

June 18, 2019
Regular Meeting

The Deuel County Commissioners met in regular session on Tuesday, June 18 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 with a request from Jaeger to discuss Emergency Management hours. All voted yes and the motion carried.

APPOINTMENTS

9:00 Jamie Hintz Highway Superintendent

Hintz discussed several highway related issues with the Commissioners. Discussed deterioration of County Road #314 which is a federal aid road due to problems with Fox Lake. He intends to put riprap down to fix the road. He has submitted the information to Emergency Relief Program. The roads near Clear Lake were discussed too but they don't fall under the federal aid. Federal Aid roads are mostly black top county roads in Deuel County. Fox Lake is very full and doesn't appear to be going down. There is a lot of tiling that enters into the lake, outlets don't keep up. Lakes in Deuel County are simply very flooded due to the wet year. Commissioner Jaeger met with Jay Gilbertson of EDWDD to discuss Lake Alice flooding and discussed some solutions. The solutions are best to wait until flooding is not so much a problem anymore. Elevated culverts were discussed for a solution when water is high.

Hintz discussed the Toben drainage application of Greg Toben to use County Road #10 for tiling across the road for drainage and Hintz signed off on the right of way application.

Hintz discussed additional signage for Crystal Springs Rodeo. They are not lowering speed but putting more safety signs on the roads to the rodeo.

Hintz presented the State of SD DOT Funding Agreement for replacement/repair of bridges in poor condition in Deuel County. 2) DeJong moved, seconded by Kreutner to sign State DOT Funding Agreement. All voted yes and motion carried.

Discussion was held on dust control that has begun in the County mostly due to rodeo. Most of the work is on County Road 7 and around Clear Lake.

Discussion was held on applications slow in coming in for the position at the Highway. Pay and benefits were part of the discussion in getting quality applicants.

Commissioner Jaeger also presented information on the BIG program for Hintz.

9:30 Drainage Board/Toben Farms Inc./Greg Toben

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

Discussion was held and Toben expressed his concerns about Lake Alice and said that the Lake really needs to be lowered. Greg Toben of Toben Farms presented two drainage applications. Toben requested a permit to drain on the N1/2 and the SE1/4 of 25-117-49. Proposed length of the drain is 4500 feet using 5-6" tile. This is replacement tiling to drain onto approximately 50 acres. Adjoining landowners had signed off Permission To Drain. 4) Homan moved, seconded by Kreutner to approve and issue

Drainage Permit #D19-05 to Toben Farms Inc. to drain on above described property. All voted yes and motion carried.

Toben also requested a permit to drain on the NW1/4 of 20-117-48. This is the large project that goes across the County Road discussed with Hintz. Proposed length of the drain is 3500 feet using 10-18" tile. Area affected for drainage will be close to 250 acres. Adjoining landowners had signed Permission To Drain. 5) Kreutner moved, seconded by DeJong to approve and issue Drainage Permit #D19-06 to Toben Farms Inc. to drain on above described property. All voted yes and motion carried.

9:45 Drainage Application Bryan Sonnenburg/LeRoy Sonnenburg

LeRoy Sonnenburg presented a drainage application requesting a permit to drain on the NW1/4 of 25-114N-50W. Proposed length of the drain is 1600 feet using 5" tile. Drainage area is less than 20 acres. Adjoining landowners had signed Permission To Drain. 6) DeJong moved, seconded by Homan to approve and issue Drainage Permit #D19-04 to LeRoy Sonnenburg to drain on above described property. All voted yes and motion carried.

Bryan Sonnenburg also presented a drainage application requesting a permit to drain on the SE1/4 of 24-114-50. Proposed length of the drain is 1000 feet using 6" tile. Adjoining landowners had signed Permission To Drain. Affected area is 15-20 acres 7) Homan moved, seconded by Kreutner to approve and issue Drainage Permit #D19-03 to Bryan Sonnenburg to drain on above described property. All voted yes and motion carried.

10:00 Drainage Application Norman Bindert

Dana Bindert presented a drainage application for himself and his father Norman Bindert requesting a permit to drain on the NE1/4 of 2-116-48. Proposed length of the drain is 3500 feet using 5" tile. Drainage area is approximately 10 acres. This is an addition to original Drainage Application D18-18 which was approved 9-5-2018. Discussion was held to relocate the proposed tile to the north and into a natural drain way. This would require getting other landowners permission signatures but the Board thought it would be better than causing more erosion near the road. Adjoining landowners had signed Permission To Drain for the current proposed application. 8) Jaeger moved, seconded by Kreutner to approve and issue Drainage Permit #D19-07 to Norman and Dana Bindert to drain on above described property with option of relocating the tile to drain onto a natural drain way to the north depending on landowner permission. All voted yes and motion carried.

Theisen also approached the board with Drainage questions of repairing tile when it is only 1-2 acres or if the drainage area seems less than 20 acres. The Board is giving Drainage Officer Theisen the discretion to make the decisions on small drainage areas if it is repair, but new drainage apps will be looked at to determine if the drainage area is a problem. Discussion was held on how much mileage was used for Theisen's Zoning duties.

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

10:15 Sheriff Cory Borg

Borg met with the Commissioners and discussed several items. A parcel of land with an existing tower was offered to the County for a nominal price from Tarpon Towers II LLC of Bradenton, FL. The location is the E380' of the W545' of the S320' of

Willemsen Addition, Town of Clear Lake 23-115-49. The tower was discussed for a location for the 911 repeater. Brian Soehl from Vantek Communications of Sioux Falls looked at the tower and suggested to get it professionally inspected. He would expect problems with the tower including rusted anchors and lighting, all of which are very expensive. He also mentioned his company rebuild a tower for approx. \$15,000 total cost. This would be a 300 ft tower that would sustain ice and strong wind. Borg said there are issues with the 911 repeater being located on the Courthouse currently while the water tower is being painted. Discussion was held on repairing the tower that is there after inspection if the county should acquire the property. It was suggested to use the current tower until it falls or fails and leave some minor inspection on the anchors to the county employees. 10) Homan moved, seconded by Jaeger to purchase the parcel of land as described E380' of the W545' of the S320' of Willemsen Addition, Town of Clear Lake 23-115-49, including the tower that is located there for a nominal cost of \$10.00 for use of the tower for a 911 repeater for Deuel County.

Discussion was held on the changes to the County's current police contracts including price. A new Police Contract was received to renew for the city of Toronto and will not be acted on until changes are approved.

10:45 Emergency Management Sheila Monnier

Monnier met with the Commissioners and discussed several items. She presented information about an EOC class held in July and suggested some Board members and Auditor to go to the class. She also discussed the ICS classes that will be coming available from FEMA. These are self-paced classes that are often a requirement for County Officials from FEMA. Monnier presented a work up of an Emergency Operations Plan for the 2019 Crystal Springs Ranch Rodeo. This would be in case of a large weather event. The plan includes the Community Center as a triage, notification of hospitals, and coordinating travel out of the rodeo grounds.

Monnier discussed the tornado that occurred over the weekend near Estelline and west of the Interstate in Deuel County. No injuries or damage but it was confirmed by the NWS. No warning had been issued at the time because nothing had shown up on the radar. She said the siren on the Courthouse is up and working now. July 11th is the day scheduled for FEMA to come to Deuel County to discuss the disaster declarations.

11:00 Dale Holt Delinquent Taxes

Holt met with the Commissioners to discuss delinquent taxes on OL 3 less N25' in SW1/4 23-115-49 of McCraney's Addition & OL 2-3, Clear Lake. This property is owned by Mr. Holt. He presented a letter to request the Board to agree on a payment plan. Treasurer Jen Mewherter was present to explain how that process works in her office. 11) DeJong moved, seconded by Homan to accept a payment plan from Dale and Adina Holt of \$150 per month until delinquent taxes are brought current on above described property, record number 3710. The payments will be made to the Deuel County Treasurer and that office will be responsible for applying the payments to the taxes as they come in. All voted yes and motion carried.

11:15 Doug Bublitz Delinquent Taxes

Bublitz met with the Commissioners to discuss delinquent taxes on Lots 9, 10 & 11 Warehouse Lots & OL 7 & Small Pie Shape E of Lot 11 & 60' RR Row adjoining Lots 6, 9, 10 & 11 & 50' RR Row N of OL 7, Altamont Warehouse Lots in 22-116-49, Altamont. This property is owned by Mr. Bublitz. Bublitz has a home equity loan in the

process to cover his delinquent taxes. He is asking for more time before the Treasurer to start the tax deed process so he can secure this loan to bring his taxes current. He will have a partial payment immediately. 12) Jaeger moved, seconded by DeJong to have Treasurer Jen Mewherter delay the tax deed process for 90 days for Bublitz to secure a loan to pay the delinquent taxes. All voted yes and motion carried.

11:30 Deuel Harvest Wind

Michael Svedeman of Deuel Harvest Wind met with the Commissioners to discuss amending 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, Lake Park District at Lake Alice 2 miles and 1 mile from the Lake Park District at Bullhead Lake. That was the intention of the ordinance when it was amended on January 9th 2017. The PUC just granted a permit for the project and their interpretation would be based on this amendment. Deuel Harvest Wind is requesting the County Commissioners request the Planning Commission to hold a public hearing to make the decision to clarify this language. The Planning Commission will be contacted to attend the regular Commission Meeting July 16, 2019 in reference to this amendment.

11:30 State's Attorney John Knight

Knight met with the Commissioners to tell them that he will need to inform the attorneys to inform the PUC of the new lawsuit that is now in place against the Deuel County Board of Adjustment.

UNFINISHED BUSINESS

RNC Cabinets

A quote for a new design for the County Commissioner's Room from RNC Cabinets was presented for a cost of \$2,512.36. 13) DeJong moved, seconded by Rhody to hire RNC Cabinets to redo the desk and design in the Commissioner's Room for a cost of \$2,512.26 with an additional table. All voted yes and motion carried.

Courthouse Basement

Discussion was held about the possible situation with mold present in the Courthouse Basement affecting the Emergency Management Office. A quote was presented from GeoTek Engineering & Testing Services, Inc. of Sioux Falls. Field work and lab testing for mold presence in the basement would be \$1,188.40 estimated. This does not include clean up or resolving any issues that would arrive. A second quote was presented from Mike Oletzke of HomeTeam Inspection Service of Watertown. They would test for mold presence in any area of concern for \$125.00 per swab which includes field work, mileage and testing but no solutions. EM Manager Monnier was present for the discussion and she just suggested to tear out the carpet in the basement as she feels this contributes to the problem. She feels if we can dry things up on the floor that would be a start to the dampness and odor. Chuck Olson will be contacted to tear the carpet out of the affected areas in the Courthouse basement.

NEW BUSINESS

Warrants

14) Jaeger moved, seconded by Homan to approve warrants paid early and any additional warrants presented for payment. All voted yes and motion carried. Approve warrants paid early and additional warrants presented for payment to SD Dept of Rev 131,319.79 motor vec fees, SDACO 192.00 M&P, Tri-State Water 31.00 water cooler, Otter Tail 1525.62 utilities, NW Energy 161.09 utilities, ITC 160.51 utilities, H-D Electric 284.10 utilities, Sanford 44.25 flex fees, Century Link 358.79 911 trunk lines, BD Rural Water 72.80 utilities, Deuel Cty Treas 21.20 trailer title & lic

State Meal Rate Change/2020 Budget/Health Insurance Renewal/July 4th Holiday/Commissioner Jaeger requested to discuss Emergency Management

State rates for meals will change as of July 1. Mileage rates stay the same. 15) Kreutner moved, seconded by DeJong to adopt the following reimbursement rates for Deuel County as of July 1, 2019. All voted yes and motion carried. In state per diem rates for meals if meeting requires overnight stay - \$6 for breakfast, \$14 for lunch and \$20 for dinner.

Discussion was held on several areas of the 2020 budget. The 2020 budget will be finalized in July with a public hearing on the proposed budget in September.

Discussion was held on the renewal of the County's Health Insurance Plan and Renewal. The Renewal Meeting with Sanford Health Plan is July 18th. Commissioner DeJong will be in touch with Sanford prior to this meeting to discuss insurance premiums and deductibles.

Commissioner Jaeger wished to discuss the extra hours for Emergency Management. He would like to see it on a trial basis, for 6 months or so feeling the hours will not be so heavy come winter time. Discussion was held on a balance of hours or at some time after the flooding event, cutting the hours.

16) Jaeger moved, seconded by Rhody to close the Courthouse and outlying departments on Thursday, July 4th and Friday, July 5th for the Independence Day Holiday. All voted yes and motion carried.

Public Comments:

John Henslin was present for the meeting and said he was pleased there will be a clarification on the Zoning Ordinance.

Will Stone was present asking for an amendment as well on the definition of a business. He presented the dictionary meaning as well as a copy of his license stating all of his acres are included in his business. Deuel Harvest Wind representative said that talks have occurred between Stone and Deuel Harvest Wind. Chairman Rhody would like to see a solution on this soon between Stone and Deuel Harvest Wind.

John Homan was present and wanted to remind the Board of the conflicts of interest and he thinks due and correct process should be followed.

Chairman Rhody thanked everyone for their comments.

Other Business:

Discussion was held on possibly purchasing an inexpensive vehicle for the Zoning Officer to use for her position.

Discussion was held on the NACO conference held in July in Las Vegas, NV and who will be attending other than President of the SDACO Gary Jaeger. 17) Kreutner moved, seconded by Jaeger to approve the travel and lodging expense for Chairman

Steve Rhody to attend the NACO conference in Las Vegas, NV in from July 11 through July 15. All voted yes and motion carried.

Discussion was held on the Sioux Valley Commission held in Deuel County in August and who potential speakers will be and approximate dates.

There being no further business 18) Kreutner moved, seconded by Homan to adjourn the meeting.

Chairman
Deuel County Commission

ATTEST:

Mary Korth, Auditor

Published one time at the approximate cost of _____.