

October 22, 2019

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

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

Chairman Liesinger led the Pledge of Allegiance.

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

The minutes from the October 8th meeting were sent to Board members for review prior to publication. Motion made by Gordon to approve the minutes for publication. Second Mehlbrech and motion carried.

Public input: none

Commissioner reports: Mehlbrech attended an on-site facility assessment of the Salem Armory. Auditor Sherman presented a copy of the initial findings to board members.

Mic Kreutzfeldt, Hwy Supt, presented a utility permit for approval. Motion was made by Dick to approve Telephone Utility Permit for Golden West Telecommunications and authorize Chairman Liesinger to sign same. Second made by Gordon and motion carried. Motion was made by Gordon to continue participation in the tractor rental program in 2020 with C&B Operations; terms same as 2019, \$25/hour with a minimum usage of 150 hours. Second made by Koch and motion carried. Discussion was held regarding a quote for extended warranty coverage for 2013 140M2 Caterpillar. After discussion, decision was made not to purchase additional coverage. Kreutzfeldt informed the Board that Dept of Transportation has approved the Five-Year County Highway and Bridge Improvement Plan. Kreutzfeldt and the Commission reviewed a Highway Status Report: 435th Ave N of I90, Gross Lake, opened on 10/14/19; Lehrman Lake on 431st Ave N of I90 – 9.0” water over centerline as on 10/21/19; Huls Waterfowl Production Area on 431st Ave 6 miles N of Spencer – opened as one lane road; 257th St E of US81 – waiting for culvert to arrive; bridge on 263rd St 1 mile below Lake Vermillion – SDDOT has approved a new plan, abutments were repaired and construction has resumed; bridge on 262nd St below the dam – Clark Engineering is going to do an inspection; and bridge on 438th Ave N of Unityville – Hollaway Const. moving in to begin replacement. Current projects include fall mowing (80% complete), flooding repairs, culvert replacement on 263rd St at Minnehaha County line, snow fence and blading roads. FEMA representative in McCook County last week, completed 3 days of on-site inspections.

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

A drainage hearing was held for drainage permit applications D19-025 and D19-026 Rotert Farms Limited Partnership. Legal descriptions: NW4 Ex Lot H-1, 4-102-53; E83.60 AC NE4 5-102-53 Ex Lot H-1 and NE4 of 5-102-53 Ex E83.60 AC & Ex Lot H-1. Present: Ruth Rotert, Eric Tieszen, Dakota Tiling, Barney & Ben Roling. Kreutzfeldt explained that one downstream landowner signature was missing from application. The layout of the proposed drain tile outlet was reviewed by those present. Motion was made by Koch to approve the two applications and authorize Chairman Liesinger to sign same. Second made by Mehlbrech and motion carried. Rotert thanked the Board for their time.

Drainage Administrator Kreutzfeldt presented the following drainage permit applications, 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.

D19-031	Ralph & Shirley Larson Living Trust	NE4 2-101-53 Ex S600’ of N1844’ of E675’ of NE4 2-101-53
D19-036	Jeff & Marcia Anderson	Tract 1 Judstra’s Addn in NE4 35-104-54
D19-037	Josh & Angela Horstman	SE4SE4NE4 22-102-55

Kreutzfeldt informed Board that Jim Stofferan of M&S Drainage has asked about number of downstream releases needed to permit a tile project from Miner County where there are no drainage regulations to outlet within McCook County. Kreutzfeldt feels that

due to the intercounty significance applicant needs to ask for a drainage hearing so all interested parties can be brought to the table. The Board agreed.

Maddy & Bryce Rabenhorst, Sheldon & Jan Butzke, Fred Butzke, Barney Roling and Ben Roling were present. Maddy Rabenhorst presented photos of their home drainage issues and general road/ditch upkeep issues in Pearl Township. She noted these drainage issues have existed for 20+ years that the township has failed to make improvements. Adding that she and Bryce are getting nowhere with trying to work with Pearl Twp board members so they felt they needed to meet with the Commission. Rabenhorst noted that Pearl Twp has failed to service their township road for years. Maddy noted that they've received threatening messages from board members, that if they continue to complain they will be put to the bottom of the list. The Rabenhorst would like an additional culvert to be added in their west driveway and the ditch be cleaned out from east driveway west for half mile. Discussion topics included: no county control over township roads, townships are doing the best they can with funds & contractor availability, roads not being designed for a 500-year flooding event and in the event of a township dissolving the county can only expend the funds raised by that township on those roads. Fred Butzke stated the County should be leading by providing a long-term plan to alleviate future flooding issues. The name and phone number of the Executive Director for Towns & Townships Assn was given to Maddy Rabenhorst.

It was noted that a Board of Adjustment hearing was scheduled and the Commission needed to move on.

The Board reconvened as Board of County Commissioners.

Fred Butzke told the Board and Hwy Supt Kreutzfeldt that he was here to discuss how 435th Ave played into the flooding of Immanuel Lutheran Church which had 3' of water in the basement; 435th Ave holds back a lot of water forcing it to go south. Butzke suggested the road on the north side of church could be raised so the water would go around the east side of the church property & adding a culvert to their south driveway. Butzke said better maintenance of culverts and/or increasing culvert sizes would help; adding that it's hard to reinvest in the church with the water issues. Kreutzfeldt noted that county roads are designed for a 25-year flood event; with a 500-year event it takes time for culverts to pass the water thus the high water on one side of the road, adding that field trash is a big issue slowing the water flow through culverts.

Motion was made by Gordon 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 Mehlbrech, 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 2B of Meyer's Addition, an Addition in the Southwest Quarter 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 22nd day of October, 2019.

Chair, County Planning Commission
McCook County, South Dakota

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

At 10:35 a public hearing was held to receive input concerning a request for a conditional use for a new house. Applicant: James Corbin. Legal description: Tract 2B Meyers Addition in SW4 of Section 18 Montrose Township. Tracy Hofer, Planning & Zoning Administrator, presented the Conditional Use Permit Application, explaining that it is for a single family dwelling. Hofer asked the Board if they wanted to put conditions on the application. Following discussion, it was decided that the existing house has to be removed and cleaned up within 12 months from the date of approval of the building permit for the new house. Motion was made by Mehlbrech to

approve the CUP application with the conditions noted. Second was made by Gordon. Roll call vote was taken: Ayes: Mehlbrech, Gordon, Dick and Liesinger. Nay: Koch. Motion carried.

At 10:45 a public hearing was held to receive input concerning a request for a variance for storage shed/garage. Applicant: Vyancheslav Volkotrub. Legal description: E175' of W545' of S48.4' in NE4 of Section 14 Spring Valley Township. Tracy Hofer, Planning & Zoning Administrator, presented Application for Variance, explaining that the lot is narrow and no other good spot to put the shop. Following discussion, motion was made by Dick to approve the Variance Application. Second was made by Koch. Roll call vote was taken. Ayes: Dick, Koch, Mehlbrech, Gordon and Liesinger. Nays: none. Motion carried.

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

Hofer presented a 2nd plat for approval. Following review of the Plat Review Form, motion was made by Koch, second by Gordon, 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 1 of Christensen's Addition in the Northwest Quarter of Section 24, Township 104 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 22nd day of October, 2019.

Chair, County Planning Commission
McCook County, South Dakota

Hofer presented a 3rd plat for approval. Following review of the Plat Review Form, motion was made by Dick, second by Gordon, 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 1 of Begeman Addition, an Addition in the Northeast Quarter of Section 25, Township 101 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 October, 2019.

Chair, County Planning Commission
McCook County, South Dakota

The Board reconvened as Board of County Commissioners.

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

BE IT RESOLVED by the Board of County Commission of McCook County, South Dakota, that the plat of Tract 2B of Meyers Addition, an Addition in the Southwest Quarter 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 22nd day of October, 2019.

Chairman of the County Board of Commissioners
McCook County, South Dakota

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

BE IT RESOLVED by the County Commission of McCook County, South Dakota, that the plat of Tract 1 of Christensen's Addition in the Northwest Quarter of Section 24, Township 104 North, Range 54 West of the 5th Principal Meridian, McCook County, South Dakota, be and the same is hereby approved.

Approved this 22nd day of October, 2019.

Chairman of the County Board
McCook County, South Dakota

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

BE IT RESOLVED by the County Commission of McCook County, South Dakota, that the plat of Tract 1 of Begeman Addition, an Addition in the Northeast Quarter of Section 25, Township 101 North, Range 53 West of the 5TH Principal Meridian, McCook County, South Dakota, be and the same is hereby approved.

Approved this 22nd day of October, 2019.

Chairman of the County Board
McCook County, South Dakota

Laura Schultz, HR Coordinator, met with the Commission. A letter approving the appointment of Brian Havard, as McCook County VSO, September 2019 – January 2021, was received from the Dept of Veteran's Affairs.

Attorney Michael Unke and Laurie Schwans, Register of Deeds, joined the meeting. Schultz began with several questions addressed to Schwans. Unke presented three exhibits to the Commission: copy of AG opinion dated May 2006, regarding zoning ordinances and duties of the Register of Deeds, #2 handout from SDACO 2014 Spring Workshop and #3 copy of SDCL 7-9-25. Schwans noted that she attended training in 2014. Unke stated that the Register of Deeds has sole discretion of how the M&P Fund is handled. Schwans stated that she has concerns about the Commissioners controlling the M&P funds. Koch asked Schwans if she approved payment of lodging bills out of the M&P Fund prior to the lodging policy being adopted in July 2019. Schwans stated no. There was no further discussion.

Laura Schultz, HR Coordinator, and the Commission reviewed the improvement recommendations following a Safety Benefits Survey completed July 2nd. Schultz noted the recommendations were brought to the attention of the appropriate departments and the completed survey answers will now be sent to Safety Benefits. Schultz informed the Commission that Governor Noem is granting administrative leave for the Thanksgiving and Christmas holidays to State employees under her jurisdiction and some counties will be doing the same because they follow what the State does; closing on November 28th & 29th and December 23rd, 24th and 25th. This is only an FYI as McCook County policy does not follow the State. The combined job description for Veteran's Service Officer, Weed Spray Applicator & Hwy Worker was reviewed. Motion was made by Gordon to approve the job description. Second was made by Mehlbrech and motion carried. Schultz presented a "draft" copy of a Weather Policy to the Board, asking them to review it for further discussion at their next meeting.

Motion was made by Gordon to enter into Executive Session at 11:35 a.m. to discuss a personnel issue, SDCL 1-25-2 (1). Second made by Dick and motion carried. Laura Schultz, HR Coordinator, Mark Norris, Sheriff, and Deputy Sargent, Anna Misar, were present. Chairman Liesinger declared out of Executive Session at 12:15 p.m.

Mike Fink, States Attorney, stopped in asking if the Board had any questions for him. Several claims presented for payment were discussed. Auditor Sherman asked Fink to update the Board on the proposal from Attorney Robert Nelson, representing Avera Hospitals. Fink noted that he and Nelson have been discussing payment and dismissal options of 8 hospital claims, dating back to 2011.

Motion was made by Gordon, second Dick, and carried, to pay claims: GENERAL FUND: Bi-Weekly Payroll: 10/19/19: Commissioners 1692.30 mileage 266.28; Auditor 4607.53; Treasurer 3712.18; States Attorney 2560.64; Custodian 1241.63; Dir of Equalization 5576.75; Register of Deeds 3131.18; Veterans Service Officer 258.90; Sheriff 12070.92; Contract Law 4733.19; Care of Poor 192.31; Welfare 336.00; Community Health Nurse Secretary 1342.60; Extension Secretary, 402.81; Weed 365.38; Drainage 310.98; and Planning & Zoning 301.89. SD Dept of Revenue, Human Service Center Patient 600.00 SD Developmental Center-Redfield 60.00; Transamerica Life Insurance, October healthpak premium 3408.74; AAA Collections, lien collection fee 197.65; Advanced Systems, 3 monthly copier contracts 201.31; Card Service Center, personal protective gear 174.18; Child's Voice, witness testimony 425.00 mileage 50.00; Davison County Sheriff, September jail service 2470.00; Heritage Funeral Home, care of poor 1500.00; Kathryn Heumiller, services-drawing blood 111.00; Lewis Family Drug, prisoner care 35.07; McLeod's Printing, floor cord covers 122.50 calculators &

binder 143.02; Microfilm Imaging System, film 45.02; MidAmerican Energy, utilities 81.40; Minnehaha County Juvenile Detention, 16 days juvenile care 3680.00; Douglas Papendick, court appt attorney for Houston Red Day 635.50; Ramkota Hotel-Pierre, lodging-law enforcement conference 288.00; Safety Benefits, safety conference registration 130.00; Salem Community Drug, Kleenex 5.99 batteries 7.39; Santel Communications, managed IT services 2182.00; SDACC, 4th Qtr CLERP assessment 2166.00; Sioux Falls Food Bank, food pantry delivery charges 70.00; Streicher's Minneapolis, ammunition 354.93; Doug Stroup, mileage-equipment disposal 30.24; Two Way Solutions, radio shipping charges 15.00; Tyler Technologies, annual software maintenance, 20361.87; Ver Beek Law Prof, court appt attorney for alleged mentally ill 64.50; Wash N Go, car wash tokens 80.00.

COUNTY ROAD & BRIDGE FUND: Bi-Weekly Payroll: 10/19/19: Hwy Dept 21568.61. Wheel Tax remitted to townships & cities 11350.88; Transamerica Life Insurance, October healthpak premium 2228.02; DMC Wear Parts, grader blades 2534.00; Istate Truck Center, Freightliner repair 1450.85; Jim Hawk Truck Trailer, supplies 200.02; MidAmerican Energy, utilities 29.65; Northwestern Energy, utilities 10.00; Safety Benefits, safety conference registration 65.00; Salem Body Shop, windshield replacement 406.64; Verizon Wireless, cell phone service 97.10.

911 EMERGENCY REPORTING SYSTEM FUND: CenturyLink, 911 telephone service 302.45; Sioux Valley Energy, radio tower utilities 56.30.

EMERGENCY & DISASTER SERVICES FUND: Bi-Weekly Payroll: 10/19/19: EDS Director 1330.80. Brad Stiefvater Jr, 6 month salary increase to \$35,000. Salem Community Drug, markers 6.29.

24/7 SOBRIETY FUND: Bi-Weekly Payroll: 10/19/19: Sheriff Secretary/Dispatcher 172.80.

PAYROLL CONTRIBUTIONS – ALL FUNDS: 9/21/19: Dir of IRS, county share of FICA 3756.84; Medicare 878.60; SD Retirement System, county share of retirement contribution, 3747.95; Wellmark Blue Cross/Blue Shield of SD, county share of health insurance contribution 12666.93.

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

RESOLUTION 2019-14

Whereas, insufficient appropriations were made in the 2019 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 \$2,700.00 be transferred from Contingency to Mentally Handicapped \$1,000.00 and Intergovernmental Expense (wheel tax) \$1,700.00.

Dated this 22nd day of October, 2019.

Charles Liesinger _____
Chairman, McCook County Commission

ATTEST:

Geralyn Sherman _____
Auditor, McCook County

Geralyn Sherman, Welfare Director, and the Commission reviewed Care of Poor cases. A Notice of Hospitalization was received from Avera McKennan Hospital (2019-43); estimated cost of services \$30,000. A request for burial assistance was reviewed and approved following verification of income (2019-44). Lien and A/R payments received in September were reviewed by the Board.

Laura Schultz, HR Coordinator, and the Commission discussed and reviewed a quote from Tech Solutions which referenced a managed firewall with security services; cost of \$75/month which would be added to our current IT Services Contract. The update to Windows 10 was also discussed. Motion was made by Koch to approve the updated firewall security services. Second made by Dick and motion carried.

The September Clerk of Courts Report was noted and filed.

Auditor Sherman gave the Board members copies of What Every Rural South Dakota Community Needs to Know About EMS: A guide to Challenges and Opportunities. This is the conclusion to a statewide project, Rural EMA in SD, started a few years ago. Copies are available at the County Auditor's Office.

Motion was made by Gordon to enter into Executive Session at 1:34 pm to discuss personnel issue SDCL 1-25-2 (1). Second made by Mehlbrech and motion carried. Laura Schultz, HR Coordinator, was present. Chairman Liesinger declared out of Executive Session at 1:43 pm.

The meeting adjourned subject to call.

Dated this 22nd day of October, 2019.

Charles Liesinger _____
Chairman, McCook County Commission

ATTEST:

Geralyn Sherman _____
Auditor, McCook County