January 28, 2025

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

Chairman Mehlbrech led the Pledge of Allegiance.

Chair Mehlbrech called for approval of the agenda. Motion Liesinger to approve the agenda as posted. Second Dick. Motion carried.

The minutes from the January 14th meeting were sent to Board members for review prior to publication. Motion Gordon to approve the minutes for publication. Second Liesinger. Motion carried.

Public comment: Chris Fields, Sioux Metro Growth Alliance, provided project updates to the Commission. Roger Hofer provided information EMT training

Commissioner Reports: none. Discussed plans for the District Meeting scheduled for February 12th, hosted by McCook County.

Conflict of Interest: none noted.

Travis Raap, Hwy Supt, presented an Agreement Between McCook County and Katzer Concrete Inc for removal of 52' three span reinforced concrete slab bridge and installation of proposed 4 – 12'x9' cast-in-place reinforced concrete box culvert, for signature. IMEG Consultants has been retained as engineer. Motion Gordon to authorize Chairman Mehlbrech to sign the Agreement. Second Liesinger. Motion carried. Heumiller informed the Board that he's received calls regarding traffic concerns on 252nd St at intersection of 438th Ave. Residents would prefer a 4-way STOP because there's confusion on who should stop. Hwy Supt Raap noted that changes were made when traffic was heavier due to hog barn traffic. Raap will have a resolution to place a 4-way STOP at this intersection ready for Board approval at their next meeting. Current projects include crack sealing and blading, lots of wash boarding.

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

At the request of Mic Kreutzfeldt, Drainage Administrator, Auditor Sherman presented a letter from Amber Miller, Director, Permitting, National Grid Renewables, regarding the County's drainage permitting requirements. Miller has met with her engineering team and reviewed county requirements regarding drainage permitting. Grant Solar will not be engaging in any of the activities that require a drainage permit. Grant Solar will submit a Stormwater Pollution Prevention Plan and a Soil Erosion and Sediment Control Plan detailing the erosion control measures for the project that comply with the specific ordinance requirements. Following construction, we (Grant Solar) revegetate our sites with a low-growing seed mix developed specifically for each site to ensure vegetation establishment to create soil stability and will monitor the site to ensure proper erosion control measures are in place, as needed.

The Board reconvened as the Board of County Commissioners.

Anna Flogstad, Dir of Equalization/Zoning Administrator, informed the Board that a letter was received from DANR noting that the VanWinkle Dairy expansion project for existing barns is in compliance with applicable South Dakota environmental laws and/or regulations. The manure management systems that have been completed were issued a Certificate of Compliance.

Geralyn Sherman, Auditor/Welfare Director, and the Commissioners reviewed Care of Poor payments received in December.

Auditor Sherman presented a letter from the SD Dept of Public Safety, Wildland Fire Division, regarding the appointment of a designee who can request county rangeland fire protection. Sherman noted that the Board adopted an on-going resolution in 2022, and she will send it to the contact person, if so approved. Motion Gordon to send a copy of the resolution adopted in 2022 showing that Brad Stiefvater Jr is the appointed designee for McCook County until replaced. Second Liesinger. Motion carried.

The SEFP Facilitator January Report provided 2024 stats. The 2025 Regional Career Fair will be held on February 26th at McCook Central School.

At the request of Mike Fink, State's Attorney, Auditor Sherman presented a resolution for appointing a deputy state's attorney, Reid Kiner, for McCook County. Motion Dick to approve the appointment of Reid Kiner, Hanson County State's Attorney, as the McCook County Deputy State's Attorney, when/as needed. Second Liesinger. Motion carried.

2025-02
RESOLUTION APPOINTING LIMITED DEPUTY STATE'S ATTORNEY

WHEREAS, SDCL 7-16-3 allows the McCook County State's Attorney to appoint limited deputy state's attorneys; and

WHEREAS, it is necessary to have limited deputy state's attorneys when the McCook County State's Attorney is unavailable or there exists a conflict of interest in a particular matter; and

WHEREAS, the Hanson County State's Attorney, Reid Kiner, has agreed to act as limited deputy state's attorney for McCook, South Dakota; and

WHEREAS, the limited deputy state's attorney shall perform duties as a state's attorney without compensation for the following matters:

1. To represent the State of South Dakota in magistrate court on regularly held Magistrate Court dates, which include initial appearances, appeals, order to show cause hearings, sentencing hearings, court trials, and preliminary hearings;
2. To be available to answer questions from county law enforcement officials or other law enforcement agencies when Mike C Fink is unavailable or when a conflict of interest arises and to aid in preliminary investigations of a criminal nature, domestic violence or child protection matters in cases of emergency;
3. To be available to answer questions from county commissioners and elected county officials regarding statutes, ordinances, or other civil matters of a routine nature, and to give the same legal advice on such matters; and

WHEREAS, the limited deputy state's attorney shall be entitled to compensation by the McCook County State's Attorney at the same current fee rate set by the judicial court system for court-appointed attorneys for the following matters:

1. To handle criminal prosecutions that proceed beyond the preliminary hearing state of criminal proceedings, including motion hearings, suppression hearings, court and jury trials, sentencing hearings, adjudicatory and dispositional hearings, and also intermediate appeals to the South Dakota Supreme Court;
2. To handle criminal matters involving felony Grand Jury Indictments;
3. To handle civil matters involving lawsuits by or against the county;
4. To handle civil matters that would be considered complex and time consuming, usually involving legal research, the taking of depositions, making court appearances, submitting briefs, participating in court or jury trials, and appeals therefrom; and
5. To handle civil matters involving legal research and drafting of agreements and contracts or review of documents, agreements, or contracts of a complex nature and to represent the county in tax appeals.

WHEREAS, the limited deputy state's attorney shall be entitled to compensation by the McCook County State's Attorney at the same current mileage rate set by the judicial court system for court-appointed attorneys for travel to and from the McCook County Courthouse, Salem, South Dakota.

WHEREAS, all other costs of prosecution normally paid by McCook County in matters handled by the limited deputy state's attorney shall be paid by McCook County.

NOW THEREFORE, it is hereby RESOLVED that Reid Kiner, attorney at law and the Hanson County State's Attorney, is hereby appointed as limited deputy state's attorney for McCook County, South Dakota, for the sole purpose of handling those matters as above-stated, when the McCook County State's Attorney is absent or when there exists a conflict of interest.

It is further RESOLVED that when entitled, the limited deputy state's attorney will be compensated as described herein.

Dated this 28th day of January 2025.

McCook County, South Dakota

_____
Chuck Mehlbrech, Commission Chairman

ATTEST:

_____
Geralyn Sherman, County Auditor

Auditor Sherman informed the Commission that area measurements were taken in the ICAP office along with a design layout of the location of outlets, doors, windows, and heaters to determine the sharing of space between the Dept of Health and ICAP. Sherman was told that, at this time, the plan is to leave the furniture in the current office space being used by the Dept of Health. Mark Norris, Sheriff, was present.

There was brief discussion about Hanson and Davison counties forming an ambulance district.

Motion Liesinger, second Gordon, and carried, to pay claims: GENERAL FUND: Bi-Weekly Payroll: 1/18/2025: Commissioners 2183.80; Auditor 6290.98; Treasurer 5534.78; States Attorney 3730.38; Custodian 1225.96; Dir of Equalization 3136.19; Register of Deeds 3683.71; Veterans Service Officer 341.40; Sheriff 14698.63; Contract Law 8278.57; Care of Poor 228.92; Welfare 520.56; Extension Secretary 1556.10; Drainage 127.16; Planning & Zoning 671.21. Transamerica Employee Benefits, January contribution 4073.91; Avera Queen of Peace, prisoner care (2 claims), 2391.62; Axon Enterprises, training 500.00, taser certification, 11576.40; Anna Flogstad, mileage, 85.20; McLeod's Printing, office supplies, 14.68; MidAmerican Energy, food pantry utilities, 111.80, courthouse 1078.70; Morgan Theeler, court appointed for Blake Gerlach, 764.12; ODP Business Solutions, office supplies, 46.71, Pulse Electric, outlets in Treasurers Office, 223.21, RBS Sanitation, food pantry garbage service, 109.71, courthouse 111.46; SD Public Assurance, deductible changes, 488.44, Melinda Songstad, transcription service, 29.75, Southeastern Behavioral, quarterly allotment, 1420.50.

COUNTY ROAD & BRIDGE FUND: Bi-Weekly Payroll: 1/18/2025: Hwy Dept 20920.38. Transamerica Employee Benefits, January contribution 1473.93; Avera Occupational Medicine, physical for new hire, 71.00; DANR, bridge project 44-010.185, 100.00; IMEG Corp, engineering design, 2500.00; MidAmerican Energy, utilities, 215.27; Midwest Petroleum, tank monitor issues, 395.75; Pulse Electric, new shop lights, 4714.03; RBS Sanitation, garbage service, 82.82; Running Supply Inc., safety clothing, 445.35; Safety-Kleen, parts washer solvent, 206.38; SD Dept. of Transportation, project PTNBIS (44) 04N8, 2186.58; SDACHS, Short Course registration, 150.00.

911 EMERGENCY REPORTING SYSTEM FUND: Sioux Valley Energy, radio tower utilities 79.85.

EMERGENCY & DISASTER SERVICES FUND: Bi-Weekly Payroll: 1/18/2025: EDS Director 1572.12. Transamerica Employee Benefits, January contribution 96.51.

24/7 SOBRIETY FUND: Bi-Weekly Payroll: 1/18/2025: Sheriff Secretary/Dispatcher 223.44.

PAYROLL CONTRIBUTIONS – ALL FUNDS: 1/18/2025: Dir of IRS, county share of FICA 4361.20, Medicare 1019.94; SD Retirement System, county share of retirement contribution, 4355.38; Wellmark Blue Cross/Blue Shield of SD, county share of health insurance contribution 22089.24.

TOTAL CLAIMS: $30,099.33.

The meeting adjourned subject to call.

Dated this 28th day of January 2025.

Chuck Mehlbrech _____
Chairman, McCook County Commission

ATTEST:

Geralyn Sherman _____
Auditor, McCook County