

McPherson County Board of Commissioners
Minutes of Proceedings
June 3rd, 2025

The McPherson County Board of Commissioners met in regular session on Tuesday, June 3rd, 2025, in the Commissioners chambers. Vice-Chairman Sid Feickert called the meeting to order at 9:00AM. Members present were Mark Opp (via Zoom), 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. Upon roll call vote all voted in favor. Motion carried. No conflicts of interest were declared.

Mardian moved and Neuharth seconded to approve the May 6th Commissioners minutes. Upon roll call vote all voted in favor. Motion carried.

At 9:30AM public comments were heard from Ray Geffre – data center ordinance and Melvin Kallas – sheriff department. Entire comments can be heard at <https://www.youtube.com/@McPhersonCountySD>.

DRAINAGE COMMISSION:

At 9AM Neuharth moved, and Mardian seconded to meet as the McPherson County Drainage Commission. Upon roll call vote 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.

CLAIMS APPROVED:

AB Creations, DOE Shirts, \$192.00; Agtegra, Hwy/Courthouse/Soil Dist Supplies, \$15,978.52; Amazon, Supplies, \$286.69; Aspire, 2025 Allocation, \$1,440.00; ATT, Cellphone/Hotspot, \$493.73; Auto Value, Hwy Supplies, \$698.09; Bierschbach Equipment & Supply, Hwy Supplies, \$6,360.00; Blackburn & Stevens Prof LLC, Mental Health, \$890.19; Butler, Hwy Supplies, \$376.16; Cartney Bearing, Hwy Supplies, \$104.76; Century Business Products, Printer Contract, \$51.60; CHS, Propane, \$1,139.35; ClubHouse Hotel & Suites, Conference Hotel, \$560.00; Crawford Trucks & Equipment, Hwy Supplies, \$350.86; CRS, Inmate Insurance, \$39.30; Curt's Repair, Oil Change, \$81.00; Dakota Electronics, Hwy Supplies, \$1,656.85; Dakota Fluid Power, Hwy Supplies, \$342.60; Dependable Sanitation, Utilities, \$264.00; Dickey Rural Telephone Coop, Server Maint & Backup/Fix, \$412.14; DMI, Hwy Supplies, \$1,101.90; Eureka City, Utilities, \$157.25; FEM, Utilities, \$371.69; Gene's Oil, Fuel, \$978.65; G&R Controls, Boiler Take Down, \$2,799.94; Graham Tire, LJI Tires, \$810.56; Hepper's, Hwy Supplies, \$47.99; Johnny & Renee Schwingler, Parts, \$11.78; Mark Katterhagen, Mental Health, \$44.00; Ken's, Hwy Supplies, \$16.42; Kimball Midwest, Hwy Supplies, \$655.64; Lakeside Lumber, Hwy Supplies, \$57.49; Val Larson, Mental Health, \$44.00; Leola City, Utilities, \$197.31; Lucy Lewno, Mental Health, \$421.46; Linde Gas & Equipment, Hwy Supplies, \$153.88; Live Inc, 2025 Allocation, \$720.00; Mac's, Hwy Supplies, \$126.77; McPherson Co Herald, Publishing, \$414.96; MDU, Utilities, \$768.57; Menards, Hwy/Courthouse Supplies, \$222.07; Northeaster Mental Health, 2025 Allocation, \$3,500.00; NW Blade, Publishing, \$394.76; Jorge Olivar, Overpayment on Dental/Vision, \$66.67; Premier Equipment, Hwy Supplies, \$1,546.22; ProAG Supply, Hwy Supplies, \$504.33; Richardson Law Firm, Mental Health, \$64.20; Runnings Farm & Fleet, Courthouse Supplies, \$37.35; Saber Shred Solutions, Tire Shredding, \$396.00; SD Property Management,

2001 Trail King Trailer, \$9,000.00; Kris Jacobson/CLERP Admin, 2nd Qtr, \$2,351.00; Share Corp, Hwy Supplies, \$392.80; Sioux Falls Two Way Radio, Speaker Mics, \$190.95; Taliaferro Law Firm, Court Appointed Attorney, \$462.05; The Lodge at Deadwood, State's Attorney Hotel, \$339.00; Thomson Reuters-West, West Law, \$1,497.04; Transource Truck & Equipment, Hwy Supplies, \$1,129.73; Tri State Water, Courthouse Water, \$166.00; USPS, Box Renewal, \$804.00; Valley, Phone/Internet, \$807.26; Vestis, Courthouse Supplies, \$218.46; Visa, Hwy Supplies, \$679.98; Visa, Subs/Hotels/Fuel/Postage, \$1,660.61; West McPherson EMS, Ambulance Miles, \$7,744.00; Yankton County Treasurer, Mental Health, \$50.00; April 2025 Apportionment Remitted to Cities/Schools/Townships/Fire Districts, \$2,023,189.24; State Treasurer, Money Due to State, \$44,999.21; State Treasurer, Sales Tax/Excise, \$8.87; SDACC, M&P March Fees, \$125.00; CorTrust, Direct Deposit Fee/Deliq Tax, \$2,241.11; May Payroll Reimbursements: Lindley Howard, Meals/Reimb, \$98.87; Tiffany Weiszhaar, Meals, \$40.00; Austin Hoffman, West Law Reimb, \$1,130.90; Vicki Geffre, Meals/Miles, \$251.72; Sam Barrett, Miles/Reimb, \$192.14; Richard Kolb, Miles, \$4.69; Logan Heupel, Miles, \$13.40; George Hulscher, Miles, \$46.90.

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

SALARIES OF OFFICERS AND EMPLOYEES:

Commissioners, \$6,637.10; Auditor, \$9,663.60; Treasurer, \$9,571.93; State's Attorney, \$6,920.43; Government Building, \$4,404.80; Director of Equalization, \$10,140.80; Register of Deeds, \$9,571.93; Veteran Service Officers, \$2,435.73; Sheriff, \$6,511.71; Coroner, \$250.00; Extension, \$4,276.40; Planning & Zoning, \$400.00; Road & Bridge, \$59,262.19; 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: \$10,479.27

Insurance: American Family, \$440.79; Avera, \$2,569.14; Guardian Vision, \$28.63; MetLife, \$149.19;

South Dakota Retirement System, \$7,865.25; Colonial Life Vision, \$47.65.

RESOLUTIONS:

RESOLUTION 25-15

"PLAT APPROVAL"

"Be it resolved by the County Commissioners of McPherson County, South Dakota, that the plat showing: Rieger Second Addition in the NW1/4 of Section 1, Township 125 North, Range 72 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 3rd day of June 2025.

ATTEST:

Lindley Howard

McPherson County Auditor

Sid Feickert

McPherson County Commission Vice-Chair

Neuharth moved for the adoption of Resolution Number 25-15, Woehlhaff seconded the foregoing motion. Upon roll call vote, thereon, all voted "AYE". Motion carried and Resolution Number 25-15 was declared duly adopted.

RESOLUTION 25-19

"RESOLUTION TO ADOPT THE MCPHERSON COUNTY NATURAL HAZARD MITIGATION PLAN"

WHEREAS McPherson County has experienced severe damage from strong winds, flooding, hail, heavy snow, heavy rain, and tornadoes on many occasions in the past century, resulting in property loss, loss of life, economic hardship, and threats to public health and safety;

WHEREAS a Natural Hazard Mitigation Plan has been developed after nearly one year of research and work by McPherson County Emergency Management, NECOG, and the Natural Hazard Mitigation Committee;

WHEREAS the Plan recommends hazard mitigation actions that will protect the people and property affected by the natural hazards that face the County;

WHEREAS a public meeting was held to review the Plan as required by law;

NOW THEREFORE BE IT RESLOVED by the Chairman and the McPherson County Commission that:

1. The McPherson County Natural Hazard Mitigation Plan is hereby adopted as an official plan of McPherson County,
2. The respective County official identified in the strategy of the Plan is hereby directed to implement the recommended action assigned to them. This official will report annually on the activities, accomplishments, and progress to McPherson County Commission, and
3. The McPherson County Emergency Manager will provide annual progress reports on the status of implementation of the plan to the County Commission. This report shall be submitted to the Commission by November 1st of each year.

PASSED by the McPherson County Commission this 3rd day of June, 2025.

ATTEST:

Lindley Howard

McPherson County Auditor

Sid Feickert

McPherson County Commission Vice-Chair

Neuharth moved for the adoption of Resolution Number 25-19, Mardian seconded the foregoing motion. Upon roll call vote, thereon, all voted "AYE". Motion carried and Resolution Number 25-19 was declared duly adopted.

RESOLUTION 25-20

"OPPOSITION TO MANDATORY ELECTRONIC IDENTIFICATION (MEID) LIVESTOCK TAGS"

WHEREAS: The traceability program is incremental. USDA APHIS stated on its website, updated October 11th, 2024, after approving the new rule, that it "is committed to implementing a modern system that tracks animals from birth to slaughter", and

WHEREAS: The cost of EID tags disproportionately burdens small and medium sized independent farmers and ranchers. The USDA rule allows large, corporate-owned herds to be grouped and tagged as one group, creating huge loophole that keeps costs low for larger companies, and

WHEREAS: The EID mandate would potentially interfere with price discovery found in traditional markets, thereby furthering vertical integration of the US food supply at the expense of the consumer and independent producer, and

WHEREAS: The EID mandate is far overreaching, intrusive and potentially circumvents privacy laws, threatening the livelihood of independent cattle and bison producers, and

WHEREAS: Independent, family-owned cattle ranches are of paramount importance to our local economy and to the economy as a whole, and

WHEREAS: The comments received by USDA APHIS in the rulemaking process were overwhelmingly against the new rule, and

WHEREAS: America has the safest and highest quality meat in the world using our current, fully functioning and effective traceability system. The mandated rule claims to be about animal health, but does nothing to prevent or treat disease, and

WHEREAS: South Dakota Codified Law 40-3-27 provides for identification of animals and premises involved in animal movement. The Animal Industry Board may develop and implement specific programs for the identification of animals and premises involved in animal movements. Any program implemented pursuant to §§ 40-3-27 to 40-3-29, inclusive, must provide for confidentiality of identification records other than those records requested by law enforcement officers of the state and those records used for mandatory disease control or eradication efforts. A livestock owner may choose to identify animals using any methods set forth in 9 C.F.R. part 86, as adopted on January 9, 2013, as well as any additional methods that are later approved by the South Dakota Animal Industry Board pursuant to this section, and

THEREFORE, BE IT RESOLVED: McPherson County vehemently opposes the implementation of any EID mandate by the USDA, with the suggestion that funds currently earmarked for this program be reallocated to efforts to restore import standards that protect all livestock producers and consumers from introduction to foreign animal disease.

BE IT FURTHER RESOLVED: McPherson County requests that all elected officials make every effort to block this government overreach by the USDA.

Adopted this 3rd day of June 2025.

ATTEST:

Lindley Howard

McPherson County Auditor

Sid Feickert

Vice-Chairman of the Board of Commissioners

Mardian moved to adopt Resolution Number 25-20, Neuharth seconded the forgoing motion. Upon roll call vote, thereon, all voted "AYE". Motion carried, and Resolution Number 25-20 was declared duly adopted.

RESOLUTION 25-21
"ESTABLISHING A 20 MILE PER HOUR SPEED LIMIT"

WHEREAS, Pursuant to SDCL 32-25-9.1, the Board of County Commissioners may determine and establish speed zones upon all or any part of the highways under its jurisdiction; and

WHEREAS, it appears necessary to reduce the speed limit on a portion of McPherson County Roads to provide for the safety and welfare of the residents and travelers on such road,

THEREFORE BE IT RESOLVED, by the McPherson County Commission that the following 20 miles per hour speed zones are established on these specified road sections and that those speed zones shall replace and supersede all previously established speed zones:

1. 105th Street from 353rd Avenue to 355th Avenue then south to 106th street
2. 107th Street from 336th Avenue to 338th Avenue
3. 116th Street starting at 331st Avenue, East two miles then South on 334th Avenue

Dated this 3rd day of June 2025

ATTEST:

Lindley Howard

McPherson County Auditor

Sid Feickert

Vice-Chairman of the Board of Commissioners

Neuharth moved to adopt Resolution Number 25-21, Mardian seconded the forgoing motion. Upon roll call vote, thereon, Mardian, Feickert, Opp and Neuharth voted "AYE"; Woehlhaff abstained. Motion carried, and Resolution Number 25-21 was declared duly adopted.

RESOLUTION 25-22
"COMPROMISE OF COUNTY AID LIEN"

WHEREAS, Pursuant to SDCL 23A-40-14, the Board of County Commissioners may compromise on a county lien; and

THEREFORE BE IT RESOLVED, the McPherson County Commission approved a compromise of \$5,443.02, on the county aid lien recorded in Book 7 Page 103

Dated this 3rd day of June 2025

ATTEST:

Lindley Howard

McPherson County Auditor

Sid Feickert

Vice Chairman of the Board of Commissioners

Woehlhaff moved to adopt Resolution Number 25-22. Neuharth seconded the forgoing motion. Upon roll call vote, thereon, all voted "AYE". Motion carried, and Resolution Number 25-22 was declared duly adopted.

OTHER MATTERS DISCUSSED AND ACTION TAKEN:

Northeast South Dakota Community Action Program Board

Mardian resigned from the NESDCAP Board and nominated Neuharth to replace him as the McPherson County Commissioner on the NESDCAP Board. Woehlhaff moved and Opp seconded to accept Mardian's resignation and to appoint Neuharth to the board. Upon roll call vote all voted in favor. Motion carried.

County Health Nurse

Commissioner Neuharth noted that there has been no meetings or updates yet.

State's Attorney

State's Attorney Hoffman discussed West Law and the benefits to the department. The costs of the Karpel Case Management system were discussed, \$15,000 start up and \$4000/year. Woehlhaff moved and Neuharth seconded to allow \$750/month for Westlaw for the rest of 2025. Upon roll call vote Woehlhaff, Neuharth, Opp and Feickert voted "Aye", Mardian "Nay". Motion carried.

Comp Time Policy

Enforcing Comp Time policy 5.5 in the Employee handbook requiring pre-approval by the commission was discussed. No formal action taken. The commission asked for a list of activities that may result in comp time from the Extension department.

Public Hearing and 1st Reading: Ordinance 2025-1 An Ordinance Establishing Zoning Regulations for Data Processing Centers

At 10:00AM a first reading and public hearing was held on Ordinance 2025-1. Proponents: Jerome Mack and Bill Conners representing the Leola Data Center, Opponents: none. No changes were made to the ordinance. Discussion clarifying definitions within the ordinance were discussed. The Leola Data Center discussed the data center's uses. If the ordinance becomes effective a fee resolution would then be adopted by the commission. Conners spoke of the Leola Data Center's commitment to yearly allocations for emergency responders and non-profits within the community.

Neuharth moved and Woehlhaff seconded to approve the first reading of Ordinance 2025-1 "An Ordinance Establishing Zoning Regulations for Data Cener Processing Centers" and to set a second reading and public hearing for July 1st, 2025, at 10AM. Upon roll call vote all voted in favor. Motion carried

Sheriff Department

Consideration was given to signing the agreement for a mobile fingerprint unit. No action taken.

Highway Department

Concerns with unpermitted approaches that were wide and/or covered existing culverts was discussed. The Approach permit application and permit process was reviewed and the State's Attorney recommended an ordinance be drafted through the zoning board to regulate approaches. Mardian moved and Woehlhaff seconded to place a moratorium on any approach permits until an ordinance is effective. Upon roll call vote Mardian, Feickert, Opp and Woehlhaff voted "Aye"; Neuharth "Nay". Motion carried.

It was requested that the county and state work together to widen and round out an area near the intersection of Hwy 10, 363rd Ave and Hwy 45.

The three fences in the right of way have all been moved. Anyone rebuilding a fence should contact the Hwy Superintendent to ensure the fence is outside of the county right of way.

The federally funded signing project has begun. Resolution 25-21 reduces speed in three areas which then reduces the number of signs needed in the described areas.

Culvert liner options were discussed to prolong the life of deep culverts under county paved roads. Spitzer will ask the engineers to adjust the scope of the hydrology study for two Rural Access Infrastructure areas that Spitzer would like to replace with box culverts. More discussion on both will take place at a future meeting.

Opp moved and Neuharth seconded to approve the purchase of a 2001 Trail King TK50RB 32ft equipment railer for \$9,000 from SD State Surplus. Upon roll call vote all voted in favor. Motion carried.

Executive Session

Neuharth moved and Mardian seconded to enter executive session at 11:55AM to discuss personnel matters 1-25-2(1). Upon roll call vote, all voted in favor. Motion carried. Mardian moved and Woehlhaff seconded to exit executive session at 12:10PM. All voted in favor. Motion carried. No action taken.

Meeting Authorizations

Neuharth moved and Woehlhaff seconded to approve the following meeting authorizations: Lindley Howard to attend an election workgroup meeting in Pierre in June, Glenn Spitzer to attend the summer meeting in June. Upon roll call vote all voted in favor. Motion carried.

Budget FY2026

The first draft of the 2026 Provisional Budget was presented to the board. Each department presented their expense requests to the board. Budget expense reduction, and revenue for 2026 and the county road and bridge capital improvement levy per SDCL 10-12-13 was discussed. All budget documents are available online, and more discussion will take place at the next meeting.

Reports Approved

Woehlhaff moved and Neuharth seconded to approve the following reports: VSO Hours May 2025, States Attorney Secretary Hours May 2025, Register of Deeds statement of fees collected during the month of May 2025: \$2,982.50, Register of Deed's Modernization and Preservation fees collected during month of May 2025: \$300.00. All voted in favor. Motion carried.

At 3:45PM Neuharth moved, and Mardian seconded to adjourn the meeting. All voted in favor. Motion carried. The next regular Commission Meeting will be July 1st, 2025, beginning at 9:00AM.

ATTEST:

Lindley Howard

McPherson County Auditor

Sid Feickert

Vice-Chairman of Board of Commissioners