent to the Commissioners prior with concerns about the proposed amendment. All letters and emails received were reviewed by the Commissioners prior to the meeting.

Commissioner Kreutner was concerned about the Lake Park District near Lake Alice with comparison to the Lake Cochrane Park District which took 10 years for its development. He feels that is development by Lake Alice should be a concern. He commented on how towers can be moved with different permits. Chairman Rhody asked if he feels there should be a Lake Park District created on the north side of Lake Alice. Kreutner said wind development as well as concerns for locals should be considered. He felt the Board should reconsider to make sure they are doing the right thing. Commissioner Jaeger wanted clarification on when the original Lake Park District at Lake Alice was started. According to Zoning Officer Theisen, it was 2009. Discussion was held on how long it takes for a Lake Park District to develop and that the steps go through the Zoning Board.

Commissioner DeJong brought up the original meeting of the Planning Commission from January 2017 and cited the original ordinance. His feeling the 2 miles from Lake Park District at Lake Alice has always been there with the first intention but failed to be published that way.

Public Comments

On behalf of Deuel Harvest Wind, Lisa Agrimonti stated the Zoning Map controls what dictates the setbacks. This is stated in the Zoning Ordinance and that is how they made their determinations. Cochrane Lake Park District was created before the Zoning Map was created. The current setbacks are set according to the Zoning Map.

Theisen also gave information of the original established districts in paper form for the commissioners to review. Chairman Rhody read from the Zoning Ordinance Article III Section

302 which says the Official Zoning Map was adopted and certified in 2004 and any changes that are made in district boundaries will be reflected on the Zoning map.

Gus Van Steenburg has property on the north shore of Lake Alice and is concerned about the 2 mile distance from Lake Park District. He feels the tower would be too close to his yard. He wanted to develop his property as it has many amenities and is large enough land for development. He now feels the land cannot be development because the towers would be too close and it would affect any sale of his property. He feels more people are moving to South Dakota and to this area but the wind towers would be a hindrance to any development. He wants the commissioners to look at long term development for the county to bring people in, and second to protect the current residents and their land.

Dennis Evenson spoke as an attorney on how to interpret statutes. You look at the general statute and then the specific. You would use the specific which is the Official Zoning Map. He also said Natural Resource Districts are just as important as development but ultimately the issue today is getting this amendment to how it was originally intended.

Jim Dailey fears that this needs to be examined carefully as future issues and challenges will likely arrive with businesses.

John Homan feels the ordinance shouldn't change and should remain as it is on the books. He also spoke about the conflicts of interests and bias and wanted to know how that will be handled. Chairman Rhody responded that any conflicts of interest would have no bearing on this current issue and the voting members today would be doing what's best for the county.

Evenson also spoke that a conflict of interest is for the court systems. Rhody said the ordinance needs to change because of the miscommunication and misprint and it should be as the original intent. DeJong concurred and felt it was misprinted.

6) Jaeger moved, seconded by DeJong to approve, adopt and publish notice of adoption of Ordinance B2004-01-28A An Ordinance Entitled, An Ordinance to Amend Article XII Section 1215.03.2.d Adopted by Ordinance B2004-01-23B, May 23, 2017, as amended, of the Zoning Ordinance of Deuel County. Roll call vote was held. Rhody yes, DeJong yes, Homan yes, Kreutner nay, Jaeger yes. The motion carried.

More comments were heard about development being affected. Commissioner Kreutner said a Lake Park District on the north side of Lake Alice should be considered. Chairman Rhody reminded the commenters it is now a zoning issue and the Zoning and Planning Commission will need to make the next decisions. Commissioner Homan questioned when was development on the north side ever brought up before and why is the issue just coming up now. Commenters felt it wasn't a new issue and also didn't say anything because they trusted the commissioners to protect its residents. Chairman Rhody said it is not too late for further discussion in the future for decisions to be made.

Dailey wanted to know what determination is used to deny a Lake Park District. Commissioner Jaeger said it is in the hands of the Zoning and Planning and when it comes to the Board of Commissioners it is likely it would not get denied.

10:30 Gary Historical Society

Ellen Schulte and Claudette Bagan representing the Gary Historical Society discussed a current problem with the only Historical Cabin in Deuel County. Albert Bekeart, Vice President of the Gary Historical Society presented pictures of the cabin. The roof needs replacement. He had gotten bids and costs somewhere within the \$5000 area. They wanted original wood shingles which is not feasible so they would likely go with a newer type of shingle to look similar. Questions were asked of other sources of funds, perhaps City of Gary or other donations.

Donations are usually conditional. Deuel County normally gives \$2000 to Historical Societies and Museums. Other alternatives were offered as possibilities as well. 7) DeJong moved, seconded by Kreutner to approve an amount of \$2000.00 to the Gary Historical Society to use towards a new roof for their cabin in the 2019 budget year. All voted yes and motion carried.

10:45 Drainage Board/Casey Magedanz/Switzenberg Trust

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

Casey Magedanz (landowner Switzenberg Trust) requested a permit to drain on the NE1/4 of 18-117-48. Proposed length of the drain is 13,000 feet using 5-8" tile. Area affected for drainage will be 50 acres. Adjoining landowners had signed Permission To Drain. 9) Kreutner moved, seconded by Homan to approve and issue Drainage Permit #D19-16 to Casey Magedanz to drain on above described property. All voted yes and motion carried.

10) Kreutner moved, seconded by DeJong to adjourn as Drainage Board and reconvene as County Commission. All voted yes and motion carried.

11:00 Register of Deeds Casey Severson

Severson met with the Commissioners to present a quote for a copier for her office. 11) Jaeger moved, seconded by Kreutner to approve the purchase of a copier for the Register of Deeds Office from Office Peeps of Watertown in the amount of \$4708.00 and to move the old Register of Deeds copier to the Highway Shop. All voted yes and motion carried.

NEW BUSINESS

Approve Cash Balance Sheet

12) DeJong moved, seconded by Homan to approve the cash balance sheet for the month of July. Roll call vote, all voted yes. Motion carried.

DEUEL COUNTY AUDITOR'S ACCOUNT WITH TREASURER

**END OF MONTH CASH
BALANCE**

JULY-2019

CASH TOTAL	\$ 1,439.93
CHECKS TOTAL	\$ 38,980.12
CASH ITEM	\$ 0
CASH CHANGE SHERIFF	\$ 50.00
TOTAL CASH ASSETS ON HAND	\$ 40,470.05
CHECKING ACCOUNT BALANCE	\$ 303,801.20
MM DNB NATIONAL BANK	\$ 4,061.51

PREMIUM MM FIRST BANK & TRUST OF
TORONTO \$4,767,934.11

CREDIT CARDS \$ 932.18

CD'S \$250,000 DNB \$ 250,000.00
FIRST BANK &
\$0 TRUST

REVOLVING
LOAN \$ 117,428.02

GRAND TOTAL CASH
ASSETS \$5,484,627.07

GL CASH BALANCE BY FUNDS:

GENERAL \$2,449,292.61

SP REVENUE FUNDS \$2,755,993.01

TRUST & AGENCY
FUNDS \$ 279,341.45

townships \$26,584.36 cities \$9,875.28
schools \$18,073.22 rural fire \$25,887.64

TOTAL GENERAL LEDGER
CASH \$5,484,627.07

Plat

13) Jaeger moved, seconded by Homan to approve the Plat of Lots 13 & 14 being a replat of Lots 9, 9A, 10, 10A, 11, 11A, 12 and 12A of Marion Bay Subdivision and Plat of Lots 1A through 12A Marion Bay Subdivision, Government Lot 7 in 5-114-47 and Resolution #19-19. All voted yes and the motion carried.

RESOLUTION BY THE BOARD OF COMMISSION DEUEL COUNTY #19-19

BE IT RESOLVED by the Board of County Commissioners of Deuel County, South Dakota, that the plat entitled: **"PLAT OF LOTS 13 AND 14, BEING A REPLAT OF LOTS 9, 9A, 10, 10A, 11, 11A, 12 AND 12A OF MARION BAY SUBDIVISION AND PLAT OF LOTS 1A THROUGH 12A MARION BAY SUBDIVISION, GOVERNMENT LOT SEVEN (7), SECION FIVE (5), TOWNSHIP ONE HUNDRED FOURTEEN (114) NORTH, RANGE FORTY-SEVEN (47), WEST OF THE 5TH P.M., DEUEL COUNTY SOUTH DAKOTA"**, be approved this 6th day of August, 2019 in accordance with the provisions of SDCL 11-3 and all acts amendatory thereto. I, Mary Korth, County Auditor of Deuel County, certify that this is a true copy of the resolution adopted by the Board of Commissioners of Deuel County, South Dakota.

Dated this 6th day of August, 2019.

Chairman, Board of County Commissioners
Deuel County, South Dakota

ATTEST:

County Auditor,
Deuel County, South Dakota

Travel, 4H Fairground Use, Meeting Date Change, County Assistance

14) DeJong moved, seconded by Rhody to approve and pay travel expense and registration fees for officials to attend state convention in Pierre and for Sheriff Borg to attend the Sheriff Conference September 30th through October 3rd in Pierre. All voted yes and motion carried.

15) Jaeger moved, seconded by DeJong to change the meeting date of the first regular meeting in September to Wednesday September 4 due to Labor Day holiday and the second regular meeting to September 19th due to county convention. All voted yes and motion carried.

16) DeJong moved, seconded by Kreutner to approve Nathan Tjaden use of the Deuel County Fairgrounds for an auction sale to be held September 21st.

17) Homan moved, seconded by Kreutner to approve County Assistance #19-03 county burial. All voted yes and motion carried.

Other Business

Commissioner DeJong reported on many issues. He presented a company Pest B Dead from Brookings, run by Tony LaFramboise for pest control at the County building on west Hwy 22. A bid was presented for visits and control every other month for \$90.00. Other local bids will be investigated.

Carpet in the courthouse basement will be removed soon.

A meeting with Fischer Rounds Insurance has been scheduled for Wednesday August 14th in Watertown to inquire about health insurance agents and rates. Other agents and alternatives were discussed. Health insurance through Clark County was compared as well. Health Insurance, agents, etc. are still being discussed concerning 2020 budget.

Locks on the County building located on west Hwy 22 will be replaced by Brian's Glass and Door at the earliest convenience. Weeds will be sprayed as well in preparation to move offices.

Personnel was discussed for the Courthouse grounds and outlying County Buildings.

APPROVAL OF WARRANTS:

18) Kreutner moved, seconded by Homan to approve all warrants as presented and those paid early to avoid service charge. All voted yes and the motion carried A&B Business Solutions 100.29 Supplies, A-Ox Welding Supply Company 46.25 Repairs, Diane Anderson 85.28 Judge Fee/Travel, Ardy's Bakery 36.00 Supplies, At&T Mobility 382.04 Utilities, Avera Occupational Medicine-Mi 73.55 Prof Service, Banner Associates Inc 3220.00 Prof Service, Bituminous Paving Inc 503.44 Supplies, Bjerke Sanitation 218.00 Utilities, Justin Bolden 500.00 Reimbursement, Abigail Brandenburger 66.80 Judge Fee/Travel, Lisa Brandt 50.00 Judge Fee, Bratland Law 693.50 Caa Fees, Credit Collections Bureau 1.70 Fees Due, Central Square Technologies LI 2533.44 Pro Service, Chief Supply Corporation 261.23 Supplies, Clear Lake Building Center 304.84 Repair&Supplies, City Of Clear Lake 260.67 Utilities, Clear Lake Courier 1203.93 Publish&Supplies, Clear Lake Historical Society 2000.00 Support, Climate Control Inc

13271.58 Repair, Codington County Auditor 5710.00 Prison Care, Carla Coplan 100.40 Judge Fee/Travel, Cowboy Country Stores 108.92 Gas, Dakota Portable Toilets, Inc 450.00 Horse Arena Toilet, Dakotabilities 360.00 Qtr Fees, Dataspec Inc 449.00 Program Fee, Deuel County Farmers Union Oil 18389.79 Repair/Supplies, Deuel County Motor Supply Inc 355.40 Repairs&Supplies, Dcn Insurance 50.00 Notary Bond Fee, Diesel Machinery Inc 127.39 Repairs, Ecolab Pest Elimination Div 54.00 Prof Service, Equipment Blades Inc 2377.60 Repairs, Maria Escamilla 75.20 Prof Serv\Travel, First Bank & Trust 840.98 Credit Card Supply/Travel, Fritz Chevrolet Inc 383.80 Maintenance, Galls, Llc 401.79 Equip., H-D Electric Coop, Inc 491.52 Repair/Utilities, Helena Agri-Enterprises, Llc 466.75 Supplies, Houseman Funeral & Cremation 2600.00 County Assist Funeral, Human Service Agency 2700.00 3rd Qtr Approp., Inter-Lakes Comm Action Inc 1612.67 Support, Itc 2009.80 Utilities, Johnson Controls 1469.17 Repairs, Kibble Equipment Llc 316.54 Repairs&Supplies, Jolene Krause 50.00 Judge Fee, Gail Krause 52.10 Judge Fee/Travel, Deb Lessman 492.96 Travel, Conf&Supp, Kayce Lessman 251.20 Judge Fee/Travel, Patty Lessman 118.04 Judge Fee/Travel, Ashley Lewis 78.56 Judge Fee/Travel, Mckenzie Lorenzen 63.44 Judge Fee/Travel, Blue Tarp Financial, Inc 7.24 Repairs, Master Blaster, Inc 1829.97 Repairs, Maynards 58.17 Supplies, Microfilm Imaging Systems 340.00 Rent, Midwest Truck Parts Inc 1223.59 Repair, Nelson Law Office Pc 2720.30 Caa Fees, Northwestern Energy 132.20 Utilities, Office Peeps Inc 1079.26 Supplies, Ottertail Power Co 15.23 Utilites, Performance Towing 96.03 Towing, Pheasantland Industries 583.40 Supplies, Michelle Prins 50.00 Judge Fee, Rc Technologies 150.00 Utilities, Running's Supply Inc 114.52 Repairs&Supplies, Sanford Health 2348.00 Prisoner Care, Sanford Health Plan 15.00 Pro Service, Sanford Clinic 2805.00 Nurse Contract, Wylie Scalise 61.76 Judge Fee/Travel, Schaeffer Mfg Co 669.00 Supplies, Sd Dept Of Transportation 1563.78 Fuel, State Of Sd 615.00 Service Fees, Secretary Of State 30.00 Notary Fee, Sdacc 60.00 County Direc., Sdacc 1595.00 3rd Qrt Legal Exp, Sodak Gardens 362.00 Supplies, Star Laundry 197.70 Rental, Stee Electric Llc 66.30 Repairs, Deb Sundem 75.20 Judge Fee/Travel, Swenson Ford Sales Inc 215.73 Repairs, Thomson Reuters - West 1742.04 Books, Titan Machinery-Watertown 18994.34 Repairs, Tri State Water Inc 23.50 Supplies, Truenorth Steel Inc 14146.91 Supplies, Ultra-Connecting Point 1710.00 Service Fees, Van Diest Supply Company 511.20 Supplies, Vantek Communications 92.00 Supplies, Watchguard Video 785.00 Minor Equip, Wheelco Truck & Trailer Parts 909.10 Supplies/Repair, Jennifer Zirbel 205.00 Judge Fee/Travel, Sanford 20.70 & 50.00 Flex Fees, DNB Natl Bank 13.15 Payroll Proc, Schools 167,262.05 Taxes, Townships 106,830.69 Taxes, Cities 26,741.91 Taxes, EDWD 120.31 Taxes, Rural Fire 481.89 Taxes. Payroll: Commissioners 8,375.43, Auditor Office 13156.13, Treas Office 8082.35, States Atty Office 8214.39, Gen Build 4865.46, DOE Office 9155.54, ROD Office 6126.77, VSO 1169.61, GIS 659.78, Sheriff Office 30217.90, 4H 211.04, Extension 3769.78, Weed 3713.73, Drainage 113.91, Zoning 6394.47, Hwy Dept 60996.32, EM 3062.81

19) DeJong moved, seconded by Rhody to adjourn. All voted yes. Meeting adjourned.

Mary J Korth, County Auditor

Steve Rhody, Chairman

Published One Time at the Approximate Cost of _____.