

The Deuel County Commissioners met in regular session on Tuesday, November 16<sup>th</sup> at 9:00 a.m. in the Commission Room of the Courthouse with Chairman DeJong presiding. Those present were Commissioners DeJong, Rhody, Jaeger, Homan, and Kreutner. Also present was Auditor Korth. The meeting began with prayer and the Pledge of Allegiance. The meeting was then called to order by Chairman DeJong.

**Approval of Agenda**

- 1) Jaeger moved, seconded by Rhody to approve the agenda as presented. All voted yes and the motion carried.

**APPOINTMENTS**

**9:00 Highway Superintendent Jamie Broksieck**

Broksieck met with the Commissioners to discuss highway related issues. 2) Rhody moved, seconded by Kreutner to surplus scrap iron for the Highway Department. All voted yes and motion carried.

Discussion was held on the completed overlay project. Other highway repairs and projects as well as wind tower companies and agreements were discussed. Small structure inventory was discussed and is under way.

**9:30 Sheriff Cory Borg**

Borg discussed personnel with the Commissioners. 3) Jaeger moved, seconded by Homan to accept the resignation of the temporary deputy Mark Brueggeman for the Sheriff's Office effective Nov. 21, 2021. All voted yes and motion carried. Discussion was held on the best way to cover the position.

**9:45 Zoning Officer Jodi Theisen**

Discussion was held to consider the adoption of the following departmental budget supplement to the 2021 Deuel County budget, in order to carry on the indispensable functions of Deuel County. 4) Homan moved, seconded by Kreutner to advertise and hold a supplemental budget hearing December 7<sup>th</sup>. All voted yes and motion carried.

**NOTICE OF SUPPLEMENTAL BUDGET HEARING  
FOR DEUEL COUNTY**

**NOTICE IS HEREBY GIVEN THAT:** The Deuel County Commission will hold a public hearing on Tuesday, December 7<sup>th</sup> at 9:45 a.m. in the Commission Room of the Deuel County Courthouse, Clear Lake, South Dakota, to consider the adoption of the following departmental budget supplement to the 2021 Deuel County budget, in order to carry on the indispensable functions of Deuel County government.

FUND	DEPT	OBJECT	SUPPLEMENT
101 711	422.00	Zoning Dept. Professional Services	\$7,000.00

**MEANS OF FINANCE:**

101	101	General Fund Cash	\$7,000.00
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**NOTICE IS FURTHER GIVEN THAT:** Any person or his attorney interested in the adoption or rejection of this supplemental appropriation may appear and be heard.

Dated this 16<sup>th</sup> day of November 2021.

Mary Korth  
Deuel County Auditor

After a short recess, the Commissioners reconvened to the third floor courtroom of the courthouse due to the amount of public in attendance.

**10:00 Second Reading Ordinance B2004-01-39B – An Ordinance to Amend Section 1102.03, “Special Exceptions” (Article IX: “CI – Commercial/Industrial District to Include “ Custom Processing and Slaughterhouse”); Article XIV, “General Standards for Custom Processing and Slaughterhouse Activities”, Adopted by Ordinance B2004-01, As Amended, of the Zoning Ordinance of Deuel County. An Ordinance Amending Ordinance B2004-01 (Existing Zoning Ordinance) And All Amendments Thereof, And For The Repeal Of All Resolutions And Ordinances In Conflict Therewith**

The second reading of Ordinance B2004-01-39B was held by reading of title only. The full ordinance will be published and also found on the Deuel County, SD website.

The Board of Commissioners discussed the ordinance. Present for discussion was Tanya Svec who suggested proposed grammatical and structural edits. State’s Attorney Gass didn’t think the edits were necessary for the ordinance. 5) Rhody moved, seconded by Jaeger to approve *Ordinance B2004-01-39B – An Ordinance to Amend Section 1102.03, “Special Exceptions” (Article IX: “CI – Commercial/Industrial District to Include “Custom Processing and Slaughterhouse”); Article XIV, “General Standards for Custom Processing and Slaughterhouse Activities”, Adopted by Ordinance B2004-01, As Amended, of the Zoning Ordinance of Deuel County. An Ordinance Amending Ordinance B2004-01 (Existing Zoning Ordinance) And All Amendments Thereof, And For The Repeal Of All Resolutions And Ordinances In Conflict Therewith.* Upon roll call vote, all ayes and motion carried.

**10:45 Joint Hearing with Zoning Board on request of Eric Engelbrecht and Ordinance B2004-01-41A to Rezone from Agricultural District to Commercial District for the following described property: E1/2E1/2 of the SW1/4 less Lot H-1 and W1/2W1/2 of the SE1/4 less Lot H-1 of 19-115-50, Havana Township, Deuel County** A joint public hearing with the Zoning Board was held upon the request/petition of Eric Engelbrecht to issue a change in zoning classification for property that is described above in 19-115-50 in Havana Township from Agricultural to Commercial District. The following were present for the hearing: Matt Hotzler, Deb Engelbrecht, Eric Engelbrecht, David Coburn, Paul Tschetter, Todd Boyd, Teree Nesvold, Sheila Monnier, Tammy Krein, Craig Evenson, Lana Smunk, Bob Smunk, Ron Niemann, Dana Niemann, Merle and Myron Buyert, William Shepherd, David Strait, Tanya Svec, LP Svec, Kelly Sieh, Todd Moritz, Michelle Swenson, Reece Almond, Ileah Krshak and Lance, Logan, Landon, Charles and Mary Greenfield.

State’s Attorney Jared Gass began the public hearing stating comments need to be confined to the purpose of the rezone to commercial from agricultural only and that there will be time limitations.

Proponents for the reclassification were present and spoke. Attorney Todd Boyd representing Eric and Deb Engelbrecht spoke in favor of the rezone. There was much discussion between the Zoning Board and Mr. Boyd. Matt Hotzler of H-D Electric and Craig Evenson also spoke in favor of the rezone.

Opponents for the reclassification were present and spoke. Speaking against the rezone were Lana and Bob Smunk, Michelle Swenson on behalf of her mother and aunt, Lance, Logan, Landon, Charles and Mary Greenfield and Ileah Krshak, Myron Buyert, Jon Lundgren and Attorney Reece Almond. Many comments and concerns were directed to the Zoning Board with much discussion.

After a ten minute recess, the meeting reconvened at 12:30 p.m. The Zoning Board then discussed the rezone at length. The largest concern was permitting 80 acres for this petition. A lesser amount would be more favorable.

The Zoning and Planning Commission voted to recommend approval of this ordinance to the County Commissioners. Upon roll call vote, simple majority, the motion carried. The Planning and Zoning Commission adjourned.

The Commissioners then held the first reading of Ordinance B2004-01-41A. The second reading will be held at the December 7<sup>th</sup> regular Commission meeting at 10:30 a.m.

**State's Attorney Jared Gass –**

**Executive Session per SDCL 1-25-2(1) for the Purpose of a Personnel Matter**

6) Kreutner moved, seconded by Jaeger to move into executive session per SDCL 1-25-2(1) for the purpose of a personnel matter. All voted yes and motion carried.

7) Jaeger moved, seconded by Rhody to have Chairman DeJong declare the meeting out of executive session at 1:57p.m. All voted yes and motion carried.

8) Rhody moved, seconded by DeJong to accept the resignation of Jared Gass as Deuel County State's Attorney effective December 31, 2021. All voted yes and motion carried.

**UNFINISHED BUSINESS**

Discussion was held on switching life insurance benefits for all employees to New York Life Insurance. 9) Jaeger moved, seconded by Kreutner to convert all employees to New York Life Insurance Co. from UNUM Insurance Company starting January 1, 2022 and to offer coverage through New York Life Insurance Co. to all new employees at 100% cost covered by the County. All voted yes and motion carried.

**NEW BUSINESS**

**Plats**

10) Rhody moved, seconded by Homan to approve the Plat of Jayda Templeton Addition and Resolution #21-31. All voted yes and the motion carried.

**COUNTY COMMISSION  
RESOLUTION #21-31**

BE IT RESOLVED by the Board of County Commissioners of Deuel County, South Dakota, that the plat entitled: **“JAYDA TEMPLETON ADDITION IN THE COUNTY OF DEUEL, SOUTH DAKOTA, Located in the Northwest Quarter (NW1/4) of Section 20, T117N, R50W of the 5<sup>th</sup> P.M., Deuel County, South Dakota, Subject to Public Road Right of Way”** which has been submitted for examination pursuant to law, and it appearing that all taxes and special assessments have been paid and that such plat and the survey thereof have been made and executed according to law, the plat is hereby approved, and the County Auditor is hereby authorized and directed to endorse on such plat a copy of this Resolution and certify the same.

Dated this 16<sup>th</sup> day of November, 2021

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Chairman, Board of County Commissioners  
Deuel County, South Dakota

ATTEST:

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County Auditor,  
Deuel County, South Dakota

11) Homan moved, seconded by Jaeger to approve the Plat of Lincoln Swenson Addition and Resolution #21-32. All voted yes and the motion carried.

**COUNTY COMMISSION  
RESOLUTION #21-32**

BE IT RESOLVED by the Board of County Commissioners of Deuel County, South Dakota, that the plat entitled: **“LINCOLN SWENSON ADDITION IN THE COUNTY OF DEUEL, SOUTH DAKOTA, Located in the Southeast Quarter (SE1/4) of Section 20, T117N, R50W of the 5<sup>th</sup> P.M., Deuel County, South Dakota, Subject to Public Road Right of Way”** which has been submitted for examination pursuant to law, and it appearing that all taxes and special assessments have been paid and that such plat and the survey thereof have been made and executed according to law, the plat is hereby approved, and the County Auditor is hereby authorized and directed to endorse on such plat a copy of this Resolution and certify the same.

Dated this 16<sup>th</sup> day of November, 2021

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Chairman, Board of County Commissioners  
Deuel County, South Dakota

ATTEST:

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County Auditor,  
Deuel County, South Dakota

**Travel**

12) Jaeger moved, seconded by Rhody to approve travel reimbursement expense for County Officials for the Sioux Valley Commission Meeting held in Brookings on November 10<sup>th</sup>, 2021. All voted yes and motion carried.

**Warrants**

13) Homan moved, seconded by Kreutner to approve warrants paid early and approval of regular warrants to be paid. All voted yes and motion carried. *Warrants to:* Appera 51.77 Rentals, AT&T 200.20 Utilities, B-D Rural Water 234.70 Utilities, Betty Walter LLC 29.00 Overpayment, Brookings County Auditor 60.00 Meeting, Century Link 358.79 Utilities, CoreLogic 4955.66 Overpayment, DC Treasurer 2024.17 Tax Account, Dept of Animal Science SDSU 32.50 Supplies, Evenson AI 32.86 Overpayment, First Bank & Trust 1376.61 Overpayment, H-D Electric 623.58 Utilities, Haskell Steven 57.23 Overpayment, Huber Harley 358.60 Overpayment, ITC 169.07 Utilities, Winkelman Jean 235.07 Overpayment, Cech Jon 142.51 Overpayment, Meyer Julie 583.50 Overpayment, Northwestern Energy 58.11 Utilities, Otter Tail Power 923.62 Utilities, RC Technologies 150.00 Utilities, Spartz Rodney 573.82 Overpayment, Ruhr Kelly 112.94 Overpayment, Tri State Water 17.97 Supplies, USPS 1000.00 Postage; SD Dept. of Rev 93,369.94 Fees to State, SDACO 148.00 M&P Due to State. *Taxes:* Schools 1,311,681.61, Towns 183,209.29, Townships 133,729.28, EDWDD 5837.21, Rural Fire 27,086.07.

**Public Comments**

No further public comments beyond the hearings above.

**Adjournment**

There being no further business 14) Rhody moved, seconded by Homan to adjourn the meeting. All voted yes and motion carried.

Gary DeJong, Chairman  
Deuel County Commission

ATTEST:

Mary Korth, Auditor

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