

January 24, 2017

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

Members present: Ralph Dybdahl, Dean Koch, Charles Liesinger and Marc Dick.

Chairman Gordon led the Pledge of Allegiance.

Chairman Gordon called for approval of the Agenda. Auditor Sherman noted the following changes: 11:00 Thompson's & Miller's won't be attending because they weren't allowed an Executive Session, 1:00 food pantry discussion moved to 12:00 and 1:30 Brenda Schulte, SEFP, moved to February 14<sup>th</sup> meeting, miscellaneous items & payment of claims will be done as time allows.

Motion made by Dick to approve the Agenda as sent. Second by Liesinger and motion carried.

The minutes from the January 10<sup>th</sup> meeting were sent to Board members for review prior to publication. Motion made by Dybdahl to approve the minutes for publication. Second Koch and motion carried.

Commissioner Reports: none.

Hwy Supt, Mic Kreutzfeldt, presented a weight limit resolution and letter requesting assistance for enforcement to the Commissioners. Motion was made by Dybdahl, second by Liesinger, and carried, to adopt the following resolution:

#### RESOLUTION 2017-01

#### MCCOOK COUNTY WEIGHT LIMIT ENFORCEMENT RESOLUTION

Whereas, seasonal climatic changes can be detrimental to our highways, and

Whereas, the McCook County Board of Commissioners desires to protect existing McCook County Highways, ultimately saving tax dollars, and

Whereas, the McCook County Board of Commissioners desires the enforcement of weight limitations on McCook County roads as set forth and posted by the McCook County Highway Superintendent.

Now therefore be it resolved:

Whereas, the limits on McCook County Highways shall be set at six (6) ton per axle or seven (7) ton per axle, not to exceed 40 tons gross weight on all asphalt surfaced roads as posted with signs during the spring thaw period and 40 tons gross weight as posted with signs during the remainder of the year.

That the South Dakota Highway Patrol is hereby authorized and requested to enforce weight limitations on McCook County roads.

Be it further resolved, that the penalty for the violation of the load restrictions shall be as set forth in SDCL 32-22-55.

Vote of the McCook County Commission:

Aye 5      Nay 0

Dated this 24<sup>th</sup> day of January, 2017 at Salem, SD.

Attest:

\_\_\_\_\_  
Geraldyn Sherman, McCook County Auditor

\_\_\_\_\_  
Steve G. Gordon, Chairman McCook County Commission

Motion made by Dybdahl to authorize Chairman Gordon to sign a letter to the Motor Carrier Division requesting assistance with weight limit enforcement. Second Liesinger and carried.

Motion made by Koch to set 11:00 a.m. on Friday, March 24, 2017, as time for bid letting for Hwy Dept Annual Supplies. This allows Hwy Supt Kreutzfeldt time to review bids prior to awarding them at the March 28<sup>th</sup> Commission Meeting. Second made by Liesinger and motion carried.

Kreutzfeldt and the Commissioners reviewed Moving Permit fees charged by SDDOT and several other counties, comparing them to what McCook County currently charges. Proposed fees were also reviewed along with Ordinance 2017-02, Ordinance for Overweight and/or Over Dimension Vehicle Permits for County Roads in McCook County. Kreutzfeldt noted that States Attorney, Mike Fink, will be reviewing the ordinance prior to Board approval and adoption.

Current projects include cutting brush and crack sealing.

No drainage permits.

Auditor Sherman presented the Board with a "revised" Joint Cooperative Agreement with SECOG and a resolution approving an agreement establishing the South Eastern Council of Governments. The current Agreement was adopted in 2010. The two changes proposed to the revised Joint Cooperative Agreement: increase the members from 11 to 12 with the addition of Harrisburg and reduce the State Legislators from 2 to 1 so the overall size of the board remains at 21. Motion made by Koch to authorize Chairman Gordon to sign Resolution 2017-02 which approves the revisions and 11 signature pages. Second made by Dybdahl and motion carried.

**COUNTY OF McCook  
RESOLUTION #2017-02**

**A RESOLUTION APPROVING A REVISED JOINT COOPERATIVE AGREEMENT ESTABLISHING THE SOUTH EASTERN COUNCIL OF GOVERNMENTS**

WHEREAS, in 1970, South Dakota Governor Frank Farrar signed an Executive Order creating six Planning and Development Districts in South Dakota; and

WHEREAS, the South Eastern Council of Governments (SECOG) was created when local officials in the area exercised their authority under the "Joint Exercise of Governmental Powers" (SDCL 1-24); and

WHEREAS, SECOG serves Clay, Lincoln, McCook, Minnehaha, Turner, and Union Counties as well as the municipalities located within those counties in southeastern South Dakota; and

WHEREAS, SECOG was created as a means whereby counties and cities and other public and private organizations within them may cooperate with one another to improve the health, safety, and general welfare of the citizens of the region; and

WHEREAS, SECOG promotes regional cooperation and the economical delivery of services and has been providing technical assistance to local governmental entities for more than 45 years; and

WHEREAS, SECOG's Executive Board has determined that the existing Joint Cooperative Agreement entered into in 2010 should be revised.

**NOW THEREFORE BE IT RESOLVED THAT**

1. The County of McCook hereby approves the document titled "South Eastern Council of Governments Joint Cooperative Agreement" among Clay, Lincoln, McCook, Minnehaha, Turner, and Union counties and the cities of Brandon, Harrisburg, Sioux Falls and Vermillion.
2. The agreement, containing revisions to the existing 2010 Joint Cooperative Agreement, is attached to and hereby made a part of this resolution.

Dated this 24<sup>th</sup> day of January, 2017.

\_\_\_\_\_  
Chairperson  
McCook County

ATTEST:

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Auditor

Auditor Sherman presented a letter to the Commission that was received from the Spencer Town Board with reference to their September 12, 2016 meeting, noting that the Board voted to cut the hours of the contract law from 5 to 2.5 per week. Sherman presented a "revised" Law Enforcement Services Agreement which reflects the request to lower the hours to 2.5/week, to the Commission. The annual contribution will be \$4225.00. Motion was made by Koch to authorize Chairman Gordon to sign the revised Agreement. Second made by Dybdahl and motion carried.

Motion made by Dick, second Dybdahl, and carried, to pay claims: GENERAL FUND: Bi-Weekly Payroll: 1/15/17: Commissioners 1461.55; Auditor 2930.04; Treasurer 3658.04; States Attorney 2379.42; Custodian 1231.35; Dir of Equalization 4147.50; Register of Deeds 2965.04; Veterans Service Officer 196.00; Sheriff 8263.92; Contract Law 4680.76; Care of Poor 230.77; Welfare 290.88; Community Health Nurse Secretary 882.12; Extension Secretary, 588.00; Weed 365.38; Drainage 307.69; Planning & Zoning 307.69. 2017 Grand Jury selection, fees & mileage, 731.20; Grand Jury, fees & mileage 360.48; Transamerica Life Insurance, January healthpak premium 3518.12; A & B Business, monthly copier contract 51.64; Advanced Systems, monthly copier contract 12.00; Allegheny County Sheriff, serving papers 85.00; Card Service Center, auto fuel 67.00; Davison County Sheriff, ½ December jail services 4465.00; Mike Fink, December expenses 189.55; Hillyard/Sioux Falls, janitorial supplies 113.36;

Iron Wheel Sales & Service, supplies & labor 827.70; Jeff Larson Law LLP, court appt attorney for Corey Milk 910.20; LifeQuest, 1<sup>st</sup> qtr appropriation 1440.00; McLeod's Printing, 5000 stamped envelopes 3296.00, 5000 assessment notices 299.00; Meierhenry Sargent LLP, tax appeal-Keystone Pipeline 4861.67; Minnehaha County Auditor, reimbursement of mental health charges 169.50; MOCIC, 2017 membership dues 100.00; Modern Marketing, syringe containers 518.77; Morgan Theeler LLP, court appt attorney for Christopher Saban 728.20, for Donald Nekolite 327.74, for Devian Wright 119.60, for Hailey Bisson 402.20; Alicia Petersen, January mileage 127.68, cell phone reimbursement 30.00; Salem Community Drug, office supplies 11.76; Santel Communications, laptop battery 129.00, Managed IT Services 1936.50; SD Dept of Public Safety, 6 months teletype rent 2340.00; Wash 'N' Go, car wash tokens 70.00; Weed & Pest Conference, registration 445.00; Dava Wermers, court appt attorney for Vicki Wasson 335.30.

COUNTY ROAD & BRIDGE FUND: Bi-Weekly Payroll: 1/15/17: Hwy Dept 15831.94. Pay Increase: Kevin Anderson \$17.50/hour. Transamerica Life Insurance, January healthpak premium 2228.02; 3-D Specialties, tools 255.68; ABC Rentals, chipper rental 1617.00; Avera Queen of Peace Hospital, employee drug test 54.90; Batteries Plus, exit light batteries 25.90; Blackstrap Inc, salt pieces 3124.64; Cole's Petroleum, supplies 579.30; Northwestern Energy, utilities 56.21; Rhomar Industries, neutron-wash 553.84; SDACHS, 2017 dues 275.00; Verizon Wireless, cell phone service 96.12; Vulcan Inc, rivets 475.00.

911 EMERGENCY REPORTING SYSTEM FUND: Sioux Valley Energy, radio tower utilities 55.82.

EMERGENCY & DISASTER SERVICES FUND: Bi-Weekly Payroll: 1/15/17: EDS Director 1351.85. Transamerica Life Insurance, January healthpak premium 314.59; Professional Marksmen, protective gear 42826.00.

24/7 SOBRIETY FUND: Bi-Weekly Payroll: 1/15/17: Sheriff Secretary/Dispatcher 173.08.

PAYROLL CONTRIBUTIONS – ALL FUNDS: 1/15/17: Dir of IRS, county share of FICA 2954.23, Medicare 690.93; SD Retirement System, county share of retirement contribution, 3078.63; Wellmark Blue Cross/Blue Shield of SD, county share of health insurance contribution 11423.87.

Motion made by Dick to approve Cash Transfer in the amount of \$55,000.00 from General Fund as follows: Hwy Road & Bridge Fund \$50,000 and EDS Fund \$5,000. Second made by Dybdahl and motion carried.

Motion made by Liesinger to declare Smart Buy Proliant ML350P Gen 8 Network Server as surplus property as it is no longer suitable for purpose acquired, fixed asset #974-A. Second made by Koch and motion carried.

Motion made by Dick to convene as Planning Commission. Second made by Dybdahl and motion carried.

Tracy Hofer, Zoning Administrator, presented Request to Rezone from Commercial to Agricultural for Richard and Loretta Lauck. The legal description is S311' of N597' of E292.5' except that portion of Lot H-3 contained within Lot 2 NW4 1-102-55. No one was present for the hearing. Hofer noted that she did receive several inquiries as to what the rezone is for; noting it is to change a non-conforming use. Following discussion, motion was made by Dick to recommend approval of the rezone request from Commercial to Agricultural to the County Commission. Second was made by Dybdahl. Roll call vote: Ayes: Dick, Dybdahl, Liesinger, Koch and Gordon. Nays: none. Motion carried.

Motion made by Koch to convene as Board of Adjustment. Second made by Dick and motion carried.

Tracy Hofer, Zoning Administrator, presented an Application for Variance for William Smith. The legal description is E2SE4 & NE Corner of NW4SE4 22-103-53. The Variance is being requested for purpose of putting in a driveway. Bill Smith was present. Following discussion, motion was made by Dybdahl to approve the request. Second was made by Koch. Roll call vote: Ayes: Dybdahl, Koch, Liesinger, Dick and Gordon. Nays: none. Motion carried.

The Board reconvened as Board of County Commissioners.

Mike Fink, States Attorney, met with the Board to discuss several topics. Fink updated the Board on the tax appeal regarding Keystone Pipeline and the bill, \$4861.67, to be paid with the claims today. A trial date of August 22<sup>nd</sup> has been scheduled in Pierre. Hwy Supt Kreutzfeldt joined the meeting, making inquiry of difference between ordinance and resolution with reference to earlier discussion regarding adoption of an ordinance for overweight/over dimension vehicle permits. Fink noted that an ordinance can

enforce penalties; resolution cannot, so if penalties are necessary then an ordinance is what should be adopted. Discussion was held with regard to placement of an ATM machine in the Courthouse, by Commissioner Dick. Following discussion, it was determined that the County isn't exposed to any liability because there is no contract/agreement related to the machine, between Commissioner Dick and the County.

Brad Stiefvater, EDS Director, met with the Commission to review information regarding software upgrades/changes to the State Radio System and the associated costs. Stiefvater noted that the cost for upgrades to the system, statewide, will total \$21,000,000 and McCook County's share could total \$100,000 if the State doesn't fund local upgrades. Stiefvater has applied for a \$78,000 grant to help cover these costs. Mark Norris, Sheriff, was present.

Sharon Hieb, Food Pantry Coordinator, and Pastor Jackie Braun, Christ Lutheran Church, met with the Commission to continue discussion regarding Food Pantry Operations. Following discussion, it was decided that a Job Notice for a Food Pantry Coordinator would be placed in the local newspapers with a closing date of February 10, 2017. Pastor Braun will meet with the Commissioners on February 14<sup>th</sup> to update them on the applications received.

A thank-you was received from the Bridgewater Senior Citizens, for the appropriation that they received.

Geralyn Sherman, Welfare Director, and the Commissioners reviewed Care of Poor cases and the list of lien payments received in December 2016. Two Applications for Poor Relief Assistance along with Hospital Requests for Payment were received; both requests for payment were denied because neither individual has applied for county assistance therefore eligibility cannot be determined (2016-51, 2016-07). A Notice of Hospitalization was received from Avera Queen of Peace Hospital (2017-03). Sherman informed the Board that a request for \$500 rent assistance, for individuals moving to McCook County from Pennington County for a (supposed) job at McDonald's in Mitchell, was denied because information in the application couldn't be verified (2017-02).

The meeting adjourned subject to call.

Dated this 24<sup>h</sup> day of January, 2017.

Steve G Gordon \_\_\_\_\_  
Chairman, McCook County Commission

ATTEST:

Geralyn Sherman \_\_\_\_\_  
Auditor, McCook County