

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

The McPherson County Board of Commissioners met in regular session on Tuesday, December 3rd, 2024, in the Commissions chambers. Chairman Rick Beilke called the meeting to order at 10:00AM. Members present: Sid Feickert, Jeff Neuharth, Mark Opp, and Anthony Kunz.

Opp moved and Kunz seconded to approve the December 3rd agenda. All voted in favor. Motion carried. No conflicts of interest were declared, Neuharth noted conversations with Leola Data Center Representative.

Feickert moved and Kunz seconded to approve the minutes of the September 3rd and November 7th drainage commission meetings. All voted in favor. Motion carried. Opp moved and Neuharth seconded to approve the minutes of the October 29th and November 7th Commission meetings. All voted in favor. Motion carried.

At 10AM, No Public Comments/Concerns were heard by the board.

CLAIMS APPROVED:

Agtegra, Hwy/Soil Dist, \$7,569.89; Amazon, Supplies, \$3,568.83; ATT, Cellphone/Hotspot, \$490.72; Auto Value, Hwy Supplies, \$533.26; Avera Occupational Medicine, Hwy Random Tests, \$441.65; B & N Auto Repair, Drive on Hoist Jacks, \$4,500.00; Butler, Hwy Supplies, \$1,151.48; Century Business Products, Printer Contract, \$20.25; D-Ware Inc, Hwy Program, \$4,700.00; Dakota Fluid Power Inc, Hwy Supplies, \$1,669.92; Dependable Sanitation Inc, Utilities, \$261.00; Dickey Rural Telephone Coop, Server Maint/Backup/Fix, \$340.89; ES&S, Election Supplies, \$1,364.38; Eureka City, Utilities, \$99.50; Eureka Comm Health Service, Tests, \$95.00; Eureka Mfg, Hwy Supplies, \$41.08; FEM, Utilities, \$405.40; Josh Flemmer, Clothing Reimb, \$200.00; Galls Incorporated, Scanners, \$444.97; Gene's Oil, Fuel, \$8,174.43; Heartland Waste, Utilities, \$80.00; Kimball Midwest, Hwy Supplies, \$777.89; Leola Legion Bar, Edmunds Trial Expense, \$97.50; Lakeside Lumber, Hwy Supplies, \$251.43; Leola City, Utilities, \$214.39; Linde Gas & Equipment, Hwy Supplies, \$278.39; MDU, Utilities, \$164.30; Menards, Courthouse Supplies, \$17.46; Midwest Card & ID Solutions, ID Printer, \$3,520.00; Northern Truck Equipment Corp, Hwy Supplies, \$241.02; NW Blade, Publishing, \$475.45; Poms, Hwy Supplies, \$859.08; Premier Equipment, Hwy Supplies, \$546.60; Quaschnick Soft Water, Softener Salt, \$168.00; Quill, Paper/Paper Towels, \$234.94; Regency Midwest Ventures, Conf Hotel, \$832.00; RDO Equipment, Hwy Supplies, \$267.08; SDACO, 2025 Dues, \$749.33; SDAHS, 2025 Dues, \$350.00; SD Public Health Lab, Tests, \$205.00; SD Sheriffs Association, 202 Dues, \$572.33; SDACC, 2025 Dues, \$1,730.00; SDML Worker's Comp, \$39,807.00; Sign Solutions, Hwy Supplies, \$693.65; Streicher's Inc, Leola JL Vest, \$1,357.07; The Radar Shop, Radar Work, \$320.00; Transource Truck & Equipment, Hwy Supplies, \$119.47; US Post Office, Treasurer Postage, \$1,177.50; US Post Office, Extra Juror Postage, \$30.83; Vestis, Courthouse Supplies, \$265.17; Visa, Supplies, \$1,330.79; Visa, Fuel/Hotel, \$290.72; Web Water Bottling Company, Courthouse Water, \$133.50; Post Election Audit, 4 Members, \$222.63; CorTrust, Deliq Tax/Auto Deposit Fee/Check Blanks/Deposit Books, \$1,519.20; October 2024 Apportionment Remitted to Cities/Schools/Townships/Fire Districts, \$1,832,521.73; State Treasurer, Money Due to State, \$52,985.78; State Treasurer, Sales Tax, \$360.67; SDACC, M&P October Fees, \$120.00; November Payroll Reimbursements: Trisha Erdmann, Miles, \$107.20; Lindley Howard, Supply Reimb., 43.81; Sharon

Guthmiller, Election Wages, \$152.78; Sam Boshard, Miles, \$46.90; David Roggenkamp, Miles, \$57.62; Jackie Rau, Election Wages \$120.54.

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

Prior to considering claims discussion was held on the presented claim from Gunderson, Palmer, Nelson & Ashmore, LLP for special counsel. Feickert moved and Opp seconded to table the bill for consideration on 12/30/2024. Upon roll call vote: Opp, Feickert, Neuharth, Beilke voted 'Aye'; Kunz 'Nay'. Motion carried.

SALARIES OF OFFICERS AND EMPLOYEES:

Commissioners, \$6,637.10; Election, \$273.02; Auditor, \$9,596.96; Treasurer, \$9,505.87; State's Attorney, \$6,682.26; Government Building, \$4,284.46; Director of Equalization, \$14,449.60; Register of Deeds, \$9,505.87; Veteran Service Officers, \$1,969.06; Sheriff, \$12,188.42; Coroner, \$250.00; Extension, \$4,401.12; Road & Bridge, \$56,032.23; Emergency Management, \$166.67; Eureka Joint Law, \$4,914.00; Leola Joint Law, \$4,933.33.

McPherson County's Share of the following:

Social Security and Medicare: CorTrust Bank: \$10,832.60

Insurance: American Family, \$373.25; Avera, \$2,651.06; Guardian Vision, \$123.89; MetLife, \$167.32; South Dakota Retirement System, \$8,333.37; Colonial Life Vision, \$57.18.

ADDED SALARIES:

Neuharth moved and Opp seconded to add the following salary: Sharon Guthmiller, beginning on 12/9/2024, Courthouse Maintenance, \$22.82/hour for 40 hours per week/2080 hours per year, excluding snow removal. All voted in favor. Motion carried.

RESOLUTIONS:

RESOLUTION 24-17

"RESOLUTION LIFTING THE BURN BAN ENACTED BY RESOLUTION 24-15"

WHEREAS, McPherson County passed Resolution 24-15 "Resolution Banning Open Burning" on October 29th, 2024;

WHEREAS, Conditions have since improved and an emergency situation no longer exists;

THEREFORE BE IT RESOLVED: that the ban enacted on October 29th, 2024 through Resolution 24-15 has now been lifted and Open Burning may now proceed within the confines of Ordinance 21-1 Open Burning Regulation Ordinance.

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

ATTEST:

Lindley Howard

McPherson County Auditor

Rick Beilke

Chairman of the Board of Commissioners

Neuharth moved for the adoption of Resolution Number 24-17, Feickert seconded the forgoing motion. Upon roll call vote, thereon, all voted in favor. Motion carried, and Resolution Number 24-17 was declared duly adopted.

OTHER MATTERS DISCUSSED AND ACTION TAKEN:

Drainage Board

At 10:05AM Opp moved, and Neuharth seconded to meet as the McPherson County Drainage Commission. All voted in favor. Motion carried. The Drainage Commission meets concurrently with the Board of Commissioners and their minutes are listed in a separate section.

Lease Agreement

Discussion was held on the lease agreement. Eureka City will cover the snow removal and exterior building maintenance with the County responsible for interior cleaning. Sheriff Ackerman has applied for a grant for cameras and new door locks. It is the County's intention to not offer the bathrooms 24/7 to the public after the County takes possession of the building.

Neuharth moved and Kunz seconded to have the chairman sign the building lease for 613 7th Street, Eureka, SD 57437 for January 1st, 2025, through December 31st, 2025. All voted in favor. Motion carried.

2024 General Election Post Election Audit

Lindley Howard, Auditor, presented the results from the post-election audit for the November 5th, 2024, General Election. United States Representative and Public Utilities Commissioner races in precinct 3 were audited by a four-person board on Thursday, November 21st, 2024. The official canvass and election night tabulated results were compared to the audited results. Results are as follows:

Statewide Race United States Representative – Zero discrepancies

Official canvass & election night tabulated results: Sheryl Johnson – 41, Dusty Johnson – 41;

Post-Election Audit results: Sheryl Johnson – 41, Dusty Johnson – 41;

Other Contest Public Utilities Commissioner – Zero discrepancies

Official canvass & election night tabulated results: Forrest Wilson– 33, A. Gideon Oakes– 12, Kristie Fiegen – 255

Post-Election Audit results: Forrest Wilson– 33, A. Gideon Oakes– 12, Kristie Fiegen – 255

Zoning

Bill Conners representing the Leola Data Center addressed the commission and explained their submitted conditional use permit to be considered by the Zoning Board on December 10th at 9AM. The commission discussed enacting an Ordinance pertaining to Data Centers and enacting a moratorium until an Ordinance can be adopted. The timeline for the Ordinance adoption is expected to be no later than April 1st. A special meeting to consider a moratorium will be held via teleconference on Thursday, December 5, 2024, at 9AM.

Executive Session

Opp moved and Neuharth seconded to enter executive session at 11:05AM pursuant to SDCL 1-25-2(1), personnel. All voted in favor. Motion carried. Neuharth moved and Feickert seconded to exit executive session at 12:15PM. All voted in favor. Motion carried.

As a result of Executive session, Neuharth moved and Opp seconded to hire Sharon Guthmiller, beginning on 12/9/2024, as Courthouse Maintenance at \$22.82/hour for 40 hours per week/2080 hours per year, excluding snow removal; and to accept her resignation as Sheriff and Director of Equalization Secretary. All voted in favor. Motion carried

Courthouse Maintenance

Opp moved and Neuharth seconded to accept Jim Wolf's resignation from his courthouse maintenance position as of 11/12/2024. All voted in favor. Motion carried.

Neuharth moved and Opp seconded to call for bids by the hour for snow removal from the courthouse steps and sidewalks, the parking will be excluded. All voted in favor. Motion carried.

Extension

Feickert moved and Kunz seconded to sign the 2025 MOU Addendum between SDSU and McPherson County of South Dakota. All voted in favor. Motion carried.

The next weed board meeting is on December 17th and there is an open position on the board. Anyone interested is asked to contact Jackie Rau.

Rau presented a 2025 wage request for courthouse employees and asked that it be considered at the end of the year.

Highway Department

Feickert moved and Neuharth seconded to call for Propane, fuel, gasoline and ethanol bids for 2025 to be opened on January 7th at 10AM. All voted in favor. Motion carried.

The final draft of the fences in the right of way letter was reviewed. Hwy superintendent Glenn Spitzer gave an update on equipment repairs and service. The hwy department is building trap gates for the county gravel pits. The MSHA annual refresher for the hwy department will be held on February 18th weather permitting.

State's Attorney

A draft resolution establishing procedures of conduct for county commissioners' meetings was presented to the board. The board may consider enacting it at the next meeting.

Auditor's Office

Feickert moved and Kunz seconded to sign the SDML 2025 Intergovernmental contract for 2025. All voted in favor. Motion carried.

Neuharth moved and Opp seconded to approve Abatement 24-8 Estate of Lee Oster (City of Eureka) parcel #5879 and #5886, tax exempt, PAY 2024 county general \$217.61, secondary roads \$49.20, total abated \$266.81. All voted in favor. Motion carried.

Neuharth moved and Kunz seconded to transfer the budgeted \$797,615 from General fund to County Road and Bridge. All voted in favor. Motion carried.

Howard provided a briefing on the 2024 Budget, a contingency estimate and a cash on hand report for the general and road and bridge funds.

Executive Session

Neuharth moved and Kunz seconded to enter executive session at 1:25PM pursuant to SDCL 1-25-2(1), personnel. All voted in favor. Motion carried. Kunz moved and Opp seconded to exit executive session at 1:40PM. All voted in favor. Motion carried.

As a result of executive session, Kunz moved and Neuharth seconded to allow the Director of Equalization and Sheriff to advertise as necessary for a part-time position using the current job description and including any necessary modifications. All voted in favor. Motion carried.

Opp moved and Feickert seconded to set the end of the year meeting for Monday, December 30th beginning at 1PM. All voted in favor. Motion carried.

Christmas at the Courthouse is scheduled for Friday December 13th. This will include light refreshments and Christmas Tree judging.

At 2:05PM Opp moved and Kunz seconded to adjourn the meeting. All voted in favor. Motion carried. The next regular Board of Commissioners meetings will be held on Monday, December 30th beginning at 1PM and Tuesday, January 7th beginning at 10AM.

ATTEST:

Lindley Howard

McPherson County Auditor

Rick Beilke

Chairman of Board of Commissioners