

February 6, 2018
Regular Meeting

The Deuel County Commissioners met in regular session on Tuesday February 6 at 9:00 a.m. in the Commission Room of the Courthouse with Chairman Jaeger presiding. Those present were Commissioners Dumke, DeJong, Jaeger, Rhody and Pederson. Also present was Auditor Pam Lynde. The meeting began with prayer and the Pledge of Allegiance.

Approval of Minutes:

1) Pederson moved, seconded by Dumke to approve the minutes of the regular meetings of January 4 and 16. All voted yes and the motion carried.

Approval of Agenda

2) Jaeger moved, seconded by Rhody to approve the agenda as presented with the addition of Ron Ruud and Jon Henslin. All voted yes and the motion carried.

APPOINTMENTS

9:05 Highway Superintendent Jamie Hintz

Hintz met with the Commissioners to discuss several highway related issues.

Hintz talked about the Statewide Planning & Research Program for Local Governments. The state has dedicated a portion of its FY2019 Statewide Planning & Research program funding to aid entities in their transportation planning efforts with a required match of the county upon the completion of the study. He also discussed several bridges throughout the county. 3) Dumke moved, seconded by Rhody to approve and adopt Resolution #18-05 to Delete Bridge 20-040-273 8W and .7 N of Toronto from NBIS. All voted yes and motion carried.

**RESOLUTION TO DELETE COUNTY BRIDGE FROM NBIS
#18-05**

The Deuel County Board of Commissioners is in agreement with SDDOT that the following structure should be deleted from the National Bridge Inventory System (NBIS) for the following reason:

STRUCTURE ID, LOCATION and REASON FOR DELETION

20-040-273	8W & .7 N of Toronto	Structure has been replaced with Culverts that no longer meet NBIS Length requirements.
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The Commission is aware of the following stipulations once a structure is deleted from the NBIS Inventory:

1. Federal bridge funds will not be available for structure replacement or rehabilitation and
2. The structure will only be added to the Inventory following replacement, using County funds.

Upon receipt of this resolution, the above structure will be deleted from inventory.

Vote of Commissioners: Yes 5 No 0

Dated at Clear Lake, SD, this 6th day of February, 2018.

ATTEST:

Pam L. Lynde
County Auditor

Chairman, Gary DeJong

4) Jaeger moved, seconded by Dumke to adopt Resolution #18-04 Deuel County Weight Limit Enforcement Resolution. All voted yes and the motion carried.

**DEUEL COUNTY WEIGHT LIMIT ENFORCEMENT RESOLUTION
#18-04**

WHEREAS, seasonal climatic changes can be detrimental to our highways, and
WHEREAS, The Deuel County Board of County Commissioners desires to protect existing Deuel County Highways, ultimately saving tax dollars, and
WHEREAS, the Deuel County Board of County Commissioners desires the enforcement of weight limitations on Deuel County roads as set forth and posted by the Deuel County Highway Superintendent.

NOW THEREFORE BE IT RESOLVED:

THAT, the limits on Deuel County Highways shall be set as seven (7) ton per axle, on all asphalt roads, during spring thaw period and when limit signs are in place. That the South Dakota Highway Patrol be and hereby is authorized, and requested to enforce weight limitations on Deuel County roads.

BE IT FURTHER RESOLVED that the penalty for the violation of the load restrictions should be as set forth in SDCL 32-22-55.

Vote of Deuel County Commission:

AYE 5 NAY 0

Dated this 6th day of February 2018 at Clear Lake, SD.

ATTEST:

Pam L. Lynde

Deuel County Auditor

Gary DeJong

Deuel County Commission Chairman

Hintz talked about the need to do an overlay project of six or seven miles on county highway #314. He also talked about the remodeling project at the highway office.

9:45 Deputy Sheriff/EM Director Cory Borg

Borg said requests for 2018 Homeland Security Grant are now being taken and he would like to put in for three hand held FLIR's for the Sheriff's Dept. Cost of the FLIR's will be \$7,557.00. 5) Pederson moved, seconded by Rhody to apply for Homeland Security Grant in the amount of \$7557 to purchase three FLIR's. All voted yes and motion carried.

10:15 Zoning Officer Jodi Theisen-Zoning Fees; Building Permits 2017

Theisen presented the building permits for 2017. She said in 2017 there were 9 new homes, 41 out buildings, 23 additions, 51 special exceptions/variances, 18 plats, 2 airstrips, 1 met tower, 5 fireworks stands and 13 shelterbelts filed. List of building permits issued are on file in the Auditor's Office. She also presented the Zoning & Building Permit Fee schedule for 2018. 6) Jaeger moved, seconded by Dumke to adopt Resolution #18-03 A Resolution to Adopt Deuel County Zoning and Building Permit Fees. All voted yes and the motion carried.

RESOLUTION #18-03

A Resolution to Adopt Deuel County Zoning and Building Permit Fees

WHEREAS, The Board of Deuel County Commissioners, as a part of the Deuel County Zoning Ordinance may establish fees for various permits, variances and special exceptions;

NOW THEREFORE BE IT RESOLVED THAT the following permit fee schedule is adopted by the Deuel County Commissioners and becomes a part of Ordinance B2004-01.

Deuel County Zoning & Building Permit Fees

Residential Structures Including Mobile Homes -----	\$.05 per square foot \$25 Min Fee
Additional with basement -----	\$.03 per square foot \$25 Min Fee
Additional with attached garage -----	\$.03 per square foot \$25 Min Fee
Nonagricultural buildings-----	\$25 plus \$.03 per square foot
	Over 150 square feet
Agricultural use buildings -----	\$25 plus \$.03 per square foot
	Over 2400 square feet
Agricultural grain bins -----	\$25 (New or moved)
Commercial buildings -----	\$.04 per square foot
Special Exception -----	\$200
Variance -----	\$200
Variance Shelter Belt-----	\$100
Lake Park District Grading Permit -----	\$50
Lake Park Tree Removal -----	\$25
Lake Park Landscaping Permit -----	\$25
Fireworks permits, short term -----	\$25
Fireworks permits, long term -----	\$250
Concentrated animal feeding operations -----	\$1500 - Class A
(Doesn't include Special Exception fee)	\$1300 - Class B
(Held separate from regular meeting)	\$ 900 - Class C&D
Wind Energy Systems-----	\$1/\$1,000 Est. Construction Cost, incl. labor
Rezoning any district -----	\$200
Special meeting -----	\$500
Moving building off, Land Reclamation Deposit -----	\$1000
Shelterbelt permits -----	\$0
Ag Easement for new home, Register of Deeds-----	\$30
Final Plat, Register of Deeds -----	\$60
Zoning Plat fees -----	\$25, plus \$5 per lot in a Subdivision
Penalties for no permits-----	Double the Permit Fees

Dated this 6th day of February, 2018.

Chairman

ATTEST:

Pam L. Lynde, County Auditor

**10:30 Request for Comments- Flying Cow Wind, LLC-Bitter Root 345 kV
Transmission Line Project**

A letter was received from Flying Cow Wind, LLC, an affiliate of RES America Developments Inc., which said they were gathering information and requesting comments for the proposed Bitter Root 345 kilovolt Transmission Line Project to be constructed and operated in Deuel County. The project includes a proposed approximate 10 mile, 345 kV overhead electric transmission line, a collector substation, and an interconnection substation. The Project would provide interconnection to the grid for the proposed Bitter Root Wind Project, a large wind energy conversion system consisting of up to 152 megawatts located in Yellow Medicine County, Minnesota. The proposed transmission line, collector substation and interconnection substation will be permitted by the SD

Public Utilities Commission and Deuel County. The transmission line route between the endpoints is currently under development. Townships where the lines and substation would be located are Norden in 34-114-47 and Scandinavia in 3-10 -113-47; 1-3, 10-12, 14, 15, 22, 23 in 113-48. The proposed route of the transmission lines will be along three miles of county roads #310 and #513. The Commissioners have concerns with right of way occupancy; more information is needed concerning county roads #310 and #513; what is the size of the line poles; what type of structures are they going to use. They must have haul road agreements with the county and townships; county should have more information on easements; Commissioners think the townships should be approached and have information they will need as far as roads and right of ways are concerned; Commissioners feel they should know the actual route of the transmission lines. The Commissioners will discuss further at the February 20 meeting and respond back to Flying Cow Wind, LLC with their questions and concerns on the project.

10:40 Ron Ruud/Jon Henslin

Ruud said there will be a public hearing on Feb. 27 at 6:00 p.m. at the Canby Elementary School with the purpose of the meeting to provide information about the proposed project and in the matter of the application of Flying Cow Wind, LLC for a Certificate of Need and Site Permit Application for the Bitter Root Wind Project in Yellow Medicine County Minnesota. The purpose of the meeting is to provide information about the proposed project, the state's review process and to accept verbal or written comments on potential issues for the environmental report and draft site permit that will be prepared. Ruud said their setbacks will affect property values at Lake Cochrane; several towers will be about a mile from the Lake Park District on the east side of Lake Cochrane. Jon Henslin also addressed the Commissioners and said that he attended the public hearing in Clark concerning the Geronimo wind project and they are putting in a radar ADLS-aircraft detection lighting system in the towers so when a plane is flying near the red blinking lights come on; so the lights are not blinking all the time. Henslin told the Commissioners about the ADLS and said it would be less expensive to put the system in now rather than later. State's Attorney Knight said the Zoning Board would need additional information on the ADLS; PUC should also look at this information.

11:15 Treasurer Mary Korth, State's Attorney Knight-Taxes due on Lots 23-24 Blk 19, City of Clear Lake

Korth talked about the delinquent taxes of Jeff Krause on Lots 23-24 Blk 19 Original Plat City of Clear Lake. The County received a note with the last payment that payments would stop for a few months; Korth asked the Commissioners how they wanted to proceed as the property is up for tax deed. \$3114.38 in taxes still owed on the property. The Commissioners will discuss further at the next meeting.

11:30 State's Attorney John Knight

Knight met with the Commissioners to discuss several issues and asked the Commissioners to go into Executive Session to discuss a personnel issue. SDCL 1-25-2(1).

11:35 Executive Session pursuant to SDCL 1-25-2(1)

7) Rhody moved, seconded by Jaeger to move into Executive Session pursuant to SDCL 1-25-2(1) for the purpose of discussing a personnel matter. All voted yes and

motion carried. Chairman DeJong declared the Commissioners out of Executive Session at 11:50.

12:00 Drainage Issue Duane Jenema in Section 35 Scandinavia Twp.

Jenema met with the Commissioners and said that drainage done last year has impacted his property in Section 35 of Scandinavia Township. The drainage was done in Brookings County so Jenema will have to discuss the matter with Brookings County officials.

NEW BUSINESS

Approve Cash Balance Sheet

8) Dumke moved, seconded by Pederson to approve the cash balance sheet for the month of January. All voted yes and the motion carried.

**DEUEL COUNTY AUDITOR'S ACCOUNT
WITH TREASURER**

END OF MONTH CASH BALANCE	January-18
CASH TOTAL	\$ 1,200.87
CHECKS TOTAL	\$ 19,258.47
CASH ITEM	\$
CASH CHANGE SHERIFF	\$ 50.00
TOTAL CASH ASSETS ON HAND	\$ 20,509.34
CHECKING ACCOUNT BALANCE	\$ 531,990.42
MM DNB NATIONAL BANK	\$ 4,058.47
PREMIUM MM FIRST BANK & TRUST OF TORONTO	\$ 5,613,991.11
CREDIT CARDS	\$ 759.60
CD'S \$250,000 DNB	\$ 250,000.00
REVOLVING LOAN	\$ 92,748.35
GRAND TOTAL CASH ASSETS	\$ 6,521,057.29
GL CASH BALANCE BY FUNDS:	
GENERAL	\$ 1,741,097.43

SP REVENUE FUNDS				\$ 4, 275, 839.52
TRUST & AGENCY FUNDS				\$ 504,120.34
townships	\$52, 935.73	Cities	\$35, 106.58	
schools	\$289, 033.77	rural fire	\$5, 009.22	

TOTAL GENERAL LEDGER CASH **\$6, 521, 057.29**

Resolution #18-02 Voting Precincts, Abatement of Taxes

9) Rhody moved, seconded by Jaeger to approve and sign Resolution #18-02 that establishes voting precincts for the Primary and General Election 2018. All voted yes and the motion carried.

RESOLUTION #18-02

WHEREAS, Deuel county must establish polling places in each precinct, for the Primary Election to be held on Tuesday June 5, 2018 and the General Election to be held on Tuesday November 6, 2018:

PRECINCTS LOCATION OF VOTING

THEREFORE BE IT RESOLVED, that the polling places in each precinct in Deuel County shall be as follows:

- # 1 ALTAMONT, PORTLAND & LOWE TWPS., ALTAMONT INC. – DAKOTA RIDGE LODGE, ALTAMONT
- # 3 BRANDT & NORDEN TWPS., BRANDT INC. – BRANDT COMMUNITY CENTER
- # 4 CLEAR LAKE INC. – WARD 1 – COMMUNITY CENTER - CLEAR LAKE
- # 5 CLEAR LAKE INC. – WARD 2 – COMMUNITY CENTER - CLEAR LAKE
- # 6 CLEAR LAKE INC. – WARD 3 – COMMUNITY CENTER - CLEAR LAKE
- # 7 GOODWIN TWP., GOODWIN INC. ROME TWP. – GOODWIN FIRE HALL
- # 8 GLENWOOD, HERRICK & ANTELOPE VALLEY TWPS., GARY, INC. – GARY FIRE HALL
- # 9 HAVANA , CLEAR LAKE & HIDEWOOD TWPS. – CLEAR LAKE COMMUNITY – CENTER
- #10 SCANDINAVIA TWP., ASTORIA INC. – LEGION HALL ASTORIA
- #11 BLOM TWP., TORONTO INC., GRANGE TWP. - TORONTO COMMUNITY ROOM (fire hall)

Dated this 6th day of February, 2018.

Gary DeJong, Chairman
Deuel County Commission

ATTEST:

Pam L. Lynde, Auditor

10) Pederson moved, seconded by Jaeger to approve the abatement of taxes on Mobile Homes on Real Estate (already paid in 2017) for 2018 and Tax Deed properties in the amount of \$387.64 General Fund and \$3.04 for County Building Fund on parcels 5138, 5175, 3202, 3182, 4599. All voted yes and the motion carried.

An application for abatement of taxes was presented on behalf of Lyle and Carol Tobin on parcel #3542 Lots 1 & 2 (Replat of Lots 49-60 Thokola Beach) Tobin’s Thokola Beach in Gov Lot 2 Lake Cochrane. A building had burned down Nov. 5, 2016; they are asking for an abatement on the burned building only. Amount of value is \$33,800 with taxes being

\$420.03. 11) Dumke moved, seconded by Rhody to approve and abate that portion of the taxes \$420.03, on parcel #3542 due to the fact building burned, no value. All voted yes and motion carried.

CPI for 2018 2.1%

Auditor Lynde stated that she had received the Consumer Price Index for 2018, taxes payable 2019 from the Dept. of Revenue. The CPI to be used for taxes payable in 2019 is 2.1%. The index factor is the percent a taxing district may increase the taxes payable in the following year (SDCL 10-13-35). Total amount of increase is the CPI and growth. Accurate growth numbers will not be available until the Auditor receives the growth of utilities by the fourth Monday in August. All taxing districts within the county were notified of the index factor.

Personnel

12) Rhody moved, seconded by Dumke to hire Kory Kellen as part time deputy sheriff at 15.25 hr. All voted yes and motion carried. 13) Jaeger moved, seconded by Rhody to accept the resignation of Lisa Brandt in the Auditor's Office. All voted yes and motion carried. 14) Dumke moved, seconded by Rhody to hire Marilyn Van Liere temporary part time clerk in Auditor's Office at 13.00 hr. All voted yes and motion carried.

Petition of Writ of Mandamus

Notice was received from Judge Means on the Petition of Writ of Mandamus concerning the referendum petitions filed with the Auditor on June 19, 2017. The conclusion read "Because two of the petitions were invalid, the Petitioners acquired only 19 verified signatures out of a required 145 verified signatures in order to refer the ordinance. Accordingly, the Respondents have no definite legal obligation to perform, namely, holding a special election. The Petitioners' petition for Writ of Mandamus is denied." Attorney Dan Smeins who is representing the County stated the petitioners have 30 days from the date of receipt to appeal the decision to the Supreme Court at their option.

County Assistance

15) Jaeger moved, seconded by Dumke to deny request of County Assistance #18-01, no application received. All voted yes and motion carried.

Quote of Electro Watchman for Security System

A quote was presented from Electro Watchman Inc. for a pendant transmitter security system. The current system is 17 years old and no longer operable. The quote for the new system which would include 12 pendants for courtroom and courthouse offices plus battery, key panel and installation would be \$3691.32. If the county choose to go with the system it would sound in the sheriff's office and for an addition charge of \$24.95 per month it would also call out to their central station who would in turn call deputies or whoever else we would like notified. 16) Jaeger moved, seconded by Rhody to approve purchase of pendant transmitter security system at cost of \$3691.32. All voted yes and motion carried. Staff in each office will do the testing of the equipment.

APPROVAL OF WARRANTS:

17) Pederson moved, seconded by DeJong to approve all warrants as presented and those paid early to avoid service charge. All voted yes and the motion carried. A&B Business Solutions 982.41 Supplies, A-Ox Welding Supply 42.25 Rental, Beacon Center 1000.00 Support, Bjerke Sanitation 193.00 Utilities, Boyer Trucks 421.73 Repairs, Brian's Glass & Door 74.00 Repairs, Butler Machinery Co 3538.30 Repairs/Supplies, Cartney Bearing & Supply Co 253.06 Repairs/Supplies, Credit Collections Bureau 30.20

Collection Fees, Clear Lake Building Center 145.20 Supplies, City Of Clear Lake 477.96 Rental/Snow Removal, Clear Lake Courier 752.23 Publishing/Supplies, Codington County Auditor 2175.00 Prisoner Care, Cowboy Country Stores 13.03 Supplies, Crescent Electric Supply Co 183.61 Repair, Dakotabilities 360.00 Support, Deuel County Ambulance Inc 54000.00 Support, Deuel County Farmers Union Oil 20.00 Repair, Deuel County Motor Supply 755.75 Supplies/Repairs, Deuel Area Development Inc 3750.00 1st Quarter 2018 Allocation, Division Of Ag Services 60.00 Testing, Dust-Tex Service 129.46 Rental, Ecolab Pest Elimination 54.00 Service, Equipment Blades Inc 862.40 Repairs, FedEx 4.46 Mailing, First Bank & Trust 50.00 Credit Card, First Dist. Assoc Local Gov't 800.00 Hazardous Mat Plan, First Dist Assn Of Local Govt 9633.47 2018 Dues, First Dist Dev Co 596.98 Rev Loan Int, Glacial Lakes & Prairies 449.00 Support, Herrick Township 688.00 Gopher Bounty, Human Service Agency 3085.00 1st Qrt Support, Hydraulic World 212.29 Repairs, ICAP 1921.33 Service Worker/Nutrition Supp, ITC 2356.66 Phone/Internet, Johnson Controls 8267.10 Professional Service, Kones Korner 137.94 Supplies, Lifescape 120.00 Client Support, Lincoln County Treasurer 171.65 Services, Macksteel Warehouse 90.81 Repairs, Maynards 399.34 Supplies/Commissioner Employee Recognition, Menards 368.05 Repairs/Supplies, Microfilm Imaging Systems 160.00 Reg. Of Deeds Rental, Minnehaha Co Auditor 339.10 Mental Heath Services, National 4H Council Supply 7.17 Supplies, Northwestern Energy 2411.64 Utilities, Office Peeps 1284.49 Supplies, Ottertail Power 1385.23 Utilities, Pheasantland Industries 92.89 Supplies, Powerplan OIB 234.22 Repairs, Prairie Lakes Healthcare Sys 85.00 Blood Alcohol, Best Western Ramkota Hotel 254.00 EM Travel, RC Technologies 150.00 911 Utilities, RNC Cabinets 10000.00 Office Furniture DOE Office, Ron's Saw Shop 105.40 Repairs, Running's Supply Inc 58.89 Repairs/Supplies, Dawn Russell 95.00 Professional Services, Sanford Health Plan 20.00 Flex Fees, Sanford Clinic 2730.33 Health Nurse Contract, SD DOT 2087.72 Fuel, SD Dept Of Public Safety 2730.00 Rental, SD Public Assurance Alliance 66595.89 Liability/Auto/Prop Ins, Sioux Falls Two Way Radio 303.47 Supplies, Law Office Of Danny R Smeins 387.00 Prof Services, Star Laundry 129.46 Mat Rental, Transource Truck & Equip Inc 905.26 Repairs, Twin Valley Tire Inc 623.52 Supplies/Maintenance, Ultra-Connecting Point 79.85 Supplies, W.W. Tire Service Inc 2904.90 Supplies/Repairs, Sanford Health 51.00 Flex Run, Ottertail Power 75.70 Utility, DC Treasurer 751.21 Tax Acct., DC Treasurer 674.83 Tax Acct., DNB National Bank 12.80 Payroll Process Fee, Hodges Badge Co 261.83 Supplies 4-H, Verizon 377.32 Cell Phones Sheriff, DC Treasurer 176.94 Tax Acct., SD Dept. of Revenue 4677.82 Return Overpayment, DC Treasurer 1197.83 Tax Acct., Schools 36038.85 Taxes, Cities 12842.67 Taxes, Townships 40950.55 Taxes, EDWDD 128.82 Taxes, Rural Fire Dist. 538.54 Taxes, Lake Cochrane Sanitary Dist. 538.57 Sewer Assessment, DC Treasurer 175692.44 Taxes, Sanford Health 330.00 Flex Run, Payroll: Commissioners 9516.22, Elections 127.11, Auditor's Office 11020.90, Treasurer's Office 8795.40, State's Attorney Office 7457.62, General Gov't Building 4857.83, Director of Equalization Office 11937.09, Register of Deeds Office 5754.27, Veteran Service Officer 1136.96, Sheriff's Office 30945.15, County Assistance 389.09, 4-H Service Center 136.44, Extension Office 1980.55, Weed & Pest 1417.75, Road & Bridge 65209.17, Emergency Management 2625.34.

Pederson moved, seconded by Dumke to adjourn. All voted yes. Meeting adjourned.

Pam L. Lynde, County Auditor

Gary DeJong, Chairman

Published One Time at the Approximate Cost of _____.