

September 8, 2020

The meeting of the McCook County Commission was called to order in the Community Room by Chairman Dean Koch.

Members present: Chuck Mehlbrech, Steve Gordon, and Marc Dick. Absent: Charles Liesinger.

Chairman Koch led the Pledge of Allegiance.

Chairman Koch called for approval of the Agenda. Auditor Sherman noted that 3 of the drainage hearings won't be held; 9:15, 9:25 and 9:30. Motion made by Gordon to approve the Agenda with changes noted. Second by Dick. Motion carried.

The minutes from the August 25th meeting 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.

Citizen Input: none.

Commissioner Reports: none.

Mic Kreutzfeldt, Hwy Supt, showed the Board results of culvert lining being utilized in 60" culvert located on 448th Ave at 250th St; worked great. Liesinger joined the meeting. Time was spent reviewing the Five-Year County Highway and Bridge Improvement Plan. The public meeting will be held from 10:00-11:00 today at the American Legion. Kreutzfeldt noted that stripers will be moving in to begin road striping projects. Current projects include bridge repairs, fall mowing, and fall weed spraying. Discussed the need to update the three County flood plain administrator appointments. from areas of the County. These individuals are responsible for overseeing projects within the floodplain areas.

Mike Fink, States Attorney, joined the meeting. Fink told Board that he made a call to Calvin Heitzman and had to leave a message but did not have a return call from Heitzman. Fink noted that options now are to raise the road or have an open ditch. James Taylor, attorney representing Dan Olinger, informed Fink (by email) that Olinger is still willing to honor his agreement as long as he is paid the sum set forth in the executed easement. Jacob Tiede, Attorney representing Deb Heitzman, informed Fink (by email) that his client intends to explore further legal remedies, including, but not limited to, injunctive relief and/or award of appropriate damages if the County decides to run the drainage ditch as originally proposed. Calvin Heitzman joined the meeting. Fink explained where the progress or lack thereof is regarding the Lehrman Slough project. Koch stated that building the road up is not the best solution but if people won't work with the County not much we can do. Koch called for a motion. Motion was made by Liesinger to raise the road. Second by Dick. Ayes: Liesinger, Dick, Gordon, Koch. Nays: Mehlbrech. Motion carried. Kreutzfeldt will contact SDDOT concerning flood damage funds and raising the grade.

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

Drainage Administrator Kreutzfeldt presented a drainage permit application to the Board, noting that downstream landowners were notified, and he has signed off on it. Permit 20-037, applicant Mike Fink, ditch cleanout in S2SW4 Section 18, 101-55. All permits are available for inspection at the Hwy Dept Office.

The drainage hearings scheduled for 9:15 Ron Weeldreyer, 9:25 Doug Bleeker, and 9:30 Doug Bleeker will not be held because downstream landowner signatures were obtained. Kreutzfeldt presented these drainage permit applications to the Board for their review as it involves intercounty significance. Bryce Gillen, Gridline Tile, was present to explain the tiling projects. Motion was made by Liesinger to approve the applications pending Hanson County approval and authorize Chairman Koch to sign same. Second by Gordon. Motion carried.

D20-031	Ron Weeldreyer	SW4 7-102-56
D20-030	Doug Bleeker	SE4 7-102-56
D20-032	Doug Bleeker	SW4 8-102-56

At 9:35 and 9:40 Drainage Hearings were held at the request of applicant Huls Family Inc because US Fish & Wildlife Service does not sign off on drainage permits. Drainage Administrator Kreutzfeldt presented these drainage permit applications to the Board for approval and Chairman signature. Bryce Gillen, Gridline Tile, was present to answer questions regarding the tiling projects. Motion was made by Liesinger to approve the applications and authorize Chairman Koch to sign same. Second by Gordon. Motion carried.

D20-033	Huls Family Inc (Donald & Adele Huls)	SW4 8-103-55
D20-034	Huls Family Inc (Donald & Adele Huls)	SE4 Ex S950' of E910' 8-103-55

At 9:45 a.m. a Drainage Hearing was held at the request of Hagen Living Trust because downstream landowner signatures could not be obtained for permit D20-026. Legal description: NE4 Section 10-101-53. Project description: adding and replacing tile in areas that need additional drainage. Approximately 30 acres of the 120 acres is proposed to be tiled to the east toward river with additional laterals to existing tile in northern part of parcel and (1) new outlet in NW4SW4 11-101-53, a waterway directly to E Vermillion River. Applicant, Hagen Living Trust. Present: Rod & Joy Hohn, Orrin Geide, Earle Geide and Doug Seubert (tiler). Drainage Administrator Kreutzfeldt provided a final tile plan. Rod Hohn stated their presence is because 3 different plans were presented to them, so they were unsure what the plan was and request that rock be placed at the outlet to slow the erosion. Seubert said yes, rock will be placed at the outlet. With questions answered, motion was made by Dick to approve the drainage permit application and authorize Chairman Koch to sign same. Second by Gordon. Motion carried.

The Board reconvened as Board of County Commissioners.

In other business, Ron Hohn asked about placement of additional rip rap in area of bridge replacement. Kreutzfeldt will meet with Hohn at the site on a later date.

Motion was made by Liesinger to convene as Planning Commission. Second by Gordon. Motion carried.

Cori Kaufmann, Interim Zoning Administrator, presented a plat for approval. Kaufmann reviewed the Plat Review Form with the Board. Starlyn Church was present to answer any questions. Motion made by Dick to approve the Planning Commission resolution. Second by Gordon. Motion carried.

Be it Resolved by the County Planning Commission of McCook County, South Dakota, that the Plat showing Tract 1 of Tarrell Addition, an Addition in the Northeast Quarter of Section 5, Township 101 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 8th day of September 2020.

Chair, County Planning Commission
McCook County, South Dakota

The Board reconvened as Board of County Commissioners.

Motion was made by Dick to approve the County Commission resolution. Second by Gordon. Motion carried.

Be it Resolved by the County Commission of McCook County, South Dakota, that the Plat of Tract 1 of Tarrell Addition, an Addition in the Northeast Quarter of Section 5, Township 101 North, Range 54 West of the 5TH Principal Meridian, McCook County, South Dakota, be and the same is hereby approved.

Approved this 8th day of September 2020.

Chairman of the County Board
McCook County, South Dakota

At 10:30 a.m. the County Commission held a public hearing for 1st reading of Ordinance 2020-04 An Ordinance of McCook County, South Dakota, repealing Chapter 11.10(D) of Ordinance 2014-01 – 2014 Revised Zoning Regulations for McCook County, to explain the repeal of Chapter 11.10 (D), to answer questions, and to hear and consider public comments. Kaufmann read the title of the proposed ordinance. No public was in attendance. Motion was made by Liesinger to close public hearing & public comment. Second by

Gordon. Roll call vote: Ayes: Liesinger, Gordon, Mehlbrech, Dick, and Koch. Nays: none. Motion carried. The 2nd reading will be held on September 22nd.

At 10:35 a.m. the County Commission held a public hearing for 1st reading of Ordinance 2020-05 An Ordinance amending Ordinance 2014-01 – 2014 Revised Zoning Regulations for McCook County by Establishing Regulations for Solar Energy Conversion, to explain the proposed amendment, to answer questions, and to hear and consider public comments. Kaufmann read the title of the proposed ordinance. No public was in attendance. Motion was made by Dick to close public hearing & public comment. Second by Gordon. Roll call vote: Ayes: Dick, Gordon, Liesinger, Mehlbrech, and Koch. Nays: none. Motion carried. The 2nd reading will be held on September 22nd.

At 10:45 a.m. the County Commission held a public hearing for 1st reading of Ordinance 2020-06 An Ordinance of McCook County, South Dakota, Amending Ordinance 2014-01 -2014 Revised Zoning Regulations for McCook County by Amending Chapter 3, AG: Agricultural District; Chapter 11.08, Class A Concentrated Animal Confinements; and Chapter 19.02, Definitions, Definitions, to explain the amendments, to answer questions, and to hear and consider public comments. Kaufmann read the title of the proposed ordinance. Barney Roling was present and voiced concerns about how the County will handle complaints being filed regarding manure management. Motion was made by Dick to close public hearing & public comment. Second by Gordon. Roll call vote: Ayes: Dick, Gordon, Liesinger, Mehlbrech, and Koch. Nays: none. Motion carried. The 2nd reading will be held on September 22nd.

Cori Kaufmann, Interim Dir of Equalization, presented proposal from Eagleview for Change Finder to the Board. Kaufmann noted that there were more parcels than originally thought. The cost for the program is \$2860 per flyover. Change Finder is a web-based program that compares building outlines from the shapefile. Motion was made by Mehlbrech to approve purchase of the Change Finder program. Second Liesinger. Motion carried.

At 11:00 a.m. the Provisional Budget hearing was held as advertised. Casey Urrutia, Chief Law Enforcement Deputy, met with the Board to provide information on utilization of the K-9. Mark Norris, Sheriff, and Roger Hofer were present. Urrutia noted that he has not been in the schools due to COVID restrictions and he waits to be invited in, does not go in unannounced. Norris added that we want to be invited in, it is a courtesy. Urrutia stated that deputies do not shoot their guns every day just as the K-9 isn't deployed every day; but both are necessary tools of the job. Urrutia also noted that there is revenue for the K-9 because sometimes individuals who receive a moving violation ticket are given the opportunity to donate to DARE or the K-9 instead of receiving a ticket. Hofer had questions about the Nurse's budget and how much each ambulance service is going to receive in 2021.

The August Law Enforcement Reports were noted & filed.

The following building permits were issued the month of August:

20-46	Wade & Jessica Klinkhammer	move in home	Lot 2 of Eichacker Add in SW4 10-103-56
20-47	Richarz Properties	32x76 single story dwelling	S230.5' of N453.07' of Lot A Graham's Subd SE4 10-101-54
20-48	David Bowling	continuation – home	Lot A of Replat of Subd Tract 1 Erikson's Add NE4NE4 14-101-53
20-49	Kent Peterson & Drew Peterson	2 bins	Tract A of Pearson Add in SW4 12-104-55 Ex Lot H-2 & Land Deeded for Road in 109D396
20-50	Dennis & Kathy Liesinger	40x90 Quonset	SE4 less Hwy 35-102-56
20-51	Rosemont Valley Farms	4 open front pole buildings	E2SE4 & NE Corner of NW4SE4 22-103-53
20-52	Orland Hutterian Brethren	3 34x140 living quarters	SW4 / Parcel 1 of 2 9-104-53
20-53	Scott & Tracy Chase	used 24x14 grain bin	E541' of S645' of W2SW4 6-102-54
20-54	Wayne & Connie Whistler	42x29 grain bin	SW4 29-103-56
20-55	Ralph & Shirley Larson Trust	48x38 grain bin	NE4 2-101-53 Ex S600' of N1844' of E675' of NE4 2-101-53
20-56	Robert & Doreen Quinn	new home	Lot 14 Sunset Bluffs Add W2SW4 35-102-53
20-57	David Fendrich Trust	60x80 shop w living space	NE4SE4 22-103-55
20-58	Scott Huls	48x64 shop/garage	W715' of E1465' of S890' of SE4 Ex Lot H-1 14-103-54
20-59	Calvin Heitzman Rev Trust	moving bins	NW4 30-103-56
20-60	Scott & Wendy Benson	addition to existing home	N1143.15' of E1143.15' of SE4 9-102-53 Inc Krossin's Tr 1 Lying Therein

Auditor Sherman presented a records request from True the Vote Research Dept, Houston TX, asking for election worker and election process information and electronic tabulation information. Sherman noted that they are requesting electronic copies of documents, files, or images from the 2020 Primary Election and for the upcoming 2020 General Election. True the Vote did request a fee waiver using the SD Sunshine Law 1-27-1. States Attorney Fink has reviewed the requests and recommends that the Commission set a per hour fee for the time that it will take the Auditor's Office staff to compile all the documentation. Motion was made by Dick to set a fee of \$100 per hour. Second by Liesinger. Motion carried.

Motion was made by Gordon to declare the following items as surplus property as they are no longer functional for purpose acquired: fixed asset #970-A, Lexmark copier; fixed asset #804-A, E-Studio 282 copier; and fixed asset #952 Fujitsu Tablet PC. Second by Dick. Motion carried.

Auditor Sherman informed Board that several individuals have inquired about when they plan on holding a tax deed property sale. More discussion will be held at next meeting.

Auditor Sherman presented a roster of Search & Rescue members to the Board. These individuals are noted in the Board minutes for insurance purposes. They will be covered by the County's work comp insurance when performing duties on behalf of McCook County: Jerry Heumiller, Mike Heumiller, Marvin Johnson, Jerry Francis, David Oyen, Darin Koch, Dustin Weber, Nathan Olinger, and Marty Heumiller. Motion was made by Dick, to approve the membership roster. Second by Mehlbrech. Motion carried.

Geralyn Sherman, Auditor/Welfare Director, and the Commissioners reviewed Care of Poor cases and the list of lien payments received in August. Sherman and States Attorney Fink attended depositions in Sioux Falls for two hospital claims. One individual was a no-show and his account will be sent to AMI for collection (2015-29). Based on information provided during the second deposition, this claim will be paid by the County (2009-47). The Hospital Request for Payment and the accompanying UB-04 Form have been sent to Dept of Social Services for Medicaid pricing. A third deposition has been scheduled for October 30th here at the Courthouse (2019-39).

Motion made by Mehlbrech, second Liesinger, and carried, to pay claims: GENERAL FUND: Bi-Weekly Payroll: 9/5/2020: Commissioners 1692.30 mileage 77.28; Auditor 5109.84; Treasurer 3992.44; States Attorney 2777.88; Custodian 1317.50; Dir of Equalization 4271.22; Register of Deeds 3215.44; Veterans Service Officer 681.77; Sheriff 10560.83; Contract Law 4899.73; Care of Poor 192.31; Welfare 231.00; Community Health Nurse Secretary 1388.80; 4-H Program Assistant 1316.00; Weed 28.85; Drainage 311.45; Planning & Zoning 115.43. AutoEx LLC, law enforcement vehicle supplies & service 1494.91; Avera Queen of Peace Health Services, blood alcohol services 117.00; Card Service Center, dog food 78.84 law enforcement auto fuel & supplies 1876.20 P&Z conference registration 50.00; Central Farmers Coop, lawn mower gas 46.67 law enforcement auto fuel 30.00; Chesterman Co, water 76.50; City of Bridgewater, September ambulance appropriation 3530.66; Davison County Sheriff, August jail services 4180.00; English Law, court appt attorney for Shawn P Mills 190.60; Mike Fink, August expenses 314.42; Gordon Flesch Co, 2 monthly copier contracts 128.46; Brian Havard, VSO training expenses 42.79; Inter-Lakes Community Action, September CSW funds 763.83; Corissa Kaufmann, meeting mileage 116.34; Larry's Food & Auto, law enforcement vehicle service 45.25; Lincoln County Treasurer, reimbursement of mental illness expenses 167.15; Marco Technologies, monthly copier contract 141.68; McCook County EMS, September appropriation 11059.00; McCook County Publishers, publishing 2716.80; McCook County Treasurer, postage 1276.88; McCormick Motors, law enforcement vehicle service 446.05; McLeod's Printing, clasp envelopes 11.99; Meyer Motor, law enforcement vehicle service 46.80; Microfilm Imaging Systems, scanning equipment rent 534.00 film 53.43; Douglas Papendick, court appt attorney for Charles M Wright 611.30; RBS Sanitation, garbage service 71.78; Record Keepers Inc, vault box storage 21.25; Salem City, utilities 98.13; Salem Special, P&Z notices 25.84 self-sealing envelopes 168.00 window envelopes 108.00; Sturdevant's Auto Supply, windshield wiper blades 45.65; T&C's Pit Stop, law enforcement auto fuel 65.00; Tech Solutions, Managed IT services 3413.00; Triotel Communications,

telephone/internet service 726.81; United Laboratories, janitorial supplies 159.21; Verizon Wireless, iPad services 40.01, cell phone service 259.98 internet modem service 240.06; Wash 'N' Go, car wash tokens 160.00; Xcel Energy, utilities 1109.12; Zapp Hardware, supplies & labor 229.59.

COUNTY ROAD & BRIDGE FUND: Bi-Weekly Payroll: 9/5/2020: Hwy Dept 21570.71. Appera, towel & mat rental 97.86; Bierschbach Equipment, yellow markers 325.00; Boyer Trucks, parts 47.80; Butler Machinery, parts 269.90; C&R Supply, parts 158.82; Card Service Center, office supplies 111.23; Central Farmers Coop, supplies 825.03 labor 281.00; Chesterman Co, water 17.00; Concrete Materials, asphalt 739.29; Equipment Blades Inc, supplies 2617.76; Gessner Welding & Repair, parts 671.90 labor 1000.00; Goldies Trailer Sales, 2020 tilt bed trailer 7500.00; Jebro Inc, liquid asphalt 34742.24; McCook County Publishers, notices for Transportation Plan meeting 82.51; McCormick Motors, supplies 562.10; North American Truck, parts 305.11; North Central International, parts 156.53; Productivity Plus Account, broom bristles 1044.00; Puthoff Sales & Service, hydraulic hammer rent 50.00; RBS Sanitation, garbage service 62.47; Salem City, utilities 151.01; Salem Lumber, supplies 411.35; Southeastern Electric, utilities 53.80 Ramsey Bridge project 9667.39; Spencer Quarries, rock chips 13252.38; Sturdevant's Auto Supply, supplies 1143.73; Triotel Communications, telephone/internet service 132.52; TrueNorth Steel, supplies 2630.00; Xcel Energy, utilities 491.54; Zapp Hardware, supplies 93.90.

911 EMERGENCY REPORTING SYSTEM FUND: Golden West Telecommunications, 911 telephone service, 371.72; Triotel Communications, 911 telephone service 183.20.

EMERGENCY & DISASTER SERVICES FUND: Bi-Weekly Payroll: 9/5/2020: EDS Director 1384.62. Brad Stiefvater Jr, August cell phone reimbursement 47.21 mileage 56.28; Triotel Communications, telephone/internet service 88.08.

24/7 SOBRIETY FUND: Bi-Weekly Payroll: 9/5/2020: Sheriff Secretary/Dispatcher 192.26.

PAYROLL CONTRIBUTIONS – ALL FUNDS: 9/5/2020: Dir of IRS, county share of FICA 3692.33 Medicare 863.54; SD Retirement System, county share of retirement contribution 3795.06; Wellmark BlueCross BlueShield of SD, county share of health insurance contribution 7321.89.

The Auditor's Account with the County Treasurer for the month of August 2020: deposits in banks, \$4,868,186.83; cash to deposit, \$1,462.00; checks to deposit, \$14,801.92; CC payments, \$2,161.65; Cash Items (postage) \$1,276.88; Treasurer's Cash, \$293.12; Register of Deeds, \$450.00; Sheriff, \$500.00; CD's, \$800,000.00. The total deposits on hand: \$5,689,132.40.

Laura Schultz, HR Coordinator, gave a COVID update to the Board. FFCRA paperwork will be presented at the next board meeting.

Bev Bartling, Deputy Register of Deeds, joined the meeting to personally thank the Commission and let them know that she is retiring after 27 years of service to the County. The Board thanked Bartling for her many years of service and wished her well in retirement.

Laurie Schwans, Register of Deeds, met with Board to discuss employee classification of a new hire. Schwans noted that she wants a full-time employee. Clarification of job duties and a comparison of surrounding counties was presented. After discussion, the position will be posted as a full-time position.

The meeting adjourned subject to call.

Dated this 8th day of September 2020.

Dean Koch _____
Chairman, McCook County Commission

ATTEST:
Geraldyn Sherman _____
Auditor, McCook County

