

**McPherson County Board of Commissioners**  
**Minutes of Proceedings**  
**September 19<sup>th</sup>, 2023**

The McPherson County Board of Commissioners met in regular session on Tuesday, September 19<sup>th</sup>, 2023 in the Commissioners chambers. Vice-Chairman Sid Feickert called the meeting to order at 9:00AM. Members present were Mark Opp, Jeff Neuharth, and Anthony Kunz. Absent Rick Beilke

Opp moved and Kunz seconded to approve the agenda of the September 19<sup>th</sup> meeting. All present voted in favor. Motion carried. No conflicts of interest were declared.

**RESOLUTION 23-11**  
**“ADOPTION OF ANNUAL BUDGET FOR MCPHERSON COUNTY”**

WHEREAS, (7-21-5 thru 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, elimination's and additions have been made thereto.

NOW THEREFORE BE IT RESOLVED, that such provisional budget as amended and all it purposes, schedules, appropriations, amounts, estimates and all matters therein set forth, shall be approved and adopted as the annual budget of the appropriation and expenditures for McPherson County, South Dakota and all its institutions and agencies for calendar year beginning January 1, 2024 and ending December 31, 2024 and the same is hereby approved and adopted by the Board of County Commissioners of McPherson County, South Dakota, this 19<sup>th</sup> day of September, 2023. The annual budget so adopted is available for public inspection during normal business hours at the office of the county auditor McPherson County, South Dakota. The accompanying taxes are levied by McPherson County for the year January 1, 2024 through December 31, 2024.

**COUNTY TAX LEVIES**

<u>WITHIN LIMITED LEVY</u>	<u>TAX LEVY IN DOLLARS</u>	<u>\$/1,000</u>
*General County Purposes (10-12-9)	\$1,624,292	2.021
LIMITED LEVY SUBTOTAL (10-12-21)	\$1,624,292	2.021
LIMITED AND UNLIMITED LEVY SUBTOTAL	\$1,571,784	1.944
<b>OTHER SPECIAL LEVIES</b>		
Secondary Road (Unorg. PT-76) (13-12-27)	\$313,099	0.457

\*These amounts include the 25% to be distributed to the cities

\*As of September 19<sup>th</sup>, 2023, these levies are not approved by the Department of Revenue

Board of County Commissioners of McPherson County, South Dakota

Sid Feickert  
Viece-Chairman

Anthony Kunz  
Commissioner

Mark Opp  
Commissioner

Jeff Neuharth  
Commissioner

ATTEST:  
Lindley Howard  
McPherson County Auditor

Neuharth moved for the adoption of Resolution 23-11 and Opp seconded the foregoing motion. Upon roll call vote: Kunz, Opp, Neuharth and Feickert all voted 'aye'. Absent: Rick Beilke. Motion carried and Resolution 23-11 was declared duly adopted.

**RESOLUTION NUMBER 23-10**  
**"ESTABLISHING PLANNING AND ZONING PERMIT APPLICATION FEES AS**  
**REQUIRED BY ORDINANCE 23-1"**

WHEREAS, Ordinance #23-1 "An Ordinance Establishing permitting requirements for Hazardous Material Pipelines to the McPherson County Planning and Zoning Ordinance #10-2" for McPherson County requires that McPherson County shall establish the fees for each of the planning and zoning permits provided for within said Ordinance; and

WHEREAS, the Board of County Commissioners have hereby elected to establish said fees for all planning and zoning permits by resolution to be reviewed annually in January of each calendar year;

NOW THEREFORE BE IT BE RESOLVED that the following fee schedule be established:

- Hazardous Material Pipeline Permit Application Fee: \$15,000 base fee plus for any pipeline qualifying for any federal tax credit and/or subsidy, one percent (1%) annually of the tax credit and/or subsidy amount.
- County Road and Right of Way Renewal Fee: \$250 per drivable surface crossed plus any additional costs incurred by the county, that shall be paid annually by the Pipeline Owner on the anniversary of the In-Service date of the Hazardous Material Pipeline.
- Screening Fence Inspection fee to be paid by the Pipeline Owner: \$1000 per substation or related above-ground pipeline structure or facility plus any additional costs incurred by the county.
- Annual Facility Inspection Fee: \$250 per substation or related above-ground pipeline structure or facility, plus any additional costs incurred by the county, that shall be paid annually by the Pipeline Owner on the anniversary of the In-Service date of the Hazardous Material Pipeline.

BE IT FURTHER RESOLVED THAT the permit applicant must pay the permit fee prior to the application being reviewed by the Zoning Board. In the event that an applicant initiates a project prior to obtaining necessary permits the cost of the permit fee will increase to an amount equal to the original permit fee plus 10-fold the original permit fee. In addition to the permit fee the applicant will be billed for any actual costs incurred by the county that are directly associated with the permit and no permit shall be issued until such costs are reimbursed to McPherson County.

Dated this 19<sup>th</sup> day of September 2023 at Leola, South Dakota.

ATTEST:

Lindley Howard  
McPherson County Auditor

Sid Feickert  
Vice-Chairman of Board of Commissioners

Opp moved for the adoption of Resolution Number 23-10, Neuharth seconded the foregoing motion. Upon roll call vote: Kunz, Opp, Neuharth and Feickert all voted 'aye'. Absent: Rick Beilke. Motion carried, and resolution number 23-10 was declared duly adopted.

**OTHER MATTERS DISCUSSED AND ACTION TAKEN:**

Volunteer Fireman/EMT Rosters

Opp moved and Kunz seconded to approve the presented lists of volunteers for the Eureka Fire Department, Eureka EMTs, Leola Fire Department, Leola EMTs and the Long Lake Fire Department. It is McPherson County's intent to cover these volunteers for workman's comp purposes and the rosters for all listed entities are on file in the Auditor's Office. Upon roll call vote: Kunz, Opp, Neuharth and Feickert all voted 'aye'. Absent: Rick Beilke. Motion carried.

State's Attorney

A budget proposal was brought to the board by State's Attorney Ausitn Hoffman. The board will revisit at the end of the year and/or when the revised zoning ordinance is complete.

Zoning Moratorium

Neuharth moved and Kunz seconded to lift the moratorium put in place on January 11<sup>th</sup>, 2022 placing a moratorium on hazardous liquid transmission pipelines as defined in Title 49 CFR Section 192.3 and Title 49 CFR 195.2 and Title 49 CFR 193.2007; this moratorium shall remain in place until a revised McPherson County zoning ordinance can be approved and take effect. Upon roll call vote: Kunz, Opp, Neuharth and Feickert all voted 'aye'. Absent: Rick Beilke. Motion carried.

Surplus Property

Neuharth moved and Opp seconded to declare a rolodex File, Sharp Compet 2850A, Canon Power Shot Camera, and misc. office items; signing posts and misc. hwy items as surplus and to sell them at the Schock consignment public Auction on 9/24/2023; Two Director of Equalization HP Computers with the hard drives removed are declared surplus and will be recycled. Upon roll call vote: Kunz, Opp, Neuharth and Feickert all voted 'aye'. Absent: Rick Beilke. Motion carried.

Neuharth moved and Kunz seconded to declare Truck #502 surplus and to offer it as is to the City of Eureka for \$5,000 or repaired for \$10,000. All voted in favor. Motion carried.

Highway Department

Equipment including mowers and tractors were discussed, along with budget concerns. Personnel numbers and wages compared to the private sector and other counties were discussed.

Opp moved and Neuharth seconded to set the following speed limits - County Road 23, 40 miles per hour for trucks from Highway 10 North to the state line; County Road 7, 40 miles per hour for trucks from Highway 10 south to the county line. Upon roll call vote: Kunz, Opp, Neuharth and Feickert all voted 'aye'. Absent: Rick Beilke. Motion carried.

Opp moved and Neuharth seconded to remove the load limits on County Road 7. Upon roll call vote: Kunz, Opp, Neuharth and Feickert all voted 'aye'. Absent: Rick Beilke. Motion carried.

### Sheriff Department

Sheriff Ackerman presented the commission with Deputy Erdmann's letter of resignation. The open position along with the highway department open positions are posted on HireClick.

### Auditor's Office

Opp moved and Neuharth seconded to approve Direct Deposit through CorTrust bank for McPherson County, requiring 100% participation for all regular full time and part time employees. Upon roll call vote: Kunz, Opp, Neuharth and Feickert all voted 'aye'. Absent: Rick Beilke. Motion carried.

At 9:45AM no public comments were heard by the board.

### Weed Board

Weed board members Ronnie Ehresman, Curtis Hoff, Trevor Zantow and weed supervisor Micheal Schwingler joined the commission meeting. Discussion was held on the overspray and carryover spray concerns. SDCL regulating county weed control, Zoning ordinance #10-2 were reviewed. The commission asked the weed board to consider switching chemicals for the next spray season. Claim 116618 McPherson County/Morlock was discussed.

Neuharth moved and Kunz seconded to recommend that Claims Associates reassess the area outside of the county right of way in claim 116618 for carryover damage in the Spring of 2024. Upon roll call vote: Kunz, Opp, Neuharth and Feickert all voted 'aye'. Absent: Rick Beilke. Motion carried. Landowners are reminded that Zoning Ordinance #10-2 prohibits farming/planting in the right of way.

### Executive Session

Kunz moved and Opp seconded to enter executive session to discuss personnel matters at 10:35AM. Upon roll call vote: Kunz, Opp, Neuharth and Feickert all voted 'aye'. Absent: Rick Beilke. Motion carried. Neuharth moved and Opp seconded to exit executive session at 11:05AM. Upon roll call vote: Kunz, Opp, Neuharth and Feickert all voted 'aye'. Absent: Rick Beilke. Motion carried.

At 11:10AM Neuharth moved and Kunz seconded to adjourn the meeting. Upon roll call vote: Kunz, Opp, Neuharth and Feickert all voted 'aye'. Absent: Rick Beilke. Motion carried. The next regular meeting will be held on Tuesday, October 3<sup>rd</sup> beginning at 9AM.

ATTEST:

Lindley Howard

McPherson County Auditor

Sid Feickert

Vice-Chairman Board of Commissioners