

May 24, 2016

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

Chairman Scharffenberg led the Pledge of Allegiance.

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

The minutes from the May 10<sup>th</sup> meeting were sent to Board members for review prior to publication. Chairman Scharffenberg called for approval of same. Motion made by Butzke to approve the minutes for publication. Second Gordon and motion carried.

Commissioner Reports: none.

Hwy Supt, Mic Kreutzfeldt, presented the following diesel fuel and gasoline quotes to the Commission: Cole's Petroleum, #2 diesel \$1.4815/gallon and gasoline \$2.0567/gallon; Central Farmers Coop, #2 diesel \$1.55/gallon and gasoline \$2.07/gallon; Country Pride Coop, #2 diesel \$1.547/gallon and gasoline \$2.084/gallon; and Stern Oil, #2 diesel \$1.5178/gallon and gasoline \$2.0741/gallon. Motion was made by Gordon to accept the quotes from Cole's Petroleum. Second by Butzke and motion carried. Dakota Environmental was unable to clean gas tank due to needed cap repair and will come back after repair has been made. Kreutzfeldt informed the Commission that according to SDDOT the road swap of East Ave (446<sup>th</sup>) and Railway St, agreed upon in March 1995 between Canistota City and the County, is null and void because neither entity approved resolutions or submitted request to the SDDOT Transportation Commission. Any traffic control changes made by McCook County on East Ave from Willow St to Ash St are null

& void as well due to not being the governing agency. Kreutzfeldt reported that the Turner/McCook bridge (#63-122-000) has been repaired; \$20,000 under estimate. The 2016 Preliminary Engineering Bridge Improvement Grant for Structure Number 44-180-068 has been rejected because funding cannot be provided due to the number of applications received. Kreutzfeldt noted that on May 13<sup>th</sup> Sam Boecker gave notice of his job resignation effective May 27<sup>th</sup>. Motion made by Dybdahl to accept Boecker's resignation. Second made by Gordon and motion carried. Kreutzfeldt inquired with CADD Engineering Supply as to scanning road & bridge plans; as these are deteriorating due to age. The estimated cost will be between \$1500 and \$2500. Motion made by Gordon to approve the scanning. Second made by Butzke and motion carried. Dybdahl noted that he is receiving calls about the new signs that are being erected in the County with regard to what the cost is to the County. Kreutzfeldt stated that the signs are 100% paid for with Federal funds; \$1.3 million. The funds are SDDOT Federal funds converted to safety funds because SD has no motorcycle helmet law and no primary seatbelt law. The McCook County share is zero dollars. In 2018, mandated changes in sign sizes would have cost up to \$100,000 for the county. The BNSF RR crossing at 431<sup>st</sup> Ave near Emery is scheduled to be repaired in October.

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

Drainage Administrator Kreutzfeldt presented an update on Minnehaha County drainage permit for George Bargmann, approved following Minnehaha County Drainage Commission hearing.

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

Tracy Hofer, Zoning Administrator, presented 2 plats for approval. Plat Review Forms were reviewed. Motion was made by Gordon, second by Butzke, and carried, to approve the following resolution:

“BE IT RESOLVED by the County Planning Commission of McCook County, South Dakota, that the plat showing Lot 1 Falk’s Addition in the South Half of the Northwest Quarter (S1/2NW1/4) of Section Thirteen (13), Township One Hundred Four (104) North, Range Fifty-Three (53) West of the 5<sup>th</sup> P.M. in 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 24<sup>th</sup> day of May, A.D. 2016.

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Chairperson, McCook Planning Commission  
McCook County, South Dakota

Motion was made by Gordon, second Dick, and carried, to approve the following resolution:

Approval of the Plat of Tracts 9A and 9B of Battle Creek Shores 2<sup>nd</sup> Addition in the South Half of the Southwest Quarter of Section 34, Township 102 North, Range 53 West of the Fifth Principal Meridian, McCook County, South Dakota, is hereby granted by the McCook County Planning Commission.

Dated this 24<sup>th</sup> day of May, 2016.

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County Planning Commission  
McCook County, South Dakota

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

At 10:30 a.m. a public hearing was held to receive input concerning a Conditional Use Permit Application for proposed expansion to existing swine operation and the construction of additional facilities at the site. Applicant: Farmers Pork LLC, West Site.

Legal description: Tract A in SE4 5-103-55. Tracy Hofer, Zoning Administrator, presented information for the Conditional Use Permit. Craig Blindert and Todd Van Maanen, Project Engineer, explained proposal to add small additions on the original site on the west side of 438<sup>th</sup> Ave. There was no input from the public in attendance. Motion made by Butzke to approve the request for a Conditional Use Permit. Second was made by Dybdahl. Ayes: Butzke, Dybdahl, Dick, Gordon and Scharffenberg. Nays: none. Motion carried.

At 10:45 a.m. a public hearing was held to receive input concerning a Conditional Use Permit Application for proposed expansion to existing swine operation. Applicant: Farmers Pork LLC, East Side. Legal description: NW4 4-103-55. Tracy Hofer, Zoning Administrator, presented information for the Conditional Use Permit. Craig Blindert and Todd Van Maanen, Project Engineer, explained proposal to add additional swine farrowing and gestating facilities on the east side 438<sup>th</sup> Ave. There was no input from the public in attendance. Motion made by Dick to approve the request for a Conditional Use Permit. Second was made by Gordon. Ayes: Dick, Gordon, Butzke, Dybdahl and Scharffenberg. Nays: none. Motion carried.

At 11:00 a.m. a public hearing was held to receive input concerning a Conditional Use Permit Application for propane tanks. Applicant: Golden View Colony. Legal description: S385' of W550' of N1020' of SW4 28-103-55. Tracy Hofer, Zoning Administrator, presented information for the Conditional Use Permit. Sam Waldner, Brian Waldner and Brad Stiefvater, EDS Director, were present. Brian Waldner explained proposal, noting that there would be no out loading. Stiefvater noted no issues. Motion was made by Butzke to approve the request for a Conditional Use Permit.

Second was made by Dybdahl. Ayes: Butzke, Dybdahl, Gordon, Dick and Scharffenberg. Nays: none. Motion carried.

The Board reconvened as Board of County Commissioners.

Lynne Keller, Executive Director Southeast Council of Governments, introduced Patrick Andrews, Planner, and Kristin Benidt, GIS Analyst/Planner. Keller explained services offered and reviewed projects from past 5 years, noting that an approximate \$80,000 was received by Secog in dues from cities and the county with \$6 million awarded for projects within McCook County and the cities. Tracy Hofer, Zoning Administrator, was present.

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

At 11:30 a.m. a public hearing was held to receive input concerning a request for variance for setback in Agricultural District. Applicant: Delbert Buehner. Legal description: S254' of W247' in SW4 29-102-54. Tracy Hofer, Zoning Administrator, presented information for the variance; request is for a 40' setback instead of 50'. Delbert Buehner was present to answer questions. Motion was made by Dybdahl to approve the request for a variance. Second was made by Dick. Ayes: Dybdahl, Dick, Gordon, Butzke and Scharffenberg. Nays: none. Motion carried.

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

At 11:40 a.m. a public hearing was held to receive input concerning a request to rezone SE Quarter of Section 15 Township Range 102-53 from Agricultural to Lake Residential. Present were the Applicant, Tom Opitz, Zoning Administrator, Tracy Hofer,

Pat Bartmann, Larry Miller and John Addy. Zoning Administrator Hofer presented the application to the Board. 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. Hofer stated that one letter was received from the adjoining landowner, Dennis Hoiten of Rockford IL with input about the rezone application. The letter stated he is opposed to the rezone as he believes development of this lake shore property would be detrimental to the entire area. The letter was read to the Planning Commission. Public testimony was opened. Bartmann testified that he has concerns regarding control of noxious weeds, the low maintenance road and the public hunting setbacks on adjoining land owned by SD Game Fish & Parks. Miller had questions about current zoning regulations as pertaining to the property. Zoning Administrator Hofer informed the Planning Commission that the current rezone was for possible development of a recreation area and under current zoning (agricultural) the property at 160.6 acres has 4 building eligibilities without any zoning changes. Opitz noted that he does not allow hunting on his land and noxious weeds won't be an issue. Commissioner Dick stated that he wants more information from SD GF&P and the Greenland Twp officers. Motion made by Dick to table this hearing until 10:30 a.m. on June 28<sup>th</sup>. Second made by Gordon and motion carried.

At 11:50 the 1<sup>st</sup> reading of Ordinance 2016-02, an Ordinance Rezoning Property, was scheduled but not held because the Planning Commission tabled making a decision regarding the request to rezone property.

The Board reconvened as Board of County Commissioners.

The April Law Enforcement Report was noted and filed.

Motion made by Gordon to authorize Chairman Scharffenberg to sign three copies of the Partner County Per Diem/Shelter Care Startup Cost Sharing Agreement 2016, received from Minnehaha County Regional Juvenile Detention Center. The daily rate for JDC is set at \$200/bed per day. The rate for Shelter Care will be \$185.52/bed per day. Second made by Dybdahl and motion carried.

Motion made by Dybdahl to authorize Chairman Scharffenberg to sign two copies of the 2017 WIC County Contract; total Federal dollars \$6175.00 provided by the State. Second made by Dick and motion carried.

Geralyn Sherman, Welfare Director, and the Commissioners reviewed Care of Poor cases. A Notice of Hospitalization was received from Avera McKennan Hospital (2016-28). An Application for Poor Relief Assistance was received from Avera McKennan Hospital (2016-17). A listing of lien payments was also reviewed.

Auditor Sherman informed the Board that Advanced Systems was awarded the quote for a multi-functional copier for the 2<sup>nd</sup> floor breakroom. Quotes were received from A & B Business \$964.59; Advanced Systems \$900.00; Century Business Products \$1200.00; and Marco \$997.50.

Motion made by Dick, second Butzke, and carried, to pay claims: GENERAL FUND: Bi-Weekly Payroll: 5/22/16: Commissioners 1461.55, mileage 33.60; Auditor 2849.75; Treasurer 2809.73; States Attorney 2267.31; Custodian 1185.19; Dir of Equalization 3939.81; Register of Deeds 2863.09; Veterans Service Officer 386.86; Sheriff 8603.06, travel expense 12.17, \*pay increase\* Anna Misar, certified officer 5/9/16 \$37700/annual salary; Contract Law 4350.00; Care of Poor 230.77; Welfare 275.04; Community Health Nurse Secretary 1245.46; Weed 1554.75, travel expense

275.04; Drainage 307.69; Planning & Zoning 307.69. Transamerica Life Insurance, May healthpak premium 3927.32; A & B Business Solutions, office supplies 65.34, monthly copier contract 46.95; Advanced Systems, monthly copier contract 51.18; Brown & Saenger, receipt books 165.00; Charles Mix County Sheriff, April jail services 200.00; Children's Inn, 2016 appropriation 850.00; Clubhouse Hotel & Suites, spring workshop lodging 548.00; Davison County Sheriff, April jail services 190.00; Mike Fink, April expenses 572.88; First Circuit CASA Program, 2016 appropriation 1000.00; Hillyard/Sioux Falls, janitorial supplies 104.23; Lake County Sheriff, GPS bracelet 600.00, reimburse prisoner care 40.00, April jail services 1495.00; McCook County EMS, first aid kits for law enforcement 1160.00; McCook County Fair Board, 2016 appropriation 6400.00; McLeod's Printing, paper 139.70; Morgan, Theeler LLP, court appt attorney for James Wasson 211.60, for Clinton Deffenbaugh 539.28, for Jordan knock 516.60, for Vance McDaniels 294.40, for Tracy Morehead 650.60. Noll Collection Service, lien collection fee 178.87; Ramkota Hotel-Pierre, spring workshop lodging 189.98; Sanford Health, 2 autopsies 4450.00; Santel Communications, managed IT services 1792.00; Laurie Schwans, spring workshop expenses 185.68; Sioux Falls Food Bank, food delivery charge 65.00; US Postal Service, stamped envelopes 519.90; VanDiest Supply, weed chemical 1611.00; Annette VanEmmerik, pistol permit training 40.32.

COUNTY ROAD & BRIDGE FUND: Bi-Weekly Payroll: 5/22/16: Hwy Dept 17350.00. Transamerica Life Insurance, May healthpak premium 2192.81; Butler Machinery, belly dump tarp 1950.00; Cole's Petroleum, unleaded gas 12547.77; Concrete Materials, ½ cost of 268<sup>th</sup> St construction 154.00; Dakota Environmental, tank cleaning



1278.00; Forterra Building Products, ½ cost of 268<sup>th</sup> St construction 8617.50; Hollaway Construction, ½ cost of 268<sup>th</sup> St construction 10693.45; Northern Truck Equipment, tarp control module 120.72; Northwestern Energy, utilities 10.00; Servall Towel & Linen, towel & mat rental 42.90; Spencer Quarries, chips 415.97; Verizon Wireless, cell phone service 64.38.

911 EMERGENCY REPORTING SYSTEM FUND: CenturyLink, 911 telephone service 302.45; Sioux Valley Energy, 911 radio tower utilities 55.01.

EMERGENCY & DISASTER SERVICES FUND: Bi-Weekly Payroll: 5/22/16: EDS Director 1305.69. Transamerica Life Insurance, May healthpak premium 314.59. Brad Stiefvater, mileage 122.64, cell phone reimbursement 85.00; Tri-State EMA, 2016 membership dues 10.00.

24/7 SOBRIETY FUND: Bi-Weekly Payroll: 5/22/16: Sheriff Secretary/Dispatcher 57.69.

DOMESTIC ABUSE PROGRAM FUND: Children's Inn, 2015 collections 1055.00.

PAYROLL CONTRIBUTIONS – ALL FUNDS: 5/22/16: Dir of IRS, county share of FICA 3048.36, Medicare 712.94; SD Retirement System, county share of retirement contribution, 3074.00; Wellmark Blue Cross/Blue Shield, county share of health insurance premium, 10018.55.

Motion made by Dybdahl, second by Dick, and carried, to adopt the following resolution:

#### RESOLUTION 2016-04

Whereas, insufficient appropriations were made in the 2016 budget for 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 \$3800.00 be transferred from Contingency to Coroner.

Dated this 24<sup>th</sup> day of May, 2016.

Ronald Scharffenberg

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Chairman, McCook County  
Commission

ATTEST:

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

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 Dick and motion carried.

The meeting adjourned subject to call.

Dated this 24<sup>th</sup> day of May, 2016.

Ronald Scharffenberg

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Chairman, McCook County  
Commission

ATTEST:

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