

June 24, 2024

A Special Meeting of the McCook County Commission was called to order in their Meeting Room by Chairman Charles Liesinger. The meeting was held to continue review of 2025 budget requests, declare disaster declaration due to flooding, and hold hearing for Grant Solar appeal on conditions placed on Conditional Use Permit. Members present: Marc Dick, Chuck Mehlbrech, Dean Koch, and Steve Gordon.

Chairman Liesinger led the Pledge of Allegiance.

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

Public comment: Roger Hofer shared a drainage concern with the Board.

Commissioner Reports: Koch noted that he's received more calls regarding flooding, water over roads, a culvert blocked with plywood, and a berm dug through a road. Koch was also contacted about flooding in Immanuel Lutheran Church. Hwy Supt Raap and Koch looked at these sites. A culvert will be placed N of Immanuel Lutheran Church south of Canova.

Conflict of Interest: none noted.

Brad (BJ) Stiefvater, Jr, Emergency Manager, and Travis Raap, Hwy Supt, presented a map of damaged sites along with a list of the damages to the Board. Raap told the Board that IMEG will begin bridge inspections today. Following discussion and review of damaged sites, motion Dick to declare a disaster declaration, adopting the following resolution. Second Gordon. Motion carried.

**RESOLUTION 2024-08
DECLARATION OF EMERGENCY/DISASTER**

WHEREAS, McCook County, South Dakota, has suffered severe damage brought on by widespread flooding from heavy rains received from June 21st and ongoing; and

WHEREAS, McCook County has severe damage to road infrastructure and interruption to the normal flow of emergency, mail, business, and farm traffic throughout the county; and

WHEREAS, the McCook County Commission has committed available resources and taken all possible actions within the jurisdictional boundaries to combat and to alleviate the emergency/disaster; and

WHEREAS, local resources are not adequate to cope with the situation.

NOW, THEREFORE BE IT RESOLVED that the McCook County Commissioners hereby request that the Governor declare a disaster to exist in McCook County.

Dated this 24th day of June 2024.

Charles Liesinger
Chairman, McCook County Commission

ATTEST:

Geralyn Sherman
Auditor, McCook County

At this time, Deputy Auditor Hoiten presented the Commission with the 2024 projected expenditures and anticipated revenues, noting that almost 90% of available cash would have to be used for the 2025 budget. Hoiten added that we (Auditor's Office) and Hwy Supt Raap have reviewed budget numbers pertinent to the Hwy Dept and turned the meeting over to Raap. Raap reviewed projects and equipment needs with the Board. Instead of a paving project on 446th Ave S of Canistota, micro-surfacing will be done instead; lowering project cost by approximately \$700,000. Remove purchase of small tractor, disc mower, and box & plows; lowering equipment \$152,000.

Other budgets were reviewed. At this time, \$20,000 (new building) will be removed from the Fair Board budget. The Board asked Auditor Sherman to contact the cities within the county inviting them to the July 9th meeting to discuss budget options for the ambulance services.

Beth Skaff, Food Pantry Coordinator, and the Board discussed options for the current food pantry location. Mark Norris, Sheriff, was present. The Commission asked Skaff to contact local contractors to get estimates for heating/air, renovating garage area for pantry space, closing off windows,

The Commission asked Sheriff Norris where cuts could be made in the Sheriff and Contract Law budgets. Norris stated that no cuts can be made.

Review of budgets continued until noon.

The Commission took a break prior to the 1:00 p.m. start of the public hearing regarding four conditions in the Conditional Use Permit issued by the Board of Adjustment to Grant Solar LLC on January 16, 2024, which is on remand from the Circuit Court's Findings.

Motion Gordon to convene as Board of Adjustment. Second Mehlbrech. Motion carried.

At 1:00 p.m. the Board of Adjustment convened in the Court Room. Chairman Liesinger called the meeting to order. Present: six representatives for Grant Solar, Cori Kaufmann, Zoning Administrator, Anna Flogstad, Staff Appraiser, Angie McCormick, Zoning Clerk, Sean Hegyi, Secog Planner, and approximately 30 members from the public.

Mike Fink, States Attorney, explained how we arrived at the appeal process. Grant Solar asked the Court to throw out the four conditions placed on the conditional use permit. St Atty Fink representing the County, asked the Court to send the appeal to the County for further public proceedings and revisit the four conditions which were raised in Grant Solar's appeal. The Board may not revisit other aspects of the Conditional Use Permit decision. The 4 conditions that are the subject of the appeal are: 1. Setback waivers signed from residences and commercial business within ½ mile; 2. Drainage permits secured; 3. Increase ROW setback to 100'; and 4. Natural screening planted around the perimeter with consulting NRCS.

Joe Erickson on behalf of Grant Solar LLC explained the reason for appeal on these 4 conditions. 1. A business relies on the entity's existing ordinance when it comes in with a project and runs into issues when a Board shifts or changes its ordinance; 2. Currently, drainage permits are unnecessary; 3. Increasing setback from ROW to 100' doesn't follow the solar ordinance which states 50'; and 4. Screening is vague, hard to interpret. Jay Hess: screening will cover the entire project, aligning with current shelterbelt setback of 25'. Comm Koch noted that the drainage permit condition will be removed, and permits will be applied for when required. Koch also noted safety concern regarding snow along SD42, no trees along the property line/s. Comm Liesinger asked Zoning Administrator Kaufmann what setbacks are noted in the Solar Ordinance. Kaufmann- the setbacks are 30' for fence, 25' for trees, and 50' for solar panels. Jay Hess- we did coordinate with SDDOT on setbacks along SD42. Fabric will be placed around/between trees. Panels will be 75' from ROW and screening done when modules are within 100' of ROW. Comm Liesinger- 2 rows of shrubs along 446th & 447th Ave, 4 rows along residences, and eliminate row of vegetation around the boundary. Security fence inside the ROW and modules (panels) 75' from ROW.

St Atty Fink asked Chairman Liesinger to open meeting to public comment because there has been much discussion with Grant Solar, adding that only the four conditions can be discussed, per the Court ruling. Use the analogy that there needs to be good reason for setback or exceptional circumstance, can't be an arbitrary decision.

Comm Koch noted issue with the location and safety. Why have a conditional use hearing when what we decided is thrown out. Mehlbrech- forget setback of ½ mile from residences. Liesinger and Dick agreed. Gordon- what about ¼ mile setback due to

glare/reflection concerns. C.J. Lepp- ½ mile setback is needed because this will be visually unappealing, heat affect, and property values will drop. DJ Buseman- agree site will be visually unappealing, don't know what heat affect will be, property values will drop, glare concern, need to plant trees instead of shrubs for height, and fire concern. Leonard Matthaer- shrubs will cause water to back up and I already have enough flooding, value of property will drop, and concerned about drainage.

Attorney representing landowners reiterated that we are here today to redetermine the appealed conditions and grant the permit.

Chairman Liesinger closed public comment and asked for Board discussion. Comm Mehlbrech: feel we can only do what Judge is allowing us to fix. Following Board discussion, motion Mehlbrech to remove setback waivers, remove drainage permit condition, remove 100' increase for ROW, and provide natural screening on SD42 and 446th & 447th Ave where modules are 100' adjacent 2 rows of shrubs will be planted 30' from the ROW and areas adjacent to a residence will have 4 rows planted with one row a taller cedar or evergreen planted 30' from the ROW. Second Dick. Roll call vote: Ayes: Koch, Mehlbrech, Dick, Gordon, Liesinger. Nays: none. Motion carried.

The meeting adjourned subject to call.

Dated this 24th day of June 2024.

Charles Liesinger _____
Chairman, McCook County Commission

ATTEST:
Geraldyn Sherman _____
Auditor, McCook County