

June 25, 2019

The meeting of the McCook County Commission was called to order in their Meeting Room by Chairman Charles Liesinger.

Members present: Marc Dick, Dean Koch and Steve Gordon. Member absent: Chuck Mehlbrech.

Chairman Liesinger led the Pledge of Allegiance.

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

The minutes from the June 11th & June 17th meetings were sent to Board members for review prior to publication. Motion made by Dick to approve the minutes for publication. Second Koch and motion carried.

Public input: none.

Commissioner reports: Mehlbrech asked Auditor Sherman to inform the Board that Salem City placed the radar/speed sign trailer south of T & C's Pit Stop.

Mic Kreutzfeldt, Hwy Supt, presented a Fact Sheet regarding the apportionment of Highway Infrastructure Program Funds pursuant to the Dept of Transportation Appropriations Act, 2019, to the Board for their review, along with list of 12 McCook County bridge structures determined to be in poor condition, from 2017 NBI Data. Following review and discussion, motion was made by Gordon to authorize Chairman Liesinger to sign the State of SD Dept of Transportation Funding Agreement. The State will transfer \$172,790.21 to the County for the replacement or rehabilitation of bridges classified as in poor condition. Second made by Dick and motion carried. Kreutzfeldt informed the Board that a FEMA Applicant Briefing will be held on Tuesday, July 16th, at the Salem Armory. It is mandatory that any potential public entity applicants attend this briefing. Discussed the BIG Grant preliminary engineering application deadline, no applications to be submitted this round. The contractors have returned to complete work on bridge projects #44-101-110 & 44-042-220. A loss control survey is scheduled for Tuesday, July 2nd, which requires assistance from Auditor, Hwy Supt, Sheriff and Emergency Manager.

Motion was made by Gordon to convene as Drainage Commission. Second made by Koch and motion carried.

Drainage Administrator Kreutzfeldt informed the Board that Ben/Bernard Roling have requested a drainage hearing for application D19-014, E2NW4 & NW4NW4 20-103-55, no downstream acceptance from USA. Motion made by Koch to set July 23rd at 9:45 a.m. as time for the hearing. Second made by Gordon and motion carried. Kreutzfeldt noted that a drainage complaint, previously thought to be resolved, isn't because the permit holders haven't followed through with restoration work that they agreed to complete. The Board set July 31, 2019 as completion deadline and owners to be notified.

The Board reconvened as Board of County Commissioners.

Motion made by Dick, second Koch, and carried, to pay claims: GENERAL FUND: Bi-Weekly Payroll: 6/15/19:

Commissioners 1692.30 mileage 13.44; Auditor 4600.56; Treasurer 3792.10; States Attorney 2560.64; Custodian 1178.54; new employee: John McCormick, \$16.50/hour; Dir of Equalization 5663.95; Register of Deeds 3096.18; Veterans Service Officer 196.00; Sheriff 10394.39; Contract Law 4649.29; Care of Poor 192.31; Welfare 91.00; Community Health Nurse Secretary 1342.60 ; Extension Secretary, 1173.26; Weed 688.47; Drainage 310.97; Planning & Zoning 309.94. Transamerica Life Insurance, June healthpak premium 3593.355; Advanced Systems, monthly copier contract 17.01; Applied Concepts, radar gun supplies 254.00; Avera McGreevy Clinic, new employee physical 59.12; Body Cams by Retired Cops, 2 body cameras 500.00; Card Service Center, care of poor-auto fuel 15.00; Civil Division/Gwinnett, tax deed-civil service 125.00; Dakota Counseling Inst, mental health service 220.00; Davison County Sheriff, May jail services 3990.00; Lewis Family Drug, prisoner care 24.28; Mid Dakota Properties, care of poor-rent 550.00; MidAmerican Energy, utilities 72.12; Office Depot, toner 150.98; Presto-X, Food Pantry pest control 37.00; Ramkota Hotel, HR conference lodging

96.00; Santel Communications, managed IT services 1945.00 Dell laptop & wireless mouse 1444.00; Laura Schultz, mileage HR conference 160.27; SD Dept of Health, 3rd Qtr CHN appropriation 1303.00; SDSU Print Lab, envelopes 206.93; Sioux Falls Area Humane Society, stray animal service 115.88; Sioux Falls Food Bank, Food Pantry delivery 70.00; Yankton County Treasurer, reimbursement of mental health services 230.50.

COUNTY ROAD & BRIDGE FUND: Bi-Weekly Payroll: 6/15/19: Hwy Dept 21506.03. Transamerica Life Insurance, June healthpak premium 2228.02; Cole's Petroleum, gasoline & diesel 16711.50; Commercial Asphalt, patch mix 9667.05; Core & Main, culverts 8640.00; Istate Truck Center, truck repairs 3093.78; MidAmerican Energy, utilities 22.72; Northwestern Energy, utilities 12.18; TrueNorth Steel, culverts 24605.94.

911 EMERGENCY REPORTING SYSTEM FUND: CenturyLink, 911 telephone service 302.45; Mitchell Regional 911, 3rd Qtr E911 contract 16076.36; Sioux Valley Energy, radio tower utilities 56.21.

EMERGENCY & DISASTER SERVICES FUND: Bi-Weekly Payroll: 6/15/19: EDS Director 1269.23.

24/7 SOBRIETY FUND: Bi-Weekly Payroll: 6/15/19: Sheriff Secretary/Dispatcher 172.81.

PAYROLL CONTRIBUTIONS – ALL FUNDS: 6/15/19: Dir of IRS, county share of FICA 3701.60, Medicare 865.71; SD Retirement System, county share of retirement contribution, 3517.58; Wellmark Blue Cross/Blue Shield of SD, county share of health insurance contribution 11601.14.

Motion was made by Koch to convene as Planning Commission. Second made by Dick and motion carried.

Tracy Hofer, Planning & Zoning Administrator, presented a plat for approval.

Following review of the Plat Review Form, motion was made by Gordon, second by Dick, and carried, to approve the following Planning Commission resolution:

BE IT RESOLVED by the County Planning Commission of McCook County, South Dakota, that the plat showing Tract 2A of Meyers Addition, an Addition in the South Half of Section 18, Township 103 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 25th day of June, 2019.

Chair, County Planning Commission
McCook County, South Dakota

The Board reconvened as Board of County Commissioners.

Motion was made by Gordon, second by Dick, and carried, to approve the County Commissioners Resolution:

BE IT RESOLVED by the County Commission of McCook County, South Dakota, that the plat of Tract 2A of Meyers Addition, an Addition in the South Half of Section 18, Township 103 North, Range 53 West of the 5th Principal Meridian, McCook County, South Dakota, be and the same is hereby approved.

Approved this 25th day of June, 2019.

Chairman of the County Board
McCook County, South Dakota

Motion was made by Koch to convene as Board of Adjustment. Second made by Gordon and motion carried.

At 10:35 a.m. a Conditional Use Hearing was held as advertised. Applicant: East River Electric, Kurt Donelan was present.

Legal description: Tract 1 of Flannery's Addition in the Northwest Quarter of Section 30, Township 103 North, Range 53 West of the 5TH P.M., McCook County, South Dakota, and the Northeast Quarter of Section 30, Township 103 North, Range 53 West of the 5TH P.M., McCook County, South Dakota. Tracy Hofer, Planning & Zoning Administrator, noted that the purpose of the conditional use request is

for a motor operated switch site for electrical transmission line. There was no public testimony. Motion was made by Dick to approve the request for the conditional use. Second by Koch and motion carried.

At 10:40 a.m. a Conditional Use Hearing was held as advertised. Applicant: VanWinkle Dairy Limited Partnership, Kevin VanWinkle was present. Legal description: Tract 2A of VanWinkle Dairy Addition in the S2NE4 36-102-54. Tracy Hofer, Planning & Zoning Administrator, presented information regarding the existing CAFO and noted that 2 waivers are needed for a new plat to be filed and to date those haven't been received. VanWinkle explained that road maintenance agreements are in place with the township, along with two existing waivers for the previous CAFO area and that with expanding the area, 2 more waivers are needed from landowners within the setback area. VanWinkle did present a second option to the Commission noting no additional animal units. Diane Merrigan was present and stated that she is not opposed to the plan. Public testimony closed. No action was taken at this time.

Motion was made by Gordon to convene as Planning Commission. Second made by Koch and motion carried.

At 11:00 a.m. a hearing to rezone property from Agricultural to Rural Residential was held. Applicant: Janet Meyers. Legal description: W 2.5A in that part of Meyers Addition in NW4 18-103-53. Present: Loretta Corbin, James Corbin and Jim Barenklau. Tracy Hofer, Planning & Zoning Administrator, handed out handouts, a timeline of events since July 2018, of what has transpired through spring of 2019, now leaving the property a non-conforming use and explaining that the only way to add additional building eligibilities would be to submit an application for the change of zone. The landowner informed the Zoning Office at the time of the application that she did not want more than one house on the area to be rezoned. Public Testimony - A letter of objection from adjoining landowners, Ken Krouse, Rita Krouse, Steve Lounsbery, along with other landowners in the rezone application area, Michele Eichacker, Jim Barenklau, Lynn Barenklau, Dustin Barenklau, Troy Krouse and Greg Johnson was received by the Zoning office. The letter was read at the hearing by Hofer, Zoning Administrator. The concerns stated in the letter were the hindrance of future plans of existing farming operations to build confinement buildings or livestock yards, population explosion destroying the rural setting and hindrance of agricultural practices such as manure application fertilizer practices, machinery movement and livestock movement. Jim Barenklau stated that because of the 40 acre rule, there are 11% less kids in the school district. Hofer clarified that the 40 acres to qualify for agricultural status was put into place at the time that the Legislature made changes to have the assessment of land derived from productivity rather than market. It wasn't a zoning issue. SDCL allowed the County Commission to change the 20 acres to qualify for agricultural status to up to 160 acres. McCook County made the change to 40 acres prior to productivity being used for assessment as did Minnehaha and Lincoln counties.

Dick stated that by approving this request precedence is set taking away Ag land. Gordon asked Corbin if they could apply for a building permit within the existing yard. Corbin stated this was the intent, but zoning doesn't allow this because it's currently a non-conforming use which doesn't allow a change in the footprint of the building or any new construction. This would also require a replat. Loretta stated that all they want is for James to be able to live on the family farm. Following more discussion, public testimony closed. Motion was made by Dick, to make no recommendation to the County Commission. Second was made by Gordon. Motion carried.

Mike Jaspers, East River Electric Business Development Director, and Patrick Lindell met with the Commission to discuss an economic development business plan. Tracy Hofer, P & Z Administrator, was present to answer zoning regulation questions.

The Board reconvened as Board of County Commissioners.

Motion was made by Dick to enter into Executive Session at 1:00 p.m. to discuss personnel issues. Second was made by Gordon. Motion carried. Laura Schultz, HR Coordinator, was present. Chairman Liesinger declared out of Executive Session at 1:50 p.m.

Laura Schultz, HR Coordinator, asked the Board if they had questions regarding the job description/duties for Director of Equalization/Planning & Zoning and GIS Administrator. Tracy Hofer was present to answer any questions. Koch had several questions

that were answered. Motion was made by Gordon to approve the job description. Second by Koch and motion carried. Schultz presented a letter of resignation from Kally Zelmer, Staff Appraiser, effective 7/2/2019. Motion made by Dick to accept the resignation. Second made by Gordon and motion carried. With that noted, Hofer would like to move Susanne Arnold to Staff Appraiser and hire an Equalization and Zoning Clerk. Board approval was given. Schultz presented a letter of resignation from Dareus Montreal, Veteran's Service Officer, effective 7/10/2019. Motion was made by Koch to accept the resignation. Second made by Dick and motion carried. Schultz noted that both positions will be posted.

Brad (BJ) Stiefvater, Jr. Emergency Manager, met with the Commission to let them know that he has an online course for EMT-Basic Training set up through Sanford. Stiefvater noted that it is affordable (\$800 per person) and 3 or 4 Search & Rescue members have expressed interest and feel that they can meet the requirements. Stiefvater noted that in the past, bills were sent to insurance companies for certain accidents that S & R members worked. He is asking if he can use these funds for training purposes. Auditor Sherman stated that any money received from insurance companies was placed in the EDS Fund because the County turned around and paid S & R members for working those accident scenes. Sherman also noted that the County has never paid for EMT Basic training for S & R members and questioned why now? Stiefvater said it makes sense that these members who are first responders have the basic training and we want to keep them engaged and in the community. Sherman asked if other county departments including Sheriff's Office should also receive training. Motion was made by Koch to approve EMT Basic Training at the cost of \$800 per Search & Rescue member who participates. Second made by Gordon and motion carried. Stiefvater also noted that he's working on a grant for equipment and medical supplies.

Commissioner Koch asked Stiefvater if he has a manager hired for his ambulance service. No, he doesn't have one.

The Commission discussed the continuation of the county opt out because current opt out is in its final year. Laurie Schwans, Register of Deeds, Carol Lauer, Treasurer, and Laura Schultz, Deputy Auditor/HR Coordinator, were present. The current opt out was for five years in the amount of \$300,000 per year. Following discussion, motion was made by Dick, second by Gordon, and carried, to approve and adopt the following resolution:

ATTENTION TAXPAYERS:

NOTICE OF PROPERTY TAX INCREASE OF \$300,000.00

RESOLUTION FOR OPT OUT – 2019-06

THE GOVERNING BOARD OF

McCook County does state that the above said board is unable to operate under the tax limitation measure currently in statute. We therefore OPT OUT of such tax limitation in the amount of \$300,000.00 starting with calendar year 2019 taxes payable in the calendar year 2020. This opt out will be for five (5) years, which will be through taxes payable in the calendar year 2024. This action has been taken by the board and approved by at least a two-thirds vote of the board.

This decision may be referred to a vote of the people upon a petition signed by at least five percent of the registered voters in the district and filed with the governing body within twenty days of the first publication of this decision.

Unless this action is referred to a vote of the people and reversed by such vote, this resolution authorizes the county auditor to spread an excess levy to raise tax dollars in the above stated amount.

Signed:

_____ Charles Liesinger, Board Chairman

_____ Chuck Mehlbrech, Board Member

_____ Steve Gordon, Board Member

_____ Marc Dick, Board Member

_____ Dean Koch, Board Member

ATTEST:

_____ Geralyn Sherman, Auditor

Dated: June 25, 2019

A list of delinquent taxes dating back to 2007 was reviewed by the Board.

Auditor Sherman presented a letter from Santel Communications to the Board regarding an investigation involving one of their employees. Tech Solutions provides managed IT services to McCook County. Laura Schultz, HR Coordinator, was present. Schultz will contact Santel Communications asking for a face to face meeting. Schultz informed the Board that the Sheriff's Dept plans on implementing firewall protection through Triotel Communications. Liesinger asked that the Sheriff hold off for now.

Auditor Sherman informed the Board that there is no coverage for water damage to the interior of the Courthouse because water is leaking in through cracks in the exterior walls; damage didn't result from wind, hail or other covered cause of loss.

Geralyn Sherman, Auditor/Welfare Director, reviewed Care of Poor cases with the Commission.

The May Clerk of Courts Report was noted and filed.

Chairman Liesinger signed 2 (copy and original) contracts for masonry repairs with KARR Tuckpointing; \$23946.00.

The meeting adjourned subject to call.

Dated this 25th day of June, 2019.

Charles Liesinger _____
Chairman, McCook County Commission

ATTEST:

Geralyn Sherman _____
Auditor, McCook County