

February 14, 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. Auditor Sherman noted the addition of an abatement application under Miscellaneous. Motion made by Koch to approve the agenda with addition noted. Second by Gordon. Motion carried.

The minutes from the January 24th meeting were sent to Board members for review prior to publication. Motion made by Koch to approve the minutes for publication. Second Mehlbrech. Motion carried.

Public input: Sheldon Jensen, Economic Development Specialist with Sioux Metro, introduced himself to the Board, noting that Sioux Metro assists with rural economic development and housing development; currently working with Salem City.

Roger Hofer asked for drainage discussion: neighbors should dam up their water, alkali spots should not be a reason to deny a drainage application, and ½ mile downstream landowners should not have to sign a second permit (new project) if they've signed a permit for a previous project. Kreutzfeldt explained that a second project is additional drainage not previously agreed to and requires a new permit. Dick added that new drainage needs a new permit.

Commissioner Reports: Mehlbrech attended the District Meeting held in Sanborn County. It was noted that 398 bills have been introduced this Legislative Session. Several bills discussed: tiled ground should have increased valuation and VSO salary increase. Also noted was the number of counties (16) that will be facing bankruptcy within the next 5 years. Koch read a letter from Minnehaha County Juvenile Detention Center Director, regarding a new facility, not expecting an appropriation for this project through the Legislature, and holding a bond vote. If the bond is approved meetings will be scheduled with partner counties.

Conflict of Interest: none noted.

Hwy Supt Kreutzfeldt presented bids results for bridge project BRO 8044(00)22-1, PCN 08XC to the Board. Following review, motion was made by Gordon to reject bid from Prahm Construction due to incomplete bid at Prahm Construction's request and recommend the South Dakota Transportation Commission accept bid of \$2,302,452.55 from Hollaway Construction. Second Liesinger. Motion carried.

Kreutzfeldt presented Tabulation Sheets from the bid letting held on February 7th for Hwy Dept supplies. Hwy Supt Kreutzfeldt, Val Krempeges, Hwy Dept Administrative Assistant, Commissioner Gordon, and Auditor Sherman were present, along with two vendor representatives. Bid tallies were reviewed. Motion made by Gordon, second Koch, and carried, to award bids as follows: Item #1 Liquid Asphalt – Jebro Inc; Item #2 Asphalt Concrete for County Patching – Commercial Asphalt and Knife River based on work locations; Item #3 Reinforced Concrete Culverts – Rinker Materials; Item #4 Precast Concrete Box Culverts – Rinker Materials; Item #5 Concrete Bridge Beams – Rinker Materials; Item #6 Quartzite Materials – Spencer Quarries Inc; Item #7 Bridge Construction/Repair – Hollaway Bridge & Culvert; Item #8 Magnesium Chloride – Dustbusters Enterprise; Item #9 Deicing Sand – Michael Johnson Construction; Item #10 Overlay Patching – Commercial Asphalt; Item #12 Joint Sealant Materials – Brock White; Item #13 Corrugated Metal Culverts – TrueNorth Steel. All bids are on file in the Auditor's Office for public inspection.

Kreutzfeldt presented a utility permit for approval. Motion by Gordon to approve Electric Utility Permit for Southeastern Electric. Scope of Project: install 1ph URD for new cell tower 1550' E of 452nd Ave/246th St. Second Koch. Motion carried. Kreutzfeldt informed Board that Dylan Warren and Adam Puthoff have accepted job offers for highway maintenance workers. Kreutzfeldt noted that the cost for the initial building design with plans will be \$6800 plus up to \$1500 for additional requests. Xcel Energy project from Canistota area to Salem will resume summer 2023. The 2019 FEMA funds for the flooding disaster have been in a State held account for 400 days now;

waiting for a signed release from FEMA before it will be sent to the County. Current projects include crack sealing. Hanson County let us use their loader/blower to clear bigger drifts, with ours waiting for parts. Kreutzfeldt asked permission for two employees to travel to Oregon Ill in April for operation & repair training on the Etnyre Chip Spreader/Distributor. Motion made by Mehlbrech to approve the travel request. Second Koch. Motion carried.

Motion made by Gordon to enter Executive Session at 10:00 a.m. for personnel discussion (job interview) SDCL 1-25-2 (1).

Second Koch. Present: Michelle Stubkjaer, HR Consultant, Mic Kreutzfeldt, Hwy Supt, and Travis Raap, Lead Equipment Operator.

Chair Dick declared out of Executive Session at 10:40 a.m.

Motion made by Koch to convene as Planning Commission. Second Liesinger. Motion carried.

Cori Kaufmann, Zoning Administrator, presented two plats for approval. Following review of the Plat Review forms, motion was made by Koch to approve the 1st plat. Second Gordon. Motion carried.

Approval of the Plat of Tract 1 of Peterson's Addition in Southeast Quarter of Section 23, Township 104 North, Range 54 West of the 5TH Principal Meridian, McCook County, South Dakota is hereby granted by the McCook County Planning Commission.

Dated this 14th day of February 2023.

Chair, County Planning Commission
McCook County, South Dakota

Motion made by Gordon to approve the 2nd plat. Second Liesinger. Motion carried.

Approval of the Plat of Tract 1B of Schaefer's Addition in the South Half of Section 5, Township 102 North, Range 53 West of the 5TH Principal Meridian, McCook County, South Dakota is hereby granted by the McCook County Planning Commission.

Dated this 14th day of February 2023.

Chair, County Planning Commission
McCook County, South Dakota

In other business, Kaufmann informed Board that she has an opportunity to attend Future View Conference in San Antonio TX in April. The conference pertains to GIS and Assessment and all expenses are being paid by Eagleview. Motion made by Koch to approve the travel request. Second Liesinger. Motion carried.

Kaufmann informed the Board that Anna Flogstad has accepted position of Staff Appraiser in the Dir of Equalization Office, and has requested 40 hours/week. Kaufmann added that 40 hours/week is doable for the office workload. Motion made by Gordon to approve hiring of Flogstad at 40 hours/week, \$21.90/hour. Second Mehlbrech. Motion carried.

Motion made by Mehlbrech, second Gordon, and carried, to pay claims: GENERAL FUND: Bi-Weekly Payroll: 2/4/2023: Commissioners 1980.75 mileage 93.84; Auditor 6237.14; Treasurer 4402.76; States Attorney 3155.92; Custodian 1305.48; Dir of Equalization 2697.09; Register of Deeds 3461.37; Veterans Service Officer 309.75; GIS 1642.50; Sheriff 11713.95; Contract Law 7014.48; *new employee-Jacob Croghan, Deputy Sheriff (uncertified), \$20.66/hour; Care of Poor 217.30; Welfare 269.61; Community Health Nurse Secretary 1451.80; 4-H Youth Assistant 1411.20; Drainage 293.28; Planning & Zoning 603.19. SD Dept of Revenue, SD Developmental Center-Redfield 60.00; A&B Business, monthly copier contract 73.60; Access Health-Mitchell, court ordered evaluation 2000.00; Alternative HR, February HR services 5692.50 three job postings 297.00; AutoEx, vehicle maintenance 722.01; Avera Queen of Peace Hospital, 3 blood alcohols 390.00; Blue Collar Tactical, guns & accessories 1680.00; Card Service Center, gas 40.00 care of poor 60.01; Central Farmers Coop, auto fuel 67.42; Century Business Products, 2 monthly copier contracts 300.72; Chesterman Co, water 102.00; City of Bridgewater, February ambulance appropriation 3866.67; Corporate Translation, interpreter service 10.60; Dakota Data Shred, shredding service 60.47; Davison County Sheriff, December & January jail service 7625.00; Mike Fink, January expenses 326.82; First Circuit CASA, 2023 appropriation 1500.00; Gordon Flesch Co, monthly copier contract 24.00; Ilchuk Enterprises, 2023

website hosting 240.00; Inter-Lakes Community Action, February CSW funds 836.33; Iron Wheel Sales & Service, repairs 548.28; Jack's Uniform's & Equipment, deputy uniforms 926.05; Mark Katterhagen, mental illness hearing 15.00; Jessica Klinkhammer, WIC expenses-Minnehaha County 220.74 office supplies 13.31; Lentsch Tree Service, snow removal 540.00; Lucy Lewno, mental illness hearing 166.60; Darcy Lockwood, mental illness hearing 15.00; McCook County EMS, February appropriation 11559.10; McCook County Treasurer, postage 1163.30; McCormick Motors, law enforcement vehicle service 976.73; McLeod's Printing, office supplies 162.82; Meyer Motor, law enforcement vehicle service 514.71; Microfilm Imaging Systems, monthly scanning equipment rent 658.00; MidAmerican Energy, utilities 1856.60; New Century Press, publishing 607.19; ODP Business Solutions, office supplies 333.29; Palmetto State Armory, scopes 3025.00; RBS Sanitation, garbage services 98.00 Food Pantry service 56.50; Salem City, utilities 118.57; Salem Community Drug, batteries 8.78; SD Achieve/dba LifeScape, services for six residents 360.00; SD Public Health Laboratory, lab services 80.00; SD Sheriff's Assn, spring conference registration 230.00; Michael D Sharp, court appt attorney for Jimmy Nichols 191.84; Tech Solutions, Managed IT services 3578.00; Triotel Communications, telephone/internet service 668.28; Verizon Wireless, iPad service 40.01 cell phone service 421.47; Weed & Pest Conference, conference registration 405.00; Dava Wermers, court appt attorney for Van Zahrbock 424.55; Xcel Energy, utilities 718.04; Yankton County Sheriff, serving papers 50.00; Yankton County Treasurer, reimburse mental health expenses 135.00; Zapp Hardware, supplies 18.47.

COUNTY ROAD & BRIDGE FUND: Bi-Weekly Payroll: 2/4/2023: Hwy Dept 26221.55. Appeara, mat & towel rental 71.62; Auto Value, parts & supplies 894.58; Avera Occupational Medicine, employee drug screen 138.00; Butler Machinery, parts 3006.31 labor 906.00; Card Service Center, office supplies 127.65; Central Farmers Coop, fuel 18662.76 & lp gas 807.34; Century Business Products, monthly copier contract 159.50; Chesterman Company, water 23.00; CHS Inc, lp gas 576.02; Dakota Riggers & Tools, tow ropes/tire chains 1533.51; Equipment Blades Inc, curved blades 15321.60; McCook County Treasurer, truck plates 48.40; MidAmerican Energy, utilities 594.13; New Century Press, publishing 94.75; Northwestern Energy, utilities 87.69; Pomp's Tire Service, tires & disposal fee 5814.00; Pulse Electric Inc, hoop barn repairs 4773.48; RBS Sanitation, garbage service 74.00; Salem City, utilities 165.83; SD Dept of Transportation, share of State project 3661.94; SD Federal Property Agency, hydraulic pump & hydraulic motor drive 3000.00; SDPAA, insurance-2 Freightliners 2370.68; Southeastern Electric, utilities 89.42; Triotel Communications, telephone/internet service 106.42; Verizon Wireless, cell phone service 81.84; Xcel Energy, utilities 582.97; Zapp Hardware, supplies 39.98.

911 SERVICE FUND: Auto Value, 4 batteries for repeaters 639.96; Golden West Telecommunications, 911 telephone service 400.00; Triotel Communications, 911 telephone service 183.20.

EMERGENCY MANAGEMENT FUND: Bi-Weekly Payroll: 2/4/2023: EDS Director 1454.68. Brad Stiefvater Jr, January expenses 139.34; Total Stop, fuel 124.55; Triotel Communications, telephone & internet service 143.38.

24/7 SOBRIETY FUND: Bi-Weekly Payroll: 2/4/2023: Sheriff Secretary/Dispatcher 202.68. PharmChem, sweat patch analysis 31.95.

PAYROLL CONTRIBUTIONS – ALL FUNDS: 2/4/2023: Dir of IRS, county share of FICA 4435.59, Medicare 1037.35; SD Retirement System, county share of retirement contribution, 4311.11; Wellmark BlueCross/BlueShield of SD, county share of health insurance premium 5656.60.

The Auditor's Account with the County Treasurer for the month of January: deposits in banks, \$5,267,323.23; cash to deposit, \$2,881.50; checks to deposit, \$28,364.39; CC payments, \$943.70; Cash Items \$1,211.70; Treasurer's Cash, \$358.30; Register of Deeds, \$450.00; Sheriff, \$500.00; CD's, \$800,000.00. The total deposits on hand: \$6,102,032.82.

Motion made by Liesinger to convene as Planning Commission. Second Gordon. Motion carried.

At 11:00 a.m. a public hearing was held to explain the proposed ordinance Amending the Definition of “Lot of Record” as contained in Chapter 19.02 – Definitions Section – of the 2014 Revised Zoning Regulations for McCook County and to receive public comments on this. Cori Kaufmann, Zoning Administrator, and Mike Fink, States Attorney, were present along with six interested parties. States Attorney Fink explained that McCook County adopted its first zoning regulations in 1989, housing was restricted to keep land agricultural. In 1998 new zoning was adopted which allowed sub-division of 20A, allowing houses to be clustered. Landowners did cluster and platted. In 2007, Commission moved away from clustering, going to building eligibilities of one per quarter/quarter. Now landowners with “lots of record” want to apply for building permits but cannot because current zoning regulations require quarter quarter for building eligibilities. The purpose of this amendment is to clarify that properties platted before 2007 (and clustered), would be grandfathered. The term “lot of record” has remained the same with each revision of the zoning regulations. Chairman Dick opened the hearing for public comment. Jim Shaeffer asked if the court decision was public. Yes. Ben Kapperman: Stockwell re-platted but didn’t cluster when it was allowed. Fink noted that a house can be put on a lot of record. Kaufmann added the term “lot of record” goes back to the beginning, 1989. And 2007 makes sense because we know how many lots there are. Fink: if the County loses the appeal with Supreme Court, the 2014 zoning regulations would be followed and all lots of record which pre-date 2014 will be entitled to an eligibility. Comm Dick questioned if adopted, can the new ordinance be referred to a vote. Yes. Kapperman: willing to take a chance on court decision. Koch noted that constituents who contacted him want the Board to forego the ordinance and let the chips fall where they may. Fink read the current definition of “lot of record” noting that the ordinance only changes this definition. Kaufmann: I can go to a map prior to 2007 and count the number of lots, this makes 2007 logical. 2014 is an unknown number. Kapperman: let it go to the Supreme Court. Fink: On appeal, County will argue the definition back to 1989 and follows the progression of zoning ordinances adopted through the years. Vonda Shaeffer: why the date of November 7, 2007. Kaufmann: 2007 is the proposed date because zoning language changed then. Vonda Shaeffer: let it go to Supreme Court. Jim Shaeffer: spot housing will be the result. Fink offered explanation again. Kaufmann read letter from Charles & Tonya Courtney who oppose this ordinance. Chairman Dick closed the public comment section of the meeting. Following Board discussion, motion was made by Gordon to dispense with (not hold) the 1st reading of Ordinance 2023-01, an Ordinance Amending the Definition of “Lot of Record” as contained in Chapter 19.02 – Definitions Section – of the 2014 Revised Zoning Regulations for McCook County. Second Koch. Roll call vote: Ayes: Gordon, Koch, Liesinger, Mehlbrech. Dick. Nays: none. Motion carried. Ordinance 2023-01 died.

Jim Davies, Hanson County States Attorney, Justin Friese, Hanson Co Hwy Supt, and Dick Waldera, Hanson Co Commission Chair, joined the meeting. States Attorney Davies explained that Hanson County doesn’t feel that it should be the only one holding a haul road agreement for Schmeichel gravel pit because there are two other individuals hauling on this road, First Rate Excavate and Jeremy Mentele. Kaufmann noted that there are no files or copies of documentation showing that conditional use hearings were held for the other parties. The Commission agreed that each needs to be party to a haul road agreement and asked the Hanson County representatives to talk with Hwy Supt Kreutzfeldt about putting together a joint agreement with all parties. Kaufmann will follow-up on the conditional use hearings for the other parties.

The Board reconvened as Board of County Commissioners.

Michelle Stubkjaer, HR Consultant, met with the Commission. Mark Norris, Sheriff, was present to inform the Board that he has not heard from any of the schools regarding the new SRO Agreement, for two SROs, that was sent to the School Superintendents. Norris left the meeting. Stubkjaer asked the Commission how they wanted to proceed with the Hwy Supt position. Following brief discussion, motion was made by Koch to offer the Hwy Supt position to Travis Raap. Second Gordon. Motion carried. Stubkjaer told Board that she is working on several handbook updates, including nepotism policy, more to come.

Auditor Sherman presented the Garbage Hauler License Applications to the Board for approval. Following review, motion made by Koch to approve the applications and authorize Chair Dick to sign for RBS Sanitation-Tea, Addy Disposal Service-Canistota, and Dawson Construction-Howard. Second Mehlbrech. Motion carried.

Auditor Sherman presented the Board members a survey regarding the Rural Attorney Recruitment Program noting that she will compile their responses into one survey form.

Auditor Sherman informed Board that the County received \$1652.71, National Opioid Settlement-Payment #2. Sherman also noted that St Attorney Fink reviewed documentation that the Auditor's Office received regarding the National Prescription Opiate Litigation and has directed her to sign off on the settlement documents, if they, the Commission, authorizes her to do so. Motion made by Mehlbrech to authorize Auditor Sherman to sign the documentation to participate in the new National Opioid Settlements. Second by Liesinger. Motion carried.

The following building permits were issued in January:

2023-01	Meadow View Hutterian Bretheren	Decomposer	S730' of E660' SW4 Ex Lot H1 16-101-55
2023-02	Sheldon & Shannon Hofer	Nursery Swine	N2NE4 29-102-55
2023-03	Ports Petroleum Company	Install 3 signs	Lot 1 in SW4 5-102-56

The January SEFP Facilitator Report was noted and filed.

The January Law Enforcement Report was noted and filed.

Auditor Sherman presented an abatement to the Board for approval. Abatement #45, parcel 02.13.4002, Cody & Amanda Chesney. Reason for adjustment: Assessor error in February 2017, should not have been transferred. Amount to be abated: \$306.38. Motion made by Koch to approve the abatement and authorize Chair Dick to sign same. Second Gordon. Motion carried.

Auditor Sherman presented Application for Medical Cannabis Business License for Pitbull Acres to the Board. Type of Establishment: cultivation facility. Kasey Entwisle, Pitbull Acres LLC, was present. Entwisle explained the operation and the testing process. With questions answered, motion made by Gordon to approve the application and authorize Chair Dick to sign Form E, SD Medical Cannabis Program Local Government Compliance Certification. Second Koch. Motion carried.

Geralyn Sherman, Welfare Director, and the Commissioners reviewed Care of Poor cases and the list of lien payments received in January. A Notice of Hospitalization was received from Avera Heart Hospital of SD (2023-06). An Application for Poor Relief Assistance was received from Avera McKennan Hospital (2022-42). An Application for County Assistance was denied based on information provided, the applicant is indigent by design (2023-01). An individual who was hospitalized called to inform the county that he does have health insurance, the county should not have received a Notice of Hospitalization (2023-03).

Laurie Schwans, Register of Deeds, presented and reviewed with the Board a list of the fees collected by the ROD office in 2022.

Cori Kaufmann, Dir of Equalization/Zoning Administrator, and Laurie Schwans, Register of Deeds, met with the Board to update them on questions that have been raised about the incorporation of the Town of Stark and its unincorporating. Schwans noted that nothing is filed in the Register of Deeds office indicating that the town was un-incorporated. Kaufmann added that States Attorney Fink's opinion is that the Town of Stark is still a municipality unless documentation can be provided to prove otherwise. At this time, Kaufmann can't issue county building permits or bring plats before this Board. A call was placed to Mike Fink, States Attorney. Fink reiterated that the County cannot issue county permits because the Town of Stark is still a city/town having not been vacated; it is a platted, legal town until documentation shows otherwise. Koch called Ron Sandine to see if someone from the area could offer insight.

The meeting adjourned subject to call.

Dated this 14th day of February 2023.

Marc Dick _____

Chairman, McCook County Commission

ATTEST:

Geralyn Sherman _____
Auditor, McCook County