

McPherson County Board of Commissioners
Minutes of Proceedings
April 2nd, 2024

The McPherson County Board of Commissioners met in regular session on Tuesday, April 2nd, 2024, in the Commissions chambers. Chairman Rick Beilke called the meeting to order at 10:00AM. Members present were Sid Feickert, Anthony Kunz, Jeff Neuharth, and Mark Opp.

Feickert moved and Opp seconded to approve the April 2nd agenda with the addition of discuss Wacker township maintenance agreement. All voted in favor. Motion carried. No conflicts of interest were declared.

Kunz moved and Neuharth seconded to approve the minutes of the March 5th commissioner meeting. All voted in favor. Motion carried.

CLAIMS APPROVED:

Agtegra, Hwy Supplies, \$10,287.08; Amazon, Supplies, \$607.44; American Income Life, 4-H Insurance, \$237.00; Aramark, Supplies, \$243.58; Art's Auto Body, Windshield Repair, \$150.00; ATT, Cellphone/Hotspot, \$524.62; Auto Value, Hwy Supplies, \$59.51; Beadle Ford, Oil Change, \$73.58; Butler, Hwy Supplies, \$671.22; Century Business Products, Printer Contract, \$59.67; CHS, Propane, \$5,217.79; Claims Associates, Deductible, \$10,000.00; Thomas J Cogley, Court Appointed Attorney, \$1,171.60; Crawford Truck & Equipment, Hwy Supplies, \$1,212.67; CRS, Inmate Insurance, \$70.15; Curt's Repair, Oil Change/Hwy Supplies, \$106.50; Dakota Fluid Power, Hwy Supplies, \$7.24; Dickey Rural Telephone Coop, Server Maint/Backup/Fix, \$504.97; Dakota Supply Group, Welder Cords, \$502.80; Trisha Erdmann, Reimb., \$29.95; Eureka City, Utilities, \$85.10; FEM, Utilities, \$434.18; Neil Geffre, Tire Casings, \$225.00; Gene's Oil, Fuel, \$10,789.87; Austin B Hoffman, Rent Reimb Jan-Apr, \$1,300.00; Jensen Rock & Sand, Pea Rock, \$17,388.75; Ken's, Hwy Supplies, \$32.30; Kimball Midwest, Hwy Supplies, \$894.35; Lakeside Lumber, Hwy Supplies, \$50.97; Leola City, Utilities, \$179.76; Linde Gas & Equipment, Hwy Supplies, \$429.42; Matheson Tri-Gas Inc, Hwy Supplies, \$114.83; McPherson Co Herald, Publishing, \$406.13; MDU, Utilities, \$950.94; Menard's, Hwy Supplies, \$45.52; Microfilm Imaging, ROD/M&P Equipment Rent, \$364.40; MARC, Polish, \$105.75; Midwest Pump & Tank, Hwy Supplies, \$16.00; North Central 911, 911 Remittance, \$6,356.73; NW Blade, Publishing, \$505.03; NWGF Mutual Ins., Apr VSO Rent, \$266.66; Performance Oil, Hwy Supplies, \$76.00; Pomp's Tire Service, Hwy Supplies, \$2,144.00; Premier Equipment, Hwy Supplies, \$801.45; Ron's Service Center, Eureka Vehicle, \$366.10; SD DOT, Road Markings, \$5,910.88; SDAAO, Conf Registration, \$470.00; SDACC, Welfare Registration, \$20.00; Share Corporation, \$472.86; Shooting Sports, Late Enrollment Penalty, \$140.00; Glenn Spitzer, Fuel Reimb, \$71.72; Ten-45 Grocery, Hwy Supplies, \$50.48; Thee Glass Docktor, Glass, \$255.00; USPS, Stamps, \$68.00; Valleytel, Phone/Internet, \$941.59; Visa, Hwy Supplies, \$211.34; Visa, Supplies/Sub, \$733.81; Cortrust, Deliq Tax/Auto Deposit Fee/Deposit Books/Safety Deposit Box, \$345.18; State Treasurer, Money Due to State, \$56,838.42; State Treasurer, Sales/Excise Tax, \$9.34; SDACC, M&P February Fees, \$72.00; February 2024 Apportionment remitted to Cities/Schools/Townships/Fire Districts, \$278,791.36; Dickey Rural Telephone Coop, Server Maint/Backup/Fix, \$798.39; Valleytel, Phone/Internet, \$992.40; March Payroll Reimbursements: Lindley Howard, Election School, \$212.77; Sam Boshard, Miles, \$71.40; Curtis Hoff, Miles, \$28.56; Ronnie Ehresman, Miles, \$140.30; Trevor Zantow, Miles, \$9.18; George Hulscher, Miles, \$35.70; Gailen Hauck, Miles, \$15.30.

Kunz moved and Neuharth seconded to approve the forgoing claims. All voted in favor. Motion carried.

SALARIES OF OFFICERS AND EMPLOYEES:

Commissioners, \$6,637.10; Auditor, \$9,596.96; Treasurer, \$9,305.87; State’s Attorney, \$6,032.24; Government Building, \$4,561.49; Director of Equalization, \$14,449.60; Register of Deeds, \$9,505.87; Veteran Service Officers, \$2,604.06; Sheriff, \$6,717.75; Extension, \$4,401.12; Weed, \$420.00; Planning & Zoning; \$300.00; Road & Bridge, \$52,478.08; Emergency Management, \$166.67; Eureka Joint Law, \$4,596.66; Leola Joint Law, \$5,196.66.

McPherson County’s Share of the following:

Social Security and Medicare: CorTrust Bank: \$10,144.97

Insurance: American Family, \$420.40; Avera, \$3,375.96; Guardian Vision, \$123.89; MetLife, \$161.36; South Dakota Retirement System, \$7,868.79; Colonial Life Vision, \$57.18.

INCREASED SALARIES

Neuharth moved and Feickert seconded to increase Vivian Sain’s monthly salary by \$100/month (6-month increase), Salary as of 5/1/2024, \$38,354.76 (\$3,196.23/month) for 1,820 hours per year. All voted in favor. Motion carried.

Neuharth moved and Kunz seconded to increase Austin Hoffman, States Attorney, monthly salary to \$5,269.81 (63,237.72/year) retroactive to January 1st, 2024; Megan Hoffman, States Attorney Secretary, monthly salary to \$1,412.45 (\$16,949.40 for 780 hours per year) retroactive to January 1st, 2024. All voted in favor. Motion carried.

OTHER MATTERS DISCUSSED AND ACTION TAKEN:

Clay Parikh

Clay Parikh and Jessica Pollema presented to the board via Zoom. Parikh expressed his concerns with the ExpressVote ballot marking system, the Help America Vote Act and Election Systems and Software’s PR materials. Parikh disagreed with county legal council on the legal opinion that the filed county initiative petition violates state and federal law. Parikh also commented on Ordinance 24-1 “An Ordinance to protect the residents of McPherson County from unnecessary legal expenses”.

Rick Weible

Rick Weible spoke to the board in person. He presented his interpretation of the election assistance commission’s (EAC) responsibilities and the Help America Vote Act (HAVA). Weible believes the county should purchase Electionware and has concerns about the use of the DS200 tabulator. Weible’s concerns presented to the board include ballot folds, the minimum standard for the post-election audit, and the tabulator testing done before each election. Weible has concerns with the vendor Election Systems and Software, their products and their maintenance/service. Weible spoke about the Express Vote, an assistive device helping those with disabilities mark their ballot in private. Weible would like to see expanded use of the Express Vote.

County Initiative Petition

The Board discussed the County Initiative petition filed on March 11th, 2024. The initiative petition would define the conduct of elections within McPherson County and impose 6 rules. Public comments

were heard from the following citizens: Mike Mardian, concerns about how the vote totals are reported from the county to the state on election night; Kathy Reid, tabulation concerns; Dennis Feickert, thinks the county should hand count and shouldn't be scared of lawsuits; Gentry Croshaw, shared New Hampshire city election procedures, has concerns with the Express Vote, discussed procedure around petition circulation; Paige Brown, concerned with voting at the nursing home; James Croshaw, asked the board to withdraw the petition, concerned with tabulation; Tod Gohl, wants hand counting no tabulation; Melvin Kallas, reminded the commission that they work for the citizens, wants to hand count; Chris Brown, read a statement; Jodi Waltman, wants a hand count no tabulation; Steven Reid, concerned with tabulation accuracy. Continued below after executive session.

Executive Session 1-25-2(3)

Neuharth moved and Opp seconded to enter executive session at 11:45AM to consult with legal counsel about proposed litigation. Upon roll call vote: Opp, Kunz, Neuharth and Beilke voted 'Aye'; Feickert voted 'Nay'. Motion carried. Neuharth moved and Feickert seconded to exit executive session at 12:25PM. All voted in favor. Motion carried.

2024 Primary Election

Feickert moved to hand count the 2024 Primary Election at the precinct per SDCL 12-20 but allow Express Vote ballot marking devices as required in SDCL 12-17B-6.1. Motion failed due to lack of a second.

Cole Uecker Disability Rights South Dakota (DRSD)

Cole Uecker read a statement which is summarized here (full statement on file in the auditor's office). A secret ballot is provided for in the constitution and those with disabilities should be allowed the same opportunity for access and participation as other voters. The petition to outlaw the Express Vote is discriminatory and if passed would be challenged. It is unconscionable for the commission to deprive those with disabilities the right and dignity to participate in the electoral process privately, independently, and as fellow citizens.

County Initiative Petition

Attorney Sara Frankenstein spoke to the commission and citizens in attendance about the issues with the initiated ordinance petition filed on March 11th, 2024. Neuharth moved and Kunz seconded to reject the County Initiative petition filed on March 11th, 2024; the initiative ordinance defining the conduct of elections is outside of the county commissioner's power to adopt. All voted favor. Motion carried.

Ordinance 24-1 An Ordinance to Protect the Residents of McPherson County from Unnecessary Legal Expenses

Neuharth moved and Feickert seconded to forgo a second reading of Ordinance 24-1 an ordinance to protect the residents of McPherson County from unnecessary legal expenses. All voted in favor. Motion carried.

Post-Election Audit

The county will continue with the 100% post-election audit counting every precinct and every race during the Primary 2024. The timeline outlined in 12-17B-18 was discussed. The timeline laid out in law will be followed.

Public Comments/Concerns

At 1:30PM no public comments and concerns were heard on non-agenda items.

Drainage Board

At 1:30PM Neuharth moved, and Feickert seconded to forgo meeting as the McPherson County Drainage Commission for the month of April due to no new permits. All voted in favor. Motion carried.

Veteran's Service Officer

Sam Boshard, via email update, reminded the board that Coffee and Networking with Secretary Whitlock will be taking place on April 16th at 1pm at the Eureka School. Boshard provided notice to the board that she has resigned as Treasurer of the McPherson County Republicans.

Auditor's Office

Lindley Howard presented the 2023 Annual Report, Pay 2024 Tax Distribution and Levy documents. Both files are available online at https://mcpherson.sdcounties.org/?page_id=13 or in the Auditor's Office. A payment request from Claims Associates for two legal deductible payments totaling \$10,000 was presented to the board.

Emergency Management – Burn Ban

The public is reminded of Ordinance 21-1 regulating open burning. The ordinance requires citizens to check the National Weather Service Grassland Fire Danger Index (<https://www.weather.gov/unr/rfd>) before performing open burning or igniting burn barrels. Open Fires are prohibited when McPherson County is in the very high or extreme category or a red flag warning has been issued. Burn Barrels are prohibited when McPherson County is in the extreme category. The commission can restrict burning further via resolution if conditions warrant. A copy of ordinance 21-1 is on file in the Auditor's Office and online for public view at <https://mcpherson.sdcounties.org/>.

PDM Plan Update

A brief update of the pre-disaster mitigation plan update was given, and the quarterly report provided.

Eureka Beautification

Discussion was held on parcel #7647 and the lien associated with the owner. If they get ownership Eureka Beautification is willing to tear down the structure and sell the lot. The associated lien is deterring Beautification from proceeding. Feickert moved and Neuharth seconded to release parcel #7647 from the lien. All voted in favor. Motion carried. Howard will prepare a lien release to be presented in May.

Zoning Update

The commission received Leola Wind Farm LLC's comments on the draft ordinance. A brief update of the ordinance re-write was given.

Director of Equalization

A brief update on action items for the April 9th Equalization meeting was given. Leola Housing was discussed and will remain as tax exempt for the 2024 assessment year.

Highway Department

Kunz moved and Opp seconded to accept Jerry Bossert's retirement effective April 24th, 2024. All voted in favor. Motion carried. The commission thanked Bossert for his years of service to the county.

Feickert moved and Neuharth seconded to surplus the Woods 15 mower and Shulte 10 mower to be sold at the Schock consignment sale in Leola. All voted in favor. Motion carried.

The Highway superintendent will continue communicating with county landowners and reminding them to keep the right of ways clear of crops. A road condition update was given on County Road 16 and 18. The reseal schedule was discussed along with the possibility of decreasing oil roads with low traffic counts.

Changes to the striping program were discussed. The Transportation Commission approved an annual payout and will be giving the county their proportional share upfront with the county responsible for securing and completing the pavement marking. McPhersons share for 154.693 miles of paved road is \$10,163.86. Neuharth moved and Kunz seconded to have the chairman sign the State of South Dakota Department of Transportation Joint Powers Agreement to provide for the pavement marking of county roads within McPherson County. All voted in favor. Motion carried.

A quote received for a tankless vs. traditional water heater for the Leola Shop was discussed. Spitzer will go with the tankless option. Discussion was held on the request for a county maintenance agreement for Wacker Township. The township should draft an agreement for the commission to consider. Weber township has disorganized. The county will take over maintenance. Chip sealing in Eureka City and Campbell County was discussed. The Rural Access Infrastructure programs inclusion of structures located on minimum maintenance roads was discussed.

Community Health Nurse

Taylor Deurmier gave the commission an update. Neuharth moved and Kunz seconded to have the chairman sign the contract addendum between SD Department of Health and McPherson County. All voted in favor. Motion carried.

Eureka Office Space

The Veterans Service Officer and State's Attorney have received notice that they have to vacate the office space at 207 J Ave by April 30th, 2024. The Hwy department will help move as needed and the VSO will move into the space occupied by the county in the Eureka City Municipal Building. Final rent will be paid to GF Mutual and reimbursement as budgeted for the State's Attorney Office of \$325/month will be paid to Austin Hoffman for January through April. Discussion was held on the Eureka City Municipal Building. Kunz moved and Neuharth seconded to hire an inspector and complete a building inspection of the Eureka City Municipal building. All voted in favor. Motion carried.

Executive Session 1-25-2(3)

Neuharth moved and Kunz seconded to enter executive session at 2:45PM to discuss personnel matters. All voted in favor. Motion carried. Feickert moved and Neuharth seconded to exit executive session at 3:00PM. All voted in favor. Motion carried. As a result of executive session Neuharth moved and Kunz seconded to give Austin Hoffman and Megan Hoffman a 10% raise back dated to January 1st, 2024. All voted in favor. Motion carried.

Meeting Authorizations

Kunz moved and Neuharth seconded to approve the following meetings: Lindley Howard Welfare Workshop in Pierre; Austin Hoffman State's Attorney Conference; Dave Ackerman Sheriff's Conference. All voted in favor. Motion carried.

Miscellaneous Items and Reports

The following miscellaneous items and reports were reviewed and approved: VSO Hours March 2024, Register of Deeds statement of fees collected during the month of March 2024 for the amount of \$2,433.75, Register of Deed's Modernization and Preservation fees collected during month of March 2024 for the amount of \$160.00, Auditor's Account with the County Treasurer as of March 31st, 2024 as follows: total amount of deposits in Leola Bank, \$238,433.04; total amount of actual cash, \$796.49; total amount of checks and drafts in treasurer's possession not exceeding three days, \$4,493.80; Itemized list of all items, checks and drafts in the Treasurer's possession over three days, \$2,438.42; CD's, \$1,173,205.63; Super savings, \$1,208,563.30; total, \$2,663,930.68.

The Board of Commissioners will meet as the Board of Equalization on Tuesday, April 9th beginning at beginning at 10AM with a brief commission meeting to follow; the next regular Board of Commissioners meeting will be held on Tuesday, May 7th beginning at 9AM.

At 3:30PM Neuharth moved and Feickert seconded to adjourn the meeting. All voted in favor. Motion carried.

ATTEST:

Lindley Howard
McPherson County Auditor

Rick Beilke
Chairman of Board of Commissioners