

June 27, 2023

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

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 13th meeting were sent to Board members for review prior to publication. Motion by Mehlbrech to approve the minutes for publication. Second Gordon. Motion carried.

Public input: Sydney with Grant Solar told the Board that she was in Canistota last night to attend fire department meeting and is here today to provide an update to the Commission and address any specific concerns they may have. Mehlbrech asked if a list of investors could be provided to the Board and because the proposed site is prime farmland, would Grant Solar consider relocating the site.

Commissioner Reports: Mehlbrech attended the Membership Advisory Board Meeting of Sioux Metro Growth Alliance held in Crooks. Auditor Sherman provided other Commission members with a copy of the meeting documentation and a news release noting that McCook County has joined the SMGA. Mehlbrech noted that he would like to get quotes for a chair that can transport individuals to the basement. And there are numerous dead trees and broken branches that need to be removed from the courthouse yard. Auditor Sherman is to contact Salem City and the engineer for the storm sewer project, because of the weeds and the condition of the yard that the project went through. The Board feels that the contractor should have worked to get the yard back as it was.

Conflict of Interest: none noted.

Travis Raap, Hwy Supt, met with the Commission. Raap reported that current projects include chip sealing, blading, and mowing road ditches. Quotes for repair of the spray truck were reviewed, Benco \$23096.30 and C&R Supply \$10856.30. SD Dept of Ag checked underground tanks and we are out of compliance with current testing standards. Raap noted that Westmor Industries requires a 30% deposit for compliance testing underground tanks, approximately \$1000.00, and he did sign the services agreement. Motion by Koch, to approve signing the agreement. Second Gordon. Motion carried. Raap presented several utility permits for approval. Following review, motion by Mehlbrech to approve Communications Utility Permit for TBT Blue Peak to plow and bore fiber optic cables in R/W with pedestals and hand holes in Spring Valley Twp and approve Telephone Utility Permit for TrioTel Communications to dig main line and fiber drop to 43629 245 St (hog confinement). Second Koch. Motion carried. Motion by Gordon to approve Electric Utility Permit for Southeastern Electric to install 3ph URD to eliminate overhead line in 3 locations along Hwy 81/263rd St, 262nd St, and 261st St. Second Koch. Motion carried. Discussion was held concerning damage to 435th Ave, due to concrete trucks hauling for hog barn construction.

Cori Kaufmann, Dir of Equalization, joined the meeting. Kaufmann explained that \$720 is owed to ESRI because pictures of culverts that were uploaded by the Hwy Dept were too large. This was not explained to anyone until now and can be remedied with payment and a representative from Schneider providing education to county employees who will be using the software. Motion Gordon to approve the payment of \$720 to ESRI. Second Koch. Motion carried.

Raap and the Board spent time reviewing the preliminary 2024 Hwy Road & Bridge budget.

Motion by Liesinger, second Mehlbrech, and carried, to pay claims: GENERAL FUND: Bi-Weekly Payroll: 6/10/2023 & 6/24/2023: Commissioners 1980.75 1980.75; Auditor 6210.38 6210.37; Treasurer 4483.40 4303.66; States Attorney 3155.92 3155.92; Custodian 1474.40 1324.40; Dir of Equalization 4436.26 4427.71; Register of Deeds 3437.71 3437.71; Veterans Service Officer 309.75 309.75; Sheriff 15429.49 15643.62; Contract Law 6712.94 6450.11; Care of Poor 217.30 217.30; Welfare 132.44 293.26; Community Health Nurse Secretary 1451.80 1451.80; Extension Secretary 1617.45 1554.95; Weed 634.22 82.60; Drainage 307.70 308.24; Planning

& Zoning 601.96 601.13. Transamerica Employee Benefits, June contribution 3421.53; Jury fees & mileage 2410.52 C&B Operations, tractor rental 3750.00; Century Business Products, 2 monthly copier contracts 221.13; Certified Languages, interpreter services 85.80; Children's Inn, 2023 appropriation 850.00; End Zone, law enforcement meals-jury trial 44.72; Rebecca Hoiten, retirement party expenses 40.34; Holiday Inn City Centre, conference lodging 225.00; Iron Wheel Sales & Service, air conditioners maintenance 907.50; Jessica Klinkhammer, office supplies 14.64; McCook County Fair Board, 2022 insurance proceeds-dairy barn 20006.00; John McCormick, Stihl trimmer 210.32; MidAmerican Energy, utilities 36.56; Mitchell Regional 911, 3rd Qtr traffic services 2870.12; Morgan Theeler LLP, court appt attorney for Larry S Thompson (2 claims) 1162.38 for Devin J Bible 822.90 for Olivia K Sorenson 1525.20; North Central International, parts 1100.99; ODP Business Solutions, office supplies 248.41; Pictometry International, change finder 2860.00 flyover-year 3 16662.22; Pioneer Designs, K9 decals-2022 Ford 40.00; Presto-X, food pantry pest control 44.28; SD Planners Assn, annual conference registration 125.00; SDAAO, 2023 dues 150.00 registration Assessor school 400.00; SDVSOA, membership dues 50.00 conference registration 50.00; Michael Sharp, court appt attorney for David Johnston 14868.37 for Brad Kruthoff 43.65; Diane Shelton, juror supplies 41.35; Sunset Law Enforcement, ammunition 282.00; United Laboratories, building supplies 305.35; US Postal Service, 1st class postage (before increase) 2520.00; Wantoch Law Office, court appt attorney for Cyris D Waldner 347.45.

COUNTY ROAD & BRIDGE FUND: Bi-Weekly Payroll: 6/10/2023 & 6/24/2023: Hwy Dept 26263.81 27153.67. Transamerica Employee Benefits, June contribution 1802.96; Commercial Asphalt, asphalt paving 1,118,186.20 hot mix 4478.60; Dakota Fluid Power, cylinder repair 506.15; Diesel Machinery Inc, parts 231.68; Dustbusters Enterprise, dustgard 7759.35; IMEG Corp, engineering design 1793.77; Jebro Inc, liquid asphalt 110,227.94; Matheson Tri-Gas Inc, torch supplies 319.44; MidAmerican Energy, utilities 9.01; Northwestern Energy, utilities 10.00; Pictometry International, flyover-year 3 8331.12; Pomp's Tire Service, parts & supplies 2187.20 disposal fee 132.00; Ramkota Hotel-Pierre, conference lodging 164.00; Transource Truck & Equipment, parts & supplies 2021.85 broom rental 2700.00; US Postal Service, postage 252.00; Westmor Industries, 30% deposit-compliance testing underground tanks 1109.69.

911 SERVICE FUND: Mitchell Regional 911, 3rd Qtr 911 services 19884.14; Sioux Valley Energy, radio tower utilities 62.59.

EMERGENCY & DISASTER SERVICES FUND: Bi-Weekly Payroll: 6/10/2023 & 6/24/2023: EDS Director 1454.68 1454.68. Transamerica Employee Benefits, June contribution 96.51.

24/7 SOBRIETY FUND: Bi-Weekly Payroll: 6/10/2023 & 6/24/2023: Sheriff Secretary/Dispatcher 210.28 210.29.

DOMESTIC ABUSE PROGRAM: Children's Inn, 2022 collections 1290.00.

PAYROLL CONTRIBUTIONS – ALL FUNDS: 6/10/2023 & 6/24/2023: Dir of IRS, county share of FICA 4704.60 4972.67, Medicare 1100.26 1162.93; SD Retirement System, county share of retirement contribution, 4745.20 4734.02; Wellmark Blue Cross/Blue Shield of SD, county share of health insurance contribution 19027.70.

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

RESOLUTION 2023-01

Whereas insufficient appropriations were made in the 2023 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 appropriation of \$20,006.00 be transferred from Contingency to Fair Board.

Dated this 27th day of June 2023.

Marc Dick _____
Chairman, McCook County Commission

ATTEST:

Geralyn Sherman _____

Auditor, McCook County

At 10:30 a.m. a public hearing was held to receive input concerning a request to rezone 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 Rd. Present: Lyle Puthoff, Pat Gottlob, and Jim Lentsch. Cori Kaufmann, Zoning Administrator, presented application information to the Board, noting that there are 4 2-acre lots and Puthoff is responsible for water, sewer, service road and two driveways. Gottlob voiced concern about spraying with neighbors there. Kaufmann noted that the zoning regulations contain verbiage about farming and that regulations are pro agriculture but are not a guarantee that people will not complain. Lentsch asked how this will affect him as far as taxes and restrictions. This rezone won't affect taxes or place restrictions. Puthoff asked what happens if I rezone to Agricultural instead of Rural Residential. Kaufmann noted that Sub-Division regulations have been adopted and would need to be followed if a plat was planned to contain three or more parcels. Following discussion, motion by Koch to table the 1st reading of Ordinance 2023-02, an Ordinance Rezoning Property until July 11th, at 11:30 a.m., allowing Puthoff time to consider his options. Second Liesinger. All members voted aye. Motion carried.

At this time, Kaufmann informed the Board that the GIS position won't be filled. The other 2 applicants pulled their resumes because of the pay. Kaufmann requested to utilize the GIS budget to enter a contract with Schneider Geospatial for parcel maintenance to finish the work that needs to be done in the office. Contract for basic maintenance will be \$3600 annually with 72 support hours at \$10512. Motion by Mehlbrech to approve the contract and authorize Director Kaufmann to sign same. Second Gordon. Motion carried. Kaufmann explained several options utilizing software that will allow input of information, gathered while out assessing properties, directly into existing software eliminating need of multiple inputs and human error. This will require approval of 2023 contract, \$21650 one time and \$5000 annually, signed with Data Cloud Solutions. GeoPermits with Schneider Geospatial was also discussed as an item to replace iWorQ as the software solution for planning and zoning. These items are on the future sheet, but Kaufmann wanted to discuss them prior to the approval of 2024 budgets.

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

At 11:15 a.m. a public hearing was held by the Board of Adjustment to receive input concerning request for a variance. Applicant: Peter Begeman. Legal description: E Half E Half Ex Lot H1 in SE Quarter & Ex Lot H2 15-101-53. Reason: reduce requirements of 20' width on a dwelling. Cori Kaufmann, Zoning Administrator, presented application information noting that Begeman would utilize a 16' existing building. Begeman and Jeremy Berens were present. No public comment. Following discussion, motion by Mehlbrech, to approve the variance. Second Liesinger. All members voted aye. Motion carried.

At 11:30 a public hearing was held by the Board of Adjustment to receive input concerning 2 requests for conditional uses. Applicant McCook County Hwy Dept. Mic Kreutzfeldt, retired Hwy Supt, explained that he's present to avoid conflict of interest as the current Hwy Supt is a pit owner. Travis Raap, Hwy Supt, was present.

#1 Legal description: N Half NW Quarter 7-103-53. Landowner: Keith & Travis Raap. Reason: gravel extraction. Travis Raap, Hwy Supt, was present. Motion by Liesinger to approve the conditional use request. Second Gordon. All members voted aye. Motion carried.

#2 Legal description: NE4 Ex 1.02 ac & Ex S230' of N 1130' of E240' of NE Quarter NE Quarter 21-103-55. Landowner: Richard & Cathleen Roling. Reason: gravel extraction. Motion by Liesinger to approve the conditional use request. Second Gordon. All members voted aye. Motion carried.

The Board reconvened as Board of County Commissioners.

Auditor Sherman presented an email from Paula Brown, FEMA, which noted that the CAT Z costs have been submitted. The total cost of the flyover, \$74,980, was submitted as part of the CAT Z – Administrative Costs – for DR 4656 derecho windstorm. The total amount of reimbursement on a CAT Z project is up to 5% of the obligated project and there is no cost share, county receives 100% reimbursement. Currently McCook County is eligible for \$12,182.41. Sherman explained that a call will take place soon, to complete this project and close out McCook County from DR 4656.

Auditor Sherman presented an email from Shawn W Fowler regarding Siberian Elm issues/problems that he feels exist in Canistota. The email was sent to the Weed Supt and Emergency Manager and in turn forwarded to SD Dept of Agriculture and Natural Resources to inquire about what direction can be given to Mr. Fowler. This information was originally sent to Canistota City with no response. To date, the county has not received a response from Dept of Agriculture.

Auditor Sherman presented documentation to the Board regarding the Dissolution of Unityville, South Dakota. Copies include Notice of Entry of Order for Dissolution of Unityville, South Dakota, Order for Dissolution of Unityville, South Dakota, and Certificate of Service. Laurie Schwans, Register of Deeds, joined the meeting, noting that these documents have been filed in her office.

Geralyn Sherman, Welfare Director, informed the Commissioners that there are no new Care of Poor cases to be reviewed.

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

At 1:00 p.m. the Lawrence Arbeiter drainage hearing was continued from the June 13th Commission meeting due to a court trial. Drainage Administrator Kreutzfeldt noted the addition of Permits D23-008, D23-009, & D23-010 for perforated main tile (James & Debra Tieszen) to the application for Lawrence Arbeiter (present) for Permit #D20-007. Legal description: S2NE4 23-101-54. Reason for hearing: lack of downstream signatures. Others present: Mike Fink, States Attorney, David Ortman via Teams meeting, James & Andy Tieszen, Nathan Voorhees, and Roger Hofer. Chairman Dick reviewed each point on the drainage hearing checklist and then asked for a motion. David Ortman asked to give public comment at this time. Auditor Sherman provided copies (8 pages) of comments submitted to the Drainage Board on Permit Applications #D20-007, D23-008, D23-09, and D23-010, along with an article title Field Tiles. Ortman comments: reduce permit D20-007 to spot tiling; require drainage control structure or rock gabion at outlet; D20-007 Permit; use non-perforated tile on permits D23-008, D23-009, D23-010; and the ordinance requires an application for each parcel within a drainage project. Chair Dick asked States Attorney Fink to address Mr. Ortman's last comment. Fink noted that the ordinance doesn't require an application for each parcel. With all previous testimony and today's testimony, motion by Mehlbrech to approve the drainage permit applications D20-007, D23-008, D23-009, and D23-010. Second Koch. All members voted aye. Motion carried.

The meeting adjourned subject to call.

Dated this 27th day of June 2023.

Marc Dick _____
Chairman, McCook County Commission

ATTEST:

Geralyn Sherman _____
Auditor, McCook County