

The Deuel County Commissioners met in regular session on Tuesday, June 15th 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) Kreutner moved, seconded by Homan to approve the agenda as presented. All voted yes and the motion carried.

APPOINTMENTS

9:00 Jamie Broksieck Highway Superintendent

Broksieck brought several highway matters before the Commissioners. 2) Kreutner moved, seconded by Rhody to approve and sign application for occupancy of right of way of County Road No. 2 (479th Ave) in Norden Township (section 17 and 18) by Zubke Tiling LLC. All voted yes and motion carried. Further discussion was held on digging or boring of gravel roads.

TruNorth Steel pulled all bids effective immediately. Costs are up 20% and quotes are only good for 24 hours. Discussion was held on culvert stock and township culverts. Steel supply is very limited and is out for 4 weeks.

Discussion was held on the sight curve on Structure 200-163 near Lake Cochrane. Broksieck had a meeting with officials and the State of SD wants to see something done to increase the sight curve from 25mph to 35, 45 or 55mph. County cost share would be anywhere from \$82,000 to \$227,000 more to do this increase. These bridges are in the BIG program. Upon State recommendation and safety concerns, 3) Kreutner moved, seconded by Rhody to raise the sight curve of Structure 200-163 to 35mph at a cost of approximately \$320,400 to the County after the 80/20 split with the State. Rhody, Homan, Kreutner and DeJong voting aye, Jaeger voting nay. Majority vote, motion carried.

Broksieck brought forth the contract for engineering for post construction for the wind tower project with Invenergy. This was previously discussed and approved at a prior meeting.

4) Jaeger moved, seconded by DeJong to advertise a Public Notice For Bidders for a Dump Body for Truck. All voted yes and motion carried.

Broksieck discussed demolition of the building at the 4H Fairgrounds with the Board. Cutting electrical and moving the lines underground were discussed. 5) Rhody moved, seconded by Homan to have H-D Electric do the proper updated electrical work and move lines underground at the 4-H Fairgrounds for demolition of the building. All voted yes and motion carried.

The Highway Department still has openings for positions. 6) Rhody moved, seconded by Kreutner to hire Nathaniel Adkins for the position of truck driver starting wage \$17.76 to begin June 21st. All voted yes and motion carried.

9:30 Joe Uckert

Uckert met with the Commissioners on economic development within the County. Deuel Area Development Director Tammy Krein was present for discussion. Uckert represents a group that has formed for economic development because the City of Clear Lake is not part of DADi. The City of Clear Lake has committed \$35,000 with plans to develop airport land (SE quarter of Clear Lake Airport). Uckert had asked the Board to match the support the City of Clear Lake has committed in this project. Uckert then made comparisons to like counties. Uckert presented what other cities are doing for site projects and wants to see the airport land as an official site project. This would be for industrial development. Commissioner Jaeger commented that he would like to see unity among each economic development Board and balance in housing and industrial. The Board will take this request into consideration and discussion will be forthcoming before a decision is made.

10:00 Second Reading Ordinance #B2004-01-35B: A Temporary Ordinance Regarding the Issuance of Local Medical Cannabis Establishment Permits and/or Licenses

The second reading of Ordinance B2004-01-34A was held. The Ordinance to be adopted is as follows:

ORDINANCE NO. B2004-01-35B

A TEMPORARY ORDINANCE REGARDING THE ISSUANCE OF LOCAL MEDICAL CANNABIS ESTABLISHMENT PERMITS AND/OR LICENSES.

WHEREAS, a local government may enact an ordinance not in conflict with SDCL Chapter 34-20G, governing the time, place, manner, and number of medical cannabis establishments in the locality. A local government may establish civil penalties for violation of an ordinance governing the time, place, and manner of a medical cannabis establishment that may operate in the locality. A local government may require a medical cannabis establishment to obtain a local license, zoning permit, or registration to operate, and may charge a reasonable fee for the local license, zoning permit, or registration.

WHEREAS, Deuel County, SD (“County”), makes a preliminary finding that the County’s current regulations and controls may not adequately address the unique needs and impacts of medical cannabis establishments as defined in SDCL 34-20G-1;

WHEREAS, medical cannabis state laws under SDCL 34-20G are effective July 1, 2021. The South Dakota Department of Health shall promulgate rules pursuant to chapter 1-26 not later than October 29, 2021, as defined by SDCL 34-20G-72. During the time between July 1, 2021 and potentially as late as October 29, 2021, local units of government will not yet know standards for medical cannabis and will not be able to adequately assess the local zoning and licensing requirements necessary to approve local permits and to better ensure applicants have a more predictable permitting process and avoid stranded investments.

WHEREAS, the County makes a preliminary finding that the County needs further study of the relationship of medical cannabis establishments to the County Comprehensive Plan and Zoning Ordinance. The public interest requires that the County study, analyze, and evaluate the impacts of medical cannabis establishments and to fully explore the impacts of any proposed regulations regarding medical cannabis establishments;

WHEREAS, the County makes a preliminary finding that it would be inappropriate for the County to issue a local permit or license to a medical cannabis establishment prior to the South Dakota Department of Health’s promulgation of regulations governing the same;

WHEREAS, the County hereby exercises its authority under SDCL 11-2-10 and SDCL 7-18A-8, to establish a temporary ordinance regarding the issuance of any local permits/licenses for medical cannabis establishments within the County;

WHEREAS, a temporary ordinance will ensure that more comprehensive zoning ordinance and building permit changes, licensing permits, and any proposed amendments to the County’s Comprehensive Plan can be completely examined with adequate public input from citizens, business interests, and medical cannabis industry representatives;

WHEREAS, the County finds that a temporary ordinance is reasonable to preserve the status quo and prevent significant investment pending the outcome of the above study and any proposed regulations emanating therefrom;

WHEREAS, the County finds that the following ordinance is necessary to protect and immediately preserve the public health, safety, welfare, peace and support of the county government and its existing public institutions;

NOW, THEREFORE, BE IT ORDAINED BY Deuel County, SD:

Section 1. Temporary Ordinance – Application for Local Permit/License

A medical cannabis establishment desiring to operate in the County shall be required to apply for a permit and/or license from the County. Applications for a local permit and/or license to operate a medical cannabis establishment, as defined by SDCL 34-20G-1, shall not be accepted until the South Dakota Department of Health has promulgated regulations as required by SDCL 34-20G-72. Any application received prior to such regulations being promulgated shall be denied.

Section 2. Immediate Effect.

This ordinance is necessary to protect and immediately preserve the public health, safety, welfare, peace, and support of the county government and its existing public institutions pursuant to SDCL 11-2-10 and SDCL 7-18A-8.

County Commissioner Chair

ATTEST:

County Auditor

7) Rhody moved, seconded by Jaeger to approve, adopt and publish notice of adoption of County Ordinance #B2004-01-35B: A Temporary Ordinance Regarding the Issuance of Local Medical Cannabis Establishment Permits and/or Licenses. Roll call vote Kreutner aye, Homan aye, Jaeger aye, Rhody aye, DeJong aye. Majority vote. Motion carried.

10:45 Sheriff Cory Borg

Borg presented the Board with a drafted Fireworks Permit to be used by individuals or businesses wanting to use fireworks before State law allows which is June 27th through July 5th during Independence Day week. If a permit is given by the County, it would be legal outside that time frame.

8) Jaeger moved, seconded by Rhody to approve and adopt the Fireworks Permit entitled “Fireworks Show Permit” as presented stating proof of liability insurance will be required for public and private shows for use of fireworks outside what state law allows during Independence Day week. All voted yes and motion carried.

11:00 State’s Attorney Jared Gass

Gass updated the Board on decommissioning plans with wind tower companies.

UNFINISHED BUSINESS

No unfinished business at this meeting.

NEW BUSINESS

Plats

9) Homan moved, seconded by Kreutner to approve the Plat of Block 1 Kunde Addition in NE1/4 of 30-115-47 and Resolution #21-17. All voted yes and the motion carried.

RESOLUTION

#21-17

PLAT OF BLOCK 1 KUNDE ADDITION IN THE NE1/4 OF SECTION 30, T115N, R47W OF THE 5TH P.M., DEUEL COUNTY, SOUTH DAKOTA

BE IT RESOLVED by the Board of County Commissioners of Deuel County, South Dakota, that the herein **PLAT OF BLOCK 1, KUNDE ADDITION in the NE1/4 of Section 30, T115N, R47W 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, Mary Korth, 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 June, 2021.

Chairman, Board of County Commissioners
Deuel County, South Dakota

ATTEST:

County Auditor,
Deuel County, South Dakota

10) Homan moved, seconded by Jaeger to approve the Plat of Kolb Addition located in the NE1/4 of 32-117-50 and Resolution #21-18. All voted yes and the motion carried.

RESOLUTION

#21-18

BE IT RESOLVED by the Board of County Commissioners of Deuel County, South Dakota, that the plat entitled: **“Kolb Addition Located in the Northeast Quarter of Section 32, Township 117 North, Range 50 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 15th day of June, 2021

Chairman, Board of County Commissioners
Deuel County, South Dakota

ATTEST:

County Auditor,
Deuel County, South Dakota

FEMA Proposed Flood Hazard Determination

Flood Administrator Jodi Theisen presented a proposed flood hazard determination for Deuel County from Department of Homeland Security and FEMA. Information about Flood Insurance Rate Map, Flood Insurance Study and all determinations will be published by FEMA in the local newspaper. There will be a 90 day appeal process prior to the County adopting qualified participation in the National Flood Insurance Program.

Approve Cash Balance Sheet

11) Rhody moved, seconded by Homan to approve the cash balance sheet for the month of May. All voted yes and the motion carried.

DEUEL COUNTY AUDITOR'S ACCOUNT WITH TREASURER

END OF MONTH CASH BALANCE	MAY 2021
CASH TOTAL	\$ 1,828.12
CHECKS TOTAL	\$ 22,032.39
CASH ITEM	\$ 0
CASH CHANGE SHERIFF	\$ 50.00
TOTAL CASH ASSETS ON HAND	\$ 23,910.51
CHECKING ACCOUNT BALANCE	\$ 679,181.98
MM DNB NATIONAL BANK	\$ 4,063.30
PREMIUM MM FIRST BANK & TRUST OF TORONTO	\$6,294,842.59
CREDIT CARDS	\$ 454.30
CD'S \$250,000 DNB	\$ 250,000.00
\$0 FIRST BANK & TRUST	

REVOLVING LOAN					\$ 26,961.03
GRAND TOTAL CASH ASSETS					\$7,279,413.71
GL CASH BALANCE BY FUNDS:					
GENERAL					\$4,559,361.25
SP REVENUE FUNDS					\$1,754,643.66
TRUST & AGENCY FUNDS					\$ 965,408.80
townships	\$86,384.96	cities	\$66,603.44		
schools	\$575,645.56	rural fire	\$10,207.46		
TOTAL GENERAL LEDGER CASH					\$7,279,413.71

Surplus Items; SD Department of Health Sanford/Clear Lake Medical Contract; Travel Request; Weed Personnel; Extension Equipment Quotes; Deuel County Complex Approach; Preliminary 2022 Budget

12) Rhody moved, seconded by Jaeger to approve the following items as surplus for either sale or scrap as described: Advance Buffer ser#395023 (sale), HP Printer 6940 Jet (sale), MY84ICS07D, HP Elite 8570W laptop (sale), 2011 iPad ser#000139 (scrap), 2011 iPad ser#000102 (scrap), Micro18 Cassette Recorder (scrap), MS Tablet ser#011831762453 (scrap), and all courthouse vertical blinds for use according to the office or scrap. All voted yes and motion carried. Auditor Korth reported on inventory and assets and cleaning up current lists and have consistency within the departments. Lists were designed to be inclusive and similar to other counties in the district. This follows with what the Highway Department did for their lists in March. 13) Homan moved, seconded by Kreutner to approve that all departments inventory to include items with discretionary value up to \$1000.00 and fixed assets to include higher end and more valuable items that are expected to have a longer lifespan. Office inventory and items of value will be at the discretion of the Department Heads and County Auditor and will still be based on usage and importance. All voted yes and motion carried.

The 2021-2022 Health Nurse Contract was presented for approval with a 2.4% increase from Deuel County. 14) Rhody moved, seconded by Jaeger to approve and sign the 2021-2022 Community Health Nurse Contract between the State of South Dakota, Sanford Medical Center Deuel County and Deuel County in the amount of \$36,045.00. All voted yes and motion carried.

15) Kreutner moved, seconded by Rhody to approve the travel request of Emergency Manager Sheila Monnier to attend EM102 Training July 14th and 15th in Pierre and for the Director of Equalization and two employees to attend the 2021 Annual Assessor School in Pierre September 20-24th. All voted yes and motion carried.

16) Jaeger moved, seconded by Rhody to approve hiring Jordan Mack as part-time seasonal weed sprayer for the Weed Department with a starting wage of \$17.00/hr. with a start date of June 2, 2021. All voted yes and motion carried.

17) Jaeger moved, seconded by Rhody to purchase a Dell Notebook from Office Peeps for the Extension Department for use by the 4H Leader in the amount of \$749.99. Furthermore, discussion was held on a prior quote received from School Outfitters for table and chair racks. The information given was incorrect

and the price is slightly higher. 18) Rhody moved, seconded by Kreutner to pay the difference of \$553.18 to School Outfitters for one table and one chair rack for Extension. All voted yes and motion carried.

Commissioner Jaeger reported on the middle approach driveway at the Deuel County Complex. SDDOT contacted Jaeger about the additional approach. SDDOT has decided to place barriers in front of it because it is in violation. Discussion was held on utility lines very close to the surface. The County may have to perform the work on the third approach to correct the violation.

Auditor Korth is working on the County's budget for 2022. Discussion was held on increases and budget cuts. More information will be forthcoming with an expected budget meeting with the Commissioners at the end of July.

Public Comments

None at this meeting

Other Business Before the Commissioners

Discussion was held on Emergency Management Office space remodel of ICAP Office. 19) Jaeger moved, seconded by DeJong to approve the quote from Clear Lake Building Center to change the specs to a wooden door over steel whichever is lower priced and have the work performed by them. Current fluid quote is \$2143.81. All voted yes and motion carried.

Jaeger reported on Deuel County Soil Conservation and some personnel changes.

Further discussion was held on the wind tower projects and how things are progressing.

Executive Session per SDCL 1-25-2(1) for personnel matter

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

21) Homan moved, seconded by Jaeger to have Chairman DeJong declare the meeting out of executive session at 12:17 p.m. All voted yes and motion carried.

Warrants

22) Jaeger moved, seconded by DeJong to approve warrants paid early and approval of regular warrants to be paid. All voted yes and motion carried. *Warrants to:* AT&T Mobility 200.20 Utilities, B-D Rural Water 137.50 Utilities, Bjerke Sanitation 40.00 Utilities, Century Link 358.79 Utilities, City of Clear Lake 170.76 Utilities, City of Watertown 3867.52 911 Surch, Cowboy Store 50.53 Supplies, DC Treas 250.98 Tax Acct, Equipment Blades 812.00 Repair, First Bank & Trust 4563.48 Credit Card, H-D Electric 703.33 Utilities, ITC 2169.47 Utilities, Maynards 4.88 Supplies, NW Energy 689.68 Utilities, Office Peeps 262.49 Supplies, Otter Tail Power 1207.03 Utilities, RC Technologies 150.00 Utilities, Tri State Water 17.97 Supplies, Vanguard Appraisals 3000.00 Prof Services, Sundry Juror Fees \$820.00, Sundry Juror Travel \$273.84. SD Dept. of Rev 132690.29 Fees to State and \$4.99 Excise Taxes, SDACO \$230.00 M&P Due to State. *Taxes:* Schools 575645.56, Towns 59121.09, Townships 47753.13, EDWDD 2208.00, Rural Fire 10207.46.

Adjournment

There being no further business 23) Kreutner 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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