

McPherson County Board of Commissioners
Minutes of Proceedings
May 6th, 2025

The McPherson County Board of Commissioners met in regular session on Tuesday, May 6th, 2025, in the Commissioners chambers. Chairman Mark Opp called the meeting to order at 9:00AM. Members present were Mark Opp, Jeff Neuharth, Sid Feickert, Neal Woehlhaff and Mike Mardian. The full meeting can be viewed at <https://www.youtube.com/@McPhersonCountySD>.

Neuharth moved and Woehlhaff seconded to approve the May 6th agenda. All voted in favor. Motion carried. Opp will abstain from the Opp Addition and Opp Second Addition plats; no other conflicts of interest were declared.

Feickert moved and Mardian seconded to approve the March 14th Road Tour minutes, April 3rd Commissioners, April 9th commissioners and April 8th Drainage commission minutes and April 8th Equalization minutes as published. All voted in favor. Motion carried.

At 9:00AM no public comments were heard.

DRAINAGE COMMISSION:

Feickert moved and Neuharth seconded to forgo meeting as the McPherson County Drainage Commission for the month of May due to no new permits. All voted in favor. Motion carried.

CLAIMS APPROVED:

Agtegra, Hwy/Courthouse/Soil Dist Supplies, \$13,144.60; Amazon, Supplies, \$1,742.43; ATT, Cellphone/Hotspot, \$490.76; Auto Value, Hwy Supplies, \$685.89; Butler, Hwy Supplies, \$1,161.13; Century Business Products, Printer Contract, \$45.25; Certified Languages, Translator, \$49.50; CHS, Propane, \$285.00; Crawford Trucks & Equipment, Hwy Supplies, \$1,446.07; CRS, Inmate Insurance, \$40.61; Dickey Rural Telephone Coop, Server Maint & Backup/Microsoft, \$305.89; Eureka City, Utilities, \$113.75; Eureka Comm Health Services, 1st & 2nd Qtr, \$14,250.00; FEM, Utilities, \$407.42; Gene's Oil, Fuel, 1,696.93; Heartland Waste, Utilities, \$40.00; Johnny & Renee Schwingler, Plumbing Fixes, \$658.48; Ken's, VSO Supplies, \$27.56; Kimball Midwest, Hwy Supplies, \$637.32; Lakeside Lumber, Sheriff/VSO/HWY Supplies, \$144.68; Leola City, Utilities, \$198.62; Linde Gas & Equipment, Hwy Supplies, \$149.11; Sidney Maier, Clothing Reimb, \$200.00; McPherson Co Herald, Publishing, \$366.23; MDU, Utilities, \$726.71; Menards, Courthouse Supplies, \$47.91; Microfilm, Equip Rent, \$364.40; MARC, Buffing Spray, \$178.12; Mid-States Organized Crime, 2025 Membership, \$100.00; Moser Excavating & Trucking LLC, Snow Removal, \$765.00; North Central E911, April Remittances, \$3,303.78; NW Blade, Publishing, \$428.44; Pomp's, Hwy Supplies, \$721.00; Premier Equipment, Hwy Supplies, \$637.71; USPS Stamp Fulfillment Service, DOE Envelopes, \$1,345.60; Ramkota-Pierre, Workshop Hotel, \$636.00; Jackie Rau, Meal/Reimb, \$143.71; Ron's Service Shop, Oil Change/Repair, \$985.08; Runnings Farm & Fleet, Hwy Supplies, \$662.38; Safe Harbor, Fee Remittance, \$55.00; SDACO, Spring Conf, \$600.00; SD Dept of Public Safety, Jan-June Teletype Remittance, \$2,340.00; SD Public Health Lab, Tests, \$40.00; SDAAO, Conf Registration, \$500.00; Share Corp, Hwy Supplies, \$478.75; Taliaferro Law Firm, Court Appointed Attorney, \$638.35; Transource Truck & Equipment, Hwy Supplies, \$1,730.36; Tri State Water, Courthouse Water, \$200.50; Valley, Phone/Internet, \$844.15; Vestis, Courthouse Supplies, \$327.69;

Visa, Supplies, \$449.72; March 2025 Apportionment Remitted to Cities/Schools/Townships/Fire Districts, \$407,863.37; State Treasurer, Money Due to State, \$69,897.56; State Treasurer, Additional Feb MV, \$16.26; State Treasurer, Sales Tax/Excise, \$152.02; SDACC, M&P February Fees, \$132.00; Valley, Phone/Internet, \$1,836.19; CorTrust, Direct Deposit Fee/Deliq Tax, \$2,604.11; April Payroll Disbursements: Lindley Howard, Miles/Meals/Reimb, \$304.20; Sharon Guthmiller, Reimb, \$40.66; Brooke Mehlhaff, Cell Reimb, \$180.00; Hunter Heinrich, Cell Reimb, \$180.00; Sam Barrett, Miles, \$46.90; Gailen Hauck, Miles, \$20.10; Curtis Hoff, Miles, \$238.52; Michael Wolff, Miles, \$30.82; Trevor Zantow, Miles, \$12.06; Richard Kolb, Miles, \$4.69; Logan Heupel, Miles, \$13.40; Goerge Hulscher, Miles, \$46.90.

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

SALARIES OF OFFICERS AND EMPLOYEES:

Commissioners, \$6,637.10; Election, \$14.00; Auditor, \$9,677.60; Treasurer, \$9,585.93; State's Attorney, \$6,920.43; Government Building, \$4,404.80; Director of Equalization, \$10,140.80; Register of Deeds, \$9,905.55; Veteran Service Officers, \$2,435.73; Sheriff, \$6,771.31; Coroner, \$250.00; Extension, \$4,276.40; Weed, \$270.00; Planning & Zoning, \$400.00; Road & Bridge, \$64,723.02; Snow Removal, \$1,439.40; LEPC, \$120.00; Eureka Joint Law, \$5,080.40; Leola Joint Law, \$5,680.40.

McPherson County's Share of the following:

Social Security and Medicare: CorTrust Bank: \$11,080.37

Insurance: American Family, \$440.79; Avera, \$2,569.14; Guardian Vision, \$114.36; MetLife, \$159.55; South Dakota Retirement System, \$8,372.82; Colonial Life Vision, \$47.65.

RESOLUTIONS:

RESOLUTION NUMBER 25-14

"A RESOLUTION ADOPTING A COMPREHENSIVE PLAN FOR MCPHERSON COUNTY, AS PROVIDED FOR IN SDCL 11-2"

WHEREAS, Chapter 11-2-11 of South Dakota Codified Law has empowered the Planning Commission and County Commission of McPherson County to prepare a Comprehensive Plan for the development of the County; and

WHEREAS, the McPherson County Planning Commission has developed a Comprehensive Plan, has held the required Public Hearing, and has made a recommendation for adoption of the Plan to the County Commission; and

WHEREAS, the McPherson County Commissioners have received the recommendation of the Planning Commission and have held the required Public Hearing; and

WHEREAS, the adoption of the Comprehensive Plan would enhance the responsible development of McPherson County and the surrounding area.

NOW THEREFORE, be it resolved by the McPherson County Commissioners that the Comprehensive Plan for McPherson County be hereby adopted and effective upon 20 days after publication of this resolution.

Adopted this 6th day of May 2025.

ATTEST:

Lindley Howard
McPherson County Auditor

Mark Opp
Chairman of the Board of Commissioners

Neuharth moved to adopt Resolution Number 25-14. Mardian seconded the forgoing motion. Upon roll call vote, thereon, all voted "AYE". Motion carried, and Resolution Number 25-14 was declared duly adopted.

Publication Date: May 15, 2025.

Effective Date: June 3, 2025.

RESOLUTION 25-16
"PLAT APPROVAL"

"Be it resolved by the County Commissioners of McPherson County, South Dakota, that the plat showing: Opp Addition in the NE1/4 of Section 8, Township 127 North, Range 71 West of the 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 6th day of May 2025.

ATTEST:

Lindley Howard
McPherson County Auditor

Sid Feickert
McPherson County Commission Vice-Chair

Mardian moved for the adoption of Resolution Number 25-16, Neuharth seconded the foregoing motion. Upon roll call vote: Neuharth, Mardian, Feickert and Woehlhaff voted 'Aye', Opp abstained. Motion carried and Resolution Number 25-16 was declared duly adopted.

RESOLUTION 25-17
"PLAT APPROVAL"

"Be it resolved by the County Commissioners of McPherson County, South Dakota, that the plat showing: Opp Second Addition in the W1/2 of Section 8, Township 127 North, Range 71 West of the 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 6th day of May 2025.

ATTEST:

Lindley Howard
McPherson County Auditor

Sid Feickert
McPherson County Commission Vice-Chair

Mardian moved for the adoption of Resolution Number 25-17, Neuharth seconded the foregoing motion. Upon roll call vote: Neuharth, Mardian, Feickert and Woehlhaff voted 'Aye', Opp abstained. Motion carried and Resolution Number 25-17 was declared duly adopted.

RESOLUTION DRAFT 25-18
"RESOLUTION LIFTING THE BURN BAN ENACTED BY RESOLUTION 25-13"

WHEREAS, McPherson County passed Resolution 25-13 "Resolution Banning Open Burning" on April 8th, 2025;

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

THEREFORE BE IT RESOLVED: that the ban enacted on April 8th, 2025, through Resolution 25-13 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 6th day of May 2025.

ATTEST:

Lindley Howard

McPherson County Auditor

Mark Opp

Chairman of the Board of Commissioners

Mardian moved for the adoption of Resolution Number 25-18, Neuharth seconded the foregoing motion. Upon roll call vote, thereon, all voted in favor. Motion carried, and Resolution Number 25-18 was declared duly adopted.

OTHER MATTERS DISCUSSED AND ACTION TAKEN:

Comprehensive Plan

The zoning board amended the current comprehensive plan to remove the 'end date' of 2023, no other portions of the plan changed. The zoning board has recommended adoption, and a public hearing was held at 9:30AM with comments heard by Melvin Kallas. Resolution 25-14 was presented and approved by the board.

Meeting Authorizations

Feickert moved and Woehlhaff seconded to approve the following meeting authorizations: Lindley Howard, Vicki Geffre and Tiffany Weiszhaar to attend the May SDACO Spring Workshop in Pierre. All voted in favor. Motion carried.

It is the county's policy that employees be fully reimbursed for necessary and reasonable job-related travel so long as the travel is approved by the Board of Commissioners prior to the date of travel.

Neuharth moved and Feickert seconded to approve the following meetings retroactively for mileage reimbursement: Commissioner Mardian, 2/11/2025 researching data centers, 3/27/2025 meeting with Weiszhaar Farms, 3/28/2025 trip to Courthouse. Upon roll call vote: Neuharth, Feickert Woehlhaff and Opp voted 'Aye', Mardian abstained. Motion carried.

State's Attorney

State's Attorney Hoffman gave a brief on the Karpel Case Management system and how it would be beneficial to the department. More discussion will be held when a proposal is presented to the board.

Auditor's Office

Neuharth moved and Feickert seconded to remove Brent Weig from the Leola Fire Department roster and add Will Goeshel to the Long Lake Fire Department roster for workman's comp purposes. All voted in favor. Motion carried.

Woehlhaff moved and Mardian seconded to have the chairman sign the Amendment to the sub-recipient agreement 25SC091354 between Eureka Community Health Services Avera, McPherson County Commission and the South Dakota Department of Health correcting a Unique Entity Identifier. All voted in favor. Motion carried.

Commissioners Neuharth and Opp met with the Eureka Hospital to discuss the future of community nursing with the discontinuation of the PHA contract between the SDDOH, McPherson County and Eureka Hospital. More discussion will continue at the next meeting. SDDOH is taking over WIC services, the commission is willing to allow the state to use the courthouse office space and would like the state to pay rent for the space.

Remove Budget Authority FY2025

Neuharth moved and Woehlhaff seconded to remove the following budget authority due to not replacing the DOE Secretary position 101-162-411: -48,000; 101-162-412: -3,500; 101-162-413: -2,800; 101-162-415: -200; due to purchasing a motor grader in FY2026 201-311-435: -100,000; due to the discontinuation of the West Nile grant by the State of SD 226-222-426.07: -4,000. All voted in favor. Motion carried.

Director of Equalization/Register of Deeds

Woehlhaff moved and Mardian seconded to have the chair sign the agreement with District III to create a rural plat layer and add it to the county's GIS website for a one-time fee of \$5,000. All voted in favor. Motion carried. Public Comment was heard from Mike Lapka.

Auditor/Treasurer/Director of Equalization

Feickert moved and Neuharth seconded to approve the purchase of 6 computers, \$1,041 each, replacing current equipment installed in 2017. All voted in favor. Motion carried.

Highway Department

Discussion was held on the Rural Access Infrastructure Funding and whether the county should pursue completing an inventory of every culvert not currently inventoried. The cost/benefit of a full inventory was discussed. Currently Highway Superintendent Spitzer does not recommend a full inventory. Field erosion due to low snowfall and high winds has caused many ditches to fill with field debris. Landowners who have already cleaned ditches and addressed the issue are thanked. Spitzer will address ditches of concern.

Spitzer gave an update on surplus property sold by Ulmer and Schock auction. The department is working on improving the rock crossing and installing temporary cattle crossing at the Kolb pit. Spraying county rip rap was discussed, Spitzer will request spraying from the weed supervisor as needed. An update to the weed chemical storage in Eureka is needed. Spitzer will install a shipping container.

Permit to Occupy Right of Way

Feickert moved and Woehlhaff seconded to approve a permit to occupy right of way for FEM Electric to install power cable in the ditch between Section 15 and Section 14 of T127N-R73W. All voted in favor. Motion carried.

Fences in the Right of Way

Spitzer sent 3 landowners with fences in the Right of Way reminder notices to remove their fences by June 1st, according to the decision by the commission on October 1st, 2024. The fences located on the north side of NE1/4 Section 36 T125N-R71W and the north side of the NW1/4 Section 2 T127N-R69W have been moved or are in the process of being moved. The fence located on the north side of the NE1/4 Section 1 T127N-R69W along county road 8 has not been moved. Commissioner Mardian has been in contact with and will continue to communicate with the landowner. The commission reiterated that the fence needs to be moved out of the county right of way by June 1st or the county will remove the fence and assess the cost to the landowner.

Public Comments were heard by Leo Vilhauer and Melvin Kallas.

Surplus Equipment

Woehlhaff moved and Mardian seconded to surplus (1) level 3 Matrix body armor, overt carrier, covert carrier, trauma plate, front and back ID patches and offer item to sell privately to another sheriff department for \$1,085.64, price is based on years of vest life left. All voted in favor. Motion carried.

Sheriff's Department

A mobile fingerprint unit was discussed and the corresponding agreement with the State of SD that would cover the 1st year maintenance fee of \$3,200 was considered. No action taken at this time. Fees for fingerprint services done by the county were discussed.

Neuharth moved and Feickert seconded to purchase a Kyocera ECOSYS M5526cdw printer for \$1,270. All voted in favor. Motion carried.

The Leola Deputy Sheriff position is currently open. The department will cover the patrol hours for the Leola Joint Law contract until a deputy is hired.

Budget FY2026

A budget history presentation was given to the commission. The first draft of the Revenue budget for FY2026 was presented to the board. Department expense hearings for FY2026 will be held in June with a presentation of the first draft of the 2026 Provisional Budget.

Executive Session

Neuharth moved and Feickert seconded to enter executive session at 12:09PM to discuss personnel and legal matters 1-25-2(1 & 3). All voted in favor. Motion carried. Neuharth moved and Feickert seconded to exit executive session at 12:58PM. All voted in favor. Motion carried. No action taken.

Reports Approved

Woehlhaff moved and Feickert seconded to approve the following reports: Notice and Record of Payments to Poor Persons through April 2025, VSO Hours April 2025, States Attorney Secretary Hours March and April 2025, Register of Deeds statement of fees collected during the month of April 2025 for the amount of \$3,172.25, Register of Deed's Modernization and Preservation fees collected during month of April 2025 for the amount of \$315.00, Auditor's Account with the County Treasurer as of April

30th, 2025 as follows: total amount of deposits in Leola Bank, \$136,032.54; total amount of actual cash, \$1,659.92; total amount of checks and drafts in treasurer's possession not exceeding three days, \$347,751.34; Itemized list of all items, checks and drafts in the Treasurers possession over three days, \$4,494.50; CD's, \$1,190,552.03; Super savings, \$3,397,665.88; total, \$5,078,156.21. All voted in favor. Motion carried.

At 1:15PM Woehlhaff moved and Neuharth seconded to adjourn the meeting. All voted in favor. Motion carried. The next regular Commission Meeting will be June 3rd, 2025, beginning at 9:00AM.

ATTEST:

Lindley Howard

McPherson County Auditor

Mark Opp

Chairman of Board of Commissioners