

January 25, 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, Marc Dick, and Charles Liesinger.

Individuals present: Steve Gessner, Roger Hofer, and Mark Norris.

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 Mehlbrech. Motion carried.

The minutes from the January 11th meeting were sent to Board members for review prior to publication. Motion made by Mehlbrech to approve the minutes for publication. Second Dick. Motion carried.

Public input: Roger Hofer asked the Commissioners to compare agricultural valuations in McCook County to Hanson County, McCook values need to be lower. Steve Gessner informed the Commission that he can't attend the rezone hearing for Travis Peterson but wants them to know that he opposes the request to rezone because the areas within Salem City that Peterson owns, look like junk yards as time passes.

Commissioner Reports: Koch noted that a Food Pantry meeting was held yesterday, and all reports indicate that things are running well with the pantry.

Conflict of Interest: none noted.

Motion made by Koch to enter Executive Session at 9:15 a.m. to continue discussion regarding land options for a storage building that will be utilized by Search & Rescue (Emergency Management), Hwy Dept, and Law Enforcement, SDCL 1-25-2 (5). Mic Kreutzfeldt, Hwy Supt, Mark Norris, Sheriff, Brad (BJ) Stiefvater, Emergency Management, and Geralyn Sherman, Auditor, were present. Second Mehlbrech. Chairman Gordon declared out of Executive Session at 9:35 a.m.

Kreutzfeldt presented an on-going weight limit resolution and letter requesting assistance for enforcement to the Commissioners. Motion made by Koch, second by Liesinger, and carried, to adopt the following perpetual resolution:

RESOLUTION 2022-01

ON-GOING RESOLUTION
ESTABLISHING SPRING THAW LOAD LIMIT RESTRICTIONS
ON MCCOOK COUNTY HIGHWAYS

Whereas the McCook County Board of Commissioners wishes to establish Load Limit Restrictions during the period of time from February 15 to April 30, inclusive, of any year; and

Whereas the South Dakota Codified Law 32-22-24 allows the County Board of Commissioners to reduce the maximum weight of the vehicle and the load; and

Whereas the McCook County Board of Commissioners designates the County Highway Superintendent as the authorized representative of the County and has empowered the Highway Superintendent of the County with the authority to implement and remove the Load Limit Restrictions during the period of time as he so determines, on behalf of the County for all roads under the jurisdiction of McCook County.

Now therefore be it resolved that the McCook County Board of Commissioners does hereby establish Load Limit Restrictions of six (6) tons per axle, not to exceed 80,000 pounds gross vehicle weight on all bituminous County Highways and County gravel roads as determined by the Highway Superintendent; and

Be it further resolved that McCook County requests the South Dakota Department of Public Safety and the South Dakota Highway Patrol to enforce the Load Limit Restrictions on all bituminous County Highways, County Gravel Roads, and Bridge Load Limit Restrictions as posted.

Vote of the McCook County Commission:

Aye 5 Nay 0

Dated this 25th day of January 2022 at Salem, SD.

Attest:

Geralyn Sherman, McCook County Auditor

Steve Gordon, Chairman McCook County Commission

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

Kreutzfeldt presented a utility permit for approval. Motion made by Mehlbrech to approve Electric Utility Permit for Xcel Energy to replace existing deteriorating power poles & equipment with new. Location of installation: Poles P2, P3, & P4 along 451st Ave. Second Koch. Motion carried. Kreutzfeldt reminded group that bids for annual supply letting will be opened at 11:00 a.m., February 4th, in the Community Room in Courthouse basement and Chairman or his designee need to be present. Discussed required CDL classes being offered at the Technical Schools and pricing, no action taken. Current projects include crack sealing, cutting brush, and annual culvert & sign inspections.

The 9:30 a.m. bid letting for a snowplow truck was held with no action as no bids were received.

No drainage permits.

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

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

Be it resolved by the Board of County Commissioners of McCook County, South Dakota, that the Plat of Lots 1 and 2 of Sievers' Addition, a Subdivision of the NE ¼ of Section 24, T 101 N, R 56 W of the 5TH P. M., portions of which lie in the City of Bridgewater, McCook County, South Dakota, which has been submitted for examination pursuant to law, 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 25th day of January 2022.

Chairman of the Board of County Commissioners
McCook County

Motion made by Koch, second Mehlbrech, and carried, to pay claims: GENERAL FUND: Bi-Weekly Payroll: 1/22/22: Commissioners 1980.75; Auditor 5365.22; Treasurer 3928.21; States Attorney 2925.25; Custodian 1249.50; Dir of Equalization 2574.80; Register of Deeds 3088.91; Veterans Service Officer 298.56; Sheriff 11185.93; Contract Law 7019.78; Care of Poor 198.08; Welfare 287.43; Community Health Nurse Secretary 1451.80; Extension Secretary, 1224.50; Drainage 301.99; Planning & Zoning 559.70. Transamerica Employee Benefits, January contribution 2979.82; A & B Business, monthly copier contract 79.99; Avera McKennan Hospital, mental health hold 746.00; Kathryn Heumiller, blood alcohol service 125.00; Inter-Lakes Community Action, January CSW funds 794.67; KW Electric, replace & repair outside light 249.42; LifeQuest, 1st Qtr allocation 720.00; McLeod's Printing, election supplies 985.60 office supplies 29.53 stamped envelopes 3069.90 Miranda warnings 99.97; Meyer Motor, oil change 47.80; MOCIC, 2022 membership dues 100.00; Office Depot, office supplies 58.91 3-drawer file cabinets 207.98; Prairie Wind Trailers, H&H enclosed trailer 6000.00; SDACC, 2 county directories 23.00; Michael D Sharp Esq, court appt attorney for Jean Renee Burr 928.88 for Daniel Robert Hill 1641.32; Stacey Sieverding, keys 13.85; Wash 'N' Go, car wash tokens 160.00.

COUNTY ROAD & BRIDGE FUND: Bi-Weekly Payroll: 1/22/22: Hwy Dept 20216.98. Transamerica Employee Benefits, January contribution 2715.22; Townships & Cities, 4th Qtr 2021-wheel tax collections 7011.66; Boyer Trucks, parts & labor 1900.26; IMEG, bridge engineering design 31250.00; Northwestern Energy, utilities 51.19; Pomp's Tire Service, tires 570.00; SDACHS, NACE dues 275.00 SDACHS membership dues 75.00 (check lost); Verizon Wireless, cell phone service 81.92.

911 EMERGENCY REPORTING SYSTEM FUND: Sioux Valley Energy, radio tower utilities 63.00.

EMERGENCY & DISASTER SERVICES FUND: Bi-Weekly Payroll: 1/22/22: EDS Director 1454.68. Transamerica Employee Benefits, January contribution 96.51.

24/7 SOBRIETY FUND: Bi-Weekly Payroll: 1/22/22: Sheriff Secretary/Dispatcher 197.89.

PAYROLL CONTRIBUTIONS – ALL FUNDS: 1/22/22: Dir of IRS, county share of FICA 3714.09, Medicare 868.60; SD Retirement System, county share of retirement contribution, 3823.66; Wellmark Blue Cross/Blue Shield of SD, county share of health insurance contribution 19434.39.

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

RESOLUTION 2022-02

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 \$300.00 be transferred from Contingency to Rural Access Infrastructure Fund (RAIF).

Dated this 25th day of January 2022.

Steve Gordon _____
Chairman, McCook County Commission

ATTEST:

Geralyn Sherman _____
Auditor, McCook County

At 10:45 a.m. Zoning Administrator, Cori Kaufmann, explained that all four rezones will be heard in the order listed on the agenda and once the vote is concluded we will move to the next hearing (rolling agenda). Kaufmann added that the applicant will be given first opportunity to address the Commission. When the floor is open for public comment, please state your name, and keep it to three minutes. With this, we moved into the rezone hearings. States Attorney, Mike Fink, and Sheriff, Mark Norris, were present.

A public hearing was held to receive input concerning a request to rezone Agricultural property to Rural Residential to gain a building eligibility. Applicant: Scott Morrison. Legal description: Lot 2 in Morrison's Tract 1 Addition in the NW4NE4 27-101-53. Chairman Gordon opened the hearing for public comment. Morrison explained that he and his wife just want to build a home here. Koch received call from Peter Begeman who opposes the request to rezone because an eligibility already exists on this quarter/quarter. Morrison said he didn't know this but will look into it. Kaufmann noted that Roger Morrison and Darren Chester both have rights to transfer the building eligibilities available to them. With no further comments this portion of the hearing was closed. Motion made by Koch to deny the request to rezone due to existing eligibility. Second Dick. Roll call vote. Ayes: Dick, Mehlbrech, Koch, Liesinger, and Gordon. Nays: none. Motion carried.

A public hearing was held to receive input concerning a request to rezone Agricultural property to Commercial for Recreational Commercial Facility. Applicant: Linda Vail. Legal description: Tract 1 of Vail's Addition in SE4 3-101-53. Chairman Gordon opened the hearing for public comment. Vail noted that she has explored other options but comes back to this location adding that change is needed to grow. Kaufmann read a letter of opposition from Jason Dabbert which referenced guidance provided by the County's Comprehensive Plan. Several items noted: agricultural land use is the dominant land use within the County and is expected to remain so in perpetuity, commercial and industrial uses should be located along the major highways, and both city residents and the farming community have a fundamental interest in preventing scattered and haphazard development. Craig Livingston told Board that neighbors agree with Dabbert's comments. With no further comments this portion of the hearing was closed. Motion made by Dick to deny the request to rezone. Second Koch. Roll call vote. Ayes: Dick, Mehlbrech, Koch, Liesinger, and Gordon. Nays: none. Motion carried.

A public hearing was held to receive input concerning a request to rezone Agricultural property to Rural Residential for housing development. Applicant: Travis Peterson. Legal description: NW4NE4 Ex Lot H-1 & Ex 100'x300' in NW Corner 24-103-55. Chairman Gordon opened the hearing for public comment. Peterson explained that he is looking to put a house on this acreage (has option to purchase depending upon outcome of this hearing); will keep 10 acres for himself and sell off 5 acre lots. Koch asked Peterson if he was aware of an established drainage way owned by Sandine and Traupel. No. Koch also shared that Gessner opposed the rezone because of the unknowns. Kaufmann noted that in Rural Residential zone, more than 3 homes require that Sub-Division Regulations be followed. Also noted, the Salem City Comprehensive Plan shows this area as commercial zone for future use. Dick asked if Salem City had any comments. Kaufmann said she spoke with the Salem City Finance Officer and the City has no comment. Peterson reiterated that he is here today for one housing eligibility for his own home. With no further comments this portion of the hearing was closed. Following Board discussion, motion was made by Koch to deny the request to rezone because there are more questions than answers. Second Dick. Roll call vote. Ayes: Dick, Mehlbrech, Koch, Gordon. Nay: Liesinger. Motion carried. Peterson asked why and what can he do to change the outcome. Koch, the Board wants specifics, adding that Peterson can purchase a building eligibility from another owner. Peterson, I'm trying to do this the correct way so why go through purchase of a building eligibility? Vote has been taken; we are moving on to next hearing.

Motion by Dick to reconvene as Board of County Commissioners. Second Koch. Motion carried.

A public hearing was held to receive input concerning a request to rezone Agricultural property to Rural Residential to sell as lots for residential development. Applicant: Bernard Stockwell. Legal description: Lots 2,3,4 & 5 Replat of Stockwell's Addition W2NW4 25-102-53. Chairman Gordon opened the hearing for public comment. Stockwell informed Board that rural water and electricity are in place for homes. Stockwell added that he feels people not wanting neighbors are being hypocritical; they chose to build in the area, why can't others. Seven (7) individuals voiced opposition to the rezone: don't want neighbors, build homes near towns not in agricultural area, keep farm ground as farm ground. Jim Shaeffer questioned whether individuals who build can get to their property because of 3.5 acres belonging to Lloyd Stockwell. Kaufmann noted that the legal description provided is not part of the rezone application. Kaufmann also pointed out that there is one (1) building eligibility remaining due to referendum election held in 2000. States Attorney Fink told the Commission that they have to make a decision based on ordinance regulations and facts as they are today, cannot look at 50 years down the road or at what happened twenty years ago. With no further comments this portion of the hearing was closed. Following Board discussion, motion made by Dick to deny request because a building eligibility does exist. Second Liesinger. Roll call vote. Ayes: Dick, Koch, Liesinger, Gordon. Nay: Mehlbrech. Motion carried.

Mike Fink, States Attorney, met with the Commission to provide update regarding questions on background checks for individuals who apply for a medical cannabis license. Fink noted that Dept of Health will require a certified statement from an applicant stating that he/she has no felonies. Fink also noted that there are numerous questions about the procedure and right now everyone is working their way through the process. Mark Norris, Sheriff, and Cori Kaufmann, Dir of Equalization/Zoning Administrator, were present. Following discussion, motion was made by Dick to approve the application submitted by Pitbull Acres LLC (Mike & Kasey Entwisle), authorizing Chairman Gordon to sign Form E, SD Medical Cannabis Program Local Government Compliance Certification. Second Liesinger. Motion carried.

Mike Fink, States Attorney, met with the Commission to review information regarding a County Gravel Pit parcel situated upon the NW4 of Section 22, Bridgewater Twp. Apparently, many years ago, this property was platted and conveyed to the County for use as a gravel pit. The current owner of the surrounding property appears to be the Diane Stahl Trust; email conversation has been held with Brian Stahl and Diane Stahl. Cori Kaufmann, Dir of Equalization, and Laurie Schwans, Register of Deeds, were present. Kaufmann

noted that Stahl's asked if they've been paying taxes on this county property for all these years. They have not. States Attorney Fink told the Board that they can declare the County Gravel Pit surplus property, appraise it, and then have him complete a deed for same. Motion was made by Mehlbrech to declare this county gravel pit as surplus property because it is no longer useful for purpose acquired and deed it to Diane Stahl Trust for \$0 (zero dollars). Second Liesinger. Motion carried.

Auditor Sherman presented signature page of the revised Intergovernmental Contract (IGC) which reflects changes adopted by the SD Public Assurance Alliance Board of Directors at its October 5, 2021, meeting and took effect on January 1, 2022. St Attorney Fink noted that he has reviewed the revised document and approves changes noted. Motion made by Koch to authorize Chair Gordon to sign the signature page. Second Mehlbrech. Motion carried.

Geralyn Sherman, Auditor/Welfare Director, and the Commissioners reviewed Care of Poor cases. An Application for Poor Relief Assistance was received from Avera McKennan Hospital for a newborn (2022-04). A letter was sent to the mother suggesting she apply for SD Medicaid for the baby.

Auditor Sherman presented Amendment II – FY22 WIC County Clerical Contract to the Board. Dept of Health accounting staff requested changes to Section 1.1 and 1.2 to include detail in relation to Amendment I. Motion made by Mehlbrech to authorize Chairman Gordon to sign Amendment II. Second Liesinger. Motion carried.

Auditor Sherman presented three abatements to the Board for approval. Motion made by Koch to approve the following abatements and authorize Chairman Gordon to sign same. Abatement #7, parcel 21.28.0113, Marie E Chandler, Assessor error-should have Local Board value, amount abated \$454.66; Abatement #8, parcel 16.16.3002, Paul & Donita Davis, Assessor error-should have Local Board value, amount abated \$242.02; and Abatement #9, parcel 16.20.3002, Paul & Donita Davis, Assessor error-should have Local Board value, amount abated \$152.04. Second Liesinger. Motion carried.

Motion made by Liesinger to declare the following items surplus property as they are no longer usable for reason purchased: Emergency Management: fixed asset #826-A, Panasonic laptop for vehicle, fixed asset # 859-A, Panasonic CF30 computer, fixed asset #979, nuclear radiation pager, and Register of Deeds: fixed asset #942-A, HP laser P4015N printer. Second Mehlbrech. Motion carried.

Following discussion, the Board approved the following COVID policy. An employee will receive up to 5 days COVID pay (one time) and may use his/her sick leave or vacation if more time off is needed. Upon returning to work he/she must wear a mask for 5 days. Results of a home test or clinic test will be required and need to be provided to the Auditor's Office. This policy will be in effect until June 1, 2022 and re-evaluated at that time. Cori Kaufmann, Dir of Equalization, and Laurie Schwans, Register of Deeds, were present.

The meeting adjourned subject to call.

Dated this 25th day of January 2022.

Steve Gordon _____
Chairman, McCook County Commission

ATTEST:

Geralyn Sherman _____
Auditor, McCook County