

October 10, 2023

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

Chairman Dick led the Pledge of Allegiance.

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

Michelle Stubkjaer, Alternative HR Consultant, met with the Commission providing them with updated policies for the Personnel Handbook regarding addition of the Pregnant Workers Fairness Act (PWFA Act) and Providing Urgent Maternal Protections for Nursing Mothers Act (PUMP Act). Following review and discussion, motion Koch to update the Personnel Handbook. Second Gordon. Motion carried. Stubkjaer noted that due to uniqueness of the State's Attorney position with varying hours this position should be removed from the pay plan. Following discussion, motion Koch to remove the State's Attorney position from the pay plan. Second Gordon. Motion carried. And regarding 2024 pay rates, Stubkjaer will draft a letter to each employee, letting them know what their pay will be.

The minutes from the September 19<sup>th</sup> & September 26<sup>th</sup> meetings were sent to Board members for review prior to publication. Motion Koch to approve these minutes for publication. Second Gordon. Motion carried.

Commissioner reports: none.

Conflict of Interest: Comm Dick has a plat scheduled on the agenda and with Vice-Chair Liesinger absent, Comm Koch will take control of the meeting when the plat is up for approval.

Public comment: Roger Hofer asked board members if they've heard about Dakota Scout wanting to build a solar farm in Walworth County covering 3200 acres. No. Hofer told Board that he received a survey call from National Grid Renewable and he told them to put solar farms on pasture ground, not on good farmland.

Kalee Langrell, TurnKey Logistics representing Summit Carbon Solutions, Stakeholder Relations, informed Board that Summit will provide a grant to each county that will be crossed by the proposed pipeline. Summit will work with Emergency Managers and First Responders along the route to allocate these funds based on individual needs. The grant will be \$50,000, plus an additional \$1,000 per mile of pipeline in the county. Summit will also continue working with the Emergency Managers to identify equipment needs. Langrell thanked the Board for their time.

Arnold Tappin met with Board to share concerns with solar panels and question with setbacks. Tappin asked if people would be allowed to speak at a conditional use hearing. Yes. Tappin added that he doesn't really want solar farms unless it's a farmer who has one for his own use, not corporate farms. Tappin thanked the Board for their time.

Travis Raap, Hwy Supt, presented Certification Form for the 5-Year County Transportation Plan for the Chairman to sign. Motion Gordon to authorize Chairman Dick to sign the Certification. Second Koch. Motion carried. Raap presented an Application for Payment (\$108,383.08) from Hollaway Bridge & Culvert Inc for materials & supplies for Project BRO 8044(00)22-1, PCN 08XC (bridge #44-010-185). Motion Koch to authorize Chairman Dick to sign same approving the payment. Second Mehlbrech. Motion carried. Raap told Board that they need to set a date for bid letting for an overlay project S of Lake Vermillion, 451<sup>st</sup> Ave. Motion Mehlbrech to set 11:00 a.m. on December 6, 2023, for a bid letting. Second Gordon. Motion carried. Raap explained that Reed Tieszen has agreed to allow the County to use 3 acres of land located in the Steven's Addition SE4NE4 Section 4, Spring Valley Township if the County agrees to compensate Tieszen with 60 tons of millings for the land use loss. Motion Koch to approve the request and authorize Chairman Dick to sign Agreement for Land Use. Second Gordon. Motion carried. Raap presented a utility permit for approval. Motion Koch to approve Electric Utility Permit for Xcel Energy to replace existing deteriorating power pole & equipment with new at 44635 263<sup>rd</sup> St, Canistota. Second Gordon. Motion carried. Raap and the Board reviewed and discussed blade options.

Travis Raap, Hwy Supt, and Brad (BJ) Stiefvater Jr, Emergency Manager, spent time reviewing property values with the Commissioners. Auditor Sherman explained that the 2023 Anniversary Rating Supplement for General Liability insurance, vehicles, building & contents, and mobile equipment is up for renewal and there are buildings that we need to determine replacement cost on so the renewal application can be completed. Raap informed the Board that the Canistota Shed is needed and he'd like to paint it, replace walk-in door, and have an overhead door installed. Discussion was held on items being stored in the Montrose Shed.

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

Cori Kaufmann, Zoning Administrator, presented 2 plats for approval. Following review of the 1<sup>st</sup> plat review form, motion 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 1 of Stockwell's 2<sup>nd</sup> Addition in the Southwest Quarter of Section 24, Township 101 North, Range 53 West of the 5<sup>TH</sup> 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 10<sup>th</sup> day of October 2023.

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Chair, County Planning Commission  
McCook County, South Dakota

Following review of the 2<sup>nd</sup> plat review form, motion Mehlbrech 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 1 of Dick's Addition in the Southwest Quarter of Section 30, Township 101 North, Range 54 West of the 5<sup>TH</sup> 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 10<sup>th</sup> day of October 2023.

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Chair, County Planning Commission  
McCook County, South Dakota

The Board reconvened as Board of County Commissioners.

At 10:30 a.m. the County Commission held 2<sup>nd</sup> reading of Ordinance 2023-03 an Ordinance Rezoning Property from Agricultural to Commercial. Applicant: Jared Lynch (present). Legal description: Tract 1 Cannon's Addition NE4 20-101-54. Reason: equine facility. Cori Kaufmann, Zoning Administrator, introduced Jared & Brie Lynch to the Board. Lynch addressed the Board, noting the plans for this facility will include rodeos, team roping, and barrel racing. Lynch added that they'd like to eventually get involved with 4-H, colleges that develop rodeo teams, cattle shows, trail rides, and a Senior Saddle program. Koch asked if they would be boarding horses. Yes, but owner must be passionate about taking care of his/her horse, daily. Lots of work to be done. Kaufmann noted that Lynch's are very community minded. Motion Koch to approve Ordinance 2023-03 an Ordinance Rezoning Property. Second Mehlbrech. Motion carried.

**ORDINANCE 2023-03**  
**AN ORDINANCE REZONING PROPERTY**

BE IT ORDAINED BY MCCOOK COUNTY, SOUTH DAKOTA:

The following legally described property shall be rezoned from Agricultural to Commercial, and the Official Zoning Map shall be amended to reflect such change:

Tract 1 Cannon's Addition NE4 20-101-54

CONFLICTS. Any prior ordinance or part of any ordinance in conflict with this ordinance is hereby repealed.

SEPARABILITY. Should any section or provision of this ordinance be declared unconstitutional or otherwise invalid, such decision shall not affect the validity of the remainder thereby.

EFFECTIVE DATE. This ordinance shall become effective according to state law.

First Reading: September 26, 2023  
Second Reading & Adoption: October 10, 2023  
Publication: October 12, 2023

Effective Date: November 01, 2023 (20 days after publication)

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Marc Dick, McCook County Chairman

ATTEST:

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Geraldyn Sherman, McCook County Auditor

Geraldyn Sherman, Welfare Director, presented a list of lien payments received the month of September, to the Commission. A Notice of Hospitalization was received from Sanford USD Medical Center (2023-023).

The following building permits were issued in September:

2023-082	Travis & Danielle Peterson	move house to 247/Stark Rd	Tract 1 of Sandine's 1 <sup>st</sup> Add NE4 20-104-55
2023-113	Anthony & Morgan Gerken	replace Quonset hut w pole shed	Tract 1A Ortman Add NE4 8-101-54
2023-114	Roger Leitheiser Trust	grain bin	W2NW4 17-101-56
2023-115	Melvin Eilts Sr & Betty	replace machine shed	NW4 6-103-56
2023-116	Wayne & Sandra Petree	9 windows	Tract 1 of Petree's Add in SE4 9-103-55
2023-117	Scott & Jeanne Hansen	storage/garage/living quarters	N467' of E467' of E2NW4 Ex that part of Lot H1 lying therein 31-102-54
2023-118	Douglas & Michelle Zelmer	replace farm shop	NE4 21-104-55
2023-119	David & Laurie Boom	replace insulated storage shed 54x96	NW4 Ex N2NW4NW4 9-103-53 & N2NW4NW4 9-103-53
2023-120	Donald & Amy Tuschen	garage 32x40x12	S300' of W310' of SW4SW4 of 18-103-53 Ex Lot H-1 & Ex Public Road ROW
2023-121	Richard & Loretta Lauck	replace machine shed 60x88x18	NW4 Ex Lot A 26-103-55
2023-122	Lucas Healy	replace storage shed 34x90x14	W2NW4 31-103-53
2023-123	Lucas & Lacey Healy	replace shed 60x80x16	Borger Tract #1 in NE4NE4 25-103-54
2023-124	Keith & Susan Letcher	remodel lower level of garage	Lot B of Tr 4 of Battle Creek Shores 2 <sup>nd</sup> Add S2SW4 34-102-53 Inc 550' abutting said Lot B Tract 4 in So Side
2023-125	Patrick Scheier	cold storage 85x120	NE4 17-104-54
2023-126	Leroy & Cynthia Davis	sunroom 17x20	Liberty Lane Arabian Add SE4 27-101-53

Auditor Sherman presented an abatement application to the Board for approval. Applicant: Robert & Laura Hoiten. Parcel 06.25.300101. Reason for adjustment: Assessor error. Amount to be abated: \$140.92. Motion Koch to approve the Application for Abatement and authorize Chairman Dick to sign same. Second Mehlbrech. Motion carried.

Auditor Sherman presented the FY2025 Weed & Pest Fund Grant Application to the Board for approval. Motion by Gordon to approve the application and authorize Chairman Dick to sign same. Second Koch. Motion carried.

Auditor Sherman presented a request from the City of Sioux Falls for the appointment of a representative to City of Sioux Falls Solid Waste Planning Board, to the Board. Nancy Korkow has retired and will no longer be serving on the Board. Daren Korkow, staff member, is interested in serving on the Board. Motion Gordon to appoint Daren Korkow as McCook County's representative on the City of Sioux Falls Solid Waste Planning Board. Second Koch. Motion carried.

Auditor Sherman presented the 2024 Davison County Jail Contract to the Board for approval. The new rate is \$105 per prisoner day. Motion Koch to authorize Chairman Dick to sign the contract. Second Mehlbrech. Motion carried.

Auditor Sherman presented Salem City Yard Waste Compost Facility Permit Renewal Application to the Board. The application requires that a copy of the application be filed with the County. The legal description is Lots 3S & 4S in the N2SW4, Salem Township.

The October SEFP Monthly Facilitator Report was noted and filed.

The September Law Enforcement Report was noted and filed.

Motion Mehlbrech, second Gordon, and carried, to pay claims. Salary by Department: 9/30/2023: Commissioners 1980.75 mileage 335.07; Auditor 4174.50; Treasurer 4283.84; States Attorney 3155.92; Custodian 1324.40; Dir of Equalization 4397.79; Register of Deeds 2298.91; Veterans Service Officer 309.75; Sheriff 16437.89; Contract Law 9464.79; Care of Poor 217.30; Welfare 378.40; Community Health Nurse Secretary 1451.80; 4-H Youth Assistant 1411.20; Weed 423.33; Drainage 216.70; Planning & Zoning 598.25. SD Dept of Revenue, SD Developmental Center-Redfield 60.00; Reemployment Assistance Division of SD, 3<sup>rd</sup> Qtr contribution 400.44;

A&B Business Solutions, monthly copier contract 76.65; Alternative HR LLC, October HR support 5692.50; Auto Value, parts 25.97; AutoEx, vehicle maintenance 73.98 tires, tail light assembly 1894.36; Pat Beck, transcription service 122.50; Best Western Ramkota-Rapid City, lodging-Assessor school 385.00; Blindert Insurance Agency, food pantry rent 200.00; Card Service Center, appraiser book 125.00 gas-Care of Poor 40.01 K9 expenses 664.99 law enforcement training expenses 446.15 law enforcement supplies & gas 231.41; Central Farmers Coop, lawn mower gas 30.99 lp gas for Courthouse generator 104.02; Century Business Products, 4 monthly copier contracts 434.04; Chesterman Company, drinking water 102.00; City of Bridgewater, October ambulance appropriation 3866.66; Dakota Data Shred, shredding service 60.47; FedEx, shipping charges 17.68; Feeding South Dakota, food pantry deliveries 167.03; Mike Fink, September expenses 754.17; Anna Flogstad, Assessor school expenses 275.15; Gordon Flesch Co, monthly copier contract 27.00; Iron Wheel Sales & Service, bathroom repairs 153.96; Carol Johnson, transcription service 749.70; Jessica Klinkhammer, WIC in Minnehaha County 113.72; Kruse Law Office, court appt attorney for alleged mentally ill 177.50; Lauck & Koepsell Construction, replace plywood floor in storage shed 159.34; Lincoln County Auditor, reimburse mental health expenses 651.00; Chris Mailloux, meals-new officer training 58.05; McCook Conservation District, 4<sup>th</sup> Qtr allotment 3750.00; McCook County EMS (ambulance), October appropriation 11559.09; McCook County Treasurer, postage 28.95; McCormick Motors, vehicle maintenance 107.00; McLeod's Printing, legal size paper 79.99; Mitchell Clinic, prisoner care 922.00; Mitchell Regional 911, 4<sup>th</sup> Qtr services 2870.12; Morgan Theeler LLP, court appt attorney for James O Hanna 1764.40; New Century Press, publishing 520.72; Salem City, utilities 112.77; Salem Community Drug, medical supplies 28.45; SD Achieve d/b/a LifeScape, services-6 residents 360.00; SD Public Health Laboratory, lab services 260.00; Michael Sharp, court appt attorney for Garrett McCoy 2066.93; Tim Simmermon, meal expenses-K9 school 88.09; Tech Solutions, Managed IT services 3652.00; Triotel Communications, telephone/internet service 676.43; Annette Van Emmerik, travel expense-Sheriff's conference 22.89; Verizon Wireless, iPad service 40.01 cell phone service 468.80; Xcel Energy, utilities 1111.56.

COUNTY ROAD & BRIDGE FUND: Bi-Weekly Payroll: 9/30/2023: Hwy Dept 24538.62. Reemployment Assistance Division of SD, 3<sup>rd</sup> Qtr contribution 147.87; Appera, mat & towel rental 81.52; Auto Value, parts & supplies 344.06; Butler Machinery, repairs & parts 2719.22; Cemcast Pipe & Precast, supplies 900.00; Central Farmers Coop, lp gas 279.86 fuel & supplies 35002.20; Century Business Products, monthly copier contract 150.22; Chesterman Company, drinking water 6.00; Commercial Asphalt, hot mix 650.43; Gessner Welding & Repair, tank acetylene 94.00; Hollaway Construction, stored supplies & materials for bridge (44-010-185) project 108383.08; IMEG Corp, engineering design 2584.67; I-State Truck Center, parts 402.98; Knife River-SD, asphalt 1918.40; Motorola Solutions, 10 radios 34079.60; New Century Press, transportation plan-meeting notice 14.89; Northern Truck Equipment, parts 715.92; Peterson Repair, freon in broom 109.98; PowerPlan OIB, parts & supplies 879.79; Puthoff Sales & Service, parts 1395.65; RBS Sanitation, garbage service 77.00; Ryan's Repair, trailer and dump truck repairs & parts 3512.60; Salem Body Shop, 2017 Ford glass repair 395.00; Salem City, utilities 173.88; Salem Lumber, supplies 44.70; Stan Houston Equipment, parts 290.63; Triotel Communications, telephone/internet service 106.28; Xcel Energy, utilities 533.34.

911 SERVICE FUND: Golden West Telecommunications, 911 telephone service 200.00; Mitchell Regional 911, 4<sup>th</sup> Qtr services 19884.14; Triotel Communications, 911 telephone service 173.20.

EMERGENCY MANAGEMENT FUND: Bi-Weekly Payroll: 9/30/2023: EDS Director 1454.68. Auto Value, floor dry 43.16; Brad Stiefvater Jr, September expenses 123.57 Witmer S&R tool 233.99; Triotel Communications, telephone & internet service 143.61.

24/7 SOBRIETY FUND: Bi-Weekly Payroll: 9/30/2023: Sheriff Secretary/Dispatcher 221.05. PharmChem, sweat patch analysis 159.75.

MODERNIZATION & PRESERVATION FUND: Microfilm Imaging Systems, scanning equipment rent 613.50.

PAYROLL CONTRIBUTIONS – ALL FUNDS: 9/30/2023: Dir of IRS, county share of FICA 4613.78, Medicare 1079.01; SD Retirement System, county share of retirement contribution, 4522.27; Wellmark BlueCross/BlueShield of SD, county share of health insurance premium 5217.47.

The Auditor's Account with the County Treasurer for the month of September: deposits in banks, \$5,292,045.37; cash to deposit, \$2,321.49; checks to deposit, \$23,613.81; CC payments, \$1,483.47; Cash Items \$28.95; Treasurer's Cash, \$1,541.05; Register of Deeds, \$450.00; Sheriff, \$500.00; CD's, \$700,000.00. The total deposits on hand: \$6,031,984.14.

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

At 11:15 a.m. a public hearing was held regarding amendment of the 2014 Revised Zoning Regulations for McCook County. Specifically, the County Commission will be considering adoption of amendments to Chapter 3, Ag: Agricultural District, Section 3.02, Special Permitted Uses; Chapter 3, Ag: Agricultural District, Section 3.03 Conditional Uses; Chapter 11, Additional Use Regulations, Section 11.08, Concentrated Animal Feeding Operations (CAFO's); and Chapter 19, Definitions, Section 19.02, Definitions. Present were Cori Kaufmann, Zoning Administrator, Sean Hegyi, Secog Planner, Anna Flogstad, Dir of Equalization Staff Appraiser, and twelve other interested parties. Hegyi and Kaufmann reviewed the proposed ordinance noting additions and changes made to the existing ordinance regarding concentrated animal feeding operations. Chairman Dick asked for any public input. Public comments addressed the following: setbacks – decent; not far enough; need hard line with 1 mile maximum; concerned that the issue that brought us here isn't being solved with CAFO definition; and feel that what the County had/has is good. Kaufmann noted that as a site gets larger, the distance requirement grows, and proposed changes to the ordinance allow Commissioners to work with the conditional use permit process when approving CAFO's. Comm Koch added that he follows the Zoning Administrator's logic but also sees ¾ mile logic and a sliding scale. Comm Dick read input from Comm Liesinger: Class A conditional use with 1 mile setback, nothing per animal unit; Class B conditional use with ½ mile setback, and Class C half mile setback (250-499 animal units), noting agreement with Liesinger. Common ownership was discussed regarding combining smaller confinement units within a set radius, to come up with total animal units within an area. Kaufmann stated that she's comfortable with what's before the Board, utilizing the conditional use process for Class A & Class B, adding that the unregulated classes have us stuck and that discussion is next on the agenda. Motion by Koch to table moving forward with the 1<sup>st</sup> reading of this proposed ordinance for Class A & Class B CAFO's. Second Gordon. Motion carried.

Discussion turned to undefined classes of Confined Animal Feeding Operations (CAFO's). Sean Hegyi, Secog Planner, and Cori Kaufmann, Zoning Administrator, reviewed proposed regulations for Class C & Class D CAFO's. Topics included animal units, special permitted use which can be approved by Zoning Administrator, with no public hearing, and less public involvement or conditional use process, requirements of permits, and impact of added C & D Classes. Comm Koch stated that due to current issues, think we, Commissioners, need to approve each permit. Kaufmann noted that currently there are no regulations for Class C or Class D, so with new requirements issues will be addressed. Chair Dick opened the meeting for public comment. One comment received: not sure how having Class C & Class D will remedy issue, beating this to death. No further comments were made.

The meeting adjourned subject to call at 1:00 p.m.

Dated this 10<sup>th</sup> day of October 2023.

Marc Dick \_\_\_\_\_  
Chairman, McCook County Commission

ATTEST:

Geralyn Sherman \_\_\_\_\_  
Auditor, McCook County