

October 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, Charles Liesinger and Dean Koch. Absent: Marc Dick.

Chairman Gordon led the Pledge of Allegiance.

Chairman Gordon called for approval of the Agenda. Motion made by Dybdahl to approve the agenda as sent. Second by Koch and motion carried.

The minutes from the October 10th meeting were sent to Board members for review prior to publication. Motion made by Koch to approve the minutes for publication. Second by Liesinger and motion carried.

Commissioner Reports: none.

Mic Kreutzfeldt, Hwy Supt, reported that asphalt paving of 261st St project is near completion and gravel crushing in Roling Pit is finished, moving to Raap Bros Pit. Safety Conference will be held in Mitchell on November 8th. Kreutzfeldt noted that there have been requests to purchase surplus road millings and it's been several years (2014) since prices were established; need to be updated.

Following discussion, motion was made by Dybdahl to set surplus price at \$7.00/ton for millings. Second made by Liesinger and motion carried. Current projects include mowing, weed spraying, culvert inspections and hauling gravel.

At 9:30 the 2nd reading of Ordinance 2017-05, an Ordinance Amending McCook County Ordinance 94-01; so as to Amend the County Wheel Tax from \$4.00 per Wheel to \$5.00 per Wheel. Mic Kreutzfeldt, Hwy Supt, and Carol Lauer, Treasurer, were present. No input has been received from the public. Motion made by Koch to approve and adopt ordinance 2017-05. Second was made by Liesinger. Ayes: Koch, Liesinger, Dybdahl and Gordon. Nays: none. Absent: Dick. Motion carried.

MCCOOK COUNTY ORDINANCE No. 2017-05

AN ORDINANCE AMENDING: MCCOOK COUNTY ORDINANCE 94-01; SO AS TO AMEND THE COUNTY WHEEL TAX FROM \$4.00 PER WHEEL TO \$5.00 PER WHEEL

BE IT ORDAINED BY MCOOK COUNTY, SOUTH DAKOTA: THAT ORDINANCE 94-01 SHALL BE AMENDED TO READ:

Section 1.

All Motor vehicles as defined in SDCL 32-3-1, registered in the county shall have a wheel tax imposed upon each vehicle at a rate not to exceed twenty dollars per vehicle.

Section 2.

The wheel tax shall be collected and administered by the County. The per vehicle wheel rate shall be the same for all types of motor vehicles and all weight schedules per SDCL 32-5A-5 which is:

- 1) Two thousand pounds or less, inclusive; \$5.00 per wheel;
- 2) From 2001 to 4000 pounds, inclusive; \$5.00 per wheel;
- 3) From 4001 to 6000 pounds, inclusive; \$5.00 per wheel;
- 4) Over 6000 pounds; \$5.00 per wheel.

Section 3.

The County's distributive share of the proceeds from the tax created by this ordinance shall be retained by the county, deposited in a special highway fund and the revenue may be used only for highway and bridge maintenance and construction. The board of county commissioners shall, by resolution, establish a means of distributing te revenue generated by this chapter among the county, municipalities, and townships located within the county.

Section 4.

Upon purchasing a vehicle from a dealer, the purchaser shall pay the appropriate tax at the time of title transfer. Nothing in this ordinance shall prevent an automobile dealer from licensing the vehicles on his lot without paying any taxes created by this ordinance.

Section 5.

This ordinance shall cover and impose the wheel tax for all motor vehicles eligible for license registration or license renewal for Dec. 1, 2017 and all subsequent months. This ordinance shall impose a wheel tax upon all motor vehicles as described even though license registration or renewal takes place before Dec. 1, 2017. If a motor vehicle is licensed for a period of time of less than twelve months, any

wheel tax imposed on such motor vehicle pursuant to this ordinance shall be prorated on a monthly basis.

Section 6.

Severability. If any provision of this ordinance shall be held invalid, it shall not affect any other provisions of this ordinance that can be given effect without the invalid provision, and for this purpose, the provisions of this ordinance are hereby declared to be severable.

Adopted this 24th day of October, 2017.

Chairman McCook County Commission

ATTEST:

(SEAL)

Auditor, McCook County

First Reading: October 10, 2017
Second Reading: October 24, 2017
Publication: First: October 26, 2017
 Second: November 2, 2017
Effective Date: November 22, 2017

McCook County registered voters have the right to refer the decision of the board to a vote of the people as provided in SDCL Chapter 7-18A. A referendum petition form prepared by the County and ready for circulation for said ordinance may be obtained from the office of the county auditor.

Publication Cost: \$ _____

No drainage permits.

Geralyn Sherman, Welfare Director, and the Commissioners reviewed Care of Poor cases. A Hospital Request for Payment from Avera Queen of Peace Hospital was denied because there has been no application made for county assistance and an eligibility determination cannot be made based upon information provided by the Hospital's Application for Poor Relief Assistance (2017-28). A Hospital Request for Payment and Application for Poor Relief Assistance from Avera Queen of Peace Hospital were denied because the patient has not completed an application for county assistance therefore eligibility cannot be determined and has also made substantial payments to the hospital (2017-37).

The October Report for Southeast Enterprise Facilitation Project (SEFP) was noted and filed.

A thank you was received from Jackie Horton, Executive Director, for the 2018 appropriation to the First Circuit CASA Program.

Motion made by Koch, second Liesinger, and carried, to pay claims: GENERAL FUND: Bi-Weekly Payroll: 10/22/17: Commissioners 1461.55; Auditor 2958.04; Treasurer 3196.04; States Attorney 2379.42; Custodian 1231.35; Dir of Equalization 2902.04; Register of Deeds 2951.04; Veterans Service Officer 196.00; Sheriff 8387.78; Contract Law 4407.69; Care of Poor 230.77; Welfare 231.00; Community Health Nurse Secretary 1176.23; Extension 588.00, travel expense 10.75; Weed 1362.76; Drainage 307.69; Planning & Zoning 192.31. 3rd Qtr Wheel Tax distribution to townships & cities, 9033.30; Transamerica Life Insurance, October healthpak premium 3205.79; A & B Business, desk lamp 30.33, office supplies 220.40, 20 cases copy paper 599.80, monthly copier contract 56.81; Advanced Systems Inc, 2 monthly copier contracts 67.95; Alternative HRD, HR consulting 3810.00; Avera Queen of Peace Hospital, prisoner care 3451.60; Card Service Center, body armor 240.86; DataSpec, annual contract 399.00; G & R Controls, reassemble boiler 875.00; Inter-Lakes Community Action, October CSW funds 701.83; Interstate Power System, supplies & service for Courthouse generator 845.45; Iron Wheel Sales & Service, toilet and supplies 482.99, labor 375.00; James Valley Imaging, prisoner care 173.19; Jessica Klinkhammer, office supplies 15.98; Lake County Sheriff, September jail service 225.00, GPS bracelet tracking 805.00; Lewis Family Drug, prisoner care 11.29; LifeQuest, 4th Qtr allotment 1440.00; MidAmerican Energy, utilities 103.83; Morgan Theeler LLP, court appt attorney for Dustin Wegleitner 778.80; Noll Collection Service, lien collection fees 100.00; Alicia Petersen, mileage 37.80, cell phone reimbursement 30.00; Presto-X, food pantry service 35.00; Salem Body Shop, refinish 2 office counters 1347.00; Santel

Communications, Managed IT services 1936.50; The Schneider Corp, 4th Qtr Beacon hosting 2265.00; Laurie Schwans, sandpaper 16.90; Sioux Falls Two Way Radio, radio repair 37.50; Van Diest Supply, chemical 2253.60; Wash N Go, car wash tokens 70.00.

COUNTY ROAD & BRIDGE FUND: Bi-Weekly Payroll: 10/22/17: Hwy Dept 18088.32. Transamerica Life Insurance, October healthpak premium 2075.84; Brock White Co, roadsaver sealant 26901.00; Commercial Asphalt, hot mix 273.90; MidAmerican Energy, utilities 18.71; Northwestern Energy, utilities 10.00; Pulse Electric, lights for salt shed 2800.71; Servall Towel & Linen, towel & mat rent 42.90; United Laboratories, bug & tar remover, 266.07; Xcel Energy, utilities 96.32.

911 EMERGENCY REPORTING SYSTEM FUND: CenturyLink, 911 services 302.45; Sioux Falls Two Way Radio, repeater battery & supplies 260.00, labor 131.50; Sioux Valley Energy, radio tower utilities 56.21.

EMERGENCY & DISASTER SERVICES FUND: Bi-Weekly Payroll: 10/22/17: EDS Director 1351.85. Transamerica Life Insurance, October healthpak premium 314.59. Brad Stiefvater, mileage 106.68, cell phone reimbursement 85.00.

24/7 SOBRIETY FUND: Bi-Weekly Payroll: 9/24/17: Sheriff Secretary/Dispatcher 173.08.

PAYROLL CONTRIBUTIONS – ALL FUNDS: 10/22/17: Dir of IRS, county share of FICA 3042.34, Medicare 711.53; SD Retirement System, county share of retirement contribution, 3210.21; Wellmark BlueCross/BlueShield of SD, county share of health insurance contribution 10852.83.

Motion made by Liesinger to approve Cash Transfer of \$400,000.00 from General Fund to Hwy Road & Bridge Fund. Second made by Koch and motion carried.

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

RESOLUTION 2017-09

Whereas, insufficient appropriations were made in the 2017 budget for 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 \$5,000.00 be transferred from Contingency to Human Resources.

Dated this 24th day of October, 2017.

Steve Gordon _____
Chairman, McCook County Commission

ATTEST:

Geralyn Sherman _____
Auditor, McCook County

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

At 10:30 a.m. a hearing was held to receive input for a request for a Temporary Use Permit for intermittent short term rental of a single family dwelling in Lake Residential Zone. Applicants: Shawn Bootsma and Andy Gibson, current owners. Legal description: Lot 7 Sunset Bluff Addn in W2SW4, Section 35, Greenland Twp. Tracy Hofer, Zoning Administrator, noted that she has received several written concerns about the Temporary Use, so as per the Zoning Regulations, the permit is being referred to the Planning Board. Nine area residents were in attendance. Mike Fink, States Attorney, was present and began the hearing by reading Zoning Regulations pertaining to a Temporary Use Permit and informing those present of the procedure to be followed. Gibson, current owner, began by noting that he lives at the property and it is rented out occasionally and for short term. Bootsma, current owner, began by noting that he lives at the property and it is rented out occasionally and for short term. Bootsma added that the original complaint was due to a family event hosted by the current property owners themselves. Gibson asked if both hearings today would be before the same group present at the Temporary Use Hearing. Zoning Adm Hofer said yes. St Atty Fink reiterated same question, adding that if the temporary use was

for the time period until the Conditional Use was decided, this was a moot point. At this time, the applicants withdrew their request for Temporary Use Permit. Motion made by Liesinger to accept withdrawal of the request. Second was made by Koch. Ayes: Liesinger, Koch, Dybdahl and Gordon. Nays: none. Absent: Dick. Motion carried.

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

At 11:00 a.m. the Board of Adjustment met to receive input concerning a request for a Conditional Use Permit for a Major Home Business. Applicants: Shawn Bootsma and Andy Gibson, current owners. Legal description: Lot 7 Sunset Bluff Addn in W2SW4, Section 35, Greenland Twp. Tracy Hofer, Zoning Administrator, Mike Fink, States Attorney, and those present for the first hearing were present. States Attorney Fink began the hearing by reviewing Zoning Regulations pertinent for a Conditional Use Permit and informed those present of the procedure to be followed. Gibson thanked the Board for their time and apologized for the issues; adding that they like the area and bought property with intent to live here and also rent it occasionally. They did read the covenants and don't feel that we're out of line. Bootsma stated all families have events with people coming and going; this would be no different than family gatherings. Gibson noted that the property won't be rented that much. Commissioner Gordon asked if one of them would be present at all times the property is rented.. Gibson stated that they feel they meet the criteria in regulations. States Atty Fink asked what their legal residences are. Gibson noted Lincoln County and Bootsma noted that he lives here. There were no other questions for the applicants.

At this time, individuals present were allowed time to give their public testimony. Concerns brought to the Board included: Air B & B website that referenced "great snowmobiling"; safety issues and traffic concerns for families of small children living in the development with short term renters coming and going, noise, trash concerns, cars parked on the road, road maintained by residents, not the renters, and rental situation causing additional use to roads, and trespassing. Residents also noted that the signs the County placed on the property on Oct. 13th for meeting notification were removed the same evening; circumventing the zoning regulations.

At this time, the applicants were able to respond to concerns that were voiced. Gibson said he did remove the signs when mowing, putting them back up a couple of days later. The landowners stated they were not aware the signs were put up by the County and thought the signs had been placed on the property by one of the neighbors, based on actions of neighbors which had occurred since he use of the property had been reported to the County Zoning office. The landowner stated a large garbage receptacle placed on the 2nd driveway had been removed, that it had been placed there because they were sometimes not available to put out the trash on the scheduled day each week.

Zoning Administrator Hofer read the Air B&B post from the internet to those present and stated that the ad referred to snowmobiling in the area, not specifically on the property. Hofer also referenced the signs, stating it was unsure if there was any impact. Hofer noted that she was instructed that correspondence should be sent through the landowner's attorney, and he was informed of the process, including the fact that signs would be placed on the property. There were no complaints to the Zoning office during the time period in which is now being stated the signs had been taken down. The Board had no questions for Hofer. Public input closed.

States Atty Fink informed the group that it was time for the Board to make a decision. Following discussion, Comm Dybdahl read from the zoning regulations, "The impact of the proposed use on adjacent properties shall be a major consideration" and a motion should be made. Motion was made by Koch to deny the request for a Conditional Use. Second was made by Liesinger. Ayes: Koch, Liesinger, Dybdahl and Gordon. Nays: none. Absent: Dick. Motion carried.

The Board reconvened as Board of County Commissioners.

Susanne Starr, UJS, and Jennifer English met with the Commission to again discuss the implementation of the Rural Attorney Recruitment Program in McCook County. Lori Heumiller, Salem City Finance Officer, was present. Starr informed the Commission that they met with Salem City Council and the Council is willing to partner with the County, paying half of the assessment towards the

program. They did speak with local attorneys and neither wants to work with an associate. English added that she is here to fill a gap. Heumiller noted that the Council looks at this as economic development for the City. Motion made by Dybdahl to enter into an agreement supporting the Rural Attorney Recruitment Program, effective date of November 1, 2017, contingent upon Salem City supporting same and paying half of the annual assessment of \$4372, over the 5-year period. Second made by Koch and motion carried. Starr will send a contract to Finance Officer Heumiller so the City Council can act on it at their next meeting and forward same to the County Commission for their meeting.

Laurie Schwans, Register of Deeds, Missy Lauck, CHN, and Jess Klinkhammer, CHN Secretary, met with the Commission to update them on plans for Christmas in the Courthouse which will be held on Sunday, December 3rd, in conjunction with Hometown Christmas that is being put together by Salem Community Women and Salem PSA. Schwans noted that we would like to purchase new ornaments for the Courthouse trees and decorate the front area of the building; requesting \$200 to put towards this endeavor. Request approved.

Missy Lauck, CHN, presented her 3rd Qtr Community Health Services Report to the Board; noted and filed.

The meeting adjourned subject to call.

Dated this 24th day of October, 2017.

Steve G Gordon _____
Chairman, McCook County Commission

ATTEST:

Geralyn Sherman _____
Auditor, McCook County