

April 26, 2022

The meeting of the McCook County Commission was called to order in their Meeting Room by Chairman Steve Gordon.

Members present: Chuck Mehlbrech, Dean Koch, Charles Liesinger, and Marc Dick.

Chairman Gordon led the Pledge of Allegiance.

Chairman Gordon called for approval of the agenda. Motion made by Koch to approve the agenda as posted. Second by Dick.

Motion carried.

The minutes from the April 12th meeting were sent to Board members for review prior to publication. Motion made by Mehlbrech to approve the minutes for publication. Second Liesinger. Motion carried.

Public input: none.

Commissioner Reports: Koch gave Board update on status of Food Pantry.

Conflict of Interest: none noted.

Motion made by Liesinger to enter Executive Session at 8:40 a.m. for personnel discussion SDCL 1-25-2 (1). Mic Kreutzfeldt, Hwy Supt, Michelle Stubjkaer, Alternative HR, and Geralyn Sherman, Auditor, were present. Second Mehlbrech. Motion carried.

Chairman Gordon declared out of Executive Session at 9:15 a.m. Motion made by Liesinger to hire Valerie Krempges to fill the position of Hwy Administrative Assistant, start date 6/13/2022, \$18.56/hour. Second by Koch. Motion carried. Motion made by Liesinger to set salary of Tim Simmermon at 2022 wage of Uncertified Deputy (new hire) \$40929.91. Second Koch. Motion carried. Motion made by Mehlbrech to give full-time employees who have been employed with McCook County over one year, a \$2000 retention incentive pay: one-time pay. Second Koch. Motion carried. This will be paid from the ARPA funds.

Hwy Supt Kreutzfeldt presented a Striping Agreement to the Board. The County will be included in the project for striping approximately 54.10 miles of county roads at an estimated cost of \$74941.02. Total of county's share of the project costs is \$61677.93. Motion made by Koch to authorize Chairman Gordon to sign the agreement. Second Liesinger. Motion carried. Kreutzfeldt noted that the Surface Transportation Block Grant Program (STBGP) Payout, \$199,676.99, has been received. These funds are used for capital outlay projects on Federal Aid roads. Kreutzfeldt and the Board discussed placement of private water lines and the laws prohibiting individuals from encroaching or impacting the right-of-way. The Board asked Kreutzfeldt to talk to States Attorney Fink about creating a permit for private water lines. Kreutzfeldt asked that fixed asset #895-A, XTL 1500 mobile radio, be declared surplus property because it is not repairable. Motion made by Dick to declare the radio surplus because it is no longer suitable for purpose acquired and has been junked. Second Liesinger. Motion carried. Current projects include paving projects, culvert repairs, and patching road break-ups.

Motion made by Liesinger to convene as Drainage Commission. Second Dick. Motion carried.

Mic Kreutzfeldt, Drainage Administrator, presented drainage permit applications to the Board, noting that downstream landowner signatures were obtained, and he has signed off on them. All permits are available for inspection at the Hwy Dept Office.

D22-008	Bartmann Brothers	NW4 20-102-53
D22-009	Bartmann Brothers	E2NW4 16-102-53 & NE4 16-102-53
D22-010	Randall Bunger	NW4 35-103-56

Motion made by Dick to convene as Planning Commission. Second Liesinger. Motion carried.

At 10:00 a.m. a Conditional Use Hearing was held to receive input concerning application for a seasonal campground. Applicant: Jared Nelson (present). Landowners: Dorothy Lund-Collins & Paul Collins. Legal description: Tract 9B Battlecreek Shores 2nd Addition S2SW4 34-102-53. Cori Kaufmann, Zoning Administrator, and Mic Kreutzfeldt, Hwy Supt, were present along with 15 area landowners. Jared Nelson, applicant, explained his proposed project to the group, noting that he has SPN (engineer) working on the project which will have 50 camping spots, bath house, playground, and septic tanks will be utilized. Campers will remain on site, year-

round, with campground operating May - September. Nelson noted that he has done due diligence with the proposed project. Questions from public addressed to Nelson: who will be regulating/policing the campground; me, no one else. Who sets the conditions? Commissioners. Do you own the property? No, contingent upon outcome of this hearing. Comments: promote State campgrounds, already established. Don't believe another campground is good for the area. This is a trailer park, not a campground. Neighbors don't want the noise and increased traffic. Kay Neubauer read several sections from the Comprehensive Plan and asked the Board members to consider visiting the proposed site so they can understand how the requested changes will impact the neighborhood. Neubauer thanked the Board for implementation of the Comprehensive Plan. Joe Green, 605 Realty, explained calls that he has received regarding this property; all calls were campground related, nothing for a home. Because this hearing was over the allotted time, Chair Gordon closed public comment section. Auditor Sherman handed out a letter from Joe Neubauer (which didn't get read at today's meeting). Motion made by Mehlbrech to table the hearing to May 10th at 11:00 a.m. Second Liesinger. Motion carried.

At 10:30 a.m. a hearing was held to receive input concerning a request for a conditional use to transfer a building eligibility to NW4 36-102-55. Applicant: David Jarratt, Patty Peters & Mary Smith. Legal description: SE4NW4 36-102-55. Dell Jarratt was present. Motion made by Dick to approve the conditional use request. Second Liesinger. Roll call vote: Ayes: Dick, Liesinger, Mehlbrech, Koch, and Gordon. Nays: none. Motion carried.

At 11:10 a.m. the Board of Adjustment held a Variance Hearing to receive input concerning a request to reduce setback for cold storage building. Applicant: Dean Langrock (present). Legal description: Lot 1A Schaefer's Addition in the SE4 33-101-53. Langrock explained his project. Motion made by Dick to approve the variance request. Second Koch. Roll call vote: Ayes: Dick, Koch, Mehlbrech, Liesinger, and Gordon. Nays: none. Motion carried.

Jason Rosas, Secog, met with the Commission and Cori Kaufmann, Zoning Administrator, to discuss and review options for farm-worker housing (multi-family dwelling).

Cori Kaufmann, Zoning Administrator, presented a plat for approval. Following review of the plat review form, motion was made by Koch to approve the following County Commission Resolution. Second Mehlbrech. Motion carried.

Be it resolved by the County Commission of McCook County, South Dakota, that the Plat of Tract 1 of Deters Addition, an Addition in the Northwest Quarter of Section 23, Township 103 North, Range 54 West of the 5TH Principal Meridian, McCook County, South Dakota, is hereby approved.

Adopted 26th day of April 2022.

Chair, Board of Commissioners
McCook County, South Dakota

ATTEST:

Auditor, McCook County

The Board reconvened as Board of County Commissioners.

Jay Volk, PhD Sequestration-Director of Health, Safety & Environmental Summit Carbon Solutions, and Trey Lester, Relationship Manager TurnKey Logistics, met with the Commission to introduce themselves and asked about permitting required by the county.

Motion made by Mehlbrech, second Liesinger, and carried, to pay claims: GENERAL FUND: Bi-Weekly Payroll: 4/16/22: Commissioners 1980.75; Auditor 5389.94; Treasurer 4061.36; States Attorney 2925.25; Custodian 1249.51; Dir of Equalization 2461.16; Register of Deeds 3089.61; Veterans Service Officer 279.90; GIS 1564.50; *new hire: Renae Slaughter \$20.86/hour; Sheriff 9723.28; Contract Law 7094.78; Care of Poor 198.08; Welfare 348.40; Community Health Nurse Secretary 1451.80; Extension Secretary,

1244.26; Weed 39.24; Drainage 316.84; Planning & Zoning 557.34. Transamerica Employee Benefits, April contribution 3076.33; Avera Queen of Peace Hospital, prisoner care 44.50; Century Business Products, 2 monthly copier contracts 239.15; Certified Languages International, interpreter services 24.75; CAN Surety, notary public bond 50.00; Kathryn Heumiller, blood alcohol service 125.00; Jessica Klinkhammer, travel expense 94.11; Lammers Kleibacker & Dawson, court appt attorney for April June Ward 167.15; McLeod's Printing, office supplies 65.66; MidAmerican Energy, utilities 414.40; RBS Sanitation, garbage service 86.24; Salem Community Drug, supplies 17.57; Michael D Sharp, court appointed attorney for Joshua Bremer 1000.10 for Christopher Johansen 459.58 for Monica Demir 812.76 for Trevor Klockman 566.67 for Monica Demir 250.63 for Monica Demir 271.99.

COUNTY ROAD & BRIDGE FUND: Bi-Weekly Payroll: 4/16/22: Hwy Dept 20456.10. Townships & Cities, 1st Qtr 2022-wheel tax collections 11236.88; Transamerica Employee Benefits, April contribution 2434.10; MidAmerican Energy, utilities 111.62; Northwestern Energy, utilities 43.70; Sign Solutions USA, power drive cap 382.99; Two Way Solutions, radio repair 144.50.

911 SERVICE FUND: Sioux Valley Energy, radio tower utilities 62.90.

EMERGENCY & DISASTER SERVICES FUND: Bi-Weekly Payroll: 4/16/22: EDS Director 1454.68. Transamerica Employee Benefits, April contribution 96.51.

24/7 SOBRIETY FUND: Bi-Weekly Payroll: 4/16/22: Sheriff Secretary/Dispatcher 201.60.

PAYROLL CONTRIBUTIONS – ALL FUNDS: 4/16/22: Dir of IRS, county share of FICA 3785.86, Medicare 885.39; SD Retirement System, county share of retirement contribution, 3836.44; Wellmark Blue Cross/Blue Shield of SD, county share of health insurance contribution 19468.81.

Motion made by Mehlbrech, second Koch, and carried, to adopt the following resolution:

RESOLUTION 2022-11

Whereas insufficient appropriations were made in the 2022 budget to discharge just obligations of said appropriation.

Whereas SDCL 7-21-32.2 provides that transfers may be made by Resolution of the Board from the Contingency appropriation established pursuant to SDCL 7-21-6.1 to other appropriations.

Therefore, be it resolved that appropriation of \$7,000.00 be transferred from Contingency to Human Resources.

Dated this 26th day of April 2022.

Steve Gordon _____
Chairman, McCook County Commission

ATTEST:

Geralyn Sherman _____
Auditor, McCook County

Motion made by Koch to enter Executive Session at 12:30 p.m. for personnel discussion, SDCL 1-25-2 (1). Michelle Stubjkaer, Alternative HR, joined the meeting. Auditor Sherman was also present. Second Mehlbrech. Motion carried. Chairman Gordon declared out of Executive Session at 12:50 p.m.

Motion made by Dick to convene as Board of Adjustment. Second Gordon. Motion carried.

Motion made by Mehlbrech to approve the agenda as posted. Second Liesinger. Motion carried.

At 1:00 p.m. the Board of Adjustment met to hear an appeal filed by Bernard Stockwell regarding a decision made by Cori Kaufmann, Zoning Administrator. Present: Bernard Stockwell, Lloyd Stockwell, Michael Nadolski, Attorney, Cori Kaufmann, Zoning Administrator, and Mike Fink, States Attorney. Fink read Section 16.04 from the 2014 Revised Zoning Regulations regarding the appeal procedure. Nadolski noted that the Stockwell Replat pre-dates the current zoning regulations so each lot should have a building eligibility. Nadolski suggested referencing a "lot of record" in the zoning regulations with a date. Kaufmann explained the process used

in determining “lots of record”. Fink stated the 2014 ordinance adopted language revisions, it doesn’t repeal, it amends, and this has been the practice through the years, thus the interpretation. Nadolski stated that each ordinance has its own effective date, and anyone should be able to read an ordinance, plain language needs to be used. At this time, Chair Gordon closed the public hearing. Fink noted that the Board now needs to provide written findings by deciding if the Zoning Administrator complied with the zoning regulations and gave the correct interpretation. Nadolski reiterated that the plat filed shows lots of record. Motion made by Koch that the Board of Adjustment agrees with the decision of the Zoning Administrator. Second Liesinger. Roll call vote: Ayes: Dick, Mehlbrech, Koch, Liesinger, and Gordon. Nays: none. Motion carried.

Motion made by Mehlbrech to convene as the County Board of Equalization to finish business. Second Koch. Motion carried.

Cori Kaufmann, Dir of Equalization, presented seven applications requesting tax freeze status, to the Board for approval. Motion made by Koch to approve the applications. Second Mehlbrech. Motion carried. Kaufmann presented one application for the disabled vet exemption. Motion made by Liesinger to approve the application. Second Mehlbrech. Motion carried. Kaufmann requested approval to remove owner occupied (OO) status from a property. Motion made by Dick to remove the OO status. Second Gordon. Motion carried.

With no other business before the County Board of Equalization, the Board reconvened as Board of County Commissioners.

Geralyn Sherman, Welfare Director, met with the Commission to review Care of Poor Report and March lien payments. A Notice of Hospitalization was received from Madison Regional Health System (2022-11). A Notice of Hospitalization was received from Avera Queen of Peace Hospital (2022-12). Two Notices of Hospitalization were received from Avera McKennan Hospital (2022-14 & 2022-15). Sherman noted that she and St Atty Fink reviewed two applications for county assistance for hospital claims. Following review, they feel that one application should be approved and the other denied; information was shared with the Board. It was determined that, based on information provided, the application for Case 2022-08 is eligible for county assistance. The application for Cases 2022-01 & 2202-02 (same individual) was denied because this individual received an inheritance and did not look into getting health insurance, therefore making him indigent by design.

Auditor Sherman presented UNUM renewal information to the Board. The Group’s Life and AD&D rates will remain unchanged through June 1, 2023. Approval needs to be sent to Mutual Med letting them know if the County will be renewing. Motion made by Mehlbrech to approve the UNUM renewal. Second Gordon. Motion carried.

Burn ban lifted 4/20/2022 by Brad (BJ) Stiefvater, Emergency Manager.

Auditor Sherman informed the Board that there has been an inquiry about the County passing a resolution that will make a package (off-sale) liquor license available to the public. Sherman noted that she has talked with Dept of Revenue as far as procedure and because this would be a new license, an applicant will have to follow the hearing process. SDCL 35-4-11.1 was amended and allows the county commissioners to determine the number of package off-sale liquor licenses they will approve and the fees that will be charged. Auditor Sherman will talk with St Atty Fink about the verbiage required in a resolution for alcoholic beverage package off-sale licenses.

The meeting adjourned subject to call.

Dated this 26th day of April 2022.

Steve Gordon _____
Chairman, McCook County Commission

ATTEST:

Geralyn Sherman _____
Auditor, McCook County