

McPherson County Board of Commissioners
Minutes of Proceedings
May 7th, 2024

The McPherson County Board of Commissioners met in regular session on Tuesday, May 7th, 2024, in the Commissions chambers. Chairman Rick Beilke called the meeting to order at 9:00AM. Members present were Sid Feickert, Anthony Kunz, Jeff Neuharth, and Mark Opp. The commission also welcomed Samantha Geffre and Ayla Gill observing from Leola High School as part of their Career Exploration class.

Neuharth moved and Feickert seconded to approve the May 7th agenda. All voted in favor. Motion carried. No conflicts of interest were declared.

Kunz moved and Opp seconded to approve the minutes of the April 2nd and April 9th commissioner meetings; April 9th and April 29th Equalization board meetings. All voted in favor. Motion carried.

CLAIMS APPROVED:

Access Elevator, Lift Repairs, \$4,749.44; Agtegra, Hwy/Courthouse/Soil Dist Supplies, \$8,333.77; Amazon, Supplies, \$725.92; Art's Auto Body, Windshield Replacement, \$684.65; ATT, Cellphone/Hotspot, \$449.77; Avera Occupational Medicine, Hwy Random Tests, \$96.25; Beadle Ford, Oil Change & Radio Fix, \$228.58; Bound Tree, AED Batteries & Pads, \$888.54; Butler, Hwy Supplies, \$21,844.04; Carrels & Bain, Inmate Care, \$444.79; Century Business Products, Printer Contract, \$20.25; CHS, Propane, \$657.55; Coast to Coast Solutions, Sheriff Stickers, \$400.95; Connecting Point, DOE Transfer to AUD, \$120.00; Crawford Truck & Equipment, Hwy Supplies, \$1,727.26; CRS, Inmate Insurance, \$39.30; Curt's Repair, Hwy Supplies, \$158.99; Dependable Sanitation, Utilities, \$261.00; Dickey Rural Telephone Coop, Server Maint/Backup/Fix, \$929.64; Dollar General, VSO Supplies, \$70.70; Election Systems & Software, Election Supplies, \$1,493.01; Eureka City, Utilities, \$85.25; Eureka Fire Dept, Gas Meter Contribution, \$1,500.00; Eureka Comm. Health Services, Nursing, \$7,125.00; FEM, Utilities, \$365.91; Gene's Oil, Fuel, \$6,734.43; Grahek Technologies, D-Ware Fob Programming, \$75.00; Heartland Waste, Utilities, \$40.00; Johnny & Renee Schwingler, Hwy Regulator, \$3,520.85; Jensen Rock & Sand, Pea Rock, \$8,397.30; Ken's Alignment, Alignment, \$100.95; Kimball Midwest, Hwy Supplies, \$743.41; Lakeside Lumber, VSO Supplies, \$17.37; Leola City, Utilities, \$181.66; Leola Fire Dept, Gas Meter Contribution, \$1,500.00; Linde Gas & Equipment, Hwy Supplies, \$139.37; McLeod's Printing, Election Supplies, \$282.31; McPherson Co Herald, Publishing, \$460.66; MDU, Utilities, \$923.51; Microfilm Imaging, ROD/M&P Equipment Rent, \$364.40; MARC, Garbage Bags/Buffer Pads, \$180.22; Mid-States Organized Crime, Membership, \$100.00; NW Blade, Publishing, \$419.02; Phyllis Roggenkamp, VSO Cookies, \$96.00; Pomp's Tire Service, Hwy Supplies, \$72.00; Jackie Rau, Reimbursement, \$104.10; Rock Tuff, Hwy Supplies, \$427.00; SDACO, Web Hosting, \$150.00; SDACO, Deputy Workshop, \$300.00; SD Federal Property Agency, Trackhoe/Tools, \$60,384.00; Kris Jacobsen-Clerp Admin, 2nd Qtr, \$323.00; Share Corporation, \$399.06; Streicher's Inc, Supplies, \$484.97; Taliaferro Law, Court Appointed Attorney, \$1,012.50; The Lodge at Deadwood, Conf Room, \$315.00; Transource Truck & Equipment, Hwy Supplies, \$337.08; True North Steel, Hwy Supplies, \$792.00; USPS, Stamps, \$20.00; Valley Plains Equipment, Rental, \$8,500.00; Valleytel, Phone/Internet, \$953.82; Visa, Hwy Supplies, \$88.95; Visa, Hwy Supplies, \$179.03; Visa, Supplies/Sub, \$474.93; Web Water, Courthouse Water, \$316.50; Cortrust, Deliq Tax/Auto Deposit Fee, \$921.84; Dawn Jenner, Deductible Reimb, \$1,227.87; State Treasurer, Money Due to State, \$66,216.52; State Treasurer, Sales/Excise Tax, \$71.25;

SDACC, M&P March Fees, \$64.00; March 2024 Apportionment remitted to Cities/Schools/Townships/Fire Districts, \$248,500.02; April Payroll Reimbursements: Lindley Howard, Fuel, \$50.57; David Roggenkamp, Miles, \$36.72; Richard Kolb, Miles, \$3.57; Dan Mettler, Miles, \$25.50; Alvin Kallas, Miles, \$12.75; George Hulscher, Miles, \$35.70.

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

SALARIES OF OFFICERS AND EMPLOYEES:

Commissioners, \$6,637.10; Auditor, \$9,616.96; Treasurer, \$9,305.87; State’s Attorney, \$8,632.32; Government Building, \$4,555.78; Director of Equalization, \$14,449.60; Register of Deeds, \$9,505.87; Veteran Service Officers, \$2,569.06; Sheriff, \$6,717.75; Coroner, \$750.00; Extension, \$4,401.12; Planning & Zoning; \$400.00; Road & Bridge, \$62,701.01; Snow Removal, \$1,003.29; Emergency Management, \$346.67; 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: \$11,258.01

Insurance: American Family, \$420.40; Avera, \$3,375.96; Guardian Vision, \$114.36; MetLife, \$151.00;

South Dakota Retirement System, \$8,397.76; Colonial Life Vision, \$57.18.

ADDED/INCREASED SALARIES

Feickert moved and Neuharth seconded to add/increase the following hourly rates of pay: Michael Schwingler for part-time weed supervisor, \$30/hour; Lee Geffre for part-time weed spraying, \$25/hour; Schwingler will receive \$100/day for days listed on the agenda for a district meeting or conference. All voted in favor. Motion carried.

RESOLUTION:

RESOLUTION NUMBER 24-8

“LIEN RELEASE”

“WHEREAS, Floyd Schick, of Eureka, South Dakota, has made, filed and presented to the Board of County Commissioners of McPherson County, South Dakota his verified application in writing for a release of the real estate described as follow to-wit:

Lot Nine(9), Block Eighteen (18), Milwaukee Land Company’s Fourth Addition to the City of Eureka, McPherson County, South Dakota, with structure and improvements thereon situate, subject to easements, restrictions and reservations of record, if any.

from county liens of record against said property, viz: County Lien against Donald Schick, filed at various dates, beginning January 15, 1992, and the last on July 9, 2002, as recorded in Book 4, County Liens, page 303 and also in Book 7, County Liens, page 162, in the amount of \$9,037.48 and it appearing satisfactorily from said application which is by this reference thereto incorporated into this Resolution that said application should be granted for reasons offered therein, now therefore,

BE IT RESOLVED by the Board of County Commissioners of McPherson County, South Dakota, in regular session this 7th day of May, 2024, that the real estate above-described be released from said county lien against Donald Schick and that the Chairman of the Board is hereby authorized and directed to execute, and the County Auditor of said County to attest, a release of said real estate from said county liens.”

Dated this 7th day of May 2024 at Leola, South Dakota.

ATTEST:

Lindley Howard
McPherson County Auditor

Rick Beilke
McPherson County Commission Chair

Feickert moved for the adoption of Resolution Number 24-8, Kunz seconded the foregoing motion. Upon roll call vote, thereon: Opp, Feickert, Kunz, Neuharth and Beilke voted 'Aye'. Motion carried, and resolution number 24-8 was declared duly adopted.

OTHER MATTERS DISCUSSED AND ACTION TAKEN:

McPherson County Republicans

Mike Klipfel the McPherson County Republican Party Chairman met with the board along six citizens. The group asked the commission for the date schedule for the canvass and post-election audit. Feickert moved and Opp seconded to set the June regular commission meeting for June 6th beginning at 9AM; and to set the 100% Post-Election Audit for the Primary election for June 13th beginning at 11AM. All voted in favor. Motion carried. Mike Klipfel asked the commission to donate the 2020 general election ballots to the McPherson County Republicans to practice and prepare for the post-election audit.

Executive Session 1-25-2(3)

Neuharth moved and Kunz seconded to enter executive session at 9:50AM to consult with legal counsel about possible 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 10:10AM. All voted in favor. Motion carried.

Feickert moved to release the 2020 ballots to the McPherson County Republicans. Motion died due to lack of a second.

State's Attorney Austin Hoffman read the following from the State of South Dakota Office of Hearing Examiners Decision and Order PRR 22-03 which is controlling in this request:

Page 5 – The boxes of ballots are only reopened upon cases of a recount, upon order of the Circuit Court or to destroy the ballots per SDCL 12-20-31.

Page 6 – There are no laws or rules that allow the general public to peruse the ballots, look at when a specific ballot came into the voting place or be given a database of information about the counted ballots, besides the vote count.

Page 8 (6) SDCL 12-20-20 and 12-20-21 directs poll workers to deliver counted ballots in sealed boxes to the person in charge of the election. Sealed boxes are not to be opened without order of the Circuit Court at the time of a recount.

(7) The materials within the ballot boxes are destroyed pursuant to SDCL 12-20-31. This destruction law does not allow the information contained within to become a public record.

Mike Klipfel disagreed with the State's Attorney and the OHE Decision and Order PRR 22-03. The commission took no action on the McPherson County Republican group's request to donate the 2020 general election ballots to the group to practice and prepare for the post-election audit.

The McPherson County Republican Group was invited to use the prepared 2024 test ballot deck to practice and prepare for the post-election audit after the public tabulation test that will be held on May 28th beginning at 1PM in the commission chambers.

Public Comments/Concerns

At 9:30AM the following comments and concerns were heard on non-agenda items. Nancy Klipfel shared with the board a submitted FBI election complaint, concerned with the county hiring Sara Frankenstein as special counsel, complaint about low commission attendance at the Leola candidate forum held on May 2nd, and concerns about truck traffic and speed on county road 23.

Drainage Board

At 10:30AM Feickert moved, and Opp seconded to forgo meeting as the McPherson County Drainage Commission for the month of May due to no new permits. All voted in favor. Motion carried.

Auditor's Office

Total costs from the 2022 election cycle were discussed as well as the cost of tabulation. Election concerns from the April 2nd meeting were revisited. McPherson County was selected for a random Americans with Disabilities Act Polling Place Access Review by the Department of Justice. The draft response to the preliminary compliance review was presented to the commission. Consolidated billing and moving to a different phone system through Valley Telco was discussed. No action taken.

Zoning Update

Neuharth went over the current Plat Approval process. Going forward the zoning board will need to act on all plats prior to commission approval. The commission was still using the process enacted when the Board of County Commissioners acted as the Board of Adjustment

Abatement 24-5

Kunz moved and Opp seconded to approve abatement 24-5, Scott Rau parcel #7757, valuation error, PAY 2024 county portion abated \$51.30. All voted in favor. Motion carried.

Records Management Policy

Neuharth moved and Feickert seconded to adopt the State of South Dakota Bureau of Administration, Records Retention Manuals for South Dakota Counties as McPherson County's records retention policy. All voted in favor. Motion carried.

Sheriff Department

Sheriff Dave Ackerman updated the board on the Leola deputy sheriff position. He has extended an offer to an individual.

Eureka Office Space

After speaking to the building inspector, it was recommended that a more cost effective inspection would be to have local contractors look at the Eureka City Municipal building and make a recommendation to the board. Roof leaks were discussed over the space currently occupied by the Deputy Sheriff and the Veteran's Service Officer. Members of the commission will attend the Eureka City

Council meeting on May 15th at 7pm to speak to the council about the building purchase. A notice of a quorum will be posted.

Weed Board

Ronnie Ehresman and Michael Schwingler met with the board to discuss overspray claim 116618 McPherson County/Morlock from the fall of 2023. The weed board examined the area during their last meeting and will speak to the adjuster. The part-time weed supervisor position was discussed. Schwingler has resigned from his full-time position with the highway department but would like to continue as part-time weed supervisor. Compensation for the part-time weed supervisor and part-time sprayer was discussed.

Feickert moved and Neuharth seconded to pay Michael Schwingler \$30/hour for part-time weed supervisor and Lee Geffre \$25/hour for part-time weed spraying; both employees will be classified as Seasonal Employees; Schwingler will receive \$100/day for days listed on the agenda for a district meeting or conference. All voted in favor. Motion carried.

Eureka Development Corporation

The ECDC requested that the county surplus a bench pew for their new office space. No action was taken.

Lien Releases

Lisa VonWald spoke with the board about a lien against parcel #7660. Resolution 24-8 was presented (see above). Discussion was held on parcel #7647 and the lien associated with the owner. Eureka Beautification is willing to tear down the structure and sell the lot. The associated lien is deterring Beautification from proceeding.

Opp moved and Kunz seconded to have the chairman sign the presented lien release stating: the following described real property from the County Poor Liens filed on December 3rd, 2021 and April 7th, 2022 shown in Book 7 of County Poor Lien Records at page 127 against Charles Linacre, Lot 12 Block 15 Mil Land Co. 3rd Addition Eureka City. All voted in favor. Motion carried. The lien has been released from the described property only, not the individual, any other property that individual currently owns or may own in the future.

State's Attorney

State's Attorney use of Westlaw, Clio, and Valleytel were discussed. Each item is billed to Austin Hoffman directly and ½ of each item is for State's Attorney uses. Neuharth moved and Kunz seconded to pay the following reimbursement amounts for the year 2024 (each amount equals half of the yearly subscription amount) \$966.0 for ValleyTel, \$618.95 for Clio, and \$2087.10 for Westlaw. All voted in favor. Motion carried.

On April 2nd, \$1,300 was reimbursed for ½ of the office rent for office space at 207 J Ave for January through April 2024. For May 2024 until further notice, \$300/month will be paid to Eureka Community Development Corporation for office rent.

Highway Department

Kunz moved and Neuharth seconded to accept Micheal Schwingler's resignation from full-time employment effective April 24th, 2024. All voted in favor. Motion carried. The commission thanked Schwingler for the years he spent with the county.

Glenn Spitzer will begin advertising for the position. Discussion was held on filling the open positions

with part-time/seasonal college students over the summer months if a full-time employee wasn't found. Possibly hiring someone with oil-distributor experience to fill the position for 2 weeks. More employment discussion will be held at the next meeting.

The reseal schedule was discussed along with the possibility of decreasing oil roads with low traffic counts. Amending the reseal schedule to accommodate gravel crushing was discussed along with the price to oil and reseal ourselves verses contracting.

There was an incident where an off-road vehicle was illegally hauling rocks on county roads last month. Spitzer also updated the board on the STP payment amount and pulling shoulders on county roads.

Miscellaneous Items and Reports

The following miscellaneous items and reports were reviewed and approved: VSO Hours April 2024, Register of Deeds statement of fees collected during the month of April 2024 for the amount of \$4,669.75, Register of Deed's Modernization and Preservation fees collected during month of April 2024 for the amount of \$310.00, Auditor's Account with the County Treasurer as of April 30th, 2024 as follows: total amount of deposits in Leola Bank, \$159,725.51; total amount of actual cash, \$1,653.87; total amount of checks and drafts in treasurer's possession not exceeding three days, \$216,646.39; Itemized list of all items, checks and drafts in the Treasurer's possession over three days, \$1,263.68; CD's, \$1,173,205.63; Super savings, \$3,494,694.93; total, \$5,047,190.01.

The next regular Board of Commissioners meeting will be held on Thursday, June 6th beginning at 9AM.

At 2:10PM Feickert moved and Neuharth seconded to adjourn the meeting. All voted in favor. Motion carried.

ATTEST:

Lindley Howard
McPherson County Auditor

Rick Beilke
Chairman of Board of Commissioners