

June 22, 2021

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

Members present Dean Koch, Steve Gordon, Charles Liesinger, and Marc Dick.

Dawn Rye, New Century Press, was present.

Chairman Mehlbrech led the Pledge of Allegiance.

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

Motion carried.

The minutes from the June 8th & June 15th meetings were sent to Board members for review prior to publication. Motion made by Gordon to approve the minutes for publication. Second Liesinger. Motion carried.

Public input: none.

Commissioner Reports: none.

Brad (BJ) Stiefvater, Jr, Emergency Management Director, provided the Board with a map indicating counties that have enacted burn bans due to the very dry conditions. A public notice will be in the local newspapers this week. Motion made by Koch, to approve and adopt the following resolution declaring an emergency to exist. Second Dick. Motion carried.

RESOLUTION 2021-07

A RESOLUTION TO PROVIDE FOR TEMPORARY EMERGENCY REGULATION OF FIRE HAZARDS IN MCCOOK COUNTY

WHEREAS, McCook County is experiencing very dry conditions due to the lack of rain, and

WHEREAS, McCook County is dedicated in taking steps to protect the health and safety of all residents of the County and all property within the County, and

WHEREAS, the McCook County Commission has consulted with the Emergency & Disaster Services Director, who has consulted with local fire officials regarding the severity of this issue, and

WHEREAS, for purposes of this Resolution, "open burning" shall be defined as any outdoor fire, including but not limited to campfires, warning fires, charcoal grill fires, or the prescribed burning of fence rows, fields, wild lands, trash, and debris. This resolution excludes fires contained within liquid-fueled or gas fueled stoves, fireplaces within all buildings, charcoal grill fires at private residences and permanent fire pits or fire grates located on supervised developed picnic grounds and campgrounds, and

WHEREAS, unduly hazardous fire conditions now exist in McCook County, and

THEREFORE, BE IT RESOLVED that the McCook County Commissioners enact this resolution on an emergency basis and impose a ban to prohibit or restrict open burning in order to protect the public health and safety, **effective June 22, 2021.**

Allowances will be made for authorized burns.

Contact BJ Stiefvater, McCook County Emergency Management Director @ 605-421-8392

Email: mcems2@triotel.net

BE IT FURTHER RESOLVED that the ban will be in place until fire conditions improve as determined by Emergency personnel within McCook County.

BE IT FURTHER RESOLVED that a fine not to exceed five hundred dollars for each violation, or imprisonment for a period not to exceed thirty days for each violation, or both the fine and imprisonment, if found in violation of this Resolution, as per South Dakota Codified Law 7-18A-2, and that the costs for suppressing any fire, including response fees, mutual aid assistance from other agencies or fire departments, reimbursement to governments for suppression efforts and compensation to the firefighters for time from their employment, be borne by the individual or individuals responsible for setting the fire.

Dated this 22nd day of June 2021.

_____ Chairman

_____ Commissioner

_____ Commissioner

_____ Commissioner

_____ Commissioner

ATTEST:

_____ Auditor

Mic Kreutzfeldt, Hwy Supt, received a letter from TrueNorth Steel informing the county that effective immediately they are no longer willing to honor the pricing that was previously supplied on the Beadle County bid, which McCook County agreed to purchase off. This action is being taken because of the unprecedented and unforeseen price increases in the steel industry. The factors for this dramatic rise in costs are many but the overwhelming contributing factor is COVID-19. Hwy Supt report. The Charles Mix County Hwy Dept is selling a 2016 Case IH tractor/mower for \$65,000 and this would fill the needs of Weed and Hwy Dept's. Motion was made by Gordon to approve purchase of the tractor/mower. Second Dick. Motion carried. Sufficient capital accumulation funds would allow 453rd Ave from 262nd St to SD42 to be paved in 2022 instead of 2023 (project will be added to 2022 budget request). If bridge 44-010-185 receives a BIG grant, construction would be in 2023. Counties can apply for a grant for rumble strips & stripes in center and along sides of roads (decision to not apply). Bridge replacement of 44-200-093 should be completed in early July. The County will be receiving \$50,866 in rural access infrastructure funds. Current projects included Mag Chloride application, mowing top cut, and finishing bridge 44-200-093, and incidental work.

At 9:30 a.m. the Board of Adjustment held a public hearing to receive input concerning a request for a conditional use. Applicant: McCook County Hwy Dept. Legal description: SE4 27-103-55. Owners: Thomas & Colleen Kolbeck. Reason: to mine gravel. Cori Kaufmann, Zoning Administrator, read the application information. Following discussion, motion was made by Gordon to approve the conditional use request requiring the following conditions: maintain dust control, other users of the pit will need to contribute to its maintenance, and other users must have a road haul agreement on file. Second Liesinger. Motion carried.

Motion was made by Gordon to convene as Drainage Commission. Second Koch. Motion carried.

Mic Kreutzfeldt, Drainage Administrator, informed Board that Jerry Gottlob applied for drainage permit, but the application lacks downstream signatures and is asking for a hearing. Kreutzfeldt suggested that a clearer tile plan be included before a hearing. Mike Fink, States Attorney, was present, and reminded the Board that due diligence on their part includes evaluation of the permit application, as noted in Section 209 of the Drainage Ordinance. Motion made by Koch to hold drainage hearing at 11:00 a.m. on July 27th. Second Liesinger. Motion carried.

Kreutzfeldt presented hydraulic study documentation from IMEG concerning the Lawrence Arbeiter application. This was requested by the Drainage Board at their meeting held on August 25, 2020. Fink noted that with new information the tabled hearing needs public notice to be reopened. Motion made by Dick to reopen hearing for Arbeiter Drainage Application D20-007 at 11:30 a.m. on July 27th. Second Koch. Motion carried.

No drainage permit applications.

The Board reconvened as Board of County Commissioners.

Trent Bruce and Jake Morris, DGR Engineering, met with the Board to present updated plans for the Courthouse Site Improvements and the increased cost estimate (now \$115,000) with changes noted from the May 25th meeting. Mic Kreutzfeldt, Hwy Supt, and John McCormick, Custodian, were present. It was noted that Salem City will hold a bid letting on July 7th for the improvements. Bruce and Morris will attend the Commission meeting scheduled for July 13th to provide the bid letting results. Kreutzfeldt asked what contributed to the cost increase. Morris noted that due to the requested changes, more surfacing (cost of asphalt/concrete) drove the cost up.

At 10:30 a.m. the County Commission held a public hearing to consider adoption of a revised Official Zoning Map for McCook County. Cori Kaufmann, Zoning Administrator, Kristen Benidt, Secog Planner, and six other individuals were present. The 1st reading of title of Ordinance No. 2021-03, an Ordinance of McCook County, SD, adopting the Revised Official Zoning Map of McCook County, SD, was done by Kaufmann. Chair Mehlbrech opened the hearing for public comments. Questions. Does zoning affect my assessment?

No. Do out buildings use a building eligibility? No, building eligibilities are dwelling units. Does a rural residential zone impact or influence building paved roads? No. With no further questions/comments, the public comments section was closed. The 2nd reading of Ordinance 2021-03 will be held at 10:30 a.m. on July 13th.

Cori Kaufmann, Zoning Administrator, presented 2 plats for approval. Following review of the 1st plat review form, motion was made by Dick to approve the following County Commission Resolution. Second Gordon. Motion carried.

Be it resolved by the Board of Commissioners of McCook County, South Dakota, that the plat known and described as Tract 1 of Klueber's Addition in the Southeast Quarter of Section 1, Township 102 North, Range 54 West of the 5TH Principal Meridian, McCook County, South Dakota, is approved and that the Auditor is hereby directed to endorse on such plat a copy of this resolution and certify the same thereon.

Adopted 22nd day of June 2021.

Chair, Board of Commissioners
McCook County, South Dakota

Following review of the 2nd plat review form, motion was made by Dick to approve the following County Commission Resolution. Second Gordon. Motion carried.

Be it resolved by the Board of Commissioners of McCook County, South Dakota, that the plat known and described as Tract 1 of Weber's Addition in the Northeast Quarter of Section 12, Township 102 North, Range 54 West of the 5TH Principal Meridian, McCook County, South Dakota, is approved and that the Auditor is hereby directed to endorse on such plat a copy of this resolution and certify the same thereon.

Adopted 22nd day of June 2021.

Chair, Board of Commissioners
McCook County, South Dakota

At 11:00 a.m. the County Commission held a public hearing regarding adoption of the proposed McCook County Comprehensive Plan. Cori Kaufmann, Zoning Administrator, and Kristen Benidt, Secog Planner, were present. No other interested parties appeared for the hearing. With no further discussion, motion was made by Dick to approve and adopt the resolution adopting a Comprehensive Plan for McCook County. Second Liesinger. Roll call vote: Ayes: Dick, Liesinger, Koch, Gordon, and Mehlbrech. Nays: none. Motion carried.

RESOLUTION NO. 2021-05

A RESOLUTION ADOPTING A COMPREHENSIVE PLAN FOR MCCOOK COUNTY, SOUTH DAKOTA AS PROVIDED FOR IN SDCL CHAPTER 11-2.

WHEREAS, Chapter 11-2 of South Dakota Codified Law has empowered the Planning Commission and County Commission of McCook County to prepare a Comprehensive Plan for the development of the non-incorporated areas of the County; and

WHEREAS, the McCook County Planning Commission has developed a Comprehensive Plan for the future land development of McCook County, has held the required Public Hearing, and has made a recommendation for adoption of the Plan to the County Commission; and

WHEREAS, the McCook County Commission has received the recommendation of the Planning Commission and has held the required Public Hearing; and

WHEREAS, the adoption of the Comprehensive Plan would enhance the responsible development of McCook County.

NOW THEREFORE, BE IT RESOLVED by McCook County, South Dakota, that the Comprehensive Plan for McCook County be hereby adopted and effective upon twenty days after publication of the notice of adoption.

Dated this 22nd day of June 2021.

Commission Chairperson

ATTEST:

Auditor

SEAL

Publication Date: July 2, 2021

Effective Date: July 22, 2021

The 2nd reading of Ordinance 2021-05, a Temporary Ordinance Regarding the Issuance of Local Medical Cannabis Establishment Permits and/or Licenses was held at 11:15 a.m. Mike Fink, States Attorney, was present. Chair Mehlbrech asked for motion approving the Ordinance. Motion was made by Liesinger to approve & adopt Ordinance 2021-05. Second Gordon. Roll call vote: Ayes: Liesinger, Gordon, Koch, Dick, and Mehlbrech. Nays: none. Motion carried. Discussion was held. Motion was made by Koch to approve this Temporary Ordinance amending the Zoning Ordinance. Second Liesinger. Roll call vote: Ayes: Koch, Liesinger, Gordon, Dick, and Mehlbrech. Nays: none. Motion carried.

Motion made by Dick, second Gordon, and carried, to pay claims: GENERAL FUND: Bi-Weekly Payroll: 6/12/21: Commissioners 1923.05; Auditor 5231.79; Treasurer 4193.17; States Attorney 2840.05; Custodian 1347.41; Dir of Equalization 3712.98; Register of Deeds 3013.27; Veterans Service Officer 262.80; Sheriff 11300.16; Contract Law 5188.37; Care of Poor 192.31; Welfare 287.47; Community Health Nurse Secretary 1409.81; Extension Secretary, 1212.51; Weed 1590.79; Drainage 307.61; Planning & Zoning 544.52. SD Dept of Revenue, ½ appropriation Animal Damage Control Fund 1567.05 SD Developmental Center-Redfield 60.00; Transamerica Employee Benefits, June contribution 3765.06; A&B Business Solutions, monthly copier contract 85.61; Affordable Auto Body, 2 windshield replacements 1014.80; C&B Operations, tractor rent 3750.00; Davison County Sheriff, May jail services 1045.00; Feeding South Dakota, food pantry delivery charges 70.00; Paula Kroger, gas & iPad charger 28.52; McLeod's Printing, window envelopes 33.98; Minnehaha County Auditor, reimbursement of mental health expenses 286.50; Mitchell Clinic, prisoner care 40.00; New Century Press, publishing 1498.60; Pictometry International, flyover-year 1 (2/3 cost) 16368.91 change finder 3299.97; Presto-X, food pantry pest control 39.00; SD Dept of Health, 3rd Qtr CHN services 1362.25; SDPAA, insurance for 2021 JD tractor 158.80; Michael D Sharp ESQ, court appt attorney for William Chambers Jr 1123.86; SD Public Health Dept, blood testing-fatality 40.00; United Laboratories, janitorial supplies 341.95; Lori Viereck, conference mileage/meals 175.25.

COUNTY ROAD & BRIDGE FUND: Bi-Weekly Payroll: 6/12/21: Hwy Dept 20731.37. Transamerica Employee Benefits, June contribution 2618.71; Charles Mix County, 2016 Case IH Tractor 65000.00; IMEG Corp, engineering plans 15750.00; Lawson Products, parts 71.16; Montrose Body Shop, windshield repair 277.00; Northwestern Energy, utilities 10.00; Pictometry International, flyover-year 1 (1/3 cost) 8184.45; Transource Truck & Equipment, battery box cover 127.62; TrueNorth Steel, bridge supplies 74130.86; Verizon Wireless, cell phone service 82.61.

911 EMERGENCY REPORTING SYSTEM FUND: Sioux Valley Energy, radio tower utilities 62.39.

EMERGENCY & DISASTER SERVICES FUND: Bi-Weekly Payroll: 6/12/21: EDS Director 1412.31. Transamerica Employee Benefits, June contribution 96.51.

24/7 SOBRIETY FUND: Bi-Weekly Payroll: 6/12/21: Sheriff Secretary/Dispatcher 192.16.

PAYROLL CONTRIBUTIONS – ALL FUNDS: 6/12/21: Dir of IRS, county share of FICA 3745.47, Medicare 875.99; SD Retirement System, county share of retirement contribution, 3885.28; Wellmark Blue Cross/Blue Shield of SD, county share of health insurance contribution 18449.02.

Geralyn Sherman, Welfare Director, and the Commissioners reviewed Care of Poor cases. An Application for Poor Relief Assistance was received from Avera McKennan Hospital on behalf of the patient (2021-20). The individual has been notified but has not applied for county assistance.

At 11:45 a.m. a sale of tax deed property was held. Property location: 751 N Railway, Canistota SD. States Attorney, Mike Fink, was present. The following bids were received by 11:45 a.m.: Brandon Dolejsi \$5000.00 and Canistota Development Corporation \$5001.00. A bid not received on time, was not considered. Motion made by Dick to accept bid of \$5001.00 from Canistota Development Corporation. Second Liesinger. Motion carried.

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

Brian Kelly, Uncle B's Farm, joined the meeting. Cori Kaufmann, Zoning Administrator, explained that a Stop Order was issued by the Zoning Office because Mr. Kelly is operating a campground on agricultural zoned land and a commercial zone is needed for a campground, additionally there is issue with building eligibilities. Mike Fink, States Attorney, was also present. Kelly stated that he is operating a "hip camp" like an Airbnb and the barn on his property is not a residence. Kaufmann noted that a campground is zoned differently than an Airbnb. Kelly asked why he is being picked on. Kaufmann stated that the County has a process to follow, and it is her job to follow the regulations as stated in the zoning regulations. States Attorney Fink informed Mr. Kelly that the Commission adopts the zoning regulations and Ms. Kaufmann is the administrator and must follow the rules. He, Fink, prosecutes if the regulations are not followed. Kelly asked about a temporary permit to operate. Fink stated that there is no mechanism in the McCook County Zoning Ordinance for a temporary permit. Kaufmann added that the stop order does not allow Kelly to continue business until the issue is resolved; the area must be platted and then a rezone application needs to be filed by Mr. Kelly for the legal description wanting to be used as a campground. Kelly stated that South Dakota is a right to work state and the county is forcing him out of business, also noting that he wants to get this resolved and move on. Kelly has talked with a surveyor and the plat is completed; he just does not have it yet.

The Board reconvened as Board of County Commissioners.

For payroll accounting, Laura Schultz, HR Coordinator, noted that effective 5/31/2021, Bob Jandl will be working a 36-hour week with every other Friday and Monday off. ALICE training was offered on June 18th. Schultz informed Board that Juneteenth was sprung on employers and several employees have asked if the County will observe this holiday going forward. Schultz noted that the Employee Handbook lists the specific holidays that employees receive, the County does not follow Federal holidays. At this time, no consideration will be given to adding Juneteenth to the list of Holidays in the Employee Handbook. Schultz noted that there has been no new guideline information for funds received from the American Rescue Plan.

The meeting adjourned subject to call.

Dated this 22nd day of June 2021.

Charles Mehlbrech _____
Chairman, McCook County Commission

ATTEST:

Geralyn Sherman _____
Auditor, McCook County