

August 22, 2023

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

Chairman Dick led the Pledge of Allegiance.

Kris Tott attended the meeting.

Chairman Dick called for approval of the agenda. Auditor Sherman noted the addition of an Executive Session at the end of the meeting for discussion of pending litigation; papers served this morning. Motion by Koch to approve the agenda adding an Executive Session. Second Gordon. Motion carried.

The minutes from the August 8th and August 15th meetings were sent to Board members for review prior to publication. Motion by Gordon to approve the minutes for publication. Second Liesinger. Motion carried.

Auditor Sherman presented a Thank You note to the Board from Megan Stiefvater, a summer intern for the 4-H Youth Advisor.

Commissioner Reports: Gordon noted that he and Hwy Supt Raap went to Yankton County to observe the outcome of a micro surfacing project. There are concerns about water possibly accumulating in the center of the road where there is a small recess in the finished project. Raap will be in contact with the engineer.

Public comment: Roger Hofer questioned the valuation of Salem City compared to Spring Valley Twp, adding that Salem City should be higher in value, not the Twp. Hofer asked what Grant Solar will pay in real estate taxes, how will they control weeds, and what if they go belly up or just walk away? Don't have answers to first two questions. Koch noted that there is a decommissioning plan if the project fails. Hofer also provided a copy of a letter to the editor regarding eminent domain.

Conflict of Interest: none noted.

Travis Raap, Hwy Supt, presented a utility permit for approval. Motion Liesinger to approve an Electric Utility Permit for Xcel Energy. Scope of project: replace existing deteriorating power pole & equipment with new at 112 Ash St, Canistota. Second Gordon. Motion carried. Raap presented Contractor's Application for Payment from Hollaway Bridge & Culvert for work completed & storage of materials, in the amount of \$17965.44, for bridge project in Emery Twp. Motion Liesinger to authorize Chair Dick to sign the application, approving payment. Second Gordon. Motion carried. Millings are being hauled to Raap gravel pit and being mixed with gravel for future use. Raap told Board that a screener and stacker can be rented from Tim Reynolds for screening the millings for \$8500.00. Motion Gordon to approve renting this equipment. Second Koch. Motion carried.

Motion by Koch to enter Executive Session at 9:25 a.m. for personnel discussion, SDCL 1-25-2 (1). Second Gordon. Motion carried. Travis Raap, Hwy Supt, and Auditor Sherman were present. Chairman Dick declared out of Executive Session at 9:35 a.m.

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

At 9:45 a.m. a public hearing was held by the Board of Adjustment to hear Appeal regarding variance that was approved at the July 11, 2023, meeting for Rod Dorale. Reason for variance: reduce setback. Legal description: Legal description: Lots 20 & 21 of Eagle Ridge Addition in the W2SW4 35-102-53. Cori Kaufmann, Zoning Administrator, noted that Zoning Regulations require a 2nd page for the variance application, and this was added and approved at the August 1, 2023, meeting. Because this page was not part of the July 11th information and is new to the appeal, Kaufmann reported that she agrees that a variance should be granted because covenants in the area allow for a 5-foot setback. Mike Unke, Attorney representing Rod Dorale, asked the Board to stay the variance because restrictive covenants were signed in 2018. Anthony Sutton, Attorney representing Greg & Pat DeCramer, told the Board that they need to look at the covenants in whole, having totality of facts. The zoning ordinance says 9' setback and Dorale didn't follow it, nor did he follow his own plan. Koch asked if the homeowners association has looked into complying with the county zoning regulations. Attorney Sutton said

he doesn't know. Gordon asked why DeCramers weren't involved in the homeowner's association meeting when the covenants were discussed. Dorale noted that the meetings are informal, and he can't answer why DeCramer wasn't invited. Attorney Unke noted that DeCramer was witness to the construction process, and there were no issues until he was asked to remove junk from his property. Attorney Sutton said burden is on the applicant, Dorale, to follow zoning regulations. Attorney Unke reminded Board that this appeal is about the variance, not the covenants. Koch referenced Zoning Administrator Kaufmann's initial statement that covenants allow for a 5-foot setback. Motion by Gordon to follow written recommendation provided by Kaufmann and approve the variance request. Second Koch. Motion carried.

At 10:30 a.m. a public hearing was held to receive input concerning request to rezone property from Ag to Commercial. Applicant: Jared Lynch. Reason: equine facility. Legal description: Tract 1 Cannon's Addition in NE4 20-101-54. No public comments. Following discussion, motion by Koch to approve the rezone and hold 1st reading of Ordinance 2023-03 at 10:30 a.m. on September 26th. Second Gordon. Motion carried.

At 10:40 a.m. a public hearing was held to receive input concerning request for conditional use permit. Applicant: Lincoln DeKramer, present. Legal description: NE4 Ex W1200' of N726' & Ex S313' of N682' of E325' 7-101-53. Reason: transfer building eligibility from SW Quarter Quarter NE Quarter Quarter to build a shouse. Following discussion, motion by Koch to approve the transfer of building eligibility. Second Liesinger. Motion carried.

Cori Kaufmann, Zoning Administrator, presented a plat for approval. Following review of the plat review form, motion made by Koch to approve the plat. Second Liesinger. Motion carried.

Be it resolved by the County Planning Commission of McCook County, South Dakota, that the Plat of Tract 2 of Eichmann's Addition in the West Half of the Northwest Quarter of the Southwest Quarter of Section 24, Township 103 North, Range 55 West of the 5TH P. M., McCook County, South Dakota, has been reviewed and approved in accordance with the provisions of SDCL of 1967, Chapter 11-6, and any amendments thereof.

Adopted this 22nd day of August 2023.

Chair, County Planning Commission
McCook County, South Dakota

ATTEST:

Auditor, McCook County, South Dakota

The Board reconvened as Board of County Commissioners.

Josh Frost, AAA Lawn Care & Maintenance, met with the Board to discuss removal of bushes and plants along the south side of the courthouse building. Also discussed removal of 3 evergreen trees and prepping and hydroseeding the area of the yard where the Salem City storm sewer project went through. John McCormick, Custodian, was present. Frost will provide an estimated cost of services.

Andrea Irwin, Operations Director for ROCS Transit Program, and Peter Smith, CEO, met with the Commission to present and discuss their 2024 appropriation request for transportation match of \$2000. The local match is used towards the operations of the transit programs. Transit is in 32 counties. Smith explained that Rocs Transit provided over 100 rides during the previous year in McCook County and is anticipating over 200 rides by the end of September 2023. Irwin added that services are available to anyone in the community/county for medical, educational, professional, social, shopping, and personal rides. Koch asked if they had contacted the cities within the county. Not yet, but they will be. Motion by Gordon to partner with ROCS and appropriate \$2000 for 2024. Second Koch. Motion carried.

Auditor Sherman presented a letter to the Board received from SD Dept of Health referencing changes beginning September 1st. Sherman noted that we haven't received the FY24 WIC Contract or updated documents outlining the duties of the WIC Clerical and Public Health Assistant positions. Changes are coming but we don't know what they are.

Geralyn Sherman, Welfare Director, and the Commissioners reviewed Care of Poor cases. Two Notices of Hospitalization were received from Avera McKennan Hospital (2023-20 & 2023-21). An Application for Poor Relief Assistance was received from Avera McKennan Hospital (2023-08).

Motion by Koch, second Gordon, and carried, to pay claims: GENERAL FUND: Bi-Weekly Payroll: 8/19/2023: Commissioners 1980.75; Auditor 4465.33; Treasurer 4341.68; States Attorney 3155.92; Custodian 1324.40; Dir of Equalization 4446.54; Register of Deeds 2333.57; Veterans Service Officer 309.75; Sheriff 15376.95 Contract Law 7542.85; Care of Poor 217.30; Welfare 373.67; Community Health Nurse Secretary 1451.80; Extension Secretary 1511.20; Weed 30.98; Drainage 399.96; Planning & Zoning 600.31. SD Dept of Revenue, SD Developmental Center-Redfield 60.00; Transamerica Employee Benefits, August contribution 3269.35; Alvine Law Firm, court appt attorney for Gavon St John 818.23; Card Service Center, lodging-care of poor 80.00; Century Business Products, 2 monthly copier contracts 256.94; Certified Languages International, interpreter services 89.10; CNA Surety, notary bond- Rebecca Hoiten 50.00; Dailey Law, court appt attorney for James Grass Rope 932.50 for Joseph Michael Lange 460.10 for Gregory Speer 992.10 (2 claims); Davison County Sheriff, July jail services 16000.00; Rebecca Hoiten, mileage-SDACES meeting 110.16; Holiday Inn Express-Ft Pierre, 2022 & 2023 convention & spring workshop lodging 1232.00; Jack's Uniforms & Equipment, deputy uniforms 548.74 name plate 36.90; Jessica Klinkhammer, client gift certificates 60.00; Lewis Family Drug, prisoner care 177.51; Marshall&Swift/Boeckh, handbook 375.95; McLeod's Printing, tax receipt paper 107.94 4000 stamped window envelopes 3499.90 6500 tax notices 315.90 notary stamp 33.65 office supplies 107.97; Morgan Theeler LLP, court appt attorney for Kaitlyn Raye Hrubetz 494.13 for Kevin Jefferson Hicks 773.30 Sandy Reed 888.08 for Tyler Jacob Ellenbolt 2374.38 for Andrea Alex Flowers 1042.71 for Austin Michael Thu 513.58 for Natasha Aaron Laroche 534.00; SD Public Health Laboratory, expert testimony 300.00; SDACC, 2023 county convention registration 1000.00; Secretary of State, notary filing fee 30.00; Two Way Solutions, program car radios 1595.00 installed hot & pop pro system for K-9 1247.49 Vital Records Control, vault box storage 149.95.

COUNTY ROAD & BRIDGE FUND: Bi-Weekly Payroll: 8/19/2023: Hwy Dept 23851.81. Transamerica Employee Benefits, August contribution 1899.47; Century Business Products, copier contract 33.18; Hollaway Construction, stored materials & supplies 17965.44; IMEG Corp, engineering design 1628.48; Jebro Inc, liquid asphalt 1305.62; Knife River-SD, asphalt 1927.20; McCormick Motors, parts 49.80; Northwestern Energy, utilities 10.00; Ramkota Hotel-Pierre, lodging 164.00; SDACC, 2023 convention registration 200.00; Sperling Repair, 2004 Kenworth repairs 1432.41; Verizon Wireless, cell phone service 81.82.

911 SERVICE FUND: Sioux Valley Energy, radio tower utilities 63.11.

EMERGENCY MANAGEMENT FUND: Bi-Weekly Payroll: 8/19/2023: EDS Director 1454.68. Transamerica Employee Benefits, July contribution 96.51. Brad Stiefvater Jr, July expenses 190.82.

AMERICAN RESCUE PLAN FUND: DGR Engineering, topographic survey (new building site) 4500.00

24/7 SOBRIETY FUND: Bi-Weekly Payroll: 8/19/2023: Sheriff Secretary/Dispatcher 217.88.

PAYROLL CONTRIBUTIONS – ALL FUNDS: 8/19/2023: Dir of IRS, county share of FICA 4405.92 Medicare 1030.37; SD Retirement System, county share of retirement contribution, 4278.30; Wellmark Blue Cross/Blue Shield of SD, county share of health insurance contribution 18588.58.

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

RESOLUTION 2023-07

Whereas insufficient appropriations were made in the 2023 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 \$15,000.00 be transferred from Contingency as follows: Abused & Neglected Child Defense \$5,000.00 Court Appointed Attorney \$10,000.00.

Dated this 22nd day of August 2023.

Marc Dick _____
Chairman, McCook County Commission

ATTEST:

Geralyn Sherman _____
Auditor, McCook County

Motion by Liesinger to convene as Drainage Commission. Second Koch. Motion carried.

At 11:30 a.m. the Langerock Irrevocable Trust drainage hearing for Permit D23-011 was continued. Legal description: N2NE4 31-101-54. Present: Jim and Andy Tieszen. Chair Dick placed a call to Mic Kreutzfeldt, Drainage Administrator. Dick noted that he and Kreutzfeldt did meet with Tieszens and Curtis Matthies on site. Following discussion, motion Liesinger to table a decision allowing time for harvest to be completed and time for the tiler to review the project route. Second Koch. Motion carried.

The Board reconvened as Board of County Commissioners.

Motion Koch to enter Executive Session at 11:40 a.m. for pending litigation discussion, SDCL 1-25-2 (3). Second Gordon. Motion carried. Present: Mike Fink, States Attorney, Cori Kaufmann, Zoning Administrator, and Auditor Sherman. Chair Dick declared out of Executive Session at 12:20 p.m.

Auditor Sherman presented the 2023-2024 School Resource Officer Agreement between the schools and county, to the Board, for approval and signature. Motion Liesinger to approve the Agreement and authorize Chair Dick to sign same. Second Koch. Motion carried.

Cori Kaufmann, Dir of Equalization, informed the Board that the contract with Schneider Corp for Geo Permits will increase by 9% if not signed before September 1, 2023. Motion Koch to authorize Kaufmann to sign the contract. Second Gordon. Motion carried.

The meeting adjourned subject to call.

Dated this 22nd day of August 2023.

Marc Dick _____
Chairman, McCook County Commission

ATTEST:

Geralyn Sherman _____
Auditor, McCook County