

August 27, 2024

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

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

Chairman Liesinger led the Pledge of Allegiance.

Chair Liesinger called for approval of the agenda, noting that Scott Nelson, Dept of Transportation, will be joining the meeting.

Auditor Sherman noted that Adam Polley, IMEG, will also be attending with Hwy Supt Raap. Motion Koch to approve the agenda with additions noted. Second Dick. Motion carried.

The minutes from the August 13<sup>th</sup> meeting were sent to Board members for review prior to publication. Motion Gordon to approve the minutes for publication. Second Mehlbrech. Comm Dick abstained, as he was absent from the meeting. Motion carried.

Public Comment: Doreen Quinn, Greenland Twp resident, representing Concerned Citizens of McCook County and SD Canvassing, spoke to the Commission on election integrity referencing SDCL 12-4-2, county auditor in charge of voter registration records. Quinn referenced a spread sheet from the Secretary of State Office which showed voter registration dates, changes, updates, and dates a voter voted. The auditor was questioned about the dates but didn't answer questions and then said she wouldn't answer questions unless the States Attorney was present. Quinn asked the Board to encourage the auditor to provide answers to the Citizens questions. Chair Liesinger noted that 3 minutes were up. Quinn refused to stop talking. Gloria Rayman noted that only one commissioner has asked what the Concerned Citizens group is trying to do. Rayman noted that her father instilled family pride and duty to vote in his children. In the past our elections being stolen, was never thought of. Chair Liesinger noted that 3 minutes were up. Rayman continued and ended with question to the Board, do you doubt that we have secure elections today? Barb Hoiten noted that she is here again on behalf of the 200+ individuals who signed petitions requesting an ordinance defining the conduct of elections within McCook County. Hoiten referred to SDCL 12-17B-3, authority of governing body to adopt, experiment with or abandon system and SDCL 7-18A-13, board action on initiative petition – submission to voters. Hoiten added that this Commission has done nothing and denying the petitions was illegal and unconstitutional; reiterating that the Commission has the authority to get rid of machines and hand count ballots along with bringing this to a vote. Comm Koch noted that representatives from the Concerned Citizens group attended the Post Election Audit that was completed after the primary election, and you know the numbers from the hand count matched the tabulator. Hoiten stated that discrepancies were proven in Texas. Koch stated that Texas is not McCook County. Hoiten added that the Commissioners need to bring it back to the people. Richard (Dick) Nolte told the Commission that he's opposed to using electronic tabulator and the ballots should be counted at the precincts.

Commissioner Reports: Gordon and Mehlbrech attended District Meeting held in Hanson County; Commissioners discussed Initiated Measure 28, which will prohibit taxes on anything sold for human consumption and eminent domain.

Conflict of Interest: none noted.

Scott Nelson, Right-of-Way Specialist Dept of Transportation, joined the meeting. Travis Raap, Hwy Supt, was present. Nelson presented the JPA that was signed in November 2023 by the Commission. The SDDOT is planning a highway project from I-90 E and W from Exit 350 at SD25 to four miles W of Exit 364. The JPA is for placement of a large box culvert. Motion Koch to authorize Chairman Liesinger to sign the Acknowledgment. Second Mehlbrech. Motion carried.

Adam Polley, IMEG, and Travis Raap, Hwy Supt, met with the Commission. Polley informed the Board that there is issue with sweep of girders with bridge #44-010-185 noting that this is minimal, but the Board needs to decide if the girders should be recast or if the project moves on. This won't affect the service life (longevity) of the bridge or its load life. The contractor, Holloway Construction, noted that this more of a cosmetic thing, not lack of effort, and would like to see the project move on. Polley added that IMEG wants to

do what's best for the project and with that, the Board's decision will be honored. Following discussion, motion Mehlbrech to proceed with the bridge project. Second Gordon. Motion carried.

Travis Raap, Hwy Supt, presented two utility permits to the Board for approval. Motion Gordon to approve Water Utility Permit for Kingbrook Rural Water System. Scope of project: water service. Location: E2NE4 Section 22-103-53. Second Koch. Motion carried. Motion Gordon to approve Water Utility Permit for Kingbrook Rural Water System. Scope of project: water service. Location: NE4NW4 Section 36-104-53. Second Koch. Motion carried. The microsurfacing project on 451<sup>st</sup> Ave and chip sealing have been completed. Current projects include re-graveling, patching, and fall mowing.

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

Mic Kreutzfeldt, Drainage Administrator, informed the Board that there is no need for the drainage hearing that is scheduled for September 5<sup>th</sup>. Kreutzfeldt presented drainage permit D24-05 to the Board, noting that downstream landowner signature (Pearl Twp) was obtained and he, Kreutzfeldt, has signed off on it. Motion Koch to cancel the drainage hearing scheduled for September 5<sup>th</sup> because Pearl Twp has signed off on the permit application. Second Gordon. Motion carried.

D24-005 Bryce & Madelyn Rabenhorst W800' of S700' of S1413.96' SE4 23-104-56

There was discussion about drainage districts and questions as to how they work. It was noted that roads were engineered 70-80 years ago, and not built for drainage.

Geralyn Sherman, Auditor/Welfare Director, and the Commission reviewed Care of Poor report. A Notice of Hospitalization was received from Sanford USD Medical Center (2024-13). Sherman received an email requesting verification of pay-off amount for Case 2004-21 (\$4200.71), along with the amount to be written-off (\$5000.00). A Notice of Hospitalization was received from Madison Regional Health System (2024-14).

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

At 10:30 a.m. the Board of Adjustment held a public hearing to receive input concerning a request for a variance. Owner: Salem Lutheran Cemetery Assn. Applicant: Ron Sandine. Legal description: 6 acres in SW Corner of SW4, 5-104-54. Cori Kaufmann, Zoning Administrator, informed Board that there have been no inquiries/concerns presented to her. Sandine noted that the trees will be inside fence line and planted in original tree line. Motion Koch to approve the request for variance. Second Gordon. Motion carried.

The Board reconvened as Board of County Commissioners.

Auditor Sherman presented the School Resource Officer Agreements between the county and school districts to the Board, noting that a motion is needed for Chairman Liesinger to sign-off on them. Motion Gordon to authorize Chair Liesinger to sign the agreements. Second Koch. Motion carried.

Motion Mehlbrech, second Gordon, and carried, to pay claims: GENERAL FUND: Bi-Weekly Payroll: 8/17/2024: Commissioners 2079.80; Auditor 6050.50; Treasurer 4591.21; States Attorney 3598.21; Custodian 1390.91; Dir of Equalization 5014.55; Register of Deeds 3540.64; Veterans Service Officer 325.20; Sheriff 13726.15; new hire: Andrew Nelson, Uncertified Officer, \$20.66/hour, effective 8/12/2024; Contract Law 8114.20; Care of Poor 228.16; Welfare 408.04; Community Health Nurse Secretary 1521.10; Extension Secretary 1525.66; Weed 196.35; Drainage 336.43; Planning & Zoning 629.91. Transamerica Employee Benefits, August contribution 3793.58; Grand Jury fees & mileage 596.94; AAA Lawn Care & Maintenance, hydroseeding and rock removal, 6128.20; Access Elevator & Lift, annual maintenance, 515.00; Century Business Products, monthly copier contract, 123.66; Dailey Law Office, court appointed attorney for Matthew Grage, 863.00; Davison County Sheriff, July jail services, 21735.00; Hillyard, courthouse supplies, 927.77; Rebecca Hoiten, mileage for SDACES meeting, 109.14; McLeod's Printing, office supplies and tax notices, 537.82; MidAmerican Energy, utilities, 39.46; Minnehaha County Auditor, reimburse mental health evaluations and services, 602.66; Mitchell

Clinic, prisoner care, 592.00; ODP Business Solutions, office supplies, 275.57; RBS Sanitation, garbage service for food pantry, 106.00, courthouse, 109.00; SD Sheriff's Association, Fall conference registration, 270.00; Stacey Sieverding, Bluetooth attachment, 28.99; Melinda Songstad, grand jury transcription, 191.10; Thomas Reuters, SD Codified Law book supplements, 306.89; Zapp Hardware, supplies, 62.08.

COUNTY ROAD & BRIDGE FUND: Bi-Weekly Payroll: 8/17/2024: Hwy Dept 24826.93. Transamerica Employee Benefits, August contribution 1626.11; Hollaway Construction, bridge #44-010-185 project, 205895.75; IMEG, engineering design #44-180-068, 1689.18; Knife River - SD, asphalt 2700.00; MidAmerican Energy, utilities, 9.25; Sign Solutions, yellow 2-way tabs, 1048.62; Truenorth Steel, galvanized steel culverts, 16872.00.

911 EMERGENCY REPORTING SYSTEM FUND: Sioux Valley Energy, radio tower, 81.86.

LAW LIBRARY FUND: Thomas Reuters, SD Codified Law book supplements, 306.89.

EMERGENCY & DISASTER SERVICES FUND: Bi-Weekly Payroll: 8/17/2024: EDS Director 1497.26, 1497.26. Transamerica Employee Benefits, August contribution 96.51.

24/7 SOBRIETY FUND: Bi-Weekly Payroll: 8/17/2024: Sheriff Secretary/Dispatcher 214.15.

PAYROLL CONTRIBUTIONS – ALL FUNDS: 8/17/2024: Dir of IRS, county share of FICA 4672.96, Medicare 1092.87; SD Retirement System, county share of retirement contribution, 4647.32; Wellmark Blue Cross/Blue Shield of SD, county share of health insurance contribution 18577.00.

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

#### RESOLUTION 2024-11

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 the appropriation of \$24,100.00 be transferred from the General Fund Contingency as follows: Court Appointed Attorney \$9,000, GIS \$100, and Jail \$15,000.

Dated this 27<sup>th</sup> day of August 2024.

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

ATTEST:

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

Brad (BJ) Stiefvater, Jr, requested a meeting with the municipalities and the Commissioners to discuss funding options for McCook County Emergency Medical Services. Present: several McCook EMS EMT's, city council/finance officers from each of the cities, Mark Norris, Sheriff, Mike Fink, States Attorney, and public; approximately 25 individuals. Comm Koch-Salem City Council met last night and there are a lot of what ifs. What if Salem is the only city to provide an appropriation. Comm Mehlbrech-if we don't fund the ambulance service, the doors close. Lori Heumiller-need long term resolution, this is a problem that will continue, noting that \$15,000 is in Salem City's proposed 2025 budget for the ambulance service. Stiefvater noted that he took Bridgewater City out of the loop because they have their own service. St Atty Fink-commission cannot bind future commissions with a contract; need to research. Auditor Sherman-there has been no contract since 2004. Stiefvater-Mitchell Regional 911 is set up with 5-year contract. Nicole Siemonsma asked if each household can be billed. St Atty Fink-cannot impose a taxing district for a private business. Canistota Mayor Engbarth asked if the \$300,000 is for a new ambulance or is this a new contract. Stiefvater-\$304,000 is to keep operations going. Nicole Siemonsma-if County owned the ambulance service, grants could be applied for. Stiefvater-it's a service that people expect. Comm

Koch-if you aren't in business, what happens next; Bridgewater and Humboldt services take over. Salem City Development with no ambulance service, not good. Stiefvater explained what advanced life support service offers. Winberg's-we reside in Miner County, but McCook EMS responded to an accident involving a family member; we can visit him in the hospital instead of a cemetery. Miner County Ambulance also responded and was glad to have the McCook ambulance show up. Mayor Engbarth-we need to come up with something. Donna Ruden, Spencer Mayor-currently \$2500 in Town of Spencer's proposed 2025 budget for the ambulance service. Comm Dick-in winter months, the ambulance couldn't get to individuals if roads weren't plowed by county equipment, and the Hwy Dept budget has already been cut. Stiefvater-ambulance is more important than roads and we get to people with tractor/loaders and/or snowmobiles. St Atty Fink-each city council needs to talk with legal counsel as far as contracting with the ambulance service. Stiefvater-as a private owner, I don't have to show financial records, but do. Roger Hofer asked if Hanson County is subsidizing McCook County Emergency Medical Services. Stiefvater-yes, Hanson County pays a bill if the patient can't. St Atty Fink-don't know why we need a contract, just subsidize as has been done. Stiefvater-would like to see an annual percentage increase going forward. Tim Bottum, Salem City Attorney-without a contract, how does the city make sure it receives services. It was agreed that the service is needed, but. Auditor Sherman added that entities are locked into the tax freeze, and cannot raise needed funds. Someone suggested opting out. It's been done. Cuts have already been made to budgets, so which services do the commissioners and city councils cut.

Motion Gordon to enter Executive Session at 12:00 p.m. for contract discussion (SDCL 1-25-2 (3) regarding Community Health Nurse. Second Koch. Motion carried. Michelle Stubkjaer, HR Consultant, Mike Fink, States Attorney, and Auditor Sherman were present. Chairman Liesinger declared out of Executive Session at 12:25 p.m.

Motion Gordon to enter Executive Session at 12:25 p.m. for personnel discussion (SDCL 1-25-2 (1). Second Koch. Motion carried. Michelle Stubkjaer, HR Consultant, Mike Fink, States Attorney, and Auditor Sherman were present. Chairman Liesinger declared out of Executive Session at 12:35 p.m.

Motion Gordon to accept the resignation of Jacob Croghan, Deputy Sheriff, effective 08/24/2024. Second Koch. Motion carried.

Anna Misar and Hayley Mayou, Deputy Sheriff's/SRO's, met with the Commission to provide information regarding a therapy dog. Mark Norris, Sheriff, and Mike Fink, States Attorney, were present. Deputy Misar explained costs associated with the therapy dog, which total \$97.50, at this time. Deputy Mayou shared reasons for having/using a therapy dog. Chair Liesinger added that he talked with Bridgewater/Emery Supt. and they've had good experience with their therapy dog. Sheriff Norris added that it's a tool for the SRO's to use. Chair Liesinger thanked the deputies for their time and the information.

Auditor Sherman asked for time to explain the call from Doreen Quinn, on Monday, regarding election integrity. Sherman said that she answered questions until they didn't make sense. Quinn asked about numbers/dates in columns on an excel spreadsheet that she thought came from the Auditor's Office. Sherman told Quinn that she didn't know what report she was talking about and wouldn't answer anymore questions unless States Attorney was present. Sherman added this group tells us how to run elections and then they say we have questions and just want to learn the processes. States Attorney Fink advised that any requests for information should be made in writing, which allows time to review them, instead of being drilled with questions over the phone.

The meeting adjourned subject to call.

Dated this 27<sup>th</sup> day of August 2024.

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

ATTEST:

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