

February 4, 2020  
Regular Meeting

The Deuel County Commissioners met in regular session on Tuesday, Feb. 4 at 9:00 a.m. in the Commission Room of the Courthouse with Chairman Jaeger presiding. Those present were Commissioners DeJong, Rhody, Jaeger, Kreutner and Homan. 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) DeJong moved, seconded by Kreutner to approve the agenda as presented. All voted yes and the motion carried.

**Approval of Minutes:**

2) Homan moved, seconded by Kreutner to approve the minutes of the regular meetings of January 7<sup>th</sup> and 21<sup>st</sup>. All voted yes and the motion carried.

**APPOINTMENTS**

**9:00 Todd Kays of First District**

Todd Kays met with the Commissioners and gave an overview of the activities of First District. Kays is the Executive Director of First Planning District in Watertown. First Planning District is one of 6 planning districts that operate under Joint Powers Agreement that provide technical services to local governments; 11 counties and 76 communities are members of First District. Local representatives are usually tied to business or development; Their board meets 3 or 4 times a year to discuss issues going on in the region covered. First District is not a government agency but they service government. They were created in 1971 to service entities for economic development. Funding is provided by dues, state & federal grants/contracts and fees for services. In 2019 Grants and Loans totaled \$9 million. They provide GIS database management, Planning and Zoning administration, planning and research work including policy development, grant writing, the bridge and highway plan and several other areas of assistance to Deuel County. At Large members are often times economic developers in the community which can be county commissioners, business owners, and farmers that are on the Board. Their board has 35 members. Deuel County's share of a District-wide Grant for economic development was \$6,364. Paula Hulscher, was present and discussed the revolving loan fund for economic development. She is the Executive Vice President representing a separate company serving several areas in South Dakota. She presented the Revolving Loan Fund results on monies made on the fund since it was started through a grant in 1993. The majority of requests and contacts come from financial institutions. The fund is available in Deuel County for economic development.

**9:15 Highway Superintendent Jamie Hintz**

Hintz met with the Commissioners to discuss several issues.

Discussion was held on a Haul Road Agreement with SDDOT for the detour when Highway 22 will be under construction at the Gary turn. The Agreement would cover a detour from SD101 to Minnesota State Line through Gary, SD.

3) Rhody moved, seconded by DeJong to approve and sign the Haul Road Agreement with SDDOT for use and restoration of detour from SD101 to Minnesota State Line through Gary, SD. All voted yes and motion carried.

Hintz also presented an application for a Right of Way Occupancy for Nextera Energy Resources LLC for County Rd 1 and County Rd 289. 4) Homan moved, seconded by Rhody to approve and sign the Application for Occupancy Right of Way for Nextera Energy Resources LLC. All voted yes and motion carried.

Discussion was held concerning the West Highway 22 building. Ice melt has created a water leak in the building. Hintz is going to be removing the ice and snow to help alleviate the problem. He feels there has been moisture problems in the past and he is working on sealing things up. The roof has a lot of snow and the ice coming off gives some problems on the north and west sides. Some changes will need to be made for better drainage away from that building. Discussion was held on cleaning the building and supplies needed.

#### **9:45 Emergency Management Sheila Monnier**

Monnier met with the Commissioners to discuss several issues. She attended a flood meeting in Watertown as the state is preparing for flooding this spring. She reported on sandbags for the county, barricades and information for the townships to prepare for a Disaster Declaration. Homeland Security grant applications are due and she has been working on that. She reported on the EOC exercise and felt the training went well. She feels the staffing capabilities for an emergency in Deuel County is quite adequate. She is looking into another computer or tablet in preparation for a disaster as well as updating first responders in the community. 5) Rhody moved, seconded by Kreutner to approve the travel request for training for the Emergency Manager on Feb. 24-26 and March 2-4 in Sioux Falls, and March 25-26 in Yankton. All voted yes and motion carried.

Monnier expressed her frustration about her office situation. Commissioner DeJong reported that work will be done as soon as possible. She says her position is evolving and a better office situation is necessary. Other work and clean up will be done in other rooms of the courthouse basement as well as the entrance to the basement in preparation for emergencies and communications in the future.

#### **10:00 Sheriff Cory Borg**

Sheriff Borg met with the Commissioners to discuss items concerning the Sheriff's Office. He presented a contract with REIM with the Watertown Police Department. This is a link to the Zuercher system Deuel County currently has with them. The new contract cost is \$500.00 annually. 6) DeJong moved, seconded by Homan to approve and sign the contract with REIM and the Watertown Police Department at an annual cost of \$500.00. All voted yes and motion carried.

Chairman Jaeger wished to discuss Senate Bill 51 or SB51 currently being proposed in the South Dakota Legislative Session. The bill allows for courthouse employees to carry and conceal for their own protection in the event of an emergency in the courthouse and law enforcement is not readily available. Borg went on to say the Sheriff's Association is not in favor of the bill. As of the morning of the commission meeting, Sheriff Borg announced the bill has been tabled and will likely be changed. Discussion was held on the basics of the original bill. Jaeger had asked each office and the employees in the courthouse their opinions about carrying a weapon for their safety. There were varying opinions. Borg gave his opinion that both sides of the bill had valid points. Smaller courthouses sometimes do not have deputies readily available. Larger counties have more security. The courtroom and clerk of courts is still weapon free. The Deuel County courthouse has some safety measures in place for emergencies. Judges, State's Attorney and Sheriff's office are currently the only departments that can conceal and carry in the courthouse. This bill would eliminate the courthouse as being a "gun free zone". The bill

originated in Fall River County to allow their employees this type of protection but the judge in that county was against it. Discussion was held on security measures placed at our entrances. Further discussion was held on active shooter training. State's Attorney John Knight said that the majority of the court systems and law enforcement are against the SB51 and having the option to carry can invite more accidents and problems than if it was kept the way it is.

**10:15 Treasurer Jennifer Mewherter**

Mewherter presented three applications for the Elderly Assessment Freeze for the 2019 payable 2020 assessment year. All three applicants missed the April 1 deadline in 2019 but otherwise qualify for the real property tax assessment freeze provided under SDCL 10-6A-4. 7) Rhody moved seconded by DeJong to approve the Elderly Assessment Freeze for 2019 payable 2020 and abate difference in taxes (in 2020) on each parcel due to lower valuation. All voted yes and motion carried. Another abatement request was presented for property purchased by the City of Clear Lake in September 2019 to be made tax exempt. This issue will be re-examined on the Feb. 20<sup>th</sup> meeting to see what the agreement was between buyer and seller first before the Board makes a decision on abatement.

**10:45 Deuel County Extension Dawn Fritz and Weed Supervisor Keith Goens**

Fritz and Goens met with the Commissioners on the request of Chairman Jaeger. Chairman Jaeger would like a decision made on if Extension will be moving to the West building by spring or would they choose to stay downtown. The decision is ultimately with the Board of Commissioners. The downtown Extension building has considerable roof leakage. Much of 4-H business is done online and little walk in traffic depending on the time of year. The intention of the building on west hwy. 22 was to house Extension and 4-H. The commissioners discussed and decided to go with the original plans and move the departments out there and do some remodeling to accommodate their work areas. Fritz and Goens will contact the Clear Lake Building Center to come to the building and get some plans and quotes in place as soon as possible before busy spring contract work begins.

**11:15 State's Attorney John Knight**

Knight met with the Commissioners to discuss several items. Knight received a message from Curtis Mulder with concerns about Lake Cochrane. This will likely be discussed in a future meeting.

Knight presented the following Resolution #20-02 to clarify the longevity policy of courthouse employees.

**RESOLUTION**

**#20-02**

**CLARIFYING THE COUNTY LONGEVITY POLICY**

**WHEREAS**, Deuel County has adopted a policy to provide hourly employees additional compensation for established longevity milestones. The policy provides the following:

Employees with at least ten years of continuous employment with Deuel County shall receive the following additional compensation: after ten years and beginning on the anniversary date an additional \$.10 per hour in addition to any other raise given. After fifteen years of continued employment the rate will be \$.15 per hour, and after 20 years or more the rate would be \$.20 per hour. The rate will be paid to the employee each year regardless of any additional raises the county may or may not give. This would include all employees, full and part time, as well as elected

officials and appointed positions. Temporary part time or summer help are excluded.

**WHEREAS**, questions have arisen regarding the interpretation of the policy and the County has adopted a separate pay scale for County Highway Department Employees.

**WHEREAS**, County Commission has determined it is appropriate to adopt a resolution clarifying the above longevity policy.

**NOW, THEREFORE, BE IT RESOLVED THAT**, the Board of County Commissioners hereby amends the above policy as follows:

Employees with at least ten years of continuous employment with Deuel County shall receive the following additional compensation: after ten years and beginning on the anniversary date ~~an~~ a one time additional .10 per hour in addition to any other raise given. After fifteen years of continued employment a one time additional rate increase of the rate will .15 per hour; and after 20 years or more a one time additional rate increase of the rate would be .20 per hour. The rate will be paid to the employee ~~each year~~ regardless of any additional raises the county may or may not give. This would include all employees, full and part time as well as elected officials and appointed positions. Temporary part time or summer help and County Highway Department employees are excluded.

Adopted by the Deuel County Board of County Commission on February 4, 2020.

Attest:

Deuel County Board of Commissioners

\_\_\_\_\_  
Mary Korth  
Deuel County Auditor

\_\_\_\_\_  
Gary Jaeger  
Chairman

8) DeJong moved, seconded by Kreutner to sign and adopt Resolution #20-02 entitled Resolution Clarifying the County Longevity Policy. All voted yes and motion carried.

Therefore, Auditor Korth presented changes to salary amounts in Resolution #2020-01 SALARY RESOLUTION due to the above clarified policy: Shirley Quail from \$17.85 to \$17.95, John Knight 5353.40 to 5375.07, Sandy Koenecke \$17.50 to \$17.75, Dawn Fritz \$16.60 to \$16.70, and Jodi Theisen whose salary had other clerical errors changed from \$3381.20 to \$3398.53. 9) Rhody moved, seconded by Homan to approve the adjusted salary amounts in accordance with Resolution #20-02 - Clarifying the County Longevity Policy. All voted yes and motion carried.

A situation was presented that a Deuel County tax payer had concerns about her taxes raised considerably payable 2020. After research, it was found that there was a 30 year old agreement in place between said tax payer and the City of Clear Lake to continue to give the particular parcel of property a Township Levy and not a City Levy because of a special situation with surrounding property being annexed into the City at that time. For 2019 payable 2020 taxes, a Township levy was not put on the property and the bill printed with the current City of Clear Lake levy which amounted to the tax amount being considerably more. Auditor Korth looked into the situation and after speaking with the State of SD Department of Revenue along with Deuel County's software company, Korth was not comfortable changing a levy for one parcel after they were approved by the State prior to tax bills being printed. This was on the advice after legal concerns with the South Dakota Department of Revenue and Deuel County's software company Ultra Connecting Point. Korth felt this was an agreement between tax payer and the City of Clear Lake rather than the County. Her suggestion was the City could reimburse the difference if they choose to still honor the agreement made in 1989. State's Attorney John Knight also agreed that the City of Clear Lake would need to be involved in any part of the decision honoring the agreement. He forwarded the information to the City Council and the City Attorney to address at the next city council meeting. The City of Clear Lake would ultimately have to make the decision if they would honor the continuation of this agreement and a decision on how this is to be handled will be done at that time.

Commissioner Kreutner questioned what is happening with Invenenergy. Discussion was held concerning wind towers in the County as some have been removed according to a new map.

### **Public Comments**

Jim Dailey was present for the meeting and commented on a prior meeting with GFP concerning Lake Alice. Commissioner Rhody was also present for the meeting with GFP and felt it is out of the hands of the Board and more with GFP and DENR. Dailey felt Lake Alice was on a priority list for an outlet. He had contacted the State to see how things were going. He found out there is nothing going on at that level and seems to be no one is taking responsibility. He wants something done so the road is not underwater and causing problems with public safety this spring. Rhody stated the Water Management Board is in charge of the situation according to his records from that meeting. Dailey said that has nothing to do with the building an outlet, they only establish a high water mark and keeps it updated. Rhody had letters from Army Corps of Engineers and GFP and stated it is more in their hands at this time. Discussion was held on how an outlet construction would be paid for and when and how this will be completed. Dailey wanted a commitment from the Board on what their decision is. Chairman Jaeger said an engineer would have to be hired as well as townships contacted. Discussion was held later in the meeting with State's Attorney John Knight.

Knight will start the process of letters and making contacts to address the concerns of Jim Dailey about an outlet needed at Lake Alice.

## **UNFINISHED BUSINESS**

### **Courthouse Basement**

Commissioner DeJong presented an estimate from Interior Technicians, Inc. of Sioux Falls for mold cleanup. The quote came in at \$15,068.50 for full cleaning, removal of debris,

mileage and excise tax. The Board felt many items can be removed or destroyed prior to the cleaning to cut costs. Discussion was also held concerning finishing the basement floor as soon as possible after items have been removed. Discussion was held on making the entrance to the courthouse basement wider and replacing the steps to not be as steep.

DeJong also brought a quote for an auto scrubber for maintenance at the West 22 Building in the amount of \$5929.26. This was demonstrated for the commissioners prior to this week's meeting. 10) Kreutner moved, seconded by Jaeger to approve the purchase of a 20 inch auto scrubber Trident T20SC Pro in the amount of \$5929.26. All voted yes and motion carried.

**NEW BUSINESS**

**Approve Cash Balance Sheet**

11) Homan moved, seconded by Rhody to approve the cash balance sheet for the month of January. All voted yes and motion carried.

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

<b>END OF MONTH CASH BALANCE</b>	<b>JAN 2020</b>
CASH TOTAL	\$ 3,406.75
CHECKS TOTAL	\$ 25,123.49
CASH ITEM	\$ 0
CASH CHANGE SHERIFF	\$ 50.00
TOTAL CASH ASSETS ON HAND	\$ 28,580.24
CHECKING ACCOUNT BALANCE	\$ 846,747.47
MM DNB NATIONAL BANK	\$ 4,062.53
PREMIUM MM FIRST BANK & TRUST OF TORONTO	\$4,698,390.14
CREDIT CARDS	\$ 1,643.46
CD'S \$250,000 DNB	\$ 250,000.00
FIRST BANK &	
\$0 TRUST	

REVOLVING  
LOAN \$ 117,527.15

**GRAND TOTAL CASH**  
**ASSETS \$5,946,950.99**

GL CASH BALANCE BY FUNDS:

GENERAL \$2,510,515.08

SP REVENUE FUNDS \$2,916,039.53

TRUST & AGENCY

FUNDS \$ 520,396.38

townships \$47,330.15 cities \$23,988.76

schools \$240,318.61 rural fire \$4,458.51

**TOTAL GENERAL LEDGER**  
**CASH \$5,946,950.99**

**Memorandum of Understanding with SDSU/ CPI for 2020 1.7%**

The Memorandum of Understanding for 2020 between SDSU Extension and Deuel County was received from SDSU. The memorandum includes the portion the County pays annually to SDSU for partial salary support of a part time (47%) 4-H Advisor position in the amount of \$10,310 for 2020. 12) Kreutner moved seconded by Homan to approve and sign Memorandum of Understanding with SDSU Extension and Deuel County for 2020. All voted yes and motion carried.

Auditor Korth stated that she had received the Consumer Price Index for 2020 taxes payable 2021 from the Department of Revenue. The CPI to be used for taxes payable in 2021 is 1.7%. The index factor is the percent a taxing district may increase the taxes payable in the following year (SDCL 10-13-35). Total amount of increase is the CPI and growth. Accurate growth numbers will not be available until the Auditor receives the growth of utilities on the fourth Monday in August. All taxing districts within the county will be notified of the index factor.

Commissioner Jaeger gave some comments on bills currently being introduced in the current South Dakota State Legislature. Discussion was held on bills affecting townships and counties, sales tax, and funding for disasters.

**APPROVAL OF WARRANTS:**

13) Rhody moved, seconded by Kreutner 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 110.32 Supplies, A-Ox Welding Supply Company In 44.95 Rental, Ardy's Bakery 46.08 Supplies, At&T Mobility 381.48 Utilities, Bjerke Sanitation 206.00 Utilities, Brandt Township 750.00 Gopher, Bratland Law 686.60 Pro Service, Brownlee Construction Inc 1014.00 Supplies, Butler Machinery Co 3889.99 Repair, Credit

Collections Bureau 1.70 Lien, Clear Lake Building Center 19.96 Supplies, Clear Lake Courier 655.52 Publishing, Dana Safety Supply, Inc 829.97 Minor Equipment, Deuel County Farmers Union Oil 10749.33 Supplies/Utilities, Deuel County Motor Supply Inc 1136.80 Repair/Supplies, Deuel County Treasurer 43.78 Taxes, Beau C Barrett 156.60 Pro Service, Deuel Area Development Inc 3750.00 1st Qtr Support, Dust-Tex Service Inc 108.85 Rental, Ecolab Pest Elimination Div 54.00 Pro Service, Equipment Blades Inc 1812.80 Repair, Fedex 7.48 Pro Service/Postage, First Bank & Trust 1409.52 Credit Card, Gate City General 18.97 Supplies, Glacial Lakes And Prairies 449.00 Support, Goldstar Products Inc 499.00 Supplies, H-D Electric Coop, Inc 350.00 Supplies, Holiday Inn & Suites 192.00 Conference, Houseman Funeral & Cremation 2600.00 County Assist Funeral, Inter-Lakes Comm Action Inc 2566.75 Support/Sr Citizen Dining, Itc 1942.99 Utilities, Mark Katterhagen 15.00 Pro Service, Kennedy Pier Loftus & Reynolds 260.50 Caa, Kibble Equipment Llc 416.62 Repairs, Lucy Lewno 166.50 Pro Service, Lincoln County 90.00 Pro Service, Darcy Lockwood 15.00 Pro Service, Blue Tarp Financial, Inc 54.54 Repairs/Supplies, Maynards 315.30 Supplies, Mcleod's 531.74 Supplies, Midwest Truck Parts Inc 941.28 Repair, Mold Testing Services, Llc 1634.78 Pro Service, Northern Truck Equipment Corp 27.61 Repair, Northwestern Energy 1531.20 Utilities, Office Peeps Inc 1966.13 Supplies, Ottetail Power Co 123.93 Utilities, Overhead Door Co Of Wtn Inc 60.00 Repair, Pests B Dead Llc 165.00 Pro Service, Pizza & Burger Shack 95.00 Supplies, Powerplan Oib 237.91 Repairs, Prairie Lakes Healthcare Sys 195.00 Pro Service, Rnc Cabinets 1752.79 Minor Eqpmt, Sanford Health 71.00 Pro Service, Sanford Health Plan 20.00 Flex, Sanford Clinic 2805.00 Health Nurse, Sd Dept Of Transportation 1675.35 Fuel, Sd Dept Of Public Safety 2730.00 Rental, Sdml Worker's Comp Fund 27840.00 2020 Billing, Sd Public Assurance Alliance 421.16 Insurance, Sioux Valley Co-Op 22.26 Supplies, Stan Houston Equipment Co, Inc 58.00 Supplies, Star Laundry 131.80 Rentals, Sturdevant's Auto Parts 62.29 Repair, Titan Machinery-Watertown 2373.19 Repair, Ultra-Connecting Point 214.00 Supplies, W.W. Tire Service Inc 2632.00 Repair, Watchguard Video 402.00 Supplies, City Of Watertown 3978.34 911 Surcharge, Wheelco Truck & Trailer Parts 200.92 Supplies, Yankton Co Sheriff's Office 50.00 Pro Service. Payroll: Commissioners 9193.35, Election 130.93, Auditor Office 13806.62, Treasurer Office 8255.61, State's Atty Office 7652.80, Gen Building 3985.08, Dir of Equal Office 10585.73, Reg of Deeds Office 7135.55, VSO 1216.56, GIS 659.45, Sheriff's Dept 28446.19, 4-H 147.58, Extension 1968.73, Weed 1553.91, Drainage 113.91, Zoning 3870.18, Hwy Dept 76754.86, Emerg Mngmt 2899.20.

14) Kreutner moved, seconded by Jaeger to adjourn. All voted yes. Meeting adjourned.

Mary J Korth, County Auditor  
Published One Time at the Approximate Cost of \_\_\_\_\_.

Gary Jaeger, Chairman