

**McPherson County Board of Commissioners**  
**Minutes of Proceedings**  
**March 10<sup>th</sup>, 2025**

The McPherson County Board of Commissioners met in special session on Monday, March 10<sup>th</sup>, 2025, in the Commissioners chambers. Chairman Mark Opp called the meeting to order at 9:00AM. Members present were Mark Opp, Jeff Neuharth (via Zoom), Sid Feickert and Mike Mardian. Excused Neal Woehlhaff.

Commissioner Feickert led discussion on the commission's action at past meetings retaining Brian Jorde, Domina Law. Jorde was retained to represent McPherson County and is also representing Feickert personally and the landowner group. State's Attorney Hoffman has expressed concern about a possible conflict of interest. Hoffman proposed retaining Nick Moser, Marlow, Woodward & Huff PLLC, a suggestion that received backing from Jorde via email.

Moser joined the meeting via zoom and provided an update on the discovery process, noting an extension for responses until March 28<sup>th</sup>. Moser is currently representing three townships in the same matter and suggested a collaborative approach to manage objections efficiently.

Neuharth moved and Mardian seconded to hire Nick Moser, Marlow, Woodward & Huff PLLC, to represent McPherson County for the limited purpose of responding to HP24-001 Applicant's Interrogatories and Requests for Production of Documents (First Set) to McPherson County Commission for a flat fee of \$1000 to respond and \$200/hour for additional work. Upon roll call vote: Neuharth, Mardian, Feickert and Opp all voted 'Aye'; Excused Woehlhaff. Motion carried.

Neuharth was appointed as designated point person to communicate with Moser.

Public comments were heard by Steve Reid, Paige Brown, Matt Dement, and Gordon Zetterlund. Comments concerned: SDCL 7-16-2/3, publicly sharing commission emails, Ordinances, setbacks and the State's Attorney's recusal. The full meeting can be viewed online at <https://www.youtube.com/watch?v=sfs9leu658s&t=807s>

At 9:25AM Feickert moved and Mardian seconded to adjourn the meeting. Upon roll call vote: Neuharth, Feickert, Mardian, Opp voted 'Aye'. Excused, Woehlhaff. Motion carried.

ATTEST:

Lindley Howard

McPherson County Auditor

Mark Opp

Chairman of Board of Commissioners