

The Deuel County Commissioners met in regular session on April 15th, 2025, at 9:00 AM in the Commission Room of the Courthouse with Chairman Jay Grabow presiding. Those present were Commissioners Jay Grabow, Steve Rhody, Scott Fieber, Harry Mewherter and Judith Homan. Also present was Auditor Courtney Parker. The meeting began with prayer and the Pledge of Allegiance. 1) Fieber moved, seconded by Rhody to approve the agenda with additions of Executive Session pursuant to SDCL 1-25-2(3) Contractual Matters, the SDDOT Weed contract, and Banner Contract for 2 miles West of 176th Street. All voted yes and the motion carried.

Appointments

Item #1 Applied Digital representative Nick Phillips

Phillips started off by introducing himself and giving a high level overview of the potential project in Deuel County. Next generation 2021 started large energy, This facility would house computers for all uses of AI. The facility would need good reliable energy they buy from utilities. Phillips stressed Applied Digital wants to know the community and find what it will need to be able to successfully keep their employees in Deuel County whether that's housing, grocery stores, etc. Phillips talked about the Ellendale location and it's needs. Ellendale needed housing, so they built rental homes. He stated that Applied Digital would be a huge property tax payor. In Ellendale it increased property taxes from 650,000 to 2 million. They need a lot of power but stated power will not be an issue and will not leave the community in blackouts. Phillips stated in Ellendale, the power users got more funds back because of all the energy they are using. They need 430 megawatts. The facility would spend roughly \$10-16 billion, provide 300-600 construction workers a job, would be top ten property tax payers, provide job growth, needs 200 employees average salary of \$64,000 to mid-hundreds, improve the fiber for internet, road issues will be worked on with the county, long term housing is not an issue as they can build, short term housing is their issue for construction workers. Phillips stated the cold weather is better for their buildings as part of their job is to take the heat out of the building. Phillips stated they do not use a lot of water as they have a 10 gallon per minute just like homes, and it is a closed loop so it just continues to circulate the water. There is potential for two buildings at 9007 square feet tall per building, having 25 acres per building, roughly 1.8 million square feet total and 150-200 acres.

Phillips stated there currently is no zoning in Deuel County so that needs to be done before they can even start the project. South Dakota has some challenges that they are trying to work through with the state as sales and property tax being a large part of who they pay. Michael Dahl, Zoning Board Chairman, asked if there are bigger demands on a fire departments or any fire danger? Phillips responded that they have systems within their buildings that help with the fire control, but they work well with fire departments as the fire departments will need more things to help provide services to them. Dahl asked if they will work with ITC on fiber? Phillips stated they currently work with SDN communications and hopes to work with ITC but does not know at this time. Dahl asked if the jobs require college degrees? Phillips stated it is some of both as they provide many different jobs. Dahl asked is there a lot of noise with this? Phillips stated it is very low levels of noise and want to make sure they are a half mile away from any homes and make sure it is a low level of noise. Homan asked if there is land you're interested? Phillips responded there was and it is East of Toronto. Mary Nosbush asked if the PUC has any pull in their permitting process? Phillips responded that the PUC will make sure they don't negatively impact the community. Dennis Kannegieter asked if they were out surveying the land already? Phillips agreed they

have been. Kannegieter stated they were on someone else's land. Phillips said they would take care of the situation as they should not have been on any land that isn't the land they are interested in. Phillips stated they are currently working with the state and county issues before they can start the project. They are roughly six to nine months for planning and 18 months out for building. The question was brought up how do you handle rainfall? Phillips started retention ponds or detention ponds and a filter system with pump for free rainwater to farmers, fire departments or anyone that needs it. It can also seep in if no one is taking the water. Phillips stated they will not flood. Dahl asked if the houses they build are in town? Phillips stated they would like them close to town but not overload current towns. He said they work 365 days a year so they need to be able to get to the facility in case of bad weather so they do like them close to the facilities. Dahl asked if AI goes away what happens to the facilities. Phillips replied that the buildings can stay if AI is no longer needed, however he thinks there will still be a need for it. Nosbush stated there are other things that are stopping the legislation on this project.

Item #2 Gary Givers

The Gary Givers asked the board to close 1st Avenue from Viessman's to the Legion Hall in Gary, SD for the Gary Street Dance on July 5th, 2025. 2) Homan moved, seconded by Rhody to approve the closing of 1st Avenue from Viessman's to the Legion for the Gary Street Dance on July 5th, 2025. All voted yes and the motion carried.

Item #3 Highway Superintendent Jamie Broksieck

Broksieck presented a haul road agreement for RMS Drainage (doing work for Plainview Dairy) as Highway 28 will have construction and causing them to have to use County Road 518 to 517. Broksieck stated they already have a haul road agreement for Grange and are working with Blom. Broksieck stated they have videoed the road but still have to measure. 3) Rhody moved, seconded by Fieber to approve the haul road agreement for RMS Drainage for County Roads 518 and 517. All voted yes and the motion carried.

Broksieck presented the Banner contract for the two miles West of Bemis on 176th Street. Contract states the amount would be around \$35,000 and would not start any sooner than July 1st. 4) Fieber moved, seconded by Mewherter to approve the Contract with Banner Associates for the two miles on 176th Street West of Bemis for \$35,000. All voted yes and the motion carried.

5) Homan moved, seconded by Rhody to approve the 2010 International Truck VIN ending in 86974. All voted yes and the motion carried.

Broksieck stated they can get 27 ton on new side dump. He stated they don't need a pusher but can add it to increase the weight six ton.

6) Rhody moved, seconded by Mewherter to approve crushing 85 ton of gravel in the amount of \$48,450. All voted yes and the motion carried.

Carbides for blades will be about \$5,000 with tariffs they are going up 54%. They last 3 years roughly. Will have one spare set. 7) Mewherter moved, seconded by Homan to approve two sets of carbides in the amount of \$5,000. All voted yes and the motion carried.

Broksieck talked about putting weight limits on gravel roads and what the process would be to do so. He stated it would be the same resolution we have on asphalt roads and to add gravel as needed. Broksieck stated a few counties that put weight limits on gravel roads.

Grabow stated he is getting lots of calls about the speed limit on county road 513 or 488 avenue. The City thinks it's the County's responsibility. Broksieck stated there is a process and we should ask our state's attorney. Grabow will talk to Evenson about changing the speed limit. Lake Cochrane wants the speed limit lowered to 35 mph by

Stateline. Other discussion was had on roads in Deuel County; new culvert by 517, Brandt stop signs need new lights and culverts on 172nd by Pat Toft.

Item #4 District 4 Representative Kent Roe

Roe wanted to talk to the board about a couple of things that were discussed during the legislative session. Roe stated it was mostly cohesive, got some good laws passed. Currently there's a law that allows the sheriff's office to serve papers when contacted by an insurance company or a large law firm. However the current law states only if you serve the papers can a fee be charged by the Sheriff. In the event no one lives at the address the papers are supposed to be delivered to, the Sheriff is out that fee as they can only collect mileage since the papers weren't successfully served. This new law changes that the fee can be charged no matter if the papers are successfully served or not. Mileage will still be able to be charged.

Roe also talked about language in an EMT bill changing back to what it originally said letting any EMT or law enforcement render service no matter if they have a medical director supervision or not.

Roe then wanted to congratulate Deuel County as they are open to accepting Applied Digital. He stated we need to encourage economic development. Roe mentioned this could reduce property tax for the rest of Deuel County residents. Grabow stated that it is an AI facility and he hopes it will help retain the younger generation in Deuel County.

Roe discussed the RAIF program and stated it failed because they didn't have enough people to support it.

Grabow asked Roe if he can work on the wording of a SDCL talking about an isolated tract of land. Grabow explains if someone owns the land previously and it gets land locked then they would need access to the land but if the landowner buys land locked land and expects the county to fix the problem, he doesn't believe that's right because then it requires other land owners to give up land. Roe didn't know about the law and Grabow stated it is a SDCL and he would like to get Roe information on it so he can help make a change.

Item #5 CLAD Director Deb Adkins

Adkins gave a brief quarterly report on CLAD. Adkins talked about awarding their first quarterly \$500 grant. This grant is available for all businesses within Deuel County. The grant can be used for anything regarding updates to buildings or signage. The funds from this comes from the rental sign at Tech Ord and any fund raising they do throughout the year. The original amount was \$250 however, the fundraising has gone well therefore they are increasing the amount given.

Adkins is working with Debra Lessman, 4-H Educator, and Ryan Bjorklund, Commercial Recreation Specialist, on writing a grant to put in a new playground between the 4-H building and softball field. Adkins is hopeful they will start by July. She also stated they will reach out to the wind tower and utility companies for support. Grabow stated that Little Blessings is moving locations and the current playground could be used here in Deuel County. Adkins is going to look into the Little Blessings extra playground.

Shooting sports is looking for a new building at the Izaak Walton shooting range. Adkins believes it will be a two year project. The board let Adkins know that if the Data Center comes to Deuel County, they said they would love to help 4-H and Shooting Sports.

Adkins stated she went to two conferences in April. Adkins stated Karrie Kreger came to her needing new windows and a furnace. Adkins is going to help Kreger with a grant from the Rural Energy program. 8) Fieber moved, seconded by Mewherter to approve

quarterly funds in the amount of \$5,000 to Clear Lake Area Development. All voted yes and the motion carried.

Item #7 Deuel County Veteran Service Officers Dennis Evenson and Lynna Speier

Evenson and Speier gave a brief report on the first quarter in the VSO office. They talked about wanting to do coffee meet and greets with the Veterans of Deuel County to introduce them to Speier. Both Evenson and Speier are going to the Memorial Day event. 9) Rhody moved, seconded by Grabow to approve travel and lodging for training on September 9-12th. All voted yes and the motion carried.

Item #8 Deuel County Citizens

Mary Nosbush and other members of the public wanted to talk to the board of commission about implementing a five-year wind tower moratorium to essentially hit 'pause' on any future wind tower projects. Nosbush stated she has lived here for over 40 years; a place where there were no powerlines, no wind towers, and rural America. Nosbush stated we start to ask what does this do to the moral, spirit and social aspect. Nosbush quoted PUC Commission Chairman Chris Nelson, "I have to tell you, I'm at a point where I wrestle with this. I would not choose to live here myself." Nosbush stated when the new wind farm is built, Deuel County will have the most wind farm money. Comments were stated that after 10 years then it will all go to the state. Arla Hamman stated that on average the county gets \$3,900 is roughly what the county gets per tower. That is equivalent to what a single home pays in property taxes. Lake Cochrane generates over a million dollars. Hamann stated she wants to see everyone have the same right no matter how much land they own or property tax they pay. She explained the people that want the wind towers don't live here. Invenergy Representative Monica Monterrosa stated that by letting them choose if they have wind towers on their land gives everyone the right to do what they want with their land. Monterrosa goes on to explain that energy is a great source here and that's why it is attractive. Farming isn't limited by wind towers. The question was raised if there are any more wind farms coming in the future? Monterrosa explained there could be. Wind energy is not constant but with the storing of energy they are making it constant. Michelle Oftedahl explained her family doesn't want to live here but they don't want to leave. She believes it is a dumping ground and not going to be a nice place to live. Bonnie Otterson left Portland, Oregon 2 1/2 years ago because of demonically cruel crime. She asked how much money from the government are you receiving because it will dry up. Otterson stated it will cause environmental problems and we will need money to move them away. Adkins asked if the wind towers are recyclable yet. Monterrosa said yes they are getting better with time. She also stated there will be better ways of recycling 30 years from now. Monterrosa goes on to say the energy is clean and not polluting the air. Hamann asked how much energy does it have to produce to offset the construction? Monterrosa stated she didn't have the data with her but she will get it.

Chairman Grabow closed public input. Grabow asked if there were any other counties that put a moratorium on? Nosbush responded with Pennington and McPherson. Rhody asked to read the information and look it over at a later date. Fieber stated he has talked to more people who have stated they'd like to see a moratorium on instead of a push for more. Homan stated if we regulate what people can do with their land, we will get ourselves into regulating too much. Homan asked Nosbush keeping the Data Center in mind, if we can't control one portion of the project, why abandon it all? Mewherter asked that the subject be tabled until May 20th, 2025 to gather more input.

Item #7 at 11:00 AM Executive Session Pursuant to SDCL 1-25-2(3) Consulting with Legal Counsel & 1-25-2(4) Contractual Matters

10) Homan moved, seconded by Mewherter to move into Executive Session Pursuant to SDCL 1-25-2(3) Consulting with Legal Counsel and moving into Contractual Matters 1-25-2(4) at 11:30 AM. All voted yes and the motion carried. Chairman Grabow declared the Commissioners out of Executive Session at 11:40 AM. No action was taken.

Item #8 Zoning Officer Jodi Theisen

Theisen presented one plat to the board. 11) Fieber moved, seconded by Mewherter to approve the plat of BLOCK 1, LUNDEN ADDITION and Resolution #25-03. All voted yes and the motion carried.

COUNTY COMMISION RESOLUTION
#25-03

Be it resolved by the Board of County Commissioners of Deuel County, South Dakota, that the plat herein PLAT OF BLOCK 1, LUNDEN ADDITION, being a replat of Blocks 1 and 2 of Timmons Addition in the E1/2 of the NW1/4 of Section 29, T115N, R49W of the 5TH P.M., Deuel County, South Dakota, Prepared by Brian D. Ernst, Registered Land Surveyor of the State of South Dakota be and the same is hereby approved.

I, Courtney Parker, 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 15th day of April, 2025.

Deuel County Auditor

New Business

12) Rhody moved, seconded by to approve the March Cash Balance Sheet. All voted yes and the motion carried.

DEUEL COUNTY AUDITOR'S ACCOUNT WITH TREASURER
END OF MONTH CASH BALANCE- MARCH 2025

| | | | |
|--|------|----|--------------|
| CASH TOTAL | | \$ | 1,155.38 |
| CHECKS TOTAL | | \$ | 71,515.68 |
| CASH ITEM | | \$ | - |
| CASH CHANGE SHERIFF | | \$ | 50.00 |
| TOTAL CASH ASSETS ON HAND | | \$ | 72,721.06 |
| CHECKING ACCOUNT BALANCE | | \$ | 451,418.14 |
| PREMIUM MM FIRST BANK & TRUST OF TORONTO | | \$ | 3,503,783.21 |
| SD FIT | | \$ | 1,096,214.59 |
| CREDIT CARDS | | \$ | 114.37 |
| CD | DNB | \$ | 250,000.00 |
| | FB&T | - | |
| INTEREST EARNED: \$34,621.38 | | | |

| | | | | | |
|----------------------------------|--------------|------------|-------------|-----------|---------------------|
| REVOLVING LOAN | | | | \$ | 44,069.95 |
| GRAND TOTAL CASH ASSETS | | | | \$ | 5,418,321.32 |
| GL CASH BALANCE BY FUNDS: | | | | | |
| GENERAL | | | | \$ | 3,484,911.07 |
| SP REVENUE FUNDS | | | | \$ | 1,152,015.16 |
| TRUST & AGENCY FUNDS | | | | \$ | 781,407.61 |
| Townships | \$97,546.97 | Cities | \$60,841.50 | | |
| Schools | \$396,685.27 | Rural Fire | \$7,168.10 | | |
| TOTAL GENERAL LEDGER CASH | | | | \$ | 5,418,333.84 |

Discussion was had on the first quarter and the budgets for each department. The board stated that all funds are within reasonable spending.

Auditor Parker gave a brief update on this year's wind tower tax money that was just received. The county's portion is \$662,059.47, schools will split \$945,799.24, and townships will split \$283,739.75 for a grand total of \$1,891,598.46.

13) Rhody moved, seconded by Mewherter to approve the SDDOT State Weed Spraying contract for 2025. All voted yes and the motion carried.

Approval of Warrants

14) moved, seconded by to pay all warrants. All voted yes and motion carried.

Transmittals: Schools \$396,685.27, Townships \$117,971.49, Towns \$69,777.25, EDWD \$1,327.93, Rural Fire \$7,186.10

Paid Early: IBC \$286.00 MERP Funds

Warrants: A-OX Welding 51.91 Rentals, Andor Inc 2302.32 Repairs, Appeara 149.23 Rug Rentals, Auto Value 516.46 Repair, Avera 516.46 Drug Tests, Banner 6954.00 Prof. Service, Beadle County Sheriff's Office 6982.50 Prisoner Housing, BDRW 127.10 Utilities, Bratland Law 504.00 CAA Fees, Cartney Bear 174.33 Repair, Century 341.40 911 Utilities, Clear Lake Building Center 435.48 Repair, City of Clear Lake 234.52 Utilities, Cole's Petroleum 3965.15 Fuel Supplies, Connecting Point 1349.95 Supplies/Repairs, Cowboy 23.93 Supplies, Dakotabilities 180.00 Quarterly Support, DC Farmers Union 72.32 Repair, Ecolab 62.99 Prof. Services, EM Service Mark 2368.00 Emergency Services, First Bank and Trust 4272.42 Credit Card, Fox Law Firm 194.47 Prof. Service, Fritz 489.64 Repair, Galls 474.94 Clothing Supplies, H-D Electric 862.68 Utilities, Hillyard 199.10 Supplies, Human Service Agency 3286.25 2nd Quarter Funds, ICAP 1245.42 April Support, ITC 1659.17 Utilities, Katterhagan 20.00 Prof. Services, LG Everest 10199.93 Pea Rock, Lessman 388.31 Travel/Supplies, Microfilm 90.00 Rental, Mobile Diesel 1312.78 Repair, NW Energy 764.22 Utilities, OPI 590.93 Supplies, Ottertail 1118.10 Utilities, RC First Aid 43.50 Supplies, Runnings 53.90 Supplies/Repair, Sanford 131.00 Drug Tests, SD Dept of Health 530.00 Blood Tests, SDACO 600.00 2025 Spring Workshop, SDPAA 96600.65 Insurance, Sioux Valley Co-Op 275.00 Supplies, Thomas Kaffa 20.00 Overpayment Property Tax, Toronto Café 100.00 DC Bucks, Val Larson 20.00 Professional Service, Warne Chemical and Equipment 2773.85 Supplies, City of Watertown 6330.73 911 Surcharge, Yankton County Sheriff's Office 50.00 Prof. Service

Payroll

February Payroll: Commissioners \$10,647.42, Election \$133.49, Auditor's Office \$11,634.26, Treasurer's Office \$11,922.22, State's Attorney's Office \$8,503.23, General

Government Building \$5,738.35, Director of Equalization Office \$16,792.89, Register of Deeds Office \$9,667.45, Veteran Service Officer \$3,001.54, GIS \$749.03, Sheriff's Dept. \$49,388.43, County Assist \$400.35, 4-H \$0, Extension Office \$3,806.29, Weed & Pest \$2,729.76, Planning & Zoning \$5,756.26, Road & Bridge \$79,501.77, Civil Defense \$333.33

Public Comment

There was no public comment.

Adjournment

There being no further business 15) Homan moved, seconded by Rhody to adjourn.
All voted yes and the motion carried.

ATTEST:

Courtney Parker, Auditor

Published one time at the approximate cost of

Jay Grabow, Chairman