June 23, 2020

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

Chairman Koch led the Pledge of Allegiance.

Chairman Koch called for approval of the Agenda. Motion made by Liesinger to approve the Agenda as sent and posted. Second by Gordon. Motion carried.

The minutes from the June 9th and June 16th meetings were sent to Board members for review prior to publication. Motion made by Gordon to approve the minutes for publication. Second by Mehlbrech. Motion carried.

Public input: none.

Commissioner Reports: none.

Hwy Supt, Mic Kreutzfeldt, presented information to the Board regarding a haul road agreement with Great Bear Sand & Gravel. Both parties are agreeable with terms indicated and a final agreement will be drawn up for signature. Kreutzfeldt informed Board that the SD Office of Weights & Measures completed a tank and pump inspection of equipment located at Hwy Dept, inspection passed and on file. Commercial Asphalt has begun paving 451st Ave from Montrose to 263rd St. Bridge repairs are complete on structures 44-223-230 & 44-130-227. Nolz Dragline has low bid, $516243.16, on project 44-199-010 (Ramsey Bridge) replacement and SD Transportation Commission will likely award the project on Thursday. The County will be salvaging the bridge beams for a Ramsey Twp project. Kreutzfeldt presented a utility permit for approval. Motion was made by Gordon to approve Water Utility Permit for TM Rural Water District. Scope of project: install water service to 26382 446 Ave. Second by Liesinger. Motion carried. Kreutzfeldt noted that a date and time need to be set for the 5-Year Transportation Plan informational meeting. Motion was made by Mehlbrech to set 10:00 a.m., September 8th, as time for the informational meeting. Second by Liesinger. Motion carried.

Motion made by Mehlbrech to convene as Drainage Commission. Second by Gordon. Motion carried.

Drainage Administrator Kreutzfeldt 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.

D20-020	Lloyd & Mary Schallenkamp Family Trust	SW4 8-102-55
D20-021	Peggy Wubben Trust	SW4 32-104-56
D20-022	Peggy Wubben Trust	SE4 31-104-56
D20-023	McDaniel Farms LLP	NW4 5-103-56

Kreutzfeldt noted that Bartmann Bros are requesting a drainage hearing for permit #D20-024 because downstream landowner signatures cannot be obtained. Motion was made by Dick to set 9:45 a.m., July 28th, as time for drainage hearing. Second by Gordon. Motion carried.

Board reconvened as Board of County Commissioners.

Motion made by Liesinger, second Mehlbrech, and carried, to pay claims: GENERAL FUND: Bi-Weekly Payroll: 6/13/20: Commissioners 1692.30; Auditor 5353.37; Treasurer 4050.19; States Attorney 2777.88; Custodian 1279.25; Dir of Equalization 5803.40; Register of Deeds 3183.94; Veterans Service Officer 258.90; Sheriff 11215.14; Contract Law 4899.73; Care of Poor 192.31; Welfare 231.00; Community Health Nurse Secretary 1331.18; Extension Secretary, 1109.20; Weed 818.31; Drainage 311.45; Planning & Zoning 307.74. A & B Business, monthly copier contract 79.99; C&B Operations, tractor rental 3750.00; CHS Credit Card, auto fuel 63.43; Davison County Sheriff, May jail services 475.00; DS Solutions, election test deck 210.00; Election Systems & Software, QC test ballots 87.00; English Law, court appt attorney for Jeremy Bjornebo 426.80; Mike Fink, May expenses 240.99; Gordon Flesch Co, monthly copier contract 109.46; Government Forms & Supplies, germ shield protectors 338.00; Lincoln County Treasurer, reimbursement of 3

mental health claims 468.85; Mitchell Clinic, prisoner care 125.00; Noll Collection Service, lien collection fee 187.29; Office Depot, office supplies 539.17; Presto-X, food pantry pest control 39.00; Santel Communications, managed IT services 3413.00; SD Dept of Health, 3rd Qtr CHN services 1335.52; Sioux Falls Area Humane Society, stray animal service 159.66; Sioux Falls Food Bank, delivery charges-Food Pantry 70.00; Streicher's – Minneapolis, ammunition 551.41.

COUNTY ROAD & BRIDGE FUND: Bi-Weekly Payroll: 6/13/20: Hwy Dept 21388.42. Forterra Pipe & Precast, flood repair 16900.39; Hollaway Construction, Lake Vermillion bridge 95171.24 flood repairs 31204.33; Lyle Signs, sign posts 1505.00; Northwestern Energy, utilities 10.00; Office of Weights & Measures, fuel pump inspection 60.00; Stern Oil Co, gas & diesel fuel 14672.73; TrueNorth Steel, flood repair & supplies 15337.71; Verizon Wireless, cell phone service 86.33; Weidenbach Concrete, flood repair 656.00.

911 EMERGENCY REPORTING SYSTEM FUND: Sioux Valley Energy, radio tower utilities 57.07.

EMERGENCY & DISASTER SERVICES FUND: Bi-Weekly Payroll: 6/13/20: EDS Director 1384.62. Brad Stiefvater, Jr, Tri-State EM dues 20.00 May cell phone reimbursement 47.02 May mileage 13.44.

24/7 SOBRIETY FUND: Bi-Weekly Payroll: 6/13/20: Sheriff Secretary/Dispatcher 192.18.

PAYROLL CONTRIBUTIONS – ALL FUNDS: 6/13/20: Dir of IRS, county share of FICA 3834.72, Medicare 896.84; SD Retirement System, county share of retirement contribution, 3921.86; Wellmark Blue Cross/Blue Shield of SD, county share of health insurance contribution 17220.92.

Motion was made by Gordon, second by Mehlbrech, and carried, to adopt the following resolution:

RESOLUTION 2020-06

Whereas, insufficient appropriations were made in the 2020 budget to discharge just obligations of said appropriation.

Whereas, SDCL 7-21-32.2 provides that transfers may be made by Resolution of the Board from the Contingency appropriation established pursuant to SDCL 7-21-6.1 to other appropriations.

Therefore, be it resolved that appropriation of $500.00 be transferred from Contingency to Abused & Neglected Child Defense.

Dated this 23rd day of June 2020.

Dean Koch _____
Chairman, McCook County Commission

ATTEST:
Geralyn Sherman _____
Auditor, McCook County

Motion was made by Dick to convene as Board of Adjustment. Second Mehlbrech. Motion carried.

Present: Cori Kaufmann, Staff Appraiser, Mic Kreutzfeldt, Hwy Supt, and Laura Schultz, HR Coordinator.

At 10:30 a.m. a Variance Hearing was held to receive input concerning a request for a reduction in setback for an accessory building. Applicant: Mark Miles. Legal description: E392.5' of S297', SE4 Section 26 Ramsey Twp. Kaufmann presented the variance application to the Board. No public input presented. Motion was made by Gordon to approve the variance request. Second by Dick. Roll call vote: Ayes: Gordon, Dick, Liesinger, Mehlbrech, Koch. Nays: none. Motion carried.

At 10:35 a.m. a Variance Hearing was held to receive input concerning a request for a reduction in setback for an accessory building. Applicant: William Vanderlinde (present). Legal description: Tract 1 Snyder's Addition, NE4 Section 29 Montrose Twp. Kaufmann presented the variance application to the Board. Vanderlinde explained his project to the Board. No public input presented. Motion was made by Gordon to approve the variance request. Second Mehlbrech. Roll call vote: Ayes: Gordon, Mehlbrech, Dick, Liesinger, Koch. Motion carried.

At 10:40 a.m. a Conditional Use Hearing was held concerning a telecommunications tower. Kaufmann informed the Board that the applicant, Eco-Site, has requested a new hearing date, and pulled the application for today. Legal description: E548' of W1096' of N384' of NE4NW4 Section 14 Ramsey Twp. No action taken.

Mike Fink, States Attorney, joined the meeting.

At 10:50 a.m. a Conditional Use Hearing was held to receive input concerning a request change an existing Class A to provide for added animal units. Applicant: Van Winkle Dairy LP. Legal description: Tract 2A Van Winkle Dairy in S2NE4 Section 36 Canistota Twp. Present: applicants Tanya & Kevin Van Winkle, Steve Leber, Mary & James Baier, Alan Klinkhammer, Will Vanderlinde, Barney Roling and Dan Lauck. Kaufmann presented the application information. Discussion included: capping pits, odor when spreading/injecting manure is making people sick and affects the whole town (Canistota), issues caused by all the semis on posted roads. States Attorney Fink clarified current zoning on setback distance for Class A CAFO. Kaufmann noted that neighbors are outside of setback distance (3520' for a dwelling), so waivers are not required. Liesinger noted that he feels Van Winkles are doing what they can, and covering pits is probably not economical. Tanya Van Winkle-we are working to make better use of what is in place, would like to manage manure once in the fall, DENR approval has been given for more manure storage, want to make ponds deeper and minimize surface area, currently have 2000 cows and that can increase to 3200 under current zoning regulations. Kevin Van Winkle-we are trying to be good neighbors, apologizing for the smell. At this time, Chairman Koch closed the public comment section of the hearing asking Van Winkles to return for July 28th meeting with information regarding costs to cover pits.

(Running late) at 11:30 a.m. a Conditional Use Hearing was held to receive input concerning extraction of rock, sand and/or gravel. Applicant: Great Bear Sand & Gravel. Legal description: SE4 Section 3 Sun Prairie Twp. Kaufmann presented the application information. Present: Harold Golden, Owner, Jay Wright and Hwy Supt Kreutzfeldt. It was noted that a haul road agreement has been agreed upon. Motion was made by Gordon to approve the conditional use request. Second Dick. Roll call vote: Ayes: Gordon, Dick, Liesinger, Mehlbrech, Koch. Motion carried.

Brian Waldner, Golden View Colony, met with the Board to explain a proposed expansion. Mike Fink, States Attorney, John Wipf, Oaklane Colony, and Barney Roling were present. Kaufmann explained that she and States Attorney Fink have discussed the proposed expansion and why she feels there is a need for a conditional use hearing. Fink informed those present that Waldner has met with him to discuss why there is a need for a conditional use permit adding that there is a change to the operation regarding barn location. Waldner explained the proposed expansion project. Fink noted that a conditional use hearing will be held for Golden View Colony at the July 28th meeting. Roling informed the Commission that Salem Twp is looking to give a few miles back to the County.

The Board reconvened as Board of County Commissioners.

Auditor Sherman presented a final copy of the resolution establishing a property tax discretionary formula. Motion was made by Dick to approve the following resolution, second by Gordon and motion carried.

McCook County Resolution No. 2020-05
Discretionary Formula SDCL 10-6-35.2

WHEREAS, the County of McCook, State of South Dakota has deemed it in the best interest of the County to adopt a Resolution implementing a Discretionary Formula for the reduced taxation of new structures and additions and partially constructed structures pursuant to SDCL 10-6-35.2.

NOW, THEREFORE, BE IT RESOLVED, that the following properties shall be, and hereby are, specifically classified for the purpose of taxation pursuant to SDCL § 10-6-35.2:

__ Any new nonresidential agricultural structure, or any addition to an existing structure, if the new structure or addition has a full and true value of ten thousand dollars or more (SDCL § 10-6-35.2(3));

__ Any new commercial structure, or any addition to an existing structure, except a commercial residential structure as described in SDCL § 10-6-35.2(5), if the new structure or addition has a full and true value of thirty thousand dollars or more (SDCL § 10-6-35.2(4));

__ Any commercial, industrial, or nonresidential agricultural property which increases more than ten thousand dollars in full and true value as a result of reconstruction or renovation of the structure (SDCL § 10-6-35.2(8)); and be it

FURTHER RESOLVED, that any structure classified pursuant to this Resolution shall, following construction, initially be valued for taxation purposes in the usual manner, and that value shall be referred to in this Resolution as the "Pre-Adjustment Value"; and be it

FURTHER RESOLVED, that the assessed value to be used for tax purposes of any structure classified pursuant to this Resolution shall, following construction, be calculated as follows:

a. For the first tax year following construction, 20% of the Pre-Adjustment Value;
b. For the second tax year the following construction, 40% of the Pre-Adjustment Value;
c. For the third tax year following construction, 60% of the Pre-Adjustment Value;
d. For the fourth tax year following construction, 80% of the Pre-Adjustment Value;
e. For the fifth tax year following construction, 100% of the Pre-Adjustment Value; and be it

FURTHER RESOLVED, that the Board of County Commissioners may, if requested by the owner of any of the above described property, not apply the above formula, in which case the full assessment shall be made without application of the formula. In waiving this formula for the structure of one owner, the Board of County Commissioners is not prohibited from applying the formula for subsequent new structures by that owner; and be it

FURTHER RESOLVED, that for purpose of this Resolution, the assessed valuation during any of the five years may not be less than the assessed valuation of the property year preceding the first year of the tax years following construction; and be it

FURTHER RESOLVED, that any structure that is partially constructed on the assessment date may be valued for tax purposes pursuant to this Resolution and the valuation may not be less than the assessed valuation of the property in the year preceding the beginning of construction; and be it

FUTHER RESOLVED, that following the five-year period under this section, the property shall be assessed at the same percentage as is all other property for tax purposes.

Approved this 23rd day of June 2020.

_____
Chairman, McCook County Commission

Attest:

_____
McCook County Auditor
(Seal)

Geralyn Sherman, Auditor/Welfare Director, and the Commissioners reviewed Care of Poor cases. Three Applications for Poor Relief Assistance were received from Avera McKennan Hospital (2020-16, 2020-17 & 2020-20). Two Notices of Hospitalization were received from Avera McKennan Hospital (2020-22 estimated cost of services $20,000 & 2020-23 estimated cost of services $20,000). A Notice of Hospitalization was received from Sanford USD Medical Center (2020-24 estimated cost of services $34,000).

At 1:00 p.m. the Commission convened their meeting at the south side of Lehrman Lake. Present: Mic Kreutzfeldt, Hwy Supt, Mike Fink, States Attorney, Dan Olinger, Jim Taylor Attorney, Deb Heitzman, Jacob Tiede Attorney, Dennis Kobernusz, John Ruden, Denny Rowley, Dan Lehrman and Bruce Kjetland. Chairman Koch asked for comments from those present. John Ruden, Spencer Fire Chief, voiced concern regarding response time for emergency calls; fire, ambulance. Attorney Jim Taylor asked if the County has engineering plans to show elevations & flows. No. Kreutzfeldt noted that US Fish & Wildlife Service has established an elevation, 2' below road surface. Dan Lehrman noted the extra miles being driven to get to fields and livestock, asking for a completion date. Fink stated that a Commission decision can be appealed to Court. There is no way to know how work may proceed. At 1:30 p.m. the Board returned to the Courthouse to continue discussion. Present: Dennis Kobernusz, Benton Twp Board Chairman, Gary Schoenrock, Hanson

County Commission Chairman, Calvin D Heitzman and Attorney Chris Nipe, Deb Heitzman and Attorney Jacob Tiede, Dan Olinger and Attorney Jim Taylor. For those present, States Attorney Fink reviewed SDCL 31-21 Highway Drainage Ditches as it pertains to this hearing. Discussion included: lack of an engineering study and hydrology report, tiling to 430th Ave with an improved township ditch, raising the 431st Ave again as it flows naturally 9 inches above the current road elevation, ditch maintenance & fencing in Hanson County and downstream landowner compensation. Motion was made by Mehlbrech to table until July 14th meeting at 9:15 a.m. and have States Attorney Fink prepare easements between Calvin Heitzman and the County and between Dan Olinger and the County. These will be reviewed and discussed at the next meeting. Second by Dick. Motion carried.

Motion was made by Gordon to enter Executive Session at 3:00 p.m. to discuss personnel issues; SDCL 1-25-2 (1). Laura Schultz, HR Coordinator, was present. Lisa Marso, Boyce Law Firm, was present by phone. Second by Mehlbrech. Motion carried. Chairman Koch declared out of Executive Session at 3:15 p.m.

The meeting adjourned subject to call.

Dated this 23rd day of June 2020.

Dean Koch _____
Chairman, McCook County Commission

ATTEST:

Geralyn Sherman _____
Auditor, McCook County