July 22, 2025

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

Chairman Mehlbrech led the Pledge of Allegiance.

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

The minutes from the July 8th 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: Roger Hofer provided public comment.

Commissioner Reports: Comm Heumiller was contacted by Vern Timmerman, who wants the road (445th Ave) in front of his farm place given back to the county and paved if the Board is going to change plans for other roads. Comm Mehlbrech noted that Drew Peterson has been working with BJ Stiefvater on ambulance issues and looking into Build SD.

Conflict of Interest: none noted.

Jordan Thuringer, IT Operations Manager for Tech Solutions, met with the Commission to discuss the county's interest in SecureSD grant opportunities, cybersecurity, .gov email domain, and technical and strategic assessments. Auditor Sherman noted that the assessments have been signed up for. Thuringer also explained that Tech Solutions has provided Managed IT Services for the county for over ten years, thanking the Board for their time.

Travis Raap, Hwy Supt, presented a utility permit for approval. Motion Gordon to approve a Communications Utility Permit for Golden West Telecommunications to bore 261st St to provide services to existing vault S of Hwy to 44712 261st St. Second Liesinger. Motion carried. Raap informed the Board that he's talked with States Attorney Fink about a road agreement between the county and Meadow View Colony. A haul road agreement has a start and end date so instead a road maintenance agreement is needed. Raap presented recommendations from a Loss Control Survey, completed on June 25th, to the Board. Motion Gordon to no longer rent equipment to avoid liability issues/financial responsibility. Second Heumiller. Motion carried. Auditor Sherman informed the Board that the documents for the East River Electric Power Cooperative franchise agreement have been updated noting 10-year agreement, instead of 20-years, and 3-days notification to the Hwy Supt for maintenance/construction work. Motion Liesinger to set 9:30 a.m. on August 26th, as time for franchise hearing for East River Electric Power Cooperative. Second Gordon. Motion carried.

Auditor Sherman presented copies of a jake brake ordinance drafted by States Attorney Fink to the Board and Hwy Supt Raap for their review. The "draft" references the locations of junction of US81 and SD42 and a stretch of SD262 from 264th St to 436th Ave Bridgewater Twp. In discussion, Liesinger suggested removing the location of junction of US81 and SD42, as this makes no sense. Motion Liesinger to set 9:30 a.m., August 12th, to hold 1st reading of Ordinance 2025-03, an Ordinance Prohibiting the Unlawful Use of Engine and Compression Bakes. Second Gordon. Motion carried.

Hwy Supt Raap presented a capital outlay resolution to the Board noting that this will allow the accumulation of funds for future asphalt construction projects. Motion Liesinger to approve and adopt the following resolution. Second Heumiller. Motion carried.

RESOLUTION 2025-05

CAPITAL OUTLAY ACCUMULATION

WHEREAS, SDCL 7-21-51 authorizes the accumulation of funds for capital outlay purposes, and

WHEREAS, McCook County desires asphalt construction work to be done to resurface highways, and

WHEREAS, the total cost for such asphalt construction is now extraordinary in nature, exceeding the funding ability of a single-budget year.

NOW, THEREFORE BE IT RESOLVED that a maximum of $2,500,000.00 shall be accumulated over a period not exceeding seven years for asphalt construction work.

Vote of Commissioners: YES 4 NO 0 Absent 1

Dated at Salem, SD this 22nd day of July 2025.

ATTEST:

_____
Charles Mehlbrech
Chairman, McCook County Commission

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Geralyn Sherman
McCook County Auditor

Roger Hofer told the Board that those who live on an oil road should pay more taxes.

Hwy Supt Raap informed the Board that he would like to include a notice to landowners about farming the road right-of-way with tax bills or assessment notices when these are mailed out next year. Following discussion, the Board suggested a notice be published in the local newspaper, also.

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

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

D25-012	Judy Christensen	N2 4-104-53
D25-013	Roling Revocable Trust	N2NE4 1-102-53
D25-014	Roling Revocable Trust	SE4 35-103-53
D25-022	Battle Creek Farms	N2SE4 24-102-54

Motion Heumiller to convene as Planning & Zoning Commission. Second Leisinger. Motion carried.

Anna Flogstad, Zoning Administrator, presented 2 plats for approval. Following review of the plat review forms, motion Gordon to approve the 1st plat. Second Mehlbrech. Motion carried.

Approval of the plat of Lots 2A, 3A, 4A & 5A of Replat of Stockwell's Addition in the W1/2NW1/4 of Section 25, Township 102 North, Range 53 West of the 5th P. M., McCook County, South Dakota, is hereby granted by the McCook County Planning Commission.

Adopted this 22nd day of July 2025.

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Chair, County Planning Commission
McCook County, South Dakota

Following review of the plat review forms, motion Liesinger to approve the 2nd plat. Second Gordon. Motion carried.

BE IT RESOLVED by the County Planning Commission of McCook County, South Dakota, that the plat showing Tract 1A of Lacey Addition in the Northwest Quarter of Section 27, Township 102 North, Range 53 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 22nd day of July 2025.

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Chair, County Planning Commission
McCook County, South Dakota

The Board reconvened as the Board of County Commissioners.

Motion Liesinger, second Heumiller, and carried, to pay claims: GENERAL FUND: Bi-Weekly Payroll: 7/19/2025: Commissioners 2183.80; Auditor 6325.48; Treasurer 4945.35; States Attorney 3730.38; Custodian 1460.20; Dir of Equalization 4887.29; Register of Deeds 3527.79; Veterans Service Officer 341.40; Sheriff 14718.56; Contract Law 8236.14; Care of Poor 228.92; Welfare 401.27; Extension Secretary 1742.93; Weed, 1067.39; Drainage 266.48; Planning & Zoning 671.21. SD Dept of Revenue, SD

Developmental Center-Redfield 60.00; TransAmerica Employee Benefits, July GAP billing, 4252.76; AAA Collections, lien collection fees, 179.02; Access Elevator & Lift, preventative maintenance, 515.00; Affordable Auto Body, vehicle repairs, 1290.20; Alvine Law Firm, court appointed attorney for David B Goodwin, 1034.00; Bartscher Cement, concrete & labor-Food Pantry, 2746.35; Century Business Products, monthly copier contracts, 736.13; Chesterman Company, bottled water, 132.00; Corporate Translation, translation services, 20.63; Elevate Appraisal, refund Beacon subscription, 420.00; Anna Flogstad, travel expense, 82.16; Iron Wheel Heating Cooling, reamed sinks, 437.00; McLeod's Printing, receipt books, 249.90: Montrose Veterinary Clinic, K9 visit, 284.35; ODP Business Solutions, office supplies, 125.78; Salem Community Drug, batteries, 10.46, SDAAO, conference registrations, 900.00; SDACC, county directories, 100.00; 3rd Quarter CLERP Assessment, 4162.00, Secretary of State, notary filing fees, 60.00; Tim Simmermon, dog AC for vehicle, 105.80; Sioux Falls Area Humane Society, June contract, 200.00; Thomson Reuters-West, volume Title 9, 53.60; Two Way Solutions, batteries, 355.97; Weber Landscaping, seeding & spraying courthouse yard, 1925.00; Tom Wipf, tear out & install carpet, 360.00.

COUNTY ROAD & BRIDGE FUND: Bi-Weekly Payroll: 7/19/2025: Hwy Dept 25271.91. Townships & Cities, 2nd Qtr 2025 wheel tax collections, 12169.46; TransAmerica Employee Benefits, July GAP billing, 1493.57; C & H Radiator, radiator repair, 275.00; Century Business Products, monthly copier contract, 153.39; Chesterman Company, bottled water, 6.00; Cole's Petroleum, diesel fuel, 14659.89; Flint Hills Resources, asphalt, 90159.84; IMEG Corp, professional services, 9733.71; Knife River, G2 asphalt, 6981.84; Northwestern Energy, utilities, 14.17; SDACC, 2025 County Convention registration, 220.00; Verizon Wireless, cell phone & iPad service, 82.74; Weber Landscaping, weed spraying-Bridgewater yard, 180.00; Xcel Energy, utilities, 377.99.

911 SERVICE FUND: Sioux Valley Energy, radio tower utilities, 81.86.

EMERGENCY & DISASTER SERVICES FUND: Bi-Weekly Payroll: 7/19/2025: EDS Director 1572.12. TransAmerica Employee Benefits, July GAP billing, 96.51. Brad Stiefvater Jr., mileage, 151.20, cell phone service reimbursement, 47.92.

24/7 SOBRIETY FUND: Bi-Weekly Payroll: 7/19/2025: Sheriff Secretary/Dispatcher 240.88. Pharmchem, patch kits, 575.67.

PAYROLL CONTRIBUTIONS – ALL FUNDS: 7/19/2025: Dir of IRS, county share of FICA 4803.18, Medicare 1123.30; SD Retirement System, county share of retirement contribution 4668.93; Wellmark BlueCross/BlueShield, county share of health insurance premium 22640.99.

TOTAL CLAIMS: $140.186.57.

At 10:30 a.m. the Board of Adjustment was to hold a public hearing to receive input concerning a request for a variance. Applicant: Jeremy Davis. Legal description: Tract 1 Davis Add in SE4 27-101-53. Reason: reduce setback for addition to east side of house. Anna Flogstad, Zoning Administrator, informed the Board that the sign was posted on the wrong property so the hearing cannot be held today. Motion Liesinger to hold the variance hearing at 10:30 a.m. on August 12th. Second Gordon. Motion carried.

At 10:40 a.m. the Planning Commission held a public hearing to receive input concerning a request for rezone and held the 1st reading of Ordinance 2025-04, An Ordinance Rezoning Property from Agricultural to Heavy Industrial. Applicant: Meadow View Hutterian Brethren. Legal description: TR 2 of Meadow View Addition in the NW4SW4 of 27-102-55. Reason: rezone Agricultural to Heavy Industrial for concrete plant. Anna Flogstad, Zoning Administrator, presented application information. Kiera Leddy, Attorney, Leut Services PC, provided a letter of support via email, which was provided to the Board. Clarence Waldner, Meadow View Colony, explained that the goal is to save money by operating a concrete plant for their own uses/needs; 20,000 tons to 40,000 tons. Waldner added that they will help a neighbor if asked. Chair Mehlbrech opened hearing for public comment. Jerome Tschetter noted that as a neighbor he has no concerns but as the Emery Twp Clerk, the township board does have concerns about roads, 260th St and 439th Ave and, at this time, there is no need for an agreement between the township and colony. Zoning Adm Flogstad noted that conditions can be added when the conditional use hearing is held. Orlen Tschetter noted that he has no opposition to the rezone request, but questions.

How large is the area to be rezone? 2 acres. If a new request is made, is there another hearing? Yes. Kierra Leddy, Attorney, informed the Board that she was here to answer questions that they may have. No questions were asked. The public comment portion of the meeting closed. Mike Fink, States Attorney, joined the meeting. Fink recommended utilizing a road maintenance agreement instead of a haul road agreement because the latter requires beginning and ending dates. Motion Liesinger to approve the 1st reading of Ordinance 2025-04, an ordinance rezoning property from Agricultural to Heavy Industrial, and set 10:45 a.m. on August 12th as time for the 2nd reading as Board of County Commissioners. Second Gordon. Ayes: Liesinger, Gordon, Heumiller, and Mehlbrech. Absent: Dick. Nays: none. Motion carried.

Anna Flogstad, Zoning Administrator, and Mike Fink, States Attorney, met with the Commission to discuss amending the 2014 Revised Zoning Regulations, Chapter 11 regarding fences and Chapter 19.02 regarding definition of structures, removing fences.

The Board reconvened as the Board of County Commissioners.

Brian Loken, LifeQuest, presented the 2026 appropriation request ($3000) for LifeQuest to the Board and spent time reviewing services that are offered to their clients.

Mike Fink, States Attorney, presented a Resolution Rescinding the Right-of-Way Resolution, granted in favor of Harold Schwartz, on October 8, 2019, Resolution 2019-13, Establishing a Right of Way to an Isolated Tract. Fink noted that because of the applicant's failure to pay the amounts due by Statute, the right-of-way granted by the Board of County Commissioners should be revoked and the County should return the balance ($887.94) remaining on account to the Estate of Harold Schwartz. Bernard and Lloyd Stockwell and Matthew Tysdal, Attorney, Heidepriem, Purtell, Siegel & Hinrichs LLP, were present. Attorney Tysdal noted that this is the right thing to do. Motion Liesinger to approve the resolution (2025-07) presented by States Attorney Fink rescinding Resolution 2019-13 and remit payment of $887.94 to the Estate of Harold Schwartz. Second Gordon. Motion carried.

Geralyn Sherman, Welfare Director, and the Board reviewed list of lien payments received in the month of June.

Barb Hoiten, Doreen Quinn, and Gloria Rayman, McCook County Concerned Citizens, met with the Commission to follow-up with them about election concerns with safety of machines discussed at their May 13th meeting. Chair Mehlbrech asked for instances of issues. Quinn referenced an analysis in Minnehaha County. Rayman asked if county can prove things are correct. Mehlbrech asked if any counties are hand counting now. This isn't known. Quinn asked why counties should continue to pay for maintenance and updates on the machines. Rayman added that it's ridiculous to spend money on this. Quinn also noted that the machines aren't being tested correctly, and the county is not using enough ballots for testing. Quinn requested that cast vote record (CVR) and ballot imaging be turned on in the tabulator because there are enough reasons to mistrust the machines. Have any of the commissioners read the whistleblower newsletter regarding the machines and motherboards? No. Hoiten noted that SD Codified Law states that a county commission has authority to change the voting system used in the county so please consider our requests for changes. Mehlbrech asked why the county should manipulate what's working. Hoiten: McCook County can be the first county to do hand counting. Rayman added that hand counting ballots is manageable.

Michelle Stubkjaer, HR Consultant, met with the Board to review the current Bereavement Leave Policy in the Personnel Handbook. Currently there is a 3-day leave and a 1-day leave. This will be updated, today, as follows: an eligible employee may take up to three days of paid leave for a death in the immediate family. The immediate family includes current spouse, child, mother, father, mother-or father-in-law, brother, sister, grandparent, grandchild, sister or brother-in-law, aunt, uncle, niece, nephew, or step-relatives. For a fellow employee or to act as a pallbearer, he/she may be granted one-day of bereavement leave.

Stubkjaer asked for Board input regarding how to proceed with the hiring of a drainage administrator, prior to year end. Auditor Sherman noted that Mic Kreutzfeldt, Drainage Administrator, is on the August 12th agenda to discuss this with the Commission.

The July 2025 SEFP Monthly Facilitator Report was noted and filed.

Auditor Sherman presented information from SDFIT regarding investment of public funds, to the Commission for their review.

Auditor Sherman reminded the Board that the Canistota Planning & Zoning Commission will be holding a hearing regarding Tax Increment Financing (TIF) District No 1 on July 30th at 7:00 p.m.

Tyler Ruhd, Infotech Solutions, met with the Board to discuss cybersecurity and IT services, providing an overview of services that they offer. Ruhd asked for permission to gather information from county departments and come back with a quote for monitoring and managing IT services for the county. The Board granted permission to do this.

The meeting adjourned subject to call.

Dated this 22nd day of July 2025.

Charles Mehlbrech _____
Chairman, McCook County Commission

ATTEST:

Geralyn Sherman _____
Auditor, McCook County