

May 25, 2021

The meeting of the McCook County Commission was called to order in their Meeting Room by Chairman Chuck Mehlbrech. Members present Dean Koch, Marc Dick, Steve Gordon, and Charles Liesinger.

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 May 11th meeting were sent to Board members for review prior to publication. Motion made by Liesinger to approve the minutes for publication. Second Dick. Motion carried.

Public input: none.

Commissioner Reports: Mehlbrech noted that Commissioners attending the District Meeting held in Davison County discussed marijuana laws and Sanctuary counties. Mehlbrech attended the PSA meeting and noted that there will be no carnival or community dinner held in Salem this year.

Mic Kreutzfeldt, Hwy Supt, presented a utility permit for approval. Motion by Gordon to approve Water Utility Permit for Kingbrook Rural Water. Scope of project: water service. Location of installation SW4 1-104-53. Second Koch. Motion carried. Replacement of structure 190-022 in Ramsey Twp has been completed. Kreutzfeldt asked that the 2004 Crack Sealant Melter be declared surplus property and sold to Hanson County at an agreed upon price of \$4000.00. Motion made by Dick to declare 2004 Crack Sealant Melter, fixed asset #968, as surplus property and sell to Hanson County for \$4000.00. Second Gordon. Motion carried. Kreutzfeldt informed the Board that he located a used tractor/mower for \$9250.00 adding that purchasing of a new, as planned, would not be received this year. Motion made by Gordon to approve purchase of the tractor for \$9250.00. Second Liesinger. Motion carried. Kreutzfeldt noted that due to a shortage of road paint little if any of the county striping projects will be completed this year. Also, due to costs Kreutzfeldt feels that the siding project for the Hwy Dept building should be delayed. Board agreed. The radar speed trailer has been placed west of Salem on 252nd St due to increased traffic/speed of vehicles. Mehlbrech said he was asked about placement of 4-way stop at 439th Ave & 252nd St. Kreutzfeldt stated that he has placed a warning sign at that location. Motion by Gordon to declare Gehl 6640 skid steer loader, fixed asset #967, as surplus property as it was traded-in on new skid steer loader. Second Koch. Motion carried.

John McCormick, Custodian, and Jake Morris, DGR Engineering, joined the meeting. McCormick asked the Board to consider making several changes to the proposed parking lot improvements presented to them at their May 11th meeting. Run curb & gutter straight to sidewalk instead of curb tapers for easier snow removal and lawnmower parking; make driveways wider; and consider installing a curb opening along east side of parking lot for a future garage. Morris noted that ADA guidelines do dictate portions of the parking lot design, but the suggestions can be accommodated. Kreutzfeldt noted that the asphalt overlay of the parking lot will not be completed until the fall of 2022. Koch added that a garage will not be built this year due to costs and availability of products. Morris will rework the design and provide it to the Hwy Supt and Auditor. The Board thanked him for making time to attend this meeting.

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

Drainage Administrator Kreutzfeldt 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.

D20-005 Lauck Farms NW4 7-102-54 (outlet added in SE4NW4 7-102-54, a waterway to the W Vermillion River)
D21-023 Marlo & Julaine Wieman Trust W2NE4 & W2SE4 Ex Lot H1 15-101-53

The Board reconvened as Board of County Commissioners.

Cori Kaufmann, Zoning Administrator, and Paula Kroger, Zoning Clerk, were present.

At 10:30 a.m. the County Commission held 2nd reading of Ordinance 2021-02. Kaufmann read the title of the proposed ordinance. Motion was made by Koch to approve & adopt Ordinance 2021-02 An Ordinance of McCook County, South Dakota, amending Ordinance 2014-01 – 2014 Revised Zoning Regulations for McCook County by Amending Chapter 3, AG: Agricultural District, Purpose; and Chapter 15.02, Building Permits and Fees, Fees; and Repealing Chapter 15.01(A)(4), Building Permits and Fees, Building Permits. Second by Gordon. Roll call vote: Ayes: Liesinger, Koch, Gordon, Dick, and Mehlbrech. Nays: none. Motion carried. Copies of the ordinance are available from the Planning & Zoning Office.

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

Be it resolved by the County Commission of McCook County, South Dakota, that the plat of Tract 1 of Vail's Addition in the Southeast Quarter of Section 3, Township 101 North, Range 53 West of the 5th Principal Meridian, McCook County, South Dakota, be and the same is hereby approved.

Adopted 25th day of May 2021.

Chair, Board of Commissioners
McCook County, South Dakota

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

At 10:40 a.m. a public hearing was held to receive input concerning a request for a rezone. Applicant: Linda Vail. Legal description: that Part of SE4 3-103-53 lying S of Vermillion River Ex Tracts 1,2,3,4,5,6,7 & 8 Riverview Estates & Ex E237' of W1615'. Reason: rezone Agricultural to Commercial for a commercial recreational facility. Cori Kaufmann, Zoning Administrator, read the application to rezone and explained the format of the public hearing. Paula Kroger, Zoning Clerk, was present. Others in attendance Linda Vail, Leah Vail, Craig & Sandy Livingston, Les Hagen, Pat Waechter, Ryan Hofer, and Shannon Storm. The hearing was opened for public comment. Craig Livingston stated that they and neighbors do not have any idea what this hearing is for. Linda Vail addressed the group noting that notices were sent to landowners who adjoin the 6 acres that were just platted. Kaufmann explained the legal description had to be advertised as it was because the plat had not yet been approved. Vail added that her plan is to host family events such as weddings, birthday parties, anniversary gatherings and she would like a portion of the event center to contain a bed & breakfast where she herself can live to be on site. Shannon Storm voiced questions/concerns on behalf of himself and neighbors: increased traffic, more road maintenance, noise, litter, holiday parties, availability of law enforcement, can anything be built on commercial property, and can someone live on commercial property? Many of us moved to the country to get away from what is being proposed. Linda Vail told the group that she appreciates the voiced concerns adding that she does not want rough & rowdy and that is why she wants to live there and only sell/serve wine & beer and will hire private security when events are held. Comm Koch questioned whether 6 acres would be large enough. You may have people coming in with campers depending on what is being held at the event center, what about parking. Kaufmann reviewed commercial regulations noting that without a specific plan it is an unknown. Comm Mehlbrech added that there are many unknowns. Leah Vail asked if the number of acres can be increased. Kaufmann stated that the hearing process would start over with a new legal description. Shannon Storm asked if he could read letters from individuals who are opposed to this rezone request. Due to time constraints and having a feel for how area residents feel about the request to rezone, Chair Mehlbrech closed the public comment section of the hearing. Comm Dick suggested tabling a decision. Kaufmann noted that a motion moves the ordinance to the county commission for their 1st reading it does not mean approval or denial, just moves it forward. Motion was made by Gordon to recommend that the ordinance move forward, and the 1st reading be held by the county commission at their June 8th meeting. Second Liesinger. Roll call vote: Ayes: Gordon, Liesinger, Koch, Dick, and Mehlbrech. Nays: none. Motion carried.

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

At 11:00 a.m. a public hearing was held to receive input concerning a request for a variance. Applicant: Kevin Stockwell. Legal description: Tract 2 of Cecil's Addition, an Addition to N 20 acres of SE4 23-101-53. Reason: reduce setback to 7' to put up new building. Present: Cori Kaufmann, Zoning Administrator, Paula Kroger, Zoning Clerk, and Kevin Stockwell. Kaufmann presented the variance application to the Board. Stockwell noted that he plans on erecting a cold storage building. Motion by Dick to approve the variance request for setback reduction. Second Gordon. Motion carried.

The Board reconvened as Board of County Commissioners.

Auditor Sherman informed Board that Brad Preheim, VBWDD Manager, has asked for election information to place a question on the 2022 General Election ballot regarding McCook County being added to the Vermillion Basin Water Development District. States Attorney, Mike Fink, gave brief overview of how State statute regulates the required process. Auditor Sherman added that Preheim will be attending a future meeting.

Mike Fink, States Attorney, first asked the Board if they want to regulate medical marijuana or wait until the Dept of Health has promulgated regulations as required by SDCL 34-20G-72. Auditor Sherman provided a copy of a temporary ordinance (drawn up by St Atty Fink) regarding the issuance of local medical cannabis establishment permits and/or licenses for the Board and others present to review. Present: Mark Norris, Sheriff, Casey Urrutia, Chief Deputy, Laura Schultz, HR Coordinator, Cori Kaufmann, Zoning Administrator, and several who attended the rezone hearing held earlier. Fink recommended adoption of the temporary ordinance. Motion made by Koch to hold joint public hearing of the Planning Commission and Board of County Commissioners to receive input concerning a temporary ordinance regarding the issuance of local medical cannabis establishment permits and/or licenses on June 15th at 9:10 a.m. Second Liesinger. Motion carried.

At 12:00 p.m. the Commissioners, Auditor Sherman, and Laura Schultz, HR Coordinator, participated in NACO National membership call via Zoom. The presenters represented the National Assn of Counties and the US Dept of the Treasury.

Geralyn Sherman, Welfare Director, and the Commissioners reviewed Care of Poor cases. A Notice of Hospitalization was received from Sanford USD Medical Center (2021-19). An Application for Poor Relief Assistance was received from Avera McKennan Hospital on behalf of the patient (2021-15). The individual has been notified but has not applied for county assistance. An application for county assistance was approved, 2 hospital claims (2021-08 & 2021-22).

Laura Schultz, HR Coordinator, informed the Commission that the County has received \$542,507.50 (American Rescue Plan Act 2021 Coronavirus State and Local Fiscal Recovery Funds) from the US Dept of Treasury; first half of total appropriation, \$1,085,015.00.

Motion made by Dick to enter Executive Session at 1:10 p.m. for personnel discussion (SDCL 1-25-2 (4)). Laura Schultz, HR Coordinator, was present. Second Gordon. Motion carried.

At 1:20 p.m. Mic Kreutzfeldt, Hwy Supt, joined the Executive Session for personnel discussion (SDCL 1-25-2 (1) (4)). HR Coordinator Schultz left the Executive Session. Chairman Mehlbrech declared out of Executive Session at 1:45 p.m.

Cliff VanBeek joined the meeting for tax deed discussion and appraisal of properties located in Canistota City. VanBeek informed the Commission that he has been mowing the property located at 141 3rd Ave and has an estimate of \$3000 to clean-up this property (house burned). He would like to build a garage on this lot. Following discussion and review of pictures of the debris, motion was made by Liesinger to accept \$499 for this tax deed property. Second Gordon. Motion carried. VanBeek thanked the Board for their time.

Discussion was held regarding tax deed property located at 751 N Railway, Canistota. Motion made by Dick to appraise this property at \$2000 with sale to be held on June 22nd at 11:45 a.m. Second Gordon. Motion carried.

A letter was received informing the Commission that the Dept of Health issued a Disinterment Permit regarding a body being moved from St Stephens Cemetery, Bridgewater, to St Christina Catholic Cemetery, Parker.

Motion made by Gordon, second Koch, and carried, to pay claims: GENERAL FUND: Bi-Weekly Payroll: 5/15/21: Commissioners 1923.05; Auditor 5255.78; Treasurer 4174.91; States Attorney 2840.05; Custodian 1369.08; Dir of Equalization 3712.97; Register of Deeds 3104.27; Veterans Service Officer 262.80; Sheriff 10771.80; Contract Law 5113.37; Care of Poor 192.31; Welfare 253.65; Community Health Nurse Secretary 1409.80; Extension Secretary, 1337.11; Weed 523.69; Drainage 307.61; Planning & Zoning 544.53. Transamerica Employee Benefits, May contribution 3765.06; Grand Jury, fees & mileage 518.88; A&B Business Solutions, monthly copier contract 100.44; AAA Collections, lien collection fee 23.00; Avera Queen of Peace Hospital, ; Century Business Products, 2 monthly copier contracts 219.47; Avera McKennan Hospital, mental health hold 1456.00; Brewery, juror meals 62.00; Century Business Products, monthly copier contract 132.98; Children's Inn, 2021 appropriation 850.00; Custom Cage, window armor 420.00; Davison County Sheriff, April jail services 950.00; Feeding South Dakota, food pantry delivery charges 70.00; Mike Fink, April expenses 396.79; Garry Painting, painting Dir of Equalization offices 1122.45; Gordon Flesch Co, monthly copier contract 30.06; Inter-Lakes Community Action, May CSW funds 783.08; Carol Lauer, spring workshop mileage/meals 172.92; McCook County Coroner, services & mileage 279.80; Mitchell Clinic, prisoner care 40.00; New Century Press, publishing 1268.56; Office Depot, office supplies 139.38; Douglas Papendick, court appt attorney for Kolt Vansickel 795.60; Salem Community Drug, Kleenex 9.87; Laurie Schwans, District meeting mileage/meal 24.41; SDACC, Catastrophic Poor appropriation 1055.00; Diane Shelton, juror supplies 51.96; SD Public Health Laboratory, lab services 140.00; Tech Solutions, managed IT services 3686.00 laptop battery 99.00; Van Diest Supply, weed spray 1593.50.

COUNTY ROAD & BRIDGE FUND: Bi-Weekly Payroll: 5/15/21: Hwy Dept 21677.46. Transamerica Employee Benefits, May contribution 2618.71; 3-D Specialties, no passing zone signs 892.55; DMC Wear Parts, plow blades 9300.00; New Century Press, publishing 12.92; Northwestern Energy, utilities 10.00; Puthoff Sales & Service, Gehl skid loader (less trade-in) 33000.00; SD Dept of Transportation, share of project costs 215.56.

911 EMERGENCY REPORTING SYSTEM FUND: Sioux Valley Energy, radio tower utilities 62.08.

EMERGENCY & DISASTER SERVICES FUND: Bi-Weekly Payroll: 5/15/21: EDS Director 1412.31. Transamerica Employee Benefits, May contribution 96.51. T & C's Pit Stop, meals for Sanford Staff providing Covid vaccinations 49.00.

24/7 SOBRIETY FUND: Bi-Weekly Payroll: 5/15/21: Sheriff Secretary/Dispatcher 192.16.

DOMESTIC ABUSE FUND: Children's Inn, 2020 domestic abuse collections 1610.00.

PAYROLL CONTRIBUTIONS – ALL FUNDS: 5/15/21: Dir of IRS, county share of FICA 3713.53, Medicare 868.49; SD Retirement System, county share of retirement contribution, 3845.89; Wellmark Blue Cross/Blue Shield of SD, county share of health insurance contribution 18449.02.

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

RESOLUTION 2021-06

Whereas insufficient appropriations were made in the 2021 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 \$410.00 be transferred from Contingency to the Domestic Abuse Fund.

Dated this 25th day of May 2021.

Charles Mehlbrech _____
Chairman, McCook County Commission

ATTEST:

Geralyn Sherman _____
Auditor, McCook County

Motion was made by Koch to approve an Automatic Supplement in the amount of \$542,507.50 (funds received from the US Dept of Treasury) to the American Rescue Plan Fund – (Covid Recovery Grant). Second Dick. Motion carried.

The meeting adjourned subject to call.

Dated this 25th day of May 2021.

Charles Mehlbrech _____
Chairman, McCook County Commission

ATTEST:

Geralyn Sherman _____
Auditor, McCook County