

August 12, 2014

The meeting of the McCook County Commission was called to order in their Meeting Room by Chairman Marc Dick. Members present: Sheldon Butzke and Ralph Dybdahl, Ron Scharffenberg and Bill Smith.

Chairman Dick led the Pledge of Allegiance.

Chairman Dick called for approval of the Agenda with an additional Executive Session. Motion made by Smith to approve the Agenda with addition of an Executive Session at 10:00 a.m. Second Butzke and motion carried.

The minutes from the July 29th meeting were sent to Board members for review prior to publication. Chairman Dick called for approval of same. Motion made by Scharffenberg to approve the minutes for publication. Second Dybdahl and motion carried.

Commissioner Reports: none.

Hwy Supt, Mic Kreutzfeldt, reported that the Montrose Shed has been re-wired and highway employees will replace the roof next month; as per insurance inspection recommendations. Kreutzfeldt noted that the road exchange between Turner & McCook counties is on hold because SD DOT Legal Dept has questions regarding legality. Kreutzfeldt presented resolution for road improvement project from US81 into Canistota, 2017 project. Motion made by Smith to authorize Chairman Dick to sign the Federal Aid Surface Transportation Program Resolution. Project location: 261st St from US81 east to Rt. 6355 (446th Ave) 5.0 miles. Estimated cost of project including engineering: \$770,000.00. Second made by Butzke and motion carried.

RESOLUTION 2014-12

FEDERAL AID SURFACE TRANSPORTATION PROGRAM RESOLUTION
FOR COUNTY AND URBAN PROJECTS

WHEREAS, McCook County desires the construction and improvement of the road
and/or bridge as hereinafter described:

LOCATION, LENGTH, STRUCTURE NUMBER: 261st St from US81 east to Rt
6355 (446th Ave) 5.0 miles

TYPE OF CONSTRUCTION: Mill surface and AC Overlay

LIST OF CURRENT LANDOWNERS ADJACENT TO THE PROJECT: n/a

Major Collector Route Number (if applicable): 6344

AND WHEREAS, McCook County is obligated and hereby agrees to provide proper
maintenance as required by the Federal Highway Act as amended and supplemented
thereto for the project after construction is completed and to regulate or cause to be
regulated the installation of utility facilities within the limits of the right-of-way of the
proposed project in accordance with State and Federal requirements.

AND WHEREAS, McCook County is obligated and hereby agrees to reimburse the State
for all costs not reimbursable with Surface Transportation Program (STIP) Funds and
associated State matching funds.

NOW THEREFORE BE IT RESOLVED:

That the South Dakota Department of Transportation be and hereby is authorized and
requested to program for construction, in accordance with the "Local Roads Plan" and the
State's Standard Specifications for Roads and Bridges," the project described.

Estimated Cost of Project Including Engineering:	<u>\$770,000.00</u>
STP Funds:	<u>\$422,777.00</u>
Local Funds (if needed to meet construction year):	<u>\$ -0-</u>

Proposed Year of Construction: 2017

Vote of Commissioners /Council: Yes 5 No 0

Dated at Salem, SD, this 12th day of August, 2014.

County Auditor

Chairman

Kreutzfeldt reported that the engine in 1998 Ford F250 was blown; a used engine for \$550 to replace it. Kreutzfeldt reported that a couple of small errors in County Highway System as recorded with SDDOT have been found and he will work to get them corrected. The grade raise of 431st Ave is progressing ahead of schedule. Current projects include fog sealing and culvert repairs.

Motion made by Butzke to convene as Drainage Commission. Second made by Dybdahl and motion carried.

Drainage Administrator Kreutzfeldt presented a drainage permit application, noting that the downstream landowner signatures were obtained and he has signed off on it:

2014-022 Daniel Stahl NE4 35-102-56

Kreutzfeldt presented pictures showing roads that were open cut and ditched in Section 2, Pearl Twp along 244th Ave. No authorization from either County or Township has been given.

Phil Hofer joined the meeting, inquiring about upsizing culverts in four locations in Section 3, Grant Twp. Hofer noted that drainage issues along the blue stream waterway from Canistota to West Vermillion River are causing flooding problems for landowners and Grant Twp. Asking what can be done to fix the issue and not keep patching it up; townships may upsize culvert at their discretion effective August 1, 2014. Is there any county assistance to townships for culverts? No. Canistota City and landowner financial assistance was discussed.

The Board reconvened as Board of County Commissioners.

Motion made by Butzke to enter into Executive Session at 10:00 a.m. to discuss personnel issue. Second made by Smith and motion carried. Chairman Dick declared out of Executive Session at 10:15 a.m.

At 10:30 a.m. a Rezone Hearing was held by the County Commission. Applicant: Golden View Colony. Legal description: S385' W550' N1010' SW4 28-103-55. Reason for rezone: rezone from Agricultural to Heavy Industrial for concrete mixing plant. No one appeared for the hearing. Motion was made by Dybdahl to approve request to rezone and adopt ordinance rezoning property. Second was made by Scharffenberg. Ayes: Dybdahl, Scharffenberg, Butzke, Smith and Dick. Nays: none. Motion carried.

ORDINANCE 2014-02

AN ORDINANCE REZONING PROPERTY

BE IT ORDAINED BY MCCOOK COUNTY, SOUTH DAKOTA:

The following legally described property shall be rezoned from Agricultural to Heavy Industrial and the Official Zoning Map shall be amended to reflect such change:

S385' W550' N1020' SW4 28-103-55

CONFLICTS: Any prior ordinance or part of any ordinance in conflict with this ordinance is hereby repealed.

SEPARABILITY: Should any section or provision of this ordinance be declared unconstitutional or otherwise invalid, such decision shall not affect the validity of the remainder thereby.

EFFECTIVE DATE: This ordinance shall become effective according to state law.

First Reading: July 29, 2014

Second Reading & Adoption: August 12, 2014

Publication: August 14, 2014

Effective Date: September 3, 2014 (20 days after publication)

ATTEST:

McCook County Chairman
County Auditor

McCook

Motion made by Smith to convene as Board of Adjustment. Second made by Butzke and motion carried.

At 10:45 a.m. a Conditional Use Hearing was held by the Board of Adjustment. Applicant: Golden View Colony. Legal description: S385' W550' N1020', SW4 28-103-55. Conditional Use requested: concrete mixing plant. No one appeared for the hearing. Motion made by Dybdahl to approve the conditional use permit application, noting the following condition: use of township roads except for end use delivery will require a haul road agreement. Second was made by Scharffenberg. Ayes: Dybdahl, Scharffenberg, Butzke, Smith and Dick. Nays: none. Motion carried.

The Board reconvened as Board of County Commissioners.

Brett Waltner and Jennifer Sherman, Board Members representing The Compass Center, met with the Commissioners to inform them of programs and services offered through the Center (previously known as Rape & Domestic Abuse Center). Waltner noted that counseling service is provided to offenders, who pay for the services, and victims who receive services free of charge. Ms. Sherman stated that funding is received through United Way grants, State funding which has been cut the past 3 years and from several counties that share the Domestic Abuse funding with Children's Inn and The

Compass Center. Sherman added that today's meeting is to seek help with funding along with sharing information as to what the Center offers. No action was taken at this time.

Motion made by Dybdahl to convene as Board of Adjustment. Second Butzke and motion carried.

At 11:30 a.m. a Variance Application Hearing was held by the Board of Adjustment. Applicant: Wayne Petree. Legal description: SE4 Ex Tract 1 of Petree's Addn, 9-103-55. Reason for variance: solar farm for personal use; too close to the right-of-way, requesting variance to place closer than setback requirement. Wayne & James Petree and Mic Kreutzfeldt, Hwy Supt, were present. James Petree stated that he didn't realize that an accessory building required a permit, adding that any location selected would need a variance. Smith asked about reflection issues. Glare from the solar panels won't be an issue due to the angle they are set at. Kreutzfeldt asked if the panels will follow the sun. No, each month the panels are manually programmed to get the best angle. Smith asked if moving the first row of railroad ties is an option. Yes, but that would add a couple of years to completion of the project. Wayne noted that they did their own engineering to make sure the project is symmetrical. At this time, Chairman Dick read the Zoning Administrator's statement. Because this request is outside the required setbacks as required and does not qualify for the condition for a variance as per the McCook County Zoning Regulations, the Zoning Administrator recommendation is to deny the variance. Dybdahl suggested letting the project proceed with conditions noted. Kreutzfeldt noted that approval may limit County's ability for future road improvement projects. Motion was made by Smith to table a decision until after lunch when States Attorney Fink will be available for input. Second made by Scharffenberg and motion

carried. Auditor Sherman will contact Petree after the Board meets with States Attorney Fink.

The Board reconvened as Board of County Commissioners.

Denise Erickson, Hanson-McCook Regional Library Board Member, met with the Commission to discuss an email received from the Hanson County States Attorney which noted that operation of the Bookmobile will end on December 31, 2014, the Hanson & McCook County Auditors will take over the records and the both Commissions will need to come up with a plan to divide property and assets. Mike Fink, States Attorney, was present. At this time, the Hanson-McCook Regional Library Board Members are asking that they be allowed to continue operation through the current school year. Erickson noted that as of the end of July there is approximately \$63,000 bank balance which would allow operation to continue. Erickson noted that she is meeting with Hanson County Commissioners next week. Smith stated that disbursement of assets should be equal between the two counties; when the time comes. Following discussion, motion was made by Dybdahl to authorize the Bookmobile Board of Trustees to continue operations until June 1, 2015 following same operational practices that are being followed now. There can be no large item purchases, the Bookmobile Board will provide a plan for distribution of assets by March 2, 2015, there will be no additional funding from the counties in 2015 and Hanson County Commissioners have to approve the continued operation also. Second made by Smith and motion carried. St Atty Fink will contact Hanson County States Attorney, Jim Davies, so he is aware of the new development. Auditor Sherman will also contact the Hanson County Auditor.

Motion made by Butzke to convene as Board of Adjustment. Second made by Scharffenberg and motion carried.

Chairman Dick informed Mike Fink, States Attorney, about the variance application for Wayne Petree. Following discussion, motion was made by Dybdahl to grant the variance with the following conditions noted: no expansion of proposed project and if Commission receives complaints due to glare or snow issues, the first row of railroad ties and panels will have to be removed. Second was made by Scharffenberg. Ayes: Dybdahl, Scharffenberg, Butzke, Smith and Dick. Nays: none. Motion carried.

The Board reconvened as Board of County Commissioners.

Lyle Hetland met with the Commissioners to discuss complaints regarding weed control on his property. John Heiberger, Weed Supervisor, was present. Hetland presented pictures of his fields which have been mowed, chopped and sprayed, since July 3rd. Hetland stated that this isn't 100% but weeds are brown and wilted. Heiberger added that these areas should be sprayed this fall also. The Commissioners told Hetland that he needs to meet with Weed Board and develop a plan to get weed infestation taken care of. Hetland also had pictures of county road ditches which contained thistles.

Motion made by Butzke to enter into Executive Session at 2:00 p.m. to discuss personnel issue. Second made by Dybdahl and motion carried. Auditor Sherman was present. Chairman Dick declared out of Executive Session at 2:15 p.m.

Karen Fendrich, CHN Secretary, met with the Commission to discuss replacement of carpet in Nurse's office due to buckling; carpet cannot be stretched. Options: tile in reception area and carpet or carpet squares in the two office areas. Fendrich will contact Salem Lumber Co to get estimates for these options.

With regard to a previously discussed salary study, the Commissioners will wait until 2015 when the Planning Districts will be doing a statewide salary and benefits survey.

Motion made by Dybdahl to authorize Chairman Dick to sign Emergency Management FFY 2015 State and Local Agreement. Second made by Butzke and motion carried.

Motion made by Scharffenberg to authorize Chairman Dick to sign 2 original copies of the Minnehaha County Jail Bed Per Diem Contract, effective date July 1, 2014, increased \$1/day; \$81.20 per prisoner day. Second made by Smith and motion carried.

The following building permits were issued the month of July:

2014-36	Hoffman Family Trust Ex Lot H-1 & Ex Lots E-1, E-2 & E-3	36x36x24 grain bin	SW4 3-102-54
2014-37	Dana & Audrey Wicks of Wicks Add SE4 23-104-53	10x30 deck	Tract 4
2014-38	Cordell & Sheryl Hofer 102-55	42x42x21 grain bin	SE4 8-
2014-39	Todd Tuschen Rev Trust 102-55	machine shed/living qtrs.	NE4 9-
2014-40	Brian Kelly Klaus Add NW4 19-101-53	house and remodel	Tract 7
2014-41	Delbert & Starlyn Church Churchs Sub of Lot 1 NW4SW4 34-102-53	32x36x16 steel garage	Lot 4
2014-42	Laverne, Carole Raap Liv Trust 31-103-53	granary updates/new shed	NE4
2014-43	Eugene Hofer 10-101-55	20x30x8 office	NW4
2014-45	Kurth Living Trust 12-102-56	10x20 deck	NE4
2014-46	Layton & Sylvia Thompson of W350' of N2SW4 25-104-53	16x32x10 garage	S200'
2014-47	Randall Bunger NE4NE4NE4 10-102-56	new basement/no finish	
2014-48	Eric & Amy Tieszen Tr 1 Tieszen's Add NE4 8-101-53	basement windows/geothermal	

2014-49	Pollman Brothers N397.06' of E1002.00' of NE4 3-101-55	steel roof on house & garage	
2014-50	Tim & Brenda Carmichael in Welbon Add in SW4SE4 12-102-56	30x30x21 grain bin	Tract 1
2014-51	Jerry & Barb Gottlob Trust of N1499' of E1525' of NE4 31-103-55	42x42x22 grain bin	S667'
2014-52	Peter & Dianna Begeman 22-101-53	16x24x7 picnic shelter	SE4
2014-53	Rebecca Kayser Riverview Estates an Add & An	new home	Tract 5
			Undivided 1/6 Int in Tr 8 Riverview Estates

The July Law Enforcement Report was noted and filed.

The July Activities Report for Southeast Enterprise Facilitation Project was noted and filed.

Notice was received that the concrete tipis at Spearfish, Wasta, Chamberlain, Salem, New Effington and Junction City Interstate Safety Rest Areas in SD will be considered by the State Historical Society Board of Trustees for nomination to the National Register of Historic Places.

Motion made by Dybdahl, second Scharffenberg, and carried, to pay claims:

GENERAL FUND: Bi-Weekly Payroll: 8/3/14: Commissioners 1461.55; Auditor 2625.11; Treasurer 3261.62; States Attorney 2105.77; Custodian 1242.88; Dir of Equalization 3174.74; Register of Deeds 2637.54; Veterans Service Officer 348.04; Sheriff 5654.35; Contract Law 4073.07; Care of Poor 115.38; Community Health Nurse Secretary 1153.15; Extension Secretary 424.34; Weed Dept 521.51; Drainage 307.69; Planning & Zoning 192.31. McCook County Clerk of Courts, small claims court-certified mailings, 13.96; St vs Nicholas Chebanyuk, witness fees & mileage, 214.72; SD

Remittance Center, lab services, 70.00. A & B Business, monthly copier contract, 27.31, ink cartridges, 93.98, sharpie markers, 25.58; AutoEx, auto service, 1662.70; Avera Heart Hospital of SD, care of poor, 17588.53; Avera McKennan Hospital, ER services - prisoner care, 87.23; Avera Queen of Peace Health Services, blood alcohol service, 142.00; Brickhouse Gardens, landscape repairs, 672.67; Brown & Saenger, monthly copier contract, 38.96; Card Service Center, law enforcement supplies, 334.91; City of Bridgewater, August ambulance appropriation, 2895.92; DJ Deknikker, P & Z mileage, 7.77, conference expenses, 299.60; Dust-Tex Service, mop rental, 27.17; Mike Fink, July expenses, 277.26; Hillyard/Sioux Falls, Courthouse supplies, 113.87; Inter-Lakes Community Action, August CSW funds, 604.83; Iron Wheel Sales & Service, service air conditioner units, 409.42; K.W. Electric, labor & supplies to repair outside lights, 95.01; McCook County EMS, August ambulance appropriation, 7142.45; McCook County Publishers, publishing, 1371.04; McCook County Treasurer, postage, 159.09; McCormick Motors, auto service & supplies, 192.56; McLeod's Printing, laser checks, 378.00; Microfilm Imaging, scanning equipment rent, 305.00, software & computer rent, 92.00; Noll Collection Service, lien collection fee, 1774.09; Office Depot, office supplies, 52.95; Pheasantland Industries, "caution" sign, 26.27; Puthoff Repair, weed dept. supplies, 26.77; RBS Sanitation, garbage service, 56.25; Record Keepers Inc, vault box storage, 19.25; Salem City, utilities, 68.85; Salem Community Drug, office supplies, 21.53; Salem Sales, lawn mower fuel, 123.59, law enforcement auto fuel, 3004.69; Salem Special, P & Z legal notices, 73.82, padded vouchers, 82.00; Salem Veterinary Service, drug dog services, 157.65; SD Achieve, services for 4 residents, 240.00; Siegel, Barnett & Schultz, court appt atty for Rogelio Garcia, 239.25 and Rogelio Castro-Lopez, 87.00;

Sturdevant's Auto Supply, supplies, 44.92; Susquehanna Commercial Finance, software lease payment, 810.91; Total Stop Food Store, law enforcement auto fuel, 982.60; Triotel Communications, telephone/internet service, 855.77; Verizon Wireless, cell phone service, 81.58, internet modem service, 212.07; Zapp Hardware, supplies, 156.79.

COUNTY ROAD & BRIDGE FUND: Bi-Weekly Payroll: 8/3/14: Hwy Dept 17103.93, travel expense, 56.29. Boyer Trucks, truck parts, 145.20 ; Card Service Center, office supplies, 235.44; Central Farmers Cooperative, supplies & labor, 301.63; Concrete Materials, asphalt, 372.32; CRA Payment Center, supplies, 1397.90; Cummins Central Power, crankshaft pulley & belt, 93.48; Dakota Fluid Power, gates hose assembly, 192.61; Dave's Electric, Montrose Shed wiring, 988.32; Fleetpride, parts, 261.52; Gessner Welding & Repair, pulley & key, 233.95; Independent Repair, oil & filter, 104.00; I State Truck Center, exhaust fluid filter, 58.30; Jebro Inc, liquid asphalt, 22010.82; Lanair Heaters & Boilers, waste oil kit, 77.70; McCook County Treasurer, title/ mailing, 14.00; Puthoff Repair, supplies, 35.78; RBS Sanitation, garbage service, 56.25; Salem City, utilities, 65.16; Salem Farmers Market, supplies, 39.22; Salem Lumber, supplies, 18.80; Servall Towel & Linen, towel & mat rental, 46.90; Sheehan Mack Sales & Equipment, parts, 816.44; Sioux Equipment, gas pump filters, 35.20; Southeastern Electric, utilities, 23.13; Spencer Quarries, chips & rip rap, 16201.77; Stan Houston Equipment, chainsaw sprocket, 31.93; Sturdevant's Auto Supply, supplies, 560.29; Triotel Communications, telephone/internet service, 103.37; TrueNorth Steel, culverts, 10965.55; Verizon Wireless, cell phone service, 63.77; Zapp Hardware, supplies, 90.43.

911 EMERGENCY REPORTING SYSTEM FUND: Golden West

Telecommunications, 911 telephone service, 371.72; Triotel Communications, 911 telephone service, 215.20.

EMERGENCY & DISASTER SERVICES FUND: Bi-Weekly Payroll: 8/3/14: EDS Director 1213.38. Interstate All Battery Center, portable radio battery, 49.90; T & C's Pit Stop, Search & Rescue fuel, 80.84; Triotel Communications, telephone/internet service, 95.34; Zapp Hardware, drill for S & R truck, 129.99.

24/7 SOBRIETY FUND: Bi-Weekly Payroll: 8/3/14: Sheriff Secretary/Dispatcher 96.15.

PAYROLL CONTRIBUTIONS – ALL FUNDS: 8/3/14: Dir of IRS, county share of FICA 2649.00, Medicare 619.54; SD Retirement System, county share of retirement contribution 2901.62; Wellmark Blue Cross/Blue Shield, county share of health insurance premium 5438.84.

The Auditor's Account with the County Treasurer for the month of July, 2014: deposits in banks, \$2,335,701.53; cash to deposit, \$766.75; checks to deposit, \$11,187.63; Cash Items (postage) \$173.09; Treasurer's Cash, \$1,496.91; Register of Deeds, \$450.00; Sheriff, \$500.00; Passbook Savings, \$21,127.39; CD's, \$800,000.00. The total deposits on hand: \$3,171,403.30.

The meeting adjourned subject to call.

Dated this 12th day of August, 2014.

Marc Dick

Chairman,
McCook County Commission

ATTEST:

Geralyn Sherman _____
Auditor, McCook County