

December 12, 2023

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

Chairman Dick led the Pledge of Allegiance.

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

The minutes from the November 28th meeting were sent to Board members for review prior to publication. Motion Gordon to approve these minutes for publication. Second Mehlbrech. Motion carried.

Commissioner reports: Mehlbrech noted that several commissioners attend an appeal hearing yesterday regarding the CAFO moratorium implemented by the Commission.

Auditor Sherman noted that Roger Hofer has requested a clarification in the November 7th meeting minutes. Hofer feels the Commission should not have a say in when a producer spreads manure even if it's a holiday.

Public comment: Roger Hofer asked if the taxpayers could demand a public vote on the new county building that the commissioners are planning. Is the 2nd reading of ordinance amending 2014-01 Revised Zoning Regulations referable? Can the Grant Solar farm be referred to a vote? Will check with States Attorney Fink.

Conflict of Interest: none.

Anna Misar, Deputy Sheriff/School Resource Officer, met with the Commission to discuss the implementation of a safety plan titled I Love You Guys' Foundation that has been offered in the schools and can be used by other entities. The program provides standard response protocols to emergencies such as fires, storms, etc. This program includes responding agencies of law enforcement, fire departments, and emergency management. There is a \$100 fee for a training program. The Board approved the implementation for county offices. Misar also shared that the Shop with a Cop event was very successful.

Travis Raap, Hwy Supt, informed the Board that when the current Master Transportation Plan was adopted it included bicycle lanes throughout the County; don't know why. Josh Prather, PE, IMEG, noted that a letter was sent from IMEG to SDDOT requesting that the bike route be removed from Co Hwy 5 Master Transportation Plan and the County needs to do the same. Raap added that the bicycle lane referenced on/over bridge 44-190-068 on Co Hwy 5 (440th Ave) needs to be removed from the County's Master Transportation Plan and this is done with the Commission informing SDDOT, by letter and resolution, of their wishes to proceed with IMEG Corp's Bridge Plan for this structure without the Rural Bicycle Route. Motion Liesinger to authorize Chairman Dick to sign a letter indicating that this Commission has removed the Rural Bicycle Route on County Highway 5 from McCook County's Master Transportation Plan. Second Koch. Motion carried. Motion Liesinger, second Koch, and carried, to adopt the following resolution:

RESOLUTION 2023-15

WHEREAS McCook County desires County Highway 5 be removed from the Rural Bicycle Route in McCook County Master Transportation Plan.

NOW THEREFORE BE IT RESOLVED that County Highway 5 be removed from the Rural Bicycle Route in McCook County Master Transportation Plan.

Vote of Commissioners: Yes 5 No 0

Dated at Salem SD this 12th day of December 2023.

ATTEST:

County Auditor

Commission Chairman

Motion Liesinger to approve new hires David Massey, Hwy Auto/Diesel Technician, \$20.66/hour, effective 11/27/2023, and Kevin Mentele, Hwy Maintenance Worker, \$19.49/hour, 12/04/2023. Second Gordon. Motion carried.

Raap presented the following bid results for the 2024 gravel crushing to the Board: First Rate Excavate \$71250.00 and Rechnagel Construction \$91250.00. Motion Mehlbrech to award the gravel crushing bid to First Rate Excavate. Second Koch. Motion carried.

Raap presented the following bids for an asphalt paving project 03AB (451st Ave) to the Board: Asphalt Surfacing \$515470.80, Bituminous Paving \$528465.00, Black-Top Paving \$488110.80, Commercial Asphalt \$452187.90, and Double H Paving \$483107.20. Motion Liesinger to award the paving project to Commercial Asphalt. Second Gordon. Motion carried.

Raap presented two Joint Powers and Funding Agreements to the Board for approval and signing. Motion Liesinger to authorize Chairman Dick to sign the Joint Powers Agreement & Funding Agreement for bridge removal, structure number 44-091-040. Removal of this structure and deletion of the structure from NBI, makes any new or replacement structure ineligible for federal and state assistance. Second Koch. Motion carried. Motion Gordon to authorize Chairman Dick to sign the Joint Powers Bridge Improvement Grant Agreement for Preliminary Engineering for structure number 44-210-103. The County has applied for, and the State has awarded to the County a Bridge Improvement Grant (BIG) for the preliminary engineering for this structure. Second Liesinger. Motion carried.

Joshua Prather, IMEG, reviewed an Inspection Overview of 2023 bridge inspections with the Commission. Four structures were inspected, and repair recommendations made. Structure sufficiency ratings for all structures was noted; 63 structures good, 3 structures fair, and 2 structures poor. There is a total of 68 structure in the Federal Inspection Program.

Motion Liesinger, second Gordon, and carried, to pay claims. Salary by Department: 12/9/2023: Commissioners 1980.75 mileage 249.90; Auditor 4074.37; Treasurer 4453.76; States Attorney 3155.92; Custodian 1324.40; Dir of Equalization 4406.34; Register of Deeds 3437.72; Veterans Service Officer 309.75; Sheriff 15003.67; Contract Law 8286.47; Care of Poor 217.30; Welfare 350.02; Community Health Nurse Secretary 1601.80; 4-H Youth Assistant 1411.20; Drainage 280.03; Planning & Zoning 599.07. Case 44CRI22-84, witness fees & mileage 757.25; SD Dept of Revenue, SD Developmental Center-Redfield 60.00. A&B Business Solutions, monthly copier contract 76.65; Alternative HR LLC, December HR support 5692.50; Auto Value, wipers 27.98; AutoEx, vehicle maintenance 1437.22; Avera Queen of Peace Hospital, blood alcohols 1233.00; Blindert Insurance Agency, food pantry rent 200.00; Card Service Center, DARE supplies 388.15 law enforcement supplies & gas 737.12 travel expense 232.33 K-9 expenses 209.29; Century Business Products, 6 monthly copier contracts 779.00; Chesterman Company, drinking water 272.00; City of Bridgewater, December ambulance appropriation 3866.66; City of Montrose, water usage-weed spraying 92.50; Corporate Translation, interpreter services 1.08; Dailey Law Prof LLC, court appt attorney for James Sabers 2442.00 (2 claims) for Monica Demir 2335.40 (2 claims) for William Escobar 854.50; Dakota Data Shred, shredding service 60.47; ESRI Inc, annual software maintenance 770.00; Feeding South Dakota, food pantry deliveries 100.00; Mike Fink, November expenses 498.22; Inter-Lakes Comm Action, December CSW hours 836.33; Carol Johnson, transcription service 38.25; Lewis Drugs Inc, prisoner care 172.97; LifeQuest, 4th Qtr allotment 720.00; McCook County EMS (ambulance), December appropriation 11559.09; McCook County Treasurer, postage 19.02; McCormick Motors, vehicle maintenance 725.04; McLeod's Printing, office supplies 264.60; Mitchell Clinic, prisoner care 521.00; Morgan Theeler, court appoint attorney for Nicholas R Flicek 494.10 for Jackson J Flicker 1462.00 for Cayla M Sederstrom 2259.03; New Century Press, publishing 200.06; ODP Business Solutions, office supplies 178.64; Puthoff Sales & Service, parts 12.60; The Radar Shop, recertify radar units 448.00 tuning forks 128.00; Salem City, utilities 117.60; SD Achieve d/b/a LifeScape, services-6 residents 360.00; SD Public Health Laboratory, lab services 245.00; Tech Solutions, Managed IT services 3682.00; Triotel Communications, telephone/internet service 690.98; Two Way Solutions, radio programming 150.00 radio supplies 3335.72 setup extender 150.00; Verizon Wireless, iPad service 40.01 cell phone service 469.20; Xcel Energy, utilities 583.25.

COUNTY ROAD & BRIDGE FUND: Bi-Weekly Payroll: 12/9/2023: Hwy Dept 23041.64 & phone reimbursement 250.00. SD Supplemental Retirement Plan, special pay plan-Jerry Heumiller 2246.02. Appera, mat & towel rental 121.87; Auto Value, parts & supplies 488.73; Avera Medical Group, new hire physicals 176.00; Avera Occupational Medicine, employee drug screen 142.00; Central Farmers Coop, fuel 34102.28; Century Business Products, monthly copier contract 160.35; Chesterman Company, drinking water 6.00; Diamond Mowers, parts 417.96; DMC Wear Parts, parts 5090.00; Gessner Welding & Repair, supplies 11.28; I-State Truck Center, parts 568.70; McCormick Motors, vehicle maintenance 1122.06; Kevin Mentele, CDL testing reimbursement 48.00; New Century Press, publishing 69.92; Pomp's Tire Service, tires 5160.00; Puthoff Sales & Service, parts 175.73 Manitou 84" Angle Broom 9500.00; RBS Sanitation, garbage service 77.00; Salem City, utilities 169.51; Salem Lumber, supplies 61.00; SD Dept of Transportation, share of State project 55991.28; Sioux Falls Truck & Trailer, parts 158.84; Stan Houston Equipment, parts & supplies 470.09; Stern Oil, supplies 375.04; Triotel Communications, telephone/internet service 110.74; Xcel Energy, utilities 473.92; Zapp Hardware, supplies 128.86.

911 SERVICE FUND: Active911, alerting subscription 150.00; Golden West Telecommunications, 911 telephone service 200.00; Triotel Communications, 911 telephone service 179.20.

EMERGENCY MANAGEMENT FUND: Bi-Weekly Payroll: 12/9/2023: EDS Director 1454.68. Brad Stiefvater Jr, November expenses 132.28; Total Stop, fuel 129.20; Triotel Communications, telephone & internet service 143.61; Two Way Solutions, radio programming 315.99.

24/7 SOBRIETY FUND: Bi-Weekly Payroll: 12/9/2023: Sheriff Secretary/Dispatcher 202.68. PharmChem, sweat patch analysis 159.75.

MODERNIZATION & PRESERVATION FUND: Microfilm Imaging Systems, scanning equipment rent 626.00.

PAYROLL CONTRIBUTIONS – ALL FUNDS: 12/9/2023: Dir of IRS, county share of FICA 4425.37 Medicare 1034.94; SD Retirement System, county share of retirement contribution 4468.34; Wellmark BlueCross/BlueShield of SD, county share of health insurance premium 5009.28.

The Auditor's Account with the County Treasurer for the month of November: deposits in banks, \$7,473,671.40; cash to deposit, \$507.20; checks to deposit, \$62,788.89; CC payments, \$1,654.11; Cash Items \$19.12; Treasurer's Cash, \$1,550.88; Register of Deeds, \$450.00; Sheriff, \$500.00; CD's, \$700,000.00. The total deposits on hand: \$8,241,141.60.

Auditor Sherman explained that there are funds available for automatic supplements, insurance proceeds \$6035.00, dog grant \$9000.00, and Hwy Safety Over-Time grant \$11953.00 for a total of \$26988.00. The insurance proceeds are from unanticipated expenses and the grants were not part of the budgeting process because these were not made known to the Commissioners or Auditor's Office prior to applications being submitted & approved. Motion Koch to approve supplementing \$6035 to Sheriff Supplies, \$9834 to Sheriff Salaries, \$9000 to Sheriff K-9, and \$2119 to Contract Law Salaries. Second Gordon. Motion carried.

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

Mic Kreutzfeldt, Drainage Administrator, presented drainage permit applications to the Board, noting that downstream landowner signatures were obtained, and he has signed off on them. All permits are available for inspection at the Hwy Dept Office.

D23-036 Paul & Donita Davis W2NE4 21-101-53 Ex LH1

The Board reconvened as Board of County Commissioners.

Geralyn Sherman, Welfare Director, presented a list of lien payments received the month of November to the Board and noted that there are no new case files. A message from Feeding South Dakota informed the Commission that beginning on December 1st, delivery fees will be paused into the foreseeable future.

The following building permits were issued in November:

2023-138	Roger Marken	replace pole shed 36x40	SE4 33-102-56
2023-139	Thomas & Kristan Tott	replace gazebo w corn crib	Tract 1 Johnsons Add S2 10-102-53
2023-140	Preston & Karla Olson III	55x110x16 pole shed	E2SW4 Inc Erni Guenther Conservation Easement Tract 1 12-101-56
2023-141	Adam & Kate Derrick	hay storage & sheep rearing bldg	SE4SE4SE4 25-101-54
2023-143	Dreyer Farms Inc	replace barn w 60x80 shed	E2SW4 27-102-56

The December SEFP Monthly Facilitator Report was noted and filed.

The November Law Enforcement Report was noted and filed.

Auditor Sherman presented a Combined Election Agreement between Salem City and the County to the Board for approval and signature. Sherman explained that Salem City being its own precinct makes combining of elections a good way to share expenses.

Motion Koch to approve the agreement and authorize Chairman Dick to sign same. Second Mehlbrech. Motion carried.

Auditor Sherman presented the Minnehaha County Jail Contract to the Board for signature. The per prisoner-day cost is \$112.00.

Motion Mehlbrech to authorize Chairman Dick to sign the contract. Second Koch. Motion carried.

Brad (BJ) Stiefvater, Jr, Emergency Manager, and Beth Skaff, Food Pantry Coordinator, met with the Commission to review updated building plans provided by Salem Lumber. Following review and discussion, the Board asked Stiefvater to note a couple of door changes for the food pantry to Salem Lumber and then ask for an estimate on building costs to see how that corresponds to available funds before moving forward.

Motion Mehlbrech to enter Executive Session for personnel discussion at 11:30 a.m., SDCL 1-25-2 (1). Michelle Stubkjaer, Alternative HR Consultant, joined the meeting via phone. Second Koch. Motion carried. Chairman Dick declared out of Executive Session at 11:50 a.m.

At 1:00 p.m. the Planning Commission which is the County Commission held the 2nd reading of proposed Ordinance 2023-04, an Ordinance amending the 2014-01 Revised Zoning Regulations of McCook County by Amending Chapter 3, AG: Agricultural District, Section 3.02, Special Permitted Uses; Chapter 3, AG: Agricultural District, Section 3.03 Conditional Uses; Chapter 11, Additional Use Regulations, Section 11.08, Concentrated Animal Feeding Operations (CAFOS); and Chapter 19, Definitions, Section 19.02, Definitions. Cori Kaufmann, Zoning Administrator, and Sean Hegyi, Secog Planner, gave brief updates as to the hearing being held today. Chairman Dick opened public comment. Peter Begemann- Class C should start at 200 head and the property line setback should be ¾ mile. Mitch Peterson, Davenport, Evans, Hurwitz & Smith LLP- require permission from homeowners for placement of a CAFO, ½ mile setback works, it is lawful to have different rules for different animal species, and radius expansion is just another setback. Barney Roling- thought Secog was good but now leery, 45 days for manure management is not acceptable, ¾ mile setback not supported, zoning is getting tighter, and this proposed ordinance is stricter. Planner Hegyi- 45 days was changed to 180 days. Brian Waldner- confused with ½ mile setback being changed to ¾ mile as this will make it hard if not impossible for a producer to expand his operation, need to go back to 1 mile radius, not 1 ½ miles because the State only recognizes 1 mile, and remove “other unique reasons” under G1. Planner Hegyi explained that the ¾ mile setback was talked about during the rural residential and lake residential discussion, not sure about the confusion. Drew Peterson- at the November 7th meeting the producers wanted ½ mile setback and ¾ mile was not supported, harsh rules make stricter rules for producers. Dan Lauck- ¾ mile setback will hurt producers and shut down expansion, keep it at ½ mile. Ben Roling- we have multi-generational farmers and 1 ½ mile common ownership limits producers while ¾ mile setback limits growth. Ferlyn Hofer- with 1 ½ mile radius, what happens if I want to sell. States Attorney Fink noted that this would be a legal issue and not for this discussion, adding that the use is grandfathered in. Roger Gerlach asked to give his 3 minutes to Mitch Peterson. Mitch Peterson- agree with Planner Hegyi in that the ¾ mile setback for dwellings was part of the rural residential discussion, use ½ mile setback for 200-300 head. Chairman Dick read an email from Ken & Vivian Couch. Roger Hofer asked that his questions from earlier in the meeting be

read now; only one question pertained to this hearing. Is a new ordinance referable? Yes. At this time, Chairman Dick closed public comment. Comm Koch noted the confusion with discussion of ¾ mile setback in Rural Residential and Lake Residential, both dropped from the ordinance so change back to ½ mile setback, lower Class B animal units from 450 to 200, no more Class C discussion. In the appeal held yesterday, it was noted that the State works with head not animal units. States Attorney Fink asked that everyone forget the appeal held yesterday because the Commission needs to make a decision based upon information presented today. Comm Mehlbrech-sounds like most producers are good with the ½ mile setback. Brian Waldner- with the conditional use permit process the commission has tools to work with. Drew Peterson asked if anyone has read study, Odor Footprint Tool. Mitch Peterson, Davenport, Evans, Hurwitz, & Smith, noted that he has serious issues with this study. Julianne Wieman- it's just a moment in time when a barn doesn't stink otherwise it stinks to high heaven. Chairman Dick closed public comments, again, asking for Board input. Motion Koch to not move on with this 2nd reading and offered the following changes: ½ mile setback instead of ¾ mile, lower animal units from 400 to 200 Class B CAFO, hold conditional use hearings for each permit, and 1 mile radius for common ownership. Second Gordon. Roll call vote: Ayes: Koch, Gordon, Liesinger, Mehlbrech, and Dick. Nays: none. Motion carried. Zoning Administrator Kaufmann read the definitions of common ownership and CAFO. States Attorney Fink reiterated that common ownership is treating multiple barns as one barn. Chairman Dick noted that this Board works for everybody. Motion Koch, to set 1pm on January 9, 2024, as time for the 1st reading of proposed Ordinance 2023-04, an Ordinance amending the 2014-01 Revised Zoning Regulations of McCook County with the revisions noted. Second Gordon. Motion carried.

The meeting adjourned subject to call.

Dated this 12th day of December 2023.

Marc Dick _____
Chairman, McCook County Commission

ATTEST:

Geralyn Sherman _____
Auditor, McCook County