

June 28, 2016

The meeting of the McCook County Commission was called to order in their Meeting Room by Chairman Ron Scharffenberg. Members present: Ralph Dybdahl, Sheldon Butzke and Steve Gordon. Member absent: Marc Dick.

Chairman Scharffenberg led the Pledge of Allegiance.

Chairman Scharffenberg called for approval of the Agenda. Motion made by Dybdahl to approve the Agenda as posted. Second Butzke and motion carried.

The minutes from the June 9<sup>th</sup> meeting were sent to Board members for review prior to publication. Chairman Scharffenberg called for approval of same. Motion made by Gordon to approve the minutes for publication. Second Butzke and motion carried.

Commissioner Reports: Butzke noted attendance at the County Weed Board meeting held on June 17<sup>th</sup>.

Hwy Supt, Mic Kreutzfeldt, informed Board that Kevin Anderson was offered and accepted position as Hwy Maintenance worker, effective July 5, 2016, starting pay \$15.50/hour. Kreutzfeldt presented Work Order for bridge project. Motion made by Butzke to authorize Chairman Scharffenberg to sign 3 copies of Work Order for Project BRO 8044(08), PCN 92E2, McCook County, LGA-103-15. Project location: 8.5S & 1.1E of Montrose over the East Fork of the Vermillion River SN 44-221-190. Second made by Gordon and motion carried. Kreutzfeldt presented a utility permit for approval. Motion was made by Dybdahl to authorize Chairman Scharffenberg to sign Electric Utility Permit for Southeastern Electric. Scope of Project: bore underground across hard surfaced road; 264<sup>th</sup> St & 436<sup>th</sup> Ave. Second made by Gordon and motion carried. Kreutzfeldt reported that Bowes Construction has begun milling project: 261<sup>st</sup> St from

US81 to 435<sup>th</sup> Ave and will remain gravel until 2017. Kreutzfeldt informed Board that the 1991 Mack is budgeted to be replaced this year and a vendor is holding a 2007 Kenworth T800 for \$35,000; action deferred to next meeting. Kreutzfeldt noted that a disc mower needs to be replaced; high costs for upkeep and maintenance. Quotes were obtained from Puthoff Repair, Vermeer \$8785 and Gessner Welding, Farm King \$8300 with trade-in allowed. The Board asked Kreutzfeldt to check with Puthoff Repair, as to trade-in allowance so the same comparisons can be made. No action taken at this time. Kreutzfeldt informed the Board, that at this time, there are no plans to apply for the Transportation Alternative Program (TAP). Auditor Sherman asked for a motion to move STP funds. Motion was made by Dybdahl to move \$152,176 (annual allotment) from Restricted for Road Purposes to Assigned for Capital Outlay Accumulations STP Funds. Second made by Gordon and motion carried. Current projects include fog sealing, mowing and chip sealing.

Drainage Administrator Kreutzfeldt noted there are no permits to bring before the Commission.

Mark Norris, Sheriff, met with the Commission asking to increase Annette VanEmmerik's SCRAM salary by \$1500 effective with next pay period because she has done an incredible job learning the Program. Motion made by Dybdahl to raise VanEmmerik's salary for SCRAM duties to \$3000 effective July 3, 2016. Second made by Butzke and motion carried.

In other business, Sheriff Norris informed the Board that the Town of Spencer won't be renewing the 2017 contract for Contract Law Enforcement; according to an email from Donna Ruden, President, Town of Spencer, citizens aren't happy with the

service. Norris told the Board that he's not had any complaints brought to his attention; he will follow-up with Ruden.

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

At 10:30 a.m. the public hearing that was tabled May 24<sup>th</sup> was continued. This hearing is to receive input concerning a request to rezone SE Quarter of Section 15 Township Range 102-53 from Agricultural to Lake Residential. Mike Fink, States Attorney, gave instructions on the format of the public hearing; those in favor of or opposed to, speaking after the applicant/land owner. Applicant, Tom Opitz, and his daughter were present. Tracy Hofer, Zoning Administrator, gave an update of the process to date. She stated the application process has been completed and all adjoining landowners were notified by certified or registered mail of the rezone application and meeting time and place. She also noted that there was one letter of opposition received which was read at the last Planning Board meeting sent by an adjoining landowner, Dennis Hoiten of Rockford IL. The letter stated he is opposed to the rezone as he believes development to lake shore property would be detrimental to the entire area. Zoning Administrator Hofer gave an overview of existing zoning map of the area. Hofer stated that the previous hearing had been tabled so that testimony could be heard by the Township Board and by SD GF&P. Steve VanderBeek, Regional Habitat Manager SD GF&P, was present. He stated he was present to note concerns of impacts would be seen due to littering, campfires on State land, removal of signs, hunting safety zones and fewer animals for hunting. Questions were taken by Steve VanderBeek. Tom Opitz, Applicant, asked for clarification of setbacks for safety zones. Pat Bartmann asked if SD GF&P was

against the rezone. VanderBeek clarified that he was at the meeting to bring up concerns of SD GF&P. Scott Marquardt & Ferlyn Hofer, Greenland Twp Board members, were present. Ferlyn Hofer stated that the existing road is a minimum maintenance road and won't currently support heavy traffic nor is it wide enough for 2 vehicles to meet, adding that it would need to be maintained if development should occur. Pat Bartmann asked if the Twp is behind the rezone. Ferlyn Hofer – here to know of need for gravel. Tom Opitz, landowner, gave the Planning Board information about current use and possible future use of his property in which he has submitted the rezone application for. He stated if a campground should be planned it would be located in SW corner of the property, far from the required hunting setbacks and would most likely be closed prior to the date hunting season would open. St Atty Fink asked if there were question to applicant. None posed. Adm Hofer reminded those present that this hearing was to hear testimony for the current Rezone Application and does not concern the Conditional Use which would be needed for a future campground and also noted that there are 4 building eligibilities on the property under its current zoning as Agricultural. Fink asked if there was anyone present in opposition of the rezone who would like to testify. Pat Bartmann voiced concerns regarding control of noxious weeds, history in native pasture (destroying artifacts), public hunting, right to farm, ½ mile dirt road and water supply. Joe Bartmann stated his family roots go deep on the land, his family hikes on the public land around the rezone area, last piece of ancient property will be threatened by this plan, minimum maintenance road, a dangerous area to insert people during hunting season and there will be a negative impact if it becomes a campground. No further opposition noted. St Atty Fink asked if there was anyone present who would like to testify in favor of the rezone

application. There was none. St Atty Fink asked applicant if he had anything to say. Tom Opitz asked Zoning Adm Hofer if he needed to rezone the property to sell building eligibilities for 4 new homes. Zoning Adm Hofer said no. Opitz stated that he purchased the property because of beauty of the area; it is private land with cows running on it and the intent is not to disturb its beauty. To address several issues, Opitz added that if it becomes a campground, the season will be April to November and weed spraying is done by a helicopter. Commissioner Gordon asked Opitz if he had a time frame that he's working in. Opitz said he does not; does have a land developer coming to give his advice and opinion of the location in a few weeks. Opitz wants people to enjoy the land having a gated family camping spot close to home, away from noise. The public hearing was closed. Motion made by Gordon to recommend approval of the request to rezone to the County Commissioners. Second was made by Dybdahl. Ayes: Gordon, Dybdahl, Butzke and Scharffenberg. Nays: none. Absent: Dick. Motion carried.

Motion made by Butzke to convene as Board of Adjustment. Second made by Dybdahl and motion carried.

Due to lateness of Planning Commission hearing, this public hearing being held to receive input concerning a Conditional Use Permit Application for Class A Farm Operation – Swine Production in the S1325.17' of E1113.56' of SW4 9-102-54 began at 11:30 a.m. Applicant: Dylbrook Farms RE, LLC. Land Owner: Jeff Niedert. Mike Fink, States Attorney, gave run down of how meeting would be run; those in favor of or opposed to, speaking after the applicant and land owner. Tracy Hofer, Zoning Administrator, presented an overview of the Conditional Use Permit application. Jeff Niedert told Board that he visited with neighbors before beginning the application

process; project is good for neighbors, it creates jobs and the manure management plan benefits area farmers. Todd Van Maanen, Stockwell Engineers, stated that DENR is reviewing the State application, at this time. Van Maanen added that this is a \$12 to \$14 million dollar project. A Site Plan of the proposed project and Manure Management Map were reviewed. Shawn Simpson, Pipestone Systems, stated that there will be 18-19 employees. Marty Rost, Pipestone Systems Internal Swine Specialist, was also present. Paul Kostboth representing Kostboth Farms along with brother, Kevin (not present), noted that they are in favor of the project. Mike Marquardt noted that he is signed up for manure management and is in favor of the project. Dan & Tom Lauck, Triple L Farms, are also signed up for manure management and are in favor of the proposed project. Ferlyn Hofer, representing SD Pork Board, added that Pipestone Systems are great managers of their facilities. St Atty Fink asked if anyone in opposition of the proposed project would like to speak. No opposition noted. Public testimony closed. Motion was made by Butzke to approve the request for Conditional Use Permit because the site meets Ordinance regulations and grant the Conditional Use upon approval of DENR. Second was made by Gordon. Ayes: Butzke, Gordon, Dybdahl, Scharffenberg. Nays: none. Absent: Dick. Motion carried.

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

Tracy Hofer, Zoning Administrator, presented a plat for approval. Following review of the Plat Review Form, motion was made by Dybdahl, second by Butzke, and carried, to approve the following resolution:

APPROVAL of the Plat of Tract 4 of Rinehart's Addition in Tract 1 of Rinehart's Addition in the Northwest Quarter of Section 24, Township 101 North, Range 55 West of

the Fifth Principal Meridian, McCook County, South Dakota is hereby granted by the McCook County Planning Commission.

Adopted this 28<sup>th</sup> day of June, 2016.

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County Planning Commission  
McCook County, South Dakota

The Board reconvened as Board of County Commissioners.

Auditor Sherman presented an Application for Renewal of Alcoholic Beverage License. Applicant: Hewitt Holdings LLC. Legal description: Lots 1, 2, 3 and 4, Battle Creek Shores, Section 34, Greenland Township. Motion made by Dybdahl to approve the application and authorize Chairman Scharffenberg to sign same. Second made by Gordon and motion carried.

Alicia Petersen, 4-H Youth Advisor, introduced Kristine Longe, to the Commission, as the new permanent part-time employee in Extension Office.

Geralyn Sherman, Welfare Director, and the Commissioners reviewed Care of Poor cases. A Notice of Hospitalization was received from Avera Queen of Peace Hospital (2016-29). Four Notices of Hospitalization were received from Avera McKennan Hospital (2016-30, 2016-32, 2016-33 and 2016-34). A Notice of Hospitalization was received from Sanford Medical Center (2016-31). Two Applications for Poor Relief Assistance were received from Avera McKennan Hospital (2016-22, 2016-24). A Hospital Request for Payment from Avera Queen of Peace Hospital was denied (2015-35). Sherman informed Board that an individual picked up an Application for County Assistance for help with a \$4500 Xcel Energy bill; service has been disconnected. Two Applications for Poor Relief Assistance were received from Avera McKennan Hospital on behalf of the patients (2016-24 & 2016-22).

Motion made by Dybdahl to authorize Chairman Scharffenberg to sign the 2016 Emergency Management Performance Grant Agreement – award amount \$15762.03 (salary reimbursement). Second made by Butzke and motion carried.

Mike Fink, States Attorney, joined the meeting to ask Board if they had questions for him with regard to his June 27<sup>th</sup> letter regarding proposed agreement with Meierhenry Sargent and the TransCanada Keystone Pipeline litigation. Fink noted that he has spoken with Mark Meierhenry and feels that changes will be made to the agreement. Meierhenry has agreed to meet with delegates from each County Commission to further discuss the fee structure.

In other business, Auditor Sherman shared an email from Geoff Fillingsness regarding an update on the inspection of dilapidated properties. Fillingsness has taken pictures in all of the participating towns and is developing summary comments including cost estimates for the work required.

Motion made by Dybdahl to release parent (S.D.) from Account #20922 for K.D. juvenile as his share of the lien has been paid. Second made by Gordon and motion carried.

Motion made by Butzke, second Gordon, and carried, to pay claims: GENERAL FUND: Bi-Weekly Payroll: 6/19/16: Commissioners 1461.55; Auditor 2836.41; Treasurer 3463.39; \*new employee\* Robyn Koch, permanent part-time \$13.34/hour; States Attorney 2267.31; Custodian 1185.19; Dir of Equalization 3939.81; Register of Deeds 2809.73; Veterans Service Officer 373.52; Sheriff 7212.62; \*pay increase\* Kipp Stearns, certified officer 6/6/16 \$37700/annual salary; Contract Law 4350.00; Care of Poor 230.77; Welfare 275.04; Community Health Nurse Secretary 1245.46; Extension

253.46; \*new employee\* Amy Giesler, part-time \$13.34/hour; Weed 507.09; Drainage 307.69; Planning & Zoning 307.69. SD Remittance Center, 3<sup>rd</sup> qtr billing County Health Nurse 1287.50, ½ appropriation Animal Damage Control Fund 1595.64, lab services 575.00; Transamerica Life Insurance, May healthpak premium 3825.70; A & B Business Solutions, office supplies 199.36, 2 monthly copier contracts 79.99, toner 123.66, copier repair 105.00; Advanced Systems, 2 monthly copier contracts 114.36; Anderson Publications, help wanted ads 94.50; Bertsch Law Office, court appt attorney for Daniel Sweeris 852.46; Brown & Saenger, office supplies 49.15; Davison County Jail, May jail services 665.00; Eich Law Office, court appt attorney for Sebastian Diede 577.47; Kathryn Heumiller, draw blood 200.00; Tom Heumiller, weed board meeting & mileage 31.72; Carol Lauer, mileage – DMV meeting 18.06; Bill Lehrman, weed board meeting & mileage 35.92; Madison Community Hospital, prisoner care 499.18; Madison Family Dental, prisoner care 1008.00; McLeod's Printing, appraisal cards 169.80, self-inking stamp 32.40; MES Companies, video system repair 105.00; MidAmerican Energy, utilities 47.58; Minnehaha County Treasurer, one-time startup costs for shelter care 1399.20; Mitchell Clinic, prisoner care 119.00; Morgan Theeler LLP, court appt attorney for Branden Stone 336.93, for Gregory Nolz 513.93; Noll Collection Service, lien collection fee 799.00; Presto-X, food pantry pest control service 35.00; Santel Communications, managed IT services 1792.00; Sioux Falls Food Bank, delivery charge – food pantry 20.00; US Postal Service, stamped envelopes 545.75; Ben Visser, weed board meeting & mileage 47.68; Xcel Energy, utilities 936.37.

COUNTY ROAD & BRIDGE FUND: Bi-Weekly Payroll: 6/19/16: Hwy Dept 17624.29. Transamerica Life Insurance, May healthpak premium 1911.69; 3-D

Specialties, supplies 463.33; A & B Business, office supplies 21.73; Brown & Saenger, shirts 103.24; Connecting Point, annual support contract 1456.40; Dakota Fluid Power, hydraulic hose 245.62; Lyle Signs, road closed signs 1319.50; MidAmerican Energy, utilities 16.00; Northwestern Energy, utilities 10.00; Servall Towel & Linen, towel & mat rental 48.46; Stan Houston Equipment, hose couplers 74.00; Vander Haag's Inc, charge air cooler 659.78; Verizon Wireless, cell phone service 78.90; Xcel Energy, utilities 460.60.

911 EMERGENCY REPORTING SYSTEM FUND: CenturyLink, 911 telephone service 302.45; Sioux Valley Energy, 911 radio tower utilities 55.92.

EMERGENCY & DISASTER SERVICES FUND: Bi-Weekly Payroll: 6/19/16: EDS Director 1305.69. Transamerica Life Insurance, May healthpak premium 314.59. Brad Stiefvater, mileage 108.78, cell phone reimbursement 85.00.

24/7 SOBRIETY FUND: Bi-Weekly Payroll: 6/19/16: Sheriff Secretary/Dispatcher 57.69. Annette VanEmmerik, mileage – SCRAM training 41.16.

MODERNIZATION & PRESERVATION FUND: Microfilm Imaging Systems, scanning equipment rent 123.00.

PAYROLL CONTRIBUTIONS – ALL FUNDS: 6/19/16: Dir of IRS, county share of FICA 2948.34, Medicare 689.57; SD Retirement System, county share of retirement contribution, 3062.03; Wellmark Blue Cross/Blue Shield, county share of health insurance premium, 11274.50.

Motion was made by Dybdahl to approve a cash transfer from General Fund to EDS Fund in the amount of \$4000.00. Second made by Butzke and motion carried.

The meeting adjourned subject to call.

Dated this 28<sup>th</sup> day of June, 2016.

Ronald Scharffenberg

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Chairman, McCook County  
Commission

ATTEST:

Geralyn Sherman \_\_\_\_\_  
Auditor, McCook County