

McPherson County Board of Commissioners
Minutes of Proceedings
September 3rd, 2024

The McPherson County Board of Commissioners met in regular session on Tuesday, September 3rd, 2024, in the Commissions chambers. Chairman Rick Beilke called the meeting to order at 9:00AM. Members present were Sid Feickert, Jeff Neuharth, Anthony Kunz and Mark Opp.

Neuharth moved and Feickert seconded to approve the September 3rd agenda with Feickert's addition of discussion on the Leola Data Center during the Zoning portion of meeting. All voted in favor. Motion carried. No conflicts of interest were declared.

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

At 9:15AM Public Comments were heard from: Marian Kallas and Mike Klipfel – presented county election expenses feels hand counting is cheaper; Mike Klipfel – shared his opinion that ADA Ballot Marking devices are not required; Melvin Kallas – read statement that tax dollars are being weaponized.

CLAIMS APPROVED:

Agtegra, Hwy/Soil Dist, \$8,175.03; Amazon, Supplies, \$743.55; ATT, Cellphone/Hotspot, \$493.73; Auto Value, Hwy Supplies, \$2.40; Avera Occupational Medicine, Test, \$96.25; Lanette Butler, Judging & Miles, \$79.30; Butler, Hwy Supplies, \$1,571.85; Cedar Shores Resort, DOE Training, \$934.32; Century Business Products, Printer Contracts, \$34.70; CHS, Propane/Supplies, \$3,868.13; Crawford Trucks & Equipment, Hwy Supplies, \$704.14; CRS, Inmate Ins, \$120.52; Dickey Rural Telephone Coop, Server Maint/Backup, \$145.89; Sheila Erdmann, Judging & Miles, \$63.58; ECDC, Sept State's Attorney Rent, \$300.00; Kenneth R Lewno, 4-H Supplies, \$175.00; FEM, Utilities, \$401.11; Flint Hills, Hwy Supplies, \$9,410.68; Sandra Flittie, Judging & Miles, \$96.33; Michael Frey, Judging & Miles, \$109.43; Gene's Oil, Fuel, \$8,941.15; Mike Hassebroek, Judging & Miles, \$145.74; Heartland Waste, Utilities, \$80.00; Jensen Rock & Sand, Hwy Supplies, \$34,229.45; Wanda Jundt, Judging & Miles, \$85.85; Kimball Midwest, Hwy Supplies, \$421.91; Lakeside Lumber, Hwy Supplies, \$14.51; Leola City, Utilities, \$189.51; Linde Gas & Equipment, Hwy Supplies, \$139.37; McLeod's Printing & Office Supplies, Tax Papers, \$670.65; MDU, Utilities, \$852.66; Microfilm Imaging, ROD/M&P Equipment Rent, \$364.40; NECOG, Zoning Contract, \$2,500.00; NW Blade, Publishing, \$587.49; Lisa Pederson, Judging & Miles, \$397.81; Sherry Perrion, Judging & Miles, \$72.75; Pomp's Tire Service, Hwy Supplies, \$602.78; Premier Equipment, Hwy Supplies, \$87.70; Jackie Rau, Reimb, \$100.05; SD Dept of Public Safety, Teletype, \$4,680.00; SDSU Extension, Conf, \$180.00; Share, Hwy Supplies, \$130.99; Streicher's Inc, Supplies, \$472.96; Glenn Treftz, Manure Permit Reimb, \$1,750.00; TwoTrees Technologies, Annual Contracts, \$7,090.00; Van Diest, West Nile Supplies, \$3,793.50; Vestis, Courthouse Supplies, \$277.86; Visa, Supplies/Sub, \$1,379.89; July Wiest, Judging & Miles, \$129.08; Dustin Wurtz, Photography, \$50.00; CorTrust, Auto Deposit Fee, \$15.00; State Treasurer, Money Due to State, \$66,333.06; State Treasurer, Sales/Excise Tax, \$149.16; SDACC, M&P July Fees, \$76.00; SDACC, Conf Registration, \$800.00; July 2024 Apportionment remitted to Cities/Schools/Townships/Fire Districts, \$5,743.88; August Payroll Reimbursements: Lindley Howard, Miles, \$201.74; Sharon Guthmiller, Meals, \$66.00; Brooke Graves, Meals, \$66.00; Hunter Heinrich, Meals, \$66.00; Sam Boshard, Miles, \$45.85; Richard Kolb, Miles, \$4.59; Alvin Kallas, Miles, \$16.38;

George Hulscher, Miles, \$45.85; Doug Hatlewick, Miles, \$10.48; Wesley Hilgemann, Miles, \$45.85; Travis Mehlhaff, Miles, \$43.23.

Prior to paying the bills Mark Lapka, Mike & Nancy Klipfel, Marian & Melvin Kallas, Jodi Waltman, shared concerns with line items billed by Gunderson Palmer Nelson and Ashmore LLP. McPherson County did not pay a lobbyist for HB1140, the charges associated with lobbying were misbilled and a corrected invoice will be sent for a future meeting. Many comments were heard on county-initiated petitions.

Neuharth moved and Opp seconded to approve the forgoing claims; the presented invoice from Gunderson, Palmer, Nelson and Ashmore will be tabled until a corrected invoice has been received. All voted in favor. Motion carried.

SALARIES OF OFFICERS AND EMPLOYEES:

Commissioners, \$6,637.10; Auditor, \$9,650.96; Treasurer, \$9,405.87; State’s Attorney, \$6,682.26; Government Building, \$4,555.78; Director of Equalization, \$14,489.60; Register of Deeds, \$9,525.87; Veteran Service Officers, \$1,969.06; Sheriff, \$12,462.43; Extension, \$4,421.12; Weed Control, \$214.50; Planning & Zoning, \$400.00; Road & Bridge, \$54,531.79; Emergency Management, \$346.67; Eureka Joint Law, \$5,188.01; Leola Joint Law, \$5,185.65.

McPherson County’s Share of the following:

Social Security and Medicare: CorTrust Bank: \$10,822.47

Insurance: American Family, \$373.25; Avera, \$3,375.96; Guardian Vision, \$133.42; MetLife, \$161.36;

South Dakota Retirement System, \$8,165.80; Colonial Life Vision, \$57.18.

RESOLUTIONS:

RESOLUTION 24-10

“PLAT APPROVAL”

“Be it resolved by the Board of County Commissioners of McPherson County South Dakota, that the Plat “Plat of Lot 1, Ostrowski First Addition in Gov’t Lot 4 and E1/2SW1/4 of Section 30, T126N, R73W, 5th P.M., McPherson County, South Dakota.” Having been examined, is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof.”

Dated this 3rd day of September 2024 at Leola, South Dakota.

ATTEST:

Lindley Howard

McPherson County Auditor

Rick Beilke

McPherson County Commission Chair

Neuharth moved for the adoption of Resolution Number 24-10, Opp seconded the foregoing motion. Upon roll call vote, thereon: Opp, Feickert, Kunz, Neuharth and Beilke voted ‘Aye’. Motion carried, and resolution number 24-10 was declared duly adopted.

RESOLUTION 24-11

“PLAT APPROVAL”

“Be it resolved by the Board of County Commissioners of McPherson County South Dakota, that the Plat “Plat of Lot 2, Ostrowski First Addition in Gov’t Lot 1 and E1/2NW1/4 of Section 31, T126N, R73W, 5th P.M., McPherson County, South Dakota” Having been examined, is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof.”

Dated this 3rd day of September 2024 at Leola, South Dakota.

ATTEST:

Lindley Howard

McPherson County Auditor

Rick Beilke

McPherson County Commission Chair

Neuharth moved for the adoption of Resolution Number 24-11, Opp seconded the foregoing motion. Upon roll call vote, thereon: Opp, Feickert, Kunz, Neuharth and Beilke voted ‘Aye’. Motion carried, and resolution number 24-11 was declared duly adopted.

RESOLUTION 24-12
“RESOLUTION IN SUPPORT OF LOCAL CONTROL”

WHEREAS, county government is best served by the governing and management of local resources by local elected officials.

WHEREAS, local control is much more responsive to the needs of local citizens

WHEREAS, local elected officials have an obligation to protect the safety, health, and welfare of the entire community.

WHEREAS, local leaders and local governing bodies reduce bureaucracy, reduce taxpayer expenses, and improve the efficiency of government operations.

WHEREAS, elected officials in the counties are closest to its citizens, are more invested in the success of the community, and are best suited to make important decisions about its operation, and governance.

NOW, THEREFORE, BE IT RESOLVED, that McPherson County urges the State Legislature and Governor to enact and provide support for laws that encourage local control.

Dated this 3rd day of September 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 24-12, Neuharth seconded the foregoing motion. Upon roll call vote, thereon: Opp, Feickert, Kunz, Neuharth and Beilke voted ‘Aye’. Motion carried, and resolution number 24-12 was declared duly adopted.

Kunz moved and Feickert seconded to send Resolution 24-12 to all members of the legislature and the governor’s office. All voted in favor. Motion carried.

OTHER MATTERS DISCUSSED AND ACTION TAKEN:

Provisional Budget Hearing

At 9:00AM a hearing was held on the 2025 provisional budget. No action was taken, and no changes were made. The final budget adoption will take place on September 24th, 2024, at 9AM. The provisional budget is on file for public inspection at the Auditor's Office.

Drainage Board

At 9:08AM, Neuharth moved and Feickert seconded meet as the McPherson County Drainage Commission. All voted in favor. Motion carried. The Drainage Commission met concurrently with the Board of Commissioners and their minutes are listed in a separate section.

City of Eureka

Mayor Wendy Brockel, Councilman Kevin Hoff, Councilman Dennis Schwingler and finance officer Nicole Frerk joined the meeting representing the City of Eureka. Renting the municipal building in Eureka was discussed. Monthly rental amount would include all utilities, generator maintenance, and insurance. The timeline for the city moving out of the current municipal building was discussed. Kunz moved and Neuharth seconded to rent the municipal building in Eureka for \$2500/month for one year, beginning after the city has vacated the building. Upon roll call vote: Kunz, Neuharth, Beilke 'Aye': Opp, Feickert 'No'. Motion carried. The council representatives were asked if the building was still for sale and if the purchase price was negotiable.

The city obtained deeds for parcels 7521, 7522, 7523, 7524 with the intent to tear down the dilapidated properties. A grant was obtained for the asbestos removal and tear down but requires a matching contribution of \$173,000+. The city asked if the county would consider a future contribution towards the match. The commission would be willing to contribute an in-kind match of equipment and manpower towards the project. No action taken at this time.

Discussion was held on the city's 1-mile jurisdiction for zoning. Differences between city and county zoning ordinances along with the permitting and appeals process within the 1-mile jurisdiction was discussed.

Post Election Audit

The scope of the post-election audit was discussed.

Neuharth moved to audit 1 precinct drawn at random and count 100% of the races within that precinct. Motion failed due to lack of a second.

Kunz moved and Neuharth seconded to follow 12-17B-20 and audit five percent of the precincts in the county by manually counting all votes cast in two contests. Upon roll call vote, Kunz, Neuharth, Beilke voted 'Aye'; Feickert, Opp voted 'No'. Motion carried.

Jackie Rau

Jackie Rau is working on a step pay scale for courthouse employees and plans to present her recommendation at a future meeting. Rau gave an extension update on Achievement Days. Discussion was held on how to increase participation in 4H from the Eureka area.

Zoning

Feickert moved and Neuharth seconded to approve a manure permit refund to Glenn Treftz for \$1750.00, manure permit is no longer needed. All voted in favor. Motion carried.

The first public hearing for the zoning rewrite will be held on September 10th at 9AM. The ordinance is available online or in person at the Director of Equalization office.

The proposed Leola Data Center west of Leola was discussed.

Sheriff/Emergency Management

A mutual aid agreement between McPherson County and Agtegra was presented. Legal counsel will review the agreement.

The 2025 Local Emergency Management Performance Grant was presented, McPherson County does not wish to participate. A brief update was given on the Pre-Disaster Mitigation Plan. A public meeting with local jurisdictions will be held on September 16th at 1pm in the commission chambers.

Highway Department – Fences in the Right of Way

Fences in the right of way were discussed. Prior authorization must be given before a landowner installs a fence within the right of way, fences within the right of way may be allowed on a case-by-case basis. Fences currently approved and located in the right of way would need approval again if the fence is rebuilt. Right of way distances differ per road and are in the Register of Deeds office.

Three fences have been identified as needing to be moved: (1) Leo Vilhauer: County Road 8 east of Long Lake Highland twsp section 2 NW1/4; (2) James Schaible: County Road 18 Cleveland twsp section 36 N1/2 of the NE1/4 and the NE1/4 of the NW1/4 – both of these landowners will be sent notice; (3) Ken Shafer, Shafer Real Estate LP, south side of County Road 8 Highland twsp Section 1 NE1/4. Shafer joined the meeting to discuss the fence location. Feickert moved and Neuharth seconded to require Shafer to move the fence out of the right of way along the south side of County Road 8 Highland twsp Section 1 NE1/4. All voted in favor. Motion carried.

Executive Session 1-25-2(1)

Kunz moved and Neuharth seconded to enter executive session at 11:25AM to discuss personnel matters. All voted in favor. Motion carried. Feickert moved and Kunz seconded to exit executive session at 11:35AM. All voted in favor. Motion carried.

No action taken.

Highway Department – Updates

The Hwy department is assisting Game Fish and Parks in repairing a country cemetery fence east of Eureka. Road work and the county's role with repairs within the City of Eureka, City of Leola and Long Lake Town was discussed. Fall blading and culvert installation in various areas around the county are taking place. Blade operators will transition to mowing soon. The hwy department plans to lower the road grade on an area of safety concern in Arena Township between sections 10 and 11.

Mike Klipfel asked Glenn Spitzer to increase blading on the north 7 miles of county road 23.

Auditor's Office

Neuharth moved and Opp seconded to approve the Notice and Record of payments to poor persons as defined by Chapter 28-14, October 2023 through August 2024 and file with the Register of Deeds. All voted in favor. Motion carried.

2024 PAY 2025 growth has been filed with the Department of Revenue and was presented to the board.

Neuharth moved and Opp seconded to allow Auditor's Office to pay the following monthly utility bills for the remainder of the year 2024 in the event they have not been received 24hrs in advance of a meeting: Agtegra – Fuel; ATT Mobility – Cellphone; Dicky Rural – County Server; Eureka City – Water; FEM –Electricity; Gene's – Fuel; Heartland Waste – Garbage; Leola City – Water; McPherson Co Herald – Publishing; MDU – Electricity; Northwest Blade – Publishing; Valleytel – Phone/Internet; CHS – Propane; Web Water – Water. All voted in favor. Motion carried. This a formalizing what the Auditor's office currently does in the event a utility bill has not been received within 24hours of the commissioner meeting. All bills to be considered by the commission are available with the packet materials at least 24 hours before the meeting.

At 12:45PM Kunz moved and Neuharth seconded to adjourn the meeting. All voted in favor. Motion carried.

The next regular Board of Commissioners meetings will be held on Tuesday, September 24th beginning at 9AM and Tuesday, October 1st beginning at 9AM.

ATTEST:

Lindley Howard

McPherson County Auditor

Rick Beilke

Chairman of Board of Commissioners