

November 21, 2023
Regular Meeting

The Deuel County Commissioners met in regular session on Tuesday, November 21 at 9:00 A.M. in the Commission Room of the Courthouse with Chairperson Homan presiding. Those present were Commissioners Steve Rhody, Scott Fieber, Judith Homan, Jay Grabow and Harry Mewherter. Also present was Auditor, Courtney Parker and Deputy Auditor, Pam Lynde. Several members of the public were also in attendance. The meeting opened with prayer and the pledge of allegiance. 1) Grabow moved, seconded by Rhody to approve the agenda with the addition of RAIF applications. All voted yes and the motion carried.

APPOINTMENTS

9:00 Highway Superintendent Jamie Broksieck

Broksieck met with the Commissioners and presented several items for discussion. He presented four 2024 SDDOT BIG Applications for approval. 2) Rhody moved, seconded by Fieber to approve the BIG Grant Agreement 20-050-273 and Resolution #23-31 for location 471 Ave (Highway 313), .7 miles north of SD Hwy 28 over Peg Munky Run. All voted yes and the motion carried.

**BRIDGE IMPROVEMENT GRANT / LOCAL FEDERAL BRIDGE PROGRAMS
RESOLUTION AUTHORIZING SUBMISSION OF APPLICATIONS
#23-31**

WHEREAS, Deuel County, wishes to submit an application(s) for consideration of award for the Bridge Improvement Grant Program:

STRUCTURE NUMBER(S) AND LOCATTON(S) 20-050-273 471 Ave. (Hwy 313), 0.7 miles north of SD Hwy 28

and WHEREAS, Deuel County certifies that the project(s) are listed in the county's Five-Year County Highway and Bridge Improvement plan*;

and WHEREAS, Deuel County agrees to pay the 20 % match on the Bridge Improvement Grant funds;

and WHEREAS, Deuel County hereby authorizes the Bridge Improvement Grant application(s) and any required funding commitments.

NOW THEREFORE BE IT RESOLVED:

That the South Dakota Department of Transportation be and hereby is requested to accept the attached Bridge Improvement Grant application(s).

Vote of Commissioners/Council: Yes 5 No _____

Dated at Clear Lake SD, this 21st day of November, 2023.

ATTEST:

County Auditor/City Finance Officer

Chairman/Mayor

3) Grabow moved, seconded by Mewherter to approve the BIG Grant Agreement 20-170-235 and Resolution #23-32 for location 483 Ave (Hwy 311), .5 miles north of 190 St. over Cobb Creek. All voted yes and the motion carried.

**BRIDGE IMPROVEMENT GRANT / LOCAL FEDERAL BRIDGE PROGRAMS
RESOLUTION AUTHORIZING SUBMISSION OF APPLICATIONS
#23-32**

WHEREAS, Deuel County, wishes to submit an application(s) for consideration of award for the Bridge Improvement Grant Program:

STRUCTURE NUMBER(S) AND LOCATTON(S) 20-170-235 483 Ave (Hwy 311), .5 miles north of 190 St.

and WHEREAS, Deuel County certifies that the project(s) are listed in the county's Five-Year County Highway and Bridge Improvement plan*;

and WHEREAS, Deuel County agrees to pay the 20 % match on the Bridge Improvement Grant funds;

and WHEREAS, Deuel County hereby authorizes the Bridge Improvement Grant application(s) and any required funding commitments.

NOW THEREFORE BE IT RESOLVED:

That the South Dakota Department of Transportation be and hereby is requested to accept the attached Bridge Improvement Grant application(s).

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ATTEST:

County Auditor/City Finance Officer

Chairman/Mayor

4) Grabow moved, seconded by Fieber to approve the BIG Grant Agreement 20-200-071 and Resolution #23-33 for location 486 Ave. (Hwy 310), .9 miles north of 174 St. over Crow Creek. All voted yes and the motion carried.

**BRIDGE IMPROVEMENT GRANT / LOCAL FEDERAL BRIDGE PROGRAMS
RESOLUTION AUTHORIZING SUBMISSION OF APPLICATIONS
#23-33**

WHEREAS, Deuel County, wishes to submit an application(s) for consideration of award for the Bridge Improvement Grant Program:

STRUCTURE NUMBER(S) AND LOCATTON(S) 20-200-071 486 Ave. (Hwy 310), .9 miles north of 174 St.

and WHEREAS, Deuel County certifies that the project(s) are listed in the county's Five-Year County Highway and Bridge Improvement plan*;

and WHEREAS, Deuel County agrees to pay the 20 % match on the Bridge Improvement Grant funds;

and WHEREAS, Deuel County hereby authorizes the Bridge Improvement Grant application(s) and any required funding commitments.

NOW THEREFORE BE IT RESOLVED:

That the South Dakota Department of Transportation be and hereby is requested to accept the attached Bridge Improvement Grant application(s).

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ATTEST:

County Auditor/City Finance Officer

Chairman/Mayor

5) Grabow moved, seconded by Rhody to approve the BIG Grant Agreement 20-200-114 and Resolution #23-34 for location 486 Ave. (Hwy 310), .6 miles north of 178 St. over Monighan Creek. All voted yes and the motion carried.

**BRIDGE IMPROVEMENT GRANT / LOCAL FEDERAL BRIDGE PROGRAMS
RESOLUTION AUTHORIZING SUBMISSION OF APPLICATIONS
#23-34**

WHEREAS, Deuel County, wishes to submit an application(s) for consideration of award for the Bridge Improvement Grant Program:

STRUCTURE NUMBER(S) AND LOCATTON(S) 20-200-114 486 Ave. (Hwy 310), .6 miles north of 178 St.

and WHEREAS, Deuel County certifies that the project(s) are listed in the county's Five-Year County Highway and Bridge Improvement plan*;

and WHEREAS, Deuel County agrees to pay the 20 % match on the Bridge Improvement Grant funds;

and WHEREAS, Deuel County hereby authorizes the Bridge Improvement Grant application(s) and any required funding commitments.

NOW THEREFORE BE IT RESOLVED:

That the South Dakota Department of Transportation be and hereby is requested to accept the attached Bridge Improvement Grant application(s).

Vote of Commissioners/Council: Yes 5 No _____

Dated at Clear Lake SD, this 21st day of November, 2023.

ATTEST:

County Auditor/City Finance Officer

Chairman/Mayor

6) Rhody moved, seconded by Grabow to advertise for a shop mechanic. All voted yes and the motion carried.

9:45 Zoning Officer Jodi Theisen

The Deuel County Board of Adjustment and Planning Commission met at the Deuel County Commissioners' Meeting Room, Deuel County Courthouse. Deuel County Board of Adjustment and Planning Commission members present included Mike Dahl, Kevin DeBoer, Jay Grabow, alternate Scott Fieber, and Paul Brandt. Also present was Zoning Officer, Jodi Theisen and States Attorney, Craig Evenson. DeBoer called meeting together. Theisen presented one variance to the board for Cody and Baily Mack. Motion by Brandt, second by Grabow, to recess the Board of Adjustment and reconvene as Planning Commission. Motion passed unanimously.

10:00 Public Hearing and Joint Meeting with Zoning Board

The Zoning and Planning Commission and County Commissioners held a public hearing on revisions to the Deuel County Zoning Ordinance. Zoning Board members present were alternate Scott Fieber, Mike Dahl, Kevin DeBoer, Paul Brandt and Jay Grabow. Also present was Zoning Officer, Jodi Theisen and States Attorney, Craig Evenson. The Boards met jointly to hold a public hearing on several updates and corrections to the current zoning ordinance.

Ordinance #B2022-01-05, An Ordinance to amend

- Article XI, “Zoning Districts,” Section 1103 “LP” Lake Park, Section 1103.06. Minimum Lot Area and Yard Regulations, 4. Each building shall be set back not less than fifty (50) feet from the established normal high-water mark ~~and or have a rear yard of fifty (50) feet.~~ **On lots not adjacent to the lake each building shall** have a rear yard **set back** of fifty ~~(50)~~ **25** feet.
- Article XII, “GENERAL REGULATIONS” Section 1208 Shelterbelt Setback Requirements,
 7. Shade trees, ornamental trees or shrubs generally used for landscaping and windbreak are allowed in a controlled area. The controlled area is defined as the area within one hundred (100) feet of homes or farm buildings, but not closer to the right-of-way than fifty (50) feet. Except for the following, plantings within the controlled area are exempt from this regulation. ~~Six or more trees in a row are not allowed with the controlled area.~~ **The maximum number of trees in the controlled area is six (6) in a row.** Deciduous trees which are spotted or staggered within the controlled area can be no closer than twenty (20) feet. Conifer trees which are spotted or staggered within the controlled area can be no closer than twenty-five (25) feet. The distance between trees shall be determined by measuring distance between tree trunks. See Figure 1208.3.
- Article XI, “Zoning Districts,” Section 1103 “LP” Lake Park, Section 1103.04. Special Permitted Uses, 1. Camper on a lot with or without a principal structure for a specific time period, ~~subject to receiving permission from adjoining landowners~~ **must have permission of sixty-six (66) percent of the adjoining landowners.**

Article XI, “Zoning Districts” Section 1101. "A" Agricultural District, Section 1101.03. Special Permitted Uses, 1. Camper on a lot with or without a principal structure for a specific time period, ~~subject to receiving permission from adjoining landowners~~ **must have permission of sixty-six (66) percent of the adjoining landowners.**

7) Dahl moved, seconded by Brandt to recommend approval of Ordinance #B2022-01-05 to the Board of County Commissioners. All voted yes, motion carried. 8) Grabow moved, seconded by Dahl to adjourn as the Zoning and Planning Commission. All voted yes and the motion carried. The County Commission then held the first reading of ordinance #B2022-01-05, as amended by the Planning Commission, by title. Homan asked Theisen to conduct first reading. 9) Fieber moved, seconded by Rhody to hold the second reading of the proposed ordinance on December 5th, 2023 at 10:15 a.m. All voted yes, motion carried.

10:30 Ben Stout with Hollywood Dairy

Stout stated he wanted to know what was next to complete the haul road agreement for the three miles of road going north. Rhody listed topics that he would like to see taken care of such as engineering costs, dust control, snow removal, road width, load haul agreement transferable if ever sold, and if the dairy is ever expanded, they would need to have a new haul road agreement. Stout is going to contact Waylon Blasius with Banner and Hollywood Dairy’s engineering firm meet with each other and go over what needs to be taken care of with this project.

10:05 Executive Session Pursuant to SDCL 1-25-2 (1) Personnel Matter

10) Grabow moved, seconded by Fieber to move into Executive Session pursuant to SDCL 1-25-2(1) to discuss a personnel matter. All voted yes and the motion carried. Chairperson Homan declared the Commissioners out of Executive Session at 10:25 A.M

NEW BUSINESS

4-H Service Center; HealthEquity; RAIF; Christmas Bonuses;

Discussion was had on finishing some constructional items at the 4-H Service Center including trim, baseboards, doors and bathrooms. The 4-H Complex also needs work on bathrooms. Clear Lake Building Center will draw up projects for the Complex and the Service Center so we can open the project up for bids.

Discussion was had on keeping the HealthEquity benefit for employees or discontinuing the benefit, due to lack of involvement. The commissioners discussed and agreed to continue to offer the HealthEquity benefit to employees.

Discussion was held on Rural Agriculture Infrastructure grants. There are 18 different projects this year from eight different townships.

Discussion was had on Christmas bonuses for Deuel County employees again this year. The Commissioners decided to continue to gift each employee with \$100.00 in Deuel County Dollars again this year. 11) Grabow moved, seconded by Rhody to approve the \$100.00 Deuel County Bucks per employee for Christmas bonuses. All voted yes and the motion carried.

WARRANTS

12) Grabow moved, seconded by Fieber to approve warrants presented and those paid early. All voted yes and the motion carried.

Warrants Paid Early: US Postmaster \$2,500.00 Postage; HealthEquity \$326.72 Claim; HealthEquity \$5.00 Fee; Brookings Deuel Rural Water 77.25 Utilities, Deuel County Treasurer 500.00 Taxes; H-D Electric Coop, Inc 275.56 Utilities; Wieber Steel Construction 126.00 Refund of Overpay Taxes; Lake Cochrane Sanitary Dist. 509.50 Sp. Assessment; Deuel County Treasurer 600.71 Taxes; Gail Lacy 755.82 Refund Overpay MV Taxes; Lee Cleveland 970.32 Refund Overpay Taxes; Lee Nelson 35.19 Refund Overpay Taxes; Pizza & Burger Shack 792.00 SV Comm. Dinner; St. Paul's Lutheran Church 200.00 SV Comm. Meeting Use; City Of Watertown 3988.64 911 Surcharge; **Current Warrants:** Schools 1944321.79 Taxes; Townships 157423.38 Taxes; Cities 239131.70 Taxes; EDWDD 6851.27 Taxes; Upper Deere 23.47 Taxes; Rural Fire Dist 35996.50 Taxes; Deuel County Treasurer 762.84 Delinquent Taxes; Fromm Property Holdings 2909.41 Reissue Refund Check; Lancaster Co Assessor/Rod 10.00 Lien Filing Fee; Lance Hulzebos 25.82 Overpayment; New York Life Insurance Co 278.70 Life Ins.; Rhonda Hanna 24.43 Overpayment; Sanford Health Plan 23940.78 Health Insurance; Appera 121.51 Rug Rentals, AVI Systems, Inc 21853.93 Sound System Installation, Brookings Deuel Rural Water 44.75 Utilities, Credit Collections Bureau 1.70 Poor Lien Recovery, Century Link 358.79 911 Utilities, Clear Lake Vet Clinic 87.01 Supplies, Courtney Parker 750.00 Health Ins. Deductible Reimbursement, EM Services Marketing Corp Inc. 2435.00 Prof. Service Subscription, First Bank & Trust 2999.08 CC invoices, Green Roby Oviatt, LLP 1554.60 CAA Fees, Havana Township 58.50 Pocket Gophers, Houseman Funeral & Cremation 2600.00 Co. Assist. Funeral, Jamie Broksieck 750.00 Health Ins. Deductible Reimbursement, Matthew Bender & Co. Inc. 179.10 Legal Books, Microfilm Imaging Systems 90.00 Lease, Office Peeps Inc. 226.85 Supplies, Ottertail Power Co. 900.25 Utilities, Sanford Health 2886.00 Prof. Service & Fees, SD Dept. of Health 150.00 Prof. Service & Fees, SD Dept. of Transportation 1190.32 Supplies, Ultra

2088.25 IT Prof. Service & Fees, Verizon Wireless 50.00 Prof. Service & Fees, W.W. Tire Service Inc. 666.96 Repair & Maintenance, Kristin Woodall 64.35 Prof. Service & Fees, Yankton Co. Sheriff's Office 50.00 Prof. Service & Fees

October Payroll: Commissioners 9883.04; Auditor's Office 13585.90, Treasurer's Office 9881.74, State's Attorney's Office 7507.01, General Gov't Building 4460.77, Director of Equalization Office 15766.74, Register of Deeds Office 8341.30, Veteran Service Officer 1374.34, GIS 725.10, Sheriff's Dept. 41041.00; 4-H 224.76, Extension Office 3230.07, Weed & Pest 5167.38, Planning & Zoning 4963.23, Road & Bridge 67668.16.

Public Comment

Lynde stated that we needed to set a date for the last meeting in December to get all things tied up before the end of the year. The board decided on Thursday, Dec 28 at 9:00 AM.

Adjournment

There being no further business Grabow moved, seconded by Rhody to adjourn the Commission meeting.

Chairperson Judith Homan
Deuel County Commission

Attest:

Courtney Parker, Auditor

Published One Time at The Approximate Cost Of _____.