

May 21, 2019
Regular Meeting

The Deuel County Commissioners met in regular session on Tuesday May 21 at 9:00 a.m. in the Commission Room of the Courthouse with interim Chairman DeJong presiding as Chairman Rhody was absent. Those present were Commissioners DeJong, Homan, Jaeger, and Kreutner. Also present was Auditor Mary Korth and several members of the public. The meeting opened with prayer and the pledge of allegiance. Chairman DeJong made the announcement that today's meeting is being audio taped. **Approval of Agenda** 1) Homan moved, seconded by Kreutner to approve the agenda as presented. All voted yes and the motion carried.

APPOINTMENTS

9:00 Jamie Hintz Highway Superintendent

Hintz discussed several highway related issues with the Commissioners.

2) Jaeger moved, seconded by Homan to surplus scrap iron and sell. All voted yes and motion carried.

Hintz also said the City has asked to slow traffic down by Ulven Park. He has suggested using a "slow" sign or something similar rather than changing speed limits as that involves more regulations. Hintz also said no new applications have come in for the position at the Highway Shop; he is looking into previous applications and is determining the best to hire. Hintz presented more information regarding Wilde Air Service LLC using township and county roads for take-off and landing their aircraft for the purpose of servicing the aircraft in preparation for fertilizer application for local farmers. Brookings County Board of Commissioners approved the request upon receiving insurance papers, permit papers, also further specifics on flaggers for traffic closures and assurance that all safety precautions met. This information was presented to the Deuel County Board of Commissioners and was recommended by Hintz for approval. 3) Kreutner moved, seconded by Jaeger to approve Wilde Air Service, LLC the use of township and county roads for aircraft landing and take-off for preparation of dry fertilizer. Deuel County will not assume liability for safety reasons and all regulations and laws must be followed in accordance with SDCL 50-2-2.1 specifically subsections 2 and 3 of 70:02:02:08. All voted yes and motion carried.

Hintz also spoke of road conditions, roads are deteriorating and he is doing what he can to get them to shed rain and hopes that things improve.

Discussion was held about the problem with the outlet on Lake Alice. The lake is in a flood situation currently and the outlet is very slow and not able to handle the flow. Commissioner Jaeger voiced concerns of the undermining of roads in the area being a public safety issue and discussion was held with what can be done for better water flow. Concerned citizen Jim Dailey was present for the discussion and made suggestions on lowering the lake level to a more natural and manageable depth to stop bank erosion. The Board felt it was best if the permit process is started to address the issue. NRCS, US Fish and Wildlife, Game Fish & Parks, and East Dakota Water District will be contacted, as well as Portland and Altamont Township Boards on this issue to start the process to do what is necessary to help with the roads and erosion.

Discussion was held on the condition of roads in the county with our current flood situation and repairs need to be prioritized. Hintz stated water levels must recede for much of the work to be completed.

Commissioner Kreutner asked about bridge work in Herrick Township. Other than the structures that received awards through BIG program, bridge projects are on hold and will be addressed after the weather improves.

9:30 Lisa Pederson Crystal Springs Rodeo Parade Route

Peterson met with the Commissioners to discuss the parade route for the Crystal Springs Rodeo Parade to be held on Saturday June 29. Pederson said she has been seeking approval from all entities involved about having the parade on Highway 15 again this year. She asked for a detour using one mile of County Road #515 going west in Clear Lake Township, then traffic directed south to Highway 22. She has already received approval from Clear Lake Township and the City Council and needed approval to use County Road #515 for a detour from 3pm to 4pm. 4) Jaeger moved, seconded by Kreutner to approve the proposed detour using County Road #515 and have the Chairman sign the agreement. All voted yes and motion carried.

9:45 Auditor Mary Korth-Hire New Personnel Auditor's Office

Korth met with Commissioners and recommended hiring Brittanee Collins for the full time Deputy position in the Auditor's Office. 5) Homan moved, seconded by Kreutner to hire Brittanee Collins as full time Deputy Auditor beginning June 5, 2019 starting wage at \$13.00/hour. All voted yes and motion carried.

10:00 John Homan

Mr. Homan addressed issues with wind projects in the County. Homan asked about replacement and appointing Zoning Board members and how the process is done. He asked questions to the Commissioners about bias and conflicts of interest, setbacks near Lake Alice, interpretation of ordinances and the allowance for wind companies to reapply for permits. Commissioner Jaeger said many of these issues are in the hands of legal counsel and the Board is following their advice. Homan continued his concerns referring to the Deuel County Board of Adjustment meeting held at the Community Center in Clear Lake on May 8. He spoke of property valuations not being addressed, concern about an eagle's nest not being properly handled, and generally that wind companies are being favored instead of taking into consideration all residents of Deuel County. He wanted to know if any action has been taken to override the Zoning Board. Commissioner Jaeger said he has been doing his own research and is taking many things into consideration. Mr. Homan is requesting copies of the transcript from the May 8th Board of Adjustment meeting.

10:15 Interim Chairman Gary DeJong

Custodian Scott Ruby approached the Board and said the boiler at the Courthouse was inspected a couple weeks ago and the backup boiler is not in compliance. There is a deadline to get the boiler in compliance with the State. Johnson Controls gave quotes on valves/supplies needed. \$1650.00 for total material costs plus labor to fix the boiler to be

in compliance. 6) Jaeger moved, seconded by Kreutner to purchase materials for \$1650.00 plus labor from Johnson Controls to repair the boiler.

Discussion was held about the Courthouse Flagpole and different quotes and heights were examined. 7) Jaeger moved, seconded by DeJong to have the old flagpole removed on the north side of the Courthouse. And to purchase a new 35' fiberglass flagpole from The Flag Company for \$2513.24. All voted yes, motion carried.

Ruby also shared concerns about using his personal vehicle for servicing the buildings. It was suggested to check with Highway Shop to use one of their vehicles for this purpose.

An update was given on the lights at the Horse Arena at the Deuel County Fairgrounds. The lights are in need of replacement and a quote was given at an earlier meeting. Invenergy has offered to donate the funds for the replacement and labor of the Horse Arena lights at the fairgrounds. This issue has been tabled and will be decided upon at a later date.

Commissioner DeJong also brought design ideas to share with the Board for the Commission Room in the Courthouse. Other quotes and designs to possibly include audio will be examined. Emergency Management Office space was also discussed including different locations within the Courthouse or possibly the Extension building after that office is moved to the newly purchased building. Repairs would need to be made as well for the mold situation in the Courthouse basement if it is a problem. Having Deuel Area Development moved from the Courthouse was mentioned as well. Decisions will be made after the closing date of the new building purchase and further examination of all possibilities.

10:45 Casey Severson Clear Lake Summer Rec Program

Severson met with the Commissioners to discuss the Clear Lake Summer Rec Program as a Summer Rec second year board member. The program provides a variety of summer activities including baseball and softball with several children on all the teams. They are looking for helmets, bats and catching gear. They are looking at grants and other monies for flooding issues at the home field. She is asking the Board for a donation for equipment for the baseball teams. 8) Jaeger moved, seconded by Homan for a donation of \$750.00 to Clear Lake Summer Rec for equipment. All voted yes and motion carried.

11:00 Sheriff Cory Borg Executive Session Pursuant to SDCL 1-25-2(4) for the purpose of contract negotiations

9) Kreutner moved, seconded by Homan to move into Executive Session pursuant to SDCL 1-25-2(4) for the purpose of contract negotiations. All voted yes and motion carried. Interim Chairman DeJong declared the Commissioners out of Executive Session at 11:15 am.

11:15 Will Stone

Stone met with the Commissioners to discuss wind tower issues in the county. He wanted to clarify the definition of a "business" according to the dictionary and presented the definitions along with other concerns he had in the form of a printed letter. He cited a January 2018 Zoning Board meeting and would like to have the wording changed as he states a business is not a "structure". He says his particular business is many acres of land used for hunting. Wind energy would be compromising his business. He further stated

dollars generated from wind towers does not give an accurate picture because he feels most of that money goes outside of the county. He also feels an independent person should be in charge of the zoning issues on these particular projects. Commissioner DeJong had questions for Mr. Stone and further discussion ensued. Mr. Stone feels if there were proper setbacks, there would be no issues and concerns for him.

11:30 State's Attorney John Knight

Knight met with the Commissioners to discuss the outdated computer in his office that will need an upgrade soon along with other programs he could purchase separately to be compatible with the upgrade. It was noted that many computers in the Courthouse will need upgrading soon. Knight will get a quote for the next meeting.

Knight reported the PUC hearing last Tuesday, May 14 to grant Invenergy's Project was approved and also that Crown Ridge has allegedly withdrawn their application with the PUC.

NEW BUSINESS

Warrants/Travel

10) Kreutner moved, seconded by Homan to approve warrants paid early and any additional warrants presented for payment. All voted yes and motion carried. Century Link 358.79 911 trunk lines, H-D Electric 375.14 utilities, B-D Rural Water 69.50 utilities, Postage \$2000.00 for mail machine, Sanford \$25.00 flex fees, Dept of Revenue \$22.50 excise tax & \$123,219.10 motor vehicle fees to state, Northwestern Energy 60.29 utilities, SDACO \$175.00 registration fees & \$148.00 M&P fees; Lake Cochrane Sanitary District 564.00 taxes, Schools 1,842,176.46 taxes, Townships 152,844.70 taxes, Cities 156,815.71 taxes, EDWD 6661.94 taxes, Rural Fire Dist 29,435.43 taxes. Overpayment of taxes to: Larry Goodroad 47.52, Central Loan Admin 474.38, GW Bank 587.28, HomeLoan 1626.25, Janet Tesch 200.00, Janice Kostad 33.89, Quicken Loans 341.59, SunTrust Bank 996.98, Joyce Cook 1411.84. DC Treas 2394.33 tax account

11) Jaeger moved, seconded by DeJong to approve the travel request of the Director of Equalization and deputy for the sales ratio workshop by the Department of Revenue located in Brookings on June 17. All voted yes and motion carried.

A request was made from the Farm Service Agency in Clear Lake for a resolution disaster in Deuel County because of the recent precipitation and weather conditions that has severely impacted livestock in the county. 12) Jaeger moved, seconded by Homan to adopt Resolution 19-11 Resolution for Declaration of Local Livestock Emergency/Disaster. All voted yes and motion carried.

RESOLUTION FOR DECLARATION OF LOCAL LIVESTOCK EMERGENCY/DISASTER RESOLUTION #19-11

WHEREAS, Deuel County South Dakota suffered severe livestock loss caused by heavy rainfall, flooding and wind due to storm conditions May 8, 2019; Deuel County South Dakota has also suffered from above normal moisture conditions in the last 90 days.

WHEREAS, Deuel County South Dakota livestock has been impacted by flooding, high moisture conditions and below normal temperatures that compromises the health and welfare of livestock.

WHEREAS, Deuel County has committed all available resources and taken all possible actions within the jurisdictional boundaries to combat and to alleviate the emergency/disaster and community resources are not adequate to cope with the situation.

NOW, THEREFORE, BE IT RESOLVED by the Deuel County Commissioners at a regular meeting held on May 21, 2019, it is hereby declared a local livestock emergency/disaster to exist in the County of Deuel State of South Dakota.

Dated this 21st day of May, 2019.

Chairman, Board of Commissioners
Deuel County Commission

ATTEST:

Mary J Korth, Auditor

13) Kreutner moved, seconded DeJong by to approve the Plat of Krause 2nd Addition, located in NW1/4 14-114-49 and Resolution #19-12. All voted yes and the motion carried.

RESOLUTION
#19-12

BE IT RESOLVED by the Board of County Commissioners of Deuel County, South Dakota, that the plat entitled: **“Krause Second Addition, located in the Northwest Quarter of Section 14, Township 114 North, Range 49 West of the 5th P.M., Deuel County, South Dakota”**, 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 21st day of May, 2019.

Chairman, Board of County Commissioners
Deuel County, South Dakota

ATTEST:

County Auditor,
Deuel County, South Dakota

Commissioner DeJong said he spoke with Zoning Officer Theisen about the upcoming Deuel County Board of Adjustment Meeting with AvanGrid concerning a wind energy application. They are looking for further alternates in case they are needed for the Board. Homan and DeJong will still be present and be alternates for that meeting. Time and date to be determined.

Public Comments:

Doyle Thompson asked about the drainage issues he has with his brother and he says it is a SDCL issue, not an FSA or Soil Conservation issue like what was stated at the last Commissioner Meeting from May 7th. State's Attorney John Knight said the Drainage Board does not have any jurisdiction if the land affected is less than 20 acres so that would have to be determined. If it less than 20 acres it should be a landowner or circuit court issue.

John Henslin approached the Board and wants to be informed on the Lake Alice outlet and flooding situation that was discussed during the Highway Superintendent appointment.

There being no further business 14) Kreutner moved, seconded by Homan to adjourn the meeting.

Chairman
Deuel County Commission

ATTEST:

Mary Korth, Auditor

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