August 26, 2025

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

Chairman Mehlbrech led the Pledge of Allegiance.

Chairman Mehlbrech called for approval of the agenda. Auditor Sherman noted that Kaylee DeVries, Sheriff's Office Secretary/Dispatcher, has requested the Executive Session at the end of the meeting. Motion Gordon to approve the agenda with the addition noted. Second Liesinger. Motion carried.

The minutes from the August 12th meeting were sent to Board members for review prior to publication. Motion Gordon to approve the minutes for publication. Second Heumiller. Motion carried.

Public comments were provided by Roger Hofer, Doreen Quinn, Gloria Rayman, and Barb Hoiten.

Commissioner Reports: Comm Dick spoke with Schoenfish & Co, Parkston, about providing an audit or agreed upon procedures for McCook County Emergency Medical Services. Dick is also going to talk with someone at the FSA office about solar farms. Comm Mehlbrech attended a tour provided by Sioux Metro Growth Alliance, that included businesses in Tea, Worthing, Beresford, and Canton. Mehlbrech attended the meeting to address flooding associated with Snake Creek, hosted by Salem City & DGR Engineering on August 25th. Comm Liesinger informed the Board that Salem City is no longer a member of the Southeast Enterprise Facilitation Project (SEFP).

Conflict of Interest: none noted.

Tasia Dass, Alternative HR Consultant, introduced herself to the Commission as our new HR consultant. The Board members introduced themselves, noting the commissioner districts within the county that they represent.

Motion Liesinger to enter Executive Session at 8:45 a.m. for personnel discussion, SDCL 1-25-2 (1). Second Dick. Tasia Dass, HR Consultant, was present. Chairman Mehlbrech declared out of Executive Session at 9:15 a.m.

Motion Heumiller, effective January 1, 2026, Hwy Dept employees will no longer have a guaranteed 5 hours of weekly overtime included in their schedules from March through December. All Hwy Dept employees will now, under normal circumstances, work a standard 40-hour work week, Monday through Thursday, with every Friday off. The only exception to this schedule will be in the event of unexpected needs, such as weather events, which may require hours outside of the normal work schedule. Second Liesinger. Motion carried.

Motion Gordon to incorporate changes to the Holiday Policy for Hwy Dept employees to accommodate the changes made to their work schedule. Second Dick. Motion carried.

Travis Raap, Hwy Supt, informed the Board that there is an estimated $335,000 in the RAIF Fund and township applications for these funds will be received by the end of October with Commission review and approval at the first meeting in January 2026 . Raap noted that the dirt to be used on bridge #44-180-068 project is too wet to move, asking the Board if it's okay to waive a couple of days liquidated damages, if necessary. Yes. Raap has a quote of $66,000 from Twedt Construction, for paving this bridge. This amount is below the bid limit, is it okay to proceed? Motion Gordon to accept the quote and have Twedt Construction complete the paving. Second Dick. Motion carried. Raap reported that Larry Hand accepted the job offer of Hwy Maintenance Worker, effective 8/25/2025, and with credit for prior service his pay rate will be $22.33/hour. Motion Liesinger to approve the hiring of Larry Hand. Second Dick. Motion carried. Current projects include blading roads and fall mowing. Striping project has been completed.

At 9:30 a.m. the Franchise Hearing for East River Electric Power Cooperative was held as advertised. Travis Raap, Hwy Supt, and Jerae Wire, Construction & Permitting Coordinator, East River Electric, were present. The franchise is for a period of 10 years and requires that East River Electric notify the Hwy Supt of any construction/maintenance work no less than 3 days in advance of such

work. This shall not apply to emergency circumstances. Following discussion, motion Liesinger to approve & adopt the following resolution, second Gordon. Motion carried.

RESOLUTION 2025-06
AUTHORIZATION TO CONSTRUCT ELECTRIC TRANSMISSION AND DISTRIBUTION LINES ON THE PUBLIC HIGHWAYS OF MCCOOK COUNTY

WHEREAS, East River Electric Power Cooperative, Inc., of Madison, South Dakota, on the 22nd day of July 2025, filed with the County Auditor of McCook County, South Dakota, its duly verified Petition for the purpose of obtaining and acquiring one franchise for both its existing transmission lines and system and the planned extension and future expansion thereof, from McCook County, South Dakota, by and through its County Commissioners, for the right to maintain its existing and future system and to erect and maintain poles and wires for the purpose of transmitting and distributing electricity for lighting, heating and power purposes, in, along, and over the public highways of McCook County, South Dakota, for rural electrification throughout said County and State for a period of ten years;

WHEREAS, said application was heard and considered by the members of the Board of County Commissioners of said County of McCook, in South Dakota, on the 26th day August 2025, at the hour of 9:30 o'clock a.m., in the Commissioners' Room, in the Courthouse, in the City of Salem, McCook County, South Dakota, due notice of said hearing having been given by mail as provided by law to all persons, firms or corporations owning or operating transmission, telegraph or telephone lines on or along any part of the highways of said County;

WHEREAS, no person, firm or corporation having appeared in opposition to the granting of such application, and it appearing to the satisfaction of the Board of County Commissioners of said County that the request contained in said Petition should be granted;

THEREFORE, BE IT RESOLVED, by the McCook County Board of Commissioners that the right to construct, maintain and operate poles and wires, both for its existing transmission lines and system, and for its future extension and expansion, for the purpose of transmitting and distributing electricity for lighting, heating and power purposes, over, upon, along and across the public highways within McCook County, South Dakota, for rural electrification, on a county-wide basis, for a period of ten (10) years from and after the date and passage hereof, be, and it hereby is, granted to said East River Electric Power Cooperative, Inc., of Madison, South Dakota, subject to the terms and conditions of Chapter 31-26 of the South Dakota Codified Laws (1984 Revisions). This grant of a franchise is contingent upon the requirement that East River Electric Power Cooperative Inc shall notify the McCook County Hwy Supt of any construction/maintenance work no less than three (3) days in advance of such work. This condition shall not apply to emergency circumstances.

Dated this 26th day of August 2025.

APPROVED BY THE COMMISSION:

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ATTEST:

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Geralyn Sherman
McCook County Auditor

At 9:45 a.m. the 2nd reading of Ordinance 2025-03, an Ordinance Prohibiting the Unlawful Use of Engine and Compression Brakes (Jake Brake Ordinance) was held. The location covers a stretch of SD262 from 264th St to 436th Ave Bridgewater Twp. Motion Liesinger to approve the 2nd reading of Ordinance 2025-03, adopting same. Second Dick. Ayes: Liesinger, Dick, Heumiller, Gordon, and Mehlbrech. Nays: none. Motion carried.

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

Drainage Administrator, Mic Kreutzfeldt, presented the following drainage permit application to the Board, noting that downstream landowner signatures were obtained, and he has signed off on it. All permits are available for inspection at the Hwy Dept Office.

D25-023 Steve Dick NE4 19-102-53

The Board reconvened as the Board of County Commissioners.

Motion Liesinger, second Dick, and carried, to pay claims: GENERAL FUND: Bi-Weekly Payroll: 8/16/2025: Commissioners 2183.80; Auditor 6325.48; Treasurer 4830.50; States Attorney 3730.38; Custodian 1460.20; Dir of Equalization 4831.18; Register of Deeds 3676.67; Veterans Service Officer 341.40; Sheriff 14900.06; Contract Law 8496.12; Care of Poor 228.92; Welfare 336.20; Extension Secretary 1624.86; Drainage 266.92; Planning & Zoning 671.21. TransAmerica Employee Benefits, August GAP billing, 4252.76; Grand Jury, fees & mileage, 604.10; AAA Collections, lien collection fees, 122.16; Alvine Law Firm, court appointed attorney for Shayonna Grassrope, 2846.34, Bradley Jay Klatt, 1788.87, Monica Solesby,1834.67; G&R Controls, boiler maintenance, 695.00; Gordon Flesch Company, 5 months copier contracts, 141.00; Kathyrn Heumiller, blood alcohol, 140.00; Carol Lauer, travel expense-district meeting, 20.32; Marshall & Swift, handbook, 393.95; Angie McCormick, mileage, 133.20; MidAmerican Energy, utilities, 52.58; Motorola Solutions, wave ptx mobile apps, 143.00; ODP Business Solutions, office supplies, 104.97; Office of Fire Marshall, boiler inspection, 80.00; RBS Sanitation, garbage pickup, courthouse, 111.46, food pantry, 109.71, SDACC, county convention registrations, 1100.00; SDVSOA, conference registration, 50.00; Geralyn Sherman, mileage, 160.80.

COUNTY ROAD & BRIDGE FUND: Bi-Weekly Payroll: 8/16/2025: Hwy Dept 24994.77; cell phone reimbursement 225.00. TransAmerica Employee Benefits, August GAP billing, 1493.57; Avera Occupational Medicine, employee drug screen, 100.00; Bierschbach Equipment, supplies, 192.00; Flint Hills Resources, asphalt, 29755.35; IMEG Corp, professional services, 19240.80; Knife River, G2 asphalt, 4295.52; MidAmerican Energy, utilities, 18.50; Midstates Equipment, supplies, 2598.75; Ramkota Hotel, conference lodging, 254.02; Safety Benefits, registration for conference, 150.00.

911 SERVICE FUND: Motorola Solutions, wave ptx mobile app, 26.00; Sioux Valley Energy, radio tower utilities, 81.64.

EMERGENCY & DISASTER SERVICES FUND: Bi-Weekly Payroll: 8/16/2025: EDS Director 1572.12. TransAmerica Employee Benefits, August GAP billing, 96.51.

24/7 SOBRIETY FUND: Bi-Weekly Payroll: 8/16/2025: Sheriff Secretary/Dispatcher 243.13.

PAYROLL CONTRIBUTIONS – ALL FUNDS: 8/16/2025: Dir of IRS, county share of FICA 4732.12, Medicare 1106.70; SD Retirement System, county share of retirement contribution 4683.60; Wellmark BlueCross/BlueShield, county share of health insurance premium 22640.99.

TOTAL CLAIMS: $66,740.61.

Motion Heumiller to approve a $1,000,000.00 Cash Transfer from the General Fund to the Hwy Road & Bridge Fund. Second Gordon. Motion carried.

Auditor Sherman informed the Board that all the schools have returned their signed Memorandum of Understanding for the School Resource Officer Agreements with the County. Days of coverage per week, July-December 2025: McCook Central 3 days $16323.47, Canistota 2 days $10882.32, Montrose ½ day $2720.58, and Bridgewater ½ day $2720.58. Motion Liesinger to authorize Chairman Mehlbrech to sign the MOU on behalf of the Commissioners. Second Gordon. Motion carried.

Auditor Sherman presented a request for Letter of Support regarding efforts to honor Lawrence Welk during the 70th anniversary year of The Lawrence Welk Show's national debut. Following review of the information provided, the request for a letter of support was denied.

Motion Gordon to convene as Planning & Zoning Commission. Second Dick. Motion carried.

Anna Flogstad, Zoning Administrator, informed the Board that applicant, Donald Larson, has requested that the rezone hearing scheduled for 10:30 a.m. be cancelled. Larson wants to wait until revisions are made to the Rural Residential regulations.

Anna Flogstad, Zoning Administrator, presented a plat for approval. Following review of the plat review form, motion Dick 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 Ondrozeck Addition in the Northwest Quarter of Section 5, Township 101 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 26th day of August 2025.

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Chair, County Planning Commission
McCook County, South Dakota

At 10:45 a.m. the Board of Adjustment held a public hearing to receive input concerning a request for conditional use. Applicant: Meadow View Hutterian Brethren. Legal description: Tr 2 of Meadow View Addition in NW4SW4 of 27-102-55. Reason: concrete plant. Clarence Waldner, Sam E Hofer, and Kierra Leddy, Attorney, representing the Colony, were present. Anna Flogstad, Zoning Administrator, Mike Fink, States Attorney, Isaac Kipp, Staff Appraiser, Angie McCormick, DOE/Zoning Clerk, Becky Hoiten, Deputy Auditor, Travis Raap, Hwy Supt, and Jerome Tschetter, neighbor & Emery Twp Clerk, were also present. Public comment: Jerome Tschetter, as neighbor, is okay with this request. Tschetter, as Emery Twp Clerk, noted township concerns because 5 miles of township roads could be impacted by future traffic. Tschetter noted that the township and colony have worked on a road use agreement and are 90% okay with the language, do need to refine it. Hwy Supt Raap asked if the township or colony saw news regarding Lincoln County and a dairy utilizing a road agreement. Yes, but don't want to do that. Comm Dick asked Tschetter if Emery Twp wants their agreement looked at annually. St Atty Fink noted that the county has no concern with the road agreement between Meadow View Colony and Emery Twp. Attorney Leddy noted that the agreement is written with an end date and can be reviewed every 3-5 years. Leddy also noted that this is a public road, not just for colony use, and no one can control who uses it. Hwy Supt Raap noted that he'd like a 5-year review for the county. Commissioners Dick & Liesinger feel that an annual review of 261st St is needed. St Atty Fink added that the request for the concrete plant is for the colony's own use, so this should not be a concern initially. Liesinger asked about dust control for Betty McCormick. Tschetter noted that there is no language for dust control. Attorney Leddy noted that this can be written into the agreement. With no further comments, St Attorney Fink told the Board of Adjustment that they now need to note any conditions that they feel are necessary for approval of the conditional use request of Meadow View Colony. It was noted that the rezone request for Meadow View Colony will be effective on September 3, 2025, 20 days following publication of the rezone ordinance, so the conditional use request won't be effective until that date. Motion Dick to approve the conditional use request for Meadow View Colony concrete plant with the following conditions: road agreement in place with the township, initially, yearly review of road conditions, and follow load limits. Second Liesinger. Motion carried.

The Board reconvened as the Board of County Commissioners.

Approximately 25 individuals were present for continued discussion to turn two miles of Co Rd 02B and two miles of Co Rd 02AB (245th St) back to gravel, as was approved in the 2017 McCook County Master Transportation Plan adopted by the Commission. Travis Raap, Hwy Supt, and Mike Fink, States Attorney, were present. Comm Mehlbrech read information provided by Hwy Supt Raap. Traffic counts: 02AB – N/S mile – 88 cars per day, 02AB – E/W mile – 128 cars per day, and 02B first two miles E of 81 – 97 cars per day. These counts were taken week of March 24, 2025, and a Lenten service was held at Sun Prairie Baptist Church that week, so church traffic was included. Raap noted, again, that traffic counts are not to include a weekend, but a Lenten service was included in the numbers provided. Surface treatment options: Mag Chloride – 6,101.2 gallons per mile @ $1.49/gallon=$9,090.79 per mile (this would be an annual expense). Blotter Seal would cost approximately $76,062.95/mile. To save money the N/S mile could be double chip sealed at a cost of approximately $60,000; an option for the N/S mile only. 20-Year life cycle cost: asphalt $409,058.80/mile and gravel $151,100/mile. A list of proposed asphalt projects 2026-2030 was also provided. To put the dollars into perspective, using $100,000 valuation and $1000 property tax revenue in Sun Prairie Twp, the township receives 5% $48.10, school 59% $589.00, VBWDD $2.90, and county 36% $360.00. Of the 36%, the Hwy Dept receives 11.52% $115.20. Hwy Supt Raap noted that Co Rd 02AB would be gravel for, at least, a year to be repaired and explained what a blotter is a layer of ¾ inch rock held down by road oil

and then covered up with a chip seal. Mark Dickson asked if blotter roads washboard. Raap noted that blotter seal roads will not wash board. Mark Dickson thanked the Board for keeping these hard surface roads. Kevin Erikson asked when the work will start. Raap stated in September, about 3 weeks. Jim Osterberg- going E to Center, gravel also, for now. Kevin Peterson asked if 2 miles E could be a blotter seal and the 6 miles to the Valley Road; these are also important to us. Roger Hofer mentioned road S of county line, adding that the Commission needs to get back to their road plan.

Motion Dick to convene as Planning Commission. Second Gordon. Motion carried.

At 11:30 a.m. the 1st reading of Ordinance 2025-05, an Ordinance Amending Ordinance 2014-01 – 2014 Revised Zoning Regulations by Amending Chapter 11, Additional Use Regulations; and Chapter 19, Definitions, Section 19.02, Definitions. Anna Flogstad, Zoning Administrator, read the ordinance. Mike Fink, States Attorney, Kris Tott, Jason Dabbert, and Julie Hahn were present. Dabbert asked what's changing. Flogstad explained that regulations regarding fences in the Rural Residential and Lake Residential districts are being amended, and fences will no longer be considered structures. Motion Dick to approve the 1st reading of Ordinance 2025-05 and schedule the 2nd reading for 10:40 a.m., September 4, 2025. Second Liesinger. Ayes: Dick, Liesinger, Heumiller, Gordon, and Mehlbrech. Motion carried.

The Board reconvened as the Board of County Commissioners.

Auditor Sherman informed the Board that she requested buyout information for computers/equipment that is currently being leased by the county, from Tech Solutions, Mitchell. And a cost estimate for computers/equipment has been requested from Infotech Solutions, Madison. That information is not available currently. Without this information, the Board decided to wait on making a vendor selection for Managed IT Services, going forward. Anna Flogstad, Zoning Administrator, and Kaylee DeVries, Sheriff Secretary/Dispatcher, were present.

Motion Heumiller to convene as Planning Commission. Second Liesinger. Motion carried.

Anna Flogstad, Zoning Administrator, and Nick Palmer, Secog Planner, met with the Board to discuss updating/revising the existing zoning regulations. Mike Fink, States Attorney, Kris Tott, Jason Dabbert, and Julie Hahn were present. St Atty Fink noted that the County has made revisions and if a complete revision is done, dates reset. Amendments can be added to the existing regulations. Planner Palmer will check into what other counties allow. Dabbert asked who enforces development covenants. Fink noted that initially the developer would enforce his covenants and then enforcement could be turned over to a homeowner's association. Palmer will add amendments adopted by the Commission since 2014 to the existing regulations and provide updated Zoning Regulations.

The Board reconvened as the Board of County Commissioners.

Brad (BJ) Stiefvater, Jr., McCook County Emergency Medical Services, met with the Commission, presenting them with a 1-Year Agreement (2026) for ambulance services, in the amount of $400,000.00. Paramedics, Eugene Taylor and Jerry Francis, Roger Hofer, and Sheriff Mark Norris were present. Comm Mehlbrech stated that the County cannot pay out $400,000. Stiefvater stated that he will walk out the door and start selling assets if he doesn't get it. His line of credit is $225,000 and $186,000 has been used, accrued debt. Mehlbrech asked, where will this end. Stiefvater: nothing more I can do. County can form an ambulance district but there is no time this year. This ambulance service has 200 years of combined experience. Auditor Sherman noted that the final budget will be approved at the September 23rd meeting, and no decision must be made today. Stiefvater: I want a signed contract today or I'm walking out and selling off assets. Comm Liesinger asked why request $328,000 for the 1st year of a 5-year contract, to $400,000 for a 1-year contract? Stiefvater: to cover the line of credit; $225,000 debt at end of year. Mehlbrech: sign a 5-year contract and see if a vote passes for an ambulance district. Auditor Sherman asked why a vote on an ambulance district is needed if the county is in a 5-year contract? Roger Hofer suggested that the commission request bids for an ambulance service. Comm Dick asked Stiefvater what his income is from the ambulance service. Stiefvater stated that he won't give the commission that information adding that he isn't going anywhere.

Hofer: County shouldn't have to guarantee a private citizen his/her livelihood; if they go broke, they go broke. Comm Heumiller questioned a compounded 8% increase over 5 years, don't like the numbers. Comm Liesinger noted that CPI isn't 8%. Comm Dick suggested a 1-year contract for $328,000. Liesinger agreed. Chairman Mehlbrech called for a motion. Motion Gordon to approve 1-year contract for $400,000. Second Mehlbrech. Ayes: Gordon, Mehlbrech. Nays: Liesinger, Dick, Heumiller. Motion died. Motion Heumiller to approve a 5-year contract, 2026-2030, with 8% compounded increase annually. Second Gordon. Ayes: Heumiller, Gordon, Mehlbrech. Nays: Liesinger, Dick. Motion carried. Mehlbrech noted that if an ambulance district is voted on and approved, this contract will bind the district to the dollars.

The meeting adjourned subject to call.

Dated this 26th day of August 2025.

Charles Mehlbrech _____
Chairman, McCook County Commission

ATTEST:

Geralyn Sherman _____
Auditor, McCook County