

November 23, 2021

The meeting of the McCook County Commission was called to order in their Meeting Room by Chairman Chuck Mehlbrech. Members present Marc Dick, Dean Koch, 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 Dick. Motion carried.

The minutes from the November 9<sup>th</sup> meeting were sent to Board members for review prior to publication. Motion made by Koch to approve the minutes for publication. Second Gordon. Motion carried.

Public input: Mark Harris presented comments supporting Chief Deputy, Casey Urrutia, and asked the Commission to consider the suspension and training placed on him by the Law Enforcement Officers Standards and Training Commission sufficient and restore him to the position of trust that he has earned in our community. Shawn (Ace) English, Salem City Mayor, shared his concerns and told the Board that he is getting many questions. He feels that Urrutia deserves a 2<sup>nd</sup> chance, having learned from this incident. Koch noted that the Commissioners had nothing to do with the decision made by the Law Enforcement Officers Standards and Training Commission. Koch added that this Board will have its first discussion regarding the incident with Sheriff Norris and States Attorney Fink, later today. The Commission thanked Harris and Mayor English for their input. Comm Dick asked Mayor English if Salem City is satisfied with law enforcement services. English stated that they (Salem City) feel code enforcement is lacking. Dick asked if the city has thought about going back to a city law enforcement officer. Not feasible, due to monetary issue.

Commissioner Reports: Mehlbrech and Gordon attended the District Meeting held in Hanson County. Discussion was held regarding small counties that are or are going broke due to services provided to reservation populations and there is no assistance to these counties from the Federal government.

Mic Kreutzfeldt, Hwy Supt, presented utility permits to the Board for approval. Motion made by Gordon to approve Electric Utility Permit for Southeastern Electric to replace overhead line with underground at 45206 255 St and for Xcel Energy for install of new poles at multiple locations in area of 446<sup>th</sup> Ave south of SD42. Second Koch. Motion carried.

Kreutzfeldt presented the bid results received for gravel crushing to the Board. Rechnagel Construction, Hurley SD \$112,000; First Rate Excavate, SF SD \$145,000; Crow River Crushing, New London MN, \$144,500; and KDW Construction, Epping ND, \$242,000. Motion made by Liesinger to accept \$112,000 bid from Rechnagel Construction. Second Dick. Motion carried.

Kreutzfeldt asked for a motion to set bid letting for annual supplies. Motion made by Gordon to set 11:00 a.m., February 4, 2022, as time for accepting/opening bids for annual supplies. Second Liesinger. Motion carried. Kreutzfeldt asked the Board if the previous county covid policy is still in place. Yes. Auditor Sherman asked what exactly the policy is. Commissioners agreed that if an employee is a close contact to someone who is covid positive and must quarantine, those days will be paid without having to use sick leave (one time). Current projects include re-graveling 453<sup>rd</sup> south of SD42 and 443<sup>rd</sup> north of 248th.

States Attorney Fink joined the meeting.

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

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

D21-057      Mike & Mary Roling      routine maintenance      That Part of NW4 Lying S of H-1 Ex Lot A Donelan's 1<sup>st</sup> Add Including that Part of NE4 Lying S of H-1 all in 35-103-53

Kreutzfeldt noted that downstream acceptance is needed from McCook County for a Hanson County drainage permit for Ed Miller. Motion made by Liesinger to approve the permit pending downstream acceptance from Arnold Jr & Nancy Laufmann. Second Koch. Motion carried.

Discussed the Arbeiter drainage permit hearing status. States Attorney Fink noted that a new hearing should be held due to length of time that this permit has been inactive.

The Board reconvened as Board of County Commissioners.

Motion made by Dick to enter Executive Session at 10:00 a.m. for discussion of personnel issue, SDCL 1-25-2 (1). Mike Fink, States Attorney, Mark Norris, Sheriff, and Auditor Sherman were present. Second Liesinger. Motion carried. Chairman Mehlbrech declared out of Executive Session at 10:30 a.m. To be continued at noon.

Sara Swanson and Kasey Entwisle met with the Commissioners and States Attorney Fink to discuss County Ordinance 2021-08 an Ordinance Creating Licensing Provisions for Cannabis Establishments as compared to State regulations. Following discussion, Fink noted that he would provide Auditor Sherman with an application for a medical cannabis business license, and she will forward same to Swanson. Peter Begeman was present for the next hearing.

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

At 11:10 a.m. the Planning Commission held a hearing to receive input concerning a request for a rezone. Applicant: Roger Morrison. Legal description: Lot 1 in Tract 1 of Morrison's Addition in the NW4NE4 27-101-53. Reason: rezone Agricultural to Rural Residential for a building eligibility. Paula Kroger, Equalization/Zoning Clerk, presented the rezone application to the Board. Roger Morrison and Peter Begeman were present. Chair Mehlbrech opened the hearing for public comment. Begeman noted that he is against this rezone. Comm Dick added that the quarter/quarter section must be considered, this was done to keep population density out of the agricultural district and land use decisions should follow the goals of the Comprehensive Plan. Koch stated that 3 houses are already located in this area and suggested Morrison check into purchasing the remaining eligibility that still exists and go through the conditional use process. With no further discussion, Chair Mehlbrech closed the public comment section of the hearing. Motion made by Dick to deny the rezone application, and not send it to the County Commission for hearing. Second Liesinger. Roll call vote: Ayes: Dick, Liesinger, Koch, Gordon, and Mehlbrech. Nays: none. Motion carried.

The Board reconvened as Board of County Commissioners.

Adam Buss, Agent New York Life Insurance, met with the Commission to present comparison quotes for life insurance coverage. Buss added that he would like to offer other coverages including disability and long-term care during annual visits. County employees are currently offered Life and AD&D insurance by Mutual Med Insurance Services. Chairman Mehlbrech thanked Buss for his time and noted that the Board will discuss the proposal, reviewing it at their next meeting and get back to him with their decision.

Paula Kroger, Equalization/Zoning Clerk, 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 Liesinger. Motion carried.

Be it resolved by the County Commission of McCook County, South Dakota, that the Plat of Tract 2 of Hagen's Addition, an Addition in the Northeast Quarter of Section 10, Township 101 North, Range 54 West of the 5<sup>TH</sup> Principal Meridian, McCook County, South Dakota, be and the same is hereby approved.

Dated this 23<sup>rd</sup> day of November 2021.

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Chair, Board of Commissioners  
McCook County, South Dakota

Motion made by Koch to enter Executive Session at 12:00 p.m. for continued discussion of personnel issue, SDCL 1-25-2 (1). Mark Norris, Sheriff, Mike Fink, States Attorney, Randy Schwader, Deputy Sheriff/Investigator, Anna Misar, Deputy Sheriff/School

Resource Officer, Troy Rempfer, Deputy Sheriff, Chrissy Morris, Deputy Sheriff, Tonya Mayou, Deputy Sheriff, Haley Mayou, Deputy Sheriff, Annette VanEmmerik, Sheriff Secretary/Dispatcher, and Auditor Sherman were present. Second by Dick. Motion carried.

Chairman Mehlbrech declared out of Executive Session at 1:00 p.m.

Geralyn Sherman, Auditor/Welfare Director, and the Commissioners reviewed Care of Poor cases and October lien payments. Documentation for Case #2021-33 was sent to Dept of Social Services for Medicaid pricing.

Motion made by Dick, second Gordon, and carried, to pay claims: GENERAL FUND: Bi-Weekly Payroll: 11/13/21: Commissioners 1923.05; Auditor 5209.29; Treasurer 3942.57; States Attorney 2840.05; Custodian 1213.11; Dir of Equalization 3712.98; Register of Deeds 2999.27; Veterans Service Officer 262.80; Sheriff 12675.36; Contract Law 5338.37; Care of Poor 192.31; Welfare 245.20; Community Health Nurse Secretary 1409.80; Extension Secretary 1284.40; Weed Dept 545.49; Drainage 307.61; Planning & Zoning 544.53. SD Dept of Revenue, Predatory Animal Control Fund 1567.04 SD Developmental Center-Redfield 60.00; Transamerica Employee Benefits, November healthpak premium 3406.95; A&B Business Solutions, monthly copier contract 103.99; Dailey Law Prof LLC, court appt attorney for Lake Romolo Gogolin 633.60; Davison County Sheriff, October jail services 3610.00; Gordon Flesch Co, 4 months copier contract 324.66; GovDirect, laptop for law enforcement vehicle 1894.21; Green Eggs & Ram, card reader & flash drive 24.98; Jack's Uniforms & Equipment, law enforcement uniforms 178.89; Lincoln County Treasurer, reimbursement of mental health expenses 612.57; MidAmerican Energy, utilities 801.92; New Century Press, envelopes 316.00 publishing 2151.93; Salem Community Drug, battery 3.49; SD Dept of Health, 4<sup>th</sup> Qtr CHN billing 1362.25; Michael D Sharp, court appt attorney for Jean Renee Burr 1853.84; Tyler Technologies, financial suite maintenance 5026.32; Van Diest Supply, weed spray 1786.80.

COUNTY ROAD & BRIDGE FUND: Bi-Weekly Payroll: 11/13/21: Hwy Dept 21111.40. Transamerica Employee Benefits, November healthpak premium 2618.71; IMEG, engineering design 15750.00; MidAmerican Energy, utilities 186.70; New Century Press, publishing 81.42; Northwestern Energy, utilities 10.00; Rechnagel Construction, crushed gravel 19734.11; Safety-Kleen, parts washer solvent 178.66; Sioux Equipment, supplies 16.80; Stern Oil Co, winter diesel additive 297.93; Verizon Wireless, cell phone service 81.96; Weber Landscaping, oversee Hwy Dept yard/lot in Bridgewater City 1950.00.

911 EMERGENCY REPORTING SYSTEM FUND: Sioux Valley Energy, radio tower utilities 62.90.

EMERGENCY & DISASTER SERVICES FUND: Bi-Weekly Payroll: 11/13/21: EDS Director 1412.31. Transamerica Employee Benefits, November healthpak premium 96.51.

24/7 SOBRIETY FUND: Bi-Weekly Payroll: 11/13/21: Sheriff Secretary/Dispatcher 194.57.

PAYROLL CONTRIBUTIONS – ALL FUNDS: 11/13/21: Dir of IRS, county share of FICA 3805.84 Medicare 890.08; SD Retirement System, county share of retirement contribution, 3946.42; Wellmark Blue Cross/Blue Shield of SD, county share of health insurance contribution 18042.69.

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

#### RESOLUTION 2021-11

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 \$3,500.00 be transferred from Contingency as follows: Sheriff \$3,000.00; Human Resources \$500.00.

Dated this 23<sup>rd</sup> day of November 2021.

Charles Mehlbrech \_\_\_\_\_  
Chairman, McCook County Commission

ATTEST:

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