

April 23, 2024

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

Members present: Dean Koch, Chuck Mehlbrech, Steve Gordon, and Marc Dick.

Chairman Liesinger led the Pledge of Allegiance.

Chair Liesinger called for approval of the agenda. Motion Koch to approve the agenda as posted. Second Gordon. Motion carried.

The minutes from the April 9th meeting were sent to Board members for review prior to publication. Motion made by Gordon to approve the minutes for publication. Second Mehlbrech. Motion carried.

Public comment: Roger Hofer questioned what the Vermillion Basin Water Development District does, adding that it irritates him that this is taxation without representation. Comm Koch noted that cities can apply for assistance with projects they have, adding that Salem City did receive funding towards a water project. Comm Gordon noted that the Soil Conservation District also received funding towards a project.

Commissioner Reports: none.

Conflict of Interest: Mehlbrech noted conflict of interest with 9:45 a.m. agenda item.

Travis Raap, Hwy Supt, presented 2 utility permits for approval. Motion Koch to approve Electric Utility Permit for Southeastern Electric to install 1ph URD for new service on 250th St, 1900' E of US81. Second Gordon. Motion carried. Motion Koch to approve Electric Utility Permit for Southeastern Electric to install 1 ph URD to eliminate overhead at 250th St, 1700' W of US81. Second Mehlbrech. Motion carried. Joint Powers Financial Agreement between Dept of Transportation and McCook County for SD Federal Aid Construction Project Number PT 0908(105)349 PCN 07W6 (STATE PROJECT), noting that the Commission needs to approve the agreement and sign-off on same. The project is located on I90 East and West Bound, from Exit 350 (SD25) to 4 miles west of Exit 364 (US81). The State will install a reinforced concrete box culvert on 257th St, approximately 1180' east of 435th Ave. The estimated cost to design and construct the culvert is \$113507.79. The State and County will each be responsible for 50% of the total cost, \$56753.89. Motion by Mehlbrech to approve the agreement and authorize Chairman Liesinger to sign off on same. Second Dick. Motion carried. Raap informed Board that Robert Edwards is new hire, effective May 1st, \$19.91/hour, Hwy Maintenance Worker. Current projects include pulling shoulders and spot graveling.

Melissa Tordoff, Alternative HR Consultant, and Mark Norris, Sheriff, were asked to join the meeting. Discussion was held regarding background checks on new hires and how far to go with them. Norris informed group that the Clerk of Courts can perform limited background checks, and this may be enough for office personnel. Tordoff will gather more information and get back to the Commission with her findings.

Jeff & Brent Deters met with the Commission to discuss refund of taxes for Brent. Cori Kaufmann, Dir of Equalization, Anna Flogstad, Appraiser, and Angie McCormick, Equalization Clerk, were present. Brent stated he didn't get Ag status until May 2023, value is too high, Ag exemption was not given, he never received an assessment notice prior to March, and missed deadline to appeal. Chair Liesinger asked Director Kaufmann for her input. Kaufmann- true that office didn't correct the assessment notice correctly in 2023. That through the process of boards last year and working with Jeff Deters, corrections were made. Brent didn't qualify for Ag status because acres totaled 32, and 40 acres qualifies for Ag status, it's the landowner's responsibility to apply for Ag status as this office doesn't go looking for Ag application status, there was no application for Ag status in 2023 and again only 32 acres. Brent Deters questioned the assessment on his property with his home. Kaufmann stated that letters are sent regarding each building permit prior to November assessment date, and County has never gone back to give Ag status. Brent- Assessor's office didn't do their work timely so I'm requesting a refund because deadlines were missed. Auditor Sherman noted that an abatement of taxes can be figured, and a new tax bill

provided, instead of a refund. Liesinger noted that time for appeal has passed, leave it alone. Brent stated that he tried to correct this in April, May, June, and it's still wrong. Brent stated that he contacted the State Dept of Revenue, and they were not helpful. Koch stated that he feels the Ag value should be adjusted, \$121,663 to \$57,741. Brent asked that 10 acres be adjusted also from \$140,000 to \$25,892, he's okay with the 22 acres. Motion Koch to adjust Ag land value to \$57,741 and recalculate the valuation on the 10 acres to Ag value. Second Dick. Motion carried.

Motion Gordon to convene as Planning Commission. Second Koch. Motion carried.

The 1st reading of Ordinance 2024-02 regarding amendment of the 2014 Revised Zoning Regulations for McCook County, specifically amendments to Chapter 3, AG: Agricultural District, Section 3.03 Conditional Uses; and Chapter 11, Additional Use Regulations, Section 11.08, Concentrated Animal Feeding Operations (CAFOs) was held at 10:30 a.m. Cori Kaufmann, Zoning Administrator, Sean Hegyi, Secog Planner, Peter Begemann, Kris Tott, and Juliane Wieman were present. Kaufmann read the proposed ordinance. There was no public input at this time. The 2nd reading/public hearing will be held at 10:30 a.m. on May 28th (for proper notice to be published).

At 11:00 a.m. the Board of Adjustment held a public hearing to receive input concerning request for a variance. Cori Kaufmann, Zoning Administrator, presented the variance application to the Board. Applicant: Allen (present) & Debra Waldner. Legal description: Lot 2 Block Tract 2 Heumiller's Addition W2SW4SW4 24-103-55. Reason: reduction of setback for shed. Motion Mehlbrech to approve the request for variance. Second Koch. Motion carried.

Cori Kaufmann, Zoning Administrator, presented a plat for approval.

Following review of the plat review form, motion Mehlbrech to approve the following plat. Second Koch. Motion carried.

Be it resolved by the County Planning Commission of McCook County, South Dakota, that the plat showing Stahl's Addition in the SE1/4 of the SW1/4 of Section 35, T102N, R56W of the 5TH P. M., McCook County, South Dakota, having been examined, is approved in accordance with the provision of SDCL of 1967, Chapter 11-6, and any amendments thereof.

Adopted this 23rd day of April 2024.

Chair, County Planning Commission
McCook County, South Dakota

Following review of the plat review form, motion Gordon to approve the following plat. Second Koch. Motion carried.

Approval of the plat of Tract 2 thru 11 of Cedar Bluffs, an Addition to the NE1/4 of Section 22, Township 102 North, Range 53 West of the 5th P.M., McCook County, South Dakota, is hereby granted by the McCook County Planning Commission.

Approved this 23rd day of April 2024.

County Planning Commission, McCook County, SD

Zoning Administrator Kaufmann informed Board that the Subdivision Final Plan for Cedar Bluffs matches the Preliminary Plan presented to them at their March 26th meeting, no changes. Motion Mehlbrech to approve the Subdivision Final Plan for Cedar Bluffs.

Second Gordon. Roll call vote: Ayes: Mehlbrech, Gordon, Dick, Koch, and Liesinger. Nays: none. Motion carried.

Motion Koch, second Mehlbrech, and carried, to pay claims: GENERAL FUND: Bi-Weekly Payroll: 4/13/2024:

Commissioners 2079.80; Auditor 6404.40; Treasurer 4633.10; States Attorney 3598.21; Custodian 1390.90; Dir of Equalization 4618.23; Register of Deeds 2478.19; Veterans Service Officer 325.20; Sheriff 15684.56; Contract Law 8950.87; Care of Poor 228.16; Welfare 289.24; Community Health Nurse Secretary 1521.10; Extension Secretary 1481.90; Drainage 141.26; Planning & Zoning 628.18. SD Dept of Revenue, SD Developmental Center-Redfield 60.00; Grand Jury, fees & mileage 575.48; AAA Collections, lien collection fee 12.00; Alvine Law Firm, court appointed attorney for Destiney Aulner 1656.70 for Cindy Crnich 310.50 for Samuel Covit, 3460.87;

Bob's Lock and Key, picked counter filing cabinet lock 225.00; Century Business Products, 2 monthly copier contracts 283.24; Davison County Sheriff, March jail service 14070.00; FedEx, shipping charges 18.93; G & R Controls, boiler repair 1993.64; Carol Johnson, transcript services 5146.00; Lewis Drugs Inc, prisoner care 79.18; McLeod's Printing, office supplies 440.25; Mitchell Regional 911, 2nd quarter traffic service 3100.24; Paul's Towing, move equipment in officers vehicles 1892.25 towing vehicle 200.00; Pennington County Jail, prisoner transport 66.43; SDACC, 2nd quarter CLERP fees 575.00; SDACO, spring workshop registration 800.00; Tim Simmermon, meal-training, 14.00.

COUNTY ROAD & BRIDGE FUND: Bi-Weekly Payroll: 4/13/2024: Hwy Dept 19184.67; cell phone reimbursement 175.00. Townships & Cities, 1st Qtr 2024 wheel tax collections 11632.18; C & R Supply, pump & switch 143.90; Hollaway Construction, bridge project 8044 (Emery bridge) 42004.35; M Peterson Gravel LLC, gravel 512.00; Northwestern Energy, utilities 69.16; Pomp's Tire Service, tires & blue lube 4460.56; SD Dept. of Transportation, share of State project 2015.27; Verizon Wireless, cell phone service 81.92; Dylan Warren, meals & fuel for conference, 110.56.

911 EMERGENCY REPORTING SYSTEM FUND: Mitchell Regional 911, 2nd quarter 911 service 21418.28; Motorola Solutions, PTX monthly wave subscription and app 169.00; Sioux Valley Energy, radio tower utilities 82.49.

EMERGENCY & DISASTER SERVICES FUND: Bi-Weekly Payroll: 4/13/2024: EDS Director 1647.26.

24/7 SOBRIETY FUND: Bi-Weekly Payroll: 4/13/2024: Sheriff Secretary/Dispatcher 224.79.

PAYROLL CONTRIBUTIONS – ALL FUNDS: 4/13/2024: Dir of IRS, county share of FICA 4438.88, Medicare 1038.12; SD Retirement System, county share of retirement contribution, 4426.33; Wellmark Blue Cross/Blue Shield of SD, county share of health insurance contribution 17564.09.

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

RESOLUTION 2024-06

Whereas insufficient appropriations were made in the 2024 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 \$20000.00 be transferred from Contingency to Court Appointed Attorney.

Dated this 23rd day of April 2024.

Charles Liesinger _____
Chairman, McCook County Commission

ATTEST:

Geralyn Sherman _____
Auditor, McCook County

Motion Koch to enter Executive Session at 11:40 a.m. for review and discussion of contract between the County and SD Dept of Health for Community Health Services, SDCL 1-25-2 (3). Mike Fink, States Attorney, Michelle Stubkjaer, Alternative HR Consultant (via phone), and Auditor Sherman were present. Chair Liesinger declared out of Executive Session at 12:00 p.m. The contract provided will not be signed. The Board instructed Auditor Sherman to invite Julie Dykstra, Southeast Region Public Health Manager, and Wade Huntington, to a Commission meeting, asking them to provide a contract that is specific to McCook County, address questions regarding clerical staff, automobile liability insurance, compliance with Executive Orders, and why Dept of Health won't provide a job description for current clerical staff (requested several times over the past four months).

Dawn Knutson and Danielle Dykes, Midwest Employee Benefits, met with the Commission to provide an overview of the products and services they offer.

Geralyn Sherman, Auditor/Welfare Director, informed the Commission that there is no VA assistance for burial for a nursing home resident (homeless) so Kinzley Funeral Home will be presenting a bill for cremation (2024-11). Two applications for assistance have not been returned (2024-07 & 2024-10).

Motion Gordon to approve the Alcoholic Beverage License Application for Retail (on-off sale) Malt Beverage & SD Farm Wine for Ports Petroleum Co d/b/a Fuel Mart. Second Dick. Motion carried.

Motion Dick to approve Weed & Pest Grant Agreement between McCook County and SD Weed & Pest Control Commission and authorize Chairman Liesinger to sign same. The grant award is \$6100 for chemicals and to publish notices. Second Gordon. Motion carried.

The following Township Bonds have been filed with the Auditor's Office: CLERK: Mark Miles-Ramsey, Norman Peterson-Brookfield, Richard Wobig-Sun Prairie, Heather Bork-Pearl, Roland Loudenburg-Benton, Mark Eickman-Salem, Ken Krouse-Richland, John Smith-Montrose, Jeff Scott-Greenland, Dustin Addy-Canistota, Jerome Tschetter-Emery, Brian Thrift-Jefferson, Lonnie Glanzer-Bridgewater, Kalyn Buse-Union, Mary Dick-Grant, and Bonnie Schmidt-Spring Valley. TREASURER: Barb Kipp-Ramsey, Ted Anderson-Brookfield, Tim Matthaei-Sun Prairie, Ashley DeMent-Pearl, Amelia Matthaei-Benton, Pat Gottlob-Salem, Mary Nelson-Richland, Katrina Zimmer-Montrose, Karen Hofer-Greenland, Gary Parry-Canistota, Tom Kolbeck-Emery, Vernon Hofer-Jefferson, Robin Hofer-Bridgewater, Michael Weber-Union, Steve Richarz-Grant, and Donita Davis-Spring Valley.

Auditor Sherman presented information for a vegetative screening plan for the Grant Solar project south of Canistota to the Board. The McCook County Conservation District reached out to SDSU and provided a copy of an email from John Ball, SDSU Extension Forestry Specialist & SD Dept of Agriculture and Natural Resources Forest Health Specialist, regarding suggestions for a vegetative screening plan for the project. This is information only, not an official plan.

Beth Skaff, Food Pantry Coordinator, asked to join the meeting. Skaff informed the Board that she looked at the Hippity Dippity building as possible location for the Food Pantry and asked if several of the Commissioners would take time to look at it with her. Yes.

At this time, the meeting was turned over to Mike Fink, States Attorney, who explained that County Initiative Petitions Defining the Conduct of Elections within McCook County were received by the County Auditor. Ron Shelburg, Gloria Rayman, and Barb Hoiten were present. Fink asked Auditor Sherman if the petitions contained the number of required signatures and if so, does she consider them filed. Yes. Fink explained that those present will be watching a YouTube video of the March 12th Lawrence County Commission meeting and listening to Attorney Sara Frankenstein who is providing legal service to counties through an agreement with the SD Public Assurance Alliance who has partnered with the SD Assn of County Commissioners. Attorney Frankenstein provides case law that gives a county authority to accept or reject petitions. Comments from Atty Frankenstein: County cannot enact an ordinance that goes against State law and State law cannot be duplicated. The 1st bullet point on the petition states all elections in McCook County shall be conducted by paper ballot only. The optical scan ballots are a paper ballot. The 2nd bullet point states tabulation of votes shall be by hand count after polls are closed in accordance with SDCL 12-20. The 3rd bullet point states electronic voting devices, of any kind, are prohibited. This violates State law. The ExpressVote machine can be used by all voters including those with disabilities. The Help America Vote Act (HAVA) requires electronic machines in all precincts for voters who have disabilities. The 4th bullet point states electronic tabulation devices of any kind are prohibited. The County is required to follow Federal law. The 5th bullet point states absentee ballots properly obtained and marked by the individual voter in accordance with SDCL 12-19 shall be tabulated by hand after polls close. Ballots received after 7pm on election day shall be disqualified. The 6th bullet point states the establishment of vote centers, or the like, in McCook County is prohibited. At this time, Chairman Liesinger opened the meeting for public comment. Barb Hoiten informed Board that 239 signatures were collected on the petitions that were filed with the Auditor. Hoiten referenced SDCL 7-18A-13 – Board action on

initiative petition-submission to voters. If a petition to initiate is filed with the auditor, the auditor shall present it to the board of county commissioners at its next regular or special meeting. The board shall enact the proposed ordinance or resolution and shall submit it to a vote of the voters in the manner prescribed for a referendum within sixty days after the final enactment. Hoiten reiterated “shall enact”. Yes, but not when portions of the proposed initiative violate State law. Ron Shelburg said that instead of public comment, he had 10 questions to ask. With the 3rd question, the questions were stopped because it was more of an interrogation of the Auditor. Mehlbrech asked what issues have been encountered in McCook County. Comment was none, yet. SDCL 12-17B-3 states any governing body having supervision of elections within any political subdivision may adopt, experiment with, or abandon any automatic tabulating or electronic ballot marking system approved for use by the State Board of Elections. Shelburg told the Board “We have people who can hand count the ballots”. Koch-why should we trust you/them when you don’t trust us? Fink reiterated violations of law noted by Atty Frankenstein. Chairman Liesinger closed public comment and called for a motion to accept or reject the County Initiative Petitions. Motion Dick to reject the petitions filed with the County Auditor based upon finding of Attorney Sara Frankenstein. Second Koch. Roll call vote: Ayes: Koch, Dick, Mehlbrech, Gordon, and Liesinger. Nays: none. Motion carried. Gloria Rayman noted that the reasons are just her (Sara Frankenstein) opinions and thanked the Board for their time.

The meeting adjourned subject to call.

Dated this 23rd day of April 2024.

Charles Liesinger _____
Chairman, McCook County Commission

ATTEST:

Geralyn Sherman _____
Auditor, McCook County