

September 1, 2020  
Regular Meeting

The Deuel County Commissioners met in regular session on Tuesday, September 1<sup>st</sup> at 9:00 a.m. in the Commission Room of the Courthouse with Chairman Jaeger presiding. Those present were Commissioners Jaeger, DeJong, Homan, Kreutner and Rhody. The commission meeting was offered on Zoom platform for speakers and interested guests. Also present was Auditor Mary Korth. The meeting began with prayer and the Pledge of Allegiance.

**Approval of Agenda**

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

**Approval of Minutes:**

2) Homan moved, seconded by Kreutner to approve the minutes of the regular meetings of Aug. 4<sup>th</sup> and Aug. 18<sup>th</sup> along with minutes from special meeting August 25<sup>th</sup>. All yes and the motion carried.

**APPOINTMENTS**

**9:00 Highway Foreman Jamie Broksieck**

Foreman Jamie Broksieck met with the Commissioners to discuss several items. A decision was recently made to promote Jamie Broksieck to the Highway Superintendent position to begin November 1, 2020 as Jamie Hintz has formally given resignation as of that date. 3) Kreutner moved, seconded by Homan to hire/appoint Jamie Broksieck for the position of Highway Superintendent beginning November 1 and promoting Marty Brown to Foreman/Assistant Superintendent; and to accept the resignation of Jamie Hintz who will be retiring November 1<sup>st</sup>. All voted yes and the motion carried. Salaries are still being negotiated for the position as it is close to the new fiscal year.

Discussion was held on the salary scale for the Highway department that was implemented in 2020 from 2019 salary studies. The scale has worked well and has fallen within budget constraints. The cost of living increase suggested for 2021 was 3% at the time of the summer salary meeting. Auditor Korth put the numbers into the 2021 budget and found it fits within the highway salary budget. Foreman Broksieck presented the new 2021 scale to the commissioners with the proposed increase. Discussion will further be held at the budget hearing and adoption of the 2021 budget.

Current Highway Superintendent Jamie Hintz was present by teleconference. Discussion was held on Invenergy and their use of the roads, updated haul routes and wanting a written plan for their repair of roads. Hintz will press Invenergy for more commitment. Discussion was held on other wind tower projects in the County and they remain in good communication and have a good working relationship with the County.

**Executive Session Pursuant to SDCL 1-25-2(1) Personnel Matter**

4) DeJong moved, seconded by Rhody to move into Executive Session pursuant to SDCL 1-25-2(1) for the purpose of a personnel matter. All voted yes and the motion carried. Chairman Jaeger declared the Commissioners out of Executive Session at 9:40 a.m.

### **9:30 Sheriff Cory Borg**

Borg met with the Commissioner to discuss items related to the Sheriff's Office. Borg has the 2021 Police Contracts available for the cities in Deuel County. Comments were made to increase the contract charges according to CPI at 1.7%. That would increase the contract .50 per hour. Sheriff Borg and the Commissioners were in agreement with this. Borg will finalize the contracts and prepare them for a future meeting.

Discussion was held on the cell phones used by the deputies in the Sheriff's Office. Currently the county pays AT&T \$381.98 for 4 lines and 5 jetpacks. Each line costs \$45.51. Borg stated the deputies usually only use their personal phones and not what is provided by the County. He wishes to grant a stipend for each deputy for use of their personal phones and cancel the phones with AT&T. 5) Rhody moved, seconded by DeJong to approve a cell phone stipend for each deputy in the amount of \$50.00. Jet packs would still be supplied by the county. All voted yes and motion carried.

Discussion was held on probationary wages for the Sheriff deputies. Borg stated not everyone in the Courthouse or in the County received a 6 month increase as it is not automatic. But if the commissioners are deciding it should be automatic he would like his deputies compensated because they never received the probationary increase. He stated because of salary increases happening in 2021 as a result of the wage committee, his department is content holding off on any 2020 increases at this time since we are so close to the end of the fiscal year. He would also like to see this be fair across the board for all departments.

Discussion was held on the recent storms in the county. There were 2 confirmed tornadoes in the Clear Lake area. No warnings were put out but there were spotters. The Astoria/Toronto area did have a tornado warning and sirens. Sirens are not intended to be heard indoors, they are intended for people outside. There also was no detection of rotation from that type of tornado. The tornadoes in the Clear Lake area moved in a NE direction and was on the ground for a brief time. Weather radios are really encouraged for situations such as these.

### **10:00 Budget Hearing 2021 Provisional Budget**

The scheduled public hearing for the 2021 budget was held. No one appeared for comment. The 2020 certified utility values for Deuel County are \$63,384,536 an increase of \$18,351,166 over 2019 values. Total county valuation is \$1,000,007,131 total growth with CPI is 4.32%. Tax levies with growth factors are being figured and the proposed 2021 budget will be adopted at the September 17<sup>th</sup> meeting.

Discussion was held on the provisional budget and any concerns for increases. Other departments' needs were also re-evaluated and discussed.

### **10:30 Second Reading Ordinance B2004-01-30A**

The second reading of Ordinance B2004-01-28A was held. The Ordinance Amendment would reclassify property described as: A strip of land immediately to the South and East of Block One Agri Partners Addition, running 100' South of the Southwest corner of Block One Agri Partners Addition and 220' East of the Northeast Corner of Block One Agri Partners Addition in the NW1/4NE1/4 28-115-49. Which upon platting to be included in the Plat of Block One Agri Partners Second Addition in the NW1/4NE1/4 28-115-49 from AG Agricultural District to CI Commercial District. No further testimony given. 6) DeJong moved, seconded by Homan to approve, adopt and publish notice of adoption of

Ordinance B2004-01-30A, An Ordinance Entitled, An Ordinance to Amend Article III Section 302 Adopted by Ordinance B2004-01, July 6<sup>th</sup>, 2004, as amended, of the Zoning Ordinance of Deuel County. A roll call vote was held. Kreutner aye, Homan aye, DeJong aye, Rhody aye, Jaeger aye. Unanimous vote. Motion carried.

**11:00 Joel Foster of USDA and Jay Gilbertson of EDWDD Drainage Discussion**

Joel Foster is the newly appointed agent for USDA/FSA services in Deuel County. He has worked in Grant County prior and still continues to do work in Grant County. The commissioners have invited Joel to speak on behalf of drainage permitting, wetlands, and the general process should Deuel County repeal their Drainage Ordinance. Jay Gilbertson of East Dakota Water Development District was present by teleconference for the meeting. Interested landowners Todd, Ginger, and Leo Hanten and Al Moore were also present for discussion telephonically.

Gilbertson stated Grant County is looking to repeal the permitting process, but rather issue a license if there is tiling to be done affecting other landowners.

Foster spoke at the meeting. USDA is not regulatory, but rather determine eligibility of payments should drainage happen on determined wetlands. Conversion of a wetland will also make you uneligible for payments. He spoke of the history of drainage, wetlands, crop subsidies, and other related items. December 23, 1985 was the first time farm bill legislation dealt with compliance. USDA determines eligibility of payments only. Commissioner Rhody was concerned about notification of downstream landowners. USDA does not notify unless the wetland conversion affects neighboring properties. Rhody also was concerned about the number of people who make determinations. Chairman Jaeger asked what percentage of producers participate in USDA payments. Foster answered probably 95%. Rhody asked if USDA gets complaints from upset landowners about drainage issues. Foster went on to say at least a quarter of his time is dealing with these types of complaints.

The Board thanked Foster and Gilbertson for their time and knowledge and discussion further ensued on drainage. Chairman Jaeger also thanked the interested parties for their participation and will update them as the process continues. Todd Hanten had many questions of the interim permitting process. He also stated there is tiling done in Deuel County currently and has been done without going through the permitting process. States Attorney Knight stated there should be a complaint to the drainage officer to enforce the drainage ordinance. Therefore, the County could seek an injunction to have the tile removed or downstream landowners could as well. Usually these situations are remedied by the Drainage Board and the permitting process. Hantens are in favor of repealing the Deuel County Drainage Ordinance.

**11:30 State's Attorney John Knight**

Knight also gave his opinions and information on the Drainage Ordinance and asked the commissioners if they would like to proceed with an advertising for a hearing. Discussion was held. The Ordinance was written where disputes can happen and the County would be involved. There are possible lawsuits going forward. Kreutner asked if the ordinance could be re-written where the county could still have some control without getting into the disputes. Knight stated that probably isn't possible. Most counties are getting out of drainage because of the potential lawsuits. The Board decided to advertise and hold a public hearing to repeal or amend Deuel County's Drainage Ordinance and Resolution #89-02. This hearing is to be held October 6<sup>th</sup>.

State's Attorney John Knight presented the final draft of the County's agreement concerning the Deuel County 4-H Extension Building and usage thereof. The Commissioners reviewed the agreement.

There was some discussion among the Board on the County West building repairs as well as the anticipation of the new courthouse windows arrival at the end of the month.

**Public Comments**

There were no public comments at this meeting.

**UNFINISHED BUSINESS**

**Budget Supplement Hearing for Extension**

Discussion was held to consider the adoption of the following departmental budget supplement to the 2020 Deuel County budget, in order to carry on the indispensable functions of Deuel County. 7) Rhody moved, seconded by Kreutner to advertise and hold a supplemental budget hearing October 6. All voted yes and the 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, October 6<sup>th</sup> at 11:00 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 2020 Deuel County budget, in order to carry on the indispensable functions of Deuel County government.

FUND	DEPT	OBJECT	SUPPLEMENT
101 611	421-425	West Extension Bldg Maintenance Costs	\$50,000
MEANS OF FINANCE:			
101	101	General Fund Balance	\$50,000

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 1<sup>st</sup> day of September, 2020.

Mary Korth  
Deuel County Auditor

## **Personnel**

Discussion was held on the wage increase for the Deputy Director of Equalization. Board members researched the Deuel County Policy Manual for direction on this matter. The policy specifically states any employee who is hired above the starting pay scale for their position is not to receive a 6 month probationary raise. They only would qualify for the annual raise. Because the Deputy DOE was hired at a higher rate, she does not qualify for the 6 month increase.

## **NEW BUSINESS**

### **Laptops for Extension and EM**

The laptop for the Extension Office Secretary has failed and in need of replacement. There are still funds in the 2020 IT budget for this expense. 8) Homan moved, seconded by Jaeger to approve the purchase of a new laptop from Connecting Point for the Extension Secretary in the amount of \$960.00. All voted yes and the motion carried.

On behalf of Emergency Manager Sheila Monnier, Auditor Korth requested a second laptop for the EOC. The computer would be used for EOC to run our credentialing system (Salamander). If there was a situation where we needed to lock down a scene such as an active shooter or tornado destroyed a town, we would be able to scan people in and out to keep track of who was there. This laptop would also be covered under the Cares Act and Covid Relief Fund. 9) Rhody moved, seconded by DeJong to approve the purchase of a backup notebook from Connecting Point for the EOC and Emergency Management in the amount of \$1161.37. All voted yes and the motion carried.

### **APPROVAL OF WARRANTS:**

10) 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. *Warrants To:* A&B Business Solutions 115.42 Supplies, A-Ox Welding Supply Company In 122.78 Rental/Supplies, Adrdl 63.00 Pro Service, Al's Tool Distributing 20.00 Supplies, The Alibi 900.00 Minor Equip, Appeara 328.04 Rental, At&T Mobility 384.22 Cell Phones, Banner Associates Inc 27879.65 Pro Service, Brookings Deuel Rural Water 83.60 Utilities, Bjerke Sanitation 230.00 Utilities, Bowes Construction Inc 44086.25 Supplies, Boyer Trucks 62.71 Repair, Brian's Glass & Door Inc 1429.27 Repairs, Credit Collections Bureau 143.82 Lien Fees/Caa Fees, Clear Lake Courier 894.39 Publishing/Supplies, Codington County Auditor 4505.00 Prisoner Care, Concrete Dakota Redimix, Inc 6630.00 Supplies, Josh Cribbs 172.68 Judge/ Travel, DC Treas 6.20 Plate Fee and 244.14 Tax Acct, Deuel County Farmers Union Oil 15106.32 Repair/Supplies, Deuel County Motor Supply Inc 645.75 Supplies/Repair, Detco 1419.82 Supplies, Dk Diesel Injection Inc 229.74 Repair, DNB Bank 33.00 Stop Pmt Fee, Duinink, Inc 1071.00 Supplies, Electric Motors & Moore, Inc 375.00 Repair, Election Systems& Software Inc 696.32 Major Equip, Doug Feten 54.62 Judge/Travel, First Bank & Trust 3425.02 Supplies/Minor Equip/Travel, Fisher Sand And Gravel Co 4094.16 Supplies, Flat Rate, Inc 1302.00 Supplies, Fritz Chevrolet Inc 292.19 Repair, Helena Agri-Enterprises, Llc 715.60 Supplies, Hillyard/Sioux Falls 795.42 Supplies, Jebro Inc 85011.05 Supplies, Wes

Jennings 150.00 Taser Course, Andy Jensen 192.60 Judge/Travel, Joshua Johnson 90.00 Judge, Kibble Equipment Llc 929.18 Repair, Lehtola Builders, Inc 316145.56 , Deb Lessman 272.01 Supplies/Travel, Tigh Lessman 145.76 Judge/Travel, Lyle Signs Inc 631.76 Supplies, Blue Tarp Financial, Inc 44.20 Supplies, Matthew Bender & Co., Inc. 117.43 Books, Maynards 47.96 Supplies, Mcleod's 179.70 Supplies, Byron Nogelmeier 170.00 24/7 Due To State, Mary Nosbush 61.76 Judge/Travel, Northwestern Energy 146.63 Utilities, Office Peeps Inc 2105.80 Supplies/Major Equi, Ottertail Power Co 91.07 Utilities, Andy Paulson 159.00 Judge/Travel, Pomp's Tire Service, Inc 2995.50 Repair, Postmaster 110.00 Stamps, Powerplan Oib 33.04 Repair, Prairie Lakes Healthcare Sys 85.00 Pro Service, Public Safety Equipment Co Llc 435.66 Uniforms, Holly Rader 231.48 Judge/Travel, Cindy Anderson 30.00 Supplies, Ron's Saw Shop 15.66 Repair, Running's Supply Inc 919.98 Supplies/Major Equip, Sanford Health 292.00 Pro Service, Sanford Clinic 2861.10 Health Nurse, Sd Dept. Of Labor & Regulation 1681.84 Unemployment, Sd Dept Of Transportation 1075.61 Fuel, Sd Dept Of Public Safety 2730.00 Pro Service, SD Dept of Rev 436.22 Sales Tax, State Of Sd 350.00 Pro Service, South Dakota Partners, Inc. 160.00 Supplies, Star Laundry 131.80 Rental, Stee Electric Llc 590.49 Repair, Sterzinger Crushing, Inc 389.00 Supplies, Sturdevant's Auto Parts 50.88 Repair, Titan Machinery-Watertown 438.86 Repair, Transource Truck & Equip Inc 41.20 Repair, Truenorth Steel Inc 8840.00 Minor Equip, Twin Valley Tire Inc 976.95 Repair, Warne Plumbing & Heating 551.03 Repairs, Waverly School 637.54 Reissue Lost Check, Wheelco Truck & Trailer Parts 29.95 Repair, Jennifer Zirbel 97.04 Judge/Travel. *Payroll:* Commissioners 8547.44, Election 205.44, Auditor Office 13476.36, Treasurer Office 8581.78, State's Atty Office 8059.71, Gen Building 4110.55, Dir of Equal Office 13477.19, Reg of Deeds Office 7366.12, VSO 1216.55, GIS 659.45, Sheriff's Dept 28077.16, County Assist 398.74, 4-H Service Center 290.07, Extension 2879.74, Weed 1854.73, Drainage 113.91, Zoning 3899.73, Hwy Dept 68984.89, Emerg Mngmt 3682.08, DNB National Bank 13.01 Payroll Proc.

11) Rhody moved, seconded by DeJong to adjourn. All voted yes. Meeting adjourned.

Mary J Korth, County Auditor

Gary Jaeger, Chairman

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