

March 19th, 2024
Regular Meeting

The Deuel County Commissioners met in regular session on March 19th, 2024 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 and several members from the public. The meeting began with prayer and the Pledge of Allegiance. 1) Rhody moved, seconded by Fieber to approve the agenda with the correction on Executive Session for Contractual Matters, is now Executive Session Consulting Legal Counsel for Litigation Matters, as well as the addition of Sheriff Cory Borg with surplus items to the schedule. All voted yes and the motion carried.

Appointments

9:00 AM – Highway Superintendent Jamie Broksieck

Broksieck presented to the Board a program to help fund pavement markings on county primary and secondary roads. Deuel County will receive \$10,172.87. 2) Homan moved, seconded by Mewherter to approve the “State of South Dakota Department of Transportation Joint Powers Agreement to Provide for The Pavement Marking of County Roads Within Deuel County” contract of \$10,172.87. All voted yes and the motion carried.

3) Fieber moved, seconded by Mewherter to advertise for overlay project on road 443 on April 2nd and 9th. The bids will be open on April 15th and will be presented to the Board of Commission on April 16th. All voted yes and the motion carried.

Bowes Construction presented a haul road agreement to the county for hauling their equipment into Miller’s gravel pit in Hidewood Township, Section 20. Mark Junker from Banner is looking over the agreement on the county’s behalf. Auditor Parker brought up that Hidewood Township received a haul road agreement as well. Hidewood Township officials were unsure who they could have look it over to see if it’s a reliable haul road agreement. Grabow stated they can bring to Broksieck for him to look over.

There was discussion on the RAIF program and what would happen if townships have older applications that were approved but with inflation the quoted cost of the project has inflated. Auditor Parker explained that whatever was approved on the application is what we have to go off of. The board discussed that if the townships want more money for these projects, they will need to reapply for the project with the inflated amounts.

9:25 AM – Sheriff Cory Borg

Borg explained that he will now have the blue Tahoe that will need to be considered surplus and sold. He also brought up the Emergency Management trailer to surplus, that is an 8x16 enclosed trailer. Borg explained it hasn’t been used but a few times since he has been employed with Deuel County. Borg explained the trailer holds hazmat equipment. He mentioned donating it to the fire departments, however they will keep the generator that is normally stored in the trailer. Auditor Parker is going to set up sealed bids for the emergency management pickup as previously voted on in prior meetings. 4) Mewherter moved, seconded by Fieber to approve the blue Tahoe from the sheriff’s department as surplus as well as the emergency management 8x16 enclosed trailer. The county will sell by sealed bids with the chance to raise and reject all bids. The hazmat equipment will be donated to fire departments. All voted yes and the motion carried.

9:30 AM – Director of Equalization Donna Rhody

Rhody presented to the board examples of neighboring counties Director of Equalization (DOE) office employee salaries in comparison to what Deuel County pays. Rhody explained that DOE employees require many hours of training and testing. Rhody gave a description on the DOE duties; transfers, building permits, plats, discretionary, growth, tax exempt, veterans, renewable energy, elderly freeze (age 65 and based on income), flooded land applications, farm site reappraisals, property cards

updated, assessment notices. Rhody presented starting salaries for certified employees from the following counties; Brookings \$24.68, Codington \$27.55, Day \$23.75, Grant \$23.40, Marshall \$20.46, and Moody \$22.30. Currently Deuel County starts at \$20.89 for certified employees. The board explained they will take this into consideration for the Budget of 2025.

10:00 AM – 2nd Reading of Ordinance B2022-01-06 & Zoning Officer Jodi Theisen with 3 Plats

Zoning Officer Theisen presented Ordinance B2022-01-06 and the second reading was held. 5) Fieber moved, seconded by Homan to adopt B2022-01-06. All voted yes and the motion carried.

6) Homan moved, seconded by Rhody to approve the plat of “Hazy Moon Ranch Addition in the Northwest Quarter of Section 15, Township 116 North, Range 50 West of the 5th P.M., Deuel County, South Dakota” and Resolution #24-08. All voted yes and the motion carried.

COUNTY COMMISSION RESOLUTION

Resolution No. 24-08

Be it resolved by the Board of County Commissioners of Deuel County, South Dakota, that the plat entitled: “Hazy Moon Ranch Addition in the Northwest Quarter of Section 15, Township 116 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 19th day of March, 2024.

Chairman, Board of County Commissioners
Deuel County, South Dakota

ATTEST:

_____(SEAL)
County Auditor
Deuel County, South Dakota

7) Mewherter moved, seconded by Fieber to approve the plat of “Parker Wildlife Addition located in the Northwest Quarter of Section 33, Township 115 North, Range 49 West of the 5th P.M., Deuel County, South Dakota” and Resolution #24-09. All voted yes and the motion carried.

COUNTY COMMISSION RESOLUTION

Resolution No. 24-09

Be it resolved by the Board of County Commissioners of Deuel County, South Dakota, that the plat entitled: “Parker Wildlife Addition located in the Northwest Quarter of Section 33, Township 115 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 19th day of March, 2024.

Chairman, Board of County Commissioners
Deuel County, South Dakota

ATTEST:

_____(SEAL)
County Auditor
Deuel County, South Dakota

8) Homan moved, seconded by Rhody to approve the “PLAT BLOCK 1, BAHN ADDITION, in the Southeast 1/4 of the Southeast 1/4 of Section 11, T113N, R50W of the 5th P.M., Deuel County, South Dakota” and Resolution #24-10. All voted yes and the motion carried.

COUNTY COMMISSIONERS RESOLUTION

#24-10

Be it resolved by the Board of County Commissioners, Deuel County, South Dakota, that the herein PLAT BLOCK 1, BAHN ADDITION, in the Southeast 1/4 of the Southeast 1/4 of Section 11, T113N, R50W 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 19th day of March, 2024.

Deuel County Auditor

10:15 AM – Highway Superintendent Jamie Broksieck – Bid Letting

TIME	ITEMS	BIDDER		
10:15 Fuel #1&#2 Diesel, Hi-speed		1 - Estelline Community Oil	2 - Deuel County Farmers Union	3 - Coles Petroleum
Fieldmaster	No. 2 Fuel (Dyed)	3.09 per gallon	3.38 per gallon	2.9150 per gallon
	No. 1 Fuel (Dyed)	3.39 per gallon	3.78 per gallon	3.1200 per gallon
Ethanol	10%	3.19 per gallon	.05 under posted pump	2.6840 per gallon

9) Fieber moved, seconded by Homan to accept bid of Coles Petroleum for #1, #2 and 10% Ethanol. All voted yes and the motion carried.

10:25 Bituminous Road Oil		1- Jebro Inc	2 - Flint Hills Resources LP	
	MC 3000	\$3.705 per gallon/\$888.82 per ton	N/A	
	AE-150S	Demurrage Charge after 1.5 hrs \$160 per hour	\$641.00 per ton delivered	
	CRS-2P		\$641.00 per ton delivered	

10) Fieber moved, seconded by Rhody to accept bid of Jebro Inc for MC 3000 road oil. All voted yes and the motion carried.

10:30 Hot & Cold Mix Asphalt		1 - Bowes Construction Inc	2- Bituminous Paving Inc	3- Duininck Inc.
	Hot Mix Class E	\$82.00 per ton	\$74.00 per ton Odessa Plant	\$83.00 per ton
	Hot Mix Class G	\$85.00 per ton	N/A	\$119.00 per ton
	Cold Mix	N/A	\$165.00 per ton Odessa Plant	\$180.00 per ton
	Tack Oil	N/A	\$4.00 per gal	\$10.00 per gal

11) Homan moved, seconded by Rhody to accept bids of Bituminous Paving Inc., Duininck Inc., and Bowes Construction Inc. for Hot Mix, Cold Mix and Tack Oil. All voted yes and the motion carried.

10:35 3/4" Crushed Gravel		1- Bowes Construction Inc	2- Brownlee Construction Inc.	3- Rogge Excavating Inc
		North Pit- \$7.00 per ton if over 30,000 ton	Swanz- \$9.55 per ton Swanz Pit	Estelline Pit- \$7.00 per ton
		North Pit- \$8.00 per ton if under 30,000 ton		Bemis Pit- \$7.50 per ton
		Miller Pit- \$7.00 per ton if over 30,000 ton		
		Miller Pit- \$8.00 per ton if under 30,000 ton		

12) Rhody moved, seconded by Fieber to accept bids of Brownlee Construction Inc., Rogge Excavating Inc., & Bowes Construction Inc. for 3/4" crushed gravel. All voted yes and the motion carried.

10:40 Weed Chemicals		1- Van Diest Supply Company		
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	Tordon 22K	\$50.75 per gallon/\$126.88 per 2.5 gallon		
	2-4D Amine	\$12.10 per gallon/\$30.25 per 2.5 gallon		
	Grazon	\$55.85 per gallon/\$111.70 per 2x2 gallon		
	Ester LV6	\$17.35 per gallon/\$43.38 per 2.5 gallon		
	Milestone	\$290.00 per gallon/\$725.00 per 2.5 gallon		
	Chapparel	\$111.50 per pound		
	Premier	\$23.43 per gallon/\$58.58 per 2.5 gallon		

13) Rhody moved, seconded by Homan to accept bid of VanDiest for all weed chemicals. All voted yes and the motion carried.

10:55 PM – Executive Session Pursuant to SDCL 1-25-2(1) Personnel Matters

14) Fieber moved, seconded by Homan to move into Executive Session Pursuant to SDCL 1-25-2 (1) to discuss a personnel matter. All voted yes and the motion carried. Chairman Grabow declared the Commissioners out of Executive Session at 11:15 AM. No action was taken.

11:15 AM – Public Hearing B2022-01-03A

The Deuel County Planning and Zoning Board, Jay Grabow, Kevin DeBoer, Mike Dahl, Dennis Kanengieter, Mike Lammers, met with the Board of Commission jointly to hold a public hearing on the request of petitioner/land owner Douglas Troska to issue a change in zoning classification for property that is described as Lot 2 Martins Addition in SE1/4 NE1/4 of Section Three (3), Township One Hundred Fourteen (114) North, Range Forty-Nine (49) West of the 5th P.M., Deuel County, South Dakota, to “CI” Commercial/Industrial District from “AG” Agricultural District. The Deuel County Zoning Board stated the property meets the necessary requirements of the ordinance. Troska stated that he owned this property and he would like to build a shop 30’ x 100’ for a truck for maintenance. His father built a shed back in around 1991 and it is not big enough. Theisen stated that this property is a 5.73 acre parcel. There is an older pole shed but there is no house, therefore there is no principal building and the land is zoned Agricultural. Theisen explained how this proposed use and structure would not fall under the Agricultural District but would fall under in the Commercial/Industrial District under a CUP for terminals and freight warehouse. Deuel County Board Planning Commission member Dahl motioned, seconded by Lammers, to recommended to the Commissioners to rezone the above-described property from “AG” Agricultural to “CI” Commercial/Industrial District. Kanengieter called for a roll call vote; DeBoer-yes, Lammers-yes, Grabow-yes, Dahl-yes, Kanengieter-yes and the motion carried. The Commissioners then held the first reading of Ordinance B2022-01-03A. 15) Homan moved, seconded by Mewherter to set the date for the second reading to be April 2nd, 2024 at 9:30 AM. All voted yes and the motion carried. Motion to adjourn by Dahl, second by Lammers. Motion passed unanimously. Chairman Grabow called to adjourn the Board of County Commission

11:40 AM – Executive Session Pursuant to SDCL 1-25-2 (3) Consulting Legal Counsel for Litigation Matters

16) Mewherter moved, seconded by Fieber to move into Executive Session Pursuant to SDCL 1-25-2 (3) to discuss a contractual matter. All voted yes and the motion carried. Chairman Grabow declared the Commissioners out of Executive Session at 11:43 AM. No action was taken.

Grabow explained to the public that was present for this issue that our attorney wants to meet with just the board of commission, auditor and states attorney. Grabow explained that right now the county is just gathering information. Jim Dailey says he respects that legal council wants to meet with county officials in executive session since they are representing the county on this issue.

12:00 PM – Plainview Dairy Representative Ben Stout

Stout presented quotes for road engineering to the board; IMEG not to exceed \$35,000, ISG not to exceed \$48,000, Banner not to exceed \$110,000. IMEG is who he works with normally and is working with them right now on a project and it is going well. We still do not know if they are comparing apples to apples. Right now, the county does not have jurisdiction over the road so we are unable to assist in the matter. The county has already accepted, voted on and motioned to take the road but Blom Township has not sent anything to the state so there's nothing we can do. Stout explained he's frustrated with this whole process because he feels like Blom Township will work with him. He stated that Blom Township met with another dairy and has a new agreement in the works, but won't meet with himself on a haul road agreement for Plainview Dairy. Al Moore from Blom Township commented saying he feels like things have fallen through the cracks because they weren't made aware of the different things required. Grabow stated they were aware of the entire situation because himself, as well as other Blom representatives, have come to the meetings and spoke up when Ben Stout was present for other appointments. Stout explained the state is working on any responses that were submitted during the public comment section of the state permitting process. Stout would like to submit paperwork for a grant to be put toward the road work needed. Stout needs the information now if they wish to meet the April 15th deadline. The grant money is reimbursed to whoever pays for the project. Stout says there are options with who can get reimbursed. Blom Township officials needs to meet with Stout and get things going if they would like to meet the April 15th deadline.

12:25 PM – Custodian Jacky Kloos

Kloos explained to the board that the south doors to the courthouse are sticking. Everyone tries to remember to make sure they're closed however it does stick and get left open occasionally. They told her to contact Bryans Glass and Door and get someone to look at it. Kloos asked if she can start turning off the light by the south doors since it is lighter out longer. Commissioners confirmed she can.

12:28 PM – Executive Session Pursuant to SDCL 1-25-2 (1) Personnel Matters

17) Homan moved, seconded by Rhody to move into Executive Session Pursuant to SDCL 1-25-2 (1) to discuss a personnel matter. All voted yes and the motion carried. Chairman Grabow declared the Commissioners out of Executive Session at 12:35 PM. No action was taken.

12:50 PM – Executive Session Pursuant to SDCL 1-25-2 (3) Consulting Legal Counsel for Litigation Matters

18) Fieber moved, seconded by Rhody to move into Executive Session Pursuant to SDCL 1-25-2 (3) to consult legal counsel for litigation matters. All voted yes and the motion carried. Chairman Grabow declared the Commissioners out of Executive Session at 1:10 PM. No action was taken.

New Business

19) Mewherter moved, seconded by Rhody to approve one elderly freeze and one veteran freeze abatement due to missing the deadline. All voted yes and the motion carried.

20) Rhody moved, seconded by Fieber to approve funds of \$700.00 to the DeuBrook Community Library as requested in 2024 Budget. All voted yes and the motion carried.

Topic of the garage sketches was tabled until next meeting.

Approval of Warrants

21) Rhody moved, seconded by Homan to pay warrants as presented. All voted yes and the motion carried.

Paid Early: Beadle County \$42.00 Sioux Valley Meeting, Brookings Deuel Rural Water \$284.35 Utilities, H-D Electric \$749.04 Utilities, Deuel County Farmers Union Oil \$2215.45 Supplies/Repairs/Maint., ITC \$167.96 Utilities, Northwestern Energy \$503.05 Utilities, Tri-State Water Inc \$52.60 Supply, Health Equity \$155.43 Employee Claim, Health Equity \$110.68 Employee Claim, City of Watertown \$3,971.52 911 Surcharge,

Current Warrants: A-Ox Welding Supply Company In 56.62 Rental, Appeara 188.75 Rental, Avera Occupational Medicine-Mi 170.00 Prof. Services, Banner Associates Inc 5267.00 Prof. Services, Bjerke Sanitation 320.00 Utilities, Borns Group 2074.80 Supplies, Butler Machinery Co 462.76 Repair & Maintenance, Credit Collections Bureau 1.70 Poor Lien, Century Link 358.79 Utilities, Clear Lake Building Center 48.94 Repairs/Supplies, Clear Lake Veterinary Clinic 163.86 Prof. Service/Supplies, Cole's Petroleum Products, Inc 6156.50 Supplies, Connecting Point 2305.25 It Services, Deuel County Farmers Union Oil 8.65 Supplies, Display Sales 1270.71 Banners, DNB National Bank 25.00 Deposit Box Rental, Equipment Blades Inc 740.98 Supplies, First Bank & Trust 2344.96 C.C. Statement, Fritz Chevrolet Inc 1904.04 Repair & Maintenance, Heiman Inc 84.00 Prof. Fees, Helena Agri Enterprises LLC 510.30 Overpayment, Hillyard/Sioux Falls 422.53 Repair & Maintenance, Inter-Lakes Comm Action Inc 1594.00 Support, Mark Katterhagen 15.00 BMI Prof. Service, L G Everist Inc 5296.72 Supplies, Lucy Lewno 166.64 BMI Prof. Fees, M & T Fire And Safety 1071.35 Supplies, Menards 116.51 Supplies, Napa Auto Parts 11.68 Supplies, Office Peeps Inc 438.46 Supplies, Ottertail Power Co 981.95 Utilities, Running's Supply Inc 16.98 Supplies, Sanford Clinic 3198.67 Health Nurse, Sanford Health Occu. Med 60.00 Prof. Fees, Save Your Fork Bakery 63.00 Supplies, Bill Schaefer 15.00 BMI Prof. Fees, Sd Dept Of Transportation 1179.50 Supplies, Sign Solutions USA, LLC 592.67 Supplies, Team Laboratory Chemical, LLC 358.00 Supplies, Teesdale Law Office, PLLC 604.20 CAA Fees, Titan Machinery-Watertown 77.67 Repair & Supplies, Transource Truck & Equip Inc 2802.97 Repair & Maintenance, W.W. Tire Service Inc 550.00 Repair & Maintenance, White Cap L.P. 110.55 Repair & Maintenance,
Taxes: Schools \$243,250.35, Towns \$18,327.57, Townships \$21,421.30, EDWD \$889.70, Upper Deer \$13.10, Rural Fire \$5,079.05

Public Comment

There was no public comment.

Adjournment

There being no further business 22) Rhody moved, seconded by Fieber to adjourn. All voted yes and the motion carried.

ATTEST:

Courtney Parker, Auditor

Jay Grabow, Chairman

Published one time at the approximate cost of _____.