

McPherson County Board of Commissioners
Minutes of Proceedings
December 30th, 2024

The McPherson County Board of Commissioners met in regular session on Monday, December 30th, 2024, in the Commissions chambers. Chairman Rick Beilke called the meeting to order at 1:00PM. Members present: Sid Feickert, Jeff Neuharth, and Mark Opp.

Opp moved and Feickert seconded to approve the December 30th agenda. All present voted in favor. Motion carried. No conflicts of interest were declared.

Neuharth moved and Opp seconded to approve the December 3rd & December 5th Commission minutes with the following correction: two resolutions were originally numbered 24-15, and Resolution "Plat Approval for Kunz Second Subdivision" should now be known as Resolution 24-15(2). All present voted in favor. Motion carried.

Executive Session

Opp moved and Neuharth seconded to enter executive session at 1:05PM pursuant to SDCL 1-25-2(1), personnel and SDCL 1-25-2(3). Upon roll call vote, Neuharth, Opp, Feickert, and Beilke "AYE". Motion carried. Feickert moved and Opp seconded to exit executive session at 1:25PM. Upon roll call vote, Neuharth, Opp, Feickert, and Beilke "AYE". Motion carried.

The commission accepted Commissioner Anthony Kunz's resignation effective immediately. The Board thanked Commissioner Kunz for his 8 years of service to McPherson County. The Commissioner #4 position was declared vacant. The vacant position will be filled by the remaining members per SDCL 3-4-4.

At 1:30PM the following public comments/concerns were heard. Paige Brown, Gentry Croshaw, Gary Schauer spoke against the proposed resolution establishing procedures of conduct at McPherson County Board of County Commissioners Meetings. Mike Klipfel, Marian Kallas, Kathy Reid, Linda Schauer, Jodi Waltman spoke against paying the special counsel bill from Gunderson, Palmer, Nelson, and Ashmore LLP.

CLAIMS APPROVED:

Agtegra, Hwy Supplies, \$5,406.13; Amazon, Supplies, \$1,068.57; Aspire, 2024 Allocation, \$1,440.00; ATT, Cellphone/Hotspot, \$490.72; Auto Value, Hwy Supplies, \$490.98; Bound Tree Medical, AED Batteries/Pads, \$1,074.52; Butler, Hwy Supplies, \$870.73; Centralsquare Technologies, 2025 Maintenance, \$361.84; Century Business Products, Printer Contract, \$26.13; CHS, Propane, \$6,828.06; Coast to Coast Solutions, Barricade Tape, \$264.44; Crawford Trucks & Equipment, Hwy Supplies, \$1,278.15; CRS, Inmate Insurance, \$79.91; Curt's Repair, Oil Changes, \$182.84; Dakota Fluid Power Inc, Hwy Supplies, \$506.65; Daniel L Fox, Mental Health, \$90.75; Dept of Legislative Audit, 2022-2023 Audit, \$17,343.00; ES&S, Election Supplies, \$1,200.86; Eureka City, Utilities, \$99.50; Eureka Comm Development Comp, Dec St Attny Rent, \$300.00; Eureka Mfg, Hwy Supplies, \$99.63; FEM, Utilities, \$540.12; Fire Safety First, Fire Extinguisher, \$82.00; Chris Fischbach, Gravel Royalty, \$50,033.75; Dean Geffre, Clothing Reimb, \$106.19; Gene's Oil, Fuel, \$893.80; GPNA, Special Counsel, \$9,535.75; G&R Controls, Boiler Startup/Repair, \$3,801.05; Heartland Waste, Utilities, \$80.00; Johnny & Renee

Schwinger, Hwy Supplies, \$41.81; Ken's, Hwy Supplies, \$23.48; Kimball Midwest, Hwy Supplies, \$510.61; Larry Kolb, Well Pipe, \$1,200.00; Lakeside Lumber, Hwy Supplies, \$203.32; Leola Ambulance Service, Ambulance Miles, \$6,887.50; Leola Data Center, Refund Special Meeting, \$600.00; Lincoln County Treasurer, Mental Health, \$105.66; Linde Gas & Equipment, Hwy Supplies, \$671.53; Live Inc, 2024 Allocation, \$720.00; Long Lake, Utilities, \$249.00; Mac's, Hwy Supplies, \$447.82; MDU, Utilities, \$936.76; Menards, Hwy/Courthouse Supplies, \$160.60; Microfilm, ROD/M&P Equip Rent, \$364.40; MARC, Courthouse Supplies, \$626.04; North Central Regional 911, Aug-Dec Remittances, \$15,084.43; NW Blade, Publishing, \$553.76; Pheasantland Industries, Hwy Supplies-Shirts, \$389.61; Poms, Hwy Supplies, \$18,347.18; Premier Equipment, Hwy Supplies, \$301.98; Quill, Membership, \$69.99; Ramkota Pierre, Election Hotel, \$117.00; Ron's Service Center, Oil Change, \$50.18; Runnings, Hwy Supplies, \$11.99; Saber Shred Solutions, Tire Shredding, \$440.00; Safe Harbor, Marriage & Divorce Fees, \$230.00; Safety Benefits, Conference Registration, \$85.00; Safety Service, Hwy Supplies, \$251.00; SD States Attorney Association, 2025 Dues, \$737.33; Kris Jacobson CLERP Admin, Special Assessment, \$1,221.00; SDAE4-HP, Registration, \$200.00; Share Corp, Hwy Supplies, \$981.04; TrueNorth Steel, Culverts, \$48,504.60; Tyler Technologies, Vetraspec Annual Dues, \$449.00; Valley Plains Equip, Hwy Supplies, \$11,660.00; Vestis, Courthouse Supplies, \$252.50; Visa, Coats, \$1,260.99; Visa, Hotel, \$195.32; Visa, Supplies, \$310.49; WM D Scepaniak, Gravel Crushing, \$110,746.55; Web Water Bottling Company, Courthouse Water, \$141.75; West McPherson EMS, Ambulance Miles, \$6,288.50; Becky Wolff, Fill in Janitor, \$22.82; November 2024 Apportionment Remitted to Cities/Schools/Townships/Fire Districts, \$345,446.06; State Treasurer, Money Due to State, \$56,595.76; State Treasurer, Sales Tax, \$16.87; SDACC, M&P November Fees, \$144.00; Valley Telco, Phone/Internet, \$971.08; December Payroll Reimbursements: Rick Beilke, Miles, \$241.20; Trisha Erdmann, Reimb, \$10.00; Lindley Howard, Reimb/Miles, \$64.42; Sharon Guthmiller, Reimb, \$8.97; Vicki Geffre, Reimb, \$120.00; Samantha Boshard, Miles, \$46.90; Curtis Hoff, Miles, \$37.52; Trevor Zantow, Miles, \$12.06; Richard Kolb, Miles, \$4.69; Alvin Kallas, Miles, \$16.75, George Hulscher, Miles, \$46.90; Gailen Hauck, Miles, \$20.10.

Neuharth moved and Feickert seconded to approve the forgoing claims. Upon roll call vote, Neuharth, Opp, Feickert, and Beilke "AYE". Motion carried.

SALARIES OF OFFICERS AND EMPLOYEES:

Commissioners, \$6,637.10; Election, \$68.00; Auditor, \$11,378.24; Treasurer, \$11,305.87; State's Attorney, \$7,282.26; Government Building, \$4,251.20; Director of Equalization, \$14,255.80; Register of Deeds, \$11,927.60; Veteran Service Officers, \$2,269.06; Sheriff, \$14,983.49; Extension, \$7,226.40; Weed Control, \$90.00; Planning & Zoning, \$400.00; Road & Bridge, \$75,700.35; 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: \$12,885.13

Insurance: American Family, \$413.68; Avera, \$2,569.14; Guardian Vision, \$123.89; MetLife, \$162.14; South Dakota Retirement System, \$10,203.88; Colonial Life Vision, \$57.18.

RESOLUTIONS:

RESOLUTION NUMBER 24-18

**A RESOLUTION URGING THE SOUTH DAKOTA LEGISLATURE TO PASS EMINENT DOMAIN REFORM
PROHIBITING THE USE OF EMINENT DOMAIN FOR PRIVATE GAIN**

WHEREAS, the principle of eminent domain allows government entities to acquire private property for public use, with just compensation to property owners, as authorized by the Fifth Amendment of the United States Constitution and Article VI, Section 13 of the South Dakota Constitution; and

WHEREAS, the use of eminent domain is intended to serve public purposes such as infrastructure development, schools, roads, and utilities that benefit the general public; and

WHEREAS, recent proposals in South Dakota have raised concerns regarding the use of eminent domain to transfer private property to for-profit entities or private developers for projects that primarily benefit private interests rather than the public at large; and

WHEREAS, such use of eminent domain threatens the fundamental rights of property owners, undermines public trust, and raises questions about the fairness and necessity of such actions; and

WHEREAS, the McPherson County Board of Commissioners supports the protection of private property rights and opposes the abuse of eminent domain powers for private economic gain;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of McPherson County, South Dakota, that the Board strongly urges the South Dakota Legislature to enact reforms to the state's eminent domain laws to prohibit the use of eminent domain for private gain and to ensure that such powers are used solely for public purposes as defined by law; and

BE IT FURTHER RESOLVED that the Board encourages the Legislature to establish clear and strict criteria for the application of eminent domain, safeguarding the rights of property owners and reinforcing public accountability; and

BE IT FINALLY RESOLVED that the McPherson County Board of Commissioners directs the Auditor to transmit copies of this resolution to all members of the South Dakota State Legislature, the Office of the Governor, and other relevant stakeholders.

Adopted this 30th day of December 2024

ATTEST:

Lindley Howard

McPherson County Auditor

Rick Beilke

McPherson County Commission Chair

Feickert moved for the adoption of Resolution 24-18 and Neuharth seconded the foregoing motion. Upon roll call vote, Neuharth, Opp, Feickert, and Beilke "AYE". Motion carried and Resolution Number 24-18 was declared duly adopted.

**RESOLUTION NUMBER 24-19
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:

101-111-429	Commissioner Miscellaneous	\$16,000
101-151-429	States Attorney Miscellaneous	\$10,500
101-711-411	Planning & Zoning Salaries	\$1,600
TOTAL CONTINGENCY TRANSFER:		\$28,100

Dated this 30th day of December, 2024.

ATTEST:

Lindley Howard
McPherson County Auditor

Rick Beilke
McPherson County Commission Chair

Feickert moved for the adoption of Resolution 24-19 and Neuharth seconded the foregoing motion. Upon roll call vote, Neuharth, Opp, Feickert, and Beilke “AYE”. Motion carried and Resolution Number 24-19 was declared duly adopted.

OTHER MATTERS DISCUSSED AND ACTION TAKEN:

Special Counsel Bill

After Public comments and concerns Neuharth moved and Beilke seconded to pay the special counsel bill from Gunderson, Palmer, Nelson and Ashmore LLP tabled on 12/3/2024. Upon roll call vote: Neuharth, Beilke and Howard (per SDCL 3-4-4) voted “AYE”; Opp, Feickert “NAY”. Motion carried.

At 2:45PM after completing other business and a recess, Feickert asked the board to reconsider paying the special counsel bill. Feickert asked the board to compare statutes 7-8-18 and 3-4-4. States Attorney Hoffman explained that 7-8-18 is assuming there is a full 5-member board with one member absent from the meeting. In this case 3-4-4 is controlling with one position on the 5-member board currently vacant.

Neuharth moved to rescind his motion to pay the special counsel bill. No second was received and Neuharth withdrew his motion after consulting with the State’s Attorney.

Resolution Establishing the Procedures of Conduct at County Commissioners Meetings

The board considered the proposed resolution. Many comments were heard in addition to those heard during the public comment period. Feickert moved and Neuharth seconded to table the Resolution Establishing the Procedures of Conduct at McPherson County Board of County Commissioners Meetings until the January 7th meeting. Upon roll call vote, Neuharth, Opp, Feickert, and Beilke “AYE”. Motion carried.

Carbon Pipeline - Party Status

Feickert moved and Neuharth seconded to have States Attorney Austin Hoffman apply for party status on behalf of McPherson County for HP24-001 before the Public Utilities Commission. Upon roll call vote, Neuharth, Opp, Feickert, and Beilke “AYE”. Motion carried.

Hoffman communicated with the board that due to a conflict any future permits submitted to McPherson County by Summit Carbon Solutions would have to be handled by another attorney. Hoffman suggested Edmunds County State’s Attorney Vaughn Beck.

Equalization/Sheriff – Secretary Position

Director of Equalization Brooke Graves spoke with the board about the open Equalization Clerk position. At this time Graves did not recommend filling the position. Sheriff Dave Ackerman has worked with the Register of Deeds to cover answering the sheriff’s phone. Upgrades with ValleyTelco were also discussed as a future solution. The Sheriff clerical duties at this time will be covered by the Sheriff and Sheriff Deputies. The position will be reassessed in April 2025.

Zoning

Opp moved and Neuharth seconded to issue a \$600 special meeting fee refund to Leola Data Center c/o Bill Conners. Upon roll call vote, Neuharth, Opp, Feickert, and Beilke “AYE”. Motion carried.

2024 Budget, Fund Transfer, End of Year Balances and General Fund Assigned Cash

Auditor Howard presented the budget estimates for the end of 2024 and the contingency amounts needed in resolution 24-19. Expense replacement for fund 201 Road and Bridge, out of funds 242 dissolved twsp and 295 Rural Access Infrastructure was briefly discussed. The Assigned fund balances and end of the year unassigned percent were presented.

Neuharth moved and Feickert seconded to approve the following General Fund cash transfers: \$65.59 from Fund 101 to Fund 207 E911; \$6,000 from Fund 101 to Fund 226 Homeland Security; \$8,000 from Fund 101 to Fund 237 Eureka Joint Law Fund. Upon roll call vote, Neuharth, Opp, Feickert, and Beilke “AYE”. Motion carried.

Neuharth moved and Feickert seconded to unassign the following amounts: 150,000 for future salaries; Upon roll call vote, Neuharth, Opp, Feickert, and Beilke “AYE”. Motion carried.

Neuharth moved and Feickert seconded to assign the following amounts: 50,000 for road and bridge purposes; Upon roll call vote, Neuharth, Opp, Feickert, and Beilke “AYE”. Motion carried.

Total assigned amounts in the general fund as of December 30th, 2024 are as follows: \$49,000 Courthouse Repairs, \$400,000 Road & Bridge, \$62,300 Future Salaries and \$82,200 Director of Equalization Updates.

Auditor’s Office

After review, Opp moved and Feickert seconded to approve the presented 2024 Property Inventory. Upon roll call vote, Neuharth, Opp, Feickert, and Beilke “AYE”. Motion carried.

The 2024 PAY 2025 Property levies have been approved by the Department of Revenue. The levies along with the Tax Distribution Graphs are available online at https://mcpherson.sdcounties.org/?page_id=13

The Total Employee salaries for 2024 along with the 2025 raise options for all employees, 2025 Longevity Payscale and the 2025 McPherson County Employee Benefits documents were given to the commission and will be reviewed at the January 7th meeting.

Neuharth moved and Opp seconded to have Chairman Beilke sign the 2025 NECOG Joint Cooperative Agreement. Upon roll call vote, Neuharth, Opp, Feickert, and Beilke "AYE". Motion carried.

The Appointments and Designations to be approved on January 7th were reviewed.

Miscellaneous Items and Reports

Opp moved and Neuharth seconded to approve the following miscellaneous items and reports: VSO Hours November 2024, Register of Deeds statement of fees collected during the month of November 2024 for the amount of \$3,819.25, Register of Deed's Modernization and Preservation fees collected during month of November 2024 for the amount of \$360.00, Auditor's Account with the County Treasurer as of November 30th, 2024 as follows: total amount of deposits in Leola Bank, \$96,000.01; total amount of actual cash, \$856.05; total amount of checks and drafts in treasurer's possession not exceeding three days, \$27,543.18; CD's, \$1,190,552.03; Super savings, \$2,185,851.55; total, \$3,501,510.45; Notice and Record of payments to poor persons as defined by Chapter 28-14, September 2024 through December 2024 and file with the Register of Deeds. Upon roll call vote, Neuharth, Opp, Feickert, and Beilke "AYE". Motion carried.

At 3:35PM Neuharth moved and Feickert seconded to adjourn the meeting. Upon roll call vote, Neuharth, Opp, Feickert, and Beilke "AYE". Motion carried. The next regular Board of Commissioners meetings will be held on Tuesday, January 7th beginning at 10AM.

ATTEST:

Lindley Howard

McPherson County Auditor

Rick Beilke

Chairman of Board of Commissioners