

March 19, 2019  
Regular Meeting

The Deuel County Commissioners met in regular session on Tuesday, March 19 at 9:00 a.m. in the Commission Room of the Courthouse with Chairman Rhody presiding. Those present were Commissioners Kreutner, Jaeger, DeJong, Homan and Rhody. Also present was Auditor Mary Korth and several members of the public. The meeting began with prayer and the Pledge of Allegiance. 1) Jaeger moved, seconded by Kreutner to approve the agenda as presented. All voted yes and the motion carried.

**Highway Department**

Highway Superintendent Jamie Hintz met with the commissioners to discuss several matters. Bridge Inspection Resolution for our consultant Mark Junker at Banners Associates is needed. Hintz would like to keep Banners Associates as our Inspector. 2) DeJong moved and Homan seconded to keep Mark Junker as inspector and to approve Resolution #19-07. All voted yes and the motion carried.

**BRIDGE REINSPECTION PROGRAM RESOLUTION**  
**FOR USE WITH SDDOT RETAINER CONTRACTS**  
**RESOLUTION**

**#19-07**

WHEREAS, Title 23, Section 151, *United States Code* and Title 23, Part 650, Subpart C, *Code of Federal Regulations*, requires initial inspection of all bridges and reinspection at intervals not to exceed two years with the exception of reinforced concrete box culverts that meet specific criteria. These culverts are reinspected at intervals not to exceed four years.

THEREFORE, Deuel County is desirous of participating in the Bridge Inspection Program using Bridge Replacement funds.

The County requests SDDOT to hire Banner Associates (Consulting Engineers) for the inspection work. SDDOT will secure federal approvals, make payments to the Consulting Engineer for inspection services rendered, and bill the County for 20% of the cost. The County will be responsible for the required 20% matching funds.

Dated this 19<sup>th</sup> day of March, 2019, at Clear Lake, South Dakota

ATTEST:

  
Mary Korth  
Deuel County Auditor

Steve Rhody  
Deuel County Commission Chairman

Hintz also discussed bridge items. Bridge #200-114 was discussed and in need of repair especially with nearing flood concerns. The bridge possibly moved in 1992 during last major flood and hasn't moved since but ratings are higher. Sandblasting, bearing plates and repainting will need to be done. Hintz also discussed flooding concerns. Barricades are being built, flags have been ordered for road damage, township roads will have severe damage. Township roads that haven't been open will likely be left to thaw naturally as to not damage the road further depending on traffic. Further discussion was held on the snow melt and moisture content. Hintz also discussed applications that were submitted for the blading position. Interviews will be scheduled. Also Dean Gruener retirement was discussed, scheduled for afternoon of March 19.

The annual bid letting for the county was held with the following bids submitted:

**DEUEL COUNTY BID LETTING MARCH 19, 2019**

TIME	ITEM	BIDDER	#1	#2	#3
9:20	Hot & Cold Mix Asphalt		<b>Bituminous Paving Inc</b>	<b>Duinick Inc</b>	<b>Bowes Const. Inc.</b>
3)	Jaeger moved, second by Kreutner to accept bids of Bituminous Paving, Duinick Inc & Bowes Const. for Hot Mix depending on location of project & award cold Mix bid to Duinick Inc.	Hot Mix	\$62 ton Odessa Pit	\$ 74.50 ton	\$59.50 Class E Type 1
		Hot Mix	\$66 ton fine hot mix Odessa		\$57.50 E/1 with RAP
		Cold Mix	\$130 ton cold mix Odessa	\$129 ton cold mix	\$61.50 Class E Type 2
					\$59.50 E/2 with RAP
					\$61.50 Class G Type 1
					\$59.50 G/1 with RAP
	All voted yes and motion carried				\$63.50 Class G Type 2
					\$61.50 G/2 with RAP
9:25	<b>Bituminous Road Oil</b>		<b>Flint Hills Resources</b>	<b>Jebro Inc</b>	
4)	Jaeger moved, second by Kreutner to accept bid of Flint Hills Resources for MC 3000 road oil based on performance standards according to Hwy Superintendent All voted yes and the motion carried.	MC 3000	\$569.88 Ton delivered	\$576.89 Ton delivered	
9:30	<b>Fuel #1 Diesel, Ruby Fieldmaster</b>		<b>DC Farmers Union</b>		
5)	DeJong moved, second by Kreutner to accept bid of DCFU for #1 Diesel Fuel & Ruby Fieldmaster. All voted yes & motion carried All per gallon, Apr. 1, 2019 to March 31, 2020.		Ruby Fieldmaster \$2.396 gal	\$ .02 over delivered cost on day of delivery for Transport	
			Transport Load \$2.326 gal	\$ .08 less than posted price on day of delivery Tank Wagon	
			No. 1 Fuel \$2.586 gal		
			Transport Load \$2.516 gal		
9:35	<b>Unleaded Gas &amp; Gasohol</b>		<b>DC Farmers Union</b>		
6)	DeJong moved, second by Kreutner to accept bid of DC Farmers Union for Ethanol		E10, 87 Octane \$2.396 gal	\$ .08 less than posted price on day of delivery Tank Wagon	
9:40	<b>Gravel Crushing</b>		<b>Brownlee Construction</b>		
7)	Jaeger moved, second by Kreutner to accept bid of Brownlee Construction, Watertown for ¾" crushed gravel		¾" crushed gravel Brownlee owned pits \$6.25 per ton	¾" crushed gravel in various pits in Deuel County \$2.45 per ton	
9:40	<b>Weed Chemicals</b>		<b>Hefty Seed Co</b>	<b>Helena Chemical</b>	
8)	Jaeger moved, seconded by Homan to reject all bids for chemicals and Give the Weed Supervisor freedom to Shop around for various quotes locally	Amine 265's	\$8.75 gal	2.5 gallon jugs	
		Amine 2.5's	\$11.67 gal		
		LV6 265's	\$17.25 gal		
		LV6 2.5's	\$ 21.72 gal		
	All voted yes, motion carried.	Freelex 2.5's	\$ 22.60 gal	\$17.95 gal Freelexx – Corteva or Unision	
		Freelex 250s	\$ 19.95 gal		
		Chaparral 51b	\$70.23 gal	\$76.95# Chaparral (Opsight) Corteva	
		Tordon 22K	\$56.29 gal		
		Milestone 2.5s	\$296.26 gal		
		Hefty NIS 2.5s	\$15.75 gal		

### **10:10 Keith Goens, Weed Supervisor**

Goens gave input on bids and quote prices. He will also be getting State prices. He is also looking into local quotes before bringing to board for approval. He also discussed equipment that will be used this summer for spraying purposes. Goens submitted quotes from Pfeifer's of Sioux Falls and Kesteloot Enterprises of Marshall, MN for 2019 Kubota RTV prices which includes government discount. He also submitted bids from C&R Supply, of Sioux Falls and Benco Products of Tea, SD for sprayers. More quotes will be considered as they are brought in. Some of the add-ons on the sprayers aren't necessary for what Goens needs for our county. He is also looking at Codington, Grant and Hamlin counties for comparisons. The Weed & Pest meeting has been finalized for Wed, March 20. The Board will wait for further quotes on sprayers. The Board reviewed prices for 2019 Kubota RTV and considered the need for heavy duty tires. 9) Jaeger moved, seconded by Kreutner to accept the quote from Kesteloot Enterprises of Marshall, MN in the amount of \$18739.00 to purchase a 2019 Kubota RTV for the Weed & Pest Dept. All voted yes and motion carried. Trailers from our local Highway Shop will be looked at for hauling the RTV to save costs as well.

### **10:30 Deb Lessman**

Lessman visited with the board about 4H Judge pay which is currently at \$35 plus mileage. She is asking to be like surrounding counties to up the rate to \$50 plus mileage, this would be for an average of 12 judges. She is asking horse judges to be raised from \$100 for 8 hr day to \$250 flat fee. Comparing livestock judges get \$75 per species and it often adds up to more per day than horse judging. 10) DeJong moved, seconded by Rhody to approve the increases for judges. All voted yes and motion carried. Furthermore, discussion was held about the horse arena as the lights there present a fire hazard and are not safe and often need adjusting. A quote was presented from HD electric to put up new lights for \$4200.00 plus tax (this includes 6 total lights at \$560 ea) and HD is also giving a \$200 donation on lights. Also present was Jessica Tekrony to ask for the lights and noted they sometimes give their own money and don't often ask for money in the case of the horse arena. Discussion was made on possibly having less lights, decision was postponed until further research is done.

Further discussion was held on purchase or repair of 4H building. Joan Sacrison from DADI gave some insight on possible grants though NRA because of Shooting Sports, also fundraising ideas and loan ideas. A decision will be made as soon as possible as soon as all information is considered including a purchase agreement with contingencies. Jaeger commented that purchasing an existing building is more cost effective than building a new complex.

### **10:45 Erik Peterson of Coteau Tiling Inc / Drainage Board**

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

Erik Peterson from Coteau Tiling presented watershed and topography maps in the capacity of informational purposes only. The area in question was near Fox Lake in Norden West Township 36-114N-48W. Peterson presented several maps and diagrams to members of the Board and interested parties present including Willis Kurtenbach, Attorney Todd Boyd, Paul Peterson; also Rex VanDyke and Attorney Alex Mastellar. Peterson showed where two separate watersheds all go to Fox Lake but in different directions, one is ~62 acres and the other ~200 acres. He further explained the topography, slopes and levels and the watersheds natural flow of water. He gave recommendations on where he would do tiling which would be on the outside and to the south. Land owners near Fox Lake commented that there is less and less useable farmland near Fox Lake and wanted further explanation. Mr. Erik Peterson reminded the group

that he was there in a hypothetical, informational capacity only and is not a privy to any land owner/tiling disputes. Peterson proposed alternate outlets of 23.6 acres but ultimately the drainage still goes to Fox Lake. Attorney Alex Mastellar then provided maps of where actual tile lines lie which were quite similar to Peterson's hypothetical maps. Mastellar's maps show the drainage area to only be 18.89 acres. Pipe diameter was also discussed. Peterson explained whether it is a 4 in. or 12 in. pipe, the purpose is to move the water; the larger the diameter, the faster the water is moved; he also explained how depth is relative to distance relayed out of pipe. Boyd and Mastellar both had questions and comments after Peterson's demonstration. State's Attorney John Knight was also present at this time and asked if the watershed that flows into the tile considered part of the drainage area because then it would be a larger area. Peterson explained watershed lines are not clearly defined. All watersheds in the area are connected to Fox Lake. As more discussion continued Chairman Rhody said all information will be considered before a final decision is made in the drainage dispute. Erik Peterson from Coteau Tiling was asked to get more information to determine acres amount of the drainage area. He will have that information at the next regular meeting. 12) Jaeger moved, seconded by Kreutner to adjourn as Drainage Board and reconvene as County Commission. All voted yes and motion carried.

**11:15 Donna Rhody, Director of Equalization**

Rhody met with commissioners noting GIS doesn't charge government entities. HDR is a company subcontracting for a State entity and she wanted to be clear to not charge them as they would turn around and charge the State. Rhody reported that Grant county is not charging for their access to subcontractors for the State. 13) Jaeger moved, seconded by DeJong to not charge the subcontractor HDR for GIS access due to working for the State. All voted yes and motion carried.

**11:25 Sheila Monnier, Emergency Management**

Monnier reported on the flooding beginning in Deuel County. She had been providing state updates and working closely with highway dept. Roads have water over them but she feels there does not need to be a flood emergency at this time. She is looking into who should fix the siren on the courthouse roof as it is malfunctioning. She provided a FEMA disaster assistance policy which provides information if a disaster is declared in the state by Governor Noem. Funds will be provided for Deuel County if a disaster is declared.

**11:40 State's Attorney John Knight-Executive Session SDCL 1-25-2(3)**

Knight met with the Commissioners to discuss several items. Knight requested that the Commissioners move into Executive Session pursuant to SDCL 1-25-2(3) for the purpose of consulting with legal counsel. 14) Jaeger moved, seconded by Kreutner to move into Executive Session pursuant to SDCL 1-25-2(3). All voted yes and motion carried. Chairman Rhody declared the Commissioners out of Executive Session at 12:35 pm

**NEW BUSINESS**

**Approve Cash Balance Sheet**

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

**DEUEL COUNTY AUDITOR'S ACCOUNT  
WITH TREASURER**

<b>END OF MONTH CASH BALANCE</b>	<b>February-19</b>
CASH TOTAL	\$ 1,321.23
CHECKS TOTAL	\$ 11,614.06
CASH ITEM	\$
CASH CHANGE SHERIFF	\$ 50.00
TOTAL CASH ASSETS ON HAND	\$ 12,985.29
CHECKING ACCOUNT BALANCE	\$ 496,672.76
MM DNB NATIONAL BANK	\$ 4,060.67
PREMIUM MM FIRST BANK & TRUST OF TORONTO	\$4,315,301.64
CREDIT CARDS	\$ 279.13
CD'S            \$250,000    DNB	\$ 250,000.00
\$0    FIRST BANK & TRUST	
REVOLVING LOAN	\$ 117,331.56
<b>GRAND TOTAL CASH ASSETS</b>	<b>\$ 5,196,631.05</b>
GL CASH BALANCE BY FUNDS:	
GENERAL	\$ 1,642,915.47
SP REVENUE FUNDS	\$ 3,110,161.72
TRUST & AGENCY FUNDS	\$ 443,553.86
townships            \$58,018.20    cities                    \$28,249.97	
schools                \$191,426.48    rural fire                \$3,415.69	
<b>TOTAL GENERAL LEDGER CASH</b>	<b>\$ 5,196,631.05</b>

**Warrants, Travel**

16) Jaeger moved, seconded by Rhody to approve the warrants paid to SD Dept. of Revenue 81925.73 Funds Due to State, SDACO 106.00 M&P Funds Due to State, SDACC 400.00 Fee Comm Workshop, SDACO 100.00 Fee Officials Workshop, Otter Tail Power 33.64

Utility Hwy, ITC 165.11 Utility Hwy, Farmers National Co 592.66 Overpayment Taxes, AT&T Mobility 381.64 Sheriff Cell Phones, Borns Group 1835.40 DOE Assessment Mailings, H-D Electric 521.02 Utility Hwy, Northwestern Energy 1626.58 Utility Hwy, Sanford Health 1307.69 Flex, B-D Rural Water 59.60 Utility Hwy, Century Link 358.79 911 Trunk Lines, Ramsey County Sheriff 70.00 State's Atty fee, SD Dept. of Revenue 61.42 Excise Tax, Deuel County Treasurer 142.07 Tax Account

17) Jaeger moved, Homan seconded by to approve travel expense for Sheila Monnier to attend Emergency Management Training in Mitchell on April 10<sup>th</sup>. All voted yes and motion carried.

**Plats**

18) Jaeger moved, seconded by DeJong to approve the Plat of Lot 1 of Pheasant Ridge Addition located in the N1/2 of 12-116-49 and Resolution #19-05. All voted yes and the motion carried.

**RESOLUTION BY THE BOARD OF COMMISSION DEUEL COUNTY #19-05**

On motion made and carried the following resolution was adopted "I HEREBY CERTIFY that the plat of **"LOT 1 OF PHEASANT RIDGE ADDITION LOCATED IN THE N1/2 OF SECTION 12, TOWNSHIP 116 NORTH, RANGE 49 WEST OF THE 5<sup>TH</sup> P.M. DEUEL COUNTY, SOUTH DAKOTA"** was duly submitted to the Deuel County Board of County Commissioners, and that after due consideration the Board approved said plat at its meeting held on the 19<sup>th</sup> day of March, 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 19th day of March, 2019.

Mary Korth  
County Auditor, Deuel County

19) Kreutner moved, seconded Homan by to approve the Plat of Otter Tail Power Addition, located in NW1/4 of 27-113-48 and Resolution #19-06. All voted yes and the motion carried.

**COUNTY COMMISSIONERS**

**#19-06**

BE IT RESOLVED that the County Commission, in and for Deuel County, does hereby approve the said plat of a resolution approving the plat of **"OTTER TAIL POWER ADDITION, located in the Northwest Quarter of Section 27, Township 113 N, Range 48 W, of the 5<sup>th</sup> P.M., Deuel County, South Dakota"**

I, Mary Korth, County Auditor for Deuel County, South Dakota, do certify that the foregoing resolution was passed by the Board of County Commissioners, Deuel County, South Dakota, at the regular meeting on the 19th day of March, 2019.

Mary Korth  
Deuel County Auditor

**Public Comments**

John Homan addressed the Board concerning a letter that was sent to the Commissioners from him about wind towers and conflicts of interest of the Board of Adjustment, etc. Homan is concerned and will take further action if necessary because the judge has ruled and the permit has been denied therefore reapplication is imminent. He voiced concerns about the current Zoning Board as well as other officials who allegedly have conflicts of interest. Discussion was held between Mr. Homan and Mr. Jaeger about conflict of interests. Mr. Homan cited public


records. Jaeger is recusing himself on zoning issues. Mr. Homan wants to address all these issues at the next meeting.

**Adjournment**

There being no further business 20) Jaeger moved, seconded by Homan to adjourn.

\_\_\_\_\_  
Steve Rhody, Chairman  
Deuel County Commissioners

ATTEST:



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

Published one time at the approximate cost of \_\_\_\_\_.