

September 22, 2026

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

Members present: Charles Liesinger, Tom Heumiller, Chuck Mehlbrech, and Marc Dick. Tom Tott, Commissioner-Elect was present.

Chairman Gordon led the Pledge of Allegiance.

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

Motion carried.

The minutes of the September 10th meeting were sent to Board members for review prior to publication. Motion Liesinger to approve these minutes for publication. Second Dick. Motion carried.

Public comments were provided by Doreen Quinn, Sylvia Thompson, Kris Tott, Michael Lee, and Tom Tott; all in reference to not allowing data centers in McCook County.

Commissioner Reports: Comm Mehlbrech noted attending county convention held in SF.

Conflict of Interest: none noted.

Travis Raap, Hwy Supt, presented the McCook County Transportation Plan Certification Form to the Board for approval and Chairman signature. The public meeting for review of the Five-Year County Highway and Bridge Replacement Improvement Plan was held on Monday, September 14th. Motion Dick to approve the Plan and authorize Chairman Gordon to sign the Certification Form. Second Gordon. Motion carried. Hwy Supt Raap presented map of Canistota City showing Phase 4 Project Plan for replacement of water/sewer lines and using county roads for detour routes around/into town. Current projects include completion of asphalt patching and repair of crack along bridge #44-010-185, located on 431st Ave. Raap noted that gravel roads are greasy due to recent rains and Hwy Dept will be re-graveling roads. Auditor Sherman noted that Board approval was given to make repairs to culvert located on 263rd St by Don Larson but no motion was made to accept the SDDOT bid and that is required. Motion Dick to purchase off SDDOT bid. The quote for the McCook County culvert project is \$154,375.00, from Subsurface Inc (Subcontractor). Second Liesinger. Motion carried.

At 9:30 a.m. the 1st Reading of Ordinance 2026-05 An Ordinance Prohibiting the Unlawful Use of Engine and Compression Brakes (Jake Brake Ordinance) was held. Hwy Supt Raap read the ordinance title and noted that section 4 of the original ordinance (2025-03) that referenced the hours from 6:00 pm to 6:00 am was removed, per SDDOT. Motion Liesinger to approve the 1st reading of Ordinance 2026-05 and set 9:30 a.m., October 13th, as time for 2nd reading and adoption. Second Mehlbrech. Motion carried.

Trudy Billion, HR Consultant, presented proposed policy to the Board regarding employees with CDL and what happens if an employee is charged with DUI. The Board wants this reviewed by States Attorney and brought back to them for consideration. HR Consultant Billion also presented proposal for pre-employment physicals and screenings for new hire in Hwy Dept, totaling \$268/person. This includes \$109 full physical & vision screen, \$99 pre-work screen involving physical activity tests on-site, and \$60 for 5-panel drug tests. These tests will be performed post-offer and scheduled through Avera before the employee's first day of work. Motion Liesinger to approve these pre-employment expenses. Second Mehlbrech. Motion carried.

Motion Dick to convene as Drainage Commission. Second Mehlbrech. Motion carried.

Steve Dick, Drainage Administrator, reported that there have been no new permit or routine maintenance applications since May. Approved Ordinance 2026-02, amending the 2011 Revised Drainage Ordinance becomes effective September 23rd, and will be posted on the county website. Drainage Administrator Dick noted that tiling contractors have reacted positively to removing the NRCS map requirement.

The Board reconvened as Board of County Commissioners.

Auditor Sherman informed the Board that two CDs will reach maturity on September 27th; \$100,000 at The Security State Bank in Canistota and \$150,000 at First Dakota in Salem.

Motion Liesinger, second Mehlbrech, carried, to pay claims: GENERAL FUND: Bi-Weekly Payroll by Department: 9/12/2026: Commissioners 2293.00; Auditor 6642.14; Treasurer 6330.02; States Attorney 3916.90; Custodian 1533.00; Dir of Equalization 5078.16; Register of Deeds 3821.55; Veterans Service Officer 256.00; Sheriff 16916.09, Contract Law 10253.10; Care of Poor 240.37; Welfare 318.78; Extension Secretary 1832.19; Weed, 1049.60; Drainage 232.50; Planning & Zoning 767.87. Transamerica Employee Benefits, September contribution-GAP coverage, 4611.20. AAA Collections, lien collection fees, 7.50; Avera Patient Financial, blood draws, 548.00; Darin K Construction, shelves in Treasurer's office, 726.90; Election Systems & Software, coding, Express Vote activation, media burn, freight, 1055.96; Anna Flogstad, school mileage & meals, 386.19; Isaac Kipp, school mileage & meals, 331.25; Lincoln County Auditor, reimburse mental health evaluations and board expenses, 590.66; McCook County Sheriff, checks, 31.75; Meierhenry Sargent LLP, court appointed attorney for Marty Heumiller, 1380.00, for Marty Heumiller, 8503.30; Morgan Law PLLC, court appt atty for Brandi Bormann, 636.00; Christopher Morrison, 649.00; Sharmonica McCoy, 1327.60; Motorola Solutions, wave PTX mobile apps, 143.00; Prostrullo Auto, vehicle repairs, 612.53; SD Department of Public Safety, 6 month teletype service, 2340.00; Geralyn Sherman, mileage for convention, 113.40; Sunset Law Enforcement, ammunition, 509.20; Van Diest Supply, tordon and CB Premier, 4807.40.

COUNTY ROAD & BRIDGE FUND: Bi-Weekly Payroll: 9/12/2026: Hwy Dept 23910.52; cell phone reimbursement 250.00. Transamerica Employee Benefits, September contribution-GAP coverage, 1697.99. Avera Patient Financial, random drug testing, 154.00; Jerry's Bakery, cookies for meeting, 13.00; Northwestern Energy, utilities, 12.00; Sign Solutions USA, supplies, 1115.23; Verizon Wireless, cell phone service, 79.74.

911 EMERGENCY REPORTING SYSTEM FUND: Mitchell Regional 911, 911 services (95% of surcharge collections), 8055.80; Motorola Solutions, wave PTX mobile app, 26.00; Sioux Valley Energy, radio tower utilities, 83.07.

EMERGENCY & DISASTER SERVICES FUND: Bi-Weekly Payroll: 9/12/2026: EDS Director 1650.73. Transamerica Employee Benefits, September contribution-GAP coverage, 96.51.

24/7 SOBRIETY FUND: Bi-Weekly Payroll: 9/12/2026: Sheriff Secretary/Dispatcher 254.91. PAYROLL CONTRIBUTIONS – ALL FUNDS: 9/12/2026: Dir of IRS, county share of FICA 5112.33, Medicare 1195.61, SD Retirement System, county share of retirement contribution, 5177.32; Wellmark Blue Cross/Blue Shield, county share of health insurance contribution, 27433.14.

TOTAL CLAIMS: \$34,238.48.

Motion Heumiller to approve Cash Transfers from General Fund to Hwy Road & Bridge Fund \$1,000,000.00 and 911 Fund \$15,000.00. Second Dick. Motion carried.

Motion Mehlbrech to convene as Planning Commission. Second Heumiller. Motion carried.

Anna Flogstad, Zoning Administrator, presented 1 plat for approval. Following review of the plat review form, motion Heumiller to approve the plat. Second Mehlbrech. Motion carried.

Be it resolved by the County Planning Commission of McCook County, South Dakota, that the Plat showing Tillotson's Addition, in Gov. Lot 4 of the SW1/4, Section 30, T104N, R56W, of the 5TH P. M., McCook County, South Dakota, having been examined, is approved in accordance with the provision of SDCL of 1967, Chapter 11-6, and any amendments thereof.

Adopted this 22nd day of September 2026.

Chairperson, McCook County Planning Commission

At 10:30 a.m. the Board of Adjustment held a public hearing to receive input concerning the following request for conditional use. Applicant: Golden View Hutterian Brethren. Owner: Gottlob Revocable Trust. Legal description: SE4 of 25-103-56 Ex S100 AC. Reason: Class B CAFO (200 animal units). Anna Flogstad, Zoning Administrator, presented the application to the Board and brought

the site up on Beacon. Brian Waldner, Golden View Colony, and Michael Gottlob were present. Flogstad noted that landowner within ½ mile has signed setback waiver. Waldner noted that they are working on a road haul agreement with Salem Twp. Motion Dick to approve the Conditional Use application with the condition of submitting a signed road haul agreement with Salem Township. Second Heumiller. Motion carried.

At 10:45 a.m. the Board of Adjustment held a public hearing to receive input concerning the following request for variance. Applicant: Joshua & Dollyann Hanson. Legal description: Tract 9”B”, Battle Creek Shores 2nd Add S2SW4 34-102-53. Reason: requesting fence height of ten feet for wind break around house. Anna Flogstad, Zoning Administrator, presented the application to the Board and brought the site up on Beacon. Flogstad noted that a 6’ fence was approved originally with the building permit application and the variance is needed due to increasing the fence height to 10’. Joshua Hanson was present. States Attorney Fink was present. Following discussion, motion Mehlbrech to approve the variance. Second Liesinger. Motion carried. States Attorney Fink intervened, noting that the Board should review List of Findings prior to a decision being made on a request for variance. Motion Mehlbrech to rescind his motion. Second Liesinger. Motion carried. A List of Findings was reviewed, and it was noted that conditions have been met. Motion Liesinger to approve the request for variance. Second Dick. Motion carried.

The Board reconvened as Board of County Commissioners.

At 11:00 a.m. review of the 2027 Provisional Budget was held. Following review/discussion, change made from the publication of the 2027 Provisional Budget to the adoption of the 2027 Annual budget: County Fair, lowered \$2000. Motion Mehlbrech, second Liesinger, to adopt the 2027 Provisional Budget as the 2027 Annual Budget with change noted, with adoption of the following resolution. Ayes: Heumiller, Dick, Liesinger, Mehlbrech, and Gordon. Nays: none. Motion carried.

RESOLUTION 2026-09

ANNUAL BUDGET FOR MCCOOK COUNTY, SD
For the Year January 1, 2027, to December 31, 2027

ADOPTION OF ANNUAL BUDGET FOR McCook County, South Dakota

Whereas (7-21-5 through 13), SDCL provides that the Board of County Commissioners shall each year prepare a Provisional Budget of all contemplated expenditures and revenues of the County and all its institutions and agencies for such fiscal year, and

Whereas the Board of County Commissioners did prepare a Provisional Budget and cause same to be published by law, and

Whereas due and legal notice has been given to the meeting of the Board of County Commissioners for the consideration of such Provisional Budget and all changes, eliminations and additions have been made thereto.

NOW THEREFORE BE IT RESOLVED, that such provisional budget as amended and all its purposes, schedules, appropriations, amounts, estimates and all matters therein set forth, SHALL BE APPROVED AND ADOPTED AS THE ANNUAL BUDGET OF THE APPROPRIATIONS AND EXPENDITURES FOR McCook County, South Dakota, and all its institutions and agencies for calendar year beginning January 1, 2027 and ending December 31, 2027 and the same is hereby approved and adopted by the Board of County Commissioners of McCook County, South Dakota, this 22nd day of September, 2026.

The Annual Budget so adopted is available for public inspection during normal business hours at the office of the County Auditor, McCook County, South Dakota.

The accompanying taxes are levied by McCook County for the year January 1, 2027, through December 31, 2027.

Total Taxies Levied by County: \$4,855,607.00
County Levy: 3.332/thousand

BOARD OF COUNTY COMMISSIONERS OF McCook County, South Dakota

_____ Chairman
_____ Commissioner
_____ Commissioner
_____ Commissioner
_____ Commissioner

ATTEST: _____ County Auditor

Motion Heumiller to enter Executive Session at 11:30 a.m. for personnel discussion, SDCL 1-25-2 (1). Second Dick. Motion carried. Trudy Billion, HR Consultant, was present. Chairman Gordon declared out of Executive Session at 11:40 a.m.

Motion Heumiller to convene as Planning Commission. Second Liesinger. Motion carried.

Data center discussion continued. Nick Palmer, Secog Land Use Planner, Anna Flogstad, Zoning Administrator, Mike Fink, States Attorney, Mark Norris, Sheriff, Angie McCormick, Equalization & Zoning Clerk, Isaac Kipp, Staff Appraiser, and 20 members of the public were present. Palmer, Secog Planner, noted that legislation was passed in 2026, Chapter 49-50, Data Center Bill of Rights. Palmer also noted that data centers are not currently allowed under the 2014 Revised Zoning Regulations of McCook County. States Atty Fink stated agreement, noting that data centers are not an allowed use in any McCook County zoning districts. Comm Heumiller asked if the county has any say with city zoning, do they do what they want? Palmer recommended adoption of a data center definition, but don't allow its use. Comm Mehlbrech asked if anyone in attendance has received a letter from developers/investors? Paul Smith: Yes, letters were received, but haven't talked again. Palmer suggested that individuals talk to the State Public Utilities Commission and local utility providers to get information. Comm Dick: prohibit by ordinance for now. Flogstad: no applications have been filed with zoning office. Comments from some in attendance: cities aren't big enough to put a data center in; not permitted use and not in Comprehensive Plan; and no benefit to us. States Attorney Fink: a definition should include not allowed. Reference to a moratorium assumes allowed.

Kierra Leddy, Attorney, Leut Services PC, and Clarence Waldner, Meadow View Hutterian Brethren, met with the Board to request amending Conditional Use Permit, approved 05/26/2026, because the road in Union Twp won't be driven on during the construction process of the CAFO. Road Haul Agreements are in place with Emery Twp and the County. Motion Liesinger to amend the Conditional Use Permit, removing condition to have a road haul agreement with Union Twp. Second Dick. Motion carried.

The Board reconvened as Board of County Commissioners.

Beth Skaff, Food Pantry Coordinator, met with the Commission to provide an update on the food pantry parking lot and an approach onto Main Street. Skaff noted that Fred Butzke, VBWDD Board Member, happened by the pantry on distribution day and saw the chaos firsthand. Skaff and Glenda Blindert are on the November agenda to meet with the Vermillion Basin Water Development District to present a grant application for assistance with the costs of the surveying and engineering on the E side of the pantry. Auditor Sherman will contact Brad Preheim, Manager VBWWD, to request a grant application for this project.

The meeting adjourned subject to call.

Dated the 22nd day of September 2026.

Steve Gordon _____
Chairman, McCook County Commission

ATTEST:

Geralyn Sherman _____
Auditor, McCook County