

April 4, 2017

The Grant County Commission met at 8AM with Commissioners Buttke, Mach, Stengel and Street. Commissioner Dummann was absent. Chairman Mach called the meeting to order. Motion by Buttke and seconded by Street to approve the minutes of the March 21, 2017 meeting as presented. Motion carried 4-0. Minutes filed. Motion by Stengel and seconded by Buttke to approve the agenda as presented. Motion carried 4-0.

Members of the public present were Miles Schumacher, Jason Liebe, Jerry Zubke, Ben Rethke, Tim Stengel, Daryl Liebe, Robert Hicks, Clifford Steinlicht, Jay Hesse, Matthew Cranzen, Don DeVoe, Jon Wold, Al Stewart and Ginny Tostenson with the Valley Express News.

Drainage: Chairman Mach adjourned the Board of Commissioners and convened the commission acting as the Drainage Board. The permit DR2017-11 by Tim Stengel for owners Marjorie Schmidt and Sarah Stengel for the NW ¼, 6-120-47, Lots 3, 4, 5 & 10 (Alban Twp) was presented. Drainage Officer Krista reported the NRCS letter of determination is on record and the receipts from the letters sent to the downstream landowners have been received. Tim Stengel stated the tile drain is into a natural run and there will not be any open inlets. The water does drain into Lake Albert. Pipe access would be given to Ben Rethke who stated the drain tile would allow for filtering through the ground rather than existing over ground drainage. Tim also stated he is planning to build some berms to help prevent soil erosion. Motion by Street and seconded by Buttke to approve DR2017-11. Motion carried 4-0.

Permit DR2017-12 by Jason Liebe and Roberts Hicks for a cooperative project in S ½ of Section 20 in Melrose Twp. The Drainage Officer reported the NRCS letter of determination is on file and the adjoining landowner's signatures have been obtained. The cooperative project tiles a small area on the Hicks land and connects to the tile project on the parcels of land owned by Liebe's and will outlet into the creek. Motion by Stengel and seconded by Street to approve permit DR2017-12. Motion carried 4-0.

Permit DR2017-10 by Jason Liebe and Owner Daryl and Pam Liebe in the W1/2SW1/4SW1/4 NW1/4 exc Rty in 16-121-48(Melrose Twp) was brought back from the last meeting for further discussion. The area to be tiled is a small triangular piece of ground containing 7.88 acres on the west side of the railroad tracks in Section 16 of Melrose Twp. The proposed plan is to tie the tile from this 7.88 acres into the tile on the Hicks/Cleveland land. Robert Hicks reported the landowners involved had met and had

agreed to the tile project with these conditions: 1. The area to be tiled is the 7.88 acres; 2. The tile installed is a 6 inch tile; 3. Tie into a specific inlet; 4. No open inlets on the 7.88 acres being tiled. Motion by Stengel and seconded by Street to approve DR2017-10 with the conditions attached as requested. Motion carried 4-0. This concluded the business for the drainage board. Chairman Mach adjourned the Drainage Board and reconvened the Board of Commissioners.

Highway: Supt Schultz presented the bids for the annual highway bid letting that were received and opened on March 30, 2017 at 1PM as per the bid notice were reviewed for consideration. The Board awarded the following bids.

1. Paver Laid Asphalt

Bituminous Paving, Inc - Short patches 100’ to 1000’ in length \$75.00 per ton. 1-3 miles of Class D asphalt overlay \$59.50 per ton. For Class D Asphalt picked up at plant is \$57.00 per ton.

Motion by Buttke and seconded by Stengel to accept the bid of Bituminous Paving. Motion carried 4-0.

2. Liquid Asphalts

	MC 70	MC3000
Flint Hills		423.58
Jebro	597.77	428.77

Motion by Stengel and seconded by Buttke to accept the bid of Flint Hills. Motion carried 4-0.

3. Rental Rates on Equipment:

Butler	Equipment price list on file
Bates Construction	Equipment price list on file

Motion by Stengel and seconded by Street to accept both bids for equipment rental. Motion carried 4-0.

4. Rip Rap – No bids received. Will call for quotes as needed. Total purchase is under the \$25,000 bid limit for the year.

5. 3/4” Crushed Gravel/Chips/Sand (per ton)

	Gravel	Chips	Sand
GCC Ready Mix	3.35(gravel)	4.85	3.60
Stolpman	3.45		
Northern Con Ag		5.20	

Motion by Buttke and seconded by Stengel to accept all three bids. Motion carried 4-0.

6. Gravel Crushing

Brownlee \$1.44 per ton
Sibson \$1.85

Motion by Stengel and seconded by Buttke to accept the bid of Brownlee. Motion carried 4-0.

7. Pre-stressed Concrete Decking

Concrete Box Culvert

	20'	30'	40'	7X3	8X6	10X4
Foretta	\$2499.00 ea.	\$3403.00 ea.	\$4373.00 ea.	\$356.00	\$419.00	\$430.00

Motion by Stengel and seconded by Buttke to accept the bid of Foretta. Motion carried 4-0.

8. Corrugated Metal Culverts: Motion by Buttke and seconded by Stengel to purchase culverts from True North Steel as per the Beadle County Bid approved on January 3, 2017 as allowed per SDCL 5-18A-22(3). Motion carried 4-0.

ROW: Supt Schultz presented four requests for right-of-way occupancy from Codington-Clark Electric ITC for the installation of URD primary power line in Section 8, 11, 13, 14 and 17 in Blooming Valley Twp. As part of the installation of the line, it is their intent to bore under the county roads. Motion by Stengel and seconded by Buttke to approve the following right-of-away applications ROW 2017-04, ROW 2017-05, ROW 2017-06 and ROW 2017-07 from Codington Clark Electric. Motion carried 4-0. Maps on file at the Hwy Supt Office. Gravel Royalty: Supt. Schultz requested to increase the gravel royalty from 50 cents to \$1.00 per ton as he had checked with other Hwy Supts and the current rate ranges from \$1.00 to \$1.25 per ton. After further discussion, a motion was made by Stengel and seconded by Buttke to pay \$1.00 per ton for gravel royalty. Motion carried 4-0. ROW: Kris Bronson is requesting a ROW occupancy for a manure pipe culvert between Section 8 & 17 in Blooming Valley Twp. Method on installation would be to cut through the road. Supt Schultz reported the work done on their other requests has been good. Motion by Stengel and seconded by Buttke to approve ROW 2017-08. Motion carried 4-0.

Ordinance Hearing: A first reading and public hearing was held at 8:30 AM for Ordinance 2017-01 Removal of Highway Obstruction. This ordinance defines illegal obstructions within the right-of-way with an example being rocks or hay bales. Also, the ordinance prohibits the placement of snow from private driveways onto the county right-of-way. Chairman Mach opened the hearing to public comment. No member of the public spoke. Chairman Mach closed the public portion of the hearing. Motion by Stengel and seconded by Street to hold the first reading of Ordinance 2017-01 by title only and to set

April 18 at 8:30 AM for the second reading. Motion carried 4-0. The title reads as follows.

ORDINANCE 2017-01

AN ORDINANCE PROVIDING FOR THE REMOVAL OF OBSTRUCTIONS FROM GRANT COUNTY HIGHWAY RIGHT-OF-WAYS AND PROHIBITING THE PLACEMENT OF SNOW FROM PRIVATE DRIVEWAYS ONTO GRANT COUNTY HIGHWAY RIGHT-OF-WAYS

Travel: Motion by Buttke and seconded by Street to approve travel for Auditor Layher and Treasurer Mueller to attend Spring Workshop in Pierre. Motion carried 4-0.

Land Lease Sale: Motion by Street and seconded by Buttke to authorize Chairman Mach to sign the land leases for 2017. Motion carried 4-0.

Land Leases:

1. Part of the NW ¼ NW ¼ 33-120-47 (About 15 Acres) Alban Twp. to Mielitz Brothers for \$600.00.
2. S ½ NE ¼ 8-120-51 (40 Acres) Mazeppa Twp. to John Moes for \$1600.00

General Fund Report: Auditor Layher reviewed the general fund cash analysis report. Under SDCL 7-21-18.1 the law states the general fund unassigned cash balance of the general fund may not exceed 40% of all general fund appropriations contained in the budget for the next fiscal year. The unassigned cash for December 31, 2016 is \$1,376,147.75 and the percentage is 28.39% of the 40% general fund cash test. This report is done by the modified accrual basis and includes accounts payable of \$24,098.37. Motion by Stengel and seconded by Buttke to approve filing the report with SD Dept of Legislative Audit. Motion carried 4-0.

Copier: Motion by Stengel and seconded by Street to approve a copier lease agreement with Xerox for the Courthouse Register of Deeds Office at cost of \$157.10 per month for 5 years. Motion carried 4-0. The current copier lease terminated in March at a cost of \$157.63 per month.

Holiday Closing: Auditor Layher reported Governor Daugaard has designated Friday April 14 for the States offices to be closed. As per the county policy to follow the state declared closings, the county offices will be closed on Friday April 14.

Consent Agenda: Motion by Stengel and seconded by Street to approve the consent agenda. Motion carried 4-0.

1. Declare surplus HP Laptop from Data Processing – Fixed Asset 10181, HP Laptop from Hwy Dept - Fixed Asset 10182, Gateway Laptop from Sheriff Dept – Fixed Asset 09468,

HP P3005 printer from Treasurer's Office – Fixed Asset 09516, Gateway Laptop from States Attorney office – Fixed Asset 09327

2. Set April 18 at 8:30 am for a 2017 Alcoholic Beverage License application for Big Stone Pumpkin Patch
3. Approve 6mo step increase for 4-H secretary Nikki Rabe to \$13.90 per hour
4. Approval for Weed Supervisor Mueller to apply for a West Nile Virus Protection Grant from the SD Dept of Health
5. Approve 2017 agreements with SD Dept of Transportation to spray state ROW for \$23,730 and pocket gopher baiting for \$6000
6. Approve contract with Dave's Window Cleaning in the amount of \$3475 to clean Courthouse Windows

Geronimo & Next Era: At the January 17 Commission meeting, the companies of Geronimo and Next Era had been asked to work out an agreement for crossing the ¼ mile section of land owned by Arlo Christians and to report back in 60 days if the agreement had been reached or why not. Jay Hesse, representing Geronimo, spoke on needing more time on the agreement due to added engineering for the 1/4 mile stretch of the transmission line into the BSSE line. The agreement is for Arlo's property and the property on each side of Arlo's quarter mile section with an engineered crossing of the lines in the county ROW. The executives are actively working on the issue and are requesting another 60 days to work on reaching an agreement for the quarter mile in question.

Miles Schumacher, Attorney for Next Era, believes it is a matter of a few details and they are close to reaching an agreement. Next Era agreed to taking on all the cost allocations and it is down to the letter of intent for exchanging easements and essential terms. He feels NextEra has operated in good faith. If given a deadline they can get it done as they are very close to finalizing the agreement.

Arlo Christians, brought up his concern of the 45 ft arms extending over the ROW and onto the road surface and the 1400 feet of wire stretched between the two poles in this quarter mile distance if the two companies do not reach an agreement. He would be happy if the two companies would reach an agreement and go with the regular poles outside the ROW.

Jay stated it all comes down to two things: planned profile for engineering and letter of intent. They will provide updates through staff if something was to happen before 60 days. The Commission requested the two companies report back at the June 6 meeting.

Vacate Plat: A petition to vacate a plat was filed with the auditor. The petitioner and owner of the plat is Clifford and Margaret Steinlicht. As per SDCL 11-3-22.1 a

public hearing shall be set to hear the petition to vacate. Chairman Mach opened the public hearing and asked for comments. The petitioner and owner, Clifford Steinlicht stated the reason he is requesting to vacate this plat is to make it simpler and to return the parcel as it was originally. He owns the farm land surrounding the lot. There was not any other comments from any member of the public. Chairman Mach closed the public portion of the hearing and called for a motion. Motion by Stengel and seconded by Buttke to approve the following resolution to vacate the plat. Motion carried 4-0. Resolution adopted.

2017-09

Resolution

Whereas, a petition was filed with the Board of County Commissioners of Grant County by Clifford and Margaret Steinlicht, Trustee's of the Steinlicht Real Estate Trust, requesting that the Board vacate the plat of Lot 1, Steinlicht's West Addition Located in the E ½ NW ¼ Section 31, T120N, R48W of the 5th P.M., Grant County, South Dakota.

Whereas, The Board of County Commissioners did conduct a public hearing at 9:15 a.m., this 4th day of April, 2017, on such Petition, and it appearing that due and legal notice of the hearing has been given as required by law, and

Whereas, the Board of County Commissioners has determined that the granting of the Petition will not abridge or destroy any of the rights and privileges of other proprietors of such plat and will not authorize the closing of any public highway laid out according to law, and that all property taxes on such plat have been paid,

NOW, THEREFORE BE IT RESOLVE AND ORDERED, that the plat hereinbefore described be and hereby is vacated.

The above and foregoing resolution was moved for adoption by Commissioner Stengel, second by Commissioner Buttke, whereupon the Chairman of the Board of County Commissioners of Grant County, South Dakota, declares the same to be duly passed and adopted.

Dated this 4th day of April, 2017.

Mike J. Mach
Chairman

State of South Dakota
County of Grant

I, the undersigned, the duly appointed, elected, qualified and acting County Auditor of Grant County, South Dakota, do hereby certify that the foregoing is a

true and correct copy of Resolution 2017-09. Adopted by the Board of County Commissioners of Grant County, South Dakota.

Dated at Milbank, Grant County, South Dakota, this 4th day of April, 2017.

Karen M. Layher

County Auditor, Grant County, South Dakota

Ordinance: The second reading and public hearing was held for Ordinance 2016-1B to add Chapter 1215 on Agribusinesses to the Zoning Ordinance. The intent of the proposed ordinance is to allow the use of ag land for commercial purpose related to raising, growing, processing or storage of farm products such as custom fertilizer/herbicide application, custom planting or grain storage or processing of agricultural-related raw products. Chairman Mach opened the hearing to public comment. No member of the public spoke. Chairman Mach closed the public portion of the hearing. Motion by Buttke and seconded by Street to approve the second reading and to adopt Ordinance 2016-01B. Motion carried with Buttke, Street, and Mach voting aye. Nay: 0. Commissioner Stengel abstained. The ordinance is on file in the auditor's office.

Northern Lights: Blaine Gomer requested permission to install a six inch well pipe in the ROW. The location of the pipe is in Section 14 and 15 of Big Stone Township along 482nd Ave and crosses 484th Ave. The pipe would be 20' off the center line of the road and buried six feet deep. Blaine stated to the Commission the ethanol plant currently gets their water from the Otter Tail Power Plant ponds, but the current water source may not be an option in times of drought. The plan is to install the well pipe to pipe water to the ethanol plant from the two wells that have been drilled. The DENR permits for the wells are in place. The request to install the well transport pipe in the county's ROW is along a portion of County Road 33 and 43. Minutes from the March 28, 2017 meeting of the Big Stone Township Board of Supervisors approved the well pipe in the township ROW along 144th St. Motion by Stengel and seconded by Street to approve the ROW-09 as presented. Motion carried 4-0.

Don DeVoe addressed the Commission with his concern on the Agribusiness ordinance 2016-01B. He stated the ordinance just came out of nowhere. He had not read or seen the ordinance addressed enough in the Commission proceedings. An explanation of the ordinance was provided and the proceedings used for adoption of an ordinance required by law.

Executive Session: Motion by Stengel and seconded by Buttke to enter into executive session at 9:40 AM for the purpose of personnel issues pursuant to SDCL 1-25-2 (1). Motion carried 4-0. Hwy Supt Schultz and Auditor Layher were present. Chairman Mach declared the meeting open to the public at 10:05 AM. Motion by Buttke and seconded by Stengel to approve the appointment of Daren Peterson as Assistant Highway Supt at a rate of \$20.80 per hour effective today due to the retirement of Roy Nielsen. Motion carried 4-0. Motion by Stengel and seconded by Buttke to approve the request of Supt Schultz to move Justin Layher to the position of Bridge Forman effective today at the rate of \$19.80 per hour. Motion carried 4-0. Motion by Street and seconded by Buttke to authorize Supt Schultz to advertise for a full time motor grader operator. Motion carried 4-0.

Grant Deuel School: Present were School Board President Jon Wold and Supt Al Stewart who spoke on a proposal of gifting a sum of money to the county for the purpose of dealing with the school property and building if in the future the property would become county owned. The School Board is trying to be proactive to ensure there would be funding available to the county to assist with the maintenance or removal of the building in 20 or 30 years if that scenario would develop. States Attorney Reedstrom was present and the Commission requested he draft a resolution for their review and consideration on the gift of funding from the school stating the terms of the gift. The school is scheduled to close effective 6-30-2017.

4-H: Advisor Sara Koepke reported there are currently 155 youth enrolled in the 4-H program in the county. She reported on programs for the youth, repairs at the 4-H grounds and the youth team trainers who will be assisting with the Tech Tuesday Classes at the Library. She requested permission to enroll for an online Master Gardener Program. The cost of the class is \$190.00 and would be completed during staff time. The Commission gave verbal approval for Sara to take the class if she can balance her duties with the class time.

Unfinished Business: None.

New Business: The 911 Fund Annual Financial Summary was presented to the commission with a 2016 ending fund balance of \$40,256.39. Report on file in the Auditor's Office.

Correspondence: None

Claims: Motion by Buttke and seconded by Stengel to approve the claims as presented. Motion carried 4-0. AVERA-MILBANK AREA HOSPITAL, BLAB 72.41; BRENDA L HOLTQUIST, prof service 98.00; BUTLER, parts 106.32; CENTER POINT, books 85.49; CHS-BORDER STATES, diesel fuel, gas & propane 4,356.75; CITY OF MILBANK, water & sewer 634.03; CONSOLIDATED BUSINESS, prof service 100.80; DAY CO AUDITOR, registration 77.00; FIRST DISTRICT, maps 540.00; G & K SERVICES, supplies 59.62; GEORGE B BOOS, ct appt atty 253.00; GJT, prisoner meals 829.50; GRANT CO SHERIFF, mailing expense 11.04; GRANT COUNTY REVIEW, subscription 37.00; GRANT-ROBERTS RURAL WATERM rural water 36.40; GRANT/ROBERTS AMBULANCE, allocation 2,458.33; J & J PIZZA, meeting expense 53.46; LAMB CHEVROLET, sheriff vehicle 29,542.00; LIBRARY SALES, books 295.72; LINCOLN CO AUDITOR, professional service 364.75; MACK STEEL, steel 618.80; MICROMARKETING, CD 82.65; MIDAMERICA BOOKS, books 139.60; MIDCONTINENT, internet 69.23; MIDWEST TRUCK & PARTS, parts 886.42; MILBANK AUTO PARTS, parts & supplies 99.35; MILBANK COMMUNICATIONS, maint fee 900.00; MUNDWILER FUNERAL, professional service 3,225.00; NORTHWESTERN ENERGY, nat gas 393.89; OVERHEAD DOOR, professional service 464.80; PCMG, printer 334.99; PRO-TEC ROOFING, contracted project 112.24; PROLINE MARKETING, pressure washer 5,828.80; REGENCY, room 262.00; REIMAN MEDIA, subscription 24.98; ROY NIELSEN, drill bits 35.00; RUNNINGS, camera & supplies 521.73; SCHOLASTIC LIBRARY, books 126.75; SCHUNEMAN EQUIP, parts 11.01; SD ASSN CO COM, CLERP & poor relief 4,557.06; SD DEPT TRANS, hwy projects 1,199.23; SDACES, dues 45.00; SHEEHAN MACK, parts 123.65; TECH ONE, supplies 149.00; PENWORTHY CO, books 134.80; UPI, ethanol 3,803.16; VISA, gas, books, 4-H supplies 531.53; W W GRAINGER, supplies 142.80; WAYDE FRAASCH, prof service 850.00; GRANT CO CHRISTIAN SERVICES, supplies 8.50. TOTAL: \$ 65,693.59.

Payroll for the following departments and offices for the month of March 2017 are as follows: COMMISSIONERS 5013.60; AUDITOR 13,527.39; TREASURER 9271.91; STATES ATTORNEY 10,773.24; CUSTODIANS 4782.01; DIR. OF EQUALIZATION 7094.02; REG. OF DEEDS 6747.97; VET. SERV. OFFICER 637.03; SHERIFF 18,386.02; COMMUNICATION CTR 10,522.97; PUBLIC HEALTH NURSE 2264.01; ICAP 648.00; VISITING NEIGHBOR 3066.04; LIBRARY 11,730.04; 4-H 4322.40; WEED CONTROL 3698.75; PLAN & ZONING 3928.20; ROAD & BRIDGE 47,181.66; EMERGENCY MANAGEMENT 3110.00. TOTAL: \$166,661.26.

Payroll Claims: FIRST BANK & TRUST, Fed WH 15,496.73; FIRST BANK & TRUST, FICA WH & Match 20,121.04; FIRST BANK & TRUST, Medicare WH & Match 4705.82; AMERICAN FAMILY LIFE, AFLAC ins. 1977.08; WELLMARK-BLUE CROSS OF SD, Employee and Commission health ins. 46,596.50; DEARBORN NATIONAL, life ins. 248.86; LEGAL SHIELD, deduction 159.35; OPTILEGRA, ins 362.07; SDSR SUPPLEMENTAL, deduction 3185.00; AAA Collections, deduction 142.45; SDRS, retire 17,453.90, US DEPT OF ED, 188.29. TOTAL: \$110,637.09.

It is the policy of Grant County, South Dakota, not to discriminate against the handicapped in employment or the provision of service.

The next scheduled meeting dates will April 11(Equalization) and 18 and May 2 and 16, 2017 at 8 AM. Motion by Buttke and seconded by Stengel to adjourn the meeting. Motion carried 4-0. Meeting adjourned.

Karen M. Layher, Grant County Auditor

Mike Mach, Chairman, Grant County Comm.