

July 11, 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 by Koch to approve the agenda as posted. Second Gordon. Motion carried.

The minutes from the June 27th meeting were sent to Board members for review prior to publication. Motion by Gordon to approve these minutes for publication. Second Mehlbrech. Motion carried.

Public comment: Roger Gerlach, Attorney, Peter Begeman, and other individuals joined the meeting. Begeman informed the Board that he and Marlo Wieman have a building project planned and now there are plans to build another CAFO in the same area. Begeman told the Board that a moratorium needs to be in place. Chair Dick asked if those present have signed complaints. No. Dick- if people are going to complain the Commission wants signed complaints. Gerlach- there are 2 building permit applications for under 400-head hog units, doing this is just a way to get around the zoning regulations; a moratorium is appropriate. Harold Schwartz- I have a Stockwell barn at the end of my drive. Julaine Wieman- why can Stockwell skirt the regulations; we planned on building a home. Marlo Wieman- an FYI, the proposed permit site is where the county buried concrete years ago, so issues already exist. Comm Koch noted that 2 building permits have been applied for and the Zoning Administrator has 5 days to sign off on them. Chair Dick asked for a special meeting to discuss a CAFO moratorium. Motion by Koch to hold a special meeting on Thursday, July 13th, at 9:00 a.m., to discuss implementation of a moratorium on CAFO's. Second Gordon. Motion carried.

Public comment: Roger Hofer asked what the footage of the new county building is and will people get to vote on it being built. Not sure what will be built and there may be an election. Hofer feels that Grant Solar should be responsible for paying for any damages.

Auditor Sherman presented a letter of support for the Grant Solar project from Dennis Daugaard to the Board. The letter is on file in the County Auditor's Office.

Trevor Jones, Regulatory Affairs Manager Summit Carbon Solutions, presented an invite to an open house to learn about safety around CO2 pipelines.

Commissioner reports: none.

Conflict of Interest: Mehlbrech noted conflict with 10:30 variance hearing for Rod Dorale.

Travis Raap, Hwy Supt, informed Board that chip sealing & fog sealing road projects are almost finished, blading, and mowing ditches. Raap presented Bridge Improvement Grant Agreement for bridge rehabilitation/replacement for structure number 44-180-068 to the Board for signature. Motion by Liesinger to authorize Chair Dick to sign same. Second Koch. Motion carried. Raap presented a utility permit for approval. Motion by Liesinger to approve Communications Utility Permit for TrioTel Communications to dig fiber drop to 26318 431st Ave. Second Gordon. Motion carried. Raap presented quote from Puthoff Repair for a 2023 Vermeer M7050 disc mower, \$14950.00 with trade-in option of 2020 Vermeer M7050 disc mower, \$7700.00 for net cost of \$7250.00. Motion by Gordon to declare 2020 Vermeer mower, fixed asset #582, as surplus property and approve the purchase of the 2023 Vermeer disc mower. Second Koch. Motion carried. Raap presented motor grader information from Butler Machinery to the Board. Raap requested permission to attend the annual Road Conference in SF. Motion by Koch to approve the travel request. Second Mehlbrech. Motion carried. Regarding the proposed new building, Raap informed the Board that he has no desire to be in it but prefers to stay where the current offices are for now, near the Hwy Dept crew.

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

Mic Kreutzfeldt, Drainage Administrator, informed Board that Langerock Irrevocable Trust has requested a drainage hearing for Permit D23-011, due to lack one downstream landowner signature. Legal description: N2NE4 31-101-54.

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

Be it resolved by the County Planning Commission of McCook County, South Dakota, that the Plat showing Tract 2 of Gause's Addition in the Southeast Quarter of Section 2, Township 104 North, Range 54 West of the 5TH Principal Meridian, McCook County, South Dakota, having been examined, is approved in accordance with the provisions of SDCL of 1967, Chapter 11-6, and any amendments thereof.

Adopted this 11th day of July 2023.

Chair, County Planning Commission
McCook County, South Dakota

At 10:20 a.m. a public hearing was held by the Board of Adjustment to receive input concerning request for a conditional use.

Applicant: Jack & Wanda Bailey. Reason: transfer building eligibility from NW Quarter Quarter to SW Quarter Quarter, to build a home.

Cori Kaufmann, Zoning Administrator, presented application information to the Board. No interested parties appeared. Motion by Koch to approve the request for conditional use. Second Gordon. All members voted aye. Motion carried.

At 10:30 a.m. a public hearing was held by the Board of Adjustment to receive input concerning request for a variance. Applicant: Rod Dorale. Reason for variance: reduce setback. Legal description: Lots 20 & 21 of Eagle Ridge Addition in the W2SW4 35-102-53.

Cori Kaufmann, Zoning Administrator, presented application information to the Board. The Board then heard from the applicant. Mike Unke, Attorney, representing Dorale, noted that Dorale's home is 7'3" setback from DeKramer's adjoining property line instead of 9' as noted in zoning ordinance. Unke provided the Commission with a copy of covenants for Eagle Ridge Addition explaining that covenants supersede County zoning regulations and the setback requirement in the covenants is 5'. Unke added that there is no county inspection and the setback reference of 9' is a guideline, so Dorale is asking for a variance. Dorale- did read the setback info, old covenants were 9', same as zoning regulations. Comm Dick read section 5.4.4 building setbacks, from the covenants, minimum building setbacks for all structures on any lot shall be located no nearer than five feet (5') from any inside lot line. Comm Koch asked why the Homeowners Association covenants would not follow County zoning regulations. Unke- need to check with the attorney who wrote them. Kaufmann- building permit states the decisions of the McCook County Zoning Administrator have no bearing upon the enforceability of covenants, easements, or other restriction of record. At this time, Anthony Sutton, Reiter Law Firm, representing Greg and Patricia DeKramer, addressed the Board. Sutton informed the Board that there is a nuisance action in this matter and the county shouldn't have to be part of the litigation in county court. We are asking the County to enforce its own regulation of 9' from property lines and deny the application for variance and let civil lawsuit process proceed with making a determination. Unke added that this case allows for administrative remedies noting that the application for variance was made on 5/31/2023 and the lawsuit was filed on 6/14/2023. Following discussion, motion by Koch to approve the request for variance. Second Liesinger. Roll call vote: Ayes: Koch, Liesinger, Gordon, and Dick. Abstain: Mehlbrech. Nays: none. Motion carried.

Board reconvened as Board of County Commissioners.

Stacey Sieverding, 4-H Youth Program Assistant, met with the Board to inquire about the Fair Board receiving the 2022 \$20,000 building appropriation. Auditor Sherman shared email from Kevin Blagg, Fair Board Member, which noted that these funds were not requested because they would not have been used after the derecho and not having a contractor available. Comm Koch asked Sieverding what the Barn Raisin BBQ event raised and what amount is in the building fund. Sieverding noted that the BBQ netted approximately

\$13,000 and she doesn't know what's in the building fund. Auditor Sherman added that \$20,000 would have to be transferred from the Contingency to cover this request and that's just not done from one year to another. At this time, there will be no payment.

Auditor Sherman reported that the Federal and State share of the debris pile cleanup from the derecho was received, \$143,276.10.

The following building permits were issued in June:

2023-048	Roger Hofer	60'x140' machine shed	S2SW4 Ex Lot H1 16-101-55
2023-051	Donald & Donna Larson	48x36 grain storage	E2SW4 Ex Tr 3 of Larson's Addition 35-102-53
2023-052	Eric & Carrie Kunkel	new house	Lot 1 Sunset Bluffs Add W2SW4 35-102-53
2023-053	Robert Wobig	move in mobile home	SW4 6-104-55
2023-054	Peter & Dianna Begeman	modification – permit 2022-181	E2E2 Ex Lot H1 in SE4 & Lot H2 15-101-53
2023-055	Roger Leitheiser Trust	3x12 2 story addition to house	Klunder's Tract Addition to NE4NE4 17-101-56
2023-056	Daniel & Anita Kappenman	replace grain bin 50x35	NW4 25-103-54 Ex Land Deeded for Hwy
2023-057	Heintz-Hofer Properties	76'x136' shop	Tract 1 Hofer Addition NE4 24-101-55
2023-058	James & Debra Tieszen Liv Tr	modification-permit 2023-015	W724' of N1475' W2W2 26-101-54
2023-059	Eric & Carrie Kunkel	modification – permit 2023-052	Lot 1 Sunset Bluffs Add W2SW4 35-102-53
2023-060	Randall Bunger	replace shop 60x75	NE4NE4NE4 10-102-56
2023-061	Thomas Papendick	replace deck on house	E483.71' of S2118' of SE4 35-102-55 Ex Lot H2&Ex
2023-062	Brian & Heidi Roshone	garage repairs	Land Deed for Hwy Tr 3 of Battlecreek Shores 2 nd Add S2SW4 & Inc S50' Abutting Tr 3 34-102-53
2023-063	L Blindert LLC	80x160 machine shed/replace bins	NW4 Ex Tr 1, Blindert's Add 10-103-55
2023-064	L Blindert LLC	replace grain bins	SW4 22-104-55
2023-065	George & Linda Weber	70'x60' machine shed	SE4 7-102-53
2023-067	George & Beatrice Leitheiser	replace 2 cattle sheds 40x80	NW4 18-101-56
2023-068	Gregory Kipp	replace calf shed	E766' of N475' SE4 36-104-54

Auditor Sherman presented an email from Brad (BJ) Stiefvater, Jr, Emergency Manager, to the Board. Stiefvater requested adding Hunter Balvin to the Search & Rescue Team; background check and driving record are clear. Motion by Koch to approve adding Balvin to S&R Team. Second Dick. Motion carried. Auditor Sherman will notify the insurance carrier.

The June Southeast Enterprise Facilitation Project Report (SEFP) was noted and filed.

The June Law Enforcement Report was noted and filed.

At 11:30 a.m. the County Commissioners held the 1st reading of Ordinance 2023-02, an Ordinance Rezoning Property from Commercial to Rural Residential. Applicant: Lyle & Shirley Puthoff. Legal description: Lot 1 Welbon's Tract an Addition in E2SE4 23-103-55 Ex H2 & Ex Land Deeded for Road. Cori Kaufmann, Zoning Administrator, explained that this is the 1st reading of Ordinance 2023-02 because it was tabled from the June 27th meeting, allowing Puthoff time to explore his options. Puthoff had two questions, will my taxes increase with property rezoned and do I have to provide 911 addresses for the lots now. No and no. No other interested parties appeared for this reading. Puthoff stated that he'd like to continue with rezone to Rural Residential. Motion by Koch to hold the 2nd reading of Ordinance 2023-02 on July 25th at 10:50 a.m. Second Gordon. Motion carried.

Motion made by Mehlbrech, second by Dick, and carried, to pay claims. 7/8/2023: Commissioners 1980.75 mileage 126.48; Auditor 4074.39; Treasurer 3850.20; States Attorney 3155.92; Custodian 1324.40; Dir of Equalization 4414.88; Register of Deeds 3437.72; Veterans Service Officer 309.75; Sheriff 15601.20; Contract Law 7675.20; *new hire: 07/03/2023, Remi Master, Certified Officer, \$21.90/hour; Care of Poor 217.30; Welfare 283.80; Community Health Nurse Secretary 1451.80; 4-H Youth Assistant 1610.90; Weed 87.77; Drainage 394.01; Planning & Zoning 599.90. Jury fees & mileage 493.84; Reemployment Assistance Div of SD, 2nd Qtr reemployment 1703.94; SD Supplemental Retirement Plan, M.E. special pay plan 5290.16; A&B Business Solutions, monthly copier contract 73.60; Alternative HR LLC, July HR support 5692.50; AutoEx, vehicle maintenance 490.85; Avera Queen of Peace Hospital, blood alcohols 790.00; Avera Queen of Peace Hospital, blood alcohol services 260.00; Blindert Insurance Agency, food pantry rent 200.00; Card Service Center, SRO computer & case 708.95 K-9 supplies 135.41 law enforcement supplies & gas 1241.90; Central Farmers Coop, lawn mower gas 61.81; Century Business Products, 3 monthly copier contracts 443.35; Chesterman Co, water 153.00; City of Bridgewater, July ambulance appropriation 3866.67; Corporate Translation, interpreter service 28.51; Dakota Data Shred,

shredding service 120.94; Dean Schaefer Court Reporter, court reporting 30.00; ESRI, contract add-on 720.00; Feeding South Dakota, food pantry deliveries 70.00; Mike Fink, June expenses 366.09; Gordon Flesch Co, monthly copier contract 27.00; Green Eggs & Ram, Panasonic battery packs 449.97; Inter-Lakes Community Action, July CSW funds 836.33; Jack's Uniform's & Equipment, citation holder 74.88; Carol Johnson, transcription service 279.30; Corissa Kaufmann, expenses for OHE books 345.32 mileage 46.41; Lewis Family Drug, prisoner care 187.11; LifeQuest, 3rd Qtr allotment 720.00; McCook County Conservation District, 3rd Qtr appropriation 3750.00; McCook County EMS, July appropriation 11559.09; McCook County Treasurer, postage 256.50; McCormick Motors, vehicle maintenance 1207.06; McLeod's Printing, signature stamp 46.25 office supplies 99.60 39 cases copy paper 1988.61; Meyer Motor, vehicle maintenance 68.08; Mitchell Clinic, prisoner care 975.00; Modern Marketing drug test pouch tests 2107.49; Morgan Theeler, court appt attorney for Cody Feddersen 930.90 for Dylan Just Whirlwind (2 claims) 427.00; New Century Press, publishing 417.99; Peters Distributing, 3rd floor access panel repair 98.75; RBS Sanitation, courthouse garbage service 105.00 food pantry service 81.50; Salem City, utilities 121.95; Salem Community Drug, office supplies 4.49; SD Achieve dba LifeScape, services for 6 residents 360.00; SD Public Health Laboratory, lab services 200.00; Michael Sharp, court appt attorney for David L Johnston 398.06; Southeastern Behavioral, 3rd Qtr allotment 1404.50; Sun Gold Sports, retirement plaque 55.00; Tech Solutions, Managed IT services 3652.00; Triotel Communications, telephone/internet service 676.69; Two Way Solutions, radio repairs & antenna 560.93; Verizon Wireless, iPad service 40.01 cell phone service 463.00; Wash 'N' Go, car wash tokens 200.00; Xcel Energy, utilities 1275.70; Zapp Hardware, supplies 549.81 trimmer repair 20.00.

COUNTY ROAD & BRIDGE FUND: Bi-Weekly Payroll: 7/8/2023: Hwy Dept 25694.05. Reemployment Assistance of SD, 2nd Qtr reemployment 621.04; SD Supplemental Retirement Plan, M.K. special pay plan 14424.30; Appeara, mat & towel rental 122.78; Auto Value, parts & supplies 1047.70; Butler Machinery, parts 3495.60; Card Service Center, office supplies 304.72 drug & alcohol test 25.00; Central Farmers Coop, tire repair 152.00 fuel & supplies 29796.11; Century Business Products, monthly copier contract 145.53; Chesterman Company, water 44.00; Double B Repair, labor & parts for AC Sweeper machine 302.75; I-State Truck Center, parts 17.16; Jebro Inc, liquid asphalt 154238.38; Knife River-SD, asphalt 3866.40; McCormick Motors, repairs 2002 Ford F350 2396.76; McLeod's Printing, 6 cases copy paper 305.94; Pomp's Tire Service, parts & supplies 2396.76; Puthoff Sales & Service, parts & supplies 769.87; RBS Sanitation, garbage service 77.00; Salem City, utilities 175.81; Salem Lumber, supplies 318.91; Southeastern Electric, utilities 38.39; Triotel Communications, telephone/internet service 136.17; TrueNorth Steel, galvanized pipe 3217.50; Verizon Wireless, cell phone service 81.82; Wheelco Truck & Trailer, parts 1159.03; Xcel Energy, utilities 521.15; Zapp Hardware, supplies 86.95

911 SERVICE FUND: Golden West Telecommunications, 911 telephone service 200.00; Triotel Communications, 911 telephone service 185.20.

EMERGENCY MANAGEMENT FUND: Bi-Weekly Payroll: 7/8/2023: EDS Director 1454.68. Reemployment Assistance Div of SD, 2nd Qtr reemployment 84.57; Auto Value, batteries & wipers 373.88; McLeod's Printing, 5 cases copy paper 254.95; Triotel Communications, telephone & internet service 142.97.

24/7 SOBRIETY FUND: Bi-Weekly Payroll: 7/8/2023: Sheriff Secretary/Dispatcher 210.28. PharmChem, sweat patch analysis 255.60.

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

AMERICAN RESCUE PLAN FUND: Certified Testing Service, geotechnical report (new building site) 4300.00.

PAYROLL CONTRIBUTIONS – ALL FUNDS: 7/8/2023: Dir of IRS, county share of FICA 4545.50, Medicare 1063.01; SD Retirement System, county share of retirement contribution, 4519.07; 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 June: deposits in banks, \$5,573,323.83; cash to deposit, \$346.37; checks to deposit, \$177,869.27; CC payments, \$3,053.69; Cash Items \$256.50; Treasurer's Cash, \$1,313.50; Register of Deeds, \$450.00; Sheriff, \$500.00; CD's, \$700,000.00. The total deposits on hand: \$6,457,113.16.

Geralyn Sherman, Welfare Director, and the Commission reviewed Care of Poor files and lien payments received the month of June. A Notice of Hospitalization was received from Avera Queen of Peace Hospital (2023-18). A Notice of Hospitalization was received from Avera McKennan Hospital (2023-19).

Comm Mehlbrech left the meeting at this time.

Mark Norris, Sheriff, met with the Board to review Contract Law expenditures and revenues. Michelle Stubkjaer, HR Consultant, joined the meeting. Auditor Sherman noted that the hourly contract rate is \$32.50 and has not been increased since 2016. In 2022, \$358,150 was actual dollars spent with revenue of \$185,055. The 2023 Contract Law budget is \$425,500. Sherman stated that this is being brought to the attention of the Board now because 2024 budget review will begin in a couple of weeks. Survey information as to what other counties charge was reviewed and discussed. Norris suggested adding a small increase over the next couple of years and then like other counties add verbiage to the contract that an annual increase will be based on the CPI index.

Motion by Gordon to enter Executive Session at 12:15 p.m. for personnel discussion (SDCL 1-25-2 (1)). Michelle Stubkjaer, HR Consultant, and Auditor Sherman were present. Second Koch. Motion carried. Chair Dick declared out of Executive Session at 1:20 p.m.

The meeting adjourned subject to call.

Dated this 11th day of July 2023.

Marc Dick _____
Chairman, McCook County Commission

ATTEST:

Geralyn Sherman _____
Auditor, McCook County