

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

The McPherson County Board of Commissioners met in regular session on Tuesday, July 2nd, 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.

Opp moved and Kunz seconded to approve the July 2nd agenda. All voted in favor. Motion carried. No conflicts of interest were declared.

Neuharth moved and Feickert seconded to approve the minutes of the June 6th and June 18th commissioner meeting. All voted in favor. Motion carried.

CLAIMS APPROVED:

Agtegra, Hwy/Soil Dist Supplies, \$9,407.34; Amazon, Supplies, \$393.72; Aramark, Supplies, \$243.58; ATT, Cellphone/Hotspot, \$489.81; Auto Value, Hwy Supplies, \$96.93; Avera Occupational Medicine, Pre-employment, \$96.25; Black Hills Ammunition, Sheriff Ammo, \$1,178.50; Century Business Products, Printer Contract, \$58.46; CHS, Propane-Hand Patcher, \$146.37; Crawford, Hwy Supplies, \$210.03; Curt's Repair, Axle Repair, \$125.00; Dakota Fluid Power, Hwy Supplies, \$907.83; Dickey Rural Telephone Coop, Server Maint/Backup, \$145.89; Evan Dutenhoffer, Bond Refund, \$1,000.00; Eureka City, Utilities, \$89.00; FEM, Utilities/Outlet, \$135.71; Flint Hills, Hwy Supplies, \$165,065.30; Gene's Oil, Fuel, \$10,508.75; G&R Controls, Boiler Shut Down, \$2,063.13; Grassland Colony, Bond Refund, \$1,000.00; Brooke Graves, Hotel Reimb, \$393.00; Heartland Waste, Utilities, \$40.00; High Point Networks, Password Reset, \$57.50; Jensen Rock & Sand, Hwy Supplies, \$116,908.90; Kimball Midwest, Hwy Supplies, \$550.47; Lakeside Lumber, Hwy Supplies, \$3.78; Leola City, Utilities, \$502.88; Linde Gas & Equipment, Hwy Supplies, \$139.37; Long Lake Town, Utilities, \$247.20; Marin-Biel Insurance, Eureka Ambulance, \$6,085.00; McPherson Co Herald, Publishing, \$277.83; MDU, Utilities, \$744.31; Microfilm Imaging, ROD/M&P Equipment Rent/Softward, \$2,788.40; National Sheriff 's Association, \$125.00; NW Blade, Publishing, \$372.17; Performance Oil, DEF, \$105.30; Plainview Colony, Bond Refund; \$1,000.00; Pomp's Tire Service, Hwy Supplies, \$2,710.77; Premier Equipment, Hwy Supplies, \$910.51; Quill, Paper, \$159.96; Ramkota Hotel-Pierre, Workshop Hotel, \$231.00; Jackie Rau, Reimb, \$54.73; Richardson, Wyly, Wise, Training, \$204.50; SD Sheriff;s Association, Patches, \$40.00; SDAAO, Assessor School, \$400.00; Henry Spitzer, CDL Reimb., \$159.30; Glenn Spizer, Clothing Allowance, \$200.00; Streicher's Inc, Supplies, \$64.98; Rich Tschappat, Paint Scene for Achievement Days, \$150.00; Visa, Hwy Supplies, \$45.59; Visa, Hwy Supplies, \$41.00; Visa, Supplies/Sub, \$1,409.09; Web Water, Courthouse Water, \$158.25, West McPherson Ambulance, Miles, \$6,942.00; Post Election Audit, 5 Audit Members, \$773.29; Cortrust, Deliq Tax/Auto Deposit Fee, \$668.91; Corinsurance, Leola Ambulance, \$5,695.00; State Treasurer, Money Due to State, \$74,752.06; State Treasurer, Sales/Excise Tax, \$16.90; SDACC, M&P may Fees, \$130.00; May 2024 Apportionment remitted to Cities/Schools/Townships/Fire Districts, \$383,111.77; June Payroll Reimbursements: Trisha Erdmann, Meals/Reimb, \$39.81; Lindley Howard, Reimb, \$25.23; Vivian Sain, Meals, \$26.00; Kyra Moser, Meals, \$26.00; Samantha Boshard, Miles, \$35.70; Richard Kolb, Miles, \$3.57; Alvin Kallas, Miles, \$12.75; George Hulscher, Miles, \$35.70.

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, \$9,405.87; State’s Attorney, \$6,682.26; Government Building, \$4,555.78; Director of Equalization, \$14,449.60; Register of Deeds, \$9,505.87; Veteran Service Officers, \$2,569.06; Sheriff, \$9,368.49; Extension, \$4,423.95; Planning & Zoning, \$435.70; Road & Bridge, \$54,749.62; Emergency Management, \$346.67; Eureka Joint Law, \$4,596.66; Leola Joint Law, \$4,081.01.

McPherson County’s Share of the following:

Social Security and Medicare: CorTrust Bank: \$10,502.35

Insurance: American Family, \$373.25; Avera, \$3,375.96; Guardian Vision, \$114.36; MetLife, \$151.00;

South Dakota Retirement System, \$7,580.12; Colonial Life Vision, \$57.18.

ADDED/INCREASED SALARIES

Kunz moved, and Feickert seconded to increase Henry Spitzer’s salary to \$27/hour, obtained Class A CDL; increase Dean Geffre’s salary to \$27/hour, to match the part-time skilled hourly rate; both salaries increase for the July pay period. All voted in favor. Motion carried.

RESOLUTIONS:

RESOLUTION NUMBER 24-9

RESOLUTION AUTHORIZING TRANSFER OF CONTINGENCY APPROPRIATION”

WHEREAS, The McPherson County Board of Commissioners has provided a contingency line item in the 2024 McPherson County Annual Budget as allowed by SDCL 7-21-6.1; and

WHEREAS, said contingency amount may be used to cover appropriations in which insufficient amounts were provided, and

WHEREAS, McPherson County has such appropriations with insufficient amounts provided,

THEREFORE, IT BE RESOLVED: The appropriations be transferred from the commissioner’s contingency line item in the 2024 Annual Budget for McPherson County to the following budget categories in the following amounts:

101-141-411/412/413	Auditor	\$8,350/\$700/\$450
101-142-411/412/413	Treasurer	\$6,800/\$600/\$400
101-151-411/412	State’s Attorney	\$5,100/\$300
101-162-411/412/413	Equalization Salaries	\$13,600/\$1,600/\$800
101-163-411/412/413	Register of Deeds Salaries	\$8,400/\$600/\$500
101-611-411/412/413	Extension Salaries	\$3,400/\$200/\$200
101-112-429	Commissioners Contingency	-\$52,000
201-311-411/411.05	Highway	\$35,000/\$10,000
201-311-435	Highway Equipment	-\$45,000

Dated this 2nd day of July, 2024.

ATTEST:

Lindley Howard

McPherson County Auditor

Rick Beilke

McPherson County Commission Chair

Kunz moved for the adoption of Resolution 24-9 and Opp seconded the foregoing motion. Upon roll call vote, all voted "AYE". Motion carried and Resolution Number 24-9 was declared duly adopted.

OTHER MATTERS DISCUSSED AND ACTION TAKEN:

Public Concerns and Comments

Arden Sieh, appreciated the post-election audit; Mike Klipfel, update from the GOP Convention.

Public Hearing - Eureka Municipal Building

At 9:10AM a public hearing was held on how purchase of the Eureka Municipal building would aid the sheriff's department, Veterans Service officer and provide office space for the State's Attorney. The building has been offered to the county for \$90,000. Questions were raised on the yearly maintenance/upkeep costs.

Concerns were heard from Mike & Nancy Klipfel, Ken Shafer, Melvin & Marian Kallas, Tess Zetterlund, Ray Geffre, Mike Lapka, Jodi Waltman, Mike Mardian, Linda Schauer and Jim Schumacher. Group discussion was held with the citizens in attendance, the board, Sheriff Ackerman, Austin Hoffman, and Glenn Spitzer. A variety of issues were discussed, including the following:

- Discussion on the municipal building's large size, maintenance/utility costs, mechanical systems age and inability to convert to propane, flat roof design, handicap accessibility, generator value
- Eureka area rent costs, and rental availability. Discussion on exploring the possibility of moving with Eureka City into the new municipal building.
- Opinions that the county should not allow offices outside of the courthouse, or that the sheriff should utilize neighboring county facilities for sheriff interviews.
- Feasibility of continuing Courthouse yearly maintenance/utility costs averaging 100,000-120,000/year
- Discussion of the possibility of future county consolidation
- Concerns that that taxes will increase with the purchase of a building
- Costs of road maintenance and discussion on decreasing low traffic oil roads due to high oil road costs, along with concerns that the county will forgo maintenance on roads with a building purchase.

Upon conclusion of the public hearing: Neuharth moved, and Kunz seconded to offer the City of Eureka 90,000 for the municipal building. Upon roll call vote: Kunz and Neuharth 'Aye'; Feickert, Opp and Beilke 'Nay'. Motion failed.

Steve Berndt – Lots 42-27, Block 5 Kenwood Addition to the City of Leola

In December 1974 McPherson County took tax deed on Lots 42-47, Block 5 Kenwood Addition to the City of Leola and sold the property to James Taylor in August 1976. The record that the quit claim deed was issued was seen in the minutes. Taylor failed to record the 1976 quit claim deed which leaves McPherson County with interest in the property, discovered when the property was sold in 2024. Berndt asked the commission for a new quit claim deed to the 2024 purchaser.

Feickert moved and Opp seconded to approve the Chairman and Auditor to execute a Quit Claim deed from McPherson County to Michael Wayne Woodworth to clear title to Lots 42-47, Block 5, Kenwood Addition to the City of Leola. All voted in favor. Motion Carried.

Drainage Board

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

Jasmer Family Cemetery

Gerald Jasmer's proposal to establish a private, family cemetery in the corner of the southeast corner of Section 3, Township 125, Range 68 was reviewed and discussed. An affidavit is also recorded on 7/7/2023 in Book 62 MR page 97, but Jasmer has elected to not plat the cemetery area. The board has no opposition to the proposed cemetery but suggested Jasmer consider platting the cemetery.

Weed Supervisor and Sprayer Positions

No applications have been received. The Auditor will extend the advertising for the positions.

Leola Fire Roster

Feickert moved and Neuharth seconded to remove Luis Sanchez and add Steven Lane and Kyle Moster to the roster. All voted in favor. Motion carried. The board approved the presented roster which included the above changes.

2024 Primary Post-Election Report per SDCL 12-17B-22

McPherson County conducted the county's first post-election audit on 6/13/2024. 100% of ballots cast and races were audited. At the time of the audit three precincts noted discrepancies when comparing the audited results to the tabulated results on election night. After the audit Precincts 3 & 4 were found to not reconcile with the number of tallies recorded by the audit boards compared to the number of ballots counted in those precincts. Auditor Howard was not willing to simply report the discrepancies to the Secretary of State and move on. The State's Attorney then filed for an emergency declaratory action and received order 45CIV24-13 allowing a re-audit for the purpose of reconciling the Precincts 3 & 4 District 23 House Race and the Precinct 3 District 23 Senate Race.

The re-audit was completed on 6/25/2024 and the discrepancies originally seen in precincts 3 & 4 were human errors that occurred audit day. Final audit results for Precincts 2, 3 and 4 showed no discrepancies between the hand counted audit and the election night tabulated results.

There is one noted discrepancy in precinct 1. The discrepancy stemmed from one ballot containing marks on the far-left hand margin of the ballot. The audit board while examining the ballot determined two marks did touch the edge of the oval and the vote should be counted, but also noted that the tabulator was also correct to view those marks as undervotes as no portion of the mark was contained within the oval to register as a voted during tabulation. One mark on the same ballot did venture into the oval which was what prevented that ballot from being rejected as a blank ballot and sent to the resolution board on election night.

Howard recommended not doing a 100% post-election audit again in November due to an expected increase in ballots cast and an expected lengthy ballot

Highway Department

Kunz moved and Opp seconded to set the gravel royalty at \$1.25. Upon roll call vote: Kunz, Opp, Beilke voted 'Aye', Neuharth and Feickert abstained.

Fences being built within the right of way are becoming an issue. Any fences within 33feet of centerline need permission prior to being built, exemptions are occasionally made on a case-by-case basis. Spitzer will address the issue with landowners, and possible legal action may be taken in the future. Curb and gutter by Eureka City was briefly discussed. Spitzer will look at the area in question. Spitzer updated the board on the current road oil and reseal schedule. A road condition update was also given. Mowing the top round will tentatively begin on July 15th.

Permits to Occupy Right of Way

Neuharth moved and Opp seconded to approve the following permits to occupy right of way submitted by WEB Water, with the stipulation that all improved roads must be bored, and improved maps are required to be provided; Crossing:

- #1 and #2 along 113th Ave boring under 328th and 327th Ave in T126N-R73W Sections 1 and 2.
 - #3 along 114th Street boring under County Road 5 at the intersection in T126N-R72W.
 - #4 along Co Rd 5 boring under 116th St between Sections 20 & 29 and right of way work between 115th and 116th St in T126N-R72W.
 - #5 boring under 336th Ave in Section 36 T128N-R72W and right of way work along 336th Ave between 104th and 105th St.
 - #6 boring under 104th St at the intersection of Co Rd 11 between Sections 22 & 27 of T128N-R70W.
 - #7 boring under Co Rd 11 between Sections 26 & 27 of T128N-R70W.
 - #8 boring under Co Rd 11 at the intersection of 106th St between Sections 34 & 35 of T128N-R70W.
 - #9 boring under 348th Ave along Co Rd 8 between Sections 36 & 35 of T128N-R70W
 - #11 boring under 352nd Ave between Sections 33 & 34 of T127N-R69W.
 - #12 boring under 365th Ave between Sections 23 & 22 of T128N-R67W.
 - #13 right of way work along 365th Ave boring under 105th St between Sections 26 & 35 in T128N-R67W.
 - #14 right of way work along 365th Ave boring under 107th St between Sections 3 & 10 in T127N-R67W.
 - #15 boring under 118th St near the intersection of 360th Ave between Section 1 of T125N-R68W and Section 36 of T126N-R68W.
 - #16 boring under 118th St near the intersection of 361st Ave between Section 1 of T125N-R68W and Section 36 of T126N-R68W.
 - #17 boring under 361st Ave near the intersection of 118th St between Section 6 of T125N-R67W and Section 31 of T126N-R67W.
 - #18 boring under 362nd Ave between Sections 31 & 32 of T126N-R67W and right of way work.
 - #19 boring under 118th St between Section 33 of T126N-R67W and Section 4 of T125N-67W.
 - #20 boring under 119th street between Section 4 & 9 of T125N-R67W.
 - #21 boring under 355th Ave between Section 25 of T127N-R69W and Section 30 of T127N-R68W with right of way work between 110th and 111th St.
 - #22 boring under 122nd St between Sections 21 & 28 of T125N-R67W.
- All voted in favor. Motion carried.

Zoning

Neuharth updated the board on the progress of the zoning ordinance re-write. State's Attorney Hoffman will meet with NECOG with a possible rough draft of the ordinance re-write to be presented to the zoning board on July 23rd.

Neuharth moved and Kunz seconded to enter executive session at 1:10PM to discuss personnel matters. All voted in favor. Motion carried. Feickert moved and Neuharth seconded to exit executive session at 1:25PM. All voted in favor. Motion carried.

As a result of executive session, Kunz moved, and Feickert seconded to increase Henry Spitzer and Dean Geffre salaries to \$27/hour beginning the July pay period. All voted in favor. Motion carried. Spitzer updated the board on the CDL training and costs associated with providing the training, in the future the department may explore sending CDL trainees to a school.

2024 Budget

With the increase in salaries in January 2024 an adjustment is needed to the 2024 budget. The actual adjustment needed came in under what was expected back in January due to open unfilled positions. The lower adjustment amount can be covered by the budgeted contingency amount. Resolution 24-9 was presented to the board.

2025 Provisional Budget

The first draft of the 2025 budget was presented to the board. The expenditure requests were requested by the various departments. Changes to be included for the next draft are a standard 3% raise to be included and various expenditure lines were lowered. A draft of the 2025 budget is available in the Auditor's Office. Discussion will be continued in August.

Miscellaneous Items and Reports

Opp moved and Feickert seconded to share the WiFi password with the clerk of courts for court reporters to use laptops in the courtroom to monitor remote hearings via teams. All voted in favor. Motion carried.

The following miscellaneous items and reports were reviewed and approved: VSO Hours June 2024, Register of Deeds statement of fees collected during the month of June 2024 for the amount of \$6,089.25, Register of Deed's Modernization and Preservation fees collected during month of June 2024 for the amount of \$320.00, Auditor's Account with the County Treasurer as of June 30th, 2024 as follows: total amount of deposits in Leola Bank, \$133,347.85; total amount of actual cash, \$687.00; total amount of checks and drafts in treasurer's possession not exceeding three days, \$7,841.88; Itemized list of all items, checks and drafts in the Treasurer's possession over three days, \$1,388.28; CD's, \$1,181,774.94; Super savings, \$2,095,386.97; total, \$3,420,426.92.

At 2:40PM Opp moved and Kunz seconded to adjourn the meeting. All voted in favor. Motion carried. The next regular Board of Commissioners meeting will be held on Tuesday, August 6th beginning at 9AM.

ATTEST:

Lindley Howard

McPherson County Auditor

Rick Beilke

Chairman of Board of Commissioners