

May 23, 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.

Chairman Dick led the Pledge of Allegiance.

Chairman Dick called for approval of the agenda. Auditor Sherman noted that the 11:00 a.m. variance hearing has been cancelled due to calendar conflict of applicant. Motion by Koch to approve the agenda with cancellation noted. Second Gordon. Motion carried.

The minutes from the May 9th meeting were sent to Board members for review prior to publication. Motion by Gordon to approve the minutes for publication. Second Liesinger. Motion carried.

Public input: Roger Hofer shared his thoughts on the May 9th Arbeiter drainage hearing. Kristan Tott asked that the April 18th Equalization minutes be corrected, to reflect that their property has steep slope but there is no slough on the property. So, noted.

Commissioner Reports: Gordon attended VBWDD meeting, noting that next Board meeting will be held in Salem on July 19th.

Conflict of Interest: none noted.

Mic Kreutzfeldt, Hwy Supt, and Travis Raap, Hwy Supt, met with the Commission. Kreutzfeldt presented two utility permits for approval. Motion by Koch to approve these permits: Electric Utility Permit for Southeastern Electric, to install 1ph URD to eliminate overhead line, 2100' W of 445th Ave on 252nd St. and Communications Utility Permit for Golden West Telecommunications, to access an existing vault, plow along ROW line, N approximately 840' & setting new vault for service to 25948 451st Ave. Second Gordon. Motion carried. Raap read a land use agreement between Francis Kane and McCook County. The county will be allowed to use 5 acres of gravel pit area located in SE4 17-104-53 abutting the E side of Valley Rd on property owned by Evelyn Schmidt for the stockpiling of asphalt millings. Motion by Gordon to approve the Agreement for Land Use and authorize Chair Dick to sign same. Second Mehlbrech. Motion carried. Kreutzfeldt informed Board that 2 radios are programmable and 10 new radios have been ordered. The culvert NE of Montrose located at 453rd Ave is open & passable. State paving project begins May 30th. Mag chloride is being applied today. Current projects include asphalt patching, weed spraying, and spot patching. Auditor Sherman noted receipt of STP allotment, \$203,698.19. Motion by Liesinger to move \$203,698.19 (STP annual allotment) from Assigned for Road Purposes to Assigned for Capital Outlay Accumulations, STP Funds. Second Koch. Motion carried.

Michelle Stubkjaer, HR Consultant, joined the meeting. Stubkjaer informed Board that, with their approval, the PT hourly rate for Kreutzfeldt will be \$25.33/hour for the remainder of 2023. Motion by Mehlbrech to approve this hourly rate. Second Gordon. Motion carried. Kreutzfeldt asked the Board if he could purchase the county cell phone that he is currently using, purchase price was \$199.99. Motion by Gordon to approve the purchase for \$199.00. Second Koch. Motion carried.

Motion by Liesinger to convene as Drainage Commission. Second Gordon. 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.

D23-005	Ernest Christensen Trust	E680' NW4 Ex Tr1 Christensen's Add 24-104-54 & Tr2 Christensens Add NW4 24-104-54
D23-006	Karlyn Painter	NW4 Ex E680' & Ex Tr1 & Tr2 Christensen's Add 24-104-54
D23-007	Curtis Woltzen	S2NE4 26-101-54 (routine maintenance)

Board reconvened as Board of County Commissioners.

Chairman Dick read a letter from Michele Eichacker, informing them that she will be retiring from the McCook County Deputy Auditor position on June 23, 2023. Motion by Mehlbrech to accept the retirement notice. Second Gordon. Motion carried.

Michelle Stubkjaer, HR Consultant, informed the Board that she will not be in the office every week throughout June and, if okay with them, she would like to have another consultant work on a comp time study/compensation comparables in her absence. Approved.

Auditor Sherman asked the Board if she can contact James Valley Nursery about changes and clean-up of bushes/plants on the south side of the courthouse because areas need attention, and they did the initial work in 2001. Request approved.

Motion by Mehlbrech to convene as Board of Adjustment. Second Koch. Motion carried.

At 10:30 a.m. a public hearing was held to receive input concerning request for a conditional use. Applicant: Kenneth & Lacey Weber. Legal description: Tract 1 Weber Addition NW4 & SW4 13-101-55 Ex Land Deeded for Rd Ex LH2, Ex LH3 & Ex LH5. Reason: Agri-business in Ag District. Cori Kaufmann, Zoning Administrator, presented application information to the Board. Ken Weber was present to answer questions. Following discussion, motion by Liesinger, to approve the conditional use request. Second Mehlbrech. All members voted aye. Motion carried.

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

At 10:45 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. Cori Kaufmann, Zoning Administrator, presented application to the Board. Following discussion, motion by Koch to approve the rezone move to the county commission. Second Gordon. All members voted aye. Motion carried.

Motion by Gordon to convene as Board of Adjustment. Second Koch. Motion carried.

At 11:00 a public hearing was scheduled to receive input concerning a request for a variance. Applicant Rod Dorale. Legal description: Lots 20 & 21 of Eagle Ridge Addition in the W2SW4 35-102-53. Reason: reduce setback. Present: Greg & Patricia DeKramer, and Anthony Sutton, Reiter Law Firm. Cori Kaufmann, Zoning Administrator, explained that Rod Dorale contacted her and can't be here due to a calendar conflict, as he is out of the State. The applicant is withdrawing his permit for variance. Per direction from States Attorney Fink, this hearing is cancelled and Dorale will have to reapply for another variance hearing. Kaufmann also noted that per States Attorney Fink, the Commission will not be receiving information or hear testimony from anyone present. Attorney Sutton stated that they understand and will return when Mr. Dorale reapplies for a variance.

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

Cori Kaufmann, Zoning Administrator, presented a plat to the Board for approval. Following review of the Plat Review forms motion by Liesinger to approve the plat. Second Mehlbrech. Motion carried.

Be it resolved by the County Planning Commission of McCook County, South Dakota, that the Plat showing Tract 1 of Hofer Addition in the Northeast Quarter of Section 24, Township 101 North, Range 55 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.

Dated this 23rd day of May 2023.

Chair, County Planning Commission
McCook County, South Dakota

Motion by Liesinger to convene as Board of Adjustment. Second Koch. Motion carried.

At 11:30 a public hearing was held to receive input concerning a request for a conditional use. Applicant: Darrin & Nicole Hofer. Legal description: Tract 1 Hofer Addition NE4 24-101-55. Reason: Agri-business in Ag District. Cori Kaufmann, Zoning Administrator, presented application information to the Board. Following discussion, motion by Liesinger to approve the request for conditional use, noting the following conditions, 1. Dust control as/if needed to address complaints, 2. Purchase of land completed by Darrin Hofer, and 3. Road agreement with the township. Second Gordon. All members voted aye. Motion carried.

The Board reconvened as Board of County Commissioners.

In other business, Cori Kaufmann, Dir of Equalization, asked the Commission if the GIS position can be offered to Janet Schmahl, working 3 days in office, and working remotely 2 days for 6-month probationary period. Motion by Liesinger to offer the job to Schmahl. Second Mehlbrech. Motion carried.

Motion made by Gordon, second Liesinger, and carried, to pay claims: GENERAL FUND: Bi-Weekly Payroll: 5/13/2023: Commissioners 1980.75; Auditor 6210.39; Treasurer 4513.88; States Attorney 3155.92; Custodian 1324.40; Dir of Equalization 4406.34; Register of Deeds 3437.71; Veterans Service Officer 309.75; Sheriff 14240.24; Contract Law 6437.42; Care of Poor 217.30; Welfare 260.15; Community Health Nurse Secretary 1451.81; Extension Secretary 1504.95; Weed 162.24; Drainage 307.70; Planning & Zoning 599.07. SD Dept of Revenue, SD Developmental Center-Redfield 60.00; Transamerica Employee Benefits, May contribution 3228.51; AceK0, K9 heat alarm 1046.34; Alvine Law Firm, court appt attorney for Gaige Basche 744.10 for Mathiew Brandt 498.00; Birmingham & Cwach Law, court appt attorney for mentally ill 434.65; Card Service Center, uniform supplies 88.00; Century Business Products, 2 monthly copier contracts 292.89; Certified Languages, interpreter services 14.85; Davison County Sheriff, April jail services 7100.00; Den Herder Law Office, court appt attorney for mentally ill 171.20; Dan Fox, mental illness hearing 72.10; Green Eggs & Ram, battery pack 299.98; Adrian Hoesli, radar training 150.00; Jack's Uniforms & Equipment, deputy uniforms 2612.79; Val Larson, mental illness hearing 15.00; Lewis & Clark BHS, mental illness hearing 184.00; Darcy Lockwood, mental illness hearing 15.00; The Lodge at Deadwood, conference lodging-sheriff 240.00; McLeod's Printing, warning ticket books 132.33; Minnehaha Co SD JDC, 17 days juvenile care 4727.19; ODP Business Solutions, file cabinet 215.81; SD Sheriff's Assn, patches 24.00; Southeast Enterprise Facilitation Project, 2023 appropriation 5000.00; Sunset Law Enforcement, ammunition 758.40; Yankton County Treasurer, reimburse mental health expenses 135.00.

COUNTY ROAD & BRIDGE FUND: Bi-Weekly Payroll: 5/13/2023: Hwy Dept 25186.62. Transamerica Employee Benefits, May contribution 1802.96; G-Works, annual maintenance for PubWorks 3891.00; IMEG Corp, engineering design 2623.01; Iron Wheel Sales & Service, supplies 5.25; Knife River-SD, asphalt 5264.80; Louie Mann Service, Class A driver training 400.00; Midwest Petroleum Equipment, supplies 35.38; Northwestern Energy, utilities 30.92; Pheasantland Ind, business cards 41.50; Sperling Repair, repairs & parts 2015 Mack truck & 2012 Freightliner 7528.85; Transource Truck & Equipment, Broom rental 2700.00; Two-Way Solutions, program radios 300.00.

911 SERVICE FUND: Sioux Valley Energy, radio tower utilities 62.49.

EMERGENCY & DISASTER SERVICES FUND: Bi-Weekly Payroll: 5/13/2023: EDS Director 1454.68. Transamerica Employee Benefits, May contribution 96.51.

24/7 SOBRIETY FUND: Bi-Weekly Payroll: 5/13/2023: Sheriff Secretary/Dispatcher 202.68.

PAYROLL CONTRIBUTIONS – ALL FUNDS: 5/13/2023: Dir of IRS, county share of FICA 4508.75, Medicare 1054.44; SD Retirement System, county share of retirement contribution, 4540.61; Wellmark Blue Cross/Blue Shield of SD, county share of health insurance contribution 19027.70.

The April SEFP Report was noted and filed.

The April Law Enforcement Report was noted and filed.

Auditor Sherman presented the Alcoholic Beverage License Application for Ports Petroleum Co/dba Fuel Mart to the Board for approval. Sherman noted that Lake Time Steakhouse & Bait Shop is not renewing License No RB-26379. Motion by Liesinger to approve the application for Fuel Mart and authorize Chair Dick to sign same. Second Koch. Motion carried.

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 May 9th Commission meeting. Kreutzfeldt presented the revised 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, Deb, Jay & Andy Tieszen, Nathan Voorhees, Wendell Weeldreyer, and Roger Hofer. Concerns raised. Fink-new Grant Township approval needed. Ortman suggested the document be numbered for clarity. Ortman asked if drainage control systems have been used in McCook County, yes. Following discussion, St Atty Fink noted that the Board review the checklist for a drainage hearing. Fink asked Arbeiter to review the list, giving explanation to each point. With questions raised about tile across James & Debra Tieszen property using non-perforated or perforated pipe, motion by Gordon to continue this drainage hearing to June 13th at 1:00 p.m. to give Tieszen an opportunity to apply to have perforated tile across their property. Second Koch. Motion carried.

Geralyn Sherman, Welfare Director, and the Commissioners reviewed Care of Poor case files and a list of lien payments received in April. Three (3) Notices of Hospitalization were received from Avera McKennan Hospital (2023-10, 2023-12, 2023-13). One Notice of Hospitalization was received from Avera Queen of Peace Hospital (2023-11). One Notice of Hospitalization was received from Madison Regional Health System (2023-14). One Notice of Hospitalization was received from Sanford USD Medical Center (2023-15). Received an Application for Poor Relief Assistance and Hospital Request for Payment from Avera Heart Hospital (2023-06). The individual informed Auditor's Office that he has Medicare coverage, hospital was notified, and Avera attorney notified the county that the coverage is Part A and doesn't cover ER charges. Attorney notified that the county won't pay the claim until eligibility can be determined with an application.

The meeting adjourned subject to call.

Dated this 25th day of April 2023.

Marc Dick _____
Chairman, McCook County Commission

ATTEST:

Geralyn Sherman _____
Auditor, McCook County